

**INLAND WETLANDS COMMISSION**  
**REGULAR MEETING**  
**August 3, 2016**

**MEMBERS:**

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

**OTHER:**

Sue Goggin, Town Planner/ZEO/WEO  
Lori Rotella, Assistant ZEO - absent  
Wayne Zirolli, Borough Engineer  
Attorney Fitzpatrick  
Public - 2

**SHOW CAUSE HEARING**

**6:00 P.M.** Show Cause Hearing for activities within the 100 foot wetland and watercourse Upland Review Area at 550 Horton Hill Road.

Mary Davis asked Robert Gregorio if he found the variance he was looking for. Robert stated he could not find anything. It was from about 16 years ago. Susan Goggin noted that she found a wetlands permit from 1991 which allowed for filling of the wetlands on a 3 lot subdivision with conditions. The permit expired in 1994 according to the document which was from when the subdivision was created. Mary explained how wetlands permits worked to Mr. Gregorio. Robert Gregorio explained that Duffy sold to Bayberry and Bayberry sold to him. He was positive that when he purchased the property there was a condition that he could fill in the wetlands. Robert showed the commission on a map where his lot is located and again stated he had a variance to fill in the wetlands. He said he was at a meeting in 1991 in which he was told as long as he protected the stream he could fill in the wetlands. He noted that is why he put up the hay bales and silt fence when he was filling in that area. Mary explained to the commissioners that the variance went with the subdivision not with the subsequent owners of the properties. Robert bought the lot when they were just clearing the land and he built the house. He always wanted to fill that area, but did not have the extra money to do it. Mary asked how much fill was brought in. Robert explained to the commission what work he did. Wayne Zirolli explained that you only have to report to the town if you are bringing in more than 350 cubic yards of fill. Mr. Gregorio was not aware that he had to file a permit with the wetlands commission before doing any work there. Mary explained that next time he will need to call the Land Use Office first to see what is allowed to be done. Attorney Fitzpatrick reviewed the information that Susan found. Robert explained to Mary what he and his neighbors are doing to protect the stream. He noted that he would also like to see a gate. Mary suggested that Wayne and Susan go out to inspect the area over the next couple of months to ensure that everything is stabilized and report back to the commission. Robert apologized for the inconvenience and trouble he caused. He also noted that Susan does not need to make an appointment to come onto his property to inspect over the next couple of months. He also stated that no one is home between 7:00

a.m. until 4:00 p.m. Mary closed the Show Cause Hearing and asked Sue to put this under WEO Report for next month.

**6:15 P.M.** Continued Show Cause Hearing for activities within the 100 foot wetland and watercourse Upland Review Area at 106 Bowman Drive.

Louise Gertz, 106 Bowman Drive, Naugatuck stated that Susan was at her property early today. Susan noted that more wood chips were down, the bank was stabilized, more plantings were in and the stone was being brought in. More stone needs to be brought in but everything is stabilized now and looks good. Attorney Fitzpatrick suggested that the Show Cause Hearing stay open since there is still more work to be done. Mary noted she will keep the Show Cause Hearing open for one more month.

Show Cause Hearing continued to September 7, 2016 at 6:00 P.M.

## REGULAR MEETING

1. Mary Davis called this meeting to order at 6:20 P.M. Mary noted there was a quorum. Mary opened the meeting with the Pledge of Allegiance.
2. Executive session with Borough Attorney.  
There was none.
3. Public comment  
There was none.
4. **OLD BUSINESS**

A. Long Meadow Pond Brook ERT Study

There was no new information. Mary mentioned that she saw something in the newspaper that the sale / purchase of the armory was on the Borough Board's meeting agenda under executive session.

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 noted that the existing site looks good. She also noted that she, Wayne and Mary met with a new engineer for the site in the industrial park using Low Impact Development (LID). The plans were sent to Roman Mrozinski. Susan emailed Roman to let him know that plans are on the way but she does not have any comments back from Roman back yet. The applicant is still working to reduce the cost of the site. The new engineer, Steve Trinkaus, mentioned he would like to meet with Roman also. They plan on coming before the wetlands commission at the September 2016 meeting.

C. Commission discussion/decision regarding application for proposed new construction at 62 Pleasant Avenue (IW #16-05), Applicant: Jose Cotas

Jesse Judson, Land Surveyor with Michael H. Horbal, 52 Main Street, Seymour noted that plans were handed out at the site walk. If someone was not at the site walk, the plans were in their packets. The site walk was on July 13, 2016 and since that time Jesse has moved the house 10 feet forward. This is the maximum distance he could move the house away from the wetlands. Mary stated that she thought there would be less disturbance to the wetlands if the house was moved to the back of the lot. Jesse explained why there will be less disturbance if the house was moved forward. Wayne Zirolli preferred to have the house moved to the front of the lot. He stopped out at the site a couple of days ago at the request of Mr. Volage. He stated that the watercourse bed was totally dry at that time. There was just a little silt in the pipe. He explained that this is an intermittent watercourse and only runs when there is a rainstorm. He is comfortable where the house is

being placed on the lot. Mark Bakstis was concerned with the proximity to the wetlands and he believed there are other alternatives. He felt the house could be smaller. Jesse explained it is the size of a typical house. Mary explained to Jesse that this lot does not allow for a 100 foot buffer or even a 50 foot buffer. Jesse explained that the subdivision was created in 1889. He explained that the split filed was really a lot line revision. Both lots were 60 feet across and the revision made one 57 feet wide and the other 63 feet wide. Mark also had a concern with the new owner of the home fertilizing the lawn. Mark did agree with Jesse and Wayne that there would be less impact to the wetlands with the house to the front of the lot. There was a discussion on the size of the proposed house in comparison to the other homes on the street. Jesse also explained that this lot has been maintained as a lawn for the last 50 – 60 years. There was more discussion on the location of the pipe being replaced and the drainage ditch. Attorney Fitzpatrick suggested if they approved the lot the commission could put a condition that no fertilizer be used. He explained that the condition will come up in the title search under the wetlands permit. That way, at least the buyers will have knowledge regarding the restriction. Wayne also mentioned that an earth berm could be installed along the property line. That would help to keep the water on this lot and not run off into the neighbor's lot. Jesse Judson went over the storm water control system that is proposed for the house. There was more discussion on where the berm should go and also how big it should be. Marcia felt if the size of the house is decreased, there will be more lawn to fertilize. Mary felt the plan has improved a little. Tracy stated this is an improvement and the new material for the pipe is better. She liked moving the house forward and building a berm. She also noted that any conditions associated with the wetlands permit will be picked up by the appraiser. Jim Stewart stated they can put a condition stating that no phosphorus can be used to fertilize the lawn. Mark stated that he did not come to the meeting tonight with intentions to deny the permit; he just felt there was room for improvement with the plans. There was more discussion regarding the drainage pipe. Attorney Fitzpatrick suggested that Jesse write the conditions on the map and initial them and then submit a new plan to the Land Use office with the conditions. It was noted that the applicant did pay their application fees and submitted a tax form.

**VOTED:** Unanimously on a motion by Tracy DeBarber and seconded by Mark Bakstis to **APPROVE** IW #16-05, 62 Pleasant Avenue, Jose Cotas as the applicant with Standard Conditions as well as the following additional conditions:

1. No phosphorus based fertilizer.
2. No pesticides.
3. The engineer adds a berm from the outlet north and easterly to the property and provides the commission with a revised map as such.

## 5. NEW BUSINESS

- A. Commission discussion/decision regarding application for development at 1160 New Haven Road (IW #16-07), Applicant: NERP Holding and Acquisitions Company LLC

Mary explained that they will be running IW #16-07 and IW #16-08 together but will be voting on them separately. Mary confirmed that the applicant paid all application fees and handed in their tax form. Jim Cassidy, Professional Engineer and Principal with Hallisey, Pearson & Cassidy, 35 Cold Spring Road, Rocky Hill. Jim stated that he was before the commission last month when they accepted the application and he also gave a brief overview of the project at 1152 & 1160 New Haven Road. Matthew Darling with NERP Holding and Acquisitions Company LLC, the proposed developer for Tractor Supply, and George Logan, Professional Soil Scientist were also present for the presentation. Jim explained where the 3.68 acre parcel was located at 1160 New Haven Road along with a second piece at 1152 New Haven Road that they will be purchasing a portion of. There are currently two houses on the parcel at 1160 New Haven Road that will be coming down. They are proposing to develop a new retail building to house Tractor Supply. It will be a 19,097 square foot building with an outdoor display area and a seasonal display area in the front of the store. They will access the lot from the existing curb cut located on Candee Road. The parking will be in the front of the building and deliveries will be in the back of the building. The additional piece they are purchasing at 1152 New Haven Road will provide a turnaround area for the tractor trailers. There are 76 parking spaces proposed in the front of the building and an additional 6 spots proposed in the back of the building if required. Jim went over the elevations for the commission and explained that they need to create a flat plateau area for the development. They will remove material from the back of the lot and use some to fill in the front of the lot. Jim also explained the drainage system being proposed. There will be no increase in run off into the existing drainage system. They hired George Logan, soil scientist, to determine if there were any wetlands on the site. They did find wetlands area associated with Straitsville Brook on the opposite side of the site. Jim pointed out on the map where a regulated area is located on the property. They need to do some grading in the regulated area which equals approximately 2,289 square feet. Jim went over the earth excavation that needs to be done and the different options they considered. Access to the property from New Haven Road would require approximately 80,000 cubic yards of material to be excavated off of the site. Another option would be to have access from Candee Road with the truck turn around further to the north which would require approximately 53,000 cubic yards to be excavated. Mr. Teach from 1152 New Haven Road agreed to sell a portion of his property to them which in turn would only require 28,400 cubic yards of material to be excavated from the site. Jim went over the erosion and control plan that was included with the maps. He explained that this site is very similar to their site in Orange, CT which had a pond across the street. They would like to be able to start the site work in September if they receive approval. This would allow them to have the earth work, parking lot and foundation in before winter. They would then be able to construct the building during the winter months and turn it over to Tractor Supply in the spring of 2017. Jim explained again that the actual disturbance to the wetlands would be 2,289 square feet separated by the roadway. Mary had questions regarding the soil report and

the drainage ditch and the brook above the property. George Logan, soil scientist, explained his report to the commission. He was out to the site in February 2016. There was some rain before his inspection which allowed for good conditions for him to observe the area. What appeared to be a brook stops right before the property. He explained his theory for this in his report. Jim expanded on George's report. The site was visited several times after storms. There were characteristics of a stream and then they are gone after the storm event is over, typically in 2 – 3 days after the storm stops. George stated that he has seen this a couple of dozen times in his 29 years of experience. He explained how this happens. In George's professional opinion, this is not a watercourse. Jim answered Mark Bakstis' question regarding the proposed drainage system. Mary asked the commission if they would like to go on a site walk, either individually or as a group. Marcia and Tracy stated they are familiar with the area. Mark did not feel he needed to go on a site walk either. Jim stated that he has replied to Wayne's comments dated August 3, 2016. Susan told the commissioners she passed out a copy of the comments before the meeting. Jim explained how he calculated the cut and fill amount which is on page 19 of the plans. Sheet 12 shows the catch basin plans which are hooded catch basins. Six tests pits were dug for the design of the septic system. All were almost identical. Wayne did state that the filtration system is adequate. Mary stated that the commission has to vote if this is a significant activity or not.

**VOTED:** Unanimously on a motion by Marcia Puc and seconded by Tracy DeBarber that the commission find that this application does **NOT** have a significant impact on the wetland IW #16-07, Applicant: NERP Holding and Acquisitions Company LLC

Mary personally thought it would be a good idea to take a site walk even though it is not a significant activity to see the drainage ditch and the lay of the land. Jim Cassidy asked Mary if she could schedule a special meeting after the site walk to vote on this application before the Zoning Commission meeting on August 17, 2016. Jim stated he has all of his other approvals except for Wetlands and Zoning. He would like to get this project started in September if at all possible. George Logan questioned if they can obtain an approval at the site walk. Attorney Fitzpatrick noted that you cannot vote on an application at a site walk. It has to be at either a regular meeting or at a special meeting. Jim stated that the public hearing opens on August 17, 2016 and he is hoping that it goes well and it is closed and voted on that night. Mary scheduled the site walk for Wednesday, August 10, 2016 at 6:00 p.m. Wayne Zirolli and Lori Rotella will be there also. Jim will contact the existing owner of the property to get permission for the commissioners to park in the driveway. Wayne also stated that the commission has his final review of the application. The commission will vote on this application at the September 7, 2016 meeting unless a special meeting is called before then.

- B. Commission discussion/decision regarding application for earth excavation at 1160 New Haven Road (IW #16-08), Applicant: NERP Holding and Acquisitions Company LLC

Jim Cassidy stated everything was incorporated for this application IW #16-08 with IW #16-07. Mary asked the commission if they had any questions regarding the earth excavation. There were no questions.

**VOTED:** Unanimously on a motion by Marcia Puc and seconded by Tracy DeBarber that the commission finds that this application does **NOT** have a significant impact on the wetland IW #16-08, Applicant: NERP Holding and Acquisitions Company LLC

Meeting recessed at 7:59 p.m.

Meeting reconvened at 8:03 p.m.

- C. Commission discussion regarding Sewer Service Area and Proposed Expansion Areas.

Jim Stewart explained to the commission that it is a duty of the WPCB to create a Sewer Service and Expansion Map. He reviewed the proposed map and explained what the different areas represent. The reason for the map is to help developers know, in advance, what areas would be approved for sewers and what areas would not. Jim requested comments from DEEP, the Council of Governments and the various commissions. The treatment plant has the capacity for future expansion. The developer would pay for the sewers in their new subdivisions. Jim explained that previously, the entire town was in an expansion area. DEEP now lets the town decide what areas are best for sewers. Jim stated that he went before the Zoning and Planning Commissions and both commissions liked the map. There was no actual vote to approve; the WPCB was just looking for any comments. The commission felt sewers are better than septic systems, especially if the developer will be paying for the sewers to be installed. Jim also stated that some towns use sewer avoidance to restrict development but this town wants development. The WPCB will hold a public hearing but at this point has not been scheduled yet. Mark Bakstis would like to be notified when the public hearing is scheduled. The commission liked the map.

- D. Additional items require a 2/3 vote of the Commission.  
There was none.

6. **CORRESPONDENCE**

There was none.

7. **WEO REPORT**

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

Susan Goggin stated that the Mayor has formed a blight task force to enforce blight, zoning, wetlands and other issues. The Mayor suggested that this item go before this task force. The State Prosecutor is also part of the task force. She stated that you need to act quickly on these issues. She felt this issue was too old for her to work on. Sue will be sending a zoning citation for the trailer and a wetlands citation for the rain garden. Mary felt the commission is back to square one with this issue. Susan explained that the violator will only be given a certain number of days to respond to the citation notice. If there is no response, then a letter with the fine to be assessed will be sent. The violator has to be allowed a hearing to appeal the citation. Attorney Fitzpatrick then stated that the final step would be to place a lien on the property, after we go through the process. Susan stated that the State Prosecutor stated that the Town Attorney has to take over for the final step. Carol Ann (Town Assessor) will be going to the property with an auditor next week to audit the property to be put on the tax rolls. Mary also stated that the commission is willing to work with Autohaus to put in something other than a rain garden.

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

Wayne Zirolli went through the test results but did not bring them with him. He did not compare the report to the Water Quality Standards and Classifications Fact Sheet. He will have the comparison for next month's meeting. The spring should have been their last quarterly test, but they agreed that November 2016 would be the last quarterly test. In March there were elevated levels but the latest test showed everything was back to normal.

8. **REVIEW/APPROVAL** of the June 1, 2016 and July 6, 2016 Show Cause Hearing and Meeting Minutes and July 13, 2016 Site Walk Minutes.

**VOTED: 3-0-1** on a MOTION by Mark Bakstis and seconded by Tracy DeBarber to **APPROVE** the June 1, 2016 minutes as written:

**FOR**

Tracy DeBarber  
Mark Bakstis  
Mary Davis

**AGAINST**

**ABSTAIN**

Marcia Puc

**VOTED: 3-0-1** on a MOTION by Tracy DeBarber and seconded by Mark Bakstis to **APPROVE** the July 6, 2016 minutes as amended:

**FOR**

Tracy DeBarber  
Mark Bakstis  
Mary Davis

**AGAINST**

**ABSTAIN**

Marcia Puc

The commission will vote to approve the July 13, 2016 site walk minutes at the September 7, 2016 meeting. There was not a quorum.

9. **ADMINISTRATIVE BUSINESS**

There was none.

10. **ADJOURNMENT**

**VOTED:** Unanimously on a motion by Marcia Puc and seconded by Tracy DeBarber to **ADJOURN** the meeting at 8:40 P.M.

Respectfully Submitted,

Sally MacKenzie, Secretary /lr