

Brooklyn Inland Wetlands Commission
Regular Meeting Minutes
May 10, 2016

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, May 10, 2016, 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, Jeffrey Arends, Melissa Labossiere, George Sipila.

Absent: Richard Oliverson with notice. Erik Costa and Demian Sorrentino without notice.

Staff Present: Martha Fraenkel, Wetlands Agent, Audrey Cross-Lussier, Recording Secretary.

Also Present: David Held, Provost and Rovero, Linda Trahan, Aaron Kerouac, Michael Galloway, public in attendance.

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

Seating of Alternates: None.

Additions to Agenda: None.

Approval of Meeting Minutes April 12, 2016: A motion was made by Jeff Arends to approve the meeting minutes of April 12, 2016. George Sipila seconds this motion. No discussion held. Motion passes. Melissa Labossiere abstains.

Public Commentary: None.

New Application Acceptance (Receipt): None.

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

Public Hearing:

a. New Public Hearing:

1. 041216A Brooklyn Sand and Gravel, LLC, 574 Wauregan Road, Map 30, Lot 97, RA Zone; Continuation of gravel excavation and processing operations.

A motion was made by Jeff Arends to open the public hearing on application 041216A. George Sipila seconds this motion. No discussion. All in favor. The motion passes unanimously.

David Held, Professional Engineer and Land Surveyor, with Provost and Rovero represents application 041216A. Mr. Held submitted a wetlands delineation report by Joseph R. Theroux, Certified Forester/Soil Scientist dated December 30, 2015. Mr. Held submitted an aerial view of the property dated 11/25/15 with revision date 12/16/15. The applicant is applying for a permit for the continuation of the activities and prior work that have been done on the site historically over the last 30 plus years. Mr. Held reviews the site plan with Commission Members – activity on the site; the two processing set ups; processing plants; settling ponds; stockpile areas of raw material. Recently a renewal of the existing special gravel permit was issued by the Zoning Enforcement Officer. A condition of approval was that an application to the Inland Wetlands Commission is submitted with an updated permit/approval. Barring changes in the Zoning Regulations, this will be an annual approval because the duration of the Inland Wetlands permit cannot be any longer than the zoning permit, which is good for one year.

Mr. Held discusses the proposed activity for the coming calendar year with Commission Members.

Chairman Gallant asked Mr. Held in addition to renewing the permit, is there a change in the existing original permitted use, adding more area to disturb? Mr. Held stated they are not adding more disturbed area; they are adding additional activity with the excavation of those areas. The actual proximity to the wetlands for activity is not changing, just a matter of taking something that has been cleared, graded off and using for a stockpile area. They will excavate the gravel underneath it and within the next 6 months or so they will backfill to the prior grade.

Jeff Arends asked if the stockpiles were already moved, excavated? Mr. Held (demonstrating on the site plan) where the stockpiles have been relocated to the south and this area now is an open excavation, in the process of being filled back in with silt, washing fines, and regraded. There has historically been a crushed stone berm along the edge of this area approximately 3-6 feet high and has been in the current state. The limit of disturbance has probably existed for 12 to 15 years. There is no proposal to remove this, it will stay in place for containment purposes.

Chairman Gallant asked if we are doing this because we are changing what was previously approved? Wetlands staff Martha Fraenkel gave a chronology of permits to date. On 9/12/89 there was a determination by IWC of no jurisdiction because there was no activity within 200 feet of wetlands. On 12/8/94 there was an application submitted to stockpile off site material for processing within the existing storage of the processing area. It was approved on 12/13/94 with no new permit. There is no mention of the duration. Application for sand and gravel excavation expansion approved 1/10/12, but with no mention of remainder of the area. (Mr. Held demonstrates this on the site plan). It is Ms. Fraenkel determination that a wetlands permit is needed and the permit from 2012 does not cover the entire operation. The PZC renewal is valid until March 15, 2017.

Chairman Gallant asked how far away are the stockpiles from the wetlands. Mr. Held stated from the actual flagged wetlands 50-60 feet, to the actual edge of the river approximately 70-80 feet. Chairman Gallant asked if this was recently re-flagged. Mr. Held stated the wetlands were flagged in 2012 and in December of 2015. Discussion ensued.

Ms. Fraenkel discussed the PZC gravel renewal permits with Commission Members.

Jeff Arends asked where does the water come from for the processed water ponds. Mr. Held stated the process water is groundwater fed, excavated in the ground water table. Mr. Held also discussed the function of the settling basins. Ms. Fraenkel asked Mr. Held if there are any DEEP Permits. Mr. Held stated he is unaware if there are any.

Jeff Arends commented since we are treating this as a new application, even though this has been here for 30 plus years, he feels an environmental impact study be done to be sure there is no harm being done to the Quinebaug River and adjacent wetlands, whether it is from dust or water levels dropping.

Melissa Labossiere asked Ms. Fraenkel if she has been to visit the site. Ms. Fraenkel stated she has been there two times and her biggest concern is the proximity of any activity to the edge of the bank over the river. There should be serious flagging, signage and monitoring of boundary of the limit of disturbance.

Chairman Gallant opened the floor to the public:

Linda Trahan, 26 Maynard Road: Ms. Trahan comments that she has been following gravel bank operations in Brooklyn for the last 20 years. Ms. Trahan filed a complaint and Ms. Fraenkel started the investigation. Ms. Trahan has many environmental concerns about the property. Ms. Trahan feels in previous years there has been very little enforcement on this site. Ms. Trahan is thankful for Ms. Fraenkel and the Wetlands Commission current review.

Michael Galloway, 588 Wauregan Road: Mr. Galloway commented that he is a property abutter. The dust is unreal from the rock crushers and the rocks. Mr. Galloway is unable to keep his home clean whatsoever. Mr. Galloway has seen animals fall into the pond and is concerned for the safety of animals and children. Mr. Galloway stated on the northern end there was a stream with a bridge and questions if this is still there. Mr. Held stated yes. Mr. Galloway asked how close this is to wetlands. Mr. Held stated approximately 600 feet. Mr. Galloway stated at one time they did pump from the river. Mr. Galloway stated he feels the power lines are being undermined and feels this is dangerous. Mr. Held discusses MSHA inspections/regulations.

Jeff Arends asked Mr. Galloway if he has well water and if he has experienced any problems. Mr. Galloway stated no.

Mr. Held thinks with the way Zoning has approved things, there has always been an assumption whatever has been going on here has been okay with Wetlands staff. Mr. Held states he feels it is a dangerous road to say now we have to backtrack in what essentially was approved previously.

Mr. Held stated it is about 60 feet to the flagged wetlands and approximately 80 feet to the actual water from the activity.

A.J Kerouac, Windham Road: Mr. Kerouac asked Mr. Held if he was working with the applicant when the operation went to PZC in 2012. Mr. Held stated no. Ms. Fraenkel stated the Special Permit Gravel was issued by the Commission and renewals are issued by staff. Mr. Held stated he became involved with the property in December of 2015. Mr. Kerouac asked if a NECCOG review was involved. Mr. Held stated Syl Pauley, engineer, reviewed the PZC approval process. Mr. Kerouac

asked if any stockpiling or unapproved work in a stockpiled area was not part of the 2012 approval. Mr. Held stated that the 2012 approval had nothing to do with this; it was a small excavation area. The renewals that have been issued for the last two years have included topographic maps which clearly show everything in this entire area. Mr. Kerouac asked if the approvals received from 2012 have been Staff only not actually PZC. Mr. Held stated that is correct, but they have been site wide. The 2012 was an isolated to one specific excavated area.

Chairman Gallant asked Mr. Held if he has a special permit with contingency of wetlands approval. Mr. Held stated yes. Chairman Gallant asks how this is possible. Discussion ensued.

Jeff Arends asked going back to 2012 this was approved for excavation, was stockpiling approved? Ms. Fraenkel stated she does not think stockpiling was approved - it was for excavation. Mr. Arends asks why there are stockpiles there. Mr. Held stated those stockpiles have been put there in the last two months.

Commission Members reviewed the 2012 wetlands approval.

Ms. Fraenkel discusses the P & Z gravel permit renewal process with Commission Members and Mr. Kerouac. Discussion ensued.

Chairman Gallant requests legal opinion from Attorney Peter Alter procedurally on how the IWWC approves gravel operations.

Melissa Labossiere asked Ms. Fraenkel for input on the proposal. Ms. Fraenkel stated she would like the IWWC to consider what is an appropriate separation between the operation and the top of the bank as well as to wetlands.

Chairman Gallant asked Ms. Fraenkel when the gravel permit application was approved. Ms. Fraenkel stated it was on March 15, 2016 which will expire March 15, 2017.

Jeff Arends asked how much time is left on the application 041216A. Ms. Fraenkel stated there is 35 days to hear the application, then an extension can be granted. Chairman Gallant suggests leaving the public hearing open.

Jeff Arends requests that an environmental study be done based on the dust that we heard complaints about and how much is going into the river and any adjacent wetlands. Mr. Arends would like Syl Pauley's input and have the Land Use Attorney guide us on legal action and course of action.

Mr. Held asked if there are any particular concerns for the environmental study. Mr. Arends stated his concerns are specific to wetlands, water levels and dust.

Jeff Arends made a motion to continue the public hearing to the next scheduled meeting June 14, 2016. Melissa Labossiere seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Chairman Gallant asked Ms. Fraenkel to make the proper notifications to the applicant that they are responsible for the cost associated with third party reports. Ms. Frankel will do so.

Old Business:

1. 041216A Brooklyn Sand and Gravel, LLC, 574 Wauregan Road, Map 30, Lot 97, RA Zone; Continuation of gravel excavation and processing operations.

Motion to continue public hearing made above; item is tabled.

New Business:

Communications:

1. Apex Companies LLC, Requesting Modification of reporting for WalMart.

Ms. Fraenkel discussed a letter dated April 25, 2016 from Apex Companies LLC, requesting modification of reporting for WalMart from semi-annually to annually. Ms. Fraenkel referred the letter to Syl Pauley, P.E. NECCOG. Discussion ensued. The Commission unanimously agreed that they are not in favor of the change.

2. Wetlands Agent Monthly Report.

Ms. Fraenkel discusses previously approved application 020916A, Matt Schwab, 161 Laurel Hill Road. Mr. Schwab was approved to build a 650 sq. ft. addition on piers. Mr. Schwab now needs 150 sq. ft. (of the 650 sq. ft. footprint) for access from the crawl space to a secure weather proofed utility concrete box. Ms. Fraenkel will have the applicant come before the Commission for modification of the application.

Ms. Fraenkel stated that:

- Pump Station project on Plaza Street is currently underway.
- Keith Hoyt, Hickory Lane, driveway, is also active.
- Mr. Regis has repaired his silt fence on South Main Street at Proulx St.
- She will be going to view Sansoucy Quarries tomorrow.

Adjourn: A motion was made by Jeff Arends to adjourn the meeting at 7:12 p.m. Melissa Labossiere seconded this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier
Recording Secretary