

**INLAND WETLANDS & WATERCOURSES COMMISSION  
REGULAR MEETING – JULY 28, 2015  
WOLCOTT TOWN HALL, COUNCIL CHAMBERS  
MINUTES 6:00 P.M. PAGE 1 of 7**

**Note: These are summary minutes. A tape recording of this meeting is on file in the Inland Wetlands and Watercourses Office, Wolcott Town Hall.**

Chairman Garrigus called the meeting to order at 6:00 p.m., with the Pledge of Allegiance and attendance was taken.

**Members Present:** Mark Garrigus, Brian Lanese, Ed Myers and Richard Tucker

**Members Absent:** Chris O'Brien and Bill Harpin

**Alternates Present:** Jared Kosky

**Alternates Absent:** Ryan Bessette

**Also Present:** Mr. Ronald Lavigne Jr. Rebekah L. Lavigne, Bryan Panico and Roger Harbanuk Esq.

Chairman Garrigus seated Jared Kosky as a regular member.

**Approval of Minutes:**

- June 23, 2015 Regular Meeting Minutes

Upon **MOTION** by Ed Myers, seconded by Brian Lanese, it was unanimously voted to **approve** the minutes of the June 23, 2015 Regular Meeting with the following amendment: Page 2; Under New Business: remove 3,200 sq. ft. and replace with 32,000 sq. ft.

**CORRESPONDENCE**

There were none.

**CHAIRMAN'S REPORT**

Chairman Garrigus stated that they had 9 signoffs with no impact to wetlands.

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**SUB-COMMITTEE REPORTS**

There were none.

**PUBLIC REQUESTS**

There were none.

**OLD BUSINESS**

- **Permit Application #15-004-Keith Lavigne Lot #67 Wolcott Rd, Wolcott, CT proposing to construct a new home 2,400 square ft. Also, construct a 180 linear foot retaining wall along the shoreline to the west/southwest.**

Chairman Garrigus noted that they did receive an updated set of drawings on the comments from their last meeting on July 2nd (on file).

Mr. Brian Pancio came forward to state that he is from Harry Cole & Sons. He noted that they are the Engineering Company that prepared the plot plan for Mr. Lavigne.

He explained to the commission members that they will have roughly 600 sq. ft. of wetland impact. Also, they will be disturbing 150 sq. ft. of the review area which is for a small portion of the deck and house. He added that they have sedimentation measures in place and all disturbed areas will be loamed and seeded.

He noted that the following concerns were addressed:

- 1) They have a rip rap spillway just to the south of the driveway because the commission had concerns of scouring of storm water coming off of the road.
- 2) The plan shows a 100 foot review area as opposed to a 50 foot review area,
- 3) They defined the clearing limits
- 4) The water treatment discharge which is for the future water treatment of the well, if needed, has been moved further away from the lake.

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- 5) The inland wetlands to the north of the property as well as the 100 review have been added to the plan which is an approximate location of the wetlands.

He believes that they have addressed most the comments that the commission had at the prior meeting.

Chairman Garrigus referenced the future water treatment which is something new from the Health Department for the septic system. He added that they did receive the basic specifications and it is not mandatory. He also noted that they needed to locate space for this, at which time; he thanked Mr. Panico for educating them on that.

He pointed out that there were a few changes on the proposed retaining wall which was moved back a couple of feet.

Mr. Panico explained that there were some locations where the retaining wall was a little closer to the water's edge. He added that they have done their best to get the front edge of the retaining wall 3 feet away from the water's edge and from the wetland area. He noted that they should never be at a point where the water is directly touching the wall. He also stated that there should be small amount of shoreline there. He noted that there was a concern on the height of the retaining wall. He then explained that they moved it back, so it roughly follows the 92 ft. contour and the top of the retaining wall at all levels are not 93 ½ ft. So the retaining wall would be exposed 1½ ft.

Chairman Garrigus asked what is the reason for the retaining wall, at which time, Mr. Panico said it is for a grading perspective and unfortunately the applicant couldn't be there tonight. He noted that Mr. Lavigne's goal was to clear that area so they could put in the wall and make it a little more level, and flatter. Also they wanted to protect the water being pushed up during storms.

Mr. Ronald Lavigne stated that his brother wanted to stabilize the shoreline a little bit better.

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Chairman Garrigus questioned if there is any erosion on the shoreline now, at which time Mr. Pancio said it is mild because it is vacant right now.

Vice Chairman Tucker questioned if they have been out to look at the site, at which time Mr. Pacino replied he has.

Vice Chairman Tucker questioned if they walked the shoreline.

Mr. Panico replied maybe not the whole shore line of the site. He noted that he did walk from the south where they are showing the house to almost where they are showing the clearing limits with Chesprocott.

Vice Chairman Tucker said from your assessment from what you saw there was “quote “mild erosion” unquote, at which time Mr. Pancio replied yes. Vice Chairman Tucker noted he would find it every hard to believe that it is from the site, as there has been no sufficient activity on the site as well.

Vice Chairman Tucker said what they are saying is the purpose of this wall is to improve the grading of the property and also to stabilize the shoreline.

Vice Chairman Tucker mentioned that he listened to the tape from the last meeting, which he wasn't present. He indicated that there was no mention at the last meeting and tonight regarding any environmental study done or a soil scientist to check what impact this wall would have on the environment.

Mr. Panico replied they have not specifically done that on this project and he believes these wetlands were actually flagged when this property originally was done. He noted that these are seasonal wetlands, would there be an impact to these wetlands yes, some of them might be removed to the west of the property because once the wall is constructed in that area and filled, it would be a grassed area, as far as the wetlands on the other side of the wall on the lake side of the wall any disturbance to that area it would generate back to same condition there.

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Chairman Tucker asked if that was his opinion or a professional assessment, at which time Mr. Pancio said that is his professional opinion and they have not had a soil scientist's opinion regarding the wall or how the wall would affect the property directly.

Chairman Tucker said they mentioned that the impact is approximately 600 square feet of wetlands is that correct, at which time Mr. Panico said correct.

Chairman Tucker said did he miss something, did they say that there was a proposal for accommodating loss.

Mr. Pancio noted that they have not addressed that like mitigation for the 600 ft. somewhere else on the property. Also, they have not and if that is something that the commission would like, they will address through planting new species.

Vice-Chairman Tucker said the reason he is asking these questions are the following:

- 1) He checked with both Statutes and DEEP regulations and there are no specific regulations which the DEEP has in place that regulate activity on shorelines, however, it also strongly states that it is best for Muskegon environments to be left in their natural state. So he further investigated and this was developed by DEEP that the upper littoral zone which is where they will be impacting is most highly affected and that is the strongest impact to any mackerel in vernal communities and throughout the project and the environment which high activity will be along the shoreline, so they recommend that they don't touch it.

He added that his background is a geologist and he did his own assessment from the north side of the property all the way down to wetland flag #5. He indicated that the bank stabilization is perfect there and there's been absolutely no erosion evident. He also questioned if he noticed the boulders there, at which time Mr. Panico said yes.

Vice Chairman Tucker noted he doesn't see anything wrong with the plan except the wall.

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At which time Vice Chairman Tucker suggested one of two things.

- 1) Leave the shoreline as is and put in a cantilever dock with footings, which will not be impacting the environment
- 2) Take the wall out and move it back at least 10 feet and there is a buffer to the environment. They could scratch everything that he said and put in a 25 foot wide retaining wall where they would like to put in a dock and that would be south of the boulder area which would be between wetland flag #6 and #7.

Mr. Panico said he understands.

Vice Chairman Tucker added that their purpose is to protect the environment and at the same time make the potential homeowner happy.

Mr. Lanese referenced the future water treatment and questioned if that is just for the back flushing, at which time Mr. Panico said yes.

Mr. Kosky asked if the retaining wall was a suggestion of Mr. Panico's company or the owner of the property.

Mr. Pancio said it was requested originally and they looked into it and speaking with the health department they said it wouldn't necessarily be a bad idea. He added that they have not actually had a soil scientist from their company go out there to do an investigation but he understands the commission's concerns and they will address that.

Chairman Garrigus pointed out that there are two options:

- 1) They could approve the house.
- 2) Remove the wall and come back with another application based on their suggestions.

Attorney Roger Harbanuk came forward to ask if they could have a five minutes recess.

Upon **MOTION** by Ed Myers, seconded by Brian Lanese, it was unanimously voted to take a 5 minute recess.

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Chairman Garrigus called meeting back to order at 6:35

Roger Harbanuk, Esq. from Borghesi Harbanuk & Wilson LLC came forward to state that he is representing the applicant, at which time he indicated that they want to eliminate the wall from the plan, and they are looking for approval on the house and then they will come back another time for the wall.

Upon **MOTION** by Richard Tucker, seconded by Ed Myers, it was unanimously voted to **Approve** Permit Application #15-004-Keith Lavigne, Lot #67 Wolcott Road, Wolcott, CT, to construct a new home of 2,400 sq. ft. and to eliminate the construction of retaining wall on the shoreline.

A roll call vote was taken.

	Yes	No	Abstain
Richard Tucker	x		
Ed Myers	x		
Brian Lanese	x		
Jared Kosky	x		
Mark Garrigus	x		

**New Business**

There were none.

**EXECUTIVE SESSION**

There was none.

**ADJOURNMENT**

Upon **MOTION** by Ed Myers, seconded by Brian Lanese, it was unanimously voted to **adjourn** at 6:35 p.m.

APPROVED:

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Mark Garrigus– Chairman  
INLAND WETLANDS COMMISSION

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Dolores Distiso  
COMMISSION SECRETARY