

2013-05-14 Wetlands Reg Mtg Minutes

Brooklyn Inland Wetlands Commission Regular Meeting Minutes

The Brooklyn Inland Wetlands commission held a regular meeting on Tuesday, May 14, 2013, 6:00 p.m. at the Clifford B. Green Memorial Center, 69 South Main Street on the following:

Call to Order: The meeting was called to order at 6:03 p.m.

Members Present: Real Gallant, Erik Costa, George Sipila, Jeff Arends, Lester Philips. Melissa Labossiere arrives late at 6:06 p.m.

Absent: Robert Rossi with notice.

Staff Present: Jim Larkin, Interim Wetlands Agent, Audrey Cross-Lussier, Recording Secretary.

Also Present: Paul Archer, Rene Barbeau and Ronald Racine.

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

Seating of Alternates: None.

Approval of Minutes:

1. Regular Meeting Minutes April 9, 2013.

A motion was made by Jeff Arends to approve the regular meeting minutes of April 9, 2013. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Public Commentary: None.

New Application Acceptance:

1. 051413A Thomas and Nancy Dziki, 90 Day Street, Map 42, Lot 68B, R-30 Zone; 12 x 38 addition and garage addition, screen porch and entry.

Chairman Gallant asked Mr. Larkin if the application was complete. Mr. Larkin stated the application is complete with a new plan submitted with erosion and sedimentation control as well as stockpile area.

A motion was made by Jeff Arends to accept application 051413A. Erik Costa seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. 051413B George Sipila/Eva Sipila, 647 Allen Hill Road, Map 31, Lot 24, RA Zone-Repair septic system by installing new septic tank, 1000 gallon two compartment septic tank and installation of associated compartments of the required square footage.

George Sipila recuses himself from the table.

Jeff Arends asked if the application is complete. Mr. Larkin stated it was, however, the only thing not available is an actual delineation of the wetlands area. Soil service data for that particular area encompasses a much wider area than what actually exists on the ground.

Chairman Gallant stated that if Mr. Larkin has the appropriate data and it is found outside the review area, than an agent approval can be done.

A motion was made by Jeff Arends to accept application 051413B. Lester Philips seconds this motion. No discussion held. All in favor. The motion passes unanimously. George Sipila abstains.

George Sipila returns to the table.

Reading of Legal Notice: None.

New Public Hearings: None.

Continued Public Hearings: None.

Unfinished Business:

1. 040913A Richard and Terry Jax, 10 Hickory Lane, Map 43, Lot 43-10, RA Zone – Working in upland review area; expansion of lawn, gravel drive and grading of bank.

Paul Archer, of Archer Surveying represents application 040913A. Mr. Archer gives a brief history of the application – there has been an incident ongoing with the neighbor to the north, Keith Hoyt, who is claiming that Mr. Jax has been doing some work in the upland review area and that a Wetlands permit was needed. Mr. Archer came before the Commission previously and demonstrated that there was not anything significant going on which was then presented to the Planning and Zoning Commission. Mr. Hoyt approached the Wetlands Commission again and at that time it was felt relevant. A meeting was held with Syl Pauley NECCOG Regional Engineer, Jim Larkin, NECCOG Planner, Mr. Archer and Chairman Gallant who walked and reviewed the site. To cover all bases a Wetlands application was submitted.

Mr. Jax has a large piece of ledge to the back of the property that he was removing. Mr. Jax started to expand his lawn and was using part of his property as a staging area – Mr. Archer demonstrates this to the Commission Members on the site map.

Mr. Archer discusses the proposed rock removal, expansion of lawn, gravel drive and grading of the bank. Mr. Archer also discussed the proposed gravel driveway, staging area, construction entrance and the extension of twin 24-inch concrete pipes by four (4) feet.

Mr. Archer stated that Michael Schaefer, Professional Soil Scientist visited the site. The following is a memo sent to Mr. Archer from Michael Schaefer dated May 14, 2013:

Paul, I reviewed Sheet 1 of your site development plan (dated May, 2013). After walking the site with you and the landowner on April 10th, it was apparent to me that the wetlands, as configured and transposed from the original subdivision map, are well represented on the aforementioned site plan prepared by you. In particular, there are no wetland soils in the disturbed area east of the house, where rock has recently been removed; and, there are no wetlands in the cross-hatched area labeled: "Area to be York raked, graded, loamed & seeded." Michael Schaefer, Sr., Professional Soil Scientist.

Jim Larkin NECCOG Interim Wetlands Agent read Syl Pauley, NECCOG Regional Engineer's letter dated May 14, 2013, Application # 040913A into the record:

Dear Mr. Larkin: I have reviewed the plan set (2 sheets) entitled "Site Development Plan, Prepared for Terry H. Jax, 10 Hickory Lane, Brooklyn, Connecticut," which was created by Archer Surveying, LLC, dated May 2013. This plan is relevant to the referenced application for working in the upland review area to expand a lawn area,

construction of a gravel drive and regarding the face of an existing embankment – consisting of a mishmash of huge boulders – where the new lawn area is to be established. Also shown on the plan is a minor extension of twin 24-inch reinforced concrete pipe (RCP) culverts that are located under the driveway serving the premises. Sheet 2 of 2 of the plan set consists of soil erosion control, landscaping and construction notes along with several construction details.

Proposed construction depicted on the plan addresses issues discussed during a meeting held at the site on April 8, 2013. Besides you and me, the following individuals were present at the meeting: Rich Jax, Ms. Jax's husband; Paul Archer, LS; Real Gallant, Chairman, Brooklyn IWWC. The meeting lasted approximately ninety (90) minutes.

Work on the twin drainage pipes was added due some recent loss of pavement structure over their outlets due to several factors, i.e. soil erosion, stress from traffic, and insufficient length and slope protection when originally constructed. I made a site visit on May 9, 2013 with Paul Archer to assess this situation. It was agreed that the best way to maintain and stabilize the driveway structure, and cause the least disruption to the stream, would be to remove the existing flared end sections, install four (4) feet of RCP and reinstall the flared ends in the location of the new pipe outlets. This is shown on the plan.

It is my professional opinion that the proposed work in the upland review area and in the stream does not constitute a significant impact to the regulated wetlands. If you have any questions, please do not hesitate to call me at (860) 774-1253. Sincerely, Syl Pauley, Jr., P.E. Regional Engineer.

Jim Larkin passed around photographs of the original site visit to Commission Members to review.

Chairman Gallant stated that another thing that was brought up was that the Commission was told that there was a septic system that was dug up and the pipes were broke with smelling of septic. This appeared to be a curtain drain that was exposed from the house. There was no work being done near the septic system. Paul Archer reviewed the septic system and leaching field on the site plan with Commission Members.

Jim Larkin addressed Chairman Gallant – with regards to having the curtain drains reset as they tend to look as they are pitched irregularly and the ends are all chipped out. Mr. Archer stated that this will happen when the rocks are pulled out (demonstrated on plan). The curtain drains will be reset at that time when the all work is done.

Jeff Arends asked Mr. Archer what will be done with the rocks that are being pulled out. Mr. Archer addressed Mr. Arends question.

Jeff Arends asked Mr. Archer what will be done with the existing lawn area. Mr. Archer addressed Mr. Arends question.

Jeff Arends asked Mr. Larkin if he had any further concerns. Mr. Larkin stated that the additional erosion and sedimentation controls be in place.

A motion was made by Jeff Arends to approve application 040913A. Lester Philips seconds this motion. No discussion held. All in favor. Erik Costa abstains.

Other Business:

1. Wetlands Agent Monthly Report.

- a. Duly Authorized Agent Approval: 73 South Street for an above ground 24 foot swimming pool that was 55 feet from a wetland area. They were given approval with the condition of erosion and sedimentation control; removal of stumps from the premises and the use of a cartridge filter for the cleaning process of the pool. A letter dated May 8, 2013 was received from Syl Pauley, Regional Engineer stating that impact of the pool with a cartridge filter was not likely to impact the wetlands in a negative manner. Mr. Larkin also discussed this with Darcy Winter at DEP regarding guidance for swimming pools. The only guidance they have with regards to swimming

pools is for large public swimming pools.

- b. Notice of Violation to Thomas and Sandra Rukstela at 127 Mason Road. A complaint was received with regards to several dumping of road sweepings within a driveway area on a property that the Rukstela's recently purchased. The initial reason for the violation is there is a small water body that essentially crosses Mason Road and the driveway is within 175 feet on both sides of the road. Mr. Larkin stated that in the time that the violation was issued all of the material had been removed from the site. In discussions with Mr. Rukstela the material was moved and used to fill in ruts on skid roads on his recently purchased property behind his house. Discussion was held with regards to whether the Commission would like Mr. Rukstela to come to a meeting and address this issue. The Commission agreed that a letter shall be written by Interim Wetlands Agent Jim Larkin and sent to Mr. Rukstela stating that any regulated activity defined by the regulations shall require a Wetlands permit.
2. **Riverside Park, 17 Greenway Drive, Map 42, Lot 75; Seeding of passive recreation area.** The public works director is looking to harrow and seed the fields as they will be bumpy to mow. Mr. Larkin was not certain if harrowing/seeding this area would trigger a permit. After further research, they are working with the Conservation Commission through a program that is called WHIP – wildlife habitat incentive program. They are not just looking to make it flatter for mowing purposes, but they are actually seeding it with a meadow seed to create habitat for grassland birds. Based on this information this is exempt and non-regulated activity that does not need a permit per Section 4.2. As an agent Mr. Larkin is not able to make this determination as it must come from the Commission.

A motion was made by Erik Costa to approve under Wetlands Regulations Section 4.2. Jeff Arends seconds this motion. No discussion held. All in favor. The motion passes unanimously.

3. Update on Land Use Administrator.

Chairman Gallant stated that Jana Butts has accepted the position and will be starting on May 20, 2013. Jeff Arends asked if there will be an overlap. Mr. Larkin has not been given any direction as to how much overlap there will be, however, he will update Ms. Butts on any active permits, applications and enforcement issues.

4. Update on WalMart.

Mr. Larkin did an inspection today at WalMart. The sedimentation control is all in place with the double fenced in area. The drainage basins in the rear are pretty much complete. They are doing soil placement on the west side. All of the larger trees have been planted there as well. Some of the banks have been hydro-seeded. There has been a little bit of standing water in the northwest basin 1-2 inches. The drainage systems are in place in the front of the building, however, the parking area has not been brought up to grade. The snow shelf area has been created in the southwest area. Mr. Larkin stated that he believes MMI was there again last week and another report will be coming soon.

Mr. Larkin handed out a site plan for Commission Members to review. On the west side there was a Conservation Easement. One of the conditions called for the removal of those driveways and it was going to be grassed and seeded. Mr. Larkin was contacted earlier this week by Alan Carpenter (CPH Engineers). The furthest west driveway has a CL&P easement over it because there are power lines and poles that go off of the property to another property. CL&P has requested the driveway remains for their maintenance of the poles as well as the overhead wires. CL&P will be chaining/locking it and providing a key to the Utility Company. All of the driveways that curve off from the east will be removed, seeded and planted. Mr. Larkin spoke with Attorney Peter Alter and he did not believe this required any action from the Inland Wetlands Commission. This issue will be going to Planning and Zoning as a site change. Attorney Alter felt since it involves less disturbance it was not something that needed to be changed within the Wetlands permit. Mr. Larkin informed the Project Manager Mike Dailey that someone new will be starting. Mr. Larkin will set up a time with Mr. Dailey to introduce Jana Butts.

Jeff Arends questioned if the Conservation Easement was to allow trees, bushes and vegetation to grow.

Mr. Larkin stated it is to let vegetation be there without causing any land disturbance and to protect the White Brook watercourse as it has a pretty good slope in that direction. There is also a Conservation easement to the north. The chain link fence has been installed to the rear of the building so that no one can access the drainage basins.

5. CT DEEP's Training for Municipal Inland Wetlands Agencies.

Chairman Gallant informed the Commission Members that another training session will be held and one voucher is available if any Member is interested in attending.

6. Rene Barbeau, 260 Allen Hill Road 1 lot re-subdivision.

Mr. Larkin stated that this required to come to Wetlands Commission as there are wetlands on the property, however, they are well out of the upland review area. There is a State Statute that requires any subdivision to make application to Inland Wetlands Commission. The Commission must make ruling for no jurisdiction.

Paul Archer, Archer Surveying represented Mr. Barbeau. Mr. Barbeau is looking to subdivide a lot off. The activities are outside of the regulated area.

A motion was made by George Sipila that the Commission will grant the applicant acknowledgement that they reviewed this application to determine that the Commission has no jurisdiction in this project. Lester Philips seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Adjourn: A motion was made by Erik Costa to adjourn the meeting at 6:53 p.m. George Sipila seconded this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier
IWWC Recording Secretary