



# TOWN OF ELLINGTON

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**INLAND WETLANDS AGENCY  
REGULAR MEETING MINUTES  
MONDAY, FEBRUARY 12, 7:00 PM  
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

**PRESENT:** Chairman Ken Braga, Vice Chairman Ron Brown, Mary Beth O'Neill, Jean Burns, Art Aube, Steve Hoffman, and Hocine Baouche (arrived at 7:11 pm)

**ABSENT:** Alternate Ben Lorenzet

**STAFF**

**PRESENT:** John Colonese, Assistant Town Planner/Wetlands Enforcement Officer and Barbra Galovich, Recording Clerk

**I. CALL TO ORDER:**

Chairman Braga called the February 12, 2018 regular meeting of the Ellington Inland Wetlands Agency to order at 7:00 PM in the Town Hall Annex, 57 Main Street, Ellington, CT.

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

**III. NEW BUSINESS:**

1. IW201801 – Jean Lavoie, owner/Larry Webster, applicant, request for a permit to conduct regulated activity for demolition and reconstruction of a single family home and associated improvements on property located at 21 Hall Road, APN 149-041-0000.

Mr. Larry Webster, 140 Red Oak Hill, Farmington, CT was present to represent the application. Mr. Webster explained that the owners of the property are looking to demolish the existing home and rebuild a single family home.

Mr. John Colonese, Assistant Town Planner/Wetlands Enforcement Officer, stated that according to the Town wetlands map, the activity will be 30' feet from wetlands within the upland review area. He noted the area shown as wetlands was built up with single family homes prior to the inception of Town Wetlands Regulations. Mr. Colonese read an email dated February 12, 2018 from Michael Caronna of the North Central District Health Department (NCDHD) into the record. He also said that staff did not receive any other department comments on this application.

Commissioner Hoffman asked if this parcel was on city water or has access. Mr. Webster responded that city water is not available. Vice Chairman Brown asked if the demolition of the home has been completed. Mr. Webster stated that it is in the process and the new home will have a crawl space foundation. Vice Chairman Brown also inquired about the well and Mr.

Webster noted that no drains will be within 25' of the well per NCDHD's requirements. Commissioner Hoffman asked about the sewer lateral and Mr. Webster said the lateral will be reconnected to the new house.

**MOVED (O'NEILL) SECONDED (BROWN) AND PASSED UNANIMOUSLY TO APPROVE IW201801** – Jean Lavoie, owner/Larry Webster, applicant, request for a permit to conduct regulated activity for demolition and reconstruction of a single family home and associated improvements on property located at 21 Hall Road, APN 149-041-0000.

**BY CONSENSUS, COMMISSION DECIDED TO ADD ITEM #2 TO THE AGENDA UNDER NEW BUSINESS.**

2. IW201804 – Oakridge Dairy LLC owner/applicant notification and request for acceptance of five year plan for tree clearing and crop land expansion as permitted uses as of right on multiple properties in the Town of Ellington.

Chairman Braga said this application is to notify the commission of their crop land expansion plan. John Hoffman, Crop Manager of Oakridge Dairy was present to represent the application. Mr. Hoffman stated they are looking to clear cut multiple areas to expand agricultural crop land over the next five years and he submitted maps with the application depicting these areas. He mentioned this activity is as of right and this application is to keep the town informed.

Commissioner Hoffman asked if there will be any filling of the wetland areas. Mr. Hoffman stated they would not be filling any wetlands but will be expanding crop land in these areas.

Mr. Colonese noted the clear cutting of timber for the expansion of agricultural crop land is a permitted use as of right in accordance with Section 4.1 of the Wetland Regulations.

**MOVED (O'NEILL) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ACCEPT WITH CONDITIONS IW201804** – Oakridge Dairy LLC owner/applicant, notification and request for acceptance of five year plan for tree clearing and crop land expansion as permitted uses as of right on multiple properties in the Town of Ellington.

**Conditions:**

1. Owner/applicant to submit to the Planning Department a list of addresses and Assessor Parcel Numbers of properties as shown in maps received 2/12/18.
2. Notification granted for five years from the date of acceptance.
3. 48-hour notice shall be submitted to the Planning Department prior to the scheduled start date.

**IV. PUBLIC HEARINGS (READING OF LEGAL NOTICE):**

1. IW201802 – April & Gregory Canna, owner/Civil Solutions LLC, applicant, request for a permit to conduct regulated activity for demolition and reconstruction of a single family home and associated improvements including septic tank and pump chamber, patio installation, and reconfiguration and repairs to existing seawall on property located at 4 Holmes Road, APN 169-029-0000.

**TIME: 7:15 PM**

**SEATED:** Chairman Braga, Vice Chairman Brown, O'Neill, Burns, Aube, Hoffman, and Baouche

Mr. Jim Luczak of Civil Solutions, LLC, Mr. Tim Tomko, Creative Exteriors, LLC and Gregory and April Canna, owners of the property were present to represent application. Mr. Luczak explained work will be done on the seawall at Crystal Lake and the house will be demolished and rebuilt. He said application will be submitted to North Central District Health Department (NCDHD) that will have the same number of bedrooms from a 2008 NCDHD approval for this property. Erosion and Control measures will be handled with silt fence and a turbidity curtain to be placed in the lake. Mr. Luczak stated trees and brush will be removed throughout the property for the development of the home and improvements while keeping trees along the borders. The work at the lake's edge will be to rebuild the wall, and add a tier with steps and a patio.

Mr. Colonese announced that the agency must determine if the proposed activity is significant or nonsignificant and if this is determined to be a significant activity then the agency must decide on the basis of the record that a feasible and prudent alternative does not exist for the proposed activity in order to approve the application.

**MOVED (BURNS) SECONDED (BAOUCHE) AND PASSED UNANIMOUSLY TO DEEM THE ACTIVITY SIGNIFICANT FOR IW201802.**

Mr. Colonese read the Town Engineer's email dated February 12, 2018 into the record. Mr. Luczak stated the comments can be addressed with revised plans. He explained what the Town Engineer is asking pertaining to the roof leaders and that they were not controlled on the existing house, but they are willing to connect them to outlet at the proposed stormwater depression. Chairman Braga asked if the roof leaders and foundation drain can be moved further from the lake and suggested adding more rock within the depression area. Mr. Luczak said the location of the depression can't move in order for the footing drain to outlet at ground level.

Mr. Tomko described that during the seawall construction he will create a base using  $\frac{3}{4}$  inch crushed stone and use a mini excavator to remove the soils behind the existing wall. He distributed photos of other wall reconstructions that he has performed. Mr. Tomko acknowledged that the water level of Crystal Lake does not get lowered however they plan to work above the water line and will use a turbidity curtain to contain any runoff. Commissioner Hoffman asked why the wall is crumbling in that area. Mr. Tomko noted it was most likely due to freezing and thawing over the years. Commissioner Brown asked if the wall will be in the lake. Mr. Tomko stated they intend to repair and replace the wall in its current location which is up to the edge of the lake but not in the lake. The proposed gravel base will also help stop the wave action before hitting the new wall. Commissioner Hoffman mentioned that  $\frac{3}{4}$  stone seems small for a crushed stone base and would like to see larger crushed stone. Mr. Tomko was open to suggestions from the commission. He then reviewed how the patio area would be constructed.

Mr. Luczak clarified that the septic system leach field is across the road and the septic tank and pump chamber are on site. Mr. Colonese read the North Central District Health Department (NCDHD) comments into the record.

Vice Chairman Brown asked what the time frame would be for this activity. Mr. Luczak stated they would like to begin as soon as possible pending approvals and permitting.

Monique Burns, 10 Holmes Road, questioned the installation of a driveway turnaround next to her property line. Mr. Colonese stated the zoning regulations do not have a setback distance for

driveway turnarounds to property lines. Ms. Burns explained her concerns about the footing drain and roof leaders being directed towards her property and requested they be redirected. Mr. Luczak said they will address Ms. Burns' concerns with regard to the drains and stormwater depression as well as address the comments from staff and NCDHD. Ms. Burns asked about the clearing of trees that are associated with construction and requested silt fence be installed along the western boundary. She also asked about the old pipes erected within the seawall. Mr. Luczak said the old pipes will be removed during construction and they will add silt fence to the revised plan. Ms. Burns asked about the impervious area coverage. Mr. Luczak said they are proposing 18.5%, where 25% is allowed.

**MOVED (O'NEILL) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR IW201802.**

**MOVED (O'NEILL) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS IW201802** – April & Gregory Canna, owner/Civil Solutions LLC, applicant, request for a permit to conduct regulated activity for demolition and reconstruction of a single family home and associated improvements including septic tank and pump chamber, patio installation, and reconfiguration and repairs to existing seawall on property located at 4 Holmes Road, APN 169-029-0000, **FINDING THAT A FEASIBLE AND PRUDENT ALTERNATIVE DOES NOT EXIST AS RECONSTRUCTING AND REPAIRING THE SEAWALL IS NECESSARY TO DECREASE LONG TERM EROSION IMPACTS TO THE LAKE AND THE ENVIRONMENTAL IMPACT TO THE LAKE DURING CONSTRUCTION WILL BE LESSENERD BY THE USE OF THE EROSION AND SEDIMENTATION CONTROL MEASURES AS SET OUT IN THE APPLICATION.**

**Conditions:**

1. Plan to be revised to address comments in Town Engineer emails dated 2/12/18.
  2. North Central District Health Department approval is required.
  3. Erosion and sedimentation control measures including turbidity curtain to be installed and inspected by the wetlands agent prior to and during activity.
  4. Roof leaders, footing drain, and stormwater depression to be adjusted so surface water flow is not directed towards the northern adjacent property.
  5. Roof leaders and footing drain to outlet to the stormwater depression.
  6. Silt fence to be installed along the northern boundary.
  7. Stone to be added to the stormwater depression.
  8. Existing pipes within existing seawall to be removed.
2. IW201803 – Cathy Pinard owner/applicant, request for a permit to conduct regulated activity for demolition and reconstruction of a single family home and associated improvements on property located at 12 East Shore Road, APN 149-098-0000.

**TIME:** 8:05 PM

**SEATED:** Chairman Braga, Vice Chairman Brown, O'Neill, Burns, Aube, Hoffman, and Baouche

Rachel Dearborn, Landmark Surveys, LLC, and Cathy Pinard, 65 Sandy Beach Road, Ellington, CT were present to represent the application. Ms. Dearborn explained that East Shore Road runs through the property. She reviewed where the silt fence will be installed between the activity and the lake. She added that one large tree will be removed and they will be moving the grinder pump a little closer to the lake.

Mr. Colonese announced that the agency must determine if the proposed activity is significant or nonsignificant and if this is determined to be a significant activity then the agency must decide on the basis of the record that a feasible and prudent alternative does not exist for the proposed activity in order to approve the application.

**MOVED (O'NEILL) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO DEEM THE ACTIVITY NONSIGNIFICANT AND HOLD A PUBLIC HEARING IN THE PUBLIC INTEREST FOR IW201803.**

Ms. Dearborn stated she received the Town Engineer's comments and will show check dams with the silt fence on the revised plan. She noted the closest activity will be approximately 10 feet from lake. Mr. Colonese read comments numbered 3 through 8 from Town Engineer's email dated February 12, 2018 into the record.

Commissioner Hoffman inquired if the paved runoff was existing or proposed. Ms. Dearborn responded that it is existing and they will not be disturbing that area. Commissioner Hoffman asked about the grinder pump and Ms. Dearborn stated she has been in contact with the Water Pollution Control Authority (WPCA). Commissioner Hoffman verified with Ms. Dearborn that the grinder pumps are fully contained.

Mr. Colonese noted the WPCA requires a permit for the disconnection and reconnection of the pump and sewer. He also noted North Central District Health Department approval is present.

**MOVED (O'NEILL) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR IW201803.**

**MOVED (O'NEILL) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS IW201803** – Cathy Pinard owner/applicant, request for a permit to conduct regulated activity for demolition and reconstruction of a single family home and associated improvements on property located at 12 East Shore Road, APN 149-098-0000.

**Conditions:**

1. Plan to be revised to address comments #3 through #8 in Town Engineer email dated 2/12/18.
2. Erosion and sedimentation control measures to be installed and inspected by the wetlands agent prior to activity.
3. Stone level spreader to be added to outlet area of roof drains and footing drain.

**V. OLD BUSINESS: None**

**VI. ADMINISTRATIVE BUSINESS:**

1. Approval of the December 11, 2017 Regular Meeting Minutes.

**MOVED (O'NEILL) SECONDED (BURNS) AND PASSED UNANIMOUSLY TO APPROVE THE DECEMBER 11, 2017 MINUTES AS WRITTEN.**

2. Correspondence/Discussion:
  - a. Connecticut Weekly Agricultural Report, December 13, 2017

- b. Oakridge Times, January 20, 2018
- c. Connecticut Association of Wetland Scientists (CAWS) – Annual Meeting, March 8, 2018
- d. Update on property at the corner of Burbank Road & Crystal Lake Road Re: fill for agricultural use, applicant Joseph Willis, Jr.

Mr. Colonese shared an email he received from Kimberly Ewalt, Charter Oak Environmental Services that estimated the earliest date they would begin delivery of fill material to site as Thursday, February 15, 2018.

**VII. ADJOURNMENT:**

**MOVED (O'NEILL) SECONDED (BROWN) AND PASSED UNANIMOUSLY TO ADJOURN THE FEBRUARY 12, 2018 REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 8:30 PM.**

Respectfully submitted,

Barbra Galovich, CZET  
Recording Clerk