

**INLAND WETLANDS AND WATERCOURSES COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
November 19, 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: Mary Augustiny, Bryan Goff, Daniel Jahne

COMMISSIONERS ABSENT: Jennifer Burton-Reeve, Susan O'Dell

OTHERS PRESENT: James Ventres, Emmett Lyman, and approximately 3 members of the public were present.

3. MINUTES:

Motion by Mr. Goff, seconded by Mr. Jahne, and carried by unanimous vote to approve the minutes of the October 15, 2013 meeting as presented.

4. BILLS

| | |
|----------------------------------------------|----------|
| Hartford Courant (CT1 Media) (legal notices) | \$100.25 |
|----------------------------------------------|----------|

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

5. FIELD WALK REPORT

A field walk was conducted prior to this meeting. For the Bernstein and Widger site walks, Mr. Dill, Mr. Ventres, Ms. Augustiny, Ms. Burton-Reeve, and Mr. Jahne attended. At the Tencza, DePasquale, and Bizier sites, Mr. Ventres, Ms. Augustiny, Ms. Burton-Reeve, and Mr. Jahne were in attendance.

6. WETLANDS PERMIT REVIEW

A) Continued: Myron Bernstein, Lot 2 East Haddam Industrial Park, proposed driveway and storm drainage construction in the upland review area. Assessor's Map 27, Lot 63.

First date: October 15, 2013

Last date: December 18, 2013

Mr. Roger Nemergut addressed the commission and submitted revised plans. This proposal is for Lot 2, part of a subdivision approved in the late 1980's. Their proposal is to create a curb cut and driveway off Route 82. The lot has a 25-foot access off Commerce Drive. They are proposing an access off Route 82, due to feedback the property owner has received over the years.

Mr. Nemergut stated there are two pocket wetlands. The proposed activity does come close to the wetland areas. They have revised the plan to change the grading. Where the activity comes closest to the wetland, they are right at grade now.

Mr. Nemergut stated the original proposal was to pipe drainage from the south side to Route 82. They have now eliminated that basin, and proposed a cross culvert to go under the driveway and continue to the north wetland. This change will more closely imitate the natural flow. They propose a level spreader at the base of the outlet.

Mr. Dill asked about the wetland to the south. He noted during the field walk that there was no standing water. In fact, there is only a cut in the land to flow. Mr. Dill noted that one advantage to the new design is that the flow will now go over land. Mr. Dill did not believe there would be any real flow. Mr. Nemergut stated they will spread the flow. In a heavy rain when the south wetland overflows, it will go to the culvert. Mr. Nemergut stated the new design replicates more closely the flow that is there now. He believed they could maintain approximately 100-feet of overland flow before it gets to the brook.

Ms. Augustiny asked about the driveway being lower. Mr. Nemergut stated they did discuss this during the field walk, and they have to grade to be level. Responsive to inquiry by Ms. Augustiny, Mr. Nemergut stated there would be curbing. Ms. Augustiny recommended Cape Cod curbing to minimize impeding the amphibian crossing.

Mr. Dill asked if there is a pending transaction. Mr. Nemergut stated they are in negotiations with Middlesex Hospital, but it is not definite.

Mr. Nemergut stated one additional benefit would be the sight line because they will have to cut the bank back for the DOT.

Mr. Goff asked if the curbing was on the original plan. Mr. Nemergut believed it was on the original plan as well. He stated it was his understanding that they were not required to add the curbing. Mr. Ventres stated there would not be a requirement for the curbs. Mr. Nemergut stated they would be open to eliminating the curbing, at least in the areas where they are at grade. Mr. Goff stated this would minimize the issues with the wetland crossing. A brief discussion ensued. Mr. Nemergut stated they would be able to eliminate the paved leak-offs. Mr. Dill stated without the curbs, if this area is heavily sanded, it may impact the wetlands. Mr. Goff agreed that this could also impact Succor Brook. He recommended they curb the entire area, and use the Cape Cod curbing, as Ms. Augustiny suggested.

Mr. Jahne asked what would be done with the material removed from the bank cutting for the sight line. Mr. Nemergut indicated it would be taken off site.

Ms. Augustiny asked if there was any intention of the building or parking area to be within the regulated area. Mr. Nemergut stated they did not know what the final site plan would look like. He stated the owner was currently discussing a 5,000 square foot building, which would not be too big. If they got the permit for the driveway, any extension would be outside the review zone. Mr. Ventres stated if they wanted to seek a permit, they would have to come back before the commission. Mr. Ventres stated he met with Mr. Bernstein and the proposed buyer, and they understood that it would be a permitted activity. Mr. Ventres stated when the site is constructed; they will have to go for a special exception review.

Motion by Ms. Augustiny to approve the application of Myron Bernstein, Lot 2 East Haddam Industrial Park, proposed driveway and storm drainage construction in the upland review area, with the conditions that the driveway either have no curbs, or where curbing is necessary that Cape Cod style curbing shall be used, work shall be done per the plans dated 11/19/13, and the soil from the bank cuts be removed off site. Motion seconded by Mr. Goff, and carried by unanimous vote.

**B) Continued: Michael Widger, 68 Laurel Cove Road, demolition and reconstruction of single family residence, with activity in the upland review area. Assessor's Map 48, Lot 43.
First date: October 15, 2013 Last date: December 18, 2013**

Mr. Roger Nemergut addressed the commission, and submitted revised plans to the commission. This property is 0.68 acre lot with an existing year-round house on it. This lot fronts on Bashan Lake to the East. He oriented the lot. There is an existing two-bedroom house. The proposal would be to tear down the old house, and build a new two-bedroom house and a garage. The new house would not be any closer to the lake than the old house. There will be a cantilevered porch on the second floor.

Mr. Nemergut proposed a new well to the back corner. The existing well is in the front of the house, as well as the existing septic system. They plan to abandon the septic system and remove it from the site. To replace the septic system, they would add a new septic system to the western part of the property on the road side. The new septic system would be approximately 150 feet from the lake. The existing system is approximately 50-feet from the lake. This change will require pumping, but that is the best for this site.

Mr. Nemergut stated there is an area of 10% approximate slope, in which there are currently some erosion issues. They propose plantings in this area. The planting list is shown on the plan, which includes native species, including hazelnut, mountain laurel, high bush blueberry, etc.

Mr. Dill asked if the number of bathrooms would change. Mr. Nemergut did not know the answer to that, but he stated the number of bedrooms would not change, which determines the flows, etc.

Mr. Jahne asked if there were any concerns about hitting ledge in the back for the roof runoff in the back. Mr. Nemergut stated they had not done test holes in the back. He stated if they did hit ledge, they will have to come up with something different. Mr. Ventres stated they might be able to do a rain garden, etc. Mr. Nemergut stated they had done some test holes, none of which were less than 2-feet to groundwater. He stated they could move them around a bit if necessary.

Mr. Jahne asked if there would be a leach field. Mr. Ventres stated it could be a tank with a dry well. Mr. Nemergut stated they would look for a pipe when they dig up the tank.

Motion by Ms. Augustiny to approve the application of Michael Widger, 68 Laurel Cove Road, demolition and reconstruction of single family residence with activity in the upland review area, with the following conditions:

- Work shall be done as stated in the plans dated 11/19/13
- The lake side construction will be no closer to the lake than the current house
- That the deck is a 2nd floor, cantilevered, open deck, and will remain an open deck.

Motion seconded by Mr. Goff, and carried by unanimous vote.

E) Felicia Tencza and Randall Miller, 22 Forest Way, repair of existing retaining wall. Assessor's Map 80, Lot 333.

First date: October 15, 2013

Last date: December 18, 2013

No one representing the applicant was present at this meeting. Mr. Ventres distributed an email from the applicants.

Mr. Ventres stated the dock was on the previous site plan that the Commission revised. He also had told them they needed a side view of the reconstructed wall. The plan is to rebuild the wall in place. Mr. Ventres noted that due to the amount of geese feces detected during the walk, the current plantings were insufficient to hold back the geese.

Ms. Augustiny noted that the existing wall is basically a rubble wall. They want to basically make a dry, structured wall, similar to the one on the other side, but not as high. Ms. Augustiny suggested a bit of work to the front piece to help keep the geese off this area. The owners looked at the Second Beach area, and they plan to mimic this look.

Mr. Dill inquired as to the length of the wall. It was noted that the wall will be two parts of this, one at 70-feet and 18-inches high. The other side will be 35-feet, and 24-inches high.

Mr. Ventres suggested this planting is thin on shrubs and heavier on the flowers. He suggested more shrubs.

Motion by Ms. Augustiny to approve the application of Felicia Tencza and Randall Miller, 22 Forest Way, repair of existing retaining wall, with the following conditions:

- Work shall be done according to the submitted plans dated 11/19/13, modified as to the width and structure of the plantings along the wall, and that the applicant work with the Wetlands Enforcement Officer to specify which would be best, and to include more shrubs.

Motion seconded by Mr. Goff, and carried by unanimous vote.

D) New: George DePasquale, 5 Three Bridges Road, clean existing pond for agricultural use and fire protection. Removal of invasive vines and plants along stream to create an access point for animal watering. Assessor's Map 15, Lot 11.

First date: November 19, 2013

Last date: January 22, 2013

No one representing the applicant was present at this meeting. Mr. Goff asked if the agricultural use was a permitted use. Mr. Ventres presented a GIS map. He believed it would be better to bring this before the commission rather than having someone drive by and see an excavator.

Mr. Ventres stated they would like to clean out the cattails from the pond. The owner also wants to add a track pad for his horses. Mr. Ventres put together a sequence of construction. He reviewed this list. Mr. Ventres stated there is a great deal of bittersweet and multiflora rose. He stated this area has one of the highest populations of brook trout in town.

Ms. Augustiny asked if they would need a barrier. Mr. Ventres suggested hay bales. Mr. Ventres stated this would be a one-day project, and the hay bales would be just to direct the flow during the excavation. He stated there would be some fish loss during the excavation, but Mr. Ventres would be more concerned about the large concentration below this area.

Ms. Augustiny asked if there would be any plantings along the bank. Mr. Ventres stated if the property owner kept pruning the invasive species, the alders should come back.

Mr. Dill stated he was not able to attend the site walk, but he did drive by today. He agreed that this would come under the farm provisions of the wetland law. He asked if Pat Young knew about this project, to which Mr. Ventres stated they did not. Mr. Dill believed Mr. David Bingham would have some issues with this. Mr. Ventres has informed the property owner to keep this area shaded, to keep the brook cold. Mr. Ventres stated he could speak with Pat Young.

Motion by Ms. Augustiny to make a declaratory ruling that the application of George DePasquale, 5 Three Bridges Road is an allowable activity, to add a pad for watering horses at the west side of the pond, and to excavate material that has accumulated over time, that it is an as of right use for agriculture, but that the applicant shall meet with the Land Use office to discuss methods to minimize impacts, and Mr. Ventres shall meet with the Eightmile River committee representative to discuss the project.. Motion seconded by Mr. Goff, and carried by unanimous vote.

E) New: Steve and Fran Bizier, 305 Lake Shore Drive, construction of patio in the upland review area. Assessor's Map 87, Lot 114.

First date: November 19, 2013

Last date: January 22, 2013

No one representing the applicants was present at this meeting. The commission noted that a site walk was held last Sunday. The applicant is going to slightly revise the plan due to suggestions made at the site walk, and will submit the plan to the commission before the December meeting. The applicant also planned to add a dock to the plan.

Motion by Mr. Dill to continue the application of Steve and Fran Bizier to the next regularly scheduled meeting. Motion seconded by Mr. Jahne, and carried by unanimous vote.

F) New application: Charles Farrow, 1 Cold Spring Road, review of proposal to remove sediment from an agricultural pond. Assessor's Map 10, Lot 29.

Mr. Charles Farrow and Mr. Jim Curtin addressed the commission.

Mr. Farrow stated for the past three years, they have supplied a great deal of garden produce to the local farmer's market. They are planting approximately one acre of land now for vegetables, and it is no longer feasible to continue watering this area from their house well.

Mr. Farrow stated that many factors have decreased the depth of the pond, and they would like to excavate the pond.

Responsive to inquiry by Mr. Dill, Mr. Farrow estimated this pond is approximately 2/3 acre. Mr. Dill asked if they would come close to the DEEP requirements for a diversion permit. Mr. Farrow stated they had solar power pump, and a 5/8-inch hose.

There was some discussion about flow into the pond. Mr. Ventres stated the Berlin Fish and Game Club did apply to the DEEP for a diversion permit in order to fix the dam. Now that it doesn't leak there is not much flow at this point. Mr. Curtin stated he could pump the pond down before the excavation, or he could employ special techniques using the bucket with the water in the pond. He would excavate until he got to the original soil. They were not looking to make this pond any deeper than it was originally.

Ms. Augustiny asked what feeds into this pond. Mr. Ventres stated that portions of Petticoat Lane feeds down, as well as the Fish and Game Club.

Mr. Goff asked if this also fell under agriculture use. Mr. Dill suggested the commission should at least walk this site. Ms. Augustiny suggested adding a buffer for geese. Mr. Farrow stated they are flying into the pond, not walking there.

Mr. Dill asked when they planned on doing the work. Mr. Curtin stated he would like to do the work as soon as possible, since the weather has been so dry.

Motion by Mr. Dill to schedule a field walk and special meeting. Motion seconded by Mr. Goff, and carried by unanimous vote.

Ms. Augustiny suggested since this would be a declaratory ruling, as long as they had at least three members, they could set the field walk up as a special meeting, and rule on the issue in the field. Mr. Dill asked if there would be a problem with someone else doing the farming. Both Mr. Ventres and Ms. Augustiny noted that this was allowed.

8. IWWC REPORT:

The commission discussed I-Park. Mr. Ventres explained to the owners of I-Park that they are considered a single-family home. The owners discussed with Mr. Ventres about filing a grant, and Mr. Ventres was unable to help them, as they are a single-family home. They have now decided that they would like to come before the Planning and Zoning Commission, as well as the IWWC with an application for an educational center.

Mr. Ventres has not yet had an opportunity to review Colchester's proposed regulation changes.

Mr. Ventres informed the commission that Shagbark has approached the EDC and First Selectman Walter. Mr. Ventres pulled the approvals from the past for Shagbark. It was noted that Shagbark has not fully complied with the building approvals, the wetlands approvals, or the Planning and Zoning approvals. It was discussed that this commission could not, without an application to modify an existing approval, to change the existing approvals.

Mr. Dill noted that he had received a letter that there is new agricultural counsel. He had the letter if anyone was interested in reviewing it.

Mr. Ventres took a drive with Craig Mansfield and Scott MacKinnon to a vegetable processing plant in Massachusetts. Mr. Dill noted that is what they are talking about doing here, with the grant that was awarded.

Mr. Dill reviewed the meeting schedule for 2014.

Motion by Mr. Dill, seconded by Mr. Goff to approve the 2014 meeting schedule, and carried by unanimous vote.

Mr. Dill stated that according to their ordinance, the first January following municipal elections, this commission must elect officers.

The commission discussed a field walk for the pond December 1, at 9:00 a.m. This will be posted as a special meeting, so that the commission can take action on the application at this field walk.

9. CONSERVATION COMMISSION INPUT

No one from the Conservation Commission was present to comment this evening.

10. ADJOURNMENT

Motion by Mr. Dill, seconded by Mr. Goff to adjourn at 9:16 p.m. Motion carried by unanimous vote.

Respectfully submitted,
Holly Pattavina

u/z/IWWC/min/2013/11192013