

**Brooklyn Inland Wetlands Commission
Regular Meeting Minutes**

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, April 8, 2014, 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 6:05 p.m.

Members Present: Real Gallant, Jeff Arends, Erik Costa, George Sipila and Robert Rossi.

Absent: Melissa Labossiere and Lester Philips with notice.

Staff Present: Jana Roberson, AICP, Land Use Administrator, Rick Ives, First Selectman, Syl Pauley, P.E. NECCOG Regional Engineer and Audrey Cross-Lussier, Recording Secretary.

Also Present: Paul Archer, Archer Surveying and Richard Regis.

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

Seating of Alternates: None.

Approval of Minutes:

1. Regular Meeting Minutes of March 11, 2014.

A motion was made by George Sipila to approve the regular meeting minutes from March 11, 2014. Robert Rossi seconds this motion. No discussion held. Motion passes. Real Gallant and Jeff Arends abstain.

Public Commentary: None.

New Application Acceptance:

1. 040814A Jeffrey Weaver, Tatnic Hill Road, Map 15, Lot 5, RA Zone, 8-Lot Conservation Subdivision, Residential Homes, Wells, Septic Systems and Minor Grading.

Paul Archer, Archer Surveying represents application 040814A. Mr. Archer gives a brief summary of the application.

The proposed is an 8-lot Conservation subdivision. With the new regulations in effect the lots will be reduced from a 2 acre size to a minimum of 30,000 sq. ft. with 150 ft. frontage down to 100 ft. frontage. There will be 40% left in open space. Mr. Archer demonstrates this to Commission Members on the site plan as well as a drainage culvert. The upland review area does not involve every lot only 5 out of the 8. The soils have been tested and approvals granted from the Northeast District Department of Health.

Ms. Roberson stated that both Conservation and Planning and Zoning Commissions have had a pre-application meeting with Mr. Archer to look at the conventional option versus the conservation option. The Planning and Zoning Commission expressed their favorite as being the Conservation Subdivision. The Conservation Commission will be reviewing the application to determine what they believe is the best method of dedication for the open space.

Chairman Gallant asks Members if they would like to schedule a site walk. All members present are in agreement. Discussion ensued.

A motion was made by Erik Costa to accept application 040814A. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

A motion was made by Jeff Arends to schedule a site walk on April 16, 2014 at 8 a.m. on application 040814A Jeffrey Weaver, Tatnic Hill Road. Robert Rossi seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Reading of Legal Notice: None.

New Public Hearings: None.

Continued Public Hearings: None.

Unfinished Business: None.

Other Business:

1. WV14-001 Enforcement Hearing, Richard and Naomi Regis, Map 32, Lot 128, a.k.a. 430 Allen Hill Road.

Ms. Roberson inspected the property of Mr. Regis as part of a gravel permit renewal. Upon inspection of the property wetlands violations were found. Ms. Roberson reviews pictures of the site and details the wetlands violations:

- Road run off into the watercourse.
- Surface runoff on the edge of the excavation area into the wetlands.
- Violation of wetlands permit 011210A issued on April 13, 2010 – limit of disturbance is 15-20' from the edge of the wetlands and watercourses boundary. (Condition of permit

011210A was that the gravel removal and associated disturbance be at least 50' from the edge of the wetlands and watercourses boundary).

On April 3, 2014, Syl Pauley, Jr., Regional Engineer, NECCOG, Jana Roberson, AICP, Land Use Administrator, Rick Ives, First Selectman and Richard Regis held a meeting at the property a.k.a. 430 Allen Hill Road, Map 32, Lot 128, to view past and present gravel excavation areas that, allegedly, have negatively impacted surrounding wetlands. Mr. Pauley reviewed his Field Observation notes dated April 8, 2014 with Commission Members.

Wetlands Issue #1 – Road runoff causing major siltation into a stream.

Mr. Pauley recommends re-profiling the haul road in an undulating manner to form micro-ponds, which would greatly reduce runoff velocity and encourage groundwater recharge, and restoring its surface with an acceptable gradation of gravel (compacted). Another method might be the construction of sedimentation basins off the side of the haul road.

Wetlands Issue #2 – Minor erosion correction along a wetland boundary.

Mr. Pauley recommends some type of soil erosion and sediment barrier system be installed immediately to minimize sediment deposition in the wetlands. With regards to stockpiles of extremely fine sand with the consistency of flour, Mr. Pauley recommends a more substantial cover placed over the piles to minimize erosion by the wind.

Chairman Gallant asked Mr. Pauley if staked hay bales would be appropriate. Mr. Pauley stated that a series of several staked hay bales down the slope would be appropriate and should be done as soon as possible.

Chairman Gallant asked Mr. Pauley about the reclamation of the 15 foot area of disturbance from the edge of the wetlands. Mr. Pauley stated that he and Ms. Roberson discussed this with Mr. Regis. Mr. Pauley's recommendation was to consider putting three staggered rows of white pine along the entire area. Ms. Roberson recommended three scattered rows of white pine, no less than three feet in height approximately 200 trees. Mr. Regis stated there is red pine there now and he would prefer to use Balsam fir, Fraser fir and Colorado blue spruce. Mr. Regis stated the damage to the road has been created by 4-wheelers and motorcycles digging up the road. Mr. Regis has agreed to fix the road. Discussion ensued.

A motion was made by Jeff Arends to prescribe the following corrective measures to be undertaken at 430 Allen Hill Road, LLC, c/o Richard and Naomi Regis:

1. Within seven (7) days install hay bales along all existing locations of erosion and sedimentation as a temporary control measures. In all areas where excavation has been completed, top-soiled, and final graded, a native grass mixture shall be applied to provide soil stabilization.
2. Prior to May 1, 2014, engage the services of a professional engineer (PE) to develop a solution to control the road runoff from causing major siltation in a watercourse as

outlined in the field observation notes prepared by Regional Engineer Syl Pauley, PE and dated April 7, 2014 (i.e. wetlands issue #1). Such solution shall be developed with input from Town staff and the regional engineer and shall be reviewed by the Inland Wetlands and Watercourses Commission. Once accepted, the solution to control the road runoff shall be implemented on-site no later than June 1, 2014.

3. No later than October 1, 2014, re-vegetate the 50' buffer along the wetlands/watercourse boundary that was encroached upon by gravel excavation activities in violation of wetlands permit 011210A granted on April 13, 2010. The re-vegetation shall consist of three rows of staggered native evergreens along the perimeter of the excavation area abutting the wetlands/watercourse boundary (approximately 1,350') and shall consist of a minimum of 200 plants, 100 at 2 feet and 100 at 3 feet in height at time of planting. A native grass mixture shall be applied to provide soil stabilization.

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

2. General Criteria for Types of Wetlands Applications.

Ms. Roberson reviewed with Commission Members the general criteria for types of wetlands applications. The non-regulatory list is intended to provide guidance to the Wetlands Enforcement Officer from the Inland Wetlands and Watercourses Commission regarding the approximate criteria used to determine the most likely permitting necessary for typical development activities. The following was discussed:

- Declaratory Ruling by Commission concerning Non-Regulated Uses, Uses Permitted as of Right, and Non-Impact Activities.
- Wetlands Permit-Action by Duly Authorized Agent.
- Wetlands Permit-Action by Commission.
- Wetlands Permit for Significant Impact Activity-Action by Commission after Public Hearing.

3. Review of Bylaws.

Commission Members reviewed the Bylaws and the following changes were made:

Article V – Officers and their Duties: add Section 5. In the absence of both the Chairman and Vice-Chairman, the Commission members who are present shall elect a Chairman Pro Tem and Vice-Chairman Pro Tem.

Article X - Order of Business changed as follows:

- a. Call to Order
- b. Roll Call
- c. Seating of Alternates
- d. Approval of Minutes
- e. Public Commentary

- f. New Application Acceptance
- g. Continued Applications
- h. Reading of Legal Notice
- i. Public Hearings
- j. New Business
- k. Adjourn

Lastly, Article Roman numeral numbers are to be corrected. Page numbers are to be added to the document.

The corrected Bylaws will be e-mailed to Commission Members for their review and be placed on next month's agenda for adoption.

4. Wetlands Agent Monthly Report.

1. Ms. Roberson informed Commission members that a certified letter was sent out on March 27, 2014 to FCR Realty, LLC/Fred Green regarding a notice of violation for unauthorized gravel bank on 76 acre property north of Brickyard Road in Brooklyn, CT (a.k.a. Brooklyn Assessor's Map 41, Lot 6).

Ms. Roberson was granted permission by Mr. Green to inspect the stream crossing connection between two ponds south of the gravel pit. Ms. Roberson was happy with how it was working; the flow was going through the rip rap and coming out clean on the other side. A partial breach was found with not totally clean water coming out through a un-rip rapped area.

Ms. Roberson recommends more stone be put down to stabilize this one area. Ms. Roberson spoke with Mr. Green who is willing to rectify the situation.

2. DR13-003 James Booth, Wolf Den Road and Bush Hill Road, Map 18 & 19, Lot 19, 19B & 9B RA Zone, 442 acres-Timber Harvest-Shelter Wood-Removal of Ash.

Ms. Roberson received an anonymous complaint that best management practices were not being followed, ruts waist deep and trees falling into the pond. Ms. Roberson and the Forester from DEP performed a site inspection. Ms. Roberson stated that more than ash trees were harvested; anything of value was also harvested. Discussion ensued.

Ms. Roberson was satisfied that wetlands were not being excessively impacted; they were being impacted in a manner typical of forestry which is a permitted use as of right. They were following best management practices.

3. Thomas and Sandra Rukstela, 127 Mason Road, Map 15, Lot 10, Notice of Violation April 22, 2013, Deposition of material within 125 ft. of a wetland or 175 ft. of a watercourse.

Ms. Roberson is aware of the notice of violation issued by the former Acting Wetlands Agent James Larkin, and will be conducting a formal review of the violation.

Erik Costa voiced his concern regarding the Regis wetlands violation and the encroachment onto Town Property. Discussion ensued.

Chairman Gallant requests a written opinion and clarification from Attorney Peter Alter with regards to this issue. Ms. Roberson will contact Attorney Alter.

Adjourn: A motion was made by Erik Costa to adjourn the meeting at 8:35 p.m. Jeff Arends seconds this motion. No discussion held. All in favor. Motion carries unanimously.

Audrey Cross-Lussier
Recording Secretary