

**Brooklyn Inland Wetlands Commission
Regular Meeting Minutes
January 12, 2016**

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, January 12, 2016, 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 by Jeff Arends, Acting Chair.

Members Present: Jeff Arends (Vice-Chair), Erik Costa, Melissa Labossiere, George Sipila and Richard Oliverson.

Absent: Real Gallant and Deane Rettig with notice.

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

Also Present: Richard Regis, Paul Terwilleger, Bill Carver, Keith and Melissa Hoyt, Don Dubois, Rich Baker, Sandra Greer, Bob Brennan, A. J. Kerouack, Joe Theroux, public in attendance.

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

Seating of Alternates: None.

Election of Officers: A motion was made by Erik Costa to table Election of Officers until next month's meeting February 9, 2016. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Approval of Minutes:

1. Regular Meeting Minutes December 8, 2015.

Jeff Arends commented that he listened to the audio of the December 8, 2015 meeting and went through all of the material.

A motion was made by Erik Costa to approve the December 8, 2015 meeting minutes. George Sipila seconds this motion. No discussion held. Melissa Labossiere abstains. Motion passes.

Public Commentary: None.

New Application Acceptance:

1. 011216A Richard Regis, 35 South Main Street, Map 41, Lot 57, PC Zone; Placement of fill and lot re-grading within regulated area.

Paul Terwilleger, LS, PC Survey Associates, represents application 011216A. Mr. Regis owns a commercial corner lot on South Main Street and Proulx Street. In 1997 a site plan was approved on the lot for a commercial building, associated parking and a detention pond for drainage. Over the years Mr. Regis has been pecking away at the project. In the interim the wetlands permit has expired. During the time that the wetlands permit was valid, an area was excavated for a foundation and parking. Currently the applicant has been putting fill back into the area without a wetlands permit and is before the Commission to rectify this. The wetlands have been delineated again and silt fence has been put between the activity and the wetlands. There has been nothing done within the wetlands. The activity on this site primarily consist of grading the lot off to be used for future commercial purposes.

Jeff Arends asked if the application is complete. Ms. Fraenkel stated that the application is complete.

A motion was made by Erik Costa to accept (receive) application 011216A. Richard Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Discussion was held with regard to whether this is a significant activity. Ms. Fraenkel commented that she does not find this to be a significant activity as there is nothing proposed within the wetlands; this is fill in the upland review area with very little grade issue.

Ms. Fraenkel stated there was a violation because the applicant started to fill without a permit. Discussion ensued.

Commission members deemed this to not be a significant activity. Application was tabled to the next regular meeting.

2. 011216B KCTT Properties, LLC, 520 Providence Road, Map 42, Lot 15, PC Zone; Construction of 500 sq. ft. addition 40 feet from wetlands; Construction of 8 ft. x 24 ft. deck 93 feet from the wetlands.

Paul Terwilleger, LS, PC Survey Associates, represents application 011216B. The application is proposing a kitchen area addition to the back of the existing Sweet Peas building on Route 6. The addition will be contained entirely on a paved area; there will be no new impervious surface created. The wetlands are located 40 feet away from the activity. Silt fence will be placed to protect the wetlands. The pavement will be dug out for the footings. All work will be done in the upland review area and no work done within the wetlands.

Mr. Arends asked how the grade is. Mr. Terwilleger stated where the activity will be it is nearly flat with a 1-2 % slope on the pavement. Mr. Arends asked if this is both an addition as well as a deck on the side. Mr. Terwilleger stated yes, the deck on the side is 90 feet away from the wetland. Mr. Arends asked if there will be any excavation. Mr. Terwilleger stated that there will be footing excavation for the addition; the deck will have excavation for the deck piers.

A motion was made by Erik Costa to accept (receive) application 011216B. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Commission members deemed this to not be a significant activity. Application was tabled to the next regular meeting.

3. 011216C Keith and Melissa Hoyt, 13 Hickory Lane, Map 43, Lot 23-20, RA Zone; Construction of a residential driveway with associated grading, proposed 3,870 sq. ft. of wetlands disturbance and 6,850 sq. ft. of wetlands mitigation.

Keith Hoyt, property owner represents application 011216C. Mr. Hoyt submits a new application with some changes made. The initial proposal had about 4,000 sq. ft. of wetlands mitigation, the new application has 6,850 sq. ft. Mr. Hoyt submitted the following along with the application – Driveway Application Supplemental composed by Keith and Melissa Hoyt; Letter dated 12/2/15 from Joseph R. Theroux, Certified Forester/Soil Scientist; Letter dated 11/18/14 from Killingly Engineering Associates, Subject Pavement Evaluation - #10 and #13 Hickory Lane, Brooklyn, CT; letter dated 11/13/13 from Jana Roberson Land Use Administrator, regarding approval for declaratory ruling requesting permission for selective cutting of 50% of trees within wetlands accompanied by meeting minutes. Mr. Hoyt stated that before next month's meeting there will be a letter from his attorney explaining the legality with regards to the use of a driveway when you do not own it.

Mr. Arends asked if the application is complete. Ms. Fraenkel stated that the application is complete.

A motion was made by Richard Oliverson to accept (receive) application 011216C. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously. Commission members deemed this to be a significant activity with a public hearing required.

Erik Costa asked Mr. Hoyt if he would allow members to review the property. Mr. Hoyt is happy to oblige.

Mr. Arends asked if the Commission would like to do a site walk of the property. A motion was made by Richard Oliverson to schedule a site walk of 13 Hickory Lane on Monday, January 25, 2016 at 9 a.m. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

A motion was made by George Sipila to schedule a public hearing on February 9, 2016. Richard Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Continued Applications: None.

Reading of Legal Notice:

Public Hearings:

a. New Public Hearings: None.

b. Unfinished Business: None.

c. Continued Public Hearings: None.

New Business:

1. Discussion of Pond Alteration for Fisheries Habitat Enhancement (Don Dubois).

Don Dubois, Dubois Forestry and Land Management, client is Pinedale Farms, Brooklyn, CT. Mr. Dubois is a partner in the ownership. Mr. Dubois provided a copy of the NRCS (USDA) Environmental Quality Incentives Program Map. The property is a recipient of a grant.

The area around the pond is currently being converted to pollinator habitat for butterflies and hummingbirds. Dubois wishes to apply to do fish enhancement in the site's pond. The fish enhancement program will have two functions; one is to eradicate invasive species in the pond (excavate out phragmites). There may be a triaxle load of material. The material will be dried on site and taken to an incinerator and burned. On the top side of the pond there is a peninsula where the phragmites is located. The pond was dug as part of a gravel operation approximately 10 years ago. Some places of the pond's eastern side are fairly deep, which provides good habitat for large-mouth bass. Around the peninsula it is shallow. Mr. Dubois would like to make the area around the peninsula deeper. The water can be deepened there by extracting the sediment and gravel in the shallow area

Mr. Dubois is looking to expand the peninsula and raise it up a little bit and push it south in the pond. No material will leave the site. This is the work an excavator could do when the water table is low in the mid-summer. The peninsula will be replanted with 3-4 wetlands species.

Mr. Arends asked if there would be a problem with the build-up of the peninsula with rain or snow washing it back in, what will hold that. Mr. Dubois stated it is mostly gravel. The material would be excavated out with a long boom excavator with a long reach. This is a mixture of sediment, clay, and coarse gravel. Mr. Dubois stated once this is in place because of its mixture, it should harden up. There will be a whole variety of plantings on the peninsula.

Mr. Costa asked Mr. Dubois what he will bring in. Mr. Dubois stated there will be nothing brought into the site and nothing leaving the site except the one load of phragmites.

Mr. Arends asked how the phragmites would be removed: is this manual labor? Mr. Dubois stated that the entire root system will be removed, dried, and then taken to an incinerator.

Mr. Arends asked how big the pond is. Mr. Dubois stated about 3 acres. The estimated area of excavation is approximately one quarter to one third of an acre.

Mr. Arends asked Ms. Fraenkel if the size of the pond triggers anything. Mr. Fraenkel stated it is 3 acres, but she does not think that it is a farm pond. She asked Mr. Dubois if he was going to categorize it as a farm pond. Mr. Dubois stated he is using for wildlife; there is no livestock.

Mr. Arends asked if there is any agriculture going on out there. Mr. Dubois stated tree growth under the forest management plan. Mr. Dubois stated at some point he will file an application. Ms. Fraenkel stated they can talk about the regulatory path.

Public in attendance requested public commentary.

A motion was made by George Sipila to add Public Commentary onto the agenda. Richard Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. Public Commentary:

Rich Baker, 157 Herrick Road voiced his concerns with regards to pesticides sprayed on the Dubois property which is close in proximity to Tanner Brook and whether a permit was obtained. Discussion ensued.

Sandra Greer, 58 Herrick Road, owns property across from the Dubois property and voiced her concerns with regards to a grant Mr. Dubois received for removing diseased trees-black birch/white ash. Ms. Greer commented that there is work going on in the wetlands. Discussion ensued.

Bob Brennan, 38 Herrick Road, voiced his concern with regards to the zero communication and information from Mr. Dubois to the patrons who also live on the road. Discussion ensued.

A. J. Kerouack, Windham Road, asked for clarification of employee hours in the Land Use Office. Ms. Fraenkel stated that she is in the office on Monday and Wednesday. Ms. Fraenkel recommends calling and making an appointment with her. Jana Roberson is in the office Tuesday and Wednesday. There is a secretary in the office Monday through Thursday.

Public Commentary closed.

3. DR16-001 Doris Rekola, 60 Stetson Road, Map 9, Lot 15, RA Zone; Selective Harvest.

Bill Carver, represents application DR16-001. Mr. Carver stated they are doing a silvaculture harvest, more of a high grade cut, estimated 80,000 board feet. There are three water crossings. Two are corduroy and one will be a temporary bridge. Mr. Carver discusses the crossings with Commission members and demonstrates on a site plan.

Mr. Arends asked Mr. Carver if he is a certified forester. Mr. Carver stated he is a Forest practitioner harvester. Mr. Costa asked if this is a selective cut not a clear cut. Mr. Carver stated it is a selective cut. The trees to be cut were determined by forester Joseph Theroux. Mr. Carver

plans going in as soon as possible with hopes to be done in a year and a half. The bridge and corduroy will be removed.

The Commission deemed this as harvesting as of right.

4. DR16-002 Patricia F. Garcia, 172 Appell Road, Map 9, Lot 21-1, RA Zone; Create New England Cotton Rail Habitat; remove invasive species and promote forest stand. (NRCS Sponsored Program).

Ms. Fraenkel stated there are no activities proposed in the wetlands and there are no crossings.

Mr. Arends asked if there are any pesticides. Ms. Fraenkel stated the information is within the Executive Summary #8 which states invasive species in the southeastern portion of the property should be controlled via manual, mechanical, or herbicidal thinning. Random invasives scattered across the stand should continue to be treated. The Japanese barberry north of the maintained field should be reassessed, weighing wildlife value against timber production and overall ecosystem health.

Mr. Arends asked if this is anywhere near a wetlands. Ms. Fraenkel commented they say there is no work within a wetlands or watercourse and the habitat improvement is generally well away from wetlands. This is a USDA Grant. There is a forester who prepared the plan; however, there is no harvester yet. Discussion ensued. Ms. Fraenkel will inquire about the herbicides and report back to the Commission.

5. Action regarding release of Walmart Performance Bond.

Ms. Fraenkel stated there is a \$100,000 Erosion and Sediment Control Bond which was set by the Commission. Ms. Fraenkel had Syl Pauley respond to a query saying it was time to release it and there is no need to have them continue carrying the E & S bond. The release of the bond is dependent upon the Inland Wetlands Commission. Discussion ensued.

A motion was made by Erik Costa to release the Walmart Performance Bond in full. George Sipila seconds this motion.

Discussion held. Jeff Arends voiced his concerns with regards to the east and west detention basins. Ms. Fraenkel discussed reasons for the Performance Bond.

Vote was taken: In favor of Erik Costa, Richard Oliverson, Melissa Labossiere and George Sipila. Not in favor Jeff Arends. The motion passes 4-1.

6. 2015 Legislation and Regulation Advisory from DEEP.

A hand out dated December 16, 2015 was given to Commission Members for review.

7. Procedure Matters regarding voting and recusal.

A hand out was given to Commission Members for review.

8. Review of Bylaws.

Ms. Fraenkel suggests the following recommendations:

- Article X/Order of Business: f. change to new application receipt.
- Add new category of Communications after j. New Business. (written and oral reports can be listed).
- Category called: Additions to agenda.

Ms. Fraenkel discusses these additions with Commission Members. Commission members tabled the approval of these additions to next month's meeting February 9, 2016.

9. Wetlands Agent Monthly Report.

Rawson's application has been withdrawn, but will be resubmitted. With the passing away of Robert Messier, the submittal will likely be delayed.

Delivery of Packets: Ms. Fraenkel discussed with members how they preferred to receive their meeting packets via e-mail/scans or paper packets picked up in the Land Use Office. Members prefer paper packets to pick up before the day of the meeting.

Completeness of Applications: Ms. Fraenkel discussed with Commission Members what is considered to be a "complete application."

Ms. Fraenkel clarified job positions with Commission Members. Jana Roberson is now the Town Planner/Community Development Director. Ms. Roberson will be staffing the PZC and reviewing applications for commercial work in Town. Ms. Fraenkel's job position is zoning enforcement and wetlands agent.

Budget Proposal: Ms. Fraenkel decreased the Professional Services (CACIWC, Training) down from \$870 to \$500 and increased Recording Secretary from \$1,200 to \$1,350. There is a \$220 decrease in the proposed 2016-2017 budget to \$ 6,000. Discussion ensued.

A motion was made by Jeff Arends to approve the proposed 2016-2017 Inland Wetlands Commission budget. Richard Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Adjourn: A motion was made by Erik Costa to adjourn at 7:25 p.m. Richard Oliverson seconded this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier, Recording Secretary