



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

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## INLAND WETLANDS AGENCY REGULAR MEETING MINUTES MONDAY, FEBRUARY 12, 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:** Vice Chairman Katherine Heminway, Regular members Ken Braga, Ron Brown, Steve Hoffman, and Alternate Jon Kaczmarek

**ABSENT:** Chairman Jean Burns, Regular member Hocine Baouche and Alternate Ryan Orszulak

### STAFF

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

**I. CALL TO ORDER:** Vice Chairman Katherine Heminway called the Ellington Inland Wetlands Agency meeting to order at 7:00 pm.

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

### III. PUBLIC HEARINGS:

1. 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.

Time: 7:01 pm

Seated: Heminway, Braga, Brown, Hoffman, and Kaczmarek

Vice Chairman Heminway noted a Wetlands Permit was approved for similar activity on July 18, 2005 (Permit No. IW200525) as part of the subdivision approval of 264 and 266 Crystal Lake Road. The parcel, now owned by Podbielski (266 Crystal Lake Road), was never developed and the wetlands permit subsequently expired. The site plan and pipe culvert sizing were reviewed by the Town Engineer and there are no comments. North Central District Health Department approval is required for the septic system and well prior to the issuance of a construction permit for the home.

Authur Podbielski, 27 Green Street, was present to represent the application. Authur stated the original wetlands permit was granted to Joseph MacVarish who was the owner at the time of the subdivision approval. The pipe size is proposed to be 40 feet long with a 30-inch diameter. Authur noted silt fence and haybales will be installed to protect the wetland area as shown. Commissioner Hoffman asked what the timeframe is for the project. Aurthur responded they would like to start construction upon all approvals in the spring, there will be a turnaround added to the driveway.

Commissioner Brown requested the applicant ensure the wetlands will be protected during the construction on the site. No one from the public commented on the application.

**MOVED (BRAGA) SECONDED (BROWN) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A SIGNIFICANT ACTIVITY FOR IW202401.**

**MOVED (BRAGA) SECONDED (BROWN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING 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.

**MOVED (BRAGA) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) 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. **FINDING THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE PROPOSED WATERCOURSE CROSSING.**

**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.

**IV. OLD BUSINESS:** None

**V. NEW BUSINESS:**

1. 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 off of Windermere Avenue, APN 017-023-0000.

Linda Anderson, 9 Tolland Turnpike, Valerie Amsel, 102 Reeves Road and Tom Palshaw, 120 Pinney Street were present to represent the application. Linda explained the Trails Committee would like to extend the east spur trail and install a foot bridge for the public to have access to the river for bird watching and fishing. Valerie noted they will be using hand tools and possibly a small machine to transport materials to and from the area. Tom explained they would like to create a foot bridge to get across a wet area. Commissioner Hoffman asked what materials will be used to construct the walk bridge. Valerie noted they plan to use pressure treated 4X4 posts and frame with Trex decking. They don't want to disturb the area beyond the construction of the bridge. Commissioner Hoffman requested the use of steal posts instead of pressure treated wood to anchor the bridge. Commissioner Hoffman asked when the Trail Committee intends to do the work. Linda replied as soon as possible, weather permitting, as the area needs to dry up a little more before construction can begin.

**MOVED (HOFFMAN) SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO ACCEPT 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 off of Windermere Avenue, APN 017-023-0000.

2. IW202403 – CT Water Company, owner/ Lori Lichtenauer, applicant, request to accept notification of a timber harvest permitted as of right on 5 Snipsic Lake Road, APN 067-001-0000 and Snipsic Lake Road, APN 057-016-0000.

Lori Lichtenauer, 1 Kennedy Avenue, Unit 5403, Danbury, CT was present via Zoom to represent the application. Lori explained roughly 110 board feet will be harvested and the bid winning logger will need to install one temporary bridge crossing a stream to haul the materials from one small location. Lori pointed out the wetlands on one of the parcels and how the timber harvest would be

conducted. Commissioner Hoffman asked how large the harvest area will be. Lori stated it will be around 25 acres out of the 28 acres of land. Commissioner Hoffman asked about the time frame of the proposed harvesting. Lori noted the project will have to go out to sale first, so she anticipates it occurring in the summer. Commissioner Hoffman requested that the logger notify the town prior to commencement of the timber harvest.

**MOVED (BRAGA) SECONDED (KACZMAREK) AND PASSED UNANIMOUSLY TO ACCEPT IW202403** – CT Water Company, owner/ Lori Lichtenauer, applicant, request to accept notification of a timber harvest permitted as of right on 5 Snipsic Lake Road, APN 067-001-0000 and Snipsic Lake Road, APN 057-016-0000.

3. IW202404 – Fifty (50) West Road LLC, owner/applicant request for permit to conduct regulated activity to construct water quality basins and associated improvements to serve adjacent industrial and commercial development at 50 West Road, APN 019-005-0000.

**BY CONSENSUS, THE AGENCY RECEIVED AND SCHEDULED A PUBLIC HEARING ON MARCH 11, 2024, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, AND ZOOM VIDEO CONFERENCING FOR IW202404** – Fifty (50) West Road LLC, owner/applicant request for permit to conduct regulated activity to construct water quality basins and associated improvements to serve adjacent industrial and commercial development at 50 West Road, APN 019-005-0000.

4. IW202405 – MCC Lake Properties Trust owner/applicant request for permit to conduct regulated activity to demolish and rebuild the existing home, garage, patio, parking and associated improvements to 28 East Shore Road, APN 169-035-0000.

**BY CONSENSUS, THE AGENCY RECEIVED AND SCHEDULED A PUBLIC HEARING ON MARCH 11, 2024, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, AND ZOOM VIDEO CONFERENCING FOR IW202405** – MCC Lake Properties Trust owner/applicant request for permit to conduct regulated activity to demolish and rebuild the existing home, garage, patio, parking, and associated improvements at 28 East Shore Road, APN 169-035-0000.

## **VI. ADMINISTRATIVE BUSINESS:**

1. Approval of the January 22, 2024, Regular Meeting Minutes.

**MOVED (BRAGA) SECONDED (BROWN) AND PASSED UNANIMOUSLY TO APPROVE JANUARY 22, 2024, REGULAR MEETING MINUTES AS WRITTEN.**

2. Election of Officers.

- a. Chairman

**MOVED (BRAGA) SECONDED (HEMINWAY) TO NOMINATE COMMISSIONER BURNS FOR CHAIRMAN OF THE INLAND WETLANDS AGENCY FOR THE YEAR OF 2024.**

**COMMISSIONER BURNS ACCEPTED THE NOMINATION.**

**HEARING NO FURTHER NOMINATIONS, NOMINATIONS CLOSED.**

**MOVED (HEMINWAY) SECONDED (BRAGA) PASSED UNANIMOUSLY TO ELECT COMMISSIONER BURNS FOR CHAIRMAN OF THE INLAND WETLANDS AGENCY FOR THE YEAR OF 2024.**

- b. Vice-Chairman

**MOVED (BRAGA) SECONDED (BROWN) TO NOMINATE COMMISSIONER HEMINWAY FOR VICE-CHAIRMAN OF THE INLAND WETLANDS AGENCY FOR THE YEAR OF 2024.**

**COMMISSIONER HEMINWAY ACCEPTED THE NOMINATION.  
HEARING NO FURTHER NOMINATIONS, NOMINATIONS CLOSED.**

**MOVED (KACZMAREK) SECONDED (HOFFMAN) PASSED UNANIMOUSLY TO ELECT COMMISSIONER HEMINWAY FOR VICE-CHAIRMAN OF THE INLAND WETLANDS AGENCY FOR THE YEAR OF 2024.**

3. Correspondence/Discussion:

- a. CT DOT Route 140 Roadway Realignment Project Crystal Lake Road and Burbank Road.

John Colonese noted the contractor for the CT DOT Route 140 project at Cystal Lake & Burbank Road contacted the Planning Department as they will be using parcel no. 128-041-0001 for their temporary work trailers and material staging area. They will use erosion control measures for any materials that are erodible, and the project is expected to last through the end of 2025.

- b. February 5, 2024, letter from the CT Siting Council for Petition 1589 for a 3MW solar facility at 360 Somers Road, vote to issue declaratory ruling failed.

- c. 117 West Shore Road – Replace existing shed.

John Colonese explained the owner of 117 West Shore Road would like to replace their existing shed and add some gravel for the base, as the current shed is on cement blocks. The Agency agreed Mr. Colonese could handle this proposed activity administratively.

**VII. ADJOURNMENT:**

**MOVED (BRAGA) SECONDED (BROWN) AND PASSED UNANIMOUSLY TO ADJOURN FEBRUARY 12, 2024, REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 7:46PM.**

Respectfully submitted,

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Barbra Galovich, Recording Clerk