

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

Regular Meeting

Wednesday, December 2, 2020

7:00

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 Regular Meeting of the Inland Wetlands and Watercourse Meeting to order at 7:04 p.m. The Meeting was 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 (as identified on the meeting participation list): The Meeting was hosted by First Selectman Bowsza. Jay Ussery, of J. R. Russo & Associates;
Warehouse Point Fire Department/District: Chief James Barton, Austin Holden, Rachel Safford; D-James iPad, two participants called in via phone. .

Chairman Talamini noted the establishment of a quorum with 5 Regular Members at the Call to Order; Alternate Member Sydoriak signed in shortly thereafter. All Regular Members participated on votes this evening via video conference.

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Also in attendance was Wetlands Agent Ruth Calabrese.

PLEDGE OF ALLEGIANCE:

Commissioner Baker led the group reciting the Pledge of Allegiance.

AGENDA ADDITIONS:

Wetlands Agent Calabrese requested that the Commission add a new application received prior to the meeting to the Agenda under **RECEIPT OF APPLICATIONS.**

**MOTION: To ADD to the Agenda under RECEIPT OF APPLICATIONS
IWWA Application #18-2020 – Central AS LLC – 198 South Main
Street – Demolish existing house for the development of a 9600 sq ft
building and parking lot for automobile workshops.**

Pippin moved/Osborn seconded/DISCUSSION: None.

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

APPROVAL OF MINUTES/1) November 4, 2020:

**MOTION: To APPROVE the Minutes of Regular Meeting of the Inland
Wetlands and Watercourse Agency dated November 4, 2020 as
written.**

Pippin moved/Osborn seconded/DISCUSSION: None.

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

**NEW APPLICATIONS TO BE RECEIVED/1) IWWA Application #18-2020 –
Central AS LLC – 198 South Main Street – Demolish existing house for the
development of a 9600 sq ft building and parking lot for automobile workshops:**

Wetlands Agent Calabrese noted this the application was recently received by the Planning Office; she read a description of the work being proposed, which includes the installation of a detention basin. The receipt of the application needs to be acknowledged, and the Commission needs to consider the significance of the work in regard to the application review.

Jay Ussery, of J. R. Russo & Associates, LLC, joined the meeting virtually. He noted his firm will be representing the applicant regarding this work. The proposal is to demolish

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an older home across the street from Kings Liquor. They will be installing a new infiltration basin to the rear of the property. Currently, there is a pipe to the rear which goes under Route 5; they will be outletting to the brook.

Wetlands Agent Calabrese questioned if the Commissioners had any questions for Mr. Ussery, as they are just receiving the application this evening.

Commissioner Baker indicated he wanted to hear comments from Town Engineer Norton at the next meeting.

Commissioner Pippin suggested the area is flat and sandy; they don't appear to be going into the terrace escarpment with the proposal. Wetlands Agent concurred with Commission Pippin's assessment, but noted there will be some disturbance where the outlet will be located.

MOTION: To RECEIVE IWWA Application #18-2020 – Central AS LLC – 198 South Main Street – Demolish existing house for the development of a 9600 sq ft building and parking lot for automobile workshops.

Pippin moved/Osborn seconded/DISCUSSION: None.

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

PUBLIC HEARINGS: None.

CONTINUED PUBLIC HEARINGS: None.

NEW BUSINESS/1) #14-2020 - As-of-Right Determination – Andrew Bosse, forester; Owner: Besheret, LLC. Winkler Road, A-1 Zone; Map 095, Block 24, Lot 065.

Wetland Agent Calabrese recalled the Commission had a good discussion with Mr. Bosse and Mark Kaye (Besheret, LLC), the property owner, at the previous meeting. The Commission accepted the application for an As-of-Right Determination, and needs to formalize their decision this evening.

Commissioner Pippin felt the only concern was the landing for the equipment. He cited the property on Rye Street which had been harvested and left in an unacceptable condition; he questioned how the Commission could prevent that from occurring here?

Commissioner Baker recalled that the Commission had mentioned that during the previous meeting's discussion and the forester and the property owner agreed that the

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Commission could go onto the property to monitor the work being done.

Commissioner Osborn noted that this applicant had mentioned they intend to cutting/clearing a couple of acres in the northeast corner; he clarified that this permit doesn't give them the right to stump the area. Commissioner Pippin agreed; the applicant would need a permit to allow stumping.

Wetlands Agent Calabrese reported Mr. Bosse and Mr. Kaye anticipated the Commission would hold additional discussion this evening. She'll report to them tomorrow and advise them the Commission would require a permit if they intend to stump the area.

MOTION: To ISSUE as an As-of-Right Determination for Application #14-2020 - Andrew Bosse, forester; Owner: Besheret, LLC. Winkler Road, A-1 Zone; Map 095, Block 24, Lot 065.

Pippin moved/Osborn seconded/DISCUSSION: Chairman Talamini requested Wetlands Agent Calabrese follow up with the applicant and make them aware this determination does not include stumping.

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

NEW BUSINESS/2) #15-2020 – Warehouse Point Fire Department DISTRICT – 89 Bridge Street, East Windsor, CT. Request for an Inland Wetlands Permit to construct a 5,400 square foot addition to existing fire house and parking lot. B-1 Zone; Map 111, Block 12, Lot 002.

Jay Ussery, of J. R. Russo and Associates, LLC, reported he is present to represent the Warehouse Point Fire Department. He noted Chief Barton is available as well.

Mr. Ussery reported this application is for a 5,400 square foot addition to the existing station, and relocation of parking.

Mr. Ussery referenced the "Existing Conditions", Sheet 2, of the application Site Plan, noting the station is located across the street from Geissler's Plaza, to the west is the Bank of America building, to the south is St. John's Episcopal Church, and to the east is the Benson property. Mr. Ussery reported between the Benson property and the Warehouse Point fire station is the Blue Ditch; the wetlands on the plan is associated with the Blue Ditch. Mr. Ussery reported the wetlands have been delineated by Richard Zulik and have been noted as a disturbed area.

Mr. Ussery noted the 5,400 square foot addition will be located within an area which is presently a concrete pad and contains a storage shed and existing yard drain which

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currently outlets to the Blue Ditch via sheet flow. The new addition will include three overhead doors accessing to Bridge Street and parking for members. They are proposing to relocate the parking to the east, and install a new stormwater wet detention basin. The new basin will also treat the water, and allows for detention of the water as the Blue Ditch is prone to flooding. During a 100 year storm this area gets back up of water from the Connecticut River. Mr. Ussery noted Town Engineer Norton has suggested there will be adequate storage below the 100 year flood elevation; Mr. Ussery suggested they will actually be adding some storage area as they are reducing the rate of discharge. Mr. Ussery noted Wetlands Agent Calabrese's memo describes the activity well; they will be creating approximately 45+/- square feet of wetlands disturbance to install the outlet which is currently now a low riprap channel.

Mr. Ussery reported all the construction will occur in the uplands area, which requires a permit from this Commission.

Wetlands Agent Calabrese opened discussion to the Commission.

Commissioner Pippin noted the application has come through as the Warehouse Point Fire Department being the owner; he questioned if that should be the District? Review of the Assessor's card indicated the District as the owner; Mr. Ussery concurred, referencing a conveyance from the Warehouse Point Fire Department to the Warehouse Fire District. Discussion followed regarding changing the name on the Wetlands Application. Wetlands Agent Calabrese felt the change would be appropriate if the applicant had no problems with the suggestion; Mr. Ussery concurred with the information revision.

Commissioner Baker didn't recall having access to Town Engineer Norton's comments as part of the meeting packet. Mr. Ussery read Town Engineer Norton's memo dated November 6, 2020 for the record, noting (Town Engineer Norton's comments have been reflected in italicized text):

1. *By eye, it appears that there will be adequate compensatory storage below the 100 year flood elevation. I recommend that the actual numbers be submitted for the file.* Mr. Ussery reported they have completed the calculations; the plan revisions need to be submitted. Mr. Ussery indicated they are providing about an additional 4,000 square feet of storage.
2. *Any work within the Bridge Street, Conn. Route 140, will require a DOT Permit.* Mr. Ussery reported they will apply for the permit referenced.
3. *On sheet 3 there is a note that states "provide clean sawcut & tack coat edges prior to _____."* Mr. Ussery noted they will add the missing information to the plan revisions.
4. *The site plan calls for a cape cod curb and the detail shows a standard 6" bit lip curb.* Mr. Ussery suggested this is a minor modification.

