

**APPROVED/AMENDED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, April 9, 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

Enforcement Officer's Report – High Ridge Road

35 Sunset Hill Road, #201100456 – WEO Daniel inspected the site this afternoon. She advised that the driveway is stable and the neighbor has done some work to take care of the seepage at her site. WEO Daniel will be in touch with Mr. Cyr regarding completion of the drainage work, the stabilization of channel and the completion of the dry well. She is unaware of where the property is listed on the Town's paving list. The Commission indicated that it wished to leave this item on the report so that it can evaluate the work when it is completed.

533 Federal Road, #201100251 – WEO Daniel reported that a new Citation was sent when the property came out of bankruptcy. She is checking with Town Counsel regarding the status of that action. There was discussion regarding the continuing problem of the property owner and the neighbor disposing of material on the site.

8 Stage Road, Complaint – WEO Daniel reported that there does not appear to be an increase in the erosion in the channel. This matter will be left on the report at least until the end of the spring rain season.

2 High Ridge Road, Complaint – WEO Daniel advised that this property owner made the complaint, but the problem likely originated in the Green Ridge Tax District. She will be speaking with the State Department of Energy and Environmental Protection (DEEP) representative and will further investigate this matter.

b. Site Inspection Reports

540 Federal Road – WEO Daniel advised that there has been an issue with dust at this site. S. Hayden continues to provide reports on the site, and the applicant is copied on those reports.

23-27 Carmen Hill Road – The report on this site was noted.

Miscellaneous

BJ's Wholesale Club Site – WEO Daniel has inspected the erosion control at this site with S. Hayden. Upon inquiry from Commissioner Hunton, WEO Daniel indicated she is not aware if the applicant is on schedule.

Vice Chairman Miller moved to go to Agenda Item 7.2. Commissioner Hunton seconded the motion, and it carried unanimously.

7. Correspondence:

2. Memo from K. Daniel to the Inland Wetlands Commission dated 04/05/12 Re: Inland Wetlands Fee Schedule – WEO Daniel advised that numerous property owners have come in to the Land Use Office with requests for modifications on approved applications. Most of these sites have also requested modifications through the Zoning Department. Upon review of that Department's procedure, she is recommending that the Wetlands Commission apply a similar fee schedule and application process. WEO Daniel suggested that if the modification involves complicated changes to the plan, the Commission could stipulate a requirement for a monitor, to be included in the modification fee or beyond it. She discussed certain scenarios of different modifications that may involve

more or less impact than the original application. Secretary Fox suggested that there be simple and complex categories; with the latter involving more impact to the regulated area, requiring a monitor, for longer review time. The Commission suggested that WEO Daniel propose a draft for the Commission's review.

Vice Chairman Miller moved to go to Agenda Item 4.b. Secretary Fox seconded the motion, and it carried unanimously.

4. Old Business:

b. 92 Pocono Road #201200097: Detention Area and Add Parking (dec date 05/02/12)

1. Letter from S. Hayden to K. Daniel dated 03/27/12 Re: Site Plan Review for Proposed Parking Upgrades at Brookfield Volunteer Fire Department -

M. Lillis, PE, CCA, 40 Old New Milford Rd., W. Loesch, and G. Martone, Brookfield Fire Department, were present. Mr. Hayden's report was reviewed. There was discussion regarding the sequencing of the plans, from June 8, 2011, to the latest of Mr. Posthauer's dated March 20, 2012. Mr. Loesch pointed out that the galleries are being donated. The Commission is satisfied with the revised plan and believes it is a good compromise for the parking that the Fire Department was seeking. **Secretary Fox moved to approve #201200097, at 92 Pocono Road, to add parking to the site per a drawing, originally dated 6/8/10, last modification date of 3/20/12. Vice Chairman Miller seconded the motion, and it carried unanimously.**

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

c. 23-27 Carmen Hill Road #200500619: Bonding Reduction/Set Bond

J. Sivo was present. It was noted that the applicant wishes to reduce the bond. Mr. Sivo pointed out the additions on the planting plan. **Secretary Fox moved, in the matter of 23-27 Carmen Hill Road, #200500619, to reduce the bond for the current planting bond, from its current estimated value of \$11,000.00, to \$3,100.00, to reflect an altered planting plan. Vice Chairman Miller seconded the motion, and it carried unanimously.**

Vice Chairman Miller moved to go to Agenda Item 4.d., 1 High Ridge Road. Commissioner Hunton seconded the motion, and it carried unanimously.

d. 1 High Ridge Road #201200069: Long Form Application

1. Letter from R. Ghent to K. Daniel dated 03/30/12 Re: Affiliated Realty, LLC – 1 High Ridge Road, Brookfield, CT (Application approved on 03/26/12)

Attorney Ghent, 195 Grand Street, Waterbury, CT, was present. There was discussion regarding the change in sequence. The work generally starts at the impacted area and moves out from that point. Attorney Ghent believes that the soil and erosion controls will provide the protection for the area downgrade. When the permit is applied for, the soil and erosion controls will be installed. Additionally, the debris will be removed, and the construction of the divided berm will be determined at a later date. WEO Daniel inquired when the debris would be removed, and Attorney Ghent advised it would be among the initial phases.

Vice Chairman Miller moved to modify the IWC approval at the March 26, 2012 meeting, that the construction sequence will be as follows:

- 1) The installation of all soil and erosion control in accordance with Connecticut guidelines and that such soil and erosion controls will be installed prior to any activity, and inspected by the Wetlands Enforcement Officer prior to any construction or other activity;**

- 2) All debris in that area will be removed, and disposed of off-site, with any other statutory requirements;
- 3) The garage construction, with gutters and leader drains connected to the storm drain facilities;
- 4) The installation of a catch basin as indicated on the plan at the south end of the property;
- 5) That the swale will be installed according to plan, however, with the notation from Mr. DiVesta that the soil mix ratio will be 75% sand, and 25% loam, for greater infiltration capacity; the pipe inside the swale is a 4-inch perforated pipe as per the detail on the drawing, and noting Mr. DiVesta's comment that there will be a filter fabric installed between the gravel bed and the sand/loam mixture;
- 6) With regard to the construction of the divided berm, this would be at the property owner's discretion as to when it wishes to do that, however, it will remain as stipulated that the swale will have a break that will be located per the drawings on the approved site plan.

Commissioner Hunton seconded the motion, and it carried unanimously.

Vice Chairman Miller moved to go to Agenda Item 4.a. Commissioner Hunton seconded the motion, and it carried unanimously.

- a. **540 Federal Road #201101026: Water Storage Tank Water Main** (*dec date 04/20/12*)
 1. Letter from S. Hayden to K. Daniel dated 03/27/12 Re: Site Plan Review of Proposed Water Storage Tank and Access Road at 540 Federal Road
 2. Letter from S. Sullivan to the Inland Wetlands Commission dated 04/02/12 Re: Water Storage Tank #201101026 Oak Meadows
 3. Sheet S1 – Water Storage Tank Site Plan Oak Meadows Re-Subdivision prepared by CCA, LLC dated 11/29/11; revised through 04/02/12
 4. Sheet L1 – Water Storage Tank Landscape Plan Oak Meadows Re-Subdivision prepared by CCA, LLC dated 11/29/11; revised through 04/02/12
 5. Sheet D2 – Water Storage Tank Notes & Details Oak Meadows Re-Subdivision prepared by CCA, LLC dated 03/02/12; revised through 04/02/12
 6. Letter from S. Hayden to K. Daniel dated 04/05/12 Re: Updated Site Plan Review of Proposed Water Storage Tank and Access Road at 540 Federal Road

M. Handshy, Consultant for the Board of Selectmen, and M. Lillis, PE, CCA, 40 Old New Milford Rd., were present on behalf of the applicant. The revised plans dated April 2, 2012, and the comments of S. Hayden dated April 5, 2012 were discussed. The Commission requested that S. Hayden remain as a monitor for the site, and the applicant's representatives were amenable to this. **Secretary Fox moved to approve the site plan for 540 Federal Road, #201101026, for the water tank storage tank installation and the road. The approval is based on a plan, originally dated 11/29/11, with a last modification date of 4/2/12, with all the standard stipulations; and also to recommend the appointment of Mr. Hayden as the IWC's monitor. Vice Chairman Miller seconded the motion, and it carried unanimously.**

Vice Chairman Miller moved to go to Agenda Item 5.a., 30 Arapaho Road. Commissioner Hunton seconded the motion, and it carried unanimously.

5. New Business:

- a. **30 Arapaho Road #201200228: Grading and Drainage Improvements** (*dec date 06/13/12*)
 1. Town of Brookfield, CT GIS Map of 30 Arapaho Road received in the Land Use Office on 03/23/12

T. Tomaino, 31 Arapaho Road, was present on behalf of the property owner. There was discussion regarding a depression on the property. It was noted that water is running off of a catch basin to the property. The catch basin was installed by the Town. Mr. Tomaino indicated that a survey was done, and

it showed that the water is unloading 90 feet from the pond, and due to overgrowth, is unable to make it to the pond. WEO Daniel and the Commissioners will inspect the site.

Vice Chairman Miller moved to continue 30 Arapaho Road, #201200228, to the next regularly scheduled meeting, with the understanding that the Commissioners and WEO Daniel will visit and inspect the site on their own, prior to the next meeting. Secretary Fox seconded the motion, and it carried unanimously.

Vice Chairman Miller moved to go to Agenda Item 5.b., 430 Candlewood Lake Road. Secretary Fox seconded the motion, and it carried unanimously.

- b. 430 Candlewood Lake Road #201200270: Modification to Existing Permit #200700620**
*Original Application approved on 06/25/07 as 270 Candlewood Lake Road
(dec date 06/13/12)*

- 1. Town of Brookfield, CT GIS Map showing 250 and 270 Candlewood Lake Road received in the Land Use Office on 04/04/12**

W. Hartmayer, 430 Candlewood Lake Rd., was present. He is proposing that the current path be outlined in pressure treated wood and that gravel be installed within those railroad ties. Mr. Hartmayer will complete the work with his own backhoe. Chairman Vulcano explained that soil and erosion controls would have to be installed prior to the work being done. He drew in the soil and erosion controls on the plans, and this was initialed by Mr. Hartmayer. WEO Daniel noted that this is an existing permit.

Vice Chairman Miller moved to approve the modification of permit #200700620, 430 Candlewood Lake Road, to allow the construction of a gravel turnaround; that it would be reinforced by railroad ties, with the stipulation that prior to any work at the site, soil and erosion control will be installed per the Connecticut regulations, and that WEO Daniel be contacted to inspect the site prior to any work being done. Secretary Fox seconded the motion, and it carried unanimously.

Vice Chairman Miller recused himself from the following matters and left the table.

- c. 25 Cross Pond Drive #200800263: Request for Permit Transfer** *(dec date 06/13/12)*

1. Proposed Septic Design Lot 5 Whispering Glen 25 Cross Pond Drive prepared by CJOJ, LLC dated 07/31/07 received in the Land Use Office on 04/04/12 (in file) – Secretary Fox moved, in the matter of 25 Cross Pond Drive, #200800263, to approve the Request for a Permit Transfer. Commissioner Hunton seconded the motion, and it carried unanimously.

- d. 1 Tree Farm Lane #200800261: Request for Permit Transfer** *(dec date 06/13/12)*

1. Proposed Septic Design Lot 12 Whispering Glen 1 Tree Farm Lane prepared by CJOJ, LLC dated 07/26/07; received in the Land Use Office on 04/04/12 (in file) – Secretary Fox moved, in the matter of 1 Tree Farm Lane, #200800261, to approve the Request for the Permit Transfer. Commissioner Hunton seconded the motion, and it carried unanimously.

- e. 4 Tree Farm Lane #200800262: Request for Permit Transfer** *(dec date 06/13/12)*

1. Proposed Septic Design Lot 11 Whispering Glen 4 Tree Farm Lane prepared by CJOJ, LLC dated 11/02/07; received in the Land Use Office on 04/04/12 (in file) – Secretary Fox moved, in the matter of 4 Tree Farm Lane, #200800262, to approve the Request for the Permit Transfer. Commissioner Hunton seconded the motion, and it carried unanimously.

- f. 8 Tree Farm Lane #200700149: Request for Permit Transfer** *(dec date 06/13/12)*

1. Plot Plan Lot 9 Whispering Glen prepared by CJOJ, LLC dated 08/28/07; received in the Land Use Office on 04/04/12 – Secretary Fox moved, in the matter of 8 Tree

Farm Lane, #200700149, to approve the Request for the Permit Transfer. Commissioner Hunton seconded the motion, and it carried unanimously.

Vice Chairman Miller returned to the meeting.

8. Review Minutes of Previous Meetings: 03/26/12 – Vice Chairman Miller requested that the spelling of the “rationale model”, discussed under the Public Hearing for 101 Obtuse Hill Road, on pages 3 and 4, be verified. WEO Daniel will check the spelling.

Commissioner Hunton moved to approve the Minutes of the March 26, 2012 meeting. Secretary Fox seconded the motion, and it carried unanimously.

Secretary Fox moved to take a five minute recess at 7:55 p.m. Commissioner Hunton seconded the motion, and it carried unanimously.

CONTINUED PUBLIC HEARING: 8:00 PM –

a. 101 Obtuse Hill Road #201101098: 6-lot subdivision – “Whispering Glen Section II”
(PH Close Date 04/16/12)

- 1. Letter from the residents of Whispering Glen to the Brookfield Planning Commission and the Inland Wetlands Commission dated 03/17/12 Re: 101 Obtuse Hill Road #201101091 – Whispering Glen Section II**
- 2. Letter from D. Virbickas of Artel Engineering dated 03/22/12 Re: Whispering Glen – Section Two**

Vice Chairman Miller recused himself from this matter and left the table.

P. Young, Finmark Custom Homes, LLC, was present. The above listed correspondence was noted.

Chairman Vulcano explained that he wishes to seek Town Counsel opinion on how to proceed in this matter, in fairness to the applicant and the abutting property owners. Secretary Fox also pointed out that the opinion of the technical expert is not yet available. There was discussion regarding the timeframe for the closing of the public hearing. Mr. Young submitted a letter granting an extension until the next meeting.

L. Miller, 115 Obtuse Hill Road, was present. He commented on the letter from the residents of Whispering Glen, presented at the Planning Commission. He pointed out that resident Mr. Sutula attended the Planning Commission meeting, and is in support of continuing the completion of the development, but was unaware of the Millers’ concerns about drainage. Mr. Miller also noted that the residents’ petition discusses aesthetics and safety, which are not relevant to Wetlands Commission review. Mr. Miller also commented on the concluding statement in the letter of Mr. Virbickas.

Secretary Fox moved to continue the Public Hearing for 101 Obtuse Hill Road, #201101098, to the April 23, 2012 meeting, as the first public hearing at 8:00 p.m., noting that Mr. Young did provide a written extension to continue the Public Hearing until that date, and to ask that the Chairman and the Wetlands Enforcement Officer contact the Town Attorney to gain his/her opinion as to how to proceed. Commissioner Hunton seconded the motion, and it carried unanimously.

6. Tabled Items: None.

7. Correspondence:

1. Minutes of Other Boards & Commissions: 03/22/12 Zoning; 04/02/12 Zoning Board of Appeals – No discussion/no motions.
 2. Memo from K. Daniel to the Inland Wetlands Commission dated 04/05/12 Re: Inland Wetlands Fee Schedule – Discussed above.
9. **Informal Discussion:** None.
10. **Adjourn** Vice Chairman Miller moved to adjourn the meeting at 8:11 p.m. Commissioner Hunton seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for April 23, 2012*****