

EAST HADDAM INLAND WETLANDS AND WATERCOURSES COMMISSION

REGULAR MEETING MINUTES

April 20, 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 Randy Dill.

2. ATTENDANCE

Members Present: Randolph Dill – Chairman, Mary Augustiny, Dan Jahne

Members Absent: David Cassenti, Bryan Goff

Others: James Ventres and three people were present

3. MINUTES

Motion by Mr. Jahne to approve the minutes of the March 16, 2010 regular meeting as written, seconded by Ms. Augustiny, and carried by unanimous vote.

4. BILLS

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
Branse, Willis, and Knapp (Goodspeed Airport, general legal)		\$101.50
Branse, Willis, and Knapp (Kennedy subdivision, general legal)		101.50
Hartford Courant (legal notices)		\$120.30
NL Jacobson & Associates (Kennedy Subdivision)		169.35

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

5. PERMITS

A) 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. He noted there had been a site walk on March 7, 2010, during which they looked at the crossings. Several comments were made, and these comments were addressed in his March 11, 2010 letter.

Mr. Robida stated that Mr. Eric Davidson, soil scientist, had looked at the area. Changes were outlined in his March 11, 2010 letter.

Mr. Dill informed the engineer that he could just highlight changes that were made to the plans. Mr. Robida stated he had added the 100-foot setbacks on the plans. Wetlands were outlined in solid blue, while the setbacks were denoted in dashed blue lines. Mr. Robida stated that Mr. Davidson had recommended a plunge pool, which was added, in addition to a note for maintenance cleaning. A note was also added requiring that the IWWC must be contacted for any activity in the upland review area.

Ms. Augustiny questioned the driveway width, to which Mr. Robida stated it was 12-feet wide. Ms. Augustiny questioned the slope, and the amount of fill. Mr. Robida expected approximately 2 +/- triaxles for fill.

Mr. Dill asked how the calculation was made for the disturbance. Mr. Robida stated they only used the area being filled. Mr. Dill asked if the calculation reflects an area larger than what is being filled. Mr. Robida stated the number was pretty accurate.

Mr. Dill suggested, as a matter of process, that they always require that any wetlands driveway crossings show the area from the toe of the slope.

Mr. Dill stated he agreed with the conclusion the experts came up with. Given that the drainage swale was created in part by the town, he had no real problem with it.

Mr. Jahne asked if the aprons would be paved. Mr. Robida stated it was not specifically noted on the plan, but it was in the report.

Mr. Dill stated in the calculation for the impervious surface, only the roof driveways were specified to be gravel. He asked how drainage would be affected if a future owner paved the driveway. Mr. Robida indicated that a typical driveway was 12-feet wide, and 260-feet long. Although it would be an increase in impervious area, the area drained to an approximately 50 acre watershed area.

Ms. Augustiny asked if the driveway were paved, if an owner would need a permit. Mr. Ventres stated they would not need a permit. There is some difference of opinion of gravel driveways. He stated the co-efficient of gravel is 0.6, where paved is 1. More of what hits the gravel driveway would be sheet flow runoff. Because it was sheet flow, it would get infiltration through the woods. Ms. Augustiny stated her concern was that they usually preferred no curbs. Mr. Ventres stated he could put a note on the plan, but most people did not add curbing due to cost. Mr. Robida agreed.

Mr. Dill voiced concern that if this property became a horse farm, etc., it could impact the entire area. He asked how they could protect future owners. Mr. Ventres stated the wetlands would have to be shown on the final as-built. Mr. Dill wanted to do whatever was necessary to carry this forward. Mr. Ventres stated the notes would be on the mylars and the as-builts, but problems sometimes arise with the fourth, fifth, etc. owners.

It was noted that there was no revision date on the plans. Mr. Robida signed and dated the revised plans.

Motion by Mr. Jahne to approve Mark McWilliams, North Moodus and Clark Gates Roads, driveway crossings in both the wetlands and upland review areas, per the plans dated March 10, 2010, with the revisions identified in the March 11, 2010 letter to the IWWC. Seconded by Ms. Augustiny, and carried by unanimous vote.

Motion by Ms. Augustiny to send a letter to the Planning & Zoning Commission indicating that this application meets the requirements of the IWWC. Seconded by Mr. Jahne, and carried by unanimous vote. (Listed under Item 6.B.)

B) 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

Mr. and Mrs. Ingala addressed the Commission. It was noted that Mr. Dill, Mr. Ventres, Ms. Augustiny, and Mr. Jahne attended this site walk.

Mrs. Ingala indicated that originally, they wanted to build a wall on either side of the stone stair path leading to the dock. They had concern for the aesthetics, and they asked the Commission for suggestions. She indicated that they had likely missed their opportunity to do the work this year. She wanted to leave the sandy beach as it is, but on either side of the beach area, there are piles of rocks along with big cement anchors.

Mr. Dill asked if the retaining wall was more for aesthetics than for necessity, as he did not see erosion problems. Mrs. Ingala agreed that it was more for aesthetic purposes. She suggested calling the Rock Doctor to install a natural stone wall. Mr. Dill stated that would be preferable, as a stone wall would be better than the use of pavers. Mrs. Ingala stated they were very willing to do that.

Ms. Augustiny voiced concern about the 3-foot height of the proposed wall. Mr. Ventres stated that height could be a hazard, and may require a railing. Mrs. Ingala stated they would like to have a natural seating area for the patio and surrounding area. Mr. Dill believed that would be possible. He stated he would rather not see them bring in a lot of fill, etc. He stated if they limited the height of the wall, they could probably have a patio and a seating area. He commented that this area was not pristine, as it was already disturbed.

Mr. Dill also believed it was reasonable to have some steps going down to the water. Mrs. Ingala stated they would like to be there for the next 20 years, and she would like to have something safe for steps. Ms. Augustiny asked if she wanted a railing, to which Mrs. Ingala stated she would prefer no railing. Mr. Ventres stated there was no real erosion control issue if they decided to install a railing later. Mr. Ingala indicated the steps would be 4-feet wide. They would be a heavy stone block that would seat themselves, and they would be cut into the bank. Ms. Augustiny asked if the stones that were there would be removed, and the new stones would be contiguous. Mr. and Mrs. Ingala indicated they would.

Ms. Augustiny stated she had no problem with the steps, but she would prefer natural stone for the wall, no more than 18-inches high, with fabric behind them for erosion control. Mrs. Ingala stated 3-feet was only a suggestion, and that they did not need a high wall. Mr. Dill added that the area for seating probably didn't need to be more than 8-feet long. Mrs. Ingala asked if they would be able to put a picnic table there. Mr. Ventres reviewed sizes.

Mr. Dill inquired about plantings. Mrs. Ingala stated they would like to have Balleks come in for the plantings. She believed they cared about the lake and the town, and would do a good job. Ms. Augustiny suggested low bush blueberry bushes. Mr. Ventres suggested mountain laurel. Mrs. Ingala stated she did not want laurel, as it would grow too high. Mr. Ventres gave Mr. and Mrs. Ingala a list of recommended plantings published by the Connecticut DEP and the UConn Extension Center.

Mr. Jahne suggested a rain gutter, directed toward the woods. It was noted that the steps would be a maximum of 4-feet wide, natural stone. For the wall, the Commission was agreeable to 18-inches above the high water level. The wall would lead onto the patio. The wall would not exceed 8 linear feet, starting from the water line.

Mr. Dill asked if there was any intention to bring in sand. Mr. and Mrs. Ingala stated they would not bring in any sand, as there was a natural sandy beach there already.

Motion by Ms. Augustiny to approve 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 per the plans dated April 20, 2010, with the following conditions:

- **The patio shall be no greater than 8-feet deep and 30-feet long.**
- **The stone stairs shall be a maximum of 4-feet wide.**
- **Appropriate plantings shall be installed along the retaining wall.**
- **Reconstruction of the wall on the lake side shall be done using natural stone, with a barrier so soil does not leak through.**
- **The stone wall shall not exceed 18-inches in height.**
- **Photographs shall be taken once the work is complete and submitted to the Land Use Administrator.**
- **A rain gutter shall be installed and directed to the wooded area.**
- **Additional plantings shall be added.**

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

Motion by Mr. Dill to skip to Item 5.D., seconded by Ms. Augustiny, and carried by unanimous vote.

D) New: Paul Boothroyd and Valerie Almada, 18 West Cove Road, construction of walkway/stairs in the upland review area and construction of a dock in the wetlands (Moodus Reservoir). Assessor's Map 75, Lot 159.

First date: April 20, 2010

Last date: June 23, 2010

Mr. Boothroyd and Ms. Almada addressed the Commission. Mr. Boothroyd explained their wish to construct access to the Moodus Reservoir at the shoreline, and add a dock, approximately 12'x16'. He stated the reason for the size was that there was not a lot of area along the shore without trees or brush, or that isn't elevated 2-3 feet above the water. The purpose of the dock would be to sit out there, and for an 18-foot motor boat and water sports. Mr. Dill noted that the proposed walkway would add another 16-foot gangway, so it would actually stick out 32-feet into the water. Mr. Boothroyd stated it would be approximately 30-feet, as there was an overlap. Mr. Dill asked if the applicant had measured the depth of the water. Mr. Boothroyd guessed at the 30-foot mark, the water would be approximately 8-feet deep. Mr. Dill noted that would be more than enough for a boat, as most boats don't require more than 3-4 feet, depending on the draft of the boat.

Ms. Almada stated they have a rain garden, as there is erosion on this site. Mr. Dill stated due to the sensitive nature of this area, that was why there was a conservation easement on the shoreline.

Mr. Boothroyd and Ms. Almada reviewed the letter they prepared for this evening's meeting, which outlined their proposal. Ms. Almada believed the location they selected for their dock was the safest location. They both described issues with boat and jet ski traffic close to shore. They believed to put a dock near the sandy area would be potentially hazardous. Mr. Dill did not believe it would be any different in the cove. Both Mr. Boothroyd and Ms. Almada thought the cove area would be safer. Mr. Dill explained the law that boats could not go more than 6 mph within 100-feet of the shore. Mr. Boothroyd stated this law was not followed.

Mr. Boothroyd planned to do the work himself. He proposed a railing beside the walkway, as this was a steep area. He proposed 4x4 posts with rails, in a farm style. Mr. Dill asked if there would be rails on either side. Ms. Almada stated there would be rails at least on the downward side. Mr. Boothroyd planned to use crushed

stone to help stabilize it. Mr. Jahne asked if this would be leveled terracing, to which Ms. Almada responded affirmatively. Mr. Jahne asked about digging. Mr. Boothroyd replied that he would dig for the post holes. For the steps, he stated there was a 14-inch drop from one side to the other, so he planned to split the difference and cut them in approximately 7-inches, and then fill with crushed stone. Ms. Almada stated there were no trees in this area. Mr. Dill asked if the applicant planned to use pressure treated wood, to which Mr. Boothroyd stated he did. Mr. Dill noted that even pressure treated wood has a life span. Mr. Boothroyd stated the posts would sit in the crushed stone. Ms. Almada stated they modeled their stairway from the one at the common area.

Mr. Dill inquired about the color of the dock, and if there would be lights. Ms. Almada showed the brochure to the Commission, and stated the colors available were tan or beige. Mr. Boothroyd stated there would be no lights.

Ms. Augustiny stated there was a path on the other side of the bank. She asked why their proposal wasn't for this area, and was on the steep slope instead. Mr. Boothroyd stated they could talk about that.

Mr. Dill informed the applicants that the Commission has to look at prudent and feasible alternatives. He stated he listened to the applicant's argument, and there were some valid points. However, what he sees is a much shallower slope area, which is a prudent alternative. He stated when this subdivision was created there was a conservation easement on the steep bank area. The more shallow slope would be an easier approach.

Mr. Boothroyd stated the boats come very close to shore. Mr. Dill stated that was something the police need to deal with. Mr. Boothroyd stated the police don't enforce it, and they could not come just for them. A lengthy discussion regarding boat traffic ensued.

Mr. Boothroyd stated he was doing all he could to minimize the impacts. Mr. Dill stated there was plant growth there now, and he was not convinced this was a better location.

Mr. Boothroyd asked if the Commission considers marine life/habitat. Mr. Ventres stated they have had applications where there were really vegetated areas that were moved. Ms. Augustiny believed location #3 seemed to have the least impact on the slope, and was more spaced out at the bottom. This was a more natural area, so they might not need as large of a dock either. She noted that she observed Lady Slippers along the steep bank. Ms. Almada stated they were on the other slope as well.

Mr. Jahne questioned the transition from the landing area. Mr. Boothroyd stated they were going to put in a suspension area with a wood frame and crushed stone. The deck would be made of Trex decking. However, to get to the deck, they would have a suspension from the last step to the deck, like a ramp. Mr. Jahne believed this proposal would require a lot of cutting in. Mr. Boothroyd stated it would only be 7-inches.

Ms. Augustiny questioned the drop from the platform to the water. Mr. Boothroyd believed it was 3-1/2' from the top of the deck to the water. Ms. Augustiny asked if the area was undercut, to which Mr. Ventres stated it was in some areas.

Mr. Dill stated this was a new application, so the Commission could not act on it tonight. He suggested everyone look closely at the materials. He asked the applicant to reconsider the other site. He believed in the end this would be the better site.

Ms. Augustiny stated she would like to walk this site again, and look more closely at all three sites, since it would be later in the season, and there would be more boats. This would also give the Commission the chance to evaluation area #3. She commented that this is a really sensitive area.

Mr. Boothroyd stated he had a lot of photos taken from the water. Mr. Boothroyd stated they would be out of town at the next meeting. He asked if he could send an authorized representative, to which Mr. Dill stated he could. Mr. Ventres stated he would send an email with the dates for the walk.

Motion by Mr. Dill to continue until the next regularly scheduled meeting, and to re-schedule a field walk for Paul Boothroyd and Valerie Almada, 18 West Cove Road, construction of walkway/stairs in the upland review area and construction of a dock in the wetlands (Moodus Reservoir). Seconded by Mr. Jahne, and carried by unanimous vote.

**C) Continued: 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**

No one representing the applicant was present at this meeting. Mr. Ventres stated that Mr. Bell had called him, and hasn't started any new work on the site. Mr. Ventres stated the applicant called and stated that Mr. Bell hasn't done anything more.

Mr. Ventres stated that Ms. Penni Sharp went out and observed areas she thought may be vernal pools, and should be evaluated at the appropriate time. Mr. Ventres stated he looked at the time, and called Ms. Sharp. Ms. Sharp prepared a report showing the vernal pools. Mr. Ventres distributed this report. He stated that Mr. Bell and Mr. Sipperly were both copied on the report. Mr. Ventres informed the Commission that Mr. Bell was not happy that he and Ms. Sharp went on site without him. Mr. Dill stated that if there were some issues that could be resolved in the field, it might be feasible. However, if there were any disagreements or disputes, those conversations need to happen here. Mr. Dill further commented that if our consultant goes onsite and reports that there are vernal pools, and the applicant and/or his engineer don't go look and respond, they were building a case for an incomplete application.

Mr. Dill stated by the next meeting, they need a complete application, paid the fee, address Ms. Sharp's letter, and submit revised plans. Unless that is received, along with Mr. Curtis' comments being addressed, the application would be incomplete.

Motion by Mr. Dill to continue 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.

**E) New: Terrance Glazier, 201 Petticoat Lane, removal and replacement of a garage within the upland review area. Assessor's Map 20, Lot 13.
First date: April 20, 2010 Last date: June 23, 2010**

No one representing the applicant was present at this meeting. Mr. Ventres stated the applicant has an existing barn and wants to replace it, but swing the barn a bit to make it easier for turning in the driveway.

Motion by Ms. Augustiny to continue until the next regularly scheduled meeting, and to schedule a field walk for Terrance Glazier, 201 Petticoat Lane, removal and replacement of a garage within the upland review area. Seconded by Mr. Jahne, and carried by unanimous vote.

6. SUBDIVISION REVIEW

A) Continued: 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

Motion by Ms. Augustiny to continue this application until the next regularly scheduled meeting, seconded by Mr. Jahne, and carried by unanimous vote.

(Discussed under Item 5.C. above)

B) Continued: Application 10-02, Mark McWilliams, North Moodus and Clark Gates Roads, subdivision review for a proposed 3-lot subdivision with activity in both the wetlands and upland review areas.

Assessor's Map 74, Lot 7.

First date: February 16, 2010

Last date: April 21, 2010

Discussed under 5.D. above

B) New: application 10-04, Averum Sprecher, Parker Road, subdivision review for a proposed 3-lot subdivision. Assessor's Map 29, Lot 19.

First date: April 20, 2010

Last date: June 23, 2010

Motion by Ms. Augustiny to continue this application until the next regularly scheduled meeting, and to schedule a field walk. Seconded by Mr. Jahne, and carried by unanimous vote.

7. IWWC ENFORCEMENT OFFICER'S REPORT

Mr. Ventres reported that Mr. Thomas Deere, 48 Sipples Hill Road, had submitted a request for an extension of time for construction of a breezeway. The original approval went out on 5/31/05. Mr. Ventres read the 2005 approval letter into the record.

Motion by Mr. Dill to add to the agenda, Thomas Deere, 48 Sipples Hill Road, extension of time for construction of a breezeway, and to approve same. Seconded by Mr. Jahne, and carried by unanimous vote.

By consensus, the Commission agreed to add to the next field walk schedule, 97 Bone Mill Road, East Haddam

8. DISCUSSION

Motion by Ms. Augustiny to add Open Space discussion to the agenda. Seconded by Mr. Jahne, and carried by unanimous vote.

Mr. Ventres informed the Commission that the OSC was moving forward for open space grant application, which is due by May 3 for two parcels. Mr. Dill asked if this money was still available, as some monies had been reallocated in the State's budget. Mr. Ventres stated he would check into this, but this money was coming from the community investment program.

The first parcel was the Harris property. The owners plan to retain the house and 6 acres, leaving a balance of 135 acres. The OSC decided that 18 acres should be taken out for possible future municipal use. Mr. Dill asked if the grant could share the cost on this purchase. Mr. Ventres stated this would be strictly by the Town. The second property is the Dean property, which came to the OSC after the property owners learned about the Harris property. This would be a conservation easement on 280 acres. The property owner would take out 30 acres for possible future use. Mr. Ventres stated this property had potential for 50 lots, if it were to be subdivided. There are existing trails for public access. The estimated value of the conservation easement was approximately \$750,000. There is the potential for 45% reimbursement from the grant, if it is awarded.

Mr. Ventres asked for a letter of recommendation from the IWWC. Actual financing would not occur until the State and BOS approved it.

Mr. Dill asked if there were wetlands on the Dean property. Ms. Augustiny stated there were wetlands on the back side of it. Mr. Ventres reviewed the plans and the streams. Mr. Dill stated this was part of the watershed to Whalebone Creek.

Ms. Augustiny stated there would be good riding trails through the Dean property. Mr. Dill cautioned that this parcel is used for hunting, and there could be potential conflicts with the use.

Motion by Ms. Augustiny to send a letter to the OSC stating that the IWWC feels these are valuable open space properties, and the IWWC supports the acquisition/conservation easement of these properties. Seconded by Mr. Jahne, and carried by unanimous vote.

Mr. Ventres distributed proposed regulation changes from the P&Z Commission. The P&Z Commission is looking into reinstating interior lots into their regulations. Attorney Branse is reviewing it presently.

Mr. Ventres stated that the Eightmile River Watershed team is looking for a support motion for evaluating storm water systems. There is currently grant money available for the survey and GIS plotting. Mr. Dill believed this may have the potential of costing the Town money if they find things in need of changes. Mr. Ventres believed if anything is found, it would be put into a long-term budget to fix any issues.

By consensus, Mr. Ventres will turn in survey forms to CRERPA.

Ms. Augustiny asked Mr. Ventres to look into the information she gave him at the last meeting from the wetlands conference she attended.

Mr. Dill asked what Mr. Ventres' criteria for sending applications to NLJ for review was. He asked specifically about the Mark McWilliams application. Mr. Ventres stated he would send this application to NLJ for review. He stated this one had no proposed road, and Mr. Thumm had done some work in that area. It was low disturbance, and Mr. Thumm had previously determined the pipe size. Mr. Dill stated he would have looked at that differently. Mr. Ventres noted that there was a beaver in that area as well. Mr. Dill stated he just wanted to make sure that all applications were treated the same, and he noted that there were water issues on Clark Gates Road.

Mr. Dill distributed a pamphlet regarding environmental review teams for anyone who might be interested.

The Commission briefly discussed their vacancies, noting that they were still down two members.

A) Eightmile River Watershed – stream crossing guidelines

Mr. Ventres distributed regulations for stream crossings. He distributed Attorney Branse's emailed response. Mr. Ventres suggested everyone read this, and the Commission could discuss it at the next meeting.

9. ADJOURNMENT

Motion by Ms. Augustiny to adjourn at 10:25 p.m., seconded by Mr. Jahne, and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina