

**APPROVED MINUTES  
BROOKFIELD INLAND WETLANDS COMMISSION  
Monday, October 27, 2014 – 7:00 p.m.  
TOWN HALL MEETING ROOM #133**

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**1. Convene Meeting**

Chairperson S. Fox convened the meeting at 7:00 p.m. and established a quorum of members.

**2. Roll Call and Designation of Alternates**

Present: Chairperson S. Fox, Vice Chairman M. Forlenza, Secretary M. Mulvaney, M. Kukk  
Absent: R. Huttemann  
Also Present: D. Cioffi, Recording Secretary

**3. Wetlands Enforcement**

**a. Enforcement Officer's Report**

*Wetlands Enforcement Officer K. Daniel was unable to attend tonight's meeting. She sent an email to the Commission regarding the Enforcement Report.*

**3. 136 Grays Bridge Road #201400652** – Secretary Mulvaney advised he would like to decide tonight who the next appropriate person to contact the property owner would be. He is unclear why the Commission is contacting the Town Attorney regarding resolution when the property owner did not initiate the violation. He reviewed the history of the matter with Commissioner Kukk. The property owner has hired a firm to provide a mitigation plan, and Vice Chairman Forlenza believes the property owner will request the Town to pay for it. Secretary Mulvaney stated that at this time, no mitigation plan is needed, and the Town willing to fix the damage that was caused. However, the property owner does not want the Town on the site.

Chairperson Fox indicated she has not spoken with WEO Daniel about this matter since the last meeting. She will speak with WEO Daniel regarding this matter.

**2. 20 Deerfield Road #201301082** –Chairperson Fox reviewed that the Commission has requested a plan for resolution on several occasions. She referred to Attorney Beecher's October 27, 2014 email. Attorney Beecher has put a call into First Light's attorney, and the Commission will await the response.

**1. 64 North Lake Shore Drive #201300317; 18 North Lake Shore** – No discussion/no motions.

**b. Site Inspection Reports**

**40 & 64 Laurel Hill Road**

**• Letter from M. Morin of the Northwest Conservation District dated 10/16/14**

Mr. Morin's report lists issues related to tracking pads and downed silt fencing. The Commission will look forward to the property owner's resolution and will follow-up.

**4. Old Business:**

**a. Still River Greenway #201400000: Phase Two – Approval Stipulation #6**

- 1. Letter from C. Faulkner of VHB dated 10/16/14 Re: Still River Greenway Phase II #201400000**
- 2. Plans prepared by VHB, received in the Land Use Office on 10/20/14:**

- Sheet G-001 – Cover Sheet for Still River Greenway prepared by Fuss & O’Neill dated 05/03/12; revised through 07/25/14
- Sheet C-113 – Layout Plan dated 05/03/12; revised through 07/25/14  
Sheet C-123 – Erosion and Sediment Controls Plan dated 05/03/12; revised through 07/25/14
- Sheet C-133 – Grading and Drainage Plan dated 05/03/12; revised through 07/25/14
- Sheet WL-113 – Wetlands Disturbance Plan dated 05/03/12; revised through 07/25/14
- Sheet WM-104 – Wetlands Mitigation Plan dated 06/01/12; revised through 07/25/14
- Sheet WM-105 – Wetlands Mitigation Plan dated 06/01/12; revised through 07/25/14
- Sheet D-511 – Site Details dated 05/03/12; revised through 07/25/14

C. Faulkner, VHB, was present on behalf of the Town. He reviewed that the options for Stipulation #6 included subterranean tunnels or boardwalks. His concern with the latter relates to making sharp curves that may be a safety hazard for bike riders.

The Commission noted that it received the plans on Friday afternoon. Mr. Faulkner reviewed the details on the plans. Chairperson Fox expressed her concern that the inlet and outlet will fill with water. She discussed the need to ensure that the animals can cross the area, and she does not see that occurring with what is being proposed. Mr. Faulkner advised that there is “not a lot of literature” about its success, and Chairperson Fox disagreed. She requested evidence that the proposal would work.

Vice Chairman Forlenza inquired if the ditch could be drained, and Mr. Faulkner suggested that a perforated pipe could be used. He added that the water will drain based on soil characteristics and elevations. Secretary Mulvaney noted the 2-foot depth of the depressions. Mr. Faulkner advised that the DEEP recommended getting the trail out of the wetland boundary. Chairperson Fox suggested raising the trail so that the animals can go underneath.

There was discussion regarding putting the pipes at grade, or recessing them. There was also discussion about the distance between the pipes, as well as the sizing.

Commissioner Kukk indicated she would like to see different proposals with recommendations to minimize the impact.

**Secretary Mulvaney moved to continue Item 4.a., Still River Greenway, #201400000, to the next regularly scheduled meeting. Vice Chairman Forlenza seconded the motion, and it carried unanimously.**

**CONTINUED PUBLIC HEARING: 7:30 pm:**

**36 North Mountain Road #201400591: Proposed 12-lot residential affordable subdivision (Mountain Road Hollow) with associated road and utilities (PH Close Date: 10/27/14; 21 extension days remaining)**

- a. **Plans prepared by CCA, LLC received in the Land Use Office on 10/23/14:**
- **Cover Sheet – Site Development Plan: Mountain Road Hollow Affordable Subdivision dated 07/10/14; revised through 10/22/14**
  - **Sheet N1 – General Legend, Notes and Abbreviations dated 07/10/14**
  - **Sheet 1 – Existing Conditions Plan dated 07/10/14**

- Sheet C1 – Site Layout Plan dated 07/10/14
- Sheet C2 – Grading and Utility Plan dated 07/10/14; revised through 10/22/14
- Sheet C3 – Detention Basin Planting dated 06/19/14; revised through 10/22/14
- Sheet C4 – Plan and Profile dated 09/03/14
- Sheet C5 – Erosion and Sediment Control Plan dated 07/10/14; revised through 10/22/14
- Sheet E1 – Sedimentation and Erosion Control Plan dated 07/10/14
- Sheet D1 – Notes & Details dated 07/10/14; revised through 10/22/14
- Sheet D2 – Notes & Details dated 07/10/14; revised through 10/22/14
- b. Drainage Report prepared for Mountain Road Hollow prepared by CCA, LLC dated 07/10/14; revised through 10/23/14
  - Sheet DA1 – Drainage Area Map prepared by CCA, LLC dated 08/28/14; revised through 10/23/14

Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, was present. He submitted an extension letter. No additional information has been received by D. Virbickas. N. Levesque, CCA, 40 Old New Milford Rd., was present. Chairperson Fox noted receipt of a letter from Environmental Planning, as well as a letter from P. Sharp dated October 1, 2014.

The extension letter requests continuation of the matter until the November 10, 2014 meeting, which is the last possible extension. Attorney Scalzo noted that the DEEP was at the site for ten hours and did not see any endangered species, but advised that conditions exist to support a habitat for slimy salamanders. Ms. Levesque explained the mapping that the DEEP does for species, noting that the site may be on the edge of a habitat. She also stated that the mapping is updated every six months. There was discussion regarding expansion of the radius of the relevant habitat.

Mr. J. Sivo, Property Owner was present, and advised that he recently met with Ms. Levesque, Mr. Virbickas, and WEO Daniel regarding drainage.

N. Levesque indicated she will speak with Mr. Virbickas this week. It was noted that a special meeting may be necessary to finalize this matter.

**Secretary Mulvaney moved to continue the Public Hearing re: 36 North Mountain Road, #201400591, to the next regularly scheduled meeting. Vice Chairman Forlenza seconded the motion, and it carried unanimously.**

b. **Bonding for Buffered Areas on Candlewood Lake/First Light Property – It was requested that this matter be kept on the Agenda for the next meeting.**

c. **Planned Septic Replacements versus Failed Septic Replacements**

Secretary Mulvaney reviewed the discussion at the last meeting regarding the above issue. Plans that do not encroach further into the wetlands are looked at more favorably, and the Commission agreed it would be open to approving such plans, as long as there are no extenuating circumstances.

**It was requested that this item be removed from the Agenda.**

5. **New Business:**

- a. **146 Candlewood Lake Rd #201400987: Septic Repair Plan (dec date: 12/30/14)**
  1. **Notice of Exception from the State of CT Department of Public Health dated 10/08/14**

2. **Adjacent Property Owner Information for the following: 7 Old Turnpike Road, 150 Candlewood Lake Road, 4 Evergreen Drive, 143 Candlewood Lake Road**
3. **Town of Brookfield, CT GIS Map showing 146 Candlewood Lake Road received in the Land Use Office on 10/21/14**
4. **Plans prepared by R.J. Gallagher Jr & Associates received in the Land Use Office on 10/21/14:**
  - **Drawing No. 14034-R4 – Subsurface Sewage Disposal System Plan dated 07/23/14; revised through 10/09/14**
  - **Drawing No. 14034-R5 – Subsurface Sewage Disposal System Plan “Repair” dated 07/23/14; revised through 10/20/14**

*D. Voight, (Installer) and S. Pokorak (Property Owner) were present.*

Chairperson Fox explained the need to review proposals that are in the upland review area. Mr. Voight advised the Commission of the material and substances that were found upon digging to replace this septic system.

