

## 2013-08-13 Wetlands Reg Mtg Minutes

### Brooklyn Inland Wetlands Commission Regular Meeting Minutes

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, August 13, 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 6:02 p.m.

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

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

**Staff Present:** Jana Roberson, AICP, Land Use Administrator, Audrey Cross-Lussier, Recording Secretary.

**Also Present:** Paul Archer, Archer Surveying, David and Joyce Hart.

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

**Seating of Alternates:** None.

**Approval of Minutes:**

1. Special Meeting Minutes July 15, 2013.

A motion was made by Jeff Arends to approve the special meeting minutes of July 15, 2013. Melissa Labossiere seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**Public Commentary:** None.

**New Application Acceptance:** None.

**Reading of Legal Notice:** Chairman Gallant read the legal notice into the record.

**New Public Hearings:**

1. **071513A Jeffrey Weaver, Paradise Drive, Map 14, Lot 3-1, RA Zone-Wetlands Crossing, Driveway, Septic System, Three Bedroom House, Grading, Well and 3 Lot Re-Subdivision.**

Paul Archer, Archer Surveying represents application 071413A. A site walk was done on July 22, 2013. It was discovered that there is a flood zone on most of the parcel where the original development was proposed. The plan has been reconfigured. On the westerly side of the wetlands there is enough room for the proposed project. There will no longer be a wetland crossing, filling in a wetland and the necessity to reclaim another area. Mr. Archer demonstrates this on the site map to Commission Members. Approval has been granted from the Northeast District Department of Health dated August 12, 2013. Mr. Archer stated that with the pertinent alternative and no impact to the wetlands as everything is within the 125 foot upland review area, he asks the Commission if this is still considered a significant impact and requires a public hearing.

Jeff Arends asks Mr. Archer if there will no longer be a wetlands crossing for the driveway as well as any need to touch the existing wetlands as they are right now. Mr. Archer stated this is correct. Discussion ensues.

Chairman Gallant stated that the Commission acknowledges for the record this application as revised is not a significant impact activity.

A motion was made by Jeff Arends to close the public hearing on application 071513A. Lester seconds this motion. No discussion held. All in favor. The motion passes unanimously.

A motion was made by Jeff Arends to add under Unfinished Business as item #1 071513A Jeffrey Weaver, Paradise Drive, Map 14, Lot 3-1, RA Zone-Wetlands Crossing, Driveway, Septic System, Three Bedroom house, Grading, Well and 3 Lot Re-Subdivision. Lester Philips seconds this motion.

**Continued Public Hearings:** None.

**Unfinished Business:**

**1. 071513A Jeffrey Weaver, Paradise Drive, Map 14, Lot 3-1, RA Zone-Wetlands Crossing, Driveway, Septic System, Three Bedroom house, Grading, Well and 3-Lot Subdivision.**

A motion was made by Jeff Arends to approve application 071513A Jeffrey Weaver, Paradise Drive, Map 14, Lot 3-1, RA Zone-Wetlands Crossing, Driveway, Septic System, Three Bedroom house, Grading, Well and 3-Lot Subdivision with the following conditions:

- a. That silt fence be installed along the limit of disturbance, and
- b. That no clearing, grubbing, or dumping shall occur within the wetlands area.

Melissa Labossiere asked Mr. Archer if he had anything else he wished to add. Mr. Archer stated that the silt fence and the 100 foot wetland review line have been added to the plan.

Melissa Labossiere seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**2. 071513B James Davis, Old Tatnic Hill Road, Map 15, Lot 21, RA Zone, Residential Three Bedroom House, Septic System, Well, Driveway and Grading.**

Paul Archer, Archer Surveying represents application 071513B. Mr. Davis purchased a 12 acre parcel and is proposing to build a single family dwelling. Approval has been granted from the Northeast District Department of Health dated August 12, 2013. The only things that are in the upland review area are a section of driveway and the septic system. The house and major grading on the driveway is outside the 125 foot wetlands review area. There are no future plans to develop and there are no proposed wetland crossings.

Jana Roberson noted that the wetlands on the north side of the property are a drainage ditch. Mr. Archer demonstrates this on the site plan to Commission Members.

Chairman Gallant asked Mr. Archer to get the silt fence on the septic system up to grade 426. Mr. Archer agrees to this.

Jeff Arends asks Mr. Archer if there will be a future problem with water coming down the driveway onto the road. Mr. Archer stated any water will come down onto the property and not onto the Town road.

Mr. Archer stated that this is a Town owned road. It has been abandoned by lack of use/maintenance; however, the Town has never officially discontinued Old Tatnic Hill Road.

Jeff Arends asked what material is being used for the driveway. Mr. Archer stated it will be a gravel driveway at 10%.

Jana Roberson asked about a soil stockpile area. Mr. Archer stated this could be made to stay away from the

upland review area. Mr. Archer demonstrates this on the plan.

Jeff Arends voiced his concerns with water coming down the driveway, will it become washed out. Mr. Archer stated if it is built and crowned correctly it will be fine. Ms. Roberson discusses the water run off issue with Commission members. Discussion ensued.

A motion was made by Jeff Arends to approve application 071513B to approve the wetlands permit application of James Davis for a new single family dwelling on Old Tatnic Hill Road, Brooklyn, Assessor's Map 15, Lot 21, in accordance with all final plans, documents and testimony submitted with the application and including the following condition:

- a. That silt fence be installed along the limit of disturbance, and
- b. That no clearing, grubbing or dumping shall occur within the wetlands area.
- c. No soil stockpiles to be in the upland review area.
- d. Add an additional 30 plus/minus feet of silt fence on the northwest side where the septic system will be placed.

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

**3. Modification of 081412A David Hart, 151 Providence Road, Map 34, Lot 7, RA Zone-Remove 28 x 120 Greenhouse and replace with slightly wider and same length 40 x 120 on the same footprint with extra width coming towards parking area.**

Owner David Hart represents modification of application 081412A. Mr. Hart demonstrates on a site plan the greenhouse that will be removed and the construction of the replacement greenhouse which will be 12 feet wider.

Jeff Arends asked if there will be any impact on the drains that will be constructed. Mr. Hart stated there will be no impact.

A motion was made to approve the modification of application 081412A presented by David Hart of 151 Providence Road that includes the removal of a 28 ft. x 120 ft. greenhouse, construction of a 40 ft. x 120 ft. on the same footprint, and installation of a 3 ft. deep storm water infiltration trench filled with 2 inch stone wrapped in filter fabric and covered with 12 inches of ¾ inch stone. Melissa Labossiere seconds the motion. No discussion held. All in favor. The motion passes unanimously.

**Other Business:**

**1. Wetlands Agent Monthly Report.**

**Wal-Mart Violation 7/25/13.**

Ms. Roberson discussed with Commission Members in detail the notice of violation for siltation of a watercourse due to storm water runoff from 450 Providence Road, Wal-Mart that caused a significant siltation problem in the watercourse known as Long Brook. Corrective measures were taken and Ms. Roberson was very impressed with the active response. Ms. Roberson distributed pictures for Commission Members to review. Ms. Roberson discussed the response letter received dated August 7, 2013 from CPH Architects with regards to the notice of violation. Discussion ensued.

**Wal-Mart Update.**

Ms. Roberson reviewed the Field Observation Reports supplied by Alan S. Lobaugh from Milone and MacBroom dated July 15 and July 30, 2013 with Commission Members. Discussion ensued. Chairman Gallant suggested to Ms. Roberson to notify Mr. Lobaugh of any notice of violations.

**Enforcement/WV13-001 Fred Green, Inland Wetlands and Watercourses at property known as Assessor's Map 41, Lot 6, aka 56 Brickyard Road.**

Ms. Roberson stated that the deadline was August 12, 2013. Ms. Roberson called Mr. Green who

stated that the corrective measures have not been completed. Ms. Roberson stated that Mr. Green is in violation and has given him until August 19, 2013 to complete the corrective measures and will re-inspect. Commission Members discussed a course of action with regards to this violation. All members are in agreement if the work is not complete than the fine process will be enacted by August 21, 2013.

## 2. Discussion of Regulation Change-WRC13-001 Definition of Regulated Activity.

Ms. Roberson handed out the draft changes to Commission Members and read into the record.

### 2.1 As used in these regulations:

**"Regulated activity"** means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 4 of these regulations. Furthermore, any clearing, grubbing filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on land within one-hundred twenty-five (125) feet measured horizontally from the boundary of any wetland or one-hundred seventy-five (175) feet of any continuous watercourse is a regulated activity **unless the activity is determined by the Commission or their designated agent to have no likelihood to impact or affect wetlands or watercourses including, but not limited to, installation or construction of accessory structures with no permanent foundation, above ground pools, and decks on posts which require minimal excavation.** The Commission may rule that any other activity located within such upland review area or in any non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

Discussion ensued.

Ms. Roberson also discussed draft changes to the Duly Authorized Agent Permit.

Discussion ensued.

A public hearing is scheduled for September 10, 2013 for the Regulation Change-WRC13-001 Definition of Regulated Activity.

**Adjourn:** A motion was made by Jeff Arends to adjourn the meeting at 7:14 p.m. Lester Philips seconds this motion. No discussion held. All in favor. The motion passes unanimously.

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Audrey Cross-Lussier  
IWWC Recording Secretary