



# TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187  
ELLINGTON, CONNECTICUT 06029-0187  
[www.ellington-ct.gov](http://www.ellington-ct.gov)

TEL. (860) 870-3120      **TOWN PLANNER'S OFFICE**      FAX (860) 870-3122

## INLAND WETLANDS AGENCY REGULAR MEETING MINUTES SEPTEMBER 21, 2020 7:00 PM VIA ZOOM MEETING

**PRESENT:** Chairman Ken Braga, Jean Burns, Katherine Heminway, Hocine Baouche, and Steve Hoffman Present via ZOOM meeting; Art Aube and Alternate Francis Hann

**ABSENT:** Vice Chairman Ron Brown

### STAFF

**PRESENT:** John Colonese, Assistant Town Planner/Wetland Officer; Present via ZOOM meeting; Barbra Galovich, Land Use Assistant/Recording Clerk

**I. CALL TO ORDER:** Chairman Ken Braga called the Ellington Inland Wetlands Agency meeting to order at 7:02 pm.

John Colonese, Assistant Town Planner/Wetland Officer, explained general procedures for how the meeting will be conducted.

**II. PUBLIC COMMENTS (on non-agenda items): None**

**III. PUBLIC HEARINGS:**

1. IW202006 – John Ecker, owner/applicant request for a permit to conduct regulated activity to remove ledge stone at 131 West Shore Road, APN 168-116-0000.

**Time:** 7:04 pm

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

John Ecker, 18188 Lincoln Road, Purcellville, VA 20132 was present to represent the application. Mr. Ecker explained that 50% of the rear yard is currently ledge stone. The ledge is about 4 feet above grade and spreads out to the lake. He is proposing to have a rock splitting company out of Massachusetts level off the top of a protruding piece of ledge stone by using handheld mechanical tools to drill holes in the ledge, then insert wedges and shims to split the stone. The stone will be hauled off-site. Mr. Ecker stated that in the future he would like to have a patio on the flat surface of the ledge.

Commissioner Hoffman asked if the company he hires would be using any chemicals to remove the ledge. Mr. Ecker stated no chemicals would be used for the project. He said that approximately 50 cubic yards of rock will be removed. He added that the property's water supply comes from the lake.

Chairman Braga asked if the existing ledge stone goes into the lake. Mr. Ecker stated that it does, however no stone will be removed from within the lake.

No one from the public commented on the application.

**MOVED (HOFFMAN) SECONDED (BURNS) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A NONSIGNIFICANT ACTIVITY FOR IW202006.**

**MOVED (AUBE) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR IW202006.**

**MOVED (BAOUCHE) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE IW202006** – John Ecker, owner/applicant request for a permit to conduct regulated activity to remove ledge stone at 131 West Shore Road, APN 168-116-0000.

2. IW202007 – John & Joyce Rioux, owner/applicant request for a permit to conduct regulated activity to install a new pipe and connect it to an existing curtain drain to drain to the lake at 34 East Shore Road, APN 169-038-0000.

**Time:** 7:14 pm

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

John Rioux, 34 East Shore Road, Ellington, CT was present to represent the application. Mr. Rioux said they need to resolve an issue that was created by the previous owner of his home and the previous owner of 38 East Shore Drive. During an investigation of the catch basin on 38 East Shore Road a foreign pipe was discovered that originated from a curtain drain behind his garage. Mr. Rioux stated he had the pipe disconnected from the catch basin on 38 East Shore Road and connected to two dry wells on his property to capture and contain the flow from the curtain drain.

Mr. Rioux explained that in the early spring of this year the dry wells could not handle the amount of water and they overflowed with runoff heading overland to the catch basin on 38 East Shore Road. He said they are now proposing to connect a 4 inch pipe to the curtain drain and have it drain straight to the lake through his property.

Mr. Colonese noted the following comments from staff: Michael Caronna, North Central District Health Department stated the proposed drain pipe can be no closer than 25' from any water supply well; and Tim Webb, Water Pollution Control Authority stated the applicant will need to contact Call Before You Dig as the underdrain may impact the low pressure sewer line.

Mr. Rioux noted that his contractor will be using a small excavator to remove the pipe for the dry wells and then will fill them in. He will be cutting the road and excavate a trench from the dry well area across the driveway to his side yard. A stone retaining wall will have to be partially disassembled to allow for the installation of the 4 inch PVC pipe to get to the lawn area of the side yard. Once the pipe is at the side yard, a trench will be excavated by hand to install the 4 inch flex pipe to the lake. The flex pipe will be used to accommodate the varying slope of the yard.

Commissioner Hoffman inquired about the installation of the 4 inch PVC pipe and 4 inch flex pipe and if the pipe would be installed under the street. Mr. Rioux stated Schedule 40 PVC pipe will be installed under the street. Mr. Rioux stated that they will install rip-rap stone 3 feet from the edge of the lake at the pipe outlet.

No one from the public commented on the application.

**MOVED (BAOUCHE) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A NONSIGNIFICANT ACTIVITY FOR IW202007.**

**MOVED (AUBE) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR IW202007.**

**MOVED (AUBE) SECONDED (BAOUCHE) AND PASSED UNANIMOUSLY TO APPROVE IW202007** – John & Joyce Rioux, owner/applicant request for a permit to conduct regulated activity to install a new pipe and connect it to an existing curtain drain to drain to the lake at 34 East Shore Road, APN 169-038-0000.

#### **IV. OLD BUSINESS: None**

#### **V. NEW BUSINESS:**

1. IW202008 – Town of Ellington, owner/ Ellington Trails Committee, applicant request for acceptance of nonregulated uses for the installation of a platform overlooking the pond as well as a wildflower area at 97 Shenipsit Street (Batz Property), APN 030-005-0000.

Linda Anderson, 9 Tolland Turnpike, Ellington, CT was present to represent the application. Ms. Anderson stated she is with the Ellington Trails Committee. The committee is proposing to construct a platform to extend into the pond for education purposes this year. They are also proposing to make the field next to Shenipsit Street a wildflower pollinator field and seed it this year.

Mr. Colonese said the committee is requesting the proposed activities be considered as nonregulated uses. In accordance with the wetlands regulations the Agency can deem conservation of wildlife, field trails, and nature study as nonregulated uses. Commissioner Hoffman inquired about the expected disturbance caused by the installation of the platform. Ms. Anderson said that now is the best time to install the platform due to how dry it is. They will be digging or pounding in six 4 inch by 4 inch pressure treated posts on land near the water's edge and within the pond. The platform will be 12 feet long by 8 feet wide with 7 of the 12 feet over the water.

**MOVED (AUBE) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO ACCEPT IW202008** – Town of Ellington, owner/ Ellington Trails Committee, applicant request for acceptance of nonregulated uses for the installation of a platform overlooking the pond as well as a wildflower area at 97 Shenipsit Street (Batz Property), APN 030-005-0000.

2. IW201909 – Michael & Erin White, owner/applicant, request to amend a permit to include site improvements associated with the construction of a single family home at 53 Pinnacle Road, APN 065-014-0000.

Michael and Erin White, 76 Tripp Road, Ellington, and Mark Peterson, Garden & Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, CT were present to represent the application. Mrs. White explained they were before the Agency last October for the demolition of the existing house. She noted that Mark Peterson has provided a map showing the proposed new home since they have purchased the property.

Commissioner Hoffman asked about the wetlands delineations and the existing garage. Mark Peterson replied that Richard Zulick completed the wetlands delineations in 2019 and they are shown on the plan. Mrs. White stated the garage will be removed. Commissioner Hoffman asked how far the wetlands are from the proposed construction. Mr. Peterson reviewed the plan with the Agency, explaining the upland review area and where they are proposing site work and improvements.

Chairman Braga asked the applicant to review the site work being conducted at the edge of the pond. Mrs. White said they recently removed some of the invasive species, and she added that maintaining grass around the pond was included in their original permit.

Mr. Colonese mentioned the applicant is also planning to install three solar panel arrays in the future. Mrs. White believes the best location on the property for the arrays will be north of the proposed house behind 12 Amy Lane.

**MOVED (BAOUCHE) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE IW201909** – Michael & Erin White, owner/applicant, request to amend a permit to include site improvements associated with the construction of a single family home at 53 Pinnacle Road, APN 065-014-0000.

3. IW202009 – John & Carrie Doherty, owner/ R.C.S. Contracting, applicant request for a permit to conduct regulated activity to remove and install two decks/docks in the lake at 20 East Shore Road, APN 149-100-0000.

**MOVED (BURNS) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO ADD TO THE AGENDA, RECEIVE, AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON OCTOBER 19, 2020 AT 7:00 PM FOR IW202009** – John & Carrie Doherty, owner/ R.C.S. Contracting, applicant request for a permit to conduct regulated activity to remove and install two decks/docks in the lake at 20 East Shore Road, APN 149-100-0000.

## **VI. ADMINISTRATIVE BUSINESS:**

1. Approval of the July 13, 2020 Regular Meeting Minutes.

**MOVED (BAOUCHE) SECONDED (BURNS) AND PASSED UNANIMOUSLY TO APPROVE THE JULY 13, 2020 MEETING MINUTES AS WRITTEN.**

2. Correspondence/Discussion:

- a. CACIWC Membership Renewal Fees 2020-21

**BY CONSENSUS THE AGENCY APPROVED PAYMENT OF CACIWC MEMBERSHIP RENEWAL FEES FOR 2020-21.**

- b. North Central Conservation District Membership Renewal Fees 2020-21

**BY CONSENSUS THE AGENCY APPROVED PAYMENT OF NORTH CENTRAL CONSERVATION DISTRICT MEMBERSHIP RENEWAL FEES FOR 2020-21.**

- c. Review of potential application for anaerobic digester, gas line, and associated improvements at 11 Jobs Hill Road & 161 Maple Street (Oakridge Dairy).

Mr. Colonese briefly explained that Oakridge Dairy will be submitting an application for the installation of an anaerobic digester with a gas line connection to Maple Street. The Agency can then determine if the application is as of right or if it requires a permit.

- d. Review of proposed berm along eastern driveway at 37 Maple Street (High School).

Mr. Colonese stated Public Works is requesting to install a 2 foot high by 2 foot wide berm at the High School along the east side of the easternmost driveway. They are having issues with the water runoff overflowing onto the driveway. The Town Engineer provided a plan that was shown to the Agency. The Agency agreed to have Mr. Colonese review the request administratively.

- e. CT DEEP Online Wetlands Training Program Update

## **VII. ADJOURNMENT:**

**MOVED (HOFFMAN) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO ADJOURN THE SEPTEMBER 21, 2020, 2020 REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 7:49 PM.**

Respectfully submitted,

---

Barbra Galovich, Recording Clerk