



# TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187  
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**INLAND WETLANDS AGENCY  
REGULAR MEETING MINUTES  
FEBRUARY 10, 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 Kathy 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:** 7:00 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. Oakes stated that Mr. Colonese suggested he hire a soil scientist and obtain a survey, which he has completed. He applied grass seed and hay twice to the area of concern to stabilize it. Mr. Oakes said he would like to finish grading and stump the area. Chairman Braga noted he and Mr. Colonese visited the site and extensive work was done especially along the stream.

**MOVED (AUBE) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A SIGNIFICANT ACTIVITY FOR IW201911.**

Mr. Logan, Soil Scientist, distributed his report, dated February 10, 2020 to the agency members. He said they were out on the site on November 13, 14 and 20, 2019 and again on January 25<sup>th</sup> of this year to delineate the wetlands on the parcel. He requested the owner dig some small

trenches down 2.5 to 3 feet, under his direction, for the testing of the soils and appreciated the owners help. Mr. Logan explained that there has been an extensive movement of soils and a portion of the brook has been rerouted. He reviewed a functions and values assessment of the wetlands and watercourse, and the disturbances that occurred to the area around the brook. He is also concerned about how the rerouting of the stream created steep banks in places which can potentially become unstable.

Commissioner Brown asked what the worst case scenario would be regarding the steep steam banks. Mr. Logan responded that the channel will enlarge and erode. Commissioner Baouche asked about methods to stabilize the area. Mr. Logan's preliminary suggestions are to seed with a conservation seed mix, plant wetlands plants, and let the natural vegetation grow. He said it would be beneficial for him to observe the area in the spring to finalize his recommendations on the restoration plan. He also recommended visiting the site with the Town Engineer in order to determine which methodologies should be employed to avoid severe stream bank erosion.

Chairman Braga suggested the agency continue the hearing to the next meeting so they can review the report received today.

**MOVED (AUBE) SECONDED (BURNS) AND PASSED UNANIMOUSLY TO CONTINUE TO THE NEXT REGULAR MEETING ON MARCH 9, 2020, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT 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.

2. IW202001 – James A. Moser & Skinner Properties LLC, owners / Everett Skinner IV, applicant, request for the subdivision of land and a permit to conduct regulated activity for the construction of four commercial buildings, parking areas and access drives, a solar array, a gravel outdoor storage area, a wooden bridge, gravel cart paths, storm water management facilities, and associated site improvements at property located on West Road on the west side of Route 83, APN 037-003-0000 and 120 West Road, APN 037-002-0000.

**Time:** 7:32 PM

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

Guy Hesketh, FA Hesketh and Associates, 6 Creamery Brook, East Granby, CT and George Logan, REMA Ecological Services, LLC, 164 East Center Street, Suite 8, Manchester, CT were present to represent the application.

Chairman Braga asked an agency members to make a motion to determine whether or not the proposed activity is significant.

**MOVED (BROWN) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A SIGNIFICANT ACTIVITY FOR IW202001.**

Mr. Hesketh said the applicants have submitted applications to the Planning & Zoning Commission seeking approval for a two lot subdivision and a special permit as well as the application tonight to conduct regulated activity for the construction of four commercial buildings, parking areas and access drives, a solar array, a gravel outdoor storage area, a wooden bridge, gravel cart paths, storm water management facilities, and associated site improvements. He described the location of the 25.3 acre parcel on West Road to be subdivided into two lots with a

shared driveway between them. The parcel recently received zone change approval from the Planning & Zoning Commission to be located entirely within the Planned Commercial zone, as opposed to within the Planned Commercial and Rural Agricultural Residential zones. Mr. Hesketh described the proposed easements on the property and reviewed the wetlands delineations. He briefly described the proposed activity and is currently working with the Water Pollution Control Authority to include the parcel in the sewer district. He also reviewed the Stormwater Management narrative. This project will be constructed in phases and the first phase plan is for the curb cut, driveway, gravel cart paths, covered bridge, gravel storage area for prefabricated buildings, and stormwater management facilities. The proposed detention basin will be able to handle a 50 year storm, and they will be creating interceptor swales along the northern and southwestern boundaries of the property to protect the watercourses by carrying stormwater runoff to the basin.

Commissioner Aube asked how much of the first phase will be covered by gravel. Mr. Hesketh responded that approximately 5.8 acres will be gravel, mostly for the prefabricated building storage area. Commissioner Baouche inquired about how they will take into account the preservation of wildlife in the area. Mr. Hesketh explained how the detention basin would be constructed and how the water will flow through the system, creating a shallow pond. Mr. Logan explained that the basin will create a habitat for wildlife.

Mr. Logan distributed multiple photos of the proposed area of enhancement and restoration along Belding Brook. He also had photos of a few organisms that live within the stream which is indicative of good stream health. Mr. Logan explained the work he recommends within the basin, and along the edge of the stream which is outlined in the Mitigation Implementation Notes and Planting Materials for Buffer Restoration Chart he provided to the agency. He suggested treating and removing scattered invasive species, planting new shrubs and trees within the existing vegetation, planting a conservation-wildlife seed mix, and then monitoring the progress.

Mr. Logan asked the agency for some flexibility on stream stabilization techniques and plantings with the understanding that town staff would review their final plan to make sure it complies with the mitigation implementation notes presented this evening and any Town Engineer concerns.

Commissioner Hoffman asked about the maintenance of the stormwater basin. Mr. Hesketh said that Sheet NT-1 of the plan set describes the schedule and responsibilities for maintenance of the site and basin as well as the removal of sediments.

Mr. Hesketh stated they are seeking approval for the entire site development plan tonight and will apply the Planning & Zoning Commission for specific uses proposed on the site. He added that they will review any future changes with town staff and return to the agency for approval if necessary.

Commissioner Aube asked about the ground cover below the solar array. Mr. Hesketh stated the area below the panels will be grassed to allow for stormwater infiltration.

Mr. Colonese proposed some conditions of approval for consideration by the agency. He also read comments numbered 8 through 11 of the Town Engineer's email dated February 4, 2020 (**attached**).

**MOVED (HOFFMAN) SECONDED (BROWN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR IW202001.**

**MOVED (HOFFMAN) SECONDED (BAOUCHE) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS IW202001** – James A. Moser & Skinner Properties LLC, owners / Everett Skinner IV, applicant, request for the subdivision of land and a permit to conduct regulated activity for the construction of four commercial buildings, parking areas and access drives, a solar array, a gravel outdoor storage area, a wooden bridge, gravel cart paths, storm water management facilities, and associated site improvements at property located on West Road on the west side of Route 83, APN 037-003-0000 and 120 West Road, APN 037-002-0000.

**Conditions:**

- 1) Shall comply with Town Engineer comments in email dated 2/4/2020.
- 2) Shall comply with Mitigation Implementation Notes by Rema Ecological Services received 2/10/2020.
- 3) Wetlands Agent can review and approve minor changes to the plan, but if in the opinion of the Agent or Planning Department Staff a proposed change is not minor, the applicant shall seek approval from the Agency.
- 4) Perimeter sediment fence to be installed and inspected by the Wetlands Agent prior to any excavation or stripping of topsoil.

**IV. SHOW CAUSE HEARING:**

1. Corrective Order, dated January 31, 2020 for violation of the wetlands regulations on property located at the corner of Crystal Lake Road & Burbank Road, APN 128-041-0001.

Joseph Willis Jr., 38 Crystal Lake Road, Ellington, CT was present to discuss the Corrective Order dated January 31, 2020.

Mr. Willis stated that he has spoken with three contractors and none of them could do the work within the time frame. He mentioned that he spoke with Mr. Colonese recently regarding the order. Chairman Braga reiterated that the material has to be spread first, before any can leave the site. Mr. Willis stated the final elevation will be approximately 1.5 feet above the elevation of Burbank Road which he said was approved previously by the agency. He added that all the stormwater runoff will stay on the site due to the swales along the front of the property.

Commissioner Brown expressed his concerns about the length of time allowed Mr. Willis to complete the work and questioned whether fines could be effective immediately. Mr. Colonese reviewed the process with regard to the issuance of the order and municipal fines pursuant to the Town ordinances. The agency generally agreed that Mr. Willis should have until May 1<sup>st</sup> to complete the work in the order, and if not completed, municipal fines shall start in accordance with Town of Ellington Code Chapter 48.

Mr. Willis asked about the next steps after the material has been spread on the site. Mr. Colonese recommended the agency make a motion to require additional information for the construction of a greenhouse. He said the additional information could include architectural building plans signed and stamped by a CT licensed architect or engineer. Mr. Colonese stated the 2017 permitted use acceptance has expired and recommended the agency require a new application when Mr. Willis is ready to construct the greenhouse.

**MOVED (BURNS) SECONDED (HEMINWAY) AND PASSED (BROWN - NAY) TO REVISE CORRECTIVE ORDER DATED JANUARY 31, 2020 FOR VIOLATION OF THE WETLANDS**

**REGULATIONS ON PROPERTY LOCATED AT THE CORNER OF CRYSTAL LAKE ROAD & BURBANK ROAD, APN 128-041-0001 TO THE FOLLOWING:**

- 1) Final elevation of material shall not exceed 1.5 feet above elevation of Burbank Road.
- 2) Grading and spreading of material shall be completed by May 1, 2020. If grading and spreading are not complete prior to this date municipal fines shall commence in accordance with Town of Ellington Code Chapter 48.

**FURTHER TO REQUIRE A NEW APPLICATION AND ADDITIONAL INFORMATION PURSUANT TO JOSEPH WILLIS JR. REQUEST FOR ACCEPTANCE OF A USE PERMITTED AS OF RIGHT FOR CONSTRUCTION OF A GREENHOUSE WITHIN UPLAND REVIEW AREA ON PROPERTY LOCATED AT THE CORNER OF CRYSTAL LAKE ROAD & BURBANK ROAD, APN 128-041-0001. ADDITIONAL INFORMATION FOR THE GREENHOUSE SHALL INCLUDE, BUT NOT BE LIMITED TO, ARCHITECTURAL BUILDING PLANS SIGNED AND STAMPED BY A CT LICENSED ARCHITECT OR ENGINEER.**

**V. NEW BUSINESS:** None

**VI. OLD BUSINESS:** None

**VII. ADMINISTRATIVE BUSINESS:**

1. Approval of the November 18, 2019 Regular Meeting Minutes.

**MOVED (BROWN) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE THE NOVEMBER 18, 2019 MEETING MINUTES AS WRITTEN.**

2. Election of officers.

**MOVED (AUBE) TO NOMINATE COMMISSIONER BRAGA FOR CHAIRMAN OF THE INLAND WETLANDS AGENCY FOR 2020.**

**COMMISSIONER BRAGA ACCEPTED THE NOMINATION. HEARING NO FURTHER NOMINATIONS, NOMINATIONS CLOSED.**

**MOVED (BRAGA) TO NOMINATE COMMISSIONER BROWN FOR VICE CHAIRMAN OF THE INLAND WETLANDS AGENCY FOR 2020.**

**COMMISSIONER BROWN ACCEPTED THE NOMINATION. HEARING NO FURTHER NOMINATIONS, NOMINATIONS CLOSED.**

**MOVED (HOFFMAN) SECONDED (BAUCHE) AND PASSED UNANIMOUSLY TO ELECT COMMISSIONER BRAGA CHAIRMAN AND COMMISSIONER BROWN VICE CHAIRMAN OF THE INLAND WETLANDS AGENCY FOR 2020.**

3. Correspondence/Discussion:

- a. Charters Brook Bridge, Route 140 – CT DOT Bridge Replacement Project.
- b. 2019 Plan of Conservation & Development, Adopted as amended October 28, 2019, Effective November 30, 2019.
- c. Connecticut Federation of Lakes – Request for Donation.

- d. 1 & 3 Buff Cap Road – DEEP Permit Application for the Use of Pesticides in State Waters.
- e. Review of Administrative Permits.

**VIII. ADJOURNMENT:**

**MOVED (HOFFMAN) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO  
ADJOURN THE FEBRUARY 10, 2020 REGULAR MEETING OF THE INLAND WETLANDS  
AGENCY AT 9:42 PM.**

Respectfully submitted,

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Barbra Galovich, Recording Clerk

## Barbra Galovich

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**To:** John Colonese  
**Subject:** RE: IW202001 - Everett Skinner, Commercial Retail Property, 130 West Road

**From:** Dana Steele [<mailto:dsteELE@jrrusso.com>]  
**Sent:** Tuesday, February 04, 2020 4:39 PM  
**To:** John Colonese <[jcolonese@ELLINGTON-CT.GOV](mailto:jcolonese@ELLINGTON-CT.GOV)>  
**Cc:** [ghesketh@fahesketh.com](mailto:ghesketh@fahesketh.com)  
**Subject:** IW202001 - Everett Skinner, Commercial Retail Property, 130 West Road

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

John,

I have reviewed the plans for IW202001 – Everette Skinner. My comments related to wetlands are as follows:

1. Provide a north arrow on sheet GR-1.
2. Provide diversion swales or berms along the east side of the access road along the basin to prevent runoff from crossing over and eroding the driveway and basin slopes.
3. Modify grading plan to show riprap slope protection from the inlet pipes to the basin and the scour holes in a level area at the bottom of the slope.
4. Provide dimension of the level spreader outlet from the basin.
5. Provide a temporary standpipe or other suitable outlet control for use of the basin as a sediment basin during construction.
6. Incorporate a deeper permanent pool near the basin outlet and a shallow aquatic bench after the forebay. A specific planting plan should be proposed by the soil scientist and approved by town staff prior to start of construction.
7. Provide a forebay storage volume equal to 10% of the Water Quality Volume (WQV) (4,559 c.f.) plus capacity for sediment accumulation.
8. The plans include a maintenance schedule for the basin on sheet NT-1 that should be implemented as a condition of approval.
9. An erosion control bond should be established in an amount acceptable to the Town Engineer.
10. This project requires a stormwater construction permit from DEEP. A copy of the registration and Stormwater Pollution Control Plan should be submitted to the town for their records prior to start of construction.
11. The applicant's engineer should perform an evaluation of the erosion control implementation at the start of construction and periodically throughout the construction process until the site is stabilized. Additional erosion controls may be required to prevent erosion and sediment deposits to the surrounding wetlands. Any changes or additions during construction should be reported town staff for approval.

Let me know if you have any questions.

Dana P. Steele, P.E.  
Ellington Town Engineer

