

**INLAND AND WETLANDS COMMISSION  
REGULAR MEETING  
SEPTEMBER 3, 2014**

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

**MEMBERS:**

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

**OTHER:**

Wayne Zirolli, Borough Engineer  
Sue Goggin, Secretary  
James Stewart, Director of Public Works  
Public - 1

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:  
Rocky Vitale, 180 East Waterbury Road, discussed the proposed dog park on Andrew Mountain Road on land purchased by the Borough. He offered to submit his proposal to the Commission, but Mary Davis told him he could do it at the time of his application. He noted he wanted to get town involvement on this project.
4. **OLD BUSINESS**
  - A. Long Meadow Pond Brook ERT Study  
  
Mary said this item is postponed temporarily due to lack of staffing. They will keep this on the agenda.
  - B. Commission discussion 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.  
Sue Goggin stated that she and Wayne Zirolli had been to the site last week. She noted the inserts were put into the catch basins, the boom was installed, and there is no parking past where they are allowed to. Sue said she spoke with Ellen at the fire department in regards to the emergency fire lane. Ellen stated it needs to be where it is now. They need to have cars on both sides of the fire lane. Mary Davis asked to keep this on the agenda and that staff continue to do inspections. Mrs. Davis asked for a maintenance schedule and to check the conditions of maintenance.
  - C. Commission discussion/decision for two proposed houses and sewer connections within the 100' Upland Review Area on Lot W-12 and

Lot W-13 on Rubber Avenue (IW #14-04); Applicant: The Views at Long Meadow Brook.

Mary Davis read section 10.2.1 on the environmental impact this activity would have on the wetlands. Mrs. Davis said there was an alternate plan suggested by using septic instead of public sewers. Marcia Puc expressed her concerns with the work in the wetlands. Mary Davis reviewed the plans. Sally MacKenzie said there wasn't much discussion regarding grading. Mary noted this is located in a flood plain. Mrs. Davis stated that even though WPCA requires connection to city sewer, this board is not binding to do so. Mark Bakstis noted the applicant is not present tonight. Attorney McVerry stated he was at the meeting to represent his applicant. Mark stated the applicant had said it would be less impact to wetlands to hook up to sewer lines than it would be to install a septic system. Mary said he was talking of the 100 foot upland review area. Mr. Bakstis asked if there were enough setbacks for the well and septic on 2 building lots. He wondered if they could meet the requirements. Mary Davis said if they combined the lots there definitely would be. She noted the applicant did not submit any alternate plans. The Commission agreed the activity would be significant. Mrs. Davis noted there would be considerable disturbance in the backyard.

**VOTED:** Unanimously on a motion by Marcia Puc and seconded by Sally MacKenzie to **DENY** application IW #14-04, The Views at Long Meadow Brook, regarding the proposal for two houses and sewer connections within the 100' Upland Review Area for Lots W-12 & W-13 on Rubber Avenue. Regarding the commission's considerations for decision, 10.2.2 was referenced. The applicant's purpose for the proposed regulated activity and any feasible and prudent alternatives to that activity which would achieve the same basic purpose with less or no environmental impact to wetlands and watercourses. The alternatives to the proposed action, including a consideration of alternatives, which might enhance environmental quality or have a less detrimental effect and which could feasibly attain the basic objectives of the activity proposed in the application. This consideration should include but is not limited to the alternative of requiring actions of different environmental impacts, such as using a different location for the activity. A more feasible and prudent alternative with less detrimental effects would be to install septic systems instead of public sewers in order to keep activity out of the wetlands. Another alternative would be to consider combining the two small lots into one larger lot in order to have room to build a larger house with septic system and well, keeping the wetland area undisturbed, which would be no impact on the wetlands. The commission may require the applicant to evaluate the impact of an activity on upstream and downstream wetlands and watercourses, stream corridors, as well as impacts on the overall watershed. On and offsite wetlands, along with associated upland areas may be part of this watershed evaluation. In the 100' Upland Review Area, a lot of work is being done in the backyards- sewer line installation, the galleys-

which will cause further disturbance, such as erosion and pollution to the wetland and meadow and large pond and brook adjacent to the property. The commission referenced 10.2.1- there is considerable environmental impact of the proposed regulated activity on wetlands and watercourses beyond the 100' regulated area. There is a lot of work being done in the Upland Review area- the lowboys and the roof drain galleys, as well as the homes that will be built in the Upland Review area. These changes in the Upland Review area would cause further disturbance to the wet meadows and brook. The three regulations that apply are 10.2.1, 10.2.2 & 10.2.7.

- D. Commission discussion/decision regarding special permit for building addition to existing Metro Mart with additional drainage and grading located at 1419 New Haven Road (IW #14-08); Applicant: MNA Property Holding, LLC

Steve Pustola noted at the last meeting the Commission had made some suggestions on changes, and wanted to review the revisions that were made. He said they added a conservation easement. Mr. Pustola reviewed and showed the revision on the plans. He noted that instead of a wall, he has suggested a berm with plantings on the top. Mary Davis read Wayne Zirolli's additional comments into the record. There was a discussion on the demarcation of the conservation easement. Mary Davis asked for signage to be put up.

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Mark Bakstis to **APPROVE** IW#14-08, Applicant: MNA Property Holding, LLC, at 1419 New Haven Road for addition to an existing building at Metro Mart, with the following conditions:

1. General conditions,
2. Conservation easement signs to be added during or after construction is complete,
3. That the cement trucks don't empty their tailings into the wetlands or into the storm sewers.

5. **NEW BUSINESS**

- A. Commission discussion/decision regarding proposed construction and installation of bridge across Baummer's Pond (IW #14-10); Applicant: Charles Fogie

Charles Fogie, Prospect, stated he was working on his Eagle Project which would be re-installing a bridge at Baummer's Pond. He stated the previous bridge was torn down due to wear and tear. He noted the spot is vacant with good supports. He said the bridge will be built off site. Charles said the bridge would be secured to the existing stone foundation by metal brackets. He said nothing will be disturbed in the wetlands. Sue Goggin stated she spoke with Attorney Fitzpatrick and he said this does not need to go before Borough Board, but that the town would need a copy of the Boy Scouts

Insurance. Charles said he had asked for a copy, but the Boy Scouts will not give it to him until he sets a date for the project. Jim Stewart said he spoke with Bill Herzman, Building Inspector, who reviewed the plans. Mr. Herzman had a few comments, and noted Mr. Fogie will also need to obtain a building permit. Mr. Stewart said the bridge would need to be inspected by the Building Department. Wayne Zirolli said he visited the site and noted this bridge would match the previous one. He stated there will be no impacts to the wetlands. Mary Davis said because the applicant is under 18 years old there would need to be adult supervision. Jim Stewart reviewed the comments made from Bill Herzman. Mr. Stewart noted Charles would also need to go before the Parks Commission.

**VOTED:** Unanimously on a motion by Marcia Puc and seconded by Sally MacKenzie to **APPROVE** the proposed construction and installation of a bridge across Baummer's Pond (IW #14-10), Applicant: Charles Fogie

- B. Commission discussion/decision regarding replacement of the existing Cumberland Farms building at 527 North Main Street (IW #14-09); Applicant: Cumberland Farms, Inc.

Patrick O'Leary, VHB, 100 Great Meadows Rd, Wethersfield, PE, gave the Commission handouts. Mr. O'Leary reviewed the plans with the board. He stated they are proposing to reconstruct a new Cumberland Farms building. The existing building will be removed. He stated there are no wetlands or regulated areas on the project property. Mary Davis agreed that the project is not within a regulated area. She noted the application is complete. Sally MacKenzie stated the back of the property is extremely steep and asked whether they would be cutting into it. Patrick answered yes, and they would be installing a retaining wall. Mrs. Davis asked about catch basins on site. Patrick showed the water quality measures they are taking in constructing the site. There was a discussion on the storage tanks. Mark Bakstis asked if the excavation would exceed 350 cubic yards. Patrick answered yes. Mary Davis asked that Wayne and Sue give a report to the Commission. Mrs. Davis asked to keep this item on the agenda for next month's meeting.

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

George Pendleton, Kleinfelder Inc, explained there was a partial failure located in a retaining wall between the North Main Street Bridge and the Route 8 Bridge at an existing sewer site. Mr. Pendleton noted they were before the Commission last winter. He submitted pictures to the Commission and stated they were easier to explain than using a site plan. He reviewed them with the Commission. He stated they are fixing the retaining walls which protect the sewer system

structures. Mr. Pendleton also handed the Commission plans for the project. He said they will be working within the watercourse and upland review area on both sides. The replaced wall will be exactly the same as the one that previously existed. He stated they will be working in accordance with the Army Corp of Engineer requirements. He noted there will not be heavy equipment in the brook, all that work will be done from above.

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Marcia Puc that IW #13-07, Fulling Mill Brook Maintenance Project located within a watercourse is significant activity, Applicant: Borough of Naugatuck.

A Public Hearing was set for the October 1, 2014 at 6:00 P.M. A site walk was set for September 24, 2014 at 5:00 P.M.

D. 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)

Sue Goggin stated there was nothing new to report. She said that she has started writing a report. Mary Davis asked if this was going to be given to Joe Savarese. Mrs. Goggin answered yes, but he hasn't been sworn in yet.

B. Dmuchowski Property, 45 High Street

Nothing new to report.

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

Mary Davis read the report from Wayne Zirolli updating the progress on the site into the record. Wayne said they toured the site by car yesterday. He said the drainage is functioning well. There was a discussion on the site being re-tested.

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

Sue Goggin said the parking lot has been paved, and the only thing they are waiting on is the mesh backing for the fence.

E. Pondview Estates (IW#05-09)

Mrs. Goggin stated the silt fence was taken down, the area has been stabilized, and the grass has grown in. She noted the Commission was just waiting on Wayne's okay. Mr. Zirolli said it looks okay. This item will be removed from the agenda.

F. Chemical spraying of brush by street department.

Jim Stewart stated the Borough has a significant problem with brush overgrowing into the roads and lessening visibility. He said recently the brush tractor broke down and they finally got a new unit which came late this summer. They decided to contact the State approved vendor for spraying, he met with the town to discuss the type of chemicals used and where they could be used. Mr. Stewart said they are not supposed to spray it in the water or sensitive areas. He said they demarked the sensitive areas on the cutting map. He feels the project has been successful. He said this is the first year since he's been with the town that they have been able to keep up with the brush cutting. Mr. Stewart said if the Commission has certain areas they are concerned with, then they will remove them from the cutting map. Mary Davis asked to keep this on the agenda for next month.

G. Notice of Violation, Nardelli's Maple Street.

Mary Davis reviewed the letter that was included in the packets. It was noticed that an employee was emptying a floor bucket container into the storm drain. The letter requested that Nardelli's respond within 10 days. There has been no written response. The Commission decided to send another letter and if no response is received within the next 10 days they will be required to appear at the next meeting.

8. **Review/Approval** of August 6, 2014 Public Hearing and Regular Meeting Minutes.

**VOTED:** Unanimously on a motion by Marcia Puc and seconded by Sally MacKenzie to **APPROVE** the August 6, 2014 Public Hearing Minutes for IW #14-05 and IW #14-06 as presented.

**VOTED:** Unanimously on a motion by Marcia Puc and seconded by Sally MacKenzie to **APPROVE** the August 6, 2014 Public Hearing Minutes for IW #14-04 as presented.

**VOTED:** Unanimously on a motion by Marcia Puc and seconded by Sally MacKenzie to **APPROVE** the August 6, 2014 Regular Meeting Minutes as presented.

9. **ADMINISTRATIVE BUSINESS**

Mary Davis asked about the permit expiration date status. Sue Goggin said it was all set and the Commission will be getting a copy soon.

10. **ADJOURNMENT**

**VOTED:** Unanimously on a motion Sally MacKenzie by and seconded by Marcia Puc to **ADJOURN** the meeting at 9:15 P.M.

Respectfully Submitted,  
Sally MacKenzie, Secretary /rp