

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

Regular Meeting – October 3, 2018

MEETING MINUTES

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

CALL TO ORDER: Chairman Baker called the Meeting to order at 7:00 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, and Alternate Member Michael Sawka.

Unable to Attend: All members were present this evening.

Guests: Dana Steele, P.E., J. R. Russo & Associates; Peter Alberici, of ACI Auto Group.

Chairman Baker noted the establishment of a quorum with 4 Regular and 1 Alternate Members as noted above. All Regular Members will sit in on votes this evening; Alternate Member Sawka can participate in discussion of the applications as well.

Also in attendance was Wetlands Agent Matt Tyksinski.

PLEDGE OF ALLEGIANCE:

Everyone stood to recite the Pledge of Allegiance.

AGENDA ADDITIONS: None.

APPROVAL OF MINUTES – September 5, 2018:

MOTION: To APPROVE the Minutes of Regular Meeting of the Inland Wetlands and Watercourse Agency dated September with the following amendment:
Page 1, Line #23 – ESTABLISHMENT OF QUORUM: “Chariman Baker noted the establishment of a quorum with **3 Regular and 1 Alternate 4 Regular Members; Alternate Member Sawka was unable to attend the Meeting.** All Members will sit in on votes this evening.”

Pippin moved/Talamini seconded/DISCUSSION: None.

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**VOTE: In Favor: Baker/Pippin/Osborn/Talamini
No one opposed/No Abstentions**

NEW APPLICATIONS TO BE RECEIVED: None.

PUBLIC HEARINGS: None.

CONTINUED PUBLIC HEARINGS: None.

NEW BUSINESS: 1) 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 LC, 206 South Main Street, East Windsor, CT. B-2 Zone, Map 22, Block 5, Lot 81:

Appearing to discuss this application was Dana Steele, P. E., J. R. Russo & Associates, and Peter Alberici, of ACI Auto Group.

Mr. Steele reported this application is for the construction of a new building at 206 South Main Street. ACI Auto Group is currently located across the street and needs to expand the business. They are proposing to construct a new building on the site of a former restaurant (Schaub's), which contains level frontage along Route 5. The site then drops off at a modest slope, and then drops off more steeply to the FEMA 100 year flood plain which is regulated by the Wetlands Agency.

Mr. Steele reported that they are proposing to create a stormwater outlet which will encroach into the flood plain. Mr. Steele indicated a portion of the gravel parking lot will encroach into the flood plain also. Mr. Steele indicated the water will sheet flow to the end of the slope and continue into a drainage structure into the pond for treatment. The overflow will discharge at the bottom of the slope where the property is flat.

Mr. Steele indicated they have received a response to Town Engineer Norton's comments as noted in memos dated 9/10/2018 and 9/27/2018. Mr. Steele indicated he was not aware of Town Engineer Norton's second memo until today but he was able to meet with him and address his comments. Town Engineer Norton had requested details of the proposed level spreader. Mr. Steele suggested that if the water just dropped off the top of the slope it would cause erosion; to avoid that they are putting in a structure to slow the water down before it enters the outlet. They are proposing riprap at the level spreader to reduce erosion; Town Engineer Norton has requested details of the level spreader to be added to the drawings as a condition of approval. Mr. Steele referenced an area on the plans, noting this to be the area of disturbance which he feels will be temporary. Mr. Steele suggested the pond is in wetlands and the other land may be upland, but it's all flood plain which is regulated.

Commissioner Osborn questioned what was on the slope now, as it's a steep slope? Mr.

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Steele concurred, noting it's wooded, particularly where they'll be cutting through but it does level out at the bottom. Commissioner Osborn questioned if that area would be disturbed? Mr. Steele replied affirmatively. He suggested they would grade to the top limit of the slope and then fill to get a reasonable slope at the bottom. Mr. Steele noted Town Engineer Norton had wanted additional stabilization measures so they'll be adding erosion control blankets. Commissioner Osborn questioned if the soil was clay on the slope? Mr. Steele indicated the soil is sandy at the top and clay below in the flood plain. During most of the storm events the water will soak into the ground.

Mr. Steele reported Mr. Alberici will be purchasing one of the properties; the plans include a lot line reconfiguration.

Chairman Baker noted the sedimentation basin contains four bays; he questioned if that would be in the sand or will it hit the grass? Mr. Steele cited it's in the sand; the grass is at the flood plain elevation. Chairman Baker questioned how much of the site is draining into the basin? Mr. Steele indicated the entire site; everything is pitched to the back to the catch basin. Mr. Steele reported the sedimentation basin is designed for a 100 year storm; it won't overtop. The basin isn't in the flood plain. Commissioner Pippin recalled this same approach was used with other properties in the area, such as Southern Auto Auction. The idea is to get rid of the water as quickly as possible.

Mr. Steele noted that one of Town Engineer Norton's comments was what happens if you get back to back storms? Mr. Steele suggested the calculations determined it wouldn't make a difference as the pond fills quickly and reaches the overflow before the peak of the storm hits it. Mr. Steele suggested that would be the worst case scenario but considering the slope Town Engineer Norton raised the question.

Chairman Baker suggested that during construction the slope will be open and it's steep; what erosion controls are proposed? Mr. Steele indicated that prior to initiating any disturbance they'll install a silt fence barrier, then they'll clear the stumps and begin filling and compacting in layers. They'll install silt fence blankets for erosion controls. The slope has a 3:1 ratio.

Chairman Baker questioned when the basin will be built? Mr. Steele suggested they'll build the basin during the initial phase of building up the slope and creating the outlet structure. Mr. Steele suggested they could add temporary diversion berms on the plans to protect the slopes until the erosion blankets are put down. Chairman Baker cited his concern was that if construction was begun this Fall the grass won't come in until the Spring. Mr. Steele reiterated his proposal to add the temporary diversion berms.

Commissioner Pippin questioned the anticipated construction time line? Mr. Steele noted they are presenting a Planning and Zoning Application next Tuesday night; he felt it would be a month before they can file for a permit. Mr. Steele felt they would be looking at the beginning of November to start construction. Mr. Alberici felt

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construction would be dependent on frost; he felt they could be looking at March 2019.

Chairman Baker questioned the proposed erosion controls for the bottom? Mr. Steele referenced Sheet 5. Chairman Baker questioned if silt fence or hay bales would be used? Commissioner Osborn suggested using both. Mr. Steele concurred, they could do both. He suggested that the silt fence really works better but it gets knocked down; hay bales are more sturdy. Commissioner Pippin wanted a double layer of hay bales. Chairman Baker indicated he could go with either but he did want something added to divert the water during construction. Mr. Steele indicated he'll add notes on the plans to add the temporary diversion berm and the double layer of silt fence and hay bales.

Chairman Baker noted Town Engineer Norton wanted a cross section of the level spreader added to the plans as well.

MOTION: To APPROVE Application #11-2018 ACI Auto Group, 206 South Main Street, for a request to conduct regulated activities to construct a storm drainage outfall. Property owned by KBT Realty LC, 206 South Main Street, East Windsor, CT. B-2 Zone, Map 22, Block 5, Lot 81, with 14 Standard Conditions, and two additional conditions.

This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:

REFERENCED PLANS:

- **Storm and Utility Plan for ACI Auto Group, 206 South Main Street, East Windsor, CT., by J. R. Russo & Associates, LLC, 1 Shoham Road, East Windsor, CT., Sheet 6 of 9, dated 8/31/2018, Latest Revision Date 10/3/2018.**
- **Grading Plan for ACI Auto Group, 206 South Main Street, East Windsor, CT., by J. R. Russo & Associates, LLC, 1 Shoham Road, East Windsor, CT., Sheet 5 of 9, dated 8/31/2018, Latest Revision Date 10/3/2018.**

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,

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- 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 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.

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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.
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.

Additional Conditions:

15. **Plans to be revised to show cross section of level spreader.**
16. **Temporary water diversion line in the general area of the curb at the top of the slope to be shown on plans.**

Osborne moved/Talamini seconded/DISCUSSION: None.

**VOTE: In Favor: Baker/Pippin/Osborn/Talamini
No one opposed/No Abstentions**

OLD BUSINESS: None.

MISCELLANEOUS: None.

AGENT DECISIONS: None.

STATUS REPORTS/1) Update on WSG, LLC Excavation/Fill Permit:

Wetlands Agent Tyksinski referenced his letter to Adam Westhaver, of WSG, regarding compliance following issuance of the Wetlands Permit. Wetlands Agent Tyksinski reported he, First Selectman Maynard, and Chairman Baker recently met with the Town Attorney regarding comments made by Mr. Westhaver during the Wetlands Meeting. It was subsequently determined that Mr. Westhaver had not been honest during the application presentation. Wetlands Agent Tyksinski's letter requests the specification of submission of plans for testing to be performed at the site; failure to do so could result in the suspension of the Wetlands Permit.

Chairman Baker reported he attended a subsequent Planning and Zoning (PZC) Public Hearing on WSG's application. Chairman Baker listened to testimony which didn't come up in the Wetlands Meeting. At the PZC Public Hearing Mr. Westhaver indicated that fill material could be coming from multiple sites within Connecticut, while during the Wetlands Meeting Mr. Westhaver had said that only naturally occurring materials

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would be coming and the source of the material would only come from the MDC tunnel project. Chairman Baker reported he made a suggestion during the PZC Meeting that approval of the project should include a condition that a licensed soil professional, chosen by the Town, should be present on site to confirm only clean fill is being received. Chairman Baker reported he had noted that a similar condition had been attached to the Wetlands Permit. He reported it become apparent that the Town didn't have the ability to corroborate the results so he suggested that they hire an expert picked by the Town and paid for by Adam Westhaver.

Commissioner Pippin recalled that discussion during the Wetlands Meeting had clarified that it should be only clean fill coming to the site.

The Commission discussed follow up action to Wetlands Agent Tyksinski's letter to Mr. Westhaver. Out of fairness to Mr. Westhaver, who is currently before the PZC for a continuing Public Hearing, the Commission is open to holding a Special Meeting prior to its regular November Meeting.

2) Update on Newberry Village Site Visit:

Chairman Baker reported he and Wetlands Agent Tyksinski met with Jim Giorgio at Newberry Village recently, and had intended to continue the site visit yesterday but it rained. Chairman Baker reported some areas have already filled in with invasive species. Mr. Giorgio has agreed to cut back on the areas being mowed, and will go in and rip out the invasive plants and replace them with native species. Chairman Baker suggested he felt Mr. Giorgio wanted to complete this work relatively quickly; his suggestion would be for Wetlands Agent Tyksinski to oversee these modifications as an Agent Decision. Commissioner Pippin suggested "red-lining" a plan for project documentation. He suggested Wetlands Agent Tyksinski bring the modifications bring the plan modifications and report on the status of the work at the next Wetlands Meeting.

Chairman Baker indicated that Mr. Giorgio expressed a desire to change requirements for installation of fence. Chairman Baker referred Mr. Giorgio to the PZC regarding revisions to the fence.

VIOLATIONS: None.

CONFERENCES/SEMINARS/TRAINING:

Wetlands Agent Tyksinski reported the CAIWIC Conference is coming up in November. Information will be sent to Commission Members.

CORRESPONDENCE: None.

GENERAL BOARD DISCUSSION: None.

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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/Pippin seconded/VOTE: In Favor: Unanimous

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission