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**MINUTES – REGULAR MEETING
WINDSOR INLAND WETLANDS AND WATERCOURSES COMMISSION**

Tuesday, April 4, 2006

The meeting was called to order at 7:05 p.m. by Chairman Levine in Council Chambers of Windsor Town Hall, Windsor, CT.

I. ROLL CALL

Present: Edward Borowski, Gary Crosson, Linnea Gilbert, Jill Levine,
Marlene Towers (alternate), Charles Vola and Agent Groff
Absent: Dean Massey
Excused: Robert McCarron, N. Philip Lord

A quorum of regular members was established.

Agent Groff asked everyone to take a moment to remember Ken Herman, a member of the Commission that passed away in March.

II. PUBLIC COMMUNICATIONS

Mr. Bradshaw Smith, 23 Ludlow Road, addressed the Commission regarding Town of Windsor wetland violations he reported about a year ago. He is not satisfied with the response and would like the matter referred to the agent. Chairman Levine said that the item would be added to the next agenda.

Commissioner Vola: Motion to remove item 4 B. from this agenda and add it to the next meeting.

Commissioner Gilbert: Second

All Commissioners vote yes.

III. PUBLIC HEARINGS

A. **Application 06-771 – Town of Windsor – Pleasant Street** - reconstruction of street and sidewalk with improved drainage partially within the 100-year floodplain.

Mr. Todd Penny, Project Engineer, Town of Windsor, presented the application to the Commission. Mr. David Isabel, Lochner Engineering, added plan information.

Agent Groff: This application is still incomplete. The report from the consultant has not been received. I have asked for the soil drawings and the field study. I have recommended a 4 ft. sidewalk between sections 26 and 27 and between 31.5 and

32.5. I have also asked to receive a Cut Plan, a detailed vegetation plan, and a copy of the construction sequence. The conditions include a daily end of day inspection. Cape Cod curbing was requested between 22.5 and 26.5 because this will be the area that the turtles will probably cross if the area is flooded. I have suggested keeping a catch basin inspection log. The North Central Conservation District Manager walked the site with the Project Engineer and me on February 22nd. I have included his recommendations with mine in the comments. A letter from Carol Laughlin, resident on Pleasant Street was distributed to the Commission. The CT-NDDDB response has been received and showed three hits: Eastern Box Turtle, Dragon Arum (plant), and floodplain habitat. The state reptile/amphibian biologist has recommended that we retain a herpetologist to conduct a field study for the Eastern Box Turtle. The Town has agreed to retain Michael Klein of Environmental Planning Services in West Hartford to complete a field review of the project area and make BMP suggestions. Any BMP's recommended will be considered for inclusion in the project.

Chairman Levine: Is this a case where we need an opinion from the floodplain manager? Because this project is adjacent to the Farmington River is the town obligated to involve the Army Corps of Engineers? Is DEP approval been received yet? As people are walking along the sidewalk, how will we protect people from falling down the embankment. Have you read the Best Management Practices that Agent Groff recommended?

Mr. Penny: The guiderail will be in place to protect people from falling. We have increased the flood storage capacity (138 cubic yards) in this area through cut and fills in this road section. We would like to go with a 4.5' wide sidewalk so people can walk side by side.

Mr. Lenehan: replied that he is the floodplain manager and DEP approval has not been received yet.

Mr. Isabel: Since this is grant money, they handle the floodplain certification to the DEP. Once they receive it they will review it with the Army Corps of Engineers.

Commissioner Crosson: Given the site location and the traffic patterns, in your opinion, is this the best plan?

Agent Groff: The plan has been changed and improved, I would prefer a smaller sidewalk but I understand the need for a larger sidewalk for safety. The engineering department has made a good effort to minimize the impact on the floodplain.

Comments from the Public

Dr. Charles Button, 147 Pleasant Street: Discussed his opposition to the application. My concern is the edge of the town land that abuts our property. If you look down slope, it is a vernal pool. Prior to the road construction plan, the DEP created a new plan for landowners who had large pieces of property to provide grant money for landowners to provide sensitive habitats. We submitted an application to them in October. Part of the application process was to identify species, particularly in the floodplain. We have identified bald eagles, leaf shrew, red bat, wood turtle, bog turtle, eastern box turtle, northern leopard frog, banded sunfish, tiger beetles,

horsefly, etc. which are state special concern, state threatened or state endangered. The DEP said that they would become part of the National database. Dr. Button submitted the letter from the DEP to Agent Groff. I would also like to see the sidewalk 4' wide in the floodplain area. The section in the state's plan is also identified as preservation area and conservation area. I am not opposed with people walking through the area. I am not convinced that having a road is the best option there. There are materials that can be used for road surfaces and sidewalk surfaces that will allow water to filtrate through them. Dr. Button submitted copies of alternative materials that he hopes the town will consider. This material will lessen the runoff in the floodplain area to improve water quality.

Commissioner Crosson: said that these issues have been addressed by the hiring of Michael Klein of Environmental Planning Services.

Agent Groff: added that a 4' sidewalk is her recommendation.

Mr. Eric Hammerling, Executive Director of the Farmington River Watershed

Association: I am pleased that the town has come a long way since the first proposal. Water quality in the river and adjacent wetlands, the primary concern is storm water. Less paved area and more areas that water can infiltrate into. A 4' sidewalk is certainly adequate and will reduce the amount of fill in sensitive wetland areas. Materials that offer infiltration are being used more and more. It is also a really nice look. I would like to encourage the town to look at this to try something different. There is a 2004 Storm water Management Plan that has good guidelines that the town could follow.

Ms. Beth Caruso, 147 Pleasant Street: My concern about this project is the vernal pool below the fill area. There does need to be a sidewalk there for pedestrian safety, but that does need to be minimized for impact. I am in favor of Agent Groff's recommendations. If there is a way to reduce the fill, I would greatly appreciate it. I have spent many hours trying to restore the habitat and we have removed invasive species. You can't get purely clean fill, it can change the ph of the vernal pool when water runs through the fill. I would like to see the fill avoided or drastically reduced.

Mr. John Loughran, 148 Pleasant Street: One of the reasons my wife and I moved to that area is that we liked the wildlife and parks. I would like to see a smaller 4' sidewalk down by the river.

Mr. Bradshaw Smith, 23 Ludlow Road: There were comments made about public participation. I asked the town engineer to let him know when there were meetings on this issue. I was told that the town engineer would not do so unless he was specifically ordered to do so by the town manager. It seems that the construction manager being the floodplain manager is a great conflict of interest. I support a sidewalk but think that 5' is overkill, 4' is more than adequate on the north side of the road. I was in the area recently for an hour and only one person came down the sidewalk at that time. It is a low density area for pedestrian traffic. I see no justification for any fill on the north side of the road. I haven't heard anything about storm water runoff from the applicant. My estimation is that there will be 100% additional runoff. It is my recommendation that these catch basins be drywells. They are more expensive than ordinary catch basins, but when you consider concrete piping, it is significantly cheaper. It also has the added effect of reducing runoff. An inch of rain will cause the Farmington River to rise about

10 feet. I see no justification for any work north of the guardrail.

Agent Groff: Offered to make copies of the email and documents for Mr. Smith.

Mr. Lenehan, Town Engineer: This project has been a long time coming. Based on a lot of the meetings held with the residents and public forums have received a lot of public input. They have caused us to change the design. We are in the process of reducing the width of the sidewalks in the upper area to 4'. There has been a lot of benefit in having this. We have worked with Agent Groff. Regarding Mr. Smith's comments about not wanting to put fill in the north side, we looked at all kinds of alternatives and it really became a question of public safety. We can't push the road over any further. I am in favor of 5' sidewalks, it is our town standard for new subdivisions. We will of course concur with Agent Groff's comments and adhere to them. The ADA requirements for sidewalks are a 4' minimum with a 5' section every 200' for a wheelchair to maneuver.

Mr. Penny, Project Engineer: I presented two drainage systems to the commission, one to the west and one to the east which will be decreasing. We are sensitive to this area. The minimum roadway width is 24', minimized from 28' as originally proposed. Vernal pools to the north of the roadway were mentioned. Michael Klein is an expert in vernal pools. We see no reason why we can't contract with him at the same time to include the vernal pool in his services. The porous pavement concept was looked at, EPA has come up with a study and said that 75% of the installations of porous pavements fail, they don't recommend it in high volume areas, and they recommend that these areas not be sanded in the winter because the sand will clog and fail the system. We have very poor subsoils. We still need to get a DEP flood management certification.

Chairman Levine: Any further comments? Hearing none, the public hearing is now closed (8:28).

Commissioner Vola: As far as the sidewalks go I am in favor of a smaller sidewalk in these sensitive areas. The less fill the better. I am interested in what the DEP and herpetologist has to say.

Chairman Levine: I am in favor of including in Mr. Klein's work and the study of the vernal pool. I would also like to see a landscaping plan. By tabling it we don't accomplish a lot. We are all going to adhere to what the DEP and herpetologist.

Agent Groff: The public hearing is closed, so the report results can be a condition, but further discussion would not be allowed.

Commissioner Crosson: Motion to approve Application 06-771 – Town of Windsor – Pleasant Street contingent upon best management practices as noted by the Agent. Our wetlands officer will conduct daily inspections or as needed, a landscaping plan will be submitted to the Agent and a favorable report from the herpetologist and the DEP will be needed.

Commissioner Borowski: Second

All Commissioners vote yes.

Chairman Levine: A five minute break was requested at 8:39 p.m. The meeting reconvened at 8:48 p.m.

- B. **Application 06-777 – ING North American Insurance Corporation – 200 Northfield Drive** – construction of 119,500 square foot (footprint) building with associated grading, paving, utilities, and drainage including the filling of four (4) areas of wetlands with mitigation and enhancement on site.

Mr. Michael Camilleri, an attorney with BrownRudnick, representing ING North American Insurance Corporation, Mr. David Ziaks, Engineer, and Mr. Dennis Lowry, Wetland Ecologist discussed the project.

Chairman Levine: Opened the public hearing at 8:59PM. Are we going to consider the widening of the road this evening?

Agent Groff: No we are not, those plans were preliminary this is just for the site.

Chairman Levine: Asked about PT-1 light and heavy duty pavement. Commented that 4" of mulch is too much. On the grading plan to the north, is there going to be a berm? Where will the construction entrance be? If it is on the entrance off of Day Hill Road we will need some protection for the wetlands.

Mr. Ziaks: The pavement difference of 1". We will check into the level of mulch. The area to the north will be a fully landscaped berm. We have worked with the neighbors on that issue. Regarding the construction entrance, this project will have very formal construction management and they are going to bring in large construction managers to work out the details. I would imagine that most of the construction traffic will be coming off of Day Hill Road. There will not be a lot of soil movement on and off the sight. We will have protection for the wetlands. We are discussing banning the construction trucks on Marshall Phelps Road.

Agent Groff: Requested a construction sequence plan. The applicant has been accommodating to requests for changes and Best Management improvements.

Comments from the Public

None.

Chairman Levine: Closed the public hearing at 9:32PM.

Chairman Levine: States she thinks this is a fine plan and the applicant has done an extraordinary job in protecting and enhancing the wetlands. They have been sensitive to our wetland concerns and I am going to be in favor of this application.

Commissioner Vola: Motion to approve Application 06-777 – ING North American Insurance Corporation –with all the conditions that the Agent has recommended.

Commissioner Gilbert: Second

All Commissioners vote yes.

IV. BUSINESS MEETING

A. Minutes

1. February 7, 2005

Commissioner Vola: Motion to approve the minutes of February 7, 2005 as corrected.

Commissioner Borowski: Second.

All Commissioners vote yes.

B. Old Business

1. Update on Cease & Desist – Norris Islar – 69 Adam Hill Road
Agent Groff: This case is on the docket for Monday April 10th at Superior Court in Hartford.
2. Update on Violation – Town of Windsor – 275 Broad Street – violations at 99 Day Hill Road
Agent Groff: We have five more violations that have been corrected. There are three more that they are working on now and will try to finish the rest fairly quickly.
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 only reason that this is on the agenda is that the Commission wanted to see how far the water level had gone down this month. As of last week it had not gone down.

C. New Business/Accepted Applications

1. Violation – Lord Family of Windsor, LLC., c/o N. Philip Lord – 355T Prospect Hill Road.

Mr. Bob Daddario, son-in-law and agent, representing the Lord Family of Windsor, LLC. discussed the violation of the dam failing and the pipe collapsing. I need to apply for a permit to conduct the activity to restore the culvert. I need to outline a timeframe for the repairs. I have inspected it and the last four feet of the pipe has sunken down. I did meet with John Silliman, owner of the dam that failed. Mr. Silliman has engaged the services of Skip Alford to resolve his issues. Mr. Silliman has requested that we time our activities to his. I have talked to Skip Alford and will schedule a site contractor. Hopefully by the next meeting I will be able to apply for a permit and tell you what we are going to do. This whole failure was not brought about by any structural defects by either the dam or the culvert. A neighbor was trying to make remedies to the dam without permission to get rid of the smell. If we had known there was a problem when it was discovered we could have come up with a plan. I had two business days notice.

Agent Groff: I can't mail the letter prior to 10 days of the meeting. We had eight dam failures from that storm and I have been doing them one per month.

Agent Groff: I would like to request that an item be added in this category for an additional Cease & Desist.

Commissioner Vola: Motion to add an item for a Cease & Desist at 1404 Palisado Avenue – Sharon Kurpen

Commissioner Gilbert: Second

All Commissioners vote yes.

2. Cease & Desist – Sharon Kurpen – 1404 Palisado Avenue

Agent Groff: I received a call that things were being burned at 1404 Palisado Avenue and trees had been cut down in the floodplain. There is a fine associated with the Cease & Desist Order.

Ms. Sharon Kurpen: I purchased the property about a month ago along the Connecticut River. The fire trucks spotted the smoke and came to the residence. I have a healthy respect for all the natural vegetation and animals in that area. There are 1000' feet of river frontage. The area involved had already been opened. There were vines and dead trees. When we purchased the property, a gentlemen who was 92 lived there and was quite a collector. The amount of debris there is substantial. I have been working with Agent Groff. The silt fence is in place, I have spoken with the North Central Conservation District to get ideas for plantings. I am even investigating Lady Slipper. My goal is to do the best that I can to make this a lovely area.

Commissioner Crosson: This is a life long resident who has never lived in wetland areas and they are working with the agent so we should waive the fine.

All Commissioners agree to waive the fine if the remediation is completed as directed by the Agent.

D. **Applications Received 1 day before Meeting**
None.

IV. MISCELLANEOUS

A. CACIWC reports from Commissioners Massey & Gilbert

Commissioner Vola: Motion to table Item IV. A. CACIWC reports from Commissioners Massey & Gilbert until the next meeting.

Commissioner Gilbert: Second

All Commissioners vote yes.

B. Letter from Bradshaw Smith

Agent Groff: Some of the places Mr. Smith mentioned in his letter I have to find where they are located. He is asking us to investigate erosion for stormwater control. I will have someone from the DPW show me where they put these piles. I will then write a response to Mr. Smith's letter.

V. AGENT SIGN-OFFS

A. **Application AA06-083** – Fran Maddaluno – 298 Palisado Avenue – construction of a 12' x 30' shed on gravel pad within the 150' upland regulated area.

Agent Groff: It is a drop in preconstructed shed, with no foundation. It was really close to the top of the slope into the floodplain.

B. **Town Maintenance Applications**

1. 50 Walnut Drive – replace fill in eroded area next to driveway and add rip-rap to stabilize.

Agent Groff: This is a town maintenance application for an eroded area right next to a driveway, to prevent the driveway from collapsing.

VI. AGENT REPORT

A. DEP Bulletin #9

Agent Groff: tabled until the next meeting.

B. Earth Day

Agent Groff: On April 21st there will be a cleanup from 12:30 – 4:30 p.m. You can come to the Town Hall. An event on the 22nd is also being held. We are hoping for 60 people to volunteer, last year we had just over 40. International Earth Day was mentioned in last week's Windsor Journal.

I received the flyer for spring training for wetlands. Segment 2, the legal segment, is on Wednesday, May 24th, May 31st, Tuesday June 6th and Thursday June 8th, Sat June 10th in Storrs. I can send two people.

Chairman Levine: Requested that Agent Groff to let the new member who will be sworn in shortly to be notified of the training.

VII. PETITIONS FROM COMMISSIONERS

None.

VIII. ADJOURNMENT

Commissioner Crosson: Motion to adjourn the meeting at 10:10 p.m.

Commissioner Vola: Second

All Commissioners vote yes.

Respectfully submitted,

I certify that these minutes were accepted on

MAY 02 2006

Kristin Countryman
Recording Secretary

Robert McCarron
Robert McCarron, Secretary
Windsor Inland Wetlands Commission