

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

**Regular Meeting – November 6, 2019**

***MEETING MINUTES***

**\*\*\*\*\*Minutes are not official until approved at a subsequent meeting\*\*\*\*\***

**CALL TO ORDER:** 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 (Chairman), Richard Osborn, Richard P. Pippin, Jr., and Rebecca Talamini, and Alternate Member Michael Sawka.

**Unable to Attend:** All Regular Members and Alternate Members were present.

**Guests:** Selectman Charles Nordell; Jay Ussery, J. R. Russo & Associates, LLC; Jim Giorgio, Randy Clifton, Terri Clifton, Kathy Pippin.

Chairman Baker noted the establishment of a quorum with 4 Regular and 1 Alternate Members as noted above. All Regular members will sit in on votes this evening. .

Also in attendance was Wetlands Agent Ruben Flores-Marzan.

**PLEDGE OF ALLEGIANCE:**

Everyone stood to recite the Pledge of Allegiance.

**AGENDA ADDITIONS/(Second Application) #08-2019 – Charles Natitus – Request to conduct regulated activities related to driveway drainage improvements at 202 Scantic Road, East Windsor, CT. Nearest intersection is Stoughton and Scantic Road. A-1 Zone, Map 034, Block 22, Lot 026:**

Chairman Baker noted the receipt of a second new application prior to this Meeting; he requested addition of the second application to the Agenda.

**MOTION:** To **ACCEPT** the Agenda Addition of Application #08-2019 – Charles Natitus – Request to conduct regulated activities related to driveway drainage improvements at 202 Scantic Road, East Windsor, CT. Nearest intersection is Stoughton and Scantic Road. A-1 Zone, Map 034, Block 22, Lot 026.

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**Talamini moved/Pippin seconded/DISCUSSION:** None.

**VOTE:** In Favor: Unanimous (Baker/Osborn/Pippin/Talamini)

**APPROVAL OF MINUTES/1) October 2, 2019 – Regular Meeting:**

**MOTION:** To APPROVE the Minutes of Regular Meeting dated October 2, 2019 as written.

**Osborn moved/Pippin seconded/DISCUSSION:** None

**VOTE:** In Favor: Unanimous (Baker/Osborn/Pippin/Talamini)

**NEW APPLICATIONS TO BE RECEIVED/1) Application #07-2019 – East Windsor Cemetery Association – Renewals/Permit Extensions of IWWA Permit #10-2010 for regulated activity associated with the installation of driveway to access (Scantic) cemetery and #12-2010 for regulated activity associated with a one lot subdivision and construction of a single family home. Property located on the north side of Cemetery Road, nearest intersection being Scantic Road. Zone R-3 (both parcels); Map 55, Block 32, Lot 21 (Scantic Cemetery); Map 55, Lot 32, Block 019 (East Windsor Cemetery Association).**

Jay Ussery, of J. R. Russo & Associates, LLC, representing the Applicant, the East Windsor Cemetery Association, joined the Commission.

**MOTION:** To ACCEPT Application #07-2019 – East Windsor Cemetery Association – Renewals/Permit Extensions of IWWA Permit #10-2010 for regulated activity associated with the installation of driveway to access (Scantic) cemetery and #12-2010 for regulated activity associated with a one lot subdivision and construction of a single family home. IWWA Permit #10-1010 and IWWA Permit #12-2010 to be APPROVED AS AN AGENT DECISION and EXTENDED with the standard conditions and additional conditions as approved originally. Property located on the north side of Cemetery Road, nearest intersection being Scantic Road. Zone R-3 (both parcels); Map 55, Block 32, Lot 21 (Scantic Cemetery); Map 55, Lot 32, Block 019 (East Windsor Cemetery Association).

**Osborn moved/Pippin seconded/**

**DISCUSSION:** Chairman Baker questioned if this application is for permit extensions? Mr. Ussery replied affirmatively, noting the permits were extended automatically by the State when the economy failed. Chairman Baker suggested the application should have come through as permit renewals/extensions rather than as a new application; the Commission can approve renewals of Permit #10-2010A and #12-2010 with the standard and additional conditions as currently written via Agent Decisions.

