

APPROVED 9-30-15
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES

Inland Wetlands Commission

Minutes of the Inland Wetlands Commission meeting held on Wednesday, August 26, 2015 at the North Haven Memorial Library, 17 Elm Street, in the Community Room, at 7:00 p.m.

MEMBERS PRESENT:

Mark R. Trojanowski, Chairman

Steven J. Nugent, Secretary

Pat Libero

Cheryl A. Juniewicz

Frank H. Bumsted, Alternate

Steven Miller, Alternate

ABSENT MEMBERS:

Peter Tenedine, Vice Chairman

Joseph L. Tenedine

Anna Garsten

Pamela Sletten, Alternate

TOWN STAFF:

Alan Fredricksen, Land Use Administrator

Jonathan Bodwell, Town Engineer

Jennifer Coppola, Town Counsel

Laura Magaraci, Zoning Enforcement Officer

Sotonye Otunba-Payne, Stenographer

Rita Farina, Clerk

AGENDA:

Mr. Trojanowski, Chairman, called the meeting of the Inland Wetlands Commission to order at 7:04 PM and introduced the Commission and town staff. Then Mr. Trojanowski asked if there were any further matters to come before the Commission.

Mr. Bumsted made a motion to add an executive session. Ms. Juniewicz seconded the motion. The Commission voted as follows:

Trojanowski – aye Nugent – aye Libero – aye Juniewicz – aye Bumsted – aye Miller - aye

PUBLIC HEARING:

Mr. Nugent, Secretary, read the call for the Public Hearing.

1. #I15-12 Application of Chuck Mandel, Applicant, Michael and Pat Riordan, Owners, relative to 278 Kings Highway, (Map 93, Lot 68), seeking a Permit to Conduct Regulated Activity. Plan Entitled: Site Plan, Septic Repair & Inland Wetlands Regulated Activity Plan. Prepared by Thomas A. Stevens & Associates, Inc. Dated 06-09-15, rev. 07-02-15. Scale 1" = 10'. R-40 Zoning District.

Mr. Chuck Mandel of Thomas Stevens & Associates, applicant, presented the application to permit the installation of a new septic system to replace the failed system at this existing single family residence. Revised plans were handed out and added as "Exhibit A". The Commission asked questions and Mr. Mandel responded.

Mr. Trojanowski asked for public comment. There being no public comment, the Public Hearing was closed.

INFORMAL: None

OTHER:

2016 Commission Meeting Dates

Mr. Bumsted moved to approve the 2016 Commission Meeting Dates; Mr. Miller seconded the motion. The Commission voted as follows:

Trojanowski – aye Nugent – aye Libero – aye Juniewicz – aye Bumsted – aye Miller - aye

PUBLIC HEARING:

1. #I15-12 Application of Chuck Mandel, Applicant, Michael and Pat Riordan, Owners, relative to 278 Kings Highway.

Mr. Bumstead moved to approve a Permit to Conduct Regulated Activity; Mr. Libero seconded the motion. The Commission voted as follows:

Trojanowski – aye Nugent – aye Libero – aye Juniewicz – aye Bumsted – aye Miller - aye

The application was approved with appropriate conditions.

EXECUTIVE SESSION:

Mr. Bumsted moved to enter into Executive Session for the enforcement action regarding 480 Valley Service Road at 7:21 PM; Mr. Miller seconded the motion. The Commission invited Jennifer Coppola, Town Counsel, Mr. Alan Fredricksen, Land Use Administrator, Mr. Jonathan Bodwell, Town Engineer and Ms. Laura Magaraci, Zoning Enforcement Officer, into Executive Session. The motion was unanimously approved.

Mr. Bumsted moved to go out of Executive Session at 8:22 PM; Mr. Libero seconded the motion. The motion was unanimously approved.

ENFORCEMENT ACTION:

Mr. Nugent recused himself from this item.

480 Valley Service Road

Attorney Coppola discussed action plans for Phase I and Phase II. Deadlines for phases, approved remediation companies and the existing Cease and Desist Order were discussed.

Mr. David Lord, Soil Scientist and Environmental Consultant of Soil Resource Consultants, asked questions and Attorney Coppola responded.

Ms. Betsy Fiske, abutter to 480 Valley Service Road, asked questions and Attorney Coppola responded

Mr. Trojanowski moved to approve Phase I of the remediation plan with the following conditions:

1. The Cease and Desist issued to the property owner Robert P. Neubig (“Mr. Neubig”) by Wetlands Enforcement Officer Laura Magaraci, shall remain in full force and effect. Mr. Neubig is prohibited from performing any excavation or earth moving activities at the Property as proposed in the Plan or otherwise.
2. A revised Wetland Remediation-Upland Review Zone Restoration Plan with Revegetation Details shall be submitted by September 15, 2015 which includes the following revisions:
 - 2.a. On Page 3 where it presently states “Completion of all work described within Phase 1 must be completed within 30 days of the start of implementation” shall be revised to state that “Commencement of the work described in Phase 1 of the Plan must occur on or before September 15, 2015 and completion of all work described in Phase 1 must occur by no later than November 1, 2015 as time is of the essence in protecting the regulated resources from further impacts.

- 2.b. On Page 3 where it presently reads “In the event M&J is not able to perform the described work within the time frame stated, one of the following contractors (previously approved by the Town will be selected. Those contractors include” will be revised to state “In the event M&J is not able to perform the described work within the timeframe stated, one of the following contractors will be selected:”.
- 2.c. A Page will be added for the property owner Robert P. Neubig’s signature acknowledging his agreement with the revised Plan.
3. A separate monitoring plan associated with Phase 1 must be submitted and approved by Town Staff prior to commencement of work on September 15, 2015. The monitoring plan must include frequent monitoring of the pipe structures and stabilization of the slopes. The monitoring schedule included therein must include immediate inspections after rainfall events to ensure slope stabilization and to observe the pipe structure. Clear information on who to contact in the case of a washout or the failure of any structures should be provided.
 4. Two (2) full size sets of all drawings prepared and signed by Stevens & Associates of Madison, CT in connection with the matter shall be submitted to the Land Use Office by no later than September 15, 2015.
 5. A revised Phase 2 plan should be submitted by the property owner or on his behalf by no later than April 15, 2016.
 6. The Town of North Haven reserves all rights and remedies afforded to it under the law, including but not limited to its right to pursue all penalties and recover all costs, including attorney’s fees.
 7. Nothing in this acceptance shall be deemed as relieving the property owner of his obligations under the law to respond to the Notice of Violation issued by the Waste Engineering & Enforcement Division of the Connecticut Department of Energy & Environmental Protection (“DEEP”) on January 14, 2015 and to take the corrective actions necessary as directed by DEEP in their full authority and control.
 8. Nothing in this acceptance shall be deemed to be directing any action with regard to reestablishment of the slope between the property and the Railroad property to the east, which matter is within the full authority and control of the Railroad.
 9. It is the continuing obligation of the property owner, Robert P. Neubig, to address all impacts presently existing or as discovered during the course of remediation and restoration, on and offsite, that are the result of his illegal activities.

Mr. Bumsted seconded the motion. The Commission voted as follows:

Trojanowski – aye Libero – aye Juniewicz – aye Bumsted – aye Miller – aye

EXTENSIONS: None

PERMITTED USES AS OF RIGHT: None

BOND RELEASES & REDUCTIONS: None

CORRESPONDENCE:-The Habitat Newsletter
-The Connecticut Landscaped Architect

MINUTES: July 22, 2015

Due to the lack of a quorum, the July 22, 2015 meeting minutes could not be approved at this meeting.

ADJOURN:

Mr. Bumsted moved to adjourn the meeting; Mr. Libero seconded the motion. The meeting was adjourned at 8:48 PM.