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2023 APR 27 PM 1:00

GRISWOLD INLAND WETLANDS CONSERVATION COMMISSION
SPECIAL MEETING MINUTES
APRIL 20, 2023, 7:30 PM
GRISWOLD TOWN HALL – FIRST FLOOR MEETING ROOM

Salute to the flag.

I. REGULAR MEETING (7:30 pm)

1. Call to Order

Chairman C. Kinnie called the meeting to order at 7:32 pm.

2. Roll Call & Quorum

Present: Pete Merrill, Courtland Kinnie, Kevin Franklin, Rob Parrette, Gary Serdechny, Town Planner Mario Tristany and Recording Secretary Karen Semmelrock. Chairman Kinnie noted that a quorum was present.

Absent: Glen Norman, Martin McKinney and Lawrence Laidley

25 Persons of Interest

3. Approval of Minutes—March 16, 2023 special meeting and March 22, 2023 special meeting

R. Parrette made a motion to approve the minutes from the 3/22/23 meeting. P. Merrill seconded the motion. All members voted to approve the minutes. All members voted to approve the minutes from the 3/22/23 special meeting.

Regarding the minutes from the 3/16/23 meeting, C. Kinnie stated that he had a couple of comments. C. Kinnie stated that on page 3, 2nd paragraph, 3rd line, "…inlet protection and filtration of D water…" he asked what D water meant. K. Semmelrock stated that she would listen to the minutes again to try to clarify. The second comment regards page 5, 3rd paragraph, second to last line, "…between 6' and 18' deep…" should be 6" and 18". No other corrections were noted. R. Parrette made a motion to approve the minutes with noted corrections. P. Merrill seconded the motion. G. Serdechny abstained from voting but all other members voted to approve the minutes with noted corrections.

4. Matters Presented for Consideration

5. New Business

A. CC 08-2023. 119 Lake Road. Pamela Carroll. Install a deck using concrete, pressure treated framing, composite decking. Silt fence will be used by water. No wetlands will be altered. Property is R-60.

C. Kinnie read the application into the minutes and asked if there was anyone present to represent the application.

Charles Carroll stated that he was there to represent his mother's application. C. Kinnie stated that there was only one copy of the plan. C. Carroll stated that that was all he was told to submit. C. Kinnie indicated to commission members that they were welcome to look at the plan on the desk in front of him.

C. Carroll stated that they want to put a deck on the back of the house. He stated that what is currently there is falling apart. He indicated where there would be concrete footings, steps and how the deck would wrap around the house. C. Kinnie asked if there would be any grading or fill required. C. Carroll stated that there would be no fill brought in. He stated that what they would be digging out to build would be put back where it came from.

C. Carroll stated that there is a silt fence in place and he indicated on the plan where there currently are retaining walls. C. Kinnie asked him to describe how the silt fence was installed. He stated that he put the fence in place and used gravel to hold the bottom in place. K. Franklin asked him if he dug down a little so the bottom of the fence is underground when he placed the silt fence. C. Carroll stated that he didn't want to dig next to the water so he just used the gravel to hold it in place.

C. Kinnie asked C. Carroll when he was looking to start. C. Carroll stated as soon as possible. C. Kinnie reminded him that this application will not be acted upon until next month's meeting. C. Carroll stated that he understood.

C. Kinnie asked the commission members if anyone else had any questions for the applicant. R. Parrette asked if there could be copies of the plan for all commission members for the next meeting. G. Serdechny made a motion to accept and table this application until the next meeting. K. Franklin seconded the motion. All members voted to accept and table this application.

B. CC 09-2023. 1559 Voluntown Road. DFG LLC (c/o Donald Gordon). Continued use of a historic outdoor storage area in support of nearby construction contractor's office. Activity includes cleanup of abandoned vehicles, auto parts, tires, etc., application of compacted asphalt millings to storage area, installation of landscaping and fencing.

C. Kinnie read the application into the record and asked if there was anyone present to represent the application. John Faulise from Boundaries LLC stated that he would be presenting the application.

J. Faulise stated that this property is located on the south side of Route 138, directly across the street from the former Petrillo's Garage. He stated that it was previously used as the storage lot for the garage when they were in operation. He stated that Mr. Gordon purchased the property to supplement the space for his construction business located at 7 Sheldon Road. J. Faulise stated that since Mr. Gordon purchased the property, a plan has been prepared. He stated that the historic use of a storage area will continue but that there will be some activity in the upland review area.

J. Faulise stated that the wetlands were delineated by Damian Sorrentino in February of this year and that they are indicated by blue in the plan. He stated that the plan includes installation of a sediment fence around the perimeter of the work area. J. Faulise stated that Mr. Gordon has been cleaning up the area and has removed a bus, several vehicles and car parts and approximately 500 tires. J. Faulise stated that the intent is to create an area that Mr. Gordon can continue to use for storage to supplement his business. He stated that the area will be treated with asphalt millings. J. Faulise stated that the curb cut that is out there currently is about 115' wide and that they are proposing to reduce that to a 24' driveway with appropriate radiuses onto the state road. He stated that the remaining area on the road will be reclaimed and loamed and seeded as will the landscape buffer that will be installed by the highway line with a double row of arborvitae 6 feet high,

staggered along the frontage of the property. He stated that there will be a 6 foot fence running across the front of the property behind the arborvitae with a gate in the center to accommodate the driveway access. J. Faulise indicated the cross thatched area on the plan between the fence and the property line and stated that that area would also be loamed and seeded.

J. Faulise stated that the property is approximately .75 acres (33,000 sq. ft.) and that they are proposing to use a surface area of about 11,000 sq. ft. for storage. He stated that this application has been presented to Planning & Zoning but that this is the first time before Inland Wetlands. He stated that they have provided a bond estimate for the landscaping and sediment fence to the town planner for the P&Z file. He stated that the bond estimate is approximately $16,000. He stated that once town approval is acquired, it will be forwarded to the Department of Transportation for an encroachment permit for the work in front of the highway line. He stated that the entire property is within the 150 ft. regulated area.

C. Kinnie asked if there had been equipment in there to remove all of the debris. J. Faulise stated that there was a mini excavator used but that he was not sure how the bus was removed as it was somewhat sunk into the ground. J. Faulise stated that there is some vegetation there now. He stated that there was a gravel surface in some parts of the property and that the surface treatment they are proposing is just to clean it up and make it more uniform.

P. Merrill asked if there was oil from the bus in the soil. J. Faulise stated that they have not done any soil investigations so he does not know.

G. Serdechny asked what kind of equipment would be stored there. J. Faulise state that it would primarily be enclosed trailers for his construction business. He stated that there may also be a couple of trucks parked there.

P. Merrill asked if there would be any type of berm to prevent runoff from going down to the wetlands. J. Faulise stated that the property is fairly flat now and that all activity is being kept from the top of the slope. P. Merrill stated that he has concern about what may be in the soil, including gas and oil. C. Kinnie stated that the property has been cleaned up significantly and that there is already an improvement.

R. Parrette wanted to confirm with J. Faulise that basically the property will be capped and that there will be no excavation. He asked about the pitch and if that will be away from the wetlands. J. Faulise again stated that the property is very flat and that there is a very slight grade from front to back.

R. Parrette made a motion to accept and table the application until the next meeting. G. Serdechny seconded the motion. All members voted to accept and table the application.

C. CC 10-2023. 39 Sheldon Road. Town of Griswold (owner Raymond E. Gravelin, Jr.). Applicant has secured easements with the property owner to backfill a retaining wall that holds back road base for Cook Hill Road and has begun to fall. Applicant proposes to back fill 106 lineal feet of wall using a 2 to 1 slope consisting of 96.19 cu. ft. of gravel. Once gravel slope is installed, loam and seeding of slope will be performed. Silt fence will be installed 10 feet from top of slope around work area.

C. Kinnie read the application into the record and noted that the 96.19 cu. ft. needs to be amended to cu. yds. and asked if there was anyone present to represent the application. Todd Babbitt, public works director for the Town of Griswold stated that he would be presenting the application.

T. Babbitt stated that the property owner has reached out to the town about the failure of the retaining wall. He stated that Boundaries LLC has done a defined boundary line determination and the majority of the wall is on the property owner's property. T. Babbitt stated that the property owner requested the town rebuild the wall because it retains the road. T. Babbitt stated that this is

costly. He stated that the town has done some testing further down to the east of this location by installing 3 targets on the wall that have been monitored over the last 3 winters. He stated that that section of the wall has moved 1/1000 inch in 3 years.

T. Babbitt indicated on the plan and with photos the actual washout and where there were fresh areas of erosion. He stated that their proposal is to fill that area. He stated that there are wetlands on the eastern side and there is also a brook that goes under Sheldon Road.

C. Kinnie noted that the commission secretary was not present at the meeting and appointed R. Parrette as secretary for the meeting to sign the photos into the record.

T. Babbitt noted that he had an email from the property owners stating that they are accepting of this method to correct the problem.

T. Babbitt stated that the plan includes the installation of a silt fence outside the fill area that will go beyond it. He stated that once they get the fill compacted in, they will loam and seed it with established vegetation.

K. Franklin asked T. Babbitt to explain what the plan means with the 2 to 1 slope and if that means burying the wall. T. Babbitt confirmed that they will be burying the wall, going from the wall to the slope into the property.

T. Babbitt indicated where there were trees growing and noted which ones would be removed. He stated that the property owners would like to save one tree. T. Babbitt stated that he told the property owner that they will try but can not guarantee it will survive all the work being done around it.

G. Serdechny asked if the erosion is due to runoff from the road and if that could be built up to prevent it in the future. T. Babbitt stated that right now, they are too close to the roadway. He stated that when the wall is stabilized, they could probably install a curb.

C. Kinnie asked T. Babbitt to correct the application to show yards instead of feet and initial it for the record. That was done.

C. Kinnie asked when they wanted to begin work on this and if there was a matter of urgency. T. Babbitt stated that they would like to work as soon as possible but understand that approval will not be given until the next meeting.

R. Parrette made a motion to accept and table this application until the next meeting. P. Merrill seconded the motion. All members voted to accept and table this application.

6. Old Business

A. CC 02-2023. Town of Griswold. Extension of the water distribution system along Preston Road from its current end point at the interchange with Interstate 395 continuing approximately 3,700 feet to the south to the northerly limits of River Ridge Golf Course. This project also includes the installation of new water main on Barber Road continuing along an existing cart path through 31 Barber Road to the proposed water storage tank site located at the highest point in the project area.

Chairman Kinnie read the application into the record and stated that this application had been presented at the last meeting. C. Kinnie asked commission members if they had any other questions for the applicant.

David McKay from Boundaries stated that he believed the question from the previous minutes was wastewater dewatering.

R. Parrette asked if there was any information on the water tower. M. Tristany stated that they are still working on funding. He stated that the CIF grant that had been applied for on behalf of the development and the town was not approved. M. Tristany stated that he met with the first selectman and that they will be working on a grant application for the next round of CIF grants that is due June 14. He stated that they are looking at additional grant programs in order to secure additional funding.

As there was no other discussion regarding this application, R. Parrette made a motion to approve this application. K. Franklin seconded the motion. All members voted to approve the application.

B. CC 05-2023. Heritage River Village Development, LLC. Construction of a multi-phased mixed-use commercial development located at 203-249 Preston Road. The initial phase includes an assisted/independent senior living facility, a memory care facility, a child development center and health and wellness facility, two mixed-use commercial/residential structures and four multi-family apartment buildings. The proposed activities include the construction of circulation driveways and parking areas, pedestrian sidewalks, utility services to each building, stormwater management system construction and landscaping. There are approximately 28.8 acres of regulated upland review area in within the parcel boundaries. Approximately 10.6 acres of the overall 31.2 acres of construction activity are located within the upland review areas. There is no proposed direct impact to wetlands as part of the initial phase. All proposed buildings will be served by public sewer and water. The stormwater management system has been designed to retain the water quality volume on site, provide 80% total suspended solids removal and result in no increase in peak runoff rates to the receiving wetland systems or the Quinebaug River.

C. Kinnie read this application into the record. He stated that this application had been presented at the last meeting and that the commission was waiting for the engineer review from David Held.

M. Tristany stated that the report had been received and that there were very minor questions and concerns. He stated that David Held met with Dave McKay and all concerns were addressed and satisfied. M. Tristany stated that there are revised sheets to the plan sets that address the concerns.

John Faulise from Boundaries asked to address the commission. He stated that Dave Mckay and David Kagan were also present regarding this application. J. Faulise stated that one of the questions the commission had at the last meeting was the comparison between the prior application and the current one. He stated that they had prepared a demonstration figure and distributed copies to all commission members.

J. Faulise stated that he wanted to emphasize that the current application is a stand alone application. He stated that the previous application may be helpful to see what was previously approved, it should not have any impact on the current application.

On the new illustration, J. Faulise indicated the red line which indicated the prior development footprint. He stated that was previously developed as a development area is very consistent with what is proposed in the current plan. He indicated the green boxes on the previous plan which were the original buildings on the prior approval. He indicated that the blue outlines were the infrastructure, roadways, etc. J. Faulise stated that one of the biggest differences between the prior application and the current one is that the current one includes the lower phase of multi-family housing. He also stated that the difference in impervious surface between the prior application and the current one is about 2.5 acres.

Dave McKay from Boundaries spoke about the concerns from the consulting engineer. He stated the first concern was access to the storm water basin NW to facilitate maintenance. He indicated on the plan where that was and stated that it receives runoff from the proposed fill slope behind the memory care building as well as the roof drainage from the memory care building. He stated that there is a flat graded area at the base of the fill slope that was intended for maintenance access and

that they have added a geogrid grass paving system for a formal maintenance route to access that area from the lower parking lot.

D. McKay stated that storm water basin NW would be built 10 ft. from the existing grade and is intended to infiltrate and recommends 1-2 test bits in the area of the basin to support the design. He stated that this could be handled post approval but prior to construction with the understanding that minor design changes may be necessary based on field data. He stated that this area of the plan is mapped as Hinkley loam sand and is hydrologic soil group A.

D. McKay next stated that they have also incorporated a curtain drain on the upmost side of the basin so that if, for some reason, groundwater conditions were elevated in this area, that would intercept the groundwater table and allow the basin to function as intended. He stated that this could be eliminated based on future test results.

Next, D. McKay spoke about storm water basin CR2. He stated that this basin had an underdrain system and the underdrain invert elevation was mislabeled. He stated that that has been corrected.

The next issue D. McKay spoke about was a cross section detail for water basin CR2 to provide additional information about how the bottom of the basin would be constructed with the underdrain system. He stated that this basin is intended to be vegetated with grass and, due to its proximity to inland wetlands and its location outside of the hydrologic soil group A soils, it's going to be provided with an underdrain system. He stated that they have added the requested detail.

D. McKay stated that comment 5 recommends that compaction requirement noted on the storm water basin detail be revised to relative compaction based on modified proctor test rather than standard proctor test. That change has been made.

D. McKay stated that the next recommendation is to add material requirements for clean fill and clay in embankment core material to make sure the embankment is impervious and that has been added to the plan. He also spoke about removal of topsoil from the embankment and specifying the surface treatment of the topsoil for each of the embankments.

D. McKay stated that there are 2 types of basins proposed for the project, the infiltration basins and the constructed small water wetlands. The specifications for each of those different styles of embankments were incorporated into the plan

D. McKay stated that the next item was storm water basin NR2. He stated that the comments are similar to the comments regarding storm water basin NW. He stated that there have been soil borings completed in that location but that they were completed in August and not during a period of high ground water. He stated that they have not encountered any ground water and that the soil is gravelly and of hydrologic soil group A. Similar to the previous requirement, there were 2 test holes in the area of the basin and also an underdrain curtain drain that could be eliminated from the plans if the soil testing supports it.

D. McKay stated that the final comment is recommending a formal swale to direct runoff from the discharge from flare to end number 7. He stated that this is the drainage discharge for the portion of the development he indicated on the plan. D. McKay stated that the grade generally flows in that direction but that without a concentrated flow path, there is a possibility that it could bypass the storm water basin. He stated that they have incorporated a four foot wide, 1 foot deep swale with 3:1 side slopes at the discharge point running along the road to discharge directly to that storm water basin.

M. Tristany confirmed that all issues by the town consulting engineer have been addressed and that there are no further concerns.

M. Tristany stated that he has prepared a conditions of approval document regarding this property should the commission decide to act upon this. He stated that some of the information came from soil investigation that was done with the previous plan. He read the following into the record:

CC 05-2023 Heritage River Village Development, LLC Conditions of Approval

RECOMMENDATIONS

To mitigate potential impacts to wetland functions we propose the following recommendations:

Wetland Protection Recommendations

1. Use directional lighting to minimize light spillage into the wetlands, which can negatively affect nocturnal breeding activities and migration patterns.
2. Maximize protection of tree canopy at the Limit of Disturbance (LOD) and reduce clearing limits where feasible.
3. Install a continuous 3-foot-tall silt fence at the LOD to prevent amphibians and reptiles from entering the construction area. This silt fence should be buried to a depth of 6 inches. It is also important that the silt fence have wings installed when it runs up and down the slope.
4. Prior to work in the construction area, the area shall be surveyed for amphibians and reptiles. Any animals found in the area shall be relocated to a safe haven on the undisturbed side of silt fence.
5. During the late-winter/spring migration period (ca. March-April) the silt fence should be inspected for amphibians and any encountered should be collected and relocated to other side. The precise timing of this effort shall be determined based on observed migration of amphibians at other wetlands monitored by EPS in Connecticut
6. To provide terrestrial amphibian habitat, coarse woody debris shall be placed at the limit of disturbance and on graded slopes where feasible or stockpiled and placed when feasible, under the direction of the project wetland scientist.
7. Erosion control blankets shall be biodegradable or fine meshed to prevent entrapment of amphibians and reptiles.
8. Construct sediment traps parallel to the contours to the extent feasible.
9. Reforest the LOD perimeter and temporarily disturbed upland review areas to minimize impacts to wildlife habitat.

Planting Recommendations

1. Invasive non-native species shall be eradicated or removed from upland review areas at the LOD and in Wetland 5 (including its remaining upland review area) after being identified and tagged by project wetland scientist.
2. Any herbicide used for invasive plant eradication or control shall be approved by the project wetland scientist and applied by a licensed professional.
3. A marker dye shall be added to any herbicides used for selective invasive plant removal.
4. Disposal of invasive plant material shall comply with CT DEEP "Guidelines for Disposal of Terrestrial Invasive Plants" http://cipwg.uconn.edu/wp-content/uploads/sites/244/2014/01/InvasivePlantDisposal_2014-01-23. Such material may be chipped and composted on site if done prior to flowering. After flowering, the material shall be disposed of offsite by being bagged, transported securely, and incinerated.
5. After removal of invasive plants from Wetland 5 (and its remaining upland review area) native trees and shrubs shall be pruned selectively for health and aesthetics. Disturbed soils shall be seeded with the seed mix New England Erosion Control/Restoration Mix (for detention basins and moist sites). These areas shall be enhanced with supplemental native trees and shrubs to be field located by the project wetland scientist. Recommended species include Black Gum, Chokeberry, Pussy Willow,

Shadbush, Highbush Blueberry, Winterberry, and Arrowwood Viburnum. Quantities and species shall be determined by the project wetland scientist.
6. Perimeter slopes and areas to be revegetated shall be topsoiled from onsite topsoil and seeded with the seed mix New England Roadside Matrix Upland Seed Mix.
7. Perimeter areas to be mowed shall be seeded with a conservation seed mix which does not require fertilizer such as "No Mow" Lawn Seed Mix (available from Prairienursery.com).
8. Plants shall be native species from New England sources to the extent feasible; cultivars or hybrids are not acceptable.

Griswold Consulting Engineer David Held, P.E. & L.S. Comments on the Heritage River Village Development.

In a letter to the undersigned date April 19, 2023, David Held, P.E., L.S., it was noted that site plan sheets 1 – 69 and the Storm Water Management Report dated March 2023 prepared by Boundaries, LLC. Minor comments were provided to the Town Planner and to David McKay, P.E.
David Held is in receipt of the corrected changes and has noted in his letter that "all concerns and comments have been adequately addressed.

Respectfully Submitted,

Mario J. Tristany Jr.

Mario J. Tristany Jr.
Town Planner & Wetland Enforcement Officer

C. Kinnie asked if the project has a wetlands scientist. D. McKay stated that it was Davison Environmental.

K. Franklin asked if the conditions of approval were requirements or recommendations. He was told that they are requirements.

R. Parrette made a motion to approve the application with the listed conditions of approval. P. Merrill seconded the motion. All members voted to approve the application.

C. CC 06-2023. 107 Rill Brook Road. Karin and Jeff Hutchinson. Renovations taking place at campground. Existing permits in place from IWWCC, Uncas Health District and Building Department. Cottage 1-request for free standing deck (24x10) on lakeside of cottage and exit ramp on side. Three (3) 10x14 pergolas placed over existing cement pads. 12x14 pavilion next to cottage 3.

C. Kinnie read the application into the record and stated that this application had been presented at the last meeting. He asked the commission members if they had any further questions for the applicants. There were none.

R. Parrette made a motion to approve the application. G. Serdechny seconded the motion. All members voted to approve it.

D. Show Cause Hearing for property located at 52 Myrtle Road, Griswold, CT. Property owner Carolyn Mcgonagle. Construction Work and the Installation of Structures without permits within Pachaug Pond and within the 75 ft. upland Review Area of Pachaug Pond.

C. Kinnie read the show cause hearing into the record. He also indicated that there is a current application for the work done at this property. He asked the property owner or their representative

to address the commission. He stated that there are some orders that have come from the building inspector regarding this property.

William McCoy stated that he was present to represent the applicant. He stated that Boundaries LLC had produced a site plan with an overlay showing the work that had been approved in 2018 as well as the work the current owners have done.

J. Faulise indicated that everything in red on the plans was from the prior approval.

K. Franklin stated that when the commission did the site walk, he was trying to get a sense of the concrete blocks and wanted to know where they are in the plans. J. Faulise indicated where the blocks were on the plans. He stated that the gray on the plan indicated what is there now and the red indicated what was there previously.

J. Faulise indicated on the plan where the current edge of the pond is.

C. Kinnie noted that on the plan, there is a portion of the deck that is to be removed. Attorney McCoy stated that it approximately 12 sq. ft.

Attorney McCoy stated that what they are seeking is approval of work that has been done on the property which is in excess of what has previously been permitted. He stated that there are a couple of exceptions to this. The first is the work that was done on the other property. The second is the removal of the two buried plastic barrels. He stated that those cannot be removed without the use of equipment but will be removed.

K. Franklin asked about the wall. He stated that the line that follows the edge of the pond now follows the base of the concrete wall. J. Faulise confirmed that. K. Franklin then asked about before those concrete blocks were placed there. K. Franklin asked about before the concrete blocks were placed there. He asked where the edge of the pond was at that time. J. Faulise stated that the edge of the pond was behind where the concrete blocks are now. He stated that the concrete blocks were placed when the pond was drawn down so there was no work done in the water.

J. Faulise stated that the property owner actually owns the pond bottom out to the center of the river in this location. Attorney McCoy confirmed that and stated that it was because this is not a public waterway.

P. Merrill asked how far the right of way extends. J. Faulise stated that it extends to the edge of the water but not into it.

K. Franklin asked if DEEP has to sign off on the change of the type of wall from being a rocky slope to solid concrete blocks. J. Faulise stated that over the course of many applications over the years, DEEP basically takes a hands off approach. C. Kinnie confirmed that there has never been a standard approach to the shoreline from DEEP and that every application has been treated differently.

P. Merrill wanted to confirm that they are being asked to approve work that was done without permits and leave everything in place. He stated that he believes this is a very bad precedent. C. Kinnie stated that that is what this commission is being asked in addition to the impact that removing the structures would have. C. Kinnie stated that at the first meeting, the town attorney stated that one resolution would be for the property owner to come in with an application.

Attorney McCoy stated that this is not a unique situation and that there are many times people come in with applications after the fact. He stated that does not make it right, just that it does happen. He stated that the question becomes for the commission to analyze the impacts this construction has had and whether or not those impacts are significant. The other factor is to see whether removing the structures would leave the area worse than letting what is there remain.

G. Serdechny asked if there were any reports from experts stating what the damage would be in removing the structure. Attorney McCoy stated that there is no report from an expert but that this commission should be able to figure out that, for example, taking out the retaining wall would cause some sedimentation issues. He believes that removing the rest of the structure may have the same impact.

K. Franklin stated that he shares P. Merrill's concern that this will set a dangerous precedent. He stated that he understands that DEEP has not been very involved in things that have happened on this pond, he feels that there may be concern when it is noted that the concrete blocks extend 10 feet into the pond from where the edge used to be. He feels that this is actually changing the pond.

J. Faulise stated that many people try to do work during draw down periods and may have the best of intentions. He stated that because the pond level is down, there is shifting of the pond edge.

C. Kinnie asked M. Tristany if the receipt date of the application starts the clock again and he confirmed that. C. Kinnie stated that that gives the commission time. C. Kinnie stated that he would like to hear the comments from Attorney Slater who was not present at the meeting. R. Parrette agreed with that.

C. Kinnie asked if there were some way a notice could be attached to this property so that nothing like this would happen in the future. Attorney McCoy stated that the commission could require a notice on the land record which would be notice to anyone involved with this property or who may purchase it in the future. It could simply be a requirement for permitting before any work is done within the upland review area.

G. Serdechny stated that that is already part of the regulations. Attorney McCoy stated that it is part of the regulations but a notice on the land records is reinforcement that this has been a prior problem and that they need to be aware of it. J. Faulise stated that it would become part of the title report.

C. Kinnie stated that he would definitely want something like that put in place.

Mike Roberts tried to ask a question and was told this was not a public hearing and that comments from the public were not being taken. He stated that this is a public hearing and regardless, this is his complaint. C. Kinnie stated that this is a continuation of a show cause hearing with an application.

Mrs. Roberts stated that their property is adjacent to the property being referenced. C. Kinnie acknowledged that they did have legal representation at one of the meetings. Mrs. Roberts stated that they had been out of town for one meeting but they are able to be here tonight and want to be able to speak. She wanted to know how this commission could grant a permit for a non-buildable lot as the property card states. Attorney McCoy stated that this is not a building permit being requested, it is activity within the upland review area. Mrs. Roberts stated that that property is deeded to multiple people.

C. Kinnie stated that this commission has a very focused jursidiction and that they need to stay on topic. He stated that other legal questions concerning other permits and land use are not the purview of this commission. M. Roberts stated that he wanted this meeting continued so that both attorneys could be present.

P. Merrill asked M. Tristany what the decision of the building official was in regard to the electrical work. M. Tristany stated that on March 22, 2023, the building official issued a building violation order to Carolyn McGonagle which reads as follows:

Dear Ms. McGonagle,

It was recently brought to our attention by the Griswold Inland Wetlands Conservation Commission that property owned or under your control located at 52 Myrtle Road, Griswold, CT is in violation of Section(s) R105.1 Permits Required of the 2022 Connecticut State Building Code (enclosed).

Violation and Required Corrective Action:

The completion of underground electrical work without the proper permits and inspections. Please remove any and all electrical work that was completed without permits in place.

YOU ARE HEREBY ORDERED TO CORRECT SAID VIOLATIONS.

This matter is brought to your attention so that you may take appropriate action. If this violation is not corrected within 30 days upon receipt of this notice, the Town will be forced to take such measures as are deemed appropriate, immediately thereafter, without further notice to you.

Sincerely,
Carl Brown
Building Official

PLEASE NOTE: All work requires a review and permits/approvals from this office. For further information, please contact the Building Department at (860) 376-7060 x2110.

M. Tristany stated that the permit was pulled for 45 Myrtle Road. He stated that the permit was for a water feature and light. The owners got the permit for 45 Myrtle Road, trenched an underground conduit under Myrtle Road to the water's edge. He stated that the Boundaries site plan shows the locations of 2 underground conduits. M. Tristany stated that he spoke to the building official who told him you cannot install power that way. He stated that Eversource would have to provide electricity to the property at 52 Myrtle Road. He stated that in addition to the electrical work being done illegally, the trench would have required an inland wetland application. He stated that this information has been sent to Attorney Slater.

M. Tristany stated that in addition to the electrical work being sent to Attorney Slater, he was informed that the deck that was built was considered a structure. He stated that under the building code, structures have a setback requirement from property lines. This structure was built right on the property line. M. Tristany stated that he has requested input from Attorney Slater regarding this.

R. Parrette asked if the conduit could be removed without a permit from this commission as the work would be done within the upland review area. He was told it couldn't. J. Faulise stated that there is an open permit and that they could make an amendment to that application.

Mrs. Roberts began to ask if the commission was aware that Uncas but she was cut off and told again that this is not a public hearing. C. Kinnie stated that this commission will not be taking any action at this meeting.

R. Parrette stated that he wanted to make sure Attorney Slater has all of the information necessary so that all issues and questions can be answered by the next meeting. One piece of information regarded vehicular traffic on the property and how the construction of the dock may interfere with that. Attorney McCoy stated that the rights to that right of way are not something that either the town or Planning & Zoning determine.

R. Parrette stated that one other question that had been raised was the possibility of putting in permanent bollards within the upland review area to ensure that no vehicular traffic gets to the water. M. Roberts stated that that would be a restriction of deeded owners. He and Mrs. Roberts continued to state that they had copies of all of the deeds. C. Kinnie again reminded them that this was not a public hearing and that comments from the public were not being taken.

There was discussion among commission members regarding how the process will actually work. According to the regulations, IWWCC needs to give approval before zoning can act. It was discussed that they would need a ZBA variance to build on a property line but that ZBA does not act until there is approval from IWWCC.

R. Parrette stated that he thinks there should be a separate application for the removal of the electrical so that there are 2 distinct applications. It was decided that this issue could wait. C. Kinnie stated that there was not much more to do with this application at this time and that they would wait for input from the town attorney.

R. Parrette made a motion to table this application until the next meeting. P. Merrill seconded the motion. All members voted in favor of tabling this application.

7. **Reports from the Enforcement Officer**

There were none.

8. **Reports from Commission Members**

R. Parrette stated that the application the commission received for Lake Road was incomplete and should not have been accepted. He stated that he did not see anywhere on the application the wetlands delineation for the upland review area. He asked that only completed applications be accepted in the future. He stated that the commission is unprepared if all of the information is not available.

9. **Conservation Commission Matters**

C. Kinnie reminded members that Earth Day was on April 22. He reminded commission members that the transfer station would be open until 1 pm so that any trash that was picked up could be dropped off.

10. **Adjournment**

R. Parrette made a motion to close the meeting. G. Serdechny seconded the motion. All members voted to close the meeting at 9:14 pm.

11. **AQUIFER PROTECTION AGENCY**—This meeting is cancelled due to lack of applications.

Respectfully Submitted,

Karen T. Semmelrock

Karen Semmelrock
Recording Secretary