

**APPROVED MINUTES  
BROOKFIELD INLAND WETLANDS COMMISSION  
Monday, August 12, 2013 – 7:00 p.m.  
TOWN HALL MEETING ROOM # 133**

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**1. Convene Meeting**

Chairman J. Vulcano convened the meeting at 7:00 p.m. and established a quorum of members.

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

**Present:** Chairman J. Vulcano, Vice Chairman L. Miller, Secretary S. Fox, and A. Finelli

**Absent:** M. Downey, Alternate G. Hunton

**3. Wetlands Enforcement**

*WEO Daniel was not in attendance at this meeting.*

**a. Enforcement Officer's Report**

**1. Email from Attorney P. Olson to K. Daniel dated 07/31/13 Re: Affiliated Realty –**  
Noted. R. Tedesco, Director of Public Works, memorandum also briefly discussed (Item 7.c. below).

- **Motion for Stay dated 07/11/13**
- **Motion to Dismiss dated 07/22/13**

**b. Site Inspection Reports**

**Cross Pond Drive Basin Enlargement**

- **Letter from S. Hayden of the Northwest Conservation District dated 07/30/13**
- **Letter from S. Hayden of the Northwest Conservation District dated 08/06/13 Re: Construction Meeting at Cross Pond Drive Basin Enlargement Project**
- **Email from S. Hayden of the Northwest Conservation District to K. Daniel dated 08/08/13 Re: Whispering Glen Site Inspection – Vice Chairman Miller recused himself from this matter.** Secretary Fox noted that a first cutting was done, and a second cutting is needed.

**84-140 Federal Road (BJ's Wholesale Club)**

- **Letter from S. Hayden of the Northwest Conservation District dated 07/30/13 –**  
Noted that permittee continues to respond to any concerns.

**540 Federal Road (Oak Meadows)**

- **Letter from S. Hayden of the Northwest Conservation District dated 07/30/13 –**  
Noted that permittee continues to respond to any concerns.

**871 Federal Road (Riverview Court)**

- **Letter from S. Hayden of the Northwest Conservation District dated 07/30/13**
- **Letter from S. Hayden of the Northwest Conservation District dated 08/06/13 –**  
Report of 7/30/13 summarized.

**No motions.**

**4. Old Business:**

**a. 4-10 Pocono Road #201300579: Two Proposed Warehouse Buildings** (*dec date 08/28/13*)  
*N. Levesque, P.E., CCA, 40 Old New Milford Rd., was present.* She indicated that she was in receipt of comments of D. Virbickas, and submitted the applicant's responses to those comments, along with revised plans. The Commission reviewed the revised plans. Ms. Levesque advised that soil scientist R. Shook agreed that watercourse was more significant. The revised plans also include a minor change to the regulated area near the west of the property. Ms. Levesque acknowledged that the watercourse was on Mr. Shook's map; however, it was not picked up by the applicant's surveyors. She indicated that the eastern area did not change.

With regard to Artel's comments regarding footing drains, Ms. Levesque advised they would only be used in deeper parts of the foundation. Chairman Vulcano remarked regarding the soils maps, and Ms. Levesque indicated the soil would be "more of a fill". It was noted that the grading and drainage plans show footing drains. Ms. Levesque used the plans to show Vice Chairman Miller how the outletting will

occur. Secretary Fox noted that the Commission will only be able approve what is on the plans, not what is listed “as necessary”.

The Commission advised that because Mr. Virbickas has not seen the responses to his report and the revised plans, the applicant would have to consider granting an extension.

Ms. Levesque continued to review the applicant’s responses. With regard to Artel’s comment #2, she indicated that there is no intent to disturb the wetlands. It was noted that wetlands flags are still present to assist the contractor. Vice Chairman Miller inquired if the excavated material would be moved off of the site, and Ms. Levesque advised it would. There was further discussion regarding the contours and building elevations.

The responses to Artel’s comments #3 and 4 were noted. Secretary Fox discussed her concern regarding the drainage of untreated material in comment #4. The response to comment #6 discusses the shifting of parking spaces. With regard to response to comment #6, she referred to the drainage report’s installation of a catch basin. Additionally, in response to comment #7, the bio detention basin has been revised. The response to comment #8 notes that the SCS (soil conservation service) method will now be utilized.

Ms. Levesque further advised that the landscaping plan specifies what can stay wet, and reviewed the specifics of the drainage report for Vice Chairman Miller, which addresses comments #8 and 9 of Artel. Additionally, the duplicate mentioned in comment #10 has been removed (sheet C9).

Secretary Fox reiterated her concern about drainage in the area discussed in comment #4. Upon inquiry from Chairman Vulcano, Ms. Levesque discussed the area considered in her calculations, noting that the rail line cuts off the area. In response to Vice Chairman Miller’s inquiry as to whether the landscaping plan would provide some mitigation, Ms. Levesque indicated it would.

Secretary Fox suggested that drainage be devised to keep the sand out of the area she was concerned about.

The Commission requested that the applicant be prepared with a letter requesting an extension. Ms. Levesque stated that she would speak with her client.

**Secretary Fox moved to continue 4-10 Pocono Road, #201300579, to the next regularly scheduled meeting on August 26, 2013, with the understanding that the Land Use Office will send the revised drawings to D. Virbickas at Artel Engineering. Vice Chairman Miller seconded the motion, and it carried unanimously.**

**b. 108 North Lake Shore Drive #201300665: Deck extension, landscape improvements, steps for lake access (dec date 09/25/13)**

*C. Studer, Studer Design Associates, and N. Edelton, 108 North Lake Shore Drive, were present.* Mr. Studer advised the Commission that the applicant received a variance allowing a reduction of the nonconformity of the lot coverage, to modify deck. Additionally, the applicant has met with First Light Power Company and reviewed the project. First Light requested that the plans be revised to allow a jetty, rip rap and boat lifts and jet skis in the future. First Light also would like to have 50% of the area between the lake and the 440’ line as planting. Mr. Studer advised that 33% of the current slope is lawn. The applicant proposes to put granite steps in for access to the lake. The proposed planting will be in excess of 40% of the area.

The approvals from First Light and the Zoning Board of Appeals were stamped in for the record.

There was discussion regarding the approval by First Light of future plans for the site. Chairman Vulcano advised that these plans would require a modification to the wetlands permit, if granted. He further stated that the Commission will approve only what is on the plans right now. The future plans can be approved if the details are given, and the permit is valid for ten years.\* (See correction of duration of permit by Mr. S. Sullivan, below). Mr. Edelton indicated he did agree with First Light's recommendation of the jetty, to mitigate erosion from the lake.

Secretary Fox noted that the Commission is in possession of only page 1 (stating page 1 of 4) of the First Light letter, and Commission members indicated that is usually the only page provided for most applications.

The Commission members advised the applicant they would like time to review the plans presented this evening. Mr. Studer will change the slab specification to read, "stone slabs". Upon inquiry from Mr. Edelton, the Commission members explained what a construction sequence is comprised of.

Upon inquiry from Chairman Vulcano, the applicant advised that the only digging that will occur is for the plantings and setting of the stones. Some rocks near the lake will be removed by hand. There was discussion regarding the likelihood of proposed drawdowns of the lake occurring.

Secretary Fox requested that the applicant provide the estimated cubic yards to be removed with the construction sequence details, along with how the rocks will be removed from the lake floor, how erosion control will be maintained when earth is exposed, how equipment will be brought in and taken off of the site, and if stockpiling will occur.

Upon inquiry from Chairman Vulcano, Mr. Studer indicated that he will pour concrete to get stairs in for access and to buttress the sea wall. He further agreed to provide details for this part of the plan. There was discussion regarding an expansion joint and weep hole in the wall.

The Commission requested that the requested material be provided no later than August 22, 2013, so that it can be included in Commissioners' packets prior to the next meeting. It was reiterated the following information would be provided: the construction sequence, an estimate of rock for jetty, special details of erosion control (additional silt fence on top of wall and at the lake bottom), the dock detail and stone slab steps, and show egress and staging. Mr. Studer will speak with Mr. Wood to clarify the details about the poured concrete.

There was additional discussion regarding the planting and the possibility of bonding. The applicant was requested to provide an estimate of the cost of the plantings.

**Vice Chairman Miller moved to continue 108 North Lake Shore Drive, #201300665, to the next regularly scheduled meeting. Secretary Fox seconded the motion, and it carried unanimously.**

**5. New Business:**

**a. 28 Lillinonah Drive #200900820: Request for Bond Release - \$1,200**

**Secretary Fox moved to recommend to the Board of Selectmen to release the bond for 28 Lillinonah Drive, #200900820, in the amount of approximately \$1,200.00. Commissioner Finelli seconded the motion, and it carried unanimously.**

**Chairman Vulcano moved to go to Agenda Item 9.a. Secretary Fox seconded the motion, and it carried unanimously.**

**9. Informal Discussion:**

**a. 139 Pocono Road – Driveway Access – S. Sullivan, P.E., CCA, 40 Old New Milford Road, was present.** He discussed a Cease and Desist received by Aquarion Water Company at this property where it houses pump station wells. The prior owner had provided a right-of-way for the pump station, however, the new owners have installed a chain, preventing access to the area.

Chairman Vulcano pointed out the two water courses on the site, and the property line was noted. Mr. Sullivan advised he would meet with WEO Daniel upon her return. He indicated that time is of the essence because access is necessary for maintenance of the pump station. There was discussion regarding the type and size of culvert and drainage pipe that would be needed.

Chairman Vulcano further noted the erosion that could occur outside of a box culvert, pointing out that erosion has occurred near trees in that area.

Mr. Sullivan indicated he would do a topographic review for two culverts, and speak with WEO Daniel regarding Town Counsel's opinion as to the "as of right" issue, and determine the next course of action.

Upon inquiry from Vice Chairman Miller, Mr. Sullivan advised that it would take approximately one week to obtain a box culvert.

\*Mr. Sullivan advised that permits have a five-year duration.

**No motion.**

**6. Tabled Items: None.****7. Correspondence:**

- a. Minutes of Other Boards & Commissions: 07/25/13 Zoning; 08/01/13 Planning; 08/05/13 Zoning Board of Appeals**
- b. Memo from K. Daniel to the Zoning Commission, Planning Commission & A. Dew dated 08/01/13 Re: Aquifer Protection**
- c. Memo from R. Tedesco to the Inland Wetlands Commission dated 08/08/13 Re: 1 High Ridge Road/Pipe Obstruction**

**Discussion above/no motions.**

**8. Review Minutes of Previous Meetings: 07/15/13 site walk – Vice Chairman Miller moved to approve the Special Meeting Minutes of July 15, 2013. Commissioner Finelli seconded the motion, and it carried, 3-0-1, with Secretary Fox abstaining.**

**07/22/13 - Not a sufficient quorum to vote on the Minutes of this meeting. Secretary Fox noted the following correction: On Page 2, in the first motion on that page, to add after the word, "installed", the following: " , then the Land Use Office will be called".**

**10. Adjourn: Vice Chairman Miller moved to adjourn the meeting at 8:27 p.m. Secretary Fox seconded the motion, and it carried unanimously.**

**\*\*\*Next regular meeting scheduled for August 26, 2013\*\*\***