

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

April 24, 2008

(Not yet approved by the Commission)

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chairman Randolph Dill at the Town Grange.

2. ATTENDANCE

Members Present: Randolph Dill – Chairman, Mary Augustiny, Dan Jahne

Members Absent: Jennifer Burton-Reeve, Bryan Goff, Wendy Goodfriend

Others Present: James Ventres, Emmett Lyman, and approximately 13 townspeople

3. PUBLIC HEARING

A) Continued: Alan Hanks, 30 Orchard Road, proposed 8-lot subdivision with activity in the upland review area. Assessor's Map 36, Lot 35.

First date: March 20, 2008

Last date: April 24, 2008

Mr. Dill asked if anyone had any disclosures to make before tonight's meeting. He stated he received one telephone call from a neighbor asking about tonight's meeting. Mr. Dill stated he had no answers to give the caller.

Ms. Augustiny suggested the Commission limit tonight's meeting to end at 10:00 p.m.

Mr. Roger Nemergut submitted two more certified mail receipts. One was the green receipt card, and the other letter was not picked up by the addressee.

Mr. Nemergut stated today, he submitted revised drawings. Mr. Ventres distributed these to the Commission. Mr. Nemergut stated he would like to review the changes, which were summarized on the handouts he then distributed. He stated he would review the changes, page by page. Also in the package, Mr. Nemergut stated there was a copy of Mr. Richard Snarski's report regarding the areas of potential vernal pools.

Mr. Michael Harris interjected, stating his belief that there should not be a presentation tonight. He stated he talked to Mr. Ventres today, and was told that the Town's attorney would not be here tonight, so the interveners did not bring their expert to the meeting.

Mr. Ventres explained that Mr. Nemergut was making a presentation on the revisions to the drawings. Mr. Dill asked if there was any real, new information. Mr. Nemergut stated that Mr. Snarski would present his report. Mr. Dill explained that this hearing would likely be continued, and he would not stop the public hearing. He further stated that the reports being presented this evening would have to be reviewed by the Commission and its consultants, and it would not be complete without being reviewed.

Mr. Nemergut stated the applicant would grant an extension to allow the neighbors to review the information, and they would come back for a third public hearing. He then submitted an extension request to the Commission.

Mr. Nemergut began reviewing the changes to the drawings. On sheet 1, the light gray showed the conservation easement area. The finger wetland has a conservation easement around it that extends 100-feet. The pocket wetland and property to the north, which abuts the Harris property, will have a 100-foot buffer conservation easement for protection. The northernmost area, which is the property of Mr. Harris, will not have the conservation easement, as this is not on the applicant's property. The vernal pool will have a 400-foot conservation easement protection, except for the driveway.

Mr. Nemergut stated he added the available septic and well information for the neighbors. He stated he received one phone call this morning that he had the incorrect information listed. He stated he obtained information from Chatham Health District, but some of the information on file was sketchy. Mr. Nemergut stated they could stay away from the 75-foot separation distance, even though they were showing wells and approximate areas. There is protection built in the drawings.

Mr. Nemergut stated the foundation drain outlets for Lots 1 and 2 would be extended to discharge directly into the rain gardens. This was in reference to a comment from Mr. Brian Curtis of NL Jacobson.

Mr. Nemergut stated the northern curb cut and driveway would remain on Lot 3. This particular lot also has a southern entrance/exit that crosses over Lot 2. They plan to remove the southern curb cut. NL Jacobson recommended a temporary easement be prepared for Lot 3 to remove the second driveway. In reference to another NL Jacobson comment, Mr. Nemergut revised the plan for the driveway surfaces, so there is no question about the surface, if the driveway was at 12% or less grade.

In response to Ms. Sharpe's questions, Mr. Nemergut stated they provided test pit data for the water quality swales, rain gardens, etc. It was noted that there was more information for the rain gardens. He stated they had the proposed grading limits on the original plan, but Ms. Sharpe's comment #7 requested additional information. In response to NL Jacobson's comment #B10, Mr. Nemergut added specimen trees 20-inches or greater to be shown on the plan. He noted that to the extent they can move the houses to save specimen trees, they would.

Mr. Nemergut stated in response to NL Jacobson's comment B7, they added notes on the plans for all proposed cuts and fills steeper than 3:1, that they will be stabilized with erosion control blankets. Per comment B11, they did extend the silt fence near the driveway cuts on Lots 1 and 2.

Mr. Nemergut reviewed sheet 3, Lots 4, 5, 7, and 8. He stated they have done test pits in the rain gardens, proposed roadway, and drainage swale. He explained that the water flows down to the Harris and O'Brien properties. They added a swale to intercept the runoff from the back part of the property. Similarly, on the Gruetter property adjacent to Lot 5, the contours show the drainage flowing down, so they proposed a small grass swale between the applicant's property and the Gruetter's. He stated this flow is much less than adjacent to the Harris and Oates properties, but they added the swale anyway.

Mr. Nemergut stated they reduced the bottom of the detention basin, and they will over-excavate by removing one-and-one-half feet of topsoil and adding six inches of sand and gravel. This will allow more infiltration. They plan to do this for the rain gardens as well.

Per NL Jacobson Comment B1, Mr. Nemergut showed the rain garden for Lot 8. He also showed the stonewall near the finger wetland per Ms. Sharpe's comment #2. With respect to NL Jacobson's comment 13A, he stated he has specified an easement within the shoulder of the private road. The foundation drain for Lot 5 will fall into the association's easement area. Per comment #13H, a spot elevation was put over the driveway for Lot 4. They added a center island cul-de-sac, and they proposed some plantings on it, but it would not be paved. They also opened it up so that emergency vehicles would not have a problem accessing the area.

Mr. Nemergut reviewed Sheet 6. He stated there is a vernal pool approximately 45-feet inward from the edge of the wetland. They are still within the 400-foot review area for the driveway, but while the original plan called for 200-feet of the driveway in the review area, they have reduced it to 110-feet in the review area.

In the area adjacent to the Oates property, Ms. Sharpe had said they should re-look at that area to determine if it was a wetland or not. Mr. Nemergut stated it is not a wetland, but the area is lower. They moved to the east of the area and shifted the rain gardens, which eliminates the problem.

Mr. Nemergut stated they added a grass swale approximately 25-30 feet inward to intercept runoff and to flow westward to keep it away from the Oates property. This is a small drainage area, and he thought it would probably get less water after this.

Mr. Nemergut stated that the driveway for Lot 6 had been noted as pavement optional. They have now specified a change so it will be crushed stone. In terms of surface water runoff impact, he stated this area currently drains to the west.

Responsive to inquiry by Mr. Jahne, Mr. Nemergut stated the original plan showed a wetland boundary, not a vernal pool. He noted this was a fringe wetland.

Mr. Nemergut reviewed Sheet 5 of the plans. He stated he met with Mr. O'Brien, and he made two revisions that he hoped would reduce the impact on Mr. O'Brien's property. He added a 50-foot row of rhododendrons for screening, which was shown on the plan. The rhododendrons will be planted two-feet onto Mr. O'Brien's property, so he could maintain them as needed. In addition, there is an intermittent watercourse that overtops the area. They added two water quality swales on either side of the road, which would increase the capacity to store water. Mr. O'Brien asked that the swale on his side of the road be deepened, so Mr. Nemergut did so. In addition, he raised the first section of the road by one foot, so there would be a bit more protection there.

Per NL Jacobson comment 13G, Mr. Nemergut added the North arrow to the plan. Also per NL Jacobson's comments, Mr. Nemergut modified the water quality swale with layers of crushed stone, sand, and more crushed stone, so there would be more infiltration.

In response to NL Jacobson's comment 13I, Mr. Nemergut stated the wording on the plan would require an as-built drawing to make sure the property owner conforms to the design plan.

On Sheet 8, Mr. Nemergut referred to the lower right corner of the plan, and stated the water quality test pit results were shown. In the center was the project description and construction schedule of maintenance of the site. There would be seeding and mulching for stabilization. Additional test holes for Lots 6 and 7 were added.

On Sheet 9, a detail was added that erosion control blankets would be used for all areas that exceed 3:1 slopes, and for all grass swales. In response to NL Jacobson's comment 13J, they specified that the road material would conform to the CT road standards.

Mr. Nemergut stated that on the next sheet, Ms. Goodfriend had requested some information at the last meeting on drainage patterns. Mr. Harris stated as a point of order, that the interveners had not received this information. Mr. Dill stated a Commission member requested this information. Mr. Harris stated he did not think due process had been granted to the interveners. Mr. Dill stated that Mr. Harris' comments were noted. Mr. Nemergut reviewed the drainage patterns for the area. He stated the black lines showed the pre-construction drainage, the yellow lines showed the change, and the red lines showed the post-construction drainage. Post construction, he explained, would take some of the drainage to the Carpenter property, and into the wetland. He noted there were similar drainage patterns for pre- and post-construction. He stated this sheet was not included in the set of plans before the Commission, but he would leave this plan for the Commission this evening.

Mr. Dill asked if the driveway for Lot 6 would stay at the current grade, or if it would be built up more. Mr. Nemergut explained that it would stay at grade, or within 6-inches of where it is now. Mr. Dill asked if the way the driveway was being proposed, if it would affect amphibians. Mr. Richard Snarski responded that it would not. Mr. Oates stated that REMA had a different opinion, but she was not here because they did not think there would be a presentation tonight.

Mr. Dill stated there had been a discussion at the last meeting about combining the two rain gardens for Lots 1 and 2. Mr. Nemergut stated they found deep, dry soils, so these were probably the two best areas in all the lots for the rain gardens. This was why he did not combine them; however, if the consensus of the Commission was to combine them, he would do so. Mr. Nemergut believed the homeowners association would have easements for all of the rain gardens. Mr. Dill stated the reason he brought it up initially was that there would be an area excavated on the edge of a steep slope. He asked if it would be better to combine the rain gardens or not, and expose a larger area of disturbance. Mr. Nemergut stated that avoiding disturbance was always better, but he would take a look at this.

Mr. Jahne asked if the clearing limits were shown on the plans. Mr. Nemergut stated they were shown in two places. Mr. Jahne asked how the limits of clearing would be incorporated into the easement. Mr. Nemergut stated there would be a lot of protection for the upland review area. The conservation easement language was very strong, and he believed it limited cutting only of dead trees. For a question of what would happen if someone cut more trees, he believed that would become a case for action by the Commission.

Ms. Augustiny referred to Sheet 8 of the plans, and asked if there was sequencing of when they would physically mark the conservation easements in the field. Mr. Nemergut stated he did not, and he would have to add this note. Ms. Augustiny asked at what point in the sequencing the conservation areas would be marked. Mr. Ventres noted that if they used the standard language, it would be wooden stakes, then pins, and then the trees would be marked with conservation easement tags. This would occur prior to construction of anything.

Mr. Dill referred to the minutes of the last meeting, and noted that Ms. Goodfriend had asked about the cul-de-sac and emergency service vehicles. Mr. Nemergut stated there had been a discussion about depressing the center island. However, he had two concerns. First, in the winter when the ground is frozen, it would not infiltrate, and it could overtop the road. Secondly, he did not want to saturate the

road base material underneath the road, since there would be no curbing. From an engineering standpoint, he would not recommend this. Unless Ms. Goodfriend felt very strongly about this, he would rather not depress it, in order to keep the road integrity intact. Ms. Augustiny suggested that should be something the Commission's engineer should address. Mr. Ventres stated he would send a copy of the minutes to NL Jacobson.

Mr. Nemergut introduced Ms. Jody Chase, their project ecologist. Ms. Chase distributed a letter dated March 13, 2008 from Ms. Julie Victoria, Wildlife Biologist for the CT DEP. Ms. Victoria asked for an evaluation of eastern box turtle habitat. She believed everyone acknowledged that there are eastern box turtles in the area.

She stated that a survey was done on April 6 and April 16, 2008. Ms. Chase stated that wetland #1 in the southwestern corner of the property was a wooded wetland system. Although it had some intermittent flow, it was not a vernal pool. Wetland #2, the northernmost isolated wetland pocket, has a wet meadow habitat and has no vernal pool function. Wetland #3, the southernmost isolated wetland pocket, has no vernal pool. Wetland #4, the finger wetland at the southeast corner of the property, is a wooded wetland system. Two small, shallow pools have formed, but there is no vernal pool.

Ms. Chase stated that Wetland #5 in the northeast corner of the property, and largely in the CL&P easement area, does have a vernal pool. She agreed with Mr. Snarski's assessment.

Ms. Chase stated that Dr. Anton Leender assessed the eastern box turtles. Much of the property is only marginally suitable due to the Japanese barberry, etc. that is growing there. She hoped to have him present for the next meeting.

Ms. Chase stated that the Commission asked her to consider appropriate management of the grass fields. She distributed a document on the management of currently mowed fields. She believed it would be best to mow this area periodically, and her recommendation was to mow the area once, early in the season.

Ms. Chase distributed her comments and responses to the REMA Ecological Services report, in which she addressed the following points:

- In response to REMA's comments about the rain garden plantings, particularly cardinal flower, Ms. Chase stated that all of the species she chose were in the document from the University of Connecticut Cooperative Extension System, titled "Rain Gardens in Connecticut".
- The area has been logged and heavily traversed by deer. The site is dominated by Japanese barberry, and there was no way of evaluating the herbaceous layer as lush. She stated that REMA was not on the property, and such lush herbaceous layer does not exist.
- With respect to the lush sugar maple forest with abundant invertebrates, highly suitable habitat for eastern box turtle, Ms. Chase stated such habitat does not exist on the site.
- Conservation easement areas have been expanded around the wetland areas.
- The clearing limit lines would be shown for each lot.
- The road will be at grade, and the driveway will not alter the hydrology to that wetland system.
- The Army Corps of Engineers criteria could be used to evaluate the wetlands; however, most of these wetlands do not meet the criteria of the ACOE. If they take the time to measure the wetlands with best professional practice, the area tend to be evaluated higher than the ACOE would evaluate the areas.

Ms. Augustiny recalled from the last meeting that Ms. Goodfriend had questioned some of the plantings for the rain garden. Ms. Chase stated that Ms. Goodfriend did not disagree with her plantings, but she asked for specific plantings.

Mr. Richard Snarski addressed the Commission. Mr. Harris asked if there were any written comments for what Mr. Snarski planned to discuss, as Mr. Ventres had told them that the attorney would not be present and the hearing would have to be continued. Mr. Ventres stated that the Commission's attorney, their environmental consultant, and their engineer were not present tonight. They will have the physical information from the record and the tapes. He stated it would be a catastrophic waste of money to have all of these people present for tonight's meeting. He suggested everyone take the information, and then send it to their consultants. He stated that everyone would need time and the opportunity to review the information and to formulate comments, etc. He clarified that no due process was lost.

Mrs. O'Brien stated when she came in to the office; she misunderstood when she learned that Mr. Ventres had canceled the Town attorney for this meeting. Mr. Harris asked if the information would be written, or if they would need to rely on the minutes. Mr. Dill responded that they would absolutely rely on minutes. He stated that all questions were also being recorded on the tapes.

Mr. Dill stated he called Mr. Ventres today also. Everyone is getting the same information, and the Commission has to take this information and digest it as well. He explained that the interveners' expert would be seeing this information just as the Commission is. He stated he would be the first person to react if people were not getting the proper information.

Mr. Snarski discussed the vernal pool. He stated this section of the wetland was on a slope, and it was very obvious where the vernal pool begins. Mr. Dill asked for clarification, if designating a vernal pool was unlike determining a wetland. Mr. Snarski responded that this vernal pool was very straightforward with where the water begins. He explained that young amphibians will go into deeper water.

Mr. Snarski stated he saw the northern isolated wetland in May 2007. This year, he visited the area twice, and found no vernal pool. He stated that he must determine if egg masses could be successful. Due to the presence of Reeds Canary Grass and cattails, there is standing water. However, he believed this pool would be dry by May of most years, and therefore, he did not feel it would be successful. He determined that it was not a vernal pool.

Regarding the finger wetland near the stonewall, there were some egg masses stranded on moss. He did not feel these would be successful.

In the northeastern corner of the property, he counted wood frog and spotted salamander egg masses this year and last year. He determined this was a high quality vernal pool. He noted that due to his experience with Blackledge River Nursery, he had many years of experience with plants.

Mr. Ventres stated that based on the information submitted last month, Ms. Penni Sharpe, the Commission's consultant, asked for reviews of two locations. He asked Mr. Harris if he had a copy of this letter. Mr. Harris nodded his agreement. Mr. Ventres distributed a letter dated April 1, 2008 from Mr. John P. Ianni, professional soil scientist, Highland Soils, LLC. to the Commission. In his letter, Mr. Ianni deemed that two areas, one area adjacent to the property on land identified as Church on the Move, and one on proposed Lot 6 south of wetland flags #47 through #50, were not regulated wetlands.

It was noted that Mr. Dill, Ms. Augustiny, Ms. Goodfriend, Mrs. Burton-Reeve, Mr. Goff, and Mr. Ventres had walked this site. Mr. Ventres stated he also reviewed the site with Ms. Penni Sharpe, which was when he saw a single egg mass in the finger wetlands.

Mr. Ventres asked Mr. Nemergut if he submitted the changed drainage calculations. Mr. Nemergut stated he would submit them by tomorrow, and he would also send them to NL Jacobson. Mr. Nemergut noted that these changes were in response to NL Jacobson questions, and were more supplemental than anything.

Mr. Dill requested that Mr. Curtis of NL Jacobson also review the rain gardens to determine if it would be better to combine the rain gardens for Lots 1 and 2.

Mr. Ventres stated that some of the other comments from NL Jacobson were Planning & Zoning concerns, but he asked about the roads. Mr. Nemergut stated he would re-read the comments, but it sounded to him like Mr. Curtis wanted a direct conversation about the roads.

Mr. Nemergut requested when the next hearing date was set, that he would need time to revise the plans and get them back 10 days before the meeting. He understood that this was the last extension. Mr. Ventres did not believe it was.

Mr. Nemergut stated the rain garden plantings would be tailored to each garden. Mr. Ventres stated the overall management plan for the grassy swales was more of a P&Z issue, but also for stormwater.

Mr. Ventres stated he just tonight received the Morgan Estates survey report. In everyone's packet there was a Highland Soils letter. He noted that for the members absent this evening, he would send copies of the information, as well as copies of the tapes.

Mr. Dill opened the hearing to the public. He reminded everyone to keep their comments to issues pertaining to wetlands. In addition, he asked that all questions for the applicant and/or the applicant's consultants be directed to the Chairman.

Mr. Dan Oates had a question for Mr. Snarski. He stated that there are spotted salamanders on his side of the stonewall, just west of the Oates well, near the stone wall just south of the Gruetter and Bundy properties, adjacent to the power lines. He stated these spotted salamanders lived, mated, and laid eggs in this area, as well as the south side of Lot 6 at the stonewall. Mr. Oates stated there was a very obnoxious No Trespassing sign posted on the property. He asked if their REMA biologist could go onto the property.

Mr. Dill stated he had not heard a question for Mr. Snarski. Mr. Oates asked if Mr. Snarski had seen these spotted salamanders. Mr. Snarski stated that salamanders could migrate 2,400 feet.

In response to Mr. Oates' question about access to the property, he stated it was not within the Commission's authority to get permission to go onto the property.

Mrs. Margaret O'Brien asked if the Commission reviewed the photographs submitted at the last meeting. Mr. Ventres stated he had the photographs mounted on boards, and he planned to bring them for the next meeting. Mr. Dill assured her that the Commission would review all of the material received.

Mrs. Charlotte Gelston stated there had been a lot of discussion about swales, rain gardens, etc. She asked whose responsibility it would be to maintain them, and how they would stay so that they functioned properly. Mr. Nemergut understood that maintenance for keeping the areas clear of debris and for mowing was the responsibility of the association. Mrs. Gelston asked if a manual would be given to the association. Mr. Nemergut stated they would provide guidelines on maintenance mowing frequency, etc. Mrs. Gelston asked about protection, so that a homeowner did not fill in and plant the swale. Mr. Nemergut stated the protection was that each rain garden and swale would have an easement around it for maintenance and restoration of the rain garden and swale. He added that the easement allows the association legal remedy and means to correct any issues. Mr. Ventres added that they already have association language that lists the association as the first holder of the easement, but the Town is the second holder of the easement. Mr. Nemergut noted this was significant, because if there was a problem, a person could go to Mr. Ventres, and the Town would have the authority to rectify it.

Mrs. O'Brien asked what would happen to the rain gardens in the winter when the area was frozen, and then it rained. She asked where all of the water would go. She also asked about snowplows. Mr. Nemergut explained that in the winter, the rain gardens would freeze, unless they were in the woods. He stated these were water quality devices, and they would be there to collect water from driveways and roofs, and to filter the runoff before it goes into the ground. The grass swales are water quality devices, but they also allow runoff. Therefore, the swales function would work in the winter.

Mrs. O'Brien asked about snowplows, as Orchard Road was a terrible road in the winter. Mr. Nemergut stated the Town typically had a 5-foot snow shelf. It was noted that this was an older road.

Mr. Todd Gelston stated he was not a wetlands expert, but he did know about Reeds Canary Grass. He stated it grows on some of his property, which is wet ground 9-10 months of the year. He stated it grows well, which is in agreement with the REMA expert.

Mr. Gelston stated this development was very maintenance dependent. He was very leery of a community of lower income houses where people would be working and busy, and would not have time to maintain swales, etc. He stated he would like to have someone give examples of subdivisions like this, that are on marginal properties – how they were laid out, what devices were used, and how well it worked. In addition, he would like to see examples that don't work.

Mr. Gelston stated he was trying to understand Ms. Goodfriend's comment about the depression in the center of the cul-de-sac. He believed it could be depressed in the center, with a ground infiltrator.

Mr. Alan Hanks stated that if Mr. Gelston was looking for an association that works, he could look at Laurel Cove. These areas have a lot of road frontage, wetlands around lakes, runoff, etc. This association is assessed every year. If someone is not taking care of something, the association liens the property owner and has a right to do so. As far as insulting lower income families, he believed this was an insult to the entire neighborhood. Regarding the No Trespassing sign, he was advised by counsel to put up the sign. As far as people going on this property, he stated that anything he has done in this town has been above board.

Mr. Harris stated the applicant's surveyor went onto all of the properties, and didn't ask permission. He stated maybe he needed to put up No Trespassing signs on his property.

Mr. Harris stated he had not gotten the comments from NL Jacobson and Ms. Penni Sharpe. Mr. Ventres stated they had not received them yet either. Mr. Harris recalled that the Commission spoke of reports. Mr. Ventres clarified that these were older reports. Mr. Harris stated he did not have these older reports. Mr. Oates stated they did have the older reports.

Mr. Harris questioned the letter from Mr. Ianni. Mr. Dill stated this was done per Mr. Curtis of NL Jacobson. Mr. Harris asked if Ms. Sharpe asked for soil tests at the church, to which Mr. Ventres responded affirmatively.

Mr. Harris stated he agreed with Mr. Gelston's comments about maintenance. He knew of the difficulties of houses getting built where they were shown on the plans. He referred to another house on Orchard Road. Mr. Dill stated the Commission has noted in the past there have been some difficulties. He stated Mr. Harris may have noted that the Commission has staff inspect the areas after they have been staked, etc. Mr. Ventres stated for the other house to which Mr. Harris was referring, the property owner had to come before this Commission, and was subsequently granted approval. Ms. Augustiny added that there were mitigation factors required as part of the approval.

Mr. Harris remarked that the more a project is contingent on maintenance, etc., the more it needs to be scrutinized. He asked if there was a bond or insurance for this application. Mr. Ventres stated that bonds are typically held for roads, and this was done through the P&Z Commission. Mr. Harris stated in the wetlands regulations, sections 11 and 13 allow bonding and insurance.

Mr. Harris stated that Mr. Nemergut had noted Orchard Road was an older road. He asked about maintenance, etc. of Orchard Road. Mr. Nemergut responded that part of the computations Mr. Curtis asked for would be if road upgrades would be needed.

Responsive to inquiry by Mrs. O'Brien, Mr. Nemergut stated the storm drains for Orchard Road are mostly 24-inches. He stated he would analyze this to see if where their drainage enters will be adequate or not. He stated they would also look at the pipe sizes on the road, and that there had been some work done on the road. Mr. Dill noted that part of that project came before this Commission, but he did not recall how far up Orchard the work went. Mr. Nemergut believed some of the pipe sizes were reduced. Mr. Dill asked if Mr. Nemergut could have this ready for the next meeting, to which Mr. Nemergut responded affirmatively.

Mr. Harris asked for an answer tonight about whether their expert could go onto the site. Mr. Hanks stated he would have to take it up with his counsel, but his initial reaction would be no. Mr. Dill believed the answer would be no, and they should move on.

Mr. Harris stated from his perspective, wetland #2 was near the house. In May 2007, Mr. Ventres observed tadpoles, but Mr. Snarski stated the area was dry in May 2007. Mr. Snarski did not recognize this as a vernal pool when the area was flagged. In July 2007, Mr. Harris stated they walked the property from the northeast to the southeast corner. At that time, Mr. Nemergut was asked if he saw wetland #2, and he mistakenly missed it. Mr. Harris stated he walked everyone over to it, and Mr. Dill commented that it looked like a depression that holds water. Mr. Nemergut then admitted his mistake.

Mr. Harris stated the most disturbing item was the Leender report. He stated that their expert disagreed with the report, particularly with the barberry. He referred to page 4, figure 4. He stated that photograph was taken with the photographer turning his back to the water and taking it the other way. Mr. Ventres

referred to his report, and stated his photograph appeared different. Mr. Harris stated this was a serious problem, as the IWWC must rely on experts. This was why he was so upset and was fighting so hard on this. He urged the Commission to deny this application based on a pattern of misleading information.

Mr. Harris stated that development can happen, the Town has good regulations, and they ought to be able to let them work.

Mr. Harris submitted a photograph dated April 8, 2008, with a hawk sitting on a branch. Mr. Harris stated the water was shown in this photograph. However, the doctor said the water had significantly dried up between April 6 and April 16.

Mr. Dill asked if Dr. Leender would be available at the next meeting. Ms. Chase stated she did not yet know the date of the next meeting, but she would try to have him attend, particularly after such inflammatory remarks.

Mr. Harris stated the pool was rife with caddis larvae, but the doctor said they were mosquito larvae. Mr. Harris played a tape, and noted that these were peepers and a wood frog calling.

Mr. Hanks stated if there was a question about the picture in the report, then how was anyone to know when the photograph that Mr. Harris submitted was taken. It was dated in marker. Mr. Harris stated he could email the jpeg file, which would have the date.

Mrs. Janet Harris asked how the voting process would work. Mr. Ventres explained the public hearing process, and that once the public hearing was closed, the Commission could only accept information from staff, such as him, Ms. Sharpe, Mr. Curtis, etc. The Commission will take all of the information into consideration, and then they typically write a draft decision for review by the Commission. The Commission has 65 days from the closing of the public hearing in which to make a decision.

Mr. Gelston clarified his earlier statement about lower and upper class housing. He stated in no way was his statement meant to be insulting to anyone. He was concerned about the welfare of the people who live there and of those who will eventually live here.

Mrs. O'Brien asked if there were two different reports from Dr. Leender. Mr. Ventres stated there was a report and also a qualifications sheet. Mr. Dill gave Mr. Ventres his copy of the report, and asked Mr. Ventres to compare the two reports. Mr. Harris asked for a copy of both reports as well. Mr. Harris reviewed the two reports, and stated it appeared the figure 4 photograph was the same photograph, but one was cut off partially. Mr. Dill commented that it appeared that both copies of the report were the same. Mr. Hanks submitted his original, color copy of the report to Mr. Ventres.

Mr. Ventres believed everything could be packaged and sent out on Monday. Mr. Nemergut stated he could bring the revised drawings to Mr. Curtis directly. Mr. Ventres requested that Mr. Nemergut deliver the reports to the Land Use office, and Mr. Ventres would send everything together on Monday. He asked if two weeks would be enough time for the consultants to review the information. Mr. Harris believed it would be. Mr. Ventres stated then, any comments regarding mapping, math, etc. could be disseminated. Mr. Nemergut stated that although two weeks sounds like a lot of time, he would have to see how extensive the comments were.

Ms. Chase asked if there would be an opportunity for reviewing the opposition's comments. After a brief discussion of dates and times, it was agreed that the next public hearing would be scheduled for June 9, 2008. Mr. Ventres stated if everyone responds to the comments, this Commission might have enough information to close the public hearing after the June 9 meeting.

Mr. Nemergut stated he was currently reviewing the plans, but he would need some lead-time to get the revisions complete. Mr. Hanks stated though that the information would go out Monday. Mrs. O'Brien asked when the minutes would be available, to which Mr. Ventres responded one week. Mr. Ventres noted that the tapes could be available on Monday, April 28.

Motion by Ms. Augustiny to continue the application for Alan Hanks, 30 Orchard Road, proposed 8-lot subdivision with activity in the upland review area until 7:00 p.m. on June 9, 2008, at the Town Grange. Seconded by Mr. Jahne, and carried by unanimous vote.

4. ADJOURNMENT

Motion by Mr. Dill to adjourn at 9:39 p.m., seconded by Ms. Augustiny, and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina