



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

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## **INLAND WETLANDS AGENCY REGULAR MEETING MINUTES JULY 8, 2019 7:00 PM TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

**PRESENT:** Chairman Ken Braga, Steve Hoffman, Hocine Baouche, and Art Aube

**ABSENT:** Vice Chairman Ron Brown, Mike Swanson and Jean Burns

### **STAFF**

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

### **I. CALL TO ORDER:**

Chairman Ken Braga called the July 8, 2019 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. IW201906 – Dianne Bernier, owner/applicant, request for a permit to conduct regulated activity to demolish a house, grade, and create a gravel parking area at 5 Hotel Lake Road, APN 148-036-0000.

**TIME:** 7:01 PM

**SEATED:** Braga, Hoffman, Aube, and Baouche

Dianne & Michael Bernier, 37 Kirkwood Drive, East Hartford, CT were present to represent the application. Mr. Bernier stated they own 7 Hotel Lake Road and recently purchased 5 Hotel Lake Road. They would like to demolish the house, plant grass seed for a lawn area and create a gravel parking area for 4 to 5 vehicles about 20 feet in length from the existing gravel road.

Commissioner Hoffman asked if the garage was going to stay on the property. Mr. Bernier explained that the garage would remain and be used for storage. He also asked if the watercourse to the rear would be disturbed. Mr. Bernier said it would not be disturbed. Mr. Hoffman asked about the utilities. Mr. Bernier explained that the utilities have been disconnected, noting the oil tank has been removed, the community well pipe to the house has been cut and capped, and the sewer grinder pump has been removed.

Commissioner Baouche inquired about the demolition of the house and asked if the shingles been tested for asbestos. Mr. Bernier stated the house was tested for asbestos and it will be removed

by a contractor, and they will be installing silt fence to protect the brook, pipe and catch basin that run across the back of the properties.

**MOVED (HOFFMAN) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A NONSIGNIFICANT ACTIVITY FOR IW201906.**

**MOVED (HOFFMAN) SECONDED (BAOUCHE) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR IW201906.**

**MOVED (HOFFMAN) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS IW201906** – Dianne Bernier, owner/applicant, request for a permit to conduct regulated activity to demolish a house, grade, and create a gravel parking area at 5 Hotel Lake Road, APN 148-036-0000.

**Conditions:**

- 1) Silt fence shall be installed then inspected by the Wetlands Agent prior to activity, and remain fully operational until the site is stabilized to prevent soil erosion and sedimentation from entering the wetlands and watercourse.
2. IW201907 – James A. Moser, owner /Everett Skinner IV, applicant, request for a map amendment to allow for the commercial development of the property north of The Barn Yard along the west side of West Road at APN 037-003-0000.

**TIME:** 7:07 PM

**SEATED:** Braga, Hoffman, Aube, and Baouche

Everett Skinner IV, 9 Village Street, Ellington, CT, and George Logan, Rema Ecological Services, LLC, 164 East Center Street, Suite 8, Manchester, CT were present to represent the application. Mr. Logan stated he has submitted a wetlands delineation report dated June 6, 2019 for the 25.26 acre parcel on the west side of West Road. He pointed out key findings from his report and from the Piezometer Installations and Groundwater Level Monitoring report dated June 29, 2019 from William Jackson, Jackson Environmental, LLC, 289 High Road, Kensington, CT. He noted that as part of the reports five screened piezometers were installed to measure static water table elevations, which were recorded on May 29 and June 5 of 2019. Both documents were submitted with the application. Mr. Logan also provided the Agency with a copy of the United States Department of Agriculture Natural Resources Conservation Service and Connecticut Department of Energy and Environmental Protection - Clarification of Wetland Soil Criteria for Human-Altered and Human-Transported Soils in Connecticut dated May 2015. He reviewed how the document assigns a drainage class to human-altered and human-transported soils while taking into account the aquic moisture regime of the soils on the parcel. He noted that the soils, over the years, have been altered from filling and grading for agriculturally-related activities.

Mr. Logan stated he received a copy of Barbara Kelly's report of the North Central Conservation District, Inc. dated July 8, 2019. He noted that his conclusion is different from Ms. Kelly's. He explained the soils at the site as a whole, with the exception of the areas delineated as regulated wetlands per his findings, do not exhibit an aquic moisture regime and therefore cannot be classified as poorly drained regulated wetland soils. Ms. Kelly's report suggested the project soil scientist re-classify the soils based strictly on soil morphology, not water regime. Mr. Logan proceeded to explain that he doesn't feel her suggestion is required based on his and William Jackson's findings.

Mr. Skinner stated the wetland delineation is consistent with the delineation across the street. Chairman Braga asked if Mr. Logan would follow through with Barbara Kelly's recommendation. Mr. Skinner stated that Mr. Logan's report is more in-depth pertaining to the water levels and soils. Mr. Logan stated he has presented his wetlands delineation and will not change his findings. Commissioner Baouche asked if the client would be willing to consult with Department of Energy and Environmental Protection about the soils and wildlife activity on the site. Mr. Skinner said he does not think it is necessary to continue the application or involve a third party. Arlo Hoffman, 7 Fairview Avenue Ext., said there is another map in the Planning Department for this parcel showing delineated wetlands. John Colonese, Wetlands Enforcement Officer, stated that Mr. Hoffman is referring to a wetlands map amendment application from 2004 for this property that was ultimately withdrawn which had a wetlands delineation completed by Michael Gragnolati. Mr. Logan showed the Agency that his delineation is similar to Michael Gragnolati's Wetland Delineation report dated July 29, 2002. The Gragnolati report and map were added to the application file.

Chairman Braga stated this application is to change the wetlands delineation on site and the applicant will need to come before them again with a proposed site plan for review should there be any activity proposed within 100 feet of the new wetlands delineation.

**MOVED (HOFFMAN) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR IW201907.**

**MOVED (HOFFMAN) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE IW201907** – James A. Moser, owner /Everett Skinner IV, applicant, request for a map amendment to allow for the commercial development of the property north of The Barn Yard along the west side of West Road at APN 037-003-0000.

**Reasons for approving map amendment:**

- 1) Findings of Wetlands & Watercourses Delineations - Map Amendment report by REMA Ecological Services, LLC dated June 7, 2019.
- 2) Findings of Piezometer Installations and Groundwater Level Monitoring report by Jackson Environmental, LLC dated June 29, 2019.
- 3) Findings of Wetland Delineation report by Michael F. Gragnolati dated July 29, 2002.
- 4) United States Department of Agriculture Natural Resources Conservation Service and Connecticut Department of Energy and Environmental Protection - Clarification of Wetland Soil Criteria for Human-Altered and Human-Transported Soils in Connecticut, May 2015.

**EFFECTIVE DATE: JULY 15, 2019**

**IV. NEW BUSINESS:**

1. Curt & Jena Luginbuhl owner/applicant, pursuant to Conn. Gen. Stat. 8-26(e), request for positive referral to the Planning & Zoning Commission on a 2-lot resubdivision application (S201902) involving land regulated as an inland wetland or watercourse located on Hoffman Road, APN 121-003-0000.

Eric Peterson, Gardner & Peterson Associates, LLC, 178 Hartford Turnpike, Tolland, CT was present to represent the request. Mr. Peterson explained his clients are seeking a positive referral from the Agency to the Planning & Zoning Commission for the two lot subdivision. He said that the application was also presented to the Conservation Commission and they recommend a

conservation easement along the western portion of land with perpetual rights for public access to meet open space requirements associated with the subdivision of 11.7 acres. He noted there will not be any regulated activity within 100' of the wetlands. Mr. Colonese asked if the proposed tree line could be added to the subdivision plans. Mr. Peterson agreed to include it.

**MOVED (AUBE) SECONDED (BAOUCHE) AND PASSED UNANIMOUSLY TO GRANT A POSITIVE REFERRAL** for Curt & Jena Luginbuhl owner/applicant, pursuant to Conn. Gen. Stat. 8-26(e), to the Planning & Zoning Commission on a 2-lot resubdivision application (S201902) involving land regulated as an inland wetland or watercourse located on Hoffman Road, APN 121-003-0000.

**IV. OLD BUSINESS: None**

**V. ADMINISTRATIVE BUSINESS:**

1. Approval of the June 10, 2019 Regular Meeting Minutes.

**MOVED (HOFFMAN) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE THE JUNE 10, 2019 MEETING MINUTES AS WRITTEN.**

2. Correspondence/Discussion:

- a. The Habitat, Winter/Spring 2019.
- b. 72 Windermere Avenue – Site plan modification to construct fenced outside storage areas to the rear of the buildings within the upland review area.

Mr. Colonese stated that 72 Windermere Road would like to continue their site development as well as modify it to construct fenced outside storage areas to the rear of the industrial buildings. He added that they received a wetlands permit in 2007 for the project. The agency noted that the project seems to have been taking a long time.

By consensus, the Agency agreed to allow the existing Wetlands Permit (IW200719) to be modified to cover the activity to construct fenced outside storage areas to the rear of the buildings within the upland review area with the understanding the permit is good for 14 years from the original approval date pursuant to state statute.

**VI. ADJOURNMENT:**

**MOVED (HOFFMAN) SECONDED (AUBE) TO ADJOURN THE JULY 8, 2019 REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 8:24 PM.**

Respectfully submitted,

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Barbra Galovich, Recording Clerk