

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

Regular Meeting – May 1, 2013

MEETING MINUTES

*******Draft Document Subject to Commission Review/Approval*******

CALL TO ORDER: Chairman Savaria 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 Ron Savaria (Chairman), John Malin, Richard Osborn, Robert Slate, and Alternate Members Kathryn Roloff and Michael Sawka.

Unable to Attend: Regular Member Michael Koczera.

Guests: Selectman Richard Pippin (Inland/Wetlands Liaison); Kathy Pippin, Board of Finance; and Alan Baker, Selectman (arrived at 7:40 p.m.)

Chairman Savaria noted the establishment of a quorum with four Regular and two Alternate Members as noted above. Alternate Members will also serve this evening to complete quorum requirements; they will serve in rotation as noted at each Agenda Item.

Also in attendance was Wetlands Agent/Zoning Enforcement Officer Robin Newton.

The Commission wished Commissioner Koczera well in his recovery.

AGENDA ADDITIONS: None

APPROVAL OF MINUTES /1) April 6, 2013:

MOTION: To **APPROVE** the Minutes of Regular Meeting dated April 6, 2013 as presented.

Osborn moved/Slate seconded/

VOTE: **In Favor: Osborn/Malin/Roloff/Sawka/Slate**
 Opposed: No one
 Abstained: Savaria

CONTINUED PUBLIC HEARINGS: None

NEW BUSINESS: None

OLD BUSINESS: None

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MISCELLANEOUS/(1) #08-2008 – Dick and Kathy Pippin – 105 & 107 East Road –
Extension of IWWA Permit #08-2008:

Wetlands Agent Newton reported the Applicant has requested a 5 year extension of the subject IWWA Permit as is allowed under the Connecticut General Statutes. No work has been started on the parcel.

Chairman Savaria queried the Commissioners for comments or concerns; no one raised any questions.

MOTION: To EXTEND IWWA Permit #08-2008 – Richard P. and Kathleen B. Pippin for property at 105 & 107 East Road, Map 110, Block 77, Lot 019, for five (5) years through July 2, 2018.

DISCUSSION: None

Osborn moved/Slate seconded/

**VOTE: In Favor: Unanimous (Malin/Osborn/Roloff/Savaria/Slate)
(No opposition/No abstentions)**

(Please note Map number has been revised to comply with Town-wide map identification changes made via the Assessor's Department).

MISCELLANEOUS/(2) Discussion of Input to 2014 Update of East Windsor Plan of Conservation and Development:

Wetlands Agent Newton reported she has reviewed the current Plan of Conservation and Development and determined the goal assigned to this Commission was to separate the Conservation Commission from the Inland Wetlands Commission. That goal has been accomplished, therefore this Commission has fulfilled its current requirements.

MISCELLANEOUS/(3) Informal Discussion: Letourneau Builders – 131 Tromley Road:

Wetlands Agent Newton referenced a Site Plan of a Subdivision created in 2005; three building lots were approved while the parcel under discussion this evening was left as remaining land. The parcel contains substantial wetlands to the rear. Wetlands Agent Newton reported it appeared the developer didn't want to deal with seeking approval of the remaining lot as there appeared to be a question if it was a buildable lot under the Zoning Regulations. The developer volunteered this parcel as remaining land, which was deeded to an abutter.

Wetlands Agent Newton reported she reviewed the Zoning Regulations and felt the regulations don't require the dwelling to be situated in the middle of the parcel. The

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parcel also doesn't have the required frontage for a front lot, but does have 30' access required for a rear lot. Wetlands Agent Newton suggested all work would be located in the upland area. Chairman Savaria questioned the distance from the wetlands? Wetlands Agent Newton suggested the closest contour is 30' away, while the clearing line would be 22'.

Discussion followed regarding the location of the parcel. Wetlands Agent Newton suggested this lot would be similar to lots approved on Winkler Road which required Conservation Easements as part of the approval process. She noted she has discussed possible approval scenarios with Mr. Letourneau; he would be agreeable to offering a Conservation Easement. Chairman Savaria and Commissioner Roloff indicated they had no problem with submission of an application if the applicant stayed out of the wetlands; Commissioner Slate noted two homes built nearby which have had water problems.

The consensus of the Commission was Mr. Letourneau could submit an application to this Commission for review.

AGENT DECISIONS: None

STATUS REPORTS/Adoption of Standard Permit Conditions:

Wetlands Agent Newton provided the Board with a document which summarizes the standard permit conditions applicable to all permits issued via Wetlands applications and Agent Decisions. There are a total of 13 Standard Conditions; Wetlands Agent Newton referenced various conditions for review. Most notable is Standard Condition #1 which addresses the duration of permit extensions. While the responsibility for requesting Permit extensions lies with the holder of the permit the permit expiration date is no longer a simple calendar date. Recent legislation has convoluted the process and tied the expiration date to the Planning and Zoning approval if such approval is required.

Discussion returned to review of the standard conditions; minor revisions were noted. Reference to these Standard Conditions will be included in approval motions.

MOTION: To ADOPT EFFECTIVE MAY 1, 2013 The Town of East Windsor Inland Wetlands and Watercourse Agency Standard Conditions 1 through 13.

DISCUSSION: None

Slate moved/Osborn seconded/

**VOTE: In Favor: Unanimous (Malin/Osborn/Sawka/Savaria/Slate)
(No opposition/No abstentions)**

STATUS REPORTS/Procedural Issues:

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Wetlands Agent Newton discussed the process for motion presentation with the Commission, including:

- Motion language to include information specific to the application and the proposed activity, property description, reference to plans, standard conditions, additional conditions specific to the application presented, and additional discussion specific to the motion.
- Amended motions.
- Application denials/statement of reasons.

LET THE RECORD SHOW Selectman Baker arrived at 7:40 p.m.

STATUS REPORTS/Violation Policy:

Wetlands Agent Newton submitted a document which summarizes the current IWWA Violation Policy. Wetlands Agent Newton reviewed various options for dealing with violations. Notice of violations begin with advisement of the violation, followed by Wetlands Enforcement Orders (including Notice of Violations or Cease and Desist Orders or Cease and Correct Orders). Remediation of violations are then reviewed and approved by this Commission and/or the Wetlands Agent.

Wetlands Agent Newton reported that previously violators were allowed to file “after-the-fact” Applications, which resulted in the issuance of a permit for the activity under discussion. Wetlands Agent Newton suggested that process often doesn’t result in the remediation of the violation, as a permit gives someone the right to make the changes but doesn’t make them to do the work. An Enforcement Order will require that the remediation work be completed.

Discussion followed.

MOTION: To ADOPT EFFECTIVE MAY 1, 2013 the Inland Wetlands and Watercourse Agency Violation Policy.

DISCUSSION: None

Osborn moved/Slate seconded/

**VOTE: In Favor: Unanimous (Malin/Osborn/Roloff/Savaria/Slate)
(No opposition/No abstentions)**

STATUS REPORTS/Informal discussion:

Wetlands Agent Newton reported a pond on Route 140 is stocked by the Broad Brook Angling Club (BBAC) and used as an area for fishing by members. Representatives for the BBAC have approached Wetlands Agent Newton with a request to install a handicapped accessible ramp to allow easier access for members who might require

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assistance reaching the pond. The footings would not be located in wetlands; pressure treated wood would be used. Wetlands Agent Newton reported she is seeking direction from the Commission; this work would come in as an application under a future Agent Decision.

The Commission agreed to submission of an application for the work proposed.

VIOLATIONS/1) Violation – Skylark Airport Realty – 54 Wells Road – Fill Activity in a Regulated Area:

Wetlands Agent Newton updated the Commission on the status of this violation. The fill which had been deposited has been removed and taken off-site. Wetlands Agent Newton receives frequent reports on the status of the work.

CONFERENCES/SEMNARS/TRAINING:

- Wetlands Agent Newton reported the Inland Wetlands Training previously provided through UCONN will now be offered through Central Connecticut State University (CCSU). Session I of the training is still available online.

Chairman Savaria reported he recently received his Certificate for training completed in 2012.

CORRESPONDENCE: None.

GENERAL BOARD DISCUSSION:

- Wetlands Agent Newton reported the resident at 33 Mahoney Road has put up the barricade to prevent access to his property for dumping of unauthorized materials.
- Commissioner Malin advised the Commission he will not be able to attend meetings for June, July, and August due to vacation plans.

PUBLIC PARTICIPATION (Discussion on non-Agenda items only):

No one requested to speak.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:37 p.m.

Osborn moved/Roloff seconded/VOTE: In Favor: Unanimous

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Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission
(1381)