

**APPROVED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, September 23, 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, Secretary S. Fox, A. Finelli, M. Downey

Absent: Vice Chairman L. Miller

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

4. Wetlands Enforcement

a. Enforcement Officer's Report – The items to be discussed relate to the Show Cause Hearings below.

b. Site Inspection Reports

84-140 Federal Road (Wetland Mitigation Monitoring)

- Letter from J. Cowen of the Environmental Planning Services to J. Vulcano dated 09/17/13 Re: Wetland Mitigation Monitoring Inspection Report #6

Chairman Vulcano moved to go to Agenda Item 5.b., 13 Isabel's Way, #201300811. Commissioner Finelli seconded the motion, and it carried unanimously.

5. Old Business:

b. 13 Isabel's Way #201300811: In-ground Pool & Patio

M. Reed, Pools by Murphy, was present on behalf of the property owners. Commissioner Finelli indicated that she visited the site and there is sloping. Chairman Vulcano stated that he also inspected the site and observed intermittent watercourses.

Secretary Fox moved to approve the application at 13 Isabel's Way, #201300811, for the installation of an in ground pool per a plan that was received in the Land Use Office on September 5, 2013, with all of the normal stipulations, and that the applicant contact the Land Use Office when the soil and erosion controls are installed. Commissioner Finelli seconded the motion, and it carried unanimously.

Chairman Vulcano advised Mr. Reed that he should contact the Land Use Office when the erosion controls are installed.

Secretary Fox moved to go to Agenda Item 6.b., 857-857A Federal Road, #201200839, Request for Permit Transfer. Commissioner Finelli seconded the motion, and it carried unanimously.

6. New Business

b. 857-857A Federal Road #201200839: Request for Permit Transfer – The file was reviewed. Secretary Fox moved to approve the Request for Permit Transfer at 857-857A Federal Road, #201200839, from the Coreplus Properties and Piermont Family to Brookfield Development, LLC, Living Trust, as per the permit details on the transfer. Commissioner Finelli seconded the motion, and it carried unanimously.

d. 1 Sunset Hill Road #200901047: Bond Release Request - \$3,000 – WEO recommended that the bond be released. Secretary Fox moved to recommend to the Board of Selectmen the release of the bond at 1 Sunset Hill Road, #200901047, for release of the bond of approximately \$3,000. Commissioner Finelli seconded the motion, and it carried unanimously.

Secretary Fox moved to go to Agenda Item 6.a., 540 Federal Road, #201300843. Commissioner Finelli seconded the motion, and it carried unanimously.

6. New Business:

a. 540 Federal Road #201300843: Modification to Existing Permit #200900146 – Increase visitor parking spaces from 50 to 84 and revise construction phasing

1. Plans prepared by CCA, LLC received in the Land Use Office on 09/16/13:

- Sheet SP1 – Site Plan showing additional parking ‘Oak Meadows’ dated 08/20/13
- Sheet SP2 – Site Plan showing additional parking ‘Oak Meadows’ dated 08/20/13
- Sheet PH1 – Phasing Plan Oak Meadows Re-Subdivision Incentive Housing Development dated 08/14/08; revised through 09/13/13

No one was present, but Mr. Sullivan is expected to appear. Chairman Vulcano reviewed that the applicant wishes to change the sequence of construction and add parking spaces. The number of parking spaces will increase from 50 to 84. The original stipulations were reviewed by Secretary Fox. There was discussion regarding how the additional spaces impact the wetlands.

Secretary Fox moved to table 540 Federal Road, #201300843, until later in the agenda when the applicant’s representative is present. Commissioner Finelli seconded the motion, and it carried unanimously.

3. Show Cause Hearing: 7:15 PM

b. 18 North Lake Shore Drive #201300318: Cease and Correct Order dated 09/13/13

WEO Daniel noted that the property owner and adjacent property owner are not here. She indicated that she spoke with L. Richardson, First Light Power Company, regarding this matter. The property owner is aware that he has to make amendments so that First Light will provide letter of consent. He was unable to attend tonight’s meeting due to personal reasons. It was confirmed that notification of the property owner and First Light Company were received.

