

**INLAND WETLANDS AND WATERCOURSES COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
February 17, 2015**

1. CALL TO ORDER: Vice-Chairman Mary Augustiny called the meeting to order at 7:33 p.m. at the Town Grange.

2. ATTENDANCE:

COMMISSIONERS PRESENT: Mary Augustiny, Jennifer Burton-Reeve, Daniel Jahne

COMMISSIONERS ABSENT: Randy Dill, Bryan Goff, 2 vacancies

OTHERS PRESENT: Jim Ventres, and 5 townspeople were present.

3. MINUTES:

Motion by Mr. Jahne, seconded by Ms. Burton-Reeve to approve the minutes of the January 20, 2015 regular meeting as presented. Motion carried by unanimous vote.

4. BILLS:

Branse & Willis, LLC, bill dated 2/5/15	\$388.50
Branse & Willis, LLC, bill dated 2/5/15	999.00
<i>(general legal, draft motions, Clark Gates)</i>	
Hartford Courant, bill dated 2/9/15	154.17
<i>(legal notices)</i>	

**Motion by Ms. Burton-Reeve, seconded by Mr. Jahne to pay the bills as presented.
Motion carried by unanimous vote.**

FIELD WALK REPORT

It was noted there were no field walks this month due to the weather.

6. WETLANDS PERMIT REVIEW

A) 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 gave Mr. Davis and the property owner a list of things that needed to be completed. The CT DOT also reviewed the site, and found project acceptable, subject to town approval, and after they produce A-2 survey plans. Mr. Davis sent in a request for an extension of his application until the next meeting.

Mr. Jahne stated CT DOT cannot approve the work until they get a plan. Mr. Ventres stated that conceptually in the field, the DOT was satisfied with the sight line, but they would still need to prepare plans, drainage, etc.

Motion by Mr. Jahne, seconded by Ms. Burton-Reeve to continue the application for 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 grant the applicant's request for an extension. Motion carried by unanimous vote.

B) Continued: Gerry Karpuski (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

No one representing the applicant was present at this meeting. It was noted that the applicant had been excused from this meeting.

Ms. Augustiny stated the commission had reviewed this application at the last meeting, and had requested revised plans. Mr. Ventres read the notes regarding discharge relative to the small pond from the revised plans.

Motion by Ms. Burton-Reeve, seconded by Mr. Jahne to approve the application of Gerry Karpuski (applicant), David Tutera (homeowner), 176 Tater Hill Road, construction of two additions with activity in the upland review area, in accordance with the plans revised February 3, 2015. Motion carried by unanimous vote.

C) Continued: 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 stated they had agreed the commission needed to walk this site, but due to weather, they would not be able to walk it without snowshoes. He recommended this application be continued to the next meeting for depths, etc.

Motion by Mr. Jahne, seconded by Ms. Burton-Reeve, and passed unanimously to continue the application of Robert Hoops, 13 Wildwood, Bashan Lake, increase length of dock until the next regularly scheduled meeting.

6. DECISIONS

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

First date: November 18, 2014

Last date: February 26, 2015

Ms. Augustiny noted that she had asked Mr. Ventres to prepare a summary of Penny Sharp's report. Mr. Ventres stated he prepared a draft approval, draft denial, and the requested summary.

Ms. Augustiny asked Mr. Ventres to summarize Ms. Sharp's comments for the commission's clarification. Mr. Ventres read from Ms. Sharp's September 30, 2014 report, in which Ms. Sharp believed the suggested measures in the report from Ms. Beno to Mr. Casner were insufficient to protect the integrity of the pools. Responsive to inquiry by Mr. Jahne, Mr. Ventres reviewed Richard Mihok's mapping dated 10/31/14.

Mr. Ventres stated for the record that there had been a letter dated February 11, 2015 from the chairman of the Planning & Zoning Commission. Mr. Ventres read this letter regarding waiving the 60 day notice requirement.

Mr. Ventres stated at the last meeting, commission asked for a draft approval and draft denial. Mr. Ventres did have Attorney Willis review the two drafts to ensure both met the requirements of the regulations and the statutes.

Motion by Ms. Burton-Reeve to deny the application due to the following substantive wetland issues with the application. They are as follows:

1) Conflict in opinion of the environmental consultants. In a report dated September 30, 2014 Environmental Consultant – Penelope Sharp stated the following: She concluded there are functional vernal pools within the wetland system on the property, there is insufficient data to support the applicant's consultant (Ms. Jennifer Beno of Soils Science and Environmental Services) conclusion about the functional value of the vernal pools, and construction of a house and septic system will have a negative impact upon the wetlands and vernal pools due to shrinkage of forest habitat and disyturbances within close proximity of vernal pools habitat. Data provided by other environmental consultants (Richard Snarski and James Sipperly) also note the abundance of vernal pool species on the property. Due to the information provided by Ms. Sharpe, Richard Snarski, and James Sipperly, the commission believes there is insufficient data provided and the limited inspections conduct by Ms. Beno, if conducted throughout the spring, could have discovered more vernal pools species in all of the pools. The commission finds Ms. Sharp's report more persuasive.

The East Haddam Inland Wetlands and Watercourses Commission has the following criteria from Section 10.2 of the East Haddam Inland Wetlands and Watercourses Commission (in italics) to review in making a decision.

10.2 Criteria for Decision. In carrying out the purposes and policies of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances as they affect inland wetlands and watercourses (including vernal pools), including but not limited to:

a. the environmental impact of the proposed regulated activity on wetlands or watercourses.

The Commission, based on Ms. Sharp's report, finds there will be impacts to the wetlands and vernal pools with the application as submitted.

b. the applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses.

The applicant has not presented an alternative use for the property.

c. the relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses.

The Commission, based on Ms. Sharp's report, finds there will be long-term impacts to the wetlands and vernal pools on the property with the application as submitted.

d. irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance, or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.

The Commission, based on Ms. Sharp's report, finds the mitigation offered does not adequately protect the wetlands and vernal pools from irreversible and irretrievable loss of wetlands and watercourses resources with the application as submitted.

e. the character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity, and

Based on the small percentage of the lot area that is not identified as wetlands, vernal pools, or upland review area (approximately 5% - .142 acres or 6186 square feet), the commission finds the proposed use of a single-family home is not a reasonable use of such a limited area considering the potential impacts to the wetlands and watercourses.

f. impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonable related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

The Commission, based on Ms. Sharp's report, finds there will be impacts to the wetlands and vernal pools which outside of the proposed activity area due to shrinkage of forest habitat and disturbances within close proximity of vernal pools habitat.

g. The suitability of such action for the area for which it is proposed. This requires the Commission to balance the need for economic growth of the Town and the use of its land, with the need to protect its environment for the people of the Town and for the benefit of generations yet unborn.

Based on the small percentage of the lot area that is not identified as wetlands, vernal pools, or upland review area (5% - .142 acres or 6186 square feet), the commission finds the proposed use of a single-family home as an unsuitable use of such a limited area.

2. Conflict between the applicant's consultant recommendations and the final plans submitted.

Soil Science and Environmental Services/Jennifer Beno recommends that no additional clearing occur within the 75-foot wetlands review area than what is currently proposed to construct the house and install the septic system. The report recommended that some visual demarcation or placard be installed which would indicate to the landowner to not intrude into the setback and wetlands area. This recommendation would follow the proposed erosion control wood chip berm on the proposed plan. The applicant has the Conservation Easement line at the inland wetlands soil edge. The application has seventy-two percent (72%) of the property to be undisturbed while the applicant's consultant recommends that eighty-eight percent (88%) of the property be undisturbed.

The Commission believes that the application should at a minimum be in concurrence with the applicant's consultant's recommendations. Therefore, the application is incomplete.

The motion was seconded by Mr. Jahne, and passed by unanimous vote.

7. IWWC Enforcement Officer's Report

Mr. Ventres reported that since the snows, the requests for repairs to the shoreline on Bashan Lake have come to a halt. He has also seen no progress to the dam.

Wildwood Association is still looking to improve their cottages and wants to resolve some conflicts with the State over septic and water. If they are successful, they may come back to this commission. Right now, without the septic, they cannot expand. They may look at having some type of potable water system, bath houses, etc., with a request to have some minor additions. Ms. Augustiny asked about possible grants and/or programs that may be available. Mr. Ventres stated they have spent money on planning and engineers.

Mr. Ventres stated the Salmon River Watershed has gone through some discussion about grants, etc. Other towns are catching up too.

Ms. Augustiny asked if there would be iceberg problems come spring because the Connecticut River is frozen, and they have been dumping snow onto the river. Mr. Gelston reminisced about stories from river crossings in the past.

Mr. Ventres distributed copies of The Habitat, as well as upcoming seminars.

Mr. Jahne asked about finding someone to replace Ms. Sharp's expertise. Mr. Ventres stated that Land Tech Consultants was a possibility. He also has to talk to NL Jacobson about this.

8. Conservation Commission Input

Mr. Gelston had no report this evening.

9. Adjournment

Motion by Ms. Burton-Reeve, seconded by Mr. Jahne, to adjourn at 8:12 p.m. Motion carried by unanimous vote.

Respectfully submitted,

Holly Pattavina