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**MINUTES – REGULAR MEETING
WINDSOR INLAND WETLANDS AND WATERCOURSES COMMISSION** 1:12
Wednesday, November 8, 2006

The meeting was called to order at 7:09 p.m. by Chairman Levine in Council Chambers of Windsor Town Hall, Windsor, CT.

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I. ROLL CALL

- Present: Linnea Gilbert, Gary Crosson, Paul Gegetskas, Jill Levine, Charles Vola, Marlene Towers (alternate), Sharon MacDonald, and Agent Groff
Excused: Robert McCarron, Shana Prevost
Absent: Edward Borowski, Dean Massey

A quorum of regular members was established.

II. PUBLIC COMMUNICATIONS

None.

III. PUBLIC HEARINGS

1. **Application 06-795 – Rayco Commercial Development, LLC – 770 Matianuck Avenue – Request to decrease amount of wetlands for wetland map amendment**

Commissioner Gegetskas recused himself from the agenda item.

Mr. Wilson Alford, Jr., Alford Associates, on behalf of Rayco Development for 770 Matianuck Avenue. The town wetlands map shows an area of wetlands on the property which was looked at by George Logan and he determined that there were no wetlands. Later Mr. Logan and Agent Groff looked at the property and found a small wetlands area about 10 feet on the property. Rayco is asking for wetlands boundary amendment. Mr. Jim McManus with REMA Ecological is here this evening.

Commissioner Crosson: Have you seen Agent Groff's comments? Are the property corners marked?

Mr. Alford: It is not a requirement to mark the property corners when doing a wetlands amendment. The only wetlands are a little corner.

Commissioner Vola: Where were the other wetlands found? He asked if Agent Groff was satisfied with the application.

Mr. Alford: The other wetlands were on the abutting property and we can't ask for an amendment on another property.

Agent Groff: Said that she was not totally convinced that there were not more wetlands and would like to take another walk on the property with the soil scientist.

Mr. Alford: The procedure for amending the boundary is hiring a soil scientist and he marks the wetlands.

Agent Groff: The soil scientist missed the wetlands the first time. I took a class on Friday and would like to review the property again with him.

Chairman Levine: Is there any one from the public who wishes to speak for the application? Against the application?

Mr. Jerry Wistrom: We own the property at 23 Country Club Drive. My property is exceedingly wet and it has gotten wetter since we moved in. There are two reasons; the property to the south of us was developed after we moved in. The land was previously flat but after they built it was much higher. The water from their home comes into my front yard. In the back during the winter there is so much water that my kids go out there to skate. In the spring there is so much water coming from the hill in the back that I can't mow the lawn until the end of June. I am concerned that if this is not declared wetlands, I am going to have more of a water problem in the future.

Chairman Levine: We will ask the person from REMA to discuss that with their rebuttal.

Mr. Alford: There was a swale that ran down the eastern side of the property line and that may be why Mr. Wistrom has a back yard. Most of the issues are issues that come into with development plans of the property. We will not end up sending any more water in his direction. We would request the commission approve the application with the stipulation that Agent Groff review the site again. When the application for development goes to Planning Mr. Wistrom will be notified.

Agent Groff: When the application comes in, it comes into the Wetlands Office first and Mr. Wistrom can call or come in to review the application.

Chairman Levine: Anyone else neither for nor against? Hearing none, the public hearing is closed (7:25PM). Is there any discussion? Is there a motion?

Commissioner Crosson: Motion to accept Application 06-795 Rayco Commercial Development, LLC with the contingency that our Wetlands Agent and a representative from REMA Ecological Service conduct a tour of the site to the satisfaction of our Wetlands Agent. If she has no concerns after that tour, then the application should be approved.

Commissioner Vola: Second
All Commissioners vote yes

IV. BUSINESS MEETING

A. Minutes

1. October 3, 2006

Commissioner Vola: Motion to table the minutes of October 3, 2006.

Commissioner Gilbert: Second.

All Commissioners vote yes

B. Old Business

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

Agent Groff: I went to the property two weeks ago and together we removed the pieces of wood from the pond. It is still very, very deep and I could not see the rest of the stuff that was there before.

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

Agent Groff: Mr. Vaca appeared to our last meeting with a response to my letter and in the meantime he realized it is better to go along once he read the memo. We are going out there on Monday or Tuesday during Thanksgiving week.

C. New Business/Accepted Applications

1. **Application 06-796- Anthony Izzo – Bloomfield Avenue –** widen road east of Addison Road to Mill Brook with activity within the floodplain and the wetlands.

Mr. Corey Garro of Close, Jenson and Miller, representing Anthony Izzo presented the application. This work is related to the widening of Bloomfield Avenue. The application adds a second left turn lane from Addison Road to eastbound Bloomfield Avenue. The project has been approved by the State Traffic Commission and the floodplain manager. The expansion ends 15' before the edge of the brook. The cuts exceed the fill, so there is an increase in flood capacity.

Commissioner Crosson: With the upcoming winter what will be done for erosion control?

Mr. Garro: Standard silt fence backed by hay bales will be used for erosion control.

Agent Groff: Once they finish the construction, the normal sequence is to pump the catch basins.

Commissioner Vola: Motion to accept and approve the application 06-796 Anthony Izzo – Bloomfield Avenue to widen the road with standard conditions and best management practices for the project.

Commissioner Gegetskas: Second

All Commissioners vote yes.

2. **Application 06-797 – Rivertown Village Associates, LLC – 593 Park Avenue** – construct road and infrastructure with 26 single family homes partially in the wetlands and completely within the 150' upland regulated area.

Agent Groff: This application was not complete and the disturbance to the area is significant. I recommend a public hearing for this application.

Commissioner Gilbert: Motion to accept Application 06-797 – Rivertown Village Associates, LLC and schedule it for a Public Hearing in December.

Commissioner Vola: Second

All Commissioners vote yes

3. Violation – 73 Lang Road – William Rush

Agent Groff: I sent Mr. Rush a notice of violation on November 1st. (Copy of letter read into the record is attached). I received an angry phone call from Mr. Rush and he threatened to call the DEP. He said that he wasn't going to spend one more dime on this. He said that the town caused erosion and sedimentation down the path that caused this problem. I reviewed the area and it appeared to be a vernal pool (verified with Park staff). The maintainer at Northwest Park is removing some branches and some old tobacco fencing. It would take maybe 10 hours to complete the work on the property and Mr. Rush refuses. Some of the trees are on the property line and belong to the town.

Chairman Levine: If he has still not done the work, issue him a notice to appear at the December meeting.

4. Cease & Desist – 620/650 Park Avenue – Edmond Hollick & International Gospel Fellowship

Agent Groff: I did not issue a cease & desist because the area was cleaned up.

D. Applications Received 1 day before Meeting

None.

V. AGENT SIGN-OFFS

- A. **Application AA06-112 – Ted Macierowski – 900 Palisado Avenue** – construction of a 30' x 50' barn on concrete pad with gravel path within the 150' upland regulated area.
- B. **Application AA06-113 – Ernest F. Jordan, Jr. – 12 Palisado Avenue** – Remove sediment from culvert and regrade 12' area in front of outlet and add rip-rap to stabilize within the 150' regulated area.
- C. **Application AA06-114 – Phillip Thulen III for Patricia Corbett – 40 Tiffany Drive** – Remove debris and wooden bridge from watercourse, regrade slope and stabilize banks with soil, stone and native plant species within the watercourse and the 150' regulated area.

D. Application Remanded to the Agent

1. **Application 06-785 – Griffin Land – 872 & 976 Stone Road** – Phase 1: remove broken concrete pieces of dam, remove sediment from channel of watercourse, regrade banks and stabilize as required by CT-DEP. Phase 2: reconstruct earthen dam and spillway structure and provide access barrier. Phase 3: reconstruct pond with clearing and grading within the 150' upland regulated area.
2. **Application 06-790 – WE 605 & 615 Day Hill Road, LLC – 605 & 615 Day Hill Road** – reconfigure parking area and add loading dock with associated grading and paving within the 150' upland regulated area.
3. **Motion to add application 06-789 to the agenda** was made by Commissioner Vola.
Seconded by Commissioner Gegetskas.
All Commissioners voted yes.

E. Town Maintenance Applications

None.

VI. MISCELLANEOUS

- A. Correspondence with Mobil Station on Poquonock Avenue and River's Bend Complex

Agent Groff: They have been out to the site and their engineer will provide a plan and an application probably in February.

- B. Status of Rainbow Road erosion issue

Agent Groff: I spoke with Todd Penney, the project engineer, and we will look at it together to see how much of it is the town's responsibility. The head wall needs work and the rip-rap is not sufficient anymore. It needs to be cleaned out. Our drainage right of way is 20 or 25 feet. The project engineer has agreed to put it in as a town maintenance project. I also have a call in to the town attorney asking if a promise is made during a Commission meeting, what the responsibility is for the town, the Commission, and the applicant. The applicant's representative promised that there would be no increase in flow and there was.

VII. AGENT REPORT

Agent Groff: I received a letter from the town attorney's office regarding Mr. Islar. One day before things were to be completed per the court order, Mr. Islar filed for bankruptcy. Depending on which way he filed, we can file an application that we are owed money.

Chairman Levine: The bankruptcy laws have gotten more difficult. A lot of people file bankruptcy before a foreclosure starts and the court rejects it.

A. DEP Segment 3 Training

Agent Groff: This was an excellent seminar about wetland plants, which ones are obligate, meaning they grow in wet places at least 60% of the time. Facultative species were also discussed. I will copy the handout and distribute it to the Commission in the next packet

VIII. PETITIONS FROM COMMISSIONERS

Chairman Levine: My husband and I have purchased a property in South Carolina and are building a home. We will probably be leaving in another year. Perhaps in six months someone could take over.

Commissioner Vola: There is a bike in Washington Park Pond. When walking Mr. Vaca's property wear bright orange, the area is heavily hunted.

Agent Groff: I have several articles of interest for distribution.

IX. ADJOURNMENT

Chairman Vola: Motion to adjourn the meeting at 8:05 p.m.

Chairman Crosson: Second

All Commissioners vote yes

Respectfully submitted,

Kristin Countryman
Recording Secretary

I certify that these minutes were accepted on .

DEC 5 2006

Robert McCarron

Robert McCarron, Secretary
Windsor Inland Wetlands Commission