

**WETLAND COMMISSION  
TOWN HALL  
21 FIELD PARK DRIVE, HADDAM  
Monday, 10 March 2014  
Regular Meeting  
Unapproved Minutes  
*Subject to Change by the Commission***

**ATTENDANCE**

X	Paul Best, Vice Chairman (7:02 p.m.)
X	Jeremy DeCarli
X	Dan Iwanicki, Secretary
X	Joe Laurenza
X	Joe Stephens
X	Mark Stephens, Chairman
X	Thomas Worthley (7:03 p.m.)
A	Mal Gorin, Alternate
A	Robin Maule, Alternate
X	Jim Puska, Wetland Enforcement Officer
X	Bunny Hall Batzner, Recording Clerk

**1. Call to Order & Attendance**

Mr. M. Stephens, chairman, called the meeting to order at 7:00 p.m. and all regular members were seated.

**2. Additions/Corrections to Agenda**

The Commission approved the agenda as submitted unanimously.

**3. Public Comment**

None.

**4. Wetland Enforcement Officer's Report**

**WFS Earth Materials, Cedar Lake Road** – Mr. J. Stephens reported that he witnessed a truck parked on Beaver Meadow Road that appeared to be heading towards the sand pit before 7:00 a.m. Mr. Puska stated that the town engineer is handling this matter and should be notified.

Mr. Puska reported on the following:

**Two (2) Ponds on Walkley Hill Road, Dredging and Herbicide Application** – The larger pond (referred to as the lower pond) is owned by three parties and the primary owner is going to have it dredged out by divers using a suction type system that bags the material and is allowed to dry out. The heart shaped pond (referred to as the upper pond) is very shallow and has a concrete bottom. There is a crack in the bottom allowing weeds to grow. The proposal is to treat the upper pond with an herbicide. Bruno Morasutti will be filing the application and representing all parties.

Mr. M. Stephens stated that an aquatic pesticide application is granted through the State and the Commission may comment, but has no control.

**Wetlands Information DVDs** – There are three informational videos available for review. These videos are not to be mistaken as training videos.

## **5. OLD BUSINESS**

**a. Josh Eddinger, Applicant. Richard M. Eddinger, Owner. Location: 78 Beaver Meadow Road, Haddam. Assessor's Map #45, Assessor's Lot #004. Proposed Activity: Replacement of Existing 18" Diameter Culvert with 2 – 24" Diameter Culverts and Scour Pads at Inlet and Outlet. Three (3) Lot Subdivision.**

Pat Benjamin, engineer, Bascom and Benjamin; and Josh Eddinger, applicant, were present.

This is a continuation from 10 February 2014.

Using a map, Mr. Benjamin gave an overview of the proposal as presented at the 10 February 2014 meeting.

Entire parcel is approximately 64 acres. The wetlands have been flagged in the field by Eric Davison, a registered soil scientist and certified wetland scientist. **Lot 1** – 4.04 acres consists of existing house and outbuildings, driveway (off Beaver Meadow Road), well, septic system, and garage. **Lot 2** – 10.68 acres - proposed house to be located at high point of lot, driveway (off Beaver Meadow Road), well and septic system. Do not propose to remove any trees for the house construction. **Lot 3** – 48.70 acres with frontage on Hubbard Road and the southern end of Meeting House Road. Proposed house, driveway (to come off of old highway), well, septic (small portion within 100 feet of the wetlands), and topsoil stockpile.

Mr. Benjamin stated that the old highway a 10 foot wide dirt road that Mr. Eddinger will need to process. Mr. Benjamin also stated that Mr. Eddinger will be replacing an existing 18 inch culvert with two 24 inch culverts with scour pads on the inlet and outlet; and will be granting a 30 foot by 30 foot drainage easement to the town as requested by the town's engineer. Mr. Benjamin pointed out a second culvert that takes water coming down the edge of Hubbard Road. The outlet also has a scour pad, it's a 15 inch culvert, and although it isn't within 100 feet of the wetland, but it discharges where the water currently drains.

Mr. Benjamin stated there was concern in regard to encroachment upon the wetlands and the plans have been revised to show the placement of boulders at the limit of clearing. Also as requested, plans show underground utilities. Mr. Benjamin stated that the town engineer has reviewed the plans as well as the hydraulic calculations; and Mr. Eddinger has begun the public hearing process with P&Z (Thursday, 03.06.2014).

Mr. J. Stephens asked what the requirement (state or federal) is for storm duration when calculating the culvert size. Mr. Benjamin stated that the requirement is for a 50 year storm; however, when designing for a road where there's a very large stream, an engineer will calculate for a 100 year storm. Mr. Benjamin stated that if one of the proposed culverts became clogged and it did flow over the driveway, the water level may be three or four inches deep. Mr. Benjamin also stated that this particular watershed is not very big. Mr. Benjamin noted that there is one foot of free board – water height one more foot before top of driveway set.

Mr. Iwanicki questioned the terminology driveway and road and asked which it is. Mr. Benjamin stated that it's a town road and the town has asked the applicant to enter into an agreement whereby he will take care of the road; however, it will remain a town road. Using a map, Mr. Benjamin pointed out the abutting properties – State, Eddinger, and Boy Scouts – noting that if any of them should decide to develop their properties, they would have the right to use the town road. Mr. Iwanicki asked if the town is asking Mr. Eddinger to develop that portion of the road/driveway up to the house site. Mr. Benjamin stated yes. Mr. Best asked if Mr. Eddinger had any rights to install gates. Mr. Benjamin stated no. Mr. M. Stephens clarified that this is not a

standard road width, but more like a driveway. Mr. Benjamin stated correct. Mr. Laurenza asked if the agreement would be a deeded agreement. Mr. Benjamin stated yes, that it will be placed on the Land Records. Mr. Laurenza asked if Phil Goff, assistant director of Public Works, was aware of and approved the proposed culvert replacement. Mr. Benjamin stated yes. Mr. Laurenza asked why the culvert wasn't sized for a road given that the old highway (lower Meeting House Road) is a town road. Mr. Benjamin stated the requirement is for a 50 year storm and that is what the culverts are sized for.

Mr. Iwanicki asked why the trees are all marked with Connecticut State Forest markers on Hubbard Road. Mr. Benjamin stated that the State owns frontage on Hubbard Road and using the map, pointed out the State land.

Mr. Worthley asked of the total acreage of Lot 3 how much is considered wetland. Mr. Benjamin did not have the percentage for Lot 3; however, for the entire 64 acres 27 acres is wetlands.

Mr. M. Stephens stated that there would be new maps that include the monument by large rocks and the underground utilities. Mr. Benjamin stated he had submitted revised maps two weeks ago.

Mr. J. Stephens asked if the motion needed to include language pertaining to Lot 3's septic system being within 100 feet of a wetland. Mr. Iwanicki stated the reserve. Mr. M. Stephens stated Chatham Health District approved the system and he's o.k. with it.

**MOTION:** Joe Stephens made a motion to approve wetland crossing and replacement of an existing 18 inch diameter culvert with 2 – 24 inch diameter culverts and scour pads at inlet and outlet. With related activity in upland review area part of a three lot subdivision as shown on plans submitted received January 10, 2014 Land Use Dept. See map on file in the Land Use Office. *Map References: SITE DEVELOPMENT PLAN, #78 Beaver Meadow Road Haddam, CT.* Property of: Richard M. Eddinger. **Conditions:** 1. Standard Permit Conditions. 2. Special Conditions/Modifications – Yes. 3. Use latest maps. Joe Laurenza seconded. Motion carried unanimously.

**b. Josh Eddinger, Applicant. Richard M. Eddinger. Location: 78 Beaver Meadow Road, Haddam. Assessor's Map #46, Assessor's Lot #004. Proposed Activity: Construction of House, Well, and Septic Within 100 Feet of a Wetland.**

Pat Benjamin, engineer, Bascom and Benjamin; and Josh Eddinger, applicant, were present.

This is a continuation from 10 February 2014.

Using a map, Mr. Benjamin gave an overview of the proposal. The parcel has existed as a building lot since the 1930s and is 4.63 acres. The property has been soil test and approved by the Chatham Health District and they have requested the septic system be 50 feet away from the wetlands. Dimensioned a house that would fit 50 feet away from the wetlands and within the building setback line for Bamforth Road. The Town requested the driveway come off Beaver Meadow Road (easier access for emergency vehicles). Mr. Benjamin described the septic system. The limits of clearing are shown on the plan as well as a note that a licensed land surveyor is required to flag it out. Mr. Benjamin noted that CL&P clears the wetland area (part of their right-of-way) approximately every five years. The map shows the placement of boulders to delineate the limits of clearing.

Mr. J. Stephens asked about the two septic systems. Mr. Benjamin stated one is the primary and the other is the reserve.

Mr. Laurenza asked when the delineation line would be marked. Mr. Eddinger stated ideally it would be done during the development of the property as the equipment would be on site and

some trees may need to be cleared to place the boulders. Mr. Best asked how a new property owner will know to place these boulders. Mr. Benjamin stated that the site plan can be filed on the Land Records with the map of survey.

**MOTION:** Dan Iwanicki made a motion to approve construction of house, well and septic system within the 100 foot upland review area as shown on plans submitted received January 10, 2014 Land Use Dept. See map on file in the Land Use Office. *Map References: SITE DEVELOPMENT PLAN, #78* Beaver Meadow Road Haddam, CT. Property of: Richard M. Eddinger.  
**Conditions:** 1. Standard Permit Conditions. 2. Special Conditions/Modifications – Yes. 3. File in Land Records – the latest plans including rock demarcation of tree line. Tom Worthley seconded. Motion carried unanimously.

## **6. New Business**

**a. Peter Marlowe Forest Products, Applicant. Eagle Landing, LLC, Owner. Location: High Street, Walkley Hill Road and Killingworth Road, Higganum. Assessor's Map #24 Assessor's Lot #042-1, Assessor's Map #24 Assessor's Lot #043, Assessor's Map #24 Assessor's Lot #044, Assessor's Map #1, Assessor's Lot #092. Proposed Activity: Selective Timber Harvest with Two (2) Stream Crossings.**

Neither the applicant nor the land owner were present. A number of residents were in attendance.

Mr. M. Stephens asked if there was an application signed by Trevor Furrer (yes, located in file with the notation Its Member, Duly Authorized). Mr. M. Stephens stated that it was his understanding that Eagle Landing LLC is composed of four people and he was told very specifically, by phone, by Steve Rocco that the understanding for the LLC is by consensus. Mr. M. Stephens read an email from Attorney Mark Branse to Liz Glidden, town planner, dated 03.07.2014. In the email Mr. Branse outlines how best the Commission should handle this matter.

Mr. Iwanicki asked what the application is for. Mr. M. Stephens stated it's for a timber harvest (65 percent cut; 1,060 sawtimber trees totaling an estimated 193,402 board feet of timber per the narrative) with two wetland crossings. Mr. Puska stated that there is a narrative within the file.

Mr. M. Stephens asked for a membership resolution. Mr. Iwanicki stated other than what is available from the attorney the Commission is operating on rumor. Mr. M. Stephens stated that Mr. Rocco, whom he knows personally, told him that there is not a consensus and he doesn't want anything to happen to his property.

Discussion followed in regard to the extent of the harvest and whether the Commission has any control over such a cut (forest regulations). Mr. M. Stephens stated that the applicant and/or the forester need to be present. Mr. M. Stephens also stated that the Commission would like the following matters addressed: 1) a resolution to the membership of the LLC needs to be obtained; 2) all abutting property owners need to be notified; 3) the Gateway Commission needs to be notified (Mr. Puska stated the property is not within the Gateway); 4) a more detailed narrative needed; water rights (spring rights), trees are already marked.

Paul Ruimerman, 351 Saybrook Road and High Street, asked why this parcel is not within the Gateway Zone and his property is. Mr. Ruimerman stated his property is at the end of one of the LLC's pieces of property. Mr. Ruimerman also stated that he has an 1820 deed that gives him the right to water from that lot.

Discussion followed in regard to the proposed cut. Mr. Puska reported that nothing less than 12 inches is to be cut, that all trees are marked, and the narrative outlines the proposal. Mr. M. Stephens asked Mr. Worthley about Best Management Practices. Mr. Worthley stated that Best Management Practices for timber harvesting operations are voluntary; however, they do have guidelines. Mr. Worthley stated personally, the Commission should hold a site walk. Mr. Worthley

also stated that the information is a little sketchy and that more detailed mapping would be nice to have in order to make a decision; he would like to look at the wetland crossing; and that it seems a rather high board foot volume for a site that was cut approximately 10 years ago. Members of the public stated the site had been cut approximately five years ago. Mr. Worthley stated his biggest concerns would be erosion and wetland impacts. Mr. Worthley also stated that he doesn't have any objection to reducing some areas to almost clear condition with the idea of growing a young forest; however, if they are proposing to take only what's merchantable and leaving all the trash behind to occupy the site, he would find that objectionable, but unclear what the Commission can do about it.

The Commission agreed that based on public interest a public hearing should be held.

Mr. Laurenza asked if the wetlands are flagged in the field so the Commissioners can view them. Mr. M. Stephens stated he doubted the flags are still visible; however, the crossings are visible. Two photos that were part of the file were shown to Mr. Laurenza

Nancy Planeta, 84 High Street, asked if she could ask questions of the Commission about the application. Mr. M. Stephens asked Ms. Planeta to wait until the public hearing. Ms. Planeta was agreeable.

Joann Woickleman, 94 High Street, asked who would notify the property owners. Mr. M. Stephens stated there will be a legal notice, the agenda will be posted in the town clerk's office, and all abutting property owners need to be notified (certified mail). Mrs. Woickleman asked if abutting property owners should have been notified this time; and if so, they were not. Mr. M. Stephens stated yes, notification should have been sent out. Mrs. Woickleman asked for a clarification in regard to the signature on the application. Mr. M. Stephens stated the application does show Duly Authorized. Mrs. Woickleman asked if the property owner should have been listed as Eagle Landing LLC. Mr. M. Stephens stated yes. Mrs. Woickleman stated that the application was given was dated in 09.25.2013 yet was accepted at the town hall on 03.03.2014.

Mr. Laurenza asked that the only items the Commission is concerned with are the crossings and the wetlands protection. Mr. M. Stephens stated yes.

Mr. Best asked if springs are considered watercourses. Mr. M. Stephens stated if they are artesian and setting up running water, yes. Mr. Best stated the Commission should be interested in that as well.

Mr. J. Stephens stated that he recently read an article in the Haddam Bulletin that there's a lawsuit amongst these parties concerning who's in charge.

Items to be requested: membership resolution, call for a public hearing, call for a site walk, and whether there's an application before the Commission that's viable.

**MOTION:** Paul Best made a motion requesting a membership resolution as to the ownership of the property on the advice of counsel. Joe Stephens seconded. Motion carried with Mr. Iwanicki stating no.

**MOTION:** Dan Iwanicki made a motion to table the application for lack of information. Paul Best seconded. Motion carried unanimously.

Item tabled.

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

**MOTION:** Dan Iwanicki made a motion to approve the 10 February 2014 minutes as submitted. Joe Stephens seconded. Motion carried unanimously.

## **8. Election of Officers**

Election of Officers was held at the February meeting. Results are as follows: Mark Stephens, chairman; Paul Best, vice chairman; and Dan Iwanicki, secretary.

## **9. Adjourn**

**MOTION:** Joe Stephens made a motion to adjourn. Jeremy DeCarli seconded. Motion carried unanimously.

The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

*Bunny Hall Batzner*

Bunny Hall Batzner  
Recording Clerk

**The next meeting is scheduled for Monday, 14 April 2014.**