



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

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## **INLAND WETLANDS AGENCY REGULAR MEETING MINUTES OCTOBER 21, 2019 7:00 PM TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

**PRESENT:** Chairman Ken Braga, Vice Chairman Ron Brown, Art Aube, Steve Hoffman, Hocine Baouche and Mike Swanson

**ABSENT:** 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 October 21, 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:**

1. IW201909 – Todd Layaw & Jennifer Weinland, owner/ Michael & Erin White, applicant, request for a permit to conduct regulated activity to demolish an existing house, detached garage, and shed, grade area and maintain grass around pond at 53 Pinnacle Road, APN 065-014-0000.

**Time:** 7:01 PM

**Seated:** Braga, Brown, Aube, Hoffman, Baouche and Swanson

Erin White, 76 Tripp Road, Ellington, CT was present to represent the application. Mrs. White stated they are looking to demolish the existing house, detached garage and shed, except for the gazebo at this time. Commissioner Brown asked Mrs. White what equipment will be used on the site. Mrs. White said they are looking to hire a licensed company to do the work with a backhoe. There currently is not a map of regulated wetland soils and watercourses for the property on file and she stated the land will be surveyed with wetland delineations prior to construction of a new home. Mrs. White explained they will protect the pond area and stream culvert with silt fence during demolition.

Mrs. White stated she has spoken with someone at North Central District Health Department about building a new single family home on the site. Chairman Braga noted that this request was for the demolition of the structures and not for the construction of a new single family home. According to Mrs. White the demolition activity appears to be within the upland review area, which

is why they are requesting a permit. She added that the existing house is a hazard and not habitable. Commissioner Brown asked when they would like to start the project, Mrs. White said they will be closing on the property in early November and would like to start demolition shortly thereafter.

**MOVED (HOFFMAN) SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO MAKE A DETERMINATION OF A NONSIGNIFICANT ACTIVITY FOR IW201909.**

**MOVED (BRAGA) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR IW201909.**

**MOVED (AUBE) SECONDED (BAUCHE) AND PASSED UNANIMOUSLY TO APPROVE IW201909** – Todd Layaw & Jennifer Weinland, owner/ Michael & Erin White, applicant, request for a permit to conduct regulated activity to demolish an existing house, detached garage, and shed, grade area and maintain grass around pond at 53 Pinnacle Road, APN 065-014-0000.

#### **IV. NEW BUSINESS:**

1. IW201808 – S & S Wall Systems LLC, owner/applicant request to modify permit removing wetlands notation in area of proposed detention basin in order to revise site plan at 40 Lower Butcher Road, APN 018-017-0002.

Steve Giroux, 40 Lower Butcher Road, Ellington, CT was present to represent the application. Mr. Giroux explained they are requesting the removal of the wetlands delineation from their site. He stated that the abutting property recently approached the Agency to remove a portion of the wetlands from their site along a shared drainage swale. He noted Richard Zulick, Consulting Soil Scientist, provided a letter dated October 3, 2019 stating there are no wetlands in the northeast corner of the property as well as the remainder of the property. Mr. Colonese read a portion of the letter. Mr. Zulick's letter noted that a prior plan showed an area as an unmarked wetland which was not established by a soil scientist. Mr. Giroux said without wetlands, they are proposing to modify the detention basin so their trucks have more area to maneuver around the site.

**MOVED (BROWN) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE IW201808** – S & S Wall Systems LLC, owner/applicant request to modify permit removing wetlands notation in area of proposed detention basin in order to revise site plan at 40 Lower Butcher Road, APN 018-017-0002.

2. IW201910 – Town of Ellington, owner/ Crystal Lake Volunteer Fire Co., applicant, notification of a nonregulated use to install a dry fire hydrant pursuant to Section 4.2(c) of the Inland Wetlands Regulations, and request for a permit to conduct regulated activity to add asphalt millings to allow access for fire trucks at 200 & 204 Sandy Beach Road, APN 129-089-0000 & 129-090-0000.

Tim Webb, Director of Public Works, 21 Main Street, Ellington, CT was present to represent the application. Mr. Webb explained Crystal Lake Fire Department received a grant to install a new dry fire hydrant. They also would like to add millings to the area to support a fire truck and snow plowing activity. He explained the old dry fire hydrant will be removed. The new dry hydrant will only be used for firefighting purposes and there is no alternate access to public water supply within the area.

Mr. Colonese noted the Agency could grant him authorization to complete an administrative review and approval for the installation of the asphalt millings, which will need a permit. He told

the agency that a portion of the properties is within the 100 year FEMA Flood Zone and he spoke with the Town Engineer about the proposed activity on the site. The Town Engineer advised that as long as the grades are not changed from the activity, then the proposal will work with regard to the flood zone. This would require having the amount of material removed equal the amount of asphalt millings imported within the flood zone area.

**MOVED (HOFFMAN) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ACCEPT IW201910** – Town of Ellington, owner/ Crystal Lake Volunteer Fire Co., applicant, notification of a nonregulated use to install a dry fire hydrant pursuant to Section 4.2(c) of the Inland Wetlands Regulations at 200 & 204 Sandy Beach Road, APN 129-089-0000 & 129-090-0000.

**MOVED (SWANSON) SECONDED (BAOUCHE) AND PASSED UNANIMOUSLY TO DELEGATE AUTHORITY TO THE WETLANDS AGENT FOR IW201910** – Town of Ellington, owner/ Crystal Lake Volunteer Fire Co., applicant, request for a permit to conduct regulated activity to add asphalt millings to allow access for fire trucks at 200 & 204 Sandy Beach Road, APN 129-089-0000 & 129-090-0000.

3. **BY CONSENSUS ADDED TO AGENDA IW201911** – David & Tracey Oakes, owner/ applicant, request for a permit to conduct regulated activity to cut and stump trees, grade, excavate and fill to maintain a trail for motorized vehicles, at 12 Westview Terrace, APN 029-021-0000.

David Oakes, 12 Westview Terrace, Ellington, CT was present to discuss the application to be received by the Agency. Chairman Braga stated he and Mr. Colonese visited the site on Tuesday, October 15th. Mr. Colonese stated a large number of trees appear to have been cut and stumped as well as there being evidence of grading and excavation activity by the brook. Chairman Braga and Mr. Colonese requested that Mr. Oakes stop activity except for the creation of a specific berm to protect the brook from erosion. He was also informed that the activity is regulated and asked to apply to the Agency for permit approval. Mr. Oakes stated they had an all-terrain vehicle track in a similar location that became overgrown and destroyed by severe storms over the past 14 years and that his intention was to cut and remove trees in order to improve his personal track. Commissioner Hoffman asked why there are logs in the brook. Mr. Oakes said they placed the logs down to have temporary access to the other side of the brook. The Agency requested Mr. Oakes remove the logs from the brook and stabilize the area where they were removed. The Agency stated this was the only activity that was to take place prior to the next meeting. Mr. Oakes stated he has hired a soil scientist to delineate any wetlands and watercourses and a surveyor to map the property, wetlands and watercourses.

**BY CONSENSUS RECEIVED AND SCHEDULED A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON NOVEMBER 18, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT FOR IW201911** – David & Tracey Oakes, owner/ applicant, request for a permit to conduct regulated activity to cut and stump trees, grade, excavate and fill to maintain a trail for motorized vehicles, at 12 Westview Terrace, APN 029-021-0000.

## **V. OLD BUSINESS:**

1. IW201709 – Richard W. Lee Estate, 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.

Joseph Willis, Jr., 38 Crystal Lake Road, Ellington, CT was present to represent the request for an extension. Mr. Colonese stated he sent a violation notice to Mr. Willis per the request of the Agency at last month's meeting. Mr. Willis said he originally started the project in 2015 and received a separate acceptance of the project in 2017 for two years. Mr. Willis asked for further explanation of the "as of right" agricultural acceptance procedure noted in Appendix D of the Inland Wetland Regulations. Mr. Colonese reviewed Appendix D of the regulations and the concerns outlined by the Agency at the last meeting. He said he believes the Agency has the authority to rescind acceptance of the as of right agricultural uses and not grant an extension if they do not find agricultural uses occurring.

Mr. Willis explained due to his financial situation and health issues he has not been able to spread the material on site. He stated he still intends to build the greenhouse. He provided a quote from F&W Equipment to rent a piece of equipment so he can complete the spreading of material, since S.M. Prucker Excavating has not been able to schedule the work for Mr. Willis.

Chairman Braga asked about the material that has been removed from the site. Chad Warren, 5 Upper Butcher Road, Ellington, CT was at the meeting to say that he was the individual that told a friend to go to the site and take some material. Mr. Willis was informed after the fact about this and explained to the Agency that he is not currently selling any material from the site.

The Agency requested Mr. Colonese contact the Department of Agriculture to request an advisory opinion as to what constitutes farming pursuant to Conn. Gen. Stat. Section 1-1(q) at the site. Commissioner Swanson asked Mr. Willis what he would be able to do within the next thirty days. Mr. Willis said he would be able to spread the material stockpiling any surplus off in the corner, and grade the site to the plan. Commissioner Swanson reiterated that no material shall be removed from the site and that the material would be leveled off as stated by Mr. Willis by the Wetlands Agency meeting next month. Mr. Willis confirmed that he will level the site off by the next meeting. Chairman Braga requested that Mr. Willis attend the November meeting.

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

1. Approval of the September 16, 2019 Regular Meeting Minutes.

**MOVED (BAOUCHE) SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE THE SEPTEMBER 16, 2019 MEETING MINUTES AS WRITTEN.**

2. Correspondence/Discussion:

- a. 12 Westview Terrace – Review of recent regulated activity.

Discussed under New Business Item #3.

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

**MOVED (BROWN) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ADJOURN THE OCTOBER 21, 2019 REGULAR MEETING OF THE INLAND WETLANDS AGENCY AT 8:34 PM.**

Respectfully submitted,

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Barbra Galovich, Recording Clerk