

# Regular Inland Wetlands Commission Meeting

## MINUTES

7:00 PM Monday, June 22, 2015

Room 133

### 1) Convene Meeting

Chairperson Fox convened the meeting at 7:02 p.m. and established a quorum of members.

### 2) Roll Call and Designation of Alternates

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

**Absent:** Vice Chairman M. Forlenza, M. Kukk

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

### 3) Wetlands Enforcement

#### a) Enforcement Officer's Report

**81 Kellogg St.** – WEO Daniel advised that she is still working with Attorney Beecher on how to address this issue, which is not an official enforcement matter at this time.

**148 North Lakeshore Dr., #201401091** – The current violation relates to a septic repair performed without a wetlands permit. The septic repair permit was eventually obtained, and the work was completed to the Sanitarian's satisfaction. The work area has recently been covered up. Chairperson Fox and Secretary Mulvaney recalled that at the last meeting, they recommended giving the property owner some time to respond to the fourth Citation. The property owner is now constructing a retaining wall in the front section of his property, which is still in a regulated area, as the entire property is within 180 feet of the lake. However, the Building Officer determined that a permit was not necessary. WEO Daniel inspected the site and obtained photographs. She also spoke with the property owner in the Land Use Office today, and encouraged him to complete application for the septic repair and the retaining wall, but the property owner declined the opportunity. He advised he would be coming in tomorrow to complete the application (June 23, 2015). Secretary Mulvaney inquired if the property owner acknowledged receiving the four previous citations, and if he is aware of the fines of \$14,700-plus. WEO Daniel noted that she was focused on attempting to get the property owner to complete the application, and that she also handed him the second notice of violation today. WEO Daniel shared photographs of the site with the Commissioners, denoting the violation points. There was discussion regarding the next enforcement action to take, including a Cease and Correct Order. Secretary Mulvaney noted the amount of time that has passed since the initial violation, with just a single appearance of the property owner this past November. **Chairperson Fox moved to empower WEO Daniel to issue a Cease and Correct if the property owner of 148 North Lake Shore Dr., does not complete (along with a check, by the close of business tomorrow, June 23, 2015), a single application for both violations (septic repair and retaining wall), and to set a Show Cause Hearing for July 13, 2015. Secretary Mulvaney seconded the motion. Commissioner Bronn inquired regarding the date of the issuance of the Cease and Correct Order, and WEO Daniel advised she would issue it ten days prior to July 13, 2015 (on July 3, 2015). Motion carried unanimously.**

**136 Gray's Bridge Rd., #201400652** - WEO Daniel advised that the landscape architect has provided a completed plan to Attorney Donaldson, who has indicated he will submit the plan as an application to resolve the violation. A remediation plan has been requested since February.

**13A Forty Acre Mountain Rd. #201500183,** – This matter is on tonight's agenda. If the application is approved, WEO Daniel recommended that the violation be cleared.

**52 Indian Trail, #201500374** – This matter is also on tonight's agenda.

#### 1) 39 Hop Brook Road #201500505 re: 27 Riverford Road

This is a new violation, which may have existed at the same time as the initial violation. Secretary Mulvaney inquired what WEO Daniel saw upon her inspection. WEO Daniel shared photographs of the site on the day she issued the violation, photographs from nine days later, as well as a map indicating where this most recent violation is. There was discussion regarding the conditions at the back of the building, where there was soil and rocks pushed toward the pond. WEO Daniel indicated that she requested the property owner, Mr. Miller, to install silt fence, come to tonight's meeting, and cease any other activity at the site. She noted a photograph taken on the 19th of June, showing a silt fence up, and that planting took place, despite WEO Daniel's request that no more activity occur.

Secretary Mulvaney pointed out that some of the activity is not on Mr. Miller's property, however, he was the party that acted.

WEO Daniel referenced the GIS map, that shows that a good portion of the violation is not on Mr. Miller's property. She believes that there are a series of vernal pools on the site. She pointed out there are many more viable vernal pools at 27 Riverford Rd. WEO Daniel advised that she has informed Mr. Miller about the characteristics of vernal pools. The matter of the work done on 27 Riverford Road is a civil trespass issue. She is aware of the activity there because the son of the owner of 27 Riverford alerted her of the violation. WEO Daniel noted that the last time she spoke with Mr. Miller was June 19, 2015.

WEO Daniel noted that Mr. Miller was to appear here tonight with a bond estimate for the previous violation. WEO Daniel shared a photograph of what the pond looks like now (approved application, but no bond). She noted that the silt fence looks like it's holding. Secretary Mulvaney noted the freshly cut branches tossed over the fence into the pond. **Secretary Mulvaney moved to issue citations on daily basis until an application is received for 39 Hop Brook Rd., #201500505 re: 27 Riverford Rd., until an application is received, and to issue a Cease and Correct Order, with timing as such that a Show Cause would happen on July 13, 2015. Commissioner Bronn seconded the motion, and it carried 3-0-1, with Commissioner Huttemann abstaining.**

b) Site Inspection Reports

**398 Federal Rd., Barnbeck Place** - WEO Daniel requested that Ms. Eng provide the Commissioners with a copy of this report in the after-the-fact.

The report notes that the tracking pad needs to be maintained more regularly, that the blocking of water in detention pond needs to be addressed. WEO Daniel will inspect the site on June 26, 2015, and if no improvement is made, she will issue a Notice of Violation. She is also concerned about an area where there is unconsolidated sediment, as noted in the last 3 photographs. An employee on the site suggested that the roadway areas get lined with rip rap or processed stone. Secretary Mulvaney advised he has inspected the site after a rainstorm and witnessed mud. The property owner has until June 26, 2015 to comply.

**Secretary Mulvaney moved to go to Item 4.b., 140 Laurel Hill Rd.**

**4) Old Business**

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

The property owner's plans were reviewed. **Secretary Mulvaney moved to approve Item 4.a., 52 Indian Trail, #201500437, as defined on Town of Brookfield GIS Map dated December 10, 1993, latest revision, January 30, 2015, with the no-access note from Candlewood Lake Rd. Commissioner Huttemann seconded the motion, and it carried unanimously. Secretary Mulvaney moved to amend the motion to add the clearing of the Notice of Violation currently on 52 Indian Trail. Commissioner Huttemann seconded the motion, and it carried unanimously.**

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

*N. Yuschak, Landscape Architect, CCA, 40 Old New Milford Rd., was present.* Secretary Mulvaney advised that he reviewed the ledge area. Chairperson Fox advised that she inspected the site. Mr. Yuschak submitted photographs. **Commissioner Bronn moved to approve 140 Laurel Hill Rd., #201500473, Building Addition, on a proposed site plan dated March 17, 2015, received on June 3, 2015. Commissioner Huttemann seconded the motion, and it carried unanimously.**

**Secretary Mulvaney moved to go to Agenda Item 4.a. Commissioner Bronn seconded the motion, and it carried unanimously.**

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

Chairperson Fox reviewed this application relates to the crossing of the drainage streams. The map did not have the wetlands on it, so that area has been outlined. The locations of the wood, rip rap and stone were noted. **Commissioner Huttemann moved to approve Item 4.c., 13A Forty Acre Mountain Road, #201500457, regarding the stream crossing, that there is no activity in designated area, that none will be moved, and all material will be kept 50 feet outside of wetland area, according to Project #00953-1C, Map 2293, received June 1, 2015, and that the approved plan will clear the Notice of Violation. Secretary Mulvaney seconded the motion, and it carried unanimously.**

**5) New Business**

None.

**6) Tabled Items**

None.

**7) Correspondence**

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

**8) Review Minutes of Previous Meeting**

Draft Minutes - 05/11/2015 - Not a sufficient quorum. The Commissioners that were not present were requested to listen or watch the recording so that these Minutes can be voted on.

Draft Minutes - 06/08/2015 - Secretary Mulvaney noted the following corrections: 1) on Page 2, after the motion for 39 Hop Brook Rd., to change the motion that reads, "Secretary Mulvaney moved to return to Item 4.c." to: "Secretary Mulvaney moved to

return to Item 5.a."; and 2) under Item 5.c.. in the fifth line, after *Commissioner Bronn left the room for a short time at 7:46 p.m.*, to correct the sentence to read, "Secretary Mulvaney pointed out that it appeared that one of the streams had water and the other was dry, upon his inspection." **Secretary Mulvaney moved to approve the Minutes of the June 8, 2015 meeting, with the two minor corrections as noted. Commissioner Huttemann seconded the motion, and it carried unanimously.**

**9) Informal Discussion**

Secretary Mulvaney inquired if clearing a violation removes fines, and WEO Daniel advised that is not always the case. If a fine is attached to an enforcement matter, removal of the fines is a separate determination.

Secretary Mulvaney also inquired regarding bonds for First Light matters. WEO Daniel advised that the three property owners that have them pending were notified, but have not responded. She will follow up with them.

**10) Adjourn**

**Commissioner Bronn moved to adjourn the meeting at 7:49 p.m. Commissioner Huttemann seconded the motion, and it carried unanimously.**