

INLAND AND WETLANDS COMMISSION
REGULAR MEETING
March 7, 2012

Commission Vice Chair Joseph Bakstis called this meeting to order at 6:00 P.M. with the following in attendance:

MEMBERS:

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

OTHER:

Keith Rosenfeld, Town Planner, WEO
Sue Goggin, Secretary
Steve Macary, ZEO
Public - 1

1. Commissioner Bakstis took attendance and noted there was a quorum. He opened the meeting with the Pledge of Allegiance.
2. Executive Session with Borough Attorney. There was no Executive Session.
3. Public Comment.

Harold Woodfield, of 87 Webb Road, began by saying that he has had a water problem for the past four years. He has been to Engineering, Zoning and the DEEP. He said that water is being diverted onto his property. Two years ago his yard and driveway were completely washed out. He said three gentlemen up on the hill cut down up to 15 acres of trees. The water then began to flood the homes on Stonefence, so to solve the problem he put in a ditch to stop the flooding. Now the water dumps onto the Woodfield's property. He would like someone to look at it and show them how illegal it is. Steve Macary asked who the Engineer was at the time. Mr. Woodfield replied Wayne Zirolli. He suggested that Mr. Woodfield meet with Wayne. Joe Bakstis said he would like to get input from Wayne before they hear any more. Keith will ask Wayne to provide a report to the commission for its next month's meeting. There was no further public comment.

4. OLD BUSINESS

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

Keith said Wayne Zirolli could not attend the meeting and the item was tabled until the next meeting.

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

Keith began by saying that they have been in contact with the Kingsmark ERT team. The Land Use office sent out permission slips for the ERT team to walk on people's property. We have received 9 back and Elaine Syche also received 9. The project is proposed for late spring. Mrs. Shirley Anderson, of 30 Joseph Road, read a letter from SWCD. She then read a newspaper article about how Watertown cleared a brook that was flooding and wanted to know why Naugatuck couldn't do the same thing. Joe said the commission was doing their best to help her. Keith said that Roman Mrozinski will be a part of the ERT team. He also said they don't know what studies were done to come to a decision, in regards to the Watertown article. Keith said the ERT will review many different things happening to the brook, identify problems and recommend solutions. Joe said they will keep this item on the agenda. He asked Keith to ask Roman to send copies of correspondence to the commissioners. No further discussion took place.

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

Keith showed the commission car wash receipts from A Better Way Auto. They continue to have their cars washed at the Naugatuck Car Wash. Joe said they should stay on the agenda for a couple more months.

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

Keith said they are looking to fill in the trench. There is not much flow either way. The Borough will be fixing that and sending the owner of the property the bill. Joe said they will stay on the agenda until the work is done.

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

Wayne was working with Kevin Knowles on this matter, but was unable to be at tonight's meeting. Kevin Knowles is leaving his position with the Housing Authority, so hopefully his replacement will take a more comprehensive approach to the flooding. Joe said that the item will stay on the agenda.

- F. Potential Inland Wetland Violations at Mountview Plaza.

Keith showed the commission pictures he took of the site. He is going to call the attorney to be sure they finish up the curbing along the edge of the parking lot. Joe said it looked really good. Marcia asked if they cleaned out the brook. Keith said that it is supposed to be an ongoing process.

Keith will review the site and send a letter to the Attorney reminding them of their responsibilities. This item will stay on the agenda.

- G. Commission discussion/decision regarding referral from the Zoning Commission for a Site Plan for the construction of addition within the one hundred foot (100') Upland Review Area, Lot 15, Naugatuck Industrial Park, Applicant: Bar Industries. (Admin. Approval)

Keith explained that this was activity of an addition within the 100' Upland Review Area. He didn't believe that the effect of the addition would have a negative impact on the wetlands. Alex clarified that they are putting the addition on something that's already paved. A discussion ensued regarding administrative approval. Joe said he didn't see a problem with the project. Alex agreed. Marcia asked if there was curbing already up. Keith said the water is going the opposite way to the catch basin so curbs are not needed there. Keith said they need to put up a silt fence during construction to prevent sediment from going into the wetland area. Joe said they should add to the schedule "excavated material will be stored outside of the 100' Upland Review Area and controlled with proper erosion & sedimentation controls". Revised actions utilized to mitigate possible impacts include:

1. Silt fence (or staked hay bales) type erosion controls shall be placed at the top of the slope before any construction takes place and will remain to the end.
2. Proposed addition shall be constructed during a low flow season, utilizing a minimal amount of time to complete construction.
3. Excavated material will be stored outside of the 100' Upland Review Area and controlled with the proper erosion and sedimentation controls.
4. All excavated material will be removed from the property and disposed in its required fashion.

VOTED: Unanimously on a motion by Marcia Puc and seconded by Alex Olbrys to **APPROVE** the request for an administrative approval for Bar Industries, Lot 15, Naugatuck Industrial Park, with the stipulations #1-4 as discussed on March 7, 2012.

5. NEW BUSINESS

- A. Commission discussion/decision regarding administrative approval for a Zoning Compliance Permit for a fence (200-+/- Linear Feet) to be located within the one hundred foot (100') Upland Review Area, 124 Spencer Street. Applicant: Stephen Carrier. (Admin. Approval)

Keith began by introducing Mr. Carrier and said that he would like to put in a fence in his backyard. It was determined that he lives right next to a

brook and the fence would be within the 100' Upland Review Area. The activity would be very minimal, consisting of a few fence posts. Mr. Carrier, of 124 Spencer Street, said it is a chain link fence. Keith said the posts are very small, therefore the amount of excavation will be minimal. He has room outside of the 100' area to place excavated material. Joe clarified that the only excavation will be for the posts. Keith said there would be no impact, but it is within the 100' area. There were 3 conditions to be added to the administrative approval request. They were as follows:

1. Work should be done during a dryer period of time.
2. Proper erosion and sedimentation controls such as a silt fence or hay bales should be used.
3. The excavated material should be disposed of in a proper fashion.

The commission agreed that there would be no impact on the brook.

VOTED: Unanimously on a motion by Alex Olbrys and seconded by Marcia Puc for the Naugatuck Inland Wetlands Commission to vote to **APPROVE** the administrative approval request for a Zoning Compliance Permit for a fence (200 +/- Linear Feet) located within the one hundred foot (100') Upland Review Area with the 3 conditions on the final review under actions used to mitigate. 124 Spencer Street. Applicant: Stephen Carrier.

- B. 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 square foot 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)

Keith said they have submitted a complete application. He said the commission's next step is to hear what's going on and to determine whether it is a significant activity according to their regulations. David Hughes, Professional Engineer, Registered Land Surveyor, of 57 Norway Street, Oakville, said he was there on behalf of the applicant, Eric Huang. Joe asked Mr. Hughes to describe where the activity will occur. Mr. Hughes showed the commission where the wetlands and watercourses are on a map and described the overall property. He told them that they will be inside the 100' Upland Review Area on about 40% of the land to be worked on. His client would like to move his restaurant from 1183 New Haven Road to 1177 New Haven Road. They are proposing 2 phases. The first phase will be a multi-use; it will have a restaurant on the first floor and on the second floor there will be two residential apartments. Phase 2 would be an addition at some point in the future and create 2 more units, to be used for small retail, maybe a real estate office. He explained how and where the storm water would flow. He said their plan exceeds the

requirements for the storm water quality manual. Keith suggested that the commission go on a site walk. Joe agreed and a site walk was set for Monday April 9th at 4:00 PM. No further discussion took place.

- C. 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)

There was a discussion about prior forestry activities and the steps that were taken to approve that application. David Beers, forester with Connwood Foresters, agent for Connecticut Water Company, explained that the project is a 41 acre timber harvest. It is the second harvest that has occurred on the property. David said it is a revenue source for CT Water Co. He painted all the trees that are to be harvested with blue dots. He said he plans to use the trails from 1994. He showed them on a map where any bridges or corduroy will be used to protect the wetlands. He said no activity or debris is allowed within the flagged wetlands area as per the harvest contract. Standard procedure is not to remove more than 25% of the tree canopy within 100 feet of streams and wetlands so they stay shaded and undisturbed. He said their contracts don't allow logging debris within the streams. He estimated it would take about 2 months to complete. He explained a little about logging and what's involved. Joe asked why they didn't move to another location on the parcel of land. David said a good chunk of CT Water acreage is just not feasible to log. He said there are 3 stream crossings and 2 wetland crossings. A site walk was set for April 11th at 1:00 PM. They will meet on Maple Hill Road. Alex will contact Keith with the address. Keith and Alex will go on a site walk on March 21st between 9 and 10 AM. No further discussion occurred.

- D. Commission discussion/decision regarding a referral from the Naugatuck Zoning Commission per a Special Permit Application for 11 dwelling unit residential housing use located on 56 Terrace Avenue. Applicant: Attorney Kevin McSherry. (Admin. Approval)

Keith explained that there are no wetlands on the property and no wetlands off the property within 100'. The commission agreed that there are no wetlands on the property or within the 100' Upland Review Area.

VOTED: Unanimously on a motion by Marcia Puc and seconded by Alex Olbrys that the Inland Wetlands Commission has determined that the Special Permit multi-family residential project is not in a wetland and it is not within the 100' Upland Review Area.

VOTED: Unanimously on a motion by Marcia Puc and seconded by Alex Olbrys that an Administrative Approval can be granted based on the above findings.

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

There were no additional items.

6. CORRESPONDENCE

There was no correspondence.

7. WEO REPORT

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

Keith showed the commission pictures of where they removed one of the trailers. He will send them a letter congratulating them on the good work and asking when the next one will be gone. There was no further discussion.

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

Keith visited the site and said the pipe is acting properly. This item will be kept on the agenda until next month.

- C. Pondside Condominiums Inspection, Mill Street

Keith said the pipe is acting properly and they haven't been notified of any problems from the owner.

- D. Long Meadow Pond Brook ERT Study Update

Keith began by saying that the Land Use Office has received about 20 letters from property owners along the brook giving permission for the ERT team to go on their property for the study. He is meeting with Elaine next week and they are going to review what the steps are for the ERT. A discussion ensued as to what part of Long Meadow Pond Brook is going to be studied. No further discussion took place.

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

Keith said that through a series of miscues, they had determined that Thurston Oil required additional wetland permitting for their activities. A new building has been built and there is some piping that goes into a wetland area. It has been determined that they need a wetland permit and the Land Use office is pursuing it. Alex asked if it's piping that's already done. Steve Macary, ZEO, told the commission that this was in 2011 when there was a lot of snow and he had 5 rebuilds that day. Thurston's came into the office and they were supposed to rebuild that building smaller or take the roof down and build it smaller. He said he put his signature and okay to rebuild or smaller. He said he wrote in the Inland

Wetlands section "N/A", Planning "N/A" like for the other four he did. He said Wayne Zirolli, Borough Engineer, signed it as well. It never went to Wetlands. He said Wayne authorized them to put a pipe into a small wetland area. It's an area about 10 feet around. He said it is a wetland area because by Paesano's where the trailers are, the curb is out and the water has been going there for years and years. The dam is not marked on the map as a wetland area. Steve said the reason it got built is because he signed the permit. He said he sat down with Wayne, he and Wayne went out there and they didn't think it was a big deal. As time went on, Steve said Thurston's demo'd the building and poured the foundation and it got built. Steve said if he knew that they were going to demo that building from Day 1, he would have told them to pull a site plan through zoning and a special permit. He said he, Keith & Wayne did not know that was happening. Joe asked how the building inspector could let that happen. Steve said because he signed the departmental approval sign off sheet for the building department. He said he did that in March and he had 5 rebuilds that day. This was the only one that was near a wetland area. He had 2 garages, a couple of sheds, a pool and this building. He said after he signed it, the building department went out there and said they had to condemn the building. It was torn down and the foundation was poured and rebuilt. Joe asked if it was the same footprint. Steve said smaller and they moved it further away from the road (from 7 feet to 12 or 13 feet), which fits in with the Rubber Avenue Design District. The problem is that there's a pipe going into the wetland area from the gutters. He said Thurston's got permission from Wayne to do that. He said it all happened really fast, so that's why Keith sent them a violation. They have all the soil scientist reports and they've got all the area flagged, they have everything, a full site plan, architectural, everything. They just never came before the Wetlands Commission. He said that he and Keith got in touch with the applicant and he is coming, he thought, next month with a full set of plans. He already has a CO from zoning, engineering and building. He said it is like putting the cart before the horse. He said when they see the wetlands, the water he sees going in there is coming off the neighbor's parking lot. Steve said for zoning he is going to make them do a little landscaping, some mulch and some trees. He said they have been in the building for probably a month. He said they had to get rid of that trailer for some reason and that there was some type of building issue. He didn't know what it was with the trailer or a time frame for it, so Thurston's moved in. When he moved in, Thurston's came before him, and he signed another piece of paper for a sign off and so did engineering, the Fire Marshall, WPC Board, and Keith wrote, "site plan, soil scientist report, application fees". Because I wrote here Inland Wetlands N/A, thinking he's going to rebuild it and that he's going to make it more conform to the regs and he's going to build it smaller. He is moving the building off of Rubber Avenue. It's a rebuild. We had 5 that winter- 5 buildings that just collapsed. So we just gave them rebuild letters, charged them \$25.00 and sent them up to Building. He said he had no clue that there were wetlands there. He said he knew the stream was there and he thought that was 80 feet away. Joe said 80 feet is still... Steve said he didn't know. He said the initial plan

was for them to build a 14' x 14' roof and/or make that area smaller, so they wouldn't require a permit from zoning and/or from wetlands if they are going to take a roof that collapsed and just make it smaller. Joe said the whole thing seems to be a comedy of errors. How can all these things happen without something being said? Steve said the Building Department took his letter and said okay to rebuild or smaller. Now, since then, Steve said he doesn't sign for wetlands, Keith does. They give them a special permit to use. That day in March, I had 5 people in my office to do a house, a couple of garages, like I said rebuilds from the snow collapse. I met with his insurance agent and Wayne and I discussed it with Keith. He didn't think Keith saw it until they came in for their final CO. So then Steve said he signed, engineering signed, fire marshal, wpc board signed. Keith got this and said they need a soil scientist, which he has everything. Joe said he thought they should go out and take a look at this. Steve said they could do individual site walks. They could pull right by those trailers. Steve said he spoke to an engineer, Scott Myers, who is going to get a plan to show you what is done. He said during this process, Wayne went out there and gave the contractor permission to put that pipe off the gutter into a wetland area. It's marked a wetland area. Wayne gave him permission to do that. So they put in their gutters and their foundation and did what they had to do to do it. They came in for a CO and I sign and everybody signed February 16. Keith got this and asked where are their soil scientist report and application fees, etc,etc. Steve said if he had known that they were going to demo the whole entire building, they would have been at wetlands, they would have been before zoning, they would have gone through the steps. But it's too late now, he's not going to make them tear the building down. Joe asked why not. They make other people tear things down. Steve said Joe is talking about property that is condemned. Joe said no, property that has been built after the fact can then be torn down. Steve said zoning can't make them tear it down because it is in conformity. He said the only issue was that Thurston's didn't come before your board, which he is going to do. That department, since Steve's been there, has done thousands of permits and if there's 5 out of 3,000 that this happened on that's a lot. Steve thought that it was brought to attention because it was so close to Rubber Avenue. It actually is another 7 feet back (from the road). He made the building better and smaller. Steve wrote Inland Wetlands, Planning N/A like he's done on a lot of them before. Steve said Thurston's will be here next month or the month after and they can get his plan. He's going to bring in his soil scientist and his engineer. Joe asked if he was being premature by wanting to go out and look at it before he comes in. Steve said that's Joe's call. Joe said he was willing to wait until Thurston's came in to go see it. Steve described where they should go to see the property. Marcia asked if it was on the map as a wetland. Steve said yes and showed the commission where it is on a map. Steve showed them where things were and what's there now on the map of the property. Steve showed them where the new gutter pipe is located and said Wayne approved it. He said Thurston's still needs to do some landscaping. Joe said they will wait for them to come in and then the commission can go out and look at it.

8. **Review/Approval** of January 4, 2012 meeting minutes and January 23, 2012 Show Cause Hearing minutes.

This item was tabled until next month's meeting.

9. ADMINISTRATIVE BUSINESS

A discussion took place regarding the location of trailers on Rubber Avenue.

10. ADJOURNMENT

VOTED: Unanimously on a motion by Alex Olbrys and seconded by Marcia Puc to **ADJOURN** the meeting at 8:32 P.M.

Respectfully Submitted,

Sally MacKenzie, Secretary /sg