

**Beacon Falls Inland Wetlands & Watercourses  
Commission  
10 Maple Avenue  
Beacon Falls, CT 06403**



**BEACON FALLS  
INLAND WETLANDS & WATERCOURSES  
Monthly Meeting  
June 11, 2014  
MINUTES  
(Subject to Revision)**

**1. Call to Order / Pledge of Allegiance**

Chairman John Smith ordered the meeting to order at 7:35 P.M.

Members Present: John Smith, Stephen Knapik, Arlene Brumer, Bill Giglio, Walter Opuszynski, and Michael Opuszynski

Not Present: David D'Amico

Others Present: Town Engineer Jim Galligan, Jeff Smith, Nick Cavallero

**2. Comments from the Public**

There were no members of the public present at tonight's meeting.

Chairman J. Smith asked for a motion to change the agenda to accommodate the gentlemen in attendance to tonight's meeting.

Motion to change tonight's agenda to accommodate the public: Knapik/W. Opuszynski; no discussion; all ayes.

**3. Old Business**

Application A-2003-236 Pond Spring Village/Pent Road/Lancaster Drive will be presented. Chairman Smith, A. Brumer, M. Opuszynski, and W. Opuszynski will step off the Board during the discussions. A situation occurred since there is no quorum. S. Knapik and B. Giglio will listen to the report, ask any questions that they have, but no vote can be made.

Jeff Smith from EJ Smith & Company began by indicating that they are doing site work at Pond Spring Village. His company was asked to come in and remove an existing foundation at Lot 22, 21. They took out the old existing foundation, put new footing drains back in, and tied them into the existing drywell. Then, the utility companies asked them to clear and verify where all the utilities were for Lot 20, 19, 18, 17, 16, 15, 14, 13, 12, and 11 due to the overgrowth of brush. They grubbed and found some old silt fencing that collapsed, buried, and rotten. S. Knapik asked if a new silt fence was put up yet and J. Smith indicated that they will be doing that as well as sweeping the street. The silt sacks on each catch basin are still in place from the original contractor. S. Knapik asked if they need to be cleaned and J. Smith indicated that they should be and they can replace them. They are waiting for sales until grubbing any land. J. Smith indicated that no dirt has been moved except for the existing foundation. The previous contractor dug out to the existing grade of the footing and acting as a natural swell. S. Knapik confirmed that the tracking pad is in, grubbed it, the new silt fencing going to be put up, and no more activity. J. Smith indicated that it was mostly weeds and at one point it was grass, but after 5 or 6 years, there are grubs growing in there. J. Galligan was there for inspection and confirmed everything that was reported by J. Smith. He indicated that the site is pretty stable. J. Smith noted that the previous contractor put a 12' to 15' wide by 3' high berm so none of the runoff goes into the street; it stays behind the berm, a natural slope.

S. Knapik asked if the bond was transferred and it was indicated that it went with the property by Nick Cavallero, a representative of Pond Spring Village. N. Cavallero indicated that he was brought in to clear up sidewalks, patios, site work, and foundation work. He indicated that a surveyor will be coming in to stake out, and a corner lot has been sold.

S. Knapik thanked the gentlemen for coming to tonight's meeting and updating the information to the Board. Chairman Smith, A. Brumer, M. Opuszynski, and W. Opuszynski are now back on the Board. A discussion was brought up regarding if a vote was needed since most of the Board needs to excuse themselves from discussions regarding Pond Spring Village. W. Opuszynski noted that the First Selectman could be brought into for the vote or if any member of the Board not present at the meeting.

#### **4. Business Meeting**

##### **a. Approval of Minutes**

##### **1. Regular Meeting Minutes from April 9, 2014 and from May 14, 2014**

Motion to approve the minutes from the April 9, 2014 and the May 14, 2014 meetings: Knapik/M. Opuszynski; no discussion; all ayes.

##### **b. Correspondence**

Copies of the CACIWC were distributed to the Board members. A copy of the minutes from the Conservation Commission and the Dept. of Environmental Protection was passed to the Board members.

The Dept. of Energy and Environmental Protection is having a workshop for continuing education and supplied one free ticket. Two of the workshops have already past and the upcoming workshops available are on 06/13/2014 at the Bridgeport Housatonic College and on 06/19/2014 at the Norwich Three Rivers Community College. Both are from 9:00 A.M. to 1:00 P.M. Chairman Smith will pass the voucher to D. Keating to see if he would like to attend.

A magazine from CT Wildlife was passed to the Board members.

Copies of the Open Space Procedures and Planning from Byrne & Byrne were distributed to the Board members. It was asked to have the discussion on this added to the agenda for the July 2014 meeting.

### **c. Public Hearings & Considerations of Public Hearings**

Chairman Smith indicated there are none for tonight's meeting. He thought that the application for West Road was going to be presented for tonight's meeting but they were not at the meeting tonight. Chairman Smith indicated that he walked the parcel with the owner and his engineer and found a pocket of wetlands in the far corner and didn't go since it was so far out of the development area. The pocket of wetlands in the front corner is planned to have a driveway on either side. They indicated that they will work on it and present it to the Board. M. Opuszynski indicated that, by judging from the map, there are 3 or 4 wetlands and the driveway will be close. Chairman Smith noted that he is trying to fit the driveway in and you can see where the water is dumping on West Road. The backyard is being maintained and there is a swell that is channeling the water around. W. Opuszynski asked if J. Galligan receive any information on this and he indicated that he has not. M. Opuszynski asked if the wetlands were marked and Chairman Smith indicated that they were marked.

### **d. Administrative Report**

#### **1. Wetlands Enforcement Officer**

D. Keating was not present at tonight's meeting so there was no report presented to the Board tonight.

#### **2. Town Engineer**

J. Galligan started with Mario on South Main Street. They have been going back and forth with the design of the wall. They now have to go in and excavate for the wall, put in either 2 or 3 rows of blocks, and then come in and build the foundation wall, completing the back wall of the building. This is because of the zone of influence of the weights of the two

foundations. The soils engineer, the wall manufacturer, and J. Galligan have been going back and forth for the past four months to see what the wall procedure needs to be and what the construction process needs to be. They are going to build a couple layers of wall, do some of the foundation work for the building, then go back and complete the wall, and then complete the building. This is supposed to happen within the next two to three weeks. B. Giglio asked if the pipe has been done and J. Galligan indicated no. Chairman Smith mentioned that the drainage pipe relocation was done. W. Opuszynski asked if there will be as-built for the drainage was going to be supplied. J. Galligan responded that he doesn't believe that anyone asked for them but can talk to the owner and surveyor to supply them. W. Opuszynski indicated that, since it is town drainage, there should be as-builts and the town should have records of that.

Chairman Smith asked if anyone besides the manufacturer engineer going to be on-site during the placement of the block. J. Galligan responded that he will be, that it was a requirement of Inland Wetlands, as well as Planning & Zoning. S. Knapik noted that no CO until the wall is complete. W. Opuszynski asked if there were any changes since the application that was presented to this Commission. J. Galligan indicated just a couple of the sequences.

J. Galligan indicated that he met with Doug Bousquet regarding Avenue D. He informed and confirmed that for that project the water cannot be running off the site and onto Avenue D. D. Bousquet indicating he is reportedly contracted with Mike Horbal to come up with the design for connecting the basin to the corner of Avenue D or whatever works best for him. He will also be running a basin, a drainage line, up to his driveway, putting a basin in the front of the driveway, and then putting some drainage onto the site. M. Horbal will submit that when it is complete. J. Galligan indicated that he has been put on notice for that.

J. Galligan noted that there a problem with the adjacent owner regarding a storm water issue. The adjacent homeowner has a basin in his driveway but the water comes down the hill so fast that the swell fills up and spills onto the street. Chairman Smith referenced the minutes from the last meeting indicating that the Commission gave D. Bousquet the foundation permit but nothing else. Chairman Smith indicated that the Commission left it up to J. Galligan and D. Keating regarding the bonding. J. Galligan indicated that D. Keating and he went over that and issued a \$1,000 cash bond or a \$5,000 assurance bond, whichever they choose. W. Opuszynski asked if that was for the foundation only or the whole lot. J. Galligan indicated that it was for the drainage, nothing for the foundation just the lot.

J. Galligan next spoke about Burton Road regarding his meeting with Rob Pruzinsky. They went over the drainage. Originally C. Edwards was going to pole a hole in the side of the drain that runs front of the property.

That cannot be done since it causes an obstruction in the pass-through line. C. Edwards installed the drain next to the driveway, stabilized with stone, and ran the drain behind the shoulder to try to control some of the runoff of the icing condition that occurs in that area.

W. Opuszynski asked who is required to get the driveway permit. Under the ordinance, per J. Galligan, it is the building inspector and the road opening permit goes to R. Pruzinsky. However, if you are doing a complete driveway reconstruction, you are working in the right-of-way, you technically need both. On some point, they will probably waive the road opening permit since you applied for the driveway recognizing you will be working in the road.

J. Galligan next spoke about Cook Lane. D. Bousquet is renovating the house, fixing it up. One of the problems that came up was related to sewer issue because he was digging for a garage. He hit a sewer lateral that actually serves the front house as well as the back house. They were getting ready to do some driveway work. They have stabilized most of the disturbed areas related to the construction access. Sewer service line has been cleaned and covered. Chairman Smith noted some concern with the neighbor's 4" pipe when the water comes off that during the winter that it's going to start freezing over the road. J. Galligan was unable to contact the homeowner and it doesn't appear to be originating from the house where D. Bousquet is working.

#### **e. New Applications**

There were no new applications at tonight's meeting.

