

Brooklyn Inland Wetlands Commission Regular Meeting Minutes

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, June 10, 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 p.m.

Members Present: Real Gallant, Jeffrey Arends, Melissa Labossiere, George Sipila, Lester Philips.

Absent: Erik Costa and Robert Rossi with notice.

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

Also Present: Harry Coman, Kathy Mitchell, Steve Abbott, Rick Diamond.

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

Seating of Alternates: None.

Approval of Minutes:

1. Regular Meeting Minutes of May 13, 2014.

A motion was made by Jeff Arends to approve the regular meeting minutes of May 13, 2014. George Sipila seconds this motion. No discussion held. All in favor. Melissa Labossiere abstains. The motion passes.

Public Commentary:

Steve Abbott resident of 3 Common Way Drive voices his concerns with regards to dirt and trees that has been pushed back down into the wetlands behind the proposed two additional units 22A and 24A Common Way Drive. Mr. Abbott presented this violation to the Land Use Office and registered a complaint with Ms. Roberson. Ms. Roberson met with Mr. Abbott this morning and made a site visit. There is a violation of the wetlands permit. In summary, site work was done that was not approved by the plan; no silt fence installed; filling most likely beyond what was

approved; covering over the outlet pipe for the storm drainage system. Ms. Roberson has spoken with Mark Mellady, General Contractor on site, as well as a surveyor from Killingly Engineering Associates about this issue. Discussion ensued.

New Application Acceptance:

- 1. 061014A Harry Coman and Kathy Mitchell, 9 Sunset Lane, Map 49, Lot 6, RA Zone; Install/repair septic and leach field and clear trash and debris from southwest side of mobile home, cut small trees and level area appropriately.**

Ms. Roberson spoke on behalf of application 061014A. Two lots were purchased with a trailer on one of the lots which had an old cesspool. In order to occupy the dwelling a new leaching field must be installed. The limiting factor is a 75 foot setback from the well. The leaching field will be located 76 feet from the well which brings it closer to the wetlands. There is quite a bit of fill proposed, approximately 200 cubic yards over 2.5 acres which is in the area of the leaching field. There will be a slight berm. Silt fence will be installed all the way around this area. The applicant has proposed to selectively remove invasive species, multi-flora rose, purple loosestrife, asphalt shingles, concrete debris, fill and trash. There will be an excavation of approximately 30 cubic yards. Ms. Roberson gives an aerial overview of the property and discusses with Commission Members.

Jeff Arends asked what type of equipment will be used to clean the area out. Mr. Coman stated an excavator with a thumb which will pick stuff up and lift it right out of there.

Commission members were all in agreement of scheduling a site walk of the property with permission of the owners. A site walk was scheduled for Monday, June 16, 2014 at 9 a.m.

A motion was made by Jeff Arends to accept application 061014A Harry Coman and Kathy Mitchell, 9 Sunset Lane, Map 49, Lot 6, RA Zone; Install/repair septic and leach field and clear trash and debris from southwest side of mobile home, cut small trees and level area approximately. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

- 2. 061014B Catherine Jones, 49 Pomfret Road, Map 25, Lot 16, VCD Zone; Removal of old burnt building; Build 3 bedroom house and garage; minor grading.**

Ms. Roberson spoke on behalf of application 061014B. The property is located on 49 Pomfret Road in the Village Center District. Previously there was a historic house on the property which burned down. When this happened the owners moved into the renovated garage which also burned down. The applicants would like to rebuild a new home. Ms. Roberson gives an aerial overview of the property and discusses with Commission Members. Ms. Roberson will request the applicants place silt fence near the area of the burned out house.

Chairman Gallant asked if the existing well and septic system will be used. Ms. Roberson stated yes, they are not changing this. Chairman Gallant requests that this be placed on the site plan.

Chairman Gallant requests an approval letter is received from the Health Department for the use of the original well and septic.

Commission members were all in agreement of scheduling a site walk of the property with permission of the owners. A site walk was scheduled for Monday, June 16, 2014 at 9:45 a.m.

Jeff Arends asked if the house will be built on the old foundation. Ms. Roberson stated they will build on a new foundation.

A motion was made by Jeff Arends to accept application 061014B Catherine Jones, 49 Pomfret Road, Map 25, Lot 16, VCD Zone; Removal of old burnt building; Build 3 bedroom house and garage; minor grading. Lester Philips seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Jeff Arends asked if the removal of the burned building will be considered a significant impact activity. Ms. Roberson stated there is no work being done within the wetlands. Discussion ensued.

3. 061014C George Jung, Brown Road, Map 34, Lot 37, RA Zone, 5.26 acres, RA Zone; Construction of a 2-Family Duplex with grading and septic system within the 125 foot upland review area.

Ms. Roberson spoke on behalf of application 061014C. The property is formerly part of Ingalls Tree Farm. The proposed is to construct a 2-family duplex with grading and septic system within 125 feet of the upland review area. There is a line of stone along the tree line. Once the stones were removed from the field the soil was disturbed to such an extent that no native soils were found that would support a septic system. Therefore, this is forcing the septic system to be pushed back. Ms. Roberson gives an aerial overview of the property and discusses with Commission Members. The installation of the septic system will have the most impact to the wetlands.

Jeff Arends asked if the dam is gone. Ms. Roberson stated yes the dam is gone.

A motion was made by Jeff Arends to accept 061014C George Jung, Brown Road, Map 34, Lot 37, RA Zone, 5.26 acres, RA Zone; Construction of a 2-Family Duplex with grading and septic system within the 125 foot upland review area. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Continued Applications: None.

Reading of Legal Notice: None.

Public Hearings:

a. New Public Hearings: None.

b. Continued Public Hearings: None.

New Business:

1. Review of memo from Syl Pauley, Jr., PE. NECCOG Regional Engineer regarding Restoration of WalMart East Retention Basin.

As a courtesy before being brought forwarded to WalMart, Ms. Roberson discussed at length with Commission Members the memo dated June 3, 2014 from Syl Pauley, Jr., P.E. with regards to the restoration of the east retention basin at the WalMart site on Route 6 in Brooklyn. Ms. Roberson stated that no wetlands permit is needed as it is maintenance of a drainage structure, a permitted use as of right.

Rick Diamond, from DiMarco Construction discussed at length the construction of the retention basin as well as proposed corrective measures with the Commission and is willing to do anything to satisfy the Town's concerns.

Discussion ensued.

Chairman Gallant commented that the Commission has agreed to use a trial and error approach with regards to restoration of the east retention basin.

2. Wetlands Agent Monthly Report.

a. WV14-001 430 Allen Hill Road, LLC, Richard and Naomi Regis, Map 32, Lot 128.

Ms. Roberson and Syl Pauley, P.E. Regional Engineer extensively reviewed the mitigation plan. Ms. Roberson discusses with the Commission the restoration efforts that have been completed along with the mitigation strategy prepared by Dave Held, Engineer, from Provost and Rovero, Inc., and is confident that this is a more graphic depiction of the mitigation that the Commission approved at the enforcement hearing.

b. WV14-002 Thomas Rukstela, 127 Mason Road, Map 15, Lot 10-2, Erosion and Siltation Event in Masons Brook.

Ms. Roberson stated that she has inspected the work that was done yesterday. The diversion at the top of the hill has been completed. A stone wall was built along the right of way parallel to the flow of water and the upslope was lined with wood chips. A mini settling basin has been completed; however, Ms. Roberson recommended that it be made wider and shallower.

c. Dale Lyons, 133 Wauregan Road.

In responding to a complaint (dispute with neighbor), Ms. Roberson went out to Mr. Lyons property located at 133 Wauregan Road. Mr. Lyons received a wetlands permit in 2009 and technically has 2 more years to finish the project. Ms. Roberson's opinion is that he is operating an unpermitted home base business off of his property which is a zoning issue. Ms. Roberson feels that the wetlands permit most likely did not go into enough detail for the level of work being done. The neighbors called regulatory agencies and as it turns out the Department of the Army Corps of Engineers has jurisdiction over the dredging project.

A letter from the Department of the Army Corps of Engineers dated June 9, 2014 was submitted for the record. In addition, Ms. Roberson received a visit from the DEEP's Air Quality enforcement division with regards to tires and a lot of dust coming off the property Ms. Roberson gives an aerial view of the property and discusses with Commission Members. Ms. Roberson believes that Mr. Lyons needs a wetlands permit to have a home enterprise in the proximity to the wetlands. Ms. Roberson feels that there is no violation of the current wetlands permit other than the silt fence. It is suggested to water down the driveway to keep the dust down.

Discussion ensued.

Commission Members are in agreement that Mr. Lyons needs to apply for an Action by Duly Authorized Agent Permit. If the scope of activity increases a full wetlands application will be necessary.

d. Armand Guimont, Jr., 29 Laurel Hill Road, Map 16, Lot 25, RA Zone; Replacing Septic System.

Mr. Guimont purchased the property located at 29 Laurel Hill Road and is in need of replacing the septic system. The placement of the septic system is about 60 feet from the edge of a stream. Mr. Guimont was granted an Action by Duly Authorized Agent Permit on June 9, 2014.

e. Brooklyn Common Way Violation.

Further discussion ensued on this issue. Ms. Roberson will issue a notice of violation to Brooklyn Common Way Development.

Adjourn: A motion was made by Jeff Arends to adjourn the meeting at 8:16 p.m. Lester Philips seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier
Recording Secretary