

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

Regular Meeting – December 4, 2019

MEETING MINUTES

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

CALL TO ORDER: Chairman Baker called the December 4, 2019 Regular Meeting of the East Windsor Inland Wetlands and Watercourse Agency 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 Mike Sawka.

Unable to Attend: All Members were present this evening.

Guests: Jay Ussery, J. R. Russo & Associates, LLC, representing Carol and Charles Natitus, Steve Dearborn, and Kathy Pippin.

Chairman Baker noted the establishment of a quorum with 4 Regular and 1 Alternate Members as noted above. All 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:

See discussion under **CORRESPONDENCE.**

APPROVAL OF MINUTES – November 6, 2019

MOTION: To APPROVE the Minutes of Regular Meeting of the Inland Wetlands and Watercourse Agency dated November 6, 2019 as presented.

Pippin moved/Talamini seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Baker/Osborn/Pippin/Sawka/Talamini)
(No one opposed/No Abstentions)

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NEW APPLICATIONS TO BE RECEIVED: None.

PUBLIC HEARINGS: None.

CONTINUED PUBLIC HEARINGS: None.

NEW BUSINESS: 1) 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.

Present this evening to discuss this application was Jay Ussery, of J. R. Russo & Associates, LLC, representing Carol and Charles Natitus; Charles Natitus was present in the audience as well.

Mr. Ussery provided the Commission with an aerial photo of the property location, which shows the area filled and the existing drainage ditch running to the west south of the house.

Mr. Ussery noted 202 Scantic Road is on the west side of the street, south of the intersection with Stoughton Road. A new house built by the Robert's family is located to the north of the Natitus home. Mr. Ussery reported the Natitus home was built in the 60s; Commissioner Osborn identified Don Norton as the builder. Mr. Ussery reported some fill has been added to the front lawn of the property along the road; a lot of fill was brought in because of the high water table and the home was built on a knoll. Sometimes the water ponds at the road and overflows the driveway; there's a small drainage ditch going to the rear of the property into the woods behind the Robert's home and the houses on Stoughton Road. Mr. Ussery suggested it may have been a farm ditch in the past. Commissioner Osborn noted the Conservation Corp built a lot ditches behind the (former) Breslau property further north on Scantic Road.

Mr. Ussery reported Charles Natitus wanted to fill in the front area to get the water to stop ponding and installed a pipe under the driveway until he got a Cease & Desist letter from the Wetlands Agent. Mr. Ussery reported Rich Zulik performed a wetlands delineation; much of the front lawn is wetlands and the water table is near the surface. Mr. Ussery noted the areas identified as wetlands are maintained as the front lawn but it is wetlands soils. Mr. Ussery indicated Mr. Natitus would like to continue installing the 12 inch pipe under the driveway; they're showing some regrading to enhance the ditch to improve the flow to the rear of the property. The area of wetlands disturbance is .07 acres; Mr. Natitus requires a Wetlands Permit to complete the work. Mr. Zulik's report indicates the work won't damage the wetlands.

Mr. Ussery noted receipt of comments from Town Engineer Norton indicating he doesn't want the area filled to pitch water into the street; he wants the fill to be kept lower than

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the road.

Wetlands Agent Flores-Marzan reported Mr. Natitus came into the office after receiving the letter; everyone is trying to achieve compliance. Mr. Ussery concurred, noting Mr. Natitus had appeared at Russo's office quickly; he felt the delay occurred in the office.

Chairman Baker noted the soil scientist has indicated this work will have no adverse impact on the wetlands.

The Commissioners had no further questions for Mr. Ussery, or Mr. Natitus.

MOTION TO APPROVE: # IW-08-2019 (Applicant: Charles & Carol 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. (Map 034 Block 22, Lot 026; A-1 zoning district).

**This approval is granted subject to conformance with the referenced plans,
“Drainage and Improvement Plan, Owner/Applicant: Carol S. and Charles Natitus,
202 Scantic Road, East Windsor, CT, Dated 11/9/2019” 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.

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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

Additional Conditions:

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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.**

Osborn moved/Pippin seconded/DISCUSSION: None.

VOTE: **In Favor: Unanimous (Baker/Osborn/Pippin/Sawka/Talamini)**
 (No one opposed/No Abstentions)

MOTION: **To TAKE THE AGENDA ITEMS OUT OF ORDER to hear**
 MISCELLANEOUS/1. 68 Newberry Road – Complaint from Gerry
 Wilcox.

Talamini moved/Pippin seconded/DISCUSSION: None.

VOTE: **In Favor: Unanimous (Baker/Osborn/Pippin/Sawka/Talamini)**
 (No one opposed/No Abstentions)

MISCELLANEOUS/1. 68 Newberry Road – Complaint from Gerry Wilcox:

Mr. Dearborn was present in the audience.

Wetlands Agent Flores-Marzan indicated in January he received an e-mail from Mr. Wilcox expressing his displeasure that Wetlands Agent Flores-Marzan had not visited Mr. Dearborn's property. After investigation of the complaint Wetlands Agent Flores-Marzan found Mr. Wilcox didn't have a case; Mr. Dearborn's project was in compliance with his Special Use Permit and Wetlands Permit.

