

**APPROVED/AMENDED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, March 26, 2012 – 7:00 p.m.
TOWN HALL MEETING ROOM # 133**

1. Convene Meeting

Chairman 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, Secretary S. Fox, Alternate and Voting Member G. Hunton

Absent: M. Downey

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

3. Wetlands Enforcement

a. Enforcement Officer's Report

1. No new violations.

b. Site Inspection Reports

1. No change since the last meeting.

Chairman Vulcano moved to add 540 Federal Road, #201101026 as Item 4.d. on the Agenda. Secretary Fox seconded the motion, and it carried unanimously.

Chairman Vulcano moved to go to Agenda Item 4.a., 23-27 Carmen Hill Road. Vice Chairman Miller seconded the motion, and it carried unanimously.

4. Old Business:

a. 23-27 Carmen Hill Road #200500619: Wetlands Planting plan and Bonding Reduction –

J. Sivo, 13 Nabby Road, was present. He referenced a document filed today by M. Lillis of CCA. WEO Daniel discussed a discrepancy in the planting plans filed with the IWC and the Planning Commission. She noted that the IWC approval planting plan is denser. There was discussion regarding a drainage swale. Mr. Sivo advised that the basins have been built, and he would like to plant at this time. He indicated that the new(er) plan was requested, dated 8/2/05; and there is a letter that refers to a map with a larger detention basin.

The two plans were reviewed and compared. The orientation of the piping was discussed. WEO Daniel advised that she requested S. Hayden to complete an evaluation of the nature of the plant growth at the site. Mr. Hayden advised that there were not a great deal of invasives, and that much of the vegetation that had grown back was native. The applicant would like the Commission to approve the previously approved Planning Commission figuration, and to reduce the bond amount to reflect the smaller amount of planting (from \$11,000 to \$3,000).

Vice Chairman Miller inquired if the proposal would cause more disturbances, and WEO Daniel replied that it would not.

WEO Daniel also noted that the previous bond estimate included things that Commission does not usually require.

Upon reviewing the plan, it was pointed out that trees will be spaced every twenty feet. The Commission reviewed the number of trees by species. WEO Daniel indicated her preference for the detention basin would be the one proposed on the Planning Commission plans. Secretary Fox requested a list of the costs of the trees. Mr. Sivo will give WEO Daniel a copy of the revised bond estimate before the next meeting.

Vice Chairman Miller moved to approve the revised planting plan only, at 23-27 Carmen Hill Road, #200500619, as indicated on ACAD 03597S2 dated August 2, 2005, with the understanding

that this matter will be kept on the agenda to set a bond at the next regularly scheduled meeting. Secretary Fox seconded the motion, and it carried unanimously.

b. **92 Pocono Road #201200097: Detention Area and Add Parking** (*dec date 05/02/12*) – R. Posthauer, P.E., CCA, LLC, 40 Old New Milford Rd., was present. He stated that revised plans have been submitted. WEO Daniel advised him that at the request of Chairman Vulcano, she contacted S. Hayden, Northwest Conservation District, to provide a report on the proposal.

Mr. Posthauer explained that a majority of the galleries were removed and parking spaces were shifted. Additionally, the proposed flagpole has been removed. Parking has been added to the rear and the south side. A backhoe will be utilized to complete the work on the galleries, and erosion control will be added on the basin side.

WEO Daniel explained that S. Hayden is going to look at firehouse concerns about the unsightly basin and the need to relocate parking. Mr. Posthauer indicated it was acceptable to him to wait for those observations.

Vice Chairman Miller moved to continue **92 Pocono Road, #201200097, to the next regularly scheduled meeting, while waiting for the comments of S. Hayden. Secretary Fox seconded the motion, and it carried unanimously.**

c. **28 Old Route 7 #200801175**

1. **Drainage Diagram for Cole – 28 Old Route 7 prepared by James R. Palmer, P.E. dated 03/20/12**
2. **Environmental Planting Plan dated 03/16/12 prepared by Environmental Land Solutions, LLC**
3. **Site Plan dated 03/16/12 prepared by James R. Palmer, P.E.**
4. **Utility, Grading and Erosion and Sediment Control Plan dated 03/16/12 prepared by James R. Palmer, P.E.**

D. Cole was present. He advised that the pipe was installed in January, and the entire property is now piped. He reviewed new plans generated after meeting with the Planning Commission. The changes include: the location of a detention pond; and that the driveway now has two-way routes. Mr. Cole explained that a berm consisting of one foot of fill will be placed over the pipe. He further advised that all of the on-site water will be cleaned through the Vortex unit.

Additionally, the elevations were reviewed. The proposed plantings were also looked at, and typographical errors were noted. The following were changed: where 25 is listed, “EP” is “JP”; and where 15 is listed, “SW” is “SG”.

Secretary Fox moved to approve the site plan modification for **28 Old Route 7, #2008001175, to reflect the change in the location of the detention basin as noted on a set of plans dated March 16, 2012, with all the previous stipulations. Commissioner Hunton seconded the motion. Motion carried unanimously.**

- d. **540 Federal Road, #201101026** – Vice Chairman Miller moved to continue **540 Federal Road, #201100206 to the next regularly scheduled meeting, Commissioner Hunton seconded the motion, and it carried unanimously.**

5. **New Business:**

- a. **84, 106, 112, 128, 140 Federal Road #201100083: Request for Permit Transfer**

No one present. Secretary Fox moved to approve the name change on the request for permit transfer at 84, 106, 112, 128, 140 Federal Road, #201100083. Vice Chairman Miller seconded the motion, and it carried unanimously.

- b. 540 Federal Road #200900146: Modification to Existing Permit (dec date 04/20/12)**
 - 1. Letter from S. Sullivan to the Inland Wetlands Commission dated 03/20/12 Re: 540 Federal Road Oak Meadows**
 - 2. Sheet PH1 – Phasing Plan Oak Meadows Re-Subdivision Incentive Housing Development dated 08/14/08 prepared by CCA, LLC**

S. Sullivan, PE, CCA, LLC, 40 Old New Milford Rd., was present. He explained that the applicant is proposing to modify the phasing of Oak Meadows Development. Mr. Sullivan advised that Phase IA is essentially completed. He pointed out for the Commission where the drainage for Phases I and II exit to. Phase IB will include paving. Plantings for stabilization will be done before the applicant moves to Phase II. When Phase II is completed, wetlands plantings for the bottoms of the two basins will be performed. Mr. Sullivan advised that the side slopes of the basin can be planted now because that planting does not require any special plantings or seeding. Photographs of the basins were reviewed.

Chairman Vulcano inquired what would happen if there was a problem during the construction. Mr. Sullivan explained that there would be siltation; however, due to the size of the basins, there would be sufficient distance and time for the sediment to be filtered out.

Phase I and Phase II plans were reviewed, and the following was noted on the plans, and initialed by Mr. Sullivan: that for “J”, “place top soil and seed around buildings, adjacent to road, and on side slopes adjacent”. WEO Daniel asked Mr. Sullivan if the applicant was going to continue exploring the idea of wet basins, and Mr. Sullivan advised that it would be looked into later in the project.

Secretary Fox moved to approve the modification to an existing permit at 540 Federal Road, #200900146, to alter the construction sequence documented on a plan dated August 14, 2008, with a last revision dated of March 19, 2012. Vice Chairman Miller seconded the motion, and it carried unanimously.

PUBLIC HEARING: 8:00 PM –

- a. 101 Obtuse Hill Road #201101098: 8-lot subdivision – “Whispering Glen Section II” (PH Close Date 04/16/12) –**

Vice Chairman L. Miller recused himself from this matter.

P. Young, Fenmark Custom Homes, was present on behalf of the applicant. Mr. Young indicated that the applicant is waiting for an engineer’s review of the drainage calculations for the town road drainage that goes into the brook.

D. DiVesta, DiVesta Civil Engineering Associates, Inc., 51 Painter Ridge Road, Roxbury, CT, was present. WEO Daniel noted that his review is due on April 9, 2012.

Chairman Vulcano moved to continue [101 Obtuse Hill Road]. (No second, no vote).

L. Miller, 115 Obtuse Hill Road, was present, as a private citizen. He offered the following for the Commission’s discussions with Mr. DiVesta: that the drainage model used by CCA is known as the “rational model” for purposes of measuring peak flow pre- and post-development; subsequently, a modified rational model with added safety factors for inefficiencies in the original model was used. He advised that this latter model is still deemed outdated. Mr. Miller added that the model utilized today by

engineers is called a TR55 model, which originated in the mid- to late-1990's. This model measures peak flows and volumes, and is useful in determining sizing on detention basins. Mr. Miller noted that the site is approximately 55 acres, and that when the original calculations were done, only 16 acres were taken into consideration. He suggested that Mr. DiVesta conduct his analysis utilizing approximately 32 acres (that will be developed), with the TR55 model. Chairman Vulcano indicated he would make Mr. DiVesta aware of this information.

Mr. Miller also shared that when speaking with an engineer, any development of a watershed area that exceeds ten percent is significant. He further requested that the Commission ask Mr. Virbickas to come to the next meeting to discuss his calculations.

Commission members agreed that the information that will be forthcoming from Mr. DiVesta will be an appropriate "starting point" for the continued review of this application.

Mr. Young pointed out that the application relates to only six lots, and the drainage calculations represent town roads, and an existing drainage system updated by the Town Engineer and the Town's consulting engineer. He further indicated that the drainage calculations for the six lots are for those existing lots.

Mr. Miller rebutted that the subdivision consists of fourteen lots, and the ongoing drainage issues have not been corrected, as there is still flooding.

Chairman Vulcano reiterated that the Commission will await the feedback from Mr. DiVesta.

Secretary Fox moved to continue 101 Obtuse Hill Road to the April 9, 2012 meeting. Commissioner Hunton seconded the motion, and it carried unanimously.

WEO Daniel advised she will get the information from tonight's meeting to Mr. DiVesta.

b. 1 High Ridge Road #201200069: Long Form Application (PH Close Date 04/02/12)

1. Email from K. Daniel to P. Olsen dated 03/22/12 Re: Invoice 1 High Ridge Road
Vice Chairman Miller rejoined the meeting and returned to the Commission's table.

WEO Daniel advised the Commission that the Public Hearing and engineering fees have been paid to date. The letter of D. DiVesta dated March 24, 2012 was noted. WEO Daniel also submitted a copy of the letter of S. Hayden dated March 26, 2012. This letter was reviewed by the Commission members.

It was noted that Mr. DiVesta had a copy of the Revised Drawing of March 21, 2012, but the Commission members did not.

Attorney Ghent, 195 Grand Street, Waterbury, CT, was present on behalf of the applicant.

Chairman Vulcano reviewed the comments (#1 through 5) of Mr. DiVesta in his March 24, 2012 letter to WEO Daniel. *D. DiVesta, DiVesta Civil Engineering, 51 Painter Ridge Road, Roxbury, CT, was also present.* The one-foot high berm discussed. Comment #4, regarding the loam/sand structure, was discussed in further detail, and Mr. Hayden's recommendation for a 75/25 mixture was noted. Additionally, Mr. Hayden's discussion in his March 26, 2012 letter regarding the well cap was reviewed. Attorney Ghent indicated that Land Data was unable to verify the well cap because Mr. Harrison prohibited access to his property.

Vice Chairman Miller inquired if a curtain drain would be more favorable than the swale, and Mr. DiVesta advised that there is a curtain drain there. Mr. DiVesta further indicated that there are two ways for water to get through that swale. Attorney Ghent discussed how the water travels through the property. There was additional discussion regarding the berm and concerns of water backing up on the neighbor's property.

Chairman Vulcano advised that the design sheet does show how the water runoff will be managed. With regard to zoning regulation that governs drainage onto neighboring properties, Secretary Fox suggested that the Zoning Commission be consulted. There was further discussion regarding the berm. Attorney Ghent also advised that his client has filed a lawsuit against the neighbor to address the drainage and other issues. Mr. DiVesta suggested that a small notch be placed near the berm to direct water.

There was discussion regarding the Commission's request for an as-built, and Attorney Ghent indicated that he advised his client of this request, as a condition of approval.

Attorney Ghent noted Mr. Hayden's suggestion of roof drains and protection around the inlet. He further advised that Mr. Hayden did see the revised map of March 21, 2012.

Secretary Fox moved to close the Public Hearing for 1 High Ridge Road, #201200069: Long Form Application. Commissioner Hunton seconded the motion, and it carried unanimously.

Secretary Fox advised that she was satisfied with the location of the garages, the piping and the extension of the swale, but does not see the rationale for filling the wetlands. Chairman Vulcano noted that the whole property was wetlands, and while he is not a proponent of filling the wetlands, the proposal put the site in a better condition. Vice Chairman Miller also discussed the low level quality of the wetlands. He also recommended a planting plan for a buffer, but the lack of room for this was noted.

There was discussion regarding general clean-up of debris at the site. Attorney Ghent advised that the plan is to excavate down three inches of soil, so the debris will have to be taken away.

Vice Chairman Miller moved to approve 1 High Ridge Road, #201200069, referring to a map dated January 23, 2012, with latest revision March 21, 2012, a site plan prepared by Land Data Engineers, Waterbury, CT, with the following stipulations: 1) a construction sequence as follows: a) the construction of the divided berm, which will have a break that will be located between the areas of the swale; b) that the swale will be installed according to plan, however, with a notation from Mr. DiVesta that the soil mix ratio will be 75% sand and 25 % loam, for greater infiltration capacity; and noting Mr. DiVesta's comment that there be a filter fabric installed between the gravel bed and the sand/loam mixture; c) that all debris in that area will be removed, disposed of off-site, with any other statutory requirements; d) the pipe inside the swale is a 4" perforated pipe as per the detail on the drawing; e) the installation of catch basin as indicated on the plan, at the south end of the property; and f) the garages will be constructed last; and 2) soil and erosion controls will be installed per the Connecticut guidelines for soil and erosion controls, and that all soil and erosion control will be installed prior to any activity at all, and that WEO Daniel will be notified when the soil and erosion controls are in place for an inspection prior to any fair construction; and that WEO Daniel also be notified when the water quality swale is dug, before the piping is installed, and the catch basin is installed. Secretary Fox seconded the motion. The motion carried, 3-1, with Secretary Fox opposing.

6. **Tabled Items: None.**

7. **Correspondence:**

1. **Minutes of Other Boards & Commissions: 03/08/12 Zoning; 03/15/12 Zoning Sub-Committee; 03/15/12 Planning**
2. **2012 Municipal Inland Wetlands Commissioners Training Program Brochure**
3. **Letter from R. White to the Inland Wetlands Commission dated 03/06/12 Re: Friends of the Lake**
4. **Iroquois Report Winter Issue dated March 2012**
5. **Letter from Z. Zyskowski to the Brookfield Town Hall Re: Inland Wetlands Application for 11 Pine Island of New Fairfield, CT**

Noted.

Vice Chairman Miller left the room from 8:55 p.m. to 8:57 p.m.

Miscellaneous – 101 Obtuse Hill Road, #201101098 -

WEO Daniel advised that she gave the wrong due date for the review on 101 Obtuse Hill Road, #201101098. She indicated that Mr. DiVesta will be unable to complete the review until April 23, 2012. The applicant may need to grant an extension to the Commission. WEO Daniel will update the Commission at its next regular meeting on April 9, 2012.

Vice Chairman Miller left the room at 8:58 p.m. and was not present to vote on the following:

8. **Review Minutes of Previous Meetings:**

03/12/12 – Secretary Fox noted the following correction, on Page 5, last sentence, after the comma, that it reads, “and no water from impervious surfaces leaves the site.” Secretary Fox moved to approve the Minutes of the March 12, 2012 Meeting with the one correction noted above. Commissioner Hunton seconded the motion, and it carried unanimously.

03/19/12 Special Meeting – Secretary Fox noted the following correction: on Page 2, in the fifth full paragraph, to correct the last sentence that it reads, “He noted that it is a smaller piece of a larger wetlands.” Secretary Fox moved to approve the Minutes of the March 19, 2012 Special Meeting, with the changes as noted above. Commissioner Hunton seconded the motion, and it carried unanimously.

9. **Informal Discussion: None.**

10. **Adjourn Commissioner Hunton moved to adjourn the meeting at 9:01 p.m. Secretary Fox seconded the motion, and it carried unanimously.**

*****Next regular meeting scheduled for April 9, 2012*****