

**Brooklyn Inland Wetlands Commission
Regular Meeting Minutes
Tuesday, January 11, 2022
Web Ex and In-Person Meeting
Clifford B. Green Memorial Center
69 South Main Street
6:00 p.m.**

Call to Order: 6:00 pm

Lisa M. Lindia ran the ZOOM meeting.

Roll Call: Richard Oliverson, Demian Sorrentino, Jim Paquin and Adam Brindamour in person; Jason Burgess absent with notice.

Staff Present: Lisa Lindia, Recording Secretary, Margaret Washburn, Wetlands Enforcement Officer.

Seating of Alternates: None

Public Commentary: None

Additions to Agenda: Jared Chviek dropped off a sketch for Brown Rd Map 34 Lot 31 showing the driveway and the agricultural work he intends to do. Mr. Chviek also is also willing to allow a site walk.

Approval of Minutes:

1. Regular Meeting Minutes 11/9/2021. Approved as written.

Public Hearings:

1. None.

Old Business:

1. None.

New Business: Opened at 6:06 pm

1. Cease and Desist Order – FCR Realty, LLC. Location of Violation: Gravel Pit Westerly of Day Street (Assessor's Map 41 Lot 6 and Map 35 Lot 7). Show Cause Hearing.

A motion was made by Damien Sorrentino to open the show cause hearing. Adam Brindamour seconds the motion. No discussion. All in favor. The motion passes unanimously.

David Held is present along with Keith Green. FCR was approved to excavate a specific footprint. They went beyond the approved footprint. David apologizes that he did not understand the commission wants a new application.

Margaret Washburn requests an application for work after the fact.

Damien Sorrentino also suggested to the applicant to apply for a permit for work that has been done in the upland review area.

Margaret Washburn states from her site walk dated 11/30/21 she saw piles of woody debris 30 feet from the pond. As where the plan clearly shows the disturbance of work is limit to 100 feet from the pond.

Spiro Haveles wants to speak; he is denied at this time. He will have time at the Public Commentary.

A motion was made by Damien Sorrentino to uphold the Cease-and-Desist Order. Adam Brindamour seconds the motion. No discussion. All in favor. The motion passes unanimously.

In order to be heard at the next meeting the deadline for all documents to be submitted is 1/31/22.

There was discussion about work done at the FCR Realty LLC gravel pit in violation of the approved plan. Damien Sorrentino feels the noncompliance issues should be identified in a Notice of Violation:

1. Visual barriers
2. Reporting
3. No Reclamation
4. Phasing plan not followed

Issue a Notice of Violation identifying the deficiencies; require a plan showing how the issues will be rectified in order to get FCR back into compliance.

The Notice of Violation is to be given to FCR in order for them to create a plan and submit by Monday, February 28th to be presented at the March 8 meeting.

Christa Haveles states the access road license agreement says the FCR is supposed to maintain to road over the dam. Ms. Washburn states that FCR keeps dumping material on the road and it continues to wash into the pond and wetlands.

For the record, the reason the IWWC does not want to do a site walk or address the wash-outs on the road over the dam is because it is on someone else's property.

Damien Sorrentino would like to see Town Counsel present at the next meeting. He feels that it would be beneficial due to the complexity of the noncompliance issues.

Damien Sorrentino and Richard Oliverson both voted for Town Counsel to be present at the March 8 meeting.

Neither Adam Brindamour nor Jim Paquin feel that Town Counsel needs to be present at our next meeting

For the record, the reason this commission upheld the Cease and Desist Order for the one-acre gravel pit FCR created without any permits was that they found they did work outside the scope of the approved permit. No permit application was submitted. Work that has the potential to affect the wetlands and watercourses has been done with no permit.

2. Set 2022 meeting dates. A motion was made by Adam Brindamour to accept the 2022 proposed meeting dates Jim Paquin seconds the motion. No discussion. All in favor. The motion passed unanimously.

Communications:

1. Wetlands Agent Monthly Report.

- a. Brown Rd – The Commission reviewed the sketch that was dropped off by Mr. Chviek earlier today. Mr. Chviek attended the meeting via Zoom. Chairman Richard Oliverson asks if a site walk is possible on Monday, January 17 around 4:15 pm. by. Mr. Chviek said it might be difficult to meet them at that time. Richard Oliverson asked if it be okay to go with out Mr. Chviek being present. Mr. Chviek stated that would be fine.

2. Budget Update.

Public Commentary:

Spiro Haveles of 159 Day St states that on 1/22/22 there will be no access for FCR to get to gravel pit property via the access road over the dam. There have been disturbances close to the pond. Fish were killed. Mr. Haveles explains that he is going to put up a barrier. Christa and Spiro Haveles interpret the license agreement to mean that the FCR Realty LLC access to the gravel pit expires on 1/22/22.

Dan Litke of 24 & 30 Brickyard Road explains that FCR has exceeded the limit of work.

Margaret Washburn asks Christa and Spiro Haveles if they would let FCR fix the sedimentation problem on the dam and side slopes. Their response: “Why would they?”

No other public comments.

Adjourn: A motion was made by Jim Paquin to adjourn at 7:35 p.m. Adam Brindamour seconds the motion. No discussion. All in favor. The motion passed unanimously.

Richard Oliverson, Chairman