

**APPROVED/ AMENDED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, February 27, 2012 – 7:00 p.m.
TOWN HALL MEETING ROOM # 133**

1. Convene Meeting

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

2. Roll Call and Designation of Alternates

Present: Chairman J. Vulcano, Vice Chairman L. Miller, S. Fox, M. Downey (arrived at 7:06 p.m.), S. Fox and Alternate G. Hunton

Absent: None.

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

3. Wetlands Enforcement

a. Enforcement Officer's Report

WEO Daniel reported on the following:

1 High Ridge Rd. #200900680, #201000808 – An application has been submitted and is on the agenda this evening. A trial date has been scheduled for March 22, 2012.

35 Sunset Hill Rd.#201100456 – WEO Daniel will be inspecting in the next month.

1. 533 Federal Road #201100251: Citation – WEO Daniel reported that the property is no longer part of a bankruptcy proceeding. At the advice of Town Counsel, a current citation was issued in the amount of \$26,800.00.

Complaints

8 Stage Road – To be followed up on.

2 High Ridge Road – To be followed up on.

89 Stony Hill Road – The site has been cleaned up.

b. Site Inspection Reports

1. 540 Federal Road

• **Memo from S. Hayden of Northwest Conservation District dated 02/10/12** – WEO Daniel has not received anything since the 2/10/12 report from S. Hayden. She indicated that it does appear that the property owner has complied with Mr. Hayden's requests in that report.

Commissioner Downey arrived at 7:05 p.m., and it was noted that he is a regular Voting Member.

Chairman Vulcano moved to go to Agenda Item 4.a. Commissioner Fox seconded the motion, and it carried unanimously.

4. Old Business:

a. **540 Federal Road #201101026: Water Storage Tank Water Main** (*dec date 04/20/12*) - Vice Chairman Miller discussed the memorandum from Attorney Sienkiewicz, sent in response to an inquiry regarding the conservation easement. Regular Town Counsel could not be consulted because the Town is the applicant. The easement is in favor of the Town of the Brookfield. Paragraph 8 of that easement prohibits construction of the proposed access road, therefore, that paragraph would have to be amended to allow the work to be done. Vice Chairman Miller noted that Attorney Sienkiewicz's memorandum is very technical. WEO Daniel suggested that clarification be sought regarding the modification of the easement, and who is representing the Town.

Chairman Vulcano stated that he believes that Attorney Sienkiewicz feels that the incorrect party filed the application. Vice Chairman Miller suggested that the name of the applicant on the application be changed and that it be re-filed. Attorney Sienkiewicz advised that a second issue is whether the proposed activity is exempt. He cites Connecticut General Statutes Section 47-42D(b) and stated that he does not believe it is, because the applicant is not a water company. Vice Chairman Miller reiterated that he believes the applicant should be a water company, not the Town of the Brookfield, and that this needs to be brought to the attention of the Board of Selectmen. He added that if the Town is removed as the applicant, it can then consult with regular Town Counsel. It was noted that there still may be a conflict with this, however, as Attorney Marcus did represent the property owner at one time. WEO Daniel will advise the BOS that the Commission is unable to review the application until these issues are resolved.

Chairman Vulcano noted that in his letter, Attorney Sienkiewicz recommends denial of the application based upon C.G.S 47-42D(b). WEO Daniel indicated that the Town is attempting to verify that the application is in compliance with the restriction, so that the IWC can review the application as a wetlands application.

It was noted that the new decision date is April 20, 2012.

Additionally, it was noted that CCA has altered the plans for the access road, based on the site walk and topography.

Vice Chairman Miller moved to continue 540 Federal Road, #201101026. Commissioner Fox seconded the motion, and it carried unanimously.

There was discussion regarding the S. Sullivan letter to the Brookfield Inland Wetlands Commission dated 01/30/12 Re: Water Storage Tank #201101026 Oak Meadows – 540 Federal Road.

Vice Chairman Miller moved to rescind his motion to continue. Commissioner Fox seconded the motion, and it carried unanimously.

Commissioner Fox moved to accept the Town of Brookfield's request for a sixty-five day extension for 540 Federal Road, #201101026, as reflected in a letter dated 01/30/12, and this will then change the effective decision date from 02/15/12 to 04/20/12. Vice Chairman Miller inquired if this can be done retroactively. WEO Daniel noted that the acceptance of

the extension was done at the February 6, 2012 meeting. Vice Chairman Miller seconded the motion. Commissioner Fox noted that the letter is listed in the existing Draft Minutes of the 02/06/12 meeting. This was an administrative oversight that formal acceptance of the letter was not made. Vice Chairman Miller seconded the motion. Motion carried unanimously.

Vice Chairman Miller moved to continue 540 Federal Road, #201101026, to the next regularly scheduled meeting. Commissioner Fox seconded the motion, and it carried unanimously.

- b. **101 Obtuse Hill Road #201101098: 8-lot subdivision – “Whispering Glen Section II”** (*Public Hearing scheduled for 03/12/12 Inland Wetlands Commission Meeting*)
 1. **Memo from K. Daniel to the Planning Commission dated 02/08/12 Re: Application #201101091 for an 8-lot re-subdivision of 101 Obtuse Hill Road**

Vice Chairman Miller recused himself from this matter and left the room at 7:31 p.m.

It was noted that a Public Hearing has been scheduled for March 12, 2012. No site walk has been scheduled, because most of the commission members have been to the site.

A copy of a memo from K. Daniel, to the Planning Commission, regarding non-wetlands issues, was submitted for the file.

Chairman Vulcano moved to continue 101 Obtuse Hill Road, #201101098: 8-lot subdivision, “Whispering Glen Section II” to the next regularly scheduled meeting. Commissioner Hunton seconded the motion, and it carried unanimously.

Miscellaneous

A guide to evaluating applications to was given to Commissioner Downey

Chairman Vulcano moved to go to Agenda Item 5.a. Commissioner Fox seconded the motion, and it carried unanimously.

5. **New Business:**
 - a. **92 Pocono Road #201200097: Detention Area and Add Parking** (*dec date 05/02/12*)
 1. **Letter from R. Posthauer to the Inland Wetlands Commission dated 01/25/12 Re: Brookfield Volunteer Fire Company, 92 Pocono Road**
 2. **List of Adjoining Property Owners prepared for Brookfield Volunteer Fire Department Brookfield, CT**
 3. **Sheet 1 – Site Plan Revision prepared by CCA, LLC dated 06/08/10**

4. Memo from W. Davidson to the Land Use Department dated 02/07/12 Re: Waiver of Fees for application #201200097

Vice Chairman Miller returned to the room at 7:36 p.m.

R. Posthauer, P.E., CCA, 40 Old New Milford Road, was present on behalf of the Brookfield Fire Department. He indicated that the Fire Department wishes to clean up a detention basin in the front of the building, with plastic galleries for infiltration. Additionally, it wants to create parking in the front to prevent visitors from parking in front of a garage bay and to provide parking for firemen. Mr. Posthauer explained that the volume of runoff to the basin has slightly increased since the building was built in 1988. The Fire Department also wants to add a flag/memorial in the front of the site.

There was discussion regarding the presence of cattails on the property.

Upon inquiry from Commissioner Hunton, Mr. Posthauer advised that there is no timetable for the proposal; only that it is “this year’s project”.

Mr. Posthauer explained the drainage pattern.

It was noted that there is a request in the file to waive the fees (long form fee).

Mr. Posthauer stated that the area to be worked on is approximately 100’ X 55’. Six parking spaces are being proposed to be added to the front, and some on the side. Details surrounding the memorial are being discussed by the Fire Department.

The Commission members indicated they do not see the value in filling in the wetlands area for a flagpole and parking. Mr. Posthauer contended that parking issue is a safety issue for people who come to the site and park in front of the bays. He will advise his client of the Commissioners’ concerns.

WEO Daniel noted that the long form application review involves an evaluation of function of wetlands, drainage calculations, and more information. Waiving these requirements is at the discretion of the Commission.

M. Downey inquired what is considered wetlands, and was advised it is often delineated by soil type.

Vice Chairman Miller moved to continue 92 Pocono Road, #20120097: Detention Area and Add Parking. Commissioner Fox seconded the motion, and it carried unanimously.

Chairman Vulcano moved to go to Agenda Item 5.b. Vice Chairman Miller seconded the motion, and it carried unanimously.

b. 27 Bayview Drive #201200113: Jurisdictional Ruling – Tree Removal

1. **Map showing site location received in the Land Use Office on 02/09/12**
2. **On-Site Soils Investigation of Lots 14 & 15 for Edward J. Henry in Brookfield, CT performed by Henry T. Moeller**
3. **Tree Cutting Plan prepared for Edward J. Henry, 27 Bayview Drive dated 10/18/10**

A tree cutting plan with survey information was reviewed. WEO Daniel is unsure if it is a buildable lot because of the presence of community wells for the tax district, and septic tanks in the vicinity. The application indicates that the trees are being removed, “for firewood and future development”.

No one is present.

There was discussion regarding the regulated area. It was also noted from the plans that it is difficult to determine how many trees are on the site. The Commissioners were encouraged to visit the site.

Vice Chairman Miller moved to continue 27 Bayview Drive, #20120-0113: Jurisdictional Ruling – Tree Removal, to the next regularly scheduled meeting with the understanding that the Commissioners will visit the site and the Land Use Office will contact the applicant and advise him that the Commission has several questions regarding the proposed operations. Commissioner Fox seconded the motion, and it carried unanimously.

PUBLIC HEARING: 8:00 PM –

1 High Ridge Road #201200069: Long Form Application

(PH Close Date 04/02/12)

Chairman Vulcano opened the Public Hearing and introduced the members of the Commission. Commissioner Fox read the legal notice, which was published in the News Times on February 14, 2012 and February 24, 2012. It was noted that the application was received on February 6, 2012. Chairman Vulcano then reviewed the policies and procedures that govern the public hearings.

Commissioner Fox read the following correspondence: from the law offices of R. Ghent, dated 2/27/12, requesting that the opening of the public hearing be delayed, but that the site inspection should go on as scheduled.

The applicant is not present this evening, per the letter of Attorney Ghent.

A site walk has already been scheduled for Saturday, March 3, 2012, at 9 a.m.

Vice Chairman Miller moved to continue 1 High Ridge Road, #201200069, to the next regularly scheduled meeting on March 12, 2012, as the second public hearing, immediately following the first public hearing that will start at 8 p.m. The site walk will occur on March 3, 2012, 9:00 a.m. as scheduled. Commissioner Fox seconded the motion, and it carried unanimously.

6. **Tabled Items:** None.

*Item 7.6 was added below.

7. **Correspondence:**

1. **Minutes of Other Boards & Commissions: 02/06/12 Zoning Board of Appeals; 02/02/12; 02/16/12 Planning; 02/09/12 Zoning – Noted.**
2. **The Habitat Winter 2011 Volume 23 Number 4**
3. **Letter from R. Papenfuss to the Zoning Commission and the Planning Commission dated 02/15/12 Re: BJ's Wholesale Club, 84-140 Federal Road, Application #201100083**
4. **Letter from M. Bull to the Inland Wetlands Commission dated 02/13/12 Re: Connecticut Audubon Society Publication**
 - ***Connecticut State of the Birds 2012* magazine (on cart)**
5. **Clearscapes Newsletter dated Winter 2012**
- *6. **Correspondence from NW Conservation District, S. Hayden, dated 2/29/2012, to S. Hayden, re: 1 High Ridge Road**

8. **Review Minutes of Previous Meetings: 02/06/12 – Vice Chairman Miller noted the following correction: On Page 5, under 101 Obtuse Hill Road, to add that Vice Chairman Miller recused himself from that matter. Additionally, on the vote on Page 6, the vote should be 4-0. Commissioner Fox moved to approve the Minutes of February 6, 2012, with the two corrections regarding Mr. Miller's recusal and the vote tally. Chairman Vulcano seconded the motion, and it carried unanimously.**

Chairman Vulcano moved to add to the agenda the nomination of S. Fox as the Commission's Secretary. Vice Chairman Miller seconded the motion, and it carried unanimously, with only regular members voting.

Chairman Vulcano moved to nominate S. Fox as the Commission's Secretary. Vice Chairman Miller seconded the motion, and it carried unanimously, with only regular members voting.

9. **Informal Discussion:** None.

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

Next regular meeting scheduled for March 12, 2012