

**APPROVED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, September 9, 2013 – 7:00 p.m.
TOWN HALL MEETING ROOM # 133**

1. **Convene Meeting:** Vice & Acting Chair Miller called the meeting to order at 7:00 PM and established a quorum of members.
2. **Roll Call and Designation of Alternates:**
Present: Vice Chair L. Miller, Secretary S. Fox, Voting Member A. Finelli
Absent: Chairman J. Vulcano, M. Downey
Also Present: Wetlands Enforcement Officer Katherine Daniel
Minutes typed by Recording Secretary E. Cole Prescott.
3. **Wetlands Enforcement**
 - a. **Enforcement Officer's Report**
 - 64 North Lake Shore Drive** – WEO Daniel has received email responses and preliminary plans for each of these sites (18 & 64 North Lake Shore Dr.) from Brian Wood. The notices of violation were both issued on April 22nd. WEO Daniel mentioned that presumably First Light is issuing another violation of their own. WEO Daniel reviewed the plan with the Commission, and noted that the violation was for the construction of a kitchen/patio below the 440 line. Vice Chair Miller asked if the site is stable, and WEO Daniel responded that there is no current erosion on site. S. Fox suggested that WEO Daniel ask First Light for a schedule of their requirements for the notice of violation. Vice Chair Miller asked if there is any way to motivate the property owner to obtain a permit for the work. Vice Chair Miller suggested that a cease and correct be issued so that a show cause hearing may be held. WEO Daniel noted that the notice of violation from the Town of Brookfield was sent to both FirstLight and the current property owners. WEO Daniel stated that she will send a cease and correct notice so that the show cause hearing may be scheduled for the next regular meeting on September 23. **S. Fox made a motion to issue a cease and correct to both FirstLight and to the property owner at 64 North Lake Shore Drive for continued violations and also to ask the Land Use Office to schedule a show cause hearing for September 23, 2013 at 7:15 PM. A. Finelli seconded the motion, and it carried unanimously.**
18 North Lake Shore Drive – WEO Daniel reported that this site is stable. WEO Daniel reviewed information in the email from Brian Wood regarding the site: Brian Wood has met with the property owner 45 days ago, requested haybales be installed and seeding be done. The property owner at that time had agreed to contact a designer to create a compliant plan, but Brian Wood has not yet heard from the property owner. The current owner had cleared much of the waterfront, and WEO Daniel mentioned that Brian Wood is trying to get the property owner to install a buffer area. **S. Fox made a motion to issue a cease and correct order to both the property owner at 18 North Lake Shore Drive and also to FirstLight for continued non-compliance and to ask the Land Use Office to schedule a show cause hearing to be the second show cause hearing on September 23, 2013. A. Finelli seconded the motion, and it carried unanimously.**
1 High Ridge Road – WEO Daniel noted that she has not yet heard from the attorney that the case has been put in the name of Dr. Zaky's new corporation.
 - b. **Site Inspection Reports**
 - Cross Pond Drive Basin Enlargement**
 - Letter from S. Hayden of the Northwest Conservation District dated 08/27/13
 - Letter from S. Hayden of the Northwest Conservation District dated 09/03/13
 - 84-140 Federal Road**
 - Letter from S. Hayden of the Northwest Conservation District dated 09/03/13
 - 540 Federal Road (Oak Meadows)**
 - Letter from S. Hayden of the Northwest Conservation District dated 09/03/13
 - 871 Federal Road (Riverview)**
 - Letter from S. Hayden of the Northwest Conservation District dated 08/27/13
 - Letter from S. Hayden of the Northwest Conservation District dated 09/03/13

S. Fox noted that the site inspection reports all looked suitable.
4. **Old Business:**
 - a. **4-10 Pocono Road #201300579: Two Proposed Warehouse Buildings** (*dec date 09/11/13*)

Nancy Levesque of CCA, LLC was present to discuss the application. N. Levesque noted that CCA had received some comments last week from Artel Engineering and CCA has submitted revised plans which take into account the comments from the last wetlands meeting. N. Levesque reviewed the comments of the letter dated 09/06/13: 1.) N. Levesque noted that storm drainage outlet size has been provided in the drainage report. Invert elevations have been provided at all outfalls. Outlet protection detail and sizes have been updated on the plan. 2.) Ms. Levesque responded that tree removal shall occur within the clearing limits as indicated on the plans. She noted that pruning of trees with roots based in the wetlands may be necessary, but the contractor is confident in his abilities to stay out of the wetlands with construction activity since the excavation which occurs closest to the wetlands is approximately 4-6' deep. Any necessary activity close to the wetlands shall be done by hand. The contractor may provide temporary shoring along the silt fence where the buildings are closer than ten feet to the inland wetlands and excavation is deeper. N. Levesque mentioned that this shoring line has been added to sheet C-2. 3.) N. Levesque noted that the pipe invert has been added to the plans. 4.) N. Levesque clarified that the discrepancy between the drainage area draining to the storm water treatment system and the storm sewer tabulation notes is due to the amount of area that bypasses the Contech hydrodynamic separator. That area includes the .21 acre building since the roof drains discharge directly to the bio-retention basin. The remaining area bypassing the drainage system includes the area draining to the 15" perforated sub-drain to the east of the upper building. 5.) The calculations have been adjusted in the drainage report so that the runoff coefficient for existing woods and proposed woods match. 6.) N. Levesque stated that a map of existing and proposed drainage sheds has been provided. N. Levesque reported that calculations for the time of concentration have been provided in the drainage report. 7.) N. Levesque stated that the calculations have been revised to reflect Fairfield county rainfall amounts. Ms. Levesque stated that she has been out at the site after re-working some of the drainage analyses. The drainage area for the two catch basins was quite smaller and did not seem to warrant a 24-inch pipe. There is currently a 15-inch pipe that is crossing the road, which starts as a corrugated metal and goes out as a reinforced concrete. Then there is a newer 24-inch pipe of corrugated plastic. S. Fox asked N. Levesque to discuss the proximity of the project to the wetlands, mostly how the applicant is planning to maintain the area close to the wetlands and be able to keep debris out of the wetlands. Ms. Levesque noted that there is a line of proposed shrubs on the landscaping plan. Vice Chair Miller asked N. Levesque if a meadow mix could be used for seeding, and she replied that is a possibility. WEO Daniel noted that if the plan changes in the future, the applicant would be required to return for modifications of any future approvals. **A. Finelli made a motion to continue 4-10 Pocono Road to the next meeting. S. Fox seconded the motion, and it carried unanimously.**

S. Fox made a motion to go to agenda item 5.a., 14 Dunsinane Road. A. Finelli seconded the motion, and it carried unanimously.

5. New Business:

a. 14 Dunsinane Road #201300806: Jurisdictional Ruling – Tree Removal

1. Town of Brookfield GIS Map showing proposed tree removal at 14 Dunsinane Road received in the Land Use Office on 09/04/13 *Judith Pennington of 14 Dunsinane Road was present to discuss the application.* Ms. Pennington stated that she is planning to cut down trees that are leaning over which Arborist Tim Wilder has informed her need to be cut so that they do not fall during a storm. Vice Chair Miller noted the location of the wetlands area on the plan. S. Fox noted that the application states that five trees will be removed. S. Fox asked what will happen with the stumps, and Ms. Pennington noted that there will be no removal of the stumps on site. **S. Fox made a motion to accept the jurisdictional ruling and that no additional wetlands [application] is required. A. Finelli seconded the motion, and it carried unanimously.**

S. Fox made a motion to go back to agenda item 5.b., 13 Isabels Way. A. Finelli seconded the motion, and it carried unanimously.

b. 13 Isabels Way #201300811: In-ground Pool & Patio

1. Plot Plan showing location of proposed pool received in the Land Use Office on 09/05/13 *Mike Reed with Pools by Murphy was present on behalf of the property owners of 13 Isabels Way.* Mr. Reed reviewed the location of the wetlands, the retention pond and the conservation easement on the property. Mr. Reed noted that the entire rear property has varying slopes and grades. He also noted the proposed location of the DEEP- approved erosion barrier (silt fence) that will be installed on site. Mr. Reed noted the proposed location of the deck that will be removed and the proposed location of the pool. All of the dirt will be utilized and removed. There will be no further disturbance of the mitigated area. Mr. Reed noted the point of access for construction on the plan. There is six feet changing grade over sixty-four feet. WEO Daniel stated that there is road drainage on the site. Vice Chair Miller asked when Mike Reed would like to start, and he replied that the applicant would like to start as soon as possible. Vice Chair Miller noted that the Commissioners will take a look at the site. Vice Chair Miller asked Mr. Reed to stake the closest point to the wetlands. **S. Fox made a motion to continue 13 Isabels Way to the next meeting with the understanding that the applicant will drive a stake on the far side of the project for the Commissioners to look at the site. A. Finelli seconded the motion, and it carried unanimously.**

4. Old Business:

b. 134 North Lake Shore Drive #201300775: Garage, Driveway & Walkway *(dec date 10/30/13)* S. Fox noted that she had driven by the site. **S. Fox made a motion to approve 134 North Lake Shore Drive activity #201300775 for the addition of a garage, driveway and a walkway with all of the normal stipulations. A. Finelli seconded the motion, and it carried unanimously.**

c. 52 Tower Road #201300781: Maintenance of Curtain Drain *(dec date 10/30/13)*
S. Fox stated that this application is for a curtain drain for a flooding situation. WEO Daniel noted the location of this site as in the vicinity of Greenridge and Ox Drive. WEO Daniel stated that the curtain drain had failed to function. Vice Chair Miller asked how much excavation would need to be done, and WEO Daniel noted the location of the trench. WEO Daniel noted that some rock should be added to the end of the trench and a haybale should be staked. WEO Daniel noted that the work will be done from the pond to the road. S. Fox inquired as to the correct monitoring process for the site. WEO Daniel mentioned that she would be able to inspect the site on a daily basis until the work is complete. S. Fox stated that she does remember R. Fisher noting that the work should only take a week or so. Vice Chair Miller asked how long the pipe is, and it was noted that the plan indicates the pipe is approximately 120' long. WEO Daniel noted that the Commission could ask for a report back about the project in the beginning of October. WEO Daniel noted that the drain will be constructed of gravel. S. Fox noted that the plan indicates haybales around the pipe. Vice Chair Miller noted that there will be a pipe and not just stone. There should be a haybale at the end of the outlet. **S. Fox made a motion to approve the application at 52 Tower Road, activity #201300781, maintenance of the curtain drain, with all of the normal stipulations and 1.) that the applicant will advise the Land Use Office two days before the work is going to begin and 2.) as the trench is started the haybale will be placed at the outlet to the pond to prevent erosion and siltation. A. Finelli seconded the motion, and it carried unanimously.**

6. Tabled Items:

7. Correspondence:

- a. Minutes of Other Boards & Commissions:
- b. *The Habitat Summer 2013*

8. Review Minutes of Previous Meetings: 08/26/13 – There is not a sufficient quorum to approve these meeting minutes.

9. Informal Discussion: WEO Daniel noted three items:

a. Memo from WEO Daniel to the Inland Wetlands Commission dated August 1, 2013 Re: Aquifer Protection District – WEO Daniel read the memo to the Commission. S. Fox noted that if this was to be taken on to the Wetlands Commission the by-laws would need to be revised as well as the Zoning Commission’s regulations. Vice Chair Miller asked WEO Daniel what other towns are doing in regard to this matter, and WEO Daniel responded that as the Commission gets more into the process they can determine what other towns are doing. S. Fox also noted that if the Wetlands Commission were to be involved, it would add the Commission to projects that they are not currently involved with. WEO Daniel noted that the level A mapping of the aquifer protection district is much smaller than the remainder of the aquifer protection area. WEO Daniel mentioned that there are model regulations available. WEO Daniel mentioned that the aquifer protection agency would mostly regulate residential uses due to its location. WEO Daniel noted that she believes that these model regulations could help to re-vamp the current aquifer protection regulations currently used by the Zoning Commission. WEO Daniel stated that the mapping is the first step, and after this process the Town would be required to name an agency. S. Fox noted that she believes that the Board of Selectmen should determine which Commission should handle this matter. S. Fox suggested that there may even be a separate committee set up.

b. 419 Federal Road – WEO Daniel shared pictures of what the site currently looks like. WEO Daniel stated that during the Zoning Commission’s approval there was a berm that was drawn on the plan at the meeting. WEO Daniel noted that this berm was not part of the wetlands approval. WEO Daniel stated that applicants need to be told that if their plan changes during the Zoning Commission approval, the applicant will need to return to the Inland Wetlands Commission. WEO Daniel stated that the applicant will come back to request the site plan modification through both the Wetlands Commission and the Zoning Commission. Vice Chair Miller stated that he is unsure why the berm was required at the time.

c. Road Repairs – WEO Daniel stated that she has received the paving list from the Public Works Department. She stated that she had pointed out on the paving list which locations were in close proximity to wetlands and/or watercourses. WEO Daniel stated that she has looked at some of the replacements, and she showed pictures of the replacements with the Commission: Stony Hill Road and Sunset Hill Road. The pipes are now buried and connected across the road in this location. WEO Daniel stated that the owner up the hill is now connected to this drainage. WEO Daniel stated that she can see why the Public Works Department views this as repair, and in fact it may be an improvement. WEO Daniel also noted the location of the leak-off that was repaired by the Public Works Department on Beech Tree Road. S. Fox noted that the work on Sunset Hill Road was more than a replacement. WEO Daniel noted the location of an upstream side where the pipes were replaced and rip rap added. WEO Daniel also mentioned that erosion control has not yet been done. WEO Daniel noted that the next paving list will be available in January. WEO Daniel stated that she will sort through the list and note the properties where there will be general impact. WEO Daniel mentioned that R. Tedesco has asked if a permit could be granted by the Wetlands Commission for multiple properties at one time. S. Fox stated that if the Commission knows the location of the work and the work proposed, it may be a possibility to do that type of a [stipulated] approval. Vice Chair Miller noted that there should be an opportunity to view the site before the work commences. WEO Daniel noted that the Commission may want to stipulate some of the erosion controls.

10. Adjourn: A. Finelli made a motion to adjourn at 8:35 PM. S. Fox seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for September 23, 2013*****