

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

Members in Attendance: Paul Wetowitz, Brian Koskelowski, Tim Connors,
J. Forsyth, Mike Flynn (7:10)

Also Present: Town Engineer Brian Nesteriak, Mike Marganski, WEO,
Atty. V. Marino

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 October 23, 2017.

MOTION: B. Koskelowski/T. Connors to approve the minutes
of the October 23, 2017 regular meeting
Motion Carried: 3-0-1 with J. Forsyth abstaining..

Revised Lot Plan, 26 Meadow Woods Section One, Discuss and take possible action.

Robert Rich, 9 North Benham Road, Seymour presented a revised plan. He stated that Brian Nesteriak recommended a stone structure to absorb water and also a row of haybales. The 8' by 8' stone structure will be moved slightly. Mr. Nesteriak stated that moving the structure over another eight feet does not make a difference and recommended adding some haybales during construction.

MOTION: T. Connors/B. Koskelowski that this is not a
Significant impact.
Motion Carried: 4-0.

Mr. Wetowitz stated that he had some concerns with the slopes. Mr. Nesteriak stated that the property slopes down to the north end of the property and there should be no problems.

MOTION: T. Connors/B. Koskelowski to approve the revised
Lot plan to move the stone structures up to 8' and
Install haybales toward the downward side; with the condition
that the Inlands Enforcement Officer is contacted one week
before construction begins
Motion Carried: 4-0.

Application, single family house, 26 Botsford Road, Discuss and take possible action.

Michael Horbal, 52 Main Street, Seymour was present representing Romano Bros. Builders. He stated that this will be a single family house on Lot #1 of Smith Haven Subdivision. He presented a consent letter from the owner of the parcel, Marcel Scalabrini. He also submitted a report from Soil Scientists, the application and plans. He stated that the lot was created by Donald W. Smith, Sr. in 1971 and a map is on file in town hall. Mr. Horbal stated that the pond was in the same location then as it is now and nothing has changed on the lot. The house will be connected to sanitary sewers. He stated that they tried to keep the house as far as possible from the wetlands. He stated that there will be some clearing done and a driveway added but there will be no disturbance to the wetlands.

MOTION: B. Koskelowski/M. Flynn to accept the application and Forward to the Town Engineer for review.
Motion Carried: 4-0.

Nomination and election of Commission Officers

MOTION: T. Connors/B. Koskelowski to nominate and elect Paul Wetowitz for Chairman.
Motion Carried 3-0-1 with P. Wetowitz abstaining.

MOTION: T. Connors/M. Flynn to nominate and elect J. Forsyth As Vice Chairman.
Motion Carried 3-0-1 with J. Forsyth abstaining.

Schedule and approve 2018 meeting dates and times.

MOTION: J. Forsyth/T. Connors to adopt the 2018 meeting Schedule with meetings on the fourth Monday of every month with no meeting in December, beginning at 7:00 p.m.
Motion Carried: 4-0.

P and S Paving, 461 North Main Street update, discussion and take possible action.

Mr. Wetowitz stated that the Commission voted to uphold the cease and desist order and also granted a 60 day extension which expired on 11/1/17.

Bill Marini stated that he is working on the site and has cleared around the outskirts of the wetlands and nothing is going into the wetlands. He stated that he should have a survey and plan by the February meeting. He also stated that no work is going on at this time.

Mr. Marganski stated that he was at the site this afternoon and viewed it from North Main Street. He stated that the substantial pile is removed. He stated that on the east side there is a retention pond and there is still a significant amount of process there. He stated that they still have not removed everything from the boundary. He stated that the southwest corner has been removed, but it is still significant along the watercourse. Mr. Marini stated that he can pull that out.

Mr. Wetowitz stated that the Commission can go back to the original cease and desist order but that will not resolve anything and the Commission can give him another extension. The Commission can also say that no work can be done until a set of plans is received so that the Commission will know what is going to be done there.

Mr. Forsyth asked where the material is going and stated that it looks like it is being shifted to another property. Mr. Marini stated that he is crushing it and has cleaned up a lot. Mr. Marganski asked where the rest of the fill is going to go. Mr. Marini stated that it gets crushed and goes to another job site. Mr. Marganski stated that he left that it could be cleaned up by December 15th. Mr. Marini stated that the material will be crushed right away. Mr. Nesteriak stated that he should have a plan put together of what is going on.

Mr. Forsyth felt that work should be stopped until a formal plan is in place with corrective measures and a time frames when it will be remediated. Mr. Wetowitz stated that he was concerned if there is contamination to the watercourse and there should be a future plan to protect the watercourse.

Atty. Marino stated that there is activity on the property within a regulated area. He stated that normally a site plan is approved and part of the site plan approval could include remediation then it would be permitted. Mr. Marini stated that he is trying to remove everything and then come in with a site plan. Mr. Wetowitz stated that another sixty day extension to January 12, 2018 could be given. Mr. Forsyth stated that this has been discussed before and no plan submitted. He has been given ten months to get this work done. Mr. Koskelowski noted that he did do a lot of work on the site.

MOTION: B. Koskelowski/T. Connors to extend the cease and Desist order to 1/12/2018.

Motion Carried: 3-1 with J. Forsyth opposed.

Great Oak Condominium, Phase II, Summer Brook Way, Summit Hill, update, discuss and take possible action.

Atty. V. Marino stated that there is a pending lawsuit by Summit Seymour from the denial of the Inland Wetlands application. He stated that a proposal for a resolution of that. The resolution is proposing to pull further away from the wetlands and also addresses the concerns of the Commission. It would be a new plan if approved by this Commission it would have to go back to Planning and Zoning for approval.

Don Smith stated that he reviewed the revised plans and the applicant has reduced the side yard setback and that allowed everything to be moved further away from the wetlands. There is also a greater separation from the driveway and parking area and further away from the wetlands. They still need to go to ZBA for a variance. Atty. Marino stated that this resolves the wetlands issues and only addresses the denial of the previous plan.

Mr. Wetowitz stated that the concern was that it was too close to the wetlands and it is now moved further away. Mr. Smith stated that there is no change to the detention pond, storm drainage system or impervious surface.

MOTION: M. Flynn/T. Connors to approve the settlement of the Summit Seymour LLC land use appeal for Phase IIB Subject to further review of the Town Engineer.
Motion Carried: 4-0.

450 West Main Street, update, discuss and take possible action.

Mr. Wetowitz recused himself from hearing this matter and J. Forsyth acted as temporary chairman. Mr. Marganski stated that there has been no change to the property and Mr. Fanotto has not contacted the office for a field inspection. He stated that a letter was sent to Mr. Fanotto in October and no response has been received.

Atty. Marino stated that he spoke with Mr. Fanotto shortly after the letter was sent. Mr. Fanotto indicated to him that no one from Town would be permitted on his property. Atty. Marino stated that with the failure to cooperate the Town would need to make an application to court to get an order for access to the property. If it is determined that there is a violation then could issue a cease and desist or seek an injunction.

MOTION; M. Flynn/T. Connors to authorize the town attorney to pursue enforcement proceedings against the owner of the subject property.
Motion Carried: 4-0.

Enforcement Officer's Report, discuss and take possible action.

Mr. Marganski submitted his report. He stated that he made several inspections of the vineyard being proposed on Roosevelt Drive. He stated that a cease and desist was issued after several site visits and he is waiting for a response. Mr. Nesteriak stated that he met with the owner and his engineer and there are two issues. The site needs to be stabilized so that no further erosion occurs and then what are they planning on doing next.

Tony Marvulli, applicant presented pictures of the site. Mr. Nesteriak stated that all wetlands have been cleared and appears that all wetlands are gone or severally affected. He also stated that what was shown on their plans was not followed. They need to stop the erosion and soil and erosion controls are necessary to control this.

He also stated that a lot more needs to be done to stop the erosion. Mr. Marganski stated that they have a clear cut lot.

Mr. Nesteriak stated that everything is cleared, stumped and excavated. They have to submit new plans but need to stop the erosion. He stated that he received plans but he has not reviewed them but it looks like a new vineyard plan. This also needs to be submitted to the Army Corps of Engineers.

Zach Georgina, engineer presented a letter from a soil scientist and also from Juliano Associates addresses the new plans. He stated that the soil scientist is reaching out to the Army Corp of Engineers. He stated that they were in the process of installing soil and erosion controls when a large storm event occurred. Mr. Flynn stated that there are no proper controls to prevent erosion. Mr. Forsyth stated that the Commission needs to focus on the land and what is going down into the Housatonic River. The land and the properties across the street need to be protected.

Mr. Georgina stated that they would be installing haybales with check bands which would prevent further erosion. Mr. Forsyth stated that it has been a month and they need to formulate a plan to stop the erosion and bring it to the town engineer.

Mr. Wetowitz stated that the Commission could continue the cease and desist order with the condition that they work with staff and town engineer on an aggressive approach to stopping the erosion. Mr. Nesteriak stated that the plan needs to be maintained. Mr. Forsyth stated that it is important to protect the property and those across the street. Mr. Georgina stated that they would like to install the checkbands and haybales before submitting a plan. Atty. Marino stated that there is disturbance to the wetlands and the applicant should be submitting a remediation plan. Mr. Nesteriak stated that the entire watercourse is eroding down and into the River.

Mr. Wetowitz stated that the cease and desist order can be continued and the Commission can have a special meeting in December regarding this property. Atty. Marino stated that anything that can be done to prevent further erosion should be done. Mr. Nesteriak recommended a site visit and Mr. Forsyth stated that individual site visits could be done and then a special meeting scheduled in December. Atty. Marino stated that there is not sufficient information to form an opinion on what should be done and no remediation plan has been submitted. They should take all steps necessary to protect against any further erosion and it should be shown on the plans that will be presented to the Commission.

MOTION: B. Koskelowski/J. Forsyth that the cease and desist order be continued and have applicant work with the town engineer and Wetlands Enforcement Officer to remediate the site as soon as possible; and have a plan submitted to the town engineer by December 4th.
Motion Carried: 4-0.

MOTION: B. Koskelowski/J. Forsyth to schedule a special meeting on December 11, 2017 at 7:00 p.m.
Motion Carried: 4-0.

Mr. Wetowitz stated that a report was also received from Mr. Paecht.

Public Comment

There was no one from the public wishing to speak.

Commissioner's Public Comment

Mr. Forsyth asked about the Commission's rights when an application falls under the old regulations. Atty. Marino stated that the application should be reviewed and approved based on the regulations that were in place when it was filed.

MOTION: B. Koskelowski/J. Forsyth to adjourn the meeting.
Motion Carried: 4-0.

The meeting was adjourned at 8:55 p.m.

Respectfully submitted:

Maryanne DeTullio
Maryanne DeTullio