

# MINUTES

**CONSERVATION COMMISSION/  
INLAND WETLANDS AGENCY  
WATERTOWN, CT  
SPECIAL MEETING  
THURSDAY, AUGUST 28, 2008  
PLANNING AND ZONING CONFERENCE ROOM**

**Members Present:** Mr. Ed Undercuffler, Chairman  
Mr. Joe Polletta  
Mr. Mike Genovese

**Members Absent:** Mr. Jim Zawadzki  
Mr. Tony DiBona  
Mr. Donato Orsini, Vice Chairman  
Mr. Tom Murphy, Secretary

**Alternates Present:** Ms. Martha Sturgis (Seated for Jim Zawadzki)  
Ms. Denise Russ (Seated for Tom Murphy)

**Alternates Absent:** Mr. Michael Brown

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

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**1. Call Meeting to Order**

Mr. Undercuffler, Chairman, Called the Special Meeting to Order at about 6:10PM

**2. Roll Call**

Mr. Undercuffler executed the Roll Call.

**3. Pending Applications**

- A. Application #650 of Frost Bridge Association LLC for transfer of the CCIWA permit #566 and #616 issued to the Bailie Company regarding 0 Frost Bridge Road Watertown, CT.

**Craig Lipinski, Project Manager with Fuss and O'Neil**

**Mr. Lipinski:** There was application that was made in 2006 for a wholesale food distribution facility which was approved. It's a similar use except the one in 2006 was a larger building. What we are proposing is to do exactly the same work from the upland review area towards the river. We are proposed a wetlands transfer to transfer the approval from that applicant to this one and then a modification to cover the slate changes in disturbance that we proposed between the two applications.

**Mr. Undercuffler:** You are taking on all the terms and conditions of the original permit?

**Mr. Lipinski:** Correct, and in addition the restoration plan that was approved by the conservation Commission on November 15, 2007.

**Mr. Undercuffler:** All that has to be done before any construction starts.

**Mr. Lipinski:** Yes also by DEP and our lending institution.

**Mr. Polletta:** That will apply after you buy the property? According to what I read from the attorney it looks like it everything will work after you buy the property so until then the previous owner will be responsible, correct?

**Mr. Lipinski:** That is correct.

**Mr. Polletta:** one of my concerns form last time was because we didn't exactly understand what would happen once you took over who would be responsible, but I understand it stays with the land. How do we protect ourselves.

**Paul Jessell, Town of Watertown Attorney**

**Mr. Jessell:** At this moment in time the Bailie Company and the property at 0 Frost Bridge Road are subject to the notice of violation Cease and Desist which are recorded on the land records. There is a remediation plan that the Bailie Company is responsible to undertake. They will remain responsible to do that until such time as Frost Bridge Associates LLC purchases the property and undertakes to begin their work which require they first do the remediation work and then they do whatever work they plan to do in order to bring this facility to fruition. Up until the point when Frost Bridge actually purchases this property from the Bailie Company you are in no different position than you are today.

**Mr. Lipinski:** Just so it is clear, the applicant has an option to buy the property right now and as a condition to the sale of the property is receiving local and state approvals. We have to get these approvals and then the applicant can buy the property.

**Mr. Rafey:** There was another concern at the last meeting that Mr. Murphy raised. He questioned if you transfer a permit from an individual to an LLC what would happen. I researched it and I think the Bailie Company is an LLC.

**Mr. Jessell:** The Bailie Company is an LLC.

**Mr. Rafey:** So it is one LLC to another not an individual to an LLC.

**Ms. Russ:** I thought Tom expressed that we have something against the owner also. That was his concern.

**Robert Sacks, Frost Bridge Associates**

**Mr. Sacks:** I apologize for showing up late. If we could just assure the commission and the Town of Watertown are in no less position today or going forward. You are actually in a better position because of the approvals needed before even purchasing. In the interim, Mr. Bailie remains on the hook in his personal capacity up until the time we actually take this thing over. When we do contingent upon local and state approval, it is at that point we execute the remediation plan with all the terms and conditions that are going to be worked on by all the engineers involved.

**Mr. Genovese:** The main concern was that the town didn't end up with the liability.

**Mr. Jessell:** I do have the information that Frost Bridge Associates LLC does actually exist and I did not have that information at the time so please ignore that last sentence.

**Mr. Rafey:** The only suggestion that I am going to make Mr Chairman is that if you make a decision to transfer this permit it will be subject to all the conditions of approval of the original permit.

**Motion was made by Mr. Polletta and seconded Mr. Genovese subject to the original conditions of approval to approve the transfer of the CCIWA permit #566 and #616 issued to the Bailie Company regarding 0 Frost Bridge Road Watertown, CT.**

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

**MOTION PASSED UNANIMOUSLY – NO FURTHER DISCUSSION**

B. Application #651 of Frost Bridge Association LLC for modification of the CCIWA permit #566 for construction of an industrial building at 0 Frost Bridge Road, Watertown CT.

**Mr. Lipinski:** The name of the applicant, the official one, is Frost Bridge Associates, LLC. Last time we met I went over what the proposal was and I think everyone has the background of where the site is, the site history, and what the applicant is planning on doing. Like I said before, what we decided to do was everything from the upland review area towards the river we are going to do exactly the same thing that was approved in 2006. We met with town staff and we decided that the best way to go was to do a permit modification so we are requesting to modify the existing approval and specifically what is going on in the upland review area. The second page of what I handed out shows the plan that was approved in 2006. We are proposing on the next page what is included in figure 2 in the application mirrors what was approved in 2006. This just gives specifics as to the total square footage in the upland review area and the wetlands itself. There is 37,100 Sq. Ft of upland review area impacts which is slightly less than what was previously permitted in 2006. Of that 37, 100 Sq. Ft only 15,400 Sq. Ft is for the restoration of the project site

itself. That will include remediation work. An additional 21,500 Sq. Ft is proposed for the river green way trail. We are proposing it again from 2006. There is a small amount for the storm drainage system outfall. The actual square footage of wetland impact is 350 Sq. Ft. That is the only disturbance in the wetlands. That is all we are proposing for work inside the upland review area. The only other minor change is that we added a couple of additional trees

**Mr. Undercuffler:** The application from the last meeting is still the same correct?

**Mr. Lipinski:** Yes.

**Mr. Polletta:** My main concern was that we did not go back to this site but whatever he did disturb and whatever he brought in you will take full responsibility to remove everything out of the wetlands?

**Mr. Sacks:** We are taking full responsibility for the restoration.

**Mr. Rafey:** We will hire someone to monitor the site and then the applicant will pay for it.

**Mr. Sacks:** Yes we will pay for it.

**Mr. Polletta:** Will you have some debris over here? Some crushed stone or brick? What kind of operation will you have?

**Mr. Sacks:** The whole operation will be inside the building. There will be no crushing outside the building.

**Mr. Polletta:** How about the dust?

**Mr. Sacks:** It should be a 0 dust area. That the whole idea of having it within the building.

**Mr. Lipinski:** There is a misting system inside the building itself and the second thing is that this facility is subject to the DEP industrial storm water permit. They need to follow best management practice. There is a floor drain inside the building that empties into a 5,000 gallon underground storage tank so any water that does accumulate inside the building the floor is sloped.

**Mr. Sacks:** The DEP will require a two step permit process, a permit to construct and a permit to operate.

**Ms. Russ:** I think it will be good for the town so I don't have a problem with it.

**Mr. Polletta:** Originally I thought it would be a dusty and I was concerned the river was so close.

**Mr. Rafey:** Did you look at the other alternative to put the building on the other end and the parking in the front?

**Mr. Lipinski:** Yes but what really drove the site was the location of the railroad siding.

**Motion was made by Mr. Polletta and seconded Mr. Genovese subject to standard conditions and the original condition of approval to approve application #651 of Frost Bridge Association LLC for modification of the CCIWA permit #566 for construction of an industrial building at 0 Frost Bridge Road, Watertown CT.**

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

MOTION PASSED UNANIMOUSLY – NO FURTHER DISCUSSION

**4. Adjournment**

**Motion was made by Ms. Russ and seconded Ms. Sturgis to adjourn the special meeting at (inaudible).**

**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