

**INLAND AND WETLANDS COMMISSION  
REGULAR MEETING**

**January 5, 2011**

Commission Chair Mary Davis called this meeting to order at 6:00 P.M. with the following in attendance:

**MEMBERS:**

Mary Davis, Chair  
Joseph Bakstis, Vice Chair  
Sally MacKenzie, Secretary  
Lars Johnson, Alternate

**OTHER:**

Keith Rosenfeld, Town Planner, WEO  
Wayne Zirolli, Borough Engineer  
Sheryl Kimiecik, Secretary  
Public, 3

1. Commissioner Davis took attendance and noted there was a quorum and placed Lars Johnson as a regular voting member. She opened the meeting with the Pledge of Allegiance.
2. Executive Session with Borough Attorney. There was no Executive Session.
3. There was no public comment.

**4. OLD BUSINESS**

- A. Commission discussion for activities at 815 Maple Hill Rd., Owner: Matthew and Tracy DeBarber.  
Keith submitted a report to the Commission. He said the property has been stabilized, the wetlands flags are still up, and the silt fencing has been maintained. Commissioner Davis said that they (the DeBarber's) won't be here until March.
- B Report from Borough Engineer regarding storm water/drainage issues located within the Union City Road neighborhood.  
Wayne submitted maps to the Commission. He said that he made a couple of modifications to the plan. He said he thinks the best thing would be to install the flared end, the storm water separator at the end of the driveway, and the deep sumps proposed for the two catch basins. Commissioner Davis asked Wayne when he would be able to start doing that. Wayne replied that if the Commission approves these plans he would take it to the street department and start making those plans for the spring. Lars asked for details on the separator. Wayne said that he will add the storm water detail and the detail of the deep sump as well. Sally asked if this would also affect the pond. Wayne said that it would also clean up Schildgen Pond.

## 5. NEW BUSINESS

- A. Commission discussion/decision regarding regulated activities (IW # 10-05) associated with the development of a residential Lot #8R (single family house, septic system, driveway and proposed plantings) located within an upland review area, located adjacent to 1057 Andrew Mt. Road, Applicant: Alex Oneschuck Keith asked the Commission if they had any questions about the report that had been submitted. Lars said his concern was with the 4 inch pipe. A discussion took place regarding the pipe and rain garden. Gary Giordano explained the catch basin and rain garden. Commissioner Davis asked Wayne if the rain gardens work well. Wane replied that he thought it would be fine. Mr. Giordano explained further the details of the rain gardens and a discussion took place regarding the plans. Commissioner Davis asked if the liability would be there if it was approved and then there was a problem later with neighbors or future owners. Keith said that drainage rights should be explicitly stated in any sale or deed and that it would be a problem between two owners. Commissioner Davis said that she doesn't want to create a civil matter. Sally asked Wayne if the size of the rain garden is adequate. Wayne replied that it seems adequate for the size of the property. Joe asked Wayne if this plan is a better way to go rather than leaving the catch basin there. Commissioner Davis said there would be the liability of leaving a drainage pipe on someone else's property. Joe asked, disregarding liability of the pipe, what is better as far as accepting the ground water runoff, a rain garden or the pipe draining it into the wet marshes. Wayne explained the differences and said the rain garden would work fine and would eliminate the extra pipe. Keith said the velocity of the storm waters would be decreased and would allow for less potential erosion problems in the future. He said that the lot would be serviced by a well, and any water that can be infiltrated back into the well area is very important. Mr. Giordano said that getting rid of the discharge pipe is the best thing for the wetlands. Commissioner Davis said that she would not be comfortable leaving that pipe in and approving this with the pipe running across someone else's property. Joe asked what happens to existing wetlands below that this pipe is presently draining into and if the wetlands would dry up. Mr. Giordano replied that there will be a better base flow and will actually improve the wetlands. Mr. Giordano asked Keith about #4 of the recommendations in the report regarding the areas indicated as conservation easements. Keith replied that it is the area between the driveway and lot 9R. Commissioner Davis said that Mr. Giordano had mentioned that he would leave the rain garden until the very end, but that it was stated in #1 of the report that it would be put in first. Keith said that would not be at the beginning of the project, but it would be at the beginning of creating the driveway. Commissioner Davis asked about the maintenance of the plantings that would be put in after the construction was done. Mr. Giordano replied that it could be part of the conservation easement. Keith said that a note can be placed on the plot plan and it can be a condition of the decision that is made tonight. Sally asked if it could be made a conservation easement. Commissioner Davis said to make it a conservation easement. Mr. Giordano said that this solves the dilemma of maintaining it. A discussion took place regarding the conservation easement.

Commissioner Davis asked if the application was complete. Keith replied that it was complete.

**VOTED:** Unanimously on a motion by Joe Bakstis and seconded by Lars Johnson to **APPROVE** IW #10-05, property located adjacent to 1057 Andrew Mountain Rd, in accordance with the plans dated 7/5/10 and revised on 11/19/10, Owner: Alex Oneschuck, with the following general and specific conditions:

1. The placement of planting along the northerly side of the existing driveway at the beginning of the project to prevent the site contractor from entering into this area.
2. The placement of an anti tracking mat at the project interface with the town road to prevent sedimentation from entering the existing storm drainage facilities along Andrew Mount Road.
3. Silt fencing and topsoil stock piling have been incorporated into this plan to control erosion and sedimentation, along with its required maintenance as called for on the plans submitted.
4. The addition of a rain garden, which will improve the storm water quality leaving the site both during construction by acting as a sediment trap during and after construction.
5. All work proposed and shown on the plans has been designed for Storm Water Management, BMP's, by using the 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control DEP Bulletin 34.
6. Shall include a conservation easement running along the driveway and encompassing the rain garden as shown on the plans with a revision date of 1/5/2011.
7. Prior to the creation of the driveway or other impervious surface area created, the applicant shall construct and make functional all storm water drainage improvements, including both the removal of the catch basin and associated piping , the creation of the rain garden and planting of the buffer landscaping.
8. Prior to the commencement of any site work, the applicant shall notify the Wetlands Enforcement Officer and ZEO, to ensure the installation of the required erosion and sedimentation controls.
9. 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.

10. All undisturbed regulated areas and upland review areas are to be documented as conservation easements and recorded in the Naugatuck Land Records.
11. Prior to the issuance of a building permit, all Inland Wetland Development Fees and Regulated Area Fees will be paid to the Borough of Naugatuck.
12. Prior to the commencement of any site clearing and pre-construction phase, applicant shall demarcate the edge of disturbance limits in the field

- B. Commission discussion/decision on permit extensions for regulated activities involving (IW #05-12) Long Meadow Brook Fill Removal and (IW #06-04) Long Meadow Brook LLC Housing Project, Webb Road and Rubber Avenue.

Applicant: Long Meadow Brook LLC

Keith submitted two reports to the Commission. He explained that Mr. Spinelli had obtained two permits, one to remove the tire scraps and one to put in a PDD housing project, which was never approved by Zoning, but that he would like to maintain the ability to have these permits. Commissioner Davis asked if this was currently before the Zoning Commission. Keith replied that there is a zoning amendment to allow for indoor recreational facilities to be placed in an I-2 zone, although the actual amendment does not necessarily refer to his property, but to all of I-2 properties. He continued to explain that it is not a zone change, but a text change to allow another use to go into a different zoning district. Commissioner Davis asked if he gets the extension for another five years and then what he came for originally changes, then does he come back here. Keith replied yes, if there are any changes in his plans he would be required to. Mr. Spinelli, Long Meadow Brook Estates, LLC, 80 Huntington St, Huntington, explained that there actually were three applications. He said one was for the PDD, one for the fill removal and one for Willow Ridge Subdivision (IW #06-11), of which he had received approvals on February 7, 2007. He asked if possible to add this to the agenda to have all three extended for an additional five years. Commissioner Davis said that she doesn't see any reason not to allow another five year extension as long as if he is doing something different than what was approved that he has to come before the Commission. Keith explained that because of the state statutes, IW #06-04 and IW #06-11 can only have a four year extension, because the state has already given an extra year.

**VOTED:** Unanimously on a motion by Lars Johnson and seconded by Joe Bakstis to **APPROVE** five year extension of IW #05-12, and a four year extension for IW # 06-11 and #06-04, Long Meadow Brook LLC.

- C. Additional items require a 2/3 vote.

**VOTED:** Unanimously on a motion by Joe Bakstis and seconded Sally MacKenzie to add the Annual Election of Officers to Administrative Business.

6. **CORRESPONDENCE**

There was no correspondence.

7. **WEO REPORT**

A. Autohaus Property Progress, IW #08-08, 393 Rubber Avenue.

Keith submitted a report to the Commission and said everything is on hold right now during the winter months. They have stopped all of the construction and should have everything done in the Spring. Commissioner Davis asked if they had removed the trailers. Keith replied not yet.

B. Property of M. Dmuchowski Inspection, 45 High Street

Keith submitted a report to the Commission. He said that everything is flowing properly.

C. Pondside Condominiums Inspection, Mill Street

Keith submitted a report to the Commission.

8. **VOTED:** Unanimously on a motion by Joe Bakstis and seconded by Lars Johnson to **APPROVE** the December 1, 2010 Meeting Minutes.

**VOTED:** Unanimously on a motion by Lars Johnson and seconded by Joe Bakstis to **APPROVE** the December 15, 2010 Special Meeting Show Cause Hearing Minutes.

9. **ADMINISTRATIVE BUSINESS**

A. Annual Election of Officers.

**VOTED:** Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to nominate Mary Davis to continue in the position of Chair of the Naugatuck Inland Wetland Commission.

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Lars Johnson to nominate Joe Bakstis to continue in the position of Vice Chair of the Naugatuck Inland Wetland Commission.

**VOTED:** Unanimously on a motion by Joe Bakstis and seconded by Lars Johnson to nominate Sally MacKenzie to continue in the position of Secretary of the Naugatuck Inland Wetland Commission.

B. Meeting date changes.

Commissioner Davis said that in February there will not be a quorum, and that the meeting for February needed to be cancelled. She also said that the March

meeting would need to be postponed to the following week for March 9<sup>th</sup>, and would need to be a special meeting.

**10. ADJOURNMENT**

Commissioner Davis wished all a Happy New Year.

**VOTED:** Unanimously on a motion by Joe Bakstis and seconded by Lars Johnson to **ADJOURN** the meeting at 7:20 P.M.

Respectfully Submitted

Sally MacKenzie, Secretary /sk

**INLAND AND WETLANDS COMMISSION  
CONTINUED SHOW CAUSE HEARING  
PROPERTY LOCATED AT 60 GUNNTOWN RD  
OWNER: WILLIAM WERNER  
January 5, 2011**

Commission Chair Mary Davis called this Continued Show Cause hearing to order at 6:10 P.M. with the following in attendance:

**MEMBERS:**

Mary Davis, Chair  
Joseph Bakstis, Vice Chair  
Sally MacKenzie, Secretary,  
Lars Johnson, Alternate

**OTHER:**

Keith Rosenfeld, Town Planner, WEO  
Sheryl Kimiecik, Secretary  
Public, 3

Keith submitted a survey of the properties of Mr. Werner and the Borough of Naugatuck, and he said that it appears that the work that Mr. Werner had done is on Borough property. Wayne referred to the survey map that had been submitted and said that the trench is clearly on Borough property. Commissioner Davis asked if the silt fence and hay bales had been put up as the Commission asked last month. Mr. Werner said that the silt fence is there and it seems the easiest thing would be to fill the trench back in. Keith said that he had discussed with Wayne to get advice from the Borough Attorney to determine where the liability is. Joe said that he would like to see if the Borough isn't liable to let him put the drain in with the existing trench. Keith said that the question is the long term liability. Mr. Werner said that his horse partner was hasty in digging the trench and was a little emotional because of the horses. He continued to say that now that the water has been frozen he has learned that he doesn't see a lot or remediation of the water from the trench at this point and it looks like a huge endeavor to try and channel that water. He said as far as applying for a permit to dig a trench on his property that he was going to forego that. Commissioner Davis said that they now have to come to a resolution as to who is going to fill it in. Wayne suggested that rather than using a trench at the bottom to have a curtain drain at the top. Commissioner Davis suggested that Mr. Werner have an engineer take a look at the property. Mr. Werner said that some of this is going to be more than anticipated and he wouldn't know where to begin. Wayne said that he would need to get a soil scientist to get it flagged and get an engineer involved to dry it up properly. Commissioner Davis suggested that Mr. Werner contact Southwest Soil and Conservation District, and speak to Roman Mrwozinski, who will assess it at no charge. Mr. Werner said that one solution is to move the fence. Commissioner Davis said that this would go to the Borough Attorney to decide who is going to clean it up, and she let Mr. Werner know that he would need to attend the next meeting. The Show Cause Hearing was continued to the next meeting.