

**MINUTES  
CONSERVATION COMMISSION  
INLAND/WETLAND AGENCY**

**THURSDAY, November 13, 2008 - 7:00 P.M.  
WATERTOWN HIGH SCHOOL TECHNOLOGY CENTER**

**Continuation of the Public Hearing from October 9, 2008  
APPLICATION #643 – 741 Echo Lake Road, LLC**

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**Members Present:** Mr. Ed Undercuffler, Chairman  
Mr. Donato Orsini, Vice Chairman  
Mr. Tom Murphy, Secretary  
Mr. Tony DiBona  
Mr. Joe Polletta (7:10 pm)

**Members Absent:** Mr. Mike Genovese  
Mr. Jim Zawadzki

**Alternate Present:** Ms. Denise Russ

**Alternate Absent:** Ms. Martha Sturgis  
Ms. Michael Brown

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

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**1. Call Meeting to Order**

Mr. Undercuffler, Chairman, Called the Public Hearing to Order at 7:07 pm.

**2. Roll Call**

Mr. Murphy executed the Roll Call.

Mr. Undercuffler, Chairman, read aloud the Ground Rules as follows for the record:

“GROUND RULES FOR CONSERVATION COMMISSION/  
INLAND WETLANDS AGENCY”

1. The applicant or his representative will make his formal presentation to the Commission stating the proposed regulated activities, the wetland impacts, and the alternatives which were considered by the applicant.
2. All comments, discussion and observations shall be made through the Chair after proper recognition by the Chairman. This is necessary to ensure that only one person at a time speaks on any issue, thus making it easier for everyone to understand and for clearer legal transcription.
3. All persons addressing the Commission shall begin by first clearly stating their name and address for the record. If necessary, the person may be asked to spell his name for the record.
4. Following the presentation of the application, the Conservation Commission/ Inland Wetland Agency will ask specific questions of the applicant.
5. After the Commission has asked its questions of the applicant, I shall then allow any members of the public who wishes to speak either in favor of this application or against it to address the Commission.
6. I shall then allow the applicant to respond to the comments of the members of the general public.
7. I shall then allow any members of the general public who wish to present any additional information or clarifying discussion to do so.
8. I shall then provide an opportunity for the applicant to respond to these additional remarks if he or his representative so wishes.
9. The Conservation Commission/Inland Wetland Agency has thirty five days from the date the public hearing commences to complete the public hearing. The Commission may ask the applicant for a thirty five day extension of the public hearing period if the commission requires any additional information or wishes to schedule a site walk to observe the situation for them.
10. The Conservation Commission/Inland Wetland Agency has thirty five days from the date when the Public Hearing is closed to render its decision.

### 3. Hearing of Applications

A. Continuation of the Public Hearing from September 11, 2008 and October 9, 2008 – Application #643 of 741 Echo Lake Road, LLC for construction of 66 condominium units and 2,045 linear foot new private roadway located on the Northwest corner of Echo Lake Road and Buckingham Street, Watertown, CT.

Recess or adjourn the Public Hearing must be closed by November 20, 2008 unless applicant grants an extension of time.

Brain Baker a Civil Engineer from Civil 1 was present and reviewed the three new reports submitted in to the file from Town Engineer, Chuck Berger, Northwest Conservation District and Trinkaus Engineering, LLC. Mr. Baker explained to the Commission that his firm has a conflict of interest with Trinkaus Engineering. Mr. Baker read and submitted in to the record a letter from Curtis Jones the President of Civil 1. Mr. Baker explained the conflict of interest to the Commission.

Chairman Undercuffler requested details on what exactly the objections Civil 1 has with the Trinkaus Engineering report.

Mr. Baker stated that it was a bidding conflict on another job in another town.

Chairman Undercuffler noted that Engineering firms are always competing for business and asked if this was the only conflict?

Mr. Baker stated that their were threats made by Trinkaus Engineering on the bidding conflict that went beyond the normal act of business.

Chairman Undercuffler asked if Civil 1 or Mr. Baker had any issues with the Trinkaus Engineering report other than the conflict of interest.

Mr. Baker noted that the Trinkaus Engineering report was far reaching and costly to the applicant.

Mr. Rafey the Wetlands Enforcement Officer was present and noted that the Commission hired the Northwest Conservation District and Trinkaus Engineering was part of the Northwest Conservation District.

Sean Hayden from the Northwest Conservation District was present and explained that the District is a private non-profit organization that operates with the Board of Directors. Mr. Hayden explained that from time to time the staff of the District asks the Board members for professional advice. Mr. Hayden explained to the Commission that this project required engineering review. Mr. Hayden advised the

Commission that he is a Certified Soil Scientist and not an engineer. Mr. Hayden explained that Trinkaus Engineering offered their services at a tremendous discount and no additional charges have been requested of the applicant.

Mr. Murphy expressed concerns with the District referring work to Board members and the ethical issues involved.

Mr. Orsini noted that the Commission can ask for experts and does not need the applicant's permission to do so.

Mr. Baker noted that he was not sure how independent Trinkaus Engineering can be as a third party reviewer.

Mr. Rafey stated that he had spoken to the Town Attorney and it is his opinion that there is not a conflict of interest.

Mr. Polletta stated that just because you have issues with Trinkaus Engineering specifically this is not a conflict of interest. Mr. Polletta requested that the applicant be specific on what exactly they do not like about the Trinkaus Engineering report.

Mr. Baker advised the Commission that the Trinkaus Engineering report requires additional testing that will cost the applicant a tremendous amount of money.

Chairman Undercuffler recommended leaving the report in the record because the Town Attorney does not feel there is a conflict of interest. Chairman Undercuffler recommended sending the report to the Town Engineer and have him report back to the Commission on whether or not the recommendations made by Trinkaus Engineering should be considered.

Mr. Murphy again expressed concerns with the Northwest Conservation District referring out services to member of their own Board.

Mr. Hayden explained to the Commission the policies and procedures of the Northwest Conservation District Board as it relates to conflicts of interest. Mr. Hayden explained that Trinkaus Engineering does not have a financial interest in the application before the Commission. Mr. Hayden reported that Trinkaus Engineering was paid at reduced rate for his services and meets the Northwest Conservation District ethical policies.

Mr. Baker told the Commission that Civil 1 has not been able to address all the concerns noted in the Trinkaus Engineering report. Mr. Baker asked the Commission to continue the public hearing till 12/11/08.

Chairman Undercuffler reminded the Commission and the applicant that it is the public hearing is for the purpose of reviewing the application and possible feasible and prudent alternatives.

Mr. Rafey stated that in order for the public hearing to remain open the applicant must grant a 30 day extension of the public hearing.

Mr. Baker submitted a 30 day extension for the continuation of the public hearing

No one from the public spoke for or against this application.

Mr. Orsini moved to continue the public hearing to 12/11/08. Mr. DiBona seconded the motion.

**Discussion: None Vote: 6 in favor Abstained: 0 Opposed: 0**

**MOTION PASSED UNANIMOUSLY**

Attest:

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Ed Undercuffler, Chairman  
Conservation Commission  
Inland/Wetland Agency

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Approved by: Chuck Bezio, Land Use Secretary