

**Minutes**  
**CONSERVATION COMMISSION/ INLAND WETLANDS AGENCY**  
**WATERTOWN, CONNECTICUT**  
**REGULAR MEETING**

**Meeting Date** Thursday, January 15, 2009  
**Time:** 7:50 pm  
**Meeting Place:** Watertown High School  
Library Room 125  
324 French Street  
Watertown Connecticut

**Members Present:** Mr. Ed Undercuffler, Chairman  
Mr. Tom Murphy, Secretary  
Mr. Mike Genovese  
Mr. Joe Polletta

**Members Absent:** Mr. Donato Orsini, Vice Chairman  
Mr. Tony DiBona  
Mr. Jim Zawadzki

**Alternate Present:** Ms. Martha Sturgis

**Alternate Absent:** Ms. Denise Russ  
Mr. Michael Brown

**Others Present:** Mr. Moosa Rafey, Wetlands Enforcement Officer  
Mr. Chuck Bezio, Land Use Secretary

---

**1. Call Meeting to Order**

Chairman Undercuffler called the meeting to order at 7:10 pm.  
Chairman Undercuffler seated Ms. Sturgis for absent regular member Vice Chairman Orsini.

**2. Roll Call**

Secretary Murphy executed the roll call.

**3. Public Participation**

None

**4. Action on Minutes**

- A. Public Hearing September 11, 2008 App. #643 741 Echo Lake, LLC
- B. Public Hearing September 11, 2008 App. #644 Watertown Board of Education
- C. Public Hearing September 11, 2008 App. #646 Watertown Public Works
- D. Regular Meeting September 11, 2008
- E. Continuation of the Public Hearing October 9, 2008 App. #643 741 Echo Lake Road, LLC
- F. Public Hearing October 9, 2008 App. #644 Watertown Board of Education
- G. Public Hearing October 9, 2008 App. #652 Echo Lake Brownfield, LLC
- H. Public Hearing October 9, 2008 App. #653 Dean Bergstrom
- I. Regular Meeting October 9, 2008
- J. Continuation of the Public Hearing January 8, 2009 App. #643 of 741 Echo Lake Road; LLC
- K. Continuation of the Public Hearing January 8, 2009 App. #652 Echo Lake Brownfield, LLC
- L. Special Meeting January 8, 2009

Mr. Genovese moved to table the minutes to the next Regular Meeting. Ms. Sturgis seconded the motion.

**Discussion: None**

**Vote: Favor: 5 Abstained: 0 Opposed: 0**

**MOTION PASSED UNANIMOUSLY**

**5. Pending Applications**

None

**6. New Applications**

None

**7. Old Business**

A. Application #661 from Eric Strachan for modification of the CCIWA Permit #563 which has been issued for construction of Golden Acres Subdivision, Litchfield Road, Watertown, CT.

Mr. Genovese moved to table the application to the next Regular Meeting. Mr. Polletta seconded the motion.

**Discussion: None**

**Vote: Favor: 5 Abstained: 0 Opposed: 0**

## MOTION PASSED UNANIMOUSLY

### 8. New Business

#### A. Review of DEP New Model Regulations

Mr. Rafey advised the Commission that he modified the model regulations by changing the title to the Town of Watertown. Mr. Rafey advised the Commission that all the underlined areas in the sample regulations submitted to the Commission have been modified by the DEP.

Mr. Polletta asked if Mr. Rafey only used the DEP Model.

Mr. Rafey confirmed that he only used the DEP model. Mr. Rafey advised the Commission that the 100' upland review area has been added to these new regulations.

Mr. Genovese noted that the last time the regulations were updated the Commission accepted the DEP model.

Mr. Rafey advised the Commission that the definitions have been set by the DEP and can not be altered. The DEP wants to have a universal definitions for these terms.

Mr. Polletta expressed concerns with the many small lots with wetlands and watercourses with the regulated area and the impact of the modifications will have on the property owners.

Mr. Rafey advised the Commission the only difference between the current regulations and the proposed regulations is the 50' regulated area to 100'. Mr. Rafey discussed the ability of the Commission to authorize a agent to make determination on applications when the impact to the wetlands or watercourses will be minimal.

Mr. Genovese noted that the change in the regulated area does not make regulated activity an automatic denial.

Mr. Rafey stated that the only difference is the review area in the regulated buffer areas.

Mr. Polletta expressed concerns with the pre-existing non-conforming lots.

Mr. Genovese noted that the 50' to 100' review area is only a review by the Commission it is not like a setback limit.

Mr. Rafey noted that this change will only restrict the applicant to have their application reviewed by the Commission.

Chairman Undercuffler reviewed Section 12 – Action by Authorized Agent.

Mr. Rafey advised the Commission by authorize by an Agent the Commission does not loose the right to review the application.

Ms. Sturgis noted that this makes a lot of sense.

Chairman Undercuffler noted that if the Commission does decide they will allow an Agent to do determinations on applications he recommends that a report be issued to the Commission regularly.

Mr. Rafey advised the Commission that he would review each application with the Commission that an Agent Determination was completed. Mr. Rafey recommended tabling the review of the regulation until the regular scheduled meeting in February so the entire Commission has more time to review the changes.

Mr. Polletta noted that he definitely needs more time to review the changes to regulations.

Mr. Polletta moved to table the review of the regulations to the next scheduled meeting in February. Mr. Genovese seconded the motion.

**Discussion:**

Mr. Rafey handed out a copy of the current wetlands application and a copy of an updated wetlands application to the Commission. The Commission reviewed the new application.

Mr. Polletta noted for the record that he likes the new application.

Mr. Rafey advised the Commission that the application we have currently is incomplete.

Mr. Genovese discussed adding the standard conditions to the application.

Mr. Murphy noted that he liked the idea of having the applicant signing the application with the standard conditions attached.

Mr. Rafey reviewed with the Commission the modifications made to the application. Mr. Rafey advised the Commission that the changes are bolded on the sample application.

Chairman Undercuffler recommended adding page numbers to the application.

The Commission reviewed the new application and accepted the new application with the page numbers added.

Mr. Rafey discussed the standard conditions with the Commission. Mr. Rafey advised Commission that there are 9 standard condition that relates to every application, but there are several others used that are more specific to the application.

Mr. Murphy asked to have the complete list attached to the application. Mr. Murphy noted that the applicant should be made aware by staff of the standard conditions. Mr. Murphy also noted that the other conditions that are application specific should be left on the application and told to the applicant that these are possible conditions that the Commission may or may not condition on their approval.

Mr. Rafey discussed the citation ordinance with the Commission. Mr. Rafey advised the Commission that in order to implement the citation ordinance the Town Council would need to appoint a hearing officer. Mr. Rafey advised the Commission that a letter from the Commission to the Town Council would be required, if the Commission decided to go through with the citation ordinance.

Chairman Undercuffler directed Mr. Rafey to draft a letter to the Town Council to appoint a hearing officer.

## **7. Old Business**

A. Application #661 of Eric Strachan for modification of the CCI WA Permit #563 which has been issued for construction of Golden Acre Subdivision, Litchfield Road, Watertown, CT.

Ms. Sturgis moved to hear the application. Mr. Polletta seconded the motion.

**Discussion: None**

**Vote: Favor: 5**

**Abstained: 0**

**Opposed: 0**

### **MOTION PASSED UNANIMOUSLY**

Charles Spath from Stuart Somers Co., LLC was present on behalf of the applicant and explained the application to the Commission. Mr. Spath advised the Commission that the stream is 2 ½ feet across. Mr. Spath advised the Commission that the road has been lowered 3 feet. Mr. Spath advised the Commission that the proposal will have less disturbance, than what was approved. Mr. Spath advised the Commission that the installation is easier than the originally approved.

Mr. Polletta asked is this going to have less of an impact to the, watercourse?

Mr. Spath replied yes.

Ms. Sturgis expressed concerns with not having a natural bottom.

Mr. Spath advised the Commission that there will be a natural bottom. Mr. Spah advised the Commission that the original approval had a rip rap bottom. Mr. Spath explained that rip rap is less environmentally friendly because the rough edge stone damage the bellies of fish and other wild life.

Mr. Rafey asked if there is natural material from the site that could be used.

Mr. Spath advised the Commission that the proposal is for native materials. Mr. Spath advised the Commission that this proposal is faster and easier and will keep the integrity of the watercourse.

Mr. Rafey advised the Commission that it is his recommendation to have the culvert with natural materials.

Mr. Spath advised the Commission that the applicant is willing to accept the box culvert design.

Mr. Rafey advised the applicant that the culvert needs to be wider in order to prevent clogging.

Mr. Rafey noted that the culvert should be 5 feet wide by 4 feet in height.

Mr. Spath advised the Commission that wider is better for the environment.

Mr. Rafey reviewed the prior approval with the Commission. Mr. Rafey advised the Commission that he is not in favor of two pipes. In order to consider the pipes, the Commission would require approval from the Town Engineer.

Mr. Spath advised the Commission that the road is narrower than approved. Mr. Spath also advised the Commission that they have decreased the height and width of the road. Mr. Spath advised the Commission again that the box culvert is more environmentally friendly than what was originally proposed.

Ms. Polletta moved to approve the application with the following conditions:

1. The bottom side of the box culvert shall be sunken one foot below grade and the streambed material shall be used within the sunken culvert.
2. All drainage calculations and the design of the box culvert shall be reviewed and approved by the Town Engineer.
3. Standard conditions of the original approval are still in effect.

Mr. Murphy seconded the motion.

**Discussion: None**

**Vote: Favor: 5**

**Abstained: 0**

**Opposed: 0**

**MOTION PASSED UNANIMOUSLY**

**9. Communications and Bills**

None

**10. Reports from Officers and Committees**

None

**11. Reports from Staff**

None

**12. Public Participation**

None

**13. Adjournment**

Ms. Sturgis moved to adjourn at 8:30 pm Mr. Murphy seconded the motion.

**Discussion: None**

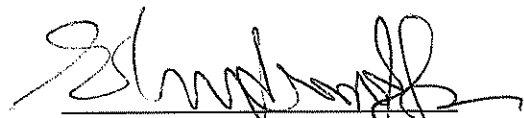
**Vote: Favor: 5**

**Abstained: 0**

**Opposed: 0**

**MOTION PASSED UNANIMOUSLY**

Attest:



Ed Undercuffler, Chairman  
Conservation Commission  
Inland/Wetland Agency

---

Approved by: Chuck Bezio, Land Use Secretary