

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

Regular Meeting – September 3, 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 Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

ESTABLISHMENT OF QUORUM:

Present: Regular Members Ron Savaria (Chairman), Dave Menard, Richard Osborn, Robert Slate, and Alternate Members Kathryn Roloff and Michael Sawka.

Unable to Attend: All members were present this evening.

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

Chairman Savaria noted the establishment of a quorum with 4 Regular and 2 Alternate Members as noted above. Alternate Member Roloff will participate in votes this evening.

Also in attendance were Wetlands Agent/Zoning Enforcement Officer Robin Newton, and Town Engineer Norton.

AGENDA ADDITIONS:

Chairman Savaria acknowledged receipt of the following Application:

1. **#13-2014: The Mansions at Canyon Ridge, LLC:** Request to construct a paver patio, walkways, fire pit, and pergola area. Property located at 277 North Road. At intersection of North Road and Rice Road. Assessor's Map 126, Block 36, Lot 046.

(No motion made).

APPROVAL OF MINUTES /3) August 6, 2014:

MOTION: To APPROVE the Minutes of Regular Meeting dated August 6, 2014 as presented.

**Sawka moved/Roloff seconded/
VOTE: In Favor: Savaria/Roloff/Sawka**

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

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

Osborn moved/Slate seconded/

VOTE: In Favor: Savaria/Osborn/Slate/Sawka

APPROVAL OF MINUTES/2) July 9, 2014 – Special Meeting:

MOTION: To APPROVE the Minutes of Regular Meeting dated July 9, 2014 as presented.

Osborn moved/Roloff seconded/

VOTE: In Favor: Savaria/Osborn/Roloff

NEW BUSINESS/1) #12-2014: Noble East Windsor, LLC: Request to construct a gasoline filling station and convenience store in upland review area. Property located at 7 Winkler Road, 300' south of North Road. Assessor's Map 113, Block 24, Lot 2. (65 day application period ends October 8, 2014):

Chairman Savaria read the description of this Item of Business.

Appearing to discuss this application was Jay Ussery and Tim Coon, of J. R. Russo and Associate, representing the Applicant. Town Engineer Norton was available in the audience to participate in discussions. Mr. Ussery indicated the application was described as a proposal for a gas station with pumping islands and canopy and a 3,200+/- square foot convenience store at the intersection of Winkler and North Roads. The proposal includes two entrances located on North Road, and a third entrance on Winkler Road. The parcel has frontage on both North and Winkler Roads. The existing parcel also contains an existing metal building, which will be converted to offices above the existing contractor's use. The site has been filled over the years with off-site material.

The parcel contains two areas of wetlands. The wetlands on the eastern end of the parcel contains a small (man-made) pond; the second area of wetlands is on the western end of the parcel and extends into the Goff property adjacent to this parcel. The Goff parcel, which presently contains a small residential property, is located at the intersection of North and Winkler Roads. It was said that the wetlands currently flows into the property on the opposite (south) side of Winkler Road. Referencing the plan, the presenter indicated the 150' regulated area goes to "here", and would include parking for the gas station, part of the pumping island and canopy, and a portion of the convenience store. It was noted there will be no disturbance within the 150' area but there will be "much activity."

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The property will be served by “city water and sewer and gas”. The sewer will extend from North Road into the back of the property.

The stormwater management system will include a series of underground catch basins/chambers which will outlet into an open detention basin which will discharge via the culvert under Winkler Road into the wetlands existing between Winkler Road and the trolley tracks. The stormwater management system has been designed to “reduce the potential flooding at the edge of Winkler Road that results from the limited capacity of the existing 10” culvert”.¹ It was noted that both Town Engineer Norton and Wetlands Agent Newton have questions regarding the impact of the proposed stormwater management system on the existing groundwater table, and the associated impact to the wetlands across Winkler Road.

