

**APPROVED/AMENDED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, November 26, 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 (joined the meeting at 7:27 p.m.), Recording Secretary D. Cioffi

3. Wetlands Enforcement

- a. Enforcement Officer's Report**
- b. Site Inspection Reports**

No discussion/no motions.

4. Old Business:

a. 4 Morton Road #201200956: Addition, New Deck, New Parking Area (dec date 01/23/13)
- M. Ruskin, Contractor, was present on behalf of the applicant. None of the Commissioners were able to inspect the site this past week. Mr. Ruskin explained the plans for the addition to the two-story house, noting that the cantilevers are not strong enough to hold up the house. He advised that a footing will be installed under the upper portion of the house. He indicated that a small machine will be utilized to complete the work and there is sufficient room for access. Mr. Ruskin also stated that the deck will be enlarged, and a parking area will be created. Stone or macadam will be utilized for materials with the proposal. Mr. Ruskin pointed out the location of the front entrance, and noted that a silt fence will be necessary for the front area. Chairman Vulcano delineated a preferred location for the silt fence, and Mr. Ruskin initialed it on the plans. The silt fence will have to be installed, and then WEO Daniel will have to be notified prior to any work taking place.

Secretary Fox moved to approve the application at 4 Morton Road for the additions, the structural support, the new deck, and the new parking area, making note that this is documented on a map dated the 19th of October, 2012; with the addition of a silt fence that the applicant has noted; a temporary dirt stockpile at the front of the house; and that prior to any construction, the Land Use Office will be notified. Commissioner Hunton seconded the motion, and it carried unanimously.

b. 14 Arapaho Road #201200739: Jurisdictional Ruling – Landscaping
No one was present. **Secretary Fox moved to continue 14 Arapaho Road, #201200739, Jurisdictional Ruling, to the next regularly scheduled meeting. Commissioner Hunton seconded the motion, and it carried unanimously.**

c. 101 Obtuse Hill Road #201200680: 6-lot subdivision – “Whispering Glen Section II”
(dec date 12/24/12)
Vice Chairman Miller recused himself from this matter.

Secretary Fox noted the wetlands area on some of the undeveloped lots. She reviewed a copy of the one conservation easement (Declaration of Covenants and Restrictions) in the file, dated March 18, 2003. This easement discusses the small wetland pocket on Cross Pond and the habitat of salamanders. Secretary Fox did note that the conservation easement language defines the conservation area as 50%; whereas the applicant has marked a line on the lots. These are in conflict, although resolvable. She also reviewed the other points of the easement, related to clearing restrictions, prevention of invasives, curbing

for storm water runoff and utilization of wood chips for erosion control. Secretary Fox noted the need to apply these restrictions to the maps, including identifying the wetlands, reflecting the clearing restriction and the addition of monuments. She indicated that the applicant stated that it agreed to apply the conservation easements to the lots.

WEO Daniel joined the meeting at 7:27 p.m.

WEO Daniel believes that the Town Attorney will suggest some changes to the easement so that it will conform to the map. Upon inquiry from Chairman Vulcano, WEO Daniel indicated that she may be able to determine if the 50% clearing restriction was adhered to on the other lots, but noted it would be difficult. Secretary Fox pointed out that the putting the conditions on the map may require a new conservation easement. The Commission discussed the need for each lot to return for approval, and at that time, the line for the 50% clearing could be demarcated for that particular lot. There was discussion regarding the purpose of restricting the clearing, and WEO Daniel suggested that the Commission provide a reason for each condition of the easement. Secretary Fox noted that the applicant has already advised that it was willing to conform to the conditions in the easement.

The easement language was carefully reviewed along with the lines on the map. It was noted that the Commission's charge relates to protection of the wetlands seep, and Lot 12 was specifically discussed. The Commission advised that it could require that any approval includes specifics of any house and location, and that any deviation would require a modification to the permit.

Other stipulations were reviewed, including requiring the applicant to provide an updated conservation easement which will include conservation easement lines, on Lots 5, 6, 7, and 11; and replacing the 50% coverage with the conservation easement line on the map. There was discussion regarding the dates on the various plans, (the last revision was received October 26, 2012).

Secretary Fox moved to approve the application at 101 Obtuse Hill Road, #201200680, which is for the six-lot subdivision at Whispering Glen, with the following stipulations:

- 1) The Conservation Easements on the entire subdivision will be demarcated with signage stating, "Conservation Easement" posted every 20' on 3' tall posts.**
- 2) A plan to eradicate the invasive plants in the detention basins, along the road and in wetlands on any lot will be presented and approved by the Inland Wetlands Commission before any work commences.**
- 3) A bond will be set to cover the cost of plant material to be installed in the enlarged detention basin and the labor and materials required to remove the invasive plants mentioned in point #2. An estimate for this bond will be provided by the applicant within one month of approval of the application (today).**
- 4) The Wetlands Enforcement Officer or a designated monitor will conduct on-site inspection of infiltration galleries during installation to ensure that they are sized and installed appropriately based on the drainage calculations included in the application materials.**
- 5) Before the Wetlands Enforcement Officer signs off on the final paperwork to issue a Certificate of Occupancy for each house, an as-built plan of the infiltration galleries will be provided.**
- 6) An enlarged detention basin as documented on a plan dated 8/27, and noting that it is Sheet 7 of 9, and the receipt date is October 26, 2012, will be completed before August 1, 2013.**
- 7) Erosion control/invasive removal monitoring will be conducted by an individual who holds a Certification in Erosion and Sediment Control and who is experienced in removal of invasive plant species. This service will be paid for by the developer with funds deposited with the Land Use Office before work commences. Invoices for these services will be provided to the developer as monitoring is conducted and any remaining funds will be returned when all lots are stabilized to the satisfaction of the monitor.**

- 8) Lot 12, because of the noted water seep, will be indicated as a flagged lot, which will require the property owner to submit an application before any final approvals are provided. Make note, this supersedes any previous Inland Wetlands' approvals on Lot 12.
- 9) Since the plan includes footprints and locations for homes on all the lots, any deviation besides the location of the lot will require modification to this permit.
- 10) The applicant will provide an updated conservation easement for this subdivision which will update Item #2 on the conservation easement which has an execution date of 3/18/2003, to update Item #2 to match the drawings provided, specifically, to note that the conservation easements for Lots 5, 7, and 11 are noted by conservation easement lines, and this replaces the 50% clearing line language in Item #2.
- 11) All the Brookfield Inland Wetlands general stipulations will apply.

Commissioner Downey seconded the motion, and it carried unanimously.

Vice Chairman Miller returned to the meeting at this time.

Vice Chairman Miller moved to add to the agenda as Item 5.a., 59 West Whisconier Road. Commissioner Hunton seconded the motion, and it carried unanimously.

5. New Business:

a. **59 West Whisconier Rd.** – *G. Sam, New Milford Septic, was present.* The map, and the distance from the watercourse of approximately 50 feet, was discussed. An alternative site would have required removing a great deal of trees. It was noted that the slope is 23%. Mr. Sam indicated that sand will be brought in and the top soil will be scraped, and there will be a stock pile for about a week. Silt fence will be required. A shed will be removed, and only the slope will be seeded and hayed. At this time, no one is living in the house, and the septic has been pumped clean. Mr. Sam advised he will be cognizant of the weather when the installation of the new septic occurs. The Commission advised him that he did not have to attend the next meeting, but he was requested to contact the Land Use Office when the soil and erosion control is installed. It also indicated that the Sanitarian will work in a timely manner during the process.

Vice Chairman Miller moved to continue 59 West Whisconier Road, to the next regularly scheduled meeting. Commissioner Hunton seconded the motion, and it carried unanimously.

d. Proposed Inland Wetlands Commission Regulation #201200896: Section 220-12 Decision Process & Permit (*Public hearing scheduled for December 10, 2012*)

It was noted that a Public Hearing has been scheduled for December 10, 2012. There was no further discussion, and no motions.

Miscellaneous

Vice Chairman Miller inquired regarding the status of a previous discussion related to the electronic filing of applications. WEO Daniel and the other Commissioners agreed that it was a good idea for presentation purposes. There was discussion regarding whether electronic submissions make modifications easier or more difficult for the applicant. WEO Daniel will review the previous memo on this topic. She is unsure if it would require a regulation change or a policy change, but stated that the electronic mailing of Commissioner packets would be a favorable change. The application process for homeowners would involve scanning their plans and sending them electronically. WEO Daniel will put this discussion on the agenda for a January meeting, and she will contact CCA engineers for their input on this topic. The Commission is strongly in favor of electronic filing.

6. Tabled Items: None.

7. **Correspondence:**

a. **Minutes of Other Boards & Commissions: 11/15/12 Planning – No discussion/no motions.**

9. **Informal Discussion:**

Secretary Fox inquired regarding 19 Tower Road, and was advised by WEO Daniel that a Notice of Violation was sent today, and S. Hayden has been consulted.

8. **Review Minutes of Previous Meetings: 11/19/12**

The following corrections were noted:

By Vice Chairman Miller: on Page 2, 19 Tower Rd.: in the first line to add, “Vice Chairman Miller and” so that the sentence reads, “Chairman Vulcano had previously inspected this site, and *Vice Chairman Miller and* Secretary Fox did during the past week.” Also, with regard to this item, on Page 3, before the motion, to add an additional paragraph/sentence, “The Commissioners had a discussion regarding requesting the Wetlands Enforcement Officer to issue a Notice of Violation as a separate issue, in the spirit of cooperation, until the property owner provides an acceptable restoration plan and gets the site in compliance.” Additionally, Secretary Fox noted the need for a correction in the first paragraph, in the third sentence, to change, “he”, to “The applicant”.

Regarding 32 Hop Brook Road, Vice Chairman Miller requested that the word, “located”, be added to the third sentence, so that it reads, “Mr. Judson indicated that the Town has removed some of the trees located closer to the road.”

Vice Chairman Miller also noted, that on Page 3, 857 & 857A Federal Road, to add to the end of the third paragraph, “If those negotiations are successful, the applicant will come back to the Commission with the appropriate modifications.”

Secretary Fox moved to approve the Minutes of the November 19, 2012 Meeting Minutes with the changes listed above. Commissioner Hunton seconded the motion, and it carried unanimously.

10. **Adjourn**

Vice Chairman Miller moved to adjourn the meeting at 8:40 p.m. Commissioner Hunton seconded the motion, and it carried unanimously.

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