

**Brooklyn Inland Wetlands Commission
Regular Meeting Minutes
May 8, 2018**

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, May 8, 2018, at 6:00 p.m. on the following:

Call to Order: The meeting was called to order at 6:01 p.m.

Members Present: Jeffrey Arends, Demian Sorrentino, George Sipila, James Paquin and Richard Oliverson.

Members Absent: None.

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

Also Present: Paul Archer, David Held, Aaron Kerouac.

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

Seating of Alternates: None.

Public Hearings: None.

Public Commentary: None.

Additions to Agenda: None.

Approval of Minutes: No recommended changes were made to the meeting minutes of April 10, 2018; therefore, they stand as written.

Old Business:

1. 031318C Paul R. Lehto, Riverwalk Drive, Map 32, Lot 148, RA Zone; Excavation of sand and gravel.

David Held, Provost and Rovero represents application 031318C. Mr. Held reviewed changes to the plan. Mr. Sorrentino asked if the wetlands flags were rehung. Mr. Held stated they have not been rehung yet, however, this will be a condition of approval that the flags be rehung and maintained throughout the operation. The previously approved forestry operation is ongoing. The actual delineation flag numbers have been placed on Paul Archer's existing condition plan. The wetlands were flagged by Joseph Theroux in 2016. Mr. Held reviews sheet 4 of the excavation area and comments that the tree line shown on the plan is accurate as of this morning. On the westerly side of the excavation area the existing trees were sparse enough that this was not classified as a tree line per say. The limits of grading on the easterly side

is coincident of where the berm and brush and stumps are. The regulated area has been revised to 175 feet since the wetlands is associated with a watercourse.

Chairman Arends asked if the wetlands were delineated in 2016. Mr. Held stated yes in September 2016. Mr. Arends asked if they will go out and re-establish the flags. Mr. Held stated that is correct. Mr. Sorrentino asked what is the closest horizontal distance to the grade of the wetlands? Mr. Held stated approximately 50 feet. Mr. Sorrentino questioned what is going on between the proposed grade line and tree lines as shown, will the brush be removed or used as erosion control measure. Mr. Held stated it may be best to leave it there and place silt fence on the front side of it, use this as a physical barrier. Mr. Paquin discusses the DEEP timeline for removing the stumps. Ms. Fraenkel discussed the timeline for stump removal and stump dumps. Chairman Arends commented that once the grade changes it will be more difficult to get the stumps out of there. Removing them before is better than after. Mr. Arends commented the wetlands flags are 48 to 50 feet to wetlands; how close they are to the stream itself? Mr. Held stated approximately another 15 feet. Mr. Arends would like to see more than a 50-foot buffer and like to see the stumps removed.

Members agreed that the stumps are to be removed further than 175 feet of the stream. Mr. Held commented that it would not be difficult to move the brush and the stumps to a different area on the site (that is not in the regulated area).

Chairman Arends polls the Commission Members with regards to activity without a permit, as stump removal was not permitted as part of the timber harvest. Should this be treated as a violation or make it part of the permit? Ms. Fraenkel stated that the Commission has acknowledged that there was work done within 175 feet of the stream that did not fall under the timber harvest.

Mr. Paquin is in favor of including the unauthorized landclearing with stumps to be relocated as part of the pending application. Mr. Sorrentino concurs, now part of permit. Chairman Arends, Mr. Sipila, and Mr. Oliverson are all in agreement.

A motion was made by Demian Sorrentino to approve the application of Paul Lehto for operation of a gravel excavation on a 56-acre parcel at the east end of River Walk Drive Map 32 Lot 148 based on the submitted application and plans prepared by Provost & Rovero, Inc. titled Proposed Excavation Plan Prepared for Paul R. Lehto Proposed Gravel Excavation Easterly of Allen Hill Road Brooklyn CT dated 3/8/18, 6 sheets with the following conditions:

Conditions of Approval:

1. Standard Conditions of the IWWC (attached) shall apply. The operator shall meet with the zoning officer prior to disturbance of the soil to review these conditions.
2. Wetlands protection. In order to protect the water resource, there shall be no activity within 50 feet of the flagged wetlands or watercourse. Wetland flagging shall be retained throughout the duration of the permit.
3. Permit Duration: The permit duration is controlled by Inland Wetlands and Watercourses Regulations Section 11.6. Pursuant to this Section, this permit will expire on the same date as the expiration date of the pending 2018 sand and gravel permit (specific expiration date is to be determined).
4. Demarcation of the limits of activity. The permittee shall install and maintain signs at all times that identify the limit of operation and disturbance. Signs shall be conspicuously placed to prevent any further intrusion into the upland review area. The permittee shall report compliance with this requirement in writing to the Wetlands Enforcement Officer on a quarterly basis beginning 3 months from the date of this IWWC approval for the life of the operation.

The area between the proposed grading and the existing tree line will be immediately restored and sediment fence placed on down gradient side of that area.

5. Importation of material. Any material to be placed within the regulated area shall be clean fill as it is defined by the CT DEEP. Once importation commences, a professional engineer or licensed environmental professional shall document to the wetlands officer on a monthly basis 1) to the best of their knowledge, all such material is clean fill and 2) the source of the imported material.
6. Final Plans. The final plans shall place the approval motion on sheet one. One set of final plans shall be submitted with the live signatures and seals of all design professionals with a signature block on each sheet for signature by the IWWC Chair.

Reasons for Approval (See Regulations Section 10.2, 10.3)

1. The IWWC has found that the activity as shown on submitted plans will have a minimal impact on the associated wetlands and watercourse.
2. The risk of disturbance and pollution of wetlands and watercourses is minimized by the required 50 foot no activity corridor.

George Sipila seconds this motion. No discussion held. In favor: Richard Oliverson, Jim Paquin, George Sipila, Demian Sorrentino. Not in favor: Jeff Arends. Motion passes 4-1.

2. 041018A FCR Realty; North of Brickyard Road/West of Day Street, Map 41, Lot 6, RA Zone; Gravel removal permit; project is in upland review area, no wetlands disturbance proposed.

Ms. Fraenkel stated that the design surveyor Bruce Woodis is unable to be present tonight due to a medical emergency. He has asked following any comment made from site walk or questions regarding existing information presented that this item be tabled.

A motion was made by Jim Paquin to table application 041018A. Richard Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

3. 041018B A. Kausch & Sons, Tatnic Road, Map 15, Lot 93-1, for development of a single- family home, septic system, well, driveway, clearing and associated grading in the regulated area. Prior approval granted 2004, Karro/Larson Subdivision.

Paul Archer, Archer Surveying represents application 041018B. This is part of an approved subdivision with an expired wetlands permit. John Ianni from Highland Soils flagged the limits which are shown on the site plan. The applicant is asking for nothing more than what was approved with the subdivision. The driveway and the septic system is within the regulated area. The house will be maintained outside the regulated area. Ms. Fraenkel asked Mr. Archer if Mr. Kausch has confirmed that he is comfortable with the plan. Mr. Archer stated yes. Mr. Archer stated the wetlands have been flagged. Mr. Paquin asked if they have changed in location. Mr. Archer stated they are pretty consistent.

Chairman Arends asked what is the purpose of the driveway cross-culvert? Mr. Archer commented this was part of the original design.

A motion was made by Jim Paquin to approve the application of Andrew Kausch & Sons for development of a 5.96 parcel on Tatnic Road known as 93-1, previously approved as lot 1 of the Karro/Larson Subdivision in 2004. Work in the upland review area includes construction of a driveway with 15-inch RCP culvert, septic system, and installation of underground utilities based on a plan for development as shown on "Site Development Plan Prepared for Stanley and Jean Karro & Vincent & Helvi Larson, Windham Road and Tatnic Road, Brooklyn, Connecticut" prepared by KWP & Associates dated 5/5/04 revised to 10/28/04, with the following conditions:

1. The IWWC standard conditions dated 12/13/16 shall apply.
2. Permit is valid for 5 years from date of approval.
3. Prior to any disturbance on the lot, the permittee shall meet with the wetlands officer to review the approval conditions.
4. Driveway construction shall not commence without required permits from Highway Department and Zoning.
5. Wetlands flagging shall be maintained until a Certificate of Zoning Compliance is issued.

Demian Sorrentino seconds this motion No discussion held. All in favor. The motion passes unanimously.

New Business:

1. DR18-003 Paul Lehto, Owner, 40 Almada Drive, Map 21, Lot 6, RA Zone/Dana Hopkins, Supervising Forest Harvester, Selective timber harvest and removal of logging debris.

Ms. Fraenkel stated that Dana Hopkins is not present tonight. Ms. Fraenkel has not walked the site. There is not a lot of wetlands on the property according to GIS data. There are no crossings proposed. Ms. Fraenkel suggests tabling the application. Paul Archer, Archer Surveying commented it is approximately 88 acres. The property was flagged a few years back by Mike Schaefer. There is a small wetland in the northwest corner of the property. The wetlands are more associated on the Paradise Drive boundary line. Ms. Fraenkel stated that the GIS mapping shows this, however, it also shows wetlands closer to the Lehto home. Mr. Archer commented that when the Lehto subdivision for his house was done that wetlands were flagged and mapped.

A motion was made by Demian Sorrentino to receive application DR18-003 and continue to the June 12, 2018 meeting. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. 050818A Maxwell Homes LLC, applicant/Paul Cristofori owner, Windham Road, Map 8, Lot 11-1, RA Zone, Construction of new home, septic system, well, driveway and grading.

James Paquin recuses himself from the table.

Paul Archer, Archer Surveying represents application 050818A. Ms. Fraenkel commented that this was before the Commission last month for discussion of it being a duly authorized, however, no application had been received. Ms. Fraenkel is comfortable with this being a duly authorized. The property has been reflagged by John Ianni, Highland Soils. The applicant is looking for the same approval that was granted at the time of the original subdivision.

A motion was made by Demian Sorrentino to receive application 050818A Maxwell Homes, LLC and forward to the Wetlands Agent to be approved as a duly authorized with standard conditions. George Sipila seconds this motion. No discussion held. All in favor. The motion passes. Jim Paquin recuses.

3. 050818B Maxwell Homes LLC, applicant/Paul Cristofori owner, Windham Road, Map 8, Lot 11-1A, RA Zone, Construction of new home, septic system, well, driveway and grading.

A motion was made by Demian Sorrentino to receive application 050818B Maxwell Homes, LLC and forward to the Wetlands Agent to be approved as a duly authorized with standard conditions. George Sipila seconds this motion. No discussion held. The motion passes. Jim Paquin recuses.

James Paquin steps back to the table.

4. 050818C A. Kausch & Sons, LLC, South Street, Map 46, Lot37-4, R-30 Zone, Residential home, septic system, well, minor grading.

Paul Archer, Archer Surveying. Mr. Archer commented this is part of the approved 6-lot subdivision on South Street. Initially all the homes would tie into the sewer line, however, now the applicant is asking for approval to work in the upland review area to place a well and septic system.

Mr. Sorrentino asked what happened with the sewer connection. Mr. Archer commented that it got to costly. The applicant went to WPCA and they released him from tying into the sewer line. Mr. Archer stated the front three homes will tie into sewer and the back three homes will have septic systems. Discussion ensued.

A motion was made by Demian Sorrentino to receive application 050818C. Richard Oliverson seconds this motion. Discussion held.

Mr. Sorrentino asked Mr. Archer to provide approval documentation from the WPCA and NDDH for next month's meeting to complete the application. Mr. Archer agreed to this. All in favor. The motion passes unanimously.

4. 050818D Jeffrey Weaver, Day Street, Map 43, Lot 6, RA Zone; Proposed 10 lot subdivision.

Paul Archer, Archer Surveying represents application 050818D. The parcel is an 85 acre parcel on Day Street located in the corn fields under the powerlines. Mr. Archer reviews the site plan with members. The orange line on the site plan is delineated wetlands by Joe Theroux. The yellow line is the 125-foot upland review line. There are five houses out of the 10 that are falling within the upland review area. The soil testing has been done. Health Department approval has not been granted. Everything is approximately 75 to 80 feet away from the wetlands. Lot 6A will remain as a free split. Mr. Archer asks if the Commission considers this a significant activity and will a public hearing need to be scheduled. Ms. Fraenkel has not reviewed the site. Discussion ensued.

Commission Members agreed that a public hearing be scheduled at the applicant's request, Mr. Archer agrees.

A motion was made by Demian Sorrentino to receive application 050818D and schedule a public hearing at the applicant's request for June 12, 2018 at 6:00 p.m. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Commission Members will walk the site separately.

Communications:

1. Budget Update: Members reviewed. No significant changes.

2. Wetlands Agent Monthly Report:

a. Violation 36 Paradise Drive. This is a lot created in a subdivision by Jeff Weaver. The violation consists of installing a driveway with fill in the regulated area with no permits, possibly within wetlands. A notice of violation has been sent to the property owner, Mr. Branciforte. He was directed to come to

tonight's meeting or to submit an application for the driveway. Mr. Branciforte told Ms. Fraenkel that he was interested in submitting an application for the driveway.

b. Tatnic Road Current Owner Terrence Veazie (former owner Forson). Received a hand delivered letter of complaint with 2 photographs from neighbor Joe Szarkowicz, 103 Tatnic Road. The photograph showed some sedimentation after one of two storms that caused sediment to go into his pond. Ms. Fraenkel contacted Mr. Veazie and asked him to bring out the design engineer from KWP to look at the installation per plan. The work that has been done withstood some significant storms without problem. Mr. Szarkowicz cited two storms, a March and April storm. Ms. Fraenkel asked Mr. Szarkowicz to contact her as soon as he sees the sediment in the pond. The project started last Fall and has not been finished.

c. Woods Hill Solar Project, Pomfret CT. The project was shut down by the DEEP due to failing to install appropriate E and S per plan. They are under cease and desist order. Ms. Fraenkel visited the site.

d. CACIWC Newsletter Winter/Spring 2018 handed out to members for review.

e. K. Hoyt, Hickory Lane. Mr. Hoyt would like to move a stone wall. Mr. Hoyt will come back to the Wetlands Commission. With regards to the remediation, Joe Theroux came out to inspect in December, no further work has been done.

Adjourn: A motion was made by Demian Sorrentino to adjourn the meeting at 7:15 p.m. Jim Paquin seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Meeting Re-opened: A motion was made by Demian Sorrentino to reopen the meeting at 7:15 p.m. for Public Commentary. Jim Paquin seconded this motion. The motion passes unanimously.

Public Commentary: Aaron Kerouac discussed an issue with two Town owned culverts that goes under Windham Road in the vicinity of Map 8 Lots 4 and 5. The main issue is coming from a cape house built in approximately 2004/2006 which is dumping water into the first culvert. The property is next to Thomen's property. It runs from that side underneath Windham Road to the Kerouac property. The second one is a culvert near mailboxes at pole 15 which runs directly into the Kerouac driveway causing erosion. Mr. Kerouac is looking for some direction from the Wetlands Commission as how to address this issue. Chairman Arends asked if he has talked with the highway department. Mr. Kerouac stated they are well aware of it and brought it up to the First Selectman many times. There was a guardrail installed last summer which has become compromised and has fell into itself. Discussion ensued. Mr. Paquin recommends that Ms. Fraenkel and Ms. Roberson follow up with Mr. Rukstela on this issue.

Adjourn: A motion was made by Jim Paquin to adjourn at 7:23 p.m. Richard Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier, Recording Secretary