

**INLAND AND WETLANDS COMMISSION
CONTINUED SHOW CAUSE HEARING
Dolores and Julio DaSilva, Jr, 0 Edwards St.
NOVEMBER 6, 2013**

Mary Davis called this meeting to order at 6:30 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:

Keith Rosenfeld, Town Planner
Sue Goggin, Secretary
Public - 0

Keith read Roman's suggestions to mitigate the bank. He said Mr. DaSilva was there to report on his progress. Mr. DaSilva said they applied for a permit, they removed the large logs near the street, they removed the dead tree, put down wood chips and grass seed has been planted. In the spring they will plant some type of groundcover. They are not going to remove the tree stumps because they help stabilize the bank. Keith will provide the DaSilva's with a list of fast growing groundcover plants. Mary said Keith will follow up in the spring to be sure the work has been done. Keith will give the commission a report. This item will stay on the agenda but the DaSilva's don't have to come back before the commission until March.

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING**

NOVEMBER 6, 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, Absent
Tracy DeBarber
Lars Johnson, Alternate, Absent

OTHER:

Keith Rosenfeld, Town Planner
Sue Goggin, Secretary
Wayne Zirolli, Borough Engineer
James Stewart, Director of Public Works
Public - 4

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.

Assistant Scoutmaster, Mark Fabiani, said the Boy Scouts were at the meeting because they are working on Citizenship in the Community and one of the requirements was to attend a public meeting and talk about it. The boys introduced themselves as Ryan and Ethan.

4. OLD BUSINESS

A. Long Meadow Pond Brook ERT Study

Keith said that all application fees are placed in general department revenues and are grouped with all Land Use fees. He said they also get regulated area fees and development fees which are placed in the Open Space fees, which is used for acquiring and maintaining open space. There was a discussion on separating the fees for the wetlands fees to be used as the commission wished for wetland related projects. Keith suggested the commission write a letter to the Borough Board requesting access to the funds. Keith will write the letter on their behalf.

B. Commission discussion/decision and determination of significance of regulated activities associated with IW #13-05 Self Storage Facility located within a 100' Upland Review Area, 1257 New Haven Road, Applicant: Newtown Investors, LLC.

Larry Edwards, P.E., L.S., said they have new plans to give to the commission in which they delineated the setback line, they moved the trash area to the front of the property, and they changed some calculations as recommended by Wayne Zirolli. He said they will be leaving the established stone wall and trees as is but they will be adding a berm to reinforce that. He said they will be bringing about 1,000 yards of additional fill besides what they will use on site. There was a discussion about the types of soil on the site. Mary said they

don't normally allow a whole building to go within the 100' buffer area. She asked if they had considered an alternative. Larry said there really isn't any alternative that's going to give the level of development that's going to make the site feasible. He said they probably would not go forward with the project without the second building. It was clarified that there will not be a driveway around the back of the building. There was a discussion on whether this is a significant activity or not.

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Tracy DeBarber that IW Application #13-05 be declared a significant activity.

A Public Hearing was scheduled for December 4th at 6:30 P.M. Mary asked the applicant to consider removing the second building and moving the drainage plans further into the lot. Larry said they would consider it but doesn't think it is a viable option. Keith will make copies of the revised plans and mail them out to the commission.

5. **NEW BUSINESS**

- A. Commission discussion/decision regarding the Show Cause Hearing for Julio and Dolores DaSilva Jr, regarding the clear cutting of trees (a regulated activity) at 0 Edward Street, Naugatuck, CT, located adjacent to a watercourse (Long Meadow Pond Brook) without having first obtained a permit from the Naugatuck Inland Wetlands and Watercourses Commission.

There was no further discussion on this item.

- B. Commission discussion/decision and determination of significance of regulated activities associated with IW Application #13-07 Fulling Mill Brook Maintenance Project located within a watercourse and within a 100' Upland Review Area, adjacent to North Main Street. Applicant: Public Works Department, Borough of Naugatuck.

Jim Stewart explained that recently they became aware of the siphon, which is a sanitary sewer that flows under Fulling Mill Brook. He said the support most likely washed away in a recent heavy rain storm. They are looking into methods of repairing it. He said it is going to be an emergency repair once they have all the information. George Pendleton, P.E. with Kleinfelder, said that the siphon is located between the Route 8 bridge and North Main Street. He said that the siphon has a large man-hole on the north and the south side of the stream. He walked them through the pictures. He explained that the about half of the stone and concrete wall has failed and the stream has scoured away and washed downstream. He said it is going to fail reasonably soon and they want to have a plan of attack. He said it is something of an emergency and they would like to fix it as soon as possible. He said all the options will involve some work in the stream and they will have to divert the water from side to side as they are

working. He explained the options. He said they are waiting for the as-built for the bridge from the CT DOT to see what will work. George was hopeful that they would get the information from the DOT in the next few days and they could make the short term fix work. He said he thought they could do it this fall. Mary said it is a significant activity because they will be working right in the waterway. A discussion ensued regarding a Public Hearing. It was determined that they will have a Public Hearing at the December meeting if the applicant will be prepared in time.

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 they are waiting for the building official to move on. They need a CO and the building official has threatened to take them to building court and have them arrested because they are not following their plans for the building. He said they not only have to follow the wetlands permit, but also their zoning special permit. Keith believes they will see some action in the near future. Sally said she has seen cars parked on the edge of the brook and they are not supposed to be. Keith will go out there to check on it and also talk to Attorney Fitzpatrick.

Mary asked Keith to find out from Wayne when the town is going to do the gabion at Thurston's. Sally said she thought they were not supposed to be parking trucks along the bank. Keith will look into that.

B. Dmuchowski Property, 45 High Street

Keith will talk to Attorney Fitzpatrick for an update on the citation letters that the commission would like to send.

C. Naugatuck HS Renovation (IW#12-04)

Keith said the rain gardens are roughed out, the drainage structures are covered with siltation and erosion controls and they will either hydro-seed or control them for the winter season. Then they will plant in the spring. Keith said the water quality testing was done on Monday. He will have a report next month for the commission. He said if the commission wanted to see the site, they meet every Tuesday at 1:00.

D. 1177 New Haven Road (IW#12-01)

Keith has not received an erosion and sedimentation control plan, but they visited the site and the silt fence is up and the foundation is there. There was a discussion about whether the Chinese restaurant is still going to move into the new building. Keith will talk to Steve about it.

E. Pondview Estates (IW#05-09)

Keith said most of the sidewalk is in, the area is clear and the road is done. Mary said he needs to fill in between the sidewalk and the road. Keith said he is just about done.

F. Chemtura Pond/Dam, Melbourne Street

Keith said other than the e-mails that he provided to the commission he has not heard from them. Keith will be in touch with Art Christian. There was a discussion on DEEP and local permitting. This item will stay on the agenda. Keith will follow up with Chemtura and press for permits.

8. **Review/Approval** of October 2, 2013 Meeting Minutes, October 15, 2013 Show Cause Minutes and October 21, 2013 Site Walk Minutes.

VOTED: 3-0-2 on a motion by Marcia Puc and seconded by Joseph Bakstis to **APPROVE** the October 2, 2013 Meeting Minutes as amended.

FOR

Mary Davis
Joseph Bakstis
Marcia Puc

AGAINST

ABSTAIN

Tracy DeBarber
Sally MacKenzie

VOTED: 4-0-1 on a motion by Marcia Puc and seconded by Tracy DeBarber to **APPROVE** the October 15, 2013 Show Cause Minutes as written.

FOR

Mary Davis
Tracy DeBarber
Marcia Puc
Sally MacKenzie

AGAINST

ABSTAIN

Joseph Bakstis

VOTED: 4-0-1 on a motion by Joseph Bakstis and seconded by Marcia Puc to **APPROVE** the October 21, 2013 Site Walk Minutes as amended.

FOR

Mary Davis
Marcia Puc
Sally MacKenzie
Joseph Bakstis

AGAINST

ABSTAIN

Tracy DeBarber

9. **ADMINISTRATIVE BUSINESS**

A. Review/Approval of 2014 Inland Wetlands Commission Regular Meeting Dates.

The commission changed the April meeting from the 2nd to the 9th.

VOTED: Unanimously on a motion by Marcia Puc and seconded by Tracy DeBarber to **ACCEPT** the 2014 Meeting Dates with changes.

Marcia asked about the curbing at the entrance to Mountview Plaza near the Milestone. She said she was concerned that there is nothing to protect a car from going over the side. Keith will look into that.

Joe asked about Lars Johnson's status. Mary said a note could be sent to the mayor asking to have him removed from the commission due to his absences. There was a discussion that he may be very sick. Mary said that it is in the ordinance that they are allowed to remove him.

The Land Use Office will write a thank you to Alex Olbrys for his service since he was voted in as a burgess and will be unable to serve on this commission.

10. **ADJOURNMENT**

VOTED: Unanimously on a motion by Joe Bakstis and seconded by Sally MacKenzie to **ADJOURN** the meeting at 8:00 P.M.

Respectfully Submitted,

Sally MacKenzie, Secretary /sg