



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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INLAND WETLANDS AGENCY REGULAR MEETING MINUTES MONDAY, AUGUST 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: Chairman Jean Burns, Vice Chairman Katherine Heminway, Regular members Ken Braga, Steve Hoffman, Landon Barlow, and Alternate Jon Kaczmarek

ABSENT: Regular members Ron Brown, 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: 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:

1. IW202413 – Stephen D. Williams, owner/applicant request for a permit to conduct regulated activity to construct a single-family home and associated improvements at 37 Wendell Road, APN 168-019-0000.

Time: 7:02 pm

Seated: Burns, Heminway, Braga, Hoffman, Barlow and Kaczmarek

Stephen D. Williams, 36 Buff Cap Road, Tolland, CT and George Logan, REMA Ecologic Services, LLC, 43 Blue Ridge Drive, Vernon, CT were present to represent the application.

George Logan stated this parcel is a relatively small lot at .21 acres. It's located at the intersection of Wendell Road and Pine Street. The lot is undeveloped, mostly wooded, contains wetlands and an intermittent watercourse. The wetlands were delineated back on February 9th and then again April 26th, when additional flags were placed. George Logan reviewed the Gardner & Peterson Assoc. Improvement Location Survey and pictures in the REMA Ecological Services report. George reviewed the soil types and invasive plants on the parcel and noted they will be removed as part of the mitigation plan, and a conservation seed mix will be used behind the proposed house. George noted the wetlands on the parcel are not highly functional. He added that in addition to removing the invasive plants, wetlands plantings will be installed as shown on the plan and noted in the handout Tables of Planting Materials for Wetland Enhancement.

George Logan reviewed the list of plantings species recommended for wetlands enhancement, noting the Japanese knotweed will be the hardest invasive species to remove from the site and could take three years to remove.

Commissioner Braga asked how far Wetland's Flag #5 is from the back corner of the proposed house. George Logan indicated that it was a couple of feet away according to the survey. Commissioner Braga asked how far Wetland's Flag #2 is from the back of the house. George confirmed it is about 5 to 6 feet away from the proposed house according to the survey. Commissioner Braga stated after hearing George Logan's report that a lot of items are proposed and asked if these stipulations could go with the title of the land. George noted the stipulations could go with the land and he noted the agency may want to consider some type of markers or posts to show where the wetlands boundary is located. Vice Chairman Heminway asked who would be responsible to maintain the wetlands, and asked how it is possible to not disturb the wetlands based on the site plan along with tree removal and grading. George Logan said no machinery needs to go into the wetland for the initial clearing as they can reach in from the upland area into the wetland area. George added that a construction protocol may help to describe this process.

John Colonese read the following two comments provided by Dana Steele, Town Engineer via email on August 6, 2024:

1. "The proposed 708 contour at the driveway does not reflect the 1" lip called for by notation at the curb line. In addition to the lip, I recommend the contour depict a slight hump in the paved apron.
2. It is not clear why a hatchway is shown on the west end of the house. The outside grade is only a foot higher than the crawl space slab elevation of 704.0. The engineer should clarify what is intended here.

These items are not directly related to wetland impacts so they do not need to be included as conditions but if the Commission prefers to include them as conditions, I don't see a problem with that."

John Colonese noted the Water Pollution Control Authority had comments for the applicant. John added that should a wetlands permit be approved; it could be filed on the land records so that someone doing a title search could find the approval and any conditions.

Kevin Paradis, 82 Country View Drive, South Windsor, was present on behalf of his son who lives at 39 Wendell Road. Kevin raised concern with who will maintain the wet meadow, and chemical treatment for the invasive plants. The proposed chemical treatment is close to the wells and the stream on the property.

Maura Heintz, 33 Pine Street, has concerns that the disturbance from the digging of the crawl space will be into the wetlands and referenced the site plan. Steve Williams stated they will use a mini excavator to perform the digging for the foundation for the crawl space without touching the wetlands. Chairman Burns liked the idea of the construction protocol on how they will avoid the wetlands. John Colonese stated the agency can request that the plan be revised to include a construction narrative.

Commissioner Barlow asked if the erosion and sedimentation controls as shown on the plan would be a boundary to the wetlands clearing limits. George Logan noted this would be a hard boundary and clearing limit, and added if there is an accidental disturbance this can be fixed as a temporary impact. They do not intend to do any filling in the area to the rear of the home in front of the silt fence. George recommended having the wetlands staked prior to construction. Commissioner Barlow asked George to review the wetlands line versus the silt fence line. George described the wetlands line and silt fence line as shown on the plan.

Commissioner Hoffman asked about the procedure to remove the invasive species. George Logan explained the protocols to remove invasive species. Removal can be done by mechanical removal or herbicide treatment and noted mechanical work will be done by hand, no heavy equipment, using a spade and shovel. George added that getting rid of Japanese knotweed will be challenging and added that it will need to be investigated further at the site. George also reviewed the different processes to remove the knotweed. Any herbicide treatment will follow Department of Energy and Environmental Protection guidelines and will be targeted at invasive plants. Vice Chairman Heminway asked how to ensure this will be monitored. George noted the monitoring requirement can be included as part of the permit. Chairman Burns confirmed with George that the individual performing any invasive species herbicide treatments will be licensed.

Maura Heintz raised concern about chemicals endangering the watershed. There is the Japanese Knotweed all along Pine Street on both sides and Maura doesn't feel that the removal at this location would have an impact.

John Colonese reviewed portions of Section 7.5 of the Wetlands Regulations for the agency members, noting if they would like to request additional information from the applicant such as a functional and qualitative analysis or a description of alternatives. John also has concerns with the proposed wet meadow directly to the rear of the house as it would not leave room for an owner to walk or mow around the house.

The agency decided that they would like to see more information from the applicant regarding a construction protocol. Commissioner Burns asked for more information on the chemicals to be used to control the invasive species.

MOVED (BRAGA) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A SIGNIFICANT ACTIVITY FOR IW202413.

MOVED (BARLOW) SECONDED (HEMINWAY) AND PASSED (BRAGA - NAY) TO CONTINUE THE PUBLIC HEARING TO MONDAY, SEPTEMBER 23, 2023, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR IW202413 – Stephen D. Williams, owner/applicant request for a permit to conduct regulated activity to construct a single-family home and associated improvements at 37 Wendell Road, APN 168-019-0000.

IV. OLD BUSINESS: None

V. NEW BUSINESS:

1. IW202415 – Daniel & Kristina Greenwood, owner/applicant request to accept notification for the construction of a farm pond permitted as of right at 73 School House Rd, APN 165-007-0000.

Rachel Dearborn, Landmark Surveys, LLC, 62 Lower Butcher Road, was present to represent the application.

Rachel Dearborn explained the property is located on the corner of East Porter Road, Webster Road and Schoolhouse Road. The owners are looking to construct an agricultural pond, including a swale, a pond drain, and outlet. The activity is permitted as of right and is located within 250' of a wetland area. Rachel Dearborn stated the wetlands that are located on the plan were obtained from the Town GIS. The owners are looking to add a 2" PVC pipe with a shut off valve to drain the pond as necessary. The pond will be utilized for agriculture. A berm will be created on the low side of the pond to direct water over the spillway to the swale. No farm animals will access the pond.

Commissioner Hoffman asked if the parcel is wet. Rachel noted there are areas where water is close to the surface which will feed the pond.

Commissioner Barlow asked about the Town Engineer's comments. John Colonese read Dana Steele's comments from an email dated August 6, 2024, as follows:

"I've reviewed the site plan revised 8/5/24 and offer the following comments:

1. The pond berm has been raised to include a 4' fill berm acting as a dam. The plans should include a cross-section detail for the embankment prepared by a CT PE to ensure proper construction and protection against breaching. Include material and compaction specifications on the detail. Fill material should be keyed into the existing grade to prevent sliding.
2. Provide a detail of the proposed riprap spillway.
3. Provide a detail of the proposed sump in the basin to protect the 2" drain from clogging.
4. Provide a maintenance schedule for inspecting and repairing erosion of the spillway and swale.

These items could be conditions of wetland approval."

John reviewed comment #1 with Rachel Dearborn and Dana Steele earlier today, and comment #1 is not required since the spillway will be at the existing grade. Rachel said she will provide details to address the remaining comments.

MOVED (BRAGA) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO ACCEPT IW202415 – Daniel & Kristina Greenwood, owner/applicant request to accept notification for the construction of a farm pond permitted as of right at 73 School House Rd, APN 165-007-0000.

2. Request from Calito Development Group to informally discuss a concept driveway configuration plan that crosses an intermittent watercourse on property on the west side of Route 83, APN 046-003-0002.

James Cassidy, PE, Hallisey, Person & Cassidy Engineering Associates, Inc., 630 Main Street, Cromwell, CT, and Attorney Robin Pearson, Alter & Pearson, LLC, 701 Hebron Avenue, Glastonbury, CT, were present for the informal discussion.

James Cassidy explained Calito Development Group, LLC is looking to subdivide and develop 3 acres of the 20.98-acre parcel currently used for agriculture. It was suggested by the Ellington Planning & Zoning Commission to request this informal discussion with the agency. James Cassidy noted the lot has 1,500' of frontage, has a drainage ditch running through it, and some wetland soils on the western side. James reviewed the concept site plan showing the proposed three driveways along the frontage. The drainage ditch, intermittent watercourse, was created on the site when the plaza across the street was developed. James stated the engineering design considers Ellington's Route 83 Access Management Plan, which was designed to connect parcels and provide internal access without vehicles having to enter onto Route 83.

James Cassidy stated the reason for this informal discussion is to get feedback from the agency about the possible creation of a bridge over the intermittent watercourse, noting the portion of land to the north would be developed first. James explained there are two 36" culverts flowing in a westerly direction onto the property, and the crossing would create roughly 1000 sf of disturbance.

Chairman Burns stated West Road is a state road and the developer will need to contact the Department of Transportation for any curb cuts. Commissioner Hoffman noted the Town will be installing sidewalks along West Road, John Colonese stated the sidewalk project will be on the opposite side of West Road. Commissioner Hoffman discussed the existing culvert drainage areas and recommended they maintain a 2:1 mitigation to disturbance ratio.

3. IW202414 – Stephen Quatrocelli, owner/applicant request for a permit to conduct regulated activity to demolish existing home, deck and existing lake wall, to construct new single-family home, retaining walls, steps, storage shed and associated improvements at 10 East Shore Road, APN 149-097-0000.

BY CONSENSUS, THE AGENCY RECEIVED AND SCHEDULED A PUBLIC HEARING FOR SEPTEMBER 23, 2024, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, AND ZOOM VIDEO CONFERENCING FOR IW202414 – Stephen Quatrocelli, owner/applicant request for a permit to conduct regulated activity to demolish existing home, deck and existing lake wall, to construct new single-family home, retaining walls, steps, storage shed and associated improvements at 10 East Shore Road, APN 149-097-0000.

4. IW202417 – Bradly & Amanda Bahler, owner/applicant, request for a permit to conduct regulated activity to construct a 26'x6' bridge over Hydes Brook at 353 Somers Road, APN 105-007-0000.

BY CONSENSUS, THE AGENCY RECEIVED AND ADDED TO NEW BUSINESS FOR SEPTEMBER 23, 2024, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, AND ZOOM VIDEO CONFERENCING FOR IW202417 – Bradly & Amanda Bahler, owner/applicant, request for a permit to conduct regulated activity to construct a 26'x6' bridge over Hydes Brook at 353 Somers Road, APN 105-007-0000.

5. IW202415 – Windermere Village Homeowners Association, owner/applicant, request for a permit to conduct regulated activity to excavate and maintain area to improve retention pond function and drainage at Windermere Avenue and Windermere Village Road, APN 017-024-0000.

BY CONSENSUS, THE AGENCY RECEIVED AND SCHEDULED A PUBLIC HEARING FOR SEPTEMBER 23, 2024, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, AND ZOOM VIDEO CONFERENCING FOR IW202415 – Windermere Village Homeowners Association, owner/applicant, request for a permit to conduct regulated activity to excavate and maintain area to improve retention pond function and drainage at Windermere Avenue and Windermere Village Road, APN 017-024-0000.

6. IW202418 – Diane Shea, owner/applicant, request for a permit to conduct regulated activity to add stone to existing rock wall at the lake edge at 3 Holmes Road, APN 169-027-0000.

BY CONSENSUS, THE AGENCY RECEIVED AND SCHEDULED A PUBLIC HEARING FOR SEPTEMBER 23, 2024, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, AND ZOOM VIDEO CONFERENCING FOR IW202418 – Diane Shea, owner/applicant, request for a permit to conduct regulated activity to add stone to existing rock wall at the lake edge at 3 Holmes Road, APN 169-027-0000.

VI. ADMINISTRATIVE BUSINESS:

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

MOVED (BRAGA) SECONDED (BARLOW) AND PASSED UNANIMOUSLY TO APPROVE THE JULY 8, 2024, REGULAR MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:

- a. North Central District Health Dept. Ellington Annual Report July 1, 2023 – June 30, 2024.

VII. ADJOURNMENT:

MOVED (HEMINWAY) SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO ADJOURN THE AUGUST 12, 2024, REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 8:29 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk