

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

Regular Meeting – July 9, 2014

MEETING MINUTES

********Draft Document Subject to Commission Review/Approval********

CALL TO ORDER: Chairman Savaria called the Meeting to order at 7:00 p.m. in the Community Room, 1-A Park Hill Housing Complex, Park Hill Road, Broad Brook, CT.

ESTABLISHMENT OF QUORUM:

Present: Regular Members Ron Savaria (Chairman), Richard Osborn, and Alternate Member Kathryn Roloff.

Unable to Attend: Regular Member John Malin, Dave Menard, and Robert Slate, and Alternate Member Mike Sawka.

Guests: Deputy Selectman Jason Bowsza, Inland/Wetlands Liaison; Town Engineer Norton.

Chairman Savaria noted the establishment of a quorum with two Regular and one Alternate Member as noted above. Alternate Member Roloff will join the Regular Members during discussion and votes this evening. .

Also in attendance was Wetlands Agent/Zoning Enforcement Officer Robin Newton.

AGENDA ADDITIONS: None this evening.

APPROVAL OF MINUTES / 1) June 4, 2014 Regular Meeting:

MOTION: To APPROVE the Minutes of Regular Meeting dated June 4, 2014 as written.

Osborn moved/ Roloff seconded/VOTE: In Favor: Osborn/Roloff/Savaria

APPROVAL OF MINUTES / 1) June 24, 2014 Special Meeting:

MOTION: To APPROVE the Minutes of Special Meeting dated June 24, 2014 as written.

Osborn moved/ Savaria seconded

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – July 9, 2014
MEETING MINUTES**

2

DISCUSSION: Commissioner Roloff reported she would be abstaining from this vote as she was not present at this meeting and therefore wouldn't know what had occurred during the meeting.

MOTION failed.

MOTION: To TABLE the Minutes of the Special Meeting dated June 24, 2014 to the Commission's next regularly scheduled meeting to be held on August 6, 2014 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Osborn moved/ Roloff seconded/VOTE: In Favor: Osborn/Roloff/Savaria

CONTINUED PUBLIC HEARINGS: None.

NEW APPLICATINS TO BE RECEIVED: None.

NEW BUSINESS/1) Application #09-2014: George Hargraves/Applicant – East Road: Request to conduct regulated activities to construct an access drive within the 150' regulated area for property on the east side of East Road owned by Richard Harrison 870'+/- south of the intersection of Hemlock Drive. Assessor's Map 110, Block 77, Lot 021-03:

Chairman Savaria read the description of this Item of Business. Appearing to discuss this Application was Jay Ussery, of J. R. Russo & Associates; Mr. Hargraves was present in the audience.

Chairman Savaria noted he had visited the site and viewed the property from East Road; he indicated the site is overgrown and he didn't try to walk through the vegetation. In reviewing the plans he noted no direct impact to the wetlands; the driveway is proposed to be constructed entirely in the 150' upland review area. He also noted the wetlands have been flagged by John Anni. He also noted receipt of Town Engineer Norton's memo dated 6/10/2014 listing several recommendations; Chairman Savaria questioned Mr. Ussery if the recommendations - particularly #2 which recommended a 10% grade or greater for the driveway to minimize the potential for erosion – had been addressed? Mr. Ussery replied affirmatively; Town Engineer was present in the audience and verbally advised the Commission he was now fine with the plans. (Town Engineer Norton had not been able to provide an updated written memo due to other work commitments).

Wetlands Agent Newton noted receipt of a letter from DEEP/Wildlife Division to Mr. Ussery regarding findings under the Natural Diversity Data Base* (*DEEP's spelling).

Mr. Ussery noted Mr. Hargraves has a contract to purchase this property for the purpose of building a home on the 12+/- acre parcel. Mr. Ussery gave a description of the

TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – July 9, 2014
MEETING MINUTES

3

property, which is bounded by property owned by the Pippins on one side and Mr. Harrison on the other side. The property is impacted by a significant amount of wetlands. The location of the gravel driveway, with paved apron, is proposed to be in the upland review area. Although this proposal would not be considered a rear lot Mr. Ussery indicated he has designed the driveway to the standards for a rear lot under Zoning Regulations. Rear lot standards require an 18' driveway which includes shoulders to allow access by emergency vehicles; Mr. Ussery felt the driveway width may be an issue with regard to Zoning Regulations.

Mr. Ussery noted that under the DEEP Natural Diversity Data Base a "Poor Fen – Natural peatland (bog)" is located on this property. The author, Nelson DeBarros, is concerned with pollution of the bog due to stormwater or groundwater run-off, including lawn fertilizers and leachate from the proposed septic system. Mr. Barros has noted that typical buffers of 50' to 100' may be insufficient to prevent or mitigate impacts from proposed impervious surfaces and/or septic systems. Mr. Ussery indicated it would not be a problem to maintain the buffer from the house as there would be over 300' between the wetlands, but the driveway is a narrow area; with the associated slopes adjacent to the driveway it would be difficult to maintain a buffer. Mr. Ussery indicated a 150' buffer wouldn't happen, which would cause this property to become unbuildable.

Discussion followed regarding the extent of the impact area. Mr. Ussery suggested he had asked Mr. Ianni if he could delineate within the wetlands. Mr. Ussery felt the gravel driveway wouldn't be a problem with regard to impervious area; he felt the issue was the leachate from the septic system serving the house and overland flow which could contain fertilizer. Mr. Ussery felt they could pitch the driveway to the inside so the runoff wouldn't flow into the wetlands, and they could create an area where the water could leach back into the ground. He noted these bogs are very acidic from the accumulation of decomposed woodland vegetation; the DEEP wants to maintain that condition. Mr. Ussery reported Mr. Ianni will prepare a report after meeting with David Askew (of the North Central Conservation District). Wetlands Agent Newton requested that Mr. Ussery "tweak" the driveway before that meeting.

Discussion continued regarding the driveway width. Mr. Ussery reiterated the driveway has been designed to the width of Zoning Regulations – although this proposal is not considered a rear lot application. The driveway width for conventional driveways is 12', which would allow this driveway to be constructed. The driveway width for rear lots, which allow residential construction some distance from the road, is 18' to allow passage of emergency vehicles. Mr. Ussery felt the driveway width would be an issue for the Planning and Zoning Commission.

Chairman Savaria suggested the Commission may want to see the potential house location. Mr. Ussery suggested the additional siting information is expensive for the Applicant; they didn't want to get into more detailed plans until this Commission allowed this lot. Mr. Ussery felt the house and septic system will work nicely, and they will be

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – July 9, 2014
MEETING MINUTES**

4

able to maintain the buffer required.

Chairman Savaria noted the Application must be continued until the additional information is received.

MOTION: To CONTINUE Application #09-2014 for George Hargraves/Applicant – East Road: Request to conduct regulated activities to construct an access drive within the 150' regulated area for property on the east side of East Road owned by Richard Harrison 870'+/- south of the intersection of Hemlock Drive. Assessor's Map 110, Block 77, Lot 021-03; Application continued to the Commission's next regularly scheduled meeting to be held on August 6, 2014 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Roloff moved/Osborn seconded/VOTE: In Favor: Osborn/Roloff/Savaria

NEW BUSINESS/2) Application #11-2014/Town of East Windsor – Emergency Management – Creation of AN EMERGENCY ACCESS area at Connecticut River on South Water Street for emergency management staff for boat rescue activities. A-1 Zone; Assessor's Map 091, Block 05, Lot 028:

Chairman Savaria read the description of this Item of Business. Appearing to make the presentation was Town Engineer Norton.

Town Engineer Norton summarized his comments from the previous Special Meeting; this proposal is to create an emergency boat launch access to the Connecticut River for the Warehouse Point Fire Department. He noted the department experiences 12 to 16 calls on average a year. This proposal is to create a driveway to be constructed with modified riprap overlaid with concrete aggregate; the driveway will include a 20' paved apron. Town Engineer Norton reported he is trying to maintain the existing grade.

Wetlands Agent Newton noted they will need to do some additional work at the riverbank; Town Engineer Norton concurred. He noted they will be installing a gate in the area where people currently pull off to fish.

Discussion followed regarding the fluctuating water level during the Spring and Summer. Chairman Savaria reported he has visited the site; this is the best location for this proposal. The application before the Commission doesn't require Army Corp of Engineer approval at this point.

MOTION TO APPROVE: #11-2014 Town of East Windsor Emergency Management – Creation of an emergency access area located at the Connecticut River on South Water Street for emergency management access for boat rescue

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – July 9, 2014
MEETING MINUTES
activities – Assessor's map #091, Block #05, Lot #028.**

5

This approval is granted subject to conformance with the referenced plans, "Site Plan, Fire Department Emergency River Access, Town of East Windsor, South Water Street, East Windsor, CT. Prepared by J. R. Russo & Associates, LLC,

Dated 6/19/14,"

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: (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 of the Inland Wetland Agency, 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.

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – July 9, 2014
MEETING MINUTES**

6

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/Wetland Agent 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.

Additional Conditions:

14. The permit holder will submit a start work notice and contractor's compliance statement to the Wetland Agent prior to starting any work authorized by this permit. Copies are attached.

Osborn moved/ Roloff seconded/VOTE: In Favor: Osborn/Roloff/Savaria

NEW BUSINESS/3) Application #10-2014: Town of East Windsor/Applicant – Wapping Road and Morris Road: Request to conduct regulated activities for road reconstruction, storm drainage installation and discharge into wetlands. Assessor's Map N/A Block N/a, Lot N/A:

Chairman Savaria read the description of this Item of Business. Appearing to make the presentation was Town Engineer Norton.

Town Engineer Norton described the location of this project, which is a portion of

TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – July 9, 2014
MEETING MINUTES

7

Wapping Road near the bog and the corner of Morris Road. Upland of the Wapping Road area is a tobacco field owned by Mulnite Farms; substantial runoff and silt comes off the property onto and across Wapping Road and continues into the wetlands. Town Engineer Norton noted that during the previous year so much water came through this area it got under and buckled the road. This proposal includes a riprap swale/channel which will exit through a 12" pipe into a 6' x 12' box culvert. Water also comes down Morris Road; they will continue the swale around the corner and contain everything to the east side of the road and regulate it through the box culvert and into a scour hole which will capture the run off. The project will include reconstruction of this area of Wapping Road and Morris Road. The work will require acquisition of an easement from Mulnite Farms.

Town Engineer Norton submitted a Maintenance Schedule, which he read for the Commission as he had limited copies available for the meeting. He noted that they should not need to enter the wetlands with equipment, but if it is necessary he will discuss the issue with Wetlands Agent Newton and the Commission.

Discussion turned to the cause of the erosion. Wetlands Agent Newton reported she had been contacted about the erosion by a representative from the Land Trust, who is the owner of the bog. She and David Askew (of the North Central Conservation District) walked the property above Wapping Road. The estimated size of the pond they would need to create to control the run off would be so large the property owner wasn't amenable at that time.

Discussion continued regarding input from the Land Trust. Town Engineer Norton reported he had sent a letter to Patrice Carson, President of the Land Trust. He understood some people associated with the Land Trust had commented within the organization; he had not received a written response from Ms. Carson but noted the recent holiday limited time to communicate. Previous discussions with Ms. Carson found she liked the current proposal to fix the erosion issue. Town Engineer Norton reported he would like to do the work and then follow up as necessary.

Wetlands Agent Newton submitted a staff memo, noting her recommendation that the proposed silt fence shown on the west side of the scour pad should be changed to hay bales; Town Engineer Norton was agreeable to the recommendation. Wetlands Agent Newton also noted her request for submission of a Maintenance Schedule, which has been provided and discussed this evening.

MOTION TO APPROVE: #10-2014: Town of East Windsor/Applicant – Wapping Road and Morris Road: Request to conduct regulated activities for road reconstruction, storm drainage installation and discharge into wetlands. Assessor's Map N/a, Block N/a, Lot N/a.

This approval is granted subject to conformance with the referenced plans,

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – July 9, 2014
MEETING MINUTES**

8

“Drainage Improvements, Town of East Windsor, Wapping Road, East Windsor, CT. Prepared by J. R. Russo & Associates, LLC, Dated 5/14/14, Revised 6/23/14”

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: (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 of the Inland Wetland Agency, 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 of erosion control materials shall be on

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – July 9, 2014
MEETING MINUTES**

9

- 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/Wetland Agent 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.

Additional Conditions:

- 14. The permit holder will submit a start work notice and contractor's compliance statement to the Wetland Agent prior to starting any work authorized by this permit. Copies are attached.**

Roloff moved/Osborn seconded/VOTE: In Favor: Osborn/Roloff/Savaria

MISCELLANEOUS/1) Newberry Village – Request to open new phase:

Wetlands Agent Newton reported one of the conditions of the existing Permit for Newberry Village is that Phase I and Phase II must be completed before any new phases can be opened. Appearing to discuss this issue was Jim Giorgio, developer of Newberry Village; Mr. Giorgio is also a resident at 40 Barber Hill Road.

Mr. Giorgio gave the Commission a summarization of construction at the development. He noted he has reduced the 15 approved units to 13, all of which have been – or will be – completed, for Phase I. 23 units were approved for Phase II. Mr. Giorgio reported he no longer has any inventory to sell. Referencing a plan, Mr. Giorgio reported everything in red “has been grassed”; the stockpiled topsoil will be removed shortly. He is in a position to get the road going and complete the project.

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – July 9, 2014
MEETING MINUTES**

10

Wetlands Agent Newton reviewed outstanding issues, including a driveway which was to have been constructed is not yet completed, a section of lawn needs to be planted; another unit has been opened but Mr. Giorgio hasn't pulled the permit yet.

Chairman Savaria questioned if erosion controls have been initiated in proximity to the wetlands? Wetlands Agent Newton reported there have been issues throughout the development of the project but she contacts Mr. Giorgio directly when necessary.

Wetlands Agent Newton had the following requirements:

- She suggested she is ok with starting the next phase, but when that area is opened up the limits of the phase need to be marked clearly. She noted there were high quality vernal pools on this property which will never come back; she wants the limits of clearing clearly marked, and no clearing can begin until she, or Town Planner Whitten, inspects the area.
- This next phase required 3800 square feet of wetlands remediation work. Mr. Giorgio should meet with Town Planner Whitten, Wetlands Agent Newton, and his contractor for a pre-construction meeting – which will be documented by minutes.

Wetlands Agent Newton also reported the required annual Environmental Report which was to have been submitted in May has not yet been received by the Planning Office. Mr. Giorgio reported he has transitioned from George Logan and is now going with Ed Pollock who is involved in the State team who comes out to the property. Mr. Giorgio is trying to get the baseline data from Mr. Logan. Wetlands Agent Newton noted she had received an e-mail which indicated Mr. Pollock doesn't work with developers any longer; he only works with municipalities at present.

Discussion followed regarding approval of opening the new phase of construction relative to receipt of the Environmental Report. The Commission considered delaying approval of opening the new phase for 30 days to give Mr. Giorgio time to submit the annual report which has been a condition of approval of the project. Chairman Savaria suggested the Commission could hold a Special Meeting in two weeks if Mr. Giorgio has the Environmental Report within that timeframe. The Commission agreed that Wetlands Agent Newton and Town Planner Whitten could hold the pre-construction meeting within that time if convenient. Attorney Carl Landolina, representing Mr. Giorgio, requested clarification of the requirements expected of Mr. Giorgio; it was noted the Commission expects submission of the annual required Environmental Report, and demarcation of the limits of clearing for the next phase.

No motion made; this Item of Business is continued pending receipt of material required.

AGENT DECISIONS:

None.

STATUS REPORTS:

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY
Regular Meeting – July 9, 2014
MEETING MINUTES**

11

Wetlands Agent Newton advised the Commission that all the conditions relative to 68 Newberry Road have been met; the Court issued an order to reopen the business. One minor issue occurred, which resulted in payment of an additional fee to the Town.

VIOLATIONS: None.

CONFERENCES/SEMINARS/TRAINING: None.

CORRESPONDENCE: None.

GENERAL BOARD DISCUSSION:

Wetlands Agent Newton advised the Commission the Town will be acquiring new permitting software for inter-departmental use shortly. The software – View Permit – is used by many municipalities and includes software-specific fees. The current East Windsor Inland Wetland fee schedule is rather convoluted compared to fees currently incorporated into View Permit; the Commission will need to review, and approve, a revised fee schedule shortly. Deputy First Selectman Bowsza suggested the use of View Permit is a fantastic idea; the point of the software is to make it an easier process for everyone.

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

No one requested to speak.

EXECUTIVE SESSION/1) Pending Litigation: None.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:03 p.m.

Osborn moved/Roloff seconded/VOTE: In Favor: Osborn/Roloff/Savaria

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission