

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



REGULAR MEETING MINUTES, SEPTEMBER 12, 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 and Walter Opuszynski

Absent: Commissioner Michael Opuszynski and David Keating, Wetlands Enforcement Officer.

Also Present: Michael H. Horbal, Land Surveyor and Planner, 52 Main Street, Seymour, CT, Mr. Mario Trepca, Trepca, LLC, Atty. Steven Byrne, 790 Farmington Avenue, Farmington, CT, James Galligan, Town Engineer, Atty. Edward Fitzpatrick, Fitzpatrick, Mariano & Santos, 203 Church Street, Naugatuck, CT, Darin Overton, P.E. Milone and MacBroom. 99 Realty Drive, Cheshire, CT, Brian Swan, Elliott Fuller, 35 Chatfield Drive, Robert Spear, 14 Lakeview Rise, 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 Vice Chairman Stephen Knapik and seconded by Commissioner Richard Minnick to allow the Chairman to rearrange the agenda to accommodate the public.

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

Application A-2002-231 Blackberry Grove Estates – Bond

Chairman Edward Smith stated that Brian Swan is requesting a bond release. There are no concerns. Everything is stable on the site. James Galligan, Town Engineer stated that he had no concerns. David Keating, Wetlands Enforcement Officer will be advised to send a letter. Brian Swan will forward the necessary information to David Keating.

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

Commissioners: Arlene Brumer and Walter Opuszynski are off the board.

Atty. Edward Fitzpatrick came before the board concerning Pond Springs Village, LLC which is the new owner. Atty. Fitzpatrick presented to the board a summary of the units that are sold, available, those that have foundations, and those that are currently undeveloped. Mike LaChance

Construction LLC, 211 Boston Road, Middletown, CT is the current contractor. Atty. Fitzpatrick stated that:

Units 69 and 71 September Lane – complete in about 1 or 1 ½ weeks. The cabinets are going in and the floors are being completed.

Units 3, 4, 23 located at Pondview Circle – painting now, cabinets are being installed, to be completed within 1 or 1 ½ months.

Unit 79 located at October Lane – waiting for electrical and plumbing, to be completed by no later than November.

The units with framing are to be completed first and to be completed no later than December.

He will then move onto the foundation units (6 foundation units).

Atty. Fitzpatrick also presented to the board the official recorded information for Mike LaChance Construction LLC.

Chairman Edward Smith asked if the erosion control bond is in place on the parcel. Atty. Fitzpatrick stated it is posted if it is still there. There is a bond but it has nothing to do with this client. Chairman Edward Smith stated that if the project is going to be started up, the new owner is going to have to post a bond. Jim Galligan, Town Engineer will have to do a review as to what has to be done, the future construction and a bond amount will have to be determined by the Commission which the new owner would have to post as a bond. David Keating, Wetlands Enforcement Officer will contact Atty. Fitzpatrick.

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

New Application

L&R Trepca, LLC - 113 & 119 South Main Street, Beacon Falls, CT

Michael H. Horbal, Registered Land Surveyor with an office at 52 Main Street in Seymour, CT came to the board representing L&R Trepca, LLC, 113 & 119 South Main Street which pertains to an existing building a liquor store. The proposal is to do parking lot improvements and to construct a new building of approximately 1,750 square feet which will be divided into two commercial retail stores or offices. The property is between South Main Street and Johnson Street. Mr. Michael Horbal submitted five copies of each of the site plans, which include erosion control, application, application for storm water management and a hydrology report.

The lots are small 90 feet wide and 90 feet deep. The two combined are approximately 15,000 square feet in total. The town has an easement for a storm drain from Johnson Street going through the property down to South Main Street. The Town has recently constructed a new catch basin to correct a problem of cross connections. The proposal is to construct a new building on 113 South Main Street, paving and create a parking lot on 113 and 119 South Main Street. The parking lot will be joint use. There will be a series of dry wells that will be interconnected and eventually connected to the storm drainage system. In the hydrology report, they have predicted due to the increase and runoff 4,406 gallons; the galleys were made larger to store 5,037 gallons for the ten year storm. The increase due to the paving and building is 589 cubic feet or 4,406

gallons. The galleys will store approximately 1,000 gallons more than the increase during a ten year storm.

Mr. Horbal explained that South Main Street is lower in elevation by about 15 feet than Johnson Street. Behind the proposed building (#113), the proposal is for some sloping, rip rapping, create a drainage swale around the building and connect to the galleys. The roof leaders will be connected to the galleys. All the galleys are interconnected with an equalizer pipe. The building is on a slab. It is above the flood plain elevation. There are no wetlands on the lots (closest is 100 feet away – the Naugatuck River).

Storm water management is controlled by the galleys as seen on the plans. Shown on the plans are erosion control measures and filter fences. Behind the existing package store, crossing the property line and going to be attached to proposed building will be a new retaining wall. Some of the slope in the back has to be excavated. The parking lot will be paved. The sidewalk in front of the building will be concrete and include handicap parking spaces. There will be a swale in the back of the building. The rear of the building will be below ground. Standard erosion control measures, the construction entrance and filter fences are proposed. All details are on sheet 3 of the plans.

Commissioner Walter Opuszynski stated drainage will be behind the building on Johnson Street; what is the condition and age of the pipe and what type of pipe is it. Mr. Horbal stated there are two types: from Johnson Street – 10 to 12 inch tile pipe that connects somewhere to a 15 inch corrugated metal pipe – between existing catch basins on Johnson Street and existing catch basin located by the package store. Towards South Main Street to the new catch basin, there is a 15 inch corrugated plastic pipe which was installed by the Town. Commissioner Walter Opuszynski stated his concern regarding the condition of the pipe and access for maintenance. The wall will be about 8 feet away from the pipe. Mr. Michael Horbal feels that there is sufficient room to revise or fix the pipe. Chairman Edward Smith asked if there is an easement to the Town to maintain the pipe. James Galligan, Town Engineer is to review the site to determine if there is sufficient access for the Town to be able to maintain the pipe.

Commissioner Richard Minnick stated that there will be an equalizer pipe. The catch basins should fill up at the same level. How is soil and erosion going to be kept out of the catch basins; there is information on the plans. Maintenance of the dry wells should be put on the mylar record map for the new owner to know it is their responsibility. Mr. Horbal stated that they will list maintenance requirements.

Mr. Horbal mentioned that there is an easement on the property of #113 that is in favor of house #98. The easement is for driveway purposes. The driveway for house #98 straddles the property line. They will stay away from first 8 ½ feet as much as possible.

Commissioner Richard Minnick noted that two application numbers will be issued: one for Inland Wetlands and another for Storm water Management. Chairman Edward Smith stated that the Commission will receive the applications for review tonight.

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

Chairman Edward Smith stated that the Commission has concerns regarding items to be taken care which have not been done. There was a phone conversation with the new owners at last .

month's meeting. Mr. Darin Overton, Milone & MacBroom, 99 Realty Drive, Cheshire, CT attended the meeting representing the new owners. He stated that he had some discussions previously with the new owner – AM Alexandra and the contractor M&O back when work was being done. He did not have any idea what work they were doing. Milone & MacBroom was contacted regarding outlet control structure for the pond.

Mr. Overton stated he received an email from Atty. Steven Byrne requesting a letter be sent to the Inland Wetlands Commission regarding the transfer of the permits to AM Alexandria, LLC. This letter has been received. Mr. Overton addressed each of the following items:

Item 1 – Cease and Desist Order

Item 2 - Mr. Overton stated that M&O addressed most of the concerns. A temporary fix was done on the outlet structure. A larger diameter plastic pipe was put over the deteriorated pipe as three feet or more of the pipe was gone. It is currently stable and working very well. He has no way of verifying the elevation of the pond – close to what existed before. There is a shelf that is very large about 18 inches above the water. The water was never within six inches of the shelf. The solution is working very well. The outlet pipe is in very good shape. This would require inspections and verification and design. This is a DEEP listed dam which would require a general permit which would take six months minimum. This is a summer of 2013 fix. Vice Chairman Knapik stated that something has to be put on top of the pipe for safety.

Item 3 – Downstream was the debris removal from the drainage structure. He did not see anything unusual. He believes debris has been removed. It looked like a natural stream channel. There is something in the outlet pipe.

Commissioner Richard Minnick stated that there is a lot of growth in the dam now – trees and shrubs and it should be removed. There should be a maintenance plan. The dam is in good shape.

Items & 4 and 5 – where the stream crossing comes down there was a 12 inch pipe, during the storm it got overtopped and it eroded and was washed out. There is silt in the pond. There is a new bridge and a natural stone wall. These items were addressed.

Item 6 & 7 – sweeping Chatfield Drive and stabilizing the shoulders – these were done.

