

INLAND WETLANDS AND WATERCOURSES COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
August 17, 2010
(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, David Cassenti, Randolph Dill, Bryan Goff, Daniel Jahne

COMMISSIONERS ABSENT: None

OTHERS PRESENT: James Ventres, Emmett Lyman, and eight townspeople were present.

3. MINUTES:

Motion by Ms. Augustiny, seconded by Mr. Jahne, and carried by unanimous vote to approve the minutes of the July 20, 2010 meeting as written.

4. BILLS

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
None		

5. PERMITS

Mr. Dill noted that the Commission conducted field inspections last evening. The following visits were attended as follows:

Maris Wacs property – Mr. Dill, Ms. Augustiny, Mr. Jahne, and Mr. Ventres attended this walk.

A) Maris Wacs, property owner, Philip Michel, applicant, 97 Bone Mill Road, construction of a single family residence with activity in the upland review area. Assessor's Map 3, Lot 6.

First date: May 18, 2010

Last date: August 19, 2010

Mr. Bob Doane, PE addressed the Commission on behalf of the applicant. He noted that revised plans were submitted to the Commission at last night's field inspection. This plan showed the deck that was proposed. Mr. Doane indicated that he had reviewed last night's comments with the applicant, and the applicant has asked if

the deck could be cantilevered, which would still leave room for plantings. He noted that they have revised the plantings per last night's suggestions. He talked with the applicant about the debris, and the applicant would allow the natural debris to decompose, and they will pick up some of the concrete blocks, etc.

Responsive to inquiry by Mr. Dill, Mr. Doane stated he added a smaller rain garden to the southwest of the house, which will handle the southwest side of the house. On the other side, they have another rain garden, which will pick up the eastern side of the house, plus the runoff from the driveway. This rain garden would be on the southeast side of the house.

Mr. Dill questioned the deck. Mr. Doane stated the applicant would like to cut the deck back half as much as suggested last night, add stone underneath, and have plantings. Two of the posts would remain intact. The applicants would like to keep the trees where the hammock is located.

Ms. Augustiny questioned the cantilevered area. Mr. Doane explained that the deck would extend four feet beyond the post. There would be 2-inch stone spread underneath, and there would be plantings from the end of the deck, before the wetland.

Mr. Jahne inquired what the proposed plantings would be. Mr. Doane stated the area is shaded, and they would hire a landscaper to provide the appropriate plantings. Mr. Ventres stated he also gave the applicant a listing of plantings.

Mr. Dill stated there is a shed with a patio that overlooks the stream. He stated there is some erosion, so the stone might be helpful. He asked what material the deck would be comprised of, to which Mr. Doane stated it would be a wooden deck. Mr. Dill voiced concern about maintenance and stains, etc. in such close proximity to the wetland. He commented that the Commission would likely require conditions for maintenance. Mr. Doane stated they could use a different material.

Responsive to inquiry by Ms. Augustiny, Mr. Doane stated the cantilever would likely be approximately two-feet off the ground. Mr. Goff would prefer plantings underneath the deck. Ms. Augustiny suggested a groundcover.

Mr. Jahne asked if there would be any posts installed. Mr. Doane stated they were already in place, and one of the three would come out.

Mr. Ventres suggested the conservation easement language should be in the standard town format. Ms. Augustiny would like the placards installed before the construction begins.

Motion by Ms. Augustiny to approve the application for Maris Wacs, property owner, Philip Michel, applicant, 97 Bone Mill Road, construction of a single family residence with activity in the upland review area, and a wooden deck, with the following conditions:

- **Work shall be done per the plans revised 8/17/10**
- **The conservation easement area shall have signage before construction begins.**
- **The deck shall be constructed as shown on the 8/17/10 plans with a cantilevered deck**
- **In front of the deck to the stream side, there shall be a continuous groundcover plantings from the edge of the deck to the top of the bank.**

- When the deck is completed, photographs shall be taken and submitted to the Land Use Administrator for the file
- Maintenance of the deck – deck materials shall be pre-treated, and there shall not be any on-site treatment of the deck once it is installed.

Motion seconded by Mr. Jahne, and passed by unanimous vote.

B) Continued: Wolf Koste, 155 East Shore Drive, construction of addition within the upland review area. Assessor's Map 80, Lot 390.

First date: July 20, 2010

Last date: September 22, 2010

No one representing the applicant was present at this meeting. Mr. Dill noted that they had excused the applicant from attending tonight's meeting. Mr. Dill stated that everything was in place.

Motion by Ms. Augustiny to approve the application for Wolf Koste, 155 East Shore Drive, construction of addition within the upland review area, with the following conditions:

- The current drainage to the west side of the house in the wooded area shall be assessed after the addition is constructed to look at erosion issues.

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

C) Continued: Raymond Lefoll, applicant, Rita Maloney, property owner, 201 East Shore Drive, construction of steps, retaining wall, patio, and dock, with activity in both the upland review area and wetlands area. Assessor's Map 80, Lot 401.

First date: July 20, 2010

Last date: September 22, 2010

Mr. Lefoll addressed the Commission. He stated he would be happy to answer any questions the Commission might have. He stated the Commission asked him to show the perforated PVC around the retaining wall area. He stated it would just outlet to daylight.

Ms. Augustiny stated there was no addition to the house, just excavation and the patio. Mr. Lefoll stated this was accurate. Ms. Augustiny asked what the purpose of the basement was. Mr. Lefoll stated he would like to finish the basement as a family room.

Ms. Augustiny inquired about the dock. Mr. Lefoll stated they removed an entire section. It was noted that it would be 30-ft. x 20-ft. Ms. Augustiny asked how far in from the property the dock would be. Mr. Lefoll stated it would be approximately 10-feet from where the land jets out. He showed the area on the plan.

Mr. Dill noted from the last meeting's minutes that at 24-feet out, the water depth was 30-inches, which would be adequate for a boat.

Motion by Mr. Goff, seconded by Mr. Cassenti, and carried by unanimous vote to approve the application of Raymond Lefoll, applicant, Rita Maloney, property owner, 201 East Shore Drive, construction of steps, retaining wall, patio, and dock, with activity in both the upland review area and wetlands area, with the following conditions:

- Work shall be done in accordance with the plans revised 7/22/10.
- The dock construction shall be in accordance with the submitted documentation.

D) Continued: Richard Mihok, applicant, Kip and Mar Kollar, property owners, 7 Connecticut River Road, replacement of existing dwelling, and installation of new well and leach field.

Assessor's Map 8, Lot 4.

First date: July 20, 2010

Last date: September 22, 2010

Mr. Richard Mihok, Civil Engineer, addressed the Commission. He stated they proposed to replace the existing dwelling with a new dwelling. The new dwelling will be slightly larger. The house will be designed so that water would go under the structure.

The Commission discussed height concerns. Mr. Ventres stated for FEMA regulations, the first floor elevation and mechanicals must be 1-foot above the flood elevation. Mr. Mihok stated the only issue at this point was regarding the height, but he stated he would still have to go before the Planning & Zoning Commission.

Mr. Ventres stated the applicant would have to comply with the height requirements, and the footprint that was outlined on the plans. Mr. Mihok stated if they could not comply with the height requirements, he would have to come back to this commission.

Ms. Augustiny asked if there was a dock on this application. Mr. Mihok stated there was one already that would stay. There were also a couple that would have to be removed.

Mr. Ventres stated this Commission could approve this plan based on the footprint submitted. If the footprint changes, the applicant will have to come back. He noted that the Planning & Zoning Commission would take the footprint approved by the IWWC.

Mr. Dill stated the Commission could approve this plan, as it meets our requirements.

Motion by Mr. Goff, seconded by Mr. Cassenti, and passed unanimously to approve the application of Richard Mihok, applicant, Kip and Mar Kollar, property owners, 7 Connecticut River Road, replacement of existing dwelling, and installation of new well and leach field, with the following conditions:

- **If the footprint of the house plan changes, it will have to come back to this Commission.**
- **The existing broken pipe to be removed.**
- **All work shall be done in accordance with the plans dated 7/13/10.**

E) New: East Haddam Brewing Company, LLC, applicant, Ralph Parady, property owner, 62 Creamery Road, construction of exterior improvements in connection with the operation of a microbrewery. Assessor's Map 17, Lot 55.

First date: August 17, 2010

Last date: October 20, 2010

Mr. Roger Nemergut, P.E., and Mr. Joe Clark, the applicant, addressed the Commission.

Mr. Nemergut stated this was approximately one-quarter of an acre. It is an existing building. Essentially the entire parcel is within the upland review area, as it is in close proximity to Succor Brook. The building will mostly remain as is from the outside. They will provide parking area, and plantings. He believed they could

get 4-5 spaces on the west side, and a couple spaces, including a handicap area on the east side. The parking on the west side would be gravel base, and then concrete pavers with grass openings.

Mr. Nemergut stated the roof right now has no gutters, and they were not proposing gutters. However, they would like to install a perforated pipe and trap lock drain field to collect the first inch of runoff. He showed cross-hatched areas on the plans. This area would be piped to a series of infiltrators. These would be sized for the first inch of runoff. An additional tank was proposed underneath the pavers.

On the north side of the building, Mr. Nemergut proposed four vats, to hold fermenting beer and lager. In addition, there would be a refrigeration unit on a concrete pad.

Any waste would be pumped to the sewer treatment plant. They proposed a new well on the northeast corner of the property. Because this comes under the State's jurisdiction, Mr. Nemergut explained that they are working on approval for this. Mr. Dill asked if any water needed for this application would come from the well, to which Mr. Nemergut and Mr. Clark responded affirmatively.

Tape Change (1B)

Mr. Nemergut stated because they were near the brook, they would cover the exposed areas covered with staked hay bales, etc. for erosion control.

Mr. Jahne asked if the wetland line was the top of the brook. Mr. Nemergut stated they would confirm this, but he did not believe there were any wetlands. He noted that the brook is not on the property. The property line is approximately 10-15 feet away.

Ms. Augustiny asked about the vats. Mr. Clark explained how the vats were constructed. He stated the roof over them was more for aesthetic purposes. Ms. Augustiny inquired if the tanks would be on concrete, to which Mr. Clark responded affirmatively. Ms. Augustiny asked if there would be any issues if there was a leak in the tank, to which Mr. Clark stated there would not.

Mr. Dill asked about the parking, and if the parking would only be for employees. Mr. Clark stated that was correct, and anyone visiting from the public would utilize town parking areas.

Ms. Augustiny asked if the construction will be far enough away so as not to disturb any of the root systems near the stream. Mr. Nemergut did not believe any roots would be impacted, as they were away from the trees.

Mr. Dill asked if this was in the floodplain. Mr. Nemergut believed the entire parcel was in the flood plain. He stated the flood elevation on the maps was 13. Mr. Ventres believed they should look at this again. Mr. Nemergut asked Mr. Weaver to review this, and he would report this at the next meeting.

Mr. Dill asked, aside from the building, what else was proposed here. Mr. Nemergut stated the parking would be essentially at grade. In terms of changing flood storage, that would be the vats and the refrigeration unit.

Mr. Jahne asked about stock piles. Mr. Nemergut stated it was noted on the plan, but he would add an area to the plan by the next meeting.

Ms. Augustiny asked if the brewing process would affect the sewer and/or the treatment plant. Mr. Ventres stated this was reviewed, and the system was designed to gradually release the liquids into the system.

Mr. Dill noted this was the first meeting on this application. It was noted that the plans should be sent to NL Jacobson for review.

Motion by Ms. Augustiny to schedule a field walk, and to continue the application for East Haddam Brewing Company, LLC, applicant, Ralph Parady, property owner, 62 Creamery Road, construction of exterior improvements in connection with the operation of a micro brewery. Seconded by Mr. Goff, carried by unanimous vote.

F) New: Robert Casner, Cedar Meadow Road, modification to previous wetlands approval to construct a driveway in the upland review area. Assessor's Map 56, Lot 11.

First date: August 17, 2010

Last date: October 20, 2010

Mr. Robert Casner and Mr. Richard Mihok addressed the Commission. Mr. Mihok reviewed the area for the proposed driveway on the plans. Mr. Goff noted that this application changed from the house and septic to a house and driveway. Mr. Mihok stated there was a significant area of ledge. He stated most of the area is fairly flat. He stated they would have to fill approximately 2-feet for a section of the driveway.

Ms. Augustiny asked if this was a fairly new subdivision. Mr. Ventres noted that the two-lot split was brought to the Commission last year. Responsive to inquiry by Ms. Augustiny, Mr. Ventres stated that this was the half-acre zone.

Mr. Dill asked the condition of the site currently. Mr. Mihok stated the site is currently wooded. He stated he would delineate the 100-foot setback and the edges of the driveway before the site walk. Mr. Casner noted that the site was very lightly wooded.

Mr. Mihok proposed hay bales and silt fence for erosion control. Mr. Casner stated this application was really just to deal with the driveway now. Mr. Dill believed it would be helpful to have the limits of clearing. Mr. Mihok will add this information. Ms. Augustiny asked if the area has been posted. Mr. Casner stated he has not yet done this.

Motion by Mr. Dill to schedule a field walk, and to continue the application for Robert Casner, Cedar Meadow Road, modification to previous wetlands approval to construct a driveway in the upland review area. Seconded by Mr. Goff, and carried by unanimous vote.

6. SUBDIVISION REVIEW

A) Continued: 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

Attorney Scott Jezek, Richard Crouch, engineer, and Mr. Averum Sprecher addressed the Commission.

Mr. Couch, P.E. addressed the Commission. He reviewed the changes to the plans. He stated there was a pocket of wetland in area 2. He noted that there had been a question if Mr. Snarski could go out and look at this. Mr. Snarski re-evaluated this area, and prepared a report. Mr. Snarski concluded that this area should be mowed once per year. The seasonal waterway, that was not previously shown, is now shown.

Mr. Couch reviewed the runoff going into Parker Road. He stated the driveway locations were adjusted in order to save the large trees. There are stone walls that run along the front of Parker Road. The water will be contained on side.

Ms. Augustiny asked why there was a 50-foot upland review area noted on the plan, when our regulations call for a 100-foot upland review area. Mr. Couch stated that was recommended by Mr. Snarski. After discussion, Mr. Dill believed this was just a buffer area for the plantings. It was recommended that this language be changed to "buffer".

Mr. Dill questioned the annual mowing, with respect to the plantings. Mr. Couch stated the area will be mowed, but not the plantings. Mr. Dill believed this should be made clear. He stated the landowner would need to be aware. Mr. Ventres stated that should be clarified on each page of the plans. Mr. Couch reviewed the plants, as specified by Mr. Snarski, and as outlined on the plan. Mr. Dill believed this should be made clear to the property owners.

Mr. Couch reviewed page C-3. He stated there had been a meeting in the field with the Director of Public Works, and they reviewed the road areas. They have proposed piping underneath the driveways and CG catch basins. He explained that a CG catch basin had curved sides, so the water would be channeled. They designed the flows up to 100-year storm.

Ms. Augustiny asked if there would be increased water. Mr. Couch stated that all of the water would be retained on the properties. The water that would be contained in the pipe is the water that exists currently on Parker Road. Mr. Dill noted then that it would not make a difference whether the driveways were paved or gravel. Mr. Couch responded affirmatively.

Ms. Augustiny inquired about the Land Trust. Mr. Ventres noted that the Land Trust would have to approve this. If there were any changes to the plans, they would come back before the Commission. Mr. Couch stated this was the solution recommended by the Public Works Director. Mr. Ventres noted that the original plan didn't address the sloping or cuts necessary to create the swales originally proposed.

Mr. Dill asked if Public Works and Mr. Curtis of NL Jacobson were comfortable with this plan, to which Mr. Ventres believed they were. Mr. Ventres stated that Mr. Curtis still has to double check the drainage calculations. Mr. Dill stated if this application is approved tonight, it would still have to be reviewed by Mr. Curtis of NL Jacobson.

Ms. Augustiny asked about the wetland/wet meadow area. She asked what would be done during construction, as this area was a mass of invasive species. She asked what would be done with the area.

Mr. Ventres read into the record Mr. Snarski's July 8, 2010 review letter. In his letter, he recommended annual mowing, native shrubs be planted in a row at the 50-foot buffer line, and marked, and the area inside be mowed annually.

Mr. Dill asked before the buffer plantings are installed, that the whole area be mowed. Ms. Augustiny was amenable to mowing before they start the project.

Mr. Goff stated that Mr. Snarski's letter "can" be mowed, and the plan states "should"

Tape change (2A)

Attorney Jezek suggested the Commission state "shall". Mr. Ventres suggested "should" be mowed. He stated the area would still function with the invasives. Mr. Dill stated the plantings would only be 3-4 feet high. If the invasives were allowed to grow, he feared the homeowner would eventually cut the entire area. Mr. Dill believed some distinction should be made to protect the plantings.

Motion by Ms. Augustiny to approve Application 10-04, Averum Sprecher, Parker Road, subdivision review for a proposed 3-lot subdivision with the following conditions:

- **Work shall be done per the plans revised August 2, 2010**
- **The wetlands on Lot 2 will be maintained as per Mr. Snarski's letter dated August 6, 2010.**
- **Prior to planting of the buffer plants on Lot 2, the entire front area will be mowed to facilitate the removal of invasives.**

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

Motion by Ms. Augustiny to send a letter to the Planning & Zoning stating that this application meets the requirements of the IWWC, as identified in the plans dated August 2, 2010, with the conditions identified in the wetland permit. Seconded by Mr. Cassenti, and carried by unanimous vote.

B) New: Application 10-05, Rodney Davis, II, applicant, Harry Kennedy, property owner, 107 Warner Road, subdivision review for a proposed 4-lot subdivision with no activity in the upland review area. Subdivision Assessor's Map 41, Lot 3.

First date: August 17, 2010

Last date: October 20, 2010

Mr. Chris Bell, P.E. addressed the Commission. He noted that this was originally a large 25-lot subdivision. The applicant now wishes to sell off part of the property. The lots would be 1, 2, 4, and 5. He stated the Planning & Zoning Commission wanted the lots on the street to be larger, with the houses moved farther back.

Mr. Bell stated there was no proposed activity in the wetlands or the 100 foot upland review area. He stated there would be a small dry swale at the end of the footing drain. He noted that was the only comment on this lot, to accommodate the first inch of rainfall.

Mr. Dill recalled that the original plan of the larger subdivision plan was for an open space plan, with conservation areas. Mr. Ventres stated the three lots that are being extracted into this subdivision do not have any of the easement areas that were originally shown on the larger plan. Mr. Dill stated the Commission has always taken the stance that it does not like to piecemeal plans.

Mr. Ventres stated the stone wall on Lot 4 was an obvious boundary for the conservation easement. He stated he also checked Ms. Sharp's review letter from the file, and it was noted that there is a road between the vernal pool.

Mr. Bell stated from the drainage calculations that were originally done, there was no increase in drainage. He noted that this was really to get three lots to finance the subdivision.

Mr. Dill asked if this needed to be sent to Mr. Curtis for review. Mr. Ventres stated it did not. He stated it was sent to Mr. Curtis, and Mr. Curtis believed any review comments he had could be addressed at Planning & Zoning.

Mr. Bell stated this was exactly the same plan as submitted previously. He just separated out the lots.

Mr. Dill asked if anyone needed to walk this site. The consensus was that they did not.

Ms. Augustiny and Mr. Dill voiced concern that by doing this subdivision piecemeal, that it could potentially back the Commission into a corner for future application crossings, etc. He also stated that none of the stone walls should be removed.

Motion by Mr. Dill to send a letter to the Planning & Zoning Commission for Application 10-05, Rodney Davis, II, applicant, Harry Kennedy, property owner, 107 Warner Road, subdivision review for a proposed 4-lot subdivision, provided that all of the stone walls be closely noted and maintained for definition of property lines and separating wetlands, and that no activity shall occur in the upland review area on Lot 4. Seconded by Mr. Goff, and carried by unanimous vote.

7. IWWC ENFORCEMENT OFFICER'S REPORT

Mr. Ventres reported that the Goodspeed has been proceeding.

Mr. Ventres stated the draw down on the reservoir will begin after Labor Day. Staging and signage should begin soon. It was noted that Falls Bashan Road will be closed on and off for moving equipment, etc.

Ms. Augustiny asked if this would affect the fish. Mr. Ventres and Mr. Dill stated there would be a benefit for reduction in weeds.

Mr. Ventres stated this was on the website, along with directions to contact his office if anyone planned to do work on their properties. Mr. Ventres stated he planned to walk this after the draw down.

8. DISCUSSION

A) Eightmile River Watershed – stream crossing guidelines

Mr. Ventres stated he had received comments from Attorney Branse, which he distributed to the Commission. It was decided that the Commission would review these for discussion at a future meeting.

B) General regulations

See above

C) Membership

Motion by Ms. Augustiny, seconded by Mr. Goff to recommend to the BOS that Mr. Dill be reappointed to the Commission. Motion carried by unanimous vote.

Mr. Dill noted that the potential candidate had decided that she could not spend the time for the commission.

The Commission discussed changing the ordinance. Ms. Augustiny believed the ordinance should be changed to eliminate the need for a member of the Conservation Commission.

Motion by Mr. Dill, seconded by Mr. Goff, to recommend to the Board of Selectmen that the ordinance be changed to eliminate the requirement for a member of the Conservation Commission to be a member of the IWWC. Motion passed by unanimous vote.

9. ADJOURNMENT

Motion by Mr. Goff to adjourn at 9:47 p.m., seconded by Mr. Jahne, and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina