

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



**BEACON FALLS INLAND WETLANDS & WATERCOURSES COMMISSION  
Monthly Meeting  
February 13, 2019  
MINUTES  
(Subject to Revision)**

**1. Call to Order / Pledge of Allegiance**

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

Members Present: John Smith, Stephen Knapik, Walter Opuszynski, M. Opuszynski, Doug Bousquet, and Brian Swan

Not Present: Dave Keating

Others Present: Jim Galligan, Mark Kehrhahn of Pond Springs Village, Wanda Mulinski, Cindy Jurzynski, Dave Rybinski, Charlie Edwards, and Mike Krenesky

**2. Comments from the Public**

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

**a. Public Petitions**

There were no Public Petitions at tonight's meeting.

Motion to rearrange the agenda to accommodate the parties in attendance: **Knapik/M. Opuszynski**; *no discussion*; all ayes.

**3. Administration Report**

**1. Cease & Desist Order – Pond Springs Village / Mark Kehrhahn**

During the discussions of Pond Springs Village, J. Smith, W. Opuszynski, and M. Opuszynski are off the Board.

Mark Kehrhahn was present at tonight's meeting to update the Members on the issues at Pond Springs Village. M. Kehrhahn indicated that during the past month, site work has not been done and will commence hopefully by the beginning of the week. M. Kehrhahn indicated that the utilities for 2 units - #31 and #33; there is a stockpile of hay at the Board's suggestion; and 2 units have sold within the past week. D. Bousquet noted that on Unit #33, the silt fence is down on the right.

Motion to lift the Cease & Desist Order for Pond Springs Village / Mark Kehrhahn: Knapik/Bousquet;no discussion; all ayes.

The discussion for Pond Springs Village has ended and J. Smith, W. Opuszynski, and M. Opuszynski are back on the Board.

#### **4. Applications – Old Business**

##### **a. Storm Water Management – Application SW-2014-004 – MJL Realty, 29 Avenue D**

During the discussion of 29 Avenue D, D. Bousquet is off the Board.

J. Smith indicated that he has tried to contact the reported owner and finally Dave Rybinski contacted J. Smith indicating that he will be the contact for the erosion issues. J. Smith noted that water left the property and went down the road, causing a washout at Mr. Gallo's property down the road. J. Smith also noted that there are double rows of hay pales, silt fencing, and a small machine went in to clean up the property as well as stabilize the site.

D. Rybinski indicated that the property has been dormant for several years and there is a plan to finish the project this year. D. Rybinski also indicated that new applications are needed and will be completed within the next couple of months. J. Smith noted that this Commission may need to rethink and readjust based on the erosion issues on the property. S. Knapik noted that all off-site improvements are to be done before the construction of a house. W. Opuszynski noted that monthly reports will be needed. J. Smith informed D. Rybinski that monthly reports must be submitted, even if no activity occurs, either in person at a monthly meeting or in writing. W. Opuszynski also noted that Dave Keating should be contact and informed of the plan for the property.

J. Smith asked if there were any more questions by the Members and there were none at this time. The discussion for 29 Avenue D has ended and D. Bousquet is now back on the Board.

#### **5. New Business**

J. Smith indicated that with the recent rainstorm, there were issues with Pent Road. J. Smith indicated that part of the homeowner's driveway was washed out, went over the culver at the bottom, and started to take out part of Pent Road. The homeowner's driveway lost about 40-50

yards of material that went down into Pent Road towards the brook. The site was inspected the day after the storm by J. Smith, J. Galligan, and R. Pruzinsky. J. Smith and D. Bousquet inspected the site the day of the storm. Permission was given to the homeowner to rebuild the driveway so an emergency vehicle could get up the driveway to the house. J. Smith noted that this was an old logging road and a right-of-way was granted by the town for the driveway. According to the deed, the owner of the property is responsible for maintaining the driveway, the road, and any improvements done to it must be approved by the Town Engineer and permitted to the Town of Beacon Falls.

J. Galligan indicated that there are 3 culvers/pipes crossing the driveway that collect the run-off. All three were totally plugged causing the water to rush down the driveway. J. Galligan informed the homeowner in writing noting that anything done to the pipes, the design must be submitted to the town. The homeowner must clean up the culvers, the driveway, the swale below the culver, and the area where the washed-out material ended up. J. Galligan noted that the pipes are not big enough and were totally plugged. J. Galligan informed the homeowner that he must maintain the culvers. J. Galligan also noted that the town is making an insurance claim against the homeowner for the damage to Pent Road and for the time/material used by the town.

After a brief discussion, J. Smith noted that an inspection will need to be done. S. Knapik noted that D. Keating should send a letter/contact the homeowner to have him attend the next meeting.

## **6. Administrative Report**

### **2. Cease & Desist Order – Tiverton II, Fairfield Place / Charlie Edwards**

J. Smith noted that he will not vote on any issues with Tiverton II, Fairfield Place / Charlie Edwards and he will step off the Board.

Charlie Edwards was present at tonight's meeting to have the Cease & Desist order lifted for Tiverton II, Fairfield Place. J. Smith indicated that J. Galligan has been handling the bond with the Town Attorney. J. Galligan indicated that he has spoken to Atty. Byrne several times over the past month and the bond is at 100% approved by the attorney. S. Knapik asked if it was for the full amount and J. Galligan confirmed that it was for the full amount of \$25,000.

M. Opuszynski wanted to confirm that the bond is for erosion control and stormwater management, and S. Knapik confirmed that the bond is. C. Edwards provided the original bond to the Commission for their acceptance. After a brief review, M. Opuszynski indicated that the bond states that it is for erosion and sediment control, not stormwater management. C. Edwards indicated that the Town Attorney indicated that the bond is stated correctly. M. Opuszynski indicated that the document does read only soil and erosion, and this Board was looking to cover everything.

After a brief discussion, a motion was made in regards to the Cease & Desist Order.

Motion to lift the Cease & Desist Order on Tiverton II, Fairfield Place / Charlie Edwards: Knapik/Bousquet;discussion was by M. Opuszynski noting that he does not have an issue but the document does state that it is for soil and erosion control and should inform the Town Attorney of the language; ayes by S. Knapik, B. Swan, D. Bousquet, M. Opuszynski, W. Opuszynski and an abstention by J. Smith.

S. Knapik confirmed that the Cease & Desist Order has been lifted. C. Edwards noted that the permit is for 5 years and the intent is, if nothing is done during this timeframe, for the \$25,000 to be moved to the 2<sup>nd</sup> and 3<sup>rd</sup> phase. J. Smith indicated that that could not be done since the bond is strictly for Tiverton II and the language would need to be changed each and every time.

C. Edwards provided his monthly report to the Board at this time. S. Knapik read that 75% of the logs have been removed. On 01/14/2019, woodchips were washed out onto Fairfield Place due to severe weather and it was immediately cleaned up. W. Opuszynski asked if there is any activity planned and C. Edwards indicated that his plan is to remove as many logs as he can, dig test holes, prepare the drainage and detention area, and has 3 loads of rip-rap for the plunge pool at the bottom.

After a brief discussion, S. Knapik asked if any of the Members have any more questions for C. Edwards and there were none at this time. Since the discussion of Tiverton II has ended, J. Smith is now back on the Board.

#### **7. New Applications**

There were no new applications submitted for tonight's meeting. J. Smith noted that the homeowner on Pent Road will need to file an application.

#### **8. Approval of Minutes from Previous Meetings – January 9, 2019**

J. Smith asked for a motion to approve the minutes from the January 9, 2019 meeting.

Motion to approve the meeting minutes from January 9, 2019 as submitted by the clerk: Knapik/D. Bousquet;discussion was by M. Opuszynski asking for clarification under Petitions from Commissioners regarding the ice and waterflow on several roads in town. M. Opuszynski asked why it doesn't fall under Inland Wetlands and D. Bousquet indicated that D. Keating informed him that it doesn't but a stormwater issue and D. Bousquet also noted that it is a safety issue; ayes by J. Smith, S Knapik, B. Swan, D. Bousquet, W. Opuszynski, and an abstention by M. Opuszynski since he was not at the meeting.

#### **9. Correspondence**

J. Smith indicated that a handbook from the Society of Soil Scientist of Southern New England was received. A copy of the CT Wildlife magazine was received.

J. Smith also indicated that a letter from Eversource was received informing the Commission that routine maintenance will be done along the powerlines.

#### **10. Show Cause Hearings & Considerations of Public Hearings**

J. Smith indicated that Charlie Edwards, Tiverton II, Fairfield Place could be taken off the agenda for next month.

#### **11. Administrative Report**

J. Smith indicated that the Cease & Desist is still in effect at 93 South Main Street, the property owned by Mario Trepca, since the letter to M. Trepca has not been finalized. J. Smith mentioned that he has tried to contact Mario Trepca several times but a response has not been received.

J. Smith indicated that the Cease & Desist Order for Tiverton II, Fairfield Place / Charlie Edwards and for Pond Springs Village / Mark Kehrhahn could be removed from the agenda for next month.

#### **12. Applications – Old Business**

The Members reviewed the list of applications under this agenda item.

J. Smith noted that Rob Pruzinsky is having a problem with stones at Alliance Circle. When material is being hauled off the site, the road is not being cleaned up very well.

The monthly report from Chatfield Fields was received and reviewed.

M. Opuszynski asked if everything has been wrapped up with the detention ponds. J. Smith indicated that none of the homeowners contacted neither J. Galligan nor himself.

J. Smith indicated that he walked the site at RSJ Development. There has been no activity for the past couple of years and the site is stabilized. This agenda item could be taken off the agenda for next month.

#### **13. Old Business**

J. Smith noted that D. Keating has been in contact with the Facilities Manager at Region 16 regarding the storm drain at Woodland High School.

#### **14. New Business**

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

## **15. Budget**

### **1. Report of Accounts**

A copy of the Report of Account was not received for tonight's meeting.

### **2. Payment of Bills**

#### **a. Invoice from the Commission's Clerk**

There was an invoice from the Commission's clerk submitted for the January 9, 2019 meeting totaling \$64.75.

#### **b. Other Invoices**

There was an invoice from Dave Keating submitted for \$311.96.

Motion to pay the two invoices as submitted for tonight's meeting for a grand total of \$376.71: M. Opuszynski/Bousquet; no discussion; all ayes.

There was an invoice from Atty. Byrne regarding Tiverton II.

### **3. State of Connecticut Fees**

D. Keating was not present to report on the State of CT fees.

## **16. Miscellaneous**

J. Galligan indicated that he contacted the homeowners and informed him of what should be done to correct the problem. The work has been done and the problem has been fixed.

J. Smith indicated that he received a phone call from someone on Burton Road. There is a partially asphalted swale on the downhill side and there is drainage being dumped into the tree line when you're at Old Sawmill. The person had never noticed because her driveway was gravel and now, she has paved the driveway. The driveway is a bid sheet of ice and J. Smith asked R. Pruzinsky to look into this since it may be town stormwater.

## **17. Petitions from Commissioners**

### **a. Conservation Commission Report from Michael Opuszynski**

M. Opuszynski indicated that the meeting was cancelled last night. M. Opuszynski indicated that the MS-4 requirements still have to be put into effect by 2021, the reduction needs to be at 11%. J. Galligan noted that the goal by DEEP is to reduce by 2021 the existing pavement surfaces on town properties which is roads, parking lots, by 10%. J. Galligan noted that everyone is struggling with this.

**b. Community Media Center Building Committee Report**

D. Bousquet indicated that there was nothing to report.

**18. Adjournment**

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

Motion to adjourn meeting at 8:43 P.M.: **Knapik/M. Opuszynski**; *no discussion*; all ayes.

**The next Inland Wetland and Watercourses monthly meeting will be held on Wednesday, March 13, 2019, starting at 7:30 P.M. in the Town Hall Assembly Room.**

Respectfully submitted,

Marla Scirpo  
Clerk, Inland Wetlands & Watercourses Commission

DRAFT