

**EAST HADDAM INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING MINUTES**

March 16, 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 eight people were present

3. MINUTES

Motion by Mr. Goff to approve the minutes of the January 19, 2010 regular meeting, with the following amendments:

- **Page 1, Item 5A: Change First date to “December 15, 2009” and change Last date to “February 17, 2010”**
- **Page 5, Item 5D, Motion and Page 6, Item 5E Motion: Change “seconded by” to “Ms. Augustiny”**

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

4. BILLS

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
Hartford Courant (legal notices)	2402	\$100.28
Hartford Courant (legal notices)	2358	160.44
NL Jacobson & Associates (Kennedy Subdivision)	71997	3734.67
NL Jacobson & Associates (Lakeside Drive)	71816	338.70
NL Jacobson & Associates (Out of pocket expenses)	71817	773.59
Branse, Willis, and Knapp	1259.07019/1259.86285	174.00

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

5. PERMITS

**A) Continued: (MODIFIED APPLICATION) - Shawn Greenlaw, 58 Dogwood Road (MR), 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**

Mr. Greenlaw addressed the Commission and presented a map. It was noted that Ms. Augustiny, Mr. Cassenti, and Mr. Ventres walked this site. Mr. Ventres recalled that the Commission had asked that the wetlands be delineated on this site, and the applicant had Mr. Eric Davidson complete this.

Mr. Ventres stated he spoke with Chatham Health District, and they require additional information for the septic before additional living space can be added. Therefore, the applicant is requesting to proceed with a modified application at this point. Mr. Greenlaw explained that he would like permission to extend his deck another 3-feet by 30-feet; however, it would be cantilevered out beyond the existing posts. Mr. Ventres advised the Commission that they could approve this portion of the application, and the applicant could come back with the additional information, when it is available.

Ms. Augustiny asked if the entire house was within the upland review area, to which Mr. Ventres responded affirmatively.

Mr. Dill asked if only the deck extension was being requested for approval right now. Mr. Greenlaw confirmed this, and he stated that the posts would remain, so they would not be any closer to the lake. Ms. Augustiny asked if this would be an open deck, and Mr. Dill asked if the deck would remain open. Mr. Greenlaw responded affirmatively to both questions.

Motion by Ms. Augustiny to approve the modified application of Shawn Greenlaw, 58 Dogwood Road (MR), construction of a 3-foot addition to an existing deck, with the condition that the deck shall remain open. Seconded by Mr. Goff, and carried by unanimous vote.

**B) Continued: 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. and Mrs. Dannecker addressed the Commission. It was noted that Ms. Augustiny, Mr. Cassenti, and Mr. Ventres attended the site walk.

Mr. Dannecker presented a small drawing of the proposed dock and location. There would be a 3-foot platform, and then stairs down to the dock. The proposed dock was 3-feet by 20-feet. Mr. Dannecker estimated that the laurel trees would overhang the lake by approximately 10-feet.

Mr. Goff inquired about the dock. Mr. Dannecker explained that the dock would be constructed of 2x8 pressure treated wood. There would be no preservatives used for maintenance, and the dock would be removed from the water during the winter months.

Mr. Dill asked how deep the water was at 20-feet out into the water. Mr. Dannecker responded that it was approximately chest-height. Mr. Dill asked the purpose of the dock. Mr. Dannecker stated he wanted the dock

for swimming, and for his 14-foot aluminum boat use. Mr. Dill noted that if the laurel overhung the water by 10-feet, which would only leave 10-feet of dock. Ms. Augustiny commented on the large size of the laurels in this area.

Responsive to answers by Mr. Dannecker, Mr. Dill made notations on the drawing for the use of pressure-treated wood, removal of the dock during the winter time. Mr. Dannecker stated there would be a gate at the top of the stairs.

Ms. Augustiny asked that when the dock was installed, that the applicant submit photos to the Land Use Administrator.

Motion by Ms. Augustiny to approve the application for John Dannecker, 142A Smith Road, construction of dock, steps, and a 3ft.x3ft. platform, as identified on the March 16, 2010 plans. Seconded by Mr. Goff, and carried by unanimous vote.

**C) Continued: Mark McWilliams, North Moodus and Clark Gates Roads, driveway crossings in both the wetlands and upland review areas. Assessor's Map 74, Lot 7.
First date: February 16, 2010 Last date: April 21, 2010**

Mr. Gene Robida, P.E. - Robida Engineers addressed the Commission. It was noted that Ms. Augustiny, Mr. Cassenti, and Mr. Ventres walked this site.

Mr. Robida stated there is an existing 5-family unit at the front of this property. They proposed two additional lots, one 4.251 acres and one at 6.893 acres. In addition, there would be a 6-acre parcel dedicated to the East Haddam Land Trust. There were no proposed activities on the 5-family unit parcel, or on the open space parcel.

Mr. Robida outlined the drainage and MBL areas. He reviewed the wetlands, wetland boundaries, upland review area, finger wetland, and the roadside drainage swale. Mr. Goff inquired if there was any vernal pool.

Mr. Dill inquired about slopes. Mr. Robida showed the area of steep slope on the plan, and then the gradual slope was approximately 4-5%. He noted that they conducted approximately 30 test pits on this site.

Mr. Dill asked if the disturbances were the driveways, to which Mr. Robida responded affirmatively. He stated they could utilize an old log road, but he believed it would be detrimental to erosion in the long-term. Mr. Robida stated the driveways would be process/gravel. There were no plans for pavement.

Mr. Dill asked how deep and wide some of the wetlands crossings were. Mr. Robida explained that some points were 3-4 feet deep and 8-10 feet wide. He showed these areas on the plan. Responsive to inquiry by Mr. Dill, Mr. Robida showed a cross section of the driveway crossing. He noted that Mr. Davidson had suggested a plunge pool at the entrance. Mr. Dill asked how much fill would be required for the driveway crossings. Mr. Robida estimated 38 yards for one and 53 yards for the other. It was noted that this flow dries during the summer.

Mr. Dill asked if Mr. Curtis had looked at this plan. Mr. Ventres stated he went through the calculations with Mr. Thumm, and he had not sent it to Mr. Curtis for review. It was noted that the silt fence was identified on the plan.

Ms. Augustiny asked if the parcel that would be deeded to the Land Trust had access. Mr. Robida showed the access strip on the plan.

Mr. Dill stated he would like to have an opportunity to read the narrative before acting on this application. Ms. Augustiny agreed. Ms. Augustiny commented that the Commission has been to this area more than once with Mr. Thumm, so she was familiar with the area.

Ms. Augustiny noted that the driveways should be gravel, with no curbs.

Motion by Mr. Dill to continue the application for Mark McWilliams, North Moodus and Clark Gates Roads, driveway crossings in both the wetlands and upland review areas until the next regularly scheduled meeting. Seconded by Mr. Jahne, and carried by unanimous vote.

**D) Continued: James Ingala, 75 Bashan Road, construction of retaining wall, patio, and steps to deck with activity in both the wetlands and upland review areas. Assessor's Map 58, Lot 101.
First date: February 16, 2010 Last date: April 21, 2010**

It was noted that Mrs. Augustiny, Mr. Cassenti, and Mr. Ventres attended the field walk.

Mr. and Mrs. Ingala addressed the Commission. Mr. Ventres distributed the plan, and Mr. Ingala distributed a small drawing in addition.

Mr. Ingala explained the work to be done, which included construction of two retaining walls, a patio, and steps. The retaining wall would be constructed of tech-stone. Mr. Goff asked how the work would be completed, to which Mr. Ingala responded it would be done by both machine and hand work. Ms. Augustiny stated now that the Commission knew what was planned; she would like to walk this site.

Mr. Dill inquired about the retaining wall. Mr. Ingala explained that it would be a 3-foot retaining wall down to the lake. He showed the areas for the proposed work on the plan. He stated there are existing stairs, but they would be replaced. The two retaining walls would be 30-feet and 17-feet, with natural curves like the shoreline. He planned to use either Ideal block or Teko block. Mr. Ventres added that these were interlocking blocks with fiberglass rods.

Mr. Dill asked the reason for the retaining wall. Mr. Ingala stated it would be both to protect the lake and for the look. Mrs. Ingala stated there are tree stumps and erosion in this area. Ms. Augustiny suggested a narrative of the project would be helpful to the Commission. Mrs. Ingala stated they would also prepare a better drawing of the work to be done.

Motion by Mr. Dill to continue the application for James Ingala, 75 Bashan Road, construction of retaining wall, patio, and steps to deck with activity in both the wetlands and upland review areas until the next regularly scheduled meeting, and to revisit the site. Seconded by Mr. Goff, 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: March 16, 2010 Last date: May 19, 2010**

Mr. Christopher Bell, P.E., addressed the Commission. He stated he learned today that a public hearing was not going to be scheduled this evening, and he expressed concern over the communication he has been receiving regarding site walks, etc. Mr. Ventres explained that no revised plans have been received in his office. Once a public hearing has been set, the public expects to be able to come to his office to review the plans before the public hearing. Mr. Bell acknowledged that was a valid reason to not schedule a public hearing. He stated he had not prepared revised plans due to other work, some budget problems, etc.

Mr. Dill stated if there was a problem with communication, they could correct that. He noted there had been an issue with the last mailings. However, emails can also be sent. He also commented that weather has been a factor, and that the last meeting was canceled due to inclement weather.

Mr. Bell stated that another field walk was conducted last week with Ms. Penni Sharp, and he was not informed prior to the walk. Mr. Ventres explained that Ms. Sharp is the Commission's consultant, and she had not prepared a report yet.

Mr. Dill stated that the Commission's consulting engineer, Mr. Brian Curtis of NL Jacobson, had reviewed the plans previously submitted, and he prepared 11 pages of comments regarding those plans. Mr. Bell stated he met with Mr. Curtis a few days after that review letter was sent. He stated he still had a few issues to address, but he did not think anything was insurmountable.

Mr. Bell stated he wanted to make sure he received information and notice in time to address issues. He was concerned about one area to which Mr. Curtis and Ms. Sharp referred. He was not sure they were in the right area. He stated they had removed the fire pond, so there was no activity except for the restored sand area. Mr. Dill stated the Commission could talk about whether or not to have the applicant's engineer present when the Commission's consultants went on site. However, he wanted to address the review letter Mr. Curtis prepared on February 22, 2010. Mr. Dill asked when revised plans would be submitted. Mr. Bell stated he had some other work, and there were some budget issues, but he planned to work on the revised plans within the next week or so.

Mr. Dill informed Mr. Bell and Mr. Davis that the Commission would need the full fee by the next meeting, or this application would be technically incomplete. He advised that the Commission must consider that. He stated they have expended much more than the fees received. Mr. Davis questioned what the bills were for, and the amounts. Mr. Dill stated there was one bill from NL Jacobson for \$773.59, for approximately 7 hours of work. There was another NL Jacobson bill for \$3734.00 for 37 hours of work.

Mr. Dill explained that the Commission has a new application now because the previous application was withdrawn. He stated the Commission technically has 65 days; however, he anticipated scheduling a public hearing at the next meeting.

Mr. Bell stated he would address the vernal pool issues on Lot 3. Mr. Dill stated there were several comments in Ms. Sharp's February 12, 2010 review letter. Mr. Bell stated he passed that letter on to Mr. Jim Sipperly, who has not yet addressed it. Mr. Bell stated this would be addressed within the next couple weeks. Mr. Bell noted that his email crashed yesterday.

Motion by Mr. Goff to continued the application for Rodney Davis II, applicant, Harry Kennedy, property owner, 107 Warner Road, proposed 25-lot subdivision with activity within the upland review area until the next regularly scheduled meeting. Seconded by Ms. Augustiny, and carried by unanimous vote.

6. SUBDIVISION REVIEW

A) New: Application 10-03, Rodney Davis, II, applicant, Harry Kennedy, property owner, 107 Warner Road, proposed 25-lot subdivision. Assessor's Map 41, Lot 3.

First date: March 16, 2010

Last date: May 19, 2010

Discussed under 5.E. above

B) Continued: Application 10-02, Mark McWilliams, North Moodus and Clark Gates Roads review areas. Assessor's Map 74, Lot 7.

First date: February 16, 2010

Last date: April 21, 2010

Discussed under 5.C. above

7. IWWC ENFORCEMENT OFFICER'S REPORT

Mr. Ventres stated everyone should have received a letter in their packages from Mr. John Sima, regarding a request for discontinuation of annual water testing at Fox Hopyard Golf Club. After a brief discussion, the Commission suggested that since the DEP would still require annual testing, the Commission could just be sent a copy of those results.

Ms. Augustiny inquired about the critter crossing. Mr. Ventres stated that Mr. Snarski still periodically checks on this. Some of the man-made vernal pools have succeeded.

Mr. Dill asked if there had been any concerns raised by neighbors. Mr. Ventres stated he has received no calls.

Motion by Mr. Goff to accept Mr. Sima's February 17, 2010 letter to stop the annual testing, with the condition that the Commission will be sent copies of the DEP reports. Seconded by Ms. Augustiny, and carried by unanimous vote.

The Commission briefly discussed tree cutting in town.

Mr. Ventres distributed an invitation to a seminar Attorney Branse was conducting in Middlefield, geared to newly appointed members.

Mr. Ventres distributed the regulations to the Commissioners. Ms. Augustiny gave Mr. Ventres information she received at a seminar that may be useful to other Commission members.

The Commission discussed having applicants' engineers attend site walks, etc. Mr. Goff asked if the Commission was required to do so. Mr. Ventres stated since 1983, we have never contacted the applicant's engineer. He stated we had already done our field walk, and our consultant was not brought there before the Commission's site walk. Mr. Dill asked if Mr. Bell had been there, if some of the issues could have been addressed in the field. Mr. Goff stated that possibly for Mr. Curtis, but he noted that Ms. Sharp has a different specialty. Mr. Ventres stated that the Commission's consultants look at the mapping shown versus the conditions in the field. Mr. Dill voiced concern about having debates or disagreements in the field, and stated

that those conversations should happen here at the public meetings. Ms. Augustiny noted that the better the plan submitted to the Commission's engineer, the less it will cost for the review.

Mr. Dill stated at the next meeting, since there are so many issues outlined in the review letter, he only wants to hear anything that Mr. Bell disagrees with, or which has not been done. Ms. Augustiny stated that should be done at the public hearing. She also noted that there should be a complete application at the public hearing. Mr. Jahne asked if Mr. Curtis would be present at the public hearing. Mr. Dill stated at the next meeting, Mr. Bell should tell the Commission if everything is done and complete, at which time the Commission can decide if Mr. Curtis should attend the public hearing.

8. DISCUSSION

Mr. Ventres distributed copies of the regulations, with his comments noted. Mr. Dill asked that everyone look through them, and write any comments they have, so they can discuss them at a future meeting.

Mr. Jahne asked the status of the Goodspeed housing project. Mr. Ventres stated they received a permit to pull the back side of one of the structures down. He reviewed the water issues with the Goodspeed project. Mr. Ventres informed the Commission that the WPCA would own the water company for the Goodspeed. The WPCA will pay the fees, but they will come from the Goodspeed.

Mr. Jahne inquired about the culvert at the bottom of Ray Hill Road. Mr. Ventres stated the bridge will be replaced by the State.

Mr. Dill asked Mr. Ventres to check the property across from Ms. Deb Cone, as there had been some activity.

A) Eightmile River Watershed – stream crossing guidelines

Mr. Dill stated that he, Ms. Augustiny, and Mr. Ventres attended the seminar in Salem on the stream crossings. He posed the question, but did not get a definitive answer on which was better – the CT DEP's, or the Massachusetts model. Ms. Augustiny suggested whenever the Commission looks at stream crossings; they could look at both the DEP and the Massachusetts models, and evaluate which would be most appropriate for that particular application. Mr. Dill agreed. He stated they could reference both, and work within the framework of both. Ms. Augustiny noted that each should be reviewed on its own merits. She suggested stronger language regarding the right to ask for more environmental wildlife reviews. Mr. Goff agreed.

9. ADJOURNMENT

Motion by Mr. Dill to adjourn at 9:40 p.m., seconded by Mr. Goff, and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina

