

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



**BEACON FALLS
INLAND WETLANDS & WATERCOURSES
Monthly Meeting
March 11, 2015
MINUTES
(Subject to Revision)**

1. Call to Order / Pledge of Allegiance

Chairman John Smith ordered the meeting to order at 8:06 P.M.

Members Present: John Smith, Stephen Knapik, Bill Giglio, Arlene Brumer (left at 9:50), Jamie Lillis, Walter Opuszynski, and Michael Opuszynski

Others Present: Dave Keating; Jim Galligan; Mark Tice; Jim Swift; Matt Gilchrist for EG Homes; Mark Kehrhahn for Pond Spring Village; Mario Trepca; Arnaud L. de la Gueronniere and Dave Petroccia, Land Surveyor for NEJ

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

2. Show Cause Hearings & Considerations of Public Hearings

1. Show Cause Hearing

a. Cease & Desist Order Regarding 93 South Main Street – Mario Trepca

Marion Trepca began by trying to clarify some confusion or understanding from the last meeting. He is hoping to correct everything at tonight's meeting. He was under the expression that he did not need a permit to cut down the tree on the property. There was an overgrown tree that was hanging over the building and he cut it down. He installed mafia blocks on the property and was under the expression that a permit was not needed since the wall is not 3 feet or taller. He indicated that he was issued a cease & desist order on 12/29/2014 for cutting the tree down. He provided a copy to the Commission. It was lifted on 01/15/2015. He continued to state that he came before this Commission on 01/14/2015 to address the same issue. He also provided the release from Brian Herb. He stated that he received a call from D. Keating on 02/25/2015 that this Commission was not happy with the work that was done. Another cease & desist order was issued for this property as well as 113-119 South Main Street. He contacted his engineer and asked him what needs to be done. A letter was provided based on the engineer's opinion and a copy was provided to the Commission.

J. Smith noted that the first cease & desist was not issued by this Commission but by Brian Herb, the Zoning Officer. J. Smith indicated that B. Herb contacted him asking if M. Trepca received a permit from the Commission. J. Smith informed B. Herb that no permit was issued by the Inland Wetlands Commission. On 02/14/2015, the Commission had a discussion with M. Trepca as to how to go about making the corrections on the slope behind the property. He was given three days to complete the corrections. J. Smith, S. Knapik, and B. Giglio did an inspection on 02/17/2015 and they were concerned about the integrity of the wall and the stabilization of the slope. Even with what was done, they had concern so the cease & desist was issued by this Commission.

M. Trepca thought that everyone was happy with what he had done since the first cease & desist from B. Herb was lifted. J. Smith indicated that he did do the work as they asked but it could have been done better. M. Trepca indicated that he will follow his engineer's opinion and have the work done. J. Smith reiterated that the work needs to be done better. J. Smith explained the difference between the cease & desist from B. Herb and the cease & Desist from D. Keating since M. Trepca seemed confused about them.

J. Galligan noted that the opinions of M. Trepca's engineer in the letter provided do not pertain to 93 South Main Street but to 113-119 South Main Street. S. Knapik wants an engineer to inform the Commission that the integrity of the slope and of the wall has been maintained, and the road above has not been compromised. J. Smith noted that there are voids in the corners, and the slope is going to start washing away.

B. Giglio asked if a wetlands permit was issued for 93 South Main Street and S. Knapik indicated that no permits were issued, not a wetlands permit and not stormwater management permit. Since the embankment was dug into, the slope can erode. J. Smith indicated that their concern is the condition of the retaining wall at the bottom, the way the mafia blocks were put in and if there is any back drainage, and the minimum munch on the bank. There was some munch put in but not enough. J. Smith indicated that M. Trepca needs to get a report from a licensed engineer telling what needs to be done and that it was done.

D. Keating mentioned that it does not seem as if this show cause issue is not resolved and asked the Commission what they would like to do. J. Smith noted that he would entertain a motion to continue the show cause hearing.

Motion to continue the show cause hearing for 93 South Main Street and to return before the Commission in one month with the engineer's report providing details of the slope being stabilized and the impact to the road, as well as corrections needs to be done: M. Opuszynski/Knapik; discussion was by W. Opuszynski that the report be given to Jim Galligan for his review; all ayes.

2. Show Cause Hearing

a. Cease & Desist Order Regarding 113-119 South Main Street – Mario Trepca

Mario Trepca indicated that the wall was done under the supervision of stone company and under the engineer. He provided a letter from the engineer that showed that the wall was constructed to satisfactory condition. A copy was sent to Brian Herb. A. Brumer asked what the date of the letter and M. Trepca indicated that it is 10/02/2014. S. Knapik noted that the final inspection would be completed after wall completion and noted that it is not complete. M. Trepca also provided a letter from the stone company stating that they were satisfied with the wall. J. Smith noted that these letters are pertaining to the construction of the wall and they are not questioning the construction of the wall. They are questioning the slope stabilization and the integrity of the road above. J. Smith noted that the letter from the stone company is not addressing any wetland issues, only the construction. J. Smith indicated that if you are standing on the wall, the edge of the road is breaking off and falling towards to the wall. S. Knapik asked when the wall was constructed and M. Trepca indicated that it was partially completed in September 2014. S. Knapik indicated that backfill will not protect the road, only wash away. J. Smith asked when he is planning on starting the building and M. Trepca indicated April or May 2015. J. Smith indicated that, in the meantime, he has to do something to stabilize from the top of the wall to the road above.

J. Smith asked when he decided to stop going ahead with the building and did he do temporary measures to ensure the integrity of the slope and wall. M. Trepca replied during construction and S. Knapik noted that construction has been halted for a while.

M. Opuszynski indicated that construction is not complete. Part of the application was to maintain erosion control features until the entire construction project is complete. Since it is not complete, he still needs to maintain erosion control features and they are not being maintained. He needs to consult with his engineer and determine the ideal erosion control features for that spot and implement them immediately. W. Opuszynski also mentioned to have a report submitted to J. Galligan for his review.

J. Smith indicated that he will entertain a motion to continue this show cause hearing for this property as well.

Motion to continue the show cause hearing for 113-119 South Main Street and to return before the Commission in one month with the engineer's report providing details of the slope being stabilized and the impact to the road, as well as corrections needs to be done: M. Opuszynski/Knapik; no discussion; all ayes.

3. Consideration of Public Hearing

a. Application A2014-306 100 Fieldstone Lane – Chatfield Farms/EG Home, Phases 3, 4, & 5

D. Keating indicated that he provided a draft findings and conditions for the wetland application, as well as draft findings and conditions for the stormwater application. The standard conditions are included but do not accurately reflect what the Commission discussed about the performance bond. This is on Page 3, Condition 8. The Commission discussed maintaining the \$150,000 performance for the wetland protection and preservation, and the \$75,000 bond for the creation of the stormwater detention basins. The language for Condition 8 needs to be revised. D. Keating also noted that the first condition of this approval should be all conditions and stipulations of the original approval for this project of this phase are still in full force and effect except as specifically modified by this action. D. Keating noted that this is not condominium project; it is a planned community project.

W. Opuszynski asked about the language for the MS-4 requirements. D. Keating indicated that he does not know the language that he wants. J. Smith mentioned that it was discussed and didn't pertain to this project. It was just standard cleaning on the catch basins.

M. Opuszynski indicated that stormwater management system implemented is already within the requirements of the MS-4. W. Opuszynski would like to see some language indicated that once everything is stabilized, erosion controls, hay bales, silt fencing, etc., are removed and brought back to nature state. D. Keating noted that this would be added to the end of Condition 12.

J. Smith indicated that he would entertain a motion to approve or deny the application.

Motion to approve the wetland application – A2014-306 100 Fieldstone Lane – Chatfield Farms/EG Home, Phases 3, 4, & 5 – with the standard conditions and changing made by D. Keating, as well as any conditions of the original approval not in conflict with this approval should also be included: **Knapik/Giglio**; *no discussion*; all ayes.

It was determined that a stormwater permit was not needed since the applicant must get a stormwater permit for the site from the State of CT.

M. Gilchrist submitted his monthly report for Chatfield Farms to the Commission.

3. Comments from the Public

A. Brumer, W. Opuszynski, and M. Opuszynski are off the Board at this time since the representative from Pond Spring Village will be giving his monthly report.

Mark Kehrhahn indicated that the tracking pad was replaced and there is some silt fencing that is damaged and to be repaired. The silt fence is on-site and will be installed soon since the ground is getting soft.

J. Smith asked if there were any questions pertaining to Pond Spring Village and there were none at this time. A. Brumer, W. Opuszynski, and M. Opuszynski are back on the Board at this time.

A. Public Petitions

There were no Public Petitions at tonight's meeting.

B. Mark Tice – 186 West Road – Discussion of his Hillside Estates subdivision

Jim Swift, a profession engineer and landscape architect, was here tonight based on their meeting with Planning & Zoning. There were some issues that came up, especially with the common driveways. One issue was a technical one that has been worked on and resolved. Another issue is the fear of common driveways and legal issues associated with having a common driveway for several properties.

J. Swift did another plan where property lines have been moved, more towards Lot 5. Lot 2 and Lot 3 are still rear lots and that haven't changed. The detention pond has not changed. The new plan shows Lot 2 with its own individual driveway and Lot 3 with its own individual driveway. He could not get as much clearance from the pavement to the edge of the wetlands as previously planned. It was about 19 feet before from the pavement to edge of the wetlands, and now it would be above 9 feet. The impact would be the same as previously planned. With having a little closer, he is proposing adding evergreens that would be 8 – 10 feet high, some native plantings, and similar greens.

Another proposal is to have the driveway for Lot 3 moved in and have it as a common driveway with Lot 2. There would be a place if, at some time in the future, the homeowner would be able to have their own driveway. The percentage of grade would remain the same with the new proposal. He is trying to please both boards.

B. Giglio asked if their intent is to build with one driveway. J. Swift indicated that the drawing is proposing an individual driveway for each lot. B. Giglio asked if the approval show only one common driveway and J. Swift replied yes. B. Giglio asked if he is looking for a modification to build three separate driveways. J. Smith noted that by moving the property line over and building the common driveway in the alternate plan, the construction is farther away from the wetlands than the original approval. W. Opuszynski also noted that Lot 3 would have to come before this Commission if at any time they decide to build their own individual driveway.

J. Smith noted his concern by having the three paved driveway with a lot of water running off of them. He is not happy with having three driveways. M. Tice, the owner of the subdivision, noted that he is leaning more towards J. Smith's thought but they are trying to accommodate another Board.

M. Opuszynski asked if each driveway would have its own catch basin or just the one as originally planned. Lot 2 would have the catch basin but they would have to plan it out a little more. After some discussion about the moving of lot line and driveway planning, J. Smith indicated that he would entertain a motion to approval the modification of the lot lines on the application for the construction of the driveways.

Motion to approval the modification of the lot lines on Application A2014-204 for the construction of the driveways: **Knapik/Brumer**; no discussion; all ayes.

W. Opuszynski asked about the MS-4 requirements but the area is less than 5 acres of disturbances.

C. NEJ – 170 Pines Bridge Road

Arnaud L. de la Gueronniere and Dave Petroccia were at the meeting representing NEJ at 170 Pines Bridge Road. Their client would like to add a storage building to the rear of the lot. They presented 3 different plans for the location of the storage building. They have not started the project as of yet nor have they surveyed the property. They would like the Commission's opinion as to the best location of the building. The first option is out of the setback, out of the buffer, but slightly into the flood plane. The second option is not as ideal since it would be more into the buffer line from the swamp. The third option is to tuck it back further behind the current building. A professional engineer would be brought in to deal with the drainage issues.

A. de la Gueronniere indicated that it would be a pervious, mill-stoned, to help with the drainage. D. Petroccia, a land surveyor, indicated that the map that they were using at tonight's meeting goes back to 2003. There is a problem with the flood zone because the foundation would have to be built above the existing flood zone. By using one of the options, it would bring the building more out of the flood zone but closer to the wetlands and buffer area.

A. Brumer noted that there is only one way in and out, and there are tractor trailers back there. D. Petroccia indicated that the tractor trailers will be removed. J. Galligan noted that there are two competing interests here – the flood plane activity and the wetland activity. There is a lot of flood plane displacement in one of the option and will have to compensate for that. The building option with it closer to the wetland would require less excavation on the right had side. The whole end zone of the property is going to be disturbed at some point. It will be disturbed by building or by excavation to compensate. D. Keating asked if the plan is for a 20,000 square foot building and D. Petroccia indicated that is correct. D. Keating noted that from a site planning point of view, if you cannot build outside the flood zone, then the site is full.

D. 50 Burton Road – Charlie Edwards

C. Edwards was here for the meeting due to the work being done at the property at 50 Burton Road. The homeowners ran out of water and needed to pull a new waterline. They tried getting through several different ways but couldn't. They had to come down the side of the driveway, underneath the pond, and back up to the waterline without ripping out the bridge. J. Smith and S. Knapik were both informed and since it was considered a public and health safety issue, J. Smith told C. Edwards to go ahead with the project. Since it was on a Saturday, there was no application completed.

C. Edwards indicated that the water was the lowest it probably has ever been. The frost was over 5 feet and they tried to do everything possible to get the pipe thawed. The original line was copper and he installed plastic.

J. Smith asked the Commission if they would like to have C Edwards take out an application with a \$65.00 fee. W. Opuszynski asked for an as-built to be provided. C. Edwards indicated that he will be repaving the driveway after the completion of winter.

J. Smith indicated that C. Edwards should complete the application, bring to next month's meeting, and an application number will be assigned. C. Edwards indicated that he will bring the as-built with the check.

4. Business Meeting

a. New Applications

There were no new applications presented at tonight's meeting.

b. Approval of Minutes

The minutes from the February 11, 2015 monthly meeting and from the January 14, 2015-February 11, 2015 Special Public Hearing minutes will be approved at next month's meeting due to the length of time of the current meeting

c. Administrative Report

1. Report of Accounts

The Board did not review the Report of Accounts due to the length of time of tonight's meeting.

2. Payment of Bills

a. Invoices from the Clerk for the February 11, 2015 monthly meeting for a total of \$68.75 and for the January 14, 2015-February 11, 2015 Special Public Hearing for a total of \$122.50

b. Dave Keating's invoice for a total of \$311.88

Motion to pay the invoices that were submitted at tonight's meeting for a grand total of \$503.13: M. Opuszynski/Knapik; no discussion; all ayes.

3. State of Connecticut Fees

D. Keating indicated that the Commission is up to date.

d. Petitions from Commissioners

M. Opuszynski noted that a letter to the Board of Selectmen regarding the decision pertaining to the detention ponds. J. Smith mentioned that they should attend the Board of Selectmen meeting. M. Opuszynski asked what kind of authority the Commission has pertaining to the river. J. Smith indicated that the tractor trailers could be removed within a certain amount of time if there is a threat of a flood. This had already been brought up with the State.

5. Adjournment

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

Motion to adjourn meeting at 10:01 P.M.: **Knapik/W. Opuszynski**; *no discussion*; all ayes.

Respectfully submitted,

Marla Scirpo
Clerk, Inland Wetlands & Watercourses Commission