

**REVISED DRAFT MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, August 11, 2014 – 7:00 p.m.
TOWN HALL MEETING ROOM # 133**

1. Convene Meeting

2. Roll Call and Designation of Alternates

Present: Chairman S. Fox, Secretary M. Mulvaney, M. Kukk, R. Huttemann

Absent: Vice Chairman M. Forlenza

Also Present: Recording Secretary N. Mack

3. Wetlands Enforcement

a. Enforcement Officer's Report

1. 64 North Lake Shore Drive #201300317

2. 20 Deerfield Road #201301082

b. Site Inspection Reports

40 & 64 Laurel Hill Road (The Residences at Laurel Hill)

• **Letter from S. Hayden of the Northwest Conservation District dated 07/30/14**

• **Letter from S. Hayden of the Northwest Conservation District dated 08/06/14**

Chairperson Fox said she saw the site report for this property and all seems to be going along fine.

Chairperson Fox moved to go to Agenda item 4a – Still River Greenway

Old Business:

4.

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

Chairperson Fox said she didn't see anything new on this application. The Commission is still waiting for the Town who is the applicant to provide an updated plan or some different kind of information by the area "vernal pool".

Secretary Mulvaney moved to continue item 4.a. – Still River Greenway #201400000 to the next meeting. Chairperson Fox seconded the motion and it carried unanimously

b. 44 Obtuse Road South #201400649: Restore pond and adjacent slope to original depth; grade shoreline to meet existing pasture grade (dec date: 09/30/14)

Chairperson Fox and Secretary Mulvaney said they had trouble finding the pond to see it. Chairperson Fox said it's important for her to see the pond because of the dredging that will take place and to see where the material is going. Secretary Mulvaney said he would like documentation from the adjacent property owner since some of the soil will be on his property according to the drawing. A map was opened for review and the property lines were noted. *Gene Nazzaro of Nazzaro Inc., P.O. Box 509, Georgetown Ct. was present as the representative for Steven Rutcamp (property owner).* Commissioner Huttemann stated that he saw the property. G. Nazzaro said the pond is man-made. He stated the pond needs to be cleaned out to bring it back to its original depth and shape. The slope is steep with the bank coming down. Pulling back the line will make the pond a lot nicer. The pond was shown on Secretary Mulvaney's iPad. Discussion ensued on how to get to the pond. It was noted that the process would be to secure a permit and then set up a submersible pond and pump water out of pond into a dirt bag. Timber mats would be used to go into the pond. The material would be loaded onto a truck to transport to the spoil area. Secretary Mulvaney asked how thick the material would be and G. Nazzaro replied about three feet. Mr. Nazzaro said the pond is spring fed. There was discussion about water flow of a nearby creek. Chairperson Fox inquired about plantings and Mr. Nazzaro said there isn't a current plan at the moment. Mr. Nazzaro said a three to one slope needs to be maintained in the pond and that two to one ratio would be too steep. Chairperson Fox asked if there would be trees taken down. Mr. Nazzaro said some trees would have to be cut back. Secretary Mulvaney said the Commission is only interested in removing invasive plants. Mr. Nazzaro said the entire process would take about a month. He will coordinate with K. Daniel to check on the progress of the job. The Commissioners said they are going to try to visit the site soon to understand the situation better.

Secretary Mulvaney motioned to continue 44 Obtuse Rd South, Application #201400649 to the next regular scheduled meeting and the motion carried unanimously.

At 7:27 pm the commission took a break before beginning the Public Hearing.

PUBLIC HEARING: 7:30 pm:

36 North Mountain Road #201400591: Proposed 12-lot residential affordable subdivision (Mountain Road Hollow) with associated road and utilities (PH Close date: 09/14/14)

a. Letter from D. Virbickas of Artel Engineering Group, LLC to the Inland Wetland Commission dated 08/06/14 Re: Mountain Road Hollow, 36 North Mountain Road

Chairperson Fox opened the public hearing and introduced the members of the Commission which are all voting members. Secretary Mulvaney read the legal notice for the public hearing which was published in the Penny Saver on July 31, 2014 and August 7, 2014. Chairperson Fox noted that the Application was received on July 14, 2014 and reviewed the policies and procedures that govern public hearings. A letter from Dainius Virbickas, Artel Engineering was the only correspondence in the file.

Attorney Peter Scalzo, 2 Stony Hill Rd, Bethel, CT and Nancy Levesque P.E., CCA, 40 Old New Milford Rd Brookfield CT were present. Attorney Scalzo along with N. Levesque presented information about this public hearing application. Attorney Scalzo said this property is a 17 acre parcel in the R100 Zone. He explained that the affordable component of this application is really a planning and zoning issue. He explained that under 8-30g of the Connecticut General Statutes a developer can do smaller lots restricting a certain percentage of lots for affordable housing. Nancy Levesque from CCA presented the wetlands impacts.

The Grading and Topography plan was on display for review. N. Levesque said the property has 3 locations containing wetlands. One area is along No. Mountain Rd. where there is a water course which runs along open space property. There is approximately seventy-two feet of watercourse that would be disturbed. Right now the Open Space area is rocky with large boulders and not much vegetation. There are several outlets across No. Mountain Road which flow onto the open space property and then flows through the frontage of this property. There is also a large drainage area that goes in and through this crossing. N. Levesque is proposing a road in from No. Mountain. All of the lots in the area are served by private wells and septic systems. There is a detention basin proposed to handle runoff. There is also an existing recharge basin which serves Granite Drive in the Brookfield Heights area. The open space for this development was donated to the town as part of the Brookfield Heights development. The grading goes from north to south and west to east. A portion of the areas run off drains toward Route 7 and another portion drains toward the open space property.

There are three wetlands: one with a watercourse which would need an access for crossing. The second is an intermittent watercourse which begins south of the proposed detention basin. The outlet for the detention basin is to the east of where the wetlands begin. The third wetland area is within the recharge basin. Roy Shook, a soil scientist did a report demonstrating that the recharge basin has turned into a wetland area. Secretary Mulvaney asked when that recharge basin was installed. *The property developer, Jason Sivo, 13 Nabby Road Brookfield was present.* Mr. Sivo said it was probably done in 2007.

Mr. Sivo said he is not sure if there will be twelve or thirteen wells on the property. He is currently working with Aquarian.

Chairperson Fox said the commission will only look at what they are given. Secretary Mulvaney asked about the access and if any part of the property can be used without crossing wetlands? N. Levesque said no. She explained about the lowness of the grading and that the steepness would not meet town standards.

Chairperson Fox asked Nancy to explain the construction sequence for this crossway. N. Levesque said there isn't a large area to work with and that tree cutting would occur. The culvert would be quickly dug out during the dry season and then it would then be filled back in with some material. Chairperson Fox asked for the number of trees that would need to be taken down and N. Levesque has not determined that yet. Chairperson Fox said she would like to have that information once it is known.

Chairperson Fox asked D. Virbickas if there was anything he would like to add and he said the application is straight forward. He said he would like to see how the crossing will be done and that the crossing is about fifteen feet wide. He's not sure if the pipes downstream are sized appropriately. He also mentioned that the detention basin doesn't seem to line up with the existing drainage swale on the property. In order to make a complete analysis he would need some more information. Chairperson Fox asked if there were two discharge areas and Nancy said there is a forebay. There is also a small one foot gentle berm in the basin. Most of the sediments in the road will get trapped in that fore bay which is part of the design of the basin. There would also be some rip rap. The drainage report has a maintenance schedule.

Chairperson Fox inquired who would be responsible for the maintenance of the pond. Attorney Scalzo said they might form an association for common duties and that they would put a declaration on the land records so when someone buys a lot there that landowner will assume part of the duties.

Dainius said another element to review is a large stretch of road without drainage which needs to be planned better. Secretary Mulveney asked if anyone had a chance to survey a shared culvert next door because he is concerned about adding more runoff into this culvert. He requested it to be sized to accommodate the flow. N. Levesque said there is another culvert which is shown on the existing conditions plan and that the water will get detained long enough so that it will help with the flow and it is sized to the 100 year storm guidelines.

Commissioner R. Huttemann N. Levesque if she knows what the volume of the pond is and she said the information should be in the report. The Commissioners told members of the public at the hearing they are free to come up and look closer at the map being presented.

Sections of the drainage report were discussed, particularly page 2 of the report. **Drainage maps need to be delivered to the commissioners.** N. Levesque said she will get these maps to the commissioners by tomorrow. These maps also need to go to D. Virbickas at Artel Engineering. Chairperson Fox said this is a large Watershed area that will be draining.

Chairperson Fox opened the floor to questions from the public. *Ada McMahon 9A Gereg Glen rd.* Inquired about what type of housing this will be and what exactly is considered in the income aspect of it. Chairperson Fox explained that questions about affordable housing isn't what the Wetlands Commission is concerned with. She informed Ms. McMahon that this application will also be presented to the Planning Commission and the Zoning Commission at which point these things will be discussed at a Public Hearing. The developer, Jason Sivo was given a chance to explain a little about the proposed development. He said 3 of the lots will be affordable housing. Attorney Scalzo then explained this is really a Planning Commission question but that the lots will be similar to Gereg Glen homes. There will be 4 bedroom homes of approximately 3,000 sq. ft. and 30% of these homes will be affordable (Deed Restricted). The affordable homes will have less square footage but it will maintain the same characteristic as the others.

Mike DeCosta 13 Gereg Glen Rd wanted to know about an existing drainage issue at the bottom of the hill on North Mountain Rd near the Route 7 underpass. His concern is about additional runoff that might take place when the area is re-graded. He also asked if there is a community well that is down grade. J. Sivo said the community well was abandoned when Aquarian took over. Attorney Scalzo said the goal is to have the post construction drainage runoff be the same or less than it is now.

Christine Sloan of 11 Gereg Glenn said there is an issue with water in that area whenever it rains or snows. She also noted that some trees have already been cut down and Chairperson Fox said there is a current violation on the property.

Pat Walsh, 18 Deer Run rd. said her neighborhood has been on the Aquarian well as long as she has been living in her home which is since 1983. She said Aquarian had to deepen the well two times.

Chairperson Fox said there is no purview for wetlands to do aquifer protection. Zoning can do this. Pat Walsh questioned who will pay to maintain this catch basin and how this will work with Affordable Housing.

Gloria Furlong of 9 Flax Hill Rd – talked about straightening North Mountain Road because she feels it's a very dangerous road.

Mike DeCosta, 13 Gereg Glen Rd. asked if any consideration was given to the animal environment and Chairperson Fox said yes, that it's part of a wetlands application. This report was done by an environmental consultant and nothing was identified as being of great concern.

Chairperson Fox polled the audience and asked if there was anyone who wanted to speak in favor of the application and there was no response. There was also no response of anyone opposed to the application either.

Secretary Mulvaney motioned to continue the Public Hearing for 36 North Mountain Road Application #201400591 to the next regularly scheduled meeting on August 25, 2014 at 7:30 pm. The motion was seconded by Commissioner Kukk and carried unanimously.

5. New Business:

- a. **43 North Mountain Rd #201400670: Replace existing 22' by 30' Garage with 24' by 24' Garage (dec date: 10/14/14)**
 1. **Town of Brookfield, CT GIS Map showing proposed location of replacement garage at 43 North Mountain Road received in the Land Use Office on 07/28/14**
 2. **Garage Project Plan submitted by James H. Galloway, applicant, received in the Land Use Office on 07/28/14**

Applicant James Galloway, 43 No. Mtn. Rd was present. Chairperson Fox looked at a map of the garage. The proposed garage is 24' x 24'. This house is between Woodcreek and Flax hill. Chairperson Fox asked for a guess of how far the garage would be to the wetlands and Mr. Galloway said about 20 feet. He said the garage is square on the plan and that he would be encroaching two feet closer to the wetlands. New Concrete will be poured since the old foundation was broken and needs to be taken out and carted away. There was discussion about the slope of the property and Chairperson Fox said she wants to be sure that more water doesn't get sent into the wetlands. There will be silt fences and hay bales. The Barnyard is the contractor. **Chairperson Fox requested that the applicant obtain a construction sequence from the contractor.** Secretary Mulvaney asked about possible shifting the barn. James explained that would add more water into the wetlands.

Chairperson Fox said she would like to receive the following from the contractor: the location of silt fence; the construction sequence; where old material will go and confirm top soil strip (map it). Secretary Mulvaney asked applicant to try not to encroach as much on the wetlands. The commission will go out and take a look at it. They want to confirm the proposed location.

Secretary Mulvaney made a motion to continue 43 North Mountain Road Application #201400670 to the August 25, 2104 meeting. Motion was seconded by Commissioner Kukk and carried unanimously.

b. 96 North Lake Shore Dr #201400695: Garage (dec date: 10/14/14)

1. Copy of Site Plan showing Proposed Garage at 96 North Lake Shore Drive received in the Land Use Office on 08/06/14

This is a Short Form Application. Applicant Jeff Strang was present with his wife Linda Reddington, 96 North Lake Shore Dr. Mr. Strang said he would like to add a one car garage to his existing home on the front of his house. The Site Plan was reviewed. The map shows a proposed silt fence. The proposed location of the garage does not have an existing driveway. Chairperson Fox said this application is very straightforward however, this application will have to wait another two weeks due to a new State Law.

Secretary Mulvaney made a motion to continue 96 North Lake Shore Drive, application #201400695 to the August 25, 2014 meeting seconded by Commissioner Huttemann and carried unanimously.

c. 3 Hollow Oak Ln #201400696: Septic Repair Plan (dec date: 10/14/14)

- 1. Name & Addresses of Adjoining Property Owners List received in the Land Use Office on 08/06/14**
- 2. Drawing 14022-R3 – Subsurface Sewage Disposal System Plan “Repair” prepared by R.J. Gallagher Jr. & Associates dated 04/24/14; revised through 07/30/14**

Ralph Gallagher, professional engineer was present as the applicants representative, 39 Mill Plain Rd Danbury. He stated that the house is for sale and that the septic system was inadequate. In working with the Towns Sanitarian, Paul Avery they were able to design a new location for the septic system on the property. There is a small drainage ditch and possibly some wetlands. The property is flat so when the silt fence goes up no water will run. The map of the new septic system was reviewed and Chairperson Fox highlighted some changes she would like on the map.

A motion was made by Secretary Mulvaney to continue 3 Hollow Oak Ln, application #201400696 to the August 25, 2014 meeting seconded by Chairperson Fox and carried unanimously.

d. 134 North Lake Shore Dr #201400704: Modification to Existing Permit #201300775 for plantings & walls (dec date: 10/14/14)

- 1. Proposed Landscape Design – Landscape Design #1 prepared by ELM Glade Landscaping ELM Glade LLC dated 06/26/14; received in the Land Use Office on 08/07/14**
- 2. First Light Letter of Filing Consent for 134 North Lake Shore Drive dated 08/07/14**

Robert Logan, 134 North Lake Shore Dr. was present. This application is a modification to an existing approval. He is proposing to change the slope on his property since the land falls steeply. The map was reviewed and Mr. Logan said he will reduce the amount of impervious surface. The proposed plan will change the area from a stone patio to planting beds. The plantings he is proposing are on First Lights approved list. There will be one canopy tree. Chairperson Fox said that the Wetlands Commission has the final say on which plants get planted. She informed the applicant that there would need to be a landscaping bond. The Commission wants to see the list of plants including the cost per plant. Mr. Logan said the concern he has with the plant list is that he would only plant half at first in order to see what takes. The quality of the soil is great in a certain section of the property but there is some question about the soil in another spot. Chairperson Fox said Mr. Logan should give the list to the Commission and it can be modified at a later date.

Secretary Mulvaney made a motion to continue 134 North Lake Shore Drive application #201400704 to the August 25, 2014 meeting which was seconded by Commissioner Kukk with all in favor.

6. Tabled Items:

7. Correspondence:

- a. Minutes of Other Boards & Commissions: 07/24/14 Zoning; 08/04/14 Zoning Board of Appeals; 08/07/14 Planning
- b. Letter from L. Brunza of the CT DEEP to the Town of Brookfield dated 07/21/14 Re: Limekiln Brook
 - Diversion Permit – Limekiln Brook dated 07/22/14

8. Review Minutes of Previous Meetings: 07/28/14

Motion to approve the minutes of the 7/28/14 wetlands meeting made by Secretary Mulvaney and seconded by Commissioner Huttemann. Motion carried 3-0-1 with Commissioner Kukk Abstaining.

9. Informal Discussion:

10. Adjourn: 9:30

Secretary Mulvaney moved to adjourn the meeting at 9:30 p.m. Commissioner Kukk seconded the motion and it carried unanimously.

*****Next regular meeting scheduled for August 25, 2014*****