

## **Brooklyn Inland Wetlands Commission Regular Meeting Minutes**

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, December 9, 2014, 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:** Real Gallant, Jeff Arends, Erik Costa, Deane Rettig, George Sipila and Melissa Labossiere.

**Absent:** Robert Rossi with notice.

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

**Also Present:** Bob Messier, Paul Archer, Tom Rukstela, Thomas Trowbridge and John Trowbridge.

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

**Seating of Alternates:** None.

### **Approval of Minutes:**

1. Regular Meeting Minutes September 9, 2014.

A motion was made by Jeff Arends to approve the regular meeting minutes of September 9, 2014. Deane Rettig seconds this motion. No discussion held. All in favor. Motion passes. Real Gallant, Melissa Labossiere and Erik Costa abstain.

**Public Commentary:** None.

### **New Application Acceptance:**

1. 120914A Strategic Commercial Realty, Inc. d/b/a as Rawson Materials (Jeffrey Rawson, President) Rukstela Road, Map 30, Lot 16 and Map 29, Lot 1, RA Zone; Creation of a pond with removal of earth products.

Bob Messier from Messier and Associates represents application 120914A. Mr. Messier reviews the proposed site plan and location with Commission Members. Previous wetlands approvals were granted for the east and west ponds. The new proposal is for a 7 acre pond with approximately 750,000 cubic yards to be removed.

Ms. Roberson reviews submitted plans with Commission Members – Town boundary Brooklyn/Canterbury, regulated area, access road, fueling pad and processing equipment.

Ms. Roberson discusses the break in the access road/disconnect and asks Mr. Messier if this will be revised so that it is connected. Mr. Messier stated he can show it that way. Mr. Messier stated that the intention is to take everything subtly through the Town of Canterbury. No access will be used on Rukstela Road. Ms. Roberson asked Mr. Messier if all trucks entering and exiting the site will be using the southern haul road through Canterbury. Mr. Messier stated that is correct. Ms. Roberson asks for this in writing. Mr. Messier agrees to do such.

Ms. Roberson asked if there will be rock crushing. Mr. Messier stated there will be no rock crushing.

Ms. Roberson questioned vehicles during non working hours on the site being stored on a concrete pad. Mr. Messier stated there will be 1-2 loaders left, no trucks. The fueling will take place on the fueling pad.

Ms. Roberson asked what the whole area of the pit is. Mr. Messier stated the area of disturbance will be about 14-15 acres.

Discussion ensued.

Chairman Gallant asked if members would like to do a site walk. Members declined on scheduling a site walk.

Ms. Roberson will meet with Syl Pauley, P.E. Regional Engineer to review the site.

A motion was made by Erik Costa to accept and determine that the application 120914A of Strategic Commercial Realty, Inc. d/b/a as Rawson Materials (Jeffrey Rawson, President) Rukstela Road, Map 30, Lot 16 and Map 29, Lot 1, RA Zone; Creation of a Pond with removal of earth products, is a significant impact activity and to schedule a public hearing on the application for the next regular meeting to be on January 13, 2015 at 6:00 p.m. at the Clifford B. Green Memorial Center at 69 South Main Street, Brooklyn, CT. Deane Rettig seconds the motion. No discussion held. All in favor. The motion passes unanimously.

Deane Rettig asked if he may go out with Ms. Roberson and Mr. Pauley when they review the site. Bob Messier stated the land owner will grant permission. Ms. Roberson stated this will not constitute a meeting of the Commission and will inform Mr. Rettig when the site review is scheduled.

### **Continued Applications:**

1. 111214A Thomas Rukstela, 127 Mason Road, Map 15, Lot 10-2, RA Zone; Addition to existing dwelling (14 ft. x 48 ft.), approximately 250 yards of material to be removed to existing skid trails. Optional retaining wall to east of excavation area.

Paul Archer, from Archer Surveying represents application 111214A. The proposed is a 14 ft. x 48 ft. addition to the side of the existing dwelling. Mr. Archer demonstrates this on the site plan with Commission Members. There will be approximately 250 cubic yards of material that will be spread over the property. Mr. Archer demonstrates where the proposed retaining wall will be placed if necessary.

Discussion ensued with regards to where the excavated material will be placed on the property. Mr. Rukstela stated the trail that was previously site walked, (against the stone wall to the north of the trail that did wash out), is where most of the material will be placed.

A motion was made by Jeff Arends to approve application 111214A Thomas Rukstela, 127 Mason Road, Map 15, Lot 10-2, RA Zone; Addition to existing dwelling (14 ft. by 48 ft.), approximately 250 yards of material to be removed to existing skid trails including an optional retaining wall to east of excavation area with the following conditions:

1. Prior to any activities, the silt fence shall be installed by the applicant. The applicant will call Land Use Administrator to schedule an inspection of the silt fence. Excavation activities cannot commence until the silt fence has been inspected and approved.
2. Throughout the construction period and until the disturbed soils have been stabilized with permanent cover, it shall be the responsibility of the applicant to prevent erosion and sedimentation into adjacent wetlands by installing silt fence or staked hay bales downhill of the open excavation, soil stockpile areas, and soil deposit areas.
3. The applicant shows the Land Use Administrator where the deposit material is going to go.

