

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



**BEACON FALLS  
INLAND WETLANDS & WATERCOURSES  
Monthly Meeting  
January 14, 2015  
MINUTES  
(Subject to Revision)**

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

Chairman John Smith ordered the meeting to order at 7:55 P.M.

Members Present: John Smith, Stephen Knapik, Bill Giglio, Arlene Brumer, Jamie Lillis, and Michael Opuszynski

Not Present: Walter Opuszynski

Others Present: Dave Keating; Jim Galligan;

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/Opuszynski;** *no discussion;* all ayes.

**2. Old Business**

Dave Keating introduced Nick, the site contractor for Pond Spring Village, who is here to talk to the Commission. Arlene Brumer excused herself off the Commission at this time.

D. Keating met with Nick and Mark, the Project Manager, at the site to discuss the problems with erosion control, anti-tracking pads, sediment, and lack of roads being cleaned up after work.

A monthly report was submitted last month to the Town Clerk and wasn't received by D. Keating until after the month. Another was received for this month, being a brief report. He has relayed the issues that the Commission has with things not being done. D. Keating indicated that Nick is the person who will implement but Mark is the person who authorizes payment.

J. Smith noted that the Commission informed the new owners that a monthly report had to be given each and every month, or attend the monthly meeting to give the report in person. This is the first correspondence received and this is strike one against the owners for not complying. J. Smith indicated that they are being put on notice that if the monthly reports are not received, or someone is not at the meeting, the project will be stopped. D. Keating indicated that the roads are still being muddy up, no anti-tracking pads in place. The cold weather has been a problem but when it gets a little warmer and the dirt will get wet and muddy, causing problems with the catch basins and ponds. It is easier to maintain the items then to issue a stop-work order, and then a show-cause hearing would have to be had before the Commission to request permission to continue.

J. Smith asked Nick what cannot be done. Nick indicated the silt fencing installation due to the frost and the carpenters are using the entire footage of the units to build, since they are only 20' from the road. It limits the silt fencing and the anti-tracking pads. J. Smith noted that the anti-tracking pads can be put in when it being 100 below zero. Nick noted that they are in. D. Keating indicated that they are in in some places and need maintenance. J. Smith noted that there is plenty of parking on the road. Nick responded that the concrete trucks. J. Smith indicated that the truck traffic can be limited.

D. Keating made note to his letter suggesting having their engineer out at the site to think of other ways to prevent the problems that are occurring. He made a few suggestions and gave his best advice but the engineer has not being out to the site with Mark. Nick noted that it is true to the best of his knowledge. D. Keating indicated that if things are still this bad two weeks from now, then a stop-work order will be issued and a show-cause hearing at the next meeting will be needed. J. Smith mentioned that there will be rain on Sunday.

Jim Galligan gave the advice that the Commission should give them three days to clean up the site. That should be enough time to take a few hours to clean up. If it isn't done in three days then have D. Keating issue the cease and assist. J. Smith noted that hay bales could be put down instead of the silt fencing. He asked the Commission what their feelings are on this. S. Knapik indicated that there are brooms and shovels and should be done at the end of the day. Nick indicated that he doesn't have control as to what is done after he leaves the site.

Motion to follow the Town Engineer's advice to provide three days to rectify the situation at the site otherwise the Enforcement Officer to issue a cease and assist:

**Opuszynski/Knapik;** *discussion was by Bill Giglio wanting to clarify what exactly the Commission wants done at the site. D. Keating indicated that to prevent any mud from getting tracked onto the road, prevent any silt getting washed off the disturbed portions of the site, and the whole site needs careful maintenance. M. Opuszynski wants to modify his motion.*

Motion to have corrective action provided per D. Keating's advice and his responses provided with a follow-on inspection by their engineer: Opuszynski/Knapik; no further discussion; all ayes (no vote by Arlene Brumer since she is off the Commission at this time).

J. Smith indicated that this has to be done by Saturday night, January 17, 2015, even if it is raining.

Arlene Brumer is back on the Commission at this time.

D. Keating indicated that Bob Rich is present to discuss his project at the storage place and Mario Trepca is also present to discuss his properties owned on South Main Street. J. Smith indicated that the Commission will hear B. Rich first.

Robert Rich, 9 North Meadow Road, Seymour, CT, and his wife own the property on 808 South Main Street known as A Space Center Self Storage. He is here to request an extension on the permits. He read a letter that was addressed to Brian Herb and Dave Keating. J. Smith indicated that he does have copies of the letter. B. Rich read his letter to the Commission.

J. Smith asked if he is planning to remain in the contained area and B. Rich replied yes, not planning on doing this right now due to the economy. B. Rich showed a map to the Commission on his property indicating the building already built and still to be built. There is a 6' chain-linked fence that would be an ideal place for the silt fencing. The drainage is all and complete, and the property is all graded. J. Smith asked that his only concern is the change in FEMA regulations. B. Rich indicated yes, if the elevations have changed then the size of the building will need to shrink. J. Smith noted if the buildings get a little smaller, then the impervious area will get a little less. B. Rich made note of the 5' path behind the buildings where he put filter fabric down and covered it with crushed stone, being maintenance-free.

J. Smith indicated that his concern for approving is the conflict with the location and the set back with the river. If the Commission renews the application, it could be in the floodplain area. J. Smith asked what is the timeframe and B. Rich made note of the concern with snowstorms. B. Giglio asked if he was bringing this to Planning & Zoning and B. Rich indicated yes, for tomorrow's meeting. J. Smith asked when the application was received by D. Keating and he indicated last week. S. Knapik asked if we could extend his permits with the condition of coming back and showing the floodplains. J. Smith indicated that the permit has expired. B. Rich noted that there is no immediate plan to start.

J. Smith noted that the Commission is going to receive the application and process it. We will determine if a public hearing is needed.

J. Smith indicated that Mario Trepca is next in discussing his properties to the Commission.

Mario Trepca, 149 Main Street, #11, Seymour, CT, was present in response to an email received from D. Keating. In regards to 93 South Main Street, M. Trepca indicated that he had a big tree that was going on top of the building. A couple of weeks ago, he had a tree cutting company cut the tree so that it wouldn't fall on the building and cause damages. When they tree was cut, other small trees were cut, the stumps were left and the backyard was cleaned up. M. Trepca showed pictures to the Commission that he had taken. He indicated that blocks were put in to keep everything in place and intact. He didn't know that any permits were needed to cut trees. He also indicated that per CT Building Codes, the retaining walls need to be at least 3' from the finished grades, no permits are needed. He noted that if the Commission requires him to take additional steps to correct the situation, he would be glad to do it. J. Smith mentioned that a parking area was created by his actions. M. Trepca indicated that he did everything to make it look better. J. Smith noted that material was hauled off the property to create parking and to make it look better. M. Trepca responded that the wall was backfilled. J. Smith noted that he saw trucks leaving the site.

J. Smith indicated that the reason the email was received by D. Keating was due to lack of erosion controls, no drainage provisions, and no sediment erosion controls. The catch basin on South Main Street will capture all the water from the site. J. Galligan also noted the area where the smaller trees were, now there is exposed earth and no protection for the slope. The slope is right against the edge of Johnson Street. A similar condition exists above the wall at 119 South Main Street. There is exposed earth as well. M. Trepca indicated that he corrected that situation by planted rye grass seed and covered it with hay. J. Smith asked if the site is stabilized and M. Trepca responded yes. B. Giglio asked when was the last time he worked on the site. M. Trepca responded that he had someone else work on the site. When the cease-and-assist order was received, the work stopped at the site. B. Giglio asked when does he say the area was stabilized and M. Trepca responded when the concrete block were put in. A. Brumer asked when the pictures were taken and M. Trepca indicated two weeks ago, 10 days ago. J. Smith asked if more work was done since then and M. Trepca indicated no. S. Knapik noted that he cut all the trees, took out what he wanted, put the block up, made parking, no drainage and no grading were done. M. Trepca asked what are the Commission's recommendations. J. Smith noted that he accomplished what he wanted. His concern is with the bank, nothing will go over the mafia blocks, gets behind the building, and runs in the road. Everything was done on the weekends.

A. Brumer asked what should be done to rectify the situation. J. Smith suggested mulching, hay, within the next day or two. S. Knapik mentioned that a cease-and-correction should be issued. J. Smith indicated that he needs to stabilize the bank and put something down so the mud will not run down into Route 8. Also, the bank should be mulched in its entirety. The indication is a thick application of hay. D. Keating noted that this is only a temporary measure and J. Smith agreed. D. Keating suggested a wattle that can be laid on concrete. D. Keating also noted that he needs to settle things with Planning & Zoning Commission as well.

J. Smith suggested a heavy mulching on the bank, stone put in between the building and the mafia blocks, and then a barrier in between the building and the driveway stopping any flows leaving the site and onto Route 8. The barrier should be done in several stages.

J. Smith indicated that these are the recommendations by the Commission and everything must be done by Saturday night, January 17, 2015. M. Trepca indicated that he doesn't have any problems with complying with this. D. Keating also noted that 119 South Main Street also needs to temporarily mulch the portion on the left. The portion closest to the barber shop is the area he is noting. The rest of it is also exposed and susceptible to erosion, uphill of the retaining wall. We are talking temporary measures to make sure the wall doesn't get eroded itself or the area behind the wall gets eroded. S. Knapik noted that once it thaws, there's going to be a mess.

J. Smith asked if he is on board with what needs to be done and he will take care of it by Saturday night and M. Trepca responded yes, he will make sure it is done. J. Smith indicated that he will entertain a motion to cease and correct.

Motion to have all the temporary measures that have been discussed done by Saturday night, January 17, 2015 otherwise Dave Keating will issue a cease and correct: **Opuszynski/Knapik; no discussion; all ayes.**

### **3. New Application**

D. Keating indicated that the next discussion should be on Tiverton 2 and scheduling a public hearing in February 2015. J. Smith indicated that he is off the board at this time since he is an adjacent homeowner.

S. Knapik noted that the fee for the application needs to be established in order to schedule a public hearing. Charlie Edward already paid \$30,000 the last time he submitted the application for 31 lots. Now, he has changed the application for 6 lots in Phase 1 and we are only going to charge C. Edwards for the difference in reviewing the new application versus the old one and what was paid. C. Edwards mentioned that he would be agreeable to pay the fee tonight and if there are additional fees, then he agrees to pay those as well. D. Keating indicated that the amount for this new application should be \$500.00 for the public hearing; \$60.00 for the basic application fee; and \$1,000.00 for the engineering fee/administration fees. The total fees amount is \$1,560.00 and the Commission agrees to this amount.

Motion to accept the amount of \$1,560.00 for the application from Charlie Edward towards Tiverton 2: **Giglio/Opuszynski; no discussion; all ayes** (no vote by J. Smith since he is off the Commission at this time).

D. Keating mentioned that the public hearing continuation for EG Homes should be about 10 minutes or so to wrap everything up then we would be able to start the public hearing for C. Edwards about 7:10. The Commission agreed to have the public hearing for C. Edwards' application for Tiverton 2 at 7:15 P.M. on Wednesday, February 11, 2015.

J. Smith is back on the Commission at this time.

#### **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 December 10, 2014**

Motion to approve the minutes from the December 10, 2014 meeting:  
**Knapik/Opuszynski; no discussion;** all ayes with 2 abstentions – Arlene Brumer was not at the last meeting and Jamie Lillis is new to the Commission as of tonight's meeting.

##### **b. Administrative Report**

###### **1. Town Engineer**

J. Galligan indicated that he needs to get in touch with Oakwood Estates since they have started construction. They have not contacted D. Keating not him, and they haven't given any contact names. J. Smith mentioned that about 60' of silt fence is up and approximately 2 acres of land cut up and the rest is logged. J. Smith noted that they have started the second phase of subdivision and never came back before the Commission.

##### **c. Old Business**

M. Opuszynski asked about receiving a report from EG Homes. J. Smith indicated that we should have and we did receive a report last month. S. Knapik suggested that D. Keating write a letter and D. Keating noted that Matt Gilchrist's wife had a medical emergency.

J. Smith continued the discussion of Oakwood Estates. He noted that Phase II was previously approved but they were supposed to have a pre-construction meeting with the Commission. It appears to be about 2 weeks under construction and we do not know who owns the parcel now. D. Keating received a list of names from Brian Herb but he doesn't know who is responsible. D. Keating indicated that he will be on the phone tomorrow.

S. Knapik suggested that a cease and correct should be issued since they were supposed to be here for a pre-construction meeting. J. Smith agreed and noted that we should start off with them on the right foot. J. Galligan indicated that D. Keating is going to try to get a hold of them. Between the two of them and the person/people in charge of Oakwood Estates, a pre-construction meeting should be scheduled and go over the plan. B. Giglio asked if the new road has been cut and J. Smith indicated yes.

Motion to send a cease and correct to Oakwood Estates to the names provided by Brian Herb or to the person found to be responsible: **Knapik/Opuszynski; no discussion;** all ayes.

B. Giglio asked if anything was going on at West Road and J. Smith indicated nothing on the new homes.

#### **d. Budget**

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

The Board reviewed the Report of Accounts.

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

**a. Invoice from the Clerk for the December 10, 2014 monthly meeting for a total of \$83.75**

**b. Jim Galligan/Nafis & Young's invoice for a total of \$471.25**

**c. Dave Keating's invoice for a total of \$406.80**

Motion to pay the invoices that were submitted at tonight's meeting for a grand total of \$961.80: **Opuszynski/Giglio; no discussion;** all ayes.

##### **3. Correspondence**

A letter from the First Selectman was received indicated that if an employee attending a meeting outside the normal working hours must and request overtime pay, must receive approval prior to the meeting.

A letter from CL&P was received indicating the tree trimming schedule. They are going up through High Rock, and then up Cold Spring Circle. They are doing the big high extension lines.

A copy of CT Wildlife was received.

#### **e. Petitions from Commissioners**

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

M. Opuszynski reported that the Conservation Commission is working on the deeds on the various open space properties. They are still waiting for some language to incorporate in them from the lawyers. One property they are still trying to work out the details. They were discussing about submitting an article to the Citizens News on a regular basis. The editor indicated that they are not taking new, regular articles at this time. They are also working on improving pollution in parks and open space areas. They are looking to get the Girls Scout involved with this.

##### **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 9:08 P.M.: **Opuszynski/Giglio;** *no discussion;* all ayes.

Respectfully submitted,

Marla Scirpo  
Clerk, Inland Wetlands & Watercourses Commission