

**APPROVED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, August 27, 2012 – 7:00 p.m.
TOWN HALL MEETING ROOM # 133**

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, M. Downey, Alternate and Voting Member G. Hunton

Absent: None

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

3. Wetlands Enforcement

a. Enforcement Officer's Report

1. 265 Candlewood Lake Road #201200755: Notice of Violation – WEO Daniel shared photographs of the site with the Commissioners. She indicated that some trees have been cut, and soil has been removed, possibly in an attempt to enlarge the parking area. WEO Daniel noted that there is a stream in proximity to the area that enters into Candlewood Lake Road. Additionally, the trees have been stumped.

N. Costa, 15 Candlewood Acres Rd., President, Candlewood Acres Holding Property, was present. He shared a Google map of the site. He explained in detail the trees and landscaping in the area. There was discussion regarding the proximity to the lake, and the presence of the wetlands soils on the site. Chairman Vulcano explained the consequences of siltation and oil and other auto materials seeping into the lake during a heavy rain event. Upon inquiry from Vice Chairman Miller, Mr. Costa indicated that there are no erosion controls at the site. He advised he would be willing to install silt fence and then plant grass at the site. Mr. Costa further stated that no fill has been deposited at the site. He also submitted additional photographs of the site, as well as a proposal from another tree contractor for the work that needs to be done.

Chairman Vulcano noted the importance of following the permitting process. Upon inquiry from the Chairman, Mr. Costa indicated that all of the work has been completed with the exception of the removal of one stump, and the erosion controls he has agreed to. WEO Daniel suggested that a plan for removing the material and buffer plantings be submitted.

Chairman Vulcano pointed out where the silt fence needs to be placed. The Commission requested a plan from Mr. Costa that shows what has been done, what he is proposing to do and how it will be done. He was advised that the erosion controls will have to be more extensive than “grass only” and resemble a buffer. The Commission suggested that he consult with WEO Daniel if he has specific questions.

Lastly, Mr. Costa was advised that the next IWC meeting is September 10, 2012.

1 High Ridge Road – Dr. Zaky's permit has been revoked, and WEO Daniel has signed an affidavit to support the criminal allegations. The pipe is still blocked. The State's Attorney has not signed the arrest warrant yet. A hearing for the Temporary Injunction has been scheduled in November.

b. Site Inspection Reports

84-140 Federal Road

- **Memo from S. Hayden of the Northwest Conservation District dated 08/17/12** – The site appears to be in satisfactory condition.

540 Federal Road (Water Storage Tank)

- **Memo from S. Hayden of the Northwest Conservation District dated 08/17/12** – The contractor is performing tests to determine where the pad will go.

Miscellaneous

WEO Daniel shared that the training session for the DEEP (Department of Energy and Environmental Protection) is available on-line.

Chairman Vulcano moved to go to Agenda Item 5.b. Vice Chairman Miller seconded the motion, and it carried unanimously.

5. New Business

- b. **84, 104, 106, 112, 128, 140 Federal Road #201200760: Modification to Existing Permit Application #201100083 – Gas Station**
1. **Letter from B. McCarthy of RJ O’Connell & Associates dated 08/22/12 Re: Proposed BJ’s Wholesale Club**
 2. **Environmental Compliance Manual – Storm Water Prevention Program Section 101 dated November 2009**
 3. **HydroCAD Calculations for Revised Infiltration Fields 2 & 3 and Storm Sewer Calculations for Revised Pipe Layout prepared by R.J. O’Connell & Associates, Inc. dated 08/15/12**
 4. **Maps received in the Land Use Office on 08/23/12:**
 - **Sheet C0.1 – Proposed BJ’s Wholesale Club Federal Road (Route 202) reissued to the Inland Wetlands Commission for Gas Station 08/22/12**
 - **Sheet OA-1 – Overall Site Plan prepared by R.J. O’Connell & Associates Inc. dated 02/08/11; revised through 08/22/12**
 - **Sheet C-2 – Grading and Drainage Plan prepared by R.J. O’Connell & Associates Inc. dated 02/08/11; revised through 08/22/12**
 - **Sheet C-2A – Grading & Drainage Enlargement Plan prepared by R.J. O’Connell & Associates Inc. dated 08/16/12; revised through 08/22/12**
 - **Sheet C-3 – Utility Plan prepared by R.J. O’Connell & Associated Inc. dated 02/08/11; revised through 08/22/12**
 - **Sheet C-4 – Parking and Traffic Control Plan prepared by R.J. O’Connell & Associates dated 02/08/11; revised through 08/22/12**
 - **Sheet C-9 – Drainage and Stormwater Details-I prepared by R.J. O’Connell & Associates dated 02/08/11; revised through 08/22/12**
 - **Sheet C-10 – Drainage and Stormwater Details-II prepared by R.J. O’Connell & Associates dated 04/04/11; revised through 08/22/12**
 - **Sheet C-11 – Miscellaneous Details prepared by R.J. O’Connell & Associates dated 02/08/11; revised through 08/22/12**
 - **Sheet L-1 – Landscape Plan prepared by CCA, LLC dated 02/08/11; revised through 08/16/12**

M. Fitzpatrick, Samuels & Associates, was present. He indicated that changes have been made to the plan to accommodate removal of the previously approved restaurant, and to propose a gas station on the site. Mr. Fitzpatrick pointed out the location of the three gas tanks, kiosk, canopy, and pumps. He indicated that the applicant looked at previously approved plans and drainage volumes and attempted to match them.

J. Anderson, RJ O’Connell, was present. He advised that there would be additional water going through the infiltration system, so it will be enlarged slightly, but the process and parts have not changed.

There was discussion regarding spill containment via fiberglass tanks. Vice Chairman Miller inquired regarding the proximity to the aquifer protection district, and Mr. Fitzpatrick advised that the applicant has been before the Zoning Commission, and the front field is outside of the aquifer protection district. Mr. O’Connell indicated that there will be additional treatment after the catch basins.

The traffic flow and parking configuration were reviewed.

Upon inquiry from Vice Chairman Miller, Mr. Fitzpatrick reviewed the details of the containment system, which will be full containment below grade, and also per the Stormwater Pollution Prevention Program submitted by BJ’s with the application materials. Mr. Anderson offered to provide the oil/water separator maintenance procedures if necessary.

Secretary Fox inquired regarding the square footage of the infiltration field, and it was determined to be larger than that which was originally approved.

Vice Chairman Miller inquired if anything else will be sold at the gas station, and Mr. Fitzpatrick advised only windshield wiper fluid will be sold.

WEO Daniel inquired if part of parking lot is in regulated area. Mr. Fitzpatrick advised that part of it is.

Upon inquiry from Vice Chairman Miller, Mr. Fitzpatrick indicated that the 3E Company handles all spills.

Secretary Fox moved to approve the modification to an existing permit at 84, 104, 106, 112, 128, 140 Federal Rd., modification is file #201200760, to add a gas station and reconfigure the underground filtration fields, as documented in a drawing with an original date of 2/28/2011, and a last revision date of 8/22/12. Vice Chairman Miller seconded the motion, and it carried unanimously.

Secretary Fox moved to go to Agenda Item 4.b., 52 Obtuse Road South. Vice Chairman Miller seconded the motion, and it carried unanimously.

4. Old Business

- b. 52 Obtuse Road South #201200700: 2-lot re-subdivision – Ferry Farm
(dec date 10/17/12)**

Secretary Fox discussed her findings upon inspecting the site. She did not see any impact to the pond. The proposed plan is for a new house.

Secretary Fox moved to approve the application for the subdivision of property into two parcels which includes the proposed house on this site, at 52 Obtuse Road South, #201200700, as documented on a map dated 7/31/12. Commissioner Hunton seconded the motion, and it carried unanimously.

PUBLIC HEARING: 8 p.m.

- a. 101 Obtuse Hill Road #201200680: 6-lot subdivision – “Whispering Glen Section II”
(PH close date 10/01/12)**

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

Secretary Fox opened the Public Hearing and introduced the Commission members. She then read the legal notice for the Public Hearing which was published in the News Times on August 15, 2012, and August 24, 2012. She noted that the application was received on August 13, 2012. Secretary Fox then reviewed the policies and procedures that govern public hearings.

Secretary Fox advised that there is no correspondence in the file related to the application.

P. Young, Fenmark Custom Homes, LLC, 555 Long Wharf Dr., New Haven, CT. He advised that the application is for a six-lot subdivision that was previously approved, and meets the zoning and planning regulations, and is within wetland regulations.

Commissioner Hunton inquired if the lots were re-configured since the last application, and Mr. Young advised that they have not been, and that the only change relates to drainage.

Mr. Young submitted a comprehensive study performed by Artel Engineering regarding the drainage. The cover letter, from Artel, to Chairman Vulcano, dated August 27, 2012, was read into the record by Mr. Young. Chairman Vulcano inquired what the term “existing” meant, and Mr. Young advised it meant “pre-development” (also, “pre-road”). Mr. Young has asked Mr. Virbickas to come to the next meeting, so that he and the Town’s consultant, D. DiVesta, can interpret the drainage calculations. Mr. Young does not have the final quantity calculations, but will provide them at the next meeting, as well as the dimensions of the outlet control structure. Mr. Young will also attach a narrative construction sequence.

There were no questions of clarification from the audience.

No one was present to speak in favor of the application, nor was anyone present to speak in opposition to the application.

The supplemental information provided by the applicant will be given to Mr. DiVesta. WEO Daniel will find out from him if he is able to review the information by the next meeting.

Secretary Fox moved to continue the Public Hearing for 101 Obtuse Hill Rd., to the next regularly scheduled meeting on September 10, 2012, at 8:00 p.m. Commissioner Hunton seconded the motion, and it carried unanimously.

Vice Chairman Miller rejoined the table at 8:26 p.m.

b. Inland Wetlands Commission Fee Schedule Changes/Updates

There were no objections from the audience to utilizing the introduction from the previous hearing.

WEO Daniel reviewed the changes that are being proposed to the fee schedule, including the removal of the word “residential”, and the condominium/multi-family unit per unit charges. She suggested that the multi-family development category fall under larger category of commercial/industrial. WEO Daniel indicated that the major change is the proposal that commercial/industrial/multi-family applications for jurisdictional rulings will have the same fee. She reviewed the proposed short form fees (with impact fee), for upland review areas of various square footages, and the long form application fees for commercial/industrial/ multifamily.

WEO Daniel discussed that she evaluated several recent and pending applications utilizing the proposed changes. She noted that the current fee for water crossings does not vary for different size projects.

Additionally, the revision/modification fees will be made more appropriate in relation to the work proposed, similar to how the Zoning Commission handles modifications. Lastly, the fee schedule also includes a notation that addresses circumstances where outside consultants are utilized.

WEO Daniel reviewed her comparisons with area municipalities' fees and what they would have been for several recently approved and pending applications in Brookfield.

Secretary Fox moved to close the Public Hearing for the Inland Wetlands Commission (IWC) Fee Schedule Changes/Updates. Vice Chairman Miller seconded the motion, and it carried unanimously.

Secretary Fox moved to recommend to the Board of Selectman the proposed fee schedule for the IWC. Vice Chairman Miller seconded the motion, and it carried unanimously.

4. Old Business: (continued)

a. 40, 57 & 64 Laurel Hill Road #201200552: Incentive Housing Development

(dec date 08/29/12)

- 1. Letter from N. Levesque to J. Vulcano dated 08/16/12 Re: Proposed Incentive Housing Development 40 and 64 Laurel Hill Road**
- 2. Drainage Report for Laurel Hill Townhomes at 57 Laurel Hill Road prepared by CCA, LLC dated 06/20/12; revised through 08/15/12**
- 3. Drainage Report for The Residences at Laurel Hill at 40 & 64 Laurel Hill Road prepared by CCA, LLC dated 06/20/12; revised through 08/16/12**
- 4. Revised Plans received in the Land Use Office on 08/16/12:**
 - Sheet DA3 – Catch Basin Drainage Area Map prepared by CCA, LLC dated 06/22/12; revised through 08/16/12**
 - Sheet DA1 – Pre-Development Drainage Area Map prepared by CCA, LLC dated 06/06/12; revised through 08/16/12**
 - Sheet DA2 – Post-Development Drainage Area Map prepared by CCA, LLC dated 06/06/12; revised through 08/16/12**
 - Sheet C1 – Layout and Materials Plan prepared by CCA, LLC dated 06/06/12; revised through 08/16/12**
 - Sheet C2 – Grading and Drainage Plan prepared by CCA, LLC dated 06/06/12; revised through 08/16/12**
 - Sheet C3 – Utilities Plan prepared by CCA, LLC dated 06/06/12; revised through 08/16/12**
 - Sheet C4 – Erosion Control Plan prepared by CCA, LLC dated 06/06/12; revised through 08/16/12**
 - Sheet C1 – Layout and Materials Plan prepared by CCA, LLC dated 06/06/12; revised through 08/16/12**
 - Sheet C2 – Grading and Drainage Plan prepared by CCA, LLC dated 06/06/12; revised through 08/16/12**
 - Sheet C3 – Utilities Plan prepared by CCA, LLC dated 06/06/12; revised through 08/16/12**
 - Sheet C4 – Landscape Plan prepared by CCA, LLC dated 06/06/12; revised through 08/16/12**
 - Sheet C4a – Landscape Plan Enlargement prepared by CCA, LLC dated 06/06/12; revised through 08/16/12**

- **Sheet C4b – Landscape Plan Enlargement prepared by CCA, LLC dated 06/06/12; revised through 08/16/12**
- **Sheet C5 – Erosion Control Plan prepared by CCA, LLC dated 06/06/12; revised through 08/16/12**

WEO Daniel explained that the applicant is not present tonight because she (WEO Daniel) was unable to get the plans to the Town's reviewer, D. Virbickas. It was noted that the decision date for this application is August 29, 2012. WEO Daniel advised that the applicant would like to request an extension to the next regularly scheduled meeting on September 10, 2012.

Vice Chairman Miller moved to continue 40, 57 & 64 Laurel Hill Road, #201200552, to the next regularly scheduled meeting, with the stipulation that the applicant will provide the Land Use Office with an extension letter prior to the current decision date of 8/29/12. The extension will be until 9/10/12. Secretary Fox seconded the motion. She suggested that a Special Meeting be scheduled for Wednesday, 8/29/12, in the event that an extension is not granted. Motion carried unanimously.

The Commissioners indicated that they would be available Wednesday afternoon after 3:00 p.m. on 8/29/12 should a meeting need to be held. WEO Daniel will advise them if she does not receive the extension letter from the applicant on Tuesday morning.

5. New Business:

a. 14 Arapaho Road #201200739: Jurisdictional Ruling – Landscaping

1. Town of Brookfield, CT GIS Map showing proposed landscaping area at 14 Arapaho Road received in the Land Use Office on 08/17/12 (dec date 10/31/12)

After a review of the application, the Commission noted that the information submitted is sparse and difficult to read.

Vice Chairman Miller moved to continue 14 Arapaho Road, #201200739, to the next regularly scheduled meeting with the understanding that the Land Use Office will get in touch with the applicant and request that he/she provide more details with the application, and request the applicant's presence at the next meeting. Secretary Fox seconded the motion, and it carried unanimously.

Secretary Fox moved to add a new agenda item under New Business, as Item 5.c., 115 Obtuse Hill Road, #201200766, and modification to an original permit. Commissioner Hunton seconded the motion, and it carried unanimously.

c. 115 Obtuse Hill Road, #201200766 – Modification to Permit

Vice Chairman Miller recused himself from this matter and left the Commissioner's table at 8:53 p.m., as he is the applicant in this matter.

L. Miller, 115 Obtuse Hill Road, was present, and discussed modifications made to the original permit. He reviewed changes in the rip rap, noting that the location of a retaining wall had caused ponding. Therefore, the applicant added another catch basin. Mr. Miller noted the erosion problems on the site, and discussed the cleaning of the sumps and changing of pipe size, configuration and elevation. This work has been accomplished already, and the applicant wishes to get it on the plan.

Mr. Miller reviewed the deterioration of the weir, and his plan to replace the weir and tilt it so that the water may run through. He indicated that the wall has been working since last November. He discussed the work that was done this past spring, including the installation of a drain pipe to drain the pond. At this time, it does not have a valve on it. He is considering installing a T-bar valve, and described the apparatus to the Commission members. This would allow the lowering of the pond to clean it and allow for excess capacity in the case of flooding issues.

There was discussion regarding the flow of water and the spillway. Mr. Miller indicated that over the years, with development in the area, the sheet flow has increased, and he installed a catch basin and curtain drain. He reviewed what he has done to address erosion issues. Mr. Miller encouraged the Commission to inspect the site. He indicated that in an area of sloping, he would like to taper the bank.

Additionally, Mr. Miller would like to put a stone wall around the pond with a fountain and aerator. The height of the wall would vary, and the wall would prevent sediment and grass clippings from going into the pond. Mr. Miller would also like to pump out the “muck” of the pond and eventually level and seed the area.

At the request of the Commission, Mr. Miller highlighted an area in orange the work that has not been done. WEO Daniel advised that the proposed work will require a long-form application.

There was discussion regarding the pond liner. The Commission advised Mr. Miller that the work that has been done, and what is proposed to be done, must be documented. It is a long-form application because of the work proposed in the watercourse and in the pond.

Secretary Fox moved to continue 115 Obtuse Hill Rd., #201200766, to the next regularly scheduled meeting with the understanding that the Commissioners will inspect the site to improve their understanding of what has been done and what will be done on the property. Commissioner Downey seconded the motion, and it carried unanimously.

Vice Chairman Miller rejoined the meeting at 9:27 p.m.

6. Tabled Items: None.

7. Correspondence:

- a. Minutes of Other Boards & Commissions: 08/09/12 Zoning; 08/16/12 Planning**
- b. Arrest Warrant Application – State of Connecticut Superior Court Accused: Samir F. Zaky**

Discussion re: Item 7.b. above under Enforcement. No motions.

8. Review Minutes of Previous Meetings: 08/13/12 – Secretary Fox noted the following error: on Page 5, in the first paragraph, last sentence, to correct the spelling of the word, “pole”. On Page 1, under 1 High Ridge Road, third paragraph, to change it to read:

“On May 22, 2012, the filling of the pipe and the masonry wall were discovered, and a Show Cause Hearing was held. At that Hearing, the applicant stated that the permit included these activities. Secretary Fox advised the applicant that the permit did *not* include those activities. The IWC upheld the Cease and Correct Order ...”

Secretary Fox moved to approve the Minutes of the August 13, 2012 meeting, with the above mentioned changes. Commissioner Hunton seconded the motion, and it carried, 4-0-1, with Vice Chairman Miller abstaining.

9. **Informal Discussion:** None.

10. **Adjourn**

Commissioner Hunton moved to adjourn the meeting at 9:30 p.m. Secretary Fox seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for September 10, 2012*****