

**INLAND WETLANDS AND WATERCOURSES COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
August 19, 2014
(Not yet approved by the Commission)**

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 Randolph Dill, Bryan Goff, Daniel Jahne

COMMISSIONERS ABSENT: 2 vacancies

OTHERS PRESENT: James Ventres, Conservation Commission representative Todd Gelston (arrived 7:33 p.m.), and 5 townspeople were present.

4. MINUTES:

Motion by Mr. Jahne, seconded by Ms. Augustiny, and passed unanimously to accept the minutes of the June 17, 2014 meeting as amended. Mr. Dill abstained, since he was not at the last meeting.
3, 5

5. BILLS:

Hartford Courant	130.33
Branse	277.50
(review Gates Warner property)	
NL Jacobson	62.38
(Nitrogen review Peters property)	

A motion was made by Mr. Jahne to pay the bills as presented. Seconded by Mrs. Augustiny and carried by unanimous vote.

5. FIELD WALK REPORT

It was noted for the record that Mr. Dill, Mrs. Augustiny, Mr. Jahne, Ms. Burton-Reeve, and Mr. Ventres attended the field walk.

6. WETLANDS PERMIT REVIEW

A) New: Philip Ashton, 40 Fieldstones Drive, construction of roof over existing deck. Assessor's Map 58, Lot 109.

First date: July 15, 2014

Last date: September 24, 2014

No one representing the applicant was present at this meeting. Mr. Ashton had a Siting Council meeting he had to attend, so he asked Mr. Ventres to go forward without his presence. Mr. Ventres explained the proposal to cover the roof of an existing deck. Mr. Dill recalled the reason for the cover was because he had skin cancer issues and needs to stay out of the sun as much as possible. This deck faces south and gets full sun most of the day. He had no issue with this. Ms. Augustiny agreed, with a condition that the deck could never be enclosed, other than screening.

Motion by Ms. Augustiny to approve with conditions:

- **The deck will not be enclosed other than screening**
- **Work done per plan dated August 19, 2014 (dated by the commission)**

Motion seconded by Mr. Jahne, and carried by unanimous vote.

B) New: James Bailey, applicant, Rebeka Scalia, property owner, 6 Hilltop Road, reconstruction of existing dwelling and future garage. Assessor's Map 66, Lot 361.

First date: July 15, 2014

Last date: September 24, 2014

Mr. Dutch addressed the commission on behalf of the applicant. The proposal is to tear down an existing year-round 2 bedroom home, and to reconstruct another house on the same foundation. They located the well, which changed from last month's plan. They have located the septic system, which means they will not have to install a new system.

Mr. Ventres stated that he, Mr. Dill, Ms. Augustiny, and Ms. Burton-Reeve walked this site. During the site walk, they requested that the dock be added to the plan. However, today, Mr. Ventres found out that all of the vegetation has been stripped, a pier has been added, a beach has been installed, and there is an oil tank laying on its side. Approximately 85% of the property is in violation. He hoped the applicant would be here tonight so that Mr. Ventres could issue a corrective work order. He suggested a corrective work order to the commission, along with full erosion control, a professional landscape architect to prepare a plan with native species, cash bonding, etc. Ms. Augustiny suggested another site walk be scheduled.

Conservation Commission representative Todd Gelston asked if there was a potential health hazard. Mr. Ventres did not believe there is any health hazard. He did not believe that the cottage has been used in many years.

Mr. Dill noted that the end date on this application is September 24. The commission has time for only one more meeting before this application

Mr. Ventres stated that the erosion control must be installed this week, one at the water's edge, and one to separate the topsoil.

A motion was made by Mr. Dill to continue the application and to schedule a second field walk. Seconded by Mr. Jahne and carried by unanimous vote.

C) New: Duo Dickinson, applicant, GCMD Revocable Trust, 51 Main Street, enhancement of existing wetlands area. Assessor's Map 26, Lot 4.

First date: July 15, 2014

Last date: September 24, 2014

Mr. Richard Snarski, soil scientist addressed the commission, and presented plans to the commission with details for the walkway construction. The location of the boardwalk was shown incorrectly on the map, and should be at wetlands flag #2.

Based on the site walk, he addressed the concerns. Area 1, was identified as a concern. His client wanted this area for observation just to look at the river. It is a wetland area, and he suggested adding two species of sedges, which already exist in this area. It would be mowed occasionally.

The remaining wetland from Area 1 to the river, would be cut once per year, so it would remain herbaceous vegetation, just to keep the woody vegetation from growing. There will be skunk cabbage, sedges, and ferns.

Mr. Dill voiced concern about non-woody vegetation having enough root structure to hold this area. He noted this is a cut area. Mr. Snarski stated that herbaceous vegetation is holding the slope now. He stated that when he first saw this area approximately 6 months ago, there was very little woody vegetation.

Mr. Snarski explained the plan to use a small bobcat to place some stones. They would put down planks for the bobcat use. Ms. Augustiny asked if the stones would be perpendicular to the river, to which Mr. Snarski responded affirmatively. She stated that water still can flow here. Mr. Snarski stated that the walkway would only span the area and the water would flow under the walkway.

Mr. Parady stated there would be granite blocks. The beams would go from stone to stone. They would basically "float" on top of the stone, and it would be in a type of sleeve so it would not move. Responsive to inquiry by Mr. Jahne, Mr. Ralph Parady stated if it sank over time, they could shim the deck. It would be a simple, low profile decking.

Mr. Dill asked about the shallow water marsh. Mr. Snarski stated if this application is approved, they would do the work next month. Mr. Dill stated the bridge is not shown in the correct location, and the shallow marsh area is not shown on the plan. He believed the application would have to be continued. Ms. Augustiny stated the contours would have to be shown on the plan.

Mr. Snarski stated that some material would have to be removed and taken off site. Mr. Dill asked if there would be any impoundment, to which Mr. Snarski stated there would not. Mr. Snarski showed the area where the water would exit the pond. Mr. Dill inquired if there was a pipe, as it appeared there was one on the plan. Mr. Snarski stated there was no pipe. He stated there was a curtain drain, and other drains. The water would exit the pond at the lowest point.

Ms. Augustiny asked where the watercourse started. Mr. Snarski showed the area where the defined channel begins on the plan. Mr. Jahne asked about the property to the south, and the drainage.

Mr. Dill voiced concern about the marsh area. He stated what is there right now is a marsh. They planned to open this up 5-feet deep. During times of heavy rain, he asked if there would be potential for more erosion. He stated there is erosion there now. Mr. Dill asked if the water would be stagnant. Mr. Snarski stated both the pond and the marsh would not be stagnant.

Mr. Dill asked if mosquitoes would be an issue. Mr. Snarski felt that mosquitoes would not be a problem.

Mr. Jahne asked about ledge. Mr. Snarski went down 3-feet, he did not find any ledge.

Mr. Dill questioned some of the uses of this area, particularly mowing this area. He stated taking a wetland and creating a mowed area is a problem. He really didn't have a big problem with the bridge. Mr. Snarski stated that area could be eliminated.

Mr. Ventres questioned whether the sedges could take mowing 3 times per year. He understood that people want to see the river, but when woody vegetation is removed. It could be cut to a certain height. This area was cut down to the base before the commission saw it.

Mr. Snarski noted that the pond would not be planted, only the marsh. Mr. Snarski stated that Ms. Clegg had wanted to plant the edges. Mr. Ventres stated they do not want to see the area be planted as lawn. He stated they should plant to the two-foot water line.

Mr. Jahne asked if there were concerns about the neighbor's property flows eroding the pond area. Mr. Snarski stated this would not be an issue. They reviewed certain areas of the plan. Mr. Snarski stated the very middle of the pond would be approximately 5-feet deep.

Ms. Augustiny asked why they had to fill the wetland area. She asked why, what type of fill, etc. Mr. Snarski stated they would cut the side slope down to make the pond, so it would not be standing water any more. During excavation, they would excavate at the wetland boundary. Ms. Augustiny asked why they would be adding fill. Mr. Snarski stated they would do a 3:1 cut, and some of this material would be put back, which would be considered fill. Mr. Jahne believed it would be helpful to add the contours to the plan.

Mr. Dill asked about the silt fence. He believed they should be added. He also suggested hay bales might be more effective than a dug-in fence.

Mr. Gelston, on behalf of the conservation commission, asked how this area would behave in the winter, when there are heavy rains on frozen ground. Mr. Snarski stated that water would exit in the same places as they would now. He stated the discharge would be miniscule. Mr. Jahne asked if the neighbor's pond froze in the winter. Mr. Snarski did not know.

Ms. Augustiny asked where the cutting 3-4 times per year was on the plan. Mr. Snarks showed this area. Mr. Dill believed this needed to be re-thought. Mr. Snarski believed this might be deleted. Mr. Ventres stated that with feasible and prudent alternatives, the applicant has an acre of additional land that is mowed.

Mr. Snarski suggested, after listening to the commission, he believed it would be better to let the woody vegetation grow. Ms. Augustiny stated woody vegetation could be blueberries, alders, etc.

Ms. Augustiny stated that it would be difficult to look at this right now for approval, since it does not have all of the information on the plan, and some of the information is not in the right places.

Mr. Ventres stated that each section should have the maintenance schedule, and have more details on the plans. Mr. Dill asked if this should be reviewed by Penni Sharp. Mr. Ventres did not believe this application rose to that level.

Mr. Jahne asked if there was concern about the curtain drain. Ms. Augustiny suggested the depth of the area be noted on the plan.

**A motion was made by Mr. Dill to continue the application until the next regular meeting.
Seconded by Mr. Jahne and carried by unanimous vote**

D) New: Clark Gates, LLC, 87 AP Gates Road, construction of single-family residence in the upland review area. Assessor's Map 31, Lot 37.

First date: July 15, 2014

Last date: September 24, 2014

Mr. Casner and Attorney William Bowles addressed the commission. They presented the plan to the commission.

Ms. Augustiny asked if this was the same application that was withdrawn last month. The answer was affirmative.

Mr. Casner reviewed this proposal for a single-family home on 2.81 acres on AP Gates Road. The report was submitted for pools, etc. There is some filling, noted by the contour lines. There is no activity in the wetlands itself. There is a good distance between the wetlands and any activity. They propose a conservation easement in the area of the potential vernal pool, marked "wetland" near Warner Road. The conservation easement area will be approximately 1.2 acres. This was a lot created in 1988. In 1988, the setback was 75-feet from the wetland areas.

Mr. Dill asked if the vernal pool was added. Mr. Casner stated there were potential vernal pools. Mr. Dill stated these must be on the plan.

Mr. Ventres distributed his preliminary review letter dated August 19, 2014. He reviewed this form. He noted that although it is not a wetlands issue, it should be noted that there is an issue of whether or not this is an approved building lot.

Attorney Bowles noted there was discussion about the potential for a fire house on this lot. If the land was suitable for a fire house, it should be suitable for a single-family house. He believed that items 5 and 6 should be addressed by the commission's attorney, Attorney Willis.

Mr. Dill stated the vernal pools should be on the plan, and it should not have come before the commission without them. Attorney Bowles stated there are "potential" vernal pools, and they are noted in the report. Mr. Casner stated they could put them on. The areas have been surveyed, and it would take two minutes to add them to the plan.

Mr. Dill stated the commission would have to continue this application. He stated they would need to review the report and look at the new plans. He stated there is a potential for a public hearing, but the commission would have to review the information first.

Attorney Bowles asked when the field walk would be scheduled. The commission stated they typically conduct the field walks on Wednesday before the meeting, but they are quickly losing daylight. They would determine the best time.

Ms. Augustiny asked for the corners of the proposed house to be added.

A motion was made by Mrs. Augustiny to continue the application until the next regular scheduled meeting and to schedule a field walk. Seconded by Mr. Jahne and carried by unanimous vote.

E) New: John Peet and Patricia DiLauria, 77 Falls Road, construction of attached two car garage in the upland review area. Assessor's Map 65, lot 69.

First date: August 19, 2014

Last date: October 22, 2014

No one representing the applicant was present. Mr. Ventres presented the GIS map.

A motion was made by Mr. Dill to continue the application until the next regular meeting and to schedule a field walk. Seconded by Mr. Jahne and carried by unanimous vote.

F) New: Stanley and Darlene Kaczmarczyk, 14 Sunny Heights Road, rebuild of existing house.

Assessor's Map 75, Lots 164 and 165.

First date: August 19, 2014

Last date: October 22, 2014

No one representing the applicant was present.

Mr. Ventres presented the map. He stated the house would be removed and rebuilt.

Ms. Augustiny asked about the dotted lines. Mr. Dill asked if the house was inhabited now. Mr. Ventres stated it can be. It is a year round house.

A motion was made by Mr. Dill to continue the application until the next regular meeting and to schedule a field walk. Seconded by Mr. Jahne and carried by unanimous vote.

G) New: Brian and Francine Clebowicz, Wildwood Cottage #20, lakeside retaining wall improvements.

H) New: Wally Clebowicz, Wildwood Cottage #19, lakeside retaining wall improvements.

No one representing the applicant was present. Mr. Ventres stated these applicants for the above applications are brothers. Mr. Dill stated that the issue of hardening shorefront is not preferred.

Mr. Ventres stated that many people are asking about permits and work, and it was stated they would like to have a blanket permit for removing material from the lake. Attorney Jezek was at the last lake association meeting, and such a motion was not made. He stated the lake is not down yet. He stated that people are concerned about having a narrow time frame in which to get an approval and get work done. There is speculation that water will be entering the lake again by February. Mr. Ventres stated that some work such as raking and pulling weeds, can be signed off in the office as maintenance. However, if you are under new construction, they should come to the Land Use office right away.

Mr. Dill stated that Mrs. Lombardo called him while Mr. Ventres was away on vacation. She asked about the idea that was presented for a blanket permit. Mr. Dill stated the draw down has been known about for some time. He believed the idea for a general permit was very dangerous.

Attorney Jezek noted there are plans for improving the Bashan Lake launching area. They plan to have a public hearing on just the launching area itself.

Mr. Ventres distributed a wetlands review form. Mr. Dill believed this was a good idea.

Ms. Augustiny stated a general permit was not a good idea. Mr. Jahne agreed, and commented this was too open-ended.

Mr. Dill stated that neither of these people own this property. It is an association. Mr. Ventres read into the record a letter from Craig Chalifoux, which stated that Wildwood Association has given the two applicants their approval to proceed.

Mr. Dill stated what he saw there was not severe erosion. He also recalled that one of the applicants was only there once per year.

**A motion was made by Mr. Dill to continue the applications until the next regular meeting.
Seconded by Mr. Jahne and carried by unanimous vote.**

8. INFORMAL DISCUSSION

A) Bud and Bobby, LLC – commonly known as “Shagbark”

Attorney Scott Jezek, Fred Hunt, and Julie Leonardo addressed the commission.

Attorney Jezek stated questions have come up about easements from prior approvals. He stated no easements have been recorded. He stated there may have been one small easement. Based on the research that he has done, he could not find any conservation easements on record. He stated Shagbark came back in 2005, 2006 time frame. The easements were signed by his client, but never acted on by a Town Meeting, and were not filed on the land records. These issues became apparent during their 2013 solar application.

Attorney Jezek showed a plan, with a small conservation easement area. He has not been able to find any recording of this easement. He showed another map, which showed an easement along Succor Brook. There was also a large area that is now grass, since the collapse of the beaver dam. They are here to address these issues. He stated that many things have developed since Bud and Bobby took over the property. There are different regulations with respect to interior lots, etc. There are a lot of restrictions on future development over the course of the years.

Mr. Ventres asked how they would like to correct it. Attorney Jezek stated they would like to separate the issues into different considerations.

Mr. Dill asked at what point did the conservation easements come up, or how it impacted the ownership. Attorney Jezek stated it did not impact the ownership.

Mr. Ventres presented the plan for the corner parcel.

Attorney Jezek stated he went back to 1993, and did not find anything for the corner easement. For the other three, there were easements drafted and signed, but never filed.

Mr. Dill asked if this was a Planning and Zoning issue. Mr. Ventres stated this second plan was submitted as a conservation area. He stated this area was submitted to the Inland Wetlands and Watercourses Commission. They discovered it was never done. Mr. Dill asked where the breakdown occurred. Mr. Ventres did not know where the breakdown occurred. Attorney Jezek stated typically, twice per year, the Board of Selectmen, through a Town Meeting where they incorporate miscellaneous items.

Discussion ensued regarding the easements. Ms. Augustiny recalled that there was a question of ownership of the property. She did not know how this was ever resolved. Attorney Jezek researched all versions of Fred Hunt, Logan, and other family names that might have been used. He found none.

Mr. Ventres noted that the ownership issue may have been the reason the easements were never filed.

Attorney Jezek stated they would like to delete the easements for the beaver pond. Ms. Augustiny asked if this was now considered a wet meadow. No one was sure.

Attorney Jezek stated they would like to reserve the right use this area. Ms. Augustiny believed this was suggested as a farm road as a future use. Attorney Jezek suggested the possibility of a 5-year renewable easement, automatically renewable, but the owner could come back at any point for future expansion. Attorney Jezek discussed potential issues with percentage coverage, and they did not want to limit their future use.

Mr. Ventres did not believe that would apply to commercial use. It was noted that there is no frontage from Route 151.

Mr. Dill stated he was still not clear what the IWWC was going to do. Mr. Ventres stated that the P&Z approval stated that the applicant would have to resolve all outstanding issues. He believed the applicant would like to have a review letter from IWWC to P&Z.

Mr. Dill noted that there have been past issues with prior approvals that needed to be corrected before the IWWC would entertain new applications.

Mr. Dill's opinion was that if it was not approved formally by the Town, that it would fall back to the normal regulations. Ms. Augustiny stated she never walked the beaver dam.

Mr. Dill stated if the land owner would be willing to do that, it would likely be a plus. He believed that they would want to give themselves some room in the future.

Attorney Jezek asked that this be memorialized, as they need to come back to Planning and Zoning by October 1.

Mr. Ventres asked if the commission wanted to talk about it at the next meeting.

Attorney Jezek stated they had no issue with the easement to the side. Mr. Dill asked if there was any need to do further research. Mr. Ventres stated that both he and Attorney Jezek researched this issue. Mr. Ventres stated if the commission was comfortable accepting the conservation easement on the corner, they could make this motion. He stated that the commission's regulations give them greater review than this area anyway. Mr. Dill asked if P&Z needs something from IWWC. Mr. Ventres stated they do, since there was an approval

A motion was made by Mr. Dill to accept the conservation easement of the corner piece only, with the understanding that they have regulatory review on the two maps from 2006. Seconded by Ms. Augustiny, and carried by unanimous vote.

9. IWWC ENFORCEMENT OFFICER'S REPORT

Mr. Ventres stated he would be visiting 6 Hilltop Road tomorrow regarding the issues discussed earlier this evening.

Mr. Ventres has been getting many questions about sucking of weeds. Mr. Ventres noted that this commission does not regulate herbicides, and must be reviewed and approved by the CT DEEP. The lake commission voted to hire a company, but Mr. Ventres has informed them that they need approval first from the CT DEEP.

Discussion ensued regarding the draw down of the lake. Mr. Ventres stated if the lake drained totally, it would take 1.8 years to refill; however, it will only be drained to 14 feet.

9. CONSERVATION COMMISSION INPUT

Mr. Gelston was not present at this point to report.

10. ADJOURNMENT

Motion by Ms. Augustiny, seconded by Mr. Jahne to adjourn at 9:46 p.m. Motion carried by unanimous vote.

Respectfully submitted,

Holly Pattavina