

INLAND AND WETLANDS COMMISSION
REGULAR MEETING

June 1, 2011

Commission Chair Mary Davis called this meeting to order at 6:04 P.M. with the following in attendance:

MEMBERS:

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

OTHER:

Keith Rosenfeld, Town Planner, WEO
Wayne Zirolli, Borough Engineer
Public, 2

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. Shirley Anderson, 30 Joseph Street asked to be placed on the agenda regarding flooding issues occurring on her property located on Rubber Avenue.

4. OLD BUSINESS

- A. Commission discussion for activities at 815 Maple Hill Rd., Owner: Matthew and Tracy DeBarber.

Keith Rosenfeld reported that he had spoken to Mrs. DeBarber and she said that neither she nor Mr. DeBarber would be attending this evening's meeting due to conflicting family matters. Mrs. DeBarber assured Mr. Rosenfeld that she and her husband would continue working to complete the mitigation plans approved by SWCD and would be attending the next meeting. No other discussion took place and the issue was tabled to the next meeting

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

Keith Rosenfeld reported that the Borough Engineer told him that there is no new information as of yet, and as work is about to proceed, he will inform the Commission.

- C. Inland Wetland Violations at 60 Gunntown Road, Owner: William Werner.

Keith Rosenfeld reported that Mr. Werner had received the copy of the invoice and was satisfied with the price he was given. He stated that the Borough would proceed with work this summer during the dry part of the season.

5. NEW BUSINESS

- A. Commission 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

Keith said that he is not here and that he has not received all of the information from him. The Commission agreed to remove the item from the agenda until the applicant is ready to submit the required application and associated plans.

- B. Commission discussion/decision regarding permitted as a right of proposed timber harvest activities involving lands of Ct. Water Co. Applicant: John O'Donnell, Connwood Foresters, Inc.

Keith said that he had received an application from Cindy at the water company who faxed it back to be the application that was then submitted to the Commission, along with the narrative that was prepared by John. He restated that it was his opinion that this activity is allowed by right as the upkeep of water company lands. In light of the new CT DEP literature that he had sent the Commissioners, he asked whether the commission would reconsider the Water Company's desire to have the above referenced proposal deemed an "as a right" usage. John O'Donnell, consulting forester with Connwood Foresters, agent working for Connecticut Water Co., restated that he felt that timbering is an as a right activity in the state of Ct. Yet again, it's the Wetlands Commission who will make that final determination. A discussion took place regarding the "as a right" State Statute. Commissioner Davis said that with what is in front of them right now, she would have to say that the proposal, if the commission would like to reconsider their past vote, may be treated as an as a right activity. A discussion took place regarding the wetland and watercourse crossings proposed, the methods to be used to cross them including the two portable bridge crossings and four intermittent water course crossings. Mr. O'Donnell said that the property is 75 acres, and he has marked the timber personally. He said that there are two stream crossings that will require portable timber bridges and four stream crossings that will require corduroy, which is laying logs in the stream bed for the equipment to roll over, they will be removed upon completion of the operation. Mr. O'Donnell explained that the goal of the water company is to have a long term forest management plan that recycles the forest. Mrs. Davis said if the Commission desires, they could treat it as a permit. A discussion took place regarding what measures could be incorporated to assure that impacts made by the proposal are lessened. The Commission agreed that they were ready to make a decision.

VOTED: 2-0-1 on a motion by Sally MacKenzie and seconded by Mary Davis with an abstention from Joseph Bakstis to APPROVE wetlands activities associated with the proposed timber harvest activities (IW # 11-04) involving lands of Ct. Water Co. Applicant: John O'Donnell, Connwood Foresters, Inc. with the following conditions:

1. Borough staff shall be notified to review and propose changes as necessary to wetland crossings.
2. All work shall be done during either the dry or frozen months of the year.
3. The forester will send monthly email reports to the Naugatuck Land Use Office.
4. Staff will perform as needed monthly inspections of the wetland crossings.
5. Proper soil and erosion controls will be in place as needed at the wetland crossing areas and will be maintained per the Best Management Practices associated with forestry and logging.

- C. Commission discussion/decision regarding rehabilitation of culvert located at Rubber Avenue entrance over Long Meadow Pond Brook, (IW # 11-02).
Applicant: Mancinone Realty

Scott Myers, PE representing the applicant, passed out a plan showing the reconstruction of the existing culvert. He said that he had physically inspected the existing culvert and determined it needed to be replaced. He said that the culvert is over 40 years old and is rotting. A discussion centered on the various steps that would be taken to do that activity, including the clearing of vegetation and the placement of new, heavier rip rap. Commissioner Davis asked Scott if they take out the pipe, what would be the feasibility of replacing it with a bridge. Wayne said that it would be very expensive. Joe Bakstis asked about the method used for fixing the pipe. Scott Meyers described the boulders that would be used and embedded on the sides to shore them up. He said that the proposed pipe will contain 110% of the stream's largest flow. David Pope, the applicant's construction representative described how the applicant will line the pipe up now in a more favorable location. He anticipated no problems would result from its replacement. A discussion ensued regarding the pitch of the proposed pipe, and the new FEMA Flood Insurance Map and area studies just recently done. Mary Davis said this plan should be sent to Southwest Soil & Conservation for a review and report. She asked about the need to keep the entrance open and Pasquale M. Salvatore, the attorney for the applicant answered yes. A discussion then centered on the force of the overflow created by the storm in March, the corroded pipe, the lack of a proper channel and the need for Wayne to review a proper engineering report for the project. Wayne responded by saying once he gets the report from the applicant's engineer, he will review it and will provide a technical report back to the Commission. Scott Meyers assured Wayne that he would be providing that data as well as the entrance coefficients for this specific project. Joseph Bakstis questioned how the bank foundation will be affected by the pipe installation and the life expectancy of the pipe. David Pope replied that they will need to place

large boulders at its base, followed with the placement of large rip rap about 30 to 40 feet upstream to shore it up further, forming a mechanical interlock. He said the pipe should last a long time; he would get for the commission a list of specifics concerning the pipe at the last meeting. He also explained to the commission the expected construction schedule, as they have proposed to start at its outlet side. Mary asked the applicants if they could provide additional documentation, photos of the proposed pipe handling water. The applicants agreed to have a final project presentation at the commission's next meeting. No other discussion took place.

- D. Commission discussion/decision regarding addition to site plan to Electric Cable Company located at 108 Rado Drive, (IW # 11-03). Applicant: Electric Cable Company.

The applicant's engineer presented plans as well as a soil scientist's report regarding the property and upland review area at Rado drive. He stated that, as shown in the soils report, there were no wetlands or watercourses found on the property or within at least 100 feet of the proposed addition's construction area. He said that no wetlands or watercourses would be impacted by his client's proposal. He showed the commission an aerial photograph of the property, detailing how an addition might look when construction was complete. The WEO presented his report and assured the Commission that the engineering report would be reviewed by the Borough Engineer, as part of its Zoning Commission review. No other discussion was held.

VOTED: UNANIMOUSLY on a motion by Joseph Bakstis and seconded by Sally MacKenzie to declare IW # 11-03 is not a significant activity.

VOTED: UNANIMOUSLY on a motion by Joseph Bakstis and seconded by Sally MacKenzie to approve an Administrative Approval per Section 12.1 of the Inland Wetlands Regulations for Electric Cable Company, 108 Rado Drive, Applicant: Electric Cable

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

VOTED: UNANIMOUSLY on a motion by Sally MacKenzie and seconded by Joseph Bakstis to discuss flooding occurring at property owned by Shirley Anderson, on Rubber Avenue adjacent to the Long Meadow Pond Brook.

Mrs. Shirley Anderson, 30 Joseph Road stated that she owns property on Rubber Avenue that has sustained considerable damage due to flooding. Much sediment has had to be removed from her property and it has been very costly. She was inquiring if the Borough could find a solution to her problem. It was noted by the Commission that they previously visited the neighboring property and heard from its owner, the same account of the flooding problem. Mrs Anderson said that in 1985 the Borough filled in property where its HRD offices now stand. She said

around 1996, the Borough, responding to flooding problems there, dredged part of the brook and the flooding was lessened for a time. Now the sediment has built up again and the flooding problems have returned. A discussion ensued between Mrs. Anderson, the Commission and Wayne regarding what could be done , whether a study would be necessary and what could be done now (without first having to do a study) to fix these flooding problems. Mary Davis assured Mrs. Anderson that this item would be placed on the agenda. A site walk was scheduled for 11:00 AM on June 8, 2011, with the group to meet behind the Naugatuck HRD Building on Rubber Avenue. No other discussion took place.

6. CORRESPONDENCE

The WEO report concerning the work done on Route 68 by Yankee gas and violations observed at the Better Way Auto located at 381 Rubber Avenue.

7. WEO REPORT

- A. Autohaus (IW #08-08): Keith said that the applicant is proceeding with his plans.
- B. Dmuchowski: Keith said that he wrote a letter to have the property owner clean up the headwall as she has done in the past but had not heard from her or her representative.
- C. Pondside Condominiums: Keith would report to the Commission at its next meeting his continued findings.

8. VOTED: Agreed to table the vote on the main minutes until the next meeting. Unanimously on a motion by Sally MacKenzie and seconded by Joe Bakstis to APPROVE the April 6, 2011 Meeting Minutes with corrections.

9. ADMINISTRATIVE BUSINESS

10. ADJOURNMENT

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Joe Bakstis to ADJOURN the meeting at 9:19 P.M.

Respectfully Submitted

Sally MacKenzie, Secretary /sk