

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

**Regular Meeting
Wednesday, October 7, 2020
7:00 p.m.
East Windsor, Connecticut**

Meeting held via ZOOM Teleconference
Meeting ID: 332 683 3563
Town Hall closed to the Public by
Executive Order of First Selectman Jason E. Bowsza
Due to Coronavirus pandemic

MEETING MINUTES

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

CALL TO ORDER:

Chairman Talamini called the October 7, 2020 Regular Meeting of the East Windsor Inland Wetlands and Watercourse Agency to order at 7:00 p.m. The Meeting is being held via teleconference due to closure of the Town Hall to the public as the result of the coronavirus epidemic.

ESTABLISHMENT OF QUORUM:

Present: Regular Members Rebecca Talamini (Chairman), Alan Baker, Kurt Kebschull, Richard Osborn (Secretary), Richard P. Pippin, Jr (Vice Chairman), and Alternate Member Jamie Sydoriak.

Unable to Attend: Alternate Member Michael Sawka.

Guests: First Selectman Bowsza hosted the Meeting. Also signed in were Noreen Farmer, Kathy Pippin, and Kevin Yanosy.

Chairman Talamini noted the establishment of a quorum with 5 Regular and 1 Alternate Members as noted above. All Regular Members will sit in on votes this evening via video conference.

. . .
Also in attendance was Wetlands Agent Ruthanne Calabrese.

PLEDGE OF ALLEGIANCE:

Everyone stood to recite the Pledge of Allegiance.

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting –October 7, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

2

AGENDA ADDITIONS: None

APPROVAL OF MINUTES/1. September 2, 2020 – Regular Meeting:

MOTION: To APPROVE the Minutes of the Regular Meeting of the Inland Wetlands and Watercourse Agency dated September 2, 2020, as presented.

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

VOTE In Favor: Osborn/Kebschull/Baker/Pippin/Talamini
(No one opposed/No abstentions)

NEW APPLICATIONS TO BE RECEIVED: None.

PUBLIC HEARINGS: None.

CONTINUED PUBLIC HEARINGS: None.

NEW BUSINESS: 1) Transfer of Permit - #15-2018 DDJ Group – 247 South Water Street – Construction Drainage Easement – Zone R-3; Map 071k Block 05, Lot 033 – Transfer to Silverman Group:

Wetlands Agent Calabrese advised the Commission she has received notice from the Silverman Group noting that they are working on the property which had been approved for Sardilli. They are requesting a transfer of the Permit issued to DDJ Group. They indicated they are not modifying anything from the original approval.

Wetlands Agent Calabrese reported the process for transfer has been discussed with DEEP. This is a request for a transfer of the current permit, not a request for a new permit. While there is no need for a motion for approval of the transfer the Commission must agree to the transfer.

Commissioner Pippin questioned if the Commission should make an approval motion for the record? Commissioner Sydoriak clarified a motion isn't necessary; this is an administrative action. Wetlands Agent Calabrese offered Interim Town Planner D'Amato's memo regarding his discussion with DEEP to clarify the transfer process.

The Commission did not make a motion; the consensus of the Commission was to approve the transfer of Permit #15-2018 issued to the DDJ Group regarding the construction drainage easement to 247 South Water Street to the Silverman Group.

Chairman Talamini requested the Commission consider taking Item 2 under

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting –October 7, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

3

MISCELLANEOUS prior to Item 1.

**MOTION: To TAKE THE AGENDA ITEMS OUT OF ORDER to hear
MISCELLANEOUS/2) Informal Discussion – 343 North Road –
Clear old roadway to construct small constructure overlooking
Scantic River first.**

Pippin moved/Osborn seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous
(No one opposed/No abstentions)**

**MISCELLANEOUS/2) Informal Discussion – 343 North Road – Clear old roadway
to construct small constructure overlooking Scantic River:**

Chairman Talamini noted Kevin Yanosy, the buyer of 343 North Road, is present to discuss his proposal to build a shelter in the upland review area of this parcel. She noted there is a small pump house currently located at the property, as well as a can recycling receptacle which is a collection bin for the American Heritage River Commission.

Mr. Yanosy indicated the structure will be built on pylons; he doesn't feel he'll be bringing gravel out to the site. Wetlands Agent Calabrese suggested Mr. Yanosy intends to clear a path to access the structure.

Chairman Talamini referenced an aerial of the property on MapGeo. Mr. Yanosy indicated the lighter green area is where the old access road was; there's a ledge above it where he would construct the building. The darker area is the wetlands; he will not be doing any work directly in the wetlands.

Commissioner Baker questioned that Mr. Yanosy would be staying on the ridge with the building; Mr. Yanosy replied affirmatively. Commissioner Baker questioned that he wouldn't need to cross any wetlands crossings; Mr. Yanosy replied he would not.

Chairman Talamini asked if Mr. Yanosy would be bringing in gravel? Mr. Yanosy indicated he would like to clear the road and bring in some gravel so he can bring the lumber in to build the structure. He would eventually install a gate at the road so people can't drive up his access path. Commissioner Sydoriak questioned if the gravel would be stone dust or larger, processed gravel? Mr. Yanosy indicated he intended to use the material used under pavement – probably 1 ¼ inch material or less. Commissioner Sydoriak questioned if the Commission would agree that the smaller the material the better? Commissioner Pippin suggested Mr. Yanosy use the coarser material as the stone dust would just run down the hill when it rains. Commissioner Pippin felt the road Mr. Yanosy is trying to reconstruct was a road to the dump; Commissioner Osborn

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting –October 7, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

4

suggested it was a farm road.

Chairman Talamini queried the Commission if Mr. Yanosy could do the proposed work as an Agent Decision, or did the Commission prefer a full permit?

Commissioner Baker felt a full permit should be required because of the proximity to the river. Commissioner Baker questioned Mr. Yanosy how he planned to bring in the gravel; would you be laying it on the ground as you work your way up the hill, or would you be cutting and dragging the material – his concern was the need for erosion controls. Mr. Yanosy indicated he didn't plan to use any equipment to work the gravel, he planned to use a shovel and a rake to move the gravel around.

Commissioner Sydoriak questioned if Mr. Yanosy planned to cut any trees to clear the access? Mr. Yanosy indicated he felt he had to cut 2 or 3 trees but nothing larger than a 10" diameter. Commissioner Kebschull noted Chairman Talamini's aerial seems to show several trees are already down. Commissioner Baker felt the majority of the Commissioners were leaning towards a full permit rather than an Agent Decision; Chairman Talamini concurred.

Mr. Yanosy noted the permit process calls for a Site Plan and for engineers and soil scientists to identify the soil; he questioned if that would be required for this work? Commissioner Baker noted Mr. Yanosy wasn't planning to construct a house with foundation but an accurate drawing indicating the location, and size of the structure, and access should be submitted; the location of the trees being cut down should be indicated as well. Mr. Yanosy indicated he would work on submitting the Site Plan for the Commission's next meeting. Chairman Talamini suggested Mr. Yanosy work with Wetlands Agent Calabrese regarding his submission.

MOTION: To RETURN to the posted Agenda order.

Pippin moved/Osborn seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous
(No one opposed/No abstentions)

OLD BUSINESS: None.

MISCELLANEOUS/1) Informal Discussion – Wetlands Fee Ordinance:

Chairman Talamini referenced various slides she had prepared for presentation to the Board of Selectmen and the public. Discussion followed.

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting –October 7, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

5

Slide 1: Heading page

Slide 2: Flow chart of Violation process from initial notification to compliance, or to a possible appeal to initiation of fines due to non-compliance.

Commissioner Sydoriak questioned if the Commission differentiates between Notice of Violations/Non- Compliance to homeowners vs. corporations or businesses? Commissioner Sydoriak felt the homeowner should be given a little more flexibility as they may not be aware their actions are a violation. Chairman Talamini felt the Commission had intended that if the violator was a homeowner the Commission would monitor the compliance effort, and if it was a corporation the fee would be larger because they should be more aware of their activities and the impact on wetlands.

Commissioner Sydoriak suggested perhaps there should be 2 flowcharts, one for the homeowner and one for corporations, OR, expand the first bubble to note that the municipal agent has confirmed the violation? Chairman Talamini suggested either she, or the agent, would have confirmed the violation prior to bringing the activity to the Commission for consideration of action.

Commissioner Pippin felt the 2 flowcharts was unnecessary; a violation is a violation. He didn't feel the Commission should treat the two groups differently; Commissioner Osborn concurred.

Commissioner Baker liked both the flow chart, and the detailed information. Wetlands Agent Calabrese suggested adding the footnote number to the bubble, as that would direct people to the appropriate footnote.

Slide 3: Schedule of fines

Chairman Talamini referenced the proposed fines, noting the amount of some of the fines could be flexible to address the degree of severity of the violation. Wetlands Agent Calabrese suggested adding "up to" as that would allow the flexibility intended by Chairman Talamini; Commissioner Pippin agreed.

Wetlands Agent Calabrese questioned if the fines slide might be better

**TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting –October 7, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

6

presented as a table? Commissioner Pippin and Sydoriak concurred; Wetlands Agent Calabrese agreed to work up the table.

Slide 4: Highlights from Wetlands Violation Ordinance

Chairman Talamini requested one of the Commissioners to work on this slide; Commissioner Baker volunteered.

Commissioner Pippin indicated his questions from previous meetings had been addressed. Discussion followed regarding the impact of the COVID restrictions on moving the fee process forward. Chairman Talamini suggested the Commission had originally intended to bring the Violation/Fines Ordinance to the Board of Selectmen at their second meeting in November. Public comment needs to occur at the Wetlands Commission level prior to referral to the Board of Selectmen. The Town Hall is still not open to the public; meetings are still being held via the ZOOM format.

Commissioner Pippin indicated he's heard a lot of people of a certain age are alienated by the ZOOM meetings; Commissioner Sydoriak agreed; the ZOOM meetings challenge public participation at whatever age level. Commissioner Baker felt the Commission needs to hold a public forum with residents; if that can't happen until the Summer of 2021 then that would be the time to consider referring the proposal to the Board of Selectmen. The Board of Selectmen would then decide if they want to go forward to a Town Meeting and public vote.

Commissioner Baker suggested Wetlands Agent Calabrese continue to work with First Selectman Bowsza regarding changes. Wetlands Agent Calabrese indicated she and First Selectman Bowsza had already conferred, noting the language changes in the redline copy of the proposed ordinance. First Selectman Bowsza concurred that he and Wetlands Agent Calabrese had reviewed the changes. Chairman Talamini indicated she'll review those documents, as well as the proposed slides and return with comments for the next Commission Meeting.

MISCELLANEOUS/2) Informal Discussion – 343 North Road – Clear old roadway to construct small constructure overlooking Scantic River:

See discussion above.

AGENT REVIEW AND DECISIONS/1: Scantic Glen – tree cutting on slope:

Wetlands Agent Calabrese recalled two issues to be addressed for Scantic Glen – the deposition of landscape material on the embankments, and selective tree cutting to address safety concerns for trees overhanging structures.

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting –October 7, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

7

Wetlands Agent Calabrese reported she met with the arborist hired by Scantic Glen and the property manager for Scantic Glen. The proposal is to either use a scissor-jack to cut overhanging trees, or someone would climb the trees to top them off; whatever falls into the ravine would be left there.

Wetlands Agent Calabrese reported they have ceased the deposition of materials on the embankments.

Wetlands Agent Calabrese referenced her letter to the property manager for Scantic Glen; this has been handled as an unregulated activity.

Commissioner Pippin felt to leave a 10 foot stump would leave a lousy tree; he questioned if the stumps should be cut lower? Should they be required to plant new trees? Wetlands Agent Calabrese reported this was the recommendation of the arborist; she's seen trees come back. Commissioner Baker suggested it often depended on the type of tree; if they're oak they'll become habitat. Commissioner Pippin recalled the Commission had a similar problem with Newberry Village. Commissioner Baker suggested this may also be a cost consideration. Wetlands Agent Calabrese reiterated this was the arborist's recommendation; she's ok with their proposal.

AGENT REVIEW AND DECISIONS/2: Newberry Village – selective tree cutting:

Wetlands Agent Calabrese reported she walked the site with members of the Homeowners Association to look at the trees they have identified as hazardous. The stumps will stay; anything that falls into the vernal pools will remain as habitat. Some of the trees will just be trimmed. Any work in the proximity of a vernal pool will be done in the Winter; none of the equipment will be used in the area of the vernal pools.

Wetlands Agent Calabrese reported she is considering this as unregulated work as it is selective tree cutting.

Wetlands Agent Calabrese noted a permit was issued to Monster Tree Service in the Spring of 2019 for work near specific units; he'll be doing this work as well and will use best management practices.

Commissioner Baker questioned if any of the proposed work will open up the vernal pools to more sunlight? Wetlands Agent Calabrese indicated she hasn't seen anything proposed that would lead her to think it would dry out the area. Commissioner Baker noted that when the developer for Newberry Village got his original permits years ago there may have been some discussions of conservation areas but it's been so long it makes sense that more needs to be done.

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting –October 7, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

8

STATUS REPORTS: None.

VIOLATIONS/1) Golden Gavel – 143 North Road:

Wetlands Agent Calabrese reported she met with Patrick Soucy of Golden Gavel regarding this violation. She originally sent a Notice of Violation, they discussed resolutions, and Mr. Soucy was to submit an application for this meeting. During that time Mr. Soucy experienced some personnel issues, and was unable to submit the application.

She has now drafted a Cease and Restore letter for Mr. Soucy to remove the fill and restore the bank along his property line.

Commissioner Baker felt this was the best path for this situation.

Commissioner Sydoriak questioned if the Consent Orders are filed on the Land Records; she felt they should be. Selectman Baker cited it's a wetlands violation; if it's not corrected at the end of the process a lien can be put on the property. Commissioner Baker didn't feel the Commission should start that action at the beginning of the process. He noted the Commission currently lacks the fines ordinance to address the issue; the Town would have to take a violator to court.

Wetlands Agent Calabrese suggested the positive thing is Mr. Soucy has been responsive. She noted he just recently connected to the sanitary sewer along North Road. Commissioner Baker noted the Commission issued a permit for that work as it was close to the wetlands; having the sewer installed is better than having a septic system which was the situation for years. Commissioner Pippin cited the timing of the work is getting close to Winter; October 15th is the latest to plant grass. He questioned if the work should be delayed until the Spring? Wetlands Agent Calabrese indicated they had that discussion; the work should occur prior to Winter.

CONFERENCES/SEMINARS/TRAINING/1) Registry of Soil Scientists:

Chairman Talamini noted the attached notice regarding the Registry of Soil Scientist. Wetlands Agent Calabrese noted usually a list of soil scientists is sent to each town; this is being done online currently due to COVID.

CORRESPONDENCE: None.

GENERAL BOARD DISCUSSION:

Chairman Talamini noted First Selectman Bowsza has emailed a request for the Commission's submission for the Town Report. She requested Wetlands Agent

TOWN OF EAST WINDSOR
INLAND WETLANDS AND WATERCOURSE AGENCY
Regular Meeting –October 7, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

9

Calabrese prepare this year's entry. First Selectman Bowsza noted the report is due by November 16th.

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

No one requested to speak.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:55 p.m.

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

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission