

MINUTES

CONSERVATION COMMISSION INLAND/WETLAND AGENCY

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

REGULAR MEETING

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
Mr. Michael Brown

Others Present: Mr. Moosa Rafey, Wetlands Enforcement Officer

1. Call Meeting to Order

Chairman Undercuffler called the Regular Meeting to Order at 9:40 pm.

2. Roll Call

Mr. Murphy executed the Roll Call.
Chairman Undercuffler seated Ms. Russ for Mr. Murphy.

3. Public Participation

None

4. Action on Minutes

- A. Regular Meeting August 14, 2008
- B. Special Meeting August 28, 2008
- C. Public Hearing September 11, 2008 App. #643 741 Echo Lake, LLC
- D. Public Hearing September 11, 2008 App. #644 Watertown Board of Education.
- E. Public Hearing September 11, 2008 App. #646 Watertown Public Works.
- F. Regular Meeting September 11, 2008
- G. Show-Cause Hearing September 18, 2008 Nicholas D'Anthony.

Ms. Russ moved to table action on the meeting minutes. Mr. Polletta seconded the motion.

Discussion: None

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

MOTION PASSED UNANIMOUSLY

5. 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.**

If the public hearing is closed on October 9, 2008 then a decision is required by November 13, 2008.

Mr. Polletta moved to table the application to November 13, 2008. Mr. Genovese seconded the motion.

Discussion: None

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

MOTION PASSED UNANIMOUSLY

B. Application #644 of Watertown Board of Education for restoration of an eroding watercourse located at Watertown High School 324 French Street, Watertown, CT.

If the public hearing is closed on October 9, 2008 then a decision is required by November 13, 2008.

Mr. Polletta moved to approve the application with standard conditions. Mr. Genovese seconded the motion.

Discussion: None

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

MOTION PASSED UNANIMOUSLY

C. 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 IR-80 Restricted Industrial Zoning District.

If the public hearing is closed on October 9, 2008 then a decision is required by November 13, 2008.

Mr. Polletta moved to table the application to November 13, 2008. Mr. Genovese seconded the motion.

Discussion: None

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

MOTION PASSED UNANIMOUSLY

D. Application #653 of Dean Bergstrom for restoration of a disturbed site as known as Lot A Bidwell Hill Road, Watertown, CT.

If the public hearing is closed on October 9, 2008 then a decision is required by November 13, 2008.

Mr. Polletta moved to approve with the following conditions:

1. Weather permitting the project be completed in 2008.
2. The recommendations of the Northwest Conservation District be followed.

Mr. Genovese seconded the motion.

Discussion: None

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

MOTION PASSED UNANIMOUSLY

- E. Application #654 of Katherine Cebik to permit an existing deck to remain within upland review area at 18 Turner Avenue, Oakville, CT.**

If a public hearing is not held then a decision is required by November 15, 2008.

Ms. Cebik was present and explained the application to the Commission. Ms. Cebik explained the previous owner had not gotten a permit to construct the deck. Ms. Cebik advised the Commission that the deck is within 50' regulated area.

Chairman Undercuffler asked if there is an impact to the wetlands.

Mr. Polletta asked if this deck was pre-existing and the applicant should not be penalized.

Mr. Rafey explained that the deck and the entire dwelling is within the regulated buffer area.

Mr. Polletta moved to approve the application. Ms. Russ seconded the motion.

Discussion: None

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

MOTION PASSED UNANIMOUSLY

6. New Applications

A. **Application #655 of Nicholas D'Anthony for construction of an aboveground pool and grading within upland review area at 1 Pleasant View Avenue, Oakville, CT.**

If a public hearing is not held then a decision is required by December 13, 2008.

Mr. D'Anthony was present and reviewed the application with the Commission.

Mr. Rafey noted for the record that the Commission had site walk on application. Mr. Rafey advised the Commission that the applicant had done work on the property within the regulated area without a permit.

Mr. Polletta asked if all the stabilization issues had been corrected.

Mr. D'Anthony stated "yes". Mr. D'Anthony advised the Commission that all the site stabilization grass is growing and that the silt fence is up. Mr. D'Anthony also reported that the pool had been moved to the other side of the house.

Chairman Undercuffler expressed concerns with additional trees being removed.

Mr. D'Anthony advised the Commission that the trees that have been removed were due to safety reasons.

Mr. Rafey noted this is an after the fact application for some activities which already been conducted.

Mr. D'Anthony advised the Commission that there are three additional trees that need to be removed.

Mr. Rafey expressed concerns with the removal of additional trees because of the steep slopes will create a situation with erosion.

Mr. D'Anthony advised the Commission that one of the trees is dead.

Mr. Rafey advised the Commission and the applicant that if it is a safety issue he would inspect the site and make a determination.

Mr. Rafey noted that it is not a good idea to cut down the tree to just enlarge your back yard. Mr. Rafey stated that removal for safety reasons is the only reason he would recommend to the Commission. Mr. Rafey advised the Commission and the applicant that he is only attempting to make sure the applicant is not creating an erosion problem in the area that is already stabilized.

Mr. Polletta expressed concerns with running out of time in the growing season.

Mr. Rafey said that the Commission can not make a decision for 14 days by state statute.

Mr. Polletta moved to table the application for 14 days and have a Special Meeting on October 27, 2008. Ms. Orsini seconded the motion.

Discussion: None

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

MOTION PASSED UNANIMOUSLY

B. Application #656 of Town of Watertown Department of Public Works for restoration of a drainage swale Breezy Knoll Drive, Watertown, CT.

If a public hearing is not held then a decision is required by December 13, 2008.

The Town Engineer Chuck Berger from Public Works was present and reviewed the application with the Commission. Mr. Berger reviewed the history of the project with the Commission. Mr. Berger explained the site plan to the Commission. Mr. Berger told the Commission that the land owner had contacted him and reported that water was traveling over land creating over land flow that was damaging their property. Mr. Berger advised the Commission that the highway crew had constructed a swale on lot 19. Mr. Berger explained that he is proposing to create a swale at the very end of the cul-de-sac. Mr. Berger advised the Commission that this swale will divert the water to the town's open space property. Mr. Berger explained to the Commission that he can not divert the water to the north because the grade will not permit.

Mr. Polletta asked if a mistake had been done by the highway crew, and if it is required to be corrected?

Mr. Berger noted that the land owner has not signed the application yet because they are reviewing it with their engineer.

Mr. Rafey expressed concerns with the location of the cul-de-sac.

Mr. Berger noted that the cul-de-sac location will not move. Mr. Berger advised the Commission that the town does not want to own the cul-de-sac. Mr. Berger advised the Commission that there will be a land swap with the owner.

Chairman Undercuffler asked if the property belongs to the Land Trust or the town..

Mr. Polletta moved to table the application. Mr. Genovese seconded the motion.

Discussion: None

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

MOTION PASSED UNANIMOUSLY

C. Application #657 of Town of Watertown Department of Public Works for restoration of a storm drain/ watercourse on Hinman Road, Watertown, CT.

If a public hearing is not held then a decision is required by December 13, 2008.

Town Engineer Chuck Berger of Public Works was present and reviewed the application with the Commission. Mr. Berger explained that a new single family dwelling was permitted and the Commission did a site walk. Mr. Berger advised the Commission that the outlet for the storm drainage pipe on Hinman Road has been buried in Mr. Delay's property. Mr. Berger advised the Commission that this is creating a miner erosion issue. The project is to find the pipe extended it to the drainage channel and provide a rip rap outlet. I also, while in the process of reviewing the record, verify if the town has a drainage easement.

Mr. Rafey asked how long will the pipe be?

Mr. Berger advised the Commission that the pipe will be 50 footing. There is an estimate of 75 sq. ft. disturbance in the upland review area. There will be a 50 sq. ft. permanent impact of the intermittent watercourse for a 5x10 riprap pass.

Mr. Rafey requested the town to have a cross section of what is proposed and specific details submitted.

Mr. Berger noted that he would submit cross sections of what is proposed and specific details.

Mr. Polletta moved to table the application. Mr. Russ seconded the motion.

Discussion: None

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

MOTION PASSED UNANIMOUSLY

7. Old Business

A. Show Cause Hearing and discussion on a Notice of Violation issued to Echo Lake Brownfield, LLC Echo Lake Road, Watertown, CT.

Mr. Polletta moved to table. Mr. Genovese seconded the motion.

Discussion: None

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

MOTION PASSED UNANIMOUSLY

B. Show Cause Hearing and discussion on a Notice of Violation issued to Dean Bergstrom and John Maxwell regarding property on Bidwell Hill Road, Watertown, CT.

Mr. Polletta moved to table. Mr. Genovese seconded the motion.

Discussion: None

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

MOTION PASSED UNANIMOUSLY

C. Show-Cause Hearing and discussion on a Notice of Violation issued to Nicholas D'Anthony concerning 1 Pleasant View Avenue, Oakville, CT.

Mr. Polletta moved to table. Mr. Genovese seconded the motion.

Discussion: None

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

MOTION PASSED UNANIMOUSLY

8. New Business

A. Show-Cause Hearing and discussion on a Notice of Violation issued to Hashim Krasniqi, owner of 125 Jericho Road, Watertown, CT.

Ms. Sheri Sediku was present and advised the Commission that they are in the process of changing the name of ownership of the property. Ms. Sediku advised the Commission that she is the new owner. Ms. Sediku advised the Commission that she is trying to level out the area.

Mr. Rafey advised the Commission of the activities on the property and the site. Mr. Rafey noted that the activities on the property are violation of the Inland Wetland Regulations because the activities are within the 50' regulated area. Mr. Rafey visited the site and told the owners to discontinue the activity. The next day when the activity had not discontinued Mr. Rafey reported that he issued a notice of violation and recommended that they submit an application.

Chairman Undercuffler asked to see the specific locations of the regulated activity.

Mr. Rafey discussed and showed the regulated activity and showed the plot plan to the Commission. Mr. Rafey advised the Commission that he recommended stabilization with seed and hay.

Chairman Undercuffler requested that the Commission have a site walk. The Commission agreed to have a site visit at 9:30 am on 11/1/08.

Mr. Orsini moved to table the application. Mr. Genovese seconded the motion.

Discussion: None

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

MOTION PASSED UNANIMOUSLY

B. Show-Cause Hearing and discussion on a Notice of Violation issued to Christopher Delucia and Ilene Miller owners of 259 Straits Turnpike, Watertown, CT.

Chris Delucia was present and reviewed the activity with the Commission.

Mr. Rafey advised the Commission that there is a lot of activity on the site. There has been a new driveway created and a large area of topsoil has been removed, with large amounts gravel and fill on the site.

Chairman Undercuffler requested that the Commission have a site walk. The Commission agreed to have a site visit at 9:30 am on 11/1/08.

Mr. Polletta moved to table the application. Mr. Orsini seconded the motion.

Discussion: None

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

MOTION PASSED UNANIMOUSLY

9. Communications and Bills

- A. Connecticut Association of Conservation and Inland Wetlands Commission 31st Annual Meeting and Environmental Conference November 8, 2008.**
- B. Connecticut DEP 2008 Municipal Inland Wetland Commissioners Training Program: Segment III**

- C. **Connecticut DEP Stream Crossing Guidelines**
- D. **The Habitat A Newsletter of Connecticut Association of Conservation and Inland Wetlands Commissions, Inc. Summer 2008 Vol. 20 Number 3**

Mr. Polletta moved to accept and file. Ms. Russ seconded the motion.

Discussion: None

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

MOTION PASSED UNANIMOUSLY

10. Reports from Officers and Committees

- A. **Subcommittee report on DEP New Model Regulations**

The Commission agreed for Mr. Rafey to put the Model Regulations together for the Commission to review.

11. Reports from Staff

None

12. Public Participation

None

13. Adjournment

Mr. Polletta moved to adjourn at 10:30 pm. 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', written over a horizontal line.

Ed Undercuffler, Chairman
Conservation Commission
Inland/Wetland Agency

Approved by: Chuck Bezio, Land Use Secretary