



Town of Griswold



28 Main Street
Griswold, CT 06351
Phone (860) 376-7060, Fax (860) 376-7070

GRISWOLD INLAND WETLANDS & WATERCOURSES CONSERVATION COMMISSION & AQUIFER PROTECTION AGENCY

REGULAR MEETING MINUTES

SEPTEMBER 18, 2014

GRISWOLD TOWN HALL

I. REGULAR MEETING (7:30 P.M.)

1. Call to Order

Vice Chairman Robert Parrett called this regular meeting of the Griswold Inland Wetlands & Watercourses Conservation Commission to order on September 18, 2014 at 7:32 p.m.

2. Roll Call & Determination of a Quorum

Present: Robert Parrette, Stacie Stadnicki, Edward (Jay) Waitte, Lawrence Laidley, Alternates Gary Serdechny, Clarence (Pete) Merrill, Town Planner Mario Tristany, WEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Courtland Kinnie, Dean Rubino, Glen Norman, Alternate Lauren Churchill

R. Parrette appointed G. Serdechny to sit for C. Kinnie and P. Merrill to sit for D. Rubino. There was a quorum for this regular meeting.

3. Written Complaints

There were no written complaints

4. Applications

There were no pending applications.

5. Additional Business (New Applications)

- A. CC 02-15 GRISWOLD, TOWN OF, 28 MAIN STREET, GRISWOLD, CT. SHELDON ROAD DRAINAGE AND ROAD IMPROVEMENTS.** Drainage Improvements and road reconstruction to Sheldon Road to include installation of 9 catch basins, with replacement of a current discharge pipe. Replacement of a culvert under Sheldon Road leading into Trailer Park Pond. Reclamation of existing roadway, grading and paving of Sheldon Road from Route 138 to just south of the intersection of Cross Road.

R. Parrette asked if there was someone to represent the application. Todd Babbitt, Road Superintendent, Town of Griswold and Robert (Bob) Schuch, PE Boundaries, LLC were present. B. Schuch submitted revised plan sets to the commission. T. Babbitt gave an overview of the proposed work on Sheldon road replacing culverts and resurfacing the road. He explained that in 2010 there was flooding from the pond with the level rising overtopping the road. He stated that along the brook and culver line an earthen berm will be constructed for more overflow height to help protect the roadway. The Town filed a claim with FEMA in 2010 and received \$30,000.. He explained that the culvert was failing due to erosion and a request to divert the culvert to DEEP and Army Corp of Engineers to discharge below the spillway of the dam which is a lengthy and costly process involving wild life studies and ponds above and below the dam with no guarantees that a permit would be issued. He stated that the extensions of the FEMA funds expire in December. He stated that the Town will use these funds to address the drainage; and at a later date, the town will try to lower the height of the dam of the trailer park pond that runs under Carroll Road. He gave a brief history of that dam where the dam was closed with steel plates by the owner of the dam. He stated that the spillway was also filled in at Doanville Pond. The State inspected this dam and is in litigation with the owner of the dam since no permits were obtained. T. Babbitt stated that M. Tristany requested an updated plan

with additional information and that B. Schuch be present at this meeting to explain the proposed work.

Robert (Bob) Schuch, Professional Engineer, submitted a copy of his summary of the proposed drainage improvements for Sheldon Road. B. Schuch that the drainage will be done from Cook Hill Road to just past the intersection of Cross Road before the dam at Glasgow Pond. He showed Sheldon Road that there will be basins on both sides of the road to the intersection of Carroll Road and then to Cook Hill Road. He explained Sheet 5 concerning the existing stone box culvert that will be replaced with a 15" elliptical reinforced concrete pipe; he stated that there is a note for a revision to use an arched pipe which carries the same volume.

B. Schuch explained that sand bags will be used for any dewatering. He explained that the two pond elevations are different and only a certain amount of water goes over the dam and the backwater flows over private property. B. Schuch stated that the backwater will be collected and put into the drainage system that will be installed along Sheldon Road to Cross Road. He stated that easements have been obtained from Mr. Gravelin the property owner.

B. Schuch explained the copy of the plan showing the wetlands in the area of Sheldon Road to Cross road. He stated that the construction is within the 150 regulated areas. He explained the drainage discharges into the roadway flowing along the road in the gutter; and on the southeast it flows towards the ponds. P. Zvingilas asked if this was the brook coming from Gravelin's property and goes across the road. B. Schuch stated yes. P. Zvingilas asked if it will flow into Doanville Pond. B. Schuch stated that the pipe will be replaced and the overflow will go down Sheldon Road in the new system.. P. Zvingilas asked the size of the pipe. B. Schuch stated that it was 15" pipe. P. Zvingilas asked if it will take the overflow. B. Schuch stated no, he explained the pipe is an equalization pipe. There was discussion of this matter that this area takes flow coming from as far away as Beach Pond and Beachdale Pond.

B. Schuch stated that the E & S measures will be used and maintained throughout the construction. He stated that there will be certain places on Sheldon Road where bituminous curbing will be installed to keep the water in the gutter so the water will go into the basins. He explained the center line of the grade; the elevations will be approximately one foot higher in some places; and eliminating the flat sections with no drainage where water ponds up. B. Schuch stated that the new drainage will accept only the water that flows onto the road; there is no watershed that flows onto Sheldon Road.

P. Merrill asked if there was a culvert from the trailer park to Doanville Road. P. Zvingilas stated that there was no piping in the trailer park. B. Schuch stated that it sheet flows into the pond.

P. Zvingilas stated that it was a 1000 year storm. B. Schuch stated that in the intensity of the storm is based on the number of inches of rainfall within a 24 hour period. He stated that a 100 year storm has a 1 percent probability.

P. Merrill asked if the idea of culverting the pond above Carroll road will bypass the dam or is it still a possibility. T. Babbitt stated that as a diversion permit it puts it into another category with hydrology of both ponds and a wild life study and there was no guarantee that a permit would be given. L. Laidley stated that the failing pipe will be replaced and culverts will be added to solve the road water. T. Babbitt stated that the town will remove bridge, and then the state will go after the owner to make repairs to the dam, lower the dam or bridge the dam. P. Zvingilas asked who owned the dam. T. Babbitt stated that it was Robert Blanchette who owns the dam and the associated water rights which is in his deed.

L. Laidley asked if this application will be accepted and tabled to next month. J. Waitte stated no, that it was a courtesy to tell the commission. M. Tristany explained that he wanted B. Schuch to be present because there were a lot of questions for the Geer Road project, B. Schuch could be here to answer any questions. M. Tristany stated that there was some faulty invert data that has been corrected. B. Schuch stated yes that data was corrected. M. Tristany stated that the pipe replacement will not correct existing or potential flooding; the culver will be replaced so that the water will pass and re-pass under Sheldon Road. He stated that there was no drainage study, so he met with B. Schuch who explained the scope of the project had to be cut back for the studies required by the state and federal departments. M. Tristany stated that the arch pipe is similar to the elliptical pipe B. Schuch described on the plan. B. Schuch stated that it is the same rise. T. Babbitt stated that the arched pipe is half the price of the elliptical pipe. There was discussion of this matter including that Note 5 on the plan that the arched pipe can replace the elliptical pipe.

J. Waitte asked when the work will start and how long it will take. T. Babbitt stated that we have started a little work and that it should be done in three to four weeks.

P. Zvingilas asked if the invert would be 2 feet higher. B. Schuch explained it is 2 feet higher than the existing culvert bottom; the bottom will be raised so that the flow will be maintained above the spillway elevation. P. Zvingilas stated that in dry season the brook will never drain and there will be a pond in back of this. B. Schuch stated that the water in the two

ponds will never dry up; there is normally two feet of water in this culvert even when water is not overtopping the dam. The bottom of the pipe is higher and the invert 95.29 and the proposed pipe invert is 96.75. P. Zvingilas asked if this will eventually silt in. B. Schuch stated yes.

R. Parrette asked if the commission had any further questions or comments. P. Zvingilas stated that we received this application tonight; so we will approve it next month.

MOTION: L. Laidley moved to accept and table this application to next regularly scheduled meeting. G. Serdechny seconded the motion. J. Waitte stated that he thought that this was a courtesy. P. Zvingilas stated that the courtesy was usually for maintenance. This application is more than maintenance. R. Parrette asked for the vote. All were in favor. The motion was carried.

6. Reports from the Enforcement Officer

P. Zvingilas did not have a report. He stated that L. Churchill had called about some logging near the Holowaty property but he did not find anything. P. Merrill stated that there is some logging on Banjo Sullivan Road before the club. He stated that there was a skidder out and free green fells there. P. Zvingilas will go out and take a look out that way.

7. Old Business

A. Discussion and possible action regarding inland wetlands violations on conservation easement property at Quiet Cove Lane.

