

**INLAND WETLANDS AND WATERCOURSES COMMISSION  
TOWN OF EAST HADDAM  
LAND USE OFFICE  
REGULAR MEETING MINUTES  
September 16, 2014**

**1. CALL TO ORDER:** Chairman Randy 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, Conservation Commission representative Todd Gelston, and 11 townspeople were present.

**4. MINUTES:**

**Motion by Ms. Augustiny, seconded by Mr. Goff, and approved by unanimous vote to approve the minutes of the August 19, 2014 meeting with the following amendments:**

- **Page 9: 2<sup>nd</sup> paragraph, change “they” to “the”; Item 8 motion add “Shagbark” before “conservation” and add “of Mt. Parnassus and Town Street” after “piece”; and Item 9, 3<sup>rd</sup> paragraph, add “Bashan” before “lake”.**

**5. BILLS:**

Branse & Willis, LLC (Clark Gates, LLC)	\$37.00
Hartford Courant (legal notices)	210.52

**Motion by Mr. Goff, seconded by Ms. Burton-Reeve, and carried by unanimous vote to approve payment of the bills as presented.**

**5. FIELD WALK REPORT**

It was noted that there had been two site walks, encompassing five locations. Four sites were walked on September 3, and one site on September 10, 2014. Mr. Dill, Ms. Augustiny, Ms. Burton-Reeve, and Mr. Ventres attended the DeLauria and Kaczmarczyk site walks. Mr. Dill, Ms. Augustiny, Ms. Burton-Reeve, Mr. Ventres and Mr. Jahne attended the field walks for the Bailey and Berger applications. Mr. Dill, Mr. Ventres, Ms. Augustiny, and Ms. Burton Reeve attended the AP Gates site walk.

**6. WETLANDS PERMIT REVIEW**

**A) Continued: James Bailey, applicant, Rebeka Scalia, property owner, 6 Hilltop Road, reconstruction of existing dwelling. Assessor’s Map 66, Lot 361.**

**First date: July 15, 2014**

**Last date: September 24, 2014**

Mr. Charles Dutch addressed the commission on behalf of the applicant. He distributed revised plans. He noted the front area toward the lake used to be a deck, and is now proposed as a slightly smaller patio. They removed the proposal for a future garage. The proposed shed is being moved. The dock is now shown on the plan, but in a different dimension.

Mr. Dutch stated they had a proposed septic system designed between the lake and the front of the building. They were able to locate the existing septic system. He did not believe there was yet an approval letter, but he understood that Chatham was amenable to the system. They located the existing well.

Mr. Dill inquired about the new dock's dimensions. Mr. Dutch stated the dimensions were not on the plan. Mr. Dill stated this information needed to be on the plan. He asked the dimensions. Mr. Dutch stated he did not know the dimension. He noted that the new dock appeared, and was not in the water when he first went to the site. He scaled the dock on the plan, and believed it was 4-feet wide, and 30-feet long, including the "T" section. Mr. Dill stated this was necessary to determine how far into the lake the dock was.

Ms. Augustiny asked if the erosion control was on the plan. Mr. Dutch showed on the plan where the erosion control was located. Ms. Augustiny asked about the tree cutting. Mr. Ventres recalled that the trees would be cut by the association.

Mr. Bill Ross, Burnett's Landscaping, addressed the commission. He distributed copies of the proposed mitigation plan. He first visited the site after the materials had been removed. With some direction from the Land Use office, as well as feedback from the client, he proposed that the gravelly sand be removed, down to the native soil, and then bring in new material, use a bio-sock that would remain in place until the plantings have established. The sock is designed to biodegrade naturally. He stated the client would like to keep the 20x20 beach area for recreational purposes. There is concern about seeing young children who may be playing on the beach. Therefore, they would like to use low growing plantings behind the beach. The new arborvitaes already planted are shown on one side.

Ms. Augustiny asked about removing material from the lake. Mr. Ross stated the material that was placed there was a gravelly soil. They would like to remove the filled material to the native grade at the high water mark, and then bring in suitable material.

Ms. Augustiny asked about the work in the water. Mr. Ross stated his activity was limited to the high water mark and above. Mr. Ventres noted the commission could condition any approval for to remove the soil that eroded into the lake. Ms. Augustiny questioned the date of the plan. Mr. Ross noted the plan was dated August 28, 2014. Mr. Ventres also noted the stone pier in the lake needs to be removed.

Mr. Ventres noted the letter that was sent including bonding information. Mr. Ross stated they needed direction from the commission before they could provide that information. Mr. Ventres stated they would need to provide the bonding amount for the Planning & Zoning meeting.

Mr. Dill noted the patio's dimensions are 15-ft. x 30-ft. Mr. Dutch stated the deck had been crescent shaped. It was partly gone when he was on site. Mr. Dill asked about the material for the patio. Mr. Dutch did not know the material to be used. Mr. Dill stated this needed to be provided on the plan. Mr. Dill stated they were up against the time line for this application. Mr. Ventres suggested they could condition that pervious pavers could be used.

Mr. Dill asked about roof leaders. Mr. Dutch did not know the client's plans for this. Mr. Ventres suggested they could condition this. Mr. Dill voiced concern with the lack of information on this plan. Responsive to inquiry by Mr. Dill, Mr. Ventres suggested this commission could condition this application to meet the stormwater runoff requirements, which could be reviewed by the Planning & Zoning commission. Mr. Dutch suggested they could require gutters going into a rain barrel.

**Motion by Ms. Augustiny to approve the application of James Bailey, applicant, Rebeka Scalia, property owner, 6 Hilltop Road, reconstruction of existing dwelling, with the following conditions:**

- **Work shall be done as described in the plans dated September 11, 2014 from Dutch Associates and August 28, 2014 from Burnett's Landscaping ;**
- **The stone pier shall be removed;**

- The silt that has gone into the lake shall be removed by hand;
- The proposed patio shall be constructed using some method of pervious pavers and identified to the Land Use Administrator before construction starts;
- The stormwater management plan must be submitted as part of the Planning & Zoning application;
- The dimensions of the dock shall be submitted on the plans before it goes to Planning & Zoning;
- The bonding amount for the landscaping be submitted and go for review to the Planning & Zoning;
- Photographs shall be taken for five years and submitted to the Land Use office;
- If the plants fail, new ones must be planted;
- Gutters to a rain barrels must be submitted as part of the Planning & Zoning application.

**Motion seconded by Mr. Goff, and carried by unanimous vote.**

**B) Continued: 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 Snarsky, soil scientist addressed the Commission. Mr. Snarsky submitted revised plans. He reviewed the changes to the plan. The contours are all shown on the plan now. Contour 89 shows when the water will leave the pond. Shrubs will be planted along the intermittent watercourse. The list of four potential species were listed on the plan. He reviewed shaded areas 1 through 3, and the heights of the various vegetation. In Area A, which is cleared right now, would be planted to become a wet meadow. It will transition from a wet meadow into a shallow marsh. It will not be mowed.

Mr. Snarsky reviewed potential plantings along the marsh. After three feet away from the marsh, the slope would be grass.

Mr. Snarsky revised the plan to accommodate the 25-foot separation from the shallow well to the proposed curtain drain per direction of Ms. Davidson of Chatham Health District. The plantings would be done next spring.

Mr. Dill asked about the area closest to the river. Mr. Snarsky stated this area would be left as is. Responsive to inquiry by Ms. Augustiny, Mr. Snarsky stated that most of the invasive species have been removed. Mr. Dill appreciated the changes that were made, and believed they were positive changes.

Mr. Ralph Parady stated the plans have provide better details for the way the bridge would be anchored and pinned.

Ms. Augustiny inquired about the drain shown on the plan. Mr. Parady stated this is existing. He stated there is a small trench. It was noted that this is simply a yard drain.

Ms. Burton-Reeve asked about the steep section of the pond. Mr. Snarsky stated this was not shown on the plan, but the client did want to plant shrubs there.

