

**TOWN OF HADDAM
INLAND WETLANDS COMMISSION
PUBLIC MEETING
TOWN HALL
21 FIELD PARK DRIVE, HADDAM, CT
MONDAY, 17 SEPTEMBER 2018
UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

A	Paul Best, Secretary
A	Curt Chadwick
A	Jeremy DeCarli
X	Dan Iwanicki, Vice Chairman
X	Joe Stephens
X	Mark Stephens, Chairman
A	Tom Worthley
X	Dave Costa, Alternate - Seated
X	Gail Reynolds, Alternate – (7:05 p.m.) - Seated for Maura Application – (Left at 7:35 p.m.)
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 7:02 p.m. and all regular and alternate members were seated.

2. Additions/Corrections to the Agenda

None.

3. Public Comment

None.

4. Old Business

None.

5. New Business

1. 304 Plains Road – Application to Construct a 10' Wide Gravel and Paved Driveway; Install two 36" ABS 30' Long; Construct a 10' x 20' x 18" Deep Plunge Pool; and Erect 75 Linear Foot Versa-Lok Retaining Wall in a Watercourse or within 100' Upland Review for Construction of a New Single Family Dwelling. Previously Approved by the Commission in 2004, Application had Expired, No Changes to Previous Approval.

Commissioners seated: Iwanicki, J. Stephens, M. Stephens, Costa, and Reynolds.

Chet Maura, owner/applicant, was present.

Mr. Maura reported that he will be following the exact same plan as previously approved as far as the driveway and the wetlands, but that the house will be in a slightly different location. Using the plan, Mr.

Maura pointed out the house location, the culvert (reviewed detail – two (2) - 36 inches by 30 feet long piping), and the front lot. Mr. M. Stephens asked if the waterway was a brook. Mr. Maura stated it's a small waterway only when it rains. Mr. Maura also stated the culvert is set up for a 100 year flood and that there is an existing small French Bridge in the area. Mr. Maura stated it was his understanding that the driveway was an old road.

Mr. J. Stephens asked the location of the proposed retaining wall. Mr. Maura pointed out the proposed retaining wall and stated that the pipe will come through the wall. Mr. Maura also stated that the reason for the retaining wall is due to the slight drop in elevation.

Mr. M. Stephens stated there is some upland review area and pointed out some wetland flags on the plan. Mr. Maura pointed out the conservation area. Mr. M. Stephens questioned the "C" marks on the plan as there was no legend notation to clarify. No one could clarify the markings.

Mr. J. Stephens asked if the driveway would dip down on either side of the retaining wall. Mr. Maura stated the driveway will need to be raised slightly as the pipe will be above existing grade. Mr. M. Stephens stated there will be fill with Mr. Maura stating yes.

Mr. M. Stephens asked why there is gravel in some areas of the driveway and pavement in others. Mr. Maura stated he didn't know what the percentage of grade is. Mr. Iwanicki stated he thought it was ten percent.

Mr. Iwanicki asked if the application had been approved in 2004. Mr. M. Stephens stated yes, and that it was engineered by Bascom and Benjamin. Mr. Maura stated Pat Benjamin, engineer, Bascom and Benjamin, could not attend tonight's meeting. Mrs. Reynolds asked if the project had been started in 2004 and not completed. Mr. Iwanicki stated they never went forward and the original permit expired. Mrs. Reynolds stated there are notations about existing drains and questioned why they would be there if the project had not moved forward. Mr. Maura explained that the driveway is an old road and runs up to Ruth Hill Road. Mrs. Reynolds asked if it's still a town road. Mr. Maura stated he didn't believe it was actually a town road as it's more of a trail. Mrs. Reynolds stated she couldn't recall the town abandoning anything. A brief discussion followed.

Mr. M. Stephens asked about the narrative that Mr. Benjamin was to have provided. Mr. Maura reported that Mr. Benjamin had indicated that the narrative wasn't needed as the plan is the same as originally presented and if there were questions and another meeting was scheduled, he would be in attendance.

Mrs. Reynolds stated the upland review area has expanded since 2004. Mr. M. Stephens stated yes, and part of the 150 square will depend on where the new house location will be; however, it appears to have been set further back. The Commission again reviewed the topo map.

For clarification purposes, Mr. J. Stephens asked if the application is for the driveway, the culvert, and the retaining wall. Mr. Maura stated yes. Mr. J. Stephens asked about the location of the utilities and if they should also be a part of the application. Mr. Iwanicki asked if the utilities will be above or below ground. Mr. Maura stated underground. Again the plans were reviewed and there didn't appear to be any indication as to where the utilities would be running; however, Mr. M. Stephens found under Site Development Notes - #12 "Utility lines should be located underground as per the subdivision regulations" (sheet 3 of 4, Site Development Plan, Dated Apr., 2004, property of Ellsworth & Kathryn Beckwith). Mr. Puska asked Mr. Maura about connecting to a transformer. Mr. Maura stated that he has already spoken to Eversource and that he had to put a new switch vault in. Mr. Maura also stated Eversource will come out and draw a map indicating where everything is located.

Mr. Iwanicki asked if the original 2004 file was available for review. Mr. Puska stated no, but that the maps and 06.28.2004 motion (expired) was available for review. Mr. Iwanicki reviewed the motion sheet.

Mrs. Reynolds asked if "Other Land of Beckwith" as shown on the plan was still undeveloped. Mr. Maura pointed out the location of two houses. Mr. Puska stated Lot 1, Plains Road, is not developed. Mrs. Reynolds stated her reason for asking was if additional development were taking place on the "Other Land of Beckwith", it could impact the water. Mr. Iwanicki asked which lot the Commission was reviewing. Mr. Maura stated Lot 2. Mrs. Reynolds asked if the driveway is a part of the 4.7 acre conservation easement. Mr. Maura stated he didn't believe so. Plan reviewed and easement boundary located.

Mrs. Reynolds asked if the well would be moved over along with the house. Mr. Maura stated the well will be moved. A brief discussion followed in regard to the limit of clearing (well will not be in it).

Mrs. Reynolds asked if the state forest people use the old road. Mr. Maura stated when he looked at the property it was very heavily grown in and he doesn't believe anyone has walked back there for some time. Mrs. Reynolds stated if they do use the old road and are unaware it has become someone's driveway, they may be surprised. Mr. Maura stated they're more than welcome to use the driveway.

Discussion followed in regard to where the driveway pavement will begin (pointed out on the map – 297 to 314; approximately 240 feet of pavement) and the amount of impervious surface that will create (to be compensated with the proposed pavement underdrain/curtain drain; plan reviewed). Mr. J. Stephens asked if the underdrain should be a part of the application. Mr. Iwanicki stated it doesn't go into the wetlands, but it could have an impact to the wetlands. Mr. Puska stated the curtain drain exits to the wetlands. Mr. Iwanicki stated Mr. Puska will need to make sure it's installed properly during construction. Mr. Iwanicki noted he still had reservations about the installation of the utilities as there's no indication in the cross section about them.

MOTION: Joe Stephens moved to approve a wetlands permit to construct a 10 foot wide gravel and paved driveway, install two (2) - 36 inch ABS 30 foot long drainage pipe, construct a 10 foot x 20 foot x 18 inch deep plunge pool, and erect a 75 linear foot Versa-Lok retaining wall in a watercourse and related work within the 100 foot upland review area for construction of a new single family home at 304 Plains Road. See map on file in the Land Use Office. **Conditions:** 1. Standard Permit Conditions. 2. Special Conditions/Modifications – No. Dan Iwanicki second. Motion carried unanimously.

Prior to the vote on the motion, discussion followed in regard to the location of the retaining wall (plan was reviewed).

Mrs. Reynolds left the meeting at 7:35 p.m.

2. 81 Arkay Drive – Letter of Violation. Show Cause Hearing.

Commissioners seated: Iwanicki, J. Stephens, M. Stephens, and Costa.

Michael and Jamie Sciascia, owners, were not present, nor was there a representative for the Sciascias. Bill Cowan, President, Haddam Land Trust (HLT), and Paul Geraghty, Esq., representing the Haddam Land Trust, were present.

Mr. M. Stephens asked Mr. Puska if there was a copy of the Notice of Violation available with Mr. Puska indicated no. Mr. M. Stephens reported that the Notice of Violation went out 09.07.2018 allowing the Commission ten days to hold the hearing. Mr. M. Stephens noted that the applicant was not present.

Mr. M. Stephens reviewed Section 14 – Enforcement; Subsection 14.3a of the Inland Wetlands Regulations. Mr. M. Stephens stated the Sciascias have been sent a Notice of Violation and the purpose of the Show Cause Hearing is for the Commission to either affirm, modify, or withdraw the Notice. Mr. M. Stephens asked if anyone present would like to speak in regard to the withdrawal of the Notice. No one spoke in regard to withdrawing the Notice.

Mr. Puska stated although he did not have a copy of the Notice of Violation, he did have a copy of the Legal Notice from the last meeting and the Certified Mail receipt from where he mailed the Notice. Mr. Puska also stated he emailed a copy of the Notice with instructions, as instructed by the Commission at the last meeting (08.20.2018), that Mr. Sciascia was to come before the Commission with a new application and a proper set of approved engineered plans; and if he did not do that, a Cease and Desist Order would be issued. Mr. M. Stephens stated the Notice of Violation and the Cease and Desist will be recorded on the town's Land Records.

Mr. J. Stephens asked if the applicant could do anything such as install silt fencing or if the applicant was not allowed to do any work at all due to the Notice of Violation. Mr. M. Stephens stated the applicant is under order to keep up the erosion and sediment (e&s) controls. Mr. Puska noted he did put that in the letter. Mr. M. Stephens stated that Mr. Puska will need to view the site more frequently to make sure the e&s controls are properly done and are located on the Sciascias' property.

MOTION: Joe Stephens moved to affirm the Notice of Violation. Dan Iwanicki second. Motion carried unanimously.

Prior to the vote on the motion, the following discussion took place. Mr. Iwanicki asked Mr. Puska if he had visited the site since the Notice of Violation was issued. Mr. Puska stated no. Mr. M. Stephens stated the site has been well seen. Mr. Iwanicki stated correspondence and site visits are a bit lengthy regarding this matter, that he hasn't seen the site, and that he was merely asking a question. Mr. Iwanicki asked if the WEO has more authority to go on the property. Mr. M. Stephens read Subsection 14.1 in response to Mr. Iwanicki's question. Mr. Puska stated if the applicant informs him that he's not allowed on the property, he will not go there, and will proceed with legal measures. Mr. M. Stephens stated town counsel needs to be notified of tonight's action immediately. Mr. M. Stephens read Subsection 14.3c regarding fines for violations. Mr. Iwanicki stated the problem with Subsection 14.3c is that the matter would need to go to court as the Commission does not issue fines. Mr. M. Stephens agreed, and that this would take place further in the process. Mr. Iwanicki suggested Mr. Puska contact the adjacent property owner (HLT) to see if he may view the Sciascias' property from the HLT's site (obtain permission in writing). Mr. Iwanicki also suggested that it be put in writing as to what day/time Mr. Puska visited the site. Mr. Puska stated he believes Mr. Sciascia will allow him on his site. Mr. Iwanicki asked where it will go from here. Mr. Puska stated it will be what was discussed with the attorney and what will be prosecuted in court.

Susan Bement, HLT member, stated it would be easy to view the property from HLT property. Mr. M. Stephens stated this was what Mr. Iwanicki had suggested. Mr. Iwanicki stated he wants a chain of events recorded so the WEO is not on his own (that he has permission from the HLT). Mr. Puska stated perhaps a note could be drafted.

Mr. Geraghty stated the Connecticut Supreme Court allows the WEO to go out and inspect properties at any point in time when a WEO is aware of a violation. Mr. Geraghty stated the HLT will give permission to go on their property. Mr. Iwanicki stated he didn't want Mr. Puska to get into a direct confrontation with the property owner (Sciascia) and permission from the HLT would provide a safety factor for Mr. Puska.

6. Wetlands Enforcement Officer's Report

Agent Approval - Mr. Puska reported he had sent out the Agent Approval for 239 Silver Springs Road (Chadwick) via email. Not all Commissioners received it. Mr. M. Stephens will email any information he receives to the Commission for their review.

Annual Report - Mr. M. Stephens reported he was in receipt of the request for the Commission's report for the town's annual report.

October Meeting - Mr. M. Stephens stated he would not be in attendance at the October meeting. Mr. Iwanicki stated he would be available to run the meeting.

7. Approval/Correction of the Minutes

MOTION: Dan Iwanicki moved to approve the 30 July 2018 Special Meeting minutes as submitted. Dave Costa second. Motion carried unanimously.

20 August 2018 Public Hearing/Meeting Minutes – The Commission tabled the approval of the 20 August 2018 Public Hearing/Meeting minutes as there was not a quorum of those Commissioners present at that meeting.

10. Adjournment

MOTION: Dave Costa moved to adjourn. Joe Stephens second. Motion carried unanimously.

The meeting was adjourned at 7:55 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Monday, 15 October 2018.