

**INLAND WETLANDS COMMISSION
REGULAR MEETING
November 4, 2015**

MEMBERS:

Mary Davis, Chair
Sally MacKenzie, absent
Marcia Puc
Tracy DeBarber
Mark Bakstis

OTHER:

Sue Goggin, Town Planner/ZEO/WEO
Lori Rotella, Assistant ZEO
Wayne Zirolli, Borough Engineer
Public - 8
Boy Scout Troop 138 - 10

SHOW CAUSE HEARING

6:00 P.M. Continued Show Cause Hearing for activities within the 100 foot wetland and watercourse Upland Review Area at 106 Bowman Drive.

Louise Gertz was not at the Show Cause Hearing. Tracy DeBarber thought she saw her in the hallway. Susan Goggin and Wayne Zirolli went to inspect the work being done. Susan noted the wood chips have been spread on half of the bank, it is graded level, the trees are cleaned up and the wood is moved up by the house. There is a little more work to be done to stabilize the bank. Susan also noted that Louise Gertz was home at the time of the inspection. She said she will continue to do the work, as long as the weather stays nice. Mary Davis advised staff to keep this item on the agenda until spring. Mary has also requested that Susan and Wayne inspect the property one more time before the December 2015 meeting. She also expressed that she would like Louise to come to the December 2015 meeting.

Show Cause Hearing continued to December 2, 2015 at 6:00 P.M.

Meeting recessed at 6:30 P.M.

Meeting reconvened at 6:45 P.M.

PUBLIC HEARING AGENDA

6:30 P.M. PUBLIC HEARING – for activities considered significant regarding a proposed plan for construction of 42,600 square foot building and parking lot within the 100' Upland Review Area at Lots 18 & 30 Raytkwich Road (IW#15-05), Applicant: A Better Way Auto

Attorney Kevin McSherry, 39 Fairview Avenue, Naugatuck representing A Better Way Auto began by thanking the commission for their patience waiting for the applicant (who was stuck in traffic on the highway due to an accident). Attorney McSherry summarized for the commission where the wetlands are located on the map and where the activity will be. He

noted that they will put signage up for the conservation easement, if the commission feels this is necessary. Attorney McSherry also reminded the commission that there are 2 lots and there will be well under 10,000 cubic yards of earth excavation being done. Mike Lambert, Civil Engineer with Harry E Cole and Son, 876 South Main Street, Plantsville, CT explained to the commission the changes made to the maps based on the commissions and neighbor's concerns. Mary Davis inquired about what areas will be paved. Mike explained they will be paving the entrance and a small section around the building. The rest of the lot will be gravel. He explained he will have to apply to DEEP for a general permit. DEEP will decide if this will be considered a commercial or industrial activity and that decision will dictate how much of the lot will have to be paved. Wayne Zirolli noted in his report that he felt the lot should be paved and Mary Davis agreed. Mike Lambert explained where and how the oil water separators will work to address the concern of fluids seeping into the ground. Mark Bakstis also has a concern with the fluids from the cars seeping through the gravel and into the ground. Mary Davis noted we will have a report from Southwest Conservation by the December 2015 meeting. She also mentioned that the Inland Wetlands decision supersedes that report and they can impose stricter regulations if they feel the need to protect the wetlands. Mary pointed out that the parking on both the North and South sides of the property infringe on the 100' buffer area and requested that the parking be reduced in that area to pull the cars out of the wetland area. Attorney McSherry believed his client can accommodate that request. Mike Lambert questioned if the access way to the parking area also needs to be moved. Mary would like that area moved also and asked for Wayne Zirolli's comments. Wayne believed the north side of the property with the gas easement should be able to stay as designed and the only changes should be made to the south side. Mark Bakstis agreed with Wayne. Susan gave Mary a copy of the conservation easement wording drawn up by Attorney McSherry. There was a discussion on the retaining wall in the front of the property regarding the height and if a security fence should be built on top of the wall. The commission would like to have the wall designed by a structural engineer. Mary Davis opened the meeting to the public. Fred Perugini, 47 Jolie Road believed the pavement was for 335 cars and wanted to know why the permit is referencing 800 cars. Attorney McSherry explained the plan was originally for 900 cars but has been reduced. Mr. Perugini also had a concern that the oil water separators will not catch antifreeze. Nela Canale, 87 Jolie Road, wanted to start by saying that she thinks they are doing a wonderful job with addressing the neighbor's concerns. She is also concerned with her well water and all of the fluids seeping into the ground. Mary Davis explained that the Wetlands Commission doesn't regulate that. Wayne Zirolli commented that the ground slopes down from Jolie Road and any seepage would more than likely move downhill and not up towards the wells. Nela commented the wells in the neighborhood are between 300 – 400 feet deep. James Oliveira, 66 Jolie Road, would like to know when the application will be submitted to DEEP. Attorney McSherry replied they cannot submit the

application to DEEP until they receive local approval. James felt this should be considered a fleet and therefore should be considered industrial under the DEEP permit. Attorney McSherry explained that the cars are not owned by A Better Way and therefore is not considered to be a fleet. He also noted that DEEP would ultimately decide if this is considered commercial or industrial. Mary advised James to speak to someone at DEEP to possibly help clarify what is considered a fleet. James would also like to know if the public will be notified when the application is submitted to DEEP. Attorney McSherry will find out if any notice is required. Mary explained that the commission is still waiting on Southwest Conservation to review the application. The commission will not close the public hearing until they receive that review.

Mary Davis extended the Public Hearing until November 23, 2015 at 6:00 P.M.

REGULAR MEETING

1. Mary Davis called this meeting to order at 6:15 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 none.

3. Public comment
There was no public comment.

4. **OLD BUSINESS**

A. Long Meadow Pond Brook ERT Study

Susan Goggin noted there was no new information at this time.

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.

Susan Goggin inspected the property last week and informed the commission that everything looked good. The cars are parked where they should be and there are no issues.

C. Commission discussion/decision regarding significance of activities for proposed construction of 42,600 square foot building and parking lot on Lots 18 & 30 Raykwich Road (IW#15-05), Applicant: A Better Way Auto

No discussion at this time. Continued until the November 23, 2015 special meeting.

5. **NEW BUSINESS**

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

No additional items.

6. **CORRESPONDENCE**

Susan Goggin mentioned to the commission that they received their CACIWC newsletter. It was mailed to them in their packets.

7. **WEO REPORT**

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

Susan Goggin reported a flatbed truck was parked in the back of the building close to the brook. Susan will make a phone call to Autohaus to address this issue.

B. Primo Enterprises, LLC, 45 High Street

There was nothing new to report on this property. Susan Goggin did remind the commission that Primo Enterprises, LLC has spoken to Wayne in the past asking him what ideas he has to prevent the flooding. They do know it will need to be addressed. There has been no flooding.

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

There was nothing new to report. The next testing will be done in November 2015. Wayne Zirolli will receive the results and will pass them along to the commission, hopefully for the December 2015 meeting.

D. A Better Way Auto

Susan Goggin reported that she noticed a lot of tires located on A Better Way Auto's lot today, November 4, 2015. Wayne Zirolli noted it appeared to be approximately 50 tires stacked close to the brook. Mary Davis inquired if there are any regulations prohibiting the storing of tires on a lot. Susan will look into this and see if the DMV has any guidelines to follow. Wayne Zirolli noted the tires are against a solid fence and there is no concern about them falling into the brook. His concern is with seepage over time. He also mentioned that he could not tell if the tires were sitting on pavement. Susan will email John Clouser from A Better Way to request the tires be moved. Mary Davis would like this item added to the agenda for the December 2, 2015 meeting.

8. **Review/Approval** of the October 7, 2015 Public Hearing and Regular Meeting Minutes.

VOTED: Unanimously on a motion by Tracy DeBarber and seconded by Marcia Puc to **APPROVE** the Public Hearing and Regular Meeting Minutes.

9. **ADMINISTRATIVE BUSINESS**

A. Review/approval of 2016 Inland Wetlands Commission Meeting Dates.

VOTED: Unanimously on a motion by Marcia Puc and seconded by Tracy DeBarber to **APPROVE** the 2016 meeting dates.

10. **ADJOURNMENT**

VOTED: Unanimously on a motion by Mark Bakstis and seconded by Tracy DeBarber to **ADJOURN** the meeting at 7:50 P.M.

Respectfully Submitted,
Sally MacKenzie, Secretary /lr