

Inland Wetlands Agent's Report

January 11, 2021

Public Hearing:

081120A Shane Pollock-Applicant/BLB, LLC-Owner, Louise Berry Drive, Map 19, Lot 19, RA Zone; Construction of 51 Single Family Condominium Units with activity in the upland review area.

The application with Version 1 site plans was submitted on 7/14/2020.

Version 1 of NECCOG review comments (9 pages) was dated 7/22/2020.

Date of receipt: 8/11/2020. The date of receipt of this application was the date of the next regularly scheduled meeting, which was 8/11/2020, even though that meeting was cancelled.

Version 2 of revised site plans was submitted on 8/25/2020.

On 8/26/2020, Killingly Engineering Associates (KEA) submitted a letter in response to the 7/22/2020 NECCOG comments.

On 9/8/2020, at a regularly scheduled meeting, a hearing was scheduled to open on 10/13/2020.

On 9/24/2020 KEA emailed me a Wetlands Impact Report.

On 9/25/2020 a site walk took place.

On 9/28, KEA emailed me a revised Wetlands Impact Report and the delineation report.

Version 2 of NECCOG review comments (16 pages) was dated 10/5/2020.

Deadline to schedule a public hearing was 10/15/2020.

The public hearing opened on 10/13/2020.

Deadline to close public hearing if no extensions were given: 11/17/2020.

A 35-day extension was granted on 10/22/2020, extending the deadline to close public hearing if no further extensions are given to Tues., 12/22/2020.

The November meeting was cancelled.

Version 3 of revised site plans was submitted on 11/24/2020.

On 11/27, the maximum 65-day extension was granted. The deadline to close the public hearing is 1/21/2021.

The public hearing re-opened on 12/1/2021.

Version 4 of revised site plans has a revision date of 12/7/2020.

The final version of NECCOG comments (20 pages) was dated 12/12/2020.

The public hearing was continued to 1/12/2021.

My concerns:

The 1/4/2021 KEA response letter to the NECCOG review engineer's comments refers to comments made by Syl Pauley on October 5, 2020. There is no response to Syl's most recent comments made on 12/12/2020.

All the water leaving the site flows into Creamery Brook and then into Blackwell's Brook.

Temporary Sediment Basin: On Sheet 5/9, the temporary sediment basin is mentioned as being located in "a portion of the stormwater basin". We have no information as to the size of this temporary basin, which will be in place the entire time the project is under construction. We have no image of the temporary basin and no information about its construction or its outlet structures. The temporary basin will receive vastly more sediment than the permanent basin because it will be there while several acres of exposed soil is open to rain and snow. I have 0% confidence that the temporary basin will adequately treat sediment-laden runoff from 51 condos under construction. No outlet control structures have been shown for the temporary sediment basin. No cross-section of the temporary sediment basin bottom has been shown.

Incomplete information regarding temporary sediment basin could result in impacts (pollution) of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed. If the temporary basin and its outlets are undersized, not well-stabilized, or not well-maintained there is a real possibility of sediment moving off site, into Creamery Brook and/or Blackwell's Brook.

No operation and maintenance (O&M) plan for the temporary sediment basin has been submitted.

Permanent Stormwater Basin: No cross-section of the bottom of the basin has been shown. I asked Shane Pollock and KEA for a cross-section of the bottom of the basin before the October 8, 2020 meeting. The NECCOG reviews have repeatedly asked for the same.

No Operations & Maintenance Schedule (O&M Plan) for the permanent stormwater basin and its outlets has been submitted.

Phasing Plan: There is no phasing plan to limit the areas of soils exposed to the elements at any given time.

The wetlands upstream of the permanent stormwater basin outlet will receive much less shallow subsurface flow and runoff post-construction than they do under pre-construction conditions. The NECCOG review engineer raised this issue long ago, on October 5, 2020, but plans were never revised to address this concern. The project as designed poses a negative environmental impact to this portion of the wetlands by cutting off the water supply to this portion of the wetlands, diverting much of the runoff to discharge at one point close to the Baker property on the western property boundary. In other words, a portion of the wetlands will be starved of recharge. Changing the water regime of wetlands represents a major environmental impact to those wetlands. The post-development drainage pattern would change the water regime of wetlands between Louise Berry Drive and the single proposed discharge point.

From the 10/5/2020 NECCOG review: "KEA states that the post-development drainage pattern to the wetlands is unchanged. This is not true since the pre-development (existing) drainage pattern is that of sheet

flow from the entire property from Louise Berry Drive, ultimately flowing into the wetland across the perimeter of the wetland located on the subject property. In post-development, the runoff from the pre-development area will be collected in an engineered drainage system and a swale all of which will empty into a stormwater retention basin that will point discharge into a discreet location in the wetland practically on the adjacent Baker property. I recommend that the configuration of the proposed drainage design be revisited to determine whether an alternate drainage system discharging stormwater runoff to the wetland at several points on the subject property, rather than *one*, will provide a greater benefit in maintaining the health of that portion of the wetland system.”

From the 12/12/2020 NECCOG review: “In Note 9 under “Development Schedule/Sequence of Operations,” it is stated that the stormwater basin will be used as a temporary sedimentation basin and that drainage structures and pipe are to be installed with inlet protection to catch basins. In light of this, an explanation is needed on how sediment laden water will be prevented from discharging through the stormwater basin outlet structure and into the wetlands.

KEA states that the stormwater retention basin forebay will also serve as a temporary sediment trap during construction with the utilization of a crushed stone berm with a low-level outlet encased in crushed stone and filter fabric to discharge accumulated water into the wetland, to be used during site construction. A detail of the low-level outlet as described by KEA must be shown as a construction detail in order to be sure it is constructed as described, because I am not sure how this would be configured without such a detail. Additionally, there is no sediment transport preventative for runoff from the swale flowing into the stormwater retention basin area during construction. This must be addressed, too, as it does not flow into the basin’s forebay. A complete lateral cross-section of the entire retention basin when used as a temporary sediment trap and then used as a retention basin must be detailed on the plan to provide more understanding of its construction and inspection after it is constructed. The partial cross-section depicted on the plan is unsatisfactory and I believe it was only pertinent to the temporary sediment

trap that was eliminated and converted to a stockpile area to the west of Unit Nos 47 – 51.

Recommend installing a silt sock arrangement rather than a crushed stone berm when the stormwater retention basin is first used as a temporary sedimentation basin. The crushed stone berm with filter fabric is difficult to construct and will not prevent sediment transport as desired. The silt sock is much more effective in preventing silt transport.”

These comments have not been addressed. In accordance with Section 8.7 in the Brooklyn IWWC Regulations, “Incomplete applications may be denied.”

Criteria for Decision: In accordance with Section 10.2 of the Brooklyn IWWC Regulations:

- a. The environmental impact of the proposed regulated activity on wetlands or watercourses;
- b. The applicant’s purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
- c. The relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses.
- d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
- e. The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and

- f. Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses.

36 Paradise Drive - Edward L. Branciforte violation

As per the Commission's vote on 12/1/2020 to fine Mr. Branciforte for filling wetlands, a citation was issued on 12/22/2020. At Mr. Branciforte's request, a hearing with the Brooklyn Citation Hearing Officer, Bob Kelleher, has been scheduled for 1:00 pm on Thursday, 1/28.

On 1/5/2020, with Resident State Trooper Steve Corradi and another State Trooper, we measured from CL&P Utility Pole 1842 to the edge of the fill Mr. Branciforte has deposited in the wetlands beside Paradise Drive, using a 200-foot nylon measuring tape. I photographed the edge of the fill near Paradise Drive, and the measurement on the tape. It measured 88 feet from CL&P Utility Pole 1842 to the edge of the fill beside Paradise Drive. The distance between the wetland flags shown on the approved plan for the construction of 36 Paradise Drive (now all missing) was 113 feet. This represents 25 feet of fill from the approved wetland flags to the edge of the fill near Paradise Drive. We did not enter the property to take other measurements, but aerial photographs indicate that the fill is even more extensive further away from the road.

The 1/5/2021 email from CT DEEP recommends the issuance of an Enforcement Order after the appeal hearing, if the citation hearing officer upholds the citation. Town Counsel also recommends the issuance of an Enforcement Order requiring the removal of the fill deposited without a permit.

New business:

**120120A Gary McMahon; Woodward Road, Map 10, Lot 25-5 RA Zone;
Proposed residential home with driveway, well and septic system.**

Date of submission to the Commission: 11/18/2020.

From the Brooklyn IWWC Regulations: "Date of receipt shall be the day of the next regularly scheduled meeting of the Commission, immediately following the day of submission to the Commission or its agent of such application, or thirty-five

days after such submission, whichever is sooner.” Date of next regularly scheduled meeting: 1/12/2021. Date of receipt: Wed., 12/23/2020.

The perennial stream on the west side of the property is Sandy Brook.

I met Jerry Savary of KWP on 12/16 to inspect. I inspected and took photos on 12/29 with new IWWC member Adam Brindamour. I asked Bruce Woodis of KWP whether there was enough room between the silt fence and the northwest corner of the proposed house for a machine to maneuver, and whether the silt fence should be extended from around the house to include the foundation drain outlet. He agreed to revise the plan and submit copies by Jan. 4, in accordance with IWWC policy.

This plan has not been submitted for NECCOG review. Does the Commission feel that this projects warrants a NECCOG review?

011221B Pierce Baptist Home In., 44 Canterbury Road, Map 24, Lot 148, VC Zone; Extend sanitary sewer pipe to existing manhole. No work in wetlands or watercourses. Construction in brook buffer will be completed in one day. Temporary disturbance, no grade changes proposed.

The application was submitted on 1/11/2021.

Date of receipt: 1/12/2021.

I have been working for J&D Civil Engineers for many years as their consulting soil scientist. I reached out to Town Counsel when this application was submitted in the interest of transparency and in order to avoid the appearance of a conflict of interest. Peter Alter sent this message:

”Margaret: I gather from your message that you are still actively working on a project basis for this firm. If this is the case, you should disclose your ongoing, professional relationship with the project engineering firm to your commission and ask if the commission feels it is necessary to bring in an independent person to evaluate the proposal and provide comments to the commission. The engineering firm should also indicate that it either objects to your involvement or it does not object. I am assuming that your engagement with the Town of Brooklyn does not prohibit you from taking on outside consulting work and that it

has been made known to Rick and Jana that you are still providing consulting to outside firms. If this has not been discussed with Rick and Jana, I am suggesting that it should be discussed and an accommodation and understanding reached. Peter”

When I was hired, I told the first selectman that I would continue to work as a consulting soil scientist, but not in Brooklyn while employed by the Town, and Rick Ives agreed to this.

At Peter Alter’s suggestion, I reached out to J&D Civil Engineers, and they responded with this email:

“We at J&D do not have any objection to your involvement. We do not foresee any potential conflicts of interest, and look forward to working with you.”

Does the Commission feel it is necessary to bring in an independent person to evaluate the proposal and provide comments to the commission?

This plan has not been submitted for NECCOG review. Does the Commission feel that this projects warrants a NECCOG review?

Other Business:

117 Tatnic Road – Terry Veazie. I inspected and took photos on 1/5. I called Mr. Veazie on 1/11. I asked him to stop placing boulders on both sides of the driveway because this was not shown on the approved plan. He agreed. Mr. Veazie said that Bruce Woodis of KWP has been given a retainer to prepare a more detailed version of the stone berm, including the size and shape of the stone. Mr. Veazie said that he wants to make his neighbor, Joe Szarkowicz, happy. Mr. Veazie said that Bruce Woodis is representing him.

Mr. Veazie wants permission to connect the underground utilities to the house. Does the Commission want to wait until the stone berm has been constructed before Mr. Veazie can do this? The entire underground utilities line is in the ground now. It is just not connected to the house. The Cease & Desist Order required Mr. Veazie to construct the 55-foot stone berm.