

EAST HADDAM INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING MINUTES
January 19, 2010
(Not yet approved by the Commission)

1. CALL TO ORDER

The meeting was called to order at 7:30 p.m. at the Town Grange by Chairman Randolph Dill.

2. ATTENDANCE

Members Present: Randolph Dill – Chairman, Mary Augustiny, David Cassenti, Bryan Goff, Dan Jahne

Members Absent: None

Others: James Ventres and four people were present

3. MINUTES

Motion by Mr. Goff to approve the minutes of the December 15, 2009 regular meeting, with the following amendment:

- **Page 3, 1st paragraph, last sentence: Change “reasonable” to “feasible”**
- **Page 3, 8th paragraph, 4th sentence: Change “started” to “stated”**

Seconded by Mr. Jahne, and carried by unanimous vote.

4. BILLS

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
NL Jacobson & Associates (Lakeside Dr.– Oct through Nov)	71506	\$259.53
NL Jacobson & Associates (Lakeside Dr – Nov through Dec)	71704	1354.83
Hartford Courant (legal notices)	2741	100.25

Motion by Mr. Goff to pay the bills as presented, seconded by Ms. Augustiny, and carried by unanimous vote.

5. PERMITS

A) Continued: Joseph Piera, 22 Shore Drive (Moodus Reservoir), construction of carport in the upland review area. Assessor’s Map 66, Lot 177.

First date: October 20, 2009

Last date: December 23, 2009

No one representing the applicant was present at this meeting.

Ms. Augustiny asked if this was a re-submittal of the application, as it was previously denied without prejudice. Mr. Ventres responded that it was technically a re-submittal.

Responsive to inquiry by Ms. Augustiny, Mr. Ventres stated the applicant wanted a carport that is attached to the building. It would run along the side, and would be attached to the house. He noted that the applicant thought the fence would remain, but he would have to remove one tree. The applicant also wanted a concrete slab to drive upon. Ms. Augustiny noted that the slab would be located on the lake side.

Mr. Dill noted that typically when deck applications come before the Commission, they require that they must remain open. He believed a carport had the same potential for expansion of living space, and therefore wanted a condition that the carport would remain open. If that changed, the applicant would have to come back before the Commission for review.

Ms. Augustiny asked if there would be gutters, to which Mr. Ventres stated there would not. He noted that this area was very flat. Mr. Jahne asked if there would be any grading for the concrete slab. Mr. Ventres commented there would have to be a little bit of grading. Mr. Dill stated they could not put the concrete directly over the topsoil, so there would have to be some excavation.

Motion by Mr. Goff to approve the application for Joseph Piera, 22 Shore Drive (Moodus Reservoir), construction of carport in the upland review area, with the following conditions:

- **Work shall be done in accordance with the plans dated January 19, 2010.**
- **The carport shall remain open-walled.**
- **Any stockpiled material shall be removed from the site.**

Seconded by Mr. Jahne, and carried by unanimous vote.

B-1) Continued: Steve and Michele Wytas, 113 Lakeside Drive (Bashan Lake), and Steve Santoemma, 111 Lakeside Drive, construction of retaining walls and dock at shore edge, and repair and replacement of existing retaining walls up gradient of lake. Assessor's Map 58, Lot 71.
First date: October 20, 2009 **Last date: January 19, 2010**

B-2) Continued: Steve Santoemma, 111 Lakeside Drive, construction of carport in the upland review area. Assessor's Map 66, Lot 177.
First date: October 20, 2009 **Last date: January 19, 2010**

The above two items were addressed together.

Mr. Chris Bell, P.E. addressed the Commission on behalf of the applicants. He stated they had a revised plan, which called for a concrete block wall. He felt this would be less invasive than a reinforced concrete retaining wall.

Mr. Bell explained that the top elevation would be approximately the same as the existing stone wall. It would still be about 1-1/2 feet lower than the existing reinforced concrete wall that is there now. He reviewed the plan and commented that the disturbance area was approximately half of the previous proposal. Sand bags would be used to keep the water away from the work area during excavation. The work would be done while the water was still low. They planned to excavate 12-18 inches down, and to do short sections at a time. Once the wall was up, they would back fill the area with sand and filter fabric. When the lake fills back up, there would not be

any undermining. Mr. Bell stated they would grade a small flat section in back, and then go into a rock wall in the back, which would give the area a terraced effect.

Mr. Bell reviewed the planting plan. He proposed laurel or dogwood to hide the shed. Juniper or speckled alder would be used as a groundcover.

Mr. Bell discussed the shed. He stated if they actually went with a smaller shed, there was an existing concrete pad they could put it on. Mr. Goff asked if the existing shed was on the ground, to which Mr. Bell responded affirmatively. Mr. Goff believed putting the shed on the concrete pad would be a plus. Mr. Ventres stated this would have to be done with the caveat that the new shed would comply with zoning. Mr. Bell stated they had no decision yet on whether it would be a pre-fabricated shed. Ms. Augustiny asked the size of the proposed new shed. Mr. Bell did not know the size, but stated it would be smaller.

Ms. Augustiny asked what would be put where the existing shed sits. Mr. Bell believed they would likely mulch the area. Responsive to inquiry by Mr. Dill, Mr. Bell stated they were not opposed to any plantings. Mr. Dill stated it was important to note the size of the existing shed. Mr. Bell did not know the size of the shed. Mr. Goff noted that the pad was 12' x 8'.

Mr. Bell reviewed the January 14, 2010 NL Jacobson letter regarding the proposed dock. Ms. Augustiny asked if the cement dock would be removed and replaced with a 12' x 15' floating dock. Mr. Bell responded affirmatively. Mr. Ventres stated the dock was 10' x 30', and was proposed as a floating dock. Mr. Dill noted that if it was connected to the shore, it would be considered a dock. If it was floating, it was considered a raft. Mr. Dill suggested Mr. Bell talk to the DEP Department of Boating in Old Lyme.

Responsive to inquiry by Ms. Augustiny, Mr. Bell stated the existing dock is approximately 170 square feet. The proposal is approximately 300 square feet. Mr. Goff inquired as to the reason for the larger dock. Mr. Wytas stated it would be for easier access for his children, and to park a boat. Mr. Bell noted that the existing dock was actually approximately 250 square feet. Mr. Goff stated he did not have a problem with the proposed dock.

The Commission discussed lake volume, with the proposal for the larger dock. Mr. Bell reviewed the calculations, elevations, etc. Mr. Dill stated the volume would be less of a problem because it was closer to the shore. Ms. Augustiny asked if the height of the block wall would be the same as before. Mr. Bell stated it would be approximately the same, but would tie in at a slight angle to the existing wall.

Ms. Augustiny asked what would be done with the pathway used for the septic system. Mr. Bell stated they would have a gravel access going down, and it would revert back to a grass cover when the work was done. Ms. Augustiny stated she had noticed a lot of dirt in that area. Mr. Bell stated it would be filled back in. Mr. Davis stated they would use a temporary plunge pool in case of any problems.

Mr. Jahne asked if there would be stone where the deck is located. Mr. Bell stated there would be stone. Mr. Davis explained there would be a temporary wall where the grass, etc. is located. Mr. Bell stated they would use a silt fence, plus a water stop. He believed it should be fairly easy. They may not do the whole wall, but they wanted the opportunity in case they needed to.

Mr. Dill recalled at the last meeting, there had been discussion about concrete versus concrete blocks. Mr. Cassenti had asked about longevity. The Commission asked Mr. Curtis to comment on this, and Mr. Dill read into the record Mr. Curtis's response. Mr. Dill stated that basically, Mr. Curtis believed this wall would last for

a long time, if certain measures are taken. Mr. Bell stated he would like to dress up the wall a bit, with flagstones, a mortar top, and a small, pressure-treated, wooden curb on the top front and down to the water level. It would move with the wall. He stated it would basically be a wooden façade. He noted that Mr. Curtis did not have a problem with this.

The Commission reviewed the fees for this application. Mr. Ventres stated this application came with only the base fee. The outstanding fee was \$1,614.36. Mr. Bell believed this was reasonable. Mr. Dill stated as long as it was within the Commission's fee structure and would cover the Commission's costs, he was amenable to charging less than the full amount.

Mr. Dill commented that the changes were good ones, and that the applicant would end up with a good structure.

Motion by Ms. Augustiny to approve the application for Steve and Michele Wytas, 113 Lakeside Drive (Bashan Lake), and Steve Santoemma, 111 Lakeside Drive, construction of retaining walls at shore edge and repair and replacement of existing retaining walls up gradient of lake, with the following conditions:

- **A 12'x15' floating wooden dock at 113 Lakeside Drive**
- **A 10'x30' floating wooden dock on the property of 111 Lakeside Drive**
- **Work shall be done in accordance with the plans submitted January 7, 2010.**
- **The existing shed on the property of 111 Lakeside Drive to be removed and replaced with a new shed on the existing concrete pad, as shown on the plan.**
- **The size of the new shed is not to exceed 12'x8'.**
- **Appropriate plantings to be placed around the new shed and plantings shall be placed where the old shed was.**
- **The fee schedule shall include all costs incurred for this application, including copying, etc.**
- **A pre-construction field review to be done with the IWWC Enforcement Officer.**
- **Upon completion, photographs shall be submitted to the IWWC Enforcement Officer for the file.**
- **The docks shall be attached to the shore.**

Seconded by Mr. Goff and carried by unanimous vote.

C) New: Shawn Greenlaw, 58 Dogwood Road (Moodus Reservoir), construction of garage and addition in the upland review area. Assessor's Map 76, Lot 40.

First date: January 19, 2010

Last date: March 25, 2010

No one representing the applicant was present at this meeting. Mr. Ventres distributed copies of the application to the Commission. He suggested a field walk be scheduled. He noted that due to the extensive amount of proposed work, the P&Z Commission would require a full site plan. He stated he would talk with the owner.

Ms. Augustiny asked if the owner could stake out the four corners. Mr. Ventres stated he could, but the proposal was more than double the size of the current structure. Ms. Augustiny asked that the four corners be staked before the site walk. Mr. Ventres noted that this was a year-round use, with stipulations, so he would pull the minutes from the 1982 approval.

Motion by Mr. Dill to schedule a field walk and to continue the application for Shawn Greenlaw, 58 Dogwood Road (Moodus Reservoir), construction of garage and addition in the upland review area. Seconded by Mr. Goff, and carried by unanimous vote.

D) New: John Dannecker, 142A Smith Road, construction of dock on Bashan Lake. Assessor's Map 48, Lot 20.

First date: January 19, 2010

Last date: March 25, 2010

Mr. Dannecker addressed the Commission. Mr. Ventres noted that this was the first time on the agenda. Mr. Dannecker explained that he would like a small dock, 3' x 20'. He would like to do this with as little disturbance as possible, since this is one of the few places on the lake that still has laurel. He stated the dock would be put in the water in the summer, and removed in the winter. It would be pressure-treated wood, with 4x4 posts.

Mr. Dill asked if there was a dock there now, to which Mr. Dannecker stated there was not. Mr. Dill asked what the depth of the water was at 20-feet. Mr. Dannecker stated it was approximately chest deep.

Motion by Mr. Dill to schedule a field walk, and to continue the application for John Dannecker, 142A Smith Road, construction of dock on Bashan Lake. Assessor's Map 48, Lot 20. Seconded by Mr. Jahne, and carried by unanimous vote.

E) New: Rodney Davis II, applicant, Harry Kennedy, property owner, 107 Warner Road, proposed 25-lot subdivision with activity within the upland review area. Assessor's Map 41, Lot 3.

First date: January 19, 2010

Last date: March 25, 2010

Mr. Christopher Bell, P.E., addressed the Commission. He distributed a waiver request for the review fees, as he believed there would not be much review needed. He stated his plans tonight show how the lots would be laid out. He has received initial comments from Mr. Curtis of NL Jacobson & Associates. He would be installing some monitoring wells.

Mr. Bell stated he met with the deputy chief from the fire department regarding the fire pond. He believed he had addressed the chief's comments. Mr. Ventres informed the Commission that he did not believe the fire department was amenable to the plans. Mr. Bell stated he would meet with the fire department and try to make concessions before the next meeting.

Mr. Ventres informed the Commission that he attended a preliminary field walk on this site. He stated that Ms. Penelope Sharp had reservations about the fire pond being so close to the vernal pool. Mr. Curtis had concerns with the site line, and the fire department had concerns as well. Mr. Bell stated they would want to come to a resolution quickly on these issues.

Mr. Bell suggested they could do some testing, and there may be a problem with the water quantity. Mr. Ventres indicated that other applicants have put in fire tanks and don't have to worry about the hydrology. Mr. Bell stated he would look at the issues, and resolve them as quickly as possible.

Mr. Bell stated they did not have much other activity within the buffer area. Ms. Augustiny noted that she did not see the 100-foot upland review buffer area identified everywhere on the plan. It was noted that it was identified in the 4-step plan in the back of the plans.

Mr. Davis stated he met with the fire department, and they went over a couple of alternatives for the fire pond. Both Mr. Dill and Mr. Ventres stated tonight was not the night to debate this. Mr. Bell again stated he would try to resolve these issues before the public hearing.

Mr. Goff asked the applicant to summarize the wetlands impacts, outside of the fire pond. Mr. Bell replied that the entire subdivision drains along the road, and swales help cleanse the area. Approximately 90% of the subdivision has individual dry swales to catch pollutants. There are really no wetland impacts within the 400-foot review area. No curbing was planned on any part of the road. Ms. Augustiny asked if Lot 4 had some impact, to which Mr. Bell stated there was some impact in the buffer.

Mr. Jahne inquired how many lots were proposed at last year's informational meeting. Mr. Bell stated there were 30 proposed at that time, and that number has dropped to 24, plus the existing house.

Motion by Mr. Dill to schedule a public hearing on Thursday, February 25, 2010, 7:00 p.m., at the Town Grange, to hear Rodney Davis, II, applicant, Harry Kennedy, property owner, 107 Warner Road, proposed 25-lot subdivision with activity within the upland review area. Seconded by Mr. Jahne, and carried by unanimous vote.

Motion by Mr. Goff to schedule a field walk on February 14 for Rodney Davis, II, applicant, Harry Kennedy, property owner, 107 Warner Road, proposed 25-lot subdivision with activity within the upland review area. Seconded by Mr. Jahne, and carried by unanimous vote.

The Commission briefly discussed the request for fee waiver. The consensus of the Commission was that they would consider the possibility later, but they would not commit to it this evening.

6. SUBDIVISION REVIEW

A) New: Application 10-01, Rodney Davis, II, applicant, Harry Kennedy, property owner, 107 Warner Road, proposed 25-lot subdivision. Assessor's Map 41, Lot 3.

First date: January 19, 2010

Last date: March 25, 2010

Discussed under 5.E. above

7. IWWC ENFORCEMENT OFFICER'S REPORT

None

8. DISCUSSION

A) Eightmile River Watershed – stream crossing guidelines

Mr. Dill informed the Commission that he had a request from Pat Young that East Haddam is the only town that has not adopted their stream crossing guidelines. A copy of these guidelines was included in everyone's packet. The Commission reviewed the guidelines. Mr. Dill noted that the CT DEP's guidelines and the University of Massachusetts guidelines were very similar. He pointed out, however, that the UMASS guidelines include open arches. Ms. Augustiny stated that is what the Commission has been trying to do anyway. Mr. Dill liked the flexibility of the UMASS guidelines. Ms. Augustiny stated East Haddam is a rural town, and we need the

flexibility. Mr. Goff agreed. Mr. Ventres noted that this would be a regulation change, so he asked Attorney Branse for input. Mr. Ventres distributed Attorney Branse's response to the Commission.

Mr. Dill inquired if the Commission could adopt the regulation by reference, to which Mr. Ventres responded affirmatively. Mr. Dill suggested they could adopt the regulation by reference to the existing regulations, and add a date. Mr. Goff added that if changes were made to the stream crossing guideline in the future, the Commission could review the changes, decide if they wanted it or not, and then change the date of reference.

Mr. Ventres stated that Attorney Branse also noted some differences from our regulations and the statutes. Mr. Ventres will check into this.

Mr. Dill voiced one concern about the guidelines. He stated the Eightmile River Watershed committee's preference is no new crossings, but he was concerned about another agency telling this commission what to do. He stated there might be a good reason in the future to have a crossing, and he did not want to be locked into not being able to allow it.

Mr. Dill suggested adopting the guidelines by reference, but as an appendix to our regulations. Mr. Ventres suggested since everything was beginning to be done electronically, that they could have a link on the town's website to a .pdf. Mr. Goff preferred this. Mr. Ventres stated he would keep copies as well. In the future, if the regulation is updated and the Commission adopts the update, he can simply update the .pdf file. Mr. Dill suggested this discussion be continued to the next meeting.

Motion by Mr. Dill to proceed with the regulation change, to be drafted to reference the Connecticut Department of Environmental Protection and the University of Massachusetts guidelines. Seconded by Mr. Goff, and carried by unanimous vote.

Ms. Augustiny voiced concern about the lack of members on the Commission. She noted that the Conservation Commission's attorney believed that if a Conservation Commission member acted on a wetlands issue, they would be excluded from voting at the Conservation Commission. Mr. Dill believed it would almost be better to change this ordinance to make the member a liaison rather than a full voting member. This would make it easier for the liaison. Ms. Augustiny agreed, and added that it should not be a big deal to change the ordinance. She stated they would likely have to change this ordinance for the Open Space Committee as well.

Mr. Dill stated they should make an effort to fill the vacancies. He stated they had one applicant, but he was not sure about the party affiliation, and the balance of the Commission. Mr. Ventres stated he would double check the statutes with Ms. Dennette at the Town Clerk's office.

Mr. Cassenti asked if he was a regular or alternate. It was noted that he came in to fill Ms. Burton's vacated seat. Mr. Ventres will check his status.

9. ADJOURNMENT

Motion by Mr. Goff to adjourn at 9:36 p.m., seconded by Ms. Augustiny, and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina

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