

**INLAND WETLANDS COMMISSION
SPECIAL MEETING
November 9, 2016**

MEMBERS:

Mary Davis, Chair
Marcia Puc
Tracy DeBarber
Mark Bakstis - absent
Carlos Batista
Jeffrey Litke, Alternate

OTHER:

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

CONTINUED PUBLIC HEARING

6:00 P.M. The Wetlands Commission will hold a Public Hearing for activities considered significant associated with (IW # 16-10) for proposed construction of a building and parking lot within the 100' Upland Review Area, 18 & 30 Raytkwich Road, Applicant: A Better Way Wholesale Autos. **Public hearing opened 10/5/16, must close by 11/9/16, unless extension granted by the applicant.**

Mary confirmed that the taxes and fees were paid. Attorney Kevin McSherry, 38 Fairview Avenue, Naugatuck and Steve Trinkaus, Professional Engineer from Southbury, were representing the applicant. Steve addressed the commission's questions from last month's meeting. He explained that there is less disturbance within the 100' upland review area with the new plan as opposed to the previously approved plan. He also explained the statutory language regarding upland review area. There will be no impact with the way the water drains so there will be no indirect adverse impact on the site. The building is about a third of the size of the original building that was proposed. Steve went over the storm water drainage for the new plan. The grade on both plans were very similar, approximately 6%. Mary questioned if the conservation easement that was a condition of the first approval would be on this plan. Steve stated they can maintain the conservation easement on this application. Attorney Fitzpatrick explained that the commission can make an approval subject to the conservation easement. Attorney McSherry refreshed the commissioners as to where the conservation easement was located on the original plans dated August 1, 2016 revised to August 25, 2016 page C1. Attorney McSherry stated that a copy of the conservation easement was submitted for the record with the original plan. He also agreed to a conservation easement on one side of the property but none on the side with the gas line. Mary stated that since the commission declared this a significant activity the applicant should also have an alternative plan. Steve explained that the alternative plan was the original application which had more of a disturbance within the upland review area. He explained that his new plan is a feasible alternative due to the fact that they moved the development further away from the wetlands, there is less disturbance in the upland review area and they improved the storm water quality by eliminating almost 3 acres of pavement. Attorney Fitzpatrick explained that the alternative standard is not required for this application because there is no direct disturbance in the wetlands but it is good practice to have. The standard is applied when the wetlands are destroyed or disturbed and in this case the disturbance is in the upland

review area. He then explained to the commission the upland review area in accordance to the Connecticut State Statutes. He explained that you can perform activities with the upland review area with permission from the Inland Wetlands Commission. The words buffer and setback are not synonymous. The disturbance is not likely to cause damage to the wetlands itself. Mary reminded the commission that there is a catch basin on the bottom of the site in a small area of the wetlands. She also stated that she does not have a concern with this catch basin. Mary reminded Steve of several items they requested from Steve Trinkaus from the last meeting. They requested a wetland and soils report. They also requested a copy of the test borings report which Wayne Zirolli had for them. Steve went over the wetlands and soil report with the commission. Steve explained how the original building was going to be built which included a lot of cut and fill and how the new proposed building will be built, which fits tighter into the site. For the record, Attorney McSherry, the letter from Dr. Clarence Welt had a typo on the date, was part of the old record. Carlos Batista questioned if there will be a supporting fence on the retaining wall and if the storm water system was designed for the 100 year storm. Steve pointed out on the map where the retaining wall will be located above the basin and he also stated that the storm water calculations were designed with for the 2 – 100 year storm. Carlos also wanted to know if there was a maintenance schedule for the catch basin. Steve stated there was and explained what the maintenance would be. Attorney McSherry also stated that our zoning regulations call for the storm water calculation to be based only on the 25 year storm. Steve explained what the parking lot will be constructed out of and how Low Impact Development (LID) works. There was a discussion regarding how the applicant will maintain the gravel parking lot in the winter. He explained that ice will freeze on the stone but not in between the stones which will allow for infiltration. There will be no black ice. There may be a need for a little salt in a worse case ice storm. He also reminded the commission that only the workers will have access to this lot. This will not be used for customers to walk around. Mary mentioned that in her research she read that when this type of lot is first installed the infiltration is high. Then as time goes by the infiltration slows down if it is not maintained. Steve explained that is a different type of development. He explained that the type of development he is proposing, the base won't clog; there is no sand, just stone with the geotextile fabric in between the stone. Steve explained how the basin will work compared to the original design. Mary questioned Steve about some concerns Roman Mrozinski from Southwest Conservation had in a letter dated August 16, 2016 regarding rock outcrops. Steve explained that there are large rocks on the site but not ledge. Marsh Puc questioned if there would be any ice dam situations due to the gravel parking lot. Steve explained that the soil underneath will not be frozen which will still allow for the water to infiltrate into the ground. Marsha also questioned how the applicant will delineate the parking spaces on the gravel lot. There was a discussion on what would be the best way to mark the parking area. It was decided to put in a row of spruce trees at the end of the lot. Mary opened the public hearing to the public. Pete Meleschnig, 76 East Waterbury Road, had a concern with his well being contaminated. Attorney McSherry explained that there will be no washing of the cars on this site. That would be done at their other site located at 49 Raytkwich Road which will have an internal system; there will be no outdoor washing of cars. There will be floor drains with an oil grit separator which will lead to the sanitary sewer. Steve explained that this site will not cause any damage to Mr. Meleschnig's well. Pete had a concern with his drinking water if no one is monitoring what activities are going on at this site. Steve also stated that this type of business is also covered under DEEP. Marty Warren, 120 East Waterbury Road, explained how polluted White's Pond is as a result of the original industrial park. Mary explained that LID is new to Naugatuck but it is being used

in various areas. Marty stated that he didn't think that LID made sense. Steve explained that when the industrial park was originally created they never addressed water quality. He further explained that LID is a new way to develop and it is a much better way to protect the water quality. Steve explained that the water stays on site, instead of running off and ending up in the pond. This plan slows down the infiltration and cleans the runoff. Wayne Zirolli explained that when the industrial park was first built, they had one large detention basin for all of the sites. The new way is to have individual detention basins on each site instead of one for the whole park. This is a way to achieve a zero increase in runoff after the construction is complete. Mary stated she believes this is a more cost effective way to build now. Wayne explained that besides being cost effective, it also keeps the water quality good. Steve explained to Mr. Warren how this new system works. Mary also stated that many residents came to the previous meetings with concerns about their wells. If approved, she would like to see something requiring the applicant to pay well testing for the residents within 100 feet of the property prior to the start of construction. She mentioned that the whole plan has changed with a few things for the better. She would like to eliminate the parking within the 100 foot buffer area. Steve stated that there was already an approved plan with the parking in that area. There was a discussion on the request to eliminate some of the parking. Steve also stated that the new plan calls for less parking and a smaller building than the original approved plan. He explained that he has a professional liability after the site is built. He stated that he does not design a site just to get through the process but instead he designs a plan to work. Tracey DeBarber felt the overall plan was better, the parking was reduced, the plantings are better and the footprint is smaller. Tracy also stated she did research on LID. Marcia researched LID as well. She stated she only found good things regarding this type of development. She likes the plans. She also mentioned that the amount of parking in the 100 foot upland review area was less than the original plans. There will be 50 – 55 less parking spots than the original plan. Mary questioned when they wanted to start constructing the building. Steve explained that the applicant does not plan on constructing the building unless they run out of space at their 49 Raytkwich Road site. That site was bought after this location. The site at 49 Raytkwich Road will run similar to the operation on the Risdon property. Attorney McSherry explained that the original plans called for a 22,000 square foot building which was reduced to 7,500 to possibly 10,000 square feet. Jeff Litke stated that he has also done his research on LID and thinks it is a good plan. Carlos Batista stated that he relies highly on the professionals. He wanted the public to be aware of Wayne Zirolli's report. Wayne is the Borough Engineer. Mary Davis closed the public hearing.

Meeting recessed at 7:35 p.m.

Meeting reconvened at 7:42 p.m.

REGULAR MEETING

1. Mary Davis called this meeting to order at 6:05 P.M. Mary noted there was a quorum. Mary opened the meeting with the Pledge of Allegiance. Jeffrey Litke was made a regular voting member in place of Mark Bakstis.
2. Executive session with Borough Attorney.
There was none.
3. Public comment
There was none.
4. **OLD BUSINESS**

- A. Commission discussion regarding the proposed construction of a building and parking lot (IW #16-10) located at 18 & 30 Raytkwich Road, Applicant: A Better Way Wholesale Autos

Carlos Batista will abstain from voting on this application due to the fact that he was not a commissioner at the time the public hearing opened. Mary stated that it appears that the new application has much less impact than the original application submitted. She noted for the record that there is a lot less pavement which is a better alternative than the original plan. The commission agreed with Mary. The new plan added trees down both sides of the property to delineate the parking area. The commission discussed the exact location where the trees will be planted and what type of tree. They also discussed the new conservation easement and where it will be located. Mary noted that they were using the map dated August 1, 2016 revised to August 25, 2016 to note where their conditions will be placed.

VOTED: 4-0-1 on a motion by Marcia Puc and seconded by Tracy DeBarber to **APPROVE** (IW #16-10) the construction of a building and parking lot within the 100' Upland Review Area, 18 & 30 Raytkwich Road, Applicant: A Better Way Wholesale Auto with the following conditions:

1. Planting of mixed spruce trees on the southerly side at elevations #702-652 and on the northerly side elevations #706-674.
2. Conservation easement to be approved by the Borough Attorney and the Borough Engineer to be applied on the southerly side from the tree line to the property boundary line. Conservation signage to be applied.
3. Operation and maintenance plan to clean and replace silt sacks and oil and grit separator bi-annually and after heavy rainstorms for 3 years post-construction. Report to be sent to Land Use Department with a copy sent to the IWC.
4. No fueling, no washing and no maintenance on site.
5. No emptying of cement truck tailings into wetlands.

6. Recommend to the Zoning Commission that wells of property owners within 100' to be tested prior to construction and paid for by the applicant.
7. Geotextile silt fence installed to protect and limit disturbance along wetland perimeter.
8. And all general conditions.

FOR

AGAINST

ABSTAIN

Marcia Puc
Tracy Debarber
Jeffrey Litke
Mary Davis

Carlos Batista

5. **ADJOURNMENT**

VOTED: Unanimously on a motion by Tracy DeBarber and seconded by Jeffrey Litke to **ADJOURN** the meeting at 8:10 P.M.

Respectfully Submitted,

Tracy DeBarber, Acting Secretary /lr