

# Revised Agenda - Regular Inland Wetlands Commission Meeting

## MINUTES

7:00 PM Monday, March 09, 2015

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, M. Kukk (arrived at 7:04 p.m.)

**Absent:** R. Huttemann, Alternate J. Bronn

**Also Present:** Wetlands Enforcement Officer available via telepresence; Recording Secretary D. Cioffi

### 3) Wetlands Enforcement

#### a) Enforcement Officer's Report

1. 148 North Lake Shore Drive #201401091
2. 136 Grays Bridge Road #201400652
3. 81 Kellogg Street

*WEO Daniel is unable to attend tonight's meeting in person, but advised Chairperson Fox that there are no changes since the last meeting.*

#### b) Site Inspection Reports

##### 1) 540 Federal Road

- Letter from M. Morin of the Northwest Conservation District dated 03/04/15

##### 2) 40 & 64 Laurel Hill Road

- Letter from M. Morin of the Northwest Conservation District dated 03/04/15

Secretary Mulvaney advised that he reviewed the reports, and there were no serious issues.

### 4) 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 open date was 12/22/14; PH close with extensions: 02/23/15; 29 extension days used; 36 extension days remaining)

- Letter to K. Daniel and Inland Wetlands Commissioners from DiVesta Civil Engineering Associates, Inc. re: revised plans by J.F.M. Engineering, Inc. dated 02/09/15 received in the Land Use Office on 03/04/15.
- Landscape Plans prepared by Environmental Landscape Solutions, LLC dated 03/05/15 received in Land Use Office on 03/05/15
- Response to Town Comments prepared by Environmental Landscape Solutions, LLC dated 03/05/15 re: received in Land Use Office on 03/05/15
- Wetland Monitoring Standards prepared by Environmental Landscape Solutions, LLC dated 03/05/15 received in Land Use Office on 03/05/15
- Response to Town Comments prepared by J. F. M. Engineering, Inc. dated 3-5-2015 received in Land use Office 03/05/15
- Engineering Set prepared by J. F. M. Engineering, Inc. dated 3-5-2015 received in Land Use Office 03/05/15

Chairperson Fox re-opened the Public Hearing. She noted a letter from D. DiVesta dated 3/18/15, to WEO Daniel, in the Commissioners' after-the-fact correspondence packets. The letter indicates that Mr. DiVesta reviewed the J.F.M. Engineering letter dated 3-5-15 (above), and he believes all of his comments have been addressed satisfactorily by the applicant.

*K. Throckmorton, Environmental Land Solutions, Norwalk, was present. She had advised that another letter was received from*

the Commission's consultant, J. Cowen. Additionally, the applicant appeared before the Zoning Commission, and it requested minor revisions.

Ms. Throckmorton noted that the Zoning Commission had parking concerns, so additional spaces were added under the garage and near Building E. She reviewed other parking reconfigurations to address Zoning's concerns. Upon inquiry from Commissioner Kukk, she advised that all of the parking spaces are pervious. Also, a retaining wall was curved and pulled away. The applicant's most recent plans are dated 3/5/15.

Ms. Throckmorton reviewed Mr. Cowen's letter dated 2/23/15. She indicated the applicant has satisfied Comments 1-5. With regard to Comment 6, she advised that the phasing is now coordinated between her plans and the engineering plans. She pointed out that a cross section of the retaining wall is on the engineering plan. Ms. Throckmorton also stated that the grading swale around Building D was reduced, and the existing ash tree will stay. Further, all the plans include a caveat that all work will stop within two feet of the wetlands line, and that any transition work will be done by hand.

Chairperson Fox inquired how the wetlands would be delineated. Ms. Throckmorton indicated that the flags that are there will remain during construction, and the sediment fence line will be used. The silt fence will be maintained "to the farthest extent possible" per Ms. Throckmorton. Secretary Mulvaney expressed his concern regarding how this will be overseen, and Ms. Throckmorton advised that this issue is noted on the plans, and there will be monitoring.

Ms. Throckmorton reviewed the revisions on Plant Note 2. She pointed out the added notes to Sheet 4, per the request of Mr. Cowen, specifically, that the bioswale should be monitored monthly; and the disturbance line will be finalized by her, the Town, the engineer and the construction manager. Additionally, the plant list for the plugs in the bioswale has been revised.

With regard to the concerns regarding the water levels in the bio-basin, Ms. Throckmorton pointed out the exit area for all the water on the site, and the top soil will mimic the existing wetlands top soil. She has added a contingency that if the soils are poorly draining, the mix could be changed to retain more water. This determination will be made by Ms. Throckmorton. Monitoring will be monthly unless there is a need for a special site visit.

With regard to the possibility of saving trees in the rain garden, Ms. Throckmorton is of the opinion that is not possible. She advised that to compensate, 16 trees and 40 shrubs will be added. The sediment will be removed before the rain garden is started.

Ms. Throckmorton acknowledged that all of the information has been submitted for Mr. Cowen's review before the final formatting, and requested this be handled via a condition of approval. The construction sequence has been added. Ms. Throckmorton noted that all activities and inspections will be supervised and signed off by her. The Basic Management Plan, and a copy of Guidelines for Disposal of Plants, is attached to the plans.

Ms. Throckmorton added that the 8 items requested to be added to the plans, by Mr. Cowen, are now on LP4. There was discussion regarding the size of the mower to be used.

Chairperson Fox requested that snow removal specifications be added to the maintenance plan.

Secretary Mulvaney inquired regarding the emergency access via the bowling alley. Ms. Throckmorton indicated that it is out of the existing wetlands. The access was put in to address emergency access and will be put to the property line. There was discussion regarding the necessity of the access to the bowling alley, and Commissioner Kukk stated she feels it must stay.

*D. DiVesta, Professional Engineer, was present.* He indicated his only question relates to the retaining wall being curved and the surcharging of pipes going into it. He advised he checked the elevations of the grates, and advised they will not surcharge the catch basins.

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

**Secretary Mulvaney moved to close the Public Hearing for 101, 103, 105 Laurel Hill Road, #201401095. Vice Chairman Forlenza seconded the motion. Commissioner Kukk inquired if there was a need for any stipulations. Chairperson Fox**

advised that the motion is only to close the Public Hearing, and the matter will be discussed at the next meeting. There has been no public comment regarding this matter, and the file will be reviewed for correspondence from the public. Motion carried unanimously.

**This matter will be on the Agenda as “Old Business” at the next regularly scheduled meeting on March 23, 2015.**

*R. Hebert was present.* He inquired if there was any possibility of a decision being made tonight, and was advised that the application would not be deliberated tonight, and the Zoning Commission would be advised that the IWC Public Hearing was closed.

## 5) Old Business

- a) Bonding for Buffered Areas on Candlewood Lake/First Light Property

**This matter is being kept on the agenda for future discussion. No motion.**

- b) 533 Federal Road #201500024: New Construction: Medical Building and Associated Parking (dec date 04/14/15)  
– *No one present at this time.*

**Secretary Mulvaney moved to go to Agenda Item 5.a. Vice Chairman Forlenza seconded the motion, and it carried unanimously.**

*-No one present at this time.*

*S. Sullivan, PE, CCA, 40 Old New Milford Rd., and W. Fontaine were present.* Mr. Sullivan advised that the birdhouses were removed. Chairperson Fox noted she did not see the need for any special stipulations. The plan is dated 12/3/14, and the birdhouses to be removed were noted.

- c) 36 North Mountain Road #201400591: Mountain Road Hollow - Approval Stipulations (Application #201400591 approved with stipulations on 12/08/14)  
The stipulations were received at the last meeting. The Commissioners have not had an opportunity to review the stipulations. **Secretary Mulvaney moved to continue Item 4.c., 36 North Mountain Rd., #201400591, to the next regularly scheduled meeting on March 23, 2015. Vice Chairman Forlenza seconded the motion, and it carried unanimously.**
- d) 64 Arrowhead Road #201500063: Landscape Design (dec date 04/28/15)

**Commissioner Kukk moved to approve item Item 4.d., 64 Arrowhead Rd., #201500093, Landscape Design, with all the standard stipulations, and based on a drawing dated February 1, 2015, by Elmgilde Landscaping. Vice Chairman Forlenza seconded the motion, and it carried unanimously.**

- e) 11 Conrad Road #201500085: Single Family Dwelling (dec date 04/28/15)
1. **Septic System Design prepared for Conrad Road LLC re: 11 Conrad Road Sheet 1 of 2 received in Land Use Office 03/03/15**
  2. **Septic System Details prepared for Conrad Road LLC re: 11 Conrad Road Sheet 2 of 2 received in Land Use Office 03/03/15**

*S. Sullivan, PE, CCA, 40 Old New Milford Rd., was present.* The revised plan dated 3/3/15 was reviewed. Mr. Sullivan indicated that in response to the Commission's request, white pine trees were added as a landscape demarcation. Additionally, the proposed septic system was changed from a Mantis to a type that will allow discharge from a water softener. Mr. Sullivan further advised that per the Connecticut Department of Public Health, effective January 2015, the Department of Energy and Environmental Protection has created a general permit for small systems to discharge. He noted the need to educate installers. It was noted that the salt and sediment generated from the softeners destroys the concrete material of these septic systems. The proposed new system for this project is more expensive than the Mantis. There was discussion regarding the placement of riprap on the plans where the roof drain meets daylight, and this was denoted on the plans by Secretary Mulvaney.

Commissioner Kukk inquired what material is used for the new green leech system. Mr. Sullivan advised it is plastic, and accordion-shaped. He added that they are often used on smaller lots near the lake.

**Secretary Mulvaney moved to approve Item 4.e., 11 Conrad Rd., #201500085, per a plan from CCA, original date, 1/29/15, revision date 2/25/15, with a note that the roof drains drain into rip rap, and with all the standard stipulations. Commissioner Kukk seconded the motion, and it carried unanimously.**

## 6) New Business

a) 18 Lillinonah Drive #201500109: Landscape Design  
(dec date 05/12/15)

1. **Letter of Filing Consent received in Land Use Office on 02/20/15**
2. **Warranty Deed re: 18 Lillinonah Drive received in Land Use Office on 2/20/15**
3. **Property & Topographic Survey prepared for Barry Reisler, 18 Lillinonah Drive, Brookfield, CT dated 03/10/09**

*Vincent Young, 18 Lillinonah Dr., was present.* The application was located in the file and reviewed, and it was noted that it relates to First Light property.

*Commissioner M. Kukk arrived at 7:04 p.m.*

Mr. Young demonstrated where the proposed walkway will be. The existing 5' X 5' piling will be destroyed and removed by hand. First Light has advised that it would like the new piling on the shoreline, with a concrete-filled form in the lake, as the water level is not high yet. Mr. Young has advised that First Light has approved the plan, and requested that he come before IWC. The trees on the plan are existing, and some plantings will be added.

A pea-stone patio will be added. Secretary Mulvaney advised that silt fencing and hay bales will be necessary. A staircase will also be installed, and will be made of natural stone.

Commissioner Kukk inquired if there was a construction sequence, and Secretary Mulvaney advised that it is small project, and will only involve hand-digging. Chairperson Fox added a notation "silt fence to be installed before activity begins" and advised the property owner to call the Land Use Office upon completion of the installation. This notation was initiated by the applicant's representative. Chairperson Fox advised that because this is a New Business item, it cannot be acted upon tonight.

**This matter will be on the Agenda at the next regularly scheduled meeting on March 23, 2015.**

## 7) Tabled Items

None.

## 8) Correspondence

a) Minutes of Other Boards & Commissions

1. Planning Commission 02/19/15
2. Zoning Commission 02/26/15

b) Email from Connecticut Planning Professionals List Serv Re: Wetlands Violation Question dated 01/14/15 & 01/15/15  
**Question dated 01/14/15 & 01/15/15** – This has been read at a previous meeting. The Commission would like to know from the Land Use Commission if this must remain on the Agenda for further discussion, and if not, to please remove it.

## 9) Review Minutes of Previous Meeting

**01/12/15** – Chairperson Fox moved to approve the Minutes of the 01/12/15 Meeting. Secretary Mulvaney seconded the motion, and it carried unanimously.

**02/18/15** – Commissioner Kukk moved to approve the Minutes of the 02/18/15 Meeting. Secretary Mulvaney seconded the motion, and it carried, 3-0-1, with Vice Chairman Forlenza abstaining.

**02/23/15** – Secretary Mulvaney noted the following correction: on Page 4, Item 4.d., in the sentence prior to the motion, to make the following changes (in italics) so that it reads, "WEO Daniel indicted she would inspect the sandbags to ensure that they are working efficiently *and if silt fence is possible given the ground conditions.*"

Commissioner Kukk noted another correction on Page 6, Item 5.c., in the "second" of the motion, so that it reads, "Commissioner Kukk seconded the motion, and clarified that this is being done due to the circumstances: the lake being filled above the line, *the unstable condition of the dock*, the meetings being canceled, ..." Secretary Mulvaney moved to approve the Minutes of the 02/23/15 Meeting, with the corrections on Pages 4 and 6, as discussed above. Motion carried.

3-0-1, with Vice Chairman Forlenza abstaining.

#### 10) Informal Discussion

a) 4 D'Arcangelo Drive #200700711

1. **Memo from the Land Use Office to the Inland Wetlands Commission dated 01/23/15** – There was discussion regarding whether or not the permit is still valid. The permit was granted in 2007, the house was not built, and the Commission is unclear if the permit was extended due to a Public Act. No date of expiration of the permit is listed in the file. Chairperson Fox suggested that this matter be sent to Attorney Beecher for his opinion. **Secretary Mulvaney moved to forward Agenda Item 9.a., to Attorney Beecher for his recommendations. Commissioner Kukuk seconded the motion, and it carried unanimously.**

#### Miscellaneous

Chairperson Fox advised that she received a note from Attorney Beecher regarding Vernal Pool Monitoring. The matter was supposed to be on the Board of Selectmen's agenda for March 1, 2015, however, it was not. She believes that the modified agreement will be on an upcoming agenda for a regular or special meeting. Chairperson Fox also encouraged the other Commission members to voice their opinions to the Selectmen regarding this issue.

**Commissioner Kukuk requested that the Land Use Office provide her with a hard copy of the most recent plans for 101, 103, 105 Laurel Hill Road.**

#### 11) Adjourn

**Commissioner Kukuk moved to adjourn the meeting at 8:25 p.m. Secretary Mulvaney seconded the motion, and it carried unanimously.**

**\*\*\*Next regular meeting scheduled for March 23, 2015\*\*\***