

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

Regular Meeting – November 6, 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, and Robert Slate, and Alternate Members Kathryn Roloff and Michael Sawka.

Unable to Attend: Regular Members Michael Koczera.

Guests: Selectman Richard Pippin (Inland/Wetlands Liaison); Kathy Pippin, Board of Finance.

Chairman Savaria noted the establishment of a quorum with four (4) Regular and two (2) Alternate Members as noted above. All Regular members will sit in on votes this evening; Alternate Members will serve in rotation as directed by Chairman Savaria to complete the quorum for the various applications. .

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

AGENDA ADDITIONS:

Wetlands Agent Newton requested the Addition of a Show Cause Hearing for a Cease and Desist Order issued for 35 Mill Street for filling along a stream embankment, and unpermitted work in an Upland Review Area – Violation of Section 6.1 of the Inland Wetlands Watercourses Regulations.

The Agenda Item was added by consensus; no motion was made.

APPROVAL OF MINUTES /1. September 4, 2013 – Regular Meeting:

MOTION: To APPROVE the Minutes of Regular Meeting dated September 4, 2013 with the following amendments:
Page 3, Line #101, NEW BUSINESS/1) 02-2012A – East Windsor Water Pollution Control Authority – PUBLIC HEARING on MODIFICATION of North Road Sewer Expansion, Phase 2, (see meeting minutes for identification/description of various properties); Modification includes permanent disturbance of intermittent

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watercourse and associated drainage swale to relocate proposed sewer out of travel lane of North Road: “.....road into the shoulder ~~about 6’ off the center line of North Road~~ for a distance of approximately 500+/- feet.”

Osborn moved/Slate seconded/

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

NEW BUSINESS: Show Cause Hearing - 35 Mill Street: Property owned by William Schortman. Cease and Desist Order issued for filling along a stream embankment, and unpermitted work in an Upland Review Area – Violation of Section 6.1 of the Inland Wetlands Watercourses Regulations.

Chairman Savaria appointed Alternate Member Roloff to join the Commission regarding this Show Cause Hearing.

Appearing to discuss this Violation was William Schortman, property owner, and Heather – tenant at 35 Mill Street.

Wetlands Agent Newton reported the Planning Office received a complaint regarding activity at this property. She and Mr. Sauerhoeffer, the part-time inspector for the Public Works Department, visited the site. Referencing an aerial Wetlands Agent Newton noted the property is located in a regulated area which is located in the alluvial flood plain. They found the embankment leading into the stream has been covered with wood chips. Wetlands Agent Newton provided photos of the stream embankment taken during the site visit.

Wetlands Agent Newton reported she has spoken with the tenant, Heather, who was not aware a permit was needed. Heather advised the Commission she had told a friend she wanted free wood chips and “was told by the State that it was ok”. Wetlands Agent Newton clarified that what she found on this lot was a violation on the local level and under the Clean Water Act as well; the material which has been dumped all along the stream must be taken out.

Discussion followed; Heather indicated she was trying to cover poison ivy and keep bugs down. Heather indicated she would like to add silt fence to the slope, then move half of the area of wood chips off the slope and move it up onto the front of the lot. Wetlands Agent Newton noted the woods chips are being used to fill in the flood plain; they are taking up capacity for the area as the brook floods. Wetlands Agent Newton noted the area bordering the stream along this property is an area of concern as the chips have been dumped the full length of the stream. Commissioner Slate noted the beaver dam in the photos submitted by Wetlands Agent Newton. Wetlands Agent Newton suggested the owner or tenant have the beaver trapped and removed from the site.

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Discussion followed regarding remediation. Wetlands Agent Newton suggested the Commission continue the Show Cause Hearing until the next Commission Meeting. She will meet with Heather to start work as soon as possible; she indicated the erosion control measures need to be installed before any other work is started. Commissioner Osborn questioned if seeding the slope with rye would help; Heather reported she was told by Doug from the State that putting silt fence in as a buffer would be better. Wetlands Agent Newton suggested the silt fence shouldn't be put in the water; she reiterated that the wood chips have been dumped on the slope all the way down to the water. They will have to pull the material back to install the silt fence. Wetlands Agent Newton reiterated she will work with Heather to install the silt fence and develop a plan for the Commission's December Meeting; the Commission can include a condition that work may begin now subject to review by Wetlands Agent Newton. She suggested seeding the area now wouldn't help as it's too late in the season for the grass to grow. Heather said "the Conservation Officer said if they got it down to a thin layer....." The Commission agreed to have Wetlands Agent Newton work with Heather regarding removal of the wood chips.

MOTION: To CONTINUE the Show Cause Hearing for 35 Mill Street for Property owned by William Schortman. Cease and Desist Order issued for filling along a stream embankment, and unpermitted work in an Upland Review Area – Violation of Section 6.1 of the Inland Wetlands Watercourses Regulations. Show Cause Hearing CONTINUED to the Commission's regularly scheduled Meeting to be held on December 4, 2013 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. *The Commission has agreed that the tenant can work under the supervision of the Wetlands Agent to install silt fence on the slopes; work must be inspected by the Wetlands Agent.*

Slate moved/Osborn seconded/

VOTE: In Favor: Malin/Osborn/Rolloff/Savaria/Slate
(No one opposed/No abstentions)

NEW BUSINESS/1. #10-2013 Keith Yagaoff – 131 Depot Street - Request for Permit to Conduct Regulated Activities to extend culvert to construct driveway, extend public utilities (water/power) to site for construction of a single family house, construct gravel driveway & guardrail. Property is located north-west of the Depot Street/East Road Intersection. R-3 Zone; Map 99, Block 53; Lot 003.

Appearing to discuss this Application was Karen Isherwood, of Isherwood Civil Engineering, and Keith Yagaloff, applicant.

Ms. Isherwood preferred to reference the parcel as 131 Depot Street rather than the Application #10-2013. Ms. Isherwood reported the proposal is a resubdivision of a

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46(+/-) acre parcel owned by Sue Paradise. She noted the parcel is presently accessed via an existing 14' wide farm driveway which includes a 42" steel pipe/culvert to provide a wetlands crossing. Ms. Isherwood reported the wetlands drains approximately "50 acres" of agricultural land. Ms. Isherwood indicated under present regulations access driveways which exceed 500' in length must have a 12' gravel strip with a 3' strip on either side; this Application seeks a permit for the driveway which requires filling, and includes the addition of a 30" HPDE pipe which will be inserted into the existing 42" pipe. The proposed "13" inch pipe, with additional bends, will send the discharge to an area providing an energy dissipator. Ms. Isherwood reported the site will be served by a septic system. Ms. Isherwood indicated two patches of existing wetlands as being located "here" and "here"; she suggested the proposed house will be located just outside the 150' upland review area, while all grading and filling will be within the upland review area. The proposal will cause .057 acre of wetlands disturbance.

Ms. Isherwood introduced John Ianni, Professional Soil Scientist, of Highland Soils, LLC. Mr. Ianni described the location of the property as being in the watershed of the Broad Brook. The parcel contains two locations of wetlands:

1. on the west side of the brook which runs through a mixed forested area including Red Maples.
2. on the east side there is an open wet meadow which is starting to colonize with Red Maples; the area is dominated by soils which are an accumulation of organic plant materials. The water is basically diffused surface flow. The red barn is just off this site. The existing farm crossing is a narrow channel; the wetlands flows into the wooded environment. On the west side there is a steep slope going into the brook.

The remainder of the parcel is a knob of sand and gravel. There are no signs of erosion. Mr. Ianni indicated his only concern was to not lower the elevation which would cause backward erosion.

Chairman Savaria questioned what the homeowner proposed for the remainder of the land; do you plan to clear it? Mr. Yagaloff indicated he and his wife, Gail, want the area to remain as natural as they can. Mr. Yagaloff indicated they have taken down some trees that came down during the October storm but they don't propose to do any clearing. Chairman Savaria referenced a 20' edge of clearing of trees on the back of the house shown on the plans. Mr. Yagaloff suggested there was some poison ivy there but there are not any trees coming out; there is no proposed clearing.

Chairman Savaria then questioned Ms. Isherwood on the wetlands crossing. Ms. Isherwood indicated the bend in the pipe is to avoid the property line. She suggested there is a sizeable tree near the property line which she feels will have to be removed. Discussion followed regarding the proposed installation of the new pipe being inserted in the existing drainage pipe.

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Wetlands Agent Newton noted Town Engineer Norton had concerns regarding the drainage calculations as submitted. Ms. Isherwood indicated she submitted plans on 9/1/2013 and received Town Engineer Norton's comments this Friday; she suggested the presentation of the calculations were out of order. Revised plans were submitted to the Planning Office this morning (11/6/2013); she had received comments regarding the culvert modification from Town Engineer Norton this morning. Ms. Isherwood reviewed Town Engineer Norton's comments (memo date not referenced), and her responses. Wetlands Agent Newton clarified that the reason the comments were not received earlier was that the original plans had been submitted to the Planning Office the day before the October Meeting, which was cancelled. This Application was received statutorily. The Commissioners didn't get packets for the October Meeting but did subsequently receive the original plans in the packet for the November Meeting last week. Town Engineer Norton has not had the opportunity to review plan revisions received this morning.

Ms. Isherwood then reviewed Wetlands Agent Newton's memo dated 11/6/2013 regarding the revisions received today. Wetlands Agent Newton addressed the major areas of concern:

1. Wetlands Agent Newton noted the location of the primary and secondary septic fields has been flipped as requested. Both Wetlands Agent Newton and Mike Caronna, of the North Central Health District, want to see the fields 25' back from the top of the slope. Ms. Isherwood indicated she has no problem with the request but must also meet requirements of the Planning and Zoning Commission and must keep everything out of the agricultural buffer. She will move the fields if possible. Wetlands Agent Newton indicated the agricultural buffer doesn't relate to the trenches.
2. As requested under comment #3 a note had been added regarding completion of work during the dry season (June – September); no work should take place during March to June 15th.
3. Plan scales have been revised to be consistent throughout the plan set.

Wetlands Agent Newton reported she has not prepared a proposed approval motion as she spoke with Town Engineer Norton today and found he was not prepared to sign off on the plans submitted today.

Ms. Isherwood indicated a resident from across the wetlands is present to offer comments. Wetlands Agent Newton and Chairman Savaria clarified public comment can't be taken on this Application as it has not been advertised as a Public Hearing. Wetlands Agent Newton queried the Commission regarding their consideration of the proposed work as being a significant activity, which would require a Public Hearing. Commissioner Slate felt this proposal was not a significant activity. Chairman Savaria noted the work is close to property owned by the Brennan family. Mr. Yagaloff indicated he has spoken with the owner, and has a good relationship with them. An existing wire fence which is located on the Brennan's property will be removed but he felt they would be happy to have the area cleaned out. Wetlands Agent Newton noted the Yagaloff's will

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be going through the Public Hearing process during their Planning and Zoning Application; the neighbor can make comments at that time. Drainage issues will also be reviewed by Town Engineer Norton. Wetlands Agent Newton felt this is an existing crossing; there should be minimal impact by sliding the new pipe through the existing pipe. She felt the proposal will be a better design than what's there now.

Commissioner Osborn questioned if there is public water at this location? Mr. Yagaloff replied affirmatively.

The Application was continued to the December Meeting; no motion made.

OLD BUSINESS: None.

MISCELLANEOUS/1. 2014 Meeting Dates:

Chairman Savaria appointed Alternate Member Roloff to join the Commission regarding this Item of Business.

The Commission reviewed the proposed 2014 Meeting dates. Wetlands Agent Newton noted the January meeting has been scheduled for the second Wednesday due to the New Year's holiday. She will find another meeting location as the Police Commission regularly meets on the second Wednesday.

Commissioner Slate reported he will not be able to attend meetings for January, February, March, and April as he has volunteered to assist with rebuilding property damaged in the Colorado wildfires.

MOTION: To ACCEPT the 2014 Inland Wetlands Commission Meeting dates as proposed.

Osborn moved/Malin seconded/

**VOTE: In Favor: Malin/Osborn/Rolloff/Savaria/Slate
(No one opposed/No abstentions)**

AGENT DECISIONS/1. #09-2013: Jeff Tisdell – Request for permit to conduct regulated activity to place an accessory structure/shed in an Upland Review Area. Property is located at 121 Rockville Road; nearest intersection is Griffin Road. Map 019, Block 64, Lots 16-09.

Wetlands Agent Newton advised the Commission this entire lot lies within a regulated area due to its location next to a brook; the lot is also restricted by a Conservation Easement. Anything proposed would require a permit. Wetlands Agent Newton reported the shed has already been placed on the property but is located outside the wetlands and

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the Conservation Easement. She has issued the permit.

The Commission concurred with Wetlands Agent Newton's recommendation; no motion made.

AGENT DECISIONS/2. #11-2013: John Burnham for Lawrence Tribble d/b/as LCC Partnership – Request for Permit to Conduct Regulated Activities to remove trees along Abbe Road, grind stumps, and install fence 60' back. A-1 Zone; Map 23, Block 22, Lot 046.

Wetlands Agent Newton reported this permit request remains pending. The property contains a natural swale in the front which floods from time to time. People have been dumping junk and debris in the ditch. Mr. Tribble wants to take down the scrub shrub and hand-clear the ditch so he can put up more fence for the horses.

Discussion followed regarding leaving larger trees rather than clear-cutting the area. Wetlands Agent Newton will ask the contractor to tag trees larger than 15" in diameter; she'll revisit the site before issuing the permit.

The Commission concurred with Wetlands Agent Newton's recommendation; no motion made.

STATUS REPORTS:

Wetlands Agent Newton reported this project is basically completed. The wetlands seed mix that was planted is very slow growing; vegetation won't be visible until next year. She indicated the project took a long time but the contractor did a really good job.

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

Wetlands Agent Newton reported the riprap has been pulled back from the middle of the stream and the check dam has been taken out of the middle of the stream but was pushed up on the side. Wetlands Agent Newton noted she has concerns with the way the riprap was pulled back; she has advised Mr. Ussery the as-builts must match the plans submitted. She indicated the area is in better shape than it was after the work was done but additional work remains to be done. She felt it's doubtful that any seeding will grow this late in the Fall.

CONFERENCES/SEMINARS/TRAINING:

The CAIWIC conferences will be starting in a couple of weeks. Both Wetlands Agent Newton and Town Planner Whitten will attend different sessions of the conference. Wetlands Agent Newton suggested there may be some funding available if a

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Commissioner wants to attend; no one requested follow-up information.

CORRESPONDENCE: None.

GENERAL BOARD DISCUSSION:

- Chairman Savaria thanked Selectman Pippin for his interest as the Selectman's liaison to the Commission. He noted both Dick and Kathy are welcome to attend any future meetings. Kathy Pippin thanked the Commission for encouraging them; they will be back.
- Wetlands Agent Newton noted she has provided the Commissioners with an article regarding the results of a recent court case involving farm roads. She noted the judge ruled that buildings directly related to farming are exempt but not farm roads; farm roads require permits prior to installation.

PUBLIC PARTICIPATION: See above.

EXECUTIVE SESSION/1. Pending Litigation:

MOTION: To GO INTO EXECUTIVE SESSION at 8:10 p.m. to discuss pending litigation. Attending the Executive Session were Chairman Savaria, Commissioners Malin, Osborn, Roloff, Sawka, Slate, Wetlands Agent Newton, and Recording Secretary Hoffman.

Slate moved/Osborn seconded/

**VOTE: In Favor: Malin/Osborn/Roloff/Savaria/Slate
(No one opposed/No abstentions)**

MOTION: To COME OUT OF EXECUTIVE SESSION at 8:24 p.m.

Slate moved/Osborn seconded/

**VOTE: In Favor: Malin/Osborn/Roloff/Savaria/Slate
(No one opposed/No abstentions)**

No action taken; no motions made.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:24 p.m.

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

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Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission