

**INLAND WETLANDS AND WATERCOURSES COMMISSION
TOWN OF EAST HADDAM
LAND USE OFFICE
REGULAR MEETING MINUTES
January 18, 2011**

(Not yet approved by the Commission)

1. CALL TO ORDER: Chairman Randy Dill called the meeting to order at 7:30 p.m. at the Town Grange.

2. ATTENDANCE:

COMMISSIONERS PRESENT: Mary Augustiny, Randolph Dill, Daniel Jahne, Bryan Goff

COMMISSIONERS ABSENT: David Cassenti, Susan Odell

OTHERS PRESENT: Jim Ventres, Emmett Lyman, and 2 townspeople were present.

Mr. Dill appointed Mr. Cassenti and Ms. O'Dell in place of the regular members this evening.

3. MINUTES:

Motion by Mr. Goff, seconded by Mr. Jahne, and carried by unanimous vote to approve the minutes of the December 21, 2010 with the following amendments:

- **Page 1, Minutes: Change "Ms. Augustiny" to "Mr. Goff"**
- **Page 2, IWWC Enforcement Officer's Report: Change "Mr. Gillis" to "Mr. Goff"**

4. BILLS

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
Branse, Willis, and Knapp (Mellon)	1259.07019	29.00
UConn (registration fee for class – Mr. Ventres)	2010-S303	60.00

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

Mr. Ventres notified the Commission that he received a letter from Branse, Willis, and Knapp, which indicated that their legal fees will increase from \$145.00 per hour to \$165.00 per hour, effective July 1, 2011.

5. PERMITS

A) Michael Kuziak, 120 Bashan Road, creation of beach area and construction of 14 x 24 storage shed, dock, stone patio, and fireplace in the upland review area. Assessor's Map 58, Lot 127.
First date: December 21, 2010 **Last date: February 23, 2011**

No one representing the applicant was present at this meeting. Mr. Ventres presented the plan to the Commission. He noted that a field walk was conducted. This application originally came for a shed, but when Mr. Ventres went out, he discovered a stone patio, fireplace, and dock. Mr. Ventres noted there is a crushed stone pad that is larger than the proposed shed. Responsive to inquiry by Ms. Augustiny, Mr. Ventres noted this would be a pre-made shed.

It was noted that the dock was pulled out of the water. There is a small arc-shaped area for swimming. Mr. Dill suggested a note be put in this file for the swimming/beach area for future maintenance, etc.

Mr. Dill noted that in the future, we need further discussion about exactly where, with a detailed description of how it will be installed, what kind of base is proposed, etc.

Mr. Dill asked of what material the dock was made. Mr. Ventres replied that it was aluminum. Ms. Augustiny inquired how big the dock is, to which Mr. Ventres responded it was 32-feet x 4-feet. It was noted that there is a flag shape at the end of the dock. The flag area is 8-feet x 8-feet.

Mr. Jahne noted that the clearing area seemed to be pretty well defined. He suggested there could be a condition that no additional clearing be done.

Mr. Dill asked if this conformed for the side yard. Mr. Ventres stated the applicant is going to ZBA for this.

Motion by Mr. Dill to approve the following:

- **The proposed shed, 24 ft. x 14 ft., to be installed on the western end near the property line, to be set on a gravel pad, provided there is no permanent foundation to the building.**
- **The 32-ft. long x 4-foot wide dock, with an 8-ft. x 8-ft area at the end of the dock, with the condition that no additional work to be done on the beach area without prior approval from the Commission.**
- **Also approving an outdoor fireplace 5' x 8'.**
- **Also approve the stone patio as depicted on the as built**

No further removal of vegetation within 100-feet of the wetland shall occur without prior approval of the Commission. Any work done within a designated wetland must be reviewed by the Commission. Seconded by Ms. Augustiny. Voting: Ayes: Dill, Augustiny, Jahne. Abstentions: Goff. Motion passed.

B) Barry and Winnie Edmonds, 174 Falls Road, replacement of retaining wall along the water. Assessor's Map 58, Lot 127.
First date: December 21, 2010 **Last date: February 23, 2011**

Mr. and Mrs. Edmonds addressed the Commission. Mr. Dill, Ms. Augustiny, Mr. Jahne, Mr. Cassenti, and Mr. Ventres attended a field walk for this site.

Mr. Edmonds explained that there are rocks along the edge of the water, that have become dangerous over the years. He would like to remove them and replace them with interlocking blocks. There is also an area of rock that would have to be jack-hammered out. There is also one large rock that their boat propeller continues to hit.

Mr. Dill recalled from the last meeting that there would need to be a backhoe for the required crushed stone for the blocks. Mr. Edmonds believed this backhoe would not have to enter the water, but would be able to reach it from shore. He submitted a brochure from the block manufacturer. Mrs. Edmonds noted that the blocks would not sit very high, but would only serve to provide a safe step down into the water.

Mr. Edmonds submitted a printout on the process for the Versa-Lok system installation.

Mr. Jahne noted there was a tree that would be staying. Mrs. Edmonds commented that there was also another that would be staying. Ms. Augustiny stated these roots were important to remain intact.

Mr. Dill requested the applicant contact Mr. Ventres before the construction commences, after the erosion control is installed. Ms. Augustiny asked that photographs be submitted to Mr. Ventres after the work is completed.

Motion by Mr. Goff to approve the application for Barry and Winnie Edmonds, 174 Falls Road, replacement of retaining wall along the water, and removal of two large specified stones, with the following conditions:

- The Land Use Office shall be contacted before the beginning of the project.
- Photos shall be submitted to the Land Use Office after completion of the project.
- All excess materials shall be removed from the site.

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

6. IWWC ENFORCEMENT OFFICER'S REPORT

Mr. Ventres informed the Commission that the Connecticut Bar Association has an upcoming CT Land Use Law for Municipal Land Use Agencies, Boards, and Commissions. The seminar will be held on March 12, 2011. Anyone interested in attending should notify Mrs. Lombardo in the Land Use Office.

Mr. Ventres reminded the Commission that there is a Planning & Zoning public hearing on January 25, 2011 for several proposed regulation changes. Among the changes are the proposal of allowing interior lots by special exception application, strict regulations on outdoor wood furnaces, etc. Also, changes to buffering for rural and agricultural uses are proposed. The campground regulations will be better defined. He briefly reviewed the other proposed regulation changes that will be discussed at the public hearing.

TAPE CHANGE (1B)

Mr. Dill asked if any of the proposed regulation changes would need IWWC discussion at the hearing. Mr. Ventres recommended the Commission review the buffering and interior lot regulations.

Mr. Ventres sent out notification to the Hartford Courant for the IWWC public hearing, scheduled for February 15, 2011.

7. DISCUSSION

A) Membership

Mr. Dill noted that one thing that may come up is sending a copy of applications to the Conservation Commission. Mr. Ventres cautioned against adding this to the ordinance, and rather adding it to the Land Use Office standard operating procedures. Ms. Augustiny did not wish to have this added to the ordinance. Mr. Dill explained that the Board of Selectmen has taken this up at the last couple of meetings.

Mr. Dill noted that a couple members of the Conservation Commission do not wish to have the ordinance changed for the Conservation Commission members being on the IWWC Commission. Mr. Dill reviewed Attorney Branse's letter regarding Conservation Commission representatives.

Mr. Goff stated the Conservation Commission wishes to have a representative on the IWWC, but they should insert a person into the Commission. However, since they have not, they are defeating their purpose.

Mr. Dill discussed the letter from Attorney Branse regarding ex-parte communication.

Mr. Ventres recommended that he package application information and send it to the Conservation Commission. Mr. Dill suggested the Conservation Commission should put their concerns in writing. If this is done, the correspondence could be read into the record while the applicant is at a meeting.

Ms. Augustiny stated there are two scenarios. If there is a public hearing, all information must be given and heard during the public hearing. For applications that are not in a public hearing, information should be submitted in writing.

Mr. Dill noted that in speaking with Attorney Branse, some applicants must go before the Conservation Commission before coming to the IWWC. This would apply to all applications. Mr. Ventres preferred that all applications be sent to the Conservation Commission, and that all comments must be in writing to the IWWC. Ms. Augustiny commented that the IWWC cannot act at the first meeting anyway.

Mr. Jahne asked if the IWWC did not have any written comments by the second meeting, then should they assume there are no comments. Ms. Augustiny agreed.

Ms. Augustiny stated the IWWC cannot really talk about things outside of its purview. She noted that Planning & Zoning has a wider scope.

Mr. Goff stated that having a member from the Conservation Commission currently would have information

on every application, an opportunity to comment, and a vote on every application. Mr. Goff agreed with Attorney Branse about voting. He stated sending the applications to the Conservation Commission would accomplish all but the voting. Mr. Jahne stated they would have to come up with a timeframe in which the Conservation Commission would have to comment. It was discussed that the Conservation Commission would have to comment by the second time an application appeared on an IWWC agenda.

The Commission discussed timing of application submittals, when applications appear on agendas, etc. Mr. Dill noted that all applications should be given to the Commission prior to the first meeting on an application.

A lengthy discussion ensued regarding Conservation Commission submittals. The Commission reviewed Mr. Dill's draft letter to Cynthia Matthew, Chairperson of the Conservation Commission.

Motion by Mr. Dill to approve sending this letter, finalized, to Ms. Cynthia Matthew, Chairperson of the Conservation Commission. Motion seconded by Ms. Augustiny, and carried by unanimous vote.

TAPE CHANGE (2A)

Ms. Augustiny stated when the Commission has multiple pages of applications, this information would bog down the Conservation Commission's own agenda.

Mr. Ventres stated he could ask applicants for 15 copies of the application and submittals. He currently sends copies of application information to Mr. Lyman. He can send copies, including the application, to the Conservation Commission. Mr. Dill suggested when electronic copies are available, to utilize those for sending to everyone before a meeting. Mr. Ventres stated this was sometimes cumbersome, as some people are not able open the maps, etc. He stated electronic copies are beneficial when cases go to court, as they are required.

Mr. Goff stated if the Commission consistently required comments by the second time an application appeared on the agenda. It was discussed that any time a significant application is received, it would likely go to a public hearing. Within the public hearing process, the Conservation Commission would have an opportunity to comment.

Mr. Dill stated this would be discussed tomorrow night at the Selectmen's meeting. He believed this would ultimately go to a Town Meeting. He encouraged the Commissioners to attend the Town Meeting.

9. ADJOURNMENT

Motion by Mr. Goff to adjourn at 9:19 p.m., seconded by Mr. Jahne, and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina

u/z/IWWC/min/2011/01182011