

Brooklyn Inland Wetlands and Watercourses Commission

Special Meeting Minutes

Tuesday, August 8, 2023

Zoom and In-Person Meeting

Community Center

31 Tiffany Street Upper Level

Call to Order: 6:05 pm

Roll Call: Richard Oliverson, Adam Brindamour, Janet Booth, Adam Tucker. Absent with notice: Demian Sorrentino, Jason Burgess, James Paquin.

Staff Present: Margaret Washburn; Terry Mahanna, Recording Secretary.

Attendance: Attending in person: Norm Thibeault, Killingly Engineering; Keith Pasay. Attending via Zoom: Jeff Bord, Bohler Engineering; Pete Parent, CHA Engineering; Ryan Kelliher; Sharon Loughlin; one anonymous participant.

Seating of Alternates: None.

Public Commentary: None.

Approval of Minutes:

Site Walk Minutes June 19, 2023 – APPROVED 4-0-0.

Special Meeting Minutes July 11, 2023 - APPROVED 4-0-0.

Public Hearings:

1. IWWC 23-009: A. Kausch & Sons, Church Street, Map 37, Lot 21, RA Zone; Single-family house with driveway crossing; 2,100 sq ft of proposed wetlands alteration.

Per Margaret Washburn, Paul Archer did not show up for the site inspection that was scheduled at the July 11, 2023 meeting. He had agreed to attend the site inspection, stake the house location and re-hang the missing wetlands flags prior to the site inspection. None of this was done, and he failed to tell the agent or Commission that he would not attend the site inspection.

Adam Tucker stated that he read the minutes from the July 11, 2023 meeting, and reviewed the applications and plans for all tonight's agenda items. He feels qualified to vote on these applications after making himself familiar with the applications. He was not present at the July 11, 2023 meeting.

No hearing can be held at this time due to the failure of the applicant to post signage and notify abutters. This item will defer to Old Business.

Old Business:

- 1. IWWC 23-009: A. Kausch & Sons, Church Street, Map 37, Lot 21, RA Zone;** Single-family house with driveway crossing; 2,100 sq ft of proposed wetlands alteration.

A **motion** was made by Adam Brindamour and seconded by Janet Booth to deny without prejudice due to an incomplete application. Motion carried unanimously by vote (4-0-0).

- 2. IWWC 23-005: Townsend Development Associates LLC, 538 Providence Road, Map 41, Lot 16, PC Zone;** Modification to existing approved Special Permit to construct approximately 16,100 sf of Self Storage in two buildings, and 19,360 sf of commercial space.

Margaret Washburn referenced the comments provided by Syl Pauley (Regional Engineer). Pete Parent confirmed that all his responses to Syl Pauley's review comments were satisfactory and the issues have been addressed. Mr. Parent indicated that there is a hydrodynamic separator. In addition, the commission discussed the need for the culvert to be maintained by the Town, now and on an ongoing basis. Pete Parent stated that the culvert should be maintained at least once per year. Ms. Washburn suggests a letter to the First Selectman, Austin Tanner, and to Tommy Rukstela, Highway Department foreman, to communicate the need for maintenance now, and ongoing.

A **motion** was made by Janet Booth and seconded by Adam Brindamour to approve with standard conditions. The reasons stated were that after the site walk, review of plans, review of comments, and the acceptance of revisions, we are satisfied that there are no impacts to wetlands. A follow-up letter is to be sent by Ms. Washburn to the Town regarding requirement for ongoing maintenance. Motion carried unanimously by vote (4-0-0).

- 3. IWWC 23-006: Ryan Kelleher. 404 Wolf Den Road, Map 18, Lot 22, RA Zone;** Improvement of an existing gravel driveway through a wetland to construct a single-family home on 41 acres of land.

Norm Thibeault provided a brief history of the lot: an application was originally made in 2004 to the Army Corps of Engineers (ACOE) for a 10-lot subdivision. The ACOE approved more than 12,000 sf of wetlands alterations. The time allowed for approval of the IWWC application ran out with no decision rendered. The developer appealed, but the economy crashed, causing the appeal to be withdrawn. Norm indicated that the driveway was in at that time and provided photos from 1934 showing the driveway.

Mr. Thibeault described the proposed improvements to the existing driveway, which includes widening it in two areas. There are two 15" pipes which are frequently overwhelmed, even in 2-year storms. Two 4' x 2' open-bottomed box culverts are proposed. The flood zone is shown on the plans with a compensatory flood storage area for impacts from filling wetlands for widening the driveway. A modified rip rap swale with a plunge pool are proposed to slow down runoff from the driveway.

A wetlands impact report with recommendations prepared by Joe Theroux was submitted. Impacts are significant within the footprint of the fill proposed. Mr. Thibeault read a portion of the report. There is a need to address the lack of silt fence and hay bales between the compensatory flood storage area and wetlands. Work must be done during low flow/no flow conditions. Vegetation needs to be established quickly following the wetlands alterations.

Mr. Thibeault stated that he received Syl Pauley's comments at 3:27pm today, although he did not yet have time to address them. Mr. Thibeault concludes that the impact proposed now will be lower than that of the previously proposed 10-lot subdivision.

Margaret Washburn mentioned the need to be mindful when doing the work and asked if there would be coffer dams or bypass pumping. Mr. Thibeault indicated they could show a temporary culvert or bypass pumping on the plans, if requested.

Janet Booth asked a question as to ensuring ongoing maintenance. Mr. Thibeault indicated the owner (Ryan Kelleher) is aware he will need to stay on top of the maintenance. Mr. Kelleher stated that he has no intentions of paving the driveway; it will remain as gravel in perpetuity.

Ms. Washburn asked Mr. Thibeault how he was sure that the larger box culverts would not drain the wetlands upstream of the driveway. Mr. Thibeault said that the box culverts will have the same invert elevations as the pipes do now.

Ms. Washburn indicated that a public hearing is appropriate. Mr. Thibeault agreed to provide revisions regarding a temporary culvert or bypass pumping for the hearing.

Mr. Thibeault said that low flow/no flow conditions usually occur around this time of year. Regarding the recommendation made by Joe Theroux that vegetation needs to be established quickly following work, Ms. Washburn asked Mr. Thibeault how this would be accomplished late in the growing season. Mr. Thibeault said that Joe Theroux recommended using New England Wet-mix for seeding native wetlands species.

The commission determined a site walk is warranted and will therefore be conducted on August 16th at 5:30pm.

A **motion** was made by Adam Brindamour and seconded by Adam Tucker to schedule a public hearing to be held on September 12, 2023 at 6:00 pm at 31 Tiffany Street, Upper Level. Motion carried unanimously by vote (4-0-0).

4. IWWC 23-007: Tripp Hollow Investments LLC, Tripp Hollow Road, Map 14, Lot 10-1 RA Zone; Proposed single-family house, well, septic system and site grading in the upland review area on a subdivision lot created in 2004.

Norm Thibeault, as representative of this project, described the parcel as being largely in the regulated area, with the proposed placement of the house creating the least amount of disturbance. He indicated that the parcel is a total of 4.3 acres with approximately 1.75 acres being wetlands.

Janet Booth asked generally how to prevent an owner/developer from clearing up a bigger area than that shown on the approved plan. Margaret Washburn indicated that the developer on this site will not work beyond the limit of disturbance shown on the plan. Also, homeowners are allowed to cut firewood.

A discussion regarding wetlands flagging followed. The property was flagged in 2004. The commission's policy is that if flagging is older than 15 years, the property must be re-delineated. The commission indicates the property needs to be re-delineated prior to construction and the plans need to be updated. Mr. Thibeault agrees.

A **motion** was made by Adam Brindamour and seconded by Janet Booth to continue discussion of this application at the next meeting on September 12, 2023. Wetlands are to be re-delineated and revised plans are to be submitted by September 5, 2023. Motion carried unanimously by vote (4-0-0).

5. IWWC 23-008: Wal-Mart Real Estate Business Trust, 450 Providence Road, Map 41, Lot 10, PC Zone;
Online grocery pickup addition with parking modifications.

Jeff Bord presented via Zoom. The commission reviewed the application, plans, site walk and inspection report which indicated no work beyond the existing asphalt and no increase in impervious surfaces. It was concluded that there will be no impact to wetlands.

A **motion** was made by Janet Booth and seconded by Adam Tucker to approve the application with standard conditions, because there are no impacts to wetlands. Motion carried unanimously by vote (4-0-0).

New Business:

253 Wolf Den Road – Janessa Choquette. Show Cause Hearing for Wetlands Violation.

Richard Oliverson indicated he went out to look at the property.

Keith Pasay was present to represent this project. He provided a brief history of the work he previously did when he owned the property, and indicated his goal was not to provide a completed driveway. He no longer owns the property.

As a result of the washout that occurred, Keith agreed to the following remediation sequence:

- Block the top of the driveway with stacked hay bales.
- To slow the flow from the neighboring property, hay bales/silt fence will be placed between the property line and the driveway (60' long).
- Raise the grade between the property line and the driveway by about 3-6" using loam and seed.
- Raise the gravel above the wetlands crossing to meet the grade of the grass on either side.
- Clean the fill that washed down the slope with hand tools, put it back up the slope, loam and seed the washout.
- Place landscape fabric, loam and seed, and add a light layer of hay mulch to stabilize.

Margaret Washburn indicated she is agreeable to closing the Notice of Violation after the site and the above remediation work has been completed. She and Janet Booth will both inspect the site tomorrow morning., Mr. Pasay will provide Ms. Washburn with an update on progress by Monday, August 14, 2023.

A **motion** was made by Adam Brindamour and seconded by Janet Booth to approve the remediation plan and the remediation sequence with an inspection at the beginning of the remediation process. Motion carried unanimously by vote (4-0-0).

Other Business:

Discussion on special meeting dates: There is no need to vote. It is anticipated that the next regular meeting will be held at the Green Building. Until we meet at the Green Building, meetings at Tiffany Street will be special meetings.

183 Barrett Hill Road – Erica and Ryan Murphy. New horse barn, no wetlands permit needed, no action for the commission.

Jake Kausch - 409 & 411 Church Street driveway.

Adam Brindamour saw the property. Millings have been added to the driveway. The driveway was supposed to be gravel. Mr. Brindamour stated that if the fill rises to a level in the uplands review area that is beyond what was permitted on the approved plan, Margaret Washburn is to issue a Notice of Violation requiring Jake Kausch to attend a show cause hearing on September 12, 2023.

FCR Realty LLC - FCR Gravel Pit, Map 41, Lot 6 and Map 35, Lot 7. The 3/3/22 Enforcement Order has been closed.

Communications:

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

Public Commentary: Sharon Loughlin, who joined via Zoom, mentioned that she attended to do her due diligence, and was impressed with the level of professionalism at tonight's meeting.

Adjourn: Motion to adjourn was made at 8:36 p.m. by Adam Brindamour and seconded by Adam Tucker. Motion carried unanimously by vote (4-0-0).

Submitted By:
Terry Mahanna
Recording Secretary