

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

Regular Meeting – December 2, 2015

MEETING MINUTES

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

CALL TO ORDER: Vice Chairman Baker 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 Alan Baker (Vice Chairman), Dave Menard, Richard Osborn, and Rebecca Talamni, and Alternate Member Steve Smith.

Unable to Attend: Alternate Members Michael Sawka.

Guests: First Selectman Robert Maynard; Deputy Selectman Richard P. Pippin, Jr., Inland/Wetlands Liaison; Kathy Pippin.

Vice Chairman Baker welcomed Rebecca Talamini to the Commission. He noted the establishment of a quorum with 4 Regular and 1 Alternate Member as noted above. All Regular members, and Alternate Member Smith, will sit in on discussion and votes this evening.

Town Planner Laurie Whitten was in attendance to assist the Commission as the Inland Wetlands Agent position is currently vacant.

AGENDA ADDITIONS:

MOTION: To **ACCEPT** the Agenda Addition #07-2015: **Herb Holden Trucking, Inc./Northern Capital Region Disposal Facility, Inc. – Wapping Road, Rear. Request for 5 year extension (through 12/2/2020) to conduct regulated activities associated with an earth products removal operation. Map 27, Block 49, Lot 17C – under NEW BUSINESS.**

Osborn moved/Menard seconded/

DISCUSSION: Commissioner Menard cited Condition #5 of the current permit references – in part – “The applicant/contractor shall schedule a pre-constructing meeting with the Inland Wetland Agent to be held no sooner than two weeks before the wetland activities are to begin.....” He questioned who would be acting as Inland Wetlands Agent if the open position is not filled within that time? Town Planner Whitten

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indicated she assumed it would be herself. She cited previous experience of 6 years as the Inland Wetlands and Zoning Enforcement Officer in Simsbury, and an additional 4 years as the Inland Wetlands Agent in Enfield prior to her employment in Simsbury. Commissioner Menard questioned if that activity was within her current job description? Town Planner Whitten suggested her job is to provide assistance as needed.

VOTE: In Favor: Unanimous (No one opposed/No abstentions)

APPROVAL OF MINUTES – October 7, 2015/Regular Meeting:

MOTION: To APPROVE the Minutes of Regular Meeting dated October 7, 2015 as presented.

Osborn moved/Smith seconded/DISCUSSION: None

VOTE: In Favor: Unanimous (No one opposed/No abstentions)

PUBLIC HEARINGS: None.

CONTINUED PUBLIC HEARINGS: None.

NEW APPLICATIONS TO BE RECEIVED: See NEW BUSINESS below.

NEW BUSINESS/#07-2015: Herb Holden Trucking, Inc./Northern Capital Region Disposal Facility, Inc. – Wapping Road, Rear. Request for 5 year extension (through 12/2/2020) to conduct regulated activities associated with an earth products removal operation. Map 27, Block 49, Lot 17C:

Vice Chairman Baker read the description of this Item of Business. Appearing to discuss the Application was Jay Ussery, of J. R. Russo & Associates representing Herb Holden Trucking, Inc.

Mr. Ussery reported this Application is for the renewal of a permit for a gravel operation on property owned by NORCAP. This parcel is located to the west, and across the railroad tracks, of the NORCAP facility. Approval for the excavation was granted by the Inland Wetlands Watercourse Agency (IWWA) in 2006, and by the Planning and Zoning Commission (PZC) in 2008. The IWWA Permit expires in 2016; this Application is a request to renew that permit.

Mr. Ussery indicated they didn't start work until the Spring of 2014; they are due to submit an annual As-Built to the PZC within a short time. The area currently being worked was previously farmed with tobacco, and is currently a corn field. They have stockpiles of topsoil around the perimeter of the area and towards an existing tree line. Mr. Ussery reported there is no stormwater leaving the site; none is proposed to leave the site in the future. They are planning to construct a temporary sedimentation basin

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towards the upper corner of the site; all stormwater will infiltrate back into the ground. The wetlands located within the woods on this parcel are associated with Ketch Brook.

Mr. Ussery suggested they would like to renew this permit and continue working this site into the future.

Vice Chairman Baker questioned that the operation was just getting started? Mr. Ussery reported they needed to construct a hauling road, and then a railroad crossing to get to the parcel. Vice Chairman Baker questioned if there had been any wetlands violations exercised on this operation; Staff reported no violation documentation was found.

Commissioner Osborn questioned how close the operation will get to Ketch Brook? Mr. Ussery reported the closest area of excavation to the brook is in the northwest corner and would be approximately 550 feet from the brook. Excavation is closer to the wetlands but the clearing line is consistent with the regulated 150' Upland Review line.

Town Planner Whitten offered a clarification of the extension date. She noted that Public Act (PA) 11-5 allows a five (5) year extension. Although 2020 was noted in the Application description a five (5) year extension from the 2016 expiration date would actually be an extension through 2021. Vice Chairman Baker referenced the flow chart provided for the Commission as support documentation.

Vice Chairman Baker queried the Commissioners for additional discussion; hearing none he called for a motion.

MOTION: To GRANT the extension through 12/2/2020 for IWWA Permit #1389 for Herb Holden Trucking, Inc./Northern Capital Region Disposal Facility, Inc. – Wapping Road, Rear. Request for 5 year extension (through 12/2/2020) to conduct regulated activities associated with an earth products removal operation. Map 27, Block 49, Lot 17C:

Osborn moved/Menard seconded/DISCUSSION: It was noted the current permit expires 1/3/2016; the five year extension should run through 1/2/2021.

AMENDED MOTION: To GRANT the extension through 1/2/2021 for IWWA Permit #1389 for Herb Holden Trucking, Inc./Northern Capital Region Disposal Facility, Inc. – Wapping Road, Rear. Request for 5 year extension to conduct regulated activities associated with an earth products removal operation. Map 27, Block 49, Lot 17C

Osborn moved/Menard seconded/DISCUSSION: None

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VOTE: In Favor: Unanimous (No one opposed/No abstentions)

NEW BUSINESS/1) Election of Officers:

Vice Chairman Baker indicated he would volunteer for the position of Chairman; Secretary Osborn indicated he would volunteer to continue the position of Secretary as well.

MOTION: To nominate Alan Baker as Chairman.

Menard moved/Osborn seconded/DISCUSSION: None

VOTE: In Favor: Unanimous (No one opposed/No abstentions)

MOTION: To nominate David Menard as Vice Chairman.

Baker moved/Osborn seconded/DISCUSSION: None

VOTE: In Favor: Unanimous (No one opposed/No abstentions)

MOTION: To nominate Rick Osborn as Secretary

Baker moved/Menard seconded/DISCUSSION: None

VOTE: In Favor: Unanimous (No one opposed/No abstentions)

The elected officers are now Alan Baker, Chairman; Dave Menard, Vice Chairman; and Rick Osborn, Secretary.

NEW BUSINESS/2) Review of Bylaws:

The following revisions are being considered subject to Staff review:

- Where applicable – is a majority vote considered a simple majority (3 out of 5 members) vs. a super-majority (4 out of 5 members).
- Section 8.8 – Meetings, 8.8 Field Meetings: Add: “only observable features should be discussed and subsequently reported. No discussion of the application shall occur”
- Section 9 – Order of Business: Revise order to match current Agenda descriptions.
- Section 10 – Public Hearings: 10.3 : Add: “reference CGS as may be amended.”
- Section 10.4 – Meeting Record: Add: (Draft) Minutes are not considered officially filed until they are submitted to the Town Clerk (in a pdf file); Minutes subsequently appear on the Town Website.

Bylaw revisions to be reviewed on at January, 2016 Regular Meeting.

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NEW BUSINESS/3) Approval of 2016 Meeting Schedule:

Town Planner Whitten suggested the addition of the January, 2017 Meeting to the 2016 proposed Meeting Schedule as well. The Commissioners accepted the adjustment.

MOTION: To ACCEPT the 2016 Meeting dates, including the addition of 1/4/2017, as proposed.

Menard moved/Osborn seconded/DISCUSSION: None

VOTE: In Favor: Unanimous (No one opposed/No abstentions)

NEW BUSINESS/4) Discussion of Status of Assistant Planner-Inland/Wetlands Agent Position:

First Selectman Maynard opened discussion by noting he was in a better position to discuss the status of the position than Town Planner Whitten; part of his consideration was attending this Commission Meeting and the Planning and Zoning Commission Meeting as well. First Selectman Maynard reported he felt they should start interviewing for an Inland Wetlands person who would be staff to service this Commission. He reported he has discussed this with (Chairman) Alan Baker who would like to be part of the interview process as well. First Selectman Maynard reported he understands we have 10 applicants.

First Selectman Maynard reported that (Town Planner) Laurie Whitten has done an admirable job with staff to cover the position. He also noted (Planning Office Staff) Marlene will be leaving next week to have surgery and will be on leave; the office needs to have its additional staff.

Chairman Baker referenced the Inland Wetlands Staff and their duties under Sections 6.1 and 6.2 of the Commission bylaws. He also noted the advantage to taxpayers and other people when qualified staff, like (Town Planner) Laurie Whitten, can make agent decisions in the office. Town Planner Whitten clarified that the position as advertised is for an Inland Wetlands Official/Assistant Planner and Zoning Enforcement Officer; First Selectman Maynard did not disagree with the clarification. She agreed it would be fantastic to be moving forward on this position.

