

**Brooklyn Inland Wetlands and Watercourses Commission
(IWWC)**

Regular Meeting Minutes

**Tuesday, March 12, 2024
Zoom and In-Person Meeting
Clifford B. Green Memorial Center
69 South Main Street
6:00 p.m.**

Call to Order: 6:02 p.m.

Roll Call: Richard Oliverson, Adam Brindamour, Jason Burgess, Jessica Long, Demian Sorrentino, Janet Booth Sharon Loughlin (online).

Absent with Notice: Adam Tucker

Staff Present: WEO, Margaret Washburn; Recording Secretary, Terry Mahanna.

Attendance: Attending in person: David Smith, Professional Engineer, Archer Surveying; George Logan, REMA Ecological Services; Normand Thibeault, Professional Engineer, Killingly Engineering Associates; Brooklyn Residents, Robert and Teresa Ross; Applicant, Moe Lapierre; 3 additional attendees.

Attending Online: Commission member Sharon Loughlin; Richard Hawes; Sharon-Auntie; Applicant, Chris Casadei; Rene Comtois; Dale Lyon (arrived at approximately 7:00 pm); Matt Alexander (arrived at approximately 7:22 pm).

Seating of Alternates: A **motion** was made by Adam Brindamour and seconded by Janet Booth to seat Jessica Long for Adam Tucker. Motion passed unanimously by vote 6-0-0.

Public Commentary: None.

Additions to Agenda: SUBD 24-001 Louis Polseno, owner/applicant; Map 40, Lot 12; South Street, RA Zone; Proposal for a two-lot subdivision with activity in the 125' Upland Review Area; total regulated area altered +-3,500 SF, had inadvertently been left off the Agenda. Application was added to the Agenda (New Business #4) and received by the Commission.

Approval of Minutes: Regular Meeting Minutes February 13, 2024.

Demian Sorrentino noted the following: on Page 4, under Old Business, it reads: "A **motion** was made by Demian Sorrentino to continue the Public Hearing to the next IWWC meeting", whereas it should have been written as "A **motion** was made by Demian Sorrentino to *table* the Public Hearing to the next IWWC meeting". The minutes were approved with this one correction noted.

Public Hearings (continued):

- 1. IWWC 23-015 LAC Properties, owner/applicant; Map 41 Lot 1; Providence Road, PC Zone;** Proposal to fill wetlands to level site for development of a commercial building, driveways, and septic system. Proposed fill equals 8,900 sf; total regulated area altered equals 64,000 sf / 1.5 acres. The Public Hearing (re)opened at 6:07 p.m. David Smith, George Logan and Dale Lyon represented this project.

Mr. Smith gave a brief overview of the project again, mentioning that the most recent submission evolved from using the terminology “rain gardens” to that of “bio-filtration areas”. In addition, he mentioned that a point-by-point response to (Regional Engineer) Syl Pauley’s comments had been submitted to Mr. Pauley and provided to the Commission. They had not yet received a response from Mr. Pauley on their responses. No additional changes to the plan dated February 23, 2024 have been made. He added that the wetlands from the retaining wall to the west will be lost - from the existing 8,900 square feet of low-functioning wetlands, their proposal will result in the loss of 6,900 sf, leaving 2,000 sf of original wetlands. An additional 3,000 is being proposed to help with stormwater management and enhancement to reduce impacts of the conversion from wet to hard surface.

Margaret Washburn asked if there was an updated stormwater plan. To which, Mr. Smith replied ‘no’. He added that for the time being, the applicant intends to operate out of his pickup truck and serve as a pickup point for his customers. There will be a porta potty available onsite. Mr. Smith referred to the second sheet of the plan which showed the berm, the basins, and the planting schedule - which was to show where the various plantings will be located.

As a follow up from a question posed two months ago, Adam Brindamour asked if the driveway through the property will remain and will the driveway on Brickyard remain or is it for construction only. Mr. Smith responded that the driveway will be permanent; one lane in and one lane out to accommodate truck movement.

George Logan presented next and stated that after the last meeting it was apparent that a more robust mitigation plan was needed. In addition, he received a call from Ms. Washburn asking that he complete additional field testing. As a result, he did three soil borings in March. He provided the Commission with a ‘Mitigation Plan for Creation and Enhancement of Wetlands and Upland Habitats’ in which he added several layers of additional information. He reviewed his findings (included in his plan) with the Commission.

Mr. Logan’s resulting calculations were in line with Mr. Smith’s at: 8,900 sf of wetlands taken out, 5,380 sf (shown as green-shaded area on his plan) being created, with an additional 2,200 sf buffer between parking and the road. His plan included laying a seed mix the first year, invasive species control and using organics. Also included was yearly-monitoring (2x per year) and reporting.

Ms. Washburn questioned the wording in Mr. Logan’s Mitigation Plan, Page 3, Item #12, and Page 4, Item #21 as it relates to topsoil. Mr. Logan agreed to change the wording so it is clear that topsoil from onsite will not be used, avoiding infestations from invasive species.

Mr. Oliverson asked if their use of gravel under the landscape bins will result in a change in hydrology, and if they foresee paving under. Ms. Washburn followed by asking if there is something pervious they can put under the bins. Mr. Logan responded that he has worked with Andover Landscaping where there is gravel under the bins and they get no rocks or weeds in their mulch.

Mr. Logan and Mr. Smith added that the planting plan and prescriptive method will change based on the recent field work. Ms. Washburn asked that Mr. Logan’s entire mitigation document be added on the plan sheets. Mr. Logan confirmed that he will add it.

Mr. Logan and Mr. Smith answered additional questions from the Commission and Ms. Washburn and confirmed the following:

- A second topsoil area will not be needed as the topsoil will be dumped and spread immediately;
- The plan layout will not change, just the process;
- Any changes requested by State DOT will be communicated to Ms. Washburn.
- To prevent the potential for sediment flow, they can put a hay berm along Route 6 in front of the outlet pipe that directs runoff to the east; although they do not expect anything from their site to run onto the State road;
- They do not anticipate the property to flood to the point of causing off-site impacts;
- Mr. Logan will assist in preparing an Operations and Maintenance Plan;
- The applicants consent to another 30-day extension;
- All of Mr. Logan's comments (excluding photographs) will go on the plan;
- The planting schedule will go on the plan;
- Fill calculations will be merged with Sheet 1 and added to the plan;
- The application needs to be revised to match the plan.

Dale Lyon added the following:

- His interest is in preserving wetlands; he maintains ponds on other properties;
- He appreciates that Ms. Washburn has been very diligent;
- He looks forward to working with the Commission and will come back if anything on the plan changes.
- He is not trying to get away with anything, this is simply the first step.
- Perhaps he will someday add a building;
- He would like to put nice flowering trees along Brickyard Road; he is not in favor of the tree cutting that had been done.

Ms. Booth stated she did not believe Mr. Lyon was trying to get away with anything; instead, she questioned at what point do we stop taking wetlands. Ms. Washburn added that Connecticut does not have a no net loss of wetlands policy and the applicants are offering up mitigation.

Teresa Ross stated that (in her opinion) Mr. Lyon keeps his site on Rt. 205 beautifully and she believes this proposed site on Rt. 6 would be an improvement.

A **motion** was made by Demian Sorrentino to table the Public Hearing to the next IWWC meeting on April 9, 2024 at 6:00 pm at the Clifford B. Green Memorial Center, 69 South Main Street, and to also accept the applicant's Extension Letter in which the applicant agreed to a thirty-day extension of their application. Ms. Booth seconded the motion. Motion passed unanimously by vote 7-0-0.

Old Business:

1. **IWWC 23-015 LAC Properties, owner/applicant; Map 41 Lot 1; Providence Road, PC Zone;** Proposal to fill wetlands to level site for development of a commercial building, driveways and septic system. Proposed fill equals 8,900 sf; total regulated area altered equals 64,000 sf / 1.5 acres.

A **motion** was made by Mr. Brindamour to table the public hearing to the next IWWC meeting on April 9, 2024 at 6:00 pm at the Clifford B. Green Memorial Center, 69 South Main Street. Motion was seconded by Mr. Burgess and passed unanimously by vote 7-0-0.

New Business:

1. **IWWC 24-001 Paul Pagnozzi, owner/applicant; 113 Hartford Road; Map 24, Lot 74, VC Zone;** Proposed concrete slab for a 24' x 32' manufactured home. No work is proposed in the wetlands.

Norm Thibeault presented

on behalf of this project. No activity will take place in the wetlands, therefore a **motion** was made by Demian Sorrentino to delegate this application to the Wetland's Agent for approval. Motion was seconded by Jessica Long and passed unanimously by vote 7-0-0. Ms. Washburn will issue the permit fifteen days from this date.

2. **DR 24-001 Brian Meehan, owner; Chris Casadei LLC, applicant; Old Tatnic Hill Road and Tripp Hollow Road ; Map 14 Lots 2, 8, 10, 10-1, 10-19, 10-56, 10-59, and 10-65; RA Zone;** Selective Timber Harvest.

Chris Casadei joined via online link to represent this project. Mr. Casadei provided an overview of the project. Ms. Booth asked if a time of year was to be dictated. Ms. Washburn responded it was not necessary; the work could be done as conditions allow. Mr. Sorrentino asked if Ms. Washburn had any issues with the application; to which, she responded 'no'.

A **motion** was made by Demian Sorrentino and seconded by Janet Booth to approve this application as an Agricultural Right of Use. Motion passed unanimously by vote 7-0-0.

3. **IWWC 24-002 Greg Lehto, owner/applicant; 61 Beecher Road, Map 22 Lot 38-5; RA Zone;** Minor grading for a new single-family dwelling in the upland review area. No work is proposed in the wetlands.

Mr. Thibeault presented on behalf of this project and provided a brief overview. No work is proposed in the wetlands; therefore, Adam Brindamour made a **motion** to delegate approval to the Wetland's Agent. Motion was seconded by Jason Burgess and passed unanimously by vote 7-0-0. Ms. Washburn will issue the permit fifteen days from this date.

4. **SUBD 24-001 Louis Polseno, owner/applicant; South Street, Map 40, Lot 12; RA Zone;** proposed 2-lot subdivision with activity in the 125-foot Upland Review Area.

Ms. Washburn provided Commission members (present in person) with the plan copies received with the application.

Mr. Thibeault presented on behalf of this project and indicated that all proposed activity will be outside the upland review area. The property owner is proposing to develop a vineyard on the Eastern side of the property, with a single family /duplex to the West. Subdivision approval is being pursued at this time to satisfy health code that requires the lots to demonstrate support for well and septic. This alleviates the need to run a water line to the end of the property when it will not be needed for the proposed project.

Mr. Sorrentino added that the Planning & Zoning Commission (PZC) will need a report from the IWWC indicating that the proposed subdivision contains no regulated activity.

A **motion** is made by Demian Sorrentino and seconded by Jason Burgess to approve the sending of a report to the PZC to indicate that the proposed subdivision contains no regulated activity. Sharon Loughlin abstains from voting as she did not receive the material to review. Motion passes by a majority vote 6-0-1.

Other Business:

1. **IWWC 23-013 Robert & Teresa Ross, owners/applicants; Map 10 Lot 7; Hartford Road, RA Zone;** Proposal to construct single-family home, garage, pole barn, koi pond, and to repair and stabilize a box culvert over Stony Brook. **SHOW CAUSE HEARING for wetlands violation.**

Norm Thibeault presented on behalf of the Rosses. He indicated that based on the previous approval, a concrete pad was constructed at the site according to plan. Due to significant rain events that happened over a five-day period, the brook under the crossing overflowed. Mr. Ross panicked and installed an overflow pipe in the regulated area (not wetlands) which seems to be serving its purpose. He did not have a permit for this work. In addition, Mr. Ross cleared vegetation on adjacent property owned by others. Mr. Thibeault felt the pipe installed by Mr. Ross was functioning properly and was installed responsibly as an overflow mechanism to prevent erosive activities. In the area where the vegetation was cleared, he recommends a three-pound New England wet-mix seed.

Mr. Ross provided the Commission with photographs showing the water up against the driveway crossing and confirmed that he had mowed under the (overhead) property lines.

Ms. Washburn voiced concern as the regulations address the rate and amount of water that should enter and leave a site. She added that Mr. Ross completed unauthorized work, which was a deviation from the approved plan), with no calculations or approval from the Town Engineer, potentially resulting in downstream flooding. Mr. Thibeault disagreed and added that whether the pipe was there or not, water would still be going over the driveway and getting into the stream beyond there. Ms. Washburn stated that she felt that the pipe was not installed responsibly.

The Commission agreed that a site walk was necessary. A **motion** was made by Demain Sorrentino and seconded by Jessica Long to schedule a site walk for Friday, March 22, 2024 at 5:00 pm at 630 Hartford Road. Sharon Loughlin mentioned she will send a representative, and she voiced her concerns regarding the impact on the brook. Motion was approved unanimously by vote 7-0-0.

Mr. Thibeault and Mr. Ross will attend the scheduled site walk.

Mr. Sorrentino added that typically the Commission had not permitted culverts on named brooks without calculations.

A **motion** was made by Adam Brindamour and seconded by Sharon Loughlin to uphold and table the Cease-and-Desist Order to the next IWWC on April 9, 2024 at 6:00 pm at the Clifford B. Green Memorial Center, 69 South Main Street. Motion was approved unanimously by vote 7-0-0.

2. **430 Allen Hill Road – Naomi Regis, Moe Lapierre P.O.A.; Map 32 Lot 138.** Informal discussion about clear cutting 30 acres of woodlands and brush to expand agricultural cropland.

Moe Lapierre was present in person to represent this project:

- He would like to clear approximately 25-30 acres of land to increase his cropland for hay;
- He intends to leave tree stumps in place, cutting to ground level;
- It's a wooded area that incorporates a stream;
- Ms. Washburn inspected the property with Mr. Lapierre and suggested having it flagged for wetlands;
- Per Mr. Lapierre, the timeframe in which he is looking to complete this project is six months;
- Mr. Lapierre contacted some companies, but they were not interested in the wood;
- Ms. Loughlin recommended contacting a Forester as per her experience there will be a dramatic change in the soil after cutting the trees; in addition, there is the potential for an increase in water; a Forester can make recommendations for keeping the soil in place;
- Ms. Washburn responded saying that Ms. Loughlin has a valid point; with the trees gone, the land will be more wet because the trees aren't there to speed up the evapotranspiration;
- Mr. Brindamour felt the site should be flagged, and an application should be submitted; Ms. Booth agrees;
- Mr. Sorrentino added that a perimeter needs to be established to set limits of disturbance; in addition, the flags should be recorded by a surveyor and put on a plan; topography needs to be shown also;
- Ms. Washburn indicated that there are resources that can provide Mr. Lapierre with advice for coming up with a stabilization plan, such as the National Resources Conservation Office; she can also provide him with the contact information for some local Foresters;
- Mr. Lapierre intends to rent a rubber-tire skidder to use in lieu of a backhoe; he will be using different roads for entering/exiting;
- Mr. Lapierre's plan for a bugout shelter is a long way down the road but he intends it to be near the river, with no plan for a septic system;
- Ms. Washburn added that Department of Health approval would also be needed for the shelter.

The Commission thanked Mr. Lapierre for coming in and talking about his intended plan. Mr. Lapierre added to thank Ms. Washburn.

3. **17 Greenway Drive – Town of Brooklyn.** Complaint received about riparian vegetation being removed north of the existing boat launch along the bank of the Quinebaug River.

- Mr. Oliverson indicated he had been by the site to look at what was done;
- Ms. Washburn mentioned she had spoken to Brooklyn's Recreation Director, Amy Brosnan, and Brooklyn's First Selectman. Ms. Brosnan indicated that the Town had cleared the area so people could sit in lawn chairs and see the river. First Selectman, Austin Tanner mentioned putting a fence up for safety reasons;
- Discussion ensued among Commission members and Ms. Washburn:
 - An approximate 20' x 80' area was cut;
 - They feel a stabilization effort is needed due to the steepness of the now open area;
 - Concern over invasive species coming in was voiced;
 - It was noted that the area was clear-cut but nothing was dug up, therefore it will grow back;
 - Ms. Washburn asked that the area be seeded.

Communications:

1. Wetlands Agent Monthly Report was provided to the Commission.

Ms. Washburn also mentioned additional projects on the horizon: Tiffany Mills and Tractor Supply and the potential to hold meetings at a larger venue.

2. Budget Update: Was provided to Commission, with no further discussion.

Adjourn: Motion to adjourn was made at 9:20 pm by Adam Brindamour and seconded by Jessica Long. Motion passed unanimously by vote 7-0-0.

Submitted By:
Terry Mahanna
Recording Secretary