



TOWN OF ELLINGTON

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INLAND WETLANDS AGENCY REGULAR MEETING MINUTES MARCH 9, 2020 7:00 PM TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT

PRESENT: Chairman Ken Braga, Vice Chairman Ron Brown, Art Aube, Jean Burns, Steve Hoffman, Hocine Baouche, and Katherine Heminway

ABSENT: None

STAFF

PRESENT: John Colonese, Assistant Town Planner/Wetlands Enforcement Officer and Barbra Galovich, Recording Clerk

I. CALL TO ORDER:

Chairman Ken Braga called the Ellington Inland Wetlands Agency to order at 7:00 pm in the Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS (ON NON AGENDA ITEMS): None

III. PUBLIC HEARINGS:

1. IW201911 – David E. Oakes, owner/applicant, request for a permit to conduct regulated activity for the restoration of an area disturbed by tree cutting, stump removal, grading and excavating at 12 Westview Terrace, APN 029-021-0000.

Time: 7:01 pm

Seated: Braga, Brown, Aube, Burns, Hoffman, Baouche, and Heminway

David Oakes, 12 Westview Terrace, Ellington, CT and George Logan, REMA Ecological Services, LLC, 164 East Center Street, Suite 8, Manchester, CT were present to represent the application.

Mr. Logan said on February 20, 2020, he met with Chairman Braga, Dana Steele (Town Engineer), Mr. Colonese and Mr. Oakes at the property for a site visit. During the inspection they required the immediate installation of silt fencing, hay bales and stabilization of an area along the brook at the western portion of the property. Mr. Oakes was also granted permission to remove old stumps and garbage from the wetlands area. Mr. Logan stated he is still reviewing whether to leave the channel created by Mr. Oakes or reestablish the original channel. He feels that after discussion with Chairman Braga, and town staff that it may be best to reestablish the original channel. He would like to observe any new growth and intends on finalizing the restoration plan in the spring. Mr. Logan explained that the completed restoration plan will need to be approved by the Town Engineer prior to coming back to the Agency for final approval.

Commissioner Hoffman asked Mr. Oakes what the long term plan is for the watercourse. Mr. Oakes stated his original plan was to create an area for riding dirt bikes for him and his family however now he would like to clean out the area of the fallen trees and perhaps relocate his pigs to the area. Mr. Logan said they may propose a zone around the brook and wetlands to be left alone after the implementation of the restoration plan, then the owner can approach the Agency for approval of future uses or activities beyond that zone.

Commission Hoffman asked if there will be a dirt track through the brook or wetlands area. Mr. Oakes said there will not be a dirt track through the brook or wetlands. Commissioner Hoffman stated that it is in the owner's interest to understand the benefits and functions of the wetlands as well as the limitations within the wetlands. Mr. Logan said that they intend to propose a natural screen or something that will provide a demarcation as to where the wetlands are located so the owner recognizes the location of the wetlands boundaries.

MOVED (HOFFMAN) SECONDED (BROWN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR IW201911.

MOVED (BURNS) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS FOR IW201911 – David E. Oakes, owner/applicant, request for a permit to conduct regulated activity for the restoration of an area disturbed by tree cutting, stump removal, grading, filling, and excavating at 12 Westview Terrace, APN 029-021-0000.

Conditions:

- 1) Preliminary Wetlands Restoration Plan by REMA Ecological Services LLC dated February 10, 2020 must be implemented by the applicant.
- 2) Provide the Agency with notification from a Certified Soil Scientist that the Preliminary Restoration Plan has been completed.
- 3) North Central Conservation District and Town Engineer to provide review and comment on a final Restoration Plan.
- 4) A final Restoration Plan must be submitted by May 11, 2020 for review and approval by the Wetlands Agency.

IV. OLD BUSINESS:

1. IW201601 – Francis Tomasek c/o Delphine Tomasek, owner/John Matthews, applicant, acceptance of a permitted use (timber harvest) on property located to the rear of Hayes Ave., approximately 400 feet south of the cul-de-sac, APN 004-002-0000.

John Matthews, 9A Friske Avenue, Stafford Springs, CT was present to represent the application. Mr. Matthews stated they received acceptance from the Agency to conduct a timber harvest on the property back in 2016 and are looking for a two year extension. They have permission from the abutting property owner to access the property. Commissioner Hoffman asked where they intend on creating a landing area for the logs. Mr. Matthews explained they will skid the timber out onto a field on the abutting property like they did in the past. He stated they do not intend to cross the wetlands but will be working within the upland review area.

MOVED (BROWN) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ACCEPT EXTENSION FOR TWO YEARS FROM TODAY, MARCH 9, 2020 FOR IW201601 – Francis Tomasek c/o Delphine Tomasek, owner/John Matthews, applicant, a permitted use (timber

harvest) on property located to the rear of Hayes Ave., approximately 400 feet south of the cul-de-sac, APN 004-002-0000.

REMOVING THE FOLLOWING CONDITIONS FROM THE ORIGINAL ACCEPTANCE:

- 1) The applicant shall obtain permission from abutting property owners for access across their property as shown on the submitted plan.
- 2) If the applicant plans to access across a property other than those presented in the plan, the Wetlands Enforcement Officer shall be notified prior to commencement of the timber harvest for review.

V. NEW BUSINESS:

1. IW202002 – Nicholas Healy, owner/applicant, request for acceptance of uses permitted as of right to construct a greenhouse, install a geothermal system under the greenhouse, and use the pond for irrigation at 92 Frog Hollow Road, APN 060-009-0000.

Nicholas Healy, 92 Frog Hollow Road was present to represent the application. Mr. Healy explained he is looking to build a greenhouse with a geothermal system under the greenhouse to provide cool air, and an irrigation system from the pond. He stated the irrigation system should not have an impact on the pond. He noted that he would like to install a line from the existing well to the greenhouse as back up. Commissioner Heminway asked what he intends on growing. Mr. Healy said he plans to grow vegetables and hemp in the greenhouse and on the land. He said he applied to the Department of Agriculture for permission to grow hemp.

Mr. Colonese noted that the diversion 50,000 gallons of water within a 24 hour period from the pond would require approval from the Department of Energy & Environmental Protection (DEEP). Mr. Healy said he will not be using that much water from the pond.

MOVED (HOFFMAN) SECONDED (BAOUCHE) AND PASSED UNANIMOUSLY TO ACCEPT IW202002 – Nicholas Healy, owner/applicant, uses permitted as of right to construct a greenhouse, install a geothermal system under the greenhouse, and use the pond for irrigation at 92 Frog Hollow Road, APN 060-009-0000.

2. IW202003 – William & Christa Burke, owner/applicant, request for acceptance of uses permitted as of right to construct four cattle barns with associated site work, and to clear woodland to create pasture for cattle at 95 Wapping Wood Road, APN 001-002-0000.

William Burke, 354 Niederwerfer Road, South Windsor, CT was present to represent the application. Mr. Burke said he is working with the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) and DEEP to construct four 50' X 120' barns for the purpose of housing beef cattle. NRCS is helping with the project and the barns need to be at least 75 feet from any wetlands as per their requirements. The barns will reduce the impact on the wetlands as the cattle will remain under cover during rain events and remain there until the pasture conditions are dry and suitable for grazing. Mr. Burke explained the manure will be stored in the barns and will be cleaned out and spread at least twice a year.

Mr. Burke added that they will be clearing approximately 7.5 acres of land for cattle grazing, a portion of which is within the upland review area of the wetlands.

MOVED (HOFFMAN) SECONDED (BAOUCHE) AND PASSED UNANIMOUSLY TO ACCEPT IW202003 – William & Christa Burke, owner/applicant, uses permitted as of right to construct four cattle barns with associated site work, and to clear woodland to create pasture for cattle at 95 Wapping Wood Road, APN 001-002-0000.

3. Christian Coleman, owner/applicant, request for a permit to conduct regulated activity for the construction of a raised patio to the rear of the house at 11 Sullivan Road, APN 148-053-0000.

Mr. Colonese said the owner of 11 Sullivan Road is proposing to install a raised patio about 16 feet from the edge of Crystal Lake and stated the owner's contractor provided a short project narrative. Commission Hoffman asked about silt fencing. Mr. Colonese reviewed the project narrative and noted the contractor plans to install silt fencing with straw wattles between the proposed work area and the water's edge.

BY CONSENSUS, THE AGENCY DELEGATED AUTHORITY TO THE WETLANDS AGENT FOR – Christian Coleman, owner/applicant, request for a permit to conduct regulated activity for the construction of a raised patio to the rear of the house at 11 Sullivan Road, APN 148-053-0000.

BY CONSENSUS, THE AGENCY ADDED ITEMS 4 & 5 TO THE AGENDA UNDER NEW BUSINESS

4. Chilson Realty Co., owner/applicant, pursuant to CGS 8-26(e), request for referral to the Planning & Zoning Commission on a resubdivision application involving land regulated as an inland wetland or watercourse at Windermere Avenue and West Road, APN's 019-005-0000, 019-005-0003, 019-005-0004 and 019-005-0005.

Mr. Colonese briefly explained that the resubdivision application is to adjust the property lines of the linear park parcel which is to transfer to the Town as open space. It was noticed after the original 1999 subdivision approval, the property lines of the open space parcel had changed in part due to a property line adjustment with an abutting parcel. The owner is asking the Planning & Zoning Commission to make the revised lines permanent, which requires a resubdivision application per state statute. There is no development associated with this resubdivision application. Mr. Colonese stated that should activity be proposed within a regulated area on parcels to the south of the linear park parcel, application must be made to the Agency for approval.

MOVED (BROWN) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO MAKE A POSITIVE REFERRAL FOR – Chilson Realty Co., owner/applicant, pursuant to CGS 8-26(e), request for referral to the Planning & Zoning Commission on a resubdivision application involving land regulated as an inland wetland or watercourse at Windermere Avenue and West Road, APN's 019-005-0000, 019-005-0003, 019-005-0004 and 019-005-0005.

5. Laura Gottier, owner/applicant, request for a permit to conduct regulated activity for the construction of a house, septic system and associated site improvements at 101 Webster Road, APN 145-006-0001.

Mr. Colonese stated the applicant is proposing to build a new single family home with a septic system. He explained the activity for the proposed septic system is shown at approximately 60 feet from the wetlands and the proposed house is approximately 130 feet from the wetlands. He added that the property is located within the public water supply watershed. The applicant had

Richard Zulick, Soil Scientist, delineate the wetlands. The plan shows silt fencing between the activity area and the wetlands.

MOVED (BURNS) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO DELEGATE AUTHORITY TO THE WETLANDS AGENT FOR – Laura Gottier, owner/applicant, request for a permit to conduct regulated activity for the construction of a house, septic system and associated site improvements at 101 Webster Road, APN 145-006-0001.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the February 10, 2020 Regular Meeting Minutes.

MOVED (HOFFMAN) SECONDED (BURNS) AND PASSED UNANIMOUSLY TO APPROVE THE FEBRUARY 10, 2020 MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:

- a. Connecticut Association of Wetland Scientists (CAWS) 2020 Annual Meeting Friday, March 13, 2020.
- b. Eversource letter dated February 26, 2020, Re: routine vegetation maintenance within rights of way in the Town of Ellington.
- c. Review of fines for wetlands violations.

Mr. Colonese informed the Agency that he spoke with the Town Attorney about setting different fees for wetlands violations pursuant to Town Ordinance. He stated that it is not advisable to change the fee set in the ordinance without a policy in place clarifying why different fee amounts should be set for different situations.

VII. ADJOURNMENT:

MOVED (BROWN) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO ADJOURN THE MARCH 9, 2020 REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 8:10 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk