

MINUTES – REGULAR MEETING  
SEYMOUR INLAND WETLANDS COMMISSION  
MONDAY, FEBRUARY 27, 2017  
NORMA DRUMMER ROOM, SEYMOUR TOWN HALL

Members in Attendance: Paul Wetowitz, Mike Flynn, Tim Connors,  
Brian Koskelowski, Jim Forsyth

Also Present: Atty. Barbara Schellenberg, Town Engineer Brian  
Nesteriak, Mike Marganski, WEO

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

Public Comment

There was no one wishing to speak.

Minutes November 28, 2016 and December 20, 2016.

MOTION: J. Forsyth/B. Koskelowski to approve the minutes  
of the November 28, 2016 meeting.  
Motion Carried: 5-0.

MOTION: J. Forsyth/T. Connors to approve the minutes  
of the December 20, 2016 meeting.  
Motion Carried: 5-0.

Application Fee, 46 & 100 Roosevelt Drive.

Mr. Wetowitz stated that a letter was received from Juliano Associates asking for a reduction in the fees for these properties. Mr. Wetowitz stated that he spoke with the First Selectman about this. Mr. Wetowitz stated that the Commission has no authority to reduce the fees and this will be referred to the Board of Selectmen for review and action. Mr. Koskelowski pointed out that one of the stipulations to the approval was the payment of fees. Mr. Nesteriak stated that they need to go to ZBA for a variance. Mr. Wetowitz stated that they did submit some information for Planning and Zoning which was turned over to Bob Looker.

MOTION: T. Connors/M. Flynn to forward the letter along with  
no additional comments to the Board of Selectmen.  
Motion Carried 5-0.

Request for Permit Extension, Hull Farm Section Three Subdivision.

Mr. Wetowitz stated that this subdivision is off of Hull Road. A request was received for an extension of the wetlands permit. The applicant was not able to attend the meeting.

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this evening and asked to have the matter tabled to the March meeting.

MOTION: J. Foysyth/M. Flynn to table to the March meeting.  
Motion Carried 5-0.

Application of Pesticide, Ajello's Pond.

Mr. Wetowitz stated that a letter and packet of information was received from Brian Nesteriak. Mr. Nesteriak stated that he is the secretary and treasurer of the Ajello Pond Association which is a six acre pond. There are 13 lots and 11 property owners. He stated that he owns two lots. He stated that over the past years they have noticed an abundance of invasive species and a lot of vegetation growing from the bottom up in the pond. This is inhibiting fishing and other things. He stated that they did research on what could be one and there are a variety of options available on how to handle this. They would like to use a pesticide that will not impact wildlife and in order to do so they need a permit from DEEP. One of the requirements for the permit is that they come before the Inland Wetlands Commission.

Mr. Flynn asked if there is any organic pesticide that could be used. Mr. Nesteriak stated that they will be using what was recommended by the Department of Agriculture and will have no effect on wildlife. He stated that a very conservative amount will be used. Mr. Koskelowski asked who will be applying the pesticide and Mr. Nesteriak stated that it will be done by the Association. He also stated that the Department of Agriculture offered to help.

MOTION: J. Foysyth/M. Flynn to accept the application and have it  
on next month's agenda.  
Motion Carried 5-0.

459 North Main Street, Discussion of Possible Enforcement Action

Mr. Marganski stated that this property was a vacant lot and he received a request that they stop filling at 461 North Main Street. He stated that he advised them that this should not be done without any application being filed. He advised the owner of 459 North Main Street that this was being done and it should not be done. There is a small pond between the two properties and a small stream. There appears to be wetlands and the activities on both parcels are within the 100 foot setback. Mr. Flynn asked what was dumped there and Mr. Marganski stated that it was concrete paving which is being processed there and also some asphalt. He stated that he feels that this is a regulated activity and there should be an application. The material is stored on 459 North Main Street and processed on 461 North Main Street.

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John Fanotto, 45 North Street only representing 459 North Main Street which is his property presented letter dated 2/27/17 and a site plan. He stated that he did not know what he was in violation of. He stated that the property is being used the same way for 70 years and he has a permit since 1975. He stated that he has allowed this at the request of the Town of Seymour and Public Works Department as a stockpile area. He stated that the State of Connecticut filled in the pond and created this property; the property is all fill. This is a GI-2 Zone and there has been a continuous use at the property. He stated that the Public Works needed a place to stockpile and fill and a permit was issued in 1975 and the ZBA also granted a permit. No wetlands have been filled and none are being filled at this time. He stated that in 1985 the Town of Seymour agreed to build a channel to re-route storm water only. There is a small amount of wetlands on the north side. There is also a sanitary sewer easement on the property. He stated that there is standing water because the culvert is blocked and when it is cleaned out the site drains quickly. He stated that it has been permitted and a continued use as a stockpile and nothing is going into the wetlands. He stated that it is the same use for over 45 years and there is no reason for an application or site plan. Mr. Wetowitz read the definition of a watercourse. Mr. Fanotto stated that there are no wetland soil and everything is outside the channel. He stated that it is river bottom and not a watercourse. He presented a copy of the permit from 1975. Mr. Koskelowski felt that P&S Paving should have the permit. Mr. Marganski stated that it was started on 461 North Main Street and 459 North Main Street is impacted by the activity that he allowed. He stated that this could only be discussed with Mr. Fanotto and what can be done on his property. Mr. Marganski stated that it has been ongoing since 1975. There should be some silt fencing along the back while the stockpiling activity will continue on the site. Mr. Wetowitz asked if Mr. Fanotto had any intention of doing anything. Mr. Fanotto stated that they are not filling any wetlands and storing in an area outside of the wetlands. He stated that this has also been inspected by the Army Corp of Engineers and they found no violations. He stated that he had other inspections done and the stockpiling is on top of compacted area. It was suggested that the town attorney and town engineer evaluate everything and work with the property owner and come back to the Commission. Mr. Fanotto stated that if this is going to be enforced now; the Town of Seymour has used it for years and he has never addressed any damages done to his property. Mr. Marganski stated that he would like to inspect the property with Mr. Nesteriak and the owner present at the time.

MOTION: M. Flynn/J. Forsyth to allow Mr. Marganski and  
Town Engineer Brian Nesteriak to make inspection  
of the property.  
Motion carried 5-0.

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461 North Main Street, Discussion of Possible Enforcement Action

Mr. Marganski stated that he received a phone call about activity on this property. There is no permit for anything. Mr. Nesteriak stated that a cease and desist has not been put on this property. Atty. Schellenberg stated that the Commission needs to make a finding that there is a violation at this property. Mr. Marganski stated that in April of 2016 he went out to the property and P&S Paving is using the site for stockpiling and filling. The property is bordered by two streams which are a tributary to the Naugatuck River. He also identified wetlands vegetation, a watercourse and debris which has fallen into the watercourse.

MOTION: J. Forsyth/M. Flynn there is a violation of the regulation under 9.2 of the regulations and issue a written order by certified mail to cease or correct the violation in a manner specified by the Agency.  
Motion Carried 5-0.

Update of Wetlands Regulations

Mr. Nesteriak stated that new regulations have been submitted and he reviewed the fee schedule. He stated that the new fee schedule is based on the impact to the wetlands. He stated that the new fee schedule has significant activity fees on it. These could be left as proposed or done on a graduated scale.

MOTION: B. Koskelowski/J. Forsyth to schedule a public hearing for 6:30 p.m. before the April 24, 2017 meeting on the updated regulations and fee schedule.  
Motion Carried 5-0.

Budget Transfer

Mr. Wetowitz stated that any recommendation would be made to the Board of Finance. There is shortage in the travel account.

MOTION: B. Koskelowski/T. Connors to transfer \$390.00 from Education and \$50.00 from General Supplies for a total of \$440.00 to Travel.  
Motion Carried 5-0.

Public Comment

There was no public comment.

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Commissioner's public comment.

Mr. Forsyth stated that the General Statutes indicate the length of a permit. Mr. Nesteriak stated that the permit goes with the property and under the regulations it is five years and then could be extended.

MOTION: J. Forsyth/M. Flynn to adjourn the meeting.  
Motion Carried 5-0.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted:

*Maryanne DeTullio*  
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