



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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INLAND WETLANDS AGENCY REGULAR MEETING MINUTES MONDAY, SEPTEMBER 18, 2023, 7:00 P.M.

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

PRESENT: Chairman Jean Burns, Vice Chairman Katherine Heminway, Regular members Art Aube, Steve Hoffman, Ron Brown, and Alternates Jon Kaczmarek and Ryan Orszulak

ABSENT: Regular members Ken Braga and Hocine Baouche

STAFF

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

I. CALL TO ORDER: Chairman Jean Burns called the Ellington Inland Wetlands Agency meeting to order at 7:00 pm.

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

III. PUBLIC HEARINGS: None

IV. OLD BUSINESS: None

V. NEW BUSINESS:

1. IW202312 – Oakridge Dairy LLC, owner/applicant, request to accept permitted uses as of right to construct a driveway, parking area, utilities, and associated improvements for Modern Milkman bottling facility at 80 Meadow Brook Road, APN 090-017-0000.

Seth Bahler of Oakridge Dairy LLC, 76 Jobs Hill Road, was present to represent the request. He stated the Agency accepted an as of right request to construct gravel parking areas and driveways for their Modern Milkman operation at their January 2023 meeting. At that time, Design Professionals, Inc. provided a conceptual site plan showing the parking area abutting the wetlands. Since then, Design Professionals has submitted a site plan with a revision date of 8/11/2023 showing a portion of the driveway within the wetland's delineation. They plan to regrade the driveway access along the northeast corner of the building and eliminate a retaining wall. Commissioner Brown asked if the wetlands are distinguishable, Seth replied yes, depending on the season, mowing may be required. Commissioner Hoffman asks how the water drains within the site. Seth said water runoff drains under the road to an existing pond.

Barbra Galovich, Recording Clerk, read a memo from John Colonese, dated September 18, 2023, stating "Oakridge Dairy received as of right acceptance on January 30, 2023, (IW202209) to construct a driveway and parking area for the Modern Milkman business operations at 80 Meadow Brook Road."

Brook Road. The plan the Agency reviewed at the time did not show fill within the wetlands. The current plan shows filling in the wetlands to allow for grading for the parking and driveway areas. Also, I also understand from the applicant utilities will be installed through the wetlands to connect the bottling facility to the barn to the east. The wetlands regulations reference farming uses permitted as of right as follows: **4.1** The following operations and uses shall be permitted within regulated areas as of right:

a. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation.... The provisions of this section shall not be construed to include road construction, or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow...”.

Commissioner Hoffman asked if the Natural Resources Conservation Services (NRCS) delineated the wetlands. Seth replied that Jim McManus of JMM Wetland Consulting Services, LLC completed the delineation within the past two years and added that the wetlands line is shown on the site plan. Seth Bahler noted there is an existing water line that runs through the property that has a leak and will need to be replaced.

MOVED (HEMINWAY) SECONDED (ORSZULAK) AND PASSED UNANIMOUSLY TO ACCEPT IW202312 – Oakridge Dairy LLC, owner/applicant, request to accept permitted uses as of right to construct a driveway, parking area, utilities, and associated improvements for Modern Milkman bottling facility at 80 Meadow Brook Road, APN 090-017-0000.

The following applications were received and briefly reviewed by the Agency to determine if a public hearing should be held at the October 16, 2023, meeting.

2. IW202313 – David Pechie, owner/Gardner & Peterson Assoc. LLC, applicant, request for a permit to conduct regulated activity to construct a garage, driveway, and associated improvements at 81 Shenipsit Street, APN 030-002-0000.

BY CONSENSUS, THE AGENCY RECEIVED AND SCHEDULED FOR THE OCTOBER 16, 2023, REGULAR MEETING IW202313 – David Pechie, owner/Gardner & Peterson Assoc. LLC, applicant, request for a permit to conduct regulated activity to construct a garage, driveway, and associated improvements at 81 Shenipsit Street, APN 030-002-0000.

3. IW202314 – Town of Ellington, owner/applicant, request for a permit to conduct regulated activity to construct a solar carport and associated improvements at 33 Main Street (aka 33 Arbor Way), APN 064-020-0000.

BY CONSENSUS, THE AGENCY RECEIVED AND SCHEDULED FOR THE OCTOBER 16, 2023, REGULAR MEETING IW202314 – Town of Ellington, owner/applicant, request for a permit to conduct regulated activity to construct a solar carport and associated improvements at 33 Main Street (aka 33 Arbor Way), APN 064-020-0000.

4. IW202315 – Beth Gottier, owner/Bruce Gottier, applicant, request for a permit to conduct regulated activity to demolish and reconstruct a home on the existing foundation adding an attached garage and associated improvements at 14 Private Grounds 1, APN 148-062-0000.

BY CONSENSUS, THE AGENCY RECEIVED AND SCHEDULED A PUBLIC HEARING FOR THE OCTOBER 16, 2023, REGULAR MEETING FOR IW202315 – Beth Gottier, owner/Bruce Gottier, applicant, request for a permit to conduct regulated activity to demolish and reconstruct a home on the existing foundation adding an attached garage and associated improvements at 14 Private Grounds 1, APN 148-062-0000.

5. IW202316 – MCC Lake Properties Trust, owner/applicant, request for a permit to conduct regulated activity to construct a wall along the lake edge at 28 East Shore Road, APN 169-035-0000.

BY CONSENSUS, THE AGENCY RECEIVED AND SCHEDULED A PUBLIC HEARING FOR THE OCTOBER 16, 2023, REGULAR MEETING FOR IW202316 – MCC Lake Properties Trust, owner/applicant, request for a permit to conduct regulated activity to construct a wall along the lake edge at 28 East Shore Road, APN 169-035-0000.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the June 12, 2023, Regular Meeting Minutes.

MOVED (HEMINWAY) SECONDED (AUBE) (BROWN – ABSTAINED) AND PASSED TO APPROVE THE JUNE 12, 2023, REGULAR MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:

- a. CT Association of Conservation and Inland Wetlands Commissions (CACIWC), Saturday, November 11, 2023, Annual Meeting and Environmental Conference, and a copy of CACIWC Membership Renewal (July 1, 2023 – June 30, 2024).

Barbra Galovich stated CACIWC will be hosting their annual meeting and conference on Saturday, November 11, 2023. The Planning Department will share more detailed information about the meeting upon receipt. CACIWC's annual membership fee is split between Ellington's Conservation Commission and Inland Wetlands Agency.

- b. Notice of future Petition for Declaratory Ruling for a 5MW battery energy storage system, KCE CT 5, LLC, Village Hill Road, Willington/Stafford, CT.

John Colonese noted this petition is for Willington and Stafford.

- c. CT Siting Council, Petition No. 1558 Decision and Order (August 3, 2023), for a 4MW solar photovoltaic facility, Community Power Group, LLC, 28.4 acres, 24 Middle Road.

John Colonese noted the CT Siting Council recently approved the solar project at 24 Middle Road.

- d. Notice of Petition for Declaratory Ruling for a 3MW solar photovoltaic facility, USS Somers Solar, LLC, 19.2 acres, 360 Somers Road.

John Colonese stated the Ellington Town Clerk received the petition and the Planning Department received a Pullman & Comley letter dated August 8, 2023, addressed to Jean Burns regarding the solar project at 360 Somers Road. John briefly reviewed the proposed activity with the Agency. John noted that any comments on the petition should be submitted to the CT Siting Council.

- e. Notice of Detention Basin Maintenance at Chasseral Meadows, Windermere Avenue.

A member of the Chasseral Meadows homeowner's association contacted John Colonese regarding cleaning out two detention ponds on their property which have accumulated silt over the years. They would like to excavate the detention ponds back to their original sizes. John will work with the homeowner's association to make sure erosion controls are in place while the work is in progress.

- f. Racquet Club Wetlands Map Amendment application on Lower Butcher Road, APN 018-020-0001.

John Colonese informed the Agency about a future application from the Ellington Racquet Club for a wetlands map amendment. John explained George Logan, Soil Scientist, delineated the site. A draft plan shows the project outside of the 100ft regulated area. John stated this application will have a subdivision plan, and the applicant will request a positive referral to the Planning and Zoning Commission if the map amendment is approved and there is no regulated activity.

- g. Drainpipe replacement within Bahler Brook at 52 Hoffman Road.

John Colonese received a complaint about work within Bahler Brook at 52 Hoffman Road late in July. John visited the site and observed two recently installed 48inch pipes within the brook and bank stabilization with large rip-rap stone. The owners stated they replaced two 32inch pipes with two 48inch pipes to protect their property from overflow from large rain events and were unaware a permit was required for the activity. John contacted Chairman Burns who asked him to monitor stabilization. John recently inspected and noted the remaining areas have been stabilized.

VII. ADJOURNMENT:

MOVED (AUBE) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO ADJOURN THE SEPTEMBER 18, 2023, REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 7:41 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk