

INLAND WETLANDS AND WATERCOURSES COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
July 16, 2013
(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: Randolph Dill, Mary Augustiny, Jennifer Burton-Reeve, Daniel Jahne,

COMMISSIONERS ABSENT: Bryan Goff, Susan O'Dell

OTHERS PRESENT: James Ventres, Attorney Eric Knapp, Emmett Lyman, and approximately 8 members of the public were present.

3. MINUTES:

Motion by Ms. Augustiny, seconded by Ms. Burton-Reeve to approve the minutes of the June 18, 2013 regular meeting with the following amendment:

- **Page 6, Item 8, last sentence: Add "Mr. Dill" after "Ms. Augustiny".**

Motion carried by unanimous vote.

4. BILLS

Connecticut One Media (formerly Hartford Courant)	\$110.28
NL Jacobson (2 Porges Road)	121.30

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

5. FIELD WALK REPORT

It was noted that Mr. Dill, Ms. Augustiny, Ms. Burton-Reeve, and Mr. Ventres attended the walk for Clark Gates LLC on July 10, 2013. Also on July 10, Mr. Dill, Ms. Augustiny, Ms. Burton-Reeve, Mr. Ventres, and Mr. Jahne walked the East Haddam stream crossing site.

6. WETLANDS PERMIT REVIEW

A) Continued: Carolyn Bowen, 102 Newberry Road, construction of garage and dock with ramp. Assessor's Map 50, Lot 33.

First date: May 21, 2013

Last date: July 24, 2013

Mr. Ventres announced that Ms. Bowen cannot attend tonight's meeting; therefore, he recommended the commission move this discussion to the end of tonight's meeting.

Motion by Ms. Augustiny, seconded by Mr. Jahne to move this discussion to be heard after Item F this evening. Motion carried by unanimous vote.

B) Continued: Harvey and Darcey Farr, 2 Porges Road, single family home review. Assessor's Map 26, Lot 47.

First date: May 21, 2013

Last date: July 24, 2013

Mr. Chris Bell, P.E. stated at last month's meeting, the commission requested delineation of the clearing, which is now shown on the plan. The second was to design a system for rainwater for the group system if the addition is built. The third was to darken the boundary line. The fourth was to add the alternative to use hay bales for erosion control, along with the standard detail for that.

Responsive to inquiry by Ms. Augustiny and Mr. Dill, Mr. Bell stated there would not have to be further clearing for the infiltrators.

Mr. Ventres read into the record an email dated 7/15 from Don Mitchell of Chatham Health District, in which Mr. Mitchell stated that he has stamped the plans submitted for this project as an approval.

Ms. Augustiny questioned if this application would have to come before the commission if they decide to build the addition. Mr. Ventres explained that if they come in for this footprint, it would go from Mr. Ventres' office to Planning & Zoning, the building department, etc. He suggested that if she chose to, Ms. Augustiny could condition an approval that any changes must come back before the commission.

Motion by Ms. Augustiny to approve the application for Harvey and Darcey Farr, 2 Porges Road, single family home review, per the plans dated June 27, 2013, with the conditions that if there is any change to the plan in the size of the house or in the limits of clearing, that it must come back for review by this Commission. Motion seconded by Ms. Burton-Reeve, and carried by unanimous vote.

C) Continued: Clark Gates, LLC, property on corner of Warner and A.P. Gates Roads, construction of single family home with activity in the upland review area. Assessor's Map 31, Lot 37.

First date: June 18, 2013

Last date: August 21, 2013

Mr. Robert Casner addressed the commission and presented the plan to the commission. Mr. Casner had a soil scientist review the property, as suggested by the commission. Mr. Casner stated the soil scientist found some potential sites where there could be vernal pools. These areas are within the

wetlands, so they would be away from the building sites and building activities. He increased the protection of this area by increasing the size of the conservation easement. Now, basically all of the wetlands, or 1.8 acres, are within the easement area.

Mr. Casner indicated this is a 2.86 acre site. The conservation area will be 1.8 acres. Conservation tags will be put along the wetlands and the 75-foot setback line. This will show future owners that this area is protected. The consultant did not believe they would have any impact to the wetlands as long as they did not get closer to the setback.

Mr. Casner stated there is drainage from the Town road going onto his property. Along A.P. Gates Road, he is now showing an easement on the plan so that the Town can legally drain there. He believed he had taken proper measures to ensure the protection of the wetlands, and also to develop this property. He is now requesting approval from the commission.

Mr. Dill inquired about the "potential" vernal pools. Mr. Casner stated when they went out, there was nothing in them. Mr. Ventres stated he went to the site today with the Town's consultant, Ms. Penni Sharp. He noted that the wetland flagging is not complete on the map. There is a section from the stone wall, just past the septic system, where the flagging fades out. This entire wetlands should be flagged. She also requested the wetlands be re-investigated and flagged in the field. Mr. Ventres noted that Ms. Sharp indicated the vernal pools have defined areas, and the vernal pools must be identified on the plans. In addition, there is an assessment that needs to be done, which cannot be done at this time of year. She recommended a field assessment. There was a previous assessment done for the Kennedy Farm subdivision, but only one vernal pool was identified. It was discussed that there may be a few vernal pools that should be evaluated. The fees cannot be calculated until the wetlands are flagged.

Ms. Augustiny asked if Mr. Ventres had the history of this parcel. Mr. Ventres stated that discussion was better suited for Planning & Zoning. Mr. Ventres stated that this area had been designated as open space, although it does not appear that this parcel was deeded to the Town.

Attorney Scott Jezek stated he also did a title search. He found no condition in his records search that this area was designated as open space. He stated the Town made no claim of interest in this parcel, and that Mr. Casner had purchased this parcel from the Town at a tax sale.

Attorney Jezek believed that any deficiencies on the property could be addressed through conditions of approval, addressed through waivers, etc. Attorney Jezek stated he respected Ms. Sharp's recommendations, but he did not believe it was necessary to delay this project for a year. He asked the Commission to approve this application.

Mr. Dill appreciated Attorney Jezek's comments, but he noted that most of the issues dealt with Planning & Zoning, and that discussion should occur before Planning & Zoning. He stated this commission could only deal with wetland issues. He stated he did not know what they were dealing with right now, and the setbacks would be different around vernal pools, etc. He suggested there would still be time at the next meeting. Mr. Ventres suggested if the commission believed there was a potential for adverse impacts, the time for scheduling a public hearing would be now.

Attorney Knapp suggested the commission could deny the application without prejudice as incomplete, and then have a discussion about waiving fees, etc. He stated ultimately, it is the applicant's burden to provide the commission with a complete application, which they have not done yet.

Ms. Augustiny stated any vernal pools are mostly dry this time of year. She suspected most of the activity would be found in the spring. She preferred to see the pools marked and the application come back in the Spring after evaluation.

Mr. Jahne asked about fill. Mr. Casner will add the fill to the plan.

Mr. Casner believed they could add the flagging for the next meeting. He believed it was very clear where the sites are, and he could have his soil scientist mark the areas. The commission would then have a judgment call to make. He believed his activity was away from the locations. He stated he could have his soil scientist do further investigation, but he did not believe it was reasonable to hold up the application for a year when he was offering protection for the area.

Mr. Dill responded that unfortunately, Spring is when the evaluations are done. Attorney Jezek asked if they determine if the vernal pools are significant, what difference that would make. Mr. Dill stated they would like to ask their expert consultant what the potential impacts could be. Attorney Jezek stated his client would like the opportunity to make the changes and bring them next month at the August 20, 2013 meeting.

Mr. Ventres stated that the vernal pools exist, and Spring is when they are evaluated. He believed that having a consultant go out at the end of June, it would not be accurate. Mr. Dill asked when Mr. Casner's soil scientist went to the site. Mr. Ventres stated they went on June 18, 2013.

Motion by Ms. Augustiny to deny the application without prejudice for Clark Gates, LLC, property on corner of Warner and A.P. Gates Roads, construction of single family home with activity in the upland review area due to the incompleteness of the application for the fact that the vernal pools known to be on the property have not been identified or evaluated. Motion seconded by Mr. Jahne, and carried by unanimous vote.

Attorney Knapp excused himself from the meeting at this time.

**D) Continued: Town of East Haddam, Haywardville Road and Eightmile River stream crossing, repair of existing twin arch pipe road culverts.
First date: June 18, 2013 Last date: August 21, 2013**

Mr. Roger Nemergut, P.E. addressed the Commission. He presented a revised plan, based on comments from the Eightmile River Wild and Scenic Watershed comments. The plan was changed to turn the silt fence back toward the pipe installation, to eliminate the possibility of disturbance.

Mr. Jahne asked how the flow could be shut off. Mr. Nemergut explained that they would use sandbags, so it would be similar to a temporary coffer dam. They would dry up one pipe, slip the liner in, and then add a cement grout on each end, and then drill some holes in the road, and pour cement grout into the holes.

TAPE CHANGE (1B)

Mr. Dill asked how much material would have to be cut. They discussed the Salem Road project. Mr. Nemergut did not see the Salem Road project during installation, but he stated there would be no blasting, etc. Mr. Nemergut noted that the cement would be cement grout, without the aggregate of regular cement. He stated it did not need structural strength. Mr. Jahne asked if the strength comes from filling the void between the pipe and the earth, to which Mr. Nemergut responded affirmatively.

The commission reviewed the Eightmile River Wild & Scenic Watershed letter dated July 15, 2013. Mr. Nemergut reviewed the letter and the two suggestions: 1) To modify the erosion control shown across the watercourse to show controls at the base of any disturbed area; and 2) Any re-installed stones for channel erosion should be set in a manner that continues to provide fish passage. A brief discussion ensued regarding the need to spread out any stones that were dumped there, so as not to block the fish passage.

Ms. Augustiny asked about trees and/or stumps. She recommended that the stumps be left intact.

Motion by Ms. Burton-Reeve to approve the application of the Town of East Haddam, with the plans revised 7/16/13, with the condition that if any trees are cut, the root system is left to hold the bank. Motion seconded by Mr. Jahne. Motion carried by unanimous vote.

Ms. Burton-Reeve asked when this work would be done. Mr. Nemergut stated it would be done after they have the Army Corps and DEEP approvals.

Mr. Jahne asked what the life expectancy of the sleeves is, to which Mr. Nemergut estimated approximately 50 years.

E) New: Town of East Haddam, stormwater drainage improvements, Cherry Swamp Road, properties of Dubiel and Shorthouse.

First date: July 16, 2013

Last date: September 18, 2013

No one representing the town was present at this meeting.

Mr. Ventres stated this stems from an agreement in Court. The work basically entails armoring the ends of two pipes, adding easements, an annual maintenance plan, etc.

Motion by Ms. Burton-Reeve, seconded by Mr. Jahne to continue this application, and to schedule a field walk. Motion carried by unanimous vote.

F) New: Fred Dauser, 19 West Cove Road, installation of inground pool and patio in the upland review area. Assessor's Map 75, Lot 160.

First date: July 16, 2014

Last date: September 18, 2013

No one representing the applicant was present at this meeting. The commission noted they needed to walk this property.

Motion by Mr. Jahne, seconded by Ms. Burton-Reeve to continue until the next regularly scheduled meeting the application of Fred Dauser, 19 West Cove Road, and to schedule a field walk. Motion carried by unanimous vote.

A) Continued discussion: Carolyn Bowen, 102 Newberry Road, construction of garage and dock with ramp. Assessor's Map 50, Lot 33.

No one representing the applicant was present at this meeting. Mr. Ventres distributed small sketches of the proposed plan for a two-car garage. The plans have been revised to 26' x 28' based on the applicant's contractor's requirement for proper blocking, etc.

In addition, there is a proposal for a walkway to the dock.

Mr. Dill asked how they would deal with the rain and runoff. Mr. Ventres recommended that she add a splash pad so the water will dissipate over the entire 28 feet. Mr. Dill stated it would be better to have a longer flow, as the runoff would heat quickly.

Ms. Augustiny asked about the dock. Mr. Ventres showed the area on the plan. Mr. Dill stated the commission should consider a condition that the dock should remain a floating dock. Mr. Ventres stated there would be an 8' x 8' dock, plus a 3' x 12' ramp, which would be anchored to the shore.

Motion by Ms. Augustiny to approve the application of Carolyn Bowen, 102 Newberry Road, construction of garage and dock with ramp, based on plans dated July 16, 2013 by the commission, with the following conditions:

- The garage drip line on the side of the pond shall have a crushed stone pad
- The dock shall be an 8' x 8' floating dock, connected by a 3' x 12' ramp anchored to the shore
- Photos shall be taken after the work is done and submitted to the Land Use Office.

Motion seconded by Ms. Burton-Reeve, and carried by unanimous vote.

8. IWWC REPORT:

Mr. Ventres stated there is an individual who wants to use an herbicide for a small section of Moodus Reservoir. The chemical is related to RoundUp. The application went to the DEEP. This is really under the jurisdiction of the State of Connecticut. This is a property across from the Town beach. The homeowner has hired a professional to apply the chemical, if approval is given. This chemical would be broadcast sprayed over the water where the plants are growing up out of the water.

Mr. Ventres received a call today from someone reporting that there was a backhoe on Mr. Casner's Warner Road property. Mr. Ventres went to the property, and discovered that Chatham Health District requested additional test pitting.

Ms. Augustiny asked about the backhoe in the water from the last meeting. Mr. Ventres reported that this was from a tree that came down in the storm.

9. CONSERVATION COMMISSION INPUT

No one from the Conservation Commission was present to report.

10. ADJOURNMENT

Motion by Ms. Augustiny, seconded by Ms. Burton-Reeve to adjourn at 8:50 p.m. Motion carried by unanimous vote.

Respectfully submitted,

Holly Pattavina