

**Brooklyn Inland Wetlands Commission**  
**Regular Meeting Minutes (ACL)**

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, August 12, 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 6:04 p.m.

**Members Present:** Real Gallant, Jeffrey Arends, Melissa Labossiere, Lester Philips and Deane Rettig.

**Absent:** George Sipila, Erik Costa, Robert Rossi with notice.

**Staff Present:** Jana Roberson, AICP, Land Use Administrator, Syl Pauley, PE, NECCOG Regional Engineer, Audrey Cross-Lussier, Recording Secretary.

**Also Present:** Norm Thibeault, Bruce Woodis, Paul Archer, Paul Sansoucy, Alan Carpenter, Jean Flemming, Chelsea and Arnold Clark, and public in attendance.

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

**Seating of Alternates:** Deane Rettig for George Sipila.

**Approval of Minutes:**

**1. Special Meeting Minutes July 22, 2014.**

A motion was made by Jeff Arends to approve the special meeting minutes of July 22, 2014. Deane Rettig seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**Public Commentary:** None.

**New Application Acceptance:**

A motion was made by Jeff Arends to amend the agenda by moving the first item under "New Application Acceptance" (the modification of the previously approved application 011414A Brooklyn Common Way Development) to the third item under "Continued Applications"; and to

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revise item two under "New Application Acceptance" to read 081214A Paul Sansoucy, Pomfret Road, Map 26, Lots 19A & 19 RA Zone, 45 acres, rock mine within a regulated area. Deane Rettig seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**1. 081214A Paul Sansoucy, Pomfret Road, Map 26, Lot 19A and 19, RA Zone, 45 acres; Rock mine within a regulated area.**

Bruce Woods from KWP Associates represents application 081214A.

Chairman Gallant asked Ms. Roberson if the application is complete. Ms. Roberson stated she has not thoroughly reviewed the application; however, newly prepared plans and new material has been received without any deficiencies identified.

Mr. Woodis gives a summary of the application. The project is located on the east side of Route 169 south of Barrett Hill Road. This is an existing project that has been ongoing on for some years originally permitted in 2003. Plans were updated and re-permitted in 2007. The reason for the new application is due to the application inadvertently not being renewed this past year and has gone past the deadline for renewal. The project is the same project that was previously done and been ongoing for over a decade. There has been quarrying done for 30 to 40 years. Mr. Sansoucy has been operating his quarrying operation under permits since 2003. There are several small areas of wetlands on the project with one small wetland that is located very near to where the current operation is ongoing. Mr. Woodis demonstrates this area on the site plan and discusses with Commission members. The original wetlands were flagged in 2003 by Bill Green, Soil Scientist. KWP Associates has contracted the services of Joe Theroux, Soil Scientist to go out and inspect the wetlands to make sure they were initially delineated properly and are up to date for the application.

Ms. Roberson shows an aerial view of the property and reviews with Commission members.

Mr. Woodis stated that they are using two accesses; one previously approved shown off of Route 169 and the other is a driveway which goes down through the old homestead (known formerly as the art studio), which is used primarily now going to a lower elevation and easier to get the materials out.

There are three areas of wetlands; one is located next to the original access way and originally permitted. The other one is in the lower right hand corner of the property and is well in excess of 125 feet from any activity.

Chairman Gallant asked Ms. Roberson if there were any conditions on the original approval. Ms. Roberson will research this information.

Ms. Roberson stated there was an examination of potential rare and endangered species habitat which noted the frosted elfin butterfly along the power lines. Bruce Woodis also made comment on this, the one area noted that could possibly contain habitat for the butterfly was in the 300 foot wide CL&P right of way which is on other land of Mr. Sansoucy, but further south located over 1,000 feet away from the actual area being excavated and material being moved.

Chairman Gallant asked of the three areas that are in the 125 foot buffer what is the amount of square foot of disturbance in wetlands or upland review area. Mr. Woodis stated there is no disturbance in the wetlands. The calculated amount is 4,488 square feet of area within the 125 foot buffer.

Discussion ensued.

Commission members agreed to do a site walk of the property once the wetlands delineation has been completed by Mr. Theroux.

Commission members scheduled a site walk with the permission of the property owner, Mr. Sansoucy, for Friday, September 5, 2014 at 8:15 a.m. All members are to meet at the site.

A motion was made by Jeff Arends to accept the application 081214A of Paul Sansoucy, Pomfret Road, Map 26, Lot 19A and 19, RA Zone, 45 acres, rock mine within a regulated area. Deane Rettig seconds this motion. No discussion held. All in favor. The motion passes unanimously.

#### **Continued Applications:**

- 1. 070814A Jean Flemming, 84 Laurel Hill Road, Map 17, Lot 36A, RA Zone; Construction of single family dwelling and garage, septic system, well, driveway, retaining walls and site grading.**

Mr. Flemming property owner represents application 070814A. Mr. Flemming is looking for wetlands approval to construct a single family dwelling which is within the 125 foot upland review area. The contours begin to fall off rapidly, and the owner is trying to capture some level area for the house.

Chairman Gallant asked Ms. Roberson if she has visited the property. Ms. Roberson stated she has visited the property. There is a fairly steep slope and the owners are proposing a retaining wall in the backyard. There will also be clearing done over the edge of this very steep area. Silt fence along the edge of the grading and a hay bale check dam is proposed. Ms. Roberson demonstrates this on a site plan and discusses with Commission members.

Chairman Gallant asked how many feet is it into the upland review area. Ms. Roberson stated the 125 foot regulated area goes through the house. The closest limit of clearing is 67 feet from the edge of the wetlands soil on a slope.

Chairman Gallant questions the placement of the 1500 gallon septic tank being 25 feet away from the house and whether or not this would change the location of the retaining wall. Discussion ensued. It was determined that it is 15 feet if there is no footing drain, 25 feet if there is a footing drain.

A motion was made by Jeff Arends to approve application 070814A Jean Flemming, 84 Laurel Hill Road, Map 17, Lot 36A; Construction of single family dwelling and garage, septic, system,

well, driveway, retaining walls and site grading within the regulated area with the following conditions:

1. The limit of clearing as depicted on the approved plan shall be marked in the field by the surveyor.
2. Prior to any clearing, grubbing, or excavation activities, the silt fence shall be installed by the applicant and inspected by the Land Use Administrator.
3. Throughout the construction period and until the disturbed soils have been stabilized with permanent cover, it shall be the responsibility of the permittee to prevent erosion and sedimentation into adjacent wetlands by installing silt fence of staked hay bales downhill of the open excavation and soil stockpile areas.

Lester Philips seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**2. 072214A Arnold Clark, 64 Paradise Drive, Map 14, Lot 3-1A; Construction of single family dwelling and garage, septic system, well, driveway, clearing and site grading.**

Arnold Clark and Chelsea Clark represent application 072214A. Ms. Roberson shows an aerial view of the property and reviews with the Commission. The property is in the southwest quadrant of Town near Paradise Lake/Tripp Hollow Road/Paradise Drive. This was a previously approved subdivision in 1997; however, the wetlands permit has expired. There are two main wetlands in the vicinity. There is a stream just off the west property boundary. On the eastern property boundary there is another wetlands complex with a watercourse running through it. There is a big hill which captures a lot of water coming down. There is drainage coming from northerly areas and the watershed is flowing into Paradise Lake. The house location is proposed in the same location as the previous subdivision. The driveway location has been moved to the middle of the frontage which splits the difference of the wetlands on either side. There is also flood zone on the property; however, the house is outside of the flood zone area. The Department of Health has determined that the subject plan will meet the requirements of the Technical Standards for a 3 bedroom house. Letter dated August 5, 2014, Joseph Theroux, Soil Scientist determined that the wetlands and watercourse was accurately delineated and no changes in the locations of the wetlands or watercourse have occurred since the original delineation performed by Michael Schaefer, Certified Soil Scientist. Bruce Woodis spoke on behalf of the application. Discussion ensued.

A motion was made by Jeff Arends to approve the application of Arnold Clark, 64 Paradise Drive, Map 14, Lot 3-1A; Construction of single family dwelling and garage, septic system, well, driveway, clearing and site grading within the regulated area with the following conditions.

1. The limit of clearing as depicted on the approved plan shall be marked in the field by the surveyor.
2. Prior to any clearing, grubbing, or excavation activities, the silt fence shall be installed by the applicant and inspected by the Land Use Administrator.
3. Throughout the construction period and until the disturbed soils have been stabilized with permanent cover, it shall be the responsibility of the permittee to prevent erosion and

sedimentation into adjacent wetlands by installing silt fence of staked hay bales downhill of the open excavation and soil stockpile areas.

Lester Philips seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**3. Modification of previously approved application 011414A Brooklyn Common Way Development LLC; Providence Road, Map 25, Lot 51, VCD Zone; Construction of a 2-family duplex within a previously approved adult housing development.**

Norm Thibeault, Killingly Engineering Associates represents Brooklyn Common Way Development. Several months ago a wetlands permit was issued to add additional building #15. Commission members were privy to the fact that one of the residents reported a violation. The contractor who created the issue has since left and there is a new contractor on site. Mr. Thibeault reviews the proposed modification on the site map with Commission members. The proposed is to extend the drainage outlet 30 feet and fill in the gore so a gradual slope can be created between the two buildings creating a safer condition. The eastern most portion of the slope has been graded out, top soiled and seeded with erosion control fabric on the slope. The applicant would like to continue that slope and blend it with existing building #12. The outlet will be approximately 28 feet from the wetlands. The rip rap used for the outlet protection will extend closer which will be 3 to 4 feet from the wetlands once completed. A rip rap plunge pool will be created to allow the settling of the sediment and just a gradual release of the water into the wetlands. This modification will not propose any disturbance to the wetlands. The precautions taken with the outlet structure, silt fence and hay bales will allow the area to be stabilized very well until completed. Discussion ensued.

Ms. Roberson addressed the reported resident's violation. Ms. Roberson inspected the area and commented that Mark Mellady the contractor and Killingly Engineering Associates were extremely responsive and did exactly what was asked very promptly. Ms. Roberson was very pleased with the action taken.

A motion was made by Jeff Arends to approve the modification of application 011414A of Brooklyn Common Way Development, LLC; Providence Road, Map 25, Map 51, VCD Zone; Construction of a 2-family duplex within a previously approved active adult housing development with the original conditions. Lester Philips seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**Reading of Legal Notice:** None.

**Public Hearings:** None.

**a. New Public Hearings:** None.

**b. Continued Public Hearings:** None.

## **New Business:**

- 1. 111208B Wal-Mart Real Estate Business Trust, Providence Road and Brickyard Road Map 41, Lots 6, 6A, 7, 9, 9A, 10, 10C, PC Zone- Discussion and potential action on maintenance activity.**

Alan Carpenter, CPH Engineering represents application 111208B Wal-Mart Real Estate Business Trust and the proposed maintenance activity – sediment removal of the east storm water basin. Mr. Carpenter has prepared a new plan/schedule of potential actions for conducting the work. Syl Pauley, P.E. NECCOG Regional Engineer has reviewed the restoration of Wal-Mart east retention basin in a memorandum dated August 11, 2014. Mr. Carpenter gives an overall review of the proposed maintenance activity – sediment removal of the east storm water basin and discusses with Commission members.

Chairman Gallant stated that he and Ms. Roberson did consult with Attorney Peter Alter, Land Use Attorney. It is the opinion of Attorney Alter that this is by definition routine maintenance to the retention basin.

Discussion ensued.

A motion was made by Deane Rettig for 111208B Wal-Mart Real Estate Business Trust, Providence Road and Brickyard, to move to determine that the proposed activity to muck out the eastern retention basin to improve water percolation is within the scope of the existing, approved maintenance activities. Lester Philips seconds this motion. No discussion held. All in favor. The motion passes unanimously.

- 2. (Declaratory Ruling) DR14-003 Dan Langevin, 29 Anderson Road, Map 23, Lot 31A, RA Zone; replacement of deck approximately 80 feet from wetlands.**

Ms. Roberson stated that work was done without any approvals and came to the office after the fact. The house is located on 29 Anderson Road with decaying decks that were replaced. The decks were constructed a bit bigger. Ms. Roberson stated that the activity was 80 feet from wetlands soils. This is within the 125 feet, but not in a way that would impact wetlands in an existing yard area.

Chairman Gallant discusses why he may recuse himself from the ruling.

Discussion ensues.

Chairman Gallant stated that no motion from the Commission will be needed for DR14-003.

- 3. (Declaratory Ruling) DR14-004 Patrick Collins, Church Street/Henry Road, Map 35, Lot 7A, R30 Zone, Residential home, well, septic, driveway and minor grading.**

Paul Archer, Archer Surveying represents DR14-004. It is required that the Wetlands Commission determines there are no wetlands on the property. This lot is on the corner of


Church Street and Henry Road which has been sold many times as a building lot. At the time Mr. Collins wanted to apply for a building permit, Ms. Roberson reviewed the lot and deemed that it was buildable but not an approved subdivision lot, therefore, a 1 lot subdivision needs to be done on this parcel of land. On June 24, 1999 a letter from Robert C. Russo, Principal Scientist determined that there are no Connecticut regulated wetlands or watercourses on this site. On August 8, 2014 a letter from Joseph R. Theroux, Certified Soil Scientist determined that no wetlands or watercourses were found within the proposed lot or within 125 feet of the lot. Mr. Archer stated that approval has been granted from the Department of Health.

A motion as made by Jeff Arends to move to make a declaratory ruling that the one-lot subdivision including a residential home, well, septic, system, driveway and minor grading is a no-impact activity and does not require a wetlands permit. Melissa Labossiere seconds this motion. No discussion held. All in favor. The motion passes unanimously.

#### **4. Wetlands Agent Monthly Report.**

1. Fred Green Gravel Permit - Ms. Roberson stated that she has been in contact with Bruce Woodis from KWP Associates who commented that Mr. Green does not intend on coming in for a wetlands gravel permit. A cease and desist order has been issued. Discussion was held with regards to the next course of action. Ms. Roberson will make a determination if there is still activity going on and report back to the Chairman and the Commission.
2. Rawson gravel permit was withdrawn from Planning and Zoning Commission due to an incomplete application.
3. Discussion of letter received dated July 15, 2014 from the State of Connecticut Department of Transportation with regards to Robert McManus, 213 Pomfret Road, proposed driveway to Route 169. Ms. Roberson stated that an action by duly authorized agent IWDA14-003 was granted at the July 22, 2014 Inland Wetlands and Watercourse Commission special meeting.

**Adjourn:** A motion was made by Jeff Arends to adjourn the meeting at 7:38 p.m. Deane Rettig seconds this motion. No discussion held. All in favor. The motion passes unanimously.

  
Audrey Cross-Lussier  
Recording Secretary