

INLAND AND WETLANDS COMMISSION
PUBLIC HEARING
CULVERT REPLACEMENT, SCOTT ST. AT ANDREW AVE.
APPLICANT: BOROUGH OF NAUGATUCK
APRIL 10, 2013

Commission Chair Mary Davis called this meeting to order at 6:03 P.M. with the following in attendance:

MEMBERS:

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

OTHER:

Wayne Zirolli, Borough Engineer
Jim Stewart, Director of Public Works
Sue Goggin, Secretary
Public - 0
Ned Fitzpatrick, Borough Attorney

Wayne Zirolli, Borough Engineer, explained that the existing culverts are too small (15"-18" in diameter) and over the years they've become clogged. They are planning to replace the existing culverts with two 24"x 38" elliptical pipes, which will be able to handle the flow down Andrew Avenue. They will be replacing the catch basin on the uphill side, replanting the disturbed area above the catch basin, putting in erosion controls. The gas company is ready to relocate the gas line lower, to enable the town to replace the culvert pipes. Wayne said they will be preparing a plunge pool to dissipate water energy and resetting the curb on both sides of the road. They will be doing a paved leak-off and rip rap to dissipate the velocity of the water coming off the road. This will be a benefit to the drainage system and prevent all the sediment from accumulating and washing down the brook. Joe Bakstis asked if they intend to do any cleaning or clearing upstream. Wayne said they are looking to eventually replace that pipe, if they could obtain some grant funding. Mary asked about the catch basins across the street from where they will be working. Wayne will check to see if there is a catch basin and if anything needs to be done. There was a discussion on catch basins in the area. Jim Stewart said that they will be repairing the curb so they will repair any catch basins while they are working. Mary asked for public comment. There was no public comment. Mary closed the Public Hearing.

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING
APRIL 10, 2013**

Mary Davis called this meeting to order at 6:28 PM with the following in attendance:

MEMBERS:

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

OTHER:

Wayne Zirollo, Borough Engineer
Jim Stewart, Director of Public Works
Sue Goggin, Secretary
Public - 0
Ned Fitzpatrick, Borough Attorney

1. Commission Chair Mary Davis called this meeting to order at 6:28 P.M. She placed Tracy DeBarber as a regular voting member in the absence of Alex Olbrys 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. **OLD BUSINESS**

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

There was no new information on this item. This should stay on the agenda.

B. Long Meadow Pond Brook ERT Study

Mary said she e-mailed Elaine Syche and she said they are still waiting for watershed and aquatic habitats reports. Elaine said she will contact the 2 team members and try to get an anticipated date for the reports. Elaine will keep Mary in the loop.

C. Commission discussion/decision regarding an application for culvert replacement at intersection of Scott Street and Andrew Avenue, Applicant: Borough of Naugatuck (IW #12-06)

The commission concluded that this is a significant activity. A discussion ensued regarding conditions. Jim Stewart said the project will take at least a week and may even take a month for completion. There was no further discussion.

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to **ACCEPT** the application IW #12-06 as presented with their normal conditions and, in addition, the Best Management and Erosion Control Practices, including the installation of sediment fencing, staked hay bales and rip rap, replace broken curbing and clean and stabilize remaining areas disturbed by proposed construction, catch basins should be repaired and curbed as necessary at the time of construction, and an additional condition that shall be included is that cement trucks cannot be washed out or tailings allowed to get into the brook or wetlands and in addition the motion shall include the commission's standard conditions.

5. **NEW BUSINESS**

- A. Commission discussion/decision regarding Regulated activities within the one hundred foot (100') Upland Review Area, 0 King Street, Applicant: Richard and Karen Fernandez. (IW#13-01).

Wayne Zirolli left the meeting and didn't participate in the discussion or vote. Scott Volpe, owner of CT Residential, said he is a professional housing builder/developer, representing Rick and Karen Fernandez. He explained that the lot for the proposed house is split between Middlebury and Naugatuck. The house is on the Middlebury side and the septic is on the Naugatuck side. Middlebury approved the new application for the house. The lot had previously been approved in 2007 and the approvals are good for 5 years. Since the original approval and when the Fernandez' purchased the property, the 50' setback was changed to 100'. Mary said the application looks to be in order. Joe asked if the wetlands are mostly in Naugatuck. Scott said they are mainly in Naugatuck. Scott said the plan has a net reduction of 1450 square feet. Mary said it looks like a difficult lot and would like the commission to go on a site walk. Scott explained that the septic was previously approved and nothing has changed except that they went from 4 bedrooms to 3. Mr. Fernandez said they bought the lot 2 years ago as an approved building lot for a 4 bedroom house. It wasn't until they recently tried to do something that they found out it was expired. It was never disclosed to them that there was an expiration date on the permit. It was determined that the septic tank would be 70-80 feet from the wetlands and the leech fields would be about 55 feet from the wetlands. A discussion ensued regarding the state guidelines for the leech fields. Mary said they need to know what the state guidelines are. The property cannot be subdivided. The commission will go on a site walk on April 29th at 10:00 A.M with a rain date of April 30th at 10:00 A.M. A representative for the applicant should be at the site walk. This item was continued until the May 1st meeting at 6:00 P.M.

Wayne Zirolli returned to the meeting.

- B. Commission discussion/decision regarding Regulated activities within the one hundred foot (100') Upland Review Area, 38 Cherry Street, Applicants: 38 Cherry Street, LLC. (IW#13-02).

Attorney Michael McVerry, of 35 Porter Avenue, said he was there on behalf of his client, Thirty-eight Cherry Street, LLC. He said it is property at 38 Cherry Street between the Vieira Building and the Atlantic Diner. It is a rear property that was formerly used as a water softener company. His client is proposing a small used car lot for the site. He will not be doing any additional building or anything other than parking cars on the property and selling them. It consists of .40 acres and is in the I-1 zone, which allows this type of use under a special permit. Attorney McVerry referenced a soils report from REMA Ecological Services dated February 25, 2013 from George Logan, in which Mr. Logan indicates that there are no wetland soils on the property. The majority of the property is within the one hundred foot Upland Review Area. There will no paving and no repair work. A discussion ensued regarding washing cars on the lot. Attorney McVerry's client is proposing 4-5 cars at a time and most of the time will be in the garage. The commission set a site walk for April 29 at 11 A.M. with a rain date of April 30th at 11 A.M. This item was continued to the May 1st meeting.

- C. Commission discussion/decision regarding Regulated activities within the one hundred foot (100') Upland Review Area, regarding a proposed 6 Lot Subdivision at 68 Arch Street, Applicant: ALX Ventures, LLC (IW#13-03).

Attorney McVerry, of 35 Porter Avenue, on behalf of ALX Ventures, LLC, began by saying he would like to correct that they are not in the 100' Upland Review Area. He said they are 250' to 300' away from the wetlands. He said there is no longer an interior lot because there is enough street frontage. Wayne said he is in the process of reviewing the drainage and hydrology report. He said he doesn't see any issues. A discussion ensued as to the distance from the wetlands. Each individual lot will have its own drainage systems. Joe asked, if they give administrative approval, what exactly are they approving. Attorney Fitzpatrick said role of the commission is to find whether there is an impact to the wetlands. The administrative approval that has been referred to is a process that the commission is familiar with. The Naugatuck Wetlands Commission is acting in its administrative capacity with regard to all wetlands applications. That requires every applicant to come before the commission regardless of whether they are 500 yards from the wetlands or 50 feet He said there has to be an administrative finding that there is no impact and it has to be part of their land use record. Attorney Fitzpatrick said they have to make a finding and vote on it. Sally said she would like the proper erosion controls done. Mary said they would have to write up conditions if the commission wants anything special. Mary said they have to decide if there is an impact and what conditions they are going to put on it if they approve it. Mary asked for a motion for a finding on whether this is a significant activity or not.

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Tracy DeBarber to declare it is **NOT** a significant activity.

During the vote a discussion ensued concerning the application as being approved in an administrative fashion.

The commission took a recess at 7:40 P.M.

The commission reconvened at 7:45 P.M.

- D. Commission discussion/decision regarding an Amended Wetland Permit for the excavation of more than 350 yards of earth material located at 543 Rubber Avenue, Naugatuck High School; Applicant: O & G Inc., Borough of Naugatuck.

Lorel Purcell, with O & G, the construction company for the NHS Renovation, introduced Jim Sperry, with Kaestle Boos, the architects for the project and Chris Cardeny, with Langan Engineering. She said they are there as a part of due process. They will be excavating far more than 350 yards of earth from Naugatuck High School, mainly from the fields. Jim Sperry, said there are no changes to the plan that was approved through the special permit process, except for the addition of conditions from this commission and the Zoning Commission. He said the project has started with some of the site preparation work. About a week ago, there was a site walk and review of the sediment and erosion controls by the Inland Wetland Officer, the Zoning Enforcement Officer, the Borough Engineer and some others. The response that Kaestle Boos got back was that everything was satisfactory. Chris Cardeny will speak to the comments from Roman Mrozinski. A discussion ensued regarding Roman's report dated March 29, 2013. Jim Sperry said that the sediment and erosion control plan is being done in accordance with the DEEP requirements. Attorney Fitzpatrick reminded the commission that they knew there would be removal of material, but just didn't know how much, so they are therefore amending the permit. Mary asked if the work has started. Attorney Fitzpatrick said they are putting in the S & E controls, but there has been no excavation. Mary asked about the condition which stated that water was to be tested in two places 90 days prior to the start of excavation. Joe said that already they haven't complied with special condition #9, which states that the permittee shall notify the Inland Wetlands Commission immediately upon the commencement of work. He said nobody notified them. Jim said the Inland Wetlands Officer did a site walk. Jim said he extended the offer to the commission through Keith. Mary asked Sue to ask Keith why the commissioners were not asked to go on the site walk. Sally asked where the excess soil that's being excavated will go. Jim said it is up to the contractor where it goes. The Police Commission reviewed and approved the routes for the trucks. Joe said he would like to know if the water was tested 90 days prior to the start of construction and he would like a copy of that report presented to the commission. He also said each commissioner should have received a letter stating that the work was about to start, which was a requirement. Wayne said he would check on those. Mary asked if the water testing has been done. Attorney Fitzpatrick said the answer to the dilemma is that if the testing was not done, it should get done before they begin excavation. It was determined that it is O & G's responsibility to test the water. Water samples will be taken within 72 hours and the results will be forwarded to the Inland Wetlands Commission and the Borough Engineer as soon as available. Joe would like proof that the soil and water samples were received by the laboratory. A discussion ensued regarding conditions of the permit.

VOTED: Unanimously on a motion by Joseph Bakstis and seconded by Sally MacKenzie regarding the amended wetlands permit for the excavation of more than 350 yards of earth material located at 543 Rubber Avenue, Naugatuck High School; Applicant: O & G Inc., Borough of Naugatuck, to **APPROVE** the amended application subject to the following conditions:

1. No processing of materials on site.
2. Must adhere to the 2002 Erosion & Sediment Guidelines as amended.
3. No washing of cement trucks or tailings into the adjacent wetlands or Long Meadow Brook.
4. Watering truck and sweeper must be on site for the purpose of dust control.
5. All the other conditions and restrictions that were on the original approved application IWC #12-04 remain in effect.
6. WEO to inspect the site weekly during construction and submit reports to IWC on a monthly basis until all work is completed.
7. Soil and water samples must be taken within 72 hours of issuance of permit and results sent to IWC and Borough Engineer. Receipt by laboratory of soil samples sent to IWC and Borough Engineer.

6. **CORRESPONDENCE**

There was no correspondence.

7. **WEO REPORT**

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

Mary asked if the commission had a chance to look at the draft citation notice that Keith created. The commission agreed that they approve of the draft being sent. Tracy asked who determines the fines. Mary said it is in the Wetlands Regulations. The Borough Attorney should be notified that they approve it.

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to send by mail the citation letter as drafted to Autohaus.

B. 83 Prospect Street, Lagasse Apartments

Keith sent a letter to Mr. Lagasse as a reminder to put a fence around the dumpster.

C. Dmuchowski Property, 45 High Street

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Tracy DeBarber to send the letter as drafted regarding the Dmuchowski property on 45 High Street regarding the citation.

8. **Review/Approval** of December 5, 2012 Regular Meeting minutes, December 12, 2012 Site Walk minutes and January 2, 2013 Show Cause Hearing and Regular Meeting minutes.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Joe Bakstis to **APPROVE** the December 5, 2012 Regular Meeting minutes as submitted.

VOTED: 3-0-2 on a motion by Joe Bakstis and seconded by Sally MacKenzie to **APPROVE** the December 12, 2012 Site Walk minutes as submitted.

<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Mary Davis		Marcia Puc
Sally MacKenzie		Tracy DeBarber
Joe Bakstis		

The January 2, 2013 Show Cause Hearing and Regular Meeting minutes will be voted on at the next meeting due to a lack of quorum.

8. **ADMINISTRATIVE BUSINESS**

Mary asked Sue about their CACIWC membership. The membership for the commission was paid for in June of 2012.

Joe said he has an issue with the McPhail property on May Street, that has been addressed by Steve Macary in the past. He said garbage has been accumulating there and it has a brook running alongside it. He feels that the IWC is within its jurisdiction. He said they have a fence right on top of the bank that leads down to the stream. There is a trailer in there. He asked Steve Macary to do something about a year ago. He said at the time Steve said he talked to the owner and that the owner's mother was sick and dying with cancer and he felt bad. Joe said it has been going on for decades and it continues to go on. He said people have asked him if he, as a wetlands officer, can do something because it is within 20-30 feet of the brook. Jim Stewart said he will talk to Steve and Ed Carter, the blight officer. Steve will send them a notice to correct within 30 days and will send a copy to the commission. Keith will write a report confirming that it is within the Upland Review Area. This item needs to be put on the agenda for discussion for next month. Joe said after Steve approached the homeowner she started painting her house little sections of different colors, which he believes to be spiteful. There was no more discussion.

9. **ADJOURNMENT**

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Joe Bakstis to **ADJOURN** the meeting at 9:45 P.M.

Respectfully Submitted,

Sally MacKenzie, Secretary /sg