

APPROVED/AMENDED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, April 8, 2013 – 7:00 p.m.
TOWN HALL MEETING ROOM # 133

1. Convene Meeting

Chairman 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, Secretary S. Fox, A. Finelli, Alternate and Voting Member G. Hunton

Absent: Vice Chairman L. Miller, Alternate M. Downey

Also Present: Recording Secretary D. Cioffi

3. Wetlands Enforcement

a. Enforcement Officer's Report

b. Site Inspection Reports

871 Federal Road

- **Memo from S. Hayden of the Northwest Conservation District dated 03/28/13**

Wetlands Enforcement K. Daniel was unable to attend to tonight's meeting, therefore, there was no Enforcement Report.

Secretary Fox moved to go to Agenda Item 5.b., Southern Waterline Phase #3. Commissioner Hunton seconded the motion, and it carried unanimously.

5. New Business

b. Southern Waterline Phase 3 #201300260: Installation of water main along Federal Road between Candlewood Lake Road and the Danbury Town line

1. Plans prepared by CCA, LLC received in the Land Use Office on 04/01/13:

- **Cover Sheet – Southern Waterline Phase 3 dated 02/22/13; revised through 03/22/13**
- **Sheet N1 – General Legend, Notes and Abbreviations dated 02/22/13**
- **Sheet P9 – Water Main Plan dated 02/22/13; revised through 03/22/13**
- **Sheet D1 – Notes & Details dated 02/22/13; revised through 03/22/13**
- **Sheet D2 – Notes & Details dated 02/22/13**
- **Sheet E1 – Sedimentation & Erosion Control Plan dated 12/07/05**

S. Sullivan, P.E., CCA, 40 Old New Milford Rd., was present on behalf of the applicant. He reviewed the starting and ending location of the 1,200 foot long water main extension. He indicated that the need to appear before the Commission relates to a crossing of the box culvert. Secretary Fox moved to accept the Jurisdictional Ruling for Southern Waterline Phase 3, #201300260. Commissioner Finelli seconded the motion, and it carried unanimously.

Secretary Fox moved to go to Agenda 4.a., 101 Obtuse Hill Road, #201200680. Commissioner Hunton seconded the motion, and it carried unanimously.

4. Old Business:

a. 101 Obtuse Hill Road #201200680: Approval Stipulation #10 - The corrected language of the easement has not yet been received. Secretary Fox moved to continue 101 Obtuse Hill Road, #201200680. Commissioner Finelli seconded the motion, and it carried unanimously.

b. 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 Landscaping, was present for High Meadow Association. He reviewed plans showing two options. The proposal will be similar to what is present now, but shorter, and it will be reinforced. Mr. Carpenter advised that one rock will be 18 inches into the water to improve the grade. Additionally, the location of where the work will start was denoted, as well as a drain. Mr. Carpenter also indicated that there will be back fill, and a

mini-excavator will be used. A simple planting bed may replace some of the current grass areas. Upon inquiry from Chairman Vulcano, Mr. Carpenter indicated that it would take 4-5 days to complete the work. He offered to place rock and install silt fence prior to pulling the current wall down. The work on the Pond View side needs to be done soon, and the remainder will start when the sewer application is resolved.

Upon inquiry from Secretary Fox, Mr. Carpenter showed where the rocks would hit water. Chairman Vulcano emphasized the importance of contacting WEO Daniel prior to starting the work.

Secretary Fox moved to approve High Meadow Association, Pond View Drive, #201300165, to replace the existing railroad ties with natural rock, with all the normal stipulations; also, making note that 1) the accepted plan is called Option 1 and is on Sheet #2; and the Plan View, is Sheet #4; and that after the silt fence is installed, and before any construction begins, that the applicant will call the Land Use Office; 2) that the applicant will make plans for the leader drains to be temporarily diverted to avoid any erosion into the pond; 3) that rocks will be placed from above, not through the pond, and 4) that the applicant will avoid doing the work if there is any major weather forecasted. Commissioner Hunton seconded the motion, and it carried unanimously.

c. 140 Federal Road #201300191: Demolish existing building & replace with new construction for Chick-fil-A restaurant (dec date 05/29/13)

Secretary Fox and Chairman Vulcano advised they walked the site, and they do not have any concerns. Secretary Fox noted the reduction in the footprint.

Attorney James Connor, Updike, Kelly & Spellacy; Daniel Patterson, DSP Engineering; and John Martinez, Eastern Land Development Services, were present, on behalf of the applicant.

There was brief discussion regarding the debris in the rear of the site. Commissioner Hunton indicated that he also walked the site, and has no objection to the plans. It was noted that the plans include plantings.

Secretary Fox moved to approve 140 Federal Road, #201300191, with all the normal stipulations, as noted with a set of plans with original date of 1/10/13, and a last revision date of 3/8/13, and that, as the applicant cleans up the debris material in the rear, that it will be done by hand. Commissioner Finelli seconded the motion, and it carried unanimously.

Mr. Martinez inquired if a bond would be required, and was advised that it would not be required for this Commission, since the proposed plantings are not wetlands plantings.

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

Secretary Fox moved to approve 21 Kellogg St., #201300206, Modification to Existing Permit, Demolish existing foundation and one-story structure. Commissioner Hunton seconded the motion, and it carried unanimously.

e. 78 North Lake Shore Drive #201300207: Patio, Stone Wall & Footing Drains (dec date 05/29/13)

- 1. Plan submitted by Arthur Apgar on 04/01/13 showing proposed silt fence at top of grade**

No one present at this time.

- f. **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. **Letter from Abigail Adams dated 04/01/13 Re: Application #201300225 Brookfield Village**

Secretary Fox moved, that at the applicant's request, to continue 7 Station Road, 800 Federal Road, 802 Federal Road, 806 Federal Road, #201300225, to the next regularly scheduled meeting. Commissioner Hunton seconded the motion, and it carried unanimously.

5. **New Business: (continued)**

- a. **15 Obtuse Road North #201000122: Bond Release Request - \$1,500.00**

Secretary Fox moved to continue 15 Obtuse Road North until the next regularly scheduled meeting, specifically, for the opportunity for the Wetlands Enforcement Officer to comment on the situation. Commissioner Hunton seconded the motion, and it carried unanimously.

- c. **419 Federal Road #201300261: Addition & Site Improvements**

1. **Plans received in the Land Use Office on 04/04/13:**

- **Sheet 1 – Cover Sheet – Sunburst Landscaping dated 02/22/13**
- **Topographic Survey prepared by Sydney A. Rapp, Jr. dated 02/07/13**
- **Sheet 3 – Site Plan dated 02/22/13**
- **Sheet 4 – Grading and Utility Plan dated 02/22/13**
- **Sheet 5 – Sediment and Erosion Control Plan dated 02/22/13**
- **Sheet 6 – Sediment and Erosion Control Plan dated 02/22/13**
- **Sheet 7 – Details 1 dated 02/22/13**

M. Kornhaas, Artel Engineering Group, and P. Discala, Sunburst Landscaping were present. Mr. Kornhaas explained that the applicant is proposing to construct an addition, and only the rear portion of the existing structure will be demolished. He pointed out the storage and parking areas, and indicated that the front area will now be handicapped accessible. Additionally, the site will be connected to the sanitary sewer. Mr. Kornhaas further advised that there are no wetlands on the site, and is in "Zone X" of the Flood Plain (outside of the 500-year storm). The plan must come before the Commission because the work will be done within one hundred feet of the regulated area.

Upon inquiry from Secretary Fox, Mr. Kornhaas advised that "very minor grading" would be done. Additionally, it was noted that the sand and salt storage area would be concrete and enclosed. The proposed wash bay will be for equipment, and is also self-contained with an oil/water separator approved by the Department of Energy and Environmental Protection.

Commissioner Hunton commented on the extensiveness of the work. Mr. Kornhaas agreed, and advised that a variance has been obtained, and the proposal will also come before the Zoning Commission. He hopes to start the work as soon as possible. The employee parking area will remain graveled. Secretary Fox expressed concerns regarding sand, salt, and potential leaks on the gravel. Mr. Kornhaas noted that the company vehicles will be parked on pavement.

The Commissioners indicated that they would like to inspect the site on their own. A fence and concrete post were pointed out as landmarks.

Chairman Vulcano noted that this matter is New Business and cannot be acted upon. The Commissioners will inspect the site on their own. The applicant's representative will be contacted so that the gate can be unlocked.

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 04/08/13; 8 extension days used)**
- 1. Wetland Assessment and Restoration Plan prepared by M. Finan of Birdsall Services Group dated 04/02/13 Re: High Meadow/Carriage Homes, Ledgewood and Newbury Crossing**
 - 2. Cost Estimate for Bonding prepared by Birdsall Services Group received in the Land Use Office on 04/04/13**
 - 3. High Meadow/Carriage Homes, Ledgewood and Newbury Crossing Wetland Application revised April 2013**
 - **Sheet No.1 – Option 1 prepared by Birdsall Services Group dated 03/04/11; revised through 01/14/13**
 - **Sheet No. 1 – Option 3 – Force Main to Silvermine Road prepared by Birdsall Services Group dated 03/04/11; revised through 01/15/13**
 - **Sheet No. 1 – Option 4 – Force Main to Junction Road prepared by Birdsall Services Group dated 03/04/11; revised through 01/15/13**
 - 4. Plans prepared by Birdsall Services Group received in the Land Use Office on 04/04/13:**
 - **Sheet T-01 – Cover Sheet – High Meadow/Carriage Homes, Ledgewood and Newbury Crossing Sanitary Sewer Improvements and Pump Station dated 09/28/12; revised through 04/04/13**
 - **Sheet C-01 – Wetland Plan dated 09/12/12; revised through 04/04/13**
 - **Sheet C-02 – Sewer Easement Plan dated 09/12/12; revised through 04/04/13**
 - **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; revised through 04/04/13**
 - **Sheet C-10 – Sewer Improvement Plan – Sheet 2 of 6 dated 09/12/12; revised through 04/04/13**
 - **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; revised through 04/04/13**
 - **Sheet C-13 – Sewer Improvement Plan – Sheet 5 of 6 dated 09/12/12; revised through 04/04/13**
 - **Sheet C-14 – Sewer Improvement Plan – Sheet 6 of 6 dated 09/12/12; revised through 04/04/13**
 - **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” dated 10/22/12; revised through 04/04/13**
- **Sheet C-22 – Crossing “B” dated 10/22/12; revised through 04/04/13**
- **Sheet C-23 – Crossing “C” dated 10/22/12; revised through 04/04/13**
- **Sheet C-24 – Crossing “D” dated 10/22/12; revised through 04/04/13**
- **Sheet C-25 – Wetland Planting Plan and Construction Sequence Sheet 1 of 2 dated 09/12/12; revised through 04/04/13**
- **Sheet C-26 – Wetland Planting Plan and Construction Sequence Sheet 1 of 2 dated 09/12/12**
- **Sheet C-27 – Construction Details Sheet 1 of 4 dated 09/28/12; revised through 04/04/13**
- **Sheet C-28 – Construction Details Sheet 2 of 4 dated 09/28/12; revised through 04/04/13**
- **Sheet C-29 – Construction Details Sheet 3 of 4 dated 09/24/12; revised through 04/04/13**
- **Sheet C-30 – Construction Details Sheet 4 of 4 dated 04/04/13**

The letter from K. McPadden, dated April 8, 2013, on behalf of the WPCA, requesting an extension of the public hearing for 14 days, was noted.

C. Utschig, Birdsall Services Group, was present, on behalf of the applicant.

Chairman Vulcano noted that the Commission has not received an updated report from M. Klein yet. Secretary Fox noted the April 2, 2013 letter from Birdsall Services Group, with additional information.

There was discussion regarding the planking that will be used as portions of the area are worked on over the course of two weeks. Secretary Fox expressed her concern regarding the workers walking through the wetlands every day. She inquired if the workers would be outside of the silt fence. Mr. Utschig assured that the twenty feet is sufficient room to work, and that the biggest task involved will be the dewatering system.

Secretary Fox inquired regarding the pouring of the concrete, and Mr. Utschig indicated it would be mixed near the work site, does not have to be formed, and will be poured every 25-50 feet. She also asked why the six planting groups were selected. Mr. Utschig indicated he would have the consultant explain the rationale. Secretary Fox further inquired regarding any growth of stray seedlings, and Mr. Utschig advised that yearly inspections would likely occur. Chairman Vulcano noted that the WPCA would be responsible for maintenance, and if issues occurred, would have to come before the Commission to correct any situations.

N. Malwicz, Chairman, WPCA was present. He advised that in previously completed projects, there have not been issues with stray plantings. Mr. Utschig indicated that it would be possible for the WPCA to provide reports to the Commission after their inspections.

Secretary Fox inquired when the work would begin, and Mr. Utschig advised it would be post-approval and bidding. After discussion, Mr. Utschig indicated that while the applicant would have to follow the public bidding process, the requirements for the contractor would be based on the specific, detailed comments of the Town’s consultant.

Secretary Fox pointed out the comment of the consultant regarding the timing of the work and the presence of animals native to the area. There was also discussion regarding the “Success Standards” on

page 4 of the consultant's report, and the need for more clarity in the survivability language. The Commission will await Mr. Klein's comments on this issue. There was brief discussion regarding the protection of trees.

The Commission indicated that it would likely need at least one more meeting to discuss Mr. Klein's comments on the proposal.

Secretary Fox moved to continue High Meadow/Carriage Homes, Ledgewood & Newbury Crossing Condominiums, #201300037: Sanitary Sewer Extension System to service condominium complexes & pump station, to the next regularly scheduled meeting at 7:30 p.m. Commissioner Hunton seconded the motion, and it carried unanimously.

4. Old Business: (continued)

**e. 78 North Lake Shore Drive #201300207: Patio, Stone Wall & Footing Drains
(dec date 05/29/13)**

1. Plan submitted by Arthur Apgar on 04/01/13 showing proposed silt fence at top of grade -

Secretary Fox moved to approve 78 North Lake Shore Drive, #201300207, Installation of Patio, stone wall and footing drains, as noted on a sketch that was received 4/1/2013, which makes note of a silt fence at the top of the grade, and with all the normal stipulations, that the applicant will contact the Land Use Office after the silt fence is installed and before any additional work commences. Commissioner Hunton seconded the motion, and it carried unanimously.

6. Tabled Items: None.

7. Correspondence:

**a. Minutes of Other Boards & Commissions: 03/21/13 Planning; 03/21/13 special Zoning -
No discussion/no motions.**

8. Review Minutes of Previous Meetings: 03/25/13 – Secretary Fox moved to approve the Minutes from the meeting of Monday, March 25, 2013. Commissioner Hunton seconded the motion, and it carried unanimously.

9. Informal Discussion:

Commissioner Finelli inquired the status of re: 101 Obtuse Hill Road and Secretary Fox explained the history, noting that the Commission is awaiting corrected easement language.

10. Adjourn:

Commissioner Hunton moved to adjourn the meeting at 8:05 p.m. Commissioner Finelli seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for April 22, 2013*****