

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

Regular Meeting

**Wednesday, May 5, 2021
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

MEETING MINUTES

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

CALL TO ORDER:

Chairman Talamini called the May 5, 2021 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 pandemic.

ESTABLISHMENT OF QUORUM:

Present: Regular Members Rebecca Talamini (Chairman), Alan Baker, Kurt Kebschull, Richard Osborn (Secretary), Richard P. Pippin, Jr (Vice Chairman).

Unable to Attend: Alternate Member Michael Sawka.

Guests (as identified on meeting participation list): First Selectman Bowsza co-hosted the meeting with Chairman Talamini. Jay Ussery, of J. R. Russo & Associates; Donald Grant; Noreen Farmer; Michael Frisbee.

Chairman Talamini noted the establishment of a quorum with 4 Regular Members identified at the inception of the meeting. Commissioner Osborn later acknowledged his participation via phone during the application presentations. All Members will sit in on votes this evening via video conference.

. .
Also in attendance was Wetlands Agent Ruth Calabrese.

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

2

PLEDGE OF ALLEGIANCE:

Everyone stood to recite the Pledge of Allegiance.

AGENDA ADDITIONS:

Chairman Talamini called for Added Agenda items. Wetlands Agent Calabrese requested the following additions:

MOTION: To ADD TO THE AGENDA under NEW BUSINESS, Item #3, Donald Grant, As-of-Right Determination, AND, under AGENT REVIEW, Discussion of 163 Rye Street.

Baker moved/Kebschull seconded/DISCUSSION: None.

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

APPROVAL OF MINUTES:

1) April 7, 2021 – Regular Minutes:

Chairman Talamini called for a motion for approval.

MOTION: To APPROVE the April 7, 2021 Minutes of the Regular Meeting of the Inland Wetlands and Watercourse Agency with the following amendments:
Page 7, last paragraph, lines 4 and 5 “...Baker felt the Commission had cited concern for the wetlands when approving the ~~IBOE~~ IBoEW on Craftsman Road.”

Pippin moved/Baker seconded/DISCUSSION: None.

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

NEW APPLICATIONS TO BE RECEIVED: None.

PUBLIC HEARINGS: None.

CONTINUED PUBLIC HEARINGS: None.

NEW BUSINESS:

1) Application IWWA 03-2021 - Noble Energy (Noble East Windsor, LLC) – 76

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

3

and 84 North Road, and 7 Winkler Road. Construction of a 2,340 square foot carwash associated parking, drives, and stormwater management system in upland review area.

Chairman Talamini read the application description.

Jay Ussery, of J. R. Russo & Associates, LLC, joined the Commission virtually, representing the applicant, Noble Energy. Michael Frisbe, owner of Noble Energy, was present virtually as well.

Mr. Ussery shared Sheet 7, the Utility Plan, with the Commission. Mr. Ussery described the location of the property, noting that 76 North Road is the location of the Noble gas station; 84 North Road is the parcel containing the single-family dwelling to the east of the gas station on North Road. In order to put in the car wash Mr. Frisbe (Noble Energy) is purchasing 2 additional properties from the Estate of Bernie Lavoie. Should this approval occur the parcel containing the car wash and its associated features, and the stormwater management system, will contain approximately 5+/- acres.

Mr. Ussery identified the parcel to the rear, which contains the wetlands involved in this application. He noted the wetlands delineation line, which follows a small pond located near Winkler Road and continues to the east. Mr. Ussery indicated the wetlands area is part of a larger, extensive wetlands that continues on to the east and the south and is part of the watershed of Boelyn's Brook, which comes through northerly and westerly. The portion around the pond leaves this property and goes into a small culvert under Winkler Road to the side of the Trolley Museum, and continues in the northerly and westerly direction, crossing North Road behind the W. B. Mason building and goes under Route 5 near the Burlington Coat Factory and goes under I-91 and eventually finds it's way to the Connecticut River. Mr. Ussery reported the wetlands were delineated in 2014 by John Ianni. There's about .8 acres of activity occurring here within the 150-foot regulated area. It equates to the driveway into the car wash, the very south end of the building, and the water quality/detention basin proposed on the Site Plan. The stormwater drainage system will be picked up in a series of catch basins which flow into a manhole and eventually into the forebay of the detention basin, which outlets through an existing pipe to the existing stormwater system which outlets via a 15-inch pipe under Winkler Road. Mr. Ussery indicated there is no actual wetlands activity occurring under this proposal; all activity will occur within the upland review area.

Mr. Ussery noted Town Engineer Norton's comments listed in his April 8, 2021 memo have been addressed. A Staff memo from Wetlands Agent Calabrese dated

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

April 29, 2021 described the proposed activities and offer a potential motion for approval.

Mr. Ussery welcomed questions from the Commission.

Commissioner Kebschull indicated he assumed the elevations go down to the wetlands? Mr. Ussery replied affirmatively, noting the elevation of the wetlands, the inlet structures and the bottom of the wet detention basin which will also have wetlands plantings in it to manage the nutrients. He indicated the area drains towards the pond and the wetland; the area being developed will be picked up in the drainage system. Commissioner Kebschull questioned that the water coming out of the car wash will go into the pipe and into the pond; none of the water will circumvent the pipe and get into the wetlands? Mr. Ussery suggested that's correct; the water surrounding the car wash area and paving is collected in the drainage system and is routed through the pond and out the opposite direction; it doesn't go into the wetlands.

Commissioner Baker questioned that the water in the carwash is captured and dealt with separately? Mr. Ussery indicated the majority of the water is recaptured and reused, he estimated that 80% of the water used in the carwash is recycled. He suggested that if they were to discharge all of that water into the sewer system the expense to tie into the sewer system would be phenomenal and the expense of the water would be such that it's likely the car wash wouldn't be built.

Commissioner Osborn questioned how much water is going to Winkler Road? Mr. Ussery indicated the basin provides detention; there is no increase in the amount of peak flow (run off) going to Winkler Road and the Boelyn's Brook watershed. Mr. Ussery suggested this project couldn't be constructed without the detention basin. Discussion followed regarding the maintenance of the State drainage systems.

Commissioner Baker suggested the drainage calculations for the 100-year storm are based on the water coming from the site; do they also take into consideration any runoff from the ground around that? Mr. Ussery indicated they look at all the contributing drainage areas and the pre-construction and post-construction scenarios to be sure they're detaining stormwater enough not to increase the peak flows.

Commissioner Osborn questioned if there's a maintenance schedule proposed for the detention basin? Mr. Ussery suggested the maintenance schedule is shown on the plan sheet; the basin requires cleaning and mowing as well. Wetlands Agent

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

5

Calabrese referenced Sheet 8 notes post-construction maintenance twice annually on the detention basin. Commissioner Pippin questioned if the plan notes are sufficient, or should the maintenance schedule be added as Condition #15; Chairman Talamini indicated she's ok with the detailed plan notes.

Chairman Talamini queried the Commissioners for additional questions; no one responded. Chairman Talamini called for a motion for approval.

MOTION: APPROVE Application IWWA #03-2021 to Noble Energy (Noble East Windsor, LLC) for the Construction of a 2,340 square foot carwash associated parking, drives, and stormwater management system in upland review area to be located at 76 & 84 North Road and 7 Winkler Road; Assessor's Map 113, Block 002, and Lot 002-1 and 003. As detailed on site plans entitled: Noble energy Car Wash Expansion 76 & 84 North Road & 7 Winkler Road, East Windsor, Connecticut 06088, Map 113, Block 24 Lots 002, 002-1, 003 Zone: B-3; prepared by J. R. Russo & Associates, LLC.; Sheets 1 through 11 dated 4-05-2021 last revised 4-28-2021; with the standard 14 conditions.

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.

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

6

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.

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

7

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.

Pippin moved/Baker seconded/DISCUSSION: None.

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

NEW BUSINESS:

- 2) **#04-2021 – T M LLC & Anthony A. DellaRipa – West side of Wells Road, 9900 feet south of North Road.** Construction of five single family houses, driveways and utilities in upland review area.

Chairman Talamini read the description of Application #04-2021. Mr. Ussery, of J. R. Russo & Associates, LLC, represented the applicant for this proposal as well.

Mr. Ussery initiated his presentation by describing the location of the proposed subdivision. To the south is Skylark Airport, to the north is property owned by Walter Bass, and further to the north is North Road. The total parcel contains approximately 47 acres, including substantial wetlands. Mr. Ussery noted they originally submitted a plan proposing 5 lots; the plans being shown to the Commission this evening are for a **4-lot subdivision**. Mr. Ussery suggested essentially Lot 1 and Lot 2 have been combined to become Lot 1 which now conforms with the Zoning Regulations regarding buildable area.

Mr. Ussery reviewed a 1951 aerial of the subject property, noting the area being developed was farm fields at that time. He indicated that farmers dug drainage ditches along their property lines to drain the fields. The property was originally owned by Walter Bass, and was sold to Mr. Della Ripa in the 80s. Discussion continued regarding interesting historical features noted on the 1951 aerial.

Returning to the revised plans being reviewed this evening, Mr. Ussery noted the wetlands line is shown in blue. The wetlands were delineated by Rich Zulik, who is a soil scientist. They are now proposing 4 new lots; 3 of the lots will support raised ranch dwellings to be built on slabs, while the rear lot has a high spot on which a dwelling with a full basement with footing drains could be built. There are sewers available in North Road. Mr. Ussery indicated that under this proposal there is under 3 acres of upland disturbance, but no direct wetlands disturbance. The "frontage" lot has 4,400 square feet of upland area; they are trying to provide a reasonable area for a yard. They are proposing a minimum buffer distance of 25 feet from any clearing and the yard.

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

8

Mr. Ussery noted they are proposing a conceptual plan for a wetland permit area so we can go forward with the Planning and Zoning process. Mr. Ussery believes these lots will return for reapproval when buyers propose individual plot plans.

Commissioner Kebschull questioned the square footage of the houses? Mr. Ussery indicated he's showing a conceptual footprint for the raised ranch of 50' by 28' which would equate to 1400 square feet; if 700+/- feet of finished area was added to the first floor the conceptual home would encompass approximately 2100 square feet. The raised ranch homes would be built on slabs because of the seasonal high water table. Mr. Ussery suggested the rear lot could handle something a little larger with a full basement.

Commissioner Kebschull referenced the high water table in the area; he questioned if there would be any affect on the water quality if homeowners used fertilizers on the lawn? Mr. Ussery didn't see any affect on water quality; there are no edbs in the area; all the proposed homes will be on wells. Mr. Ussery indicated he has not received final comments from the North Central Health District (NCHD). Mr. Ussery felt in the past the Commission has added conditions related to organic fertilizer use on multi-family developments. Chairman Talamini didn't recall the Commission adding conditions on single family dwellings. Commissioner Pippin suggested this could become an enforcement nightmare; don't create a monster by over-regulating. Commissioner Pippin noted the size of the lots; it's sandy soil on top although the water table is shallow.

Commissioner Osborn questioned what was under the sandy soil; is it clay? Mr. Ussery noted they didn't do test holes on this project, but when he was involved with the sewer project on North Road they didn't find clay for the most part; it was sandy down to the water table. Commissioner Osborn suggested if the land retains water there must be something under the sand to hold the water from going down. Mr. Ussery felt some of the issue is because the land is so flat; there's no hydraulic gradient to make the water flow.

