

**INLAND WETLANDS COMMISSION
REGULAR MEETING
April 6, 2016**

MEMBERS:

Mary Davis, Chair
Sally MacKenzie - absent
Marcia Puc
Tracy DeBarber
Mark Bakstis
Alex Olbrys, Alternate

OTHER:

Sue Goggin, Town Planner/ZEO/WEO
Lori Rotella, Assistant ZEO
Wayne Zirolli, Borough Engineer
Public - 1

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.

Applicant will be back in the spring when notified by the Land Use office.

Louise Gertz, 106 Bowman Drive explained to the commission that she will be planting butterfly bushes, rose of Sharon, and mums once the weather warms up. Susan Goggin noted that the woodchips still need to be spread. Susan stated she will meet with Louise on Friday, April 8th to inspect the property. Susan also noted that the last time she inspected the property with Wayne Zirolli, there didn't appear to be any erosion. Susan went over what was to be done in each of the phases for the commission. Phase I included flagging the 100' upland review area, stabilizing the embankment, spreading wood chips, removing vines and shrubs and moving the firewood. Phase II was to spread stone. Phase III was to plant garden and fruit trees and install a split rail fence. The commission would like to see Phase II done before Phase III. Louise explained she could not get the stone until spring, but she will be getting it soon. She also noted that she will be planting first and then will spread the woodchips. Louise will be back at the May meeting with an update.

REGULAR MEETING

1. Mary Davis called this meeting to order at 6:15 P.M. Mary noted there was a quorum. Alex Olbrys was made a regular voting member in place of Sally MacKenzie. Mary 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

There is nothing new to report on this. Susan Goggin stated that she has not received any new complaints regarding any flooding.

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 reported to the commission that it still looks the same and the cars are parked in the proper location. Susan also stated that test borings for ledge have been done at the new site. Wayne Zirolli and Susan Goggin drove by the new site a couple of weeks ago and noted that they were starting to clean up the wood that was cut and machines were on site. There was no other work done at that point.

5. **NEW BUSINESS**

A. Commission discussion regarding parking lot at 38 Cherry Street (IW#13-02).

Susan Goggin passed out a map of the site. Mary Davis gave the commission a little background as to where the location of the site is located and what they were previously doing on the property in regards to fixing cars there. The location is right next to the brook. She also recalled that the applicant was supposed to put in a catch basin with a hydro dynamic separator to protect the brook and pave the lot. Wayne Zirolli explained that the applicant is requesting to put in processed stone instead of paving the lot and putting in one to two dry wells in the middle of the parking lot instead of the hydro dynamic separator. Mary stated this property had many zoning and wetlands violations. When this was previously approved the applicant agreed to the plan. There was a discussion on the reason the commission originally wanted the parking lot paved. The commission feels they made a good decision. Susan noted what the original special permit stated: this was to be a wholesale store with up to 5 cars, no washing and no repairs to be done on site. Wayne explained to the commission the difference between a dry well and a hydro dynamic separator. Mary read Roman Mrozinski's report dated June 25, 2013 into the record. The commission agreed with Roman's report that the lot should be paved. They are sticking with their original decision with no changes. Susan will inform the applicant.

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

VOTED: Unanimously on a motion by Mary Davis and seconded by Alex Olbrys to add to the agenda a discussion regarding a reduction in wetland fees for A Better Way Auto.

Susan Goggin gave the commission a brief explanation of why A Better Way is looking to reduce their wetland fees for the property on 18-30 Raytkwich Road. Attorney Kevin McSherry explained that he was contacted by John Clouser from

A Better Way Auto to go before the commission to request a reduction in their wetland fees due to the significant modifications they made to their site plan which resulted in a reduction in the number of cars allowed on the lot. They are looking to reduce their fees from \$6,704.05 to half of that amount. Mary Davis explained that the commission does not normally reduce disturbance fees. She also stated she feels the commission worked with the applicant and could have been a lot stricter without causing them a hardship. The commission wants to look into who establishes a policy on reducing fees. Their concern was setting a precedent and then other applicants would come back to have their fees reduced. Attorney McSherry stated this is the only commission they are asking for a reduction of fees from. Susan Goggin will talk to Attorney Fitzpatrick to find out if this is allowed, and if it is, who would grant the reduction and on what grounds would the reduction be granted.

6. **CORRESPONDENCE**

There was none.

7. **WEO REPORT**

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

Susan Goggin explained there is nothing new to report on this item. Susan drove by and could not see any tires under the tractor trailer bed. There was a lengthy discussion on how to proceed with this item. The commission believes it has been on their agenda too long and they need to figure out a way to have the applicant comply with the original terms of his wetlands permit. Susan stated that the last time she spoke with the applicant; he felt he was being targeted. Mary feels the commission is not trying to pick on him and she believes that he was given plenty of time to complete the conditions of his permit. Mary would like Sue to speak to the Mayor and ask if we can use another attorney, if we need to, since the town attorney has a conflict of interest. Susan will email the commission regarding the Mayor's thoughts on hiring an attorney. The commission would also like Susan to reach out to the applicant and let him know they would like two items completed: 1) remove the trailer on the side of the building and 2) put in the rain garden. After they are done, they will remove this item from the agenda. Mary requested that Susan send another letter to the applicant stating that Wayne and Susan will make a visit to the property again to go over these two items. Susan will also talk to the Building Inspector.

B. Primo Enterprises, LLC, 45 High Street

Susan Goggin stated that she has not sent Primo Enterprises, LLC a letter at this time. Wayne Zirolli will be reaching out to Carlos Santos. There has been no new flooding for approximately the past two years according to Wayne. Susan will go to the property on Friday, April 8th to inspect with Wayne. Mary stated if the property still looks good, the commission will discuss, at the May 4th meeting, taking this item off of the agenda in June.

C. Naugatuck HS Renovation (IW#12-04) – water quality test results

Wayne Zirolli has the new water quality test results. The lead and zinc levels have increased from the last water test. The next test period is scheduled for May 2016. Wayne will be present for the next test. He is not sure where the samples were taken from exactly. The commission had a discussion about their concerns with the results and the field. Wayne would like to take his own samples. Tracy DeBarber noted this was the second time the limits were high for lead in zinc according to the test results they were looking at. Wayne will check the previous results to see if this was a typo.

8. **Review/Approval** of the December 2, 2015 and March 2, 2016 Public Hearing and Regular Meeting Minutes.

VOTED: 3-0-2 on a motion by Mark Bakstis and seconded by Marcia Puc to **APPROVE** the December 2, 2015 Public Hearing and Regular Meeting Minutes.

FOR

Mark Bakstis
Marcia Puc
Mary Davis

AGAINST

ABSTAIN

Tracy DeBarber
Alex Olbrys

VOTED: 3-0-2 on a motion by Tracy DeBarber and seconded by Alex Olbrys to **APPROVE** the March 2, 2016 Public Hearing and Regular Meeting Minutes as written.

FOR

Tracy DeBarber
Alex Olbrys
Marcia Puc

AGAINST

ABSTAIN

Mary Davis
Mark Bakstis

9. **ADMINISTRATIVE BUSINESS**

Mary Davis thanked Alex Olbrys for coming back on the Wetlands Commission.

10. **ADJOURNMENT**

VOTED: Unanimously on a motion by Tracy DeBarber and seconded by Marcia Puc to **ADJOURN** the meeting at 7:26 P.M.

Respectfully Submitted,

Sally MacKenzie, Secretary /lr

