

**Regular Inland Wetlands Commission Meeting**  
**MINUTES**  
**7:00 PM Monday, June 08, 2015**  
**Room 133**

**1) Convene Meeting**

Chairperson S. Fox convened the meeting at 7:01 p.m. and established a quorum of members.

**2) Roll Call and Designation of Alternates**

**Present:** Chairperson S. Fox, Secretary M. Mulvaney, M. Kukk, R. Huttemann, Alternate and Voting Member J. Bronn

**Absent:** Vice Chairman M. Forlenza

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

**3) Wetlands Enforcement**

a) Enforcement Officer's Report

WEO Daniel advised that the Enforcement Report is now available on Earthchannel.

**81 Kellogg St.** – WEO Daniel noted that the subdivider, who has sold the lots, is aware that there is the need to delineate the conservation easement with a split rail fence. WEO Daniel has also spoken with another property owner who has a large portion of the conservation easement. He will consider this as he makes plans for development on his property. WEO Daniel shared methods of delineation with him. WEO Daniel believes that working with the new property owners will be more successful than with the subdivider, but suggested that the Commission obtain the opinion of Town Counsel, possibly with the property owners.

**148 North Lakeshore Dr., #201401091** – WEO Daniel indicated that she has sent out four Citations to this property owner, the most recent was sent today. Fines total \$14,700, since November 20, 2015. Compliance could be accomplished by the filing of an application. The property owner has resolved the septic connection issues with the Sanitarian, but must consult with the Commission prior to seeding the area. Chairperson Fox noted the next step would be referral to the Town Attorney. Secretary Mulvaney suggested that the Commission wait a few days to allow a response to the latest Citation, as the Commission has not incurred any costs to date.

**136 Gray's Bridge Rd., #201400652** – No change in status; the Town Attorney has the file.

**13A Forty Acre Mountain Rd., #201500183** – There is an application before the Commission tonight.

**52 Indian Trail, #201500374** – There is an application before the Commission tonight.

No motions.

b) Site Inspection Reports

**398 Federal Rd.** – WEO Daniel advised she is performing the inspections at this site. She indicated that there currently is no violation, however, there are a few things that need to be monitored. Secretary Mulvaney shared photographs he took.

1. 540 Federal Road - Site Inspection Report 05/13/2015 and 05/27/2015 – Regular reporting noted.
2. 40 & 64 Laurel Hill Road - Site Inspection Report 05/27/2015 – Regular reporting noted.

No motions.

**4) Old Business**

- a) 575 Candlewood Lake Road #201500345: Seawall/Seating Area (dec date 07/14/2015)  
*K. and M. Wrinn, were present.* Some of the Commissioners were able to inspect the site from the road. There was discussion regarding the vines that have to be cut down. Mr. Wrinn reported that First Light agreed that they must be removed. Additionally, some rocks will be moved. Chairperson Fox advised that the silt fence must be put up first, so that WEO Daniel can inspect and advise if it is possible to move forward.

**Secretary Mulvaney moved to approve Item 4.a., 575 Candlewood Lake Rd., #201500345, with all of the normal stipulations, as on a map received May 4, 2015. Commissioner Kukk seconded the motion, and it carried unanimously.**

The language of the approval will be sent in a letter, and the property owners will be able to call the contractor.

- b) Weantinoge Heritage Land Trust/Brookfield Open Space Legacy, Inc. /Town Of Brookfield #201500223: Public Parking Project (dec date 06/16/2015)

*P. Elcon, Weantinoge Heritage Land Trust, and L. Memoli, Brookfield Open Space Legacy were present.* The sketch dated April 22 was reviewed, and it contains added notes based on the Commission's request. Chairperson S. Fox advised that she inspected the site and observed flagged trees. Mr. Elcon indicated that the limits of disturbance were flagged, and trees were counted, for a total of 23. The applicant expressed its disappointment regarding the lack of parking area. Upon inquiry from Secretary Mulvaney, Mr. Elcon advised that their CCA engineer explained how the velocity of the storm water would be reduced, and there was discussion regarding the original plan. The depth of the wetland was discussed.

**Commissioner Huttemann moved to approve Item 4.b., Weantinoge Heritage Land Trust/Brookfield Open Space Legacy, Inc., #201500223, with the normal stipulations, on a plan entitled, Brookfield Open Space Legacy, Obtuse Road North, Brookfield, dated 4/8/15, Project 93470. Secretary Mulvaney seconded the motion, and it carried unanimously.**

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

Secretary Mulvaney stated that he visited the site and observed silt fence in the water, as well as some piles of chips in the water. To remedy the Notice of Violation, approval of the plan is necessary. Additionally, the silt fence must be repaired within seven days, and the chips must be removed from the water.

**Chairperson Fox moved to approve the remediation plan at 39 Hop Brook Road, #201500338, to replant the wetlands and resolve the violation (#201500196), as identified on a plan with no date, Sketch A1, Restoration Plan, contingent upon the owner correcting the fallen silt fence by June 15, 2015, and also contingent upon the provision of plan to remove the newly fallen debris in the pond, by the 22nd of June, 2015. Secretary Mulvaney seconded the motion, and it carried unanimously.**

**Secretary Mulvaney moved to return to Item 5.a., 39 Hop Brook Rd.**

**Chairperson Fox moved to amend the main motion, to add a third stipulation, to provide a planting bond by June 22, 2015. It was noted that there is a planting plan in the file, but not an amount for a bond. The applicant must provide that information.**

**Secretary Mulvaney seconded the motion, and it carried unanimously.**

**Secretary Mulvaney moved to return to Item 5.b.**

## 5) New Business

- a) 52 Indian Trail #201500437: Retaining Wall (dec date 08/11/2015)

*A. Petrini, Southbury, was present.* He advised he was present at the last meeting due to a violation at the site. WEO Daniel advised that the silt fence was installed. Chairperson Fox removed the access way on the plan, and this was initialed by Mr. Petrini. The area will be grassed, and there is a retaining wall.

**Commissioner Kukk moved to continue Item 5.a, 52 Indian Trail, #201500437, to the next regularly scheduled meeting on June 22, 2015. Commissioner Huttemann seconded the motion, and it carried unanimously.**

- b) 140 Laurel Hill Rd #201500473 - Building Addition (dec date 08/11/2015)

*N. Yuschak, ASLA, CCA, 40 Old New Milford Rd., was present.* He indicated that the applicant is proposing an addition to the existing building, to the south. Also, an existing catch basin will be renovated. A rock ledge was pointed out. WEO Daniel indicated that she was not sure if this proposal was regulated activity because the work is less than 100 feet from body of water to the west, but that body will never be impacted because of the steep slope between the work and the water. The slope is entirely rock ledge. It was noted that the distance from the wetlands to the corner of the building is 93 feet to corner of the building, and it is impossible for the water to travel uphill. This matter will be on agenda for the next meeting.

**Commissioner Kukk moved to continue Item 5.b., 140 Laurel Hill Rd., #201500473, Building Addition, to the next regularly scheduled meeting. Secretary Mulvaney seconded the motion, and it carried unanimously.**

- c) 13A Forty Acre Mountain Rd #201500457: Stream Crossing (dec date 08/11/2015)

**J. Neto, 13A Forty Acre Mountain Rd., present.** Chairperson Fox and Secretary Mulvaney advised that they inspected the site. Secretary Mulvaney shared photographs. He advised that the site needs to be cleaned up, and ripping the pipes out would cause more damage than has been done. Commissioner Huttemann also inspected the site. Chairperson Fox noted the small size of the streams, and remarked how close they are to one another. She denoted the wetlands on the plans. *Commissioner Bronn left the room for a short time at 7:46 p.m.* Secretary Mulvaney pointed out that it appeared that one of the streams had water and the other was dry, upon his inspection. Chairperson Fox noted where material had been stockpiled. Secretary Mulvaney inquired where Mr. Neto would be putting them now. He pointed out an area out of the wetlands. Chairperson Fox drew a line showing the general area of the wetlands, so that things would not be put within fifty feet. The plan was reviewed further, and "Stream 1" was noted. Chairperson Fox drew a line, with an orange highlighter, for the "general area of the wetlands". Mr. Neto initialed the change. Chairperson Fox noted there is no damage to the wetlands witnessed by the Commissioners. It was suggested that the applicant install some trees. This matter will be on the agenda for the next meeting. If it is approved, the violation and fines will be removed.

**Secretary Mulvaney moved to continue Item 5.c., 13A Forty Acre Mountain Rd., #201500457, to the next regularly scheduled meeting. Commissioner Kukk seconded the motion, and it carried unanimously.**

**6) Tabled Items**

None.

**7) Correspondence**

- a) Minutes of Other Boards & Commissions  
No discussion/no motions.

**8) Review Minutes of Previous Meetings**

**Inland Wetlands Commission Regular Meeting - April 27, 2015 - Commissioner Huttemann moved to approve the Minutes of the April 27, 2015 Meeting. Commissioner Kukk seconded the motion, and it carried, 3-0-2, with Secretary Mulvaney and Commissioner Bronn abstaining.**

**May 11, 2015 - Not a sufficient quorum. Secretary Mulvaney moved to put off the review of the May 11, 2015 Meeting Minutes to the next regularly scheduled meeting. Commissioner Huttemann seconded the motion. Commissioners were advised they could review the recording of the meeting to vote on the Minutes. Motion carried unanimously.**

**9) Informal Discussion**

Commissioner Kukk inquired regarding the compliance process for violations, which involve having an application, with a plan, that is approved. Secretary Mulvaney noted that sometimes violations exist due to work being done without an approved plan.

Secretary Mulvaney inquired how the remaining bonds being held on properties are being handled. WEO Daniel advised that three properties have bonds, and those property owners have been notified.

Commissioner Bronn inquired regarding the Gray's Bridge matter, which resulted from a Still River clean up. This matter has been referred to counsel, and there is no immediate threat to the wetlands.

No motions.

**10)Adjourn**

Commissioner Bronn moved to adjourn the meeting at 8:10 p.m. Commissioner Huttemann seconded the motion, and it carried unanimously.

\*\*\*\*\*Next regular meeting scheduled for June 22, 2015\*\*\*\*\*