

DRAFT MINUTES
BROOKFIELD INLAND WETLANDS COMMISSION
Monday, January 12, 2015 – 7:00 p.m.
TOWN HALL MEETING ROOM #133

1. Convene Meeting

Chairperson Fox convened the meeting at 7:00 p.m. and established a quorum of members.

2. Roll Call and Designation of Alternates

Present: Chairman S. Fox, Vice Chairman M. Forlenza, Secretary M. Mulvaney, R. Huttemann, M. Kukk, Alternate J. Bronn (arrived at 7:04 p.m.)

Absent: None

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 – WEO Daniel reported that Mr. Pastor's septic system is still exposed. The house appears to be utilized periodically. WEO Daniel is awaiting an application from the property owner. The violation has been in place for at least a month. **Secretary Mulvaney moved to go to Citation for Item 3.a.1., 148 North Lakeshore Drive, #201401091, given consideration of the facts and the record, for continued noncompliance, and to issue, on a daily basis, fines that will accrue at the rate of \$100 per day until an application is received. Commissioner Huttemann seconded the motion, and it carried unanimously.**

Alternate Commissioner J. Bronn arrived at 7:04 p.m.

2. 136 Grays Bridge Road #201400652 – Awaiting update from the Town Attorney.

3. 81 Kellogg Street – Table until end of meeting.

Miscellaneous

Chairperson Fox inquired if there was still a violation present on North Mountain Road, and WEO Daniel advised that there was, but it is addressed in a stipulation of approval.

Secretary Mulvaney inquired if a complaint was received regarding 85 or 95 Obtuse Hill Road. WEO Daniel advised that she had recently gotten a complaint, and upon inspection, found an excavator in the driveway. She indicated that there is a permit in effect for a berm to redirect water coming from that stream, which was applied for before the house was sold.

b. Site Inspection Reports

540 Federal Road

- Letter from M. Morin of the Northwest Conservation District dated 12/19/14
- Letter from M. Morin of the Northwest Conservation District dated 12/30/14
- Letter from M. Morin of the Northwest Conservation District dated 01/07/15

40 & 64 Laurel Hill Road

- Email from M. Morin of the Northwest Conservation District dated 12/24/14
- Letter from M. Morin of the Northwest Conservation District dated 12/31/14
- Letter from M. Morin of the Northwest Conservation District dated 01/07/15

WEO Daniel advised that the sites are frozen, and in compliance. Inspections will take place two weeks from the date of the last report.

4. Old Business:

a. Bonding for Buffered Areas on Candlewood Lake/First Light Property – No new information from First Light has been received. Secretary Mulvaney indicated he is not comfortable bonding properties per First Light's planting requirement of fifty percent, as it is not consistently applied. Chairperson Fox wrote her letter to First Light a couple months ago. WEO Daniel advised that First Light is holding informational sessions. WEO Daniel will inquire when the next one is, or if First Light would be willing to do a session for the Commission. Secretary Mulvaney stated he would prefer to have a written policy.

CONTINUED PUBLIC HEARING – 7:15 PM:

101, 103, 105 Laurel Hill Road #201401095: Proposed Incentive Housing Mixed Use Development with 8,600 square feet of commercial space with supporting driveway & utilities (PH close date: 01/25/15)

a. Letter from D. DiVesta of DiVesta Civil Engineering Associates Inc. dated 12/22/14
Chairperson Fox noted the current deadline to close the Public Hearing. *B. Hebert, 90 Grove St., Ridgefield, CT, was present.* He indicated that he received a verbal report from the Department of Energy and Environmental Protection regarding the potential presence of animal species on the site. He advised that a consultant will have to go to the property. A botanist has already been consulted for plant species. There are known plant and animal species in the area. WEO Daniel noted that weather may affect the ability for the experts to inspect, if there is snow on the ground.

Chairperson Fox reviewed the findings of the site walk on December 27, 2014. She noted the presence of briars, thicket, and multiflora rose. She shared photographs and videotape, and reviewed the direction of the site walk. Chairperson Fox indicated that the thick area of vegetation is on the easterly side of the property, near the corner post for 105 Federal Road. She requested that the applicant advise what types of soil are present, and if there are vernal pools present. The location of the creek was noted. Secretary Mulvaney pointed out the presence of a large amount of wood chips. The Commission is not aware if there are wetlands soils under the woodchips.

It was noted that the Commission's consultants, Mr. Cowen and Mr. DiVesta, are not present tonight because a new set of plans has not yet been received, and because the Commission is awaiting the Natural Diversity Database information.

Mr. Hebert advised that the applicant would be requesting a continuance, and submitted a letter requesting that until February 23, 2015.

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

Vice Chairman Forlenza moved to continue 101, 103, 105 Laurel Hill Road #201401095: Proposed Incentive Housing Mixed Use Development with 8,600 square feet of commercial space with supporting driveway & utilities to the January 26, 2015 meeting. Commissioner Huttemann seconded the motion, and it carried unanimously.

Secretary Mulvaney moved to go to Agenda Item 5.d., 12 Candlewood Harbor. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

- d. 12 Candlewood Harbor #201500010: Re-build Seawall**
- 1. Sheet 12CW-01 – Site Plan /A-A Section prepared for Tomasz Fidziukiewicz dated 11/13/14; revised through 01/08/15**
 - 2. FirstLight Letter of Filing Consent dated 12/04/14**

T. Fidziukiewicz, 12 Candlewood Harbor, was present. He discussed his plans for fixing the sea wall. Mr. Fidziukiewicz indicated that he met with First Light, and a letter of filing consent is in the file. First Light suggested that if the wall is not going to touch water it will become a retaining wall. The drawing was reviewed and the shorter, existing wall was noted. Mr. Fidziukiewicz advised that the excavation will be done by hand. The shoreline is about 90 feet long, and First Light provided him with a list of approved plants.

WEO Daniel stated that she inspected the site, and the wall was already there. Mr. Fidziukiewicz indicated it was done a few days prior. Upon inquiry from Secretary Mulvaney, Mr. Fidziukiewicz advised that plantings will be added to the left of the lawn, and this met with the satisfaction of B. Wood of First Light. Chairperson Fox inquired how the dirt would get down near the wall, and the applicant indicated a Bobcat would be utilized.

Chairperson S. Fox explained that New Business items cannot be approved this evening.

Secretary Mulvaney asked how much dirt would be brought in, and Mr. Fidziukiewicz indicated it would be up to ten yards. He will also construct the drainage, as he is a licensed plumber. There will be gravel, with intermittent drain holes. Vice Chairman Forlenza cited the need for drainage in the clay pipes. There was discussion regarding details of recommended drainage. The applicant advised he will install a footing in the wall, which will be 12” deep X 2’. He plans on mixing the concrete by hand.

Chairperson Fox stated she would like to inspect the property. She suggested that a construction sequence be submitted. Secretary Mulvaney requested that a silt fence be installed as well. The Commission noted its concern that rocks do not end up in the lake, and also asked for details regarding the existing drainage, and that the applicant attach a list of plantings.

The applicant stated that the Land Use Office should have received a check today via FedEx.

Secretary Mulvaney advised Mr. Fidziukiewicz that he can revise the plans and write a construction sequence on the plans by hand prior to the next meeting.

Secretary Mulvaney moved to continue 12 Candlewood Harbor #201500010: Re-build Seawall, to the next regularly scheduled meeting. Commissioner Kukuk seconded the motion, and it carried unanimously.

5. New Business:

a. Nomination of Officers for 2015 Calendar Year

1. Inland Wetlands Commission By Laws – Secretary Mulvaney moved to nominate S. Fox as Chairman. Commissioner Kukuk seconded the motion, and it carried unanimously.

Chairperson Fox nominated M. Forlenza as Vice Chairman. Secretary Mulvaney seconded the motion, and it carried unanimously.

Chairperson Fox nominated M. Mulvaney as Secretary. Commissioner Kukuk seconded the motion, and it carried unanimously.

b. 16 Hillside Court & 67 Meadow Brook Rd #201401194: Remove earth berm, logs & sediment that has collected over time which is clogging drainage swale & contributing to flooding

- 1. Town of Brookfield, CT GIS Map showing location of proposed work at 16 Hillside Court & 67 Meadow Brook Road dated 12/11/14**
- 2. Letter from R. Tedesco to Brookfield Crossing Association dated 12/12/14, signed by S. Berry of Brookfield Crossing on 12/22/14**
- 3. Letter from R. Tedesco to L. Beebe dated 12/11/14, signed by L. Beebe on 12/15/14**
- 4. Town of Brookfield, CT GIS Map showing properties and land owners received in the Land Use Office on 12/22/14**

WEO Daniel was requested to handle this matter on behalf of the Director of Public Works. An email regarding the clogging of drainage was read. WEO Daniel reviewed the map, noting the purple line and pointing out the wetlands, catch basin and work area. It was noted that machines will do the work, which is necessary from a health/safety perspective.

The Director of Public Works, R. Tedesco, is the agent on the application, and the owner’s signature is attached. The Commission requested that WEO Daniel be present at the site to inspect the work. WEO Daniel noted the importance of ensuring that the swale be left in stable condition via rip rap or an alternative.

Secretary Mulvaney moved to approve Item 5.b., 16 Hillside Court & 67 Meadow Brook Road. It was noted that this item is New Business and cannot be voted on this evening. The applicant wishes to get the work done before spring. No second, no vote.

The Commission members were encouraged to inspect the site.

Vice Chairman Forlenza moved to continue 16 Hillside Court & 67 Meadow Brook Road, to the next regularly scheduled meeting. Secretary Mulvaney seconded the motion, and it carried unanimously.

- c. **198 Candlewood Lake Rd #201500009: Re-build Rock Jetty**
 - 1. **Plan labeled Armored Jetty dated January 2015 prepared by Meadowbrook Gardens**
 - 2. **Detail Sheet #1 dated January 2015 prepared by Meadowbrook Gardens**
 - 3. **FirstLight Letter of Filing Consent dated 01/09/15**

Chairperson Fox reviewed the letter from First Light, noting that “no digging” will occur. Chairperson Fox moved to continue 198 Candlewood Lake Road, #201500009, to the next regularly scheduled meeting. Commissioner Huttemann seconded the motion, and it carried unanimously.

Commissioner Kukk inquired if additional information was needed to evaluate this matter, and indicated she would review the information again prior to the next meeting. WEO Daniel stated she would advise the applicant that the Commission had questions, and request that the applicant make every effort to come to the next meeting.

6. **Tabled Items:**

3. **Wetlands Enforcement**

a. **Enforcement Officer’s Report**

3. **81 Kellogg Street** - WEO Daniel advised that it came to her attention that an aspect of conservation easement associated with this site may have been violated. She became aware of this after the area was stabilized and seeded to lawn. WEO Daniel stated that she had interactions with the previous property owner, and reviewed with that earlier owner which trees could be removed to create a view shed, which was a stipulation of the subdivision approval. At that time, an inspection report was given to the property owner that allowed six trees to be cut, and no stumps to be removed. When someone inquired regarding buying the vacant lot next door, that party also asked if he/she could make a path to the lake, like that at 81 Kellogg.

Upon inspecting the site, the new property owner at 81 Kellogg has stated that she bought the property that way. Attorney Beecher has advised WEO Daniel that she has grounds to enforce the conservation easement. There was discussion regarding issuing a Notice of Violation, and a request for the property owner to come in to resolve the matter. WEO Daniel cited the sections of conservation easement that were violated, and the Commission has enforcement authority over the easement. She did not see any erosion when she inspected the site. WEO Daniel further noted that a title search should have revealed conservation restrictions. WEO Daniel shared Attorney Beecher’s email, and suggested that the photograph in the packet be reviewed. She indicated that her last inspection with the previous owner was on 10/20/2011. At present, the stumps have been removed, and a lawn is there. She’s concerned with the lack of knowledge of the detail of the conservation restriction.

There was discussion regarding the line demarcating the conservation easement, and the possibility of having some of the vegetation grow back, as the runoff path has been changed. WEO Daniel advised that there were 17 conditions with the subdivision approval. Vice Chairman Forlenza reviewed the restrictions.

Chairperson Fox inquired where the 440 line was, and WEO Daniel noted it was near the water, and there is not much area that First Light has jurisdiction over.

Secretary Mulvaney pointed out that he would like to ensure that herbicides are not used.

WEO Daniel reviewed her understanding behind the intent of the conservation easement, specifically, that the neighbors did not want to lose “the wooded nature of the lot”. She stated she would investigate the location of the split rail fence. Additionally, the Commission will review the stipulations, and is hopeful that proper actions can be taken to enhance the area. The conservation easement states that the wetland permit is null and void if there is a violation of the terms.

7. **Correspondence:**

- a. **Minutes of Other Boards & Commissions: 11/20/14 Aquifer Protection; 01/08/15 Planning**
- b. **Letter from E. Seaman to S. Fox dated 12/19/14 Re: 13 Kellogg Street, Application/Permit #201400807**

No discussion/no motions.

8. **Review Minutes of Previous Meetings: 12/08/14 – Commissioner Kukk moved to approve the Minutes of the 12/08/14 meeting. Commissioner Huttemann seconded the motion, and it carried, 4-0-1, with Secretary Mulvaney abstaining.**
12/22/14 – Commissioner Kukk moved to approve the Minutes of the 12/22/14 meeting. Commissioner Huttemann seconded the motion, and it carried, 4-0-1, with Vice Chairman Forlenza abstaining.
12/27/14 site walk – Secretary Mulvaney moved to approve the Minutes of the 12/27/14 site walk. Commissioner Huttemann seconded the motion, and it carried, 3-0-2 with Vice Chairman Forlenza and Commissioner Kukk abstaining.

9. **Informal Discussion:**

WEO Daniel shared with the Commission that the Connecticut Bar Association is holding a workshop regarding Connecticut Land Use Law on Saturday, March 21, 8:30 a.m. - 4:30 p.m. at Wesleyan University. She encouraged Commission members to attend.

Additionally, Chairperson Fox met with the First Selectman regarding monitoring of the vernal pools, and he will review the form. She will follow up and keep the Commission apprised.

10. **Adjourn:**

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

*****Next regular meeting scheduled for January 26, 2015*****