

**APPROVED/AMENDED MINUTES  
BROOKFIELD INLAND WETLANDS COMMISSION  
Monday, April 23, 2012 – 7:00 p.m.  
TOWN HALL MEETING ROOM # 133**

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**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, 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. 119 Long Meadow Hill Road #201200281: Notice of Violation** – WEO Daniel shared photographs with the Commission members. The violation relates to branches in the stream, but they have since been removed. *A. Donnelly, 119 Long Meadow Hill Rd., was present.* He stated that the tree in question was a safety issue. He explained that one of the trunks was removed by the Town two years ago because it was diseased. Mr. Donnelly advised that during this past October's snow storm, the other part of the tree fell down, into the stream. Two months ago, employees of the Town Tree Department demarcated other trees on his property. Recently, as the weather began to warm, several children from the neighborhood began trying to cross the stream via the tree. Due to the safety issue, he installed "no trespassing" signs, and "broccoli chopped" the tree. Mr. Donnelly, who owns a security company, discussed his concerns regarding WEO Daniel's inspection of the site three weeks ago, specifically, that she was not in a Town vehicle. A neighbor called about the "no trespassing" signs, so Mr. Donnelly obtained permits for them. Chairman Vulcano explained the statutory process of investigating complaints of activity in the regulated area. Mr. Donnelly discussed how his family has maintained the stream for eighteen years.

Mr. Donnelly also advised that the Director of Public Works is going to get a curb fixed where there has been a problem with runoff. Mr. Donnelly was advised to call the office if there are any issues in the future.

**Vice Chairman Miller moved to remove 119 Long Meadow Hill Road, #201200281, as an enforcement item on the agenda. Commissioner Hunton seconded the motion, and it carried unanimously.**

**b. Site Inspection Reports**

**540 Federal Road**

- **Memo from S. Hayden of the Northwest Conservation District dated 04/10/12** – The inspection report was noted. The applicant has been responsive thus far.

**84-140 Federal Road**

- **Memo from S. Hayden of the Northwest Conservation District dated 04/13/12** – The inspection report was noted. It discusses the temporary sediment traps and proposes that they be enlarged. Chairman Vulcano indicated he inspected the site and found the brook to be "pretty clean". Upon inquiry from Secretary Fox, WEO Daniel advised that the project manager did receive a copy of the inspection report of S. Hayden.

**No motions.**

**Miscellaneous -**

WEO Daniel advised that she is working on the proposed change in the fee schedule.

**2 High Ridge Road** – WEO Daniel reviewed the status of a complaint made a couple of years ago regarding an oil leak from the Greenridge well. She has spoken with the Department of Energy and Environmental Protection. It will oversee the remediation of soil contamination, and it will be done on a case-by-case basis. The DEEP is also aware that Aquarian is taking over the water line in the district. The DEEP representative will ensure that Aquarian makes an agreement with Mitchell Oil, so that Mitchell Oil will be responsible for any future soil/oil issues. Chairman Miller reviewed the factors that affect the manner in which oil binds to soil. WEO Daniel will remove this item from the report.

**General Issues related to Applications involving a partially completed subdivisions**

*Town Attorney N. Marcus, Cohen & Wolf, 148 Deer Hill Ave., Danbury, CT, was present. Vice Chairman L. Miller recused himself.*

Chairman Vulcano inquired regarding the Commission’s jurisdiction for an application in a subdivision that is partially completed, and where the abutting neighbors have filed complaints. In this instance, the application is for six building lots in the Whispering Glen Subdivision. Attorney Marcus advised that the subdivision has been terminated because of the failure to complete it in accordance with the original permit. He further stated that the Commission’s jurisdiction relates to wetlands and watercourses. He suggested that the Commission review the conditions that exist, and because they are the result of a failure of the previous permit, the Commission must consider that as well. The Commission can review if the work was done properly, and what the existing conditions are now. If the applicant denies responsibility for the existing conditions, the Commission must focus on how the proposed work will affect those conditions, regardless of who is responsible. Upon inquiry from Secretary Fox, Attorney Marcus advised that regardless of the application, and proposed work, the existing conditions could be handled as an enforcement matter. The conditions must still be addressed when the application is considered. The six lots of the Whispering Glen are individually owned, and the Commission is not aware of any violations.

There was discussion regarding the roadway improvements performed, and the fact that the Town currently owns the roads. Chairman Vulcano reviewed that, with regard to the original application, there is still a question of whether the development resulted in improper drainage to the brook, and the pre- and post-development calculations have been unable to answer that question. The engineering consultant (Doug DiVesta) retained by the Town to review the calculations will be able to help determine this via his report.

The applicant will submit his pre- and post-calculations for the six lots in his application, which may or may not “balance out”. Attorney Marcus noted this is a risk that is undertaken by an applicant when it purchases partially completed property.

The Commission will look at the application and ensure that the calculations are correct. If the calculations for the previous work are deemed to be incorrect, the Commission must consider that fact, because ignoring the substandard drainage may expose the Town. Attorney Marcus noted that Mr. DiVesta’s report addresses many of the issues on the site.

WEO Daniel requested that Attorney Marcus summarize his comments and submit them to the file for the record. Attorney Marcus further advised that if his review of the Whispering Glen plan is necessary, he would be willing to do so.

**4. Old Business:**

**a. 30 Arapaho Road #201200228: Grading and Drainage Improvements (dec date 06/13/12) – T. Tomaino, 31 Arapaho Rd., was present.** Chairman Vulcano and Secretary Fox indicated that they did inspect the site. Secretary Fox noted the large size of the area, and reviewed

photographs on her smartphone with the other Commission members. She and Chairman Vulcano were unable to find the pipe, as it is covered with brush. Two catch basins were found. Chairman Vulcano inquired regarding the stakes at the site, and Mr. Tomaino advised they are from the surveyor stakes. Chairman Vulcano also pointed out an area he thought to have been excavated within the past two years. Mr. Tomaino was not aware of this. He is suggesting extending the pipe and doing regrading. The area is currently unusable. Vice Chairman Miller inquired if it is possible that some of the issue is with perking up from groundwater. Mr. Tomaino agreed that could be the problem. The high water table at the property was noted. Mr. Tomaino indicated the work would be at least fifteen feet from “the start of the pond”. There was discussion regarding obtaining the pipe.

There was discussion regarding the street draining water on to the property. WEO Daniel advised that an open swale would be better than a pipe. Secretary Fox suggested another swale in the middle of the property to drain both left and right sides, to go into the pond. Mr. Tomaino thinks grading the area will accomplish getting the water to the swale.

There was additional discussion regarding the existing pipe and grade, and the filling of the two-foot depression in the middle. Mr. Tomaino demonstrated to the Commission how the swale would go, utilizing the plans. He inquired if the Commission was opposed to him cleaning up the brush near the pond. He welcomed them to visit the site. Mr. Tomaino will use a bulldozer and excavator to do the work. He will put the proposed work on the plans, and was encouraged to submit them on or before the Friday before the next meeting.

**Chairman Vulcano moved to continue 30 Arapaho Road, #201200228, to the next regularly scheduled meeting. Secretary Fox 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 04/23/12)*

**Secretary Fox moved to recess the Public Hearing for 101 Obtuse Hill Road, #201101098, for the purposes of handling one agenda item under New Business. Commissioner Hunton seconded the motion, and it carried unanimously.**

**5. New Business:**

- a. 18 High Ridge Road #2012000296: Extend Drainage Pipe *(dec date 06/27/12)***  
**1. Town of Brookfield, CT GIS Map showing 18 High Ridge Road received in the Land Use Office on 04/13/12**

*M. O’Hara, 18 High Ridge Rd., was present.* He discussed an ongoing problem with drain coming off of High Ridge Road. The map was reviewed, and Mr. O’Hara pointed out where the drainage is taking a part of his side yard out. The route of the drainage is now getting closer to the house. Mr. O’Hara has spoken with the Director of Public Works, as that department is currently working on that road. WEO Daniel pointed out that a large portion of the property is wetlands soil. Vice Chairman Miller noted that it is already disturbed.

Mr. O’Hara discussed his plans to install a pipe, and it will not be near the neighbor’s house.

The Commission members will inspect the property prior to the next meeting. Secretary Fox requested that the applicant put a stick in the ground where he wants the pipe to end.

Vice Chairman Miller moved to continue 18 High Ridge Road, #2012000296, to the next regularly scheduled meeting with the understanding that the Commissioners will visit the site. Commissioner Hunton seconded the motion, and it carried unanimously.

Commissioner Hunton moved to return to the Continued Public Hearing for 101 Obtuse Hill Road, #201101098. Secretary Fox 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 04/23/12)

*Vice Chairman Miller recused himself and left the table at 8:06 p.m.*

*P. Young, Finmark Custom Homes, was present.*

Chairman Vulcano explained that Attorney Marcus was present at tonight’s meeting for general information as to how to proceed with the application review. He advised Mr. Young that the Commission was directed to review the application and can consider the any issues that are currently at the site.

Mr. Young indicated that all six individual residential lots meet planning, zoning, wetlands and health department regulations. He further stated that the applicant has made provisions to have every lot designed by a professional engineer to contain and control any water from the development of these lots, so that there is no runoff.

WEO Daniel provided Mr. Young with a copy of Mr. DiVesta’s report.

Chairman Vulcano indicated that the Commission will consider the pre- and post-development runoff, from the project. He inquired of Mr. Young if his client would be willing to grant the Commission an extension. Mr. Young noted that the Planning Commission will be closing its hearing on May 3, 2012. He would like for his client to have the opportunity to review and respond to Mr. DiVesta’s report.

*D. DiVesta, P.E., 51 Painter Ridge Rd., Roxbury, CT, was present.* He reviewed the concerns listed in his report for Lots 5, 6, 7, 9, 11 and 12, as well as Open Space B. Chairman Vulcano noted that a consistent concern relates to overflow drainage. Many of the other concerns regard items lacking from the plans. Mr. DiVesta listed 17 conclusions at the end of his report, emphasizing that he is unsure which methodology was utilized by the applicant for the calculations.

Upon inquiry from Mr. Young, Mr. DiVesta indicated that he did review the information from Artel Engineering, but did not comment on it because it was a review of what Mr. Gallagher did.

There was discussion regarding the detention areas filling up with ground water. Mr. DiVesta pointed out that there storm water quality basin is not mentioned in the calculations. He further advised that he inspected the site today, and noted that a control outlet in the basin is being breached. He also noted the need for other maintenance in the other basin, and erosion occurring, and summarized that more detailed information needs to be supplied to the Commission.

Mr. Young inquired if Mr. DiVesta is contending that the basins need maintenance, and Mr. DiVesta agreed that they are functioning, but not as intended due to the need for maintenance.

There was discussion regarding the need to conclude the prior to the Planning Commission meeting, and it was decided that the Planning Commission could close its hearing without acting on the application. Mr. Young granted the Inland Wetlands Commission an extension until the next meeting on May 14, 2012, and submitted a letter indicating such. He will speak with his client regarding the need for maintenance on the detention basins. There was discussion regarding prior work to the retaining walls.

Additional photographs from Mr. DiVesta's smartphone were reviewed.

There were no comments from anyone in the audience.

**Secretary Fox moved to continue the Public Hearing for 101 Obtuse Hill Road, #201101098, to next regularly scheduled meeting on May 14, 2012, at 8:00 p.m. Commissioner Hunton seconded the motion, and it carried unanimously.**

**6. Tabled Items: None.**

**7. Correspondence:**

- a. Minutes of Other Boards & Commissions: 04/05/12 Planning; 04/12/12 Zoning**
- b. The Habitat Spring 2012 Volume 24 Number 1**

**Noted.**

**8. Review Minutes of Previous Meetings: 04/09/12 – Secretary Fox moved to approve the Minutes of the April 9, 2012 meeting. Vice Chairman Miller seconded the motion. WEO Daniel noted a correction on Page 5, under 101 Obtuse Hill Road, at the middle of the page, to change “Lexmark” to “Finmark”. Secretary Fox moved to approve the Minutes of the April 9, 2012 meeting with the correction noted above by WEO Daniel. Vice Chairman Miller seconded the motion, and it carried unanimously.**

**9. Informal Discussion: None.**

**10. Adjourn Vice Chairman Miller moved to adjourn the meeting at 8:42 p.m. Commissioner Hunton seconded the motion, and it carried unanimously.**

**\*\*\*Next regular meeting scheduled for May 14, 2012\*\*\***