

**TOWN OF HADDAM
INLAND WETLANDS COMMISSION
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT 06438
REGULAR MEETING
MONDAY, 16 MAY 2022
UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

X	Paul Best
A	Curt Chadwick
X	Jeremy DeCarli, Chairman
X	Dan Iwanicki, Vice Chairman
X	Joe Stephens
X	Mark Stephens, Secretary
X	Thomas Worthley (Arrived 7:04 p.m.)
X	David Costa, Alternate – Seated
A	Gail Reynolds, Alternate
X	Leon Mularski, Zoning and Wetlands Enforcement Officer
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order & Attendance/Seating of Alternates

Mr. DeCarli, Chairman, called the meeting to order at 7:01 p.m. All regular members, as well as Mr. Costa, were seated. Upon his arrival, Mr. Worthley was also seated.

2. Additions/Corrections to the Agenda

There were no additions/corrections to the agenda.

3. Public Comment

Those in attendance, all applicants, had no comments.

4. Old Business

a. Review of Property Line and Pool Location Details for In-Ground Pool Five (5) Feet Off Northern Side of Property within Setbacks. Applicant: Brent Veiga. Property: 13 Summersweet Drive, Map 41 – Lot 15-45.

Brent Veiga, applicant/owner, was present.

This is a continuation from Monday, 21 March 2022.

Using a map, Mr. Veiga pointed out the house/garage (built in the 100-foot review area; however, when the house was built in 2007, there was only a 50-foot review area), the wetlands, and the approximate location of pool (5 feet 5 inches from the property line). Variance was approved (03.31.2022) pending until a formal survey is completed to formalize the property lines before work begins. The review area spans an additional 15 feet (approximation) from the current grass area; otherwise, everything else is wooded. This was the initial application in March 2022.

Mr. Veiga reviewed questions that Mr. Mularski had submitted to him. Mr. Veiga provided a construction drawing from the pool company, information about how the gunite saltwater pool will be constructed, and rough dimensions (base model that they would try to put in prior to any customization, spacing, or any other constraints they might find.) General construction process explained

– excavation (do not have to excavate a lot), install a silt fence around the proposed construction area (his property line all the way around into the abutting 3 foot stonewall southern side of property), construct all wood framing (wood, concrete supports, rebar) followed by a gunite spray and set time (two or three applications), removal of framing, install all conduit fixturing (water systems, electrical systems, and any adjacent conduit that needed to be run for electrical, propane). Once completed, the landscaper will put in the retention walls and will bring in approximately 150 yards of material (combination of topsoil, fill and gravel or stone). Afterwards the electrician will do all the grounding work on the pool and any bonding work where the patio surface is going to be. The pool company comes back in and finishes everything – capstones, plasters the inside of the pool. Pool must be filled within 48 hours. Landscaper will then come back and finish the patio. Last steps would be any finishing around the patio area, fencing, and rehook up of the propane tank which will have to be disconnected and moved during the construction of the pool.

Mr. Iwanicki asked how the site will be entered to do the work. Using the map, Mr. Veiga stated they will enter from the northern side (adjacent to the driveway) - approximately 25 feet to the property line, perform construction, and leave from the same point.

Mr. Iwanicki asked where the material will go after it's been taken out. Mr. Veiga stated it will be loaded into dump trucks and moved off site unless there's use for it as part of the fill. The contractor will not know what's under there (ledge or other stuff) until the material is removed. Mr. Iwanicki asked where the material will be stockpiled if left onsite. Mr. Veiga stated if the material is left onsite, it will be next to the garage towards the front of the yard.

Mr. Iwanicki asked if the outline on the design indicates the pool. Mr. Veiga stated yes. Mr. Iwanicki asked the location of the patio. Mr. Veiga stated the patio will mainly be on the southern side of the pool, there will be a very small walkway, basically patio that will go on the northern side. At the very top, there's the potential for a jump rock, but may have to shrink the width of the pool (deep end) and if so, the jump rock cannot be there as the pool will be too narrow. It will swing out providing a sunning area on the southern side. Mr. Iwanicki asked if there was a design other than a verbal description. Mr. Veiga stated he cannot start the design process until he has a landscaper on contract. Mr. Iwanicki didn't agree, stating if there's a contact with the pool company, they have to know what's being planned for in order to layout the pool. Mr. Iwanicki stated he felt a landscaper should have been engaged. Mr. Veiga stated he has engaged a landscaper; however, without a check in hand to do work, they will be limited as to how much design they can provide. Mr. Iwanicki stated the Commission has no idea how much further the patio will be going into the buffer area. Mr. Veiga asked if there were concerns with Mr. Iwanicki responding yes, because work will be taking place in the buffer area. Mr. Veiga asked what the concerns are. Mr. Iwanicki asked the location of the patio. Mr. Veiga stated he already showed the location of the patio. Mr. Iwanicki stated he wasn't shown anything other than a line drawn on the map. Mr. Iwanicki voiced concern over what the other Commission members believe or think or believe what they're hearing.

Mr. Iwanicki asked if a fence is required around the pool. Mr. DeCarli stated yes. Mr. Iwanicki asked the location of the fence. Mr. Veiga stated the fence will go around the entire circumference of the pool starting at the garage go around the perimeter of the pool and back to the deck structure that's on the property adjacent to the existing patio. Mr. Iwanicki asked if the fence will be encompassing the patio area. Mr. Veiga stated yes. Mr. Iwanicki questioned if he would be going further into the buffer with the supports for the fencing. Mr. Veiga stated yes, as the fence has to surround the pool and be locked.

Mr. M. Stephens asked if a small amount of the patio would be towards the wetland area. Mr. Veiga stated yes; and on the northern side due to the location of the retention wall and to have enough room for approximately a two-foot patio walkway on the northern side of the pool. Mr. Veiga stated as you come around to what he referred to as the maximum area of incursion into

the existing review area, you can start to come out a little bit, but not a lot because it still has to be curved around to put in a retaining wall (two retain walls – a 3 to 3.5 foot retaining wall followed by a 6 foot length and then another 3.5 foot wall to get down to final grade) on the eastern most side of the pool which is the closest area to the existing wetland (the further incursion point). Mr. M. Stephens stated the fence could go right on the outside of the walkway. Mr. Veiga stated it could, but it won't because it's a 7-foot drop to the northern side of the pool; therefore, the fencing will be kept on the patio level as he does not want his children falling off the wall. For clarification, Mr. M. Stephens asked if the fence will be right on the patio with Mr. Veiga stating yes.

Mr. M. Stephens commented about the size of the pool as noted in the previous minutes. Mr. Veiga stated rough dimensions are 40 foot long by 20 foot wide. Right now, it's planned to be an 8-foot-deep swimming pool in the deep end. Mr. M. Stephens and Mr. Costa stated about 25,000 to 30,000 gallons of water.

Mr. DeCarli asked what the patio will be made of. Mr. Veiga stated pavers. Mr. Veiga stated Langer Landscapes, who is on retainer, did the entire existing patio and all of the previous site work.

Mr. Iwanicki asked where the retaining wall will be located. Mr. Veiga stated there are two structures, but three walls; and using the map, stated the first retaining wall starts at zero grade on the northern boundary of the property and runs all the way to what he referred to as the corner point of the pool (approximately 7 feet away from the property line, but the wall will stay on the property line to some degree). At its maximum height it will be 7 feet (guesstimate) to the current existing grade. It will be a very tall block wall. At that point it turns 90 degrees to the south and that's where it becomes two separate walls 3–4-foot block wall followed by 6-8 feet distance, put crushed gravel in there (this is where the pool system is slated to go) and then another 3.5 foot drop to get back down to grade. The eastern side wall will be really two walls separated by 6 to 8 feet to get to grade. Mr. Iwanicki stated he's still speculating as to where it will occur. Mr. Veiga stated although they know it has to go in that area; it's just a matter of the exact dimensions. Mr. Mularski stated he's referring to something like. Mr. Veiga agreed. Mr. Mularski stated it's a double step down coming back to the center of the back property. Mr. M. Stephens asked Mr. Mularski to pass the map around.

Mr. DeCarli asked about construction details for the wall as a 7 foot wall is rather large and there will be a lot of pressure behind it. Mr. Veiga stated yes, however, he doesn't have any details as Langer Landscapes is trying to determine if it can be done with the existing pool dimensions or does the pool have to be shrunk to get more room for a two-step wall. Mr. M. Stephens stated the pool could potentially be 36 feet. Mr. Veiga stated yes, noting that they are constrained by both width and length – could be 36 feet by 15 feet.

Mr. Iwanicki stated the filtration system is salt water and asked if there is a backwash involved. Mr. Veiga stated it will be salt water and there is no backwash as it's a cartridge filtration system (physically impossible to backwash).

Mr. Veiga stated there were other questions such as scope of construction within the buffer (the whole corner of the property is within the 100 foot buffer so scope is all contained in the buffer); the type of pool materials (in talking to the company he doesn't believe there will be any materials that will need to be stored on site; lumber used for the framing might be the main thing, but will be all next to the garage and driveway on the north side of the property); and relocation of the metal propane tank (do not know where it will be located as there is not a good spot for it; may end up selling it and buying an underground tank and burying it next to the garage removing it completely from the buffer; another option is moving it to the other side of the house and run an underground line to run the pool, the house, and the generator [depending on where the generator goes]).

Mr. M. Stephens asked about the curtain drain runoff. Mr. Veiga stated it is solid pipe that runs diagonally to the corner where the pool would be. As they dig back, provided it is already a straight pipe, they will put an elbow in it effectively directing it parallel to the pool/property line. Using the map, Mr. Veiga pointed out where the pipe will run.

Mr. DeCarli asked if the pool would require footing drains. Mr. Veiga stated no. Mr. DeCarli asked if the walls would. Mr. Veiga stated not to his knowledge.

Mr. J. Stephens asked if the pool would need to be drained during the winter. Mr. Veiga stated no, the pool will be covered and water may need to be added in the spring. Mr. M. Stephens stated because it's a salt water pool there will be no need for chlorine.

Mr. DeCarli asked if hydroseeding will be taking place to button up the property. Mr. Veiga stated he will be contracting seed and straw.

Mr. J. Stephens stated he's surprised the landscaper doesn't know whether he's got to step the wall to have the structural integrity he needs; and asked if it's because he doesn't know what kind of material is in the ground. Mr. Veiga stated the closest section of the pool is approximately 5 foot 5 inches and this would not be the highest point of the wall (only about 3 feet in grade) it's at another location about 7.5 feet (not marked on map). Initially thinking 2 walls to start and 3 foot step in that corner, but the pool contractor stated he needs 4 feet of distance of dirt to make sure freeze protection is to the side of the pool. Needs to work with the engineering firm to make sure everything works and that could be a reason for the shrinking of the pool. The additional shrinking of the pool could occur to make room for a wall structure that works in that corner.

Mr., Iwanicki stated the applicant has answered the questions he had sent to Mr. Mularski. Mr. Iwanicki stated he has concerns, as the Commission will be taking the next application and scrutinizing it while this applicant is asking the Commission to make a decision about putting a pool in the buffer. Mr. Iwanicki noted the applicant is already within the buffer. The Commission has looked at the wetlands and it does feed other wetland areas. The plans are insufficient to make a decision at this point in time. Mr. Iwanicki stated he has a problem as to where the wall, the fencing, and the patio are going to end up as it's all speculative at this time. Although the applicant has shown the Commission something on a sketch map with his finger, it is not something the Commission normally deals with especially if someone says how did you allow them to do that when you made me do this. Mr. Iwanicki stated he has a problem with the application being complete at this time.

Mr. DeCarli agreed with Mr. Iwanicki and that he would have a hard time approving the application at this time as there is not a definitive plan in front of the Commission.

Mr. Best stated he had the same feeling in regard to the wall and it's unclear what's taking place – one or two steps and at least 7 feet high. Mr. DeCarli stated there's potentially a lot of disturbance with the wall.

Mr. J. Stephens stated he did not see the property making it difficult for him to envision the topography, but a more detailed plan or the presence of an engineer would help to make a decision on the matter.

Mr. Costa agreed that a more detailed plan is needed.

Mr. Iwanicki asked the applicant to extend the time for another 35 days to allow time for him (Veiga) to respond to the concerns. The engineer can look at the site again and confirm with the pool company as to what is required (where, what, when) to make the Commission feel better. Mr. DeCarli asked Mr. Veiga if he would allow another month in order to get more definitive plans

to the Commission prior to a decision being made. Mr. Veiga stated he did not have a problem trying to hire as much out as possible. Noted that 1 July 2022 is the deadline because after that date he'd lose a very substantial deposit, but will continue to work with Sean Langer as he's the key in obtaining additional information and providing mockups for the patio. Mr. Veiga stated the one piece he may not have an answer to is where the propane tank will be relocated (haven't solved that problem yet). Mr. Iwanicki stated so long as it is not more intrusive into the wetland buffer he wouldn't have a problem. Mr. Veiga stated the propane is used for the gas stove, the generator, and will be used for heating the pool.

Mr. DeCarli stated if a definitive location has not been determined, at least potential location(s) could be indicated on the plan. Need details/locations on the walls being proposed; written definitive details on what the erosion & sedimentation controls are going to be (need to know where it will be located, especially at the toe of the slope); written/show on plans what the plan will be to button down (seeding, etc.) at the end of the project; and need to know more about the patio. Mr. DeCarli stated he wants to know the type of paver to be used noting that there are pervious and impervious (will not allow water to flow through) ones; and show the location of the fence. Mr. Veiga stated he did not see why he couldn't get Mr. Langer to help with the drawing; however the engineering behind the wall will not be a signed engineering plan. Mr. DeCarli stated the Commission wants to know how the wall will be constructed; and noted that a 7 foot high wall will require a building permit.

Mr. Worthley stated the key thing for the Commission is where the base of the wall will sit on the soil in relation to the upland review area.

Mr. Veiga stated they're still trying to figure out how to make it all work. Mr. Veiga asked if there is a distance or standoff point (a no go zone). Mr. DeCarli stated the Commission needs to know what the distance will be as moving further in from what is claimed will create a problem.

Mrs. Batzner stated the June meeting will be Monday, 20 June 2022.

For the record, Mr. Iwanicki asked Mr. Veiga if he was agreeing to a 35 day extension. Mr. Veiga stated yes, it's fine.

MOTION: Dan Iwanicki motioned to approve the continuation of this matter until Monday, 20 June 2022. Mark Stephens second. Motion carried unanimously.

Mr. Veiga asked the Commission to provide him a list of their concerns. Mr. Mularski stated he had jotted them down and will send it out.

Item continued until Monday, 20 June 2022.

b. Implementation of a Soil and Erosion Control Plan to Rectify Disturbances Made within 100 Feet of Upland Review Area. Applicant: Trading Post Development. Location: 968 Killingworth Road, Map 60 – Lots 3, 7, 8 and 9.

Michael Harkin, P.E./Principal, Harkin Engineering, Joe Dattilo and Chris Swiss, owners/applicants, were present.

Mr. Harkin gave a brief history of his involvement with property over the past five (5) years and that Mr. Dattilo and Mr. Swiss hired him approximately three (3) months ago to put together an erosion control plan. Mr. Harkin stated although trees and brush were cut and left lying there, the site is stable, vegetation is growing, and there's not a lot of erosion coming off there. There is no silt or sediment running off the parking lot or the newly cut area into the wetlands. There currently is a haphazard construction fence that will be taken care of. The initial plan called for silt fence

to be installed; however, due to the economy some items are difficult to obtain. Shumack Engineering was contacted and they installed/staked 250 feet of straw wattle on Friday, 13 May 2022 (inspected Saturday, 14 May 2022; installed properly).

Mr. Harkin stated Mr. Dattilo and Mr. Swiss have indicated the intent has always been for the area that was cut to be a grass area – not looking to extend the parking lot into the area. They will have to grub and stump all the stumps that are there. Mr. Iwanicki asked for clarification on the area being discussed which Mr. Harkin did. Mr. Harkin stated based on the plan they will grub and stump the area, till the soil, grade it out, and hydroseed. A number of erosion controls are in place for construction – a permanent swale to be installed that will go around the entire parking lot and will capture the runoff as well as the newly graded area. The purpose of the swale will be to hold the surface runoff, oils, salts, sediments before spilling into the wetlands (maintenance can go in and clean up). Mr. Iwanicki asked what would be on the bottom of the swale. Mr. Harkin stated just grass (easier to mow and maintain) with a two-to-three-foot bottom (easier for a push mower) with a two-foot side slope, trapezoidal (safety reasons; small child can walk out and not be trapped).

Mr. Harkin stated they are not really changing the grades, but reestablishing what was physically there and creating grass area that can be mowed. Stockpile areas (brush, etc.) as shown on the plan will go towards the roadside and will be trucked off.

Mr. Harkin stated there are 891 square feet of manmade wetlands and he had Richard Snarski, Soil Scientist, analyze the area. This is a cut or borrow site where sand and gravel (septic sand) were mined out. The proposal calls for filling in the small area of wetlands to make it possible to build something on the two lots. Mr. Iwanicki asked how it will be handled with the cuts being so deep. Mr. Harkin stated if allowed to fill the wetland, buildings can be put in and the septic tanks will be pumped up to the natural area. Mr. Harkin read a letter from Mr. Snarski, dated 27 February 2022, outlining what he had found when viewing the wetland on the site. Copy of letter on file in the Land Use Dept.

Mr. Harkin stated they are proposing a mitigation of 1,350 square feet around the base of the pond and using the plan, pointed out the location and explained how it will take place. Mr. Snarski will monitor the proposal if approved.

Mr. Harkin stated there are four separate parcels (pointed out on the map) all under the same ownership which creates a bit of difficulty. Mr. Best asked about the zoning. Using the map, Mr. Harkin showed the commercial and residential zones.

Discussion followed regarding the water table not being affected by the manmade wetland if it were filled; due to the high water table, concrete slabs to be used for the buildings; and clarifying exactly what the Commission has before them - the Cease and Desist and to fill a manmade wetland and create a new wetland.

Mr. Worthley asked if there was any type of amendment that was done before planting takes place. Mr. Harkin stated when the material is being removed, they will look to see what the composition of the material is (looking for that nice black wetland muck soil). They will pull it back, take it off, and place to the side and once they reach the elevation they require, the muck will be smeared back on. Mr. Harkin stated it's difficult in this area because there's a lot of gravel. If it turns out there's a lot of gravel, they will bring in dark thick black topsoil to get that plasticity so the wetland plants will grow.

MOTION: Dan Iwanicki motioned that the Cease and Desist Order for the property at 968 Killingworth Road be vacated and the plan proposed is sufficient to meet the wetland guidelines. Tom Worthley second. Motion carried unanimously.

Mr. Iwanicki stated everyone is going through all this trouble trying to protect the water body and there's a pipe that comes from the state road into the water body. Mr. Iwanicki stated when he realized that, he thought why was the Commission asking the applicants to do all this stuff when the road salt and oil from vehicles are already going into the wetland body. Mr. Iwanicki asked if anything could be done about the state pipe. Mr. Harkin stated he couldn't answer the question and explained about a situation that he's currently going through; however, the State does what they do and there's nothing that can be done.

Mr. Iwanicki asked if an application was filed for the property itself. Mr. Harkin stated it was denoted in the application and the fee submitted accordingly. Mr. DeCarli stated he likes the location of the wetland creation. Mr. J. Stephens asked if the DOT pipe could be cut back and use the newly created wetland as a filter. Mr. Harkin stated no and explained why. Mr. DeCarli asked how much the pipe pulls in. Mr. Harkin stated it captures approximately 400 feet of road drainage. Mr. DeCarli asked Mr. Harkin if there were any revisions to the plan since the Commission saw it in April. Mr. Harkin stated no.

MOTION: Dan Iwanicki motioned to approve review of a soil and erosion control plan to rectify disturbances made within 100-foot review area and to fill a small pocket manmade wetlands and create a more viable wetlands area directly adjacent to the existing pond as proposed as indicated on the map – "Subsurface Sewage Disposal System" Prepared for: "Trading Post Development LLC" 968 Killingworth Road (CT RT 81) Map 60 Lots 3,7, 8 & 9 Higganum, CT 06441, Prepared by: Harkin Engineering, LLC 78 Wolf Hollow Lane Killingworth CT 06419, Dated: 3/30/22. Also, a plant list from Richard Snarski, Soil Scientist, to be submitted to the Wetlands Enforcement Officer. Applicant: Trading Post Development. Location: 968 Killingworth Road. Map 60 Lots 3, 7, 8 & 9. Mark Stephens second. Motion carried unanimously.

5. New Business

81 Arkay Drive – Status – Mr. M. Stephens stated it's still before the court.

Beaver Meadow Road Culvert – Mr. Iwanicki asked about the culvert project. Mrs. Batzner stated she believes the project came before the Commission awhile back and will review the minutes and provide an update. (After a review of the minutes, the Commission approved the project on 15 April 2019.)

6. Wetland Enforcement Officer's Report

Mr. Mularski reviewed his report, dated 11 May 2022, (copy of report on file with the minutes in the Town Clerk's Office and in the Land Use Dept.).

27 Old Turnpike Road, Possible Flooding – Mr. Mularski stated he would like to set up a meeting with the town's engineer, Mr. Warner, and the owner of the property to review the site. Mr. Mularski explained the situation to the Commission. Unless the culvert is well maintained or the water is captured off the gentleman's property or slow it down or redirected, which can be done in several ways, the problem will continue. Corrective measures will make it easier on the Town and for the lady across the street. Mr. Mularski would like to see the water running down the right-hand side of the gentleman's driveway putting it down gradient from the lady's property. Even though the road has been recently paved, there is no way to capture the water as the road is not crowned very well. The owner has responded and a few simple fixes will resolve the issue.

Notice of Code Violation, 316 Candlewood Hill Road – Met with the property owner who will remove everything he's installed and put it back the way it was with a few minor changes. Roger Nemergut, P.E. has been consulted - clean up all the bramble and get the stone out. There was an original concrete culvert pipe that deteriorated. The owner got two 24-inch black corrugated

pipes and put stone on it. No problem with replacing the existing pipe, but it needs to be reset to the invert of the two 48-inch pipes that come in under the road so there is a straight level flow. Once set, a little gravel will be able to go over the pipe, filter fabric, soil, seed, and hay it. Clean the down pipe back to the stream. Mr. Mularski noted whether or not there is piping in this location, when it rains the area becomes a lake.

Mr. Mularski will write a direction letter for the Commission's review in an attempt to not have to file an application. Mr. DeCarli stated it has to be a like for like – same size pipe, same location, and same material. Mr. Mularski stated it won't be like for like

Mr. Worthley asked if there was any mention of what the purpose was. Mr. Mularski stated he just wanted to create a dry crossing from one wet area to another across the stream. Mr. Worthley stated if there was some sort of agricultural or conservation purposes he may be able to get some assistance from NRCS. Mr. Mularski stated it was discussed, but that he didn't get the impression that's what was being done.

Turkey Hill Road across from Filley Road – Mr. DeCarli asked Mr. Mularski if he had viewed the property where piles of gravel had been deposited and now have been spread out and pushed in towards the stream. Mr. DeCarli asked for an update. Mr. Mularski stated he had been in the area, but hadn't seen the material moved. Mr. J. Stephens had inquired about this matter previously.

Proposed Forestry Regulations – Mr. Iwanicki asked Mr. Mularski if he had heard from Nick Zito, DEEP, regarding the regulations. Mr. Iwanicki reported he had sent an email to Mr. Zito regarding the forestry regulations as approved by the Commission. There has been no response to date.

7. Approval/Correction of Minutes

MOTION: Mark Stephens motioned to approve the 18 April 2022 regular meeting minutes and the 22 April 2022 Site Walk minutes as submitted. Dan Iwanicki second. Motion carried unanimously.

8. Adjournment

MOTION: Mark Stephens motioned to adjourn. Joe Stephens second. Motion carried unanimously.

The meeting was adjourned at 8:25 p.m.

Respectfully Submitted,
Bunny Hall Batzner
Bunny Hall Batzner, Recording Clerk

The next regular meeting is scheduled for Monday, 20 June 2022.