

DRAFT

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING
MAY 7, 2014**

Mary Davis called this meeting to order at 6:10 PM with the following in attendance:

MEMBERS:

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

OTHER:

Wayne Zirolli, Borough Engineer
Sue Goggin, Secretary
Public - 0

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

Wayne said he is going to have to revisit this. Mary said they will put this on hold for a little bit until the Land Use and Engineering offices are staffed with replacements. Wayne would like to have discussions before the meetings. Mary said they will keep this on the agenda.

B. 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, said he was there representing the applicant, A Better Way Auto. Mary said it was not a complete application and that it was missing information. Sally said she drove by and saw three trucks parked in the green zone. She said the parking lot was jammed full of cars. She also asked if they could control the number of cars being parked there. Marcia asked if the fire road is being parked in and if it is well marked. Attorney McSherry said the ZEO and Asst. ZEO went out there and spray painted lines at the 100' Upland Review Area. He said he will check on that. Mary said there are two issues at hand. She said as a wetlands commissioner she doesn't know which way to turn because they have an applicant

coming before the board who is already on the property and now he is coming with an application saying he only wants to be on it temporarily. She said there is the potential for a lot of problems with the cars being close to the brook. She said it is in a flood plain and they also don't know what's in the soil there. Also, if they came in with an application, they are not the owner of the property, so will they do the work the commission requests. In addition, she said there is no such thing as a temporary wetlands permit. If the commission issued them a permit then it would be permanent. If it were to be permanent they would want the parking lot to be paved. Attorney McSherry said the owner, Joe Gorbecki, would like to move as quickly as he can off the Risdon site. He said the Borough Board voted to sell the lots in the Industrial Park to A Better Way. He said Joe is looking at closing right away and immediately preparing that site, to at least move the cars off the Risdon site as quickly as possible. Mary asked if they will be willing to do improvements to the site. Attorney McSherry said he does not see that as being an issue. Mary referred to the zoning commission minutes which say that the town will get a portion of the back taxes owed on the property. Attorney McSherry said the application before them is proper. He said when a person has an interest in a property, whether it is ownership or tenant, they can bring an application and present it. He said the lease provisions say that the tenant is responsible to comply with law. In walking the site, he said there were some concerns with where the water was going and they need to know if any dye has been put in the basins. Mary said she thinks Wayne can answer some of those questions. Attorney McSherry said there are a couple of other things that concern him and one of them is trying to get some information on the demolition of the buildings and whether or not any testing was done. Wayne said he doesn't have any information on that. Mary said she was concerned about water coming from the bank and when they had their meeting there was a map that showed a drainage pipe. Wayne said that water is not coming from the same area as the drainage pipe. The drainage pipe goes either under the building or more probably alongside the south side of the building all the way toward Arch Street to the catch basins on the east side of the property. The drainage pipes in those catch basins were heading toward the south of the property. He thinks they ran a pipe along the back of the parking lot. He said the water appears to be running under Andrew Avenue and across the site. Mary said there's nothing in the catch basins to catch anything. Wayne said that's something the commission will need to discuss as part of the application process. Attorney McSherry suggested that they could issue a permit for as long as the temporary zoning permit is valid. He said the work that needs to be done is not a big thing to do. There was a discussion on the drainage at the intersection of Scott Street and Andrew Avenue. Wayne explained the topography of the property. Mary asked how much of the property is paved. Wayne showed the commission on the map. Wayne said they could put a separator or storm water insert into the catch basins. Mary said she was concerned

with oil going down into the gravel portion of the parking lot and ultimately into the brook. Attorney McSherry said having a separator system in the catch basins will help protect it. Mary said there are a lot of cars on the site. Attorney McSherry said his inventory runs from about 300-500 cars. Sally asked if the logs could be put in immediately at the 100' Upland Review Area so that they could not drive into that area. Mary said that is a brownfield site and if anyone was going to do work in it they have to work through the DEEP. Mark said they are risking the commission's integrity. Marcia asked why the cars are there before they came before the commission. Attorney McSherry explained the history of A Better Way on Parcel B. There was a discussion over past violations of car washing by A Better Way close to Long Meadow Pond Brook. Mary said she would like to have the map and any reports sent to Southwest and for Roman to walk the site with Wayne and give a report. A note should be included for him to try to come before the next meeting. Sally asked when they are gone will the permit run with the property. Attorney McSherry said that they have to fashion the wording so it has a time frame. Mary said that is not in their regulations. Attorney McSherry suggested that they issue a violation order with conditions. Mary said it could be an order for them to remain temporarily on that site. It would have to go out as a Notice of Violation with a 30 day time frame. The Notice of Violation will be sent out tomorrow

The commission voted unanimously to send out the Notice of Violation with the following conditions:

1. Booms are to be installed along the north and southwest sides of the property as designated by the Borough Engineer;
2. Stormwater inserts (oil and grit) are to be installed in all drains;
3. The use will be for temporary storage only; No washing of cars, fueling operations, maintenance, changing of auto fluids or motor oil or other activities;
4. Spill protocols shall be established in writing and be provided to the Inland Wetlands Commission. The protocols shall be posted on-site and be readily available along with any required equipment and supplies. In addition, the staff shall be trained and be familiar with the spill protocols. Any applicable regulations from the State DEEP shall be complied with;
5. This notice may be amended by the Inland Wetlands Commission from time to time to include any additional information from the IWC, the Borough Engineer and Southwest Conservation;
6. All necessary items listed shall be done within 30 days from the date of this letter.

Attorney McSherry will come to next month's meeting and hopefully they will have a report from Roman.

The commission took a recess at 7:35 P.M.
The commission reconvened at 7:45 P.M.

Marcia asked about a house on Field Street about 4 houses up in the left. She said a tree fell on the house a couple of years ago and there is still a hole in the roof. The hole was covered with a tarp and is now ripped and looks terrible. Sue will talk to Bill Herzmann about this.

5. **NEW BUSINESS**

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

There were no additional items.

6. **CORRESPONDENCE**

The only correspondence was the CACIWC report.

7. **WEO REPORT**

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

Mary read into the record a letter from Autohaus dated May 7, 2014 that they would not be able to make tonight's meeting. Sue and Keith went to visit the site and there is still a trailer remaining on the side of the building. Mary said Land Use needs to send them a certified letter to remove the trailer in the next 30 days.

B. Dmuchowski Property, 45 High Street

Mary read a letter from Keith about the property being foreclosed on. In the letter, he asked the bank who is responsible for maintenance and upkeep of the property.

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

Wayne said he will begin going to the meetings again. Mary asked for a short report on the progress. Wayne said they are neatening up the parking areas and plantings are in the rain gardens. He will have more information at the next meeting. Tracy asked about the water samples. Wayne said they knew they had to do it at this time but he will follow up.

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

Sue and Keith drove out there today and the bank is stabilized with woodchips. Sue said it looked good.

E. Pondview Estates (IW#05-09)

Wayne said Mr. Pereira still has to stabilize behind the sidewalk and fix the silt fence. Sue will send him a reminder letter.

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

Sue said Mr. DaSilva stopped in Land Use today and said he couldn't make the meeting. He did give pictures of the plantings. Sue showed them to the commission. Mary said that should stabilize it.

7. **Review/Approval** of April 9, 2014 Regular Meeting Minutes and April 16, 2014 Special Meeting Sitewalk Minutes.

VOTED: 4-0-1 on a motion by Marcia Puc and seconded by Tracy DeBarber to **APPROVE** the April 9, 2014 Regular Meeting Minutes with changes.

FOR

Mary Davis
Marcia Puc
Tracy DeBarber
Mark Bakstis

AGAINST

ABSTAIN

Sally MacKenzie

VOTED: Unanimously on a motion by Tracy DeBarber and seconded by Sally MacKenzie to **APPROVE** the April 16, 2014 Special Meeting Sitewalk Minutes with changes.

9. **ADMINISTRATIVE BUSINESS**

Mary asked about the cutting of trees on Margaret Circle. Sue said she and Keith went out there to look at the property today. Mary asked if Keith found out why they cut them down. Sue said Keith sent them a letter. Sue said they planted grass on the area. Wayne said they may be preparing a picnic area.

10. **ADJOURNMENT**

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Marcia Puc to **ADJOURN** the meeting at 8:10 P.M.

Respectfully Submitted,

Sally MacKenzie, Secretary /sg