

EAST HADDAM INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING MINUTES
April 17, 2007
(Not yet approved by the Commission)

1. CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Vice-Chairman Mary Augustiny at the Town Grange.

2. ATTENDANCE

Members Present: Mary Augustiny, Jennifer Burton-Reeve, Wendy Goodfriend, Dan Jahne

Members Absent: Randolph Dill, Matthew Davison, Bryan Goff

Others Present: Mr. Ventres, Harvey Thomas, and eight members from the public

Mr. Ventres informed the Commission that he received a letter of resignation from Mr. Davidson. Mr. Davidson resigned, effective immediately, due to family obligations. Ms. Augustiny asked Mr. Ventres to find the list of volunteers for review. Ms. Goodfriend suggested the Commission wait until next month when more members were present. Ms. Augustiny appointed Mr. Jahne to vote this evening.

3. MINUTES

Tabled until next month's meeting.

4. BILLS

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
Horton, Shields, Knox (Mellon –verify State time)	05-0170	\$1232.00
Branse, Willis, and Knapp (Goodspeed and Mellon)	1259-07019	29.00
Shoreline News (legal notices)	2129593	32.08
Nathan Jacobson (Oak Ridge Farms)	12647	289.30

Motion by Ms. Goodfriend to pay the bills as enumerated. Seconded by Mr. Jahne, and carried by unanimous vote.

5. PERMITS

A) Town of East Haddam, reconstruction of Powerhouse Road

Mr. Tony Ciriello of Milone and MacBroom addressed the Commission. He stated they were before the Commission for a permit as this entire project was within the Commission's purview. A site walk was conducted last Monday.

Mr. Ciriello stated they needed to reconstruct Powerhouse Road starting at Route 151 approximately to the first bend in the road. There would be a direct impact near the first two houses on Powerhouse Road. He stated the road was in disrepair, and that approximately 600-feet of the stonewall was collapsing, posing a safety concern. Mr. Ciriello stated the plan was to replace approximately 515 feet of the road, and to replace the stonewall with concrete structures.

Mr. Ciriello stated they had held an informational meeting with the public. He stated that while no one wanted a highway on Powerhouse Road, they did need to widen the road for safety. He proposed widening the road to 18-feet. He indicated that the Town has a fairly wide right-of-way in this area.

As part of this project, Mr. Ciriello stated they would try to incorporate clean up of the storm drainage. He would like to minimize the curbing, but he believed they would need some curbing. He proposed an underdrain along the roadway. This underdrain would convey water to two catch basins, and water would flow via a 15-inch pipe down into the new 24-inch pipe across the road, which is part of the bridge project. The wetlands side of the road would be curbless to drain toward the wetland area.

Mr. Ciriello stated they had chosen to reconstruct the roadway at the current elevation. Pending local approval, they would need to go to the DEP for flood management approval. They proposed grass swales to the inlet farther up the road. The existing 15-inch pipe that currently carries the intermittent watercourse flow would be replaced with a 30-inch pipe. They proposed riprap to a scour hole to decrease the velocities.

Mr. Matthew Sanford, professional wetland scientist with Milone and MacBroom, addressed the Commission. He stated that each Commissioner should have the report from 2003. He stated there were two wetland lines depicted on the presentation map. The interior line, shown in gray, was the Army Corps of Engineers line for wetland soil types. The light green line was to show the Connecticut wetland soil types. He explained that the Connecticut wetland soil types were based on three characteristics: hydrophidic vegetation, hydrology, and hydric soil.

Mr. Sanford stated that the east side of the road had a forested flood plain wetland system. Groundwater discharge flows west to the existing grass swale, and into the 15-inch pipe. Due to the reconstruction of the wall, they would encroach near the wetland; therefore, they proposed a silt fence for erosion control. For long-term protection of this area, Mr. Sanford stated there would be two outfall locations, marked 1 and 2. He proposed riprap plunge pools in these locations. Both of these plunge pools were located in the State wetland area, and encompassed 0.0488 acre of disturbance.

Mr. Sanford explained that they would need to remove some trees during this project. They would replant with native tree species and a New England conservation wildlife seed mix in any disturbed areas. He suggested native white pine, and possibly white or red spruce.

Mr. Sanford stated there were three alternatives for stabilizing the sloped area, depending on the amount of sunlight present. It is now a hemlock mixed herbaceous forest, with very little understory. He proposed an SC2 fabric to hold back the 1:1 slope. He explained that the SC2 fabric was not biodegradable, and only broke down with sunlight. They planned to use a New England Conservation seed mix, which would include an annual rye grass. The first alternative would be to use four species of shrubs on the slope, including low bush blueberry and bayberry; however, this would only work if there was enough sunlight to sustain the shrubs. The second alternative would be to use riprap to control the 1:1 slope. The third alternative, which was not shown on the plan, would be to leave any exposed bedrock along the east side of the road. Mr. Sanford stated this method would have to be determined in the field, once the area was cut.

Ms. Goodfriend asked about the construction of the wall, and how much tree clearing was expected. In addition, she stated during the field walk, they had discussed erosion control at the toe of the slope. Mr. Ciriello stated the first step would be to add the soil erosion and sediment control measures. He indicated that they would have to move the utility poles in this area, in addition to removing the existing stonewall. He proposed a silt fence approximately 10 feet out from the base of the existing wall. He noted that the wall would be constructed from the bottom, working upward. Ms. Goodfriend asked if all of the trees would be removed. Mr. Ciriello stated approximately 12 trees over 12-inches in diameter would need to be removed. These trees would be replaced with pines or spruces.

Mr. Jahne questioned the temporary stockpile areas, and stone from the west side. He stated during the field walk, they had mentioned that they would use some of the stones to rebuild near the house on the east side of the road. Mr. Ciriello stated that some residents had asked to retain some of the natural material. He stated that most of the material in the zone would be trucked off-site, as it had no value to the project. He stated that the temporary stockpile area would be in the location where the State was working; however, he believed the Town needed to follow up with the property owner on this, and that this should be resolved going forward. Mr. Ciriello stated that the road would be closed temporarily during construction. They would work as quickly as possible to re-open the road. Mr. Jahne noted that the staging area would be at the base of the road, and the road itself.

Ms. Augustiny asked if they would face the new wall with the existing stones. Mr. Ciriello stated there were no design standards for the use of these stones to support the wall near the roadway. In addition, he stated it would be cost-prohibitive to face the new wall with stone. He stated the wall will be replaced with a concrete structure with a cast-stone look.

Ms. Goodfriend suggested for the swale that rather than just grass, that they consider sedge, etc. Mr. Sanford stated they proposed a New England wet seed mix in this area.

Ms. Goodfriend stated that some of these pipes belong to the neighbors. She asked that these pipes be inspected to ensure that they were not illicitly connected to septics, etc. Mr. Ciriello understood both of the pipes were basement drains that were connected to sump pumps, and he was not aware of any illicit connections, although he stated they could see more during the project. Ms. Goodfriend stated she was more concerned with the clay pipe, and she asked that before it was reconnected, that it be inspected.

Ms. Goodfriend voiced concern about allowing someone to pick the option that worked best for the west side. She was concerned that if it was not determined now, that the cheapest alternative/material

would be used. She questioned why they could not find plantings that would be shade-tolerant, and that these plantings could not be specified on the plan. Mr. Sanford responded that he could not guarantee that mountain laurel and low bush blueberry bushes would grow in this area, depending on the amount of light once the trees were cut. He stated to plant 4000 – 5000 Christmas tree ferns would be very expensive, and it might not work. Ms. Goodfriend stated there could be a way to condition the permit around the plantings. Mr. Sanford suggested they could possibly stipulate vegetation, and if they decide that vegetation would not work, that they could come back before this Commission. He added that they would know the amount of light relatively early in the project.

Responsive to inquiry by Ms. Augustiny, Mr. Ciriello stated they anticipated finding pockets of soil on the slope that would be suitable for plantings. They also anticipated finding some ledge. He stated he personally would not want his name on this project if the slope would be covered in riprap. He stated that riprap would be used as a last resort.

Ms. Goodfriend suggested a condition to the permit that any pockets of soil be vegetated, and if that would not work, that the applicants come back for further review. Mr. Ciriello suggested a performance specification, with sign off by the Town. He stated this should be a decision of the Town, not of the contractor. Ms. Goodfriend asked who would make that determination. Mr. Ventres responded that it would likely be himself, Mr. Ciriello, and the public works director. Mr. Ciriello added that they typically share that inspection with the Town.

Ms. Goodfriend questioned the types of trees that would be used. Mr. Sanford stated he planned to use white pine, along with red and/or white spruce. He did not propose hemlocks due to the blight. He stated he could use some deciduous if the Commission preferred, but he had chosen conifers.

Ms. Augustiny inquired about the curbing. Mr. Ciriello stated there would be curbing only on the west side of the road. Ms. Augustiny stated with wetlands on both sides of the road, some species might not be able to cross the curbing. She suggested Cape Cod curbing be used where curbing was necessary. Mr. Ciriello believed that was an excellent recommendation.

Ms. Goodfriend asked if they would need to use erosion control matting on both sides of the road to control erosion. Mr. Ciriello did not know at this time. Ms. Goodfriend questioned the finished grade of the slope. Mr. Ciriello responded that the finished grade of the slope would be the same as it is currently. He stated the limit of disturbance would be the width of the excavator. As the stonewall is removed, they will build a shelf for access. He stated that construction of the wall would be done so that there should be no net fill.

Ms. Augustiny questioned the construction sequence. Mr. Ciriello indicated this was in narrative form on the plans. Ms. Augustiny asked who would oversee the contractor, to which Mr. Ciriello stated that the Public Works department would have oversight, as with the sidewalk project. He stated that the Town may do this in-house, or they might hire outside help.

Ms. Goodfriend asked if there would be any vehicles in the flood plain below the silt fence, to which Mr. Ciriello responded there would not. Ms. Goodfriend stated if they needed to bring in heavy equipment beyond the silt fence, they would have to come back to this Commission. Mr. Ciriello stated he would not propose heavy equipment beyond the silt fence. Ms. Goodfriend indicated she just wanted this to be clear for the record.

Ms. Augustiny noted that this was a Town project; however, she asked if the State had any oversight, or if they were just allocating money to the project. Mr. Ciriello replied that the State was giving a grant to the Town, and that everything would be handled through the Town.

Ms. Augustiny asked if the residents had any questions at this time. Ms. Goodfriend stated this was not a public hearing, and she did not believe public comment could be taken. Mr. Ventres stated that technically, they should not, but they could if the Commission chose to let the public speak. Ms. Goodfriend was not comfortable setting that precedent, although it was up to the chairman to make that determination.

One lady from the audience asked how they would schedule a public hearing in order to ask questions. One gentleman stated it seemed that these meetings were held in secret and that people did not know about them. Mr. Ventres explained that in order to schedule a public hearing, they would have to file as an intervener with 25 petitioners. He stated there were only a few people here, and that if a public hearing was scheduled, they would have to wait another month to ask their questions. Ms. Goodfriend stated she believed in following the rules. Mr. Ventres stated there were only five people here this evening. Mr. Thomas suggested the Commission ask Attorney Branse for advice on this issue for future reference. Mr. Jahne asked if they could add an open discussion item to tonight's meeting. Ms. Augustiny stated if members of the audience had specific questions pertaining to wetlands or upland review area, they could ask them now.

One gentleman asked what this Commission's jurisdiction was. Ms. Augustiny replied that this Commission had jurisdiction over the wetland and 100-feet from any wetland areas. This gentleman asked if this whole project was within the 100-foot area, to which Mr. Ventres responded that 99% of it was. The gentleman asked if he could construct a building in this area if it was on his property. Ms. Augustiny stated that he would have to go through the entire wetland process.

Mr. Ciriello stated that there were some questions during the field walk. He advised that questions could still be asked outside this forum. He stressed that this meeting did not close the door to communication.

Ms. Goodfriend asked if there was any role for the Planning & Zoning Commission in this application. Mr. Ventres stated he would have to ask Attorney Branse, but the road was only being widened to the minimum width.

Ms. Augustiny asked if the Commission wanted to delay this discussion, or act on it tonight. Mr. Ventres stated there should be conditions about the curbing, and to have a field inspection after the trees were cut back. Ms. Goodfriend wished to have a condition that where there was not exposed bedrock, that vegetation be attained.

Responsive to inquiry by Mr. Jahne, Mr. Ciriello stated that they envisioned this as a 4-month project, with the majority of the work done in approximately 2 months. He stated the road would not be closed the entire time.

Motion by Ms. Goodfriend to approve a permit for the Town of East Haddam, reconstruction of Powerhouse Road, with the following conditions:

- **The eastern cut slope shall be stabilized with vegetation where there is not exposed bedrock. Any variation shall require further IWWC review.**

- **A wet mix shall be used in the vegetated swale on the east side in the northern end area, rather than just grass.**
- **An erosion control mat shall be used for all exposed areas**
- **Any pipes found during the project shall be visually inspected to ensure they contain clean runoff.**
- **Cape Cod curbs shall be used in any areas requiring curbing.**
- **Once the downside area is stabilized, erosion control shall be removed.**
- **After the slope is cut back, a field inspection shall be held with the Wetlands Enforcement Officer, Public Works director, and Milone & MacBroom.**

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

Ms. Goodfriend thanked Mr. Ciriello and Mr. Sanford for putting together this excellent set of plans.

Ms. Augustiny informed the public that if there were any additional questions about this project, they could contact the Town. Ms. Goodfriend stated if there were specific questions about plantings, size of plantings, etc., they should be submitted in writing to the First Selectman's office.

B) Klar-Crest Resort, Inc., 11 Johnsonville Road, installation of new septic system in the upland review area. Assessor's Map 55, Lot 1.

First date: March 20, 2007

Last date: May 24, 2007

Mr. Charles Dutch addressed the Commission on behalf of the applicant. It was noted that everyone present this evening attended the field walk.

Mr. Dutch stated the only intrusion into the wetlands was a 4-inch PVC pipe sleeve that would extend through the wetland so they could run a 2-inch line through to the field beyond. Ms. Augustiny asked if this would be installed above the stream. Mr. Dutch stated the pipe would be approximately 18-inches deep, and there would be no excavation in the stream.

Mr. Jahne asked if there would be any fill, to which Mr. Dutch stated they were not required to fill anything for this project.

Ms. Augustiny asked how they planned to dig the section for the pipe. Mr. Dutch believed a small excavator would be appropriate. Responsive to inquiry by Ms. Goodfriend, Mr. Dutch stated there would be 2-foot stone galleys. Ms. Goodfriend asked where the excavated soil would go. Mr. Dutch stated they would use the soil elsewhere on the property for grading.

Ms. Goodfriend asked if it would be helpful to add some stone on the crossing, as it would have a lot of truck crossing. Mr. Ventres stated they may need some traction material. Ms. Goodfriend stated if any pipes are crushed during the project, they would need to come back to this Commission for pipe replacement. Mr. Ventres did not believe there would be a lot of truckloads of material. He believed the biggest concern was that stone check dams be installed on the sides if the work is done during the wet season.

Ms. Goodfriend suggested a condition of approval be that once they set up the erosion control, that a field inspection by the Wetlands Enforcement Officer be conducted. She commented that she was not terribly concerned where they were installing the pipe, but they needed to still be careful. Mr. Dutch

suggested temporary reinforced planks so there would be less disturbance and better protection of the stream.

Motion by Ms. Goodfriend, seconded by Mr. Jahne, and unanimously passed to approve the permit for Klar-Crest Resort, Inc., 11 Johnsonville Road, installation of new septic system in the upland review area, with the following conditions:

- Any excavated soil be removed outside the upland review area.
- A temporary bridging be added across the stream crossing during construction, to protect the stream.
- Once erosion control measures are in place, the applicant shall contact the Wetlands Enforcement Officer for inspection, prior to initiation of construction.
- All work shall be done in accordance with the February 22, 2007 plans.

C) NEW: Peter Govert and June Plecan, 24 Cedar Meadow Road, construction of carport in the upland review area. Assessor's Map 55, Lot 93.

First date: April 17, 2007

Last date: June 21, 2007

No one representing the applicant was present at this meeting.

Motion by Ms. Goodfriend to schedule a field walk, and to continue the application for Peter Govert and June Plecan, 24 Cedar Meadow Road, construction of carport in the upland review area until the next regularly scheduled meeting. Seconded by Mr. Jahne, and carried by unanimous vote.

D) NEW: David Soule and Maria Koursaris, Clark Hill Road, construction of driveway in the upland review area. Assessor's Map 22, Lot 37.

No one representing the applicant was present at this meeting.

Motion by Ms. Goodfriend to schedule a field walk, and to continue the application for David Soule and Maria Koursaris, Clark Hill Road, construction of driveway in the upland review area until the next regularly scheduled meeting. Seconded by Mr. Jahne, and carried by unanimous vote.

6. SUBDIVISION REVIEW

A) NEW: Robert and Claire Braverman, 3-lot subdivision, Shanaghan Road and Bogue Lane. Assessor's Map 29, Lot 1.

First date: April 17, 2007

Last date: June 21, 2007

Mr. Joe Wrenn, P.E., addressed the Commission on behalf of the applicants. It was noted that everyone present this evening attended the field walk.

Mr. Wrenn stated that this parcel was comprised of approximately 14 acres. There was one questionable area that had some surface water during the field walk. He had Mr. Rich Snarski inspect the area and prepare a report. Mr. Wrenn read Mr. Snarski's letter, which stated this area was not a wetland area. He submitted a copy of this letter to the Commission. Ms. Augustiny asked what type

of soil this was to have standing water. Mr. Ventres stated it was Woodbridge soil.

Ms. Augustiny stated that the area where there was standing water was the septic reserve for Lot 1. Mr. Ventres stated he asked Ms. Davidson of Chatham Health District to double check this, and the mottling was found at 26-inches.

Mr. Wrenn stated there would be 4.67 acres of open space, and he showed the area on the plans. He believed it would be preferable to keep this area as open space rather than in conservation easement, based on the aerial photographs, for future continuity.

Ms. Augustiny asked if the backs of two of the lots had some wetland areas, to which Mr. Wrenn responded affirmatively. Ms. Augustiny asked if all of the work would be done outside of the upland review area, to which Mr. Wrenn again responded affirmatively. Ms. Augustiny noted that this would simply be a letter to the Planning & Zoning Commission, since there was no activity in the upland review areas.

Mr. Wrenn submitted a United States Quad map, showing a significant water route to the Commission, for reference. Ms. Goodfriend asked about the swale. Mr. Wrenn stated there was some water that would be directed over this area, but he expected very little, infrequent flows. He stated he did prepare the detail for the swale, and it would have a curved bottom, 4-foot wide, and one-foot deep.

Ms. Goodfriend asked if this application would include engineering review for the Planning & Zoning Commission. Mr. Ventres responded affirmatively. Ms. Goodfriend believed the pipe was somewhat oversized, and she suggested that this be reviewed during the engineering review.

Ms. Goodfriend asked if the landowner had given consideration to a conservation easement for Lots 2 and 3 to protect the back area near the wetland. Mr. Wrenn stated they had not discussed it, but they would not be opposed to it. Mr. Ventres suggested placards could be used near the open space parcel. Ms. Goodfriend stated the intent was to educate people about the area. Mr. Ventres suggested the stonewall would be a good line with which to add the conservation easement. Ms. Goodfriend stated the stonewall would not be inclusive of all of the wetlands. Mr. Wrenn suggested pins be added for the conservation easement lines.

Motion by Ms. Goodfriend, seconded by Mr. Jahne, and carried by unanimous vote to send a letter to the Planning & Zoning Commission stating that the application for Robert and Claire Braverman, 3-lot subdivision, Shanaghan Road and Bogue Lane. Assessor's Map 29, Lot 1 meets the requirements of the IWWC as there is no activity within the wetland or upland review areas, and to suggest a conservation easement near Lots 1, 2, and 3 coincidental to the upland review/wetland area to protect the wooded nature of the upland review area, and to have the Town engineer review the drainage swale to ensure it is appropriate and necessary.

7. DISCUSSION

A) Plan of Conservation and Development

Mr. Harvey Thomas addressed the Commission. Draft copies of the Plan of Conservation and Development had been distributed to the Commission, and he was here to gather feedback and to

answer any questions.

Ms. Augustiny stated she made some comments on her copy, and she submitted it to Mr. Thomas for review and incorporation into the Plan. She stated that most of her comments were just changes for clarification.

Ms. Goodfriend apologized for not bringing her copy. She asked what the next step would be. Mr. Ventres stated the P&Z Commission would hold a group meeting with the Land Trust, Conservation Commission, etc. to discuss the environment.

Mr. Jahne stated he read through the entire document. He asked if this was listed in priority order. Mr. Thomas explained that once the final Plan was approved, the P&Z Commission would work on a plan for an order in which items could be addressed.

The Commission discussed various aspects of the Plan. Ms. Goodfriend questioned the goal. Mr. Thomas stated the goal was that when the people of East Haddam were asked what they valued, these were the things that came back as valuable. Ms. Goodfriend referred to rural character, and she stated that no one seemed to agree on what rural character meant. Mr. Thomas stated that the population buildout was estimated at 14,000. Architecture should be compatible with other existing structures in town, agriculture should be fostered, small rural roads are preferred, and commercial industrial entities should be appropriate with the town.

Ms. Goodfriend asked if this encapsulated what is included in rural character. It was noted that many of the people who complain about the loss of rural character are themselves part of subdivisions. Mr. Ventres noted that the State Plan of Conservation and Development says towns should look at many restrictions. Ms. Goodfriend did not believe the Town should shy away from a discussion about rural character just because there are many varying opinions. She stated the point of the Plan of Conservation and Development was really to reflect the view of the town. She believed as they continue to go through this process, this would be a touchstone for discussion.

Ms. Augustiny believed that parking in the village should be for a group of businesses, not just for the bank, the library, etc. Mr. Thomas agreed.

Mr. Jahne asked if once this Plan was completed, if it would be used as a basis for denial of subdivisions, etc. Mr. Thomas stated if there are issues/topics not presently covered in the regulations, then this could help the Commission approve or deny projects. Mr. Ventres stated one important note was that if someone requested a zone change, then P&Z has to go back to the Plan. If it is not part of the Plan, the P&Z cannot approve it. For example, if Wal-Mart wanted to build a large store in East Haddam, it would not be part of the Plan, thus it would not be allowed.

Mr. Jahne asked if this would change how the IWWC works. Ms. Augustiny stated it would not, as the IWWC was governed by law and regulations. Ms. Goodfriend stated she saw this Plan as the vision/goal for East Haddam, and the regulations as a way to make the goal happen.

Mr. Thomas discussed the sewer avoidance. Mr. Ventres commented that the State Plan of Conservation and Development now views sprawl as a problem. Ms. Augustiny noted that the State requires towns to have a Plan as well.

8. IWWC ENFORCEMENT OFFICER'S REPORT

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

No new information was discussed for this project.

B) Other

Mr. Ventres informed the Commission that he went to the recent DEP wetland training session.

Mr. Jahne asked if commissioners had to attend all three DEP segments in order to become certified. Mr. Ventres stated that a different person from a commission could go to each segment; however, if the same person went to all three, he/she would become certified.

Ms. Goodfriend asked Mr. Ventres to consult with Attorney Branse about opportunities for the public to comment, outside of public hearings. Mr. Ventres stated technically, there was not. Ms. Goodfriend stated then that she did not care if everyone was in favor of accepting comments, there should be no public comment allowed. Responsive to inquiry by Ms. Augustiny, Ms. Goodfriend stated that anyone who wished to comment, could do so in writing to Mr. Ventres. Mr. Ventres stated he could then submit them with his staff comments.

Mr. Ventres updated the Commission on the school project. He stated that there was one failure during the recent heavy rainstorms, but it was due to the freshly installed basin. Ms. Goodfriend suggested the Commission walk the school site to look at critical areas.

Ms. Augustiny suggested that field walks be changed to begin at 5:45 p.m., rather than at 5:30 p.m. She stated it was difficult for people to get there after work.

Mr. Jahne asked if Shagbark cut back their pavement. Mr. Ventres stated they needed to cut it back approximately 4-feet, but he did not believe they had done so yet.

9. COMMUNICATIONS

None

10. ADJOURNMENT

Motion by Ms. Augustiny to adjourn at 9:53 p.m. Seconded by Mr. Jahne, and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina