

**APPROVED MINUTES  
BROOKFIELD INLAND WETLANDS COMMISSION  
Monday, May 21, 2012 – 7:00 p.m.  
TOWN HALL MEETING ROOM # 133**

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**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. SHOW CAUSE HEARING – 7:15 p.m.**

**1 High Ridge Road, #201200432: Cease and Correct Order issued 5/17/12 – WEO Daniel** advised that she failed to put the date for this Show Cause on the Cease and Correct Order. She will reissue the Order so that another Hearing may be scheduled. *S. Zaky, 1 High Ridge Rd., was present.* The Commissioners discussed their availability, and determined that the Hearing would be rescheduled for Wednesday, May 23, 2012, at 3:00 p.m. S. Zaky advised that he is out of town that day. It was noted that the property owner's obligation is to provide some representation, and the Commission may accept information in writing from him. It was further noted that the purpose of the Show Cause is for the WEO to present evidence for the Commission to decide whether to uphold or overturn the Order. **Secretary Fox moved to set the date for Special Meeting for a Show Cause Hearing regarding the Cease and Correct Order for 1 High Ridge Road, #201200432, on Wednesday, May 23, 2012 at Town Hall, at 3 p.m. Vice Chairman Miller seconded the motion, and it carried unanimously.**

**b. Enforcement Officer's Report - No additional enforcement items since the May 14, 2012 meeting.**

**c. Site Inspection Reports – Noted.**

**84-140 Federal Road** dated 5/17/12

**540 Federal Road** dated 5/17/12

**Commissioner Hunton moved to go to Agenda Items 4.a., b., c., and d. Secretary Fox seconded the motion, and it carried unanimously.**

**4. Old Business**

**a. 18 High Ridge Road #201200296: Extend Drainage Pipe (dec date 06/27/12) -** Chairman Vulcano advised that it has been clarified that the applicant for this matter is Mr. O'Hara. WEO Daniel's concern related to this property is that the erosion on the side will continue to happen and may be increased by smoothness of pipe. The Director of Public Works has made calculations for the appropriate sized plunge pool. There was discussion regarding the other option of laying the rocks in tiers and grading the lawn for the pipe. Mr. O'Hara was advised that if he decide to do something differently, he must return to the Commission for approval. WEO Daniel advised that during the construction, there would have to be some erosion control where the excavator will be working. The Commission demonstrated on the plans where the plunge pool (per 5/18/2012 memo) will be. Mr. O'Hara was given a copy from Secretary Fox. Mr. O'Hara was advised that he would receive a letter with the approval motion and form to sign, noting his responsibility for the work. He was further requested to contact the Land Use Office when the erosion control is installed so that WEO Daniel may inspect it.

Secretary Fox moved to approve the application for 18 High Ridge Road, #201200296, making note that Mr. O'Hara is not only the property owner, he is the applicant; to approve a drainage improvement project to install a pipe, silt fence and hay bales, per a map that is incorporated with this application; it will involve a 15" drain, the normal silt fence, and a plunge pool (the details of the plunge pool are outlined in a memo to the Inland Wetlands Commission dated May 18<sup>th</sup>, 2012, and discusses that the approximate area of the plunge pool will be 10 feet long, 3 feet wide, and 24" deep, constructed of modified rip rap, slope will be 3:1). Vice Chairman Miller seconded the motion, and it carried unanimously.

b. **26 Obtuse Hill Road #201200336: Remove Dead Trees and Debris** (*dec date 07/18/12*) – WEO Daniel was representing A. Dew on behalf of the Brookfield Conservation Commission. She referenced the memo of K. Daniel and A. Dew to the Commission in the file. The nature and the extent of the debris on this property was discussed. WEO Daniel's concern relates to the disturbance of the stream bank. The removal will involve only dead and dying trees, and debris. Secretary Fox advised that she inspected the site. WEO Daniel will provide continued inspection of this work.

Secretary Fox moved to approve the Inland Wetlands application for 26 Obtuse Hill Road, #201200336, to remove the debris and dead and dying trees, with the sole stipulation that the applicant gain the cooperation of the WEO; and that the bank be stabilized with the felled trees, in a manner commensurate with protecting the slope. Vice Chairman Miller seconded the motion, and it carried unanimously.

c. **95 Obtuse Hill Road, #201200407: Create Berm** (*dec date 0718/12*) – Chairman Vulcano, Secretary Fox and Vice Chairman Miller advised that they inspected this site. They found it to be very wet with poor drainage, likely with wetlands soils. The property owner wishes to dig a trench near the road, then create a berm, with that soil from the trench.

*B. Hensal, was present, for S. Berube.* There was discussion regarding the curtain drain currently on the site and its ineffectiveness. The property owner is proposing to install an 18" wide gully. No trees will be removed, although one may be lost because its roots are high. There was discussion regarding the importance of the size of the pipe. WEO Daniel is hopeful that the Department of Transportation will do its work. It was recommended that the property owner stay in contact with WEO Daniel when the work is started.

Vice Chairman Miller initiated the discussion regarding the size and angle of the gully. It was noted that there is a curtain drain around the septic. Secretary Fox suggested that the new property owners consider a drainage plan after this work is done.

The Commissioners wrote in the silt fence, low side of the berm, and gully locations and showed them to Mr. and Mrs. Hensal. The applicant initialed the plan and will pick up a copy in the Land Use Office tomorrow. Mrs. Hensal was requested to contact the Land Use Office when the silt fence is installed so that WEO Daniel can inspect.

It was noted that crushed stone should be lined inside the gully.

The sequence was reiterated by Chairman Vulcano: install two rows of the silt fence (for soil and erosion control); contact WEO Daniel for inspection; complete the work, and then contact WEO Daniel when the project is two-thirds completed, and again when completely finished.

The plans were noted as revised and as signed off by B. Hensal today.

Secretary Fox moved to approve 95 Obtuse Hill Road, #201200407, to create a drainage swale and a berm; details of which are noted in a map that was updated during tonight’s meeting, revision dated 05/21/12, which shows the location of the silt fence, the location of the berm, and the general location of the gully; also noting that the gully should be lined with rip rap or crushed stone. The applicant, Mrs. Hensal, has noted this, and she has been advised of the time lines for construction sequence. Commissioner Hunton seconded the motion, and it carried unanimously.

**b. 1 High Ridge Road, #201200069: Long Form Application**

**1. As-built – Site Development Plan #1 High Ridge Road prepared by Land-Data Engineers dated 05/16/12**

*S. Zaky, 1 High Ridge Rd. was present.* Chairman Vulcano noted that the as-built is in the file. The Commission had requested that the applicant put the drainage lines and other things on the site, on the drawing, but Chairman Vulcano noted that the only thing demonstrated was electric conduit. WEO Daniel noted a line showing the gutters.

WEO Daniel noted that a site inspection was done on Thursday, May 17, 2012, and pipes that are not shown on the plan were present. She referenced her Site Inspection Memo. Mr. Zaky asked for clarification as to what pipes the Commission would like drawn on the plans, and Chairman Vulcano advised that the Commission would like to see “whatever pipe is in the ground”. Mr. Zaky noted the conduit and the gutter, and Secretary Fox recalled seeing other pipes. Mr. Zaky advised that they were in the concrete wall. He indicated that there is piping that was pre-existing. He pointed out to Vice Chairman Miller where the conduit is, and drainage structures, and lines into the catch basin. He also pointed out what he added. Mr. Zaky indicated that the grey pipe is conduit and the white pipe is drainage. He noted other areas of pipe he could not remove and indicated that he tied into it.

Chairman Vulcano reiterated that the Commission requested all of these items to be identified on the plan, however, they are not. Mr. Zaky indicated that certain pipes were meant to drain the patio. Secretary Fox suggested that Mr. Zaky’s additions to the plan be color coded. Chairman Vulcano suggested that Mr. Zaky re-read what was asked for in the approval.

**Vice Chairman Miller moved to continue 1 High Ridge Road, #201200069, to the next regularly scheduled meeting, with the understanding that the applicant will provide a modified and proper as- built that documents all the piping that drains into the various drains on the property, and that accurately represents every pipe that is active and in the ground. Secretary Fox seconded the motion, and it carried unanimously.**

**WEO Daniel advised that the as-built has to be submitted by June 23, 2012.**

**5. New Business:**

**a. 5 Nabby Road #201001081: Request for Permit Transfer - Vice Chairman Miller moved to approve the permit transfer from Rural Water Company to Aquarian Water Company, in the matter of 5 Nabby Road, #201001081. 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 05/14/12)**

*Vice Chairman Miller recused himself and left the table at 8:00 p.m.*

The May 17, 2012 letter of D. DiVesta responding to revisions on the drawings was noted. *D. DiVesta, DiVesta Civil Engineering Associates, Inc., was present.*

*Peter Young was present on behalf of the applicant, and advised that he received a copy of the letter.*

Secretary Fox inquired regarding Mr. DiVesta’s comments regarding Lot 6. He referenced Page 2 of his letter, and indicated that this is a practical suggestion. Mr. Young advised that all the plans have been changed to reflect Mr. DiVesta’s comments. He submitted two complete revised sets, sheets 1 – 7, pointing out that the subdivision has not been revised. A subdrainage plan was also submitted, per the request of Mr. DiVesta..

The Commission requested that Mr. Young review each of the changes made in response to Mr. DiVesta’s comment. Each change, for each lot (5, 6, 7, 11, 12, and Open Space B), made in response to Mr. DiVesta’s comments, was verified on the plans. The “Comments” and “Comments on drainage calculations” on Page 3 of Mr. DiVesta’s letter were also reviewed. Mr. Young indicated that all of the new calculations were based on what is on the plans. Mr. DiVesta indicated that his review shows that the calculations match the capacities of what is present. Mr. Young also indicated that each lot would have to come before the Commission with a site plan detail. There was discussion regarding the depth of the crushed stone. It was determined that the calculations were based on 12 inches, but there is a recommendation to use 24 inches “to remain conservative”.

Secretary Fox inquired regarding the size of the deed restricted conservation area. Mr. Young referred her to the subdivision map, and pointed out the areas for her. The deed restrictions are on file.

Secretary Fox reiterated that all of the items discussed in Mr. DiVesta’s May 17, 2012 are listed in the plans called, “the new supplementals”. Mr. DiVesta indicated he would be interested in reviewing the hydrology part of the plan.

Mr. DiVesta discussed the weirs, and indicated that they are not working the way they were intended. He has been unable to look at the basins pre- and post-development because he was lacking information. The information submitted this evening is helpful, but it is new and the Commission and the abutting neighbor have not had the opportunity to review it and comment on it. There was discussion regarding obtaining a calculation for the design point. The Commission and Mr. DiVesta indicated that they have been asking for the calculations for a several weeks. WEO Daniel advised that the Planning Commission date is July 16, 2012; and that the next IWC meeting is June 11, 2012. Mr. DiVesta indicated that much of the data is already in the applicant’s possession. Mr. Young granted the Commission one more extension until the next meeting.

One complete set of the revised plans was given to D. DiVesta.

**Chairman Vulcano moved to continue the Public Hearing for 101 Obtuse Hill Road, #201101098: 6-lot subdivision – “Whispering Glen Section II”, to the next regularly scheduled meeting on June 11, 2012, at 8:00 p.m. Secretary Fox seconded the motion, and it carried unanimously.**

*Vice Chairman Miller rejoined the Commission at 8:52 p.m.*

**7. Tabled Items: None.**

**8. Correspondence:**

**a. Minutes of Other Boards & Commissions: Minutes of Other Boards & Commissions: 05/07/12 Zoning Board of Appeals – No discussion/no motions.**

**9. Review Minutes of Previous Meetings: 05/14/12 – Secretary Fox noted the following correction on Page 5, re: 27 Bayview Dr., in the motion, to correct the beginning portion of the motion so that it reads, “Secretary Fox moved to deny 27-29 Bayview Drive ...”. Commissioner Hunton seconded the motion, and it carried, 3-0-1, with Vice Chairman Miller abstaining.**

**10. Informal Discussion:** Secretary Fox discussed an article in the New York Times regarding conservation areas and land trusts and the handling of a litigation matter.

Vice Chairman Miller discussed the planning meetings held last week regarding the Four Corners development. He discussed the possibility of a wetlands garden. WEO Daniel indicated it would be helpful to get an evaluation of the existing vegetation in the area. Vice Chairman Miller also noted the possibility of a wetlands “bank”.

**11. Adjourn**

**Chairman Vulcano moved to adjourn the meeting at 9:05 p.m. Secretary Fox seconded the motion, and it carried unanimously.**

**\*\*\*Next regular meeting scheduled for June 11, 2012\*\*\***