

**Brooklyn Inland Wetlands and Watercourses Commission  
Regular Meeting Minutes  
April 9, 2019**

The Brooklyn Inland Wetlands and Watercourses Commission held a regular meeting on Tuesday, April 9, 2019.

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

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

**Staff Present:** Audrey Cross-Lussier, Recording Secretary.

**Absent:** Martha Fraenkel, Wetlands Agent, with notice.

**Also Present:** David Held, Earl Starks, Gillian Gordon, Donald Hay, Attorney Stuart Norman, Jr., Mark Curreri.

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

**Seating of Alternates:** None.

**Public Hearings:** None.

**Public Commentary:** None.

**Additions to Agenda:** A motion was made by Demian Sorrentino to add application DR19-004 Ed Potvin/Owner, Marc Tremblay/Forester, Maynard Road, Map 19, Lot 5, Timber Harvest to item #6 under New Business. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**Approval of Minutes:**

1. Regular Meeting Minutes March 12, 2019. Minutes accepted as written with no corrections.

**Old Business:**

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

David Held, P.E. with Provost and Rovero represents the applicant. At the request of Ms. Fraenkel, Mr. Held provided a letter that is in accordance with one of the approval of conditions last year that certification is provided that they have maintained the 75-foot restoration corridor and kept their stockpiling activities outside of the corridor. Mr. Held has nothing new to present. Mr. Held offered to review plans again with Commission Members. The Commission did not wish to review the plans again.

Chairman Arends commented that they would like to see them enlarge/widen the bank at some point in time where it is very narrow, although it is understood that there has been no erosion and the river has never been breached.

A motion was made by Jim Paquin to approve application 031219B of Brooklyn Sand and Gravel, LLC, for continued operation of a gravel excavation and processing operation at 574 Wauregan Road, Map 30/Lot 97 on a 64 acre-parcel between Wauregan Road and the Quinebaug River, based on the submitted application and plans prepared by Provost & Rovero, Inc., titled "Proposed Gravel Excavation & Processing Operation" Wauregan Road (Route 205) Brooklyn, Connecticut, dated 3/5/19, 6 sheets, with the following conditions:

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 of the pending 2019 sand and gravel permit renewal (specific expiration date is to be determined).
2. Non-activity Corridor: At a minimum, the existing 75-foot corridor, in which there shall be no activity, shall be maintained between the wetlands resource and the gravel operation. For the purposes of this condition, "activity" includes excavation, stockpiling, or any other aspect of the gravel operation. The permittee's engineer shall certify in writing 6 months from the date of this IWWC approval that every 6 months thereafter that this requirement has been fulfilled so as to achieve its intended purpose of protection of the Quinebaug River. The wetlands officer may request additional confirmation of compliance with this requirement and the permittee's engineer shall submit such documentation within 14 days.
3. Demarcation of disturbance. The permittee shall maintain compliance with requirements for signs and snow fence at the limits of disturbance to prevent any further intrusion into the upland review area along the tree line. The permittee shall report compliance with this requirement in writing to the Wetlands Enforcement Officer on a quarterly basis beginning 3 months from the date of this IWWC approval.
4. Final Plans. The final plans shall depict the existing 75-foot non-activity corridor and place the approval motion on sheet one. One set of the final plans shall be submitted with the live signatures and seals of all design professionals with a signature block on each sheet for signature by the IWWC chair.

5. The restoration area in southeast of site will be inspected by the PE with Town staff in August 2019. If the seeding has failed, 4 plus inches of woodchips will be placed.
6. Standard conditions (attached shall apply).

Reasons for Approval (See Regulations Section 10.2, 10.3).

1. The IWWC has found no evidence that there has been damage to or pollution of the Quinebaug River and its associated inland wetlands due to this operation.
2. The proposed active excavation area is not within the regulated area.
3. The risk of disturbance and pollution of wetlands and watercourses is minimized by the non-activity corridor between the activity and the wetlands and Quinebaug River
4. No feasible and prudent alternative to the proposed activity has been found.

Demian Sorrentino seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**New Business:**

- 1. DR19-001 Lucien Brodeur, Owner/Donald Dubois Forester, Wauregan Road (Route 205) Timber Harvest.**

Don Dubois, Dubois Forestry and Land Management represents the applicant, seeking jurisdictional ruling. The property location is off of Creamery Brook Road and Route 205. This is the second intermediate harvest, last being 20 years ago. Mr. Dubois reviews the site plan with Commission members featuring the log loading area. This is a small operation of approximately 60,000 feet, half is oak that is dying from gypsy moth defoliations, the other half is a selective thinning of pines with weevil defect. They are not operating in the wetlands, no stream crossings. The only thing changed is the second northern landing on Route 205 has been relocated. It will now be in the field just south of where it is open. This is a whole tree harvest funded by Natural Resource Conservation Service. There will be no work in the summer months, it will be done after October 1<sup>st</sup> during winter months. The operation should take about 1 month.

Mr. Dubois discusses/demonstrates the landing with members.

A motion was made by Demian Sorrentino to approve as a declaratory ruling that the proposed timber harvest is exempt from permitting requirements pursuant to Section 4.1.a of the Brooklyn Inland Wetlands and Watercourses Regulations as a use by right. Richard Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

- 2. DR19-002 Kathleen Green, Owner/Donald Dubois Forester, 119 Clearview Drive, Timber Harvest.**

Don Dubois, Dubois Forestry and Land Management represents the applicant, seeking jurisdictional ruling. The property is located at the end of Clearview Drive. They have a forest type called Stand 1 which is a mix of upland hardwoods and a drainage way. They have applied to the NRCS for cost share assistance. There have been temporary stream crossings in order to conduct the proposed. The NRCS came back and recommended not using the stream crossing at

all and avoid them. Mr. Dubois reviews the map with Commission members showing the proposed skid trails, log and loading area, good gravel driveway. This is a very small operation involving less than a load of logs, 2,145 board feet and 15 cords. A forest products harvester will do the work and NRCS is funding it. The project will start in October. Mr. Sorrentino asked what the duration of the job will be. Mr. Dubois stated the job has not yet been awarded, but should take less than one month.

A motion was made by Demian Sorrentino to approve the declaratory ruling for the proposed timber harvest and that it is exempt from the permitting requirements pursuant to Section 4.1.a of the Brooklyn Inland Wetlands and Watercourses Commission as a use by right. Jim Paquin seconds this motion. No discussion held. All in favor. The motion passes unanimously.

### **3. DR19-003 Michael Wolchesky, Owner/David Gokey, Supervising Forest Products Harvester, Appell Road, Timber Harvest.**

David Gokey, Supervising Forest Products Harvester, represents the applicant. One temporary pole crossing will be put in to remove approximately 200,000 board feet with 200 cords of gypsy moth damaged oak trees. Mr. Wolchesky owns three properties in total.

Mr. Sorrentino asked what's the proposed temporary crossing. Mr. Gokey commented it will be a pole crossing, it is very rocky there. The crossing will be left in place if the vegetation would become damaged upon removal. There is a year contract on the project, however, could be completed in 3 months. Mr. Gokey reviews the plan with Commission members.

Chairman Arends questioned the concrete. Mr. Gokey addressed this and provided pictures of bridge mats to be placed over the existing culvert. There is dirt over the top of the pipe. Mr. Oliverson asked how much fill. Mr. Gokey answered approximately 6 to 8 inches over the top of the pipe. Mr. Paquin asked Mr. Gokey if he thought about building up the dirt on either side to not put pressure on the concrete pipe. Mr. Gokey stated it can be raised up. Mr. Oliverson's concern is the weight on the pipe. Mr. Gokey stated he has met with Martha Fraenkel. Mr. Paquin asked if they have driven over this with equipment. Mr. Gokey stated yes.

Attorney Stuart Norman, Jr., represents property owners Migneault/Tourtellote. Where Appell Road runs across their property this work is being done. Old town roads were established by use and the Town took them over and never required title to it, so the title always stayed in the name of the person who owned the property on both sides, in this case, Mrs. Tourtellote. The land that they are doing work on for the road is Tourtellote land, which maybe subject to a right of way. Mr. Norman is not quite sure of the legality of what right they have and is still researching this. They do have land that runs out to a Town road. Attorney Norman's concern is when he went out there someone had taken a bulldozer and pushed the land over and there was actually run off going into the brook on either side. They did not stake bales of hay, they did not put out fencing or anything for control. There is grave concern with what is going to happen with the road, how they are going to re-establish it. Attorney Norman is concerned about what has been done crossing his client's property, and Wolchesky not taking the time to talk with them.

Mr. Gokey comments a couple of years ago there was a timber harvest by Hull Forest. The Town map shows it is still a Town road, it is not deeded out. Mr. Gokey stated they had verbal permission granted for use from Mr. Curreri's mother, Mrs. Tourtellotte. Mr. Gokey stated they were going to scrape off the top soil so it does not track onto the Town road, put a rock tracking pad in as to not track mud onto the Town road. This will all be removed, the material that was taken off the road will be put back. It is now stockpiled up under the power lines. Mr. Gokey commented that no one can tell him who owns the road.

Attorney Norman has not had the time to figure out who owns the road.

Mr. Paquin commented that if this is a Town road, Mr. Paquin is not comfortable without an engineer signing off on crossing the pipe. Chairman Arends agrees. If it is not a Town road and on private property, without the permission of the land owner that the Commission can grant access across it, unless they come to the Commission demonstrating a temporary easement.

Mr. Oliverson asked Mr. Curreri what his thought is on this. Mr. Curreri is concerned about the road and its condition. If they logged it two years ago and were able to drive the road, why did they need to take up 8 inches of top soil. Now there is a trench instead of a road. Discussion ensued.

Attorney Norman will research ownership of the road.

Mr. Oliverson asked Mr. Gokey what is on the property for equipment at the present time. Mr. Gokey stated there are 2 skidders and 4-5 pieces of equipment.

A motion was made by Demian Sorrentino to table application DR19-003 of Michael Wolchesky and David Gokey to the next regularly scheduled meeting. The agent is to notify the property owner and the operator to cease and desist all timber harvest operation with the exception of removing equipment currently there. Jim Paquin seconds this motion. No discussion held. All in favor. The motion passes unanimously.

#### **4. New Application – Ruling or Permit: Donald Hay and Gillian Gordon, 260 Herrick Road; clearing/grubbing and driveway construction.**

Don Hay, property owner of 260 Herrick Road represents the application. Mr. Hay called to investigate moving the existing driveway across the front yard of the property. They would like to create vegetable, flower and perennial bed gardens. Mr. Hay met with the Town Road Forman who visited the site and approved moving the driveway. Mr. Hay commented the driveway work has been done. Ms. Fraenkel visited the site for zoning purposes and asked them what they were doing with the driveway, and a wetlands permit may be required.

Chairman Arends commented there is a seasonal swamp off to the side of the driveway. Mr. Hay commented that the first two years there was no water. Chairman Arends commented without wetlands delineation the Commission does not know where the wetlands are. Mr. Hay is unsure if the driveway is within the buffer zone. Chairman Arends asked what will be done with the existing driveway. Mr. Hay stated it is being torn up and be placed on top of the new driveway.

Mr. Sorrentino asked the applicant if there was any direct impact to wetlands or watercourses, Mr. Hay stated no. Mr. Paquin asked what the proximity to the leaching area of the septic is. Mr. Hay stated no where near it. Mr. Hay demonstrates this on the site map. Discussion ensued.

A motion was made by Demian Sorrentino to receive application 040919B of Donald Hay and Gillian Gordon, 260 Herrick Road and order the applicant to have wetlands delineated by a certified soil scientist within 150 feet of construction activity and table application to the May meeting for consideration of possible action. Discussion held. George Sipila seconds this motion. All in favor. The motion passes unanimously.

**5. 040919A Earl Starks, 245 Providence Road, Map 34, Lot 6, LP Fill Station in existing parking lot at Brooklyn Farm and Pet.**

Mr. Starks property owner represents application 040919A. Mr. Starks reviews the site plan with Commission members. The proposed is to construct an LP fill station in the existing parking lot. The proposed area is very flat. Mr. Starks has been in contact with the Fire Marshal. Mr. Starks presented the idea of the proposed fill station at last months' meeting.

1. A motion was made by Jim Paquin to receive application 040919A Earl Starks, 245 Providence Road, Map 34, Lot 6, for a LP Fill Station in existing parking lot at Brooklyn Farm and Pet and move to make such application duly authorized. Richard Oliverson seconds this motion. Discussion held. All in favor. The motion passes unanimously.

**6. DR19-004 Ed Potvin/Owner, Marc Tremblay/Forester, Maynard Road, Map 19, Lot 5, Timber Harvest.**

Marc Tremblay, Forester represents application DR19-004. The location is on Maynard Road with approximately 20 acres near the transmission power lines. This is a pine harvest. There is one wetland on the property, a glacial pot holes with steep sides and they are working around this. There are no streams they are crossing, no encroachment to the wetlands of jurisdictional areas. Mr. Sorrentino asked if it is a vernal pool. Mr. Tremblay stated it could be considered a vernal pool as there is no outlet to it, it is a glacial pothole. Chairman Arends asked when they proposed to start the project. Mr. Tremblay stated within the next few weeks. Mr. Tremblay met with Mr. Potvin today and signed the application.

Mr. Sorrentino recommended to be careful of the critters in the vernal pool.

A motion was made by Demian Sorrentino to approve the request for declaratory ruling for proposed timber harvest and that is exempt from permitting requirements pursuant to Section 4.1.1 of the Brooklyn Inland Wetlands and Watercourses Regulations as a use by right. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**Communications:**

1. **Budget update:** Nothing new to report.
2. **Wetlands Agent Monthly Report:** The wetlands agent, Martha Fraenkel was not present at the meeting, therefore no report given.

**Public Commentary:**

Donald Hay commented that they will be away for next month's IWWC meeting. They will see about getting the soil scientist to perform the soil testing and submit the report before the next meeting if possible.

Earl Starks commented that the Wetlands Commission does a very good job for the Town of Brooklyn.

Chairman Arends will craft an e mail to the First Selectman with regards to proper communications between employees and Commissions.

**Adjourn:** A motion was made by Demian Sorrentino to adjourn the meeting at 7:25 pm. Richard Oliverson seconded this motion. No discussion held. All in favor. The motion passes unanimously.

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Audrey Cross Lussier, Recording Secretary