

## 2013-09-10 Wetlands Reg Mtg Minutes

### Brooklyn Inland Wetlands Commission Regular Meeting Minutes

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, September 10, 2013, 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 6:03 p.m.

**Members Present:** Real Gallant, Erik Costa, Melissa Labossiere, George Sipila, Lester Philips and Jeffrey Arends.

**Absent:** Robert Rossi with notice.

**Staff Present:** Jana Roberson, AICP, Land Use Administrator, Audrey Cross-Lussier, Recording Secretary.

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

**Seating of Alternates:** None.

**Approval of Minutes:**

**1. Special Meeting Minutes of August 13, 2013.**

A motion was made by Jeff Arends to approve the special meeting minutes of August 13, 2013. Lester Philips seconds this motion. No discussion held. All in favor. The motion passes. George Sipila and Erik Costa abstains.

**Public Commentary:** None.

**New Application Acceptance:** None.

**Reading of Legal Notice:** Chairman Gallant read the legal notice into the record.

**New Public Hearings:**

**1. WRC13-001 Definition of Regulated Activity.**

A motion was made by Jeff Arends to open the public hearing on WRC13-001 Definition of Regulated Activity. George Sipila seconds this motion. No discussion held. All in favor. The motion passes. Erik Costa abstains.

Ms. Roberson discusses with Commission Members Option A and Option B. Ms. Roberson stated that the proposals were reviewed by Darcy Winther, DEP representative.

Commission Members discussed Option B language change.

# Section 2

## Definitions

2.1 As used in these regulations:

**"Non-impact activity"** means an activity in an upland review area that is determined by the Commission or their designated agent to have no likelihood to impact or affect wetlands or watercourses when such activities are located no nearer than fifty (50) feet measured horizontally from the boundary of the wetlands or from the mean high water mark of any watercourse. Non-impact activities can include, but are not limited to, installation or construction of accessory structures with no permanent foundation, above ground pools, and decks on posts which require minimal excavation.

**"Mean high water mark"** means the average high elevation reached by a watercourse.

**"Regulated activity"** means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 4 of these regulations. Furthermore, any clearing, grubbing filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on land within the following Upland Review Area is a Regulated Activity, unless the Commission or its duly authorized agent determines that such activity is not likely to impact or affect a wetland or watercourse and is therefore a non-impact activity:

- 1) one-hundred twenty-five (125) feet measured horizontally from the boundary of any wetland; or
- 2) one-hundred seventy-five (175) feet measured horizontally from the mean high water mark of any continuous watercourse.

~~is a regulated activity.~~ The Commission may rule that any other activity located within such upland review area or in any non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

Commission members agreed to remove the following language – "when such activities are located no nearer than fifty (50) feet measured horizontally from the boundary of the wetlands or from the mean high water mark of any watercourse."

Commission members advised Ms. Roberson to have the Land Use Attorney, Peter Alter review the definition changes.

A motion was made by Lester Philips to continue the public hearing on WRC13-001 Definition of Regulated Activity to October 8, 2013, 6:00 p.m. at the Clifford B. Green Memorial Center, 69 South Main St. Brooklyn, CT. George Sipila seconds this motion. No discussion held. All in favor. The motion passes. Erik Costa abstains.

**Continued Public Hearings:** None.

**Unfinished Business:**

### 1. WRC13-001 Definition of Regulated Activity.

A motion was made by Jeffrey Arends to continue WRC13-001 Definition of Regulated Activity. Melissa Labossiere seconds this motion. No discussion held. All in favor. The motion passes. Erik Costa abstains.

**Other Business:**

**1. Karl Avanecean, 239 Windham Road, Map 8, Lot 6, RA Zone – Selective Timber Harvest (Notification of Permitted Use as of Right and/or Non-Regulated Use).**

This was a previously approved subdivision plan “Windham Woods” prepared for Karol and Donna Avanecean. A wetlands permit was issued for the subdivision. Ms. Roberson reviewed the site plan with Commission members. There will be no activity done in the wetlands. The proposed is a selective timber harvest.

Chairman Gallant requests Ms. Roberson to do a site visit to see if all is in order; tracking pad and the landing and report back before approval is granted.

**2. Wetlands Agent Monthly Report:**

**1. Enforcement/WV13-001 Fred Green, Inland Wetlands and Watercourses at property known as Assessor’s Map 41, Lot 6, aka Brickyard Road.**

Ms. Roberson reviewed pictures of the corrective measures completed by Mr. Green. Ms. Roberson reviewed a letter from Syl Pauley, Jr., P.E., NECCOG Regional Engineer, dated August 20, 2013.

In summary, Mr. Pauley felt that the channel which replaced the previously installed culvert is working and will greatly reduce the likelihood of overtopping and eroding the haul road due to the flooding of the upper pond.

Lester Philips voices his concern and feels that the pipes should have been replaced. Discussion ensued. The Commission requests that Mr. Pauley confirm his statements.

A letter will be sent to Mr. Green stating there are some concerns that the gravel was not removed and that monitoring of the crossing will be continued.

Discussion ensued regarding the existing gravel operation.

An enforcement letter will be sent outlining the permit requirements for a gravel operation including a reasonable time to respond to the notice.

**2. Update on Wal-Mart.**

Ms. Roberson stated that there will be at least one more report to come from Milone and MacBroom.

Ms. Roberson reviewed photos of the eastern and western detention basins with the Commission members. The slumping along the walls of the eastern basin and along the western property boundary has been repaired. The percolation rates in both basins are slow and, in particular, the eastern basin is draining very slowly. Due to the low percolation rates, no vegetation has been established. Anticipated corrective measures of the eastern basin include removal of the loam the bottom of the basin and replacement with gravel. Ms. Roberson reviewed photos of the herpetile barrier. With regards to the landscaping a lot of the planted mountain laurels were lost in August. Ms. Roberson discussed the \$250,000 landscaping bond and \$100,000 Erosion and Sedimentation Control bond. Chairman Gallant commented that the Engineer should have a corrective plan in place. Ms. Roberson will speak with Alan Carpenter. Discussion ensued whether this was a significant or a minor modification regarding the correction of the eastern basin. Ms. Roberson feels this is a minor modification.

**Adjourn:** A motion was made by Melissa Labossiere to adjourn the meeting at 8 p.m. George Sipila seconds this motion. No discussion held. All in favor. The motion passes. Erik Costa abstains.

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Audrey Cross-Lussier  
Recording Secretary