P. Zvingilas explained that he acted on a complaint and there was activity taking place in a reserve area as part of the Quiet Cove subdivision that was to remain in the natural state. He stated that there was a path that was cut in to go down to the water. He had submitted photographs of the area at the last meeting. There was construction of dock and sand was placed along the edge of the pond to create a beach. There was more there than what I thought was allowed there. He stated that the members of the HOA explained what they thought they could do there. He stated there are copies of the minutes and the original permits. M. Tristany stated that the chair requested the original wetlands application the original plans and the minutes and he asked the residents to document the exact size of the dock and we received sketch done by Mr. Pendergast. M. Tristany asked if the dock length is 60 feet long. Jim Pendergast explained that all three sections together is 60 feet; it was designed in three section so that the dock could be removed more easily.

R. Parrette stated that C. Kinnie was concerned that this conservation easement was made to the town. G. Serdechny stated that the open space goes over some of the conservation easement. S. Stadnicki asked if there was an application. D. Szall stated no, it was a violation. G. Serdechny stated that the conservation easement would take precedence over the open space. R. Parrette asked if Attorney Branse had reviewed this matter. P. Zvingilas stated no. S. Stadnicki asked the definition of a conservation easement. G. Serdechny stated that there is no improvement allowed and restricted to foot traffic. S. Stadnicki asked if the Planning and Zoning established the conservation easement. G. Serdechny stated that Quiet Cove LLC granted this conservation easement to the Town of Griswold. L. Laidley stated that the open space was granted over the conservation easement. Mary LaRue stated that we pay taxes and insurance on the open space. M. Tristany stated that the conservation easement is part of the conditions of approval by the planning and zoning subdivision regulations. There was discussion of this matter including that the rules for open space and for a conservation easement are completely different.

Leon LaRue. 10 Quiet Cove stated that if the town owns this property then we won't have to pay taxes on the open space. J. LaRue stated that technically we don't have access to the pond. G. Serdechny stated that you have open space access to the pond but that you can walk through and that any one in Griswold can. G. Serdechny stated that if the town owns the property, how it became private.

S. Stadnicki stated that we make a list of questions for Attorney Branse to answer.

D. Szall asked for everyone's name from Quiet Cove because they were all talking at once

Leon LaRue and Mary LaRue, 10 Quiet Cove, Secretary of HOA. Steve March, 1 Quiet Cove, James Pendergast 6 Quiet Cove. Lance Salpietro 8 Quiet Cove.

R. Parrette asked where the dock was. J. Pendergast showed where the dock was located on the map. J. Waitte asked who did the association papers. M. LaRue stated Harry Heller. J. Waitte stated that he lives on the pond and goes by it all the time and what they have done is find. He stated that you have the conservation areas and he did not have a problem with it. G. Serdechny stated that if the items shown in the photographs are in the conservation area there is a problem. There was discussion of this matter.

P. Merrill questioned whose jurisdiction this is, wetlands or zoning, he stated that there was work done in the open space without permits which would be planning and zoning. He stated that our jurisdiction is the inland wetland areas and anything they have done removing trees that were tipped over. J. Pendergast stated that the boundaries are clearly marked and there is 90 feet of frontage. M. LaRue stated that we never went by our boundaries. J. Waitte asked if they went before the commission to put in the dock. J. Pendergast explained that because it was a floating dock that was removed for the winter that they didn't think that they needed a permit because it was not permanent. R. Parrette asked how the dock is mounted to the beach. J. Pendergast stated that 1 1/2 inch conduit anchored into the ground. R. Parrette asked about the sand. J. Pendergast stated that we put in about 3 yards of sand from the LaRue property. He explained that when we bought our property we were told that we would all own the own space and we formed our association and we then started to make general repairs to the area. R. Parrette asked if the conduit comes out. J. Pendergast stated that all of the dock comes out.

S. Stadnicki stated that in the conservation deed, it states that the conservation easement should be clearly marked. R. Parrette asked if there was a time line for this. P. Zvingilas stated that we have not started a time line. G. Serdechny asked if the attorney's fees were a requirement. L. Laidley state that it would be for the violation. S. Stadnicki submitted a list of questions for Attorney Branse. P. Zvingilas stated that the conservation easement is on the smaller deed. M. Tristany stated that the town owns the easement over the land on the open space.

S. Stadnicki stated that that was for the two tracks of land and the open space is owned by the LLC. They have to follow the rules of the easement. They would need a permit for the dock. There was discussion of this matter. J. Waitte asked who brought this to P. Zvingilas attention. P. Zvingilas stated that it was the abutting neighbor.

R. Parrette told the HOA members to find their markers so that they no exactly where there boundaries are located. He stated that this matter be given to the town attorney, Mark Branse, to review the conservation easement. R. Parrette asked the HOA to come to next month's meeting for the attorney's comments. R. Parrette asked P. Zvingilas to follow up with J. Faulise about the easement markers. M. Tristany stated that for future subdivision applications should have larger type addressing open space and conservation easements so the property buyer is aware of those items.

8. New Business

There was no new business.

9. Approval of Minutes

A. Approval of the regular meeting minutes of August 21, 2014.

R. Parrette asked for a motion to approve the minutes of August 21, 2014. S. Stadnicki asked what September 18, 2014 was in the minutes. L. Laidley stated that that was when the next meeting was to be held.

MOTION: L. Laidley moved to approve the minutes of August 21, 14 as presented. G. Serdechny seconded the motion. All were in favor. The motion was carried.

10. Communications

R. Parrette stated we received tonight the ECCD Outlook Newsletter and Connecticut Association of Conservation and Inland Wetlands Commissions, Inc. membership renewal. He asked if there was money budgeted for memberships. M. Tristany stated yes. R. Parrette stated that this can be tabled to the next regular meeting.

11. Reports from Members

There were no reports from members.

12. Conservation Commission Matters

There were no conservation commission matters.

13. Adjournment

C. Kinnie asked for a motion to adjourn.

MOTION: S. Stadnicki motioned to adjourn. L. Laidley seconded the motion. All were in favor. The meeting adjourned at 8:43 p.m.

III. Aquifer Protection Agency

1. Call to Order

Vice Chair Robert Parrett called this regular meeting of the Aquifer Protection Agency to order on September 18, 2014 at 8:43 p.m.

2. Roll Call & Determination of Quorum

Present: Robert Parrette, Stacie Stadnicki, Edward (Jay) Waitte, Alternates Gary Serdechny, Clarence (Pete) Merrill, Town Planner Carl Fontneau, Recording Secretary Donna Szall

Absent: Courtland Kinnie, Lawrence Laidley, Glen Norman, Dean Rubino, WEO Peter Zvingilas, Alternate Lauren Churchill

R. Parrette appointed G. Serdechny to sit for C. Kinnie and P. Merrill to sit for D. Rubino. There was a quorum for this regular meeting.

3. Matters Presented for Discussion

- A.** Discussion of and updates from DEEP regarding one outstanding registrant including compliant from neighbors received by DEEP Aquifer Protection Agency Program (APA Program) and lack of response to APA Program correspondence 30 day response time frame of September 8, 2014.

R. Parrette asked M. Tristany to update the commission. M. Tristany stated that the Commission received a copy of the minutes from the Planning and Zoning Commission where Attorney Branse gave his updates; and rather than reiterate, you received the minute notes from that meeting on American Industries. He stated that the site has been inspected by several Division of DEEP, Aquifer Protection, Storm Water, Air Quality, Tank Section and the Federal EPA air quality report. We have received three separate reports from DEEP but have not received the EPA air quality report. He stated that AI hired an acoustical engineer to determine what can be done to reduce noise levels to state standards. He stated that the owner of AI bituminous manufacturing process, a DEEP observing and they will be going out there again for air samples.

M. Tristany stated that as for the Aquifer Protection, we were at an impact in filing their registration. DEEP had reviewed their registration and one report detailed the issues including that everything was checked off except for the manufacture of asphalt; and things that they didn't do. M. Tristany stated that there is a 30,000 gallon oil tank with no containment and other tanks without containment; they must do containment for these tanks. Al is attempting to address the issued and DEEP wants a full stormwater drainage plan and best management practices plan for that operation. M. Tristany stated that Boundaries is doing a plan to fill the breach in the berm that will require a wetlands permit. He stated that he wasn't sure how many more inspections are being planned by DEEP. S. Stadnicki asked if P. Zvingilas was out there and if there were any wetlands violation. P. Zvingilas stated that he has been out there and cannot verify the activity within the wetland at this time and that he is waiting for the DEEP reports. S. Stadnicki stated that there is a 150 foot water slide without a permit. M. Tristany stated that the DEEP is aware of it. He stated that they backfilled that area with stone and then made a sand bottom. There was discussion of this matter including that there may be a need for a diversion permit.

4. Adjournment

R. Parrette asked for a motion to adjourn.

MOTION: G. Serdechny moved adjourn. S. Stadnicki seconded the motion. All were in favor. The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Donna M. Szall
Recording Secretary