

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



**BEACON FALLS INLAND WETLANDS & WATERCOURSES COMMISSION
Monthly Meeting
September 12, 2018
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, Walter Opuszynski, Michael Opuszynski, and Doug Bousquet

Others Present: Dave Keating, Jim Galligan, Rich Minnick, Charlie & Liz Edwards, Mark Kehrhahn from Pond Springs Village

2. Comments from the Public

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

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

3. Applications – Old Business

S. Knapik indicated that J. Smith, A. Brumer, M. Opuszynski, and W. Opuszynski are off the board at this time due to the discussion of Pond Springs Village.

S. Knapik indicated that D. Keating and D. Bousquet had left messages for Mark Kehrhahn and they did not receive a response to their calls.

D. Keating indicated that he has been at the site several times and provided copies to the Members of a letter that was emailed on 09/08/2018 to M. Kehrhahn. D. Keating noted that the sediment and erosion controls as well as anti-tracking pad and storm water management at Pond Springs Village need to be properly installed and maintained throughout the construction process. D. Keating mentioned that the silt fence had been properly installed and maintained in some locations but in several active work areas, the silt fence had been knocked down or not been maintained properly. D. Keating also mentioned that the anti-tracking pads haven't been maintained sufficiently and the pad on the left side of the construction area has been covered with dirt.

S. Knapik asked if J. Galligan and D. Keating would be available tomorrow to stop by to inspect the site at Pond Springs Village. J. Galligan indicated that he would be available during the day and D. Keating indicated that he would not be available until after 4:30 PM. S. Knapik noted that the violations will still be held until the site is inspected.

J. Smith, A. Brumer, M. Opuszynski, and W. Opuszynski are back on the board at this time.

J. Smith indicated that the next topic for discussion is Application A-2015-307, Tiverton 2, Charlie Edwards, Storm Water Management Application SW-2015-007. J. Smith noted that the subdivision application was approved and now the topic of discussion will be for the regulations and the erosion controls. J. Smith also noted that he will not be stepping off the Board and would like to know if the Members agree. After a brief discussion, J. Smith polled the Members and S. Knapik, D. Bousquet, and A. Brumer agreed to have J. Smith remain on the Board for this discussion. M. Opuszynski and W. Opuszynski had some questions with J. Smith remaining on the Board. J. Smith indicated that he will Chair this part of the meeting but will abstain from vote.

J. Smith indicated that M. Opuszynski sent an email regarding his concerns with clear-cutting of the Tiverton 2 property and J. Smith read the letter to the Members. J. Smith also indicated that he contacted D. Keating who then contacted M. Opuszynski. J. Smith also spoke with the First Selectman. D. Keating indicated that he spoke with C. Edwards on the last Thursday in August and discussed the drainage situation, the anti-tracking pads, and the issue of the management of water. D. Keating then sent a letter to C. Edwards on 09/08/18 regarding the erosion controls and storm water management on Fairfield Place.

D. Keating noted submitting the performance bond required by the Commission's approval just to cut trees on the site. D. Keating indicated that a performance bond is not needed for cutting trees but stumping, grubbing, disturbing the soil would require the submission of the performance bond since it is the start of the site development.

J. Smith asked the Member for their concerns. S. Knapik indicated that his only concern is soil erosion controls. W. Opuszynski and M. Opuszynski agreed and M. Opuszynski added the need for clearing out the trees from the storm but having it done to the point it was done. J. Galligan noted that he would like to know when the soil erosion control materials will show up and when will they be installed.

Charlie Edwards, 30 Lorraine Drive, indicated that his intention is to start installing silt fencing tomorrow morning, weather permitting. There was \$1,500 worth of silt fencing delivered today and the anti-tracking pads are in place. C. Edwards noted that he received a call from D. Keating who indicated that the logs needed to be moved since they were changing the natural flow of the water. C. Edwards also noted that he is in the process of removing the logs. S. Knapik wanted to confirm that the silt fencing will be installed according to the print and C. Edwards indicated that it will be.

C. Edwards indicated that he would like to install the drainage and detention pond at this time. He also would like to request a reduced bond since he does not have financing in place for the project as of yet. C. Edwards indicated that he would put up a bond amount in escrow for a fair amount and that he would like to secure the site but will not be digging on the lots. C. Edwards mentioned that there is still a growing season and would like to put the pipe coming up from the brook in, put the detention pond, and put in the swale at the top.

M. Opuszynski asked how this plan deviates from the original plan that the Commission received in regards to the work flow. C. Edwards indicated that he does not plan to start on the houses. S. Knapik asked if this is according to the construction sequence. W. Opuszynski asked what was the original approval of sequence and J. Galligan indicated that the approval required that the detention pond and swale be put in before the start of the road construction. W. Opuszynski asked if the bond that should have been put in place before that work gets done and J. Galligan indicated yes, there was a bond required for the project. J. Smith wanted to clarify that the reduction is in the total bond that is supposed to be in place versus the amount of work that he will be doing. The value of the bond would be for the detention pond and drainage pipe, and the rest for road drainage, road work, and anything else would be held back until he starts that work. C. Edwards indicated yes, that is what he is looking for as far as the reduction. D. Keating also wanted to clarify that the term “bond” that we are using is a very general, unspecific term for a financial guarantee that the work will be done. It is not an insurance-company bond.

W. Opuszynski asked if there will be any stabilization to the soil with seeding and C. Edwards indicated that there is already growth. W. Opuszynski noted that it doesn't seem adequate. J. Smith asked if there is something that could be spread to enhance growth. C. Edwards indicated that his intention is to install the silt fence tomorrow and seed the disturbed areas. C. Edwards noted that winter rye would come up quickly.

The Sequence of Construction was reviewed by the Members. After review and a brief discussion, the first seven steps out of the seventeen steps of the sequence, D. Keating asked if the final subdivision map been filed in the land records and C. Edwards responded no, he is not building a subdivision but building a drainage system. D. Keating advised the Members not to let the subdivision construction work – drainage, pipes, roadways – until the subdivision map is filed in the land records.

J. Smith asked if there were any more questions from the Members to C. Edwards at this time and there were none. J. Smith indicated that the Commission will now discuss C. Edwards's request.

Arlene Brumer asked to confirm that there are 12 lots be built now, not 14 lots. C. Edwards responded yes, only 12 lots. J. Galligan noted that it appears that C. Edwards is proposing to follow the construction sequence. With the erosion controls not put up as of today's date, but from there follow, C. Edwards is looking to follow the construction sequence based on J. Galligan's review. J. Smith asked D. Keating to confirm that with not having the subdivision not being filed yet, it doesn't exist yet, only with approvals from Boards. J. Smith also asked if C. Edwards wants to put in detention ponds and swales on his property because the property needs them, then he can at this point. M. Opuszynski asked if the Commission needs to accept the new drawings because there are some changes with the two less lots. J. Smith noted that this occurred with Chatfield Farms, and since it is a decrease in lots, not an increase in lots, we didn't. W. Opuszynski asked if the ownership of the detention pond was finalized and C. Edwards noted that it is still up in the air. J. Smith indicated that the town's policy is not to accept any more detention ponds, unless they were in an open space that was deeded over to the town. M. Opuszynski mentioned that there was a discussion where a note of ownership and responsibility was going to be added into the deed when the lot was sold to the new property owner.

J. Smith indicated that he will entertain a motion to approve or deny C. Edwards' request to move forward.

Motion to allow Charlie Edwards to proceed with installing a detention pond, swale, soil erosion controls and following Items 1 through Items 7 on the Sequence of Construction for the property located on Fairfield Place known as Tiverton II; and applicant will be putting up his own money and assurance: **Knapik/Bousquet**; discussion was by W. Opuszynski asking if C. Edwards had a timeline and C. Edwards indicated that tomorrow, he will be installing the silt fencing and seed the area, and has no intention of moving forward before D. Keating inspects the work; no further discussion; ayes by S. Knapik, D. Bousquet, A. Brumer, M. Opuszynski, and W. Opuszynski. J. Smith recused himself from vote.

D. Keating indicated that there was a request to reduce the bond amount for sediment and erosion controls from \$25,000. M. Opuszynski asked if there is a change in the work being done that would support the reduction in the amount. M. Opuszynski asked if the amount would cover the amount of the work being done – Items 1 through Item 7 on the Construction Sequence and the remaining amount would be paid when starting the rest of the work. M. Opuszynski noted that it is actually not a reduction in the amount but a partial amount due for Items 1 through 7 and the remaining partial would be due when C. Edwards wants to start working on Items 8 through 17. J. Galligan indicated that C. Edwards would not be able to go passed Item 7 until the remaining balance is paid. The value of Items 1 through 7 would be paid and then the balance would be paid prior to starting on Item 8.

After a brief discussion, D. Keating suggested paying half - \$12,500 – being the reduced amount and the balance of the amount would need to be submitted before any work is done beyond Items 1 through 7 in the Construction Sequence or filing the mylar, whichever comes first. After a brief discussion, J. Smith indicated that he would entertain a motion in regards to the amount of the bond amount due at this time in order for C. Edwards to start with Items 1 through 7.

Motion to have a partial amount of the bond set at \$12,500 for Items 1 through 7 on the Sequence of Construction for the property located at Fairfield Place known as Tiverton II paid and the remaining balance of the bond paid prior to starting with Item 8: **Smith/M. Opuszynski**;no discussion; ayes by A. Brumer, M. Opuszynski, and W. Opuszynski; nays by S. Knapik and D. Bousquet. J. Smith recused himself from vote.

J. Smith indicated that Rich Minnick was present at tonight's meeting to inform the Members of the changes in the Ordinance. R. Minnick indicated that an outside organization was hired to review the Ordinances and Regulations under the new Codification that the town is going through. R. Minnick also indicated, based on his review, that storm water management is not under the same section as the Wetlands Commission. R. Minnick noted that storm water management is under General Legislation and Wetlands is under Administration Legislation. J. Smith asked who commissioned this to be done and R. Minnick responded that the town did. J. Galligan asked for clarification that under the new Codification, storm water management is no longer under this Commission's jurisdiction and R. Minnick indicated that it is but is under a different section and there is no easy reference between the two.

After a brief discussion, J. Smith asked for the timeframe and R. Minnick indicated that the first timeframe is September 28th. R. Minnick also indicated that the attorneys are supposed to have it to reviewed as well. M. Opuszynski asked what is the next step and J. Smith indicated that this Commission is not ready and not willing to accept what has been put forth.

J. Smith indicated that he would entertain a motion to inform the Selectmen that this Commission will not be ready by the timeframe.

Motion to inform the Board of Selectmen that Inland Wetlands and Watercourse Commission will not be ready for the September 28th timeframe for reviewing and accepting the changes to the Ordinances and Regulations and will need an extension of 6 months in order to form a sub-commission to review the proposed changes: **Smith/Bousquet**;no discussion; all ayes.

J. Smith indicated that Mario Trepca was a topic of discussion during the Board of Selectmen's meeting. J. Smith also indicated that this Commission requested a letter of approval for the compaction test by the engineer of record and this was never provided by M. Trepca. J. Smith noted that a discussion was held by this Commission where there is a possibility in having M. Trepca being responsible for the slope and any damage that the road would incur if the wall failed. The timeframe would be for five years. J. Smith also noted that if the Members are in agreement then to have D. Keating and J. Galligan write a letter with the appropriate verbiage that this Commission would like and then forward to the town attorney to write a formal document. D. Keating asked if it's five years from now or five years from when he signed the letter. J. Smith indicated that it will be five years from the date that M. Trepca signs the letter.

4. New Applications

There were no new applications presented at tonight's meeting. J. Smith noted that Bill Giglio may be submitting an application for a barn on his property and there is a watercourse in the back.

5. Approval of Minutes from Previous Meetings

J. Smith for a motion to approve the minutes from the August 8, 2018 meeting.

Motion to approve the meeting minutes from August 8, 2018: **M. Opuszynski/Bousquet;***no discussion*; ayes from J. Smith, M. Opuszynski, S. Knapik, and D. Bousquet; abstentions from A. Brumer and W. Opuszynski since they were not at the meeting.

6. Correspondence

A monthly report from EG Homes was received.

7. Show Cause Hearings & Considerations of Public Hearings

J. Smith indicated that there are no Show Cause Hearings & Considerations to discussion.

8. Administrative Report

J. Galligan provided copies of the 2017 Annual Report to the Members.

9. Applications – Old Business

After a brief discussion, J. Smith asked to have Agenda Item I. Application A-2016-311, Jim Weed, 664 Rimmon Hill Road, taken off the agenda for next month.

10. Old Business

J. Smith indicated that the letters have been mailed to the property owners regarding the ownership and their responsibility of the detention ponds located on their property. J. Galligan and D. Keating both indicated that they have not been contacted by any of the property owners as of yet.

11. New Business

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

12. Budget

1. Report of Accounts

A copy of the Report of Account was received and reviewed by the Members.

2. Payment of Bills

a. Invoice from the Commission's Clerk

There was an invoice from the Commission's clerk submitted for the August 8, 2018 meeting totaling \$64.75.

b. Other Invoices

There was an invoice from Dave Keating submitted for \$340.32.

Motion to pay the two invoices submitted for tonight's meeting for a grand total of \$405.07: Knapik/Bousquet; no discussion; all ayes.

3. State of Connecticut Fees

D. Keating indicated that the CT fees are caught up.

13. Miscellaneous

D. Bousquet asked M. Opuszynski why he sent the letter regarding to the Board of Selectmen and not to J. Smith. M. Opuszynski indicated that he did send the letter to J. Smith and the Selectmen forwarded to the Commission.

There was a question about water running onto the property of Beacon Falls Pizza after the paving of the parking lot from 113-119 South Main Street. J. Smith asked J. Galligan to take a look at the issue.

14. Petitions from Commissioners

a. Conservation Commission Report from Michael Opuszynski

M. Opuszynski indicated that the Land Use and Open Space Committee will be meeting on an "as needed" basis. There was no Conservation Commission meeting – no quorum.

b. Community Media Center Building Committee Report from Arlene Brumer

Arlene Brumer indicated that there was no meeting held since there was no quorum.

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 9:35 P.M.: **Knapik/M. Opuszynski**; *no discussion*; all ayes.

The next Inland Wetland and Watercourses monthly meeting will be held on Wednesday, October 10, 2018, starting at 7:30 P.M.

Respectfully submitted,

Marla Scirpo
Clerk, Inland Wetlands & Watercourses Commission