Mr. Dill asked about the small bridge. Mr. Snarsky stated this was a small, purchased arched bridge, 10-ft. x 4-ft. He obtained this dimension by scaling the bridge on the plan.

Mr. Goff asked if there was a stockpile area for the materials that were left on site. Mr. Snarsky showed the area on the plan. Mr. Goff noted that it would be the northeast side of the pond. Mr. Dill believed this should be added to the plan. Mr. Snarsky stated it would only be stored there for a few days.

**Motion by Ms. Augustiny to approve the application of Duo Dickinson, applicant, GCMD Revocable Trust, 51 Main Street, enhancement of existing retaining wall the following conditions:**

- All work shall be done in accordance with the plans dated September 16, 2014;
- The temporary stockpile area for soil removal shall be added to the plan;
- The dimensions of the pre-fab bridge shall be added;
- The monitoring report shall be for two years, conducted in the fall of each year to monitor the growth to ensure the plantings are taking hold, or if they need to be replaced;

Motion seconded by Ms. Burton-Reeve.

Discussion: Mr. Dill asked about the placement of the bridge. Ms. Augustiny added the following condition to her motion:

- Should the bridge location change, the applicant shall come back before the commission to revise it.

Motion passed by unanimous vote.

**C) Continued: 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.**

**First date: August 19, 2014**

**Last date: October 22, 2014**

Attorney William Bowles and Mr. Robert Casner addressed the commission. Mr. Casner submitted the revised plans to the commission. He noted that a few changes have been made to the plans. They located the study areas, as areas 1, 2, and 3. Area 2 is encompassed in the conservation area. A total of 1.58 acres will now be in the conservation area. He wanted to protect that conservation line by using the placards as well as stakes that identify the conservation zone. They changed the erosion control. They previously had the silt fence, but he has had better experience using wood chips. He believed that made a good barrier.

Ms. Augustiny was unclear as to the conservation area. Mr. Casner showed the area on the plan. Ms. Augustiny noted that the two wetland areas were not part of the conservation easement areas. She asked how those areas would be protected. Mr. Casner stated these areas were not considered as high value, but he was willing to add placards, etc. there.

Mr. Dill inquired about the "study areas". Mr. Casner stated the biologist determined that the areas were thought to have some vernal pool activity, but were not. Mr. Dill reviewed the biologist's report, and the report stated there was egg masses, etc. He noted the study was conducted in June and July, which is not the time to evaluate vernal pools. Attorney Bowles stated the report should be read in its entirety. Mr. Goff read this report as a low quality vernal pool. He also believed there were previous reports. Attorney Bowles noted that even if they are vernal pools, they are protected in the conservation easement.

It was noted that the fees for this application have not yet been received. Mr. Ventres asked if the applicant planned to request a waiver. Mr. Casner requested that he is willing to pay the fees associated with this review. Mr. Ventres informed the commission that this has been done in the past.

Mr. Ventres informed the commission that the Planning & Zoning Commission has to determine if this site is actually a lot of record.

Mr. Ventres stated the septic information was resubmitted to the Chatham Health District this morning and it was still under review.

Mr. Dill stated he was not convinced by the report that these areas were not vernal pools. Mr. Casner stated he could certainly have his biologist testify. Mr. Dill believed this application would rise to the level of a public hearing.

Mr. Todd Gelston, representative of the conservation commission asked about the line going across the wetland. He suggested changing the line of the conservation easement so that the homeowner would not be tempted to cross into it. Mr. Casner stated he would take that suggestion under advisement.

**Motion by Mr. Dill to set a public hearing for Clark Gates, LLC, 87 AP Gates Road, construction of a single-family residence with activity in the upland review area on October 21, 2014, 8:00 p.m. Motion seconded by Mr. Goff, and carried by unanimous vote.**

**D) Continued: John Peet and Patricia DeLauria, 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**

Mr. Peet and Ms. DeLauria addressed the commission. They submitted their plan to build a garage and have it completed by snowfall this year.

Mr. Dill noted there were rain gutters. Ms. DeLauria stated there were rain gutters on the house, so she suggested they would have them on the garage. Mr. Dill asked to where the water would discharge. Mr. Ventres stated this site is quite flat. It was noted that the gutters now go into a rain barrel and a splash pad. Mr. Dill stated it would be helpful to have a splash pad or something to prevent scouring, etc.

As the plan was not dated, Ms. Augustiny dated the plans September 16, 2014.

**Motion by Ms. Burton-Reeve to approve the application of John Peet and Patricia DeLauria, 77 Falls Road, construction of attached two car garage in the upland review area, in accordance with the plans dated September 16, 2014. Motion seconded by Mr. Goff, and carried by unanimous vote.**

**E) Stanley and Darlene Kaczmarczyk, 14 Sunny Heights Road, rebuilt of existing house. Assessor's Map 75, Lots 164 and 165.**

**First date: August 19, 2014**

**Last date: October 22, 2014**

Mr. Ross, Burnett's Landscaping, addressed the commission. He submitted the landscaping plan to the commission. Mr. Ross stated there had been some tree cutting on the slope that goes to the water. He asked about the tree cutting and the Commission's concerns. Mr. Dill stated the commission was very concerned because the trees were cut and the existing root systems may not hold the bank. He stated this is a very serious issue. Mr. Ross stated the species that are there now are resilient and have done very well with the additional light. He characterized the slope as being very stable. Mr. Ventres noted one of the commission's concerns was what might be coming next.

Mr. Ross stated the applicant would like to replace the stairs and add another set of stairs. Mr. Ross stated that some of the soil where the stairs were had eroded. He understood that the depth of the water at the base of the existing set of stairs was not conducive to having a dock and a boat.

Ms. Burton-Reeve asked if the area of the existing stairs had the rope. Mr. Ross stated that everything was removed when he was there. Ms. Burton-Reeve asked if the vegetation that was encroaching was invasive. Mr. Ross did not see an infestation of bittersweet. Although there is not a plan for additional tree plantings, there were plans for viburnums, etc.

Mr. Dill agreed with Mr. Ross that the stone steps could be stable. However, Mr. Dill did not agree with having two sets of steps. Mr. Ross asked about a lateral pathway, etc. to gain access to the water. Mr. Goff believed that would create less disturbance than the straight shot down to the water.

Mr. Charles Dutch submitted revised plans to the commission. Mr. Goff asked about soundings in the Reservoir. Mr. Ventres stated that area is sufficient to support boats.

Mr. Dutch stated they have located the septic system. Ms. Augustiny questioned if there was a dry well. Mr. Dutch confirmed there is a dry well. Ms. Augustiny asked if this was a year-round house, to which Mr. Dutch responded it was. Mr. Dill asked if Mr. Dutch was on site for the test pits, to which Mr. Dutch stated he was.

Ms. Augustiny noted the plan calls for a larger deck. She asked if this fell within the 75-foot line from the lake. Mr. Ventres stated this is an existing house. It was noted that the new house will take the space of the existing house and deck, and then there is a new deck proposed. Ms. Augustiny asked about the deck. Mr. Dutch stated it would be wooden, set on piers. She asked about the material below the deck, and if it would be crushed stone. Mr. Dutch believed it would be a patio, as crushed stone eventually wears away. Ms. Augustiny stated they should know this, and it should be on the plan.

Mr. Goff asked about the roof leaders. Mr. Dutch explained that there is a new dry well proposed.

Mr. Dill asked about the planting plan, and the viburnums. Mr. Ross explained that viburnums would not grow as large as the trees that had been there. Mr. Dill believed they should replant some trees, particularly oak to reflect what was there. Mr. Dill noted that previous sites that had been cut without permits have had trees replanted. Mr. Dill also believed two sets of stairs was too much for this site. Discussion ensued regarding a pathway. Mr. Ross stated this might need to be a field assessment to see where the natural contours are. Mr. Jahne suggested they stay away from the toe of the slope, as it would be less stable. Mr. Dill stated they have some time left on this application.

It was noted that another site walk would be beneficial.

**Motion by Ms. Burton-Reeve, seconded by Ms. Augustiny to continue the application of Stanley and Darlene Kaczmarczyk until the next regularly scheduled meeting, and to schedule another walk. Motion carried by unanimous vote.**

**F) Continued: Brian and Francine Clebowicz, Wildwood Cottage #20, lakeside retaining wall improvements.**

**First date: August 19, 2014**

**Last date: October 22, 2014**

**HEARD TOGETHER WITH:**

**G) Continued: Wally Clebowicz, Wildwood Cottage #19, lakeside retaining wall improvements.**

**First date: August 19, 2014**

**Last date: October 22, 2014**

Mr. Brian Clebowicz and Mr. Wally Clebowicz addressed the Commission. Brian Clebowicz proposed a low barrier cement wall behind the wall so that the area behind the sandy area does not further collapse. He showed photographs of the area, and to which locations they correspond on the plan.

Mr. Dill asked the total distance of the frontage, to which Wally Clebowicz responded it was 110 feet.

Brian Clebowicz stated he is an engineer on the West coast, and he explained his intent to construct a wall, re-inforced concrete, 10-inches wide, 25-36 inches high. He explained that they could have a trench dug, and use a concrete pump.

Mr. Dill had a concern with 110 feet of concrete, dug down nearly 5-feet, more than 35-inches wide, in an area that is quite natural shoreline currently. Mr. Ventres informed the commission that on site with Mr. Curtis of NL Jacobson & Associates earlier today. Mr. Curtis suggested the property to the west of Wally Clebowicz, the Olson property, something like that could be done with the addition of filter fabric and stone.

Brian Clebowicz stated a properly designed wall would not deteriorate. He submitted photographs of other retaining walls around the lake, some new and some old. Mr. Dill stated this site is on a relatively natural side of the lake. BC believed the wall would actually be less impact over time than bringing in backfill, etc. He stated it would look the same from the water. He stated this is a very low retaining wall.

Discussion ensued regarding the retaining wall. Mr. Jahne asked if there were drainage mechanisms behind the wall. Brian Clebowicz stated they have sandy soil; whereas the other side has ledge. Mr. Gelston opined that a well built wall would have to be triangular.

Mr. Dill stated this commission has to look at prudent and feasible alternatives. He stated that the commission's engineer gave an alternative. Brian Clebowicz asked if it would be acceptable for him to put 110-feet of riprap, which would be approximately 65 tons, then smooth it, as long as he had some filter fabric there. Mr. Ventres stated they gave the applicant time to come up with an alternative plan with less impact. Brian Clebowicz stated they would be more than happy to look at examples, if Mr. Curtis had examples of other retaining walls, so they could do something next year during the drawdown of the lake. Mr. Ventres believed Mr. Curtis could provide examples from other applications.

Wally Clebowicz voiced safety concerns with high plantings, as young children play in the water here. Ms. Augustiny stated there are many low plantings that could be used, including low bush blueberries.

**Motion by Ms. Augustiny, seconded by Mr. Goff to continue Items F and G, Brian and Francine Clebowicz, and Wally Clebowicz until the next regularly scheduled meeting, and to consult with NL Jacobson. Motion carried by unanimous vote.**

## **8. IWWC ENFORCEMENT OFFICER'S REPORT**

Mr. Ventres stated he has received many calls regarding work people would like to do after the draw down of the lake.

Mr. Dill announced they would be conducting interviews soon for Ms. Lombardo's replacement.

## **9. CONSERVATION COMMISSION INPUT**

Mr. Gelston stated the Conservation Commission is installing the parking lot at the Hatch lot. They have boxed the area, and installed silt fence. They have brought in some gravel, but will need much more gravel. This weekend, they are installing the bridge.

## **10. ADJOURNMENT**

**Motion by Ms. Burton-Reeve, seconded by Mr. Goff to adjourn at 9:50 p.m. Motion carried by unanimous vote.**

Respectfully submitted,

Holly Pattavina