Mr. Coon addressed the Commission, noting that the designed elevation for the bottom of the retention basin is a 94.3’, which is 3’ below the existing groundwater table. Tests pits were completed in January and the results have been submitted to Town Engineer Norton. The table of elevations range from 2 ½’ to 5’ in the area of the system; test pit #5 shows a water table elevation at 4’ which would be 1’ below the bottom of the designed system. Mr. Coon suggested the wetlands and depression and pond up stream outlet to Winkler Road at 93’ to 93.6’ elevation, which is below the bottom of their system. Mr. Coon didn’t feel there would be any impact on the wetlands due to this system.

In response to Town Engineer Norton’s comments, Mr. Coon – referencing the Winkler Road Sewer Plan - reported they recently did borings for the sewer in Winkler Road. Two borings done on 4/8/2014 showed water at a depth of 5’, which equals an elevation of 91’. Mr. Coon reiterated that the bottom of the proposed stormwater management system is proposed at 94.3’; the second pit was at 98’. Mr. Coon felt they will be above the water table.

Wetlands Agent Newton requested Mr. Coon clarify if the infiltration system is meant to be a storage or ground water recharge system? Mr. Coon indicated he assumed it would act as a detention basin; there will be some infiltration underneath as the open vegetated bottom allows for that. Mr. Coon also indicated they are providing treatment units and hooded outlets as part of the system design.

Chairman Savaria noted the discharge to the wetlands is coming from a gas station; what will happen if there is a gas spill? Mr. Coon indicated there are procedures in place for spill containment. Before the water leaves the storage units there will be oil trap hoods so the gas, which floats, will contain the spill. Secondly, they have the treatment system which utilizes centrifugal force so the solids drop/settle out. The goal is to

¹ Excerpt from “Drainage Report – Noble East Windsor, LLC, Winkler Road & North Road, East Windsor, CT., dated 8/5/2014 prepared by J. R. Russo & Associates, LLC.

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remove the suspended solids. Discussion continued regarding other spill scenarios and employee training regarding spill containment.

Chairman Savaria indicated his concern is what will get into the wetlands. He questioned if there is a 150' line associated with that area? Mr. Coon suggested the regulated area would come across the road at the south end of that area.

Chairman Savaria questioned the submission of a Maintenance Schedule. Mr. Coon indicated the schedule comes with the proprietary units; he will provide the Maintenance Schedule when the type of units are chosen.

Wetlands Agent Newton questioned if the wetlands located to the southwest has an outlet structure which goes across the street? Mr. Coon replied affirmatively. Wetlands Agent Newton questioned that the area remains as wet as it is? Commissioner Osborn questioned if the outlet is cleaned out periodically?

Commissioner Roloff noted test pit #1; she suggested there is no clay indicated in that area at 7'. She questioned why only one test pit was done near the detention basin? Mr. Coon suggested the test pits were done with regard to the parking lot. Commissioner Roloff suggested there are really obvious wetlands across the street; test pits haven't been done in the proximately of the detention basin. She noted Winkler Road is a two lane road; the wetlands across the street haven't been depicted, and she felt there was no clay underneath. Commissioner Roloff indicated she would like to see what's going on in that corner. Mr. Ussery interjected, noting there is clay in the road. He felt that the mitigation they are providing should prevent any contaminants from spills from getting to that wetlands. Commissioner Roloff reiterated the notation that there was no clay in test pit #1 at 7'. Mr. Ussery recalled that the soil has been filled; there are no naturally occurring sands.

Chairman Savaria referenced Town Engineer Norton's first comment (under memo dated 9/2/2014) which requested shop drawings for the subsurface detention system should be submitted to the Town for review prior to construction, and preferably, at the preconstruction meeting. Town Engineer Norton clarified that there are various brands for the system the engineers are showing; whoever wins the bid to build this station may decide to use some other proprietary type system. Town Engineer Norton suggested this comment indicated he would like to see that design before construction begins.

Town Engineer Norton suggested that his concern personally was the lowering of the water table. The Town still needs to know where the water table is. He suggested that sometimes when borings are done in a road the area is filled in again quickly. Town Engineer Norton suggested he isn't trying to hold the project up; he felt it was a great project but he isn't presently comfortable with the information submitted. If the water table is higher than is suspected then he would just recommend making "it" higher. Town Engineer Norton suggested he would be willing to visit the site with Mr. Coon to

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look at the test holes.

Chairman Savaria also referenced Town Engineer Norton's third comment (under memo dated 9/2/2014) regarding replacement of the culvert under Winkler Road. Town Engineer Norton indicated he had made that recommendation but Mr. Coon had advised him there is a watershed going through there and it would require a good sized study which would be costly. Mr. Coon indicated their main concern is if they increase that pipe it would increase what gets on the adjacent property and if it were only going on the trolley museum property, but it's also the fire museum (department) and if you increase the run off they would need easements. Discussion followed regarding existing conditions, seasonal flooding/ponding. Commissioner Roloff questioned if the applicant thought the detention basin is large enough to take care of a large storm? Town Engineer Norton suggested if it's above the water table; they are proposing a lot of storage in the chambers under the parking lot. Discussion continued.

Wetlands Agent Newton referenced Mr. Coon's memo to Town Engineer Norton which referenced resolutions discussed over the phone; she requested elaboration of the comments. Mr. Coon suggested he was referring to Len's comments earlier; there are different types of these systems, when the contractor chooses the type to be used Mr. Coon will provide the shop drawings to Town Engineer Norton. Wetlands Agent Newton suggested the reference was that it would be essentially what's on the plans and it will function as stated? Mr. Coon replied affirmatively.

Chairman Savaria summarized that the drainage study doesn't appear to increase run off during any storms. The concern is how much run off is coming out, and how clean is it? Commissioner Roloff suggested her concern is run off from the pavement associated with spills getting into the wetlands. Discussion continued.

Commissioner Osborn questioned if this application will be held under a Public Hearing at the Planning and Zoning level? Wetlands Agent Newton noted both this parcel and the adjacent residential parcel are now under the B-3 Business Zone; this application will be submitted to the Planning and Zoning Commission under a Special Use Permit Application which will require a Public Hearing. Commissioner Osborn noted neither property is shown as the B-3 Zone on the plan sheet. Wetlands Agent Newton noted the zone change recently occurred.

Chairman Savaria felt Town Engineer Norton's comments either have been, or will be, addressed. He liked that Town Engineer Norton will be joining Mr. Coon in reviewing the test hole data. Chairman Savaria felt the applicant has enough structures in place to treat any contamination, and the Planning and Zoning Commission will address any questions associated with enlargement of the pipe under Winkler Road. Chairman Savaria further clarified that there is construction next to wetlands but not in it; he felt erosions controls should take care of it.

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Commissioner Roloff suggested there are Closed Gentian, which are a threatened species, across the road.

Chairman Savaria queried the Commissioners for additional questions; no one responded.

MOTION TO APPROVE: #12-2014: Noble East Windsor, LLC: Request to construct a gasoline filling station and convenience store in upland review area. Property located at 7 Winkler Road, 300' south of North Road. Assessor's Map 113, Block 24, Lot 2.

This approval is granted subject to conformance with the referenced plans, "Noble East Windsor, LLC North Road & Winkler Road, East Windsor, CT Map 113 Block 24, Lot 2, Zone B-3 Prepared by J. R. Russo & Associates, 1 Shoham Road, East Windsor, CT 06088, Dated 8/1/14, Revised 7/25/14, Sheets 1 thru 9"

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.

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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 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 Wetlands Agent prior to starting any work authorized by this permit. Copies are attached.*

Osborn moved/Slate seconded/

VOTE: In Favor: Savaria/Menard/Osborn/Roloff/Slate

MISCELLANEOUS/1) Newberry Village – Request to open Phase III II²:

² See discussion of map references regarding identification of phase under consideration.

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Wetlands Agent Newton noted receipt of the following reports:

- Vernal pool monitoring letter dated 8/11/2014 from REMA Ecological Services, LLC/ George Logan.
- CAWS (Connecticut Association of Wetland Scientists) Vernal Pool Monitoring Program – Newberry Village, East Windsor, CT.

Wetlands Agent Newton reported that most of the pools that George Logan was monitoring were NOT the pools which were monitored by CAWS. Mr. Logan did not submit an independent report as is required as a condition of the Newberry Village Inland Wetlands Permit approval. Wetlands Agent Newton suggested the developer, Mr. Giorgio, cleared too much of the property and took down too many trees at the site. The site has suffered the loss of a couple of vernal pools, one of which was a high quality pool which will never be a vernal pool again as the area gets too much sun all day. Commissioner Roloff concurred, noting she had visited the site in May and found the site disheartening. Wetlands Agent Newton reported she has asked Mr. Giorgio to pull back the limits of clearing for the next phase, but she doesn't know if he has complied.

Wetlands Agent Newton reiterated that many of the pools the volunteers (CAWS) monitored were NOT the same pools that George Logan was monitoring. Only 5 pools addressed in both reports were the same.

Commissioner Menard questioned how much damage was done to the vernal pools; is the developer protecting the vernal pools? Wetlands Agent Newton suggested that if the developer did the erosion controls appropriately these vernal pools would have little or no impact, but many times silt is going into the pools, and it's not corrected quickly. Commissioner Slate reported he has seen many trees dropped into the vernal pools during clearing, and many of the trees were larger than they needed to clear.

The Commissioners discussed the completed phases. Wetlands Agent Newton reported the developer has 1 unit to left to do in the current phase. Discussion continued to clarify the status of the phases as the phase referenced on the agenda and the phasing on the map³ conflict. It was determined that Phase I is complete, the last unit has been finished in Phase IV, there is only 1 unit not dug yet in Phase III, the developer now wants to open Phase II. Mr. Ussery suggested the developer wants to open the final phase. Wetlands Agent Newton reported the developer still has administrative issues to complete before he can have a pre-construction meeting for the next phase, and he must post a significant bond for the construction of the infrastructure for the remaining phase. Discussion continued regarding past work/construction history of this site.

The Commission discussed options to encourage the developer to comply with permit conditions in a timelier manner. The Commission took the following action.

³ Plan dated June, 2011 – Newberry Village – Phase II.

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MOTION: To APPROVE the request to open Phase II (the final phase) at Newberry Village according to plan dated 6/2011, and a complete and acceptable monitoring report must be submitted by 5/15/2015 or a Cease and Desist Order will be issued.

Osborn moved/Roloff seconded/

VOTE: In Favor: Savaria/Menard/Osborn/Roloff/Slate

MISCELLANEOUS/2) Jim Giorgio – 58 Winkler Road – Informal Request to Modify Plantings:

Wetlands Agent Newton identified the property as being the lot closest to the trolley tracks which was originally denied by the Commission. Jim Giorgio came back and proposed \$8,000 worth of plantings and a split rail fence to buffer the wetlands; approval was then granted. The lot is small; the fence can fit as proposed but the plantings are tight. Mr. Giorgio is asking to be relieved of the requirement to install the plantings. Wetlands Agent Newton felt the fence should stay in the location proposed, but the plants could be placed inside the fence. Discussion followed regarding options for the plantings, including switching the plantings to the other side of the lot. The Commission felt the relocation of the plantings to the opposite side of the lot wouldn't provide the buffer for the wetlands.

The Commission concurred with Wetlands Agent Newton's recommendation as they felt the buffer requirement should be retained.

MOTION: The request to eliminate plantings is denied, but it is acceptable to put the plantings inside the fence line.

Osborn moved/Roloff seconded/

VOTE: In Favor: Savaria/Menard/Osborn/Roloff/Slate

AGENT DECISION: #13-2014: The Mansions at Canyon Ridge, LLC: Request to construct a paver patio, walkways, fire pit, and pergola area. Property located at 277 North Road. At intersection of North Road and Rice Road. Assessor's Map 126, Block 36, Lot 046.

Wetlands Agent Newton reported the proposal is to install a paver patio/walkway with barbecue pits along an area of the property which is presently lawn. Any impact incurred would be in an area already impacted by the inground pool and the surrounding area.

The Commission concurred with Wetlands Agent Newton's handling of the application as an Agent Decision. (No motion made.)

STATUS REPORTS: None.

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VIOLATIONS/1) Donald Wagner – Property to south of 18 Craftsman Road:

- Wetlands Agent Newton referenced photos taken of activities undertaken by Mr. Wagner at the subject location. Mr. Wagner owns property which abuts the property currently occupied by STR (the old mushroom plant). Mr. Wagner has trespassed on the STR property and moved soil across a stream, covered a pipe, and created a farm road to access his landlocked farm field. Mr. Wagner has said that when the property was occupied by the mushroom factory he farmed the area for them and that road washed away. Commission Slate reported that when the mushroom factory was operating he used to jog in that area and there was no farm road at that time. Wetlands Agent Newton reported the stream is the boundary line. Mr. Wagner has filled a significant amount of wetlands. Chairman Savaria noted a significant amount of dirt has been stockpiled to the right of the road in an upland area as well. Wetlands Agent Newton further reported that because of the weekend storm the farm road has washed away.

Wetlands Agent Newton referenced a 2009 aerial of the area; there was no farm road in existence at that time. Inland Wetland Permits were not acquired for construction of any farm road, neither in 2009 or presently.

Wetlands Agent Newton reported she is working with an attorney hired by STR; they will hire a contractor to remove the farm road completely and cut the pipe off at their property line. They also intend to initiate legal action against Mr. Wagner regarding illegally trespassing on the STR property.

- Wetlands Agent Newton advised the Commission of an upcoming violation which is occurring on property at the end of Old Ellington Road. The Town owns approximately 9 acres next to Scantic Glen which is open space; the parcel next to the Town property is open space for Scantic Glen, which they lease to a farmer. The river comes around a bend and cuts into the land; someone filled in that area and installed stone along the embankment and backfilled it with a large mound of material adjacent to the farm field. Wetlands Agent Newton will be issuing a violation which will require that they remove the fill and the mound but will allow them to leave the stone in place for now as removing it would be doing more harm to the property. The area must then be reseeded.

Commissioner Osborn questioned if the drainage area closest to Old Ellington Road for Scantic Glen is working? Wetlands Agent Newton and Town Engineer Norton will inspect that area.

CONFERENCES/SEMINARS/TRAINING:

Wetlands Agent Newton advised the Commission that UCONN is doing regional training on land use issues. A basic training program, encompassing two evenings, Thursday,

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September 11th, and Tuesday, September 16th, will be held from 7:00 p.m. to 9:00 p.m. at Windsor Town Hall. The sessions include plan review and interpretation. The training sessions are free of charge.

CORRESPONDENCE: None.

GENERAL BOARD DISCUSSION:

Wetlands Agent Newton reported the passing of Wetlands Commissioner John Malin. The Commission noted Mr. Malin's contribution to the Commission's work, and regretted the loss of a friend and colleague.

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

Deputy First Selectman Bowsza, speaking as the Commission's liaison, commended the Commission on the following actions this evening:

- For the inclusion of the language in a previous motion that advises the applicant of a potential Cease and Desist Order should the conditions of approval not be complied with. He hoped such language would become standard.
- For the quick approval of the application (for Noble East Windsor) this evening. The application was received and approved in 31 days, which he indicated was a fantastic accomplishment. Chairman Savaria suggested the Commission tries to encourage applicants to meet with Town staff to discuss their proposals before application, which really facilitates a fast/expedited approval time.

EXECUTIVE SESSION: None.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:58 p.m.

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

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission