



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 Motions

March 11, 2021

6:30 PM

Call to Order/ Roll Call

Members Present: Craig Palmer
Tom Murphy
Joe Polletta
Ned Dalton
George Touponse
Pierre Moran

Members Absent: Luigi Cavallo, Jr.
Charles Beliveau
Phil Mahler
Scott Tearman

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

Public Participation

Acceptance of Minutes: Regular Meeting February 11, 2021

Ned Dalton motioned to Approve Minutes of February 11, 2021 and was seconded by
Joe Polletta - All in Favor

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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.

Craig Palmer: There was a Draft Motion submitted with this and the Secretary will read it into the record.

Ned Dalton: Reads the draft motion into the record

Craig Palmer: Do any of the Commission Members have any comments or changes to this draft motion?

Ned Dalton: I have grammatical things that should be changed before this gets signed. The second paragraph 4 is missing. It goes into construction and there should be something before that. On page 2 where it says "Whereas, the Agency has carefully considered all evidence received at dully called public hearings and meetings from the applicants, team, staff and public. Is it supposed to be for Erik Markiewicz or EPM Development, LLC?

Moosa Rafey: That's what the application says. Where it says name of applicant it says Erik Markiewicz and then the name of the company

Ned Dalton: In the Now therefore paragraph it just says Erik Markiewicz's name it doesn't have the business. I don't know if it needs to be or not. It doesn't matter to me but legally I don't know. The water connection, I thought that came out of out this. I thought it's going in a different direction now and not going through the brook?

Moosa Rafey: That's a question for Mark

Mark Massoud: I believe it was still going across the brook as a temporary disturbance. I thought it was still part of the application, Mr. Dalton

Tom Murphy: I thought it was supposed to be going to Straits Turnpike.

Ned Dalton: It doesn't say water connection on page 1, it's missing, where it says installation of sanitary sewer line connection but there's no mention of it there but it does mention it later somewhere

Mark Massoud: The sewer crossing is across the brook and the water connection I believe is to Straits Turnpike

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Ned Dalton: Right, so in the other conditions under b do we need to remove “and water” on #2, it says, accommodate the sewer and water lines being constructed

Mark Massoud: Sure, if you want to remove the water line, and the purpose of spelling out the sewer connection was there was a question about how the Sewer and Water authority approves, so to speak, a crossing like that and the answer I received was they don’t specifically approve it but they’ll accept the work as long as it meets their standards of construction so I just wanted to make sure we included that language in the condition of approval.

Tom Murphy: I have a question as far as the sewer connection. It’s been said through the whole process it’s off site, it’s not a part of Davis St. I don’t know how we can approve it when the town hasn’t faithfully submitted an application on behalf of that and I don’t know if we’re in our legal means or out of bounds on that and it says the Superintendent of Water and Sewer has commented positively. Is that authority enough to say that it’s ok to do everything? It doesn’t say that Sewer and Water Commission has accepted it.

Mark Massoud: I did have specific conversations with both the Sewer and Water Authority and with the Public Works director and both gave me the same basic answer. With regards to sewer and water they don’t make a specific approval but they will accept the work as long as it conforms to their design standards. There was a specific letter/email from Vinny Caterino stating that and I checked with him and that’s what they normally submit to accept the work that’s presented under their auspices. With regards to the Public Works, they indicated pretty much the same that they request that work in the town right of way and conform to their public works standards and knowing that it will they will then accept that work into the town infrastructure. So in neither case will they specifically approve the work but will they ask that the work be done to their standards and I tried to reflect that in the conditions of approval. A question came up about a sewer and water commission accepting or approving work, and again, Vinny Caterino indicated that that does not occur. He is the authority to review and make comments on any work within his jurisdiction that comes before the inland wetland agency.

Tom Murphy: So basically, Watertown doesn’t have to be notified, so anybody could just randomly tie in something as long as it’s supposedly done to code? In the past, the Town of Watertown had to be represented. So basically there’s nothing that has to be done so we’re ok on that part

Mark Massoud: Correct. Certainly they’ll appear on their own behalf, as you’ll see tonight, when they are proposing work on their own because they’re the applicant and owner. When a private contractor proposes work, they accept the fact that the contractor is representing work to be done in the town right of way.

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Tom Murphy: So Watertown doesn't have to do that but who pulled the permit for Wattles Brook. Because apparently there's one out there according to the minutes of the meeting that former Town Engineer, Roy Cavanaugh, November 12 minutes. He stipulated that someone pulled a wetlands permit for Wattles Crossing. It's not before our agency so who did that? And why are we crossing over to that area? If there's a permit out there why are we saying it's ok to do it when we don't have it before us. We're only dealing with David St. which only has upland review area on it so I'm really confused as far as that part of it goes. In the November 12 minutes it says, Roy Cavanaugh, Dir of Public Works, the only thing we saw is that someone else is doing a wetlands permit for the crossing of Wattles Brook for this particular property so we're not able to comment on that and we're not comfortable signing off on the application until we know the details of the Wattles Brook crossing.

Mark Massoud: Maybe Paul Bunevich could answer that question.

Joe Polletta: I have a question on this. Can any developer run water and sewer lines on town property. Is that what the question is?

Craig Palmer: I think what Tom read from the minutes is the Town engineer was referring to a wetlands application for Wattles Brook Crossing.

Tom Murphy: In the minutes the Director of Public Works say there's a wetlands application for this and we clearly don't have it. So who has it?? How can we react on it if it's not at our commission?

Mark Massoud: Is he referring to the applicant that's making crossing?

Tom Murphy: I'll read the whole paragraph. It's very clear what he wants to say. It's from the November 12th minutes. Roy Cavanaugh, Director of Public Works. My office did not receive or review anything regarding to the water and sewer connection. The only thing we saw was somebody else would be doing a wetlands permit for the crossing of Wattles Brook for this particular property so we're not able to comment on that and we're not comfortable signing off on the application until we know the details of Wattles Brook Crossing. In addition, there are a number of other concerns we identified during our review today which we received. It basically goes on to say he needs more time to do it. My question is how can we approve it here saying there's going to be a connection if there's going to be a wetlands permit out there and what if there's contradictory information, whoever pulled it or whatever's happening and is there one out there?

Mark Massoud: I believe that was written in December as part of the review process and the Town Engineer, I presume on behalf of the Public Works Dept. and subsequent those

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comments has reviewed the work on behalf of Public Works and has made conclusions in regards to the review process

Tom Murphy: To the part where he says about Wattles Brook Crossing. I'm not doubting they have reviewed it since that point. The question is where is the wetlands permit if there is one and does there have to be one

Mark Massoud: I don't believe there's an Inland/Wetland permit from the Public Works Dept.

Moosa Rafey: Mark, can I say something? On the draft motion that you wrote, it says, Whereas, the Agency determined that the proposed activities located within the upland review area on the subject property do not constitute a significant activity as defined by Inland/Wetland Watercourse regulations. You only mentioned the upland review area activities. I think the commission members are asking what happens with the crossing of the Wattles Brook. Is that a part of this application or not because you didn't mention it. Is it a part of this application or they only approved the regulated activities within the upland review area but not the crossing. Is that the point?

Tom Murphy: I clearly see it as the application is for Davis St. I don't understand how it's part of it, Davis St. upland review area – end of story, there's nothing else there. It's been stated from numerous people that there are no wetlands on it. I don't know how we're getting this sewer connection tied in as part of the application. Is there a wetlands permit out there? I don't know if it's required or not. The Director of Public Works said there's one out there, so is there one out there or not?

Mark Massoud: It would be before you so I think the answer is there is no outstanding permit because otherwise it would be before your commission and there is no outstanding application before the commission other than what you're looking at in front of you tonight. So the answer to that question is no.

Moosa Rafey: The commission never received an application for that crossing. I think it was a part of this application but Mark, when you talked about the regulated activities you didn't mention that so that's probably why it's confusing. Is that a part of this?

Mark Massoud: Sure, it would be a part of it because it's a part of the associated activity even though it's being carried out off site. I apologize if I didn't make that clear and if it helps then that could be a revision to the resolution that includes that. I believe the inclusion is by reference because I referenced the Wolf Engineering plans, the Milone and McBroom plans and both of those plans clearly cover both the sewer and water connection. So if I didn't include the specific narrative I guess that's my mistake and if it makes it more clear certainly add that reference to the narrative if it makes it more clear for the commission.

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Craig Palmer: I agree with Tom, I think something should be added there because that's the only wetlands issue here is the sewer connection. I think something should be put in there from Water and Sewer, from Public Works, from whoever normally does it. This is the first time I've seen this and I don't know the rules and regulation for the Water and Sewer Dept. That's where the significant activity is in the brook. It has nothing to do with the property. I think something should be amended to this draft including whatever's going to be done in the sewer connection.

Tom Murphy: I believe there's a DEEP app in the first part of the process so maybe that's where it's coming from. I think there's a DEEP wetlands application filled out so maybe that's what the Public Works Director was referring to.

Mark Massoud: Paul, can you add to this conversation

Paul Bunevich: I don't know what I can add to this. I thought the crossing was added to the application (inaudible) certainly not from Public Works I thought it was just from the applicant

Craig Palmer: Paul, on a normal situation, Public Works doesn't get involved with the water and sewer?

Paul Bunevich: Correct. That's Water and Sewer Authority

Craig Palmer: They're going to run the storm drain in the town right of way you have to do it through Public Works?

Paul Bunevich: Correct. Work in the street does involve us with a street opening permit insurance and the like

Craig Palmer: So Mark, I think we're looking for something to be added here.

Ned Dalton: Does work in the right of way need all that anyway?

Paul Bunevich: They need a street opening permit, insurance and the like

Mark Massoud: Mr. Chairman for the purpose of clarification, does somebody want to propose a narrative to add to that, you can certainly do that or if you want to add something else. If you want a revision from me, however you want to handle this I'll certainly accommodate you

Craig Palmer: Tom you think we need something added to that section under other conditions?

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Ned Dalton: Shouldn't it go in the beginning where it says storm water management and off site utilities connections?

Moosa Rafey: What about if we add another Whereas? After the Whereas, the agency determined that the proposed activities located within the upland review area on the subject property do not constitute a significant activity as defined by Inland/Wetland and watercourse regulations. There should be another Whereas, the Agency determined that the proposed activity within Wattles Brook is a significant activity. Because at the beginning of the meeting the commission determined this was a significant activity that's why they held a public hearing. I agree that the activities within the upland review area are not significant activities and then there's another whereas that the watercourse crossing is a significant activity. Then you can decide on it.

Craig Palmer: Tom, you good with that?

Tom Murphy: I don't know if we're cleaning it up or making it muddier. I'm going to need some clarification on that. It wouldn't hurt. Again, there are no wetlands on the Davis Street property. That was clear and stated by the applicant on the very first meeting and pretty much all the way through and consistently stated that there's going to be wetlands impacted and the degree is going to be determined. Basically it's been a clear issue on both. I think if we separate it that way and label it as such we'll be ok.

Craig Palmer: Moosa, if you can see that gets added to it, I think that would work

Moosa Rafey: Yes, because I think Mark only talked about the activities in the upland review area and we can add another Whereas that activities in Wattles Brook is a significant activity because the commission determined that at the beginning of the review process. That will cover all the regulated activities

Mark Massoud: I will clarify that a little bit in that I believe that commissions hold a public hearing on the potential for a significant activity because in the beginning you don't know typically whether an activity constitutes a significant activity or not and the purpose of the public hearing is to make that determination as to whether it is or isn't because as everyone has noted it brings you into a different set of standards whether there's a finding of a significant activity or not. Our draft staff response was that the commission held a public hearing to examine the potential for a significant activity and you would draw the conclusion as to whether they're in fact was a significant activity or not.

Tom Murphy: We've been going around in circles on this and I'm starting to loose my mind on this. We've got information, our regulations state and was received from your office and I'm going to read this to you because it's driving me nuts – Significant impact means any activity including but not limited to the following activity which may have a major effect.

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There's 7 of them and I'm reading #6 – Any activity which is likely to cause or has potential to cause pollution of a wetland or watercourse, which has been indicated that's what it's been. It may be slight, we don't know, it's temporary, but it's definitely going into the wetlands. Then we go to 10.3 sent by your office Mark and highlighted so we could read it.

10.3 – In the case of an application which received a public hearing pursuant to a finding by the Agency that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Agency finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the Agency shall consider a facts and circumstances set forth in subsection 10.2 of this section. The finding and the reasons therefore shall be stated on the record in writing. Then the next paragraph which is highlighted by your office,

10.4 In the case of an application which is denied on the bases of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Agency shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity. I'm the one that made the motion for significant activities based upon this prior to you issuing this and this is what we've always done. So we're going into the wetlands and it's a problem. It's like Exxon Valdez, it's a temporary thing in the grand scheme of geological times, so as far as stating in the opening meeting whether it's significant or not we don't know. It clearly says right here we did it and this is the information you handed out to us to review. This is what I based my decision on in the beginning, this is what we've done on this committee since I've been on it, so I cannot understand how we get into this gray area. We're going across into the water section. You're pulling a permit and everything else. The Davis St property is upland review area the other one is not. We should just limit it to Davis St and say yes, there's upland review area and there's absolutely no wetlands activity. We should not have even been dealing with the other activity and they should do another application for. That's my opinion, I'm done talking about this. We're going around in circles. We're not in an area where it's that grey, it's more or less factual stuff we're dealing with. All through this whole process we have gotten it, we've been driven and guided down a path of doing the wrong thing, which I cannot for the life of me understand. One of the biggest problems was demo a building and the authority to do it, and you Mark, I believe you said in your response, that you assume we would do that. Why would we go down a path we know is wrong? I don't understand how somebody can allow us to do that. I'm done talking.

Craig Palmer: Any other comments from the commission? Mark, I think something should be put in there that it's in the water unless they come up with a different plan in the sewer. We don't know that but if they're going to be digging in the brook as far as I know it

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would constitute it, that's why we had a public hearing. I don't know why this is a problem. Put that in the draft motion and let's go with it. Maybe they'll find a different way to run the sewer, maybe the sewer will go up the street – don't know that but at this point they're going in Wattles Brook to make the connection. If it's for one hour or six days, to me you're digging in the brook. I don't see a problem with (inaudible)

Mark Massoud: Just for clarity, Mr. Chairman, what exactly do you want in the resolution to resolve that?

Craig Palmer: Moosa listed two additional comments which I feel were correct what he stated

Mark Massoud: Ok, that's fine

Craig Palmer: Any other comments from the commission on this?

Ned Dalton: Tom brought up a question of whether someone else took out a DEEP permit to cross Wattles Brook

Moosa Rafey: No, I think Mr. Murphy mentioned about DEEP report that's a part of the application. For each application the applicants will fill up the form and then I will complete that for DEEP and send it to them. For every application that you receive there's a DEEP report attached to the application. On that it says there's watercourse crossing and it is included

Tom Murphy: I wasn't sure if it was the one Roy Cavanaugh said that somebody else has a wetland permit. I think those two are different or mutually exclusive. I don't know and at this point I really don't care. Thank you for the clarification

Craig Palmer: Moosa, can you reread the two clarifications you have

Moosa Rafey: If Mark agrees with me, because Mark covered the activities within upland review area on the property but this motion doesn't cover the crossing of Wattles Brook. In one way we can add that as an activity because at the beginning the Commission said it's a significant activity and you still want to have that as a significant activity we can add another line to the motion. If you want, I can make that line for you. It says, "Whereas, the Agency determined that the proposed activities within the upland review area and within Wattles Brook crossing is a significant activity

Craig Palmer: How does the rest of the commission feel on that?

Moosa Rafey: If the commission agrees that can be added to this motion

Joe Polletta: Can we add that tonight?

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Moosa Rafey: Yes, this is a draft motion and you can make changes if you want or add or remove something. This is just a draft.

Joe Polletta: I don't have any problem adding whatever Moosa just described. I agree, I think we should put that in so it'll cover all of us so I'll make a motion that Application 2020-15 of Erik Markiewicz EPM Development for demolition of an existing single family home and construction of a three family home, parking and driveway within a regulated area at 542 David Street, Oakville, CT be approved subject to the draft motion that we read plus comments from Moosa.

Ned Dalton: I'll second the motion

Approve: Joe Polletta
Ned Dalton
Craig Palmer
George Touponse

Deny: Tom Murphy
Pierre Moran

Abstentions: None

Craig Palmer: Old Business

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

Moosa, I still don't understand why we're not doing anything about it. Why can't the town go to Jericho Rd and do whatever's required and put a lien on the property. Why isn't this being handled differently?

Ned Dalton: Because we issued a permit

Moosa Rafey: Mr. Chairman, if you remember at the last meeting I mentioned that and I suggested that to Paul Jessell, the Town Attorney, and he said he will look into it. I will contact him and ask him to see if he did anything about it

Craig Palmer: Can you get that in some type of correspondence so the commission has something in writing

Moosa Rafey: Do you want me to write something to the Town Attorney on behalf of the commission?

Craig Palmer: Yes

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Moosa Rafey: Ok, I will do that

Joe Polletta: Motion to table items 2 & 3 and Tom Murphy seconded the motion

4. Discussion on Application Review Process by the Agency

Craig Palmer: Any comments from the Commission on this?

Joe Polletta: I just want to say something Mr. Chairman. I think we should have every application that comes before us and I think we should be prepared to act so we know what we're talking about and from now on I think board members and staff should be more together with these applications so when we vote on something we'll know what we're talking about

Craig Palmer: I agree with Joe. I think when the application leaves the office it should be complete. Why does it get on our agenda and we go month to month, we get dribs and drabs of information. As far as I'm concerned if we don't have a complete application we're tabling it until we have all the information. We're not going to discuss it, we're going to table it.

Moosa Rafey: Mr. Chairman, from now on you will get a checklist from me on each application and on the checklist I will let you know what is provided with the application and what's missing and the commission can deny the application as an incomplete application. If the applicant is willing to provide the information by the meeting time, that's fine, if not you can deny the application. But don't forget, normally, we receive the application the first night you don't make a decision on it, it goes to the next month because of the statutory time requirement that you have to wait 14 days. From now on, for each new application, I will send you a checklist with all the information like what's included in the application and what's missing. Based on that, the commission should take action.

Joe Polletta: Moosa, I think you should get everything that you need when they come to you. There were times we went on field trips and the wetlands were not marked. I think the checklist should be in your hands and make sure when it comes before us you have everything and we can act on it and we don't have to wait months and months to approve something.

Moosa Rafey: You will receive a checklist from now on for each application

Craig Palmer: Moosa, maybe at the next meeting you can include it on the agenda and bring that checklist and discuss it

Moosa Rafey: Mr. Chairman, I attended a very good seminar last Saturday and that's the one that every two years the CT Bar Association holds that seminar for new

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commission members. I'm going to copy that section that's related to Inland Wetland and I'll send it to all commission members. I respectfully ask all of you to please read it and if you have any questions please call me and I will be glad to help you with it. Please read it because there's a lot of good information for you on how to conduct your meeting, your public hearing, what to look for in an application and how to approve or deny an application

Ned Dalton: So can we put on the agenda discussion of that for next month?

Moosa Rafey: Sure

Mark Massoud: Mr. Chairman, if I can just add one other thing to that. Also, before Mr. Cavanaugh departed and under the direction of the Town Manager, we were also working on a flow chart and check list between Public Works and the Land Use Agency to smooth out that process

Craig Palmer: It's hard for me to believe that it hasn't been in place to be honest

Mark Massoud: There's been a process and certainly some applications have pointed out some deficiencies and like anything else when those deficiencies are pointed out we try to take the opportunity to correct them.

Ned Dalton: The biggest problem I have is getting things the night of the meeting emailed to us at 5:00pm. That to me, shouldn't even be accepted. I don't sit in front of my email all day. Most times I come to the meeting directly from work and haven't seen anything

Craig Palmer: If it's not there that night then the application is incomplete as far as I'm concerned. We're not doing it at 5:00 at night

Ned Dalton: So how does it work if the first night it's mostly complete, we accept it, then the 2nd meeting there's still information missing, we can no longer deny the application. So, to me, if we accept the application, we've accepted it and now have to be progressing it becomes almost our fault that it gets prolonged where if there was information missing we should've denied it. We need all the information the first night or deny it the first night

Craig Palmer: Deny it the first night

Ned Dalton: That's kind of difficult but that's going to have to happen

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Joe Polletta: Can I say something Mr. Chairman, I think we should have the checklist that will be given to the town and then bring it before us. I think we should check that checklist that we're happy with it. Maybe they'll be something missing but we can get 80-90% of what we need

Craig Palmer: A lot of that, to me, can be stopped at the office. Don't let it get to the commission. If it leaves the office at 50% now you're putting it on the commission. It should leave the office at 95%.

Mark Massoud: I agree with that Mr. Chairman. I think staff could take most of the responsibility for ensuring that an application is complete even prior. Certainly we can't stop it from coming to the office or putting it in front of you but we certainly can do a great deal to make sure that the application is more complete before you get it at a meeting.

Craig Palmer: Moosa, you do the agenda the Thursday before?

Moosa Rafey: Yes

Craig Palmer: So if it's not on that agenda then it's not going any farther. No sense of including it. If it's not in our packet on Thursday then it's not there

Moosa Rafey: Ok, we'll make sure we send you all the information that we have in the packet. One other thing Mr. Chairman, with the wetland applications we always negotiate. It's not like a zoning application. For a zoning applications if it meets the zoning regulations then the commission makes a decision, but with your application we always negotiate with the applicants if they can move things or reduce the impact, make changes. That's why sometimes they provide you with concept plan and then the staff with the commission works with the applicant to come up with a better plan and that's why you never make a decision on the first night of the meeting. Even if you want to deny it please give an opportunity to the applicant for one more month then the next month if you don't have everything in the packet then you should deny it

Craig Palmer: Can we do that?

Moosa Rafey: Of course. You just make a motion that if the application is incomplete you deny it.

Craig Palmer: Joe, you seconded on 4 correct?

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Joe Polletta: yes

Craig Palmer: Roseann, please make a note we lost George.

New Business

2. Application #2021-2 of The Town of Watertown Department of Public Works for replacement of an existing culvert at 152 Falls Avenue, Watertown, CT.

Paul Bunevich, Town Engineer, on behalf of the Dept. of Public Works, Town of Watertown for a replacement of an existing deteriorating arch corrugated metal pipe under Falls Ave with a new precast 3 sided open bottom concrete culvert which will convey the 50 year storm. This culvert was originally an application for realigning back in 2013 which the commission approved. That approval has since lapsed in 2018. Even then if that realigning was done the culvert would still only be able to convey a 10 year storm. Anything over that 25 and above would flood Falls Ave. at that point. Based on that we redesigned the culvert with a foot and a half of freeboard which meets both the town subdivision regulations and also Army Corp requirements. The existing culvert, headwalls and associated drainage piping from the point in Falls Ave. that connects into this culvert will be removed. Existing water main that does go around the existing culvert will have to be rerouted in through the watercourse as a temporary impact on the uphill side of Falls Ave. Our intent is not to do anything in the streambed on the upper or lower side of the brook, just what needs to be done as getting rid of the existing culvert and headwalls and installing new ones and placing streambed materials in the proposed culvert. I have an extensive two page list of impacts on both wetlands and upland review areas as part of the application.

Craig Palmer: Paul, why are you going through a new culvert why aren't we going to 100 year since Falls Ave is so prone to flooding

Paul Bunevich: The 100 year will pass right at the limit of the street. I would've had to make it quite a bit larger to get a foot of freeboards. Based on the drainage basin in the subdivision regulations even the core requirements only need to pass the 50 year storm, which we're doing with the foot and a half of freeboard.

Ned Dalton: To put footings in for this thing they're going to have to dig in the brook or are they going to dig completely outside the brook area then dig the rest out?

Paul Bunevich: Other than a few feet at either end and as I mentioned the water main will have to be rerouted. Mr. Caterino didn't want us to go under the culvert 15 feet deep and he wasn't happy with that so we're rerouting it at 45 degree elbows around the west side going under the water course between Wagon Wheel Court and the uphill end of the

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culvert but that's only a temporary crossing. Total wetland impacts are about 400 sf west and 1/100th of an acre

Ned Dalton: Basically no difference than we had on Davis St. – we're crossing a brook. Is it significant or isn't it?

Paul Bunevich: It's an existing culvert replacement and as far as an alternative there's no other.

Mr. Chairman: I reviewed this and had a few comments with Paul and one was is there any need for a fish leather there. I don't know if Paul is going to contact the fishery or DEEP to see if they require anything and also Paul is recommending to put riprap at the bottom of the brook and I suggested why they cannot use the natural material that they dig out from the brook and put it back. I don't know if it's something Paul wants to talk about it or not.

Paul Bunevich: As I stated we're trying to minimize the effects on the existing stream bed, both upstream and downstream. There will be some material, I don't think it's adequate to fill the bottom of a 10 foot wide culvert that we're proposing. We do have a streambed material and small riprap we can import from highway that has a stockpile. Per your inspection, your land use wetlands agency should inspect what we're putting in there but we have sufficient streambed materials from other sources to replace what isn't there now because there's just a culvert. I don't know what we're going to find underneath so that's still to be determined.

Joe Polletta: Paul, can you use the existing material on the bottom and then put riprap on top?

Paul Bunevich: We can as long as we have sufficient volume for that, which I'm not sure we have until we get out there and take the existing culvert out and see what's underneath

Ned Dalton: My thought is a brook crossing is a brook crossing no matter if it's a foot wide or 10' wide. We just finished discussing that we felt a brook crossing is a significant activity and this is a significant activity

Moosa Rafey: It does meet one of the criteria and one of the definitions of significant activity because a brook crossing has the potential for turbidity of the water course and that is one of the definitions for significant activity

Ned Dalton: So to call a public hearing it doesn't need to be a significant activity anyways. Anything that has a public interest we can ask for a public hearing?

Moosa Rafey: Yes. In 3 situations you can hold a public hearing. 1. If it's a significant activity you have to hold a public hearing; 2. If the commission determines if it's in the best interest of the public, you can hold a public hearing; and 3. If you get a petition with 25 signatures on it you have to hold a public hearing

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Ned Dalton: Motion that this is a significant activity and schedule a public hearing for Application #2021-2 for Town of Watertown Department of Public Works, for replacement of an existing culvert at 152 Falls Avenue, Watertown, CT and was seconded by Joe Polletta

Ned Dalton: Schedule a site walk for Thursday, April 8, 2021 at 5:00pm for Application #2021-2 for Town of Watertown Dept of Public Works, 152 Falls Avenue and was seconded by Joe Polletta

Joe Polletta: Table Application #2021-2 of The Town of Watertown Department of Public Works for replacement of an existing culvert at 152 Falls Avenue, Watertown, CT and was seconded by Ned Dalton - All in Favor

Communications and Bills – Reports from Committee – Chairman Report

Craig Palmer: If Mark or Moosa is going to spearhead this training, I'd like to see a quarterly topic, so either next month do the checklist for the application Review process and maybe schedule the Northwest Conservation District for a section of the meeting if the commission members have questions.

Moosa Rafey: Mr. Chairman, The seminar I attended was very informative and if we can use the video from that seminar to present to the commission. I'm going to talk to Mike Simmons to see if we can use that and show it at the virtual meeting

Ned Dalton: I have a question regarding executive sessions. Other agencies have executive sessions. When is it allowed and when is it not and is it something we can entertain?

Moosa Rafey: There are two situations when you can have executive sessions. 1. If there's litigation. If someone appeals your decision and in order to discuss it with your council you can have an executive session. 2. If you want to discuss staff issues.

Mark Massoud: I don't freedom of information would allow executive sessions only in fairly strict circumstances. As Moosa was indicating that takes the commission or agency out of the public eye so I think they would be discouraged from those kinds of situations

Craig Palmer: Mark, I think we should have a town email address. If there's discussions, FOI, I don't want it on my business computer, I don't need that, so can you find out and then report back to the commission next month that the Chair and Vice Chair should have an email address and all correspondence should go on the town email.

Mark Massoud: Sure, I can look into that

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Reports from Staff

1. Town of Watertown Storm Water Management Plan 2020 Annual Report

Paul Bunevich: The annual Storm Water Management Plan is a requirement from DEEP and they want to keep track of outfall problems that may arise and this annual report, last year was unusual because the Covid restrictions and staff reduction we had Highway wasn't able to clean as many catch basins as we wanted other than the ones they repaired, which was about a dozen, I believe. They still swept all the street and did the maintenance. They cleared some detention ponds. As far as keeping with the MS4 requirements, there's new sections we have to update for storm water management low impact lid development for new projects. This is something we've been introducing but we need a legal authority and we have to get the Town Council involved in the coming year and we have to update the subdivision and zoning regs to meet some of the MS4 requirements as far as low impact design, discharges and the like. It's something we're working on with staff, zoning and DEEP

Craig Palmer: Didn't Highway just get a brand new \$300,000.00 storm sewer cleaner?

Paul Bunevich: Yes and it's a big help and will help clean our many more basins. Mr. Chairman, there one other matter that came to my attention. We have a situation at Crestbrook with Merriman Pond Dam. There's a lot of debris in the intake that Highway wants to clean up and I call it an emergency situation because if it gets any worse we may a flooding problem. There's a box concrete culvert with fencing around it and it's not easy to get a backhoe or machine there to get the debris out and the highway would like to go in and put some stone on the edge of the lake and get the material out. I met with Mr. Grandpre this morning and the sooner the better

Craig Palmer: If they're going in there can they leave the guardrail out so the fire dept can get in and out in case of an emergency because there's no access for fire protection

Moosa Rafey: Mr. Chairman, I'm not authorized to approve work in the wetlands and watercourses but if you make a motion to authorize me to issue this permit for Paul based on the emergency situation then I can issue a permit and we don't have to wait two months for the commission to make a decision.

Tom Murphy: Motion to authorize Moosa Rafey to issue a permit for removing debris for an emergency situation at Merriman Pond Dam, Northfield Road, Watertown, CT and was seconded by Ned Dalton - All in Favor

Pierre Moran: I have a questions for Paul on that dam. Wasn't that the dam that was done about 4 years ago? Didn't they redo that?

Paul Bunevich: It was longer than that. Certainly before my time.

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Public Participation – None

Adjournment

Text of Motion: Motion to adjourn @ 7:55pm

Motion Made by: Ned Dalton

Seconded by: Tom Murphy

All in Favor