

**Brooklyn Inland Wetlands and Watercourses Commission
Regular Meeting Minutes
March 12, 2019**

The Brooklyn Inland Wetlands and Watercourses Commission held a regular meeting on Tuesday, March 12, 2019.

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

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

Members Absent: None.

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

Also Present: Earl Starks, Norm Thibeault, David Held, Spiro and Christa Haveles, Fred Green Sr., Paul Sansoucy and Aaron Kerouac.

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

Seating of Alternates: None.

Public Hearings: None.

Public Commentary: David Held, Provost and Rovero, asks that Item #3 under New Business application 031219B Brooklyn Sand and Gravel be moved to Item #1 under New Business.

A motion was made by Jim Paquin to move Item #3 under New Business application 031219B to Item #1 under New Business. George Sipila seconds this motion. No discussion held, all in favor. The motion passes unanimously.

Additions to Agenda: None.

Approval of Minutes: Regular Meeting Minutes January 8, 2019. The minutes were accepted as written with no corrections.

Old Business:

1. 010819A HM&E Co, LLC/Douglas Hartin-Applicant, Elaine C. Arters-Owner; 291 Canterbury Road, Map 23, Lot 1, RA Zone, rock quarry operation.

Norm Thibeault, Killingly Engineering Associates, represents the applicant. Mr. Thibeault distributed revised plans in response to comments by Syl Pauley and Ms. Fraenkel. The site is a part of 188-acre parcel. The area of proposed activity is about 0.8 acres. The rock quarry operation was started in 1953 by the owners of the property, Mr. Henry Arters and his brother. The applicant HM&E Co., LLC has permission from the property owner, Elaine Arters, to continue the mining; however, it has never been formally permitted. The applicant felt he was compliant with the regulations as he received blasting permits from the fire marshal.

This is a small operation with approximately 1500 yards of rock removed from the property per year. There are two working phases. The northerly phase is being worked on currently. The second phase of the operation not currently being worked on is on the southern portion of the property with a little spot in between which will also be mined. A portion of the actual quarrying operation is in the wetlands upland review area (from Blackwell's Brook), and a good portion of the access road is within the upland review area. The access road crosses a stream and there is an existing 15-inch rcp pipe. The stream drains approximately 48 acres. An analysis of a 25-year storm design storm was done and it was calculated that a 24-inch RCP pipe is required to handle the overflow. The pipe will be installed in the eroded channel. A plunge pool will be added on the eastern side. These improvements result in 400 sq. ft of wetlands disturbance. The intermittent wetlands stream is a rocky bottom channel, it does not exhibit wetland type soils.

A good portion of the existing slag rock (blast tailings) is stockpiled. It is also proposed to process some of the extra rock on site that is unsaleable. The processing is proposed to occur outside of the regulated area. The existing stockpile of blast rock of smaller fragments currently in the upland review area will be removed. It is the applicant's hope to generate a product to help maintain the access drive to the site. The existing stockpile of smaller pieces has been there for at least 17 years and prior to as well.

Responding to comments from Ms. Fraenkel and Syl Pauley, there will be additional E&S controls at the top and base of the slope. Mr. Pauley recommends using silt socks in lieu of silt fence and/or hay bales. There is also the opportunity to use crushed stone in particular areas on site if there are any areas of concentrated run where the velocity has to be slowed. There were a couple of areas in the lower portion of the southwest corner where concentrated run off was noted coming off the access driveway. There is a crushed stone check dam as well as hay bales placed there to address issues noted on site. The total area of upland review disturbance and plus the wetlands is about 5000 sq. ft.

Mr. Sorrentino asked if Mr. Thibeault did the watershed analysis for the existing pipe. Mr. Thibeault stated yes.

Mr. Arends asks if the applicant has been working this rock quarry for the last 17 years. Mr. Thibeault stated yes. Mr. Arends asked if the applicant had to get blasting permits to do this. Mr. Thibeault stated yes. Mr. Arends asked who issued the blasting permits. Mr. Thibeault stated the Brooklyn Fire Marshal. Mr. Arends asked if it ever occurred to the applicant it needed a wetlands permit working next to Blackwell's Brook. Mr. Thibeault stated he did not think he did. The faces they are working are well over 200 feet from Blackwell's Brook.

Mr. Sorrentino asked Ms. Fraenkel has been to the site. She stated she has been twice, the first time in June when the operation was discovered and determined they could continue working the blasted material through the year as long as they submitted an application by the end of the year. Ms. Fraenkel's main interest is in Blackwell's Brook, containing the activity to the upgradient side of the haul road. Ms. Fraenkel's concern has always been that they will use land down gradient east side of the haul road which will start to erode.

Mr. Thibeault comments that Mr. Hartin has been in the aggregate business for 40 years. Mr. Thibeault describes the blasting and rock splitting method with members.

Mr. Paquin commented with regards to processing the smaller pieces which would involve crushing. Mr. Thibeault stated this would happen at some point. Mr. Arends asked where the crushing occur. Mr. Thibeault demonstrates on the site plan. Mr. Paquin asked Ms. Fraenkel if this will be subject to periodic renewal like a gravel operation. Ms. Fraenkel stated yes. Mr. Thibeault stated it is a 10-year special permit with PZC, renewable on an annual basis. After 10 years it requires a new permit. Discussion ensued.

Mr. Sorrentino asked Ms. Fraenkel if she is confident that the operator will implement the plan. Ms. Fraenkel commented it is a vulnerable site, the plan has been carefully modified and the operator must adhere to what is on the plan. There should be visitation by staff twice a year and communication between Town Staff and the operator to keep operation compliant. Mr. Paquin asked about staff right to inspect the site. Ms. Fraenkel stated it is best to spell it out in the approval.

Mr. Arends asks when they start developing the stone and crushing it, will it be hauled out by trucks? Mr. Thibeault stated if the market exists. He may not crush the first year, however, would like the ability to do so. Once the existing stone is processed, the amount of stone that would generate on an annual basis is approximately half dozen truck loads. They may wait until some years where there is enough to make it worthwhile to bring in a small processor on site. OZC may limit the operation to three trucks per day.

Mr. Oliverson asked if the elevation of the new pipe in the road can be verified. Mr. Thibeault can prepare a certified as-built.

A motion was made by Jim Paquin to move to approve the application of HM&E Co., LLC/Douglas Hartin for a rock quarry according to the plan submitted by Killingly Engineering Associates titled "Proposed rock Quarry, 291 Canterbury Road (Route 169) Brooklyn,

Connecticut, Prepared for HM&E Co., LLC”, 4 sheets, dated December 2018 and revised 3/9/19 with the following conditions:

1. Application form shall be revised to incorporate application modifications.
2. Note on Page 4 shall be modified to omit “cutsheet” to read: “The permittee shall provide invoices for the seed to be used on site to the Brooklyn Wetlands Enforcement Officer/Zoning Enforcement Officer for approval prior to seeding” so as to document compliance.
3. Plan shall be modified to show silt sock placed down-gradient of the stone berm.
4. Standard IWWC conditions apply.
5. Site subject to right of inspection by Inland Wetlands and Watercourse Commission Staff upon 48 hours by telephone or e-mail. Failure of owner or its agent to respond to request within 48 hours will result in implied permission to inspect.
6. IWWC permit duration will concur with PZC permit duration.
7. The applicant shall provide an as-built of the new pipe to confirm compliance.

Richard Oliverson seconds the motion. Discussion ensued.

Mr. Arends voices his concern that the applicant has been quarrying rock here for 17 years without a permit. Mr. Sorrentino commented to bring forth a violation. Mr. Arends comments on statements made by the applicant’s representative that applicant is very experienced and responsible and yet does not get a wetlands permit; he does not find the applicant trustworthy.

Vote taken in favor of: Demian Sorrentino, George Sipila, James Paquin and Richard Oliverson. Against: Jeff Arends. Motion passes 4-1.

New Business:

- 1. 031219B Brooklyn Sand and Gravel, LLC, Wauregan Road (Route 205), Map 30, Lot 97, RA Zone; Continuation and expansion of gravel excavation and processing operations. All regulated activities currently exist, and no changes are proposed within regulated areas.**

David Held from Provost and Rovero represents application 031219B. This requires a special permit from Planning and Zoning as a gravel operation, so the permit period is limited to one year. Mr. Held reviews the site plan with Commission Members – processing plant, stock pile areas, the active use of the site. The applicant has been operating in compliance with all the conditions of previous permits. They have posted limit of operation signs along the existing tree line along the river. They have not continued to encroach toward the river. Mr. Arends asked if the Commission asked for fence to be put up. Mr. Held stated the Commission asked to put up snow fence around the steep slope of the process water pond which has been done for 2 years. More excavation is being proposed within the foot print of where they are currently excavating (Phase 1), as well an area closer to Route 205 outside the regulated area (Phases 2 and 3). Mr. Held demonstrates on the map where they have been stockpiling raw and finished products, they are going to be operating and maintaining their settling basins. Mr. Held asked if the Commission wishes to do a site walk to please contact Jolley Concrete in Danielson, CT.

Ms. Fraenkel asked Mr. Held if they changed the concept for grading where the intake water is. Mr. Held stated this is part of the restoration plan.

A motion was made by Demian Sorrentino to receive application 031219B and table to next month's meeting. Jim Paquin seconded this motion. No discussion held. All in favor. The motion passes unanimously.

2. Extension of permit 081214A Paul Sansoucy, Pomfret Road, rock mine within regulated area, RA Zone, Assessor's Map 26, Lots 19A and 19.

Ms. Fraenkel states that Mr. Sansoucy needs an extension of his existing permit, which will expire later this year. The existing permit specifies it is good for a 5-year period and may be extended for five additional years. However, the IWWC regulations say the permit term must track the PZC permit.

Mr. Sorrentino asked if there are any outstanding violations. Ms. Fraenkel has been there recently and there are no wetlands issues; it is being run in compliance with its permit.

A motion was made by Jim Paquin to extend the permit per application 081214A of Paul Sansoucy for 18 months and to run concurrent with PZC approval, pursuant to IWWC Regulations Section 11.6. The permit may be extended annually for one year not to exceed 10 years from date of original approval.

George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

3. 031219A Spiro and Christa Haveles; 159 Day Street, Map 42, Lot 43, R30 Zone; Addition to sides of existing house.

Spiro Haveles, owner of property at 159 Day Street, represents application 031219A. The parcel is 39 acres with an existing cabin. Mr. Haveles is proposing an addition to both sides of the cabin and also building a deck. The proposed additions (excluding deck) will not be closer to the pond.

Mr. Arends asked if a slab will be poured. Mrs. Haveles stated there will be a 4-foot slab on one side and a garage on the other side.

Mr. Sorrentino asked Ms. Fraenkel if there are any wetlands other than landward of the high watermark of the pond. Ms. Fraenkel did not see any. Ms. Fraenkel reviews photos with the members. There are no aquatic or wetlands vegetation, there is strictly lawn going down to the edge. This was a manmade pond. Mr. Sorrentino asked if this was upland before Grandpa excavated the pond. Mrs. Haveles stated yes. Mrs. Haveles stated there is NDDH approval. Mr. Arends asked if the deck will be on sonotubes, Mr. Haveles stated yes.

Mr. Sorrentino asked if there will be silt fence placed pond side of the excavation. Mrs. Haveles states yes. Mr. Sorrentino asked Ms. Fraenkel, if E and S is controlled, does she feel there is opportunity for impact to the pond. Ms. Fraenkel stated no.

Mr. Paquin asked about any regrading. Mrs. Haveles stated there will be some grading which she demonstrates on the plan.

A motion was made by Demian Sorrentino to receive application 031219A of Spiro and Christa Haveles, 159 Day Street, Map 42, Lot 43, R30 Zone; additions and deck to side of existing house and authorize it to be approved by the duly authorized agent and the chairman. Jim Paquin seconds this motion. Discussion ensues. All in favor. The motion passes unanimously.

Communications:

1. Budget Update: Reviewed by members.

2. Wetlands Agent Monthly Report:

- A notice from Aquarian they are issuing awards, deadline is May 1, for exemplary conservation work.
- Ms. Fraenkel stated her last day is April 4, 2019, she is retiring.
- Ms. Fraenkel commented regarding possible improvements to the wetlands process that would improve wetlands protection. She is concerned about the frequency of development that starts prior to permit issuance. She suggested the use of buffers to the wetlands to protect against damage due to the impact of wind and solar exposure/heat. She also recommended a comprehensive review of the wetlands regulations to see if any changes are needed.

Chairman Arends and Commission Members thank Ms. Fraenkel for her service with the Town of Brooklyn.

Public Commentary:

Earl Starks, 245 Providence Road, Brooklyn Farm and Pet. Mr. Starks is interested in building a propane fill station at Brooklyn Farm and Pet. Mr. Starks will work on an application.

Aaron Kerouac, Windham Road, speaks to the ZEO/WEO/Blight Agent vacancy. He strongly suggests the chairman of each Commission be involved. Chairman Arends will reach out to the First Selectman Ives.

Adjourn: A motion was made by Demian Sorrentino to adjourn the meeting at 7:53 p.m. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier
Recording Secretary