Making note that the applicant was unable to appear at this meeting due to personal reasons, and that the Commission is not in possession of any dates for completion and/or any application, Secretary Fox moved to uphold the Cease and Correct Order at 18 North Lake Shore Drive, #201300318 issued to the property owner and First Light Power Company. Commissioner Finelli seconded the motion, and it carried unanimously.

a. 64 North Lake Shore Drive #201300317: Cease and Correct Order dated 09/13/13 –

WEO Daniel was unable to speak with this property owner. She advised that his parents live in the house and are handicapped. B. Wood of First Light has worked with the property owner regarding scaling back the plans. WEO Daniel is not sure if the property owner received the Cease and Correct Order by certified mail.

Secretary Fox moved to uphold the Cease and Correct Order at 64 North Lake Shore Drive, #201300317, making note that the property owner is not present, that the Commission has confirmation that First Light received notification, but does not have the receipt card from the property owner. Commissioner Downey seconded the motion, and it carried unanimously.

Chairman Vulcano moved to go to Agenda Item 5.a., 4-10 Pocono Road, #201300579. Commissioner Downey seconded the motion, and it carried unanimously.

5. Old Business

a. 4-10 Pocono Road #201300579: Two Proposed Warehouse Buildings (dec date 09/23/13)

1. Letter from N. Levesque to J. Vulcano & the Inland Wetlands Commission dated 09/13/13 Re: Proposed Warehouse/Office Space Development
2. Drainage Report for Yu, LLC dated 07/12/13; revised through 09/13/13
3. Sheet DA1 – Drainage Areas prepared by CCA, LLC dated 09/02/13; revised through 09/13/13
4. Plans prepared by CCA, LLC received in the Land Use Office on 09/16/13:
 - Cover Sheet dated 06/20/13; revised through 09/13/13
 - Sheet N1 – General Legend, Notes and Abbreviations dated June 2012; revised through 08/12/13
 - Sheet 1 of 1 – Existing Conditions Plan dated 02/15/13; revised through 08/12/13
 - Sheet C1 – Site Layout and Materials Plan dated 06/20/13; revised through 09/13/13
 - Sheet C2 – Grading and Drainage Plan dated 06/20/13; revised through 09/13/13
 - Sheet C3 – Utilities Plan dated 06/20/13; revised through 09/13/13
 - Sheet C4 – Landscaping Plan dated 06/20/13; revised through 09/13/13
 - Sheet C5 – Erosion Control Plan dated 06/20/13; revised through 09/13/13
 - Sheet C6 – Notes and Details dated 06/20/13; revised through 09/13/13
 - Sheet C7 – Notes and Details dated 06/20/13; revised through 08/12/13
 - Sheet C8 – Notes and Details dated 06/20/13; revised through 08/12/13
 - Sheet E1 – Sedimentation and Erosion Control Plan dated 12/07/05

N. Levesque, CCA, 40 Old New Milford Road, was present. She submitted revised plans to the Commission that were reviewed with Artel Engineering today (only C2). She indicated that all of the other changes were reflected in the revision submitted on September 13, 2013. Ms. Levesque indicated that Mr. Virbickas provided a letter dated today regarding the most recent changes.

D. Virbickas, P.E., Artel, was present. He confirmed that the most recent change reflected an email from him regarding the September 13, 2013. The letter from Mr. Virbickas of today was submitted for the record. .

Mr. Virbickas reviewed that the buildings have been reduced in size, and moved away from wetlands. He indicated that Ms. Levesque revised the drainage calculations and the drainage plans. Upon inquiry from Secretary Fox, Mr. Virbickas clarified the contour. Ms. Levesque added that the building and the outlet are back five feet from the previous plan. Two stockpile areas are on the site but excess material will be removed. It was noted that the construction sequence is located on Sheet C6, but lacks details regarding when the buildings and well will go in. The installation of the detention basin/drainage system is #4 in the construction sequence, and #5 includes all the buildings and utilities.

There was discussion regarding the landscaping plan. Ms. Levesque noted that the landscape architect recommended a seed mix that will not require maintenance and mowing. She also pointed out that because the site is in the aquifer protection zone, fertilizer will not be used. There was discussion regarding the use of a separate erosion control mix as described on C4. The agreement was noted on the plan.

There was additional discussion regarding Sheet C4, regarding the set of three shrubs, and the handling of road drainage by the piping. Secretary Fox inquired regarding the tailings from the well drilling. Chairman Vulcano suggested that the erosion control be reinforced in that area.

There was discussion regarding the maintenance schedule. The applicant offered biannual maintenance. Chairman Vulcano noted more focus on one of the detention basins, and requested that it be clarified that both basins are maintained in similar fashion. Additionally, the Commission indicated it would like reports of maintenance bi-annually, on June 1 and December 1. The Land Use Office will devise a method of keeping track of the maintenance reports.

Secretary Fox requested that a planting estimate be submitted so the Commission can set the bond.

WEO Daniel asked Mr. Virbickas if he was satisfied with the curb numbers in the drainage report. Mr. Virbickas explained the role of surface and soil, and stated that he does not have the final numbers, but the summaries show numbers he expected to see.

Secretary Fox moved to approve the application for 4-10 Pocono Road, #201300579, as documented on a set of plans dated 6/20/13, with a last revision date of 9/13/13, with the exception of C2 (which has a last revision date of 9/23/13); with all the normal stipulations, as well as the following: 1) that the grass area on the south side of the building that adjoins the wetlands will not be mowed, and will not have any fertilizer or any treatment, and will be an area of no activity; 2) that although there is a letter from early September that shoring would be used in the erosion and sedimentation controls, no shoring is allowed in the project; 3) that the construction sequence for the well drilling will be amended and will now include a requirement that no tailings from the well drilling, or any water that is created by the drilling will be allowed to flow into the wetlands, and a plan to divert that water into the previously constructed drainage system will be reviewed prior to the well drilling operation commencing; 4) that a maintenance report will be provided to the Inland Wetlands Commission by the first of June and the first of December of every year, and this will encompass all of the items documented in the long-term maintenance report procedures, including the maintenance of the two rip rap areas on the project; 5) that a bond will be set for the wetlands plantings, and that an estimate of planting will be provided within forty-five (45) days to the Land Use Office for the IWC; and 6) on the Sheet E1, the permanent seeding section is deleted, and used as specified on C4. Commissioner Finelli seconded the motion, and it carried unanimously.

6. New Business:

a. 540 Federal Road #201300843: Modification to Existing Permit #200900146 – Increase visitor parking spaces from 50 to 84 and revise construction phasing

1. Plans prepared by CCA, LLC received in the Land Use Office on 09/16/13:

- Sheet SP1 – Site Plan showing additional parking ‘Oak Meadows’ dated 08/20/13
- Sheet SP2 – Site Plan showing additional parking ‘Oak Meadows’ dated 08/20/13
- Sheet PH1 – Phasing Plan Oak Meadows Re-Subdivision Incentive Housing Development dated 08/14/08; revised through 09/13/13

S. Sullivan, P.E., CCA, 40 Old New Milford Rd., was present. He advised that the application relates to a request for an increase in visitor parking spaces, from 50 spaces, to 84 spaces. He reviewed the as-built, which shows seven additional spaces for Building 2 in a regulated area. He encouraged the Commission members to visit the site. Mr. Sullivan indicated that the rationale behind the increase is related to interested buyers’ desire for more parking. He reviewed the remainder of the other requested spaces, along with the phasing of the construction. Mr. Sullivan offered to install stakes to show the location of the requested spaces. He indicated that there are some units with handicapped parking, and discussed the State building code requirements that require handicapped accessible units. Mr. Sullivan stated he would advise the Land Use Office when the staking is completed.

Mr. Sullivan then reviewed the request to modify Phase 1B, to include building of the clubhouse and pool, and the walls, clearing and grubbing previously outlined for Phase 2. He added that the clearing and grubbing would be appropriate for the weather of the upcoming season. Upon inquiry from Secretary Fox, Mr. Sullivan indicated that this will not affect the wetlands remediation. The wetlands mitigation will follow a planting plan and expansion of the existing wetlands, and Mr. Sullivan reiterated that this is not a change. Upon inquiry from Secretary Fox, he stated that there is a silt fence for a retaining wall associated with the original plan.

Mr. Sullivan pointed out that the original conservation easement area line will be moved to put in a sidewalk, and compensated by shifting it in another area.

Upon inquiry from Secretary Fox, Mr. Sullivan reviewed where the water from the parking areas will go.

Chairman Vulcano moved to continue 540 Federal Road, #201300843, to the next regularly scheduled meeting. Secretary Fox seconded the motion, and it carried unanimously.

Chairman Vulcano moved to go to Agenda Item 6.c., 139 Pocono Road, #201300846. Commissioner Finelli seconded the motion, and it carried unanimously.

- c. **139 Pocono Road #201300846: New Gravel Driveway for Existing Water System, Pump Station & Wells**
 1. **Erosion Control Narrative for Aquarion Water Company prepared by CCA, LLC dated 09/10/13**
 2. **Letter from M. S. Klein of Environmental Planning Services LLC to S. Sullivan dated 08/28/13 Re: 139 Pocono Road**
 3. **Wetland Flagging Sketch of 139 Pocono Road received in the Land Use Office on 09/13/13**
 4. **Plans prepared by CCA, LLC received in the Land Use Office on 09/13/13:**
 - **Sheet S1 – Site Plan dated 08/29/13**
 - **Sheet N1 – General Legend, Notes and Abbreviations dated June 2012**
 - **Sheet E1 – Sedimentation and Erosion Control Plan dated 12/07/05**

S. Sullivan, P.E., CCA, 40 Old New Milford Rd., was present. He stated that after reviewing the survey and wetlands sketch, an area was designated for clearing for access way. The Town pipe was noted. Mr. Sullivan then reviewed the sequence for the gravel driveway, including: clearing; posting the limit lines; installing the construction entrance; and installation of the drainage pipe. The pipe will be set on crushed stone. The intermittency of the stream was noted.

Secretary Fox will inspect the site prior to the next meeting.

Secretary Fox moved to continue 139 Pocono Road, #201300846, to the next meeting with the understanding that Commissioners will inspect the site on their own. Commissioner Finelli seconded the motion, and it carried unanimously.

7. **Tabled Items: None.**

8. **Correspondence:**

- a. **Minutes of Other Boards & Commissions: 09/05/13 special Zoning, 09/12/13 Zoning; 09/09/13 Zoning Board of Appeals;**
- b. **Notice of Tentative Determination to Approve an Application for Diversion of Water Permit and Intent to Waive Public Hearing from C. Chase of the DEEP received in the Land Use Office on 09/09/13**
- c. **Connecticut DEEP's Training for Municipal Inland Wetlands Agencies – Workshop Registration Form**

No discussion/no motions.

9. **Review Minutes of Previous Meetings: 08/26/13 – Secretary Fox moved to approve the Minutes of the August 26, 2013 meeting. Commissioner Finelli seconded the motion, and it carried, 3-0-1, with Commissioner Downey abstaining. 09/09/13 – Not a sufficient quorum to vote on these Minutes.**

10. **Informal Discussion:** Commissioner Downey discussed his scheduling conflicts for meeting dates this year. He will likely be able to attend the October 7th meeting, but after that his work commitments may interfere. All agreed that more members are needed, as additional changes with other members may occur. This discussion will continue at the next meeting.

11. **Adjourn:** Commissioner Downey moved to adjourn the meeting at 8:50 p.m. Secretary Fox seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for October 7, 2013*****