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**VOTE:** In Favor: Unanimous (Baker/Osborn/Pippin/Talamini)

See Renewal/Permit Extensions below:

**PERMIT NO. 10- 2010A (PERMIT EXTENSION) - Application #07-2019**

**TOWN OF EAST WINDSOR  
CONSERVATION COMMISSION  
INLAND WETLAND AND WATERCOURSE AGENCY**

Town Hall, 11 Rye Street, Broad Brook, CT 06016  
(860) 623-2302

**PERMIT FOR REGULATED ACTIVITY**

**Permission Is Granted To:** East Windsor Cemetery Association

**For the Purpose Of:** Regulated activity associated with the installation of Driveway to Access Cemetery

**On Property Located:** This property is located on the North side of Cemetery Road nearest intersection being Scantic Road.

**Tax Assessor's Map # 55 Block # 32 Lot/Parcel # 21**

**Date of Issuance:** **November 6, 2019**  
(Meeting Approved by Commission)

**See attached: CONDITIONS OF PERMIT**

Said work shall be performed in accordance with the map or plans entitled and dated:

- *Site Plan:* 1-Lot Subdivision, Cemetery Road, East Windsor
- *Prepared By:* J.R. Russo & Associates, LLC, 1 Shoham Road, East Windsor, CT 06088
- *Plans Dated:* 6/25/10, Revised 10/25/10

**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.
2. 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. The applicant shall, at that time, review with the Inland Wetland Agent the procedures to be taken to protect the wetland areas prior to and during construction.

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3. If applicable, prior to the start of work, the applicant shall submit an electronic copy of the existing conditions plan that shows the wetland boundary. The coordinate system associated with the plan should be Connecticut State Plane NAD 1983 in units of feet or another system approved by the Town staff.
4. This Permit is valid for a period of Five (5) years from the date of issuance. 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 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.
5. Extensions of time may be granted if a request is made prior to the expiration of the regulated activity and/or permit.
6. 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.
7. This permit shall not be assigned or transferred without the approval of the Agency.
8. This document shall be included in all construction contracts and sub-contracts dealing with the work proposed and shall supersede all other contract requirements.
9. During the construction phase, the applicant shall be responsible for maintaining a copy of this permit at the site.
10. The Permittee shall permit the Chairman of the Conservation Commission/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.
11. 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.
12. 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.
13. 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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14. 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.
15. All temporary barriers, including erosion and sedimentation controls are to be removed (in suitable weather conditions) upon completion of the project.
16. A copy of the As-Built plan shall be submitted to this Commission upon completion of the project. Prior to the granting of a Certificate of Occupancy, the as-built will be reviewed by the Chairman or his/her designated agent.

**ADDITIONAL CONDITIONS      x   See Below**

17. Silt fence shall be placed on the south side of the driveway at the toe of the slope. Stone checks and diversions should be utilized on this steep portion of the driveway.
18. The bituminous pavement shall be extended past the low point in the driveway to minimize the potential for erosion in this area.
19. The permit holder will submit a start work notice and contractor's compliance statement to the Wetlands Agent prior to starting any work authorized by this permit. Copies are attached.

**PERMIT NO. 12- 2010A (PERMIT EXTENSION) - Application #07-2019**

**TOWN OF EAST WINDSOR  
CONSERVATION COMMISSION  
INLAND WETLAND AND WATERCOURSE AGENCY**

Town Hall, 11 Rye Street, Broad Brook, CT 06016  
(860) 623-2302

**PERMIT FOR REGULATED ACTIVITY**

**Permission Is Granted To:** East Windsor Cemetery Association

**For the Purpose Of:** Regulated activity associated with a one lot subdivision and construction of a single family home

**On Property Located:** This property is located on the North side of Cemetery Road nearest intersection being Scantic Road.

**Tax Assessor's Map    # 55        Block # 32        Lot/Parcel #019**

Date of Issuance: **November 6, 2019**  
(Meeting Approved by Commission)

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**See attached: CONDITIONS OF PERMIT**

Said work shall be performed in accordance with the map or plans entitled and dated:

- *Site Plan:* 1-Lot Subdivision, Cemetery Road, East Windsor
- *Prepared By:* J.R. Russo & Associates, LLC, 1 Shoham Road, East Windsor, CT 06088
- *Plans Dated:* 6/25/10, Revised 10/25/10

**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.
2. 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. The applicant shall, at that time, review with the Inland Wetland Agent the procedures to be taken to protect the wetland areas prior to and during construction.
3. If applicable, prior to the start of work, the applicant shall submit an electronic copy of the existing conditions plan that shows the wetland boundary. The coordinate system associated with the plan should be Connecticut State Plane NAD 1983 in units of feet or another system approved by the Town staff.
4. This Permit is valid for a period of Five (5) years from the date of issuance. 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 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.
5. Extensions of time may be granted if a request is made prior to the expiration of the regulated activity and/or permit.
6. 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.
7. This permit shall not be assigned or transferred without the approval of the Agency.
8. This document shall be included in all construction contracts and sub-contracts dealing with the work proposed and shall supersede all other contract requirements.
9. During the construction phase, the applicant shall be responsible for maintaining a copy of this permit at the site.

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10. The Permittee shall permit the Chairman of the Conservation Commission/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.
11. 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.
12. 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.
13. 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.
14. 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.
15. All temporary barriers, including erosion and sedimentation controls are to be removed (in suitable weather conditions) upon completion of the project.
16. A copy of the As-Built plan shall be submitted to this Commission upon completion of the project. Prior to the granting of a Certificate of Occupancy, the as-built will be reviewed by the Chairman or his/her designated agent.

**ADDITIONAL CONDITIONS:      X   See Below**

17. The area of clearing should be staked in the field and inspected by Staff prior to the removal of any vegetation.
18. Silt fence should be placed and inspected by Town Staff to ensure the least amount of disturbance possible in the area.
19. Conservation Easement shall be created following wetlands boundary lines and shall be shown on plans.
20. The permit holder will submit a start work notice and contractor's compliance statement to the Wetlands Agent prior to starting any work authorized by this permit. Copies are attached.

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**NEW APPLICATIONS TO BE RECEIVED/2) #08-2019 – Charles Natitus – Request to conduct regulated activities related to driveway drainage improvements at 202 Scantic Road, East Windsor, CT. Nearest intersection is Stoughton and Scantic Road. A-1 Zone, Map 034, Block 22, Lot 026.**

Jay Ussery, of J. R. Russo & Associates, LLC, representing the Applicant, Charles Natitus, presented this application to the Commission.

Mr. Ussery indicated there are two houses on the west side of Scantic Road owned by Mrs. Natitus. Mrs. Natitus' son filled in an area at the front of the lot which is a wetlands area; someone complained to the Planning Department and Town Planner Flores-Marzan inspected the work. Mr. Ussery explained they need to do some additional drainage work, which will also be within the wetlands area; they have submitted a Wetlands Application to complete that work.

Town Planner Flores-Marzan reported this came through as a complaint in July. As a result of the inspection the work already done was determined to be a Wetlands Violation. Letters were sent out, Mrs. Natitus' son came for the Wetlands Application paperwork, which is presently being submitted to the Commission.

Commissioner Pippin suggested the house was built on a mound, otherwise it would have been built within the water table. Mr. Ussery concurred that the water is somewhat of a pond in front of the two houses.

**MOTION: To ACCEPT Application #08-2019 – Charles Natitus – Request to conduct regulated activities related to driveway drainage improvements at 202 Scantic Road, East Windsor, CT. Nearest intersection is Stoughton and Scantic Road. A-1 Zone, Map 034, Block 22, Lot 026.**

**Talamini moved/Osborn seconded/DISCUSSION:** The Commission requested for staff to identify and bring forth potential wetlands violations before IWWA applications are submitted by applicants.

**VOTE: In Favor: Unanimous (Baker/Osborn/Pippin/Talamini)**

**PUBLIC HEARINGS:** None.

**CONTINUED PUBLIC HEARINGS:** None.

**NEW BUSINESS/1) Application #06-2019 – Travis W. Neidlinger – Request for IWWA Permit to conduct regulated activities to construct a wetlands crossing to access a single family home to be constructed in upland review area. Property is located at 137 Scantic Road, nearest intersection is Cemetery, Scantic, and Phelps Road. Zone R-3, Map 044, Block 33, Lot 001. (Deadline for decision is 12/06/2019).**

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Mr. Ussery, of J. R. Russo & Associates, LLC, assisted with this Application as well.

Mr. Ussery submitted an aerial of the parcel location; he noted the location of the house won't be visible from the street.

Mr. Ussery indicated this is an application for a permit for the construction of a driveway and home on the subject property. Mr. Neidlinger's parents live in the former Morell property (133 Scantic Road), which also contains a tobacco shed. Mr. Neidlinger owns this 38+/- acre parcel which includes a field behind the Simpkins property (143 Scantic Road), and the Greer property (141 Scantic Road). Mr. Ussery referenced a site plan noting the location of the proposed driveway; he cited there are two areas of wetlands crossings of intermittent streams on either side of the driveway location. Mr. Ussery described the direction of flow of the watercourses, which eventually enter into the Scantic River. Mr. Ussery indicated Mr. Neidlinger will be clearing two areas within the parcel, one for a log home, and the second for the septic system serving the dwelling. Installation of a 12 inch pipe will be required to cross the watercourse for the driveway; installation of the pipe will result in 1,065 square feet of wetlands disturbance.

Mr. Ussery reported the plans have been reviewed by Town Engineer Norton, who has responded with 3 recommendations under his memo dated October 3, 2019. Mr. Ussery reported Mr. Neidlinger has also received approval from the North Central District Health Department (NCHD) for his septic system. Mr. Ussery submitted a copy of the NCHD approval for the Planning Department file.

Mr. Ussery indicated the home will be built within the 150 foot regulated area, which has previously been a mowed hayfield. Mr. Ussery indicated the driveway needs to cross the existing ditch to get to the field area; he suggested this is technically a rear lot so he's designed the driveway to comply with rear lot Regulation requirements for an 18 foot driveway access. He cited the intermittent watercourse doesn't carry any water at this time of the year, although he felt it would fill up during the Spring.

Chairman Baker questioned if the drainage calculations address the crossing as proposed? Mr. Ussery replied affirmatively, noting the pipe has been sized to address the crossing. Mr. Ussery noted they are also proposing erosion controls, including silt fencing, to protect the watercourse during construction of the driveway and home.

**MOTION: To APPROVE, with the standard 14 conditions, Application #06-2019 – Travis W. Neidlinger – Request for IWWA Permit to conduct regulated activities to construct a wetlands crossing to access a single family home to be constructed in upland review area. Property is located at 137 Scantic Road, nearest interest is Cemetery, Scantic, and Phelps Road. Zone R-3, Map 044, Block 33, Lot 001.**

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**REFERENCED PLANS:**

Said work shall be performed in accordance with the map or plans entitled and dated:

*Site Plan:*                *Plot Plan (Sheet 1), Septic System Plan (Sheet 2), Septic Details and Notes (Sheet 3), and Soil Erosion Notes and Details (Sheet 4)*

*Prepared By:*        J. Russo & Associates, LLC., 1 Shoham Road, East Windsor, CT.,  
Phone: 860-623-0569

*Plans Dated:*        9/30/19

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

**Talamini moved/Osborn seconded/DISCUSSION:** None

**VOTE:** In Favor: Unanimous (Baker/Osborn/Pippin/Talamini)

**NEW BUSINESS/2) Bylaw review:**

The Commission reviewed the current Bylaws, noting minor revisions on page 3, Section 3 – Office of Agency – Broad Brook Town Hall to be changed to East Windsor Town Hall, and page 5, Section 8.1 – Meetings – addition of comma. Commissioner Pippin cited Section 4 – Membership, sub-section 4.5 – removal of member – he questioned the language referencing a “2/3 vote of the entire Agency...” Staff will review the Ordinance referenced; the Commission will review the revisions during the December

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Meeting.

**MOTION: To TAKE Agenda Item XIII, VIOLATION/1) Jim Giorgio – Newberry Village, LLC – 1 Sparrow Drive – lack of implementation of erosion and sedimentation control measures, and, 4 Goldfinch Court – failure of existing erosion and sedimentation control measures, next.**

**Talamini moved/Pippin seconded/DISCUSSION:** None

**VOTE: In Favor: Unanimous (Baker/Osborn/Pippin/Talamini)**

Wetlands Agent Flores-Marzan recalled that at the October 2, 2019 Commission Meeting discussion occurred regarding the status of the Wetlands Bond and the level of work to be performed at Newberry Village; testimony was also presented by members of the Newberry Village Homeowners Association. The Commission directed Wetlands Agent Flores-Marzan and Chairman Baker to perform a site visit; photos were taken reflecting that the erosion control system had failed at 1 Sparrow Drive and 4 Goldfinch Court. A Cease and Desist Letter was sent to Mr. Giorgio on October 4, 2019; Mr. Giorgio has been requested to come in to discuss the issues tonight.

Town Planner Flores-Marzan reported he has driven through the complex for the fourth time; the conditions continue pretty much as documented the prior month.

**Mr. Jim Giorgio, 40 Barber Hill Road,** reported that he has been dealing with health issues that require he restrict heavy work; he has also been out of town. Mr. Giorgio reported he put up the silt fence a month ago. He isn't disputing that silt has accumulated on the other side of the fence; Mr. Giorgio submitted photos for the Commission's review. Mr. Giorgio reported he's been trying to maintain the silt fence but there's a pipe that extends under the silt fence to handle the drainage. Mr. Giorgio reported he'll install hay bales tomorrow. Mr. Giorgio reported they'll deal with this material when they do the final grading and seeding for these units. The material is between the fence and the vegetation.

Mr. Giorgio submitted photos of the current conditions at 1 Sparrow Drive. Town Planner Flores-Marzan indicated this unit has recently been sold; Mr. Giorgio concurred, noting Town Planner Flores-Marzan signed off on the Zoning Permit so he could get a Certificate of Occupancy to close on the unit. Town Planner Flores-Marzan cited his concern that there is no grass growing at this location. Mr. Giorgio suggested this side of the fence isn't any different than the other side. Mr. Giorgio objected to receiving a Cease & Desist letter and then receiving the sign-off on the Zoning Permit.

With regard to 4 Goldfinch Court, Mr. Giorgio indicated he'll install hay bales on either side of the pipe extending through the silt fence. Mr. Giorgio cited the Commission is

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retaining \$5,000 of the Erosion Control Bond; he'll deal with the final grading and seeding when he sells this unit.

Chairman Baker disagreed with Mr. Giorgio's assessment. He suggested he observed a small amount of soil leakage at 1 Sparrow Court, while a significant amount of soil made it through the silt fence at 4 Goldfinch Court; he suggested the photos submitted by Mr. Giorgio don't reflect those conditions. Chairman Baker suggested there was obvious erosion between the yards, and that material, which is 6 to 8 inches thick in some areas, is going into the wetlands on the other side of the erosion control system. Chairman Baker suggested when he looked at this, and after the years working together on this project, he was shocked that Mr. Giorgio allowed the water to get into the wetlands unimpeded; he questioned why it wasn't fixed? Mr. Giorgio felt the erosion control issues have been fixed; nothing is going through there now. Mr. Giorgio suggested the Commission needs to understand that the material didn't run into the wetlands; they brought in truckloads of material in to fill up the lots. Mr. Giorgio felt the depiction of the large holes in the silt fence wasn't accurate. He suggested if the Commission wants him to reach into the wetlands and dig the material out he will. Discussion continued regarding the status of the conditions; Chairman Baker, Town Planner Flores-Marzan and Mr. Giorgio agreed to meet at the site after Veterans' Day to view conditions together.

Chairman Baker questioned the condition of the swale between the two houses to slow down the water running between those homes? Mr. Giorgio indicated the water has been diverted to Goldfinch Court; the topcoat hasn't been installed on the road yet so the water collects at the end of the road. Chairman Baker indicated that when he visits the site he would like to see the swale fixed so no water is running through it and through the silt fence; the material should stay on this side of the fence; he would like to see check dams and hay bales installed so the material doesn't get through the silt fence. Commissioner Pippin questioned if anything would be done with the material on the other side of the silt fence? Commissioner Talamini requested copies of photos taken during the site visit be sent to the Commissioners as they're taken; Commissioner Pippin requested paper copies be provided for him.

**OLD BUSINESS(1) Review/Discussion of status of Cash Bond for Jim Giorgio/Newberry Village:**

Town Planner Flores-Marzan suggested Mr. Giorgio has requested release of the Wetlands Bond. After review with the Treasurer's Office it was determined the Town was holding a \$40,000 Surety Bond, which was reduced to \$35,000. Mr. Giorgio contends the Town was holding a \$40,000 Cash Bond; \$10,000 was released previously and the Town is now holding a \$30,000 Cash Bond. Mr. Giorgio is requesting release of \$25,000; it's been some time since he made his request. Chairman Baker acknowledged change in staffing in the Treasurer's Office and the Planning Office; he has no problem with the release of \$25,000 while retaining \$5,000 pending resolution of the work on 1 Sparrow Drive and 4 Goldfinch Court.

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**MOTION:** To RELEASE \$25,000 from the Cash Bond held for Jim Giorgio/Newberry Village and hold \$5,000 for 4 Goldfinch Court and 1 Sparrow Drive.

**Talamini moved/Osborn seconded/DISCUSSION:** None

**VOTE:** In Favor: Unanimous (Baker/Osborn/Pippin/Talamini)

**MISCELLANEOUS:**

- Ms. Hoffman noted letters have been sent to the property managers of condominium complexes to remind them that leaves and debris from Fall clean-ups shouldn't be deposited in wetlands areas. Discussion followed; Ms. Hoffman noted several letters for property managers were returned as undeliverable. The Commission agreed the letters should be sent to the condominium homeowners associations next year.
- Town Planner Flores-Marzan noted the results of the recent election; he questioned if Chairman Baker and Commissioner Pippin would continue as members of the Wetlands Commission? Chairman Baker indicated it was his intention to remain on the Commission; Commissioner Pippin suggested his membership is contingent on the results of the recount.

**AGENT DECISIONS:** None.

**STATUS REPORTS:**

- Town Planner Flores-Marzan reported there was a rain event at the Calamar site at 20 North Road, but the site has now dried out. Construction of the building is moving along.
- Chairman Baker noted the silt fence surrounding work at 37 Cemetery Road for the new septic system has fallen down; he requested the homeowner be contacted to replace the fence as that location often floods.

**VIOLATIONS/1) Jim Giorgio – Newberry Village, LLC – 1 Sparrow Drive – lack of implementation of erosion and sedimentation control measures, and, 4 Goldfinch Court – failure of existing erosion and sedimentation control measures:**

See discussion above.

**CONFERENCES/SEMINARS/TRAINING:**

Chairman Baker reported he will be attending the CAIWAC Conference later this month.

**TOWN OF EAST WINDSOR  
INLAND WETLANDS WATERCOURSE AGENCY  
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Staff advised the Commission there has been no update on the reorganization of wetlands training options.

**CORRESPONDENCE:**      None.

**GENERAL BOARD DISCUSSION:**

Chairman Baker introduced Selectman Charlie Nordell who was present in the audience.

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

**Randy Clifton, 7 Hickory Trail:** Mr. Clifton questioned if the silt fence should be put up prior to construction commencing; Chairman Baker replied affirmatively. Mr. Clifton suggested the silt fence had not been put up at Sparrow Drive. Chairman Baker suggested he and Town Planner Flores-Marzan will be keeping an eye on conditions at the site.

**ADJOURNMENT:**

**MOTION:**    To ADJOURN this Meeting at 8:02 p.m.

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

Respectfully submitted:

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Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission