

**INLAND WETLANDS AND WATERCOURSES COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
May 17, 2011
(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, Randolph Dill, Bryan Goff, Daniel Jahne, Susan Odell (arrived 7:34 p.m.)

COMMISSIONERS ABSENT: David Cassenti,

OTHERS PRESENT: James Ventres, Emmett Lyman, and 8 townspeople were present.

3. MINUTES:

Motion by Mr. Goff, seconded by Ms. Augustiny to approve the minutes of the April 19, 2011 meeting, with the following amendments:

- Page 1, Add the Hartford Courant \$110.28 under “Bills”
- Item 5, begin second paragraph under the heading “IWWC Enforcement Officer’s Report”

4. BILLS

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
Valley Press (printing regs.)	16431	\$216.20

Motion by Mr. Goff, seconded by Mr. Jahne, and carried by unanimous vote to approve the bill as presented.

5. CONSERVATION COMMISSION INPUT

Ms. Claire Maeder represented that there were no questions at this time.

6. WETLANDS PERMIT REVIEW

A) Richard and Lisa Van Steenberg, 169 Lakeside Drive, request for extension of previously approved wetland permit to construct a deck in the upland review area. Assessor's Map 58, Lot 95.

First date: May 17, 2011

Last date: July 19, 2011

No one representing the applicant was present at this meeting. Mr. Ventres stated he had a letter requesting an extension of time for this approval.

Motion by Ms. Augustiny to approve the request for an extension of the permit for an additional 5 years, per the plans as presented in the original application. Motion seconded by Mr. Goff, and carried by unanimous vote.

B) Raymond Lefoll, 201 East Shore Drive, wetlands permit application to construct a retaining wall along the shoreline. Assessor's Map 80, Lot 401.

First date: May 17, 2011

Last date: July 19, 2011

No one representing the applicant was present at this meeting. Mr. Ventres noted the Commission approved work on this site last year. The applicant now wishes to add a retaining wall, so Mr. Ventres suggested this site be added to the next field inspection.

Motion by Mr. Dill to continue the application of Raymond Lefoll, 201 East Shore Drive, wetlands permit application to construct a retaining wall along the shoreline, and to schedule a field walk for the same. Motion seconded by Mr. Goff, and carried by unanimous vote.

8. Show Cause Hearing

A) Steven Urban, 98 Bashan Road, extensive work in the upland review area without permit approval. Assessor's Map 58, Lot 134.

Mr. Richard Urban addressed the Commission on behalf of his brother, Steven Urban. He explained that Mr. Steven Urban had to be away on business in Georgia this week. Mrs. Petra Urban also addressed the Commission.

Mr. Ventres informed the Commission that he noticed extensive work, which had been done without a permit and he subsequently issued a cease & desist order. He noted that Ms. Penni Sharp and Mr. Brian Curtis were on site this week. Mr. Curtis was present at this meeting.

Mr. Ventres explained that there had been a wetlands subdivision permit from August 24, 1995. Mr. Ventres read this approval into the record, with the condition that the upland review area remain vegetated. Mr. Ventres distributed photos taken on the date of

the cease & desist order. Mr. Ventres read into the record the P&Z conditional approval from September 14, 1995. Mr. Ventres also pulled photos from Google and distributed these.

Mr. Ventres distributed copies of a May 15, 2011 letter from Ms. Penelope Sharp, Certified Wetland Scientist, the Town's environmental consultant.

Mr. Dill stated there are two issues at hand - the issue of stopping the sediment from being deposited into the reservoir and the other issue is the restoration. He stated there is potential for serious erosion, particularly right now during the recent heavy rains.

Mr. Brian Curtis, NL Jacobson & Associates addressed the Commission. He agreed with Ms. Sharp's recommendations as outlined in her letter, and added that they could use a siltation control measure, similar to a floating boom. As part of the work, this would contain material that is being deposited into the lake. Because the area is so exposed, he suggested another row of silt fence to contain the runoff until the area can be stabilized.

Responsive to inquiry by Mr. Dill, Mr. Curtis stated they would be limited as to how far out into the lake they could go. He suggested they can look to see how far out the material has gone. Mr. Dill asked if this was something the IWWC Enforcement Officer can do, or if the property owner should hire a professional. Mr. Ventres stated because the reservoir has not been filled, they should be able to get some of the material out of there.

Responsive to inquiry by Mr. Dill, Mr. Goff believed that it would be difficult for a groundcover to hold back material from eroding into the lake. Mr. Curtis suggested something for a quick growing groundcover should be used to stabilize this area.

It was noted that there is a dock on site that was never approved by the commission. Mr. Goff stated the Commission would need details about the dock. Mrs. Urban stated the dock would not be going back into the water, because it was broken.

Mr. Dill asked if the homeowner had any input. Mrs. Urban stated she and her husband did the work themselves. She indicated that they thought they were restoring the area to what it used to be. Mr. Urban submitted a few photographs from 2002, where there was quite a bit of ledge area exposed. He stated there was a root ball that came from a fallen white birch tree. He believed the house was built in 1997 or 1998. He stated his brother does not spend summers here, as he is typically in Europe. He apologized to the Commission, and stated his brother would make restitution. Mr. Dill noted even the pictures that Mr. Urban submitted were a far cry from what was there now. Mr. Dill stated the lake needs to be cleaned out by June 1, and the area needs to be stabilized by June 1. It was noted that this was the projected date for re-filling the reservoir. He stated the property owner needs to get a good contractor in to make sure when the material is excavated that there is not more damage done to the area. Mr. Urban asked how they would be able to tell at what point the material that had eroded into the water had been excavated. Mr. Ventres stated there would be several layers, so they should be able to tell where the mussel layer, etc. is located.

Mr. Dill stated before the next meeting, the Commission should go out to the site. He stated the property

owner needed to have a contractor before that inspection. He suggested they speak with Mr. Ventres for assistance with contractors, etc. Mr. Ventres stated that Mr. Urban had ideas about contractors already.

Mr. Dill stated the more shallow slopes could be seeded, but the steeper areas may need some type of matting. That needs to happen in conjunction with the cleaning. The restoration can occur over a bit longer period. Mr. Ventres suggested a pre-construction meeting. Mr. Goff requested photographs be submitted to the Commission.

Mr. Ventres stated the shoreline itself has a shelf with a dense ball of vegetation. It is comprised of blueberries, etc. that is stabilizing the area. He stated natural vegetation was holding the lake very well. He commented that Ms. Sharp suggested annual reviews.

Mr. Dill asked if anyone had called to complain about this site. Mr. Ventres stated he received no calls, and that he observed this area while he was fishing in the reservoir. Mr. Dill suggested Mr. Ventres check the area to determine if there were other violations of which the Commission needed to be aware.

Mr. Goff stated the plans for the dock will need to come before the Commission for review. Mr. Dill stated they would need a permit for the dock.

Mrs. Urban stated they would like to get the area seeded as soon as possible to stop the erosion. Mr. Dill stated that Mr. Ventres would work with them. Ms. Augustiny asked if by the next meeting, if the property owner could have a restoration plan for them to review. Mr. Ventres stated with an expert, it may not be possible to have this by the next meeting. Ms. Augustiny stated the property owner should try to have something for the next meeting.

Mr. Dill stated since the Commission planned to do another field walk, he would expect the material to be removed by the next meeting.

Motion by Mr. Dill to continue the application of Steven Urban, 98 Bashan Road, extensive work in the upland review area without permit approval and walk prior to the next meeting.

Mr. Urban asked if it would make sense to have a retention area (stockpile area), with silt fence around it, as expeditiously as possible. Mr. Curtis stated it would be very wet, so they would have to have something around it to hold it. Mr. Ventres stated there was an area on the side to hold it. He also suggested the Commission authorize a pre-construction meeting, they be ordered to excavate the material from the lake, temporary seed and mulch, and that they attempt to have a restoration plan by the next meeting.

Motion amended to add the requirement of a restoration plan, plus a formal application to be submitted by the next meeting. Seconded by Ms. Augustiny, and carried by unanimous vote.

7. IWWC Enforcement Officers Report

Mr. Rauccio and Ms. Kelly, of 1 Taylor Lane, addressed the Commission. It was noted that Mr. Dill, Mr. Ventres, Ms. Augustiny, and Ms. Odell attended a site walk with these homeowners.

Mr. Ventres stated the real question was the deposition of manure at 1 Taylor Lane. He stated the manure pile was placed in the wetlands. He stated he would like to have the developer re-establish the pins, as he was unable to find them when he went out to the site.

Mr. Dill stated the conservation easement comes under the P&Z's jurisdiction, but he noted that the pins were supposed to be iron stakes. Mr. Ventres stated he would have the surveyor go back out and have the surveyor certify that the pins are there, and then walk Mr. Ventres around to see them all.

TAPE CHANGE (1B)

Ms. Augustiny stated the area downhill of the easement line is part of the upland review area. Dumping of manure or any materials is not allowed without a permit.

Ms. Kelly stated the commission only needed to tell them once, and they would correct the issue. Mr. Rauccio stated they moved the area immediately after Mr. Ventres notified them. Mr. Rauccio stated they take the manure away much more frequently now, so it does not become a nuisance for anyone.

Mr. Dill stated the question for this commission is if what is there should be moved. He stated these are large piles, and it is only approximately 10 feet to water. In heavy rains, it will wash down. Mr. Rauccio voiced concern that there would be more damage by having equipment remove the pile. Ms. Augustiny stated it could be done by hand. Mr. Dill stated he believed the material could be removed by equipment. Mr. Rauccio stated there was a fallen tree, etc. under this pile. It was not all manure.

Ms. Augustiny did not know if it would be worse to have equipment in there, or if they should just take what they can out by wheelbarrow. There was discussion about the proximity to the water. Ms. Kelly stated there was a dry area between the pile and the water. Ms. Augustiny explained that in Connecticut, wetlands are determined by soils, not just when you can see water in an area.

Mr. Dill voiced concern about polluting the water in the stream. Mr. Rauccio stated the waterway is a significant distance away. Mr. Goff stated he had not seen this site in a while, but if there is a solid pile of manure, it would have a much higher potential. If there is brush, etc., it would act as somewhat of a buffer, which would delay the material from getting to the water. Mr. Dill suggested some type of barrier, such as hay bales, etc. Mr. Goff believed this would be a very good idea. Ms. Augustiny agreed.

Ms. Odell asked if the easement area was overseen by the P&Z area, and if the IWWC would have to make recommendations to the P&Z. Mr. Ventres stated he would have to bring this to P&Z, and it would come as a recommendation from the IWWC.

Motion by Ms. Augustiny to send a letter to P&Z regarding 1 Taylor Lane, that the remaining amount of manure that is within the conservation area be left alone, but surrounded by hay bales for erosion control into the wetlands and upland review area. Motion seconded by Mr. Goff, and carried by unanimous vote.

The applicants thanked the Commission for their assistance.

7. IWWC Enforcement Officer's Report (continued):

Responsive to inquiry by Mr. Scott MacKinnon, Mr. Ventres explained that pins are used for corners and changes in angles. For wetland areas, only flags are used.

Mr. Ventres stated there are many legislative bills out there this year. He stated for subdivisions, there is a bill for no public hearing. For IWWC, many would be handled within the land use office. Mr. Ventres stated that the public often gives valuable input regarding applications, interveners and abutters need to have an opportunity to comment. He voiced concern with many aspects of this.

Mr. Gelston asked what bill number this is, and who is sponsoring it. Mr. Ventres stated he would forward this information to Mr. Gelston tomorrow.

Another proposed Bill is regarding bonding. This proposed Bill would not require a bond until a Certificate of Occupancy is obtained. This could be problematic if someone never gets a C.O. There could be issues with incomplete roads, etc. The proposal would only allow the commission to bond the cost of the project plus 10%. Again, Mr. Gelston asked for this information. Mr. Ventres will also send this information to Mr. Gelston.

Another proposed Bill was to mandate all commissions to state on the record at the beginning of a public hearing which members have current training requirements. Other bills include those regarding stand pipes, authorization for notification by email, but if there is no response within 5 days, hard copies needed to be sent.

Mr. Ventres distributed copies of The Habitat newsletter, and copies of comparisons between towns for conservation subdivision development. A brief discussion ensued.

Mr. Gelston asked if any of these bills had gone to a public hearing. Mr. Ventres responded that one went to a hearing on a Wednesday morning, with not a lot of notice. Mr. Gelston stated if no one speaks up, this will become law. Mr. Ventres stated he notified Linda Orange and Eileen Daly that if this becomes law, then next year, everyone will propose that everything goes to public hearings. It was noted that this would create more court cases.

Mr. Dill recalled that Ms. Augustiny inquired about the Pagoda at the last meeting. Mr. Ventres stated he has left messages for Mr. Harris. In addition, he left a message for Shepardsfield for plantings. Ms. Augustiny asked about Shagbark. Mr. Ventres stated he brought it up, but he would follow up on this again

tomorrow.

Mr. Dill stated the Commission always wrestles with getting information on a document so that the next owner has the information they would need. He stated the last review only had a CL&P easement language. Mr. Ventres stated the conservation easement language was actually there, but it should have been listed first on the list.

Mr. Ventres informed the Commission that he was out to a recent subdivision on Taylor Lane. There has been some confusion about the rain gardens. The contractors have been following the contour lines on the plans, but instead of being 2-foot contours, they are only supposed to be 4-inches deep.

Mr. Gelston stated Mr. Dill raised a good point, when he noted that people coming into town have no idea what a level spreader is, etc. He suggested that a simple pamphlet be given to an attorney handling a house sale, or mailed to a new homeowner. He stated the first reaction of many people will be to fill in the area. He believed this was an educational issue. He stated the two people on Taylor Lane were never notified of these issues. Mr. Ventres stated he would check with NEMO to see if there are any write-ups, etc. they could use. Mr. Gelston voiced concern that this would create more court cases.

Ms. Augustiny noted that in the conservation easement language, agricultural pursuits are noted. She stated that having a horse is agriculture. She stated if the language does not specify whether or not animals or livestock are allowed. Mr. Ventres stated he could check with Attorney Branse on this issue. Ms. Augustiny believed there should be more clarity in the language. She stated that people come to town, and buy 3 or 4 acres and they think they can have a few animals. She asked about grazing, etc. Mr. Dill noted this was a concern for having standard language, and not treating each parcel separately.

END OF TAPE

Ms. Augustiny stated this language should be tightened up by P&Z if they are going to allow conservation easements. Mr. Dill voiced concern about steep slopes, and water, etc. He stated if a property owner has too many animals and the vegetation is denuded, it could create erosion issues.

10. ADJOURNMENT

Motion by Mr. Goff, seconded by Ms. Augustiny to adjourn at 9:11 p.m., and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina