

**Thomaston Inland Wetlands and Watercourses Commission**  
**Meeting Minutes May 27, 2015**

**Members Present & Seated:** Joe Fainer, Chairman, Tony Samela, Laura Fitch, Robin Capone, Richard Jennings

**Others Present:** Jeremy Leifert, Atty. Mark Malley, Leonard Ollero, Adam and Magdalena Demianczyk

The meeting convened at 7:02 pm.

**Minutes:**

**A motion was made by L. Fitch and seconded T. Samela to accept the minutes of April 22, 2015 as amended to read (Pg. 2 Agenda Item #2) L. Fitch didn't have anything new to report and (Pg. 3 Reports Item d end of 2nd sentence) and also caused all the shrubs on a neighbor's property to die. Motion unanimously passed.**

**Old Business:**

**Agenda Item #1 – Discussion of potential issues at 141 Watertown Rd.**

Agent(s): Atty. Malley, Leonard Ollero

J. Leifert distributed M. Poveromo's 2007 permit conditions and the violation notice that was sent to him citing the containers placed to the rear of the property, the periodic outdoor display and storage of materials and merchandise, the parking lot expansion beyond the rear property line onto CT Water Co. property, and vehicles not being parked in designated parking spaces.

As the Commission reviewed the site plan, Atty. Malley and L. Ollero discussed the status each permit condition;

- placement of wetland plantings between the propane tank and property line extending 15' on either side of the fenced area and between the trash and cardboard dumpsters - Atty. Malley stated that this has been completed,
- wetlands area to be maintained – L. Ollero stated that he walks around the perimeter every week or two and takes out anything that shouldn't be there,
- only the fenced in propane tank and dumpsters allowed in the wetlands setback areas – Atty. Malley stated that the dumpsters were moved because there wasn't enough room for trucks to access them for emptying, that they have been moved off the Water Company's property, and that the Water Company has since walked the property and do not have any issues at this time,
- employees may only park in designated parking spaces – L. Ollero stated that when they are busy, there isn't room for employees to park, so they park on the right side and toward the rear of the building, and that they do check to make sure vehicles parked there are not leaking fluids,
- hazardous materials shall not be deposited in the dumpsters – L. Ollero stated that they don't deposit any of the items listed in the dumpsters,
- inspection logs must be maintained and be available for review by the Wetlands Enforcement Officer – Atty. Malley and L. Ollero stated that logs have not been kept, but will in the future,
- merchandise on display – L. Ollero stated that it is vital to his business to have items on display, that they are not displayed in parking spaces, and that only enough fuel kept in them for demonstrating,
- storage container and trailer – L. Ollero stated that the storage container in the rear of the property is leased and can be removed, that the trailer parked on the side of the building is registered and is moved periodically, and that both trailers have solid floors preventing anything from leaking onto the ground.

Discussion ensued.

It was the consensus of the Commission that the items on display are not an issue as they are outside of the regulatory scope.

J. Fainer explained to Atty. Malley and L. Ollero that the issue will be closed if they remove the trailers, but if they choose to keep them, a new application will be need to be submitted.

Atty. Malley will let J. Leifert know their intent for the trailers before next month's meeting.

### **New Business:**

#### **Agenda Item #1 – Permit Application #2015-03-31-01 for building an accessory building, repair of a spring house, and soil stabilization at 126 Cables Lane**

Agent(s): None

J. Leifert explained to the Commission that he did not know why C. Barto was not present tonight and that since there has not been any contact from him, the permit still remains unsigned because the agent approval application was filled out instead of a regular application.

Both T. Samela and J. Fainer reported that they did view the property from the road, but couldn't see behind the structure or see the water house.

J. Fainer explained to the Commission that they have until June 26, 2015 to make a decision on the application or they could approve it with conditions or deny it without prejudice tonight.

It was the consensus of the Commission to table a decision on this application and conduct a site walk of the property before next month's meeting. J. Leifert will contact C. Barto to get permission for the Commission to conduct a site walk

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**A motion was made by L. Fitch and seconded by T. Samela to modify the agenda under New Business to add permit #2015-05-14-01 from Adam and Magdalena Demianczyk. Motion unanimously passed.**

The Commission reviewed the site plan as A. Demianczyk explained that they would like to construct a house and also a stone wall to level off the back yard.

J. Leifert explained that the right-a-way driveway was previously approved by the Commission and that the watercourse, which is piped until it gets to their property, is approximately 60' from where the area will be disturbed.

**A motion was made by L. Fitch and seconded by T. Samela to accept Application #2015-05-14-01. Motion unanimously passed.**

A. Demianczyk gave the Commission permission to conduct a site walk of his property, which J. Leifert will schedule and notify the Demianczyk's and Commission of the date.

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### **Conservation Commission:**

#### **Old Business:**

#### **Agenda Item #1 – Town Owned Parcel Review**

J. Leifert reported that the review will take place after the flagging and the posting of signs on the Dug Rd. property has been completed.

## **Agenda Item #2 - Boundary Marking-Dug Rd. Town properties**

J. Leifert reported that he is halfway finished with the boundary marking on the Dug Rd. property.

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## **Agenda Item #3 – Urban Forestry Grants Discussion**

J. Leifert reported that he going to apply for an Urban Forestry Grant for part of the track project at Nystrom's Park and is waiting for M. Burr to provide him with the costs for trees, man hours, and labor before applying for it.

J. Leifert will contact S. Hayden of the Northwest Conservation District to see if he can help with the landscaping.

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## **Agenda Item #4 – Budget Discussion-Grant Writing**

J. Leifert reported that some of the budget will be used to order more signs for other Town owned properties.

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## **Agenda Item #5 – New Grant Opportunities**

J. Leifert reported that he will apply for a National Recreational Trail Program Grant in July for improving trails and for parking signage.

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## **Agenda Item #6 – Grove St. Chimney Swifts-Roost Chimney**

J. Leifert reported that the chimney work is on hold until the fall when the nesting season is over.

**New Business:** None

## **Communications and Bills:**

### **Agenda Item #1 – CT Wildlife January/February 2015 issue**

J. Leifert presented the CT Wildlife January/February issue to the Commission.

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### **Agenda Item #2 – Habitat Spring 2015 issue**

J. Leifert distributed the Spring issue of the Habitat.

As part of the Commission's continuing education they reviewed and discussed articles in the issue.

## **Reports:**

### **Agenda Item #1 - Wetland Enforcement Officer**

- a. 126 Cables Lane – this was discussed earlier in the meeting.
  - b. 167 Reynolds Bridge Road (Open C&D Order) – this was discussed in Executive Session.
  - c. 280 Reynolds Bridge Road (Open C&D Order) – this was discussed in Executive Session.
  - d. Leigh Ave. (Open C&D Order, Court Order) –
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J. Leifert also distributed a violation notice that was sent to the property owners of 141 Pleasant View Rd. citing the emptying of their pool onto their lawn, which is near a watercourse and also flowed onto their neighbor's property causing shrubs to die.

P. Santa Maria reported that one of the owners stopped in the office regarding a building permit for the pool and was told she would have to speak to J. Leifert regarding this issue. The owner that she her husband had already spoken with him and resolved the issue.

J. Leifert informed the Commission that he has not had any contact with the owners and will drive by the property and report his findings to the Commission next month.

**Executive Session:**

**Agenda Item #1 – Discussion of pending litigation-280 Reynolds Bridge Rd.**

**Agenda Item #2 – Discussion of pending litigation-167 Reynolds Bridge Rd.**

**A motion was made by L. Fitch and seconded by T. Samela to move into Executive Session to discuss pending legal litigation regarding enforcement activities for 167 Reynolds Bridge Rd. and 280 Reynolds Bridge Rd. Motion unanimously passed.**

The Commission moved into Executive Session at 9:05 pm with all members present and J. Leifert.

The Commission moved out of Executive Session at 9:27 pm with no action taken.

**Adjournment:**

**A motion was made by R. Capone and seconded by T. Samela to adjourn at 9:28 pm. Motion unanimously passed.**

Respectfully submitted,

Pat Santa Maria,  
Recording Secretary