



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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**INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES
MONDAY, OCTOBER 17, 2016, 7:00 PM
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

PRESENT: Chairman Ken Braga, Vice Chairman Ron Brown, Art Aube, Mary Beth O'Neill, and Jean Burns

ABSENT: Steve Hoffman, Hocine Baouche, and Alternate Ben Lorenzet

STAFF

PRESENT: John Colonese, Assistant Town Planner/Wetlands Enforcement Officer and Savannah Blantz, Recording Clerk

I. CALL TO ORDER:

Chairman Braga called the October 17th, 2016, regular meeting of the Ellington Inland Wetlands Agency to order at 7:01 PM in the Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS (ON NON AGENDA ITEMS): NONE

III. NEW BUSINESS:

1. IW201609 – Town of Ellington, owner/Department of Public Works, applicant, notification of nonregulated use to clean around the inlet and outlet of Windermere Bridge on Windermere Avenue (500ft east of Pinney Street).

Tim Webb, Town of Ellington Director of Public Works, stated that two chambers of the inlet of Windermere Bridge on Windermere Avenue are blocked by branches and debris and sandbars have developed. He stated that an excavator will be required to remove the branches, debris and sandbars to prevent major flooding.

Commissioner Brown asked what, if any, precautions will be taken to protect the wetlands there from being damaged. Mr. Webb assured the commission that the excavator will not enter the river while removing debris to protect the banks of the river.

MOVED (BRAGA) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ACCEPT IW201609 – Town of Ellington, owner/Department of Public Works, applicant,

notification of nonregulated use to clean around the inlet and outlet of Windermere Bridge on Windermere Avenue (500ft east of Pinney Street).

IV. SHOW CAUSE HEARING:

1. Hearing Re: Cease and Desist Order, dated October 7, 2016 issued to Benjamin Luginbuhl for violation of the wetlands regulations at 32 Ellsworth Lane, (APN 118-004-0002).

John Colonese, Wetlands Enforcement Officer, reviewed the events leading to the issuance of the Cease and Desist Order.

Benjamin Luginbuhl appeared before the commission to discuss the Cease and Desist Order issued to him on October 7, 2016 for violation of the wetlands regulations at 32 Ellsworth Lane. Commissioner O'Neill asked Mr. Luginbuhl if Mr. Colonese, had not been clear about what activities were approved. Mr. Luginbuhl responded by stating that he understood he could not fill in the wetlands area. He informed the commission he was unaware clearing branches and trees was an Inland Wetland Agency regulated activity. He also stated that the area of wetlands he did clear contained invasive species that were not pleasing to him. Commissioner Brown stated that Mr. Luginbuhl should have been more conscious of the wetlands environment where he is constructing his single family home and is expected to restore them.

The commission decided to revise the Cease and Desist Order issued to Mr. Luginbuhl on October 7, 2016.

MOVED (O'NEILL) SECONDED (BURNS) AND PASSED UNANIMOUSLY TO REVISE THE ORDER – Cease and Desist Order, dated October 7, 2016 issued to Benjamin Luginbuhl for violation of the wetlands regulations at 32 Ellsworth Lane, (APN 118-004-0002).

REVISIONS:

1. Inland Wetlands Agency Permit must be granted based on comprehensive mitigation plan.
2. Construction of the single family home, including the foundation and septic system, may continue however any activity involving the wetlands must cease.
2. **BY CONSENSUS, THE COMMISSION AGREED TO GO OUT OF AGENDA ORDER, ADD TO THE AGENDA AND RECEIVE IW201610 – Benjamin Luginbuhl, owner/applicant, request for a permit to conduct regulated activity for grading and filling associated with a single family home, including mitigation of wetlands and watercourses on property located at 32 Ellsworth Lane, APN 118-004-0002.**

By consensus, the commission agreed that since the activity was within the wetlands it was significant and a public hearing should be held.

MOVED (BRAGA) SECONDED (O'NEILL) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF SIGNIFICANT IMPACT AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING FOR IW201610 – Benjamin Luginbuhl, owner/applicant, request for a permit to conduct regulated activity for grading and

filling associated with a single family home, including mitigation of wetlands and watercourses on property located at 32 Ellsworth Lane, APN 118-004-0002.

V. ADMINISTRATIVE BUSINESS:

1. Approval of the September 19, 2016 regular meeting minutes.

MOVED (BROWN) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE the September 19, 2016 Regular Meeting Minutes as written.

2. Correspondence/Discussion:

- a. **BY CONSENSUS, THE COMMISSION AGREED TO ADD TO THE AGENDA Transportation Alternatives (TA) Set-aside FY 2016-2020, Request for Preliminary Approval of Anticipated Regulated Activity for Construction of Bike & Pedestrian Infrastructure on Route 83.**

MOVED (BROWN) SECONDED (AUBE) PASSED UNANIMOUSLY TO SUPPORT APPLICATION FOR TA SET-ASIDE FOR FY 2016-2020 FOR THE CONSTRUCTION OF WALKWAYS ALONG ROUTE 83 FROM THE VERNON TOWN-LINE TO ROUTE 286 (MAIN STREET) AND GRANT INFORMAL APPROVAL OF WETLAND REGULATED ACTIVITY AS SHOWN ON SIDEWALK STUDY MAPS SHEETS 1-4 DATED FEBRUARY 4, 2016.

VI. ADJOURNMENT:

MOVED (BROWN) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ADJOURN THE OCTOBER 17, 2016 REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 7:30 PM.

Respectfully submitted,



Savannah Blantz, Recording Clerk