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Mr. Ussery reported he will be submitting revised plans to Town Engineer Norton.

Wetlands Agent Calabrese noted that on Sheet 4 of 5 of the plan set there are references to erosion control activities; she suggested records of the post construction activity should be maintained. Mr. Ussery agreed to add the notes to the plan requiring a maintenance schedule be kept as part of the record. Wetlands Agent Calabrese suggested a record of cleaning the traps should be part of the maintenance schedule; Mr. Ussery agreed. Commissioner Baker suggested he had planned to bring that issue up as well. Noting a current situation on a parcel next to Dunkin Donuts on Thompson Road Commissioner Baker cited after time the detention basins become overgrown and are difficult to identify as such; property owners should be made aware of the requirement for maintenance schedules going forward on projects as well.

Chief Barton requested to speak, noting that at the Board of Selectmen's Meeting they had agreed to waive Building Permit Fees; he questioned if the Wetlands Application fees could be waived as well. He felt the taxpayer is paying twice for the project. Commissioner Baker suggested the Commission waive whatever portion of the fees they can. Wetlands Agent Calabrese noted there is a \$60 State fee associated with all application fees, which would not be refundable. Discussion followed regarding the process for refund of the Wetlands Application fee.

Commissioner Baker suggested the Commission consider approval of the project, including the changes to the plans required under Town Engineer Norton's memo, the addition of the notes on the Erosion Control Maintenance Schedule, and the waiver of applicable fees.

MOTION: To APPROVE Application #15-2020 - Warehouse Point Fire DISTRICT – 89 Bridge Street, East Windsor, CT. Request for an Inland Wetlands Permit to construct a 5,400 square foot addition to existing fire house and parking lot. B-1 Zone; Map 111, Block 12, Lot 002. APPROVAL IS GRANTED SUBJECT TO THE 14 STANDARD CONDITIONS, AND REFERENCED PLANS. In addition, they will add a Maintenance Schedule for the detention basin on the plans, and implement erosion control measures, and the Inland Wetland and Watercourse Commission will waive all application fees possible.

Pippin moved/Osborn seconded/DISCUSSION: Discussion of adding Commissioner Baker's comments regarding including staff comments from Town Engineer Norton; Commissioner Baker felt Mr. Ussery would include Town Engineer's recommendations on the plan revisions.

VOTE (by rollcall): In Favor: Baker/Kebschull/Osborn/Pippin/Talamini

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(No one opposed/No abstentions)

OLD BUSINESS: None.

MISCELLANEOUS: None.

AGENT REVIEW AND DECISIONS:

1) #16-2020 – Hamilton Sunstrand Corporation - 8 Mill Street, Broad Brook – (site entrance located west of the Main Street and Mill Street intersection). Remedial site investigations: Advancing 7 direct-push (geoprobe) soil borings samples and further characterize area. Map 087, Block 37, Lot/Parcel 008:

Wetlands Agent Calabrese advised the Commission this is a request for an Agent Decision for testing and sampling in the upland review area of the old (Broad Brook Mill) mill site prior to Raytheon developing a remediation plan. This permit is a pre-design investigation; they will return for a full application when they have a remediation plan.

AECOM is the consultant working with Raytheon.

The consensus of the Commission was in agreement with the issuance of an Agent Decision.

2) Bond Release – Newberry Village – 4 Goldfinch and 1 Sparrow Drive:

Wetlands Agent Calabrese reported the subject lots have been fully stabilized; she'll be recommending release of the bond for these locations.

Commissioner Baker recalled that the Board of Selectmen worked on a new bond release policy because of the problems with previous other situations; he questioned if that policy has been considered when deciding to release this bond? Discussion followed regard the bond release policy in question; First Selectman Bowsza suggested Commissioner Baker may be referring to the Developer's Agreement the Board of Selectmen has initiated regarding future developments.

The consensus of the Commission was in agreement with the release of the bond.

3) 107A South Main Street:

Wetlands Agent Calabrese reported this is an application for a detached garage on the fringe of the upland review area which appears to have no impact on the area. She

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noted this location is at the rear of another property; the proposed garage is 38' off the property line.

The consensus of the Commission concurred with Wetlands Agent Calabrese determination.

STATUS REPORTS:

See reports above.

VIOLATIONS:

1) Cease and Correct Order - 222-232 South Main Street – Balch Bridge Street Corporation - Cease and Correct Order:

Wetlands Agent Calabrese reported she had scheduled a Show Cause Hearing for November 25th but Mr. Balch declined to attend, and didn't provide an alternate date. She is re-issuing the Cease and Correct Order for the second time. Wetlands Agent Calabrese cited regulation language cites the Commission can assume the notification has been received within 4 days; should that be the case the next Show Cause Hearing should be scheduled for December 16, 2020.

Commissioner Osborn questioned if the fill is still being brought in? Wetlands Agent Calabrese didn't know.

Commissioner Pippin referenced the photos included in the Cease and Correct Order; he questioned if Wetlands Agent Calabrese was standing with her back to Route 5 when the photos were taken? Wetlands Agent Calabrese replied affirmatively, noting the filling is occurring below the steep embankment below the greenhouses.

2) The Kement Family Limited Partnership – 297 North Road – Notice of Violation:

Wetlands Agent Calabrese noted the Notice of Violation was sent to Mr. Kement on November 12, 2020; she received a hand-delivered letter today outlining the history of the area under discussion. Mr. Kement noted that he has a ~~is in violation of the~~ DEEP requirement under a court order to continue the roadway for access for fire apparatus. Mr. Kement has indicated the area described in the Notice of Violation was a natural beach area for recreation, and for riding horses.

Chairman Talamini suggested the area has drastically changed; the sand is

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eroding into the river.

Wetlands Agent Calabrese indicated she would like to include this as an agenda item for the January 2021 Wetlands Meeting.

Commissioner Pippin felt Mr. Kement couldn't do much at this time of year. Commissioner Baker suggested he could install erosion control measures.

3) Golden Gavel – 149 North Road – Cease and Restore:

Wetlands Agent Calabrese reported the property owner has removed the bulk of the material related to hooking up to the sewer. A letter closing out the violation was sent to Mr. Soucy on November 10, 2020.

4) 8 Craftsman Road – Pump Station – Notice of Violation and Request for Restorative Action:

Wetlands Agent Calabrese reported she has not received the green card back on this notification; she'll resend the letter. She noted the Town had installed some hay bales in the eroded area.

CONFERENCES/SEMINARS/TRAINING:

Chairman Talamini questioned Commissioner Sydoriak if the DEEP had any updated training information available; Commissioner Sydoriak responded negatively.

Commissioner Kebschull reported he participated in DEEP's online training for Municipal Inland Wetlands Agencies; he's taken some of the segments himself. Chairman Talamini requested Commissioner Kebschull share the link with the other Commissioners.

NOTE: Commissioner Kebschull provided the following link after the close of the meeting:

<https://portal.ct.gov/DEEP/Water/Inland-Wetlands/Training-for-Inland-Wetlands-Agencies#Archived%20Training%20Material>

CORRESPONDENCE:

Nothing in addition to correspondence discussed under various agenda items.

GENERAL BOARD DISCUSSION/1)Wetlands Violation Citation & Process,

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Ordinance – 2020:

Commissioner Baker and Chairman Talamini reported they have additional work to do regarding presentation slides. Wetlands Agent Calabrese reported she has worked up a revised Fines proposal, and is working on a revised Flow Chart clarifying various decision points in the Violation process.

The Commission requested this item be continued at the January, 2021 Meeting.

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

Chairman Talamini offered the public an opportunity for comments; no one requested to speak.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:56 p.m.

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

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission