

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING
November 5, 2008**

Mary Davis called this meeting to order at 6:03 PM with the following in attendance:

MEMBERS:

Mary Davis, Chair
Joseph Bakstis, Vice Chair
Sally MacKenzie, Secretary
Rosemary Bertotti - absent
Lars Johnson
Jeff Hayden, alternate - absent

OTHER:

Keith Rosenfeld, WEO
Jim Stewart, Borough Engineer
Wayne Zerolli, Asst. Engineer
Rachel Brainard, Secretary

1. Mary Davis took attendance, and opened the meeting with the Pledge of Allegiance. She noted there was a quorum.
2. Executive Session with Attorney Robert Fuller regarding Huntington Hills Subdivision, Primrose LLC.
VOTED: On a motion by Joseph Bakstis and seconded by Sally MacKenzie to enter into executive session at 6:28 P.M. inviting in Attorney Fuller and also to include Keith Rosenfeld and Jim Stewart if needed.
The Commission exited its executive session at 7:00 P.M.
3. **OLD BUSINESS**
 - A. Commission discussion of Wetlands Model Ordinance and proposed amendments.
Mary Davis noted there will be a workshop held after tonight's meeting. There was no discussion on this.
 - B. Commission discussion/decision for a proposed addition for Autohaus located on 393 Rubber Avenue (IW#08-08), Naugatuck, CT. Applicant: Kozlowski, LLC.
Keith Rosenfeld stated he received new plans from the applicant which reflect the changes that were asked of them from last months meeting. These changes include the types of plantings for the rain garden and the drainage calculations that Jim Stewart wanted. Mr. Rosenfeld also noted the Commission was given Jim Stewart's and Keith's final reviews dated 10/29/08. He said he feels the application is ready to be voted on this evening with specific conditions as well as the general conditions. Mary Davis said the rain garden is a large enough size. Keith Rosenfeld said that Jim Stewart and himself inspected the site for floor drains and found there to be none on the existing site. Joseph Bakstis asked if the proposed plantings for the garden are suitable. Jim Stewart answered yes, they are found in the rain garden manual. Mary Davis said she didn't think there was anything other than those two issues from last month's meeting which were a concern. She noted on the plans it states there will be no washing of vehicles on

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the site and there are no floor drains. Commissioner Davis asked if everyone who was absent from previous meetings had listened to those tapes. Joseph Bakstis said he had listened to October's meeting. Lars Johnson stated he had not listened to October's meeting and he was absent.

A Motion was made by Joseph Bakstis to **APPROVE** proposed addition for Autohaus located on 393 Rubber Avenue (IW #08-08), Applicant: Kozlowski, LLC with the following specific conditions:

1. A 10 foot planting strip of low maintenance grasses and small shrubbery be planted parallel to the Brook along the edge of the applicant's property, to lessen the project's impacts on the watercourse and associated wetlands.
2. Applicant should provide a variety of plant species for the proposed rain garden derived from the UCONN Cooperative Extension Rain Garden Design Guide for Homeowners in Connecticut.
3. Applicant should provide note on plans that explicitly declares that no washing of cars will take place at the facility.
4. Prior to the creation of any impervious surface area, the applicant shall construct and make functional all storm water drainage improvements.
5. Prior to the commencement of any site work on the property, the applicant shall notify the Wetlands Enforcement Officer and ZEO, to ensure the installation of the required erosion and sedimentation controls.
6. No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored (temporarily) within fifty feet of an inland wetland or watercourse.
7. Prior to the issuance of the zoning permit, all Development Fees and Regulated Area Fees will be paid to the Borough of Naugatuck.
8. All work within regulated areas shall be permanently stabilized with a variety of wetland and non-wetland plantings as shown on the approved plans.
9. Construction is limited to activities shown on Zoning Location Map showing addition for Autohaus, 393 Rubber Avenue, Land of Kozlowski, LLC, Naugatuck CT, prepared by John A. Kenworthy, Jr., LS with wetlands identified and flagged by Michael D. Temple, Certified Soil Scientist.
10. Activities not shown on the above-referenced plan will require an additional approval from the Naugatuck Inland Wetlands Commission.

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Chair Mary Davis asked if there was any discussion on the motion. Joseph Bakstis asked if condition #4 was physically possible and if the applicant could still be in compliance with the conditions. Jim Stewart said that it would be physically possible for the applicant to complete the work with this condition. Mary Davis said she would feel better to leave the condition in. Commissioner Davis said she was comfortable with the way the condition is written, but she understands Joe's concerns. She asked if there would be cement trucks on the site. She noted that sometimes they are washed out while still on site. Mary Davis added the following condition to the vote:

11. Cement trucks, when washing out their trucks the tailing, will be contained in a pit away from any wetland area.

Mary Davis asked Lars Johnson if he felt comfortable voting this evening. Lars Johnson said he read all the previous minutes and felt comfortable. Commissioner Davis asked if it would create a legality issue if he voted. Keith Rosenfeld said it was up to Lars if he felt comfortable or not. He could recuse himself if he felt he had to.

Mary Davis noted the applicant has really tried hard to accommodate the Commissions requests.

VOTED: Unanimously an amended motion to APPROVE the application for a proposed addition to Autohaus located on 393 Rubber Avenue (IW #08-08), Applicant: Kozlowski, LLC and also include conditions #1-10 and #11 by Joseph Bakstis and seconded by Sally MacKenzie.

- C. Commission discussion/decision regarding litigation with Manuel Preta vs Naugatuck Inland Wetland Commission.
There was no discussion.

12. NEW BUSINESS

- A. Commission discussion/decision on extension of Gunntown Park (IW #00-19).
Applicant: Borough of Naugatuck.
Keith Rosenfeld read the October 21, 2008 memo into the record which noted that most of the work done in the wetland area has been completed. This includes both crossings. Mr. Rosenfeld noted that work started today in the soccer field areas. The silt fences have been put up and the excavation of sand and topsoil piles has started. Keith stated that Jim Stewart and he have performed several inspections on the site. His finding is the silt fences should be dug in further. They are asking the Commission to extend the permit for one year in which the work affecting the 50 ft upland area will be worked on first. Jim Stewart stated the permit is not over until sometime in January. He said there is substantial amount of work still to be done. They are trying to keep the work to one side of the field to keep the disturbed area to a minimum. His feeling is it would be best to obtain the extension so the site could be worked in an organized fashion. Mary Davis said she agreed and noted this is a controversial site.

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VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Joseph Bakstis to **EXTEND** the approved inland wetland permit for Gunntown Park Road Conservation for an additional year when the existing permit expires.

- B. Commission discussion/decision regarding litigation with Huntington Hills Subdivision. Applicant: Primrose LLC.
No action on this tonight.
- C. **VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Lars Johnson to **ADD IW** application for Anderson Mills Subdivision (IW#08-10) to the agenda.
Attorney Michael McVerry, attorney for the applicant, stated this is a proposed 11 lot subdivision located on the low end of Field Street. He noted the existing farm house is not part of the application. He stated the applicant has been to the Zoning Commission already for 2 interior lots. Attorney McVerry said there is approximately 4 ½ acres of wetlands. He said there is no activity proposed in the wetland area or the buffer area. He stated that given the interest from the neighbors at the Zoning Commission meetings he feels a public hearing is probably appropriate. Sally MacKenzie asked if it just consisted of wetlands and no pond. Attorney McVerry said just wetlands. Per the applicant's request, a Public Hearing was set for the next's month's meeting.
VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie to hold a Public Hearing on December 3rd at 6:30 P.M.

5. **CORRESPONDENCE**
There was no correspondence.

