



# TOWN OF ELLINGTON

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**INLAND WETLANDS AGENCY  
REGULAR MEETING MINUTES  
JUNE 11, 2018 7:00 PM  
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

**PRESENT:** Chairman Ken Braga, Vice Chairman Ron Brown, Jean Burns, Art Aube, Hocine Baouche, Mary Beth O'Neill, and Steve Hoffman (Arrived at 7:05 pm)

**ABSENT:** None

**STAFF**

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

**I. CALL TO ORDER:**

Chairman Ken Braga called the June 11, 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. PUBLIC HEARING (READING OF LEGAL NOTICE)**

1. IW201808 – John Luginbuhl, owner / S & S Wall Systems LLC, applicant request for a permit to conduct regulated activity for the construction of a 300' x 80' industrial building, parking, stormwater management facilities, and associated improvements on property located at 44 Lower Butcher Road, APN 018-017-0000.

Chairman Ken Braga stated the agency received a letter dated May 31, 2018 from Russell Heintz of Tarbell Heintz & Associates, Inc. requesting to table the opening of the public hearing to the July 9, 2018 meeting.

**MOVED (BURNS) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO TABLE THE OPENING OF THE PUBLIC HEARING THE NEXT REGULAR MEETING ON JULY 9, 2018, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR IW201808 – John Luginbuhl, owner / S & S Wall Systems LLC, applicant request for a permit to conduct regulated activity for the construction of a 300' x 80' industrial building, parking, stormwater management facilities, and associated improvements on property located at 44 Lower Butcher Road, APN 018-017-0000.**

#### IV. OLD BUSINESS:

1. Review of Retaining Wall Plan dated 5/4/2018 pursuant to a condition of approval from December 11, 2017 for IW201712 – Blake Miller owner/applicant, request for a permit to conduct regulated activity to repair and rebuild existing stone walls on property located at 12 Holmes Road, APN 169-031-0000.

John Colonese, Assistant Town Planner/Wetlands Enforcement Officer noted the Planning Office received the most recent comments from the Town Engineer in an email dated 6/6/18 noting the Town Engineer has no objections to the revised retaining wall plan. The Town Engineer stated the plans should be stamped by a Professional Engineer and include a revision date and sheet number. Mr. Colonese also noted he observed the sedimentation and erosion control measures currently in place on the property and they are installed correctly.

**MOVED (O'NEILL) SECONDED (AUBE) AND PASSED UNANIMOUSLY APPROVE WITH CONDITIONS** revised retaining wall plan pursuant to a condition of permit approval from December 11, 2017 for IW201712 – Blake Miller owner/applicant, request for a permit to conduct regulated activity to repair and rebuild existing stone walls on property located at 12 Holmes Road, APN 169-031-0000.

Conditions:

- 1) Revised retaining wall plan must be stamped by a Professional Engineer and include a revision date and sheet number.
2. IW201709 – Richard W. Lee, owner / Joseph Willis, Jr., applicant, for the excavation of topsoil, importation of clean fill, construction of a 17,000 SF greenhouse, and associated activity as permitted uses as of right on property located at the corner of Crystal Lake Road & Burbank Road, APN 128-041-0001. (Project status update)

Mr. Colonese stated the Planning Department received an email from Joseph Willis dated 6/11/18, which has been provided to the agency, and asked when they would like to have Mr. Willis attend a meeting to provide a project status update. The agency agreed to have Mr. Willis attend the July 9, 2018 meeting.

#### V. NEW BUSINESS:

1. IW201809 – CM & Sons Home Construction, LLC, owner/applicant, request for a permit to conduct regulated activity for the construction of a single family home with driveway and associated site improvements on property located on Sandy Beach Road, APN 151-009-0000 and APN 131-011-0000.

James Ussery of JR Russo & Associates, LLC, One Shoham Road, East Windsor, CT and Charles Michaud, 33 Crane Road, Ellington, CT were present to represent the application.

Mr. Colonese referred to a letter dated 6/11/18 from Jim Thompson of Buck & Buck LLC in which he has a drainage concern. The agency can consider any grading changes and include them as a condition of approval. Mr. Colonese said generally local wetlands agency approvals are required prior to an application being made for a Connecticut Department of Transportation encroachment permit. The Ellington Public Works had no comments on the application since Sandy Beach Road

is a state road. He also noted The North Central District Health Department approval dated 2/8/17 is in the file and the proposed activity is shown within the upland review area.

Mr. Ussery briefly described the location of the parcel. The proposed development is for a single family home, a barn, septic system, well and new driveway. He showed the agency a picture of the wetlands located on the subject property. He noted there is a pond and additional wet area that is offsite on a property to the east. Mr. Ussery stated that Mr. Thompson's report notes 68 Sandy Beach Road which is located to the west of Mr. Michaud's parcel.

Commissioner Steve Hoffman asked Mr. Ussery about area of the parcels shown on the plan. Mr. Ussery explained the combined parcels will be approximately 20 acres and a portion of the land is within the regulated area. He stated the manmade pond to the east has been in existence since the late 1950's, early 1960's and showed the agency a sketch of the abutting property and described how the water flows down to and under Sandy Beach Road. Mr. Ussery stated that the soil scientist will only flag the wetlands on the subject parcel and not any abutting properties.

Commissioner Ron Brown asked what material the driveway will consist of. Mr. Ussery stated the driveway will be gravel, except the driveway apron and up by the house will be asphalt.

Commissioner Hoffman asked if there are any future plans to subdivide additional parcels. Mr. Ussery said the owner is not looking to do any further development on the site at this time. Commissioner Hoffman inquired about the septic system location. Mr. Ussery stated the sewer system will be on site and the parcel is not in the sewer service district. Underground utilities will be installed starting on the right side of the driveway. Mr. Michaud stated that he may have a section of the electrical aboveground on poles as there is ledge in one section and then go back to underground electrical to the house.

Mr. Ussery stated the groundwater monitoring of the site from North Central District Health Department was conducted from February through May for the septic system and the site has a seasonal water table.

**MOVED (HOFFMAN) SECONDED (BURNS) AND PASSED UNANIMOUSLY TO DEEM THE ACTIVITY NONSIGNIFICANT FOR IW201809** – CM & Sons Home Construction, LLC, owner/applicant, request for a permit to conduct regulated activity for the construction of a single family home with driveway and associated site improvements on property located on Sandy Beach Road, APN 151-009-0000 and APN 131-011-0000.

**MOVED (O'NEILL) SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS IW201809** – CM & Sons Home Construction, LLC, owner/applicant, request for a permit to conduct regulated activity for the construction of a single family home with driveway and associated site improvements on property located on Sandy Beach Road, APN 151-009-0000 and APN 131-011-0000.

Conditions:

- 1) Approval based on Resubdivision / Rear Lot Sandy Beach Road plans by JR Russo & Associates LLC dated 1/16/18, Sheets 1-3 revised 4/18/18, Sheet 4 revised 2-15-18
- 2) All erosion and sedimentation control measures to be installed and inspected by the Wetlands Agent prior to construction

2. IW201810 – James J. Gessay, owner/applicant, request for acceptance to clear trees, remove stumps, and grade for pastureland as permitted uses as of right on property located at 257 Windsorville Road, APN 015-002-0000.

Commissioner Steve Hoffman recused himself from any discussion and the decision on this application and proceeded to sit in front of the agency. Steve Hoffman, 77 Hoffman Road, was present to represent the application. He stated James Gessay is looking to hire him to do some work on the site and requested he represent the application. Mr. Hoffman briefly explained the activity on site is not within the wetlands area and the owner is looking to stump, grub with an excavator, grade and seed the area with grass. He noted that the owner would like to clean up the parcel and have the area grassed.

Commissioner Art Aube stated that Mr. Gessay already clear cut the area prior to the agency's approval and the cutting looks like it is very close to the wetlands area. Mr. Colonese stated he spoke with Mr. Gessay approximately two years ago telling him that if he planned to do work within a regulated area to contact the Planning Department prior to commencement of the work in order to make application to the wetlands agency for approval. Upon observing trees being cut recently he contacted Mr. Gessay to compel him to make application to the agency.

**MOVED (O'NEILL) SECONDED (BURNS) AND PASSED UNANIMOUSLY TO ACCEPT IW201810** – James J. Gessay, owner/applicant, request for acceptance to clear trees, remove stumps, and grade for pastureland as permitted uses as of right on property located at 257 Windsorville Road, APN 015-002-0000.

3. IW201811 – Collen DiFiore, owner / Don DiFiore, applicant, request for acceptance to clear trees, remove stumps, import fill, and grade for pastureland and barn as permitted uses as of right on property located at 120 Crystal Lake Road, APN 096-006-0000.

Don DiFiore, 120 Crystal Lake Road, was present to represent the application. Mr. DiFiore stated he would like to fill and grade a portion of his property to allow for pastureland. He said that his wife would like to have an animal rescue service on the property with a barn, which is within the upland review area.

Commissioner Steve Hoffman asked how many acres would be filled. Mr. DiFiore stated the fill area is approximately 40 feet by 200 feet, and he would like to clear some trees, rocks, and add topsoil to additional areas. Commissioner Hoffman was concerned about erosion from the upland review area to the wetlands due to the steep slopes. Mr. DiFiore mentioned that there is a stone wall and a natural berm that holds back the sheet flow of water. Commissioner Hoffman inquired about where the fill would be purchased from. Mr. DiFiore said that he wasn't sure where he was going to purchase the soil. Commissioner Hoffman suggested that he make sure it is clean fill and to know where it came from.

Mr. Colonese stated the applicant is requesting the acceptance of the proposed agricultural uses as permitted as of right exempting the owner/applicant from a permit for the activity.

**MOVED (O'NEILL) SECONDED (BAOUCHE) AND PASSED UNANIMOUSLY TO ACCEPT WITH CONDITIONS FOR IW201811** – Collen DiFiore, owner / Don DiFiore, applicant, request for acceptance to clear trees, remove stumps, import fill, and grade for pastureland and barn as permitted uses as of right on property located at 120 Crystal Lake Road, APN 096-006-0000

Conditions:

1. Wetlands Agent to inspect erosion and sedimentation control measures for duration of project.
4. IW201812 – David Arens, owner/applicant, request for acceptance of a forest management plan as a permitted use as of right on property located on Somers Road, APN 162-016-0000.

Thomas Anderson, Forester, of Gutches Lumber Co., Inc, 890 McLean Road, Cortland, NY was present to represent the application.

Mr. Colonese stated the applicant is requesting the acceptance of the forest management plan as permitted as of right exempting the owner from a permit for the activity. Mr. Anderson explained that he will not be using the entrance on Somers Road. The logs will be transferred by way of Sykes Road to the north, and the work will be completed as shown on the submitted plan and described in the application. The white, black and red oaks are dead trees that need to be removed. They will also be doing some additional thinning.

**MOVED (BRAGA) SECONDED (O'NEILL) AND PASSED UNANIMOUSLY TO ACCEPT IW201812 – David Arens, owner/applicant, request for acceptance of a forest management plan as a permitted use as of right on property located on Somers Road, APN 162-016-0000**

5. **MOVED (O'NEILL) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ADD TO THE AGENDA, RECEIVE, AND SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON JULY 9, 2018, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR IW201813 – Michael Bernier owner/applicant, request for permit to conduct regulated activity to remove existing foundation piers, excavate nine feet below the existing house, and construct a full foundation including associated site work for property located at 7 Hotel Lake Road, APN 148-035-0000.**

#### **VI. ADMINISTRATIVE BUSINESS:**

1. Approval of the May 14, 2018 Regular Meeting Minutes.

**MOVED (BURNS) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE THE MAY 14, 2018 REGULAR MEETING MINUTES AS WRITTEN.**

2. Correspondence/Discussion:

- a. Oakridge Times, May 17, 2018

#### **VII. ADJOURNMENT:**

**MOVED (O'NEILL) SECONDED (BROWN) AND PASSED UNANIMOUSLY TO ADJOURN THE JUNE 11, 2018 REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 8:10 PM.**

Respectfully submitted,

Barbra Galovich, CZET  
Recording Clerk