

Seymour Inland Wetland Commission  
Regular Meeting Minutes  
7:00pm January 27, 2020

**Members Present:** Micheal Flynn, Tim Connors, Jim Forsyth, Brian Koskelowski

**Members Absent:** PJ Wetzer

**1. Call to Order**

Meeting was called to order at 7pm.

**2. Pledge of allegiance**

All stood for pledge.

**3. Public Comment**

Helen Knapp from 13 Spring Street, said that she spoke to someone in Inland Wetlands who told her that the meeting started at 7pm when it started at 6:30. She feels discouraged that the members of the town boards do not want to help her.

**4. Minutes, Acceptance Special Meeting December 16th, 2019**

Motion to accept by: Brian Koskelowski

Seconded by: Tim Connors

Micheal Flynn- yes    Tim Connors-yes    Jim Forsyth-yes    Brian Koskelowski-yes

**5. Minutes, Acceptance Public Hearing Meeting December 16th, 2019**

Motion to accept by: Brian Koskelowski

Seconded by: Tim Connors

Micheal Flynn- yes    Tim Connors-yes    Jim Forsyth-yes    Brian Koskelowski-yes

**6. Bladen's Ridge Project-Continuance of Public Hearing at 6:30 p.m.**

The Chair stated that at this time he feels as though the board needs to make a decision for the applicant.

Tim Connors asked if Brian Nesteriak had anything else to add.

Brian Nesteriak stated that if he had anything else he would have said it earlier, so at this time he did not.

The Chair asked if any other Commissioners had any comments, and seeing none asked for a motion to render a response to approve or deny.

Tim Connors made a motion to approve updated on 1-23-2020 modifications to Bladen's Ridge Affordable Housing Development, referencing 1 through 42 of the conditions of approval, the final plan should show a detail of the proposed riprap swale in compliance of the 2002 CT Guidelines for Soil Erosion and Sediment Control permanent lined waterway, all items are to be pervious pavers and should be designed for a minimum of 8 inch depth, crushed stone, reservoir for final treatment, and adjoint should be loose chip stone. There should be no stockpile material in any area where the storm drain systems capable of infiltration. During phase 2, the road shall be paved for a minimum of 200 feet with the binder cores prior to continue to the next phase. An anti tracking apron should be proposed at the end of the pavement entrance for future phases. The recent revised plan shows phase 4 and 6 switched, but the plan submitted was not updated to match. The stormwater operation and maintenance manual should be prepared for use by the long term operations of the complex and the manual should include annual inspection reports that should be submitted to the town staff upon completion. A site monitor will be required to ensure that the soil erosion measures are maintained and adapted during construction. The site monitor should be a licensed professional engineer with applicable certifications such as a certified inspector of sediment and erosion control and to provide regular reports to town staff. Also basic monitoring of our own inhouse. A final as built certified to both A2 and T2 should be submitted prior to the insurance for the certification of occupancy. The final revision of 1-13-20 should be submitted also.

Seconded by Brian K

Micheal Flynn- yes    Tim Connors-yes    Jim Forsyth-yes    Brian Koskelowski-yes

### **7. Communication: CT DEEP (Silver Lake Dam) ID #12410**

The Chair said that in the packet the Commission received a letter from DEEP stating that there are issues on going at the Silver Lake Dam. There are deficiencies at the dam and the property owner has been put on notice to make these improvements.

Tim Connors asked where it was located.

Jim Baldwin said that was located near Rimmondale and towards the Beacon Falls area.

Brian Nesteriak said that they provided a report almost 5 years ago so they are just reminding the owner to do the things he did 5 years ago.

The Chair said that yes, that letter was dated 12-13-19 and resubmitted on the back, most likely the purpose of the letter was just to start moving on the repairs.

Nesteriak said that some of the things in the letter will need an Inland Wetlands permit.

The Chair said that removing trees, maintenance level work to dams, normally does not require preauthorization from the dam safety program. It should be taken as soon as practical.

Nesteriak said that the dam safety program is DEEP but they should keep it in mind. This is not an unusual thing, but as they can imagine it is not a cheap option to fix.

Tim Connors asked if DEEP do the actual report on what they find?

Nesteriak responded yes they have a report and they mandate that a professional provide some type of report as well, and most professionals will tell them they need to do something quickly.

Connors asked if this one was on private property.

Nesteriak said he has not seen any issues concerning it other than this letter.

Mike Flynn asked if the Army Corp of Engineers were concerned with dams.

Nesteriak said not unless it was needed unless they asked.

Connors said that basically this is a dam on private property that the State is mandating the owner to fix.

Flynn asked if it was a stone dam.

Jim Baldwin said no it is a concert dam, it is small and holds up about a 6 acre pond. This letter is just to keep the Commission in the loop, it is not a pressing issue.

#### **8. Communication: SCC Regional Water District- 59 Rimmon Road**

The Chair said that in the packet to the Commission members there was a letter to Mr. Marganski notifying them of the public hearing schedule.

Brian Nesteriak said that he knew a little about this a little. On occasion the Regional Water District has these houses that are within or adjacent to their water catch basin areas. Overtime they try to sell these off. After the dam on Rimmon Road towards Woodbridge, there is a house and a parking area where people can park and walk the trails. It seems as if Regional Water is trying to sell it, and have a public hearing. It does not necessarily pertain to the Wetlands Commission at all, they are just trying to keep you in the loop about it.

Jim Baldwin added that the Conservation Commission was meeting down that hall and they have the same letter, so they are discussing it as well and maybe they can make an evaluation of the property.

Mike Flynn said there was a dam in Bethany that was knocked out. Are we talking about the same vicinity near Bladen's Brook?

Nesteriak said no this particular property is up on 313 on the way to Woodbridge/Ansonia.

Flynn asked if this was old reservoir property.

Nesteriak said yes and he thinks its a separate lot, but it is right near the reservoir. They are just informing you about it at this time.

#### **9. 8 Spruce Brook Road; Application for permit-Filling and Grading**

Mike Marganski said that this is a continuation of notice of violation. The applicant has everything including a completed application, we can go through the plan of what his intent is and then we can go from there.

John D. from 8 Spruce Brook Rd, said when he started the project he was told his whole property was considered wetlands. The project he did was bring in dirt that is now sitting outside of the wetlands. It is within 100 feet of the wetlands. He had a soil scientist report done and the whole property was flagged. He submitted the report to the Commission. What he is doing now is attempting to fill in the area that needs it with soil. He wants to continue with this project and grade the area down, plant trees and grass. He has a completed application.

The Chair said that tonight they will vote on whether to accept the application or not, and then send the information along to the town engineer for review and comments. He asked if Mr. Marganski had the plan.

Marganski responded that the paper the Chair was holding was just the intent and that the plan may not have to go to Brian for review. The grade from the front of the property is less than 20 inches. To him, it does not appear to be significant and he has visited the property multiple times. The applicant is looking to replant vegetation after he has graded out the area and replace the trees that were taken down. The only thing that would occur by giving him the permit is his fee will be doubled at this time (because he did work without the permit).

Tim Connors made a motion to accept.

Mike Flynn second.

Micheal Flynn- yes    Tim Connors-yes    Jim Forsyth-yes    Brian Koskelowski-yes

#### **10. 56 Canfield Road; Communication James Brennan**

The Chair said that in the packet there was a letter from James Brennan. The document is a formal request to be placed on the agenda for the upcoming meeting. Which addresses the following issues at 56 Canfield Rd. The Chair asked Mr. Brennan about this and said the last thing he knew was that Mr. Brennan owned the property, there was a dispute and it was in the midst of litigation. He asked if this was still the case.

Jamie Brennan said that this is no longer the case, the letter he submitted documents the fact that the brook is incorrectly located on that record map. He met with Mr. Marganski about this and the two of them have gone through the minutes and that Mr. Marganski had told him that it did not need to be corrected on the recorded map because the Commission at that time did not actually vote to act on the letter. Since there was no formal vote, the people did not have to vote. He brings it up tonight just to inform the Commission and keep in mind that there might be some liability down the road because this property is now for sale. He is selling a piece of property in this neighborhood and as he was looking on Zillow, he saw a picture of his barn which is listed as the 56 Canfield address. It also had the record map which was not corrected which he found out why it was not by Mr. Marganski. His concern is now that the record map is

not correct, there is now a lot for sale and there are people who are going to buy property based on the record map that they presume to be factual, if they are aggrieved down the road what happens? Mr. Marganski showed him a site plan that has no brook and no water shown at all. There is an extensive amount of water course that runs through that property and in fact the under ground detention that he installed is at or near under the watercourse. He did not scale the map but he thinks it would be easier to do so if there was the brook on the map. He said he is here tonight to say that he doesn't understand how they can leave this the way it is, his name is on the record map and although he had nothing to do with preparing it, he owns the property of the original subdivision. He is here to put this on the record and state that his hands are clean.

Mike Flynn said that some time ago there was a case that Mr. Brennan was involved in concerning a stream that had altered its course, is that correct?

Mr. Brennan said no that is not correct and in the minutes that Mr. Marganski and he looked through, the applicant is on record as was the engineer of that project saying that the 95 map was incorrect. But if they look at the current record subdivision it does not identify that the brook was located, who located it, or any soil science work.

Mike Flynn says that the brook was and is still there, has it altered its course in anyway.

Brennan says no.

Tim Connors said that if the map and the property is his, wouldn't that make it Mr. Brennan's responsibility to correct the map.

Brennan says no, it was Mr. Baldwin's responsibility.

Connors asked why if he was the seller of the property.

Brennan said that because Baldwin approached him about buying the property it was all for him to prepare. He noted that Mr. Nesteriak was the engineer on this.

The Chair said that they would take this under advisement for now.

Mike Flynn asked if the problem was that the stream was on the map.

Brennan said that no it is on the map, it is drawn as being on the eastside of wetlands and its actually on the westside and runs along the wetland boundary and runs through 56. In the wetland map and watercourse map it identifies no watercourse running through 56.

Flynn asked if on the map it was shown flowing in the easterly direction.

Brennan said that the stream is not correct in its placement of the stream.

The Chair said that they needed to discuss this as a Commission and make a determination on this.

## **11. 2 High Ridge Road; Notice of Violation**

Mike Marganski said that he had received a complaint through the office in regards to work being done on this property. Upon his review, he found that work had been done, it was the installation of a driveway. There was work done along the watercourse of the pond near there. In the packet there are some photos of the work done. In previous years there were trees there, but he does not know if they were taken down during this project. There was also some riprap installed. He has requested some things from Mr. Herman, but he has requested to come speak to the Board before he goes and fills out an application.

Mike Herman from 2 High Ridge Road said that he did the work and had no idea he was not permitted to do what he was doing. A few days later Mr. Marganski stopped by to tell him. He took down trees that were leaning on the house. He brought pictures to give to the Commission. He brought an oversite view which is old. He showed where he took down the trees. He had a soil scientist come and test the area in which he did the work and was informed that it was not a wetland. With the pond and the brook being on the property line, he understands the concern but he was not aware before this situation.

Tim Connors asked if he took anything out of the water itself.

Herman responded no and he has pictures of garbage that is still in the water. He had never gone back in the woods before but he tried to find marker pins and instead found that along the whole riverbank, which one would assume would be untouched wetlands, there are large asphalt chunks pouring out the water. He said that at one point this was probably a wetland but at this point it is dumping site for the nearby development.

The Chair said that we can ask him for an application and have him fill out an A2 survey so that it is done properly and he can submit a soil report with his application.

Mike Marganski said that the pond discharges to the right of his property and by the looks of the work that was there, he is not convinced that there is going to be any significant impact. The riprap that he installed along the driveway will actually stabilize the bank along his property.

The Chair said that they are going to have Mr. Herman fill out an application and work with Mr. Marganski with it.

## **12. 31 Silvermine Road; Storm Water Management Application**

Mike Judson said that he was submitting this with the applicant tonight for the first time, but asked if they could give a brief overview of the application. The parcel is a 5.1 acre piece of land located in the GI2 industrial zone. There is a 5,000 sq industrial building on the site with driveway access off of silvermine road. This building will be used for warehousing. The existing driveway of the site is not configured well for vehicles approaching from the South. The intersection makes this dangerous so the access is difficult. Once they are on the site, after cars are parked, there is only about 40 feet for a vehicle to maneuver in and out of the area. Currently, storm water on the site has 2 catch basins and an existing retention area on the north side of the building. They are installing a retaining wall and expanding the driveway. The proposed stormwater will keep the 2 catch basins and they are proposing a new catch basin top at the top of the driveway which will be on top of a hydrodynamic separator. The storm water management area will be an open catch basin that will improve water quality. The detention pond will also be used to treat the water.

Mike Flynn asked if the pipes shown on the plan will come from the detention pond.

Judson said yes, there is a small outlet structure in the pond with 6 inch PBC outlet.

Flynn asked if it was resurfaced.

Judson said there was a cross section of the pond and pointed out where the outlet structure was with the modified area. They are trying to disperse the outlet across the hill instead of it discharge in one spot. The proposed activities are not within a regulated area. They are doing considerable regrading on the site (near the driveway). The material will not leave the site and will be filling in the rear of the building.

The Chair asked for questions and seeing none asked for a motion.

Tim Connors made a motion to accept the application.

Seconded by Brian Koskelowski

Micheal Flynn- yes    Tim Connors-yes    Jim Forsyth-yes    Brian Koskelowski-yes

### **13. IWE Officers Report**

Mike Marganski said that in his report, it details the 2 addresses that were presented to the Commission tonight.

He asked for any questions, there were none.

### **14. Public Comment**

There was no public comment.

### **15. Commissioner's Public Comment**

There was no public comment.

### **16. Correspondence**

Mike Marganski said that in an effort to help all of the Commissioners on all Board in town, on March 26 starting at 5:30pm registration, presentation from Bruce Hyde from 6:30 to 8pm on the Guide for Making Local Land Use Decisions in the state of CT. He believes it's a good idea to bring him in to discuss all the responsibilities of the Commissioners and the Wetlands Officers responsibilities. The presentation will be here and the NVCOG will also be in attendance.

Jim Baldwin said that the Commission should consider appointing him as the Wetlands Officer because sometimes Mike is not in the office, but Jim is and it could help the department move things along quicker.

The Chair said that could be placed on the agenda for the next meeting.

## **17. Adjournment**

Motion by Brian Koskelowski

Seconded by Mike Flynn

Micheal Flynn- yes    Tim Connors-yes    Jim Forsyth-yes    Brian Koskelowski-yes

Meeting was adjourned at 7:52.