

TOWN of PLYMOUTH
INLAND WETLANDS & CONSERVATION COMMISSION



The June 4, 2014 regular meeting of the Inland Wetlands & Conservation Commission was called to order at 7:02 p.m. by Chairman James Deutsch, in the Assembly Room of the Plymouth Town Hall in Terryville, CT.

1. **CALL TO ORDER**
2. **FIRE EXITS:** Noted for the record
3. **PLEDGE OF ALLEGIANCE**
4. **ATTENDANCE:** Jackie Dowd; Joe Longo; Mike Maffia; Jim Benway (7:10 pm); Dave Perkins, Wetlands Officer and Ronda Porrini, Recording Secretary.

Also in attendance was Bill Heering, Town Council Liaison and Michael Ganem, Parks & Recreation Director

Excused absence: Sean Doran

5. **MINUTES:**

Regular meeting of May 7, 2014

Chair Deutsch read his corrections into the record.

MOTION: to approve the minutes of the 5/7/14 regular meeting, with corrections was made by M. Maffia, second by J. Longo. Vote unanimous.

MOTION: to move agenda item 7b/a 331 S. Eagle St. – Barrett/Prospect Pools, LLC - #07-012 to be heard as agenda item 5.5 was made by M. Maffia, second by L. Longo. Vote: unanimous.

5.5 MODIFICATION TO AN EXISTING PERMIT:

- a. 331 S. Eagle St. – Barrett/Prospect Pools, LLC - #07-012

Chair Deutsch read the application into the record. Chair Deutsch noted the application did not specify the soils that were on the property and requested D. Perkins have the application completed.

The application is to install an in-ground swimming pool. The property owners had previously had an above ground pool in the same location that collapsed during the winter.

D. Perkins stated that there are wetlands on the south and east sides of the property. This location had been chosen due to the pool needing to be installed away from the septic system and the well. The above ground pool was not in the wetlands; however, the in-ground pool, which will be located in the same area, is larger and approximately 50 sq. ft. will be within the wetlands.

Daniel & Tessa Barrett, 331 S. Eagle St., the property owners, and Chris Keeler of Prospect Pools, 52 Waterbury Rd. were present on behalf of the application. C. Keeler reviewed the plans with the Commission.

The pool will be located approximately 125' away from the well and 35' away from the septic system. Silt fence will be installed as an erosion control measure.

The Commission reviewed the application and plans and directed D. Perkins to inspect the erosion control measures prior to the work beginning.

MOTION: to approve 331 S. Eagle St. – Barrett/Prospect Pools LLC - #07-012 was made by J. Benway, second by M. Maffia. Discussion: Chair Deutsch noted that the applicant had paid for new permit which is \$60.00. Being this is a modification to an existing permit the fee should only be \$25.00. The applicant is to be reimbursed the difference. Vote: unanimous.

6. CONTINUING APPLICATIONS:

- a. North Street Reservoir Recreation Area Parking – T.O.P./Parks and Recreation Dept.
- #14-003

Michael Ganem, Parks & Recreation Director was present on behalf of the application. The application was received on 5/7/2014 at which time M. Ganem and Charles Wiegert, Public Works Engineering Tech gave a presentation of the activity being proposed.

The application is to create a parking area and dock for launching boats at the new recreational area located at the North St. reservoir.

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Bob Green, Robert Green Associates, LLC, 6 Old Waterbury Rd. was present on behalf of the application. B. Green stated this activity is the first step to make the North St. reservoir a viable recreational area. The parking area will include 12 parking spaces and 2 handicap parking spaces. There will also be a dock installed in the water for launching boats. B. Green stated that previously the parking area was presented as being constructed of mostly gravel; however, as a Department of Energy & Environmental Protection (DEEP) requirement the parking area will now be completely paved. A porti-potty will be located on-site near a cluster of trees.

The water is very shallow near the dock so approximately 2' of material in the reservoir will be removed for depth.

M. Ganem stated he and C. Wiegert had recently met with Mike Payton from DEEP and reviewed some of the projects similar to this that have been recently completed. M. Ganem stated DEEP is looking to make all projects of this nature very similar in the construction of the project. M. Ganem suggested that the Commissioners visit the DEEP website to get an idea of what type of boat launch is being proposed. M. Ganem stated a Public Hearing has been set with the Planning & Zoning Commission for 6/12/14 at 7:00 pm.

A Public Hearing will not be required from a wetlands perspective.

Chair Deutsch asked if there would be any trees removed from the site. M. Ganem stated no trees are going to be removed. M. Ganem stated the material being removed from the watercourse will be removed from the area and that no material will be brought onsite. Chair Deutsch asked for a time frame for when this project would be completed. M. Ganem stated in order to complete and make sure the site is safe the area would probably not be open to the public until the Fall of 2014.

Chair Deutsch asked if people will be able to fish from the shore. M. Ganem stated the area is primarily to be used for boating. Boats with electric or battery motors will be allowed, gas motors will not be allowed. There will not be any additional rip rap brought onto the site.

J. Benway asked how the excavating will take place. B. Green stated the water will be lowered and the top layer of the bottom will be removed, the bottom layer will remain.

J. Longo asked if there was a change to the parking lot since it was presented on 5/7/14. B. Green stated the original proposal was for a gravel parking lot but DEEP required the entire lot to be paved. Also the size was reduced in size from the last meeting. There will be no drainage onsite.

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J. Benway asked if there will be signage added to the site. M. Ganem stated there would be signage added to display the rules and regulations of the area. The signs will be similar to the ones located at Lake Winfield.

Chair Deutsch asked if DEEP will be onsite to do inspections during the construction. M. Ganem stated that DEEP would not be doing the inspections, that the site will be inspected under the direction of D. Perkins.

D. Perkins clarified, as requested at the meeting of 5/7/14, the floating dock does fall under the jurisdiction of this commission.

Chair Deutsch reviewed the following points of this application with the Commission:

- There will be 14 parking spaces which includes 2 handicap parking spaces
- The entire parking area will be paved as required by DEEP. This is a change from the original proposal
- There will be a porti-potty onsite
- There will be no drainage onsite
- The material from the reservoir will be removed from the site
- No additional material will be brought onsite for the watercourse
- Erosion control will be a silt fence
- There will be no trees removed from the site
- A Public Hearing will be held with the Planning & Zoning Commission on 6/12/14
- There will be no inspections of the construction from DEEP
- There will be no rip rap added to the water body
- Electric and battery operated boats will be allowed. Gas propelled motors will be prohibited.
- The watercourse will be lowered 2' to create enough depth to launch a boat

Chair Deutsch asked if there would be a modification to this application in regards to parking needs. B.Green stated there is room to expand the parking area.

MOTION: to approve North St. Reservoir Recreation Area Parking – T.O.P./Parks & Recreation Dept. - #14-003 referencing “Site Plan for Recreation Area Parking and Boat Launch; Portion of Assessors Lot 27; Land Owned by the Town of Plymouth, North Street, Plymouth, Conn.; Scale 1”=20’; dated April 18, 2014, revised May 5, 2014, revised May 19, 2014; received in the Land Use Office on May 20, 2014; prepared for the Town of Plymouth; prepared by Robert Green Associates, LLC, 6 Old Waterbury Rd. Terryville Conn 06786, by J. Longo, second by M. Maffia.
Vote: unanimous.

7. NEW APPLICATIONS:

a. 237 Allen St. – Cut Rite Landscaping – Water tie-in - #14-005

D. Perkins explained that he drove by 237 Allen St. on 5/23/14 and noticed people working in the wetlands. There were water lines being installed at this location. The contractor had received a permit for the activity from the Public Works Dept. D. Perkins stated the property had been dug down and water curb boxes had been installed. The soil in the wetlands were completely disturbed. D. Perkins directed the contractor to get the work done quickly and remediate the site as soon as possible. D. Perkins visited the site on 6/3/14 and the curb boxes were installed and the soil had been put back in place. The activity occurred within the wetlands buffer and within the wetlands. D. Perkins stated he had visited the site 4-5 times between 5/23/14 and 6/3/14.

Joseph Sopczenski, Sr, 237 Allen St., the property owner and Joseph Sopczenski, Jr. 237 Allen St., the contractor were present on behalf of the application.

Chair Deutsch read the after-the-fact application into the record.

J. Sopczenski, Jr. stated he had contracted with the property owner of 225 Allen St. to install water curb boxes and meter pits on this site. There was approximately 6,000 sq. ft. of disturbance to the area. J. Sopczenski, Jr. is the owner of Cut-Right Landscaping and J. Sopczenski, Sr. is the owner of 237 Allen St.

Chair Deutsch asked J. Sopczenski, Jr. when he received his permits from the Public Works Department. J. Sopczenski, Jr. stated he received his permits on 5/13 & 5/16/14. On 5/20/14 CT Water Co. came to the site and dug up the road with two employees. After coming into the Public Works Dept. for the permits, J. Sopczenski, Jr. stated he was not sure if anyone came out to do an inspection of the site.

Chair Deutsch explained the distinction between a wetlands and a watercourse for the applicants benefit. Chair Deutsch stated the applicant should have known a wetlands permit was needed as he has been doing landscaping since 2005. The construction started on the west side of Allen St. and extended to the curb on the east side.

Chair Deutsch asked how much more work is needed to be done to complete the project. J. Sopczenski, Jr. stated he is waiting for D. Perkins to let him know what type of plantings would need to be added to the site and the site will then need to be graded. The water also will need to be connected to 237 Allen St.

J. Benway asked if 225 Allen St. needs to have work done in the wetlands to hook into the waterline. J. Sopczenski, Jr. stated he was unsure, he was only contracted to do the work that was already performed, not the actual hook up to the waterline.

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J. Longo asked if 225 Allen St. is working on the water tie-in. D. Perkins stated not at this time.

J. Benway asked how far from the road has the work extended. J. Sopczenski, Jr. stated approximately 50'.

Chair Deutsch stated he was very disturbed that this work had transpired. The contractor should have known the requirements for working in the wetlands being he is the owner of a landscaping company. Chair Deutsch stated the contractor should have at least asked if a permit would have been required.

Chair Deutsch explained the contractor will need to submit a construction sequence of the work that has already been performed and work still needed to be done. The erosion control measures should be added to this sequence. The sequence of work needs to be specific with concentration on the erosion control measures. A plan for remediation should also be included in the sequence.

Chair Deutsch asked what the timeline for the completion of the project would be. J. Sopczenski, Jr. stated 1 day to run the waterline to 237 Allen St. and 1 day to restore the property. Chair Deutsch stated J. Sopczenski, Jr. should work with D. Perkins on what types of plantings should be added to the site.

The application was continued to 6/18/14.

b. 144 N. Main St. – Quail Hollow II – Garden Apartments - #14-006

Chair Deutsch read the application into the record.

Tim Bobroske, 144 N. Main St., owner of Quail Hollow was present on behalf of the application.

T. Bobroske stated he has the ability to build up to 16 additional units at Quail Hollow and he is proposing 12 units at this time. The units being proposed will include a gravity fed sewer line. 2000-2500 yds of fill will be added to the site. There is no storm water plan in place as of this time. T. Bobroske stated his engineering firm is WMC Engineering who is also contracted with the Town of Plymouth to do engineering in the absence of the Public Works Director and stated he doesn't feel there will be any conflict with them working on his plans.

T. Bobroske stated he built Quail Hollow twenty years ago and recently purchased a vacant house adjacent to Quail Hollow. T. Bobroske is proposing to remove the house and build a new street adjacent to his property where the 12 units will be built.

T. Bobroske submitted photos from Tropical Storm Irene to the Commission as he feels this is the worse condition the water level has ever been.

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D. Perkins stated a lot of fill will be needed to bring the property up to the elevation of the other buildings on Quail Hollow Court.

The floodplain lines were discussed and it was said that 2 lines state the area is in the 100yr flood plain, but should probably be in 500 yr flood plain.

The Commission discussed whether a site walk was in order and all agreed that a site walk should be conducted. The site walk was scheduled for 6/14/14 at 9:00 am.

T. Bobroske noted he is on the Harwinton Wetlands Commission and also that he will be proposing this activity to the Town of Plymouths WPCA commission. Chair Deutsch noted that he is a member of the WPCA commission and would most likely recuse himself from this agenda item when it is presented to the WPCA commission.

The application was continued to 6/18/14.

c. 691 Main St. – Plymouth Fire House – Site Plan Modification - #14-007

Victor Mitchell and Rick Telke, members of the Plymouth Fire Dept. were present on behalf of the application.

Chair Deutsch noted that at the last meeting of 5/21/14 there was no quorum. At that meeting, resident Mark Goodwin, 5 South St. Plymouth was in attendance as he had received a letter from Mayor Merchant indicating M. Goodwin should be in attendance.

Chair Deutsch read the letter dated 5/13/14, to Mark Goodwin, 5 South St. Plymouth from Mayor David Merchant into the record.

M. Goodwin came to the meeting on 5/21/14; however, the commission had not received an application for the Fire House at that time.

Chair Deutsch read the application into the record.

Bob Green, Robert Green Associates, LLC, 6 Old Waterbury Rd. was present on behalf of the application. B. Green explained the application is for the expansion of the Plymouth Fire House. The addition will be 10,000 sq. ft to the existing building. The existing entrance to the fire house from Route 6 is very dangerous and the proposal is an entrance only driveway and an exit only drive thru will cut through the property of M. Goodwin. The Department of Transportation had installed a culvert on South St. which was much larger than what was required so the drainage will not be an issue.

The wetlands have all been flagged. There will be driveway access and parking spaces added to the property. All the drainage goes into the property parking lot that contains

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several catch basins with sumps in them. Erosion control will include silt fence and hay bales. The application included a soil & erosion report and the construction sequence.

Chair Deutsch asked if M. Goodwin would have to leave his residence or would this activity just be an easement through his property. B. Green stated the Town of Plymouth could buy his house or could lease the building and the property from him. It is not known at this time what will take place with Mr. Goodwin's residence.

Chair Deutsch pointed out a pocket of wetlands on the property and asked if it was owned by the Town of Plymouth. B. Green stated the pocket of wetlands is owned by the Town of Plymouth.

Chair Deutsch asked D. Perkins if he considered this project to be considered a significant activity. D. Perkins stated no.

The Commission discussed whether a Public Hearing would be required or if a site walk should be conducted. The Commission agreed that neither was necessary. No work has been started at this time.

The application was continued to 6/18/14.

8. ENFORCEMENT:

- Scott Rd. – Oakwoods – Zappone – The Commission revisited this enforcement issue from last Spring. D. Perkins stated there is still orange colored water running through the property but the smell was not as bad as it was last year. D. Perkins stated Mr. Zappone stated he is willing to do whatever the Commission requires to correct the issue. J. Benway asked about the coloring of the water during the winter months. D. Perkins stated the water was clear during the winter months. J. Benway suggested that D. Perkins recommend to Mr. Zappone to add some flock logs to the water. D. Perkins will update at the next meeting.
- Marino Pond – The beavers are back and the dam is back up. D. Perkins stated the Public Works Dept. is looking to install a mechanism called a “Beaver Deceiver” to deter the beavers from the pond. Chair Deutsch stated he would like to see a plan in writing prior to the installation into the pond.
- 100 S. Riverside Ave. – J. Dowd asked if the owner of 100 S. Riverside Ave. had added the rip rap to the dam at the rear of the property. D. Perkins will get update for next meeting.
- Eagles Nest – J. Dowd reported that all the fencing along the Pequabuck River has not been taken down. Mr. Chan is increasing the elevation by the river and adding concrete

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structures. D. Perkins stated the elevation has not changed and the concrete risers have been added under the fence. D. Perkins is watching the activity on this property.

- Lake Winfield catch basin- from the last meeting regarding the catch basin that was installed in a location that was not approved. D. Perkins stated this is a temporary holding area.

9. PUBLIC COMMENT: none

10. TREASURER'S REPORT: none

11. CORRESPONDENCE: none

12. CONSERVATION TOPICS:

- Chair Deutsch noted for the record that the Community Garden is in operation at this time.

13. OLD BUSINESS:

14. NEW BUSINESS:

- a. 137 Poland Brook Rd. – Venditti Subdivision - #14-004

This application was on the agenda for the 5/21/14 meeting that was cancelled due to lack of quorum. The application was for a 2 lot subdivision. There are no wetlands onsite and the applicant was seeking a permit as it was a subdivision from a conservation perspective. This will be heard by the Planning & Zoning Commission on 6/12/14. D. Perkins felt this could be handled administratively and the Commission agreed. D. Perkins will send a memo to the PZC letting them know the Wetlands Commission agreed to have it handled administratively.

The Commission had a discussion on propane storage facilities in town. Currently there are only small rhino tanks stored and sold at local retail facilities. Also discussed was if there was any jurisdiction for this Commission with regards to propane storage facilities. This item will be discussed at future meetings, as applicable.

15. ADJOURN:

MOTION: to adjourn at 9:57 p.m. by M. Maffia, seconded by J. Dowd and passed unanimously.

Respectfully submitted,

Ronda Porrini
Recording Secretary