

**MINUTES SPECIAL MEETING
WINDSOR INLAND WETLANDS AND WATERCOURSES COMMISSION
Wednesday, March 16, 2005**

The meeting was called to order at 6:35PM in the Ludlow Room at Windsor Town Hall by Vice-Chair Levine.

I. ROLL CALL

Present: Jill Levine, Garry Crosson, Kenneth Herman, Charles Vola,
Dean Massey, Agent Groff
Excused: Linda Kollmorgen, Robert McCarron
Absent: N. Philip Lord

Vice-Chair Levine stated that in order to have a quorum, Alternate Commissioner Massey would be seated as a voting member.

II. Public Communications

None

III. Public Hearings

A. Application 05-732 – Town of Windsor – 275 Broad Street – text changes to Inland Wetland regulations sections 2.1, 7.1, 7.3, 9.3, 11.4, and 19.5.

The changes and review by Town Attorney were discussed among Commissioners.

Commissioner Vola: Motion to accept changes.

Commissioner Massey: Second.

All Commissioners vote yes.

Vice-Chair Levine notes the arrival of Commissioner Borowski at 6:42PM.

IV. BUSINESS MEETING

A. Minutes

October 7, 2003

Commissioner Crosson: Motion to approve.

Commissioner Vola: Second.

Vote: 3 yes, 3 abstentions

November 5, 2003

Commissioner Vola: Motion to approve.

Commissioner Herman: Second.

Vote: 3 yes, 3 abstentions

November 10, 2003

Commissioner Crosson: Motion to approve.

Vice-Chair Levine: Second.

Vote: 4 yes, 2 abstentions

December 2, 2003

Commissioner Crosson: Motion to approve.

Commissioner Vola: Second.

Vote: 5 yes, 1 abstention

B. Old Business

1. Update on Violation - Susan Carrabbia – 153 Colton Street

Agent Groff reported that the application for the remediation had been received.

2. Update on Cease & Desist – Norris Islar – 69 Adam Hill Road

Agent Groff reported that nothing had been received from the ecologist hired by Mr. Islar. She will contact George Logan hired by Mr. Islar.

C. New Business

1. Application 05-733 – 139 Old Poquonock Road, LLC. – 753 Day Hill Road – excavation, filling, and installation of storm drainage partially in the wetland and within the 100' upland regulated area.

Agent Groff states that the application is incomplete and somewhat confusing. Goes over some items with Mr. Alford who is attending the meeting.

Commissioner Crosson: Motion to table the application until the April 2005 meeting for completeness.

Commissioner Massey: Second. A biological inventory of the wetlands was requested by the next meeting.

Vote: 5 yes, 1 no

I hereby certify that the following fourteen (14) pages (not including Certification page) are a true and accurate transcript of the permit amendment application presentation which transpired for a change in road design in a subdivision plan at 355T Prospect Hill Road in the Town of Windsor.

The presentation was made under the New Business portion of the agenda to the Town of Windsor Inland Wetlands and Watercourses Commission as it appears from the video tape recording at a Special Meeting on March 16, 2005.

This application was denied.

Cyd R. Groff
Town of Windsor
Inland Wetlands & Watercourses Agent

TOWN OF WINDSOR
INLAND WETLANDS AND WATERCOURSES COMMISSION
New Business – March 16, 2005
Transcript – Application to the Town of Windsor
Change in road design in a subdivision plan

2. Application 04-730A – Lord Family of Windsor, LLC. – 355T Prospect Hill Road – change in road design at Gary Lynn Lane.

Drawing placed on the board by Wilson M. Alford Jr., Alford Associates, Windsor, representing the applicant, the Lord Family, LLC.

Mr. Alford: I think all of you are familiar with the Lord subdivision which is south of Prospect Hill Road. One of the items that was discussed with the neighbors after the approval was since there are three (3) accesses to the property whether at this point we could consider one of them being closed; which would be the entrance to Gary Lynn Lane. What we are proposing ...and the drawing you are looking at is the one that was submitted and to the public hearing...this is an overlay of what would be the uh...change...and the change is only that this cul-de-sac which used to go to Gary Lynn Lane...excuse me...this road which used to go to Gary Lynn Lane would terminate a cul-de-sac in this location, so that in essence what happens is that this piece of road and the removal of the cul-de-sac will not take place. The cul-de-sac will stay there and there will be no road constructed from our proposed cul-de-sac to Gary Lynn. There would be construction that would take place...uh...between them, but...uh...there would not be any permanent road which would be constructed between the two (2) cul-de-sacs. So that...uh... in essence there would be less construction. There is a stream located down here. All of the rest of the areas go into water quality basin. This small piece of road in here did not go into water quality basin, just into the catch basin and into the stream and that's going to be deleted. So in essence there's a reduction in the pavement and in the area where the water was not to be treated. I discussed this with Cyd and she asked that we...uh...bring this to the Commission just so that they are aware of it; that there is a change in the design. The other is that also when we started talking about the phasing of the construction, construction traffic until the bridge across Meadow Brook is going to be constructed, excuse me Phelps Brook, there is not an access from Prospect Hill Road so we would access the property from what is an existing partially paved and a dirt road, which is located in this area, to bring construction equipment and people that are working on the

site to access the piece of property. I don't know whether I made that clear or not, but this is an existing drive or excuse me an existing dirt road and paved road that's to the piece of property...we can use that. That was established probably forty (40) years ago. We would use that until such time as...uh this road was constructed. This would probably be the summer and...uh during the dry period. So probably by August the bridge would be in place and we would access it from Prospect Hill Road.

Vice-Chair Levine: Is that the first section?

Mr. Alford: Yes it is. The first section is the drive in here and terminating with the cul-de-sac here.

Agent Groff: The...uh I call it the neck, the long skinny piece that goes out to Prospect Hill Road. We know that there is a culvert there. We know that it's partially paved. I have asked the engineering department to give me an evaluation on the culvert and also the accessway. But I want to be clear on what you want to use that accessway for. So I make sure that we understand what you want to use that for.

Mr. Alford: During initial parts of construction...uh the logging equipment would come in this way and logs would come out and...uh go to the north. And during later stages the employees that are working on the site would come in and access the site from that location.

Vice-Chair Levine: Can that culvert support the weight of those trucks?

Mr. Alford: The...uh we have not examined it. The only thing we know is that there were, there was probably twenty(20) or thirty (30) thousand yards that was originally taken off the piece of property and it had used this area to go out and cross it. We did bring in an excavator and brought it in through there. We would not do anything to the culvert. If it was determined that the culvert was not adequate by itself, what we would probably do is put a steel plate like you see on the road crossings that they do at night and just lay that over the top of it because that would take and distribute the load.

Vice-Chair Levine: And how do you protect the watercourse at the Gary Lynn construction entrance?

Mr. Alford: Uh...the drive is there. What we are intending to build the walkway that goes out there, if there's any concern at all, we could take and stone that to begin with so that it basically acts as a long construction entrance pad with it all stone. We could also put silt fence on either side, but the area which is near the wetlands is fairly flat and there would not be very much tendency for anything to go off the site anyway. And as I pointed out it was an area that was intended for construction.

Vice-Chair Levine: What about dust and controlling all the debris from the trucks? And oils?

Mr. Alford: Well the stone would keep anything from going off of the drive. If we put down some stone on the drive, it would keep anything from going one way or the other anyway. And there isn't a large watershed above it. If there is any dust problem, then that goal would be just a dampening during the day. And again this would only be in effect until this bridge were constructed.

Agent Groff: And then the employee vehicles would not be allowed in there anymore? Is that correct?

Mr. Alford: Correct. Everybody would access it, raw materials, employees, everything else would be brought this way.

Agent Groff: And how are you going to close it off?

Mr. Alford: This is going to be a road...this would be an area which would not even have a road to be able to get up on the property.

Agent Groff: If I remember right, now I could be wrong, when I was out there last summer, there's some overhang of trees across the neck, if you will. If you're going to take logging equipment in there, does that include the big trucks that haul the logs?

Mr. Alford: Yes it does.

Agent Groff: They're pretty tall. Are they going to be damaging somebody else's property or are the trees that are overhanging on this property?

Mr. Alford: Uh...we can, if necessary, trim the trees that are over the top of it. I don't remember how much there is for brush that's overhanging the road, but if it's necessary to trim it, then we could trim it. We went in there with an excavator and I don't think there was a problem that I can remember going in and out with it.

Agent Groff: This is what I had asked the engineering department to comment on and I did not get a report. They did not know our meeting was tonight, so I don't have any information from engineering to report or anything from engineering to give to you.

Vice-Chair Levine: Are there any other questions from the Commissioners?

Commissioner Vola: I would just be concerned about the culvert itself and the weight of the trucks and the weight of the equipment going over it and if you felt there was a need for a steel pad, then I think that's an important thing to do. As far as the trees are concerned, you know that's pretty much the person who owns the trees should be talking to you about that. And I would think that would be their problem.

Agent Groff: Are the property abutters aware of the activity that's proposed for that access?

Mr. Alford: I think the one that's most affected is the one that lives here and it's Dan Lynch and he is aware of it and I've talked to him on a few occasions.

Agent Groff: OK. My only comment to the Commission is that I think we need to have a report from the engineering department before we can make any decision on this. That's my recommendation. I'm sorry I don't have it tonight.

Mr. Alford: Well...the culvert shouldn't be an issue because it has been used and we can put a steel plate over the top of it and whether we do that or not isn't going to affect the wetlands. If we have to trim some branches up in the neck of it here, those are pretty well outside the wetlands.

Agent Groff: Yea, OK. If the Commission wants, we can certainly have someone else take a look at this besides me, that's your decision to make.

Vice-Chair Levine: I'd like to get back to the reason for the change.

Mr. Alford: Which change?

Vice-Chair Levine: Closing Gary Lynn.

Mr. Alford: Closing Gary Lynn...basically it was discussions with the neighbors that are on Gary Lynn. Uh...they don't want the traffic that is down there...if you look at sort of the roads in context of the overall area...uh...this goes out onto Prospect Hill Road...Prospect Hill Road is an arterial road, that's where the traffic ought to go. Uh...if you look at Pierce Boulevard, Pierce Boulevard ...this is our subdivision, this is the area of the subdivision that's located here, this is Prospect Hill Road...uh which is located here, this is Pierce Boulevard that's located here, this is the subdivision located here and this is Gary Lynn Lane. As I said this going up to Prospect Hill Road, Prospect Hill Road is an arterial road uh...it's intended to be carrying the traffic. If this is the access out on to Pierce Boulevard which is located here and uh...that traffic goes as you get on Pierce Boulevard uh...it's fairly straight and then you get to Marshall Phelps which is again another arterial road. The connection between Gary Lynn, if you look at it, uh...if there were a connection, then somebody coming out of Gary Lynn has to finagle their way around through Mary Catherine and then out to Derek Lane to get out there, which is not a very direct route or conversely to go this way to Shea so that the majority of the traffic, even if this connection were put in, uh...would use either Pierce Boulevard or Prospect Hill Road.

Vice-Chair Levine: But the Pierce Boulevard portion won't be constructed until the last phase, will it not?

Mr. Alford: It's in the second phase. One of the issues we've discussed with the Fire Marshall, to allow for continuity, is that this connection would be bonded so that even if nothing else happened, the road would be connected out to Pierce Boulevard.

Vice-Chair Levine: So that traffic from phase 1 could get out on Pierce Boulevard immediately?

Mr. Alford: It would be bonded so that if during the course of the subdivision, the subdivision were not completed by the developer,

there would be money which would be available to construct the roadway. But the first phase which is here, is about twenty-two (22) homes and that would use Prospect Hill Road and there would be an emergency connection, just a walkway type thing to get to Gary Lynn Lane.

Vice-Chair Levine: So, in theory it's twenty-two (22) homes. If you close Gary Lynn off, it means that all twenty-two (22) are going to access this parcel by Prospect Hill Road; where if you left Gary Lynn Lane it would be, let's say arbitrarily, half of them would use Gary Lynn and therefore lessening the impact on the wetland where the bridge is crossing it by half?

Mr. Alford: Except for that any of the traffic that goes out this way is going through a section of the road where there is no water quality protection. In the subdivision that we did, for any of the roads that are internal to the subdivision we have water quality basins so that the traffic that comes up here uh...that water is collected and piped over to the water quality basin, which is about 300 feet of grass uh...that's leveled and then it goes through a stone filter before it leaves the property. So any of the traffic that does go this way, any of the water from the road in this area goes through that. This area of road that's down here goes into the existing storm drainage and since this is the first time this has ever happened, this portion of it has just the normal catch basins down there. So even if the traffic were, you know...disconnected, this cleans the water from the roads a lot better than the other does.

Vice-Chair Levine: I understand that, but there is no watercourse on Gary Lynn Lane for us to be concerned about.

Mr. Alford: There's a watercourse right here.

Agent Groff: There is a watercourse.

Vice-Chair Levine: Oh there is?

Mr. Alford: All the ? gets to a watercourse before they get through. And there is a fairly sizable watercourse right here on Gary Lynn Lane.

Agent Groff: It flows down to Phelps Brook, if I remember right.

Mr. Alford: It flows down...here's Phelps Brook here and here's this stream here, so when you finally get through, all the water's going to the same spot anyway, except for that this area has the water quality basin which the other does not.

Vice-Chair Levine: I'm just very concerned about all the traffic going out on to Prospect Hill Road. I mean, I've been down that road as well and I think by having the three accesses it allows the traffic from the subdivision to more evenly disburse throughout the area. And quite frankly that was the compromise that we made when we went through this the second time was to put the third entrance and exit in. And now we're back to where we began again and it's troubling to me.

Mr. Alford: Look, the difference is that this access provides the service for the fire department to not only get to this subdivision, but to the remainder of the property to the south.

Vice-Chair Levine: But we had a letter from Ray Walker that said that once they fix Prospect Hill Road they found that it would be quicker for a fire truck to get into this subdivision and Kendrick and Walden Woods by using Prospect Hill Road. And...

Mr. Alford: Which is why this connection was made.

Vice-Chair Levine: Right, I understand that. But...

Mr Alford: What I'm saying is...

Vice-Chair Levine: But that's going to be a while before that's made. So in the interim, I mean, I don't quite...

Mr. Alford: This is in the first phase and it's the first part of what we would do.

Vice-Chair Levine: All right.

Mr. Alford: So it is the first that we'd come into with it and, and the difference is that this allows the connection not only to an arterial street, but it also provides a direct access to the fire department. And it provides sort of a second way into the area because if anything happens with Marshall Phelps, to be closed off, then all this area cannot be served from West Street that it has to served from the south of it.

Vice-Chair Levine: The last question I wanted to ask was whether or not a traffic study has been done to measure the increased volume of traffic on the wetland by shifting those additional cars up to the Prospect Hill Road entrance and exit?

Mr. Alford: We did an analysis of the intersection of Prospect Hill Road for safety, and it is safe.

Vice-Chair Levine: Yes, but based on eleven (11) houses.

Mr. Alford: No, we based it on all sixty-six (66) homes, excuse me sixty (60) homes coming up to Prospect Hill Road. We didn't know what we would end up with for a geometry, so we asked the traffic engineer to say if all sixty (60) homes use the access up on to Prospect Hill Road, would it still be safe? And he said yes.

Agent Groff: But that's for safety, not the wetlands.

Vice-Chair Levine: No, for the impact on the watercourse, that was my question.

Mr. Alford: But remember that none of this water goes directly to the watercourse.

Agent Groff: We're not just dealing with stuff that's running off, there's other stuff too.

Mr. Alford: Anything that drips off of a car or any water that falls onto the pavement or any traffic that uses this road, the water from that goes over to this water quality basin before it goes into the stream. So that even if more traffic were put up here, and this is well beyond anything that has ever been constructed in the Town

before, as far as cleaning up the water. That previously...the Pierce, the Gary Lynn's, the rest of them, what there is for stormwater protection is that there's a sump in the catch basin and then the water is discharged to the streams. That's the only thing there is down there. In our subdivision, the water from the road, which is in this section here, goes over to a settling basin and then it goes out through a stone filter before it is then sheet flowed across the wetlands. So even more polishing would take place at that point. At the wetlands that are down here, this drainage that would be installed or the water that would run on the road goes into a catch basin with a sump on it and then it goes directly into the stream. So there's no additional time for settling, there's no grass strips, there's no stone filter associated with this, so any traffic which does go this way has less cleaning of the water, so that by saying there's more traffic going out here this area the traffic, the water's going to be clean, this is not cleaned.

Vice-Chair Levine: So that road out to Gary Lynn Lane is never going to be built, not even for emergency access?

Mr. Alford: It would be during the period of construction, there would be something that would be there for emergency access to get rid of the length of the length of the cul-de-sac. There would be sanitary sewer installed, water would be installed and there'd be something for emergency access going out that way. The only other thing there may be is that the Town Planner has talked about a sidewalk just as a pedestrian way to connect the area.

Vice-Chair Levine: But no automobile or truck...

Mr. Alford: No automobile or truck or anything that would make the connection.

Agent Groff: So no construction entrance then?

Mr. Alford: The only construction material which would access this piece of property is that which is used for the road or delivery of materials to the site. Meaning pipe and catch basins during the construction until this connection is made.

Vice-Chair Levine: But once that connection is made, that's the end, everything comes in through Prospect Hill Road.

Mr. Alford: That's correct.

Commissioner Vola: How much time between that first section is actually inhabited with people until the second road is built through?

Mr. Alford: Until this is built through?

Commissioner Vola: Yes.

Mr. Alford: It depends upon what the market is...uh

I'm Robert Daddario representing the Lord Family, LLC: The first phase that Skip is talking about is twenty-two (22) homes. We're anticipating sales at a rate of two (2) sales per month. Now we don't go to twenty-two (22) homes, which would be eleven (11) months and

then say OK, let's start phase two, the second road which would be the road out to Pierce Lane. We would anticipate that once we get up to around twelve (12), thirteen (13) sales, then we would start prepping up to do the connection out to, excuse me Pierce Boulevard.

Commissioner Vola: So you would expect that to be done before all twenty-two(22) homes were in place.

Mr Daddario: We would begin going through putting in the water, the sewer, again, as Skip said, it's market driven, but you make hay when the sun shines and right now in the real estate market, the sun is shining. So, if we open up our sales and start selling three(3) or four(4) a month, then we would just calculate out what the time would be, so if it's in five(5) months we're ready to start, then we need fire protection and water before we can start putting in structures. So, our goal is to go as rapidly as possible, not to just sit and lollygag.

Commissioner Vola: Thank you.

Agent Groff: Just a comment. Based on what you just said, that may change when you have to do your water testing. Because the permit condition is that you finish a phase and you test. If it's not good, you stop until you fix it. That's what's in the permit.

Vice-Chair Levine: Are there any other questions? We'll close the public hearing. Are there any members of the public who wish to speak for this application?

Agent Groff: It's not a public hearing.

Vice-Chair Levine: Oh that's right, sorry. Take that back. We can't take any public comment. It's not a public hearing.

Voice from the room (female): I thought you...

Vice-Chair Levine: I know I did, I made a mistake. I'm new, I'm new at this. (Laughter in the room) OK, any discussion? Is there a motion? (nothing is said)

Agent Groff: Do you want to wait for the engineering study? Tell me what you want to do.

Vice-Chair Levine: Can we make that...

Commissioner Vola: Can we move to approve the application with the uh...providing that the engineering thing

Agent Groff: Maybe you should talk about it first?

Vice-Chair Levine: Yes, let's talk about it. How do you feel about that? Do you think we should wait for the engineering report?

Commissioner Crosson: I do.

Commissioner Massey: I do too.

Commissioner Borowski: (nods head in agreement)

Commissioner Vola: And the engineering report is to tell us about the culvert?

Agent Groff: The culvert and the accessway.

Commissioner Vola: What they'll need to do with them?

Commissioner Herman: Just curious. If we got the engineering report, say on Monday or Tuesday, and they went out there and did something and looked around and said that it was OK. Can we notify the people that want to do the development that it's OK?

Agent Groff: No.

Commissioner Herman: Say that we approved it.

Agent Groff: No.

Commissioner Crosson: I would think it would have to be more sophisticated than that.

Agent Groff: It would have to come back.

Vice-Chair Levine: We'd have to vote on it.

Agent Groff: It has to be a Commission vote on what the findings are by the engineering department and whatever else you request.

Vice-Chair Levine: Yes, because it may generate some more restrictions or conditions.

Mr. Alford: Our assumption as we're proceeding with the thing is that the culvert is satisfactory out there because it has been used in the past. If there is something that does need to be done, we'll put a steel plate over it which would just be placed and that would be enough to distribute the load. If it's anything more than that, that the engineering department (finds?), then the Commission could one(1) - the engineering department could come back and say it's satisfactory in which case we don't have to do anything other than what is shown on here or two(2) - if they say that the culvert is not satisfactory and we make the suggestion that we put a steel plate on it and they find that satisfactory, then we would proceed with that. If it's anything other than that, then we would come back to the Commission.

Commissioner Vola: Can we do that?

Vice-Chair Levine: It's your pleasure whether you're comfortable with that or not. I don't know how extensive the engineering report is going to be? Maybe Cyd could talk about that.

Commissioner Crosson: Yes, because are we deferring our decision to them or evaluating the information they present to us?

Vice-Chair Levine: Well, it's part of the package.

Agent Groff: Right.

Commissioner Crosson: That's what I'm trying to understand.

Agent Groff: You have to be able to take into consideration all the things that are presented to you. What Mr. Alford has said, what comes through in the engineering report and it might be a good idea for anyone who has never been on the site to go take a walk.

Commissioner Crosson: Sure.

Commissioner Vola: When do you expect this report Cyd?

Agent Groff: Probably next week.

Commissioner Massey: Will there be any problems with

Agent Groff: It's only two and a half (2½) weeks until our next meeting.

Mr Alford: Part of our reason for haste on the thing has to do with that spring is coming. There are some logs on the site, at the present time; the sap is in the ground and the wood that is there has a value to it as lumber, the oak and the pines. If the sap gets up into the trees then it's not good for that, it's basically trash and you chip it and throw it away.

Agent Groff: The sap is already up.

Mr. Alford: I was told we had until April first (1st).

Mr. Daddario: Excuse me. What I know is that with the lumber, you have until around April first (1st) when the wood turns blue. When it turns blue, people don't buy blue boards. After that point it loses its significant value. (He shrugs his shoulders)

Vice-Chair Levine: I mean, if I may be frank, we approved this application. We approved it and you're back here because you changed it now and we feel a little pinched because of that.

Commissioner Crosson: If we only have to wait two (2) weeks...

Mr. Daddario: I understand, but the change that we're making, we're not coming back and saying we want to touch the wetlands, we want to get in the buffer zones, we want to do anything that affects the wetlands...

Vice-Chair Levine: Yeah, except that Gary Lynn was going to be used as a construction entrance in the previous application.

Agent Groff: And we hadn't given any permission for them to use that neck thing either.

Vice-Chair Levine: That's right.

Mr. Alford: In essence all we're going to do is drive trucks over an existing road.

Vice-Chair Levine: That crosses the wetland.

Mr. Alford: No it doesn't cross the wetlands.

Agent Groff: It crosses the watercourse.

Vice-Chair Levine: It crosses the watercourse, excuse me.

Mr. Alford: But the watercourse is piped at that point. So we're basically going to drive across an upland area. And if the engineering department says we need to put a steel plate over there to give it support, then we'll do that. But you know, but they have done that. Now in the past there were tractor trailers and dump trucks that came in and pulled the material out of there and used it. And so I have some confidence that says that should be satisfactory. But if worse comes to worse, we'd put a steel plate on there and that would give it the strength that would be necessary.

Agent Groff: One thing we haven't talked about is that there has been a lot of beaver activity in that area. I know that there has been stuff jammed in that culvert.

Mr. Alford: We're not going to affect it.

Agent Groff: No, no, it's been removed and then re-jammed over the years, quite a few times. We don't know how sound that thing really is. I would hate to have one of your logging trucks end up in the middle of Phelps Brook.

Mr. Daddario: Me too.

Agent Groff: That's what I'm trying to prevent.

Mr. Daddario: However, when the engineering report comes back we'll know if it's feasible or not?

Agent Groff: That's right.

Mr. Daddario: In which case if it isn't feasible, then we can go in by an alternative route.

Mr. Alford: Wait, you...you know a steel plate, they put them over holes in the ground with nothing under them and they bear from one side to the other. And they don't collapse nothing underneath it and traffic drives over there at night when they're not working on it.

Agent Groff: There's also a steep slope up that hill too, so I think we also have to take a look at that.

Vice-Chair Levine: You are?

Mike Zizka, attorney for the applicant.

Vice Chair Levine: Would you step to the microphone please.

Mr Zizka: My suggestion would be that since this is a discreet issue, with which you're concerned, and based on what you said Cyd that you'd be concerned with it either way. My thought is what the Commission could do is; and what the Planning and Zoning Commission is looking for, I think, is feedback from this Commission on this (points to drawing), that's what they need to hear. My thought would be that the Commission could make a decision on this aspect of the proposal (points to the cul-de-sac) and reserve its right for further comment with respect to this and we could come back to the Commission with respect to this (points to the brook crossing) in a couple of weeks. You'll be getting the engineering report on that and it's really sort of a discreet part of the project. And that might provide the balance that we need. The Planning and Zoning Commission would have a determination on what the Wetlands Commission's view is on this and with respect to this, we could simply agree that we would be back before the Commission in two (2) weeks or whenever, so the Commission can give us their decision with respect to that particular portion of the project.

Vice-Chair Levine: Except that, you can't do anything in there until we give you that permission. So what's the difference if we vote on it now or vote on it in two (2) weeks?

Mr. Zizka: Well, I don't think that's quite correct.

ViceChair Levine: All right, then correct me, please.

Mr. Zizka: With all respect, the Commission doesn't have the legal authority to determine who can drive over a culvert. You don't have the right to say we're going to limit this to cars. That's not part of

your jurisdiction. You have the right to control regulated activities in the wetlands. And as I understand what the Commission is saying, there is a concern with regard to the overall durability of that during the construction period. And so...

Vice-Chair Levine: As it affects the watercourse.

Mr. Zizka: Right, as it affects the watercourse. And so what we're saying is that we can come back to the Commission with respect to the durability of the culvert. And if the Commission feels that something else has to be done with respect to the culvert, we can discuss that at that time. But that, I mean that is a discreet part of it. I don't think the Commission could, frankly, in the meantime, say you can't drive trucks over an existing access anymore than you could say that people can't use their driveways because the Commission has gotten concerned with a culvert in somebody's driveway. Um...I don't think you really can do that. So what we're saying is we can come back as quickly as possible to the Commission as soon as the report is in. And if the Commission feels or the engineering department feels that the culvert is inadequate then we can deal with that. I would also suggest Ms Levine, that if we have to replace the culvert, that would be a new regulated activity and we would have to be back before you anyway.

Vice-Chair Levine: Right.

Mr. Zizka: So that would just be a suggestion.

Mr. Alford: We have done this because there is an existing area that's already been cut there. And so therefore to bring the construction equipment into that area it's less disruptive to any of the neighbors that are there. If the Commission is uncomfortable with acting on this, then we do have other accesses we could use to get to the piece of property. And what we've done, since this was already a road that had been cut, it's already been graveled, it's already been established, it was already there, we felt that for the intrusion on the neighbors, this was the better way to access the piece of property. When we went out to dig test holes on it, we went out and drove out there and brought the excavator in and that's the way we accessed the property and we felt that was a reasonable way to do it because it's already been constructed. If the Commission is concerned and would like us to come back to the next meeting, we could take and access our construction equipment from a different location.

Vice-Chair Levine: Or you could go back to Gary Lynn Lane.

Mr. Alford: Or we could go back to Gary Lynn Lane. And what we did was, we did this because it's already been constructed. It doesn't require anything in addition and so to bring the equipment on to the piece of property, we felt that was a reasonable way to do it and be less disruptive to the neighbors, but there are other accesses that...if this is postponed for two (2) weeks, we could do that.

Agent Groff: I think too that Mr. Zizka makes a good point, one of the concerns we had right at the beginning was that was only going to be a pedestrian accessway because of the proximity of the brook to the sides of the culvert, I mean it's twenty (20) feet wide or whatever it is, I don't know how wide it is, I'm just guessing.

Vice-Chair Levine: Commissioner Massey do you have a question?

Commissioner Massey: Yes. So, you have to get the logs out by April first (1st)? How would you be removing them?

Mr. Alford: We would just be cutting them.

Commissioner Massey: How would you be removing them?

Mr. Alford: We would be taking them out in this location. If the Commission were uncomfortable with that, we would have to bring them out to another location. We do have other accesses over the uplands, but that would require more disturbance at this point, but we do have the ability to be able to do that. So, if the Commission would discuss the cul-de-sac, which is over here, if this were postponed for two (2) weeks, we'd come back with the engineering report and address it at that point. Which means we still could get the remainder of the construction equipment in through that location, just so that it's less disruptive to the neighbors.

Mr. Daddario: The April first (1st) deadline means they just have to get the trees down, in other words, they're not going to cut them and start pulling them out immediately. They stockpile them there and then take them out. It could be three (3) or four (4) weeks before that happens.

Vice-Chair Levine: Any more discussion? What do you think?

Commissioner Herman: Excuse me, what's the difference if they take alternate routes, he said right there he doesn't need the trucks to go in there. They're going to stock the logs, April 5th comes along and the engineering department says OK we find that the access by the neck is OK, then he could bring his trucks in and haul his logs.

Vice-Chair Levine: And by then we would have the engineering report.

Commissioner Herman: Yeah.

Commissioner Crosson: I just don't feel comfortable making a decision without all the information and what I'm getting from the timeline you've established, this is not going to be a long process to get this information. I'd prefer to have all that information.

Commissioner Massey: I'd prefer to have all that too. I'm hearing there's nothing to prevent him from cutting the logs now as long as they're not in the regulated area. Can't he already do that?

Commissioner Crosson: That's a business issue on logs. Logs is not a consideration when it comes to that.

Vice-Chair Levine: So, you could begin cutting correct?

Mr. Daddario: Yes.

Vice-Chair Levine: And if the Commission decides we'd like to wait for the engineering report, that wouldn't impact on your timeline, correct?

Mr. Daddario: Right. But the issue is really this cul-de-sac for tonight's Planning and Zoning meeting...the real issue for tonight is the cul-de-sac, but this we could live with waiting a month. But the cul-de-sac determines everything else that happens.

Vice-Chair Levine: The Gary Lynn Lane entrance?

Mr. Daddario: Right, the Gary Lynn thing...whether we go through to Gary Lynn or put the cul-de-sac in. Again, that cul-de-sac is not in the regulated area and we're not affecting the wetlands. The reality of it is, as Skip says, the cars that would have been going through are discharging their pollutants into water uncleansed and at least this way it's being cleansed. That's the real issue at hand tonight.

Vice-Chair Levine: OK.

Commissioner Vola: The application is just for a change in design?

Vice-Chair Levine: Right.

Agent Groff: Yes and the other issue was just never brought up.

Vice-Chair Levine: But you know when you do that, everything is on the table again. So how do you wish to proceed?

Commissioner Vola: We can accept this, but make some kind of a proviso about the other thing.

Vice-Chair Levine: Make it into a motion whatever way you want it. You can make a motion to approve the application with a caveat about the engineering report.

Agent Groff: It's really an amendment.

Commissioner Vola: Let me try this, you can help me out. I move to approve application 04-730A for the Lord Family of Windsor, 355 Prospect Hill Road for the change in road design; actually the change should help the area by reducing the hard surfaces and runoff into a stream that will not be as protected and I would like to add that this is based on a report from the Town Engineer which will be inspecting the culvert where now the truck traffic will be driving on. And whatever the Town study has to say all parts of that should be adhered to by the applicant.

Vice-Chair Levine: You don't want the Commission to pass with that condition, you want to leave it up to the Engineering department?

Commissioner Vola: Uh...no, they have got to come to us. How do you want to say that then?

Vice-Chair Levine: Just what you say is that you approve the application pending the report.

Commissioner Vola: I move to approve the application pending the report from the Town Engineering department.

Vice Chair Levine: A positive report.

Commissioner Vola: And if it's a negative report?

Vice Chair Levine: Then we'll have to deal with it.

Agent Groff: They'll probably make recommendations.

Commissioner Vola: All right then. I move to approve application 04-730A pending the report from the Town Engineering department on the culvert, a favorable report.

Vice Chair Levine: Any further discussion? I have a comment to make. I'm going to vote against this application based upon the fact, I should say that I live in very close proximity to Gary Lynn, and personally I'd like to not see any traffic coming out that way, but I'm also sympathetic to people who live up on Prospect Hill Road. And I think there is an undo burden here and I know that's not an issue before this Commission, but I'm also concerned about the wetland and the additional traffic that's going to go across that bridge and the possible pollutants that will go into the stream and I know Mr. Alford has assured me that that's not going to happen, but it doesn't take a rocket scientist to figure out that sometimes cars drop oil and salts get into the wetlands and all kinds of things happen. So, I'm going to be voting against this application. And I suspect that I'm the sole one, so all in favor of the application say aye.

Vote: Aye – 2 and Opposed – 4 Abstain – 0

Vice Chair Levine: The amendment fails. I think it's four to two. Commissioners Vola and Herman voting for and Commissioners Borowski, Massey, Levine, and Crosson opposed.

Vice Chair Levine: OK, the next application is a Cease and Desist.

3. Cease & Desist – William Rush – 73 Lang Rd.

Agent Groff explains that fill brought in to property without permit potentially in a wetland area. Between 900 and 1,000 cubic yards of fill was brought into the property. A Cease & Desist order was issued.

Meeting interrupted by a man (later identified as Ernie Mattei of Gary Lynn Lane). He addressed the Commission about not being able to speak on the Lord family application with some interaction with Commissioners for approximately fourteen (14) minutes.

Vice-Chair Levine called a five-minute recess (7:40)

Meeting reconvened at 7:50PM.

Agent Groff presented the remediation plan worked out with Mr. Rush. **Commissioner Borowski** moved to accept the remediation plan and turn over to the agent.

Commissioner Herman seconded.

All vote yes.

4. Application 99-597A – Islamic Center of Connecticut – 1 Madina Drive – Request extension of permit for addition to existing building, construction of a footbridge and path within the wetlands and within the 100' regulated area.

Commissioners discuss the use of the property and the proximity of activity to the wetlands. Commissioners agree that the activity should come in as a new full application and comply with updated regulations because there were no conditions on the previous permit.

Commissioner Crosson moves to deny the extension of the permit and ask for full resubmission and hold a public hearing for the potential impact on the wetlands.

Commissioner Herman seconded.

All vote yes.

V. MISCELLANEOUS

A. Election of officers

Commissioner Vola moves to table the election until the next meeting in April so more Commissioners can vote.

Commissioner Crosson seconded.

All vote yes.

VI. AGENT SIGN-OFFS

- A. Application AA05-063 – Jean-Guy Levesque – 370 Park Avenue - Erect temporary 12' x 24' tent garage with polyethylene tarp floor within the 100' regulated area.
- B. Town Maintenance Applications
None.

VII. AGENT REPORT

- A. Earth Day
- B. Commissioner Training – Session 1 –
Storrs - 4/4 & 4/6 6:30-9:30PM
Burlington – 4/9 9:00AM - 4:00PM
- C. Wetland application form

VIII. PETITIONS FROM COMMISSIONERS

None.

IX. ADJOURNMENT

Commissioner Crosson moves to adjourn.
Commissioner Vola seconded.
Meeting adjourned 8:15PM.

Respectfully submitted,

I certify that these minutes were accepted on _____.

 Cyd R. Groff
 Windsor Inland Wetlands Agent

 Robert McCarron, Secretary
 Windsor Inland Wetlands &
 Watercourses Commission