

MINUTES – REGULAR MEETING
SEYMOUR INLAND WETLANDS COMMISSION
MONDAY, MARCH 26, 2018
NORMA DRUMMER ROOM, SEYMOUR TOWN HALL

Members in Attendance: Paul Wetowitz, Tim Connors,
B. Koskelowski, M. Flynn (7:10)

Also Present: Atty. Barbara Schellenberg

The meeting was called to order by Chm. P. Wetowitz at 7:00 p.m.

Public Comment

There was no one from the public wishing to speak.

Minutes, Regular Meeting, February 26, 2018

MOTION: T. Connors/B. Koskelowski to approve the minutes of
the 2/26/18 meeting.
Motion Carried – 2-0-1 with P. Wetowitz abstaining.

461 North Main Street, Discussion and Possible Action

The public hearing on this application has been continued.

MOTION: B. Koskelowski/T. Connors to table the matter.
Motion Carried – 4-0.

459 North Main Street, Update and Possible Action.

Atty. Schellenberg stated that she looked into this matter and it appears that the Town will need to file an injunctive action with the court to be able to go onto the property. She also stated that by state statute DEEP may be able to go on the property. Mr. Wetowitz stated that the Commission already voted to take legal action. Mr. Koskelowski stated that the applicant has a permit and the issue is if he is in violation of protecting the wetlands. He also asked what were the regulations when the permit was signed. Mr. Wetowitz asked how do we know if there is a violation unless we can get on the property. Mr. Koskelowski asked if the owner has to abide by the statutes that were in existence when the permit was signed. The permit was signed in the '70s. He also noted that someone is leasing the property and does the permit apply to that person. Atty. Schellenberg stated that there is a permit to do some work. She also stated that it does not mean that if the statute changes they don't apply. She also stated that if someone else is doing work would need permission to go on to the property. She stated that by going to court will need to provide reasonable evidence that there is a violation unless someone from DEEP goes on the property.

Mr. Nesteriak stated that DEEP may not go on the property. T. Connors stated that if he has a permit now then what can be done. Atty. Schellenberg stated that if an application is pending then the Town can go on the property.

M. Marganski stated that there have been many changes of use on the property over the years. He also stated that the permit would need to be reviewed. He stated that there is a watercourse there and he feels that there is infiltration based on observations from the road. He stated that nothing is being done to protect the watercourse. He stated that there are stockpiles and infiltration down onto the vegetation. He stated that the owner is allowing activity to occur on the property and it is a violation. Atty. Schellenberg stated that there seems to be enough evidence to go to court regarding this matter.

Mr. Nesteriak stated that the owner indicated that it was a continued use but it is not. Mr. Wetowitz stated that something needs to be done regarding this property. Atty. Schellenberg stated that the Town can try and pursue this with DEEP and if nothing is done then file an injunctive action. Mr. Marganski stated that you can see that there is infiltration.

MOTION: T. Connors/B. Koskelowski to authorize legal action to move forward and also check with DEEP.
Motion Carried: 3-0-1 with P.Wetowitz abstaining.

Excavation Plan, 16 Progress Ave.

Mr. Wetowitz stated that no application has been filed for this matter.

Public Comment

There was no one from the public wishing to speak.

Commissioner's Public Comment

There was no commissioner public comment.

MOTION: T. Connors/B. Koskelowski to adjourn the meeting.
Motion Carried: 4-0.

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Maryanne DeTullio

MOTION: T. Connors/M. Flynn to modify the cease and desist order as it affects the southern vineyard and waterway per the recommendation of the town engineer Brian Nesteriak; starting with coir logs and getting that set before planting. review the bond cost to make sure bond covers the remediation. Have Town Engineer review all work being done prior to planting to make sure significant improvements have been done to the waterway; make sure it is stabilized.
Motion Carried: 5-0.

MOTION: B. Koskolowski/M. Flynn to adjourn the meeting.
Motion Carried 5-0.

The meeting was adjourned at 8:10 p.m. by P. Wetowitz Chairman.

Respectfully submitted:

Maryanne DeTullio
Maryanne DeTullio

MINUTES – PUBLIC HEARING
SEYMOUR INLAND WETLANDS COMMISSION
MONDAY, MARCH 25, 2018
NORMA DRUMMER ROOM, SEYMOUR TOWN HALL

Members in Attendance: Paul Wetowitz, Tim Connors, Brian Koskelowski

Also Present: Atty. B. Schellenberg, Town Engineer Don Smith,
Town Engineer Brian Nesteriak, Mike Marganski

The Seymour Inland Wetlands Commission will hold a public hearing on March 26, 2018 starting at 6:30 p.m. in the Norma Drummer Room, Seymour Town Hall. The Hearing will be on an application for approval of a site plan for MARTAC LLC, 461 North Main Street.

The public hearing was opened at 6:30 p.m.

Jesse Judson, 52 Main Street, Seymour was present for the applicant and stated that a revised site plan and updated project description were submitted. He also stated that his comments addressing the town engineer's comments was submitted. The site is 1.75 acres on the south side of North Main Street in the GI-2 industrial zone. He stated that the current use is a contractor's yard and has been since 2001. He stated that recently the material stockpiles got large and spilled over to the wetlands. He stated that some have been removed but there are about 2140 sf of wetlands that needs to be removed.

Mr. Judson stated that they are no longer proposing the building addition. There will be a vegetated buffer along the easterly, southerly and westerly sides 35 feet from the property line. There will be a concrete block barrier around the stockpiles and swale. He stated that one catchbasin will have a level spreader. He stated that they are proposing to install a new fuel tank which will be updated. They will be removing a portion of the driveway to establish a more vegetated buffer. He stated that a memo dated March 19th with photos of the site was submitted which show the stockpiles being removed and reduced. He stated that since the building has been removed from the plans there is no need to go to ZBA. He also stated that the flagging of the wetlands has been delayed because of the weather but will be done. He asked what type of testing the Commission is looking for. He stated that both sites around this property are industrial.

Mr. Wetowitz asked for any public comment and there was no one from the public wishing to speak.

Mr. Wetowitz stated that the Commission may want to keep the public hearing open to the next meeting in the event more information is forthcoming. Mr. Koskelowski asked if there is any contamination there who would be responsible for any clean up. Mr. Wetowitz stated that it would be difficult to narrow down any contamination and the applicant is willing to improve the situation there.

Mr. Marganski stated that years ago there was a junk car there and there are things that are not the fault of this applicant. The contamination could have been long before he owned the property.

MOTION: B.Koskelowski/T. Connors to continue the public hearing to
April 23, 2018 at 6:45 p.m.
Motion Carried 3-0.

Respectfully submitted:

Maryanne DeTullio
Maryanne DeTullio