

**WINDSOR INLAND WETLAND AND WATERCOURSES COMMISSION
REGULAR MEETING, June 1, 2004**

The meeting was called to order at 7:07PM in Council Chambers, Windsor Town Hall by Chairman Golden.

I. ROLL CALL

Present: Gary Crosson, Robert Rispoli, N. Pete Lord,
Gerald Golden, Jill Levine, Charles Vola,
Kenneth Herman

Excused: Linda Kollmorgen, Robert McCarron, Edward
Borowski

II. Public Communications

Agent Groff notes a mistake on the agenda. Item IVC labeled "New Business" should be a continuation of IVB "Old Business". Also that Application 04-710 for a wetland boundary amendment has been withdrawn.

III. PUBLIC HEARING AND CONSIDERATION OF PUBLIC HEARING

A. Application 04-708 – Combustion Engineering – 2000 Day Hill Road – demolition of buildings and removal of potentially hazardous contaminated soil within the 100' regulated area.

Gene Shepherd, Mactec Engineering and Elaine Hammick, ABB presenting for the applicant.

An overview of the site was presented on a map showing the three building complex where the demolition will occur. In addition to the buildings, the current paved parking area, waste pipes, utilities, and manhole will be removed. There will be approximately 1500 square feet of disturbance in the wetland buffer including 40 linear feet of inactive drain line. The building foundations will be removed to four feet below the surface. There will be removal of radiological material or contaminated soil with surveys and samples done at the end of remediation. Approximately 400 cubic yards of soil will be removed from the site. An erosion control plan was developed for the entire project, not just this piece. Any stockpiles will be placed away from the wetland.

Commissioner Herman: How long will the job take?

Gene Shepherd: The demolition will take about four to five months and the length of time for the remediation depends on the weather.

Commissioner Crosson: Does DEP have any oversight of the project?

Elaine Hammick: Yes, over the regulatory area.

Commissioner Levine: What about federal oversight?

Elaine Hammick: Yes, the NRC (Nuclear Regulatory Commission) and the EPA.

Commissioner Levine: Do you have any problems with any of the recommendations from our agent?

Elaine Hammick: No. One-third of the basins are done every year.

Commissioner Rispoli: How long has the waste pipe been inactive?

Elaine Hammick: Over five years.

Chairman Golden: Have you actually found any radiological remains?

Elaine Hammick: No, but we have to check.

Chairman Golden: Any further questions from Commissioners? Any questions from the public? Anyone present to speak for the application? Against? Hearing none, I call the public hearing closed. (7:20PM)

Chairman Golden: Disposition of application.

Commissioner Levine: I move to approve application 04-708 with the conditions recommended by our agent. The applicant has demonstrated good consciousness and I feel comfortable with the oversight of the DEP, EPA, and NRC.

Commissioner Crosson: Second.

Chairman Golden: Discussion. All those in favor signify by saying aye.

All Commissioners say aye.

Chairman Golden: Opposed – none. The motion carries.

B. Application 04-710A – Lord Family - 355T Prospect Hill

Road – subdivision of 60.7 acres for 60 single-family homes with associated grading, paving, and drainage within the wetland and the 100' regulated area.

Attorney Dominic Ferraina reads a statement regarding conflict of interest submitted for the record. The statement is attached to the minutes.

Wilson M. Alford Jr. of Alford Associates, Pigeon Hill Road, Windsor, presenting for the applicant.

Good evening on behalf of the Lord Family of Windsor, LLC. With me is George Logan of REMA Associates, the Environmental Planner, Robert Daddario – husband of one of the owners. The

owners are the children of N. Peter Lord. Also with me is Chris Alford of our firm.

The property is 60.7 +/- acres of which 5.2 acres are wetlands. It is south of Prospect Hill Road, north of Pierce Boulevard, east of Cleary Lane, and west of Ed Lally's office and Fox Meadow Road. The zoning is AA for single-family, the largest minimum lot size in Windsor.

The site is wooded with mostly mature trees in the middle area, the northeast is secondary growth and the northwest is secondary pine in an area that was previously used for an old sand and gravel operation. Phelps Brook runs through the property. The wetlands are shown in light green with the largest piece of wetlands to the north and west side of the property. The middle of the site is level with moderate slopes. As you move to the north the steeper slopes are adjacent to Phelps Brook. The underling soil is generally fine sand with a deep depth to ground water. As you move to the north, the sands become finer and the depth to ground water decreases.

The proposal is for 60 lots with roads here and houses here. There is no disturbance to the wetlands with the proposal. The development will be done in three phases. The erosion and sedimentation controls will be separate for each phase. In each phase, the first item of construction will be the installation of the construction entrance pad. The trees will be cut, then the silt fence will be installed and the sedimentation basin will be constructed. These (sedimentation basins) will keep sediment from leaving the site home construction. The four detention basins will be used as sedimentation ponds during construction. It should be pointed out that the permeable soils mean that there is a reduced potential for pollution because much of the water will go into the ground and not run off. Once the sedimentation basin is in place, the road and homes in the individual phases will be constructed. There will be 24 houses in the first phase, 19 houses in the second phase, and 17 houses in the third phase. When each phase is substantially constructed, the construction will start on the next phase.

As pointed out before, there is no direct impact to the wetlands. The closest house is lot #10 and the side of the house is 52 feet from the wetland. There is more than adequate back yard, the sewer is to be constructed in the side yard. We're showing the silt fence to be reinforced with haybales. This sewer is outside the wetlands. Previously there have been sewer and storm drainage

installed in the wetlands. We've tried to keep the houses at a reasonable distance from the wetlands.

There will not be an association and the road will be a Town road with Town water and sewer.

On the north side and the west end of the property, we are proposing a conservation easement slightly over the 100 foot regulated area in phase two.

The question has been raised about that we should do an open space or cluster development. We feel that we have provided sufficient buffer and conservation easements against the more sensitive areas. In discussion with Town staff and Planning Commission, they feel that it is not appropriate to have an open space subdivision because the Town would have open space on our property, but we still have to pay the fee of \$120,000.00 to purchase open space in an area that they feel is more appropriate. The Town would rather have a large clump to take care of than a small piece to get into and police adjacent owners.

There are four water quality detention basins proposed on the property. For stormwater management, the existing flow is about 27 cubic feet per second. With development and the basins, the flow will be about 18.5 cubic feet per second; a reduction of about 32%. All roads go to the basins. After development, 90% of area will still accept water the way it always did. For water quality, we are proposing to do more than I can remember doing on any previous subdivision.

At the houses we are proposing "infiltrators" (copy of diagram and flyer submitted for record) to recharge the roof water. This reduces the potential for concentrated flow from downspouts and the resulting erosion of soil and items applied to lawns. It also recharges the groundwater to be later released into the stream. Only driveways and roadways will go to the detention basins impoundment area of one to two feet. More sediment will adhere to plants. The last catch basin has an extra deep sump of four feet and a hood. The extra deep sump will catch more sediment and floatables.

Commissioner Vola: The detention basins closest to the brook, where is the water going?

Mr. Alford: There is a pipe to a bio-filter to a level spreader (flat vegetated area). There is no concentration of water in any one location.

Chairman Golden: Who will maintain the basins?

Mr. Alford: The Town. The detention basins have been designed with the bottoms at the minimal permissible slope of 1%. Additionally, they all have a circuitous flow to allow more retention time in the basin. The longer the water stays in the basin moving at a low velocity, the more any particles in suspension deposit out. Stone will be wrapped in mirafi fabric into a 2-inch pipe and holds water between 14 to 34 hours in the basins. This means that during most storms, like last night, no water would leave through the outlet structure. The water would be filtered through a layer of fabric and stone blanket at the bottom of the basin. This filter is four feet wide and 80 feet long. This not only filters the water, but allows for slow release. Again, this provides time for the sediment to settle out of suspension. For basins two through four, the flow then goes through a biofilter for further cleansing; then the flow travels overland for more cleansing before joining the water course. Basin one doesn't have a biofilter or level spreader because there is a sandy bottom. A combination of the sandy bottom and stone blanket will mean that a large quantity of the water in basin one will be recharged into the ground. That volume has not been taken out of the calculations.

