

**Brooklyn Inland Wetlands Commission
Special Meeting Minutes
August 24, 2016**

The Brooklyn Inland Wetlands Commission held a special meeting on Wednesday, August 24, 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.

Members Present: Jeff Arends (Vice/Acting Chairman), George Sipila, Demian Sorrentino, Richard Oliverson.

Absent: Real Gallant, Melissa Labossiere and Erik Costa with notice.

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

Also Present: David Held, Paul Archer, Tom Rukstela, Patrick Knox and Robert Loughlin.

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

Seating of Alternates: None.

Additions to Agenda: None.

Approval of Minutes:

1. Regular Meeting Minutes of July 12, 2016. A motion was made by Richard Oliverson to approve the regular meeting minutes of July 12, 2016. Demian Sorrentino seconded this motion. No discussion held. All in favor. The motion passes unanimously.

Public Commentary: None.

New Application Acceptance (Receipt):

1. **080916A Donna Vincent, 303 Woodward Road, Map 10, Lot 18-4, RA Zone;
Proposed Garage and Minor Grading.**

Paul Archer, Archer Surveying gives a brief summary of application 080916A. Ms. Vincent had an excavator come in pull up rocks, cut stumps and do minor grading. Before last month's meeting she was cited with a notice of violation by Ms. Fraenkel. Ms. Vincent's contractor

encroached slightly into the wetlands. Mr. Archer stated that the wetlands were flagged by Joseph Theroux. The proposed plan is to construct a garage with minor grading. Since receiving the violation hay bales have been staked, the area has been cleaned up and preserved. Mr. Theroux's recommended the brush pile and rocks be removed, minor grading and seeding be done. Mr. Archer stated there is no issue if Commission Members wish to visit the site, the wetland flags are in place.

Ms. Fraenkel commented that the wetlands were flagged years ago. Ms. Vincent was aware that there were wetlands in proximity to the proposed garage, hence the violation could have been avoided. Ms. Fraenkel spoke with the contractor as well.

Mr. Archer discusses the proximity of the garage to the wetlands. It is 21 feet off of the wetlands. Ms. Vincent did not want to look out of the house at the side of the garage, therefore, the garage was pushed back so when she looks out she does not see the garage and can still see the forest.

Mr. Arends questions a small spot of wetlands. Mr. Archer stated it was created by a footing drain.

Mr. Arends asked if there is any reason why Ms. Vincent wants the garage so far away from the house. Mr. Archer stated looking at the slope of the ground this would be the easiest place to put it with the levelness of the ground. Reason for the size of the garage is Ms. Vincent needs a place to park antique cars.

Ms. Fraenkel asked Mr. Archer if Ms. Vincent discussed putting the garage to the east where the turn-around area is which is near the footing drain. Mr. Archer stated it was not mentioned to him. Discussion ensued.

Mr. Arends asked Ms. Fraenkel, as far as the notice of violation, has all been rectified. Ms. Fraenkel stated it has been taken care of, they did a good job.

A motion was made by Demian Sorrentino to find that this is not a significant impact and to move to receive the application as complete and table it to the next regularly scheduled meeting. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. IWDA16-005 Patrick and Rebecca Knox, 347 Allen Hill Rd, Map 32, Lot 141-15, R30 Zone; Application to place fill in upland review area to stabilize existing carriage shed.

Patrick Knox owner of the property at 347 Allen Hill Rd, represents application IWDA16-005. Mr. Knox reviews pictures with Commission Members showing the erosion around the carriage shed.

The proposal is to bring in 60 yards of fill to taper off around the left and back side of the carriage shed. This will reduce the slope that has a 6 foot drop. After the fill is placed topsoil and seed will be put in.

Mr. Arends asked Mr. Knox to demonstrate on the map the existing carriage shed and the proposed fill. Mr. Knox demonstrated and discussed this with Mr. Arends. Mr. Sipila asked Mr. Knox if it would be easier to place a wall with dirt for erosion measures. Mr. Knox stated this would be a lot more cost for him. Discussion ensued.

Ms. Fraenkel stated there is an existing intact stone wall that runs along the back of the property that serves as a very nice barrier. The wetlands were flagged at one time. The wall is very protective of the wetlands. There is a slight incursion of the wetlands on their side of the wall but not much. The risk for any type of erosion from the fill into wetlands is very small.

Mr. Sorrentino asked Mr. Knox if the fill will include top soil. Mr. Knox stated he will have top soil placed and will seed mid-September. Mr. Sorrentino asked if silt fence has been proposed in the small area of wetlands inside the stone wall. Mr. Knox stated the silt fence has been up for a month.

A motion was made by Demian Sorrentino to receive application IWDA16-005 and refer it to the wetlands enforcement officer for action. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

3. DR16-005 Jeffrey Otto/Thomas Rukstela, Mason Road, Map 15, and 23, Lots 10-2 and 9B; Dig pole holes for cow feeder covers with mini excavator, no concrete.

Tom Rukstela represents application DR16-005. Mr. Rukstela is proposing to dig pole holes for cow feeder covers with a mini excavator. There will be no concrete used. It will be moved away from the wetlands on the easterly side of the road 50 feet. Mr. Sorrentino asked if there is a main watercourse. Mr. Rukstela stated it is Stony Brook. Mr. Rukstela he will be placing telephone poles; he will dig the hole, place the pole in the ground and backfill. Discussion ensued.

A motion was made by Richard Oliverson to find that the declaratory ruling is an as of right use of the property. Demian Sorrentino seconds this motion. No discussion held. The motion passes unanimously.

4. IWDA16-006 Robert Loughlin and Jean Flannery, 510 Hartford Road, Map 19, Lot 9-19 RA Zone; Improvement to existing farm road; place 20 cubic yards of 1 ¼ inch stone on top of existing crossing of Stony Brook about 12 ft. x 48 ft. at 6-inch deep.

Robert Loughlin property owner of 510 Hartford Rd represents IWDA16-006. Mr. Loughlin would like to remove a lot of the rocks out of the pasture for future use as crop land. Mr. Loughlin has a person willing to work with him trading rocks he is removing for stone walls. Ms. Fraenkel looked at the existing farm road and requested it be evaluated to support heavy loads.

Ms. Fraenkel asked Mr. Loughlin to evaluate the tri-axles going there, would they successfully be able to use the existing crossing for fear that they are too heavy which would cause a wetlands problem. The contractor looked at it and made a recommendation of the crushed stone be placed. There is approximately 20 inches of cover over twin existing

corrugated plastic 10 inch pipes. Ms. Fraenkel stated the reason the tri-axials are coming in is to take away stone walls, this is not agriculture. The fill will not be in the wetlands; it will be on top of an existing crossing. Ms. Fraenkel discusses a new Supreme Court ruling with regards to farm roads and wetlands. Ms. Fraenkel stated that this is a farm road and Mr. Loughlin is doing agricultural activity, but his activity is only in part not farming depending on how it is looked at. Discussion ensued.

Mr. Sorrentino asked Mr. Loughlin if he currently has an agricultural operation on the property. Mr. Loughlin stated he has cattle. Discussion ensued.

A motion was made by Demian Sorrentino to find that the declaratory ruling is permitted as of right use as agricultural. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Public Hearings: None.

Old Business:

1. 061416A Kausch and Sons, South Street, Map 46, Lot 37, R-30 Zone, 5 Lot Subdivision, Residential Homes, Grading and Driveways.

George Sipila confirms that he listened to the meeting recordings of June 14, 2016 and July 12, 2016.

Paul Archer, Archer Surveying represents application 061416A. Mr. Archer discusses with Commission Members the shortening of the pipe. Mr. Archer discussed a small patch of wetlands on the site and the proposal to thin some of the red maple trees and plant wetlands seed in this area. Rich Oliverson asked Ms. Fraenkel for her opinion. Ms. Fraenkel stated that if they are not going to pull the stumps she would recommend cutting it off flush and clean up the area. If it is going to be more aesthetic the hope is that the new owners will not fill or destroy the wetlands - Ms. Fraenkel is not opposed to the idea.

Mr. Sorrentino commented that he has walked the property. When walking the channel out through the back he noticed it collects storm water which eventually either infiltrates into the ground or reaches out to the channel. Based on what Mr. Sorrentino could see the only potential function of the subject wetland is ground water recharge. All of the properties will be served by public water and sewer.

Mr. Sorrentino asked why are they piping the stormwater at all and why don't they just improve the channel?

David Held, P.E., Provost and Rovero, said that he would have to design a very large channel to carry a 25-year storm to the watershed. Mr. Held commented that this would be intrusive to the homes, also this is a safety hazard. The swale would be a maintenance problem as well. Ms. Fraenkel reported that Syl Pauley, Town Engineer, strongly opposed the swale.

Mr. Archer discusses the drainage easement and maintenance agreement (with rights to drain) with Commission Members.

Mr. Oliverson asked Mr. Rukstela if machines will be needed to clean the drainage system. Mr. Rukstela stated only if it floods.

Ms. Fraenkel asked Mr. Archer to talk about the lots that are up for approval. Mr. Archer stated that there are 5 lots plus a free cut on the proposed plan.

Mr. Archer stated that this is in the R30 Zone. According to the regulations in the R30 Zone if public water and sewer is used you get a 25% reduction in the lot size, so the lots only have to be 22,500 sq. ft. just under a half acre.

Mr. Arends is in favor of seeding the scoured out area. Mr. Sorrentino concurs. Mr. Sipila would like to see it seeded with selective cutting. Mr. Archer commented they will work with Ms. Fraenkel and get Mr. Theroux involved.

A motion was made by Richard Oliverson to approve the application of A. Kausch & Sons for 5-lot subdivision with free cut lot at 353 South Street, Map 46, Lot 37, on a 5.09-acre parcel based on the submitted application and plans prepared by Archer Surveying, LLC, and Provost and Rovero Inc., 353 South Street, Brooklyn, CT, 5 sheets, dated 8/24/16 with the following conditions:

1. No work on the five subdivision lots may begin until the Planning and Zoning Commission approval of the five lot subdivision is obtained.
2. The proposed clearing limits as shown on the plans for Lots 3 and 4 will be enforced during lot development. The surveyor will flag the clearing limits prior to the disturbance of these lots.
3. Permittee may selectively thin trees in wetlands on Lots 3 and 4 and seed with appropriate wetlands seed mixture with approval of staff prior to commencement of activity.
4. Standard Conditions (attached).

Discussion ensued.

George Sipila seconds this motion. No further discussion. The motion passes unanimously.

New Business: None.

Communications:

1. Wetlands Agent Monthly Report:

- Ms. Fraenkel stated that there is a dam on Blackwell's Brook, north side of Route 6 behind a house across from "By The Brook". The pond is fed by Blackwell's Brook which was approved and dammed with DEEP approval in the 1970's. Ms. Fraenkel was

contacted by the property owner earlier in the season because the dam has been breached. Ms. Fraenkel spoke with DEEP, which said they do not regulate this dam as it is too small but they highly recommend that an engineer who is familiar with that type of work to design the repair so that there is not more damage. Ms. Fraenkel suggested to the owner wait and see what happens to the pond level. The owner has agreed to keep watch on the pond level.

- Ms. Fraenkel has suggested to Chairman Gallant that a “re-do” be done of the application forms. Ms. Fraenkel would like to merge all the different kinds of applications onto one form to create a universal form. This will be reviewed at next month’s meeting.

2. **Recent Court Cases:** Ms. Fraenkel passed out 2016 Municipal Inland Wetlands Agency Continuing Education Workshop, Legal and Administrative Updates, By the Connecticut Attorney General’s Office for review. Mr. Sipila asked what is considered a farm. Ms. Fraenkel stated a farm tracks back to whatever the State Statutes say or track to the definition in the regulations. Discussion ensued.

Adjourn: A motion was made by Demian Sorrentino to adjourn the meeting at 7:08 p.m. Richard Oliverson seconded this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier
Recording Secretary