

**INLAND AND WETLANDS COMMISSION  
PUBLIC HEARING  
JUNE 5, 2013  
PROPOSED CAR DEALERSHIP LOCATED AT 38 CHERRY STREET  
APPLICANT: 38 CHERRY STREET, LLC**

Commission Chair Mary Davis called this meeting to order at 6:30 P.M. with the following in attendance:

**MEMBERS:**

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

**OTHER:**

Keith Rosenfeld, Town Planner, WEO  
Wayne Zirolli, Borough Engineer  
Sue Goggin, Secretary  
Public - 5

Mary placed Tracy DeBarber as a regular voting member in place of Lars Johnson. Keith read into the record the complete application. Attorney McVerry said he was there on behalf of the applicant, 38 Cherry Street, and its principal, Thomas Baranowski. He said it is an application for property located at 38 Cherry Street. He read a letter from Tony's Plumbing and Heating in Middlebury, Connecticut saying that they have determined that the pipes that commission had expressed concern over have been capped. Mike Turner P.E., L.S., licensed in Connecticut, said he wrote a letter to Keith Rosenfeld addressing the commission's concerns. Mary asked why the application, the map, says it is a proposed auto detailing and sales site plan if there is no intention of cleaning and detailing. Mary said if they granted this, they would be giving them the right to do the detailing work. She said the application is wrong. Attorney McVerry said the application itself says auto sales and over the last couple of months have discussed their intention not to do any detailing. A discussion ensued regarding the location of storing vehicles. Mr. Baranowski said the cars will be stored in the garage, but brought out for potential buyers. They will be put back in the garage at night. There was a discussion as to how many cars would be allowed. Mary said the map needs to be corrected because it says auto detailing on it. Attorney McVerry said that could be a condition of approval to revise the map. He said this is an initial step and then they will go before the Zoning Commission with a Special Permit. Mary asked about 2 violations issued by zoning about work that was being done on vehicles. Attorney McVerry said they were in Housing Court that morning trying to evict the tenant who lives in the house in the front. He was the one who was doing the work on the cars. Mary asked if there was any public comment. Manuel Vieira said he resides at 42 Margaret Circle, and owns the building adjacent to the property. He said he has a problem with the vehicles being parked in the driveway which he owns blocking the driveway. He also said he has a problem with the changing of oil in the dirt which could flow into the stream which now has trout in it. He said his main concern is the pollution of the stream, through the changing of oil. George Hadoulis, owner of the Atlantis Diner, said his concern is the amount of cars parked everywhere. He showed the commission photos. He said there are mechanics working on cars. He said they saw antifreeze flowing and covered up with dirt. He said he has trouble getting in and out along with his delivery trucks. Anna Marie Hadoulis said she owns the diner with her husband. She said on any given day there are 7-9 unregistered cars parked in the lot. Mary invited the public to come up to look at the pictures. There was a conversation regarding the pictures. Keith asked that comments be made

individually at the podium. A discussion ensued regarding parking in the lot. Mary said the Wetlands Commission does not have control over that. Carol Slawsky, of 48 Cherry Street, the property adjacent to the property, said that she had worked for the DMV for 27 years. She said that she knows, from what she has seen, that when you have dealerships, 9 times out of 10 they have repair shops and are doing oil changes and repairs to get the car ready for sale. Her concern is for the river and the wildlife. There was no further public comment. Attorney McVerry said that the concerns expressed by the neighbors are either zoning or legal concerns, not wetlands issues. He said they have maintained that there is not going to be any repair work or cleaning or detailing on site. He said the pictures that were submitted were of the tenant. Under the stipulations from the court, he is not allowed to do any work on cars, store cars or have any unregistered vehicles on the property or he could be immediately evicted. Sally said that what he is saying is that none of the cars that were being worked on were his cars. Mr. Baranowski said they were not. Mary asked what the blue solution in the buckets that was in the garage, when the commission went on their site walk. Mr. Baranowski and Attorney McVerry did not recall any buckets with liquid. Marcia asked about cleaning up the cars before they are sold. Mr. Baranowski said his intention is to buy nice cars at auction and sell them to other dealers. Mary said they cannot approve it because the site plan map is not correct. Joe said the site plan should be corrected and the detailing taken off. He said it should become part of the approved application if it is approved. Mary asked where the water from the lot flows to and if there is a catch basin. Mr. Turner said the water flows to the Northeast and there is no catch basin. He also said that most of the parking lot is not paved so most of the water will soak into the ground and not run into the brook. There was a discussion over the capped pipes. Mary said there is an issue with the labeling of the map. She asked Keith how they should handle it. Keith suggested that if they are concerned with any material to keep the Public Hearing open to the next meeting. He said they should be very specific with the items that they want the applicant to correct. Mary closed the Public hearing until next month. She suggested that the plan be changed to the correct name for the application. She said she would also like to go on another site walk so they can review the inside of the building. The site walk was scheduled for Thursday June 13<sup>th</sup> at 10:00 A.M. The Public Hearing was continued to July 3<sup>rd</sup> at 6:00 P.M.

## **INLAND AND WETLANDS COMMISSION**

**REGULAR MEETING  
JUNE 5, 2013**

Mary Davis called this meeting to order at 6:00 PM with the following in attendance:

**MEMBERS:**

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

**OTHER:**

Keith Rosenfeld, Town Planner  
Wayne Zirolli, Borough Engineer  
Sue Goggin, Secretary  
Public - 5

1. Commission Chair Mary Davis called this meeting to order at 6:00 P.M. She 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. Long Meadow Pond Brook ERT Study

Mary said they may not be getting a study. She said apparently the DEEP is talking about pulling the funding from the ERT program. Mary asked if the Army Corp of Engineers was contacted. Keith and Wayne said they did not. Keith thought they were waiting to hear about the ERT. Wayne said he will contact them and have some information for next month's meeting. Sally asked if they could get the information that has been collected so far. Mary said she doesn't know if the reports are all put together. Keith and Mary will contact Elaine Sych to try to get the information that they've got for the ERT so far. Keith said he will also contact Roman.

- B. 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).

Scott Volpe, owner of CT Residential, said they have made adjustments to the site plan reflecting the hay bales on either corner of the septic system area giving additional soil and erosion control measures. He said they also labeled the conservation easement area and passed out a draft of the easement. At 6:17 P.M. Tracy DeBarber arrived at the meeting. Scott will bring in a new copy of the plan for the commission. Keith said the application is complete. Mary said if a motion is made to grant this, she would like to amend the suggested conditions. She would like to add #4 to read, "No washing of cement trucks and tailings within 100' of the wetlands or watercourses". She would also like to change #3 & #4 to say 100' instead of 50'.

**VOTED:** Unanimously on a motion by Joe Bakstis and seconded by Alex Olbrys to **APPROVE** Application #13-01, 0 King Street plans as revised on June 3, 2013 which includes the delineation of the easement and included in the motion is the Grant of Conservation Easement and also the standard terms and conditions regarding Soil & Erosion Control and site specific conditions which will include:

1. Prior to the commencement of any site clearing, applicant shall demarcate the edge of disturbance limits in the field and reconstruct barrier wall.
2. Prior to the commencement of any site work, the applicant shall notify the Wetlands Enforcement Officer and ZEO, to ensure the installation of the required erosion and sedimentation controls.
3. No cleaning of concrete trucks within one hundred feet (100') of the Upland Review Area.
4. No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored (temporarily) within one hundred feet (100') of an inland wetland or watercourse.
5. Prior to the issuance of a Certificate of Zoning Compliance, all Inland Wetland Development Fees and Regulated Area Fees will be paid to the Borough of Naugatuck.
6. Prior to the issuance of a Certificate of Zoning Compliance, a conservation easement as shown on the current plans shall be reviewed by the Borough Engineer and approved by the Borough Attorney and filed in the Naugatuck Land Records in the Office of the Town Clerk.

The meeting went into a recess at 6:25 P.M.  
The meeting resumed at 6:30 P.M.

- D. 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).

There was no discussion on this item.

5. **NEW BUSINESS**

- A. Commission discussion/decision regarding Regulated activities within the one hundred foot (100') Upland Review Area, 363 Union City Road, Applicant: Borough of Naugatuck. (IW #13-04)

Wayne explained that the project that the project involved remediating a low spot that collects water, which runs down the driveway of 363 Union City Road. He said last month it was presented before the Borough Board as an 8-24 referral. The Borough Board referred it to the Planning Commission,

which gave it a positive referral back to the Borough Board. He said last night the Borough Board authorized the Mayor to sign any contracts related to this. He then explained details of the project. Mary said she doesn't see any problem with the project. Tracy asked if the Kelly's (the homeowner's) will be maintaining the area. Wayne said the Kelly's will be maintaining it. Keith said they received payment from the Borough for the DEEP fees. There was no further discussion.

**VOTED:** Unanimously on a motion by Alex Olbrys and seconded by Tracy DeBarber to **APPROVE** the Regulated activities within the one hundred foot (100") Upland Review Area, 363 Union City Road, Applicant: Borough of Naugatuck. (IW #13-04) with the general conditions.

- B. Commission discussion/decision regarding the applicant's request to extend Inland Wetlands Permit (IW #06-02) in order to finish all regulated activities associated with the Fieldstone Subdivision, Field Street. A Five-Year Permit was approved on June 7, 2006 and an extension was issued by the IWC for an additional two years to June 7, 2013.

Keith explained the applicant's request to extend the permit. He said the applicant is almost done with his project. Mary asked in the future to have the applicants come to the meeting. Keith said the applicant was unable to sell the lots and is building his personal home on one of the lots. Keith suggested that they grant a one year extension.

**VOTED:** Unanimously on a motion by Marcia Puc and seconded by Joe Bakstis to **EXTEND** IW #06-02 for one year (June 7, 2014) in order for the applicant to finish all regulated activities associated with the Fieldstone Subdivision, Field Street.

- C. Additional items require a 2/3 vote of the Commission.

There were no additional items.

6. **CORRESPONDENCE**

There was no correspondence.

7. **WEO REPORT**

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

Keith said he gave the draft citation letters for Autohaus and Dmuchowski to Attorney Fitzpatrick to review. They will be sent out once approved by Attorney Fitzpatrick. Mary asked if they will be mailed out by June 5, 2013. Keith said they should be.

- B. 83 Prospect Street, Lagasse Apartments

Keith said he hasn't heard from Mr. Lagasse but he doesn't think he is going to wait any longer. Keith will call him to find out when he is doing the work.

C. Dmuchowski Property, 45 High Street

This item was included in the discussion under 7A.

D. Naugatuck HS Renovation

Keith said they have been visiting the site on a weekly basis making sure all of the erosion controls are being maintained. He said they are being inspected on a weekly basis. He said the activities closest to the wetlands will start in the next 2-3 weeks.

8. **Review/Approval** of May 1, 2013 Meeting Minutes.

**VOTED:** 5-0-1 on a motion by Alex Olbrys and seconded by Joe Bakstis to **APPROVE** the May 1, 2013 Regular Meeting minutes as submitted.

**FOR**

Mary Davis  
Alex Olbrys  
Marcia Puc  
Sally MacKenzie  
Joe Bakstis

**AGAINST**

**ABSTAIN**

Tracy DeBarber

9. **ADMINISTRATIVE BUSINESS**

A. Presentation of Low Impact Development (LID) by Steven Trinkaus, PE, CPESC, CPSWQ of Trinkaus Engineering, LLC, Southbury, CT.

Mr. Trinkaus gave a presentation and slide show regarding low impact development.

10. **ADJOURNMENT**

**VOTED:** Unanimously on a motion by Joe Bakstis and seconded by Tracy DeBarber to **ADJOURN** the meeting at 10:00 P.M.

Respectfully Submitted,

Sally MacKenzie, Secretary /sg