

**INLAND WETLANDS AND WATERCOURSES COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
September 15, 2015**

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 and 4 townspeople were present.

3. MINUTES:

Motion by Ms. Augustiny, seconded by Mr. Jahne to accept the minutes of the August 18, 2015 regular meeting as presented. Motion carried by unanimous vote.

4. BILLS:	Hartford Courant	\$75.41
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Motion by Ms. Burton-Reeve, seconded by Mr. Goff to approve payment of the bill as presented. Motion carried by unanimous vote.

5. FIELD INSPECTION REPORT

A field inspection was conducted on September 9, 2015. The three sites were attended by Mr. Dill, Ms. Augustiny, and Ms. Burton-Reeve.

6. WETLANDS PERMIT REVIEW

A) Continued: Peter Costomiris, 12 Boardman Road, 16' x 14' platform and 40' moving bridge. Assessor's Map 26, Lot 51.

No one representing the applicant was present at this time.

Motion by Mr. Goff to table this item until the end of tonight's meeting. Motion seconded by Mr. Jahne, and carried by unanimous vote.

B) Continued: Annette Silverman, 5 Lakeside Drive, maintenance. Assessor's Map 49, Lot 52.
First date: July 21, 2015 **Last date: September 24, 2015**

No one representing the applicant was present at this meeting. Mr. Ventres spoke with the contractor, who will be scheduling a field inspection. The applicant has requested an extension to accomplish this.

Motion by Ms. Burton Reeve, seconded by Mr. Goff, and carried by unanimous vote to continue the application of Annette Silverman, 5 Lakeside Drive, maintenance, until the next regularly scheduled meeting.

C) Continued: Gary Trombley, 74 Smith Road, Wildwood #18, reconstruct retaining wall, dock, and deck. Assessor's Map 49, Lot 40.
First date: July 21, 2015 **Last date: September 24, 2015**

No one representing the applicant was present at this meeting. Mr. Ventres informed the commission that the applicant submitted a request for a continuance to next meeting.

Motion by Ms. Burton Reeve, seconded by Mr. Goff, and carried by unanimous vote to continue the application of Gary Trombley, 74 Smith Road, Wildwood #18, reconstruct retaining wall, dock, and deck until the next regularly scheduled meeting.

D) Continued: Ronald, Robert, Ruth, and David Denya, 7 Lakeside Drive, maintenance of retaining wall and dock. Assessor's Map 49, Lot 53.
First date: July 21, 2015 **Last date: September 24, 2015**

No one representing the applicant was present at this meeting. Mr. Ventres informed the commission that the applicant submitted a request for a continuance to next meeting.

Motion by Ms. Burton Reeve, seconded by Mr. Goff, and carried by unanimous vote to continue the application of Ronald, Robert, Ruth, and David Denya, 7 Lakeside Drive, maintenance of retaining wall and dock until the next regularly scheduled meeting.

E) Continued: James & Theresa Zukowski, 9 Lakeside Drive, maintenance of retaining wall. Assessor's Map 49, Lot 54.
First date: July 21, 2015 **Last date: September 24, 2015**

No one representing the applicant was present at this meeting. Mr. Ventres informed the commission that the applicant submitted a request for a continuance to next meeting.

Motion by Mr. Goff, seconded by Mr. Jahne, and carried by unanimous vote to continue the application of James & Theresa Zukowski, 9 Lakeside Drive, maintenance of retaining wall until the next regularly scheduled meeting.

F) Continued: John Hennessy, 74 Smith Road, Wildwood #32, repair of retaining wall. Assessor's Map 49, Lot 09.
First date: July 21, 2015 **Last date: September 24, 2015**

Mr. John Hennessy addressed the commission. Mr. Ventres informed the commission that this is the unit in Wildwood with the tire retaining wall. Mr. Ventres stated he emailed, but perhaps the wrong Hennessy, last week. Mr. Ventres needs to know if there will be a base to level the wall, to which the answer was yes. Mr. Ventres asked if the wall would have a fabric backing and be backfilled, to which Mr. Hennessy responded affirmatively.

Responsive to inquiry by Ms. Augustiny, Mr. Hennessy noted the wall was 36-feet long.

Mr. Dill asked about the slope. Mr. Hennessy stated it was his intention to replant grass and pachysandra to hold the soil in place. Ms. Augustiny stated that pachysandra or periwinkle would hold the soil better than grass.

Mr. Jahne asked about the blocks. Mr. Ventres stated they do allow for seepage. The blocks fit together something like tongue and groove, only not as tight.

Mr. Dill asked what this wall would look like. Mr. Ventres stated this would be a masonry wall. He stated one contractor considered a wooden wall, but stated it would blow out. Mr. Dill voiced concern about the "bathtub" look. Ms. Augustiny believed this proposal would be better than having the tires in the lake. Ms. Augustiny asked how high above the lake the top of the blocks would be. Mr. Hennessy stated it would be about 10-11 feet, once the lake has re-filled.

Motion by Ms. Augustiny to approve the application of John Hennessy, 74 Smith Road, Wildwood #32, repair of retaining wall. Assessor's Map 49, Lot 09, according to the plan dated 9/6/15, and on the south side, grass and pachysandra (or a similar ground cover) be planted above the wall to control the soil. Photos are to be forwarded to the Land Use Office upon completion. Motion seconded by Ms. Burton-Reeve, and carried by unanimous vote.

G) New: Lori Young, 48 Fieldstones Drive, repair and increase size of dock and deck. Assessor's Map 58, Lot 107.

First date: September 15, 2015

Last date: November 19, 2015

Mr. Tim Young addressed the commission. He stated they would like to extend the existing dock to the west to provide a bit more room. The waterfront is separated from the house by about 60 steps. There is currently a 4' x 8' finger that is somewhat unstable. They would like to replace it with a floating dock. They would like to change their application to a 10' x 16' dock. Area A shown on the plan is the proposed extension to the west. The increase from 8' x 16' to 10' x 16' is because the deck chairs, when extended out, are approximately 6-feet, and then 4-feet to walk around. It would be a supported, elevated dock. Mr. Dill asked what the lakebed was like underneath this area. Mr. Young stated there was some exposed ledge, with very little vegetation or sand.

Mr. Young stated right in front of the dock that is there now, there is ledge approximately 3-4 feet down. He does not want anyone to jump into the lake when it is shallow there. The finger would be 24'. There would be an 8' x 8' section "B". The dock that extends over the ledge is 4' x 8' is deteriorating and would need to be removed. The 8' x 8' section would go over this area. Mr. Dill asked if they were looking for a 4' x 24' foot extension with a removable 10' x 10' section.

Mr. Dill did not believe the applicant needed a 24-foot dock in this area. He believed the depth of water would allow for a boat. Mr. Young stated they have a 15-foot boat now, and would like to replace it with an 18-foot boat.

Mr. Young stated their location is between two islands. He understood the concern for water skiers that Mr. Dill mentioned. He preferred to be more conservative. Mr. Young asked if they could do 4' x 24' dock without the 10' x 10' foot raft at the end of the dock. Ms. Augustiny thought they had discussed an "L" shape. Ms. Burton-Reeve stated if they added the existing dock to the proposed, it would extend 44-feet into the lake.

Mr. Jahne asked what the existing 8' x 8' is. Mr. Young stated there are four different elevations right now. They are trying to have only two elevations with the new dock.

Mr. Young stated they would prefer to just have the 4' wide structure if the commission was not inclined to add more. Mr. Dill noted that this applicant was fortunate to have deep water off their dock.

Mr. Goff asked what all of the decks were. Mr. Dill stated he was amenable to a minimum of 20-feet to accommodate the boat. Ms. Augustiny asked what lengths the docks come in. Mr. Young stated they would probably build the dock with lumber, with Trex decking on top.

Mr. Ventres stated this is the first meeting. The commission could request that this be redrawn. He did suggest that they consider a 6' wide dock, rather than a 4' wide dock when it is long as this one is. Mr. Dill believed that was a good suggestion.

Ms. Augustiny did not have a problem with the deck that was on either side, because the proposed deck would be a bit less than what is there now.

Mr. Jahne asked what type of area they would fill with crushed rock or stone. Mr. Young stated some of the area is being undermined. It would be used above the ledge, as well as behind the ledge. Mr. Young planned to use material that was already down there.

Ms. Burton-Reeve asked if Sonotubes would be used. Mr. Young responded affirmatively, and stated they would go down as far as possible until they hit ledge.

Ms. Burton-Reeve asked about jumping off the end of the dock, since there is ledge. She suggested a railing to prohibit jumping in this area.

Mr. Dill noted that Mr. Young is a structural engineer, and would be designing the dock.

Motion by Mr. Dill, seconded by Mr. Goff, to continue the application of Lori Young, 48 Fieldstones Drive, repair and increase size of dock and deck until the next regularly scheduled meeting. Motion carried by unanimous vote.

H) New: Chris & Joan Hurlock, 15 East Shore Drive, build 6' x 32' deck off rear of house. Assessor's Map 71, Lot 59.

First date: September 15, 2015

Last date: November 19, 2015

Mr. Hurlock addressed the commission. Mr. Hurlock proposed an open deck so they could put some chairs out there to enjoy the view.

Mr. Dill stated one thing they saw when they visited the site was that the drawing does not reflect the actual landscape on site. He stated that the water is approximately 17-feet from the house at one point, but at the corner, it is only approximately 8-feet. He stated once the deck was put there, if it was allowed, they would not be able to walk in front of it.

Ms. Burton Reeve asked if they lost a tree in this area as well, to which Mr. Hurlock responded affirmatively. Ms. Burton Reeve questioned the rock wall. Mr. Hurlock stated the wall was crumbling. They had stones from an inside fireplace they removed. Mr. Ventres stated it should not be mortared. Mr. Hurlock stated they would like to rebuild the wall, and it would be easier for them if it was dry stacked.

Ms. Burton Reeve stated the deck on the other side of the house was not on the plan. Mr. Hurlock stated this commission gave them approval for this approximately two years ago.

Mr. Dill stated there are sliding glass doors in the back, and it would make sense to have a deck there. However, on the other end, it was very tight to the water. Mr. Hurlock stated they wouldn't walk in front of the deck on that side anyway. Mr. Hurlock asked if they could cut the corner back so they would not have to walk down one set of steps and then go up the other side of the steps.

Mr. Ventres stated the idea of a shoreline is not to have grass all the way down to it. Shrubs, even low shrubs, will help prevent erosion and protect the shoreline. Discussion ensued.

Mr. Ventres suggested this should be drawn to scale, and Mr. Ventres can assist the applicant. Mr. Dill suggested rescheduling the walk and getting photographs.

Mr. Goff asked if anyone thought about a pervious paver patio. Mr. Hurlock stated they would need the height of the deck.

**Motion by Mr. Dill, seconded by Mr. Goff to continue the application of Chris & Joan Hurlock, 15 East Shore Drive, build 6' x 32' deck off rear of house, and to re-walk the site.
Motion carried by unanimous vote.**

I) New: Mark D. Tice, Porges Road, request for an extension of an approval to build a single-family residence in the upland review area. Original approval granted at the February 17, 2009 meeting. Assessor's Map 26, Lot 39.

First date: September 15, 2015

Last date: November 19, 2015

No one representing the applicant was present at this meeting.

Mr. Ventres distributed the request for an extension. Mr. Ventres explained that nothing has changed with the plans. If the commission decided to grant the five year extension to the original, it would bring this to 2019.

**Motion by Ms. Augustiny to extend the permit for Mark D. Tice for a period of 5 years.
Motion seconded by Ms. Burton-Reeve, and carried by unanimous vote.**

J) New: Lawrence McClure, 98 Bailey Road, raze two (2) seasonal cottages and construct one (1) single family residence with all supporting utilities. Assessor's Map 57, Lot 26.

First date: September 15, 2015

Last date: November 19, 2015

Attorney Scott Jezek, Mr. & Mrs. McClure, Roger Nemergut, and Ms. Brooke Gurdy, architect addressed the commission.

Attorney Jezek stated this client would reduce the total number of bedrooms to 5 (of what once was three cottages). He noted this application is compliant with sizes, etc.

Mr. Nemergut submitted revised plans to the commission. Mr. Nemergut oriented the site on Bailey Road. The parcel is 1.1 acre. It borders Bashan Lake on the east side. There would be a triangular addition to the parcel, to make it approximately 1.25 acres. There are currently three cottages on the property. The two cottages closest to the lake would be demolished. The current total bedrooms are 7. The two cottages closest to the lake would be replaced with one year-round structure. The two septic systems are within the upland review area. A centralized well would remain.

The new house would be slightly back farther from the lake, at approximately 35-feet. The septic closest to the lake would be abandoned. A new Code compliant septic system would be installed. The proposed roof runoff would be directed to infiltrator units. There are some plantings there now. They are not proposing lawns. They proposed a series of plantings along the lake in front of the house. There would be a patio area alongside the cottage near the lake. It is an existing bluestone patio. It has tight stones, and is considered impervious. They would have a patio from the edge of the house that goes to the edge of the existing house. The new patio area would be pervious pavers. The bluestone patio would be removed, and then after construction, replaced in a way that would make it pervious.

Mr. Nemergut stated they have made a number of mitigation factors. To put the house outside of the upland review area, it would interfere with the existing well.

Mr. Jahne asked about the footprint of the property. Mr. Nemergut estimated the new house would be approximately 1.5 times larger than the footprint of the existing two cottages. They are increasing the impervious surface by 2.7 %. This would include the patios, etc. However, this increase does not take into account the roof, which will now be directed into roof leaders.

Responsive to inquiry by Mr. Jahne, Mr. Nemergut proposed a widening of the driveway to 10-feet, and it would be a gravel driveway.

Mr. Dill asked if this plan depicts the existing vegetation. Mr. Nemergut stated there are more trees on the property, but not near the lake. Mr. and Mrs. McClure stated there is one large tree, but it was topped during one of the storms. Mr. Dill suggested they mark the trees with a 4-6 inch caliper and larger before the field walk. They needed to mark the trees that would need to be removed.

Ms. Gurdy stated she tried to disturb as few of the natural contours as possible. In order to maintain the use and enjoyment of the lake the way this family has for many years, the house will be somewhat split. The guests/family/kids would stay in the area closest to the driveway. There would be a lower area for

bedrooms, laundry, etc., and a living room and dining room on the very bottom level. There are three levels to this house. The siding would be muted colors to blend into the environment.

Mr. Dill asked for the next meeting, he would like Mr. Nemergut to talk more about the vegetation.

Mr. Dill asked the square footage of the structure. Ms. Gurdy stated it was close to 4,000 square feet.

Mr. Nemergut stated that Nancy Ballek would be at the site walk. Mr. Ventres recommended that Ms. Ballek should come to the meeting, not to the field walk. It would be appropriate to have that information disseminated here rather than in the field.

Ms. Augustiny asked if there were plans for a dock. Ms. McClure stated they do have a dock. Ms. Augustiny noted this should be added to the plan. Ms. Burton-Reeve asked if there would be a garage, to which Ms. Gurdy stated there would not.

Motion by Mr. Dill, seconded by Mr. Goff to continue the application of Lawrence McClure, 98 Bailey Road, raze two (2) seasonal cottages and construct one (1) single family residence with all supporting utilities, and to conduct a field walk. Motion carried by unanimous vote.

Mr. Ventres stated he would put an email out for a Sunday field walk.

7. SUBDIVISION REVIEW

A) New: Scott Jezek (agent), Marilyn Lukie (owner), 50 Cove Road, 3 Lot Subdivision.

Attorney Scott Jezek and Mr. Roger Nemergut were present. Attorney Jezek represents the estate of Ms. Marilyn Lukie. They took a portion of excess property from one side to bring it into compliance. There are two additional lots on the hill that are dramatically oversized. There are no wetlands on the two new lots.

Mr. Goff asked if the two pre-existing houses had any proposed changes. Attorney Jezek stated one has been sold.

Mr. Ventres distributed copies of the plans to the commission.

Mr. Dill, Ms. Augustiny, and Ms. Burton-Reeve stated they met Mr. Nemergut's assistant in the field.

It was noted that there are no wetlands on the property, it would simply be a letter to the Planning & Zoning Commission.

Motion by Mr. Dill to send a letter to the Planning & Zoning commission indicating that this application meets the requirement of the IWWC commission. Motion seconded by Mr. Goff, and carried by unanimous vote.

ADDITION TO AGENDA:

182 Alger Road, Birch Acres (Brooks), amendment to original shoreline rehabilitation plan. Assessor's Map 57, Lot 25.

Mr. Ventres distributed copies of a plan by GEI Consultants. Mr. Brooks came back and said there has been some disagreement with the root stocks ability to survive between the installer and the designer. Therefore, this document will be a modification to the previously approved plan. Plants will only go in above the water.

Mr. Dill asked if the people who were here to do the presentation did not talk to the people who were going to install it. Mr. Ventres confirmed that this was correct.

Mr. Dill stated this plan does not really change what the lake will look like, so it really is minor. Ms. Augustiny noted that most of this shoreline is sandy, which would not support many plantings.

Mr. Dill asked how much more material would have to be brought in under this plan. Mr. Ventres stated it would actually be less, because they were not bringing in the topsoil now, nor are they going to use the bio-matting. The riprap would be brought in.

Motion by Mr. Dill to approve the requested amendment to Mark Brooks' in revision document dated September 10, 2015. Motion seconded by Mr. Goff, and carried by unanimous vote.

A) Continued (again from this evening): Peter Costomiris, 12 Boardman Road, 16' x 14' platform and 40' moving bridge. Assessor's Map 26, Lot 51.

Mr. Ventres met with Mr. Costomiris last week. Mr. Ventres, using the GIS mapping, drew in new items, proposed items, and existing structures. Mr. Costomiris came in to look at the plan while Mr. Ventres was in a meeting today, and informed Ms. Talbot that this was perfect and he didn't want to change a thing.

Discussion ensued regarding removing structures that are impeding flows. Many of the crossings are made of wood planks. Mr. Ventres suggested removal of the boards, the zig zag board area, and the walkway on milk boxes.

Motion by Mr. Dill to approve the application for the cantilevered bridge and cantilevered platform, provided all of the boards, zig zags, and walkways, as identified on the GIS, are removed before construction on these two structures begin. Before starting construction, photographs are to be submitted to the Land Use Office for inspection by the Land Use Administrator. None of the pre-existing wetlands crossings on the property are to be relocated. These two structures are to be constructed in accordance with the amended plan submitted that is dated 09/15/2015. Motion seconded by Mr. Goff and carried by unanimous vote.

8. IWWC ENFORCEMENT OFFICER'S REPORT

A) Urban property – Bashan Lake Road

Mr. Ventres has not been able to contact Mr. Urban. Mr. Ventres went out there and discovered that the trees were planted; however, he never called Mr. Ventres to let him know. Even with the drought, 60% of the trees and buffer have survived.

It was decided that this item should remain on the agenda until it is fully resolved.

ADDITION:

43 East Haddam Colchester Turnpike – Potential Violation

Mr. Ventres distributed a copy of a letter dated September 11, 2015 from Attorney Jezek. He also showed photographs, which depicted a large pile of firewood, a pickup truck, and an old horse trailer. The commission agreed that the activities did not seem to have a significant impact. Mr. Ventres will draft a letter and send it to Mr. Dill for his review.

9. APPOINTMENTS & RE-APPOINTMENTS

Motion by Mr. Dill to forward recommendations to the Board of Selectmen for the re-appointment of Mary Augustiny, Daniel Jahne, and Bryan Goff to the Commission, seconded by Ms. Burton-Reeve and carried by unanimous vote.

Motion by Mr. Dill to forward a recommendation to the Board of Selectmen to appoint Mary Magaraci to an alternate position on the Commission, seconded by Bryan Goff and carried by unanimous vote.

10. ADJOURNMENT

Motion by Mr. Dill, seconded by Ms. Burton Reeve, and carried by unanimous vote to adjourn at 9:53 p.m.

Respectfully submitted,

Holly Pattavina