

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

Regular Meeting

**Wednesday, August 2, 2023
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 Davis called the August 2, 2023 Regular Meeting of the East Windsor Inland Wetlands and Watercourse Agency to order at 7:02 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 Davis (Chairman), Richard P. Pippin, Jr (Vice Chairman); Alternate Members Kathleen Pippin, and Michael Sawka.

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

Guests (In person): Inland Wetlands Agent/Zoning Enforcement Officer Danielle Boudreau, hosted the meeting. **Application #09-2023: Newberry Road Enterprises, LLC:** Meghan Hope, Attorney for Penske Truck Leasing Co., LLC; Timothy Houle, P. E., Project Manager, BL Companies; Len Norton, **Town Engineer/Director of the Department of Public Works;** **Public:** Michael Ceppetelli, resident.

Remote Guests (as identified on meeting participation list): Ruth Calabrese, Director of Planning and Development; Sagan Simko, BL Companies; Patrick Dowland, representing IBEW LOCAL 42; Peg Hoffman, Recording Secretary.

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II. ESTABLISHMENT OF QUORUM:

Chairman Davis noted the establishment of a quorum with 2 Regular and 2 Alternate Members in attendance in-person. All Members will sit in on votes this evening.

III. PLEDGE OF ALLEGIANCE:

Everyone stood to recite the Pledge of Allegiance.

IV. AGENDA ADDITIONS: None

V. APPROVAL OF MINUTES – July 5, 2023 Regular Meeting:

Chairman Davis noted the Commission's Meeting Minutes for the Regular Meeting held on July 5, 2023 are available for approval. She queried the Commissioners for comments, or revisions, hearing no request for changes she requested a motion of approval.

MOTION: To APPROVE the Minutes of the July 5, 2023 Regular Meeting of the Inland Wetlands and Watercourse Agency as presented.

D. Pippin moved/K. Pippin seconded/DISCUSSION: None.

**VOTE In Favor: Davis/D Pippin/K Pippin/Sawka
(No one opposed/No abstentions)**

VI. NEW APPLICATIONS TO BE RECEIVED:

- 1. IWWA #09-2023: 74 Newberry Road/9 Craftsman (M:093/B:19/L:06, 09, and 010). Request for a permit for the construction of a new business in regulated Wetlands and upland review areas. Owner: Steve Dearborn/Applicant: Penske Truck Leasing Co. LP:**

Chairman Davis read the description of this Agenda item, which is the receipt of a new application. Although the applicant discussed this proposal in detail the application will officially be heard beginning at the Commission's September meeting.

Appearing to represent the applicant, Penske Truck Leasing Co., LP, was Attorney Meghan Hope, from the law firm of Alter & Pearson. Also participating

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in the discussion was Timothy Houle, P. E., Project Manager, BL Companies.

Attorney Hope described the property as a 19+/- acre parcel located between Newberry and Craftsman Roads. She noted the wetlands have been delineated as part of this project review, some activity will occur within the Upland Review Area.

Attorney Hope gave a description of the Penske operation in general. For this site they are proposing 2 new buildings, one containing 34,000+/- square feet will be an auto body repair facility, while the second will be a 16,000+/- square foot service building towards the rear of the property. Mr. Dearborn, the property owner, will retain approximately 13+/- acres. Attorney Hope indicated the property they're proposing to purchase has been used for agricultural purposes in the past.

Attorney Hope noted that Mr. Dearborn has had outstanding violations in the past with the Army Corp of Engineers, and the Department of Energy and Environmental Protection. Attorney Hope suggested the mitigation measures they are proposing will resolve those violations.

Mr. Houle joined the discussion to present a proposed Site Plan. He noted the existing conditions include a stream shown as the blue line, the 2 areas of wetlands are delineated by the magenta line, the yellow line identifies the Upland Review Area, and the white area indicates the area of the parcel which will not be subject to any disturbance. The auto body repair facility will be located close to Newberry Road, while the service building, which will include a fueling facility, will be located to the rear.

Mr. Houle reviewed the proposed parking locations for both buildings.

Mr. Houle indicated the site is currently serviced by public water, sewer, utilities, the buildings will include a fire suppression system.

Mr. Houle suggested they will be proposing 2 stormwater management systems which will include an infiltration system which will result in a reduction of the proposed onsite flow.

Attorney Hope and Mr. Houle concluded their presentation.

Chairman Davis requested a motion to receive this application.

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MOTION: To RECEIVE the application for 74 Newberry Road/9 Craftsman, finding the proposed activity to be significant. 74 Newberry Road/9 Craftsman Road, East Windsor, CT, 06088 – Owner Steve Dearborn/Applicant: Penske Truck Leasing Co., L. P. as shown on plan set prepared for Penske for 74 Newberry Road/9 Craftsman Road, East Windsor, CT. Map 093, Block 19, Lot 006, 009, and 010, prepared by BL Companies, 100 Constitution Plaza, 10th Floor; Hartford, CT 06103, dated July 25, 2023.

**D. Pippin moved/K. Pippin seconded/DISCUSSION: None
VOTE: In Favor: Davis/D. Pippin/K. Pippin/Sawka
(No one opposed/No abstentions)**

VII. PUBLIC HEARINGS: None

VIII. CONTINUED PUBLIC HEARINGS: None

IX. NEW BUSINESS:

- 1. IWWA #07-2023: 20 Craftsman Road (M:093/B:19/L:012-012). Request for a permit for the creation of a 100 ft. x 100 ft. dirtpad in a regulated Wetlands area. Owner: IBEW LOCAL 42/Applicant: Patrick Dowland:**

Wetlands Agent Boudreau briefly reviewed this proposal with the Commission, noting the applicant is requesting to install a dirt pad in an area which has previously been disturbed. She noted Town Engineer Norton has reviewed the plans and has no issues with the proposed activity.

Commissioner D. Pippin noted the IBEW has done a good job with their other work at this location, he expects this application will be handled in a similar manner.

Hearing no other comments from the Commission Chairman Davis called for a motion of approval.

MOTION: To APPROVE IWWA Application #07-2023. The construction of a 100 foot by 100 foot dirt/stone training

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pad within the regulated wetlands area. 20 Craftsman Road, East Windsor, CT. Owner: 42 Realty Corporation. Applicant: Patrick Dowland, as shown on the GIS map provided by applicant, Patrick Dowland, Map 093, Block 19, Lot 012-012.

**D. Pippin moved/K. Pippin seconded/DISCUSSION: None
VOTE: In Favor: Davis/D. Pippin/K. Pippin/Sawka
(No one opposed/No abstentions)**

X. OLD BUSINESS: None

XI. MISCELLANEOUS: None

XII. AGENT REVIEW, REPORTS, AND DECISIONS:

1. Agent Report – Subdivision of 216-222 S. Main Street:

Wetlands Agent Boudreau advised the Commission that no actual activity is occurring with regard to this location, the application is to subdivide the parcel to cut out a parcel related to the Dunkin Donut restaurant. Any wetlands which exist on the parcel would be the terrace escarpment slope and floodplain to the rear, no activity is proposed in that area.

2. FOIA Memo:

Wetlands Agent Boudreau reviewed new FOIA filing requirements with the Commission. Schedule of Motions and Meeting Minutes will be submitted by the Recording Secretary directly to the Town Clerk for posting.

3. 27 Reservoir Memo:

Wetlands Agent Boudreau reported she has been communicating directly with Mr. Ceppetelli regarding his questions and comments related to previous activity at 27 Reservoir Avenue/East Windsor Park. She offered the Commission her memo and e-mail exchanges with Mr. Ceppetelli related to her research.

Mr. Ceppetelli joined the Commission for discussion. Mr. Ceppetelli continues to object to activities related to parking lot and drainage

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activities and contends that the activities were done without the proper permits.

Significant discussion occurred, Mr. Ceppetelli shared photos he had taken on his I-pad of activities he contends were done without proper review. Mr. Ceppetelli cited the torrential rains which much of the state experienced this past weekend, he questioned the expense of employee overtime to address washouts.

Chairman Davis requested Mr. Ceppetelli send Wetlands Agent Boudreau copies of his photos as she'll continue her research.

Director of Public Works Norton joined the discussion, concurring that the State suffered significant rainfall over the weekend. He authorized Staff overtime to contend with drainage issues throughout Town as well as the Park. Director Norton suggested he wouldn't refer to the beach area as wetlands which are being filled. Director Norton noted he's been employed by the Town for 21 years, he suggested the driveway has been in its current location and condition since the Park was established, and the waterfront has been maintained in the same way. Mr. Ceppetelli suggested he wasn't so much concerned about erosion controls as he was with swales being filled in. Mr. Ceppetelli indicated he's also concerned that the original plan for the handicapped ramp didn't meet requirements, Mr. Ceppetelli questioned if a plan modification had been submitted? Director Norton didn't recall without reviewing his records.

Discussion continued for some time as Mr. Ceppetelli continued relating his concerns.

**NOTE: PLEASE SEE ATTACHMENT OF ZEO BOUDREAU'S
CORRESPONDENCE WITH MR. CEPPELLETTI REGARDING
WORK AT RESERVOIR PARK**

XIII. CONFERENCES/SEMINARS/TRAINING: None

XIV. CORRESPONDENCE:

1. E-mail from resident Michael Ceppetelli:

See discussion above.

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2. **E-mail from John Delisa:**

Received by Chairman Davis, Wetlands Agent Boudreau indicated she had responded to Mr. DeLisa's comments via e-mail.

XV. **GENERAL BOARD DISCUSSION:** None

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

See public comments noted above.

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 8:12 p.m.

Sawka moved/D. Pippin seconded/**DISCUSSION:** None

VOTE: In Favor: Davis/D.Pippin/K. Pippin/Sawka
(No one opposed/No abstentions)

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission

ATTACHMENT:

**ZEO BOUDREAU'S RESPONSE TO MR. CEPPELLI'S QUESTIONS
REGARDING WORK AT 27 RESERVOIR AVENUE**



Town of East Windsor

Office of Planning & Development
11 Rye Street
Broad Brook, CT 06088\ (860) 623-6030

IWWA - Staff Memo

To: IWWA Commissioners
From: Danielle Boudreau
Date: August 2, 2023
Re: IWWA Memo regarding questions about 27 Reservoir

In recent weeks several concerns have been brought to the IWWA and to me regarding activity at 27 Reservoir Avenue, East Windsor (AKA East Windsor Park). This parcel contains wetlands and upland review areas, including a reservoir used for recreation. I have addressed these concerns to the best of my ability and provide the following information for the record:

Issue #1- Activities conducted in an existing parking lot, located to the east of the reservoir and north of the tennis courts, including, but not limited to: paving, grading, seeding, filling with bituminous asphalt and concrete shavings

FINDINGS: Only 1,040SF of the northwest corner of this lot is located in the Upland Review Area. No portion of the lot contains wetlands area. A thorough search through both digital and hard copy records in the Planning Department, Building Department, Public Works Department, and Land Use Records archives yielded no information as to the date this parking lot was added to this property. Local residents have stated that it has been there “as long as they can remember”, some guessing back to the 1960’s. The complainant believes that the parking lot was not paved prior to 1994. There is no evidence to support either side of this argument. Thus, with no information available and a consensus among long term residents, it is my stance that any activity performed within a pre-existing parking lot is considered ongoing maintenance.

Issue #2- Activities conducted in regards to the beach area located along the reservoir, including, but not limited to: regrading washouts, addition of sand and materials to mitigate washouts and replenish the beach, minor erosion and ecology mitigations

FINDINGS: This beach area/reservoir area is located in the wetlands and upland review area. It is my understanding that this area is constantly the subject area of routine maintenance, both for recreational and mitigation purposes. It is particularly in need of maintenance and emergency mitigation and response when unprecedented storms roll through East Windsor and the rest of New England, as has been happening during our summer, thus far. The subject property is zoned A-1 Agricultural/residential. While the use of the park is not strictly “residential” in the traditional definition of the word, it is

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not commercial. Section 4 of the Wetlands regulations of East Windsor address the routine maintenance [of residential properties] for recreation and enjoyment. The activities being performed at the reservoir, including fill and excavation to mitigate impacts of extreme weather events, give no indication of subtracting or adding to the wetlands, but instead pursue the maintenance of its pre-existing features. In addition, the replacement and/or addition of features, such as the new aerator, while employing proper erosion control provisions, maintains the balance of the surrounding wetland's ecosystem.

Issue #3- Handicapped ramp construction, non-compliance with originally approved plans

FINDINGS: IWWA App# 01-2020 for a new splash pad, which included the addition of a handicapped ramp, was approved by the Commission February 5, 2020. In the minutes from February 5, 2020, in which a discussion about the project took place, it was suggested by Commissioner Alan Baker that it was approved as an Agent Decision by Reuben Flores. The handicapped ramp was included in an area of Upland Review, stemming from the splash pad to the beach at the reservoir. The resident's complaint, 3 years after the ramp was installed, is that it was not completed according to plan. The original plan reflects a somewhat straight path from pad to beach, but the ramp, as it exists today, takes a zig-zagged course from the pad to the beach. Town Engineer Norton has stated that this change was made due to the slope, in order to mitigate run-off and drainage issues. While this should have been approved through a site plan modification at the time, it was not. The Zoning Official and Building Officials at that time both signed off on final inspections and the matter is closed. Most importantly, this is not a wetlands violation- the handicapped path was approved in an Upland Review area and the path was built in the same Upland review area, regardless of the final result (path).

Issue #4- Tree removal on the property in wetlands designated area, Zoning Permit #2020-5

FINDINGS: When comparing the aerial map submitted as a part of ZP 2020-5 to the present day Google Earth aerial (7.2023), the only tree visibly removed is the one where the present day splash pad is located. The only other trees that I am familiar with that were removed from the park were to the northeast corner of the first ball field (closest to Reservoir Ave) and those trees were not located in the wetlands or upland review area. I find no basis for this complaint. There is also a complaint that there were no erosion controls present during said "tree removal project", which I cannot confirm nor deny three years later, without any proof.

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The above answers are my final stance on the matters, as the Town of East Windsor's appointed Wetlands Agent. Unless a complainant can provide undeniable proof to the contrary, these matters are closed at this time.

It is agreed that non-regulated, as of right, or exempt activities conducted in wetlands, watercourses, or upland review areas must be reported to the appropriate wetlands agent, as per regulations. However, it is unreasonable to expect minor activities involving an existing storm drain, paved area, or activity already permitted in a regulated area be reported. To monitor the every move of the Town Engineer or Public Works Department and to rectify alleged violations that were perhaps committed, years after the fact, under a different administration is unreasonable. The primary job of the wetlands agent is the issuance of permits for activities within the upland review area and enforcement of the regulations on behalf of the Inland Wetlands Agency. Remedies taken by the Town Engineer/DPW to mitigate ongoing issues or as a response to unexpected natural events are entrusted and within their job responsibility, which I fully support and expect.