

**Brooklyn Inland Wetlands and Watercourses Commission
Regular Meeting Minutes
January 8, 2019**

The Brooklyn Inland Wetlands and Watercourses Commission held a regular meeting on Tuesday, January 8, 2019 on the following:

Call to Order: The meeting was called to order at 6:05 p.m.

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

Members Absent: None.

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

Also Present: Paul Terwilliger, PC Survey, Norm Thibeault, Killingly Engineering, Aaron Kerouac.

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

Seating of Alternates: None.

Election of Officers:

Chairman: A motion was made by James Paquin to nominate Jeffrey Arends as Chairman. Richard Oliverson seconds this motion. No discussion held. All in favor. Motion passes unanimously.

Vice Chairman: A motion was made by Jeffrey Arends to nominate Demian Sorrentino as Vice Chairman. James Paquin seconds this motion. No discussion held. All in favor. Motion passes unanimously.

Public Hearings: None.

Public Commentary: None.

Additions to Agenda: None.

Approval of Minutes: December 11, 2018 Regular Meeting Minutes. The minutes were accepted as written with no corrections.

Old Business:

1. **121118A John P. Malarkey, Easterly End of River Farm Drive, Map 42, Lot 58, RA Zone: Construction of single-family dwelling, septic system, well, driveway and site grading within 125 feet of a wetland.**

Paul Terwilliger, L.S. represents application 121118A. This is an approximately 80-acre parcel of land at the end of River Farm Drive. The applicant would like to build a house with associated septic system, well, driveway and minimal grading, around the construction area. There is flood plain on the property. The area above the 100-year flood plain is shown on the plot plan. To keep the house at the right elevation it is above the 100-year flood zone. The wetlands were delineated by Joe Theroux. The activity is 120 feet from wetlands with the majority outside the 125-foot regulated area. The proposed clearing is within 50 feet of a wetlands finger in the south area. There are mostly tall pine trees in this area which will be cleared out to minimize hazards. NDDH has reviewed and approved a 3-bedroom house/septic system. Mr. Terwilliger stated there will be a foundation slab above flood elevation with a 2-foot crawl space. Mr. Terwilliger stated there will be a utility area in the attached garage for furnace and water heater. Jeff Arends asked if there was any consideration on moving the house closer to road? Mr. Terwilliger stated no because the flood elevation comes closer to the road.

Ms. Fraenkel noted as the driveway enters the building site it is 1 foot below the flood elevation. Mr. Paquin asked if there is any reason not to raise this up? Mr. Terwilliger commented that it would require fill and permission would be needed from FEMA. This issue should be addressed with PZC.

Jeff Arends asked if the wetlands are alluvial flood soils? Mr. Terwilliger commented yes per Joe Theroux's report. Demian Sorrentino commented that the consulting engineer questioned if the soils in septic area are alluvial. Ms. Fraenkel spoke with Mr. Theroux regarding this and he is confident that the alluvial soils stop where delineated.

A motion was made by James Paquin to approve the application of John Paul Malarkey to construct a single-family dwelling, septic system, well and driveway according to the plan submitted by PC Survey titled "Lot Development Plan prepared for John Paul Malarkey, River Farm Drive, Brooklyn, CT", 2 sheets, dated July 2018 and revised to November 20, 2018, with the following conditions:

1. Surveyor shall stake out location of house, driveway, septic system, and well as shown on plan.
2. Clearing limit line shall be flagged by surveyor prior to any other activity on lot. Permittee may clear only up to the clearing limit shown unless prior approval is obtained for any modification.

3. Permittee shall notify wetlands agent at least 2 Town of Brooklyn business days before work commences.
4. Standard IWWC conditions apply.

George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

New Business:

- 1. 010819A HM&E Co., LLC/Douglas Hartin-Applicant, Elaine C. Arters-Owner, 291 Canterbury Road, Map 23, Lot 1, RA Zone; Excavation of rock from an existing on-site quarry. (No activity is proposed within wetlands. Activity in the upland review area will include maintenance of an existing gravel access drive and rock removal in approximately 4,600 sq. ft of land in upland review area).**

Norm Thibeault from Killingly Engineering Associates represents the applicant. This is an approximate 108-acre parcel owned by Elaine Arters. He said that a low volume quarry activity has operated for approximately 15 to 17 years. There are typically 60 to 70 trucks a year, less than 2,000 yards of stone a year. The proposed activity is adjacent to Blackwell's Brook and the associated perimeter wetlands and flood plain associated with it. It is well defined due to the steepness of the slope that comes down from the site. A small portion of an area of rock will be removed in the southwest corner; this falls within the regulated upland review area. The existing gravel driveway crosses the small stream that comes from the hillside to the west and flows across the driveway. The driveway has been in place for 15 to 17 years. It is regularly maintained with crushed stone or gravel material as required. The only regulated activity aside from maintaining the road would to be excavate rock in the southwest corner; the remainder of the quarry activity is outside of that. Currently there is a well-defined berm on the eastern side of the driveway comprised of tailings and soil materials. There is very little evidence of any kind of erosion or sedimentation down the hill towards the wetlands. The excavated rock is a shale material. It is sorted, placed on pallets, placed on a flatbed and removed. Part of the proposed activity before PZC will be the ability to screen some of the topsoil for replacement and occasional crushing of the smaller blasted rocks so they can maintain the driveway.

Demian Sorrentino asked if there will be any improvements made to the crossing. Mr. Thibeault commented there is no need to. Mr. Thibeault stated there is no pipe there, as it comes down the hillside it flows across the road, really never any deeper than 3-4 inches deep. Mr. Sorrentino asked if there is rip-rap there. Mr. Thibeault commented that it does appear it flows through the driveway in low flow conditions.

Ms. Fraenkel asked how many yards are removed per year at the present time. Mr. Thibeault commented 1200 to 1500 yards per year. Ms. Fraenkel asked what would be proposed. Mr. Thibeault commented no more than 2,000 yards per year. The request is to mine about 107,000 yards of material, which is about 50-years-worth of rock based on the current pace.

Mr. Sorrentino asked if there is a permit for this activity. Ms. Fraenkel stated there is not. Mr. Thibeault commented that the Fire Marshal has issued blasting permits for many years. The

blasting company comes in, gets the permit, cut 8 to 10 feet of rock off the face once or twice a year.

Ms. Fraenkel commented that by aerial photo it appears that the operation has stepped up since 2013. Mr. Thibeault believes this is when HM&E Co., came into the project. Mr. Arends asked what is done with the rock. Mr. Thibeault commented that they sell it for wall and patio stone.

Mr. Thibeault commented that the quarried material will be removed in tiers, 20 feet per tier. The intention is when Phase 1 is completed, restoration with loam, seed and re-established vegetation will be done. The second half of the operation will have exposed ledge faces. Mr. Sorrentino asked if they will continue to use the haul road in the upland review area with some blasting and reclamation to take place. Mr. Thibeault commented yes, those are the activities that the applicant is requesting. Mr. Thibeault demonstrates the phases on the site plan and discusses with Commission Members.

Commission Members unanimously agreed to do a site walk of the property. A motion was made by Demian Sorrentino to receive application 010819A of HM&E Co., LLC and schedule a site walk on the property for Saturday, January 12, 2019 at 8 a.m. and table consideration of this application until the next regularly scheduled meeting. Jim Paquin seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. Review of Bylaws.

Mr. Sorrentino asked if the ordinance that establishes the board is what contains the requirement for the number of members, not the bylaws? Ms. Fraenkel stated they both do, so both would have to be changed. Mr. Sorrentino asked if the ordinance contains language about how many voting members constitutes a quorum. Ms. Fraenkel stated it's in Robert's Rules.

Commission Members have no changes to make to the Revised January 9, 2018 Bylaws, therefore they remain as written.

Mr. Paquin informed the Commission that he is unable to attend next month's meeting.

Communications:

1. Budget Discussion 2019-2020.

Budget discussed and reviewed.

2. CT Land Use Law for Municipal Land Use Agencies, Boards and Commission Seminar, March 23, 2019.

Ms. Fraenkel asked members to contact her if they are interested in attending.

3. Wetlands Agent Monthly Report.

- Woods Hill Solar – A consent order was signed about 4 weeks ago for Woods Hill Solar. Ms. Fraenkel reviews with Commission Members.
- Marr Property 53 Wauregan Road – The project has been done per plan. There is still standing water on the Marr property. The pipe was running full today and that water is not on the Marr property.
- Jones Property 49 Pomfret Road – There is a proposed buyer for the property. They would like to have a mini farm, farm store. The proposed buyer would like the order closed. Ms. Fraenkel informed the buyer what needs to be done to finish the clean up on the property. The proposed buyer will build a home there.
- Sansoucy Quarry – Mr. Sansoucy is going to PZC for a renewal next month. The permit will run out in September, he can request an extension. Discussion held with regards to Sansoucy driveway. It was suggested by the Commission to have Syl Pauley, Jr., P.E., Regional Engineer conduct a review.
- Wal-Mart – Standard Report on the storm water system. Ms. Fraenkel did not see anything exceptional within the report. Both retention ponds are working. Mr. Oliverson asks what type of treatment is placed down on the parking lot in the winter. Ms. Fraenkel will investigate and report back.

Public Commentary: Aaron Kerouac asks if there is any guidance with regards to the tree cutting on Windham Road and elsewhere. Many trees have been cut and left on properties within wetlands. It was suggested to contact Tree Warden Tom Rukstela.

Adjourn: A motion was made by Demian Sorrentino to adjourn the meeting at 7:12 p.m. Richard Oliverson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier
Recording Secretary