

APPROVED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, November 28, 2011 – 7:00 p.m.
TOWN HALL MEETING ROOM # 133

1. Convene Meeting

Acting and Vice Chairman J. Goletz convened the meeting at 7:02 p.m. and established a quorum of members.

2. Roll Call and Designation of Alternates

Present: Chairman J. Vulcano (arrived at 7:10 p.m.) Vice Chairman J. Goletz, Secretary B. Samuel, L. Miller, Alternate and Voting Members S. Fox and G. Hunton*

*until Chairman Vulcano's arrival at 7:10 p.m.

Absent: None

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

3. Wetlands Enforcement

a. Enforcement Officer's Report

595 Federal Road – WEO Daniel advised that she did not send out a Cease and Desist Order to the State Department of Transportation, however, Department of Public Works Director R. Tedesco installed a curb at the site. Commissioner Miller suggested that the invoice for the curb be sent to the State DOT for reimbursement. Commissioner Fox recommended that this decision be left to the discretion of Mr. Tedesco. **Commissioner Miller moved to remove 595 Federal Road from the Enforcement Officer's Report. Commissioner Fox seconded the motion, and it carried unanimously.**

35 Sunset Hill Road– WEO Daniel will follow up with an inspection of this site when it rains. Vice Chairman Goletz inquired if more work has been done at the site. WEO Daniel indicated that it has not, and Commissioner Fox suggested that the property be owner sent a request for status and a reminder that the fines are being held in abeyance.

100 Pocono Road – WEO Daniel will follow up with an inspection at this site when it rains.

3 Conrad Road – WEO Daniel noted that an application was submitted and approved by the Commission at the last meeting. **Commissioner Miller moved to remove and clear 3 Conrad Road from the Enforcement Officer's Report. Secretary Samuel seconded the motion, and it carried unanimously.**

2 High Ridge Road – WEO Daniel continues to follow up and she will keep the Commission apprised of any new information.

b. Site Inspection Reports

28 Old Route 7

- Letter from S. Hayden of the Northwest Conservation District to K. Daniel

dated 11/17/11

WEO Daniel noted the above inspection report of S. Hayden. She has asked Mr. Hayden to advise the Commission and the property owner of how to manage the drainage on the site while maintaining the integrity of a wetlands mitigation area. WEO Daniel noted that the approved plan was reviewed by both a soil scientist and engineer, but was determined by those experts to be deficient in areas. She pointed out the small size of the site, and indicated that the current drainage is causing problems for the construction phase of the project.

D. Cole, Contractor, was present on behalf of the property owner. He and his engineer put together an alternative that WEO Daniel believes removes the mitigation altogether. WEO Daniel suggested that the parties meet with S. Hayden and talk about solution to drainage problem that includes mitigation. Mr. Cole discussed a 24-inch culvert that runs under Laurel Hill Road, and also reviewed the work that he has done. He determined that a pipe was buried by 18 inches of soil. After cleaning the swale, he had the Director of Public Works, R. Tedesco, visit the site. Mr. Tedesco suggested doing an open swale, but WEO Daniel did not believe that the Commission would be satisfied with a six-foot wide rip rap swale. Mr. Hayden recommends putting the pipe through the property.

Mr. Cole added that he and Mr. Virbickas did inspect the site with Mr. Palmer on Monday. Mr. Virbickas went over the concerns that had been brought up during the initial review of the plan.

Chairman Vulcano arrived at 7:10 p.m., at which time Alternate Commissioner Hunton was no longer a voting member.

Photographs of the site, taken by Mr. Cole, were reviewed. Mr. Cole advised WEO Daniel that the situation is not causing problems with the construction phase at this point, however, he is concerned that the situation needs to be rectified prior to winter weather. He noted the discharge point and the area that was cleaned out. He pointed out the minimal pitch, and indicated that a wide swale would ruin surrounding trees. Mr. Cole further stated that Mr. Tedesco has to clean the pipe, and agreed with Mr. Hayden's recommendation about the piping.

Copies of the revised plan completed by Mr. Palmer were also reviewed. The revision includes a proposal to pipe the area, install another basin, connect it to the new plastic pipe, and then have it run to a minimally (6 inches) raised structure; with the basin to allow for overflow flooding. This will permit the water to flow throughout the property. Currently, a pump is running constantly. WEO Daniel added that this is a discharging wetland. Mr. Cole further noted that the approved plan lacks primary treatment for the water. He also pointed out that the fact that the pipe was buried was noted as an issue by one of the experts. The discharge into the basin will prevent the pipe from discharging across the new road, which Mr. Tedesco wanted to avoid.

Mr. Cole indicated that the clean roof water will be recharging the wetlands. He stated that the retaining wall and parking will be moved, however, the revised parking proposal will have to go to the Zoning Commission for approval. At this time, Mr. Cole is seeking approval from the Inland Wetlands Commission to complete the piping with the Director of Public Works. Upon inquiry from Chairman Vulcano, Mr. Cole indicated that the building footprint has not changed,

but the front of the building has, with no change to set backs.

WEO Daniel inquired of Mr. Cole if a temporary pipe draining the area would satisfy his needs until an entire new plan could be devised. Mr. Cole advised it would not, as the current pipe has to be unrestricted and cleaned. There was additional discussion regarding the current piping, and what is being proposed. Mr. Cole reiterated that installation of a swale would compromise trees in the area. There was also discussion regarding the issue of flooding on a neighboring property.

WEO Daniel suggested where a temporary pipe could be installed, but Mr. Cole indicated it would make the ground water 18 inches lower. She also noted that the plan that was reviewed by the experts, and approved, was determined by Mr. Virbickas to have issues with regard to the buried pipe.

WEO Daniel suggested that Mr. Cole submit a modification to existing wetlands plan for the Commission's review of Mr. Hayden's points. There was discussion regarding the proposal qualifying as a field modification to resolve the issues prior to winter, as there are not many other options.

Chairman Vulcano's review of the file noted that Mr. Lillis of CCA discussed the possibility of installing a perforated curtain drain. Mr. Cole added that he would like to involve the Department of Public Works, which is busy with tree damage removal. He indicated he is not ready to do a mitigation plan until after the parking proposal is reviewed by the Zoning Commission. He also stated that a portion of the pipe could be removed as recommended by WEO Daniel.

Chairman Vulcano also noted the comment of Mr. Virbickas in his letter dated January 6, 2009, inquiring if regrading was being proposed. WEO Daniel will gather the comments of the Town's experts and the responses from applicant from the initial approval. It was noted that the revised plan by Mr. Palmer is entitled, "Proposed Drainage Modification".

It was reviewed that Mr. Cole wishes to extend the watertight pipe, through the property, and grade and allow water to stay in the area with a raised structure in the area so that if 4-5 inches of rain occurs, it would go to the basin and go out. He will reintroduce a plan to pull the retaining wall back, with mitigation and provide primary treatment. The entrance to the site will also be moved, and the parking modified, as discussed above.

Upon inquiry from Vice Chairman Goletz, Mr. Cole indicated he would not like to cut anymore from the site. He reviewed the proposal for recharging of the wetlands with the site's own water.

It was reiterated that the matter before the Commission relates to the pipe, and a new plan will have to be submitted. WEO Daniel will put the experts' reviews in order and send them to the Commissioners

Commissioner Miller moved for to approve a field modification for a site plan

modification, for permit #200801175, 28 Old Route 7, and the modification on the site plan prepared by James R. Palmer, revised on 11/28/11, to install a sealed pipe, as indicated on the plan, connecting to the existing 24-inch pipe on the southwest corner, as indicated on the site plan; and to be connected to the head wall on Old Route 7, which is on the northeast corner of the property; making note that this approval is contingent upon further evaluation and modification of the permit within six months; and that the Inland Wetlands Commission would also ask that the Town Engineer take the appropriate measures to clean the pipe (as written on the plan by Chairman Vulcano) within the allotted time frame. Commissioner Fox seconded the motion. There was additional discussion regarding the details of cleaning of the pipe to be handled by the Town Engineer. Motion carried unanimously.

Mr. Cole's photographs were submitted to the file.

WEO Daniel passed out information to the Commissioners regarding storm water management as discussed in Mr. Hayden's letter.

Chairman Vulcano moved to add as an agenda item, 113 Whisconier Rd., as Item 5.a., Request for Bond Release. Commissioner Fox seconded the motion, and it carried unanimously.

5. New Business:

a. 113 Whisconier Road – Request for Bond Release –

WEO Daniel indicated that she visited the site some time ago, and referenced a copy of a letter from J. Cowen, who also reviewed the plantings and was satisfied. **Commissioner Miller moved to approve the bond release for 113 Whisconier Road. Secretary Samuel seconded the motion, and it carried unanimously.**

WEO Daniel noted the exemplary job done creating wetlands on this site. *R. Mitchell, the Property Owner was present.* He welcomed the Commissioners to visit the site to view the creation.

Commissioner Fox moved to add as an agenda item, 66 Riverford Rd., as Item 5.b., as a Request for Jurisdictional Ruling. Commissioner Miller seconded the motion, and it carried unanimously.

b. 66 Riverford Road – Request for Jurisdictional Ruling - WEO Daniel distributed a GIS Map of the site to the Commission. *J. Dean, 66 Riverford Rd., was present.* She advised that the First Light representative has visited the property. The problem relates to tulip trees, some of which have fallen and others that are in danger of falling. An arborist has recommended the removal of 13 trees. Ms. Dean indicated that the stumps will be ground, but not excavated out. The Commission advised that if more than 13 trees need to be removed, that she return to it for approval. **A letter will be sent to the property owner advising of the jurisdictional ruling, and no permit is required.**

Commissioner Miller moved to go back to Enforcement. Vice Chairman Goletz seconded the motion, and it carried unanimously.

3. **Wetlands Enforcement** (continued)

b. **Site Inspection Reports**

540 Federal Road

- **Memo from S. Hayden of the Northwest Conservation District dated 11/03/11**
- **Memo from S. Hayden of the Northwest Conservation District dated 11/15/11**

WEO Daniel shared a copy of the most recent site inspection report dated 11/28/11. She drafted an amendment to the construction phasing, to allow Buildings 1 and 2, followed by remediation work, per her memo of November 28, 2011. The Commission found this satisfactory, and the memo will be sent to the property owner.

23-27 Carmen Hill Road

- **Memo from S. Hayden of the Northwest Conservation District dated 11/15/11**

Secretary Samuel recused herself from this matter. Per the above Memo, Mr. Hayden has suggested some changes to the access way, the installation of water bars, and changes to the basin. WEO Daniel advised that the recommendations are acceptable to the property owner, who did attend the last meeting. It was requested that the Land Use Office insert the appropriate file number. **Commissioner Miller moved to approve 23-27 Carmen Hill Road, with the understanding that the Land Use Office will insert the appropriate permit number, per S. Hayden's memo of 10/19/11 with the attached site plan, and that the plan includes installation of water flow pads, stone berms, erosion gullies and deep pool final polishing; and that this item be removed from the Enforcement Agenda. Commissioner Fox seconded the motion, and it carried unanimously.**

4. **Old Business:**

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

WEO Daniel stated that this proposal involves "significant activity" and per the Wetlands regulations, requires a public hearing. She reviewed the definition of "significant activity". After some discussion, the Commission indicated that it wishes to complete the site walk on December 3, 2011 prior to making the determination.

6. **Tabled Items:** **None.**

7. **Correspondence & Bills:**

a. **Correspondence:**

1. **Minutes of Other Boards & Commissions: 11/10/11 Zoning; 11/17/11 Planning;**
2. **Letter from J. Carpenter of A to Z Property Maintenance, LLC dated 11/10/11 Re: 22 Deerfield Road #201100739: Confirmation Sequence for Kayak Landing**

No discussion/no motions.

8. **Review Minutes of Previous Meetings: 11/14/11** Vice Chairman Goletz noted the following correction: on Page 4, re: Ledgewood, High Meadow, Newbury Crossing Condominiums, in the thirteenth line, to add after the first “Mr. Pisco”, the following words, “that Disturbance Area 2 does not existing anymore.” Also, Commissioner Fox noted the following correction, on Page 1, 35 Sunset Hill Road – in the fourth line, to combine the words “in to” to “into”. Also, WEO Daniel noted an additional correction: on Page 3, re: 1 Conrad Road, in the motion, to add the italicized words so that it reads, “**Commissioner Miller moved to approve 1 Conrad Road, #201100887: per the Site Plan received on October 24, 2011; to allow the applicant to cut an 18” trench, fill it with trap rock, install a *small* drainage pipe to tie into the existing pipe, on the north side ...**”.

Commissioner Fox moved to approve the Minutes of the November 14, 2011 Minutes with the above three changes. Vice Chairman Goletz seconded the motion, and it carried, 4-0-2, with Chairman Vulcano and Commissioner Hunton abstaining.

9. **Informal Discussion: None.**

10. **Adjourn**

Commissioner Miller moved to adjourn the meeting at 8:18 p.m. Vice Chairman Goletz seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for December 12, 2011*****