

**APPROVED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, July 28, 2014 – 7:00 p.m.
TOWN HALL MEETING ROOM # 133**

1. Convene Meeting

Chairperson S. Fox convened the meeting at 7:00 p.m. and established a quorum of members.

2. Roll Call and Designation of Alternates

Present: Chairperson S. Fox, Vice Chairman M. Forlenza, Secretary M. Mulvaney, R. Huttemann

Absent: M. Kukk

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

3. Wetlands Enforcement

a. Enforcement Officer's Report

1. 64 North Lake Shore Drive #201300317

2. 20 Deerfield Road #201301082

3. 136 Grays Bridge Road #201400652: Notice of Violation dated 07/25/14

1 High Ridge Road – Chairperson Fox recently spoke with Town Counsel T. Beecher regarding this matter. A Notice will be placed on the land records for this property that a Certificate of Cease and Correct Order dated July 16, 2012, was not resolved. This was signed by Chairperson Fox, with a corrected activity number, as the matter of #201200432 was resolved by the Town; and the matter of #201200616 (Dr. Zaky placed fill in a swale in a front yard and created a blockage of subsurface ground water) has not yet been resolved. The Notice will advise future owners of the property of this outstanding issue, and will be filed under Affiliated Realty, LLC.

While the property is still out of compliance, there is no damage being done to adjoining properties or any wetlands. Chairperson Fox expressed her gratitude to Town Counsel for his assistance. Both activity numbers, #201200432 and #201200616, will remain on the report, but moved to “Cleared Enforcement”.

18 North Lake Shore Road. – The property owner continues work on the site, and will advise the Commission when completed. At that time, the Commission can determine if funds will be released.

64 North Lake Shore Drive, #201300317 – Town Counsel's letter was acknowledged, requesting compliance by July 3, 2014. No application was received by that date, so it is expected that legal action will proceed.

20 Deerfield Road, #201301082 – B. Wood of First Light has not yet inspected the milfoil barrier.

136 Gray's Bridge Road – WEO Daniel shared a photograph of GIS map of the Gray's Bridge Road, Route 7 area. She noted that much of the property along the Still River is owned by the Town or the State Department of Transportation. The Town had offered assistance to the Still River Alliance of Danbury, to remove a blockage on the river caused by a downed tree. The First Selectman asked Director of Public Works and the Director of Parks and Recreation to help. The Town departments did not check who owned the property, nor did they apply for permit. A ramp was installed to allow the excavator access to remove the trash. The actual property owner became aware of the activity at the site. The Director of Parks and Recreation completed a wetlands permit application, which was satisfactory to WEO Daniel, as it called for minimal impact, however, the property owner refused to sign the application. The excavator was removed from the property and the clean-up effort was aborted. WEO Daniel issued a Notice of Violation to the property owner, DRW Products, requesting that it allow the Town to remove what was put there, and to come to the meeting tonight. The First Selectman, Director of Public Works and Director of Parks and Recreation were copied on the NOV.

The First Selectmen emailed WEO Daniel and requested that she get in touch with the property owner, rescind the NOV, and offer apologies. She confirmed that these actions were taken. WEO Daniel, the Director of Public Works, and the Director of Parks and Recreation, will meet with the First Selectmen tomorrow, and then the property owner on Thursday.

Commissioner Huttemann inquired if the area could be accessed from Route 7, and WEO Daniel advised that the Still River Alliance was to do the work from the water until the Town offered its assistance.

G. Meade, a partner of the property owner, 28 Maple Tree Road, Brookfield, was present. He advised that the property owner was upset due to the Town working on the site without permission. His partner advised the Department of Parks and Recreation not to enter the site for any reason, and Town employees returned the following day. The property owner then advised the Highway Department that if it entered the property, the State Police would be called.

Vice Chairman Forlenza inquired who is responsible for cleaning up that area of the water, and WEO Daniel did not know. She advised that she would like to see the Town work with the property owner to assist the Still River Alliance with the clean-up. The property owner is interested in receiving proof of insurance and hold harmless agreements prior to allowing individuals on its site.

WEO Daniel will meet with the First Selectman and Directors of Public Works and Park and Recreation tomorrow, and the First Selectman will then meet with the property owner later this week.

No motions.

**b. Site Inspection Reports
40 & 64 Laurel Hill Road**

- **Letter from S. Hayden of the Northwest Conservation District dated 07/15/14 –** WEO Daniel noted that the following deficiencies are noted in the Site Inspection Report, including issues with sediment controls, site perimeter and storm drain inlets not properly protected, and sediment traps not clear and properly functioning. WEO Daniel inspected the site today, and shared photographs of the area. She advised that the drainage structure is now fully in place, but she is not sure if this will keep discharges to the site clear. WEO Daniel will follow up and see when the applicant will stabilize the area, or if it will use sediment traps, that will have to be cleaned out. WEO Daniel noted the lack of areas on the property to retain dirty water. Chairperson Fox requested that a letter be sent to the property owner advising that a written response to the Inspection Reports is required, listing the corrective actions taken. **No motions.**

4. Old Business:

a. Still River Greenway #201400000: Phase Two – Approval Stipulation #6 - The Commission is waiting for the applicant's response to its request regarding the walkway around the vernal pool. **Secretary Mulvaney moved to continue Item 4.a., Still River Greenway, #201400000, to the next regularly scheduled meeting. Commissioner Huttemann seconded the motion, and it carried unanimously.**

b. 203 Grays Bridge Rd #201400574: Install Berm for buffer & plant Norway Spruce trees; install erosion & sediment controls (dec date 09/16/14) – *Mr. B. Southard and Ms. Camilla Gallo, 3825 Oak St., Naples, FL, were present on behalf of their son.* Mr. Southard advised that the Zoning Commission recently approved an application for work on the site, and required that the IWC be consulted.

Mr. Southard reviewed the plans, pointing out an existing berm and plunge pool, that he advised are working well. He then discussed the proposed work, which will increase the grades, and involve placing boulders and trees (Norway spruce), to result in a buffer. Mr. Southard advised that some of the water will go into the plunge pool. Chairperson Fox indicated that she went to the site today, and reviewed what she saw, noting the proposal is a satisfactory plan. At the request of Secretary Mulvaney, Mr. Southard reviewed the evolution of the plunge pool since its installation.

Chairperson Fox inquired if the area ever gets dry, and Mr. Southard advised it does. There was discussion regarding the pitch of the road and its role in the presence of water on the site. Chairperson Fox requested that work be done when the area is dry, as there is a turtle or frog present in the plunge pool. Mr. Southard advised that his son has discussed possible work with the Highway Department due to the road run-off. Secretary Mulvaney requested that silt fence be installed while the work is being done on the berm. Mr. Southard indicated the area will be mulched and a row of stone will be installed, and the plunge pool will be maintained. Chairperson Fox requested that Mr. Southard stay in touch with WEO Daniel as the work progresses.

At 7:51 p.m., the batteries in the recorder were changed.

Chairperson Fox requested that the area be as dry as possible before the work is done due to the presence of the species. Mr. Southard confirmed that the plunge pool will not be relocated.

Secretary Mulvaney moved to approve Item 4.b., 203 Gray's Bridge Rd., #201400574, on a Drawing received June 14, 2010, in the Land Use Office. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

- c. **Newbury Village – Still Water Circle #201400590: Construction of nine additional townhouse units with associated site amenities along the southern side of Still Water Circle** (*First possible public hearing date: 08/25/14*); (*dec date 09/16/14*)
1. **Letter from A. Adams of CCA, LLC to the Inland Wetlands Commission dated 07/24/14 Re: Newbury Village, Still Water Circle**
 2. **Plans prepared by CCA, LLC received in the Land Use Office on 07/24/14:**
 - **Cover Sheet – Revised Site Development Plans Additional Townhouse Units Newbury Village dated 07/10/14; revised 07/18/14**
 - **Sheet N1 – General Legend, Notes and Abbreviations dated June 2012**
 - **Sheet C1 – Existing Conditions Plan dated 07/10/14**
 - **Sheet C2 – Layout & Materials Plan dated 07/10/14; revised through 07/18/14**
 - **Sheet C3 – Grading & Drainage Plan dated 07/10/14; revised through 07/18/14**
 - **Sheet C4 – Utilities Plan dated 07/10/14; revised through 07/18/14**
 - **Sheet C5 – Landscape Plan dated 07/10/14; revised through 07/18/14**
 - **Sheet C6 – Notes & Details dated 07/10/14; revised through 07/18/14**
 - **Sheet C7 – Notes & Details dated 07/18/14**
 - **Sheet C8 – Notes & Details dated 07/18/14**
 - **Sheet C9 – Notes & Details dated 07/18/14**
 - **Sheet E1 – Sedimentation & Erosion Control Plan dated 12/07/05**
 - **Sheet DA1 – Yard Drain Drainage Areas dated 07/23/14**
 - **Sheet C3 – Grading & Drainage Plan – Alternate dated 07/18/14**
 - **Sheet C5 – Landscape Plan – Alternate Plan dated 07/18/14**

S. Sullivan, PE, CCA, 40 Old New Milford, M. Handshy, Newbury Village, 901 Federal Rd., were present. Mr. Sullivan reviewed the new material submitted, including the pre-formed riprap scour hole, and 12-inch piping. He referenced his memo regarding the 24-inch pipe, with photos. He advised that

the applicant is recommending restoration to an open channel. The applicant also reviewed alternatives that included placing a swale into a rain garden, or yard drains. Secretary Mulvaney indicated he would be satisfied with either plan, but Commissioner Huttemann advised he would prefer the non-swale plan.

WEO Daniel gave the Commissioners and Mr. Sullivan information from NEMO (Nonpoint Education for Municipal Officials) regarding options that mimic natural infiltration systems, such as grass swales. WEO Daniel noted that above surface systems are easier to observe and provide more infiltration than subsurface pipes.

Mr. Sullivan suggested that the yard drains be kept, with swales between them. The Commissioners indicated they would prefer a mixed option that would remove the pipe, and allow discharge to a plunge pool. A rain garden would not be necessary. The mixed option will also save money and time with maintenance.

The changes were made to page C3 of the plans. Mr. Sullivan will incorporate them onto a new plan and submit it to the Land Use Office. The changes include: 1) removing a 24" CMP pipe and restore it to an open channel with core logs and corrected elevations (the side slopes will be seeded); 2) providing a swale intermittent between yard drains and discharging roof leaders into the swale; 3) the plans do not include a rain garden.

Secretary Mulvaney moved to approve Item 4.c., Newbury Village, Still Water Circle, #201400590, with the notations added on Drawing C3, to remove the 24" CMP and restore the open channel with core log and vegetative grasses, and an additional note: to provide swale between yard drains and discharge roof leaders into swales. Commissioner Huttemann seconded the motion, and it carried unanimously.

5. New Business:

- a. 44 Obtuse Road South #201400649: Restore pond and adjacent slope to original depth, grade shoreline to meet existing pasture grade**
 - 1. Adjacent Property Owners List prepared by Nazzaro Inc. received in the Land Use Office on 07/24/14**
 - 2. Construction Sequence prepared by Nazzaro Inc. received in the Land Use Office on 07/24/14**
 - 3. Required Equipment & Supplies List prepared by Nazzaro Inc. received in the Land Use Office on 07/24/14**
 - 4. Pond Dredging Plan for 44 Obtuse Road North dated 04/20/14; received in the Land Use Office on 07/24/14**

WEO Daniel advised that this is a new lot. The property owner would like to dredge the pond to make it recreational. The current condition of the pond is unknown. WEO Daniel noted that any issues with dredging usually involve how to dispose of the material. She pointed out an area on the property where there are a lot of wetlands. She will provide the Commissioners with information on dredging, as well as a surveyed map of the topography, wetlands and streams on the site.

WEO Daniel will let the property owner know that the Commissioners would like to inspect property prior to the next meeting.

Secretary Mulvaney moved to continue Item 5.a., 44 Obtuse Road South, #201400649, to the next regular meeting with the understanding that the Commissioners will inspect the site. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

6. Tabled Items: None.

7. **Correspondence:**

- a. **Minutes of Other Boards & Commissions: 07/10/14 Zoning; 07/17/14 Planning**
- b. ***The Habitat* Volume 26 Number 3 Summer 2014**

No discussion/no motions.

8. **Review Minutes of Previous Meetings: 06/23/14** – Secretary Mulvaney noted the following correction on Page 2, re: 54 Obtuse Road North, in the motion, to change “Secretary Fox” to “Chairperson Fox”. Chairperson Fox moved to approve the Minutes of 6/23/14, with administrative change on Page 2, “Secretary Fox” to “Chairperson Fox”. Vice Chairman Forlenza seconded the motion, and it carried, 3-0-1, with Vice Chairman Forlenza abstaining.

07/14/14 – Secretary Mulvaney moved to approve the Minutes of 7/14/14. Vice Chairman Forlenza seconded the motion, and it carried, 3-0-1, with Commissioner Huttemann abstaining.

9. **Informal Discussion:**

When there is a full Commission present, Chairperson Fox would like to discuss vernal pools. Additionally, Secretary Mulvaney advised he would like to review native invasives versus non-native invasives species, and Vice Chairman Forlenza offered to obtain information on this topic.

Vice Chairman Forlenza noted that per State statute, applications must be approved by the IWC prior to Zoning Commission approval. While both applications may be filed simultaneously, the Zoning Commission should wait for IWC approval prior to deciding an application. It was suggested that a note be sent to the Zoning Commission regarding the sequence of application review.

Secretary Mulvaney inquired if NOV’s should come before the Commission before being issued. Chairperson Fox noted that most of the enforcement decisions need to be made right away and cannot wait for a regular meeting. The Commission agreed that what happened with the Still River issue was a rare occurrence, and most matters can be handled at the discretion of the Wetlands Enforcement Officer.

No motions.

10. **Adjourn:**

Commissioner Huttemann moved to adjourn the meeting at 8:40 p.m. Secretary Mulvaney seconded the motion, and it carried unanimously.

Next regular meeting scheduled for August 11, 2014