Brooklyn Inland Wetlands
Commission
P.O. Box 356
Brooklyn, Connecticut 06234

TOWN OF BROOKLYN
Inland Wetlands and Watercourses Commission
Regular Meeting Minutes
Virtual WebEx Meeting
September 8, 2020

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

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

Absent: None.

Staff Present: Margaret Washburn, Wetlands Agent, Rick Ives, First Selectman, Audrey Cross-Lussier, Recording Secretary.

Also Present: Paul Archer, Paul Terwilliger, Greg Lehto, Betty Lehto, Bob Russo, Bob Deluca.

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

Seating of Alternates: None.

Public Commentary: Jim Paquin voiced his concerns with the virtual WebEx Meetings. He feels that they are not sustainable and do not work out for the good of the Town, Commission Members, and Land Developers. Mr. Paquin would like to see in person meetings held with restrictions. Mr. Sipila echoes his concern.

Additions to the Agenda: A motion was made by Jim Paquin to add application 090820A Square 1 Building Associates; Tripp Hollow Road, Map 7, Lot 12-1 RA Zone; 4-Lot Subdivision; Residential building construction consisting of houses, driveways, wells, septic systems and associated grading under New Business as item #3. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Approval of Minutes:

1. Special Meeting Minutes July 28, 2020. Minutes approved as written with no changes.

Public Hearings: None.

Old Business:

1. 060920B VBL Properties, LLC, Beecher Road, Map 22, Lot 38, RA Zone; 5-Lot Subdivision.

Paul Archer, Archer Surveying, Bob Deluca, Engineer and Bob Russo, Soil Scientist represents the applicant VBL Properties, LLC.

Mr. Archer commented that last month it was asked that two corrections be made to the plans to show both sides of Blackwell's Brook and to see the 175-ft upland review area on the plan. These corrections were done. Mr. Archer spoke with regards to archeological findings. An archeologist was hired and went to the site to review where the disturbance would be. The archeologist did not find anything of value or source. This will be presented at the PZC meeting. Mr. Archer addressed Syl Pauley's NECCOG Engineer's comments.

Chairman Arends asked for verification of the 175 ft. setback location on the plan. Mr. Archer, Mr. Deluca and Mr. Russo addressed this issue with Chairman Arends.

Chairman Arends opens the floor to Commission Members for further questions. No further questions were received.

A motion was made by Jim Paquin to approve 060920B VBL Properties, LLC, Beecher Road, Map 22, Lot 38, RA Zone; 5-Lot Subdivision with standard conditions. George Sipila seconds this motion. Discussion held.

Chairman Arends comments as a point of discussion. He feels that the Commission is being very erratic in way of treating a watercourse. Not too long ago an application was approved along a watercourse with no work being done within 175 ft. Now there is an application before the Commission asking for approval within 50 ft. of a watercourse. Chairman Arends stated that the IWWC training recommends a 200 ft. setback from a watercourses. He feels the Commission is not providing a unified front, with one application 50ft. and one 175 ft. Mr. Arends cannot support this application and feels it should be denied.

Mr. Sipila comments that he agrees to follow code and be consistent with everyone.

Mr. Archer states following code and regulations are two different things. Mr. Archer feels the Commission needs to follow the regulations. Mr. Russo soil scientist can give expert testimony.

Chairman Arends stated that comments at this time are closed from the public.

Chairman Arends comments we are talking about establishing riparian corridors along streams and watercourses. Allowing the buffer this close to this watercourse is eradicating the riparian corridor which has may features that helps the watercourse.

Mr. Oliverson comments on Lot 38-1. The lot to the east sits alone, he is not big fan of the septic system and house sitting near wetlands, even with the 125 ft. mapped out. Across the

watercourse is the same issue. He is concerned that they are trying to jam to many houses on the parcel.

Mr. Paquin comments he does not necessarily disagree with Mr. Oliverson. Mr. Paquin understands developers desire to get as much as they can there. If done responsibly, it can work out well. Mr. Paquin would rather not see a 2-family on Lot 38/Rukstela Rd. Mr. Paquin states that honestly, if all standard procedures are followed, he feels it will not affect the brook.

Chairman Arends Calls for a Vote:

In favor of approval – Jim Paquin.

In favor of denial – Chairman Arends, Richard Oliverson, George Sipila. The motion fails 1 in favor of approval, 3 in favor of denial.

Mr. Archer comments that the Commission must give a reason for denial.

Chairman Arends: Reason for the denial – the application fails to provide adequate riparian corridor allowing continuous watercourse as instructed by Inland Wetlands and Watercourse Commissioner and Agent Training.

Discussion held.

2. 0714120A David and Nancy Bell, 131 Prince Hill Road, Map 34, Lot 52, RA Zone; 3-Lot Subdivision.

Paul Terwilliger, PC Survey Associates represents the applicant. Mr. Terwilliger commented that a Site Walk was performed with Commission Members on August 28, 2020. Since then Department of Health Approval has been granted based on the latest plans. There is clearing activity closest to the wetlands at 80 ft., the septic system about 100 ft. The wetlands is at the very tip of the property.

Ms. Washburn has no comments. There are no questions from Commission Members.

A motion was made by Chairman Arends to approve 071420A David and Nancy Bell, 131 Prince Hill Road, Map 34, Lot 52, RA Zone: 3-Lot Subdivision with standard conditions. Jim Paquin seconds this motion. No discussion held. Motion passes unanimously.

3. 071420B David and Nancy Bell, Church Street, Map 35, Lot 4, RA Zone; 3-Lot Subdivision.

Paul Terwilliger, PC Survey Associates represents the applicant. Mr. Terwilliger commented that a Site Walk was performed with Commission Members on August 28, 2020. This is a 3-lot subdivision with five isolated wetland areas on the property.

Drainage calculations have been submitted. The driveway eventually falls near the wetland pocket in center of property. Drainage calculations submitted today verify the 12-inch pipe is adequate. Mr. Terwilliger discusses the location of the pipe on the map.

Chairman Arends asks what is the purpose of culvert. Mr. Terwilliger states to catch any run-off from the uphill side, there are cuts in the driveway grade. The driveway itself creates run off, this gives it a place to cross, go under the drive. Chairman Arends asked who is responsible for the maintenance. Mr. Terwilliger stated the owner of Lot 7. There is driveway maintenance agreement, anything that falls within common area would be the three driveway owners. The 175 ft. from the ponds was added on sheet 3 of the development map.

Mr. Oliverson voices concerns coming off the road and cutting into the wetland itself. Mr. Terwilliger stated there is no grading in the wetlands.

Mr. Oliverson stated on page 2 the 50 ft. access is right in the 30 ft. existing slope easement.

Mr. Terwilliger stated the slope easement was created in 1980, they are not utilizing that. The road is 17 ft. into the driveway from the edge of the wetland and about 2 feet higher from the wetland. They are trying to maintain existing grade in the area. It dips down and goes back up off the road, this will level out in that area.

Mr. Oliverson stated when making the right hand turn on Lot 17, they are right on top of wetlands. Is this the reason they are staying up so tight to it? Mr. Terwilliger stated yes, they trying to avoid the hill and less driveway grading.

Mr. Oliverson asked is the second wetlands connected is an overflow into the culvert? Mr. Terwilliger stated that is flowing the other way.

A motion was made by Jeffrey Arends to approve application 071420B David and Nancy Bell, Church Street, Map 35, Lot 4, RA Zone; 3-Lot Subdivision with standard conditions. George Sipila seconds this motion. Discussion held.

Mr. Oliverson is uncomfortable with the drop in the driveway right on the wetlands without trying to slide it over.

Chairman Arends asked Mr. Terwilliger if he has latitude to slide the driveway over.

Mr. Terwilliger stated per the driveway ordinance it must be kept 10 ft. off the boundary line, there is only a 50 ft. strip into the property so he cannot get any further away.

Ms. Washburn stated that while under construction this can be watched closely and if the silt fence is not adequate something more substantial can be asked for. Mr. Terwilliger has no objection.

Chairman Arends asked if there was any consideration to enter from the south of wetlands rather than the north. Mr. Terwilliger did not look into that option. There is a stone wall there and a separate approved subdivision lot not built on yet.

Chairman Arends calls for a vote: All in favor. Motion passes unanimously.

4. 071420C William and Kathie Perron, Map 18, Lot 28, Woodward Road; Break down bank to provide access to brook and use gravel on property.

Mr. Perron is not present at the meeting.

Chairman Arends recommends giving Mr. Perron more time to get his application together and deny his application without prejudice, roll application fees over to reapply with help from Norm Thibeault, Killingly Engineering.

Mr. Paquin asked if he was issued an order to do remediation or just stop work. Ms. Washburn commented he was asked to stop work.

Ms. Washburn stated the timeline will run out before Mr. Thibeault can resubmit. The deadline to act without extension is 9/17/20. Ms. Washburn discussed the reasons for the incomplete application. Discussion held.

A motion was made by Jim Paquin to deny without prejudice application 071420C William and Kathie Perron, Map 18, Lot 28, Woodward Road; Break down bank to provide access to brook and use gravel on property. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

5. 081120A Shane Pollock-Applicant/BLB, LLC-Owner, Louise Berry Drive, Map 19, Lot 19, RA Zone; Construction of 51 Single Family Condominium with activity in the upland review area.

There was no one present to represent the applicant.

Chairman Arends discussed concerns with the application – visitor parking, water downhill on public property, how will this affect the water to the school. Mr. Sipila stated if there are parking concerns there will be technical problems for emergency vehicles. Discussion held.

Chairman Arends recommends a site walk of the property and schedule a public hearing for the next regularly scheduled meeting October 13, 2020.

A motion was made by James Paquin to schedule a public hearing due to significant activity for October 13, 2020. Richard Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

A site walk was scheduled for Friday September 18, 2020 at 1 p.m. Members are to meet at Louise Berry Drive.

A motion was made by Chairman Arends to table application 081120A Shane Pollock-Applicant/BLB, LLC-Owner, Louise Berry Drive, Map 19, Lot 19, RA Zone; Construction of 51 Single Family Condominium with activity in the upland review area. until the next regularly scheduled meeting on October 13, 2020. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

New Business:

1. Policy Statement RE: Submission requirements for virtual meetings.

Ms. Washburn reads into the record the draft of the policy statement.

Commission Members discussed the policy statement.

It is the policy of the Brooklyn Inland Wetlands and Watercourses Commission to require that electronic and paper versions of all documents for applications, including new applications and revised documents for continued meetings, must be submitted at least six business days prior to the meeting at which the application will be received or continued. The purpose of this policy is to allow time for staff review, engineering review, and for uploading large files to the Town website.

In accordance with Section 7.8 of the Town of Brooklyn Inland Wetlands and Watercourses Regulations, five hard copies of all application materials and one electronic version (pdf) of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the Commission. The electronic version shall be emailed to: m.washburn@brooklynct.org. The discretion of the duly authorized agent shall be final.

A motion was made by Jim Paquin to approve the policy statement. Richard Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. 090820A Square 1 Building Associates, Tripp Hollow Road, Map 7, Lot 12-1, RA Zone, 4-Lot Subdivision; Residential building construction consisting of houses, driveways, wells, septic systems, and associated grading.

Paul Archer, Archer Surveying represents the applicant. There is a wetlands crossing of 2800 sq. ft. for a driveway along the southern part of the property. There will be one house with frontage and three houses off the common drive. The last house is 400 ft. in woods with a wetlands crossing with 15 acres of land. Mr. Archer is requesting that a public hearing be scheduled. Discussion held.

A motion was made by George Sipila to receive application 090820A Square 1 Building Associates, Tripp Hollow Road, Map 7, Lot 12-1, RA Zone, 4-Lot Subdivision: Residential building construction consisting of houses, driveways, wells, septic systems, and associated grading. Richard Oliverson seconds the motion. No discussion held. The motion passes unanimously.

3. Discussion of changing to a five (5) Member Commission.

Discussion held.

All Commission Members agree with a 5 Member Commission.

Mr. Ives stated at the last Board of Selectman meeting it was voted unanimously to move it to a Town Meeting. If the Governor does not lift the executive orders it may not have to go to a Town Meeting. Mr. Ives stated it will be acted upon. It is the right thing to do because five people is enough for the Wetlands Commission with the size of the Town of Brooklyn.

Ms. Washburn commented that Mr. Sipila may be absent for the November and December 2020 meetings. It would be a good time to recruit a new member.

Mr. Paquin stated he will be unavailable for the December 8, 2020 meeting. Commission Members discussed scheduling a special meeting date for December 2020.

Communications:

1. Budget Update: Nothing to discuss.

2. Wetlands Agent Monthly Report:

Ms. Washburn covered it all within the meeting.

Public Commentary: None.

Adjourn: A motion was made by Jim Paquin to adjourn at 7:09 p.m. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier

Audrey Cross-Lussier Recording Secretary