Commissioner Osborn requested specifics regarding the curtain drain. Mr. Ussery suggested it's a footing drain around the foundation that will flow off to the side and eventually flow into the wetlands. Commissioner Osborn questioned that all the lots will have drain pumps? Mr. Ussery replied all except Lot 1.

Commissioner Baker indicated in reviewing these lots they look similar to the lots approved by the Commission on Winkler Road. The Commission placed

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

9

Conservation Easements, marked by wetlands discs, on several of the Winkler Road lots. Commissioner Baker questioned how do we protect these lots down the road? He indicated he could see someone thinking this would be a good place to have a farm.

Commissioner Baker also indicated he was a little confused as to what is the Commission being asked to approve. There's no Drainage Report, no updated Wetlands Report. This is just a conceptual rectangle rather than the actual house. Are we approving the development with the permit but not the building of the lots?

Mr. Ussery suggested if the Commission approves the plan exactly as presented someone can build as approved on the plan. If they want something different, which he felt would be more likely, it will require a permit from this Commission and an application for something different than what you've seen here. Mr. Ussery felt that was the same process that was followed for the lots on Winkler Road, and individual lots near Skylark Airport as well. Mr. Ussery recalled the Commission requiring the posting of wetlands discs on the lots on the west side of Winkler Road. Mr. Ussery felt that requiring the posting of the wetlands discs to identify the wetlands area which shouldn't be encroached on should be required as a condition of approval. Mr. Ussery also suggested another condition of approval of this Wetlands permit should require notice in the deeds advising the buyer that when the parcels are sold the deeds indicate there are wetlands soils on the lots which are regulated by the Commission and any work within the upland review area requires permits. Mr. Ussery noted the lots are substantially wooded so they'll be significant buffering between existing wetlands and development.

Commissioner Baker cited clearing for yards was a concern as well. The Commission may approve clearing for a reasonable yard and in the future someone makes that cleared area 2 or 3 times bigger; the lots may be sold to different people a number of times before people actually consider building on them. People may not even know what they can, and can't do. Commissioner Baker indicated he's nervous on this application because this is what happened on Winkler Road; the lots were sold and approved and then there were subsequent approvals that required the installation of a fence, which didn't happen; there was significant discussion regarding that lot for more than a year. The same situation could happen here. Commissioner Baker wanted the Commission to be clear to a potential owner where the buildable area is, knowing that in approving these lots if someone comes in and builds the exact lot you have on this plan then they already have a permit. If the building plan changes the Commission may have something to say about their proposal. Commissioner Baker also considered the lots may be approved, and not sold within the permit approval period.

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

10

Commissioner Baker indicated he is most concerned with the lot in the back, which encroaches the closest to the wetlands and has some slope; he suggested the Commission consider an easement around that buildable area.

Discussion continued regarding options for defining the buildable area. Mr. Ussery recalled conditions placed on the Winkler Road lots which included marking the area with wetlands discs; one lot in particular required installation of a fence. Commissioner Pippin suggested requiring placement of the wetlands discs within 200 feet of the structure(s), so the wetlands are marked within that distance; Commissioner Baker cited the need for that requirement to be a condition of approval. Commissioner Baker requested input from Mr. Ussery regarding where the wetlands discs should be located. Mr. Ussery indicated he has proposed areas around the houses which would be reasonable yards; he suggested placing the wetlands discs 20 feet to 25 feet inside the wetlands line to create a buffer between the wetlands and the placement of the discs. Mr. Ussery also suggested including that information on the deeds as the lots are sold so the future owner will be aware that the full lot size isn't useable area. Mr. Ussery reiterated that anything that differs from this conceptual plot plan is a modification of the plan and requires the property owner returning to the Wetlands Commission for a permit for the construction of a home. Mr. Ussery suggested that information should be a condition of this permit approval.

