



Town of Griswold



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GRISWOLD INLAND WETLANDS & WATERCOURSES CONSERVATION COMMISSION

REGULAR MEETING MINUTES

DECEMBER 18, 2008

GRISWOLD TOWN HALL

I. PUBLIC HEARING (7:25 P.M.)

1. Call to Order

Vice Chairman Robert Parrette called this regular meeting of the Griswold Inland Wetlands & Watercourses Conservation Commission to order on December 18, 2008 at 7:15 p.m.

2. Roll Call & Determination of a Quorum

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

Absent: Chair Courtland Kinnie

R. Parrette appointed L. Laidley to sit for C. Kinnie. It was determined that a quorum was present for this meeting.

3. Matter Presented for Consideration

A. **A Draft Annual Report of the MS4 Stormwater Management Plan under General Permit GM 000169 to the Town of Griswold.**

R. Parrette asked C. Fontneau to explain the MS4 Stormwater Report. C. Fontneau explained that the Inland Wetlands Commission is the assigned agency for public input for the project. He summarized the letter to Chris Stone, Coordinator of Stormwater at DEP in Hartford. He described the seven components addressed in the plan: 1) stormwater sampling from 6 sites in Jewett City and the peripheral of Griswold; 2) public outreach mailing 1900 brochures to improve management, design and maintenance of stormwater; 3) public involvement and participation through public hearings for local input; 4) Discharge and elimination ordinance to give town powers to order corrective measures and levy fines; 5) Construction stormwater runoff control for commercial projects and road projects; 6) post construction phase – draft changes to town zoning regulations for low-impact development and best management practices for stormwater design and erosion and sedimentation control lingual for borough regulations; 7) training programs for hwy. employees on pollution controls.

R. Parrette asked for any comments from the public. There was no public comment.

S. Stadnicki made a motion to close the public hearing. L. Laidley seconded the motion. All were in favor. The motion was carried. The public hearing closed at 7: 30 p.m.

II. **SHOW CAUSE HEARING (7:30 P.M.)**

1. **Call to Order**

Vice Chairman Robert Parrette called this Show Cause Hearing of the Griswold Inland Wetlands & Watercourses Conservation Commission to order on December 18, 2008 at 7:30 p.m.

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

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

Absent: Chair Courtland Kinnie,

R. Parrette appointed L. Laidley to sit for C. Kinnie. It was determined that a quorum was present for this meeting. C. Matthews recused herself from this matter and left the room.

3. **Matter Presented for Consideration**

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

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

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

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

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

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

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

Town Attorney Mark Branse explained to the commission their options regarding 67 Jennifer Lane and Glemacy Builders and the Johansen family on Myrtle Road and where the cause of the erosion into Pachaug Pond

C. Fontneau explained that there was discharged of materials into a regulated area.

P. Zvingilas explained the reasons why a cease and desist order was sent to all parties to cease the violation and submit a remediation plan. Atty. Branse explained that if only one owner is responsible the remediation would be required for all properties; and he explained the decision the commission to 1) continue the order in force; 2) modify the order based on the evidence; 3) determine that there is no violation and termination the order.

R. Parrette asked P. Zvingilas to explain the photographs showing the erosion problems. P. Zvingilas explained that there was water from the Reil property running behind a culvert and goes through a wetland area and channels to the Johanson property on Myrtle Road and discharges into Pachaug Pond. He stated that there were corrective actions recommended by the engineer involved. P. Zvingilas stated that there was deterioration in the driveway of the Reil property that needs addition gravel and that the rest of the site was stable.

Atty. Tom Collier stated he was no longer representing Valerie Johanson and was representing Norman Johanson at 62 Myrtle Road and properties across from the residence at 54 Myrtle Road. He showed where the lots were located to the commission. He stated that Paul Biscutti of DiCesare Bentley Engineering.

T. Collier reviewed the letters sent by Valerie Johanson regarding the flooding on her property. He read a letter from Chuck Eaton, CME Engineering findings for the record. He explained the rain fall that had occurred and submitted photographs for the record showing sediment entering Pachaug Pond from September and October. J. Waite stated that when sand goes into the pond whether it is across the road or from the sand, it will have sandy coloration. M. Branse stated that how does Mr. Collier know that the coloration in the pond is originating from across the street versus the outwash from the drain. There was discussion of this matter of the water around the dock.

M. Branse asked if there were earlier photographs of sediment entering the pond. T. Collier stated that those were submitted earlier. He submitted 10 photographs for the record as Exhibit A. There was discussion of this matter including Norman Johanson explaining the sediment by the dock.

T. Collier explained that the problem in February at the Alan and Valerie Johanson property was flooding and he read the letter from 3/8/05 to C. Kinnie regarding her concerns that Aleta Derooy sold G. Reil the 67 Jennifer Lane property. There was discussion of this matter.

Paul Biscutti, DiCesare Bentley, engineer was hired by Norman Johanson to assess the causes. P. Biscutti explained that he inspected the properties in question during normal conditions and after rain storms and today. He explained that he prepared a report and it was submitted to the file. T. Collier submitted copies of the report to the commission. P. Biscutti explained his report to the Commission. T. Collier submitted this report to the commission. P. Biscutti explained his evaluation of the potential measures to mitigate the runoff and a supplemental report was prepared recommending infiltration systems for roof runoff and a detention basin to slow the runoff. He identified measures for Jennifer Lane to 1) grade around the house; 2) a significant cut to the hillside used for the septic system. 3) redirect to discharge under the new driveway 4) there was no information on the site plan, 5) channelized in a westerly direction. 6) the fill was not as extensive as shown on the plan north of the existing culverts directing water into the Johanson lot rather than toward the wetland.

M. Branse asked if the culverts are in a different location than what is shown on the site plan. P. Biscutti stated yes they are in a slightly different location than the site plan. P. Biscutti explained the remedial actions 1) a detention basin constructed to contain the runoff 2) installation of infiltration system to collect roof runoff; 3) redirect foundation drains to the other side of the site into a

detention basis; 4) a pumping station can be installed at the culvert up to Jennifer Lane to collect excess water; 5) underground conduits pass through two wetland areas conveying ground water to the culverts; 6) water from the driveway on Jennifer Lane due to the removal of curbing flowing west toward the asparagus beds on the Johanson property.

P. Biscutti explained that his latest inspection was for the foundation drains that discharge into the hillside and two other drains discharge on the hillside on the adjacent property originating on a property above the Glemacy property discharging in the hillside to the culvert location with gully erosion depositing sediment into the wetland. He explained the driveway near the proposed detention basin creates a gully toward the Johanson property creating a channel toward the road.

L. Laidley asked if P. Biscutti designed a plan to funnel the water that disperses on the Johanson property. P. Biscutti explained that no detailed plan was done on the property and he was not retained to evaluate the Johanson property. He explained the pocket wetland has an outlet to the wetland and seeps into the ground under Norman condition and bubble out of the ground down toward the Johanson property adjacent to Myrtle Road. L. Laidley asked that there should be the restoration of the flow to the swale that was removed in the Johanson property. There was discussion of this matter.

M. Branse asked P. Biscutti about the discrepancy of the approved plan and what was built. P. Biscutti stated the approved plan showed no excavation. M. Branse asked when the DEP Manual was published. P. Biscutti stated that it was in 2004.

Harry Heller, 736 Route 32, Uncasville, asked if he calculates and P. Biscutti stated yes.

Alan Johnson, 54 Myrtle Road explained that for 28-29 years there was never a problem until the building started and that the terrible problem with the water must be corrected. He stated that there should be a pump.

G. Norman asked T. Collier about the reference to a plan dated in July in the CME letter that he did not see a plan. T. Collier stated that it is referenced in attachment D.

Norman Johanson stated that discrepancy of the Mackin Estates Subdivision plan in 1978 to the current. He submitted a copy to the commission and the Attorney Heller. N. Johanson gave the history of the subdivision explaining that there was a problem with the roads. M. Branse asked how this related to the wetlands violation. N. Johanson stated that in 28 years up to 2006, there were no problems until work was done on the Reil property creating the flooding problems that exist on his property. S. Stadnicki asked if there is a map or site plan for this property. There was discussion of this matter that Charles Camp was the engineer. She stated that it references a 50 ft. setback and that the regulated area is 75 feet. P. Zvingilas explained that the 50 ft. setback is the measurement from the road and doesn't refer to the 75 ft. regulated area.

R. Parrette called for a five minute recess at 9:05 p.m. He reconvened the show cause hearing at 9:12 p.m. C. Gagne left the meeting. S. Stadnicki asked for a copy of the minutes for the 5/19/2005 meeting. T. Collier submitted a copy of minutes of 6/14/05 for the record.

Harry Heller, 736 Route 32, Uncasville was representing Glemacy Builders stated that the deposition of silt in Pachaug Pond was not a question. He stated that there a solution and who is responsible and that Glemacy Builders was not the culprit. He explained that Norman Thibeault had been retained by Glemacy Builders to evaluate the site. He then explained that N. Thibeault was requested by the Town of Griswold to do some review. C. Fontneau explained the

circumstances and that a site plan was required from N. Thibeault; meanwhile the Wetlands Enforcement Officer asked N. Thibeault to do a site visit on the Jennifer Lane site and that the W.E.O. did not remember that N. Thibeault was retained by Glemacy Builders. There was discussion of this matter.

H. Heller explained that there is no need for an engineering analysis since there has been a historic water runoff to the Johanson property and that accommodations were made for this. H. Heller submitted Exhibit 1 A Plan of the Pond View Estates 9/20/88 for the record that then lot number 21 on the plan. He submitted Mackin Estates, Section II Subdivision as Exhibit 2 for lots 14 & 5 and abutting Pachaug Pond. He submitted Exhibit 3 Glemacy plan and Mackin Avenue. He explained Exhibit 4, the warrantee deeds for lot 14 that abuts the Glemacy property and read for the record the provision for a 20 ft wide drainage easement on the Johanson property for the surface water.

H. Heller read Exhibit 5, Volume 87, and Page 544 for a 20 ft. drainage easement on lot 15 to accommodate surface flow that existed at that time for when the remaining land would be subdivided for the record.

H. Heller submitted for the record Exhibit 6 of an aerial photograph taken in 1983 after Section II Subdivision was approved. He explained this photograph to the Commission There was discussion of this matter. M. Branse asked H. Heller if Mackin Drive is now Myrtle Road. H. Heller stated yes.

H. Heller submitted a photograph from May as Exhibit 7 of an inlet installed on Plan of Section II subdivision on the location labeled grade to drain and was installed to accommodate drainage for Mackin Avenue. He submitted a report of the average precipitation for Willimantic Connecticut over 10 years from 1998-2008 explained that 2008 has had 29 inches. He explained the erosion and sedimentation measure established on the Glemacy site. He explained the footing drains and that the 12/12 when there was 7 inches of rain, he had observed from 7 to 8:30 a.m. the hydrology of the property. He stated that there were two white pipes that had little water running from them and then there was a green pipe from which water spewed profusely. H. Heller submitted a photograph of the 4" green pipe as Exhibit 7 dispersing water from lot 18 of the Pond View Estates subdivision.

H. Heller submitted a photograph of the water running through the woods from the out flow of the 4" green pipe as Exhibit 9. He stated that the outflow from this pipe was a significant amount. There was discussion of this matter. P. Zvingilas will investigate the green pipe.

H. Heller explained the two properties to the east on Rout 201 that the flow came off one at one part the Glemacy house. He submitted a photograph for the record as Exhibit 10. He submitted a photograph of the front yard taken of the Glemacy house on 12/12 at 8:30 a.m. showing that it is stable and erosion is not occurring at location.

Glen Reil, 2300 Glasgo Road explained that there was erosion when they brought the property. He stated that there were channels of water. G. Reil stated that the erosion and sedimentation measures were in place.

H. Heller submitted a photography dated 12/12 indicating the sizing of two 18 inch culverts stating that the two culverts were oversized for the capacity to accept the additional flow that would occur at that location. He stated that the 1979 deed for the Glemacy property as lot 21 as part of Pond View Estates identifying the naturally occurring drainage flow to reserve an easement to accommodate the drainage and the 1983 aerial and the easement has change and the water is not flowing in its natural location and so is creating erosion into Pachaug Pond. There was discussion of this matter.

G. Reil state that the Johanson land was changed and diverted where the trees have been planted and was trenched with a machine to take the water and the shed was built in the easement. P. Zvingilas stated that there is reference in the CME report about the loam piles. There was discussion of this matter.

T. Collier stated that CME stated that an engineer plans was needed to determine if the swale would work and that G. Reil was to submit a site plan for the engineer to review. T. Collier addressed the changes to the drainage flow that 1) no construction and in March 2008 trees were removed; 2) the culvert is functioning which goes through to the other side of the street; 3) heavy rains for 2008; 4) lot 18 owner should explain the direction of the pipe; 5) the grass swale is working on the Johanson property; 6) the drainage easements and the right to drain.

P. Biscutti addressed the issues of the pipes identified by H. Heller. He stated that the pipes were located on the Glemacy property. He addressed the drainage easements in the subdivision plan and a yard drain will show a formal easement. He stated the capacity of the grass swale does not accommodate the flows. He addressed the issues of the change to the Johanson property that caused a diversion of the flow creating and eroded channel. P. Biscutti explained that there is a lot of flow out side of the pipe and contributes to the additional flow.

T. Collier summarized that the area needs to be fixed and gave suggestions for a new plan to the commission for a public hearing to modify the permit granted to Glemacy Builders.

R. Parrette asked G. Reil if the property was seeded. G. Reil stated that it was seeded in September. P. Zvingilas stated that the water was clear from the culvert pipe and that there was a little bit of sediment and a lot of leaves. There was discussion of this matter.

H. Heller submitted for the record a photograph taken at 8:30 a.m. showing clear water. M. Branse asked C. Fontneau and P. Zvingilas about the evidence of sediment into the pond as well as clear values for the pond. P. Zvingilas explained the upstream activity had reduced the amount of sediment into the road and into the pond. There was discussion of this matter.

R. Parrett suggested that photos of the pipe outlet into the pond should be taken every time there is a rain event until our next meeting. P. Zvingilas stated that he would need permission from the property owners.

M. Branse asked the parties if each would be willing for each others engineer to go to look at each others property to determine causes and get the full picture of the issues. He recommended that both parties submit a restoration plan and to keep the order in place during the continuance. There was discussion of this matter. T. Collier conferred with his client and that N. Johanson wanted his engineer assess his property and Mr. Reil's engineer on his own property. M. Branse stated that P. Zvingilas the wetlands enforcement officer can escort anyone he likes on everyone's property.

L. Laidley stated that the commission needs the engineer reports. S. Stadnicki asked M. Branse what their options were and if one of them was continuing this hearing. M. Branse stated that the commission can close this hearing if it feels it has heard enough information or whether it hearing should be continued to obtain any additional information and what that information would be and who should provide it. There was discussion of this matter including determining the next hearing date.

There was discussion of this matter to set a date for a continuance. S. Stadnicki made a motion to continue to show cause hearing to 1/11/09 at 2 p.m. to set a site walk for all properties noted on the

cease and desist order and then to 2/19/09 at 7:00 p.m. with the following stipulations that 1) an engineer report from Glemacy Builders; 2) the owners of lot 18 and any others that are relevant to be here to contribute to this issue by staff; 3) delineate on a map to where the green and white pipes are located; 4) what activity on the Johanson property that did or did not occur, if there were any permits issued for work done within a regulated area and delineated on a map; 5) a soil scientist review the Johanson property; 6) P. Zvingilas will coordinate the engineer site visit; 7) any photographs taken by staff of any events taken from now until the 2/19/09 meeting of the outlet into the pond, repair the silt fence on the Glemacy property; provide minutes of the June 16, 2005 minutes; 8) and any other cease and desist orders issued between 12/18/08 and 2/19/09; except as modified the cease and desist order is to remain in affect during the continuation. G. Norman seconded the motion.

There was further discussion of the motion regarding snow on the site walk where a sign can be posted on Myrtle Road continued to with the new date and any cease and desist orders be issued within 10 days of the February meeting on 2/19/09.

All were in favor. The motion was carried. All were in favor. The motion was carried.

R. Parrette called a 3 minute recess.

III. **Regular Meeting (7:30 P.M.)**

1. **Call to Order**

Vice Chairman Robert Parrette called this regular meeting of the Griswold Inland Wetlands & Watercourses Conservation Commission to order on December 18, 2008 at 11:20 p.m.

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

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

Absent: Chair Courtland Kinnie

R. Parrette appointed L. Laidley to sit for C. Kinnie and C. Matthews to sit for C. Gagne. It was determined that a quorum was present for this meeting.

3. **Applications**

A. CC 09-09 Gray, Michael D., 235 Buckley Road, Salem, CT. Property location: 100 Ashland Street, Jewett City. Applicant requests approval of residential activity within a regulated area for a 12 ft. x 16 ft. shed on crushed stone and patio blocks. The property is in the B-RC zone.

R. Parrette asked if anyone was here to represent the applicant. C. Fontneau explained that the applicant left due to the late hour and that the commission discussed this application at last months meeting.

J. Waitte made a motion to approve the application as presented. G. Norman seconded the motion. All were in favor. The motion was carried

B. CC 10-09 Knutson, Peter R. and Phyllis N., 268 Route 2, Preston, CT. Property location: 989 Voluntown Road, Griswold. Applicants request approval of residential activity within a wetlands or watercourse in order to repair retaining wall. The property is in the R-80 zoning district.

R. Parrette asked if anyone was present to represent the applicant. Peter Knutson was present. R. Parrette stated that this had a site visit to look at the existing wall and the application was put a wall on the other side of the boat area. He stated that he didn't have a problem with the area and that it would be beneficial for the erosion from the pond. There was discussion of this matter.

L. Laidley made a motion to approve the application as submitted. J. Waitte seconded the motion. All were in favor. The motion was carried.

C. A Draft Annual Report of the MS4 Stormwater Management Plan under General Permit GM 000169 to the Town of Griswold.

R. Parrette stated that this was the subject of a prior public hearing earlier this evening. C. Fontneau stated that there had been no input from the public. There was discussion of this matter.

S. Stadnicki made a motion to direct C. Fontneau to send the document as written to the DEP. J. Waitte seconded the motion. All were in favor. The motion was carried.

4. Additional Business (New Applications)

A. CC 11-09 Griswold School Building Committee & Town of Griswold, 28 Main Street, Jewett City, CT. Property location: 303 Slater Avenue, Griswold. Applicants request approval of commercial activity within a regulated area in order to demolish existing elementary school building and construction of a new facility in the same location. The property is in the R-20 zone.

R. Parrette asked if there was anyone to represent the application. James Sperry, Kaestle Boos, presented the application. He explained the project and the work that was within the regulated area and that there are no modifications for the area. He explained that there would be a reduction in the footprint of the building and no alterations to the drainage. There was discussion of this matter.

P. Zvingilas asked if this application would require a public hearing. There was discussion of this matter.

R. Parrette asked for a motion. S. Stadnicki made a motion to accept this application and to table it to the next regular meeting on 1/15/09. L. Laidley seconded the motion. All were in favor. The motion carried.

5. Reports from the Enforcement Officer

There was no report from the wetlands enforcement officer.

6. Old Business

There was no old business.

7. **New Business**

There was no new business.

8. **Approval of Minutes**

A. Approval of Minutes of the Regular Meeting of November 20, 2008,

R. Parrette asked if there were any corrections. J. Waitte made a motion to approve the minutes as presented. S. Stadnicki seconded the motion. All were in favor. The motion was carried.

9. **Communications**

A. Letter dated Autumn 2008 from Society of Soil Scientist of Southern New England regarding 2008 edition of the Society Of Soil Scientists of Southern New England

B. Rivers Alliance of Connecticut Annual Meeting, December 18, 2008, 5-7 pm. at Robinson & Cole, 280 Trumbull Street, Hartford

C. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Fall 2008, Volume XII, Issue 4

D. Christmas card from Branse, Willis & Knapp. LLC to the Inland Wetlands Commission.

R. Parrette stated that everyone received copies of the correspondence in their packets.

10. **Reports from Members**

There were no reports from members.

11. **Conservation Commission Matters**

There were no conservation commission matters.

12. **Adjournment**

R. Parrette asked for a motion to adjourn. J. Waitte made a motion to adjourn. L. Laidley seconded the motion. All were in favor. The meeting adjourned at 11:45 p.m.

Respectfully submitted,

Donna M. Szall
Recording Secretary