

Regular Inland Wetlands Commission Meeting
MINUTES
7:00 PM Monday, May 11, 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

Absent: J. Bronn, R. Huttemann, M. Kukkk

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

3) Wetlands Enforcement

a) Enforcement Officer's Report

Secretary Mulvaney requested that a copy of the Enforcement Report be printed out.

136 Gray's Bridge – No significant change.

81 Kellogg St. – WEO Daniel advised there is a new property owner of one of the two vacant lots. He is aware of the tenets of the conservation easement, and will consider how to best delineate the easement on his site. She advised him that there are signs that can be put on trees, or stakes, to do this.

148 North Lakeshore Dr. – No significant change.

13A Forty Acre Mountain Rd. – *J. Neto, 13 Forty Acre Mtn. Rd., was present.* He shared drawings with the Commissioners, as well as photographs. Mr. Neto would like to store wood at a location away from the house. He advised that he diverted a stream with the piping. The pipes are galvanized material. Photographs of the pipes, and the streams into the pipe, are in the file and were reviewed. Mr. Neto discussed gravel and process material installed six or seven years ago. He indicated that the streams are only active in the spring. The pile of wood on the stream is still there as he was requested to cease activity. Secretary Mulvaney and Chairperson Fox advised they wished to inspect the site. Chairperson Fox expressed her gratitude for the property owner providing the plans. WEO Daniel requested that Mr. Neto submit an application outlining the work that was done. Secretary Mulvaney advised Mr. Neto that the plans should reflect what is being requested on the application.

WEO Daniel requested that the following be added to the Agenda:

52 Indian Trail, #201500374 – WEO Daniel shared photographs of the site. There has been significant clearing and some grading. The Candlewood Lake Club called to inquire if the work had been permitted. WEO Daniel noted upon inspection the work is more than "clearing" generally associated with landscaping. The work is less than 200 feet from the lake. *A. Pietrini, 265 Horse Fence Hill Rd., Southbury, CT, was present.* He is the site contractor, and was unaware that permission from the CLC and the Commission were required. He indicated that the property owner has cleared the area twice before. Mr. Pietrini shared a copy of proposed plans with the Commissioners. Secretary Mulvaney pointed out that the proposal will require working with the Department of Public Works for a road cut. Mr. Pietrini advised that he installed a silt fence this afternoon and showed a photograph on his phone. He has been accessing through the neighbor's driveway, with his permission. Chairperson Fox told Mr. Pietrini that the application and check can be submitted to the Land Use Office tomorrow. Options for a long-term stability plan were discussed. Mr. Pietrini was advised that the next meeting is June 8, 2015.

No motions.

b) Site Inspection Reports

- 414 Federal Road Site Inspection Report dated 05/05/2015
- 540 Federal Road Site Inspection Report dated 05/01/2015
- 40 & 64 Laurel Hill Site Inspection Report dated 05/01/2015
- 460 Candlewood Lake Road -Town Beach Park Site Inspection Report dated 05/06/2015

4) Old Business

a) 78 North Lake Shore Drive #201500139 - Addition Residential (dec date 05/26/2015)

- Construction Sequence provided by applicant received in Land Use Office 05/07/2015
- Property Survey prepared for Arthur F. Apgar, Jr., 78 North Lakeshore Drive Erosion Control and Soil Stock pile noted on survey – *A. Apgar, 78 North Lake Shore Dr., was present.* He advised that his original submission related to a septic, but the work required was more extensive than anticipated. He would now like to extend the house. He will contain the work and explained the access to the Commissioners. Mr. Apgar inquired who to consult regarding water issues below the 440 line. The Commission indicated that he should initially speak with First Light, and then return to the Commission.

Secretary Mulvaney moved to approve Item 4.a., 78 North Lake Shore Drive, #201500139, with all the standard stipulations, per a plan that was prepared by PAH, Inc., dated 6/21/2014. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

b) 23 Cross Pond Drive #201500185 - In Ground Pool (dec date 06/16/2015)

- **As Build Plot Plan Lot 4 Whispering Glen with Erosion Control and Soil Stock pile noted** – *R. Gallagher, 39 Mill Plain Rd., Danbury, CT, was present.* He explained that he put the erosion and sediment controls on the surveyor's plan. He pointed out a retaining wall, the pool, and a patio, as well as the erosion controls and soil stockpile area. The construction sequence is also on the plans. The edge of the conservation easement was noted. There will be a small amount of activity in the regulated area for the patio, and to accomplish the erosion/sediment controls. The curtain drain for the septic is pre-existing. Chairperson Fox inquired regarding trees on the site, and Mr. Gallagher believes there may be some small trees. She also asked how the easement is marked. Mr. Gallagher advised that it is not marked, and suggested that it be a stipulation of approval. Chairperson Fox thanked Mr. Gallagher for the information he provided. There was discussion regarding using hay bales, medallions or driveway flagging to mark the easement during construction. It was decided that small markers should be utilized to preserve the tree line, and that this could be accomplished by the surveyor. This directive was added to the plans, and was initialed by Mr. Gallagher.

Vice Chairman Forlenza moved to approve Item 4.b., 23 Cross Pond Drive, #201500185, per a plan dated 5/11/15, with the change under the sequence of construction: 1) installation of filter fabric and/or staked hay bales as shown on plan, plus markings, stakes, flags or fences, to mark conservation easement performed by a surveyor. Secretary Mulvaney seconded the motion, and it carried unanimously.

c) Weantinog Heritage Land Trust/Brookfield Open Space Legacy, Inc./town of Brookfield public parking project (dec date 06/16/2015)
No one present. The Commission is awaiting information.

Secretary Mulvaney moved to continue Item 4.c., Weantinog Heritage Land Trust/Brookfield Open Space Legacy, Inc., Town of Brookfield Public Parking Project, to the next regularly scheduled meeting. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

d) 36 North Mountain Road #201400591 - 12 Lot Affordable Subdivision
WEO Daniel had previously advised that she confirmed that the plan set was correct

Secretary Mulvaney moved to accept Sheet C2 for Item 4.d., 36 North Mountain Rd., #201400591. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

e) 106 North Lake Shore Drive #201500277 - Retaining Well (dec date 06/30/2015)

The file was reviewed. Chairperson Fox recalled that the sea wall is falling into the lake. The applicant is repairing it per the plans.

Secretary Mulvaney moved to approve item 4.e., 106 North Lake Shore Drive, #201500277, with all of the normal stipulations, as written on a plan dated 4/9/2015, and labeled "Fawcett residence" that includes the silt fence. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

5) New Business

a) 575 Candlewood Lake Road #201500345 - Seawall/Seating Area

- First Light Letter of Filing Consent - *J. Rynn, 7 Candleset Cove, New Milford, was present.* Chairperson Fox reviewed that the application is to remove existing invasive species. Mr. Rynn advised that his brother, the property owner, wishes to clean up the site. He has spoken with First Light, and it approves. There was discussion regarding access to the work site. Mr. Rynn indicated that the invasives would be removed, and a level area will be created. Mr. Rynn advised that First Light will inspect after IWC approval is received and the work is done. Secretary Mulvaney noted a meter wire on a tree, which Mr. Rynn indicated is pre-existing and will not be removed. The Commissioners will inspect the site prior to the next meeting on June 8, 2015. **Vice Chairman Forlenza**

moved to continue 575 Candlewood Lake Road, #201500345, to the next regularly scheduled meeting. Secretary Mulvaney seconded the motion, and it carried unanimously.

b) 1055 Federal Road #200500483 - 4-Year Extension Request

- Letter from CCA, LLC requesting 4-Year Extension- *S. Sullivan, PE, CCA, 40 Old New Milford Rd., was present.* He noted the Public Act related to extensions.

Miscellaneous

Chairperson Fox asked that the Land Use Office review the status of the permit extension for D'Arcangelo Drive.

Chairperson Fox moved to accept the 4-Year Extension Request for 1055 Federal Road, #200500483, until June 14, 2019. Secretary Mulvaney seconded the motion, and it carried unanimously. Secretary Mulvaney moved to go to Agenda Item 5.d., 540 Federal Rd., #201500344. Vice Chairman Forlenza seconded the motion, and it carried unanimously. Secretary Mulvaney moved to go to Agenda Item 5.d., 540 Federal Rd., #201500344. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

c) 39 Hop Brook Road #201500196 - Re-Plant Wetlands due to Violation (dec date 07/09/2015)

The activities leading to the violation were discussed. Chairperson Fox noted that an application was received, with a planting inventory and planting plan. There was discussion regarding possible bonding. It was requested that the Land Use Office contact the applicant and request planting price, so that bond may be set.

Chairperson Fox moved to continue 39 Hop Brook, #201500196, to the next regularly scheduled meeting, which will allow the Commissioners to look at the site, and the Land Use Office to request a planting cost. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

d) 540 Federal Road #201500344 - Phasing Plan

i. Phasing Plan Oak Meadows Re-Subdivision Incentive Housing Development Prepared for Cirignano Limited Partnership #3 & Minino Homes, Inc. revised 04/30/2015

S. Sullivan, PE, CCA, 40 Old New Milford Rd., was present. He advised that Phases 1 and 2 are complete. The applicant is requesting that the wetland mitigation that was to be done in April be moved to October. Upon inquiry from the Commission, Mr. Sullivan explained that the site is stable and there is a planting plan. Additionally, Jodi Chase, Wetlands Scientist, will come back out and devise the planting scheme. Bond amounts were discussed. The Commission requested that Ms. Chase visit the site monthly. **Chairperson Fox moved to approve the modification for 540 Federal Rd., #201500344 – Phasing Plan, to modify the phasing plan and allow deferral of the wetland remediation work in Phase 3, to allow for completion of by October, 2015, with the understanding that there will be a monthly review by the applicant and a report will be provided, noting any invasives and invasive removal plan for this area, for June, July, August, September. Secretary Mulvaney seconded the motion, and it carried unanimously.**

Secretary Mulvaney moved to return to Item 5.c. Vice Chairman Forlenza seconded the motion, and it carried unanimously.

6) Tabled Items

None.

7) Correspondence

- a) Minutes of Other Boards & Commissions
- b) Memo from Katherine Daniel to all Boards and Commissions regarding the Plan of Conservation and Development
- c) Letter from James Ferlow, Wetlands Enforcement Officer, Town of New Milford re: Dunn's Bridge Subdivision - New Bridge Road and Twin Brooks Drive
- d) The Habitat newsletter - hard copy to be distributed at meeting
Noted.

8) Review Minutes of Previous Meeting

Not a sufficient quorum.

9) Informal Discussion

None.

10) Adjourn

Vice Chairman Forlenza moved to adjourn the meeting at 8:20 p.m. Secretary Mulvaney seconded the motion, and it carried unanimously.