



Town of Griswold



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GRISWOLD INLAND WETLANDS & WATERCOURSES CONSERVATION COMMISSION

SHOW CAUSE HEARING & REGULAR MEETING
MINUTES MAY 21, 2009

GRISWOLD TOWN HALL

I. Show Cause Hearing (7:00 P.M.)

1. Call to Order

Chairman Courtland Kinnie called this continuation of the show cause hearing to order at 7:10 pm.

2. Roll Call & Determination of a Quorum

Present: Chair Courtland Kinnie, Vice Chair Robert Parrette, Secretary Stacie Stadnicki, Member Edward (Jay) Waitte, Glen Norman, Dean Rubino, Lawrence Laidley, Town Attorney Mark Branse WEO, Peter Zvingilas, Recording Secretary Donna Szall

Absent: Alternate Cathy Matthews

There is a quorum for this show cause hearing.

3. Matter Presented for Consideration – Continued from February

A. Notice to Cease and Desist from all regulated activities within 75 ft. of the Griswold Inland Wetlands and Watercourses and Conservation Commission Regulations and Section 22a-44 (a) of the Connecticut General Statutes sent to:

George Johanson, P.O. Box 353, Voluntown, CT 06384. Property location: 61 Myrtle Road, Griswold, CT; Map 77, Block 119, Lot 239, Volume 90, Page 904;

Allan and Valerie Johanson, 70 Morewood Oaks, Port Washington, NY 11050. Property Location: 54 Myrtle Road, Griswold, CT; Map 77, Block 119, Lot 234, Volume 87, Page 544;

Norman W. Johanson, P.O. Box 353 Voluntown, CT 06384. Property location: 53 Myrtle Road Griswold, CT; Map 77, Block 119, Lot 240, Volume 225, Page 507;

Norman Johanson, P.O. Box 353, Voluntown, CT 06384. Property location 62 Myrtle Road, Griswold, CT; Map 77, Block 119, Lot 235, volume 87, Page 541;

Glemacy Builders, LLC, P.O. Box 425, Griswold, CT 06351. Property location: 67 Jennifer Lane, Griswold, CT; Map 77, Block 119, Lot 253.21, Volume 275, Page 736

Glen Reil, P.O. Box 425, Griswold, CT 06351. Property location: 67 Jennifer Lane, Griswold, CT; Map 77, Block 119, Lot 253.21, Volume 275, Page 736

C. Kinnie read the cease and desist notice for the record. He explained that this show cause hearing was continued from December and February and that a site visit was held on March 22, 2009. He asked the parties to focus on new information.

Attorney James Mulholland, representing the Johanson parties, submitted water calculations that were presented in February for the record and that Paul Biscutti, their engineer was present.

Paul Biscutti, DiCesare & Bentley, summarized his water calculations for the commission regarding the use of the rational method for small watersheds showing a 20 percent increase. He explained that the soil scientist delineated the wetlands and that there was a change in the drainage of the lot; the soil scientist was not available. Attorney Mark Branse asked him to explain what 20 percent meant in cfs. P. Biscutti explained in referring to his report dated March 13, 2009 based on a 25 year storm that the cfs was 3.1 cfs. and that this percentage increase caused the hydraulic capacity of the outlet of the wetland to be exceeded and the flow diverted to an area where it hadn't gone before. P. Biscutti explained that a 4 cfs is not a lot of flow. He stated that the drainage swale was never hydraulically sized based on the flows on the hillside. There was discussion of this matter. C. Kinnie asked Mr. Biscutti to refer to his previous report and to give the actual numbers to the commission. Mr. Biscutti will look through his report and give the commission those numbers. C. Kinnie asked J. Mulholland if there was anything more to add. J. Mulholland stated that there was no other evidence or testimony but that the owners of the property are here to answer and questions about the 15" pipe to Pachaug Pond.

C. Kinnie asked Attorney Heller to make his presentation. Attorney Harry Heller, 736 Route 32, Montville was here to represent Glemacy Builders. He submitted a site plan dated 3/19/09 to the commission explaining that the site plan was developed based observation on the site walk that Mr. Thibeault reviewed during periods of precipitation; but that there were no significant periods of precipitation to cause the scouring on the property that the commission reviewed. He explained that the observations during the site walk finding 1. that shows swale on the east limits of the property recommending extending the swale down to discharge at the westerly portion of the site where Woodbridge soils on the hillside transition to more permeable soils on the westerly side. 2. The site walk showed that nothing is occurring from the discharge from the swale that is impacting wetlands or watercourses of any adjacent property showing scouring on the hillside or evidence of erosion or the flow path that outlets the swale. H. Heller explained that there is evidence of a concentration of flow coming along the edge of the installed riprap on the westerly side of the driveway through the stone wall to the Johanson property resulting in the scouring occurring on the southerly portion of the property line.

H. Heller stated that Killingly Engineering is proposing to regrade the driveway to elevate the westerly edge so water will be diverted back across the driveway to the easterly side to be picked up in a stone swale installed along the easterly side of the driveway and discharged to a level spreader just inside the wetlands which eliminate the southerly flow path to two 15" cpp culverts under the driveway. This will require a new permit from this commission. H. Heller explained that on the site walk it was observed that there was fill or debris placed in the wetland on the Johanson property resulting in a diversion of the water from the natural flow path through the swale on the property resulting in a new flow path on that property. H. Heller presented a schematic plan by P. Biscutti of the Johanson properties showing the area of the wetland and the mulch pile that has compromised the capacity of the small channel leading through the field that diverts the flow in a sw. direction. He stated that this should be removed and cleaned so the channel functions as it is originally intended. He stated that the design of the original outlet culvert from the drainage system on Myrtle Road was intended to terminate midway from Myrtle Road and Pachaug Pond; If it was installed as intended, it would allow for 150 feet of overland flow to filter out sediment before the flow reached the pond; but the pipe was extended and outlets directly into the pond itself. H. Heller stated that the green pipe on the map 77; block 193; lot 253.7 on this plan also noted as lot 18 showing photographs of this pipe flowing with significant head that contributes to the flow in this area which is separate from the construction activities on the Glemacy property. There was discussion of this matter.

Norm Thibeault, Killingly Engineer Associates addressed the questions of the methodology used by him of the SCS method based on the size of the 8.7 acre watershed was appropriate. He explained that the hydrology of the wetland has been exceeded and that the conditions viewed during the site visit showed on evidence of scouring or large flow from the swale and the

overland flow down the drive way and then breaches to discharge down the hillside through stone wall and settles in the flat area and when it is exceeded it runs to the Johanson property. He stated that during his visits when it was raining he did not see it happening but that there is evidence of the scouring that has occurred there especially when the ground was frozen. N. Thibeault explained that the vegetation has grown up quite a bit in this area and that there is no evidence of recent sedimentation in that area and that it could happen in the future if the conditions are exactly right. He gave his recommendations for reconstruction of the driveway since it exceeds the maximum slope to cross slope it back to the east and install a swale and level spreader so the water will go to the two 15" corrugated pipes already installed under the driveway. N. Thibeault explained that there has been some alteration of the channel that discharges from the wetland through the Johanson property that is the intent of the drainage easement as deeded in vol. 87, page 549 of the land records to allow drainage to the easement. He stated that the activity that has occurred in the channel has caused a breach and so the hydraulic capacity is exceeded and flows southerly through the Johanson property and down the southerly property line. He explained the culvert on Myrtle Avenue has been compromised and buried with a large tree on top of it with a large amount of debris in that channel. There was discussion of this matter including that there would be increased flow through this channel of an additional 9.5 cfs based on a 25 year storm would be 18 or 19 cfs. that would flow through the existing 15" pipe.

J. Mulholland state that the channel is not sufficient to carry the discharge by the two 15" pipes and the right-of-way and their drainage easement belongs to Glemacy builders and it is their obligation to take care of their water on their drainage easement. He wants the Glemacy engineer to come back to explain how they will improve their right-of-way to fix the problem and to add this to the plan. He stated that Attorney Heller explained that if the 15" pipe that goes into the lake, no engineer has testified that if the pipe was not present there would be no sediment into the lake if the change was not made.

S. Stadnicki asked M. Branse if this commission cared who was responsible for pay for any work. Atty. Branse stated no. She stated to J. Mulholland that who pays is a civil matter and is not the responsibility of the commission who pays for it. J. Mulholland stated that the commission can order a remedy. There was discussion of this matter. J. Waitte stated that there has not been sediment in the pond until this development started. He stated that Glemacy has a right-of-way and the commission is concerned with the flow of water and sediment and silt goes into the pond to finish the pipe with rip rap. He stated that this is a good first step to solve the problem.

M. Branse stated that there was no testimony that that there would be no or less sediment in the pond if the pipe was shortened. He asked the engineers would give an opinion on whether shortening the pipe would reduce the sediment discharged to the pond.

N. Thibeault stated that it would depend on what is in the water to begin with and what the treatment at the outlet is whether it is an impact basin, a scour hole or perhaps a vegetative swale after that point to absorb the initial impact to a level spreader overland for 100 feet to the pond. He stated that those would be an improvement rather than direct discharge. P. Biscutti agreed with Mr. Thibeault that it would depend on the sediment flow, the velocity flow in the channel and the roughness of the channel and that some sediment would settle out before it reached the pond if the channel would have been left intact but would it have been sufficient based on the occurrences that have happened; and that channels are not designed to prevent sedimentation but that the erosion must be prevented to begin with to avoid sedimentation.

H. Heller stated for the record that they are not admitting that the development of this lot has caused the scour in the s. w. corner of the property and on the Johanson property. He stated that the documentation submitted into the record such as aerial photographs, assessor's maps, that there is historic issue dating back 40 years before this property was developed showing flow. H. Heller stated that they acknowledge that there is problem, but do not acknowledge that this development has cause of the problems. He explained again the proposed work for regrading the driving, installing a stone swale and level spreader in the wetland.

C. Kinnie asked the board members for any questions. D. Rubino asked if a small retention pond could be installed to limit the extra flow. N. Thibeault stated that any type of detention or retention area would be helpful but that it would be entirely in the wetlands. H. Heller stated that that is something that could be done relatively easily with minimum disturbance to the wetlands under the commission's jurisdiction and if the commission wanted us to create some detention we could do so. There was discussion of this matter that included a new design and new application.

L. Laidley stated that at the site walk the wetland had been flagged on the Johanson property but that he did not see flags for the channel that carries the water and was this considered to be a wetland too. P. Biscutti explained that it was flagged and where the water is diverted was also flagged and he showed the area on the map. There was discussion of this matter. P. Biscutti stated the soil scientist took soil samples and did not discover any fill only subsurface soils.

P. Biscutti gave the numbers from his original analysis for a 25 year discharge showing a predevelopment discharge of 12.87 cfs and a post development discharge of 15.37 cfs for an increase of 2.25 cfs which is approximately a 20 percent increase; and when N. Thibeault did his analysis, he redid predevelopment condition analysis that showed the hydrologic parameters of 17 cf. and Mr. Thibeault post development was 20.7 cfs from with a difference of 3.7 cfs which is greater than 25 percent increase. There was discussion of this matter.

J. Mulholland stated that the 15" pipes dumping the water that the drainage easement is missing on the Johanson property. C. Kinnie stated that when we walk that it looked like that was the natural channel and trying to fit it within the 20 ft. easement may not be practical and questionable since the water has been running in a channel that is currently running. C. Kinnie asked N. Thibeault that you can detain the flow as to not increase the number. N. Thibeault stated that a detention pond can be installed but that the likely area is in the wetlands and he showed the location and this would be up to the commission. P. Biscutti stated that there is a plan that he submitted showing remedial solutions showing a probable location of a detention basin that was concept only and not designed that is outside of the wetlands. There was discussion of this matter including that an 8 ft berm would need to be built up requiring a dam permit from the state.

D. Rubino asked about the pipe running to the pond and who maintains this pipe; and could the pipe be cause of the problems if this pipe has blockage. N. Thibeault stated that there may be some backup to the channel but it seems to jump the channel before it gets to that point. D. Rubino asked who maintains the channel under the road. M. Branse stated that this road has not been accepted by the town so it is a private street and should be maintained by the people who live on the street. There was discussion of this matter including the responsibility of who owns the road and whether this individual is still available.

N. Johanson stated that 15" that has not been installed that would put a river down the center of his brother's property and that the permit allows for another 15" pipe in the driveway. P. Zvingilas stated that this was in the original subdivision plan. There was discussion of this matter including that H. Heller stated that someone excavated a channel along the west side of the driveway and reiterated that the driveway would be build up to drain in the other direction.

C. Kinnie asked for Atty. Branse's recommendations.

R. Parrette asked to show where the location of a photograph of the pile of wood was in the street. N. Johanson explained where the location of the pile of wood is located near the catch basin on his property and is to the right of the channel as well as where the easement was located. There was discussion of this matter.

J. Mulholland asked whose responsibility it was to maintain the drainage easement to the culverts on Myrtle Road. M. Branse stated that he has not seen the easement text, and typically when one party has a drainage easement over the land of another, it is called the dominant estate, and the one with the right to drain maintains the easement; but that would depend on the easement text. R. Parrette asked Atty Branse that if that was the case then Glemacy Builders could trench this

property. M. Branse stated yes but that it would require a wetlands permit within that easement. There was discussion of this matter.

R. Parrette asked that if this trench would be built that it would stop the mudslide that happened last time by picking up the bulk of the water. P. Biscutti stated that if it was done properly it could alleviate the problems but there could be an improvement to formalize the discharge from the back swale to the new swale at the driveway and put a yard drain so it will not go down the hillside. N. Thibeault stated that it was not a bad idea and is a feasible option. There was discussion of this matter.

C. Fontneau stated that there has not been much discussion of the 15" pipe that is the cause of the sediment discharge and the reason for the show cause hearing and how the pipe got there without a wetlands permit. J. Mulholland stated that that was not relevant to this hearing. M. Branse stated that if a pipe was laid within the regulated area and discharging water with or without sediment directly into the pond is relevant to the show cause hearing. He stated that that is the foundation of this commission's jurisdiction and Attorney Collier submitted photographs showing sediment being discharged directly into a body of water; and the source of that sediment and both engineers stated that if the pipe was shortened, it would improve the situation. There was discussion of this matter that all parties were cited to determine the cause of the sedimentation problem.

G. Norman asked if the Commission could hear the history of the pipe. Valerie Johanson, owner of the property that has the pipe to the pond stated that in June, 1978 their option to buy, explaining her drainage easement offered by the developer, Walter Mackin, listing options A open swale at no cost to buyer; option B a 15" rcp concrete pipe covered to Pachaug Pond; or C a 24" rcp concrete covered pipe to Pachaug pipe. The option to buy document was read for the record. V. Johanson stated that chose option B, the 15" pipe. She explained that the town was aware of it and it is also on her engineered septic plan. M. Branse asked if the Town was aware of it. J. Mulholland explained that the developer installed the 15" pipe in 1978 and in 1990 the Johanson's built their house on the property with roof leaders and curtain drains go into this 15" pipe. She stated that they have never had a problem with water in the house until the activity on Jennifer. She stated that the house was inspected by the building inspector, Bill Pechka and was the wetlands officer as well. P. Zvingilas stated that the wetlands regulations were adopted in 1973 and there should have been a wetlands permit. A. Johanson asked if he found one. P. Zvingilas stated that he could not find a wetlands permit for the pipe. H. Heller stated that he looked for a wetlands permit and could not find one and concurred that wetland regulations were enacted before that improvement was made and does not conform to the recorded plan approved by the Planning and Zoning Commission and that there is no statute of limitations for wetland violations. S. Stadnicki asked of there are records of this 1978 subdivision. P. Zvingilas stated that it was approved by planning and zoning but cannot find anything that was a wetlands approval and that it went through without a town road. There was discussion of this matter including the plan showing the pipe ending with a plunge pool, rip rap and grade to drain.

V. Johanson showed her site plan documents showing 18" rcp under Myrtle Road. N. Johanson explained where the catch basins were located that go into the 15" pipe to the pond. H. Heller stated that the plan is a site development plan that is different from the subdivision plans. He showed the 40 scale plan showing the subdivision. There was discussion of this matter.

P. Zvingilas stated that he is not blaming the Johanson's for this problem; the problem is that the developer who put the road and pipes in and was under his control who did not get the proper permits. There was discussion of this matter including increase the size of the pipe and to add rip rap to the pipe.

C. Kinnie asked M. Branse if he could summarize and suggestion of site modifications that N. Thibeault talked about. M. Branse stated that 1) the commission needs to determine whether additional information was needed and so would continue the show cause hearing open; 2) you can summarize where we are and frame questions of where we are now and where we need to go. He cautioned not to give any final conclusions. He stated that the commission can keep the current

order in place; modify the order and reaffirm it, or withdraw the order. There was discussion of this matter.

C. Kinnie asked the commission to state what they think about the plans before them. He stated that there is increased flow from the development of this lot and the modifications presented on the site plans deal with some of the flow to the properties to the west. He stated that the commission needs to see rest of that that gets to the catch basins so there is no plan to look at to direct and channelize that flow and contain and protect it to get to where it is supposed to go. He stated that the final piece is the proper sizing of the pipe that leads from the road to Pachaug Pond and where the pipe should end with plunge pool or sediment basin for treatment of that water. He stated that the Commission needs to see something designed to handle any possible flow or erosion from all these properties.

M. Branse stated that he remembered asking Attorney Collier if his clients would allow Glemacy engineer on their property and their answer at that time was no. He asked if this was still the case. J. Mulholland stated the parties could go on the respective properties with the building inspector, Peter Zvingilas. There was discussion of this matter.

M. Branse asked the attorneys that that they both and the two engineers are closer in their comments and did they think that they are close enough to agree to a plan for this total site if they had another month. He stated that it seems that they have come together to arrive at a design and that any plan will need a wetlands permit as co-applicants. He asked if they could come back with a joint proposal. H. Heller stated that he thought that they could and that the commission wants to see a solution down to the pond. The commission agrees. He stated that they can agree to provide a solution but whether it can be agreed upon.

J. Mulholland stated that he would like to see what they have designed. N. Thibeault stated that we would need permission to enter the property to provide what the commission would like to see as a solution and that if they wanted to grant permission that it was a narrow strip that would be surveyed with pipe inverts and elevations that would be minimal survey effort. J. Mulholland asked for time to speak to his client.

C. Kinnie called for a 5 minute recess at 9:25 p.m. The meeting resumed at 9:30 p.m.

C. Kinnie asked J. Mulholland to tell the commission what they planned to do. J. Mulholland stated that J. Johanson has no concerns or problem with N. Thibeault's or anyone from his firm going on to his property for study surveys or gathering data for continuation of hearing.

C. Kinnie stated that all of the parts must be included that means the developed lot on Jennifer Lane, the modifications and working with the 20 ft. easement on the Johanson property that is swale that has been breached and the pipe that drains directly to the pond. The Commission needs to see how all of it is dealt with. He asked if he agreed. H. Heller stated that they represented that they would go forward but first will analyze the capacity of the system, and the issue of discharge will be dealt with to the pond by the commission. There was discussion of this matter.

C. Kinnie stated that clarification of the wording of the easement is needed. C. Kinnie asked for a time frame for a plan. N. Thibeault stated that it would be two months to get sufficient information and analysis. There was discussion of this matter including that the engineers agree to a common methodology. N. Thibeault stated that he had no problems with using the rational method. P. Biscutti stated that if it was for a pipe in would be the rational method. There was discussion of this matter.

C. Kinnie stated that the prudent thing would be to keep this show cause hearing open to receive additional information. M. Branse stated that both parties should try to agree with a solution.

C. Kinnie asked for a motion to continue the show cause hearing and a motion to keep the cease and desist order in effect. There was discussion of this matter. J. Waite made a motion to continue

the show cause hearing to July 16, 2009 at 7:00 p.m. on and the current cease and desist order is to stay in effect. L. Laidley seconded the motion. All were in favor. The motion was carried.

II. Regular Meeting (7:30 P.M.)

1. Call to Order

Chairman Courtland Kinnie called this regular meeting of the Griswold Inland Wetlands & Watercourses Conservation Commission to order on May 21, 2009 at 9:38 p.m.

2. Roll Call & Determination of Quorum

Present: Chair Courtland Kinnie, Vice Chair Robert Parrette, Secretary Stacie Stadnicki, Member Edward (Jay) Waitte, Glen Norman, Dean Rubino, Lawrence Laidley, WEO, Peter Zvingilas, Recording Secretary Donna Szall

Absent: Alternate Cathy Matthews

There is a quorum for this regular meeting.

3. Applications

There are no applications to act upon.

4. Additional Business (New Applications)

- A. CC 20-09 Jacaruso, Jason & Darlene, 3 Laura Jane Lane, Griswold, CT 06351.** Applicant request approval of residential activity within a regulated area in order to install an 18 ft. by 36 ft. in-ground swimming pool off an existing deck. The property is in the R-60 zone.

C. Kinnie asked if there was any here to represent the applicant. P. Zvingilas stated that they were here early and asked the commission to handle this administratively since this is an activity that is in the regulated area and is a residential use and asked the commission to appoint him to approve this application. There was discussion of this matter including that the grading is flat and in gravel bank except where there it comes up to the swamp. R. Parrette made a motion to have the Wetlands Enforcement Officer handle CC 20-09 administratively. L. Laidley seconded the motion. All were in favor. The motion was carried

- B. CC 21-09 Construction KEN-nection, Inc. Ken Beaudoin, 27 Gates Farm Road, Lebanon, CT 06249. Property location: 14 Summer Lane, Griswold.** Applicant requests approval of a residential activity within a regulated area in order to remove existing building and deck and construct a new 3 bedroom dwelling and associated excavation and landscaping.

C. Kinnie asked if there was anyone to represent the application. Ken Beaudoin was present to explain the application and stated that the homeowners are there too. He explained what buildings will be removed from the property which has a small shed and a seasonal building without a foundation will be removed and the new home will be built outside the regulated area. He stated that there will be some regrading and seeding. He stated that there is a well within 75 feet where a small a trench that will go from the house. He stated that the septic system will be pumped up. C. Kinnie asked if the lot was established. K. Beaudoin stated that there are some trees and the grass will be reseeded.

L. Laidley asked about the 4" pipe. K. Beaudoin stated that they would connect to the 4" pipe. P. Zvingilas asked if it goes to an excising property. K. Beaudoin stated that it will be lowered. P. Zvingilas stated that there is a pipe from the Michelin Property and then discharges to the pond from an existing catch basin. P. Zvingilas suggested installing a new pipe along their property to

go in to the pond area with riprap. C. Kinnie asked if this would be for the roof leaders. There was discussion of this matter.

C. Kinnie stated that the plan needs to be modified and to show ere the pipe will exit out of the ground with some sort of treatment such as a stone swale or splash pad on the plan. K. Beaudoin stated that it was a 7 degree slope. There was discussion of this matter.

R. Parrette stated that no other work is to be done within 75 feet of the wetlands that would need a new permit. R. Parrette made a motion to accept CC 21–09 with the modifications discussed and to table it to June 18, regular meeting. L. Laidley seconded the motion. All were in favor. The motion was carried.

C. CC 22–09 Gionet, Mary Katherine, 139 Dutka Drive, Griswold, CT 06351. Applicant requests approval of residential activity within a regulated area in order to demolish existing 3–bedroom house, remove existing outhouse and construct a proposed 3 bedroom house with attached garage, deck and screened porch with associated site grading and limited clearing. The property is in the R–40 zone.

C. Kinnie asked if there was any on the represent the application. Demian Sorrentino, certified planner and soil scientist, Boundaries, LLC was present to represent the application. He submitted a letter dated 7/14/08 was read for the record from soil scientist Demian Sorrentino. He submitted a letter dated 4/23/09 from Griswold Department of Health approving the new sanitary design and abandonment of the old septic system; this was read for the record.

He explained that it is accessed off of Bethel Road and that the existing 1300 s. f. house is over the property line and the garage will be demolished and reconstruct a 1900 s.f. house within the building set back lines with associated site improvements. He showed where the silt fence would be located. He showed where the outhouse will be removed and showed where the outlet pipe is located. He showed where the 75 ft regulated area was located. He stated that the house is 46 ft. from the pond. D. Rubino asked the slope. D. Sorrentino stated that there is no activity below the slope and the existing sauna and retaining walls will remain in place. There was discussion of this matter.

C. Kinnie asked if the house elevation will be maintained for the new house. D. Sorrentino stated that the elevation now for the ground floor is 74 and the new elevation will be 83 for the basement and some fill will be added. There was discussion of this matter. C. Kinnie asked if it will be a walk out basement. D. Sorrentino stated yes. C. Kinnie asked about other drainage treatment at the end. D. Sorrentino stated that it will be a perforated cap. C. Kinnie asked if the roof leaders will be tied in. Mr. Gionet stated no, there will be landscaped areas to collect the water. There was discussion of this matter.

R. Parrette made a motion the accept CC 23–09 and to table to the June 18, regular meeting. L. Laidley seconded the motion. All were in favor. The motion was carried.

5. Reports from the Enforcement Officer

C. Fontneau stated that he and P. Zvingilas for bonding for road work and drainage improvements for Stone Hill Road for a plunge pool for Danika Way and Stone Hill Estates and for activity to move the stone wall and install rip rap on the downhill side of a cross culvert in the regulated area as part of road construction. There was discussion of this matter. C. Kinnie stated that it was part of the original permit for the Town permit. There was consensus of the commission that it was part of the original permit.

P. Zvingilas stated that on East Main Street, Chris Golas has started excavating his pond that was granted a permit. He stated the silt fence is up that the water is clear and everything is going well. There was discussion of this matter.

6. Old Business

7. New Business

R. Parrette made a motion to put CC 26–09 Conger, Austin & Sandy, CC 25–09 Giard, Thomas & Mary Ellen, CC 24–09 Jewett City Water Company on the agenda. G. Norman seconded the motion. All were in favor. The motion was carried.

P. Zvingilas stated the CC 26–09 Austin Conger had started some work near a brook where he is building a platform with 4 x 4 concrete forms on rocks to put the posts in on pedestals near the edge of the brook to put up a gazebo. He stated that it is not in the wetlands. He asked for administrative authorization. S. Stadnicki made a motion to accept CC 26–09 and to authorize the wetlands enforcement offer to handle this administratively. D. Rubino seconded the motion. All were in favor. The motion was carried.

C. Fontneau stated that the Water Company was told that the meeting would be late and that they wanted the commission to accept the application and to table it to the June 18, meeting. P. Zvingilas will give a detailed report for the next meeting to insure that it conforms to the regulations. C. Fontneau stated that the signature page has the wrong date of January 5th and they will update that page and that the soil scientist was not identified on the site plan and they will send a letter. There was discussion of this matter including that there was a question of the fee and that the application had never been accepted. C. Fontneau stated that there are letters from the utilities regarding this application and that there would be a road replacement bond with the road superintendent.

S. Stadnicki stated that because of the date on the signature page, this application should not be accepted. C. Fontneau stated that they are aware of the error and will send a new signature page. There was discussion of this matter. C. Kinnie stated that they were told that the meeting would be lengthy so no representative was present. There was further discussion of this matter including that AT & T and the Railroad has not sent a letter. G. Norman made a motion to accept CC 24–09 and table it to the June 18, 2009 regular meeting. J. Waitte seconded the motion. All were in favor. The motion was carried.

D. Szall stated that Tom Giard could not be here and that he will make his presentation next month. G. Norman made a motion to accept CC 25–09 and to table it to the next regular meeting to June 18, 2009. L. Laidley seconded the motion. All were in favor. The motion was carried.

8. Approval of Minutes

A. Approval of Minutes of the Regular Meeting of April 16, 2009

R Parrette made a motion to accept and approve the minutes the public hearing and regular meeting of April 16, 2009 as written. L. Laidley seconded the motion. All were in favor. The motion was carried.

9. Communications

A. Letter dated 4/16/09 from Robert Sherwood, Manager Jewett City Water Company to Inland Wetland Commission regarding notification of DOT Railroad, JCPU and JCWC review of plans for installation of a new main across the river. There was discussion of this matter.

B. Letter dated 4/9/09 from Kenneth Sullivan, Director of Utilities to Courtland Kinnie, Chairman, IWWCC regarding Weston and Sampson Engineering Company South Main Street water main repair project. There was discussion of this matter.

C. Avalonia Trails Newsletter, Spring 2009, Avalonia Land Conservancy, Inc. This was in your packets.

C. Kinnie read a letter for the record from alternate member Cathy Matthews tendering her resignation from the IWWCC. He directed D. Szall to send a letter to Cathy Matthews thanking her for her participation on the commission, for her kind words in her letter and congratulation on her new job in Virginia.

C. Kinnie stated that there is a letter from Gary Serdechny requesting to be appointed as an alternate member of the IWWCC. He read the letter for the record. There was discussion of this matter. C. Kinnie directed D. Szall to send a letter to the BOS recommending Gary Serdechny as an alternate member of the IWWCC and to request that the BOS advertise to fill the remaining two alternate openings.

10. Reports from Members

R. Parrette asked if the public hearing could be set for a different time to allow for regular business to be done. C. Kinnie explained that the public hearings are set at the beginning because the start time is legally set. There was discussion of this matter.

11. Conservation Commission Matters

There were no conservation matters.

12. Adjournment

S. Stadnicki made a motion to adjourn. L. Laidley seconded the motion. The meeting adjourned at 11:00 p.m.

Respectfully submitted,

Donna M. Szall
Recording Secretary