

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



BEACON FALLS INLAND WETLANDS & WATERCOURSES COMMISSION
Monthly Meeting
October 12, 2016
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, Stephen Knapik, Arlene Brumer, Bill Giglio, Michael Opuszynski, and Walter Opuszynski

Not Present: Jamie Lillis

Others Present: Dave Keating; Jim Galligan; Chris Olivera, Chatfield Farms; Jim Weed; and Bill Jordan, Jordan Energy/Green Beacon Falls LLC

Motion to rearrange the agenda to accommodate the public: Knapik/M. Opuszynski; no discussion; all ayes.

2. New Applications

a. Jim Weed

Jim Weed, 667 Rimmon Hill Road, was present at tonight's meeting to discuss the pond maintenance on his farm located at 664 Rimmon Hill Road. J. Weed presented a map to discuss the plan for cleaning out the pond. J. Weed indicated that he would like to clean out the pond and use the water for irrigation for the garden on the property. J. Weed noted that any materials taken from the pond would be used on the property to repair and fix any divots/ditches. J. Smith asked if the pond was spring fed and J. Weed indicated that it is spring fed. S. Knapik asked when he would like to start and J. Weed indicated right away since it is so dry. D. Keating asked how long it would take and J. Weed noted about a month. D. Keating suggested stabilizing with winter rye at this time.

D. Keating noted that State Statutes allow pond maintenance for agricultural use is a permitted activity. After a brief discussion, the Commission assigned Application #A-2016-311 to this and asked for J. Weed to attend next month's meeting if the activity is still going on. The Commission indicated that they would like an application filed.

Motion to approve the pond maintenance for Jim Weed's property located at 664 Rimmon Hill Road as presented at tonight's meeting: Knapik/M. Opuszynski;no discussion; all ayes.

b. Jordan Energy / Green Beacon Falls LLC

Bill Jordan, Jordan Energy, was present today to submit the application from Green Beacon Falls, LLC for the solar project located at 450 Lopus Road. B. Jordan gave the background information on the solar project. B. Jordan indicated that last month, they presented the project to Planning & Zoning Commission.

After a brief discussion, M. Opuszynski asked if there were going to be additional roadways, or driveways. B. Jordan indicated that there is a right-of-way and there is an openness to the road for the use of the Wastewater Treatment Plant and O & G. S. Knapik and A. Brumer indicate that they would like to see better plans that what was present at tonight's meeting.

M. Opuszynski asked for the storm water management impact to the arrays. B. Jordan indicated that there will be no changes to the surface, no surface preparation. D. Keating asked for the frequency of people going through the aisle-way and maintain anything. B. Jordan indicated it is normally once or twice a year.

J. Smith asked for J. Galligan's opinion on the storm water. J. Galligan indicated that there several things that need to be addressed. J. Galligan noted the aisles where the grass/weeds will need to be mowed and the drain from Lopus Road. J. Smith noted that there are no wetlands and a storm water application needs to be accepted.

J. Smith asked when are they planning to start the project and B. Jordan indicated November 1st and would be a 4-week project. In order to get the full value of the credits, they must be in before the end of the calendar year of 2016. After a brief discussion, a special meeting will be scheduled for Wednesday, October 19, 2106.

Motion to schedule a special meeting on Wednesday, October 19, 2016, at 7:00 PM, in the Selectmen's Conference Room at Town Hall in order to review, discuss, and possible take action on the storm water management application by Green Beacon Falls, LLC: Knapik/M. Opuszynski;no discussion; all ayes.

Motion to accept the application from Green Beacon Falls, LLC for processing: Knapik/M. Opuszynski;no discussion; all ayes. Check #1688 in the amount of \$160.00 was submitted with the application.

A storm water application number of SW-2016-012 was assigned to Green Beacon Falls, LLC, 450 Lopus Road.

3. Applications – Old Business

Chris Olivera, Chatfield Farms, distributed the monthly report to the Commission. The Commission reviewed the report and there were no questions by the Members.

4. Approval of Minutes from Previous Meetings

D. Keating indicated that there were a couple of corrections to be made to the minutes from September 2016. On page 2, under Correspondence, the change is from the word “plan” to “suit”. Also, the change is from the word “conjunction” to “injunction”.

Motion to accept the minutes from the September 14, 2016 monthly meeting with the changes as noted above: M. Opuszynski/Knapik; no discussion; five ayes and one abstention from A. Brumer since she was not at the meeting.

5. Correspondence

Information from the Southwest Conservation was received and distributed to the Members.

A copy of the CT Wildlife magazine was received.

6. Show Cause Hearings & Considerations of Public Hearings

a. Show Cause Hearing

1. Cease & Desist Order Regarding 27 Railroad Avenue- Continued

D. Keating indicated that Atty. Byrne filed a lawsuit against the property and against one of the sons, Lucas Drury. D. Keating also indicated that K. Carlson came to see him and received the paperwork after returning from Maine. She was very upset and D. Keating explained the problems and the work that should have taken place. K. Carlson tried to explain to D. Keating that it wasn't that bad and should be allowed to stay. D. Keating indicated that he informed K. Carlson why it cannot stay, will not be allowed to stay, and the solution is to have it removed prior to tonight's meeting. D. Keating spoke to Atty. Byrne a few days afterwards who indicated that he heard from K. Carlson's attorney. D. Keating also spoke to another son, Thomas Drury, who indicated that his brother Lucas said that only the inorganic material had to be removed. D. Keating explained that that was not correct, not acceptable, and discussed the situation with T. Drury. T. Drury indicated that they will not be doing anything more and D. Keating asked for him to attend the next Inland Wetland meeting to discuss the situation with the Commission. D. Keating left a message for T. Drury to remind him of tonight's meeting and T. Drury did not return the call.

A letter dated 10/03/2016 was received from Atty. Byrne regarding the Enforcement Action on 27 Railroad Avenue, which is pending litigation. A bill from Atty. Byrne in the amount of \$2,067.77 was received as well.

7. Administration Reports

a. Wetlands Enforcement Officer

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

J. Smith indicated that he would like direction from the Commission regarding 93 South Main Street and not complying to the request in having a compaction test done on the wall. After brief discussion, J. Smith asked if a bond could be enforced onto M. Trepca for the wall since the testing was not done. J. Galligan suggested that it should be for no less than five years. J. Smith indicated that he will look into enforcing a bond onto M. Trepca for the wall.

8. Applications – Old Business

W. Opuszynski asked if there was an update on Jenny Lane Two. J. Galligan indicated that Oxford has looked at the site and indicated that it is stable. Oxford is not recommending any activity to take any of the material out. J. Smith questioned what is to be done on the material that came into Beacon Falls. J. Galligan indicated that Oxford is not enforcing anything in Beacon Falls since the slope is stabilized and do not want to disturb it. J. Smith indicated that Parks & Rec need to be asked what they would like done, if anything.

J. Galligan indicated that Burton Road is primarily done, with 3 aprons left to do and about half a dozen manhole frames to adjust. J. Galligan also indicated that Noe Place is complete. J. Smith indicated that both of these agenda items could be removed from the agenda.

J. Smith indicated that Riverbend Park is about 90% completed, with the walkways to be chip-stoned and install the pole lights. Some of the benches are in as well. J. Smith questioned if a fee was billed for the road modification when there was a change-of-hands. D. Keating indicated that the only change was to the parking lot driveway location and no wetlands involved in that area at all. J. Smith indicated that he spoke with Mark Tice today who noted that the well was finished on the first house and landscaping will start next week. The well on second house will be drilled and will landscape afterwards.

W. Opuszynski asked for an update on the propane tanks. D. Keating indicated that he has not heard back from them and did not try to contact them again prior to today's meeting. D. Keating does not have an update for the Commission.

9. Old Business

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

10. New Business

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

11. Budget

1. Report of Accounts

The Board reviewed the Report of Accounts.

2. Payment of Bills

a. Invoice submitted by Atty. Byrne - \$2,067.77

b. Invoice submitted by Dave Keating – \$283.60

c. Invoice from the Commission's clerk - \$68.75

Motion to pay the three invoices as noted above and submitted for tonight's meeting for a grand total of \$2,420.12: M. Opuszynski/Brumer; no discussion; all ayes.

3. State of Connecticut Fees

D. Keating indicated that fees for 3 were filed and paid.

12. Miscellaneous

J. Smith received a question from R. Minnick in regards to the payment of \$1,500 to Southwest Conservation. M. Opuszynski indicated that in the past, it was \$1,000 and that is the amount that Inland Wetlands budgeted for. M. Opuszynski also indicated that the Conservation Commission voted to pay \$500 of the bill and are working on the paperwork.

M. Opuszynski indicated that he will be attending the CLEAR training but hasn't submitted the registration yet. He will forward the information to the other member and if anyone is interested, please contact him. M. Opuszynski will also forward information on the webinars for the MS4 activities. A colleague of M. Opuszynski indicated that the 39th Anniversary Celebration for the State of CT Wetland Commission is coming up and M. Opuszynski will forward that information as well.

13. Petitions from Commissioners

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

There was no Executive Session at tonight's meeting.

14. Adjournment

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

Motion to adjourn meeting at 9:05 P.M.: Knapik/M. Opuszynski; no discussion; all ayes.

The next Inland Wetland and Watercourses monthly meeting will be held on Wednesday, November 9, 2016, starting at 7:30 P.M.

Respectfully submitted,

Marla Scirpo
Clerk, Inland Wetlands & Watercourses Commission