



Town of Griswold



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GRISWOLD INLAND WETLANDS & WATERCOURSES CONSERVATION COMMISSION & AQUIFER PROTECTION AGENCY

PUBLIC HEARING & REGULAR MEETING MINUTES

AUGUST 16, 2012

GRISWOLD TOWN HALL

I. Public Hearing (7:00 P.M.)

1. Call to Order

Chair Courtland Kinnie called this public hearing of the Griswold Inland Wetlands & Watercourses Conservation Commission to order on August 16, 2012 at 7:10 p.m.

2. Roll Call & Determination of Quorum

Present: Courtland Kinnie, Robert Parrette, Stacie Stadnicki, Dean Rubino, Lawrence Laidley, Alternates Lauren Churchill, Town Planner Carl Fontneau, Attorney Mike Carey, WEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Glen Norman, Edward (Jay) Waitte, Alternate Gary Serdechny, Clarence (Pete) Merrill

C. Kinnie appointed L. Churchill to sit for J. Waitte. There was a quorum for this public hearing.

3. Matter Presented for Public Comment

- A. **CC 14-12 Kreative Property Development of CT, LLC, Peter Kuzyk, 96 Den Hollow Road, Guilford, CT 06737. Property location: 688 & 700 Hopeville Road (CT Route 201), Griswold.** Request approval of commercial activity within 150 foot regulated area for the excavation of 46,980± cubic yards of sand and gravel on the southern portion of the property; and with filling and re-grading of 8,600± cubic yards of material on the northern portion of the property within a 5.1 ± acre area of an 11.0 ± tract of land to prepare site for future commercial development. Excavation and re-grading is within the CTDOT right of way of CT 201 (Hopeville Road). Property is zoned C-1.

C. Kinnie stated that this was continuation of a public hearing that was open since June. He stated to let the record show that there is a verified pleading of intervenor status. He stated that we will hear from the applicant and then the intervenor can present his materials and the applicant can rebut any presentation that has been made. C. Kinnie asked if there was someone to represent the applicant.

Harry Heller, attorney at 736 Route 32 in Uncasville who is representing the applicant Kreative Property Development who was also present. He explained that the applicant is not prepared to make a presentation; in response to issued raised by the intervenor, we have retained the services of REMA ecological services to perform a study of the area of the listed species that were noted in prior presentation to this commission. He explained that the field work has been done, but the report is not ready at this time; we are not prepared to address issues that are material to this commission's deliberations. H. Heller stated that in the July meeting, we granted an extension of the time within which to conclude this public hearing to the September meeting. We are asking that this public hearing be continued to that time.

C. Kinnie asked if they knew when the study would be complete prior to our September meeting. H. Heller stated that the field work will be completed this week and it will take about two weeks to complete the report. C. Kinnie stated that when he listened to the recording of the prior public hearing, it wasn't determined what species was of concern from the Natural Diversity Database of DEEP he asked if there is a stated species of concern. H. Heller stated yes and it was the

species identified by the intervenor; namely the eastern spadefoot toad and the blue spotted salamander. There was discussion of this matter including that the ecologist was George Logan of REMA Ecological Associates.

C. Kinnie explained that there is a time line we must meet so that we have time to address the concerns of the parties as well as review by the town engineer to jeopardize the time line so that the report can be completed and to possibly schedule a special meeting to hold the next public hearing and to schedule to the September time frame if needed. H. Heller stated if you wanted to schedule a special meeting a week before the next regular schedule meeting that he was confident that they could meet that date. There was discussion of this matter including that the commission can engage our own expert to review the record.

C. Kinnie asked the intervenor to give his presentation. Dylan Serdechny, recognized intervenor, gave his presentation to the commission. C. Kinnie asked D. Serdechny to start from the top. D. Serdechny began by reading his information into the record. He voiced his concerns for the lack of an environmental impact study on the area he read Section 7 of the regulations regarding the existence of rare unusual or endangered species on site as well as the importance of the area as a wildlife habitat breeding or feeding area of the CT statutes 22a-41.

D. Serdechny read from the Connecticut Environmental Protection Act, Section 22a-1a-11 regarding public hearings was read for the record. He stated that the lack of an environmental impact study of the site makes it impossible how the species will be impacted.

D. Serdechny read Inland Wetlands Regulations Section 22a-1a-3 Determination of environmental significance was read for the record. He explained that the proposed actions that will be done now as well as future actions because this is a site for future development regarding the environmental impacts. He submitted a copy for the record.

D. Serdechny read Inland Wetland Regulations Section 22a-41, Part A was read for the record regarding feasible and prudent alternatives. He stated that there is a feasible and prudent alternative to the proposed activity that would cause less or no environmental impact on the wetlands and the future ability to protect. There was discussion of this matter including that Section 22a -1 CT Environmental Protection Act does not apply here.

D. Serdechny read Section 22a-41 Part B for the record regarding that a permit not be granted unless the commission finds that a feasible or prudent alternative does not exist. He stated that he will try to prove that a feasible and prudent alternative exists. He explained that the entire area is being changed surrounding the wetlands and this area forms the hydrological characteristics themselves. He cited the proposed gravel road connecting the southern half to the northern half of the property. He submitted the document for the record. H. Heller asked for copies of submissions as a party. D. Serdechny submitted copies to H. Heller.

C. Kinnie stated that Glenn Norman arrived at 7:30 p.m.

D. Serdechny read for the record that the state of Connecticut reason for limited use of the gravel road for clogging by sediment, does not supply pollutant removal, snow removal is difficult, sand applied to the surface permeates and clogs and not acceptable to low permeable soils. He explained that the gravel road will likely lead to contamination runoff into the wetlands whether the barrier is maintained or not and will continue to be an issue. He submitted a copy for the record. He stated that the eastern spadefooted frog and the blue spotted salamander have been located on the Polinsky Farm property a mile nearby. He submitted for the record a check list of species from DEP confirmed on his property adjacent to the wetland.

D. Serdechny showed photographs of salamanders found on his property to the commission. He explained that there was a salamander he found on site. S. Stadnicki asked if he knew what salamander it was. D. Serdechny stated that he was not sure. D. Rubino asked if there was a pond not just wetland. S. Stadnicki stated that there was ponding on the site. There was discussion of this matter. D. Serdechny submitted a page from CT Wildlife.gov regarding the blue spotted salamander which is a diploid blue spotted salamander which he read for the record. He stated that the only way to tell if it is diploid is through the chromosomes. He submitted photographs of what he believed were a blue spotted salamander which he found on his property. He submitted photographs of the property where he was found in Photo H. R. Parrette stated you turned over a rock and found a blue salamander. D. Serdechny stated yes it appears to be a blue salamander but we don't really know what is on site. R. Parrette stated you must run a chromosome test to know for sure. D. Serdechny submitted a photograph of a grey tree frog on his property, and there appear to be dragonflies with are blue corporal dragonflies on this

property that are endangered. C. Kinnie stated that you took the photograph H was taken where. D. Serdechny stated that it was taken in the northern section of the applicant's site.

D. Serdechny submitted a photograph of a species of salamander found in his area by other people in the area. He stated that he has photos in his flash drive. He submitted the flash drive for the record. He read for the record from the CT Wildlife.gov that the spotted salamander is that its life cycle is relevant because it can only breeds in vernal pools breeding habitats and reduction of upland habitats that surround the breeding sites and that 50 – 150 buffer around the vernal pool and 500 feet of forested habitat surround the breeding habitat from Section 26-55-3-a CT code that protects salamanders then spend the rest of their life in the upland area. He cited the four conditions of a vernal pool. He submitted photo L that shows the possible hydroponic fauna that you find in vernal pools that must be confirmed by an expert. He explained that there is a vernal pool on Route 201 that has been verified as a vernal pool that resembles the vernal pool on this site. H. Heller stated that the soil scientist for the applicant had not found vernal pools on the site. H. Heller stated that he determined that they supported fin fish habitat.

D. Serdechny stated that that he was referring to the area which he showed on the site plan which was seen on the walk through, where water had gathered in the area in Photo M of a possible vernal pool. He submitted another photo N for the record. He submitted photo O for the record showing the cart path. M. Cary stated that the photos should be labeled and that it be identified for the record. D. Serdechny submitted photo P that goes the cart path going right next to the wetlands. There was discussion of this matter.

D. Serdechny submitted for the record the 4 criteria for the record contains water for two months at the being of the growing season; it occurs within a confined depression or basin that lacks a permanent outlet stream; lacks any population of fish; dries out most of the year by late summer. He explained that so it would be difficult to identify right now. L. Laidley asked that D. Serdechny to state the wetland flags regarding the areas to which he referred. D. Serdechny submitted a document regarding vernal pools and read it for the record describing that salamanders arriving at vernal pools between mid-March and late April where they burrow into the soil; so that environmental impact studies done after those times makes it hard to determine.

S. Stadnicki asked if there was a key for the photographs submitted. D. Serdechny stated that he could make up a key for the photographs. S. Stadnicki stated she had Photographs A, C, D, E, F, G, H, L, M, N, O, P have been submitted and that B, I, J, K have not been submitted.

D. Serdechny read for the record that the eastern spade foot toad is endangered by loss of habitat due to the development and urbanization; and that it is rare where it burrows for weeks during dry periods only emerging on damp summer nights. He stated that this species is difficult to locate. He submitted and read for the record for the record from the DEEP website regarding the eastern spade foot toads' habitat. He stated that the surrounding upland review area where the spade foot toads' habitat will be destroyed by the installation of the proposed road near the suspected vernal pool's location. D. Serdechny read from an article from the city of Woodstock regarding vernal pools that can be negatively impacted by development where 25 percent of a habitat and impact wildlife in spite of a 150 foot buffer around the vernal pool; and submitted it for the record. He read and submitted a document from DEEP regarding spade footed toads for the record.

D. Serdechny read the New England District of Army Corp of Engineers document concerning the Polinsky property which was submitted last meeting stating that the same soil types of Hinckley glacial outwash and sandy loam soils at the Polinsky property is also 15 percent of soils at the proposed site. D. Serdechny submitted for the record an article from the National Heritage endangered species program. D. Serdechny stated that he has sufficiently outlined his concerns with the environmental portion of this property.

D. Serdechny stated that his second complaint that there was no feasible or prudent alternatives offered by the applicant. He stated that the commission has the ability to request the assistance of experts to determine the environmental importance of these areas. He stated that in a map submitted during the first meeting that the National diversity database area shows the property is within ½ mile of a natural diversity database area. He read an excerpt from the DEEP for the record for obtaining recommendations to avoiding impacts on state listed species and can have a biological survey done on the site the Eastern Connecticut Conservation District to determine possible alternatives. D. Serdechny submitted pages from the Town of Griswold 2006 Plan of Conservation and Develop that included a map of the area of the application; a zoomed image of the area of wetlands to be affected. He stated that the Town of Griswold considered eliminating the commercial district at the area of Deana Drive and Hopeville Road.

D. Serdechny stated that in reviewing the plan, abandoning the development of the 1.17 acres of northern area can reduce the impact on the wetlands by eliminating the alteration of 880 linear feet which is 60 percent of the area that comes in contact with the wetlands. He read and submitted for the record the Wetlands Ecology and Management Journal, 2005, Journal 13, Pages 291–304 concerning "Conserving Pool Breeding Amphibians in Human Dominated Landscapes Through Local Implementation and Best Development Practices". He cited some best management practices to use for the record. He stated that this northern property is impossible to access without going through the pool envelope. He stated that the plans presented does not minimize the disturbance and protect the existing the buffer areas to the extent practicable since every square foot next to the wetlands is altered. He stated that the plans go right up to the possible vernal pool as well as species living in the vernal pool area. He stated that the plan requires altering the entire habitat for these species. He stated that the silt fences are shown to require the complete isolation of the wetlands which would prevent amphibians from moving to and from the wetlands for breeding areas and habitat areas.

D. Serdechny read for the record and submitted the DEP public hearing procedures for wetlands agencies. He stated that he is trying to contact an expert, Michael Kleen, of EPS who prepares site evaluations and impact assessments, and reviewing plans. He stated that he could be contacted by the board for expert testimony. He submitted this information for the record.

D. Serdechny stated that the third issue that the commission cannot fully consider this project because there is no way to review the long term effects of future development. He stated that there are no septic locations on the plans; no percolation tests. He stated that the CT EPA 22a-1a-22a-1a-12 is regarding wetlands permits. C. Kinnie stated that you started with that section. D. Serdechny stated that the commission cannot take into account all the impacts with the lack of complete plans for this site. He stated that there is no environmental impact study. He cited similar cases and the documents were for the record

R. Parrette asked how many species had been documented on this property. D. Serdechny stated that none were documented by an expert, because there have been no experts in the area. C. Kinnie asked for questions from the commission. He asked for questions from H. Heller.

H. Heller asked if the all of the photographs were taken on the same day. D. Serdechny stated no, the photographs of his property were taken over a course of years; the photographs identified as taken on the site were taken on the day of the site walk. H. Heller stated that it was not clear which photographs were taken on the site walk and what was taken off the site. D. Rubino asked if there were salamanders on the site walk. H. Heller asked if they were brought to the attention of the commission on the site walk. S. Stadnicki stated no. H. Heller asked why not. D. Serdechny stated that they had walked further along the trail. H. Heller stated that there are protocols for site walk and should be done as a group so that the commission is privy to the information which is being generated as a result of that event.

H. Heller asked to go through the photographs of what, where and when the photographs occurred particularly the earlier ones. S. Stadnicki asked to start with A; H. Heller stated yes. D. Serdechny identified the photographs for the record: **A** – Gray tree frog on Serdechny property - not on the site walk – no date; **C** – Possible blue spotted salamander – Serdechny property – no date; **D** – Possible blue spotted salamander – Serdechny property – no date; **E** – Possible blue spotted Salamander – Serdechny property – no date; **F** – a number of salamanders – Serdechny property; **G** – Salamander found on the property in question when he was away from the group on the date of site walk – June 3, 2012; **H** – Property in question where the salamander was located. H. Heller asked that that photograph be identified on the plan. D. Serdechny identified photograph H at wetland flag 1-6. C. Kinnie asked if that was the N.E. end of the property. D. Serdechny stated yes. D. Rubino stated to add no witnesses. There was discussion of this matter including that Peter Kusek answered a question about a fibrous substance found on the site.

C. Fontneau left the meeting at 8:35 p.m.

S. Stadnicki asked to continue. D. Serdechny identified Photo **L** – the possible vernal pool located near wetland flag 1-30 on June 3, 2012 day of site walk; **M** – Photo of possible vernal pool at wetland flag 1-30 on June 3, 2012; **N** – Photo of possible vernal pool located at wetlands flag 1-3 on date of site walk; o additional photograph of possible vernal pool at the site on day of site walk; **P** – Photo of possible vernal pool at wetlands flags 1-3 on June 3, 2012 date of site walk.

C. Kinnie asked H. Heller if he looked at the calendar for the time frame. H. Heller stated that September 28, 2012. C. Kinnie stated that this is the last possible date to continue the public hearing after the next regular meeting. S. Stadnicki asked H. Heller if he was stating that the report will be done in about three weeks. H. Heller stated that it should be done by then;

but if it is not done, we will have to withdraw the application and we fully intend for it to be done. S. Stadnicki asked if Demian Sorrentino and John Faulise will be at the next meeting. H. Heller stated yes, both will be here.

R. Parrette asked where the ramp was for I-395 was located and where it abuts this chunk of property. D. Serdechny stated that it was about 40 feet. H. Heller stated that the monument at the highway line is forty feet. R. Parrette stated that it was about 100 feet. H. Heller stated that it was about 40 to 100 feet. C. Kinnie asked H. Heller if he had any questions at this time. H. Heller stated no.

C. Kinnie asked for any comments from the public. C. Kinnie told Mr. Serdechny as a member of the commission that he must be careful what his questions and comments were and advised him that someone else could pose his questions or comments for him. Mr. Serdechny stated that he would not have questions for the commission. Gary Serdechny identified himself as an abutting property owner. Atty. Cary advised Mr. Serdechny to be careful to speak only for himself; he could not relay opposition from other people and must only speak for himself. G. Serdechny asked if he was able to relay to the commission what other people have told him. M. Carey stated that it would be hearsay and would jeopardize his continued relationship with the commission. He stated that G. Serdechny must only speak for himself. C. Kinnie stated that you can speak and reference items that you have witnessed and or has to do with your property; and not what other property owners or people have said to you. They would have to address the commission and state for the record themselves. G. Serdechny asked if it included any other experts he has spoken to. M. Carey stated that if the experts do not have stake in this application then I suppose you can relay hearsay from an expert. C. Kinnie stated that expert testimony would have to be present or provide a report. M. Carey stated that the applicant has the right to cross examine the testimony from an expert.

Gary Serdechny stated that there has been no environmental impact study and there are questions of a possible vernal pool and that they can only be identified during certain times of the year if the conditions are right. They can be identified when they are dry but they must find remains of fairy shrimp or clams. G. Serdechny read for the record an article from the CT website: "Can Some Very Wet Large Swamps Serve as Vernal Pools". He stated that it can take at least year to identify a vernal pool as an actual vernal pool. He stated that it is important to the ecological balance to the environment to identify the vernal pool because it is critical. He stated that the time line at this point is very difficult and that the commission should get extra experts in that may be able to identify a vernal pool.

G. Serdechny stated that he was at the site walk as a private citizen and asked Demian Sorrentino because he saw a depression with water in it; and it resembled the vernal pool on Route 201 and the grasses are identical. He stated that we must be sure and if it takes more time to complete the decision on the application; and it is not the commission's responsibility that these things were not done in a timely fashion. He stated that on the site walk he saw a blue corporal dragonfly that is a species of special concern. He stated that the blue spotted salamanders are definitely there and whether they are diploid population or non-diploid, it takes a genetic test. He stated that there are confirmed sightings of the diploid the blue spotted salamander was identified at the Polinsky property from the review that was done there. He stated that the eastern spadefoot toad was confirmed at the Lowes distribution center in Plainfield. He explained when the eastern spadefoot toad comes out of its burrow 8 feet below the surface during the spring when the 2 bar drop barometric pressure and it is raining.

G. Serdechny stated that it is a complex application which alters every square foot right up to the border of the wetlands. He stated that it will have a significant impact on the area and we need as many expert opinions as we can get. He stated that this gravel excavation application is just a start of a series of applications that will be submitted. He stated that the proposed gravel road and a 14,000 sq. ft. gravel pad in the northern section and a larger one in the southern section; they will come before the commission to either pave the road, install a septic system; this is the first step for what future benefit, we do not know. He stated that the commission does not have enough information to make a final decision. He stated that the commission must consider the current effects and the future effects that are deemed necessary by reason of what we have. He stated that if the application has no or minimal effect, that does not mean that the next stage of the development will add to it to create a significant development. He stated that the northern section is zoned c-1 where you can put a 5,000 business on, there should be at least 3 businesses on the 14,000 sq. ft. pad and we don't know the demands that will be placed on the septic system to support the area because there were no perc tests. He stated that it is 74 inches below the surface for ground water and in test pit 7 or 8 there is mottling at 27 inches which is very close to the 22 inch cut off. He stated that this application deals with an area that is the same hydrological area that my pond is in and my well is in. He stated that we don't know what size septic system is require, or if one can be put in this area.

G. Serdechny stated that there are alternatives that could be considered by the commission so the applicant can use his property in an economical sound and viable manner with much less impact on the wetlands. He thanked the commission for listening.

C. Kinnie asked if there were comments or questions from the public. He asked if Atty. Heller had any questions. H. Heller stated not at this time. C. Kinnie asked Atty. Carey if there was any matter that should be addressed at this time. M. Carey stated that other than picking a date to continue the public hearing, he had nothing at this time.

There was discussion of setting a date to continue the public hearing. C. Kinnie asked for a motion.

MOTION: S. Stadnicki made a motion to continue the public hearing to September 13, 2012 at 7:00 p.m. in this room. R. Parrette seconded the motion. G. Serdechny explained that when the environmental impact study comes in, the Commission can request that the Connecticut Environmental Review Team review the report which is a free service to the Commission. He read the information for the record. C. Kinnie asked for further discussion. All were in favor. The motion was carried. The public hearing adjourned at 9:10 p.m. Atty. M. Carey left the meeting.

II. **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 on August 16, 2012 at 9:15 p.m.

2. **Roll Call & Determination of a Quorum**

Present: Courtland Kinnie, Robert Parrette, Stacie Stadnicki, Dean Rubino, Lawrence Laidley, Glen Norman, Alternates Gary Serdechny, Lauren Churchill, WEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Edward (Jay) Waitte, Alternate Clarence (Pete) Merrill, Town Planner Carl Fontneau,

C. Kinnie appointed L. Churchill to sit for J. Waitte. There was a quorum for this regular meeting.

3. **Written Complaints**

There were no written complaints.

4. **Applications**

- A. CC 14-12 Kreative Property Development of CT, LLC, Peter Kuzyk, 96 Den Hollow Road, Guilford, CT 06737. Property location: 688 & 700 Hopeville Road (CT Route 201), Griswold.** Request approval of commercial activity within 150 foot regulated area for the excavation of 46,980± cubic yards of sand and gravel on the southern portion of the property; and with filling and re-grading of 8,600± cubic yards of material on the northern portion of the property within a 5.1 ± acre area of an 11.0 ± tract of land to prepare site for future commercial development. Excavation and re-grading is within the CTDOT right of way of CT 201 (Hopeville Road). Property is zoned C-1

C. Kinnie stated that this application was the discussion of the prior public hearing. He asked for a motion to table this matter. L. Laidley asked if this will be tabled to the special meeting or the regular meeting.

MOTION: L. Laidley made a motion to continue and table CC 14-12 to the regularly scheduled meeting of September 20, 2012. R. Parrette seconded the motion. All were in favor. The motion was carried.

- B. CC 01-23 Rothstein, Richard I., 212 Broadway, Norwich, CT 06360. Property location: 376 Rixtown Road, Griswold.** Request approval for a Wetlands Jurisdictional Review of a proposed 4-lot residential subdivision that will consist of on-site wells and septic systems. There is no activity proposed in the 75 foot upland review area. All wetlands located to the rear of the 3.91 acre property are to be conveyed to the Avalonia Land Conservancy. Property is zoned R-80.

C. Kinnie asked if there was someone to represent the applicant. Richard Rothstein was present and submitted a letter to the commission that the monuments have been set and that a little more land is being conveyed that was originally

promised when it originally came up. C. Kinnie stated that he was going to ask if it was same parcel. R. Rothstein stated that it contains the same parcel plus and little bit more. C. Kinnie asked if there was still an existing berm. R. Rothstein stated that he did not know. P. Zvingilas stated that there is a berm that goes along the general location where the mark is on the plan and it should be identified that it is a berm and that there should be a restriction from removing it since it protects the brook from any impact from development and should be maintained as it is. He stated that it was part of the original approval of the gravel excavation. R. Rothstein stated that it is common sense that it should stay on the site. C. Kinnie stated that there can be a note on the plan that it is an existing earthen berm. There was discussion of this matter.

C. Kinnie stated that Mr. Rothstein can write it in and initial it that the earthen berm cannot be removed. R. Rothstein can convey the survey redo the plans to include this note for the Planning and Zoning Commission. R. Rothstein stated that he will convey this information to the surveyor. R. Rothstein stated that if someone wrote the note on the plan, he would initial it on the plan. There was discussion of this matter.

Mr. Rothstein will ask the surveyor to call P. Zvingilas. C. Kinnie stated that the remaining lands are not in the upland review area. There was discussion of this matter.

C. Kinnie asked for questions from the Commission. He asked for a motion.

R. Parrette made a motion to approve the jurisdictional review with the modifications as noted. There was discussion of this motion. R. Parrette rescinded his motion.

MOTION: S. Stadnicki made a motion that this subdivision is not under our purview given that all of the activity is outside the 75 foot review area and a note is to be added to the plan that the berm is to remain. L. Laidley seconded the motion. All were in favor. The motion was carried.

5. Additional Business (New Applications)

- A. CC 02-13 Pachaug Pond Association, 63 Osga Lane, Griswold, CT 06351. Property Location: 000 Loretta Avenue.**
Request approval of residential activity within a wetland/watercourse in order to perform beach maintenance and to re-grade a 50 ft by 25 ft. beach. Property is zone R-60.

C. Kinnie asked for a motion to put CC 02-13 on the agenda.

MOTION: R. Parrette made a motion to place CC 02-13 on the Agenda. L. Laidley seconded the motion. All were in favor. The motion was carried.

C. Kinnie asked if there was someone to represent the applicant. Irma Imperato, president of Pachaug Pond Association and Rick Gwiazdowski were present. S. Stadnicki asked about the address of 000 Loretta Avenue. I. Imperato explained that was the address on the tax bill, but that it was a right of way to the beach. She explained that all the roads are part of the same tax bill because they are dirt road.

C. Kinnie asked if it was a public beach area for the association. I. Imperato stated yes. C. Kinnie stated that on the sketch, we need a compass rose to know where north is and we also need some dimensions of the area. P. Zvingilas asked if the end of the pipe that belongs to the town was every fixed. I. Imperato stated no. P. Zvingilas suggested that the pipe be cut back and that rip rap or a head wall be installed. Frank Imperato stated that and that the kids play on it and it is cracked in half. P. Zvingilas stated that rip rap would be good. F. Imperato stated that a head wall would be better. There was discussion of this matter.

C. Kinnie asked when the next drawdown would be. I. Imperato stated that Phil Anthony said that the draw down was scheduled for Pachaug this year; but he would let her know and he would stay on top of it. R. Gwiazdowski stated that we are trying to stay on top it to clean up the area and draw the sand back. There was discussion of this matter.

D. Rubino had a question of the start and complete date, does this coincide with the draw down. R. Gwiazdowski stated that it will only take a couple days to clean up the beach. C. Kinnie asked what the DEEP says about this maintenance. P. Zvingilas stated that work below the 152.5 elevation requires a permit from the state. P. Zvingilas will give them the name of the DEEP person regarding the state permit because they will be working below the 152.5 elevation of the pond area. I. Imperato asked if it was in Marlboro. P. Zvingilas stated that it was the Hartford DEEP and you will submit the same information to them. D. Rubino stated that you should get a letter from the town that the pipe will be repaired. There was discussion of this matter.

D. Rubino stated that for the record, to get an actual map from the assessor for the map, block, and lot for the next meeting. P. Zvingilas stated that a schematic be made of the elevation as it is now. C. Kinnie stated that the planner stated that erosion and sedimentation controls and LID features, we are talking about a beach area. He asked if there was water coming across the grass or is it the action of the pond. F. Imperato stated that it was action from the pond. He stated that there is grass to the sand.

C. Kinnie stated that we accurate dimensions for the next meeting and have the assessors map to and to the file and P. Zvingilas will give you the DEEP contact.

MOTION: R. Parrette made a motion to accept and table CC 02-13 to our next regular meeting of September 20, 2012. D. Rubino seconded the motion. All were in favor. The motion was carried.

6. Reports from the Enforcement Officer

P. Zvingilas stated that he had no report to give.

7. Old Business

There was no old business.

8. New Business

There was no new business.

9. Approval of Minutes

A. Approval of Minutes of the Public Hearing and Regular Meeting of July 19, 2012

C. Kinnie asked for a motion to approve the minutes of July 19, 2012. There was discussion of the minutes L. Churchill stated that Paragraph 3 on page 2 regarding that the vernal pool was not seen in the spring. Paragraph 4 should read own.

MOTION: R. Parrette made a motion to approve the minutes as amended. D. Rubino seconded the motion. All were in favor. The motion was carried.

10. Communications

- A.** The Habitat, Summer 2012, Volume 14, Number 2
- B.** Connecticut Wildlife Magazine, July/August 2012

C. Kinnie read a letter from CT Dept of Transportation for the record for approval of regulated activities for the replacement of a bridge on Route 165 over Pachaug Pond by the DEEP. C. Kinnie stated that the DEEP contact was Denise Ruzicka, Director of Inland Water Resource Division. There was discussion of this matter.

C. Kinnie read the State permit letter for wide drainage maintenance activities from within the DOT drainage right of way.

11. Reports from Members

There were no reports from members.

12. Conservation Commission Matters

P. Zvingilas stated that the town was served with a suit from the Johansons on Myrtle Road because they want the road to be maintained and plowed and treated as a town road. C. Kinnie stated that this is not a wetlands matter. There was discussion of this matter.

13. Adjournment

C. Kinnie asked for a motion to adjourn.

MOTION: R. Parrette motioned to adjourn. L. Laidley seconded the motion. All were in favor. The meeting adjourned at 10:05 p.m.

III. Aquifer Protection Agency

1. Call to Order

Chair Courtland Kinnie called this regular meeting of the Aquifer Protection Agency to order on August 16, 2012 at 10:06 p.m.

2. Roll Call & Determination of Quorum

Present: Courtland Kinnie, Robert Parrette, Stacie Stadnicki, Dean Rubino, Lawrence Laidley, Glen Norman, Alternates Lauren Churchill, Gary Serdechny, WEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Edward (Jay) Waitte, Alternate Clarence (Pete) Merrill

C. Kinnie appointed G. Serdechny to sit for J. Waitte, There was a quorum for this regular meeting.

3. Matters Presented for Discussion

C. Kinnie stated that there are no matters to discussion. He stated that there have been no registrants who have given information to the town and they are running out of time at the end of September or the beginning of October. R. Parrette asked what happened next. C. Kinnie stated that they will be in violation and the state wants to know who and what they are and they will come before us for hearings. G. Serdechny stated that they will start a ball rolling that they could avoid. C. Kinnie stated that the state will require the commission to bring each of the parties in. There was discussion of this matter.

G. Serdechny stated that C. Fontneau hand delivered the application forms to all the parties. P. Zvingilas stated that we should fill out the forms and just have the parties sign them. C. Kinnie stated that if they register they will be grandfathered. G. Serdechny stated that that was important. There was discussion of this matter.

C. Kinnie stated to make a Note to Carl to call the parties involved for the APA to convince them that it is in their best interest to register because time is running out.

4. Adjournment

S. Stadnicki made a motion to adjourn. R. Parrette seconded the motion. All were in favor. The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Donna M. Szall
Recording Secretary