



Town of Griswold



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GRISWOLD INLAND WETLANDS & WATERCOURSES CONSERVATION COMMISSION

REGULAR MEETING MINUTES

JUNE 16, 2011

GRISWOLD TOWN HALL

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

1. Call to Order

Chair Courtland Kinnie called this regular meeting of the Griswold Inland Wetlands & Watercourses Conservation Commission to order at 7:45 p.m.

2. Roll Call & Determination of Quorum

Present: Chair Courtland Kinnie, Vice Chair Robert Parrette, Dean Rubino, Member Lawrence Laidley, Town Planner Carl Fontneau, WEO, Peter Zvingilas, Recording Secretary Donna Szall

Absent: Secretary Stacie Stadnicki, Members Edward (Jay) Waitte, Glen Norman, Alternate Gary Serdechny,

It was determined that a quorum was present for this meeting.

3. Applications

A. No pending applications.

4. Additional Business (New Applications)

A. **CC 12-11 Corcoran, Timothy, 679 Shetucket Tpke, Voluntown, CT 06384. Property location: 450 Roode Road.** Requesting an approval for residential activity within a wetlands or watercourse and within a regulated area for a proposed 3-lot residential subdivision with two proposed driveway crossings on Lot 2 and Lot 3 with associated wetland fill, pond fill and watercourse disturbance including an upgrade of existing culverts on Lots 2 and 3. Property is zoned R-80.

C. Kinnie asked if there was someone to represent the applicant. C. Fontneau explained that Demian Sorrentino of Boundaries, LLC sent a letter dated 6/16/11 asking the commission accept this applicant and to consider a site walk before July 21, 2011 meeting and to set a public hearing for July 21, 2011 due to the pond filling. D. Rubino suggested that the commission have a site walk.

C. Kinnie stated that there are over 1,200 feet of wetlands disturbance and pond disturbance. J. Faulise, Boundaries, LLC explained that there are two existing crossings and the pond is a man made pond and it will require significant improvements to be used as driveways so a site walk was suggested; and because of the amount of impact that a public hearing was suggested. He stated that D. Sorrentino suggested dates since he would like to be there as soil scientist.

C. Kinnie stated that because of the magnitude there should be a site walk and the commission should set a public hearing. There was discussion of this matter.

C. Kinnie suggested July 14, 2011 Thursday at 6:30 pm at 450 Roode Road. L. Laidley made a motion to set a site walk at 450 Roode Road on July 14, 2011 at 6:30 p.m. R. Parrette seconded the motion. All were in favor. The motion carried.

C. Kinnie stated that a public hearing be set. R. Parrette made a motion to set a public hearing for CC 12-11 at the applicant's request for July 21, 2011 at 7:00 p.m. in this meeting room. D. Rubino seconded the motion. All were in favor. The motion carried.

R. Parrette made a motion to accept and table this application to the next regular meeting. L. Laidley seconded the motion. All were in favor. The motion was carried.

- B. CC 13-11 Griswold, Town of, 28 Main Street, Griswold, CT.** Requesting approval for commercial activity within a wetlands or watercourse and within a regulated area on Stone Hill Road in order to remove and replace triple culverts, and relocate an existing waterline and to remove sedimentation by culvert outlet with associated road reconstruction.

C. Kinnie asked if there was someone to represent the applicant. John Boots, Boundaries, LLC explained that there will be reconstruction of the road and replacement of three culverts. He stated that the engineer did the stormwater calculations to adequate size the pipes. The three culverts will replace the existing culverts/ He stated that 45" wide by 29" high RCP that will be buried 14 inches deep. There will be a sleeve for the water company to replace the waterline along Stone Hill Road and Roode Road. J. Boots stated that the pond have the sediment removed to increase the flow. L. Laidley asked if the sediment would be stored. J. Boots stated that it will be hauled away. P. Zvingilas asked when it will start. J. Boots stated this year. C. Kinnie asked if the sediment was on the intake side. J. Boots stated that it was on the outlet side. C. Kinnie asked if the flow of the stream was constant or intermittent. J. Boots stated it was constant. There was discussion of this matter. C. Kinnie asked if it would have silt fence or staked hay bales. J. Boots stated that it will be hay baled and explained their location. C. Kinnie asked the pipe there now. J. Boots that that it was 3 41 x 27 CMPs. C. Kinnie asked the start date. J. Boots stated the dry season this year.

C. Kinnie asked P. Zvingilas to keep an eye on the project. P. Zvingilas stated that he will on his way in. C. Kinnie asked for any other questions. R. Parrette made a motion to accept CC 13-11 and table this application to July 21, 2011 regular meeting. L. Laidley seconded the motion. All were in favor. The motion carried.

- C. CC 14-11 Griswold, Town of, 28 Main Street, Griswold, CT.** Requesting approval for commercial activity within a wetlands or watercourse in order to reconstruct a portion the intersection of Stone Hill Road and Roode Road to include grading, driveway aprons, re-grading of an existing driveway and relocation of an existing waterline.

C. Kinnie asked if there was someone to represent the applicant. John Boots, Boundaries, LLC explained that state funds will be used to replace the culverts and with a complete reconstruction and lowering the whole road with minimal disturbance; and to regrade one driveway back about 20 feet This project ends SW of Arrowhead Drive from the Roode Road Intersection. J. Boots explained that sediment fencing will be installed properly. C. Kinnie asked if it was only one driveway to be regarded. J. Boots stated yes. C. Kinnie asked if the water company was ready to go at the same time. J. Boots stated yes. J. Boots stated that this will go out to bid and construction will start next year. L. Laidley stated that there should be a letter for the file from the water company. There was discussion of this matter.

D. Rubino made a motion to accept CC 14-11 and to table it to the next regular meeting on July 21, 2001. L. Laidley seconded the motion all were in favor. The motion carried.

C. Kinnie stated that there were other applications and asked P. Zvingilas if he had anything to report. P. Zvingilas stated that he had one item.

5. Reports from the Enforcement Officer

P. Zvingilas explained there was a dock that was constructed without any permits and sent Pauline Shuell a letter to submit an application. He stated that J. Faulise is here to represent the applicant. John Faulise submitted an application, a fee, a stated recording form, and the letter sent from the WEO. He read the letter for the record. J. Faulise stated that P. Zvingilas suggested that we be here tonight.

C. Kinnie asked for a motion to add the application to the agenda. R. Parrette made a motion to accept for Pauline M Shuell, 16 Maple Street, Moosup, property location 61 Osga Lane to the agenda. L. Laidley seconded the motion rein favor. The motion carried.

John Faulise explained that he has a set of plans of a survey done by him in 2002 and added the activity. He submitted the plan to the commission. C. Kinnie appointed R. Parrette secretary pro tem.

He stated that the house, property and dock is highlighted. He stated that there is 15 feet of frontage. He stated that the dock is 31 ft by 3 ft. with 24 feet installed this year. He stated the dock is on wood post and the note on the plan stated that this dock will be converted to a floating dock. He stated that the dock sits on the shoreline on top of dry stones. He stated that the Quiet Cove subdivision that was approved in 2005 since it shows the 61 Osga Lane property and since the inland wetlands delineation extends onto 61 Osga Lane where this dock was construction. He submitted a blowup plan of the area for the record. He explained where the wetland flags are located and where the dock is located on this blow up plan. He submitted sets of photographs of the existing dock which will be modified to a floating dock. The explained the photographs to the commission. He stated that one photograph shows the lengths of the docks of the area. He stated that the dock was installed without the property owner's permission by her tenants who reside at 61 Osga Lane. He stated the tenants were unaware of the policy of floating dock and the need for a permit.

D. Rubino asked if they were going to make this a floating dock. J. Faulise stated that flotation units will be added to the dock that is hinged. R. Parrette asked how it will be held to the shoreline. J. Faulise stated that it will use a couple of 4 x 4 at the shoreline in the ground, no concrete will be used. There was discussion of this matter. P. Zvingilas stated that this is on Pachaug Pond that anything with an elevation of 152 is under DEP jurisdiction. He explained that this was brought to his attention by the neighbor to the north and he is here tonight as a person of interest and asked if he would be allowed to speak. J. Faulise asked the commission to schedule a public hearing if they want anyone to speak to this application. C. Kinnie stated that is not a public hearing. The application as submitted an application to address this violation and the dock will be converted to a floating dock that will be fixed to the land and kept to a length of 31 feet long and is in line with the policy of this commission for other floating docks.

P. Zvingilas suggested a public hearing to avoid further conflicts. J. Faulise asked if a public hearing has been held for a floating dock before. C. Kinnie stated that there has never been a public hearing for a floating dock with two posts in the ground. P. Zvingilas stated that there is an adjacent beach with boats coming in and out. C. Kinnie stated that anything out in the water is under DEP jurisdiction. R. Parrette asked if there was a permit for the grey portion of the dock. J. Faulise stated no. R. Parrette stated that our jurisdiction stops at the shoreline. He asked where elevation 152 was. P. Zvingilas stated it is at the shoreline. D. Rubino asked if the dock had removed. J. Faulise stated no, he stated that the notice was dated

June 9, 2011. D. Rubino stated that if the dock is removed the violation goes away and you are submitted an application for a new dock. J. Faulise stated yes.

R. Parrette asked if there were regulations for the size and length of a dock. P. Zvingilas stated that there was a problem with docks at Pachaug Marina that had to be moved back since it was jutting onto someone else's property. R. Parrette stated that if the dock can be any length then there is no need for a public hearing. R. Parrette made a motion to accept and table this application known as Pauline M. Shuell, 16 Maple Street, property address 61 Osga Lane, Griswold to July 21, 2011. L. Laidley seconded the motion. C. Kinnie asked for any further discussion. D. Rubino asked if it had to be removed based on the DEP and not with us. P. Zvingilas stated that it was not a direct violation because we would have to have a show cause hearing with in 7 to 10 days and it didn't fall within the 7 to 10 days; he gave it 5 days so they could come before the commission with an application or I can cite them for a violation as the commissions direction. P. Zvingilas stated that he will not take any further action on this matter until we have a meeting. C. Kinnie stated that we treating it as a new application. L. Laidley stated that for the record we are displeased that dock is being put in without permits and are lucky that they are not being fined for it. C. Kinnie asked for a vote. All were in favor. The ayes carried.

Tom Burke asked if the complaint will be addressed. C. Kinnie stated that we are addressing the new application and that is our jurisdiction that is the attachment to the land to a proposed floating dock and falls well within what the commission as approved in the past. T. Burke stated that he understood. T. Burke asked what the status of his complaint was. D. Rubino stated that it will be fixed to be within the guidelines of the DEP. T. Burked asked if he will have an opportunity to address the commission tonight. C. Kinnie stated the complaint was the dock; and the wooden posts will be removed and the dock will be replaced by a floating dock. T. Burke asked if he can address the commission relative to his complaint. C. Kinnie stated that if it was the dock then that was the complaint. T. Burke stated that there was more to the complaint. C. Kinnie stated that if the complaint was for boating traffic on the pond, DEP has made it very clear that DEP controls everything in the water. T. Burke stated that he understood and asked for permission to be heard. C. Kinnie stated that since this is not a public hearing, we can't take comments concerning this application. T. Burke stated that if he filed a complaint in writing, it would fall under the enforcement officer's report and he could address the commission.

C. Kinnie asked P. Zvingilas the nature of the complaint. P. Zvingilas stated that you could discuss people doing work in a regulated area without a permit and what the policy is and confine it to that. R. Parrette stated that the work was done years ago in the pond that falls within our jurisdiction. P. Zvingilas stated that there is a part on the land now. C. Kinnie stated that the application is addressing this application and asked the amount of work done in the regulated area. P. Z stated that it was about 10 square feet. C. Kinnie asked if there was filling. P. Zvingilas stated he didn't know and would have to look at it. C. Kinnie stated that the gentleman can explain his complaint to the enforcement officer and the enforcement officer can relate it to the commission under his report. C. Kinnie stated he could call a two minute recess. P. Zvingilas stated that his recollection was that the problem was work done without a permit and without application to this commission and a concern for the safety of the swimmers at his beach and the location of something that can jeopardize their safety. C. Kinnie stated that our jurisdiction ends at the water and an thing out in the water is handled by DEP.

D. Rubino suggested that the dock be moved 2 or 3 feet over on the land and that the boat be docked on the left hand side of the dock. There was discussion of this matter of the regulation of the building materials to be used.

T. Burked stated that he wanted to address the commission. C. Kinnie stated that he would have to address it to the enforcement officer. We will hear his report. T. Burke stated he will speak to the enforcement

officer. L. Laidley made a motion to recess. R. Parrette seconded the motion. All were in favor. The motion carried. C. Kinnie called for a two minute recess.

C. Kinnie reconvened the meeting at 8:47 p.m. He asked P. Zvingilas to give his report. P. Zvingilas clarified that the commission would ask him to issue a cease and desist order or if the commission will act on the application. C. Kinnie stated that the commission would act on the application. He stated that if there are other issues, there is a method to have a public hearing where the signatures of 25 people can sign a petition to request a public hearing. D. Rubino suggested to remove the dock until the present permit is approved since it is an unsightly dock and to asked them to remove the dock. P. Zvingilas stated that he will do that.

J. Faulise stated that if the dock should be removed that was fine. He stated that the present dock sits on the shoreline and is not attached by any other means. C. Kinnie asked for a vote that the existing dock be removed. D. Rubino aye; L. Laidley aye; C. Kinnie aye, R. Parrette aye. C. Kinnie stated that the ayes carry unanimously that the intrusive dock be removed since it was cited for a violation and that the new application will be on the agenda for the next regular meeting. D. Rubino stated that the dock be removed within 10 days. J. Faulise stated that it should be removed before then.

CC 15-11, Fogg, Jim, 109 Lake Road, Griswold, CT. C. Kinnie asked for a motion to add CC 15-11 to the agenda. R. Parrette made a motion to add CC-15 to the agenda. L. Laidley seconded the motion. All were in favor. The motion carried.

C. Kinnie read the description for the record the descriptive narrative to construct a 16 ft. floating dock on Ashland Pond. C. Kinnie asked if there was someone to represent the applicant. Jim Fogg presented his application to the commission. He explained that he lived on Ashland Lake and would like to put a small dock that was 16 ft by 4 ft. D. Rubino asked if it would be secured to the land. J. Fogg stated that would be secured in the water with 2 3/8 pipe. He explained that he would be using deck screws to construct the dock frame. He stated that he has photographs in the file depicting the location of the dock. He stated that he will be using plastic barrels for floats. R. Parrette asked about the barrels. J. Fogg explained that they will be coming from Rhode Island and had contained cappuccino liquid in them and that they would be sealed. D. Rubino suggested that the barrels not be sealed since he may have to weight them down.

D. Rubino asked J. Fogg to get a sheet from the company for the barrels. J. Fogg explained that the barrels are food grade barrels. There was discussion of this matter. C. Kinnie asked that J. Fogg submit a document verifying that they were food grade barrels for next meeting.

L. Laidley asked if there were other docks in the area. J. Fogg stated yes and stated that he has lived there for a few years.

C. Kinnie asked for other questions. R. Parrette made a motion to accept CC 15-11 and to table it to the next regular meeting on 7/2/11. L. Laidley seconded the motion. All were in favor. The motion carried.

P. Zvingilas was called to an emergency at Mathewson Street.

CC 17-11 Hansen, John & Erica, 55 Dawley Road Griswold, CT. C. Kinnie asked for a motion to put CC 167-11 on the agenda. R. Parrette made a motion to put CC 17-11 on the agenda. L. Laidley seconded the motion. All were in favor. The motion carried. C. Kinnie read the descriptive narrative for the record requesting approval of a permit for six existing wood-framed structures of various sized within the regulated area. C. Kinnie asked if there was someone to represent the applicant.

John Hansen presented his application. He explained that this was a hobby farm and stated that he didn't realize that he needed permission. P. Zvingilas stated that it came to his attention when the revaluation team was there to inspect the property and were denied access. There was discussion of this matter.

D. Rubino asked how long he lived there. J. Hansen stated that it was three years. C. Kinnie asked which building fell within the regulated area. J. Hansen stated that building three and building two were within the regulated area. D. Rubino asked about the car port. J. Hansen stated that it was built with pressure treated lumber. There was discussion of this matter including that it was on concrete piers.

J. Hansen stated that there is a wood boiler and that the cord wood was stored there each season. C. Kinnie stated that it looked level. L. Laidley stated that the lean to appeared to be in the wetland. J. Hansen stated that the lean to can be removed from that area. C. Kinnie asked if it was used to store gas cans or lawnmowers. J. Hansen stated that no gas was stored in that structure.

C. Kinnie asked for other questions. R. Parrette made a motion to accept CC 17-11 and to table it to the next regular meeting on 7/21/11. L. Laidley seconded the motion. All were in favor. The motion carried.

CC 18-11 Heller, Linda Patton, 596 Norwich-New London Tpke, Uncasville, CT. Property location: 67 Jennifer Lane, Griswold, CT. C. Kinnie read the descriptive narrative for the record for modification to an existing wetlands permit for drainage design of improvements on a revised plan dated April 20, 2011. C. Kinnie asked for a motion to put CC 18-11 on the agenda. R. Parrette made a motion to put CC 18-11 Linda Patton Heller on the agenda. L. Laidley seconded the motion. All were in favor. The motion carried.

C. Kinnie asked if there was someone to represent the applicant. Harry Heller was present to represent the applicant. H. Heller explained that when his contractor reviewed the site plan, he was concerned there were problems with the design for the drainage and he wanted to improve it. H. Heller explained that the drainage swale will be extended past the house to intercept runoff from the adjacent property. He explained that an 8 inch perforated pipe will be buried beneath the swale to assist in moving the water. He stated that the sediment, debris will be removed and stone tailings will extend the swale north. H. Heller stated that heavy duty concrete yard drain will be used to collect the runoff from both swales.

L. Laidley asked if the area was stable to hold the flow H. Heller stated that the area is stable and did not want to touch it. He stated that the driveway needs to be regraded. R. Parrette asked about the hillside. H. Heller stated that it was stabilized and was filled with weeds to be mowed for a lawn. He stated that the hillside could be planted with juniper for low maintenance.

H. Heller explained that on Sheet 2 the drainage swale will receive a perforated 15 inch pipe that was suggested by Norm Thibeault the engineer. He stated that the plug pull originally and there will be a flared end to pick up the surface flow. He stated that there will be stone at the surface C. Kinnie asked if the water will accelerate the rate when the water gets down here. H. Heller stated that the existing situation is deficient and that any rain over a 5 year storm will over top the basin; and there is an hour of gutter flow to the two basins. H. Heller stated that the drainage area is above the property and the contractor suggested the pipe. There was discussion of this matter including that the town engineer review the plan.

H. Heller stated that he is willing to go with this plan if the town engineer approves the plan. C. Kinnie asked if it will be lower then slope up. H. Heller stated that the pipe will be under the swales. C. Kinnie stated that there was a difference in the grade. C. Kinnie asked how far it picked it up. H. Heller stated that it is to the side of the wetland. There was discussion of this matter.

H. Heller stated that if the Commission wants to the town engineer can review the plan. C. Kinnie stated that the Town Engineer should review the plan to determine if it is a better plan and a modification of an

existing permit. He stated that after the town engineer has reviewed the plan he should discuss it with H. Heller.

D. Rubino asked if H. Heller was on good terms with Norm Johansen. H. Heller stated that he has had no contact with Norm Johansen. He explained that the Norm he referred to was Norm Thibeault, his engineer for the project.

C. Kinnie asked if the plan could be reviewed before the next meeting. C. Fontneau stated yes if he gets the plan tonight, he will send it to Chuck Eaton tomorrow for his review. H. Heller stated that he could not attend the next meeting. C. Fontneau will contact H. Heller when he gets the information. C. Kinnie stated that there was a time frame with the last approval. C. Kinnie asked H. Heller if he would have a similar time frame. H. Heller stated that he will be working on the property before the next meeting.

C. Kinnie asked for other questions. R. Parrette made a motion to accept and table CC 18-11 to the next regular meeting on 7/21/11. L. Laidley seconded the motion. All were in favor. The motion carried.

6. Old Business

- A.** Review of updated changes to the Griswold Inland Wetlands & Watercourses Conservation Commission Regulations based on the State DEP Model Regulations so as to be consistent with the State of Connecticut Inland Wetlands and Watercourses Act, Sections 22a-36 to 22a-45, known and cited as the "Inland Wetlands and Watercourses Act"

C. Kinnie asked about the regulations changes. C. Fontneau stated that the town attorney has the regulations and should have the comments by next meeting. He stated that there were two other questions that are answered in the attached e-mail in the read along that legal fees for the show cause hearing cannot be billed and the third question was regarding 67 Jennifer Lane; and we handled that.

- B.** Update on review of wetland fees and any recommendations from the town attorney

P. Zvingilas returned to the meeting.

C. Fontneau stated that the fee should be increased to \$150 plus \$60 for the State portion to help cover the cost of the legal notice publication fees. C. Kinnie asked D. Szall how we stood on the balance sheet. D. Szall explained that the legal notice is based on the number of applications that were acted upon and a fee of \$100 is received for each application to cover the cost of the legal notice fee. There was discussion of this matter including that the notice of a decision must be published within 15 days and to write your state legislature to address this matter. R. Parrette recommended that we discuss this matter at the next meeting. C. Kinnie stated that it can be reviewed again with more board members.

7. New Business

8. Approval of Minutes

- A.** Approval of Minutes of the Regular Meeting of May 19, 2011

R. Parrette made a motion to approve the minutes of May 19, 2011. L. Laidley seconded the motion. All were in favor. The motion carried.

8. Communications

- A. Letter dated May 25, 2011 from the Connecticut Farmland Trust regarding the enclosed Conservation Options for Connecticut Farmland guide.

There was no discussion of this matter.

9. Reports from Members

C. Kinnie asked for reports from members.

R. Parrette had a concern that the commission can control the material of the dock but cannot control where the dock goes such as the dock discussed tonight. P. Zvingilas stated that the commission controls the regulated area which is the shoreline and that is where the dock sits on. R. Parrette stated that it is not attached to the ground. P. Zvingilas stated that it is in the regulated area which the Commission has jurisdiction. C. Kinnie stated that it was precedent for materials because before DEP stated that we cannot regulate at 152.5 elevation, the commission used to control what went into the water. There was discussion of this matter including limiting the length of a dock in the regulation.

10. Conservation Commission Matters

- A. Discussion to revive the April Earth Day celebration for the next fiscal year activities for citizens groups to be involved

C. Kinnie asked the members to think about different ideas to get the school involved with the nature trail behind the high school, litter pick up. D. Rubino suggested writing the superintendent of schools for Earth Day as an activity for the schools. L. Laidley suggest to get seedlings from Malerba's

11. Adjournment

C. Kinnie asked for a motion to adjourn. L. Laidley made a motion to adjourn. R. Parrette seconded the motion. All were in favor. The meeting adjourned at 10:05 p.m.

Respectfully submitted,

Donna M. Szall
Recording Secretary