



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

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## INLAND WETLANDS AGENCY REGULAR MEETING MINUTES MONDAY, JANUARY 22, 2024, 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, Regular members Ken Braga, Steve Hoffman, Ron Brown, Houcine Baouche (Zoom) and Alternate Ryan Orszulak

**ABSENT:** Vice Chairman Katherine Heminway 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 7:00 pm.

### In Memoriam Arthur Aube

Art passed away in late December. Art was a dedicated member of the Inland Wetlands Agency. As a member, Art provided consistent, engaged, and pertinent guidance that helped balance development with the responsibility of protecting environmentally sensitive areas. He was always fair and respectful and took the responsibilities of his position very seriously. The Wetlands Agency is deeply saddened by his passing. He will be missed.

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

### III. PUBLIC HEARINGS:

1. IW202320 – Town of Ellington, owner/applicant, request for a permit to conduct regulated activity to construct a sidewalk and associated improvements along Route 83 (West Road) from the Vernon town line to Main Street.

Time: 7:02 pm

Seated: Burns, Braga, Hoffman, Brown, Baouche and Orszulak

James Ussery, JR Russo & Associates, One Shoham Road, East Windsor, was present to represent the application on behalf of the Ellington Public Works Department.

James Ussery stated there are a few areas where we are working within regulated areas and in most cases a water course, John Colonese, Wetlands Agent and Dana Steele, Town Engineer, put together an application for six or seven areas that they've identified are within a regulated area. Dana Steele provided a memo explaining each area of concern. James noted 212 and 216

West Road. which is the Kloter Farms location at the traffic light heading south on Route 83. The Marsh Brook crosses underneath the road and the sidewalk is on the west side of the road and no easement required. The Department of Transportation didn't like the location because they may not be able to access underneath to maintain it. Dana Steele decided to move it further down and give us enough room and it will require an easement from Kloter's. This is an actual pedestrian bridge. And if you're familiar with the bridge that down in front of the distant living that was put up. This is the same bridge, nowhere near as long, this one substantially shorter, but it's the same manufacturer and it must be accessible. Marsh Brook in that area is a perennial water course flow. There is some soil and erosion controls that will be in place when these footings are put in and a crane will be lifted and set right on top of it. They intend on working right over the top. From the culvert itself, where we originally wanted to put the lock within the right of way and, and there's going to be an easement required to put it in that location. So that's the first area.

James Ussery explained the project is being funded through a grant. This is all funded. This ties into the walk that comes up Main Street on the South side, and it ends there. Jay showed the location of 193 West Road. This is the estate of Gardner Chapman, the property owner. The location is Johnny Appleseeds Farm stand parking lot. Just to the north of that, there's a culvert that goes underneath Route 83 and every time we get a heavy rain, it backs up and all the debris comes out onto the road, it flows down the gutter, and it goes into the catch basin down by the 1st entrance into an intermittent water course. It's basically a drainage farm ditch that extends all the way up the side of the field and eventually picks up storm water from Sunset Road. Then cuts through it when we get heavy rain it all comes down through that ditch and gets to this culvert and goes under the road and goes over the road. The Department of Transportation again was very concerned about this. Again, we are next an area where it is an intermittent watercourse. It's regulated by this Commission. A catch basin will be going to be in place during construction, but it requires a permit as our sidewalk is between that culvert and the edge of the road as it goes. A culvert cross right there. As you come south, over the bridge and then you've got the driveway, and we cross right there at Mountain Road. James mentioned the installation of the traffic signal and pedestrian crossing buttons were installed around 6-8 months ago, they were working on this whole section.

James Ussery explained the sidewalk crosses again at Ellington Agway, and there is an existing sidewalk in front of the juice plant, and Scotties Daycare. The sidewalk continues on the left side all the way down to the town line. James noted the areas of discussion are in a regulated area with the walk, so they require a permit. James noted they are not touching the pipe, and not touching the water course, but are right next to it.

James Ussery shared down the road a little further to Lee's Auto, 171 West Road, who are going to have move their sign upon installation of the sidewalks along the property. There are some steep banks right there and a lot of grading work will need to be conducted. The sidewalks must be ADA compliant. James noted they have a maximum 2% cross slope. The first one here is the one that's most difficult right at the corner. We're going to put in a new driveway off Mountain Road and tie it back in and eliminate one right next to the corner because there's no way you could do.

It's almost impossible and there's some specs. With the emergency vehicles for gradient 13° or so there could be. I think there is there could be these are probably way too steep for that already, and the part we're changing is up close to the current to create that little bit of a flat area to be ADA compliant. James noted work will be done right at the detention basin at the northwest corner of Lee's Auto property. There is an outlet structure for one of the detent basins, and then just a little further north, there is another one of these drainage ditches, aka farm ditches, that runs all the way up the hill. They are intending on installing a little bridge there.

James Ussery continued to explain 135 West Road is another detention basin outlet where the

new Starbucks is being constructed, there is a three-inch ditch that's on the north side of Starbucks, again it comes down the property line between what's now the Plaza property and Roger Moser's property. There is a detention basin and the basin that's essentially in front of McDonald's. That basin outlets to the north, the ditch comes down and they're all tied together there. There's another culvert under the road and it goes out of west, and it dumps out along the property line. At the base of the retaining wall that goes around, that's on the far end of that Plaza, the Verizon store, and the drive through lane that goes back around to the to the window, there's the pipe that comes out just from that. Retaining wall comes back across and ties into this. Our sidewalk is between this and the roadway again, so we're not in the wetland, we're not in the water course, but we're in an area that would be regulated based on the location, right next to the road. There is a culvert inlet that comes in where a manhole will be located. The sidewalk comes across the corner and the manhole before it ties together with that pipe and shoots across over to the West side of Route 83. So again, we would be within 100 feet working in the regulated area of the detention basin that comes down the property line on the north side there.

James Ussery explained the work to be conducted at 133 West Road. There's a white house just before Casey's Restaurant. The property is owned by Isabel Helenski. There's a long linear basin that kind of goes up, that property line that picks up all the drainage on that side of the Big Y Plaza. It comes down that property line. The end wall and the rip rap that collects all that water from the basin and again goes under Route 83 and this is the one that dumps out into the ditch. The sidewalk right in front of that's already there. They built that when the car wash. Originally, they finished that piece in front of the Big Y property, but we're rebuilding the driveway apron then the new sidewalk picks up and runs south from there.

John Colonese noted they may be within 100 feet of the wetland at 115 West Road, but it's really the pond. And there's a little wetland back in here. I'll put on the wetlands layer. It's not 100%. All wetlands flagging. And then as you head further south, you can see where it peels away here with some mapping. And then there's really no wetlands. This is just a floodplain. This has all been historically filled along 83 there's been some mapping of wetlands to the rear of these properties in the 80s. Joh noted there's some wetlands over at 4 West Road in the back.

**MOVED (BRAGA) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A SIGNIFICANT ACTIVITY FOR IW202320.**

**MOVED (BRAGA) SECONDED (ORSZULAK) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR IW202320** – Town of Ellington, owner/applicant, request for a permit to conduct regulated activity to construct a sidewalk and associated improvements along Route 83 (West Road) from the Vernon town line to Main Street.

**MOVED (HOFFMAN) SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) FOR IW202320** – Town of Ellington, owner/applicant, request for a permit to conduct regulated activity to construct a sidewalk and associated improvements along Route 83 (West Road) from the Vernon town line to Main Street. **FINDING THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE PROPOSED SIDEWALK CONSTRUCTION AND ASSOCIATED IMPROVEMENTS WHERE IT WILL IMPACT WETLANDS AND WATERCOURSES.**

**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.**
- 2. Any additional erosion control measures found to be necessary during construction by the wetlands agent or town engineer shall be allowed.**

**IV. OLD BUSINESS:** None

**V. NEW BUSINESS:**

1. S202401 - Tymac Holdings LLC, owner/ Craig Webb, applicant, request for positive referral to the Planning & Zoning Commission on a re-subdivision to convey and combine property APN 023-001-0000 with 12 Garnet Lane, APN 023-001-0015, pursuant to Conn. Gen. Stat. 8-26(e).

John Colonese noted there is no activity proposed with this free subdivision application. The applicant is proposing to merge the detention basin property into 12 Garnett Lane so that it's all one piece of property. There will be an easement to the town to access and maintain the basin, but due to the statutory requirements for a resubdivision, the Inland Wetland Agency must review the resubdivision plan and make a referral to the Planning and Zoning Commission. This is simply due to statutory requirements. All the owner is asking to do is remove the property line between his property 12 Garnet Lane and the basin parcel, so his house has been constructed at 12 Garnet Lane and the basins have been constructed. Originally, the basin was to transfer to the town, but he would like to take ownership of the underlying parcel and have an easement. The Town Attorney, the Public Works Director and the Town Engineer are OK with this. They don't see any conflicts, so it's more of just a statutory referral and the Owner is looking for a positive referral.

**MOVED (BRAGA) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO GRANT A POSITIVE REFERRAL TO THE PLANNING & ZONING COMMISSION PURSUANT TO CONN. GEN. STAT. 8-26(e) FOR S202401** - Tymac Holdings LLC, owner/ Craig Webb, applicant, request for positive referral to the Planning & Zoning Commission on a re-subdivision to convey and combine property APN 023-001-0000 with 12 Garnet Lane, APN 023-001-0015.

2. IW202401 – Kaz & Bogumila Podbielski, owner/applicant, request for permit to construct a single-family home, driveway, pipe culvert and associated improvements at 266 Crystal Lake Road, APN 083-018-0000.

**BY CONSENSUS, THE AGENCY RECEIVED AND SCHEDULED A PUBLIC HEARING ON FEBRUARY 12, 2024, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, AND ZOOM VIDEO CONFERENCING FOR IW202401** – Kaz & Bogumila Podbielski, owner/applicant, request for permit to construct a single-family home, driveway, pipe culvert and associated improvements at 266 Crystal Lake Road, APN 083-018-0000.

3. IW202402 - Town of Ellington, owner/ Ad Hoc Ellington Trails Committee, applicant, request for acceptance to install a 36-foot bridge and extend 500 feet of trail as nonregulated uses on an open space parcel on Windermere Avenue, APN 017-023-0000.

**BY CONSENSUS, THE AGENCY RECEIVED AND ADDED TO THE FEBRUARY 12, 2024, MEETING AGENDA UNDER NEW BUSINESS IW202402** – Town of Ellington, owner/ Ad Hoc Ellington Trails Committee, applicant, request for acceptance to install a 36-foot bridge and extend 500 feet of trail as nonregulated uses on an open space parcel on Windermere Avenue, APN 017-023-0000.

**VI. ADMINISTRATIVE BUSINESS:**

1. Approval of the December 11, 2023, Regular Meeting Minutes.

**MOVED (BRAGA) SECONDED (BROWN) AND PASSED UNANIMOUSLY TO APPROVE DECEMBER 11, 2023, REGULAR MEETING MINUTES AS WRITTEN.**

2. Correspondence/Discussion:
  - a. Connecticut Association of Wetland Scientists (CAWS) Annual Meeting.

**VII. ADJOURNMENT:**

**MOVED (BRAGA) SECONDED (BROWN) AND PASSED UNANIMOUSLY TO ADJOURN THE JANUARY 22, 2024, REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 7:48 PM.**

Respectfully submitted,

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Barbra Galovich, Recording Clerk