



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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INLAND WETLANDS AGENCY REGULAR MEETING MINUTES MONDAY, APRIL 8, 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, Vice Chairman Katherine Heminway, Regular members Ken Braga, Landon Barlow, Alternates Jon Kaczmarek and Ryan Orszulak

ABSENT: Regular Members Ron Brown, Steve Hoffman and Hocine Baouche

STAFF

PRESENT: 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. Richard J. DeCarli, owner/applicant, request for positive referral to the Planning & Zoning Commission on a 2-lot re-subdivision (S202402) pursuant to Conn. Gen. Stat. 8-26(e) at 189 Sadds Mill Road, APN 100-008-0002.

Barbra Galovich stated from John Colonese, Wetlands Agent, memo dated April 3, 2024, "There is no activity proposed with this re-subdivision application. The applicant is proposing to create one lot for the existing house and one for the existing riding arena building. Due to statutory requirements for a re-subdivision, the Agency must review the re-subdivision plan and make a referral to the Planning & Zoning Commission."

MOVED (BRAGA) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO MAKE A POSITIVE REFERRAL FOR – Richard J. DeCarli, owner/applicant, request for positive referral to the Planning & Zoning Commission on a 2-lot re-subdivision (S202402) pursuant to Conn. Gen. Stat. 8-26(e) at 189 Sadds Mill Road, APN 100-008-0002.

2. IW202406 – David Noble, owner/applicant request for permit to conduct regulated activity to construct a footing drain for a home associated with a 3-lot subdivision (S202403) at 4 Tolland Turnpike, APN 132-004-0000.

Mark Peterson, Gardner & Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, CT and David Noble, 910 Strong Road, South Windsor, CT were present to represent the application.

Mark Peterson said the property is located at 4 Tolland Turnpike, which is in the easterly part of town on the Toland town line. The parcel is just under 18 acres. The owner is looking to create three lots, one for the owner, and two others for their children, which would be a family subdivision. Mark noted a subdivision application has been submitted to the Planning & Zoning Commission and the owner has applied to North Central District Health Department for approval. The plans show the wetlands have been delineated on the site by Soil Scientist, Rick Zulick.

Mark Peterson reviewed the topography, and any water sheet flow drains in a northerly direction. The owner is proposing to cut Lot 2 and 3 just over an acre in size and then Lot 1 will be roughly 15 acres. The upland review area is the dash dot line noted on the plan. There is no disturbance in the wetlands. The only disturbance in the upland review area is a small temporary encroachment about 35 feet in length for the installation of a foundation drain discharge pipe for the house on Lot 1, and there will be no disturbance on Lot 2 or Lot 3 in the upper review area. Mark reviewed the erosion and sediment control measures that will take place during construction if approved.

Barbra Galovich stated the applicant will be going to the Planning and Zoning Commission to request a three-lot subdivision on April 22, 2024. Barbra asked the agency to consider making a referral from the Inland Wetlands Agency to the Planning and Zoning Commission for the subdivision.

MOVED (BRAGA) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) FOR IW202406 – David Noble, owner/applicant request for permit to conduct regulated activity to construct a footing drain for a home with a positive referral to the Planning & Zoning Commission associated with a 3-lot subdivision (S202403) at 4 Tolland Turnpike, APN 132-004-0000.

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.
3. IW202407 – Bradly & Amanda Bahler, owner/applicant, request to accept notification of tree clearing for expansion of pasture, maintain drainage ditch, construct accessway from Kibbe Road, and construct animal structures permitted as of right at 353 Somers Road, APN 105-007-0000.

Bradly and Amanda Bahler were present to represent the application. Bradly stated there are two wetland delineation areas on his property, one being Hyde's Brook and another across the property to the west of the brook. Bradly is looking to have a pasture and a couple of structures added to the property for feed storage and shelter for the animals. There is an existing fence line that has not been maintained along Kibbe Road that needs to be cleaned up of debris and overgrowth of the trees. There's going to be some tree removal, possibly a little bit of regrading to get into the area.

Bradly Bahler spoke to Tom Modzelewski, Director of Public Works, about having the two access drives from Kibbe Road. Mr. Modzelewski did not have any issues with either access. Bradly explained if only one access was constructed then there would be more crossing of the wetlands, with two access drives, this would eliminate the potential to cross the wetlands. Bradley noted there is an old fence that's not been maintained since they moved there and is looking to clear the area and replace the fence, and then create the access points off Kibbe Road in order to stay away from Route 83. Vice Chairman Heminway stated if Mr. Bahler doesn't have two access ways, then you're going to be driving through the wetlands more often.

Amanda Bahler explained to the Agency how the water flows through the property and is piped to flow under Route 83 across the street.

Barbra Galovich noted from John Colonese's memo dated April 3, 2024, the request appears to be in line with farming Section 4.1 A. Therefore, the notification can be accepted by the agency and the applicant is clearing the brush along Kibbe Road, farming and agricultural use and installing one or two barns, depending on the need.

MOVED (HEMINWAY) SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO ACCEPT IW202407 – Bradly & Amanda Bahler, owner/applicant, request to accept notification of tree clearing for expansion of pasture, maintain drainage ditch, construct accessway from Kibbe Road, and construct animal structures permitted as of right at 353 Somers Road, APN 105-007-0000.

4. IW202408 – John Hoffman, owner/applicant, request to accept notification of tree clearing for expansion of crop land and construct an animal structure permitted as of right on property on Lower Butcher Road, APN 018-020-0002.

John Hoffman, 60 Lower Butcher Road was present to represent the application.

John Hoffman stated the application is to notify the agency of tree clearing along the Hockanum River on the west and south of the property on Lower Butcher Road. John noted there is a 1992 photo at the library of the property, and it shows no trees along the Hockanum River and would like to bring the property back to that condition.

Commissioner Braga asked what is going to be put between the river and the crops to protect the river. John Hoffman replied this field is currently in no till farming activity and no stumps will be removed. Commissioner Heminway clarified that all stumps will remain in place to help protect the river. John Hoffman stated there's not going to be any disturbance other than the tree coming down and will be able to plant a little closer to the river, because the trees will not be shading the 50-foot buffer and still have a barrier.

Commissioner Barlow asked if clearing of the trees would be on both sides of the river or just one side, John Hoffman replied to the clearing will be only one side of the river. Commissioner Barlow asked how many of the trees are over 9 inches in diameter? John Hoffman noted the trees are different sizes and did not measure each tree. Commissioner Barlow stated according to CT Department of Energy and Environmental Protection, if any trees over 9 inches in diameter intended to be cut, they should be notified.

MOVED (BRAGA) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO ACCEPT IW202408 – John Hoffman, owner/applicant, request to accept notification of tree clearing for expansion of crop land and construction of an animal structure permitted as of right on property on Lower Butcher Road, APN 018-020-0002.

5. IW202409 – 133 West LLC, owner/Krause Excavating LLC, applicant, request for permit to conduct regulated activity to remove sediment and build up banks for maintenance of stream at 133 West Road, APN 037-006-0000 and 135 West Road, APN 037-005-0086. (RECEIPT ONLY)

BY CONSENSUS, THE AGENCY AGREED TO RECEIVE AND SET A PUBLIC HEARING FOR THE MAY 13, 2024, MEETING FOR IW202409 – 133 West LLC, owner/Krause Excavating LLC, applicant, request for permit to conduct regulated activity to remove sediment and build up banks for maintenance of stream at 133 West Road, APN 037-006-0000 and 135 West Road, APN 037-005-0086.

6. IW202410 – James & Susan Pedersen, owner/applicant, request for a permit to conduct regulated activity to remove and replace concrete block retaining wall, replace 16'x32' deck, add 7'x9' deck on side, restore grading to lake at 129 West Shore Road, APN 168-117-0000. (RECEIPT ONLY)

BY CONSENSUS, THE AGENCY AGREED TO RECEIVE AND SET A PUBLIC HEARING FOR THE MAY 13, 2024, MEETING FOR IW202410 – James & Susan Pedersen, owner/applicant, request for a permit to conduct regulated activity to remove and replace concrete block retaining wall, replace 16'x32' deck, add 7'x9' deck on side, restore grading to lake at 129 West Shore Road, APN 168-117-0000.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the March 11, 2024, Regular Meeting Minutes.

MOVED (HEMINWAY) SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE MARCH 11, 2024, REGULAR MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion: None

VII. ADJOURNMENT:

MOVED (BRAGA) SECONDED (BARLOW) AND PASSED UNANIMOUSLY TO ADJOURN THE APRIL 8, 2024, REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 7:32 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk