

APPROVED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Special Meeting
Monday, March 19, 2012– 6:00 p.m.
TOWN HALL MEETING ROOM # 133

1. Convene Meeting

Chairman Vulcano convened the meeting at 6:00 p.m. and established a quorum of members.

2. Roll Call and Designation of Alternates

Present: Chairman J. Vulcano, Vice Chairman L. Miller (arrived at 6:04 p.m.), Secretary S. Fox, Alternate and Voting Member G. Hunton

Absent: M. Downey

Also Present: Wetlands Enforcement Officer K. Daniel, Special Town Counsel P. Olson

3. Continued Public Hearing

a. 1 High Ridge Road #201200069 (PH Close Date 04/02/12)

The reports of D. DiVesta, DiVesta Civil Engineering Associates, Inc., 51 Painter Ridge Road, Roxbury, CT, dated March 9 and March 16, 2012, were reviewed. .

Vice Chairman L. Miller arrived at 6:03 p.m.

Vice Chairman Miller inquired if any excavation would take place at the site. *Attorney R. Ghent, 193 Grand St., Waterbury, CT, was present on behalf of the property owner.* He advised that some digging for the cross walls of the two garages will take place, and the area where the old drainage swale is will be cleaned out to a depth of 30 inches. This is based upon Mr. DiVesta's comments, and this will be added to the plan.

Vice Chairman Miller also inquired regarding the removal of the 18-inch pipe. Attorney Ghent explained that the plan currently shows a new catch basin between the garages. He also noted that a civil action has been commenced against neighbor to the south because of drainage issues that his client contends have resulted in flooding on his property. Upon inquiry from Vice Chairman Miller, Attorney Ghent advised that this will not result in new piping. The 18-inch pipe will be used to provide a point of discharge for gutters and leaders.

WEO Daniel noted the property owner's statement on the application in Section 5. Attorney Ghent stated that his client will place a basin in the pipe to get water off ground and into the pipe.

Secretary Fox asked which of the file documents describes what his client's proposal is to fill the wetlands, and Attorney Ghent referred her to the February 24, 2012 report of T. Pietras. Vice Chairman Miller read from WEO Daniel's memo dated March 19, 2012.

D. DiVesta, PE was present for the Town, and noted the water quality swale referenced on drawing. He indicated that would collect the water from the two garages and treat it before it goes

out to the new catch basin. He pointed out that the current plan does not show details regarding filling the wetlands with stone, fabric stone, fabric and/or soil. Mr. DiVesta indicated that his recommendations are based upon the 2004 Stormwater Quality Manual.

Attorney Ghent advised that his client's intention is to excavate the 266 square foot area, bring it to grade, fill it, carry it over, and install some pipes, per the Land Data report, and to tie into new catch basin. Mr. DiVesta pointed out that the recommendations are very specific on the length of the water swale, at 56 linear feet.

Secretary Fox inquired if Mr. DiVesta would recommend the clearing of debris, and he agreed it would be a favorable action.

Chairman Vulcano inquired how the 18-inch pipe would handle more water. Attorney Ghent explained that the flow of water varies from the pipe, and reviewed the history of drainage on the site going back to the previous property owner. He noted that his client feels that work should be done upstream.

Attorney Ghent pointed out that Land Data's letter to Mr. DiVesta discusses updating the map to address the water on his client's property as well as the neighboring site. The drainage swale will be updated. There was insufficient time this morning to update the map. Vice Chairman Miller inquired how long and high the berm would be, and Mr. DiVesta explained it would be approximately 60 feet long and 1 foot high.

Secretary Fox inquired if Mr. DiVesta had ever seen a berm with long-term maintenance, and Mr. DiVesta stated that stone and filter fabric would help keep the area dry and keep the water in the swale. He noted that it is a smaller piece of a larger wetlands.

Attorney Olson pointed out that the comments of Mr. DiVesta and Land Data must be put on a final map prior to any decision being made. He recalled that the activities related to this property were divided between those that have already occurred, and those that are being proposed, noting that the public hearing related to the filling of the wetlands. Attorney Olson advised that the Commission could act on the existing conditions, and continue the public hearing. He pointed out that it is important that the applicant, as a condition, submit an as-built. Chairman Vulcano identified what is new on the site: the pond, the wall, the apron on east side of existing garage. He indicated that the Commission cannot speak to the piping because none of the parties is aware of what the pipes tie into; and/or whether or not they are conduit of some sort.

Upon inquiry from Secretary Fox regarding how to deal with the one application number, Attorney Olson suggested that the Commission address the activities that are a part of the application by issuing a permit for a portion of it. It was noted that the report of S. Hayden only addresses the existing work on the site and a one-page letter describing the wetlands.

Attorney Olson discussed what his options are to present to the Court on Thursday. He suggested that the Commission request information regarding the piping, and the submission of an as-built. Chairman Vulcano recommended that the Commission approve the work that has been done with a stipulation that an as-built for what was been done be submitted, and advise that the Commission would accept a modification for additional work. The Commission would have to keep the hearing open for the remaining items of work that the applicant wishes to do. There was additional discussion regarding the piping and whether or not it is connected. WEO Daniel will provide

photographs to the applicant so that the engineer can incorporate them into the as-built, which will document the existing conditions. The Commission continued to express its concern regarding the piping, and decided it should be shown on the as-built, as a condition of approval.

Vice Chairman Miller moved to continue the Public Hearing for 1 High Ridge Road #201200069 to the next regularly scheduled meeting. Secretary Fox seconded the motion, and it carried unanimously.

4. Old Business:

a. 1 High Ridge Road #201200069

Vice Chairman Miller moved to approve a portion of the application #201200069, and to issue a permit for: the excavation of the trenches, excavation of the fishing pond, the paving of the driveway, the filling of excavated trenches, completed patio, the grading and paving areas to the east of the garage, with the following stipulations: that the homeowner provides the IWC with an as-built indicating specifically the work noted in the approval as having been completed; and along with the as-built drawing, the Commission wants on that drawing the location and the functions of any water piping that has been installed; that the as-built reflect the condition of the property as of the date of the application (February 3, 2012); and the permit is null and void if the as-built is not submitted by June 30, 2012. Commissioner Hunton seconded the motion, and it carried unanimously.

Vice Chairman Miller moved to go into Executive Session at 6:49 p.m. Secretary Fox seconded the motion, and it carried unanimously.

5. Executive Session: Pending Litigation on 1 High Ridge Road

Executive Session concluded at 6:56 p.m. It was noted that no action took place during Executive Session, and no motions were made.

6. Adjourn

Vice Chairman Miller moved to adjourn the meeting at 6:56 p.m. Secretary Fox seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for March 26, 2012*****