

**EAST HADDAM INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING MINUTES**

**March 18, 2008**

**(Not yet approved by the Commission)**

**1. CALL TO ORDER**

The meeting was called to order at 7:05 p.m. by Chairman Randolph Dill at the Town Grange.

**2. ATTENDANCE**

**Members Present:** Randolph Dill – Chairman, Mary Augustiny, Jennifer Burton-Reeve

**Members Absent:** Wendy Goodfriend, Bryan Goff, Dan Jahne

**Others Present:** Mr. Ventres, Mr. Lyman, and three individuals from the public.

**3. MINUTES:**

**A) February 19, 2008 (regular meeting)**

**Motion by Ms. Augustiny, seconded by Mrs. Burton-Reeve, to approve the minutes of the February 19, 2008 regular meeting with the following amendment:**

- **Page 14, paragraph 2, sentences 3 and 5: Change “they” and “he”, respectively, to “the Board of Selectmen”**

**Motion carried by unanimous vote.**

**B) February 26, 2008 (special meeting)**

**Motion by Ms. Augustiny to approve the February 26, 2008 special meeting minutes as presented. Seconded by Mrs. Burton-Reeve, and carried by unanimous vote.**

**4. BILLS**

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
NL Jacobson & Associates (Clark Gates, Ellen Hixt subdivision)	14459	\$1934.90
Shoreline Newspaper (legal notices)	2263634	24.48
Shoreline Newspaper (legal notices)	2256493	33.68
Shoreline Newspaper (legal notices)	2261558	28.80

#### 4. BILLS (continued)

<u>Vendor</u>	<u>Invoice</u>	<u>Amount</u>
Hartford Courant (legal notices)	4685	89.20
Quality Name Plate (boundary markers)	00466088	420.12
Branse, Willis, & Knapp (general legal, Mellon, single family dwelling public hearing)		609.00

**Motion by Ms. Augustiny to pay the bills as enumerated. Seconded by Mrs. Burton-Reeve, and carried by unanimous vote.**

Mr. Ventres informed the Commission that Mr. Christopher Bell, engineer for the Ellen Hixt subdivision, had requested a waiver of the fees for the proposed driveway crossing. Based on the fee schedule, the fees would total \$6,400. The actual NL Jacobson fee was \$1,130 plus the \$130 base fee. Ms. Augustiny asked how much time Mr. Ventres had spent on this application. She stated that the office time should also be included. Mr. Dill added that they should include fees for mailing, etc. Mr. Ventres recommended \$1,400. Mr. Dill inquired if the \$6,400 had already been paid, to which Mr. Ventres stated it had not. Mr. Dill stated there would be some future follow up, in terms of inspections, etc. He stated the fee should include this time. He asked if \$1,500 would cover the additional inspections. Mr. Ventres believed it would, and noted that the applicant had already paid the base fee of \$130.

**Motion by Mr. Dill to waive additional fees over \$1,500 for the Ellen Hixt subdivision. Seconded by Ms. Augustiny, and carried by unanimous vote.**

#### 5. PERMITS

**A) Continued: Town of East Haddam, Phase II – proposed storm drainage on Pilgrim Way, Lake Hayward.**

Mr. Roger Nemergut stated they still needed the property line for the easement.

**Motion by Ms. Augustiny to continue the Town of East Haddam, Phase II – proposed storm drainage on Pilgrim Way, Lake Hayward until the next regularly scheduled meeting. Seconded by Mrs. Burton-Reeve, and carried by unanimous vote.**

**B) Continued: Thomas Pagley, 59 East Shore Drive, demolition of existing home and construction of new residence, activity in the upland review area. Assessor's Map 80, Lot 365.**

**First date: February 19, 2008**

**Last date: April 24, 2008**

Mr. Pagley addressed the Commission. Mr. Ventres distributed the plans to the Commission. It was noted that Ms. Augustiny, Mrs. Burton-Reeve, Mr. Jahne, and Mr. Ventres attended this field walk.

Mr. Pagley showed the existing house on the plan, as well as the trees to be removed. He distributed updated plans to the Commission. Mr. Dill indicated this revised plan was dated March 14, 2008.

Ms. Augustiny stated during the walk, she asked Mr. Pagley to add the existing driveway and dock to the plan, to show the proposed work for the walkway, and to show the trees that would be removed.

Mr. Pagley stated he would put in some small blueberry bushes around the edge to prevent erosion. He noted that the new house would be set 15-feet farther back than the existing house.

Mr. Pagley showed the septic area on the plan. He stated the drainage from the roof would go into a dry well.

Mr. Dill asked if the bituminous pavement would be removed. Mr. Pagley confirmed that it would be removed and replaced with a narrow walkway. Ms. Augustiny noted that there was now some walkway area, but the applicant wanted to work on the walkway. Mr. Pagley stated he had appreciated Ms. Augustiny's suggestion during the walk to use blocks with grass between them.

Ms. Augustiny asked if the applicant would have to blast for the driveway. Mr. Pagley was unsure. Mr. Dill referred to the septic plan to add another gallery to the system. He asked if this would be added to the current septic, to which Mr. Pagley responded affirmatively.

Ms. Augustiny asked if the mature tree would remain safe. Mr. Pagley believed it would be safe. Ms. Augustiny suggested they might be able to pull the system back. Mr. Dill noted this was probably an engineered system for this location.

Ms. Augustiny asked if the new deck would be totally enclosed. Mr. Pagley stated it would not. Ms. Augustiny asked if it would be above ground, and if one could walk underneath the deck, to which Mr. Pagley responded affirmatively. Mr. Pagley showed the porch area on the plan. Mr. Dill stated it was the Commission's usual practice to condition that the deck would remain open.

Ms. Augustiny asked if the plan showed the work for the driveway. Mr. Pagley stated it would be like Ms. Augustiny had suggested during the walk. Ms. Augustiny noted this could be made part of the conditions for pervious pavers, intermittently spaced.

Mr. Dill asked if the new house was approximately twice the size of the existing house, to which Mr. Pagley responded affirmatively.

Mr. Dill noted that the erosion control measures seemed to be in place. He asked if Mr. Ventres would want to see this. Mr. Ventres advised that this application had to go to Planning & Zoning, and would have to be inspected.

Ms. Augustiny questioned what would be done with the demolition material. Mr. Pagley stated the material would be put into dumpsters and removed from the site.

**Motion by Ms. Augustiny to approve the application for Thomas Pagley, 59 East Shore Drive, demolition of existing home and construction of new residence, activity in the upland review area with the following conditions:**

- **Work shall be done per the plans revised March 14, 2008.**
- **The current bituminous walkway shall be replaced with intermittent or pervious pavers.**
- **The deck shall remain open.**
- **Appropriate plantings shall be installed along the shoreline.**

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

**C) New: Town of East Haddam, Clark Gates Road, proposed storm drainage.**

Mr. Ventres presented a GIS map to the Commission. He stated that the Public Works Director, Mr. Fred Thumm, would like to meet in the field one day. He wanted to resurface Clark Gates Road. Mr. Ventres noted that most of the road ranges from 20 to 22 feet wide. The area in the vicinity of the wetlands would be raised up one foot, and there would be a bit of sloping on the side.

Mr. Ventres stated that Mr. Thumm wished to meet with the Commission to discuss the possibility of piping. He would like to walk the area with the Commission, and then come back in April. The Commission discussed various possible dates for a field walk.

**Motion by Mr. Dill to continue the Town of East Haddam, Clark Gates Road, proposed storm drainage, and to schedule a field walk for next week. Seconded by Mrs. Burton-Reeve, and carried by unanimous vote.**

**D) New: Roger Malbuisson, 79 Millington Road, driveway in the upland review area. Assessor's Map 51, Lot 27.**

**First date: March 18, 2008**

**Last date: May 22, 2008**

Mr. Malbuisson addressed the Commission. It was noted that Ms. Augustiny, Mrs. Burton-Reeve, Mr. Jahne, and Mr. Ventres attended this field walk. Mr. Ventres presented the map for this application.

Mr. Malbuisson noted the application was for a garage and driveway. Mr. Ventres noted that the driveway was closer to the wetlands; however, it was in a flat, grassed area. Mr. Dill asked if the garage was also located within the upland review area. Mr. Ventres stated there were so many briars, they could not walk through it to measure.

Mrs. Burton-Reeve inquired about the plans for the existing shed. Mr. Malbuisson stated there were no plans to demolish it, but it would probably eventually fall down.

Ms. Augustiny asked what the garage floor would be, to which Mr. Malbuisson responded it would be concrete. Ms. Augustiny asked about the surface of the driveway, to which Mr. Malbuisson stated it would be gravel or pervious surface.

Ms. Augustiny commented that the backside of the garage should have stone to absorb any runoff. She asked when this parcel was split. Mr. Malbuisson stated this lot was split in 2005.

Mr. Dill asked if the driveway would be unpaved, to which Mr. Malbuisson responded affirmatively. He asked if the foundation and floor of the garage would be concrete, to which Mr. Malbuisson again responded affirmatively.

It was noted that this was the first date on this application. Ms. Augustiny saw no need for the applicant to attend the next meeting.

Mr. Dill asked if the sketch provided by Mr. Malbuisson was dated. Mr. Ventres stated it was not dated, and he therefore dated the sketch.

**Motion by Mr. Dill to continue the application for Roger Malbuisson, 79 Millington Road, driveway in the upland review area, until the next regularly scheduled meeting. Seconded by Mrs. Burton-Reeve, and carried by unanimous vote.**

**E) ADDITION TO AGENDA: Mr. Steven Santoemma, 111 Lakeshore Drive.**

Mr. Roger Nemergut addressed the Commission on behalf of the applicant. He stated this was an existing two-bedroom seasonal dwelling. The lot is 2/10 acre, and is located on Bashan Lake. The houses on either side of this cottage are year-round homes, with wells and septics. This cottage is seasonal and has a septic, but no well.

Mr. Nemergut indicated that the existing septic is located at the backside of the house. It is a corroded metal cess pool, and there is nothing on file for the system. The plan was to

drill a well in the front yard, and to install a new septic system in the back. The location would be 43-feet from the lake, but there are suitable soils. On either side of this structure, the septic systems are located in the back yards. This proposal would have all three houses in a row with septic systems in the back yards (lake side).

Mr. Nemergut stated that the well for the house to the west is drilled, and is above ground. After the site walk, they were able to reach the owner of the house to the east, who indicated that his well was in the back.

Mr. Nemergut explained the dilemma was that he was asking to put in a system closer to the lake, and there is one possible area farther away. Mr. Dill asked if there was a prudent and feasible alternative. Mr. Nemergut stated there may be suitable soils near the road, but it has not been test pitted. He noted that there is a lot down the road that may in the future need a septic also. He explained that this applicant does not have a problem with his septic currently, so if he can't change the septic, he would leave it as is. Therefore, effectively, this cottage would never have a drilled well otherwise. Currently, the water is drawn from the lake.

Mr. Nemergut understood the difficulty asking for a septic closer to the lake. Responsive to inquiry by Mr. Ventres, Mr. Nemergut stated he spoke with Ms. Liz Davidson of Chatham Health District about this. His impression was that she would still prefer the septic to be in the proposed location. Mr. Nemergut added that he did the nitrate calculations, and it works for a seasonal dwelling, but not a year-round dwelling.

Mr. Dill noted as proposed, this would be within 75-feet of the existing well for the neighbor. Mr. Nemergut stated they have had waivers for other similar situations. Mr. Dill noted however, that this was a dug well. Mr. Dill asked if they could go to the other side of the stonewall. Mr. Nemergut responded that they could not, as they have to be 15-feet away from the dwelling.

Mr. Dill noted this is a seasonal structure. He asked about the future plans. Mr. Ventres stated this was built as a seasonal cottage. In order to be considered for conversion to year-round, it must have .5 acre, and this lot is only .2 acre.

Ms. Augustiny commented that this lot is very steep to the lake. She stated there is erosion occurring now, because the owner cleared some of the area on the side.

Mr. Nemergut stated the soils were dry in this area, so they would not need a fill system. Mr. Dill asked if Chatham Health District would provide something in writing stating they were okay with this proposal. Mr. Nemergut stated he would have to give them a final engineered drawing, which would take a lot of time, and thus, expense. He stated he spoke with Ms. Davidson, and he believed she would find it acceptable. Mr. Dill stated it would be better to have something for the file.

Ms. Augustiny stated she would like to see documentation as to why near the road would not be a prudent alternative. Mr. Ventres explained that right now, the neighbor has a

dug well, and they have no children. If that situation changes, it could be a potential problem for them.

Mr. Dill asked if the percolation rates were good. Mr. Nemergut responded that the percolation rates were very good. They went down 6 ½-feet. There was no refusal, nor groundwater. The mottling was indicative of potential high water that was approximately 5-feet. This system would only be approximately 1-foot, which would leave approximately 3-feet below the system, and Code is 18-inches. Ms. Augustiny asked what the soils were. Mr. Nemergut stated the first 3-feet were sandy, and from 3 to 5 feet it is a denser, medium sand.

Ms. Augustiny reiterated that this lot was very steep. She thought they would immediately need something for erosion control.

Mr. Dill asked the status of this project. Mr. Ventres stated they were looking for direction from the Commission. Mr. Dill stated they had to weigh the fact that there is currently just a metal tank here. He stated this would be an improvement. He stated if Chatham Health District was okay with the proposal, it would give the Commission assurance that this would help the lake. Since this is seasonal, and would not be converted, he was leaning toward advising Mr. Nemergut to go ahead and do the perc tests. Mr. Ventres suggested they design the system and come back with the approval letters. Mr. Nemergut stated he would submit a design. He explained that they were trying to avoid the cost of designing the entire system if it would not be permitted.

Ms. Augustiny suggested there could be possible mitigation with plantings. Mr. Ventres stated this was a tough location. Mr. Dill questioned the vertical elevation to the water. Mr. Nemergut replied that it was approximately 16-feet. Mr. Dill asked if there were any plantings on the lakeside. Mrs. Burton-Reeve stated there was pachysandra. Mr. Dill agreed with Ms. Augustiny about mitigation. He stated the Commission would not be out of line to request some plantings just to break up the silhouette of the lake. Mr. Nemergut stated this could be done here. Ms. Augustiny stated the pachysandra, etc. that was on the slope had helped, but the owner took out some of the material. Mr. Nemergut stated he would talk to the owner tomorrow about this.

Ms. Augustiny stated this work should be very carefully done. Mrs. Burton-Reeve agreed. Mr. Dill asked if this input helped, to which Mr. Nemergut responded affirmatively.

## **6. PUBLIC HEARING**

**A) Continued: GCS Land Development, Haywardville Road, construction of single-family residence and driveway in the upland review area.**

**Assessor's Map 80, Lot 465.**

**First date: February 19, 2008**

**Last date: March 25, 2008**

No one representing the applicant was present at this meeting. Mr. Ventres announced that he had received a letter dated March 10, 2008 from Mr. George Schober, requesting a 65-day extension. Mr. Ventres stated he had letters from NL Jacobson and Ms. Penni Sharp. In addition, the applicant's consultant indicated it was still too cold to get the necessary reports, and it still may not work for the April meeting. Mr. Ventres believed they would need the full 65-day extension. Mr. Dill stated this would leave them pressed for time, and the Commission still has not really heard much about this application. He noted if they reach the deadline without all of the information, they will have to deny it as incomplete.

Mr. Dill opened the hearing to the public.

Mr. Gerard Powell, 290 Haywardville Road, submitted photographs of a turtle. He stated this turtle came up from the back yard. Mr. Ventres identified it as a painted turtle.

Mr. Powell stated he also counted six storm drains from Salem, and they are directed to this property. Mr. Dill asked if they were road crossings. Mr. Powell responded affirmatively, and noted that they dump into a little pit, and that pit drains into the woods. Mr. Ventres asked if the cross drains had been there for a while. Mr. Powell responded that they were new. He stated there is a lot of water in this area, especially when it rains. Mr. Ventres stated he should probably take a look at this basin. He stated it might be helping, as it at least offered a place to collect the water.

Mr. Powell asked if the Commission walked this site, to which Mr. Dill responded affirmatively. Mr. Powell stated even in the summer, there is still flow here. It is not intermittent.

**Motion by Ms. Augustiny to grant the request for a 65-day extension for GCS Land Development, Haywardville Road, construction of single-family residence and driveway in the upland review area, and to continue the public hearing to the next meeting on April 15, 2008, 8:00 p.m. Seconded by Mrs. Burton-Reeve, and carried by unanimous vote.**

## **7. SUBDIVISION REVIEW**

**A) Continued: Application 08-01, Richard Bennett, applicant, John and April Wisutski, property owners, O'Connell Road Extension. Wetlands review for a proposed 2-lot subdivision with activity in the upland review area. Assessor's Map 86, Lot 14.**

**First date: February 19, 2008**

**Last date: April 24, 2008**

No one representing the applicant was present at this meeting. Mr. Ventres stated that Mr. Snarski had indicated this was not a wetland area, but there was constant mottling at lower levels. There were other levels of mottling at other depths. This area is where the proposed septic would be located. Mr. Ventres spoke with Ms. Davidson of Chatham

Health District, and she indicated that they would need monitoring. Mr. Ventres spoke with Mr. Dutch, and he would do the monitoring and let us know where the water level is.

Mr. Dill inquired about the time line. Mr. Ventres noted that the next meeting was scheduled for April 15, and the last date of this application was April 24.

**Motion by Mr. Dill to continue Application 08-01, Richard Bennett, applicant, John and April Wisutski, property owners, O'Connell Road Extension. Wetlands review for a proposed 2-lot subdivision with activity in the upland review area until the next regularly scheduled meeting on April 15, 2008, 8:00 p.m. Seconded by Mrs. Burton-Reeve, and carried by unanimous vote.**

## 8. DISCUSSION

### A) File Requirements

Mr. Ventres forgot to bring the copies of the file retention information to this meeting. It was tabled until next month.

## 9. IWWC ENFORCEMENT OFFICER'S REPORT

Mr. Ventres stated that Mr. Puska had been dealing with issues with the Winterbrook subdivision. In the last two heavy rainstorms, the catch basin that comes from the State highway became clogged and failed. Mr. Stu Fairbank, the engineer, is designing a hardened overflow to go along the emergency access road.

Mr. Dill commented that Public Works should have cleaned all of the basins a while ago, because many of the catch basins are clogged with leaves. Mr. Ventres stated this year's rains have caused many issues. There was a big issue on Powerhouse Road.

Mr. Dill stated he had a conversation with Ms. Goodfriend about Thursday's special meeting/public hearing. Because Ms. Goodfriend works for the Middlesex County Soil and Water Conservation District, Inc. This review would be sent to Old Saybrook. Ms. Augustiny stated that someone had been sending emails about the upcoming public hearing. She stated as soon as she saw "Orchard Road", she immediately deleted the emails and requested that the sender not send additional emails to her. He asked if she needed to state this at the public hearing, to which Mr. Dill responded affirmatively.

Ms. Augustiny asked if a liaison from the Conservation Commission had been appointed yet. Mr. Ventres stated that the BOS would have the final say about the appointment. The Conservation Commission would make a recommendation to the BOS, and then the BOS would make an appointment. Ms. Augustiny stated whoever is appointed should attend the wetlands training programs. Mr. Dill asked if this would be an alternate member. Mr. Ventres stated this would be a regular member.

Mr. Dill asked that Mrs. Lombardo add the status of each Commissioner to the box at the top of the agendas.

**A) Shagbark**

Mr. Ventres stated he gave Mr. Hunt the Commission's letter. He attended a meeting with Mr. Hunt, the building inspector, fire official, Mr. Hunt's sister, Mr. Casner, Mrs. Ziobron, Mr. Walter, and Nolan. They plan to meet next Monday or Tuesday in the field to go over the information again. Mr. Ventres stated that everyone in attendance encouraged Mr. Hunt to have plans ready for the next meeting.

**11. ADJOURNMENT**

**Motion by Ms. Augustiny to adjourn at 8:40 p.m., seconded by Mrs. Burton-Reeve, and carried by unanimous vote.**

Respectfully submitted,

Holly Pattavina