

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

**Regular Meeting – September 5, 2018**

***MEETING MINUTES***

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

**CALL TO ORDER:** Chairman Baker called the Meeting to order at 7:01 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

**ESTABLISHMENT OF QUORUM:**

**Present:** Regular Members Alan Baker (Chairman), Richard Osborn, Richard P. Pippin, Jr., and Rebecca Talamini.

**Unable to Attend:** Alternate Member Michael Sawka.

**Guests:** Jim Giorgio, developer of Newberry Village; Terry and Randy Clifton, 7 Hickory Trail, Newberry Village; Kathy Pippin.

Chairman Baker noted the establishment of a quorum with 3 Regular and 1 Alternate Members as noted above. All Members will sit in on votes this evening. .

Also in attendance was Wetlands Agent Matt Tyksinski.

**PLEDGE OF ALLEGIANCE:**

Everyone stood to recite the Pledge of Allegiance.

**AGENDA ADDITIONS:**

Wetlands Official Tyksinski reported the receipt of Application #11-2018 for ACI Auto Group, 206 South Main Street. The property is located on the west side of South Main Street, near the intersection of South Main Street and Stoughton Road. The Applicant wants to construct a drainage outfall structure on the property.

**MOTION:** To ADD NEW APPLICATIONS TO BE RECEIVED under NEW BUSINESS, Item 2, Application 11-2018 ACI Auto Group – 206 South Main Street. Request to conduct regulated activities to construct a storm drainage outfall. Property owned by KBT Realty LLC, 206 South Main Street, East Windsor, CT. B-2 Zone, Map 22, Block 5, Lot 81.

**Pippin moved/Talamini seconded/DISCUSSION: None.**

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**VOTE: In Favor: Unanimous (Baker/Osborn/Pippin/Talamini)**

**APPROVAL OF MINUTES/1. August 1, 2018 – Regular Meeting:**

**MOTION: To APPROVE the Minutes of the Regular Meeting of the Inland Wetlands and Watercourse Agency dated August 1, 2018 as presented.**

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

**VOTE: In Favor: Unanimous (Baker/Osborn/Pippin/Talamini)**

**PUBLIC HEARINGS:** None.

**CONTINUED PUBLIC HEARINGS:** None.

**NEW BUSINESS/1) Newberry Village – discussion of revised wetlands plantings:**

Chairman Baker reported that Jim Giorgio, the developer of Newberry Village, is seeking to change the wetlands plantings which were originally approved. Chairman Baker referenced the original plans for the Commission, noting various areas under discussion for modification. He and Wetlands Agent Tyksinski have visited the site and met with Mr. Giorgio; the modifications would include:

**Detention Pond:** Chairman Baker felt the original intention of the proposed wetlands plantings was to prevent the regrowth of invasive plants. The plantings should have been planted after the detention pond was graded but were not; while invasive plants haven't overtaken the area some multiflora rose, witch hazel, and elderberry are growing back on the edge of the woods. The detention pond is about 80% cattails; the area around the pond is being mowed and presumably being used by residents to walk the perimeter of the pond. Chairman Baker reported Mr. Giorgio doesn't want to plant any plantings; Chairman Baker and Wetlands Agent Tyksinski felt that some plantings, such as blueberry, elderberry, and witch hazel, should be installed to maintain the edge of the detention basin.

**Resident's lawn encroaching on wetlands:** Chairman Baker referenced another location on the approved plans, noting the intent was to create a buffer between the resident's lawn and the wetlands. The resident's lawn continues down to the edge of the wetlands. Some type of wetlands buffer needs to be established.

**Newberry Road, second entrance:** Chairman Baker noted that at this entrance to the complex there is an overflow area for the wetlands which was intended to be completely filled with wetlands plantings. Mr. Giorgio wants to locate a gazebo at this entrance and plant pear trees. Chairman Baker didn't find either proposal favorable; trees to be planted should be selected from the species list suggested on the approved plans.

**Wildlife corridor maintained with split rail fence:** Chairman Baker reported the intent of the wildlife corridor was to provide an area for wildlife to roam freely; the fence was intended to delineate the area for the landscape contractors and others. Chairman Baker

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noted Mr. Giorgio opposes installation of the fence.

**Lack of room for plantings originally approved:** Chairman Baker noted that much of the plantings approved under the original permit can no longer be installed as they weren't planted early in development of the site. As an example the plans call for eight large pine trees to be planted in an area between two homes. While he understood the concern for privacy for the residents the pine trees could become problematic in the future; a better option might be a lesser number of blue spruce.

**Guardrail on interior curve:** See later discussion initiated by Mr. Giorgio.

Chairman Baker suggested Wetlands Agent Tyksinski and he are willing to work with Mr. Giorgio to develop modifications, which they would indicate on the approved plans and return to the Commission for approval of the modifications. Chairman Baker suggested some of Mr. Giorgio's opposition to establish plantings may be a cost consideration, or a preference to save time. Wetlands Agent Tyksinski indicated he can offer 2 hours twice a week to work with Mr. Giorgio; Chairman Baker indicated he will work with Mr. Giorgio as well.

Mr. Giorgio was present in the audience; Chairman Baker questioned if he would like to participate in the discussion?

Mr. Giorgio introduced himself as a resident at 40 Barber Hill Road, and the developer of Newberry Village. Mr. Giorgio felt he was being misrepresented, as it isn't all about the money. His comments follows:

**Newberry Road, second entrance:** Mr. Giorgio cited the plans were developed 15 years ago; he purchased the development rights after the original approval and had no input into the design. He suggested it's easy for plans to be proposed to commissions, who then approve a concept, but in actuality some of the things don't make sense during development of the project. His biggest issue is the front entrance to the complex. Mr. Giorgio suggested the area was created to replace a wetlands which was eliminated by the development of the project, so it's a replication of a wetlands but the water doesn't go into that area. Mr. Giorgio suggested if he does what's called for in five years the area will be crap. He did a similar replication area on Mocking Bird Lane and that's a mess as well; there isn't enough room to put in the plantings required. He should also be putting in plantings on the north side of Blue Heron Way but he can't get in there either. Mr. Giorgio suggested the residents walk up and down the streets but there's no central gathering place; to address that he's proposing the gazebo with a line of pear trees to create a park-like area. Chairman Baker opposed the installation of the gazebo as the area is intended to be a drainage area. While it's dry now it could become a gazebo in the middle of a pond in the future. Chairman Baker was not in favor of the gazebo.

**Too many plantings required:** Mr. Giorgio reported that residents complain they don't have enough yard area. He cited he often must call the Planning Office for permission to cut down trees to clear areas. He felt that in this final phase it doesn't make sense to install the plantings required, although he agrees there may be some areas where he could plant blueberry bushes. Mr. Giorgio would like to complete this landscaping work in the

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next 60 days.]

**Guardrail:** Mr. Giorgio reported the guardrail goes around the inside loop of a road; there's no room to put in the plantings. Mr. Giorgio felt the guardrail doesn't serve any purpose as no vehicle will go around this corner and veer into the ditch; they'll go into houses first. Chairman Baker felt perhaps the guardrail was required to prevent people from backing up and dumping debris in the area.

**Wildlife corridor maintained with split rail fence:** Mr. Giorgio opposed the wildlife corridor as the deer and geese walk everywhere in the complex; he felt the split rail fence will become a maintenance issue.

Noting residents were present in the audience Chairman Baker asked if they had any comments regarding the discussion?

**Randy Clifton, 7 Hickory Trail:** Mr. Clifton agreed the buffer was necessary; he'd like plantings but nothing ridiculous; he'd like something that would work with the community. Chairman Baker reiterated the need to have a boundary or buffer between the lawn and the wetlands, although he suggested perhaps the buffer could be less than approved. He noted the need to keep the invasive plants from filling the wetlands.

**Terry Clifton, 7 Hickory Trail:** Mrs. Clifton questioned if there was a time period to have this work done? Chairman Baker noted the plans being reviewed were the plans related to the permit originally issued. If the Commission doesn't make any changes the plantings as proposed on the plans would be what was required.

Mrs. Clifton questioned if there was an enforcement process if the work wasn't done? Chairman Baker suggested the permit wouldn't be closed out; Mr. Giorgio wouldn't get his bond back.

Mrs. Clifton suggested that in a few years the wetlands may need to be dredged; who would be responsible for that work? Chairman Baker reported that would be the responsibility of whoever owns the property. He noted that many of these plans include a maintenance schedule for the detention ponds, although it might not set a specific time for dredging.

Mrs. Clifton questioned if the plans being reviewed show the walking trails? Chairman Baker replied affirmatively. Mrs. Clifton questioned if the walking trails must be completed before the bond is released? Chairman Baker concurred, noting Staff would inspect the property for completion of certain items prior to releasing the bond. Mrs. Clifton questioned what type of material is required for the walking surface? Mr. Giorgio interjected, noting the surface is dirt, leaves, grass; he's just clearing out an old farm road for the walking path. Mrs. Clifton referenced a walking trail between Mourning Dove Trail and an adjacent road; Mr. Giorgio felt that area may be stone dust.

No one had additional comments to offer. The Commission considered action on this

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request.

**MOTION:** To MAKE MODIFICATIONS to the Landscaping Plan for Newberry Village as an Agent Decision with Wetlands Agent Tyksinski and Chairman Baker signing off on modifications.

**Pippin moved/Osborn seconded/DISCUSSION: None**

**VOTE:** In Favor: Unanimous (Baker/Osborn/Pippin/Talamini)

**NEW BUSINESS/2) NEW APPLICATIONS TO BE RECEIVED:**

**MOTION:** To RECEIVE Application #11-2018 ACI Auto Group – 206 South Main Street. Request to conduct regulated activities to construct a storm drainage outfall. Property owned by KBT Realty LLC, 206 South Main Street, East Windsor, CT. B-2 Zone, Map 22, Block 5, Lot 81.

**Pippin moved/Osborn seconded/DISCUSSION: None**

**VOTE:** In Favor: Unanimous (Baker/Osborn/Pippin/Talamini)

**OLD BUSINESS:** None.

**MISCELLANEOUS/1) 155 Main Street, Broad Brook – discussion of potential uses:**

Wetlands Agent Tyksinski advised the Commission he has spoken several times with the owner of 155 Main Street, Broad Brook. The property has most recently been the location of a convenience store but that use hasn't done well. There are also apartments on the second level of the two story portion of the building. The owner is considering turning the area now used by the convenience store into a restaurant; Wetlands Agent Tyksinski has noted parking will be a problem. The owner is seeking to add parking in the rear. There is an area of wetlands in the back corner of the property – Commissioners Osborn and Pippin noted the area is the location of Chestnut Brook.

The consensus of the Commission is that the owner will need to submit a Wetlands Application for the change of use and associated parking.

**AGENT DECISIONS:** None.

**STATUS REPORTS:** None.

**VIOLATIONS:**

Wetlands Agent Tyksinski reported there are no pending violations at this time.

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Commissioner Osborn questioned the status of the construction of the new home on 310 North Road by Justin Barber. Mr. Barber had indicated to the Commission that construction of the new home was imminent yet nothing has started. Wetlands Agent Tyksinski reported he had not visited the property since the issuance of the Wetlands Permit; he'll follow up on this property.

**CONFERENCE/SEMINARS/TRAINING:** No discussion

**CORRESPONDENCE/1) 47 Broad Brook Road:**

Wetlands Agent Tyksinski reported this property is the location of Double H Acres owned by Herb Holden. The Holdens received an As-Of-Right Determination in 2015 for the reuse of soil from construction at the CREC School in Bloomfield; the soil was to be used for pastureland and also to build up the area for the eventual construction of a barn. The Holdens acquired a Zoning Permit for the barn but construction was never initiated. Wetlands Agent Tyksinski reported the original arrangement didn't work out; the Holdens are now in the position to receive soil which is now available and would like to move forward with the process again.

The consensus of the Commission is the As-Of-Right Determination continues as issued in 2015, however, the Holdens will need to acquire a new Zoning Permit for construction of the barn.

**GENERAL BOARD DISCUSSION:** None.

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

No one requested to speak.

**ADJOURNMENT:**

**MOTION:** To ADJOURN this Meeting at 7:45 p.m.

**Talamini moved/Osborn seconded/**

**VOTE: In Favor: Unanimous (Baker/Osborn/Pippin/Talamini)**

Respectfully submitted:

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Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission