

**APPROVED MINUTES  
BROOKFIELD INLAND WETLANDS COMMISSION  
Monday, May 13, 2013 – 7:00 p.m.  
TOWN HALL MEETING ROOM # 133**

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**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, Secretary S. Fox, A. Finelli

**Absent:** Vice Chairman L. Miller, Alternates M. Downey and G. Hunton

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

For Executive Session: Special Town Counsel P. Olsen and Director of Public Works, R. Tedesco

**Chairman Vulcano moved to go into Executive Session for the purposes of discussing 1 High Ridge Road, at 7:00 p.m., and invited Attorney Olsen and Mr. Tedesco. Secretary Fox seconded the motion, and it carried unanimously.**

**3. Wetlands Enforcement**

- a. **Executive Session: 1 High Ridge Road – Secretary Fox moved to come out of Executive Session at 7:34, noting that no motions were made during the Executive Session. Commissioner Finelli 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 05/13/13)**

1. **Letter from K. Daniel to the Inland Wetlands Commission dated 05/09/13 Re: Draft Resolution to approve Application #201300037**

It was noted by Secretary Fox that no new information has been received since the last hearing. There were no questions from the Commissioners, nor were there any questions of clarification from the audience.

*No one was present to speak in favor of the application, nor was anyone present to speak in opposition.*

**Secretary Fox moved to close the Public Hearing for High Meadow/Carriage Homes, Ledgewood & Newbury Crossing Condominiums, #201300037: Sanitary Sewer Extension System to service condominium complexes & pump station. Commissioner Finelli seconded the motion, and it carried unanimously.**

**4. Old Business:**

- a. **101 Obtuse Hill Road #201200680: Approval Stipulation #10** - The Commission is still not in possession of the final stipulation. WEO Daniel advised that drafts have been reviewed by counsel on both sides, and will be finalized at the next meeting.

**Secretary Fox moved to continue 101 Obtuse Hill Road, #201200680, to the next regularly scheduled meeting. Commissioner Finelli seconded the motion, and it carried unanimously.**

- 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)**

1. **Letter from D. Virbickas of Artel Engineering Group LLC dated 05/02/13**

2. **Letter from S. Sullivan of CCPage 2 of 5A, LLC to J. Vulcano & the Inland Wetlands Commission dated 05/09/13 Re: Proposed Mix-Use Development**
3. **Sheet DRA1 – Pre-Development Drainage Areas prepared by CCA, LLC dated 03/21/13; revised through 05/08/13**
4. **Sheet DRA2 – Post-Development Drainage Areas prepared by CCA, LLC dated 03/21/13; revised through 05/08/13**

*Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, was present. S. Sullivan, PE, and A. Adams, Landscape Architect, both of CCA, 40 Old New Milford Rd., were also present.*

The receipt of Michael Klein's written comments was noted. Mr. Klein advised that there would be a small loss of wetlands, and suggested construction of a compensatory wetland(s) in the vicinity. Attorney Scalzo indicated that Mr. Klein estimates the cost of the two/three treatments to be \$1,500 each. Attorney Scalzo also advised that he has been authorized by the applicant to offer wetlands mitigation. Chairman Vulcano discussed possible locations for the mitigation.

*D. Virbickas, Artel Engineering, was present.* He indicated that he received a new packet of items to review on May 10, and prepared a new comment letter. He added that there would be a decrease to the wetland in the back. Mr. Virbickas suggested that Mr. Sullivan explore breaking up the two drainage sheds. There was brief discussion regarding the remainder of Mr. Virbickas' comments. Additionally, the Commission advised it is in receipt of the drawings dated May 8, 2013.

There was discussion regarding the Department of Transportation permitting. It was clarified that the May 8, 2013 drawings include: post-condition map, pre-drainage condition map, and a letter with calculation.

WEO Daniel offered to draft a resolution for the Commissioners for the next meeting. The Commission will also continue to accept input from Mr. Klein and Mr. Virbickas. WEO Daniel has also requested a final comment from the Department of Public Works regarding drainage.

**Secretary Fox moved to continue 7 Station Road, 800 Federal Road, 802 Federal Road, 806 Federal Road, #2013000225, to the next regularly scheduled meeting on May 20, 2013. Commissioner Finelli seconded the motion, and it carried unanimously.**

**c. 506 Candlewood Lake Road #201300062: Jurisdictional Ruling – Replace Dock**

It was noted that a decision on the jurisdictional ruling was not made at the last meeting.

**Secretary Fox moved to deny the jurisdictional ruling at 506 Candlewood Lake Road, #201300062; and the rationale is that the work is a significant and substantial impact in a regulated area, and in Candlewood Lake. Commissioner Finelli seconded the motion, and it carried unanimously.**

**5. New Business:**

**a. 60 South Lake Shore Drive #201300329: New Single Family Dwelling**

**1. Proposed Site Plan prepared by J. Edwards & Associates, LLC dated 03/20/13; revised 04/18/13 – J. Miner, Contractor, representing F and L. Cavalea, property owners, was present.** Secretary Fox noted the letter from the property owners requesting that a decision on the application be made today. She advised the applicants' representative that State statute does not permit an immediate decision.

Mr. Miner reviewed the plans. He indicated that a demolition permit was issued. There was discussion regarding the deck and septic fields. Mr. Miner advised that small amounts of material will be delivered

as needed. It was determined that work has already taken place at the site. WEO Daniel stated that the site has been disturbed more than what was involved in the removal of the house. She further indicated that the proposal should have come before the Commission prior to the work being done.

There was discussion regarding the small amount of grade at the site. Mr. Miner explained where material would be stockpiled after the foundation is installed.

**Secretary Fox moved to continue 60 South Lake Shore Drive, #201300329, to the next regularly scheduled meeting, with the understanding that the Commissioners will inspect the site prior to that meeting. Commissioner Finelli seconded the motion, and it carried unanimously.**

**b. 871 Federal Road, #201200837: Field Modification to stream crossing**

- 1. Phragmites: Controlling the All-Too Common Common Reed from the Massachusetts Wetlands Restoration Technical Notes**
- 2. Summary of Common Questions Concerning Phragmites Control by M. Stephen Ailstock, Ph.D.**
- 3. Stream Crossings: Protecting and Restoring Stream Continuity from the Department of Environmental Conservation**
- 4. Massachusetts Stream Crossings Handbook from the Division of Ecological Restoration, 2<sup>nd</sup> Edition, June 2012**
- 5. Invasive Plants in Your Backyard: A Guide to Their Identification and Control**
- 6. Proposal #13 from Northeast Tree, Pond & Turf Service, Inc. dated 05/07/13**
- 7. Aqua Neat Aquatic Herbicide Material Safety Data Sheet received in the Land Use Office on 05/09/13**

*A. Lucera, Property Owner, and A. Adams, Landscape Architect, CCA, were present.*

Mr. Lucera indicated that the pipe is now a foot lower than what was proposed. He explained that when the stone was installed, the stream bed dropped. As a solution, he is proposing to remove the stone and replace it with a clay type of material. Upon inquiry from Secretary Fox, Mr. Lucera stated that the invert on the apron is 268.4. Secretary Fox noted that the Commission's concern relates to possible erosion making the emergency egress unstable. Mr. Lucera explained the role of bedding stone and installing an impervious surface with the culvert.

Mr. Lucera indicated that he and Ms. Adams met with Bob Gambino regarding invasive controls, and that the presence of the other shrubs was considered. WEO Daniel advised that she sent the proposal they discussed to S. Hayden. Mr. Lucera stated that he would have S. Hayden come to the site, and together they would tape off the area where the invasives control would take place. The outcome of the discussion was written on the plans by Secretary Fox, and the plans were initialed by Mr. Lucera.

**Secretary Fox moved to approve the site plan modification for 871 Federal Rd., #201200837; to approve the replacement of the existing stone apron and the installation of an impervious clay-type apron structure, on the pipe on the northern side of the property/southern side of the stream, and also to accept the invasive control plan per the May 7, 2013, proposal from Northeast Tree, Pond & Turf Service, Inc., Option 1, as noted on a drawing with an original submission dated of March 20, 2007; received May 13, 2013, with hand notations for the changes. Commissioner Finelli seconded the motion, and it carried unanimously.**

**Secretary Fox moved to go back to Enforcement on the Agenda. Commissioner Finelli seconded the motion, and it carried unanimously.**

### 3. Wetlands Enforcement (continued)

#### b. Enforcement Officer's Report

1. **18 North Lake Shore Drive #201300318: Notice of Violation** – WEO Daniel advised that the Notice of Violation was sent in response to information provided by the Candlewood Lake Authority regarding work being done. Photographs were reviewed. WEO Daniel stated that she visited the site and spoke with the property owner and his wife, and copied First Light on the information. *A. Biasetti, 18 North Lakeshore Dr., was present.* He indicated that the landscaping is not yet complete. Chairman Vulcano reviewed the work that was done on the site. Mr. Biasetti pointed out the retaining wall and indicated that during Hurricane Sandy, rocks from one area were moved. Chairman Vulcano pointed out the presence of the excavator. The location of a shed on the site was noted. Mr. Biasetti stated that he will provide a restoration plan approved by First Light. A photograph of the lots in the area was reviewed, and the excavator, operated by Mr. Jeffers, and used by the retaining wall and water, was noted. Secretary Fox explained the Commission's concern with stabilizing the wall, preventing runoff to the lake, and the provision of a generous buffer of plantings. **No motion.**

2. **64 North Lake Shore Drive #201300317: Notice of Violation**  
*No one present.* Photographs of the property were reviewed. WEO Daniel pointed out an outside kitchen and patio that were installed without a permit. She advised that the site is stable. The property owners are handicapped, and are working with First Light on a resolution. WEO Daniel stated that some of the patio will have to be removed and a buffer area will have to be installed. The property owners did not respond to the Notice, and are not present this evening. WEO Daniel will contact the property owners and request a response before the next meeting on May 20, 2013. **No motion.**

#### Miscellaneous

**533 Federal Road**– WEO Daniel noted that the site has been cleaned up. There was discussion regarding the outstanding fines. WEO Daniel advised that there is a chain preventing access to the site, but she found it unlocked. After some discussion, the Commissioner requested that Town Counsel advise the property owner that the lock has to remain secure to prevent access, and if it is found not secured, further action will be taken. **Secretary Fox moved to remove and clear the violation at 533 Federal Road, for compliance, and to request that the property owner take advantage of the barriers that they have erected at the edge of the property to prevent the problem from recurring.** Commissioner Finelli seconded the motion, and it carried unanimously.

#### Public Works Road Construction in Regulated Areas

Areas discussed include: Patricia Drive, Pocono Road, Merwin Brook Road, and North Mountain Road. The Commission's concern relates to notification by Public Works to WEO Daniel when there is work in an upland review and regulated areas. An earlier letter requesting this, dated September 14, 2010, was referenced. WEO Daniel will work with the First Selectman and the Director of Public Works to discuss the best way to handle this process. **No motion.**

#### c. Site Inspection Reports

##### 871 Federal Road

- Memo from S. Hayden of the Northwest Conservation District dated 05/09/13

No discussion/no motions.

**Secretary Fox moved to add to the Agenda, as Item 4.d., Old Business, High Meadow/Carriage Homes, Ledgewood & Newbury Crossing Condominiums, #201300037.** Commissioner Finelli seconded the motion, and it carried unanimously.

### 4. Old Business (continued)

- d. **High Meadow/Carriage Homes, Ledgewood & Newbury Crossing Condominiums, #201300037: Sanitary Sewer Extension System to service condominium complexes & pump station.** Chairman Vulcano indicated that Secretary Fox and WEO Daniel have drafted stipulations regarding this matter. He suggested that the pre-construction meeting should also include the Town's monitor; and that the deer fencing be clarified. He further requested that when the work on the stream crossing begins, that a meeting be held with the monitor. Chairman Vulcano noted that there are many specifications regarding the construction sequence on the drawings. WEO Daniel will revise the draft stipulations to reflect the Commission's recommendations.

**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. Commissioner Finelli seconded the motion, and it carried unanimously.**

Commissioner Finelli inquired regarding the location of the vernal pool, and WEO Daniel pointed it out on the drawings.

5. **New Business**

c. **Establishment of a Fund for Wetlands Mitigation**

1. **Memo from K. Daniel to the Inland Wetlands Commission dated 05/10/13 -**

WEO Daniel advised that she has consulted Town Counsel regarding the establishment of a mitigation fund, and referenced her above memo. There was discussion regarding the specifications of how contributions would be calculated and dispersed.

**Secretary Fox moved to establish a Town of Brookfield Wetlands Mitigation Fund, to be controlled by the Town of Brookfield Inland Wetlands Commission, and direct the Land Use Office to initiate the bank account. Commissioner Finelli seconded the motion, and it carried unanimously.**

6. **Tabled Items:** None.

7. **Correspondence:**

- a. **Minutes of Other Boards & Commissions: 04/25/13 Zoning; 05/02/13 Planning**
- b. **Letter from K. Daniel to M. McBreairty dated 05/01/13**
- **Three Condo Sewer Project #200900090: Notice of Violation dated 11/03/09**
- **Bond Agreement – Three Condo Sewer Project Easements #200900090**
- c. **Connecticut DEEP's Training for Municipal Inland Wetlands Agencies**

No discussion/no motions.

8. **Review Minutes of Previous Meetings:** 04/22/13 – Corrections will be discussed at meeting on May 20, 2013.

9. **Informal Discussion:** None.

10. **Adjourn** – Secretary Fox moved to adjourn the meeting at 9:23 p.m. Commissioner Finelli seconded the motion, and it carried unanimously.

**\*\*\*Next regular meeting scheduled for May 20, 2013\*\*\***