

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING
APRIL 9, 2014**

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

MEMBERS:

Mary Davis, Chair
Sally MacKenzie, Secretary, Absent
Marcia Puc
Tracy DeBarber
Mark Bakstis
Lars Johnson, Alternate, Absent

OTHER:

Keith Rosenfeld, Town Planner
Sue Goggin, Secretary
Public - 2

1. 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

Keith said he is working with Wayne to identify the flood control areas that are mentioned in the report. They are currently prioritizing each of them and determining which are on borough property and which are not. Keith suggested that maybe something can be done with the Earth Day clean-up that's going on in town for the month of April. Mary asked about grant funds. Keith said Wayne is working on that. There has been discussion on forming a flood and erosion control board for the town. Shirley Anderson, 30 Joseph Road, said she was happy to see that the ERT determined what she has been saying all along is right and the town is responsible for all this. She said that behind the HRD should have been dug out 10 years ago. Keith said they are looking at how to allocate borough funds most efficiently. Mary said they also need to get permission from the Army Corp of Engineers. Keith said Wayne has reached out to them and he is waiting to hear. Jennifer Chartier, 569 Rubber Avenue, said she was there trying to find out what's happening. She said she would be very interested in the Earth Day project. Sue will e-mail the information to Jennifer regarding the Earth Day clean-up.

5. **NEW BUSINESS**

- A. Commission discussion/decision regarding an existing Commercial Outdoor Automobile Storage (IW#14-01) located at the Risdon Property, Arch Street, Scott Road, Andrew Avenue and Rubber Avenue; Applicant: A Better Way Wholesale Auto

Attorney Kevin McSherry, 38 Fairview Avenue, said he was there on behalf of the applicant, A Better Way Wholesale Autos. He said about a month ago he was contacted by the Borough of Naugatuck's legal counsel, Attorney Hess, regarding this particular site and the fact that they were going to move A Better Way autos to the Risdon site which was a factory and a parking lot. He said the current owner, First Hartford Capitol, tore down all the buildings, left the foundations in the ground and A Better Way was encouraged by the Borough to leave Parcel B. He said in the middle of trying to work with First Hartford Capitol to solve their tax debt and all those issues, this became the site to move A Better Way to for a period of time. He said A Better Way is purchasing two lots in the industrial park, so this is a temporary stop. They applied for a temporary certificate of occupancy for the premises to move their vehicles there and the zoning commission approved that. He explained the location and the access ways on the map. He said it is pretty much open area and he showed them where the cars are parked and where the 100' setback from the brook is. He went to look at the site because his client said there were concrete walls along the brook, but it is the foundation from the old buildings. He said the foundation stretches out to the traffic area for the fire trucks to come in in the event of a fire. Attorney McSherry said that the foundation acts like a dam. When you are on the parking lot during a heavy rainstorm, all the drains in the parking lot handle the water and it goes straight down and doesn't run off. Wayne Zirolli suggested that they could put down siltation logs rather than hay bales. They would like to be able to park in the area shown on the map. The site is very level. Mary asked why they parked the cars there before they came before the wetlands commission. He said he filed the zoning and wetlands applications simultaneously. He said things moved ahead of him outside of his control and the borough worked in conjunction with moving them off that site. He said part of their concern was staying outside of the 100' Upland Review Area. Mary asked what the rush was for them to move. Attorney McSherry said he did not know and that he went to a meeting on Thursday and was advised of all the moving parts for a Wednesday meeting the following week. He said there are a lot of things moving around that he is unaware of. He said the borough, for some time now, has wanted the vehicles off the property down here. He said in defense of A Better Way, they came before the zoning commission last September and asked for permission, which they were granted, but no vote was taken to use that site. He said the DMV requires them to get a sales permit and a repair permit and they went to the zoning commission to get that. He said the zoning commission signed off on it, but for whatever reason the Naugatuck Police Department refused to sign their portion of the application which basically relates to deciding whether an application is approved and acceptable from a standpoint of the good character of the people asking for the application and this is the same group of people who have applied for and obtained repairer's license for a couple of other areas on Rubber Avenue. He said the town refused to do it and held that up so they couldn't get this site approved through motor vehicle like they wanted to and he thinks that was the impetus that the borough wanted them off the site. Mary asked if the site is paved. Attorney McSherry said portions of it are. Mary asked about where the cars are parked.

Attorney McSherry said it is a different surface, some of it is broken up and it's almost like crushed stone. Mary said their concerns are that the brook isn't disturbed with any kind of run-off from the cars and any oil leakages that might occur from that. She said if the lot isn't paved then it means that when it rains any kind of oil or grease will go down into the soil and eventually wash down and maybe into the brook. Attorney McSherry said there is a drainage system that Risdon had in place and that's where the water goes. He said the concrete foundations act as a dam and everything stays in the parking lot. He said A Better Way was in that parking lot about 3 or 4 years ago. Mary said they will have to go look at it. Attorney McSherry said it is not a typical wetland site. He said when you go the 100' back, it is concrete. He said there are some areas that there is some green between the back of the factory and the brook, but it's behind a concrete wall. Tracy asked if the area where the cars are parked now is intended to be temporary or a permanent overflow lot. Attorney McSherry said that will be an overflow lot until they can move to the industrial park. Tracy asked when that is expected. Attorney McSherry said depending on approvals it could be anywhere from 8-18 months. He explained the temporary permit process. A Better Way has a month to month lease with First Hartford Capitol. Keith said the planning commission on Monday is going to consider an 8-24 referral from the Borough Board on the sale of the industrial park land. Mary said they have had some issues with the applicant in the past and it took a while to straighten them out. Mark Bakstis asked if the access road is currently in place with the fire truck turnaround. Attorney McSherry said yes. He said they are not parking any vehicles in it and it is 26' wide, so the vehicles are now 126' away from the brook. Mary said her other concern is that up and down Rubber Avenue there are all the different auto places that park against the brook even though they are told not to. The commission scheduled a site walk for April 16, 2014 at 5:30 P.M.

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

There were no additional items.

6. **CORRESPONDENCE**

Keith said the commission was given a copy of what Mr. DaSilva was given to plant on his property in the area where the trees were cut.

7. **WEO REPORT**

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

Keith said Autohaus is in trouble with the building department because they put in a second floor inside their building without proper permits. He said his pursuit is to get them to remove the items from the rear of the property and also create the rain garden. Keith will send them a notice of violation and cc Attorney Fitzpatrick. There was a discussing about revoking his wetlands permit. Keith will find out that information.

B. Dmuchowski Property, 45 High Street

Keith said there is a lien pending on the property and he got the name of someone to contact at the bank. He sent her a letter to contact him. He said Wayne thinks the problem can be simply fixed with a new grate for a very long period of time. He's hoping to hear from the woman he wrote to soon. He will follow up with her.

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

Keith said they have not done any outside site work over the winter. They probably will be starting up again this month. Keith said he gave them notice of the bi-annual water testing should be done either May 1st or June 1st then every 6 months from there.

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

There was no discussion on this.

E. Pondview Estates (IW#05-09)

Keith said they will be coming before the planning commission on Monday to ask for a reduction of their bond. He said they are 99.9% done so they are going to close that file once they get permission from the planning commission. Mark said they didn't backfill the sidewalk and they still have their silt fence up. Keith said he will check on that.

F. Chemtura Pond/Dam, Melbourne Street

This item can be taken off the agenda.

G. DaSilva Property, 0 Edward Street, Naugatuck, CT

Keith said he met with Mr. DaSilva and reiterated the need for the groundcover. He's going to call Keith when he decides the types of groundcover he's going to use.

H. Excalibur LLC Property, 450 Rubber Avenue

Keith said he went by there a number of times and couldn't find anyone washing cars but he did speak to a woman who works there. He also wrote a letter to the owner who assured Keith that they will not be washing any of their commercial vehicles. He said the garage is very clean. Keith said the owner understood and did not cause any problems with washing cars. Mark said the owner is a stand-up guy.

8. **Review/Approval** of January 8, 2014 Public Hearing Minutes, January 8, 2014 Regular Meeting Minutes, January 14, 2014 Special Meeting Minutes and March 5, 2014 Minutes.

VOTED: Unanimously on a motion by Marcia Puc and seconded by Tracy DeBarber to **APPROVE** the January 8, 2014 Public Hearing Minutes as written.

VOTED: Unanimously on a motion Tracy DeBarber and seconded by Marcia Puc to **APPROVE** the January 8, 2014 Regular Meeting Minutes as written.

VOTED: Unanimously on a motion by Marcia Puc and seconded by Tracy DeBarber to **APPROVE** the January 14, 2014 Special Meeting Minutes as written.

VOTED: 3-0-1 on a motion by Tracy DeBarber and seconded by Marcia Puc to **APPROVE** the March 5, 2014 Meeting Minutes.

9. **ADMINISTRATIVE BUSINESS**

Mary mentioned an article from the CACIWC newsletter regarding the regulations. She said that the DEEP examined towns in CT to see how many commissions have adopted language from the DEP 1997 Upland Review Area Guidance Document: **“The Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.”** Mary noted that Naugatuck does have the above language in their regulations.

Keith handed out a sheet with an updated wetlands permit status.

10. **ADJOURNMENT**

VOTED: Unanimously on a motion by Marcia Puc and seconded by Tracy DeBarber to **ADJOURN** the meeting at 7:21 P.M.

Respectfully Submitted,

Sally MacKenzie, Secretary /sg