



Town of Watertown Connecticut

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

Watertown Municipal Center

61 Echo Lake Road

Watertown, CT 06795

Telephone: (860) 945-5266

Fax: (860) 945-4706

Website: www.watertownct.org

CONSERVATION COMMISSION/ INLAND WETLAND AGENCY

Regular Meeting Minutes

April 13, 2023

6:30 PM

Place: Watertown Town Hall, Town Council Chambers
61 Echo Lake Road
Watertown, Connecticut

1. Call Meeting to Order

Craig Palmer called the meeting to order at 6:40 pm.

2. Roll Call

Members Present: Craig Palmer, Chairman
Michael Jedd, Jr.
Joe Polletta
Ed Norton

Members Absent: Tom Murphy, Vice-Chairman
Edwin Dalton, Secretary
Luigi Cavallo, Jr.
Pierre Moran
Charles Beliveau
George Touponse

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

Joe Polletta was seated as Pro-tem Secretary
Ed Norton was seated for Ned Dalton
Michael Jedd, Jr. was seated for Tom Murphy

3. Public Participation

John Everitt, 2 Everitt Lane. I'm here to make an objection to a judgment by your wetland officer. It relates to a controlled area at 542 Davis St. in a wetlands. I called the police dept. and they didn't feel they had jurisdiction. The first officer that came, Mr. Conrad, he called his supervisor, Officer Robinson and he called Moosa. Moosa came in response to the call and he talked to Erik Markiewicz. What happened is Erik was in the wetlands with a big machine and was removing debris and moving stuff around and he actually dredged out the wetlands. I asked Moosa if Erik had a permit to do what he was doing because it's a regulated area. Moosa said that he didn't feel that Erik was doing anything wrong so he let Erik continue doing what he was doing. He also stated that if Erik came to his office he would issue a permit and I find that a little strange because I would think the permit would have to be issued through this board not through the enforcement officer and I think Mr. Moosa has taken it upon himself to say that the town is going to be responsible for any damage or anything that this operation or whatever you want to call it, happen. I have a picture here and the following day Erik had a crew come in and he put a stonewall. He could've just put a pipe because he's directing the water right to my roadway and if my roadway washes out I don't fee Erik is responsible because I think there should've been a cease until it was permitted by this board. Anyone that's here on this board is welcome to come down to Everitt Lane as long you park only on Everitt Lane not on Erik's property. I assume Mr. Moosa has assumed responsibility for the actions of Erik and Erik should be the one that's responsible because he's a town official he approved it.

Joe Polletta: If Moosa went and looked at this he could let us know. A lot of times when we approve something and we leave it up to him to make sure they don't make it worse. Moosa, can you tell us what happened?

Moosa Rafey: I will summarize what happened. There was a fallen tree in the brook behind 542 Davis St. A police officer called me to go because there were some wetland issues. What happened was Erik Markiewicz the owner of 542 Davis St. went to Mr. Everitt and asked him if he would allow him to go on Everitt St to remove that tree from there and Mr. Everitt said no. The only way to get to that tree was from his own property. There's a small brook in the back yard and he has to go over it to take the tree out and that was the end of it. When I went there, everything was done. There was nothing going on after I left. They were just seeding the area and putting a hay blanket. The tree was already removed. What else can you do? If the tree stays in that brook and if you have 2-3 inches of rain the whole area will get flooded and then Mr. Everitt will be here complaining about why nobody took care of it. He's not building anything, he stabilized the area and it's already seeded and hay blanketed and I don't see any problem there. There's some animosity between Mr. Everitt and Mr. Markiewicz from the past because of this development but I don't want to get into that because it's none of my business. For me as a Wetland Enforcement Office, I went there and saw the situation and decided it was a good idea that they remove the tree. The stone wall has nothing to do with this commission or me.

Conservation Commission/Inland Wetlands Agency
Regular Meeting Minutes
April 13, 2023
Page 3

John Everitt: If you were there at the site, that tree was down.

Joe Polletta: It was upside down and it was an ugly tree.

Moosa Rafey: The tree was huge and it was in the brook.

John Everitt: After the house and the garage was taken down Erik put these stones. There was a roadway right to that property and he put those stones across

Joe Polletta: You want that so it doesn't come on your property.

John Everitt: He made it so you have to go into the wetlands, he created the problem. The tree was down for two years or longer. The tree belonged to three people. Erik had every right to cut off the stump but the tree belonged to him and my sister. I have no right to tell him he can go on my sister's property and cut it.

Joe Polletta: To me, looking at this, it looks like he cleaned the place and it looks better than when we went on the field trip.

John Everitt: He needs a permit to go into it because he created that. Moosa brought a map and pointed to an area but there's other issues but those issues are not what I'm here for. I'm here because he allowed Erik to have his machine. When he pulled up he had two people standing on my road.

Craig Palmer: I just want to move on with the rest of the people

John Everitt: Ok call or whatever – thank you

4. Action on Minutes

A. Regular Meeting February 9, 2023

Joe Polletta motioned to Approve Regular Meeting Minutes of February 9, 2023 and was seconded by Edward Norton - All in Favor

5. Pending Applications

None

6. New Applications

- A. Application #2023-3 of Dritan Shabani for construction of a shed and play area within upland review area at 8 Highmeadow Road, Watertown.

Dritan Shabani, 8 Highmeadow Rd. What I'm trying to propose here today is that I'd like to extend my wetlands a little bit because I don't have enough yard for my kids to play. We're also getting a pool this year and with the pool being put in and with the patio I'm very limited with my property because I have two frontages, I have a 50 ft setback on Fern St and a 50 ft setback on Highmeadow so I'm coming here to ask for permission to extend another like 50 ft from the wet spot in the back

Joe Polletta: How much room do you have from your house to that fence we approved?

Dritan Shabani: I want to say it's no more than 50 ft., maybe even less

Craig Palmer: It's a new application so what we'll probably do is and it's up to the commission, is to do a site walk. We went there about 2 years ago when they built the house and we discussed it an he put the stockade fence up

Dritan Shabani: He put a split rail fence up but he didn't plant anything there

Joe Polletta: So you want to move that fence into the upland review area?

Dritan Shabani: No, push it back further towards the wetlands. I just don't have enough yard and I need to build a shed and I can't put it on the other side of the house because I can't build.

Craig Palmer: We'll take a site walk on it. The new application has to sit 30 days anyway. Do you have the size of the shed?

Dristan Shobani: roughly 16x12' maybe even bigger. Maybe 16x20, I'm not sure yet.

Craig Palmer: Maybe have the size of the shed, pool and patio area for when we come to the site Walk

Moosa Rafey: They don't need a permit for the pool. It's outside of the regulated area. It's just for the shed and the play area for the kids. He basically wants to move the fence a little closer to the wetlands but there will still be a 50 ft buffer from the edge of the wetlands to the fence.

Craig Palmer: Is it steep behind that fence? Do you have to fill there?

Conservation Commission/Inland Wetlands Agency
Regular Meeting Minutes
April 13, 2023
Page 5

Ditran Shabani: It's got a nice pitch. It's not even wet. That area is very dangerous. There's trees that have fallen and there's poison ivy all over the place and it's unsafe for my kids. I can't have them play on the side yard because people come up that road flying and they don't stop at the sign. What's stopping someone from pulling over and grabbing my kids and taking off.

Joe Polletta: You probably still have the flags where the wetlands are.

Dritan Shobani: There's some sticks with green and pink flags

Moosa Rafey: This site walk will be the first on Saturday, May 6 at 9:00am and the commission will come to your property.

Joe Polletta motioned to schedule a field trip for Saturday, May 6 at 9:00am and table the application and was seconded by Michael Jedd – All in Favor

B. Application #2023-4 of John Nygren, Jr. for construction of a new driveway within a regulated area for a future barn located at 0 Sunnyside Avenue behind 567 Sunnyside Avenue, Oakville, CT.

John Nygren, 567 Sunnyside Ave. I purchased the 20 acres behind me and it's a much bigger piece and what I'm looking for is I need access to the back so I can have my horses back there and I want to put up a barn but there's wetlands there. I had the soil scientist come out which I put the report in there, he flagged everything. I'm trying to stay away from it as much as possible and it's basically the drainage from the road. What I'm actually requesting is two twenty foot driveways, one on either side because the wetlands goes right through the middle of it and I don't want to have to cross it at multiple locations. Mark Massoud said I need 20 ft for this which there's 50ft and I have 20 ft away from that culvert that you guys put in so I would be away from any wetlands going in this way and the wetlands go down to Rt 8. I can't get to the other piece unless I come in from Waterbury and I also need one crossover right here in the center. This is my existing driveway but there's a pond there. I want to put a pipe in and cover it or leave it open. I'm getting the property surveyed and he's doing it right now. I need to be able to have both of them because I can't get to the back piece because I need to get a tractor back there so I can mow and brush hog.

Moosa Rafey: Ask your surveyor to put that on the survey map – both scenarios. The commission will come to the site and see which one is more reasonable and has

Conservation Commission/Inland Wetlands Agency
Regular Meeting Minutes
April 13, 2023
Page 6

less impact on the wetlands. Tell him where you want the driveways and tell him to put it on the survey map.

John Nygren: Here's my only downfall with this whole thing is I bought the property from the previous owner and I asked him why they put it in the middle of the only driveway access to get back there and he said he never authorized it. Paul looked it up and apparently, they did it through eminent domain or something.

Paul Bunevich: they did it through a certificate of condemnation

John Nygren: They put it dead center of the only access point from there to be able to get back there. Had they moved it even a little more and not restricted that spot it would be easy. I've cleaned up that upper area and have stayed away from the wetlands for the most part.

Edward Norton motioned to Schedule a Site Walk for Saturday, May 6, 2023 and table action on Application 2023-4 and was seconded by Michael Jedd, Jr. - All in Favor

C. Application #2023-5 of Juan Carlos Correla for removal of trees and installation of a fence within a regulated area at 1267 Northfield Road, Watertown.

Moosa Rafey: This is the property I issued the Notice of Violation and the property owner is out of state. He called us from where he was and said his cousin may or may not come. I want you to go and see this. Table it and schedule a site walk.

Edward Norton motioned to schedule a Site Walk on Saturday, May 6, 2023 at 9:30am and table action on Application #2023-5 and was seconded by Michael Jedd, Jr. - All in Favor

7. Old Business

A. Notice of Violation issued to the owner of 30 Jericho Road, Watertown.

B. Discussion on Application Review Process by the Agency

Craig Palmer: I've talked to Tom Murphy and we've been trying to schedule a meeting. There was one scheduled with the town attorney so I'm not sure we're going to move on.

Moosa Rafey: We tried twice and it didn't happen because some members were not available

Craig Palmer: But are we ready to schedule a public hearing on this or not?

Conservation Commission/Inland Wetlands Agency
Regular Meeting Minutes
April 13, 2023
Page 7

Moosa Rafey: No. I think it's better to talk to Paul Jessell first that everybody agrees and then you hold your public hearing because in case there's any differences between your regulations and the Town Attorney's recommendations, it's better to resolve it before we put it for the public hearing

Joe Polletta: to raise these fees, do you have any idea how long it'll take staff at the public hearing for an application how many hours? Do you have an average of what it'll cost?

Moosa Rafey: It depends on the size of the project and how many people will come and talk and what questions will be raised

Joe Polletta: If it's a big public hearing you can be here for 2-3 hours. I think we should take an average

Moosa Rafey: I think the subcommittee should come out with their recommendations.

Craig Palmer: I thought you were going to look at some area town of what they charge for wetlands

Moosa Rafey: We have them. We were supposed to have a meeting with the subcommittee to go through those and then decide which one we pick. Just for your information in addition to the application fee if there's a public hearing fee, we charge an additional \$350.00 for the public hearing.

C. Discussion on CCIWA Application Fees.

Michael Jedd, Jr. motioned to table Items A, B & C under Old Business and was seconded by Edward Norton - All in Favor

8. New Business

A. Permit Application for the use of pesticides in Smith Pond at 100 Joshua Town Road, Watertown.

B. Permit Application for the use of pesticides in Bassett Road Pond at 1206 Bassett Road, Watertown.

Craig Palmer: I read through the applications and I don't understand the one for Smith Pond because that's used by the public.

Moosa Rafey: It happened one other time. The last house on Joshua Town Road with the long driveway, they applied one more time to DEEP and DEEP approved it.

Conservation Commission/Inland Wetlands Agency
Regular Meeting Minutes
April 13, 2023
Page 8

Craig Palmer: Are they putting in for plant life?

Moosa Rafey: Yes, but it's something that DEEP will take care of. It's just reported to us.

Edward Norton motioned to Accept and File Items A & B under New Business and was seconded by Michael Jedd, Jr. - All in Favor

C. Notice of Violation issued to the owner of 1267 Northfield Road, Watertown.

Edward Norton motioned to table Item C under New Business and was seconded by Michael Jedd, Jr. - All in Favor

9. Communications and Bills

A. Town of Watertown Ordinance No: 03-20-2023-310

Paul Bunevich: This is an ordinance that took quite a while to get through. Public Works subcommittee, the town council and everything, it's part of the MS4 requirements for illegal stormwater connections monitoring who's in charge of regulating them and forcing violations and it includes penalties and so it's an ordinance that did get filed through Town Council last month. Public Works in in charge of monitoring these and enforcing anything when someone comes in with a complaint about an illegal discharge to the storm system and also covers new connections. All connections of stormwater whether existing, illegal, pre-existing, everything is covered now that we have the right to enforce.

Craig Palmer: So it's not enforced through the wetlands office?

Moosa Rafey: No. This is just for your information. Paul, will we have a map that shows all the discharge points?

Paul Bunevich: Yes, we've been working on that for some time

Michael Jedd, Jr. motioned to Accept and File Item 9A and was seconded by Edward Norton – All Favor

10. Reports from Officers and Committees

A. Chairperson's Report

Craig Palmer: Moosa, is there a way to get a list of active permits?

Conservation Commission/Inland Wetlands Agency
Regular Meeting Minutes
April 13, 2023
Page 9

Moosa Rafey: Do you want a list of all the permits that are still valid?

Craig Palmer: correct. Also, we are working on the fees and by-law changes.

Moosa Rafey: Hopefully soon we'll have a meeting with the subcommittee and then come up with some ideas

Craig Palmer: The fees and stuff don't get reviewed by the town attorney?

Moosa Rafey: The fees we have to send it to the town but the regulations are up to us.

Joe Polletta: I have a question on the alternate people and the people on the board. Tonight was a little embarrassing because it looks like we don't even have a quorum. Can we send a letter to these people? If they don't want to be part of it, they should let us know or call in.

Moosa Rafey: Some members do call or email that they are not coming.

B. Report from Wetland Regulations Review Subcommittee

Michael Jedd, Jr. motioned to table Items A & B under Reports from Officers and Committees and was seconded by Edward Norton - All in Favor

11. Reports from Staff

A. Agent Determination

- a. Application #2023-2 of Luis Lopez for installation of grand mounted solar panels within upland review area at 423 Northfield Road, Watertown.

Moosa Rafey: I issued that permit. There will only be a few posts in the ground.

12. Public Participation - none

13. Adjournment

Joe Polletta motioned to adjourn at 7:25pm and was seconded by Michael Jedd, Jr. - All in Favor