

Brooklyn Inland Wetlands Commission Regular Meeting Minutes

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, March 10, 2015, 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 6:04 p.m.

Members Present: Jeff Arends, Deane Rettig, George Sipila and Melissa Labossiere.

Absent: Real Gallant, Erik Costa with notice. Robert Rossi without notice.

Staff Present: Jana Roberson, AICP, Land Use Administrator, Syl Pauley, Regional Engineer, NECCOG and Audrey Cross-Lussier, Recording Secretary.

Also Present: Jeff Otto, Tom Rukstela, Bob Messier, and Attorney Ernest Cotnoir.

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

Seating of Alternates: None.

Approval of Minutes:

1. Regular Meeting Minutes February 10, 2015.

Jana Roberson suggested the following revisions be made to the regular meeting minutes of February 10, 2015:

1. Under new application acceptance, 021015A Jeffrey Otto, Thomas Rukstela, after the first paragraph to add the following: "It was determined by the Commission that the activity is a significant impact activity."
2. Second paragraph to modify the language to say: "to delay setting a date for the public hearing until the March 10, 2015 regular meeting."
3. Item A #1 New Public Hearing, 120914A Strategic Commercial Realty application to switch a word order: "if he had the answers to Syl Pauley's letter of 2/6/15."

Also add the sentence after the second paragraph: “The Commission discussed the need to know what impact the proposed gravel operation would have on the ecology and hydrology of the adjacent wetlands.”

4. Item A #2 021015A Mike Berthiaume Application to change the following: “to continue reviewing the application at the March 10, 2015 regular meeting of the Inland Wetlands Commission.”

A motion was made by George Sipila to accept the meeting minutes of February 10, 2015 of the Brooklyn Inland and Wetlands and Watercourse Commission as revised. Melissa Labossiere seconds this motion. No discussion held. The motion passes. Deane Rettig abstains.

Public Commentary: None.

New Application Acceptance: None.

Continued Applications: None.

Public Hearings:

a. New Public Hearings: None.

Reading of Legal Notice: Jeff Arends reads the public hearing notice into the record.

b. Continued Public Hearings:

Ms. Roberson made a comment stating for the record that the applicant requested a delayed opening of the public hearing until February 10, 2015.

A motion was made by George Sipila to open the public hearing on application 120914A. Melissa Labossiere seconds this motion. No discussion held. All in favor. The motion passes unanimously.

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, Messier and Associates along with Attorney Ernest Cotnoir represent application 120914A. Mr. Messier submits a copy of Daniel Meade’s Hydro-Geological report. Mr. Messier stated it was his intention to have Mr. Daniel Meade attend tonight’s meeting; however, Mr. Meade was unable to attend due to a conflict. Mr. Meade and Mr. Pawlak, Soil Scientist will be attending next month’s meeting. Attorney Ernest Cotnoir submits a request for continuance of the public hearing until next month’s regularly scheduled meeting.

Syl Pauley, Jr., P.E., NECCOG Regional Engineer commented that Mr. Messier addressed all of his comments that were pertinent to the plan and he did change the plan. There are some comments that need to be addressed with regards to construction of certain things with the sedimentation basin, however, Mr. Messier can answer those in person and there is no need for them to be placed upon the plan. One last thing, Mr. Pauley was questioning was a symbol used

on the plan which was a bit confusing relating to the maximum level of the water in the proposed pond. He utilized a dash triple dot symbol. This symbol was used for other areas within the wetlands and it was unclear whether that refers to water or a boundary of vegetation. Mr. Messier agreed to clear this up on the site plan and use a different symbol.

Ms. Roberson stated that the most recently revised plans (2/27/15) have been received and Mr. Pauley has reviewed them. Also received is a design computation for the detention/sediment basin, south west of the pond, which Mr. Pauley has also reviewed. Mr. Pauley discusses his review with Commission Members.

Ms. Roberson asked Mr. Pauley if he had any suggestions for bonding requirements. Mr. Pauley would like to see Bob Messier prepare a bond estimate, Mr. Pauley will review what quantities they are evaluating and tag that with a cost.

A motion was made by Deane Rettig to accept the request for an extension to continue the public hearing on application 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 to the next regular meeting to be held on April 14, 2015 at 6:00 p.m. at the Clifford B. Green Memorial Center, 69 South Main Street, Brooklyn, CT. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

c. Unfinished Business:

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. Motion above to continue public hearing.

2. 021015A Jeffrey Otto/Thomas Rukstela, east side of Mason Road, Map 23, Lot 9B, RA Zone: Removal of vegetation clogging brook, restoring stream flow to natural channel of the brook, remedying damage to area adjacent to streambed caused by livestock, maintenance of waterway incident to farming operations.

Ms. Roberson stated the full significant impact activity fee has been paid. Mr. Otto and Mr. Rukstela are both present tonight. As of today, additional application materials have been received, one is a description of the activity, also additional mitigation measures added to the application along with an aerial photo and site plan.

Ms. Roberson reviews the site plan with Commission Members along with a wetlands delineation of the property conducted in 1990 by Earl Beebe, Soil Scientist.

Mr. Arends asked if the pasture land is pretty flat. Mr. Rukstela stated yes.

Mr. Arends asked Mr. Rukstela when he proposed on having the work done. Mr. Rukstela stated that he is calling it “quits” as it is, and will start to seed in the spring. Mr. Rukstela will not be going any farther with machine work within the brook.

Mr. Rukstela attended a meeting this afternoon with the USDA with regards to fencing. The USDA will not do anything with fencing within 30 feet of wetlands, therefore Mr. Rukstela will lose way too much field and the fencing will be out of the question. Mr. Rukstela will fence in the outside of the field. Mr. Rukstela would like to clear the uphill side by bush hogging and take out multiflora rose.

Mr. Arends asked Mr. Pauley if he had a chance to review the application. Mr. Pauley sated he has reviewed the application. Ms. Roberson commented on one recommendation Mr. Pauley had within the letter with regards to re-vegetating the bank. Ms. Roberson wanted to point out that this is in the list of mitigation of activities that Mr. Rukstela has agreed to do with Mr. Otto's permission. Mr. Otto has agreed to give permission.

Mr. Pauley reviewed his letter dated January 29, 2015 and a 1934 aerial of the property with Commission Members. Discussion ensued. Mr. Pauley's professional opinion is that restoring the stream to its original location will not enhance the wetland system and will, undoubtedly, release additional sediment to Blackwell's Brook. Mr. Pauley believes that the stream banks should be protected from erosion by planting a mixture of trees and shrubs that will thrive in this location. The number, spacing and species of the plantings should be specified by a landscape architect or biologist who has experience in dealing with wetland plant species for this particular situation.

Mr. Rettig asked Mr. Pauley if there is a landscape architect or biologist in the area. Mr. Pauley recommended U-Conn or Harts Greenhouse. Mr. Otto recommended re-planting the multiflora rose. Discussion ensued.

Ms. Roberson wanted to clarify #4 of the additional mitigation measures – the barbed wire fencing is not at this point a sure thing, just as expenses allows. Mr. Rukstela would like to have this included in the application provided that there is a realistic possibility for him. The fence would not be the entire length of the stream, it would be a 75 foot section which would be roughly from where the beginning of the culvert where the stream comes out from under the road about 75 feet down. Ms. Roberson demonstrates this on the site plan and discusses with Commission Members.

Mr. Arends stated that this application was deemed a significant activity at last month's meeting and a public hearing will need to be scheduled.

Mr. Otto discusses what the definition of a "significant activity" is with Commission Members. Mr. Otto feels that this is a type of maintenance activity on a piece of property essential to a farming operation and is a matter of right and disagrees that the application should be deemed a significant activity. Discussion ensued.

Jeff Arends stated that Mr. Pauley's words resonate with him, he heard him make the statement and the picture in Mr. Arends opinion validates that statement. Mr. Arends asks the Commission seeing the photo from 1934 with the alignment of the brook then, versus the alignment of the brook now, with Mr. Rukstela's "maintenance activity or impact activity," would the Commission still consider this a significant activity or not.

Deane Rettig voiced his opinion. While looking at the original 1934 photo showing the course being similar to the course that has been re-adjusted, in Mr. Rettig's opinion, he finds that to change the course back to the original course is a significant impact activity.

Melissa Labossiere concurs with Mr. Rettig and is in agreement that this is a significant impact activity.

George Sipila agrees that this is a significant impact activity.

Mr. Arends states that it is the conclusion of the Commission that this is a significant impact activity; a public hearing will be scheduled for next month.

Jeff Otto comments that there are no guidelines that are clear to allow doing that, so any determination of this nature, "significant activity," becomes one of conjecture of the Commission's part and on the applicant's part.

Mr. Arends commented that heavy equipment in wetlands constitutes a significant activity. Discussion ensued.

Mr. Otto disagrees and believes the determination is arbitrary and not supported by the Wetlands regulations. Discussion ensued.

A motion was made by Deane Rettig to schedule a public hearing on application 020915A Jeffrey Otto/Thomas Rukstela, east side of Mason Road, Map 23, Lot 9B, RA Zone; Removal of vegetation clogging brook, restoring stream flow, to natural channel of the brook, remedying damage to area adjacent to streambed caused by livestock, maintenance of waterway incident to farming operations for the next regular meeting to be held on April 14, 2015 at 6:00 p.m. at the Clifford B. Green Memorial Center at 69 South Main Street, Brooklyn, CT. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Commission Member George Sipila left the meeting at 6:55 p.m.

3. 021015B Mike Berthiaume, Windham Road, Map 8, Lot 21, RA Zone, Single Family Home, Septic System, Well, Driveway, and Minor Grading.

The applicant has requested that the application be tabled to next month's meeting.

At the consensus of the Commission, application 021015B has been tabled to next month's meeting.

New Business:

1. Discussion of potential source water protection plan.

Ms. Roberson stated that she was contacted by Mark Cohen who works for Atlantic States Rural Water Association who has a grant funded position to assist and provide technical support and

training for communities like Brooklyn. Mr. Cohen would like to help the Town prepare a source water protection plan. Ms. Roberson discusses this with Commission Members. Mr. Cohen will attend the April 6, 2015 Conservation Commission meeting and give a presentation.

2. Wetlands Agent Monthly Report.

Ms. Roberson updated the Commission on the nationally designated recreation resource in Town which is the Quinebaug River Water Trail. Ms. Roberson discussed this with members.

Ms. Roberson reported that the Town of Canterbury is updating the Inland Wetland and Watercourse Regulations. They are not changing their regulated area, the changes are technical corrections. There is still time to submit comments for the public hearing.

Ms. Roberson discusses the Aquarion Water Company's Awards Program with Commission Members.

Ms. Roberson reported that there has not been much permit activity or enforcement activity over the last month.

Adjourn: A motion was made by Deane Rettig to adjourn the meeting at 7:20. Melissa Labossiere seconded this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier
Recording Secretary