

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING
MAY 1, 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, Absent
Lars Johnson, Alternate, Absent

OTHER:

Keith Rosenfeld, Town Planner
Wayne Zirollo, Borough Engineer
Sue Goggin, Secretary
Public - 0

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. Storm water and drainage issues, Union City Road neighborhood

Wayne Zirolli, Borough Engineer, said he is working on 363 Union City Road, where there is low spot flooding. He said the water runs across the Kelly's property, washing out their driveway. Wayne said he has drafted the access agreement and the Kelly's have signed it so now it needs to go before the Borough Board, refer to Planning and back before the Borough Board. Wayne said this is a road drainage problem and will help the Kelly's and their neighbors. It is a road hazard as well as a property hazard. This will also help Joe Savarese's pond. Wayne said he will be coming in with a full application next month.

B. Long Meadow Pond Brook ERT Study

Shirley Anderson, of 30 Joseph Road, said she was there regarding the flooding of Long Meadow Pond Brook. She asked if there was a final report on the study because it was done over a year ago. Mary said she received an e-mail from Elaine Syche, in which she said she is still waiting for a report from one agency. She said she also received an e-mail from Southwest saying that there is a problem with the ERT program and that it's no longer working due to changes in the laws. A discussion ensued regarding getting the Army Corp

of Engineers involved. Wayne and Keith should find out if the Army Corp of Engineers has been notified and also find out the feasibility of dredging. Mary said they will have more information for Mrs. Anderson at the next meeting.

- C. 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, reviewed the history and said that there has been a reduced impact since the first application. They have come before the commission because the original approved application expired a few months earlier. He said that since the original approval, the footprint of the home has shrunk as has the footprint of the driveway. Mary reviewed the material and found that everything is in order with the application. Scott said due to IW regulation revisions, they are now within the 100' Upland Review Area. Mary asked if there were any questions. Joe asked Keith if there is anything they should be concerned with as far as the sloping of the wetlands. Keith said his understanding is that the liquid that is leaving the leeching fields is very clean. He said the problem that he sees is not the long term effect, but the short term effects of its construction. His answer to that is quick stabilization with seed and mulch as well as extra protection during its construction phase. A discussion ensued regarding a conservation easement. Scott will bring to the next meeting a revised plan with the easement showing additional hay bales. A discussion ensued regarding the leech system and the galleys. The Land Use office will send the approval letter from the Health District on to the IW Commission. This item was continued until the June 5, 2013 meeting.

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Alex Olbrys that this is **NOT** a significant activity.

- 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).

Attorney Michael McVerry, 35 Porter Avenue, said he was there on behalf of the applicant, 38 Cherry Street, LLC and its principle, Tom Baranowski. He said the property is currently in an I-1 zone and his client is proposing a motor vehicle sales lot on the property. He said there is no additional activity planned or proposed on the property. He said they will be selling 3 or 4 cars for wholesale purposes. He said there is no proposal and no intention to do any repairs. Any cleaning or detailing of the cars will be done off site. Mary reviewed the application and determined that it is complete. A discussion ensued regarding a PVC pipe and whether or not it is connected to the building. Mary asked Keith to check it out. Alex asked if there was going to be work done on the property. Attorney McVerry said just sales. Alex said that when he visited the site there was a silver Audi without a front bumper that had 2 hoses just dangling. Tom said that was previously in the garage. His personal cars will be taken off the property. They are not part of the plan. Keith read letters dated April 17 & 30, 2013 from Steve Macary, ZEO

regarding violations of the Zoning regulations for the property. Attorney McVerry said Mr. Baranowski was away during that period and the tenant who lives in the front house was working on his own car. That has stopped since Mr. Baranowski had a conversation with him. The letter sent on April 30th was precipitated by the tenant living in what's going to be the commercial building was washing his car. Mary had a concern that when a permit is issued it goes with the land. A discussion ensued regarding conditions that could be placed on the permit. Tom said he will be buying the cars, storing them overnight in the garage and reselling them wholesale. Keith reiterated that there will be no outside storage. Tom agreed. It was clarified that they will have to go before the Zoning Commission for approval also and can place conditions on the permit. The commission expressed concern about the storing of cars in the building so close to the brook.

VOTED: Unanimously on a motion by Alex Olbrys and seconded by Joe Bakstis that the activities at 38 Cherry Street, LLC **ARE** significant activities due to regulation 2.36.6 which says that any activities which causes or has a potential to cause pollution of a wetland or watercourse.

The commission set a Public Hearing for June 5, 2013 at 6:30 P.M.

5. **NEW BUSINESS**

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

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 him 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 are going out there every Tuesday and they are following up with the Erosion Sedimentation Control and Wetlands Review. Keith said he Wayne and Steve are meeting with contractors each week and doing a full site walk. Keith gave an overview of his reports. Mary asked why the commission was not notified when the work began. Keith said there was some confusion over who the final permittee was. Keith said he, Wayne and Steve are handling it now. Keith said he was under the impression. Keith apologized for all involved for not notifying the commission. Joe asked about the water samples. Mary said she has all that information. She worked with Jim Stewart to decide what need to be done. It was determined that the whole commission does not need to be included in the Chain of Custody e-mails, only Mary.

E. McPhail Property, May Street

Keith passed out pictures that he took at the property. Then he read a letter he wrote to Mary. In his opinion, there is no wetland violation, but it is definitely a zoning violation. A discussion ensued as to what constitutes the Upland Review Area and how it is measured. Alex said to start a clean-up, they have to start somewhere. Keith said he thinks it is a blight issue. Mary doesn't think the IWC can cite them. Joe said he disagrees because there is junk within the Upland Review Area and the potential is there to cause havoc to the wetland areas. A discussion ensued about whether or not there is an impact on the watercourse.

8. **Review/Approval** of January 2, 2013 Show Cause Hearing and Regular Meeting minutes and April 10, 2013 Regular Meeting Minutes.

VOTED: 3-0-2 on a motion by Alex Olbrys and seconded by Marcia Puc to **APPROVE** the January 2, 2013 Regular Meeting minutes and Show Cause Hearing minutes as submitted.

<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Mary Davis Alex Olbrys Marcia Puc		Joe Bakstis Sally MacKenzie

VOTED: 4-0-1 on a motion by Sally MacKenzie and seconded by Marcia Puc to **APPROVE** the April 10, 2013 Regular Meeting minutes as amended.

<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Mary Davis Sally MacKenzie Joe Bakstis Marcia Puc		Alex Olbrys

8. **ADMINISTRATIVE BUSINESS**

Mary asked Keith not to put his recommendation on reports so the commissioners can make up their own minds.

Sally asked about the Chemtura solar panel project. Keith said it had been approved.

Mary asked Keith to e-mail the rest of the IWC the power point presentation from the “How to Run a Meeting” seminar. Keith said he will do that.

Marcia asked about Mountview Plaza near where it was repaired recently. She said there is dirt but no grass. She wasn’t sure if it had the potential to wash out. Keith said it should be stabilized. He will look into it.

9. **ADJOURNMENT**

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Marcia Puc to **ADJOURN** the meeting at 8:11 P.M.

Respectfully Submitted,

Sally MacKenzie, Secretary /sg