Mr. Wilcox recently came in to the Planning Office and submitted photos of an alleged deposition of fill in the wetlands. Wetlands Agent Flores-Marzan drove by and didn't see a problem. Fast forward a week and a half, Mr. Wilcox reported that Mr. Dearborn had dumped material in the wetlands, so Wetlands Agent Flores-Marzan checked the property again. At that time he saw a mound of material from the vantage point of Newberry Road. A certified letter was sent to Mr. Dearborn; Wetlands Agent Flores-Marzan subsequently made a site visit accompanied by Mr. Dearborn – see file photos. Wetlands Agent Flores-Marzan did some spatial analysis of "this" area where there is a mound of material. Mr. Dearborn's allegation is that the wetlands map is incorrect; he can have this mound in the location identified.

Wetlands Agent Flores-Marzan felt this was a zoning issue. Mr. Dearborn's property is located in an M-1 Zone; with the Special Use Permit he can do the composting and wood chipping. Mr. Dearborn acquired a Special Use Permit from the PZC and has a Wetlands Permit. Wetlands Agent Flores-Marzan indicated he doesn't see the issue as a violation unless he is misinterpreting the zoning regulations.

Mr. Wilcox is not present tonight to discuss this issue.

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Chairman Baker asked if Mr. Dearborn wanted to add anything to the discussion?

Commissioner Talamini asked if Mr. Dearborn has ever had the property surveyed? Mr. Dearborn indicated the Town surveyed the property during previous litigation. He indicated the area has been delineated many times; the mound is in the permitted area; the wetlands are not being filled. Mr. Dearborn felt he has not done anything wrong.

Chairman Baker suggested the Commission is responding to the agenda item. There is history that Mr. Wilcox has made numerous complaints over the years. Chairman Baker also cited concern that the complaint Mr. Wilcox lodged was done with the East Windsor GIS for which the overlay is not accurate and shouldn't be used to support complaints. Staff has investigated the issue and reported on his findings, but when the Commission gets a complaint they must look into it.

Mr. Dearborn questioned when these complaints become harassment? Chairman Baker suggested from the Commission's perspective based on what they've seen tonight the Commission and staff don't see an issue. Follow-up paperwork will be issued to document the resolution. Mr. Dearborn requested a copy of the documentation being issued.

No motion was made; Chairman Baker indicated the minutes will reflect the discussion.

MOTION: To GO BACK TO THE AGENDA ORDER as posted.

Talamini moved/Osborn seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous (Baker/Osborn/Pippin/Sawka/Talamini)
(No one opposed/No Abstentions)**

NEW BUSINESS/2) Election of Officers:

Chairman Baker nominated Rebecca Talamini as Chairman; Commissioner Osborn seconded. No other nominations were presented.

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

**Chairman Baker nominated Richard P. Pippin, Jr. as Vice Chairman;
Commissioner Osborn seconded. No other nominations were presented.**

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

Commissioner Talamini nominated Richard Osborn as Secretary; Commissioner Pippin seconded/. No other nominations were presented.

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

NEW BUSINESS/3) Bylaw review:

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Staff advised the Commission that review of the Commission's bylaws, as well as those of other Commissions, found the language regarding the 2/3 majority required to remove a commissioner is standard language. The majority of the Commission felt the existing language was ok as written; Commissioner Pippin continued to object to the existing language.

MOTION: To ACCEPT the Bylaws of the East Windsor Inland Wetlands and Watercourse Agency as presented.

Talamini moved/Osborn seconded/DISCUSSION: See discussion regarding membership prior to vote.

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

OLD BUSINESS: None.

MISCELLANEOUS: None.

AGENT DECISIONS: None.

STATUS REPORTS:

Wetlands Agent Flores-Marzan reported a property owner on Rockville Road, Mr. Turner, had complained about the property owner at 76 dropping manure on Rockville Road. Wetlands Agent Flores-Marzan drove by the property and discovered the manure is being used on the farm up the road; East Windsor is a right to farm community.

VIOLATIONS/1) Jim Giorgio – Newberry Village, LLC:

Chairman Baker reported he and Wetlands Agent Flores-Marzan are trying to visit Newberry Village to follow-up on the existing violations. Wetlands Agent Flores-Marzan reported he understands Mr. Giorgio is presently experiencing some health issues. Chairman Baker suggested Mr. Giorgio can not presently do anything in the upland review area as his permit has expired. He suggested at this point the process is to issue a Cease & Desist notification and then issue a Corrective Order rather than a permit. This item will remain on the agenda as a pending issue.

CONFERENCES/SEMINARS/TRAINING/1) Discussion of CACIWC Conference:

Chairman Baker reported he attended the CACIWC Conference and found useful information to share with the Commission.

- He met a woman from UCONN who spoke of new stormwater regulations being developed; the regulations have been updated related to impervious coverage and its impact on wetlands. Commissions will now need to include low impact

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development into local regulations.

- He attended a session on legal issues. Of interest was discussion of the ability of local commissions to hire experts to assist in their review of development applications. Chairman Baker suggested the Commission needs to review and assess our current fee schedule, and develop a procedure for an RFP and bid process to charge developers for the cost of the Commission's experts.
- Chairman Baker also wants to develop a procedure for monitoring applicant's compliance with permit conditions.
- Chairman Baker reported the IWWA training segments for Commissioners is nearing publication.

CORRESPONDENCE:

Receipt of brochure identifying Soil Scientists of New England.

GENERAL BOARD DISCUSSION: None.

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

No one requested to speak.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:50 p.m.

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

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission