

**APPROVED/AMENDED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, May 20, 2013 – 7:00 p.m.
TOWN HALL MEETING ROOM # 133**

1. **Convene Meeting** - Vice Chair and Acting Chair L. Miller convened the meeting at 7:01 PM, and established a quorum of members:
2. **Roll Call and Designation of Alternates**
Present: L. Miller, Vice Chair & Acting Chair; S. Fox, Secretary; G. Hunton, Voting Member; A. Finelli, Voting Member
Absent: J. Vulcano, Chairman; M. Downey
Also Present: Katherine Daniel, Wetlands Enforcement Officer; E. Cole Prescott, Recording Secretary

Acting Chair L. Miller noted that A. Finelli and G. Hunton will be voting members for this evening's meeting.

3. **Wetlands Enforcement**
 - a. **Enforcement Officer's Report**
 1. **18 North Lake Shore Drive #201300318: Notice of Violation**
 - **Notice of Violation from Susan Babcock White of First Light Power Resources to Anthony and Hope Biasetti dated 04/19/13**
 2. **64 North Lake Shore Drive #201300317: Notice of Violation**
 - **Notice of Violation from Susan Babcock White of First Light Power Resources to 64 North Lake Shore Drive, LLC dated 04/19/13**

WEO Daniel reported that both of the owners of these properties are working on plans with First Light Hydrogenerating Company. WEO Daniel stated that she has spoken with the property owner of 64 North Lake Shore Drive, and she has confirmed with him that he is working on a site plan that will be acceptable to First Light and a wetlands application will be put together for this Commission soon.

289 Candlewood Lake Road: WEO Daniel noted that First Light now has a shoreline management plan and there is another violation that has been issued by First Light at 289 Candlewood Lake Road for stairs. WEO Daniel stated that she will take the next step of enforcement for this property, which is a letter of violation.

- b. **Site Inspection Reports**

4. **Old Business:**
 - a. **101 Obtuse Hill Road #201200680: Approval Stipulation #10**
 1. **Letter from J. Saffi to K. Daniel dated 05/14/13 Re: Finmark Custom Homes, LLC**
 - **Conservation Easement attachment b** – L. Miller recused himself from this matter. Acting Chair Fox stated that she had read the document, but there were some items not listed in the text of this easement document. WEO Daniel stated that the document refers to the schedule A. WEO Daniel stated that there are two easements on the property, which are both in effect. WEO Daniel noted that both of these easements will come up on a title search of the subdivision. WEO Daniel noted that the schedule A refers to the newly approved subdivision map, which map has the lines of demarcation on it. WEO Daniel noted that the new subdivision map is filed on the land records, and that this easement does refer to the subdivision map. Secretary Fox noted that bollards were discussed at the approval of this application, and WEO Daniel explained that this matter is a stipulation and will not necessarily be noted in the conservation easement. Acting Chair Fox reviewed the stipulations of the original approval. Acting Chair Fox mentioned that lot 13 was a flagged lot and there were to be bollards on the property, and WEO Daniel noted that this flagging was a stipulation of the approval, and not necessarily to be included as part of the easement language. WEO Daniel stated that the stipulation that was originally part of the approval will be adhered to as part of the conditions of the approval. WEO Daniel clarified that the wetlands approval does not need to be filed on the

land records, but that the easement is filed on the land records. WEO Daniel clarified that there would be no further approvals or certificates issued for the buildings until the stipulations of the wetlands approval are followed. WEO Daniel explained that she reviews the stipulations of the approval when a building application is sent to her desk for approval. WEO Daniel stated that the language of the easement does not replace the original easement, to which the developer is also subject. Secretary Fox stated that the signage needs to be installed. Secretary Fox stated that she believes it is not clear that driving over the property is not permitted in the conservation areas. WEO Daniel noted that item #10 allows the developer to apply for permits to use the space, but it does not inherently permit them to do so without permits. Secretary Fox stated that she was expecting to see the need for monuments in the easement language. WEO Daniel stated that the developer submitted deeds to the roads and the open space parcels along with this document that will go before the Planning Commission to be accepted. **Commissioner Hunton made a motion to approve stipulation #10, 101 Obtuse Hill Road, application #201200680. Secretary Fox seconded the motion, and it carried, 3-0-1, with L. Miller abstaining.**

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. Memo from K. Daniel to the Inland Wetlands Commission dated 05/15/13 Re: Draft of Resolution to approve Application #201300225

Attorney Peter Scalzo, of 2 Stony Hill Road, Bethel, CT was present on behalf of the applicant. Secretary Fox noted that in this case, the wetlands mitigation fund would be funded. The applicant is willing to remove the invasive species. Secretary Fox noted that this particular work on this particular lot does not allow for wetland mitigation, so that this applicant has done the calculations to remove the invasive species and deposit some money in the wetlands mitigation fund, which is now a new fund. Acting Chair Miller stated that the Commission has discussed application banks in the past, but usually with the mind of creation or additional wetland areas in a different location. Acting Chair Miller noted that this specific area may not be a very functional piece of wetlands, but it is still a wetland. Secretary Fox stated that the Commission had made a motion at the last meeting to establish a wetlands mitigation fund. Acting Chair Miller asked if there is any procedural activity that needs to be done to establish this account. Acting Chair Miller asked if there was a an established amount for the fund. Secretary Fox noted that the applicant, in this case, did some calculations on the invasive species removal. Commissioner Hunton stated that it should be clear that this is the first time that the Commission is doing this type of fund, and that this account should not be viewed as setting a precedent for any type of future wetland work. This fund could be used for the enhancement or the creation of wetlands. Commissioner Hunton noted that each case should be treated as an individual instance. Secretary Fox noted that J. Vulcano was doing some research for this wetland mitigation fund. Attorney Scalzo stated that he is in agreement with the resolution that he received today. Secretary Fox asked WEO Daniel when the deposit should be submitted, and WEO Daniel responded that practically, before any building permits are issued for the site, so the Commission added language for this provision to item #3 on the memo dated May 15, 2013. Acting Chair Miller suggested that S. Hayden of the Northwest Conservation District be the monitor of the property for this work. **Secretary Fox made a motion to approve the application at 7 Station Road, 800 Federal Road, 802 Federal Road, 806 Federal Road activity #201300225 per the draft of the stipulations dated May 15th with one addition on item #3 to add the words “. . . the \$5,000 contribution to the fund will be made before any wetlands approval on building permits . . .” and to recommend the selection of Sean Hayden as the Town’s agent. Commissioner Finelli seconded the motion, and it carried unanimously.**

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

James Miner representing Lisa and Frank Cavalea was present to discuss the application. Secretary Fox reviewed that the current house had been demolished, and this application is to build a new house at that

site. Secretary Fox noted that the silt fence was there, and the septic system is noted on the plan. Mr. Miner stated that he had applied for and been issued a demolition permit about one month ago. Mr. Miner stated that the proposed house and septic system will be located farther away from the lake than the previous house. WEO Daniel stated that her error was not to require a wetlands permit at the time of the demolition application, because her experience was that past demolition applications have not caused much impact. WEO Daniel noted that there was disturbance with this demolition. Mr. Miner also noted the letter that he had submitted on behalf of his clients for the proposed work and approval process time period. Mr. Miner reviewed the proposed plan with the Commission. Acting Chair Miller asked Mr. Miner if he had a proposed construction sequence for this property, and Mr. Miner stated that the foundation will probably be installed first, then the septic system will be installed. Mr. Miner pointed out the location where soil will be stockpiled temporarily during construction. Mr. Miner mentioned that this property uses community water. **Secretary Fox made a motion to approve 60 South Lake Shore Drive activity #201300329 with all of the normal stipulations, one of which is that the silt fencing must be installed and operational before any further activity, and it is noted on a plan which has an original date of 3/20/13 with a handwritten notation outlining the stockpile area for any dirt. The construction sequence should start from the 440 line back up to South Lake Shore Drive. Commissioner Hunton seconded the motion, and it carried unanimously.**

d. High Meadow/Carriage Homes, Ledgewood & Newbury Crossing Condominiums #201300037: Sanitary Sewer Extension System to service condominium complexes & pump station (dec date 06/17/13)

1. Re-draft of Resolution to approve Application #201300037

Nelson Malwitz of the WPCA Commission, R. Prinz, Chief of Maintenance of the WPCA, and M. Finan of Langan, LLC were present. Acting Chair Miller stated that he had spoken with J. Vulcano last week about this resolution. Acting Chair Miller stated that he and Commissioner Finelli had walked the site and looked at the area, which he believes is a vernal pool. The Commission discussed the location of that vernal pool. Secretary Fox noted that the Commission could add a stipulation #14 to state that all work will take special care to not deposit materials or otherwise disturb or damage the vernal pool which would be located to the north of the proposed activity noted on Sheet C04, and other relevant sheets. Acting Chair Miller stated that he believes that there was good feedback from all experts for this resolution. The Commission reviewed the draft resolution dated May 15, 2013. **Secretary Fox made a motion to approve the application for High Meadow/Carriage Homes, Ledgewood, Newbury Crossing Condominiums activity #201300037 per a set of motions and information documented in a draft [dated] May 15, 2013 duly considering the potential adverse effects to the wetlands and watercourses presented by the applicant, which discusses the reasons for the approval. There are a total of fourteen stipulations; the draft had thirteen and the Commission added the following stipulation as number fourteen: “All work for the installation of the pipeline will take special care not to disturb or damage the vernal pool on the north side of the proposed activity noted on sheet C4 and other relevant sheets.” Commissioner Hunton seconded the motion, and it carried unanimously.**

5. New Business:

a. 55 Hop Brook Road #201300431: Septic Repair

1. Town of Brookfield, CT GIS Map showing proposed septic repair work at 55 Hop Brook Road

Frank Fisher, applicant, was present to discuss the application. Secretary Fox asked for more details about the map that was submitted. Mr. Fisher noted that the highlighted area is a washed-out ditch of road run-off from a catch basin, and could be considered a wetland area. Acting Chair Miller suggested that Mr. Fisher stake out the corners for the location of the septic system so that the Commissioners could take a look at the site. Acting Chair Miller asked that Mr. Fisher notify the Land Use Office after the property has been staked. Mr. Fisher noted the location of the current septic system, and he showed the location of

the repair on the map. Secretary Fox made a motion to continue 55 Hop Brook Road application #201300431 to the next meeting with the understanding that the Commissioners will look at the site and the applicant will stake the property and notify the Land Use Office when the property has been staked. Commissioner Hunton seconded the motion, and it carried unanimously.

- b. **28 Maple Tree Road #201300430: Clear invasive plants & move driveway**
 1. **Sheet 1 – Driveway Modification Plan prepared by CCA, LLC dated 05/16/13**
 2. **Sheet E1 – Sedimentation & Erosion Control Plan prepared by CCA, LLC dated 12/07/05**

Garrett Meade, property owner of 28 Maple Tree Road, was present. Acting Chair Miller asked if there was a steep grade off of the back of the property, and Mr. Meade responded that there had been and since that time he had flattened out some of the land on which to build the house. Mr. Meade stated that eventually he would like to install a swimming pool. Mr. Meade stated that at this time he would like to shift the driveway closer to the wetland area. The Commission reviewed the map with Mr. Meade. Mr. Meade noted that there are many invasive species in the area where the wetlands are located, and it will be difficult to walk in the area. Mr. Meade noted the location of the remaining silt fence from when his house was originally built. Mr. Meade explained the location of the proposed work on his property. The Commissioners discussed access to the property with Mr. Meade. Acting Chair Miller asked Mr. Meade if he could stake the location of the proposed driveway at the site. **Secretary Fox made a motion to continue 28 Maple Tree Road application #201300430 to the next meeting with the understanding that the Commissioners will view the site after the property owner notifies the Land Use Office that the property has been staked. Commissioner Hunton seconded the motion, and it carried unanimously.**

6. Tabled Items:

7. Correspondence:

- a. **Minutes of Other Boards & Commissions: 05/09/13 Zoning; 05/16/13 Planning –**
No discussion/no motions

8. Review Minutes of Previous Meetings: 04/22/13 – Secretary Fox suggested the following changes to the April 22, 2013 meeting minutes:

- Agenda Item 3.b. – In the last paragraph, the second to the last sentence, change “area of concerns” to “the area of concern”.
- Page 3 – In the last paragraph, change the first sentence to state “Secretary Fox inquired of Mr. Klein concerning the location of deer fencing”.
- Page 3 – In the last sentence of the last paragraph, add the word “enclosures” in the last sentence so that it states: “Chairman Vulcano suggested that intermittent breaks to create smaller enclosures be put in the fencing”.

Secretary Fox made a motion to approve the minutes of April 22, 2013 with the three changes. Commissioner Finelli seconded the motion, and it carried unanimously.

05/13/13 Draft Minutes – Secretary Fox made a motion to table the minutes [of the May 13, 2013 meeting] to the next meeting. Commissioner Hunton seconded the motion, and it carried unanimously.

9. Informal Discussion:

- a.

10. Adjourn: Commissioner Hunton made a motion to adjourn at 8:17 PM. Secretary Fox seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for June 10, 2013.*****