

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

**Regular Meeting**

**Thursday, June 3, 2020  
7:00 p.m.  
East Windsor, Connecticut**

**Meeting held via ZOOM Teleconference  
Meeting ID: 332 683 3563  
Town Hall closed to the Public by  
Executive Order of First Selectman Jason E. Bowsza  
Due to Coronavirus pandemic**

“ (EDB) to the portion of the minutes where Rick

***MEETING MINUTES***

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

**CALL TO ORDER:** Chairman Talamini called the June 3, 2020 Regular Meeting, as posted under the amended agenda, to order at 7:05 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 Osborn (Secretary), Richard P. Pippin, Jr (Vice Chairman), Jamie Sydoriak.

**Unable to Attend:** Alternate Member Michael Sawka.

**Guests:** First Selectman Jason Bowsza, Eric Peterson, Gardner & Peterson, and Richard Zulik, representing LaBrecque Autocraft, Jay Ussery, J. R. Russo & Associates, representing Winbrook Homes, LLC; Bryan Hebert, Tom Talamini.

Chairman Talamini noted the establishment of a quorum with 5 Regular and 1 Alternate Members as noted above; Commissioner Pippin joined the meeting at approximately 7:20 p.m.

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**TOWN OF EAST WINDSOR**  
**INLAND WETLANDS AND WATERCOURSE AGENCY**  
**Regular Meeting/Amended Agenda – June 3, 2020**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

2

Also present were Ruben Flores-Marzan, Town Planner, and Len Norton, Town Engineer.

**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/1) May 6, 2020:**

**MOTION:**     To APPROVE the Minutes of Regular Meeting of the Inland Wetlands and Watercourse Agency dated May 6, 2020 as presented.

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

**VOTE:**        In Favor:        Kebschull/Osborn/Pippin//Sydoriak/Talamini  
                  Opposed:       No one  
                  Abstained:     Baker

**NEW APPLICATIONS TO BE RECEIVED/1) #09-2020 – Broad Brook Meadows Subdivision – Windbrook Homes, LLC.** Property at corner of Depot Street and East Road (131 Depot Street). Property owned by Sheila Sharos. Request for a permit to conduct regulated activities (Sect. 4.3 and 5) for a 15 lot residential subdivision. R-3 Zone; Map 99, Block 53, Lot 005.

Chairman Talamini read the description of business.

Jay Ussery, of J. R. Russo & Associates, representing Windbrook Homes, LLC, joined the Meeting via teleconference.

Mr. Ussery advised the Commission this is an application for a residential subdivision to be located in an R-3 Zone at the intersection of the west side of East Road and the north side of Depot Street. The total parcel acreage is a little over 30 acres. The subdivision will consist of primarily frontage lots and three (3) rear lots; there will not be any roadway construction associated with this subdivision.

Mr. Ussery indicated there will no wetlands disturbance but there will activity within the 150 foot regulated area; that activity will consist of grading, clearing, the location of septic systems and houses. The total area of disturbance in the regulated area is .9 acres on the lot furthest to the west on Depot Street and the lot furthest to the north on East Road.

**TOWN OF EAST WINDSOR**  
**INLAND WETLANDS AND WATERCOURSE AGENCY**  
**Regular Meeting/Amended Agenda – June 3, 2020**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

3

The lots will be served by septic systems; the lots on East Road will be served by wells while the lots on Depot Street will connect to public water. Mr. Ussery indicated the parcel has been used for row crops for years, and pasture in the low area on Depot Street where a red barn is located. Mr. Ussery noted that area is the western extent of the property.

Mr. Ussery indicated the wetlands as being a watercourse which starts east of East Road, comes through the property and flows back under Depot Street. There's a pond in the hollow; the watercourse eventually finds its way to Broad Brook Pond. Mr. Ussery reiterated there is no wetlands disturbance, just the .9 acres within the upland review area.

Chairman Talamini questioned that the subdivision would be contained mainly within the agricultural area to the east? Mr. Ussery indicated that when they get to the furthest lot to the north there will be some clearing; there's a portion of that last lot that's located within the agricultural area. Mr. Ussery suggested that as you head down the hill on Depot Street you reach the low point as you cross the brook. There will be a little clearing for the septic leach field and around the north side of the house. He indicated the disturbance on Depot Street is all in a wide open field where the cows had pastured for a number of years. There's a wetland that follows along the woods but no clearing will be going on there; it's all open field.

Chairman Talamini noted the lack of submission of a wetlands survey; she noted the Commission had only received a Wetlands application. Mr. Ussery indicated pdf plans had been submitted. Commissioner Baker questioned how the Commission can accept the application with the information provided. The Commission basically received what would be submitted for an informal discussion, and nothing else. The Commission didn't receive the plans. Commissioner Baker indicated that normally, with a 15 lot subdivision the Commission would be considering if they needed to hold a public hearing; the Commission doesn't have enough information to make that decision. Commissioner Baker noted that in the past the Commission wouldn't accept this application because there's not enough information; the Commission was basically provided a print-off from the Town GIS. Mr. Ussery indicated the material had been submitted to the Planning Office; he didn't know why it hadn't been provided. Mr. Ussery suggested that typically, in the past, it's been the Commission's practice not to have public hearings when you've not had actual wetlands disturbance. Mr. Ussery reiterated there is no wetlands disturbance associated with this proposal, the closest activity to the wetlands is over 60 feet away. Commissioner Baker suggested that may be true, but the Commission can't see that with the material provided; Commissioner Sydorik concurred.

Town Planner Flores-Marzan indicated the lack of information was his fault. He indicated Mr. Coon came in, and sent in a pdf file for the drainage information and the application. Town Planner Flores-Marzan offered to access Office 365 to provide the

**TOWN OF EAST WINDSOR**  
**INLAND WETLANDS AND WATERCOURSE AGENCY**  
**Regular Meeting/Amended Agenda – June 3, 2020**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

4

Commission with the files. Chairman Talamini clarified that the Commission couldn't receive the application this evening as they hadn't had the opportunity to review the material before this discussion; she offered scheduling a Special Meeting for the following Wednesday or another time to move the application along. Commissioner Baker clarified that the Commission would be looking for comments from Town Engineer Norton, and others in addition to the material submitted by Mr. Ussery.

Commissioner Osborn requested clarification from Mr. Ussery that he had said the lots on East Road would be served by wells? Mr. Ussery concurred. Commissioner Osborn noted that edbs (Ethylene dibromide) had been found in wells in the area. Mr. Ussery noted they were not aware of an edb issue in the area but they hadn't received any input from the North Central Health Department yet; he expected they would offer comments on the wells, the septic systems, and the edbs. Commissioner Osborn suggested edbs had been found in the area and the wells had been found to be contaminated for years; he offered the information to provide awareness to the applicant.

With regard to the application, Mr. Ussery suggested that the Commission might consider accepting the application, understanding that you haven't seen the information and can't make a determination regarding the need for a public hearing but that you can make that decision in the next month. Mr. Ussery indicated he also understood the Commission may want to hold the Special Meeting instead. Commissioner Baker apologized for the delay but felt the quicker action would be to schedule a Special Meeting as soon as possible and get the ball rolling on the associated paperwork. Discussion continued regarding the availability of meeting dates; First Selectman Bowsza requested Town Planner Flores-Marzan follow up on the meeting confirmation, and dissemination of materials, including paper copies to those Commissioners requesting same.

Commissioner Pippin had experienced difficulties accessing the ZOOM meeting; he joined the meeting virtually at this time.

**MOTION: To POSTPONE receipt of Application #09-2020 – Broad Brook Meadows Subdivision – Windbrook Homes, LLC. Property at corner of Depot Street and East Road (131 Depot Street). Property owned by Sheila Sharos. Request for a permit to conduct regulated activities (Sect. 4.3 and 5) for a 15 lot residential subdivision. R-3 Zone; Map 99, Block 53, Lot 005 to a Special Meeting June 10, 2020 (date to be confirmed).**

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

**VOTE:**  
**In Favor:** Baker/Kebschull/Osborn/Sydoriak/Talamini  
**Opposed:** No one  
**Abstained:** Pippin

**TOWN OF EAST WINDSOR**  
**INLAND WETLANDS AND WATERCOURSE AGENCY**  
**Regular Meeting/Amended Agenda – June 3, 2020**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

5

**PUBLIC HEARINGS:** None.

**CONTINUED PUBLIC HEARINGS:** None.

**NEW BUSINESS:** None.

**OLD BUSINESS/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.**

Chairman Talamini read the description of this item of business.

Joining the Commission were Eric Peterson, P.E. of Gardner & Peterson, of Tolland, CT., and Richard Zulik, soil scientist. Mr. Peterson indicated he and Mr. Zulik were retained by LaBrecque Autocraft to assist with applications to permit construction of a new building to be located at 63 Newberry Road.

Mr. Peterson opened discussion by summarizing the application is for a wetlands permit to construct a new building within the upland review area of a 2 ½ acre parcel located on the north side of Newberry Road. The parcel contains an existing 12,000 square foot building used for the repair of classic cars; they are looking to expand their business. The property, 63 Newberry Road, is located within an M-1 Zone. Mr. Peterson indicated the business has been in town for 20 years.

Mr. Richard Zulik introduced himself, noting he is soil scientist with offices in Mansfield and Newington, CT. Mr. Zulik indicated he submitted a four (4) page report regarding his findings. Mr. Zulik suggested the entire area has been compromised by past disturbances associated with development of the area. He suggested the disturbances were done prior to Mr. LaBrecque's development, and apparently were legal at the time. He suggested as a soil scientist it's difficult for him to do a delineation in areas that have been disturbed to this extent. In terms of the wetlands area we have an intermittent watercourse, which he noted is referenced on the plans as IWC-1 through IWC-7; he suggested the intermittent watercourse barely met the criteria for that identification. Mr. Zulik suggested the watercourse is a manmade swale. He has labeled it as an intermittent watercourse as it did meet the criteria for same. The intermittent watercourse serves to lower the water table and has drained the area from some years. The intermittent watercourse drains to the east.

Mr. Zulik suggested that more predominantly they have a wetlands area to the north, most of which is off the plan and out of the regulated area. Mr. Zulik described the composition of the wetlands soils. Mr. Zulik cited the area to the east, which he noted is

**TOWN OF EAST WINDSOR**  
**INLAND WETLANDS AND WATERCOURSE AGENCY**  
**Regular Meeting/Amended Agenda – June 3, 2020**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

6

closest to the application proposal. He described wetlands soils that have been impacted by cutting and filling; he indicated they're severely disturbed soils. He suggested the wetlands to the east have much less value than the wetlands to the north, but they do have some hydrological functions, which are groundwater discharge, limited flood alterations, and some limited sediment and toxin retention potential, some nutrient removal, and some production export, which would be food sources for wildlife. Mr. Zulik also noted there is some limited habitat in there. Mr. Zulik suggested that none of these values and functions will be adversely impacted by this proposal that includes silt fence, a rain garden, and oil/water separator.

Mr. Zulik indicated it's his opinion that the hydric-wetland area is a minimally functioning wetland ecosystem exhibiting six (6) wetlands functions and one wetland value. The development is proposed for an area that's been previously disturbed for similar uses; it's his opinion that the proposed plan will have no negative impact to the surrounding wetland areas.

Chairman Talamini opened discussion to the Commission.

Commissioner Kebschull suggested if the previous owner didn't have any violations of the soils, with all the disturbances you mentioned, then he didn't see a problem for this applicant. Mr. Zulik suggested Commissioner Kebschull may have misunderstood his comments. He suggested there were many previous disturbances which occurred in the entire country regarding wetlands prior to the Wetlands Act and they were legal at the time. For a soil scientist, this is still a disturbed area, it's not a naturally occurring wetland as he would be used to seeing, therefore, it makes it difficult for him to put lines in for wetlands. We did quite a bit of work out there and figured it out. Commissioner Kebschull questioned that Mr. Zulik tested the soil in several spots, and found no contaminants? Mr. Zulik replied nothing that he noticed. Commissioner Osborn noted that when this area was developed there was no Wetlands Commission in town, he suggested he worked in those buildings which goes back some time. Mr. Zulik concurred.

Chairman Talamini queried the Commissioners for additional comments; no raised any questions at this time.

Mr. Peterson gave a summary of the project, noting they are proposing to construct a new 9,600 square foot building on the east side of the property approximately the same distance off the road as the existing building. The new building will be a metal building with a roof which slopes from the west to the east; there will be a security fence between both buildings to prevent anyone from entering the site during off hours. They are proposing to install a landscaped area in front of the new building with shrubbery and plantings; they'll be installing a sidewalk in front which has been required by zoning.

**TOWN OF EAST WINDSOR**  
**INLAND WETLANDS AND WATERCOURSE AGENCY**  
**Regular Meeting/Amended Agenda – June 3, 2020**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

7

They are proposing a new parking lot in the area of the existing parking lot; the new parking lot will include a couple of trees to provide shade. Mr. Peterson reported they're reducing the number of parking spaces to the minimum required under zoning regulations as the owner has indicated in the 20 years he's operated this business the parking lot has never been full. Drainage from the front portion of the site will run into the new parking lot through a stone swale and into the rain garden they're proposing on the right side of the new building. They expect the water will sit in the rain garden and percolate into the ground as the rain garden will include a sandy subsoil that allows the water to infiltrate. Water not infiltrating into the ground will be cleaned by the grasses and will then exit towards the wetlands in the east. Mr. Peterson reported they will also repave any remaining paved areas which are breaking up and clean up the site. Detailed erosion control notes, and schedules for seeding the site after construction have been included on the plans.

Mr. Peterson reported Town Engineer Norton had reviewed the initial plans; revised plans, and a summarization letter from Mr. Peterson, have been submitted as well. Town Engineer Norton has now submitted a memo that they have adequately addressed all of his comments.

Commissioner Baker questioned what size storm would the rain garden handle? Mr. Peterson suggested the rain garden is sized to handle one (1) inch of rain over the impervious watershed area going to the rain garden; it's not meant to retain the water, like a detention basin; it's meant to clean the first flush of water. Commissioner Baker questioned that it will fill up and flow generally pretty much after that one (1) inch; Mr. Peterson concurred. Mr. Peterson suggested that during a small storm the sediment would infiltrate into the rain garden but with a larger storm the first part will infiltrate, and the rest will just go through. Commissioner Baker questioned that when you're past that one inch of rain how does the oil/water separator function? Mr. Peterson suggested that the oil/water separator has nothing to do with rainwater, it's connected to the sewer system because there are floor drains in the building. If they were washing cars in the building the oil/water separator is a protection for the Town's sewer system. It has nothing to do with stormwater run off. Commissioner Baker indicated he was looking at the wrong arrow; he apologized for his question.

Chairman Talamini noted she didn't see any catch basins located within the pavement. Mr. Peterson concurred, indicating they thought it would be better to allow water to run naturally; they're directing the water through a stone riprap channel to the rain garden. He suggested it would be similar to the current situation; at .1 cfs they have a negligible increase in run off.

Commissioner Sydoriak questioned if the rain garden requires periodic maintenance? As sediment, or other materials, accumulate do they need to be removed? How would the

**TOWN OF EAST WINDSOR  
INLAND WETLANDS AND WATERCOURSE AGENCY  
Regular Meeting/Amended Agenda – June 3, 2020  
ZOOM Teleconference  
Meeting ID: 332 683 3563  
MEETING MINUTES**

8

property owner deal with that? Mr. Peterson suggested the most frequent maintenance is mowing the area once or twice a year to prevent woody growth establishing itself in there. He didn't anticipate sand accumulation as this is a small area, and parking lots and roads aren't sanded as they used to be. He would suggest to the owner to keep an eye on it; notes could also be added to the plan as well. Commissioner Baker cited that typically the Commission prefers that the plan include a maintenance schedule so the Commission will be able to follow up on problems down the road.

Commissioner Pippin noted that the plans show a proposed building, and a proposed future building, are the computations done for just the proposed building, or both of them? Mr. Peterson indicated it's for both – the reason being that once the owner prices the project out he may have to reduce the scope and that's how he's going to do it. They were advised by Town Planner Flores-Marzan to go in with the larger building size for the wetlands and zoning applications, and if the owner goes in for a building permit with a smaller building it shouldn't be a problem. Commissioner Pippin requested that the approval state that it's for the full building so if it's reduced he doesn't have to come back and go through this whole process again. Chairman Talamini noted that if the building addition wasn't completed it would just be pavement abutting the building, as it is now in the north. Mr. Peterson noted there's a garage off the end which they would just slide down.

Chairman Talamini called for additional questions; no one raised any comments.

**MOTION: To APPROVE Application #06-2020 LaBrecque Autocraft - 63 Newberry Road - Request for a permit to conduct regulated activities to construct a commercial building an upland review area. Nearest intersection is Thompson Road. M-1 Zone; Map 093, Block 17, Lot 024, with 14 standard conditions, and the following additional conditions:**

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

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**REFERENCED PLANS:**

- Improvement Location Survey – Existing Conditions Plan prepared for LaBrecque Autocraft by Gardner & Peterson Associates, LLC., 178 Hartford Turnpike, Tolland, CT., Sheet 1 of 3 dated 3-11-2020.
- Improvement Location Survey – Site Plan prepared for LaBrecque Autocraft by Gardner & Peterson Associates, LLC., 178 Hartford Turnpike, Tolland, CT., Sheet 2 of 3 dated 3-11-2020.



**TOWN OF EAST WINDSOR**  
**INLAND WETLANDS AND WATERCOURSE AGENCY**  
**Regular Meeting/Amended Agenda – June 3, 2020**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

9

- Landscaping Plan, Erosion & Sediment Control and Construction Details prepared for LaBrecque Autocraft by Gardner & Peterson Associates, LLC., 178 Hartford Turnpike, Tolland, CT., Sheet 3 of 3 dated 3-11-2020.
- Floor Plan and Elevations prepared for LaBrecque Autocraft by Gardner & Peterson Associates, LLC., 178 Hartford Turnpike, Tolland, CT., Sheet A-101 dated 3-11-2020.

**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 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.

**TOWN OF EAST WINDSOR  
INLAND WETLANDS AND WATERCOURSE AGENCY  
Regular Meeting/Amended Agenda – June 3, 2020  
ZOOM Teleconference  
Meeting ID: 332 683 3563  
MEETING MINUTES**

10

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.
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. **A note will be added to the plans reflecting a Maintenance Schedule for the rain garden.**
16. **The permit is approved for the proposed and future building estimated to be 9600 square feet in total.**

**Baker moved/Pippin seconded/DISCUSSION: Nothing additional**

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

**TOWN OF EAST WINDSOR**  
**INLAND WETLANDS AND WATERCOURSE AGENCY**  
**Regular Meeting/Amended Agenda – June 3, 2020**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

11

**OLD BUSINESS/2) #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.**

Chairman Talamini read the description of this item of business. She questioned if Town Engineer Norton, or Mr. Hebert, had an update for the Commission.

Town Engineer Norton noted that Mr. Hebert had initially begun work without acquiring a permit but he has held off on completion of his project until he received direction from the Commission. Town Engineer Norton noted Mr. Hebert is not bringing in 100 yards of material; he's only bringing in whatever topsoil he needs to level out the area.

Regarding the State culvert under the road, Town Engineer Norton indicated the State is still researching the issues associated with that culvert. Mr. Hebert's work won't be blocking or disturbing anything under that culvert.

Town Engineer Norton indicated if Mr. Hebert adds topsoil and hay bales to complete the project he should be fine.

Chairman Talamini recalled that the Commission's concern was if the 100 yards of material was additional material being brought in, or if was what had been brought in already? Town Engineer Norton suggested it was his understanding that actually most of the material was on site and just moved around when Mr. Hebert was regrading the area. He did not believe that Mr. Hebert had brought in any additional material; he only needs to bring in topsoil now to complete the project. Town Engineer Norton indicated he and Mr. Sauerhoefer will keep an eye on the project until it's completion.

Discussion followed regarding the additional amount of soil to be brought in. Town Engineer Norton noted that under the zoning regulations a person is only allowed to bring in 100 cubic yards annually without applying for permit. Mr. Hebert felt he needed only 3 or 4 triaxle loads of material to finish the project. Town Engineer Norton suggested Mr. Hebert call him when material is being delivered and they can determine what's needed.

Commissioner Pippin suggested allowing Mr. Hebert three triaxle loads of topsoil; he also suggested the project should be completed and seeded by October 2020 to avoid mud conditions.

Chairman Talamini called for additional questions, or action on the application.

**TOWN OF EAST WINDSOR  
INLAND WETLANDS AND WATERCOURSE AGENCY  
Regular Meeting/Amended Agenda – June 3, 2020  
ZOOM Teleconference  
Meeting ID: 332 683 3563  
MEETING MINUTES**

12

**MOTION: To APPROVE Application #08-2020 Bryan Hebert - 133 Phelps Road - Request to return the area to lawn, bring in a minor amount of fill not to exceed three tri-axle loads, and add landscape boulders in upland review area. Nearest intersection is Phelps and Tromley Road. R-3 Zone, Map 054, Block 20, Lot 048, with 14 standard conditions, and the following additional condition:**

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

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**REFERENCED PLANS:**

- Sketch attached to Inland Wetlands Application

**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.

**TOWN OF EAST WINDSOR**  
**INLAND WETLANDS AND WATERCOURSE AGENCY**  
**Regular Meeting/Amended Agenda – June 3, 2020**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

13

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.
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:**

**TOWN OF EAST WINDSOR  
INLAND WETLANDS AND WATERCOURSE AGENCY  
Regular Meeting/Amended Agenda – June 3, 2020  
ZOOM Teleconference  
Meeting ID: 332 683 3563  
MEETING MINUTES**

14

**15. Mr. Hebert is to contact Town Engineer Norton and/or Operations Manager Joe Sauerhoefer of the DPW prior to the delivery of fill to complete this project and arrange a time to review the delivery.**

**16. Work to be completed by October, 2020.**

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

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

**MISCELLANEOUS/ Informal Commission Discussion – DESRI, LLC – Gravel Pit – Solar 1, Gravel Pit – Solar 2, and Gravel Pit – Solar 3 - (properties ranging from Apothecaries Hall Road, to NORCAP, to Back 124, to Markowski on Plantation Road) – solar developments.**

First Selectman Bowsza indicated that the DESRI Gravel Pit 1, 2, and 3 project is a solar development going in on properties owned by Apothecaries Hall Enterprises, Botticello, Rybick, and Markowski. When the project is fully built out it will be a 125 megawatt project and would be the largest grid scale project in New England.

First Selectman Bowsza noted this project comes under the authority of the Siting Council, which supersedes all local wetlands and zoning regulations, but the developer has agreed to join the June 9<sup>th</sup>, (Tuesday) Planning and Zoning Commission Meeting for an informal discussion to review the project. First Selectman Bowsza indicated PZC Chairman, Joe Ouellette, has extended an invitation to the Wetlands Commission Members to attend that meeting and participate in the discussion as well. First Selectman Bowsza indicated the developer will be submitting the project to the Siting Council, with Town feedback, by the end of the month; they anticipate beginning the project in the Spring of next year.

Chairman Talamini asked if this is the same developer who installed the solar panels at the NORCAP property on Wapping Road? First Selectman Bowsza indicated the two solar installations on the NORCAP property on Wapping Road are also on the Botticello property, on the southeast portion of the property, while the new development will be on the northwest portion of the Botticello property. The developer for the current solar installation is a virtual net metering project operated by Lodestar, a competitor of DESRI; they sell the energy credits generated from that site to the Town of South Windsor who uses that to offset their energy costs. First Selectman Bowsza noted that when the Town was going through the negotiation phase with DESRI doing a power purchase agreement (PPA) was discussed, and dismissed, because it would have reduced the per megawatt payment they were willing to make to East Windsor over time. First Selectman Bowsza indicated they made the determination that we'd rather have the tax revenue and take the

**TOWN OF EAST WINDSOR**  
**INLAND WETLANDS AND WATERCOURSE AGENCY**  
**Regular Meeting/Amended Agenda – June 3, 2020**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

15

economic development dollars than the energy offset. First Selectman Bowsza advised the Commission he meets frequently with a staff group known as the “solar team” regarding potential projects.

Commissioner Kebschull noted he had found information on the internet that indicated 1 megawatt will provide electricity to 400 to 900 homes a year, so 133 megawatts is over 100,000 people; that’s significant. He questioned if the project will include overhead lines, or cables? First Selectman Bowsza suggested those would be decisions to be made at the Siting Council level. He suggested with the DESRI project the substations will be out of public view and will be connecting where there’s already an existing connection. He noted this parcel has been troublesome over the years for illegal ATV use. Under the Federal Regulations the developer will be putting a fence around the entire property, which will be a value to the entire community.

Chairman Talamini requested a copy of the Planning and Zoning Commission June 9<sup>th</sup> agenda be sent to the Wetlands Commissioners; First Selectman Bowsza suggested Town Planner Flores-Marzan will take care of that request.

**AGENT DECISIONS:** None.

**STATUS REPORTS:**

Town Engineer Norton noted this will be his last meeting assisting the Planning Office. He felt the issues he and Mr. Sauerhoefer had been working on are in good condition. He will also continue to work with Mr. Hebert on his application

**VIOLATIONS:** None.

**CONFERENCES/SEMINARS/TRAINING:**

Staff noted nothing had been received in the Planning Office from the DEEP regarding the reinstitution of training sessions.

**CORRESPONDENCE:** None.

**GENERAL BOARD DISCUSSION:**

Commissioner Baker indicated there were a couple of issues of importance to himself, and the Commission, which were interrupted by COVID-19. He would like to like to put together research on the following:

- **Commissioner Training:** Commissioner Baker volunteered to contact Darcy

**TOWN OF EAST WINDSOR  
INLAND WETLANDS AND WATERCOURSE AGENCY  
Regular Meeting/Amended Agenda – June 3, 2020  
ZOOM Teleconference  
Meeting ID: 332 683 3563  
MEETING MINUTES**

16

Winters at DEEP for an update on Commissioner training materials. Commissioner Sydoriak indicated she had just seen a press release regarding training; she provided a link to Commissioners for their review.

- **Wetlands Fee Ordinance:** Commissioner Baker requested this item be included in the Wetlands Commission July Agenda to initiate discussion again. He requested that the previous packet be forwarded to Commissioners prior to the July Meeting for review – including the Commissioners who receive paper packets. Commissioner Pippin felt the Commission should hold off discussion until all Commissioners can be included. Chairman Talamini questioned if the Town Hall might be open by July? First Selectman Bowsza suggested one of the recent Executive Orders increased the size of indoor public gatherings to 10 individuals and outdoor public gatherings to 25; he didn't see traditional meetings occurring for July. Discussion followed regarding the ability to include public input. Commissioner Pippin didn't feel public input should be taken online; he didn't want to alienate people who are already alienated. Commissioner Baker felt the Commission could do their homework prior to a public hearing; Chairman Talamini agreed that the Commission could begin the groundwork but hold the public hearing in person.

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

No one requested to speak.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 8:09 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