

**DRAFT MINUTES**  
**BROOKFIELD INLAND WETLANDS COMMISSION**  
**Monday, November 14, 2011– 7:00 p.m.**  
**TOWN HALL MEETING ROOM # 133**

**1. Convene Meeting**

Acting and Vice Chairman J. Goletz convened the meeting at 7:00 p.m. and established a quorum of members.

**2. Roll Call and Designation of Alternates**

**Present:** Acting and Vice Chairman J. Goletz, Secretary B. Samuel, Alternate and Voting Member S. Fox, L. Miller

**Absent:** Chairman J. Vulcano, Alternate G. Hunton

**Also Present:** Wetlands Enforcement Officer K. Daniel, Recording Secretary D. Cioffi

**3. Wetlands Enforcement**

**a. Enforcement Officer's Report**

**595 Federal Road #201100341: Notice of Violation** – WEO Daniel reported that the State of Connecticut Department of Transportation continues to deny responsibility. Director of Public Works R. Tedesco is aware of this, and indicated that if the Town does the corrective work, the curbing could be done by April 2012. WEO Daniel noted that the straightening of Elbow Hill Road occurred first, and the water line was installed shortly thereafter, with insufficient time between the two events for the site to stabilize. The Town contends that the problems occurred due to a design malfunction and the State's failure to install a curb. WEO Daniel explained that enforcement could continue against the State.

There was discussion regarding allowing the Town to correct the problem to fix the site. However, Commissioner Miller noted the DOT's history of denying responsibility. He discussed the possibility of having all of the parties appear to determine who is responsible. WEO Daniel advised that the State was requested to appear, however, it failed to send a representative. The violation relates to erosion onto the property, and WEO Daniel stated that the property owner and party that failed to stabilize the area are responsible for it.

Because Mr. Tedesco cannot fix the problem until April, it was decided that the time until that date be utilized to determine true culpability for the problem.

**Commissioner Miller moved to issue a Cease and Desist Order to the State Department of Transportation re: 595 Federal Road, #201100341. Commissioner Fox seconded the motion, and it carried unanimously.**

**35 Sunset Hill Road** – WEO Daniel explained that Mr. Cyr was required to restore the neighbor's driveway by tomorrow and progress has been made, but the work has not been completed. She shared photographs of the site, taken from the top of back yard to neighbor's property. WEO Daniel is concerned that the runoff will not make it in to the trench. A second set of pictures, from the driveway, were reviewed. It was noted that there is more process in the driveway. WEO Daniel advised that the Town Sanitarian was concerned about the proximity to the leaching fields, but she advised this is not an issue. She further stated that the Town will tie

into the drainage when Sunset Hill Road is paved, or earlier, if icing occurs. Given the applicant's absence from the meeting, there was discussion amongst the Commission members as to what a reasonable time for completion would be. WEO Daniel offered to monitor the site when there is rainfall. She will also obtain better photographs by the next meeting.

**100 Pocono Road** – The site has been final-graded, and erosion control matting has been installed. WEO Daniel is unsure if there is germination; but noted that this item is not ready to be cleared from the report.

**3 Conrad Road #201100826: Notice of Violation** – This application (1 Conrad Road) is on this evening's agenda.

**8 Stage Road** – The site will be inspected in the Spring.

**2 High Ridge Road** – This matter involving a potentially neighborhood-wide oil spill may be out of the WEO's jurisdiction and require action by the State Department of Energy and Environmental Protection.

**360 Federal Road** – There are some erosion problems at this construction site. WEO Daniel advised that she may be issuing a Notice of Violation after the next rain fall if she finds erosion occurring.

**28 Old Route 7** – WEO Daniel will be meeting with S. Hayden regarding changes in the wetlands area.

**Brookfield Heights** – WEO Daniel will be meeting with S. Hayden regarding a plan for reducing the velocity of water going down the access road to the detention basin, and any necessary changes needed to improve the water quality.

#### **b. Site Inspection Reports**

##### **540 Federal Road**

**Memo from S. Hayden of Northwest Conservation District dated 10/19/11** – WEO Daniel pointed out that the first part of Mr. Hayden's report is an erosion control inspection, and the last part discusses plant species mitigation area. There was discussion regarding how the report relates to the approved construction sequence. WEO Daniel stated that due to the wetness of the area, the recommendation in the report is a "reasonable solution". WEO Daniel will draft an amendment of the construction sequence. Additionally, she advised that the applicant is submitting building permits for the first two buildings.

**23-27 Carmen Hill Road** - No discussion/no motions.

**388, 398, 414 Federal Road** - The Commission explained that they left this matter on the report to ensure that the applicant is compliant with the permit. WEO Daniel stated that there are no wetlands issues at the site.

*At this time, WEO Daniel left the meeting.*

**4. Old Business:**

**a. 1 Conrad Rd #201100887: Drainage Improvements (dec date 01/04/12) –** Commissioner Miller looked at site today and spoke with the property owner regarding the removal of two trees and a larger one. Commissioner Fox was also there today, and noted that the trees are filled with vines and look “stressed”. *M. Vacirca, 1 and 3 Conrad Road, was present.* There was discussion regarding the wetness of the area and the need to minimize the water flow off the site. There was additional discussion regarding whether leaving the stumps of the removed trees would interfere with the laying of the pipe. Mr. Vacirca indicated that a ten-ton excavator would be used, and that he would attempt to work around the stumps. **Commissioner Miller moved to approve 1 Conrad Road, #201100887: per the Site Plan received October 24, 2011; to allow the applicant to cut an 18” trench, fill it with trap rock, install a drainage pipe, on the north side of the property along the boundary of the adjacent property, and to allow the applicant to remove three trees as needed to make sure the pipe is installed correctly and pipe would tie into catch basin on Conrad Road as indicated on the Site Plan. Commissioner Fox seconded the motion, and it carried unanimously.**

There was further discussion regarding where drainage goes off of the site. It was noted that storm water is caught off of Elbow Hill Road, discharging to other side, with no more curbing after a certain point. Commissioner Miller stated that if the Town did not want to extend the curbing, the property owner could berm the area and create a swale and allow the water to go into the old catch basin so that it does not sheet onto Elbow Hill Road. The Commission suggested that Mr. Vacirca watch the volume of water coming off during heavy storm events. He may have to come back to the Commission.

WEO Daniel will send the approval letter regarding 1 Conrad Road.

**b. 388, 398, 414 Federal Road #200200991& 201000168: Request for Permit Extension – See discussion above. Commissioner Miller moved to extend the permit for 388, 398, 414 Federal Road, #200200991 & #201000168, from the original expiration date of January 13, 2013, to the new expiration date of January 13, 2017. Commissioner Fox seconded the motion, and it carried unanimously.**

**c. 12 Fernbrook Drive #201100906: Replacement of Existing Drainage (dec date 01/04/12) Commissioner Fox indicated that she inspected the site today and noted that it is “very soggy” in the back yard. She also noted that the brook has lots of invasives and weeds surrounding it, and is down a slope of approximately one to two feet. The boulders are approximately one and one-half feet in size. Commissioner Fox suggested that a splash pad be installed going into the brook, and install some rip rap, and a swale for the back, in order that the water will flow gently into the brook. **Commissioner Fox moved to approve the application at 12 Fernbrook Drive #201100906 for: 1) replacement of existing drainage; per the hand drawn map received October 27, 2011, with the one change that as the pipe enters Fern Brook, there should be three to four feet of rip rap placed to slow down the****

water coming from the pipe into the brook, to prevent scouring; 2) re-architect the existing swale, and on the east side of the property, to direct that water gently into Fern Brook. The swale will be seeded and stabilized. Commissioner Miller seconded the motion, and it carried unanimously.

**5. New Business:**

**a. Ledgewood, High Meadow, Newbury Crossing Condominiums #201100951:  
Sewer System Extension (dec date 01/18/12)**

- 1. Newbury Crossing, Ledgewood and High Meadow Sewer Extension Information prepared by Birdsall Services Group received in the Land Use Office on 11/09/11**
- 2. Sheet No. 1 – Option 1: REI Property Management Ledgewood Condominium dated 09/23/10**
- 3. Sheet No. 2 – Option 2: High Meadows, Newbury Crossing and Ledgewood Condominiums dated 11/16/10**
- 4. Sheet 3 – Option 3 : High Meadows, Newbury Crossing and Ledgewood Condominiums dated 11/16/10**
- 5. Sheet 4 – REI Property Management Ledgewood Condominium dated 09/23/10**
- 6.**

**Wetland Assessment for Newbury Crossing, Ledgewood, and High Meadow Sanitary Sewer Installation prepared by Jodie Chase dated 07/21/11; revised 10/11/11**

- 7. Plans prepared by Birdsall Services Group:**
  - Sheet No. 1 – Option 1: Newbury Crossing, Ledgewood and High Meadow Condominiums dated 03/04/11; revised 11/08/11**
  - Sheet No. 2 – Option 2: Newbury Crossing, Ledgewood and High Meadow Condominiums dated 03/04/11; revised 11/08/11**
  - Sheet No. 3 – Option 3: Newbury Crossing, Ledgewood and High Meadow Condominiums dated 03/04/11; revised 11/08/11**
  - Sheet No. 4 – Option 4: Newbury Crossing, Ledgewood and High Meadow Condominiums dated 03/04/11; revised 11/08/11**

*J. Pisco, Commission Engineer for the Water Pollution Control Authority, Birdsall Services Group, and T. Lopez, WPCA Member, were present.* The plans were reviewed. Mr. Pisco explained that the drawings are slightly revised. Since his last appearance before the Commission, a soil investigation and wetlands delineations were performed. Additionally, the area was investigated for the presence of a wood turtle (evidence of which was not found). Further, Mr. Pisco reported that the Army Corps of Engineer also inspected the site. Its representative indicated to Mr. Pisco that the site had no major concerns, and it was similar to a recently approved project. Mr. Pisco advised that the disturbance would be minimal, temporary, and include maintenance and retention of the soil. He reviewed the colored drawings and the four options. Mr. Pisco explained that High Meadows and three other condominium projects would benefit from the sewer services. He noted the age of the septic systems and the anticipated need for servicing. Vice and Acting Chairman Goletz inquired where Wetland Disturbance Area 2 was, and it was pointed out by Mr. Pisco. Mr. Pisco indicated that Option 2 is the preferred

option, and will involve approximately 18,000 square feet of wetland disturbance. The preference relates to the ability to hook the pump station into the existing sewer line on Pocono Road. Mr. Pisco indicated that the more recent delineation reduces that area to approximately 14,000-15,000 square feet. There was discussion regarding the size of the pipe that will be used. Mr. Pisco indicated that Option 3 will involve significant cost due to rocky terrain possibly interfering with the pump station and an upgrade to a nearby existing pump station. He is concerned that this cost may hinder the residents' approval of that plan.

There was discussion regarding the availability and cost of generators in case of a power loss. Commissioner Fox inquired regarding the profile of the ditch in Option 2. Mr. Pisco explained that it would involve digging approximately four feet to below the frost line, following the contours of the land. Other considerations involve deeper digging, more disturbance, and the proximity of the gas line. Mr. Pisco indicated that there would likely be a twenty-five foot easement or smaller, noting the woodiness of the area. Smaller plants, and not trees, will be installed in the wetlands area to restore the disturbance. A small backhoe will be used.

Upon inquiry from Commissioner Miller regarding the construction sequence, Mr. Pisco indicated it would depend on weather considerations. He anticipates that the work will take one to two weeks. The path of the work being done and the limitations of the silt fence were done. Mr. Pisco advised that a dump truck at the site would store the material removed.

There was discussion regarding scheduling a site walk. Mr. Pisco explained that Option 4 would involve no disturbance, but would be extremely costly. Option 5 is to do nothing.

Commissioner Miller inquired if the Commission should consider a public hearing and/or a site walk. Mr. Pisco indicated that the WPCA would be holding a public hearing to allow opportunity for comment. Upon inquiry from the Commission, Mr. Pisco advised that the work would start next summer, however, the engineering will be started prior to that. Mr. Pisco stated that upon presenting the options to the condominium residents, they indicated that Options 4 and 1 were not desirable.

*P. Citrone, 16 Ledgewood Dr., President of Tax District for High Meadow, was present, and inquired when the work would start. Mr. Pisco and Mr. Lopez explained the due diligence that was done related to the project via the soils report, etc.*

There was discussion regarding the wetlands flagging and the best place to meet for a Site Walk. **A Site Walk will be held on December 3, 2011 at 10 a.m., commencing at the High Meadows Clubhouse.**

6. **Tabled Items:** None.

7. **Correspondence & Bills:**

a. **Correspondence:**

1. **Minutes of Other Boards & Commissions: 10/27/11 Zoning; 11/03/11**

**Planning; 11/07/11 Zoning Board of Appeals**  
**No discussion/no motions.**

**8. Review Minutes of Previous Meetings: 10/31/11 – Commissioner Miller moved to accept the meeting minutes for October 31, 2011. Commissioner Fox seconded the motion, and it carried, 3-0-1, with Secretary Samuel abstaining.**

**9. Informal Discussion: None.**

**10. Adjourn**

**Commissioner Miller moved to adjourn the meeting at 8:21 p.m. Secretary Samuel seconded the motion, and it carried unanimously.**

**\*\*\*Next regular meeting scheduled for November 28, 2011\*\*\***