

Regular Inland Wetlands Commission Meeting
MINUTES
7:00 PM Monday, March 23, 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, 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

Secretary Mulvaney moved to remove the violation for compliance, M. Forlenza seconded the motion, and it carried unanimously.

a) Enforcement Officer's Report

148 North Lakeshore Drive, #201401091 - WEO Daniel advised that an application has not yet been received. She reviewed that this matter relates to a septic construction that lacks a permit from both the Health Department and the IWC. WEO Daniel stated that she is due to send another Citation to the property owner, and that fines have accrued to approximately \$5,000. Chairperson Fox inquired what the approval process is for a septic, and WEO Daniel advised that the Health Department must approve that the work has been done pursuant to the health code. The Health Department is also monitoring this site. Upon inquiry from R. Huttemann, WEO Daniel indicated that the property has been inspected and there are a few deficiencies with the Health Department approval. WEO Daniel pointed out that at this time, there is no erosion. She indicated she has been able to contact the property owner. WEO Daniel stated there is also a zoning issue with the driveway. The property owner has received correspondence from Zoning, the IWC and the Health Department via marshal service.

136 Gray's Bridge Rd, #201400652. - WEO Daniel advised that the Town Attorney is awaiting resolution with the property owner.

Alternate Commissioner J. Bronn joined the meeting at 7:04 p.m.

81 Kellogg St. - WEO Daniel noted the letter she sent to the subdivider, John Sweeney, requesting that a fence be erected. He did respond via telephone, however, he and WEO Daniel have not connected. WEO Daniel noted the additional issue of cutting within the conservation easement, but this was done prior to the purchase of the property, and the focus of resolving this issue involves the fence.

398 Federal Rd., #201500149 - Notice of Violation dated 03/07/15 - WEO Daniel shared photographs of the site. She contacted the project supervisor and requested that the tracking pad and silt fences be repaired. She indicated that since then, the violation has been cured. WEO Daniel would like to arrange for periodic inspections that she will conduct herself. Mr. R. Parr, 398 Federal Rd., was present, and advised he was in agreement that periodic inspections would be beneficial. The Commission thanked him for bringing the site into compliance.

Secretary Mulvaney moved to remove and clear the violation at 398 Federal Rd., #201500149, from the Enforcement Report, for compliance. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

36 North Mountain Rd. - The plantings still have to be accomplished

b) Site Inspection Reports

540 Federal Rd. - WEO Daniel advised that there were very minor issues at this site.

40 & 64 Laurel Hill Rd. - WEO Daniel indicated that she has requested Mr. Morin, of Northwest Conservation District, to visit the site this coming Thursday, to ensure that the issues at this site are resolved. If the issues continue, a Notice of Violation will be issued.

No motions.

4) Old Business

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

Chairperson Fox noted that the letter was written about six months ago. She does not believe that the Commission needs to keep this on the agenda. The Commission is in agreement that if a letter from First Light is received, it will be acknowledged.

No motions.

Miscellaneous

WEO Daniel advised that she discovered three properties near the lake that have planting bonds. They are from 2008, 2013 and 2014. She will determine the status of the plantings and report back to the Commission. She would like to ensure that the plantings required are below the 440 line. Secretary Mulvaney suggested that if they are below the 440 line,

then the Commission does not need to do anything further. Item 4.a. can be removed from the Agenda. The status of the three properties can be discussed at the next meeting under Enforcement

Vice Chairman Forlenza moved to go to Item 5.a., 78 North Lake Shore Dr. Secretary Mulvaney seconded the motion, and it carried unanimously.

- b) 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 (Dec Date: 04/12/2015; 36 extension days remaining)
Chairperson Fox noted the material sent out by WEO Daniel and her memo dated March 20, 2015. She advised that she reviewed the plans and the Minutes related to this application today. Commission members voting on this application are: Chairperson Fox, Vice Chairman Forlenza, Secretary Mulvaney and Commissioner Kukk. Secretary Mulvaney noted that all of the Commission's outstanding issues have been addressed. Chairperson Fox thanked the applicant for his cooperation and patience during the weather-related meeting cancellations. WEO Daniel's memo dated March 20, 2015, was shared with the applicant. Chairperson Fox suggested that the following be added to Item 3 The monitor will be present to finalize the line of disturbance for Wetlands #2. She also requested that additional specifications be added to the maintenance plan, and that on LP4, under Wetland Mitigation, that the monitor be given discretion for changes. Lastly, that the "Monitoring for the Wetland Mitigation Area" be incorporated by reference. Chairperson Fox noted that the last sentence of that document that references a 2/9/15 document cannot be found in the file, so she requested that section be excluded.

Chairperson Fox moved to approve 101, 103, 105 Laurel Hill Rd., #201401095, be approved, with the following conditions:

- 1) **The final construction documents will include a Wetland Mitigation Plan as a stand-alone document that incorporates:**
 - a. **the Monitoring for Wetland Mitigation Area Mitigation Objectives and Success Standards submitted by Environmental Land Solutions (ELS);**
 - b. **a copy of the CT DEEP "Guidelines for Disposal of Terrestrial Invasive Plants"; and**
 - c. **an Invasive Plant Management Plan prepared by ELS.****These documents will be provided to and approved by the Wetlands Enforcement Officer before construction begins.**
- 2) **A bond estimate for the value of the plant material in the wetland mitigation plans plus a 5% contingency for inflation be submitted for approval by the Inland Wetlands Commission and the bond posted prior to construction.**
- 3) **Prior to construction a monitor be selected by the Inland Wetlands Commission and compensated at the expense of the applicant based on Land Use office standard procedures. The monitor will be responsible for monitoring erosion and sediment control and wetland mitigation activities. The monitor will inspect weekly or within 24 hours of rainfall greater than 0.5" during active construction and will report to both the Commission and the project manager. The monitor will be present to finalize the line of disturbance for the Wetland #2 delineation.**
- 4) **Any modifications to the approved plan will be brought back to the Inland Wetland Commission for its approval.**
- 5) **Maintenance plan submitted within six months of this approval which will to the satisfaction of the Commission:**
 - a. **no grass clippings to be placed in wetlands;**
 - b. **no salt to be used on eastern foot path;**
 - c. **no snow will be plowed or deposited into any wetlands or rain garden area, nor any snow piled between A, B, C, or D;**
 - d. **ongoing maintenance plan to maintain proposed plantings and remove invasive plants (LP4 Invasive Management)**
- 6) **On LP4, note under "Wetland Mitigation" add, under Item 7, "Decisions to change will be at the discretion of the monitor";**
- 7) **Monitoring for Wetland Mitigation Area Mitigation Objectives and Success Standards, dated March 5, 2015, by ELS, is incorporated into this approval, except for Item C, where the text, " ... approved by the Town of Brookfield's Wetlands Agency" is deleted.**

Vice Chairman Forlenza seconded the motion.

Chairperson Fox added, "The applicant will provide a planting bond before construction".

Vice Chairman Forlenza withdrew his second of the motion.

After the addition of the planting bond language, Secretary Mulvaney seconded the motion, and it carried, 4-0-1, with Commissioner Huttemann abstaining.

R. Hebert, 90 Grove St., Ridgefield, CT, was present, and thanked the Commission for its efforts, stating he believes that the final project is much better than what was originally proposed.

- c) 36 North Mountain Road #201400591: Mountain Road Hollow – Approval Stipulations (Application #201400591 approved with stipulations on 12/08/14)
It was noted that this was approved in January 2015. Chairperson Fox reviewed the stipulations. She noted that Sheet C2 is not able to be located at this time. The planting bond of \$6,639.00 was reviewed, and Vice Chairman Forlenza noted it was satisfactory.

Secretary Mulvaney moved, in the matter of 36 North Mountain Rd., #201400591, to accept the planting bond for \$6,500 to address Stipulation #6. He noted the only thing that is open is receipt of the revised C2. WEO Daniel will follow up with the applicant. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

- d) 18 Lillinonah Drive #201500109: Landscape Design (dec date 05/12/15)
Chairperson Fox reviewed the file.

Secretary Mulvaney moved to approve Item 4.d., 18 Lillinonah Dr., #201500109. Commissioner Huttemann seconded the motion, and it carried unanimously.

5) New Business

- a) 78 North Lake Shore Drive #201500139: Addition Residential (dec date 05/26/15)
Arthur Apgar, 78 North Lake Shore Dr., was present. He plans to put a new septic in the front of house, off of First Light property. The old tank will be broken up, and a new tank will be installed and pumped up to the front. Mr. Apgar advised that the galleys will be abandoned. They are on First Light property. There was discussion regarding the depth of the trench. Upon inquiry from Commissioner Huttemann, Mr. Apgar pointed out where silt fencing and hay bales would be. Additionally, he noted where sand will be put per the directive of the Sanitarian. Mr. Apgar is unsure if the old dirt will be stockpiled, and discussed a possible staging area to that will keep material out of the lake. Chairperson Fox explained that a decision cannot be made tonight, and that the Commission may inspect the property. She requested that the applicant advise: 1) will construction machines have to be brought in to dig out the trench; and 2) will there be piles of dirt be placed while the work is being done. Mr. Apgar advised he is in the process of getting contractors, and will inquire of each what they propose. Mr. Apgar inquired if he needed to file another application when the planned additional construction is done, and was advised that he does. He will email WEO Daniel the contractor proposal. It was noted that there are three weeks until the next meeting.

Commissioner Kukk moved to continue Item 5.a., 78 North Lake Shore Dr., #201500139, Additional, Residential, to the next regularly scheduled meeting. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

6) Tabled Items

None.

7) Correspondence

Noted.

- a) Minutes of Other Boards & Commissions
No motions.
- b) Letter to Inland Wetland Commission from Michael J. Mazzucco, P.C. re: Dunn's Bridge Subdivision - New Bridge Road, New Milford, CT (Symgaug Brook, LLC) dated 02/26/2015 received in the Lan Use Office on 03/11/2015
No motions.

8) Review Minutes of Previous Meeting

Secretary Mulvaney moved to approve the Minutes of the March 9, 2015 meeting. Vice Chairman Forlenza seconded the motion, and it carried, 4-0-1, with Commissioner Huttemann abstaining.

9) Informal Discussion

Chairperson Fox advised that the Board of Selectmen had a meeting today at 5:15 p.m. regarding vernal pools. She will pick up the agreement from the First Selectman.

No motions.

10) Adjourn

Secretary Mulvaney moved to adjourn the meeting at 7:50 p.m. Vice Chairman Forlenza seconded the motion, and it carried unanimously.