Commissioner Smith questioned if we have a rough estimate on how long this process will take? Town Planner Whitten indicated there will be a set of questions the applicant will be given; the interviewers will rate the applicant's answers. Town Planner Whitten suggested she would also like the Chairman of the Planning and Zoning Commission (PZC) to participate in the interviews as well. First Selectman Maynard suggested he would like to see this person be someone who is sensitive to the Economic Development Commission. It was noted Route 140 is impacted by many wetlands, which makes it a much more difficult area to develop than Sullivan Avenue in South Windsor.

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Chairman Baker felt review of the wetlands on Route 140 was part of the purview of this Board as well. Commissioner Osborn suggested actual identification of the wetlands requires review by a soil scientist; if this Board undertook that process it would be on the Town's dime. Town Planner Whitten noted the Town does have an official wetlands map which was created in the 60s by someone performing aerial flights over the town. The map is inherently inaccurate but it's the same wetlands map that every other town has.

Discussion continued regarding considering study options for this Commission. The parcels must be reviewed individually; the Commission can't go on a privately owned site without the owner's permission. Discussion continued regarding use of the town's GIS mapping system. Town Planner Whitten suggested perhaps the Commission could begin with watershed planning to try to ascertain what sites could work together. She noted it's a difficult task and one not to be taken lightly. She noted all Commission members work. Town Planner Whitten suggested if the Commission could hire someone who knows the wetlands soils it would a great advantage. She noted the intention is to develop shovel-ready projects along Route 140 and Route 5, both of which contain significant wetlands. The Commission must consider what it would be willing to lose to gain economic development. Chairman Baker recalled the cooperation with Walmart where wetlands mitigation occurred elsewhere in town to allow filling of wetlands at the Super Walmart site.

Commissioner Smith questioned what other resources are needed in the Planning Office? Town Planner Whitten cited there is no in-house IT person or GIS person. The accuracy of the GIS mapping was discussed; Town Planner Whitten noted even the property lines for the various properties aren't correct. She cited Commissioner Talamini's experience but noted she works elsewhere also. It's difficult to pursue grants. Town Planner Whitten suggested whoever is hired will have other responsibilities as well.

Town Planner Whitten suggested perhaps the Inland Wetlands Commission could form sub-committees to work on some of these projects; perhaps they could include members of the Conservation Commission and the Planning and Zoning Commission as well. Perhaps the research could identify property owners who might be willing to work together and combine properties for development consideration. Commissioner Menard questioned if the Town has the infrastructure – roads/sewer/emergency services – to support the potential development? He cited the Town currently is served by two volunteer fire departments. Commissioner Menard cited Route 140 and Route 5 are both a mess (traffic-wise); how do you buy the land to put in another lane? First Selectman Maynard suggested the DOT is planning to do a study of Route 5 in the next year; Commissioner Menard suggested he understood that study to be regarding coordinating the signalization of Route 5. Commissioner Menard cited the Town has an industrial park which contains side roads not yet developed; are they impacted by wetlands?

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Discussion followed briefly regarding creation of the Industrial Park (Thompson

Road/Craftsman Road/Revay Road) which was created in the 60s.

NEW BUSINESS/5) Discussion of Plan of Conservation and Development:

Town Planner Whitten referenced an excerpt of the Plan of Conservation and Development (POCD) she had provided to the Commissioners prior to the meeting. The POCD is broken down into chapters which identify goals which the various agencies within the town feel are significant to East Windsor's continued growth. Within those chapters primary strategies are identified specific to the goal, and action items to accomplish those goals are identified as well. Areas in which the Inland Wetlands Commission can assist, and perhaps join with the Conservation Commission and Planning and Zoning Commission (PZC), have been highlighted in orange for reference. She noted the excerpt includes:

Chapter 1 – The Introduction – which explains why the POCD is necessary.

Chapter 2 – Conserving Community Resources – which includes natural, open space, scenic, cultural, and historic resources.

- **Primary conservation strategies,**
- **to preserve more open space.**
 - Action Item: Continue to develop Open Space Evaluation Tools – Town Planner Whitten suggested the Inland Wetlands Commission can work with the PZC and Conservation Commission to develop the tools. She noted Public Act 490 encourages agricultural land to be taxed lower to prevent sale for development. Another portion of PA 490 encourages Open Space preservation; she suggested the Inland Wetlands Commission could weigh in on those considerations to balance preservation with realistic goals.
- **To protect environmental quality.**
 - Action Item: Revise impervious standards. Town Planner Whitten suggested the Inland Wetlands Commission can work with the PZC to develop standards for low impact development
 - Action Item: Be more proactive in preserving and protecting our wetlands, vernal pools, bogs, and watersheds. Town Planner Whitten suggested this Commission could work with the PZC and Conservation Commission to minimize impact on environmentally sensitive areas when guiding development.

Town Planner Whitten also provided the Commission with a brief excerpt on the chapter identifying Infrastructure goals.

Maps identifying brooks, streams, aquifers, watersheds, etc. were also provided.

Commissioner Osborn suggested Bowelyns Brook, which enters East Windsor at the Enfield town line, should be added to the maps.

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Chairman Baker noted the American Heritage River Commission has water testing results of the Scantic River for a five year period. He noted Broad Brook has been compromised but is doing better. Commissioner Osborn suggested run off from farming operations in Ellington enter Broad Brook and bring the pollution with it. Commissioner Menard noted the congregation of geese on the Broad Brook Pond which leave behind effluent which impacts the water quality as well. Chairman Baker also noted the well contamination within town as well.

Town Planner Whitten noted that approximately 70% of the goals from the 2004 POCD have been met. Certain things, like protection of water quality, will always be ongoing.

Town Planner Whitten suggested she is proposing a POCD Implementation Committee to meet perhaps quarterly and review/assess the status of accomplishment of the proposed goals.

Town Planner Whitten requested Commissioners e-mail her with suggestions regarding this excerpt.

OLD BUSINESS: None.

MISCELLANEOUS: None.

AGENT DECISIONS: None.

STATUS REPORTS:

Chairman Baker questioned the status of a Cease and Desist Order implemented against Newberry Village? Town Planner Whitten indicated the developer had not provided bonding for erosion and sedimentation controls for the last phase. That bonding has now been provided.

Chairman Baker questioned the status of “open” Inland Wetlands Permits. Town Planner Whitten indicated she would review the application log for the past couple of years and give an update at the January, 2016 Commission Meeting.

VIOLATIONS: None.

CONFERENCES/SEMINARS/TRAINING:

Commissioner Menard noted that Staff had been trying to work with DEEP to acquire access to online training which the Commission could review during meetings. Town Planner Whitten will contact DEEP to see what’s available.

GENERAL BOARD DISCUSSION:

Commissioner Smith questioned how the accomplishment of the POCD goals are measured? Town Planner Whitten indicated the POCD must be completed within the next couple of months; she hasn't the time and the Town hasn't the money to get that specific with the POCD revision. She suggested that would be another good reason to create the Implementation Committee to review the status of goal accomplishment.

Commissioner Menard asked if Town Planner Whitten is the EDC Coordinator; Town Planner Whitten replied affirmatively. Commissioner Menard cited the prior discussion of identifying developable land; he questioned if the EDC has a list of what companies are looking for; he felt this Commission could then zero in on wetlands review of areas which might be a consideration. Town Planner Whitten indicated there is no list of requirements but CERC cites requirements when listing properties. Commissioner Menard suggested he believes in small businesses and has owned one himself; he suggested we might have small pockets of properties we could promote.

Commissioner Osborn suggested the Town has parcels available – he cited the (Bridge Street) parcel which Lowe's was considering, the Cinema, the old Walmart's. Commissioner Osborn also questioned the status of the Chapman proposed development? Town Planner Whitten reported the application went through Inland Wetlands approval but the applicant was required to remediate soils. They never went further with the application, and did not bring the application to the PZC.

Town Planner Whitten reported she has been working with Riverbend on their 115 acre property south of the prior Tschummi property on Rye Street. The property is currently being farmed with tobacco. She is working to acquire a farmland preservation grant through the Department of Agricultural. Town Planner Whitten noted the property contains some of the most pristine vernal pools she has seen; the hope would be to protect those vernal pools. The Town would also have access to the river via this parcel.

Chairman Baker queried the Commissioners regarding their preference for direction going forward? Do you want to become more involved with conservation, do you want to do studies, do you want more training? Commissioner Menard suggested he would like to pursue the training. The consensus of the Commission concurred with Commission Menard regarding additional training sessions.

PUBLIC PARTICIPATION:

Selectman Pippin congratulated Chairman Baker on his election.

He also suggested the Commission should consider appointing Town Planner Whitten as its agent until the position is filled.

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MOTION: To APPOINT Laurie Whitten as our duly authorized Inland Wetlands Agent.

Menard moved/Smith seconded/DISCUSSION: None

VOTE: In Favor: Unanimous (No one opposed/No abstentions)

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:55 p.m.

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

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission