

**Brooklyn Inland Wetlands Commission
Regular Meeting Minutes
September 12, 2017**

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, September 12, 2017, 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: Jeff Arends, Demian Sorrentino, Richard Oliverson, Jim Paquin.

Members Absent: George Sipila.

Roll Call: All members stated their names for the record.

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

Also Present: Paul Terwilliger, PC Survey, David and Loni Decelles, Craig Brezniak, Aaron Kerouac, John and Janice Marr, public in attendance.

Seating of Alternates: None.

Additions to the Agenda:

A motion was made by Demian Sorrentino to add application DR17-005 Craig Brezniak 251 Tatnic Road, Map 16, Lot 93-8, RA Zone; smooth-out front yard and plant grass/hydro- seeding in the regulated area. This motion was seconded by Richard Oliverson. No discussion held. All in favor. The motion passes unanimously.

Approval of Minutes:

1. Regular meeting minutes of August 8, 2017. There were no corrections to the meeting minutes of August 8, 2017, therefore, the minutes stand as written.

Public Commentary: None.

New Application Receipt:

1. 091217A Barry Builders, Inc., South Street, Map 46, Lot 38, R-30 Zone; Subdivision of land into three building lots.

Paul Terwilliger, PC Survey represents application 091217A. The proposal is for three rear lots off of a 50-foot strip on an existing 5-acre piece located on South Street. The property runs between South Street and the Quinebaug River. As a point of reference this subdivision is located southerly from the 6-lot Kausch and Sons subdivision which was recently approved by the Wetlands Commission. Most of the activity is outside of the regulated area, well over 175 feet from the Quinebaug River and 125 feet with wetlands associated with the river. There is a small pocket of wetlands on the Kausch subdivision that is within 125 feet of the proposed driveway. With clearing and grading it will be approximately 100 feet away from the wetlands pocket. There will be activity in the regulated area there. There was a driveway approved between the Barry subdivision and the wetlands pocket.

As far as what is occurring in the regulated area there will be a new 16-foot wide common driveway. It will be graded to drain away from the wetland area and to the east and the south. Mr. Terwilliger demonstrates this on the site plan and discusses the culvert and drainage area. The lots will be developed with single family dwellings. The homes will be served with public water, underground utilities on the opposite side.

Ms. Fraenkel asked how much fill will need to go into the regulated area to build the driveway. Mr. Terwilliger stated in the regulated area the largest fill is 2 feet. Ms. Fraenkel asked about cuts. Mr. Terwilliger stated it looks like a foot or so, it is minimal. There will be silt fence run between the driveway and the property line. Ms. Fraenkel asked what the grade of the driveway is in the regulated area. Mr. Terwilliger stated in the regulated area it goes from 6 to maybe 10 at the most, it is right at the crest of the hill. Mr. Sorrentino asked if the driveway has to be paved at 10%. Ms. Fraenkel stated that it is over 10%. Chairman Arends asked if they have Town water to tie into and have septic systems. Mr. Terwilliger stated yes. Mr. Arends asked if there were Town sewer lines there. Mr. Terwilliger stated the lots are not within the 100 feet tie in. Discussion ensued.

Chairman Arends asked where the 175-foot from the river measured from. Mr. Terwilliger stated it is from the bank of the river, high water mark. The 125 is from the wetlands associated with the river banks.

Mr. Sorrentino feels this is a regulated activity, therefore a permit will need to be issued, not a declaratory ruling. Mr. Sorrentino does not object to an agent approval.

Chairman Arends recommends accepting the application and continue to next month's meeting.

A motion was made by Demian Sorrentino to receive application 091217A Barry Builders, Inc. South Street, Map 46, Lot 38, R-30 Zone; Subdivision of land into three building lots and continue to next month. Richard Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. DR17-004 David and Loni Decelles; 143 South Street, Map 40, Lot 88-11, RA Zone; Request for Declaratory Ruling; Landscaping in the regulated area: addition of turn around gravel driveway; removal of existing lawn (grass) and renovate lawn with 1-3 inches clean loam then hydro-seed; fill to reduce steep grade in front lawn; continue of existing rock wall.

Property owners David and Loni Decelles represent application DR17-004. The Decelles propose installation of a new lawn approximately 21,000 sq. ft. in area. They propose to remove the existing lawn, replace with 1-3 inches of clean loam, hydro-seed; fill to reduce the steep grade in the front lawn; and create an additional gravel turn around driveway 20 ft. x 25 ft. The area in the front of the house has a steep grade and they wish to reduce it to a gentle slope. On the opposite side of the driveway gravel will be placed. Erosion control will consist of installation of silt fence (hay bales) prior to disturbance of soil/placement of fill. In the upland review area, the proposed is 47 cubic yards of silt/loam. The backyard is relatively flat. There will be an extension of the stone wall along the road, adding 40 feet to a total of 66 feet. Mr. Oliverson asked how close to the stream is to the proposed work. Mr. Decelles commented proposed edge of fill is 41 feet; no major excavation or digging will be done anywhere. Ms. Decelles commented that there will be a limit of disturbance placed for the operator.

Ms. Fraenkel asked for clarification as to where the limits of disturbance will be. Ms. Decelles comments that it will be where they are removing and replacing the existing lawn, as noted on the site plan to be landscaped. There will be no extending or widening of the lawn.

Chairman Arends asked how long the haybales will be kept in place. Mr. Paquin recommended until spring would be best to let the grass grow and the roots become established.

A motion was made by Jim Paquin to approve application DR17-004 as a declaratory ruling. Richard Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

3. DR17-005 Craig Brezniak, 251 Tatnic Road, Map 16, Lot 93-8, RA Zone; Smooth out front-yard and plant grass/hydro-seeding in the upland review area.

Property owner Craig Brezniak represents DR17-005. Mr. Brezniak has started to landscape the front and side yard of his property and reviews photos via his cell phone with Commission Members. Dying trees close to the home were cut down and removed. While cutting the grade of the property a significant amount of rock and ledge was encountered which was pushed to the side of the property. Ms. Fraenkel happened upon the job and advised the owner that this activity is close to wetlands. Ms. Fraenkel discusses with Commission Members what she witnessed at the site, the area of disturbance within the regulated area. Mr. Brezniak is requesting to leave the ledge rock fragments he has placed on the west side of the property and not move it out. Mr. Brezniak was unaware of the wetlands area.

Mr. Brezniak states he would like to place topsoil and seed the whole area and build a stone wall with the ledge fragments. Ms. Fraenkel reviews photographs of the grading, rock pile and existing stone wall with Commission Members. Discussion ensued.

Mr. Paquin asked how high the rock pile is at present. Mr. Brezniak stated approximately 6 to 8 feet high. Mr. Oliverson asked how many triaxle truck loads would be necessary to remove the rock. Mr. Brezniak estimates approximately 10 to 15 triaxle truck loads. Commission members discussed their concern with the 1 to 1 slope. Mr. Brezniak could put topsoil over and seed this area. Mr. Sorrentino feels that the steep grade is an issue and should be cut 3:1 slope. Mr. Brezniak would like to loam and seed the area as this would be easier than trying to dig all of the rock out.

Ms. Fraenkel feels that sediment that moved out from the fragment pile would be stopped by the existing stone wall that parallels the wetlands. Ms. Fraenkel talked with Mr. Brezniak as to whether this is an intermittent watercourse which was not flagged on the subdivision. Mr. Brezniak does not see water there frequently. Chairman Arends asks where the wall will go. Mr. Brezniak demonstrates on the site map. Discussion ensued.

Commission members feels that a full wetlands permit is required, not a declaratory ruling. Members will go out to visit the site individually to review the slope/rock/ledge.

Commission members recommended that no more work be done in the regulated area, staying away from the fill edge. The area where topsoil will be spread and seeded is permitted.

A motion was made by Demian Sorrentino to receive application 091217B and continue to next month's meeting. Richard Oliverson seconds this motion. Discussion held. All in favor. The motion passes unanimously.

Public Hearings: None.

Old Business:

1. Proposed Solar Farm on 61 acres between Rukstela and Wauregan Road, south of the Brooklyn Transfer Station; Notice of Siting Council Hearing on 9/19/17 at Brooklyn Community Center.

Ms. Fraenkel distributed the hearing notice and site map. The Commission has 30 days from the close of the hearing to submit comments. Ms. Fraenkel handed out her comments/concerns with regards to the property. Ms. Fraenkel would also like the Commission to consider a request that it receive monitoring reports. Commission Members would like Ms. Fraenkel to attend the public hearing on Tuesday, September 19, 2017 at 3:00 p.m.

The Commission agreed that it would like to receive monitoring reports. Chairman Arends will compile a list of concerns and submit to Ms. Fraenkel via e-mail.

New Business: None.

Communications:

1. Budget: Commission Members reviewed the budget information provided in the packet.

2. Wetlands Agent Monthly Report: None given.

Public Commentary:

A motion was made by Richard Oliverson to add Public Commentary onto the agenda. James Paquin seconds this motion. No discussion held. All in favor. The motion passes unanimously.

1. John and Janice Marr, residents of 53 Wauregan Road, speak with regards to the rebuilt home at 49 Wauregan Road.

An artesian well has been drilled at 49 Wauregan Rd, property of Long. A pipe was installed to discharge the excess water, causing the water to flow into the Marr's wetlands, cesspool and leach field and is creating a pool in their backyard. Mrs. Marr submits several pictures of the property at 49 Wauregan Road for Commission Members to review. The Marrs had George Logan, ecological specialist came out and visited the site who stated that the pipe could be put in a level area deep into the wetlands to absorb the excess water. The Marrs have discussed this issue with the neighbor, Tobi Long, which was an unfriendly exchange.

Ms. Fraenkel stated that a new artesian well has been drilled. The property owner, Tobi Long, has hired Paul Archer to prepare a plan to address the excess water. Ms. Fraenkel would not recommend accepting an application that was not relying upon the work of an engineer. The amount of water would have to be monitored and find a legal place to put it. This necessitates having the property line delineated. Ms. Fraenkel stated the CO will not be issued until the plan has been approved by the IWWC.

Mr. Paquin stated that we can't wait 6 weeks for Paul Archer to come up with plan to figure out what to do. It is ruining the Marr's septic system. Mr. Paquin stated he would rip the pipe out of the ground and stick it back in the road or somewhere, would not have it go into the Marr's yard. Mr. Paquin feels they have the right to do that. For the Commission to sit around for 6 weeks and tell them to wait Mr. Paquin thinks is wrong. If the Town can do something, and Mr. Paquin believes that the Town can do something, it can demand the building code, to get the building official out there, because the building code does not allow directing water onto your neighbor's property. They are in violation of Connecticut's Building Code.

Chairman Arends asked where in the plan did they have this pipe running over to the property line dumping the water, was that in their plan? Ms. Fraenkel stated the well was dug and it was found to be artesian. The owner piped the water to (wetlands) near the property line with Marr. Ms. Fraenkel and Syl Pauley, PE, reviewed the pipe and hose. Ms. Fraenkel and Mr. Pauley said in the short term Long needs to move the outlet of the hose that is connected to the pipe to the back, not adjacent to neighbor. Ms. Fraenkel spoke with the building contractor a week ago and he said he had repaired the break/leak so the water was going out the back. The contractor told Ms. Fraenkel that he clamped down the hose to the pipe so that it was not leaking anymore.

Mr. Paquin commented that what could be done temporarily is to yank the pump out and cap the well. They obviously do not need water at this point. If you take the pump out where does the water go? Mr. Paquin stated the high pressure in the ground is what is pushing the water up through the casing so it has to be relieved somewhere. If the top of the casing is threaded, or you could thread it (depends if it was threaded or not), they could thread a cap on there and it is just going to hold it. The water pressure isn't enough to push the casing out of the ground. The casing is sealed down in bedrock. Ms. Fraenkel stated that Mr. Pauley did not mention that to her, she will ask him.

Mr. Marr stated he would be happy if they would just put a permanent pipe and redirect the water where it should be, not into the Marr's backyard. Mr. Marr stated they have tried to solve this in a neighborly fashion but have just gotten the run around. Discussion ensued.

Chairman Arends recommends having the well capped.

Mr. Paquin's suggestion would be to ask John Berard to go out and look at it as a building official. Ask him to issue an immediate abatement order and have Dumas fix it within 48 hours. If Dumas cannot fix it within 48 hours, John Berard is statutorily permitted to have the work done, file a lien against the property and it will be paid on closing; it is enforceable as a tax lien is. This is Mr. Paquin's suggestion and how he would approach this if he were in this position.

Chairman Arends commented that direction of water onto somebody else's property definitely falls under our jurisdiction. Ms. Fraenkel stated that this situation is controlled under civil law and she can provide statutes. Demian Sorrentino commented that the argument could easily be made that this is impacting the wetlands. Chairman Arends asked Ms. Fraenkel to further investigate this issue. Discussion ensued.

Mr. Marr stated they found an expert who stated it has changed the hydrology. Mr. Marr again discusses the issue they are having with the neighbor Tobi Long and thanks the Commission for taking the time to listen. Further discussion ensued.

2. Aaron Kerouac.

Mr. Kerouac commented that the Wetlands Board should keep comments to the Wetlands Regulations and the Planning and Zoning Commission should keep comments to the zoning regulations when dealing with the solar project. Mr. Kerouac discusses Connecticut Environmental Policy Act-CEPA. Discussion ensued.

Adjourn: A motion was made by Jim Paquin to adjourn the meeting at 7:42 pm. Richard Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Respectfully submitted,

Audrey Cross-Lussier, Recording Secretary