

## MINUTES

### CONSERVATION COMMISSION/ INLAND WETLAND AGENCY WATERTOWN, CONNECTICUT REGULAR MEETING

**Time:** 7:00 P.M.  
**Date:** Thursday, February 12, 2009  
**Place:** Watertown High School Technology Center  
324 French Street  
Watertown, CT

**Present:** Chairman, Mr. Edwin Undercuffler  
Vice Chairman, Mr. Donato Orsini  
Secretary, Mr. Thomas Murphy  
Mr. Lucio Tony DiBona  
Mr. Michael Genovese  
Mr. Joseph Polletta  
Alternate, Mr. Michael Brown  
Alternate, Ms. Martha Sturgis  
Alternate, Ms. Denise Russ

**Absent:** Mr. James Zawadzki

**Also Present:** Wetlands Enforcement Officer, Mr. Moosa Rafey  
Town Engineer, Mr. Chuck Berger  
Land Use Secretary, Mr. Chuck Bezio  
Town Attorney, Dov Braunstein from Slavin,  
Stauffacher & Scott, LLC.

#### 1. Call Meeting to Order

The Chairman called to order of the meeting at 7:10 p.m. The Chairman seated Denise Russ for James Zawadzki

#### 2. Roll Call

The Secretary executed the roll call.

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**3. Election of Officers**

**Secretary**

**MOTION:** Mr. Joseph Polletta moved to nominate Thomas Murphy as secretary.

**SECOND:** Alternate, Ms. Denise Russ.

**VOTE**

**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Mr. Michael Brown, Ms. Martha Sturgis, Ms. Denise Russ.

**NAYS:** None.

**MOTION UNANIMOUS PASS: 9-0.**

**Vice Chairman**

**MOTION:** Mr. Joseph Polletta moved to nominate Mr. Donato Orsini for Vice Chairman.

**SECOND:** Mr. Michael Genovese.

**VOTE**

**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Mr. Michael Brown, Ms. Martha Sturgis, Ms. Denise Russ.

**NAYS:** None.

**MOTION UNANIMOUS PASS: 9-0.**

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**Chairman**

**MOTION:** Mr. Joseph Polletta moved to nominate Mr. Edwin Undercuffler for Chairman.

**SECOND:** Mr. Lucio Tony DiBona.

**VOTE**

**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Mr. Michael Brown, Ms. Martha Sturgis, Ms. Denise Russ.

**NAYS:** None.

**MOTION UNANIMOUS PASS: 9-0.**

Donald Smith from the City of Waterbury was present and requested the Commission to add to the agenda application # 663 for the City of Waterbury for construction of a water pumping station in an existing concrete gate chamber downstream from the Wigwam Reservoir Dam, and a 12-inch pipeline to the Waterbury Treatment Plant.

**MOTION:** Mr. Murphy moved to add to the agenda the City of Waterbury application # 663 as agenda item # 7B.

**SECOND:** Mr. Joseph Polletta.

**VOTE**

**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Mr. Michael Brown, Ms. Martha Sturgis, Ms. Denise Russ.

**NAYS:** None.

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**MOTION UNANIMOUS PASS: 9-0.**

**4. Public Participation**

The Chairman noted that there is a number of Intervenor for Agenda item 9A, the New Millennium project.

The Chairman noted that there will be a 2 minute limit per person for non-Intervenor unless there are legitimate wetland issues being discussed.

**Regional Wright Jr. of 259 Nova Scotia Hill Road**

Opposed to Agenda item 9A, the New Millennium project. Mr. Wright expressed concerns with the traffic study and noted that he had never seen anyone conducting a traffic study. Mr. Wright also expressed concerns with the air quality that this project would cause.

Chairman Undercuffler requested that the comments regarding New Millennium project be directed toward wetlands and watercourse matters only because the Commission does not have jurisdiction with any other matters.

Mr. Wright noted that he is concerned with the increase in traffic and the impact to the wetlands this project will cause. Mr. Wright questioned when the soil study on the parcel was conducted. Mr. Wright requested when the wetlands flags were marked because they are currently not flagged. Mr. Wright wanted to know what time of year this activity was conducted.

**Patricia A. Perriello of 1260 Buckingham Street, # 303**

Opposed to Agenda item 9A, the New Millennium project. Ms. Perriello is an Intervenor. Expressed concerns with eradicating the wetlands or confining them to a small detention basin on this parcel. Ms. Perriello explained to the Commission what she knows about the land. Ms. Perriello noted that this parcel was originally part of her planned community. Ms. Perriello noted that Westview Village continuously needs to add drainage and sump pumps. Ms. Perriello advised the Commission that some units' basement windows needed to be enclosed in order to keep the water out. Ms. Perriello expressed concerns with this land being cleared, and the impact to her property caused by massive soil and erosion issues along with excess water that this project could cause.

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Ms. Perriello noted that so much of the original parcel was wet that the developer donated it to the Town. Ms. Perriello also noted that one developer considered building on slabs because the parcel is so wet. Ms. Perriello advised the Commission that she walk the Westview Village property and the surrounding woods. Ms. Perriello advised the Commission that the heavy pricker bushes and thickets prevents exploration of the land. Ms. Perriello advised the Commission that she forces her way through the brush. Ms. Perriello advised the Commission that if you go deep enough into the forest area you will discover an old truck stuck in the mud. Ms. Perriello advised the Commission that there is a steam bed running through the center of the land from east to west. Ms. Perriello told the Commission that she feels that the condition of the land dictates the New Millennium project developers reconsider the density and size of this proposed project. Ms. Perriello requested that the developer consider the impacts this large development will cause to the wetlands and watercourses on the parcel.

**Colpagelo Forino of 472 Nova Scotia Hill Road.**

Opposed to Agenda item 9A, the New Millennium project. Mr. Forino is an Intervenor. Mr. Forino advised the Commission that he moved to 472 Nova Scotia Hill Road, 34 years ago and that he is not new to the community. Mr. Forino asked if the area of the detention basin/ pond be subtracted from the proposed 23-acres. Mr. Forino also advised the Commission that if it is the developed parcel would be 19.5 acres. Mr. Forino expressed concerns that there will be only one detention pond on the parcel. Mr. Forino requested to know what the elevation of the detention pond will be? Mr. Forino noted that if the detention pond is 850 feet above sea level, it would mean that the water pressure in this basin/ pond would be 3 lb per sq. in. and this would cause damage to the septic systems especially on the east side of Nova Scotia Hill Road. All the homes on the east side of the road have septic systems. All these homes have water problems year round. The detention ponds at on Mount Fair Farm have been cleaned once in twelve years. There is a 75' x 150' detention pond at the end of Beach Ave. that has never been maintained and is creating a hazard with mosquitoes and pest. The detention pond at the Trumbull School is maintained by the State and they just installed a 4' high fence. They put this fence around this pond and they mow the grass around it. The detention pond is growing swamp weeds. After the condos at Westville Village were built his entire parcel of land became a swamp.

Chairman Undercuffler requested that the public stick to wetland issues.

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Mr. Forino advised the Commission that the owner of the Westville Village just filed bankruptcy and left a mess for the condo owners and the town to deal with. He needed to install curtain drains and a sump pump and still is having a water issue. He has lost his driveway; his neighbor has lost two paved driveways. The plans should be submitted to the Health Inspector for Torrington Area Health approval.

Chairman Undercuffler requested that the public limit their statements to 2 minutes, unless it is wetland issues.

**Joseph Seacrist of 401 Nova Scotia Hill Road**

Opposed to Agenda item 9A, the New Millennium project. Mr. Seacrist is an Intervenor. Mr. Seacrist expressed concerns with the property owner being the only ones who have identified the wetlands and watercourses on the parcel. Mr. Seacrist expressed concerns with the possibility of additional watercourses on the property. They have retained a Soil Scientist and the consultant believes that there are additional watercourses on the parcel. He requested the entire Commission take a site walk to investigate the parcel. He requested that the Commission, hire a soil scientist to investigate the site.

Chairman Undercuffler advised Mr. Seacrist that it is the Commission's standard procedure to hire a third party reviewer. Chairman Undercuffler stated that there is not a formal application at this time.

**Paul LaBlank – Westview Village Associations, President.**

Mr. LaBlank discussed with the Commission the many of the water issues the Association has. There need for sump pumps, dehumidifiers, and still the floors are continuously wet. In the summer in the grassy areas are wet, damp and soggy. We are unable to walk through these areas. There are problems keeping asphalt intact in that area. Many of the driveways are sinking in and breaking up. In 2005 a sweeper truck fell through the pavement because of a sink hole. Also in 2005 they repaved some of the driveways and a few years later they are all sinking and breaking up. He requested the Commission hire a soil scientist before declare the project will have no impacts to the wetlands and watercourses.

**Jillian Bearson from Robinson and Cole**

Attorney Bearson was present on behalf of an interested party and is in the process of being retained. She is hoping the Commission will take no action tonight.

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**Joseph Seacrist of 401 Nova Scotia Hill Road**

Submitted a public hearing petition.

**Janice Collin of 203 West View Village**

She expressed concern with the fact that this project abuts the wetlands. She discussed the importance of the wetlands and the impact this plan will have on the wetlands with the Commission. The wetlands, are a natural resource and clean her water. This proposed project that is jamming so many units on such a small space will adversely effect, the neighboring wetlands and maybe even eliminate them entirely to contamination. The wetlands that exist eliminate erosion and the destruction caused by severe floods. Land development and pavement cause a much faster run off. We already live with water problems. The wetlands are threatened by pollutants.

**5. 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
- M. Regular Meeting January 15, 2009

**MOTION:** Mr. Joseph Polletta moved to approve the minutes.

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**SECOND:** Mr. Michael Genovese.

**VOTE**

**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

**NAYS:** None.

**MOTION UNANIMOUS PASS: 7-0.**

**MOTION:** Mr. Joseph Polletta made a motion to move up City of Waterbury's application # 663 from agenda item 7B., to item 5N.

**SECOND:** Mr. Michael Genovese.

**VOTE**

**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

**NAYS:** None.

**MOTION UNANIMOUS PASS: 7-0.**

**Application # 663 of City of Waterbury for construction of a raw water pumping station in an existing concrete gate chamber downstream from the Wigwam Reservoir Dam, and a 12-inch pipeline to the Waterbury Treatment Plant.**

Donald Smith was present on behalf of the City of Waterbury and explained the application the Commission.

Mr. Rafey asked if there is any land disturbance.

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Mr. Smith advised the Commission that there is no land disturbance and there will be no sedimentation and erosion control problems.

**MOTION:** Mr. Joseph Polletta moved to approve the application, subject to standard conditions.

**SECOND:** Mr. Michael Genovese.

**VOTE**

**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

**NAYS:** None.

**MOTION UNANIMOUS PASS: 7-0.**

**6. Pending Applications**

- A. Application #643 of 741 Echo Lake Road, LLC for construction of 66 condominium units and 2,045 linear foot new private roadway on the Northwest corner of Echo Lake Road and Buckingham Street, Watertown, CT.**

**A decision is required by February 12, 2009,**

Mr. Rafey submitted a memo dated 2/10/09 from the Town Engineer.

Town Engineer, Chuck Berger was present and reviewed his memo with the Commission. Mr. Berger advised the Commission that he met with the applicant and their engineer on 1/30/09 to discuss his recommendations based on the 2004 CT Storm Water Quality Manual.

Mr. Polletta expressed concerns with the applicant having time to address the issues in Mr. Berger's memo.

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Mr. Rafey advised the Commission that the Town Engineer has the authority to review the plans for completeness and report back to the Commission.

The Chairman reminded the Commission that the Public Hearing has been closed and no new material may be discussed or submitted by the applicant.

Ms. Sturgis expressed concerns with the Planning and Zoning Commission's possible approval without approvals from this Commission.

Mr. Rafey recommended to the applicant withdraw the application at this time and submit a new application to restart the statutory clock and resubmit it with the Town Engineers recommendations implemented into the plans.

Brain Baker from Civil 1 was present and expressed concerns with starting the entire process over with public hearings and application fees.

Chairman Undercuffler advised the applicant that there would be no need for a public hearing, if all the items are addressed in the Town Engineers memo.

George Norman the owner of the property submitted a withdrawal letter.

Mr. Rafey advised the applicant that if the Commission received a petition from the neighbors, a public hearing would need to be held.

The Chairman read the withdrawal letter into the record.

**MOTION:** Secretary, Mr. Thomas Murphy moved to accept the withdrawal letter with the following conditions:  
1. When the applicant returns the application fee will be waived by the Commission.

**SECOND:** Mr. Michael Genovese.

**VOTE**

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**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

**NAYS:** None.

**MOTION UNANIMOUS PASS 7-0.**

- B. Application #652 of Echo Lake Brownfield, LLC for piping a watercourse associated with restoration of Echo Lake Landfill located on the north side of Echo Lake Road in the JR-SO Restricted Industrial Zoning District.**

A decision is required by February 12, 2009.

Mr. Rafey handed out draft motions for the Commission to review.

Chairman Undercuffler read the draft approval motion into the record.

**MOTION:** Chairman, Mr. Edwin Undercuffler moved to approve

**SECOND:** Mr. Michael Genovese.

**FINAL MOTION FOR APPROVAL**

WHEREAS, THE WATERTOWN CONSERVATION COMMISSION / INLAND WETLAND AGENCY has received an application from Echo Lake Brownfield, LLC for restoration of an existing landfill located on Echo Lake Road, Watertown, CT.

The restoration activities include removal and remediation of contaminated soil, construction debris, and old tires, and approximately 212,000 cubic yards of material will be brought on to the site as shown on a site development plan entitled "Echo Lake Brownfield, LLC Site Remediation and Filling Echo Lake Road, Watertown Connecticut Sheets 1–12 and Sheet 1 of 1 Property Survey dated August 7, 2008, Revised October 15, 2008, Revised December 1, 2008, last revision date January 8, 2009 Prepared by Milone and MacBroom".

WHEREAS, proposed landfill restoration involves the following regulated activities:

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1) Filling of approximately 24,300 Sq. Ft of wetland 2) diversion of approximately 620 linear feet of an unnamed watercourse through a 36" culvert and 30 feet of 36" RCP overflow 3) filling of approximately 93,600 Sq. Ft of upland review area and 4) installation of erosion and sediment control measures within regulated areas.

WHEREAS, proposed pipes are recommended by the manufacturer; and

WHEREAS, the permittee will mitigate the wetland impacts by enhancement and/or creation of 0.72 acre wetlands (approximately 31,363 Sq. Ft); and

WHEREAS, the Commission determined that the proposed activities constitute a significant activity per Section 2.1.dd Inland Wetland and Watercourse Regulations of the Town of Watertown and The Commission has evaluated the application according to the standards and criteria for a decision per Section 10.2 of the Regulations in carrying out the purposes and policies of Section 22(a)-26 to 22(a)-45 of the Connecticut General Statutes, including matters related to regulating, licensing and enforcing of the provisions thereof; and

WHEREAS, the Agency has convened meetings and public hearings on August 14, 2008, September 11, 2008, October 9 2008, November 13, 2008, January 8, 2009, and February 12, 2009; and

WHEREAS, the Agency has conducted a site walk on May 31, 2008; and

WHEREAS, the Agency has hired Fuss & O'Neill as an independent third party to review the application and the impact of the proposed activities on wetlands and watercourses; and

WHEREAS, the Agency has carefully considered all the evidence and testimony received at the duly called public hearings and meetings; and

WHEREAS, the Agency recognizes that inland wetlands and watercourses of the State of Connecticut and the Town of Watertown are indispensable, irreplaceable and a fragile natural resource; and

WHEREAS, The Agency recognizes pursuant to Section 1.1 of the Inland Wetland and Watercourse Regulations, "The preservation and protection of the wetland and watercourses from random, unnecessary, undesirable and unregulated uses disturbance or destruction is in the public interest and is essential to the health, wealth and safety of the citizens of the State"; and

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WHEREAS, The purpose of the Inland Wetland regulations is to protect the citizens of the State by making provisions for the protection of inland wetlands and watercourses by

- (1) Minimizing their disturbance and pollution
- (2) Maintaining and improving water quality in accordance with the highest standards set forth by Federal, State or local authority
- (3) Preventing damage from erosion, turbidity or siltation.
- (4) Prevent loss of fish and other beneficial aquatic organisms
- (5) Prevent loss of wildlife and vegetation and the destruction of natural habitats
  
- (6) To deter and inhibit the danger of flooding and pollution
- (7) To protect the quality of wetlands, and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses
- (8) To protect the State's potable water supply and to provide an orderly process to balance the need for the economic growth of the Town and State use of its land with the need to protect the environment and ecology in order to guarantee to the people of the Town of Watertown and State, the safety of such natural resources for the benefit and enjoyment of generations yet unborn.

NOW THEREFORE BE IT RESOLVED THAT THE WATERTOWN CONSERVATION COMMISSION / INLAND WETLANDS AGENCY finds that pursuant to Section 11.1 of the Watertown Inland Wetland and Watercourse Regulations, the Agency approves application #652 submitted by Echo Lake Brownfield, LLC for restoration of an existing landfill located on Echo Lake Road, Watertown Connecticut with the following standard conditions and other conditions and modifications:

1. The permittee shall notify Wetlands Enforcement Officer, in writing at least three business days prior to the commencement of work onsite and upon its completion.
2. If the approved activities are not initiated on or before February 12, 2014, said activities shall cease and, if not previously revoked or specifically renewed or extended, this permit shall be null and void. Any request to renew or extend the expiration date of a permit should be filed in accordance with Section 11 of the Inland Wetlands and Watercourses Regulations of the Town of Watertown.

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3. Expired permits may not be renewed and the wetland agency may require a new application for regulated activities.
4. All work and all regulated activities conducted pursuant to this approval shall be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachment, or regulated activities not specifically identified and approved herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation.
5. This permit is not transferable without the written consent of the Conservation Commission/ Inland Wetland Agency.
6. In evaluating this application, the wetland agency has relied on information provided by the applicant. If such information is subsequently proved to be false, incomplete, or misleading, this permit may be modified, suspended, or revoked and the permittee may be subject to any other remedies or penalties provided by law.
7. The permittee shall employ management practices, consistent with the terms and conditions of this permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. **The permittee shall immediately inform the agency of any problems involving wetlands or watercourses that have developed in the course of, or that are caused by, the approved work.**
8. No equipment or material including without limitation fill, construction materials, or debris, shall be deposited, placed or stored in any wetland or watercourse on or off site unless specifically approved by this permit.
9. This permit is subject to and does not derogate any rights or powers of the Town of Watertown, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state and local laws. In conducting and maintaining any activities approved herein, the permittee may not cause pollution, impairment, or destruction of the inland wetlands and watercourses of the Town of Watertown.

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10. If the activity approved by the inland wetlands permit also involves activity or a project that requires State DEP or federal approval such as Army Corp of Engineers, zoning or subdivision approval, special permit, variance, or special exception no work pursuant to the wetlands permit may begin until such approval is obtained.
10. The permittee shall maintain sediment and erosion controls at the site in such an operable condition as to prevent the pollution of wetlands and watercourses. Said controls are to be inspected by the permittee for deficiencies at least once per week and immediately after rains. The permittee shall correct any such deficiencies within 24 hours of said deficiency being found. The permittee shall maintain such control measures until all areas of disturbed soils at the site are stabilized.
11. A wetland performance bond shall be posted for Echo Lake Brownfield restoration project. The bond estimate for all site work shall be provided by the applicant to the Department of Public Works which shall include the following:

Soil erosion and sediment control, construction of drainage channels, site stabilization including re-grading and planting of disturbed areas on and off site. The applicant shall furnish to the Town, a bond with proper surety in the form and amount satisfactory to the Administrator for Land Use, Town Engineer, Director of Public Works and Town Attorney before any activity is initiated on site.
12. A preconstruction meeting shall be held with Agency staff prior to any on site activity. A 24 hour name, address and telephone number must be provided by the site manager and a written notification is required three business days prior to any on-site activity.
13. While restoration activities on site are occurring, attendance at monthly meetings with the site manager and Town Staff on the site is mandatory. At this monthly meeting, the site manager shall provide a written report of the ongoing work.

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14. No later than August 1<sup>st</sup> of each year, while the site is under restoration, the Site Manager shall provide to the Wetlands Enforcement Officer a narrative of how this site will be managed during the winter months in relation to soil erosion and sediment control measures to reduce sedimentation and detrimental impact to inland wetland and watercourses.
15. No topsoil or loam shall be removed from the project site until all site restoration work is completed unless after a written request from the applicant and written permission is granted jointly by the Director of the Department of Public Works and Administrator for Land Use. Topsoil shall be evenly distributed on all disturbed areas at a minimum of five inches.
16. There shall be no other on site disturbance except what is proposed by the final plans and approved by the Commission.
17. There shall be no burial of stumps on site.
18. The following notes must be placed on the final mylar site development plan:
  - a. The Director of Public Works, Town Engineer and Wetland Enforcement Officer may require additional work and modifications to this plan as field conditions warrant. The Wetland Enforcement Officer must report to the Commission any additional work or modifications to the plans.
  - b. Prior to any on site activity all soil erosion and sediment control measures shall be in place and inspected by the site manager. Site manager and Wetland Enforcement Officer may require additional soil erosion and sediment control measures as field conditions warrant.
  - c. Prior to the release of the posted bond, all disturbed areas shall be stabilized according to the approved site plan.
  - d. No activity or site disturbance of soil or vegetation such as trees or bushes shall occur until a pre-construction meeting is held with town staff.
19. Temporary sediment traps must be constructed up gradient of the wetlands prior to any land disturbance to protect the wetlands and watercourses located on and off site. Location and number of sediment traps are to be determined as site conditions warrant.

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20. Final filing mylar of the site development plan must be signed and dated by the Soil Scientist.
21. All mitigation area plantings shall be monitored for a minimum of three growing seasons following planting. All non-native invasive plant species shall be removed from the planting areas during the monitoring period. Annual reports shall be submitted to the Commission documenting the status of planted areas and any control measure implemented.
22. Final site restoration plan and activities shall comply with all comments and recommendations contained in Fuss & O'Neill letters dated November 11, 2008, December 8, 2008, December 11, 2008, and January 8, 2009.

**Discussion:** Mr. Polletta expressed concerns with the fill that will be trucked into the site. The Commission discussed how the DEP will be monitoring the fill trucked into the site.

Mr. Rafey advised the Commission that he will be having regular monthly site meetings. Mr. Rafey advised the Commission that he will have the authority to be on the site during site restoration.

Chairman Undercuffler noted that we could be looking under the DEP shoulder as a watchdog that the site does not have improper dumping.

**VOTE**

**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

**NAYS:** None

**MOTION UNANIMOUS PASS: 7-0.**

Mr. Joseph Polletta rescued himself from the Town of Watertown Department of Public Works application for installation of sidewalks along Echo Lake Road and Ice House Road application.

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**7. New Applications**

**A. Application #662 of the Town of Watertown Department of Public Works for installation of side walks along Echo Lake Road and Ice House Road, Watertown, CT.**

If a public hearing is not held then a decision is required by April 18, 2009.

The Chairman seated Martha Sturgis for Joseph Polletta.

Town Engineer Chuck Berger was present and explained the sidewalk extension to the Commission. Mr. Berger advised the Commission that there will be a 5' grass strip with no new curbs. He explained that the timetable for this project is this spring or summer.

**MOTION:** Mr. Donato Orsini moved to declare that this is not a significant activity.

**SECOND:** Mr. Michael Genovese.

**VOTE**

**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Martha Sturgis; Alternate, Ms. Denise Russ.

**NAYS:** None.

**MOTION UNANIMOUS PASS: 7-0.**

**MOTION:** Mr. Donato Orsini moved to table the application.

**SECOND:** Mr. Michael Genovese.

**VOTE**

**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Martha Sturgis; Alternate, Ms. Denise Russ.

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**NAYS:**                      None.

**MOTION UNANIMOUS PASS: 7-0.**

The Chairman unseated Martha Sturgis and reseated Mr. Joseph Polletta at 8:50 p.m.

**8.     Old Business**

**A.     Review of the revised Inland Wetlands and Watercourse Regulations of the Town of Watertown.**

**MOTION:**                      Mr. Donato Orsini moved to hold a public hearing on 3/12/08.

**SECOND:**                      Mr. Michael Genovese.

**VOTE**

**AYES:**                      Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

**NAYS:**                      None.

**MOTION UNANIMOUS PASS: 7-0.**

**9.     New Business**

**A.     Request for a report from Conservation Commission Inland Wetland Agency to the Planning and Zoning Commission concerning New Millennium Development, Inc. application for one lot subdivision and construction of 89 residential units on the corner of Buckingham Street and Nova Scotia Hill Road, Watertown, CT.**

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Robert Reeve from Scully, Nicksa & Reeve, LLP Attorneys at Law was present on behalf of the property owners and explained the proposed project to the Commission. Mr. Reeve advised the Commission that under CT State Statute section 8-26 he is submitting this request. Mr. Reeve advised the Commission that there are wetlands on the parcel and there are no regulated activity within the 50' setback. Mr. Reeve submitted engineered drawings and a soil scientist report.

Chairman Undercuffler expressed concerns with the proposed project and urged the Commission to have a site walk in order to verify the wetlands.

Mr. Polletta expressed concerns with the location of the wetlands and asked if the wetlands had been flagged.

Ms. Sturgis asked when the soil scientist conducted the field study for the report being submitted.

Henry T. Moeller from Soil Consultant Service a Penologist (Soil Scientist) and Consultant, was present and noted that the report was finalized over two years ago. Mr. Moeller advised the Commission that he recently updated the report after a recent site walk.

**MOTION:** Mr. Thomas Murphy moved to hold a site walk on 3/7/09 at 9:30 am.

**SECOND:** Ms. Denise Russ.

**VOTE**

**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

**NAYS:** None.

**MOTION UNANIMOUS PASS: 7-0.**

Mr. Reeve gave permission for the Commission to do the site walk.

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Mr. Rafey advised the Commission that a site walk would be a public meeting and the public would need the access to site also.

Mr. Reeve advised the Commission that he would need to speak with the owner of the property prior to authorizing public access.

Ms. Russ expressed concerns with having a site walk without an application.

**Joseph Seacrist of 401 Nova Scotia Hill Road**

Requested permission for his soil scientist to also have access to the site.

Mr. Rafey expressed concerns with the possible additional watercourses on the site. Mr. Rafey noted that there is a pipe with flowing water that has channeled and an additional pipe from the west view on the site.

Mr. Polletta asked if the wetlands could be flagged.

Mr. Murphy expressed concerns with having a site walk without an application.

Mr. Polletta also expressed concerns with having a site walk with out an application.

Town Attorney, Dov Braunstein from Slavin, Stauffacher & Scott, LLC was present and advised the Commission that their only task is to determine the impact in any impact this project may have on the wetlands.

**MOTION:** Mr. Lucio Tony DiBona moved to cancel the site walk on 3/7/09 at 9:30 am.

**SECOND:** Mr. Thomas Murphy.

**VOTE**

**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

**NAYS:** None.

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**MOTION UNANIMOUS PASS: 7-0.**

Mr. Reeve advised the Commission that they have permission to go to the site but the Owner is not available to give permission for the public to have access.

Mr. Rafey expressed concerns with the Commission being able to adequately inspect the site with the snow cover.

**Joseph Seacrist of 401 Nova Scotia Hill Road**

He urged the Commission to research the CT State Statutes on whether the CCIWA has the Authority that is given to them per state statute or are they restricted to the Wetland Regulations.

**Patricia Perriello of 1260 Buckingham Street, Unit 303**

Told the Commission that she has never seen wetlands flagged on the property.

**Michael Buckingham of 1260 Buckingham Street, Unit 201**

Spoke against the proposal. Requested an explanation on how the Soil Scientist did the investigation.

**MOTION:** Mr. Joseph Polletta moved to table the review of this project so the requester can obtain permission for a public meeting site walk from the owner.

**SECOND:** Ms. Denise Russ.

**VOTE**

**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

**NAYS:** None.

**MOTION UNANIMOUS PASS: 7-0.**

- B. Permit Application for the Use of Pesticides in Crest Brook Golf Course, Northfield Road, Watertown.**

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- C. **Permit Application for the Use of Pesticides in Echo Lake, Ice House Road, Watertown.**
- D. **Permit Application for the Use of Pesticides in Sylvan Lake located on the corner of Sylvan Lake Road and Frost Bridge Road, Oakville.**
- E. **Permit Application for the Use of Pesticides in Lake Winnemaug, Lake Winnemaug Road, Watertown.**

Mr. Rafey explained the applications to the Commission and advised them that DEP issues that the permits and these applications were for information purposes only.

Chairman Undercuffler requested to know what the size of Crest Brook is and if there is fishing allowed and public access.

**MOTION:** Mr. Joseph Polletta moved to accept and file these use of pesticides permit.

**SECOND:** Mr. Michael Genovese.

**VOTE**

**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

**NAYS:** None.

**MOTION UNANIMOUS PASS: 7-0.**

- F. **Approval of the Conservation Commission /Inland Wetlands Agency By-Laws.**

**MOTION:** Mr. Joseph Polletta moved to table the review of the by-laws.

**SECOND:** Ms. Denise Russ.

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**VOTE**

**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

**NAYS:** None.

**MOTION UNANIMOUS PASS: 7-0.**

**10. Communications and Bills**

**A. Town of Watertown Water and Sewer Authority Letter Dated January 23, 2009 concerning Polk School Addition and Renovation Project.**

**B. The Habitat A Newsletter of the Connecticut Association of Conservation and Inland Wetlands Commissions, Inc. Fall 2008 Volume 20 Number 4**

**C. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter Winter 2009 Volume XIII, Issue I**

**D. Free Seminar on Conducting Effective Meetings by Municipal Training Academy**

**MOTION:** Mr. Joseph Polletta moved accept and file the communications and bills.

**SECOND:** Mr. Michael Genovese.

**VOTE**

**AYES:** Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

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**NAYS:**           None.

**MOTION UNANIMOUS PASS: 7-0.**

**11. Reports from Officers and Committees**

No action taken by the Commission.

**12. Reports from Staff**

Mr. Rafey reported that the standard conditions and possible conditions have been added to the application forms and have noted on the application that the first ten are standard and the remaining are potential conditions of approval.

**13. Public Participation**

None

**14. Adjournment**

**MOTION:**    Mr. Thomas Murphy.

**SECOND:**   Mr. Donato Orsini.

**VOTE**

**AYES:**       Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Secretary, Mr. Thomas Murphy; Mr. Lucio Tony DiBona, Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

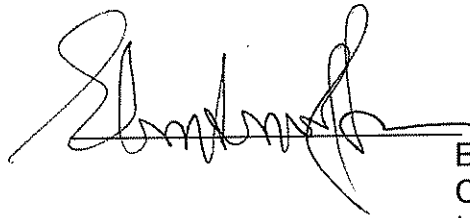
**NAYS:**       None.

**MOTION UNANIMOUS PASS: 7-0.**

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Attest:

A handwritten signature in black ink, appearing to read 'Ed Undercuffler', written over a horizontal line.

Ed Undercuffler, Chairman  
Conservation Commission  
Inland/Wetland Agency

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Approved by: Chuck Bezio, Land Use Secretary