Brooklyn Inland Wetlands Commission
Regular Meeting Agenda
Tuesday, January 11. 2022
Zoom and In-Person Meeting
Clifford B. Green Memorial Center
69 South Main Street
6:00 p.m.

In-Person: **Clifford B. Green Meeting Center, Suite 24, 69 South Main Street, Brooklyn, CT** **For fully vaccinated persons, masks are optional. For persons not fully vaccinated, masks are required.**		
Online: **Click link below:** https://us06web.zoom.us/j/82435574137	**OR**	**Go to Zoom.us ,** **click Sign In** **On the top right, click Join a Meeting** **Enter meeting ID:** 824 3557 4137 **Enter meeting password:** 038430
Phone: Dial 1 646 558 8656 US Toll **Enter meeting number:** 824 3557 4137 **Enter meeting password:** 038430 **You can bypass attendee number by pressing #**		

Call to Order:

Roll Call:

Seating of Alternates:

Public Commentary:

Additions to Agenda:

Approval of Minutes:

1. Regular Meeting Minutes 11/9/2021.

Public Hearings:

1. None.

Old Business:

1. None.

New Business:

1. Cease and Desist Order – FCR Realty, LLC. Location of Violation: Gravel Pit Westerly of Day Street (Assessor's Map 41 Lot 6 and Map 35 Lot 7). Show Cause Hearing.

2. Set 2022 meeting dates.

Communications:

1. Wetlands Agent Monthly Report.

2. Budget Update.

Public Commentary:

Adjourn:

_____

Richard Oliverson, Chairman

Brooklyn Inland Wetlands Commission
Regular Meeting Minutes
Tuesday, November 09, 2021
Web Ex and In-Person Meeting
Clifford B. Green Memorial Center
69 South Main Street
6:00 p.m.

Call to Order: 6:00 pm
Lisa M. Lindia ran the Webex meeting.

Roll Call: Richard Oliverson, Demian Sorrentino and Jason Burgess in person; Adam Brindamour absent with notice; Jim Paquin via WebEx

Staff Present: Lisa Lindia, Recording Secretary, Margaret Washburn, Wetlands Enforcement Officer.

Seating of Alternates: None

Public Commentary: None

Additions to Agenda: None

Approval of Minutes:

1. The minutes of the 10/12/2021 Regular Meeting were accepted.

Public Hearings: Opened at 6:11 p.m.

1. **100421A Heather & Matt Allen (applicant) and David & Gail Allen (Owner), 0 Christian Hill Rd., Map 31, Lot 19, Excavation and construction of an agricultural pond and dry hydrant.**

   Present: Heather & Gail Allen, Mortlake Fire Department Chief Steve Breen, Sandy & Lou Brodeur of 63 Creamery Brook Road.

   Paul Archer of Archer Surveying explained that he took Syl Pauly's recommendations and applied them to the site plan that was submitted 11/2/2021. Conversation ensued.

   Joe Theroux delineated the wetlands on the Allen property and indicated the best placement for the pond. The Allen family agree with this location and feel that the water level will not be a problem. The dry hydrant will be located at the front left corner of the pond and is to be used by the Fire Department only.

   Currently, the Allen family has two wells located on the other side of the road.

   Fire Chief Breen sent a letter of support stating that there is no other water source in the area.

Lou Brodeur of 63 Creamery Brook, Selectman, former Mortlake Fire Department Chief, and a current member of the Mortlake Fire Department. Lou stated that the hay field was dry this summer when he mowed it. He is in support of the pond.

Demian Sorrentino asked the Allen family where is the water level in the well in the wetland? Heather Allen stated close to the top.

Confirming static water level of the pond is a valid concern. Demian Sorrentino feels test pits are warranted to determine the water table.

Margaret Washburn inquired about stocking the pond with fish. Heather Allen stated that she has a three- and five-year-old and would like to stock it with fish in the future.

Jim Paquin states that the dewatering basin should have sediment controls on all 4 sides.

Sandy Brodeur inquired about future dredging; would it be necessary to come before IWWC for maintenance?

The commission stated that yes it would be necessary to appear in front of the commission to ask to do maintenance such as dredging.

A motion was made by Demian Sorrentino to close Public Hearing at 6:44 p.m. Jason Burgess seconds the motion. No discussion. All in favor. The motion passed unanimously

Old Business: Opened at 6:45 p.m.

1. **100421A Heather & Matt Allen (applicant) and David & Gail Allen (Owner), 0 Christian Hill Rd., Map 31, Lot 19, Excavation and construction of an agricultural pond and dry hydrant.**

   The following motion was made by Demian Sorrentino, and Jason Burgess seconded the motion. No discussion. All in favor. The motion passed unanimously.

Declaratory Ruling – 100421A Heather & Matt Allen (applicant) and David & Gail Allen (Owner), 0 Christian Hill Rd., Map 31, Lot 19, Excavation and construction of an agricultural pond less than three acres and dry hydrant for exclusive use by the Fire Department: approved as permitted uses as of right. The dewatering basin should be surrounded by double-staked hay bales and silt fence on all sides. For any future maintenance work, the applicants should come before the Brooklyn IWWC. The work shall be done in accordance with the site plan last revised on 11/2/21.

Heather Allen asks why she needed to go through the process. Demian Sorrentino explained it was needed because they deem that the way the plan was designed in such a way that there are no impacts.

The plan cost her $6,000 she wanted to know why it could not have been easier, quicker, and cheaper.

Jim Paquin states that the Public Hearing is closed, and the applicant received what she wanted and is now complaining.

Closed at 6:54 p.m.

New Business: Opened at 6:55 p.m.

1. 110921A Joann & Frank Titus, River Farm Dr., Map 43, Lot 15, Residential Home, septic tank, driveway, shed, & minor grading.

There was discussion about receiving the application tonight.

Jim Paquin asked to move the approval to a Duly Authorized Agent Approval. Discussion ensued.

A motion was made by Jim Paquin for application 110921A JoAnn and Frank Titus, Lot 15 River Farm Road, Map 43, Lot 15, RA Zone: Construction of new single-family dwelling, septic system, well, driveway, and minor grading with standard conditions, to be approved as a Duly Authorized Agent Approval. Demian Sorrentino seconded this motion. Discussion ensued.

Jim Paquin amended his motion to include:

1. The work shall be done in accordance with the site plan last revised on 11/7/21.

2. The IWWC is aware that a zoning permit has not been issued for the subject property. Until such time as the applicant has secured a zoning permit to move ahead with the development of the lot, no activity pursuant to the wetlands permit is permitted.

Demian Sorrentino seconded the motion. No discussion. All in favor. The motion passed unanimously.

Closed at 7:05 p.m.

Communications: Opened at 7:06 p.m.

1. Wetlands Agent Monthly Report.

Stephanie Kosoff, the town assessor, submitted her concerns on town letterhead asking the Commission to investigate Map/Lot 34/31 Brown Rd. Discussion ensued.

Pulling stumps is a regulated activity, as is selling wood. There have been several complaints, we would like to know what's going on. Can we possibly get a plan, or do a site walk? Ms. Washburn was charged with the task of contacting Jared Chviek to request a plan and/or a site walk. Ms. Washburn agreed to do this.

2. Budget Update.

Public Commentary: None

Adjourn: A motion was made by Jason Burgess to adjourn at 7:23 p.m. Demian Sorrentino seconds the motion. No discussion. All in favor. The motion passed unanimously.

_____

Richard Oliverson, Chairman

Brooklyn Inland Wetlands
Commission
P.O. Box 356
Brooklyn, Connecticut 06234

Jared Chviek
95 Wauregan Road
Brooklyn, CT 06234

November 17, 2021

Dear Mr. Chviek,

The Brooklyn Inland Wetlands Commission is receiving complaints about the work being done at your property on Brown Road (Map 34/Lot 31).

The Commission members would just like to know what is going on there.

Would you please draw a plan indicating the work being done and submit it to the Commission?

Would you please allow the Commission to do a site walk?

Please respond by mail, email or call me at the number shown below.

Thank you,

Margaret Washburn

Margaret Washburn
ZEO/WEO/Blight Enforcement Officer
69 South Main Street
Brooklyn, CT 06234
(860) 779-3411 ext. 31
m.washburn@brooklynct.org

TOWN OF BROOKLYN
INLAND WETLANDS AND WATERCOURSES COMMISSION
69 SOUTH MAIN STREET
BROOKLYN, CT 06234
(860) 779-3411 EXT. 31 AND EXT. 12
M.Washburn@BrooklynCT.org

CEASE AND DESIST ORDER
Inland Wetlands and Watercourses Violations

To: FCR Realty, LLC
110 Day Street
Brooklyn, CT 06234

December 1, 2021

Location of Violation: Westerly of Day Street (Assessor's Map 41 Lot 6 and Map 35 Lot 7)

Facts

On 11/30/21, Provost & Rovero, Inc. submitted to the Brooklyn Land Use Office a Topographic Survey as of 11/25/2021 prepared for FCR Realty LLC.

Refer to the attached copy of this plan, which shows approximately an acre of earth removal has been conducted beyond the project limits approved by the Inland Wetlands Commission in their Notice of Decision dated June 20. 2018.

On 12/1/21, Margaret Washburn, Wetlands Enforcement Officer, inspected the site to conduct a compliance inspection with Keith Green.

That inspection resulted in this Cease and Desist Order.

The following activities have been observed to have occurred on your property in violation of your Inland Wetlands and Watercourses Permit # 041018A: Vegetation has been removed and material has been excavated in the Upland Review Area, beyond the approved limit of work shown on the approved plan titled Proposed Gravel Removal Plan Prepared for FCR Realty LLC Westerly of Day Street, Brooklyn, Connecticut, ("the approved plan") prepared by KWP Associates, revied October 2, 2018.

Your activities, conducted in violation of your Inland Wetlands and Watercourses Permit, are in violation of the Brooklyn Inland Wetlands and Watercourses Regulations.

Applicable Laws and Regulations

Applicable Laws and Regulations

The Brooklyn Inland Wetlands and Watercourses Regulations define, in part, a "regulated activity" as "any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses….". "Material" is defined to include "means any substance, solid or liquid, organic or inorganic, including but not limited to soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse or waste". The term "pollution" is defined to include "harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity".

The phrase "rendering unclean or impure" is further defined as "any alteration of the physical, chemical or biological properties of any waters of the state, including, but not limited to, change in odor, color, turbidity or taste".

Furthermore, a "significant impact" is defined as "any activity, including, but not limited to, the following activities which may have a major effect:

1. Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
5. Any activity which causes substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse.
6. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value."

"Upland Review Area" means "non-wetland or non-watercourse areas where activities are likely to impact or affect wetlands or continuous watercourses".

Section 4 of the Regulations addresses exemptions, and Section 6.1 provides that any regulated activity requires a permit.

Section 6.2 states "Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Commission, or violating any other provision of these

regulations, shall be subject to the enforcement proceedings and penalties prescribed in section 14 of these regulations and any other remedies as provided by law".

Order

You are hereby ordered Cease and Desist from all work on the subject property until an application for a wetlands permit for the work outside the scope of the approved plan has been submitted, and a permit has been issued for the work.

For each day during which to violation continues beyond the deadline in this Order, the Town may commence an enforcement action and the seek a civil penalty of up to $1,000.00 per day for such violation, plus its attorney's fees and costs. The civil penalties are assessed by the Superior Court when an action is brought before the court by the municipality.

The Commission members or its duly authorized agent may make regular inspections of the subject property work during reasonable hours.

Show Cause Hearing

In accordance with Section 15.7 of the Regulations, a Show Cause Hearing will be held on this Order on Tuesday, December 14, 2021 at 6:00 p.m. via WebEx, or in person at the conference room at 69 South Main Street, Brooklyn, CT. At this hearing, you will be given an opportunity to be heard and to show cause why this Order should not remain in effect. Depending on the decision of the Agency, a copy of this Order, or a modified version of it, may be filed on the Brooklyn Land Records. To attend this hearing follow the instructions on the attached draft meeting agenda.

Dated at Brooklyn, this 1st day of December, 2021.

Margaret Washburn

Margaret Washburn, Enforcement Officer of the Brooklyn
Inland Wetlands and Watercourses Commission

TOWN OF BROOKLYN
INLAND WETLANDS AND WATERCOURSES COMMISSION
69 SOUTH MAIN STREET
BROOKLYN, CT 06234
(860) 779-3411 EXT. 31 AND EXT. 12
M.Washburn@BrooklynCT.org

CEASE AND DESIST ORDER

Inland Wetlands and Watercourses Violations

CERTIFIED # 9489 0090 0027 6215 8989 26

To: FCR Realty, LLC
110 Day Street
Brooklyn, CT 06234

December 6, 2021

Location of Violation: Westerly of Day Street (Assessor's Map 41 Lot 6 and Map 35 Lot 7)

Facts

On 11/30/21, Provost & Rovero, Inc. submitted to the Brooklyn Land Use Office a Topographic Survey as of 11/25/2021 prepared for FCR Realty LLC.

Refer to the attached copy of this plan, which shows approximately an acre of earth removal has been conducted beyond the project limits approved by the Inland Wetlands Commission in their Notice of Decision dated June 20. 2018.

On 12/1/21, Margaret Washburn, Wetlands Enforcement Officer, inspected the site to conduct a compliance inspection with Keith Green.

That inspection resulted in this Cease and Desist Order.

The following activities have been observed to have occurred on your property in violation of your Inland Wetlands and Watercourses Permit # 041018A: Vegetation has been removed and material has been excavated in the Upland Review Area, beyond the approved limit of work shown on the approved plan titled Proposed Gravel Removal Plan Prepared for FCR Realty LLC Westerly of Day Street, Brooklyn, Connecticut, ("the approved plan") prepared by KWP Associates, revied October 2, 2018.

Your activities, conducted in violation of your Inland Wetlands and Watercourses Permit, are in violation of the Brooklyn Inland Wetlands and Watercourses Regulations.

Applicable Laws and Regulations

The Brooklyn Inland Wetlands and Watercourses Regulations define, in part, a "regulated activity" as "any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses….". "Material" is defined to include "means any substance, solid or liquid, organic or inorganic, including but not limited to soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse or waste". The term "pollution" is defined to include "harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity".

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regulations, shall be subject to the enforcement proceedings and penalties prescribed in section 14 of these regulations and any other remedies as provided by law".

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Dated at Brooklyn, this 6th day of December, 2021.

Margaret Washburn

Margaret Washburn, Enforcement Officer of the Brooklyn
Inland Wetlands and Watercourses Commission

DRAFT

Brooklyn Inland Wetlands Commission
Regular Meeting Agenda
Tuesday, December 14, 2021
Web Ex and In-Person Meeting
Clifford B. Green Memorial Center
69 South Main Street
6:00 p.m.

To join this meeting via the web or phone, follow the below instructions:

Web
www.webex.com
On the top right, click Join
Enter meeting information: 126 058 8201
Enter meeting password: gRAPe88439
Click join meeting

Phone
Dial 1-415-655-0001
Enter meeting number 126 058 8201
Enter password: 47273884

Call to Order:

Roll Call:

Seating of Alternates:

Public Commentary:

Additions to Agenda:

Approval of Minutes:

1. Regular Meeting Minutes 10/12/2021.

Public Hearings:

Old Business:

New Business:
1. Show Cause Hearing for FCR Realty LLC: Violation of Inland Wetlands Regulations for gravel removal permit issued on 6/20/2018 for Map 41 Lot 6 and Map 35 Lot 7, west of Day Street.

2. Set 2022 meeting dates.

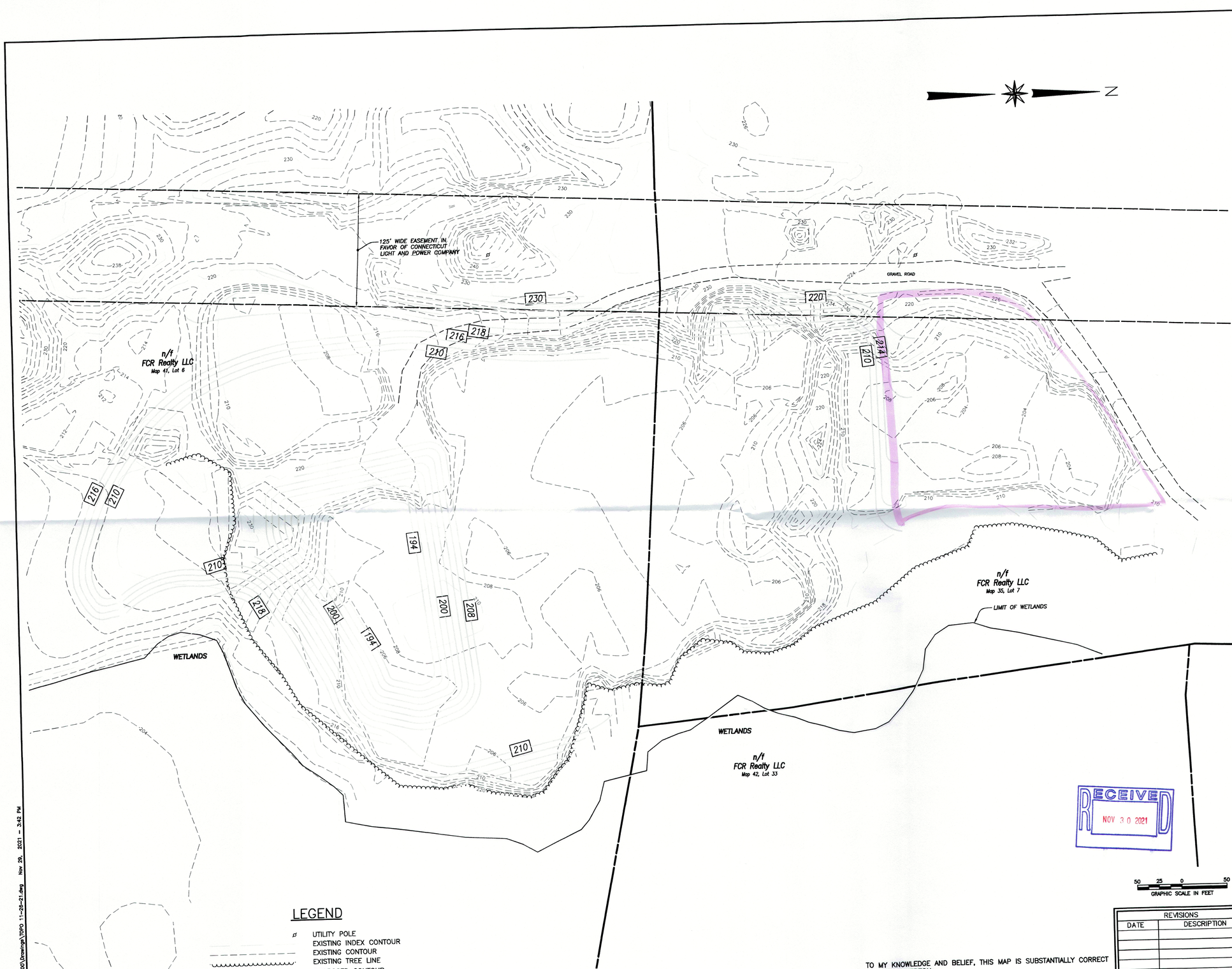
Communications:

1. Wetlands Agent Monthly Report.
2. Budget Update.

Public Commentary:

Adjourn:

_____
Richard Oliverson, Chairman



LEGEND

- UTILITY POLE
- EXISTING INDEX CONTOUR
- EXISTING CONTOUR
- EXISTING TREE LINE
- PROPOSED CONTOUR

RECEIVED
NOV 30 2021

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON,

DAVID J. HELD, L.S. LIC. NO. 24267 DATE

NO CERTIFICATION IS EXPRESSED OR IMPLIED UNLESS THIS MAP BEARS THE ORIGINAL SEAL AND SIGNATURE OF THE LAND SURVEYOR.

SURVEY NOTES:

1. This survey has been prepared pursuant to the Regulations of Connecticut State Agencies Sections 20–300b–1 through 20–300b–20 as amended on October 26, 2018.
   - Topographic features conform to a Class T–2 and T–D accuracy.
   - Survey Type: Topographic Survey.
2. North orientation is referenced to Connecticut State Plane Coordinates, NAD83(2011), Epoch 2010.0000.
3. Elevations are referenced NGVD 1929. Contours within the active excavation area are taken from actual field survey and conform to Class T–2 accuracy. Contours outside of the area of active excavation are taken from the Map Reference below and conform to Class T–D accuracy. Contour interval = 2'.
4. The intent of this survey is to show current elevations for renewal of a gravel excavation permit.
5. Property lines are based on the Map Reference below and are shown for reference only and do not constitute a property boundary opinion.
6. Wetlands were flagged in the field by Joseph Theroux, certified soil scientist and are taken from the Map Reference below.
7. Proposed grading is taken from the Map Reference below and is shown for reference.

MAP REFERENCE:

"Gravel Removal Plan – Prepared for – F C R Realty LLC – Westerly of Day Street and Northerly of Brickyard Road – Brooklyn, Connecticut – Scale: 1" = 50' – Dated: 4/4/2018, Revised: 9/26/2018 – Sheet 2 of 3 – KWP Associates"

TOPOGRAPHIC SURVEY
AS OF 11/25/2021
PREPARED FOR

FCR REALTY LLC

WESTERLY OF DAY STREET
BROOKLYN, CONNECTICUT

REVISIONS	
DATE	DESCRIPTION

DATE: 11/26/2021	DRAWN: DJH
SCALE: 1" = 50'	DESIGN: ----
SHEET: 1 OF 1	CHK BY: ----
DWG. No: Client File	JOB No: 213100

Provost & Rovero, Inc.

Civil Engineering • Surveying • Site Planning
Structural • Mechanical • Architectural Engineering

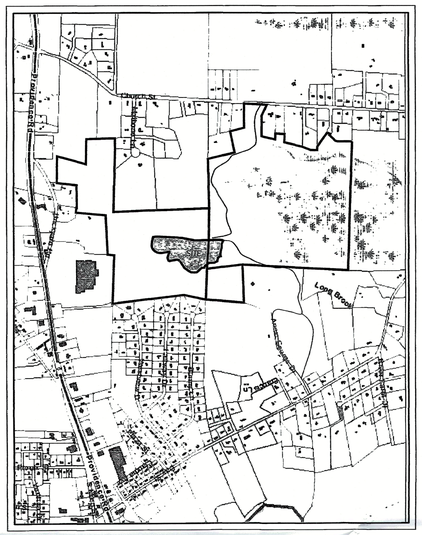
57 East Main Street, P.O. Box 191
Plainfield, Connecticut 06374
(860) 230-0856 - FAX: (860) 230-0860
info@prorovinc.com
www.prorovinc.com

marked up
not signed

C:\Users\Dave\Desktop\JOBS\213100\Drawings\TOPO 11-26-21.dwg Nov 29, 2021 - 3:42 PM

Vol 22 Pg 145

PROPOSED GRAVEL REMOVAL PLAN
PREPARED FOR FCR REALTY LLC
WESTERLY OF DAY STREET, BROOKLYN, CT



LOCATION PLAN
SCALE: 1" = 1,000'

Brooklyn Inland Wetlands Commission
P.O. Box 356
Brooklyn, Connecticut 06234

June 20, 2018

FCR Realty
P.O. Box 873
Danielson, CT 06239

RE: Notice of Decision – 041018A FCR Realty; North of Brickyard Road/West of Day Street, Map 41, Lot 6, RA Zone; Gravel removal permit; project is in upland review area, no wetlands disturbance proposed.

Dear FCR Realty:

At a meeting of the Brooklyn Inland Wetlands and Watercourses Commission on June 12, 2018, your application was approved as follows:

A motion was made by Damian Sarnowitzo to approve the application of FCR Realty for a sand and gravel operation west of Day Street known as Assessor's Map 41 Lot 6 and Map 35 Lot 7 on 20 acres of 200 acres total, based on the submitted application and plans prepared by KWP Associates titled "Gravel Removal Plan Prepared for FCR Realty LLC Westerly of Day Street and Southerly of Brickyard Road, Brooklyn, Connecticut, 3 sheets, dated 1/24/17 and revised to 5/11/18 with the following conditions:

Conditions of Approval:

1. Permit Duration: The permit duration is controlled by Inland Wetlands and Watercourses Regulations Section 11.6. Pursuant to this Section, this permit will expire on the same date as the expiration date of the forthcoming sand and gravel permit (specific expiration date is to be determined), or 5 years, whichever is less.
2. Demarcation of disturbance. The permittee shall install orange construction fence and operation limits signs at the (50 ft) limit of disturbance line that parallels wetlands to prevent any further intrusion into the upland review area. The permit holder FCR Realty shall report compliance with this requirement in writing to the Wetlands Enforcement Officer on a quarterly basis beginning at the commencement of operation and thereafter every 3 months.
3. Modification to note on sheet 3. The notes shall be modified as follows:

   #2. Note states there is no activity within 50 feet of wetlands.

   #5. Amend note to state that the soil shall not be disturbed, including stump removal, until erosion controls have been installed and approved by IWWC staff.

   #6. Revise to state "All erosion and sedimentation MEASURES shall be checked by the owner NOT LESS THAN ONCE PER WEEK.

   #8. Seed mixtures shall be approved by IWWC staff prior to use and shall be appropriate for the site as determined by IWWC staff following evaluation of site conditions. For permanent seeding, warm season grasses are required.

   #9. Delete the second sentence regarding lime and fertilizer application.

   #13. Any refueling shall occur no less than 100 feet from any watercourse or wetlands.
4. Final Plans.
   - The final plans shall (1) depict the orange construction fence and (2) note that signs shall be placed as required in #2 above.
   - Cost est of final plans shall be submitted with the live signature and seals of all design professionals including soils scientist with a signature block on each sheet for signature by the IWWC Chair.
5. Standard IWWC Conditions (enclosed) shall apply.

A legal notice of this approval will be published in the Villager Newspaper on Friday June 22, 2018. Please note that this action of the Brooklyn Inland Wetlands and Watercourses Commission may be appealed for a fifteen-day period following the publication of the legal notice.

If you have any questions, please call me at 860-779-3411 Extension 31.

Signed,

Martha Pomeleo
Wetlands Agent

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
P.O. BOX 356
CONNECTICUT 06234

December 10, 2019

CERTIFIED#

FCR Realty, LLC
P.O. Box 873
Danielson, CT 06239

RE: Notice of Decision for SPO 18-002 – FCR Realty, LLC, 200 acres north of Brickyard Road and west of Day Street (Assessor's Map 35, Lot 7; Map 41, Lot 6; Map 42, Lot 43), Proposed to remove 97,650 cubic yards of gravel over 8.8 acres

FCR Realty, LLC:

At the December 5, 2019 regular meeting of the Brooklyn Planning and Zoning Commission, your Gravel Special Permit application SPO 18-002 – FCR Realty, LLC, north of Brickyard Road and west of Day Street (Assessor's Map 35, Lot 7; Map 41, Lot 6; Map 42, Lot 43), a proposal to remove 97,650 cubic yards of gravel over 8.8 acres was approved by order of the court, in accordance with all final plans, documents and testimony submitted with the application, with the finding that it is a permitted use in the zone and that potential impacts can be mitigated with the following conditions:

- The alternate access haul road to Church Street shall be removed from the final recorded special permit plans because it is currently unsuitable to accommodate gravel truck traffic.
- All conditions included in the Inland Wetlands Commission approval shall be included in the zoning approval.
- Excavation is limited to the area shown on the submitted plans dated 4/4/2018 (revised 10/2/18, 3 sheets) and prepared by KWP Associates.
- Dust shall be controlled throughout the year using water or calcium chloride as appropriate for conditions.
- Within 30 days of action, a performance bond totaling $55,000 will be submitted by the Applicant to Brooklyn Land Use Department. The form and content of the bond shall be reviewed and approved by Town Staff.
- The Inland Wetlands and Watercourses Commission approval with conditions and the Planning and Zoning Commission approval with conditions shall be included on the final recorded special permit plans.
- Draft final approved plans shall be printed on paper and submitted to Town Staff for checking prior to printing on sealed material.
- The final approved plans bearing the seal and signature of the appropriate professionals and the December 4, 2020 renewal date and shall be printed on sealed material, signed by Commission Chairs, and recorded along with the Special Permit in the office of the Town Clerk.
- Hours of operation shall be 7 a.m. through 6 p.m. Monday through Friday and 7 a.m. to 12 p.m. on Saturday. No operational activities shall occur on Sundays or holidays listed in Section 11.5.7 of the Brooklyn Zoning Regulations.
- Reclamation of Phase One shall commence prior to the initiation of excavation on Phase Two in accordance with Section 13.5.10 of the Brooklyn Zoning Regulations (effective July 1, 2018).

A legal notice of this gravel special permit denial will be published in the Killingly Villager newspaper on Friday December 13, 2019. Please note that this action of the Brooklyn Planning and Zoning Commission may be appealed for a fifteen-day period following the publication of the legal notice.

It is your duty to file the endorsed record of special gravel permit with the Brooklyn Town Clerk at your expense. The special permit is not valid until it is filed.

For your information, a release of the Cease and Desist Orders issued in 2014 has been recorded in the Brooklyn Land Records as Volume 633, Page 205.

If you have any questions, please call Jean Roberson in the Land Use Department at 860-779-3411 Extension 14.

Signed,

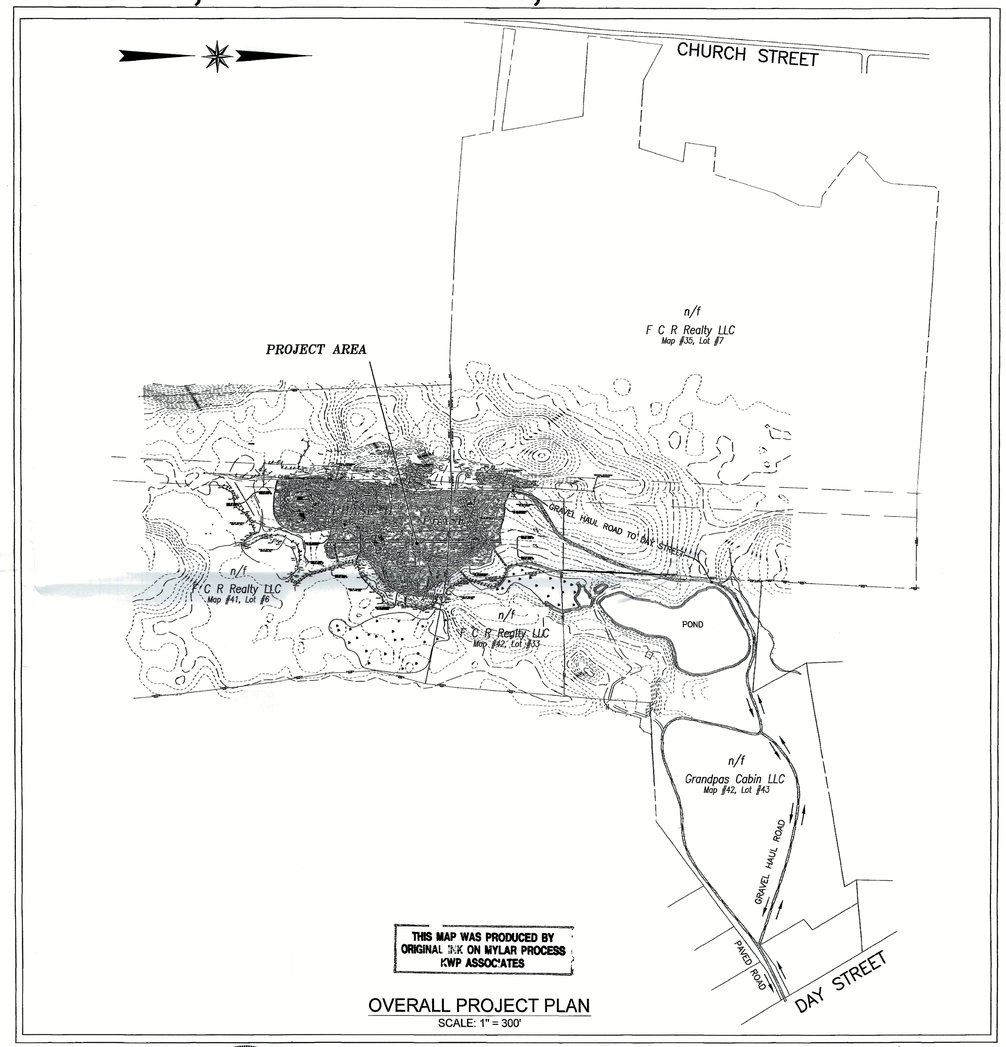
Jean Roberson, AICP
Director of Comm. Development/
Town Planner

NOTES:

1. This survey has been prepared pursuant to the Regulations of Connecticut State Agencies Sections 20–300b–1 through 20–300b–20 and the "Standards for Surveys and Maps in the State of Connecticut" as adopted by the Connecticut Association of Land Surveyors, Inc. on September 26, 1996;
   - Survey Type: General Location Survey.
   - Topographic features conform to a Class "T–2", "V–3" vertical accuracy.
   - Boundary lines shown conform to a Class "A–2" horizontal accuracy
2. Owner / Applicant: F C R Realty LLC
   P.O. Box 873
   Danielson, Connecticut 06239
3. Elevations based on National Geodetic Vertical Datum of 1929. Contours taken from Photogrammetry and supplemented with actual field survey in areas of active excavation. Contour interval = 2'.
4. Active excavation area located on Lot #6 on Assessors Tax Map #41 and Lot #7 on Assessors Tax Map #35. Area contained within project limit lines = 8.8 Acres.
5. Zone = RA
6. Limit of wetlands shown as flagged by Joseph Theroux, Certified Soil Scientist, April 2018
7. Parcel is shown is in Flood Hazard Zone "A" and "C" shown on FIRM Flood Insurance Rate Map #090164 0003 A & #090164 0006 A, Effective Date January 3, 1985.

INDEX TO DRAWINGS

TITLE	SHEET No.
COVER SHEET & OVERALL PROJECT PLAN	SHEET 1 OF 3
GRAVEL REMOVAL PLAN PHASE I & PHASE II	SHEET 2 OF 3
DETAIL SHEET	SHEET 3 OF 3



THIS MAP WAS PRODUCED BY ORIGINAL INK ON MYLAR PROCESS KWP ASSOCIATES

OVERALL PROJECT PLAN
SCALE: 1" = 300'

ENDORSED BY THE BROOKLYN INLAND WETLANDS COMMISSION

CHAIRMAN (VICE) 1/14/2020 DATE

APPROVED BY THE BROOKLYN PLANNING AND ZONING COMMISSION

CHAIRMAN 1/28/20 DATE

Expiration date per Sec. 8.26C, Connecticut General Statutes: N/A

OWNER: F C R REALTY LLC

PREPARED BY: KWP associates
SURVEYING ~ ENGINEERING ~ SITE PLANNING
250 Killingly Road
Pomfret Center, Ct. 06259–0106

DATE: APRIL 4, 2018

REVISED: OCTOBER 2, 2018

STATE OF CONNECTICUT BRUCE D. WOODIS No. 13646 LICENSED LAND SURVEYOR

knowledge and belief, this map is substantially as noted hereon.

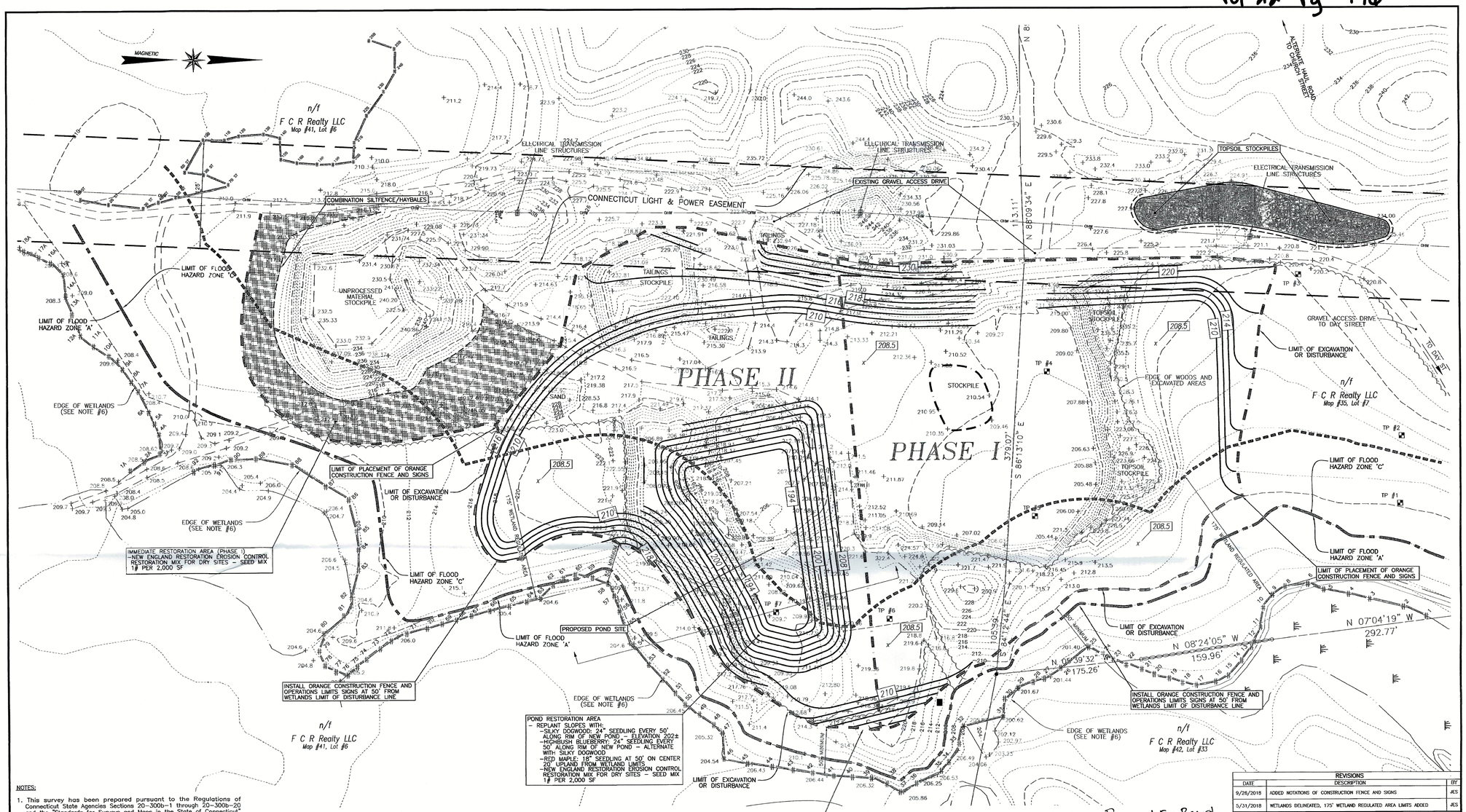
Bruce D. Woodis 4/4/2018
BRUCE D. WOODIS, Conn. L.S. #13646

No certification is expressed or implied unless this map bears the embossed seal of the land surveyor whose signature appears hereon.

K W P associates
P.O. BOX 250 POMFRET CENTER, CT. 06259
4/4/2018
DAVID A. SMITH, P.E. #14173 DATE
NOT VALID UNLESS SEAL IS AFFIXED HERETO

Recieved For Recording
1/15/20 3:18pm
Kristy McNulty Asst.

Vol 22 Pg 146



NOTES:

1. This survey has been prepared pursuant to the Regulations of Connecticut State Agencies Sections 20-300b-1 through 20-300b-20 and the "Standards for Surveys and Maps in the State of Connecticut" as adopted by the Connecticut Association of Land Surveyors, Inc. on September 26, 1996;
   - Survey Type: General Location Survey.
   - Topographic features conform to a Class "T-2", "V-3" vertical accuracy.
   - Boundary lines shown conform to a Class "A-2" horizontal accuracy
2. Owner / Applicant: F C R Realty LLC
   P.O. Box 873
   Danielson, Connecticut 06239
3. Elevations based on National Geodetic Vertical Datum of 1929. Contours taken from Photogrammetry and supplemented with actual field survey in areas of active excavation. Contour interval = 2'.
4. Active excavation area located on Lot #6 on Assessors Tax Map #41 and Lot #7 on Assessors Tax Map #35. Area contained within project limit lines = 8.8 Acres.
5. Zone = RA
6. Limit of wetlands shown as flagged by Joseph Theroux, Certified Soil Scientist, April 2018
7. Parcel is shown is in Flood Hazard Zone "A" and "C" shown on FIRM Flood Insurance Rate Map #090164 0003 A & #090164 0006 A. Effective Date January 3, 1985.

ENDORSED BY THE BROOKLYN INLAND WETLANDS COMMISSION

CHAIRMAN (VICE) — 1/14/2020 DATE

APPROVED BY THE BROOKLYN PLANNING AND ZONING COMMISSION

CHAIRMAN — 1/8/20 DATE

Expiration date per Sec. 8.26C, Connecticut General Statutes: N/A

LEGEND

- IRON PIN SET
- IRON PIN TO BE SET
- UTILITY POLE
- STONEWALL
- 214 — EXISTING CONTOUR
- 214 — PROPOSED CONTOUR
- x 214.7 — PROP. SPOT ELEVATION
- DEEP TEST PIT LOCATION
- SILT FENCE
- CNR — ELECTRICAL TRANSMISSION WIRES

K W P associates
P.O. BOX 1 POMFRET CENTER, CT. 06259
DAVID A. SMITH, P.E. #14173 — 4/4/2018 DATE
NOT VALID UNLESS SEAL IS AFFIXED HERETO

THIS MAP WAS PRODUCED BY ORIGINAL INK ON MYLAR PROCESS KWP ASSOCIATES

Recieved For Record 1/15/20 3:18pm Kelly McNulty Asst.

50 25 0 50 100
scale feet

STATE OF CONNECTICUT BRUCE D. WOODIS No. 13646 LICENSED LAND SURVEYOR

To the best of my knowledge and belief, this map is substantially correct as noted hereon.

BRUCE D. WOODIS, Conn. L.S. #13646 — 4/4/2018

No certification is expressed or implied unless this map bears the embossed seal of the land surveyor whose signature appears hereon.

REVISIONS		
DATE	DESCRIPTION	BY
9/26/2018	ADDED NOTATIONS OF CONSTRUCTION FENCE AND SIGNS	JES
5/31/2018	WETLANDS DELINEATED, 175' WETLAND REGULATED AREA LIMITS ADDED	JES

Gravel Removal Plan
Prepared For

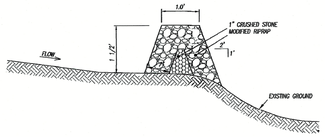
F C R REALTY LLC

WESTERLY OF DAY STREET AND NORTHERLY OF BRICKYARD ROAD
BROOKLYN, CONNECTICUT

KWP associates
SURVEYING ~ ENGINEERING ~ SITE PLANNING
250 Killingly Road
Pomfret Center, Ct. 06259-0106

SCALE: 1" = 50'
DATE: 4/4/2018
SHEET: 2 OF 3
PROJ # 93011 FB:
Dwn: JES Chk:

Vol 22 Pg 147

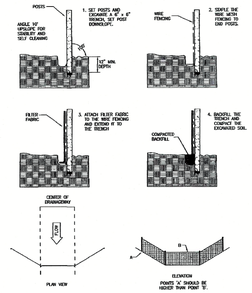


SPECIAL RIPRAP FILTRATION BERM DETAIL

NOT TO SCALE

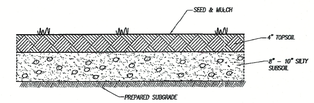
GROUNDWATER TEST HOLE EVALUATION

HOLE	DEPTH TO GROUNDWATER
#1 (EL 210.5)	5' (205'±)
#2 (EL 216.5)	9' (207'±)
#3 (EL 220.5)	14' NO WATER (LOWER THAN 206'±)
#4 (EL 209.0)	7' (202'±)
#5 (EL 205.5)	3'-6" (202'±)
#6 (EL 220.0)	15' NO WATER (LOWER THAN 205'±)
#7 (EL 209.0)	6' (203'±)



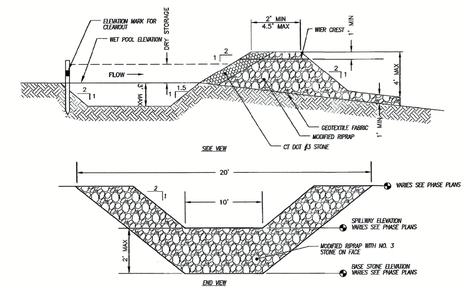
SILT FENCE

NOT TO SCALE



RESTABILIZATION DETAIL

NOT TO SCALE



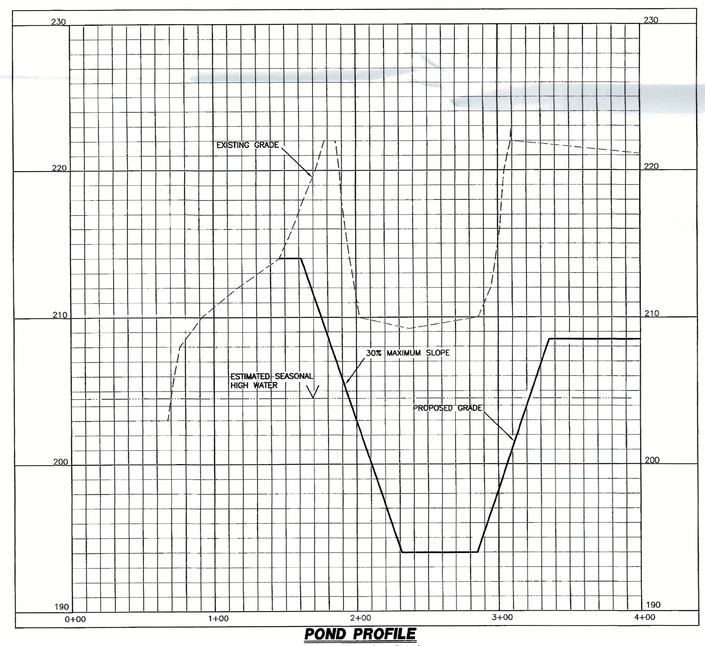
STONE DIKES FOR SEDIMENT TRAPS

NOT TO SCALE

NOTE: LOCATION TO BE DETERMINED IN FIELD AS NEEDED

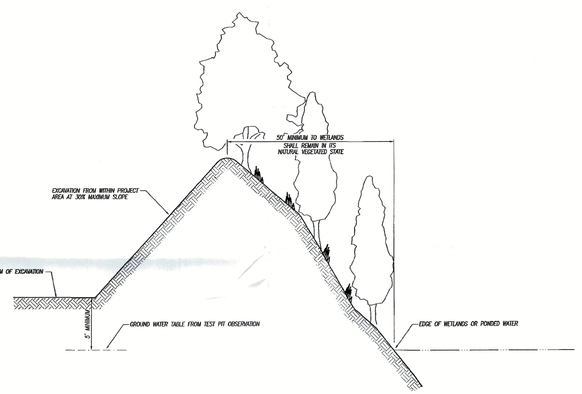
EROSION & SEDIMENTATION NOTES AND SEQUENCE OF OPERATIONS

1. The project is located northerly of Brickyard Road and westerly of Day Street in the Town of Brooklyn. It consists of the removal of approximately 97,650 cubic yards of sand and gravel deposits in two phases (Phase I = 53,000 cubic yards, Phase II = 44,650 cubic yards). The total area of sand and gravel removal is 8.8 acres. Area of Phase I = 4.8 acres, Phase II = 4 acres.
2. The limits of excavation shall be accurately marked in the field and benchmarks established by a land surveyor licensed in the State of Connecticut prior to excavation. Activity within the 125' wetland regulated area is 70,488 SF.
3. All trees within each phase shall be cut and stumps shall be removed from the site in a manner consistent with local, state and federal laws and regulations. Alternatively, the stumps may be chipped on-site and the chips stockpiled for later re-use as mulch. Likewise, non-salvageable limbs under 4 inches in size shall be chipped and stockpiled for later re-use as mulch. After the removal of trees the Contractor shall install silt fence or haybales as shown on the plans and as needed. No soil shall be disturbed, including stump removal, until erosion controls have been installed and approved by IWWC staff.
4. Once the erosion control fencing is installed, topsoil shall be stripped from the phase and stockpiled. All other topsoil in areas shown. No topsoil shall be removed from the site. All topsoil stockpiles shall be protected with siltfence from erosion.
5. Excavation along easterly project limits is to be preformed from limit of excavation as marked in a westerly direction and downward into the active area maintaining a 30% minimum slope to ensure runoff is contained within the active area. Care shall be taken to insure no disturbance to vegatative buffer occurs outside project limits.
6. All erosion and sedimentation control measures shall be checked by the owner not less than once per week or after a ½ inch of rain in a 24-hour period and shall be repaired or replaced as necessary. Silt removed from such sedimentation control devices shall be disposed of on-site. Additional control measures required by the Town of Brooklyn shall be installed with 24 hours of request made by Town Staff.
7. All erosion and sedimentation control devices shall be maintained throughout the entire earth removal operation. These devices shall be removed following the completion of stabilization and after approval by the Town of Brooklyn. All erosion and sedimentation control devices and restoration measures shall conform to the "2002 Connecticut Erosion & Sedimentation Guidelines, DEEP Bullentin #34" published by the Connecticut Council on Soil and Water Conservation.
8. Seed mixture shall be approved by IWWC staff prior to use and shall appropriate for the site as determined by IWWC staff following evaluation of site conditions. For permanent seeding, warm season grasses are required
9. Areas which are to be treated will have 8" – 10" subsoil and 4" of topsoil applied as soon as they are brought to final grade (if timing corresponds to seeding dates).
10. The approximate total area to be seeded is 383,152 square feet. Each phase will be seeded as specified as they are brought to final grade. Seeding dates shall be April 1 through June 15 or September 15 through October 15.
11. If hydroseeder is used rather than conventional methods, seed application rates will be increased by 10% and fertilizer will be applied with the seed mix.
12. Hay or straw mulch will be applied to treated areas at 75 lbs / 1000 sq.ft., and held in place with suitable netting materials. (If Hydroseeded, mulch will be included in the mix.)
13. No major repair of any excavation, hauling or loading equipment shall take place on site. Maintenance of equipment shall be limited to checking oil levels and topping off if necessary. No equipment washing shall take place on-site. Any refueling shall occur no less than 100 feet from any wetlands or watercourse
14. An additional concern when working in gravelly areas is the potential for groundwater quality degradation. Gravelly areas, especially those associated with rivers are often underlain by aquifers. To reduce the potential for accidental spillage of oil, gas or other fluids; extreme care will be exercised when refueling. No storage of fuel or oil shall take place on the site.
15. Dust control within the access road will be practiced as needed to prevent nuisances. The use of calcium chloride for dust control shall be kept to a minimum and no application within 36 hours of projected rain. The application of coarse gravel to the road in conjunction with occasional wetting should adequately control the dust.
16. All material to be removed from the site will be processed and shall be limited to mechanical (dry screening) and rock crushing. Washing of materials shall not take place on site. No blasting is proposed as part of this application
17. The processing (screening) activity shall take place only between 7:00 AM and 5:00 PM. No Processing shall be permitted on Saturdays, Sundays or Holidays. All traffic shall enter and exit the site from Day Street
18. The responsibility of implementation of this plan rests with F C R Realty LLC or designee.
    F C R Realty LLC
    P.O. Box 873
    Danielson, Connecticut 06239
    Telephone: (860) 774-6431
19. The site will be active approximately 9 months a year with daily activity paced to meet product demand. Average truck traffic from the site is estimated at 10-15 trucks daily.



POND PROFILE

SCALE: H: 1" = 40' V: 1" = 4'

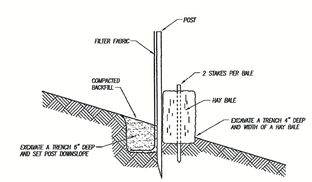


EXCAVATION IN VICINITY OF WETLANDS DETAIL

NOT TO SCALE

THIS MAP WAS PRODUCED BY ORIGINAL INK ON MYLAR PROCESS KWP ASSOCIATES

Recieved For Record
1/15/20 3:18pm
Kelsey Mchall Asst.



COMBINATION HAYBALE/SILT FENCE EROSION CONTROL

NOT TO SCALE

REVISIONS		
DATE	DESCRIPTION	BY
9/26/2018	REVISED EROSION AND SEDIMENTATION NOTES	JES

Detail Sheet
Prepared For

F C R REALTY LLC

WESTERLY OF DAY STREET AND
NORTHERLY OF BRICKYARD ROAD
BROOKLYN, CONNECTICUT

KWP associates
SURVEYING ~ ENGINEERING ~ SITE PLANNING
250 Kilingly Road
Pomfret Center, Ct. 06259-0106

SCALE: AS NOTED
DATE: 4/4/2018
SHEET: 3 OF 3
PROJ # 93011 FB:
Dwn: JES Chk:

P:\93011\Dwg 2018\Dwg 1\93-011-2018-1-2017-Rev.rvt-PT3.dwg

Brooklyn Inland Wetlands
Commission
P.O. Box 356
Brooklyn, Connecticut 06234

June 20, 2018

FCR Realty
P.O. Box 873
Danielson, CT 06239

RE: Notice of Decision – 041018A FCR Realty; North of Brickyard Road/West of Day Street, Map 41, Lot 6, RA Zone; Gravel removal permit; project is in upland review area, no wetlands disturbance proposed.

Dear FCR Realty:

At a meeting of the Brooklyn Inland Wetlands and Watercourses Commission on June 12, 2018, you application was approved as follows:

A motion was made by Demian Sorrentino to approve the application of FCR Realty for a sand and gravel operation west of Day Street known as Assessor's Map 41 Lot 6 and Map 35 Lot 7 on 20 acres of 200 acres total, based on the submitted application and plans prepared by KWP Associates titled "Gravel Removal Plan Prepared for FCR Realty LLC Westerly of Day Street and Northerly of Brickyard Road, Brooklyn, Connecticut, 3 sheets, dated 1/24/17 and revised to 5/31/18 with the following conditions:

Conditions of Approval:

1. Permit Duration: The permit duration is controlled by Inland Wetlands and Watercourses Regulations Section 11.6. Pursuant to this Section, this permit will expire on the same date as the expiration date of the forthcoming sand and gravel permit (specific expiration date is to be determined), or 5 years, whichever is less.

2. Demarcation of disturbance. The permittee shall install orange construction fence and operation limits signs at the (50 ft) limit of disturbance line that parallels wetlands to prevent any further intrusion into the upland review area. The permit holder FCR Realty shall report compliance with this requirement in writing to the Wetlands Enforcement Officer on a quarterly basis beginning at the commencement of operation and thereafter every 3 months.

3. Modification to notes on sheet 3. The notes shall be modified as follows:

   #2. Note states there is no activity within 50 feet of wetlands.

#3. Amend note to state that the soil shall not be disturbed, including stump removal, until erosion controls have been installed and approved by IWWC staff.

#6. Revise to state "All erosion and sedimentation MEASURES shall be checked by the owner NOT LESS THAN ONCE PER WEEK.

#8. Seed mixtures shall be approved by IWWC staff prior to use and shall be appropriate for the site as determined by IWWC staff following evaluation of site conditions. For permanent seeding, warm season grasses are required.

#9. Delete the second sentence regarding lime and fertilizer application.

#13. Any refueling shall occur no less than 100 feet from any watercourse or wetlands.

4. Final Plans.
   - The final plans shall (1) depict the orange construction fence and (2) note that signs shall be placed as required in #2 above.
   - One set of final plans shall be submitted with the live signatures and seals of all design professionals including soils scientist with a signature block on each sheet for signature by the IWWC Chair.

5. Standard IWWC Conditions (enclosed) shall apply.

A legal notice of this approval will be published in the Villager Newspaper on Friday June 22, 2018. Please note that this action of the Brooklyn Inland Wetlands and Watercourses Commission may be appealed for a fifteen-day period following the publication of the legal notice.

If you have any questions, please call me at 860-779-3411 Extension 31.

Signed,

Martha Fraenkel
Wetlands Agent

MF/acl
CC: File, KWP Associates

encl: standard conditions

Brooklyn Land Use Department

69 South Main Street
Brooklyn CT 06234
(860) 779-3411 x 31

Inland Wetlands ✓ Zoning Enforcement ✓ Blight Enforcement _____

SITE INSPECTION NUMBER 1 2 3 4 5

FCR gravel pit
Address

12/1/21
Date

I inspected + took photos w/ Rich Oliverson and Keith Green.

About an acre of excavation was done, some of it in the upland review area, beyond the approved scope of work as per the 2018 IWWC approval.

There is a screener on-site

☒ Did PZC allow processing?

Commission Representative M. Washburn

Owner or Authorized Signature _____

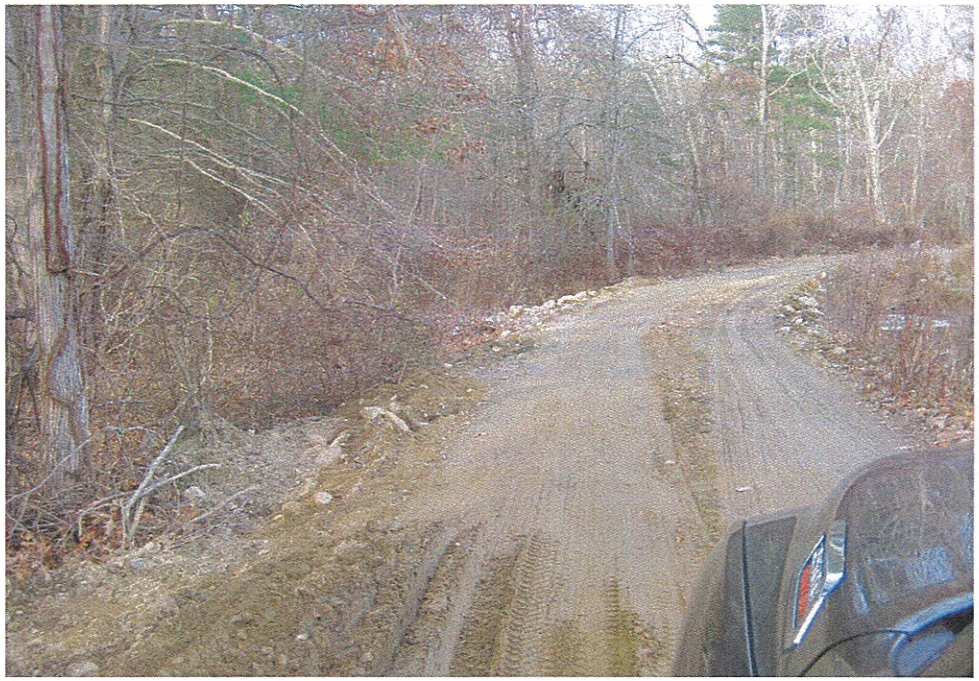
outside approved limits

outside approved limits

Work outside approved limits

Screening equipment on site

↑ Haul road dam recently reworked



work near wetlands outside approved limits

work in approved limits

Work in
approved
limits

Brooklyn Inland Wetlands
Commission
P.O. Box 356
Brooklyn, Connecticut 06234

CERTIFIED#

9489 0090 0027 6166 5939 87

February 12, 2020

FCR Realty, LLC
110 Day Street
Brooklyn, CT 06234

RE: Notice of Decision - DR20-001 FCR Realty, LLC, Owner, Joseph Theroux, Forester, 110 Day Street, Map 35 Lot 7, Map 41 Lot 6 and Map 43 Lot 6; Clear Cut/Final Harvest Areas: Removal of all merchantable timber and firewood. Treetops and slash will be chipped. No excavation or removal of stumps. No clear cutting within 100 feet of delineated wetlands selective harvest areas; only trees designated by blue paint will be harvested. Tree tops will be left for woody debris habitat.

Dear FCR Realty, LLC:

At the February 11, 2020 Inland Wetland and Watercourses meeting your application DR20-001 FCR Realty, LLC, Owner, Joseph Theroux, Forester, 110 Day Street, Map 35 Lot 7, Map 41 Lot 6 and Map 43 Lot 6; Clear Cut/Final Harvest Areas: Removal of all merchantable timber and firewood. Treetops and slash will be chipped. No excavation or removal of stumps. No clear cutting within 100 feet of delineated wetlands selective harvest areas; only trees designated by blue paint will be harvested. Tree tops will be left for woody debris habitat was approved as a use permitted by right as agriculture.

If you have any questions, please contact Margaret Washburn, Wetlands Agent at 860-779-3411 Extension 31.

Signed,

Margaret Washburn

Margaret Washburn
Wetlands Enforcement Agent

MW/acl
CC: File, J. Theroux

Joseph R. Theroux
~ Certified Forester/ Soil Scientist ~
Phone 860-428-7992~ Fax 860-376-6821
P.O. Box 32, Voluntown, CT. 06384
Forestry Services ~ Environmental Impact Assessments
Wetland Delineations and Permitting ~ Site/E&S Monitoring
Wetland function & value assessments

RECEIVED
FEB - 4 2020

1/28/20

Town of Brooklyn
Inland Wetlands and Watercourses Commission
4 Wolf Den Rd.
P.O. Box 356
Brooklyn, CT. 06234

Dear Commissioners:

A selective timber harvest, final harvest/clearcut is planned on the FCR Realty LLC property located off Day Street.

As this activity will only require the harvesting of some trees in and adjacent to the wetlands, and the location of main/secondary skid trails within the upland review areas to facilitate access to portions of the property, (no wetland or stream crossings needed), and could be deemed as a regulated activity, I am notifying you of this proposed activity. I am requesting a declaratory ruling that it falls under the definition of a permitted use as of right under the agricultural exemption in Section 4 of your regulations. I am providing you with the following information so you can make that determination.

The silvicultural plan for the selective timber harvest areas, (designated in orange on the attached cutting plan), is to remove over mature, poorly formed, diseased trees and inferior species to promote the growth of the valuable crop trees and regeneration, and to enhance the wildlife habitat within and adjacent to the wetlands and potential vernal pools on the property. In this small area, the trees are marked for removal and the removals do not exceed 25% of the basal area of the stand, which is mostly white pine. Trees marked for removal were carefully picked so as to not open the canopy adjacent the pools excessively. The post-harvest conditions will allow more light to the sparsely vegetated understory adjacent to the pools allowing suppressed saplings, shrubs and herbaceous vegetation to grow and provide better cover and habitat. Residual tree tops will be slashed, crushed and left in place for woody debris cover and habitat as well.

In the final harvest/clearcut areas, (designated in red on the attached cutting plan), all merchantable trees, polewood and firewood trees will be harvested. Remaining non-merchantable trees, tree tops and slash will be chipped. No clearcutting will occur within

100 feet of any of the delineated wetlands. Due to the lack of steep or moderate slopes adjacent to the wetlands, and the distance of the harvesting from the wetlands, I see little or no potential for erosion or sedimentation impacts.

This operation is planned for spring/summer 2020. Timing of the operation is planned for optimum ground conditions to reduce the chances of sedimentation/erosion. The timeframe of the operation should not exceed 1 to 2 months. If conditions such as excessive rainfall occur, the harvest will have to be postponed until favorable conditions prevail. This would extend the timeframe of the operation until drier ground conditions prevail in summer 2020.

Although there is an existing, deeded vehicular access to the property for the existing permitted gravel removal operation through an adjacent property, in the interests of avoiding conflict and at the suggestion from your Inland Wetlands Agent, truck access to Day Street will be proposed through the Weaver property to the north of the FCR Realty LLC property. The existing gravel roadbed runs through both properties to Day Street. (See cutting plan for details.)

Although not required within the scope of your regulations, attached is a letter from Mr. Weaver granting access through his property. In addition, a portion of a letter from Eversource Energy is attached stating that no permission from Eversource Energy is required for FCR Realty to use their own property for access. This document was supplied by the Attorney representing FCR Realty LLC.

No wetland/stream crossings, or wetland disturbance will occur in the use of this access.

Erosion and Sedimentation Control

Primary skid trails will be located outside 100-foot buffer zones/filter strips on all inland wetlands and streams when possible and are oriented along/around slopes to reduce erosion. At the completion of the operation water bars will be installed on portions of main skid trails with significant slopes.
Due to the timing of the operation and well drained gravely soil conditions, impacts on main skid trails will be minimal. If during the operation conditions such as excessive rainfall, erosion, or rutting occur, the harvest will be shut down until favorable conditions prevail.

Timber to be harvested

Approximately 200,000 to 250,000 board feet of timber will be harvested. Primary species include: White pine, red, black, white and scarlet oak, and red maple. Diameters that will be harvested range from 12 inches dbh to 36 inches dbh. (Not including marked saplings and cull trees). This is both a selective thinning removing approx. 25% of the timber growing in the selective harvest areas, focusing on overmature timber, diseased, poorly formed trees and inferior species. In the clearcut/final harvest areas all merchantable timber will be harvested.

Harvesting Equipment

The primary pieces of equipment that will be utilized to harvest the timber will be a feller-buncher, log forwarder and/or grapple skidder. The advantage of using a feller-buncher to fell and bunch the trees is that the buncher has the ability to hold, cut and direct the tree before it falls. This allows a high degree of control of where the tree is allowed to fall. Thus the condition of the residual stand is much better than ordinary directional felling with a chainsaw. In many cases the whole tree can be cut, picked up and turned 180 degrees or carried to a favorable location for felling. This is invaluable for trees adjacent to wetlands, in sensitive or steep areas or along property lines.

The use of a log forwarder is beneficial due to the fact that it exerts far less ground pressure and disturbance than a typical skidder.

Timber harvest BMP's

The following is a brief description of the BMP's and guidelines that will be followed during the course of the timber harvest. I will address them pertaining to the site-specific areas of the property that will be harvested.

Upland areas:

Timber will be harvested along the following guidelines: stumps will be cut low when possible, trees will be directionally felled with a feller buncher or chainsaw and skidded to avoid damage to residual stands, and firewood portions of tops will be removed or chipped to decrease residual slash.

After the timber is harvested in the selective cut areas the remaining treetops and slash not utilized as firewood will be lopped and crushed to a height of approx. three to four feet. Skid trails will be designed to run along contours not against them (see cutting plan), while trails with un-avoidable slopes will have water control structures installed.

Landing areas at completion of harvest will be left clear of any refuse, graded, and seeded.

Steep slopes: in areas on the property where there are slopes steeper than 10% where timber will be harvested, the skid trails are oriented at the base and tops of the slopes to avoid disturbance on the slope itself.

Buffer zones/filter strips: Timber will be harvested in these areas and on the edges of the wetland areas on the property according to CT. D.E.P. BMP's. Less than one quarter of the basal area will be removed in these areas.
The following guidelines will be followed: no main skid trails will be constructed in these areas unless necessary, trees will be felled out of the wetland areas when possible, residual tree tops will be removed from wetlands a minimum of 25 feet, if a tree does fall in it will be removed via cabling, tops will be slashed, any disturbance that might cause erosion or sedimentation will be stabilized, seeded and mulched.

Wetlands: no timber is marked within the significant wetlands on the property. Some over mature timber on the edges of the wetland boundaries will be removed to avoid future blow downs as many of these trees have excessively large tops and are very susceptible to blow down.

Aesthetics

As far as aesthetics are concerned the owner of the property and myself established the following guidelines:

No harvest buffers will be left along property lines where adjacent residences were located.
Residual treetops not removed to be lopped to 3 to 4 feet in height
Care to be exercised in protecting residual stands and regeneration during harvest.
Repair ruts in primary trails greater than 12 inches in depth..

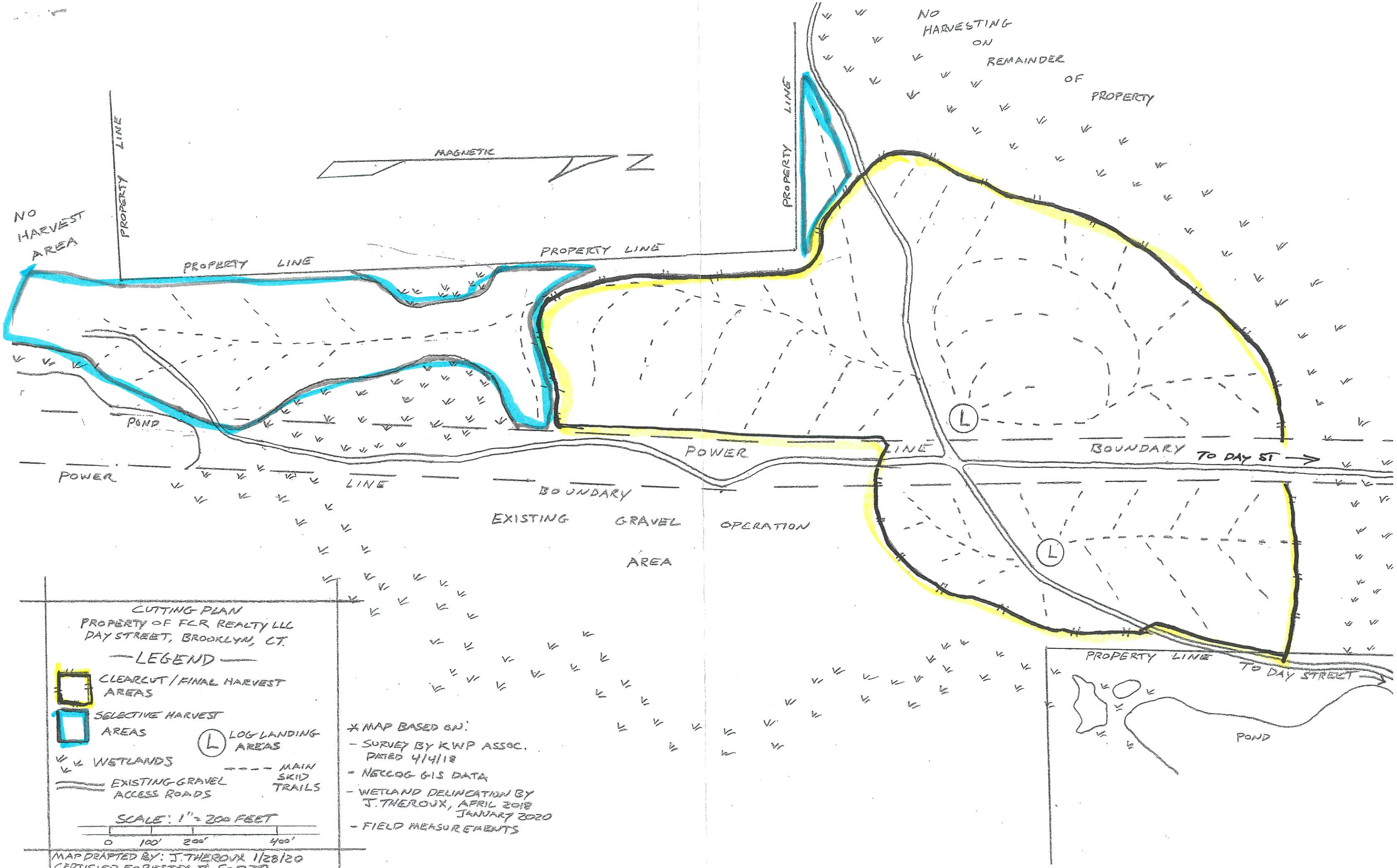
In conclusion, please find attached to this notification:

- Site/cutting plan at a scale of 1 inch = 200 feet.
- Topographic map of harvest area
- Overall site/access route map
- Timber harvest notification form

If you require further information concerning the timber harvest operation or the cutting plan and schedule, please feel free to contact me on my cell, 860-428-7992.

Thank you,

Joseph R. Theroux
Certified Forester/Soil Scientist
Certified Wetlands Agent
Forester Cert. #F000028


NO HARVESTING ON REMAINDER OF PROPERTY
MAGNETIC
N
NO HARVEST AREA
PROPERTY LINE
PROPERTY LINE
PROPERTY LINE
PROPERTY LINE
POND
POWER LINE
POWER LINE
BOUNDARY
BOUNDARY
TO DAY ST
EXISTING GRAVEL OPERATION AREA
L
L
PROPERTY LINE
TO DAY STREET
POND
CUTTING PLAN
PROPERTY OF FCR REALTY LLC
DAY STREET, BROOKLYN, CT.
LEGEND
CLEARCUT / FINAL HARVEST AREAS
SELECTIVE HARVEST AREAS
LOG LANDING AREAS
WETLANDS
MAIN SKID TRAILS
EXISTING GRAVEL ACCESS ROADS
SCALE: 1" = 200 FEET
0
100'
200'
400'
* MAP BASED ON:
- SURVEY BY KWP ASSOC. DATED 4/4/18
- NECCOG GIS DATA
- WETLAND DELINEATION BY J. THEROUX, APRIL 2018 JANUARY 2020
- FIELD MEASUREMENTS
MAP DRAFTED BY: J. THEROUX 1/28/20
CERTIFIED FORESTER # F-028

TOWN OF BROOKLYN
Land Use Department
69 South Main Street • Suite 22
BROOKLYN, CONNECTICUT 06234
860-779-3411 Ext. 12

REVISED CEASE AND DESIST ORDER
Inland Wetlands and Watercourses Violations

CERTIFIED # 9489 0090 0027 6215 8990 39

To: FCR Realty, LLC
110 Day Street
Brooklyn, CT 06234

January 3, 2022

Location of Violation: Westerly of Day Street (Assessor's Map 41 Lot 6 and Map 35 Lot 7)

Facts

On 11/30/21, Provost & Rovero, Inc. submitted to the Brooklyn Land Use Office a Topographic Survey as of 11/25/2021 prepared for FCR Realty LLC.

Refer to the attached copy of this plan, which shows approximately an acre of earth removal has been conducted beyond the project limits approved by the Inland Wetlands Commission in their Notice of Decision dated June 20. 2018.

On 12/1/21, Margaret Washburn, Wetlands Enforcement Officer, inspected the site to conduct a compliance inspection with Keith Green.

That inspection resulted in this Cease and Desist Order.

The following activities have been observed to have occurred on your property in violation of your Inland Wetlands and Watercourses Permit # 041018A: Vegetation has been removed and material has been excavated in the Upland Review Area, beyond the approved limit of work shown on the approved plan titled Proposed Gravel Removal Plan Prepared for FCR Realty LLC Westerly of Day Street, Brooklyn, Connecticut, ("the approved plan") prepared by KWP Associates, revised October 2, 2018.

Your activities, conducted in violation of your Inland Wetlands and Watercourses Permit, are in violation of the Brooklyn Inland Wetlands and Watercourses Regulations.

Applicable Laws and Regulations

The Brooklyn Inland Wetlands and Watercourses Regulations define, in part, a "regulated activity" as "any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses….". "Material" is defined to include "means any substance, solid or liquid,

organic or inorganic, including but not limited to soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse or waste". The term "pollution" is defined to include "harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity".
The phrase "rendering unclean or impure" is further defined as "any alteration of the physical, chemical or biological properties of any waters of the state, including, but not limited to, change in odor, color, turbidity or taste".
Furthermore, a "significant impact" is defined as "any activity, including, but not limited to, the following activities which may have a major effect:

1. Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
5. Any activity which causes substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse.
6. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value."

"Upland Review Area" means "non-wetland or non-watercourse areas where activities are likely to impact or affect wetlands or continuous watercourses".
Section 4 of the Regulations addresses exemptions, and Section 6.1 provides that any regulated activity requires a permit.

Section 6.2 states "Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Commission, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in section 14 of these regulations and any other remedies as provided by law".

Order

You are hereby ordered Cease and Desist from all work on the subject property until an application for a wetlands permit for the work outside the scope of the approved plan has been submitted, and a permit has been issued for the work.

For each day during which to violation continues beyond the deadline in this Order, the Town may commence an enforcement action and the seek a civil penalty of up to $1,000.00 per day for

such violation, plus its attorney's fees and costs. The civil penalties are assessed by the Superior Court when an action is brought before the court by the municipality.
The Commission members or its duly authorized agent may make regular inspections of the subject property work during reasonable hours.

Show Cause Hearing

In accordance with Section 15.7 of the Regulations, a Show Cause Hearing will be held on this Order on Tuesday, January 11, 2022 at 6:00 p.m. via Zoom, or in person at the conference room at 69 South Main Street, Brooklyn, CT. At this hearing, you will be given an opportunity to be heard and to show cause why this Order should not remain in effect. Depending on the decision of the Agency, a copy of this Order, or a modified version of it, may be filed on the Brooklyn Land Records. To attend this hearing follow the instructions on the attached draft meeting agenda.

Dated at Brooklyn, this 3rd day of January 2022.

Margaret Washburn

Margaret Washburn, Enforcement Officer of the Brooklyn
Inland Wetlands and Watercourses Commission

Brooklyn Inland Wetlands Commission
Regular Meeting Agenda
Tuesday, January 11. 2022
Zoom and In-Person Meeting
Clifford B. Green Memorial Center
69 South Main Street
6:00 p.m.

DRAFT

In-Person: **Clifford B. Green Meeting Center, Suite 24, 69 South Main Street, Brooklyn, CT** **For fully vaccinated persons, masks are optional. For persons not fully vaccinated, masks are required.**		
Online: **Click link below:** https://us06web.zoom.us/j/82435574137	**OR**	**Go to Zoom.us ,** **click Sign In** **On the top right, click Join a Meeting** **Enter meeting ID:** 824 3557 4137 **Enter meeting password:** 038430
Phone: Dial 1 646 558 8656 US Toll **Enter meeting number:** 824 3557 4137 **Enter meeting password:** 038430 **You can bypass attendee number by pressing #**		

Call to Order:

Roll Call:

Seating of Alternates:

Public Commentary:

Additions to Agenda:

Approval of Minutes:

1. Regular Meeting Minutes 11/9/2021.

Public Hearings:

1. None.

Old Business:

1. None.

New Business:

Cease and Desist Order – FCR Realty, LLC. Location of Violation: Gravel Pit Westerly of Day Street (Assessor's Map 41 Lot 6 and Map 35 Lot 7). Show Cause Hearing.
1.

Communications:

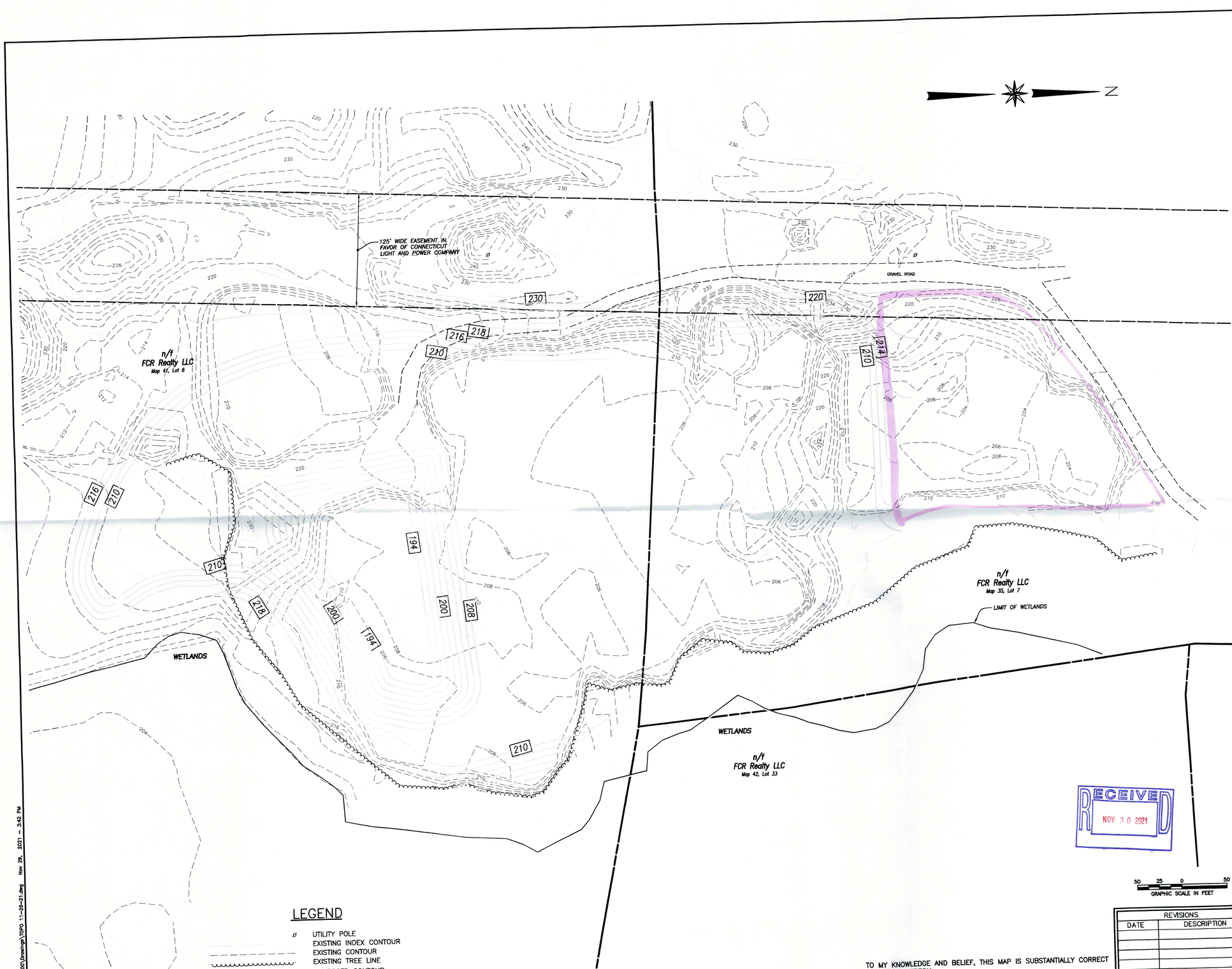
1. Wetlands Agent Monthly Report.
2. Budget Update.

Public Commentary:

Adjourn:

_____

Richard Oliverson, Chairman



LEGEND

- UTILITY POLE
- EXISTING INDEX CONTOUR
- EXISTING CONTOUR
- EXISTING TREE LINE
- PROPOSED CONTOUR

RECEIVED
NOV 30 2021

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON,

DAVID J. HELD, L.S. LIC. NO. 24267 DATE

NO CERTIFICATION IS EXPRESSED OR IMPLIED UNLESS THIS MAP BEARS THE ORIGINAL SEAL AND SIGNATURE OF THE LAND SURVEYOR.

SURVEY NOTES:

1. This survey has been prepared pursuant to the Regulations of Connecticut State Agencies Sections 20–300b–1 through 20–300b–20 as amended on October 26, 2018.
   - Topographic features conform to a Class T–2 and T–D accuracy.
   - Survey Type: Topographic Survey.
2. North orientation is referenced to Connecticut State Plane Coordinates, NAD83(2011), Epoch 2010.0000.
3. Elevations are referenced NGVD 1929. Contours within the active excavation area are taken from actual field survey and conform to Class T–2 accuracy. Contours outside of the area of active excavation are taken from the Map Reference below and conform to Class T–D accuracy. Contour interval = 2'.
4. The intent of this survey is to show current elevations for renewal of a gravel excavation permit.
5. Property lines are based on the Map Reference below and are shown for reference only and do not constitute a property boundary opinion.
6. Wetlands were flagged in the field by Joseph Theroux, certified soil scientist and are taken from the Map Reference below.
7. Proposed grading is taken from the Map Reference below and is shown for reference.

MAP REFERENCE:

"Gravel Removal Plan – Prepared for – F C R Realty LLC – Westerly of Day Street and Northerly of Brickyard Road – Brooklyn, Connecticut – Scale: 1" = 50' – Dated: 4/4/2018, Revised: 9/26/2018 – Sheet 2 of 3 – KWP Associates"

TOPOGRAPHIC SURVEY
AS OF 11/25/2021
PREPARED FOR

FCR REALTY LLC

WESTERLY OF DAY STREET
BROOKLYN, CONNECTICUT

REVISIONS	
DATE	DESCRIPTION

DATE: 11/26/2021	DRAWN: DJH
SCALE: 1" = 50'	DESIGN: ----
SHEET: 1 OF 1	CHK BY: ----
DWG. No: Client File	JOB No: 213100

Provost & Rovero, Inc.

Civil Engineering • Surveying • Site Planning
Structural • Mechanical • Architectural Engineering

57 East Main Street, P.O. Box 191
Plainfield, Connecticut 06374
(860) 230-0856 - FAX: (860) 230-0860
info@prorovinc.com
www.prorovinc.com

marked up
not signed

C:\Users\Dave\Desktop\JOBS\213100\Drawings\TOPO 11-26-21.dwg Nov 29, 2021 - 3:42 PM

TO: Kate Bisson, Town Clerk; Melissa Bradley, Admin. Asst. to F. S.

FROM: Inland Wetlands and Watercourse Commission/Richard Oliverson/Chairman

RE: 2022 IWWC Meeting Schedule

DATE: November 2021

The Brooklyn Inland Wetlands and Watercourses Commission regular meeting schedule for 2022 will be held the second Tuesday of each month at 6:00 p.m. as hybrid meetings via Zoom and in-person at the Clifford B. Green Building conference room until COVID-19 restrictions lifted.

January 11, 2022

February 8, 2022

March 8, 2022

April 12, 2022

May 10, 2022

June 14, 2022

July 12, 2022

August 9, 2022

September 13, 2022

October 11, 2022

November 8, 2022

December 13, 2022

TOWN OF BROOKLYN

Expenditure Report-Detail

From Date: 12/1/2021 To Date: 12/31/2021

Fiscal Year: 2021 - 2022

Account Number	Description	Final Budget	Adjustments	Adj. Budget	Current	YTD	Balance	Encumbrance	Budget Bal	%Bud
1005.41.4163.51900	Inland Wetlands-Wages-Recording Secretary	$1,200.00	$0.00	$1,200.00	$0.00	$462.50	$737.50	$0.00	$737.50	61.46%
1005.41.4163.53020	Inland Wetlands-Legal Fees	$3,500.00	$0.00	$3,500.00	$0.00	$146.25	$3,353.75	$0.00	$3,353.75	95.82%
1005.41.4163.53200	Inland Wetlands-Professional Affiliations	$65.00	$0.00	$65.00	$0.00	$0.00	$65.00	$0.00	$65.00	100.00%
1005.41.4163.53400	Inland Wetlands-Professional Services	$500.00	$0.00	$500.00	$0.00	$0.00	$500.00	$0.00	$500.00	100.00%
1005.41.4163.55400	Inland Wetlands-Advertising & Legal Notices	$500.00	$0.00	$500.00	$235.20	$235.20	$264.80	$0.00	$264.80	52.96%

Transaction Detail (Maximum)

Date	Entry	Check No	Deposit No	Invoice No	PO Number	Voucher	Shipment	Memo	Vendor	Journal	Amount
12/9/2021	1298	62796	0	1106864 10/29/21	20220701	1283	0	Wetlands Publication Fee (Allen 10/29 & 11/5)	Stonebridge Press, Inc.	Accounts Payable	$73.50
12/9/2021	1298	62796	0	1106864 11/5/21	20220701	1283	0	Wetlands Publication Fee (Allen 10/29 & 11/5)	Stonebridge Press, Inc.	Accounts Payable	$73.50
12/30/2021	1427	62867	0	1107140 11/19/21	20220805	1309	0	Inland Wetlands-Advertising & Legal Notices	Stonebridge Press, Inc.	Accounts Payable	$88.20
										Detail Total:	$235.20

1005.41.4163.55500	Inland Wetlands-Printing & Publications	$100.00	$0.00	$100.00	$0.00	$0.00	$100.00	$0.00	$100.00	100.00%
Grand Total:		**$5,865.00**	**$0.00**	**$5,865.00**	**$235.20**	**$843.95**	**$5,021.05**	**$0.00**	**$5,021.05**	**85.61%**

End of Report

TOWN OF BROOKLYN

Inland Wetlands Revenue

From Date: 12/1/2021 To Date: 12/31/2021

Fiscal Year: 2021 - 2022

Account Number	Description	Final Budget	Adjustments	Adj. Budget	Current	YTD	Balance	Encumbrance	Budget Bal	%Bud
1005.00.0000.42204	Inland Wetlands Fees	($4,000.00)	$0.00	($4,000.00)	$0.00	($600.00)	($3,400.00)	$0.00	($3,400.00)	85.00%
Grand Total:		**($4,000.00)**	**$0.00**	**($4,000.00)**	**$0.00**	**($600.00)**	**($3,400.00)**	**$0.00**	**($3,400.00)**	**85.00%**

End of Report