

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

Regular Meeting

Wednesday, July 6, 2022

7:00 p.m.

John Daly, Jr. Meeting Room

Town Hall, 11 Rye Street,

Broad Brook, Connecticut

(In-person)

AND

Meeting held via ZOOM Teleconference

Meeting ID: 714 897 1799

MEETING MINUTES

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

- I. CALL TO ORDER:** Chairman Talamini called the July 6, 2022 Regular Meeting of the East Windsor Inland Wetlands and Watercourse Agency to order at 7:00 p.m. in the John Daly, Jr. Meeting Room, Town Hall, 11 Rye Street, Broad Brook, CT. The Meeting is also available via remote access

Present: Regular Members Rebecca Talamini (Chairman), Richard Osborn (Secretary), Richard P. Pippin, Jr (Vice Chairman), and Alternate Member Michael Sawka.

Unable to Attend: Regular Members Alan Baker and Kurt Kebschull.

Guests (In person): Inland Wetlands Agent/Zoning Enforcement Officer Danielle Miller hosted the meeting. **Applicants:** Mrs. and Mr. Alford, Michelle Bidwell.

Remote Guests (as identified on meeting participation list): Margaret (Peg) Hoffman, Recording Secretary.

II. ESTABLISHMENT OF QUORUM:

Chairman Talamini noted the establishment of a quorum with 3 Regular Members and 1 Alternate Member in attendance in-person. Chairman Talamini

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noted Alternate Member Sawka would join the Commission regarding deliberations this evening . Regular Members Baker and Kebschull were unable to attend the meeting.

III. PLEDGE OF ALLEGIANCE:

Everyone stood to recite the Pledge of Allegiance.

IV. AGENDA ADDITIONS: None

V. APPROVAL OF MINUTES – June 1, 2022 – Regular Meeting:

Chairman Talamini noted the availability of the Minutes for the Commission's June 1, 2022 Regular Meeting. She called for revisions or corrections; no one requested any changes. Chairman Talamini then called for a motion for approval.

MOTION: To APPROVE the Minutes of the June 1, 2022 Regular Meeting of the Inland Wetlands and Watercourse Agency as presented.

Pippin moved/Osborn seconded/DISCUSSION: None.

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

VI. NEW APPLICATIONS TO BE RECEIVED:

1. 137 Scantic Road – IWWA #15-2022. Applicant: Travis W. Neidlinger. Construction and infrastructure related to 3 additional lots. Residential Subdivision within 150' Upland Review Area:

Wetlands Agent Miller reported this is a new application to be accepted tonight. The application is for a 3-lot subdivision on Scantic Road. Wetlands Agent Miller advised the Commission she'll send them copies of the plans for their review prior to the next meeting. Chairman Talamini

asked for a motion to accept this application.

MOTION: To RECEIVE Application IWWA #15-2022. Applicant: Travis W. Neidlinger. Construction and infrastructure related to 3 additional lots. Residential Subdivision

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within 150' Upland Review Area.

Sawka moved/Osborn seconded/DISCUSSION: None.

**VOTE: In Favor: Talamini/Oborn/Pippin/Sawka
(No one opposed/No abstentions)**

**2. 165 Rockville Road: IWWA #09-2022. Applicant: Karen Alford.
Removed cattails from existing ponds – Wetlands area:**

Wetlands Agent Miller noted discussion of this application will occur under **NEW BUSINESS**. This application, and the application for 37 Rice Road are “After-the-Fact” Applications, which may require additional action. She suggested the work the Alfords have done may be an “As-of-Right” activity. Commissioner Osborn questioned why it would be considered an “As-of-Right” activity as it didn’t appear to be a farming activity? Wetlands Agent Miller suggested that would be an issue for the Commission to decide during the subsequent discussion. Wetlands Agent Miller noted they’ve already done the work, and responded to a friendly letter regarding the activity. This agenda item is to receive the application.

Chairman Talamini called for a motion to receive the application.

**MOTION: To RECEIVE 165 Rockville Road, IWWA #09-2022,
Applicant: Karen Alford, for removal of cattails from
existing pond in a wetlands area.**

Pippin moved/Osborn seconded/DISCUSSION: None.

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

**3. 37 Rice Road: IWWA #14-2022. Applicant: Michelle Bidwell.
Construction of a 36' x 36' barn in a portion of the Upland review
Area:**

Chairman Talamini read the description of this new application, noting discussion of the application and activity will occur under **NEW BUSINESS**. She called for a motion to receive the application.

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MOTION: To RECEIVE IWWA #14-2022 at 37 Rice Road.

Osborn moved/Sawka seconded/DISCUSSION: None.

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

VII. PUBLIC HEARINGS: None.

VIII. CONTINUED PUBLIC HEARINGS: None.

IX. NEW BUSINESS:

1. **165 Rockville Road: IWWA #09-2022. Applicant: Karen Alford. Residential Pond Maintenance. POSSIBLE As-of-Right Application (remedial permitting):**

Chairman Talamini read the description of this application.

Wetlands Agent Miller noted the Alford's are present in person tonight to discuss the work they've done. She reported they have a residential pond on their property, from which they've removed some material along the perimeter. No dredging or excavation was involved, they were just removing cattails from the pond. Wetlands Agent Miller reported she received a complaint and when she contacted the Alford's they immediately responded and stopped the work they were doing. No violation letter was issued because they responded to Wetlands Agent Miller's contact, and came in to file an application.

Wetlands Agent Miller suggested her contention is if they had contacted her first she wouldn't have required an actual permit but the Commission would have considered this work to be As-of-Right determination. Wetlands Agent Miller asked the Alford's to join the Commission for discussion.

Mrs. Alford advised the Commission they didn't think removing the cattails was a big deal, they wanted to use the pond for ice skating and to do that they had to remove the cattails. Mr. Alford noted the pond was that way when they moved in. Commissioner Osborn questioned the definition of an As-of-Right activity? Wetlands Agent Miller suggested there is a residential section to the As-of-Right regulations for residential

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landscaping of your property, she referenced Section 4-1(c).

Wetlands Agent Miller referenced her Staff memo, which gave the Commission two options for handling this work.

Chairman Talamini noted that now that this work by the Alford's has occurred it establishes that there are wetlands on the property. She questioned if there's a way to flag the deed to note the existence of wetlands so the next owner will be aware? Wetland Agent Miller suggested she'll discuss the process with the Town Assessor.

Commissioner Pippin questioned if the Commission should consider any fines related to the work without a permit? The consensus of the Commission was a fine wasn't necessary as the work was done without knowledge of the need to contact the Planning Office to discuss the correct process.

Chairman Talamini asked if the Commission was ready to take action on this application? Commissioner Pippin made the following motion:

Motion to approve Inland Wetlands Application 09-2022 as an "As of Right Determination" for the clearing & maintenance of an existing residential pond located at 165 Rockville Road, Broad Brook, Assessor Map: 020 Block: 83; Lot: 006.

In addition, the applicant will follow any of the applicable standard conditions below, as part of this approval:

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:

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- (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

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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 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.

Pippin moved/Osborn seconded/DISCUSSION: None

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

2. **37 Rice Road: IWWA #14-2022. Applicant: Michelle Bidwell.
Construction of a barn in a portion of the Upland review Area.**

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POSSIBLE Agent Decision (remedial permitting):

Wetlands Agent Miller reported she received a complaint that a barn had been constructed at this property. Wetlands Agent Miller visited the property and found a 36 foot by 36 foot barn had been constructed. Wetlands Agent Miller indicated Michelle Bidwell is present at this meeting, she requested Ms. Bidwell join the Commission for discussion.

Ms. Bidwell advised the Commission she had received 3 texts from the contractor indicating he would bring the plans in to the Town. Commissioner Pippin asked if the contractor acquired a Building Permit for the barn? Ms. Bidwell replied negatively, noting the person the contractor dealt with thought the work was being done in the house.

Wetlands Agent Miller so Ms. Bidwell came in and filed the Zoning paperwork and had an As-Built survey done, Wetlands Agent Miller suggested about three quarters of the barn has been constructed in an uplands review area. If the application had been filed prior to the work being done we would have made an Agent Decision for a barn in an upland review area. The Health Department has been dealt with. Wetlands Agent Miller noted she did file a formal citation so Ms. Bidwell would have information for her records, The Commission concurred that should Ms. Bidwell have come in initially the work would have been allowed via an Agent Decision. The Commission also agreed no additional fines would be due on this application.

**Motion to approve Inland Wetlands Application 14-2022
for the maintenance of the construction of a 36'x36' barn
located at 37 Rice Road, East Windsor, Assessor Map:
116 Block: 21; Lot: 029, with a (remedial) permit fee
previously paid of \$135.**

In addition, the applicant will follow any of the applicable standard conditions below, as part of this approval:

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

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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.

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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 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

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starting any work authorized by this permit. Copies are attached.

Pippin moved/Osborn seconded/DISCUSSION: None

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

X. OLD BUSINESS: None.

XI. MISCELLANEOUS: None.

XII. AGENT REVIEW, REPORTS, AND DECISIONS:

Chairman Talamini opened discussion on the following Agent Decisions:

1. IWWA-10-2022. Agent Decision: 53 Perri Lane. Applicant: George Henry, Jr. – 12 x 12 Deck in URA:

Wetlands Agent Miller noted this application was for a deck, a portion of which is located in an upland review area. She has issued an Agent Decision on this application. Wetlands Agent Miller noted there is a Conservation Easement on this property but the work is not near the conservation area.

2. IWWA-11-2022, Agent Decision: East/Reservoir. Applicant: Carol Yeomans. Subdivision – future septic system in URA:

Wetlands Agent Miller reported this application is for a subdivision on East and Reservoir Road. When the subdivision occurs the intent is to construct the septic systems in the upland review area.

3. IWWA-13-2022: Agent Decision: 7 Hayfield Lane. Applicant: Louis Keen – 12 x 12 Shed in URA:

Wetlands Agent Miller indicated this application was for a shed to be constructed within the upland review area. She noted there is a Conservation Easement on this subdivision but the applicant is not near the conservation area.

4. Item misidentified on agenda.

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5. 3 Thompson Road. Preconstruction meeting, informal report:

Wetlands Agent Miller reported this property is located near the Dunkin Donuts property on the corner of Thompson Road. A couple of years ago the Commission approved a permit for regulated activities, which included a condition that the applicant come in for a pre-construction meeting with this Commission to show the work they intended to do. Wetlands Agent Miller indicated they intend to divert some of the stormwater, and clear some of the brambles out of the adjacent wetlands area.

Commissioner Osborn recalled the original application, noting it had been determined that some metals from the business operations had entered the wetlands area. Wetlands Agent Miller concurred, noting they have to remediate the pollution which occurred and may need to replace some of the vegetation in the wetlands area. She noted they reviewed their erosion control plan with Town Engineer Norton, and discussed replacement of various species of trees for the restoration plan. She also noted there were 3 cotton trees which were on the perimeter of the property but they've been found to be diseased so the owner will be replacing those trees with something else. Wetlands Agent Miller advised the Commission the owner has an engineer overseeing the invasive species removal and vegetation replacement work, and they will be sending reports to this Commission.

6. Violation Report- no new complaints:

XIII. VIOLATIONS: (Existing addressed above):

Chairman Talamini noted there are new violations.

XIV. CONFERENCES/SEMINARS/TRAINING: None.

XV. CORRESPONDENCE: None.

XVI. GENERAL BOARD DISCUSSION:

Commissioner Osborn questioned the status of the timber harvest on Winkler Road; he's noticed a "for sale" sign on the property. Wetlands Agent Miller noted there was an application for a permit for forestry activity in that area. Chairman Talamini requested Wetlands Agent Miller review permit records and advise the Commission of the time period approved for the application for the

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next meeting.

Commissioner Osborn also questioned the status of clearing which is occurring at Skylark Airport. Wetlands Agent Miller cited the difficulty gaining access to view the conditions, as the owner continues to delay meeting with the Planning Office staff. She noted they've not sent a Notice of Violation as they can't determine if a violation has occurred, and can't determine the area of wetlands.

Discussion continued regarding ownership of Skylark Airport and adjacent properties regarding accessibility to the property.

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

Chairman Talamini queried the in-person and remote audience for comments; no one requested to be acknowledged.

XVIII. EXECUTIVE SESSION – Pursuant to C.G.S. Section 1-200 (6)(b) – pending claims/litigation – Action possible:

None.

XIX. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:46 p.m.

Osborn moved/Sawka seconded/DISCUSSION: None

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

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission