

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



**BEACON FALLS
INLAND WETLANDS & WATERCOURSES
Monthly Meeting
April 08, 2015
MINUTES
(Subject to Revision)**

1. Call to Order / Pledge of Allegiance

Chairman John Smith ordered the meeting to order at 7:31 P.M.

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

Not Present: Michael Opuszynski

Others Present: Dave Keating; Jim Galligan; and Mario Trepca

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/W. 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

Mario Trepca noted that this is the third he has come before this board and have asked for recommendations or suggestion as to what should be done regarding the issue of the hillside. Both times he was told to have a letter signed and sealed by his professional engineer. He provided a letter from Hem Khona from H.K. Associates, a professional engineer. J. Smith and the Commission read the letter. J. Smith asked if the hydroseed was done and M. Trepca indicated no. S. Knapik noted that his concern is about the construction of the wall. He noted that we do not know how the wall was constructed, if there is a stone base under it, and if there is drainage. M. Trepca indicated that drainage is not needed per the letter.

J. Smith indicated that M. Trepca's professional engineer suggested some things that should be implemented and asked if they were done. M. Trepca indicated that he will start on April 15, 2015. J. Smith asked if he will start on April 15th and M. Trepca replied yes.

J. Smith asked for J. Galligan and D. Keating to comment on the letter from the engineer. J. Galligan indicated that there were several things that the Commission wanted addressed and they are not in the letter. The stability of the road above and whether the slope is adequate to support the road above were two of the concerns that the Commission had. J. Smith asked if there was any wrong with having M. Trepca start the corrective measures by April 15th. J. Galligan indicated that there is nothing wrong with the approach to erosion control.

B. Giglio asked how tall is the wall and M. Trepca replied three feet. B. Giglio asked if he pulled a building permit and M. Trepca replied no because he doesn't need one if it is three feet or under. B. Giglio asked if there was rebar put in-between and M. Trepca indicated no he did. J. Smith indicated that the letter is not addressing the integrity of the wall or the road above. It is basically how to hold the bank back and only addresses one of the questions.

J. Smith asked if M. Trepca remembers the Commission asking to get information from the engineer. M. Trepca indicated that he showed the emails from D. Keating to his engineer and was requested to provide a letter for each of the properties which he has provided. J. Smith indicated that one of their concerns was the road above the property at both addresses on South Main Street. J. Smith asked if M. Trepca if he remembers that there was concern on the road above both properties. M. Trepca replied that he showed the email to his engineer and the engineer gave him the letter. S. Knapik mentioned that the letter only noted stabilization of the bank, not how the wall was constructed, what's under it, drainage, and the integrity of the road above the properties.

B. Giglio asked how long the wall is and S. Knapik indicated that it is 15'-20'. B. Giglio asked what the distance is between the road and the wall and M. Trepca indicated that it is about 100'. S. Knapik corrected the number to about 35' if you hold a board straight up from the top of the wall to the road. J. Lillis also noted that it is about 2 stories. B. Giglio asked what is the pitch and S. Knapik indicated that it is 1 to 1, or 45 degrees.

J. Smith indicated that M. Trepca did provide a letter from his engineer regarding the stabilization of the bank as required by the Commission. D. Keating's email that was forwarded to M. Trepca's engineer indicated that the safety and stability of the street upon and embankment has been disturbed. J. Smith noted that the engineer needed to inform the Commission that the road is safe based on the work done below. The letter from the engineer does not address that concern.

M. Trepca asked what makes the Commission believe that the road is going to collapse. S. Knapik indicated that the base of the embankment was disturbed. The integrity of the embankment was taken away. J. Smith indicated that on the site inspection at 113-119 South Main Street, he saw that behind the wall, the bank is breaking away and falling forward. This brings concern to 93 South Main Street. J. Smith noted that every time a piece breaks away, it takes away the integrity of the embankment. J. Smith indicated that the letter from the engineer must state that there is no chance of that happening at 93 South Main Street.

J. Galligan indicated that he met with an engineer at the request of M. Trepca. That engineer did not take the assignment after reviewing the properties. Hem Khona was then hired as the professional engineer for the sites. J. Galligan noted that the suggestion last month was to have M. Trepca's engineer meet with J. Galligan at the sites to express the concerns of the Commission. As far as 93 South Main Street, J. Galligan indicated that the bank is at 1 to 1, or 45 degrees. Under DOT guidelines, the minimum slope for road construction in the state of CT that is not armored should be at 2 to 1, or around 30 degrees. J. Galligan continued that this slope is exposed and no armoring, so by definition, it is not stable. J. Smith asked if the recommendations for the bank stabilization should be put in place and J. Galligan indicated that M. Trepca should do them starting on April 15th as M. Trepca indicated he would.

J. Smith asked if there were any more questions regarding 93 South Main Street. W. Opuszynski asked about the armoring the slope and if that would solve the problem. J. Galligan indicated that on a 1 to 1 slope, it is adequate if it is armored correctly. W. Opuszynski asked if it would be done in layers and J. Galligan indicated that there is a process that must be followed.

2. Show Cause Hearing

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

Mario Trepca provided the signed and sealed letter from his professional engineer, Hem Khona, on this property as well and the Commission reviewed the letter. J. Lillis noted that this letter is the same as for the other property and J. Smith noted that the wall is different.

S. Knapik asked about the corners of the wall not being finished. M. Trepca didn't understand what he meant by the corners not being finished since the blocks are according to the print. The blocks that are there are for the left side of the wall after the foundation wall is put in according to M. Trepca. J. Smith noted that on the right side of the wall, the area needs to be stabilized since it is washing away. J. Smith indicated that the bank is not stabilized behind the barber shop.

W. Opuszynski suggested that since J. Galligan will be evaluating the property at 93 South Main Street, we have him evaluate 113-119 South Main Street as well. J. Smith asked M. Trepca if there was any problem with having J. Galligan meet with his engineer and evaluate the properties.

J. Smith indicated that he will entertain a motion to continue this show cause hearing for this property as well. J. Galligan will meet with M. Trepca's engineer on both sites – 93 South Main Street and 113-119 South Main Street – and continue the cease and desist orders on both properties until resolved.

Motion to continue the show cause hearings for 93 South Main Street and for 113-119 South Main Street and to have J. Galligan meet with M. Trepca's engineer on both sites and that the cease and desists orders on both properties are continued until resolved: Knapik/W. Opuszynski; no discussion; all ayes.

3. Comments from the Public

J. Smith indicated that there are no comments from the public since there is no one at tonight's meeting.

A. Public Petitions

There were no Public Petitions at tonight's meeting.

4. **Business Meeting**

a. New Applications

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

b. Approval of Minutes

W. Opuszynski had a question on page 6 of the minutes regarding the catch basins at 186 West Road, Mark Tice's subdivision. He thought that M. Tice was going to extent a catch basin across the driveways. J. Galligan did not see it on the plans and sent it back to the J. Swift. D. Keating noted some misspelling of words i.e. mulch, flood plain. He also shows some reconstruction of sentences to clarify the discussions and by whom.

Motion to accept the minutes with the corrections as stated: **Knapik/Giglio**; no discussion; all ayes.

c. Old Business

W. Opuszynski asked if the work was started at A Space Center yet. J. Smith was able to see the property and didn't look like anything has started yet. W. Opuszynski noted that R. Rich should be submitting a monthly report.

J. Lillis asked about Oakwood Estates. J. Galligan indicated that they posted all the bonds and the silt fencing was put in place. J. Smith noted that the monthly report was received from Oakwood Estates and read it to the Commission.

J. Smith noted that the monthly reports were received from EG Homes/Chatfield Farms. There were no reports received from Pond Springs and West Road. J. Smith asked D. Keating to write a letter to M. Tice that monthly reports must be submitted even though there is no work being done at this time.

J. Smith stepped off the Board in order to have a discussion on Pond Springs Village. His brother Jeff Smith is doing work at the property. A. Brumer, and W. Opuszynski stepped off as well. Since there are not enough Commission members to make a quorum at this time, no action can be taken regarding Pond Springs Village.

S. Knapik called J. Galligan regarding the digging of the cellars and they are on the high side. The retain basin was filled in with a couple thousand yards of material. It is not working as it had in the past. The concern is where the water is going to go.

J. Galligan indicated that Pond Springs has been excavating about 1,000 yards of material for each of the foundations and have been deposited the material in a standard stockpile method. They have been doing the depositing the material in an area that is grass-lined depression area that is intended to have ground water recharge. It is basically full and should be removed from the site.

Jeff Smith who is representing Pond Spring Village at tonight's meeting indicated that there are three homes under construction. Since the frost has left the ground, they are regrading around the site. The owner of the development asked EJ Smith & Company to put in tracking pads in front of the sites since it was all froze dirt. S. Smith indicated that they also put stone in there. There are hay bales around each catch basin as well as changed the silt sacks on all the basins on the whole project. Jeff Smith indicated that the previous contractor took all the dirt from two of the cellars and put it in the low line area which is supposed to act as a detention, sediment basin. There is no place to put the material without it being a burden to the development and they need to truck it out. There is a cease & correct still in effect.

Jeff Smith indicated that there are two more units that have been sold and will need to have the cellars dug out as well. There is 13,000 yards that they need to find a place for that material. Jeff Smith mentioned that there doesn't seem to be anyone that needs fill. D. Keating agrees that this must be dealt with as soon as possible otherwise they will be dealing with no place for the water to go. J. Galligan agreed as well.

D. Keating noted that there is a spot where a depression about 2' in diameter and ½' foot full of mud. Jeff Smith indicated that perhaps the owner orders more hay bales instead of using silt fencing.

S. Knapik thanked Jeff Smith for the update on Pond Springs Village. J. Smith, A. Brumer, and W. Opuszynski are back on the Commission now that the discussion on Pond Springs Village is complete.

d. Consideration of Public Hearing

J. Smith stepped of the Board in order for the Commission to discuss Tiverton 2.

S. Knapik indicated that the public hearing for Tiverton 2 was opened and closed in one night. J. Galligan noted that any conditions that were placed on the original subdivision should be applied to this application as well. D. Keating also noted that the original application had open space parcels and similar things and they should be weeded out of this application. Planning & Zoning closed their hearing and waiting for the Inland Wetlands decision before going forth with their decision.

S. Knapik indicated that he would entertain a motion to approve the application for Tiverton 2 by Charlie Edwards.

Motion to approve Charlie Edwards' Application A2015-307 for Tiverton 2 with the existing approvals on the previous application and the clarification on the operation and maintenance of the detention pond: **Giglio/Brumer; no discussion;** all ayes.

Motion to approve the storm water plan for Tiverton 2 Application SW2015-007: **Giglio/W. Opuszynski;** *discussion was by W. Opuszynski asking if all the fees have been paid and D. Keating indicated that the usual application fee would not be applicable since we already went through the process previously and that it has been paid;* all ayes.

J. Smith is back on the Board at this time since the discussion of Tiverton 2 has been completed.

e. Correspondence

The CT Wildlife magazine was received as well as the minutes from the Conservation Commission.

f. Budget

1. Report of Accounts

The Board reviewed the Report of Accounts.

2. Payment of Bills

a. Invoices from the Clerk for the March 11, 2015 monthly meeting for a total of \$91.25 and for the March 11, 2015 Special Public Hearing for a total of \$65.00

b. Invoices from Nafis & Young for \$217.50 and for \$870.00

c. Invoices from Dave Keating for \$379.68 and for \$16.56

Motion to pay the invoices that were submitted at tonight's meeting for a grand total of \$1,639.99: **Knapik/Brumer; no discussion;** all ayes.

3. State of Connecticut Fees

D. Keating indicated that he is a little behind and will catch up.

g. Petitions from Commissioners

M. Opuszynski was not present at tonight's meeting.

h. Miscellaneous

D. Keating indicated that he spoke with the Public Works foreman regarding a few places where R. Pruzinsky has noticed that maintenance work is needed on pipes. If the pipes need to be replaced, R. Pruzinsky indicated that he will come in for a permit. If it is on a 1 to 1 basis, then it probably won't be an issue. R. Pruzinsky also noticed that there is a place of erosion on Beacon Valley Road. The river has started to erode close to the road edge and he would like to have J. Galligan take a look at the situation for the best decision. Next month there may be a report that emergency action was taken.

5. Adjournment

A. Brumer informed the Commission that she will not be at the meeting in May.

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

Motion to adjourn meeting at 8:40 P.M.: **Knapik/W. Opuszynski**; *no discussion*; all ayes.

Respectfully submitted,

Marla Scirpo
Clerk, Inland Wetlands & Watercourses Commission