

**Brooklyn Inland Wetlands and Watercourses Commission  
Regular Meeting Minutes  
November 13, 2018**

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, November 13, 2018 on the following:

**Call to Order:** The meeting was called to order at 6:00 p.m.

**Members Present:** Demian Sorrentino, James Paquin, Richard Oliverson, Jeffrey Arends.

**Members Absent:** George Sipila without notice.

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

**Also Present:** Paul Archer, Paul Terwilliger, Pat Malek, John and Janice Marr, Raymond Smith, Aaron Kerouac, Joe Szarkowicz, Deborah Mullen, public in attendance.

**Roll Call:** Members present as above. George Sipila was absent without notice.

**Seating of Alternates:** None.

**Public Hearings:** None.

**Public Commentary:** Paul Archer, Archer Surveying commented that he has a property that had wetlands delineation by Mike Schaefer within the last 10 years. Now the flags are gone, and Mr. Schaefer has since retired to Florida and unable to get his signature on this.

Mr. Sorrentino asked if the property will require a site walk. Mr. Archer stated he does not know yet. Ms. Fraenkel's commented this has been handled case by case. Her concern came up when she had questions for Mr. Schaefer and was unable to locate him. Mr. Sorrentino asked if anything has changed topographically, hydrology. Mr. Archer stated no, and he can contact Mr. Schaefer for comments. Members agreed that the acceptability of old wetlands delineations would be handled on a case-by-case basis depending on site conditions.

**Additions to Agenda:**

1. A motion was made by Demian Sorrentino to add application 111318D Don Gudeahn, Wolf Den Road, Map 18, Lot 21, RA Zone; Residential Home, Septic System, Well and Minor Grading all within the upland review area to item #5 under New Business. Jim Paquin seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**Approval of Minutes:**

1. Site Walk Meeting Minutes September 15, 2018. Minutes accepted as written with no changes made.
2. Regular Meeting Minutes October 9, 2018. Minutes accepted as written with no changes made.

**Old Business:**

- 1. 091118A John and Janice Marr, 53 Wauregan Road, Map 24, Lot 134A, applicant. Place 4-inch PVC pipe and 20 cubic yards of clean fill in wetlands at 53 Wauregan Road, and place 4-inch pipe on property of Krista Kingsbury, 49 Wauregan Road, Map 24, Lot 134 (received 9/11/18 decision by 11/13/18 or extension required).**

Ms. Fraenkel stated that a written extension request for 65 additional days has been submitted by the Marrs.

Pat Malek, representing the Marrs, gave an updated report. Ms. Fraenkel met Malek and Marrs at the site last Thursday. Ron Racine, excavation contractor, has been to the property on Saturday and Monday to shoot the grades. They are working on a plan. Ms. Malek stated there is a way of doing this without impacting the Kingsbury property. A trench will be dug through the shrubs to direct the water to the back (west) of the property on the Marr property.

Mr. Paquin voiced his concerns with regards to the need for an easement for rights to drain.

Ms. Fraenkel has spoke with the Kingsbury's at length. Determination and/or agreement regarding the location of the boundary between Kingsbury and Marr is needed. Mr. Paquin reiterates his concern again with regards to gaining permission/easement. Mr. Sorrentino commented that the rights to drain should be granted in favor of Kingsbury over the Marr property. Discussion ensued.

Paul Archer was present for Archer Surveying. He had previously worked on the property. Mr. Sorrentino asked Mr. Archer if the existing wooden stakes represented the property line. Mr. Archer stated they did at one point but can not confirm at this time. Ms. Fraenkel commented that monumentation is not set.

Mr. Sorrentino asked if the applicant would be amenable to having a local surveyor confirm where the property line is, as proposed work is close to the property line.

Ms. Fraenkel would like to see a map made by Mr. Racine (site contractor) showing how many feet he needs to go into the wetlands and confirming that the grades work. She reported observing standing water close to the Marrs dwelling (north side).

Ms. Malek asked what is required at this point. Mr. Sorrentino commented:

- a). The site contractor is going to shoot the grade and come up with a plan that the Commission will review and hopefully permit so this can be resolved.

- b). Have both parties consent to what is going on, obtain a written letter/consent from the Kingbury's agreeing where the property line is.
- c) Or, have Archer Surveying confirm the property line is where it is so the Commission can be sure that any grading activity that is proposed is on Marrs' property and not Kingsbury's property.

A motion was made by Demian Sorrentino to accept the request for extension and to table application 091118A to the December 11, 2018 meeting. Rich Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**New Business:**

**1. 111318A Brooklyn Builders, LLC & Charlotte Larrow Trustee; Westerly end of Grandview Terrace, Map 33, Lot 36-1, 36-3, R30 Zone; Proposed 3 lot re-subdivision of previously approved 6 lot subdivision.**

Paul Terwilliger, PC Survey Associates, represents applicant. This application was a former 11 lot subdivision in 2008 at the end of Grandview Terrace with incorporated frontage on Clearview Drive and Gorman Road with a 5-acre open space piece granted to the Town. Originally, they were going to extend Grandview Terrace by 500 feet with six 6 lots fronting on the new road. Over the years they have been trying to sell the lots and build the road, but cost is prohibitive.

Mr. Terwilliger reviews the original subdivision map to demonstrate where the three lots are being created out of the six lots. Now they propose to eliminate the road and build a common driveway for three lots. There are no wetlands within 125 feet of any proposed activity on the subdivision. There is a wetlands area on the open space parcel and another wetlands area to the northeast corner of Lot #7 of the original subdivision. The 125-foot regulated area just cuts the corner of proposed lot #2. The other wetland area is on the open space, and the proposed common driveway is about 150 feet away. Mr. Terwilliger asks if this may be considered an agent approval.

Mr. Sorrentino commented that there is no activity, this is just for review with no permitting requested? Ms. Fraenkel stated yes, a review, no permitting requested. Mr. Terwilliger commented that the footing drain is 140 feet away from wetlands in northeast corner of the project. Ms. Fraenkel stated that the common driveway is not far from a steep bank going down to a wetland, possibly 20 to 25% grade to edge of bank. If the contractor works too close to the edge of the bank and does not control sediment and grading, there can be a possibility of disturbance. Discussion ensued.

A motion was made by Jim Paquin to make a finding that no permit is required for the proposed re-subdivision because there are no activities in the upland review area. Demian Sorrentino seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**2. 111318B Raymond Smith, 169 Spaulding Road, Map28, Lot 9-1, RA Zone; Install outdoor wood boiler, constructed a wood shed around the boiler.**

The boiler/wood shed has already been constructed approximately 40 feet from the edge of the wetlands, with 100 feet to the bottom of the slope. This was built on the edge of the slope but there was no disturbance of the native soil or vegetation except for debris placed on the embankment which has been removed. The bank is intact, the vegetation is intact, there is no other impact to the wetlands unless the debris had contained something hazardous and not clean, however, the debris that was placed there has been removed.

Ms. Fraenkel stated there is not a running stream down at the bottom, it may be at the most intermittent, but it feeds tributaries of White Brook. Mr. Sorrentino asked if there was any erosion or sedimentation. Mr. Fraenkel commented that there was no erosion or sedimentation seen.

A motion was made by Jim Paquin to authorize issuance of this permit by duly authorized agent under Section 12. Rich Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**3. 111318C 15 B and B Street, Rochelle Alix, Applicant/Barry Builders, Contractors, Map 42, Lot 23-1, R-30 Zone; Construction of a new home, septic and associated grading.**

Ms. Fraenkel commented that this permit has been already been issued as a duly authorized by the Wetlands Agent and Chairman Jeff Arends and is being reported for informational purposes. This is a new house being developed at the end of B and B Street. The lot is almost flat except on the southerly side, the grade increases to about 7%. There is a pond on the adjacent property to the south and it is about 80 feet to the closest activity, the proposed septic. The silt fence is up. There is low likelihood of there being any problem to the pond because it is fully vegetated all the way from the activity to the pond.

**4. DR18-006 Deborah Mullen, Owner/210 Appell Road; Request for Declaratory Ruling for As of Right Use under agriculture for a 16 x 36 ft structure in the regulated area.**

Deborah Mullen, property owner, represents application. Mr. Arends asks what the structure is for. Ms. Mullen states agriculture. Mr. Paquin asked what kind of farm do they have? Ms. Mullen states there are blueberry bushes, fruit trees, hayfield, gardens.

Ms. Fraenkel referenced the wetlands definition of agriculture in the Regulations.

Ms. Mullen comments that there are 27 + acres with existing buildings on the property. The proposed building will house tractors, York rake, wood splitters, farm equipment, etc., and possibly future livestock.

Mr. Sorrentino asks Ms. Fraenkel as the WEO does she feel that this activity falls under agriculture. Ms. Fraenkel confirms that Ms. Mullen has fruit trees, blueberry bushes under netting, and a hayfield. Ms. Mullen confirms there is 8 acres of hayfield. Ms. Fraenkel does not believe the structure is within wetlands. Ms. Fraenkel notified Ms. Mullen the Commission may ask if the structure needs to be within the regulated area? Ms. Mullen would like to keep all the structures and equipment together in one area.

Ms. Mullen stated there will be no foundation, it is a pole barn with sono-tubes. Mr. Mullen stated it will be bolted to cement blocks. There will be three sides and a roof with crushed stone base. She said they mow the field themselves.

Ms. Fraenkel asked Ms. Mullen what's their reason they wish to place the new building 12 feet from the existing building. Ms. Mullen stated it is a good spot aesthetically and physically.

The following members felt a full application is required: Jim Paquin, Rich Oliverson, Demian Sorrentino. Chairman Arends feels that it is an as of right use as agriculture. Further discussion was held with regards to whether this application qualifies as agriculture.

A motion was made by Demian Sorrentino to approved amended application formerly known as DR18-006 Deborah Mullen, as a duly authorized to be issued by the agent. Jim Paquin seconds this motion. No discussion held. Vote taken in favor of Demian Sorrentino, Jim Paquin, Rich Oliverson. Against Jeff Arends. Motion passes 3 in favor 1 against.

**5. 111318D Don Gudeahn, Wolf Den Road, Map 18, Lot 21, RA Zone; Residential Home, Septic System, Well and Minor Grading all within the upland review area.**

Ms. Fraenkel commented the application was submitted on November 8<sup>th</sup> between 4 and 5 pm. Ms. Fraenkel has not reviewed the application, other than Mike Schaefer being the soil scientist which was previously discussed at the beginning of this meeting. Archer Surveying will be representing the applicant.

1. A motion was made by Jim Paquin to receive application 111318D Don Gudeahn, Wolf Den Road, Map 18, Lot 21, RA Zone; Residential Home, Septic System, Well and Minor Grading all within the upland review area. Rich Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**Communications:**

1. **Budget Update:** Reviewed by Commission Members.

2. **Wetlands Agent Monthly Report:**

FCR Realty, LLC, Day Street: Ms. Fraenkel has been contacted by Krista and Spiros Haveles to look at the road that functions as a dam that leads to the sand and gravel operation (FCR Realty, LLC, Day Street) because the road is being overtopped during high water conditions. Upon her review approximately 2-3 weeks ago, the road was in very good condition. Repairs are being made to the road in the regulated area. It is Ms. Fraenkel's opinion the repairs should be reviewed before they are made. If substantial work is being done, the Wetlands Agent requests to be informed. Ms. Fraenkel's intends to compile a letter and send to owner. She stated that if a new activity under IWWC jurisdiction arises than it will be brought to the Commission.

Regarding Tatnic Road/Terence Veazie: Ms. Fraenkel has continued to work with Mr. Veazie and he has agreed to continue to fortify his site and follow the directions of his engineer. There was not a siltation problem in the most recent storm. The engineers agreed that there should be a splash pad placed at end of pipe and the stone dam needs to be enlarged. Mr. Veazie is aware this needs to be done.

**Public Commentary:**

Joe Szarkowicz, Tatnic Road, voices his concerns with regards to the fill off the side of the driveway and the box trailer on the property at Veazie property. Discussion ensued.

Demian Sorrentino leaves the meeting at 7:36 p.m.

Windham Road: Aaron Kerouac, Windham Road, voices his concern with regards to 259 Windham Road, downspouts discharging to a point that is not the low point of the lot uphill from the wetlands out towards the road. It also involves the drainage coming off of 267 and 269 Windham Road. There is a lot of water going onto the road. Mr. Kerouac has tried to contact the Highway Forman Tom Rukstela with regards to this. Discussion ensued.

**Adjourn:** With Mr. Sorrentino leaving at 7:36 p.m. and no longer a quorum, the meeting was adjourned at 7:41 p.m.

Respectfully submitted,

---

Audrey Cross-Lussier, Recording Secretary