

**MINUTES
CONSERVATION COMMISSION
INLAND/WETLAND AGENCY**

**THURSDAY, OCTOBER 9, 2008 - 7:00 P.M.
WATERTOWN HIGH SCHOOL TECHNOLOGY CENTER**

**Public Hearing
APPLICATION #652 – Echo Lake Brownfield LLC**

Members Present: Mr. Ed Undercuffler, Chairman
Mr. Donato Orsini, Vice Chairman
Mr. Joe Polletta
Mr. Mike Genovese

Members Absent: Mr. Jim Zawadzki
Mr. Tony DiBona
Mr. Tom Murphy, Secretary

Alternate Present: Ms. Denise Russ

Alternate Absent: Ms. Martha Sturgis
Ms. Michael Brown

Others Present: Mr. Moosa Rafey, Wetlands Enforcement Officer

Call Meeting to Order

Chairman Undercuffler, Called the Public Hearing to Order.

Application #652 of Echo Lake Brownfield, LLC for piping a watercourse associated with the restoration of Echo Lake Landfill located on the north side of Echo Lake Road in an IR-80 Restricted Industrial Zoning District.

Recess or adjourn the Public Hearing must be closed by October 16, 2008 unless applicant grants an extension of time.

Chairman Undercuffler read the legal notice into the record.

Ted Crawford a professional engineer from Milone and MacBroom was present and submitted the green cards into the record. Mr. Crawford reviewed the application with the Commission. Mr. Crawford discussed the remediation action plan with the Commission. Mr. Crawford advised the Commission that there will be piping and filling of a small watercourse. Mr. Crawford advised the Commission that the applicant is proposing cleaning up the contaminated portions of the centrally located property has been used as a landfill for demolition and construction. Mr. Crawford advised the Commission of the history of permits for this site as followed:

- 1995 - Wetlands approval.
- 2000 – Wetlands approval extended to a new owner.
- 2003 – Army Corp. of Engineers approval.
- Feb. 2008 - Army Corp. of Engineers granted an extension.
- Aug. 2008 – Resubmitted for Wetland approval.

Mr. Crawford advised the Commission that there will be 400 sq. ft. of permanent wetlands impact. Mr. Crawford also advised the Commission that the applicant is proposing 24,300 sq. ft. of wetlands impact. Mr. Crawford advised the Commission that they will be stabilizing the slopes as they go and they are proposing rip rap swales around the property that will convey water to the wetlands. Mr. Crawford advised the Commission that they are also proposing creating new wetlands on the property. Mr. Crawford reviewed with the Commission the details on planting plans. Mr. Crawford advised the Commission that the critical aspect of the project is that the construction will be in phases. Mr. Crawford noted that the total site disturbance is 8.6 acres of the 22 acre parcel and that this is 40% site disturbance.

Mr. Rafey noted for the record that a letter dated 10/08/08 from the Army Corps of Engineers has been received. Mr. Rafey also noted for the record that a letter dated 10/9/08 from Fuss & O'Neil has been received. Mr. Rafey also noted for the record that a letter dated 10/9/08 from River Alliance has been received. Mr. Rafey also noted for the record that copies of the letters have been given to the applicant and the Intervenors.

Chairman Undercuffler read the River Alliance letter into the record.

Attorney Joseph Wellington from Carmody and Torrance was present and explained that the applicant is proposing closing an existing landfill. Mr. Wellington reviewed the notices of violation that has been issued. Mr. Wellington advised the Commission that there has been several attempt over the years to close this landfill.

Mr. Wellington requested that this application not be tabled or delayed because the applicant may become in violation of state regulations if there were delays.

Mr. Rafey explained that the Commission does not have the expertise to review a project like what is being proposed. Mr. Rafey explained that is why Fuss & O'Niel has been hired by the Commission as a third party reviewer.

Chairman Undercuffler expressed concerns with the current DEP investigation of the contaminated soils.

Attorney Wellington explained that this site will be cleaned up as required by state law using the state clean up standards of the landfill closing.

Mr. Rafey advised the Commission that he has received an e-mail dated 10/6/08 from Army Corps of Engineers regarding outstanding issues on the approval.

Chairman Undercuffler read the e-mail into the record.

Mr. Wellington advised the Commission that the applicant is working with the Army Corp. of Engineers to address all the outstanding issues.

Mr. Rafey asked the applicant to submit into the record a copy of the correspondence from Army Corps of Engineers indicating that the applicant is addressing the outstanding issues.

Mr. Wellington stated that the applicant would provide a copy of the correspondence that the applicant is address the outstanding issues.

Intervenors: Judith and James Brideau were present and advised the Commission they are abutting property owners.

Chairman Undercuffler read a letter dated 10/08/08 from Mr. and Mrs. Brideau.

Ms. Brideau expressed concerns with whom is going to be responsible if the stream is going to be buried. Ms. Brideau also expressed concerns with contaminated soils, air quality, burned soils. Mr. Brideau expressed concerns that this project is an expansion of the landfill. Mr. Brideau noted that the contaminated soils, air quality, burned soils will create a 22 acres landfill. Ms. Brideau also noted that the applicant has clearcut the site and has also cut trees on their property. Ms. Brideau noted for the record that the applicant barely apologized for there incompetence in recognizing the parcels boundary.

Mr. Crawford reviewed the proposed depth of the pipe and noted that it is a class 5 concrete reinforced pipe. Mr. Crawford advised the Commission that the pipe will be 50-70 feet in depth. Mr. Crawford also advised the Commission that the area of disturbance will be 8 acres.

Mr. Wellington noted that the soils, air pollution and soil imports will met DEP standards for the soil quality. Mr. Wellington discussed how air pollution would not be possible because the imported soil will be buried.

Joseph Bienkowski of 403 Long Hill Ave. Shelton CT was present. Mr. Bienkowski advised the Commission that he is a friend of the Intervenors Mr. & Ms. Brideau. Mr. Bienkowski urged the Commission to support the River Alliance Report. Mr. Bienkowski was concerned if the project was going to done in phases because of the extensive work that is proposed. Mr. Bienkowski urged the Commission to wait and see what the results of the DEP investigation is before making a decision. Mr. Bienkowski noted that there would be 14,000 truck loads of fill brought in because this project is so immense. Mr. Bienkowski asked if they are going to pipe the entire stream thought the entire 22-acre site? Mr. Bienkowski also expressed concerns about pipe logging and the fact that grates are not being proposed. Mr. Bienkowski reminded the Commission that this stream is a feeder to the Naugatuck River.

Mr. Rafey explained that the Commission has jurisdiction on wetlands, watercourses and upland review areas only. Mr. Rafey reminded the public that the Conservation Commission/ Inland Wetlands Agency doesn't have jurisdiction with air quality. Mr. Rafey also noted that another agency would be monitoring the air quality and the applicant will be required to hire a third party to monitor the air quality and report to the agency with jurisdiction.

Public: None

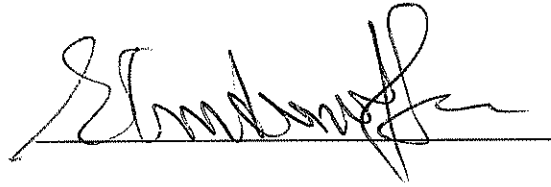
Mr. Genovese moved to continue the public hearing to 11/13/08. Ms. Russ seconded the motion.

Discussion: None

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

MOTION PASSED UNANIMOUSLY

Attest:

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

Ed Undercuffler, Chairman
Conservation Commission
Inland/Wetland Agency

Approved by: Chuck Bezio, Land Use Secretary