

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

Regular Meeting – June 1, 2016

MEETING MINUTES

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

CALL TO ORDER: Chairman Baker called the Meeting to order at 7:01 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 Members Michael Sawka and Steve Smith.

Unable to Attend: Regular Member Dave Menard.

Guests: Deputy Selectman Richard P. Pippin, Jr., Inland/Wetlands Liaison; Kathy Pippin, Board of Finance.

Chairman Baker noted the establishment of a quorum with 3 Regular and 2 Alternate Members as noted above. All Regular members and Alternate Member Smith will sit in on votes this evening. .

Also in attendance was Acting Wetlands Agent Virginia Higley, and Town Planner/Wetlands Agent Laurie Whitten. .

AGENDA ADDITIONS: None.

APPROVAL OF MINUTES/1) February 3, 2016 – Regular Meeting:

MOTION: To APPROVE the Minutes of Regular Meeting dated February 3, 2016 as written.

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

VOTE: In Favor: Baker/Osborn/Talamini
Opposed: No one
Abstained: Smith

APPROVAL OF MINUTES/2) May 4, 2016 – Regular Meeting:

MOTION: To APPROVE the Minutes of Regular Meeting dated May 4, 2016 as written.

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Osborn moved/Talamini seconded/DISCUSSION: None

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

PUBLIC HEARINGS: None.

CONTINUED PUBLIC HEARINGS: None.

NEW APPLICATIONS TO BE RECEIVED:(1) #03-2016/Ronald Masters, Scout Hall/Town of East Windsor - Modification of IWWA Permit #14-2010 – 28 Abbe Road, Scout Hall – nearest intersection Route 5/South Main Street. Request to extend previously approved pathway 700 feet (per drawing) to provide egress to rear trails using 4 inches of compacted millings. Map 39, Block 23, Lot 8. (65 day application period ends 7/16/2016)

Chairman Baker read the description of this Item of Business. Appearing to present the Application were Ron Masters and Al Floyd, members of the Scout Hall Building Committee. Accompanying them in the audience was Jay Ussery, of J. R. Russo and Associates.

Mr. Masters recalled that during informal discussion held during the previous meeting the Commission had requested a plan showing the location of the existing and proposed trails. The plan before the Commission shows the locations as requested. During review of the plan Mr. Ussery recalculated the area under discussion for deposition of millings and found it to be closer to 700 feet than 900 feet, therefore Mr. Masters felt they will not need to appear before the Planning and Zoning Commission (PZC) to comply with 100 cubic yards of fill requirement. This plan also shows the pond as existing rather than proposed, and everything they have done at the property to date. Mr. Masters noted they have also submitted a definition of what is considered clean fill. Their proposal is to use millings for construction of the trail.

Chairman Baker reported he has walked the area of the proposed trail, some of which is close to the wetlands in a number of spots. He had suggested that the Applicant use stone in a couple of areas which are already low. Chairman Baker indicated he had wanted to have a letter from someone saying the millings are inert. Mr. Masters noted they had asked the Public Works Department, and the definition is what they had. Chairman Baker reported he had done some research through the DEEP (Department of Energy and Environmental Protection). He first spoke to an individual in the area of remediation who said a chunk of asphalt is considered clean fill but millings are considered solid waste in Connecticut. He then reached out to another individual who is in charge of solid waste management but he has not yet heard back from that person.

Commissioner Osborn questioned what material was used for the existing trail? Mr. Masters indicated the existing trail is constructed of gravel. When they sought quotes for

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this next phase they received a quote which was within their budget because the contractor had access to millings.

Mr. Masters questioned what they needed to do to receive a decision this evening, as they would like to begin the work. Chairman Baker suggested he personally is uncomfortable with the use of the millings. He noted there are a lot of other states that put out documents saying millings aren't appropriate for use in upland review areas. He cited a recent incident in which the Greenwich Inland Wetlands Commission required the Town to take out millings applied in a similar situation. Mr. Masters questioned the language of the definition provided by DEEP; Chairman Baker agreed it was a confusing situation. He cited his past construction experience and considered it may be appropriate for construction of a road but he cited these fines, which are made out of oil, would be what the Applicant is proposing to put down really close to the wetlands; he suggested the oil could be released into the wetlands. Mr. Masters suggested the trail would be pervious. Discussion followed regarding differing opinions as to what constitutes pervious vs. impervious conditions, who/what agency would be the final arbitrator as to what constitutes clean fill in relation to the millings, and continued discussion of the Commission's concerns.

Commissioner Sawka questioned why the Applicant hadn't considered using gravel? Mr. Masters cited the additional cost. Commissioner Sawka suggested the cost of processed gravel isn't that much higher; he questioned the width of the trail? . Mr. Masters indicated they are proposing a 10 foot wide path.

Chairman Baker questioned if the Applicant could wait a week to give him time to follow up with the contact in the solid waste management area of DEEP? Town Planner Whitten noted it's within the Commission's purview to ask for prudent and feasible alternatives; she questioned the purpose of the path as at the width proposed the path is essentially a road. Mr. Masters indicated they are proposing a 10' wide trail to be able to complete other activities already approved under existing permits which require the use of heavy equipment and to access a scout camping area. Town Planner Whitten questioned if the path could be moved outside the tree line? Mr. Masters noted "this" property was deeded to the Town while the area containing the soccer field is a different situation. Mr. Ussery, speaking from the audience, suggested the tree line is pretty much the property line. Discussion of alternatives continued. Town Planner Whitten indicated that from a PZC perspective millings are considered an impervious surface; once they are compacted it becomes like a road - once you pack it down it becomes impervious. Mr. Ussery suggested from a drainage calculation standpoint they consider it pervious.

Commissioner Osborn questioned if the millings would be spread on top of the existing path? Mr. Masters suggested they will be removing 4 inches of existing material and replacing that area with millings. Commissioner Osborn questioned if the area under discussion is soggy? Mr. Masters replied it is in the Spring

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Discussion returned to delaying the decision for a week. Mr. Masters asked if they are not allowed to use the millings they would like a recommendation as to what material would be allowable. Mr. Floyd suggested they understood the Commission's concern with setting a precedent for a situation with which they aren't comfortable. Discussion followed regarding the specifics of holding a Special Meeting.

MOTION: To CONTINUE Application #03-2016 Ron Masters, Scout Hall/Town of East Windsor until a Special Meeting of the Inland Wetlands Commission to be held on Thursday, June 9, 2016 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Talamini moved/Osborn seconded/DISCUSSION: None

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

NEW BUSINESS: None.

MISCELANEOUS/1) Informal discussion – Wells Road – issue on nonconforming lot – Map115, Block 28, Lot 031, Zone A-1

Discussion delayed at the request of the person who initiated the informal discussion.

AGENT DECISIONS:

Acting Wetlands Agent Higley reported she has been performing site visits as necessary.

STATUS REPORTS:

Acting Wetlands Agent Higley reported a recent site visit found the work in progress to be in good shape. She noted the developer has requested release of a bond for Phase I. Commissioner Osborn suggested the Phasing sequence had been changed at the request of the developer; he questioned that Phase I has been completed at this point? Brief discussion followed.

VIOLATIONS:

Acting Wetlands Agent Higley suggested there are no violations to report. However, she was contacted by a resident who was concerned regarding an area containing terrace escarpment slopes was being advertised for sale for a subdivision. Commissioner Osborn recalled past problems within the area under discussion; he suggested the area is sensitive and easily washes out. Acting Wetlands Agent Higley indicated she is seeking more information on the situation.

Town Planner Whitten suggested the Commission accept Acting Wetlands Agent Higley

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as the Wetlands Agent for the Town of East Windsor.

MOTION: To ACCEPT Virginia Higley as the Town of East Windsor Inland Wetlands Agent.

Talamini moved/Osborn seconded/DISCUSSION: None

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

CONFERENCES/SEMINARS/TRAIING:1) 2016 Municipal Inland Wetlands Agency Continuing Education Workshop: Legal and Administrative Updates – June, 2016:

- Chairman Baker suggested Commission members consider attending the workshop described in the flyer provided in the Meeting packet.
- Discussion followed regarding continuing the in-house training being conducted at Commission Meetings. Commissioner Smith volunteered to copy the material provided by DEEP for each Commission member.

CORRESPONDENCE:

Commission members were provided copies of “The Habitat” for review. Wetlands Agent Higley and Chairman Baker cited articles of particular interest.

GENERAL BOARD DISCUSSION: None.

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

No one requested to speak.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:47 p.m.

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

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission