

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

July 1, 2008

(Not yet approved by the Commission)

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairman Randolph Dill at the Town Annex.

2. ATTENDANCE

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

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

Others Present: Mr. Ventres and approximately 7 townspeople

Mr. Dill appointed Mr. Jahne as a voting member this evening.

3. MINUTES

Not discussed

4. DECISIONS

A) Continued: Application 08-02, Alan Hanks, 30 Orchard Road, proposed 8-lot subdivision with activity in the upland review area. Assessor's Map 36, Lot 35.

First date: June 9, 2008

Last date: July 13, 2008

Mr. Ventres distributed a review letter dated June 30 2008 from Ms. Penelope Sharp, and he read the letter into the record. In her review letter, Ms. Sharp stated that the vernal pool questions had been answered by the applicant's consultant; a box turtle management plan should be developed, and she recommended this as a condition of approval; that the Commission wait until the rain gardens have been constructed to select the plantings for them; that based on a lack of information, she did not believe the nitrogen issue could be considered; a maintenance schedule for the easement should be developed with particular attention to annual fall mowing; a possible performance bond.

Mr. Dill questioned the practicality of a performance bond. Mr. Ventres stated the Commission could consider a performance bond, or they could require a declaration for the rain gardens. By using a declaration, this would allow the Town to go in and do what was required if the association did not.

Mr. Ventres distributed an updated information submittal, which included everything that had been submitted, including the letter from Ms. Sharp that he just read into the record.

Mr. Ventres distributed a draft worksheet for discussion. Mr. Ventres reviewed the Commission member participation from each meeting. Mr. Dill noted for the record, that all three Commission members present this evening were present at the last meeting, and they went through all of the questions from the interveners. He believed they covered the questions during the last meeting.

Mr. Dill asked Mr. Ventres to review the draft document. Mr. Ventres reviewed page 2 of the draft worksheet, and he reminded the Commission that they are a wetlands commission. He noted that 0.1 acres (450 square feet) of an intermittent watercourse would be altered, plus a small amount of area for footing drains in the upland review area. Mr. Dill stated for the record, that the sections to which Mr. Ventres was referring on page 2 were taken from the East Haddam Wetlands Regulations, as they stand today. The main activity was 450 square feet of activity in the upland review area.

Mr. Ventres stated that regarding the downstream flooding, the applicant's and the Commission's engineers both felt the drainage had been demonstrated successfully. Mr. Dill noted that this application does not appear to be altering the drainage in any significant way. Mr. Jahne recalled the Town's engineer stating that same thing at the last meeting.

Mr. Ventres reviewed page 3. He stated there is an erosion control plan. If this plan was not followed, it would be an issue; but not if the plan is followed. Mr. Dill stated as consistent with past practice, he anticipated the Commission would have staff inspect the area before, during, and after construction.

Mr. Dill stated there had been some concern noted with the two driveways. In the past, the Commission has requested hay bales, etc., and he anticipated they would use them for this application as well.

Regarding item a.4., Mr. Dill stated there would be a fairly significant conservation easement, and he believed this had been addressed. In reference to item a.5, Mr. Dill recalled that Ms. Sharp stated in her letter that the migration would be east, which would be opposite. Mr. Dill stated the wooded section was to the east. With the CL&P power lines, he believed this area would end up becoming open brush. Mr. Dill did not believe there was a real loss here.

With respect to item a.6., Mr. Ventres noted that there had been discussion about the wildlife habitat, but the conservation easement would be put in place. Mr. Jahne recalled that Ms. Sharp wrote that the wetlands should continue to function as it has. Mr. Dill noted that any development would have some effect on wildlife, but in most cases, the wildlife seems to adapt to homes. Ms. Augustiny stated there was a large chunk of wetlands, and it circles around itself. Mr. Dill asked what the percentage of conservation easement there was. By reviewing the plans, he stated it was visually approximately 50 percent.

The Commission reviewed item a.7. Mr. Ventres stated this parcel was in the 1-acre zone, between the two villages. As staff, they try to direct development near the villages, so this application would not be in conflict with that. Mr. Dill stated this application was not inconsistent with the Open Space regulations, which guide the Town in acquiring open space areas. Mr. Ventres noted that item a.8. spoke to flooding. There is no activity for filling in swamps or marshes. The Commission agreed that this plan was done adequately.

Mr. Ventres referred to item b. He stated the real activity is 450 square feet in the upland review area. Even the alternative presented during the public hearing called for going into the upland review area. Mr. Dill stated in fairness to the interveners, the number of lots could be reduced, but except for the 450 square feet, this activity is outside the upland review area. Therefore, he believed it would be difficult to reduce the lots. Ms. Augustiny agreed, and stated the applicant was giving a sizeable chunk of land for conservation. Mr. Dill noted that this was significant mitigation.

For item c., Mr. Ventres stated most of the activity was outside the regulated area. Mr. Dill stated this subdivision would provide maintenance for the fields, which have previously been growing. Ms. Augustiny stated these lots could not be further subdivided, even though they were larger lots. Referring to item d, Mr. Dill stated there was not a lot of clearing for the lots in the upland review area. Mr. Ventres stated it would be different if this were a wetland crossing. With respect to item e., Mr. Ventres stated there was nothing in Section 6.4 to make them go back to this. For item f., Mr. Ventres stated in this case, there is development in the upland areas, and the wetlands would be buffered. Mr. Dill stated the conservation easement would be put in place. This would certainly be a benefit to these houses, but to the neighbors as well.

Referring to item g., Mr. Dill stated this referred to direct wetland impacts, crossings, filling, etc. In this case, there is 450 square feet, which is not a significant impact to the wetlands. Ms. Augustiny added that this was 450 square feet, and it appeared that this could actually be a man-made area. Mr. Ventres believed there had been some manipulation of that ditch. It dumps into a drain, so it is not a contiguous area. He added that there was a lot more surface area for some water renovation.

Regarding mitigation, Mr. Ventres believed from the review letters that Mr. Curtis and Ms. Sharp submitted, that they both felt that this application is intending to minimize damage. The conservation easement could be considered water quality. Ms. Augustiny believed the conservation easement might prevent future unregulated activities. Mr. Dill thought it was important to make sure the conservation easement language was clear about protection.

The Commission reviewed page 5, and the Points to Consider. Regarding altering the groundwater tables, Mr. Ventres stated this would not drain the wetlands to a point where it disrupts it. Regarding disruption of plant and wildlife habitat, Mr. Dill stated the mitigation provided in the conservation easement would provide long-term protection. Regarding un-detained stormwater, Mr. Ventres stated the Town's engineer agreed with the applicant's engineer regarding this. Regarding adding significant amounts of impervious surface, Mr. Ventres stated the application and the stormwater calculations have 1.5% of impervious surface over 25 acres, and 5.5% coverage of the entire area. Mr. Dill asked if this included the roofs, driveways, etc., to which Mr. Ventres responded affirmatively. Ms. Augustiny stated the current houses would have some of the impervious surface runoff removed. Mr. Dill stated the bottom line was that it was a very small number.

Mr. Ventres stated he went through the meeting minutes, the last work session, and the records for the draft list of conditions. Mr. Dill stated that all three members here tonight were at the last work session meeting. He asked if everyone agreed with the list of conditions. Ms. Augustiny recommended adding conditions that 1) The limits of clearing for Lot 2 stay outside the 100-foot upland review area; 2) Any changes to the limits of clearing on the plans dated May 29, 2008 should be reviewed by this Commission if they are within the upland review area; otherwise by recommendation to the Planning & Zoning Commission. Mr. Jahne stated that Ms. Goodfriend had a concern about the rain garden on Lot 2. Mr. Ventres stated he had this on his list for recommendations to Planning & Zoning. Ms. Augustiny stated that any activity in the upland review area that was different from this plan, including clearing, needed to be reviewed by the Commission, except for some removal of invasive plants, or addition of native plantings, as identified on the Connecticut list. She noted that sometimes, as properties get transferred, some of these items get missed, and lawn eventually creeps. She hoped by noting this, that it would not get lost in the process.

Mr. Ventres stated he had not yet sent this draft to the attorney for final review. Mr. Dill commented that the Commission could condition its approval pending review and final approval from Attorney Branse or Attorney Knapp. Mr. Ventres suggested the Commission go through the draft, and then he would write a formal draft and send it to Attorney Knapp. The Commission could then vote at the next regular meeting. Mr. Dill stated the timeline was running out, and the Commission must make a decision tonight. Mr. Ventres stated he received an extension from the applicant until the July 15, 2008 meeting.

Item 5, Condition 1 was amended as follows: Sentence 2, add “with the meadow area mowed once each fall” after “Conservation Easement Area”. Mr. Dill suggested the language should be highlighted for Attorney Knapp for review. He stated the owner must know when they buy one of these lots that they would need to grant access for the landscaper, etc. to maintain the rain gardens.

Item 5, Condition 2: Last sentence, add “and 3” after lots 1 and 2.

Item 5, Condition 11: First sentence: Change “and” to “as”

Item 5, Condition 12: Last sentence: Change “with” to “for”

Item 5, Condition 14: Change to reflect all turtles, not just box and wood turtles

Add the following conditions:

Condition 15: The limits of clearing for Lot 2 shall stay outside the 100-foot upland review area, based on the plans dated May 29, 2008.

Condition 16: Any changes to the limits of clearing shown on the plans dated May 29, 2008 should be reviewed by this Commission if they are within the upland review area, except for some removal of invasive plants, or addition of native plantings, as identified on the Connecticut list.

Mr. Ventres read into the record the recommendations to Planning & Zoning. Ms. Augustiny recommended, in addition to the report to the Town annually, that photographs of the rain gardens be taken and submitted. She stated this was a new concept, and she would like to see how it is working over time. Mr. Dill agreed, and asked that these photographs and reports be sent to the Land Use office, with copies to the IWWC and P&Z Commission. He suggested a date be assigned for submittal of the reports and photographs. It was decided that the reports and photographs shall be submitted by September 15 annually.

Mr. Dill asked if there was a provision for mowing, per Ms. Sharp’s recommendation. Mr. Ventres stated this was covered in Condition #1. Mr. Jahne asked if there was notification for the Town for construction of the rain gardens. Mr. Ventres responded that if they did not install them, they would not be able to get a Certificate of Occupancy.

Mr. Dill suggested a recommendation to P&Z that the expert consultation for the rain garden plantings should be charged to the developer. Mr. Ventres stated he left this as an IWWC condition, because if they were not planted correctly, it could impact the upland review area.

Mr. Dill asked if the Commission would still have another opportunity to review this at the July 15, 2008 meeting, to which Mr. Ventres responded affirmatively. Mr. Ventres stated he would submit tomorrow

the draft response to the interveners, the draft letter to the applicant, and the draft letter to P&Z to Attorney Knapp for review.

Ms. Augustiny asked about the petition for the survey of the wetlands. Mr. Ventres believed Ms. Sharp's letter addressed this. Mr. Jahne asked about language for a performance bond. Mr. Ventres believed a declaration would be a better way of addressing this issue. Mr. Dill stated that everything would be reviewed by counsel.

Ms. Augustiny noted that a good vernal pool was partly on CL&P's land, and she asked if it would accomplish anything to inform them. Mr. Ventres stated it could not hurt anything to send them the information.

Mr. Dill asked if there were any other comments or concerns. The commissioners stated that all of their comments had been addressed.

Motion by Ms. Augustiny to extend the decision making process for Continued: Application 08-02, Alan Hanks, 30 Orchard Road, proposed 8-lot subdivision with activity in the upland review area until the next regularly scheduled meeting on July 15, 2008, as per the letter submitted by the applicant. Motion seconded by Mr. Jahne, and carried by unanimous vote.

5. ADJOURNMENT

Motion by Ms. Augustiny to adjourn at 8:00 p.m., seconded by Mr. Jahne, and carried by unanimous vote.

Respectfully submitted,

Holly Pattavina