

**APPROVED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, March 10, 2014 – 7:00 p.m.
TOWN HALL MEETING ROOM # 133**

1. Convene Meeting

Chairperson S. Fox convened the meeting at 7:01 p.m. and established a quorum of members.

2. Roll Call and Designation of Alternates

Present: Chairperson S. Fox, Vice Chairman M. Forlenza, Secretary Mulvaney, M. Kukk, Alternate and Voting Member R. Huttemann

Absent: None.

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

3. Wetlands Enforcement

a. Enforcement Officer's Report

64 North Lake Shore Drive #201300317 – WEO Daniel reviewed the history of this matter for new Commission member R. Huttemann, including a description of the non-permitted work, the property owner's lack of response to the Notice of Violation, the issuance of a Cease and Correct Order, the upholding of that Order, and the continued issuance of Citations, in the approximate amount of \$13,000.00. She indicated that First Light Power Company, as well as Town Counsel, would be consulted prior to further legal action occurring.

Chairperson Fox inquired regarding Special Town Counsel Olson's plan for 1 High Ridge Road. WEO Daniel advised Attorney Olson is working toward getting an injunction order filed on the land records. She will check with him regarding the status and report back to the Commission.

20 Deerfield Road #201301082 – No discussion/no motions.

b. Site Inspection Reports - None.

4. Old Business:

a. 18 North Lake Shore Drive #201400092: Re-build wall, clear trees, re-establish slope, shoreline retaining wall, new swail drain-off, shrub & natural plant growth to secure slope (dec date 04/30/14) – *No one present.* WEO Daniel indicated that Mr. Biassetti has provided a construction sequence today. She reviewed that First Light has provided its approval. Secretary Mulvaney inquired if the corrections on the application discussed at the last meeting were completed. The file was reviewed. WEO Daniel advised that this information was also submitted today. Secretary Mulvaney suggested that the application could be approved subject to the most recent, corrected application.

Chairperson Fox noted that the applicant agreed verbally that no machinery would be used on the rock wall, and that the work would be done by hand. This will be a stipulation of the approval. The construction sequence was reviewed.

Chairperson Fox moved, in the matter of 18 North Lake Shore Drive, #201400092, to approve the plan with the following stipulations: that all the construction work to be done must be done by hand, and the work is documented on a revised application and a map, which was approved by First Light, with an original date of January 31, 2014, and was revised with the construction sequence on March 10, 2014. Vice Chairman Forlenza seconded the motion, and it carried unanimously, 5-0.

b. High Meadow, Ledgewood & Newbury Condominiums #201400102: Modification to Existing Permit #201300037: Re-route (dec date 04/30/14)

1. Sheet C-23 – Crossing “E” Plan and Sections prepared by Langan dated 10/22/12; revised through 03/05/14 - C. Utschig, Langan Engineering, Westchester Ave., White Plains, NY, N. Malwicz, Chairperson, Water Pollution Control Authority, 1 Great Heron Lane, and R. Prinz, Maintenance Manager, WPCA, 134 Long Meadow Hill Road, were present. Mr. Utschig indicated that the change relates to the forced mains going over the culvert. Chairperson Fox indicated that she reviewed the old plan versus the new plan. She pointed out that on C10, in the Notes section, it is stated that if the work cannot be done, that the WPCA be notified. Chairperson Fox requested that the Commission be notified as well. Mr. Utschig advised that this particular note references notifying the Commission in Note #2. Chairperson Fox agreed, but asked that it be added to Note #6, where a “one week” timeframe is referenced. Additionally, with regard to #8, she requested that the language be changed to: “No material will be stockpiled in the wetlands crossing.” Chairperson Fox then inquired, with regard to C19, where the limit of disturbance was. Mr. Utschig pointed out the line that represents the existing vegetation. It was acknowledged that the legend shows the existing vegetation and the proposed, but Mr. Utschig will make the line heavier on the plan. Chairperson Fox also requested that hay bales be utilized rather than straw, to eliminate any danger of seeds getting into the crossing, as it might have water in it. Also, for #6, she requested that the “No materials stockpiled on wetlands crossing area” language be added. Chairperson Fox asked that #5 be deleted. Mr. Utschig indicated that at some point excavation and stockpiling with erosion control will have to be done. He reviewed the erosion control plan for the specific location. Commissioner Kukuk pointed out where it is. With regard to #8, Chairperson Fox advised that along with a soil scientist, a construction monitor be utilized. The change noted in Sheet C23 above was noted. With regard to #25, Chairperson Fox requested clarification on Group 4 orientation. Mr. Prinz reviewed the larger set of plans. Lastly, Chairperson Fox asked for photographs of Crossing D prior to construction being started.

Secretary Mulvaney inquired why temporary asphalt patching is being utilized. Mr. Utschig indicated that it is the procedure to put down temporary patch for six months to one year, and then the final pavement is completed. It is for the roadway locations, not for the crossings. Therefore, #3, 4 and 6 will be deleted on C23. Mr. Utschig indicated that the Commission had requested that the construction sequence be placed on every page. He pointed out where the gravel will be on the plans.

The applicant will continue to investigate the specifics of Group 4.

Mr. Prinz inquired how long the Commission would like the monitor on site, and Chairperson Fox advised it would only be during the work in the wetlands crossings. Upon inquiry from Vice Chairman Forlenza regarding the scheduling of the monitoring, Mr. Utschig explained that it would relate to the work in the wetlands crossings and their temporary disturbance, with a post-construction inspection at a time determined by the Commission to confirm stability in those areas, if necessary. Mr. Prinz advised that the work in the crossings would take two to three days. Vice Chairman Forlenza indicated that he would be satisfied with a site visit pre-construction, and a visit at the end of each of the two days of construction. Mr. Prinz advised he would not have any objection to the monitor being present all day, especially during the excavation across the stream.

WEO Daniel will draft a stipulation for the next meeting. The applicant’s representatives believe that the above-mentioned Group 4 information may be in a separate wetlands report. Mr. Utschig noted it was part of the previous approval.

5. New Business: None.

6. Tabled Items: None.

7. Correspondence:

- a. **Minutes of Other Boards & Commissions: 02/27/14 Zoning; 03/03/14 Zoning Board of Appeals; 03/06/14 Planning**
 - b. **Permit Application for the Use of Pesticides in State Waters received in the Land Use Office on 02/24/14** – There was brief discussion regarding this application. It was noted that what is likely being used is an herbicide for vegetation in the pond.
8. **Review Minutes of Previous Meetings: 02/24/14** - Secretary Mulvaney moved to accept the Minutes of the February 24, 2014 meeting. Commissioner Kukk seconded the motion, and it carried, 4-0-1, with Commissioner Huttemann abstaining.
9. **Informal Discussion:** None.
10. **Adjourn:** Commissioner Kukk moved to adjourn the meeting at 7:48 p.m. Commissioner Huttemann seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for March 24, 2014*****