

**Brooklyn Inland Wetlands Commission
Regular Meeting Minutes
Tuesday, April 11, 2023
Zoom and In-Person Meeting
Clifford B. Green Memorial Center
69 South Main Street
6:00 p.m.**

[NOTE: Due to technology issues there is no audio recording for this meeting.]

Call to Order: 6:00 pm

Roll Call: Adam Brindamour, Janet Booth, Demian Sorrentino, Adam Tucker, Jason Burgess, James Paquin. Rich Oliverson was absent with notice.

Staff Present: Margaret Washburn, Jean Bolin

Seating of Alternates: None

Public Commentary: None

Additions to Agenda: None

Approval of Minutes:

1. Regular Meeting Minutes: February 14, 2023, meeting – accepted as written

Public Hearings: None

Old Business:

1. **IWWC 23-002 104 Church Street – Map 35, Lot 4-3 – Stephanie Turner, owner.** New single-family dwelling, septic system, driveway, well and associated grading in the upland review area.

Both Stephanie Turner, owner, and Paul Archer of Archer Surveying, were present. Mr. Archer spoke on behalf of the applicant. Mr. Archer explained that Ms. Turner plans to build a small 2-bedroom house, approximately 1,100 sq ft, with a small septic system. It would be built on piers, with no foundation.

James Paquin asked Mr. Archer for details on the pipe that would go under the driveway, such as the diameter. Mr. Archer replied that Brooklyn regulations state it has to be a minimum of 15 inches.

Margaret Washburn commented that she had not received a delineation report yet. Mr. Archer handed a copy to Ms. Washburn.

Mr. Paquin asked Mr. Archer if they had started work yet. Mr. Archer replied that they had cut trees but not removed any stumps.

Ms. Washburn asked Mr. Archer what kind of sediment controls would be in place near the outlet of the pipe under the driveway. Mr. Archer stated that it would be silt fence.

Demian Sorrentino made a motion to approve IWWC 23-002 104 Church Street – Map 35, Lot 4-3 – Stephanie Turner, owner. New single-family dwelling, septic system, driveway, well and associated grading in the upland review area with standard conditions. Mr. Paquin seconded the motion. APPROVED 6/0.

2. **IWWC 23-003 Wolf Den Road – Map 17, Lot 24 – Peter Joyce, owner.** Dredging 150 cubic yards of muck from a pond, spreading the spoils in the upland review area and after-the-fact brush and tree removal.

Both owners, Peter Joyce and Patricia Macanany, were present. Ms. Macanany explained that they would like to dredge their 142-ft x 65-ft pond and put the spoils on top of the berm on the east side to strengthen it.

Ms. Washburn asked if they plan to make the pond any bigger. Ms. Macanany stated they do not plan to increase the size. That there may be a slight increase in depth of the pond once they dredge out leaves, etc. A large tree had fallen in the pond and was previously removed.

Ms. Macanany stated that they plan to start this work between the end of August and end of December during the low water level season so as to avoid disturbing the vernal pool species present in the pond.

Mr. Sorrentino made a motion to approve IWWC 23-003 Wolf Den Road – Map 17, Lot 24 – Peter Joyce, owner. Dredging 150 cubic yards of muck from a pond, spreading the spoils in the upland review area and after-the-fact brush and tree removal with standard conditions, and one special condition: The work shall be conducted between August 15 and December 31 of this year. Adam Tucker seconded the motion. APPROVED 6/0.

Mr. Sorrentino made a motion to lift the cease and desist order. Mr. Paquin seconded the motion. APPROVED 6/0.

3. **IWWC 22-005 143 South Street – Map 40, Lot 88-11 – Loni Decelles.** Construction of horse barn within upland review area. Clearing for horse turn out within upland review area. Selective clearing and fencing within wetland. Ms. Decelles has requested an informal discussion regarding further work she wishes to do in the wetlands and upland review area. Ms. Decelles had submitted a marked-up version of the approved plan for discussion purposes.

Loni Decelles stated that she would like to amend her previously approved permit to smooth out the pasture closer to the house to create a turn-out for horses. Ms. Decelles would like to move several large stones that would be in the way of the fence line. Ms. Decelles explained that the large stones would be moved to fortify the slope east of the barn. As some of the well-drained fill is removed, the existing steeper slope will be graded to a 3:1 slope.

Mr. Paquin made a motion to amend the permit **IWWC 22-005 143 South Street – Map 40, Lot 88-11 – Loni Decelles**. Construction of horse barn within upland review area. Clearing for horse turnout within upland review area. Selective clearing and fencing within wetland. The amendment is to approve: 1) extend the wood chip berm closer to the house as shown on the marked-up site plan; 2) remove surface debris such as rocks, trees etc. from the expanded turnout area; 3) extend the turnout area as per the marked-up site plan; 4) construct a garden shed of less than 200 square feet on a 4" concrete slab as per the marked-up site plan.

Mr. Sorrentino seconded the motion. APPROVED 5/0. Janet Booth abstained.

New Business:

1. **454 Wolf Den Road – Map 18, Lot 18B - Todd Clark.** Informal discussion regarding the process to enlarge a farm pond.

Todd Clark was present. He explained that he would like to enlarge the small farm pond which is north of his house. The pond is presently 75 feet in diameter. He would like to enlarge it to about three-quarters of an acre, and make it deeper than eight feet. Mr. Clark would like to stock the pond with fish and increase the water capacity for his growing herd. Mr. Clark may install hoop houses to grow vegetables, and may use the pond water to irrigate these crops as well as for washing vehicles, to reduce reliance on his well.

Mr. Clark stated that he currently has two cows and two donkeys, and wants to get more livestock for breeding. Excavated pond spoils would be deposited to the east of the existing carriage house, on a steep slope near his eastern property line. Mr. Clark said that he might sell some of the soil.

Ms. Washburn pointed out that there may be wetlands on the abutting property to the east. Mr. Clark said that Little Dipper Farm owns the land to the east.

Adam Brindamour asked if the pond is essential to farm operations. Mr. Clark replied that yes, it is. He needs the pond water for the animals and future irrigation purposes.

Mr. Clark has talked to farmers and believes he has an as-of-right use. Mr. Clark would like to know if enlarging the pond is an as-of-right use.

Mr. Sorrentino stated that the area where Mr. Clark wants to extend the pond may be in wetlands, and that a grading plan, as well as an erosion and sediment control plan, is needed. Mr. Sorrentino stated that the CT State statutes allow for creating farm ponds up to 5 acres in size as an as-of-right use. The avenue for Mr. Clark to take is to apply for a permit, including a statement to the effect that the pond expansion is essential to the farming operation.

Mr. Sorrentino stated that Mr. Clark needs wetlands delineated (for any work within 125 feet of wetlands and 175 feet of watercourses) and wetlands flags shown on a plan, a grading plan, and an erosion and sediment control plan. The soil scientist must check for wetlands and watercourses that may project an upland review area onto Mr. Clark's property from the abutting property to the east, as well as show wetland resource areas on Mr. Clark's land. Mr. Clark stated he would do so and submit the plan with an application.

**2. 111318D Donald Gudeahn, Wolf Den Road, Map 18, Lot 21, RA Zone; Residential Home, Septic System, Well and Minor Grading all within the upland review area.
Show Cause Hearing for Violation.**

Donald Gudeahn explained that someone ran over his curtain drain, on Christmas Day two years ago, which caused him to have three inches of water in his basement. To solve the problem, he repaired the pipe and extended the curtain drain pipe approximately 20 feet.

Ms. Booth asked, "Why all the extra pipe?". Mr. Gudeahn replied, "This is the first house I have ever built."

Paul Archer stated that in 2018, Martha Fraenkel, then Wetlands Enforcement Officer, and Tommy Rukstela, wanted the driveway moved, due to line-of-sight issues.

Ms. Washburn commented that the previously approved plan showed sediment controls and a curtain drain. The as-built does not show these. Work had been done outside of the approved limits of disturbance. Large equipment was used to spread fill resulting in work being done in an area far larger than the limits of work previously approved.

Mr. Paquin said that Mr. Gudeahn needs a soil scientist to determine the amount of wetlands disturbance that occurred. Have the wetlands re-delineated and either apply for an after-the fact permit or submit a remediation plan prepared by a soil scientist. Mr. Paquin stated that the house and septic are different on the as-built.

Mr. Gudeahn said that he had pigs on the property last year.

The Commission agreed that the wetlands flags need to be replaced in the field and that Paul Archer could do this.

Ms. Washburn asked for the Commission to uphold the Cease & Desist Order.

Mr. Sorrentino made a motion to uphold the cease and desist order dated April 5, 2023. Mr. Sorrentino instructed Mr. Gudeahn to hire a surveyor to locate the limits of disturbance on the as-built plan, replace the 2018 flags in the field, show that information on the as-built plan and submit it with an application for an after-the fact permit or with a remediation plan prepared by a soil scientist by May 1, 2023. Mr. Paquin seconded the motion. APPROVED 6/0.

Communications:

Budget Update: Budget was reviewed by Commission.

Agent Report: Ms. Washburn stated that she approved the remediation work Mr. Kausch did on the driveway to 409 and 411 Church Street . The wetlands have been restored to her satisfaction.

Public Commentary: None

Adjourn: Ms. Booth made a motion to adjourn. Burgess seconded the motion. APPROVED 6/0.

Submitted By:

Jean Bolin
Recording Secretary