

**TOWN OF EAST WINDSOR  
INLAND WETLANDS WATERCOURSE AGENCY**

**Regular Meeting – April 6, 2011**

**\*\*\*\*\* Draft Document – Subject to Commission Review\*\*\*\*\***

**CALL TO ORDER:** Chairman Ceppetelli called the Meeting to order at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

**ESTABLISHMENT OF QUORUM:**

**Present:** Regular Members Michael Ceppetelli (Chairman), Michael Koczera, Richard Osborn, Ronald Savaria, Michael Sawka, Robert Slate, and Alternate Members Alan Baker and Ronald Hocutt.

**Unable to Attend:** Regular Member John Malin and Alternate Member Katherine Roloff.

**Guests:** Selectman Richard Pippin (Inland/Wetlands Liaison).

Chairman Ceppetelli noted the establishment of a quorum with six Regular and two Alternate Members as listed above. All Regular members will sit in on votes this evening. Alternate Members will serve in rotation as noted at each Agenda Item. Also in attendance was Wetlands Agent/Zoning Enforcement Officer Robin Newton.

**AGENDA ADDITIONS:**

Chairman Ceppetelli acknowledged receipt of the following Agenda Additions:

- **#04-2011 NEWBERRY ROAD ENTERPRISES, LLC:** Wetlands Restoration/Expansion of Volume Reduction Facility. This property is located at 68 Newberry Road, nearest intersection being Craftsman Road. Assessor's Map 093, Block 19, Lot 006.
- **#05-2011 NEWBERRY ROAD ENTERPRISES, LLC:** Stump Land for Expansion Agricultural Crop Land. This property is located at 68 Newberry Road – Rear, nearest intersection being Craftsman Road. Assessor's Map 093, Block 19, Lot 009.

**MOTION:** To ACCEPT the under **NEW BUSINESS TO BE RECEIVED** the following Applications: **#04-2011 NEWBERRY ROAD ENTERPRISES, LLC: Wetlands Restoration/Expansion of Volume Reduction Facility. This property is located at 68 Newberry Road, nearest intersection being Craftsman Road. Assessor's Map 093,**

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**Block 19, Lot 006; and #05-2011 NEWBERRY ROAD ENTERPRISES, LLC: Stump Land for Expansion of Agricultural Crop Land. This property is located at 68 Newberry Road – Rear, nearest intersection being Craftsman Road. Assessor’s Map 093, Block 19, Lot 009.**

**Koczera moved/Slate seconded/VOTE: In Favor: Unanimous**

**APPROVAL OF MINUTES – March 2, 2011:**

**MOTION: To APPROVE the Minutes of Regular Meeting dated March 2, 2011 with the following amendments:**

**Page 1, Line #20, ESTABLISHMENT OF QUORUM, Guests: “Selectman Richard PIPPIN (Inland/Wetlands Liaison).....”**

**Page 5, Line #199, MISCELLANEOUS/1. Fee Schedule – Discussion of possible changes to fee structure: “Wetlands Agent Newton advised the Commission THAT Connecticut General Statutes (CGS).....”**

**Page 6, Line #254, MISCELLANEOUS/1. Fee Schedule – Discussion of possible changes to fee structure: “Chairman Ceppetelli suggested that rather than ~~taxes~~ the FEE revenue pays for Wetlands.....”**

**..... moved/.....seconded/VOTE: In Favor: Unanimous**

**Page 6, Line #271, MISCELLANEOUS/1. Fee Schedule – Discussion of possible changes to fee structure: “.....multi-million DOLLAR development. ....”**

**Osborn moved/Savaria seconded/**

**VOTE: In Favor: Unanimous - Ceppetelli/Koczera/Savaria/Sawka/Slate/Baker**

**Opposed: No one**

**Abstained: Osborn/Hocutt**

**LEGAL NOTICE:**

Commission Secretary Savaria read the following Amended Legal Notice, which appeared in the Journal Inquirer on Friday, March 25, 2011, and Friday, April 1, 2011:

Town of East Windsor Inland Wetland Watercourse Agency: The East Windsor Inland Wetland Watercourse Agency will hold a regular meeting starting at 7:00 p.m. on Wednesday, April 6, 2011 at the East Windsor Town Hall, 11 Rye Street, Broad Brook, Connecticut, with the following Public Hearings to be heard:

- #02-2011 – Town of East Windsor & KROS East Windsor, LLC – Mitigation Measures Project – Reservoir Avenue (Kogut Farm). This property is located on the south side of Reservoir Avenue nearest intersection being Windsorville Road. Assessor’s Map 078, Block 57, Lot 001. Total Parcel is 152 Acres.
- #03-2011 – KROS East Windsor, LLC – Construction of Commercial/Retail

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Facility with associated parking and utility infrastructure located at 44 & 54 Prospect Hill Road. This property is located on the east side of Prospect Hill Road nearest intersection being Newberry Road. Assessor's Map 92, Block 17, Lots 030 and 029. Total Parcel is 18.5 Acres.

Copies of application, documentation and plans are on file in the Planning & Development Office. All interested persons may appear and be heard. Dated at East Windsor, CT this 21<sup>st</sup> day of March 2011.

Ronald Savaria, Secretary, East Windsor Inland Wetlands Agency.

Chairman Ceppetelli suggested each Application should be heard, and voted on, separately. He suggested Application #03-2011 – Construction of a Commercial/Retail Facility at 44 & 54 Prospect Hill Road should be heard first, as the mitigation being proposed under Application #02-2011 – Reservoir Avenue (Kogut Property) is being done to offset the filling of wetlands at Prospect Hill Road.

**MOTION: To TAKE THE PUBLIC HEARINGS OUT OF ORDER.**

**Osborn moved/Slate seconded/VOTE: In Favor: Unanimous**

**NEW PUBLIC HEARING: #03-2011 – KROS East Windsor, LLC – Construction of Commercial/Retail Facility with associated parking and utility infrastructure located at 44 & 54 Prospect Hill Road. This property is located on the east side of Prospect Hill Road nearest intersection being Newberry Road. Assessor's Map 92, Block 17, Lots 030 and 029. Total Parcel is 18.5 Acres. (35 Day Public Hearing Period will end May 11, 2011):**

Chairman Ceppetelli read the Hearing description for Application #03-2011. He noted Alternate Member Baker would sit in on any action that might occur regarding this Application.

Attorney Tom Fahey, representing the Applicants, introduced the following Application Team present at this Meeting: Eric Spungin, of 56 East Main Street, Avon, CT. 06001, developer; Rob Oris, of 908 South Meriden Road, Cheshire, CT., developer. Also present to give testimony on the report submitted to the Commission regarding the wetlands were the following consultants from Milone and MacBroom: Darin Overton, Professional Engineer; Steve Dietzko, Vice President; Matt Sanford, Senior Environmental Scientist; and William Root, Senior Environmental Scientist and Certified Professional Soil Scientist.

Attorney Fahey concurred that two separate Applications have been submitted – one on the mitigation parcel (Reservoir Avenue) and one on the commercial property (Prospect Hill Road) but he suggested it's difficult to separate the testimony as the information is interrelated, and the Commission must understand how the activity on the commercial

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property is being mitigated on the Kogut parcel. He suggested the Commission could take public participation on the entire presentation, but consider separate votes. Wetlands Agent Newton concurred. The Commission agreed to hear presentations on both parcels simultaneously.

For clarity, the second Application being heard is: **NEW PUBLIC HEARING: #02-2011 – Town of East Windsor & KROS East Windsor, LLC – Mitigation Measures Project – Reservoir Avenue (Kogut Farm). This property is located on the south side of Reservoir Avenue nearest intersection being Windsorville Road. Assessor's Map 078, Block 57, Lot 001. Total Parcel is 152 Acres.**

Chairman Ceppetelli noted Alternate Commissioner Hocutt will sit in on, and vote on, Application #02-2011.

Attorney Fahey noted the Applications were submitted and received at the Commission's previous Meeting. Mailings to abutting property owners have been submitted to the Planning Office. The Application Team has responded to Staff comments; approval has been received from the Water Pollution Control Authority (WPCA) for a sewer connection.

Application #03-2011 proposes construction of a 200,000 square foot retail building on the parcel located at Prospect Hill Road and Newberry Road. Attorney Fahey reported 2.6 acres of low quality isolated wetlands with no nexus to other bodies of water or vernal pools will be filled to complete the construction of the building. Attorney Fahey noted a study prepared by the Army Corp of Engineers (ACOE) is on file with the Commission from an earlier discussion which describes the quality of the wetlands. Attorney Fahey requested a copy of the ACOE study be made a part of the file for Application #03-2011. The Applicant is proposing to fill these wetlands at Prospect Hill Road; to compensate for the loss of these wetlands they are also proposing a 1 to 1 off-site mitigation on the Town-owned Kogut property which is located across the street from the town swimming facility on Reservoir Avenue. Attorney Fahey reported the mitigation proposal has been well received by the Board of Selectmen (BOS) and the Planning and Zoning Commission (PZC), mostly because it will increase the water quality at the swimming facility.

Attorney Fahey introduced William Root (Senior Environmental Scientist and Certified Professional Soil Scientist) from the firm of Milone and MacBroom.

Mr. Root referenced his report entitled "Existing Conditions, Wetlands Delineation, and Impact Assessment – Proposed Commercial Development, Newberry Road and Prospect Hill Road (CT Route 5), East Windsor, CT" dated February 28, 2011. He summarized the parcel gradually slopes from north to south towards Newberry Road. The northern parcel contains 14+/- acres which have been converted from old farmland; to the south is an additional 4+/- acres. Mr. Root reported most of the land has been developed with an Eddy's ice cream facility; the parcels are ringed by commercial development. The

parcels are provided good access to local highways. Mr. Root reported the site is located in the Connecticut River drainage basin which flows toward the Connecticut River.

Mr. Root indicated that work was done in July, 2010 to delineate the wetlands using standard protocols; the wetlands have been flagged. The uplands areas were previously cleared and have returned to a forested state containing red maples. The northern portion of the parcel is higher, which provides better drainage. Larger trees, including silver maple and red maple, exist along Prospect Hill Road.

Mr. Root indicated the site contains two wetlands, a small forested wetlands in the southern portion of the parcel which contains flat, silty loamy soils which will be slippery, and a second small area of wetlands to the north. At different times of the year the southern wetlands might contain standing water. The area was inspected in July – when the area was dry – and also in the Spring. There were no indicators that the area might be a vernal pool. The small northern wetlands ponds infrequently. There was no indication that this area contained any vernal pools either. Mr. Root indicated there are considerable invasive species on the site. The wetlands are very disturbed and invaded by noxious species. There are no endangered species (as defined under the Connecticut DEP Natural Diversity Database) found on the site. The area is not a good habitat for wildlife. The wetlands are isolated and of low quality. The soils are mostly silty loams.

Mr. Root referenced two additional portions of his February 28, 2011 report:

- Wetlands Assessment (Functions and Values): he reported there are no significant functions or values to the low quality wetlands areas located on the site.
- Wildlife and Vegetation Tables: indicated the site supports common suburban species.

Mr. Darin Overton (Professional Engineer) of the firm of Milone and MacBroom continued discussion of existing conditions on the site with regard to drainage functions. Mr. Overton reported that the Eddy's ice cream facility contains two stormwater basins – one on the access to Newberry Road and one on the Prospect Hill Road frontage. The Application proposes construction of a 200,000 square foot commercial retail building (shown in brown on the plan); development of the parcel will take place under the Highway Interchange Floating Zone (HIFZ). Parking for the building (shown in red on the plan) is provided at a ratio of 4:1; approximately 803 parking spaces – including 33 handicapped – will be provided. The Applicant is proposing three (3) access drives to the parcel. The main access will be located on Prospect Hill Road at the southwest corner of the parcel across from the Wendy's entrance; the Applicant is proposing installation of a traffic light at this access. A second access will be located on Newberry Road, and a third access on the east side of Newberry Road will be intended for truck access to the loading docks. There will be landscape islands every 3<sup>rd</sup> or 4<sup>th</sup> row, and perimeter plantings on Prospect Hill Road and Newberry Road.

The site is currently served by the usual utilities – sewer, water, gas and electricity.

Mr. Overton reported they are proposing two (2) stormwater basins on the south side of the property on Newberry Road. The basins will collect all the run off from the site and have been designed for a 25 year storm. The majority of the site drains towards the basins, which have been designed as recommended by DEP guidelines. Ten (10) test pits were dug to identify the stormwater conditions. Permeability of the soils was found to be very low; the test pits were run for five (5) days and were basically dry.

Mr. Overton reported the sewer connection will extend from the building out to Prospect Hill Road; site constraints prohibit connecting the sewer at Newberry Road. The WPCA has granted permission for usage of 1600 to 1700 gallons/day. They have received information from The Connecticut Water Company that there is sufficient capacity to serve the proposed building. Gas will come in from Newberry Road to the back of the building.

Regarding sedimentation and erosion controls, Mr. Overton reported there are two (2) existing basins at the Eddy's ice cream facility which will be used as sedimentation traps during construction. Diversion berms, which will be directed towards the two existing basins, will be installed and may shift location back and forth during construction. They are proposing erosion controls and hay bales along the steeper slopes; soil will be stockpiled during construction.

Mr. Overton noted that the onsite wetlands are being impacted by the construction of the building and parking lot. To compensate for the loss of the wetlands mitigation must occur. Since there are no sites for possible mitigation on the subject parcel the Applicant has worked with Town Staff to identify other properties which would benefit from mitigation. Town Staff suggested mitigation at the Kogut property on Reservoir Avenue would address issues which currently impact the swimming facility (East Windsor Park) across the street.

Commissioner Savaria noted the Commission has been looking at this mitigation proposal for several months; he questioned that the Applicants will be tearing down the Eddy's ice cream facility? Mr. Spungin indicated that the Eddy's ice cream building - approximately 30,000 square feet in size - will be demolished and taken away from the site. Mr. Overton reported a demolition plan has been included in the plan set submitted to the Commission. The existing paved access to Prospect Hill Road will be left in place during construction and will be used as the main construction entrance. A staging pad for equipment will be installed during construction and removed when the drainage system is constructed.

Commissioner Slate questioned if any maintenance is required for the basins? Mr. Overton replied affirmatively, noting a Maintenance Schedule is also included in the plan set.

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Chairman Ceppetelli questioned if any outside storage of fertilizers or chemicals is proposed? Mr. Overton reported he is not aware of any such storage. Chairman Ceppetelli questioned when the Commission would know of any intent for outside storage? Mr. Spungin suggested there will be outside storage of fertilizers, etc. Chairman Ceppetelli questioned if the materials would be covered; how would the Commission know if what's stored will be under cover – his concern was if bags are broken and drain into the water and eventually into the drainage system. Mr. Overton reported that the DEP requires any storage like that to be covered. It would also require a Stormwater General Permit from the DEP. Attorney Fahey suggested coverage of outside storage could be added as a condition of approval. Chairman Ceppetelli felt that might be more of a zoning issue than one for the Wetlands Commission.

Chairman Ceppetelli suggested the site may be open/clear/denuded during construction; he questioned what provisions will be utilized to minimize wind erosion and dust blowing to other groups/businesses located nearby? Mr. Overton indicated they will follow DEP erosion guidelines during construction; if the site is dry during construction they can bring in a water truck to lessen the dust. He reported there are other binder materials that can be used as well. Steve Dietzko, (Vice President), also of Milone and MacBroom, suggested there is an Erosion and Sedimentation Control narrative included in the plan set. He also noted they can also draw water through the Water Company's meters as well; there will always be some source of water on the site.

Chairman Ceppetelli questioned what is the plan for filling the wetlands? Mr. Overton noted there are site constraints with regard to placement of the building. The intention would be to work with on-site materials to fill the wetlands.

The Commission called for a break before continuing discussion.

**MOTION: TO TAKE A TEN MINUTE RECESS.**

**Slate moved/Koczera seconded/VOTE: In Favor: Unanimous**

(The Commission RECESSED at 7:45 p.m. and RECESSED at 7:52 p.m.)

**MOTION: TO COME BACK FROM RECESS AT 7:52 p.m.**

**Osborn moved/Savaria seconded/VOTE: In Favor: Unanimous**

Wetlands Agent Newton READ THE FOLLOWING DOCUMENTS INTO THE RECORD:

- Memo dated March 22, 2011 from Town Engineer Norton regarding KROS – 44/54 Prospect Hill Road which included 14 recommendations. (Revised plans addressing those comments were subsequently submitted).

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- Memo dated April 5, 2011 from Town Engineer Norton noting his comments from March 22, 2011 have been adequately addressed.
- Memo dated March 28, 2011 from Wetlands Agent Newton regarding Application #03-2011.

Chairman Ceppetelli queried Mr. Spungin if he was comfortable with the stated recommendations? Mr. Spungin replied affirmatively.

**NEW PUBLIC HEARING: #02-2011 – Town of East Windsor & KROS East Windsor, LLC – Mitigation Measures Project – Reservoir Avenue (Kogut Farm).** This property is located on the south side of Reservoir Avenue nearest intersection being Windsorville Road. Assessor's Map 078, Block 57, Lot 001. Total Parcel is 152 Acres. (35 day Public Hearing Period will end May 11, 2011).

Chairman Ceppetelli read the Hearing description. He noted Alternate Commissioner Hocutt will sit in on, and vote on, Application #02-2011.

Mr. Overton (Professional Engineer) of the firm of Milone and MacBroom, presented a Concept Plan for proposed mitigation at the Kogut property located on Reservoir Avenue. Mr. Overton reported the parcel contains 152 acres but they are focusing on the area abutting Chestnut Brook. The topography slopes gently towards the brook, with steeper slopes adjacent to the brook. Mr. Overton reported the high point of the parcel is at elevation 176 on the west side of Windsorville Road, while the low point is at elevation 142 close to the culvert under Reservoir Avenue. A portion of the property is planted in row crops; there is also a wooded corridor within the property. The wetlands line is shown as a grey line on the plan. Staff walked the site to review the wetlands line as depicted on the 1990 (Town) Wetlands Map; based on the site walk they believe that wetlands line is correct. The 150' upland review area is shown on the plans as a dashed line.

Mr. Overton reported the Kogut parcel was selected for mitigation based on existing water quality issues for the swimming facility located across Reservoir Avenue. The Applicant Team reviewed a 2010 Broad Brook Watershed Report which was prepared by the United States Department of Agriculture (USDA) and noted improvements identified. The report indicates approximately 25% of land located in the Broad Brook Watershed is in active agricultural production and many are located within 500' of the watercourse. The highest risk from run off from the farm fields is nutrient pooling and pollution of the swimming area. Mr. Overton reported they looked for areas that could be contributing to the nutrient loading of the swimming facility. They found that along the edge of Reservoir Avenue sediment deposits have eroded the slopes. To some extent there is also some erosion from the area presently farmed in row crops. They are proposing to put stormwater sedimentation traps and erosion matting along Reservoir Avenue to slow down the flow and allow for a shallow storage area along the road. They are proposing to construct two (2) water quality trap/vegetated biofilter swales no more than one (1) foot

deep to accumulate surface water run off along the edge of Reservoir Avenue. They are also proposing a third vegetated biofilter swale/water quality trap along the edge of the farm fields. Mr. Overton reported they are trying to minimize the impact to the mature trees during construction of these swales. They will also install temporary erosion control measures, including silt fence backed by hay bales, along the perimeter of the water quality traps and along the brook. Town Engineer Norton had recommended installation of two (2) construction entrances – one on the east side for a construction staging area and the second off Reservoir Avenue close to the grade - to create these water quality traps; revised plans which include the entrances as recommended have been submitted for the Commission's review this evening. Mr. Overton reported the Applicant Team is recommending that the water quality traps be cleaned out when one (1) foot of sedimentation accumulates in them; the frequency of the maintenance would depend on the amount of accumulation. They are also proposing that the water quality traps be mowed once or twice each year. They are limiting the clearing of trees to nothing greater than four (4) inches in diameter. Mr. Overton felt the proposal is consistent with the information presented in the Broad Brook Watershed study.

William Root (Senior Environmental Scientist and Certified Professional Soil Scientist) from the firm of Milone and MacBroom, reported the Applicant Team is proposing the planting of approximately 30 trees, 300 shrubs, and 70 pounds of seed mix – all of which are species native to the area – to provide a habitat for small species. The soils at the site are conducive to allowing infiltration of run off and slow discharge of groundwater. Mr. Root indicated the Applicant Team has worked to provide a mitigation plan that benefits the Town swimming area by creating improvements in the water quality and also improves the functions of downstream wetlands and watercourses associated with Broad Brook.

Commissioner Savaria noted that the proposed improvements are adjacent to plowed agricultural fields, some of which extend down to the water. He questioned if there was any way to keep the person who is farming the property from encroaching on these improvements? Wetlands Agent Newton suggested that would be a lease issue. She also suggested the perimeters of the water quality traps can be marked with wetland medallions.

Commissioner Baker questioned how long the biofilter swales will be effective? Mr. Overton suggested they should continue to be effective as long as they are cleaned out and mowed. He suggested one of the things they tried to do was to plant trees to protect those areas.

Commissioner Hocutt referenced the area of fill – the farm dump; he questioned what was in there and what would be coming out? Mr. Overton suggested the area is an existing farm dump which contains stumps and other debris. All the material will be removed, and the area will be replanted and reforested. Mr. Root concurred, noting the materials are stumps and bricks which have been pushed over the slopes, causing the native vegetation to be choked out.

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Commissioner Slate questioned how close the stockpiles would be to the parking lot for the Dog Park? Wetlands Agent Newton suggested the stockpiles will be located a considerable distance away from the Dog Park.

Chairman Ceppetelli questioned if the maintenance proposed for the water quality traps near the road would be done from Reservoir Avenue, or is the proposal to bring some machinery into the area to be cleaned out? Mr. Overton felt there is enough reach on a backhoe to reach over from the road, or there are rubber tired backhoes that can be used on the slopes if it's necessary.

Wetlands Agent Newton READ THE FOLLOWING DOCUMENTATION INTO THE RECORD:

- Memo dated March 22, 2011 from Town Engineer Norton regarding Application #02-2011.
- Letter dated March 2, 2011 from Darin Overton, Professional Engineer, of Milone and MacBroom, to Robin Newton, East Windsor Wetlands Agent, which addresses the request for a bond estimate for construction costs, including site work, plantings, and a contingency amount. The bond estimate provided is for \$212,500. The estimate was requested as there was a question regarding the time of year the work could be done in relation to the swimming and farming activities.
- Memo dated April 5, 2011 from Town Engineer Norton responding to Mr. Overton's letter dated March 2, 2011.
- Memo dated March 23, 2011 from Wetlands Agent Newton summarizing the proposal and including additional recommendations.

Wetlands Agent Newton reiterated Mr. Overton has submitted revised plans which include the construction entrances recommended by Town Engineer Norton.

Wetlands Agent Newton reported the water quality enhancements proposed for the Kogut property are much greater than a 1:1 mitigation compensation. The proposed mitigation is good for the Town, and the swimming area.

Chairman Ceppetelli opened discussion to the audience:

**Dick Pippin, Jr., 11 Rye Street (Selectman):** reported these gentlemen gave a similar presentation to the Board of Selectmen (BOS) as a conceptual idea – Selectman Pippin thought the proposal was a good idea. He suggested he spoke to Melissa (Maltese – Director of Parks and Recreation); she concurred that these improvements would improve the water quality at East Windsor Park. Selectman Pippin indicated the Selectmen gave the green light for these people to go ahead with the permit process.

**Dean Rasmussen, 34 Treetop Lane, and owner of 38 Prospect Hill Road:** reported he

is in favor of the proposal; it's a great thing for the town. Anything to develop business and reduce the tax base is good.

Mr. Rasmussen reported he has a couple of concerns. His property (at 38 Prospect Hill Road) is lower than the site at 44 and 54 Prospect Hill Road. He understood that the existing basins, which were designed for the existing property, will be reused. Mr. Rasmussen wants to be sure the existing basins are adequate in size for the proposed development. Neither existing basin has been well maintained. He reported he hasn't had any major problems but he has had overflow coming off the bank. Mr. Rasmussen suggested a 100 year storm would produce 2.7" of water/hour; a 20 acre property would produce 20,000 gallons/minute. He suggested his question might be better directed to the Department of Transportation (DOT) or the Planning and Zoning Commission (PZC), but the driveway access is proposed to be in proximity of the outflow structure. If you put a traffic light there it will create hell with his property.

Mr. Rasmussen indicated he didn't have any other concerns – just the outflow and the traffic. Mr. Rasmussen reiterated he thinks this is a great project.

Mr. Overton reported the existing basins are larger in size than what was needed, but they won't be the permanent basins. He concurred; they have not been well maintained. Mr. Overton reported he had problems finding one of the outlet structures himself. The existing basins will be eliminated; new basins will be constructed. They were concerned with heavy snowfall or heavy multiple events for overflow structures with multiple peak flows. Mr. Overton described details of the basins and the outlet structures. He reported there are basins on the Wood Group property which connect to these basins and overflow as well. They have worked with Town Engineer Norton, who is satisfied with their proposal. Mr. Overton reported the pipe in the street which is part of the State drainage system discharges into the roadway swale and goes back into the outlet pipe; all the drainage from Newberry Road comes into the State drainage system as well. The basins have been designed for two (2) through one hundred (100) year storms. The project must go to the State Traffic Commission (STC) for review and approval as well. Mr. Overton felt this Commission and the PZC will keep a close eye on these issues.

**Gerry Wilcox, 50 Newberry Road:** reported he is a neighbor as his property is east of this location. Truck traffic exists on Newberry Road already and he knows we have had problems on Newberry Road, but the main entrance is being proposed for Prospect Hill Road. Mr. Wilcox reported this land has been there for many years; the Town hasn't been collecting revenue on it and the Town needs the revenue. He felt the engineer has done a great job designing the project. Mr. Wilcox noted he has done several jobs himself which were similar to this project. It's an excellent design with regard to the building and the parking. Overall this is a great project; he is behind it 100%.

**Gilbert Hayes, 139 Rye Street (Selectman):** reported he was first introduced to these people a couple of years ago. He apologetically thought this Board was dragging its feet with regard to this project. Congrats to the Board for expediting whatever was necessary

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to move this project forward. Anything we – the Town – can do to welcome business to town is good.

No one else came forward requesting to speak.

Attorney Fahey closed by noting the site is located in the HIFZ; it's an appropriate development for this location. It's important to recognize that the low functioning wetlands located on the Prospect Hill Road site are being mitigated on a one (1) to one (1) basis. Attorney Fahey hoped the Commission would close the Public Hearing on both Applications and vote this evening.

Chairman Ceppetelli queried the Board for additional questions or comments; none of the Commissioners raised any further questions. Chairman Ceppetelli questioned if the Board was comfortable closing the Public Hearings and voting on the Applications this evening, or delaying to consider the information presented? In response the Commission made the following motions:

**MOTION: To CLOSE THE PUBLIC HEARING on Application #02-2011 -- Town of East Windsor & KROS East Windsor, LLC for Mitigation Measures Project – Reservoir Avenue (Kogut Farm). This property is located on the south side of Reservoir Avenue nearest intersection being Windsorville Road. Assessor's Map 078, Block 57, Lot 001. Total Parcel is 152 Acres.**

**Slate move/Savaria seconded/**

**VOTE:**

**In Favor: Unanimous Ceppetelli/Koczera/Osborn/Sawka/Savaria/Slate/Hocutt**

**Opposed: No one**

**Abstained: No one**

**MOTION: To CLOSE THE PUBLIC HEARING on Application#03-2011 – KROS East Windsor, LLC for Construction of Commercial/Retail Facility with associated parking and utility infrastructure located at 44 & 54 Prospect Hill Road. This property is located on the east side of Prospect Hill Road nearest intersection being Newberry Road. Assessor's Map 92, Block 17, Lots 030 and 029. Total Parcel is 18.5 Acres.**

**Savaria moved/Slate seconded/**

**VOTE:**

**In Favor: Unanimous Ceppetelli/Koczera/Osborn/Sawka/Savaria/Slate/Baker**

**Opposed: No one**

**Abstained: No one**

**MOTION: To APPROVE Application #02-2011 – Town of East Windsor &**

**KROS East Windsor, LLC for Mitigation Measures Project – Reservoir Avenue (Kogut Farm). This property is located on the south side of Reservoir Avenue nearest intersection being Windsorville Road. Assessor’s Map 078, Block 57, Lot 001. Total Parcel is 152 Acres.**

**Discussion:** Commissioner Savaria indicated this project is a win/win situation for the Town; Commissioner Hocutt wanted to commend the Applicant for their professional presentation of the project. Commissioner Slate questioned if there was a timeline for this mitigation? Wetlands Agent Newton reported nothing concrete has been established but one of the reasons for the bonding was to decide when it’s best for the project to be done without impacting the Town swimming area.

**Savaria move/Slate seconded/**

**VOTE:**

**In Favor: Unanimous Ceppetelli/Koczera/Osborn/Sawka/Savaria/Slate/Hocutt**

**Opposed: No one**

**Abstained: No one**

**MOTION:** To **APPROVE, with conditions,** Application #03-2011 – KROS East Windsor, LLC for Construction of Commercial/Retail Facility with associated parking and utility infrastructure located at 44 & 54 Prospect Hill Road. This property is located on the east side of Prospect Hill Road nearest intersection being Newberry Road. Assessor’s Map 92, Block 17, Lots 030 and 029. Total Parcel is 18.5 Acres.

**Additional Conditions:**

- 1. That a pre-construction meeting takes place prior to the start of any work. At this time the name of the responsible party/contractor for any on-site issues should be given along with full contact information.**
- 2. An outside contractor should be hired, by the applicant, to provide bi-weekly erosion and sedimentation inspections and shall provide the Town copies of said inspection reports, no later than a week after the inspections are performed.**

**Discussion:** Chairman Ceppetelli questioned if any conditions should be implemented regarding outside storage? Wetlands Agent Newton reported the Planning and Zoning Commission has standards for such storage and will review that issue during the Planning and Zoning Application. She will be reviewing outside storage as a condition of the Zoning Permit as well. Chairman Ceppetelli also noted a Maintenance Schedule for the detention basins has been attached to the

plans.

**Savaria moved/Slate seconded/**

**VOTE:**

**In Favor: Unanimous Ceppetelli/Koczera/Osborn/Sawka/Savaria/Slate/Baker**

**Opposed: No one**

**Abstained: No one**

**MOTION: TO TAKE A FIVE MINUTE RECESS.**

**Osborn moved/Savaria seconded/VOTE: In Favor: Unanimous**

**(The Commission RECESSED at 8:50 p.m. and RECESSED at 8:58 p.m.)**

**MOTION: TO CALL THE MEETING BACK TO ORDER AT 8:58 p.m.**

**Savaria moved/Slate seconded/VOTE: In Favor: Unanimous**

**NEW BUSINESS: None.**

**NEW APPLICATIONS TO BE RECEIVED/#04-2011 NEWBERRY ROAD**

**ENTERPRISES, LLC: Wetlands Restoration/Expansion of Volume Reduction Facility. This property is located at 68 Newberry Road, nearest intersection being Craftsman Road. Assessor's Map 093, Block 19, Lot 006.**

Wetlands Agent Newton referenced Sheet 3 which explains the proposed mitigation, construction of the mitigation area, and types of plantings being proposed, in addition to wetlands restoration and expansion of the volume reduction facility to the west of where the mulch piles are currently located. The plan also includes installation of a water quality basin approved by the DEP.

Chairman Ceppetelli questioned if the Applicant is proposing any Conservation Easement? Wetlands Agent Newton replied negatively, but noted installation of paved boulders as recommended by DEP are included in the proposal.

**MOTION: TO ACKNOWLEDGE RECEIPT of Application #04-2011  
NEWBERRY ROAD ENTERPRISES, LLC: Wetlands  
Restoration/Expansion of Volume Reduction Facility. This property  
is located at 68 Newberry Road, nearest intersection being Craftsman  
Road. Assessor's Map 093, Block 19, Lot 006.**

**Slate moved/Koczera seconded/**

**VOTE:**

**In Favor: Unanimous Ceppetelli/Koczera/Osborn/Sawka/Savaria/Slate/Baker**

**Opposed: No one**

**Abstained: No one**

**NEW APPLICATIONS TO BE RECEIVED/#05-2011 NEWBERRY ROAD**

**ENTERPRISES, LLC:** Stump Land for Expansion Agricultural Crop Land. This property is located at 68 Newberry Road – Rear, nearest intersection being Craftsman Road. Assessor’s Map 093, Block 19, Lot 009.

Wetlands Agent Newton reported this Application is for stumping the parcel which sits to the rear and the south of 68 Newberry Road. This parcel is adjacent to, but not on, Namerick Brook. The parcel has already been clear cut; the Applicant submitted an After-the-Fact Application for that activity. The Applicant was sent a Violation Letter in November, 2010 for the stumping activity; Wetlands Agent Newton felt the Applicant should submit an Application for this work and is now appearing before the Commission. The wetlands were delineated as part of the Craftsman Road development. The plan shows proposed stump piles from clearing the site. Wetlands Agent Newton recalled the Commission had asked for a plan; this is what has been submitted by the Applicant.

Commissioner Savaria questioned if any erosion control measures are being proposed, as the material is being placed close to the brook? Mr. Dearborn joined the Commission at the table, noting the stumps will be ground up and placed back in the field. Wetlands Agent Newton felt erosion control measures could be added to the plan. Mr. Dearborn reported the Commission asked for a border survey and to show where the wetlands were, and where the stumps will be placed. The brook is probably 150’ away; “this” area is higher. Commissioner Savaria reiterated he will be concerned with erosion into the creek when the Applicant returns to discuss the Application. Mr. Dearborn indicated he had no standing water on his land; he plans on leaving the stumps there to hold “this” area.

Commissioner Baker noted he would like to go out and look at the site now that an Application has been received. Mr. Dearborn suggested Commissioner Baker call him. Wetlands Agent Newton reported she will coordinate the site visits for the Commissioners.

Commissioner Savaria indicated again that he wanted to see something on the record that the stumps won’t be taken out. He noted it isn’t that he doubted Mr. Dearborn’s word, but the Commission needs to see what’s going to happen.

**MOTION: TO ACKNOWLEDGE RECEIPT of Application #05-2011  
NEWBERRY ROAD ENTERPRISES, LLC: Stump Land for  
Expansion of Agricultural Crop Land. This property is located at 68  
Newberry Road – Rear, nearest intersection being Craftsman Road.  
Assessor’s Map 093, Block 19, Lot 009.**

**Osborn moved/Slate seconded/  
VOTE:**

**In Favor: Unanimous Ceppetelli/Koczera/Osborn/Sawka/Savaria/Slate/Baker  
Opposed: No one  
Abstained: No one**

**MISCELLANEOUS:**

Commissioner Baker reported he attended the recent Connecticut Bar Association Land Use Seminar. Two speakers addressed issues related to wetlands: 1) a general wetlands discussion, and 2) Attorney Janet Brooks spoke on Interventions.

Commissioner Baker suggested a particularly valuable statement made during the seminar was that judges usually doesn't have a problem with the decision a Commission makes on appeal, it's usually the procedures followed during the Hearings.

**AGENT DECISIONS:** None.

**STATUS REPORTS:**

- **Newberry Village:**

Wetlands Agent Newton reported she has visited the Newberry Village site repeatedly in the last two weeks. There has not been that much activity - actually nothing in the last two weeks - in the vernal pools. She would like to ask the Commission to postpone submission of the annual soil scientist's report until the June Meeting as she felt he wouldn't have the information needed to prepare the report. The Commission concurred with her suggestion.

Commissioner Baker questioned the status of the erosion controls? Wetlands Agent Newton reported the site look horrible after the snow melt but the Applicant is cleaning up the site.

Chairman Ceppetelli questioned if the Applicant would be submitting a plan to the Commission regarding a unit which appears to have been built within a vernal pool? Wetlands Agent Newton reported a 100' tree fell during the Fall, but it was next to – not in – the vernal pool. She didn't feel any of the buildings were in the vernal pools.

- **Balch properties – South Main Street:**

Commissioner Koczera questioned the status of removal of the millings at the South Main Street location? Wetlands Agent Newton reported the owner is being fined \$150/day until the millings are removed.

Commissioner Koczera questioned the status of the other property? Wetlands Agent Newton reported nothing has happened; the permit sits in limbo. The DEP

has no staff to initiate enforcement.

**CONFERENCES/SEMINARS/TRAIING/1. Sessions 1 & 2 Inland Wetland Commissioners Training:**

Please visit: [www.continuingstudies.uconn.edu/professional/dep.wetlands/html](http://www.continuingstudies.uconn.edu/professional/dep.wetlands/html) to register.

Wetlands Agent Newton reported she has given Commissioners the link to register online for Sessions 1 and 2 of the training sessions.

Commissioner Baker indicated he attended Sessions 1 and 2 of the Wetlands Training Seminars. The sessions will be offered online shortly.

**CORRESPONDENCE:** None.

**GENERAL BOARD DISCUSSION:**

Discussion followed regarding the wording of various motions and the need for specificity regarding the identification of the intent of the motion. Wetlands Agent Newton reported that during employment at another town she prepared potential positive and negative motions - with suggested conditions - for Commission members. The Commission requested she initiate that practice for this Commission.

Commissioner Koczera questioned if a Commissioner were an abutting property owner could they speak at a (Inland Wetlands) hearing? Wetlands Agent Newton reported the Commissioner could NOT speak, and must recuse themselves from participation in the discussion and vote. She noted the Commissioner's wife could speak if she was listed as a property owner on the deed. Commissioner Koczera questioned if the Inland Wetlands Commissioner could speak at a Zoning Commission Hearing? Wetlands Agent Newton reported she will review the issue and report back to the Commission.

**EXECUTIVE SESSION/1. Pending Litigation:**

**MOTION: To SKIP THE EXECUTIVE SESSION as there is no new information to report.**

**Savaria moved/Osborn second**

**VOTE:**

**In Favor: Unanimous Ceppetelli/Koczera/Osborn/Sawka/Savaria/Slate/Baker**

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 9:35 p.m.**

**TOWN OF EAST WINDSOR  
INLAND WETLANDS WATERCOURSE AGENCY  
Regular Meeting – April 6, 2011**

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**Savaria moved/Osborn seconded/VOTE: In Favor: Unanimous**

Respectfully submitted:

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Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission  
(6567)