



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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INLAND WETLANDS AGENCY REGULAR MEETING MINUTES MONDAY, OCTOBER 16, 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, Ken Braga, Steve Hoffman, Ron Brown and Alternate Ryan Orszulak

ABSENT: Regular member Hocine Baouche and Alternate Jon Kaczmarek

STAFF

PRESENT: John Colonese, Assistant Town Planner/Wetland Enforcement Officer 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 7:15 pm.

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

III. PUBLIC HEARINGS:

1. 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.

Time: 7:15 pm

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

Beth Gottier, 244 Windsorville Road, and Bruce Gottier, 101 Webster Road, were present to represent the application.

Beth distributed revised plans to the members of the Agency. Commissioner Hoffman asked if there is a grinder pump on the site. Bruce Gottier stated his brother went out to the site and didn't see any components of a grinder pump. Bruce noted the property elevation is higher than other properties on the street and this could be the reason there isn't a grinder pump on site.

Beth Gottier stated the plan is to tear down the existing dwelling, rebuild on the original foundation and add a garage. They will create a small swale along the north and south side of the property to help alleviate sheet flow to abutting neighbors. Bruce Gottier noted silt fence will be installed around the property and will be about 15-20 feet away from the lake.

John Colonese read Tom Modzelewski, Director of Public Works, comments, "Please note there appears to be an additional sewer lateral in the location of the proposed driveway. If the area is

to be paved, be aware that future excavation may be necessary to access the lateral. Additionally, if anything is to be modified related to the grinder pump, the WPCA must be notified.”

John Colonese noted a letter from David Arzt, 24 Private Grounds, Ellington, CT dated September 27, 2023, was received in the Planning Office. John read a portion of the letter as follows, “I feel the following stipulations should be added to the development permit to safeguard the adjacent areas and the water quality of Crystal Lake. 1) Presently no storm water runoff from 14 Private Grounds enters the Private Grounds roadway. This condition should be maintained with no water from the site entering the roadway. 2) Storm water runoff from the site should not be allowed to discharge onto the abutting properties. 3) The storm water runoff from the site should be cleaned prior to being discharged to Crystal Lake by a grass swale or other method as directed by the Inland Wetlands Agency. 4) Best management practices for water quality should be enacted during and after construction to safeguard the lake.” John stated the Agency can address some of these concerns by conditioning the permit approval. No one from the public commented on the application.

MOVED (BROWN) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A NON-SIGNIFICANT ACTIVITY FOR IW202315.

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

MOVED (HEMINWAY) SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) 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.

Condition(s):

1. **Silt fence shall be installed then inspected by the wetlands agent prior to activity and remain operational until the site is stabilized.**
 2. **Establish grass swales along the northern and southern property boundaries.**
2. 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.

Time: 7:16 pm

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

Mark Peterson, Gardner & Peterson Associates, LLC. 178 Hartford Turnpike, Tolland, CT, Matthew Couzens, 28 East Shore Road, and Chuck Crary (via Zoom), True North Stoneworks, LLC, 207 Battle Street, Somers, CT were present to represent the application.

Mark Peterson stated the property owners would like to construct a field stone wall along Crystal Lake. Currently the slope abutting the lake has rip rap stone stabilization, which is rolling into the lake and there is a small timber rail that sits on the ground dividing a pea stone sitting area/walkway from the rip rap. Mark explained True North Stoneworks of Somers, CT will be removing the existing timber rail, removing some of the rip rap on the slope and within the lake, constructing the new wall by hand using locally sourced fieldstone, and installing fabric above the existing fill and rip rap and then pea stone on top of the fabric.

Chuck Crary stated they will be building on top of the existing rip rap wall and cleaning up the area. A bobcat or mini excavator will be used to carry the material down to the staging area and any excess material will be removed from the site.

Matthew Couzens spoke with a neighbor, which is in support of the project. Commissioner Hoffman prefers the stone rather than pressure treated wood for the wall. Commissioner Brown asked if any work would be occurring in the lake. Matthew Couzens replied that individuals may be in the lake with waders and moving existing stones that already are on the property. Commissioner Braga confirmed that some stone will be from the site, and some will be imported, and that the wall will be built by hand. Commissioner Hoffman asked Chairman Burns if the lake levels shift, Chairman Burns replied, not much since the dam was fixed.

Commissioner Hoffman asked the applicant what the target start date for the project. Matt Couzens relied, this November and Chuck Crary noted the project should be done within two weeks. Commissioner Braga inquired about the construction of the wall. Chuck Crary explained the wall will be 3 feet in height, 3 feet in depth, and water will be able to filter through. No one from the public commented on the application.

MOVED (BRAGA) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A SIGNIFICANT ACTIVITY FOR IW202316.

