

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



BEACON FALLS INLAND WETLANDS & WATERCOURSES COMMISSION
Monthly Meeting
April 13, 2016
REVISED MINUTES
(Subject to Revision)

1. Call to Order / Pledge of Allegiance

Chairman John Smith called the meeting to order at 7:30 P.M.

Members Present: John Smith, Arlene Brumer, Jamie Lillis, Michael Opuszynski, and Walter Opuszynski

Not Present: Stephen Knapik and Bill Giglio

Others Present: Dave Keating, Jim Galligan, Charlie Edwards, Mark Tice, and 1 member of the public

2. Applications – Old Business

Mark Tice, Hillside Estates was present at tonight's meeting to update the status of Hillside Estates on West Road, Beacon Falls. He indicated that they will begin this month. The surveyor flagged today and two lots will be cleared tomorrow. M. Tice indicated that once the machines are brought in, he will take care of the pond and the landscaping. W. Opuszynski asked about a tree that fell on a silt fence and M. Tice indicated that it was a limb and will take care of the silt fence when they are there. D. Keating noted that there are some silt fence sagging and need attention. M. Tice indicated that he will be there next week. J. Smith noted that he should take care of the fencing before rain happens. M. Tice asked D. Keating where he saw the downed silt fence and D. Keating indicated along the front left and it appeared to be inundated with previous silt and water was coming down if you look from the road, looking at the left side of the main driveway. M. Tice mentioned that some of that will be coming down to make room for the tree cutters to clean out the downed trees.

M. Tice noted that they are keeping the houses in the same location as were on the plans.

3. New Applications

Charlie Edwards, 30 Lorraine Drive, was present at tonight's meeting to apply for a permit to build a house on a lot that was approved but the regulations have changed since then. There is a question of the setback since the new regulations indicate that it must be no activity within 100-foot regulated area. The property is on West Road and owned by the Kingsley's. C. Edwards provided drawings for the Commission to review during their discussion.

D. Keating indicated that there is an existing driveway between the watercourse and where the house would be built. C. Edwards indicated that they would use the driveway, come in approximately 55 feet off the road on the existing driveway, and make a right-hand turn into the garage.

J. Smith asked if the driveway already separates the house from the wetlands now and C. Edwards replied yes. C. Edwards indicated that the easement is for above-ground utilities and D. Keating asked if the utilities would be trenched and buried and C. Edwards indicated no, they will remain above-ground. J. Smith asked if all the activities will be on the other side of the driveway, farthest from the wetlands and C. Edwards replied yes, no activity on the wetland side of the driveway.

D. Keating asked how the runoff water from the house and new driveway will be handled. C. Edwards noted that the driveway pitches towards the catch basin and street. There is a flat-top basin and the footing drains will be tied in there. D. Keating asked if the existing driveway will be paving, graveled, or new stone. C. Edwards indicated that new stone was just put on it. J. Smith asked if there are going to be any improvements to the existing driveway and C. Edwards replied no.

W. Opuszynski asked about the erosion control plan. C. Edwards noted the silt fencing and tracking pad on the drawing. W. Opuszynski asked about the septic system for the existing house and C. Edwards indicated that the house is septic. C. Edwards mentioned that the well for the new house will be outside the 50-foot setback and if the septic fails, then the owner could come down the shoulder of the driveway.

After a brief discussion, J. Smith asked for a motion for the request of the permit to build the house on the lot as discussed tonight.

Motion to approve the plan for the lot on the Kingsley property as presented tonight based on the drawing dated 04/06/2016: Brumer/Lillis; discussion was by W. Opuszynski on the building time and C. Edwards indicated 90-120 days based on his estimation; all ayes.

J. Smith reminded C. Edwards that there is no activity starts until silt fencing is in and anti-tracking pads are installed. M. Opuszynski also reminded that monthly reports will need to be given.

4. Comments from the Public

J. Smith asked three times if there were any comments by the public and there were none at this time.

A. Public Petitions

There were no Public Petitions at tonight's meeting.

5. Approval of Minutes

Motion to accept the minutes from the March 9, 2016 meeting as submitted: M. Opuszynski/Brumer; no discussion; all ayes.

6. Correspondence

Copy of CT Wildlife was received as well as the minutes from the Conservation Commission meeting and copies of Soil & Water newsletter.

7. Show Cause Hearings & Considerations of Public Hearings

1. Show Cause Hearing

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

There was no change on this property and remains in effect.

2. Show Cause Hearing

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

J. Smith indicated that since the Commission's last meeting, there was materials delivered to the site and about 2 days later work on laying block was started. J. Smith indicated that he spoke to M. Trepca reminding him that the property was under a Cease & Desist. J. Smith indicated to M. Trepca that work was to stop.

J. Smith indicated that there were several phone calls between himself, the Building Inspector, and D. Keating. J. Smith went back to talk to M. Trepca who, in turn, had someone to go back on the hill and have the hill graded, seed, and hayed. J. Smith indicated to M. Trepca that nothing more could be done unless this was to the satisfaction of J. Galligan and D. Keating.

J. Galligan and D. Keating agreed on the work that was done and would recommend that the Cease & Desist on this property be lifted. After a brief discussion, J. Smith asked for a motion on the Cease & Desist Order on 113-119 South Main Street.

Motion to lift the Cease & Desist Order on the property located at 113-119 South Main Street: Brumer/Lillis; no discussion; all ayes.

3. Show Cause Hearing

a. Cease & Desist Order Regarding 27 Railroad Avenue

D. Keating indicated that there has been no contact from the owner or from the tenants of 27 Railroad Avenue. Certified letters to the owner and to the tenant was mailed on 03/19/2016 and well as copies of the letter sent regular mail. The notification from the post office for the certified letters have not been received as of today's date. D. Keating indicated that the next step would be legal proceedings through town council and the Commission should talk to town council to see if it would be best to pursue the ticketing ordinance to have a second enforcement action started or just stay with the state statue for the Wetlands violations.

J. Smith indicated that Rich Minnick has been appointed as the Hearing Officer and R. Minnick has a couple of people that he would like to ask to be Hearing Officers as well. J. Smith indicated that the Selectmen have been informed of the situation and the thoughts of the Commission as to citations and the violations of the regulations.

8. Administration Reports

a. Town Engineer

J. Galligan indicated that Chatfield Farms started paving the other day. He noted that there were a couple of catch basin that need silt fencing and silt sacks but there were no major violations. J. Galligan indicated that, as usual, once Chatfield Farms is notified, they correct quickly. Reports were provided to the Commission.

J. Galligan indicated that Pond Springs Village have cleaned up the site quite a bit but not great. He noted that more tracking aprons are needed as well as catch basin protections.

J. Galligan indicated that he received a call from J. Smith about a problem at Oakwood Estates but he has not been up there. J. Galligan noted that he was informed of the activity as far as it has been going and will get in touch with the owner. J. Smith indicated that one foundation is poured and one is built, with siding on it. J. Smith noted that he was surprised that there was a foundation poured because he didn't know that it had been signed off by D. Keating yet. J. Smith mentioned that a building permit should be issued if the road is not done.

9. Applications – Old Business

J. Lillis asked if Noe Place is complete and J. Galligan indicated that it was not completed. The paving and curbing work is done but shoulders need to be re-established, seeded, and hayed. Some hay bales have been put around the existing basins but washout problems are occurring.

M. Opuszynski asked on the status of Jenny Lane Two. J. Galligan indicated that the Wetlands Commission of Oxford received a letter from Soil Conservation Service recommending to put diversions in at the top of the slope to try and keep any runoff from the top of slope getting onto the slope. They also recommended creating a berm at the bottom to help contain anything. M. Opuszynski would like to have the property owner come in front of this Commission to inform us of their plan. J. Galligan indicated that he will ask the owner of the property and their contractor to come to the next meeting.

10. Old Business

There was no old business discussed at tonight's meeting.

11. New Business

There was no new business discussed at tonight's meeting.

12. Budget

1. Report of Accounts

The Board reviewed the Report of Accounts.

2. Payment of Bills

a. **Invoice submitted by the Commission's clerk for the March 9, 2016 meeting - \$89.73**

b. **Invoices submitted by Dave Keating – one for \$26.47 and one for \$278.90**

Motion to pay the invoice from the Commission's clerk as submitted for tonight's meeting for a total of \$89.73 and the two invoices from Dave Keating as submitted for tonight's meeting for a total of \$305.37: M. Opuszynski/Lillis; no discussion; all ayes.

3. State of Connecticut Fees

D. Keating indicated that the fees are all up to date.

13. Miscellaneous

M. Opuszynski asked about the detention ponds that used to be under Applications – Old Business on the agenda. J. Smith indicated that he was talking to Rob Pruzinsky the other day in regards to this.

R. Pruzinsky had a list of all the detention ponds and wanted to verify all the detention ponds are on the and to make sure none were missing. D. Keating noted that the town will need to budget money in Public Works for the crews to do more work on storm water maintenance or getting private contractors to do the work. R. Pruzinsky had noted that with work schedules, vacation time, sick time, and medical leave, he doesn't have the personal to clean out the detention ponds. After a brief discussion, J. Smith will talk with the Selectmen in regards to this issue.

14. Petitions from Commissioners

1. Conservation Commission report from Michael Opuszynski

M. Opuszynski noted that he missed the last meeting since he was traveling for work.

2. Executive Session to Discuss Pending Litigation (if required)

There was no Executive Session at tonight's meeting.

15. Adjournment

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

Motion to adjourn meeting at 8:39 P.M.: **M. Opuszynski/W. Opuszynski; no discussion; all ayes.**

Respectfully submitted,

Marla Scirpo
Clerk, Inland Wetlands & Watercourses Commission