



# TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187  
ELLINGTON, CONNECTICUT 06029-0187  
[www.ellington-ct.gov](http://www.ellington-ct.gov)

TEL. (860) 870-3120    **TOWN PLANNER'S OFFICE**    FAX (860) 870-3122

## **INLAND WETLANDS AGENCY REGULAR MEETING MINUTES MONDAY, SEPTEMBER 23, 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, Steve Hoffman, Landon Barlow, Ron Brown, Hocine Baouche (via Zoom 7:06 pm) and Alternate Ryan Orszulak

**ABSENT:** Chairman Jean Burns 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:** 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. 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: 7:01 pm

Seated: Heminway, Braga, Brown, Hoffman and Barlow

Stephen D. Williams, 22 Rudnansky Lane, Tolland, CT and George Logan, REMA Ecologic Services, LLC, 43 Blue Ridge Drive, Vernon, CT were present to represent the application.

George Logan reviewed the changes made to the plan, showing the updated Construction Schedule and the changes to the proposed plantings. George noted a proposed split rail fence, and an additional 12 native shrubs to be added to the rear of the fence as included on the Tables of Planting Materials for Wetland Enhancement. George reviewed plans for removal of the invasive Japanese knotweed on the property and creating a wetlands area to be seeded with New England Wetmix, a wetland seed mix. George stated the stream channel will be maintained.

Vice Chairman Heminway asked if it will take two to three years to complete the work then who will be responsible to the maintenance. George Logan noted he can oversee the initial work, but it will ultimately be the responsibility of the property owner. Stephen Williams said if the property is to be sold, then it could be restricted, or it will remain maintained by him.

Commissioner Hoffman inquired about the footing drain into the wetlands potentially dewatering the wetlands. George explained that based on elevation he felt it would protect the integrity of the foundation would be maintained and there might be a little fringe dewatering. Commissioner Hoffman has concerns about the sanitary sewer pump dewatering the wetlands. George Logan is not concerned that the sewer will not have a significant adverse effect of the wetlands. Commissioner Hoffman confirmed that grass will be planted between the dwelling and the proposed split rail fencing. George noted that the backyard will most likely be wet and it is the edge of the wetlands. Commissioner Barlow asked for clarification of the area where the Japanese knotweed will be removed. George Logan responded that it will be a wet meadow after the knotweed is removed and have a wetland seed planted. Commission Barlow asked about the mitigation ratio between this area and the areas that are being compromised by the house. George said it is approximately a 1 to 1 ratio. Commissioner Barlow asked how deep the excavation would be. George replied about 2 to 2 ½ feet.

Maura (Heintz) Freckleton, 33 Pine Street, asked how the future wet meadow would be maintained as the slopes are steep in the area. George Logan noted the area may need to be cut with a string trimmer. Maura explained she is concerned about trees on her property being impacted by construction on the property. David Freckleton, 33 Pine Street, brought up concerns about the sewer system being installed and disturbing the area and asked who would do the work. Steve Williams said he was unsure of contractor who would do the work and there is an easement for them to do the work to connect to the Town's system. David noted there is ledge in the area and has concerns the sewer construction will hit ledge close to his property. David has concerns with the sewer pump being in a wetlands area pumping sewage.

John Colonese noted Dana Steele, Town Engineer, feels his comments were addressed. Vice Chairman Heminway referred to a Journal Inquirer article dated August 21, 2024, written by Alicea Charamut, quoting, "...And we need to recognize that we can't keep building on every piece of property without causing consequences for everyone in the community." Chairman Heminway feels the wetlands are being impacted with this project and everything is going to be disturbed, and it will impact neighbor's properties.

George Logan stated they are providing mitigation of 1 to 1 wetlands creation and believes that flooding is public health and safety issue and not within the Agency's jurisdiction. Maura Freckleton has concerns with surfaces that can't infiltrate such as the driveway and house having a larger impact than what is being discussed.

Commissioner Braga noted he is against the proposal. Commissioner Brown noted the Agency is dictated by the State of Connecticut, the Agency needs to adhere to these guidelines and believes this proposal would not preserve the wetlands. Commissioner Hoffman stated the proposed activity is too close to the wetlands, and constructing the foundation a foot away from the wetlands is too close. Commissioner Barlow recommended parsing out the area of wetlands that is to be improved and show the area of wetlands that will be taken away.

Stephen Williams said the parcel is a lot of record, which was created by combining three individual lots. Stephen asked for the public hearing to remain open so he can come back with a legal opinion. Stephen noted the Town paved the corner of Wendell and Pine Street onto a portion of the 37 Wendell Road property.

**MOVED (BRAGA) SECONDED (BROWN) AND PASSED UNANIMOUSLY TO CLOSE PUBLIC HEARING FOR IW202413.**

**MOVED (BRAGA) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO DENY WITHOUT PREJUDICE 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.**

2. 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.

Time: 7:45 pm

Seated: Heminway, Braga, Brown, Hoffman, Barlow, and Orszulak

Stephen Quatrocelli, 24 Ellridge Place, Ellington, CT, Eric Peterson, Gardner & Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, CT and Jennifer Kloter, Bahler Brothers, 24 Jeffrey Drive, South Windsor, CT were present to represent the application.

Eric Peterson said the Quatrocelli family has owned the property for six years and is looking to reconstruct the home and site improvements. Eric explained the project will occur in three stages. The first being to demolish the existing house, second stage is to restore the lake wall, deck and access to the deck and third being construction of the dwelling, final grading and exterior finishes around the dwelling. The owners are looking to demolish the house next month, all materials will be hauled off the site. The Bahler Brothers will complete the landscaping, decking, and stairs by the lake, the retaining wall, and all paver materials which will be pervious pavers.

Jennifer Kloter reviewed the steps of construction, first the dwelling will be demolished to have easy access to the lake by way of a temporary gravel access ramp and to allow for material staging during construction. A skid steer and mini excavator will be used throughout the project. Then, demolition and disposal of the existing deck, wooden steps, retaining walls, and plants will take place. Excess materials will be removed from the site using trucks and roll-off dumpsters. Immediately behind the existing lake wall the shoreline will be stabilized using a mix of a gabion wall and large boulders working with the existing rock and ledge near the lake. Rip-rap stone will be placed on the gentler slopes under the future deck area. Then the concrete lake wall will be removed. They will build geo-grid reinforced natural stone retaining walls by hand using locally sourced materials and replace the deck with a new deck using a grate system and permeable pavers. Concrete piers will be anchored to the rock ledge. Stone steps will be installed on the hillside. Jennifer continued by noting that immediately behind the existing lake wall they will use a mix of a gabion wall and large boulders working with the existing rock and ledge by the lake. A new 15'x10' storage shed will be built on site. As for the construction of the new house, the builder will install and maintain silt fencing and haybales downhill of house construction at the uphill edge of the completed work prior to excavation of the foundation. All excess earth will be loaded on a truck and removed from the site.

Once the new house is built, they will install some additional steps, boulder retaining walls, a permeable patio with a fire pit, a permeable front walkway, pergolas, low voltage lighting, a permeable driveway and parking area.

John Colonese read Dana Steele, Town Engineer, email comments dated September 4, 2024, as follows, "I've reviewed the revised plans and calculations for 10 East Shore Road. The drainage has been revised to remain on the subject property. Pervious pavement is proposed where hard surfaces would otherwise exceed lot coverage limits. Appropriate erosion controls are proposed. The plans call for the existing wall to remain until the new wall is installed, thus limiting impacts to the lake. I take no exception to the plans or calculations as submitted." John read the Water Pollution Control Authority comments as follows. "Coordinate with WPCA for pump chamber panel disconnect and the pump chamber is not to be disturbed."

Stephen Quatrocelli stated the existing house has four bedrooms and the proposed new house will have four bedrooms, and the grinder pump is to remain in place. Commissioner Barlow reviewed a few site elevations with Eric Peterson for clarification.

**MOVED (BRAGA) SECONDED (BARLOW) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A SIGNIFICANT ACTIVITY FOR IW202414.**

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

**MOVED (HOFFMAN) SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS 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.

**Conditions:**

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. Silt sack or silt barrier shall be installed for catch basin in road prior to start of phase 1.
  3. Retaining walls and foundation walls of shed shall follow building code and be designed by a professional engineer if required.
3. 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.

Time: 8:20 pm

Seated: Heminway, Braga, Brown, Hoffman, Barlow, and Orszulak

Steven Anderson, KP Management, LLC, 693 Main Street, Glastonbury, CT was present to represent the application. Steven explained KP Management, LLC is now responsible for managing Windermere Village and was recently on the site with John Colonese and the Town Engineer regarding the retention pond on the site. Steven described the sequence of work to be completed and would like to excavate an approximate 15'x15' area with a 6" depth to allow water to continuously flow.

Commissioner Hoffman asked where the silt materials came from. John Colonese noted the construction of the development over the years may have contributed to the build up within the area of concern.

Steven Anderson asked the Agency to allow the maintenance of the retention pond be completed without returning to the Agency, and to notify the Wetland Agent prior to maintenance. The Agency agreed.\ John Colonese read Dana Steele, Town Engineer, September 4, 2024, comments as follows, "I've reviewed the plans for maintenance work downstream from the stormwater pond outlet at Windermere Village and it looks appropriate. I recommend any disturbed areas be seeded with a conservation seed mix or wetland mix rather than left to regrow over time. The narrative indicates this area will require occasional maintenance again. The wetland permit should clarify whether the permit covers this future maintenance as well or if they need to return for additional permits prior to each maintenance activity. As long as the maintenance activities are consistent with the current proposal it would seem appropriate to allow for future maintenance as well. But the Commission has authority to make this determination."

Commissioner Hoffman asked where material will be placed, and Vice Chairman Heminway asked for all materials to be removed from the site. Commissioner Barlow asked about the stone

riprap outlet. Steven Anderson replied that none of the riprap will be touched during the maintenance of this area as it appears to be functioning correctly.

**MOVED (BROWN) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A NON-SIGNIFICANT ACTIVITY FOR IW202415.**

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

**MOVED (BRAGA) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS 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.

**Conditions:**

1. Excavated areas shall be stabilized with a conservation or wetland seed mix.
  2. Permit approval covers future maintenance of this area as needed.
  3. The Wetland Agent shall be notified prior to the start of the project and prior to the start of any future maintenance.
4. 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.

Time: 8:30 pm

Seated: Heminway, Braga, Brown, Hoffman, Barlow, and Orszulak

Diane Shea, 3 Holmes Road, Ellington, CT and Raul Lemus-Soc, 77 Wildwood Road, Mansfield, CT were present to represent the application.

Raul Lemus-Soc explained the boat waves on the lake are causing erosion along the linear edge of the property and if no action is taken, the existing shrubs and land will deteriorate. The owner would like to install additional rock along the edge of the lake for approximately 100' to 110' linear feet to help protect the land from eroding. The stones will be handset along the water's edge.

Commissioner Barlow asked about the size of rocks proposed to be installed, Raul Lemus-Soc explained the smallest rocks would be around 1' to 1 ½' in diameter. Vice-Chairman Heminway asked how the rocks would be brought down to the lake edge. Raul noted a small utility vehicle such as a Gator, would be used to haul the rocks down to the edge. Commissioner Barlow suggested that since the rocks will be imported to the site, the rocks should be cleaned prior to placing into the water.

Mark Shea, 1A Tolland Turnpike, likes the idea of building up the wall with natural rock. John Colonese read Dana Steele, Town Engineer, email comments from September 4, 2024, as follows. "I've reviewed the application for 3 Holmes Road and have no concerns with the proposed work. The photos show vegetation on top of the existing rock wall. If any vegetation is to be removed this should be noted on the wetland permit." Commissioner Brown asked if the Lake Association has any concerns about the proposed activity. Diane Shea, owner of 3 Holmes Road, is on the Crystal Lake Association committee, and they have a scheduled meeting tomorrow. Diane can ask the Association for a letter commenting on the proposal.

Gerald Chesley, 2 Holmes Road, is in favor of the proposed improvements.

**MOVED (BRAGA) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A SIGNIFICANT ACTIVITY FOR IW202418.**

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

**MOVED (BRAGA) SECONDED (BROWN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS 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 169-027-00000.

**Conditions:**

1. Wetland Permit to include removal of shrubs as needed.
2. Any disturbed areas shall be seeded and stabilized upon completion of the project.
3. All rock material shall be washed before placement.
4. Shall obtain consent for activity from Crystal Lake Association.

**IV. OLD BUSINESS: None**

**V. NEW BUSINESS:**

1. 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.

Bradly Bahler, 353 Somers Road, Ellington, was present to represent the application. Bradly Bahler noted the previous approval for agricultural use was granted by the Agency and they are now requesting to construct a 26' x 6' walking bridge over the existing brook that runs through the property. Bradly explained the proposed four piers will be outside of the banks of the brook. Bradly showed the proposed bridge to be constructed on the site.

John Colonese read Dana Steele, Town Engineer, email comments dated September 4, 2024, as follows, "I've reviewed the proposed bridge crossing at 353 Somers Road. My main concern is that the bridge abutments be placed sufficiently up the banks of the watercourse to prevent encroachment into the high-water mark of the watercourse and avoid undermining of the footings from stream erosion. The proposed 10' setback seems reasonable. The owner should also maintain the stream flow by removing any debris caught by the bridge that might block the stream flow."

**MOVED (HOFFMAN) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) 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.

**Condition(s):**

1. Shall comply with Town Engineer comments dated September 4, 2024.
2. IW202419 – Abdulsalam Alsaleh and Zak Smith, owner/ Calito Development Group, applicant, request for a permit to conduct regulated activity to construct a driveway crossing, parking lot, wetlands mitigation area, stormwater basin, and associated site improvements for a retail store on West Road, APN 046-003-0002.

**MOVED (BRAGA) SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO RECEIVE AND SCHEDULE A PUBLIC HEARING FOR MONDAY, OCTOBER 21, 2024, 7PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, AND ZOOM VIDEO CONFERENCING FOR IW202419** – Abdulsalam Alsaleh and Zak Smith, owner/ Calito Development Group, applicant, request for a permit to conduct regulated activity to construct a driveway crossing, parking lot, wetlands mitigation area, stormwater basin, and associated site improvements for a retail store on West Road, APN 046-003-0002.

**VI. ADMINISTRATIVE BUSINESS:**

1. Approval of August 12, 2024, Regular Meeting Minutes.

**MOVED (BRAGA) SECONDED (BARLOW) AND PASSED UNANIMOUSLY TO APPROVE AUGUST 12, 2024, REGULAR MEETING MINUTES AS WRITTEN.**

2. Correspondence/Discussion:
  - a. Journal Inquirer article published August 21, 2024, titled “Flooding is destructive and we’re making it worse”.

**VII. ADJOURNMENT:**

**MOVED (BRAGA) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO ADJOURN THE SEPTEMBER 23, 2024, REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 9:02 PM.**

Respectfully submitted,

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Barbra Galovich, Recording Clerk