

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



**BEACON FALLS
INLAND WETLANDS & WATERCOURSES
Monthly Meeting
August 12, 2015
REVISED MINUTES
(Subject to Revision)**

1. Call to Order / Pledge of Allegiance

Chairman John Smith called the meeting to order at 7:33 P.M.

Members Present: John Smith, Stephen Knapik, Arlene Brumer, Bill Giglio, and Walter Opuszynski (arrived at 7:41)

Not Present: Michael Opuszynski and Jamie Lillis

Others Present: Dave Keating, Jim Galligan, Mario Trepca, and Mark Tice

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/Brumer**; no discussion; all ayes.

2. Old Business

1. Mark Tice, Hillside Estates, 186 West Road

Mark Tice was present at tonight's meeting to update the Commission on the progress of Hillside Estates.

M. Tice indicated that the drainage is done and there is a little more work to be done on the pond. The road is boxed in and will hopefully be paved before the next meeting. M. Tice indicated that once the road is paved with a binder coat, he will start to build the houses. S. Knapik asked if the shoulders will be lumed and seeded, and M. Tice indicated that he will once the curbs are in place. S. Knapik asked if the sewer laterals were pulled off the road yet and M. Tice indicated that they were and permits were pulled. J. Galligan confirmed that the laterals are in, the detention pond has been shaped, didn't see any problems, and the silt fences are up. There was a call in regards to the catch basin in the street. The existing pipe was too close to the surface to use a precast unit so they put a slab down and built it up. M. Tice indicated that he called to have the catch basin cleaned out but there were no bottoms on many of them. He spoke with R. Pruzinsky at the Public Works Dept.

3. Show Cause Hearings & Considerations of Public Hearings

Mario Trepca was present at tonight's meeting. He indicated that he provided a drawing of the wall design to D. Keating and is his understanding that both D. Keating and J. Galligan feel comfortable with the drawing that was done by Pustola & Associates. M. Trepca noted that he is looking for a building permit in order to start construction of the wall.

1. Show Cause Hearing

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

J. Galligan noted that D. Keating was looking for a couple of dimensions added to the drawing as far as distances. J. Galligan noted some scale issues and wanted to have the additional dimensions. J. Smith indicated that the question of the tow/slope/face of the wall. D. Keating indicated that after speaking with M. Trepca, the new wall will be in the same place as the existing wall. D. Keating measured from the back wall of the existing building to the face of the retaining wall that was just installed 6 months and that measurement is 26'6". The wall is 4' high and 31' from north to south. The one problem that D. Keating sees with the replacement wall is with the tiebacks, they would need to excavate another 6' to 8' into the embankment. If it is done very quickly and restored very quickly, it should be fine. M. Trepca indicated that he spoke with George at Northeast Excavating confirming this problem. J. Smith asked M. Trepca if he will be informing D. Keating and J. Galligan before doing this work if permission is granted by this Commission. M. Trepca confirmed that from the signing of the contract, it would be 2 weeks to begin.

D. Keating spoke with the Building Official about the height of the wall. A building permit will be needed since the wall is more than 3' tall.

W. Opuszynski asked about the excavation and if there would be compacted lifts. J. Galligan confirmed that signed and sealed drawings were submitted to his office and it does call for some tieback fabric. Those will have to be put in the lifts. S. Knapik indicated that it appears to be 1' lifts. W. Opuszynski then asked about compaction tests done on the material on the lifts, and what type of material is going back in there. J. Galligan noted that the bank is gravel and the plans call for return to native material. W. Opuszynski would like to request a compaction test done based on the slope integrity, the wall, and the road.

Motion to authorize the Town Engineer to sign off on the building permit process for the property at 93 South Main Street and have the engineer certify that the wall was done in accordance with the plans and also with a compaction test of the soils. The engineer needs to sign off on the wall and sign off on the compaction test, and then submit the paperwork to the Commission. The face of the new wall will be no more than 26'6" from the back wall of the building: Knapik/Giglio; no discussion; all ayes.

2. Show Cause Hearing

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

M. Trepca indicated that the foundation is in and has been approved by the building inspector. The wall was done under the supervision of the engineer from Arrow Concrete, and built according to the specs. J. Smith asked about the grading and the timeframe. M. Trepca indicated that the engineer from Arrow Concrete noted that he should let the vegetation grow naturally, and there was no need for fill behind the wall. J. Galligan noted that as far as the wall design is concerned, there is no more need for activity behind the wall. But, when constructing the wall, they cut behind the face and there is now the face is steeper and closer to Johnson Street. J. Galligan indicated that there is an undercut that goes below the slope, going to a lower spot, and it should get restored back to the elevation before the project started. B. Giglio asked for the distance and J. Galligan indicated 2'. J. Galligan noted that the vegetation has taken and it will have to be revegetated. W. Opuszynski mentioned that it wasn't brought to the original slope and it will need to be. J. Smith asked for J. Galligan to stop by and take a look to see what exactly needs to be done, especially with the backfill.

M. Trepca asked if he could bring the water and sewer into the building at this time.

Motion to lift the cease and desist on the properties at 93 South Main Street and at 113-119 South Main Street and still follow the recommendation of the town engineer: Giglio/Knapik; no discussion; all ayes.

The plan is to continue the show cause hearings for 93 South Main Street and for 113-119 South Main Street at the next meeting.

4. New Business

1. Jenny Lane Two

J. Smith indicated that Selectmen were going to be present at tonight's meeting to discuss the situation at this property. There is a gentleman who owns a house at the end of the cul-de-sac of Jenny Lane and the property abuts property own by Beacon Falls. The gentleman dumped fill to make his backyard bigger. The fill crossed the property line, eroded, and has gone into the stream in Matthies Park. The Town of Oxford contacted Inland Wetlands regarding this situation. J. Smith, S. Knapik, W. Opuszynski, and D. Keating walked the property to take a look of the property. J. Smith noted that there is a ton of fill there. B. Giglio asked how many yards and J. Galligan indicated that his guessimate would be 20,000 yards. S. Knapik indicated that it is approximately 100' down.

J. Galligan indicated that this is under a cease & desist from the Town of Oxford Planning & Zoning as well as Wetlands. They have had some soil testing. They are not making any decision on their end until hearing the Town of Beacon Falls' opinion on the situation. J. Galligan indicated that the opinion is two-fold: let the gentleman remove everything or since it is growth in now, fine him and that is it. J. Smith added that the gentleman thought that the marker was the property line didn't think he was going off his property.

After a discussion on the property, J. Smith will inform Chris Bielik that the Commission's concern is that stabilization of the slope and the plan to implement the stabilization.

Motion to have the Chairman of the IWWC discuss the situation with the 1st Selectman regarding the Commission's concerns about the slope and the erosion coming off of the slope from Jenny Lane Two onto the property owned by the Town of Beacon Falls: Knapik/Giglio; no discussion; all ayes.

Application #A2015-309 has been added for Jenny Lane Two.

Selectman Peter Betkoski arrived at the meeting approximately 8:36 PM and J. Smith updated the Selectman on the discussion held previously.

5. 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.

6. Business Meeting

a. New Applications

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

b. Approval of Minutes

Motion to accept the minutes as submitted for tonight's meeting: **Knapik/Brumer;** *no discussion*; four ayes and one abstention from W. Opuszynski since he was not at the meeting in July 2015

c. Correspondence

1. Atty. Byrne's letter

A letter was received regarding a court case between Cocchiola Paving and Southbury. An application was denied and the court upheld the fact that Cocchiola had to prove impact.

2. Letter from Upper Room Experience Ministries

Pastor Nathan Page Sr. submitted a letter of intent to occupancy the property at 79 Old Turnpike Road, Beacon Falls, CT. The purpose for use would be for a House of Worship.

3. Audubon magazine

4. The Habitat

d. Old Business

J. Galligan distributed letters from Nafis & Young regarding soil & erosion at Chatfield Farms and at Pond Spring Village. Nafis & Young inspected the property at Chatfield Farms and found a few items that needed to be addressed. The same was with the property at Pond Springs Village.

W. Opuszynski and A. Brumer stepped off the Commission during the discussions of Pond Springs Village.

D. Keating needs to get in touch with the owners of Pond Springs Village. There have been changes there again. S. Knapik noted that this is the second month in a row that they haven't attended a meeting nor have they submitted a report. D. Keating mentioned that they requested a building permit for more building. D. Keating will contact the building official and ask not to grant this request.

W. Opuszynski and A. Brumer are back on the Commission at this time.

J. Smith updated the Commission on Cold Springs Road. He indicated that the lawn is going in during the last week of September. W. Opuszynski asked about Oakwood Estates. J. Smith indicated that everything has stopped based on issues with Aquarion Water.

Several application numbers have been assigned based on new activities. They will be added onto the agenda starting next meeting.

Application #A2015-309, Jenny Lane Two, Oxford, Ct

Application #SW2015-008, Highland Avenue Reconstruction

Application #SW2015-009, Town Hall Parking Lot Reconstruction

Application #SW2015-010, Burton Road Reconstruction

Application #SW2015-011, Noe Place Reconstruction

e. Budget

1. Report of Accounts

The Board reviewed the Report of Accounts.

2. Payment of Bills

a. Invoice from Dave Keating for \$305.80

b. Invoices from the Commission's clerk for a total of \$126.94

Motion to pay the invoice from D. Keating and from the Commission's clerk as submitted at tonight's meeting for a total of \$432.74: Giglio/Knapik; no discussion; all ayes.

3. State of Connecticut Fees

D. Keating indicated that there are some to be processed.

f. Miscellaneous

B. Giglio asked about J. Lillis since he has not been at a meeting in several months. J. Smith asked if B. Giglio could stop by and question him if he is still interested in being on the Commission.

g. Petitions from Commissioners

1. Conversation Commission report from Michael Opuszynski

M. Opuszynski was not at tonight's meeting to present this report.

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 9:17 P.M.: **Knapik/Giglio**; *no discussion*; all ayes.

Respectfully submitted,

Marla Scirpo
Clerk, Inland Wetlands & Watercourses Commission