

**TOWN OF HADDAM
INLAND WETLANDS COMMISSION
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT
MONDAY, 16 JULY 2018
PUBLIC HEARING AND MEETING
UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

A	Paul Best, Secretary
X	Curt Chadwick
A	Jeremy DeCarli
X	Dan Iwanicki, Vice Chairman
X	Joe Stephens
X	Mark Stephens, Chairman
X	Tom Worthley
A	Dave Costa, Alternate
A	Gail Reynolds, Alternate
X	Jim Puska, Wetlands Enforcement Officer
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order & Attendance/Seating of Alternates

Mr. M. Stephens, chairman, called the meeting to order at 7:03 p.m. and all regular members were seated.

2. Additions/Corrections to the Agenda

Corrections to the agenda: Change date in header from "June 18" to "July 16"; move Item #5 – New Business to Item #7; move Items #6 and #7 – Application for Wetlands Permit #IW016678 for Activity in the Upland Review Area on Property Located at 81 Arkay Drive, Haddam, CT and Shown on Assessor's Map #36, Assessor's Lot #7-12 to Items #5 and #6, respectively; and add under Item #7 – New Business – a. 5 Tinker Road and b. 74 Cove Road, Sherwood Camps.

MOTION: Tom Worthley moved to modify the 16 July 2018 agenda as discussed. Curt Chadwick second. Motion carried unanimously.

3. Public Comment

None.

4. Old Business

None.

5. Public Hearing (Continued)

Application for Wetlands Permit #IW016678 for Activity in the Upland Review Area on Property Located at 81 Arkay Drive, Haddam, CT and Shown on Assessor's Map #36, Assessor's Lot #7-12

Michael Sciascia, applicant/owner, Jamie Sciascia, owner, William Cowan, President, Haddam Land Trust, and Paul Geraghty, Esq., representing the Haddam Land Trust, were present.

This is a continuation from Monday, 16 April 2018, Monday, 21 May 2018, and Monday, 18 June 2018.

Mr. M. Stephens reported the Sciascias have submitted plans; and asked Mr. Cowan if the Haddam Land Trust (HLT) had received a copy with Mr. Cowan responding yes. Mr. Iwanicki asked that the submissions be marked as exhibits as they are reviewed in the event the matter goes to court. Mr. M. Stephens either showed or read the following: Site Plan for 81 Arkay Drive (undated narrative), date stamped Received Jul 11 2018 Land Use Office (Exhibit A, 1 page, submitted by the Sciascias); Site Map, prepared by Kevin T. Ewald & Associates Surveyors/Planners, 5 Ridge Road, Middletown, CT, undated, unsigned, and lacking a surveyor's seal, date stamped Received Jul 11 2018 Land Use Office (Exhibit B, 1 page, submitted by the Sciascias); letter from Thomas E. Metcalf, P.E., L.S., 16 Woodland Road, Deep River, CT to Mark Stephens, Chairman, Haddam Inland Wetlands Commission, dated 9 July 2018, date stamped Received Jul 11 2018 Land Use Office (Exhibit C, 3 pages, submitted on behalf of the HLT via USPS and email); and a Site Map of the Arkay and Mario Drives area showing the HLT and Sciascia properties with a handwritten note signed by Richard Snarski, Soil Scientist, Wetland Scientist, undated and lacking a seal, date stamped Received Jul 5 2018 Land Use Office (Exhibit D, 1 page, brought in by Bill Cowan, HLT; copy provided to the Sciascias). All exhibits are on file in the Land Use Dept. and the Town Clerk's Office with the minutes.

Mr. Cowan reported Mr. Snarski was hired by the HLT and asked to go over and verify the soils on their property. Mr. M. Stephens asked if Mr. Snarski had blue flagged the area with Mr. Cowan responding he did not. Mr. Puska stated he sees some marking on the site plan (Exhibit D, blue area denoting fill in the wetlands).

Mr. M. Stephens noted that he did not see a professional engineer's signature on any of the submissions (Exhibit A and B) from the Sciascias and asked Mr. Sciascia if he had retained a civil engineer to review the property as discussed over the past several months. Mr. Sciascia stated no, he did not hire a civil engineer; and at the last meeting, it was discussed that he needed to come up with a plan and that he was not required to get an engineered plan. Mr. M. Stephens stated it was very strongly suggested, and thought by the majority of the Commission, that an engineered plan would be needed in order to prove to the Commission that he had a plan that was sufficient. Mr. Sciascia stated that was not his understanding; and in reading the minutes that wasn't what was said, but rather it was highly suggested that never before had the Inland Wetlands Commission asked to have an engineer's drawing done up and report sent in to obtain a permit that most times it's a drawing that is submitted. Mr. M. Stephens stated yes, but there have been a number of hearings on this matter and believes it was discussed that someone with credentials who could convince the Commission that the slope will hold be retained. Mr. Sciascia suggested the minutes be read. Mr. Iwanicki stated he had said to come in with a completed plan and that the Commission generally doesn't care if a certified plan is submitted provide a drawing showing what is proposed as well as verbiage as to what is going to happen is. Mr. Iwanicki asked Mr. Sciascia if that's what he's planning to present. Mr. Sciascia stated correct. Mr. Iwanicki stated he didn't believe the Commission specifically asked for a civil engineer, but that the minutes could be reviewed; however, going further on the matter based on Mr. Metcalf's letter, he felt the Sciascias were in need of a civil engineer to outline (say) what is being proposed.

During the review of the site plan narrative (Exhibit A), Mr. M. Stephens asked Mr. Sciascia to point out the areas on the site map (Exhibit B) as they are addressed. Mr. M. Stephens asked where the reconstructed wall as noted in Item 2c would be located with Mr. Sciascia pointing it out on the map (wall noted in blue). Mr. M. Stephens asked Mr. Sciascia if he may make corrections to the spelling within the narrative as it was read with Mrs. Sciascia stating yes. In regard to Item 4a, Mr. M. Stephens asked if this would be taking place within the red area on the map with Mr. Sciascia responding yes. Mr. M. Stephens asked if the crushed stone drywell as noted in Item 5b was depicted on the map. Mr. Sciascia stated yes. Mr. M. Stephens asked Mr. Sciascia to explain what a strong back is. Mr. Sciascia stated there would be a vertical member and a strong back that would be coming down at an angle back into the bank and this will be along the property line.

Prior to review of Mr. Metcalf's letter (Exhibit C), Mr. Iwanicki asked Mr. Sciascia if he had received a copy of the letter. Mr. Sciascia stated yes, he did through the Land Use Office, but not from Mr. Metcalf.

After review of Mr. Snarski's note (Exhibit D), Mr. M. Stephens noted he did not see any wetlands flags on the map. Mr. Sciascia asked if he may see the document as he had not seen it before as did Mr. Geraghty. Mr. M. Stephens stated yes, with Mr. Cowan providing copies to Mr. Sciascia and Mr. Geraghty. Mr. Geraghty clarified that Mr. Snarski is stating that there is fill in the area that is marked in blue on the map. Mr. M. Stephens asked if Mr. Snarski did any soil testing. Susan Bement, HLT, stated she was with Mr. Snarski when he tested the soil and that there are wetlands on the property; however, he could not test where there was deep fill (probes would not reach). Mr. M. Stephens stated he believes there are wetlands on the property.

Mrs. Sciascia asked how they were to know Mr. Snarski did do the testing as he was not present to confirm that he tested the area. Mr. Sciascia stated there's no seal on the document. Mrs. Sciascia stated she has an issue with someone testing the soil or looking on their property noting they were not notified of an engineer or soil scientist coming out to the site and that this is unprofessional when someone is looking at their land (the hill) and they were not afforded the opportunity to be present. Mrs. Sciascia noted that when the town's engineer came out to the site, the HLT was present.

Mr. Geraghty stated Mr. Snarski only looked at the HLT property and did not venture onto the Sciascias property. Mr. M. Stephens stated Mr. Snarski didn't venture on the Sciascias property, but was commenting on it, which anyone can see from the HLT property.

In regard to Mr. Metcalf's letter, Mr. Sciascia asked if there was any date as to when he came out to the property. Mrs. Sciascia stated they don't know if Mr. Metcalf was on the property as they were not present. Mr. Geraghty stated he spoke to Mr. Metcalf about the letter and that the letter was written subsequent to a site walk on the HLT property, that the visual inspection from the HLT property looking at the side of the slope was done a few days prior to the date on the letter, and the inspection was also done before the plan was submitted. Mr. Geraghty also stated he did submit the plan and the proposed work order (Exhibits B and A) to Mr. Metcalf who was in agreement with him (Geraghty) that while it's a step in the right direction it was too vague and brief in order to provide any critical comment on it other than to say what he (Metcalf) did within the letter. Mr. Geraghty stated a detailed map of the area (not necessarily an A2 survey), would show contour levels every two feet as required by the Wetlands Regulations, which is not shown on the plan submitted by the Sciascias, and it's unclear where the boundary is as there's no indication of such on the plan. Mr. Geraghty also stated there are a number of things that are lacking on the application as it currently stands that the regulations require in order for the Commission to approve it.

Mr. Sciascia stated his only question is the date Mr. Metcalf was on the property in order for him to check his cameras to make sure somebody was there. Mr. Sciascia stated with the soil scientist he can check to see if someone was there. Mrs. Sciascia asked how the letter can be entered into the record. Mr. M. Stephens stated the letter was sent to the Commission. Mrs. Sciascia asked Mr. M. Stephens if he trusted him (Metcalf). Mrs. Sciascia also stated it was a sneaky move. Mr. M. Stephens stated apparently the site inspection was not on the Sciascias property. Mr. J. Stephens stated Mr. Metcalf is a professional engineer, who had to take an oath. Mr. Sciascia again asked for the date the inspection was done. Mr. M. Stephens stated the Commission can get the date and provide that information to them. Mr. Geraghty stated the letter is written 9 July and he spoke with Mr. Metcalf approximately two to three days prior to the letter being written because he made some comments to Mr. Metcalf on it; and Mr. Metcalf had to be out on the site during the week of 2 July through the 5th or 6th, whatever that Friday would have been. Mr. Puska stated the letter was written on 9 July and received on 16 July (original letter). Mr. M. Stephens stated the letter is date stamped 11 July (email). Mr. M. Stephens and Mr. Geraghty stated one letter was sent by email and the other (original) by regular mail. Mr. Sciascia stated there isn't a definitive date of when the engineer's report was done. Mr. M. Stephens stated the Commission has a time slot at this point.

Mr. Cowan stated he may be a bit ahead of the game, but Mr. Metcalf did have time to review the Sciascias submission (Exhibits A and B); however, he wasn't able to send out an email until today and a copy of his review was available. Mr. Iwanicki stated unless the email is signed by Mr. Metcalf it shouldn't be presented. Mr. Cowan stated the email does have his name on it. Mr. Worthley stated he felt it was a bit premature. Mr. Geraghty stated the email reiterates the conversation he had with Mr. Metcalf that the application, from a review standpoint, is insufficient for the Commission or a third party to make a determination. Mr. Geraghty pointed out examples of deficiency such as the proposed original wall (no reference as to where the review area is), no detail for Detail #4 (how the slope will be stabilized if logs are removed that are horizontal on the slope, Exhibit A), no design output for the downspouts and where the water will go, no analysis of the water flow on the property (charts are readily available as the Commission is aware of), the proposed swales should be engineered properly to hold whatever level of water that is annually dropped on the property (information not available). Mr. Geraghty stated it's a start in the right direction, but from a standpoint for the Commission to approve anything tonight it is materially deficient by the Commission's own regulations.

Mr. M. Stephens stated he thought he and the Commission would have been seeing an engineer's report for the reasons Mr. Geraghty mentioned. Mr. M. Stephens stated he agrees it's a good start, but doesn't believe it's a plan the Commission can vote on.

Mr. Cowan stated he has been a registered architect for 25 years and he has seen a lot of drawings, a lot of specifications, worked with a lot of contractors, hired civil engineers and is aware of what and how they do their jobs, and he's very good at critiquing things. Mr. Cowan stated although he has certain basis in this matter, the plan before the Commission is not a plan, not engineering, and there is no design. Mr. Cowan also stated he's sorry to say that, but everyone has been waiting for months and we're still where we were four months ago and that the only thing everyone knows is that Mr. Sciascia does not want to hire an engineer. Mr. M. Stephens stated perhaps at this point Mr. Sciascia might.

Mr. Sciascia stated he will not hire an engineer, the Commission can deny the application, and the HLT can take him to court. Mr. Sciascia also stated he's a third generation builder and just as much as Mr. Cowen needs to know the process, as a builder he can rip apart any engineer's plan as he's the one who builds it. Mr. Sciascia stated an engineer's plan doesn't mean anything because they can fail. Mr. Sciascia spoke in regard to dates on documents and there being no chronological order of events noting that a drawing would have a date as well as revision dates. Mr. M. Stephens stated the Commission is looking for one engineer who is working for the Sciascias.

Mr. Sciascia stated Mr. Metcalf's comments about the material being haphazardly placed and not knowing that the soil was tested are inaccurate as the material was hoe packed and the soil was tested. In regard to returning the area as it was preexisting, Mr. Sciascia asked if anyone knew what it looked like preexisting. Mr. Worthley asked when the material was hoe packed and if photos exist showing it, and if Mr. Sciascia could tell exactly when it occurred. Mr. Worthley asked when the soil was tested and if the results were available. Mr. Sciascia stated it (soil test) was submitted. Mr. Puska stated the soil test results have been submitted. Mr. M. Stephens stated the test really wasn't a test. Mr. Geraghty stated it wasn't a test, but merely a certification that the soil came from a specific location. Discussion followed.

Mr. M. Stephens asked the Commission if the plan, as presented, is one the Commission feels comfortable making a decision on. Mr. Worthley stated the Commission would require more specificity. Mr. J. Stephens stated the plan doesn't have the level of detail he was hoping to see as there is nothing that the Commission can quantifiably measure and hold the applicant accountable for. Mr. J. Stephens also stated the plan is a good rough start, but it doesn't have the detail he was hoping to see in the plan. Mr. Worthley stated to use the architect analogy the plan is a concept piece without the details. Mr. Chadwick stated he generally agrees with what has been said, but thinks perhaps the Commission left the door open at the last hearing. Mr. Chadwick also stated he can look at the submissions, but doesn't know how long a wooden wall would remain standing; whereas, a professional engineer putting their name to the plan, would be different. Mr. Chadwick stated putting all the contention a side it would be hard to approve the application.

Mr. Iwanicki wanted it clarified that the Commission was not making a decision, but merely discussing the matter within the public hearing. Mr. M. Stephens confirmed no decision was being made as they were still in the public hearing portion of the matter and that he was willing to keep the public hearing going for as long as there's an agreement to do so. Mr. Sciascia stated there isn't an agreement and he wants it voted on – deny or approve. Mr. Iwanicki stated that would be during the next segment of the Commission's meeting and that current discussion is for information to apply to the decision making.

Mr. Iwanicki asked Mr. Sciascia how the bank is stabilized at the very end of his property – if silt fence was in place. Mr. Sciascia stated no, as they were asked not to touch it; otherwise, he would have fixed the silt fence and that the report does not touch on that fact. Mr. Iwanicki stated he is asking what it is now. Mr. Sciascia again stated nothing has been done since they were told to stop.

Mr. Iwanicki stated the Commission is being told that the soil was tested; and asked if something had been submitted regarding this. Mr. Puska stated it was submitted a long time ago (a letter describing where the soil came from and what the material was). Mr. Iwanicki asked if this is within the file as he wasn't aware of it. Mr. Puska stated yes. Mr. M. Stephens stated it should be within the file for review at this time. Mr. M. Stephens also stated the soil was not tested for substance. Mr. Iwanicki asked what type of material was used. Mr. Puska stated rock and sandy fill are part of it. Mr. Iwanicki asked if there was any wood or wood debris. Mr. Puska stated no.

Mr. Iwanicki asked how many trees were used and are proposed to be moved. Mr. Sciascia stated there are only two trees that were laying on the HLT property that he had pulled up and those trees were placed on the other side of the property (Sciascias). Mr. Iwanicki asked if it was within the bank area. Mr. Sciascia stated yes, they're lying on the bank. Mr. Iwanicki asked if this was done because someone was complaining about it. Mr. Sciascia stated they moved the tree and the excavator operator decided to put the tree there. Mr. Iwanicki asked Mr. Sciascia if he thought it would be sufficient enough. Mr. Sciascia stated no, he didn't think it would be sufficient enough at all, but he wanted the tree left up top so it could be cut up, but it wasn't.

Mr. Iwanicki asked where in the plan it described how the fill would be removed from the HLT property. Mr. Iwanicki asked Mr. Sciascia's intent in how he will be removing the fill from the HLT property. Mr. Sciascia stated he will be using the access point going down to the bottom to remove the fill on his property to then remove the fill from the HLT property. Mr. Iwanicki asked how he would do that with such a steep slope. Mr. Sciascia stated there is a flat section along the bottom that can be maneuvered into. Mr. Iwanicki asked how the fill would be removed. Mr. Sciascia stated with an excavator and a Bobcat. Mr. Chadwick asked if that's what the green section on the plan denotes. Mr. Sciascia stated yes, to get to the lower portion. Mr. M. Stephens stated the lower portion is off of his property. Mr. Sciascia stated no, as they put the bank there and some of the material needs to be removed to access it. Mr. M. Stephens asked how would that happen. Mr. Iwanicki asked where that material would be placed. Mr. Sciascia stated it would need to be removed and brought up. Mr. Iwanicki asked where it would be brought up to. Mr. Sciascia stated to the top level of the access point. Mr. Iwanicki asked with the Bobcat and the excavator with Mr. Sciascia responding correct.

Mr. Iwanicki asked how the access point will be stabilized with all the equipment going up and down it. Mr. Sciascia stated that access point is pretty much already there and has been there since the inception of all this. Mr. Iwanicki asked if the access point was used to get the logs. Mr. Sciascia stated no, the access point was originally used to remove fill from the HLT property after the HLT filed a complaint. Mr. Geraghty asked if fill is still on the HLT property. Mr. Sciascia stated yes, there is a little bit of fill on their (HLT) property as they (Sciascias) were asked to stop and not remove it from their property.

Mr. Iwanicki asked if anyone knew approximately how much fill was on the HLT property. Mr. Iwanicki asked if the plan shows how much fill is on the HLT property with Mr. Sciascia responding yes. The Commission reviewed Exhibit D from Mr. Snarski.

Mr. Worthley asked how far from the actual boundary line would the proposed wooden retaining wall be located. Mr. Sciascia stated about a foot from the property line. Mr. Worthley asked if it would all be installed from the Sciascias side of the property with Mr. Sciascia responding correct. Mr. Chadwick stated one of his concerns is that wood rots over time; and as it rots, everyone is back to square one. Mr. Sciascia stated the reason for the wooden retaining wall is in the event anything (toys, etc.) rolls off the back it will be caught by the retaining wall and not go on the HLT property. Mr. Chadwick asked if the wooden retaining wall would be holding up the bank. Mr. Sciascia stated no. Mr. Chadwick stated he thought the wooden wall was to hold the bank back, therefore, there is no wall proposed to hold the bank back. Mr. Sciascia stated no.

Mr. Iwanicki stated it was mentioned the wall will be a foot off the boundary line, but in the Detail, #6d-i, (Exhibit A) it reads "4 x 4 vertical posts concreted into the ground every 10 feet"; therefore, Mr. Sciascia will need to go further back in order to put the posts in. Mr. Sciascia stated every 10 feet lineal across the property line and not 10 feet back into the slope. Mr. Iwanicki stated no, what he meant was that he (Sciascia) would have to clear away fill. Mr. Iwanicki asked if it was the area that was lower that he would be able to do that. Mr. Sciascia stated correct, which they had already accessed at one point when he removed the fill from the HLT property originally. In reference to #6d-ii, Mr. Iwanicki asked Mr. Sciascia how far back he intends to go with his strong back. Mr. Sciascia stated 15 or 20 feet. Mr. Iwanicki asked if he would be going 15 or 20 feet that way or go into the fill that was put there prior (digging it out in order to set this in place into the bank). Mr. Sciascia stated yes. Mr. Iwanicki asked Mr. Sciascia how he would set it in. Mr. Sciascia stated he would hand dig it out and set it into the fill. Mr. J. Stephens asked if the strong backs would have to be anchored. Mr. Sciascia stated they would be anchored by using concrete. Mr. Iwanicki asked if it would have to be dug deeper in order to hold it in place. Mr. Sciascia responded in the affirmative.

In regard to #7b (Exhibit A), Mr. Iwanicki stated the slope is so steep he doesn't understand how the erosion control blankets will work especially being covered in four inches of loam. Mr. Iwanicki stated if there's a 1:1 or 2:1 he doesn't know how it will stay in place noting even on gentler slopes he's seen them wash out. Mr. Sciascia stated due to improper drainage control from above is the reason why they wash out. Mr. Sciascia explained how he proposes to control the water flow: 1) none of the downspout water goes anywhere near the berm, 2) the tiering of the front lawn and putting the wall back in allows for all the surface water not to roll that way and go down the back, 3) the swale behind the wall allows for another measure so the water can't roll, and 4) the berm at the top of the slopes insures there will be no runoff running off and down and the only amount of rain or water will be the water that is down pouring or raining onto the bank. Mr. Iwanicki asked the location of the berm that was mentioned. Mr. Sciascia pointed it out on the plan (Exhibit B).

Mr. Worthley asked if the blue color (on the plan, Exhibit B) indicates where the swale is behind the wall. Mr. Sciascia stated correct. Mr. Worthley asked if the swale will be directing water away from the slope of the fill. Mr. Sciascia stated yup. Mr. Worthley asked which direction is it, assuming the direction is away from the house and it comes to an end. Mr. Sciascia stated correct. Mr. Worthley asked where the water goes after that. Mr. Sciascia stated down the side of their property line. Mr. Iwanicki asked Mr. Sciascia what happens after the water leaves his property line. Mr. Sciascia stated it's absorbed into the ground. Mr. Iwanicki stated it goes onto somebody else's property; and asked Mr. Sciascia if he knows who is adjacent neighbor is. Mr. Sciascia stated yup. Mr. Iwanicki asked Mr. Sciascia if he's creating a swale with water running down into someone else's property so it doesn't go down his slope. Mr. Iwanicki asked Mr. Sciascia if that was correct. Mr. Sciascia did not respond.

Mr. M. Stephens stated he had questions regarding that side of the property as well. Mr. M. Stephens stated as he remembers there was a fair amount of fill pushed up against a set of trees all along the border and he couldn't quite figure out which trees were the Sciascias and which were the neighbors. Mr. M. Stephens asked if there were a number of fairly large trees and if it was previously outlined that they would be removed. Mr. Sciascia stated there are two trees that will have to be removed as they were killed by the bugs last year, but there's a set of cedar trees that run along the property line. Mr. M. Stephens stated the fill comes right up to them. Mr. Sciascia stated not on that side.

Mr. J. Stephens stated he remembers seeing some partially buried tree trunks. Mr. Sciascia stated that's on the other side of the property line. Mr. Chadwick asked if these are the trees that are proposed to be removed. Mr. Sciascia stated yes. Mr. Chadwick asked if the slope will remain roughly the same. Mr. Sciascia stated yes, if it allows for it, which is does to lessen the slope on the opposite side behind the garage.

Mr. M. Stephens stated knowing that there will be no additional planning coming from the Sciascias and there's no further questions from the Commission, asked if there were any more comments/questions from the HLT.

Mr. Geraghty stated there's the situation where a permit was originally pulled and now there's a problem where the applicant is not going to retain an engineer. Mr. Geraghty stated based on the questions that have been asked by the Commission, as well as the HLT and Mr. Metcalf, the plan is deficient in terms of being able to analyze it to see if any of the work done will meet the standards required by the regulations both state and local.

Mr. Sciascia stated he did obtain a permit originally (an agent approval permit). Mr. M. Stephens noted it was after the fact. Mr. Sciascia stated correct.

Mrs. Bement stated everyone has been wasting a lot of time over this and perhaps the Sciascias were unaware they needed a permit when working near wetlands. Mrs. Bement explained that the town's website clearly outlines when a person needs a permit and that a permit is needed when working within 100 feet of the wetlands. Mrs. Bement stated that the Sciascias have a construction person who claims he's lived in town for 53 years, following in his father's footsteps with his business, and that he knows everything about the business, therefore, it's unclear how he would not have known about the need for a permit if the Sciascias didn't know themselves and that it's irresponsible with all that has taken place. Mrs. Bement also stated when reviewing the HLT property, no one stepped on the Sciascias property as the HLT had received an email from the Sciascias's attorney directing them not to. Mrs. Bement noted that she has known Mr. Metcalf for a number of years and that he's a well-known professional as is Mr. Snarski.

Mrs. Sciascia stated Mrs. Bement has made a very big accusation and what she stated was completely false as they are honest, decent people within the community and she took great offense to the comments. Mrs. Sciascia also stated she could go on about how HLT is using their funds for the attorney, the soil scientist, etc.

Mr. M. Stephens stated moving forward he would like all comments to be wetlands oriented. A bit more back and forth took place with Mr. M. Stephens stopping it.

MOTION: Dan Iwanicki moved to close the public hearing at 8:00 p.m. Joe Stephens second. Motion carried unanimously.

6. Public Meeting

Application for Wetlands Permit #IW016678 for Activity in the Upland Review Area on Property Located at 81 Arkay Drive, Haddam, CT and Shown on Assessor's Map #36, Assessor's Lot #7-12

Mr. M. Stephens stated no one on the Commission is a professional engineer who can say the proposed plan will work. Mr. M. Stephens stated again that when the Commission is provided a proper plan that's been laid out by a professional engineer and the Commission can see two foot topos, which the Commission has asked for before and was asking for this time, they have something to work with. Mr. M. Stephens stated he could not accept the submission as a plan even though it's close; and that he was hoping a proper plan would have been submitted at this hearing.

Mr. Worthley stated even without the engineer, he believes that the Wetlands Regulations spell out what needs to be in the plan; and something that came in that met all of those criteria could have been given some consideration.

Mr. M. Stephens stated when the Commission heard that there would be lawyers on behalf of the applicant, he had two things in mind – that an engineer should have been hired and that the attorney would walk the applicant through the process. Mr. M. Stephens noted that the town's attorney talked about this.

Mr. M. Stephens directed Mr. Sciascia to put his hand down as the public hearing was no longer open.

Mr. J. Stephens stated unfortunately, the plan is deficient in its lack of detail of what the intention is; and maybe the Sciascias are thinking all the right things, but unless it's submitted within the plan, it would be very difficult for him to vote on it.

Mr. M. Stephens asked who would be making sure all of the items listed on the Detail (Exhibit A) would be making sure the work was getting done. Mr. Chadwick asked if the town's WEO/ZEO could see that conditions are being met. Mr. M. Stephens stated not necessarily, especially if work is being done when he's not available, and then you don't know what work has been done, therefore, how can he sign off on the work. Mr. M. Stephens also stated signing off on the work was not discussed by the Commission.

Mr. J. Stephens asked if the description was a chronological sequence. Mr. M. Stephens advised Mr. J. Stephens he could not ask the applicant that question as the hearing is closed. Mr. J. Stephens apologized. Mr. M. Stephens stated the decision the Commission makes can only be made based on the information that was spoken about during the hearings, what was seen at the site walk, and the submissions before them.

Mr. Puska asked if the applicant hired an engineer to follow his protocol and approved all of the steps that are proposed, would the Commission accept that. Mr. M. Stephens stated if there was a report indicating that an engineer thought it was correct. Mr. Chadwick asked in terms of signing off. Mr. Puska stated similar to hiring an inspector to sign off on the work, noting that he is not an engineer either. Discussion followed in regard to finding an engineering firm who would agree that the proposal was feasible and the procedures an engineer would address (which is what the Commission was looking for). Mr. Iwanicki stated in order to get that, the Commission would need to deny the application and the applicant would need to refile. Mr. M. Stephens stated what's happening is the Commission can't continue to maintain a violation as there is no Notice of Violation or Cease and Desist; and that he was hoping this would all go by the wayside as they got into a plan. Mr. Puska stated as the Commission had commented several times, it's close, but it's just not quite there (submissions lacking design specifics); and there's been numerous discussions about the hiring of an engineer. Mr. Puska also stated he wouldn't like to see the matter dissolve, when everyone is this close.

Mr. Iwanicki stated the Commission has 35 days after the public hearing in which to make a decision and the matter can be held off until the August meeting. Mr. M. Stephens stated he was thinking about that as well. Mr. Chadwick asked if that would allow the applicant to come back with the plan signed by an engineer. Mr. Iwanicki stated no. Mr. Chadwick asked if anything could be added. Mr. M. Stephens stated no, as the hearing is closed. Mr. Iwanicki stated as a Commission, the Commission can ask staff to speak to Mr. Snarski and Mr. Metcalf as to what dates they were on the site. Mr. Iwanicki also stated that he was just saying what is available to the Commission.

Mr. Iwanicki stated he has concerns with the slope and stabilization of the slope long term. Mr. Iwanicki also stated he would like to know what the slope looks like after all the heavy rain. Mr. M. Stephens stated there have been a number of heavy rains that have fallen on the slope. Mr. Iwanicki stated he has not visited the site and is reluctant to make too many comments, but anything with that kind of slope is

troublesome and the plan does not stabilize the bank for the long term. Mr. Iwanicki also stated he understands the HLT's and the Commission's concerns and the safety of the wetlands, but based on the map it's unclear how much fill is on HLT property and what affect (type of material used) it will have on the wetlands.

Mr. M. Stephens stated another concern is does the Commission have enough facts to go on in order to make a proper agreement to. Mr. Iwanicki stated there should be enough data overall; but a feasible plan that's prudent is important and the plan is not feasible and prudent.

Mr. Chadwick stated at the site walk he too was concerned with the slope as it is very steep; and although the plan seems o.k., it lacks a professional's signature. Mr. M. Stephens stated there are no alternatives provided such as rip rap, etc. Mr. Worthley stated from a practical standpoint, if the Commission were to approve the application and something were to go wrong or the neighbor wasn't happy and the took everyone to court, the first question the judge would ask is why would the Commission approve a plan that wasn't approved by a professional engineer.

Mr. Chadwick asked why some applications requiring an engineer and others don't. Mr. Worthley stated it would have to do with how well the application met the criteria within the Wetlands Regulations and the degree of impact. Mr. Chadwick asked if the Commission is aware of any specific regulations that are being violated (an industry standard for a slope impacting wetlands). Mr. M. Stephens stated the Commission has a review area and the Commission reviews each case individually. Mr. Iwanicki stated a pond is 3:1 or 4:1 and in his opinion 1:1 or 2:1 are a far cry from this. Mr. Iwanicki asked what would the Commission have done if the applicant had come in stating what he proposed to do. Mr. M. Stephens stated a site walk would have been scheduled and the matter discussed. Mr. Iwanicki and Mr. Chadwick wondered what the existing hill looked like prior to the placement of the fill. Mr. Worthley stated most places where wetlands have been disturbed as a result of construction activity a developer has to mitigate/create wetlands elsewhere.

Mr. Chadwick stated one thing that's troubling is the soil scientist didn't test the HLT property. Mr. Iwanicki stated the HLT property was tested. The Commission reviewed Exhibit D. Mr. M. Stephens stated it was a quick review, there are no wetlands flags; but the area is within the 150 foot upland review area.

Mr. J. Stephens voiced concern over the surface runoff noting there's a swale that will be running into the neighboring property and the spouts from the house and garage will be draining into a crushed stone drywell. Mr. M. Stephens asked Mr. J. Stephens if he knew what a drywell was. Mr. J. Stephens stated not really, but he basically knows what one is. Mr. J. Stephens asked if the drywell would be built sufficiently enough to capture the volume of runoff from a 100 year storm.

Mr. Worthley asked if an application came before the Commission, it's taken up, and a decision is not immediately made, is the applicant not permitted to submit clarify information in between. Mr. M. Stephens stated yes, he always does. Mr. Worthley stated a comment made earlier made it seem as if additional information could not be submitted. Mrs. Batzner stated the public hearing has been closed. Mr. Iwanicki stated the public hearing has been closed and the Commission can only review what has been submitted at the public hearing other than expertise the Commission asks for.

Mr. M. Stephens stated with the permission of the applicant he would have left the public hearing open for as long as possible to allow for testing, etc. Mr. Iwanicki stated the hearings were extended and the applicant was afforded every opportunity to continue doing so. Mr. M. Stephens stated especially after asking the applicant if a professional engineer would be obtained and being told one would not be gotten. Mr. M. Stephens stated if he had heard otherwise, he would have asked to continue the hearing.

Mr. M. Stephens asked for a motion. Mr. Puska stated a blank motion was available and the only item that would need to be change would be the date. Discussion followed in regard to the wording of the motion.

MOTION: Joe Stephens moved to approve the application for Wetlands Permit #IW016678 for activity in the upland review area on property located at 81 Arkay Drive, Haddam, CT and shown on Assessor's Map #36, Assessor's Lot #7-12. See map on file in the Land use Office. **Conditions:** 1. Standard Permit Conditions. 2. Special Conditions/Modifications – No. Tom Worthley second. Motion denied unanimously. **Reason for Denial:** Application is incomplete.

Mr. M. Stephens stated the application was denied without prejudice and the Sciascias can apply again.

Mr. Iwanicki asked what the Commission is going to do about the property that has been damaged. Mr. M. Stephens stated the Commission can discuss the matter. Mr. Iwanicki stated there's a violation taking place. Mr. M. Stephens stated the Commission can either put out a Cease and Desist or a Letter of Violation; however, he would like to have some time go by and bring the matter up at the August meeting.

Mr. Worthley stated the Commission has given the applicant an option to reapply. Mr. Chadwick asked if a stamped seal from an engineer on the plan would be helpful. Mr. M. Stephens stated it would be. Mr. Iwanicki stated it's on the record as to what the Commission wants.

Mr. M. Stephens stated it would be up to the WEO as to where the Commission goes from here – a Letter of Violation at this point. Mr. Puska asked if the Commission is saying that the previous approval is null and void. Mr. M. Stephens stated yes, and that it was already null and void as the applicant started with a new application. Mr. M. Stephens suggested starting with a Letter of Violation and see what happens from there. Mr. Iwanicki stated a Letter of Violation. Mr. Puska stated o.k.

Mr. J. Stephens asked about the silt fence being ineffective with Mr. M. Stephens stating that would be noted within the Letter of Violation and that's when a proper silt fence would be installed. Mr. Worthley stated since, technically, a good portion of the silt fence rests on the HLT property, is there anything preventing the HLT from doing something with the silt fence if they wanted to. Mr. M. Stephens stated uncharted territory; however, they're the keepers of the property. Mr. Puska stated the trespass issue will arise again as the applicant will have to go on HLT property in order to install silt fence. Mr. Geraghty stated if the Commission should decide to go in that direction to call him. Mr. Puska stated everyone needs to understand what's taking place before letters are sent out.

Mr. Iwanicki stated he doesn't understand why it's an HLT issue as it's the property owner (Sciascias) who's in violation and needs to put up the silt fence; and if he doesn't comply, a Cease and Desist should be issued. Mr. Iwanicki also stated the property owner is the one who's done the damage and needs to make sure no further damage occurs. Mr. Puska again brought up the trespass issue. Mr. M. Stephens and Mr. Iwanicki stated he can put the silt fence up on his property to prevent additional erosion. Mr. Puska asked what's that going to do if it's after the fact as what already is there is there. Mr. Iwanicki stated this is what would be done normally and doesn't understand why it's complicated. Mr. Puska stated he doesn't want to hear from the applicant that the HLT doesn't want them putting the silt fence up. Mr. Iwanicki stated the HLT isn't putting up silt fence as they're the damaged party; and the point is the applicant is going to stop any additional erosion from occurring. Mr. M. Stephens stated there should be hay bales as wells. Mr. Iwanicki stated Mr. Puska should also go out to the site to investigate and see what the slope looks like to see if additional runoff is coming down onto the HLT property; and if the applicant doesn't allow him on the property, then talk to the HLT to go on their property to look and to take some pictures. Mr. M. Stephens agreed. Mr. Iwanicki asked Mr. Puska if it's clear what he needs to do. Mr. Puska stated yes.

8. New Business

a. Application for Maintenance and Improvement of Town Road and Drive in Regard to Contour of Road with Additional Gravel and Add Turnouts and Rebuild 200+ Feet Road and Add Parking on Property Located at 5 Tinker Road, Haddam, CT and Shown on Assessor's Map #64, Assessor's Lot #05

Bill Cowan, applicant, was present.

Mr. Iwanicki asked if this was a town road activity with Mr. Cowan responding yes. Mr. Cowan stated it's an unmaintained town road that he maintains – approximately 2,000 feet, a lot of gravel, and that he's done it twice before (approximately 2002 and 2009). Mr. Cowan also stated there is a little bit of extra added at the end for the HLT Beaver Ledges parking area.

As the Commission did not receive any information pertaining to this matter for their review prior to the meeting, Mr. Cowan asked that discussion on the application be tabled until the August meeting. The Commission agreed.

Item continued until Monday, 20 August 2018.

b. Application for Construction of a 10 Foot by 12 Foot Tree House in the Upland Review Area, After the Fact, 187 Salmon River, Haddam Neck.

Michael Storm, applicant/owner, was present.

Mr. Puska apologized for not having the file with him. Mr. Storm stated that the 10 foot by 12 foot tree house was constructed approximately one year ago (completed November 2017) and that he had photos on his phone to show the Commission (reviewed). Mr. Storm asked if they could at least talk about the matter as everyone seems to be reasonable people. Mr. Puska stated the work was done 50 feet from the river and it's not in a wetland. Mr. Storm stated the tree house is not in a wetland, it's extremely dry land, and that his existing house is 100 plus years old. Mr. Storm also stated that Gary Vivian, Building Official, has looked at the quality of the construction and has indicated there are no issues. Mr. Puska confirmed that he and Mr. Vivian both viewed the tree house. Mr. Storm stated the tree house is approximately 25-30 feet away from the river and was built to exacting standards of typical tree house construction and that he was unaware that he needed a permit as it's attached to two trees. Mr. Puska stated the reason why this application is before the Commission is due to it being on the Salmon River and no work is proposed within the river. Mr. Puska also stated he was tipped off that work was taking place. Mr. Storm stated no ground was disturbed and no trees were cut or harmed in anyway.

Mr. Iwanicki asked Mr. Storm if he suspects the neighbors complained. Mr. Storm stated he doesn't have any neighbors other than one, who come down for two weeks during the summer, and the U.S. Fish and Wildlife, who have bought everyone else out. Mr. Puska confirmed that all work is complete with Mr. Storm responding yes it was all completed last year. Mr. Iwanicki asked why it got to the Land Use Office now. Mr. Storm explained the situation.

The Commission agreed to let Mr. Puska move forward with an Agent Approval.

c. Application to Demolish and Replace Existing Cottage with a New Structure in the Same Footprint on Property Located at 74 Cove Road (Sherwood Camps Association, Cottage 1), Haddam (Haddam Neck), CT and Shown on Assessor's Map #11, Assessor's Lot #8

Mr. Puska reported the new owner would like to do what the previous owner had proposed but never did. Mr. Puska stated the previous owner received approval from the Commission on 08/13/2006, permit expired 08/14/2011. The new owner would like to demolish the existing cottage and replace it with a new structure on the same footprint. The proposal is in 100 feet of the river.

The Commission agreed to let Mr. Puska move forward with an Agent Approval.

9. Wetlands Enforcement Officer's Report

None.

10. Approval/Correction of the Minutes

The Commission agreed to table the approval of the 18 June 2018 minutes until the August meeting.

11. Adjournment

MOTION: Dan Iwanicki moved to adjourn. Tom Worthley second. Motion carried unanimously.

The meeting was adjourned at 8:53 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Monday, 2018.