

# MINUTES

**CONSERVATION COMMISSION/  
INLAND WETLANDS AGENCY  
WATERTOWN, CT  
REGULAR MEETING  
THURSDAY, JUNE 12, 2008  
WATERTOWN HIGHSCHOOL TECHNOLOGY CENTER**

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

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

**Alternates Present:** Ms. Denise Russ (Seated for Mr. Donato Orsini)

**Alternates Absent:** Mr. Michael Brown  
Ms. Martha Sturgis

**Others Present:** Mr. Moosa Rafey, Assistant Zoning Enforcement Officer

**1. Call Meeting to Order**

Mr. Undercuffler, Chairman, Called the Regular Meeting to Order at about 7:00PM (7:05 PM)

**2. Roll Call**

Mr. Undercuffler executed the Roll Call.

**3. Public Participation**

None

**4. Action on Minutes**

- A. Regular Meeting April 10, 2008
- B. Continuation of Public Hearing May 15, 2008 App. #623 Cherry Avenue, LLC
- C. Regular Meeting May 15, 2008

**Motion was made by Mr. Polletta to approve items 4A through 4C and seconded by Ms. Russ.**

**Discussion: None      Vote: 5 in favor      Abstained: 0      Opposed: 0**

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MOTION PASSED UNANIMOUSLY – NO FURTHER DISCUSSION

**5. Pending Applications**

- A. Application #636 of David McDonnell for construction of a shed within upland review area at 180 Deer Run, Watertown, CT.

If a public hearing is not held then a decision is required by July 19, 2008.

**Motion was made by Mr. Polletta to approve subject to zoning permit application #636 of David McDonnell and seconded by Mr. Genovese.**

**Discussion: None    Vote: 5 in favor    Abstained: 0    Opposed: 0**

MOTION PASSED UNANIMOUSLY – NO FURTHER DISCUSSION

- B. Application #637 of Jaime Teixeira to permit filling and grading within upland review area at 30 Charter Oak Drive, Watertown, CT.

If a public hearing is not held then a decision is required by July 19, 2008.

**Manuela Teixeira the wife of Jaime Teixeira, 30 Charter Oak Drive**

Mrs. Teixeira explained the situation at her property. Mr. Polletta commented that the commission did do a site walk for this property and a couple of things needed to be done including removing stumps, silt fencing, and a slope be graded. Mr. Undercuffler questioned in the application about taken down trees and wanted to know if they were down already. Mrs. Teixeira explained that what they saw at the site walk is what has been done and no more trees will be taken down. Mr. Rafey explained that on the site walk there was talk of possibly putting a stone wall but he wasn't in favor of the idea because he did not want to raise that side of the property higher than the road in case the brook gets flooded. The commission agreed to approve subject to conditions.

**Motion was made by Mr. Polletta to approve subject to:**

- 1. Standard Conditions**
- 2. Silt Fence be erected along the brook**
- 3. Stumps be removed from site**
- 4. A 3:1 slope be graded**

**For application #637 of Jaime Teixeira and seconded by Mr. Genovese.**

**Discussion: None    Vote: 5 in favor    Abstained: 0    Opposed: 0**

MOTION PASSED UNANIMOUSLY – NO FURTHER DISCUSSION

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- C. Application #638 of Angelo Farisello to permit an existing shed to remain within a regulated area at 65 Marc Drive, Watertown, CT.

If a public hearing is not held then a decision is required by July 19, 2008.

**Angelo Farisello, 65 Marc Drive**

Mr. Farisello had nothing to add from the previous month. The commission did a site walk and had no problem with the shed staying in the same spot.

**Motion was made by Mr. Polletta to approve application #638 of Angelo Farisello and seconded by Mr. Murphy.**

**Discussion: None    Vote: 5 in favor    Abstained: 0    Opposed: 0**

MOTION PASSED UNANIMOUSLY – NO FURTHER DISCUSSION

- D. Application #639 of Kristina Atwood to permit filling and grading within regulated area at 241 Woodbury Road, Watertown, CT.

If a public hearing is not held then a decision is required by July 19, 2008.

The commission did a site walk on this property and there was question on the lot line. Ms. Atwood was not sure if she really wanted to go forward with the application. So the commission decided to table the application.

**Motion was made by Mr. Genovese to table application #639 of Kristina Atwood and seconded by Ms. Russ.**

**Discussion: None    Vote: 5 in favor    Abstained: 0    Opposed: 0**

MOTION PASSED UNANIMOUSLY – NO FURTHER DISCUSSION

**6. New Applications**

- A. Application #640 of Michael D'Angelo for construction of a new single family dwelling on Lot 8 Cobb Street, Oakville, CT.

If a public hearing is not held then a decision is required by August 16, 2008.

**Michael D'Angelo, Lot 8 Cobb Street**

Mr. D'Angelo explained that part of the house is in the regulated area. The commission wanted to go and see the property.

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**Motion was made by Mr. Polletta to table to July 10, 2008 and have a site walk on June 28, 2008 for application #640 of Michael D'Angelo and seconded by Ms. Russ.**

**Discussion: None    Vote: 5 in favor    Abstained: 0    Opposed: 0**

MOTION PASSED UNANIMOUSLY – NO FURTHER DISCUSSION

B. Application #641 of John Hitchcock for construction of a storage shed within regulated area at 100 Melrose Avenue, Oakville, CT.

If a public hearing is not held then a decision is required by August 16, 2008.

**John Hitchcock, 100 Melrose Avenue**

Mr. Hitchcock explained that his house was close to the property line on one side and on the opposite side it has a steep slope down. The shed was about 5 or 6 feet off of the top bank of the brook. Mr. Polletta questioned if there was a shed there before and Mr. Hitchcock responded yes. The commission decided to go take a look at the property.

**Motion was made by Mr. Polletta to table to July 10, 2008 and have a site walk on June 28, 2008 for application #641 of John Hitchcock and seconded by Ms. Russ.**

**Discussion: None    Vote: 5 in favor    Abstained: 0    Opposed: 0**

MOTION PASSED UNANIMOUSLY – NO FURTHER DISCUSSION

C. Application #642 of John McHugh for filling and grading of wetlands at 1067 Main Street, Watertown CT.

**Terri Meyers, Meyers Associates**

Mr. Meyers explained that the intention was to correct the state storm drainage problem. They want to create a formal channel with a plunge pool at the end. They will be eliminating the existing septic system and put in a pump system that will go to the sanitary sewer on Main Street. Mr. Polletta wanted to know how many stores will be served by this pump system. Mr. Meyers said approximately 5 or 6 business and both septic tanks will be eliminated. It will have 1,000 gallon holding tank which will be part of the pump station and Mr. Meyers explained that would be about 2 days worth of sewage in case of a power outage.

Mr. Polletta said that during the field trip Mr. Meyers had said there was a water course at the edge on the property line. Mr. Meyers said that will be rip-rapped. There will be a rip-rap swale and a plunge pool. They are about 130 feet from the flood plain. Mr. Polletta commented that this will make Main Street and the surrounding area cleaner because before it was a mess in the area in back.

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**Motion was made by Mr. Polletta to table application #642 of John McHugh and seconded by Mr. Genovese.**

**Discussion: None    Vote: 5 in favor    Abstained: 0    Opposed: 0**

**MOTION PASSED UNANIMOUSLY – NO FURTHER DISCUSSION**

**7. Old Business**

- A. Show Cause Hearing and discussion on a Notice of Violation issued to Michele McHugh regarding 1067 Main Street, Watertown.

**Terri Meyers, Meyers Associates**

**The Show Cause Hearing was replaced by formal application #642 of John McHugh. Mr. Meyers was there representing the applicant. No motion was made.**

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

**Rob Rein, General Manager of Pure Earth Environmental, Waterbury, CT**

Mr. Rein explained that they were trying to get on the special meeting the following week for zoning to get the cease and desist lifted. Once it is lifted they will submit Phase II to the wetland which includes all of the work that will be done in the Wetlands itself. Mr. Polletta questioned if all they were doing was to clean up the property and Mr. Rein explained all they were doing was to finish the investigation to identify where all the pollutants are. They also wanted to begin filling in the top area so they can reach the other areas. Mr. Polletta questioned why it needed to be filled in now. Mr. Rein explained they can not get some of their equipment in to investigate without filling.

Mr. Polletta questioned if they had a permit to work. Mr. Rein said that they were approved in Phase I but the site line was not approved by the engineer which was one of the conditions. Mr. Rafey explained that there were two issues which were the Planning and zoning issues and the Conservation Commission issues. He said the Cease and Desist Order was issued from the Planning and Zoning Commission because they did some activities on the site without getting site plan approval. This applicant had been in front of the Conservation Commission for Phase I of the project including filling and grading within the front part of the property next to the road outside of the regulated area. Mr. Rafey also said that because there was no regulated activity involved with Phase I the commission approved them as long as they had erosion and sediment control measures on site to make sure nothing would go into the wetlands.

Mr. Rafey said after that approval was issued, the applicant did more than what was approved by the Conservation Commission. They went into the regulated area and next to the wetlands. Mr. Rafey said that when the applicant came back with a formal

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application, then the commission would discuss of the issues of what would be done on the site and removed. Mr. Rein commented that they could not continue the environmental investigation until the Cease and Desist Order is lifted which included putting additional silt fencing up. Mr. Rafey said that because of the Cease and Desist Order they are not allowed to do anything on the site at all. They have to go back to the Planning and Zoning Commission to remove the Cease and Desist Order, in order for them to go in front of the Conservation Commission and do some of the activities they are proposing if the commission approves. Mr. Rafey said that they have to go to Planning and Zoning first to remove the Cease and Desist Order and then they can put up a silt fence and then apply for a Phase II application.

Mr. Rafey suggested that once the commission receives the Phase II application because of the large area having chemicals involved and pollutants, they have to hire someone as a third party to review the area. The town will hire someone and the applicant will pay for it to do an investigation of the site and then give recommendations. The commission wanted to table the Show Cause Hearing until they return with a formal application.

**Motion was made by Mr. Polletta to table the Show Cause Hearing and discussion on a Notice of Violation issued to Echo Lake Brownfield, LLC Echo Lake Road, Watertown and seconded by Ms. Russ.**

**Discussion: None      Vote: 5 in favor      Abstained: 0      Opposed: 0**

MOTION PASSED UNANIMOUSLY – NO FURTHER DISCUSSION

C. Discussion on adopting the DEP New Model Regulations

Mr. Polletta commented that Mr. Glen Duplissie was very involved with working on the new DEP regulations and would like to stay on to help even though he is not a commission member anymore. Mr. Genovese was put into his place. Ms. Russ suggested that Mr. Rafey write a letter saying it is ok for Mr. Duplissie to be involved as a volunteer with the DEP regulations.

**Motion was made by Mr. Polletta to table discussion on adopting the DEP new model regulations and seconded by Mr. Genovese.**

**Discussion: None      Vote: 5 in favor      Abstained: 0      Opposed: 0**

MOTION PASSED UNANIMOUSLY – NO FURTHER DISCUSSION

**8. New Business**

None

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**9. Communications and Bills**

- A. Notice of revised regulations from Town of Woodbury Inland Wetland and Watercourses Agency
- B. Notice of revised regulations from Town of Thomaston Inland Wetlands and Watercourse Commission
- C. Appointment Letter to Michael Genovese to fill the expired term of Glenn Duplissie

**Motion was made by Mr. Polletta to accept for filing items 9A through 9C and seconded by Mr. Genovese.**

**Discussion: None    Vote: 5 in favor    Abstained: 0    Opposed: 0**

MOTION PASSED UNANIMOUSLY – NO FURTHER DISCUSSION

**10. Reports from Officers and Committees**

None

**11. Reports from Staff**

Mr. Rafey explained that he received a complaint form the owner of 22 Bidwell Hill Road. The gentleman came in front of the commission to get a permit for DEP to clean his pond that was all silted. To house above that property was a huge mining operation was and huge erosion from the storms and it went back into the pond that the gentleman recently cleaned. Mr. Rafey wants to send a notice of violation because the gentleman who lives up stream and stripped the top soil. Ms. Mulcahey and Mr. Rafey went to see the property and Mr. Rafey wants to be authorized to send the gentleman a notice of violation and to come in front of the commission and apply for a permit. The commission also wanted to go on a site walk.

**Motion was made by Mr. Polletta authorize Mr. Rafey to send a notice of violation and schedule a field trip for June 28, 2008 and seconded by Mr. Genovese.**

**Discussion: None    Vote: 5 in favor    Abstained: 0    Opposed: 0**

MOTION PASSED UNANIMOUSLY – NO FURTHER DISCUSSION

**12. Public Participation**

Mr. Terri Meyers wanted to add application #642 under New Applications item 6C.

**Motion was made by Ms. Polletta to add application #642 of John McHugh under New Applications item 6C and seconded Ms. Russ.**

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**Discussion: None    Vote: 5 in favor    Abstained: 0    Opposed: 0**

MOTION PASSED UNANIMOUSLY – NO FURTHER DISCUSSION

**13. Adjournment**

**Motion was made by Ms. Russ to adjourn the regular meeting at 8:10 PM and seconded Mr. Murphy.**

**Discussion: None    Vote: 5 in favor    Abstained: 0    Opposed: 0**

MOTION PASSED UNANIMOUSLY – NO FURTHER DISCUSSION

Attest,

Edwin Undercuffler, Chairman  
Conservation Commission  
Inland/Wetland Agency Chairman

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Approved: Jennifer Guerrero, Minutes Secretary