1. **CALL TO ORDER:** Chairman Randolph Dill called the meeting to order at 7:30 p.m. at the Town Grange.

2. **ATTENDANCE:**

**COMMISSIONERS PRESENT:** Mary Augustiny, Jennifer Burton-Reeve, Randy Dill, Bryan Goff, Daniel Jahne

**COMMISSIONERS ABSENT:** 2 vacancies

**OTHERS PRESENT:** Jim Ventres, Attorney Matthew Willis, Emmett Lyman, and 7 townspeople were present.

3. **MINUTES:**

The minutes of the regular meeting of November 18, 2014 were amended as follows:

- Page 6, Paragraph 1, 2\textsuperscript{nd} sentence: Change “play” to “plan”
- Page 8, Paragraph 1, 6\textsuperscript{th} sentence: Change to read “He found it was clearly established in 1988.”
- Page 8, Paragraph 2, 13\textsuperscript{th} sentence: Change “propriety” to “property”

**Motion by Mr. Goff, seconded by Ms. Burton-Reeve to accept the minutes as amended. Motion carried by unanimous vote.**

4. **BILLS:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>NLJ (Bashan Lake work)</td>
<td>$ 62.38</td>
</tr>
<tr>
<td>NLJ (site plan-sewage disposal)</td>
<td>218.31</td>
</tr>
<tr>
<td>Hartford Courant (legal notices)</td>
<td>145.80</td>
</tr>
<tr>
<td>Branse &amp; Willis (Clark Gates)</td>
<td>1591.00</td>
</tr>
<tr>
<td>Branse &amp; Willis (Clark Gates)</td>
<td>259.00</td>
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</tbody>
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**Motion by Ms. Burton-Reeve to pay the bills as presented. Motion seconded by Mr. Goff, and carried by unanimous vote.**

5. **FIELD WALK REPORT**

Mr. Dill stated there was no field walk this month preceding the meeting. There was only one item on the agenda, and the commission had previously walked this site.
6. WETLANDS PERMIT REVIEW

A) Property Owners Association of Lake Hayward, First Beach, Shore Road, new retaining wall.  
Assessor’s Map 87, Lot 247.  
First date: November 18, 2014  
Last date: January 22, 2015  
Mr. Steve Nelson addressed the commission on behalf of the property owner’s association. He explained their plan to have an 18” x 24” x 40’ boulder stone wall to help flatten out the grade from the pavilion to the water line. It will function as a grassy patio and they will hold functions in this area, as an extension of the pavilion.

Responsive to inquiry by Mr. Dill, Mr. Nelson stated the new stone wall will be about 25’ from the existing stone wall. They will flatten from a 2’ grade to a 6-9” grade. Mr. Dill asked about the distance. Mr. Ventres responded that it was about 25’ on the south, where it was the narrowest. It then becomes 35’ where the wall bows, and then about 30’ at the north end.

Mr. Jahne asked about the grade. Mr. Ventres stated they wanted to keep the grade level and avoid the steeper pitch. Mr. Dill asked if they experience erosion now with the sand. Mr. Nelson stated they did not. He noted that this area will remain as a grassy patio. Mr. Dill asked if there would be some fill behind this area. Mr. Nelson stated he would put in some topsoil and seed.

Ms. Augustiny asked of what the wall would be constructed, to which Mr. Nelson responded it would be constructed of boulders. Ms. Augustiny suggested some filter fabric to minimize erosion. Mr. Nelson stated he would do this.

Mr. Goff asked if this area would be grass, then wall, then grass again, to which Mr. Nelson responded affirmatively. Mr. Goff asked how the work would be done. Mr. Nelson stated it would be done by machine.

   Motion by Mr. Goff to approve the application of Property Owners Association of Lake Hayward, First Beach, Shore Road, new retaining wall, in accordance with the drawing dated 12/16/14 by the commission, with the condition that filter fabric shall be placed behind the retaining wall. Motion seconded by Ms. Burton-Reeve, and carried by unanimous vote.

B) New: Roger Nemergut; agent for Bud and Bobby, LLC, 21 Mount Parnassus Road, construct sewer line through wetland area.  
Assessor’s Map 27, Lot 91.  
First date: December 16, 2014  
Last date: February 19, 2015  
Mr. Roger Nemergut addressed the commission. He presented the plan for the sewer repair at Shagbark. The existing system comes out of the back of the building, with a septic tank and a small leaching system. The records he could find showed three trenches, approximately 40 feet. This is smaller than one would typically have for a single-family residence. Historically, there have been some issues with the system. Looking at alternative areas, slope is better. He explained that land slope has a hydraulic push on the flow.
The developed site is quite flat, with a high water table. The general soils mapping for the entire area around the complex, the best soils, according to NRCS, are in the back area. The slope from the barn up Mt. Parnassus…the western edge of the wetland was mapped. They have not mapped the eastern line. They could do this before the site walk. The leaching system will be about 100 feet away from the watercourse. They have time to get the area flagged before the site walk, or the commission could look at the area before it is flagged.

They would come to a water tight septic pump. The pipe comes in 200-foot lengths, so they could get a good distance without a joint. The pipe is polyethylene, and they would not come near taxing the strength of the pipe.

Mr. Jahne asked if there was any flexibility for crossing the wetland, if they discover a more narrow band after the flagging was done.

Mr. Nemergut explained that they started with the test pits, but there was some refusal. Mr. Jahne asked if the wetland ended where the shading on the plan showed. Mr. Nemergut stated it was not. Mr. Ventres stated there is a dramatic drop in this area.

Responsive to inquiry by Mr. Dill, Mr. Nemergut followed the intermittent watercourse line. Ms. Augustiny asked if this fed the stream. Mr. Ventres stated it did eventually. It is not the main stream.

Mr. Nemergut stated the disturbance would be a 4-foot deep trench. They would put in the force main, add the stone around it, and then refill the area with the original material to the natural grade. They would use a wetland seed mix and the removed organic material.

Mr. Nemergut stated this would be a high pressure pipe, with low pressure use. Mr. Jahne asked if the work would be done during a low flow period. Mr. Ventres stated this could be done after the rain stopped on a dry day. It would be a one-day project.

Mr. Dill asked how they chose this path. Mr. Nemergut explained that they basically chose the straightest line. They could move the crossing point wherever they needed. Mr. Dill stated they could look at this during the field walk.

Motion by Mr. Dill, seconded by Ms. Burton Reeve to continue the application of Roger Nemergut; agent for Bud and Bobby, LLC, 21 Mount Parnassus Road, construct sewer line through wetland area until the next regularly scheduled meeting, and to schedule a field walk. Motion carried by unanimous vote.

Mr. Nemergut asked if the commission would like to have the flagging done. Mr. Goff believed it would be helpful. Mr. Dill recommended they could walk the area and then consider the flagging.

Mr. Nemergut stated they do have a letter of approval from Chatham Health District.
C) New: Rodney Davis; agent for Anthony & Megan Acquarulo, 11 Stony Brook Drive, construction of garage with activity in the upland review area. Assessor’s Map 27, Lot 21.

First date: December 16, 2014  Last date: February 19, 2015

No one representing the applicant was present at this meeting. Mr. Ventres distributed another new application. Mr. Ventres gave a copy of this packet to Mr. Davis. This would be an application for a new driveway and a garage. He will also have the Chatham Health District look at the septic capacity.

Ms. Augustiny asked where the wetlands were located. Mr. Ventres stated they would plot out the wetlands from the wall.

Motion by Mr. Dill to continue the application of Rodney Davis; agent for Anthony & Megan Acquarulo, 11 Stony Brook Drive, construction of garage with activity in the upland review area until the next regularly scheduled meeting, and to schedule a field walk. Motion seconded by Mr. Goff, and carried by unanimous vote.

Mr. Ventres stated he received an application for an addition on Tater Hill Road; however, it was too late to get it on the agenda.

8. DECISIONS:

A) Clark Gates, LLC, 87 AP Gates Road, construction of single-family residence with activity in the upland review area. Assessor’s Map 31, Lot 37. (Continued from October 21, 2014)

First date: November 18, 2014  Last date: January 22, 2015

Mr. Ventres distributed a packet of information. Mr. Dill noted that he had asked Mr. Ventres to put together a list of all of the materials submitted for this application, as well as the key points. Mr. Dill stated the commission would have to determine if this is an actual building lot of record. The other thing for the commission to consider is the comments from the neighbors.

Mr. Dill stated the comment from the audience they heard the most was regarding the water treatment systems. Mr. Jahne noted at the last meeting there was a possibility of alternative methods. Mr. Dill stated to make an assumption that anyone who buys this house would put in a brine system is making an assumption that they could not make right now. Mr. Ventres stated with these types of conditions, it is not an external component. He would have no way to control it. It would be nearly impossible condition to hold onto. Mr. Augustiny asked where these systems would go. It was noted that it could not go into the septic system. Mr. Dill stated he did not believe they should add this condition.

Mr. Dill stated he heard conflicting information on the water runoff. He recalled that the applicant’s engineer stated there would be no runoff. The commission’s consulting engineer stated it would change the runoff.
Ms. Augustiny asked about a rain garden. Mr. Ventres stated the commission should not design a system for the applicant. He stated at this point, the commission does not have one on their plan. Mr. Ventres stated this would be a planning & zoning issue. Ms. Augustiny asked if they could make a recommendation to planning & zoning to address that issue. The applicant could then deal with this issue at the planning & zoning level.

Mr. Dill referred to the information provided by the applicant’s expert concerning the vernal pool and the impacts. Again, there was conflicting information. The applicant’s expert, Ms. Beno, differed from Ms. Sharp’s review.

Mr. Dill voiced concern that the survey from the applicant’s expert was done during a dry period of time. This was noted in Ms. Sharp’s review. Mr. Dill did not believe they would get good information during a time like this. Mr. Goff stated not only was this in the report, but he and Ms. Beno had a discussion about this during the last public hearing. Mr. Goff stated it was not that Ms. Beno picked the worst time, but there could have been a better time.

Ms. Augustiny believed Area 1 had the most environmental impact. Mr. Ventres stated in the applicant’s testimony, area 1 had the least impact. Mr. Goff stated that one area had the most impact, and the other was closer, but had less impact.

Mr. Goff believed the sheet flow and the quality. Mr. Dill believed this would be a significant impact. Mr. Goff stated there would be a change in the hydrology. It could impact the vernal pool, how long the water sits there, and the eventual habitat.

Mr. Dill stated that Ms. Beno commented that while she did not feel this structure would have significant impact, there probably should be separation between the activities. She recommended no further activity within the 75-foot setback, a visual demarcation be installed. Mr. Dill stated if the commission were to accept this application, based on Ms. Beno’s information, he was convinced that they would need more than placards to keep people from this area. He believed they would need some type of physical structure such as a stone wall to protect the area. Mr. Dill was concerned about salamanders etc. getting through a physical barrier. Mr. Goff believed that salamanders, etc. could get through a stone wall or a fence.

Ms. Augustiny and Mr. Goff suggested some type of mitigating factor if the driveway did not remain pervious. Mr. Jahne asked if the plan specified a paved driveway. Mr. Goff believed it was noted as unpaved on the plan. Mr. Ventres stated paving is not something that needs to be permitted in East Haddam.

Mr. Dill stated the final issue the commission needs to discuss is the legal issues. This is why they asked Attorney Willis to attend this evening’s hearing. With respect to legal issues, Mr. Dill stated that Mr. Brownell, chairman of the Planning & Zoning commission wrote a letter asking that this commission deny this application based on improper filing. Mr. Dill stated that this area was never portrayed as a building lot. He noted that just because someone said they could use this property for a fire department, that was never approved. Mr. Goff agreed, and stated this is definitely a question they should answer before going any farther.
Ms. Augustiny stated in her experience on this commission, the closest thing was someone who wanted to put a dock, only to find out that they did not own the property.

Attorney Willis stated both he and the applicant’s attorney went through the issues. He stated the applicant’s attorney stated this was never determined to be open space. However, there is a map on file that shows this as open space, and is signed. Mr. Ventres stated it was their opinion that this piece was already encumbered and filed on the land records. When they saw this in 1988, then in 1992 or 1994, it was a blank area. It would still have to be filed under re-subdivision. At that point, they would have to look at stormwater management, groundwater management, etc., under stormwater regulations.

Mr. Dill asked if this has never been designated as a building lot, can they even look at this application. Attorney Willis stated they have applied for a particular activity. Normally, when you look at an activity, and that part is not very clear here.

Mr. Goff asked if they were to approve the activity, if it was legitimizing the lot. Attorney Willis stated this commission does not have that power. Mr. Ventres stated never has it been shown that the property shows the minimum requirements. In 1988, they needed to show a house, well, primary and reserve septic, etc. This also did not happen in 1994.

Mr. Dill asked the size of this lot, to which Mr. Ventres stated it was 2.873 acres. Mr. Dill asked how much was wetlands or upland review area. Mr. Ventres stated that visually, it is almost 100%. The erosion control plan, according to Ms. Beno, was 88%. Mr. Dill did not ever recall looking at an application with this much regulated area on it. Mr. Dill stated this would be a leap for the commission.

Ms. Augustiny stated if this property came up for subdivision today, the commission would not likely allow it as a buildable lot.

Mr. Dill stated since everyone received this information tonight, they did not need to make a decision on it this evening, but they should go through each item. Mr. Dill stated they could approve it, or if they fall back to the issue of whether or not it is a building lot. Mr. Ventres stated the P&Z believes this is open space. It would take the applicant prove it is a building lot.

Mr. Dill asked for a list of environmental issues with the list of things they looked at this evening. The other list would be a denial, with the reasons why. Mr. Ventres will prepare this, and send it to the commission members for discussion at the next meeting.

Mr. Goff asked if they could make a motion on this property, based on P&Z determining or not that it is a building lot. Attorney Willis stated it would be something similar.

Mr. Dill stated if the approval could be granted both ways. Ms. Augustiny asked if this ended up in court, could it be determined that there was conflicting information. Attorney Willis stated there were certain areas that overlap with P&Z and IWWC.

Responsive to inquiry by Mr. Jahne, Mr. Ventres stated in this case, there is a piece of property that is labeled open space on a map, but the applicant disagrees. The applicant says there are no deed restrictions on the property.
Mr. Dill stated if the commission would prefer to make a decision this evening, they could. Mr. Goff stated they did just get the information this evening. He would like to see the options written for discussion. Ms. Augustiny agreed. Ms. Burton-Reeve believed P&Z should make the decision. Mr. Jahne would like to look at both options.

Motion by Mr. Dill to continue this discussion until next meeting in January. Motion seconded by Mr. Goff, and carried by unanimous vote.

10. ENFORCEMENT OFFICER’S REPORT

Mr. Ventres stated that Mr. Snarski had a report for the Main Street project on which he worked. Since it is late in the season, they would have to look at the plantings in the spring. Mr. Dill stated he would like to see another photo when the job was done. Mr. Dill believed the work looked good.

Mr. Ventres stated the requests to repair at Bashan Lake have slowed down. Some people have asked for a reduction in their taxes since they do not have a water view any longer. It was determined that they would not qualify for a reduction.

Discussion ensued regarding the lake, fish, etc.

10. ADJOURNMENT

Motion by Mr. Goff, seconded by Ms. Burton-Reeve to adjourn at 9:01 p.m. Motion carried by unanimous vote.

Respectfully submitted,

Holly Pattavina