

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

3  
4                                   **Regular Meeting**

5  
6                                   Wednesday, May 6, 2020  
7                                   7:00 p.m.  
8                                   East Windsor, Connecticut

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10                                  Meeting held via ZOOM Teleconference  
11                                  Meeting ID: 9274226950  
12                                  Town Hall closed to the Public by  
13                                  Executive Order of First Selectman Jason E. Bowsza  
14                                  Due to Coronavirus pandemic

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17                                  **MEETING MINUTES**

18                                  \*\*\*\*\**Minutes are not official until approved at a subsequent meeting*\*\*\*\*\*  
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22                                  **CALL TO ORDER – 7:00 p.m.:** Chairman Talamini called the May 6, 2020 Regular  
23                                  Meeting of the East Windsor Inland Wetlands and Watercourse Agency to order at 7:03  
24                                  p.m. The Meeting is being held via teleconference due to closure of the Town Hall to  
25                                  the Public as the result of the coronavirus epidemic.

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27                                  **ESTABLISHMENT OF QUORUM:**

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29                                  **Present:** Regular Members Rebecca Talamini (Chairman), Kurt Kebschull, Richard  
30                                  Osborn (Secretary), Richard P. Pippin, Jr (Vice Chairman), and Alternate  
31                                  Member Jamie Sydoriak.

32  
33                                  **Unable to Attend:** Regular Member Alan Baker, and Alternate Member Michael  
34                                  Sawka.

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36                                  **Guests:** Melissa Maltese, Director of Recreation and Community Services, hosted  
37                                  the ZOOM Meeting for the Commission. Also attending were applicants,  
38                                  Pam and David Guenard, and Bryan Hebert, and Jay Ussery, of J. R.  
39                                  Russo, representing Michael Fioretti.

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41                                  Chairman Talamini noted the establishment of a quorum with 4 Regular and 1 Alternate  
42                                  Members as noted above. All Members will sit in on votes this evening via video  
43                                  conference.  
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**PLEDGE OF ALLEGIANCE:**

**AGENDA ADDITIONS:** None.

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

**NEW APPLICATIONS TO BE RECEIVED/1) #06-2020 – LaBrecque Autocraft – 63 Newberry Road – Request for an Agent Decision to conduct regulated activities to construct a commercial building in an upland review area. Nearest intersection is Thompson Road. M-1 Zone; Map 093, Block 17, Lot 024:**

This application is a request for an Agent Decision to construct a second commercial building at 63 Newberry Road. The applicant presently operates an auto body repair facility at this location; he is proposing to construct the additional building adjacent, but not connected, to the existing building. Construction is proposed to occur in an upland review area; a wetlands area is adjacent and behind the area of proposed construction.

The applicant has submitted a Wetlands Report prepared by Richard Zulik, Soil Scientist and Certified Forester. The conclusion of Mr. Zulik's report indicates the following: "that the hydric wetland area and the palustrine scrub-scrub/forested wetlands are a minimally functioning wetland ecosystem which exhibit 6 wetlands functions and 1 wetland value. The development is proposed within an area that has been previously disturbed for a similar use. It's his opinion that the proposed plan will have no significant negative impact to the surrounding wetlands area."

Wetlands Agent Norton indicated that the applicant is not proposing to do any work in the wetlands, although some work will occur close to the wetlands in the upland review area. There will be some overland run off into the wetlands. Wetlands Agent Norton indicated he has basically the same comments as Mr. Zulik.

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Commissioner Pippin noted that both the existing building and the proposed building are only 20 feet off of the wetlands. Wetlands Agent Norton cited the Stormwater Plan submitted by the applicant includes the effect of the addition. He agreed the construction will occur close to the wetlands but it's a scrub wetland which doesn't have a lot of value. Commissioner Pippin noted that previously the neighbor across the street had concerns that flow from this property was being sent to the neighboring property. The neighboring property owner should have an opportunity to know of this proposal. Wetlands Agent Norton indicated the Stormwater Report references a cfs rate of .1 or .2 increase, which he considered negligible. He noted the applicant is also proposing a rain garden and infiltration, so they'll be managing their own stormwater.

Commissioner Kebschull questioned what chemicals from the new building would be going into the wetlands? Wetlands Agent Norton reported the applicant is expanding his auto repair business. There will be floor drains inside the building which would pick up any chemicals which would then go into an oil/water separator Any run off should be contained within the building.

**MOTION: To ACCEPT Application #06-2020 – LaBrecque Autocraft – 63 Newberry Road – Request for an Agent Decision to conduct regulated activities to construct a commercial building in an upland review area. Nearest intersection is Thompson Road. M-1 Zone; Map 093, Block 17, Lot 024.**

**Pippin moved/Osborn seconded/DISCUSSION:** Chairman Talamini queried the Commission for their preference to consider this application as an Agent Decision, or as a full application presentation? Commissioner Pippin preferred hearing this request as a full Wetlands application because of the proximity of the proposed work to the wetlands and the soil conditions. Commissioner Osborn preferred a full Wetlands application presentation as well. Commissioners Kebschull and Sydoriak were ok with hearing the full presentation. Chairman Talamini indicated this application will be heard at the June 2020 Wetlands Meeting as a full presentation rather than an Agent Decision.

**AMENDED MOTION: To ACCEPT Application #06-2020 – LaBrecque Autocraft – 63 Newberry Road - Request to conduct regulated activities to construct a commercial building in an upland review area. Nearest intersection is Thompson Road. M-1 Zone; Map 093, Block 17, Lot 024.**

**Pippin moved/Osborn seconded/DISCUSSION:** Nothing additional.

**VOTE: In Favor: (Talamini/Kebschull/Osborn/Pippin/Sydoriak)**  
**(No one opposed/No abstentions)**

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**NEW APPLICATIONS TO BE RECEIVED/2) #07-2020 - David and Pamela**  
**Guenard – 45 Miller Road – Request for an Agent Decision to construct a 20' x 30'**  
**2-car garage, and a 10' x 20' shed on a concrete pad in an upland review area.**  
**Nearest intersection is Miller and Graham Road. A-1 Zone; Map 18, Block 68, Lot**  
**020:**

Pam Guenard joined the Commission via teleconference. Mrs. Guenard reported she and her husband would like to build a 2-car garage and shed on their property; they would then convert the current 2-car garage into living space. Mrs. Guenard indicated they've been working with the Building Department regarding this project.

Wetlands Agent Norton reported that when Mrs. Guenard called to discuss a Wetlands application he questioned why that would apply. Wetlands Agent Norton indicated he was familiar with this property (previously owned by Tex Mulnite). There is a dry brook that runs behind the property but there are no wetlands. He noted the Guenards won't be excavating the property for footings because they plan to build the new garage and shed on a slab. Wetlands Agent Norton suggested there shouldn't be much disturbance from a wetlands standpoint.

Commissioner Osborn questioned if the Guenards would need to put in footings under the slab? Mrs. Guenard reported that Building Official Stanley said they wouldn't need footings because of the size (20' x 30') of the building. Commissioner Pippin suggested he was going to raise the same question. He suggested adding an additional condition to allow installation of footings if necessary because slabs sometimes crack.

Chairman Talamini questioned if the Commission could agree with the Agent Decision, or did they want a full application? Commissioner Sydoriak felt if there was a dry brook nearby and no wetlands then she was ok with the Agent Decision. Commissioner Kebschull concurred with Commissioner Sydoriak. Commissioners Osborn and Pippin agreed to go with the Agent Decision with the inclusion of the additional condition proposed by Commissioner Pippin.

**MOTION: To ACCEPT Application #07-2020 - David and Pamela Guenard – 45 Miller Road – Request for an Agent Decision to construct a 20' x 30' 2-car garage, and a 10' x 20' shed on a concrete pad in an upland review area. Nearest intersection is Miller and Graham Road. A-1 Zone; Map 18, Block 68, Lot 020.**

**Pippin moved/Sydoriak seconded/DISCUSSION:** Nothing additional.

**VOTE: In Favor: (Talamini/Kebschull/Osborn/Pippin/Sydoriak**  
**(No one opposed/No abstentions)**

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See approval of Agent Decision Permit under **AGENT DECISIONS**, pages 7 through 9.

**NEW APPLICATIONS TO BE RECEIVED/3) #08-2020 – Bryan Hebert – 133 Phelps Road** – Request to return the area to lawn, may bring in minor amount of fill (under 100 cubic yards), and add landscape boulders in upland review area. Nearest intersection is Phelps and Tromley Road. R-3 Zone, Map 054, Block 20, Lot 048:

Wetlands Agent Norton reported this issue has been going on for some time. Mr. Hebert started some work in his yard but didn't realize he was working in a wetlands area. He received a Cease & Desist from Town Planner/Wetlands Agent Flores-Marzan, who subsequently went out on sick leave. Mr. Hebert had tried to follow up with Town Planner Flores-Marzan via voicemail but couldn't connect with him because of his absence.

Wetlands Agent Norton reported he picked up on the issue and requested Mr. Hebert file a Wetlands Application, which he did within a day. He understands that Mr. Hebert plans to move some dirt around in the yard to level it out and bring in some landscaping boulders. Wetlands Agent Norton felt Mr. Hebert had started work without a permit but he's trying to rectify the situation.

Commissioner Osborn indicated there's a brook which runs from the Food Pantry across the street and under the road and onto Mr. Hebert's property. He noted there used to be a pond in that area further to the north which has been blocked off by driveways. Wetlands Agent Norton suggested there's a small pond on the back of Dan Burnham's property on Tromley Road. He noted there is a State culvert in the area; the State is investigating that culvert as something is blocking the run off.

Commissioner Osborn felt Mr. Hebert shouldn't bring in a lot of fill. Wetlands Agent Norton suggested he thought Mr. Hebert had planned on adding maybe 4 inches to level the area off. Commissioner Osborn cited the reference to under 100 yards of fill on the application; he didn't feel a lot of fill should be brought in as that's a sensitive area. Wetlands Agent Norton felt that language had been included to restrict the amount of fill; if Mr. Hebert added more than 100 yards it would require a fill permit. Commissioner Pippin suggested this work has been going for some time. Mr. Hebert cut trees in the wetlands, and then brought in red fill; mud has been tracking onto Phelps Road.

Mr. Hebert requested to join the discussion. He indicated he was trying to regrade the area and return it to a yard. He had not put in silt fence but has paid an \$80 fine for that. Commissioner Pippin noted Mr. Hebert had put in a willow hedge. Mr. Hebert indicated

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he had planned to make the yard like the rest of the area but he's decided against that; he might plant some pine trees down the road.

Chairman Talamini questioned if the Commission would agree to the Agent Decision or would they prefer a full application? Commissioners Osborn and Pippin preferred the full application; Commissioners Kebschull and Sydoriak agreed.

**MOTION: To ACCEPT Application #08-2020 – Bryan Hebert – 133 Phelps Road – Request to return the area to lawn, may bring in minor amount of fill (under 100 cubic yards), and add landscape boulders in upland review area. Nearest intersection is Phelps and Tromley Road. R-3 Zone, Map 054, Block 20, Lot 048.**

**Pippin moved/Osborn seconded/DISCUSSION:** The Commission's preference was to discuss this proposal as a full Wetlands application.

**VOTE: In Favor: (Talamini/Kebschull/Osborn/Pippin/Sydoriak)**  
**(No one opposed/No abstentions)**

**PUBLIC HEARINGS:** None.

**CONTINUED PUBLIC HEARINGS:** None.

**NEW BUSINESS/1** Consider acceptance of Wetlands Applications electronically, as suggested in Governor Lamont's Executive Order 7I pertaining to the COVID-19 pandemic:

Governor Lamont's Executive Order 7I enables municipalities to accept land applications and associated documents electronically during the closure of Town Halls.

**MOTION: To CONSIDER ACCEPTANCE of Inland Wetlands and Watercourse Agency Applications electronically as suggested in Governor Lamont's Executive Order 7I pertaining to the COVID-19 pandemic.**

**Pippin moved/Osborn seconded/DISCUSSION:** Commissioner Pippin agreed to this change in the receipt of application process but requested that paper plans be printed from the electronic material. Chairman Talamini agreed, noting the need to create hard copy file documentation of applications as well.

**VOTE: In Favor: (Talamini/Kebschull/Osborn/Pippin/Sydoriak)**  
**(No one opposed/No abstentions)**

**OLD BUSINESS:** None.

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**MISCELLANEOUS(1) Informal Discussion – Michael Fioretti (EWD, LLP) –202 Main Street (Warehouse Point). 8-26 Referral: Advisement of filing of Planning Applications for Resubdivision, and Zone Change. Zone R-2; Map 101, Block 12, Lot 030.**

Wetlands Agent Norton reported this property is the location of Sports World. Michael Fioretti has purchased the property previously owned by Don Wagner to expand parking. There are two houses located on the parcel, one fronts on Main Street, while the second house is behind the first house. Wetlands Agent Norton reported Mr. Fioretti is trying to separate the two houses into individual properties, and rezone the parcel.

Jay Ussery, of J. R. Russo and Associates, joined the discussion. Mr. Ussery concurred with Wetlands Agent Norton. No new construction is occurring; they are creating lot lines around each dwelling. Under Connecticut General Statutes 8.26 and East Windsor Wetlands Regulations, Section 7.2 when wetlands occur on a parcel being considered for resubdivision an applicant is required to advise a Wetlands Agency of their proposal. Mr. Ussery indicated the wetlands have been delineated, but no new construction is to occur. They are just creating lot lines.

Discussion followed regarding past activity at the property when it was owned by Donald Wagner. Commissioner Pippin noted there is a brook on the property; Mr. Wagner was cited for digging a pond on that end of the property without the benefit of a permit.

No motion made; Wetlands Agent Norton will write a referral memo to the Planning and Zoning Commission regarding the applicant's referral to the Wetlands Commission.

**AGENT DECISION(1) #06-2020 – LaBrecque Autocraft – 63 Newberry Road – Request for an Agent Decision to conduct regulated activities to construct a commercial building in an upland review area. Nearest intersection is Thompson Road. M-1 Zone; Map 093, Block 17, Lot 024:**

Commission has determined to consider this proposal as a full application review during its June 3, 2020 Regular Meeting.

**AGENT DECISIONS(2) #07-2020 - David and Pamela Guenard – 45 Miller Road – Request for an Agent Decision to construct a 20' x 30' 2-car garage, and a 10' x 20' shed on a concrete pad in an upland review area. Nearest intersection is Miller and Graham Road. A-1 Zone; Map 18, Block 68, Lot 020.**

**MOTION: To APPROVE Application #07-2020 - David and Pamela Guenard – 45 Miller Road – Request for an Agent Decision to construct a 20' x 30' 2-car garage, and a 10' x 20' shed on a concrete pad in an upland**

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**review area. Nearest intersection is Miller and Graham Road. A-1 Zone; Map 18, Block 68, Lot 020. Application is approved with the following 14 standard conditions, and additional condition #15.**

**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



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344 vegetative cover. The construction site shall be left in a stable condition at the  
345 close of each day. An adequate stockpile of erosion control materials shall be on  
346 site at all times for emergency or routine replacement and shall include materials  
347 to repair silt fences, haybales, stone-riprap filter dikes or any other devices  
348 planned for use during construction. Additional erosion control measures are to be  
349 installed as directed by the Town Staff if field conditions necessitate.

350

351 9. These permit conditions apply only to the work approved by this permit. Any  
352 other work to be done within the area of regulatory interest shall require the filing  
353 of a new or modified Inland Wetlands Application for consideration by the  
354 Commission.

355 10. If any alteration of the wetland/resource area does occur, the Commission shall  
356 impose such measures as it finds necessary to protect and restore those areas.

357 11. All temporary barriers, including erosion and sedimentation controls are to be  
358 removed (in suitable weather conditions) upon completion of the project.

359 12. A copy of the As-Built plan shall be submitted to this Commission upon  
360 completion of the project. The as-built will be reviewed by the wetland agent and  
361 verified in the field.

362 13. The Commission reserves the right to impose additional conditions on any or all  
363 portions of this project that could impact an area of regulatory interest under the  
364 Inland Wetlands and Watercourses Regulations.

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

368 **Additional Condition:**

369 **15. Frost wall will be acceptable in lieu of concrete slab.**

370 **Pippin moved/Sydoriak seconded/DISCUSSION:** The Commission added Condition  
371 #15.

372 **VOTE:** In Favor: (Talamini/Kebschull/Osborn/Pippin/Sydoriak  
373 (No one opposed/No abstentions)

374

375 **STATUS REPORTS/1) 49 Perri Lane – installation of fence or shrub border along**  
376 **property lines (placement may involve upland review area):**

377

378 The homeowner at 49 Perri Lane has been in contact with the Planning Office regarding  
379 the installation of either a fence, or shrubbery, along property lines. This property, as  
380 well as most of the other properties on the east side of Perri Lane, are impacted by a  
381 Conservation Easement initiated during construction of this subdivision. Either option

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the homeowner is proposing may require minor disturbance in the upland review area.  
The homeowner has not responded to the latest e-mail from the Planning Office.

The Commission took no action on this request at this time. Staff will reach out to the homeowner again.

**VIOLATIONS/1) #08-2020 - 133 Phelps Road – Bryan Hebert – Request to return the area to lawn, may bring in minor amount of fill (under 100 cubic yards), and add landscape boulders in upland review area. R-3 Zone; Map 054, Block 20, Lot 048:**

See earlier discussion during receipt of application. The Commission will review this proposal at the June 3, 2020 Regular Meeting. Staff to send letter to Mr. Hebert releasing the Cease and Desist; no fines are being incurred by Mr. Hebert due to inaction to restore the property.

**CONFERENCES/SEMINARS/TRAINING:** Nothing at this time.

**CORRESPONDENCE:** None.

**GENERAL BOARD DISCUSSION:** None.

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

**ADJOURNMENT:**

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

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

Respectfully submitted:

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Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission