

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING**

April 6, 2011

Commission Chair Mary Davis called this meeting to order at 6:01 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
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1. Commissioner Davis took attendance and noted there was a quorum. 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.

Commissioner Davis asked what it looks like up there now. Keith replied that everything has stayed where it is and most plantings are still viable. He recommended that the stone bars be put in at this time. Tracy DeBarber said that most of the plantings had made it, except for the evergreens. Commissioner Davis asked what the plan is next. Mrs. DeBarber said that they will be repairing some of the silt fences and putting new ones up where need be. She said that they haven't started working yet, and will start once it dries out, and that they will be putting in water bars. She said that they will continue to work with Roman from Southwest Conservation. Joe asked Keith for a few pictures. Commissioner Davis asked that the DeBarber's attend the next meeting.

- B Report from Borough Engineer regarding storm water/drainage issues located within the Union City Road neighborhood.

Wayne said that the plans should be complete at this time, and asked the Commission to review them. Commissioner Davis asked Wayne if there was an oil separator. Wayne said that he's showing a standard oil/water separator and that he talked to Jim Stewart and that it would be an expensive item. He said that it could be done in phases and the oil separator could be installed at a separate time or everything could be done together. Commissioner Davis asked Wayne's opinion on waiting or getting it done all at once. Wayne said that with the budget

it will be difficult and it could be in the range of at least \$5,000.00. He said if the sumps are installed it would take care of the sediment, but in the over all scheme, the separator does make sense. Sally asked what kind of a delay it would be to get a grant. Wayne said that if the Wetlands Commission approves it then it will be in the queue of storm water projects that he wants to get done. Commissioner Davis said that is what she would like. Joe asked what an anti-seep collar does. Wayne replied that when a pipe is placed in the ground it usually has some porous material and water tends to flow around the pipe and on the outside of the pipe, so the anti-seep collar is basically to stop that flow. The Commission agreed to recommend the separator.

5. NEW BUSINESS

- A. Commission discussion/decision of administrative approval for excavation and grading in conjunction with construction of a building and outside storage located at 35 Great Hill Road, Owner: H.J. Bushka and Sons Lumber and Millwork. Commissioner Davis said that there was no application and no receipt for taxes or fees paid. Keith said that no fees are involved in an administrative approval, and the taxes were paid. Sally asked why this constitutes an administrative approval. Keith replied that in order for the applicant to proceed with his permit he needs a report back from the wetlands agency, and because there are no wetlands on the property he needs an administrative approval. Scott Meyers, professional engineer and land surveyor of Meyers Associates, P.C., 60 Linden street Waterbury, explained the location of the site to the Commission. He said the Bushka's purchased the property from the Borough in 2005, that it is just under five acres, and they are planning a new lumber yard facility and a storage building to the north of it. He explained that they submitted to the Zoning Commission for a special permit for excavation and grading, which triggered reviews by every commission, and that there are no wetlands on the site. Sally asked if the driveway would be on RT 68. Mr. Meyers replied that it would be off of Great Hill Rd. Commissioner Davis asked if any building had started yet. Mr. Meyers said that excavation had started about three years ago and then it was brought to their attention that they needed the Special Permit. Commissioner Davis asked Keith if he had gone up and walked the site. Keith said that he had and agreed that there are no wetlands there. Commissioner Davis asked where the closest brook was. Wayne submitted a photo of an aerial view of the site and explained where the brook was. Commissioner Davis said that it didn't appear that there would be any downstream affect on any brooks. Commissioner Davis said that she would like a copy of the tax statement. Wayne said that at the present time the silt fences are up and that there is drainage on the site and he has been working with the applicant on storm water requirements.

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to grant ADMINISTRATIVE APPROVAL per section 12.1 of the Inland Wetlands Regulations for the site plan submitted for the proposed

excavation and grading in conjunction with the construction of a warehouse, retail building and associated outside storage at Parcel 35 Great Hill Rd, Naugatuck; Applicant H.J. Bushka and Sons Lumber and Millwork.

- B. Commission discussion/decision on permit extension for regulated activities (IW #06-02) Fieldstone Woods, located on Field Street. Applicant: Robert Cyr. Keith said that Mr. Cyr was not here, and suggested the Commission could table it or extend it until next month. Commissioner Davis said that they would look at the plans and probably extend it to next month. Keith reviewed the plans with the Commission. Commissioner Davis said that it will be tabled to the May meeting.
- C. Commission discussion/decision for regulated activities associated with a proposed Special permit application of expansion of Shep's Auto (IW #11-01) located on 856 New Haven Road, Applicant: Dean Rotatori. Commissioner Davis asked if fees were paid. Keith explained that the fees and taxes were paid. Commissioner Davis requested a copy of the fees and taxes paid before the next meeting. Dean Rotatori, 183 Old Woodbridg Rd., Southbury, president of Shep's Auto LLC, said that the business has been doing well and they plan to expand. Commissioner Davis said she didn't see any wetlands delineated on the plans. Mr Rotatori said that there is a brook, but they have not hired a soil scientist yet, and they have come here as a preliminary tonight. He explained, using the map that was submitted, approximately where the brook is, and said that there is no possible way for any of the regulated activity that will occur to affect the brook. Commissioner Davis said that the plans really need to be laid out with the wetlands and the brook on it. Commissioner Davis asked who the engineer was because it was not stamped on the maps. Mr. Rotatori said that John Thompson is the land surveyor and Fred Clark is the engineer. Commissioner Davis said that the maps are supposed to have the stamps on them. Mr. Rotatori said that he was hoping to get an administrative approval. Commissioner Davis said that he would not be able to do that because he is within 100 ft. and a more extensive plan is needed. Mr. Rotatori asked if he needed to show everything within 100 ft. of the proposed activity. Keith suggested that the Commission go look at it and measure it out and see what the impacts would be. He said that if the activity does not present an impact within the upland review area then it is not a regulated activity. Commissioner Davis said that any brook within 100 ft of what is being done requires the wetlands to be laid out on the map. She said that it is a regular application and will not be an administrative approval. Mr. Rotatori said that he would identify the edge of the wetlands with blue flags, have a land surveyor come back and locate those flags, map it and have a soil report within 100 ft of the activity.

- D. Preliminary discussion/decision regarding re-subdivision of Lot 9-10 consisting of 21.09 acres, owned by Lavatec, Inc. at 300 Great Hill Rd. Applicant: Roland Desrosiers

Roland Desrosiers said that he did not have the tax form and that he didn't get it because he didn't think it was needed for an administrative approval.

Commissioner Davis said that this was a preliminary discussion. Mr. Desrosiers said that he had asked Keith if he could get an administrative approval and that Keith said it would have to be brought to the Commission. Mr. Desrosiers said that the property is in the Naugatuck Industrial Park owned by Lavatec. It is two building lots in a zoned area of 10 acres, and the lots are a total of 21.09 acres. He said now they would like to separate off a 10 acre lot. He submitted maps to the Commission and said that there are no wetlands on the property. Joe Bakstis asked why it has to come before the Wetlands Commission. Mr. Desrosiers replied that he is going before the Planning Commission for a re-subdivision and they are looking for reports from all the boards. Sally asked if there is a building on the property. Mr. Desrosiers replied that there is not. He reviewed the maps with the Commission. He said he would like to ask for administrative approval so that he can go to the Planning Commission. Joe said that this doesn't affect us either way and when Roland goes through Planning, anything beyond that would mean it would come back to us. Keith replied that it would require further review and an additional approval. Commissioner Davis said that it should be brought back next month with all the plans and that she doesn't see any issue.

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

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Sally Mackenzie to add Mountview Plaze, (IW # 11-02) to the agenda.

Keith submitted a copy of the application, tax form and fees paid to the Commission. He said that they have no plans at this point, and they would like the Commission to visit the property as soon as possible. He also submitted pictures of the damages. Attorney Pasquale Salvatore of Yamin & Grant, LLC, Waterbury Ct, thanked the Commission for adding the item to the agenda. He said that the sink hole is at the easterly driveway, secondary entrance to the Mountview Plaza, and it was the result of extreme water pressure and deterioration. He said that it is a situation that needs significant repairs, that he is concerned about safety and would like to get work moving as soon as possible. Commissioner Davis said that she can see from the pictures that it is a really bad situation and that the Commission should go out to see the site right away. A site walk was set for Thursday, April 7, 2011 at 10:30 A.M. Keith suggested that Jim Stuart should attend as well. David Pope, Cocchiola Paving, Inc., 18 Falls Avenue, Oakville, submitted pictures and reviewed them with the Commission. He explained the work that they plan on doing to the pipes and the culvert. Commissioner Davis asked how fast they would like to get it done. Mr. Pope said he would like to start within a week if possible. Commissioner Davis said that

everything needs to be in place and then a special meeting can be held to approve it. A discussion took place regarding the repairs that are needed.

6. **CORRESPONDENCE**

Keith submitted paperwork from Conwood Foresters, and said that they were contracted by the Ct. Water Co. He said that he thought they were going to be here tonight to explain some timber foresting that they will be doing. Keith said that he will contact Mr. ODonell and the Ct. Water Co., and ask them to attend the next meeting.

7. **WEO REPORT**

- A. Autohaus (IW #08-08): Keith said that they are not doing anything right now, and that he will send them a letter requesting that they come to the next meeting and to update their permit.
- B. Pondsides Condominiums: As of the first week of March, everything is flowing properly.
- C. Dmuchowski: As of March, everything is flowing properly.

Keith also submitted an updated permit list to the Commission.

8. **VOTED:** Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to **APPROVE** the January 5, 2011 Meeting Minutes.

9. **ADMINISTRATIVE BUSINESS**

Sally said that she would like some of the correspondence, such as the news letters, to be brought to the meetings instead of put in the packets to be mailed. Commissioner Davis said that she would prefer to get them at home. Sally said that it just adds to the cost of mailing it. Joe commented that if it is something that is necessary to be read before the meeting, it should be included, otherwise, he agrees with Sally. Keith said it could be done either way. Commissioner Davis said that it was fine to pass it out at the meeting then.

10. **ADJOURNMENT**

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to **ADJOURN** the meeting at 8:06 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 6:02 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, 2

Keith said that at the last meeting it was decided that the trench was on borough property. He said that he had been communicating with Jim Stuart and that it will be part of the spring program to fill it up. Commissioner Davis asked to please get a report on it. Keith said that Jim would like to know if the Board wanted him to fill out an application. Commissioner Davis asked how it would work out with Mr. Werner. Keith replied that he would not be involved and Jim didn't want to take the liability of him working on it since it is borough property. Commissioner Davis said that it didn't seem right. Wayne said that Jim could send him (Mr. Werner) a bill for the back-hoe work. Keith said they just wanted to know if a formal application is needed. Commissioner Davis said that she didn't think a formal application was needed, just a narrative, and consideration has to be made about sending him a note. Sally asked about fining. Keith replied that it could be up to \$150.00 a day, but that maybe it could be worded as payment of the time of the machine cost and the work and labor involved, and could serve as the fine from the Commission. Keith suggested that it be taken off of the Agenda as a Show Cause Hearing and leave it as new business for next time. Commissioner Davis said that it should remain as a Show Cause. Keith said that they will write up a narrative and figure up the cost involved and write up a bill. A discussion took place regarding whether or not Mr. Werner was asked to attend the meeting. Commissioner Davis said that he should attend the next meeting. She asked what the town attorney's feelings were. Keith replied that he said we should do the work.