

**Brooklyn Inland Wetlands Commission  
Regular Meeting Minutes  
November 10, 2015**

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, November 10, 2015, 6:00 p.m. at the Clifford B. Green Memorial Center, 69 South Main Street.

**Call to Order:** The meeting was called to order at 6:02 p.m.

**Members Present:** Real Gallant, Erik Costa, Deane Rettig, George Sipila and Melissa Labossiere.

**Absent:** Jeff Arends with notice.

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

**Also Present:** Paul Archer, Attorney Ernest Cotnoir, Norm Thibeault, and public in attendance.

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

**Seating of Alternates:** None.

**Approval of Minutes:**

**1. Regular Meeting Minutes October 13, 2015.**

A motion was made by Erik Costa to approve the meeting minutes of October 13, 2015. Deane Rettig seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**Public Commentary:** None.

**New Application Acceptance:**

**1. 111015A Keith Hoyt, 13 Hickory Lane, Map 43, Lot 23-20, RA Zone, Construction of a residential driveway with associated grading and proposed 3,870 sq. ft. of wetlands disturbance.**

Chairman Gallant asked if the application is complete. Ms. Fraenkel confirmed the application is complete.

Norm Thibeault, Killingly Engineering Associates represents application 111015A and gives a brief summary. There is an existing driveway shared with a neighbor (Jax). As the result of the neighbor's rock mining operation the existing shared driveway is almost impassable with ruts almost a foot deep in spots and falling apart with pipes exposed. Mr. Hoyt constructed the driveway, maintains the driveway. Mr. Hoyt and Mr. Jax have been unable to come to an agreement to repair the driveway. In order to remedy this problem the applicant's proposal is to construct a new driveway relatively parallel. The original subdivision plans shows this, but never constructed. The new driveway will come off of Hickory Lane, the main point of the wetlands crossing is a seasonal brook. There is a lot of overgrown invasive vegetation in the wetlands (briars/vines). The proposal is to create a wetlands mitigation area. Mr. Thibeault demonstrates this on a site plan.

Chairman Gallant asked if this driveway was approved on the original subdivision. Mr. Thibeault stated he is unclear if it was approved, but was shown as conceptual. Chairman Gallant asked Ms. Fraenkel to look into this. Mr. Hoyt stated the subdivision was done in the early 1980's.

Mr. Thibeault requests that this application be placed on next month's agenda and a public hearing be scheduled due to the amount of wetlands disturbance.

George Sipila asked what will happen to the old driveway. Mr. Thibeault commented that it is going to remain there.

Erik Costa makes a motion to receive application 111015A Keith Hoyt, 13 Hickory Lane, Map 43, Lot 23-20, RA Zone, Construction of a residential driveway with associated grading and proposed 3,870 sq. ft. of wetlands disturbance and set a public hearing on December 8, 2015. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

#### **Continued Applications:**

**1. 101315B Lucien A. Brodeur (Pakulis Farm) 63 Creamery Brook Road, Map 32, Lot 119; Cleaning and maintaining of Farm Pond. Size of pond will remain the same. Silted in material removed from pond and placed on banks or near edge of pond.**

Ms. Fraenkel stated the application is complete with some supplemental information supplied by Mr. Brodeur in response to questions Ms. Fraenkel had with regards to the actual clean out.

Ms. Fraenkel recommended the following conditions:

- Excavated spoil may not be placed in wetlands without an additional permit.
- The wetlands officer shall inspect the proposed destination prior to commencement of work.
- Applicant shall contact wetlands officer by phone or in writing during the first week of every month to report on the status until work is completed.
- Erosion controls shall be placed as needed to prevent erosion into wetlands.

Ms. Fraenkel stated that this is a farm pond but is actually larger than the size allowed by Statute to process without a permit. It cannot be more than 3 acres; this farm pond is 5 acres.

Mr. Costa asked Mr. Brodeur if he could comply with Ms. Fraenkel's requests. Mr. Brodeur will comply. Discussion ensued.

Deane Rettig suggests adding to condition #3 "shall begin upon commencement of work" as Mr. Brodeur may put off doing the work until next summer.

Mr. Brodeur discussed what they will do this fall. Chairman Gallant asked how deep the pond is. Mr. Brodeur stated that it was originally 11 feet; however, it is more like 9 or 10 feet now. There was a lot of irrigating done this summer for the turf farm which exhausted the supply of water in the pond which does not recover in the drier weather.

A motion was made by Deane Rettig to approve 101315B Lucien A. Brodeur (Pakulis Farm) 63 Creamery Brook Road, Map 32, Lot 119; Cleaning and maintaining of Farm Pond. Size of pond will remain the same. Silted in material removed from pond and placed on banks or near edge of pond with the following conditions:

1. Excavated spoil may not be placed in wetlands without an additional permit.
2. The wetlands officer shall inspect the proposed destination prior to commencement of work.
3. Applicant shall contact wetlands officer by phone or in writing during the first week of every month to report on the status of the operation until the work is completed and this process will begin with the commencement of work.
4. Erosion controls shall be placed as needed to prevent erosion into wetlands.

Chairman Gallant questioned the erosion and sediment controls, is there a specific area of concern where they should be placed, and is this on the map. Ms. Fraenkel stated it is not on the map, but the map can be amended at her discretion.

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

**2. 101315C Cynthia Perkins, Brown Road, Map 34, Lot 34, RA Zone; Residential Home, Septic System, Well and Driveway with minor grading.**

Paul Archer from Archer Surveying represents application 101315C. The property is located on Brown Road which houses a cell tower. The lot consists of 15 acres. Mr. Archer demonstrates on the site plan where the proposed house is to be built. The wetlands have been delineated by Joe Theroux (letter dated July 22, 2015). There is a swale that takes the overflow from the pond across the street. Mr. Archer demonstrates this on the site plan. Ms. Fraenkel has done a site visit of the property. There is approval from Northeast District Department of Health.

Chairman Gallant asked if everything is within the 125 foot upland review area. Mr. Archer stated yes. Part of the driveway and house is out of it. 85% of the septic system is out of it.

Mr. Archer further discusses the swale that takes the overflow from the pond with Mr. Costa. Melissa Labossiere asked about a previous application with unsuitable soils. Mr. Archer stated this is not the same lot.

A motion was made by Erik Costa to approve 101315C Cynthia Perkins, Brown Road, Map 34, Lot 34, RA Zone; Residential Home, Septic System, Well and Driveway with minor grading with the following conditions:

1. Any stockpile of material shall be placed outside of the regulated area.

Deane Rettig seconds this motion. No discussion held. All in favor the motion passes unanimously.

**Reading of Legal Notice:** - None.

**Public Hearings:**

**a. New Public Hearings:**

**1. 081115A Strategic Commercial Realty, Inc., d/b/a Rawson Materials, Jeffrey Rawson President; Off Rukstela Road, Map 30, Lot 16, RA Zone, 115.35 Acres; Removal of gravel and creation of a haul road for access to and from the same.**

Chairman Gallant reads the following letter dated November 10, 2015 from Attorney Ernest J. Cotnoir into the record: Dear Ms. Fraenkel, As you know, I represent the applicant in the above referenced application the public hearing of which is scheduled to be opened tonight at the meeting of the Inland Wetland and Watercourses Commission. The applicant and its engineers are still in the process of preparing revisions to the plans based on comments submitted by staff and, on behalf of the applicant, I am writing to request that the opening of the public hearing be continued to the next regular meeting of the Commission on December 8, 2015. The applicant hereby grants an extension of time to open the public hearing to said date, an extension of 29 days. Thank you for your cooperation, and please call me if you have any questions or suggestions regarding this matter, or if additional information is required.

A motion was made by Erik Costa to approve the extension of the pre-hearing period. George Sipila seconds this motion. Discussion held. All in favor. The motion passes unanimously.

**2. 101315A Tina M. Kerouack, 282 Windham Road; Maintenance of driveway with existing wetlands crossings; Improvements for the purposes of increased safety and accessibility.**

Chairman Gallant reads the following letter dated November 10, 2015 from Killingly Engineering Associates, Normand Thibeault, Jr., P.E. into the record. Dear Mr. Gallant, on behalf of Ms. Tina Kerouack, we request that Brooklyn Inland Wetlands Commission table opening of the public hearing for the aforementioned application until the December 8<sup>th</sup> meeting. Please feel free to contact me at 860-779-7299 if you have any questions or comments.

A motion was made by Deane Rettig to postpone 101315A Tina M. Kerouack, 282 Windham Road to December 8, 2015 meeting at the Clifford B. Green Memorial Meeting Center. Melissa Labossiere seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**b. Continued Public Hearings:** None.

**Unfinished Business:**

**1. 081115A Strategic Commercial Realty, Inc., d/b/a Rawson Materials, Jeffrey Rawson President; Off Rukstela Road, Map 30, Lot 16, RA Zone, 115.35 Acres; Removal of gravel and creation of a haul road for access to and from the same.**

A motion was made by Deane Rettig to table application 081115A Strategic Commercial Realty, Inc., d/b/a Rawson Materials, Jeffrey Rawson President; Off Rukstela Road, Map 30, Lot 16, RA Zone, 115.35 Acres to the December 8, 2015 meeting. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**2. 101315A Tina M. Kerouack, 282 Windham Road; Maintenance of driveway with existing wetlands crossings; Improvements for the purposes of increased safety and accessibility.**

A motion was made by Deane Rettig to table application 101315A Tina M. Kerouack, 282 Windham Road to the December 8, 2015 meeting. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**New Business:**

**1. Permit Transfer 061014C 91 and 93 Brown Road Map 34, Lot 37.**

Ms. Fraenkel stated that this is a request from a buyer of a lot that has already obtained a wetlands permit. The regulations require that the Commission can transfer permits from one entity to another. Patrick and Kendra Collins are buying the lot, will be building a house in the same footprint, however, the original approval was for a duplex, they will build a single family dwelling.

Paul Archer represents the applicants Patrick and Kendra Collins. The previous applicant was George Jung who was proposing to put in a duplex. The Collins are proposing to build a 3 bedroom house. Everything is out of the upland review area. The septic system has been approved by the Northeast District Department of Health and by the Wetlands Commission. They will use the existing septic system.

A motion was made by Deane Rettig to approve permit transfer of 061014C 91 and 93 Brown Road, Map 34, Lot 37 from George Jung to Kendra and Patrick Collins with the original conditions. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Paul Archer asked if the original time of the wetlands permit stay with Jung or does it come up to date. Chairman Gallant stated it stays with Jung, it is not a new permit, it is an existing one with all the conditions remaining the same.

## **2. Wetlands Agent Monthly Report.**

1. Ms. Fraenkel discusses a request for duly authorized agent from the Water Pollution Control Authority to rebuild a pump station (Plaza Street) cul-de-sac behind Ocean State Job Lot. There is a wetlands system within the upland review area. The only question Ms. Fraenkel had was if there was going to be any de-watering. WPCA stated they would filter it before putting it into the catch basin. Discussion ensued.

Melissa Labossiere asked Ms. Fraenkel if she has visited Walmart yet. Ms. Fraenkel stated she has not.

**Adjourn:** A motion was made by Erik Costa to adjourn the meeting at 6:40 p.m. Deane Rettig seconds this motion. All in favor. The motion passes unanimously.

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Audrey Cross-Lussier  
Recording Secretary