

INLAND AND WETLANDS COMMISSION
REGULAR MEETING
September 7, 2011

Commission Chair Mary Davis called this meeting to order at 6:02 P.M. with the following in attendance:

MEMBERS:

Mary Davis, Chair
Joseph Bakstis, Vice Chair
Sally MacKenzie, Secretary
Marcia Puc
Alex Olbrys
Lars Johnson, Alternate, Absent

OTHER:

Keith Rosenfeld, Town Planner, WEO
Sue Goggin, Secretary
Public - 0

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.

Mrs. DeBarber, of 815 Maple Hill Rd., stated her name and address for the record. She said that many of their plants were destroyed by the storm and that they can't afford to buy more. What they have left are some arborvitae, cedar trees and pine trees. Mary asked if they got them in the ground. Tracy said no, she tried putting them out of the way in preparation of the storm, but they blew all over the place. Joe asked how much they lost. Mrs. DeBarber replied about half. Mary asked Keith if he had been out there and he replied no and that he had been waiting to hear from the DeBarber's for the okay. Mary said that he should take a look and see what the damages are and they'll try to work it from there. Mary asked if everything is stabilized and if there is any runoff into the wetlands. Mrs. DeBarber replied that there was no runoff. Mary said that Keith should check it out and get back to the commission. Mary also said that Mrs. DeBarber should plant what she has left and let it go. Mary thought the original order called for plantings to be put there, so the only other thing

that could be done is for the DeBarber's to buy new plantings in the spring to replace those that were destroyed. Joe suggested that when Keith inventories what's left, maybe he could give the commission some thought about what to do with the inventory that remains. Keith said that they could use the old plan as a base and see what's been done and what more is needed. Mary would like Keith to make sure the area is stabilized and put the DeBarber's back on the agenda in the spring with the thoughts that they will be able to purchase some plants then. No other discussion took place.

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

Mary began by saying that Mr. Savarese has some real problems on his property. Wayne and Jim Stewart need to get together with Mr. Savarese. Joe Bakstis asked if anything was done about the crushed pipe. Wayne replied no, that it was a major undertaking. Wayne said it is still working. He wasn't sure how long the big rock had been on the pipe. It also could have settled over the years, but it will probably need to be replaced. The town had installed it under the driveway, but it is on private property, so some of what needs to be discussed is whose responsibility it is to repair the pipe and at what point does it need to be repaired or replaced. The pond is apparently leaking water and in the plan that Wayne had brought before the commission, it called for installing a collar to stop the leaking. He said that they really need to talk to Jim Stewart because as the public works director over the street department, he sets the schedule as far as what repairs can be done and what money is available to make repairs. Joe asked how deep the pipe is at the point of repair. Wayne replied that it is about 8-10 ft deep in the middle of the driveway, but at the pond it is only about 2 feet deep. Joe asked how far in the pipe burst. Wayne said about the middle of the driveway. Mary said that Mr. Savarese said that the whole area is being affected right now. Wayne asked how it is being affected. Mary said she got an e-mail from Mr. Savarese explaining, but couldn't really remember exactly what he said. Wayne said he thought it was the oils and sediment from the road that were the problem. Mary said that Mr. Savarese has been waiting for 30 years, which is a long time and it's getting worse, not better. Wayne explained that there are a multitude of flooding problems in the town and that there are not enough resources as far as money and personnel. He said that he and Jim Stewart need to prioritize the list that Wayne compiled. Mary said she thought that homes should take priority. Sally asked how often they clean out catch basins. Wayne said they have a crew that cleans out catch basins but he doesn't know their schedules. Wayne said the town is currently mapping outlets and drainage structures. Wayne passed out copies of the list of problem properties to each of the members. A discussion ensued regarding the

various properties that are on Wayne's list. Mary said she would like to see something more done on Mr. Savarese's place because he's been very patient. More discussion ensued about the flooding and drainage issues around town. Mary asked where Union City Road is on Wayne's priority list. Wayne replied not very high because the driveway is not washing out and the pond is not overflowing or flooding anybody. Mary said the pond is being ruined. Wayne reiterated that it is important for them to have a meeting with Mr. Savarese, Jim Stewart and the Chairwoman to discuss this issue further. No other discussion took place.

- C. Commission discussion/decision regarding flooding of property on Rubber Avenue adjacent to Long Meadow Pond Brook, owned by Mrs. Shirley Anderson.

Shirley Anderson, of 30 Joseph Rd., stated her name and address for the record. She began by saying that her property was flooded last week worse than ever. She feels that the town is responsible. Her house has been there since 1810 and has never had a problem with water. She said that the town has allowed so much building and asphalt parking lots that the runoff of water is more than Long Meadow Brook can handle. She asked what Naugatuck is going to do about the situation. She named all the properties that were flooded recently in the area of her property. She said that the board has told her to be patient, but she has spent over \$1,000 to repair the yard at 591 Rubber Avenue in March, only to have it flood again in August. She described all of the damage to her properties that has been caused by the flooding. She told the board that the Naugatuck Street Department pushed a large tree out of the road and into the brook. Mary advised her that it takes a little time to get things moving. She asked Keith if he had spoken to Jim Stewart. Keith said no. Wayne stated that he had talked to the Mayor yesterday and was asked to personally take action. He talked to the Army Corp and they suggested the town hire a consultant to study the area. Wayne said he has begun to delineate the drainage area of Long Meadow Brook and it is probably the most extensive area of drainage in town. Studies that need to be done should include what the town has for flood plains, culverts, detention areas, flood control structures and also improve drainage systems and structures and look at relocating some buildings and businesses in the flood plain area. Mary asked Keith to follow up on the Kingsmark ERT. Wayne presented to the commission a watershed map of the area. Mary asked if there was anything homeowners like Shirley Anderson could do to prevent damage. A berm was suggested and Mrs. Anderson stated that there was no way a berm was going to stop the water. She said it was like a raging river. Mary asked if hay bales would work. Wayne said no they would just wash away. Sally asked about the tree in the brook that Shirley mentioned earlier. Mrs.

Anderson said it was pushed up on the road from the brook by the water when it flooded. Mary said that the commission is going to do something to help her. Mrs. Anderson said that it costs her thousands of dollars every time the area floods. Keith showed them a blown up FEMA map showing the flood zones in town. Mrs. Anderson said that it never used to be a flood zone and Wayne replied that the map dates back to the 1970's. Mrs. Anderson said that the town allowed all the asphalt to be put in and her house gets flooded now. She asked whose fault it is. Wayne said that it is a large brook system with a major drainage area. Mrs. Anderson said it never was. Wayne said that FEMA had revised the flood zone with new calculations, but the armory and Mrs. Anderson's property in both studies were shown to be in a flood plain. Mrs. Anderson said that it wasn't when it was a meadow. Mary said nowadays they wouldn't let them build a house there. Mrs. Anderson said her house is not that close to the brook. Mary said it's not close to the brook, but it's the height, the elevation from the brook that FEMA's interested in. That's what makes it in the flood plain. Mrs. Anderson asked about her property further up. Mary replied that it's in the flood plain also. Mrs. Anderson said that her husband owned a business there for 40 or 50 years and they never had a problem. Mary said they call it progress. Mrs. Anderson said the floor in her daughter's salon was ruined by the water. Mary asked what they are going to do for temporary help. Wayne said there's nothing that can be done. He also said that weather patterns have been changing and we have been in wet conditions and that Connecticut has not had a drought in 10 years. Mrs. Anderson said she wants the town to do something. The commission requested that something be done temporarily until something permanent can be done. Mrs. Anderson suggested digging out the pond by the high school. Wayne said they could work at clearing obstructions. Sally wanted to know why the street department put a tree in the brook. Mrs. Anderson described where it is and all the other debris in the brook. Keith said they are going to have to talk to public works about that one. Mary said they need some control over what's happening with this brook. Wayne said it's not going to be easy, but it's on everybody's radar. Mrs. Anderson said that she's sick of promises. A discussion ensued about sandbagging the property as a temporary solution. Mrs. Anderson didn't see how sandbags would help. Marcia said that maybe that coupled with digging out the pond would help. Mrs. Anderson said that sandbags may have helped the salon. She said that the bank and gas station should never have been allowed to have been built there. Sally asked when the plaza was built. Mrs. Anderson said about 50 years ago. Mary stated that there was no Wetlands Commissions anywhere in the state back then and people built wherever they wanted in relation to the river. She said that things have changed in 50 years. Keith stated that he will follow up on the ERT study. Sally said she would like to know why public works was dumping stuff in the river. Keith agreed and Mary asked him to look into that. Mary asked Keith to expedite the sandbag business and look into finding someone who

could do it. Joe said he thought the commission asked to have the debris removed by the high school. Mary said they asked, but it was never done. Mary wants Keith to talk to Jim Stewart and wants him to be at the next meeting. She then said having him come next month wouldn't do any good, because they need something done right away. Mary said they have somewhat of a plan in the sandbagging and also contacting Jim Stewart this week. Wayne said he will set up a meeting. Mary said something needs to be done temporarily to help the residents. Wayne explained that he has two pages of flooded property that he is working on and he is very busy. Mary said that Keith and Wayne would contact Mrs. Anderson if the sandbagging is feasible. Further discussion ensued regarding the sandbagging. Mary said that they are going to keep Mrs. Anderson on the agenda until she gets help.

- D. Inland Wetland Violation occurring at 381 Rubber Avenue, A Better Way Wholesale Auto, LLC, Owner: Joseph Gorbecki.

Keith presented to the commission car washing receipts, from the last three and a half weeks, received from A Better Way Auto. Mary passed them around to the commissioners. Keith said he had gone to A Better Way a few times and never seen car washing. The commissioners reviewed the receipts and Mary said it looks to her that everything's in order. Mary then asked why there is no company name on the slips. Sally asked who the slips are from and Keith replied A Better Way. Mary asked where it said the name. Alex replied that it is on the first page. Marcia said that the slips are from Variety Detail. A discussion ensued regarding which car wash is being used and Keith said they take it to the car wash on Cherry Street. Mary and Sally asked who wrote out the slips. Sally said who's to say they used the car wash. Alex said that there's a business card on the front page, but nothing on the actual receipts for Variety Detail. Sally commented that there should be a stamp or something. Mary said they don't know where the cars are being washed. Sally responded that they could have made this whole thing up. Marcia read the cover sheet of one of the set of receipts which said that the receipts are for A Better Way from Variety Detail. Sally said that at last month's meeting the manager from A Better Way said that Variety Detail had come to him to bring some cars there, but he was washing most of them at the car wash near Mountview Plaza. Marcia said maybe he got a better deal. Mary said they want to know where the slips are coming from because they look like they were made out by A Better Way. Sally agreed. Marcia said the one she was looking at was signed by a Michael (can't make out last name). Sally and Mary commented that the other sets don't have anything on them. Sally said she could have filled them out. Keith replied that they've done

what the commission asked, that they've provided what appeared to be car wash receipts and inspected the area where they were concerned about the cars being washed. Mary said that they want to know that these were actually being done by Variety Detail. Keith asked if the commission is asking for further verification that the cars are being washed there. Marcia said the receipts she was holding were signed and she didn't know why the others weren't. Alex commented that receipts usually say the company. Mary said they would like them signed by the owner of the car wash. She also said that the commission was not really understanding how they came up with sheets like this. Marcia said it looks like they put about 10 cars on a sheet at a time. Joe said that it doesn't say ABC car wash. Alex said that whenever you buy a car from A Better Way or J&M it says their name on the receipt. Marcia replied that she thinks that these receipts are from Variety Detail. Sally said all they need is a rubber stamp. Mary said they want something that's a little more formal than what they have now. Sally suggested to Keith that he could just stop at Variety Detail and ask them if the receipts are their papers. Keith replied that he would go to Variety Detail and ask them if they filled out the receipts. Mary said they do not like what they see and asked Keith if he was happy with it. Keith said that he knows that they are not washing their cars over on Rubber Avenue. Mary said they want to know where they are washing them and that they need a stamp, verification from that place. Joe said that A Better Way could be filling out the forms after sending someone to wash the cars. Mary said it looks like the commission is getting meaningless stuff. Mary and Sally both agreed that it is not a receipt. They agreed that it is a list of the cars being washed. Mary said that at the end of the sheet they just need it stamped and signed by the car wash. Keith replied okay. Mary stated that when he took them he probably didn't really look at them. Keith replied that he did look at them, he just thought the applicants were complying with the Commission, by providing on a weekly basis, receipts for washing cars. Mary told Keith that he needs to notify A Better Way that they want something more official. He agreed. No other discussion took place.

- E. Inland Wetland violations at 60 Gunntown Rd. Owner: William Werner.

Mary asked if anything was done there and Wayne replied no. Mary also stated that the town is going to get paid for the work at this property. Wayne agreed. No other discussion took place.

5. NEW BUSINESS

- A. Commission discussion/decision of administrative approval for site plan involving a proposed medical clinic at 170 Fairview Avenue, Owner: Hillside Covenant Church, Naugatuck, CT.

Architect, Earl Lindgren, of 266 Church St., representing Hillside Covenant Church, 100 Hillside Avenue, stated his name and address for the record. Earl said that they are working toward a special permit to allow a health facility into the building next to the church which had been the parsonage. They have no outside renovations planned to the building because it's going to become a business in a sense. Earl showed the commission photographs of the property. Keith explained that Earl is looking for a 12.1 administrative approval from the commission. Mary asked if they are putting an addition on. Earl said no they are only adding a handicap ramp which they are required to do. Joe Bakstis asked if it is a medical facility. Earl explained that the name of the company is Wellpath and they want to relocate to 170 Fairview Avenue. They offer counseling primarily to children, similar to Naugatuck Youth Services. They do prescribe medication and currently serve about 400 people from Naugatuck. Mary asked if there were any wetlands or watercourses anywhere. Keith replied no, the closest watercourse is the Naugatuck River. Earl showed the commission the site plan. Mary said she doesn't see any issue with this at all. There were no further questions or comments from the commission.

VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Marcia Puc to allow an administrative approval for the application from Hillside Covenant Church.

- A. Commission discussion/decision regarding Housing Authority property flooding.

Mary asked if there was any information on that. Wayne said he spoke with Kevin Knowles, who was unable to make the meeting tonight. He showed the commission a photograph showing the channel was poorly defined and with the impending hurricane, the Housing Authority opened up the channel to prevent the water from washing out the buildings. Sally asked if they just dug a trench. Wayne said no they fixed the channel. The rip rap ended up in the middle of the channel and the water was going everywhere, so they opened up the channel again. Wayne confirmed that D'Arcangelo and Apple Hill Estates were built above the Housing Authority. Mary asked if this issue was caused from any of that. Keith said earlier flooding was caused by a lack of functional drainage facilities. The flooding now is being caused by the actual brook that flows through the properties and Wayne agreed. Wayne said maybe some of it was being caused by Apple Hill Estates, but he did not know for sure. Mary said they never had flooding up there before. Wayne said the number of storms and the clearing of more area could have an effect. Keith said that the Senior Housing had not taken care of their drainage for all these years, they need to do maintenance on their drainage channel. Their channel was all filled

up. Mary suggested that they do a site walk. They agreed to meet on Tuesday September 13th at 10:00 AM at Osborn Road.

Keith suggested that they also do a site walk at 67 Longview Terrace at 9:30 AM to review damage to her driveway caused by flooding of the brook next to her property. The commission agreed.

- B. Additional items requiring a 2/3 vote. There were no additional items.

6. CORRESPONDENCE

There was no new correspondence.

7. WEO REPORT

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

Keith said that they got a letter today from Greg Kosloski regarding the progress. Keith read it into the record, stating that the construction of the addition is now completed, the shelves for the parts are being installed and Mr. Kosloski is cleaning up. Mary asked if they can expect the trailers to be out of there in the next couple of months. Keith said that's what he understands. No other discussion took place.

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

Keith said a letter went out to Mrs. Dmuchowski prior to Hurricane Irene. The area was excavated in front of the pipe which alleviated a lot of the problems which could have occurred due to the storm, although he thought that there was still flooding, because of the fact that this pipe could not contain a hurricane. Mary asked why they couldn't put in a bigger pipe. Keith said they would have to take down the garage to do it. Keith said the problem was solved with a band-aid, but eventually something's got to happen. He didn't know whether the town was going to get involved. Keith said Mrs. Dmuchowski was sent a certified letter and a contractor was hired. Mary asked who paid for it. Keith wasn't sure. Mary thought that because of the flooding caused to neighboring properties, she could be forced to put in a bigger pipe or take down the garage. Keith said they are going to be diligent with inspections, making sure that if there are big storms coming, that they make sure these things are done in advance. Mary said that's why they keep these things on the agenda. No other discussion took place.

C. Pondside Condominiums Inspection, Mill Street

Keith said the commission should have the report. He said it made it through the hurricane perfect. The commission agreed that they would leave this item on the agenda for a couple of months.

D. Potential Inland Wetland Violations at Mountview Plaza

E. Attorney Pasquale Salvatore stated his name and said he was at the meeting on behalf of the owners of Mountview Plaza. He began by commending the board on their diligence in attempting to get some relief to the homeowners with regard to all the flooding problems. He said that the recent storm exacerbated the existing conditions at the Mountview Plaza culvert. Specifically they ended up working with Yankee Gas to stabilize the gas main that runs to the plaza, so their focus was on making sure that was not interrupted. In regards to the culvert repair, the pipe has been ordered and will be here in three weeks so they can begin work. Attorney Salvatore said that with regard to item D on the agenda, which was issued to the owners of Mountview Plaza as a result of the commission's observations at a site walk. At that site walk, they observed debris along the embankment of the brook, which is adjacent to the Mountview Plaza parking area. The owners of Mountview Plaza propose to follow the maintenance schedule the same as the culvert maintenance schedule. The intent is to also replace the missing curbing which would help prevent the debris from running off. We hope to resolve this issue. Mary said their problem is that the only way for the water to get off the plaza is to go past the curbing, which is missing in some places so the water is just going right into the brook without any catch basins or oil separators. There is no drainage in the area. Joe said that he thinks there is one catch basin. Mary didn't remember seeing any and no one else was sure. Mary said that, in essence, what they are doing, it might sound good, but the commissions other problem is that all of the sand and salt and dirt from the whole plaza is eventually going to run down into the brook. The commission was hoping that the owners of Mountview Plaza were going to help resolve that. Attorney Salvatore said with regard to that issue, he would have to investigate that further and discuss it with his client. Mary said that's a lot of water and a lot of pavement. Attorney Salvatore said he understood and that they were hoping that the drainage that is in place was fine. His understanding was that the violation was issued as a result of the runoff because of the broken curbing. They thought that was the commission's issue, not that the entire parking lot was running into the brook. Attorney Salvatore said that was a much larger issue. Mary agreed with him. He said they can investigate that but didn't realize what the real issue was. Sally asked how much land they own behind the parking lot and behind where Radio Shack is. Attorney Salvatore wasn't sure and said Mr.

Meyers would be the one to answer that. Sally suggested that there should be some kind of detention or holding pond. Wayne said that the block retaining wall is basically the property line and that there is not enough of an area for a detention pond. Keith mentioned the commission's concern for the amount of vegetation that is growing in the channel, which should be cleaned out as part of this amended maintenance plan. Joe suggested putting an addendum on the permit so that the entire length of the brook along Mountview Plaza property be maintained as part of the permit. A discussion ensued whether or not this was already on the permit. Keith clarified that the permit does not include the entire length of the brook. Marcia said she thought that was what they were doing. Keith said the whole area was not part of the original permit. Attorney Salvatore said that his client would not just clean out the upper part of the brook with the amount of money that is being spent on the repairs. Mary asked if he was saying it will be maintained like we talked about. Attorney Salvatore said that is what he anticipates. As far as the parameters of the permit, his understanding is that the entire length of the Mountview Plaza property is not spelled out, but he didn't have the actual permit with him. He said his client intends on including that area and if they do not, this commission has the right to issue whatever notice they will. Mary asked Attorney Salvatore that if they restore all the curbing does that mean that none of the plaza should runoff into the brook. Attorney Salvatore said that he can't represent that because he is not familiar enough with where all of the drainage goes. Mary asked where all of the water will go. Wayne responded that eventually, even if it goes into catch basins, it will end up in the brook. Mary said that there are no catch basins, so where is the water going to pool up in the plaza, if the curbing is replaced. Wayne said that if there are not catch basin structures, there were a couple of areas of leak-offs that he saw. Mary said they didn't like the leak-offs because of all the silt runoff into the brook. Wayne said that their engineer should look at, in addition to the curbing, where the water is going to be directed and how to account for the sediment. Mary said they are going to have an issue with that. She also asked if they block where the water is running off now, like they should be, what were they going to do with the water that is on sight, because there are no catch basins there to her knowledge. Sally said that they looked for them. Marcia suggested that maybe they put some in when they added the new bridge by Webster Bank. Mary said no and that would be something that needs to be addressed and something that can be worked out when they are replacing everything, since they will have an engineer already. Mary told Attorney Salvatore that it would be in his best interest to look into that, otherwise it will cause pooling and then ice problems in the winter. Wayne said that in working with Attorney Salvatore and the engineer, they can look at ways to enhance the plaza. Mary asked Wayne to look into whether or not there are catch basins and let them know next month. Mary said that if there are catch basins, what types are there and where do they go. This is a big question and they need

to know that. Sally said that it would be to their advantage to have catch basins. Mary noted that the water came up over the other bridge on the Mancinone property and looks like they are getting ready to lose it. Attorney Salvatore said he is under the impression that it is not their property. He hadn't personally visited the site but he is going to make a point of doing that this weekend. Mary said that since the big storm it has washed out terribly. Mary asked Attorney Salvatore and Wayne to get back to the commission on the catch basins. She said possibly they can do them now and put something good in and get that water off the plaza and into the brook in a clean manner. Attorney Salvatore thanked the commission. Mary called for a five minute break. The meeting was called back to order at 7:30 P.M. Mary wanted to bring one item to everyone's attention regarding Item #1 on the July 21st meeting minutes. She read Item #1 and asked Wayne what the maintenance schedule is going to be. She asked Wayne if he was going to approve a maintenance schedule that does not include the whole length of the brook. Wayne said he didn't know because they haven't given him a maintenance schedule yet. Joe said they need to be more definitive and it's got to be right on the permit. Joe added that it's going to come back and bite us. Keith said that he will see if they can get a copy of the maintenance schedule. Mary said they would like to review it. Sally said to make sure they include the whole channel. Mary said it seems as though they want to work with us. Mary wanted to know why the maintenance schedule never got put on the plan. Keith said that they haven't received the final plan yet. Sally said it sounds like A Better Way all over again. Keith repeated that the maintenance schedule will be on the final site plan but they haven't received it yet. Once they receive the final plan, Wayne will review it and if appropriate, will approve it. No other discussion took place.

8. **Review/Approval** of August 3, 2011 meeting minutes and Show Cause Hearing and July 6, 2011 Show Cause Hearing. The July 6, 2011 Show Cause Hearing Minutes were tabled until the October 5, 2011 meeting.

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to **APPROVE** the August 3, 2011 Meeting Minutes with those discussed corrections.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Joe Bakstis to **APPROVE** the August 3, 2011 Show Cause Hearing Minutes.

9. ADMINISTRATIVE BUSINESS

There was no administrative business.

DRAFT

10. ADJOURNMENT

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Alex Olbrys to ADJOURN the meeting at 8:50 P.M.

Respectfully Submitted

Sally MacKenzie, Secretary /sg