

**APPROVED/AMENDED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, June 23, 2014 – 6:00 p.m.
TOWN HALL MEETING ROOM # 133**

1. Convene Meeting

Chairperson Fox convened the meeting at 6:00 p.m. and established a quorum of members.

2. Roll Call and Designation of Alternates

Present: Chairperson S. Fox, Secretary M. Mulvaney, M. Kukk (arrived at 6:15 p.m.), Alternate and Voting Member R. Huttemann

Absent: Vice Chairman M. Forlenza

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

WETLANDS COMMISSIONER TRAINING – 6:00 PM

M. Sanford, Milone & MacBroom, Cheshire, CT, was present. The Commission thanked him for attending tonight's meeting. Mr. Sanford reviewed his educational background and noted his wetlands commission service in another Connecticut municipality. He discussed the qualifying characteristics for wetlands at the local and federal levels, and then reviewed the different types of soil. Chairperson Fox noted that the Still River Greenway application is being reviewed under both local and federal wetlands qualifications.

Mr. Sanford discussed the review of soils utilizing visual aids, noting the use of color charts and the role of iron in color. Secretary Mulvaney inquired how to address the possibility of a property owner putting fill on top of soil. Mr. Sanford indicated you can utilize hydrology and vegetation to determine if this has been done. He pointed out the availability of the UConn "Magic Library" to review older land maps, as well as the NRCS (Natural Resource Conservation Service) soil map.

WEO Daniel offered to supply the Commissioners with copies of Mr. Sanford's presentation.

Mr. Sanford discussed the universal classification of wetlands and watercourses and their functions. He reviewed plantings and trees and their appearance during different seasons, and animal species that are indicative of various types of wetlands. He noted that forest wetlands are considered the highest value wetlands. Mr. Sanford also discussed vernal pools, noting that their monitoring period is February through June. He also reviewed scrubbed shrub wetlands, plush and emergent marsh wetlands, wet meadow wetlands, plush and open water systems, and plant and animal species typical of each wetland habitat.

Mr. Sanford discussed the importance of requiring, as stipulations of approval, maintenance and monitoring of approved sites by qualified individuals to provide reports. He noted that there is state and federal precedent that allows such conditions of approval.

Commissioner Kukk inquired regarding how to best handle requests for dredging open water systems, and Mr. Sanford advised that sediment tests should be asked for.

Mr. Sanford reviewed the Army Corps of Engineers' "function and value" sheet and different types of direct and indirect impacts. He also discussed the property owned by First Light and Power, the recent federal requirement of buffers. He indicated that a manual will be released shortly by the federal government that will assist many interest parties

The Commission reiterated its thanks to Mr. Sanford.

Secretary Mulvaney moved to go to Agenda Item 4.b. Commissioner Huttemann seconded the motion, and it carried unanimously.

4. Old Business

b. 54 Obtuse Road North #201400456: New 2,200 square feet residential single family dwelling with two-car attached garage (dec date 08/13/14)

A. Garzi, 16 Ashwood Lane, Brookfield, and F. Cereno, 2 Cannon Rd., were present. Chairperson Fox advised that she visited the site. She noted the flagging and shared photographs taken with her cell phone. Chairperson Fox pointed out

the difficulty of accessing the wetlands flagging areas due to the thickness of the vegetation, brush and debris. There was discussion regarding the well and the culvert.

Mr. Garzi submitted a revised planting plan, including six different types of plants and their cost. The changes also include a conservation easement that borders Wetlands Flags 8 through 12. The plan includes the installation of plants with a total cost of \$1,020.00, not including labor. An additional change is the moving of the roof drains and curtain drain. Mr. Garzi reviewed the area that will have silt fence and hay bales. He advised that the areas that currently have grass will remain that way. Upon inquiry from Chairperson Fox regarding the purpose of the easement, Mr. Garzi stated that he believed the conservation easement would be a means of limiting activity on the site. There was discussion regarding access to the well. Commissioner Huttemann inquired if the water was potable, and Mr. Garzi advised he did not know.

Secretary Mulvaney inquired if the planting would be done by hand, and Mr. Garzi advised that it would. There was discussion regarding the plant material that is present there now relative to the staking. Secretary Mulvaney suggested that the applicant determine which material is invasive.

Chairperson Fox noted the location of the septic on the downslope.

There was discussion regarding the scope of the clean-up, and the timeline for proposed work. It was also noted that if the footing drain is installed properly it should not get any water.

Chairperson Fox reiterated her concern regarding the practicality of the conservation easement.

There was discussion regarding the need to explore options for the engineered septic system and the footprint for the proposed house.

WEO Daniel advised that any revisions can be submitted to the Commission digitally.

Chairperson Fox moved to continue to 54 Obtuse Road North, #201400456, to the next regularly scheduled meeting on July 14, 2014. Commissioner Huttemann seconded the motion, and it carried unanimously.

***Chairperson Fox advised that, effective July 17, 2014, public notices will be published in the CT Pennysaver.**

- c. **22 Deerfield Road #201400482: Garage Addition & Deck Addition (dec date 08/13/14)**
 - 1. **Letter from Dean Pushlar of Studer Design Associates Inc. dated 06/18/14**
 - 2. **Plans prepared by Studer Design Associates Inc. received in the Land Use Office on 06/18/14:**
 - **Sheet LA-1 – Existing Conditions, Demolition and Erosion Control Plan dated 06/18/14**
 - **Sheet LA-2 – Layout Plan dated 06/18/14**
 - **Sheet LA-3 – Grading Plan dated 06/18/14**
 - **Sheet LA-4 – Planting Plan dated 06/18/14**
 - **Sheet LA-5 – Site Details dated 06/18/14**

J. Savulski, Savulski Construction, Trumbull, CT, was present. The footprint was reviewed, noting an addition on the end of the garage. Mr. Savulski advised that remodeling will be done inside the house, and a pool and landscaping will be installed, all above the 210' line. The silt fence locations were pointed out on plans.

Commissioner Huttemann moved to approve 22 Deerfield Road, #201400482, garage addition and deck addition. Secretary Mulvaney seconded the motion, and it carried unanimously.

4. Old Business:

a. Still River Greenway #201400000: Phase Two – Approval Stipulation #6

WEO Daniel advised that the Director of Parks & Recreation Dennis DiPinto has advised that there is an outstanding review from the Department of Energy and Environmental Protection. Mr. DiPinto has requested that this matter be tabled, and indicated that when the review is done, the details will be submitted to the Commission.

Commissioner Kukk moved to continue Still River Greenway, #20140000: Phase Two, Approval Stipulation #6, to the next regularly scheduled meeting. Commissioner Huttemann seconded the motion, and it carried unanimously.

5. New Business:

a. 419 Federal Road #201400537: Modification to Existing Permit #201300261/#201300914: Employee Parking Relocation; Plunge Pool Construction; Additional Material Storage

- 1. Sheet 1 – Revised Site Plan prepared by Artel Engineering Group, LLC dated 02/22/13; revised through 06/17/14**
- 2. Plunge Pool Sizing Computations prepared for Sunburst Landscaping dated 06/16/14**

M. Kornhaas, Artel Engineering, 304 Federal Rd., and P. DiScala, Sunburst Landscaping, 419 Federal Rd., were present. Mr. Kornhaas reviewed the history of approvals, and indicated that his client would like to add a berm, move the employee parking and add material storage. Mr. Kornhaas advised that the refuse container will also be moved toward the front of the building where it is more accessible to the building. Additionally, a plunge pool will be added to catch the runoff from the roof. The construction approved to date has been completed, and the site is stable. There was brief discussion regarding adding a few plants.

Secretary Mulvaney moved to continue Item 5.a., 419 Federal Road, #201400537, Modification to Existing Permit, until the next regularly scheduled meeting. Commissioner Huttemann seconded the motion, and it carried unanimously.

Secretary Mulvaney moved to go to Item 3., Wetlands Enforcement. Commissioner Huttemann seconded the motion, and it carried unanimously.

3. Wetlands Enforcement

- a. 1 High Ridge Road** – WEO Daniel advised that Attorney Beecher has sent an email regarding the plan of action for this matter, which she read to the Commission. The only unpermitted item at the site is the foundation wall. WEO Daniel discussed the other legal action that was brought by the neighbors, the Marciniaks. There was discussion regarding documenting the unpermitted activity on the land records. WEO Daniel will send the Commissioners a copy of Attorney Beecher’s memo. She also noted that the neighbors are not experiencing bad conditions at this time. Chairperson Fox will contact Town Attorney Beecher after reviewing his memo.

b. Enforcement Officer’s Report

- 1. 64 North Lake Shore Drive #201300317** – Attorney Beecher has sent a letter that he will initiate court action if a permit application is not filed. There has been no response from the property owner.
- 2. 20 Deerfield Road #201301082** – B. Wood of First Light must verify the permissibility of the material placed on the lake bed that is supposed to prevent the milfoil growth.
- 3. 36 North Mountain Road #201400221 (now Mountain Road Hollow)** – *J. Saivo was present.* This violation relates to removal of vegetation near wetlands without a permit. Mr. Saivo indicated that he does not yet have a planting plan. Mr. Saivo is working with landscape architect A. Adams.

Mr. Saivo advised that he and his partner gave some of the land to the Town as a conservation easement. He accessed his site for testing over the winter by way of this easement. There was discussion regarding the issue being problems at the access point, or cutting done in another area. Mr. Saivo indicated that there is only one access to his site. WEO Daniel advised he should have submitted an application for a temporary crossing of the stream.

Chairperson Fox requested that Mr. Saivo provide a restoration plan and an application. Mr. Saivo indicated that he would bring an application to the next meeting. The Commission would like to see the restoration plan for the violation, a plan for access, and a completed application. WEO Daniel advised that it may be possible to resolve the violation by planting on the Town's property.

c. Site Inspection Reports

871 Federal Road (Riverview)

- **Letter from S. Hayden of the Northwest Conservation District dated 06/11/14**

101 Obtuse Hill Road (Cross Pond Drive Detention Basin)

- **Letter from S. Hayden of the Northwest Conservation District dated 06/18/14 – WEO Daniel advised that the detention pond is in place and has begun to stabilize.**

Brookfield Heights, 23 – 27 Carmen Hill Rd. (detention basis; not on agenda) – This project has been monitored and WEO Daniel is seeking to close out the file.

8A Stage Rd. – 3-lot subdivision – WEO Daniel indicated that the issues at this site included: 1) road/drainage and created wetland; 2) planting bond of \$8,600.00 – she has requested survivability information; and 3) Stipulation #18 - mitigation on adjacent town property (or possible mitigation on-site)

871 Federal Rd. (listed above) – S. Hayden's letter outlines completion of the invasive removal.

Secretary Mulvaney inquired regarding 248 Whisconier Road. WEO Daniel advised that the site has been permitted, the plants have been installed, the stones have been removed from the stream, and a new channel for the stream has been made.

6. Tabled Items: None.

7. Correspondence:

a. Minutes of Other Boards & Commissions: 06/05/14, 06/19/14 Planning; 06/12/14 Zoning Noted.

8. Review Minutes of Previous Meetings: 06/09/14 – Commissioner Huttemann moved to approve the Minutes of the June 9, 2014 meeting as submitted. Commissioner Kukk seconded the motion, and it carried, 3-0-1, with Secretary Mulvaney abstaining.

9. Informal Discussion:

Chairman Fox indicated that the area surrounding vernal pools is being regulated in some municipalities. She indicated that there is nothing in the regulations that addresses this topic and the protection of animals. She referenced an article in Calhoun & Clemons. She suggested that the Commission begin reviewing potential regulations to strengthen the protection of vernal pools.

There was discussion regarding having vernal pools identified on wetlands surveys.

Chairperson Fox will put information together on the topic for the Commission's review.

Secretary Mulvaney indicated he would like to discuss non-native invasives versus native invasives species at the next meeting.

The Commission thanked Vice Chairman Forlenza for arranging for Mr. Sanford to present this evening.

10. Adjourn:

Chairperson Fox moved to adjourn the meeting at 8:54 p.m. Commissioner Huttemann seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for July 14, 2014*****