

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

Regular Meeting – January 7, 2015

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), Dave Menard, Richard Osborn, and Richard P. Pippin, Jr.

Unable to Attend: Regular Member Robert Slate and Alternate Members Kathryn Roloff and Michael Sawka.

Guests: See Applicants representatives.

Chairman Savaria noted the establishment of a quorum with 4 Regular Members as noted above. All Regular members will sit in on votes this evening. Chairman Savaria also welcomed Commissioner Pippin to the Board.

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

AGENDA ADDITIONS:

Chairman Savaria noted the following additions to this evening's Agenda:

NEW APPLICATIONS TO BE RECEIVED:

- **#1-2015: McCUDA, LLC – 4 New Park Road**, south of Thompson Road. Request to construct industrial building, associated parking, driveway, and utilities – also improvements to existing drainage. Map 072, Block 19, Lot 099. *(65 day application period ends March 13, 2015)*
- **#2-2015: GEORGE HARGRAVES – 85 East Road**. Request to construct a single family home. Map 110, Block 77, Lot 021-03. *(65 day application period ends March 13, 2015)*

MISCELLANEOUS:

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- **KREYSSIG ROAD – Spring Brook Farm Subdivision – Jeffrey E. and Maria B. Ewing – JURISDICTIONAL RULING - 5-lot subdivision along East Windsor/Ellington town line, with one lot totally in East Windsor. [A-1 Zone; Map 136, Block 75, Lot 11].**

APPROVAL OF MINUTES – December 3, 2014:

MOTION: To APPROVE the Minutes of Regular Meeting dated /December 3, 2014.

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

CONTINUED PUBLIC HARINGS: None.

NEW APPLICATIONS TO BE RECEIVED:

See acknowledgement under Added Agenda Items. See discussion below regarding consideration of Public Hearings.

NEW BUSINESS: #16-2014: Timothy Rodrigue: Request to conduct regulated activities to create a 2-lot subdivision adjacent to 185 Wells Road; nearest intersection is Mahoney Road. Assessor's Map 085, Block 31, Lot 001B. (65 day application period ends February 6, 2015):

Chairman Savaria read the description of this Item of Business. Appearing to discuss the Application was Jay Ussery, of J. R. Russo and Associates, LLC, representing the Applicant. Also present was John Ianni, Soil Scientist, of Highland Soils, Inc., who provided information specific to the wetlands.

Mr. Ussery reported this Application is for a 2-lot subdivision located south of the intersection with Mahoney Road and Wells Road; the lots are also south of property of Tim Rodrigue. The homes constructed on the new lots would be served by sewer currently located in Sharon Lane.

Mr. Ussery reported there is a wetlands associated with a drainage ditch which flows through a swale to the Scantic River. The wetlands have been reviewed by John Ianni; based on Mr. Ianni's report and testimony at the meeting the wetlands would be considered a high water table which is on the low end of the criteria for a wetlands from a functional standpoint. Mr. Ussery noted that an enlargement of the wetlands area provided for the Commission subsequent to Application submission now shows islands of wetlands in the area. Mr. Ussery noted at one time Mr. Rodrigue mowed the wetlands area. Commissioner Osborn noted Mr. Rodrigue no longer mows the area because it is wet. Mr. Ussery concluded there is no direct impact to the wetlands due to the proposed construction or location of the driveways. The outlet of the footing drain for only one

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home will encroach on the wetlands slightly.

Wetlands Agent Newton requested a final plan containing the signature of the soil scientist; the Application file currently lacks a copy of a report from the soil scientist as well. Mr. Ussery reported both will be provided.

Discussion continued regarding comments made by Town Engineer Norton under his memo dated 12/14/2014. Comment one is a recommendation to construct a swale along the southerly property line of lot 1E to insure runoff from that lot doesn't adversely impact the abutter to the south; Mr. Ussery indicated they have added that requirement to the plan. Comment two suggested the installation of a catch basin in the easterly gutter of Wells Road. Mr. Ussery suggested Mr. Rodrigue didn't feel it was his responsibility to provide drainage for Wells Road; Mr. Ussery agreed, but noted he expected to submit another Application from the EW Department of Public Works to install a storm drainage outlet and catch basin for which Mr. Rodrigue will provide an easement. Discussion continued regarding existing road and traffic conditions.

Chairman Savaria suggested both proposed homes are now located substantially in the upland review area, and the patch of wetlands in the back yard has been determined to be wetlands. He queried the Commissioners if construction of the homes requires any additional "treatment"? No additional comments were made by the Commissioners.

MOTION TO APPROVE: #16-2014: Timothy Rodrigue: Request to conduct regulated activities to create a 2-lot subdivision adjacent to 185 Wells Road; nearest intersection is Mahoney Road. Assessor's Map 085, Block 31, Lot 001B.

**This approval is granted subject to conformance with the referenced plans, "2 lot Resubdivision Wells Road, East Windsor, Connecticut, Owner/Applicant: Denise C. Rodrigue, 185 Wells Road, East Windsor, CT, Dated 10/27/14, Latest Revisions 12/30/14" Prepared by J.R. Russo and Associates, LLC
And as may be amended by this approval**

Standard Conditions

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

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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 and Agent of the IWWA, 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 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

Additional Conditions:

14. **The permit holder will submit a start work notice and contractor's compliance statement to the Wetland Agent prior to starting any work authorized by this permit. Copies are attached.**

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

NEW BUSINESS: #17-2014: West River Farms, LLC - 331, 339, & 341 Scantic Road: Request to construct a 69 lot subdivision with 3 lots located in the regulated area; nearest intersection 600' east of Oakwood Drive. Assessor's Map 003, Block 34, Lots 060, 062, 062A. (65 day application period ends February 6, 2015).

Chairman Savaria read the description of this Item of Business. Appearing to discuss this Application was Jay Ussery, of J. R. Russo and Associates, LLC, representing the Applicant. Also present was John Ianni, Soil Scientist, of Highland Soils, Inc., who provided information specific to the wetlands on this Application as well.

This proposal is for a 69-lot subdivision being proposed under the PRD (Planned Residential Development) Zoning Regulations; the location of the subdivision is on Scantic and Schanck Roads. Mr. Ussery noted three of the proposed lots, which are located at the end of the cul-de-sac, would require the developer to conduct regulated activity within the upland review area. The homes constructed on these three lots would have walk-out basements. The wetlands area is located on the east end of the cul-de-sac; the edge of this wooded wetlands is depicted on the plan as the green highlighted line.

Mr. Ussery noted Town Engineer Norton had recommended the installation of silt fence at the toe of the slope at the end of the cul-de-sac. He noted Wetlands Agent Newton's preference was for the installation of straw waddles or silt socks which worked well at a previous development project. In response the plans now show the addition of approximately 10,000+/- feet of erosion control blankets to the slope, and the addition of the silt socks. Mr. Ussery reported there is no disturbance to the wetlands associated with this subdivision.

Mr. Ianni reported this area of wetlands is a wooded area with pronounced seepage at the edge; it then transitions to a field which is overgrown. His concern was also the

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stabilization of the bank. Mr. Ianni felt the long term impact will be that the brush line will fill in and the vegetation will re-establish itself. The wetlands then flows to the north from the field off the property into the Scantic River. All stormwater discharge will go into the open field. Mr. Ianni suggested there is no direct impact to the wetlands – just the grading and the use of the erosion control methods to prevent erosion during construction.

Mr. Ussery noted both Town Engineer Norton and Wetlands Agent Newton had commented on the use of temporary diversion swales to direct run off. Discussion had included the use of riprap at the outlet of the plunge pool but Mr. Ussery reported the outlets are located at the edge of the river so there really isn't the opportunity to use the riprap. He also noted the outlets are actually located in the Town of South Windsor. Wetlands Agent Newton suggested Town Engineer Norton can clarify his comments during the presentation of the application before the Planning and Zoning Commission (PZC) as drainage is the purview of the PZC. Drainage calculations would be reviewed during the PZC application as well.

Chairman Savaria questioned who would be taking care of the pond? Wetlands Agent Newton suggested this proposal is for an East Windsor subdivision with associated drainage; the Town has easements to go down and maintain the pond. Town Engineer Norton's comments regarding the creation of a homeowners association would be a consideration for the PZC as well.

Discussion followed regarding the material which comprises the existing slope. Commissioner Osborn suggested the area had been extensively filled with debris and perhaps amesite maybe 25 years ago. Mr. Ianni suggested he tested down two feet and found sand at the top of the slope and even in the back. Mr. Ussery indicated any material which is not native soil or naturally occurring material will be removed prior to construction

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

MOTION TO APPROVE: #17-2014: West River Farms, LLC – 331, 339, & 341 Scantic Road: Request to construct a 69 lot subdivision with 3 lots located in the regulated area; nearest intersection 600' east of Oakwood Drive. Assessor's Map 003, Block 34, Lots 060, 062, 062A. (65 day application period ends February6, 2015).

This approval is granted subject to conformance with the referenced plans, "West River Farms, 69 Lot Subdivision (PRD), Scantic Road, East Windsor, Connecticut, Owner/Applicant: West River Farms, LLC, 172 Amston Road, Colchester, Connecticut 06415, Sheets 1-22", Prepared by J. R. Russo and Associates, LLC.

And as may be amended by this approval

Standard Conditions

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.
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 and Agent of the IWWA, 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

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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.
12. A copy of the As-Built plan shall be submitted to this Commission 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

Additional Conditions:

14. **The permit holder will submit a start work notice and contractor's compliance statement to the Wetland Agent prior to starting any work authorized by this permit. Copies are attached.**

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

NEW APPLICATIONS TO BE RECEIVED/#1-2015: McCUDA, LLC – 4 New Park Road, south of Thompson Road. Request to construct industrial building, associated parking, driveway, and utilities – also improvements to existing drainage. Map 072, Block 19, Lot 099. *(65 day application period ends March 13, 2015)*

Mr. Ussery will be presenting this Application next month; he offered the following overview:

Mr. Ussery reported this is an Application for construction of a new building on property currently occupied by Blake Equipment. It was noted discussion of a similar proposal previously came before the Commission informally. At that time the plans showed a driveway which didn't exist; the proposal never came through as an official application. For this Application they will be adding a new stormwater basin in front of the building and also constructing new stormwater structures prior to outletting into the existing pond. Mr. Ussery noted there will be no wetlands disturbance associated with this proposal but there will be much activity within the 150' upland review area.

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Wetlands Agent Newton queried the Commission regarding their consideration for the need for a Public Hearing. The Commission felt there doesn't appear to be much impact to the wetlands associated with this proposal.

MOTION: The Commission determined it is not necessary to hold a Public Hearing on Application/#1-2015: McCUDA, LLC – 4 New Park Road,

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

NEW APPLICATIONS TO BE RECEIVED/#2-2015: GEORGE HARGRAVES – 85 East Road. Request to construct a single family home. Map 110, Block 77, Lot 021-03. *(65 day application period ends March 13, 2015)*

Wetland Agent Newton reported the Commission previously approved construction of a driveway only on this lot on East Road. This Application came in as a modification to the previous plan but she felt construction of a new home should be handled as a new application. Wetlands Agent Newton noted the only location for the home is the pocket of upland review area in the back of the parcel.

Commissioner Pippin noted he is an abutting property owner but he had no issues with this proposal. Discussion followed regarding protocol; it was suggested the best option in this situation would be for a Commissioner to recuse themselves from decisions.

Wetlands Agent Newton queried the Commission regarding their consideration for the need for a Public Hearing on this Application.

MOTION: The Commission determined it is not necessary to hold a Public Hearing on Application/#2-2015 – GEORGE HARGRAVES – 85 East Road.

Osborn moved/Menard seconded/

VOTE: In Favor: Osborn/Menard/Savaria

Opposed: No one

Abstained: Pippin (abutting landowner)

MISCELLANEOUS/ KREYSSIG ROAD – Spring Brook Farm Subdivision – Jeffrey E. and Maria B. Ewing – JURISDICTIONAL RULING - 5-lot subdivision along East Windsor/Ellington town line, with one lot totally in East Windsor. [A-1 Zone;

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Map 136, Block 75, Lot 11].

Wetlands Agent Newton advised the Commission of the submission to the PZC of an Application for a 5-lot subdivision off Kreyssig Road which will straddle the East Windsor/Ellington town line. One of the lots is located totally within East Windsor. Wetlands Agent Newton noted under the Connecticut General Statutes the PZC must receive a “sign-off” from the Wetlands Commission regarding their jurisdiction on all subdivisions; a motion regarding jurisdiction would be appropriate notification. She reported that this subdivision as no wetlands within its property, therefore, there is no impact to wetlands in East Windsor or Ellington.

MOTION: That the East Windsor Inland Wetlands and Watercourse Agency determines a ruling of NO JURISDICTION for the Spring Brook Farm Subdivision – Kreyssig Road – Jeffrey E. and Maria B. Ewing, property owners.

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

OLD BUSINESS/Election of Officers:

Discussion followed regarding the composition of the Commission, and the ability to maintain quorums due to absences.

MOTION: To POSTPONE Election of Officers for the next month or two.

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

AGENT DECISIONS: None.

STATUS REPORTS:

Chairman Savaria questioned the status of work at Newberry Village? Wetlands Agent Newton reported they have stopped clearing at this time by their own decision.

VIOLATIONS: None.

CONFERENCES/SEMINARS/TRAINING:

Wetlands Agent Newton advised the Commission of an all day seminar being held at Wesleyan in Middleton on Saturday, March 21, 2015 by the Connecticut Bar Association regarding “Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions”. She urged Commissioners to attend.

CORRESPONDENCE: None.

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GENERAL BOARD DISCUSSION: None

PUBLIC PARTICIPATION **(Discussion on non-Agenda Items only):** None.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:03 p.m.

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

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission
(3672)