

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



**BEACON FALLS  
INLAND WETLANDS & WATERCOURSES  
Monthly Meeting  
December 10, 2014  
MINUTES  
(Subject to Revision)**

**1. Call to Order / Pledge of Allegiance**

Chairman John Smith ordered the meeting to order at 7:34 P.M.

Members Present: John Smith, Stephen Knapik, Bill Giglio, and Walter Opuszynski (7:43 P.M.), and Michael Opuszynski (7:43 P.M.)

First Selectman Chris Bielik was present prior to tonight's meeting to swear in Steve Knapik, Arleen Brumer, and Michael Opuszynski, who were reappointed at the last Board of Selectmen meeting. In order to have a quorum, C. Bielik was asked to stay until another member attended tonight's meeting. At 7:43 P.M., both Michael and Walter Opuszynski attended tonight's meeting. C. Bielik stepped off the Board at that time.

Not Present: Arlene Brumer

Others Present: Dave Keating; Jim Galligan; Mark Tice, 186 West Road, Beacon Falls; and Herman Schuler, Haynes Development, Seymour.

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

Motion to rearrange tonight's agenda to accommodate the public: **Knapik/Giglio; no discussion;** all ayes.

## 2. Old Business

Mark Tice, 186 West Road, was present at tonight's meeting to update the board with Application A2014-304. J. Smith noted that M. Tice was asked to return before the Commission as part of conditions of approval in order to set the bond. M. Tice indicated that he was approved on October 8, 2014 and a letter dated November 5, 2014 indicated that by December 8, 2014, the owner of Lot 4 had to have the retention pond documented of the responsibility acceptable by the Commission. He indicated that a Planning & Zoning public hearing is not until January 2015 and was hoping to get a 90-day extension since this Commission was too quick with their dates. After the hearing, they have 45 days before setting the decision. S. Knapik asked if it should be a 6 month extension and D. Keating agreed so he doesn't have to keep coming back before this Commission. J. Smith reiterated the fact there cannot be any construction and M. Tice understood this. J. Smith indicated that he would entertain a motion to extend the application for documentation.

Motion to extend Application A2014-304 for documentation for six months:  
**Knapik/Giglio; no discussion; all ayes.**

## 3. New Application

Herman Schuler from Haynes Development in Seymour, CT was present at tonight's meeting to discuss his plans to the Commission.

Herman Schuler indicated that he is a Developing Consultant that has been working with Haynes for the past three years. They have been operating a stone fab on Franklin Street in Seymour, which is at the end of the 230 acre parcel between the two towns. They have run out of room for storage and has a lot of high quality stone in the Oxford quarry, Torrington quarry, and the Deep River quarry. They want to stockpile for the stone fab operation and want to set up a storage area behind the DOT garage area. It used to be a quarry and want to carve out a 30,000 square yards of area where they will bring the stone into the area. There is a hall road that already exists, as well as a paved road. They want to haul material down the road and stockpile in that new area. J Smith asked if the material will be coming from outside quarries and H. Schuler indicated yes, by dump trucks. The trucks would be traveling Route 8, Route 42, and Hall Road. J. Smith asked if there would be crossing of streams and watercourses. H. Schuler indicated that they need to be added to the plans.

J. Smith indicated that a recess of 5 minutes will be taken at 7:43 P.M. since W. Opuszynski and M. Opuszynski arrived to the meeting. M. Opuszynski will be sworn in by C. Bielik at this time, and the Commission will update the men as to where they are with tonight's meeting. The meeting came out of recess at 7:46 P.M.

H. Schuler continued by showing photographs of what will be hauled into the new planned area. The planning is to have the trucks come in with the material and dump it. To fill it, plan indicates about 1,200 to 1,500 trucks. To empty it, it will be done with a site truck. S. Knapik asked if it will have to be excavated and H. Schuler responded no, that it's already flat. They will have to grub it, prep it.

H. Schuler continued with showing another map to the Commission indicating where the O & G plant is located, the DOT garage, and a pond which has been treated as a wetland. He indicated that it was wash pit for the quarry and probably silt in there from the stone. They have been stayed off of it by 100 feet, treating it has a wetland.

The existing Hall Road will be followed, being graveled already. M. Opuszynski asked about the impact to the area due to the stockpiling and putting in a road. H. Schuler indicated that the road is already there, Hall Road. There will be no impact from the storage. He indicated that wherever there is crossing, where necessary, they will lay down stone to allow water to pass. A detailed plan will be presented once it is ready. M. Opuszynski asked what the primary road for bringing material into the site will be. H. Schuler indicated that the material will be brought in from Route 8 and Route 42 on licensed tantrum dump trucks. J. Smith asked if everything goes well, are we looking at a permanent operation here, or a five-year/ten-year operation. H. Schuler indicated that it should be treated as a relatively permanent thing. He noted the truck cycles that were given. M. Opuszynski asked what the truck traffic frequency for bringing it. H. Schuler indicated to fill it, about 1,200 to 1,500 truck cycles. He could estimate about 5 to 10 tantrums per week after filled. M. Opuszynski asked how long it will take to fill it. H. Schuler tried to figure it out and B. Giglio estimated 100 weeks. W. Opuszynski asked if it is leaving as finished stock. H. Schuler noted that it leaves Seymour as finished rock.

J. Smith asked if he will be coming back looking for two separate applications and H. Schuler indicated that he would like on application. Once the crossings are identified, that will tell them where the road will be. He cannot drive his car down to the site due to the vegetation. The border of the property is already a berm and they will need to get rid of the weeds. You cannot see into the property at this time. The engineer will probably go down there next week to look around.

They have been monitoring the wells that were put in. The ground water classification has been changed from GA to GB, which is an improvement. W. Opuszynski asked if these are noted on the maps and H. Schuler replied yes. He indicated that the site was a Superfund site. J. Smith asked if he received approval from Seymour and H. Schuler indicated that they have approval from Seymour for grading permission at the end. J. Smith asked when a formal application will be made and H. Schuler indicated that he will be hopefully within the next three weeks pending engineering. J. Smith reminded that the formal application must be prior to 3 days before the meeting in order to accept them at the meeting.

B. Giglio asked why this is a Superfund site. D. Keating indicated that the industry in there was machinery cleaning. The supplies and machinery would be brought in and cleaned at that site. H. Schuler noted that there was a trench in the area of where the wells are and there was unknown substances were disposed in the trench. This is according to a report that H. Schuler has. He indicated that he will work with D. Keating and confirmed the three days prior to the meeting.

D. Keating noted that the storm water management should be minimum. Where there are compact access roadways you may create a little bit of area that is not pervious but you are not collecting that into drains. It will be sheet flow. He also made note that 24 foot wide access is not needed the whole way.

The Board thanked H. Schuler for coming to tonight's meeting and letting them know what the plan is for by Hayes.

#### **4. Comments from the Public**

There were no members of the public 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 October 8, 2014**

Motion to approve the minutes from the October 8, 2014 meeting: M. Opuszynski/Giglio; no discussion; all ayes.

The minutes from November 12, 2014 only stated that the meeting was not held due to no quorum. No approval is needed for the minutes.

##### **b. Correspondence**

1. There was an interoffice memo about when checks will be issued based on the holidays.
2. A copy of the CT Wildlife magazine was received.
3. Minutes from the Conversation Commission meeting were received.
4. A Christmas card from Nafis & Young was received.
5. A letter from the Southwest Conversation District indicating the \$1500.00 contribution is requested. J. Smith made note that this is in the line item budget when W. Opuszynski questioned if it was in the budget. J. Smith indicated that he would entertain a motion to pay the contribution.

Motion to pay the \$1500.00 contribution to the Southwest Conversation District: M. Opuszynski/W. Opuszynski; no discussion; all ayes.

6. Copies of The Habitat were distributed to the members.

**c. Public Hearings & Considerations of Public Hearings**

J. Smith indicated that there are two applications to consider for setting a public hearing date. The application from Charlie Edwards for a public hearing does not have to be set tonight since we are receiving it tonight and accepting it for processing. D. Keating had indicated that there is enough information to go to a public hearing and is complete, but there is no timeframe that we are under for that one. Chatfield Farms needs to be done tonight since it was submitted and started in October and hoped to have action on it in November but did not have a quorum in November according to D. Keating.

J. Smith indicated that an application number was assigned to Chatfield Farms. After a brief discussion, the date that was decided on was the next meeting on Wednesday, January 14, 2015. J. Smith indicated that he will entertain a motion to determine if a public hearing is needed for Chatfield Farms' application and a motion to schedule a public hearing for Chatfield Farms' application if the motion passes.

Motion to determine that a Public Hearing is needed for the application received from Chatfield Farms for Phases 3, 4, & 5: M.

**Opuszynski/Knapik; discussion was by W. Opuszynski asking if the application is complete and D. Keating indicated that it is complete. M. Opuszynski asked if payment was submitted and J. Smith indicated that the application fees were submitted but anything about that still needs to be determined at another time; all ayes.**

Motion to have a Public Hearing for the Chatfield Farms' application on Wednesday, January 14, 2015 at 7:00 P.M.: Knapik/M. Opuszynski; no discussion; all ayes.

J. Smith indicated that he will entertain a motion to receive the application for processing and then to accept the application.

Motion to receive the application from Charlie Edwards: Knapik/M. Opuszynski; no discussion; all ayes.

J. Smith indicated that the application is complete enough for processing.

Motion to accept the application since it is complete enough for processing:  
**M. Opuszynski/Knapik;** *discussion was by W. Opuszynski asking about fees attached. J. Smith indicated that C. Edwards paid for the previous application and withdrew that application. The Commission needs to review the amount paid by C. Edwards minus the review, engineering, and any work done on the site. J. Galligan noted that the Commission accepted the money for the encroachment into wetlands and buffer areas on this site for which this application has either equal or less activity. J Galligan noted that in all fairness, the Commission must take into consideration from what was paid and what needs to be paid between the two applications. J. Galligan mentioned that the Commission has already approved all the impacts based on his review of C. Edwards' plan. Some of the impacts are less. M. Opuszynski made note of his concern over the storm water management because the old plans had more of a road system. S. Knapik and J. Galligan both indicated that the water will be going to the same pond, with a double swell system. There is two above and one below. It was agreed upon that the fee will be established at the next meeting. The public hearing will be entertained for February 2015; all ayes.*

#### **d. Administrative Report**

##### **1. Wetlands Enforcement Officer**

S. Knapik asked about the gentleman from Pond Springs Village and that he was supposed to attend this month's meeting. D. Keating indicated that he emailed him and spoke to him today. D. Keating informed him that a stop work order may be put into effect as well as no more permits will be assigned. D. Keating warned him not to send any emails and that he needs to be at the meeting. A notice of violation will be sent and 10 days prior to the meeting in January, a stop work order will be sent.

##### **2. Town Engineer**

J. Galligan indicated that EG Homes is having very, very few issues on erosion control. M. Gilchrist has been having anything that needs to be corrected done very quickly. Besides that, there is not much going on at this time.

S. Knapik asked about Lot 3 at the industrial park, his permit ran out in September 2014 and was supposed to have been here. J. Galligan indicated that he put them on notice and that he needs to attend a meeting for a new application.

### **e. New Applications**

There were no new applications at tonight's meeting.

### **f. Old Business**

M. Opuszynski asked if a report from EG Homes was sent for this month. J. Galligan indicated that he spoke with M. Gilchrist and he indicated that he will be dropping off the reports. The reports may be in the office and it is locked. M. Opuszynski wanted to know the update on the dam processing. J. Smith noted that two months ago it started to move but he isn't sure about movement now.

W. Opuszynski asked if Oakwood Estates started Phase II yet. S. Knapik responded that they haven't yet. J. Galligan noted that Phase II has been approved but no activity as of yet.

W. Opuszynski asked about an update on the beaver situation. S. Knapik indicated that the Town of Bethany indicated that it is the homeowner's responsibility because it is on his property. They haven't been there to relieve the water since then.

### **g. New Business**

#### **1. Fee Structure Review**

This agenda item will be tabled until next month.

### **h. Budget**

#### **1. Report of Accounts**

The Board reviewed the Report of Accounts.

#### **2. Payment of Bills**

**a. Invoices from the Clerk for the October 8, 2014 and for the November 12, 2014 monthly meetings for a total of \$126.25**

**b. Jim Galligan/Nafis & Young's 2 invoices for a total of \$906.24**

**c. Dave Keating's 2 invoices for a total of \$542.40**

Motion to pay the invoices that were submitted at tonight's meeting for a grand total of \$1,574.89: M. Opuszynski/Knapik; no discussion; all ayes.

### **3. State of Connecticut Fees**

According to D. Keating, the fees for State of Connecticut are all up to date.

#### **i. Miscellaneous**

B. Giglio has some information on Hillside Estates and the detention pond. Some of the Zoning members indicated that they do not want the burden or expense to become that of the town. They are looking for something to be put into place as a condition of approval, some mechanism whereby it will not fall as not only the homeowner's responsibility. S. Knapik noted that we have it for the town to become involved if the homeowner couldn't maintain it or if there was a breach and then the homeowner would have to reimburse the town for any help provided.

#### **j. Petitions from Commissioners**

##### **1. Conservation Commission Report from Michael Opuszynski**

M. Opuszynski updated the Commission indicated that the Conversation Committee is still going through the assessment of dated lots. They are working on making a recommendation to the town on the lots. The right wording needs to be worked on further and the town attorney will implement those changes. They are also in the process of establishing a more informative and educational recycling program for the town. Hopefully larger or additional recycling bins will be added. In regards to CACIWAC and The Habitat, both Diane Betkoski and Tania Gutierro attended workshops and their summaries are in The Habitat.

##### **2. Executive Session to Discuss Pending Litigation (if required)**

There was no Executive Session at tonight's meeting.

### **6. Adjournment**

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

Motion to adjourn meeting at 9:07 P.M.: **M. Opuszynski/Giglio**; *no discussion*; all ayes.

Respectfully submitted,

Marla Scirpo  
Clerk, Inland Wetlands & Watercourses Commission