

Brooklyn Inland Wetlands Commission Regular Meeting Minutes

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, October 13, 2015, 6:00 p.m. at the Clifford B. Green Memorial Center, 69 South Main Street on the following:

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

Members Present: Jeff Arends, George Sipila, Melissa Labossiere and Deane Rettig.

Absent: Real Gallant and Erik Costa with notice.

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

Also Present: Rick Ives, First Selectman, Sandy and Lucien Brodeur, Aaron Kerouack, Norm Thibeault, public in attendance.

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

Seating of Alternates: None.

Approval of Minutes:

1. Regular Meeting Minutes September 8, 2015.

A motion was made by Deane Rettig to approve the regular meeting minutes of September 8, 2015 as presented. George Sipila seconds this motion. No discussion held. All in favor. Melissa Labossiere abstains.

Public Commentary: None.

New Application Acceptance:

1. 101315A Tina M. Kerouack, 282 Windham Road; Maintenance of driveway with existing wetlands crossings; Improvements for the purposes of increased safety and accessibility.

Norm Thibeault, Killingly Engineering Associates represents application 101315A and gives a brief summary. There is an existing residential driveway. The portion that is proposed to be improved is approximately 1,180 to 1,200 feet long. The existing driveway is gravel from approximately 12 to 14 feet wide in very poor condition. There are a total of five separate pipe crossings currently through the wetlands with wetlands on both sides. The purpose of the existing pipes is to keep continuity between the wetlands. There is no huge flow pattern associated with it. The driveway is used to access three separate homes. The owner would like to replace the pipes exactly where they are right now with 18 inch ADS corrugated plastic pipe with rip-rap at each ends. The elevations will be the same. There will be a rip rap swale constructed along the steeper portion of the driveway (about 4 ½ %). The driveway will be widened and paved. The proposed area of disturbance is 2,814 sq. ft. These improvements are necessary for safety purposes.

George Sipila asked how wide the driveway will be once completed. Mr. Thibeault stated it will be 18 feet wide. It is currently 12 to 14 feet wide. It will be widened 3 to 4 ft. in most areas.

Jeff Arends questions a comment on the application – “improvements for the purposes of increased safety and accessibility” – Mr. Arends asked if there is a problem with fire trucks and ambulances at this point in time. Mr. Thibeault stated that there is no problem other than the fact of the exposed thin metal corrugated pipes; a large heavy truck could crush these. As far as the width of the driveway and accessibility for the width of the vehicles is not a problem. There are no pull off areas and no way for cars to pass each other on the driveway.

Jeff Arends questions the comment on the bottom of the application – “with at least 24 hour notice and limited to the area of work as indicated on the submitted plans” – Mr. Arends asked if she requests a 24 hour notice for the Wetlands Agent to come out and look. Mr. Thibeault stated yes he believes so. Mr. Arends asked if this could be changed to a 2 hour notice. Mr. Thibeault will look into this.

A motion was made by Deane Rettig to accept (receive) application 101315A Tina M. Kerouack, 282 Windham Road; Maintenance of driveway with existing wetlands crossings; Improvements for the purposes of increased safety and accessibility. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

A motion was made by Deane Rettig to schedule a public hearing for the next regularly scheduled meeting November 10, 2015 at 6:00 p.m. for application 101315A Tina M. Kerouack, 282 Windham Road; Maintenance of driveway with existing wetlands crossings; Improvements for the purposes of increased safety and accessibility. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. 101315B Lucien Brodeur (Pakulis Farm) 63 Creamery Brook Road, Map 32, Lot 119; Cleaning and maintaining of Farm Pond. Size of pond will remain the same. Silted in material removed from pond and placed on banks or near edge of pond.

Lucien Brodeur represented application 101315B. This is an existing pond which is used for irrigating turf, hay fields, and vegetable gardens. Due to the dry summer there is only about 2 to

3 feet of water in the end corner. While it is dry Mr. Brodeur would like to get in there with a machine and clean it out. The silted material will be removed from the pond and placed on the banks near the edge of the pond. Other than removing the silt, there is no intention of making the pond any bigger. There is no actual stream running into it, however, there is surface water running in which does silt in.

Martha Fraenkel commented that the pond is too big to just be considered as general maintenance. Mr. Brodeur stated it is approximately 4.5 acres.

Jeff Arends reviews the wetland regulations for description of significant impact with Commission Members. Discussion ensued.

All members concur that there is no significant impact and a public hearing is not required.

A motion was made by Deane Rettig to accept (receive) application 101315B Lucien Brodeur (Pakulis Farm) 63 Creamery Brook Road, Map 32, Lot 119; Cleaning and maintaining of Farm Pond. Size of pond will remain the same. Silted in material removed from pond and placed on banks or near edge of pond. Melissa Labossiere seconds this motion. No discussion held. All in favor. The motion passes unanimously.

3. 101315C Cynthia Perkins, Brown Road, Map 34, Lot 34, RA Zone; Residential Home, Septic System, Well and Driveway with Minor Grading.

Paul Archer, from Archer Surveying was unable to make tonight's meeting. Mr. Archer understands that the application will be received tonight and reviewed at next month's meeting.

A motion was made by Deane Rettig to accept application 101315C Cynthia Perkins, Brown Road, Map 34, Lot 34, RA Zone; Residential Home, Septic System, Well and Driveway with Minor Grading. Discussion ensued regarding if this is a significant activity requiring a public hearing.

Martha Fraenkel stated that there will be work done in the regulated area but not in the wetlands. The development of the lot will be in the upland review area, not in the wetlands. Jeff Arends asked how the slope was. Ms. Fraenkel stated it is fairly flat.

Melissa Labossiere seconded this motion. All in favor. The motion passes unanimously.

Continued Applications: None.

Reading of Legal Notice:

Public Hearings:

a. New Public Hearings:

1. 081115A Strategic Commercial Realty Inc., d/b/a Rawson Materials, Jeffrey Rawson President; Off Rukstela Road, Map 30, Lot 16, RA Zone, 115.35 Acres; Removal of gravel and creation of a haul road for access to and from the same.

Jeff Arends commented that we have received a letter from Attorney Ernest Cotnoir requesting that the opening of the public hearing be postponed to next month's regularly scheduled meeting.

b. Continued Public Hearings: None.

Unfinished Business:

1. 081115A Strategic Commercial Realty Inc., d/b/a Rawson Materials, Jeffrey Rawson President; Off Rukstela Road, Map 30, Lot 16, RA Zone, 115.35 Acres; Removal of gravel and creation of a haul road for access to and from the same.

A motion was made by Deane Rettig to table the opening of the public hearing for 081115A Strategic Commercial Realty Inc., d/b/a Rawson Materials, Jeffrey Rawson President; Off Rukstela Road, Map 30, Lot 16, RA Zone, 115.35 Acres; Removal of gravel and creation of a haul road for access to and from the same. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

New Business:

1. Richard Regis, 35 South Main Street-Clear brush and small trees up to wetlands and remove knotweed from wetlands – Action by Duly Authorized Agent or Declaratory Ruling for Permitted Use as of Right.

Ms. Fraenkel stated that this was talked about last month as being approved as a duly authorized agent. Upon Chairman Gallant review he commented that work within the wetlands cannot be approved as duly authorized. Ms. Fraenkel reviewed and questioned Mr. Regis proposed activity. Mr. Regis stated he would use hand tools, no machinery and nothing to disturb the ground. He would then cover the area with black plastic.

Ms. Fraenkel walked the property today. There are no patches of knotweed on his property the only patches are on Town property. There are some stray stubs of knotweed growing which may not require the black plastic; however, it is not an extensive area. If the black plastic was placed it would be in small pieces. Ms. Fraenkel feels that is possible to authorize Mr. Regis to go ahead with the activity by determining that it is a non-regulated use as he is not disturbing the soil if he does it the way he says he is. In fact, he is performing a Conservation function removing an invasive plant from the wetlands. A ruling is necessary to determine that it is a non-regulated use or if it needs a wetlands permit.

Selectman Ives discussed a 20 foot easement near Enterprise Car Rental which the Town will be involved in maintaining. The intent is not to disrupt the ground but to maintain.

Ms. Fraenkel commented that the remainder of the activity that Mr. Regis requested last month would still be under Duly Authorized Agent. This will give him the ability to work up to the wetlands.

Jeff Arends' opinion is that this is a non-regulated use and an act of Conservation. Discussion ensued.

A motion was made by Deane Rettig to declare the activity proposed as a non regulated activity per 4.2a of our regulations with regards to Richard Regis request to remove knotweed in the proposed wetlands at 35 South Main Street. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. Wetlands Agent Monthly Report.

Ms. Fraenkel commented there was a proposal for work by the Connecticut Water Company in Quebec Square which went to the Planning and Zoning Commission. The water company informed Ms. Fraenkel that they fall under the jurisdiction of the public utility control and Citing Council so we do not have regulatory authority over them. The plan shows a 12 ft. x 12 ft. treatment building and a well field at Quebec Square; they will not be working within the wetlands.

Ms. Fraenkel, per the request of the Planning and Zoning Commission, is continuing to work with Brooklyn Sand and Gravel's renewal request and also tallying up what is going on with sand and gravel permits.

Ms. Fraenkel commented that she has received a request for a meeting on the site of Richard Regis' gravel pit to go over the motion made by the Wetlands Commission requiring woody vegetation be planted on the site. The request was that Ms. Fraenkel considers the status of vegetation that is already coming back in the cleared area. Ms. Fraenkel stated this would not suffice as this is not woody vegetation and is insufficient, therefore the meeting was cancelled. The condition will continue as approved.

Ms. Fraenkel discussed the storm water maintenance report submitted on the behalf of Wal-Mart. Discussion ensued with regards to the West pond function. Ms. Fraenkel will perform a site visit of Wal-Mart's West detention pond.

Adjourn: A motion was made by Deane Rettig to adjourn the meeting at 6:34 p.m. Melissa Labossiere seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier
Recording Secretary