Deane Rettig seconds this motion. Discussion ensued. All in favor. The motion passes. Erik Costa abstains.

**Reading of Legal Notice:** None.

**Public Hearings:**

**a. New Public Hearings:** None.

**b. Continued Public Hearings:** None.

### **New Business:**

1. DR14-005 John Cartier, 749 Allen Hill Road, Map 30, Lot 31, RA Zone; 3 lot subdivision, shared driveway, septic systems, well and minor grading.

Paul Archer, Archer Surveying represents application DR14-005. The applicant is asking for an Inland Wetlands declaratory ruling. The applicant, Mr. Cartier, is proposing a 3-Lot subdivision at the end of Allen Hill Road Extension. The wetlands were delineated by Joseph Theroux, Soil

Scientist. Mr. Theroux states in a letter dated 11/12/14, there is no activity shown on the plan within 125 feet of any wetlands and no activity is shown on the plan within 175 feet of any watercourse. All the wetlands are to the west. Everything being proposed is outside the 125 foot upland review area with no grading or clearing proposed. Discussion ensued.

Chairman Gallant asked if the 125 foot review area is clearly marked. Mr. Archer stated that the area of excavation and clearing can be staked. Mr. Archer will also place this on the site plan.

A motion was made by Deane Rettig to make a declaratory ruling that the three lot subdivision proposed by John Cartier, 749 Allen Hill Road, Map 30, Lot 31, RA Zone; shared driveway, septic systems, wells and minor grading does not include any regulated activities nor is it likely to have any substantial impact or affect any wetlands or watercourses. Melissa Labossiere seconds this motion. Discussion held.

Deane Rettig amends his motion to include the upland review area boundary shall be staked in the field prior to clearing of Lot 31C. Jeff Arends seconds this motion. Discussion held. All in favor. The motion passes unanimously.

2. DR14-006 Hadi Bozorgmanesh, Wolf Den Road, Map 18, Lot 18B, RA Zone, Timber Harvest-Shelter Wood.

Thomas Trowbridge, certified forester represents application DR14-006. Mr. Trowbridge stated the property does go down to Blackwell's Brook and no trees were marked within the 125 foot review area. Mr. Trowbridge reviews the site map prepared by himself with Commission Members (bounds, brook, harvest area, skid row, truck road, landing and scale).

Ms. Roberson reviews with Commission Members a map with wetlands overlay. Mr. Trowbridge addresses the map and Ms. Roberson's concerns.

Jeff Arends asked if the forester is certified. Mr. Trowbridge is a certified forester.

Jeff Arends has questions with regards to the shelter wood. Ms. Roberson stated that in this case it is 123,000 board feet of lumber wood and additionally 50 cords of the shelter wood which will go for fire wood. Mr. Trowbridge stated there are approximately 550 trees to be removed on 60 acres. The trees are of pretty good size and have not been cut in quite some time. Mr. Trowbridge addresses the different types of timber harvests with Commission Members. Discussion ensues.

A motion was made by Jeff Arends that DR14-006 Hadi Bozorgmanesh, Wolf Den Road, Map 18, Lot 18B, RA Zone Timber Harvest-Shelter Wood is permitted as a right. Deane Rettig seconds this motion. No discussion held. All in favor. The motion passes unanimously.

3. Scheduling of regular meeting dates for 2015 to be filed with Town Clerk.

All members are unanimously in agreement with the 2015 Meeting Schedule dates to be sent to the Town Clerk.

#### 4. Wetlands Agent Monthly Report.

Ms. Roberson investigated a complaint with regards to construction garbage dumping on Spaulding Road and found nothing.

Ms. Roberson stated that Mr. Regis did plant the trees and will wait until next spring to inspect them to make sure that they survived. The order will still remain in effect and will be rescinded once it is confirmed that the trees have survived.

#### 5. Review Budget 2015-2016.

Commission Members reviewed the 2015-2016 budgets and agreed to keep all line items the same with no decreases or increases.

Chairman Gallant spoke with Commission Members with regards to a conversation held with Attorney Peter Alter addressing the Town Ordinance and how the Commission imposes a fine versus how the Wetlands Regulations define this issue. There is a procedural conflict between the two in determining what it is exactly. Chairman Gallant recommends that himself, Ms. Roberson and Selectman Rick Ives have a conversation with Attorney Alter and propose an Ordinance change or bring the Regulations in line with the Ordinance. Discussion ensued.

Erik Costa asked Ms. Roberson if a fine was imposed on the Green Property. Ms. Roberson stated that a cease and desist order has been issued and has not yet been able to prove whether they have still been in operation.

Erik Costa voices his concerns with regards to the sample motions provided to Commission Members by Ms. Roberson. Although Mr. Costa understands its purpose, feels that the sample motions are preconceived motions that may influence Board Members. Mr. Costa feels that the motions should be formulated by the Board Member. Ms. Roberson stated that the Board has the authority to make the decisions they want to make and writes the sample motions to make sure the details are covered and the motions are properly constructed. Discussion ensues. Vice Chairman Arends recommends getting an opinion from the Land Use Attorney.

**Adjourn:** A motion was made by Jeff Arends to adjourn the meeting at 7:10 p.m. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

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Audrey Cross-Lussier  
Recording Secretary