



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

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**INLAND WETLANDS AGENCY  
REGULAR MEETING MINUTES  
MONDAY, JUNE 14, 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:** In person: Chairman Ken Braga, Vice Chairman Ron Brown, Steve Hoffman and Katherine Heminway; via Zoom: Jean Burns and Art Aube

**ABSENT:** Hocine Baouche, and Alternate Francis Hann

**STAFF**

**PRESENT:** In person: John Colonese, Assistant Town Planner/Zoning & Wetlands Enforcement Officer; via Zoom: Barbra Galovich, Land Use Assistant/Recording Clerk

**I. CALL TO ORDER:** Chairman Ken Braga called the Ellington Inland Wetlands Agency meeting to order at 7:04 pm.

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

By consensus, the Agency decided to go out of agenda order to New Business item 1.

**V. NEW BUSINESS:**

1. IW202107 – Edward & Alice Wysocki and James Wysocki owners/ James Wysocki, applicant, request for acceptance to harvest timber as a use permitted as of right on properties located off of Jobs Hill Road, Elderberry Lane, Lanz Lane, and Egypt Road, APNs 160-056-0000, 179-022-0000, 179-023-0000, 179-025-0000, 180-003-0000, 180-004-0000, 180-005-0000, 180-006-0000, 180-007-0000, 188-002-0000, 189-004-0000, 188-001-0000, 180-017-0000, and 181-015-0000.

Edward Wysocki, 337 Jobs Hill Road, was present to represent the application.

Chairman Braga stated the applicant is looking for acceptance to conduct timber harvesting at various properties. Upon review of the submitted documentation, none of the commission members had any questions for the applicant.

**MOVED (BURNS) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ACCEPT IW202107** – Edward & Alice Wysocki and James Wysocki owners/ James Wysocki, applicant, to harvest timber as a use permitted as of right on properties located off of Jobs Hill Road, Elderberry Lane, Lanz Lane, and Egypt Road, APNs 160-056-0000, 179-022-0000, 179-023-0000, 179-025-0000, 180-003-0000, 180-004-0000, 180-005-0000, 180-006-0000, 180-007-0000, 188-002-0000, 189-004-0000, 188-001-0000, 180-017-0000, and 181-015-0000.

By consensus, the Agency decided to go back to regular agenda order.

### **III. PUBLIC HEARING(S):**

1. IW202106 – Brooks Crossing Developers LLC owner/applicant, request for a permit to conduct regulated activity to construct an eleven (11) lot subdivision (known as Highfield Estates Phase 4), roadways, drainage facilities, and associated site improvements on property located off of Jobs Hill Road between Brook Crossing and Brook Crossing Extension, APN 119-004-0000.

**Time:** 7:07 pm

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

Rashid Hamid, Brooks Crossing Developers, LLC, 164 Dockerel Road, Tolland, CT, David Ziak, P.E., FA Hesketh & Associates, Inc., 3 Creamery Brook, East Granby, CT, and Chris Allan, Landtech, 518 Riverside Avenue, Westport, CT, were present to represent the application.

Mr. Ziak stated the 55.94 acres is Phase IV of the Highfield Estates subdivision. The land is moderately wooded with several cleared open areas scattered throughout the site. The owner is proposing 11 lots and 3 lots of open space. He explained Phase IV is located between Birch View Drive and Brook Crossing Extension. Mr. Ziak explained back in 2002-2003 Phases II and III were approved and granted approval for a temporary emergency access. The developer started constructing the roadway as an emergency drive according to plans provided by Tarbell, Heintz & Associates, and proceeded to install the storm drainage. Mr. Ziak noted the owner was issued a Notice of Violation from the Army Corp of Engineers, due to infrastructure work being done without a permit. The owner started working with the Army Corp of Engineers (Corps) in 2005, then the housing market declined in 2008-2010. The owner hired FA Hesketh & Associates to work with the Army Corp of Engineers and Department of Energy and Environmental Protection (DEEP) on a new permit application.

Mr. Ziak noted the Army Corp of Engineers is ready to issue permits based on the plans provided by FA Hesketh & Associates, revised date of 02/15/2021, which are part of application IW#202106. He stated the drainage was previously installed in accordance with Town of Ellington's standards for subdivisions. Mr. Ziak reviewed the four (4) wetlands areas and where the culverts were installed on the site. The wetlands were flagged around 2011-2013 by George Logan, his report was submitted with the application. DEEP verified the wetland flags on site.

Mr. Ziak said the developer has set aside 27.74 acres of open space for the project. In the areas of impact the contractor at the time installed 36" culvert and never finished the intermittent watercourse, which the design for this area of disturbance has been accepted. In area "C", as noted on the plan, there is a 48" culvert installed, which they will be looking to shorten, reconstruct the inlet and add a concrete headwall. In area "D" across Muddy Brook the pipe was installed reversed and does not meet the criteria. They are planning on installing a box culvert, which will be 50' in length, 5x8 foot piping with concrete headwalls, according to the DEEP specifications.

In response to Commissioner Hoffman, Mr. Ziak confirmed each lot will have its own well and septic system. Mr. Ziak stated all the mitigation areas will be under one permit and will be following the proposed mitigation measures as noted in the project narrative provided with the application. Chairman Braga requested the mitigation areas be larger than what is on the plans and wetland placard be posted at designated areas.

Mr. Allen stated he is an Environmental Scientist with LandTech. He explained they will be following Best Management Practices for the project. They will maintain the streams elevations through the process and maintain at least a three year monitoring program along with final report to be submitted to the Town, DEEP and Army Corp of Engineers.

Mr. Ziak noted they received the Town Engineer's comments via an email dated June 14, 2021, concerning minor design changes that will be addressed. Commission Hoffman asked how long the project will take. Mr. Ziak said they would like to resume the project late summer and complete before winter in order to meet the Army Corp of Engineers requirements.

The commission members reviewed the proposed conditions of approval with the applicant.

Ed Swindelles, 5 Brook Crossing, asked if the proposed construction would have any drainage impact on the existing homes in the area. Mr. Ziak noted there will be no change.

**MOVED (BURNS) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A SIGNIFICANT ACTIVITY FOR IW202106.**

**MOVED (BURNS) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR IW202106.**

**MOVED (BROWN) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS IW202106** – Brooks Crossing Developers LLC owner/applicant, request for a permit to conduct regulated activity to construct an eleven (11) lot subdivision (known as Highfield Estates Phase 4), roadways, drainage facilities, and associated site improvements on property located off of Jobs Hill Road between Brook Crossing and Brook Crossing Extension, APN 119-004-0000. **FINDING THAT A FEASIBLE AND PRUDENT ALTERNATIVE DOES NOT EXIST.**

**Conditions of Approval:**

1. Subject to compliance with Town Engineer comments dated 6/14/2021.

2. Sheet AC-7 of the submitted plans to be revised to include the Inland Wetlands Agency as a recipient of the required Army Corps of Engineers reports on success of Wetland Mitigation Areas and Invasive Species Control.
3. Additional 10,000sf mitigation area to be established and designed similar to mitigation areas 1 and 2.
4. Wetlands placards to be installed along wetland areas where lot development is proposed. Locations to be determined by Planning Department.

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

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

2. IW202108 – Daniel Houlihan owner/applicant, request for a permit to conduct regulated activity to construct a driveway and utilities within the upland review area at 42 Crane Road, APN 068-002-0000.

**BY CONSENSUS, THE AGENCY DECIDED TO ADD TO THE AGENDA, RECEIVE, AND SET FOR THE JULY 19, 2021 REGULAR MEETING AS NEW BUSINESS IW202108** – Daniel Houlihan owner/applicant, request for a permit to conduct regulated activity to construct a driveway and utilities within the upland review area at 42 Crane Road, APN 068-002-0000.

3. IW201904 – Chauncey Real Estate, LLC, owner/applicant, request to modify a permit to conduct regulated activity for a watercourse crossing and maintenance of the watercourse at 21 Courtney Drive, APN 018-015-0002.

**BY CONSENSUS, THE AGENCY DECIDED TO ADD TO THE AGENDA, RECEIVE, AND SET FOR A PUBLIC HEARING FOR THE JULY 19, 2021 REGULAR MEETING IW201904** – Chauncey Real Estate, LLC, owner/applicant, request to modify a permit to conduct regulated activity for a watercourse crossing and maintenance of the watercourse at 21 Courtney Drive, APN 018-015-0002.

#### **VI. ADMINISTRATIVE BUSINESS:**

1. Approval of the May 10, 2021 Regular Meeting Minutes.

**MOVED (BROWN) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE THE MAY 10, 2021 MEETING MINUTES AS WRITTEN.**

2. Correspondence/Discussion:
  - a. 32 Upper Butcher Road, request for a proposed driveway entrance.

By consensus, the Agency decided to delegate authority to the wetlands agent for permit application review for 32 Upper Butcher Road.

- b. 120 Crystal Lake Road, request to extend agricultural notification.

By consensus, the Agency agreed to add the request to next month's agenda under New Business.

**VII. ADJOURNMENT:**

**MOVED (BROWN) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ADJOURN THE JUNE 14, 2021 REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 8:12 PM.**

Respectfully submitted,

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Barbra Galovich, Recording Clerk