

INLAND AND WETLANDS COMMISSION
REGULAR MEETING
April 11, 2012

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
Marcia Puc
Alex Olbrys
Lars Johnson, Alternate, Absent

OTHER:

Keith Rosenfeld, Town Planner, WEO
Sue Goggin, Secretary
Wayne Zirolli, Borough Engineer
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. Public Comment. There was no public comment.
4. Commission Organizational Business
 - A. Annual Election of Officers

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Alex Olbrys to **NOMINATE** Mary Davis as Chair of the Naugatuck Inland Wetlands Commission.

VOTED: Unanimously on a motion by Mary Davis and seconded by Sally MacKenzie to **NOMINATE** Joseph Bakstis as Vice Chair of the Naugatuck Inland Wetlands Commission

VOTED: Unanimously on a motion by Mary Davis and seconded by Marcia Puc to **NOMINATE** Sally MacKenzie as Secretary of the Naugatuck Inland Wetlands Commission.

- B. Review Approval of January 4, 2012 meeting minutes, January 23, 2012 Show Cause Hearing minutes, and March 7, 2012 meeting minutes.

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Alex Olbrys to **APPROVE** the January 23, 2012 Show Cause Hearing Minutes.

VOTED: Unanimously on a motion by Alex Olbrys and seconded by Marcia Puc to **APPROVE** the January 4, 2012 meeting minutes with an explanation added if necessary.

The commission tabled the March 7, 2012 meeting minutes until next month's meeting.

5. **ADMINISTRATIVE APPLICATIONS**

- A. Commission discussion/decision regarding Section 12 Administrative Approval for a Zoning Compliance Permit for a 24 foot above ground pool to be located within the one hundred foot Upland Review Area, 753 Beacon Valley Road. Applicant: Delvalle

Keith explained that it is a very narrow property and they are limited in where they can put the pool. He said there will be minimum excavation. He suggested that they should put up some type of erosion controls. Joe asked that they put the excavation materials outside of the 100' Upland review Area. No other discussion took place.

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Alex Olbrys to **APPROVE** the application for administrative approval.

- B. Commission discussion/decision regarding Section 12 Administrative Approval for a Zoning Compliance Permit for a 27 foot above ground pool to be located within the one hundred foot Upland Review Area, 16 Cobblestone Court. Applicant: Linda & Sal Gullotta.

Keith explained that the property is next door to a pond, commonly known as the "frog pond". He said that the applicants volunteered to put in erosion controls. Joe asked that they also put any excavated material outside the 100' Upland Review Area. No other discussion took place.

VOTED: Unanimously on a motion by Marcia Puc and seconded by Joe Bakstis to **APPROVE** the application for an administrative approval for the activities at 16 Cobblestone Court.

- C. Commission discussion/decision regarding a Section 12 Administrative Approval for a wireline inspection project along their existing pipeline system in Naugatuck located within the one hundred foot Upland Review Area, Hop Brook/Church St. Applicant: Algonquin Gas Transmission LLC, represented by TRC Environmental.

Carl Smith, an environmental engineer with TRC Environmental, representing Algonquin Gas, said that Algonquin is required by federal

regulations promulgated by the US Department of Transportation because Algonquin transports natural gas across state lines. They are required by these regulations to maintain the pipeline by running an in-line inspection tool through the pipe. In order to access the pipe they must excavate the pipes and cut segments out to insert the inspection tools. They collect data on the condition of the pipe. The inspection tool gets pulled through the pipe with a winch from the end of the pipe which is in Waterbury. Mr. Smith explained the process to the commission with the help of a map. He explained that perimeter erosion controls will be used. He said all work will be done in accordance with Algonquin's Standard Operating Procedure, which is an erosion and sediment control plan and a comprehensive BMP manual. They will be working within the 100' Upland review Area. The start date would be either May or July dependent on a DOT permit. A discussion ensued as to the exact location where the work will be done. The work should take about 4 weeks. The commission was all in agreement that the work was going to be done within the 100' Upland Review Area. No other discussion took place.

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to **APPROVE** the administrative application of Algonquin Gas for a wireline inspection in the Hop Brook Area including standard measures for soil erosion and control.

- D. Commission discussion/decision regarding a Section 12 Administrative Approval for a Zoning Compliance Permit for an attached ground floor deck to be located within the one hundred foot Upland Review Area, 124 Spencer Street. Applicant: Stephen Carrier.

Keith said that Mr. Carrier would like to put a deck on his property. He recently got administrative approval from the Wetlands Commission to put a fence within the 100' Upland Review Area and he did it in the correct fashion with erosion controls. Mary said she had no concern with a deck being built in the 100' buffer zone. There were no questions or concerns on this matter.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Joe Bakstis to **APPROVE** the application for administrative approval for Stephen Carrier to build a deck within the 100' Upland Review Area on 124 Spencer Street.

- E. Commission discussion/decision regarding a Section 12 Administrative Approval for a Zoning Compliance Permit for an attached second floor deck located within the one hundred foot Upland Review Area, 184 Lorann Drive. Applicant: Jeremy Slater.

Keith said work had already started when Mr. Slater began the permit process. He showed the commission pictures and explained that the impacts the deck will have on the wetlands is minimal.

VOTED: Unanimously on a motion by Alex Olbrys and seconded by Marcia Puc to **APPROVE** the application for Administrative Approval for activities at 184 Lorann Drive, Applicant: Jeremy Slater.

6. REGULATED ACTIVITY APPLICATIONS (OLD)

- A. Commission discussion/decision and determination of significant activity regarding a referral from the Zoning Commission for a Special Permit/Site Plan for the construction of a 6,048 building (restaurant/apartments) outside of the one hundred foot (100') Upland Review Area and the construction of a parking lot, storm water connections catch basin and subsurface containment structures and discharge pipe to Straitsville Brook within the one hundred foot (100') Upland Review Area, 1177 New Haven Road, Applicant: David Hughes. (IW# 12-01)

David Hughes, P.E. & L.S., reviewed the site walk on Monday, and gave the commission a highlighted handout showing the plans. Mr. Hughes explained the map to the commission. Mary asked about the subsurface storm water retention system and Mr. Hughes explained how it works. He said it is about 18 inches in height and about 2/3 of it will be in native soil and about 1/3 will be covered with fill. He explained that the bio-retention basin will be used for storm water run off from the parking lot. When the water enters the bio-retention basin, it immediately gets percolated through the soil. The water will go from the catch basin to the perforated pipes to the manhole to the subsurface area. The bio-retention basin allows storm water runoff from the parking lot to be treated by the plants. It also allows the water to percolate into the soil instead of going into the brook. He said it is a BMP outlined in the DEEP manual. He said that is stage 1 of the 2 stage system. Once all the water leaves the bio-retention basin, if it's not being percolated into the soil, it goes to stage 2, where it has another chance to be percolated into the soil; this will attenuate the flow before it gets discharged into the brook. According to the DEEP, two stage systems are best. Wayne said that the bio-retention basin is similar to a rain garden. Mary asked how many parking spaces there will be. Mr. Hughes replied 36 or 38. He said the parking lot was designed for flow. They analyzed the flow for pre and post-development situations. The size of the pipe between the basin and the chambers is 15 inches. The difference in elevation between the detention basin and the detention system is about 20 feet. The bio-retention basin will need maintenance because of the sediment build-up. The commission voiced concerns about the demolition of the house and trash on the property. Mr. Hughes assured them that the trash would be cleaned up. Wayne suggested that they install

a line of erosion controls 10 feet away from the house. The commission agreed with that solution.

VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Alex Olbrys that this is **NOT** a significant activity within the 100' Upland Review Area.

The commission looked over the plans. Wayne said he wrote a report showing that he reviewed the plans and that a storm water system was designed adequately. He said he had no other comments regarding wetlands that he wanted to bring forth. Keith recommended that they table this until next month. Mary agreed with Keith. Joe suggested a list of conditions:

1. He would like a schedule of maintenance for the detention system along with a yearly inspection report.

Mr. Hughes said they have a bi-annual schedule of maintenance. Mary said she would like it on the plans.

2. He would like their normal conditions for soil and erosion to be followed.

A discussion ensued regarding the landscaping and plantings. Mary suggested that they table this until next month's meeting. No further discussion took place.

Commission Chair Mary Davis called for a 5 minute recess.

At 7:30 PM, Commission Chair Mary Davis called the meeting back to order.

- B. Commission discussion/decision and determination of significant activities regarding forestry activities involving Connecticut Water Co. property. Applicant: David Beers, Connwood Foresters, Inc. (IW# 12-02)

David Beers, of Connwood Foresters, representing the Connecticut Water Company, said he was there to answer any questions from the site walk. Mary asked if the application fees were paid. Keith said they are in the process of being sent from Connwood's office. Mary also asked Keith to get a tax form saying that the CT Water Co. paid their taxes. She said they want to make sure that there are proper soil and erosion controls put in place. David reviewed the narrative that he submitted to the Land Use Office. Mary said she would like to put in the condition that they work in a dry month. David said they will be cutting down roughly 1300 trees. Joe asked if they could get a copy of the stipulations from the last tree cutting. Keith will provide that to the commission. He will also get the commission a list of conditions and a final report to David. Mary said they will table this until next month. Mary would like Mr. Beers to come to the May meeting. No further discussion took place.

7. **REGULATED ACTIVITY APPLICATIONS (OLD)**

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

There were no additional items.

8. **WETLANDS ENFORCEMENT OFFICER REPORT**

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

Keith said he was in contact with the Autohaus regarding their property. He had asked them to come to the meeting tonight, however they were not present. He clarified that the trailer which they thought was removed last month was still there. Keith recommended that they refer this matter to the Borough Attorney. Autohaus needs to clean up from the violation as well as finish the work from their site plan. He didn't believe that it qualified for an extension. They have cleaned up the junk cars, but not the trailers. Also, the rain garden has not been made. Joe asked Keith to send Autohaus a letter about not showing up to the meeting. The commission agreed they will refer this to the Borough Attorney. No other discussion took place.

- B. Mountview Plaza Culvert, Rubber Avenue (IW #11-02) Progress Report

Attorney Pasquale Salvatore said they have diligently worked at completing the culvert repair. The final coat of tar will be installed within the next three weeks. He said he was here to discuss the maintenance schedule of the brook that was agreed upon and to let the commission know that it will be supplied soon. Mrs. Mancinone has retained the services of Joe Rocco's Rubbish Removal to maintain the area along the perimeter of Long Meadow Pond Brook. Keith said the curbing has been completed. Mary asked if the bottom of the culvert was concreted as the commission requested. Wayne said it was concreted and that he had pictures of it. A discussion ensued regarding the sides of the bank and the vegetation and whose responsibility it is. Keith said they would find that out from the ERT team's report. Mary said the commission would get back to Attorney Salvatore with an answer. Shirley Anderson asked what area will be cleaned around the culvert. Attorney Salvatore said they will be cleaning the brook along the plaza property. He said they will be maintaining it twice a year. No further discussion took place.

- C. Pondside Condominiums, Mill Street, Property Inspection

Keith said he will provide the commission with a report next month.

D. A Better Way Wholesale Auto, 381 Rubber Avenue, Property Inspection

Keith said he sent them a letter encouraging them to continue to send the receipts to the Land Use office, however they didn't receive anything this month. Keith will go out and pick up the receipts from them.

Mary said she would like Keith to start a file on flooding events in Naugatuck.

E. Flooding Problems, Long Meadow Pond Brook, Rubber Ave, S. Anderson

There is an ERT site walk set for April 18th at 10:00 AM to help correct the flooding problems.

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

Keith said he will provide the commission with a report next month.

G. S. Anderson Property, Rubber Avenue, Notice of Violation Letter Update

Mrs. Anderson said it is not cleaned up yet and she doesn't know what she can do about it. She said if her ex-tenant doesn't, she will hire someone to clean it up. She is in the middle of taking him to small claims court. She said he removed quite a lot. Keith will go out and see what's been done. Mrs. Anderson said her ex-tenant removed everything from her property, in a commercial area, to a residential zone. Keith will notify the Zoning Enforcement Officer. Mrs. Anderson said she will take pictures. No other discussion took place.

H. Thurston Oil Office Building Replacement, Rubber Avenue Notice of Violation Letter

Carl LaFevre, of Thurston Oil, 410 Rubber Avenue, said he received the notice of violation letter. Mary clarified that he had a violation and that he conducted a regulated activity within the 100' Upland Review Area as well as within an inland wetland without getting a permit. Mary said she understood there was a series of events that led to the letter. Keith said he was asked to sign off on a CO for this commission on a commercial building on Rubber Avenue. He said he had not reviewed the plans and had not seen any of the zoning permits that went on beforehand. He said he told the ZEO that he could not sign off on the wetlands section because the wetlands commission had not done a review. He then met with Carl and his engineer and advised them that they needed a wetlands permit. He felt that there is no threat to the wetlands itself or the area around the wetlands due to the construction. Mary said he couldn't know what the impacts from the construction were because he didn't see it being done.

Keith said he can see what the outcome is and listed some positive features of the project. He said that he can state for a fact that there are no impacts due to construction and its continued use. However, there still may be mitigation that could be done in order to alleviate any future problems. Mary suggested that Carl come in with a set of plans showing what the site looked like before and what it looks like now. Joe was concerned with the fact that neither the soil scientist nor the engineer had come before the wetlands commission when they knew there was wetlands there. Mary asked if they went before zoning. Keith said no, but they received a sign off from the ZEO. Mary asked what the sign off was for. Keith said he didn't know what the sign off was based on. Joe recalled the minutes from the last meeting where Steve said he was so busy he just wrote N/A for wetlands and where Steve said he gave Thurston's permission to replace a roof that caved in. Joe said there was mistake after mistake. Mary read past minutes where Steve said that Wayne Zirolli signed it as well and authorized them to put a pipe into a wetland area and that he knew it was a wetland area. Wayne said he did not know it was a wetland area because he didn't have plans on it. Wayne said what he did do, was meet with the contractor, who asked what to do with the roof water. Wayne said he would like, if possible, for it to drain into the catch basin at the street, but the contractor was concerned about making the grade. Wayne said there was an existing culvert in the back and he suggested that he run the roof drains with a couple of infiltrators to store the roof drain water with an emergency overflow into the culvert. He said he was not aware that Mr. Lord had flagged that little area as wetlands. He said he still stands behind his decision to put in the infiltrators. He said, at the time, the ZEO had signed off on the initial application for construction. Wayne said he did not know what Steve signed off on. Keith said the commission would have to talk to Steve to find out what he signed off on. Keith described the catch basin as a very small culvert about 100 years old. Carl said he is having a hard time reaching David Lord, the soil scientist, to get a copy of his report. Mary clarified that Carl submitted a set of plans in September 2011, showing that they were going to build a new building, not just repair a roof. Wayne said when he signed off on the plan for engineering, he saw that Steve had already signed off on the plan for the proposed building. Mary said the commission would like the following:

1. A footprint of the old plans and a set of the new plans
2. David Lord's soil report (Keith will try to get a response from him.)
3. Pay the Wetland's application fees
4. Tax clearance

The commission set a site walk for Monday April 16, 2012 at 4:00 PM at Thurston Energy, 410 Rubber Avenue.

- I. Donham Craft, 15 East Waterbury Road, WEO Building Drainage Inquiry

Keith said this item was in regards to an inquiry by Joe Bakstis from the site walk. Patrick Hayden, former owner of Donham Craft, explained that they merged in June 2011 with another company and are now called Unimetal. It was assumed that the company had a sump pump and they were pumping water out of the basement, but Mr. Hayden said they do not have a sump pump. Mr. Hayden said that their boiler had a flow problem and it was flooding. He wasn't sure, but that may have been the water that the commission saw on their site walk. He thought that the boiler water may have leaked out of a crack in the concrete. He said they are going to fix the concrete problem also. Mary asked Mr. Hayden to notify Keith when it is repaired. Mary would like Keith to put this on the agenda for May and write an inspection report. Mr. Hayden does not need to appear at the next meeting. No further discussion took place.

9. BOROUGH ENGINEER REPORT

A. Storm water and drainage issues, Union City Road neighborhood

Wayne said the Savarese Pond outlet structure has been replaced and the construction is almost complete. They need to order a new manhole top and finish pulling back the bank at the edge of the outlet structure to finish the project. No further discussion took place.

B. Trench Refill Progress Report, 60 Gunntown Road

Wayne said the trench was filled in this past Monday and they need to send Mr. Werner a bill for the work that was done. No further discussion took place.

C. Flooding issues, Housing Authority property, Osborn Road

Wayne said he heard that Kevin Knowles is retiring as superintendent of the Housing Authority. He needs to check with the Housing Authority to see if they've gotten anyone there to finish off the banks. He will be in touch with the new superintendent about this. No further discussion took place.

Wayne handed out a sheet on the drainage projects in town and their status.

10. CHAIRPERSON REPORT

A. Long Meadow Pond Brook ERT Study

Mary said that a site walk has been set for April 18th at 10:00 AM, rain or shine, according to the letter from Elaine Syche. Mary said they will all meet at the Town Hall before the site walk. Mary asked Keith to get more colored copies of the maps for Mrs. Anderson and the commission from Elaine. Keith explained the map of the property created by the engineering office showing the properties where they got permission to go along the brook. Keith said once Kingsmark submits their report, it can then be brought to the Army Corp of Engineers to let them know what they need to do. No further discussion took place.

Mary, citing it as administrative business, asked Keith to e-mail Attorney Fitzpatrick again regarding extension dates of permits.

Again, citing it as administrative business, Mary asked that the minutes be e-mailed to the commission as soon as they are done.

11. CORRESPONDENCE

There was no correspondence.

12. ADJOURNMENT

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Alex Olbry to **ADJOURN** the meeting at 9:30 P.M.

Respectfully Submitted,

Sally MacKenzie, Secretary /sg