

2013-10-08 Wetlands Reg Mtg Minutes

Brooklyn Inland Wetlands Commission Regular Meeting Minutes

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, October, 8, 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 6:06 p.m.

Members Present: Real Gallant, Jeffrey Arends, Melissa Labossiere, George Sipila and Robert Rossi.

Absent: Erik Costa without notice. Lester Philips with notice.

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

Also Present: David and Joyce Hart and Tiffanie Schley.

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

Seating of Alternates: None.

Approval of Minutes:

A motion was made by Jeff Arends to approve the regular meeting minutes of September 10, 2013. George Sipila makes the following correction – page 2 paragraph 2, DEP should be changed to DEEP.

Jeff Arends amends his motion to approve the regular meeting minutes of September 10, 2013 with the above noted correction. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Public Commentary: None.

New Application Acceptance:

A motion was made by Jeff Arends to move Modification of Application 081412A, David Hart, 151 Providence Road, Map 34, Lot 11, RA Zone; Pave remainder of parking area approximately 10,500 sq. ft. to #1 of Other Business. Robert Rossi seconds this motion. No discussion held. All in favor. The motion passes unanimously.

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

New Public Hearings: None.

Continued 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 unanimously.

Ms. Roberson discusses with Commission Members Option E Draft dated 10/7/13. Ms. Roberson also discussed the opinions of DEEP Representative Darcy Winther as well as Land Use Attorney Peter J. Alter.

Section 2

Definitions

2.1 As used in these regulations:

"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/or discharging of storm water or collected or concentrated drainage on land within the Upland Review Area, which activities may have a substantial impact on an inland wetland or watercourse, is a Regulated Activity, even if no activity actually occurs within the wetland or watercourse boundary.

Upland Review Area is defined as that area that is the greater area of land within:

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

~~is a regulated activity. After the Commission has examined a proposed activity in regard to its potential impacts or affects on the inland wetlands or watercourses, the Commission may rule that any other proposed activity located within such a Upland Review Area or in any non-wetland or non-watercourse area beyond the boundary of the Upland Review Area is likely to have a substantial impact or affect wetlands or watercourses and is therefore deemed a regulated activity in accordance with this Regulation.~~

Discussion ensued.

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

Unfinished Business:

1. WRC13-001 Definition of Regulated Activity.

A motion was made by Jeff Arends to approve WRC13-001 Definition of Regulated Activity as of date 10/8/13. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Other Business:

1. Modification of Application 081412A, David Hart, 151 Providence Road, Map 34, Lot 11, RA Zone; Pave remainder of parking area approximately 10,500 sq. ft.

Owner David Hart represents modification of application 081412A. Mr. Hart demonstrates on a site plan the remainder of the eastern end of the parking area in which he would like to pave, approximately 10,500 sq. ft. Mr. Hart asked if the entire area cannot be paved would the Commission allow him to install a 12 x 44 concrete pad

on the east end of the eastern green house and paving from the northeast edge of the 12 x 44 pad northerly to the edge of the existing parking lot. The 12 x 44 concrete pad would serve as a designated area to unload carts.

Discussion ensued.

The Commission recommends that the current modification of application 081412A be referred to Regional Engineer, Syl Pauley.

A motion was made by Jeff Arends to approve the modification to application 081412A presented by David Hart of 151 Providence Road that includes the construction of a 12 x 44 concrete pad on the east end of the eastern green house and to extend paving to the northeast corner of the concrete pad to the northerly edge of the parking area. Robert Rossi seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. IWDA13-009 Albert Sandholm, 420 Church Street, Map 37, Lot 2, RA Zone, Construct 24 x 32 Barn 40 feet from wetlands boundary.

Ms. Roberson performed a site visit and reviewed pictures of the site with the Commission. Discussion ensues.

The Commission recommends that Regional Engineer, Syl Pauley review the application. If Mr. Pauley finds no impacts than a duly authorized agent approval can be granted. If impacts are determined than a full application will be necessary.

3. IWDA13-010 Clifford Sylvestre, 12 Cricket Lane, Map 49, Lot 178, RA Zone; Replace Deck 75 feet from intermittent watercourse.

Ms. Roberson performed a site visit and reviewed pictures of the site with the Commission. Discussion ensues. The Commission is in favor of granting duly authorized agent approval.

4. IWDA13-011 Scott Cartier, 187 Gorman Road, Map 33, Lot 18, R-30 Zone; Construct 15 x 20 Barn 39 feet from watercourse.

Ms. Roberson performed a site visit and reviewed pictures of the site with the Commission. Discussion ensues.

The Commission recommends that Regional Engineer, Syl Pauley review the application. If Mr. Pauley finds no impacts than a duly authorized agent approval can be granted. If impacts are determined than a full application will be necessary.

5. Wetlands Agent Monthly Report/Wal-Mart Update:

Ms. Roberson walked the site with the design engineer last week. Ms. Roberson reviewed photos of the herpetile barrier, eastern and western basins and the forebays. The eastern basin is still draining slowly. Pictures were taken after a storm event. Anticipated corrective measures of the eastern basin include sucking the water out, remove a layer of loam on the bottom and any other fine sediment that have gotten in there and replace with a more permeable material. The western basin is working properly. Chairman Gallant asked if an updated engineering corrective measures report has been issued. Ms. Roberson stated no report has been issued yet, but is confident that the corrective action will cause the eastern basin to infiltrate better. There is a \$100,000 bond in place for storm water infrastructure.

6. Iron Bacteria Bloom Wolf Den Road:

Ms. Roberson stated that this was reported to her by a resident. This happened on a stream that goes under Wolf Den Rd to south of Woodward Road. There is a big swamp on the east side of the road that flows to the west side of the road. This is a natural occurrence of iron consuming bacteria and not due to the timber harvest which is in close vicinity. Ms. Roberson reviewed pictures of this with Commission members.

7. 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 the draft letter with Commission Members. The letter will be mailed certified tomorrow.

Adjourn: A motion was made by Jeff Arends to adjourn the meeting at 8:03 p.m. George Sipila seconded this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier
Recording Secretary