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

MOVED (HEMINWAY) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) 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.

Condition(s):

- 1. Silt fence shall be installed around the staging area then inspected by the wetlands agent prior to activity and remain operational until the site is stabilized.**
3. IW202317 – Walter Carlson, owner/ Tracy French, applicant, request for a wetlands map amendment for property on Lower Butcher Road, APN 018-020-0001.

Time: 7:33 pm

Seated: Heminway, Aube, Braga, Hoffman, Brown and Orszulak

Chairman Jean Burns recused from being seated for the application.

Mark Reynolds, 68 Bogg Lane, Lebanon, CT was present to represent the application.

Mark Reynolds explained documentation submitted for this application was also provided by George Logan, Soil Scientist, and Jim Dutton, Dutton Associates, LLC. Mark said the applicant is looking for a map amendment and subdivision approval to construct a racquet club facility which will be constructed on 4.6 acres of the 14.6+/- parcel. Mark reviewed the site location and areas of wetlands on the property. John Colonese referred to an email from George Logan, dated October 16, 2023, stating, "I am in receipt of two stamped (electronically) existing conditions plans from Mark Reynolds, with Dutton Associates, LLC, dated 9/4/23, which show the in-field

delineation of the wetland boundary by our office conducted in April 2021. In comparing these plans with previous one generated by DPI, of South Windsor, dated 5/20/21. I find that the wetland boundaries depicted on both plans are essentially the same, and accurately represent the wetland delineation.” John explained the plan shows the proposed activity outside of the wetlands upland review area and if the map amendment is approved, the Agency may not require a wetlands permit.

John Pare, 238 Jobs Hill Road, owns property at 72 Windermere Avenue, where he is currently having issues with water settling in the front yard. John is concerned about the functioning of the proposed detention basin. John Colonese said the applicant has made an application to the Planning and Zoning Commission and the Town Engineer will review the drainage for the proposed development.

MOVED (BRAGA) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR IW202317 – Walter Carlson, owner/ Tracy French, applicant, request for a wetlands map amendment for property on Lower Butcher Road, APN 018-020-0001.

MOVED (HOFFMAN) SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE IW202317 – Walter Carlson, owner/ Tracy French, applicant, request for a wetlands map amendment for property on Lower Butcher Road, APN 018-020-0001. **MAP AMENDMENT EFFECTIVE DATE: OCTOBER 18, 2023**

APPROVAL BASED ON:

1. Existing Conditions Plan, Ellington Raquet Club, Parcel 018-020-0001 Lower Butcher Road by Dutton Associates, LLC, Date: 9/04/23 Revision 10/13/23.
2. Wetlands Delineation Report by REMA Ecological Services dated July 25, 2023.

IV. OLD BUSINESS: None

V. NEW BUSINESS:

1. Walter Carlson, owner/ Tracy French, applicant, request for positive referral to the Planning & Zoning Commission on a 2-lot subdivision (S202303) pursuant to Conn. Gen. Stat. 8-26(e) for property on Lower Butcher Road, APN 018-020-0001.

Chairman Jean Burns recused from being seated for the request.

Mark Reynolds, 68 Bogg Lane, Lebanon, CT was present to represent the request for a positive referral to the Planning & Zoning Commission.

Mark Reynolds stated the applicant will be requesting a two-lot subdivision, 4.6 acres of the property will be developed and the remaining 10 +/- acres will remain farmland. There will be minimal grading considering the portion of the property to be developed is relatively flat, and a 330'x130' building with a detention area of roughly an acre. Mark explained additional grass within the 4.6 acres will help with drainage and runoff. Mark reiterated that all the proposed grading and activity will be outside of the upland review area.

MOVED (BRAGA) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO GRANT A POSITIVE REFERRAL TO THE PLANNING & ZONING COMMISSION FOR Walter Carlson, owner/ Tracy French, applicant, request for positive referral to the Planning & Zoning Commission on a 2-lot subdivision (S202303) pursuant to Conn. Gen. Stat. 8-26(e) for property on Lower Butcher Road, APN 018-020-0001.

2. James Persano & Susan Haight, owners/ Gardner & Peterson Assoc. LLC, applicant, request for positive referral to the Planning & Zoning Commission on a 1-lot subdivision (S202302) pursuant to Conn. Gen. Stat. 8-26(e) for property on Jobs Hill Road, APN 139-019-0000.

Mark Peterson, Gardner & Peterson Associates, LLC. 178 Hartford Turnpike, Tolland, CT was present to represent the application.

Mark Peterson explained the applicant is looking for a positive referral to the Planning & Zoning Commission for a one lot subdivision to construct a single-family dwelling. Mark noted the parcel is over six acres and Soil Scientist, Rick Zulick, determined there are no wetland soils within 100 feet of the proposed activity.

MOVED (HOFFMAN) SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO GRANT A POSITIVE REFERRAL TO THE PLANNING & ZONING COMMISSION FOR James Persano & Susan Haight, owners/ Gardner & Peterson Assoc. LLC, applicant, request for positive referral to the Planning & Zoning Commission on a 1-lot subdivision (S202302) pursuant to Conn. Gen. Stat. 8-26(e) for property on Jobs Hill Road, APN 139-019-0000.

3. 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.

Mark Peterson, Gardner & Peterson Associates, LLC. 178 Hartford Turnpike, Tolland, CT was present to represent the application.

Mark Peterson showed the location of the parcel and explained the Agency granted a permit in October 2010 to replace the existing septic system. The wetlands were delineated at that time by John Ianni, Soil Scientist. There is also an existing house and well on the property and the applicant would like to construct an attached garage and breezeway to the house. The applicant recently received a variance from the Zoning Board of Appeals and approval from North Central District Health Department for the project.

Commissioner Hoffman asked if the garage would have any plumbing. Mark Peterson stated that the garage will not have plumbing and it will be constructed on a concrete slab. The site grading will be within the upland review area.

MOVED (BRAGA) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) 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.

Condition(s):

1. Erosion control measures shall be installed then inspected by the Wetlands agent prior to activity and remain operational until the site is stabilized.
4. 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.

James Ussery, J.R. Russo and Associates, LLC, One Shoham Road, East Windsor, CT was present to represent the application on behalf of the Public Works Department.

James Ussery stated the Town is seeking a wetlands permit to construct a 3,080 square foot solar carport area for police vehicles to the rear of the fire house. There is a berm adjacent to the parking area that was created many years ago. The carport will be 77'x40', which will include two dual electric vehicle charging stations and be equipped with solar panels to generate electricity that will be connected to the Recreation Department building. The roof runoff from the carport will be collected and piped to the existing parking lot drainage system. James explained the proposed carport will be in an area that has all been previously disturbed. A wetland area was delineated to the north of the proposed project by Soil Scientist, Rick Zulick, which was surveyed and shown on the submitted plan. The proposed project will result in approximately 10,540 square feet of disturbance within the upland review area.

James Ussery described the steps that will be taken to construct the carport, and showed the areas that will be disturbed within the parking lot. Erosion control measures will include perimeter sediment barriers installed downgradient of the proposed work area and the installation of silt sacks in nearby catch basins in the parking lot. The Town has received a grant for the design-build project.

MOVED (BRAGA) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) 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.

Condition(s):

1. Erosion control measures shall be installed then inspected by the Wetlands agent prior to activity and remain operational until the site is stabilized.
5. IW202318 – Stick It Here Storage, LLC, owner/applicant, request for a permit to conduct regulated activity to construct buildings, driveways, and associated improvements for a self-storage facility at 25 West Road, APN 019-180-0000.

The Agency had a brief discussion and determined the application will not require a public hearing for next month's meeting.

BY CONSENSUS, THE AGENCY RECEIVED AND SCHEDULED FOR THE NOVEMBER 13, 2023, REGULAR MEETING UNDER NEW BUSINESS IW202318 – Stick It Here Storage, LLC, owner/applicant, request for a permit to conduct regulated activity to construct buildings, driveways, and associated improvements for a self-storage facility at 25 West Road, APN 019-180-0000.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the September 18, 2023, Regular Meeting Minutes.

MOVED (BRAGA) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE THE SEPTEMBER 18, 2023, REGULAR MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:
 - a. FEMA draft data review notice to Town of Ellington dated September 27, 2023, in the Thames and Shetucket Watersheds.

John Colonese attended a Federal Emergency Management Agency (FEMA) work map meeting on June 20, 2023, and then worked with the town's GIS consultant to overlay FEMA draft map data on an aerial view around Crystal Lake (the Thames and Shetucket Watershed in Ellington is generally east of Crystal Lake School). Upon a cursory review of the draft map some properties may now have a Special Flood Hazard Area designation. This information has been sent to the Town Engineer for review. Additional information from FEMA will be forwarded to the Wetlands Agency as it becomes available.

b. 133 & 135 West Road – Drainage Swale Between Properties.

John Colonese stated there was emergency maintenance dredging of a drainage swale between 133 & 135 West Road that was recently completed. Connecticut Department of Transportation notified both owners that stormwater runoff was flowing out of the swale onto West Road, Route 83. The work was completed quickly with minimal disturbance to protect the properties, the state road and right-of-way.

VII. ADJOURNMENT:

MOVED (BRAGA) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO ADJOURN THE OCTOBER 16, 2023, REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 8:37 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk