

2013-07-15 Wetlands Spc Mtg Minutes

Brooklyn Inland Wetlands Commission Special Meeting Minutes

The Brooklyn Inland Wetlands Commission held a special meeting on Monday, July 15, 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, Lester Philips, Jeff Arends and Melissa Labossiere.

Absent: George Sipila and Robert Rossi with notice. Erik Costa without notice.

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

Also Present: Paul Archer, Fred Green, Nancy Dziki, David and Joyce Hart.

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

Seating of Alternates: None.

Approval of Minutes:

1. Regular Meeting Minutes June 11, 2013.

A motion was made by Melissa Labossiere to approve the regular meeting minutes of June 11, 2013. Lester Philips seconds this motion. No discussion held. All in favor. The motion passes unanimously. Jeff Arends abstains.

Public Commentary: None.

New Application Acceptance:

1. 071513A Jeffrey Weaver, Paradise Drive, Map 14, Lot 3-1, RA Zone-Wetlands Crossing, Driveway, Septic System, Three Bedroom House, Grading, Well and 2-Lot Subdivision.

Paul Archer, Archer Surveying represents the applicant and gives a brief summary. The proposed is a 7 acre parcel on the corner of Tripp Hollow Road and Paradise Drive. They are proposing a 3-lot subdivision. There is an existing house on the corner lot, an existing trailer in the middle lot and a lot to be developed. The trailer has been removed, and a house is being proposed. Everything that is on the middle parcel is totally outside of the 125 ft. review area. On the third lot they are proposing small wetlands crossing for the driveway demonstrated on a site map by Mr. Archer. Additionally, in order to give to the tract of land the necessary contiguous buildable area, they are proposing to fill approximately 500 sq. ft. of wetlands. As mitigation, they are proposing to create a wetlands of approximately 1,200 sq. ft. Mr. Archer would like to discuss whether the Commission feels this is a significant impact due to the filling of the wetlands and if a public hearing should be scheduled. Mr. Archer would also like to schedule a site walk of the property.

Chairman Gallant asked Mr. Archer what the total amount of disturbance will be. Mr. Archer stated 750 sq. ft.

Chairman Gallant asked how much fill is going in. Mr. Archer addressed this question with Chairman Gallant.

Mr. Archer discussed the buildable polygon within the zoning regulations and how this effects the application with regards to the filling of the wetlands.

A motion was made by Jeff Arends to consider this a significant activity on application 071413A. Lester Philips seconds this motion. No discussion held. All in favor. The motion passes unanimously.

A motion was made by Jeff Arends to schedule a public hearing on application 071413A on August 13, 2013. Melissa Labossiere seconds this motion. No discussion held. All in favor. The motion passes unanimously.

A motion was made by Jeff Arends to schedule a site walk at Paradise Drive Map 14, Lot 3-1 on Monday, July 22, 2013 at 8 a.m. Lester Philips seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. 071513B James Davis, Old Tatnic Hill Road, Map 15, Lot 21, RA Zone, Residential Three Bedroom House, Septic System, Well, Driveway and Grading.

Paul Archer, Archer Surveying represents the applicant and gives a brief summary. The upper portion of the driveway and the septic system is within the 125 foot review area.

A motion was made by Jeff Arends to accept application 071413B. Lester Philips seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Reading of Legal Notice: None.

New Public Hearings: None.

Continued Public Hearings: None.

Unfinished Business:

1. Modification to approved application 051413A Thomas and Nancy Dzuki, 90 Day Street, Map 42, Lot 68B, R-30 Zone; 12 x 38 addition, garage addition, screen porch and entry.

Nancy Dzuki represents the modification to application 051413A. Ms. Dzuki would like to scrape the topsoil off the property and screen it and re-spread the same soil on the property. The screening is in the corner which is outside of the review area. Ms. Dzuki discussed the placement and extension of the silt fence.

Ms. Roberson discussed the modification of the application with the Commission Members.

A motion was made by Jeff Arends to approve modification of application 051413A. Melissa Labossiere seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Other Business:

1. Enforcement Hearing: WV13-001 Fred Green, Inland Wetlands and Watercourses at property known as Assessor's Map 41, Lot 6, aka 56 Brickyard Road.

Ms. Roberson first became aware of the situation when conducting a site visit for Wal-Mart. There is a gravel haul road from the rear portion of Wal-Mart onto Mr. Green's property. Ms. Roberson discovered while walking down this gravel haul road there had been some silt fence and material laid down on the sides of the silt fence particularly some ¾ inch gravel. The silt fence was very stressed on the sides and tenuous. A huge amount of rain then occurred which caused a large amount of flooding. The haul road goes in between two ponds and one of the ponds over topped. On a later date Ms. Roberson saw a blocked culvert. Some of the material that had been put down to protect the ponds on either side may have gone into and blocked the culvert. During the extensive rain event the water was unable to get out through the culvert so the water made its own way around the culvert

which created severe erosion. An official site walk was done with Ms. Roberson, Austin Tanner, First Selectman and Syl Pauley, NECCOG Regional Engineer and Mr. Green. Ms. Roberson stated that Mr. Green has been very cooperative and recognized that there was an erosion and sedimentation problem with the haul road in between the two ponds.

Ms. Roberson discussed the enforcement letter that was sent to Mr. Green dated July 8, 2013. As well as Section 14 of the wetlands regulations regarding hearings.

In discussion with Chairman Gallant, Ms. Roberson feels that this is an issue which needs a timely resolution. Mr. Green has expressed his willingness to correct the situation.

Ms. Roberson handed out pictures of the site and discussed with Commission Members.

Ms. Roberson stated she sent Mr. Green a letter describing the situation and asked him to attend the hearing tonight. Mr. Green is in attendance tonight.

Ms. Roberson stated that her suggestions for corrective action are:

- a. Remove the existing culvert and replace with an open 12' wide swale lined with modified rip-rap to allow the western pond to overflow its banks without causing erosion and sedimentation.
- b. To the greatest extent possible, remove the ¾" stone placed on either side of the gravel haul road to prevent it from eroding into the ponds on either side.

Mr. Green stated that he has no recourse with the recommended action and can have the work completed in a day and a half and he would like to start on Friday. Once the work is complete he will call Ms. Roberson for an inspection.

Ms. Roberson has suggested that the work be completed as soon as possible and no later than August 12th which is the day before the next meeting.

A motion was made by Jeff Arends to approve the WV13-001 to prescribe the following corrective measures to be undertaken as soon as possible and no later than August 12, 2013:

- a. Remove the existing culvert and replace with an open 12' wide swale lined with modified rip-rap to allow the western pond to overflow its banks without causing erosion and sedimentation.
- b. To the greatest extent possible, remove the ¾' stone placed on either side of the gravel haul road to prevent it from eroding into the ponds on either side.

Lester Philips seconds this motion. No discussion held. All in favor. The motion passes unanimously.

- 2. David Hart, 151 Providence Road, Map 34, Lot 7, RA Zone-Remove 28 x 120 greenhouse and replace with slightly wider and same length 40 x 12 on the same footprint with extra width coming towards parking area – (Notification of Permitted Use as of Right and/or Non-Regulated Use).**

Chairman Gallant questions as to why this is an as of right use. Ms. Roberson discovered before tonight's meeting that the previous approval was a regular wetlands permit.

David Hart addresses the Commission with regards to the proposed project. Mr. Hart would like to remove the existing greenhouse, same foot print, same length, however, about 12 feet wider. Mr. Hart would like to do this all as one project – first the paving, then the French drain and finally remove/replacement of the greenhouse. Mr. Hart would like to start the project during November or December.

Commission Members agree that this is a modification to a previously approved application 081412A. Due to this being a special meeting, the agenda cannot be amended. This item will be placed on the August 13th agenda unless Agent Approval can be determined.

3. William Carver, 140 Stetson Road, Map 9, Lot 18, RA Zone, Build hay barn on existing foundation and beyond foundation 23 feet –(Notification of permitted Use as of Right and/or Non-Regulated Use).

William Carver addresses the Commission with regards to the proposed project. Mr. Carver would like to build a hay barn where there was one approximately 30 years ago on an existing repaired foundation.

Ms. Roberson addresses the Commission with regards to the proposed project. Ms. Roberson handed out a drawing with measurements. There is a barn foundation that is already in place. Mr. Carver would like to build the barn and extend it 23 feet. This is within the regulated area as it is within 175 feet of two adjacent ponds. Ms. Roberson feels this is a permitted use as of right as it is a hay barn and he intends to store hay in it. Ms. Roberson feels that with the stone wall on the property there is very little likelihood of impacts to the two ponds due to the construction.

A motion was made by Jeff Arends to approve William Carver's hay barn be built on an existing foundation and beyond the foundation 23 feet with notification as a permitted use as of right and no requirement for a wetlands permit at 140 Stetson Road. Lester Philips seconds this motion. No discussion held. All in favor. The motion passes unanimously.

4. Discussion of fee for Permit by Duly Authorized Agent.

Chairman Gallant and Ms. Roberson have identified an issue with the cost of permits required for activities resulting in no likely impact to the watercourse. The permit fee is \$150 with a \$60 state fee. The applicant is then required to place a notice of approval in the Bulletin at their expense. Discussion ensued with options including treating this as a permitted use as of right/non-regulated use; revising the definition of regulated activity; and/or having a different application fee for actions of duly authorized agent that are not likely to negatively impact a wetland.

Commission members agreed to modify the definition of regulated activity to add language concerning likelihood of impact to wetlands in a manner consistent with the CT General Statutes to be reviewed at next month's meeting.

A motion was made by Jeff Arends to amend the Wetlands Regulations definition of regulated activity and schedule a public hearing for Tuesday September 10, 2013. Melissa Labossiere seconds this motion. No discussion held. All in favor. The motion passes unanimously.

5. Wetlands Agent Monthly Report.

Ms. Roberson gave her report. One action for duly authorized agent was granted for a small deck on 29 Pomfret Road.

Ms. Roberson has not paid Wal-Mart a site visit recently, but she will be conducting an inspection this week.

Adjourn: A motion was made by Lester Philips at 7:25 p.m. to adjourn the meeting. Jeff Arends seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier
IWWC Recording Secretary