

**MINUTES – REGULAR MEETING
WINDSOR INLAND WETLANDS AND WATERCOURSES COMMISSION
Tuesday, December 05, 2006**

The meeting was called to order at 7:20 p.m. by Chairman Levine in the Ludlow Room of Windsor Town Hall, Windsor, CT.

I. ROLL CALL

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

A quorum of regular members was established.

II. PUBLIC COMMUNICATIONS

None.

III. PUBLIC HEARINGS

1. **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
Chairman Levine opened the public hearing at 7:25PM.

Mr. T.J. Barresi, Engineer, Ed Lally & Associates, representing Rivertown Village Associates, LLC presented to the Commission. The property is located on the south side of Park Avenue. It is in an agricultural zone. A regulation change regarding agricultural zones was made allowing age based restricted communities in an agricultural zone. The property is 22.5 acres with sewer and water coming from Park Avenue. There are wetlands on the property. The closest activity to wetlands is the emergency access between Stillwater and Estuary. The Engineering department has requested changes to the connector changing the two hammerheads to a modified cul-de-sac with the edges at the 50' line. The level spreader on the north side is 35' from the wetland. The level spreader was requested to ensure that the wetland area continues to receive water and is not dried out. The outlet from the detention basin on the south side of the project is at 104' elevation with the water table at 103.5'. Copies of the original plan were distributed to the Commissioners. The plan being presented is the feasible and prudent alternative for the site and is a better design.

Mr. Bob Mocarsky: Gave a history of the parcel. Initially it was 34 acres. The town requested that some agricultural land be left. Twelve acres was sold to an adjacent farm and will remain agricultural.

Mr. John Coghill, 5 Rivertown Road: Where is this in relation to the present Rivertown Village and my residence.

Mr. Barresi: the new development will be east of the present Rivertown Village.

Chairman Levine: Asked for any further comments or questions from the public. Hearing none, the public hearing was closed 7:40PM.

Chairman Levine: The applicant has taken great care in developing this site taking care of the wetlands.

Commissioner Vola: Motion to approve Application 06-797 Rivertown Village Associates, LLC with conditions as stated by the Wetlands Agent, Mr. Penney's comments, add #21 to list for a note on the deed, and the plantings to match what is existing currently on the property.

Commissioner Gilbert: Second

All Commissioners vote yes

IV. BUSINESS MEETING

A. Minutes

1. October 3, 2006

Agent Groff stated that the typed minutes had been lost due to a computer crash and the video tape not returned to her and lost as well. She will speak with the Planner to determine how to obtain minutes.

2. November 8, 2006

Commissioner Vola: Motion to accept the minutes of November 8, 2006 as corrected.

Commissioner MacDonald: Second.

All Commissioners vote yes

B. Old Business

1. **Violation** – Wilson Vaca – 976 Windsor Avenue – activity within watercourse without a permit with erosion and sediment affecting the floodplain.

Agent Groff: We went to the property and discussed what happened. The area was previously washed out and he tried to fix it. The boards he used are rotted and we told him to install large rip-rap on the downstream side of the culvert to prevent any further erosion and backfill under the pipe to stabilize it. The Town Project Engineer, Todd Penney has recommended an engineered concrete block wall as a long term repair and quarterly inspections by the Agent to determine when the activity should occur.

Commissioner Vola: Motion to direct the Wetlands Agent to inspect the property on a quarterly basis.

Commissioner Gegetskas: Second.

All Commissioners vote yes.

2. Violation – 73 Lang Road – William Rush

Agent Groff: Mr. Rush is present this evening. Definitions of a vernal pool were distributed to the Commissioners and Mr. Rush.

Mr. Rush: The work was completed two weeks ago. The Wetlands Agent seems to think that this is a vernal pool and I have discussed this with the Town Planner in great detail. The park ranger suggested that it was a public works issue. I had removed leaves and branches from the public walkway which still has trees and sediment creating a dead forest. I've taken the sediment out of the vernal pool and the wells around the trees have been dug. I am requesting that this be opened up for the wildlife that use the pond. It's a grave injustice to the animals that live in the pond for it to be dried up. The area is stabilized and the seed has taken. After the rain on Friday night there was no erosion. I am also requesting that the Commission waive the fee for the work that was done.

