

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



**BEACON FALLS
INLAND WETLANDS & WATERCOURSES
Monthly Meeting
July 9, 2014
MINUTES
(Subject to Revision)**

1. Call to Order / Pledge of Allegiance

Chairman John Smith ordered the meeting to order at 7:30 P.M.

Members Present: John Smith, Stephen Knapik, Arlene Brumer, Bill Giglio, and Walter Opuszynski

Not Present: David D'Amico and Michael Opuszynski

Others Present: Dave Keating; Matt Gilchrist from EG Homes; Jim Swift, Professional Landscape Architect; Mark Tice, the owner of the property on West Road; and Tom Hamilton, the Engineer for Pond Spring.

J. Smith indicated that he would entertain a motion to change the agenda for tonight's meeting to accommodate the public.

Motion to change the agenda for tonight's meeting to accommodate the public:
Knapik/Brumer; no discussion; all ayes.

2. Old Business

Walt Opuszynski and Arlene Brumer noted that they are off the board at this time due to the discussion of Pond Spring Village.

Tom Hamilton, one of the Engineers who redid the last section at Pond Spring Village. There is a bit of bookkeeping that needs to be taken care of and filed. T. Hamilton indicated that there is a mylar that needs to be filed, with a signature of a sign-off by Inland Wetlands Commission as well as Planning & Zoning. They are scheduled to see Planning & Zoning next Thursday. There was a little bit of rearranging from what the approval was but they did keep all activity outside of the regulated area to be consistent with the previous approval back in 2004.

J. Smith indicated that this would normally have been done at town hall earlier in the day but since there was a meeting scheduled for tonight, he asked T. Hamilton to attend the meeting to obtain the signature. J. Smith noted that it has all been approved and they just need to sign the mylar tonight. S. Knapik asked if T. Hamilton's firm would be responsible for the monthly report and activity on this site. T. Hamilton responded that they have not been hired for that.

Chairman J. Smith signed the mylar that was presented at tonight's meeting. A set was left for the Commission.

Matt Gilchrist from EG Homes was present at tonight's meeting for an update on Chatfield Farms. He indicated that there is nothing significant to report, having very little rain last month. There is a lot of activity going on and he brought to the attention of the homeowners association that there are some ponds that need to be mowed down. They are compliant and adjusting their budgets.

Dave Keating noted that there was an inquiry from one of the unit owners in the regulated area where the original building was close to the 50' regulated area. When they wanted to build a deck, they needed to come to the Commission and the Commission did approve it. Now they want to build more deck within the regulated area. D. Keating told them that they need to go to the Commission for approval.

J. Smith asked if there was anything from the DEEP. M. Gilchrist indicated that he is still hoping for August.

3. New Application

There is a new application for property on West Road. S. Knapik asked if the Commission was just receiving the application today and J. Smith indicated that they will be discussing it before deciding. J. Galligan already looked at it and gave his comments regarding this property. J. Smith asked when Jim Swift received the comments from J. Galligan. J. Swift noted that he just received the comments, not before the meeting.

J. Swift, a Professional Landscape Architect who is working with the owner of the property on West Road, indicated that he will proceed with his presentation tonight. He noted that most of J. Galligan's comments are statements of fact, add a few things here and there, or make a few changes. He doesn't see anything in the letter that is troublesome and will go through his presentation today.

J. Swift began indicating that there are no roads are proposed, and there are no wetland disturbances, only upland review area disturbance. There are a series of ditches that are man-made. Because they come down the hill and then discharge onto the street in a haphazard manner onto West Road, they need to take care of that. The plan is to pick up in a certain spot. They have sanitary sewer that will tie into the street and there is no municipal water so wells will be provided.

There is a common driveway that will access two lots instead of having up bringing two driveways up the hill. Some previous discussions have indicated a problem with the proximity of the driveway to the wetlands. He wanted to make clear that as you go up the driveway and past the wetland, the driveway is always higher than the wetland. There will be no excavating near the wetland, always filling near the wetlands. The driveway is curved so all the water goes down and gets into the pond.

There are detailed plans showing curtain drains, outlet structures, etc. There is also an alternative plan showing the driveway flipped, to go around the wetland. He submitted five copies to the Board at the meeting. The pros are getting the driveway farther away from the wetlands and eliminating the hardscape. The drawbacks that are seen are a slightly disturbance of upland review area, a longer common driveway, and going 12% to reach the houses. S. Knapik asked if both plans are 12% but one would be longer and J. Swift indicated that yes, both are 12%.

J. Smith asked in the proposal, do you have to cross the channel. J. Swift noted that you do in both of them. The owner had tried to excavate and stopped. The water finds its way down the hill to the street. It braids off and goes in a couple of directions in heavy rains. They know that they have to take care of that. J. Swift has copies of the Engineering Reports to submit and no issues with accommodating everything the Town Engineer wants. J. Smith noted that he will have to address them when and if a Public Hearing is done. J. Smith asked if he wants to process with what they have now or try to readdress after reviewing the comments that he doesn't have here and resubmit. J. Swift indicated that he would like to proceed because the comments from J. Galligan are fairly easy to achieve. J. Swift would like to have a Public Hearing scheduled if the Commission feels one should be held.

J. Smith indicated that at this point tonight, we received the application and we can act on it tonight. If D. Keating feels that it's complete enough to go to a Public Hearing, then one can be scheduled. Before the board decides to vote to receive the application, W. Opuszynski asked if J. Galligan's comments are going to change the plans and if so, will there be enough time. D. Keating noted that the board needs to change plans 15 days prior to the Public Hearing for public review. J. Swift asked if this was tabled until next month and work with J. Galligan based on his comments, would it be possible to go to a Public Hearing if all the comments hasn't been addressed as of yet. J. Smith indicated that there are some criteria to be met. One being the wetlands and another being concerns from the public to warrant a hearing. J. Swift indicated that they will be comfortable with whatever the commission is comfortable with doing.

Motion to accept the application for receiving and processing: **Knapik/Giglio**; *discussion was by W. Opuszynski asking if fees had been established yet. D. Keating noted that on the 2nd page it shows that fees were calculated, being \$7,520 based on the proposed work. The application fee that was submitted was \$480 and the commission can appropriate the rest of the balance of the application fee. This will be verified; all ayes.*

J. Smith asked if the application is complete enough to go to Public Hearing and D. Keating indicated yes. The next step is to determine if there is enough concern to the public or impact to go to a Public Hearing. B. Giglio asked what are the parameters by which one determines if this should or should not go to a Public Hearing. J. Smith indicated that if you feel as if the activity will severely impact the wetlands then you go to a Public Hearing. Also, if the public in the area needs an opportunity to attend a Public Hearing because of the activity, then you go to a Public Hearing. The third condition is if you receive a petition from at least three members of the public, then you go to a Public Hearing.

Mark Tice, owner of the property, was in attendance at tonight's meeting and mentioned that he was asked by one of the neighbor to help fix the runoff with the development of the property.

J. Smith indicated that he will entertain a motion that this will be a significant impact on the wetlands and that a Public Hearing is required.

Motion that a Public Hearing is required for the property on West Road: **Knapik/Brumer**; no discussion; all ayes.

J. Smith indicated that a date needs to be set for the Public Hearing. D. Keating noted that the next meeting date is August 13, 2014. J. Smith indicated that the Public Hearing will be held on Wednesday, August 13, 2014, at 7:00 P.M. J. Smith reminded that the adjacent property owners need to be notified via Certified Mail and to bring the signature cards to the Public Hearing.

The Application number assigned to this is A2014-304 and the Storm Water Management number assigned to this is SW2014-005.

4. Comments from the Public

There were no members of the public present at tonight's meeting.

a. Public Petitions

There were no Public Petitions at tonight's meeting.

5. Business Meeting

a. Approval of Minutes

1. Regular Meeting Minutes from June 11, 2014

Motion to approve the minutes from the June 11, 2014 meetings:
Knapik/W. Opuszynski; no discussion; all ayes.

b. Public Hearings & Considerations of Public Hearings

There were no Public Hearings nor were there any Considerations of Public Hearing at tonight's meeting.

c. Administrative Report

1. Wetlands Enforcement Officer

Dave Keating was present at tonight's meeting. The work on South Main Street has begun with the anti-tracking pad put in as well as the silt fence and a pile of dirt. Nothing else has been done within the past two weeks. This is the Trepca listing on the agenda - #10 under Old Business. S. Knapik noted that the drainage for the town was approved up above and the wall must be constructed before the building was put up. No CO will be issued until the wall is complete. J. Smith also noted that it is the way the wall is being built in different layers because of the undercut of the foundation vs. the location of the wall. D. Keating asked if this is due to not being a single pour but rather interlocking blocks. J. Smith indicated yes.

D. Keating has been to the property where Doug Bousquet is working. He hasn't seen any problems with erosion coming down into the street. He did contact D. Bousquet regarding the silt fencing taking a beating and need to be reestablished. Since D. Bousquet was on vacation, he was going to have someone else do it rather than waiting until he gets back. No other activity than that because it was clear that he wasn't going to get a permit for work above the foundation until the drainage is approved. The drainage is still being worked on and D. Keating warned D. Bousquet about erosion with no work being done.

Oakwood Estates continues to do individual houses and the public improvements are done. Phase II has been approved by Planning & Zoning Commission through a court action. That was signed and is in the Town Clerk's office awaiting the attorney to pick it up and file it.

S. Knapik asked for D. Keating to send a letter to the gentleman at Pond Springs Village to be here at the meetings every month to update the Commission or to submit a letter every month. J. Smith noted that no work is being done up there.

J. Smith asked if Xpressmart - South Main Street - #13 on the agenda under Old Business could be taken off. After discussing that the work has been completed and D. Keating confirmed that he is all set with it, J. Smith asked for Application A-2013-302 to be removed from the agenda.

W. Opuszynski asked about Application A-2013-303, #14 on the agenda under Old Business. This is for Tiverton Subdivision - C. Edwards and he believes that the property has been sold. J. Smith indicated that the mylar has been signed but didn't know anything more about it.

2. Town Engineer

Jim Galligan was not present at tonight's meeting so there was no Town Engineer Report presented.

3. Correspondence

The CT Wildlife magazine was received.

A letter from the Southwest Conservation District was received regarding the annual contribution invoicing for the Budget Year 2014-2015. The invoice enclosed with the letter was for the amount of \$1,500.00. J. Smith indicated that the budget allocates \$2,000 for this. A. Brumer asked if all the towns do this and S. Knapik indicated yes.

Motion to approve and pay the invoice from the Southwest Conservation District dated 06/30/2014 in the amount of \$1,500 from the Budget Year 2013-2014; if it comes out of the Budget Year 2014-2015 then the invoice will still be approved and paid: **Knapik/W. Opuszynski**; no discussion; all ayes.

d. New Business

1. Open Space Procedures and Planning from Byrne & Byrne

This will be discussed at next month's meeting. The clerk will scan and email the paperwork to the Commission members for their review. It will be noted until New Business on the agenda for August 2014.

e. Budget

1. Report of Accounts

No report of accounts at tonight's meeting.

2. Payment of Bills

a. Invoice from the Clerk for the June 11, 2014 meeting for a total of \$80.00

b. Jim Galligan's invoice dated June 30, 2014 for a total of \$652.50

c. Dave Keating's invoice dated June 2014 for a total of \$211.68

d. Southwest Conservation District invoice dated June 30, 2014 for a total of \$1,500.00

Motion to pay the invoices that were submitted at tonight's meeting for a grand total of \$2,444.18: Giglio/S. Knapik; no discussion; all ayes.

3. State of Connecticut Fees

Per D. Keating, the State of CT Fees are up to date and okay.

g. Miscellaneous

W. Opuszynski was at a meeting for CCM regarding storm water management. There will be Public Hearings set forth within the next months for storm water management practices. They are looking to put regulations on storm water management. The sad part is that towns are just finding out about this and everyone in the state is going to have to do this. There are no monies for it in the towns' budget and implementation is for January 2015. It is going to be a four year averaging program where testing will have to be done at every storm outlet in the town. A. Brumer asked whose idea was this and W. Opuszynski responded that it was the EPA with the DEEP being the enforcing officers. J. Smith asked if reports will have to be given after every major rain event and W. Opuszynski indicated that sampling and testing will have to be done as well. He did notify C. Bielik regarding this. J. Smith mentioned that perhaps Rich Minnick could be sent.

h. Petitions from Commissioners

1. Conservation Commission Report from Michael Opuszynski

Mike Opuszynski was not present at tonight's meeting so there was no Conservation Commission Report presented.

2. Watch Hill – Steve Knapik

S. Knapik has a petition for the old gravel pit on Watch Hill, Bethany. The storm water goes into Beacon Falls, into Bethany, and then back into Beacon Falls, and down to Betkoski's pond. It was cleaned out about four to five years ago. The beavers are in the pond and they're damming it up. The town of Bethany took over and is their responsibility. Every time a homeowner calls up to complain there's water building up on the side of their yard, they take it upon themselves to go in with a backhoe and dig it out. The bottom line is that D. Keating will need to contact Isabelle in Bethany and find a happy medium because they cannot keep going in there and breaking up the dam every other day and sending the dirty water downstream. The channel that feeds the pond had its side was torn down so the integrity is gone. There is no filtering going on. W. Opuszynski suggested that D. Keating should write a letter notifying Bethany of the violation of the wetlands in Beacon Falls.

3. Executive Session to Discuss Pending Litigation (if required)

There was no Executive Session at tonight's meeting.

6. Adjournment

Motion to adjourn meeting at 8:53 P.M.: **Knapik/Brumer;** *no discussion;* all ayes.

Respectfully submitted,

Marla Scirpo
Clerk, Inland Wetlands & Watercourses Commission