



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

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## INLAND WETLANDS AGENCY REGULAR MEETING MINUTES MONDAY, MAY 13, 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, Landon Barlow, Alternates Jon Kaczmarek and Ryan Orszulak

**ABSENT:** Chairman Jean Burns, Regular Members Ron Brown, Steve Hoffman and Hocine Baouche

### 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. 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.

Time: 7:01 pm

Seated: Heminway, Braga, Barlow, Orszulak and Kaczmarek

Alex Krause, 72 Mountain Spring Road, Tolland, CT was present to represent the application.

Vice Chairman Heminway noted there was an emergency repair completed on a portion of the stream which took place in early October of last year by Krause Excavating. Water was flowing out of the stream at times onto 133 West Road and ending up on Route 83. The Connecticut Department of Transportation (CT DOT) contacted the owners to fix the problem prior to the upcoming winter. This repair was completed. The Connecticut Department of Transportation has a drainage easement on 135 West Road, encompassing a pipe, head wall and rip rap stone swale by the road. CT DOT will conduct any required maintenance in this area.

Alex Krause stated the worst portion of the stream was restructured between the two properties to prevent the water from overflowing. Alex explained the new owner of 133 West Road would like to continue the work downstream and upstream. A couple trees and some brush will be removed, continuing the same type of work, making it easier for annual maintenance.

Commissioner Braga asked if a driveway was being constructed in the back towards 135 West Road. John Colonese stated if any additional activity is to be performed, the owners would need to contact the Planning Department.

John Colonese asked the applicant to contact the wetlands agent prior to the scheduled start of work and noted the erosion control measures shall remain operational until the site stabilized.

**MOVED (BRAGA) SECONDED (BARLOW) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A SIGNIFICANT ACTIVITY FOR IW202409.**

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

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

**Condition(s):**

1. Contact the wetlands agent prior to the scheduled start of work.
  2. Erosion control measures shall remain operational until the site is stabilized.
2. IW202410 – James & Susan Pedersen, owner/applicant, request for a permit to conduct regulated activity to replace a concrete block retaining wall along the lake edge, restore grading to the lake, replace foundation for addition, construct decks, and associated improvements at 129 West Shore Road, APN 168-117-0000.

Time: 7:06 pm

Seated: Heminway, Braga, Barlow, Orszulak and Kaczmarek

Andrew LaRoche, 80 Chaffee Road, Stafford, CT was present to represent the application.

Andrew LaRoche stated the steps to the project as removing the failing concrete blocks along the lake edge to replace them with new blocks, replacing the existing deck and building a new deck, removing concrete blocks by the lake and restoring this portion of the lakeside yard to the grade of the lake, and removing and replacing a portion of the foundation for an addition. Mr. LaRoche stated that eventually the owners will want to rebuild the garage across the street.

Mr. LaRoche explained they are trying to keep the elevation the same at the point of the water level to the wall. The wall is about a foot to 16 inches below the water level. They plan to get the footing in and stabilized and want to maintain the roughly same water level on the retaining wall. The wall is out of the water about two feet now, and it will be about the same height when finished.

Mr. LaRoche noted he spoke with the Town Engineer, Dana Steele, and about his comments. Mr. LaRoche explained the construction will be to first rebuild the retaining wall. In doing so, a dewatering pit will be installed, where the existing retaining wall will be removed so that any water will be detoured into the pit, filtered, with clean water returning into the lake. Then they will remove the remainder of the existing lake wall permanently, regrading and seeding the area with a silt fence in front of the lake until there is permanent growth.

John Colonese reviewed potential conditions of approval. Mr. LaRoche said the deck is going to be about 2 ½ to 3 feet above grade with pervious fabric and stone placed under the deck.

**MOVED (BRAGA) SECONDED (BARLOW) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A SIGNIFICANT ACTIVITY FOR IW202410.**

**MOVED (BRAGA) SECONDED (KACZMAREK) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR IW202410** – James & Susan Pedersen, owner/applicant, request for a permit to conduct regulated activity to replace a concrete block retaining wall along the lake edge, restore grading to the lake, replace foundation for addition, construct decks, and associated improvements at 129 West Shore Road, APN 168-117-0000.

**MOVED (BRAGA) SECONDED (ORSZULAK) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) FOR IW202410** – James & Susan Pedersen, owner/applicant, request for a permit to conduct regulated activity to replace a concrete block retaining wall along the lake edge, restore grading to the lake, replace foundation for addition, construct decks, and associated improvements at 129 West Shore Road, APN 168-117-0000.

**Condition(s):**

1. Shall comply with Town Engineer comments dated April 26, 2024:
  - After the wall is removed, install sediment barriers at the shoreline to limit soil erosion into lake until slope is stabilized with vegetation.
  - A turbidity curtain may also be required within the lake if soils behind the wall are left exposed overnight. This determination can be made in the field by Town Staff based on observed site conditions.
  - Specify the slope of the regraded area where the wall is being removed. I recommend maximum 3:1 slope (roughly 6' to about the closure line). Provide minimum 4" of topsoil, seed and mulch to establish vegetation on the new slope.
2. Contact the wetlands agent prior to the scheduled start of removal of the existing lake wall.
3. 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. IW202411 – Beth Gottier, owner/applicant request for a permit to conduct regulated activity to construct a patio and new wall along the lake edge at 14 Private Grounds 1, APN 148-062-0000.

**BY CONSENSUS, THE AGENCY RECEIVED AND SCHEDULED A PUBLIC HEARING ON JUNE 10, 2024, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, AND ZOOM VIDEO CONFERENCING FOR IW202411** – Beth Gottier, owner/applicant request for a permit to conduct regulated activity to construct a patio and new wall along the lake edge at 14 Private Grounds 1, APN 148-062-0000.

## VI. ADMINISTRATIVE BUSINESS:

1. Approval of the April 8, 2024, Regular Meeting Minutes.

**MOVED (BRAGA) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE APRIL 8, 2024, REGULAR MEETING MINUTES WITH ONE CORRECTION: PAGE 3 OF 4, PARAGRAPH 8, OMIT LAST SENTENCE.**

2. Correspondence/Discussion:

- a. 88-100 West Road, Maintenance of Drainage Ditch.

John Colonese stated that water from the ditch is currently flowing out onto the abutting farmer's cropland. Mr. Colonese reviewed the description and map provided by the contractor with the Agency and it was determined this activity can be reviewed administratively.

- b. Arbor Park on Main Street, Maintenance of Stream.

John Colonese stated that the Public Works Department would like to clean out vegetation from the stream that has filled in over the years. They will not be creating any new courses for the water. Material will be removed from the site. After a brief discussion with the Agency, it was determined this activity can be reviewed administratively.

## VII. ADJOURNMENT:

**MOVED (BRAGA) SECONDED (BARLOW) TO ADJOURN THE MAY 13, 2024, REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 7:19 PM.**

Respectfully submitted,

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Barbra Galovich, Recording Clerk