

AMENDED/APPROVED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, February 11, 2013 – 7:00 p.m.
TOWN HALL MEETING ROOM # 135

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, Vice Chairman L. Miller, (arrived at 7:02 p.m.) Secretary S. Fox, A. Finelli

Absent: M. Downey, G. Hunton

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

3. Wetlands Enforcement

a. Enforcement Officer's Report

WEO Daniel reviewed her Enforcement Report (modified 2/11/13).

265 Candlewood Lake Road, #201200755 - WEO Daniel sent the property owner a letter today advising that the allowed activities at the site are to locate and park boats; further noting that no violation exists at this time. The previous violation has been cleared up via an approved application and completed work. **Secretary Fox moved to remove the Notice of Violation at 265 Candlewood Lake Road, #201200755, because of compliance. Vice Chairman Miller seconded the motion, and it carried unanimously.**

1 High Ridge Road, #201200616, #201200432 – WEO Daniel reviewed the follow-up activities on the Enforcement Report. The property owner has recently filed an appeal to stay the Order for a Temporary Injunction, and the Commission's attorney has filed a Motion to Dismiss the appeal. The appeal has not yet been heard. Chairman Vulcano inquired if the appeal "stayed" the order, and was advised that it does. Attorney Ghent is no longer representing Dr. Zaky. Dr. Zaky has filed a quit claim deed to have Affiliated Realty, LLC, give him 10% of the property.

WEO Daniel will be periodically observing the septic system on the adjoining property for any issues.

533 Federal Road, #201100251 – This violation relates to debris and vehicles in the upland review area. There is an attempt is to get the property owner to remove the material. WEO Daniel noted the long history of the issues involving this property. She has requested that the property owner comply by March.

227 Candlewood Lake Road – WEO Daniel has verbally requested that the property be brought into compliance and that the property owner file an application for tree removal. The application will be a modification of existing permit, and will be on the next meeting's agenda. Chairman Vulcano inquired regarding whether or not work was done on the wall, in response to a tree falling. WEO Daniel indicated that she spoke with Warren Hartmeyer who advised that the work that was done was an effort to stabilize a portion of the soil impacted by the fall of the tree. She will follow up to see if work has been done outside of the permit.

b. Site Inspection Reports:

84-140 Federal Road

- **Letter from S. Hayden of the Northwest Conservation District dated 01/31/13** – Noted to be satisfactory.

540 Federal Road (Aquarion Water Tank)

- **Letter from S. Hayden of the Northwest Conservation District dated 01/31/13**
- 871 Federal Road** – Noted to be satisfactory.

- **Letter from S. Hayden of the Northwest Conservation District dated 01/31/13-**

WEO Daniel noted that there is an additional piece of mitigation work that needs to be incorporated into the applicant's plan. She has an appointment to speak with the property owner regarding sequence and when the work is expected to be done. WEO Daniel will ask him to get the information on the plan so that it can be reviewed at the next meeting.

Miscellaneous

There was brief discussion regarding the means of delivery of Commissioners' packets. Additionally, information regarding the revised training process through the Department of Energy and Environmental Protection.. Copies of the updated regulations were also distributed to the Commissioners.

WEO Daniel is also in possession of information from Massachusetts regarding wood turtles, and will share it with the Commission members.

4. Old Business:

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

1. Email from W. Doswell to E. Cole Prescott Re: Withdrawal Request – Chairman Vulcano noted the request to withdraw. Secretary Fox moved to accept the withdrawal of the jurisdictional ruling for #201200739, 14 Arapaho Road, and remove it from the agenda. Vice Chairman Miller seconded the motion, and it carried unanimously.

b. Nomination & Election of Officers for 2013 Calendar Year – Vice Chairman Miller moved to nominate J. Vulcano as Chairman, L. Miller as Vice Chairman and S. Fox as Secretary for the 2013 Calendar Year. Commissioner Finelli seconded the motion, and it carried unanimously.

c. 21 Kellogg Street #201300007: Septic System Repair (dec date 03/20/13)

1. Letter from C. Blackwell to Town of Brookfield, Land Use Office dated 01/24/13 Re: 21 Kellogg Street #201300007: Septic System Repair – Secretary Fox indicated that she inspected the site and did not observe any unusual conditions. Secretary Fox moved to approve the application at 21 Kellogg St., #201300007, for septic system repair, as documented on a plan with a last revision date of 12-11-12, with all the normal stipulations, making note that after sedimentation controls are in place, the applicant will call the Lane Use Office before proceeding. Vice Chairman Miller seconded the motion, and it carried unanimously.

d. 55 Tower Road #201300013: Install Pipe & Add Swale (dec date 03/20/13)

1. Construction Sequence for 55 Tower Road #201300013 from Bedini Company Inc. received in the Land Use Office on 01/25/13 – S. Bedini, 22 Hickory Hill Rd., was present. Various Commissioners inspected the site before and after the snowstorm of February 8/9, 2013. Secretary Fox reviewed various characteristics of the property with Mr. Bedini via a photograph on her phone. Mr. Bedini indicated that there are small stumps that he would like to remove. He pointed out a water stream and the faulty grading on the site. He will make a berm and send the water to a plunge pool. Mr. Bedini also reviewed the footing and lawn drains that have been tied into the existing system. He noted that there are six or fewer stumps that have to be removed, and he will excavate for the catch basin and swale.

Secretary Fox moved to approve the application for 55 Tower Road, #201300013, to install a pipe and a swale, as documented on a construction sequence in the application received on the 25th of January, and two GIS maps that document the location of the swale, plunge pool and catch basin. Commissioner Finelli seconded the motion, and it carried unanimously.

- e. **54 South Lake Shore Drive #201300014: Demolish & Re-Build Single Family Home on Existing Foundation; Add 122 square feet front bump out** (*dec date 03/20/13*) - T.

Zinnick, *Permit-me-Please*, was present. She advised that she emailed a copy of the demolition sequence to the Land Use Office, as was requested at the last meeting. The plan of 2007 was reviewed. **Secretary Fox moved to approve the application for 54 South Lakeshore Drive, #201300014, to demolish and re-build a single-family home as documented on a plan originally dated 5/26/06, and also a document that describes how the house will be demolished. Vice Chairman Miller seconded the motion, and it carried unanimously.**

- f. **101 Obtuse Hill Road #201200680: Approval Stipulation #10**

Chairman Vulcano moved to continue 101 Obtuse Hill Road, #201200680. Secretary Fox seconded the motion, and it carried, 3-0-1, with Vice Chairman Miller abstaining.

5. **New Business:**

- a. **High Meadow/Carriage Homes, Ledgewood & Newbury Crossing Condominiums #201300037: Sewer Sanitary Extension System to service existing condominium complexes & pump station** (*dec date 04/16/13*)

1. **High Meadow/Carriage Homes, Ledgewood & Newbury Crossing Wetlands Application Packet dated January 2013**
2. **Plans prepared by Birdsall Services Group:**
 - **Sheet T-01 – Cover Sheet - High Meadow/Carriage Homes, Ledgewood and Newbury Crossing Sanitary Sewer Improvements and Pump Station dated 09/28/12**
 - **Sheet C-01 – Wetland Plan dated 09/12/12**
 - **Sheet C-02 – Sewer Easement Plan dated 09/12/12**
 - **Sheet C-03 – Existing Conditions and Demolition Plan Sheet 1 of 6 dated 09/12/12**
 - **Sheet C-04 – Existing Conditions and Demolition Plan Sheet 2 of 6 dated 09/12/12**
 - **Sheet C-05 – Existing Conditions and Demolition Plan Sheet 3 of 6 dated 08/20/12**
 - **Sheet C-06 – Existing Conditions and Demolition Plan Sheet 4 of 6 dated 08/20/12**
 - **Sheet C-07 – Existing Conditions and Demolition Plan Sheet 5 of 6 dated 08/20/12**
 - **Sheet C-08 – Existing Conditions and Demolition Plan Sheet 6 of 6 dated 09/12/12**
 - **Sheet C-09 – Sewer Improvement Plan – Sheet 1 of 6 dated 09/12/12**
 - **Sheet C-10 – Sewer Improvement Plan – Sheet 2 of 6 dated 09/12/12**
 - **Sheet C-11 – Sewer Improvement Plan – Sheet 3 of 6 dated 09/12/12**
 - **Sheet C-12 – Sewer Improvement Plan – Sheet 4 of 6 dated 08/20/12**
 - **Sheet C-13 – Sewer Improvement Plan – Sheet 5 of 6 dated 09/12/12**
 - **Sheet C-14 – Sewer Improvement Plan – Sheet 6 of 6 dated 09/12/12**
 - **Sheet C-15 – Sewer Profiles Sheet 1 of 6 dated 09/12/12**
 - **Sheet C-16 – Sewer Profiles Sheet 2 of 6 dated 09/12/12**
 - **Sheet C-17 – Sewer Profiles Sheet 3 of 6 dated 09/12/12**
 - **Sheet C-18 – Sewer Profiles Sheet 4 of 6 dated 09/12/12**

- **Sheet C-19 – Sewer Profiles Sheet 5 of 6 dated 09/12/12**
- **Sheet C-20 – Sewer Profiles Sheet 6 of 6 dated 09/12/12**
- **Sheet C-21 – Crossing “A” Plan and Section dated 10/22/12**
- **Sheet C-22 – Crossing “B” Plan and Section dated 10/22/12**
- **Sheet C-23 – Crossing “C” Plan and Section dated 10/22/12**
- **Sheet C-24 – Crossing “D” Plan and Section dated 10/22/12**
- **Sheet C-25 – Wetland Planting Plan and Construction Sequence (Sheet 1 of 2) dated 09/12/12**
- **Sheet C-26 – Wetland Planting Plan and Construction Sequence (Sheet 1 of 2)**
- **Sheet C-27 – Construction Details Sheet 1 of 3 dated 09/28/12**
- **Sheet C-28 – Construction Details Sheet 2 of 3 dated 09/28/12**
- **Sheet C-29 – Construction Details Sheet 3 of 3 dated 09/24/12**

W. Charles Utschig, Jr., PE, Sr. Vice President, and M. Finan, PE, LEED AP, Vice President, BSG Engineering, Surveying and Landscape Architecture, LLC, White Plains, NY, were present, representing Brookfield WPCA. Also present were N. Malwicz, WPCA, and R. Prinz, Maintenance. Mr. Utschig advised that Ms. Chase, the wetlands scientist for the project, was unable to attend this evening’s meeting.

Mr. Utschig advised that the proposal intends to eliminate twelve community septic systems that service approximately 160 units through four different projects. The proposal will allow the four projects to connect to the municipal service single structure. He reviewed the details for the Newbury Condominiums; outlining the setback locations from the watercourses and wetlands and noting that large areas are within the regulated area or the adjacent 100 feet. Mr. Utschig advised that the current septic systems for another one of the developments, LedgeWood, are currently in the front yards, as noted in the green areas on that map. Additionally, he explained that the High Meadow development has a series of septic systems, with the primary system near the recreation area. Mr. Utschig added that some of the present systems are having problems. He indicated that the WPCA is seeking to install a gravity system and eliminate pumps. He advised that the single pump station is the “best solution”.

Vice Chairman Miller inquired if a back-up generator would be installed for the pump station, and Mr. Utschig advised that it would. Upon inquiry from Chairman Vulcano, Mr. Utschig indicated that the gravity system was the proposal that involves 60,000 square feet of impact.

Mr. Utschig went over various details including the location of water crossings and culvert crossings. He noted that some of the disturbance totals are less than one thousand square feet and advised that the applicant’s focus was on the least amount of impact. Mr. Utschig pointed out other areas in the 100 foot offset, where development has already occurred. He indicated that the red areas on the plans are “new”. For Option 2 (the “cattle crossing”), the major area of disturbance is 10,000 square feet, for the installation of a pump to connect with the gravity system. He noted that Option 1 is a gravity solution and includes the same crossing.

Mr. Utschig indicated that dual pipes will be installed as a precaution so that if one fails, the area will not have to be disturbed again. Upon inquiry from Vice Chairman Miller, Mr. Utschig advised that the pipes can be pressure tested. Mr. Utschig also noted that some of the newer collection lines are being reused. Chairman Vulcano clarified that the drawing Mr. Utschig was utilizing is related to that entitled “C01” in the Commissioners’ plans.

WEO Daniel confirmed that the disc that the Commission members are in possession of was made by the Land Use Office.

Mr. Utschig reviewed that the gravity system, Option 1, is “the perfect solution”, and involves 60,000 square feet of disturbance, with a wider trench, and manholes.

Mr. Utschig advised Option 3 begins at the same pump station, and crosses the same streams, but involves “re-pumping” that is not favorable for the WPCA from an operational perspective (energy use, cost, maintenance).

Mr. Utschig indicated that the applicant hopes to do all of the work during the dry season and pointed out where erosion control measures would be utilized. He stated that Ms. Chase and the Army Corps of Engineers has recommended that care be used with the top material that contains seed mix.

Upon inquiry from Chairman Vulcano, Mr. Utschig indicated that the sequence details have not been finalized, but he estimates that the pump station will be installed for operational purposes, and then the gravity line will be installed, working from the bottom up. Mr. Finan clarified that Drawings 3, 4, 5, 6 and 7 were “existing condition demo drawings”. Mr. Utschig advised that the over the development, the drawings will provide the specifications for the phasing, and they will be outlined in the contract.

Chairman Vulcano noted that the WPCA owns certain portions of the land, and other areas are owned by the condominium associations. Mr. Utschig advised that where one project crosses another’s property line, the WPCA will take over ownership and responsibility for the systems. Mr. Prinz indicated that the maintenance will involve only cleaning and inspection of the WPCA manholes, and the associations will inspect their own. Mr. Malwicz advised that the State mandates that the associations must keep their sewer systems in working order, and put aside money for that purpose, and report the status to the WPCA. Mr. Utschig and Mr. Malwicz advised that there is a state ordinance that allows the WPCA to make the repairs.

Mr. Utschig advised that the applicant’s first concern is minimizing the environmental impact, with a solution also economically feasible for the residents.

Mr. Utschig then reviewed the engineering specifications, including the 20’ wide strip with erosion controls, with an offsetting trench that will be four feet deep. He reiterated that caution will be utilized for the use of the top part of the material, separating the seed mix, and Ms. Chase will provide further details regarding plantings. It was noted that there are very few trees are affected. The area has been flagged, however, this was completed prior to the snowstorm of February 8/9, 2013.

Vice Chairman Miller inquired how the applicant would manage water from the water table, and was advised by Mr. Utschig that filter bags will be utilized, and the material removed will be moved off site. The work will start at the lowest point staging area for pump station. Mr. Utschig indicated that the seed mix separated from the topsoil will be the last thing to be spread.

Secretary Fox inquired how the timber matting would be used, and was advised that a backhoe would be used, and mats would be set up behind it. The three-inch pipe is made out of CVC or a similar material. Mr. Utschig indicated that there is an engineering solution to getting across the cattle crossing. He acknowledged that there are potential foundation issues.

P. Citrone, High Meadows, was present. He inquired how long the engineers would be working in the area with the four-foot trench. Mr. Finan indicated it would not take any longer than five to seven days.

WEO Daniel read the section of regulations that relate to public hearings.

Chairman Vulcano noted that the application is not dated, so the date of acceptance of the application is today. Mr. Utschig advised that the WPCA had held two public hearings on this project. WEO Daniel noted that the application and affiliated documents were received in the Land Use Office on January 17, 2013. The public hearing regulation was again reviewed. Mr. Malwicz initialed the application, and the Commission acknowledged that the regulation would read better if it noted the date the application is “accepted”, but it was noted that the regulation copies the State’s model. Commissioners Miller and Fox expressed the importance of having a public hearing in light of the significant amount of disturbance.

The Commission recommended using J. Cowen as the Town wetlands consultant, and the applicant was advised it would pay for his services.

Chairman Vulcano moved to set a Public Hearing for February 25, 2013, at 7:30 p.m., for High Meadow/Carriage Homes, Ledgewood & Newbury Crossing Condominiums, #201300037: Sewer Sanitary Extension System to service existing condominium complexes and pump station, and recommended that Room 133 be used; and that WEO Daniel contact J. Cowen to determine if he is available, and forward him the information regarding the application so that Mr. Cowen can provide the applicant with an estimate of his costs so that the applicant is aware of the financial impact. Secretary Fox seconded the motion, and it carried unanimously.

- b. 506 Candlewood Lake Road #201300062: Jurisdictional Ruling – Replace Dock**
 - 1. Letter from M. Lillis to the Brookfield Inland Wetlands Commission dated 01/24/13
Re: Dock Replacement for the Candlewood Inn**
 - 2. Photos (3) of the dock received in the Land Use Office on 01/24/13**
 - 3. Page 1 of 2 – Schematic Site Plan prepared by CCA, LLC dated 01/24/13**
 - 4. Page 2 of 2 – Proposed Dock Replacement prepared by CCA, LLC dated 01/24/13**

Chairman Vulcano moved to continue 506 Candlewood Lake Road, #201300062, Jurisdictional Ruling, to the next regularly scheduled meeting. Secretary Fox seconded the motion, and it carried unanimously.

6. Tabled Items: None.

7. Correspondence:

- a. Minutes of Other Boards & Commissions: 01/17/13 Planning; 01/10/13, 01/24/13
Zoning; 02/04/13 Zoning Board of Appeals**

No discussion/no motions.

8. Review Minutes of Previous Meetings: 01/14/13 – Secretary Fox moved to approve the Meeting Minutes for January 14, 2013. Commissioner Finelli seconded the motion, and it carried 3-0-1, with Vice Chairman Miller abstaining.

9. Informal Discussion: None.

10. Adjourn Chairman Vulcano moved to adjourn the meeting at 8:36 p.m. Secretary Fox seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for February 25, 2013*****