

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



BEACON FALLS INLAND WETLANDS & WATERCOURSES COMMISSION
Monthly Meeting
July 13, 2016
MINUTES
(Subject to Revision)

1. Call to Order / Pledge of Allegiance

Chairman John Smith called the meeting to order at 7:30 P.M.

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

Not Present: Michael Opuszynski

Others Present: Dave Keating, Jim Galligan, Rich Minnick, Dom Sorrentino, Al Concilio, and Charlie Edwards

Motion to rearrange the agenda to accommodate the public: **Knapik/W. Opuszynski; no discussion;** all ayes.

2. New Applications

a. Riverbend Park Enhancement Application

Rich Minnick, Dom Sorrentino, and Al Concilio were present at tonight's meeting to file an application with the Inland Wetlands and Watercourses Commission for the Riverbend Park. R. Minnick was asking that the fees be waived since it is a town project for Parks & Rec. Mike Horbal is the Land Surveyor and Ed Levy is the Engineer for the project. R. Minnick brought a drawing of the project for the Members to review during the discussion.

R. Minnick noted that part of the property was acquired from a grant awarded to the Conservation Commission. The Harman parcel was acquired through back taxes and the State of CT DOT two parcels have also been acquired. R. Minnick noted that the original application called a J-hook and now they are looking for just a water break/current break. They will be using rocks and boulders found on the property, and don't want it to act as a dam. R. Minnick indicated that the Army Corp. of Engineers have reviewed the application and they indicated that it is a Category 1 which does not require notification prior to construction. DEP does not have to be notified and R. Minnick noted that he spoke to Darcy Winters at DEP who looked into this. R. Minnick was verbally told that it is under local jurisdiction and they have the blessing of the Army Corp. of Engineers. J. Smith asked if it is in writing and R. Minnick noted that they do not put anything in writing any more if it is a Category 1.

J. Galligan indicated that he has reviewed the plan and everything has been incorporated that he would like according to erosion controls and storm water management. R. Minnick noted that the amount of wetlands disturbance is 2,593 feet. The area is where a walkway is being put. Based on the amount of garbage that is on the property, the disturbance will be outside the area noted on the drawing since they will be cleaning the property.

R. Minnick noted that the town has been in there doing work since a pipe needed to be flushed. The pipe was eroding and needed to be repaired. S. Knapik asked if there are going to be any out sheds and R. Minnick indicated that there will be a port-a-potty, which will be fastened. There will also be benches.

R. Minnick indicated that the bid specs. will be published this Friday in the newspaper, also available downstairs in Town Hall. There will be a site walk for the contractors on July 30, 2016 at 10:00 AM. On August 8, 2016, at the Senior Center, the bid opening will be at 6:00 PM. On August 9, 2016, at 6:00, the bid will be awarded.

J. Smith asked about the high water percentage. R. Minnick indicated that it is now called the 1% flood plain, not the 100-year flood plain. R. Minnick indicated that it has been dry in the past three years and is down low. J. Smith asked if there will be a gate to close the area if the conditions are bad. R. Minnick indicated no, there hasn't been. W. Opuszynski asked when they will start the project and R. Minnick indicated that they are looking to do so as soon as they can. W. Opuszynski asked if there will be bonding on the bid specs. and R. Minnick indicated no.

D. Keating indicated that he has a couple of comments. In regards to the bend in the water, the wetlands on the property are primarily sandy, dry soils, as opposed to wet, mucky, bog-like soils. It is more like dry-like wetlands which are easier to work in. In regards to the fees being waived, the town fees could be waived since it is a town project but the state fees will still need to be paid. In regards to a permit being issued, D. Keating indicated that it should be confirmed in writing if one is not necessary.

J. Smith indicated that he will entertain a motion to waive the town fees since it is a town project but the state fees would still need to be paid. He would also entertain a motion to accept the application.

Motion to waive the town fees since it is a town project but the state fees would still need to be paid: **Knapik/W. Opuszynski**; *no discussion*; all ayes.

Motion to accept the application for the Riverbend Park Enhancement as submitted and assign a number to the application as A-2016-310 – Town of Beacon Falls Riverbend Park for Parks & Rec: **Giglio/Lillis**; *no discussion*; all ayes.

3. Comments from the Public

Dave Anelli, 17 Oak Drive, was present at tonight's meeting to discuss the storm water draining onto his property. D. Anelli provided copies of maps drawn by himself and his daughter to the Members.

D. Anelli indicated that there is a problem of water from illegal storm drains dumping onto his property. After a brief explanation of the situation, S. Knapik indicated that D. Anelli appears before this Commission 3-4 years ago and was told that he needed to provide an A-2 survey and have the wetlands flagged prior to coming in front of this Commission.

After a brief discussion, J. Galligan was asked by D. Anelli for his suggestions as to what could be done. J. Galligan noted that the water has always drained there and something should have been said when Sharon Drive was constructed. J. Galligan also noted that the Town of Beacon Falls is under a court order to clean the catch basins. J. Galligan indicated that the drains are easement by prescription; they have been in place 20, 30, and 40 years. J. Galligan mentioned that D. Anelli could ask the courts for an injunction to stop the cleaning of the catch basins. J. Galligan also mentioned that D. Anelli could contact an attorney and ask how to exempt the town from the requirement that they have as part of a court order.

J. Smith asked three times if there were any further comments by the public and there were none at this time.

a. Public Petitions

There were no Public Petitions at tonight's meeting.

4. New Applications

Charlie Edwards was present at tonight's meeting to discuss the plans and drawings for the property at 74 Pent Road. C. Edwards was not sure if he needs to submit an application and is here to discuss the situation with the Commission. There is also a plan to widen the road which will be done by the town.

C. Edwards submitted drawings that show the proposed grading to be done on the property. J. Smith asked if there are any buildings at this time and C. Edwards replied no, just grading. C. Edwards noted that two structures have been removed and less impervious square footage on the property now. J. Galligan indicated that he has plans for the road widening and has an application to submit tonight.

W. Opuszynski asked if the house is going to stay and C. Edwards indicated yes. J. Smith asked that for now, the only thing that C. Edwards is doing is removing material and regrading the property according to the contours shown on the drawing. C. Edwards indicated yes, and there is a question of the town wanting some of the property for soccer fields. Also, the future owner of the property does not know the size of the horse barns at this time.

J. Smith noted that the Commission concerns are with erosion controls, storm water management coming off the site, and any problems with drainage effecting Pent Road. J. Smith noted a stockpile of material and that some of the silt fencing needs some repairing. C. Edwards will take off of this in the morning and mentioned that he left it open since there was a question with taking down a tree on the property. After a brief discussion, C. Edwards noted that the plan for the tree coming down is next week and the moving of the telephone is still on hold. C. Edwards is waiting for Eversource to get back to him on his request to move the pole, which needs to be done with the widening of the road.

J. Smith noted that there are no wetlands on the property and asked D. Keating for his recommendations. D. Keating noted that this plan is different than the other one that was shown. The previous one had a lot of regrading on the northwesterly side. The new plan eliminates that and is outside the Wetland Commission's jurisdiction. In regards to storm water management, it is a matter of controlling it and getting it to infiltrate into the ground when excavating. D. Keating needs to know where the material is going, especially if it is in Beacon Falls. D. Keating will need to inspect the site for wetlands and for erosion controls in place.

J. Smith reiterated that this Commission is concerned with erosion controls and D. Keating replied yes, erosion controls and anti-tracking pads. J. Smith asked if an application is needed and D. Keating indicated no application is needed.

J. Galligan came before the Commission to present an application for the town's plan to widen Pent Road. J. Galligan and the Commission reviewed and discussed the submitted drawings. J. Galligan indicated that C. Edwards has donated a portion of his property in order for the town to widen Pent Road. A grading plan was developed and includes a snow shelf. The slope would be at a two-to-one slope. J. Galligan noted that the benefit to this is to increase the sight line.

After a brief discussion, it was determined that J. Galligan would need to file a storm water application. J. Galligan noted that he will submit a monthly report for this project.

5. Approval of Minutes

Motion to accept the minutes from the June 8, 2016 meeting: **Knapik/Lillis; no discussion; 5 ayes and 1 abstention by W. Opuszynski since he was not at the meeting.**

6. Correspondence

7. Show Cause Hearings & Considerations of Public Hearings

a. Show Cause Hearing

1. Cease & Desist Order Regarding 27 Railroad Avenue

J. Smith indicated that this item is in the attorney's hands. D. Keating noted that he spoke to Atty. Steve Byrne today and asked if he should try and contact the owner one more time. Atty. Byrne replied that D. Keating could and inform the owner that town attorney's fees would be reimbursed by the owner of the property.

8. Administration Reports

a. Wetlands Enforcement Officer

1. Cease & Desist Orders Issued – 93 South Main Street/Mario Trepca

b. Town Engineer

J. Galligan indicated that inspections have been done at Chatfield Farms and at Pond Springs Village. Reports were submitted to the Commission.

9. Applications – Old Business

There were two agenda items under Applications -Old Business that were being removed from the agenda for next month: 1) Agenda Item 8n. Application A-2014-305 – 202 Cold Springs Road, Alyce Buzzelli and Michael Buzzelli / Storm Water Management Application SW-2014-006; and 2) Application A-2015-308 – A Space Center Self Storage, Robert Rich.

10. Old Business

In regards to Hillside Estates, S. Knapik noted that the property looks much better. An email report was received by Mark Tice and forwarded to the Commission. M Tice asked what is needed to be done to get the bond released or reduced now grass is growing. J. Smith noted that a site walk should be done.

There was a question on West Road regarding the drainage. J. Galligan indicated that there is a grant application for a STEEP grant.

There was also a question on the completion of Noe Place. J. Galligan indicated that it is basically complete. J. Galligan is waiting to hear from Cocchiola Paving that they are complete and to review their punch list.

There was also a question in regards to Jenny Lane Two. It was reported by Beacon Falls' Parks & Rec Commission that the erosion controls are not working. J. Galligan will pass along the information to the owner and report back to this Commission.

11. New Business

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

12. Budget

1. Report of Accounts

The Board reviewed the Report of Accounts.

2. Payment of Bills

- a. Invoice from Nafis & Young - \$942.50**
- b. Invoice submitted by Dave Keating – \$333.60**
- c. Invoice from Southwest Conservation District - \$1,500.00**
- d. Invoice from Byrne & Byrne - \$630.00**

Motion to pay the four invoices as submitted for tonight's meeting for a grand total of \$3,406.10: Giglio/Knapik; no discussion; all ayes.

3. State of Connecticut Fees

D. Keating indicated that the fees are all up to date.

13. Miscellaneous

There was no miscellaneous discussion at tonight's meeting.

14. Petitions from Commissioners

1. Conservation Commission report from Michael Opuszynski

M. Opuszynski was not present at tonight's meeting.

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

There was no Executive Session at tonight's meeting.

15. Adjournment

With no further business to discuss at tonight's meeting, J. Smith asked for a motion to adjourn.

Motion to adjourn meeting at 9:16 P.M.: **Knapik/Lillis**; *no discussion*; all ayes.

Respectfully submitted,

Marla Scirpo
Clerk, Inland Wetlands & Watercourses Commission