

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

Regular Meeting – April 1, 2020

7:00 p.m.

East Windsor, Connecticut

Meeting held via ZOOM Teleconference

Meeting ID: 348 149 067

Town Hall closed to the Public by
Executive Order of First Selectman Bowsza
due to Coronavirus pandemic

MEETING MINUTES

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

CALL TO ORDER: Chairman Talamini called the April 1, 2020 Regular Meeting of the East Windsor Inland Wetlands and Watercourse Agency to order at 7:00 p.m. The Meeting is being held via teleconference due to closure of the Town Hall to the public as the result of the coronavirus epidemic.

ESTABLISHMENT OF QUORUM:

Present: Regular Members Rebecca Talamini (Chairman), Alan Baker, Kurt Kebschull, Richard P. Pippin, Jr (Vice Chairman), and Alternate Member Jamie Sydoriak via teleconference.

Unable to Attend: Regular Member Richard Osborn (Secretary), and Alternate Member Michael Sawka.

GUESTS signing in to teleconference: First Selectman Jason Bowsza, hosting the meeting; Representing **KTI, Inc., 3 Thompson Road:** Paul A. Tanner, LEP, Associate, Hydrogeolgy, of O'Reilly, Talbot & Okun; Jeffrey R. Shamas, CSS. PWS, CE, Director of Environmental Services, of VHB; and Paul Vitaliano, PE, CT Director of Land Development, of VHB.

Public: Kathy Pippin

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

Also in attendance was Wetlands Agent Ruben Flores-Marzan.

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ATTENDANCE: See above.

PLEDGE OF ALLEGIANCE:

The Commission didn't recite the Pledge of Allegiance as they did not have an American Flag available.

AGENDA ADDITIONS: None.

APPROVAL OF MINUTES – March 5, 2020 Regular Meeting:

MOTION: To APPROVE the Minutes of Regular Meeting of the Inland Wetlands and Watercourse Agency dated March 5, 2020 as written.

Sydoriak moved/Kebschull seconded/**DISCUSSION:** None.

VOTE: In Favor: Talamini/Baker/Kebschull/Pippin/Sydoriak

NEW APPLICATIONS TO BE RECEIVED: None.

PUBLIC HEARINGS: None.

CONTINUED PUBLIC HEARINGS: None.

NEW BUSINESS: 1) #05-2020 – T. R. Associates – Request for Inland Wetland Permit to conduct regulated activities (Sect. 4.3 and 5) at 3 Thompson Road. Nearest intersection is Thompson Road and South Main Street/Route 5, East Windsor. M-1 Zone; Map 082, Block 18, Lots 015 and 016. (deadline for decision 6/8/2020).

Paul A. Tanner, LEP, Associate, Hydrogeology, of O'Reilly, Talbot & Okun; Jeffrey R. Shamas, CSS. PWS, CE, Director of Environmental Services, of VHB; and Paul Vitaliano, PE, CT Director of Land Development, of VHB, were available via teleconference to discuss this application.

Mr. Tanner began his presentation by giving a description of the location of the property at 3 Thompson Road, noting the work area proposed is the wetlands ditch between KTI, LLC/T. R. Associates, and Dunkin Donuts. Mr. Tanner indicated the goal is to obtain a Wetlands Permit to proceed with the work summarized in page one of the Sediment Remedial Plan prepared by O'Reilly, Talbot & Okun. He described the wetlands ditch as a low lying wooded stormwater management area located west of the KTI facility.

Mr. Tanner referenced the green lines highlighted on the Site Plan, which depict the

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drainage pipes, 3 of which are located on the KTI property, while 1 is located in Thompson Road. Mr. Tanner noted water flows south to the Connecticut River about a mile from the facility.

Mr. Tanner indicated the two wetlands areas have been highlighted as the yellow areas on the Site Plan. They are proposing to excavate within the wetlands to remove soil which has been contaminated with copper from previous operations at the site. Prior to 2003 the facility used a non-contact water cooling system for their manufacturing operation, many gallons of water flowed through copper tubing or pipes into this wetland area. Test borings have indicated there is an issue with copper accumulation in this sediment; Mr. Tanner suggested it's a veneer issue in some areas and deeper in other areas. Mr. Tanner indicated they will excavate 6 inches in the smaller wetlands, and excavate between 6 inches, 1 foot, and 2 feet in the larger wetlands. The excavation plan has been approved by DEEP. They will be taking post-excavation samples when the project is completed.

Mr. Tanner indicated that after obtaining the local Wetlands Permit and the ACOE (Army Corp of Engineers) Permit, they will begin work on the project. The preparation work will include installation of erosion control measures, re-routing the water flow to enable the contractors to work within a dry area, and removal of the trees and brush within the ditch (wetlands). Mr. Tanner indicated they've selected a contractor who has a sweet spot for this type of work. They will be removing the contaminated soil, which has been pre-approved for receipt at a landfill so they will not be stockpiling fill on site during construction. They will then collect post-excavation samples for DEEP, then replace the fill to the prior levels, constructing riprap pads at the ends of the drainage outlets, restore the wetlands following the Invasive and Noxious Species Control Plan prepared by Jeffrey Shamas, and perform a 3 year monitoring plan as requested at the previous Wetlands Meeting.

Jeffrey Shamas, of VHB, joined the discussion. Mr. Shamas reported he's a Certified Wetlands Scientist, Ecologist, and Soil Scientist. Mr. Shamas referenced the Site Plan, reiterating that they would be working in the 2 wetlands areas. He noted the larger wetlands area is populated with various species, including willow, cottonwood, and red maples, while the smaller wetlands area is an eroded channel containing shrub species. Mr. Shamas referenced the Planting Plan, which indicates they will be reforesting the area with a much better mix of trees. They will be installing a plunge pool to the drainage outlet because of the ongoing erosion. Mr. Shamas then referenced the Invasive and Noxious Species Control Plan submitted to the Planning Office yesterday. Mr. Shamas indicated the biggest concern would be growth of multi-flora rose and bittersweet. They are proposing a 3 year monitoring plan to identify potential growth of invasive species; they will also employ a licensed contractor to perform a program of control management, which will include removal of the small vines, and cutting and treating the area in the Fall. Mr. Shamas indicated they don't want the vines to be

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chipped up and deposited offsite, as that would spread the invasive species elsewhere.

Mr. Paul Vitaliano, of VHB, joined the discussion. Mr. Vitaliano indicated their primary goal is to minimize disturbance to the wetlands system during this remediation. He reported the northern part of the wetlands functions as a detention basin, which includes a berm going across it which isn't functioning as it should. Mr. Vitaliano indicated they'll establish a perimeter for the trucks to enter the work area, and define the wetlands with silt fence. Referencing the Site Plan, Mr. Vitaliano noted there are 3 ways water enters this area, one is through the swale located to the north of the northern wetlands area, another is through the pipe going into the building, and the third is the pipe at the bottom of wetlands. They want to keep the area as dry as possible during remediation. They will be installing a double row of silt fence to stop water overtopping the wetlands, and will also block off the catch basin at the pipe entering the wetlands from the building. They will also install a pump to drain the area if rain events occur during remediation. When the remediation is completed, they'll install the new plantings, and remove the silt fence when the plants have established themselves.

Mr. Tanner noted they will be harvesting timber in the lower wetlands area while leaving the stumps intact; they've created an access point for loading the logs onto the trucks for removal off site. The other access point mentioned by Mr. Vitaliano is for the trucks to back in for removal of excavated material, and return of new fill during remediation. Mr. Tanner anticipates excavation of the area to be completed in a day; they will plan the excavation during a period when no rain has been forecast for 2 days. Mr. Tanner suggested they are taking a meticulous approach to improving conditions of the wetlands area. This site will have a much more diverse eco-system after installation of the new plantings. Mr. Tanner indicated they propose this to be a dry season 2020 event. This work is permissible during the COVID 19 concern; they propose to do this work in July or August.

Chairman Talamini requested comments from the Commission.

Commissioner Sydoriak thanked the applicants for considering and incorporating her suggestions for an invasive species management plan in the project.

Chairman Talamini questioned if it would be possible for the applicant to provide the Town with a copy of the results of the soil analysis being prepared for DEEP after completion of the project, as well as a copy of the results of the 3 year invasive species management plan? Mr. Tanner replied affirmatively, noting he has much more data than was submitted with this presentation overview. He will copy the Commission on the Remediation Report, and the post-remediation results. Mr. Shamas indicated they (VHB) will be preparing an annual Monitoring Report which will include what's growing at that

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time, what they've found, and recommendations regarding the results. Mr. Tanner noted it would then be up to him or Mr. Shamas to direct the landscaper as to what would need to be done at that time. Chairman Talamini requested Mr. Tanner and/or Mr. Shamas pass on to the Commission whatever they are reporting to DEEP.

Commissioner Baker suggested the 3 year post-construction reports can be passed on to Wetlands Agent Flores-Marzan for follow-up. Commissioner Baker suggested this is a good example of what was originally thought to be a good plan which has become the current conditions. Discussion followed regarding the point/contact person for submission of the reports and results of the monitoring plan. Mr. Shamas suggested he would be the person preparing the reports and working with the landscaper regarding the findings of the monitoring plan; the Commission considers Mr. Shamas (VB) as the contact person regarding this documentation.

Commissioner Kebschull questioned if the 2 feet is the depth at which they found the copper? Mr. Tanner indicated the 2 feet is where the copper ceased; they have data beyond the 2 feet that shows the soil is clean. He suggested it's obvious to the untrained eye where the copper exists. Where they are proposing to excavate to 6 inches those areas don't have elevated copper beyond the 6 inches. Mr. Tanner indicated they are looking to excavate levels of copper which exceed 50 milligrams per kilogram, and hope to have hard data which shows that the area is clean when the project is finished.

Commissioner Pippin suggested the mitigation of the invasive species needs to be done early enough so the plants don't go to seed, and repeat their growth the next year. Chairman Talamini concurred.

Commissioner Baker referenced the draft IWWA Permit, which includes an additional condition regarding Town Engineer Norton's recommendations made in his memo dated March 2, 2020 that someone from DPW be invited to the pre-construction meeting. Mr. Tanner recalled working with Town Engineer Norton when planning this project; he's been reasonable and doesn't want the Town roads to be impacted by this construction. Mr. Tanner agreed to invite Town Engineer Norton to the meeting.

Hearing no further requests for discussion Chairman Talamini called for a motion.

MOTION: To APPROVE Application #05-2020 - T. R. Associates – Request for Inland Wetland Permit to conduct regulated activities (Sect. 4.3 and 5) at 3 Thompson Road. Nearest intersection is Thompson Road and South Main Street/Route 5, East Windsor. M-1 Zone; Map 082, Block 18, Lots 015 and 016, with the following 14 standard conditions, and 1 additional condition.

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Pippin moved/Sydoriak seconded/DISCUSSION: The Recording Secretary questioned if the Commission intended to add the requirement for the 3-year monitoring of the invasive species as an additional condition? Commissioner Baker recalled the Commission had included submission of annual species reports for Newberry Village; he felt this application should be treated similarly.

Commissioner Pippin agreed to amend his motion, as he felt it would keep the information in black and white; Commissioner Sydoriak agreed to amend her second.

AMENDED MOTION: **To APPROVE Application #05-2020 - T. R. Associates – Request for Inland Wetland Permit to conduct regulated activities (Sect. 4.3 and 5) at 3 Thompson Road. Nearest intersection is Thompson Road and South Main Street/Route 5, East Windsor. M-1 Zone; Map 082, Block 18, Lots 015 and 016, with the following 14 standard conditions, and 2 additional conditions:**

Referenced Plans: Sv-1, Property and Topographic Survey, dated 12/12/2020, and plan sheets C-1 through C-6 dated 2/19/2020, prepared by VHB, 100 Great Meadow Road, Wethersfield, CT. 06019, (Phone: 860-817-4300).

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.

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

ADDITIONAL CONDITIONS:

15. Recommendation from Town Engineer Norton in his memo dated March 2, 2020 – that a representative of this (the Public Works Department) be invited to the onsite preconstruction meeting to ensure that the contractor is made aware of the requirements for the protection of the roadway.
16. That for a 3-year period from the completion of the project the applicant submit an annual report of the status of "Invasive and Noxious Species Control Plan" submitted by Jeffrey R. Shamas, CSS. PWS, CE, Director of Environmental Services for VHN. Report to be submitted in the Fall annually.

Pippin moved/Sydoriak seconded/DISCUSSION: Nothing further

VOTE: In Favor: Talamini/Baker/Kebschull/Pippin/Sydoriak

OLD BUSINESS/1) Wetlands Violation/Citation Ordinance:

The Commission decided to postpone discussion on this Agenda item until the full Commission is present.

OLD BUSINESS/2) Wetlands Fee Schedule:

See comment above.

OLD BUSINESS/3) Application Process Review:

See comment above.

MISCELLANEOUS:

Wetlands Agent Flores-Marzan reported the property owner at 133 Phelps Road is installing a swimming pool in a wetlands area. He was told to acquire a Wetlands Permit for the work but has not yet done so. A Cease & Desist Order will be sent to the property owner. Chairman Talamini requested a copy of the letter.

AGENT DECISIONS: None.

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STATUS REPORTS/1) West River Farms – Erosion Control malfunctions:

Wetlands Agent Flores-Marzan indicated nothing new is going on with this project.

VIOLATIONS: Nothing reported.

CONFERENCES/SEMINARS/TRAINING:

All conferences, seminars, and training have been postponed due to COVID 19.

CORRESPONDENCE: None.

GENERAL BOARD DISCUSSION:

Chairman Talamini reported the Calamar project on North Road lacks erosion controls around the detention basin at the front of the project. She requested Wetlands Agent Flores-Marzan contact the project manager and remind him to install the approved erosion control measures.

Chairman Talamini also noted there was a stop work order on a sign when she visited the site about a week ago; she questioned the status of the project. Wetlands Agent Flores-Marzan reported he met with the project manager about a week ago. He indicated people were working on the project during his visit. Wetlands Agent Flores-Marzan reported the project manager had said the erosion control measures (silt fence) had been torn down; the project manager will address the issue.

Commissioner Pippin reported the stop work order was issued by the Fire Marshal as the project lacked access by fire and/or emergency vehicles.

First Selectman Bowsza reported this project has had problems over time; he anticipates additional slowdowns may occur.

Commissioner Baker indicated he was glad to see everyone getting together to hold this teleconference meeting. He suggested the Commission consider postponing discussion on the Old Business Items until Commissioners Osborn and Sawka can participate.

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

No one requested to speak.

ADJOURNMENT:

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MOTION: To ADJOURN this Meeting at 7:54 p.m.

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

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission