

**TOWN OF HADDAM
INLAND WETLANDS COMMISSION
COMMUNITY CENTER
7 CANDLEWOOD HILL ROAD, HIGGANUM, CT 06441
REGULAR MEETING
MONDAY, 15 AUGUST 2022
UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

A	Paul Best
X	Curt Chadwick
X	Jeremy DeCarli, Chairman
X	Dan Iwanicki, Vice Chairman (Arrived 7:08 p.m.)
A	Joe Stephens
A	Mark Stephens, Secretary
X	Thomas Worthley
X	David Costa, Alternate - Seated
X	Gail Reynolds, Alternate - Seated
X	Leon Mularski, Zoning and Wetlands Enforcement Officer
X	Bunny Hall Batzner, Recording Clerk

DUE TO A MAINTAINENCE MATTER AT THE TOWN HALL, THE MEETING WAS RELOCATED TO THE COMMUNITY CENTER ON 20 JULY 2022. DUE TO A CLERICAL ERROR ON THE ORIGINAL AGENDA, THE CHANGE IN LOCATION WAS POSTED AT THE TOWN CLERK'S OFFICE, ON THE TOWN'S WEBSITE, AND ON THE DOOR OF THE TOWN HALL.

1. Call to Order & Attendance/Seating of Alternates

Mr. DeCarli, Chairman, called the meeting to order at 7:04 p.m. All regular and alternate members were seated. Upon Mr. Iwanicki's arrival, he too was seated.

2. Additions/Corrections to the Agenda

There were no additions/corrections to the agenda.

3. Public Comment

There was no public present.

4. Old Business

5. New Business

**a. Review Construction Plans for Culvert and Driveway. Applicant: Rory Wilson.
Location: 152 Silver Spring Drive.**

ADDRESS LOCATION TO BE CONFIRMED. MAP INDICATES 152 AND APPLICATION INDICATES 153. ON 16 AUGUST 2022 THE LAND USE DEPT. CONFIRMED THE ADDRESS AS 153 SILVER SPRING DRIVE.

The applicant was not in attendance.

Mr. Mularski laid out maps, as prepared by Bennett and Smilas, for the Commission's review and pointed out the driveway (partially in the wetland) and the septic system (in the upland review area). Mr. DeCarli stated the Commission needs to determine whether this is a significant activity and if a public hearing should be scheduled.

Mrs. Reynolds questioned the former 50 foot upland review area notations on the map as the current regulation is 100 feet. Mr. DeCarli stated the 50 foot notation is probably indicated because the septic area had been the planned septic area since the subdivision was approved and at that time would have been outside the regulated area. Mrs. Reynolds agreed. In looking at the map, the septic is just outside the 50 foot review area.

Mr. DeCarli asked Mr. Mularski if the property is on the opposite side of the road from the lake. Mr. Mularski stated yes, and that it barely gets into the wetlands. Mr. Chadwick asked if it was past the power lines prior to reaching the lake. Mr. DeCarli stated he thought it was before the power lines.

Upon Mr. Iwanicki's arrival, Mr. DeCarli seated him and explained the Commission was reviewing the maps to schedule a public hearing in September. Mr. Iwanicki asked the basis for a public hearing. Mr. DeCarli stated the proposed driveway would run through the wetlands and there's about 1,800 feet of wetland fill.

Mrs. Reynolds voiced concern over the conservation easement as the map only shows one side of it; and asked where it leads to. Mr. Mularski stated he believes they only showed the easement boundary they would be working with. Mr. Worthley stated it's either bounded by the road or by the lake. Mrs. Reynolds stated she would like to know the bounds of the conservation easement as there shouldn't be a septic system in a conservation easement.

Mr. Costa asked how many feet will actually go through the wetland. Mr. DeCarli stated the map indicates 1,871 square feet. There was a brief discussion pertaining to linear feet (approximately 80-100 feet).

Mr. Iwanicki stated what would be of interest would be the original subdivision plan. Mrs. Reynolds stated that should show the conservation easement. Mr. Mularski noted that the original plan would also show the proposed location of the driveway and that he hadn't had a chance to pull it out. Mr. Iwanicki and Mr. DeCarli questioned whether this would justify having a public hearing.

Mrs. Reynolds stated there shouldn't be a septic tank in a conservation easement area. Mr. DeCarli stated he questioned that too; however, the tank isn't, but part of the leach field is. Mr. Worthley stated the conservation easement goes in the other direction (towards the front). Mr. DeCarli stated he didn't know how a driveway would go through a conservation easement unless there is language allowing it within the easement document. Mrs. Reynolds stated it's been her observation that in Haddam people tend to ignore conservation easements and do as they please. Mr. Worthley stated the conservation easement refers to the rules that were established when they set up the subdivision about cutting vegetation, etc. Mrs. Reynolds stated the easement is not extinguished. Mr. Worthley stated he understood, but it allowed for driveways, to build your house, etc. Mr. Iwanicki stated he doesn't know about this particular lot. Mrs. Reynolds stated most easements have generic language and that she would like to see it before the Commission makes any decisions.

Mr. DeCarli stated it would make sense to check the old subdivision maps to see where the driveway was located for this lot; and to Mr. Iwanicki's point, if the driveway was always planned for the proposed location, and then a public hearing isn't required. Mr. Iwanicki stated he didn't know if the driveway would be indicated on the plans as he didn't believe the Commission had reviewed individual driveways at that time, they only reviewed lots. Mrs. Reynolds asked if proposed house

locations were indicated on the plans. Mr. Iwanicki stated no, not when the Commission reviewed the whole subdivision, their primary concern was protecting Chatham Lake itself and the easements; however, no one paid attention to it. Mrs. Reynolds agreed. Mr. DeCarli stated the area should have been perc tested and the plan showing a house, septic, and driveway locations. Mr. Mularski stated the engineer indicated that it did, but he (Mularski) didn't look at the map. Mr. DeCarli stated it would not be as detailed as what is sitting in front of the Commission, but the Commission would like to look at it. Mr. Iwanicki agreed. Mr. DeCarli noted it's a rather large wetland on the rest of the property.

Mr. Iwanicki noted neither the applicant nor the engineer were present. Mr. DeCarli stated the perc tests are relatively new (2020). Mr. Worthley asked if a site visit should be held, whether or not the Commission holds a public hearing. The Commission agreed.

Mr. Iwanicki stated he wouldn't go to a public hearing per se and do all the notifications, legal notice, etc., as it's a public meeting in September. The Commission can request additional information such as feasible alternatives.

Discussion returned to the location of the lot. After further review of the map, the Commission believes the lot to be located just before the power lines.

Mr. DeCarli stated it's at the end of the road and that's the corner of that wetland system. Mr. DeCarli also stated there's a storm drainage system (noted on map) coming into the lot. The Commission reviewed the elevations.

At this time, the Commission did not feel a public hearing was needed; however, Mr. Iwanicki stated the Commission may request additional information after they've reviewed the site. Mrs. Reynolds stated she would like to know where the conservation easement actually is located. Mr. Iwanicki stated Mrs. Reynolds will need to see the whole subdivision plan.

Mr. Chadwick asked about the public hearing procedure. Mr. Iwanicki stated a public hearing would be held if the activity is deemed significant or members of the public think the matter should be discussed. Mr. DeCarli stated the Commission would make the determination if it's a significant activity. Mr. DeCarli also stated usually when a fill of wetlands is taking place a public hearing is held, but not always.

A brief discussion followed in regard to requesting an extension. Mr. DeCarli noted that the Commission will have 65 days as they will be accepting the application tonight. Mr. DeCarli requested the applicant and the engineer be present at the September meeting.

Mr. Mularski to advise the applicant of the site walk and to clearly mark the property where they expect the Commission to approve the proposed culvert and driveway in order for the Commission know the exact location.

SITE WALK – Saturday, 27 August 2022, 10:00 a.m.

MOTION: Dan Iwanicki motioned to accept the application. Gail Reynolds second. Motion carried unanimously.

Item continued until Monday, 19 September 2022.

6. Wetland Enforcement Officer's Report

Mr. Mularski reviewed his report dated 15 August 2022.

968 Killingworth Road, Trading Post Development – Have received letters from Richard Snarski, Professional Wetlands Scientist, dated 08.10.2022, indicating all the plantings were done in accordance to his directions and approves it., and Michael Harkin, P.E., dated 08.01.2022, indicating all the work was installed/performed properly with only slight modifications to the approved plan. Mr. DeCarli stated the site looks pretty good from the photos. Mr. Iwanicki stated he didn't believe there was any further action for the Commission to do except for follow up by the Town. Mr. Iwanicki stated the hay bales have been installed, the area seeded and watered, and it appears a pathway was cut in order to show the two lots they would like to sell. Mr. Mularski stated there was a depression and he had them fill that in a bit more so there would be no ponding. Mr. Iwanicki asked if they would be going to P&Z to put in the storage area for the hay and feed. Mr. Mularski stated yes, they would need to, and that they had talked about it, but nothing has come through. Mrs. Reynolds asked about pre-fab building that being stored on the site. Mr. Mularski stated they had asked for his permission, that it would be there for 24-36 hours, and it would be move. A brief discussion followed in regard to whether or not town permission or permits were required.

27 Old Turnpike Road, Possible Flooding – Copies of photos of the end of the driveway with the placement of rip rap to mitigate the water from coming down the driveway and an undated letter from Mark Shipman, Esq., attorney for the property owner, were distributed. Mr. Mularski met with the town engineer, Town Planner Bill Warner, the owner, and his attorney. Mr. Mularski believes the rip rap is located on the wrong side of the driveway. The driveway is very steep comes down and makes a hard right and there's no way to move the water back to the right. Mr. Mularski stated the installation of a swale up through the trees would have slowly filtered the water through the property and allowed it to enter into the town's culvert below the driveway rather than above it. Now the water will still come down the driveway and will come in above the driveway and into the culvert pipe.

Notice of Code Violation, 316 Candlewood Hill Road – Spoken to the owner several times and he will get moving on it. He did remove the stone off the road, but nothing else has taken place. Will follow up on the matter.

143 Injun Hollow Road, Wetlands Violation – Still waiting to hear from DEEP.

1292 Saybrook Road, Fill Deposited into Gateway Zone – Photos of the site previously distributed via email (08.12.2022). Understand they do not want to disturb the environment too much; however, what has been left at least between DEEP and the Gateway Commission they may want to consider filling in the ditch at the bottom of the slope. Mr. Mularski stated he believes it is an unsafe condition. Mr. Costa stated it appears to be a steep fall off. Mr. Mularski stated only seed and some hay have been put on the slope and it wasn't done by the property owner. Meet with the property owner with respect to walking the site. He's been stopped at his property line, he has a 10-15 foot down drop into the ditch, there's no culvert in the area to get the water from that side of the tracks to the river side, therefore, this area would fill in during a heavy rain event, and there's still evidence of poison ivy. Mr. Mularski stated he doesn't understand why they DEEP and/or Gateway do not recommend letting him fill the ditch in and seed it to match the two adjacent properties that go down to the tracks. Mr. Iwanicki asked what DEEP's intent is. Mr. Mularski stated DEEP will be fining the property owner as he supposedly took down a large number of trees. The property owner supposedly has evidence that he only took down two – 3 to 4 inch caliber trees. The property owner has the report and believes it's been embellished. Mr. Mularski stated he's looked over the hill and there's no evidence of recent clear cutting. The property owner has graded the property with the town's permission. There is a little bit of erosion, but not much (visible in the photos). Mr. DeCarli stated it's a large exposed area and anything that runs off will go into the ditch. Mr. Mularski stated leveling the site would be the right thing. Mr. Mularski stated Mr. Warner stated he's heard that one of the commission's wants all the material removed. Mr. DeCarli stated in looking at the pictures he wonders how much fill vs. top

soil was used to create a yard. Mr. Mularski stated its plain fill and there's anywhere between 1,500-3,000 yards. The property owner plateaued the backyard about 45 feet off right from behind the house and then the backyard starts going down and left the right side of the house (if facing it from the road) that grades and matches the neighbor to the right. The lady to left is not happy. The property owner claims he spoke to both neighbors explaining what would take place and that he would control the water flow and make sure it stays on his property. Mr. Mularski stated what will happen now is the water flow from the lady on the left will shoot to his property, hit the swale and go right down into the ditch. Mrs. Reynolds asked why the property owner thought he could do all of this without permits. The photos show where the material comes up to the lady's stone wall. Mr. Iwanicki asked what Roger Nemergut, P.E., had to say. Mr. Mularski stated once everything is settled, Mr. Nemergut recommends that the material be left in place, top soil, seed, and mulch it and install silt fencing. A copy of Mr. Nemergut's letter, dated 07.29.2022, was also in the packet. Mr. DeCarli asked if a silt fence had been installed at the bottom of the slope. Mr. Mularski stated no, and that he did recommend it.

13 Summersweet Drive – Swimming Pool – Mr. Iwanicki asked for a status update. Mr. Mularski stated he drove by tonight. Didn't appear as if work had begun. They did receive their permit and they've moved a portion of the septic system.

7. Approval/Correction of Minutes

MOTION: Tom Worthley motioned to approve the 16 May 2022 minutes as submitted. Dan Iwanicki second. Motion carried with Mr. Chadwick abstaining.

MOTION: Dan Iwanicki motioned to approve the 20 June 2022 minutes as submitted. Dave Costa second. Motion carried with Mr. Worthley and Mr. Chadwick abstaining.

Forestry Regulations – Mr. Iwanicki reported Nick Zito, DEEP, has not responded regarding the proposed forestry regulations. Mr. Mularski stated he had received an email from Mr. Zito who would like some minor terminology (three words) and the effective date (will use 20 June 2022 as the effective date) corrected in the zoning regulations with respect to the forestry regulations. Mr. Mularski stated he will forward the rewording of the code to the Commission.

8. Adjournment

MOTION: Gail Reynolds motioned to adjourn. Curt Chadwick second. Motion carried unanimously.

The meeting was adjourned at 7:48 p.m.

Respectfully Submitted,

Bunny Hall Batzner

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Recording Clerk

The next regular meeting is scheduled for Monday, 19 September 2022.