

**APPROVED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, September 8, 2014 – 7:00 p.m.
TOWN HALL MEETING ROOM #209**

1. Convene Meeting

Chairperson Fox convened the meeting at 7:03 p.m. and established a quorum of members.

2. Roll Call and Designation of Alternates

Present: Chairperson S. Fox, Vice Chairman M. Forlenza, M. Kukk

Absent: Secretary M. Mulvaney, R. Huttemann

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 – WEO Daniel reported that she spoke with Attorney Beecher today, and confirmed that he is pursuing legal action. The Commission verified for WEO Daniel that it had decided that if the property owner did not apply for a permit by the July deadline, it wished to have Town Counsel pursue the matter.

2. 20 Deerfield Road #201301082 – WEO Daniel visited the site with B. Wood of First Light. She reported that not much milfoil was observed, however, the cove is filled with algae. The violation relates to the property owners installing a barrier to prevent the milfoil growth without the permission of the Commission or First Light. Although WEO Daniel noted some reduction in milfoil growth, she and Mr. Wood are in agreement that the barrier should be removed. He will request that of the property owner, and WEO Daniel will continue to follow this matter.

3. 136 Grays Bridge Road #201400652 – WEO Daniel recalled that this matter relates to a ramp being installed by the Town on someone else's property in an effort to clean trash out of the Still River. The Notice of Violation that was issued requested that the property owner allow the Town to remove the ramp, but the property owner has not yet permitted the Town to do that. The property owner is expected to provide an engineered plan for the removal of the ramp. Chairperson Fox polled the audience to determine if anyone was present to discuss this matter, and no one was. WEO Daniel will follow up with a phone call to the property owner as he had advised her that the plan would be forthcoming. Chairperson Fox noted that there is no pending impact to the wetlands.

b. Site Inspection Reports

40 & 64 Laurel Hill Road

- **Letter from M. Morin of the Northwest Conservation District dated 08/26/14**

WEO Daniel noted that the project is moving along quickly.

4. Old Business:

a. Still River Greenway #201400000: Phase Two – Approval Stipulation #6 – WEO Daniel will follow up regarding the vernal pool and a crossing that will accommodate the habitat. The applicant is attempting to coordinate the plan with pending permits with two other agencies.

Chairperson Fox moved to continue the Still River Greenway, #201400000, to the next regularly scheduled meeting. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

b. 8A Stage Rd #200800009: Newbrook Ridge Subdivision: Request for Modification to Site Mitigation Plan (dec date 10/28/14)

- 1. Sheet SE1 – Overall Site Development Plan prepared by McChord Engineering Associates, Inc.; revised on 08/20/14 by ELS for On Site Mitigation Plan**

WEO Daniel advised that this is a change to the mitigation plan that was submitted with the original approval. At the last meeting, the Commission requested that the details of the plan be placed on the map, and that information was overlooked at the meeting, but is in the file. WEO Daniel explained that the original mitigation plan was to clear invasives on nearby Town-owned property. The revised mitigation will accomplish clearing invasives on the applicant's own property. Chairperson Fox reviewed the file, and located the mitigation proposal on the plans, as well as the August 8, 2014 letter from Mr. Popp. It was noted that there is already a bond on this site. **Commissioner Kukk moved to approve Item 4.b., 8A Stage Road, Modification to the Site Mitigation Plan, per Sheet SE1 – Overall Site Development Plan prepared by McChord Engineering Associates, Inc., revised on 08/20/14 by ELS for On Site Mitigation Plan. Vice Chairman Forlenza seconded the motion, and it carried unanimously.**

- c. **140 Federal Rd #201400769: Modification to approval – Existing Permit #201300191 Chick-fil-A modification to drainage plan (dec date 10/28/14)**

The discussion regarding the rain garden at the last meeting was recalled, and the plan was reviewed. **Commissioner Kukk moved to approve Item 4.c., 140 Federal Rd., #201400769, Modification to approval – Existing Permit #201300191, Chick-fil-A modification to drainage plan. Vice Chairman Forlenza seconded the motion, and it carried unanimously.**

5. **New Business:**

- a. **54 Obtuse Road North #201400804: Modification to Existing Permit #201400456 for Tree Removal**

1. **Sheet LS – Mitigation Plan prepared by CCA, LLC dated 07/10/14; revised through 09/04/14**

A. Garzi and F. Cereno were present. Mr. Garzi reviewed what was previously approved. Utilizing the CCA Plan, he then pointed out the trees that are unhealthy and must be removed. The trees were unable to be seen previously due to the height of invasive species. None of the trees are in the wetlands. The stumps will be ground and nothing will be left on the site. Chairperson Fox inquired if the applicant would be willing to replace some of the trees, and pointed out the desired locations. Mr. Garzi indicated he would speak with the landscape architect regarding appropriate species selection(s) for seven trees to plant in the area. **Vice Chairman Forlenza moved to approve Item 5.a., 54 Obtuse Road North, Modification to the Existing Permit #201400456, the removal of 13 total trees on the site plan, to be replaced by 4 trees in the northeast section; tree list of suitable, native to Connecticut trees, to be provided to Land Use staff to be reviewed. Commissioner Kukk seconded the motion, and it carried unanimously. The applicant has sixty (60) days to provide this list.**

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) –

Vice Chairman Forlenza moved to open and recess the Continued Public Hearing for 36 North Mountain Road, #201400591: Proposed 12-lot residential affordable subdivision (Mountain Hollow Road) with associated road and utilities. Commissioner Kukk seconded the motion, and it carried unanimously.

Mr. C. Delia, was present, and requested clarification as to what was being done, and it was explained that hearing was being recessed only for the purpose of handling one more matter of business on the agenda.

- b. **13 Kellogg Street #201400807: Demolition of existing home and improvements and construction of new home, garage, driveway, septic system, storm water infiltration system**
1. **Site Engineering Report for Proposed Single Family Home prepared by Artel Engineering Group LLC dated August 2014**
 2. **Plans prepared by Artel Engineering Group LLC received in the Land Use Office on 09/04/14:**
 - **Sheet 1 of 2 – Septic Plan dated 01/24/13; revised through 07/24/14**
 - **Sheet 2 of 2 – Details dated 01/24/13; revised through 07/24/14**
 - **Sheet 1 – Drainage Shed Maps dated 09/02/14**

D. Virbickas, P.E., Artel Engineering, and Mr. & Mrs. Seaman, the Property Owners, were present. The Seamans wish to demolish the existing home, and build a 2,700 square foot residence. The driveway access will be located in the same place, but will be expanded, and the existing detached garage will be larger. Mr. Virbickas explained that the lot has frontage on Candlewood Lake Road, with a 200' setback from the lake. The upper two-thirds of the lot is in the upland review area. One retaining wall will be kept. Mr. Virbickas explained that his clients wish to install a path from the proposed home almost to water, and First Light requested a plan, which the applicant completed. First Light then suggested a modification, which is reflected on the plan before the Commission.

A new septic system to accommodate a four-bedroom home will be installed in the area of the existing system. Additionally, three storm water infiltration systems are being proposed: two to take care of roof run off, and another running along the driveway for runoff. Mr. Virbickas has submitted a copy of the drainage and engineering report for the Commission's review. Additionally, he indicated that First Light has requested a 50-60 foot buffer area of native plantings and landscaping, which will be part of the plan. First Light has provided a listing of desired plants, and a landscape architect will be consulted.

Upon the request of Vice Chairman Forlenza, Mr. Virbickas reviewed the details of the three infiltration systems. He also reviewed the location of the site so that the Commissioners can inspect it prior to the next meeting.

Chairperson Fox moved to continue this 13 Kellogg Street #201400807: Demolition of existing home and improvements and construction of new home, garage, driveway, septic system, storm water infiltration system, to the next regularly scheduled meeting, with the understanding that the Commissioners will look at property prior to the next meeting. Commissioner Kukkk 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) –

N. Levesque, Licensed PE, CCA, was present. She submitted two copies of revised plans, and a drainage report. Ms. Levesque indicated that the new plans incorporate the comments of Artel Engineering and Northwest Conservation. A Plan Profile Sheet was also added, which notes the drainage within the roadway.

The August 6th letter from Artel was reviewed by Chairperson Fox.

Ms. Levesque went over the details of Sheets C2 and D2, specifically the culvert and footings in proximity to the creek bed. The system will not narrow the creek bed but will maintain it. She noted that

the point discharge has been moved east, and a 30-inch pipe will control the flow out of the basin. The calculations are included in the information she submitted tonight. Additionally, there was a change in the drainage system for three lots.

D. Virbickas has not yet received or reviewed the information submitted this evening.

Ms. Levesque reviewed the details of the watershed, specifically, the locations on the plans denoted as B1, E2, and E3, and where those areas drain. The as-built calculations are included. With regard to the two driveway crossings, she indicated that the proposal seeks to let the water pass without restricting it.

Additionally, the State form was submitted by email along with drainage area map. Mr. Virbickas also received a copy of that last week. Chairperson Fox reviewed the comments of Artel and Northwest Conservation, and noted that the following are in the file: the proposed grading plan, the drainage shed maps, the plan profile, additional storm drainage with an outlet plan, and modification of the detention basin.

There was discussion that the Health Department would address the comments related to the septic system.

Commissioner Kukk gave Mr. Virbickas a copy of what was submitted tonight.

J. Sivo, 13 Nabby Rd., was present. Upon inquiry from Vice Chairman Forlenza, he discussed the test pits. Vice Chairman Forlenza requested that Mr. Virbickas review that information. Chairperson Fox advised that she listened to the recording of the public hearing at the last meeting. She requested that Ms. Levesque send a copy of the revised plans to S. Hayden of Northwest Conservation. Chairperson Fox also noted that all of the information submitted tonight is available to the public for review.

Mr. Sivo discussed Mr. Hayden's concern regarding disturbance. Mr. Sivo cited Building Code Ordinance 96-4, which indicates that an applicant cannot get a building permit until the road has its first course of asphalt on it. The road is 1,200 feet long.

There were no questions or comments from the public.

Upon inquiry from Mr. Virbickas, Ms. Levesque reviewed the details of the box culvert.

Chairperson Fox inquired if the Commissioners were interested in visiting the site. Vice Chairman Forlenza has been there in the past, and Chairperson Fox and Commissioner Kukk will visit it before the next meeting. Mr. Sivo advised that would be acceptable.

There was discussion regarding extending the deadline to close the Public Hearing.

Vice Chairman Forlenza requested that Mr. Virbickas and Mr. Hayden provide their comments to the revised plans in advance of the next meeting.

Mr. Sivo submitted a letter granting the Commission an extension to keep the Public Hearing open until September 22, 2014.

WEO Daniel inquired if P. Sharp's natural diversity data base information has been submitted, and Ms. Levesque indicated that it has, and she will forward a copy of that to the Land Use Office.

Vice Chairman Forlenza moved to continue the Public Hearing for 36 North Mountain Road #201400591: Proposed 12-lot residential affordable subdivision (Mountain Road Hollow) with associated road and utilities until September 22, 2014. Commissioner Kukk seconded the motion, and it carried unanimously.

6. **Tabled Items:** None.

7. **Correspondence:**

a. **Minutes of Other Boards & Commissions: 08/28/14 Zoning; 08/28/14 Aquifer Protection Agency**

No discussion/no motions.

8. **Review Minutes of Previous Meetings: 08/11/14** – Chairperson Fox noted the following corrections:

- 1) on Page 3, at the beginning of the fourth paragraph, to change “Dainius” to “Mr. Virbickas”;
- 2) on Page 3, in the fifth paragraph, to add the word, “asked” in between “R. Huttemann” and “N. Levesque”;
- 3) on Page 3, in the seventh paragraph, at the end of the first line, to change, “rd.”; to “Road”;
- 4) on Page 3, in the seventh paragraph, to change the sentence, “Chairperson Fox explained that questions about affordable housing isn’t what the Wetlands Commission is concerned with.” to “Chairperson Fox explained that the Wetlands Commission is only concerned with wetlands issues.”;
- 5) on Page 4, in the third paragraph, to change the first sentence to read, “Chairperson Fox said it is not the concern for the Commission for aquifer protection. The Zoning Commission has the regulations for aquifer protection.”;
- 6) on Page 4, in the last paragraph, to change (*changes in italics*) the first sentence to read, “Chairperson Fox said she would like to receive the following from the contractor: the location of the silt fence; the construction sequence; where *the* old material will go and confirm *the* top soil *stockpile*.”; and
- 7) on Page 5, under Item 5.b., to delete the word, “new” before “State law” in the last sentence of that paragraph.

Chairperson Fox moved to approve the Minutes of the August 11, 2014 meeting with the above listed changes. Commissioner Kukk seconded the motion, and it carried 2-0-1, with Vice Chairman Forlenza abstaining.

08/25/14 – Not a sufficient quorum.

9. **Informal Discussion:**

a. **Wetlands Project & Application Monitoring: 101 Obtuse Hill Road** – requested by Peter Young on 09/04/14 – *P. Young and D. Guerrero, Principal of Fenmark Custom Homes, were present.* Mr. Young reviewed the history of the site, noting that the detention basin was enlarged over a year ago. He advised that part of the approval stipulation was for monitoring by S. Hayden. Mr. Young indicated that the Land Use Office is requesting another \$3,000 for additional monitoring.

WEO Daniel indicated that the site is stable; noting that one sloughing issue was resolved. There was discussion regarding M. Morin’s (of Northwest Conservation) review of invasives. WEO Daniel indicated she feels it is acceptable to terminate the monitoring of the erosion control, but she is concerned about the invasives. Mr. Guerrero advised that the property owner is working with B. Gambino, after discussing the issues with Mr. Morin. Mr. Gambino will initiate his plan soon.

It was noted that the planting bond on the plans is for planting in the detention basin, and this has not yet been released. WEO Daniel suggested that the status of the invasives be reviewed at that time. WEO Daniel advised that the planting bond does not mention invasive removal, but that is also a stipulation of approval. Mr. Young advised that Mr. Gambino will document the invasive removal with photographs, and request the Land Use Office to contact Mr. Hayden for inspection.

10. Adjourn:

Commissioner Kukk moved to adjourn the meeting at 8:26 p.m. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

*****Next regular meeting scheduled for September 22, 2014*****