

**TOWN OF HADDAM  
INLAND WETLANDS COMMISSION  
REGULAR MEETING  
ONLINE VIA GOTOMEETING  
MONDAY, 21 SEPTEMBER 2020  
UNAPPROVED MINUTES  
*Subject to Approval by the Commission***

**ATTENDANCE**

X	Paul Best, Secretary
X	Curt Chadwick
A	Jeremy DeCarli
X	Dan Iwanicki, Vice Chairman
X	Joe Stephens
X	Mark Stephens, Chairman
X	Thomas Worthley
X	David Costa, Alternate - Seated
X	Gail Reynolds, Alternate (Recused - 81 Arkay Drive Discussion)
X	Matthew Willis, Esq., Land Use Counsel – (Left at 7: 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 7:13 p.m. All regular and alternate members were seated.

**2. Additions/Corrections to the Agenda**

There were no additions/corrections to the agenda.

**3. Public Comment**

There was no one from the public who made comments.

**4. Old Business**

**a. 81 Arkay Drive, Follow Up Discussion**

**Present:** Michael Sciascia, owner/applicant; Jamie Sciascia, owner; and Bill Cowan, President, Haddam Land Trust (HLT).

Mr. M. Stephens reported that he, Mr. Willis and Mr. Puska had met a couple of weeks ago to discuss how to proceed; that a Letter of Violation had been found from two years ago and was placed on the Land Records; and that Mr. Willis was to contact Paul Geraghty, Esq., representing the Haddam Land Trust (HLT).

Mr. Willis reported that he had spoken to Mr. Geraghty last week and Mr. Geraghty had indicated that he was going to be speaking to his client, HLT, and then the Sciascias' engineer, Mr. Harkin. Mr. Willis stated he has not heard back from Mr. Geraghty since last week and does not know whether this has taken place. Mr. Willis also stated he did attempt to contact Mr. Geraghty today, but he was not in his office.

Mr. M. Stephens asked Mr. Cowan if he was aware of any additional information. Mr. Cowan apologized for not having any additional information to provide and that he too had been expecting Mr. Geraghty to be in attendance.

Mr. M. Stephens suggested that the modification matter be continued until the October meeting to allow Mr. Harkin and Mr. Geraghty to participate in the discussion. Mr. M. Stephens stated one item he saw on the modification plan was that Mr. Harkin will continue to supervise the work. Mr. M. Stephens also stated if the modification is approved, a pre-construction meeting should be held between Mr. Harkin, Mr. Puska, and Mr. Sciascia before any work commences and there will be a deed restriction clarifying that the owner, current and future, of 81 Arkay Drive will need to maintain work done on site (to be placed on the Land Records).

Mr. Sciascia expressed his frustration with Mr. Geraghty's absence as well as delaying a decision on this matter. Mr. Sciascia stated although the HLT's property abuts his property and they are upset about what transpired, which he understands, the application is a wetlands issue and, therefore, is up to the Commission. Mr. Sciascia stated if this matter is pushed out an additional 30 days, the work will not get completed in the time frame outlined. Mr. M. Stephens stated he understands. Mr. M. Stephens also reminded Mr. Sciascia that the Commission went a year and one-half before finding out that he needed a more prudent plan.

Mr. M. Stephens asked Mr. Willis his opinion on how the Commission should proceed – wait another month or vote on the matter tonight. Mr. Willis stated he would prefer that the parties involved had some conversations and at this time it does not seem as if they have (not within his control). Mr. Willis noted that the Executive Orders (related to the COVID-19 pandemic) give the Commission an additional 90 days and encouraged the Commission to try to resolve the matter. Mr. Willis stated he understands Mr. Sciascia's position, but it would be good to have everyone on the same page (unclear why it has been so difficult, perhaps a communication issue).

Mr. Sciascia stated the only why he would be willing to table the issue is that a special meeting be held within the next 14 days to conduct a vote one way or another.

Mr. Best asked why Mr. Geraghty's presence is required. Mr. Willis stated if the Commission would like to vote on the modification, they could; however, it is his understanding that one of the issues is access onto the HLT property. Mr. Willis asked if this matter has been resolved in writing. Mr. Sciascia stated it has not been resolved in writing, but from his understanding it has been resolved through the engineer, Mr. Harkin, and Mr. Geraghty. Mr. Willis noted that neither party is present. Mr. M. Stephens stated Mr. Harkin could not attend tonight's meeting and it is unclear as to why Mr. Geraghty is not in attendance. Mr. Sciascia stated he believes Mr. Puska has some knowledge as to what is going on.

Mr. Cowan stated no one has permission to be on the HLT property to do any work at all and the HLT will not give that permission. Mr. Cowan stated he does not know where that will leave the plan to do the work on HLT property.

Mr. Sciascia asked the Commission to vote on the matter.

Mr. Best asked if Mr. Puska had the phone number to call in to participate. Mr. M. Stephens stated Mr. Puska had the same information as everyone else. Mr. J. Stephens asked Mr. M. Stephens to call Mr. Puska directly and put him on speaker. Mr. Puska finally made connection with Mr. M. Stephens.

Mr. Puska stated approximately a week ago he had spoken to Mr. Harkin who had indicated he had been in contact with Mr. Willis and Mr. Geraghty and they had reached a reasonable agreement. Mr. M. Stephens stated the Commission could vote on the matter and the two parties can

figure out how to proceed afterwards; however, that is not now he would like the matter to stand. Mr. M. Stephens stated he felt the Commission had provided sufficient time to figure this situation out.

Mr. Iwanicki stated the reason why he requested a legal opinion was so the Commission was fully aware of what they had or had not approved. Mr. Iwanicki asked the status on that and if the Commission was in a strong enough position to move ahead in modifying an old permit and had the Commission followed procedure for the Notice of Violation.

Mr. Willis stated there was a Notice of Violation, there was a permit that it was approved last year, and there has been a modification to that approval that has been submitted that is being discussed this evening. Mr. Willis stated unfortunately, some of the people that are important to this matter are not in attendance and it's unclear what has transpired in the last week.

Addressing Mr. Iwanicki's question regarding the Commission's authority, Mr. M. Stephens stated yes, the Commission does have the authority to agree or not agree to the modification. Mr. M. Stephens stated conducting a special meeting (time to be picked that will accommodate all parties) to allow two weeks for a bit further discussion and then wrap this matter up.

Mr. Sciascia stated at this time he's willing to allow an additional two weeks for a special meeting to be scheduled and at that time one way or another, no matter who is available or not, the matter is to be voted on as he does not want it pushed off any longer. Mr. Iwanicki stated the only thing wrong with that is any activity on the proposed modified plan that involves the HLT, if they are not agreeable to allow Mr. Sciascia to enter their property to install the erosion and sediment controls (e&s), then the plan would need to be modified to reflect that potential. Mr. M. Stephens stated the e&s controls have been installed. Discussion followed in regard to the installation of hay bales – Mr. Harkin called them out only if he thought they were necessary and at this point in time they are not necessary; the modified plan reflecting hay bales are to be placed across the entire property; and Items 14 and 5 of the Construction Callouts were reviewed.

Mr. Sciascia stated he believes the HLT's position in saying they are not allowing him onto their property to install the silt fencing is an attempt to get the Commission to vote the plan down. Mr. Sciascia also stated the plan has nothing to do with the HLT property, how he will gain access is something that would have to be negotiated after the plan is approved. Mr. M. Stephens asked Mr. Willis where the Commission goes from here.

Mr. Willis suggested the matter be pushed off for two weeks, a special meeting scheduled, get everyone in attendance, and in that way all issues can be addressed with Mr. Harkin and the HLT. Mr. Willis stated he did not want to do hypothetical approvals or denials; he wants the plan to be on its merits.

Mr. Iwanicki stated regarding the plan's merits, it is showing activity on HLT property; however, if HLT will not allow activity on their property, the Commission has no business approving it. Mr. Willis agreed; and again, stated the matter should be delayed for an additional two weeks to allow all the stakeholders to be present and if they do not show up, it would be a shame.

Mr. J. Stephens stated he would like the Commission to encourage the stakeholders to hold some proactive discussions prior to the special meeting, otherwise, everyone will be just spinning their wheels at the next meeting. Mr. M. Stephens advised Mr. Puska to set up a special meeting and to get Mr. Harkin, Mr. Geraghty, and Mr. Willis involved. Mr. J. Stephens stated if the parties cannot come to an agreement about going onto the HLT's property, then the plan should be revised to reflect that for the Commission to vote on it. Mr. M. Stephens noted that the original plan does not require access from HLT property. Mr. Sciascia corrected Mr. M. Stephens stating that either plan requires HLT property access.

Mr. M. Stephens asked Mr. Willis if he could try to get a hold of Mr. Geraghty.

Mr. Sciascia questioned whether Mr. Geraghty is still the HLT attorney and that is truly the reason why he is absent from the meeting; or is this a tactic by the HLT to not get this moving forward. Mr. Sciascia stated it was his understanding that Mr. Geraghty was in favor of the plan. Mr. Cowan stated Mr. Geraghty is still the HLT's attorney. Mr. M. Stephens stated he will try to get a special meeting scheduled as soon as possible.

**MOTION:** Dan Iwanicki motioned to table the 81 Arkay Drive matter until the next special meeting or the next monthly meeting, whichever occurs first. Mark Stephens second. Motion carried unanimously.

Mr. M. Stephens apologized that this matter was not conclude tonight and will do his best to get this matter rectified.

**Recording Clerk's Note:** Mr. Puska was having audio difficulties via his computer at the beginning of the meeting, but the matter was rectified when he called into the meeting.)

## **b. Forestry Regulations Discussion**

Mr. M. Stephens reported there are two sets of forestry regulations (Town of Willington and Town of Stafford) that Nick Zito, Forest Practices Act Forester, Division of Forestry, Bureau of Natural Resources, CTDEEP, had sent over for the Commission's review.

Mr. M. Stephens suggested the Commission use Haddam's forestry regulations only after filling in the blanks (use notations Mr. Zito had previously provided). Mr. Iwanicki stated he does not believe Mr. Zito reviewed Haddam's regulations that closely nor is he saying that Haddam can add in his notations and meet the state's requirements. Mr. Iwanicki noted there are several items which need to be addressed including definitions to make a document that will last for a number of years and meet the state's requirements.

Mr. Worthley stated he had not had an opportunity to review the documents in detail but would be willing to do so between now and the next meeting. Mr. Worthley said in terms of definitions, there are a couple of lists of well understood definitions, terms, and terminology that can be used (cut and paste into document).

Mr. Iwanicki stated it is unclear how the Commission can make a smaller document noting the town's present regulations do not meet state requirements based on the statute and the things that they want. Mr. Iwanicki stated he would be able to edit the document more effectively if he had a better hard copy in PDF format. Mr. Iwanicki stated they are not looking at it in terms of the wetland regulations that Haddam has nor do they have the concern that Haddam has for the timber harvesting that is presently allowed in Haddam. Mr. Iwanicki also stated Willington's requirements are a lot more rigid and Haddam may be able to throw away a lot of that as a lot is covered under the wetland regulations. However, there is an issue as to whether a harvester still needs to come before the Commission if the harvest does not impact the wetlands.

Mr. M. Stephens stated he thought Mr. Zito had indicated that an applicant would need to come before the Commission if Haddam had state approved regulations. Mr. M. Stephens also stated he felt Haddam's regulations were better than Stafford's and not nearly as convoluted as Willington's. Mr. Iwanicki stated Haddam will need some of the material covered in Willington's regulations to meet DEEP's requirements. A brief discussion followed in regard to an applicant providing at the very least a map indicating the harvest area, skid roads, landings, etc., and the decision of whether wetlands are involved or not being a Commission or WEO matter, not the applicant.

Discussion followed regarding forestry products being an agricultural product and it being exempt. Mr. Worthley stated it is, but it's not like it is not an annual crop event; it's something that happens only rarely, and many years pass before it happens again. Mr. Iwanicki stated in his review it is still an agricultural product.

Returning to Haddam's forestry regulations, Mr. M. Stephens stated it appears as if Mr. Zito commented on each item he would like Haddam to address. Mr. Iwanicki asked Mr. Puska to contact Mr. Zito to confirm that those items are the only ones that need to be addressed.

Discussion followed regarding slash as mentioned in both Willington's and Stafford's regulations and whether Haddam wants to include it. Mr. Worthley stated slash is strictly an aesthetic issue and has nothing to do with wetlands. Mr. Worthley stated how it is treated should depend on what is trying to be accomplished rather than it being a big impact on wetlands. Mr. Worthley noted that harvesting slash is usually left in place to protect regeneration from browsing deer as they will wipe it right out, but it would not impact wetlands. Mr. Worthley stated he would be willing to look the regulations over, write his comments down, and pass them along to the Commission for future discussion.

**The forestry regulations are to be a standing agenda item until completed.**

#### **5. Wetland Enforcement Officer's Report**

Mr. Puska reported that Hidden Lake is lowered every year about this time and with that comes applications for various repairs and installations as is with the following application:

**31 West Shore Drive, Replace Existing Old Stone Wall and Install Stone Patio – Agent Approval** – Mr. Puska reported the applicant would like to replace a section of dilapidated stone wall approximately 15 feet from the lake as well as install a stone patio all within the 100 foot upland review area.

#### **6. Approval/Correction of Minutes**

The Commission agreed to table the approval of the 14 July 2020 special meeting minutes and the 20 July 2020 and 17 August 2020 regular meeting minutes until the 19 October 2020 meeting.

#### **8. Adjournment**

**MOTION:** Paul Best motioned to adjourn. Tom Worthley seconded. Motion carried unanimously.

The meeting was adjourned at 8:09 p.m.

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

**The next regular meeting is scheduled for Monday, 19 October 2020.**