



# Town of Griswold



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## GRISWOLD INLAND WETLANDS & WATERCOURSES CONSERVATION COMMISSION

### GRISWOLD TOWN HALL – FIRST FLOOR MEETING ROOM REGULAR MEETING MINUTES

SEPTEMBER 18, 2008

#### I. 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 September 18, 2008 at 7:35 p.m.

##### 2. Roll Call & Determination of Quorum

**Present:** Chair Courtland Kinnie, Vice Chair Robert Parrette, Secretary Stacie Stadnicki, Member Glen Norman, Chris Gagne, Dean Rubino, Alternate Cathy Mathews Lawrence Laidley, WEO, Peter Zvingilas, Town Planner Carl Fontneau, Recording Secretary Donna Szall

**Absent:** Member Edward (Jay) Waitte

C. Kinnie appointed L. Laidley to sit for J. Waitte and C. Mathews to sit for G. Norman. It was determined that a quorum was present for this meeting.

##### 3. Applications

**A. CC 01-09 Horton, Lynn M., 6 Cutter's Lookout, East Haven, CT. Property location: 136 Mackin Drive, Griswold.** Pursuant of Notice of Violation issued 7/10/08 and upheld by the Commission on 7/17/08, the applicant requests approval of deposition of 40± yards of beach sand upon existing beach; deposition of 50± yards of loam between the stone wall and house; stone wall, elevations and grading, and stone sidewalks and patios as shown on the attached plan. The property is in the R-40 zone.

C. Kinnie asked if someone was here to represent the applicant. Bob Schuch, Boundaries, LLC presented the application. He stated that the site walk took place and asked the commission if they had any other questions.

B. Schuch explained that he received a faxed photograph taken after the storm a couple days ago from C. Fontneau showing erosion through the stone wall to the beach. B. Schuch explained that there was a small depression area and that the run off from the lawn concentrated there and went through the wall or the crushed stone and eroded the beach sand. He showed pictures of the area of the erosion.

B. Schuch stated that he would modify the application to place 3-4 inches of material that will raise the slope 1 percent in the low spot area that would allow the run off to flow towards the swale. He stated that it would be 2 to 3 cubic yards of material to eliminate the concentration of water at the stone wall. C. Fontneau asked if the additional material will prevent the pooling of water. B. Schuch stated that the material will run from the side walk over to the stone swale. C. Fontneau asked if B. Schuch had considered other things that might be necessary where the ground is porous or if there was pooling behind the wall. B. Schuch stated yes. He explained that the sand would be removed to install a drainage net filter fabric would be placed on both sides of the wall. There was discussion of this matter.

C. Kinnie asked what the elevation on the yard was 100.6 contour and 100.0 contour, you will try to establish sheet flow off the side without it pooling up against the wall. B. Schuch stated that it sheet flows there now but what happens is that on the side where it is 99.6 contour, it is four tenths lower and then it is 98.9 contour and goes back up to 99 contour. C. Kinnie asked how far back does the depression extend; is it right against the wall. B. Schuch stated yeah, about five feet. He stated that he would curl back the sod and place some tighter soil right up against the base of the stone so it doesn't allow the fines getting through.

C. Kinnie asked how much material was lost. B. Schuch stated that he didn't know; he wasn't there and it was covered over by the homeowner who had raked it out. C. Kinnie asked if any of this was beach before any of this work was done. B. Schuch stated that in September, 2007, there was an existing sand beach at that time. There was discussion of this matter.

B. Schuch stated that the catch basin on the road that takes a lot of the water from the road. He state that there was some wash out in the right of way where it is low at the entrance. He stated that if there was a berm more water would flow into the catch basin.

C. Kinnie stated that this is the type of thing the Commission does not want to see happen, having the beach sand wash into the pond to acerbate the problem of the pond. He stated that they don't allow for beach areas more than 30 feet. B. Schuch stated that he did not know if the beach existed at that size. C. Kinnie stated that the pond is limited. There was discussion of this matter.

L. Laidley stated that there was to be more rocks at the end of the swale. B. Schuch stated that John Faulise was to add more rip rap that was larger. R. Parrette asked about using perforated footing drains. B. Schuch stated that you need 50 ft. down gradient from the galleries to meet the public health code. C. Kinnie asked how far the galleries were from the wall. B. Schuch stated that it is about 25 feet.

D. Rubino stated that everything appeared to be adequate at the site walk except for this current problem. He asked if P. Zvingilas would inspect it to see that it is done correctly. C. Kinnie asked who went on the site walk. C. Gagne, L. Laidley, D. Rubino, C. Mathews and R. Parrette. D. Rubino gave a brief overview of the site walk. There was discussion of this matter.

S. Stadnicki asked if there is a bathroom in the garage. R. Parrette stated that they did not look at the garage. R. Parrette asked if the house had footing drains. B. Schuch stated that there are no footing drains but that there is a crawl space. C. Fontneau stated that they probably couldn't for the same health code reasons. There was discussion of this matter.

C. Kinnie asked if the applicant would amend the application to incorporate these changes. B. Schuch stated yes, we are requesting to modify the application to address the issue of the last few days. C. Kinnie stated that you would modify the application and show the changes on the site plan of the area.

B. Schuch stated that they will add those changes to the plan. D. Rubino suggested placing a berm against the wall. L. Laidley stated that silt fence or geo membrane should be used to prevent water going through the stone wall. B. Schuch stated that he would put silt fence or geo membrane against the wall to prevent material from going through the wall and explained how the membrane would be installed. B. Schuch submitted photographs of the site for the record. C. Fontneau stated that he did not take the photo; a neighbor took the photograph and he sent it to their representative. There was discussion of this matter.

G. Norman arrived at 8:06 p.m. C. Kinnie stated that C. Mathews will stay seated for discussion of this application.

C. Kinnie asked if there are any other issues raised by abutting land owners. D. Rubino asked if any neighbors had an issue with the property. C. Fontneau stated that one of the users of the right of way, Mrs. Fry in a letter was concerned about drainage from the Horton property in the right of way. B. Schuch explained that a catch basin was installed to divert the runoff from the road away from the right of way to the lake. There was discussion of this matter.

B. Schuch gave a detailed explanation of how the membrane would be added in front of the stone wall to prevent the soil from getting into the stone wall. C. Kinnie asked how soon the work would be done. B. Schuch stated that it should be done before the seeding season is over so the grass will still take before winter. C. Kinnie stated that there is only a week or two for planting grass. B. Schuch stated that it would be within the month.

C. Kinnie asked B. Schuch to amend the application to reflect the two changes. C. Fontneau stated that to stabilize the sand in the permit and to preclude any maintenance of additional sand without a new permit to encourage the applicant that the proposed fix is working and doesn't continue to pool and run off does make the sand to go into the pond. C. Fontneau stated that for the record he was deputized by the commission to review this one property only.

C. Kinnie recommended that in any decision by the commission that the existing sand is to be allowed and if this condition arises again, and more material is needed to fill in washouts, it would require a new permit and he recommended that the commission table this application until the work was completed prior to the next regular meeting so there can be a site inspection before making a decision. L. Laidley made a motion to table this application to the next regular meeting on October 16, 2008. C. Fontneau stated that the proposed work will be done without a permit in place and suggested that this current problem could be a condition as part of a new permit rather than table it.

C. Kinnie stated that C. Fontneau was correct and asked if the motion could be withdrawn. L. Laidley withdrew his motion. C. Kinnie asked the commission to consider a different motion.

D. Rubino made a motion to approve CC 01-09 as amended with items #6. regrading a five foot wide area along the stone wall with a 1 percent pitch and with a membrane along the base of the wall to prevent further washout and #7 to install modified rip rap at the drainage outlet and the stipulation that no additional beach sand shall be added in case of further erosion without a new permit. L. Laidley seconded the motion.

C. Kinnie asked for further discussion. R. Parrette stated that they had missed some things on the previous application like the wide of pavers and suggested that the commission be specific about the size of the membrane to be place at the base of the wall; how deep do we want it, how long do we want it so that we get what we want. There was discussion of this matter. B. Schuch stated that as long as we dam it so the water cannot get into the wall; the membrane can be placed 12 inches vertical along back face of the wall and 12 inches horizontal under the lawn for the full length of the

wall. B. Schuch amended the application to reflect this change. C. Kinnie asked for a vote. 5 aye votes, two abstentions: C. Kinnie and S. Stadnicki. The motion carried.

**B. CC 02-09 Wawryznowicz, Dawn & Toby, 69 Burdick Lane, Griswold, CT.** Applicant requests approval of residential activity within a wetlands/watercourse and regulated area in order to abandon existing cesspool and to replace with new septic system consisting of 1,000 gal. tank and 2 galleys and to removed 40 yards of topsoil between the boat house and retaining wall. The property is in the R-40 zone.

C. Kinnie asked if anyone was here to represent the applicant. Toby Wawryznowicz presented his application. He explained the existing boat house that has a cesspool that is not up to code and it will be repaired/replaced to meet current health code. He stated that the property has a retaining wall that is failing and creates a safety hazard. He stated that silt fence will be installed and they will remove the retaining wall and 40 yards of topsoil will be added up to the beach area. He stated the existing dock on concrete poles in the pond will be removed and replaced with a floating dock.

L. Laidley asked about the size of the beach area. T. Wawryznowicz stated that the beach area per the deed is 118 feet; but that the existing beach is 100 feet to the wall and the boat house and 50 ft. to the wall. D. Rubino stated that the applicant would lose a lot of land when the wall is removed due to the wave action. T. Wawryznowicz stated that the wall is a safety hazard and he is worried his small children would fall off the wall into the water and not be able to see them.

L. Laidley stated that T. Wawryznowicz should consider replace the existing wall with a smaller wall. T. Wawryznowicz stated that they had no plans to replace the wall on the pond and they want a beach front and it would look nice and easy to maintain. He stated that there was no erosion there. C. Kinnie stated that the wall faces the Pachaug Marina. T. Wawryznowicz stated that the Marina is to the right of the cove and the boats do not cause a problem. C. Kinnie stated that he was concerned that when the wall is removed that you will lose the land. There was discussion of this matter including that T. Wawryznowicz never had to replace any sand since there aren't large waves.

R. Parrette stated that the base of the wall is in the water and about 1.5 ft of water up to the wall and he asked where DEP's jurisdiction is. C. Kinnie stated that DEP's jurisdiction is at the water level. P. Zvingilas stated DEP's jurisdiction is at the water level in a conversation with Elizabeth Brothers had no problem with maintenance of pre-existing conditions and property owners have the right to maintain their structures, but new walls would be DEP's jurisdiction.. There was discussion of this matter.

C. Fontneau stated that they propose to replace topsoil with beach sand and asked how the sand would stay on the beach and not erode into the pond. T. Wawryznowicz stated that during the storm of 6 inches of rain there was no erosion at the existing boat launch so there wouldn't be any erosion.

C. Gagne asked how long the existing beach had been there. T. Wawryznowicz that it had been there for more than 20 years. C. Gagne state that the beach sand had become stabilized over time. C. Fontneau asked how the sand will stay there when there is no retaining wall. C. Kinnie stated that it is keeping the topsoil there. T. Wawryznowicz showed where the proposed sand line was on the plan. C. Kinnie asked him to show where the top soil is being removed and replaced with sand. There was discussion of this matter.

C. Kinnie stated that people have put in large riprap to stop the erosion. T. Wawryznowicz stated that there would still be the problem of the safety of his children. P. Zvingilas asked if a wall could

be installed that was not as tall such as a 2 ft. wall back to the lawn and it would protect the area from the wave action and it could gradually slope down and keep the beach and the boat launch area. There was discussion of this matter including that the commission was concerned with the wave action from the marina.

R. Parrette asked the time table to do this work. T. Wawryznowicz stated that he wanted to have the permit in place. C. Kinnie asked C. Fontneau if there will be a draw down. C. Fontneau stated that he did not know but an aquatic survey was done and will be sent to DEP and so there would be the possibility of a draw down. There was discussion of this matter.

C. Kinnie asked for observations from commission members who went on the site walk. C. Mathews was concerned the large amount of sand that would be added to the beach area. R. Parrette asked if lawn could go in place of the sand. C. Kinnie state that it depends on the wave action. C. Gagne stated that something needed to be done with the existing wall and that the existing beach and boat launch is stable. He would like to see a smaller wall or a natural buffer with vegetation and boulders, and didn't think a yard straight into the water would be good enough.

C. Kinnie asked T. Wawryznowicz if these alternatives would be acceptable to replace the wall with a smaller retaining wall to stop erosion and the grade would be lawn instead of beach.

C. Kinnie asked if there was a letter from A. Gosselin regarding the septic system. P. Zvingilas stated that this septic is not for a dwelling it is for the boathouse.

C. Fontneau suggested that the application be tabled so the applicant can make changes to the site plan. There was discussion of this matter. T. Wawryznowicz stated that the new wall would match the location of the current wall. R. Parrette stated that the engineer identified the elevation at 177 ft. T. Wawryznowicz stated that the measurements were take from the road. C. Fontneau stated that the measurements should be taken from the water. There was discussion of this matter.

C. Kinnie asked for a motion. R. Parrette made a motion to table this application to the next regular meeting on 10/16/08. S. Stadnicki seconded the motion. All were in favor. The motion was carried.

#### **4. Additional Business (New Applications)**

S. Stadnicki stated that these people have been waiting and asked to move them ahead of item A. C. Kinnie asked for a motion. S. Stadnicki made a motion to move item A to Item B. L. Laidley seconded the motion. All were in favor. The motion was carried.

**B. CC 04-09 DDBC, LLC – Daniel Mackin/Brenda Clark, 21 Hillview Heights, Griswold. Property location: 121 Latham Drive, Griswold.** Applicant requests approval of regulated activity within a wetland /watercourse in order to install a granite stone wall to replace a partial existing wall. The property is in the R-40 zone.

C. Kinnie asked if someone was here to represent the applicant. Dan Mackin presented his application to the commission. He explained that a large pine tree growing on the bank by the pond had to be removed and now the land is eroding away on his property as well as his neighbor's property. He stated that there are some stones still there that held back the water and he wants to replace them with granite blocks.

C. Kinnie asked where the septic system was located. D. Mackin stated that it was about 68 feet from the pond. He showed the commission where the wall was located. C. Kinnie asked if the new wall will be located where the old wall is. D. Mackin stated that the wall would be closer to the land and that he would be installing steps into the water. There was discussion of this matter.

C. Kinnie stated that the adjacent owners should be added to the plan. Brenda Clark stated that they were added to the revised plan. C. Kinnie asked to show where the well and septic systems of the abutting owners were located. There was discussion of this matter.

C. Kinnie asked if P. Zvingilas saw the site. P. Zvingilas stated that he looked t the site and it would be similar to what the Polanski's did on their property. R. Parrette asked about the water level and the distance to the wall. D. Mackin stated that the wall will be 4 inches higher than the high water level. R. Parrette asked what would keep the wall from eroding the land. D. Mackin stated that he would put fabric on the land side of the wall so the soil wouldn't go through the wall.

C. Kinnie asked the total height of the wall. D. Mackin stated that it was about 2 feet high. L. Laidley asked if D. Mackin would shoot the wall and bring the figures in for the next meeting. R. Parrette asked how the work would be done. D. Mackin stated that it will be done with a mini excavator when the pond is down. C. Kinnie asked about vegetation to help with erosion. D. Mackin stated that the rocks will keep the erosion from happening.

C. Kinnie stated that D. Mackin will make the modifications on the plan, shoot the grade access and find out the locations of the septic systems of the abutting property owners. S. Stadnicki made a motion to accept this application and table it to the next regular meeting on 10/16/08. R. Parrette seconded the motion. All were in favor. The motion was carried.

**A. CC 03-09 Griswold, Town of, 28 Main Street, Jewett City, CT. Property location: Stone Hill Road Right of Way, Griswold.** Applicant requests approval of regulated activities in the upland review area and within inland wetlands for structural improvement to Stone Hill Road that include road reconstruction, grading, drainage, and replacement/repair of stormwater drainage structures. The property is in the R-60/R40 zone.

C. Kinnie asked if someone was here to represent the applicant. Bob Schuch, Boundaries, LLC presented the application. He explained that it is a reconstruction of Stone Hill Road from Hopeville Road to the intersection of Roode Road consisting of 600 l. f. of road construction. He stated that the drainage and the dips would be regarded. He stated that the water company is drilling vacuum holes. B. Schuch explained the three locations of wetlands and the three pipes that had been replaced by public works. He stated that the road will be graded to provide as much sheet flow as possible to replace culverts. He stated that the town will require getting the necessary easements. B. Schuch stated that the second wetlands are located by Stone Hill Estates. He stated that the culvert will be replaced by public works and that the road elevation will remain the same to not affect the proposed roadway approved for Stone Hill Estates. There was discussion of this matter.

B. Schuch stated that there will be a completed site plan for next month. There was discussion of this matter.

S. Stadnicki made a motion to accept this application and table it to the next regular meeting on 10/16/08. L. Laidley seconded the motion. All were in favor. The motion was carried.

D. Szall stated that there is a new application to be placed on the agenda than needs to be accepted.

**C. CC 05-09, Szorc, Dorothy, 440 West End Avenue, Apt. 30, New York, NY 10024. Property location: 41 Sunset View, Griswold.** Applicant requests approval of regulated activity within a regulated area for installation of a residential well, portion of driveway and site grading associated with the construction of a single-family dwelling. The property is in the R-40 zone.

C. Kinnie asked for a motion for this application to be placed on the agenda. R. Parrette made a motion to place the application for Dorothy Szorc on the agenda. L. Laidley seconded the motion. All were in favor. The motion was carried.

C. Fontneau stated that a letter was needed for Boundaries to act as agent and a signature is needed by the applicant on the application, and the signature is needed by the soil scientist for the next meeting.

C. Kinnie asked for a motion to accept the application. R. Parrette made a motion to accept the application and to table it to the next regular meeting on 10/16/08. S. Stadnicki seconded the motion. All were in favor. The motion was carried.

## **5. Reports from the Enforcement Officer**

D. Szall stated that there may be a problem with the Sunset View address. P. Zvingilas stated that he had communication with Attorney Willis that unless Planning and Zoning had voided the subdivision, then building permits can be issued. There was discussion of this matter.

P. Zvingilas stated that the Reil property on Jennifer Lane and some problems with Jennifer Lane and Myrtle Lane with water problems. P. Zvingilas showed photographs of the work done by G. Riel on Jennifer Lane of the stabilization of the site. C. Kinnie asked if there was a report from the engineer. P. Zvingilas stated no. P. Zvingilas explained the work that was done to control the flow of water. He stated that he, G. Reil and the engineer reviewed the site. There was discussion of this matter.

C. Kinnie asked for other reports from the enforcement officer. P. Zvingilas had no other reports.

## **6. Old Business**

G. Norman asked about the Horton lawsuit. C. Fontneau stated that we are going forward with the return of record at this time. There was discussion of this matter.

## **7. New Business**

L. Laidley asked P. Zvingilas if he knew about a shed in the State right of way at 100 Ashland Street. P. Zvingilas stated no but that he will look at 100 Ashland Street. There was discussion of this matter.

## **8. Approval of Minutes**

**A.** Approval of Minutes of the Regular Meeting of August 21, 2008

C. Kinnie asked for any additions or corrections. G. Norman stated that the date on the minutes was not correct. D. Szall will correct the date. C. Kinnie asked for a motion to approve the minutes as amended. R. Parrette made a motion to approve the minutes as amended. L. Laidley seconded the motion. All were in favor the motion was carried.

## **9. Communications**

**A.** CFL News", Connecticut Federation of Lakes Newsletter, Volume 12, Issue 2-August 2008

**B.** There was discussion of the Municipal Inland Wetland Commissions Training Program, Segment III.

C. There was discussion of the Last Green Valley Seminar "Source to the Sea"

**10. Reports from Members**

There were no reports from members.

**11. Conservation Commission Matters**

C. Fontneau stated that the Farmland grant would not be done this year. There was discussion of this matter.

**12. Adjournment**

C. Kinnie asked for a motion to adjourn. S. Stadnicki made a motion to adjourn. R. Parrette seconded the motion. All were in favor. The meeting adjourned at 10:25 p.m.

Respectfully submitted,

Donna M. Szall  
Recording Secretary