

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

Regular Meeting – August 7, 2019

MEETING MINUTES

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

CALL TO ORDER: Chairman Baker called the Regular Meeting to order at 7:01 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

ESTABLISHMENT OF QUORUM:

Present: Regular Members Alan Baker (Chairman), Richard Osborn, Richard P. Pippin, Jr., Rebecca Talamini, and Michael Sawka.

Unable to Attend: All Members were present this evening.

Guests: Jay Ussery, of J. R. Russo & Associates, LLC, and John Burnham, representing the East Windsor Historical Society; Jim Giorgio, Newberry Village developer; Jim Redinger, Vice President of the Newberry Homeowners Association; Terri Clifton, Chairman of the Beautification Committee within the Newberry Village Homeowners Association; Rick Beebe, BT Properties/Beebe Landscape Services, Inc., and Kathy Pippin.

Chairman Baker noted the establishment of a quorum with 4 Regular and 1 Alternate Members as noted above. All Members will sit in on votes this evening. .

Also in attendance was Wetlands Agent Ruben Flores-Marzan.

PLEDGE OF ALLEGIANCE:

Everyone stood to recite the Pledge of Allegiance.

AGENDA ADDITIONS: None.

APPROVAL OF MINUTES /1) July 10, 2019 – Regular Meeting:

MOTION: To APPROVE the Minutes of Regular Meeting of the Inland Wetlands and Watercourse Agency dated July 10, 2019 with the following amendments:
Page 4, NEW BUSINESS/1) Newberry Village/Jim Giorgio – Request for full release of \$40,000 Wetlands Bond, paragraph 7, “Mrs. Terri Clifton, of 7 Hickory Trail, stepped forward. Mrs. Clifton indicated she was representing the Homeowners Association as Chair

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – August 7, 2019
MEETING MINUTES**

2

CHAIRMAN OF THE BEAUTIFICATION COMMITTEE...

Pippin moved/Osborn seconded/DISCUSSION: None.

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

NEW APPLICATIONS TO BE RECEIVED: None.

PUBLIC HEARINGS: None.

CONTINUED PUBLIC HEARINGS: None.

NEW BUSINESS/ 1) 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:

Chairman Baker read the description of this item of business. Joining the Commission to discuss this application were Jay Ussery, of J. R. Russo & Associates, LLC, and John Burnham, representing the East Windsor Historical Society.

Mr. Ussery noted this application is to allow the installation of a walking trail at the Historical Society property; the trail would allow access to the agricultural fields and the Scantic River. Referencing a Site Plan Mr. Ussery gave a description of the route of the walking path, which is accessed via 9 Cemetery Road and continues in a loop through agricultural fields and along the Scantic River. The walking path will follow an existing farm road; the Historical Society will be adding stone dust to the farm road and will be installing 2 to 4 culverts to improve wetlands crossings. The walking path will be a little over a mile in length.

Mr. Ussery noted that at the previous meeting the applicant received comments from Town Engineer Norton requesting calculations associated with the size of the pipes proposed for the wetlands crossings. J. R. Russo & Associates has provided Town Engineer Norton with that information; Town Engineer Norton has provided a memo dated 7/31/2019 indicating his comments have been addressed and he has no exceptions to the project as proposed.

Mr. Ussery noted the North Central Health District Department has provided the Commission with an e-mail indicating they have no jurisdiction regarding the walking path. He noted there are sanitary facilities at the Osborn House located at 113 Scantic Road.

Commissioner Osborn questioned who owns the land within the Conservation Easement granted to the Federal Government? Mr. Ussery indicated David Tyler, the previous

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – August 7, 2019
MEETING MINUTES

owner of this parcel, granted the easement to the Natural Resource Conservation Service (NRCS). He noted they have met with representatives of the NRCS, who are reviewing the proposal for the walking path. Commissioner Osborn referenced a summary document provided to the Commission by staff obtained from the National Conservation Easement database which references the subject easement; he noted the document indicates public access to the area is closed. Mr. Ussery indicated the applicant was working with the U. S. Natural Resource Conservation Service; public access for hiking, fishing, and passive recreation is allowed. He suggested the public access is similar to the activities allowed at the Scantic River Park. Mr. Burnham concurred; public access is allowed under the NRCS Conservation Easement. Commissioner Osborn questioned if hunting would be allowed? Mr. Burnham replied affirmatively. Chairman Baker requested a copy of the NRCS easement be provided for file documentation.

Chairman Baker questioned if the NRCS approval is dependent on the Wetlands Commission approval? Mr. Ussery replied negatively; he'll provide a copy of the NRCS approval for the file as well. Commissioner Pippin suggested adding the NRCS approval as a condition of the Wetlands approval; Chairman Baker concurred.

Mr. Ussery noted that some of the Commissioners have walked the trail with Mr. Burnham. Commissioners Osborn and Pippin acknowledged they had visited the site. Commissioner Pippin indicated it's obvious the farm road is there but it does need fixing up; you couldn't access the trail with a car. Commissioner Pippin noted the Town promotes farming; he questioned why the trail was proposed in the middle of the farm field? Mr. Burnham cited he understood Commissioner Pippin's comment but they were following the existing farm road, which will be a 12 foot right-of-way through the NRCS easement.

Hearing no further comments from the Commissioners Chairman Baker called for a motion.

MOTION TO APPROVE: # IW-02-2019 (Applicant: East Windsor Historical Society/John Burnham): Request to create a 1.5-mile walking trail on property located at 113 Scantic Road (Map 064 Lot 32 Block 028A) and 9 Cemetery Road (Map 055 Lot 32 Block 022).

This approval is granted subject to conformance with the referenced plans, "Trail and River Access Plan, Owner/Applicant: East Windsor Historical Society, 113 Scantic Road and 9 Cemetery Road, East Windsor, CT, Latest Revision Dated 03/01/2019" Prepared by J.R. Russo and Associates, LLC

And as may be amended by this approval

Standard Conditions

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – August 7, 2019
MEETING MINUTES

1. This Permit is valid for a period of Five (5) years from the date of issuance OR will be valid until the companion planning/zoning permit approval expires but shall not exceed 10 years. Any regulated activity approved by the Agency shall be completed within one year from the time such activity is commenced, provided the Agency may establish a seasonal restriction within which any regulated activity shall be conducted and may require that an activity, once commenced, be completed within a time period of less than one year and further provided the Agency may extend: (1) the time period of the original permit provided such period shall not extend beyond ten years from the date such permit was granted, or (2) the time period within which an activity, once commenced, is required to be completed under this section.
2. The Commission or its designated agent must be notified in writing no later than 48 hours prior to the commencement of permitted activities, and upon completion of said activities.
3. The burden to extend the approved timeframe for the regulated activity (and the time period for the original permit) is on the Permittee; the Town of East Windsor is not required to give notice of the permit's expiration.
4. This permit shall not be assigned or transferred without the approval of the Agency OR Agent.
5. This document shall be included in all construction contracts and sub-contracts dealing with the work proposed and shall supersede all other contract requirements.
6. During the construction phase, the applicant shall be responsible for maintaining a copy of this permit at the site.
7. The Permittee shall permit the Chairman and Agent of the IWWA, or its authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this Permit is in accordance with the terms and conditions prescribed herein.
8. Prior to the start of construction, adequate erosion and sedimentation control measures shall be implemented, and shall be maintained throughout the entire construction phase in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control until the site has become stabilized with permanent 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.

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – August 7, 2019
MEETING MINUTES

5

9. These permit conditions apply only to the work approved by this permit. Any other work to be done within the area of regulatory interest shall require the filing of a new or modified Inland Wetlands Application for consideration by the Commission.
10. If any alteration of the wetland/resource area does occur, the Commission shall impose such measures as it finds necessary to protect and restore those areas.
11. All temporary barriers, including erosion and sedimentation controls are to be removed (in suitable weather conditions) upon completion of the project.
12. A copy of the As-Built plan shall be submitted to this Commission upon completion of the project. The as-built will be reviewed by the wetland agent and verified in the field.
13. The Commission reserves the right to impose additional conditions on any or all portions of this project that could impact an area of regulatory interest under the Inland Wetlands and Watercourses Regulations

Additional Conditions:

14. The permit holder will submit a start work notice and contractor's compliance statement to the Wetland Agent prior to starting any work authorized by this permit.
15. Applicant must receive approval from the United States Natural Resource Conservation Service regarding Conservation Easement.

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

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

OLD BUSINESS/1) Newberry Village Homeowners Association Community Update:

Chairman Baker read the description of this item of business. **Mr. Jim Redinger, Vice Chairman of the Newberry Village Homeowners Association**, joined the Commission. Mr. Redinger had spoken at the Commission's July 10th, 2019 Meeting, at which he submitted a written statement and photos of existing conditions at Newberry Village. Mr. Redinger requested to speak tonight; he read from his statement dated 8/7/2019 (**See Attachment A**). The statement summarizes the conditions mentioned at the July 10th 2019 Meeting, and offers commentary of additional work performed by the developer, Jim Giorgio as he continues work on new units within the development.

Mr. Redinger also submitted two photographs taken a couple of hours prior to this meeting regarding conditions at 2 Sparrow Drive.

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – August 7, 2019
MEETING MINUTES

6

Chairman Baker queried if anyone else was prepared to comment?

Mrs. Terri Clifton, 7 Hickory Trail, Chairman of the Newberry Village Homeowners Association Beautification Committee, stepped forward. Mrs. Clifton recalled her submission at the July 10th 2019 Wetlands meeting that she had also submitted documentation of existing conditions along Goldfinch Court. Mrs. Clifton noted the NVHA has requested a planting plan for the community; at present the Planning Office has been unable to provide a copy of the planting plan, or a revised planting plan which they understood to have been agreed to during an earlier inspection of Mr. Giorgio's work.

Mrs. Clifton submitted this evening a document entitled "Current Listings for Newberry Village" (*See Attachment B*) which describes units available for purchase at various locations within Newberry Village. Mrs. Clifton has highlighted the phrase "We are surrounded by 110 acres of conservation land and walking trails." Mrs. Clifton questioned the location of the conservation land, and noted the walking trails identified in the current permit haven't been completed. Mrs. Clifton also noted the (original) requirement for sidewalks within the development was subsequently removed.

Chairman Baker queried the Commissioners for questions.

Commissioner Pippin suggested the trails won't look like conventional walking trails; they will be nature trails between the streets. Wetlands Agent Flores-Marzan indicated his employment by East Windsor is relatively recent; he is trying to familiarize himself with this extensive project.

Chairman Baker offered Mr. Giorgio the opportunity to give the Commission his perspective on the residents' comments. See agenda item below.

OLD BUSINESS/2) Newberry Village/Jim Giorgio – Request for full release of \$40,000 Wetlands Bond:

Mr. Giorgio suggested the residents were talking about two different issues; some of their concerns would be addressed by the Wetlands (Erosion Control) Bond, while others would fall under the Performance Bond.

Mr. Giorgio recalled that Newberry Village was developed in multiple phases. Mr. Giorgio referenced a well-worn copy of plans for Newberry Village. When construction of the development was initiated bonding was not required; bonds were required as construction of the final phases began. Lengthy discussions occurred as the development evolved. Sidewalks originally shown on the Site Plan were subsequently removed (through the Planning and Zoning Commission). The wetlands which existed at the roads and were taken away to create the development's entrances was to be replicated elsewhere within the development. Mr. Giorgio suggested he had submitted a \$180,000

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – August 7, 2019
MEETING MINUTES

7

Cash Bond on an estimated \$1.8 million in work, such as roadwork, installation of the sewer line, erosion control along the limits of the clearings.

Mr. Giorgio produced a copy of a memo dated March, 28, 2017 which summarizes bonds held and approved amounts released at that time (See Attachment C).

Mr. Giorgio noted Mrs. Clifton has indicated there is no planting plan or program for the development. Mr. Giorgio reported he walked the sited with Chairman Baker and then Assistant Town Planner/Wetlands Agent Matt Tyksinski and they decided where Mr. Giorgio would put wetlands plantings. They determined that wetlands plantings should be installed at the front entrance, and around the detention basin, and around the final Phase, and even into Phase II. Mr. Giorgio indicated he felt the work associated with the Wetlands Bond has been 100% completed; the balance of the Wetlands Bond should be released.

Mr. Giorgio suggested the remainder of the issues cited by Mr. Redinger and Mrs. Clifton, such as the issues with the trees and the walking paths, signage, the guardrail along the inside of the road which has been eliminated, are covered under the Performance Bond.

Mr. Giorgio continued to address comments regarding the unplanted trees which have lost soil from around the root balls, trees which were assumed to have been cut down which were actually run over by the mowing crew, and other conditions within the ongoing construction of the remaining units.

Commissioner Osborn felt the erosion controls should fall within the Erosion Control Bond. Mr. Giorgio referenced then Town Planner Whitten's memo dated March 28, 2017 recommending release of a portion of the Erosion Control Bond at that time. Mr. Giorgio felt the Erosion Controls for Phase II is what's on the table tonight; he felt that work has been completed.

Mr. Giorgio reported he spoke with the Town Treasurer today. She is currently retaining \$59,000 on the Performance Bond, which Mr. Giorgio felt pertains to the final paving of Phase II, signage, and the guardrail along the road which has been eliminated.

Mr. Giorgio explained to the Commission and the residents that there are assumptions being made which may not be correct. Mr. Giorgio addressed the following comments made by Mr. Redinger or Mrs. Clifton. With regard to trees not being planted Mr. Giorgio suggested that not every unit will get a tree. With regard to the Conservation medallions on the trees, that location isn't necessarily where the conservation easement starts but is rather the first tree within the conservation easement where the medallion could be affixed. The landscaping conditions around the Goldfinch and Sparrow units is work being completed. Mr. Giorgio suggested the conservation medallions are affixed to

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – August 7, 2019
MEETING MINUTES

8

the trees to alert people to the conservation area, it can be used for passive recreation but it doesn't mean that he can't put dirt in the area to limit the slope but still allow sheeting to occur.

Mr. Giorgio suggested the Homeowners Association has no jurisdiction over the units still under construction. He suggested he, as the owner of the unsold units, has jurisdiction over that area. Mr. Giorgio suggested the Homeowners Association is requesting the retainage of bonding for an area already completed; he felt to move the bonding from one purpose to another is illegal.

Commissioner Osborn noted that the walking trails fall under the Wetlands Permit. Mr. Giorgio felt the trails were to be created at the discretion of the developer; the trail will be created by going in and pruning branches. Mr. Giorgio suggested he had planned to work on the trail in the Fall. Mr. Giorgio felt the hiking trail doesn't go through the wetlands, although it's referenced on the Wetlands Permit; Mr. Giorgio felt the work on the trail wouldn't fall under the Wetlands Bond.

With regard to 1 Sparrow Drive, Mr. Giorgio reported he will close on that unit in 45 days; that's where his focus is at present. Mr. Giorgio clarified that 1 Sparrow Drive isn't a declared unit yet; he presently has control over that unit.

Mr. Giorgio reported he sent an e-mail to Mr. Redinger on June 6th, 2019 (See Attachment D) which summarized Mr. Giorgio's meeting with Chairman Baker and then Assistant Town Planner/Zoning Enforcement Officer/Wetlands Agent Tyksinski. As stated in his e-mail Mr. Giorgio suggested all requirements associated with the Final Phase and Phase III have been completed. Mowing around the detention basin needs to be done on a continuing basis; Chairman Baker concurred. Mr. Giorgio read his e-mail for the Commission, and Mr. Redinger's response. Mr. Giorgio reported he has no responsibility for the common areas. Mr. Giorgio questioned why the Homeowners Association was able to comment on the release of his bond.

Commissioner Osborn questioned if there is a contract with a mowing company? Mr. Giorgio replied affirmatively, noting he has been paying for mowing for his units and around the detention basin, which is full of phragmites. Mr. Giorgio agreed there should be a swath of grass around the detention basin.

Chairman Baker returned to the issue of the bond release. He questioned if the Planning Department had a copy of the plans which Mr. Giorgio had been reviewing during his discussion? Mr. Giorgio suggested the project was originally approved in 2007; the revised plan he had referenced regarding plantings was dated 2014. Chairman Baker noted they had come to an agreement that a map reflecting all the changes to wetlands plantings agreed to would be submitted to the Commission; Chairman Baker suggested the submission of a "red-line" map showing the revisions was a condition of the permit

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – August 7, 2019
MEETING MINUTES

approval. Mr. Giorgio agreed to have J. R. Russo & Associates submit a revised wetlands planting map to the Planning Office. Mr. Giorgio cited that often what works on plans doesn't work in the field; revisions occur. Chairman Baker suggested that the map revisions will go before the Planning and Zoning Commission for acceptance.

Chairman Baker questioned the 13 trees that have been referred to as "missing". Mr. Giorgio agreed that he needs to plant 13 trees; some will go in at the duplexes, which Mr. Giorgio felt shouldn't affect the wetlands. Mr. Giorgio suggested people need to be patient. Mr. Giorgio felt the trees fall under the Performance Bond; Mr. Giorgio indicated he understood that \$60,000 is still being held by the Town as the Performance Bond. Commissioner Pippin felt that work fall under the Wetlands Permit.

Mr. Redinger reported that during the transition from the developer to the Homeowners Association the State law says the plans should be turned over to the Homeowners Association within 90 days; Mr. Redinger noted it's been 9 months and the Homeowners Association has been told the Town doesn't have the plans. Mr. Redinger clarified it's the plan dated 14 years ago and all the changes that have been discussed this evening. Mr. Redinger reported the Homeowners Association has asked for the plans under a FOIA (Freedom of Information Request) request; he understands the Town is working on supplying that information.

Chairman Baker indicated that for the Commission to determine what was required and what's been done would require the services of a soil scientist; Mr. Redinger indicated the Homeowners Association isn't going to pay for those experts. Mr. Redinger agreed that the Homeowners Association has no control over the bonds, but he felt the residents can make recommendations to the boards and the Commissions can make those decisions. Mr. Redinger wanted the Commission to know the transition has never taken place, and the Homeowners Association would like to see those plans.

Chairman Baker clarified that the Wetlands Commission needs to see the changes, and the Planning staff needs to research the history of the bonds before acting on the Wetlands Bond under discussion. Even if work in an area not covered by the bonds occurs and if that work encroaches into the wetlands that activity would be a violation and the Planning Department will review that activity and deal with that separately. That same situation applies to areas owned by the Homeowners Association.

Regarding mowing around the detention basin and clearing the areas around the culverts, Chairman Baker indicated that's standard maintenance of the project. The reason for mowing around the detention basin is to see what happens inside the basin. Currently it's filled with invasive species. Continuing the mowing and working on the wetlands plantings was intended to allow things to happen around the basin, and when Chairman Baker visited the site recently the basin is beginning to come back. Chairman Baker suggested to Mr. Giorgio to remove the invasive species. Chairman Baker noted that by

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – August 7, 2019
MEETING MINUTES**

allowing this development to occur in this location it's his opinion that we've disturbed one of the premiere wetlands in Town; now the Town must try to mitigate the disturbance. Chairman Baker cited that the development looks a lot better than he perceived possible but that's occurred by putting significant heat on the former developer and Mr. Giorgio; it will be the responsibility of the Homeowners Association to continue mowing around the detention basin as part of the maintenance schedule for the development.

Chairman Baker clarified that any work in the wetlands is a violation, which should be reported to the Planning Office for investigation.

With regard to the Wetlands Bond, it's specific as to what it addresses. Chairman Baker suggested he felt the Wetlands Commission feels they have satisfied most of the requirements involved with the bond. Chairman Baker clarified that the Wetlands Commission needs the marked up plans, the Commission will need to do another site visit, the Planning Office needs to do the research on the bond history, and the Homeowners Association needs to have a copy of the plans. Chairman Baker suggested the Commission couldn't release the bond tonight.

Mr. Redinger indicated he appreciated the fact that they've been told if you build on wetlands it can be problematic. He suggested the Homeowners Association is proud of the vernal pools and the conservation easements; they appreciate the guidance they've received so far. Mr. Redinger suggested they may need further guidance as to what they need to mow; he'd like to walk the property with someone from the Town. Chairman Baker suggested he and Wetlands Agent Flores-Marzan will visit the site with Mr. Redinger. Chairman Baker suggested the Commission's role isn't to be on one side of the issue or the other, but is rather to try to be a third party arbitrator. Chairman Baker suggested the Maintenance Schedule should be part of the plan set. Chairman Baker indicated the Commission will be meeting with Mr. Giorgio again as well to verify what they've heard tonight is correct. Chairman Baker also clarified that the Wetlands bond is for specific purposes; it can't be used as a pressure point for something else.

Mr. Giorgio wanted to note for the record that when he turns an area over to the Homeowners Association and in 10 years there's a problem, that's no longer his responsibility.

Chairman Baker noted a requirement of the Wetlands Permit is for the developer to submit to the Commission an annual report of the conditions at the development and the effect on the wetlands area. Chairman Baker felt review of the reports might offer some assistance.

Brief discussion followed regarding the pending items.

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – August 7, 2019
MEETING MINUTES**

11

MOTION: To POSTPONE approval of the release of the \$40,000 Wetlands Bond for Newberry Village to Jim Giorgio pending investigation of the details of the wetlands bonds, submission of redlined plans reflecting revisions to wetlands plantings, and inspection of the site by members of the Wetlands Commission and Wetlands Agent Flores-Marzan.

Talamini moved/Osborn seconded/DISCUSSION: None

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

MISCELLANEOUS: None.

AGENT DECISIONS: None.

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

Chairman Baker read the description of this item of business. Mr. Rich Beebe, of BT Properties/Beebe Landscaping, joined the Commission.

Chairman Baker reported that it's been observed that a salt shed has been added to the property after the original wetlands approval, and there were concerns that it might be encroaching on the wetlands or the Conservation Easement. Mr. Beebe indicated that his partner, Ralph, attended the Commission's February Meeting but discussion was brief.

Commissioner Osborn noted that in the July 12, 2005 Minutes Commissioner Kehoe questioned about salt storage and the Commission was told that you wouldn't be storing salt on the property. He also noted that there's a stockpile of some type of materials in the rear of the property, which is the location of the wetlands. Mr. Beebe indicated the material stored in the rear is branches and brush. Someone comes in and takes those materials and Beebe Landscaping then gets topsoil from that contractor. Commissioner Osborn questioned if the storage is occurring in the wetlands? Mr. Beebe suggested the area is a dry area to the rear.

Chairman Baker suggested perhaps Commissioner Osborn and Mr. Beebe could walk the site and review the wetlands area in relation to the storage, and review the location of the salt shed. Mr. Beebe concurred; he requested the site walk be scheduled for the last week in August or first week in September. Planning Staff will work with Mr. Beebe and Commissioner Osborn regarding timing of the site walk.

VIOLATIONS: None.

CONFERENCES/SEMINARS/TRAINING:

Chairman Baker requested Staff call DEEP or UCONN for information on the latest

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting – August 7, 2019
MEETING MINUTES**

training materials for the Wetlands Commissioners.

CORRESPONDENCE: None.

GENERAL BOARD DISCUSSION: None.

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

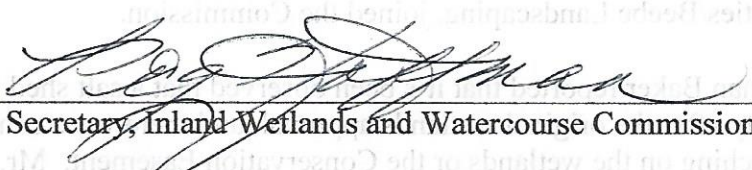
No one requested to speak.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:50 p.m.

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

Respectfully submitted:


Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission

ATTACHMENTS: A – Mr. Redinger's communication dated 8/7/2019
B - Mrs. Clifton's communication entitled "Current listings for Newberry Village."
C – Mr. Giorgio's communication with then Town Planner Laurie Whitten dated 3/28/2017
D - Mr. Giorgio's e-mail exchange with Mr. Redinger dated 6/6/2019 to 6/13/2019

*Submitted to Inland Wetland and Watercourse Agency 8/7/2019 Meeting
from Jim Redinger, NVHA
Attachment A*

August 7, 2019

Presented To: Town of East Windsor - Inland Wetland and Watercourse Agency Meeting

Presented By: James Redinger, Vice President, Newberry Village Association, Inc.

Mr. Chairman and members of the Inland Wetland and Watercourse Agency.

My name is James Redinger. I am the Vice President of the Newberry Village Association, Inc., a 55 and over community. I was privileged to come before you at your last meeting and I am pleased to stand before you again today.

I must assume that everyone has read through the Newberry Village Association related materials that Ms. Clifton and I presented at your last meeting and the materials that were forwarded to you by Ms. Hoffman in preparation for this meeting.

With that in mind, I will not waste your time by reading through them. Instead, I will offer the following prepared summary. As I did at your last meeting, I will provide a copy of this summary to the Secretary for her use in creating the minutes of this meeting.

The landscaping conditions and the extreme erosion that the builder allowed to exist for over six months beside and behind the home construction at 4 Goldfinch resulted in severe and irrevocable damage to the adjacent wetland area and to the designated Conservation Area. That has been extremely well documented numerous times over a period of many months in writing and with literally dozens of photographs. As fact it is beyond dispute.

A few days after your meeting last month, the builder, appears to have attempted to belatedly correct the situation at 4 Goldfinch. I refer you to this portion of your reference material that is dated August 1st. It clearly shows that the attempted correction of the situation behind 4 Goldfinch appears not to have stopped the erosion. It also clearly shows that the builder's efforts toward remediation appear to have directly and immediately resulted in additional serious issues.

It is obvious from the photographs that builder caused substantial fill dirt incursion well into the designated Conservation Area. There is a large tree shown in the photographs. That tree was and still is clearly marked as the boundary of the designated Conservation Area. That boundary was apparently completely ignored while the fill dirt was being brought in and spread by the builder.

The bottom of the trunk of that tree is now buried an estimated three feet under the surface of the fill dirt. Proper landscaping and erosion control would require immediate action to appropriately remove all of the dirt from around the trunk of the tree and to install a permanent "well" or other permanent barrier to provide air space around the tree trunk and to prevent the fill dirt from making contact with it. As you are all well aware, if proper action is not taken, the current situation will definitely kill the tree.

If that large tree is allowed to die, it will become a proximate and immediate danger to two dwellings and it will have to be taken down. As you are also all well aware, the cost to take down a tree that size and in that proximity to dwellings is always measured in the thousands of dollars.

Despite the radical addition and spreading of fill dirt and the serious incursion into the designated Conservation Area, the August 1st photos clearly show that the erosion is already occurring again. There are also other obvious and serious issues that are documented in your August 1st reference material.

I now call your attention to your reference material that is dated August 2nd. This documentation clearly shows that the same situation that caused the severe damage to the wetland area and designated Conservation Area behind 4 Goldfinch appeared to be happening again behind the builder's recent construction at 1 Sparrow Road. I say "appeared to be", because after he received copies of your handout materials and realized that the situation at 1 Sparrow Road was also being documented, after noon today the builder had equipment moving dirt around behind 1 Sparrow Road. Who knows what it will look like tomorrow or if there might be additional serious issues being created just as they were at 4 Goldfinch?

These two examples of apparently egregiously deficient landscaping and erosion control practices that are left completely unattended until the situation is well documented by a third party to the attention of your agency, strongly support the logical premise that there should be absolutely no release of any amount of Mr. Giorgio's bond at this time.

As the Newberry Village Association has previously noted, Mr. Giorgio, as the builder of record in Newberry Village, has not even begun the final 20% of planned home construction that he has documented with the Town.

Given the indisputable history and current conditions that we have just summarized, the fact that 20% of planned home construction has not even been started yet raises the obvious specter of potential future serious environmental issues with respect to wetlands, designated Conservation areas, and Vernal Pools.

The Newberry Village Association recommends in the strongest terms possible that there should be absolutely no release of any bond at all until such time as all of the planned home construction is completed.

Furthermore, the Newberry Village Association recommends that after all home construction is completed, there should be absolutely no release of any bond at all until such time as a proper environmental assessment can be made to determine if there is a need for any repair of faulty landscaping, drainage, erosion control, and/or if there is any environmental remediation required for wetlands, designated Conservation Areas, or Vernal Pools.

I thank you for your attention. I would be pleased to answer any questions that the members of this agency might have.

Respectfully Submitted: James Redinger, VP, Newberry Village Association, Inc.

Submitted to WWW.AVH.com 8/17/2019 11:11 AM
from Terri Clifton - Newberry Village Beautiful
CURRENT LISTINGS FOR NEWBERRY VILLAGE:

Meeting Committee
Attachment B

7 Mourning Dove Trail, #7, East Windsor, CT, Connecticut 06088. Welcome to Newberry Village in East Windsor. This is the "Melrose" design. This design is the smaller side of our duplex. We have other lots available and you can help design your home from start to finish. If this lot isn't what you're looking for we have 2-4 Mourning Dove, 21-23 Mourning Dove, or 45-47 Mourning Dove. Some of our area highlights: **We are surrounded by 110 acres of conservation land & walking trails.** We are close to major highways & minutes to Bradley airport. If major shopping is what you need, we have that close by too! We are conveniently located between Hartford/Springfield! Our floor plan design works for today's lifestyle, attached 1-car garage, Granite, Kitchen island, 2 bedrooms, 2 full baths, 1st floor laundry room, walk-in pantry, full basement, paved driveways, patio, covered front porch & deck. Appliance allowance offered on this home. Builder offers a variety of upgrades at additional cost to include hardwood floors throughout, Gas fireplace insert, granite in bathrooms, Smart homes package, and Egress from basement. We are pet friendly & have LOW HOA fees! This active community can have 20% sold under 55+, so there may be opportunity to purchase if you're not 55+ yet... Call for details!

9 Mourning Dove Trail, #9, East Windsor, CT, Connecticut 06088. Welcome to Newberry Village in East Windsor. This active adult community is on its final phase. The "Windsorville" design is our larger Duplex Design. If this lot is not what you like, we have lot 2-4 Mourning Dove, 21-23 Mourning Dove, and 45-47 Mourning Dove, that accommodate this design. (Call for details). Some of our area highlights: **We are surrounded by 110 acres of conservation land & walking trails.** We are close to major highways & minutes to Bradley airport. If major shopping is what you need, we have that close by too! We are located between Hartford/Springfield! The "Windsorville" offers a dynamic floor plan, attached 2-car garage, Granite, Kitchen island, 2 bedrooms, 2 full baths, open floor plan, den/office, 1st floor laundry room, walk-in pantry, full basement, paved driveways, patio/deck, and covered front porch. Builder offers a variety of upgrades at additional cost to include hardwood floors throughout, Gas fireplace insert, granite in bathrooms, Smart homes package, and Egress from basement. We are pet friendly & have LOW HOA fees! This active community can have 20% sold under 55+, so there may be opportunity to purchase if you're not 55+ yet... Call for details!

4 Goldfinch Court, #4, East Windsor, CT, Connecticut 06088. 2019 is your year to explore the community at Newberry Village in East Windsor where you can still add your personal touch by choosing this unit that could be ready in 60 days from contract!! This active adult community is on its final phase. The "Newberry" design has a 1 car garage on a stand alone lot. If that lot is not what you like, we have several other designs available on different lots (Call for details). Some of our area highlights: **We are surrounded by 110 acres of conservation land & walking trails.** We are close to major highways & minutes to Bradley airport. If major shopping is what you need, we have that close by too! We are conveniently located between Hartford/Springfield! The "Newberry" offers a dynamic floor plan, attached 1-car garage, Granite, Kitchen island or peninsula, 2 bedrooms, 2 full baths, open floor plan, main floor laundry room, full basement, paved driveways, patio/deck covered front porch. Builder offers a variety of upgrades at additional cost to include hardwood floors throughout, gas fireplace insert, granite in bathrooms. Allowance for appliances. We are pet friendly & have LOW HOA fees! This active community can have 20% sold under 55+, so there may be opportunity to purchase if you're not 55+ yet... Call for details!

"This development is age restricted with no children and provides a walking path between the units located on Winkler Road and the Newberry Road side of the development." *

- * Town of East Windsor Inland Wetland and Watercourse Agency Permit for Regulated Activity;
Date of Issuance: August 3, 2011 Extension granted through November 3, 2018 (peg);
Additional Conditions item #24.

"Hiking trail between Mallard Court and Blue Heron Way will be constructed with selective trimming and pruning only." **

- ** Town of East Windsor Inland Wetland and Watercourse Agency Permit for Regulated Activity;
Date of Issuance: August 3, 2011 Extension granted through November 3, 2018 (peg);
Additional Conditions item #27.



EAST WINDSOR
PLANNING DEPARTMENT
P.O. BOX 389
CT. 06016

*Submitted to WWA Staff @ 8/7/2019 / WWA Meeting
from Jim Sirgie
Attachment C*

TOWN PLANNER LAURIE WHITTEN, CZEO, AICP

ZONING ENFORCEMENT OFFICER, VIRGINIA HIGLEY, CZEO

MEMORANDUM

TO: East Windsor Planning and Zoning Commission
FROM: Laurie Whitten, CZEO, AICP
DATE: March 28, 2017
SUBJECT: Active Adult Community located off Newberry Road and Winkler Roads. Request for Performance, E&S and Paving Bond Release for Newberry Village, located off Newberry Road. MBL 104-17-019 ARHZ Zone

Request has been made to release \$65,387.00 from existing bonds. This follows recommendation of Town Engineer Norton.

TOTAL	\$170,131.00	REMAINS as of 3/28/17
9/28/2015	\$30,000.00	Wetlands Bond – Final Phase – [RETAIN 3/28/17]
9/11/2015	\$113,890.00	Performance Bond – Final Phase [RETAIN \$74,744, RELEASE \$39,146.00 3/28/17]
7/20/2015	\$11,241.00	Paving Bond – Phase 3 (Mallard Ct.) [RELEASE 3/28/17]
7/20/2015	\$15,000.00	Erosion Control Bond – Phase 2 [RELEASE 3/28/17]

\$170,131.00 Total Bonds existing today

3/28/17	\$30,000 Wetlands Bond to be retained	RETAIN
	\$74,744 of \$113,890.00 Performance Bond	RETAIN

-	\$39,146.00 of \$113,890 Performance bond	RELEASE
-	\$11,241.00 Paving Bond – Phase 3	RELEASE
-	\$15,000.00 Erosion Control Bond -	RELEASE

\$104,744.00 RETAINED

\$ 65387.00 released

Motion to Approve the release of the following bonds for Newberry Village:

\$11,241.00 paving bond for Phase 3

*Submitted to WMA Staff @ 8/7/2019 WMA Meeting -
Email - Jim Giorgio
Black ment D*

From: Jim G jimkg123@yahoo.com
Subject: Re: Your email of June 6
Date: Jun 13, 2019 at 7:51:00 AM
To: james redinger james.redinger@yahoo.com
Cc: Ann Dion apdion52@gmail.com, Linda Welch
welchl111@aol.com, Lucille Comes lfcomes@gmail.com,
Barry Slater bmslater@gmail.com, jdoyon@doyonlaw.com,
Peter Giorgio Jr. pagiorj@attglobal.net

My email was information only and did not warrant your tone or attitude.

The commissioner, who sets requirements and dictates actions, was only advising me of his concerns which i thought you would like to know.

Sent from my iPhone

On Jun 7, 2019, at 4:38 PM, james redinger
<james.redinger@yahoo.com> wrote:

Sir,

I spent considerable time today at the Town of East Windsor (Town) offices inquiring into the validity of the assertions and demands made in your email to us Dated June 6, 2019 at 1:36 pm.

First of all, anything that you are supposed to do to meet any obligations you may have with the Town are between you and the Town.

Secondly, the Town Planning and Development office informed me today that they have no current instructions, recommendations or guidance for the Newberry Village Association, Inc. (NVA) with regard to landscaping, mowing, maintenance, or any other matter.

Thirdly, if the Town Planning and Development office decides at some future date to provide instructions, recommendations, or guidance to NVA regarding landscaping, mowing, maintenance, or any other matter at all, the Town will deal directly with the NVA Board in all interactions.

Fourthly, if at any future time, the Town develops any such instructions, recommendations, or guidance to NVA regarding landscaping, mowing, maintenance, or any other matter at all, the Town will not only discuss them with the NVA Board, but will also present them in writing to the Board in a timely manner so that the Board can provide due consideration as they determine plans and adjust budgets.

If, in the future, the NVA Board should receive in writing from the Town any instructions, recommendations, or guidance, we will be pleased to immediately give them due consideration.

With all of the above in mind, therefore please be respectfully advised the NVA Board declines at this time to accept any of the assertions or demands that you made in your subject email.

James D. Redinger

Vice President, Newberry Village Association, Inc.

On Behalf of the Board

From: Jim G jimkg123@yahoo.com

Subject: Wetlands walk-thru

Date: Jun 6, 2019 at 1:36:18 PM

To: apdion52@gmail.com, james.redinger@yahoo.com,
welchl111@aol.com, bmslater@gmail.com,
lfcomes@gmail.com

Cc: Peter Giorgio Jr. paglorg@attglobal.net

Yesterday, June 5, 2019 I met with Alan Baker from the wetlands commission, along with both the Town planner and Wetlands enforcement agent. We conducted a walk-around of the final phase and phase 2&3 respectfully. Phase 1 was satisfied years ago. All requirements listed on our approved site plan have been completed and accepted for both the final phase and phase 3. Some additional plantings in phase 2 will be done by next Tuesday completing the entire wetlands requirements for this project.

In addition, the commissioner pointed out that continued mowing around the detention basin behind units 7/9 Mourning dove trail needs to continue on a bi-weekly schedule at a minimum, let alone around all detention basins throughout project.

Also all culverts need to be maintained so that sediment silt and plantings such as saplings are kept clear from the mouth of these culverts.

Also please advise your lawn mowing company to maintain the perimeter of wood line around the property to limit encroachment into the grass areas. There are Numerous areas that encroachment is occurring. Simple mowing will satisfy much of his concerns.

Also pls advise them of the maintenance requirements listed above about detention ponds and culverts. If you have any questions pls feel free to ask.

Jim

Sent from my iPhone