

**APPROVED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, April 22, 2013 – 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, A. Finelli, Alternate and Voting Member G. Hunton

Absent: 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 – The property owner has requested certified copies of material from the file.

533 Federal Road – The Land Use Office continues to encourage the property owner to remove more debris at the site.

64 North Lakeshore Drive – A Notice of Violation (NOV) will be issued. WEO Daniel shared photographs of the site, where work has been done without the permission of First Light. First Light owns almost the entire back yard on this particular property. The property owner advised WEO Daniel he would be completing a permit application, but he has not done so. Brian Wood of First Light will be sent an NOV, and should be at the next meeting.

18 North Lakeshore Drive – WEO Daniel shared photographs of unpermitted work being done at this site that were obtained from the Candlewood Lake Authority.

Three Condo Sewer Project/M & O Construction – WEO Daniel inspected the site after the bond return was requested by M & O. She found that many of the trees that were planted have disappeared. She shared photographs from the work that has been done in the past at the Whisconier Village and Cedar Brook condominiums. The photographs showed equipment and work being done without erosion control. WEO Daniel acknowledged that the conditions were unfavorable at the time of the year that the work was done (March/April). She noted, however, that at the time of approval, there was a stipulation that the work be done during dry times. Post-restoration photographs were then reviewed. WEO Daniel advised that at this time, ten percent of the plantings have been eaten. Therefore, she is not in favor of releasing the bond at this at this time. The stipulation language called for eighty percent survival for three years. WEO Daniel will write the contractor a report and get the matter on the agenda for the next meeting. Secretary Fox suggested that replacement plants be selected that are less likely to be subject to deer browse.

b. Site Inspection Reports

84-140 Federal Road

- Letter from S. Hayden of the Northwest Conservation District dated 04/12/13

540 Federal Road (Aquarion Water Storage Tank)

- Letter from S. Hayden of the Northwest Conservation District dated 04/12/13

871 Federal Road

- Letter from S. Hayden of the Northwest Conservation District dated 04/09/13

- Letter from S. Hayden of the Northwest Conservation District dated 04/12/13

Chairman Vulcano noted that the reported issues have been resolved. WEO Daniel indicated that the open body culvert at the stream crossing has been changed to a pipe via a modification. She noted that the maintenance of the stream bed is interrupted when a pipe is used rather than a culvert. Chairman Vulcano pointed out that the last report was dated April 12, 2013, and it does note a few concerns. WEO Daniel has been to the site since then. The pipe may need to be re-set to a lower point. The area of concern is an emergency access for the site. Secretary Fox suggested that a verbal request to the contractor be made, followed up by a letter that is also copied to the Zoning Commission. There was

discussion regarding the make-up and length of the pipe. WEO Daniel will review the approval language as it relates to the installation of the pipe.

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 to the next regularly scheduled meeting. Commissioner Hunton seconded the motion, and it carried unanimously.

A representative from the WPCA advised that its engineer was stuck and traffic and would be late for the 7:30 start of the Public Hearing. Therefore, the Commission went to Agenda Item 4.b.

**b. 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) Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, A. Adams, Registered Landscape Architect, CCA, 40 Old New Milford Rd., and M. Klein, Biologist and Soil Scientist, 89 Belknap Rd., West Hartford, CT, were present.**

Mr. Klein reported that he inspected the site in late March and found a small, deeply ponded area with debris and an altered landscape, not capable of supporting a vernal pool ecosystem. He reinspected the site today, and noted that the water level has dropped and reviewed the biology present. Mr. Klein opined that the site is not an amphibian breeding site and is not “a wetlands function of any significance”. He added there will be no adverse effect from filling that area. Chairman Vulcano inquired if it was a natural or manmade wetlands system, and Mr. Klein believes it is a combination.

There was discussion regarding the parking requirements. Ms. Adams indicated that the building will occur in phases depending on marketing, although Attorney Scalzo advised that the applicant is not calling it a phased project. Some parking may need to be off-site. Chairman Vulcano inquired regarding the possibility of offering off-site mitigation, restoration or creation. Mr. Klein noted the cost and difficulty associated with buying another piece of land. He added that while there is a loss of wetlands, there is “no adverse environmental impact”. The applicant may be developing an adjacent property. Attorney Scalzo will discuss the possibility of off-site mitigation with his client further. Chairman Vulcano would like to research what other municipalities have done with similar situations.

WEO Daniel inquired if the Commission considered drainage issues. Chairman Vulcano indicated that there is a memo from the Town Engineer addressing this concern. Ms. Adams read this memo and advised that the applicant’s engineer, S. Sullivan, has considered this, and the plans for the detention system has addressed the concerns.

A public hearing for the zoning application for this site will be held before the Zoning Commission on Thursday, April 25, 2013.

Both parties will look into the possibility of off-site mitigation, creation and/or enhancement of wetlands. The Commission will also consider a hiring a third-party consultant (D. DiVesta).

Vice Chairman Miller moved to continue 7 Station Road, 800 Federal Road, 802 Federal Road, 806 Federal Road, #201300225, to the next regularly scheduled meeting. Secretary Fox seconded the motion. Motion 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 04/22/13)**

M. Finan, Birdsall Services Group, was present. He referenced the recent revisions that were submitted that addressed Mr. Klein’s concerns. The letters discussed were dated March 25, 2013 and April 2, 2013.

Chairman Vulcano noted that the extension was granted through April 22, 2013. The drawings most recently submitted highlight what was changed. Mr. Klein received copies of the most recent plans, and the Commission just received them today and has not had an opportunity to review them.

J. Chase, Wetlands Ecologist, was present. She indicated that she and the applicant have been discussing the most recent revisions with Mr. Klein for the past few days.

M. Klein, Biologist and Soil Scientist, West Hartford, was present. He confirmed he has discussed the recommended changes with applicant, and stated that the applicant has indicated a willingness to make all changes requested. Mr. Klein identified four technical corrections that could be made conditions of approval: 1) on Drawing C-05, a tree at the edge of the disturbance. Mr. Klein advised that if it is an American elm, he would like to save the tree (Mr. Finan agreed to this condition.); 2) on Sheet C-10, Mr. Klein would like to change the note “limited disturbance, typical” to “limit of disturbance not to exceed 20 feet (Mr. Finan agreed to this condition); 3) on Sheet C-17, to add in bold, “All work in this area is subject to special wetlands protection and restoration requirements. See Sheets ...” (to ensure contractor(s) accountability); and 4) to add the monitoring requirements to the detail sheets.

Mr. Klein advised that all other issues have been addressed, and offered to provide the Commission with a letter stating the same.

Vice Chairman Miller expressed his hesitancy to close the Public Hearing tonight.

N. Malwicz, Chairman, WPCA, was present, and inquired if the Commission would be voting on this matter at the next meeting, and the Commission could not confirm that this would happen.

WEO Daniel pointed out that the closing of the Public Hearing only stops additional information from coming in, but does not prevent the Commission from speaking with its expert(s).

Mr. Malwicz advised that the applicant is pressed for time to start the bid process and then the work, during the dry months, and urged the Commission to close the Hearing.

Secretary Fox inquired of Mr. Klein concerning the location of deer fencing. Mr. Klein indicated that a deer fence would be put around the limits of disturbance. He indicated that the differences in the planting groups are based on the hydrology. There was additional discussion regarding the staking of the fencing, and possibly raising it off of the floor to prevent harm to other species. Mr. Klein noted the need to balance the restoration of the area while keeping in mind the public health benefit of sanitary sewers. Chairman Vulcano suggested that intermittent breaks to create smaller enclosures be put in the fencing.

The applicant’s representatives advised that there are two possible types of fencing: a chicken-wire mesh, or a plastic polymer material. Upon inquiry from Chairman Vulcano, Mr. Finan indicated that the size of the fencing is 2’ X 2’, but not as rigid as a chain link fence. There was discussion regarding the length of time the fence would be left up, and the frequency of monitoring reports in the future. It was noted that there is a specification in the plan for those reports to be sent to the Land Use Office for forwarding to the IWC.

Chairman Vulcano stated that in light of just receiving the new information today, the Public Hearing should be kept open. Commissioner Hunton noted that WEO Daniel and Mr. Klein have been regularly updated. Secretary Fox was also unable to review the information received today. Secretary Fox offered to draft a motion with stipulations for the next meeting. Upon inquiry from Vice Chairman Miller, Mr. Malwicz indicated he had enough information to prepare documents for the bidding process.

Mr. Finan submitted a request for extension of the Public Hearing until May 13, 2013.

Vice Chairman Miller moved to continue the Public Hearing for 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. Commissioner Finelli seconded the motion, and it carried unanimously.

c. 15 Obtuse Road North #201000122: Bond Release Request - \$1,500.00 – WEO Daniel recommended release of the bond. Secretary Fox moved, in the matter of 15 Obtuse Road North, #201000122, to recommend to the Board of Selectmen, the release of the wetlands bond in the amount of \$1,500.00. Commissioner Hunton seconded the motion, and it carried unanimously.

d. 419 Federal Road #201300261: Addition & Site Improvements (dec date 06/12/13) –M. Kornhaas, Artel Engineering, and P. DiScala, Sunburst Landscaping, Applicant, were present.

The Commissioners advised that they were familiar with the site. Secretary Fox indicated she had no concerns with the storage of mulch. Vice Chairman Miller inquired regarding the storage of hazardous materials, i.e., pesticides, and Mr. DiScala advised it is not stored on site, but rather, obtained and used at job sites. The Commissioners explained that indoor storage would be required if that situation changed, and the applicant would have to return to the Commission for approval of any change.

Secretary Fox moved to approve the application at 419 Federal Road, #201300261, Addition and Site Improvements, with all of the normal stipulations and one additional stipulation: that there will be no storages of any pesticides on the site. Vice Chairman Miller seconded the motion, and it carried unanimously.

5. **New Business:** None.

6. **Tabled Items:** None.

7. **Correspondence:**

a. **Minutes of Other Boards & Commissions: 04/11/13 Zoning; 04/04/13, 04/18/13 Planning**

b. **Clearscapes: Winter 2013**

c. **Iroquois Report: April 2013**

No discussion/no motions.

8. **Review Minutes of Previous Meetings: 04/08/13** – Secretary Fox noted the following corrections: On Page 3, re: Item 5.c., in the first paragraph, last sentence, to change the words, “upland review” to “regulated”; and on Page 6, re: Continued Public Hearing, in the first sentence at the top of that page, to change, “for more specificity for survival rates.”, to, “for more clarity in the survivability language.”

Secretary Fox moved to approve the Minutes of the April 8, 2013 Meeting, with the two changes on Page 3 and 6 as noted above. Commissioner Hunton seconded the motion, and it carried, 4-0-1, with Vice Chairman Miller abstaining.

9. **Informal Discussion:**

a. **883 Federal Road (Caesar’s Nursery)** – CCA, LLC requested by Richard Howard Ms. A. Adams, CCA, 40 Old New Milford Rd., was present. She reviewed a copy of the conceptual plan for development just north of The Riverview property. There is a watercourse on the site. The proposed development would be 14-16 residential/townhouse style units.

There was brief discussion, noting a pipe and lack of space for parking. WEO Daniel noted that the stream is from a wetland across the street. Secretary Fox noted that the landscaping would have to consider the treatment of the stream bank. Ms. Adams indicated she is not familiar with the current vegetation on the site. She acknowledged that emergency access would have to be addressed. The limited road frontage and sloping on the site were also noted. The Commission advised the applicant to move forward with the application process.

No motions.

10. **Adjourn:**

Commissioner Hunton moved to adjourn the meeting at 8:55 p.m. Secretary Fox seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for May 13, 2013*****