

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

Regular Meeting – April 5, 2017

MEETING MINUTES

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

CALL TO ORDER: Chairman Baker called the Meeting to order at 7:02 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 will sit in on votes this evening. .

Also in attendance was Wetlands Enforcement Official Shawn Rairigh.

AGENDA ADDITIONS: None.

APPROVAL OF MINUTES /1) February 4, 2017 – Regular Meeting:

MOTION: To APPROVE the Minutes of Regular Meeting dated February 4, 2017 as presented.

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

VOTE: In Favor: Unanimous (Osborn/Sawka/Smith/Talamini)

2) March 1, 2017 Regular Meeting AND March 15, 2017 Special Meeting:

Meetings cancelled; no minutes.

PUBLIC HEARINGS: None.

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NEW APPLICATIONS TO BE RECEIVED: 1) #04-2017 – WSJA, LLC. – 34 Newberry Road. Request to construct new building addition to front of existing building; addition falls within regulated area. M-1 Zone; Map 092, Block 19, Lot 001. (65 day application period ends June 9, 2017)

Chairman Baker read the description of this item of business.

Wetlands Enforcement Officer Rairigh reported this business is proposing an addition to the front (Newberry Road) side of the building for office space. The application is before the Commission as under the mapped wetlands it appears that the addition would be located within a regulated area. When visiting the site Wetlands Enforcement Officer Rairigh found the site is already covered by the building and associated lawn and paving. He questioned if the Commission would be comfortable with him doing an Agent review? Chairman Baker polled the Commission; the consensus of the members were agreeable with Wetlands Enforcement Officer Rairigh's Agent review.

MOTION: To ACCEPT Application #04-2017 – WSJA, LLC. – 34 Newberry Road. Request to construct new building addition to front of existing building; addition falls within regulated area. M-1 Zone; Map 092, Block 19, Lot 001 AND APPROVE under an Administrative Agent Decision.

Osborn moved/Talamini seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Osborn/Sawka/Smith/Talamini)

NEW BUSINESS: 1) #03-2017 Jeffrey L. and Brenda P. Robert – 192 Scantic Road. Request to conduct regulated activities to resubdivide existing property at 192 Scantic Road to create to lots, Lot A and Lot B, with the intent to build a single family home on Lot B. Nearest intersection is 192 Scantic Road and Stoughton Road. Map 34, Block 22, Lot 025. (65 day application period ends May 5, 2017):

Chairman Baker read this Agenda item. Appearing to discuss the proposal was Jeffrey and Brenda Baker, of 192 Scantic Road.

Wetlands Enforcement Official Rairigh advised the Commission this application is automatically accepted because there was no March Regular Wetlands Meeting.

Wetlands Enforcement Official Rairigh gave the Commissioners revised plans received in the office recently; the plans have been adjusted in response to Town Engineer Norton's comments. Chairman Baker recalled Town Engineer Norton had requested the addition of footing drains.

Mr. Roberts described the location of the property, which is on the corner of Stoughton and Scantic Roads. They are proposing to resubdivide the property into Lot A, which

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will contain the current/existing home, and Lot B, on which a new home will be built. the existing home was previously served by a septic system; the leach field for that system was disconnected in 2015 when the existing home was connected to the sewer in Stoughton road. Mr. Roberts referenced a location on the plans, noting they plan to use the leach field associated with the existing home to serve a septic system for the new home. The proposed work will infringe slightly into the upland review area. They are providing an easement to connect the new home to the sewer located on Stoughton road if necessary or desirable in the future.

Wetlands Enforcement Official Rairigh indicated that the WPCA has reviewed the proposal, and their policy is any new development which is 150 feet away should be connected to a sewer line. This property is located 153 feet away; the NCHD has reviewed the plans and they are ok with this proposal. Wetlands Enforcement Official Rairigh indicated the Roberts are providing the easement if anyone wants to connect to the sewer in the future.

Wetlands Enforcement Official Rairigh indicated noted the application for subdivision is going before the PZC next week; Mr. Roberts will need a Zoning Permit for construction of the home after approval via the PZC.

Chairman Baker questioned how much drainage is being changed? Mr. Roberts suggested they are trying to position the house on the highest knoll; maybe even bring the home up a little higher. The basement is close to the wetlands; he would like to bring it up a bit more as he would like a “walk out” basement. Chairman Baker suggested that if the home is raised Mr. Roberts would have to bring in fill; this Commission needs to know how much fill, and that information needs to be shown on the plans. Chairman Baker advised Mr. Roberts that the Commission must consider for approval the plan being presented to them tonight; if any changes are made to the construction of the home those changes need to be shown on the plans, and the changes may be subject to an additional review by this Commission again.

Wetlands Enforcement Official Rairigh explained the sequence of the review process by Inland Wetlands Commission first, then the application moves on to the Planning and Zoning Commission. Chairman Baker noted that prior to construction the area of disturbance must be flagged. Chairman Baker questioned Mr. Roberts if he wanted a decision by this Commission tonight, or would he prefer to continue to work with his builder before making his decision? Mr. Roberts indicated that he’s had the builder on call. If he gets this approval he’ll work with the builder on the basement issue; if he needs to come back to this Commission he’ll do that.

The Commissioners had no additional questions for Mr. Roberts.

**MOTION: To APPROVE – with the standard conditions - Application #03-2017
Jeffrey L. and Brenda P. Robert – 192 Scantic Road. Request to**

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conduct regulated activities to resubdivide existing property at 192 Scantic Road to create to lots, Lot A and Lot B, with the intent to build a single family home on Lot B. Nearest intersection is 192 Scantic Road and Stoughton Road. Map 34, Block 22, Lot 025.

This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:

REFERENCED PLANS:

Sheet 1 of 4 – Resubdivision Plan. Prepared for Jeffrey L. & Brenda P. Robert, 192 Scantic Road, East Windsor, CT. Prepared by Gary B. LeClair, LLC. Scale 1" = 50'. Dated 12/28/16, rev. 3/10/17. Received 4/3/2017.

Sheet 2 of 4 – Topographic Plan [part 1]. Prepared for Jeffrey L. & Brenda P. Robert, 192 Scantic Road, East Windsor, CT. Prepared by Gary B. LeClair, LLC. Scale 1" = 40'. Dated 12/28/16, rev. 3/10/17. Received 4/3/2017.

Sheet 3 of 4 – Topographic Plan [part 2]. Prepared for Jeffrey L. & Brenda P. Robert, 192 Scantic Road, East Windsor, CT. Prepared by Gary B. LeClair, LLC. Scale 1" = 40'. Dated 12/28/16, rev. 3/10/17. Received 4/3/2017.

Sheet 3 of 4 – Key Map / Details. Prepared for Jeffrey L. & Brenda P. Robert, 192 Scantic Road, East Windsor, CT. Prepared by Gary B. LeClair, LLC. Scale as noted. Dated 12/28/16, rev. 3/10/17. Received 4/3/2017.

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.

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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 of the 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.
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/Wetland Agent 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.

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Talamini moved/Osborn seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Osborn/Sawka/Smith/Talamini)

OLD BUSINESS: None.

MISCELLANEOUS: 1) Informal Discussion – 35 Cemetery Road, Tim and Julia Pratt.
Construction of 12' x 16' fishing camp in flat land along Scantic River:

Julia and Tim Pratt joined the Commission. Mr. Pratt advised the Commissioners that he and Mrs. Pratt own a 2.4 acre parcel located at 35 Cemetery Road. The parcel contains 400 feet of frontage on the Scantic River which includes a large cleared field. Mr. Pratt SHOWED the Commission the location within that cleared field where he would like to construct a fishing cabin/workshop/shed 80 to 100 feet from the river. Commissioner Talamini questioned the size; Mr. Pratt indicated he is thinking of 12 feet by 16 feet.

Chairman Baker advised the Pratts that wetlands law prohibits digging or moving soil in the wetlands. Chairman Baker questioned if this building would include a bathroom; Mr. Pratt replied negatively, noting he would construct the building on piers. Commissioner Osborn questioned if the proposed location is located within the flood plain?

Wetlands Enforcement Official Rairigh suggested he asked the Pratts to come in to discuss this proposal with the Commission because of the proximity of the terrace escarpment slopes, and the proposed location is close to the river. Chairman Baker felt this proposal requires submission of a Wetlands Application. Wetlands Enforcement Official Rairigh suggested any disturbance of wetlands, or clearing of trees would require a Wetlands Application also; stump removal would also be prohibited. Chairman Baker indicated his concern was the lack of bathroom facilities; Mrs. Pratt suggested people could use the bathroom in their home. Chairman Baker cited they could use a compost toilet as well.

The consensus of the Commission favored that the Pratts submit a formal Wetlands Application regarding this construction.

AGENT DECISIONS: None.

STATUS REPORTS: None.

VIOLATIONS/ 1) Show Cause Hearing – Connecticut Mulch/Cease and Desist Order – Unpermitted activity in Upland Review Area and Wetlands – Violation of Section 6.1. North Road/Route 140, B-3 Zone; Map 115, Block 15, Lot 021:

No report. Chairman Baker reported the representative from Connecticut Mulch has indicated he still needs a couple of weeks to prepare a plan. It was noted that the Cease

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and Desist Order remains in effect until the remediation work is completed. The Commission discussed contacting the property owner with the intent to meet at the site to consider remediation options.

CONFERENCES/SEMINARS/TRAINING:

Wetlands Enforcement Official Rairigh provided the Commissioners with a letter from Pullman & Comley, LLC regarding the filing of an application with the Connecticut Siting Council by Lodestar Energy, LLC for construction of a solar farm at Wapping Road, East Windsor. Wetlands Enforcement Official Rairigh advised the Commission the Connecticut Siting Council has jurisdiction for any wetlands located on the site. He noted there will be an opportunity during that application for anyone who would like to comment on the application.

CORRESPONDENCE: None.

GENERAL BOARD DISCUSSION:

Commissioner Smith suggested something may be coming through the legislature regarding solar farms.

No one else had any comments to share.

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

No one requested to speak.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:45 p.m.

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

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission