

**Town of Beacon Falls
Inland Wetlands & Watercourse Commission
10 Maple Ave
Beacon Falls, CT 06403**



REGULAR MEETING MINUTES, APRIL 11, 2012

Chairman Edward Smith called the Regular Meeting of the Inland Wetlands and Watercourse Commission to order at 7:32 p.m.

Present: Chairman Edward Smith, Vice Chairman Stephen Knapik and Commissioners: Richard Minnick, Arlene Brumer, Walter Opuszynski and Michael Opuszynski.

Also Present: Wetlands Enforcement Officer David Keating, Donald Smith, Jr. and Maryann Kempa, Clerk.

Pledge of Allegiance – recited

Comments from the Public

Mr. Stephen T. Pretto, Vice President of Operations at Goldenrod Corporation came before the board requesting a bond reduction. Chairman Smith stated a final inspection would have to be completed by David Keating, Wetlands Enforcement Officer.

Motion was made by Vice Chairman Knapik and seconded by Commissioner Minnick to release the remaining bond for Goldenrod Corporation.

Discussion: None Vote: 5 in favor Abstained: 1 Opposed: 0

Motion was made by Vice Chairman Knapik and seconded by Commissioner W. Opuszynski to allow the Chairman to rearrange the agenda to accommodate the public.

Discussion: None Vote: 6 in favor Abstained: 0 Opposed: 0

Application A-2012-297 Burton Hill, Burton Road – NVSL, Resubdivision Lot #3

Chairman Smith stated that the application was received last month and has been reviewed. Commissioner M. Opuszynski stated that the fees need to be determined. Commissioner Brumer stated the conservation easement, restrictions of the natural wetlands areas and public hearing fees, restriction on the back acreage need to be discussed. Commissioner Minnick stated that the fee needs to be discussed before the application can be accepted for processing. The fee was calculated at \$6,790. Chairman Smith asked if the fee was based on the wetlands that were there and the wetlands that were created. Dave Keating, Wetlands Enforcement Officer explained that the only wetlands proposed to be filled are the manmade wetlands by the previous owner. The application fee includes about 5,000 square feet of wetlands and 34,000 of regulated activity adjacent to those wetlands. Dave Keating suggested taking out the \$5,100 fee for the work adjacent to the newly created wetlands which would be a fee of \$1,690. It is wetlands and is regulated by the State Statute and the fees were adopted.

Don Smith, Jr. P.E. representing the applicant stated that the parcel is fourteen acres. Approximately 4,500 square feet of wetlands is proposed to be filled. Chairman Smith suggested \$2,600.00 instead of \$5,100.00.

Motion was made by Commissioner Minnick and seconded by Vice Chairman Knapik to reduce the \$5,100.00 portion of the application fee to \$2,600.00. The reason is because man made or not it is area around a wetland.

Discussion: Commissioner M. Opuszynski stated the reason we have the fees is to prevent people from working and affecting the wetlands. His concern is the long effect on the wetlands. Commissioner W. Opuszynski stated he feels it is too much of a fee reduction. Commissioner Minnick stated that there is no logic as to how the fee schedule was established. Discussion was held concerning the previous activity on this site. This fee schedule was established by the Board of Selectmen.

Vote: 2 in favor Abstained: 0 Opposed: 4 Motion failed

Motion was made by Commissioner W. Opuszynski and seconded by Commissioner M. Opuszynski to keep the portion of the application fee of \$5,100.00 for a total fee of \$6,790.00.

Discussion: Commissioner Minnick stated that reducing the fees would not be setting a precedent.

Vote: 3 in favor Abstained: 0 Opposed: 3

Motion failed

Motion was made by Commissioner W. Opuszynski and seconded by Commissioner Minnick to propose a fee of \$4,500.00.

Discussion: None Vote: 2 in favor Abstained: 0 Opposed: 4

Motion failed

Motion was made by Vice Chairman Knapik and seconded by Commissioner Brumer to lower the fee to \$3,500.00 for a total fee of \$5,190.00 in addition to a Public Hearing fee of \$500.00 = total \$5,690.00.

Discussion: None Vote: 4 in favor Abstained: 0 Opposed: 2

Motion carried

Motion was made by Commissioner Minnick and seconded by Commissioner W. Opuszynski to accept Application A-2012-297 Burton Hill for processing as submitted with the established fees.

Discussion: None Vote: 6 in favor Abstained: 0 Opposed: 0

Motion was made by Commissioner Brumer and seconded by Commissioner M. Opuszynski that the Application A-2012-297 needs a public hearing for the adjacent homeowners to have a say and come and review the application as proposed. Also, to be aware of the impact to the wetlands man made or otherwise.

Discussion: None Vote: 6 in favor Abstained: 0 Opposed: 0

Chairman Smith stated that the review by the Commissioner members has to be forwarded to the Town Engineer. Commissioner Minnick asked if the comments have been provided to the applicant. Comments have been provided to the applicant. There are some comments regarding the conservation easement and open space which should go to the Land Use Committee to make a recommendation to the Board of Selectmen and Planning and Zoning. Commissioner W. Opuszynski had a question of alternative plans. Commissioner Minnick stated when the application goes to public hearing state to approve or deny that there are or are no prudent and feasible alternatives.

**The Public Hearing is scheduled for Wednesday, May 9, 2012 at 7 p.m.
The total fee due is \$5,670.00.**

Approval of Minutes – March

Motion was made by Commissioner M. Opuszynski and seconded by Vice Chairman Knapik to approve the minutes with corrections.

Discussion: None Vote: 6 in favor Abstained: 0 Opposed: 0

Correspondence

1. Planning and Zoning Minutes dated March 15, 2012
2. Conservation Commission Minutes dated April 2, 2012
3. Interoffice Memo dated March 28, 2012 from First Selectman Gerard Smith regarding Purchasing Policy and Procedures
4. Budget

Commissioner Minnick asked if Nafis and Young forwarded the fee for doing the regulations. Chairman Smith will contact Jim Galligan, Town Engineer.

Public Hearings & Considerations of Public Hearings – May 9, 2012 – 7 p.m. Burton Hill

Public Petitions – none

Application A-2001-218 O&G Restoration – Toby's Pond

Application A-2012-218 Toby's Pond – Repair and Maintenance

Chairman Minnick stated that the current design should work (except in the most extreme circumstances). This is at the entrance spillway. Some trees and material have been removed. This commission never accepted the boat ramp as design or modified. The whole area of the spillway is armored. Two levels of concrete blocks and they are diverted towards the spillway into the heavy armored rip rap. Access to the berm was made easier. O&G have fixed a couple of the washout areas. The town crew, contractors and volunteers have been pulling the brush from

along site of the road to make it more accessible. Commissioner Minnick will be going before the Board of Selectmen to request funds from the money that has been designated for the repair and maintenance. Approximately \$1,000 - \$1,200 for signage will be requested. The signage will be more like State Park signs and will have wooden posts and the Town of Beacon Falls seal. There has been interest from the Boy Scouts.

Application A-2004-248 Chatfield Farms Active Adult Dev. Phases 1 & 2

Vice Chairman Knapik asked what is going on at Chatfield Farms. He stated that new owners will be taking over and will be addressing the punch list. Chairman Smith stated that he heard the project will be starting up again. Jim Galligan, Town Engineer will be contacted concerning this matter. The new owners should come before the board.

Application A-2010-287 – Lancaster Drive – Beaver Control

Vice Chairman Knapik stated that the pipe was installed for the beaver control.

Application A-2011-292 – Downtown Streetscape

Chairman Smith stated that the pipe was put.

Administrative Reports

David Keating, Wetlands Enforcement Officer stated the following projects are in progress:

1. Application A-2011-291- 128 Pines Bridge Road/Lot 45 - Dr. Dey – they are preparing to pave and the side slopes from the parking lot down toward the wetland area are being worked on.
2. Application A-2011-290 – Ryan Smith, 80 Pinesbridge Road – is moving along.

New Business – none

Report of Accounts – done

Payment of Bills

M. Kempa, D. Keating – March/April
Nafis & Young – not out of IWWC line item.

Motion was made by Vice Chairman Knapik and seconded by Commissioner M. Opuszynski to pay the bills as submitted.

Discussion: None Vote: 6 in favor Abstained: 0 Opposed: 0

State of Connecticut Fees – submitted as received.

Miscellaneous

Matthew Keogh - #2 Snyder Drive

Dave Keating, Wetlands Enforcement Officer stated the homeowners filled part of the backyard a few years ago. The homeowners are requesting to install a swimming pool. They have to level 6-12 inches on the street side and use the material to level off the down slope side. It is 50 - 60 feet

away from the wetland. There is a slight amount of cut and fill. There is no impact to the wetlands. The pool will be above ground. No permit is required. Erosion control will be needed.

Motion was made by Chairman Smith and seconded by Vice Chairman Knapik to authorize Dave Keating, Wetlands Enforcement Officer to sign off.

Discussion: None Vote: 6 in favor Abstained: 0 Opposed: 0

Petitions from Commissioners

Commissioner Minnick forwarded a draft of the Plan of Conservation and Development.

Discussion was held concerning the current wetlands fees.

Executive Session – none needed

Motion was made by Commissioner W. Opuszynski and seconded by Commissioner M. Opuszynski to adjourn the meeting at 8:55 p.m.

Respectfully submitted,



Maryann Kempa
Clerk