

**APPROVED MINUTES**  
**BROOKFIELD INLAND WETLANDS COMMISSION**  
**Monday, June 25, 2012 – 7:00 p.m.**  
**TOWN HALL MEETING ROOM # 133**

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**1. Convene Meeting**

The meeting was called to order by Vice and Acting Chairman L. Miller at 7:10 p.m.

**2. Roll Call and Designation of Alternates**

**Present:** Chairman J. Vulcano (arrived at 7:29 p.m.) Vice (and Acting Chair until J. Vulcano's arrival)  
Chairman L. Miller, M. Downey, Alternate and Voting Member G. Hunton

**Absent:** Secretary S. Fox

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

**3. Wetlands Enforcement**

- a. **Enforcement Officer's Report** – WEO Daniel advised that there is no new information to report on any existing enforcement items.

**533 Federal Road** – WEO Daniel indicated that this combined Zoning/IWC matter is being handled by Town Counsel J. Buchsbaum. The property is recently out of foreclosure, and Attorney Buchsbaum is attempting to get compliance. WEO Daniel is unsure if a lawsuit has been commenced in Superior Court.

**35 Sunset Hill Road** – WEO Daniel reviewed that this matter was removed from the Enforcement Report in the late spring because there was no erosion at the neighboring property of 37 Sunset Hill Road. She indicated that this condition has recently changed. WEO Daniel went over how the prior Notice of Violation was eventually, but only partially, resolved. She reviewed the plans of the site, noting the location of Mr. Cyr's driveway and where the problem exists on the neighbor's property. She pointed out the stream, the diversion installed by Mr. Cyr, and the resulting outlet onto the neighbor's site. WEO Daniel advised that part of the Mr. Cyr's resolution was to install a two-foot dry well and a two-foot berm. She believes a grate has been installed, but there is still sedimentation on the property of the neighbor. She inspected the site ten days ago and requested of Mr. Cyr that he complete the plan, with the dry well, and without an exit to the neighbor's property. There was discussion regarding a channel that Mr. Cyr dug, that falls short of the 18" X 15" that was proposed. WEO Daniel has photographs of the shortcomings of the channel. She did acknowledge that 37 Sunset Hill Road does have a lot of water on the site, but that neighbor has attempted to remedy her issues with curtain drains. However, Mr. Cyr has not completed his proposed resolution, nor has he committed to a date of completion for the work on his site. Vice and Acting Chairman Miller shared his recollection that Mr. Cyr was going to install a pipe and connect it to a catch basin on the road. WEO Daniel indicated she would be satisfied with that, but reiterated that what Mr. Cyr previously proposed has not been accomplished. Additionally, he was requested to be present at tonight's meeting, and is not here.

**Vice and Acting Chairman Miller moved to add Sunset Hill Road to the Agenda under Enforcement as Item 3.c. Commissioner Hunton seconded the motion, and it carried unanimously.**

- c. **35 Sunset Hill Road, #201100761** - Vice and Acting Chairman Miller moved that the WEO issue a Notice of Violation, with an order that the property owner complete the corrective action by the next meeting on July 9, 2012; and to contact WEO Daniel prior to commencing the work for inspection, and also upon completion of the work, for inspection, and that all work be completed prior to the next meeting on July 9, 2012. Commissioner Downey seconded the motion, and it carried unanimously.

- b. **Site Inspection Reports**  
**84-140 Federal Road**

- Memo from S. Hayden of the Northwest Conservation District dated 06/15/12 – Report noted.
- Report from J. Cowen of Environmental Planning Services dated 06/21/12 – Report noted.

#### **540 Federal Road**

- Memo from S. Hayden of the Northwest Conservation District dated 06/15/12 – Report noted.

#### **4. Old Business:**

a. **5 Berkshire Drive #201200511: Berm & Invasive Removal** (*dec date 08/15/12*) – Vice and Acting Chairman Miller inspected the site this evening. Photographs in the file were reviewed. The wetlands area is to the west. Vice and Acting Chairman noted piles of sand, yard waste, leaves, tree trunks and chunks of asphalt that have been deposited. There is no indication of silt fencing on the site. WEO Daniel advised that the purpose of the application is to create a berm, as there is no protection for the wetlands from these materials and the nutrients that may be present. She indicated that the applicant plans to use the wood on the site to create a berm.

**Vice and Acting Chairman Miller moved to approve 5 Berkshire Dr., #201200511, to install a berm along the western side (154 feet) and around the southern side (56 feet) of the property.**

*Chairman Vulcano arrived at 7:29 p.m.* The application was briefly reviewed. **Commissioner Hunton seconded the motion, and it carried unanimously.**

#### **5. New Business:**

a. **43 Riverford Road #200601020: Request for Bond Release - \$800.00** – WEO Daniel advised that this project involved an addition and an increase of paved area in front of the garage, along with mitigation plantings beyond a retaining wall. WEO Daniel inspected the site a couple of years ago, and could not find many plants, and then requested replanting and control of invasives. The native plants have not been controlled, so the plantings failed. The area does not appear to have many invasives and is stabilized with vegetation of native species. **Vice Chairman Miller moved to release the bond of \$800.00 for 43 Riverford Rd., #200601020. Commissioner Hunton seconded the motion, and it carried unanimously.**

b. **57 Laurel Hill Road #201200550: Jurisdictional Ruling – Incentive Housing Development (Application on cart)**

(*dec date 08/29/12*)

1. **Adjacent Property Owners List**
2. **Development Report for Laurel Hill Townhouses prepared by CCA, LLC dated 06/20/12**
3. **Sheet DA1 – Pre-Development Drainage Area Map The Residences at Laurel Hill prepared by CCA, LLC dated 06/06/12**
4. **Sheet DA2 – Post-Development Drainage Area Map The Residences at Laurel Hill prepared by CCA, LLC dated 06/06/12**
5. **Cover Sheet - Laurel Hill Townhomes Proposed Incentive Housing Development prepared by CCA, LLC dated 06/20/12 (plans on cart):**
  - **Sheet N1 – General Legend, Notes and Abbreviations dated 06/12**
  - **Sheet 1 of 1 – Boundary Survey dated 05/10/12**
  - **Sheet 1 of 1 – Existing Conditions Plan dated 06/06/12**
  - **Sheet C1 – Layout and Materials Plan dated 06/06/12**

- Sheet C2 – Grading and Drainage Plan dated 06/06/12
- Sheet C3 – Utilities Plan dated 06/06/12
- Sheet C4 – Erosion Control Plan dated 06/06/12
- Sheet C5 – Notes and Details dated 06/06/12
- Sheet C6 – Notes and Details dated 06/06/12
- Sheet C7 – Notes and Details dated 06/06/12
- Sheet C8 – Notes and Details dated 06/06/12
- Sheet E1 – Sedimentation and Erosion Control Plan dated 12/07/05

*This application has been withdrawn as there are no wetlands on the site.*

- c. **40 & 64 Laurel Hill Road #201200552: Incentive Housing Development**  
(dec date 08/29/12)
1. **Adjacent Property Owners List**
  2. **Development Report for The Residences at Laurel Hill prepared by CCA, LLC dated 06/20/12**
  3. **Sheet 1 of 1 – Soils Map prepared by CCA, LLC dated 05/23/12**
  4. **Sheet DA1 - Pre-Development Drainage Area Map The Residences at Laurel Hill prepared by CCA, LLC dated 06/06/12**
  5. **Sheet DA2 – Post-Development Drainage Area Map The Residences at Laurel Hill prepared by CCA, LLC dated 06/06/12**
  6. **Cover Sheet – The Residences at Laurel Hill Proposed Incentive Housing Development prepared by CCA, LLC dated 06/20/12:**
    - **Sheet N1 – General Legend, Notes and Abbreviations dated 06/12**
    - **Sheet 1 of 1 – Boundary Survey dated 05/10/12**
    - **Sheet 1 of 1 – Existing Conditions Plan dated 06/06/12**
    - **Sheet C1 – Layout and Materials Plan dated 06/06/12**
    - **Sheet C2 – Grading and Drainage Plan dated 06/06/12**
    - **Sheet C3 – Utilities Plan dated 06/06/12**
    - **Sheet C4 - Landscape Plan dated 06/06/12**
    - **Sheet C5 – Erosion Control Plan dated 06/06/12**
    - **Sheet C6 – Notes and Details dated 06/06/12**
    - **Sheet C7 – Notes and Details dated 06/06/12**
    - **Sheet C8 – Notes and Details dated 06/06/12**
    - **Sheet C9 – Notes and Details dated 06/06/12**
    - **Sheet C10 – Notes and Details dated 06/06/12**
    - **Sheet C11 – Notes and Details dated 06/06/12**
    - **Sheet E1 – Sedimentation and Erosion Control Plan prepared by CCA, LLC dated 12/07/05**

*Ms. Abigail Adams, Registered Landscaping Architect, CCA, 40 Old New Milford Rd., was present, on behalf of Dakota Partners, Inc., the applicant. She reviewed the plans for the property. Ms. Adams noted that there are two existing buildings on the site that will be removed. Her client is proposing an incentive housing project in the Town Center District. It will involve construction of three new buildings, with 24 two-bedroom units each. She pointed out the location of the wetlands on the southeastern and northern ends of the property. There is a 200-foot regulated area, and the activity will stay on one side, where there is existing detention, and additional detention will be proposed. A conservation easement is also being considered, and that location was pointed out by Ms. Adams.*

Ms. Adams gave details regarding proposed hydrodynamic separators for oil and water. She also pointed out a 135-foot regulated area off of the wetlands. The project will be connected to Town sewer and water, and the drainage will pipe into Town drainage. WEO Daniel discussed the resolution of water issues on the 28 Old Route 7 project by piping into Town drainage. Ms. Adams advised that there is an application into Aquarian Water Company regarding an extension of the water main.

Ms. Adams reviewed the landscaping of the parking lot, wall, and around and within the detention basin. Chairman Vulcano inquired if any test holes have been done, and she advised that the applicant has reports performed by a soil scientist.

Because of the drainage into the Still River, Vice Chairman Miller requested that the drainage calculations for the proposal be provided. Ms. Adams provided the following pre- and post-development calculations: a) for a 25-year storm: pre- 14.87 cfs, and post-, 13.19; for a 50-year storm: pre- 17.61, and post- 15.51; and for a 100-year storm: pre- 20.87, and post- 18.13.

Chairman Vulcano indicated his desire to know what was considered for potential issues of the surrounding areas, and a third-party review of the drainage calculations was requested. The Commission requested that the file be sent to Doug DiVesta, and WEO Daniel will check on his availability. WEO Daniel advised the applicant that if Mr. DiVesta is able to review the file, the Commission would request an estimate of his costs, and the applicant would pay 150% prior to the commencement of the review.

Ms. Adams advised that the wetlands on the site are flagged. The Commission also requested that the following areas be flagged: the corners of buildings, the center lines of drives, and the detention areas. Additionally, she will check to see if there are oil tanks for the existing buildings. She further indicated that the application also has to go through the Zoning Commission. Ms. Adams indicated that the property could be staked by Friday, June 29, 2012.

A site walk will be scheduled for Saturday, July 7, 2012 at 9:30 a.m. Commissioner Hunton will not be able to attend, but will inspect the site on his own. WEO Daniel will determine Mr. DiVesta's availability for review, the site walk, and the next meeting.

**Vice Chairman Miller moved to continue 40 & 60 Laurel Hill Rd., #201200552: Incentive Housing Development, to the next regularly scheduled meeting. Commissioner Hunton seconded the motion, and it carried unanimously.**

**Vice Chairman Miller moved to add to the Agenda as Item 5.d., 20 Indian Trail, #201200561. Commissioner Hunton seconded the motion, and it carried unanimously.**

**d. 20 Indian Trail, #201200561 – Declaratory Ruling**

*Denno Witzke, Witzke Landscaping and Tree Service, 56 Route 55W, Sherman, CT, was present on behalf of the applicant, Steve Silver.*

Mr. Witzke indicated he is requesting permission from the Commission and First Light Power Company to remove trees at this site. He reviewed the details of the trees and brush that will be removed. He advised that Mr. Wood of First Light has requested that small to medium plantings be done.

Mr. Witzke also reviewed which trees will be removed from an aerial photography, and noted a tree on the neighbor's property. He has obtained the neighbor's permission to remove that tree as well.

Chairman Vulcano reviewed that eight trees in total will be removed. There was additional discussion regarding herbicides to use to take care of the invasives without affecting nearby desired vegetation.

It was noted that the Commission is not yet in receipt of B. Wood's letter. WEO Daniel noted that the application is requesting a declaratory ruling.

**Vice Chairman Miller moved that the Commission concur with jurisdictional ruling for 20 Indian Trail, #201200561. Commissioner Hunton seconded the motion, and it carried unanimously.**

6. **Tabled Items:** None.

7. **Correspondence:**

- a. **Minutes of Other Boards & Commissions: 06/04/12 Zoning Board of Appeals; 06/07/12 Planning; 06/14/12 Zoning**
- b. **Letter from W. Heiple to K. Daniel dated 06/07/12 Re: Notice of Inland Wetlands and Watercourses Permit Application Lake Lillinonah State Boat Launch 199 South Main Street Bridgewater, CT**
- c. **Letter from J. Guskowski and J. Sipperly of the CT Environmental Review Team dated June 2012**

WEO Daniel noted that at the 06/21/12 Planning Commission meeting (Minutes received in Land Use Office today), the application of Whispering Glen was denied.

8. **Review Minutes of Previous Meetings: 06/11/12** – It was noted that Chairman Vulcano arrived at this meeting at 7:55 p.m., so the Commission will await Secretary Fox's return to approve the Minutes of the June 11, 2012 meeting.

9. **Informal Discussion:** None.

10. **Adjourn**

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

**\*\*\*Next regular meeting scheduled for July 9, 2012\*\*\***