

Regular Inland Wetlands Commission Meeting

MINUTES

7:00 PM Monday, April 13, 2015

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: Chairperson S. Fox, Secretary M. Mulvaney, Commissioner R. Huttemann, Alternate and Voting Commissioner J. Bronn (arrived at 7:16 p.m.)

Absent: Commissioner M. Kukk

Also Present: Recording Secretary D. Cioffi

It was noted that WEO Daniel is on vacation at this time, and will not be present this evening.

3) Wetlands Enforcement

a) Enforcement Officer's Report

It was noted that Notices of Violations were issued for **13A Forty Acre Mountain Road, #201500183**, for tree removal and stream crossings conducted without a permit. *D. Neto, and J. Neto, 13A Forty Acre Mountain Rd., were present.* Chairperson Fox read the language listed on the violation. Mr. J. Neto shared a photograph of a stone wall and advised that storm debris was deposited there. He utilized a machine to work near there. He indicated he did not go on the neighbor's property. Mr. J. Neto pointed out two trees, and then shared a map of the property with the Commissioners. There was discussion regarding steel beams. He cleaned up the trees and broke down the debris. He advised he believed he was outside of the wetlands, and apologized for the work done in the regulated area. Mr. J. Neto advised that all the material was "natural".

Secretary Mulvaney asked Mr. Neto if he saw the two streams when he crossed them, and Mr. Neto explained that he put a large pipe in there. Secretary Mulvaney advised him that a permit was necessary. Mr. Neto showed the Commissioner what he crossed the streams with, and it was noted that there are two pipes. Upon inquiry from Chairperson Fox, Mr. J. Neto showed her where certain trees in the photo are located on the map. Mr. J. Neto advised that he opens a trench in the summer to keep water from the pine trees. Chairperson Fox explained that a plan must be completed noting the trees that were taken out, and what kind of path was needed to cross the wetlands. She indicated that WEO Daniel has also advised the Commission about the presence of invasives. Chairperson Fox told Mr. J. Neto he would have to remove them by hand, and the pipe may need be to be removed from the stream banks, as it is unclear if it is sized properly. Chairperson Fox inquired what some of the material was, and Mr. J. Neto indicated that it was made up of dead trees that he pulled out. Chairperson Fox requested that Mr. J. Neto cease that sort of activity.

Secretary Mulvaney suggested that the wetland and regulated areas be delineated. Chairperson Fox requested a plan showing what the area looked like before the work he did, and what he plans on doing to remedy the site.

J. Bronn arrived at 7:16 p.m. and was appointed a Voting Member.

Chairperson Fox requested that the plans be submitted prior to Mr. Neto's return in two weeks at the next regularly scheduled meeting. Specifically, she asked that the plans show where the dead trees were, what was done, where the stream was and where it was crossed. Mr. J. Neto reviewed where some of the work was done, utilizing the photographs. Chairperson Fox reiterated Secretary Mulvaney's request that any work in the area must cease.

39 Hop Brook Road - The file was reviewed. No one was present. Chairperson Fox looked at photographs in the file of a logging operation. She will speak with the office and request that a restoration plan be asked for.

40 Laurel Hill Rd., #201500184 - *W. Noble, Excavating Contractor, 49 Quaker St., Wallkill, NY, was present.* Chairperson Fox advised that the Site Inspection report of March 26, 2015, lists a failure to maintain erosion and sediment controls. Chairperson Fox referred the Commission back to Agenda Item 3.a., Notices of Violation. Secretary Mulvaney read a report that summarized the corrective action. Mr. Noble discussed the attempts to remedy the problem, noting that the weather was a hinderance. He indicated that as soon as the workers were able, corrective action was performed. The inspection report of April 8 was reviewed. Mr. Noble indicated that erosion problems at the site are fixed daily. Secretary Mulvaney and Commissioner Huttemann indicated that they have inspected the site. The Commission encouraged Mr. Noble to continue to work daily to keep the site compliant, and advised that inspections would continue.

Secretary Mulvaney moved to lift the violation on 40 Laurel Hill Rd. Commissioner Huttemann seconded the motion.

Secretary Mulvaney noted the letter of April 8, 2015, advising the violation had been addressed, pointing out there was still one weak spot. The motion carried unanimously.

b) Site Inspection Reports

No motions.

4) Old Business

- a) Bonding for Buffered Areas on Candlewood Lake/First Light Property
It was requested that this be left on the agenda to review all the existing bonds that this would be relevant for.
- b) 78 North Lake Shore Drive #201500139 - Addition Residential (dec date 05/26/15)
Chairperson Fox noted that additional information was requested at the last meeting. *No one was present.*

Secretary Mulvaney moved to continue Item 4.b., 78 North Lake Shore Dr., #201500139 to the next regularly scheduled meeting. Commissioner Bronn seconded the motion, and it carried unanimously.

5) New Business

- a) 23 Cross Pond Drive #201500185 - In Ground Pool (dec date 06/16/15)
No one was present. The application for a pool was reviewed. The wetlands line and conservation easement were noted. Secretary Mulvaney pointed out that the silt fence is lacking. Chairperson Fox encouraged the Commissioners to inspect the site, and Secretary Mulvaney reiterated the need for a silt fence location, construction sequence and information regarding stockpiling.

Secretary Mulvaney moved to continue 23 Cross Pond Drive, #201500185, In Ground Pool, with the understanding that the Commissioners inspect the site, and that the Land Use Office get in touch with the applicant to request the information regarding the construction sequence and stockpiling the dirt. Commissioner Huttemann seconded the motion, and it carried unanimously.

- b) 12 Candlewood Harbor #201500220: Alteration Residential (dec date 6/16/15)
S. Keaney, Designer, Keaney & Company, 7 Candlewood Heights, New Milford, CT, and T. Fidziekiewicz, 12 Candlewood Harbor, were present.

The Commission recalled that the property owner has recently received approval for a wall on the site. The application before the Commission at this time is for a new garage and parking area that will involve approximately 500 square feet of disturbance. Ms. Keaney advised that the material used will be concrete planking material, and pointed out the location of retaining walls, one of which will be tied into a neighbor's retaining wall.

Photographs were reviewed. Some logs, silt fence, and hay bales were noted. Chairperson Fox inquired what the retaining wall is retaining, and Ms. Keating discussed leveling of the grade. Ms. Keaney summarized the plans to remove the fill, and utilizing it to level the area. Upon inquiry from Secretary Mulvaney, Mr. Fidziekiewicz advised there would be no blasting. Ms. Keaney noted the existence of a walk-out basement, and indicated a room would be built on top of this, which will require no excavation.

Secretary Mulvaney requested that the silt fence be maintained. The file was reviewed to determine if a construction sequence was present. Ms. Keating advised she would supply one prior to the next meeting.

Commissioner Huttemann moved to continue 12 Candlewood Harbor, #201500220, to the next regularly scheduled meeting. Commissioner Bronn seconded the motion, and it carried unanimously.

- c) Weantinoge Heritage Land Trust/Brookfield Open Space Legacy, Inc./Town of Brookfield public parking project (dec date 6/16/15)
William Memoli, 49 Merwin Brook Rd., Rebecca Steinburg, Weantinoge Land Trust, 5 Maple St., Kent, CT, and Paul Elconin, were present. Chairperson Fox noted that the application is for a parking area to allow access to Platt Glen Preserve and Birch Rocks Sanctuary. The Heritage Land Trust map was reviewed. The applicant is proposing 5-7 parking spaces per a map drawn by CCA. Mr. Memoli advised that the property is over 170 acres, and the WHT would like to link the two preserves, and connect the trails for public use. Mr. Elconin advised that the Town is assisting with the proposal. Mr. Memoli reviewed the map of the roads surrounding the site to assist in Chairperson Fox in her understanding of the site's location. The previous parking, a driveway, a creek, and a house were noted. Mr. Elconin explained that the current trails are underutilized due to lack of parking.

Chairperson Fox inquired regarding the distance between the parking and creek, and Mr. Elconin advised it was within 200 feet of creek. There was discussion regarding the site being within FEMA Flood Zone X. It was noted that Mr. Tedesco has been to the site. Secretary Mulvaney pointed out that the drawing is calling for paving, but the applicant advised it will be gravel. There was discussion regarding cutting trees. Secretary Mulvaney requested that silt fence be installed, and that CCA demarcate the line of disturbance to the middle of the creek. There was discussion regarding a level spreader to catch some of the water, and an oil spreader. Chairperson Fox also requested that CCA put a key on the map. The Commission and applicant agreed that they do not want material going into the creek. The applicant's representatives were advised that the information could be provided at their convenience, and that the next meeting is on Monday, April 27, 2015. The Commissioners may inspect the site.

Secretary Mulvaney moved to continue Item 5.c., Weantinoge Heritage Land Trust/Brookfield Open Space Legacy, Inc., to the next regularly scheduled meeting. Commissioner Huttemann seconded the motion, and it carried unanimously.

6) Tabled Items

None.

7) Correspondence

- a) Minutes of Other Boards & Commissions
There was brief discussion regarding the Zoning Board of Appeals Minutes. No motion.
- b) 36 North Mountain Road #201400591 12 Lot Affordable Subdivision
It was noted that Sheet C2 is not able to be located at this time. Chairperson Fox noted that there is a Memo from K. Daniel to the Commission. Chairperson Fox will come to the Land Use Office tomorrow to review the file.

It was requested that this item be listed as Old Business on the next meeting's agenda.

8) Review Minutes of Previous Meeting

Secretary Mulvaney moved to approve the Minutes of the March 23, 2015 meeting as submitted. Commissioner Huttemann seconded the meeting, and it carried unanimously.

9) Informal Discussion

Chairperson Fox advised that the Town has approved the agreement for vernal pool monitoring.

Secretary Mulvaney requested that more copies of the agenda be left on the table for meetings.

10) Adjourn

Secretary Mulvaney moved to adjourn the meeting at 8:33 p.m. Commissioner Bronn seconded the motion, and it carried unanimously.