

**APPROVED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, March 25, 2013 – 7:00 p.m.
TOWN HALL MEETING ROOM # 133**

1. Convene Meeting

Chairman J. Vulcano convened the meeting at 7:02 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, A. Finelli, Alternate and Voting Member G. Hunton

Absent: Alternate M. Downey

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 reported that Special Counsel Peter Olson continues to represent the Commission in this matter. Additionally, she advised that the property owner was requesting certain conditions to allow entry to the property to clear the blockage. Vice Chairman Miller suggested that WEO Daniel inquire of Attorney Olson if it is possible that this matter be turned over to the State wetlands authority. There was discussion regarding earlier attempts to press criminal charges for the property owner's actions. WEO Daniel will pass Vice Chairman Miller's suggestion along to Attorney Olson.

WEO Daniel further advised that there is no septic odor at 22 Beech Tree Road, and that the Town Sanitarian is aware of this ongoing situation.

533 Federal Road – WEO Daniel stated that the vehicles have been removed, which resolves the zoning violations. The debris and pallets remain. She will issue a Citation tomorrow.

64 North Lakeshore Drive – Upon investigating a complaint of work below the 440 line, WEO Daniel observed that a patio is being installed. She spoke with the property owner and asked him to stop work, stabilize the area, and come in and apply for a permit. Additionally, she advised B. Wood of First Light of the activity on the site. If WEO Daniel is not in receipt of a permit by April 9, 2013, a Notice of Violation will be issued.

Candlewood Lake Road – Chairman Vulcano advised that the silt fence is still up. WEO Daniel indicated that the path has already been cemented, and work is still being done. In her opinion, there is nothing out of compliance at the property.

WEO Daniel advised that she has a question from S. Sullivan of CCA regarding permitting for the final phase of water line.

Chairman Vulcano noted a letter from the WPCA requesting an extension of the public hearing for the condominium projects (see below). WEO Daniel advised that the engineers have not fully developed responses to the IWC's comments. She will ask the WPCA office what duration of an extension is being requested.

b. Site Inspection Reports

871 Federal Road

- **Letter from S. Hayden of the Northwest Conservation District dated 03/12/13** This matter will be handled under Old Business (Item 4.e.), and the slope will be discussed.
- **84-140 Federal Road**
- **Letter from S. Hayden of the Northwest Conservation District dated 02/27/13 – Noted.**

540 Federal Road (Aquarion Water Storage Tank)

- Letter from S. Hayden of the Northwest Conservation District dated 03/12/13
Noted.

No motions.

4. Old Business:

a. 101 Obtuse Hill Road #201200680: Approval Stipulation #10 – Vice Chairman Miller recused himself from this matter.

Secretary Fox moved to continue 101 Obtuse Hill Road, #201200680: Approval Stipulation #10, to the next regularly scheduled meeting, as the Commission awaits the final version. Commissioner Hunton seconded the motion, and it carried, 4-0.

b. 506 Candlewood Lake Road #201300062: Jurisdictional Ruling – Replace Dock – The long-form application has not yet been completed, but the jurisdictional ruling was resolved at the last meeting. This item can be removed from the Agenda.

c. 5 Hidden Brook Drive #201300141: Modification to Existing Permit #200900946 – excavation for residual fuel oil release (dec date 05/15/13) J. Benton, 54 Naunset Path, Acton, MA, was present. Mr. Benton reviewed that on December 16, 2009, approval to perform a clean-up of oil spill (tank leaked) was obtained by the property owner. The side yard was excavated and soil was removed. The monitored post-excavated soil was within allowed limits, with the exception of one small spot. Mr. Benton noted that moisture sometimes skews the results. The problem area is Monitoring Well #13. To close the site, MW#13 needs to be made within limits. He proposed that two trees near the digging area be removed. Mr. Benton also noted that the digging is below the stream level. He believes the work can be done on one day during a dry period in the upcoming summer. There was discussion regarding a slope on the site and its interference with equipment. Mr. Benton indicated that digging will be no more than six feet.

Upon inquiry from Vice Chairman Miller, Mr. Benton advised that the last sample was taken during November 2012. He further noted that the ethyl benzene and TPH numbers were above limits. He discussed the efforts of his staff regarding testing methods.

Secretary Fox inquired what type of trees would be removed, and Mr. Benton did not know the species. There was discussion regarding whether the proposed work is a modification to the existing permit or if it requires an additional permit.

Mr. Benton advised that the stumps of the trees will be removed. It was noted that silt fence is proposed, and will be sufficient for erosion control.

Vice Chairman Miller moved to approve the modification for 5 Hidden Brook Drive, #201300141, in accordance with the original permit that was issued, with the appropriate erosion controls (silt fence, not hay bales), and that with the modification, that the property owner be allowed to remove two of the trees that will be in the immediate area where the excavation will be performed, including the stumps; and that appropriate plantings be used to replace the two trees. Secretary Fox seconded the motion, and it carried unanimously.

CONTINUED PUBLIC HEARING – 7:30 PM

- a. High Meadow/Carriage Homes, Ledgewood & Newbury Crossing Condominiums**

#201300037: Sanitary Sewer Extension System to service condominium complexes & pump station (PH Close date 03/31/13)

No one was present on behalf of the applicant, nor was there anyone in the audience interested in speaking about this application.

There was discussion regarding duration of the extension, and it was noted it will likely be until the next regularly scheduled meeting.

Vice Chairman Miller moved to accept the Memo dated March 22, 2013, from K. McPadden, re: High Meadow/Carriage Homes, Ledgewood & Newbury Crossing Condominiums, #201300037, for the extension, that will go until the next regular meeting on April 8, 2013. Commissioner Hunton seconded the motion, and it carried unanimously.

Vice Chairman Miller moved to continue the Public Hearing for High Meadow/Carriage Homes, Ledgewood & Newbury Crossing Condominiums, #201300037, to the next regularly scheduled meeting, at 7:30 p.m., in Room 133 of Brookfield Town Hall. Commissioner Hunton seconded the motion, and it carried unanimously.

d. High Meadow Association (Pond View Drive) #201300165: Replace existing railroad tie retaining wall with natural rock (dec date 05/15/13) – J. Carpenter, A to Z Property Maintenance, the Contractor, was present. He submitted additional information related to the application. Vice Chairman Miller advised that he inspected the site and found it to be different than the photograph. There was discussion regarding grading the area in question versus building a retaining wall. Mr. Carpenter discussed putting boulders and fabric in.

Vice Chairman Miller discussed his concern regarding water seepage, erosion and safety issues, due to the proximity to the condominiums. He noted that there is water running underneath the railroad ties. He suggested that the possibility of rebuilding the retaining wall be discussed with the Association. Mr. Carpenter pointed out the area that would be filled in with rock. Several Commission members questioned if there was sufficient room. They inquired why the Association does not want to rebuild the wall.

P. Citrone, High Meadow Association, 16 Ledgewood Dr., was present. He advised that the Association does not want to rebuild a wooden wall due to the risk of it rotting. The Commission had proposed grading, and is now suggesting a vertical stone wall that will retain soil. Mr. Carpenter advised that the existing wall will remain until the sewer plan is approved.

There was discussion regarding piping and the underground water that feeds the area. This is an area of concern. Mr. Carpenter inquired if water would be a concern with a rock wall, and Vice Chairman Miller suggested the use of weep holes.

Upon inquiry from Chairman Vulcano regarding what resembled corrugated pipe, Mr. Citrone advised it was a cover for a pump.

Mr. Carpenter pointed out that the equipment would be entering the site off of Pond View Drive. Secretary Fox requested that more details regarding the proposal be provided. There was additional discussion regarding grading the slope and installing shrubbery. Mr. Citrone pointed out where the work needs to begin, and Chairman Vulcano noted it was a regulated area. It was reiterated that more details were needed, and the Commission recommended that the applicant discussing the possibilities with an engineer.

There was brief discussion regarding plantings.

Vice Chairman Miller moved to continue High Meadow Association (Pond View Drive) #201300165: Replace existing railroad tie retaining wall with natural rock, to the next regularly scheduled meeting. Secretary Fox seconded the motion, and it carried unanimously.

- e. **871 Federal Road #201300170: Modification to Permit #200700243: Revision of stormwater detention system and sanitary sewers, replacement of box culvert with CMP pipe; re-grading around units 1-1 through 1-6, revised buffer landscaping control & phragmites control (dec date 05/15/13)**

Ms. A. Adams, Registered Landscape Architect, and Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, were present. Ms. Adams discussed stabilization of erosion controls and grading of the slope to 1:1. Additionally, large tarps were installed in case of another rain event. The grading has occurred to direct water away from slope. Ms. Adams further advised that the Fire Marshal has required the second emergency access, and it is currently under construction. Secretary Fox inquired if Mr. Lillis updated the plans with the above listed erosion controls, and after a review of the plans, it was noted that the improvements are on the latest plans.

Secretary Fox moved to approve the Site Plan Modification for 871 Federal Road, #201300170, Modification to Permit, for the stormwater detention system and sanitary sewers, replacement of box culvert with CMP pipe; re-grading around units 1-1 through 1-6, revised buffer landscaping control and phragmites control, as noted on a plan originally dated March 20, 2007, with a last revision date of March 5, 2013. Commissioner Hunton seconded the motion, and it carried unanimously.

WEO Daniel inquired regarding the construction sequence, and was advised that the construction will begin when the second access is completed.

5. **New Business:**

- a. **140 Federal Road #201300191: Demolish existing building & replace with new construction for Chick-fil-A restaurant (dec date 05/29/13)**
1. Letter from S&W Brookfield LLC to K. Daniel Re: Chick-fil-A, Inc. dated 03/08/13
 2. Plans prepared by The Lauro Group received in the Land Use Office on 03/12/13:
 - Sheet C0.0 – Cover Sheet dated 01/10/13; revised through 03/08/13
 - Sheet C1.0 – Removals Plan dated 01/10/13; revised through 03/08/13
 - Sheet C2.0 – Overall Site Plan dated 01/10/13; revised through 03/08/13
 - Sheet C2.1 – Partial Site Plan dated 01/10/13; revised through 03/08/13
 - Sheet C3.0 – Grading and Drainage Plan dated 01/10/13; revised through 03/08/13
 - Sheet C5.0 – Construction Details dated 01/10/13; revised through 03/08/13
 - Sheet C6.0 – Soil Erosion Control Plan dated 01/10/13; revised through 03/08/13
 - Sheet L-1 – Landscape Plan dated 01/10/13; revised through 03/08/13
 - Sheet PS-1.0 – Utility Site Plan dated 01/10/13; revised through 03/08/13
 - Sheet L-1 – Landscape Plan dated 01/10/13; revised through 03/08/13
 3. Letter from D. Pedersen to R. Blessey dated 03/18/13 Re: Proposed Chick-fil-A Land Use Submission Packages

Attorney S. Hays, Updike, Kelly & Spellacy, 100 Pearl St., Hartford, CT, was present. D. Pedersen, The Lauro Group, and J. Martinez, Chick-Fil-A, were also present. Attorney Hays advised that the current

structure will be demolished and a new building will be constructed, and that none of the work will be in the wetlands and/or a watercourse, but some will be in the upland review area.

Chairman Vulcano confirmed that the date on the drawing is correct, and this was incorporated in the file.

Mr. Pedersen reviewed the proposed site plan, which includes a similar layout to the existing structure. He pointed out the curb line, which is the closest to the wetlands, and where landscaping will replace asphalt. The impervious area will now be closer to Federal Road. Upon inquiry from Commissioner Hunton, Mr. Pedersen advised that the footprint will be only slightly larger than the existing structure.

Mr. Pedersen continued with a review of the drainage system, which will include a bubbler catch basin. Upon inquiry from Vice Chairman Miller, he advised that it is not sized for capacity. Mr. Pedersen pointed out the sheet that shows the existing conditions, C.1.0. It was noted that the portion of the new building that will be in the upland review area was reduced by approximately ten percent.

Vice Chairman Miller inquired if the wetlands areas in the rear of the site have been cleaned up, and Mr. Pedersen advised that the larger items have been removed, but there is still small debris. Attorney Hays advised that the applicant will take care of that. Mr. Pedersen reviewed the soil and erosion controls, which will include silt fencing, fabric around the inlets, and a stabilized construction entrance. He further indicated that the applicant will be maintaining most of the old catch basins, with a few additions. Upon inquiry from Secretary Fox, Mr. Pedersen pointed out that the drainage from the parking lot will be split between the existing outlet and a new one.

The applicant will be before the Zoning Commission on March 28, 2013, at which time a public hearing will be scheduled. It hopes to commence construction after approval, and open this Fall or the beginning of 2014.

The Commissioners agreed that an outside wetlands consultant review is not necessary.

Upon inquiry from Vice Chairman Miller, Mr. Pedersen indicated that the slope closest to the wetlands has a 3 or 4: 1 grade. Attorney Hays also pointed out where plantings would be added to prevent the runoff of contaminants.

Vice Chairman Miller moved to continue 140 Federal Road, #201300191, to the next regularly scheduled meeting. Secretary Fox seconded the motion, and it carried unanimously.

b. 21 Kellogg Street #201300206: Modification to Existing Permit #201300007: Demolish existing foundation and one-story structure (dec date 05/29/13)

1. Proposed Site Plan prepared by J. Edwards & Associates, LLC dated 09/18/12; revised through 12/11/12 – C. Blackwell, Summa Design, Sandy Hook, CT, and J. Koschel, 21 Kellogg St., were present.

Mr. Blackwell explained that after discussion with D. Waterbury of the Building Department, it was determined that proper footings for a second floor would have to be installed prior to the addition of the second floor. A portion of the building (the street side) will be demolished to accomplish this. The footprint of the structure will remain the same. The applicant advised that the silt fence is already up. The Commission advised the applicant that there is no need to be present at the next meeting.

Vice Chairman Miller moved to continue 21 Kellogg St., #2013000206, to the next regularly scheduled meeting. Secretary Fox seconded the motion, and it carried unanimously.

c. 78 North Lake Shore Drive #201300207: Patio, Stone Wall & Footing Drains

(dec date 05/29/13)

1. Town of Brookfield, CT GIS Map showing proposed work at 78 North Lake Shore Drive received in the Land Use Office on 03/19/13 – A. Apgar, 78 North Lake Shore Drive was present. He advised that he has met with Brian Wood of First Light. The proposal will move the patio near the house, but it will be in the regulated area. CCA has surveyed the property and staked the 440 line. Mr. Apgar is unsure of what material he will use for the patio. Upon inquiry from Secretary Fox, he explained the configuration of the footing drains and noted there will be a minimal increase. He advised he will not need fill. The area is level, and measures 160' X 70'. There was discussion regarding rain gardens. Access for the stone dust will be through the neighbor's driveway.

Chairman Vulcano requested a sketch showing the house, the patio, and the silt fence by April 3, 2013.

Vice Chairman Miller moved to continue 78 North Lake Shore Drive, #201300207, to the next regularly scheduled meeting, with the understanding that the Commissioners will inspect the site, and the property owner will submit a detailed sketch to the Land Use Office no later than April 3, 2013. Secretary Fox seconded the motion, and it carried unanimously.

d. 7 Station Road, 800 Federal Road, 802 Federal Road, 806 Federal Road #201300225: Brookfield Village – proposed mixed use (residential & retail) development

(dec date 05/29/13)

1. Development Report for Brookfield Village prepared by CCA, LLC dated 03/21/13

- **Sheet DRA1 – Pre-Development Drainage Areas dated 03/21/13**
- **Sheet DRA2 – Post-Development Drainage Areas dated 03/21/13**

2. Plans prepared by CCA, LLC received in the Land Use Office on 03/21/13:

- **Cover Sheet – Brookfield Village Proposed Mixed-Use Development dated 03/21/13**
- **Sheet N1 – General Legend, Notes and Abbreviations dated June 2012**
- **Sheet 1 of 1 – Topographic Boundary Survey dated 01/24/13**
- **Sheet C1 – Demolition Plan dated 03/21/13**
- **Sheet C2 – Site Layout and Materials Plan dated 03/21/13**
- **Sheet C3 – Grading Plan dated 03/21/13**
- **Sheet C4 – Drainage Plan dated 03/21/13**
- **Sheet C5 – Utilities Plan dated 03/21/13**
- **Sheet C6 – Landscaping Plan dated 03/21/13**
- **Sheet C7 – Erosion Control Plan dated 03/21/13**
- **Sheet C8 – Notes and Details dated 03/21/13**
- **Sheet C9 – Notes and Details dated 03/21/13**
- **Sheet C10 – Notes and Details dated 03/21/13**
- **Sheet C11 – Notes and Details dated 03/21/13**
- **Sheet C12 – Notes and Details dated 03/21/13**
- **Sheet E1 – Sedimentation and Erosion Control Plan dated 12/07/05**

Ms. A. Adams, Registered Landscape Architect, Attorney P. Scalzo, and J. Coleman with the Developer, were present. The proposal is for a mixed use development of 2.9 acres, to include 76 elderly rental units and 20,000 square feet of retail space. The configuration of what is proposed, and what is currently there, were reviewed. It was noted that a small pocket of wetlands (.006 acres or 260 square feet) will be

impacted. The current buildings will be demolished in stages, and Ms. Adams explained the proposed construction and staging of the four new buildings, with residential units on the second and third floors. Parking and access driveways and associated easements were briefly discussed. Upon inquiry from Vice Chairman Miller, Ms. Adams stated there is a possibility for a pedestrian walkway connecting to abutting parcels. Vice Chairman Miller recalled a discussion regarding a wetlands park. The proposed architecture was quickly reviewed.

Ms. Adams summarized the landscaping plan. She pointed out a courtyard, an area that will provide underground detention, a retaining wall and plantings, and sidewalks.

Ms. Adams advised that the application is a long-form due to the filling of the wetlands. Additionally, M. Klein has been hired to assess the wetlands. There was discussion regarding earlier filling of wetlands on other property in the area. Ms. Adams noted that an underground pipe will tie into sewer and water on Federal Road.

This proposal will come before the Zoning Commission on March 28, 2013. Mr. Klein will be at the site on March 27, 2013, and will provide a report that will be shared with the Commission. At that point, the Commission will decide if it would like to get a consultant to look at the proposal, and determine if there is significant impact to warrant a public hearing for the IWC. The Commissioners will also visit the site on their own.

Vice Chairman Miller moved to continue 7 Station Road, 800 Federal Road, 802 Federal Road, 806 Federal Road, #201300225: Brookfield Village - proposed mixed use (residential & retail) development, 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: 03/04/13 Zoning Board of Appeals; 03/07/13 Planning; 03/14/13 Zoning

b. CFL News Volume 18, Issue 1 – March 2013

There was brief discussion regarding a letter to the Zoning Commission re: 800 Federal Road, from R. Tedesco, noting a flood area. A copy of this letter was given to Ms. Adams and Attorney Scalzo.

8. Review Minutes of Previous Meetings: 03/11/13 – Secretary Fox moved to approve the Minutes of the March 11, 2013 meeting. Commissioner Hunton seconded the motion, and it carried unanimously.

9. Informal Discussion: None.

10. Adjourn:

Vice Chairman Miller moved to adjourn the meeting at 9:06 p.m. Commissioner Hunton seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for April 8, 2013*****