

MINUTES – REGULAR MEETING
SEYMOUR INLAND WETLANDS COMMISSION
MONDAY, APRIL 24, 2017
NORMA DRUMMER ROOM, SEYMOUR TOWN HALL

COPY RECEIVED
DATE: 5/8/17
TIME: 9:45am
TOWN CLERK'S OFFICE

Members in Attendance: Paul Wetowitz, Tim Connors, Jim Forsyth

Also Present: Atty. V. Marino, Town Engineer Don Smith

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

Public Comment

There was no one wishing to speak.

Minutes Regular Meeting, March 27, 2017; Public Hearing, March 27, 2017

MOTION: T. Connors/J. Forsyth to approve the minutes of the
March 27, 2017 regular meeting.
Motion Carried: 3-0.

MOTION: T. Connors/J. Forsyth to approve the minutes of the
March 27, 2017 Public Hearing.
Motion Carried 3-0.

Great Oak Ridge Condominiums, Pearl Street, Phase Two

Atty. Chris Smith, Shipman & Goodwin was present for Summit Seymour LLC, the applicant. Also present were James Pentrie and Ted Hart, Milone and MacBroom.

Atty. Smith stated that Phase 2 which is 22 units was approved in 2007 by this Commission and Planning & Zoning. There was a regulated activity associated with the project. Construction was started and ten units are complete with the balance of twelve not completed at this time. He stated that the approval was valid for five years and was extended out for an additional four years and it expired last year. They would now like to finish Phase 2 with the remaining twelve units. He stated that they filed a new application asking for re-approval of the prior plan. Atty. Smith stated that there are some minor changes to the plans. He submitted a wetlands report and storm water report. He stated that the regulated activity is basically the same and there are no adverse impacts.

Ted Hart, Milone & MacBroom stated that the original approval was for 22 units and the road has been constructed up to a point. He stated that the utilities, drainage and sanitary sewers have also been completed to a point. He stated that the units were previously 17 feet wide with some a little shorter and wider. They were approximately 700 square feet. The storm drainage system was installed and two yard drains and two catchbasins also installed. He stated that it is an overall impervious area is the stay. He stated that after getting the wetlands permit they had to add in a handicap

access path which created more disturbance in the upland review area. He also stated that two parking spaces were moved. He stated that the updated wetlands report has been submitted and there are no adverse impacts.

Mr. Wetowitz asked how close they are to the border of the wetlands. Mr. Hart stated that they had to add a grass paver pursuant to the Fire Department and they are 18 feet from the turnaround area and 15 feet from the corner of the parking lot. Mr. Wetowitz asked if they were disturbing any wetlands and Mr. Hart stated that they are not and the changes were required by Planning and Zoning. Mr. Hart stated that they will be crossing the existing culvert.

MOTION: T. Connors/J. Forsyth to accept the application and forward to the town engineer for review.
Motion Carried 3-0.

Atty. Smith stated that it is essentially the same application and asked for some consideration in a reduction to the fees.

144 Grand Street Subdivision

Michael Horbal and K. Byszkowiecki were present. Mr. Horbal stated that they made an application and did work on the property and installed a bank. He stated that it was originally divided into three lots and Mr. Byszkowiecki lives at 144 Grand Street. It is in R-18 zone and has city water and sewers. There is an interior lot driveway and the property slopes into Grand Street. All runoff will go into the brook and across the road and eventually into Kerite Pond. The total disturbance will be 2500 feet. He stated that they submitted a letter requested a waiver for the wetlands delineation fee. He stated that they also submitted drainage calculations and a list of adjacent property owners and a soil scientist report. He stated that they are requesting that the hearing be held next month. Mr. Horbal stated that the disturbance is limited to Lot 1.

MOTION: J. Forsyth/T. Connors to accept the application And forward to the town engineer for review.
Motion Carried 3-0.

General Revision of Inland Wetlands Regulations

Mr. Connors stated that he agrees with the comments made during the public hearing that we don't want to scare developers away. He felt that a cash bond was a good idea for any malicious activity. He also stated that if there is an existing permit and it is still the same there should be some renewal fee. If it is approved already and if there are not a lot of changes there should be something in place for this type of situation.

Mr. Forsyth felt that the fee schedule is something that needs to be looked at carefully. Atty. Marino stated that there is a provision where the Commission has the ability to waive fees which can be done in whole or part which is consistent with current regulations. Don Smith stated that the last applicant did increase the disturbed area.

Atty. Marino stated that they looked at the Oxford fee schedule and this one is not that far off from theirs. Atty. Marino stated that adjustments can be made at anytime during the process. He stated that the fee schedule covers third party expert fees and in some towns there is no extra cost for town engineer review. He stated that the town engineer review and hiring of professional is under other circumstances. He stated that if it is a complex application it may require more review. Mr. Connors asked if something could be added if a review is over a certain amount then the applicant is billed. Atty. Marino stated that most application should take about two hours to review.

Robert Rich stated that the activity fee of \$200.00 per 1000 feet is just for the disturbed areas. He stated that it is listed as a significant activity and he was concerned that it might be considered significant when it is really not. Atty. Marino stated that there is some discretion for the Commission and an applicant could also appeal to the court.

Mr. Wetowitz stated that it would be his recommendation to staff to review the comments made and that the Commission discuss this again next month. He felt that the focus should be on the fee schedule. He also stated that there is nothing in the original draft about penalties. Atty. Marino stated that once the regulations are in place that the citation ordinance would be referred to the Board of Selectmen.

MOTION: J. Forsyth/T. Connors to table to next month.
Motion Carried 3-0.

Public Comment

Robert Rich, North Benham Road stated that he felt that the fees are better the way they are in the current regulations.

Commissioner's public comment.

Mr. Forsyth asked if there was any report from the Wetlands Enforcement Officer. Mr. Wetowitz stated that he could not come to the meeting this month. He stated that the WEO has been working on the Greenway project which started and also the Haynes project and also some complaints that were received by him.

MOTION: J. Forsyth/T. Connors to adjourn the meeting.
Motion Carried 3-0.

The meeting was adjourned at 8:00 p.m. by P. Wetowitz Chairman.

Respectfully submitted:

Maryanne DeTullio
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