We knew from the beginning that Phelps Brook was a stream people were concerned about.

Commissioner Levine: What is the access shown from Prospect Hill Road?

Mr. Alford: The access was for a gravel operation and will become a bituminous walking or biking path.

Agent Groff: Mr. Chairman, may we have a recess?

Chairman Golden: Yes, we will continue after a short recess.
(8:23PM)

Chairman Golden: Was the first part of the public hearing taped?

Agent Groff: No

Chairman Golden: I'm asking the applicant what he wants to do.

Mr. Alford: I've got my notes.

Chairman Golden: We know what we heard. If someone challenges, we're supposed to have a tape of the hearing.

Mr. Alford: We'll trust your memory and Cyd's pencil and copious notes.

Chairman Golden: OK. Is it working now?

Agent Groff: Yes.

Chairman Golden: I call the meeting back to order (8:38PM).

Mr. Alford: For the record I said that we'll waive repeating the presentation.

Attorney Ferraina: Would this be long enough to have Mr. Alford give a brief run down of what he's already done? To have him come back – we can give him a throat lozenge.

Chairman Golden: He can come back. I'm sure he'll give a recap. We'll give him the opportunity.

Attorney Ferraina: Good.

Chairman Golden: We'll continue.

George Logan: For the record, my name is George Logan. I'm the president of REMA Ecological in Manchester, CT. I won't go through all my qualifications except to say I have a Masters degree in Natural Resources and three professional certifications as wildlife biologist, soil scientist, and wetland soils. In addition to my work on this site, another person was involved in preparing the report you have in front of you. Her name is Sigrun Gadwa. She also has a Masters degree and is an expert in plants. I'm submitting her resume for the record.

What I'm going to try to do is to hit some of the high points or low points of the report related to the application and then leave it up for discussion. Obviously there's a lot of information in here and I'm not going to go through all this. If I need to refer to it, I will, but you have it in the record. As Skip has mentioned we have 60.7 acres of property with 5.2 acres of wetlands. From an upland perspective, we have mature deciduous and evergreen forest, a hardwood forest, sapling thickets, and sand barrens. This is a Class A watershed per the DEP.

This is the location of a previous sand and gravel operation. This is the youngest area of vegetation if you go visit the site with the exception of the sewer line along here. We have three wetland systems. I did it this way because it was easy for me. "A" system, which is Phelps Brook, no pun intended, but it is the nicest system. We have the "B" system that flows into it and this has an intermittent watercourse. Obviously Phelps Brook is perennial. And then the "C" system down here in the southeast portion of the site also has an intermittent watercourse. Eventually it goes through Ed Lally's property, I guess he's here somewhere, and ends up in Phelps Brook. Maybe I'm wrong, I only went to here. I know it runs to about here.

From a water quality classification perspective, this is what we call a Class A watercourse. I verified that with DEP this morning. There was some discussion that maybe this was a Class AA, but

that would make it a public water supply watershed. If that was the case, we would have to go to the DEP Commissioner and get his permission through the Agency for a point discharge or discharges in general to a "double A". This is a "Class A". That still doesn't get us off the hook, we still have to do certain things to make sure the water isn't degraded.

Many of the site's wetlands, as most wetlands in Connecticut, have seen some disturbance in the past. The obvious part, or maybe not so obvious part, is that the Phelps Brook corridor has been impounded in several locations. Here's one, here's another, you don't see this one, there's a few more off the site. And as you go all the way up to Walden Woods, you see the first impoundment up there. And of course there are some downstream, including this property here. This one has some of the, with the exception of this, as a wetland, has a less mature vegetation. This was a pasture at one point and a portion of this watercourse hasn't been ditched down to Phelps Brook. "C" wetland has also seen some disturbance. There's a sewer easement through it and an outfall for storm drainage from Pierce Boulevard.

We've done several things on this site. One of the first things we did and since the soil scientist is not here, I also went and looked at all the wetland designations. As a soil scientist, I've found that this is an accurate wetland delineation. So that's on the record. We also spent a goodly amount of time, for various reasons, not in the wetlands but in the uplands. Let me explain. There was a Conservation Commission memo that had gone into the record that suggested a more thorough environmental assessment be done. There were some other letters in the record like one from the Farmington River Watershed Association that said there was a possibility that this property might contain some primitive habitat such as kettle holes and sand plain communities. With all that information we also saw the possibility that there might be as many as 3 maybe 4 listed species, species of special concern that occur on this property, some of which might be associated with wetlands. So, once we heard all that, it was obvious that we had to do more than we usually do - and expand our survey in the upland areas. So all together to date, Sigrun Godwa and myself have spent 22½ hours in the field, on the ground searching and inventorying. I've also spent approximately 6½ hours on targeted searches looking for these potentially listed species. These are the Eastern Box Turtle, Eastern Ribbon Snake, and the Eastern Hognose Snake. We've done water quality monitoring, as I'll explain in a little while. We've done a moderately intensive wildlife survey. I was up there a couple of times in the early morning,

some of the neighbors saw me, tootling around about 6 o'clock in the morning figuring out what the avian population is on the site and that is documented in the report. Based on the available preferred habitat, I've been doing Box Turtle surveys for a while, sometimes I'm surprised by where I find them - but in general I can tell by where a particular habitat exists that's where I'll do most of my searching. That's not to say that I'm not searching in other places. But based on the available preferred habitat, in our searches, there is little likelihood that there is a self-sustaining population of the Eastern Box Turtle on the site. There might be one or two individuals out there that are doing fine, but you've got to remember that on average, in good condition, these species will live 45 to 50 years and sometimes they'll go more than 80. So...when all this was not built around it, there might have been some habitable ground here, there might have been a remnant individual or two. But that's a (?) for a sustained population. So, I think there is very little likelihood that you have a self-sustained Box Turtle population. At best, you might have one or two individuals. Again, there is very little likelihood for Eastern Hognose on the site and there is some likelihood that the Eastern Ribbon snake is here. But that would more likely inhabit the corridor that we see here. I saw one potential there and there's a nice sedge meadow in here that's a preferred habitat for the Ribbon snake, which is a species of special concern. It's a close relative of the Garter snake. Matter of fact you can take the two together and unless you know what you're looking at you'd think they were the same. Except you usually find one with water and the other not so much in water.

We did as was suggested by the Conservation Commission and used a different methodology than what ? folks are used to for assessing the function and value of the wetlands. We used what is called a descriptive approach. This is one that's used by the Army Corps of Engineers. It's not as much qualitative, it's a more descriptive approach where the object is to answer a whole bunch of questions and I didn't look to see what Appendix that was. We tried to come up with any particular functions that are offered at all. Once you go through all the questions, you come up with what is called the principle functions of what this particular wetland offers the most. To summarize: there were three components, we split them up, don't ask me why I did it in this sequence. WA1 is this part. WA2 is this part going off-site and WA3 was the pond itself. All together, this system provides most of the principle functions of the sites' wetlands. Wetlands B & C, respectively, provide lesser and lesser functions and values. Notable in our descriptions, we went through and looked at all the wetlands.

Notable is the fact that there is some nice habitat here, no one is going to deny that. As I went up gradient from the site there's an old beaver pond that's been breached. It's shallow now and water meanders through it. There's a nice marsh up here; there are some pictures in my report. The wildlife diversity seems to pick up in this particular area; not only for the wetland species, but also the upland species. I was impressed with this part of the site – not that I wasn't impressed with the rest of it, but I was particularly impressed with this portion of the site (west-end indicated on map). As Skip said, that's one of the reasons why we have a 150' conservation easement on these two lots.

Now...another thing we did was to monitor the water quality. I always do that when.

Commissioner Crossen: Excuse me, may I interrupt?

Mr. Logan: Absolutely.

Commissioner Crossen: Have you read the letter that was sent to Cyd on May 13th from the Farmington River Watershed Association?

Mr. Logan: Yes.

Commissioner Crossen: In the second to the last paragraph, they're asking for a functions and values assessment. Was that answered on page 3 of your report?

Mr. Logan: Section 5 – page 30 and then Appendix 4, which has the bulk of the information, if someone wants to look at it. That summarizes the functional assessment results and rationale. You can turn there and there's a sheet; this is the descriptive approach that was suggested by the Conservation Commission. It goes into detail. If your eyes are better than mine, you might be able to read it.

Commissioner Crossen: I guess my problem is, it didn't seem like you answered the question.

Commissioner Rispoli: Aren't the water tests seasonally dependent?

Mr. Logan: Yes.

Commissioner Rispoli: Only 22 hours, that isn't a lot of time.

Mr. Logan: No, 22 hours is a lot of time.

Commissioner Rispoli: The wildlife survey is also time dependent?

Mr. Logan: It's only wetland dependent species we can discuss. In this application we have no direct and minimal indirect impacts. Best Management practices to note: use of 2003 draft of stormwater guidelines, storage volume for water quality, treatment of runoff in extended detention basins to meet Best Management Practices. Hydraulic storage is very important, optimum is 12 – 32

hours. Total suspended solids should be 50% - 90% removed with the 15% in the basins.

Chairman Golden: I understand this for solids, what about soluble nutrients?

Mr. Logan: The plants will take care of the nutrients if there are dense root masses. This site has very permeable soil and we wanted to take advantage of that. The soil around the level spreader will not have any topsoil.

Commissioner Rispoli: The 85 to 90% removal is based on catch basins, detention basins, finger design in the basins, level spreader and the pipe?

Mr. Logan: This is a Best Management Practice train, it all helps.

Commissioner Rispoli: What about hydrocarbons?

Mr. Logan: Good question. That's why we're advocating plants in the basins. There will be a net gain of wetlands on the site. From wetland dependent species perspective we're not going to lose one. The educational potential will increase.

Mr. Alford: Would you explain kettle holes and sand plains?

Mr. Logan: We didn't find any of either habitat.

Chairman Golden: Anyone else who wishes to speak for the application? (None) Anyone who wishes to speak against the application?

Robert Fromer, P.O. Box 71, 398 Conestoga Street, Windsor.

He is representing himself. He states he has a lengthy presentation.

Chairman Golden: Makes a motion to table the hearing to a special meeting.

Mr. Fromer: I challenge Mr. Logan's methodology and many things that he hasn't done.

Mr. Logan: I have sparred with Mr. Fromer before, but I have also taken on jobs on the other side of the fence.

Chairman Golden: What is the feeling of the Commission? Should we table this?

Commissioners say yes.

Chairman Golden: Anyone else wishing to speak against the application?

Rebecca Mahoney, Farmington River Watershed Association.

To protect the river and the watershed no home should be less than 100 feet from a wetland. Maintenance of the detention basins and streets should be transferred to the Town and it should be on the site plans.

Chairman Golden: Anyone neither for nor against?

Ed Lally, 111 Prospect Hill Road. I want to tell you that my concerns have been met. These designs are part science and part art.

Irv Slake, 10 Mary Catherine Circle. States he has concerns about box turtles and property values.

Robert Fromer: Responds to mosquito issues and reads from the water quality standard.

Commissioner Borowski: Motion to table the hearing until Tuesday, June 8th. (10:25PM)

Commissioner Vola: Second.

All Commissioners vote yes.

IV. BUSINESS MEETING

A. Minutes

None

B. Old Business

1. Update on Cease & Desist - Antonio Agostino - 114 Ezra Silva Lane.
No activity.

2. Update on Cease & Desist - Roger & Gisele Cyr - 568 West Wolcott Avenue.
No activity.

3. Update on Violation – Musa Sebadduka – 414 Dogwood Road
No activity yet.

4. Update on Violation – Susan Carrabbia – 153 Colton Street
Clean up is complete, but no application received.

5. **Application 04-709 – Tommy D's Moto Town USA – 1045 Day Hill Road** – Construction of enclosed commercial recreational facility with associated grading, paving, and drainage adjacent to the 100' regulated area.

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

Description of property and location of wetlands on adjacent property to the south. There will be two detention basins constructed to treat runoff from the parking areas. The building will be used for motocross practice and competition. All activity will be inside the building.

Commissioner Levine: Motion to approve as declaratory with standard conditions.

Commissioner Vola: Second.

All Commissioners vote yes.

6. **Application 04-710 – Lord Family – 355T Prospect Hill Road** – map amendment for wetland boundary

Withdrawn.

7. **Application 04-711 – Town of Windsor – 148 & 153 Colton Street** – remove fallen trees and brush from watercourse and repair stormwater drainage pipe within the 100’ regulated area.

Duane Martin, Engineer, presenting for the Town. He request a waiver of submitted plans due to the nature of the project. The Town has a north-south easement along the watercourse and a drainage easement at the headwalls. The property owners are aware of the situation and have been notified. One of the property owners is attending the meeting.

Susan Carrabbia, 153 Colton Street, asks about the project and how the equipment will access the area.

Mr. Martin explains that the stream will be redirected to its original path before there were any problems with downed trees and sediment. He also states that the equipment will access the area through her property and that the Town will repair any damage done.

Commissioner Leveine: Motion to approve with the agent overseeing the work.

Commissioner Rispoli: Second.

All Commissioners vote yes.

8. **Application 99-592A – Michael Donegan – 90 & 96 West Street** – renewal of permit for subdivision partially within the 100’ regulated area.

Ed Lally, Lally & Associates, presenting for the applicant. Explains that the permit that was approved has expired and they are requesting a five-year renewal. They have added a conservation easement and changed the access to the proposed home.

Commissioner Herman: Motion to renew the permit for five years.

Commissioner Levine: Second.

All Commissioner vote yes.

9. Application 04-712 – William Hastings – 493-507 Kennedy Road – 4-lot subdivision with no activity within the 100’ regulated area.

Ed Lally, Lally & Associates, presenting for the applicant. Description of property and location. He states that this is a re-subdivision of the property. The houses will be on septic. This section of Kennedy Road was never added to the MDC line. A

conservation easement has been declared for the rear of the property.

Commissioner Levine: Motion to approve as declaratory.

Commissioner Vola: Second.

All Commissioners vote yes.

10. Application 04-713 – Griffin Land – 758 Rainbow Road – site plan review for warehouse and drainage outside the 100' regulated area.

Ed Lally, Lally & Associates, presenting for the applicant.

Description of property and location. The building will use an existing detention basin that was designed to accommodate three buildings. There is no activity in the wetlands or in the regulated area.

Commissioner Levine: Motion to approve as declaratory with the condition that they submit a detention basin maintenance plan.

Commissioner Vola: Second.

All Commissioners vote yes.

V. MISCELLANEOUS

None.

VI. AGENT SIGN-OFFS

A. Application 03-684 – Oscar & Neftali Rodriguez – 802 Matianuck Avenue - Forgiveness for partially completed garage 21' from watercourse without a permit, clearcutting and filling approximately 0.50 acre of wetlands and 0.50 acre of upland for backyard, and to remediate damage to wetland, and create family recreation area within the 100' upland regulated area.

B. Application AA02-011A – Madina Academy – 1 Madina Drive – renewal of permit for trailer classroom on site.

VII. AGENT REPORT

VIII. PETITIONS FROM COMMISSIONERS

The Commissioners request Agent to check with the Town Attorney about whether it is only a filed intervenor and the applicant who can speak for more than 10 minutes.

IX. ADJOURNMENT

11:10 PM.

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