

**INLAND WETLANDS AND WATERCOURSES COMMISSION  
TOWN OF EAST HADDAM  
LAND USE OFFICE  
REGULAR MEETING MINUTES  
January 20, 2015**

**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, Emmett Lyman, and 6 townspeople were present.

**3. MINUTES:**

**Motion by Mr. Goff, seconded by Ms. Burton-Reeve, and carried by unanimous vote to approve the minutes of the December 16, 2014 regular meeting with the following conditions:**

- Page 4, Item C, 1<sup>st</sup> paragraph: Change “another” to “a” in sentence 2; strike sentence 3.
- Page 4, Item 8A, 2<sup>nd</sup> paragraph: Change “Mr.” to “Ms.” in 7<sup>th</sup> sentence; replace “this” with “brine filters as a” in the last sentence.
- Page 5
  - Paragraph 1, 3<sup>rd</sup> sentence: Change “commission” to “applicant”;
  - Paragraph 3, last sentence: Add “for the vernal pool review” to the end.
  - Paragraph 5, 1<sup>st</sup> sentence: Change “and” to “will not affect”, and add “of the wetland pools” to the end of the sentence.
  - Paragraph 6: Change “setback” to “review area” in the 2<sup>nd</sup> sentence, and add “for adverse impact” to the end of the 3<sup>rd</sup> sentence.

**4. BILLS:**

Branse & Willis	\$666.00
(Clark Gates, LLC)	
Branse & Willis	37.00
(General Wetlands Matters)	

**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

It was noted that a field walk was conducted on January 11, 2015, during which Mr. Dill, Mr. Ventres, Ms. Augustiny, and Mr. Jahne visited the Shagbark, Stony Brook Drive, and Tater Hill sites.

## 6. WETLANDS PERMIT REVIEW

**A) Continued: Roger Nemergut; agent for Bud & 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. Nemergut not present at this meeting. Mr. Fred Hunt addressed commission. Mr. Dill noted there had been some discussion during the field walk about the location. Mr. Ventres stated when they were in the field, the narrowest spot was located between wetland flags 54 and 26, which would be to the north. Mr. Dill recalled that the location was between a couple of trees. It was noted that there are remnants of a stone wall between two hickory trees.

Ms. Augustiny stated they had discussed with Mr. Nemergut that this would be a one-day operation, and the work would be done when the swale was dry. Mr. Jahne stated there would be no trees taken down. Mr. Goff noted that the coupling was not supposed to be in the wetlands area. Responsive to comment from Mr. Hunt, Mr. Ventres noted that the center of the pipe would be in the wetland and the end and couplings would be 100 feet away. The work could occur at any time as long as it was not raining.

Mr. Dill suggested the commission could approve this based on the discussion in the field, and based on the revised plans being submitted to the Land Use Office.

**Motion by Ms. Augustiny to approve the application of Roger Nemergut; agent for Bud & Bobby, LLC, 21 Mount Parnassus Road, construct sewer line through wetland area as identified on a map that will be provided by Roger Nemergut, P.E., and that the excavation through the wetland swale shall be done on a dry day, and consistent with the location as described in the field with Mr. Nemergut. Motion seconded by Mr. Goff, and carried by unanimous vote.**

**B) Continued: 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 informed the commission that he spoke with Mr. Davis earlier this afternoon. He gave Mr. Davis a handout, which he distributed to the commission. Mr. Davis asked that this meeting be continued, as the State DOT is coming to the site next week.

Mr. Dill oriented the location of this application. He stated this is on a very steep bank. He believed at the least, this needed to be an engineered application. Mr. Goff asked if this would be a Kloter Farms or similar type of structure. Mr. Ventres stated it was proposed to be a 44 x 48 foot structure. There was some question about what the use would be.

**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 February 17, 2015 regular meeting. Motion seconded by Mr. Goff, and carried by unanimous vote.**

**C) Gerry Kapuski (applicant), David Tutera (homeowner), 176 Tater Hill Road, construction of two additions with activity in the upland review area. Assessor's Map 22, Lot 31.**

**First date: January 20, 2015**

**Last date: March 26, 2015**

Mr. Kapuski addressed the commission. He stated there were two ponds to the rear of the house. He would like to construct an addition between the two houses. This addition will become all one house. It was noted that this area is very flat. Mr. Dill noted there was a deck on the back of one of the structures. He asked how close they would be to the wetland. Mr. Kapuski stated some the new structure goes about a foot past the existing structure. The area that extends a foot is a covered porch.

Mr. Dill asked if the living space would be any closer to the regulated wetland than the existing building. To which Mr. Kapuski said no.

Mr. Jahne asked if there would be any excavation, to which Mr. Kapuski stated they would have to excavate for frost walls, but the addition would be on a slab foundation. He noted that if they used piers instead, they would also have quite an excavated area.

Mr. Goff asked if the covered porch would be removed by machine or by hand. Mr. Kapuski stated that would probably be by hand, since it is just a shed roof. Mr. Goff asked if the machinery would be used around the back, to which Mr. Kapuski responded affirmatively.

Mr. Jahne asked about gutters. Mr. Ventres stated there are gutters there. Mr. Kapuski stated they would match existing gutters. Ms. Augustiny asked that the roof leaders be added to the plan. As long as Mr. Kapuski submits the plans to Mr. Ventres, he is excused from attending the next meeting.

Ms. Augustiny inquired about the stockpile areas. Mr. Kapuski stated the stockpiles will be removed when the project is completed.

**Motion by Mr. Dill to continue the application of Gerry Kapuski (applicant), David Tutera (homeowner), 176 Tater Hill Road, construction of two additions with activity in the upland review area until the next regularly scheduled meeting. Motion seconded by Mr. Goff, and carried by unanimous vote.**

**D) New: Robert Hoops, 13 Wildwood, Bashan Lake, increase length of dock. Assessor's Map 49, Lot 9.**

**First date: January 20, 2015**

**Last date: March 26, 2015**

No one representing the applicant was present at this meeting. Mr. Ventres suggested the commission schedule a field walk. He stated the applicant submitted a small sketch. Mr. Ventres informed the

commission that the applicant has a 30-foot dock now, and wants to increase it to 42-feet. Mr. Ventres stated he told the applicant that they would need soundings, etc. Mr. Dill added that they would want to

know why the applicant needed the additional length. In addition, if there is a boat, what the size of the boat is, the draft, etc.

**Motion by Mr. Dill to schedule a field walk and to continue the application of Robert Hoops, 13 Wildwood, Bashan Lake, increase length of dock until the next regularly scheduled meeting. Motion seconded by Ms. Burton-Reeve, and carried by unanimous vote.**

## **7. 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 read into the record a letter from Mr. Casner dated January 17, 2015 granting a 35-day extension.

Mr. Dill stated this falls under State statute section 8-7d. Mr. Dill asked if P&Z would have enough time to address this.

**Motion by Mr. Dill to grant the extension request for Clark Gates, LLC, 87 AP Gates Road, construction of a single-family residence with activity in the upland review area. Motion seconded by Mr. Goff, and carried by unanimous vote.**

Mr. Dill stated he would like to see something in writing from the Planning & Zoning Commission, when they make a decision on the lot.

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

Mr. Ventres informed the commission that Lake Hayward Association has used a suction system to pull mud from the bottom of the Second Beach area. Mr. John Allegra will use the excavated topsoil for his fields. They did sampling for the excavated material for sediment removal. The State granted the permit for this excavation.

Mr. Goff noted the zinc, lead, barium, arsenic came back well over the reporting limits. It was noted that much of this was at the end of the storm drain.

Mr. Gelston noted that this area has naturally occurring arsenic. Mr. Goff was surprised the State gave authorization to spread this material on agricultural land. Mr. Gelston believed this would be a problem for Lake Hayward.

Mr. Ventres has been receiving phone calls about people using bubblers to keep the water from freezing at Lake Hayward. Last year, someone completely cut off the lower area of the lake because of these bubblers. Mr. Ventres has asked the State who would be regulating this, because there is a serious liability issue. No one from the State has responded to Mr. Ventres about this. Mr. Ventres noted in Canada, they regulate bubblers, and if someone dies because of a bubbler, the person responsible goes to jail for voluntary manslaughter.

## 9. CONSERVATION COMMISSION INPUT

Mr. Gelston had nothing new to report.

Mr. Dill asked what services the commission has received from the CT Coastal conservation district. Mr. Ventres stated the conservation commission has received some assistance from this organization. The Planning & Zoning members have gone to some of the seminars. Ms. Augustiny believed this organization participated in the Eightmile River project as well.

Mr. Dill stated there is a possible legislative issue coming up regarding the waiting period on wetlands applications. He stated that someone has asked him for an opinion, and he wanted input from the commission on this topic. Mr. Goff believed the waiting period is a detriment for applicants in certain instances. He believed it would be good for the applicants if the waiting time was shortened. Ms. Augustiny stated there have been some applications in which there have been no issues whatsoever; however, the commission cannot approve a permit application until the second meeting.

Mr. Ventres stated this was brought about by the homeowners association.

Mr. Jahne asked how the public would know about an approval within the 15-day appeal period. Mr. Ventres stated once a permit application is approved, he has to put notice in the paper. There is also a 15-day appeal period after publication.

Mr. Jahne commented that if someone saw an application on the second date, it would be too late for them to challenge it anyway. Mr. Dill asked, and the consensus of this commission was that they did not have a real problem with changing the 2-meeting policy.

Mr. Goff informed the commission that he will be activated through the military for five months, beginning in May. He will need a leave of absence from May through October.

## 10. ADJOURNMENT

**Motion by Ms. Burton-Reeve, seconded by Mr. Goff to adjourn at 8:28 p.m. Motion carried by unanimous vote.**

Respectfully submitted,

Holly Pattavina