

**Thomaston Inland Wetlands and Watercourses Commission**  
**Meeting Minutes September 14, 2011**

**Members Present & Seated:** Joe Fainer, Chairman, Matt Kulman, Vice-Chairman, Bob Carr, Secretary, Jen Pacelli, Tony Samela,

**Others Present:** Jeremy Leifert, Wetland Enforcement Officer, George Touponse, Atty. Seabourne, Mike, Pinette, Mike Perry, Maryanne Eustace, Ken Rein, Matt Jacques, Frank Bethin, Dana Kahn, Jim Nobile, Mr. Levesque, Jim Tilson

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**The Public Hearing convened at 7:01 pm.**

**Agenda Item #1 - Application for grading, stabilization, and drainage improvements at 296 Reynolds Bridge Rd. & "Parcel A" Reynolds Bridge Rd.**

Agent(s): None

J. Fainer informed the Commission that an email was received from R. Geddes stating that he could not attend tonight's meeting because of a family medical emergency, but that he will grant an extension if the Commission could not make a decision on the application tonight.

J. Leifert reported that revised plans were received and that the Town Engineer didn't have any additional comments regarding them. The Commission reviewed the plans and noticed that page one was missing. J. Leifert will contact the applicant to have him resubmit the plans for the next meeting.

**A motion was made by M. Kulman and seconded by B. Carr to continue the Public Hearing until the next regularly scheduled meeting. Motion unanimously passed.**

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**M. Kulman recused himself from being seated for Application 2011-06-08-11.**

**Agenda Item #2 - Application #2011-06-08-01 for construction of a single family home, a driveway crossing, and site development at Lot 162 Atwood Rd.**

Agent(s): Atty. Seabourne, G. Touponse

Atty. Seabourne explained why this parcel was not included in the original subdivision, how it was originally proposed as a mitigation area and why it was moved to another location, and that the lot is the proper size of a buildable square. Atty. Seabourne also explained that the proposed activity will cause very insignificant disturbance to the wetlands.

After a review of the application packet, it was the consensus of the Commission to have J. Leifert draft a letter notifying the P&Z Commission of the Wetland Commission's favorability of this application.

**Public Comment:**

M. Perry - commented that when he bought his house on Michelle La. it was understood that this area would not be developed and asked why that has changed.

J. Fainer explained that the Commission can only enforce the wetland regulations, which this doesn't fall under. Atty. Seabourne replied that the ball and soccer was given to the Town at the Town's request and that this parcel was not declared as open space.

K. Rein - concerned with his house being located across from culvert that the driveway will re-direct the wetlands and cause runoff onto his property.

Atty. Seabourne explained that piping will be installed under the driveway to prevent runoff being diverted into the wetlands.

M. Eustace - lives next to the property and is concerned that the driveway will cause water to be diverted to other places and explained that she cleans the storm drains near her house because the Town doesn't. She is also concerned that this parcel was supposed to be designated as open space.

Atty. Seabourne explained that the property was never designated as open space and if it had, it would have to have been deeded to the Town.

M. Jacques - asked if elevations were taken of the footing drains and of the gutter runoff.

Atty. Seabourne explained that the proposed house will not have footing drains and piping for the gutters will run in the northerly direction.

F. Bethin - commented that a neighbor has diverted his runoff into the wetlands, which causes flooding to neighboring properties.

Atty. Seabourne explained that there hasn't been activity on the property yet, so the runoff is coming from somewhere else.

D. Kahn - asked if there will be blasting on the property and if so, how will it affect the surrounding houses or will it be guaranteed it won't affect the houses.

G. Touponse explained that he doesn't know if he will need to blast, but if he does need to blast, it will be done in accordance with the current standards with permission from the Fire Marshal and the surveying of the surrounding homes as required by the State Fire Marshall

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**A motion was made by B. Carr and seconded by J. Pacelli to close the Public Hearing at 8:16 pm. Motion unanimously passed.**

The Commission recessed for 5 minutes at 8:17pm.

The Commission reconvened at 8:21 pm. with the regular meeting and with M. Kulman being reseated.

**Minutes:**

**A motion was made by B. Carr and seconded by M. Kulman to accept the minutes from August 10, 2011 as amended to read M. Kulman and J. Pacelli not present at the meeting, to read (Pg. 2 Agenda #2 for clarification) \$225.00 was assessed a the "significant activity" fee, ( Agenda #3) J. Fainer discussed the site walk and indicated he did not notice significant silt (Pg. 3 after New Business) the motions to amend the agenda to add the Public Hearing regulation change and to accept the final wording of the regulation change was made by T. Clark and seconded by B. Carr, Motion unanimously passed.**

**Old Business:**

**M. Kulman recused himself from being seated for Application 2011-06-08-01.**

**Agenda Item #1 - Action on Application #2011-06-08-01 for construction of a single family home, a driveway crossing, and site development at Lot 162 Atwood Rd.**

The Commission considered and discussed the criterias under the statutes and regulations regarding this application before making their decision.

**A motion was made by B. Carr and seconded by J. Pacelli to approve Application #2011-06-08-01 with the adjustments to the planting schedule as agreed upon between the applicant and the Wetlands Enforcement Officer, that the plantings will not include crown vetch, with the requirement that wetland notification be made to the purchaser of the property, that the wetlands be delineated in some fashion (1 fashion for delineation could be plantings and a barrier) to be noted to the purchaser, that the required plantings be separate and provide shelter to the wetlands area in general and to the newly installed mitigated area with the agreement between the applicant and the Wetlands Officer with the level and degree of plantings, and with the standard permit conditions. Motion passed 4 to 1 opposition by T. Samela.**

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**Agenda #2 - Action on application for grading, stabilization, and drainage improvements at "Parcel A" Reynolds Bridge Rd.**

Action on this application was tabled to next month's meeting and J. Leifert will contact R. Geddes to have him sign the application extension.

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**Agenda Item 3 - Application #2011-07-27-02 for construction of a storage facility and parking area in a regulated area.**

Agent(s): Atty. Seabourne, M. Pinette

Atty. Seabourne discussed that an oil separator was originally proposed, but their engineer, at J. Leifert's suggestion, did explore the possibility of using a bio basin and was able to configure it on the property. Atty. Seabourne explained that the bio basin would be a depression in the ground that will be excavated with the soil being replaced with loam, compose, and sand, and that the water will be retained in the basin for a time, noting that significant rain would sheet flow from the basin into the Naugatuck River. J. Leifert informed that Commission that if the bio basin is used, it would eliminate the need for riprap on the river bank.

The Commission reviewed the site plan submitted, which will be submitted to S. Hayden for his comments. It was the consensus of the Commission to have J. Leifert draft a letter to the P&Z Commission stating that the Wetlands Commission is likely to approve this application, but is waiting to receive more information.

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**Agenda Items #4 & 5 - Discussion of Cease and Desist Order for Parcel A Reynolds Bridge Rd. and 296 Reynolds Bridge Rd.**

J. Leifert had nothing new to report.

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**Agenda Item #6 - Discussion of Cease and Desist Order for Leigh Ave. wood road.**

This item was discussed in Executive Session.

**New Business:**

**Agenda Item 1 - Application #2011-08-23-01 for culvert replacement, property grading, and installation and maintenance of a silt pond in a regulated area.**

Agent(s): J. Nobile

J. Leifert informed the Commission that he received a new application from J. Nobile, which includes all of the prior, proposed, and maintenance activities.

**A motion was made by M. Kulman and seconded by J. Pacelli to accept Application #2011-08-23-01. Motion unanimously passed.**

The Commission discussed J. Nobile's request to waive the new application fee.

**A motion was made by B. Carr and seconded by M. Kulman to apply the application fee of \$135.00 from Application #2011-06-14-01 to Application #2011-08-23-01. Motion unanimously passed.**

The determination of whether or not this permit will be declared a "significant activity" was tabled until next month's meeting to allow members, who haven't, the opportunity, to conduct a site walk.

J. Fainer explained to J. Nobile that his application will be referred to the Town Engineer for review, noting that J. Nobile can also hire his own Engineer if he chooses to. J. Nobile explained that he just dug the silt out of the culvert and placed stone in it and that he doesn't understand why he will have to pay for engineering fees for water that has been flowing for 25 years. J. Fainer explained the permit process and that because of the magnitude of the project, an Engineer has to review it.

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**A motion was made by M. Kulman and seconded by J. Pacelli to add Mr. Levesque to the agenda. Motion unanimously passed.**

J. Leifert reported that there is a serious stabilization problem re-occurring that is washing silt and material into the stream when it rains, that he feels there needs to be more secured stabilization installed or the activity needs to progress, and that he doesn't recommend that the Commission extend the activity past March without a professional engineering reviewing the site.

J. Tilson informed the Commission that building and demolition material is washing onto his property and that approximately 35-40 yards of material has washed into the stream, which he received a \$7,500.00 quote to have removed. J. Tilson also feels the activity needs to progress in a more significant manner and the slope needs to be stabilized.

Mr. Levesque told the Commission that because the apron at the top of his driveway was removed by plows it has caused 7 yards of gravel to wash out of his driveway. He discussed how he keeps trying to fix the problems by installing more hay bales and that he is going to have more gravel put in his driveway, but the person who is going to do driveway can't do it for another 2-3 weeks. M. Levesque also told the Commission that the demolition material was on the dumpster, but was washed away with the hard rain from the hurricane and it is so wet that there isn't much he can do right now.

The Commission asked Mr. Levesque to submit in writing as soon as possible a plan of the activity he is going to perform and when he plans to have it completed in order to close out his permit.

### **Communications and Bills:**

The following communications were received;

- Notification of a permit for the installation of a cell phone tower near Black Rock Dam area was from the Town of Watertown.
- Registration for Segment 3 training.
- Information regarding the National Public Lands Day.
- DEEP is looking for impaired streams or rivers to add their statewide list for possible granting.
- CT Federation of Lakes newsletter.

**Agenda Item #1 - Discussion of possible changes to existing regulations and changes to the by-laws regarding the Conservation Commission.**

J. Leifert will distribute these revisions to the regulations and by-laws at next month's meeting.

The Commission discussed whether or not to keep the name "Conservation Commission" or change it, whether to form a separate subcommittee and/or advisory board, whether or not to incorporate the Conservation Commission into the IWWC's regular monthly meetings, when the Conservation Commission would hold their meetings, etc.

T. Clark, B. Carr, and J. Pacelli were appointed as members of the Conversation Commission and will begin reporting to the IWWC next month.

**Reports of Officers, Staff, and Committees:**

J. Leifert discussed his staff report (Attachment A).

**Executive Session:**

**Agenda Item #1 - Discussion of legal progress regarding United Development, LLC properties on Reynolds Bridge Rd.**

J. Leifert informed the Commission that Executive Session was not necessary at this time.

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**Agenda Item # 2 - Discussion of legal issues regarding Leigh Avenue Wood Road**

**A motion was made by M. Kulman and seconded by B. Carr to move into Executive Session at 11:07 pm to discuss legal advice from the Town Attorney regarding the Leigh Ave. wood road issues. Motion unanimously passed.**

**A motion was made by M. Kulman and seconded by B. Carr to move out of Executive Session at 11:26 pm with no action taken. Motion unanimously passed.**

**Adjournment:**

**A motion was made by M. Kulman and seconded by B. Carr to adjourn at 11:27 pm. Motion unanimously passed.**

Respectfully submitted,

Pat Santa Maria,  
Recording Secretary