



Town of Watertown Connecticut

Planning and Zoning, Zoning Board of Appeals,
Conservation Commission/Inland Wetland Agency

Watertown Municipal Center

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CONSERVATION COMMISSION/ INLAND WETLAND AGENCY Regular Meeting Minutes

February 11, 2021

6:30 PM

Call to Order/ Roll Call

Members Present: Craig Palmer
Tom Murphy
Joe Polletta
Luigi Cavallo, Jr.
Ned Dalton
George Touponse
Charles Beliveau

Members Absent: Phil Mahler
Scott Tearman
Pierre Moran

Others Present: Moosa Rafey, Wetland Enforcement Officer
Mark Massoud, Zoning Enforcement Officer
Paul Bunevich, Town Engineer
Roseann D'Amelio, Secretary

Ned Dalton: Election of Officers

A. Chairperson

Text of Motion: Tom Murphy nominated Craig Palmer as Chairperson

Motion Made by: Tom Murphy

Seconded by: Luigi Cavallo, Jr.

There were no other nominations

All in Favor

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B. Vice Chairperson

Text of Motion: Joe Polletta nominated Tom Murphy as Vice Chairperson
Motion Made by: Joe Polletta
Seconded by: Luigi Cavallo, Jr.
There were no other nominations
All in Favor

Craig Palmer:

C. Secretary

Text of Motion: Joe Polletta nominated Ned Dalton as Secretary
Motion Made by: Joe Polletta
Seconded by: Luigi Cavallo, Jr.
There were no other nominations
All in Favor

Public Participation

Craig Palmer: Acceptance of Minutes: Regular Meeting January 14, 2021

Joe Polletta made a motion to Approve Minutes of January 14, 2021 and was seconded by Tom Murphy and All in Favor

Craig Palmer: Old Business

1. Application #2020-15 of Erik Markiewicz (EPM Development, LLC) for demolition of an existing single-family home and construction of a three-family home, parking and driveway within a regulated area at 542 Davis Street, Oakville, CT.

Mark Massoud: Mr. Chairman, if I may, it appears you closed the public hearing on December 10, 2020 so it gives you a 65-day window to make a decision on that application.

Moosa Rafey: It's 35 days. **Note: the correct time period is 65 days**

Mark Massoud: I stand corrected. 35 days plus a 90 day window for Covid related parameters that are still in effect. Staff received feed back from the commission and expressed a desire to have some revisions to the draft motion that you received recently. Those

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include some items like clarification of the demolition of the existing single family home, which I believe will be removed from the motion and also clarification for the procedure for approving the offsite work with the sewer crossing amongst some other things and with that, I believe there's a desire to have that revised and resend a draft resolution to the commission and to table it until the next meeting.

Craig Palmer: Anyone from the commission have any questions?

Joe Polletta: Mr. Chairman, I would like to make a motion to table Application #2020-15 of Erik Markiewicz (EPM Development, LLC) for demolition of an existing single-family home and construction of a three-family home, parking and driveway within a regulated area at 542 Davis Street, Oakville, CT and was seconded by Tom Murphy - All in Favor

Craig Palmer:

2. Application #2021-1 of Lynn Higgins for construction of a new single-family home, driveway, onsite drainage and septic systems at Lot 6 Caruso Drive, Watertown, CT.

Moosa Rafey: Mr. Chairman, I did not schedule a site walk because of all the snow you won't be able to see anything. You can make a decision because there's no guarantee on how the weather will be next month.

Craig Palmer: Has anything changed on this application?

Moosa Rafey: Nothing changed. TAHD reviewed that and the only thing they wanted to change is the leaching fields for the septic system which will be a little move in the same location. There will be no increase in the upland review area impact. It's a single family home and it's an approved lot and the lot is very small. There's no other alternative location to move this house on this lot. At the last meeting I explained it's the only place you can put the house because it's already at the zoning setback to the front of the property. They cannot bring the house closer to the road. If they push it back it will actually be closer to the wetlands. This is the only reasonable location they can build this house with the minimum impact to the upland review area and there's no direct impact to the wetlands.

Craig Palmer: They met their setbacks from the water and the conservation area

Moosa Rafey: Yes. The closest part of the impact will be the silt fence which is still 50 feet from edge of water and approximately 30 feet from edge of wetlands. That area will be undisturbed. There's two location of conservation easements and there's already a conservation restriction document that was filed with the Town Clerk and they have to follow all the details on that conservation easement.

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Craig Palmer: So there's not a lot of cutting or filling here?

Moosa Rafey: No. It's a small area approximately 10,000 sf of area that they're building the house, driveway and septic system. That's the minimum impact and if you want to make a decision tonight, in addition to the standard conditions there's a few other conditions I may ask the commission to add. Just for your information, there will be 10,000sf of upland review area impact and 1,300 cubic yards of fill they need to bring, including sand, gravel and stone. The closest distance to the pond is 50 ft and to the wetlands it's 30 ft. Any other location will be more impact on the upland review area and will be closer to the pond and wetlands.

Craig Palmer: Does the fill come under Wetlands or Planning and Zoning?

Moosa Rafey: If you make a decision tonight and in case you approve it, that should be subject to review by Planning and Zoning because the zoning regulations say that a homeowner can bring up to 100 cubic yards of material and up to 500 cubic yards the zoning officer is authorized to approve and beyond that it'll be the Planning and Zoning Commission. I spoke to Mr. Massoud and he said there's a clause in the site plan approval which he may look at it to see what kind of approval they need from planning and zoning.

Tom Murphy: They're bringing in 1,300 cubic yards onto the site for septic etc or it's going to parts and parcel to the cuts they're making be is it for everything?

Moosa Rafey: This is for everything. This is what they need in order to build this house.

Tom Murphy: It's going to be brought on site and used on site?

Moosa Rafey: Yes, and we'll make sure it's clean fill because there's some restrictions on what kind of materials can be used for fill. TAHD will look at the material for the septic. It has to be septic sand and whatever requirements the TAHD has and they will monitor that.

Joe Polletta: We're not increasing anything so there's no way we can move this house any other place. It was an existing lot and it's a good idea to make sure we monitor and the Planning and Zoning look at this again and it was approved that way years ago and should stay like that especially if there's no way they can move it. Moosa, this fits in the square that was approved?

Moosa Rafey: Very similar to the footprint. When you approve a subdivision, at that time the developer doesn't have the footprint of the houses and they show a box on the map. The footprint of the house and driveway will be almost similar to what they already put on the map for you to approve with the subdivision.

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Brian Baker from Civil 1: I'm the Engineer for the applicant, Lynn Higgins. We're bringing in the minimum amount of fill needed to make the lot buildable. We even designed it as a walk out basement to minimize the amount of fill. On the subdivision plans the house was actually shown at 50 ft from the wetlands and we've pushed it to 62 ft away

Paul Bunevich: Mr. Chairman, I resubmitted a letter that you just got yesterday. I want an actual test fit in where the infiltrators are going for the roof leaders and a few details were missing like a topsoil stockpile area and calling out the anti-tract pavement on the driveway. Only a few minor comments if you can refer to my letter dated Feb 5, 2021.

Moosa Rafey: In addition to the underground infiltrator system that they're proposing they already proposed a rain garden to treat the water coming from this site

Joe Polletta motioned to approve Application #2021-1 of Lynn Higgins for construction of a new single-family home, driveway, onsite drainage and septic systems at Lot 6 Caruso Drive, Watertown, CT, subject to standard conditions, review by the Planning and Zoning, Engineer comments and Conservation Easement restrictions and was seconded by Tom Murphy - All in Favor

Craig Palmer: Roseann, please make a note that George Touponse and Charles Bellevue have joined us

3. Notice of Violation issued to the owner of 30 Jericho Road, Watertown.
4. Notice of Violation issued to the Watertown Fire District concerning regulated activities conducted on the district property on Judd Farm Road, Watertown.

Moosa Rafey: There's nothing new for Items 3 & 4

Ned Dalton motioned to Table Items 3 &4 under Old Business and was seconded by Tom Murphy - All in Favor

Craig Palmer: 5. Discussion on Application Review Process by the Agency. Mark I know there's ongoing discussion about how we're going to modify or improve our application process. Can you add to this?

Mark Massoud: There have been some discussions between agency members and staff with regards to improving the application review process. Land Use staff is working with the Public Works staff and director to come up with both a checklist inclusive into an overall process to help shape the flow of information and the review afforded to the Inland/Wetland Agency by Public Works so we should have a more formalized checklist of technical information that the Engineering Dept can use to make sure necessary items are included in the application.

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Craig Palmer: I think in the long run if this was accomplished the application would go quicker through these meetings.

Ned Dalton motioned to table Discussion on Application Review Process by the Agency and was seconded by Tom Murphy - All in Favor

New Business

1. Review of the Conservation Commission/Inland Wetlands Agency By-Laws

I think in the past Vice Chair, Tom Murphy, headed that. Tom are you willing to review the By Laws with other commissioners?

Tom Murphy: I'm willing to if they want me to but if not we have to get a committee together because it's an important aspect.

Moosa Rafey: Do you want to appoint a Subcommittee or only Mr. Murphy?

Tom Murphy: No, we should have somebody else.

Craig Palmer: Maybe Ned Dalton and Pierre Moran would be willing to help? Or any other volunteers

Ned Dalton: Motion to Form a subcommittee of the following three (3) commission members, Tom Murphy, Ned Dalton and Pierre Moran, for Review of the Conservation Commission/Inland Wetlands Agency By-Laws and was seconded by Joe Polletta - All in Favor

Communications and Bills

1. Connecticut Bar Association Education and Training for Municipal Land Use Agencies, Boards and Commissions

Moosa Rafey: Once you register you can sit in any of them. There's the Conflict of Interest that I recommend you attend. The Town of Watertown has funds for you to attend but if you register yourself, please make sure you attend and get a copy of the book because it's a very good seminar and I recommend it for all commissioners.

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Ned Dalton motioned to Accept and File and seconded by Joe Polletta - All in Favor

Craig Palmer:

Reports from Officers and Committees

1. Chairman's Report: Since I've been appointed Chairman again, thank you for that. I'd like to get us more training if we can, maybe on a quarterly basis, to review one topic every quarter so if there's questions on these applications that come up or case reviews of other applications in other towns so we have a little more experience on issues that arise. Moosa, do have anything to add?

Moosa Rafey: Mr. Chairman, I have some training videos from CT DEEP for new commission members and they're very informative for new commission members. If you remember, I brought them and showed them in person but now I'm going to talk to Mike to see how we can do that virtually. Also, I'll find the site from DEEP that maybe some members can go online on their own and find those videos. If I find the links, I'll send it to everyone and they can see them on their own time.

Craig Palmer: Mark, do you have anything to add for this?

Mark Massoud: Yes Mr. Chairman, I would be happy to work with the Commission to provide any even more specialized training or discussion of topics that are of particular interest to you that might not be covered otherwise. Let us know topics of interest and we'll set something for you.

Craig Palmer

Reports from Staff

1. Unsigned Letter Discussion

Mark, do you have any comments?

Mark Massoud: I have no further discussion on that topic at this point.

Craig Palmer: Do any members of the commission have any thoughts? None

Joe Polletta motioned to Remove Item 1 – Unsigned Letter Discussion and was seconded by Ned Dalton - All in Favor

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Craig Palmer:

Public Participation: Any one from the public wishing to speak??

Ned Dalton: I have a question. We have a member that hasn't made a single meeting and it's been over 3 meetings and 1 that used to make meetings but has no longer made meetings. What do we do about this?

Moosa Rafey: It's in your By-Laws that if a member doesn't attend 3 meetings in a row for no reason the Chairman can write a letter to the Town Council to replace that member with someone who will be interested to attend the meetings.

Ned Dalton: Scott Tearman hasn't attended 1 meeting and Phil Mahler has not attended a meeting in quite a few months. Has there been any reason for that? Have they contacted the office?

Moosa Rafey: They did not call us. It's in your By Laws about what to do and it's up to the Chairman.

Craig Palmer: Ok, I will take care of that. Anyone else from the public? none

Ned Dalton: Motioned to adjourn at 7:08 pm and was seconded by Tom Murphy - All in Favor