

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

Regular Meeting – December 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), John Malin, Dave Menard, Richard Osborn, and Robert Slate.

Unable to Attend: Alternate Members Kathryn Roloff and Michael Sawka.

Guests: Selectman Dale Nelson; Dick and Kathy Pippin.

Chairman Savaria acknowledged the establishment of a quorum with 5 Regular Members. Chairman Savaria welcomed Commissioner Menard to the Board; he noted the Board now has a full complement of Regular Members. All Regular members will sit in on votes this evening. .

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

AGENDA ADDITIONS:

MOTION: To ADD the Election of Officers under OLD BUSINESS.

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

APPROVAL OF MINUTES /1. November 6, 2013 – Regular Meeting:

MOTION: To APPROVE the Minutes of Regular Meeting dated November 6, 2013 with the following amendments:

Page 7, Line #297, STATUS REPORTS: “Wetlands Agent Newton reported this project – **THE KOGUT REMEDIATION ON RESERVOIR AVENUE** – is basically completed.”

Osborn moved/Slate seconded/

VOTE: In Favor: Malin/Osborn/Savaria/Slate
Opposed: No one
Abstained: Menard

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NEW APPLICATIONS TO BE RECEIVED: None.

CONTINUED PUBLIC HEARINGS: None.

NEW BUSINESS/1. #08-2011 - Gerry Wilcox – 50 Newberry Road – Request for extension of Permit expiring 12/6/2013 to Conduct Regulated Activities to include construction of a concrete block wall and the construction of a detention basin for the expansion of equipment storage and trailer parking by filling of approximately 2,150 square feet of wetlands and creating 2,150 square feet of wetlands. The property is located on Newberry Road, nearest intersection is Thompson Road. Assessor's Map #09, Block #19, Lot #004:

Chairman Savaria read the description of this Item of Business.

Wetlands Agent Newton clarified that the request made by Mr. Wilcox was actually NOT for an extension of the actual permit, but is a request for the period of time to complete the work to be done which must be completed with one year. She reported the work under consideration is approximately 90% completed; Mr. Wilcox is waiting for acquisition of appropriate fill material.

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

MOTION: To GRANT REQUEST FOR EXTENSION of one year timeframe for completion of work initiated under Permit #08-2011 until December 6, 2014 for Application of Gerry Wilcox for 50 Newberry Road – Request for extension of Regulated Activity to include construction of a concrete block wall and the construction of a detention basin for the expansion of equipment storage and trailer parking by filling of approximately 2,150 square feet of wetlands and creating 2,150 square feet of wetlands.

Slate moved/Osborne seconded/

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

NEW BUSINESS/1. #10-2013 Keith Yagaloff – 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.

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Chairman Savaria read the description of this Item of Business. Appearing to discuss this Application was Karen Isherwood; Mr. Yagaloff was present in the audience.

Wetlands Agent Newton reported the Commission reviewed the entire Application at the last meeting. The Application was continued pending receipt of drainage calculations requested by Town Engineer Norton. Wetlands Agent Newton reported some back and forth communication has occurred between Ms. Isherwood and Town Engineer Norton since the previous meeting. Town Engineer Norton has now said he has received what he needs and he is satisfied with the plans and calculations. Wetlands Agent Newton suggested the Application is ready for the Commission to make a decision tonight; should the Commission approve this Application the motion should include the standard 16 conditions of approval.¹

Commissioner Slate questioned if the house numbers referenced as being incorrectly identified at the last meeting have been corrected? Ms. Isherwood indicated there was actually no issue with the house numbers.

MOTION: To APPROVE Application #10-2013 - Keith Yagaloff – 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.

This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:

REFERENCED PLANS:

- Yagaloff-Paradise Resubdivision, Depot Street/East Road, East Windsor, CT., Key Map/Zoning Data Block prepared for Keith & Gail Yagaloff, by Isherwood Civil Engineering, 58 Ordway Drive, South Windsor, CT. 06074, Dated October 1, 2013, Revised November 5, 2013, Latest Revision November 14, 2013. Sheets Resubdivision 1 of 1, C1 – 3.

Standard Conditions

1. This Permit is valid for a period of **two (2) years** from the date of issuance. Any regulated activity approved by the Agency shall be completed **within 2 months** from the time such activity is commenced, provided the Agency may establish a

¹ Administrative clarification: Review in the Planning Office confirmed Standard Permit Conditions actually number 13; approval motion has been drafted to conform with Permit conditions issued

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- specific time period 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.
 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 OR Agent.
 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.

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11. All temporary barriers, including erosion and sedimentation controls are to be removed (in suitable weather conditions) upon completion of the project.
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.
13. 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.

Slate moved/Osborn seconded/

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

OLD BUSINESS/Election of Officers:

MOTION: Commissioner Slate nominated Ron Savaria for Chairman, Robert Slate for Vice Chairman, and Rick Osborn for Secretary.

Slate moved/Malin seconded/

**DISCUSSION: Chairman Savaria questioned if Commissioner Slate still intended to be out of State for four months as discussed at a previous meeting?
Commissioner Slate reported his intended project may not happen.**

VOTE: In Favor: Unanimous

MISCELLANEOUS:

Wetlands Agent Newton reported that if the Commission doesn't have any business for the January 8th, 2014 Meeting she plans to hold a training session.

AGENT DECISIONS: None.

STATUS REPORTS:

Wetlands Agent Newton reported Dollar General was paving their site today. Chairman Savaria reported the road in front of the property was dirty; Wetlands Agent Newton reported they have been sweeping the road twice a day. Chairman Savaria questioned that this Commission had not seen the Application. Wetlands Agent Newton clarified that there are no wetlands on the 115 Main Street, Broad Brook site; the Application was heard via the Planning and Zoning Commission.

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VIOLATIONS - 35 Mill Street: 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. – **UPDATE:**

Wetlands Agent Newton reported that a couple of days after the Cease and Desist Order was issued a storm event occurred; the stream backed up because of the beaver dam and flooded the wood chips. The tenant has removed the beaver dam, and made an attempt to remove some of the chips but were only able to remove an area of approximately 3' x 5'. Wetlands Agent Newton reported she and Town Engineer Norton visited the site; removal of the wood chips may require the assistance of an experienced back-hoe operator. Commissioner Osborn cited concern for use of the back-hoe. Wetlands Agent Newton suggested an alternative may be to install an erosion control blanket staked at the top and bottom of the slope, which would be left in place until seeding could occur in the Spring. She suggested the Commission should keep the Violation open; she and Town Engineer Norton will present options for the next meeting.

Wetlands Agent Newton noted the pile at the top of the slope has not yet been removed.

CONFERENCES/SEMINARS/TRAINING:

Wetlands Agent Newton reported nothing is presently available.

CORRESPONDENCE: None.

GENERAL BOARD DISCUSSION: None.

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

Selectman Nelson questioned Standard Conditions 1 through 16 referenced during one of the motions. Wetlands Agent Newton reported they are standard permit conditions; a copy will be provided for Selectman Nelson.

EXECUTIVE SESSION/1. Pending Litigation:

MOTION: To GO INTO EXECUTIVE SESSION AT 7:26 P.M. to discuss pending litigation. Attending the Executive Session were Chairman Savaria, Commissioners Malin, Menard, Osborn, and Slate, Wetlands Agent Newton, and Recording Secretary Hoffman.

Slate moved/Osborn seconded/

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

MOTION: TO COME OUT OF EXECUTIVE SESSION AT 7:38 P.M.

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DISCUSSION: **No action taken; no votes made.**

Osborn moved/Slate seconded/

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

ADJOURNMENT:

MOTION: **To ADJOURN this Meeting at 7:38 p.m.**

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

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission