

**Brooklyn Inland Wetlands Commission
Regular Meeting Minutes
April 10, 2018**

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday April 10, 2018, at 6:00 p.m. on the following:

Call to Order: The meeting was called to order at 6:03 p.m.

Members Present: Jeffrey Arends, Demian Sorrentino, George Sipila, James Paquin and Richard Oliverson.

Members Absent: None.

Staff Present: Martha Fraenkel, Wetlands Agent, Audrey Cross-Lussier, Recording Secretary.

Also Present: David Held, Katlyn Gugliotti, Bruce Woodis, Cindy Miller, Dan Litke, John Underwood, Aaron Kerouac.

Roll Call: All members present stated their name for the record.

Seating of Alternates: None.

Public Hearings: None.

Public Commentary:

1) Cindy Miller resident of 117 Ennis Road discusses her concerns with the Commission Members with the Town of Brooklyn, Ennis Road re: installation of storm drainage system between Allen Hill Road and Long Brook. Ms. Miller submitted the following correspondence for the record:

“To Whom It May Concern: My name is Cindy Miller, I own the property at 117 Ennis Road in Brooklyn, through which runs the Long Brook. I found out on 2/16/18 that the Town had approved a plan for a drainage pipe to be run through the section of this brook directly adjacent to my property. I had no chance to give any input on my legitimate concerns prior to this decision being made, as I was not invited or informed of this being on the meeting agenda, or even properly notified afterwards by the town; I read the information in the paper.

I do not agree with this plan at all. As we know from failures of a related nature in re: the Brooklyn Walmart, there is no guarantee this engineered system will work, and as the owner of the nearest property, I will be the first to feel the effects of such a failure, before they affect the larger surrounding ecosystem. My grandchildren play in that brook, and love observing the small wildlife whose habitat this plan is going to disrupt, and possibly destroy. The description in the minutes of this system state that it is to catch solids, but what about motor oil, road salt, and any other pollutants that could make it through? I strongly object to this process, and think a better solution needs to be found. Sincerely, Cindy Miller, 117 Ennis Road, Brooklyn.”

Commission Members reviewed and addressed Ms. Miller’s concerns.

Mr. Sorrentino commented that the Town of Brooklyn Public Works Department cannot legally do anything on someone else’s property without consent/permission. The improvements had to stay within the Town’s established right-of-way on land that the Town owns.

Chairman Arends commented that the project is all being done on Town property. Chairman Arends commented that this is not the ideal situation, however, with the State of Connecticut saying that storm-water must be managed better, this was the best solution available.

Mr. Sorrentino commented that the Commission did not propose this project, it was reviewed strictly under the IWWC’s jurisdiction to determine whether or not there would be a significant impact to the wetlands. He gave a detailed description of the function of the deep catch basin sumps and their hoods. Mr. Sorrentino reiterated that property owner “Brown” left the Town no other option than to stay within their right of way. It is not what the Commission liked to review as an application/proposal from the Public Works Department, but this is what had to be done.

David Held, P.E., Provost and Rovero, engineer for the project, spoke with regards to the application. He commented if Ms. Miller has a relationship with Mr. Brown and can get him to allow the Town to go onto his property, the Town would prefer this alternative. Mr. Held commented that he and Tom Rukstela, Highway Foreman, has contacted property owners with regards to this project. Ms. Miller feels that there should be a better solution. Mr. Paquin commented that Ms. Miller’s issues should be addressed with the First Selectman and the Public Works Director. The Wetlands Commission was presented with a plan that was feasible which was approved. If another plan is brought before the Wetlands Commission, it can be reviewed.

2) Aaron Kerouac commented on applications that require multiple extensions due to the applicant not showing up for presentation for 3 months in a row, maybe staff should suggest the applicant pull the application.

Approval of Minutes:

1. Special Meeting Minutes April 3, 2018.

No recommended changes were made to the meeting minutes of April 3, 2018, therefore, they stand as written.

2. Site Walk Minutes April 6, 2018.

No recommended changes were made to the site walk meeting minutes of April 6, 2018, therefore they stand as written.

Old Business:

1. 010918A Balone Properties/M. Malone, 242 Hartford road, application for a contractor yard in the upland review area.

A motion was made by Demian Sorrentino to deny the application without prejudice based on the applicant failure to appear for four months. Richard Oliverson seconds this motion, no discussion held. All in favor. The motion passes unanimously.

2. 031318C Paul R. Lehto, Riverwalk Drive, Map 32, Lot 148, RA Zone; Excavation of sand and gravel.

David Held from Provost and Rovero represents application 031318C. Mr. Held does not have anything new to present since the April 3, 2018 meeting. A site walk was held on Friday, April 6, 2018. Ms. Fraenkel has provided the Commission with some draft comments with regards to the plan, including: Significant Impact Determination; wetlands flagging; update of disturbance line; stump management; importation of fill; and possible modification of notes, page 5 of 6.

Mr. Sorrentino asked if there is a valid as of right approval for the logging operation that is going on there. Ms. Fraenkel stated she has asked the applicant to revise the plan to show the current tree line as she does not believe the plan is accurate anymore. Mr. Held demonstrates the tree line on the current site map showing scrub/brush. Ms. Fraenkel provided a photograph and commented that clearing in the proposed gravel area has occurred. Mr. Held stated that for the most part it is safe to say the majority being proposed for the excavation area is cleared, probably 60% has had stumps pulled out. Ms. Fraenkel commented that the question is why this not a violation, because there has been no request for an as of right use for a timber harvest on this property. Ms. Fraenkel stated that the approved timber harvest did not include the area in question.

Chairman Arends does not feel there is a significant impact to wetlands. The consensus of the Commission is that it does not constitute a significant impact, therefore no public hearing will be required.

Mr. Sorrentino questioned wetlands flagging. Mr. Held stated the flags are no longer in place. Mr. Sorrentino commented that this would benefit the wetlands agent as well as workers on the site knowing where the boundaries are. Mr. Held asked if the Commission wishes to know where the wetland boundary is or have hard markers placed at the limit of disturbance. Ms. Fraenkel stated both would be necessary.

A motion was made by Demian Sorrentino to continue application 031318C to the May 8, 2018 meeting. Jim Paquin seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Additions to Agenda:

1) A motion was made by Demian Sorrentino to add to the agenda as item #2 New Business, Request for IWWC permit extension, Paquin re-subdivision, approved 11/12/2008. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2) A motion was made by Demian Sorrentino to add to the agenda as item #3 New Business Application 041018B A. Kausch & Sons Tatnic Road, Map 15, Lot 93-1, for development of a single-family home; septic system, well, driveway, clearing and associated grading in the regulated area. Prior approval granted 2004, Karro/Larson Subdivision.

New Business:

1. 041018A FCR Realty; North of Brickyard Road/West of Day Street, Map 41, Lot 6, RA Zone; Gravel removal permit; project in upland review area, no wetlands disturbance proposed.

Bruce Woodis, KWP Associates represents application 041018A. Mr. Woodis reviews the site plan with Commission Members. The location is north of Brickyard Road and West of Day Street to the rear of WalMart. This is an ongoing gravel operation where material has been taken out for a number of years. Jana Roberson originally brought it to the attention of FCR Realty that they are operating without a permit. FCR Realty felt they were grandfathered. Mr. Woodis provided a plan of where the gravel pit is at the present time. A lot of material has been removed and reclamation will begin. Excavation has been done within 50 to 60 feet away from the edge of the wetlands. Excavation will be done in a manner where they will excavate back into the gravel pit from the bank. The bank will be left undisturbed. All of the material, siltation and stormwater runoff will flow into the center of the bowl of the gravel pit. There is an area they wish to excavate a little bit deeper to create a small pond. Otherwise the bottom of the excavation for most of the area will be a minimum of 5 feet below the ground water table which has been established by a number of test holes on the property.

Chairman Arends asked what's the total acreage. Mr. Woodis stated the land they own is 200 acres. The limit of the total excavation is 8.8 acres. Mr. Woodis agreed to have the wetlands delineated. It is the consensus of the Commission members that the wetlands be delineated by a soil scientist.

Commission Members agreed to hold a site walk of the property on Friday, April 27 at 4:30 p.m. Mr. Woodis will be there. Members are to meet at the entrance.

A motion was made by Richard Oliverson to receive application 041018A. George Sipila seconds this motion. All in favor. The motion passes unanimously.

2. Request for IWWC permit extension, Paquin re-subdivision, approved 11/12/2008.

Mr. Paquin asked if the owner is still Cristofori. Mr. Underwood stated yes. Mr. Paquin recuses himself from this discussion.

John Underwood is looking for an extension of a wetlands permit that was granted at the date of the subdivision. It is Mr. Underwood's intent to build houses.

Ms. Fraenkel stated that the wetlands permit was granted and expired November 2017 with no request for extension. Ms. Fraenkel sought a legal opinion from the Town Attorney.

Ms. Fraenkel stated that Mr. Underwood knew that this conversation would ensue and that no formal request has been submitted that needs to be acted upon. Ms. Fraenkel handed out the legal opinion from Attorney Peter Alter dated March 21, 2018 and reviewed the CT Inland Wetlands & Watercourses Act Section 22a-42a Permit Expirations DEEP Chart. Discussion ensued.

Mr. Underwood is looking for a decision tonight as he personally is under a time table with a buyer.

Chairman Arends said his opinion is if a permit expires then a new permit is needed. Mr. Sipila and Mr. Sorrentino agree.

Mr. Sorrentino asks if there is an administrative path that can be followed for these cases such as making it a duly authorized provided nothing has changed on the application.

Mr. Underwood stated that the situation at hand is there is a contract on one parcel and an offer on the other parcel. Mr. Underwood does not see anything that has changed since the original permit was granted. The homes would be roughly in the same square footage range or smaller.

Chairman Arends asked Ms. Fraenkel if any regulatory changes have happened since this permit was issued. Mr. Sorrentino asked has the upland review area changed since the permit was issued. Ms. Fraenkel would have to investigate this.

Chairman Arends asked Ms. Fraenkel if she would have any problem with this being a duly authorized request. Ms. Fraenkel commented she does not. Mr. Underwood asked what's a reasonable time frame. Chairman Arends stated it would be two weeks. Mr. Underwood is in agreement, if there are no objections, with the duly authorized permit process.

James Paquin rejoins the meeting.

3. 041018B A. Kausch & Sons, Tatnic Road, Map 15, Lot 93-1, for development of a single-family home, septic system, well, driveway, clearing and associated grading in the regulated area. Prior approval granted 2004, Karro/Larson Subdivision.

Katlyn Gugliotti, with Archer Surveying represents application 041018B. Ms. Gugliotti commented that nothing different is being proposed than the approved site plan in 2004. Ms. Gugliotti stated they are not proposing to have the wetlands reflagged.

Ms. Fraenkel has walked the site. The common driveway comes in and splits apart and goes down a hill, crosses a wet area and comes to the buildable area. Abutting property owners are Murd and Brezniak.

Mr. Paquin asked why is reflagging and wetlands delineation necessary. Ms. Fraenkel stated it is old and was approved in 2004. Ms. Fraenkel commented that when the contractors work they will not know where to not go. Mr. Paquin asked if she was amicable to a partial flagging of the knoll. Ms. Fraenkel stated the driveway is most problematical.

Demian Sorrentino left the meeting at 7:20 p.m.

A motion was made by Jim Paquin to receive application 041018B. George Sipila seconds this motion. All in favor. The motion passes unanimously.

Communications:

1. Budget Update. Commission Members reviewed the budget.

2. Wetlands Agent Monthly Report.

- Brezniak, Tatnic Road. No material has moved between the ledge rock and no erosion or sedimentation noted.
- Stetson Road Violation – pole barn built to house horses. The manure from the horse farm is being placed into wetlands, however, has been at least mostly removed.
- Ms. Fraenkel discussed storm water permit/gravel DEEP permit requirements.

Adjourn: A motion was made by Jim Paquin to adjourn the meeting at 7:30 p.m. Richard Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier, Recording Secretary