

MINUTES – REGULAR MEETING
WINDSOR INLAND WETLANDS AND WATERCOURSES COMMISSION
Tuesday, November 01, 2005

The meeting was called to order at 7:06 p.m. by Chairman Levine in Council Chambers of Windsor Town Hall, Windsor, CT.

I. ROLL CALL

Present: Gary Crosson, Linnea Gilbert, Jill Levine, Robert McCarron, N. Philip Lord, Dean Massey, Charles Vola and Agent Groff

Excused: Edward Borowski

Absent:: Kenneth Herman

A quorum of regular members was established.

II. PUBLIC COMMUNICATIONS

None.

III. PUBLIC HEARING

A. Application 05-753 - Scott's Sports – 165 Poquonock Avenue –
construction of a single-family home with associated grading, paving and drainage within the 150' regulated area

Wilson M. Alford Jr., Alford Associates, presented for the applicant, Mr. Rich Scott. He discussed the proposal to construction a single family home on the north side of the property within the 150' regulated area. All of the construction is more than 85' from the wetlands and outside and above the 100-year flood elevation.

Agent Groff: Based on staff meeting this morning, is this map different.

Mr. Alford: He replied that it was not.

Commissioner Levine: Are there any wetlands in the portion of the Millbrook Golf Course? The area is filled and graded and does not appear to be wetlands.

Commissioner Crosson: I looked at the sight and during a severe storm, the water was backed up, perhaps because of an undersized pipe under Poquonock Avenue. I would prefer an engineering study.

Commissioner Lord: The pipe could be partially blocked.

Agent Groff: There was a dam failure at the golf course and a failure where a bridge was damaged. It is a 60" pipe, which should be sufficient. I will have the engineers look at it.

Mr. Victor Santinas, 42 Mack Street: Knows Millbrook quite well and he is neither for nor against this building. He commented about the flooding that occurred in October. In his opinion it was a once in 50-year flood. The tunnels under Poquonock Avenue are adequate for 25-year floods. Once every three years or so, the golf course floods from snow melting in the spring. He is concerned if there are going to be any changes to the watercourse itself.

Ms. Jennifer Fulco, 183 Poquonock Avenue: Asked where the driveway entrance would be.

Commissioner Levine: pointed out the driveway on the map.

Public Hearing was closed.

Commissioner Lord: We should bear in mind that the application is an upland property and won't have any bearing on the brook. The construction of a single house will not have bearing on the drainage under Poquonock Avenue. It doesn't seem to make sense to hold up the building of one house. An engineering study here is not required. There could be other developments upstream that would affect the water passing under Poquonock Avenue. Agent Groff's suggestion regarding removing the tree lying in the brook should be done.

Commissioner Vola: Garry had a good point in having the drainage looked at, but this house will not affect them looking at that waterway.

Commissioner Crosson: Motion to table application 05-753, Scott's Sports, 165 Poquonock Avenue, tabled for one month until we get a reading from the Town Engineering determining that the drainage is adequate under Poquonock Avenue.

Commissioner Gilbert: Second.

All Commissioners vote no with the exception of Commissioners Crosson and Gilbert.

Chairman Levine: The motion fails.

Commissioner Lord: Motion to approve the application with the provisions 1, 2, 3, 5, and 6 and append 7 to request town engineering department to examine the lower brook to determine the drainage. Provision 4 is not necessary.

Commissioner Vola: Second.

All Commissioners vote yes.

- A. **Application 05-752 – Lucien & Denise Cance – 1485 Palisado Avenue – wetland boundary amendment. Postponed.**
- B. **Application 05-752A – Lucien & Denise Cance – 1485 Palisado Avenue – retrofit existing structures for use as recycling facility and dumpster storage within the 150' regulated area. Postponed.**

IV. **BUSINESS MEETING**

A. **Minutes**

- 1. Sept 7, 2004

Commissioner Lord: Motion to approve the minutes of September 7, 2004.

Commissioner Vola: Second.

All Commissioners vote yes except McCarron, Massey & Gilbert who abstained.

- 2. November 3, 2004

Commissioner McCarron: Motion to accept the minutes of November 3, 2004 with corrections: p. 4 application 04-727.

Commissioner Vola: Second.

All Commissioners vote yes except Commissioners Gilbert, Levine & Crosson abstained.

- 3. December 7, 2004

Commissioner McCarron: Motion to accept the minutes of December 7, 2004 with corrections: p. 2 Commissioner Lord overturned.

Commissioner Vola: Second.

All Commissioners vote yes except Massey who abstained.

B. **Old Business**

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

Agent Groff: We received a copy of the planting plan. Mr. Islar is willing to do what we discussed with him. There is no planting date yet and the slope is still outstanding.

Commissioner Levine: The town is owed \$100 for reimbursement of town expenses due to non-compliance. We should give him two weeks to begin planting the shrubs that can be planted this time of year and if he doesn't we should fine him.

Commissioner McCarron: Agrees that we should go ahead with a fine.

Commissioner Lord: Motion to reimburse the town for the Marshall service fee and the application by fining him \$100.

Commissioner Vola: Second.

All Commissioners vote yes.

Commissioner McCarron: Motion to give him written notice to begin planting the trees and shrubs that can be planted this time of year by November 15, 2005 or be fined \$25 a day until all plant material has been installed.

Commissioner Vola: Second.

All Commissioners vote yes.

2. Update on Violations – Town of Windsor – 275 Broad Street – violations at 99 Day Hill Road

Agent Groff: The bus has been removed and the silt fence has been repaired behind the sand and salt shed. Mr. Brian Funk, Public Works, has been in contact with some places that may want to reuse the light poles. The old snowplow will be removed next. The Public Works department is down four people.

Commissioner Levine: The town has to set an example. If we expect the citizens to comply with our regulations, the town has to also.

3. Update on Cease & Desist - Victor Ramos – 651 Prospect Hill Road – filling at edge of pond and removal of vegetation on slope.

Agent Groff: The telephone pole has been removed. He has until Dec 15th to finish his remediation.

4. Update on Violation – Wilson Vaca – 976 Windsor Avenue – activity within a watercourse without a permit with erosion and sedimentation affecting the floodplain.

Agent Groff: We received an application from Mr. Vaca for the bridge, which has been completed already. He was taking soil and putting it where his dam was washed out. There was rotting wood, old iron and sinks, car parts, wheels, etc. Agent Groff will be reviewing the property to see if he removed the items. His permit will require an engineered crossing.

5. Update on Cease & Desist – Daniel Albrizio – 860 Windsor Avenue

Agent Groff: Daniel Albrizio is receiving a letter releasing him from his cease & desist. The woodpile is out of the watershed area.

Commissioner Levine: Suggested a public hearing to give the abutters the opportunity to come before the commission.

Commissioner Lord: Motion for owner to be released from order.

Commissioner McCarron: Second.

All Commissioners vote yes.

C. **New Business/Accepted Applications**

1. Application 05-756 – Metropolitan District Commission – Meadow Brook, Deckers Brook, Windsor Interceptor – repair and upgrade sewer pipe line and replace existing manhole covers as needed in watercourses and wetlands.

Alan Pelletier, Project Engineer, Metropolitan District: This project is to reduce sanitary sewer overflows and infiltration into the sewers.

Tom Loto, Malcolm Pirnie: Discussed the rehabilitation techniques for the sanitary sewer overflow elimination program. They are contacting property owners that will be impacted by the project.

Commissioner McCarron: Is this is a one-time project or will maintenance need to be done?

Mr. Loto: There will be a long-term maintenance program.

Commissioner Lord: How long would the project take?

Mr. Loto: It would take approximately one year.

Commissioner Lord: Motion to approve application 05-756 and to work with staff and the town.

Commissioner Vola: Second.

All Commissioners vote yes.

Commissioner Vola departed the meeting at 8:30 p.m.

2. Application 05-757 – Iron Mountain – 1075 & 1100 Kennedy Road – construction of a 104,000-sq. ft. office/warehouse building adjacent to the 150-foot regulated area.

Agent Groff: Discussed the area to be slightly impacted, which is away from the river. The existing buildings are out of the regulated areas totally.

Commissioner Lord: Motion to accept and approve the application as not requiring additional information to further develop the present site and defer to the wetlands agent in working with the applicant for approval.

Commissioner McCarron: Second.

All Commissioners vote yes.

D. **Applications Received 1 day before Meeting**

1. Application 05-758 – T. Edwards Construction – 387 Rainbow Road – construction of three (3) single-family homes with associated grading, paving, utilities and drainage partially within the 150' regulated area.

Edward Lally, Lally & Associates, presented the three-lot subdivision plan. Because of the flatness of the site and lack of erosion, runoff, and vegetation disturbance he is requesting that the application be approved.

Agent Groff: All of the information has been turned in but she did not check the natural diversity database. It is essentially agricultural land that has been plowed and planted.

Commissioner Lord: Motion to turn this application over to the wetland agent.

Commissioner Gilbert: Second.

All Commissioners vote yes.

IV. MISCELLANEOUS

A. 2005 IWWC Meeting Schedule

There were no conflicts with the dates.

V. AGENT SIGNOFFS

- A. Application 05-751 – Peter O'Meara – 1038 Palisado Avenue – construction of single-family home with associated grading drainage, and septic within 150' regulated area.
- B. Application 05-754 – Zubair Ali Bhatti – 390-394 Windsor Avenue – addition to building and parking within 150' regulated area.
- C. Application 05-755 – Target Corporation – 1075 Kennedy Road – 12,000 sq. ft. addition to building, grading, and relocation of utilities within the 150' regulated area.
- D. Application AA05-074 – Lumis Arnold – 29 Strawberry Hill – install yard drain and pipe to control runoff, add rip-rap to intermittent watercourse, remove undergrowth, regrade rear yard, and landscape under trees within the 150' regulated area.
- E. Application AA05-075 – Kenneth Finger – 960 Poquonock Avenue – construction of an 11' x 17' addition to home with poured foundation within 150' of regulated area.
- F. Town Maintenance Applications
 1. 185 & 193 Windbrook – remove sediment, brush and debris blocking drainage to prevent flooding

VI. AGENT REPORT

A. Proposed Application changes

Agent Groff: We are considering changes to the application, which has been in effect since 1983. The first part is pretty standard. There will be more space for neighbors of abutting property. A field for the total regulated area of the property along with the total regulated area to be disturbed will be added among other changes.

B. Recent dam failures

Agent Groff: Noted the dam failures and reported that a lot of soil was lost.

Commissioner Lord: What needs to be done?

Agent Groff: A representative from the DEP Dam Structure Division is coming to Windsor on Friday to walk all of the areas. Two that must be repaired are Silliman’s and Sasportas. The dams must be rebuilt because they have not been properly been maintained. They created a wetland above the dam. Everything above those two dams will perish. There is also a DEP fine for the private property owner who is unwilling to rebuild the dam or maintained the dam in good condition. When we issue cease & desist or violations, we collect money. She is thinking about a proposal to deposit the money from cease & desist and violations into the open space fund. She will check with the town attorney.

VII. PETITIONS FROM COMMISSIONERS

Commissioner Levine: Talked to Commissioner Kollmorgen and some hay bales have surfaced in the upper pond.

Commissioner Levine: Because of the October 15th storm, a tree is resting on the fence at the culvert at Marshall Phelps Road.

VIII. ADJOURNMENT

Commissioner Crosson: Motion to adjourn the meeting at 8:58 p.m.

Commissioner Lord: Second.

All Commissioners vote yes.

Respectfully submitted

Kristin Countryman
Recording Secretary

I certify that these minutes were accepted on

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Robert McCarron, Secretary, Windsor
Inland Wetlands & Watercourse Commission