

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



**BEACON FALLS
INLAND WETLANDS & WATERCOURSES
Monthly Meeting
May 13, 2015
MINUTES
(Subject to Revision)**

1. Call to Order / Pledge of Allegiance

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

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

Not Present: Arlene Brumer, Jamie Lillis, and Jim Galligan

Others Present: Dave Keating, Mario Trepca, and Charlie Edwards (arrived at 8:25)

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

Mario Trepca indicated that he contact Pustola & Associates of 185 Meadow Street, Naugatuck, CT. M. Trepca met with Kyle Pustola on May 21st and explained the issue to the engineer. M. Trepca that K. Pustola get in contact with the town engineer, J. Galligan, before starting any work in order for both parties be on the same page with the concerns of the Inland Wetlands Commission. M. Trepca indicated that he entered into a contract with K. Pustola as of May 6, 2015.

On May 8th, K. Pustola indicated that the geotechnical engineer is scheduled to do a site visit on Wednesday, May 13th, and needed more time to complete the work. K Pustola indicated that the normal timeframe is approximately 30 days from contract date and promised to have a report for the next meeting. On Monday, May 11th, M. Trepca informed D. Keating and J. Galligan of the K. Pustola's email that he received. D. Keating requested that M. Trepca obtain some kind of temporary solution from the engineer. K. Pustola informed M. Trepca that he needed to do some calculations and get the soil report prior to making any suggestions or options. M. Trepca indicated that he will proceed with the necessary construction as soon as he receives the complete package from K. Pustola.

M. Trepca indicated that he has a tenant that would like to start a business at 93 South Main Street. The tenant obtained a building permit on May 1st and is scheduled to go for zoning approval on Thursday, May 21, 2015. M. Trepca requested that this Commission grant permission for the tenant to do interior work only during the exterior work being done by K. Pustola.

J. Smith indicated that he spoke with J. Galligan earlier in the day and confirmed everything that M. Trepca just reported to the Commission. J. Galligan is comfortable with the engineer and comfortable with what K. Pustola will do at this property as well as the property at 113-119 South Main Street. J. Smith indicated that he doesn't see where the work done on the interior will affect this Commission. W. Opuszynski expressed a concern for a CO. M. Trepca indicated that he spoke with Kevin McDuffie and K. McDuffie indicated that if the Inland Wetland Commission is comfortable with the interior work, then he would be as well.

D. Keating asked the anticipated timeframe of the interior work. M. Trepca indicated the tenant is interested in opening a breakfast/lunch type diner and would need to do a gas line, plumbing line, and would be more than a few days. M. Trepca confirmed that it would be all interior work.

S. Knapik expressed a concern that everyone would have to park in the front and not in the back. He wants to make sure that no one goes in the back of the property. B. Giglio asked if the tenant is looking to get a CO prior to the next meeting of this Commission. M. Trepca noted that the tenant may try but it takes time with doing a restaurant. S. Knapik asked if the engineering concerns that this Commission has would be resolved before the restaurant opens and M. Trepca responded yes.

M. Trepca provided a copy of the information that he presented to the Commission.

2. Show Cause Hearing

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

M. Trepca indicated that he met with K. Pustola on April 20th at the site. He explained the issues to K. Pustola and was advised by K. Pustola to follow the approved site plan and approved wall design for this property. K. Pustola indicated that M. Trepca should not make any changes or modifications. M. Trepca indicated that his intention is to follow the engineer's advice and to do the building foundation, and once that it done and back filled, then he will finish the wall according to the approved retaining wall design.

M. Trepca asked that this Commission lift the cease and desist order for the property at 113-119 South Main Street in order for him to proceed with the building foundation and completion of the wall according to the approved site plan. S. Knapik asked if they could change it to the cease and correct since M. Trepca will be correcting the issue. W. Opuszynski noted the concern of the stabilization of the slope and the road above. S. Knapik indicated that it would be addressed with the back fill being done after the building foundation being put in. W. Opuszynski asked if there is any design on record for the area between the road and the wall. M. Trepca indicated that there is an approved site plan by Nafis & Young. W. Opuszynski asked why it wasn't completed and M. Trepca indicated that he was waiting for a tenant prior to completing. J. Smith confirmed that there is an approved site plan, an approved pad size, and approved drainage.

J. Smith asked M. Trepca for his time frame as far as doing this. M. Trepca indicated that he has a building permit for the project. J. Smith asked if they lifted the cease & desist and give a cease & correct, what is the time frame for continuing with the project. M. Trepca indicated that if the Commission gives a cease and correct tonight, then tomorrow morning he would contact three different companies to obtain quotes. He would make his decision as to which company to proceed with and go ahead with the project as soon as the contracted company would be able to start with the project.

D. Keating noted that the cease & desist order is for the violation of the eroding embankment and the incomplete retaining wall. It can be interpreted that it means to build the foundation while the cease & desist is still in order because it is accomplishing the goal. Any work that needs to be done acts in accordance with the order to stop the violation and the cease & desist order does not have to be lifted.

W. Opuszynski noted his concern is the understanding that this is for the foundation only. M. Trepca indicated that he understood that it is for the foundation only, construction of the foundation, completion of the wall, erosion control, and the stabilization of the road above. The site plan will not be changed from what was approved previously.

D. Keating summarized that the Commission will continue the show cause hearing for both properties; the interior renovation work of the existing building at 93 South Main Street can proceed with no use or occupancy of the building at this point; while the interior work is being done, there will be no use of blocking of the rear of the property; and the work at 113-119 South Main Street to correct the violation by putting in the foundation so the retaining wall can be done and the area around it could be stabilized per the plan. B. Giglio noted a concern that there is no Zoning Officer at this time and what would happen if someone goes by the properties while work is being done knowing that there is a cease & desist order in place. J. Smith asked for M. Trepca to get a signed letter of the recommendations by K. Pustola to have on hand if there are any questions.

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 in effect until resolved: **Knapik/W. Opuszynski**; *no discussion*; all ayes.

3. Old Business

At this time of the meeting, J. Smith, W. Opuszynski, and M. Opuszynski are off the board and no action can be taken since there is no quorum. S. Knapik is chairing the meeting during the report of Pond Spring Village which is being given by Jeff Smith.

Jeff Smith, EJ Smith Construction, is present at tonight's meeting as a representative for Pond Spring Village. Jeff Smith began by indicating that the Commission asked to have the excess material in the temporary sediment basin removed. This has happened and there was approximately 2,000 cubic yards has been removed. The area has been graded, vegetation has been cleaned, silt sacks have been cleaned, and the road has been cleaned noting that there is a sweeper on-site now. They are waiting for the gas companies to move the utilities on Lot 18 and Lot 20, and then those driveways will be paved. The developer added additional drainage in the back to stop any water to go further down.

Jeff Smith indicated that the gutters from a couple of the units are tied into the storm drains. There are some that are not since they are waiting for the gas companies to do their work first. D. Keating asked for the anticipated timeframe for starting the foundations and Jeff Smith responded none. D. Keating indicated that they should hydroseed and Jeff Smith noted that they are planning on doing that then spraying with hay. The next proposal would be Unit 13 and Unit 14 on the upper hill.

S. Knapik noted that the silt fencing needs some repair work and Jeff Smith noted that he will fix the fencing. D. Keating asked if Jeff Smith will be at the monthly meetings as the representative and Jeff Smith indicated that he will be at the meetings since the gentleman would be coming from Berlin, CT.

J. Smith, W. Opuszynski, and M. Opuszynski are now back on the board since the discussion of Pond Spring Village has been completed.

4. 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.

5. Business Meeting

a. New Applications

D. Keating noted that he has not heard from Hayes Construction for the access road nor has he heard from O & G other than doing some tests at the site where the fuel cell project is being proposed.

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

b. Approval of Minutes

W. Opuszynski had a question on page 5 of the minutes regarding the catch basins at 186 West Road, Mark Tice's subdivision. He thought that M. Tice was going to install two catch basins so that if a second driveway is installed, the catch basin will already be there. D. Keating noted some misspelling of words (e.g. 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/W.**
Opuszynski; *no discussion*; four ayes and one abstention from M. Opuszynski since he was not at the meeting in April.

c. Correspondence

The Habitat newsletter was distributed to the members.

Parks & Recreation forwarded a copy of an application from CT Pond Services for work that is going to be done in Matthies Pond.

The Beacon Falls Library sent a letter requesting that the Commission complete the survey that was being sent by the Beacon Falls Board of Trustees.

A copy of the minutes from the Conservation Commission was received.

A letter from C. Bielik was received indicating to have all purchase orders delivered to the Finance Dept. for review to avoid budget overruns.

There were pictures that were submitted by M. Trepca. D. Keating had questioned the length of wall being longer and M. Trepca had taken the pictures showing that the wall was the same length.

d. Old Business

1. Application A2015-307 and SW2015-007 Tiverton 2, C. Edwards

S. Knapik indicated that he received a call from C. Edwards needing a letter for his approval.

C. Edwards, 30 Lorraine Drive, Beacon Falls, began by indicating that his engineer has completed the maps to be reviewed by this Commission as well as additional maps for review by Planning & Zoning. Once the maps have been reviewed and approved by both Commissions, then he will file the mylar. J. Smith noted that S. Knapik will be the person signing the mylar for this Commission since he is an adjacent property owner.

D. Keating indicated that he will be compiling a letter for C. Edwards and have it ready as soon as possible. C. Edwards noted that there were references to a walking trail but it doesn't exist anymore. It was in the previous plan but not in the current plan. D. Keating asked for C. Edwards' anticipated start date for road construction. C. Edwards indicated that it would be some time over the summer.

2. Applications for Chatfield Farms/EG Homes

The monthly report was submitted and copies were distributed to the Commission.

e. Budget

1. Report of Accounts

The Board reviewed the Report of Accounts.

2. Payment of Bills

a. Invoice from the Clerk for the April 8, 2015 monthly meeting for a total of \$65.00

b. Invoice from Dave Keating for \$433.92

Motion to pay the invoices that were submitted at tonight's meeting for a grand total of \$498.92: M. Opuszynski/Knapik; no discussion; all ayes.

3. State of Connecticut Fees

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

f. Miscellaneous

W. Opuszynski had a question about Nafis & Young doing the inspections on the activities for Inland Wetlands. D. Keating indicated that yes, they are. D. Keating used EG Homes as an example that Nafis & Young is there routinely inspecting the work being done. Nafis & Young was at the property at 113-119 South Main Street, Mario Trepca's, inspecting the wall construction a number of times during the construction. W. Opuszynski asked if a report should be submitted by Nafis & Young for each of the inspections that are performed. J. Smith noted that it is not being submitted to the Commission due to budgetary reasons. Every time that a letter is written, it could cost anywhere between \$150 and \$200. D. Keating mentioned that the Commission could ask for J. Galligan to do a list or a summary of what was done.

W. Opuszynski indicated that he had a conversation with Larry Secor regarding the MS4. W. Opuszynski noted that the Commission may need to change the application, change the regulations, and would like to have L. Secor present at the meeting to discuss these things so the Commission is ready for January 2016.

M. Opuszynski agreed that it would be a good idea since L. Secor came to the Land Use meeting about two months ago. There was no quorum but had a good discussion with him and was going to suggest the same thing in the near future. J. Smith indicated that he would call L. Secor and ask him to attend the next meeting.

M. Opuszynski asked if NEJ has been back and J. Smith noted that they have not been back before the Commission.

J. Smith wanted to mention that this Commission does not sign anything for the construction of the wall at 113-119 South Main Street. This Commission should receive a copy of the letter with a signature to have on file.

g. Petitions from Commissioners

1. Conversation Commission report from Michael Opuszynski

M. Opuszynski reported that the Conservation Commission is continuing the efforts with promoting the recycling program by attending the Duck Race that was held in town. They had a race set up with the right items going into the trash container or the recycle container. There is an event to be held on Sunday, June 7th, part the CT Hikes Week. It will be held at Lantern Park and everyone will hike around the park. It is from 10:30 to 1:30 and the sign presented to the Girls Scouts for their help with Lantern Park will be mounted.

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 8:56 P.M.: **Knapik/M. Opuszynski;** *no discussion;* all ayes.

Respectfully submitted,

Marla Scirpo
Clerk, Inland Wetlands & Watercourses Commission