

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

Special Meeting – July 12, 2017

MEETING MINUTES

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

CALL TO ORDER: Chairman Baker called the Meeting to order at 6:00 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, and Rebecca Talamini, and Alternate Member Michael Sawka.

Unable to Attend: All sitting members in attendance

Guests: Deputy Selectman Richard P. Pippin, Jr., Inland/Wetlands Liaison; Kathy Pippin, Board of Finance; **American Heritage River Commission:** Barbara Sherman, Secretary; Richard Sherman, Chairman; Tom Talamini, Member.

Chairman Baker noted the establishment of a quorum with 3 Regular and 1 Alternate Members as noted above. All Members will sit in on votes this evening. .

Also in attendance was Wetlands Enforcement Official/Wetlands Agent Laurie Whitten.

PLEDGE OF ALLEGIANCE:

Everyone stood to recite the Pledge of Allegiance.

AGENDA ADDITIONS: None.

APPROVAL OF MINUTES /1) June 7, 2017 – Regular Meeting:

MOTION: To APPROVE the Minutes of Regular Meeting dated June 7, 2017 as written.

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

APPROVAL OF MINUTES /2) June 28, 2017 – Special Meeting:

MOTION: To APPROVE the Minutes of Special Meeting dated June 28, 2017 as written.

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

Chairman Baker requested a motion to take Item **IX/2) Melrose Bridge Project** out of order as member of the American Heritage River Commission were present to discuss their project.

MOTION: To TAKE IX/2) Melrose Bridge Project out of order .

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

NEW BUSINESS/2) Melrose Bridge Project:

Joining the Commission this evening to discuss site plan work associated with the placement of a walkway across the existing Melrose Bridge were several members of the American Heritage River Commission, including: Barbara Sherman, Secretary, Dick Sherman, Chairman, and Tom Talamini, Member. Wetlands Agent Whitten reported she has spoken with Mrs. Sherman, who gave her a Site Plan; the Commission referenced that plan for discussion. The Site Plan under review is dated May 12, 2011 and was prepared to implement an earlier grant submission. Mrs. Sherman has indicated that a lot of the things that were “approved” won’t occur, like the site parking along the roadway, no guardrail - so that section of the road won’t be touched. Wetlands Agent Whitten felt millings will be put down at the end of the cul-de-sac in the cross-hatched area on the plan. Chairman Baker suggested that was somewhat of a berm; he questioned if that was coming out? Mrs. Sherman indicated it would be removed. Wetlands Agent Whitten suggested they will be cleaning up the area; she didn’t feel there is any grading being done. Chairman Baker questioned if the River Commission will be replacing the berm? Mrs. Sherman reported she understands the dirt in front of the berm will be removed in that area to allow placement of the port-a-potti. Mrs. Sherman suggested it’s like they aren’t 100% sure what they need to do until they do it. Wetlands Agent Whitten felt there were no plans for cutting and filling. Chairman Baker noted “this area” is all invasive species so if you knock it down this plan shows that area would be seeded. Mrs. Sherman suggested that was part of the old plan done by the students when the area was to be a park with benches and lights; Mrs. Sherman indicated they don’t want lights. Chairman Baker indicated you have a problem with knotweed; he questioned if that would be removed? Mrs. Sherman suggested they will be putting millings on top of that. Chairman Baker questioned what was the area highlighted in green? Wetlands Agent Whitten felt that’s where they will need to grade, and Joe Sauerhoefer said that was part of this project. Chairman Baker questioned if “this” will also be regraded; he questioned if the grades on the plan are the finished grades? Wetlands Agent Whitten suggested they are the finished grades for the original project, which also called for handicapped parking going in.

Chairman Baker questioned why the project has been cut back; is there not enough money? Mrs. Sherman indicated the Town is doing the road, the volunteers are doing the

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clear-cutting. Wetlands Agent Whitten cited if the area would be clear-cut then you need erosion control measures; then they'll remove the dirt around the cul-de-sac. Wetlands Agent Whitten indicated she's guessing they'll deliver the bridge/walkway and then they'll put down the millings. They also need to remove the guardrail. Wetlands Agent Whitten noted Joe Sauerhoefer had suggested putting down mafia blocks until the bridge/walkway is delivered. Wetlands Agent Whitten indicated the bollards won't work.

Chairman Baker noted the work is at the bottom of the hill and near the river; he's looking for erosion control. Chairman Baker questioned if they were doing the saw cutting? Wetlands Agent Whitten thought that they were. Chairman Baker then indicated we need erosion controls going in; after the vegetation is removed the volunteers will be seeding the area? Mrs. Sherman reported they have the millings. Chairman Baker advised Mrs. Sherman you can't use the millings because you have a 5 foot drop to the river. Mrs. Sherman indicated they're only removing what we need to; the walkway will have extended fencing coming down the side so no will accidentally go down where they shouldn't be. Chairman Baker questioned who will put up the silt fence? Wetlands Agent Whitten indicated she understood it would not be Joe Sauerhoefer. Mrs. Sherman then suggested so then the volunteers will have to do it. Chairman Baker then questioned who will inspect that the fence has been installed properly? Wetlands Agent Whitten agreed the silt fence should be installed at the top of the hill; she questioned if hay bales should be used as well?

Tom Talamini, 23 Rice Road: Mr. Talamini felt they should keep some of the berm because there's an outfall with a 10 foot hole around it; someone could fall in. Chairman Baker suggested the erosion controls should be put down, staff will inspect the installation, and then you can start your work. Chairman Baker clarified that his concern is that this is done properly.

Dick Sherman reported that the apron from the bridge is all that's going to be removed. Chairman Baker noted that if you're saw cutting and taking "this" out you need the erosion controls. Chairman Baker referenced his experience working in construction for 15 years; he has an idea of the conditions. Chairman Baker also noted the area is at the bottom of a hill. Mr. Talamini reported we're not cutting out that pavement; they barely have enough money for the bridge.

Wetlands Agent Whitten indicated the concern is what's going to be disturbed, and what are the proposed erosion controls? It's her understanding the whole berm is being removed (clear cut). Chairman Baker reiterated his only concern is that this is done as we would normally require of others. Mrs. Sherman questioned if hay bales would be ok? Chairman Baker replied typically not; it should be silt fence staked into the ground. Wetlands Agent Whitten noted she feels the Zoning Enforcement Officer/Town Planner/Wetlands Agent should be called before anything is done. Wetlands Agent

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Whitten noted Joe Sauerhoefer needs to remove some of the berm/excavate before the erosion controls go in; she advised Mrs. Sherman that she needs to work with Joe Sauerhoefer and decide who is doing what. Wetlands Agent Whitten then clarified that the erosion controls should be put up first; when Mrs. Sherman and whoever is assisting her are ready to start staff will go out and locate the area to place the silt fence. Wetlands Agent Whitten clarified that it should be silt fence and hay bales together. Wetlands Agent Whitten questioned who is purchasing the materials for the erosion controls? No response.

Chairman Baker indicated he has 2 concerns:

- Get the erosion and sedimentation controls in
- The plan said it would be seeded; whatever area you're opening up and aren't getting millings then that area needs to be seeded. He cited the invasive species down in that area; to rip it out and do nothing doesn't make any sense.

Deputy First Selectman Pippin felt they wouldn't be able to get rid of the invasive vines; he felt the area they are speaking of is flat. Chairman Baker reported it's at the bottom of a hill; Wetlands Agent Whitten reported she walked the area today - it goes down a slope. Chairman Baker noted if it rains all of this will get into the river, and our concern is that nothing gets in the river. Wetlands Agent Whitten concurred that there is a dirt path down the hill; she agreed the dirt will go into the water without the erosion control measures. Wetlands Agent Whitten advised Mrs. Sherman you need the erosion controls. Chairman Baker reported he is looking for seeding after the work is completed. He questioned that the group is not installing bollards on the other side of the bridge/walkway? Mrs. Sherman suggested it's not needed because there is no access from that side. Wetlands Agent Whitten questioned that there would be no ATV access; Mrs. Sherman replied "no". Mr. Talamini suggested maybe they should consider that option.

Wetlands Agent Whitten noted you allude to a tree coming down; how big is it and where is it? Mr. Sherman and Mr. Talamini suggested the tree is dead. Wetlands Agent Whitten questioned if it's along the river? Mr. Sherman reported it comes up from the side of the abutment. Wetlands Agent Whitten felt they are talking about taking down the dead tree and not stumping it; just cutting it down at the roots.

Wetlands Agent Whitten clarified that the bollards are between your group and whoever. Mrs. Sherman reported they were told by the walkway engineer that State Statutes require that it needs a bollard in the middle of the span.

Chairman Baker queried the Commissioners regarding the management of this project; Commissioners Osborn, Sawka, and Talamini were ok with the proposal. Chairman Baker indicated there is no need for an application; the work has been agreed to by consensus, as long as the erosion and sedimentation controls are done. Wetlands Agent Whitten questioned if the Commission wants her to do an Administrative approval?

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Chairman Baker indicated he is ok with Wetlands Agent Whitten's oversight.

Chairman Baker questioned when the work was being done? Mrs. Sherman reported July 19th; it will take maybe a day. Wetlands Agent Whitten questioned when the bridge/walkway is being delivered? Mrs. Sherman reported the Town doesn't actually get money, a number is assigned, the project is being funded by invoice and then the bill is paid. Chairman Baker felt it will be less than a day to put the walkway in. Mrs. Sherman reported the engineer is putting in the walkway; she noted there is a question as to who is putting in the decking, and if that will be done by volunteers or by the engineer? Commissioner Osborn questioned if the decking is being bolted down to the old bridge; Mr. Sherman indicated it will be welded. Wetlands Agent Whitten suggested that's actually a flood issue.

No motion of approval; activity agreed to by consensus; no permit to be issued.

MOTION: To GO BACK into the posted agenda order.

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

PUBLIC HEARINGS: None.

CONTINUED PUBLIC HEARINGS: None.

NEW APPLICATIONS TO BE RECEIVED:

No new applications presented this evening.

NEW BUSINESS/1) #06-2012A – Lawrence Farms, LLC – 111 and 115 South Main Street and 49 Phelps Road – Permit Renewal:

Chairman Baker noted this Application was automatically accepted at the previous meeting. None of the work approved for this Wetlands Application has been started. Commissioner Osborn noted the applicant had demolished some of the houses, and has mowed the fields but not in the sequence discussed in the meeting minutes. Wetlands Agent Whitten reported she questioned Tim Coon, of J. R. Russo and Associates, if any of the recommended remediation work had been done; she read Mr. Coon's e-mail response. Commissioner Osborn questioned that they have started some of the clean-up? Wetlands Agent Whitten wasn't sure any of the work done was in the regulated area.

Commissioner Osborn noted they aren't using the pasture any longer for cattle; they're just mowing it but not in the sequence specified by the wetlands expert. Discussion continued regarding the mowing sequence based on the existence of two different species of birds which require that the fields be mowed at different times. Chairman Baker suggested the applicant be reminded to adhere to the sequence specified.

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Commissioner Osborn noted there is no Conservation Easement. Discussion continued regarding requiring a Conservation Easement vs. Open Space. Wetlands Agent Whitten suggested that until the applicant actually begins construction and dedicates Open Space the Conservation Easement doesn't exist. This Commission didn't give the applicant a demolition permit because the buildings weren't in a regulated area.

MOTION: To RENEW IWWA Permit #06-2012A for Lawrence Farms, LLC – 111 and 115 South Main Street and 49 Phelps Road for a 5 year period expiring September 5, 2022; all previous conditions carried over (see below).

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

18. Testing in Stoughton Brook shall be performed after every 1" rainfall event for arsenic, chromium, lead, and PCBs. Testing will end upon completion of project.
19. A Remediation Plan shall be submitted to the Planning and Zoning Commission and the Wetlands Agent shall review and comment to the Planning and Zoning Commission

Osborn moved/Talamini seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous

OLD BUSINESS: None.

MISCELLANEOUS: None

AGENT DECISIONS: None.

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STAFF REPORTS: None.

VIOLATIONS:

Connecticut Mulch remains pending.

CONFERENCES/SEMINARS/TRAINING:

Nothing to report.

CORRESPONDENCE: None.

GENERAL BOARD DISCUSSION: None.

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

No one requested to speak.

ADJOURNMENT:

MOTION: **To ADJOURN this Meeting at 6:55 p.m.**

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

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission