

**TOWN OF HADDAM  
INLAND WETLANDS COMMISSION  
TOWN HALL  
21 FIELD PARK DRIVE, HADDAM, CT 06438  
REGULAR MEETING AND PUBLIC HEARING  
MONDAY, 18 DECEMBER 2023  
UNAPPROVED MINUTES  
*Subject to Approval by the Commission***

**ATTENDANCE**

A	Paul Best
X	Curt Chadwick
X	Jeremy DeCarli, Chairman
X	Gail Reynolds
X	Joe Stephens
X	Mark Stephens, Secretary
X	Tom Worthley, Vice Chairman
X	David Costa, Alternate – Seated
X	Leon Mularski, Zoning and Wetlands Enforcement Officer
X	Bunny Hall Batzner, Recording Clerk

**1. Call to Order & Attendance/Seating of Alternates**

Mr. DeCarli, Chairman, called the meeting to order at 7:00 p.m.

Attendance was taken and 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 were no comments from those members of the public in attendance.

**4. New Business**

**a. Public Hearing for a Notification of a Timber Harvest for Roughly 27,220 Board Feet and 45 Cords of Wood Located at 110 Parmelee Road between Walkley Hill Road and Saybrook Road.**

Neither the property owners, Thomas Sandock and Kristen Van Saun-Sandock, nor a representative from Hull Forest Products, Inc., were present.

Prior to opening the public hearing, Mr. DeCarli began with an opening statement to the audience (copy on file with the minutes in the Town Clerk's Office and the Land Use Dept., Exhibit A). Mr. DeCarli made it clear the Commission would only be dealing with the timber harvest regulations for this application; and although the Commission would be taking comments, the Commission could not deny an application on speculation. Mr. DeCarli explained how the hearing would be conducted.

Erik Hesselberg asked why the Commission would speak before the public was allowed to comment. Mr. DeCarli again explained the process - applicant to make presentation, Commission to ask questions of the applicant, and then the public allowed to ask questions or make comments. Mr. DeCarli stated this is a standard procedure for a land use board.

As the applicant or their representative was not present, Mr. DeCarli decided to move onto the next agenda item to allow additional time for their arrival. The Commission returned to this matter and the applicants or their representative had not arrived.

Mrs. Reynolds asked if the forester was expecting a Zoom meeting as was conducted in November. Mr. DeCarli stated it was not published that way and it was not on the agenda. Mr. M. Stephens asked Mr. Mularski if he knew what may have happened. Mr. Mularski stated he did not know noting that he made two phone calls during the meeting with no response.

Mr. DeCarli tabled the opening of the hearing until the January meeting. Mr. DeCarli asked Mr. Mularski to obtain a letter from the applicant regarding an extension.

**MOTION:** Tom Worthley motioned to extend the public hearing for a timber harvest for roughly 27,220 board feet and 45 cords of wood located at 110 Parmelee Road between Walkley Hill Road and Saybrook Road to the January meeting. Gail Reynolds second. Motion carried unanimously.

Steve Kitts asked why the Commission would not deny the application especially since the applicants or their representative did not appear. Mr. DeCarli stated the Commission would like to give them the benefit of the doubt noting it was a very difficult weather day (heavy rain event) and it's unclear where any of them would be coming from. Mr. DeCarli stated indifference to the applicant and the property owners, the matter would be continued. Mr. DeCarli also stated to deny the application would mean the Commission would need to go down a route of denial without prejudice, the applicant would need to re-apply, and the process would begin all over again.

Ileana Douglas stated many of those present changed their schedules. Mr. DeCarli stated he understood. Ms. Douglas asked about fairness to those present. Mr. DeCarli stated the applicant has rights under Connecticut state law, the Commission was holding the hearing as part of those rights, and the matter would be continued until January. Ms. Douglas asked if the lack of attendance didn't say something about the applicant. Mr. DeCarli again stated it was a difficult weather day and the Commission will give them the benefit of the doubt.

Mr. Hesselberg asked if no work would be allowed since the matter had been tabled until January. Mr. DeCarli stated yes, everything would be delayed for a month and no further comments would be taken until next month.

### **Public hearing continued until Tuesday, 16 January 2023.**

#### **b. Review of an Inland Wetland Application to Construction a New House, Accessory Dwelling, Well, Septic, and Driveway including all Related Lot Clearing Activity within 100 Feet of Wetlands. Additionally, a Driveway Crossing of a Wetland Area with a Cross Culvert. Location: McTigh Road, Map 55, Lot 71. Applicant: Bonye Barone**

Pat Benjamin, P.E., Bascom and Benjamin, representing Bonye Barone, applicant, was present.

Mr. Benjamin reported that Ms. Barone's family has owned property on the south side of McTigh Road for 35-40 years and she would like to obtain a wetlands permit in order to build a single family dwelling and an accessory dwelling.

Using a map, Mr. Benjamin stated the property is made up of four (4) pieces – a 12-acre land-locked parcel, a 25-foot strip that was deeded by itself (unclear how this happened), a 50-foot strip from McTigh Road that has a separate deed, and in 1969 there was a subdivision that created all the lots. Mr. Benjamin stated the proposal calls for the combining of one building lot with all of the rest of the land and pointed out the proposed building location.

Mr. Benjamin stated the wetlands have been flagged by Eric Davison, Certified Wetland Scientist, and that there is a large wetland area that runs across the property. Mr. Benjamin noted there's a flood plain that runs through the middle of the property and pointed out a small upland wetland (access point for the driveway). Mr. Benjamin stated if they tried to access the property other than the point proposed, they would impact approximately five (5) times more wetlands as well as the floodplain and a large boulder field.

Using the site plan, Mr. Benjamin pointed out McTigh Road, the existing 25-foot strip, the wetlands, and the boundary of the upland wetland. Mr. Benjamin pointed out a lot that was subdivided off in 1978 and its associated driveway. Mr. Benjamin stated there is no culvert with this driveway, unclear why not, but the water ponds and then seeps into the ground.

Mr. Benjamin stated the proposal calls for a 10-foot wide driveway down to the house location. The proposal calls for a rip rap swale running down the edge of the western side of the driveway, uphill to the house, and then to a 12-inch culvert. A scour pad at the outlet will take the water from the driveway and route it down to the wetlands. Total impact: .0148-acres (645 feet; later noted square feet) will need to be filled to get into the site. Mr. Benjamin stated there is no other feasible alternative to get into the entire 15-acre site.

Continuing to use the site plan, Mr. Benjamin pointed out the small accessory dwelling location as well as the one (1) bedroom septic system and the house location as well as the three (3) to four (4) bedroom septic system. The roof water and footing drain will go to an infiltration scour pad to get the water back into the ground. Mr. Benjamin stated even through there's ledge on site, the soils had very good perc rates – less than 10 minutes per inch. In the area of the houses ledge was hit at about 36 inches and in other areas ledge was hit between 50 and 87 inches. Silt fence will be located along the driveway as the driveway goes down and at all the disturbed areas. Mr. Benjamin pointed out the limits of clearing (to be staked out in the field themselves) and the well locations. Mr. Benjamin noted that a 20-foot scale plan will need to be approved by P&Z prior to construction. Mr. Benjamin stated they will stake all the limits of clearing in the field themselves. If Ms. Barone should decide to do something else after the approval of the 20 scale plan, she would need to return to speak to the Wetlands Enforcement Officer (WEO).

Mr. M. Stephens asked if there was an application. Mr. Benjamin stated yes, it was submitted approximately six (6) to eight (8) weeks ago. Mr. DeCarli stated yes.

Mr. Worthley asked if the 645 feet of impact area was square feet. Mr. Benjamin stated yes. Mr. Worthley asked the slope of the driveway. Mr. Benjamin stated in one area it's approximately 10-12 percent, in another 15 percent, and then two (2) to three (3) percent.

Mr. Chadwick asked if the intention is to fill the wetland or to cross the wetland. Mr. Benjamin stated the wetland will need to be filled in order to cross it. Approximately 2.5 feet of fill is needed in order to cross the wetland and then install a culvert. Mr. Benjamin stated he believes the driveway next to the proposed driveway has a culvert, but it's buried and they were unable to locate it. Mr. Benjamin stated if they encounter a culvert, they may have to change the location of the proposed culvert. Mr. Benjamin noted that it's a large watershed (approximately one [1] acre). Mr. DeCarli stated it's isolate from the other. Mr. Benjamin stated yes, there's a small low area where the water comes down and ponds uphill of the driveway, seeps underneath, and then ponds up. There is a drain line that runs through the property and discharges but it wasn't wetland soil. Mr. DeCarli asked if there was any evidence of vernal pools. Mr. Benjamin stated no, but there's a defined trickling outline (during a big storm).

Mr. Chadwick asked the nature of the wetlands. Mr. Benjamin stated the wetlands are very nice and that they are the buffer to Ponset Brook. There is a steep slope and flattens out to about one (1) percent and the stream flows to where the culvert on McTigh Road was improved approximately five (5) years ago.

Mr. J. Stephens asked if the driveway would be crowned. Mr. Benjamin stated probably not, but it would be pitched in one direction (probably the west) toward the rip rap swale. Mr. Benjamin stated because it's a small area, by the time it gets to the culvert more than likely most of the runoff will be in the ground.

Mr. Chadwick asked if the driveway would be gravel or paved. Mr. Benjamin stated one area has to be paved, but the other area does not as its well below 10 percent.

Mr. DeCarli asked Mr. Benjamin if he would be willing to use any boulders that may be pulled out of the site to help prevent yard creep into the wetlands. Mr. Benjamin stated they could do that. Mr. Benjamin again stated they flag the limits of clearing and do not allow the contractors to do it.

Mr. Chadwick asked about a site walk. Mr. Benjamin stated there are photos of the upland area that were included with the application.

Mrs. Reynolds asked what type of vegetation is in the upper wetland area. Mr. Benjamin stated he's not a biologist, but that it's a typical upland area – trees, rocks, boulders; and that there was a description of the area in the soil report. Mr. Mularski provided a copy of the report for the Commissioners to review and Mr. Benjamin read the description. Copy of report on file in the Land Use Office.

Mr. J. Stephens asked if the utilities will run underground parallel to the driveway. Mr. Benjamin stated correct. Mr. J. Stephens asked if it mattered which side of the driveway the utilities were located on. Mr. Benjamin stated CL&P (Eversource) will not look at the site until the plans and an approval letter are available and then they will tell where the power will go.

Mrs. Reynolds stated the report doesn't have a vegetation description only the soil type; and noted that some upland wetlands have coniferous plants growing in them and she would not want them impacted by any type of development. The Commission reviewed various documents and a brief discussion followed.

Mr. Benjamin stated he had an approval letter from the health department regarding the septic systems. Mr. Benjamin also stated there were not a number of places for the placement of the house, septic, and well.

Mr. Chadwick asked if there is precedence from the Dollar General application where they had to recreate wetlands. Mr. DeCarli stated Dollar General needed to do that as part of an enforcement action for work done without permits. Mr. Chadwick asked if that would apply to this application. Mr. Worthley stated he believes there is precedence when it's a subdivision application (wetland substitution elsewhere). Mr. Benjamin stated typically that's done in an open area that isn't treed and this area does not lend itself to that. Mr. Worthley stated where the fill of the driveway takes place will push everything to the east and the wetland will expand itself if there's no vegetation clearing. Mr. Benjamin stated if there's concern regarding creep, wetland signs can be installed (noted that he cannot go onto the abutting property owners property to mark the wetlands).

Mr. DeCarli asked the total fill. Mr. Benjamin stated 645 square feet and when they get to the wetlands it will be approximately 2.5 feet. The class 4 concrete culvert is 12-inches and approximately 1.5 feet of cover will be required. Everywhere else the driveway is practically at grade except at one point.

Mrs. Reynolds asked if there are plans to replant after the driveway is installed. Mr. Benjamin stated it will be seeded. Mr. DeCarli asked if rip rap would be better. Mr. Benjamin stated surge rip rap could be used. Mr. Benjamin asked if the Commission would like to have tags installed as well. The Commission agreed.

Mr. Worthley asked if the use of a geo-textile had been considered in constructing the driveway. Mr. Benjamin stated they use geo-textile when building a road and using 10-15 feet of fill. Mr. Worthley asked about laying the geo-textile over the existing wetland soil and then building on top of that. Mr. Benjamin stated he's never done that in 35 years and doesn't believe the driveway would be stable (referred to it as a jelly roll).

Mr. J. Stephens asked if the culvert pipe would be able to withstand the weight of the construction trucks. Mr. Benjamin stated yes, so long as it's installed properly.

**MOTION:** Mark Stephens motioned to approve the construction of a house, accessory dwelling, well, septic, and driveway including all related lot clearing activity within 100 feet of wetlands. Additionally, a driveway crossing of a wetland area with a cross culvert. **Conditions:** 1) Rip rap on side slopes of the driveway adjacent to wetland. 2) Wetland boundary markers throughout the property. 3) Boulders, etc., at the limits of clearing (LOC). Location: McTigh Road. Map 55, Lot 71. Applicant: Bonye Barone. Joe Stephens second. Motion carried unanimously.

## 5. Wetland Enforcement Officer's Report

Mr. Mularski reviewed his report dated 10/12/2023-12/18/2023 (copy on file with the minutes in the Town Clerk's Office and the Land Use Office, Exhibit B):

**143 Injun Hollow Road, Haddam Neck** – DEEP allowing owner to retain the stone revetment wall they built at the river in tidal wetlands. Property owner to remove floating wood debris that has accumulated at the dock. There has been no damage done to the wetland area. Once the work is fully complete, a final inspection will be conducted. Noted that DEEP has fined the owners (amount unknown).

**DEEP - Forestry Regulations** – DEEP has been in contact with the town and under the regulations there is no call for a public hearing. There have been several conversations with DEEP who was very adamant that a public hearing not be conducted and that the Commission review the application and act it. The Zoning Department out of courtesy to the public decided to hold a hearing. After review of the application, did not find a flaw in it. Although the public's earnest concern about the matter is appreciated, their only recourse would be to take the matter to Superior Court. There have been a number of misstatements on social media. There has been no response to these comments as it doesn't serve any purposes. All of the abutting property owners received notice (the Commission has the receipts) and not one of them have questioned the notice. Noted that the petition came out of the Wetlands Regulations. Visited the site today (heavy rain event) and there was no ponding/running water. Attorneys are involved in this matter. Noted that the Commission cannot deny a forestry application without a report from a forester. Awaiting a response as to whether a courtesy hearing is legal.

## 6. Approval/Correction of Minutes

Corrections to the 20 November 2023 minutes: Page 2, Timber Harvest, 110 Parmelee Road – last paragraph, first sentence – change "caliber" to "caliper".

**MOTION:** Gail Reynolds motioned to approve the 20 November 2023 minutes as amended. Dave Costa second. Motion carried unanimously.

## **7. Adjournment**

**MOTION:** Gail Reynolds motioned to adjourn. Tom Worthley second. Motion carried unanimously.

The meeting was adjourned at 7:53 p.m.

Respectfully Submitted,

*Bunny Hall Batzner*  
Bunny Hall Batzner  
Recording Clerk

**In observance of Martin Luther King, Jr.,**

**the next regular meeting is scheduled for Tuesday, 16 January 2024.**

Tonight's public hearing is being held as a courtesy to interested parties. It is important to note that while the Commission always has the discretion to hold a public hearing, it is typically only done when there is a finding of significant activity as a result of an application for a wetlands permit for work within a wetland. The application for Timber Harvest tonight is subject to the Haddam Timber Harvest Regulations, and NOT the Inland Wetland Regulations. This is an important distinction in terms of regulatory and statutory authority and in the Commissions decision making process. Timber Harvests are considered agricultural uses and are therefor typically considered as-of-right. Only 20 towns out of 169 are authorized to regulate timber harvests, and to the best of my knowledge, only four currently have approved timber harvest regulations. Furthermore, even timber harvesting activity within wetlands or upland review areas are subject only to the timber harvest regulations UNLESS there is a permanent deposition or removal of materials proposed within the wetland or defined upland review area. The purpose of the timber harvest application review is to ensure best practices are being used to protect the land and prevent erosion.

The purpose of this public hearing is for the Commission to make the best and most informed decision possible. While we will be taking comments, it is important to know that we CANNOT deny an application on speculation.

To begin, we will be hearing the presentation from the applicant. After the presentation is complete, all members of the Commission will have an opportunity to ask questions of the applicant and discuss. After the members are satisfied, we will open the hearing to the public. All comments and questions from the public must be directed to the Commission and not toward the applicant. Once all public comments are received, the applicant will have an opportunity to respond. Once the Commission is satisfied, the hearing will be closed and a decision made.

All comments and questions must be about the application before us, and not related to any other applications or assumed future applications.

In the interest of time, please keep comments to no more the three minutes.

As with any land use proceeding, any aggrieved party may appeal the agency's decision to the Superior Court within 15 days of publication of the legal notice announcing said decision.

WETLANDS - 18 DEC 2003  
OPENING STATEMENT  
EXHIBIT A



# Town of Haddam

Land Use Office

30 Field Park Drive  
Haddam, CT 06438  
860-345-8531

December 18, 2023

Commissioners  
Inland Wetlands Commission  
Haddam, Connecticut 06438

**Re: Wetland Enforcement Officers Report  
10/12/2023 – 12/18/2023**

All,

The following items and issues have been addressed or are still under review:

1. DEEP has responded to the owners of 143 Injun Hollow Road. DEEP is allowing the owner to retain the stone revetment wall they built at the river in tidal wetlands. They were fined and have to remove the floating wood debris that has accumulated at the dock located at the corner of their property. The floating wood has been removed with no apparent damage to the wetland area. I will inspect the area once the final cleanup is finished.
2. As a result of a Forestry Tree Harvest application for 110 Parmelee Rd have reviewed our forestry regulations in depth with DEEP regarding procedure and responsibility

No other activity.

Respectfully,

Leon S. Mularski Jr.  
Zoning Enforcement Official  
(860) 345-8531 X 224  
860) 345-8531 X 224

WETLANDS - 18 DEC 2023  
WETLANDS ENFORCEMENT  
OFFICER'S REPORT  
EXHIBIT B