

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

**Regular Meeting – September 4, 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), Richard Osborn, Robert Slate (arrived at 7:12 p.m.), and Alternate Member Michael Sawka.

**Unable to Attend:** Regular Members Michael Koczera and John Malin, and Alternate Member Kathryn Roloff.

**Guests:** Selectman Richard Pippin (Inland/Wetlands Liaison); Kathy Pippin, Board of Finance; Water Pollution Control Authority: E. Art Enderle, III, Supervisor; Ed Alibozek, Chief Operator; Charles Riggott, WPCA Commissioner.

Chairman Savaria noted the establishment of a quorum with three (3) Regular and one (1) Alternate Member as noted above. All Members, both Regular and Alternate, will sit in on votes this evening.

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

**AGENDA ADDITIONS:** None.

**APPROVAL OF MINUTES/1) August 7, 2013:**

**MOTION:** To APPROVE the Minutes of Regular Meeting dated August 7, 2013 with the following amendments:  
Page One, ESTABLISHMENT OF QUORUM, Line #26: “.....All Regular members, and Alternate Member Roloff AND ALTERNATE MEMBER SAWKA will sit in on votes this evening. ~~If, for any reason, a Regular Member must step down from service, Alternate Members will serve in rotation as noted at each Agenda Item.~~”

Osborn moved/Slate seconded/

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

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**CONTINUED PUBLIC HEARINGS:** None.

**NEW APPLICATIONS TO BE RECEIVED:** None.

**NEW BUSINESS/1) 02-2012A – East Windsor Water Pollution Control Authority –**  
PUBLIC HEARNG on MODIFICATION of North Road Sewer Expansion, Phase 2, - for properties including: #212 North Road – Map 126, Block 27, Lot 007 ; #216 North Road – Map 126, Block 27, Lot 008; #220 North Road – Map 126, Block 27, Lot 009; #221 North Road – Map 126, Block 25, Lot 006; #222 North Road – Map 126, Block 27, Lot 010; #226 North Road, - Map 126, Block 27, Lot 011; #1 Melrose Road – Map 132, Block 25, Lot 007. Modification includes permanent disturbance of intermittent watercourse and associated drainage swale to relocate proposed sewer out of travel lane of North Road:

Chairman Savaria called for a motion to open the Public Hearing.

**MOTION: To OPEN the Public Hearing on the Application of the East Windsor Water Pollution Control Authority for a modification of North Road Sewer Expansion, Phase 2, for multiple properties as listed as listed in the Legal Notice. Modification includes permanent disturbance of intermittent watercourse and associated drainage swale to relocate proposed sewer out of travel lane of North Road. The Public Hearing was opened at 7:03 p.m.**

**Osborn moved/Sawka seconded/**

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

Appearing to discuss this Application were Jay Ussery, of J. R. Russo & Associates, representing the Applicant – the East Windsor Water Pollution Control Authority (WPCA); also present were the following representatives of the WPCA: E. Art Enderle, III, Supervisor; Ed Alibozek, Chief Operator; Charles Riggott, WPCA Commissioner.

Wetlands Agent Newton provided the Commissioners with the following documents which came in subsequent to the preparation of their Meeting packet the previous week: 1) Memo dated 9/4/2013 from Wetlands Agent Newton; 2) memo dated 9/4/2013 from Town Engineer Norton; 3) letter from a member of the public who is unable to attend this meeting; and 4) copy of e-mail dated 6/18 and 6/25/2013 from Kevin Campbell, (DOT), to Edward Spazzarini with multiple copies to other parties. Wetlands Agent Newton noted the letter from the resident will be read into the record during discussion of this Application.

Mr. Ussery submitted proof of Certificates of Mailing.

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Mr. Ussery described the Application, which is a modification of the original proposal for the sewer to be built in the eastbound traffic lane of North Road in the vicinity of several properties as listed above. During construction they received a visit from the District 1 Manager of DOT who was not happy with construction of the sewer line occurring in North Road/Route 140. The proposed modification before the Commission this evening is the relocation of 500+/- feet of that sewer line which is the result of discussion with the District 1 Manager. Mr. Ussery indicated the area being discussed is west of #216 North Road; the sewer to that point is located in the paved area. They will now come off the road into the shoulder about 6' off the center line of North Road for a distance of approximately 500+/- feet. Half of that area, which is shaded in blue of the plans before the Commission this evening, is the area shown/identified by John Ianni (Highland Soils LLC) as an intermittent watercourse whose function and value is as a roadside drainage swale/ditch which has limited value and for which the main function is to handle stormwater run-off.

LET THE RECORD SHOW Commissioner Slate arrived at 7:12 p.m.

Mr. Ussery submitted the following photos of the area:

- Photo 1: near wetlands flag #3, includes a cross culvert, looking towards the east at the drainage swale which is maintained as lawn by the resident owner.
- Photo 2: further to the east, towards wetlands flag #10, depicts the same swale which is maintained as lawn area along the side of the road.
- Photo 3: near wetlands flag #4, showing drainage swale also along the front lawn area.
- Photo 4: further to the east, looking easterly along the area of the drainage channel/corrugated pipe.

Mr. Ussery referenced the final two paragraphs of Mr. Ianni's letter, which he READ FOR THE RECORD. An excerpt of Mr. Ianni's conclusion suggests that after review of the proposed plans and the project "there will be no significant impacts to the overall functions and values of the impacted wetlands areas once the drainage swale has been reestablished. Approximately 150 feet of intermittent water course/drainage channel is to be relocated as specified on the plans. The permanent impact (loss of wetlands/water course with no replication) is specified as 12 linear feet due to the extension of a cross culvert."<sup>1</sup>

Mr. Ussery reviewed the proposed modification. Mr. Ussery suggested people talk about wetlands all the time; what's the value of wetlands? He suggested on a scale of 1 to 10, with 10 being the highest, this intermittent watercourse is a 2 or a 3. It's a roadside drainage ditch which most people maintain; it has low wetlands characteristics. Mr. Ussery suggested that it's their opinion, based on Mr. Ianni's report, that there is no permanent impact on this intermittent watercourse.

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<sup>1</sup> Quote taken from Mr. Ianni's report dated 8/26/2013 under the trade name Highland Soils, LLC.

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Wetlands Agent Newton suggested Mr. Ianni's definitions relate strictly to watercourses; did he dig test holes? Mr. Ussery replied affirmatively. Wetlands Agent Newton suggested its main characteristic is that it's an intermittent watercourse; because it carries water during and after a storm event that makes it a wetlands. Wetlands Agent Newton reported that David Askew, of the North Central Conservation District, visited the site as well but did not give a written report.

Chairman Savaria cited concern that the soils available for replacement are not wetlands soils. Mr. Ussery indicated the soils in that area are sandy, loamy material, even further down adjacent to the wetlands; even on Rolocut Road with the wetlands next to the pavement the soils are sandy. Mr. Ussery indicated the water table in this area is high. Wetlands Agent Newton noted Mr. Askew called it an intermittent watercourse as well; the area does carry flow for a few days after a rain event. Mr. Ussery felt some of the flow came from the yards; he suggested if the Commission were to look at the area based strictly on soils it probably wouldn't be a regulated area. Mr. Ussery suggested that originally they thought of putting in a temporary pipe but then realized that most of the stormwater comes off the road and became concerned what would happen if the water didn't get into the pipe. They are proposing to use two crews, one to pipe and one to relocate and rebuild the swale as they are moving it.

Wetlands Agent Newton advised the Commission that by State Statute they must decide if a prudent and feasible alternative to the proposed modification exists. She referenced Town Engineer Norton's latest (9/4/2013) memo which indicated that his earlier comments have been adequately addressed. He is recommending that since most of the work is within the DOT right-of-way then DOT should review the proposed modification plans. Wetlands Agent Newton reported she has discussed this with Tim Coon, of J. R. Russo; he will be getting a sign-off from DOT on these plan revisions.

Wetlands Agent Newton then addressed her memo dated 9/4/2013, which provides updated information (comments written in red) to her earlier memo. During her review she kept coming back to the prudent and feasible alternative, which was the previously approved plan. Unless there was something in writing from DOT then the Commission couldn't go against that plan. She cited the e-mail from Kevin Campbell which indicated the construction of the sewer must be out of the traveled portion of Route 140. Discussion with Mr. Coon has determined they can't use different machinery because of the size of the culverts; therefore that takes the previously approved prudent and feasible plan out of the equation. Wetlands Agent Newton reiterated the Commission must vote on if there is a prudent and feasible alternative to the proposal before them this evening.

Discussion followed regarding the process for presenting motions regarding this Application.

Mr. Ussery reported that during the previous meeting Commissioner Sawka had questioned if another excavator, which doesn't have a counter-weight which exceeds the

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limits of its tracks, could be used? Mr. Ussery indicated the size of the culvert being installed, and to install the sand, they need the equipment currently being used. That equipment protrudes into the travel portion of Route 140 and disrupts traffic, and DOT wants to maintain a continuous traffic flow at all times.

Mr. Ussery also discussed requiring that the whole thing be sheeted, but that would add significant cost to the project. It was noted that the cost of an alternative can not be a consideration for the Commission when making their decision.

Wetlands Agent Newton returned discussion to the original plan proposal. She noted DOT's experience, and their approval of the original/first plan. Mr. Ussery concurred, noting similar plans were approved for Phase I in which they had the same issues and the need to stop traffic at times. That wasn't an issue for DOT at that time; they will still need to stop traffic when installing laterals. Since the new manager came on board with DOT he has different ideas regarding the methodology. Mr. Ussery noted Spazzarini has done other work for DOT with no problems; things have changed with this new manager's arrival.

Wetlands Agent Newton suggested the other alternative is to not install the sewer, which wouldn't be reasonable on many levels.

Chairman Savaria suggested Mr. Ussery will have to work with the residents in the area who feel they own property out to the road, which is not the case. Many are maintaining lawns within the State's right-of-way. Driveways will have to be cut and restored; trees are being removed. Mr. Ussery reported they walked the area with the State arborist who was the person who made the decision on what trees will be removed. They will be moving the swale slightly into the State right-of-way, which will move it closer to the houses. The area around the swale will be restored, grass replanted, and erosion controls implemented until the grass is established.

Commissioner Osborn requested clarification regarding the length of the project, and the length of time to complete? Mr. Ussery suggested approximately 500' linear of area is involved; he anticipated the work should be completed within 2 to 3 weeks if the weather is reasonable.

Commissioner Slate questioned that the whole reason for this modification is the disruption to the flow of traffic? Mr. Ussery replied affirmatively. Commissioner Slate questioned the ability to reroute traffic along Rolocut Road? Mr. Ussery reiterated that they began work on this area because Route 140 was closed for the reconstruction of the hill at Main Street (Broad Brook). When this situation occurred their first suggestion to DOT was to reroute traffic through Rolocut Road but they were told the State can't put State traffic on local roads. Discussion followed regarding the rerouting of traffic while the hill reconstruction occurred. Town Engineer Norton clarified that the State created a detour, on State roads (Route 5, Phelps Road, Mill Street, Main Street in Broad Brook);

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the traffic found its own way to its destination.

Wetlands Agent Newton reported that further along Route 140 erosion controls aren't being maintained sufficiently. She suggested this area of Route 140 is even more difficult; she is skeptical they can maintain the necessary erosion controls on a daily basis when they haven't even installed the silt fence correctly on the toe in the other area. Mr. Ussery reported those repairs have been completed, and more damage occurred during the recent storm so they will be going out again to install more silt fence. Mr. Ussery indicated they have been overseeing the contractor. Wetlands Agent Newton suggested the people in the field are having problems; if the Commission approves this proposal she will recommend contact information for the person in the field as a condition of approval. Mr. Ussery suggested scheduling a pre-construction meeting as well; Wetlands Agent Newton suggested that should also be an additional condition of approval.

