

**Brooklyn Inland Wetlands and Watercourses Commission
(IWWC)**

Regular Meeting Minutes

Tuesday, February 13, 2024

Zoom and In-Person Meeting

Clifford B. Green Memorial Center

69 South Main Street

6:00 p.m.

Call to Order: 6:04 p.m.

Roll Call: Jason Burgess, Adam Tucker, Jessica Long, Demian Sorrentino. Via Zoom: Sharon Loughlin, Janet Booth, Adam Brindamour.

Absent with Notice: Richard Oliverson.

Staff Present: First Selectman, Austin Tanner (via Zoom), WEO, Margaret Washburn, Recording Secretary, Terry Mahanna.

Attendance: Attending in person: Paul Archer, Archer Surveying; David Smith, Engineer, Archer Surveying; Nicholas Mangiamale, Timber Harvest Supervisor, Hull Forest Products; Brooklyn Resident, Dale Lyon (arrived at approximately 6:15 pm).

Attending via Zoom: First Selectman, Austin Tanner, Commission member Sharon Loughlin, Commission member Janet Booth, Commission member Adam Brindamour, George Logan, REMA Ecological Services, Brooklyn Resident, Carrie Barna, one additional anonymous attendee.

Seating of Alternates: A motion was made by Demian Sorrentino and seconded by Adam Tucker to seat Jessica Long for Richard Oliverson. Motion passed unanimously by vote 7-0-0.

Public Commentary: None.

Additions to Agenda: None.

Approval of Minutes: Regular Meeting Minutes January 9, 2024.

Sharon Loughlin brought to attention an error under Public Hearings, item number two on Page 7: the last paragraph includes the following “the next IWWC meeting on January 13, 2024” whereas it should have read “the next IWWC meeting on *February* 13, 2024”. The minutes were approved with this one correction noted.

Public Hearings (continued):

1. **IWWC 23-015 LAC Properties, owner/applicant; Map 41 Lot 1; Providence Road, PC Zone;** Proposal to fill wetlands to level site for development of a commercial building, driveways and septic system. Proposed fill equals 8,900 sf; total regulated area altered equals 64,000 sf / 1.5 acres.

The Public Hearing (re)opened at 6:07 p.m. Paul Archer, David Smith, George Logan and Dale Lyon represented this project.

Mr. Archer provided a new version of the plan to the Commission members in the room, which was different from that submitted to Margaret Washburn on January 12, 2024. Mr. Archer explained that in consideration of the comments made by the Commission at the previous meeting they dummed-down the plan and removed what (he believed) was questionable. As a result, he removed the building, septic system and well from the plan and (in his opinion) provided a plan the Commission could approve. The building was removed as they are not ready to provide details on it at this time.

Additions to the plan included two biofiltration systems, a green outlined area represented 6,700 sf of permanently filled wetlands, a pink outlined area represented 2,200 sf of wetlands that will remain; a blue outlined area represented an enlarged wetland area totaling 5,000 sf, which per Mr. Archer then resulted in 3,800 sf to be filled (considering the initial proposed 8,900 sf). Page 2 of the plan provided a detail of how the biofiltration systems will work.

Mr. Archer added that they had received comments from Syl Pauley (Regional Engineer) but believes they are ninety-five percent applicable to Planning & Zoning and not Wetlands. He believed confusion also resulted as to David Smith's verbiage related to raingardens versus biofiltration systems now proposed.

David Smith spoke next and indicated he was at the last IWWC meeting and as a result took the Commission's concerns very seriously. He indicated their proposal will provide viable characteristics pertaining to flood storage, water retention, water quality and the ability to recharge some groundwater. He believes the expanded wetlands will provide nourishment for shrubs, vegetation, seasonal pollinators and will also prevent invasives. As to Mr. Pauley's comments, he believes there had been a disconnect with the lowering of the level of the grade to 6" above the wetlands by George Logan and the narrative referring to raingardens when it should have referenced biofiltration. He added that their proposal and the viable characteristics will lower the impact of the proposed filling of wetlands. As to the current plan, he indicated that they stripped away everything not related to this (IWWC) application. David Smith stated that he had just been presented with Mr. Pauley's latest comments and therefore does not (yet) have a point-by-point rebuttal. Although he agreed that many of those comments related to other aspects of the project and not wetlands. Margaret Washburn had emailed Syl Pauley's comments to Paul Archer on February 1.

George Logan added that their proposal contains a combination of things. What he envisions is excavating the cells by 6-inches and adding topsoil enriched with 25% compost, making it more conducive to wetlands while creating a virtual water table. He provided an example of how he has done this before. The plantings would provide food for pollinators across different seasons. The plan allows for a lessened impact while replicating some wetlands.

Adam Brindamour questioned how confident the applicants were that there would not be significant changes to this plan and/or did they see any pitfalls as it relates to wetlands. Mr. Archer responded that this was their site plan that they will take to Planning & Zoning (after IWWC approval) and the only difference between this plan and the prior plan was that they took out all the questionable areas.

Margaret Washburn asked the Chairman for permission to speak, which was granted. Ms. Washburn provided an informal verbal timeline of the different versions of the plans submitted by Mr. Archer (and which versions the Commission had received), along with a verbal timeline of the comments received from Syl Pauley and whether they were addressed. She then read aloud the latest comments received the day prior from Mr. Pauley in which he had asked for a written response from Mr. Archer (on letterhead) to include a written reason for any proposed

changes not incorporated. Ms. Washburn expressed concerns with Mr. Archer providing multiple versions of plans to include those passed out at this meeting – members attending via Zoom and those absent do not have the benefit of seeing plans passed out at meetings.

A discussion among Commission members and Mr. Archer ensued regarding plan revisions/submissions, dates on plans and the Commission's need to do their due diligence. Ms. Loughlin included that there is a policy that plans should be received at least six days prior to a meeting to allow time for review. Ms. Booth seconded Ms. Loughlin's statement and added that she would like a plan that is stable so they can do their due diligence.

Ms. Washburn recommended the following:

- An extension of the application to give the Commission members time to review the revised plan.
- Keep the Public Hearing open and continue it at the March 12, 2024 IWWC meeting.
- A revised Application to reflect their new proposal. Application and Plan should match.

Mr. Brindamour asked for consent for an extension of the application. Mr. Archer agreed to an extension.

Mr. Sorrentino asked how their plan was going to change and if they intended to proceed to the Planning & Zoning Commission with this version of the plan, with no building on it. Mr. Archer and Mr. Smith confirmed that was their intent.

Mr. Smith and Mr. Logan then provided a description of how the biofiltration systems would function. Mr. Smith included that the berm would be porous and made of stone; the flow would be from the pavement to grass into the biofiltration systems to the wetlands and then to groundwater; water would not flow into NAPA property. Mr. Logan added that the functionality of the systems would provide the opportunity for the wetlands to do what they should do, and although hard to compare, the result would at least be similar if not a little better than how it functions today.

Ms. Booth added her opinion that this would be an inordinate amount of wetlands being completely eliminated. After seeing the historical imagery shown at the last meeting, she took to heart the loss of the original wetlands, the testimony from a neighbor about his memories of the wetland area, and the significant watercourse not far away. She believes this area is still a functioning wetland. She also asked Ms. Washburn if the application was considered complete and actionable.

Ms. Washburn indicated she was somewhat ambivalent as the intent is for a retail landscape business with employees who will need access to sanitary facilities and drinking water. She stated it seemed strange to not have a building and septic on the plan. Mr. Archer responded that they plan to come back (at a later date) with that on the plan. He added: that if the Commission votes no at this time, (his opinion is that) the parcel is deemed undevelopable; and this is a 3-acre commercial site they are trying to make viable and a positive thing for Brooklyn.

Ms. Washburn asked for clarification on Area B, part of which is shown as four feet higher than the water table. She felt this should not be added into the square footage of "expanded" wetlands; therefore, she would like a revised diagram. She would also like to see text indicating the total square footage for wetlands versus the total square footage for non-wetlands.

Mr. Brindamour added: (1) The plans need to match the application which should be rewritten/resubmitted and (2) Syl Pauley needs to review the next version of revised plans and provide his comments.

In response to Ms. Booth's comments regarding a nearby watercourse, Mr. Logan indicated that he had just done a Google Earth search to look at the neighboring wetlands. He stated that: East of the proposed development site is Long Brook which contours to the Northeast behind NAPA with a flow path of over four-hundred feet; and this man-made wetland is not doing anything for the Long Brook wetland.

Mr. Tucker asked how Mr. Lyon's landscape business would operate (or temporarily-operate) without a building, and if they had a plan for sanitation and drinking water. Mr. Lyon responded he could operate a business out of his pick-up truck, with Mr. Archer adding it would simply be people picking up mulch.

Mr. Smith added that instead of saying they "dummied-down" the plan it was more appropriate to say it was streamlined based on the plans evolving, which is not uncommon. The application needs to catch up, and they need to catch up with Mr. Pauley. He believed this was all do-able. Mr. Archer indicated he had an Extension Letter in hand that consented to a thirty-day extension.

Mr. Brindamour asked if there were any public comments. None were made.

A **motion** was made by Demian Sorrentino to continue the Public Hearing to the next IWWC meeting on March 12, 2024 at 6:00 pm at the Clifford B. Green Memorial Center, 69 South Main Street, and to also accept the applicant's Extension Letter in which the applicant agreed to a thirty-day extension of their application. Ms. Booth seconded the motion. Motion passed unanimously by vote 7-0-0.

Old Business:

- 1. IWWC 23-015 LAC Properties, owner/applicant; Map 41 Lot 1; Providence Road, PC Zone;** Proposal to fill wetlands to level site for development of a commercial building, driveways and septic system. Proposed fill equals 8,900 sf; total regulated area altered equals 64,000 sf / 1.5 acres.

A **motion** was made by Demian Sorrentino to continue the public hearing to the next IWWC meeting on March 12, 2024 at 6:00 pm at the Clifford B. Green Memorial Center, 69 South Main Street. Motion was seconded by Jason Burgess and passed unanimously by vote 7-0-0.

New Business:

- 1. DR 24-001 John Whitney, owner, Hull Forest Products, applicant; Map 23 Lot 6; Old Tatnic Hill Road, RA Zone;** Timber harvest targeting the salvage of dying/dead oak and ash species while removing commercially viable sawtimber to release advance regeneration.

Nick Mangiamiele was present to represent this project. He provided an overview of the project and indicated the owners are looking to salvage any potential value from dying ash and oak trees and generate revenue. There are three separate wetlands throughout the eight acres. They will be crossing two wetlands, but no harvesting will be done within the wetlands.

At this point of Mr. Mangiamiele's presentation, Mr. Sorrentino recused himself as he realized he had previously flagged these wetlands.

Ms. Washburn indicated that she and Mr. Mangiamele had walked the proposed project area and she had taken pictures (which were included in the meeting packet). She recommended approval of the application. Ms. Booth asked if the area had previously been logged. Mr. Mangiamele responded that there was evidence of some old skid trails, although they appeared to not have been used in a long time. He also added that he may put some stone down in the logging area for trucks to turn around.

A **motion** was made by Mr. Burgess and seconded by Ms. Booth to approve the application. Motion passed unanimously by vote 6-0-0.

Mr. Sorrentino rejoined the meeting after the vote.

Communications:

1. Wetlands Agent Monthly Report was provided to the Commission.
2. Budget Update: Was provided to Commission, with no further discussion.

Adjourn: Motion to adjourn was made at 7:09 pm by Sharon Loughlin and seconded by Jessica Long. Motion passed unanimously by vote 7-0-0.

Submitted By:
Terry Mahanna
Recording Secretary