

**APPROVED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, December 19, 2011– 7:00 p.m.
TOWN HALL MEETING ROOM # 133**

1. Convene Meeting:

Chairman J. Vulcano convened the meeting at 7:01 PM 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, Voting Member L. Miller

Absent: Secretary B. Samuel, Alternate G. Hunton

Also Present: Wetlands Enforcement Officer K. Daniel

J. Goletz established that everyone will be a voting member for tonight's meeting.

3. Wetlands Enforcement:

1 High Ridge Road – K. Daniel stated that Dr. Zaky's attorney has some plans to be reviewed the week between Christmas and New Year's.

533 Federal Road – Enforcement matter that is on permanent hold because the property is in bankruptcy. Attorney Buchsbaum is watching the property to see when the property comes out of bankruptcy.

100 Pocono Road – Phase 1 of the Bike Path – the site appears to be stable and the grass is germinating. K. Daniel suggested that the violation be cleared from the enforcement report.

J. Goletz made a motion to remove 100 Pocono Road Phase 1 of the Bike Path from the Enforcement Officer's report. S. Fox seconded, and the motion carried unanimously, 4-0.

8 Stage Road – K. Daniel stated that she is monitoring the spring on the site.

2 High Ridge Road – K. Daniel stated that she is monitoring the consistent soil contamination on the property.

J. Vulcano asked about **8A Stage Road** – He noted that there are some comments in the Planning Commission's 12/01/11 meeting and noted that there was mention of tree cutting and removal of tree debris, and asked if they are removing trees that have fallen or still standing.

K. Daniel clarified that the Planning Commission was concerned about having the trails open and clearly marked for public use. K. Daniel informed the Commission that there was no path being built on the property and the trees to be removed are not standing.

35 Sunset Hill Road

Gerald Cyr of 35 Sunset Hill Road was present per the Commission's request.

K. Daniel noted that the temperature yesterday was great for photographs, and she had some photographs for the Commission to view.

Mr. Cyr stated that he had the trench dug out to the road, and had repaired and filled in the entire neighbor's driveway where the gaps from the rainwater were.

Mr. Cyr stated that half of the pile of stone material on his property had been utilized to fill the neighbor's drive, and half of the pile was still there.

J. Vulcano asked about the trench and if it alleviated the neighbor's issues about the water coming off of Mr. Cyr's property. Mr. Cyr stated that it will, but he still needs to construct the dam where the water goes down to the neighbor's property.

J. Vulcano stated that he thought the property owner would be further along with the works at this point. Mr. Cyr stated that there have been some serious family issues that have held up his work on the property.

Mr. Cyr stated that another issue that came about is the neighbor's driveway has washed away again, and this time it is not because of the issues from his property.

J. Goletz asked K. Daniel what she thinks of the issues on the property. K. Daniel stated that she believes the neighbor's new driveway issues are not from Mr. Cyr's driveway, but are coming from the uphill area of the neighbor's driveway before Mr. Cyr's property. K. Daniel stated that the area that was eroded due to issues on Mr. Cyr's property is fine, and there is no current rutting in that area. She noted that there is rutting two thirds up from the driveway. K. Daniel stated that the trench in the back is not yet stabilized, but gravel had been unloaded for use on the project.

K. Daniel stated that the pictures she has of Mr. Cyr's property demonstrate that the neighbor's issues are not coming from Mr. Cyr's property.

J. Goletz asked Mr. Cyr when the project will be complete. Mr. Cyr stated that the ground is very hard now to dig and that the work needs to be done by hand because a machine would interfere with the septic system. S. Fox asked if the berm would need to be done by hand, and Mr. Cyr stated that the berm would need to be completed by hand.

J. Vulcano clarified that the work that was done with the swales a while ago was an effort to remediate some of the septic issues. The septic system is very old. Mr. Cyr nor the Town Sanitarian have a map of the current fields, and Mr. Cyr estimated that the fields were done probably around the 1950s or 1960s.

J. Vulcano stated that he wants to be sure that the work is not prolonged, and would like to see the trench stabilized. J. Goletz stated that finishing the trench is also in Mr. Cyr's best interest. Mr. Cyr stated that he knows the water will not run until the Spring. J. Goletz stated that stabilizing the trench is the key issue, because if not completed, there will be erosion problems in the Spring.

J. Vulcano stated that the Commission would like to have, at the minimum, the trench stabilized. J. Vulcano stated that the berm may wait to the Spring if it has to, and hopefully by the Spring, the rest of the work will be stabilized. J. Vulcano asked what Mr. Cyr is going to do with the rest of the stone in the driveway.

J. Goletz noted that once the repairs are done, there should be no reason why the neighbor would think that there are erosion problems from Mr. Cyr's property. J. Vulcano suggested that the half pile of stone should be used for the berm, and put it in the trench. There are new ruts from water that come from the neighbor's property. J. Vulcano stated that the neighbor needs to be notified about the water flowing from her property, and stated that the Commission would like to be sure that the trench is completed before the winter weather.

Due to computer problems, the Commission, K. Daniel, and Mr. Cyr moved to the Land Use Office to view photographs of the property on her computer.

K. Daniel showed the photographs to the Commission. K. Daniel stated that she will speak with Mrs. Johnston (Mr. Cyr's neighbor) tomorrow about her driveway.

J. Goletz asked that Mr. Cyr stay in touch with K. Daniel about the progress of the work being done on the site.

The Commission, K. Daniel, and Mr. Cyr returned to the Meeting Room #133.

L. Miller made a motion to continue 35 Sunset Hill Road to the first meeting in April with the understanding that Mr. Cyr stabilize the trench and stay in touch with K. Daniel about the progress of the work. J. Goletz seconded the motion, and it carried unanimously, 4-0.

540 Federal Road

K. Daniel stated that Sean Hayden was not able to get back to 540 Federal Road but according to his memo on the eighth of December, there are some areas that need to be stabilized, and there are some areas that need erosion and sediment controls added. K. Daniel stated that the erosion and sediment controls have not been done. K. Daniel stated that she spoke with the developers,

and stated that if the sediment and erosion controls are not installed within a week, she would look into issuing a violation.

Carmen Hill Road – K. Daniel stated that S. Hayden is monitoring the site.

The Commission moved to Old Business.

4. **Old Business:**

- a. **49, 84, 360 Federal Road & Sandy Lane #201101028: Water Main**
(dec date 02/15/12)

Steve Sullivan from CCA Engineers present to discuss the project.

M. Handshy also present as consultant to the Board of Selectmen.

S. Fox asked about the stream crossing. S. Fox noted that she could not find anything about making sure the soil does not wash away in that area. Mr. Sullivan replied that there will be rip-rap installed at the bottom of the stream. J. Vulcano agreed that the stream should be lined with rip-rap. S. Fox stated that if a tree is removed around the crossing, another should be planted in its place. S. Fox suggested that if the applicant planned to remove four trees, they add three more in its place.

J. Goletz asked how wide the area of construction is. Mr. Sullivan showed where on the map the location of the work is, and stated that it was about ten feet out each side and twenty feet wide.

S. Fox made a motion to approve the application for 49, 84, 360 Federal Road & Sandy Lane #201101028 for the installation of a water main with all the standard stipulations plus 1.) the plan to be revised to show that there be rip-rap for the primary replacement material for the actual stream bed and the banks and 2.) that the plan will be revised before completion to show the installation of three trees of local species to make up for the four plus that will be removed as outlined on Acad #07473WM; the primary plan date is August 16, 2011. L. Miller seconded the motion, and it carried unanimously, 4-0.

- b. **540 Federal Road # 201101026: Water Storage Tank Water Main**
(dec date 02/15/12)

Steve Sullivan of CCA Engineers present.

J. Vulcano stated that the applicant wanted to plot an alternate route for the water course, and Mr. Sullivan stated that he would submit the revised plan for the January 9th meeting.

J. Vulcano stated that in his estimation this project does not have a significant impact on the wetlands, and does not meet the criteria for scheduling a public hearing.

J. Vulcano stated that the Commission needs written, legal opinion on the Conservation

easement. J. Goletz asked if there is anything in the State regulations in regard to water that would supersede a conservation easement.

K. Daniel reviewed the Inland Wetlands Commission regulations regarding exempt activities. The implementation of the tank and the lines may be exempt, but the road is probably not.

L. Miller asked if there is anyway to do the project without the road. Mr. Sullivan stated that the water main will need to be accessed once a week for maintenance. The driveway will be used rarely, and will be maintained by the developer. Mr. Sullivan stated that there is not a lot of required maintenance for the tank.

Mr. Sullivan will submit a revised plan that offers an alternative to the wetland crossing.

K. Daniel asked if the additional areas of work will be flagged, and Mr. Sullivan stated that the work will be flagged in accordance with the revised plans.

L. Miller asked if the sequence of the construction would be from the top to make the cuts going down-slope. Mr. Sullivan stated that there are very little cuts, and that the sequence can be tailored in any way.

S. Fox made a motion to continue this application until the first meeting in January with the understanding that K. Daniel will contact Town Counsel to receive a written opinion as it relates to the Conservation easement and the potential for an as-of-right. L. Miller seconded the motion, and it carried unanimously, 4-0.

K. Daniel stated that she had some information regarding the history of the conservation easement from past subdivision approvals.

Mr. Sullivan stated that the Planning Commission had also requested that a trail be constructed, which is also part of the Conservation easement.

6. **Tabled Items:** None.

7. **Correspondence:**

a. **Minutes of Other Boards & Commissions: 12/01/11 Planning; 12/08/11 Zoning:** No discussion/no motions.

b. **Letter from D. Ruzicka of the Connecticut Department of Energy & Environmental Protection dated 12/02/11 Re: Application #FM-201107724 Emergency Repairs to Pier 1 of Bridge 06564, Route 7**

J. Vulcano noted the letter from the pier stating that the bridge will be repaired.

8. **Review Minutes from the Previous Meeting:** 12/12/11:

S. Fox noted one correction on page 2, under item 4a: change “It was stated that there was no application . . .” to “It was stated that the application for the proposed work was incomplete.”

S. Fox made a motion to approve the minutes of 12/12/11 with the one correction in item 4a. J. Goletz seconded the motion. L. Miller abstained, and the motion carried unanimously, 3-0.

J. Goletz made a motion to adjourn at 7:55 PM. L. Miller seconded the motion, and it carried unanimously, 4-0.