

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

1. Convene Meeting

Chairman Vulcano convened the meeting at 7:02 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, A. Finelli

Absent: None.

Also Present: Recording Secretary D. Cioffi, and observing the meeting: Villanova Graduate Student, Tabatha Potok

3. Wetlands Enforcement

Wetlands Enforcement Officer K. Daniel was unable to be present at tonight's meeting.

a. Enforcement Officer's Report

64 North Lake Shore Drive #201300317

20 Deerfield Road #201301082

b. Site Inspection Reports

No discussion/no motions.

4. Old Business:

a. 18 North Lake Shore Drive #201301091: Corrective Action – Re-build wall, clear cut trees, re-establish slope, shoreline retaining wall, and shrub and plant growth to secure slope (dec date 01/28/14) – The applicant has not yet received First Light Power

Company approval. **Secretary Fox moved, in the matter of 18 North Lake Shore Drive, #201301091, to deny the application, without prejudice because the decision date is tomorrow, there has been no correspondence from the applicant, and there is no authorization from First Light. Vice Chairman Miller seconded the motion, and it carried unanimously.**

b. Still River Greenway #201400000: Phase II (dec date 02/25/14)

Secretary Fox indicated that she read the report from Calhoun & Clemens, and its discussion regarding vernal pools. She also indicated that she discussed this application with WEO Daniel, who has drafted conditions of approval for the Commission's review.

Vice Chairman Miller noted his preference for subpavement piping, as it makes the structure more permanent. He indicated that above-pavement piping allows for wear and is a potential liability. There was discussion regarding the location of the specific vernal pools, and a possible maintenance schedule. Chairman Vulcano noted his concern regarding making sure the grade of the pipe allows for de-watering. Secretary Fox and Chairman Vulcano indicated either option of piping would be acceptable, and Vice Chairman Miller reiterated his preference for subpavement piping.

Vice Chairman Miller noted that other agencies are still reviewing this proposal.

Vice Chairman Miller suggested that language reflecting a continuing effort to remove invasives from the wetlands areas be added to the conditions. Chairman Vulcano noted there is language in the drawings. Vice Chairman Miller indicated this type of maintenance would be an excellent opportunity for an Eagle Scout project.

Vice Chairman Miller noted that some of the conditions have been addressed by the Environmental Protection Agency and the Army Corps of Engineers.

There was discussion regarding the requirement that a monitor be hired by the Town, and paid for by the contractor, and that a report be provided at least once a month, and after large rain events. Secretary Fox noted that the language in draft regarding monitoring is inconsistent with what has been done in the past.

This will be modified to reflect that the Town will pay for the monitor and be reimbursed by the contractor.

There was discussion regarding post-construction monitoring for five years.

Vice Chairman Miller requested that the monitoring be required “after a significant storm event of at least half-inch rainfall within a twenty-four hour period.”

Secretary Fox moved, in the matter of the Still River Greenway, #201400000: Phase I, to approve the application, with conditions, for the following reason: reasonable consideration has been given to alternative plans which followed paths that created significantly more impact and revisions have been made to the types of paths proposed in order to minimize the impact that this revised layout proposes. Therefore, Secretary Fox moved that the following conditions be in place on the approval:

- 1) The wetland scientist responsible for conducting erosion control and wetland mitigation site inspections will be selected by the Inland Wetlands Commission (IWC) or its agent. The 2002 Connecticut Guidelines for Erosion and Sediment Control will be adhered to by the contractor and will be the basis of the monitor’s site inspections.
- 2) All reports from this monitor and responses to those inspection reports from the contractor will be provided to the IWC, at least monthly during construction, and after one-half inch rainfall within a twenty-four hour period.
- 3) Work in wetland areas will be restricted to weeks in which low rainfall is anticipated. If possible, work in the wetlands should be conducted during the drier months of August-October.
- 4) Erosion control measures will be adjusted as necessary to permit reptile and amphibian movement during spring and fall migration periods and avoid entrapment.
- 5) The IWC or its agent will review with the Town Attorney the wording of a conservation easement to be placed on the Mystery Acres parcel (673 Federal Rd) to preserve the wetland and water resources of the area.
- 6) Subpavement/subterrain pipe crossings or raised/elevated timber boardwalks will be added to the plan in the area of Vernal Pools 1, 2, 3 & 4 to facilitate amphibian migration among the pools. Revised plans showing this change may be submitted to the IWC within six months of this approval. There will be a maintenance program put in place for this structure.
- 7) No bond will be required as this is a Town-funded project.
- 8) The Town will plan for an invasive species removal period for a minimum of five years.
- 9) Additionally, there will be a five-year post construction monitoring for invasive species and measuring the success of native species with a minimum of 75% native wetland species coverage; also to verify that the intended hydrology is operating, that willow species are coming in Mitigation Area 3, that the pool is present and functioning and that there are attachment sites for egg masses, and that vegetation is growing.

This approval is based on what is documented in the set of drawings that were stamped in and received in the Land Use Office on January 3, 2014, specifically,

Plans prepared by Fuss & O’Neill (received in the Land Use Office on 01/03/14):

- Sheet G-001 – Cover Sheet: Still River Greenway dated 05/03/12; revised through 11/22/13
- Sheet G-100 – Survey Notes dated 05/03/12; revised through 06/04/13
- Sheet G-101 – Index Plan dated 05/03/12; revised through 04/26/13
- Sheet C-110 – Layout Plan dated 05/03/12; revised through 11/22/13
- Sheet C-111 – Layout Plan dated 05/03/12; revised through 11/22/13
- Sheet C-112 – Layout Plan dated 05/03/12; revised through 11/22/13

- Sheet C-113 – Layout Plan dated 05/03/12; revised through 11/22/13
- Sheet C-120 – Erosion and Sediment Controls dated 05/03/12; revised through 11/22/13
- Sheet C-121 – Erosion and Sediment Controls dated 05/03/12; revised through 11/22/13
- Sheet C-122 – Erosion and Sediment Controls dated 05/03/12; revised through 11/22/13
- Sheet C-123 – Erosion and Sediment Controls dated 05/03/12; revised through 11/22/13
- Sheet C-130 – Grading and Drainage dated 05/03/12; revised through 11/22/13
- Sheet C-131 – Grading and Drainage dated 05/03/12; revised through 11/22/13
- Sheet C-132 – Grading and Drainage dated 05/03/12; revised through 11/22/13
- Sheet C-133 – Grading and Drainage dated 05/03/12; revised through 11/22/13
- Sheet WL-110 – Wetlands Disturbance Plan dated 05/03/12; revised through 11/22/13
- Sheet WL-111 – Wetlands Disturbance Plan dated 05/03/12; revised through 11/22/13
- Sheet WL-112 – Wetlands Disturbance Plan dated 05/03/12; revised through 11/22/13
- Sheet WL-113 – Wetlands Disturbance Plan dated 05/03/12; revised through 11/22/13
- Sheet WM-101 – Wetlands Mitigation Plan dated 06/01/12; revised through 11/22/13
- Sheet WM-102 – Wetlands Mitigation Plan dated 06/01/12; revised through 11/22/13
- Sheet WM-103 – Wetlands Mitigation Plan dated 06/01/12; revised through 11/22/13
- Sheet WM-104 – Wetlands Mitigation Plan dated 06/01/12; revised through 11/22/13
- Sheet WM-105 – Wetlands Mitigation Plan dated 06/01/12; revised through 11/22/13
- Sheet D-501 – Construction Notes dated 05/03/12; revised through 11/22/13
- Sheet D-510 – Site Details dated 05/03/12; revised through 04/26/13
- Sheet D-511 – Site Details dated 05/03/12; revised through 04/26/13
- Sheet D-512 – Site Details dated 06/20/12; revised through 04/26/13
- Sheet D-520 – Erosion and Sediment Control Details dated 05/03/12; revised through 04/26/13
- Sheet S-101 – Prefabricated Steel Pedestrian Bridge General Plan dated January 2013; revised through 05/30/13
- Sheet S-102 – Prefabricated Steel Pedestrian Bridge Notes dated January 2013; revised through 01/23/13
- Sheet S-103 – Prefabricated Steel Pedestrian Bridge Foundation Details dated January 2013; revised through 05/30/13
- Sheet S-104 – Timber Approach Bridges Plan and Profile dated January 2013; revised through 01/23/13
- Sheet S-105 – Timber Approach Bridges Plan and Profile dated January 2013; revised through 01/23/13
- Sheet S-106 – Timber Boardwalks Plan and Profile dated January 2013; revised through 01/23/13
- Sheet S-107 – Timber Approach Bridge and Boardwalk Details dated January 2013; revised through 01/23/13
- Sheet S-108 – Timber Approach Bridge and Boardwalk Timber Rail Details dated January 2013; revised through 01/23/13
- Sheet S-109 – Wall Plan and Details dated January 2013; revised through 01/23/13
- Sheet S-110 – Wall Elevations and Sections dated January 2013; revised through 01/23/13
- Sheet CT-101 – Maintenance & Protection of Traffic Route 7 Northbound dated 05/02/12; revised through 04/26/13
- Sheet CT-102 – Maintenance & Protection of Traffic Route 7 Southbound dated 05/02/12; revised through 04/26/13

Plans prepared by the State of Connecticut Department of Transportation

(received in the Land Use Office on 01/03/14):

- Sheet TR-1208_01 – Sign Support & Sign Placement Details, Gore Exit Sign dated 02/16/11

- Sheet TR-1208_02 – Metal Sign Posts and Sign Mounting Details dated 03/22/11
- Sheet TR-1210_03 – Special Details and Pavement Markings for Two-Way Highways dated 02/16/11
- Sheet TR-1220_01 – Signs for Construction and Permit Operations dated 02/16/11
- Sheet TR-1220_02 – Construction Sign Supports and Channelizing Devices dated 02/16/11;

And including the application, the project description, site location maps, wetlands disturbance charts, NDDDB response & rare species survey, and wetlands assessment reports.

Commissioner Finelli seconded the motion, and it carried unanimously.

5. **New Business:** None.

6. **Tabled Items:** None.

7. **Correspondence:**

- a. Minutes of Other Boards & Commissions: 01/16/14 Planning
- b. Letter from L. Marsicano of Connecticut Federation of Lakes to Connecticut Inland Wetlands and Conservation Commissions dated 01/20/13
 - *The Voice for Connecticut's Lakes* Connecticut Federation of Lakes Brochure
- c. Email from S. Battles dated 01/15/14 Re: Notice of Intent
 - Notice of Intent to Modify General Permit for Water Resources Construction Activities for Compliance with 2013 Legislative Changes dated 12/27/13

No discussion/no motions.

8. **Review Minutes of Previous Meetings:** 01/22/14 – Secretary Fox moved to approve the Minutes of the January 22, 2014 Meeting. Vice Chairman Miller seconded the motion, and it carried unanimously.

9. **Informal Discussion:** Chairman Vulcano advised that this meeting is his and Vice Chairman Miller's last meeting with the Commission after ten and twelve years of service, respectively. He noted the improvement of the Commission over the years, in its dealings with applicants and the review of applications within the regulations. He commended the staff of the Land Use Office and its professionalism and thorough attention to detail.

Vice Chairman Miller echoed Chairman Vulcano's sentiments. He will be resigning tomorrow. He encouraged Secretary Fox to ensure that future members receive the appropriate training to assist in their service on the Commission. Vice Chairman Miller stated that proper training reduces the possibility of, and aids in the defense of, litigation claims. Chairman Vulcano added that over the past eight years, all legal claims have been successfully litigated and/or defended.

10. **Adjourn:** Vice Chairman Miller moved to adjourn the meeting at 7:48 p.m. Commissioner Finelli seconded the motion, and it carried unanimously.

Next regular meeting scheduled for February 10, 2014