

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



BEACON FALLS INLAND WETLANDS & WATERCOURSES COMMISSION
Monthly Meeting
May 11, 2016
MINUTES
(Subject to Revision)

1. Call to Order / Pledge of Allegiance

Vice Chairman Steve Knapik called the meeting to order at 7:30 P.M.

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

Not Present: John Smith

Others Present: Dave Keating and Mark Tice

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. M. Tice indicated that they are at status quo and may be in next week for permits. W. Opuszynski noted that there was some activity and asked if the silt fencing was fixed. M. Tice noted that the silt fencing where the branch had fallen was fixed. Also, some of the silt fencing by the road was taken down in order for the stumps to be removed. W. Opuszynski asked about reseeding being done in the areas and M. Tice indicated that he will be relandscaping. D. Keating indicated that temporary vegetation needs to be planted down in front on the left side of the driveway. M. Tice mentioned that he wasn't going to seed it and do again. D. Keating indicated that it needs to be done in order to hold the soil. M. Tice noted that he has not seen anything that has been washed out on that side of the driveway and will do it when the houses are landscaped. M. Tice indicated that it is stabilized and D. Keating that is cannot be done at the end but done during the entire process. D. Keating asked for M. Tice to reset all the silt fencing along both sides of the road frontage on West Road and along both sides of the driveway. This is necessary do to the disturbance uphill.

3. New Applications

There were no new applications submitted for tonight's meeting.

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

Arlene Brumer noted that the call time to start the meeting was noted wrong on last month's minutes. It was noted as 7:3 PM and should be 7:30 PM. The clerk indicated that the minutes will be revised to correct the time.

Motion to accept the minutes from the April 13, 2016 meeting with the noted correction to the call time by A. Brumer: M. Opuszynski/Lillis; no discussion; 4 ayes and 2 abstentions by Bill Giglio and Steve Knapik since they were not at the meeting.

6. Correspondence

There were no Correspondence received for tonight's meeting since the Selectman's office was locked.

7. Show Cause Hearings & Considerations of Public Hearings

a. Show Cause Hearing

1. Cease & Desist Order Regarding 27 Railroad Avenue

D. Keating indicated that J. Smith, S. Knapik, and himself met with Lucas Drury who agreed to clean up the site starting on 05/16/2016 and to be complete by 05/31/2016. D. Keating will check the site next week and asked if S. Knapik or J. Smith to check after Wednesday since he will be unavailable. W. Opuszynski asked if L. Drury will be removing everything and D. Keating noted his concern the process that L. Drury will use to clean the site. D. Keating did include a statement in his letter to L. Drury on the proper way of removing the debris and earth materials.

8. Administration Reports

a. Wetlands Enforcement Officer

1. Cease & Desist Orders Issued – 93 South Main Street/Mario Trepca

D. Keating indicated that the Commission is not satisfied with the corrective work that was done by M. Trepca since a compaction test was submitted by a certified Engineer. M. Opuszynski asked if anything could be said to have M. Trepca do a compaction test to satisfy this Commission. W. Opuszynski noted that the only way may be to have the structure taken down and be redone in order for an engineer to certify the wall and compaction test. B. Giglio asked how long has it been and if natural compaction could have incurred during the time. S. Knapik noted that the integrity of the embankment was compromised as well as the street upon. S. Knapik indicated that the Cease & Desist cannot be lifted until an engineer certifies the work done and submits a compaction test.

After a brief discussion on having an insurance policy taken out on the property to protect the town, D. Keating indicated that he will look into it. S. Knapik and W. Opuszynski both noted that we need to get legal advice on the situation.

After a brief discussion on the safety for the tenants in the building, M. Opuszynski indicated that this Commission has concerns over the soil and erosion control not being properly handled in the first place. M. Opuszynski questioned this Commission's ability to set a fee for being in violation to regulations. W. Opuszynski noted that we have discussed this and need legal opinion on the situation. D. Keating indicated that he will look into this.

9. Applications – Old Business

S. Knapik indicated that there may be reports in the Selectmen's office but we cannot get into the office. D. Keating noted that a report from Oakwood Estates was supposed to have been received today since he received a message. A report from EG Homes was received and reviewed by the Members.

W. Opuszynski noted that an application has not been received by Charlie Edwards in regards to the property on Pent Road. D. Keating noted that C. Edwards was planning on attending tonight's meeting but there was a wake that he needed to attend. D. Keating noted that C. Edwards met with J. Smith and S. Knapik at the site. S. Knapik indicated that there are no wetlands on the site but definitely soil erosion. C. Edwards was instructed to install a silt fencing starting at the "For Sale" on the neighbor's property and around the perimeter to the Purdy property. Also, an anti-tracking pad needs to be 100 feet long. W. Opuszynski noted the concern that nothing has been received and perhaps a Cease & Desist may need to be issued. S. Knapik mentioned that the parcel is 5 acres and D. Keating also mentioned that it has been categorized as "agricultural use". D. Keating noted that C. Edwards needs to attend this Commission's meeting before claiming that the property is for agricultural use, not after.

C. Edwards called D. Keating after meeting with J. Smith and S. Knapik noting that silt fencing was installed and the anti-tracking pad was re-enforced. D. Keating was at the property and did note that the anti-track pad was better and the silt fencing was down in some places. D. Keating will talk to C. Edwards in regards to the silt fencing and tracking pad.

W. Opuszynski asked if material is leaving the site and coming onto the site. S. Knapik noted that we do not know. B. Giglio asked if there is plan for the site and D. Keating indicated that there is a plan that shows how it was and how it will be. W. Opuszynski noted that one has not be seen by this Commission since an application has not be submitted. D. Keating will try to get information and email it to the Members. If there are any Inland Wetlands regulations that are being violated, then D. Keating noted that he will send a notice of violation, and then issue a Cease & Desist Order and have C. Edwards appear at the next scheduled meeting.

A report from Pond Springs Village was emailed to the Members. S. Knapik indicated that he was at the site and the site did look better than in the past.

10. Old Business

M. Opuszynski asked if anything has been received on Jenny Lane Two. D. Keating has not received a letter and the only thing he has heard was from Beacon Falls Parks & Rec Commission. That Commission had indicated that they were surprised this was an issue and why they were not notified. D. Keating mentioned that this has been going on for about six months.

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 April 13, 2016 meeting - \$68.75

b. Invoice submitted by Dave Keating – \$305.80

Motion to pay the invoice from the Commission's clerk as submitted for tonight's meeting for a total of \$68.75 and the invoice from Dave Keating as submitted for tonight's meeting for a total of \$305.80: M. Opuszynski/Brumer; no discussion; all ayes.

3. State of Connecticut Fees

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

13. Miscellaneous

There was no miscellaneous discussion at tonight's meeting.

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 8:25 P.M.: **M. Opuszynski/Giglio; no discussion; all ayes.**

Respectfully submitted,

Marla Scirpo
Clerk, Inland Wetlands & Watercourses Commission