

**APPROVED/AMENDED MINUTES  
BROOKFIELD INLAND WETLANDS COMMISSION  
Monday, September 22, 2014 – 7:00 p.m.  
TOWN HALL MEETING ROOM #133**

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**1. Convene Meeting**

Chairperson S. Fox convened the meeting at 7:02 p.m. and established a quorum of members.

**2. Roll Call and Designation of Alternates**

**Present:** Chairperson S. Fox, Secretary M. Mulvaney, R. Huttemann

**Absent:** Vice Chairman M. Forlenza, M. Kukk

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

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

**4. Old Business:**

**a. Still River Greenway #201400000: Phase Two – Approval Stipulation #6 – The outstanding information (a clarification to one of the stipulations) has not yet been received. **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. 13 Kellogg Street #201400807: Demolition of existing home & improvements & construction of new home, garage, driveway, septic system, storm water infiltration system (*dec date: 11/11/14*)**

**1. Septic Plan prepared by Artel Engineering Group LLC dated 01/24/13; revised through 09/18/14**

**2. Email from D. Virbickas to K. Daniel dated 09/19/14**

*D. Virbickas, Artel Engineering Group, was present on behalf of the applicants.* He reviewed the plan to demolish the existing home and construct a new home with a detached garage, a driveway, a walkway to water's edge, new septic and storm drainage systems, and buffer areas as required by First Light Power. Mr. Virbickas indicated that the only modification since the last meeting is on a plan dated September 19, 2014. He stated that First Light found the plan to be acceptable, but requested additional plantings near the water's edge, which are highlighted on the map.

The elevations were reviewed by Chairperson Fox. She inquired if there were any issues regarding water drainage on the path. Mr. Virbickas referenced the Letter of Filing Consent in after-the-fact correspondence, with three conditions requested for any approval. He pointed out that First Light wants a specific type of paver utilized, which will be amended on plan. First Light has also requested a final plant list. Mr. Virbickas noted that after the demolition and construction, the applicants will work with a landscape architect to develop a planting plan that includes Connecticut and New England native species. Commissioner Huttemann inquired how erosion would be prevented, and Mr. Virbickas pointed out locations of silt fence on the plan.

Mr. Virbickas stated that First Light wants the vegetation plan submitted prior to construction to implement the plan in Spring. He referenced the First Light manual that lists acceptable species, and added that the applicants are looking for species that minimize insects, particularly bees, due to allergy.

There was discussion regarding the timing of the project. Mr. Virbickas indicated that the applicants wish to start demolition and construction now, with planting in the Spring. There was discussion regarding

bonding for the project. WEO Daniel suggested requiring planting plan within a certain number of months.

**Commissioner Huttemann moved to approve 13 Kellogg Street, #201400807, for the demolition at the existing home, but within three months, that the applicant present the Commission with a plant list to be installed in the Spring, as described on a plan dated 1/24/2013, with a last revision date of 9/18/14, and with the First Light notes on the Letter of Filing Consent dated 9/22/14: 1) wood ramp shall not have permanent structural contact with lake bed; 2) final plant list and plan for vegetated buffer shall be submitted to and approved by First Light; and 3) access path surface material shall be approved by First Light – gravel/peastone, mulch or grass; and all the other normal stipulations. Secretary Mulvaney seconded the motion. There was discussion that the bond will not be set at this time. Motion carried unanimously.**

**3. Wetlands Enforcement**

**a. Enforcement Officer’s Report**

**1. 64 North Lake Shore Drive #201300317 – No discussion.**

**3. 136 Grays Bridge Road #201400652 – WEO Daniel indicated she followed up with the property owner on September 12, 2014, regarding when the ramp would be removed. The property owner advised her that he was waiting for CCA to provide him with a plan. It was clarified that the Notice of Violation only requires the property owner to allow the Town on the property to remove the ramp, and says nothing regarding a plan. WEO Daniel noted her concern regarding the duration of time that there will be exposed soil next to the Still River. She recommended that the property owner be allowed another two weeks in which to provide a plan, and/or to remove the ramp or allow the Town to do so. She pointed out that grass will likely not grow past early October. It was noted that non-living mulch such as wood chips could be used. Secretary Mulvaney discussed the Town’s role in the violation. The Commission expressed its desire to assist in the resolution of this matter.**

**Miscellaneous - 1 High Ridge Rd. – The awareness matter has been resolved to the extent that the notification of the outstanding problem has been recorded.**

**2. 20 Deerfield Road #201301082 – First Light will be issuing a Notice of Violation to the property owner for the barrier that was installed on the lake bed. WEO Daniel recently inspected 22 Deerfield Road and noted the lack of algae and the clarity of the water.**

**36 North Mountain Rd. – Chairperson Fox noted that this is an active violation. A plan is in place, but plantings have not been completed.**

**b. Site Inspection Reports**

**40 & 64 Laurel Hill Road**

- Letter from M. Morin of the Northwest Conservation District dated 09/05/14**
- Letter from M. Morin of the Northwest Conservation District dated 09/12/14**

Noted.

**5. New Business:**

**a. 58 Mist Hill Drive #201400854: Septic Repair Plan**

- 1. Proposed Plan – September 2014 Septic Repair Proposal on Town of Brookfield, GIS Map, with notes by Installer Dan Falls and Sanitarian Paul Avery**
- 2. Alternative Plan designed by Bob Fisher dated October 2003**

3. **Town of Brookfield, CT GIS Maps showing contour lines, both received in the Land Use Office on 09/17/14**
4. **Photos of site (3) received in the Land Use Office on 09/18/14**

*M. Rose, 32 Charcoal Ridge Rd., Danbury, CT, was present on behalf of the homeowners.* He advised that a condition of the pending sale of the home is the installation of a new septic system. A drainage swale along back of property was noted. Mr. Rose reviewed that in 2004, the seller put an addition on the house, and a B100 was done in the back of house, which is closer to the regulated area. For the proposed new system, the Sanitarian suggested that the system be put alongside of the house.

Upon inquiry from Chairperson Fox, the slope and measurements were reviewed by Mr. Rose. The inspection report from the buyer recommended replacement of the system, and the proposed plan was reviewed by the State as well as the Town Sanitarian.

**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: 09/22/14; 56 extension days remaining)**

**Secretary Mulvaney moved to briefly recess the 7:30 p.m. Public Hearing for 36 Mountain Road, #201400591, to finish Item 5.a. Commissioner Huttemann seconded the motion, and it carried unanimously.**

**5. New Business: (continued)**

- a. **58 Mist Hill Drive #201400854: Septic Repair Plan**
  1. **Proposed Plan – September 2014 Septic Repair Proposal on Town of Brookfield, GIS Map, with notes by Installer Dan Falls and Sanitarian Paul Avery**
  2. **Alternative Plan designed by Bob Fisher dated October 2003**
  3. **Town of Brookfield, CT GIS Maps showing contour lines, both received in the Land Use Office on 09/17/14**
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Mr. Rose noted that the brook is further away on the proposed plan than what it is for the existing system. It was also pointed out that the system will be 10' from community water line. Upon inquiry from Secretary Mulvaney, Mr. Rose and WEO Daniel advised that the State approval is in the Town Sanitarian's file. There was additional discussion regarding the distance between the brook and the septic, and need for documenting that on the plan and post-construction. After reviewing the maps, it was determined that the farthest point of the system is approximately 45-50 feet from the brook. The brook was outlined in red by Chairperson Fox, and the silt fence was demarcated in blue by Secretary Mulvaney.

Upon inquiry from the Commissioners, Mr. Rose advised that the old tank will be removed, and the current gullies will be crushed and left there. Some dirt will be placed to install the new system, and some will be used as cover. A stockpile area was denoted, and it was pointed out that it will be of short duration (approximately a week). This was also outlined in blue, and the need for silt fence there was noted.

There was brief discussion regarding the risk of the system failing, and the fact that no one is currently living in the house. The urgency relates more to closing the sale on the property, and getting the grass planted after installation of the new system.

**Secretary Mulvaney moved to approve Item 5.a., 58 Mist Hill Drive, #201400854, Septic Replacement Plan, drawn on a Town of Brookfield GIS Map by Dan Falls on September of 2014, the proposed plan, noting 45 feet from edge of galley to the beginning of the brook/swale, with the silt fences installed as shown and the temporary stock pile as shown. 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: 09/22/14; 56 extension days remaining)**

Chairperson Fox reviewed what occurred at the last meeting. She advised that the most recent letter from Mr. Virbickas, as well as the Department of Energy and Environmental Protection (DEEP) letter from June 2014, would have to be discussed.

*N. Levesque, CCA, was present.* She discussed the need for the applicant to obtain a general storm water permit through the DEEP. Ms. Levesque advised that the DEEP letter came early in the agency approval process. Commissioner Huttemann noted that the DEEP letter recommends retaining a herpetologist, and Ms. Levesque advised that has been accomplished.

*Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, was present.* He advised that Ms. Levesque received Mr. Virbickas' letter late last week. Ms. Levesque indicated she has begun revising the drainage plans in response to those comments. Additionally, the applicant is awaiting a letter from S. Hayden, NW Conservation District.

An extension letter requesting thirty days was submitted by Attorney Scalzo. WEO Daniel explained that a total of sixty-five days can be requested during the public hearing process, and at this time, an additional twenty-six days remain.

Mr. Virbickas submitted copies of his letter dated September 15, 2014, and reviewed each comment.

In response to comment #1, *J. Sivo, 13 Nabby Rd., was present,* and inquired if a cross section would be required. Mr. Virbickas explained that it would be helpful to show inverts and a cross section on the plans.

Mr. Virbickas advised that Comment #2 requests discharging to box culvert endwall rather than the ground next to the road.

Comment #3 relates to the requirement of the Zoning regulations that the shoulder of the road to be grassed, and the failure to do so compromising the septic system on Proposed Lot #12.

Comment #4 requests coordination of the detention basin with the calculations and Grading and Utility Plan.

Comment #5 was the result of a question raised by a Commissioner, and how the presence of ledge may affect the detention basin.

Comment #6 notes the need for additional velocity and erosion control measures for 2- and 25- year storms.

With regard to Comment #7, Mr. Sivo explained that the road will take 1,500 yards of material, and he will box the road out, put a “crusher” in the road, and spread the material down on the road, eliminating any stockpiling. Ms. Levesque will get this proposal on the plans.

Comment #8 requests that the specifications of the hydrodynamic separator be listed on the plans, and the potential need for another separator for storm water runoff that will not go to the proposed detention basin.

Comment #9 discusses the need to revise the calculations to account for storm water runoff from the southern portion of the proposed road and Lot 1.

Comment #10 also notes the possible need to revise calculations based on the curbing of the driveways and all of the contributing runoff areas.

Comment #11 relates to modifying the curve runoff number.

Comment #12 notes the need to verify and revise computations for hydrographs 11 and 12.

Lastly, Comment #13 points out potential issues with the plan for the subdivision not complying with Planning and Zoning Regulations. It recommends that if either of those agencies require changes, that any revisions be reviewed by the Inland Wetlands Commission.

Ms. Levesque advised that the applicant would review the comments and provide revised plans.

Mr. Sivo inquired if Mr. Hayden had provided a report. WEO Daniel advised that he had not yet. Mr. Sivo asked what the focus of Mr. Hayden’s review was, and Ms. Levesque referenced Mr. Hayden’s initial letter of August 20, 2014, and advised that she spoke with him today, and a report is forthcoming.

Attorney Scalzo inquired regarding the frequency of submittals of Natural Diversity Database letters. Mr. Virbickas advised that these letters are often sent, and usually come at the request of Zoning Commissions. The amount of detail in the letter was noted, as was the recurring evolution of NDD maps.

WEO Daniel inquired if Mr. Sivo wished to comment on the violation at the site. Mr. Sivo advised that the plants have been purchased, however, he was advised by the gardener not to plant yet due to the recent dry weather. Additionally, Mr. Sivo will provide a receipt for the plants to potentially lower the bond.

**Secretary Mulvaney moved to continue to the Public Hearing re: 36 North Mountain Road, #201400591, to the next regularly scheduled meeting on October 6, 2014. Commissioner Huttemann seconded the motion, and it carried unanimously.**

**6. Tabled Items: None.**

**7. Correspondence:**

**a. Minutes of Other Boards & Commissions: 09/08/14 Zoning Board of Appeals;  
09/11/14 Zoning**

**b. Letter from L. Marsicano of the Candlewood Lake Authority to First Selectman Bill Tinsley dated 08/28/14 (CD on cart)**

**No discussion/no motions.**

**8. Review Minutes of Previous Meetings: 08/25/14** – Chairperson Fox indicated that she listened to the recording of the meeting. Secretary Mulvaney noted the following correction, on Page 3, re: Item 4.f., 136 North Lake Shore Dr., in the third line of the paragraph, to change the sentence, “Acting Chairman and Secretary Mulvaney pointed out that First Light wished to have the project bonded.” to, “Acting Chairman and Secretary Mulvaney pointed out that First Light may wish to have the project bonded.” **Secretary Mulvaney moved to approve the Minutes of the 8/25/14 meeting with the aforementioned correction. Commissioner Huttemann seconded the motion, and it carried unanimously.**

**09/08/14 – Not a sufficient quorum.** Secretary Mulvaney and Commissioner Huttemann were advised by Chairperson Fox how they could listen to the recording of the meeting.

**9. Informal Discussion:** It was requested that the following be put on the Agenda for the next regular meeting, under New Business, as the last items: 1) Discussion re: bonding for buffered areas on Candlewood Lake/First Light property; and 2) Planned Septic Replacements versus Failed Septic Replacements.

**10. Adjourn:** Secretary Mulvaney moved to adjourn the meeting at 8:18 p.m. Commissioner Huttemann seconded the motion, and it carried unanimously.

**\*\*\*Next regular meeting scheduled for October 6, 2014\*\*\***