

**Regular Meeting Agenda  
Tuesday, September 14, 2021  
Web Ex and In-Person Meeting  
Clifford B. Green Memorial Center  
69 South Main Street  
6:00 p.m.**

**Call to Order:** 6:00pm

Rick Ives ran Webex/meeting

**Roll Call:** Richard Oliverson, Demian Sorrentino, Adam Brindamour in person  
Jim Paquin via Webex

**Staff Present:** Lisa Lindia, Recording Secretary, Margaret Washburn, Zoning Enforcement Officer, Rick Ives, First Selectman

**Seating of Alternates:** None

**Election of Officers:** It was determined by consensus to move the Election of Officers to the end of the meeting.

**Public Commentary:**

Jim Paquin refuses to wear a mask in a building he helps pay for when there is no science to support it.

Ken Demers – My attorney who was vaccinated came down with COVID. That is why we wear masks

**Additions to Agenda:** None

**Approval of Minutes:** The 7/13/21 minutes were accepted as written.

**Public Hearings:** Opened at 6:05pm

1. 071321A A. Kausch & Sons, Pomfret Landing Road/Church Street, Map 37, Lot 17 and Map 37 Lot 20 and 21; Wetlands crossing for driveway, 2 residential homes, septic system, well, minor grading.

Demian Sorrentino – recaps how we got to this point – 014321D application was received, site walk was done. Withdrawn due to lack of signs and timeline. Withdrawn on 7/13/21 and reaccepted, potential sig impact. Hearing set for 8/10/21, no quorum delayed till tonight's meeting. Demian Sorrentino saw signs on both streets.

1<sup>st</sup> presenter Paul Archer, Bob Russo (Via Webex), Andrew & Jake Kausch. Did mailings to abutters, despite executive order. It is not a subdivision it is a split that now is Lot #17 (9.5 acres) and Lot #7-1 (10.3 acres).

2<sup>nd</sup> presenter Bob Deluca introduces Bob Russo: Did wetland delineation in 2020 and spring of 2021. Walk thru evaluation Japanese barberry growth is up along with the stone walls indicate cattle grazed there. They don't eat prickly food. Dominant by red maple, spice bush ferns etc. Red maple swamp. No perennial stream, vernal pools. Upland has mixed hardwoods that are 80-100 years old. Hydrology seasonally saturated. Functions – wildlife habitat, ground water recharge/discharge etc. aesthetics.

Driveway crossing at the end of property to cause least square footage of disturbance. Question about how much topsoil generally 1-foot or less. Skunk cabbage on upland side of flags. Bob went out and rechecked the area and delineation was confirmed to be correct.

Narrow driveway to minimize impacts, sed controls all measures taken. Similar activity in upland review area. Pipes will be permanent impacts. Silt fences is a temporary impact.

Narrow strip of access from Pomfret Landing Road is not a feasible or prudent alternative. Defines feasible and prudent. Prudent includes expensive. It is a steep sided wetland valley, would be a bigger impact 12' – 14' elevation change. Severe drop would require a long bridge for a driveway and a significant amount of money. The value of the wetland is much more impactable there is a perennial stream crossing, more diverse habitat types and wildlife corridor.

CLA feels proposed crossing is most feasible and prudent.

Bob Deluca: Describes size of crossing, 25-year storm design. A stockpile area was added at Andrew's request. Neighbor's comments addressed alternative considered.

1. Russo addressed alternative considered.  
From Pomfret Landing Road – 30% decline, then 15-20% incline would be a 100' crossing a 200' bridge would be a great expense.
2. Al Carpenter's Comment's re: impoundment His property abuts crossing 1 & 2 he is upslope. Will the driveway create an impoundment? Modelled a 25-year storm. At peak of a 25-year storm. A little water will be impounded 10'-15' over give or take for about 10 minutes.
3. Disturbance caused by silt fence as Russo said is temporary is not included in their cumulative disturbance of permanent impacts.

Richard Oliverson- 25' drainage access way belonging to the town easement is from a catch basin on White Brook Drive. The town never got rights to drain onto Kausch property. The pipe ends 40 yards upslope from the property line. Can town hook more water into that someday?

Paul Archer- Town cannot drain onto Kausch property.

Richard Oliverson- The town can drain onto land uphill of Kausch property. What would happen if Town raised water to pipes?

Bob Deluca- The water will go between/around the pipes and there are low spots in driveway.

Jim Paquin has questions for Mr. Deluca & Mr. Russo on Carpenter lot were those flags or just from GIS. Those were delineated for the subdivision in 2004. Finds it very interesting that between crossing 2 and 3 the wetlands dip down below the stone wall.

Bob Russo- There's an intersection of stone walls there on Lot 20 Russo augured there. Opposite side of stone wall appears to be a wetland. In farming stone walls often became edge of wetland, plowing throw soil against stone wall becomes filled. Another scenario when someone flagged it.

Paquin- The water crossing the lot on Strandson against Church Street are their wetlands there? Subdivision did not show wetlands on that lot.

Russo – The stonewall served to catch material and render it non wetlands.

Paquin- The 10' of gravel you will dig is that include the power trench of 3' wide in driveway calculations. Or will you dig 13'-14' wide for 10' driveway. Russo confirmed

Archer - Mike Schaefer flagged March 2004

Adam B – Is there a concern about wetlands downstream? Is it creating 3-point sources that weren't there before?

Russo- Pipes are put in so hydrology will continue. Permeable material between pipes and under the driveway. Wetlands will stay hydrologically connected with the low gradient we don't expect permanent impacts.

Adam B- Is there any permanent erosion controls?

Russo- Slopes don't warrant water bars or any other measures. There is not enough elevation changes to warrant water bars.

Paquin- You mentioned the pipe easement. Will that water pond up on Miczek lot? After Kausch sells to a new owner and they call the town to complain about ponding.

Russo- Driveway is a little above pipe. Water will cross the driveway; it will flow the same as it did before.

Paquin- 300-year storm, water comes over the shared driveway, will they have a valid complaint with the town.

Russo- Last's 10 minutes in a 25-year storm.

Paquin- The gravel will spread out overtime. Every 3 years they will show up with 5 triaxles and bring in gravel. We are setting it up to fail.

Russo- It is designed for a 25-year storm it is the standard. Yes, water will go over the driveway after a storm. It has a broad crested driveway a wide flat area where water can only go up 1"-2".

Sorrentino- What do you suggest Jim? Paquin – Don't design the solution because it's your own fault if it fails. We talked about 4 pipes at the site walk. Extra pipes would be prudent.

Russo- Applicant won't object to multiple pipes but not bigger pipes. May prevent water from circling around. Applicant will not agree to bigger pipes, just more pipes.

Sorrentino- Even shallow water carries fines. Adding additional pipe in crossings 2 and 3 would be beneficial.

Paquin- Crossing 3 is located at the road and crossing 1 is at Carpenter's.

A Kausch- I am happy to build to a 50-year storm but I feel everyone else should have to do it.

Sorrentino- We are not asking for that.

A. Carpenter – 23 White brook Drive, P.E. and neighbor he would have allowed scientist to flag on his land send them out.

Feasible and prudent there is DOT crossing north of Kausch's of property on Pomfret Landing Road The crossing could be less then 3,000 square feet. Can DeLuca give us a cost estimate for a Pomfret Landing crossing?

Church Street pipes in series will keep the hydraulic profile down. Any impoundment on my property is unacceptable to me. The drainage comes down through my property.

Impacts to wetlands seem under-done. Put silt fence in first. Will disturb everything up to the silt fence.

Means and Methods needed for driveway on Church St side -construction sequence (describe equipment)  
Pre-construction meeting and how pipes installed to impacts.

Washburn- Ask for an As Built Al Carpenter yes as built is critical. The stockpile area was not counted in the square footage of upland review area alteration. Added in after square footage in the upland review area footage was calculated. Suggest that flagging 50' over the wall would be desirable.

Paquin- Thinks it's a good idea to flag over the wall.

P. Archer- tried to call Al Carpenter 5 times and never got any return calls.

DeLuca- Kausch doesn't want to flag on adjacent properties.

Cheryl Fish 50 Pomfret Landing Rd, Brooklyn, Where's the stone wall?  
Sorrentino – Perpendicular to Church Street, you are not an abutter.

Joann Pierpont, 20 Hugh Drive, Brooklyn, not an abutter. Owns half an acre, bought another half an acre. Hasn't done anything with it. Was told she couldn't rake, cut trees or make a path.

Sorrentino- You need a permit from this commission If you take wetlands away by filling do you have to replicate it?

Joann- If you take wetlands away by filling do you have to replicate?

Sorrentino- No

Washburn- Yes at federal level.

Joann- to cover the cost of the driveway you need to build more than two houses.

Paquin- you can do some hand cutting/raking in wetlands w/out making a mess.

Drew Miszek, 15 white brook Dr. (WEB) – when you walk the property, your assessment was correct. It has become wetter since the solar farm was installed. If the design makes my land wetter, who's problem, is it?

Deluca – we are confident in our design.

Al Carpenter – you can have the engineer involved, have him at the preconstruction meeting, sign and stamp the as built.

- 1) Preconstruction meeting
- 2) Detailed construction sequence
- 3) As built

Gerry Sullivan, 28 pomfret landing Rd – there's a super fund site on state property on the west side of pomfret landing rd. they are monitoring wells, it was used in the 70s. now super fund site has disappeared off the map. Protect the wetlands

Cheryl Fish- showed a photo of some other property, not Kausch's land

Andrew Kausch – lived in Brooklyn for years, his son Jake Kausch lives in Brooklyn wants to use the property. They had a meeting in sterling. The town regulation is a burden.

Adam B. – has there been any consideration of wet land replication?

Russo – at this point there isn't. it's a low amount. They are still required to notify The Army Corps. There is no benefit to taking upland and create wetland.

DS – we want an additional 15in pipe in crossings two and three. Neighbors don't want backup of water on their land. Detailed construction sequence should be added.

Kausch – complained about Margret's hours

Oliverson – explains 3600 sq ft biggest public hearing in year s is why we want additional information

Ken Demers, Lincoln, RI – had a similar problem, water went through crushed stone

Paquin – progress report from engineer not needed. Don't do the work during the wet season, site work is difficult in March, April, and May.

Joann Pierport – thanks for listening.

Oliverson – more detail on a design estimate on Pomfret Landing Rd.

Deluca – explained Carpenter's first comment, said there is a crossing upstream, therefore its okay to cross it on Kausch's land. The crossing would have to be 60ft wide. You need a 12% driveway only 50 ft to do it. You're looking at a 200' bridge

minimum. 50'-100' bridge is a half million to 1 million dollars. The property is assessed at 150k building a 400k bridge is not a feasible alternative.

Sorrentino – do what you can. To assess the benefit. What adding 2 pipes will do. Wants to avoid impoundment on abutting property. There may be impoundment there now.

Sarah Haberbosch, 21 Cheney Rd., Pomfret – currently resides on south street with Jake Kausch. All they want to do is care for the resources while making new homes for new people. They were trying to pick up the trash and keep the property clean. The passion, and policy, and procedures being followed

Paquin – between crossing 2 and 3 how much higher will proposed driveway be over what's there now

Deluca – 2' at the crossing

Paquin – what about between crossing relatively level with consistent grade

Kausch – asks if he can replace the stone wall that the abutters opened up

Oliverson – put the wall back but were not giving you permission. Its upland review area

A motion was made by Jim Paquin to close public hearing at 8:15 pm, Adam Brindamour seconds the motion. No discussion. All in favor. The motion passed unanimously.

#### **Old Business:**

1. 071321A A. Kausch & Sons, Pomfret Landing Road/Church Street, Map 37, Lot 17 and Map 37 Lot 20 and 21; Wetlands crossing for driveway, 2 residential homes, septic system, well, minor grading.
  - At least ten days prior to start of construction, call the Brooklyn Wetlands Agent at (860)779-3411 ext. 31 to schedule a pre-construction meeting to be attended by Town staff, the property owner, the project engineer and the site contractor.
  - Submit revised site plans showing two additional 15-inch pipes, one at wetland crossing 2 and one at wetland crossing 3.
  - Submit revised plans showing a detailed construction sequence.
  - After the driveway and wetland crossings have been constructed, submit an as-built plan stamped and signed by the project engineer to verify the square feet of wetlands alteration.
  - Call the Brooklyn Wetlands Agent for an inspection at (860) 779-3411 ext. 31 when the sediment controls have been installed, prior to commencing any other work.
  - Standard Conditions.

Detailed construction sequence added including agent approving sed controls

A motion was made by Demian Sorrentino to pass with above listed conditions as well as standard conditions. Adam Brindamour seconds the motion. Jim Paquin opposed; motion passed 3-1

Margaret Washburn informed applicant that they must file with U.S. Army Corps of Engineers before construction.

2. 181 Paradise Drive – Shane O'Connor. Show Cause Hearing for wetlands violation.

Ken Demers – Recently bought 181 Paradise Drive with that has inherited the problem cease and desist order.

Oliverson – Went by there has been a lot of clearing, no digging or stumping was seen.

Ken Demers – Extended an invitation to come and look at it, there's no kitchen in the house, wants to extend 16' x 36' add furnace, 2<sup>nd</sup> floor bedrooms and kitchen

A motion was made by Jim Paquin to close cease and desist order. Adam Brindamour seconds the motion. No discussion. All in favor. The motion passed unanimously.

3. 35 Kara Road – Deborah Love. Show Cause Hearing for wetlands violation.

Sorrentino – A site-walk, asked about area between ponds – he will mow it

Mr. Phillips - Does driveway maintenance when needed. However, the driveway is not near the wetlands. Mr. Phillips will call prior to work so that way if a call is received the office can say they have been notified.

Sorrentino – Motions to close cease and desist order. No permit necessary.

Mr. Phillips - You should have had wetlands flagged. Want to level the spot to store his wood. Apologizes for losing temper

A motion was made by Demian Sorrentino to pass to close cease and desist order. Adam Brindamour seconds the motion. No discussion. All in favor. The motion passed unanimously.

4. 317 Day Street - Kenzie Patterson. Show Cause Hearing for wetlands violation.

Standing water is up, will send Tommy down there to clean and dig out the ditch and then asked Kenzie to move it, if they don't comply issue a NOV (summons???)

5. Brown Rd, Map 34 Lot 31 – Jared Chviek. Show Cause Hearing for wetlands violation.

Richard Hawes, 196 Brown Rd – cut to many trees down and put up a gate

Paquin- nothing needed

Demian Sorrentino – No sketch or plan needed at this point.

Richard Oliverson – I don't see digging or stumping at this time.

Adam Brindamour – According to Regulations Sec 4.1.A explicitly prohibits filling in wetlands. Not a right of use.

Richard Oliverson - Walking a fine line, keep watching for breaking of threshold.

Jim Paquin – If no increase in activity just field the calls.

### **Public commentary**

Ken Demers – if you have an Ag field and want to dig a hole for cows to drink out of. Go to killingly

### **Communications:**

1. Wetlands Agent Monthly Report.

2. Budget Update.

**Election of Officers:**

A motion was made by Adam Brindamour for Richard Oliverson to be chair. Jim Paquin seconds the motion. No discussion. All in favor. The motion passed unanimously.

A motion was made by Jim Paquin for Adam Brindamour to be vice chair. Demian Sorrentino seconds the motion. No discussion. All in favor. The motion passed unanimously

**Adjourn:**

A motion was made by Adam Brindamour to adjourn at 8:56 p.m.. Jim Paquin seconds the motion. No discussion. All in favor. The motion passed unanimously.

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Richard Oliverson, Chairman