

**Brooklyn Inland Wetlands Commission
Regular Meeting Minutes**

The Brooklyn Inland Wetlands Commission held a regular meeting on Tuesday, January 13, 2015, 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, Jeff Arends, George Sipila and Deane Rettig.

Absent: Melissa Labossiere and Erik Costa with notice. Robert Rossi without notice.

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

Also Present: Jeffrey Otto, Thomas Rukstela, Thomas Trowbridge, Joshua King, Ernie Robillard, Larry Rainville, Jim Booth, public in attendance.

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

Seating of Alternates: None.

Election of Officers:

A motion was made by Deane Rettig to nominate Real Gallant for Chairman. Jeff Arends seconds this motion. No discussion held. All in favor. The motion passes unanimously.

A motion was made by Deane Rettig to nominate Jeff Arends for Vice Chairman. George Sipila seconds the motion. No discussion held. All in favor. The motion passes unanimously.

A motion was made by Jeff Arends to vote on the slated candidates Real Gallant and Jeff Arends. Deane seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Approval of Minutes:

1. Regular Meeting Minutes of December 9, 2014.

A motion was made by Deane Rettig to accept the minutes of the December 9, 2014 meeting of the Brooklyn Inland Wetlands and Watercourses Commission as submitted. Jeff Arends seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Public Commentary: None.

New Application Acceptance: None.

Continued Applications: None.

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

a. Public Hearings:

1. 120914A Strategic Commercial Realty, Inc. d/b/a as Rawson Materials (Jeffrey Rawson, President) Rukstela Road, Map 30, Lot 16 and Map 29, Lot 1, RA Zone; Creation of a Pond with removal of earth products.

Chairman Gallant stated that written correspondence has been received from the applicant's attorney to table the public hearing to the February 2015 meeting. Discussion ensued.

A motion was made by Jeff Arends to table the public hearing until the next regularly scheduled meeting. Deane Rettig seconds this motion. No discussion held. All in favor. The motion passes unanimously.

b. Unfinished Business:

1. 120914A Strategic Commercial Realty, Inc. d/b/a as Rawson Materials (Jeffrey Rawson, President) Rukstela Road, Map 30, Lot 16 and Map 29, Lot 1, RA Zone; Creation of a Pond with removal of earth products.

A motion was made by Jeff Arends to continue to next month's meeting application 120914A Strategic Commercial Realty. Deane Rettig seconds the motion. No discussion held. All in favor. The motion passes unanimously.

New Business:

1. IWDA15-001 Amber Robillard, 509 Hartford Rd, Map 9, Lot 6, RA Zone; Addition to house.

Ernie Robillard, represents application IWDA15-001. Mr. Robillard is proposing an addition to the rear of the house which is 110 feet away from the wetlands.

Ms. Roberson reviews the site plan with Commission Members. The addition is 12 ft. x 24 ft. on the southwest corner of the house with a porch. At the closest point it is 110 feet from the wetlands. Mr. Robillard stated that the addition will be placed on sono-tubes. Ms. Roberson stated that the excavation within the upland review area will have very minimal disturbance.

Chairman Gallant asked Mr. Robillard if there will be any excavation at all. Mr. Robillard stated just to dig the holes. He will be using a small back hoe, digging 42 inch deep holes, pour a pad around the bottom, and fill around the tubes, they will be 8 feet apart.

Jeff Arends asked about the slope of the back property. Mr. Robillard stated that the back is pretty level, at about 20 feet out it drops, and then about 4-5 feet in one corner and the other is maybe 2 feet down. Mr. Arends asked how many tubes will be dug. Mr. Robillard stated approximately 9 holes 8 feet apart. Ms. Roberson has a call into the Building Official to confirm that the sono-tubes will be permissible, unfortunately she did not hear back from him.

Jeff Arends asked if the porch is already existing or part of the application. Mr. Robillard stated the porch is part of the application and will be 10 foot by the length of the house and the addition will be 12 ft. x 28 ft.

Jeff Arends feels that this application can be considered a wetlands permit by duly authorized agent which was also determined by consensus of the Commission Members.

2. DR15-001 Brooklyn Center Complex, LLC Map 24, Lots 156 and 158, Map 33, Lot 19, VCD and RA Zone, 37 acres; Selective Timber Harvest.

Joshua King, Forester represents application DR15-001. There is only one crossing 1 foot to 2 feet wide, 6 inches deep. There are 6 large trees that will be removed. Mr. King demonstrates this on the site map and reviews with Commission Members. Jeff Arends asked when the work will be done. Mr. King stated within the next week and should only take a couple of months.

Jeff Arends asked Ms. Roberson if she has been to the site. Ms. Roberson has not been out to the site, however, is intending on making a site visit. Ms. Roberson feels the wetlands impact is very minimal, most of the wetlands areas are being avoided and is a relatively small site. Ms. Roberson asked Mr. King if he was proposing a corduroy wetlands crossing. Mr. King confirmed that there will be small corduroy crossing placed.

Chairman Gallant asked what the address of the property is. Ms. Roberson stated it encompasses three parcels, however, it is located on Vina Lane.

A motion was made by Jeff Arends to make a declaratory ruling that the timber harvest proposed by Brooklyn Center Complex to remove 100,000 board feet of timber and 70 cords of firewood on 37 acres identified as Map 33, Lots 19 on Vina Lane is permitted use as of right with the condition that the land use officer prior to or during the removal of the materials inspects the property. George Sipila seconds this motion. Discussion held.

Jeff Arends amends his motion to make a declaratory ruling that the timber harvest proposed by Brooklyn Center Complex to remove 100,000 board feet of timber and 70 cords of firewood on 37 acres identified as Map 24, Lot 156, Map 24, Lot 158 and Map 33, Lot 19 on Vina Lane is permitted use as of right with the condition that the land use officer prior to or during the removal of the materials inspects the property. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

3. DR15-002 Hillandale Family LLC, Bush Hill Road, Map 19, Lot 19-9B; Timber Harvest on 100 acres.

Thomas Trowbridge, Forester represents application DR15-002. There will be two wetlands crossing. They are both several hundred feet from the road. There is a pre-existing stone crossing there built years ago about 20 feet wide and 40 feet in length. They are large stones where the water trickles underneath. The other one is a wetlands crossing which is very narrow and corduroy will be used and removed at the end of the harvest. The plan is to get in there while it is frozen and come back when it is dry. There will be no harvesting during the mud season. Mr. Trowbridge will be on site to make sure that E and S control measures are in place. The access point for the trucks is on an old lane way that is gravel and has been used for a number of years which Mr. Trowbridge demonstrates on the site map. There are quite a bit of wetlands with predominantly Woodbridge soils. There are no trees to be harvested in the wetlands area. The work will be done in between the long narrow bands and staying out of the wetlands.

Ms. Roberson reviews the aerial photo with Commission Members and Mr. Trowbridge showing the wetlands. Ms. Roberson stated she has not been out to visit the site, and recommends the Commission conduct a site walk.

Jeff Arends questions Mr. Trowbridge with regards to the pole size of the corduroy. Mr. Trowbridge commented it will be 6 to 10 inches in diameter.

Commission Members discussed scheduling a site walk.

Discussion ensued.

A motion was made by Jeff Arends to make a declaratory ruling that the timber harvest proposed by Hillandale Family LLC to remove 208,000 board feet of timber and 150 cords of firewood on 100 acres identified as Map 19, Lots 19-9B on Bush Hill Road is permitted use as of right. Deane Rettig seconds this motion. No discussion. All in favor. The motion passes unanimously.

A site walk of the property was scheduled to for Thursday, January 15, 2015 at 9 a.m. meeting at the Bush Hill Road landing.

A motion was made by Deane Rettig to amend the agenda to have item #4 as WV15-001 Inland Wetlands Enforcement Hearing, Jeffrey Otto and Thomas Rukstela, Map 23, Lot 9B, 8.5 acres on the east side of Mason Road, alteration of the natural channel of Mason's Brook and moving current items 4 and 5 to items 5 and 6. Jeff Arends seconds this motion. No discussion. All in favor. The motion passes unanimously.

4. WV15-001 Inland Wetlands Enforcement Hearing, Jeffrey Otto and Thomas Rukstela, Map 23, Lot 9B, 8.5 acres on the east side of Mason Road, alteration of the natural channel of Mason's Brook.

Ms. Roberson reads into the record the violation letter dated January 5, 2015 which was sent to Jeffrey Otto, property owner and Thomas Rukstela, violator.

Ms. Roberson gives a projected overview of the violation and reviews with Commission Members. Three realignments were made to Mason's Brook. The first one is 50 feet long, the second one is 115 feet long and the third one is 25 feet long. There has been redirection of the watercourse with continual flow; filling and removal of material within a watercourse and wetlands area. These activities are likely to cause and have the potential to cause impacts to this watercourse system. The natural stream bed was disturbed. The cutting and filling activities have negative impacts on the downstream portion of the watercourse system. Ms. Roberson shows several photographs of the three realignments and reviews with Commission Members.

Jeffrey Otto, 192 Mason Road, property owner gives his comments with regards to the violation. Mr. Otto was unaware the work had started and only seen it after it was completed. Mr. Otto feels in terms of the use of the property Mr. Rukstela has done it a big favor. Mr. Otto described how the stream appeared years ago. The previous owner, Paul Franzman, used the lot as a grazing lot for young stock-cows. The young stock turned the stream pattern into the various oxbows that are there, in fact both stream paths always existed. The stream channels always had Y's in them. When the water flow was low it would go down one channel, when it was high it would go down both channels. Mr. Otto feels that what Mr. Rukstela has done is to fix it so it flows only into a natural stream channel with the exception of #3 realignment. Mr. Rukstela removed the invasive plant species, bittersweet and the multiflora roses. Mr. Otto feels that the stream looks a lot better than it used to and the property is more useful. Mr. Otto read the definition of agriculture in the wetlands regulations and questions if a permit is necessary.

Chairman Gallant asked Mr. Otto if he operated a farm there. Mr. Otto stated that he previously has operated a farm with horses, cows and goats years ago, however, none presently.

Tom Rukstela stated he has been bush hogging the field since last year. He has been mowing down some of the multi flora roses. When the water had totally stopped, Mr. Rukstela had torn out the roots of the multi flora rose and piled them to the right side of the channel. Mr. Rukstela stated there was a lot of debris that had fallen into the original channels which is what was removed. Mr. Rukstela states he did cut the realignment #3. Mr. Rukstela submits and reviews photos of the Mason's Brook channel with Commission Members. Mr. Rukstela will be getting four cows in the spring and would like to put fencing on either side to deter the cows from trudging in and out of the brook. Mr. Rukstela is working on grants with the USDA for the fencing and water crossings. Mr. Rukstela felt this was agriculture and he was trying to maintain and clean the stream.

Deane Rettig questions Mr. Otto on his not knowing of the work Mr. Rukstela was doing on his property. Mr. Otto stated he has an agreement with Mr. Rukstela – they both own steers, in exchange for Mr. Rukstela taking care of the steers in the winter time, Mr. Otto will allow Mr. Rukstela's steers to pasture on his property in the summertime. Discussion ensued.

Mr. Rettig discusses the re-alignment #2 with Ms. Roberson. Ms. Roberson stated she saw the brook before the work happened and it looked very different. It was very windy with a lot of grown up shrubs.

Chairman Gallant asks the Commission to focus on if this is a regulated activity or a permitted as of right use.

Ms. Roberson reads from the regulations Section 4 Permitted Uses as of Right and Non-Regulated Uses 4.1a. While it is true agriculture is a permitted use, there are specific exclusions which include, relocating watercourses and filling or reclaiming of wetlands or watercourses with continual flow, which both occurred in Ms. Roberson's opinion.

Mr. Otto reads a definition of agriculture page 64 of the Wetlands Regulations: maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes are included in the definition. Mr. Otto feels that the work that was done is maintenance of the channel rather than relocation. Discussion ensues.

Jeff Arends feels that even if this was an as of right use this should have been brought to the Commission to get a ruling either way. Discussion ensues.

Chairman Gallant offers his opinion with regards to maintenance. Mr. Otto offers his opinion of maintenance. Discussion ensues.

Ms. Roberson recommends that the Commission await the report from the Town Engineer before making a decision. Also, standard practice is if a violation has occurred that an after the fact wetlands permit application for the work done is filed.

Mr. Otto and Mr. Rukstela are in agreement with applying for an after the fact wetlands permit application.

Ms. Roberson discusses with Mr. Otto what the Town Engineer will examine. Mr. Otto gives permission for Syl Pauley, Jr., NEECOG Town Engineer to examine the site.

It was the consensus of the Commission Members for the violators to start with a wetlands permit application.

4. Review of Bylaws:

The following changes were made:

Article III Office of the Commission: Address of the Land Use Office is changed to 69 South main Street, Brooklyn, CT.

Article IV Membership: Section 8 Added – The written notice must contain the termination date. The Chairman shall forward the notice to the First Selectman's office as soon as possible.

Article VI Administrative Staff Section 3 – add "for" after the word agenda.

Section 4 – omit this line from bylaws.

Commission Members agreed to all of the changes made.

5. Wetlands Agent Monthly Report:

Ms. Roberson stated the only wetlands violation given this month was to Mr. Otto and Mr. Rukstela.

Ms. Roberson reported that Dale Lyon did get a cease and desist order. Ms. Roberson has recently met with Mr. Lyon and his attorney. Mr. Lyon will be applying for a home business enterprise permit.

Adjourn: A motion was made by Jeff Arends at 7:25 p.m. to adjourn the meeting. George Sipila seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier
Recording Secretary