

**WOODSTOCK INLAND WETLANDS & WATERCOURSE COMMISSION
REGULAR MONTHLY MEETING
WOODSTOCK TOWN HALL, MEETING ROOM B
MONDAY, DECEMBER 3, 2018 AT 7:00 PM**

MEETING MINUTES

I. Call to Order: M. Parker called the meeting to order at 7:03 pm

II. Roll Call:

Members Present: Mark Parker (Chairman), Marla Butts, William Rewinski, Michael Thienel, Wayne Durst

Members Absent: Diane Wolff, Tina Lajoie (Wetlands Agent)

Noted for Record: Quorum

Others Present: Paul Torcellini, Russ Dowd, Evan Harbinson

III. Appointment of alternates: None

IV. Action on minutes of previous meetings – November 5, 2018:

W. Durst **MOVED** to **APPROVE** the meeting minutes of November 5, 2018; M. Thienel **SECONDED**.
MOTION CARRIED UNANIMOUSLY

V. Old Business

a. 11-18-27 Paul Torcellini, 47 Walker Lane – repair/replace unstable retaining wall at lake edge:

Paul Torcellini provided 3 sets of photographs and a new information packet containing other information previously requested by the Commission. P. Torcellini said in analyzing the failure of the wall, the wall was never properly interlocked so as it separated, surface water eroded through the corners and washed out behind the wall. In conjunction with a large dead hemlock tree the entire back side of the wall has washed out and is leaning towards the lake. He said his plan was to remove and replace this with a more stable system of larger interlocking blocks. Mr. Torcellini provided a cross section detail as previously requested by the Commission and noted this was on the east side of Camp Nahaco. Updated attachments were provided to the Commission and file.

P. Torcellini talked about stabilizing the interlocking blocks to prevent movement from wave action and added the blocks and the 6" stone base have a key in them. W. Rewinski asked how far below the lake surface it would be when the lake is lowered in the winter and, Mr. Torcellini confirmed it would be a few feet, and approximately 18" from the top of the wall down when the lake is full.

M. Butts asked Mr. Torcellini about his engineering experience; he replied he has a Ph.D in mechanical engineering, the Chairperson for Sustainable Energy for the State of Connecticut, a Principle Engineer at the National Renewable Energy Lab, and also a licensed Professional Engineer in the state of Ohio. M. Butts said typically with something like this on the water's edge, the Commission would ask for a PE seal and signature, but did not feel uncomfortable with Mr. Torcellini's claimed experience and training.

W. Rewinski asked if there were larger ski boats on the lake that would output a larger wake and overtop the proposed wall; P. Torcellini replied that it was doubtful. Mr. Torcellini explained the erosion was coming downhill, displaying one of the provided photos, adding that is where the failure occurred. He continued to say the steps were problematic since the water washes up in that area and removes material. W. Rewinski and Mr. Torcellini discussed the steps and dock area, and handling of the water behind the wall.

M. Butts asked P. Torcellini about the blocks that he will be using, Mr. Torcellini replied they were the StoneTerra Wall System and distributed nationally from Putnam.

M. Butts **MOVED** to **APPROVE** application 11-18-27 Paul Torcellini, 47 Walker Lane – repair/replace unstable retaining wall at Crystal Pond’s edge as identified in revised attachments received tonight (attachments a, c, d, e, and f); W. Rewinski **SECONDED**. **MOTION CARRIED UNANIMOUSLY**

b. Complaint of water diversion at 692 Rte 197 – Review of results of site walk:

M. Butts said on November 9, 2018, she and T. Lajoie walked up the hill south from Route 197 along the stone wall that separates Mr. Dowd’s property from his neighbor’s. M. Butts presented and explained the photographs brought to the Commission. M. Butts said as she and T. Lajoie were walking up the hill they arrived at a spot that was a fairly large pile of brush, which was on the neighboring property, and pointed out the area on the photographs that she submitted to the Commission. She noted that on the west side of the property there is a watercourse that flows down from the hill and crosses over the stone wall at two locations. Looking into Mr. Dowd’s property from near the brush pile, you can see a definitive channel that comes from the upper reaches. M. Butts described one of the pictures taken from Mr. Dowd’s property looking toward the brush pile which had very old tree trunks on it, but there was no evidence of any flow along the neighbor’s property, the brush pile is not diverting the flow to Mr. Dowd’s property, and it appears the water always went that way unless it had been changed prior to 2016. Judging by the age of the wood and surrounding vegetation it had apparently been cleared or modified, but no evidence of channel flow. There is however evidence of flow passing through the stone wall where the wall had slightly dropped.

The second place where the water course goes through the stone wall on the neighboring property farther to the south. M. Butts displayed a picture of the conditions surrounding the brush pile in that area on both the Dowd’s property and the neighboring property; she continued to say that the brush pile does not redirect the flows of the water course from the neighboring property onto Mr. Dowd’s property, and felt it always took that path unless something happened years ago that there is no evidence of.

M. Butts described several of the videos taken during the site walk which showed the flow of the water coming down the path, and Mr. Dowd explained where the water is coming across to his property due to the debris that was there. Mr. Dowd, M. Butts, and W. Rewinski discussed the occurrence, and M. Butts explained this same flow appears to have been the same for many years.

M. Butts read the IWWA Regulations regarding the placement of materials and regulated activity; she noted in the area where the old tree trunk was, there was also an old water tank and it appeared the brush pile may have increased over time. If the Commission determines this is a continuous water course, M. Butts suggested asking the neighbor to remove the water tank and noted the Commission could decide to ask the neighbor to remove the brush pile, leaving the large chunks of wood since they have been there for a long time, but felt this would not change what is occurring on the property. W. Durst stated that he had visited the area and, in his opinion, someone had placed the wood in that area as it appeared to be stacked.

M. Butts provided another scenario suggesting many years ago the areas where the water seeped through the wall became blocked and eventually blocked to the point of finding another route to flow through. Mr. Dowd and the Commission members discussed this scenario. M. Butts explained because of the lack of wetlands delineation, one option is the Commission could decide this is a continuous water course and that the neighbor has placed material within 100 feet of the water course and require its removal, but that would require the Commission knowing the large stumps were placed there after the laws went into

effect (less than 30 years). The other option would be to have T. Lajoie send a letter of inquire to the abutting property owner requesting that he come before the Commission and explain the activity on his property involving the brush pile.

W. Rewinski asked how long the abutting neighbor has owned the property for and Mr. Dowd believed the property was purchased by his neighbor in September of 2002; M. Parker asked the Commission if there was money available in the budget to hire the Town engineer for professional services. M. Thienel asked Mr. Dowd if there was pooling of water or increased channel depth in that area since he first noticed the problem; Mr. Dowd said yes but he had no idea of what was going on until one of the recent massive rain storms. Further review on “continuous water course” definition is needed.

M. Butts **MOVED** to request the Wetlands Agent Tina Lajoie to draw up and send a letter requesting the abutting property owner to Mr. Dowd’s property to come to the Wetlands Commission’s next meeting in January to discuss potential changes in drainage between his property and his neighbor’s, and to discuss any proposals he has regarding modifications to his property including the maintenance or enlargement of the brush pile on his property. W. Rewinski **SECONDED. MOTION CARRIED UNANIMOUSLY**

VI. New Business

a. 11-18-29 Richard Conte, 1222 Rt 169 – installing drains and fill in regulated area:

Evan Harbinson of Skip’s Wastewater Services, contractor for the applicant, noted he did not bring a site plan or survey and only had the materials he had already provided to the Commission. M. Butts asked if the septic system was failing, E. Harbinson replied that it was not. He continued to say he did an inspection approximately one week prior, and then found out from T. Lajoie that the proper channels needed to be adhered to for permit approval. E. Harbinson briefly explained the project.

M. Butts noted the English Neighborhood Brook currently has a FEMA Flood Study on it, therefore before taking any action it is necessary to determine where the floodplain is on this property and if this is a FEMA designated floodplain. E. Harbinson said in regard to the weather this week would have been suitable to work on this project; M. Butts asked about the elevation changes that would be made in the area and E. Harbinson replied approximately 1 foot and would be using approx. 120 cubic yards of fill. M. Butts was concerned with the fill and its supplier as construction fill would not be acceptable.

M. Butts and the Commission members reviewed the topography of the area using Google Earth and noted the probability of a FEMA Floodplain in that area; it is necessary to know whether or not the fill would be placed in the floodway as that would be prohibited under FEMA’s requirements.

M. Parker said procedurally when we received this application for consideration with the condition that they work with our Wetlands Agent to determine/delineate where the FEMA floodway is; M. Butts commented it could be a Wetlands Agent approval if the area is not in wetlands but if there is a floodway in the area, then filling would be prohibited. Commission members discussed receiving the application verses agent approval; M. Butts expressed hesitation due to the FEMA Flood Study in that area.

E. Harbinson said the applicant’s basement was continuously flooded and is drained by the sump pump into the backyard adding to the problem; the French Drain was to catch the water from the neighboring property and draw it out towards the creek. M. Butts noted that would not require any filling and could be installed as a use permitted as of right as maintenance in a residential home but will need to verify that this is not in the FEMA floodway.

M. Butts **MOVED to ACCEPT FOR CONSIDERATION** application 11-18-29 Richard Conte, 1222 Rt 169 – installing drains and fill in regulated area for consideration with the request that the Wetlands Agent

investigate the location of the FEMA designated floodplain and determine if there is a floodway that crosses this property in relation to the proposed work; W. Durst **SECONDED**.

MOTION CARRIED UNANIMOUSLY.

VII. Wetlands Agent Activity Report: None

VIII. Citizen's comments / other topics:

M. Butts **MOVED** to move agenda sub-item VIII.c ahead of VIII.b; W. Rewinski **SECONDED**.

MOTION CARRIED UNANIMOUSLY

c. Review of by-laws – request for change of meeting dates:

The Commission members noted the new revision to Bylaws Section 8.A “Regular meetings shall be held on the third Monday of each month at 7:00 pm in the Town Hall unless otherwise scheduled by the Agency”; M. Butts noted this would be the only change in bylaws at this time and reviewed the old bylaws dated July 2015.

M. Butts **MOVED** to **AMEND** the bylaws paragraph 8 subsection A that the regular meeting shall be held on the third Monday of each month at 7:00 pm in the Town Hall effective January 1, 2019;

M. Parker noted if the motion passes the 2019 scheduled dates would need to be revised.

M. Thienel **SECONDED**; **MOTION CARRIED UNANIMOUSLY**

b. Meeting schedule for 2019-2020:

The Commission members discussed and adjusted the proposed schedule to accommodate the third Monday of each month with appropriate provisions for holidays, and requested T. Lajoie to submit the changes to the Clerk's office.

d. Review of draft letter for BOS:

(included in item e. below)

e. Discussion on budget and needs for upcoming fiscal year:

M. Butts said she spoke with the Finance Director Karen Fitzpatrick regarding how the budget operates for Wetlands staff, noting the approved \$1000.00 budget stated “staff” whereas the reports now designate “staff overtime”. She went on to say according to K. Fitzpatrick the money for the first few instances Mrs. Durst was acting recording secretary came out of the staff funds, and as a consequence money was lost. M. Butts said the report does not designate what the money was spent on or who it went to, it only designates “fund payroll”. As of the end of November the balance was \$289.85 out of the \$1000.00 meaning there has already been \$710.00 spent. K. Fitzpatrick said if they wanted to have T. Lajoie attend the meetings the money would have to come from elsewhere in their budget and draw that down before requesting more funds from the Board of Finance. M. Butts noted funds for the new recording secretary where being drawn from the Board of Selectman's budget since she will be recording for several commissions, so there wasn't a need for concern in that area, however when T. Lajoie has attended the Wetlands meetings the Wetlands staff account has been charged.

M. Butts also pointed out that IWWC does not have its own camera to use in the field and personal cell phones had to be used for photographic documentation; she suggested drawing down the funds with an authorized camera purchase, which the IWWC should have for documentation purposes since it is not appropriate to use personal cell phone cameras for official Commission business. M. Butts briefly reviewed the letter she drafted to the BOS advising the anticipated request to the BOF for an increase of funds currently budgeted to the Wetlands staff account, which mentions the Wetlands Commission was in the process of reviewing the amount of increase in funding and consult with K. Fitzpatrick.

M. Butts talked about the total funds available in the budget, the cost of the camera, and the amount needed to have T. Lajoie included in the Wetlands meetings and noted the amount of time T. Lajoie has to divide between all of her other duties. She and the Commission members agreed they need to determine how much of T. Lajoie's time is needed per week before making any formal requests to the BOS or BOF.

M. Butts and the Commission members also discussed who was responsible for drawing up the agendas and the amount of time it takes and compared to how this was delegated in surrounding towns.

The Commission members agreed to ask for approx. 6 hours per week in the next fiscal budget for T. Lajoie as Wetlands Agent and a minimum of 2 hours per week for the remaining fiscal year; the proposed letter to the BOS was edited accordingly and per M. Parker's suggestions.

The Commission discussed and verified via the bylaws and ordinance the ability of contractual authority for budget purposes in the next fiscal year. M. Butts will re-draft the proposed correspondence to the BOS.

f. Discussion on purchase of digital camera for IWWA use in the field:

The Commission members discussed the details of the camera proposed for purchase for official IWWC use.

M. Butts **MOVED** to **APPROVE** the expenditure of up to \$200.00 for a digital camera either the same as or equivalent to the Canon Powershot ELPH190 as provided in the Commission packet to be available use by the Wetlands Agency and their designated Agent exclusively; W. Rewinski **SECONDED**.

MOTION CARRIED UNANIMOUSLY

g. Legal results ad – Bill due to Stonebridge Press - \$44.10:

M. Parker signed off on Legal results ad – Bill due to Stonebridge Press - \$44.10

h. Request from ECCD for contributory support of \$1,000 (only budgeted \$500):

The Commission members briefly discussed but did not see this item in the budget report. M. Butts read various meeting minutes of the request and associated discussions into record but it was unclear whether or not the BOF added this item in the budget. She requested to have T. Lajoie investigate if the funds were allocated and where they may have been misdirected to. M. Parker will instruct T. Lajoie to check with the town treasurer to determine if any monies are designated anywhere within the budget for ECCD.

IX. Adjournment:

M. Parker and the Commission members thanked W. Durst for his time serving on the IWWC.

W. Durst **MOVED** to **ADJOURN**; M. Parker **SECONDED**. **MOTION CARRIED UNANIMOUSLY**

The meeting was **ADJOURNED** at 9:38 pm.

Respectfully submitted by Terri Lasota, Recording Secretary

DISCLAIMER: These minutes have not yet been approved by the Inland Wetlands & Watercourse Commission. Please refer to next month's minutes for approval/amendments.