Item 8 – Remove hay bales from in front of drainage but keep filter fabric in place; associated with the detention basin by Unit 85. As all is stabilized, the filter fabric is no longer needed. Commissioner Richard Minnick stated that the pond has a lot of silt in it now. The pond will still need to work as a sedimentation pond.

Item 9 – Close storm water manhole behind Lot 86. To be addressed.

Item 10 – Weeds need to be cleared.

Item 11 – There is no need for the silt fence. Remove.

Item 12 & 13 – Apply to Phase 5 & 3 – staging area where the basin was constructed. The berm was not washed out. Below there was a gully area, where the washout had been. There is new silt

fence. Remove accumulated sediment in the wetland area. There was no outlet visible. Rip rap overflow should be installed. The cross culvert looks good. The basin is currently at risk if it fills up. Jim Galligan, Town Engineer stated that there is no opening exposed.

Chairman Edward Smith stated that there is a mountain of material that is washing down. The elevation is getting higher and higher. Commissioner Richard Minnick stated there are some holes that are three foot thick.

Darin Overton stated that there is an area where the manhole got washed out. There may be some type of blockage in the pipe. The manhole needs to be reconstructed. The outlet pipe and level spreader needs to be cleaned and reestablished. Darin Overton stated he did not find an outlet pipe on the manhole. Any gullies should be evenly graded out, reestablished and temporarily seed the area. Commissioner Richard Minnick asked Darin Overton to walk the site further where the silt fence is down.

Commissioner Richard Minnick stated that the area where the big mountain of gravel and sand are needs to be heavy stabilized. The pond should be pretty well protected and it is not.

Jim Galligan, Town Engineer stated he wants to be on site concerning the level spreader. He feels it is a significant cause of the problems.

Commissioner Richard Minnick stated there is more than a adequate amount of material on the site to finish off the project. The material needs to come off the site or else there will continue to be soil and erosion problems. Jim Galligan, Town Engineer asked that Darin Overton find out what the balance is under natural grade conditions.

Chairman Edward Smith asked Darin Overton's arrangement with Goldstar. Mr. Hillman was given four weeks to get the work done. The concern of the Commission was is somebody going to fix it, who is going to fix it, who is going to hire a contractor to fix it and when is a contractor going to be hired. Darin Overton stated he does not have any formal scope of work, he was asked to attend the meeting and address the issues. He thinks the items are easy to fix. There is no design that is needed. The manhole can be reconstructed according to the current plans. The matter is coordinating a contractor to get out there. Darin Overton stated he was assured that they will take care of it. The contact person would be Darin Overton. He has provided the owners with guidance. He will work with Jim Galligan, Town Engineer to get it done in a matter he is comfortable with.

Jim Galligan, Town Engineer stated that the Commission would like to request that a contractor should be under contract within two weeks. Chairman Edward Smith stated under contract two weeks and substantially complete within the next monthly meeting. Commissioner Walter Opuszynski stated an inspection be done prior to the next meeting, if it has not been established by the closure date the procedure be started at the meeting.

Atty. Byrne will draft a letter to the new owners. If no notification is received within 14 days, David Keating, Wetlands Enforcement Officer will send a Cease and Desist Letter.

Motion was made by Commissioner Richard Minnick and seconded by Vice Chairman Stephen Knapik that the Commission received notifications that the client has a contractor under agreement in two weeks time (14 day time frame). If there is no notification that they have a contractor committed, the Commission will issue a letter of Cease and Desist and start procedure to call the bonds. The work needs to be substantially completed by our next meeting.

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

Chairman Edward Smith gave the public at the meeting time to ask any questions.

Robert Spear, 14 Lakeview Rise, Beacon Falls, CT stated he is a retired professional engineer, New York State. He stated he is the person that called Darin Overton when M&O was on the job doing a temporary structure. It is temporary and can collapse at any time and somebody can fall in there. When the temporary oversize pipe was put in. It was clay pipe. There are no bolts or mechanical fastening there. There is wildlife using the lake. Another pipe should be installed to raise the level up one foot. There is a lot of run off now and the lake can be recharged which is currently not being done. What is happening to the fish in the lake? No dead fish so far. On item #10 the trench was extended for the water to pass through the road, it is dead ended in the lot. The original plan shows it going to the end of the lot to the outfall of the pipe. Water is now collecting in the lot. Cherry Hill put to much fill on the property lot where the trailers are. The pipe now has no outfall. The piping has to extend to the slope. Cherry Hill wants to take the excess fill off of the site. Town of Beacon Falls has a Cease and Desist. Cherry Hill has not appeared to the Zoning Board of Appeals. Mr. Spear stated that Goldstar gave Cherry Hill permission to take the fill off the site.

Al Toratore, 12 Laurel Ridge, President of the Homeowners' Association stated he was under the impression that at the last meeting they were to have somebody here to represent them who was authorized speak for them and they were to have a plan. Now it is going to be pushed another four weeks. Chairman Edward Smith stated that the motion was made that they must have a contractor under contact within two weeks and work has to be substantially finished within the following two weeks. If it is not done, the Commission will proceed with calling the bond. In regard to the fill, he has had conversations with Cherry Hill. He was told specifically that in their agreement, Cherry Hill owns the fill. The Association specifically asked that Cherry Hill not remove anything until there was a developer on site. There is nobody there to monitor what is taken out of the site. Commissioner Richard Minnick stated that the fill being removed or not presents a problem. With it staying up there, it presents more of a soil and erosion control problem. They can level it, grade it and seed it. It will then no longer be a problem. It also looks like hell.

Elliott Fuller, 35 Chatfield Drive spoke concerning #9 the manhole dislodged. He wants to attend the meeting when the level spreader is being discussed. Commissioner Richard Minnick stated a spokesperson should attend. The pond that was not on the original list it is coming through the stockpile. The pond filled up to the top of the silt fence. The stockpile – some of the soil was supposed to be used for other phases of the site. Is it a balanced site. Could the material be used instead of trucked out? Darin Overton stated that part of the material was to be used for the project in back. His intent was to balance the site. Commissioner Richard Minnick stated that the numbers worked out that it was to be generally a balance site. Darin Overton stated he does not have authority to hire a contractor to make any repairs.

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Commissioner Walter Opuszynski requested an access code to the gate for Chatfield Farms to do inspections.

Chairman Edward Smith stated a letter dated September 12, 2012 was received from Darin Overton, P.E. regarding Chatfield Farms existing wetlands permits be transferred to AM Alexandria, LLC. Specifically A-2004-248 Chatfield Farms Phase I&II and A-2005-255 Chatfield Farms Phases III, IV & V. Chairman Smith stated that more information is needed before the permits can be transferred.

Approval of Minutes

Regular Meeting - August

Motion was made by Vice Chairman Stephen Knapik and seconded by Commissioner Walter Opuszynski to approve the Regular Meeting Minutes as submitted.

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

Public Hearings and Considerations of Public Hearings – none

Watch Hill Subdivision

Chairman Edward Smith stated that the swale that goes down to the detention pond off of the cul de sac is failing. Ed Bea and the First Selectman discussed repairing it. Jim Galligan, Town Engineer should evaluate it before any work is done. Jim stated he has been asked. Commissioner Richard Minnick stated he went out there and looked at it. It is a maintenance problem. Piping will make it easier to maintain. This is a storm water management issue. Commissioner Walter Opuszynski stated his concern is access to maintain it.

Report of Accounts – received

Correspondence

Conservation Commission Minutes dated August 6, 2012
Planning and Zoning Public Hearing Minutes – July 19, 2012
Planning and Zoning Minutes Revised – July 19, 2012
Planning and Zoning Special Meeting Minutes – June 27, 2012
Interoffice Memo from First Selectman Gerard Smith dated August 21, 2012 re: Atty. Michael McVerry has been appointed as Town Counsel
Interoffice Memo from First Selectman Gerard Smith dated August 21, 2012 re: Posting of Agendas and Minutes

New Business – none

Payment of Bills

Atty. Steven Byrne - \$1,770, David Keating/August - \$266.40 and Maryann Kempa - \$232.00.

Motion was made by Commissioner Richard Minnick and seconded by Commissioner Arlene Brumer to pay the bills as submitted.

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Discussion: None

Vote: 6 in favor

Opposed: 0

Abstained: 0

State of Connecticut Fees – done

Miscellaneous

Commissioner Richard Minnick stated it is being researched as to when Chatfield Farms permits were extended.

Petitions from Commissioners – none

Motion was made by Commissioner Minnick and seconded by Vice Chairman Stephen Knapik to adjourn the meeting at 9:40 p.m.

Respectfully submitted,



Maryann Kempa, Clerk