

**Regular Inland Wetlands Commission Meeting**  
**MINUTES**  
**7:00 PM Monday, July 27, 2015**  
**Room 133**

**1) Convene Meeting**

Chairperson S. Fox convened the meeting at 7:03 p.m. and established a quorum of members.

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

**Present:** Chairperson S. Fox, Secretary M. Mulvaney, M. Kukk

**Absent:** Vice Chairman M. Forlenza, R. Huttemann, J. Bronn

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

**3) Wetlands Enforcement**

a) Enforcement Officer's Report

**81 Kellogg St.** - There is no ongoing enforcement for this site at this time. The matter related to a conservation easement.

**148 North Lake Shore Dr.** – WEO Daniel noted that the initial Notice of Violation was dated 11/20/14. Citations have been issued periodically, with fines at \$100/day; totaling \$17,000 as of July 2, 2015. A subsequent violation was issued for a retaining wall without a permit. The initial violation was for work on the septic. A Cease and Correct Order was issued for the violations, and the property owner did not appear at Show Cause. WEO Daniel inspected the site this evening, and the wall is not yet completed. There was only a small amount of erosion control installed, which was taken down by the property owner for a party. WEO Daniel has been in touch with the Town Attorney, and he suggested that the IWC file the Cease and Correct Order on the Land Records. Chairperson Fox signed the Order, and it will be filed on the Land Records by WEO Daniel tomorrow. This will attempt to get judgment on Citation. Additionally, foreclosure is in process for this property, and the date for payment is 9/8/15. Commissioner Kukk noted that a lien from the Town Attorney should be filed on the Land Records for the fines that are owed.

**136 Gray's Bridge Rd.** – WEO Daniel advised that the NOV was issued 7/25/14. A restoration plan has been prepared, and will be filed with an application shortly.

**39 Hop Brook Rd.** – WEO Daniel reviewed that the Cease and Correct Order was upheld at the last meeting. She noted a mistake in the Order, that related to language about a septic system and retaining wall. Land Use Secretary Dian Eng spoke with Jean Miller, the property owner's wife, and emphasized the need to appear at the meeting. WEO Daniel advised that Mr. Miller is out-of-town.

**North Mountain Rd.** – The plantings need to be installed.

b) Site Inspection Reports

- 398 Federal Road - Erosion and Sediment Control and Stormwater Quality Management Inspection Report for Barnbeck Place dated 07/17/2015 – WEO Daniel was there today. The sediment traps were not installed. She will speak with the site contractor to advise that it is imperative to get them installed prior to it raining. WEO Daniel also noted that it does not appear that the area has been swept.
- 40 & 64 Laurel Hill Rd. – This report is in the after-the-fact packet.
- 540 Federal Rd. – Discussion below.

No Motions.

**Show Cause Hearing - 7:15 p.m.**

- Erosion control, Sediment Control and Storm-water Quality Management Inspection Report dated 07/15/2015
- Letter to K. Daniel from Northwest Conservation District re: Follow-up to July 15, 2015 Routine Inspection dated 07/16/2015
- Cease and Correct Order dated 07/20/2015
- Map relating to violation

*J. Chase, Northwest Conservation District, was present.* WEO Daniel advised that there have been a couple of reports in June and July that noted some inadequacies in sediment and erosion control. She inspected the site with the representatives from Northwest Conservation District on July 15, 2015, and looked over sediment. The use of temporary sediment traps has been discussed, and a plan was developed. Sediment traps were installed shortly after report. Catch basins were also cleaned. The wetland area remains impacted and the Cease and Correct Order also called for wetland mitigation.

*J. Chase, Wetland Ecologist, East Lyme, CT, was present.* She inspected the site on July 25, 2015, and shared with the Commissioners a basic outline of the restorative work she is proposing. Chairperson Fox inquired of her if she witnessed the conditions that WEO Daniel spoke of, and she advised she had. Additionally, Ms. Chase has spoken with S. Hayden and M. Moore. She utilized photographs and reviewed various wetland mitigation areas, noting that the one north of the crossing is where greatest damage is. Ms. Chase recommended that immediate stabilization should occur first, with an effort to keep the invasives out, and then once the areas are stabilized, planting can be done. She pointed out the area of deep sediment that WEO Daniel had witnessed. Ms. Chase suggested that a small backhoe be used to remove the sediment, with access from the east, where there is a drier wetland. Upon inquiry from Chairperson Fox, Ms. Chase advised she could not calculate the area of disturbance, but will let the Commission know as soon as she is able to calculate it. Ms. Chase discussed installing check dams at 15 foot intervals. Ms. Chase demonstrated the areas of sloping on the property.

Chairperson Fox inquired what could have been done differently, and WEO Daniel advised that the erosion control plans did not include sediment traps. Additionally, WEO Daniel indicated that the monitors pointed out to the site contractors where there were areas of erosion. Ms. Chase was requested to provide the mitigation and planting plan, as well as a date the work will start. Secretary Mulvaney indicated he would visit the site, and the Commission advised Ms. Chase that her narrative and sketch were satisfactory. Ms. Chase will also be in touch with the engineer, S. Sullivan.

WEO Daniel pointed out that Stipulation 3 of the approval required the applicant to provide a plan to restore the pond within two years of the start of residential development. WEO Daniel will look at the Minutes to determine what the goal of that stipulation was.

**This will stay on the agenda as Old Business.**

**Secretary Mulvaney moved to uphold the Cease and Correct Order at 540 Federal Road, Oak Meadows Re-Subdivision #201500662 and Wetlands Permit #200900146. Commissioner Kukuk seconded the motion, and it carried unanimously.**

#### 4) Old Business

- a) 854-875 Federal Road #201500610-The Enclave at Brookfield Center: Affordable Housing Development (dec date: 09/15/2015)  
Public Hearing August 17, 2015.

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

- b) 39 Hop Brook Road #201500583: Restoration Plan (dec date: 09/15/15)  
The file was reviewed, and it was noted it contains an application, but none of the other information that was requested. Chairperson Fox explained that dirt and rocks have been pushed to edge of pond/vernal pool. Additionally, trees were taken down. It was noted that there is no stabilized edge. Secretary Mulvaney advised that he inspected the site, and saw an excavator there. The Cease and Correct Order for this property has already been continued. Secretary Mulvaney would like to wait an additional two weeks prior to referring this to the Town Attorney. It was noted that a decision must be made by 9/15/15, unless an extension is submitted.

**Commissioner Kukuk moved to continue 39 Hop Brook Rd., #201500583, to the next regularly scheduled meeting, on August 10, 2015. Secretary Mulvaney seconded the motion, and it carried unanimously.**

- c) 11 Merwin Brook Road #201500614: Septic Repair (dec date 09/15/2015)

*D. Smith, 13 Merwin Brook Rd., was present.* Chairperson Fox recalled the discussion regarding whether there was a way to get the septic out of regulated area. Mr. Smith reviewed the locations of the pines, the driveway, and the garage. He stated there are not many areas large enough to accommodate the fields. The shed location was also noted, and there is ledge on the property. There was discussion regarding moving the system closer to the driveway. *B. Fisher, 7 Robins Lane, the contractor, was present.* The Commission advised of its desire to get the system as far away from the stream as possible. Secretary Mulvaney inquired about the details of the system, and Mr. Fisher advised it is a standard leaching system with galleys. Secretary Mulvaney requested that the four corners of the system be staked. Mr. Fisher said that it is marked on the ground with paint for the Sanitarian. There was discussion regarding the length of the rows. Secretary Mulvaney inquired if there was a measurement from the center of the stream, and Mr. Fisher advised there was not.

There was discussion regarding gaining access to do the work. Mr. Fisher noted a walkway/path. He advised that the applicant wants to start the work as soon as possible. There was discussion regarding the amount of area needed for the septic, and Mr. Fisher advised 58 lineal feet are necessary. Mr. Fisher pointed out where old system is. Chairperson Fox would like to look at it. She requested that Mr. Fisher and Mr. Smith remeasure and remark the measurements as precisely as possible, along with a center of the stream measurement. The applicant's representatives were advised that the next meeting is August 10, 2015.

**Secretary Mulvaney moved to continue Item 4.c., 11 Merwin Brook Rd., #201500614, to the next regularly scheduled meeting on August 10, 2015. Commissioner Kukk seconded the motion, and it carried unanimously.**

**Secretary Mulvaney moved to go to Agenda Item 5.a. (No second, no vote)**

d) 134 North Lake Shore Drive #201400704

- Request for BondRelease/Reduction – It was noted that this Request came in on 7/24/15. The file was reviewed to determine if the site is below the 440 line. The Commission determined it was below the 440 line, therefore, not within the Commission's jurisdiction to issue or hold bonds.

**Commissioner Kukk moved to recommend to the Board of Selectmen the release of the bond in the amount of \$750.00 for 134 North Lake Shore Dr., #201400704, because of the Commission's practice that bond for this area are not required for the Commission to set and monitor. Secretary Mulvaney seconded the motion, and it carried unanimously.**

## 5) New Business

a) 18 White Tail Lane #200700768: Request for Permit Extension (dec date: 09/29/2015)

- Request Form dated 7/17/2015- *E. Nepomuceno, 18 White Tail Lane, was present.* He noted this is an application for an extension of the permit, and is asking for four years. There have been no changes to the proposal, and the permit does not expire until 2017. The Extension will extend the time period to 2021.

**Secretary Mulvaney moved to approve a permit extension for Item 5.a., 18 White Tail Lane, #200700768, to extend it until 10/08/2021, with the understanding that the applicant has calculated the extension dates correctly. Commissioner Kukk seconded the motion, and it carried unanimously.**

b) 40 Knollcrest Drive #201500678: Septic Repair (dec date 09/29/2015)

- Application dated 07/27/2015
- Septic Plan- Repair for Sewage Disposal System prepared for Lawrence & Sherrie Ruschmeyer dated 07/01/2015 revised 07/17/2015
- Map prepared for Lawrence & Sherrie Ruschmeyer, 40 Knollcrest Drive dated 06/02/2015 –

*L. and S. Ruschmeyer, 40 Knollcrest Dr., were present.* This application is to replace a failing septic system. The house was built in 1962. Chairperson Fox explained that State statute requires two weeks for New Business items to be acted upon. The engineered plan was reviewed. The location of the house, street, where discharge from highway goes under the shed, and wetlands on the site were noted. There was discussion regarding some language on the plan. After review, it was removed and initialed by Mr. Ruschmeyer.

It was noted that the existing 1,000-gallon tank that is there will be kept. A second tank (pump chamber) will be brought in. The erosion and sedimentation notes; and "fill" notes, were reviewed by Chairperson Fox. Chairperson Fox inquired if there was a construction sequence. The septic will go where the existing one is. Mr. Ruschmeyer is unsure of how the site will be accessed for the work to be done. It was noted that an engineer has not looked at the plans yet. Mr. Ruschmeyer advised that he is a landscape contractor, and wanted to do some of the work himself. He does not plan installing the fields himself.

Chairperson Fox requested that the applicants "sketch out" what they believe the sequence of the work should be, and where things will be stockpiled, etc. Secretary Mulvaney requested that a measurement from the wetlands to the closest point of construction be taken. Secretary Mulvaney advised that the closer it is to the house, and the farthest away from the wetlands, would be most beneficial. Chairperson Fox requested that site of proposed work be staked, and that a hand sketch and construction sequence be provided.

**Secretary Mulvaney moved to continue 40 Knollcrest Dr., #201500678, to the next regularly scheduled meeting on August 10, 2015. Commissioner Kukk seconded the motion, and it carried unanimously.**

## 6) Tabled Items

None.

## 7) Correspondence

a) Minutes of Other Boards & Commissions  
Noted.

**8) Review Minutes of Previous Meeting**

Chairperson Fox requested that Commissioner Kukk listen to the Minutes listed, in order that they may be reviewed and approved.

Commissioner Kukk will listen to the recordings of the May 11, 2015, June 22, 2015, and July 13, 2015 meetings. Additionally, Chairperson Fox requested that the Minutes of the July 25, 2015 Site Walk be added to the agenda for approval at the next regularly scheduled meeting on August 10, 2015. Secretary Mulvaney noted one correction: that Jodi Chase was present at the meeting, not "T. Chase".

**9) Informal Discussion**

Commissioner Kukk inquired if the Commission would accept a First Light Consent letter that is four years old. The Commission indicated it would look at First Light's document for an expiration date, and if it did not contain one, would consider the Consent Letter valid, if there were no changes in ownership, etc.

**10)Adjourn**

**Commissioner Kukk moved to adjourn the meeting at 8:24 p.m. Secretary Mulvaney seconded the motion, and it carried unanimously.**

**\*\*\*\*\*The next regular meeting is Scheduled for August 10, 2015.\*\*\*\*\***