



Mr. White addressed the Commission. It was noted that Mr. Dill, Ms. Augustiny, Ms. Goodfriend, Mr. Jahne, and Mrs. Burton-Reeve attended the field inspection on February 18, 2007. Mr. Dill stated the Commission had asked about locations in the field, but the plans were quite different from what had been explained in the field.

Mr. Ventres stated that Mr. Charlie Dutch, P.E., reported that the septic system was in front of the treed area. On the map, Mr. Ventres showed the trees at the toe of the slope. The septic system would go in front of the trees. Mr. Dill stated that Mr. Dutch told them during the site walk that the proposed septic system was not going in, and that they would use the existing system. Mr. White stated this was his understanding. Mr. Ventres read the Public Health Code, Section 19.13.B.100. A for seasonal to year round use, which stated the health director may require expansion of the existing sewage disposal system, or installation of a new sewage disposal system at the time of the change in use, when there is a 50% increase in the design flow, per day.

Responsive to inquiry by Mr. Ventres, Mr. White stated this was a two-bedroom structure. Mr. Ventres stated since this building was to remain a two-bedroom house, there would be no increase in the design flow. They had to demonstrate that they have a Code-compliant area. They could keep the existing septic system in place, as there is no increase.

Mr. Ventres stated he spoke with Ms. Davidson of Chatham Health District, and in this case, she did not require that the system be replaced. However, she required them to do the test holes to prove that if there was ever a system failure, they could install a new system.

Mr. Dill stated this was a change from seasonal to year-round. He questioned how Chatham knew there was an adequate system, if they did not know what the system could do. Mr. Ventres stated there were no signs of failure at this point. Mr. Dill commented that it was based on a seasonal use now. Mr. Ventres stated when this system was installed; the technology at the time was installed for a per-day use, not for seasonal use. Mr. Dill noted this system must be reliant on a septic system and a dry well. Mr. Ventres confirmed this, and stated it did not have the same leaching spread as a leaching field; however, if the soil conditions are adequate, and it has been used for 30-day or more periods, it could still be in good shape.

Mr. Dill noted that this was more for a reserve area. Ms. Augustiny stated then that the area where the septic system was to be installed did not actually have to be installed until such time that there is a failure. Mr. Ventres responded affirmatively.

Ms. Augustiny asked if there was a letter from the Chatham Health Department. Mr. Ventres stated he had the Public Health Code regulation, and he believed he had a letter for Planning & Zoning, but he did not have it here with him. Ms. Augustiny stated if this applicant was on the west side of the water system, it would shut be off in October. Mr. Ventres stated there was a well in the front of the property.

Christopher Bell, P.E., clarified that the Commission could think about it as a reserve, but the reason it was changed from a reserve to a Code-compliant area was because a Code-compliant area could be in a different area, or it could be right on top of the primary system. He stated they could use the primary area as a Code-compliant area also. Mr. Dill stated the only primary was a dry well.

Mr. Dill asked Mr. Ventres about his conversation with Mr. Dutch as to where the Code-compliant area would go. Mr. Ventres stated the leaching field would go at the toe of the slope. Mr. Dill stated one thing they talked about at the field walk was locating the major trees, since this was a relatively steep slope. He asked how many trees would have to be removed to build this system, if any. Mr. White stated he talked with Mr. Dutch this afternoon, and he said they would not have to take any trees out for the leaching field. Mr. Dill stated this was for the leaching field, but they would have installation of a tank. Mr. Dutch was showing only the general vegetation in the area, and there are some big trees in the area. Mrs. Burton-Reeve believed the large tree was right near the house.

Mr. Goff inquired where the stairs were located. Mr. White showed the stairs on the plan. He explained where the trees were located. He stated the tree the farthest down was a small tree. Ms. Augustiny recalled that he stated some of the work would be done uphill of this area. Mr. Ventres noted that Mr. Dutch said that was an error. Ms. Augustiny asked how far this area was from the water. Mr. Dill noted that the plan showed 53-feet from the end of the leaching field.

Mr. Dill suggested Mr. Dutch locate all of the trees larger than six inches in diameter on the plan. Ms. Augustiny asked that the shrubs be noted on the plan as well. Mr. Dill stated this application would have to be continued. Mr. Goff stated if they had to locate the trees on the plan, he could also locate which trees, if any, would have to be removed to install the system.

The Commission discussed the decks. Mr. Dill stated he had a different understanding from speaking with the applicant in the field, from what was shown on the plan. Mr. Dill asked if the applicant was putting on an addition off the south side of the house, to which Mr. White responded affirmatively. Mr. Dill indicated that there would be two separate decks, but he understood from the field walk that one deck would come over the other, and would be connected by stairs. He asked for clarification about this. Mr. White explained that the plan was correct, and he may have misspoken during the field walk. He showed where the deck would be built, above the existing patio. The two sets of stairs would come down to the patio. Ms. Augustiny asked if neither deck would extend farther than the patio. Mr. White stated this was correct.

Mr. Dill asked if the dimensions were correct, with one deck shown as 8ft. x 10ft., 8ft. from the edge of the proposed addition, and the other would extend 10 ft. out. Mr. White responded affirmatively. Ms. Augustiny asked if the patio was on the plan, to which Mr. White stated it was and showed the area on the plan.

Mr. Dill asked if the decks would remain open, with no roof. Mr. White stated there would be no roof. Ms. Augustiny clarified that regarding the septic work, there would be no work done at this point. Mr. Dill stated that was correct, and the Commission would just be approving the plan. Ms. Augustiny asked if the septic did not have to be done within the five-year permit period, if they would have to come back, to which Mr. Ventres responded affirmatively. Mr. Ventres explained that the permit was valid for five years, renewable as long as the applicant came in before the fifth year. The statute limits it at 10 years.

Ms. Augustiny asked if the applicant would actually dig a well, to which Mr. White responded affirmatively. Responsive to Ms. Augustiny's statement about the well, Mr. Ventres stated they would have to remind the workers to use erosion control.

Mr. Dill asked for details on the construction of the deck. He noted it would be concrete sonotubes,

with a wooden structured deck. He asked if the applicant was planning to build a footing or foundation, to which Mr. White stated he was not.

**Motion by Ms. Augustiny to approve the application for George White, 72 Lake Shore Drive, proposed septic installation and construction of decks in the upland review area, with the following conditions:**

- **When the well is dug, erosion control shall be used on the lakeside.**
- **The deck shall remain uncovered.**
- **If erosion occurs below the decks beyond the existing patio, a stone drip line shall be installed to eliminate erosion.**
- **In the area of the proposed septic system, any trees larger than 6-inches in diameter must be noted on the plans.**

**Seconded by Mrs. Burton-Reeve, and carried by unanimous vote.**

Mr. White asked if he should renew the permit in the fifth year as a matter of course. Mr. Ventres stated if the applicant experiences any problems with the septic, he could renew the permit during the fifth year.

## **6. SUBDIVISION REVIEW**

**A) New: Application 07-01, Dale King, King's Oak Ridge Farm, LLC, Sheepskin Hollow Road, subdivision review for a proposed 5-lot subdivision in the R2 zone. Assessor's Map 21, Lot 4.**

**First date: February 20, 2007**

**Last date: April 29, 2007**

Mr. Chris Bell, P.E. and Mr. Dale King addressed the Commission. Mr. Bell stated the Commission has seen this application before, and the revisions requested in Mr. Curtis' review letter from January 15, 2007 were now incorporated. Mr. Bell stated that Mr. Curtis faxed a response letter to Mr. Bell on January 16, and Mr. Bell stated he sent a response to Mr. Curtis earlier today. Mr. Dill suggested that the changes be noted, and Mr. Bell could show the changes that were made.

The first change was to add the 20% slope to the legend. Mr. Bell stated he had not revised the plans yet as they had to go before Planning & Zoning next week, and he wanted to wait to make any other changes all at once. The second change was regarding the wetland review area on Lots 2 and 4. He had to change the buffer to 100 feet. The third comment was that vertical datum was not noted on the plan; however, Mr. Bell stated that the 1929 vertical datum was actually listed on the DT-1 detail sheet, but Mr. Curtis had missed it.

Regarding Mr. Curtis' comment on the detail site development plan, Mr. Bell stated he had disagreed with Mr. Curtis on the dry swales. Mr. Bell stated the area was all Type A soils, very deep sands and gravels, and very well drained. The proposed swales were just outside the testing area, and Mr. Bell believed the soils would be good. Mr. Bell stated on the final plans, he would add a test pit in each dry swale area to determine the depth to groundwater. This number would be reported to the Land Use office, prior to construction. Responsive to inquiry by Mr. Goff, Mr. Bell stated if the soils showed less than 12-inches, he would add an under-drain. This was shown on the detail plan.

Mr. Bell stated he had received a letter from Mr. Curtis. Mr. Ventres read the letter from Mr. Curtis into the record, in which Mr. Curtis stated that the applicant's responses were acceptable. Ms.

Augustiny asked if all of the comments from January 15 have been addressed. Mr. Bell stated those items were all addressed on the January 22 revised plans. The additional comments from Mr. Curtis have also been addressed.

Mr. Goff stated that this was the first date on this application. Mr. Ventres and Mr. Dill both stated that this application has been before the Commission previously. Mr. Dill stated that no one was here from the public to speak in opposition to the application. Mr. Ventres noted that at the last meeting, they announced that this would be on the next agenda, and it is noted in the minutes that it would be discussed at the next meeting.

Mr. Ventres recalled that the Commission had debated deed language for the grassy area that is now mowed. Mr. Ventres informed the Commission that he spoke with Attorney Branse about this, and Attorney Branse recommended against putting a note on the deed regarding mowing non-wetland soils in an upland review area. Attorney Branse advised Mr. Ventres that it was acceptable to put a note on the mylar recommending annual mowing in the upland review areas, or that no other activity should occur without prior review by the IWWC; however, to further put these notes on the deed would carry no additional weight. Attorney Branse advised that if the Commission did not feel the area warranted a conservation easement, he recommended against notes being added to the deed. Mr. Goff recalled that Ms. Goodfriend had suggested this only because it was a unique habitat.

There was a brief discussion about mowing. Mr. Goff believed Ms. Goodfriend had recommended a minimum mowing of once per year. Mr. King stated he usually mows the area twice per year. Mr. Ventres recommended putting a note on the mylar stating that no activity shall occur within the upland review area, with the exception of a bi-annual mowing, without prior approval of this Commission. Mr. King stated that was reasonable.

Mr. Dill stated the agenda just showed subdivision review. He believed there should also be a permit application. Mr. Ventres stated there was an active permit application, the subdivision review was posted, and the subdivision review could include a permit.

**Motion by Ms. Augustiny to approve the permit for Dale King, King's Oak Ridge Farm, LLC, Sheepskin Hollow Road, for a proposed 5-lot subdivision, activity in the upland review area, for the driveway crossing for Lot 3, and dry swales for Lots 1, 2, and 3 in the upland review areas, with the following condition:**

- **No activity shall occur over existing grass areas within the upland review area except for bi-annual mowing, without prior review by the IWWC.**
- **Per the plans dated January 22, 2007**

**Seconded by Mr. Goff, and carried by unanimous vote.**

**Motion by Mr. Dill to send a letter to the Planning & Zoning Commission stating that Application 07-01, Dale King, King's Oak Ridge Farm, LLC, Sheepskin Hollow Road, subdivision review for a proposed 5-lot subdivision in the R2 zone, meets the requirements of the IWWC in the plans dated January 22, 2007, to be amended incorporating the comments and responses dated February 16, 2007 and February 20, 2007 from Mr. Curtis and Mr. Bell, respectively. Seconded by Ms. Augustiny, and carried by unanimous vote.**

## 7. IWWC ENFORCEMENT OFFICER'S REPORT

### A) Town of East Haddam, proposed storm drainage on Pilgrim Way, Lake Hayward

Mr. Ventres stated that the applicant wanted to set up a meeting with Mr. Thumm on this issue.

The Commission discussed Shagbark. Mr. Ventres stated that Mr. Weaver had given him a map, and had measured the swale line, but he forgot to bring the map.

Ms. Augustiny questioned a previously approved lot on Scoville Landing. Mr. Ventres stated that once the permit had been issued, the lot was sold to a builder. Responsive to inquiry by Ms. Augustiny, Mr. Ventres stated that the house being built has all of the conditions noted. The house currently being built actually has a smaller footprint than the original, and was farther away from the wetlands than the previous plan.

Mr. Ventres discussed a DEP notice that Fox Hopyard was looking for a bigger diversion permit. Ms. Augustiny stated she had not received this notice. Mr. Dill asked if the DEP letter was an approval for the application. Mr. Ventres stated they were approved, but he spoke with Mr. Damon Hearne of the Eightmile River Committee. Mr. Hearne informed him that the Committee was satisfied with the application moving forward because this group agreed to make the necessary improvements, and they consented to certain draw down periods. Mr. Ventres stated he received this in an email from Mr. Hearne.

It was noted that Mr. Goff was the only commissioner who planned to attend the annual CAUSE meeting on February 22, 2007.

Mr. Ventres distributed information on upcoming training. Ms. Augustiny noted that Mrs. Burton-Reeve and Mr. Jahne needed to attend all of the training in order to receive their certificates. She asked Mrs. Burton-Reeve to contact Mr. Jahne about this. Mr. Ventres suggested Mrs. Burton-Reeve contact him to register for the training. Mr. Dill suggested Segment II would be appropriate for commissioners who have served longer terms, as they would discuss changes. Ms. Augustiny stated she also planned to attend the legal course at Wesleyan.

Mr. Ventres distributed information on project timing from the Army Corps of Engineers. It specifically related to projects at 5,000 square feet and over.

Mr. Ventres recalled last month, the Commission discussed fees, particularly for Banner Lodge. Mr. Ventres stated he tallied the bills from Banner, which came to \$12,063. This figure included IWWC and P&Z; however, 98% of it was for wetlands. He stated that Banner paid P&Z a fee of \$8,790, which left a balance of \$3,275. If they went by the per fee list, it would have come to \$25,000 in total fees. In response to Mr. Goff's inquiry, Mr. Ventres stated that Banner paid nothing up-front. Currently, without any Land Use time, the balance is \$3,275. Mr. Dill stated the fee must incorporate not just direct billings, but should also account for staff time.

Mr. Dill stated he did not want to discuss P&Z fees, but only to discuss fees for this commission. Because this all went through the Land Use office, Mr. Dill asked for a recommendation from Mr.

Ventres. Ms. Augustiny stated that the fees should include staff time, minutes, notices, etc. It was agreed that Banner should pay \$18,000 in fees at this time, less the \$8,790 already paid.

Mr. Dill agreed with Ms. Goodfriend's previous comments regarding fees. He did not want to go through this process repeatedly. Mr. Ventres stated he needed to talk with Attorney Branse about this, but he would come back next month with suggestions. Mr. Dill suggested Mr. Ventres come up with a formula for fees based on staff time and consultant fees.

Ms. Augustiny asked if the current fee structure was not working well. Mr. Ventres stated it was not working in many cases, as each case is unique. Mr. Dill stated the fee structure was based on impact, and some people would pay more, based on impacts. The bottom line was to cover all costs.

Mr. Ventres discussed the lengthy Castle Woods project. He stated that Castle Woods had requested a fee reduction, and the applicant had come up with \$19,700. Land Tech's fees were approximately \$5,000. Mr. Goff believed the Commission should consider the first two applications that did not come to fruition, because time and effort were expended. Mr. Ventres stated that fees were paid that were not rolled into the newest application. It was agreed that Mr. Ventres should go back through the last couple years for this application.

Mr. Dill stated he would like to see a resolution to the fee process, without having to continually reconsider fees.

## **9. OTHER**

The Commission discussed the recent P&Z forum on regulations. Mr. Dill asked if anything had come out of that meeting, because he had concerns about the way that meeting went. Mr. Ventres stated he had received some feedback from developers. Mr. Ventres explained that the meeting was held to help engineers who were struggling with the stormwater requirements.

Mr. Dill believed many people left that meeting believing that the regulations were going to change. Mr. Ventres stated he needed to talk to Attorney Branse about this. He stated that Mr. Thomas was clear that the P&Z Commission planned to finish the Plan of Conservation and Development before anything else was done.

Mr. Ventres stated he planned to prepare a draft letter and have it reviewed by Attorney Branse for difficult parcels of land. Once this has been done, Mr. Ventres stated he would then take this information to the Planning & Zoning Commission.

Mr. Dill commented that Mr. Curtis gave a very good presentation at this forum.

Mr. Dill asked about the proposed draft budget. Mr. Ventres stated the legal line remained high, but he wanted to swap the IWWC and P&Z engineering lines.

**10. ADJOURNMENT**

**Motion by Mr. Goff to adjourn at 9:40 p.m. Seconded by Ms. Burton-Reeve and carried by unanimous vote.**

Respectfully submitted,

Holly Pattavina  
(Transcription from tapes only)