Chairman Savaria initiated discussion of the project along Rolocut Road, the lack of erosion controls, and the placement of machinery directly in the wetlands. Mr. Ussery explained the conditions – including the high water table – along Rolocut Road. Chairman Savaria cited concern that the Commission can't rely on the construction company to work properly.

Commissioner Slate noted several people on North Road have sump pumps running from cellars into the swale; he questioned how that will be handled? Mr. Ussery indicated they hadn't seen any of that while working on the project, but if that's occurring they need to know so they can maintain them.

Chairman Savaria opened discussion to the audience:

**Ken Donahue, 45 Rolocut Road:** owns 300' of frontage on North Road, over the years the drainage ditch has been blocked and he is getting flooded in his back yard. There is always water on the southside of Rolocut Road which is always flooded because the drainage ditch between the Hambach and Revay properties is blocked. Sometimes water is there for 3 days. If you're going from 226 east before you get to Rolocut Road there is a culvert which used to go across Yosky's land and Yosky Road and into the ravine behind the apartments. Chairman Savaria suggested this proposal should improve the drainage in that area. He indicated from his personal experience he seen people build houses and bring in fill before the regulations were written; what the Applicant is proposing should improve the drainage in this area. Mr. Donahue stated he will have 300' of frontage which is unusable. Chairman Savaria suggested that was a sewer rather than wetlands issue.

**Brad Bahler, 226 North Road:** questioned the height of the culvert at his property? Wetlands Agent Newton reported this work won't go as far as Mr. Bahler's property; Mr. Ussery clarified that a lateral will be provided but the work in the ditch will cross the road before Mr. Bahler's property.

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**Kathleen Pope, 212 North Road:** cited concern for removal of trees. She had heard that trees were being removed in front of 208 North Road but that's an error as there are no trees at that location. Mr. Ussery indicated her property is further west of this work. Ms. Pope cited machinery is so heavy; the roots don't go just 5' around the tree. Mr. Ussery reported the State arborist reviewed the trees in the area where this work will be done. Ms. Pope suggested the tree roots are interconnected; she is concerned with trees falling on her house; Ms. Pope jokingly suggested maybe she'll get a new house. Ms. Pope is also concerned with her shallow well which is only 12' down. Chairman Savaria reported that if the trees aren't in the wetlands then they aren't an issue this Commission can deal with. Ms. Pope cited she is also concerned about the sump pumps; she has to run water to the side of her property into the woods. There is always water in the back of her property in the Spring; Chairman Savaria reported he lives nearby and understands the conditions.

**Mr. (William?) Sabonis, Melrose Road:** suggested they cut the tar down the middle of the road. Chairman Savaria suggested that wasn't a wetlands issue. Mr. Ussery clarified that there is a little bit of wetlands on the north side of the road at Melrose Road. Mr. Sabonis questioned what the traffic will be like near his house? Chairman Savaria suggested Mr. Sabonis' concerns are valid but the Wetlands Commission isn't the place to raise those issues.

Wetlands Agent Newton READ INTO THE RECORD the letter from the citizen who was unable to attend this meeting. The letter, which was received in the Planning Office on 9/3 (the issue date) is from Paul Anderson. As stated in the letter the comments made are Mr. Anderson's personal comments. He essentially opposes the modification.

Town Engineer Norton offered something for everyone's consideration when considering the quality of the wetlands – he questioned if anyone had followed a DOT truck after a storm event and noticed how many tons of salt are dumped on the road? Wetlands Agent Newton reiterated the Commission must consider the prudent and feasible alternatives for any project proposal, however the e-mail issued by Kevin Campbell affects the alternatives. With regard to the wetlands, Wetlands Agent Newton suggested the wetlands are being replicated, on a one to one basis, after moving the sewer line. With regard to quality, what comes off the road causes the wetlands to be low quality; the value and function will remain the same after this modification. Chairman Savaria concurred. Commissioner Osborn suggested that for the people that live in that area having this sewer come there is a big benefit, there are many shallow wells in that area and many septic systems are on the edge of failing and a new system would probably have to be an engineered system which would cost residents thousands of dollars. Chairman Savaria reiterated part of this Commission's duty is to make sure there is no prudent and feasible alternative, and in this case there was a valid plan. He was ticked off by this change originally but as he looks at this application the swale only has a function of moving water, it's an intermittent watercourse, it isn't doing flood control, it isn't a habitat. He is now less inclined to deny the modification. They can reconstruct it

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to do as well, or better, as it does now, and the Commission has documentation that we can't use the old plan and it sticks in his craw/throat but the prudent and feasible alternative isn't there anymore. There is the option of not constructing the sewer but he didn't feel anyone would want to do that; we have the money and bonding in place. Mr. Enderle reported that he had been out to Ms. Pope's property and is familiar with the conditions; what they are proposing to do shouldn't have any negative impact; the water should dissipate. Mr. Enderle reported that it is illegal to discharge water into the sewer but the sewer won't be near where Ms. Pope's water is going. Ms. Pope indicated she had no problem with the sewer coming in; her concern was the water coming into her property and the removal of trees.

**Dick Pippin, 37 Woolam Road:** suggested if the Commission finds it possible to approve this modification then do it tonight as the growing season is short; you only have 6 weeks to get good growth before Winter. If the work can't begin shortly they would be looking at the next growing season, which would be detrimental to these people.

Mr. Enderle thanked the Commission for their time, both during applications for Phase I and Phase II. They had intended to install the sewer down the middle of the road as they didn't want to impact the wetlands, and they didn't want to take down any trees. He agreed that the original prudent and feasible alternative is no longer possible; for the sewer not to go in would be difficult for everyone.

**MOTION: To CLOSE the Public Hearing on the Application of the East Windsor Water Pollution Control Authority for a modification of North Road Sewer Expansion, Phase 2, for multiple properties as listed as listed in the Legal Notice. Modification includes permanent disturbance of intermittent watercourse and associated drainage swale to relocate proposed sewer out of travel lane of North Road. The Public Hearing was closed at 8:05 p.m.**

**Osborn moved/Slate seconded/**

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

Chairman Savaria questioned the Commission if they felt there was any prudent and feasible alternative? Commissioner Slate felt there was not if the DOT won't allow the original plan. Chairman Savaria suggested the Commission could deny the modification, but he noted the contractor needs the machinery he's using to handle the culverts, etc. Commissioner Slate suggested they have said there should be no impact to the wetlands. Chairman Savaria concurred, noting whatever impact they make will be reversible. They shouldn't alter the function of the swale; it's not a habitat; it's an intermittent watercourse. Commissioner Sawka agreed the situation is a problem but no one wants to stop the project. He felt as long as everything is restored to its original state then he was

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ok with the modification. Commissioner Osborn concurred; he was ok with the modification as well.

Hearing no other requests for comments from the Commissioners Chairman Savaria called for a motion.

**MOTION: That no prudent and feasible alternative to this modification exists.**

**Osborn moved/Slate seconded/**

**DISCUSSION: None**

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

**MOTION TO APPROVE: 02-2012A – East Windsor Water Pollution Control Authority - MODIFICATION of North Road Sewer Expansion, Phase 2 – for properties including:**

- #212 North Road – Map 126, Block 27, Lot 007**
- #216 North Road – Map 126, Block 27, Lot 008**
- #220 North Road – Map 126, Block 27, Lot 009**
- #221 North Road – Map 126, Block 25, Lot 006**
- #222 North Road – Map 126, Block 27, Lot 010**
- #226 North Road, - Map 126, Block 27, Lot 011**
- #1 Melrose Road – Map 132, Block 25, Lot 007.**

**Modification includes permanent disturbance of intermittent watercourse and associated drainage swale to relocate proposed sewer out of travel lane of North Road.**

- “North Road Sewer, Plan & Profile Sta. 105+00 – 111+00, North Road Sanitary Sewer Extension, Phases 2, Prepared for East Windsor Water Pollution Control Authority, 192 South Water Street, East Windsor, CT., Prepared by J. R. Russo & Associates, LLC, Date: 7/26/13, Rev. 8/21/13, Sheet 4a of 13”**

**Standard Conditions**

1. The Commission or its designated agent must be notified in writing no later than 48 hours prior to the commencement of permitted activities, and upon completion of said activities.

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2. The burden to extend the approved timeframe for the regulated activity (and the time period for the original permit) is on the permittee; the Town of East Windsor is not required to give notice of the permit's expiration.
3. This permit shall not be assigned or transferred without the approval of the Agency.
4. This document shall be included in all construction contracts and sub-contracts dealing with the work proposed and shall supersede all other contract requirements.
5. During the construction phase, the applicant shall be responsible for maintaining a copy of this permit at the site.
6. The Permittee shall permit the Chairman of the Inland Wetland Agency, or its authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this Permit is in accordance with the terms and conditions prescribed herein.
7. Prior to the start of construction, adequate erosion and sedimentation control measures shall be implemented, and shall be maintained throughout the entire construction phase in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control until the site has become stabilized with permanent vegetative cover. The construction site shall be left in a stable condition at the close of each day. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair silt fences, haybales, stone-riprap filter dikes or any other devices planned for use during construction. Additional erosion control measures are to be installed as directed by the Town Staff if field conditions necessitate.
8. These permit conditions apply only to the work approved by this permit. Any other work to be done within the area of regulatory interest shall require the filing of a new or modified Inland Wetlands Application for consideration by the Commission.
9. If any alteration of the wetland/resource area does occur, the Commission shall impose such measures as it finds necessary to protect and restore those areas.
10. All temporary barriers, including erosion and sedimentation controls are to be removed (in suitable weather conditions) upon completion of the project.

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11. A copy of the As-Built plan shall be submitted to this Commission/Wetland Agent upon completion of the project. The as-built will be reviewed by the wetland agent and verified in the field.
12. The Commission reserves the right to impose additional conditions on any or all portions of this project that could impact an area of regulatory interest under the Inland Wetlands and Watercourses Regulations.
13. This Permit is valid for a period of Five (5) years from the date of issuance OR will be valid until the companion planning/zoning permit approval expires but shall not exceed 10 years. Any regulated activity approved by the Agency shall be completed within one year from the time such activity is commenced, provided the Agency may establish a seasonal restriction within which any regulated activity shall be conducted and may require that an activity, once commenced, be completed within a time period of less than one year and further provided the Agency may extend: (1) the time period of the original permit provided such period shall not extend beyond ten years from the date such permit was granted, or (2) the time period within which an activity, once commenced, is required to be completed under this section.

**Additional Conditions:**

14. **That a pre-construction meeting be held with Town Staff prior to initiating the work proposed in this modification.**
15. **That contact information regarding the on-site project manager be provided to the Planning Office for the duration of this project.**

**Osborn moved/Sawka seconded/**

**DISCUSSION:       None**

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

**OLD BUSINESS/ 1) #08-2013: Charles Fahey – Installation of footing drain discharge pipe to serve 177 Wells Road (drainage easement exists). Property located at 175 and 177 Wells Road north of Mahoney Road. Map 085, Block 30, Lots 83 & 84.**

Wetlands Agent Newton noted this Application is being moved to NEW BUSINESS as upon review of this Application she found this work would incur a wetlands disturbance. The Application then could not be heard as an Agent Decision as posted on the Agenda.

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Wetlands Agent Newton noted this Application is the result of work at 175 Wells Road, which provides several drainage easements for adjacent properties. It was found that no pipe was ever installed associated with this easement. To rectify that they are proposing to install a 6" drainage pipe with riprap. There was concern that an intermittent watercourse and terrace escarpment slope was located at the back of the property but both of those features are further down the property. The proposed work to install the pipe will occur outside the watercourse, and will incur approximately 210' of temporary wetlands disturbance.

Wetlands Agent Newton reported she has no problems with the proposed work. There are 2 other pipes discharging into the watercourse already. She visited the site with Tim Coon of J. R. Russo and Associates; both are comfortable with the proposed work.

Chairman Savaria reported he also visited the site. He found the contractor has pushed debris/tree stumps into the swale. Wetlands Agent Newton reported Mr. Coon will meet with the contractor to have the material removed.

**MOTION TO APPROVE #08-2013 ( Modification to Permit No. 03-2012): Charles Fahey – Application of Charles Fahey for Regulated Activities located at 175 Wells Road associated with the installation of a drainage pipe on property owned by Lisa Perkins.**

**This approval is granted subject to conformance with the referenced plans, "Overall Site Plan, Prepared for Lisa Perkins, Wells Road, East Windsor, CT., Map #085, Block #20, Lot #84, Zone A01, Prepared by J. R. Russo & Associates. Dated 12-12-11, Revisions through 10-11-12, with Redlines dated stamped 8-21-2013".**

1. This Permit is valid for a period of Five (5) years from the date of issuance OR will be valid until the companion planning/zoning permit approval expires but shall not exceed 10 years. Any regulated activity approved by the Agency shall be completed within one year from the time such activity is commenced, provided the Agency may establish a seasonal restriction within which any regulated activity shall be conducted and may require that an activity, once commenced, be completed within a time period of less than one year and further provided the Agency may extend: (1) the time period of the original permit provided such period shall not extend beyond ten years from the date such permit was granted, or (2) the time period within which an activity, once commenced, is required to be completed under this section.
2. The Commission or its designated agent must be notified in writing no later than 48 hours prior to the commencement of permitted activities, and upon completion of said activities.

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3. The burden to extend the approved timeframe for the regulated activity (and the time period for the original permit) is on the permittee; the Town of East Windsor is not required to give notice of the permit's expiration.
4. This permit shall not be assigned or transferred without the approval of the Agency.
5. This document shall be included in all construction contracts and sub-contracts dealing with the work proposed and shall supersede all other contract requirements.
6. During the construction phase, the applicant shall be responsible for maintaining a copy of this permit at the site.
7. The Permittee shall permit the Chairman of the Inland Wetland Agency, or its authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this Permit is in accordance with the terms and conditions prescribed herein.
8. Prior to the start of construction, adequate erosion and sedimentation control measures shall be implemented, and shall be maintained throughout the entire construction phase in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control until the site has become stabilized with permanent vegetative cover. The construction site shall be left in a stable condition at the close of each day. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair silt fences, haybales, stone-riprap filter dikes or any other devices planned for use during construction. Additional erosion control measures are to be installed as directed by the Town Staff if field conditions necessitate.
9. These permit conditions apply only to the work approved by this permit. Any other work to be done within the area of regulatory interest shall require the filing of a new or modified Inland Wetlands Application for consideration by the Commission.
10. If any alteration of the wetland/resource area does occur, the Commission shall impose such measures as it finds necessary to protect and restore those areas.
11. All temporary barriers, including erosion and sedimentation controls are to be removed (in suitable weather conditions) upon completion of the project.

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12. A copy of the As-Built plan shall be submitted to this Commission/Wetland Agent upon completion of the project. The as-built will be reviewed by the wetland agent and verified in the field.

The Commission reserves the right to impose additional conditions on any or all portions of this project that could impact an area of regulatory interest under the Inland Wetlands and Watercourses Regulations.

**Osborn moved/Sawka seconded/**

**DISCUSSION:**       None

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

**MISCELLANEOUS(1) #09-2011: Newberry Village, LLC - Intersection of  
Newberry Road and Winkler Road, East Windsor, CT. – ANNUAL UPDATE –  
REMA ENVIRONMENTAL REPORT:**

Wetlands Agent Newton had provided a copy of the annual report from REMA Ecological Services which is a requirement of the owner's permit. She noted the owner had some issues with some of the statements made in the report, but from her perspective it is what it is. If the owner has issues he needs to deal with REMA directly. The high levels of algae were due to the significant amount of hot weather, and the number of wood frogs was down but that was in the area of current construction.

**AGENT DECISIONS(1) #08-2013: Charles Fahey – Installation of footing drain discharge pipe to serve 177 Wells Road (drainage easement exists). Property located at 175 and 177 Wells Road north of Mahoney Road. Map 085, Block 30, Lots 83 & 84.**

See discussion under **OLD BUSINESS.**

**STATUS REPORTS:**

Discussion of attendance of Commission members relative to bylaw specifications.

**VIOLATIONS(1) #08-2012 East Windsor Cemetery/Cemetery Rd - Modify existing 10' drive to 22':**

Wetlands Agent Newton reported the work that was to be done to widen the road going into the Scantic Cemetery was not done in accordance with the plans approved by this Commission. The plan was basically ignored and the contractor did what he wanted to do. Chairman Savaria reported he also visited the site; the work was overdone.

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Wetlands Agent Newton reported the work was stopped; Mr. Ussery is to prepare a plan to repair the work which completely changed the slope along the access road.

Wetlands Agent Newton advised the Commission she met with Dan Burnham, President of the Cemetery Association, and Dave Tyler, the contractor, before the work commenced. They went over the plan and talked about/identified the tree which was to come down, and discussed the amount of riprap to be installed. It appeared everyone was on the same page. Wetlands Agent Newton reported Town Engineer Norton has also visited the site and has concurred the approved plan was not followed. The entire slope, starting from the intermittent stream up to the dead tree which was to be removed, has been cleared of vegetation and completely replaced with large riprap. Mr. Ussery has been asked to come up with a plan to remove the riprap, grade the slope as originally proposed, and reseed the slope.

Chairman Savaria suggested the erosion controls seemed to be installed haphazardly. Wetlands Agent Newton reported there was a waddle in the middle of the slope. Chairman Savaria reported the contractor didn't follow the plan in almost any instance; he didn't take down the tree. He felt the Commission bent over backwards for the Cemetery Association; the Commission trusts them to do the work following the approved plan, and they did none of that. Chairman Savaria noted the second wetlands crossing for the Cemetery Association is even more sensitive. On this road the riprap was installed right down to the stream. Wetlands Agent Newton noted they will now have to install erosion controls to get the riprap out of the area. No more work is to be done on this road while the Commission waits for a restoration plan.

The Commission discussed their disappointment with the manner in which the Cemetery Association handled this work. Chairman Savaria cited Mr. Burnham has been the face of the Cemetery Association for these applications; Commissioner Sawka felt they should have known better. Wetlands Agent Newton suggested they knew the work that was to be done; she reiterated the pre-construction meeting and the site visit prior to initiation of work. She suggested this is a riparian corridor that was disturbed, and it will be disturbed more to repair it. The contractor indicated he felt his work was a better resolution. Wetlands Agent Newton reiterated they have all been told it must be repaired, and they must go with whatever plan is proposed by Mr. Ussery. Wetlands Agent Newton reported she will work with Mr. Ussery, and bring the plan back to the Commission if necessary.

**CONFERENCES/SEMINARS/TRAINING:**

Wetlands Agent Newton reported the CAIWAC conference is coming up Saturday, November 16<sup>th</sup> in Cromwell. Commissioners wishing to attend should contact the Planning Office.

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**CORRESPONDENCE:** None.

**GENERAL BOARD DISCUSSION:** None.

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

No one requested to speak.

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

Executive Session not held; no update to report.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 8:36 p.m.**

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

Respectfully submitted:

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Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission  
(6219)