

**APPROVED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, December 12, 2011– 7:00 p.m.
TOWN HALL MEETING ROOM # 133**

1. Convene Meeting

Chairman J. Vulcano convened the meeting at 7:01 p.m. and established a quorum of members.

2. Roll Call and Designation of Alternates

Present: Chairman J. Vulcano, Vice Chairman J. Goletz, Alternate and Voting Member S. Fox

Absent: Secretary B. Samuel, L. Miller, Alternate G. Hunton

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

3. Wetlands Enforcement

a. Enforcement Officer's Report

35 Sunset Hill Road – WEO Daniel advised she inspected the site and took photographs on December 7, 2011. She indicated that it was raining that day, and upon completion of her inspections and her return to the site, a rut had formed on the neighboring property at 37 Sunset Hill Road. She also reported that the trench is in, but the dry well is not, and the site is not stabilized. WEO Daniel spoke with Mr. Cyr, the property owner, and advised him of the work that needed to be accomplished, and that fines are being held in abeyance. No date for completion has been assigned. The neighbor is concerned regarding the fill remaining on her property, and is awaiting an update for what to do next. Upon reviewing the photographs, Commissioner Fox noted that there is water in the trench. It was noted that there is limited time for paving the apron due to winter weather approaching. There was discussion regarding notifying Mr. Cyr of the need to update the Commission at the next meeting, and to advise the Commission of a completion date. WEO Daniel offered to hand-deliver a letter to Mr. Cyr with that request. Commissioner Fox noted the difficulty with the short time frame associated with such a request. WEO Daniel pointed out that the original Notice of Violation dates back to June 16, 2011, and the Commission members added that the neighbor's property needs to be repaired, and time is of the essence due to the winter weather. **Vice Chairman Goletz moved, with regard to 35 Sunset Hill Road, to send a letter to Mr. Cyr, as soon as possible, with the stipulation that he appear at the next meeting on December 19, 2011, with a schedule that shows work being completed by the end of the year; and that if he fails to appear, fails to provide a schedule, or fails to complete the work by the end of the year, the fines will be reinstated. Commissioner Fox seconded the motion, and it carried unanimously.**

b. Site Inspection Reports

540 Federal Road – S. Hayden's report was noted, requesting improvements to erosion and sedimentation controls. *S. Sullivan, PE, CCA, 40 Old New Milford Road, was present.* He advised that Mr. Hayden met with the developer and went over corrective actions with him. WEO Daniel will inspect at the next opportunity.

23-27 Carmen Hill Rd. Per his report, S. Hayden is satisfied with the installation of the water bars and the detention basin modification. WEO Daniel noted one point where water is flowing

from the site near the septic that will cause erosion. Mr. Hayden is proposing an additional barrier, and WEO Daniel will ensure that Mr. Sivo is aware of this.

Miscellaneous

WEO Daniel distributed to the Commissioners a document to assist with the evaluation of applications that follows the State model regulations.

There was discussion regarding additions to tonight's agenda: 14 Freddy's Lane, and a Diversion Permit.

4. Old Business:

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

J. Pisco, Commission Engineer for the Water Pollution Control Authority, Birdsall Services Group, was present. The Commission noted the December 3 site walk and Commissioner Fox's Draft Minutes. It was stated that the application for the proposed work was incomplete. The applicant must determine its preference and file an application with the appropriate documentation. There was discussion regarding completing a site walk for previously completed projects. Commissioner Fox pointed out that it is difficult to determine how the wetlands will be impacted without engineered drawings and details.

Mr. Pisco discussed a willingness to withdraw the current application, and advised that a public hearing will be held before the Water Pollution Control Authority on January 25, 2012. The other sewer system extensions that have been approved before the Commission only came with one option and were State-mandated and partially funded by the State. WEO Daniel did note that the applicant is allowed sixty-five extension days. Mr. Pisco advised that the applicant is awaiting the outcome of the public hearing before sending surveyors to the site. Chairman Vulcano noted the reasonable and prudent alternatives that do not impact the wetlands, i.e., Option 3. Mr. Pisco advised that the Army Corps told him it would prefer the option that goes through the wetlands rather than crossing more streams, but it has not provided this opinion in writing.

The Commission accepted the applicant's request to withdraw this application. It will set up a site walk to look at the previously completed projects at the other condominiums.

5. New Business:

a. 22 Beech Tree Road #201101015: Jurisdictional Ruling for farming (dec date 02/15/12)

1. Septic System Design prepared for Alan Harrison dated 06/26/91 prepared by Carroccio-Covill & Associates, Inc.

No one present at the beginning of the discussion. WEO Daniel advised that the property owner is asking for jurisdictional ruling. The section of the regulations which relate to exempt activities was read (Section 220-5A). The request for the ruling on the farming use appeared to be satisfactory, however, it does not address any proposal to build sheds, chicken coops, change watercourses, etc.

Mr. A. Harrison, 22 Beech Tree Road, was present on behalf of his son-in-law, Mr. Marciniak.

He explained that the request is for small farming, grains, and food for his family, should the need arise due to disaster. Mr. Harrison explained that he has researched what will grow well in Connecticut, and will initially experiment in the spring, on small scale with a 10' square patch of vegetables. He has no intention to sell any of the materials that are grown. WEO Daniel noted that the activity of planting is "as of right". Upon inquiry from Commissioner Fox, Mr. Harrison explained that he has not planned any structures for the site at the present time. The mapping and dry areas around the house were reviewed. Mr. Harrison explained that if he did build a chicken coop, it would be closer to the house, which is dry. He added that there are only wet areas during bad rain storms. He also pointed out an existing wire fence on the site.

Jurisdictional ruling only. The applicant will return to the Commission if he adds structures, fencing, or digs post.

Commissioner Fox moved to add 14 Freddy's Lane, as Agenda Item 5.d. Vice Chairman Goletz seconded the motion, and it carried unanimously.

Commissioner Fox moved to go to Agenda Item 5.d., 14 Freddy's Lane. Vice Chairman Goletz seconded the motion, and it carried unanimously.

d. 14 Freddy's Lane, #201101048 – G. Meade, 28 Maple Tree Road, and R. Demaria, Property Owner, 14 Freddy's Lane, were present. WEO Daniel provided a GIS map, with elevations, of the site. Mr. Meade explained that the existing system is failing, and the existing tank will be used, but the fields will be fully replaced, in close to same location that they are in now (at elevation 538). Mr. Meade noted that the material was brought in when the septic was originally done. An intermittent watercourse, a silt fence and an access way were denoted. Upon inquiry from Commissioner Fox, Mr. Meade stated that the old dirt will not be removed, but will be moved down hill and become receiving soil. The area will be topped with new sand to meet codes. **Commissioner Fox moved to approve the application for 14 Freddy's Lane, #201101048, for the emergency repair to the septic system, per a map dated 12/12/2011, with an effective date of 12/24/2011; making note that the map shows the silt fence, soil and erosion controls, and that the Land Use Office will be contacted when the soil and erosion controls are installed so that WEO Daniel can inspect the site prior to work commencing. Vice Chairman Goletz seconded the motion, and it carried unanimously.**

- b. 540 Federal Road #201101026: Water Storage Tank Water Main (dec date 02/15/12)**
- 1. Letter from R. A. Shook, Jr. to R. W. Howard, Jr., P.E. dated 05/23/03 Re: Wetland Delineation Tuchmann Family Tract, Federal Road**
 - 2. Letter from R. A. Shook, Jr. to M. Scully, P.E. dated 04/27/05 Re: Addendum, Wetland/Watercourse Delineation Cirignano Tuchmann Tract, Federal Road**
 - 3. Vicinity Map received in the Land Use Office on 12/01/11**
 - 4. Adjoining Property Owners List prepared for the Town of Brookfield received in the Land Use Office on 12/01/11**
 - 5. Water Storage Tank Plans prepared for the Town of Brookfield prepared by CCA, LLC dated 11/29/11:**
 - Sheet N1 – General Legend, Notes and Abbreviations dated 01/06**

Project,

- **Sheet S1 – Water Storage Tank Site Plan Oak Meadows Re-subdivision dated 11/29/11**
- **Sheet L1 – Water Storage Tank Landscape Plan Oak Meadows Re-subdivision dated 11/29/11**
- **Sheet XS1 – Water Storage Tank Cross Sections Plan Oak Meadows Re-subdivision dated 09/30/11; revised through 11/29/11**
- **Sheet XS2 – Water Storage Tank Cross Sections Oak Meadows Re-subdivision dated 09/30/11; revised through 11/29/11**
- **Sheet 2002E&S – Sedimentation and Erosion Control Plan dated 12/07/05**

S. Sullivan, PE, CCA, 40 Old New Milford Rd., and M. Handshy, Consultant to the Board of Selectmen, Town of Brookfield, were present. Mr. Handshy reviewed that the application relates to the installation of a water storage tank, to continue the water main from New Milford to Danbury, per a phased project. This portion relates to the phase approved at a referendum last month. The proposed tank will be 620,000 gallon tank and it will be put at an elevation of 500 feet to work to provide proper pressure. Mr. Handshy explained the potential problems with the connected pump stations and the benefit of the gravity system. He noted that six sites were looked at, and the 540 Federal Road property is almost a midpoint that will complete the water supply and demand of Federal Road, as well as Green Ridge. He added that Sandy Lane is under an order to correct a uranium problem by December 2011. Mr. Handshy indicated that the Town is looking forward to getting the water in for development of the future BJ's Wholesale site, and to address water quality issues at the present Shoprite, Rollingwood Condominium and Brookfield Commons sites.

Mr. Sullivan advised that the tank is actually a 607,000-gallon tank and will be located to the rear of the property. He indicated that easements will likely be obtained from the developer, and the developer will be reimbursed for installing a 12" pipe rather than the 8" pipe that was proposed. Mr. Sullivan added that he met with neighbors in the area of 540 Federal Road, in October, to give them idea of where the tank would sit. Further, the tank's height of 43' is below tree line.

Mr. Sullivan noted that there is no direct wetland, watercourse crossing. The water company will do weekly observations. He reviewed the other properties that were looked at for installing the tank. Mr. Sullivan explained where the sediment and erosion controls would be. He further stated that the steepness of the driveway will minimize the amount of earthwork that will have to be done. Upon inquiry from Commissioner Fox, Mr. Sullivan explained how the water on one side will be in rip rap swale. Vice Chairman Goletz inquired if Mr. Sullivan thought the plan would be minimal impact on the wetlands, and Mr. Sullivan indicated the areas are not high quality wetlands and they are not directly being filled or impacted.

WEO Daniel suggested that the Commissioners walk the site. **A Site Walk will occur on Saturday December 17, 2011, at 9 a.m.**

Mr. Sullivan explained that the applicant will be appearing before the Zoning Board of Appeals for a variance in January. It was also noted that the applicant is the Town of Brookfield. The Controller's Office will provide a check to the Land Use Office.

WEO Daniel noted that there is a conservation easement on the property for use restrictions on 27.8 acres. She noted the easement specifically does not prevent activity related to water systems. There was brief discussion regarding other access ways.

WEO Daniel inquired how many abutters there are in the Pleasant Rise area. Mr. Sullivan indicated that there are nine, and all were invited to the meeting in October, however, only two property owners appeared.

- c. **360 Federal Road, 84 Federal Road, 49 Federal Road & Sandy Lane**
#201101028: Water Main along Federal Road & Sandy Lane (02/15/12)
1. **Southern Waterline Phase 2 Federal Road & Sandy Lane prepared by CCA, LLC**
- **Sheet N1 – General Legend, Notes and Abbreviations Southern Waterline Phase 2 dated 08/16/11**
 - **Sheet P2 – Water Main Plan Southern Waterline Phase 2 dated 08/16/11**
 - **Sheet P3 – Water Main Plan Southern Waterline Phase 2 dated 08/16/11**
 - **Sheet P4 – Water Main Plan Southern Waterline Phase 2 dated 08/16/11**
 - **Sheet P5 – Water Main Plan Southern Waterline Phase 2 dated 08/16/11**
 - **Sheet P6 – Water Main Plan Southern Waterline Phase 2 dated 08/16/11**
 - **Sheet P7 – Water Main Plan Southern Waterline Phase 2 dated 08/16/11**
 - **Sheet P8 – Water Main Plan Southern Waterline Phase 2 dated 08/16/11**
 - **Sheet P9 – Water Main Plan Southern Waterline Phase 2 dated 08/16/11**
 - **Sheet D1 – Notes & Details Southern Waterline Phase 2 dated 08/16/11**
 - **Sheet D2 – Notes & Details Southern Waterline Phase 2 dated 08/16/11**
 - **Sheet 2002E&S – Sedimentation and Erosion Control Plan dated 12/07/05**

S. Sullivan, PE, CCA, 40 Old New Milford Rd., and M. Handshy, Consultant, BOS, Town of Brookfield were present. Mr. Sullivan explained where the connection was occurring at 360 Federal Road, and pointed out an easement at no cost to the Kohl's site, which will cross under East Brook and continue on to Candlewood Lake Road. He noted that East Brook is the only impact area. He pointed out where "pipe jacking" will be done under the box culvert, which is proposed to be performed in the summer. Mr. Sullivan referenced the procedure to be used per the 2002 guidelines for a temporary crossing.

Commissioner Fox inquired regarding the possibility of scouring. Mr. Sullivan explained that the existing material will be put back, and offered to install more rip rap on the bottom. The affected area will be approximately ten feet wide. There was discussion regarding the possibility of adding a couple of trees to improve the site. Mr. Sullivan hopes that the work is completed by December 2012. Mr. Handsby advised that he hopes to minimize the traffic disturbance while the work is being done.

Chairman Vulcano moved to continue 360 Federal Road, 84 Federal Road, 49 Federal Road and Sandy Lane, #201101028, to the next regularly scheduled meeting with the understanding that Commissioners will inspect site and the crossing area. Commissioner Fox seconded the motion, and it carried unanimously.

6. **Tabled Items:** None.

7. **Correspondence & Bills:**

a. **Correspondence:**

1. **Minutes of Other Boards & Commissions: 12/01/11 Zoning; 12/05/11 Zoning Board of Appeals**

2. **Memo from the Land Use Office to the Inland Wetlands Commission dated 11/30/11 Re: Change in 2012 Inland Wetlands Commission Meeting Schedule**

Commissioner Fox moved to change the February 13, 2012 Inland Wetlands Commission meeting to February 6, 2012. Vice Chairman Goletz seconded the motion. Motion carried unanimously.

8. **Review Minutes of Previous Meetings: 11/28/11 – Chairman Vulcano moved to approve the November 28, 2011 Meeting Minutes as submitted. Commissioner Fox seconded the motion, and it carried unanimously.**

12/03/11 Site Walk – Chairman Vulcano noted the following correction: On Page 2, in the second paragraph, fourth line, to add the word, “of”, so that the sentence reads, “that one *of* the new pipes would have to cross”. Chairman Vulcano moved to accept the Minutes of the Site Walk on December 3, 2011 with the above-referenced change. Vice Chairman Goletz seconded the motion, and it carried unanimously.

9. **Informal Discussion:** None.

10. **Adjourn** Vice Chairman Goletz moved to adjourn the meeting at 8:46 p.m. Commissioner Fox seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for December 19, 2011*****