

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

Regular Meeting – September 4, 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 7:00 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., and Rebecca Talamini.

Unable to Attend: Alternate Member Michael Sawka.

Guests: Mrs. Terri Clifton, Chairman of the Beautification Committee within the Newberry Village Homeowners Association; Jim Giorgio, Newberry Village developer; Kathy Pippin.

Chairman Baker noted the establishment of a quorum with 4 Regular Members as noted above. All Members will sit in on discussion and 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 – August 7, 2019 Regular Meeting:

MOTION: To APPROVE the Minutes of Regular Meeting of the Inland Wetlands and Watercourse Agency dated August 7, 2019 as written.

Osborne moved/Pippin seconded/*DISCUSSION:* None

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

NEW APPLICATIONS TO BE RECEIVED: None.

PUBLIC HEARINGS: None.

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CONTINUED PUBLIC HEARINGS: None.

NEW BUSINESS: None.

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

Mrs. Terri Clifton, 7 Hickory Drive, appeared to represent the Newberry Village Homeowners Association. Mrs. Clifton read a prepared statement (See Attachment A).

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

Chairman Baker reported he and Wetlands Agent Flores-Marzan recently met with Dianne Whitney, land use attorney for the Town of East Windsor, to discuss the issue of the request for this bond release. He noted that previous Town Planner Laurie Whitten had prepared a memo dated March 28, 2018 which outlined the release of a portion of a bond while retaining \$30,000 as a Wetlands Bond for the final phase of the Newberry Village project. At the request of Chairman Baker Wetlands Agent Flores-Marzan provided the Commissioners with copies of the Wetlands submitted for Phases 1 and 2. Review of those bonds found they were specifically for Phases 1 and 2, and were not specific to anything other than wetlands controls and erosion controls.

Chairman Baker also noted that during review of this bond release request it was determined that the IWWA Permit #09-2011 for this work had expired in November, 2018 and had not been renewed. If it's determined that additional work will be required to address wetlands issues Mr. Giorgio will need to apply for a new IWWA Permit, which would require submission of a new application to be received by the Commission following the normal application process.

Mr. Giorgio had provided the Commission with a copy of the Landscape/Mitigation Plan – Special Permit for Newberry Village (Sheets 8, 9, and 10 of 17, plan dated 12/9/2014) Mr. Giorgio explained the markings on the plans as follows:
Phase 1, Mr. Giorgio contends landscape work is complete.
Phase 2, units outlined in yellow, are the units which remain to be completed.

Mr. Giorgio indicated the area outlined in blue is where the wetlands plantings were done, while the orange was the wetlands plantings deemed to be unnecessary during a walk-through of the property by Chairman Baker and previous Wetlands Agent Matt Tyksinski. The plantings were eliminated because the area near the units was tight and it was decided that the replication of the wetlands plantings would cause disturbance of the area.

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Mr. Giorgio reported he was not required to post a (Wetlands) Bond on the project until he began the final phase. When his permit renewal came up the Town required an erosion control/wetlands bond and a performance bond. As various stages were completed the bonds were released, as referenced in former Town Planner Whitten's memo of March 28, 2018.

Mr. Giorgio indicated that the only work remaining related to the Wetlands Bond was the creation of the front entrance, and work around the main retention pond. Quotes from various contractors ranged from \$36,000 to \$40,000; the \$40,000 was set as the Wetlands Bond. Mr. Giorgio felt the intention for the plantings at the entrance as proposed wasn't suitable; he met with Chairman Baker and former Wetlands Agent Tyksinki and they proposed trees more pertinent to a wetlands environment. Mr. Giorgio reported the work at the entrance was completed prior to November 1st – actually before October 1st when the Homeowners Association took over ownership of the completed units. Mr. Giorgio indicated he was led to believe, under the advice of Jay Ussery and Tim Coon of J. R. Russo & Associates, that the IWWA Permit didn't need to be renewed if the work had been completed prior to the November, 2018 Permit expiration. Mr. Giorgio reported the inspection of the work wasn't completed until the Spring of 2019. Mr. Giorgio contended that none of the work required on the remaining units will impact the wetlands; he contends the IWWA Permit doesn't need to be renewed/extended.

Chairman Baker indicated he and Wetlands Agent Flores-Marzan will inspect the units within the next week. He cited some of the remaining units are adjacent to slopes; Chairman Baker felt additional wetlands issues may need to be addressed which would require reapplication for an IWWA Permit. Discussion continued; Mr. Giorgio felt the permit renewal/extension was unnecessary while Chairman Baker contended at least a portion of the Wetlands Bond should be retained until the units are completed. Mrs. Clifton provided a photo of 1 Sparrow Drive, citing unfinished work (See Attachment B). Mr. Giorgio highlighted units in yellow which remain to be completed on the Landscape/Mitigation Plans submitted this evening; Chairman Baker clarified the units of concern related to the current Wetlands Bond are 1 Sparrow Drive and 4 Goldfinch Court.

Mrs. Clifton requested to note that condition #8 of the Wetlands Permit requires erosion controls. She also requested to clarify when the Homeowners Association became involved; Chairman Baker suggested that issue wasn't related to the Commission's review.

Chairman Baker questioned if the Commission wanted to take action on Mr. Giorgio's bond this evening.

MOTION: To RELEASE \$35,000 of the \$40,000 of Wetlands (Landscape) Bond #104869574 for landscape improvements at Newberry Village.

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Talamini moved/Pippin seconded/

DISCUSSION: Commissioner Pippin felt that if Wetlands Agent Flores-Marzan signs off on the 2 units identified on the Landscape Plan before the next meeting that should be grounds for release of the remainder of the bond. Chairman Baker clarified that the \$5,000 being retained is specifically related to wetlands issues at 4 Goldfinch Court and 1 Sparrow Drive.

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

MISCELLANEOUS:

No discussion this evening.

AGENT DECISIONS: None.

**STATUS REPORTS/1) Beebe Landscaping/BT Properties – 102 Winkler Road –
Update of site inspection:**

Commissioner Osborn reported he met with Rick Beebe, of Beebe Landscaping, and his partner at the property. The pile of brush to the rear of the property is material from their landscaping business which they grind up and take to job sites. The salt shed has been constructed close to the permanent building and is not impacting the wetlands area. Commissioner Osborn reported they have a nice, neat site, and were very cooperative during the site visit.

Commissioner Pippin suggested a letter should be sent to Mr. Beebe indicating the site visit found nothing out of line. Wetlands Agent Flores-Marzan suggested sending Mr. Beebe a copy of the minutes reflecting this report.

VIOLATIONS: None.

**CONFERENCES/SIMINARS/TRAINING/1) Municipal Inland Wetlands Agency
Comprehensive Training Program:**

Chairman Baker noted recent research has found the online training program was suspended in 2017 for redesign; reactivation has been delayed until late September, 2019. Staff will continue to research when the program becomes available again so the Commissioners can update their training.

The Commission requested Staff to research the status of membership in CAIWAC.

CORRESPONDENCE: None.

GENERAL BOARD DISCUSSION: None.

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


Mrs. Terri Clifton, 7 Hickory Trail: Mrs. Clifton questioned how the Homeowners Association could acquire a copy of the plan set for Newberry Village. Wetlands Agent Flores-Marzan suggested Mrs. Clifton contact the Planning Office to request a copy of the 17 page plan set.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:45 p.m.

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

Respectfully submitted:



Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission

ATTACHMENTS:

- A. Statement by Newberry Village Association, Inc.
- B. Photos, 1 Sparrow Drive

NWA 9/4/2019 Attachment A

September 4, 2019

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

Presented By: Board of Directors, Newberry Village Association, Inc.

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

Mr. Redinger was called out of state and cannot be here this evening. I am here to present the comments of the Newberry Village Association, Inc., a 55 and over community.

As we do at every meeting, we will provide a copy of this statement to the Secretary for her use in creating the minutes of this meeting.

For months now you have had before you very detailed documentation of what we believe are the typical environmental procedures and practices of Mr. Giorgio as the builder of record.

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

As the Newberry Village Association, Inc. has previously noted, Mr. Giorgio, as the builder of record in Newberry Village, still has the final 20% of planned home construction that he has documented with the Town yet to be completed.

Given the documented history of environmental neglect displayed by the builder of record and the fact that 20% of planned home construction has not yet been done, we are faced with the obvious conclusion that there may very well be future serious environmental issues with respect to wetlands, designated Conservation areas, and Vernal Pools caused either directly or indirectly by actions and/or failures to act by the builder of record. Without the wetlands bond being held by the Town, what assurance do we have that more damage will not be done to these areas as building continues?

The Newberry Village Association states hereby and herein that if Mr. Giorgio's bond is released at this point and should there be any future concerns, damages, expenses, and/or fines for environmental impacts to wetlands, designated Conservation Areas, or Vernal Pools related in any way to actions or failures to act by the builder of record, such damages and expenses must be considered to be totally the responsibility and liability of the of the builder of record and the Town of East Windsor.

We thank you for your attention in this matter.

Respectfully Submitted on behalf of the Newberry Village Association, Inc.

James Redinger, Vice President

1 WWA 9/4/2019- Attachment B

Photos of backyard area, 1 Sparrow Drive, taken at 4:20 pm on 9/4/19:



1 SPARROW
DRIVE

