

APPROVED MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, November 24, 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, Alternate and Voting Member J. Bronn

Absent: M. Kukk

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

3. Wetlands Enforcement

a. Enforcement Officer's Report

1. 148 North Lake Shore Drive #201401091: Notice of Violation - This is a new Notice of Violation, and the property owner had said he would be present. The Commission will return to this item if he arrives.

2. 136 Grays Bridge Road #201400652 – No new activity.

36 North Mountain Rd. – This matter is still a Notice of Violation. The restoration plan was approved by the Commission, and the bond was paid today.

b. Site Inspection Reports

40 & 64 Laurel Hill Road

- **Letter from M. Morin of the Northwest Conservation District dated 11/14/14**
- **Letter from M. Morin of the Northwest Conservation District dated 11/19/14**

WEO Daniel advised that there were some erosion issues on the street side, but they have been corrected, as noted in the most recent report.

4. Old Business:

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

Chairperson Fox received a phone call from Director of Parks & Recreation D. DiPinto, who asked if it was possible for Commission to meet next week and work out a stipulation for the area near the vernal pool. Chairperson Fox explained the history of this matter for Commissioner Bronn. She noted that the applicant was to provide the details of its plan, and present new options. She indicated that Mr. DiPinto is having a difficult time getting his consultants to meet in the evening due to cost. All of the Commission members are willing to attend a Special Meeting, pending work commitments. WEO Daniel advised that noticing the meeting has to be done twenty-four (24) hours prior with the Town Clerk. She explained that the applicant is attempting to satisfy a requirement imposed by the Division of Fish & Wildlife.

Chairperson Fox suggested Wednesday, December 3, and that date is acceptable for Commissioner Huttemann and Vice Chairman Forlenza. Chairperson Fox will email Mr. DiPinto regarding that date.

Possible Special Meeting on Wednesday, December 3, 2014. Chairperson Fox will advise WEO Daniel if it goes forward before the end of business on December 1, 2014, so the meeting can be posted with the Town Clerk in a timely fashion.

b. Bonding for Buffered Areas on Candlewood Lake/First Light Property – No response has been received from First Light.

c. 36 North Mountain Road #201400591: Proposed 12-lot residential affordable subdivision (Mountain Road Hollow) with associated road and utilities
(*dec date: 12/14/14*) - Secretary Mulvaney noted the applicant's work in correcting the issues identified by the Commission and its representatives. Chairperson Fox suggested that a stipulation be drafted related to the management of the detention basins. Commissioner Huttemann inquired if money could go into an escrow account should the applicant fail to address the management of the basins, to allow the Town to rectify any problems. Chairperson Fox is unsure if the Commission has the authority to ask for something like that. WEO Daniel noted that the goal is to keep the basins from leaking sediment. Chairperson Fox reviewed a plan from November 10, 2014 that contained the

construction sequence. She noted that it would be preferred if detention basins are installed as the construction work goes up the road, and this could be added as a stipulation.

D. Virbickas, Artel Engineering was present. He recalled that the applicant gave a verbal commitment to starting construction with the presence of detention basins. It was suggested that a final set of plans denoting this be submitted, as well as incorporating Drawing C2. Vice Chairman Forlenza noted that there are maintenance and erosion control notes on the plans.

Vice Chairman Forlenza suggested that WEO Daniel provide the Commission with a draft motion with standard stipulations. Secretary Mulvaney suggested attempting a motion tonight. Commissioner Huttemann indicated he would prefer to have WEO Daniel draft the motion. Chairperson Fox advised Commissioner Bronn that he could vote if he has listened to tapes of all of the meeting discussion for this application. He advised he would prefer abstain. After some discussion, the Commission requested that WEO Daniel draft a motion for the December 8, 2014 meeting. There was additional brief discussion regarding bonding the site.

Secretary Mulvaney moved to continue Item 4.c., 36 North Mountain Rd., #201400591, to the next regularly scheduled meeting and ask WEO Daniel to write up a resolution. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

d. 9 Granite Drive #201401048: New Single Family Dwelling Construction

(dec date:01/13/15) – Some of the Commission members were able to inspect the site.

Secretary Mulvaney indicated that he did not feel the 1,800 square foot wetland was highly functioning wetland. Chairperson Fox took photographs of the staked property. She shared a photograph with the Commissioners and *M. Lillis, PE, CCA, who was present for the applicant.* Chairperson Fox inquired if the applicant plans to put topsoil in and take out trees. Mr. Lillis advised that the sediment fence would be installed at the limits of disturbance. He indicated that some of the trees may have to go to support the grade. Mr. Lillis further stated that the change of grade is to support the back out area of the garage and support the foundation. Mr. Lillis said the work would involve a small fill. The location of the wetlands area in proximity to the flags was noted. Chairperson Fox pointed out the trees that would have to be removed because of their proximity to the house.

J. Chase, Environmental Ecologist, was present. WEO Daniel recalled that the subdivision was approved with no wetlands flagging. Ms. Chase reported that she prepared the wetlands assessment on behalf of the applicant. Per Ms. Chase, R. Shook, Soil Scientist had advised her that he was not of the opinion that it was manmade wetlands. Ms. Chase indicated there is no disturbance between the house and the wetlands. Chairperson Fox went through a photo and again identified trees that would have to be removed. Ms. Chase showed how the grading was to be done. Chairperson Fox inquired how many trees would have to be removed, and Mr. Lillis indicated he had no way of knowing.

WEO Daniel stated it would be easier for person working the site if silt fence is limit of disturbance. It was suggested that the extent of the disturbance is the silt fence, 15 feet from the line of the house, with the 15-foot limit only applying from the back of the house. These changes will be put on a final plan that the applicant will provide.

Secretary Mulvaney moved to approve Item 4.d., 9 Granite Dr., #201401048, to approve the drawing dated 6/4/14 from CCA, with a final revision date of 10/3/14, with the stipulation that the line of disturbance on the west side of the house, not to exceed 15 feet, as noted by Chairperson Fox in pink and red on the plans; and that the Commission will receive a final drawing from the applicant within none month. Commissioner Bronn seconded the motion, and it carried unanimously.

e. 156 North Lake Shore Dr #201401047: Demolition of Existing House, Construction of New House on Same Footprint & Septic System Plan *(dec date: 01/13/15)*

D. Virbickas, Artel Engineering, was present. Chairperson Fox inspected the site. Mr. Virbickas recalled that the existing house will be demolished, and a new home will be constructed. Per the Health Department, the applicant was required to provide a plan showing where a new septic system would go if the existing septic fails. Mr. Virbickas reviewed that the reserve system is top of hill, between the house and the road. The existing septic is on the First Light property. A letter of consent from First Light was received today, and a copy was submitted for the file.

Mr. Virbickas advised that the applicant will provide a planting plan of native species to WEO Daniel, so that planting can be done in the spring.

Secretary Mulvaney inquired if existing septic has been inspected, and Mr. Virbickas advised that a report was completed by A1 Septic within the past few months, and that this report is in the file. Secretary Mulvaney also pointed out that fifty percent of the land below the 440 line will have to be planted per a First Light mandate. Mr. Virbickas stated that he met with Ms. Richardson of First Light at the site who found plans to keep existing shade trees as favorable.

There was brief discussion regarding if the First Light planting mandate was being applied equitably.

J. McCoy, Engineer, JFM Engineering, Danbury, CT, was present. He indicated it has been his experience that First Light has required the percentage when new work is being proposed. Mr. Virbickas indicated that when ownership changes on shoreline properties, there is a five-year window for the new property owner to comply. WEO Daniel shared a copy of the Shoreline Management agreement. Mr. Virbickas offered to speak with First Light to see if they could provide a letter with clarification about planting requirements.

Chairperson Fox noted that on this particular site, there are three areas that have not been planted. Mr. Virbickas pointed out plantings below the retaining wall.

Commissioner Huttemann moved to approve 156 North Lake Shore Dr., #201401047, with the stipulation that the Commission receive a letter from First Light, with regard to the fifty percent coverage below the 440 line, and which plants will be allocated there, as described on plan dated 10/20/14, Drawing #DC14471. Secretary Mulvaney seconded the motion, and it carried unanimously.

5. New Business:

a. 871 Federal Rd #200700243: Request for Bond Release – \$3,190.80

(with a remaining bond amount of \$4,048.20)

1. Letter from K. Daniel to A. Lucera dated 11/14/14 Re: IWC permit #200700243 with the following attachments:

- **Brookfield IWC Bond Estimate dated 12/22/08; approved by the Inland Wetlands Commission on 06/26/09**
- **Bond Agreement for Riverview at Brookfield LLC**
- **Approved Minutes: June 9, 2014 Inland Wetlands Meeting**
- **Letter from S. Hayden to K. Daniel dated 05/30/14 Re: Site Inspection and Recommendations for Riverview, Brookfield**

WEO Daniel has found the above amount satisfactory for a partial release of the bond. **Commissioner Bronn moved, in the matter of Item 5.a., to recommend to the Board of Selectmen the release of \$3,190.80, 871 Federal Rd., #200700243. Commissioner Huttemann seconded the motion, and it carried unanimously.**

b. 101-103 Laurel Hill Road #201401095: Proposed Incentive Housing Mixed Use Development with 8,600 square feet of commercial space with supporting driveway & utilities (dec date: 01/27/15)

1. Flood Insurance Rate Map from National Flood Insurance Program – Panel 131 of 626: Map No. 09001C0131F effective date: 06/18/10
2. Letters of Authorization received in the Land Use Office on 11/20/14, as per following list:
 - Letter from F. Bacon of Ironworks Associates LLC to Town of Brookfield Land Use Agencies dated 11/01/14
 - Letter from R. Bacon to Town of Brookfield Land Use Agencies dated 11/01/14
 - Letter from R. Hebert of Laurel Hill Partners LLC dated 11/01/14
3. Wetland Delineation prepared by Mary Jaehnig of Pfizer-Jahnig dated 09/30/14 with the following attachments:
 - Soil Map – State of CT from the Web Soil Survey by the Natural Resources Conservation Service dated 10/23/14, with attached Map Legend
 - Natural Diversity Data Base Areas Map for 101-103 Laurel Hill Road from the CT DEEP dated June 2014
 - Natural Drainage Basins Map for 101-103 Laurel Hill Road, State of CT Watershed Map from CT DEEP
4. Letter from K. Throckmorton of Environmental Land Solutions LLC dated 11/20/14 Re: Multi-Use Development in a Brookfield Incentive Housing District
5. Site Engineering Report prepared by J.F.M. Engineering, Inc. dated 11/20/14, received in the Land Use Office on 11/20/14:
 - Drainage Summary
 - Watershed Summary dated 11/14/14
 - Existing Conditions HydroCAD Model
 - Appendix: Existing Watershed Map & Proposed Watershed Maps
6. Plans prepared by John M. Farnsworth Associates, PC/J.F.M. Engineering, Inc./Environmental Land Solutions, LLC/MacMillan Architects, received in the Land Use Office on 11/20/14:
 - Sheet CV1 – Cover Sheet – Proposed Mixed Use Development: 101-103 Laurel Hill Road
 - Sheet EX1 – Existing Conditions & Demolition Plan dated 11/20/14
 - Sheet SD1 – Site Development Layout Plan dated 11/20/14
 - Sheet SD2N – Site Development – North Grading Plan (Sheet 1 of 2) dated 11/20/14
 - Sheet SE2S – Site Development – South Grading Plan (Sheet 2 of 2) dated 11/20/14
 - Sheet SD3N – Site Development – North Utility, Sewer & Drainage Plan (Sheet 1 of 2) dated 11/20/14
 - Sheet SD3S – Site Development – South Utility, Sewer & Drainage Plan (Sheet 2 of 2) dated 11/20/14
 - Sheet SD4N – Sanitary Sewer Extension Plan & Profile – North End (Sheet 1 of 2) dated 11/20/14
 - Sheet SD4S – Sanitary Sewer Extension Plan & Profile – South End (Sheet 2 of 2) dated 11/20/14
 - Sheet SD5A – Site Development Details (Sheet 1 of 3) dated 11/20/14
 - Sheet SD5B – Site Development Details (Sheet 2 of 3) dated 11/20/14
 - Sheet SD5C – Site Development Details (Sheet 3 of 4) dated 11/20/14
 - Sheet SD6a – S&E Control Plan (Sheet 1 of 2) dated 11/20/14
 - Sheet SD6B – S&E Control Details (Sheet 1 of 1) dated 11/20/14
 - Sheet LP1 – Landscaping and Lighting Plan 20 Scale Site – North End (Sheet 1 of 2) dated 11/20/14

- Sheet LP2 – Landscape and Lighting Plan 20 Scale Site – South End (Sheet 2 of 2) dated 11/20/14
 - Sheet LP3 – Landscape Details dated 11/20/14
 - Sheet LP4 – Wetland Mitigation Plan 20 Scale Site dated 11/20/14
 - Sheet LP5 – Footcandle Plan dated 11/20/14
7. Proposed Architectural Plans prepared by MacMillan Architects received in the Land Use Office on 11/20/14:
- Drawing No. A-100 – Floor Plans – Building A dated 11/20/14
 - Drawing No. A-200 – Elevations – Building A dated 11/20/14
 - Drawing No. B-100 – Floor Plans – Building B dated 11/20/14
 - Drawing No. B-200 – Elevations – Building B dated 11/20/14
 - Sheet C-100 – Floor Plans – Building C dated 11/20/14
 - Sheet C-200 – Elevations – Building C dated 11/20/14
 - Sheet D-100 – Floor Plans – Building D dated 11/20/14
 - Sheet D-200 – Elevations – Building D dated 11/20/14
 - Sheet E-100 – Floor Plans – Building E dated 11/20/14
 - Sheet E-200 – Elevations- Building E dated 11/20

J. McCoy, JFM Engineering, Danbury, CT, was present. He indicated that the plan is for five buildings, four of which will be residential; the other, mixed-use. The applicant is currently in the process of having some of the proposed features staked. Mr. McCoy will advise WEO Daniel when that is complete.

The locations of the wetlands and the pond were pointed out. There is one pocket of wetlands that will be most affected by filling. Upon inquiry from Secretary Mulvaney, Mr. McCoy pointed out the proposed pervious and impervious areas, as well as emergency access. Chairperson Fox inquired if there is an alternate plan with less wetland disturbance. Mr. McCoy advised the applicant would be willing to discuss other options.

WEO Daniel indicated that the design has to comply with Zoning regulations and design guidelines from that Commission.

There was discussion regarding the need for a public hearing as well as review by professional consultants.

Upon inquiry from Secretary Mulvaney, Mr. McCoy advised that the mixed-use building will have commercial use on the first floor.

Mr. McCoy will have all five buildings staked. The wetlands have been flagged. Mr. McCoy will let the Land Use Office know when the property is staked. He advised the Commissioners of the presence of a bar blocking vehicle access. Upon inquiry from Secretary Mulvaney, Mr. McCoy advised that there is 2,125 square feet of proposed disturbance, with 2,049 square feet being on site.

A smaller area of disturbance where a culvert is planned was noted. Mr. McCoy added that part of the permit application involves working in the buffer for proposed sewer installation.

The Commission agreed that a public hearing would be advisable. It was recommended that engineering and wetlands experts be retained for the Town, at the applicant's expense. There was discussion regarding the possible individuals that would be consulted. WEO Daniel suggested that a site walk be conducted as a group, with a date to be set at the next meeting.

Secretary Mulvaney moved, in the matter of Item 5.b., 101-103 Laurel Hill Rd., #201401095, to set a Public Hearing for December 22, 2014, at 7:15 p.m. Commissioner Huttemann seconded the motion, and it carried unanimously.

3. Wetlands Enforcement

a. Enforcement Officer's Report

1. 148 North Lake Shore Drive #201401091: Notice of Violation – (continued)

Mr. Pastor, 148 North Lake Shore Drive, was present. WEO Daniel explained that while Mr. Pastor was doing work with a Bobcat machine, he drove over the septic and broke it, and then replaced it without permit. She further stated that the Notice of Violation requested that a silt fence has been installed. Mr. Pastor advised that has been accomplished, and WEO Daniel will inspect it tomorrow. WEO Daniel indicated that she and the sanitarian are in agreement with the plan.

Mr. Pastor indicated he has a permit for the change of driveway. He advised he was under the impression that a septic permit was necessary only if the leech fields were going to be touched. He indicated that none of the work is below the 440 line. Secretary Mulvaney inquired if the work was within fifty feet of the lake, and Mr. Pastor is not sure.

Mr. Pastor will complete a wetlands application. Upon inquiry from Chairperson Fox, Mr. Pastor pointed where stone walls will be. Chairperson Fox advised Mr. Pastor that the Notice of Violation will stand until the application is completed and approved. It was requested that the application, provided to Mr. Pastor by WEO Daniel, be completed prior to the next meeting on December 8, 2014.

No motion.

5. New Business: (continued)

c. 8A Stage Road #200800009: Request for Bond Release - \$8,600

WEO Daniel advised that the plantings have been in for over three years, and there is at least an eighty percent survival rate. **Commissioner Bronn moved, in the matter of Item 5.c., 8A Stage Rd., #200800009, to recommend to the Board of Selectmen, the release of the bond in the amount of \$8,600. Secretary Mulvaney seconded the motion, and it carried unanimously.**

6. Tabled Items: None.

7. Correspondence:

a. Minutes of Other Boards & Commissions: 11/13/14 Zoning; 11/20/14 Planning

b. Memo from E. Cole Prescott to the Inland Wetlands Commission dated 11/03/14 Re: December 22, 2014 regularly Scheduled Meeting – It was noted that any motions made at the December 22, 2014 meeting cannot be published in the Pennysaver because of publication date issues.

8. Review Minutes of Previous Meetings: 11/10/14 – Commissioner Huttemann moved to approve the Minutes of the November 10, 2014 meeting. Commissioner Bronn seconded the motion, and it carried unanimously.

9. Informal Discussion: None.

10. Adjourn: Secretary Mulvaney moved to adjourn the meeting at 8:47 p.m. Commissioner Huttemann seconded the motion, and it carried unanimously.

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