

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

Regular Meeting – July 10, 2019

MEETING MINUTES

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

CALL TO ORDER: Acting Chairman Osborn called the Meeting to order at 7:04 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

ESTABLISHMENT OF QUORUM:

Present: Regular Members Richard Osborn, and Richard P. Pippin, Jr., and Alternate Member Michael Sawka.

Unable to Attend: Regular Member Rebecca Talamini.

Guests: Jay Ussery, of J. R. Russo & Associates, representing the East Windsor Historical Society; Louis Cook, John McLellan, Senior Project Manager for SUNPOWER by earthlight Technologies, and Ian Bicholz, earthlight Technologies; Alan Baker, Dan Donahue; Kathy Pippin; Newberry Village Homeowners Association Members: Jim Redinger, Vice Chairman; Linda Redinger, Terri Clifton, Chairman; Randy Clifton, Garry Welch.

Due to a delay in the reappointment of Chairman Alan Baker, and the absence of Vice Chairman Rebecca Talamini, Secretary Richard Osborn agreed to Chair the Meeting this evening. Acting Chairman Osborn noted the establishment of a quorum with 2 Regular and 1 Alternate Members as noted above. All Members will sit in on votes this evening.

Also in attendance was Town Planner Ruben Flores-Marzan.

PLEDGE OF ALLEGIANCE:

Everyone stood to recite the Pledge of Allegiance.

AGENDA ADDITIONS:

MOTION: To MOVE Item IX. **MISCELLANEOUS(1) Appointment of Wetlands Agent up in the Agenda order to after APPROVAL OF MINUTES.**

Pippin moved/Sawka seconded/ DISCUSSION: None.

VOTE: In Favor: Unanimous (Osborn/Pippin/Sawka)

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APPROVAL OF MINUTES /1) March 6, 2019 – Regular Meeting:

MOTION: To APPROVE the Minutes of the Regular Meeting of the Inland Wetlands and Watercourse Agency dated March 6, 2019 as written.

Pippin moved/Sawka seconded/ DISCUSSION: None.

VOTE: In Favor: Unanimous (Osborn/Pippin/Sawka)

NOTE: Inland Wetlands and Watercourse Agency Meetings for April 3, 2019, May 1, 2019, and June 5, 2019 were cancelled.

MISCELLANEOUS/1) Appointment of Wetlands Agent – Ruben Flores-Marzan:

MOTION: To APPOINT Ruben Flores-Marzan as the Wetlands Agent for the East Windsor Inland Wetlands and Watercourse Agency.

Pippin moved/Sawka seconded/ DISCUSSION: None.

VOTE: In Favor: Unanimous (Osborn/Pippin/Sawka)

NEW APPLICATIONS TO BE RECEIVED/02-2019 – East Windsor Historical Society – Request to conduct regulated activities to create a 1.5 mile walking path in upland review area; access to walking path will be from Cemetery Road. Property involved includes: 113 Scantic Road, Map 064, Block 32, Lot 028A, AND, 9 Cemetery Road, Map 055, Block 32, Lot 022.

Mr. Ussery referenced “Trail & River Access Plan” dated March 1, 2019 prepared by J. R. Russo & Associates. He noted the plan shows approximately 38 acres of property recently purchased by the East Windsor Historical Society (EWHs) from David Tyler/the Tyler Farm. Mr. Tyler has retained 6+/- acres for his personal use. The 38 acre parcel contains frontage on the Scantic River, as well as flood plain and upland area. Mr. Ussery indicated the EWHs would like to make a walking path along the river; the path would be approximately 10 feet wide and would be composed of compacted gravel topped with stone dust. Drainage swales direct water from the farm fields above the slope to the river. The area contains an old farm road with a concrete pipe at a wetlands crossing; the proposal is to enhance the farm road to a better condition and install a better pipe at the wetlands crossing to provide access to the river. They are also proposing to add a new pipe to a low area which would add a new section of trail up the slope towards the power transmission line.

Mr. Ussery submitted photos of the existing conditions of the farm road and crossing for the Commission’s review. (Photos are available in the IWWA Application folder).

Mr. Ussery indicated some of the swale area and the area where the pipes will be replaced is within the wetlands; the lower area is wetlands and 100 year flood plain. He

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suggested both areas being impacted by the proposed work are regulated areas subject to the Commission's review.

Mr. Ussery felt this plan has already been forwarded to Town Engineer Norton, as Town Engineer Norton has responded with comments recommending that drainage calculations be conducted to insure proper sizing of pipes for the three proposed crossings.

Mr. Ussery suggested the Commissioners are welcome to visit the trail site; he requested they contact John Burnham to set up site visits. Discussion followed regarding visitation appointments. Each Commissioner plans to visit the site separately; no Special Meeting for a site visit is anticipated at this time.

Acting Chairman Osborn questioned the area of the path which falls within the US Government Conservation Easement Area. Mr. Ussery indicated that the Conservation Easement has a number of restrictions associated with use of the area. The current plan has been submitted to the Government for review; Mr. Ussery noted passive recreation is allowed. He indicated they have not yet received a response; none of the work within the Easement can take place until the applicant receives input from the Government.

Acting Chairman Osborn questioned if some of the work could be moved back? Mr. Ussery replied affirmatively, noting areas on the plan that could be revised. He suggested the Government wasn't sure about the use of stone dust on the trail. Mr. Ussery indicated the farm road was pre-existing; it made sense to follow that path. He noted the proposal would provide about 1 ½ miles of walkable trail area; he suggested the area has value for recreational use.

Mr. Ussery reported they have not started the wetlands delineations, or requested information from soil scientists. He noted the flood plan is within the regulated area. They would probably take out some of the gravel along the trail and replace that material with stone dust.

MOTION: To ACCEPT Application #02-2019 – East Windsor Historical Society – Request to conduct regulated activities to create a 1.5 mile walking path in upland review area; access to walking path will be from Cemetery Road. Property involved includes: 113 Scantic Road, Map 064, Block 32, Lot 028A, AND, 9 Cemetery Road, Map 055, Block 32, Lot 022.

Pippin moved/Sawka seconded/ DISCUSSION: None.

VOTE: In Favor: Unanimous (Osborn/Pippin/Sawka)

PUBLIC HEARINGS: None.

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CONTINUED PUBLIC HEARINGS: None.

NEW BUSINESS/1) Newberry Village/Jim Giorgio – Request for full release of \$40,000 Wetlands Bond:

Wetlands Agent Flores-Marzan referenced e-mail from previous Wetlands Agent Tyksinski noting he and Chairman Alan Baker had walked the site and found the conditions regarding the wetlands plantings have been fully satisfied. Wetlands Agent Flores-Marzan suggested that based on Mr. Tyksinski's comments staff feels they could recommend release of the bond.

Acting Chairman Osborn noted a following Agenda item regarding an update from the Newberry Village Homeowners Association; he questioned if it would be permissible to hear their comments? Wetlands Agent Flores-Marzan felt the comments could be presented, although he cautioned that the Commission not base their decision regarding the bond release on those comments.

Mr. Jim Redinger, Vice Chairman of the Newberry Village Homeowners Association, stepped forward. (*See Attachment A* – Mr. Redinger's comments).

Mr. Redinger noted he has received a copy of the current IWWA Permit for Newberry Village. Mr. Redinger submitted photos of the site, some of those photos have already been submitted to the Planning Office, others are new this evening. The photos represent damage to the wetlands and vernal pools within the site. Mr. Redinger reported that as of 2 hours ago nothing had been done by Mr. Giorgio to stop the erosion.

Mr. Redinger suggested this is a bad situation that's getting worse. The Homeowners Association is concerned when the builder is asking for a release of his bond when he has 20% of the units remaining to be built. Mr. Redinger reported the Homeowners Association is proud of the Conservation Easements within the community but are concerned what will happen during construction of the remaining 20% of the units.

Mr. Redinger submitted for the file a photo of the conditions on April 18, 2019 at 4 Goldfinch Court. (*See Attachment B* – Photo)

Mrs. Terri Clifton, of 7 Hickory Trail, stepped forward. Mrs. Clifton indicated she was representing the Homeowners Association as Chair. Mrs. Clifton submitted a packet of photos taken at Newberry Village on July 6th, 2019 (*See Attachment C* – Mrs. Clifton's photos).

Mrs. Clifton reported the Homeowners Association is concerned about what plantings are required for Mr. Giorgio to plant? She noted some trees have been delivered but weren't planted correctly, as the root ball hasn't been covered with soil. Other trees have been delivered but haven't been planted. Some trees and bushes haven't been delivered. Mrs.

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Clifton cited concern that the Homeowners Association doesn't know what plantings were required under Mr. Giorgio's bond.

Acting Chairman Osborn noted he's been a member of the IWWA since this project was approved many years ago; it's a sensitive area. Because of the past history with the development he felt the only leverage the IWWA has is the bond.

Commissioner Pippin questioned when 4 Goldfinch Court was sold? Mrs. Clifton reported it hasn't been sold yet. Commissioner Pippin felt the responsibility for the plantings, and correcting or preventing the erosion, remain with Mr. Giorgio.

MOTION: To POSTPONE the release of the \$40,000 Wetlands Bond for Newberry Village as requested by Jim Giorgio to the Commission's next regularly scheduled meeting on August 7, 2019 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. The postponement is made to acquire additional information from Mr. Giorgio.

Sawka moved/Pippin seconded/DISCUSSION: Nothing further.

VOTE: In Favor: Unanimous (Osborn/Pippin/Sawka)

Mr. Randy Clifton indicated he appreciated the Commission's urgency regarding this issue but he suggested as a Homeowners Associations they don't know if Mr. Giorgio has planted what he should have. Mr. Baker, speaking from the audience, reported he and Wetlands Agent Tyksinski did approve the previous wetlands plantings; the plantings he had seen were fine. The information he is hearing from the Homeowners Association tonight is new information for this Commission. Commissioner Pippin suggested he understood "redline" modifications have been made to a prior plan; he suggested the original plan won't have the modifications. He also noted the requirement for sidewalks which were encroaching on the wetlands have now been removed. Commissioner Baker questioned if additional complaints have been made which haven't been brought to the Commission's attention? Wetlands Agent Flores-Marzan noted he and Administrative Assistant Judi Mosso are investigating the status of Newberry Village, but both are new to this issue. Mr. Redinger reported that Wetlands Agent Flores-Marzan and everyone in Town Hall has been extremely helpful to the members of the Homeowners Association, who are new to this role as well.

Commissioner Pippin noted any photos submitted to staff will become a part of the record. Mr. Redinger reported he had submitted numerous photos to Mr. Tyksinski; he will resubmit them to Wetlands Agent Flores-Marzan.

MISCELLANEOUS/2) Lou Cook – 256 Scantic Road – Informal discussion of installation of a solar project:

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John McLellan, Senior Project Manager for SUNPOWER by earthlight, joined the Commission representing the homeowner, Lou Cook.

The Commission had been given an aerial view of 256 Scantic Road to assist them with the discussion. After familiarizing themselves with the property location on Scantic Road discussion followed regarding the installation of the solar arrays. Mr. McLellan, of earthlight, explained the equipment to be installed at this location. Mr. McLellan provided the Commission with a wetlands map surveyed for the property in 2007; he noted the location of the work to be done in association with this project. Mr. McLellan suggested the biggest impact to the wetlands from this installation would be the trench from the house to the array.

Mr. McLellan provided the Commission with photos of similar installations for referral. Mr. McLellan noted the purpose of the work is to save the homeowner money on his electricity; the cost of hiring a surveyor and soil scientist seemed counter-productive.

Mr. Cook also spoke, confirming the property is located between Abbe and Stoughton Roads. Mr. Cook offered additional comments in support of the installation.

MOTION: To AUTHORIZE Wetlands Agent Flores-Marzan to handle this Application as an Agent Decision, using the wetlands map of 2007 submitted by Mr. McLellan.

Sawka moved/Pippin seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Osborn/Pippin/Sawka)

OLD BUSINESS: None.

MISCELLANEOUS:

See discussion items above.

AGENT DECISIONS/1) #03-2019 Agent Decision – Daniel Donahue – Request to install above ground pool (24 foot diameter by 4 feet deep) in upland review area. Building lot contains 1 acre, 0.38 of which is wetlands; pool being installed I wetlands review area. Property located at 43 Rolocut Road, Broad Brook, CT. A-1 Zone; Map 126, Block 27, Lot 013-014:

Mr. Baker, speaking from the audience, recalled that discussion of this project had come before the Commission several months ago. No additional discussion occurred.

MOTION: To ACCEPT as an Agent Decision Application #03-2019 – Daniel Donahue – Request to install above ground pool (24 foot diameter by 4 feet deep) in upland review area. Building lot contains 1 acre, 0.38

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of which is wetlands; pool being installed I wetlands review area.

Property located at 43 Rolocut Road, Broad Brook, CT. A-1 Zone;
Map 126, Block 27, Lot 013-014.

Pippin moved/Sawka seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Osborn/Pippin/Sawka)

At the request of Administrative Assistant, Judi Mosso, Acting Chairman Osborn provided a live signature for IWWA Permit #03-2019 with the standard 13 conditions.

AGENT DECISIONS/2) #04-2019 Agent Decision – Pauline and David Krupa.
Request to install downspouts at 41 Mourning Dove Trail. Map 104, Block 17, Lot 019:

The Commission reviewed an approval letter written by previous Wetlands Agent Tyksinski.

The Commission felt approval had occurred with previous Wetlands Agent Tyksinski's letter; no motion made.

STATUS REPORTS/1) Beebe Landscaping/BT Properties – 102 Winkler Road – recap of previous Wetlands application and permit approval:

The Commission reviewed the history of this Agenda item. Mr. Baker suggested leaving this item on the agenda. The Commission requested staff to follow up on inspection of this property.

VIOLATIONS: None.

CONFERENCES/SEMINARS/TRAINING:

Wetlands Agent Flores-Marzan advised the Commission he will be seeking training on this new area of responsibility. Mr. Baker advised Wetlands Agent Flores-Marzan of training available through CAIWEC and UCONN.

CORRESPONDENCE: None.

GENERAL BOARD DISCUSSION: None.

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

Mr. Baker spoke briefly on the status of his reappointment to the Commission, noting these inspections the Commission discussed this evening, and the misunderstanding of their purpose, is the reason for the delay with his reappointment. He noted that any

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Commissioner performing the duties of his work on behalf of the Commission is covered by the Town's insurance coverage, as is any municipal employee.

No one else requested to speak.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:05 p.m.

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

Respectfully submitted:


Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission

ATTACHMENTS: Attachment A – Mr. Redinger's comments.
Attachment B – Photo
Attachment C – Mrs. Clifton's photos

7/10/2019 IWWA MEETINGS - ATTACHMENT A

July 10, 2019 – Inland Wetland Watercourse Agency meeting

Ladies and Gentlemen,

Last October the Newberry Village Association documented to the town wetlands enforcement officer in both writing and in photographs the construction situation at 4 Goldfinch Court and took the position that, if not properly done, the construction could easily lead to severe soil erosion into the adjacent conservation area.

The Association communicated with the town in April and May documenting existing severe erosion, worsening conditions, and the fact that the builder appeared to have been doing absolutely nothing to even slow down the erosion.

Last week the Association again confirmed in writing and with photographs that the erosion is continuing, has reached catastrophic conditions with respect to impact on the adjacent conservation area, and that the builder has apparently continued to do absolutely nothing to halt or even slow down the erosion.

The facts of this situation are not in dispute. Here are copies of some of the photographs that the association has supplied to the town wetlands enforcement.

As you can see from the photographs, the erosion appears to have now filled in a large portion the conservation area adjacent to the property with wash and clay, and it now appears to have fatally impacted much of the vegetation and trees along the conservation area.

As the Newberry Village Association has repeatedly stated in writing to the town and has presented to the Planning and Zoning Board, our homeowners association is forced to continue to take the position that all responsibility for the erosion and all damage that it has caused and is continuing to cause, and all responsibility for any and all expenses associated with any penalty and/or any required mitigation has been and continues to be the responsibility of the builder and of the Town of East Windsor.

Because of this and because of that fact that the builder still has 20 percent of his planned housing construction that he has not even begun, the Newberry Village Association strongly recommends against any consideration of releasing any amount of any bond until all construction is completed and a proper evaluation can be conducted to determine if any alterations and/or mitigation must be done to properly protect our conservation areas and vernal pools.

We thank you for your attention in this matter,

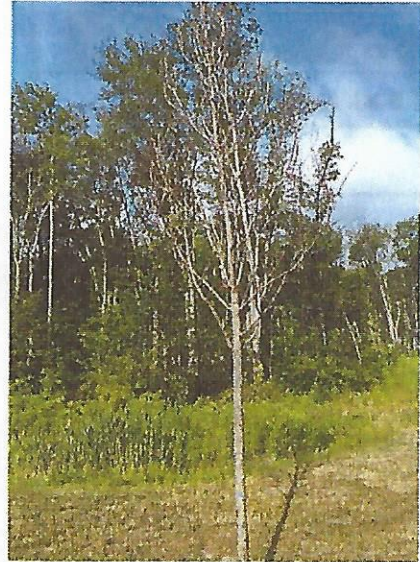
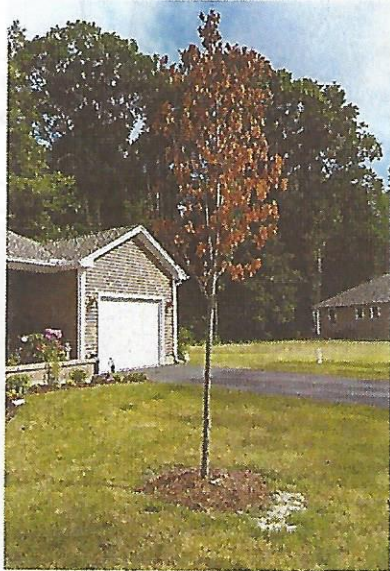
James D. Redinger - Vice President, Newberry Village Association, Inc.



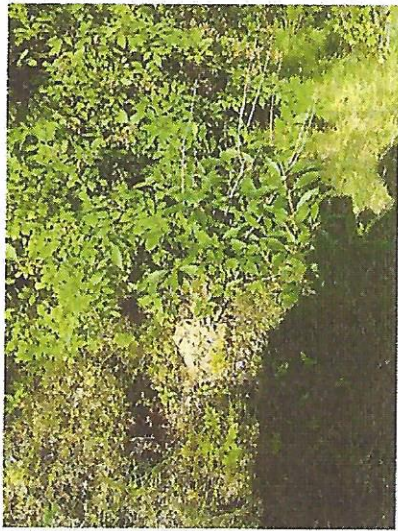
7/10/2019 IOWA MEETING - ATTACHMENT B
PHOTO OF 4 GOLDFINCH COURT- CONDITIONS OF 4/18/2019
SUBMITTED BY JIM REDINGER, VICE PRESIDENT
NEWBERRY VILLAGE (HOMEOWNERS) ASSN., INC.

7/10/2019 / WVA MEETING - ATTACHMENT C.
4 PAGES

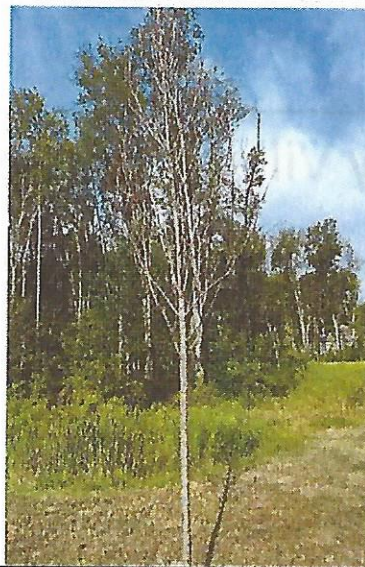
Newbury Village Homeowner's Association Beautification Committee



Respectfully submitted by
Terri Clifton
Resident & Committee Chair
July 10, 2019
Photos taken 7/6/19



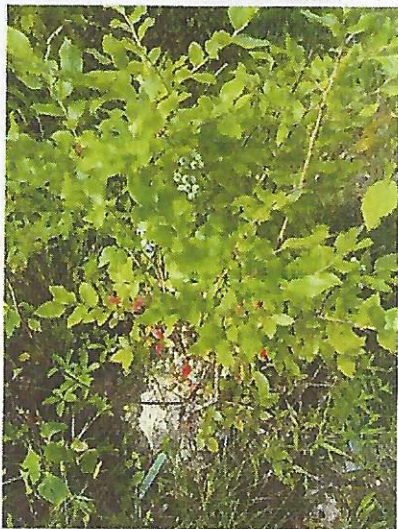
#1 MDT Bush root ball exposed



#5 MDT Dead Maple tree

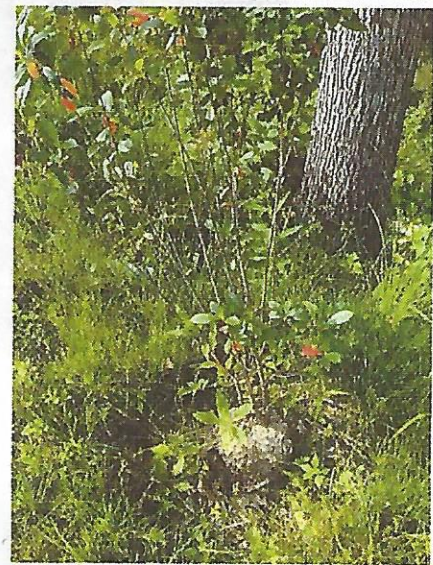


#5 MDT Tree delivered 7/9/19
- Not planted as of 5:15 pm today



#15 MDT Bush root ball exposed

#18
MDT
Missing
tree



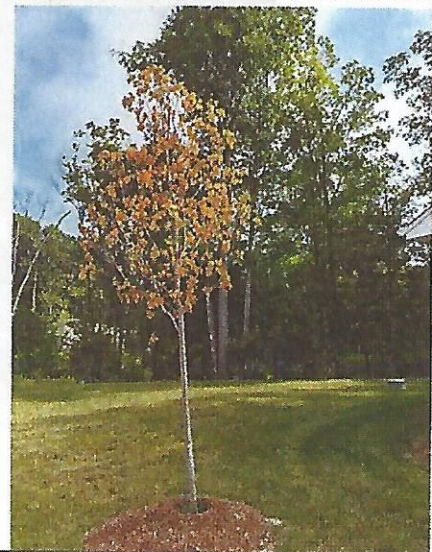
#17 MDT Bush root ball exposed



#20 MDT Dead Autumn Fest Sugar Maple



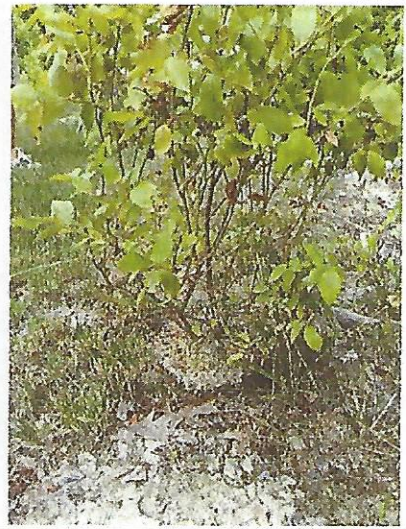
#20 MDT Tree delivered 7/9/19
- Not planted as of 5:15pm today



#34 Dead Maple tree



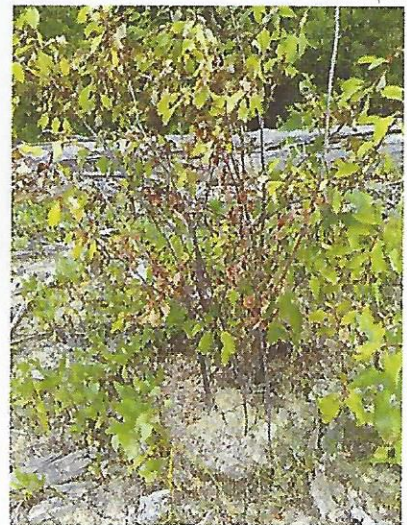
#34 MDT behind home_Bush root ball exposed



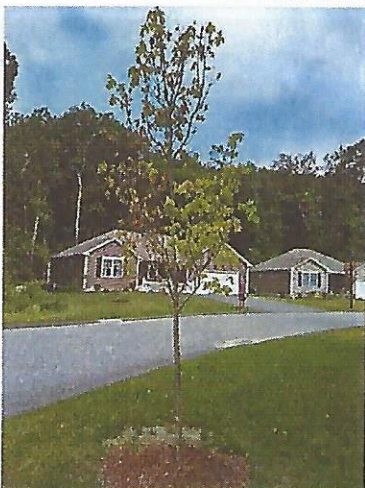
#34 MDT behind home_Bush root ball exposed



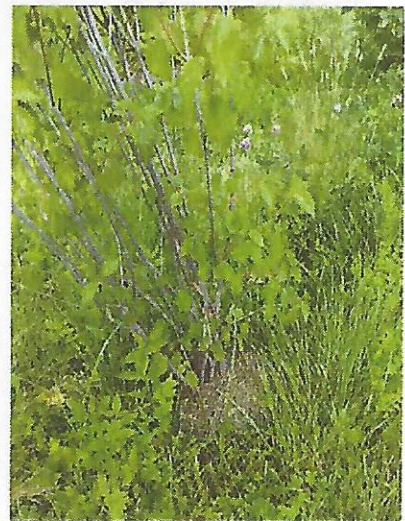
#34 MDT behind home_Bush root ball exposed



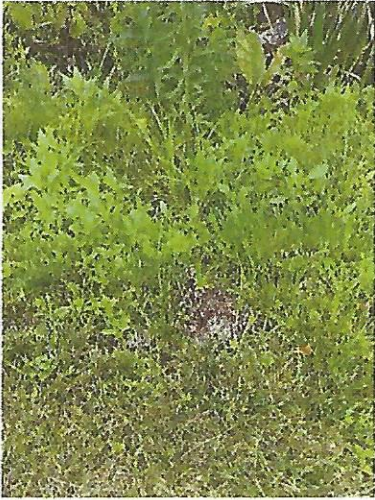
#34 behind home_Dead/dying bush



#35 MDT, Across from_Dying Maple tree



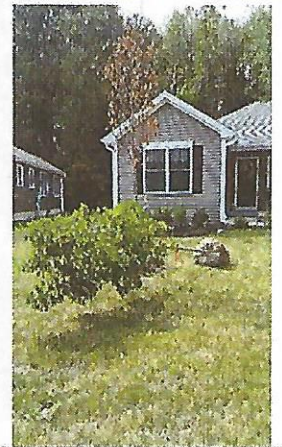
#35 MDT Bush root ball exposed



#35/37 MDT, Across from_Missing bush



#37 MDT Dead Maple tree

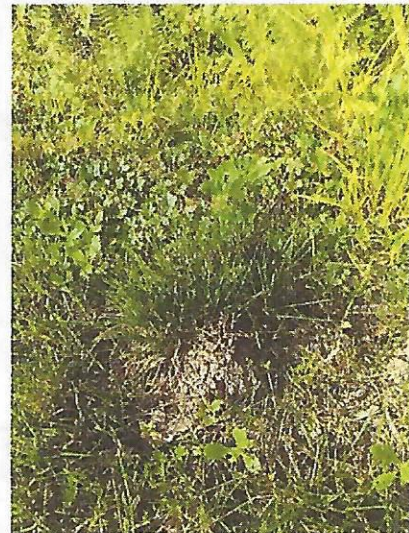


#37 MDT Tree delivered 7/9/19 – Not planted as of 5:15pm today



#41 MDT Dead Maple tree

Walking Trail between Mallard Court & Blue Heron Way does not exist.



#41/Dirt Pile, Across from_Missing shrub



#41/Dirt Pile, Across from_Bush root ball exposed



#49 MDT, Across from_Missing tree