

COPY RECEIVED
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TOWN CLERK'S OFFICE

MINUTES – REGULAR MEETING
SEYMOUR INLAND WETLANDS COMMISSION
MONDAY, APRIL 23, 2018
NORMA DRUMMER ROOM, SEYMOUR TOWN HALL

Members in Attendance: Paul Wetowitz, Tim Connors, Mike Flynn

Also Present: Atty. Vincent Marino, Town Engineer Bryan Nesteriak, Mike Marganski

The meeting was called to order by Chm. P. Wetowitz at 7:07 p.m.

Public Comment

There was no one from the public wishing to speak.

Minutes, Special Meeting, March 15, 2018

MOTION: T. Connors/M. Flynn to approve the minutes from the
March 15, 2018 Special Meeting.
Motion Carried: 3-0.

Minutes, Public Hearing, March 25, 2018

MOTION: T. Connors/M. Flynn to approve the minutes of the
March 25, 2018 public hearing.
Motion Carried: 3-0.

Minutes, Regular Meeting, March 25, 2018

Mr. Connors noted that the date is incorrect on the minutes.

MOTION: T. Connors/M. Flynn to approve the minutes of the
March 25, 2018 regular meeting.
Motion Carried: 3-0.

Site Plan, MARTAC LLC, 461 North Main Street

Mr. Wetowitz noted that the public hearing has been closed. He also stated that a letter was received from Bryan Nesteriak.

MOTION: T. Connors/M. Flynn to approve the application from
MARTAC LLC, for 461 North Main Street subject to the
following conditions: (a) A storm water maintenance plan
should be prepared and submitted to the town prior to the
granting of a permit. It should include a maintenance and
clearing schedule along with regular inspections and
reporting requirements. The inspection and maintenance
reports be submitted to the town on an annual basis.

(b) A surety bond covering the costs of at least soil and erosion and storm water systems should be provided. (c) A final as-built including topography should be provided upon completion of the proposed stabilization measures. (d) Fee to be determined by staff.

Motion Carried: 3-0.

Update and Possible Action, 459 North Main Street

Mr. Wetowitz stated that the attorneys are working on this and letters will be sent out shortly. He stated that there will not be any discussions since it is being handled by the attorneys.

John Fanotto, 45 North Street, Seymour, owner of the property stated that he wanted to make that the transcripts from previous meetings get sent to the attorneys and are in court. He stated that he has had a permit since 1975 and it is still in existence. He stated that he started the work at the request of the Public Works Department and he was reviewed by the soil scientist. He stated that in 1979 he filed a site plan which is still in effect. He stated that the soil and erosion basin and drainage swale is to be constructed and maintained by the Town of Seymour. He stated that there is some standing water and the Town failed to maintain the swale. He stated that the State of Connecticut has a 48" culvert under Route 8 that is not maintained. He stated that one of the conditions when the property was bought was to maintain that culvert. The permit is still in place and nothing has been done to cause it to expire. He stated that he met all conditions of that permit. He stated that he made a request for a written copy of the original complaint and never received that. He stated that he will be seeking damages and legal fees. The property be being used as a dumping ground by the Town of Seymour. There is no Inland-Wetlands activity on the property and no filling in the wetlands or wetlands area since 1985. There is a silt fence around the sediment basin and detention basin. The permit is in place and nothing has changed. He stated that the permit was at the request of the Town of Seymour and they met all conditions at that time. It is the same use and surrounded by silt fences. He stated that all records are on file in the Town Planner Officer. A site plan was filed as a mylar and ZBA also issued permits.

Atty. Marino stated that the issue is not whether or not there is a permit. The issue currently is whether there are any current wetlands violations. The Town has not been able to conclude that there are no violations since Mr. Fanotto has not allowed the Town on the property.

Mr. Fanotto stated that there have been inspections by the Town of Seymour, Valley Health and Army Corps of Engineers and he has not received the original complaint and no action on his complaints. There is a silt fence surrounding the detention basin and detention basin. He stated that there are no violations and protections are in place. He stated that he sees no reason to have anyone enter the property and does not believe that there are good intentions on the part of the inspections.

Mr. Connors stated that a permit gives permission for the Town to go on the property during the open permit process. Atty. Marino stated that there was a complaint that there are violations there. Mr. Fanotto stated that in 1975 he allowed inspections up to 2010. He stated that he will not allow free access and has met every condition of the 1975 permit. He stated that he is asking for copies of the written complaints.

Site Plan, Single Family Dwelling, 56 Canfield Road.

Jim Wasilewski, applicant was present. Mr. Wetowitz asked if there was any impact to the wetlands. Mr. Wasilewski stated that it is out of the way of the setback line. Mr. Nesteriak stated that he did the original subdivision and this follows what was originally approved. The majority of the impact is in the upland review area and there is no activity in the wetlands. Mr. Wetowitz stated that the other town engineer will need to review this application.

MOTION: T. Connors/M. Flynn to accept the application and
Refer to the town engineer Don Smith for review.
Motion Carried: 3-0.

Storm Water Management Plan, 16 Progress Ave.

Brian Baker Engineer stated that there are no wetlands on the property. He stated that they had a soil scientist walk the property and provided a letter. The stormwater management plan was reviewed by Bryan Nesteriak and he provided a letter. Mr. Baker stated that this is an industrial zone and the plan is to build a building which will be leased to Thule. There are two stormwater basins and there will be decreased flows. He stated that they have a maintenance plan. Mr. Nesteriak stated that he went through the plans and checked the revisions and does not see any problem.

MOTION: T. Connors/M. Flynn to accept the stormwater management
Plan with the following conditions (a) a storm water maintenance
plan should be prepared and submitted to the town prior to the
granting of a permit. It should include a maintenance and cleaning
schedule along with regular inspections and reporting requirements.
The inspection and maintenance reports should be submitted to
the Town on an annual basis. (b) A final as-built survey including
topography should be provided upon completion of the project.
Motion Carried: 3-0.

Site Plan, 158 Bungay Road.

Karl Kregling was present for the applicant Matgorzata Wright and presented an updated application and photos of the site. He stated that this is a maintenance, reclamation and restoration of a man-made pond and enhancement of the wetlands for use by the owner of this property. The property had a pond that it was cleared out and they want to get it back in good condition. The house was built in 1955 and the wetlands have been flagged by a soil scientist and a report submitted. The

Regulated area is approximately 11,000 s.f. and there are more wetlands to the rear outside of the project area that are not flagged. The proposed project disturbs 2312 s.f. of the regulated area and 4660 s.f. of the upland review area. He stated that 15 cubic yards will be excavated from the pond and will be used as fill on the site. Mr. Wetowitz stated that it is clear that the applicant is trying to fix the pond. Mr. Connors asked what feeds the pond. Mr. Kregling did not know and stated that stone steps will be added as well as plantings. Mr. Wetowitz stated that the Commission needs to determine if it is a significant activity. Mr. Flynn stated that this is something that will enhance the property which was neglected for many years.

MOTION: M. Flynn/T. Connors to accept the application.
Motion Carried: 3-0.

MOTION: M. Flynn/T. Connors there is no significant impact
to the wetlands.
Motion Carried: 3-0.

MOTION: M. Flynn/T. Connors to refer to the town engineer
For review and comments for the next meeting.
Motion Carried: 3-0.

Enforcement Officer's Report

M. Marganski stated that he has been having discussions with the attorneys and John Fanotto. He asked if the omission would be opposed to Mr. Fanotto, Bryan Nesteriak and Attorney Marino meet to discuss whether there are any violations. Atty. V. Marino stated that the real issue is whether there has been any activity and if that activity is harming the wetlands. Mr. Wetowitz stated that the Town is doing its best to make sure that things are in place to protect the watercourse.

Mr. Marganski stated that he looked at Mr. Marvuli's project on Route 34 and grass is growing there. Mr. Marvuli has started working on the watercourse and taking preventive action.

Public Comment

There was no one from the public wishing to speak.

Commissioner's Public Comment.

Mr. Flynn felt that the Commission should have an opportunity to revisit things. He stated that laws change and customs change.

MOTION: /M. Flynn/T. Connors to adjourn the meeting.
Motion Carried 3-0.

The meeting was adjourned at 8:05 p.m. by P. Wetowitz Chairman.

Respectfully submitted:

Maryanne DeTullio
Maryanne DeTullio

