



TOWN OF ELLINGTON

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**INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES
MONDAY, MARCH 8, 2021, 7:00 P.M.
TOWN HALL ANNEX MEETING ROOM, 57 MAIN ST, ELLINGTON, CT**

**IN-PERSON PUBLIC ATTENDANCE LIMITED DUE TO COVID19 RESTRICTIONS
AND ZOOM MEETING ATTENDANCE**

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

ABSENT: Alternate Francis Hann

STAFF

PRESENT: John Colonese, Assistant Town Planner/Zoning Enforcement 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 7:01 pm.

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

III. PUBLIC HEARING(S):

1. IW202102 – Andrian & Cheryl Kebalo owner/applicant, request for a permit to conduct regulated activity to construct an addition with a one car garage to an existing home and associated site improvements at 1 Crystal Street, APN 149-069-0000.

Time: 7:02 pm

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

Adrian and Cheryl Kebalo, 1 Crystal Street, were present to represent the application. Mr. Kebalo explained the house is a year round residence and some of the proposed construction activity will be within the upland review area. They are looking to build a one car garage addition on slab with living space above. He noted that roughly 720 square feet of the upland review area would be affected and the back portion of the land is pitched to the lake and the front portion of the property is pitched towards the road. Mr. Kebalo stated the existing shed will be removed and has provided erosion and sedimentation

control notes that will be followed throughout the course of construction. He informed the Agency that he received a variance from the Zoning Board of Appeal (ZBA) for the setbacks. The ZBA agreed the property should not exceed the 25% allowable lot coverage. Mr. Kebalo stated he will not install a drain under the new driveway section in accordance with North Central District Health Department's comments.

Commissioner Hoffman asked the applicant if he will be installing any underground pipes for the roof drainage from the proposed addition. Mr. Kebalo responded that the roof drains will outlet onto the ground where they come down off the roof.

Andrew LaRoche, 41 Converse Street, Stafford, CT complimented Mr. Kebalo on his presentation and the plans he provided.

Mr. Colonese reviewed the Town Engineer's comments received in an email dated March 4, 2021. Mr. Kebalo agreed to consult with the Town Engineer depending upon which product he intends to use to allow a portion of the driveway to be pervious.

MOVED (HOFFMAN) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A NONSIGNIFICANT ACTIVITY FOR IW202102.

MOVED (HEMINWAY) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR IW202102.

MOVED (HEMINWAY) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS IW202102 – Andrian & Cheryl Kebalo owner/applicant, request for a permit to conduct regulated activity to construct an addition with a one car garage to an existing home and associated site improvements at 1 Crystal Street, APN 149-069-0000.

Conditions:

- 1) Silt fence shall be installed then inspected by the Wetlands Agent prior to activity, and remain fully operational until the site is stabilized to control storm water runoff and prevent soil erosion, sedimentation or pollutants from entering the lake.
- 2) Subject to compliance with Health Department requirements.
- 3) Subject to compliance with Town Engineer comments in email dated March 4, 2021.

IV. OLD BUSINESS: None

V. NEW BUSINESS:

1. IW202101 – Joseph & Holly Ann Dzen owner/ Joseph Dzen, applicant, request for acceptance to construct a farm pond essential to the farming operation within the upland review area as a use permitted as of right at 261 Windsorville Road, APN 014-006-0015.

Joseph Dzen, 2 Justin Drive, Ellington, CT and Suzanne Choate, Design Professionals, 21 Jeffrey Drive, South Windsor, CT were present to represent the application.

Ms. Choate explained the applicant is looking to create a farm pond on the property, which is located on the corner of Windsorville Road and Tripp Road. She stated the proposed farm pond will be for agricultural use and the excavated soils will be relocated outside of the flood plain and upland review area. Construction of the pond is outside of the conservation area on the property. Ms. Choate acknowledge comments from North Central District Health Department and the plan was revised to meet their requirements. The construction entrance will be on Tripp Road.

Mr. Dzen stated they will be growing Christmas trees and pumpkins on site and the pond would help with irrigation.

Commissioner Aube inquired about the potential septic system. Ms. Choate explained the previous owner received an approval for a septic system on the lot and the lots shown on the plan were previously approved as part of a subdivision however the intention is to use the lots for agriculture at this time.

MOVED (AUBE) SECONDED (BAOUCHE) AND PASSED UNANIMOUSLY TO ACCEPT IW202101 – Joseph & Holly Ann Dzen owner/ Joseph Dzen, applicant, request for acceptance to construct a farm pond essential to the farming operation within the upland review area as a use permitted as of right at 261 Windsorville Road, APN 014-006-0015.

2. IW202103 – Minor, LLC owner/ Andrew LaRoche, applicant, request for acceptance to harvest timber as a use permitted as of right at 50 East Shore Road, APN 169-045-0015.

Andrew LaRoche, 41 Converse Street, Stafford, CT and Joseph Theroux, P.O. Box 32, Voluntown, CT were present to represent the application.

Mr. Theroux stated he is a certified forester. He said the owner is looking to harvest 16,500 board feet of timber due to over mature oak, pine, and white ash, and damage from gypsy moths and emerald ash borers. Mr. Theroux explained they intend on having a small crossing over an existing storm water drainage ditch. He noted there are a few smaller trees within the wetlands that need to be removed.

Vice Chairman Brown asked about the portable bridge to be used for crossing over the storm water drainage ditch. Mr. Theroux said they use large 25' long and 4' wide bridge mats that have minimal impact on the land, and he noted they will make roughly 12 or more trips crossing the portable bridge during the harvest.

MOVED (AUBE) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO ACCEPT IW202103 – Minor, LLC owner/ Andrew LaRoche, applicant, request for acceptance to harvest timber as a use permitted as of right at 50 East Shore Road, APN 169-045-0015.

3. IW202104 – William & Christa Burke, owner/applicant, request for acceptance to clear woodland to create pasture for cattle as a use permitted as of right 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 stated he is working with the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) to obtain approval for a farmland restoration grant. He said he is looking to clear an additional 4.75 acres of land to create pastureland for his cattle within the upland review area of the wetlands.

Chairman Braga stated Mr. Burke received acceptance for an as of right use from the Agency last March for clearing approximately 7.5 acres of woodland for pastureland. Commissioner Hoffman asked if the requested clearing from last year has been completed. Mr. Burke said that portion of the project has been successfully cleared.

MOVED (AUBE) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO ACCEPT IW202104 – William & Christa Burke, owner/applicant, request for acceptance to clear woodland to create pasture for cattle as a use permitted as of right at 95 Wapping Wood Road, APN 001-002-0000.

4. IW202105 – Patrick & Jenna McDermott owner/ James Holden, applicant, request for a permit to conduct regulated activity to relocate a wetland at 30 Ellsworth Lane, APN 118-004-0001.

BY CONSENSUS, THE AGENCY RECEIVED AND SCHEDULED A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON APRIL 12, 2021, 7:00 PM FOR IW202105 – Patrick & Jenna McDermott owner/ James Holden, applicant, request for a permit to conduct regulated activity to relocate a wetland at 30 Ellsworth Lane, APN 118-004-0001.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the January 11, 2021 Regular Meeting Minutes.

MOVED (HOFFMAN) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE THE JANUARY 11, 2021 MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:
 - a. Use of aerators on docks and walls within Crystal Lake.

Mr. Colonese referred to his memo to the Agency dated March 2, 2021. He said he has received inquiries regarding aerators being used on docks and walls in Crystal Lake. Generally, the inquiries have been about the aerators creating safety issues for individuals who want to partake in recreation on the lake. However, one inquiry questioned if the town's Wetlands Agency has oversight over the aerators. He noted that he received an email from Darcy Winther of the Inland Wetlands Management Program at the Connecticut DEEP regarding the issue.

Chairman Braga asked if any of the members see these devices within the scope of Wetlands Agency.

Commissioner Burns said she is on the Crystal Lake Association and as member of the association has reached out to various individuals that have placed the aerators in the lake. She noted the aerators are used to keep the water from freezing and damaging docks or retaining walls. Commissioner Burns stated she will continue to update the Agency with any pertinent information.

After a brief discussion, the Agency agreed that these devices as described are not regulated by the Wetlands Regulations.

b. CT DEEP Applications for Use of Pesticides in State Waters.

Mr. Colonese stated the Planning Department received notification of Connecticut DEEP Applications for Use of Pesticides in ponds at Chasseral Meadows, Ellington Ridge Country Club, and Autumn Chase.

VII. ADJOURNMENT:

MOVED (AUBE) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO ADJOURN THE MARCH 8, 2021 REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 7:53 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk