

**APPROVED/AMENDED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, August 25, 2014 – 7:00 p.m.
TOWN HALL MEETING ROOM # 135**

1. Convene Meeting

Acting Chairman and Secretary M. Mulvaney convened the meeting at 7:07 p.m. and established a quorum of members.

2. Roll Call and Designation of Alternates

Present: Acting Chairman and Secretary M. Mulvaney, M. Kukk, R. Huttemann

Absent: Chairperson S. Fox

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

3. Wetlands Enforcement

a. Enforcement Officer's Report

2. 20 Deerfield Road #201301082 - WEO Daniel advised that she has an appointment with B. Wood of First Light on September 4, 2014, to determine if the material placed on the lake bottom has been effective. The lake drawdown is scheduled for November 10-16, 2014. If it is determined that the material is not effective, First Light will likely remove it.

3. 136 Grays Bridge Road #201400652 – This matter involves an issue arising from the Town putting a ramp on property it does not own. The property owner removed the debris from the river, and has consulted with an engineering firm regarding removal of the ramp. He will provide the Commission with a plan within two weeks.

1. 64 North Lake Shore Drive #201300317 – The Town Attorney is proceeding with legal action.

b. Site Inspection Reports

40 & 64 Laurel Hill Road

- Letter from S. Hayden of the Northwest Conservation District dated 08/14/14
- Email from J. Treschitta of Dakota Partners to S. Hayden and K. Daniel dated 08/20/14
- Letter from S. Hayden of the Northwest Conservation District dated 08/22/14

Noted.

Commissioner Huttemann moved to go to Agenda Item 4.a., Still River Greenway. Commissioner Kukk seconded the motion, and it carried unanimously.

4. Old Business:

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

1. Letter from C. Ferry to the Wetlands Commission dated 08/20/14

G. Nazzaro, Nazzaro, Inc., Georgetown, CT, was present. Acting Chairman and Secretary Mulvaney noted the receipt of a letter from the adjacent property owner in favor of the application. None of the Commission members were able to inspect the lot. WEO Daniel advised she had no comment on the application. Mr. Nazzaro discussed the neutralizing process of the soil, and advised it is his intent to strip the top soil first. Acting Chairman and Secretary Mulvaney inquired regarding location of silt fence, and Mr. Nazzaro pointed out its location on the plans. There were no additional concerns expressed by the Commission.

Commissioner Huttemann moved to approve Item 4.b., 44 Obtuse Rd. South, #201400649, as shown. Commissioner Kukk seconded the motion, and it carried unanimously.

Mr. Nazzaro will send a letter to the Land Use Office advising it of the start date of work.

c. 43 North Mountain Rd #201400670: Replace existing 22' by 30' Garage with 24' by 24' Garage (dec date: 10/14/14)

1. Letter from E. Skinner of the Barnyard to Town of Brookfield Inland Wetlands Commission/Land Use Office dated 08/20/14 Re: Garage Project

The above-listed letter from the Barnyard was noted. *J. Galloway, 43 North Mountain Rd., was present.* It was pointed out that there is a new map in the file. The silt fence location was described as being close to the wetlands, and there was discussion regarding excavating in that area. **Commissioner Huttemann moved to approve the plans as shown for 43 North Mountain Rd., #201400670. Commissioner Kukuk seconded the motion, and it carried unanimously.**

d. 96 North Lake Shore Dr #201400695: Garage (dec date: 10/14/14) – No one present.

The discussion from the last meeting was noted. **Commissioner Kukuk moved to approve 96 North Lake Shore Dr., #201400695. Commissioner Huttemann seconded the motion, and it carried unanimously**

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

1. Drawing No. 14022-R4 – Subsurface Sewage Disposal System Plan Repair prepared by R.J. Gallagher Jr. & Associates dated 04/24/14; revised through 08/12/14

The application and the discussion at the last meeting were reviewed. **Commissioner Kukuk moved to approve Item 4.e., 3 Hollow Oak Ln., #201400696, Septic Repair Plan, with the drawing entitled, “R. J. Gallagher, Jr. & Associates, dated April 24, 2014, received August 6, 2014, with the modifications written in on August 11, 2014, by the Commission. Commissioner Huttemann seconded the motion, and it carried unanimously.**

Commissioner Kukuk moved to start the Public Hearing at 7:30 for 36 North Mountain Road, #201400591. Commissioner Huttemann seconded the motion, and it carried unanimously.

CONTINUED 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)

1. Letter from S. Hayden of the Northwest Conservation District dated 08/20/14 Re: Third Party Review of Mountain Road Hollow Affordable Subdivision, 36 North Mountain Road

It was noted that the only new item related to this application is the above-listed letter from S. Hayden.

Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, was present. M. Lillis, PE, CCA, 40 Old New Milford Rd., is present in place of N. Levesque. Attorney Scalzo advised that the applicant does plan to address the comments of D. Virbickas.

S. Hayden, Soil Scientist, Northwest Conservation District, was present. He noted that after inspecting the lot, he determined that the road is a main passage for the water. Mr. Hayden advised that while there is not a lot of wetlands impact, there is upland review impact associated with the proposal. He stated that he felt the basin at Brookfield Heights is oversized and is a good storm water quality basin. He suggested that the basin at the bottom of the road be turned into a water quality structure. Mr. Hayden further advised that the project will require an additional general permit from the State for disturbing an area of more than five acres.

J. Sivo, 13 Nabby Rd., Brookfield, CT, was present. He discussed that the Town has a regulation that it cannot issue a building permit unless the road is paved, noting that if the road is paved, the drainage work is done.

Mr. Hayden suggested that the developer work on every other lot so that one is stabilized before work starts on the next. Mr. Lillis referenced phasing of projects that is addressed in the ordinance.

There were no questions from the audience. No one was present to speak in favor of the application, nor was anyone present to speak in opposition.

There was discussion regarding extending the date of the public hearing close date. WEO Daniel advised it could be extended sixty-five days from September 14, 2014.

Commissioner Kukk moved to continue the Public Hearing for 36 North Mountain Road, #201400591, Proposed 12-lot residential subdivision, to the next regularly scheduled meeting on September 8, 2014, at 7:30 p.m. Commissioner Huttemann seconded the motion, and it carried unanimously.

Commissioner Kukk moved to go to Agenda Item 4.f., 134 North Lake Shore Drive, #201400704. Commissioner Huttemann seconded the motion, and it carried unanimously.

f. 134 North Lake Shore Dr #201400704: Modification to Existing (dec date: 10/14/14)
R. Logan, 134 North Lake Shore Dr., was present. A planting list of approximately 100 plants was submitted for the file. WEO Daniel discussed the objective of bonding on commercial and residential properties. Acting Chairman and Secretary Mulvaney pointed out that First Light may wish to have the project bonded. The work on this project will be done in two phases. WEO Daniel would have to verify that eighty percent of the plants survive for three growing seasons, at which time the applicant can request that the bond be released. Acting Chairman and Secretary Mulvaney recalled Chairperson Fox's concern expressed at the last meeting. It was noted that the material costs for the total project are \$1,118.00.

Commissioner Kukk left the room at 7:50 p.m. for less than a minute

Acting Chairman and Secretary Mulvaney discussed First Light's requirement of planting fifty percent of property owners' lawns, and Mr. Logan noted its strict enforcement of that requirement. Acting Chairman and Secretary Mulvaney suggested a bond in a smaller amount.

Commissioner Huttemann moved to accept 134 North Lake Shore Dr., #201400704, Modification to Existing Design, dated 6/26/2014, and to have the bond set at \$750.00, for the Logan Residence. Commissioner Kukk seconded the motion, and it carried unanimously.

Commissioner Kukk moved to go to Agenda Item 5.b., 140 Federal Road, #201400769. Commissioner Huttemann seconded the motion, and it carried unanimously.

5. New Business

- b. 140 Federal Rd #201400769: Modification to approval (Existing Permit #201300191 Chick-fil-A modification to drainage plan**
- 1. Letter from D. Pedersen to the Inland Wetlands Commission dated 08/22/14**
 - 2. Statewide Inland Wetlands & Watercourses Activity Reporting Form**
 - 3. Plans prepared by the Lauro Group received in the Land Use Office on 08/22/14:**
 - Sheet C3.0 - Grading and Drainage Plan dated 01/10/13; revised through 08/22/14**
 - Sheet L-1 – Landscape Plan dated 01/10/13; revised through 08/22/14**

- **Sheet L-1.1 – Rain Garden Details dated 01/10/13; revised through 08/22/14**

D. Pedersen, PE, Senior Group Project Manager, The Lauro Group, 1 Suffolk Square, 1601b Veterans Memorial Highway, Suite 330, Islandia, NY, was present.

Acting Chairman and Secretary Mulvaney reviewed the components being requested in the modification per Mr. Pedersen's letter dated 8/22/14 (above). He reviewed the three outfalls: A, where the pipe is clogged, and indicated he has spoken with the property owner; B, which is newly constructed; and C. The applicant designed the system to treat the storm water before it leaves the system and goes to wetlands. Chick-fil-A is scheduled to open October 9, 2014.

Mr. Pedersen reviewed the plantings and outlet structure in the rain garden. He indicated that the other proposed outlet will provide an exit for roof/clear water to a landscaped area. For the last outlet, the applicant would like to do another rain garden, but Mr. Pedersen noted its proximity to the wetlands.

Acting Chairman and Secretary Mulvaney inquired if the runoff would increase at all, and Mr. Pedersen indicated that new pavement would be picked up, but the impervious area is the same that was present for the Burger King restaurant. He also pointed out that additional landscaping would be installed. WEO Daniel agreed that there was no increase in impervious surface. The plan will improve water quality.

Acting Chairman and Secretary Mulvaney stamped in hard copy of revised plans and Mr. Pedersen's letter.

Commissioner Huttemann moved to continue 140 Federal Road, #201400769, Modification to approval, existing permit #201300191, Chick-fil-A, modification to the drainage plan, to the next regularly scheduled meeting. Commissioner Kukuk seconded the motion, and it carried unanimously.

There was discussion regarding the timing of the business opening. The Commission would like for Chairperson Fox and Vice Chairman Forlenza to have the opportunity to express any questions/concerns they might have at the next meeting.

- a. **8A Stage Rd #200800009: Newbrook Ridge Subdivision**
 1. **Letter from Matthew J. Popp of Environmental Land Solutions LLC dated 08/08/14 Re: 8A Stage Road**
 2. **Sheet SE1 – Overall Site Development Plan originally prepared by McChord Engineering Associates, Inc.; revised by Environmental Land Solutions, LLC with revisions to on site mitigation plan dated 08/20/14**
 3. **Email from M. Popp to K. Daniel dated 08/21/14 Re: Newbrook Subdivision**
 4. **Inland Wetlands Approval Letter dated 07/16/08 (for reference)**
 5. **Inland Wetlands Permit dated 07/30/10 (for reference)**

No one was present. WEO Daniel explained that the original subdivision approval involved off-site mitigation to two town-owned parcels. She indicated that the road has been constructed and the site is stable, and no longer subject to erosion control monitoring. Upon her inspection, she found numerous dead trees. S. Hayden also reviewed the area. WEO Daniel spoke with the applicant's landscape architect to discuss a possible mitigation on development. This was forwarded via a letter from M. Popp dated 8/8/14, which was read by Acting Chairman and Secretary Mulvaney. After some discussion regarding the history of the development, and possible causes of the trees' demise, the Commission indicated it would request that the developer's landscape expert provide the mitigation proposal on plans.

Commissioner Kukuk moved to continue Item 5.a., 8A Stage Rd., #200800009, Newbrook Ridge Subdivision, to the next regularly scheduled meeting with the stipulation that the applicant provide a site mitigation plan. Commissioner Huttemann seconded the motion, and it carried unanimously.

6. **Tabled Items:** None.
7. **Correspondence:**
 - a. **Minutes of Other Boards & Commissions: 08/07/14, 08/21/14 Planning; 08/14/14 Zoning - Noted.**
8. **Review Minutes of Previous Meetings: 08/11/14** – With regard to the discussion re: 96 North Lake Shore Drive, on Page 5, Acting Chairman and Secretary Mulvaney questioned if the State Law referenced in the last sentence is indeed a “new” State law. This matter will be discussed at the next meeting. **Commissioner Kukk moved to review the Minutes of the 8/11/14 Meeting to the next regularly scheduled meeting. Commissioner Huttemann seconded the motion, and it carried unanimously.**
9. **Informal Discussion:** None.
10. **Adjourn:** Commissioner Huttemann moved to adjourn the meeting at 8:24 p.m. Commissioner Kukk seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for September 8, 2014*****