Wetlands Agent Calabrese also noted that anyone who wants to build a home will be directed to the Planning Department for a Building Permit. At that time the plot plan would be reviewed for Wetlands restrictions; the Zoning Permit can't be issued until the Planning Department has signed off on the Zoning Permit. Commissioner Baker felt the Commission needs to add additional conditions regarding the disc placement and the home location. Wetlands Agent Calabrese suggested adding the Wetlands approval motion to the mylar plans which are filed with the Town Clerk.

Commissioner Kebschull questioned if any of the lots are expandable to 4 acres so someone could have a horse farm and get the tax break for farmland? Mr. Ussery clarified that all of the lots exceed 4 acres. He suggested the Zoning Regulations define a farm as 3 acres or more; he felt all of these lots could be considered agricultural. Wetlands Agent Calabrese clarified that a parcel must have 3 acres of pasture land to qualify for a farm.

Commissioner Kebschull questioned if someone could log these lots? Mr. Ussery replied affirmatively, but noted that would require a permit from the Wetlands Commission as well. Commissioner Kebschull gave an example of extensive forestry activity that occurred in Coventry which changed the character

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

11

of the town.

Discussion continued regarding the additional conditions. Hearing no further requests for discussion Chairman Talamini called for a motion.

MOTION: APPROVE Application IWWA #04-2021 to TM LLC & Anthony A. Della Ripa for the Construction of five FOUR single family houses, driveways and utilities in upland review area on property located on the west side of Wells Road, 900 feet south of North Road; Assessors Map 125, Lot 24, Block 025; as detailed on site plan entitled: 4 lot Subdivision Wells Road; East Windsor, Connecticut; prepared for T. M. LLC & Anthony A. Della Ripa, and prepared by R. J. Russo and Associates, LLC; sheets 1-5; dated: 5-5-2021, with 14 standard conditions, and the following additional conditions:

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 – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

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 – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

15. Wetland disc markers shall be installed 20 feet from the delineated wetland lines every 50 feet prior to the start of construction as depicted on the mylar.

16. Mylars and deeds shall include a note that the parcel contains regulated inland wetlands. Any activities within 150 feet of a wetland boundaries will require approval by the Inland Wetlands and Watercourses Agency.

Pippin moved/Baker seconded/DISCUSSION: None.

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

Mr. Ussery advised the Commission he will submit the revised plans related to this Wetlands permit approval to the Planning Department this week.

NEW BUSINESS:

3) Donald Grant, As-of-Right Determination:

Wetlands Agent Calabrese introduced Donald Grant to the Commission. Mr. Grant explained the work proposed which he is requesting be approved as an As-of-Right Determination.

Mr. Grant advised the Commission his farm has 3 parcels which are bordered on the southside by Melrose Road and Route 140, on the west side by Broad Brook Road and Route 191, on the east by the rail line, and on the north by Taylor Energy. There is a low spot in the southwest corner of the parcel which is collecting water due to drainage pipes which were installed decades ago to farm the property. The old pipes are concrete, and have failed, causing some of the water accumulation. Contributing to the situation is the property is also collecting water from the intersection of Route 191 and Broad Brook Road, which is eroding the field. On the west side of the road is a culvert that collects into a catch basin and runs under the road into the outlet which is in the field.

Mr. Grant reported he talked to DOT (Department of Transportation), who were understanding, but couldn't assist to improve the problem. He then contacted NRCR (Natural Resources Conservation Service) who are associated with the USDA (United States Department of Agricultural), who agreed to help with the project.

Wetlands Agent Calabrese shared a 1934 aerial photo of the field to show the Commission the area to be cleared, and photos of the existing conditions in the

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

14

field described by Mr. Grant.

Mr. Grant explained that the NRCS has developed plans, which he has submitted to Wetlands Agent Calabrese. The plans include removing soil in the low area which is unsuitable for infiltration and put that out into the field; they'll then put in a parabolic rock infiltration bed for the water to soak into the sand under the field. They will then make repairs to the existing pipe, which they will leave as an over-flow pipe should the infiltration bed become overwhelmed. Mr. Grant reported the Development Rights on this field have been sold to the State; approval of this plan is required by the State after local approval is received. Mr. Grant indicated the NRCS will oversee the work proposed.

Mr. Grant also noted that where the outlet to the culvert that runs under Broad Brook Road is located they'll be putting in their own catch basin and pipe to stop the erosion of the field, and south of that where the berm on the east side of Broad Brook Road is compromised, causing the water to run into the field, there will be another catch basin and pipe carrying the water to the infiltration bed. There will be 10 feet of grass buffer area around the infiltration bed.

Chairman Talamini indicated she has zero concerns regarding this proposal. Commissioner Baker indicated he had been watching the area, and is glad to see it being addressed.

Mr. Grant reported that a second component of this plan is to make improvements to the outlets of three catch basins on the west side of Broad Brook Road south of Melrose Road where the area is currently washing out. Mr. Grant reported he would return to the Commission for a similar request for approval As-of-Right as Phase II of this project at a later date.

Commissioner Kebschull questioned what type of farming is Mr. Grant involved in? Mr. Grant indicated he raises hay; his wife and daughter have a herd of show goats. This particular field is rented to another farmer who raises pumpkins.

Chairman Talamini asked for additional comments from the other Commissioners; no one raised any questions. Chairman Talamini called for a motion for an As-of-Right determination regarding the proposed activity.

MOTION: To make a finding As-Of-Right for the Grant Farm – Phil, Don, and Selma – for a drainage improvement plan prepared by NRCS (Natural Resources Conservation Service) for a lined waterway outlet, diversion underground outlet, and obstruction removal for property located at the intersection of

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

15

Route 191 and 140, and identified as being Map 135, Block 43A001, Lot 001A, Melrose, CT.

Pippin moved/Baker seconded/DISCUSSION: None.

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

OLD BUSINESS: None.

MISCELLANEOUS: None.

AGENT REVIEW AND DECISIONS:

1) Staff report on Sullivan Farm Road parcel:

Wetlands Agent Calabrese recalled that at the previous meeting the Commission had discussed an area on Sullivan Farm Road and Quarry Meadows where a couple of pond areas that had previously been open at one time are no longer there. Wetlands Agent Calabrese noted she has researched the situation at the Commission's request. In reviewing the Assessor's property cards she found the property has been owned by the Kement Development Corp in various forms of same since 1968. There is a Wetlands Report on file from 2005 which indicates the only wetlands identified when the Quarry Meadows Subdivision was approved was a "kettle" located on lot #12.

Wetlands Agent Calabrese noted she has received additional information regarding the GIS layers showing the area from the Diecks.

Wetlands Agent Calabrese reported she reviewed aerials available on Google Earth going back to 1990. In 2003 the area has been cleared, in 2004 there was continuing earth removal and regrading of the adjacent area, in 2020 no open water is seen. Inland Wetland Permit #1373 was issued for the 48-lot subdivision – Quarry Meadows - in 2005.

Wetlands Agent Calabrese indicated there's a history of open water, followed by a period of significant activity of regrading and quarrying; the permit for this subdivision, Quarry Meadows, has expired. The property owner is seeking to develop that property and is seeking a Text Change to do so. Wetlands Agent Calabrese noted Mr. Kement is well aware he will be appearing before this Commission for a subsequent approval. He knows he will need to delineate the wetlands at that time.

Chairman Talamini felt there was no violation; things have changed over time due

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

16

to the activity that was occurring on the property. The owner is aware that they will need to return to the Wetlands Commission at the time of development of the property.

Commissioner Baker concurred, noting the advantage of the historical review. What someone sees as a beautiful pond someone else may see as a drainage area. He doesn't see this activity a violation.

Chairman Talamini suggested Wetlands Agent Calabrese report the Commission's consensus that no violation occurred to the resident. Wetlands Agent Calabrese will also advise Mrs. Dieck that the property is being considered for future development and wetlands will be reviewed at that time.

AGENT REVIEW AND DECISIONS:

2) Discussion of 163 Rye Street:

Wetlands Agent Calabrese reported there is one final lot within the Kingshire Subdivision that was sold to Letourneau Builders before the subdivision permit expired. The lot is located in the front of Rye Street, as it intersects with Dempsey Road. The lot includes a detention basin; erosion is not occurring as the lot is flat. The builder indicated he's had problems getting silt fence. Wetlands Agent Calabrese shared photos, and a Site Plan with the Commission.

Commissioner Baker indicated it's interesting this has come up; this detention basin was a poster child for him to bring up the need for the Town to develop a maintenance schedule. Wetlands Agent Calabrese reported the builder has been discussing the problem with Town Engineer Norton, as this is a detention for the Town as well. She felt the work would be exempt from a permit. Chairman Talamini noted the easement to the Town which had been shown on the Site Plan. Commissioner Baker suggested someone needs to develop a maintenance schedule for these basins; he questioned if the information was available to develop the schedule on GIS. Discussion continued regarding the process necessary to develop a notification schedule.

Wetlands Agent Calabrese indicated she thought this work might require an Agent Decision, but now feels that may be unnecessary. Chairman Talamini felt the Agent Decision was unnecessary; the consensus of the Commissioner concurred with Chairman Talamini's assessment.

Wetlands Agent Calabrese will continue to monitor progress at this site.

STATUS REPORTS: None.

VIOLATIONS:

1) 8 Craftsman Road remediation:

Wetland Agent Calabrese shared photos of the repaired area with the Commission. She noted the property owner hired a contractor to develop a remedy for the erosion which had been occurring near the pump station. The WPCA (Water Pollution Control Authority) completed the work.

Wetlands Agent Calabrese is closing out this violation.

VIOLATIONS:

2) 247 South Water Street NOV (Notice of Violation):

Wetlands Agent Calabrese reported this location is the outfall for the work at the 12 South Main Street development. The developer secured an easement from Noreen Farmer, owner of 247 South Water Street, for this drainage work.

Wetlands Agent Calabrese indicated she received a complaint about the outfall; she contacted the Silverman representative, Ugo Orsini, who responded with photos of the erosion. Mr. Orsini is working on a remedy with J. R. Russo & Associates. The original remedy would require the use of heavy equipment.

Wetlands Agent Calabrese advised the Commission there are a couple of issues occurring at this site. She shared photos with the Commission to illustrate the erosion occurring. She thought the erosion controls installed seemed to be functioning; the second issue is occurring at the end of the outfall at the river where groundwater seepage coming out from underneath the cement. Wetlands Agent Calabrese indicated she issued the violation letter to facilitate the contractors being able to work on the remedy.

Wetlands Agent Calabrese recalled a recent rain/snow event that came through town; people noticed chocolate water coming out of the outfall, and she received a subsequent complaint. She visited the site with the contractors, Town Engineer Norton, and Jay Ussery, of J. R. Russo. They discovered a second issue related to the parking lot of the adjacent condominium complex which contributed water to the area through a small swale. The contractor installed straw waddles along the slope to temporarily slow the water.

Wetlands Agent Calabrese suggested the two issues occurring are overland erosion, and seepage at the bottom of the slope.

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

Wetlands Agent Calabrese then shared Russo's proposal to fix the erosion. They want to add riprap to the existing plunge pool and entering the condominium parking lot stormwater scour hole; they understand they may need to acquire an easement for that. To alleviate the seepage they want to install fabric and riprap to make a direct outfall to capture the groundwater.

Commissioner Baker questioned that the groundwater is pre-existing, and is under the scour hole? Wetlands Agent Calabrese replied affirmatively. Commissioner Baker questioned the source of the chocolate-colored water. Wetlands Agent Calabrese suggested it was the velocity from the heavy storm; Chairman Talamini noted the area was collecting the dirt from the road and the nearby construction as well. Wetlands Agent Calabrese also noted the bank hasn't been stabilized yet. She suggested it's an impressive velocity with everything coming down that slope into the plunge pool. Wetlands Agent Calabrese noted they also noted an area where the water flow wasn't level, so one area to the side was taking more water than it was designed for.

Wetlands Agent Calabrese questioned the Commissioners for feedback on the Russo proposal. Commissioner Baker questioned if the Wetlands Permit was open on this work; Wetlands Agent Calabrese noted the Sardilli Permit was transferred to Silverman. Commissioner Baker and Chairman Talamini requested Wetlands Agent Calabrese research the status of the transferred permit for the next meeting. The Commission will consider approval of the Russo proposal at that time.

Commissioner Pippin suggested this activity supports his contention that work associated with erosion control on steep slopes should be seeded by October. Discussion followed regarding the timing of this work, permit conditions, and the condition of this site.

Commissioner Baker cited continued concern with the report of the chocolate water. He questions if there is some infiltration along the pipeline that isn't working as proposed.

Wetlands Agent Calabrese indicated she'll research the status of the transferred permit, and will continue to inspect the site.

CONFERENCES/SEMINARS/TRAINING: None.

CORRESPONDENCE:

- Notification of a solar project proposed for 30 acres of a 160-acre site located in

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

Ellington.

- Advisement to the Diecks updating them on Wetlands Agent Calabrese's findings, which she would be incorporating into her Staff Report to the Commission.

GENERAL BOARD DISCUSSION:

1) IWWA Citation Ordinance – Opportunity for public comments:

Chairman Talamini noted the Town Attorney has returned comments related to the proposed Citation Ordinance. Many comments relate to grammar and other technical issues. She queried the Commissioners for comments.

Commissioner Baker felt no substantial changes had been proposed for the Ordinance.

Hearing no additional comments from the Commission, Chairman Talamini announced the second opportunity for the public to comment; no one requested to speak.

Chairman Talamini noted the Board of Selectmen will also have a Public Hearing on the proposed Citation Ordinance; the public will be able to speak at that time as well. Commissioner Pippin questioned if the Wetlands Commission would hold a real Public Hearing; Chairman Talamini noted that was part of the Board of Selectmen's process. Commissioner Baker noted he has discussed the Wetlands Commission's preference with First Selectman Bowsza.

Discussion continued regarding when in-person meetings may begin to be held.

Hearing no further comment from the public, Chairman Talamini polled the Commissioners for their preference to send this ordinance to the Board of Selectmen. Commissioners Baker, Keschull, Osborn, and Pippin were in agreement. Chairman Talamini requested Wetlands Agent Calabrese send the document to the Board of Selectmen for consideration.

On an unrelated issue, Commissioner Baker wanted to advise the Commission that he was approached via his Selectmen's e-mail account, and a phone call, by someone on Reservoir Avenue advising him of filling of wetlands on Reservoir Avenue. Commissioner Baker suggested they contact Wetlands Agent Calabrese, even if the filling was agricultural in nature, as the person may need an As-Of-Right Determination. Commissioner Baker questioned if anyone had contacted Wetlands Agent Calabrese? Commissioner Baker wanted to reply to

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – May 5, 2021
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

20

the person who has contacted him repeatedly.

Wetlands Agent Calabrese reported she has spoken with the person. There is a lot going on in the area with regard to perc tests and evaluations related to potential development. She'll be visiting the site tomorrow. The person who complained noted the deposition of piles at the site; she believes the piles contain asphalt. The complainant's concern is water pollution.

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

See opportunity for public comments above.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 9:23 p.m.

Pippin moved/Osborn seconded/

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

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission