

Brooklyn Inland Wetlands Commission
Regular Meeting Minutes
Tuesday, November 8, 2022
Zoom and In-Person Meeting
Clifford B. Green Memorial Center
69 South Main Street
6:00 p.m.

In-Person: Clifford B. Green Meeting Center, Suite 24, 69 South Main Street, Brooklyn, CT	
Online: Click link below: https://us06web.zoom.us/j/82435574137	OR Go to Zoom.us , click Sign In On the top right, click Join a Meeting Enter meeting ID: 824 3557 4137 Enter meeting password: 038430
Phone: Dial 1 646 558 8656 US Toll Enter meeting number: 824 3557 4137 Enter meeting password: 038430 You can bypass attendee number by pressing #	

Call to Order: 6:00 pm

Roll Call: Richard Oliverson, Adam Brindamour, James Paquin, Jason Burgess
Demian Sorrentino and Adam Tucker were both absent with notice.

Staff: Margaret Washburn and Jean Bolin

Seating of Alternates: None

Public Commentary: None

Additions to Agenda:

IWWC SUBD 22-002 – Allen Hill Road – Map 31 Lot 97C – Lori Pike. Re-subdivision for single-family home. James Paquin made a motion to move this item to new business. Adam Brindamour seconded the motion. Approved 4/0.

Approval of Minutes:

October 11, 2022, Meeting – Accepted with following correction: On page 4 of 5 under Old Business the public hearing date for 253 Wolf Den was written as November 14, 2022, and it should be November 8, 222.

Site Walk Minutes for the 253 Wolf Den Road site walk, done on October 21, 2022, were approved as written.

1. Public Hearing:

Re-opened public hearing for IWWC 22-004 - 253 Wolf Den Road - Map 17 Lot 32-3 – Pasay Development. Installation of driveway across wetlands to access house site in previously approved subdivision.

Paul Terwilliger of PC Survey Associates represented the applicant, Keith Pasay; both were in attendance.

Mr. Terwilliger stated that the purpose of the site walk was to determine if the proposed project meets the definition of significant impact. Mr. Terwilliger also stated that nothing has changed on the proposal.

Richard Oliverson asked Mr. Terwilliger how much material would be used and how much area would be disturbed. Mr. Terwilliger replied that 300 yards of material and 730 square feet would be disturbed. Mr. Oliverson inquired if there were any other locations that would disturb less. Mr. Terwilliger explained that there is no better option.

James Paquin stated that he did not see how this activity meets significant impact criteria. Jason Burgess agreed with Mr. Paquin.

Mr. Oliverson asked Mr. Terwilliger what the pitch of the slope from driveway is to the proposed pipe outlet. Mr. Terwilliger stated it was 2:1.

Mr. Paquin made a motion that this does not meet the criteria in Section 2 of regulations for significant impact. Mr. Paquin stated, for the record, that he believes that the proposed work does not meet the following criteria in Section 2 of the regulations:

1. Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.

5. Any activity which causes substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse.
6. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

Adam Brindamour seconded the motion. Approved 4/0.

Mr. Brindamour stated his reasons for his vote were the same seven criteria under Section 2 that Mr. Paquin stated in the motion. Mr. Brindamour stated that the proposed work does not meet the definition of significant impact.

Jason Burgess indicated his reason for approval was that this proposal does not meet the criteria for significant impact.

Mr. Oliverson's reason for approval was that he concurs with Mr. Paquin's original motion.

Chuck Browning of 255 Wolf Den attended the Zoom meeting via telephone.

Keith Pasay stated he wanted to understand what Mr. Browning's opposition was to the project. Mr. Pasay said he was only in attendance because the wetland crossing was put in the wrong place by Portfolio Properties, and asked Mr. Browning to please respond. Mr. Browning stated he has no comment on the installation of the wetland crossing by Portfolio Properties. Mr. Browning stated that Mr. Pasay has filed a lawsuit and he knows the reason for his opposition.

Peter Joyce of 299 Wolf Den was in attendance, and he also wanted to know the reason for opposition.

Mr. Oliverson stated that the old permits have expired, and the commission had to decide on what is presented before them in this application.

Mr. Paquin made a motion to close the public hearing. Mr. Brindamour seconded the motion. Approved 4/0. The public hearing is now closed.

Old Business:

Mr. Paquin made a motion to approve **IWWC 22-004 - 253 Wolf Den Road - Map 17 Lot 32-3 Pasay Development**. Installation of driveway across wetlands to access house site in previously approved subdivision, with standard conditions plus the following special conditions:

Based on the maps and plans presented, and the testimony received at the public hearing, the commission finds that: The environmental impact of the proposed activity on the wetlands/watercourse is minimal and will not cause any long-lasting impacts.

There is no feasible and prudent alternative to the proposed activity which would cause less or no environmental impact to the wetlands or watercourse. The only alternative driveway location requires the consent of another property owner, which consent has been withheld.

The proposed activity will have minimal effect on the water table and drainage patterns.

The danger of erosion and sedimentation will be minimized by appropriately placed erosion and sedimentation controls during construction.

Based on the plans as presented, there will be no irreversible and irretrievable loss of wetland resources caused by the proposed activity. Mr. Brindamour seconded the motion. Approved 4/0.

Mr. Brindamour added that as a special condition, an as-built of the driveway and wetland crossing also be required to be submitted for approval by town staff. Mr. Paquin and Mr. Brindamour agreed.

Mr. Brindamour's reasons for approval were the same as Mr. Paquin's; impact was minimal.

Mr. Burgess's stated for the record he agrees with the same list of reasons for approval stated by Mr. Paquin.

Mr. Oliverson's reason for approval concurs with Mr. Paquin's motion.

411 Church Street – Andrew Kausch. As-built plan for existing driveway and letter from Bob DeLuca of CLA Engineering.

Ms. Washburn stated that the issue will be resolved through enforcement. No vote needed because Mr. Kausch is willing to resolve the issues and get back in compliance.

New Business:

SUBD 22-001 – 420 Allen Hill Road – Map 32 Lot 128 – Maurice Lapierre P.O.A. for Naomi Regis. 2 lot subdivision, lot development within upland review area.

Paul Terwilliger from PC Survey Associates was in attendance and represented the applicant. Mr. Terwilliger explained that the applicant wants to cut two lots out of the existing fields.

Mr. Terwilliger stated there would be one 14-acre lot with the barn. The majority of the work proposed would be done outside of the upland review area. The second lot would be 12 acres, for a new single-family dwelling, driveway, septic system, well and a small barn for goats. The septic system would be between the house and the road pending NDDH approval.

A strip of frontage on each lot is being deeded over to the Town right-of-way.

Ms. Washburn reminded the commission that this application can only be received tonight not voted on. Ms. Washburn suggested a site walk could be done if deemed necessary. Mr. Paquin stated to the Chairman that he did not see a need for the whole commission to do the site walk together. Instead, commission members could go individually if preferred. Mr. Oliverson stated that he felt no site walk was needed.

No vote was needed.

IWWC SUBD 22-002 – Allen Hill Road – Map 31 Lot 97C – Lori Pike. Re-subdivision for single-family home, to New Business.

Paul Archer of Archer Surveying was present and represented the applicant.

Ms. Washburn asked Mr. Archer to clarify if this was a subdivision or a re-subdivision as stated on the application. Mr. Terwilliger stated it was a subdivision. Ms. Washburn will follow up to get clarification on the wording on the application.

The application was received tonight; it will be moved to new business at next regularly scheduled meeting. No vote was needed.

Communications:

1. Wetlands Agent Monthly Report.
2. Budget Update.

Public Commentary: None

The next scheduled meeting for December 13, 2022, was discussed. Peter Alter wants the commission to schedule a special meeting at 5:30 pm on that day so an executive session can take place. The commission agreed to that time. Ms. Washburn indicated that she would forward prior information regarding the Rawson gravel pit on Maynard Road to the three newer members of the commission that were not on the commission when the hearings took place.

Adjourn: Mr. Paquin made a motion to adjourn at 7:10 pm. Mr. Burgess seconded the motion.

Richard Oliverson, Chairman