The plan was reviewed. Chairperson Fox encouraged Mr. Voight to consult the Land Use Office for such proposals, as it works closely with the Health Department on septic approvals. The wetlands and existing fields were pointed out on the plans. Mr. Voight advised that a combined system was recommended. He stated that a letter of approval from the State has been obtained.

Chairperson Fox pointed out a wetland area over the property line. She inquired of the distance from the septic to the property line. She noted and marked on the plan the distance from the field to the property line. Additionally, the location of the silt fence was noted and initialed by Mr. Pokorak with the date.

**Secretary Mulvaney moved to approve Item 5.a., 146 Candlewood Lake Road, #201400987, Septic Repair Plan from R. J. Gallagher, Jr., & Associates dated 7/23/14, with the 5<sup>th</sup> revision being made on 10/20/14, with the following notes: with the northerly field to be 25 feet minimum from the property line; the southernmost field to be 55 feet from the property line; and the extension of the silt fence to go north of the shed. Commissioner Kukk seconded the motion, and it carried unanimously.**

**Chairperson Fox advised the property owner to ensure that the silt fence is installed prior to work being done. When the silt fence is installed, Mr. Pokorak should contact the Land Use Office so that the Wetlands Enforcement Office can inspect the site.**

**b. 2015 Draft Land Use Commission Regular Meeting Schedule Secretary Mulvaney moved to approve Item 5.b., 2015 Draft Land Use Commission Regular Meeting Schedule. Commissioner Kukk seconded the motion, and it carried unanimously.**

**6. Tabled Items: None.**

**7. Correspondence:**

- a. **Minutes of Other Boards & Commissions: 10/06/14 Zoning Board of Appeals; 10/09/14 Zoning; 10/16/14 Planning**
- b. **Memo from K. Daniel to the Inland Wetlands Commission dated 10/23/14 Re: CACIWC**
  - **Registration Form – CT Association of Conservation & Inland Wetlands Commissions 37<sup>th</sup> Annual Meeting & Environmental Conference**
- c. ***The Habitat* Fall 2014, Volume 26; Number 4**

No discussion/no motions.

**8. Review Minutes of Previous Meetings: 09/22/14 – Not a sufficient quorum**, Chairperson Fox encouraged the absent Commission members to listen to the recording of the tape, especially as it relates to the Public Hearing for 36 North Mountain Road.

**10/06/14** – Secretary Mulvaney noted that the Commission met in Room 209 that evening, not Room 133 (as listed on the Minutes) **Secretary Mulvaney moved to approve the meeting minutes from October 6 with the noted change that it was in Meeting Room 209. Commissioner Kukkk seconded the motion, and it carried unanimously.**

**9. Informal Discussion:**

Secretary Mulvaney advised that he would like to discuss four current Notices of Violation. Attorney Beecher is investigating how two are being handled. It was suggested that a hold be put on issuing NOV's related to either the 440' and 210' lines, depending on the lake.

Secretary Mulvaney also reviewed the matter at 136 Gray's Bridge Road, where an NOV was issued for actions not caused by the property owner.

Chairperson Fox agreed that the Commission has a role in permitting work on lake properties and that its role in enforcement needs to be clarified by Town Counsel.

Secretary Mulvaney suggested that particular issues of enforcement be held for a review by the Commission at its meetings. This would delay enforcement for a maximum of two weeks. There was discussion regarding the small number of wetlands violations that are issued over the course of a year. Chairperson Fox has encouraged the WEO to consult the Commission for reinforcement, and she noted that there are emergency situations that must be handled immediately. Vice Chairman Forlenza recommended that the level of discretion afforded the WEO must be consistent. There was discussion regarding how matters are handled when it is discovered that a violation has been issued in error, and how the 136 Gray's Bridge Road matter stands. The Commission will discuss how NOV's are handled with WEO Daniel, and Chairperson Fox will speak with her specifically regarding 136 Gray's Bridge Road.

No motions.

**10. Adjourn:**

**Secretary Mulvaney moved to adjourn the meeting at 8:22 p.m. Commissioner Kukkk seconded the motion, and it carried unanimously.**

*\*Next Meeting Scheduled for November 10, 2014\**