#### **f. Old Business**

Chairman Smith asked if any of the Board members have any questions for J. Galligan regarding the seventeen applications under Old Business on tonight's agenda. W. Opuszynski asked if Oakwood Estates has been accepted as a town road yet and was the basins and structure cleaned prior to the acceptance. J. Galligan indicated yes, accepted as a town road and all the basins were cleaned out, as well as the swirl structure, holding tank next to that, and 4 bays in the detention basin. W. Opuszynski asked if there was still activity up there. J. Galligan indicated that there are still some houses being built. W. Opuszynski asked about nature erosion going in those and J. Galligan responded no, not with proper controls. He added that it could be and W. Opuszynski asked if it could be an oversight by the Commission if there is a deluge of materials going down there. J. Galligan indicated that it could happen, if the basins were full, the swirl structure was full, etc. The contractor for that site would be responsibility.

Chairman Smith received a call from an attorney in regards to signing a mylar for Oakwood Estates, Phase II. He did not recall the approvals on that and felt uncomfortable signing the mylar right away. He asked the attorney to fax a copy of the approval for Phase II but never received the information. He asked if there were any issues on that. S. Knapik responded that there were no issues except that Phase I needed to be complete before going to Phase II. J. Galligan noted that Phase I has right-of-way that extends to the property line but Phase II doesn't have any extension to adjacent properties. W. Opuszynski asked if it was an extension of Oakwood or a separate road. J. Galligan indicated that it is a new road, but regardless of the name, it is a new street. W. Opuszynski asked if they should review the application before signing and Chairman Smith indicated that he doesn't want to hold the gentleman up for another 30 days. He will pull the file and take a look at it before signing the mylar. Chairman Smith asked if it's the same developer and J. Galligan believes that it is.

Chairman Smith asked if there is still something going on with Application A-2012-299 – Town of Beacon Falls – Streetscape. J. Galligan indicated that it is complete. This application will be removed from the agenda for the next meeting since it is complete.

S. Knapik asked about Application A-2012-298 – 45 Pinesbridge Road – RSJ Development. W. Opuszynski believes that there is activity there and J. Galligan confirmed that it is still an active project.

Chairman Smith asked about Application A-2013-302 – Xpressmart – South Main Street. W. Opuszynski indicated that the Commission never received a report. B. Giglio indicated that they went to Zoning Board of Appeal. Chairman Smith indicated that he will have D. Keating take a look and do a final inspection and will determine next month if the application could be removed from the agenda.

#### **g. Petitions from Commissioners**

##### **1. Conservation Commission Report from Michael Opuszynski**

M. Opuszynski reported that the Conservation Commission has a new member, Sophie Zyla. She is involved in environmental education and completed, or in the process of completing, her degree in that. She did a study at Matthies Park by doing an assessment of all the animals and wildlife in the park.

Next month, the Commission will discuss the information that was distributed earlier from Byrne & Byrne regarding the Open Space and Land Use, as well as the Open Space Fund that the Conservation Commission has. W. Opuszynski asked if they are going to make a decision on this or implement it and M. Opuszynski indicated that there is no decision to be made. It is just information on how open space is run.

The only recommendation that came out of it was in several locations throughout the regulations; they talk about the Open Space Fund and give it different names. Atty. Byrne mentioned that they should define it as specific name so there is no confusion. They implemented the majority of the change at the last Conservation Commission meeting, giving the name of Open Space Preservation Fund.

## **h. New Business**

There was no new business discussed at tonight's meeting.

## **i. Budget**

### **1. Reports of Accounts**

A copy of the accounts was received from the new Financial Manager Adam Goldberg.

### **2. Payment of Bills**

An invoice from the previous clerk, Lauren Classey, was received in the amount of \$70.00. An invoice from D. Keating was received in the amount \$264.60, for 10 hours (itemized). An invoice from the current clerk, Marla Scirpo, was received in the amount of \$87.50. An invoice from Nafis & Young from April 2014 was received in the amount of \$1,740.00. The invoice was for preparation for 04/10/2014 meeting; 164 Cook Lane - pipe investigation and report; Cook Lane – inspection; 180 Cook Lane – correspondence; South Main Street inspection; and monument search.

Motion to pay the invoices that were submitted at tonight's meeting for a grand total of \$2,162.10: Giglio/W. Opuszynski; no discussion; all ayes.

### **3. State of Connecticut Fees**

There were no fees from the State of Connecticut to discuss at tonight's meeting.

W. Opuszynski asked what the balance is in the budget. He noted that since this is the last meeting prior to the end of the fiscal year, we should order some supplies before the end of the fiscal year. Chairman Smith mentioned that the camera was lost. S. Knapik indicated that we need Wetland markers and posts. The clerk will get a purchase order from Denise Weik for the Wetland markers and posts in the amount of \$700.00.

**j. Miscellaneous**

There were no miscellaneous items discussed at tonight's meeting.

**k. Petitions from Commissioners**

**2. Executive Session to Discuss Pending Litigation (if required)**

S. Knapik noted that the house on Blackberry Hill was cleaned.

**5. Adjournment**

Motion to adjourn meeting at 8:52 P.M.: **Brumer/W. Opuszynski**; *no discussion*; all ayes.

Respectfully submitted,

Marla Scirpo  
Clerk, Inland Wetlands & Watercourses Commission