6. **WEO REPORT**
Keith Rosenfeld stated that he is continually working with the property owners of the three wetland impacts that were discussed at last months meeting. He took pictures today to show the Commission.
The first item is the Chemtura property. He stated a letter dated September 18th was sent out noting the disturbed area near the river. The property owners filled out an application to restore the area to its original state. Mr. Rosenfeld showed the Commissioners pictures of the area that show it has been restored. Erosion controls have been put up, mulch put in as well as a silt fence. The area is secure and it was taken care of in a timely manner. Mary Davis stated the Commission had told Keith previously that the Commission themselves should be handling items like this. She felt it should have been brought to them. Mr. Rosenfeld stated he thought that was the case prior to his receiving a wetland certificate from the DEP. He noted that he had given a report to them concerning this at the last meeting.
The second item is the Howard's property. Mr. Rosenfeld stated it is a private home owner and that a letter had been sent to them. There was activity around the wetland area and was left in a disturbed state because a truck had driven in the area. Seed was applied and the homeowner sent Keith a letter noting he took his

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suggestion to mitigate the area and restore it back to the pre-disturbed condition. Mary Davis said the property owner was sent a letter and was supposed to come in front of the Commission. Keith Rosenfeld read the letter that was sent. Mary Davis stated they did not pay a fee. Mr. Rosenfeld said you can see from the pictures that the site has been restored. He explained to Lars Johnson what the disturbance was. Mary Davis stated the basin is an extensive wetland area. Keith Rosenfeld said there was no excavation of the pond and that no trees were cut inside of it. Sally MacKenzie said it seemed extensive and questioned why it wasn't brought to them. Keith Rosenfeld said it was not an extensive impact and there was no disturbance of the water area. There was cutting of brush in the buffer area. Tires from the truck caused damage to the wetland. Mary Davis asked Keith to let Mr. Howard know the Commission is concerned and that he needs to file an application and pay the required fees. Mr. Rosenfeld stated he did not feel they needed a professional because the grasses and small bushes have come back.

The third item is the Spinelli property. Keith Rosenfeld said an application was received on November 3rd. He showed the Commission the pictures that were taken this afternoon. He gave a background story of what happened on the property. A stonewall was knocked down and vegetation was cut. There were ruts created by heavy machinery. Keith told the Commission that Mr. Spinelli has expressed he wants to work with the Commission to get the problem resolved. He will be putting up a silt fence, take out garbage, replant the area and reconstruct the stone wall. Keith Rosenfeld stated that Mr. Spinelli has called him at least once a week since this has occurred. Lars Johnson asked who had the equipment to repair the area. Keith answered that Mr. Spinelli did and he will be responsible for the work. He is having someone install the silt fence today. Mary Davis asked that Keith prepare a report for next month's meeting.

Jim Stewart told the Commission he thought they should let Keith make decisions for things that can be remedied quickly so that the areas can be stabilized. If they felt necessary, they could require a professional engineer look at the properties. Mary Davis said she did not feel these situations constitute emergencies. Sally MacKenzie said the staff needs to communicate with the Commission. Mary Davis asked Keith to inspect all three areas and to give the Commission a report.

7. **VOTED:** Unanimously on a motion by Joseph Bakstis and seconded by Lars Johnson to **APPROVE** October meeting minutes with amendments.

At 8:17 P.M. Mary Davis called for a 5 minutes break.

The meeting resumed at 8:20 P.M.

A letter was received from Attorney Hess stating that unapproved minutes from 2004, 2005, and 2006 should now be approved as they had now been reviewed and any corrections that were necessary had been made.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Joseph Bakstis to **APPROVE** past minutes listed as: December 2004, February 2005, April 2005, May 2005, June 2005, July 2005, August 2005, September 2005, October 2005, November 2005, December 2005, April 2006, September 2006, and December 2006.

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8. ADMINISTRATIVE BUSINESS

Mary Davis stated she had received literature from DEP concerning stream crossing guidelines and found the information to be very interesting.

Mary Davis asked for the report from Roman from Southwest Soil Conservation.

Keith Rosenfeld stated he will send it in the Commission's packets.

Mary Davis announced she has completed her training and has received her Inland Wetland DEP certification.

9. ADJOURNMENT

On a motion by Joseph Bakstis and seconded by Sally MacKenzie the meeting was adjourned at 8:29 PM.

There was a workshop that followed the meeting.

RESPECTFULLY SUBMITTED

Sally MacKenzie, Secretary /rb

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