INLAND WETLANDS AGENCY
REGULAR MEETING AGENDA
MONDAY, MARCH 14, 2022, 7:00 P.M.

IN-PERSON ATTENDANCE: TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT
REMOTE ATTENDANCE: VIA ZOOM MEETING, INSTRUCTIONS PROVIDED BELOW

I. CALL TO ORDER

II. PUBLIC COMMENTS (on non-agenda items):

III. PUBLIC HEARING(S):

1. IW202201 – Minor LLC, owner/applicant, request for a wetlands map amendment at 50 East Shore Road, APN 169-045-0000.

IV. OLD BUSINESS: None

V. NEW BUSINESS:

1. IW202202 – Glenn & Erika Bahler, owner/applicant, request to accept notification for construction of a barn and reconstruction of a farm pond dam as of right at 48 Meadow Brook Road, APN 091-002-0000.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the February 14, 2022 Special Meeting Minutes.
2. Election of Officers.
3. Correspondence/Discussion:

VII. ADJOURNMENT:

Next Regular Meeting is scheduled for April 11, 2022

Instructions to attend remotely via Zoom Meeting listed below. The agenda is posted on the Town’s webpage (www.ellington-ct.gov) under Agenda & Minutes, Inland Wetlands Agency.

Join Zoom Meeting: https://us06web.zoom.us/j/86823016609
Meeting ID: 868 2301 6609
Passcode: 637604

Dial by your location: +1 646 558 8656 US (New York)
Meeting ID: 868 2301 6609
Passcode: 637604
Town of Ellington
Inland Wetlands and Watercourses Agency
Application

Application #: EWJ02201
Date Submitted: 11/12/2022

Owner’s Information
Name: Minor, LLC
Mailing Address: 41 Converse Street
Stafford Springs, CT 06076
Email: andrew@larocchebuilders.com

WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS, MAY NOTICES BE EMAILED TO YOU? ☑ Yes ☐ No
Primary Contact Phone #: 860-851-8900

Secondary Contact Phone #: _______________________
Owner’s Signature: _______________________
Date: _______________________

By signing below I certify that all information submitted with this application is true and accurate to the best of my knowledge, that I am aware of and understand the application requirements and regulations, and acknowledge that the application is to be considered complete only when all information and documents required by the Agency have been submitted. Moreover, by signing above we expressly provide written consent to the filing of the application and access to the site by the Agency or its staff.

Street Address: 50 East Shore Road
Assessor’s Parcel Number (APN): 169 - 045 - 0000

Proposed upland review area affected in square feet: None
Proposed wetlands/watercourses affected in square feet and linear feet (as applicable): None
Total area of wetlands/watercourses on parcel in square feet or acres: 2.3 acres

Public Water: ☐ Yes ☑ No  Public Sewer: ☐ Yes ☑ No  If not served by public water and sewer, applicant shall make application to North Central District Health Department (Enfield Office) if required.

Is the project in a public water supply watershed area? ☐ Yes ☑ No
If YES, applicant is required to notify the Connecticut Water Company and Commissioner of Public Health by certified mail, return receipt within 7 days of this application (Conn. Gen Stat. Sec 22a-421). Copy of application, plans, and supporting documents must accompany notice. Applicant can email the Commissioner of Public Health using their approved form. Proof of notice (return receipt and sent email) must be provided to the Planning Department.

Describe the nature of proposed regulated activity, request for acceptance of a permitted use as of right or a nonregulated use, map or regulation amendment, or other activity requiring review by the Agency or its Agent:
See attached Application Checklist and Appendix D for guidance when preparing application

Map Amendment: This application proposes to amend the Town's wetland map based on a field delineation of the wetlands on this property by a certified Soil Scientist in March of 2021. The included survey depicts the location of the field delineated wetland boundary and the wetland boundary as depicted on the town's official map.

*Please send correspondence to Gardner & Peterson, 178 Hartford Tpke., Tolland, CT 06084
Applicant shall provide certification in accordance with Wetlands Regulation, Section 7.4e, Application Requirements:

- Whether or not any portion of the property on which the regulated activity is proposed is located within 500 feet of an adjoining town. **Yes** ☐ No

- Whether or not a significant portion of the traffic to the completed project will use streets within an adjoining town to exit or enter the site. ☐ Yes ☐ No

- Whether or not a significant portion of the sewer or water drainage from the project will flow through and significantly impact the sewer or water drainage system of an adjoining town. ☐ Yes ☐ No

- Whether water run-off from the improved site will impact streets or other municipal/private property within an adjoining town. ☐ Yes ☐ No

**FOR OFFICE USE ONLY**

*If YES to any of the above, the Agency shall*, in accordance with CGS 8-7d(f) notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site. Notice of the pendency of such application shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application, petition, appeal, request or plan. *(See Agency requirements Section 8.4)*

**Type of Project:** (check one)

- [ ] Commercial/Industrial  ☐ Residential  ☐ Mixed Use  ☐ Timber  ☐ Agricultural

- [ ] Other, explain:

**Type of Application:** (check one)

- [ ] Notification for Non-Regulated Use (Section 4.2)
- [ ] Notification of Permitted Use as of Right (Section 4.1)
- [ ] Administrative Permit (Section 6.4)
- [ ] Agency Permit *(TWELVE COPIES REQUIRED)*
- [ ] Permit Modification
- [ ] Permit Extension
- [ ] Regulation Amendment
- [ ] Map Amendment
- [ ] Appeal of Administrative Permit

**Application Submittals:**

- [X] Completed Application Form (Section 7.4a)
- [X] Application Fee (Section 7.4b)
- [X] Abutters List (Section 7.4c)
- [ ] Certification as to Adjacent Towns (See above)
- [ ] Certification as to Connecticut Water Company & Commissioner of Public Health (See above)
- [ ] Notification Narrative and Supporting Documentation (If applicable, Appendix D)
- [ ] Project Narrative and Supporting Documentation (Section 7.4g, 1-11 inclusive, as deemed applicable)
- [ ] Project Site Plan - circle one: Administrative (Section 7.4h1) / Agency (Section 7.4h2)
- [ ] Supplemental Information (Section 7.5a-j, inclusive, as deemed applicable)

Rev. 7/18
3/23/2021

MR. ANDREW LAROCHE
41 CONVERSE ST.
STAFFORD SPRINGS, CT. 06076

RE: WETLAND DELINEATION, 50 EAST SHORE DRIVE, ELLINGTON, CT

DEAR MR. LAROCHE,

AT YOUR REQUEST I HAVE DELINEATED THE INLAND WETLANDS ON THE SUBJECT PROPERTY.


FLUORESCENT PINK FLAGS WITH A CORRESPONDING LOCATION NUMBER DELINEATE THE BOUNDARIES OF THESE INLAND WETLANDS AND THE ADJACENT UPLAND SOILS.

WETLAND FLAGS WF- 1 THROUGH WF-9 DELINEATE A PALUSTRINE FORESTED WETLAND THAT IS LOCATED IN THE WESTERN PORTION OF THE PROPERTY.

THESE WETLAND SOILS HAVE FORMED ALONG AND ABOVE THE TOE OF SLOPE FROM THE PERSISTENT WETNESS FROM GROUND WATER BREAKOUT AND THE SEASONALLY HIGH WATER TABLE.

THESE WETLAND SOILS ARE CHARACTERIZED BY THICK ORGANIC “A” HORIZONS, SHALLOW REDOXIMORPHIC FEATURES AND LOW CHROMA COLORS WITHIN 20 INCHES OF THE SOIL SURFACE.

IT SHOULD BE NOTED THAT A POTENTIAL INTERMITTENT WATERCOURSE WAS INVESTIGATED ADJACENT TO THE NORTHERN PROPERTY LINE, ORIGINATING FROM THE TRENCH AND STORM WATER DRAINAGE SYSTEM ASSOCIATED WITH MINOR ROAD, EXTENDING DOWN SLOPE.

A DEFINED FLOW CHANNEL HAS FORMED FROM THIS STORM WATER RUNOFF. THIS IS DUE TO THE IMPERMEABLE SUBSOIL HORIZONS AND/OR COMPACT TILL LAYERS PREVENTING INFILTRATION OF THESE STORM WATER SURFACE FLOWS.
Referencing the definition of “watercourses” in Sec. 22a-38 of the Inland Wetlands and Watercourses Act, where the surface flows occur, there is evidence of a defined channel and bank, and evidence of scour/deposits of recent alluvium or detritus. However, there was no standing or flowing water present for a duration longer than a particular storm incident, nor was any evidence of hydrophytic vegetation found in the flow channel.

In addition, no wetland soils were found in these areas, and these flows are not associated with any other wetlands or watercourses on or off the site. Thus, in my opinion, this area does not meet the definition of an intermittent watercourse.

In conclusion, if you have any questions concerning the delineation or this report, please feel free to contact me.

Thank you,

Joseph R. Theroux

Joseph R. Theroux
Certified Soil Scientist
Member SSSSNE, NSCSS, SSSA.
The proposed activity is to construct a 24 x 36 barn for agricultural use and to reconstruct a dam providing better water regulation for the existing farm pond. Other activities consist of restoring and maintaining land in the wetlands area for farming operations.
Applicant shall provide certification in accordance with Wetlands Regulation, Section 7.4e, Application Requirements:

- Whether or not any portion of the property on which the regulated activity is proposed is located within 500 feet of an adjoining town. □ Yes  □ No

- Whether or not a significant portion of the traffic to the completed project will use streets within an adjoining town to exit or enter the site. □ Yes  □ No

- Whether or not a significant portion of the sewer or water drainage from the project will flow through and significantly impact the sewer or water drainage system of an adjoining town. □ Yes  □ No

- Whether water run-off from the improved site will impact streets or other municipal/private property within an adjoining town. □ Yes  □ No

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Type of Project: (check one)

□ Commercial/Industrial  □ Residential  □ Mixed Use  □ Timber  □ Agricultural
□ Other, explain:

Type of Application: (check one)

□ Notification for Non-Regulated Use (Section 4.2)
□ Notification of Permitted Use as of Right (Section 4.1)
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□ Project Site Plan - circle one: Administrative (Section 7.4h1) / Agency (Section 7.4h2)
□ Supplemental Information (Section 7.5a-j, inclusive, as deemed applicable)
INLAND WETLANDS AGENCY
SPECIAL MEETING MINUTES
MONDAY, FEBRUARY 14, 2022, 6:00 P.M.

IN PERSON ATTENDANCE: TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT
REMOTE ATTENDANCE: ZOOM MEETING
(ATTENDEES BELOW WERE IN PERSON UNLESS OTHERWISE NOTED)

PRESENT: Chairman Ken Braga, Vice Chairman Ron Brown (remote), Regular members, Jean Burns and Katherine Heminway

ABSENT: Regular member Art Aube, Hocine Baouche and Steve Hoffman

STAFF
PRESENT: John Colonese, Assistant Town Planner/Wetland Enforcement Officer and Barbra Galovich, Land Use Assistant/Recording Clerk

I. CALL TO ORDER: Chairman Ken Braga called the Ellington Inland Wetlands Agency meeting to order at 6:00 pm.

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

III. PUBLIC HEARING(S):

1. IW201803 – Cathy Pinard owner/applicant, request for modification to a permit to conduct regulated activity for two retaining walls at 12 East Shore Road, APN 149-098-0000.

   Time: 6:01pm
   Seated: Braga, Brown, Burns and Heminway

   Cathy Pinard, 12 East Shore Road, was present to represent the application. Ms. Pinard said she plans to rebuild her home and would like to add two more retaining walls to the site near the edge of the lake. She has already completed one retaining wall on the site by the roadway. She showed the agency the proposed locations for the walls on the plan revised January 6, 2022 by Landmark Surveys, LLC. Ms. Pinard noted the retaining wall closest to the lake will be roughly 15 feet from the water’s edge and approximately 44 feet in length, and the retaining wall closer to the home will be approximately 42 feet in length. She stated the blocks will be three tiers in height, approximately 4 to 5 feet in height at the highest point, and will be filled with crushed stone.
Ms. Pinard stated she received a copy of the Town Engineer’s email comments dated February 11, 2022.

Commissioner Burns asked how the blocks will be installed. Ms. Pinard explained that the blocks will be lowered into place. Commissioner Burns asked what Ms. Pinard will be doing in the area behind the retaining wall closer to the home. Ms. Pinard stated they will be clearing the overgrown brush and adding riprap in the area.

Mr. Colonese asked that the plan be updated to show additional silt fence and hay bales for stabilization along the edge of the retaining wall closest to the water’s edge until the area is stabilized with riprap as described. He briefly reviewed the comments received from the Town Engineer dated February 11, 2022. Ms. Pinard noted she will be merging the lots upon applying for a building permit for the project.

Vice Chairman Brown asked if the retaining walls would affect water runoff and how the walls will be maintained. Ms. Pinard stated there will be crushed stone within the blocks and at the base of the wall and no maintenance will be required. She added that once the blocks are in place, the wall will be stable. She expects the project to take about a week.

No one from the public spoke regarding the application.

MOVED (BURNS) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A NONSIGNIFICANT ACTIVITY FOR IW201803.

MOVED (HEMINWAY) SECONDED (BURNS) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR IW201803.

MOVED (HEMINWAY) SECONDED (BURNS) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS IW201803 – Cathy Pinard owner/applicant, request for modification to a permit to conduct regulated activity for two retaining walls at 12 East Shore Road, APN 149-098-0000.

Conditions:

1. Silt fence and hay bale locations to be adjusted to incorporate limits of disturbance around proposed retaining wall closest to the lake.
2. Silt fence and erosion control measures shall be installed then inspected by the Wetlands Agent prior to activity, and remain fully operational until the site is stabilized.
3. Subject to compliance with Town Engineer comments dated February 11, 2022.
4. Stone level spreader to be added to outlet area of any roof drain or footing drain.
IV. OLD BUSINESS: None

V. NEW BUSINESS:

1. IW201019 – Request for renewal and transfer of a permit to construct single family home, related utilities, and associated activity at property located on Fairview Avenue, APN 019-120-0001.

Chairman Braga stated the property received original permit approval on December 20, 2010. The Conservation Easement agreement was filed and placards were posted as required by the permit. State statute changes in 2011 allowed the permit to be valid for 9 years, and recent 2021 legislation changes allow it to be valid for 14 years up to 19 years from the date of approval with extensions. No major changes to the site plan are proposed, however minor site changes are expected within the upland review area such as the building footprint.

Joe Carnemolla, 16 Crystal Ridge, Tolland, CT was present to represent the request. Mr. Carnemolla stated he is representing the lot owner, Steve Hany and the prospective buyers. The lot will be purchased by John and Katlyn Carnemolla. He submitted a revised foundation plan to the agency and explained they recently changed the footprint of the proposed dwelling into a T-shape.

Mr. Colonese noted a portion of the proposed dwelling is within the upland review area, and stated the proposed dwelling is shown 76 feet from wetlands. Mr. Carnemolla said they are looking to start construction this spring and doesn’t foresee needing additional time for completion beyond December 20, 2024.

MOVED (HEMINWAY) SECONDED (BURNS) AND PASSED UNANIMOUSLY TO APPROVE THE RENEWAL OF PERMIT IW201019 FOR FOURTEEN (14) YEARS FROM ORIGINAL DATE OF APPROVAL UNTIL DECEMBER 20, 2024 AND UPDATE PERMIT WITH GRANTEES, JOHN AND KATLYN CARNEMOLLA – Request for renewal and transfer of a permit to construct single family home, related utilities, and associated activity at property located on Fairview Avenue, APN 019-120-0001.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the January 24, 2022 Special Meeting Minutes.

MOVED (HEMINWAY) SECONDED (BURNS) AND PASSED UNANIMOUSLY TO APPROVE THE JANUARY 24, 2022 SPECIAL MEETING MINUTES AS WRITTEN.
2. Correspondence/Discussion:
   
a. CT DEEP Municipal Inland Wetlands Agency Comprehensive Training Program

   Mr. Colonese said the Connecticut Department of Energy and Environmental Protection (DEEP) is offering the Municipal Inland Wetlands Agency Comprehensive Training Program again and it is now free and online. CT DEEP allows for individuals to complete the program within 60 days. The Agency was provided information regarding the training program and where to sign-up online.

VII. ADJOURNMENT:

   MOVED (BURNS) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO ADJOURN THE FEBRUARY 14, 2022 SPECIAL MEETING OF THE INLAND WETLANDS AGENCY AT 6:22 PM.

Respectfully submitted,

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Barbra Galovich, Recording Clerk