

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



**BEACON FALLS INLAND WETLANDS & WATERCOURSES COMMISSION
Monthly Meeting
November 14, 2018
MINUTES
(Subject to Revision)**

1. Call to Order / Pledge of Allegiance

Chairman John Smith called the meeting to order at 7:33 P.M.

Members Present: John Smith, Stephen Knapik, Michael Opuszynski, Walter Opuszynski, and Doug Bousquet

Others Present: Dave Keating

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.

3. New Applications

There were no new applications submitted for tonight's meeting.

4. Approval of Minutes from Previous Meetings – October 2018

J. Smith for a motion to approve the minutes from the September 12, 2018 meeting.

Motion to approve the meeting minutes from September 12, 2018: **Knapik/W. Opuszynski**; *no discussion*; ayes from J. Smith, S. Knapik, W. Opuszynski and D. Bousquet; abstention from M. Opuszynski since he was not at the October 2018 meeting.

5. Correspondence

There was no Correspondence received for tonight's meeting.

6. Show Cause Hearings & Considerations of Public Hearings

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

7. Administrative Report

D. Keating indicated that there are a couple of minor projects going on – one of which is Pond Springs Village and a copy of a report from Mark Kehrhahn was distributed to the Members as well as a copy of an email that D. Keating sent to M. Kehrhahn. During the discussion of Pond Springs Village, J. Smith, W. Opuszynski, and M. Opuszynski stepped off the Board. S. Knapik indicated that he visited the site this past Sunday and has a question on the pouring of the next foundation. S. Knapik noted that it would be difficult with the truck getting around and if a pump truck would be used. D. Bousquet indicated that he was at the site prior to the meeting and there is dirt being stockpiled now, approximately 25 truckloads, on the hill on the left-hand side. D. Bousquet took pictures and will forward to the Members. D. Bousquet also indicated that about 20' of the silt fence on the right-hand side is not there as well as a boulder that went through. D. Bousquet also noted that two people from Jones Construction were sleeping in the truck that was running and took pictures, noting that he observed them for about 15 minutes. The people were doing the floor in the garage. In order to pour the floor, about 15' of the fencing was knocked down and driven over back and forth, then nailed the silt fencing back up. D. Bousquet mentioned that it would be difficult to pour one of the foundations since it would be impossible to drive around the foundation unless they drive on someone's lawn or use a pump truck. D. Keating indicated that he would contact M. Kehrhahn tomorrow. S. Knapik indicated that M. Kehrhahn needs to attend the next monthly meeting.

With the completion of the discussion of Pond Springs Village, J. Smith, W. Opuszynski, and M. Opuszynski are back on the Board.

J. Smith noted that Mario Trepca was asked to attend today's meeting but he did not show. J. Smith also noted that Jim Galligan was going to draft a letter for D. Keating and his review on the responsibility of M. Trepca and the wall behind 93 South Main Street. Then that letter would be forwarded to the Attorney to draft a formal letter to M. Trepca. J. Smith noted that he will follow up with J. Galligan.

8. Applications – Old Business

The Members reviewed the list of applications under this agenda item. J. Smith noted that a report from EG Homes has not been received for the past two months. D. Keating indicated that he will contact EG Homes and have them attend the next monthly meeting.

After review of the applications, the Members requested to remove the following agenda items:

- f. Application A-2004-249 Pinesbridge Industrial Park – Lancaster Drive
- g. Application A-2012-297 Burton Hill, Burton Road – Lot 3 Storm Water Management
- i. Application SW-2013-003 L&R Trepca – 113/115 & 119 South Main Street
- k. Application A-2015-307 Tiverton 2 – C. Edwards Company, Charlie Edwards Storm Water Management Application SW-2015-007

After further review of the applications, the Members requested reports from the following agenda items:

- b. Application A-2003-236 Pond Springs Village / Pent Road / Lancaster Drive
- c. Application A-2004-244 Oakwood Estates – Phase 2
- e. Application A-2004-248 Chatfield Farms Active Adult Dev. Phases 1 & 2; Application A-2005-255 Chatfield Farms – Phases 3, 4, & 5; Application A-2014-306 100 Fieldstone Lane – Chatfield Farms Phases 3, 4, & 5
- h. Application A-2012-298 45 Pinesbridge Road – RSJ Development
- n. Application A-2018-314 Charles Edwards, Tiverton II, Fairfield Place; Application SW-2018-014 Charles Edwards, Tiverton II, Fairfield Place

J. Smith indicated that Charlie Edwards was unable to attend tonight's meeting and submitted a written report. The report indicated that silt fencing was installed, disturbed areas were seeded, and no further work due to weather conditions. S. Knapik noted that he walked the site on Tuesday and there is grass growing and noted no activity. J. Smith updated the Members that C. Edwards gave his attorney the check for the \$12,500 bond payment who then put the check into an Escrow account. J. Smith indicated that this is not the proper procedure and spoke to C. Edwards and D. Keating. J. Smith noted that C. Edwards was going to have his attorney contact the town attorney and J. Smith indicated that he needs to contact D. Keating. J. Smith also noted that C. Edwards informed him that his attorney contacted Atty. Byrne but J. Smith did not hear anything from Atty. Byrne. J. Smith informed C. Edwards that he must give either a letter of credit or security made out to the Town of Beacon Falls, not give a check to his attorney to hold.

W. Opuszynski noted that this has been going on for two months and suggested that this needs to be corrected within 15 days or a Cease & Desist would be placed on the property. J. Smith noted that he will need to confirm if everything has been done and the only thing this Board is objecting to is the status of the bond. J. Smith clarified that the Cease & Desist would be placed on any future activities due to the bond has not been legally posted. M. Opuszynski recommended that a certificated letter be sent to C. Edwards informing him that fifteen days from the certified mail date, the bond payment must be made to the Town of Beacon Falls otherwise a Cease & Desist would be issued. J. Smith noted that the form must be clarified in the letter to C. Edwards and also noted that a certified check would only be good for 90 – 180 days. D. Keating noted that the money must be made easily accessible to the Town.

J. Smith indicated that Jim Galligan is away until next week and he would like to contact J. Galligan to consult on this issue. M. Opuszynski indicated that this Board must do what's best to protect the town on this issue. J. Smith noted that if the fifteen days is not correct per the advice of J. Galligan and Atty. Byrne then the letter would not be sent. M. Opuszynski indicated that we have been asking C. Edwards for multiple months to follow the appropriate steps.

After a brief discussion, a motion was made to notify Charlie Edwards.

Motion to notify Charles Edwards that the security payment of \$12,500 must be in the possession of the Town of Beacon Falls within fifteen days otherwise a Cease & Desist will be issued on the property after discussing the issue with the Town Attorney: W. Opuszynski/M. Opuszynski; discussion was by D. Bousquet asking if we should consult with J. Galligan and Atty. Byrne to confirm if fifteen days is legit. J. Smith noted that the Cease & Desist would be issued only if nothing happens within the fifteen days. M. Opuszynski indicated that the motion should include based on the advice from the Town Attorney and Town Engineer, the timeline would be set for the letter. S. Knapik noted that he is not in favor because the fifteen days may not be right. J. Smith clarified that if the Town Atty. indicates that fifteen days is not correct then the letter would not go out to C. Edwards. D. Bousquet agreed that we should wait until talking with the Town Atty. and the Town Engineer for the correct wording; ayes by J. Smith, W. Opuszynski, and M. Opuszynski and nays by S. Knapik and D. Bousquet.

9. Old Business

J. Smith noted that neither J. Galligan nor D. Keating have been contacted by any of the property owners as of yet regarding the detention pond letters that were sent out.

10. New Business

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

11. 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 September 12, 2018 meeting totaling \$56.25.

b. Other Invoices

There was an invoice from Dave Keating submitted for \$226.88.

Motion to pay the two invoices as submitted for tonight's meeting for a grand total of \$283.13: Knapik/Bousquet; no discussion; all ayes.

3. State of Connecticut Fees

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

12. Miscellaneous

D. Bousquet indicated that the badges could be done prior to the next monthly meeting, which is 12/12/2018, at 6:30 PM at the fire house.

13. Petitions from Commissioners

S. Knapik asked D. Keating if a letter has been mailed to the residents of Oak Drive regarding the sediment being washed down the road into Munson Road. D. Keating indicated that he will discuss this issue with J. Galligan and draft a letter.

M. Opuszynski asked D. Keating if a letter has been mailed to Region 16 regarding the storm basin at Woodland Regional High School. D. Keating indicated that he will draft a letter and send it to Region 16.

a. **Conservation Commission Report from Michael Opuszynski**

M. Opuszynski indicated that there was a meeting last night. The Commission is recommending to have Lantern Ridge closed and will be having a letter sent to the Board of Selectmen. The Commission is revisiting the Rules and Regulations.

b. **Community Media Center Building Committee Report**

D. Bousquet indicated that there was nothing to report.

14. Adjournment

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

Motion to adjourn meeting at 8:36 P.M.: **Knapik/M. Opuszynski; no discussion; all ayes.**

The next Inland Wetland and Watercourses monthly meeting will be held on Wednesday, December 12, 2018, starting at 7:30 P.M.

Respectfully submitted,

Marla Scirpo
Clerk, Inland Wetlands & Watercourses Commission