

**MINUTES – REGULAR MEETING
WINDSOR INLAND WETLANDS AND WATERCOURSES COMMISSION
Tuesday October 5, 2004**

The meeting was called to order at 7:07 P.M. by Chairman Rispoli in the Council Chambers, Windsor Town Hall, Windsor, CT.

I. ROLL CALL

Present: Robert Rispoli, Jill Levine, Linda Kollmorgen, Charles Vola, Kenneth Herman, Agent Groff
Excused: Robert McCarron
Absent: Edward Borowski, N. Philip Lord

II. Public Communications

Agent Groff introduces new alternate Commissioner, Dean Massey.

III. Public Hearings

A. Application 04-719 – TLD/ACE Corporation – 808 Bloomfield Avenue – construction of four driveways east of building at 808 within the 100' regulated area.

Chairman Rispoli reminds the applicant's representative that the application was accepted conditionally pending review by the Agent for completeness.

Chairman Rispoli: Is the application complete?

Agent Groff: Yes.

Chairman Rispoli: We will now open the public hearing (7:15).

Wilson M. Alford Jr., Alford Associates, presenting for the applicant.

Location and description of property given. Building #808 is the oldest building on the site. The building where the activity is going to occur is #812. The proposal is for three (3) driveways with overhead doors on the east side of the building. They want to move the engine testing inside the building to cut down on the noise and get the employees out of any bad weather. A berm will be added to the driveway closest to the wetland for protection. A hood will also be added to the last catch basin before draining into the wetland. Mr. Alford asks the Commission to that these drawings be used for the driveways only if acceptable.

Commissioner Vola: The widening of the driveways is away from the wetland?

Mr. Alford: Yes.

Chairman Rispoli: Was a biological assessment of the site done?

Agent Groff: We received a soil report and drainage calculations. There is only a small strip of wetlands that runs at the back of the property to the adjacent property and has been previously disturbed. I did not feel that a biological inventory was necessary for this particular application. As long as the drainage is treated, the wetland is protected by the berm and the applicant abides by the conditions of the permit, the wetland should actually improve.

Mr. Alford: At the present time the area is active all the time with the testing of equipment and tractor trailer movement.

Chairman Rispoli: Is catch basin hooded now?

Mr. Alford: No, we're proposing it.

Chairman Rispoli: Where does the separator go?

Mr. Alford: No, the hood acts as the separator.

Chairman Rispoli: Are there standards for these things?

Mr. Alford: Yes, the manufacturer standards... We're shying away from the separator because it's large and there are underground utilities so we don't know what we're going to hit.

Commissioner Kollmorgen: The main purpose of this building is to test engines?

Mr. Alford: Yes, engines and generators.

Chairman Rispoli: Anyone speaking for the application? Against? The public hearing is now closed (7:30).

Duane Douglas, Production Manager at TLD/ACE asks to speak to clarify any outstanding questions or concerns. He states that the testing of each engine or generator last 1½ - 2 days.

Commissioner Vola: You're doing testing right now?

Mr. Douglas: Yes.

Commissioner Vola: I think by moving the testing inside there's more control.

Chairman Rispoli: Are there any storm or floor drains in the building?

Mr. Alford: It was an office, so I doubt there are any.

Commissioner Herman: Gasoline or diesel?

Mr. Douglas: Diesel.

Commissioner Herman: Diesel sticks to everything.

Mr. Alford: The tank is part of the machine.

Agent Groff: I have asked them to provide an emergency plan for spills.

Mr. Alford: They already have an emergency plan.

Commissioner Kollmorgen: What's your safety record now?

Mr. Douglas: No major spills in the last five to ten years, 1994.

Commissioner Herman: How much of a spill until DEP is called?

Mr. Douglas: Less than a gallon spilled, we call Clean Harbors.

Commissioner Levine: Motion to approve with the conditions in the Agent's comments.

Commissioner Vola: Second.

All Commissioners vote yes.

- B. Application 04-720 – Woodbridge Trust – 132 West Street –** construction of two single-family homes with associated grading, paving, septic, and utilities with one watercourse crossing and within the 100' regulated area.

Chairman Rispoli reminds the applicant's representative that the application was accepted conditionally pending review by the Agent for completeness.

Chairman Rispoli: Is the application complete?

Agent Groff: Yes.

Chairman Rispoli: We will now open the public hearing (7:42).

Commissioner Levine: I have worked for Mr. Ferraina in my own business, but feel I can be objective about this application.

Wilson M. Alford Jr., Alford Associates, presenting for the applicant.

Location and description of property given. This property was the subject of an application about eight years ago. We're proposing two single houses with the driveway off of Wilson Lane with one wetland crossing. There's a spring that breaks out of the ground up here and then disappears. We're proposing a 12" reinforced pipe with a plunge pool here. This area here is a paddock and if the paddock is wet, it's bad for the horses and the soil. We can't relocate the driveway because of the paddock. This home will have a pumped sewer line to West Street from a tank (only liquids). The second home will be on a sandy escarpment here. It will have a well and a septic. There are details at the 40-foot scale.

Commissioner Levine: How far is the second house from the septic area?

Mr. Alford: it's 50' from the reserve and 75' from the primary system. If the percolation rate is less than 1' per minute, it would have to be 150' from the well or the river.

Commissioner Vola: Could the location of the driveway be moved further south in the field?

Mr. Alford: We looked at that briefly, but decided this place was the easiest and narrowest place to cross.

Commissioner Levine: Would you explain the water crossing?

Mr. Alford: There are three (3) fabric dams...

Commissioner Levine: Is the watercourse intermittent?

Mr. Alford: Yes.

Commissioner Levine: What time of year are you planning to do this?

Mr. Alford: Next summer, when it's drier.

Commissioner Vola: What about the watercourse?

Mr. Alford: There's a well-defined channel.

Commissioner Vola: What does the intermittent watercourse going under the driveway look like?

Mr. Alford: There is a well-defined channel...

Chairman Rispoli: Anyone for or against the application?

Lisa Harrison-Burke, 128 Harvest Lane: Could you please explain on the map what the impact is on my property?

Mr. Alford: Sure.

Mrs. Harrison-Burke: Thank you. It's a sensitive subject, many of the neighbors aren't here. It's a quiet neighborhood and we'd like to keep it that way.

Chairman Rispoli: Since there is no rush in construction, we're considering holding over the hearing until next month. When were the completed drawings received?

Agent Groff: September 29th.

Chairman Rispoli: Is there an issue with holding over the public hearing so the public can have more of an opportunity to review the entire application?

Dan Ferraina, 195 Ethan Drive: I'm more concerned about people infringing on my property than they should be about me infringing on them. We have found numerous fence breaches at the rear of Harvest Lane properties. There's no reason for this to go to public hearing for TPZ. The home I just built is far in excess of any other home in the area. That's all I have to say.

Chairman Rispoli: I don't think a biological assessment is necessary.

Commissioner Kollmorgen: Motion to keep public hearing open until November 3, 2004.

Commissioner Levine: Second.

Chairman Rispoli: Discussion? All those in favor say aye.

All Commissioners vote yes.

C. Application 04-721 – Madina Academy – 140 White Rock Drive – construction of school with associated grading and utilities within the 100' regulated area.

Chairman Rispoli reminds the applicant's representative that the application was accepted conditionally pending review by the Agent for completeness.

Chairman Rispoli: Is the application complete?

Agent Groff: Yes.

Chairman Rispoli: We will now open the public hearing (8:17)

Christian Alford, Alford Associates, presenting for the applicant with Anwar Hussein from Madina Academy.

Location and description of the 11 acre property. The addition to the mosque was previously approved, but hasn't been built yet. This application is only for the school. It will be for about 100 students through eighth grade. Right now they are holding classes in the basement of the mosque to meet their needs. There will not be any addition to the parking area. We're only proposing the school building with drainage and a detention basin. There will be no impact to the wetland. The stormwater from the roof will go into the detention basin. The building will be pre-fabricated and built on piers. Construction time is about 2 months. I can't imagine that cutting the trees will have an impact on the stream or the wetland.

Commissioner Herman: First the mosque, then the parking, then an addition, now a school. The property was sensitive to begin with. I'm all for education, but this looks like an overuse to me; you're overusing the property.

Agent Groff: I would suggest that the Commissioners consider a site walk.

Commissioner Levine: It's a very sensitive piece of property.

Commissioner Kollmorgen: I agree. Are copies of past minutes for this site available for Commissioners?

Chairman Rispoli: A group site walk may be impossible.

Commissioner Levine: If we do a full Commission site walk and have a quorum, it is considered a public meeting and must be noticed. I don't know if property abutters have to be separately notified. We're already in an open public hearing.

Chairman Rispoli: It would be a continuation of this hearing. Has a biological study been done?

Mr Alford: No.

Chairman Rispoli: I think it would be prudent for you to do the biological study.

Commissioner Levine: I know this property is sensitive and I know we've struggled with this before and we're struggling again.

Chairman Rispoli: I'll be the tie breaker here, the Commission feels that you should do the biological study...Is there anyone to speak in favor of the application?

David Vane, 77 Colton Street: This is more than education. This is a group of beautiful people and this is a great asset to Windsor and great diversity.

Rehan Ashraf, 144 Park Avenue: I'd like you to be mindful of what we're trying to add. Other people like me who are moving to Windsor who are an asset to the community. We'd love to show you the records of our kids. While you're out there, please be mindful of what we're trying to build.

Chairman Rispoli: The use is admirable, but if there is an adverse effect on the wetlands, that is our jurisdiction.

Betsy Eakins, 403 Broad Street: I think the people who are proposing this project are very fine people.

Mariah Rah, 301 Conestoga Street: I am an employee of Madina Academy and a parent. We have a wonderful staff. Grades 6, 7, & 8 are housed outside of the building and we need to bring them up out of the basement. I'll give you a personal tour of the school.

Chairman Rispoli: Zoning is charged with the use of the site, we're charged with wetlands. Your proposal is admirable.

Mohammed Haidara, 826 Windsor Avenue: Many people pray behind me. We are part of this beautiful town. The kids will grow not just to be good Muslims, but good residents of Windsor. Some of them live here and some of them don't. We'll work with you and make the school known around the world.

Chairman Rispoli: Anyone against the application?

Donald Wilkerson, 150 White Rock Drive: I don't have any doubt that they have a good school. The main topic here is the wetlands. When it rains heavy, our soil absorbs as much as it can. A couple years ago there was a very heavy rain. The backyards and the street were flooded. In line with some other comments, it seems like they're pushing for more use. Applications have been proposed and approved. My question is where is it going to stop? I live two houses away from #140. Two years ago it rained so hard that the pipe couldn't handle it and the water ran over the ground between 152 & 156. The water was higher than the basement windows. I think it's a good idea that you go look at it. Whatever basin they put in there, it needs to be able to handle the water.

Commissioner Levine: I move to recess the public hearing until the November meeting so the applicant can complete a biological assessment and the Commissioners can do a site walk.

Commissioner Kollmorgen: Second.

Chairman Rispoli: All in favor say aye.

All Commissioners vote yes.

IV. BUSINESS MEETING

A. Minutes

June 3, 2003

Commissioner Levine: Motion to table the minutes until the next meeting to give the Commissioners more time to review.

Commissioner Vola: Second.

All Commissioner vote yes.

B. Old Business

1. Update on Cease & Desist - Antonio Agostinho - 114 Ezra Silva Lane
Agent Groff reports that Mr. Agostinho hired a contractor to come in and do the work. All that still needs to be done is seeding and planting. They took out at least 50 feet, probably 60 feet of "made roadway" and regraded the side of the road where they had filled. I am going to release him from the Ceas & Desist unless you want me to wait.
2. Update on Cease & Desist - Roger & Gisele Cyr - 568 West Wolcott Avenue.
Agent Groff reports that the Cease & Desist was not accepted by mail so he was served by a Marshall on September 24th. He was supposed to contact me or Lon Pelton by September 30th and he hasn't contacted either of us. Will contact the Town Attorney to see what the next step is.
3. Update on Violation - Musa Sebadduka - 414 Dogwood Road
Agent Groff reports that he is all cleaned up except for a small one-foot pile of woodchips.
4. Update on Violation - Susan Carrabbia - 153 Colton Street
Agent Groff reports that she hasn't heard anything from her, but she's been in contact with the Engineering department and knows that she still has to fill out the application and pay the fee for the work that was already done. Will keep calling her.
5. Application 04-722 - Windsor Library - 323 Broad Street - addition to library and parking area.

Christian Alford, Alford Associates, presenting for the applicant.

There have been revisions made to the parking area per staff comments.

Agent Groff: Is this the same drawing you showed us this morning?

Mr. Alford: Yes.

Agent Groff: The Commissioners don't have a copy of the new drawing. New reductions should have been brought to the meeting. So you'll have to explain the changes on the new drawing as compared to the one they have.

Mr. Alford: The two reserve spaces showing on the plan you have are now going to be handicap spaces and two reserve spaces have been added on the Batchelder Road side. There are future plans to connect with the lot behind Town Hall. There will be no impact to the wetlands or watercourse.

Chairman Rispoli: Where are the wetlands here?

Mr. Alford: They are across Batchelder Road.

Agent Groff: The watercourse is Creamery Brook.

Commissioner Levine: Move to approve application because the wetlands are almost 100 feet from the building and parking and because Batchelder Road has been there for a long time.

Commissioner Kollmorgen: Second.

All Commissioners vote yes.

2. Update on Cease & Desist – Gordon Willis – 49 Club House Road
Agent Groff reports that most of this has been cleaned up, but he didn't make the September 30 the deadline. Gave him a one day extension because of the rain and most was done by Friday. I asked him about the \$3,000 bond and he said he didn't want the money back. He stated that he would donate the money to the Town's open space fund if he could get a tax deduction. So if he decides to do that, we could have another \$3,000 in the open space fund.
3. Update on Cease & Desist Order – ARG Development, LLC. – 853 Poquonock Avenue
Agent Groff reports that just about everything has been done. The only things remaining are to seed the area that was covered by the steel plates used for access to the detention basins and some silt in the watercourse by Poquonock Avenue. Will be sending a release from the Cease & Desist.

C. New Business

1. Cease & Desist – Markis Stone – 72 Cook Hill Road
Commissioner Herman recused himself from the item due to his relationship with Mr. Stone.
Agent Groff reads the field notes and part of the letter that was sent to Mr. Stone.
Markis Stone states that he bought the property from the Aniskoff brothers and when Alford did the engineered drawings, no wetlands were shown and they were done two (2) years ago. He states that he was told by the Town Engineering department that there were no wetlands and the building department gave him a permit. If he had known there were wetlands on the property he probably wouldn't have bought it. Because he has run out of money, he hasn't done any work on the property for about seven (7) months.
Agent Groff states that she had visited the property twice since Mr. Stone said he would clean it up, that nothing had been done and she felt that it had become time to send a Cease & Desist Order. The fine attached to the order is \$200.00.
Mr. Stone: States that he did not bring a check because he has no money and shows the Commission the bottoms of his pockets.

Chairman Rispoli: All we're really interested in right now is to get it cleaned up. Do you have an objection to cleaning it up?

Mr. Stone: No, as long as she can show me what she's talking about; we can take care of it.

Agent Groff: I can meet you out there when it's convenient. Call me tomorrow and we can set something up.

Chairman Rispoli: If it's cleaned up in the next 29 days, by our next meeting on November 5th, we'll waive the \$200.00 fine.

2. Application 04-725 – HD2 Development LLC – 599-703 Poquonock Avenue - construction of three (3) commercial buildings with associated grading, paving, drainage, and utilities with watercourse crossings, wetland filling, and mitigation.

Chairman Rispoli: Is the application complete?

Agent Groff: Yes.

Commissioner Levine: I move to accept the application for public hearing on November 3rd.

Commissioner Kollmorgen: Second.

All Commissioners vote yes.

V. MISCELLANEOUS

VI. AGENT SIGN-OFFS

A. Application AA04-055 – Hector Rivera – 208 East Barber Street – install 12' x 16' shed on 9 piers within the 100' regulated area.

B. Application AA04-056 – Antonio Agostinho – 114 Ezra Silva – removal of 50' of made roadway (fill) down 4½-feet deep from the wetland to re-establish the historic flow of Mill Brook to comply with previous Cease & Desist order.

C. Application AA04-057 – Harry Freeman - 115 Carriage Way – construction of 12' x 24' addition to home with poured foundation within the 100' regulated area.

D. Application 02-673B – T. Edwards Construction, Inc. – 801 Matianuck Avenue – amend site plan for construction of 17-unit age restricted housing within the wetland and the 100' regulated area to accommodate sidewalks.

E. Application 02-659A – Sanctuary of Faith and Glory – 752 Bloomfield Avenue – amend site plan to change in treatment of existing parking area to phases within the 100' upland regulated area.

F. Town Maintenance Applications:

1) East Granby Road – replace damaged culvert causing sink holes.

2) 43 Meakin Drive – replace failed endwall and section of drainage pipe and add plunge pool at bottom of slope to control speed of water during storms.

3) 44 & 48 Farmstead Lane – clean out drainage blockage, replace failed endwall, and add plunge pool to control speed of water during storms.

VII. AGENT REPORT

The application that we had seen from Windsor Locks on County Road was approved. A copy of the conditions has not been received.

Notice of an application in Bloomfield on Tunxis Avenue has been received. It's for 14 single-family homes and the applicant is Fern Beaudry.

VIII. PETITIONS FROM COMMISSIONERS

Commissioner Kollmorgen: I have seen a lot of trucks going up Day Hill Road filled with ash or something. Are they from Hartford going to our landfill?

Agent Groff: I don't know but will find out.

Commissioner Kollmorgen: When we have a new application for activity on a property we have reviewed before, it would be helpful to have copies of the minutes of the meetings when they were presented.

Chairman Rispoli: Mr. Lally was given a right-of-way across Mr. Lord's property, can you find out when that happened?

IX. ADJOURNMENT

Commissioner Levine moves to adjourn.

Commissioner Vola: Seconds.

All Commissioners vote yes – meeting adjourned at 9:55P.M.

Respectfully submitted,

I certify that these minutes were accepted on _____.

Cyd R. Groff
Windsor Inland Wetlands Agent

Robert McCarron, Secretary
Windsor Inland Wetlands &
Watercourse Commission