

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

Regular Meeting – November 2, 2016

MEETING MINUTES

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

CALL TO ORDER: Chairman Baker 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 Alan Baker (Chairman), Dave Menard, Richard Osborn, and Rebecca Talamini, and Alternate Member and Steve Smith.

Unable to Attend: Alternate Member Michael Sawka.

Guests: Deputy Selectman Richard P. Pippin, Jr., Inland/Wetlands Liaison; Kathy Pippin, Board of Finance.

Chairman Baker noted the establishment of a quorum with 4 Regular and 1 Alternate Members as noted above.

Also in attendance was Acting Wetlands Enforcement Official Virginia Higley.

AGENDA ADDITIONS:

APPROVAL OF MINUTES – (date):

MOTION: To APPROVE the Minutes of Regular Meeting dated October 5, 2016 with the following amendments:

Page 3, Line #114, “..... They will be cutting 15’ **15 feet** of trees.”

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

PUBLIC HEARING: _____ None.

CONTINUED PUBLIC HEARINGS: None.

NEW APPLICATIONS TO BE RECEIVED: None.

NEW BUSINESS/1) Review of Bylaws:

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The Commission members were provided a copy of the current bylaws for their review prior to approval at the December, 2016 Meeting.

OLD BUSINESS/1) #04-2016/Crane Properties, LLC (Carl Crane) – Request to conduct regulated activities to fill drainage ditch at front of site, install drainage, sewer, & clean & improve site. Property located at 118 Prospect Hill Road, south of Bridge Street/Route 5. Map 112, Block 17, Lot OPA (65 day application period ends November 11, 2016:

Chairman Baker read the description of this Item of Business. Appearing to discuss this continued Application was Brian Denno, of Denno Land Surveying and Consulting, LLC. Carl Crane, the Applicant, was present in the audience.

Mr. Denno recalled this Application is for this 7 ½ acre industrial site which currently contains a wood processing operation. Mr. Denno referenced a location on the plan, noting Mr. Crane would like to put the reclaimed materials here; he would also like to fill in the ditch and pipe the water into the wetlands to the rear of the parcel. Mr. Denno reported they have extended the pipe into the wetlands, and, at the suggestion of Tom Pietras (soil scientist, Pietras Environmental Group, LLC), they have added the scour hole to slow down and clean the water. Mr. Denno noted the Eversource property above this site sends water to the ditch; they are proposing a 15 inch pipe with yard drains to carry the water to where it goes now.

Mr. Denno reported they now have approval from Town Engineer Norton. His earlier memo offered 4 recommendations. Mr. Denno has submitted the requested calculations; Town Engineer Norton's updated memo dated today indicates that his comments have been addressed.

Chairman Baker referenced an excerpt from Mr. Denno's revised report – specifically comments made at the bottom of page 6; “Soils testing was conducted in the area where the infiltration basin is proposed. Percolation tests revealed adequate infiltration rates when conducted in native soil. Much of the soil in the area is excess fill, which will be excavated and removed.....” He questioned that Mr. Denno had tested below the current fill; Mr. Denno replied affirmatively.

Brief discussion followed; the Commissioners were satisfied with the revisions.

MOTION TO APPROVE: #04-2016-2014 Crane Properties, LLC – Revision of approved site plans for property on 118 Prospect Hill Rd, for filling in a drainage ditch at the front of the site, install drainage, sewer & clean # improve site – Assessor's Map #112, Block #17, Lot PA ^ 2A1.

This approval is granted subject to conformance with the referenced plans, “Revisions to Site Plan, Prepared for Crane Properties, LLC, 118 Prospect Hill

**Road, East Windsor, Prepared by Denno Land Surveying & Consulting, LLC,
Dated 8/02/16”.**

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

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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. Wetland Seed Mix shall be used in all areas shown on page 4 of 6 of the plans showing grass.
15. Number and marked location of tree(s) to be removed must be given to the Wetlands Agent prior to starting of any work authorized by this permit.

Osborn moved/Talamini seconded/

DISCUSSION: Chairman Baker indicated he is comfortable with the updated plan; he feels it will improve the site.

VOTE: In Favor: Unanimous

AGENT DECISION:

Acting Wetlands Agent Higley reported she had been advised that the homeowner of 88 Tromley Road had extended the porch of the home. A review of the site found the property to be impacted by wetlands. Acting Wetlands Agent Higley reported she has spoken to the homeowner; he has already poured piers for the porch. He was advised to come into the Planning Office to file a Zoning Permit for this porch; he was also told to touch base with the Planning Office for any additional work on the home.

STATUS REPORT: See discussion below regarding Connecticut Mulch.

VIOLATIONS/1) Show Cause Hearing – Connecticut Mulch/Cease and Desist Order – Unpermitted activity in Upland Review Area and Wetlands – Violation of Section 6.1. North Road/Route 140, B-3 Zone; Map 115, Block 15, Lot 021.

Acting Wetlands Agent Higley reported the representative for Connecticut Mulch had not filed a Wetlands Application for removal of trees at the front of the site as discussed at the previous meeting. He did, however, call shortly after that meeting to ask if he could plant the seeding for the temporary trails as suggested; Acting Wetlands Agent Higley agreed to the seeding.

Acting Wetlands Agent Higley reported she has discussed this site with Town Planner Whitten, who feels an application for a remediation plan should be submitted regarding the work already completed. Acting Wetlands Agent Higley felt the application for removal of the trees shouldn't be considered until the remediation is proposed; a considerable amount of work was done at this location without review or permits.

CONFERENCES/SEMINARS/TRAINING/1) CACIWC's (Connecticut Association of Conservation & Inland Wetlands Commissions) 39th Annual Meeting & Environmental Conference - Nov 12, 2016:

Anyone wishing to attend is asked to contact the Planning Office.

CORRESPONDENCE:

Chairman Baker reported he received a letter from FEMA regarding their intent to update the flood plain maps for the lower Connecticut River.

GENERAL BOARD DISCUSSION:

Discussion occurred regarding provision of meeting packets. Commissioners Menard, Baker, Smith, and Talamini requested scanned documents via e-mail; Commissioner Osborn would like hard copies; Commissioner Sawka, who was not present, also requires hard copies, as does Deputy First Selectmen Pippin.

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

Patrick Carbray, of 86 Winkler Road: requested to speak to the Commission. He reported he purchase his home in 2012 from G-III Holdings/Jim Giorgio. He reported his home is the first house after Newberry Village; his driveway extends back 250 feet. The site has wetlands on both sides and in the rear. When he first saw the property only the foundation had been poured; when he closed on the home he signed off on many things – one of which was a requirement that Mr. Giorgio install 700 liner feet of split-rail fence on the property at the recommendation of the then Wetlands Commissioners. Mr. Giorgio was also required to install specific plants as a buffer. The buffer plants have

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been put in; the fence has never been installed. Mr. Carbray reported he has tried to discuss the fence with Mr. Giorgio on numerous occasions; Mr. Giorgio has blown him off. Mr. Carbray presented a Site Plan which shows the fence and its location. Mr. Carbray felt it's reasonable to assume that the Wetlands Commission came up with this Site Plan recommendation; he feels it's the Commission's responsibility to make Mr. Giorgio adhere to the approved plan. Mr. Carbray reported he also spoke to Robin, the "building person" at that time; she indicated the Town was holding a bond for installation of the fence.

Commissioner Smith questioned if Mr. Carbray expected the Wetlands Commission to consider a breach of contract with Mr. Giorgio? Mr. Carbray indicated his attorney felt the Wetlands Commission was responsible for making Mr. Giorgio put in the fence. He's now found that there is no bond for this work, which was misinformation given to him by Robin. Commissioner Osborn suggested the bond held for Mr. Giorgio may be the bond for Newberry Village. Mr. Carbray reported he acquired a quote for the fence. He was told it would cost \$2500 to \$2600 just for the materials; he felt that amount would at least double when including installation. Mr. Carbray spoke of his frustration when dealing with Mr. Giorgio. He advised the Commission he came in and filed an application as required to install a pool; he felt there should be a remedy to this situation.

Commissioner Smith questioned if Mr. Carbray's attorney had sent any notification to Mr. Giorgio; Mr. Carbray replied negatively, noting she had suggested he come to the Commission. Discussion followed; Mr. Carbray confirmed he signed off on the fence at the closing. Chairman Baker assured Mr. Carbray the Commission was sympathetic to his problems but felt the legal responsibility for this situation was beyond this Commission's responsibility. Commissioner Osborn concurred; he suggested staff would handle such situations via the resources afforded them. Chairman Baker thanked Mr. Carbray for bringing this situation to the Commission's attention, but he felt the Commission couldn't tell him what his legal options were. Discussion continued; Mr. Carbray felt the Town should be making Mr. Giorgio adhere to the plan. Chairman Baker suggested the Commission hasn't the authority to engage in legal action.

Deputy First Selectman Dick Pippin: questioned what happened to the easel; he felt it was difficult for the engineer to make his presentation without it. It was noted the easel was in the corner behind the podium.

Kathy Pippin: reported a house on Windsorville Road stores a large quantity of wood in the yard; she felt the wood must be attracting insects or mice. The Commission discussed the site, noting the home believed to be the subject of this discussion isn't impacted by wetlands. Acting Wetlands Agent Higley reported she will discuss options under the blight/property maintenance ordinance.

ADJOURNMENT:

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MOTION: To ADJOURN this Meeting at 7:50 p.m.

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

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission