

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



BEACON FALLS INLAND WETLANDS & WATERCOURSES COMMISSION
Monthly Meeting
July 10, 2019
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, Brian Swan, Walter Opuszynski, and Doug Bousquet

Not Present: Mike Opuszynski

Others Present: Dave Keating;

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

2. Comments from the Public

Atty. Steven Bellis, representing Hopp Brook Estates, was present at tonight's meeting regarding an application that was submitted to Dave Keating. Atty. Bellis noted that Manny Silva, the project's engineer, is away and he was at the meeting to discuss the application. Atty. Bellis indicated that a drainage report was forwarded to Jim Galligan. Also noted was that Bill Kenney, the soil scientist, went on site and reported that there would be no adverse impact on the wetlands. J. Smith asked if the mapping of the wetlands accurate and Atty. Bellis indicated that that will be B. Kenney's report.

S. Knapik indicated that he had three concerns – no soil scientist report, no flow calculations, and no approval from Valley Health regarding the septic system. Atty. Bellis noted that Valley Health did approve it and will have the report forwarded.

D. Keating indicated that there were some markings that information is needed. Atty. Bellis will have them explained. Atty. Bellis mentioned that the application noted 112 units but the plan is for 109 units. D. Keating questioned the emergency egress driveway as noted on the drawing. Atty. Bellis indicated that there is a dirt/gravel road that goes to the landfill's property which goes out to Blackberry Hill Road. D. Keating asked if the rights to access the property was obtained and Atty. Bellis indicated no, that it is not for the general public – only for emergency vehicles.

J. Smith noted that that the application is not complete until all the reports have been received. J. Smith also noted that once the reports are received, the application will be voted on for processing. D. Keating asked if a public hearing would need to be scheduled based on potential impact to wetland or public interest. J. Smith indicated that the Commission will wait until everything is received and the application is complete before scheduling a public hearing.

S. Knapik indicated that the carpenter for Pond Springs Village was present at tonight's meeting but is unable to represent Pond Springs Village. During the discussion of Pond Springs Village, J. Smith and W. Opuszynski stepped off the Board.

D. Bousquet asked if a monthly report was received from Dave Bjorkland and S. Knapik noted that one was not received. S. Knapik also noted that he visited the site on Sunday and there was grass growing and there were no hay bales across the stockpile. D. Keating noted that the hay bales is the only issue and asked if there is any action to be taken. S. Knapik replied no. D. Bousquet asked to have D. Keating write a letter to D. Bjorkland requesting him to attend the next monthly meeting and/or for a report to be submitted.

Since the discussion of Pond Springs Village was completed, J. Smith and W. Opuszynski are back on the Board.

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

3. New Applications

J. Smith asked if there were any new applications submitted for review at tonight's meeting and D. Keating indicated that there were none.

4. Approval of Minutes from Previous Meetings – June 12, 2019

J. Smith asked for a motion to approve the minutes from the June 12, 2019 Monthly Meeting.

Motion to approve the minutes from the June 12, 2019 Monthly Meeting as submitted by the clerk: **Bousquet/Knapik**; no discussion; all ayes.

5. Correspondence

J. Smith indicated that a copy of The Habitat newsletter was received.

6. Show Cause Hearings & Considerations of Public Hearings

J. Smith indicated that there were no Show Cause Hearings & Considerations of Public Hearings to discuss at tonight's meeting.

J. Smith asked D. Keating heard back from Atty. Byrne regarding the letter for Mario Trepca pertaining to the retaining wall. D. Keating noted that he hasn't and will get in contact with the attorney to get the letter for the Members to review.

7. Administrative Report

J. Smith noted that J. Galligan was unable to attend tonight's meeting.

8. Applications – Old Business

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

The monthly report from EG Homes was received, distributed, and reviewed by the Members.

J. Smith indicated that there is a driveway on Beacon Valley Road that is shared by two homeowners where there is water coming down and washing it out. J. Smith noted that there is a catch basin on the bottom of the driveway and the town is going to be redoing the road since a grant was received. D. Keating indicated that he visited the site and contacted the homeowners that the driveway is in need of repairs. Each of the homeowners are saying that it is the other's responsibility and D. Keating indicated that it is the responsibility of both homeowners. D. Keating noted that under the Wetlands Regulations, the responsibility is both homeowners to repair and maintain the eroding driveway, and it is a violation if the repairs are not done.

D. Keating indicated that he will follow up with both homeowners and if the repairs are not done then he will issue a Cease and Desist. W. Opuszynski mentioned that a fine should be issued if this is a violation.

The monthly report from Charlie Edwards was received for Tiverton II and J. Smith read it to the Members. The report indicated that all stones were removed from the site; all draining pipe is on site; the majority of the concrete structures have been delivered to the site; and erosion controls are in place and functioning.

D. Bousquet asked if there is an update on the driveway on Pent Road. S. Knapik noted that the drainage is done and B. Swan noted that the reconstruction will be started next week. J. Smith noted that the homeowners signed the deed which states that they are responsible for the maintenance of the property and if the town does not approve of the drainage then the town would do the repairs at the cost to the homeowners. After a brief discussion, J. Smith will contact J. Galligan to follow up with this property.

9. Old Business

S. Knapik noted that he hasn't inspected the fields at Woodland Regional High School yet.

10. New Business

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

11. 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 June 12, 2019 monthly meeting totaling \$94.50.

b. Other Invoices

There was an invoice from Dave Keating submitted for \$348.84.

Motion to approve and pay the two invoices as submitted for tonight's meeting for a grand total of \$443.34: Knapik/Bousquet; no discussion; all ayes.

J. Smith indicated that there was an invoice received from Byrne & Byrne regarding the disqualification – Invoice #19-07-042g dated 06/20/2019 in the amount of \$472.50. J. Smith also indicated that there was an invoice received from Nafis & Young regarding the Anelli residence – Invoice #114-19 dated 05/31/2019 in the amount of \$145.00. The Members reviewed the invoices.

3. State of Connecticut Fees

D. Keating indicated that the State of CT fees are all caught up.

12. Miscellaneous

S. Knapik indicated that he visited the Anelli residence to inspect for the drainage issue. D. Bousquet also noted that he spoke with the homeowner who said he would take care of the issue but it has not been as of today's date. D. Bousquet mentioned that the homeowner wanted to have markings made and R. Pruzinsky made the markings for the outlets. S. Knapik asked if the State of CT should be involved since the runoff is going down the road into the state's catch basin on Rt. 42 and then down Munson Road even further.

D. Bousquet indicated that Valley Health is trying to contact the homeowners in regards to the pile of horse manure.

D. Keating noted that there is a new house on Bonna Street where the foundation is in and another house where it is almost complete and for sale. D. Keating contacted the homeowner in regards to redoing the silt fencing and anti-tracking pads. S. Knapik noted that he stopped by and they are in place.

J. Smith indicated that a letter was received from the Law Offices of John J. Bennett regarding Charles Edwards – Tiverton Subdivision. The letter states that Atty. Bennett's client, Charles Edwards, is requesting that W. Opuszynski and M. Opuszynski recuse themselves from all participation concerning the Tiverton Subdivision and Bonding Requirements and from any and all meetings and discussions regarding Charles Edwards, C. Edwards Co., and/or Charlie's Ass Farm due to his being the successful bidder on property owned by the Opuszynski Family. J. Smith noted that the letter was received at Town Hall and a legal opinion was obtained by Atty. Steve Byrne. A letter from Byrne & Byrne, LLC was received indicating that the legal opinion is that the decision to recuse themselves is solely up to the challenged member of an agency.

J. Smith noted that if the individual thinks that it is a conflict, then the member decides if they will recuse themselves. J. Smith informed W. Opuszynski that it is his decision to step off the Board if he feels it is a conflict of interest but there is no legal precedents and W. Opuszynski replied okay. W. Opuszynski asked if he could have a copy of the letters and J. Smith will have one made for him and the other Members as well.

D. Keating indicated that if a conflict of interest claim is raised, the Member should be informed as to why and then it is up to the Member is to decide. The Board can express their opinion but they do not vote on whether a Member participates to not.

13. Petitions from Commissioners

J. Smith indicated that S. Knapik is requesting to step down as Secretary from the Board since he is Vice Chairman. J. Smith asked if there are any nominations for Secretary. S. Knapik nominated B. Swan and D. Bousquet seconded the nomination. J. Smith asked if there are any other nominations and there were none.

Motion to appoint Brian Swan as Secretary of the Inland Wetlands and Watercourses Commission:
Knapik/Bousquet; no discussion; all ayes.

W. Opuszynski asked if there is any update on the wall on Burton Road. D. Bousquet noted that there is a new crack in the asphalt on Burton Road and the sidewalk has moved. J. Galligan inspected the road as well as R. Pruzinsky.

a. Conservation Commission Report from Michael Opuszynski

M. Opuszynski was not present at tonight's meeting.

14. Executive Session

J. Smith indicated an Executive Session was not needed tonight.

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 8:23 P.M.: **Knapik/Bousquet; no discussion;** all ayes.

The next Inland Wetland and Watercourses monthly meeting will be held on Wednesday, August 14, 2019, starting at 7:30 P.M. in the Town Hall Assembly Room.

Respectfully submitted,

Marla Scirpo
Clerk, Inland Wetlands & Watercourses Commission