

**APPROVED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, December 17, 2012 – 7:00 p.m.
TOWN HALL MEETING ROOM # 133**

1. Convene Meeting

Chairman Vulcano convened the meeting at 7:01 p.m. and established a quorum of members.

2. Roll Call and Designation of Alternates

Present: Chairman J. Vulcano, Secretary S. Fox, M. Downey (arrived at 7:04 p.m.), Alternate and Voting Member G. Hunton

Absent: Vice Chairman L. Miller

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

3. Wetlands Enforcement

a. Enforcement Officer's Report

1 High Ridge Road – WEO Daniel shared a copy of the Court's judgment in the Town's favor, granting an Order of Temporary Injunction on December 13, 2012. The Order requires the property owner to unblock the pipe within seven days, and to remove the trench and the concrete footing within fourteen days. It also permits WEO Daniel to inspect the site to verify that these actions have been taken, and if they have not, to authorize the Town to perform the work. A copy of the Order has been sent to the Director of Public Works. Per Town Counsel, if the work is not completed by the property owner, the Town must initiate contempt of court proceedings prior to doing the work.

M. Downey arrived at 7:04 p.m.

Additionally, WEO Daniel reported that the civil suit between the property owners of 22 Beechtree Road and 1 High Ridge Road is ongoing. A status conference was recently held.

533 Federal Road- ZEO Dew and WEO Daniel met with the property owner, Mr. Pastor, before December 5, 2012. A letter from Town Attorney J. Buchsbaum to Mr. Pastor documented the agreement the parties came to regarding removal of the material, and the dates associated with the removal.

1. 19 Tower Road #201201039: Notice of Violation – WEO Daniel shared photographs of the site from October 18, 2012, and December 12, 2012. The Commission remarked on the property owner's willingness to accomplish the removal of the material, as well as to install a streamside buffer as recommended by S. Hayden. WEO Daniel also shared a GIS map of the site. There was discussion regarding planting near the stream. The property owner has installed silt fencing, which will also require non-living mulch to keep it in place. This matter will remain on the Enforcement Report until the planting plan is provided and installed in the Spring.

Chairman Vulcano moved to have WEO Daniel request that the property owner install non-living mulch on the silt fencing, and install a streamside buffer of two rows of plantings per the recommendations of S. Hayden and WEO Daniel. Commissioner Hunton seconded the motion, and it carried unanimously.

Miscellaneous

Candlewood Lake Road – Echo Bay Marina – Chairman Vulcano discussed the area where the boat parking was installed. He noted that near the driveway to the boat launch, some trees have been cut down on the south side of the property. WEO Daniel will inspect this site.

After-the-fact packets – Secretary Fox suggested that, in the interests of saving paper, the log of correspondence not be provided to the Commissioners, and only left in the correspondence file on the meeting cart.

b. Site Inspection Reports:

871 Federal Road

- **Memo from S. Hayden of the Northwest Conservation District dated 12/11/12 – No discussion/no motions.**

Chairman Vulcano moved to go to Agenda Item 4.b. 2 Arrowhead Road. Secretary Fox seconded the motion, and it carried unanimously.

4. Old Business

b. 2 Arrowhead Road #201201073: Addition & Septic System (dec date 02/13/13)

1. Sheet S1 – B-100 Septic System Design prepared by CCA, LLC dated 12/06/12

D. Adams, 904 Ethan Allen Highway, Ridgefield, CT, and N. Levesque, CCA, 40 Old New Milford Rd., Brookfield, CT, were present on behalf of the applicants. Ms. Levesque confirmed that the septic tank is now part of the plan, and a portion of the outlet will join the existing distribution box. Mr. Adams advised that the existing tank has been located. There was discussion regarding stipulations requiring the applicant to return for any modifications. Ms. Levesque advised that the Health Department requires that the applicant show a “code compliant system”.

The plans for the rain garden were reviewed. It was noted that a perk test was performed, and the calculations were completed based on the square footage. Secretary Fox inquired what kind of plantings would be installed, and Ms. Levesque indicated they would be perennial flowers, and some grasses and shrubs that are appropriate for a rain garden. The plants will be scattered, with mulch in between.

Upon inquiry from Commissioner Downey, Ms. Levesque advised that the septic tank is 15’ minimum distance from the proposed addition (which has a crawl space).

Secretary Fox moved to approve the application at 2 Arrowhead Road, #201201073, for the installation and replacement of the septic tank, for the installation of a garden, with the standard stipulations to call the Land Use Office after the silt fence is in place and prior to work being done, and to approve the reserve system noted on the plan, with the major stipulation, that should the homeowner decide to implement that part of the plan, he/she needs to notify the Land Use Office before any activity begins. This is all noted on a plan dated December 6, 2012, with a last revision date of December 13, 2012. Commissioner Hunton seconded the motion, and it carried unanimously.

CONTINUED PUBLIC HEARING – 7:30 PM:

Proposed Inland Wetlands Commission Regulation #201200896: Section 220-12 - Decision Process and Permit

It was noted that this is a continuation of the Public Hearing that was opened at the meeting on December 10, 2012.

The complete proposed regulation change was reviewed by the Commissioners. WEO Daniel advised that the rationale for the change is to make it consistent with the recommendations of the Department of Energy and Environmental Protection (DEEP), as well as other approvals and previous Public Acts.

No one was present in the audience to ask questions of clarification.

WEO Daniel spoke in favor of the application, because is consistent with the DEEP mandates. No one was present to speak in opposition to the application.

Secretary Fox moved to close the Public Hearing for the Proposed Inland Wetlands Commission Regulation Change, #201200896: Section 220-12 – Decision Process and Permit. Commissioner Hunton seconded the motion, and it carried unanimously.

Secretary Fox moved to approve the Proposed Inland Wetlands Commission Regulation Change, #201200896: Section 220-12 – Decision Process and Permit, with an effective date of the day after publication in the newspaper. Commissioner Hunton seconded the motion, and it carried unanimously.

4. Old Business (continued)

- a. 14 Arapaho Road #201200739: Jurisdictional Ruling – Landscaping – Chairman Vulcano moved to continue 14 Arapaho Road, #201200739, to the next regularly scheduled meeting. Secretary Fox seconded the motion, and it carried unanimously.

Secretary Fox moved to add to the Agenda, as Item 4.c., 101 Obtuse Hill Rd., Wetlands Bond. Commissioner Downey seconded the motion, and it carried unanimously.

- c. 101 Obtuse Hill Road, Wetlands Bond – Secretary Fox moved to recommend to the Board of Selectmen the establishment of a Wetlands Planting Bond at 101 Obtuse Hill Road, related to Application #201200680, and the total amount of the bond is \$3,500. Commissioner Hunton seconded the motion. Secretary Fox moved to amend the amount to \$3,209.49 (this amount does not include labor). Commissioner Hunton seconded this amendment, and it carried unanimously.

5. New Business: None.

6. Tabled Items: None.

7. Correspondence:

- a. Minutes of Other Boards & Commissions: 12/06/12 Planning
b. Letter from Joan Locke to All Boards and Commission Chairpersons dated 12/04/12
Re: Schedule of Meetings for 2013 – It was noted that the IWC has already approved its meeting calendar for 2013.

8. Review Minutes of Previous Meetings: 12/10/12 – Secretary Fox moved to approve the Minutes of the Meeting on Monday, December 10, 2012. Commissioner Hunton seconded the motion, and it carried unanimously.

9. Informal Discussion: None.

10. Adjourn Commissioner Downey moved to adjourn the meeting at 7:38 p.m. Secretary Fox seconded the motion, and it carried unanimously.

Next regular meeting scheduled for January 14, 2013

