

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



REGULAR MEETING MINUTES, AUGUST 8, 2012

Chairman Edward Smith called the Regular Meeting to order at 7:30 p.m.

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

Also Present: Wetlands Enforcement Officer David Keating, Gerard Smith, First Selectman, Michael H. Horbal, Land Surveyor and Planner, 52 Main Street, Seymour, CT, Mr. Robert Pruzinsky, R.S. & J Development Co. – 45 Pinesbridge Road, Beacon Falls, CT, Atty. Steven Byrne, 790 Farmington Avenue, Farmington, CT, James Galligan, Town Engineer, Atty. Cesar L. Sousa, Fitzpatrick, Mariano & Santos, 203 Church Street, Naugatuck, CT, Michael Hill, The Goldstar Group, 4630 Montgomery Avenue, Bethesda, MD, Elliott Fuller, 35 Chatfield Drive, Robert Pitzschler, 4 Laurel Ridge, Vincent Morneau, 3 Laurel Ridge, Atty. Gregory McCracken, 10 Waterside Drive, Farmington, CT, Al Toratore, 12 Laurel Ridge and Maryann Kempa, Clerk.

Pledge of Allegiance – recited

Comments from the Public – None

Public Petitions – None

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

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

New Application

Application A-2012-298 – R.S. & J. Development - 45 Pines Bridge Road

Michael H. Horbal, Registered Land Surveyor with an office at 52 Main Street in Seymour, CT and Robert Pruzinsky, R.S. & J Development Co., 45 Pinesbridge Road, Beacon Falls, CT the applicant came before the Commission seeking an approval for the site plan on 45 Pines Bridge Road the site of their construction company. The proposal is to regrade the land on the west side of the building removing 65,000 yards to make it suitable for a future industrial building site. The property is located in the Industrial Park District. There are no wetlands on the property. The closest wetlands to the property are across Pinesbridge Road which is more than 100 feet away. The plans for sediment, erosion and storm water management have been submitted. There is a summary concerning the storm water management done by Donald Smith, Engineer. The summary outlines the proposal to build the sedimentation basins. The plans have not been revised since the original submission. Jim Galligan, Town Engineer stated he had some minor revisions. Storm water management has been addressed. The board members had no questions. The board members are familiar with the site.

Motion was made by Commissioner Richard Minnick and seconded by Vice Chairman Stephen Knapik to accept the application as submitted as there are no inland wetlands or watercourses on the site. The soil and erosion control plan that they have developed seems adequate to handle the situation downstream.

Discussion: Commissioner Walter Opuszynski inquired if a Public Hearing would or would not be required. Commissioner Richard Minnick stated he made the motion and he made the determination with his motion no Public Hearing is required.

Vote: 6 in favor Abstained: 0 Opposed: 0

Motion was made by Commissioner Richard Minnick and seconded by Vice Chairman Knapik that after review by James Galligan, Town Engineer and comments that were received last meeting and no further comments that the storm water management be approved as presented and designed provided by the applicant's engineer.

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

Application 2003-236 – Pond Springs Village Pent Road/Lancaster Drive

Atty. Cesar L. Sousa, Law Firm of Fitzpatrick, Mariano & Santos, at 203 Church Street, Naugatuck, CT attended the meeting representing the applicant. They are seeking a transfer of the wetlands permits.

Commissioners: Walter Opuszynski and Arlene Brumer recused themselves.

Chairman Edward Smith stated that the application and permit is transferable but it is required that the new owner come before the board. A contact list is needed. Are the bonds in place? The new owner is Pond Springs Development, LLC. A start date of construction is needed. A construction sequence is also needed. A preconstruction meeting is to come before the board.

Commissioners: Walter Opuszynski and Arlene Brumer are back on the board.

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

Atty. Steven Byrne provided a phone number to call Michael Hillman, Goldstar Group. The board members have received correspondence from Atty. Steven Byrne regarding the procedure to call the bond to finish some of the outstanding work at Chatfield Farms if it is required. Atty. Steven Byrne stated he has been in touch with Michael Hillman, Goldstar Group. There are two bonds available to call if necessary. If it is decided to call the bonds, Goldstar Group is entitled to a Show Cause Hearing to be published in the newspaper.

Chairman Edward Smith contacted Michael Hillman, Goldstar Group by phone for a conference call. Mr. Hillman was introduced to the board members, First Selectmen, Town Engineer, Town Attorney, Wetlands Enforcement Agent and members of Chatfield Farms. Each person in attendance introduced themselves.

Chairman Edward Smith stated that the Town of Beacon Falls has repeatedly asked for some violations to be fixed and repaired at Chatfield Farms for the past two years. Mr. Hillman stated he has a copy of the Notice of Violation dated April 25, 2011. M&O Construction was to address

the comments. He was under the impression that all the comments were addressed except for the detention pond outlet.

Jim Galligan, Town Engineer stated that they visited the site yesterday and today (8/7 & 8/8/2012). Jim stated he has a copy of the original site plan that was prepared by Milone and MacBroom during the approval process and also a copy of the letter dated April 25, 2011 letter that was forwarded to the board members and First Selectman. He has gone through each of the items and has identified several items that are incomplete. Items 2, 4, 8 & 9 are not complete to date. Also related to the detention pond outlet, the materials and methods of construction are in question as to how it was done, how it was secured, what the procedure was, what elevation they set the proper frame at, which is the controlling element for the existing pond. Included in the handout to the board members and First Selectman are some photographs of the pond outlet. There are some photographs of one of the bridges that was constructed and, in particular, a photograph of the manhole that is referred to under item #9 which continues to be a significant source of siltation for the adjacent wetlands. It is a structural failure of the detention system, the manhole itself and the drainage system. It is one of the larger items that is left outstanding. You are now current to as what this commission knows as far as my report is concerned.

Commissioner Richard Minnick stated his concerns regarding the letter received from their engineer regarding the detention basin in the pond which states: The structure is part of the dam that is registered with DEP and is associated with what we permitted. It is my understanding that before any work was done in that area that the previous developer had that permit. Before you go to DEP, the requirements of this board are to be met. This board wants to know what you are doing to proceed with that because if it is the outlet structure that failed prior to you taking control of the property. They are required to come before this board with plans and the plans should be going to DEEP. Also, who has your engineer been talking to at DEEP. There will be more details after a site visit.

Chairman Edward Smith asked if it was Mr. Michael Hillman's impression that only item 9 needed to be addressed and he was not aware of items 2, 4, 8&9. Mr. Hillman explained that they relied on their contractor (M&O Construction) to get that work done except for the outlet structure as they are not on site. They have been in touch with Milone and MacBroom which provided a proposal with drawings and design to fix or repair the structure. He stated they are corresponding with the Homeowners Association to get the work done. Chairman Smith asked if it was Goldstar's intent to finish this project. Mr. Michael Hillman stated it is their intent to ensure that the work gets completed. Chairman Edward Smith asked if there is somebody from the area that can come to these meetings. Mr. Michael Hillman stated a former employee, Randy Barnum who has been helping with the project. He is a contractor and cannot speak for ownership. Chairman Edward Smith stated that these meetings are the second Wednesday of each month and a representative from Goldstar is needed at these meetings. Atty. Steven Byrne stated that the work needed to get done.

Commissioner Richard Minnick stated that what we need to have is a primary contact for any issues regarding this site. Mr. Michael Hillman stated he can be contacted. Chairman Edward Smith stated that there is no one on site presently that could clean up any issues that may occur in a storm event. Is there a time frame as to when there will be someone on site? Atty. Steven Byrne asked in a storm event who should be contacted. Mr. Michael Hillman stated that Milone and MacBroom will be the contact person. Atty. Steven Byrne in the event of heavy rain can the

Town of Beacon Falls call on Milone and MacBroom to take care of any issues. Mr. Hillman stated he needs to coordinate with the homeowner association. Commissioner Richard Minnick stated that Goldstar took over property from the contractor, you are the one responsible for this not the homeowners association. Chairman Edward Smith stated that M&O Construction was to take care of the punch list of April 25, 2011 and it has not been done. Can M&O Construction finish the work? Mr. Michael Hillman stated 100%. Chairman Edward Smith stated that there will then be a contractor on site with equipment in case of emergency. Atty. Steven Byrne stated that what is needed whether or not there will be someone to contact if something goes wrong and needs immediate action. If Goldstar cannot get the board that, a recommendation will be made to call the bond and the town will have recourse to take care of any situation. The homeowners association is not the issue. Mr. Michael Hillman asked for some time approximately three or four weeks. Commissioner Richard Minnick stated the way he is reading the bond it is between AM Alexandria, LLC, Purchaser of the Distressed Trade of Wyndham at Chatfield Farms, LLC. There is no mention of any homeowners association along with it. Mr. Michael Hillman stated it is the question of collaborating with the association, understanding who is responsible, roles and responsibilities and getting it covered. He stated he does not want the calling of the bond to get the work done. He is asking a little bit to time to get it done. Chairman Edward Smith asked if four weeks should be enough time to get the work done. Mr. Michael Hillman stated yes. Vice Chairman Stephen Knapik stated that if there is a rainstorm once a week, the contact person is going to be Milone and MacBroom to get in touch with a contractor to clean up the mess. Mr. Michael Hillman stated that Milone and MacBroom will be the primary contact. Chairman Edward Smith stated that this commission will not allow silt to go into the pond. That will be when the bond will be called. Vice Chairman Knapik stated between now and the four weeks, we need somebody to contact if something goes wrong and needs clean up. Mr. Michael Hillman stated the only contactor he has is M&O Construction. Atty. Steven Byrne stated what is needed tomorrow is if anything happens on the site an emergency contact who can do the clean up. Commissioner Richard Minnick noted for the record that you also have the punch list that Jim Galligan, Town Engineer spoke of this evening. Mr. Hillman does not have the punch list and a copy will be forwarded to him concerning items 2, 4, 8&9. Commissioner Richard Minnick stated that their negotiations with the association is no a concern of this commission. This commission is with the contractor/developer, when you purchased the property, you received that responsibility. This commission does not want to hear that you are negotiating with the homeowners association. We want to get the work done and correctly that means the completion of the streets, all the outstanding parts that will effect the environment, storm water and drainage. Mr. Michael Hillman stated they want to find a way to take care of these things without drawing on those bonds, so those bonds stay in place for future issues. Jim Galligan, Town Engineer stated he would like to meet with the contractor on the site when he is doing items 2, 4, 8&9 to understand what their approach is going to be. Jim Galligan stated he was unaware of the other items which were completed. Somebody needs to meet with us out at the site and walks the site with our inspector to go over all the elements. A lot of this could have been eliminated had that happened when they started. When the four items are going to be done, he should be contacted and have a meeting on the site so that everybody is on the same page.

Chairman Edward Smith stated he did go up to visit the site today and wanted to make sure that the commission and the wetlands enforcement officer are still invited on the site without any problems. Mr. Michael Hillman stated it was okay.

First Selectman, Gerard Smith left the meeting and 8:25 p.m. and the conference call was ended with Mr. Michael Hillman, Goldstar Group.

Chairman Edward Smith stated he was at the site today; the items are they from the inspection of April 25, 2011. Jim Galligan, Town Engineer stated that they have not been doing erosion control inspections at the site. When these items are to be done, they would like to be contacted and be on the site. They do frequently get down stream complaints about siltation from the site. This has been ongoing. This is not the only area when siltation can be coming from.

Mr. Elliott Fuller, 35 Chatfield Drive came before the board to find out what is going on with #item #9 – the storm water manhole behind Lot 86. The manhole cover blew out. He suggested investigating the drainage system. Jim Galligan, Town Engineer stated now is a good time to some investigational work to see if something is clogged. The water is coming out of the detention basin, runs to a manhole and over to a level spreader system. The water has lifted the frame of the manhole cover. They tried to repair the manhole. There is something in the system between the detention basin and the outflow that is not working correctly.

Mr. Robert Pitzschler, 4 Laurel Ridge stated he has asked that a temporary outlet, the main outlet collapsed. The silt in the pond needs to be cleaned. A plastic corrugated pipe about 30 – 36” diameter over the main outlet was put in to raise the water level about a foot and a half. The pond still needs to be raised another foot. Nothing has been done. Apparently there is some kind of money issue.

Gregory W. McCracken, Attorney for Chatfield Farms Homeowners Association, 10 Waterside Drive, Farmington, CT stated he is at the meeting to address the responsibilities the new owners.

Chairman Edward Smith stated before we go any further, the commission needs to go out on a site walk to get familiar again. Jim Galligan, Town Engineer, is asked to be in attendance.

Vincent Morneau, 3 Laurel Ridge stated as the association controls the gate, he would be willing to provide access to the site.

Mr. Elliott Fuller, 35 Chatfield Drive stated he feels that the outflow structure pipe to the dam can also fail.

Approval of Minutes

Regular Meeting

Motion was made by Vice Chairman Knapik and seconded by Commissioner Michael Opuszynski to approve the Regular Meeting Minutes with noted changes.

Discussion: None

Vote: 6 in favor

Opposed: 0

Abstained: 0

Revisions to the minutes have been done and forwarded to the Town Clerk for filing.

Correspondence – None

Public Hearings and Considerations of Public Hearings – none

New Business – none

Report of Accounts – none

Payment of Bills

David Keating - \$239.76, Maryann Kempa - \$147.50.

Motion was made by Commissioner Michael Opuszynski and seconded by Commissioner Walter Opuszynski to pay the bills as submitted.

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

State of Connecticut Fees – submitted as received.

Miscellaneous – none

Petitions from Commissioners – none

Motion was made by Commissioner Minnick and seconded by Commissioner Michael Opuszynski to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Maryann Kempa

Maryann Kempa, Clerk