Chairman Levine: The park ranger can address the drying up of the pond with our Agent. It sounds like you've done everything that you were supposed to do. We will speak to the Northwest Park ranger to have the other issues taken care of.

Commissioner Massey: Motion to waive the fee conditional upon the wetland agent's inspection.

Commissioner Gegetskas: Second
All Commissioners vote yes.

C. New Business

1. Application 06-798 – Michele C. Eleveld – 880 Palisado Avenue – construction of a single-family home within the 150' upland review area.

Chairman Levine: Stated for the record that she had a personal conversation with Mr. Eleveld last summer regarding landscaping for his property. She stated that she feels she can be objective about the application.

Mr. Ronald Eleveld presented the application. We acquired property at 880 Palisado Avenue that is zoned agricultural. We would like to build a home with internal office space. The home is not within the 50' wetlands however it is within the 150' upland review area.

Agent Groff: The silt fence should be moved ten feet closer to the house to get the activity further away from the watercourse.

Chairman Levine: Will the garage be for personal or business use?

Mr. Eleveld: The garage will be primarily for home use; however in the future if there is space available an employee may make use of it.

Commissioner Gilbert left the meeting at 8 p.m.

Commissioner Vola: Motion to accept Application 06-798.
Commissioner Gegetskas: Second
All Commissioners vote yes.

Commissioner Vola: Motion to waive the public hearing and approve application 06-798 – with the standard conditions recommended by the Agent and moving the silt fence.
Commissioner Gegetskas: Second.
All Commissioners vote yes.

2. Application 06-799 – Newgate Builders, Inc. – 633 Stone Road –
construction of a single-family home with the 150' regulated area.

Mr. T.J. Barresi, Engineer, Ed Lally & Associates, representing Newgate Builders presented to the Commission. A subdivision was approved in 1997. The regulated activity is within the 150' buffer from the wetlands. There is no major grading. There needs to be a septic system because there is no sewer, but requires no major fill.

Agent Groff: How much fill do you expect to bring in for the house?

Mr. Barresi: It is estimated to be about 1 - 1 ½ feet.

Chairman Levine: Is the existing barn part of the parcel and is it going to be used?

Mr. Barresi: The barn is part of the parcel and it will be maintained.

Commissioner MacDonald: Motion to accept Application 06-799.
Commissioner Massey: Second.
All Commissioners vote yes

Commissioner MacDonald: Motion to waive the public hearing and approve Application 06-799 with the standard conditions recommended by the Agent.
Commissioner Massey: Second.
All Commissioners vote yes.

3. Application 06-800 – Unisource Worldwide, Inc. – 100 Helmsford Way –
construction of a subsurface drainage system with stormwater treatment, removal of accumulated sediment from watercourse, replace check dams and stabilize banks of watercourse with rip-rap and vegetation.

Mr. Robert Newton, Engineer, representing Unisource Worldwide addressed the Commission. Unisource Worldwide is located on Helmsford Way off of the Day Hill Corridor. We are proposing modifications to the storm system. There is a history of erosion and a deposition of sediment in the area. It will consist of construction of a subsurface drainage system with stormwater treatment, removal of accumulated sediment from watercourse, replace check dams and stabilize banks of watercourse with ~12" rip-rap and vegetation. The wetlands

were flagged by Baystate Environmental in September. The leak-offs will be closed with curbing, catch basins will be installed and a Stormceptor unit will be used prior to discharge to the plunge pool and watercourse. Maintenance will be once per year for the Stormceptor and catch basins and every 2 years for the check dams and plunge pool.

Commissioner Vola: When is the work proposed to be done?

Mr. Newton: The work is proposed to begin in the spring.

Agent Groff: The access area east of the headwall wall is not noted on the plans and it needs to be shown. The location of the temporary crossing of the watercourse needs to be shown on the plans with a detail in the notes section. Temporary stockpiled soil will need silt fence.

Commissioner Vola: Motion to accept the application 06-800 – Unisource Worldwide, Inc.

Commissioner MacDonald: Second
All Commissioners vote yes.

Commissioner Vola: Motion to waive the public hearing and approve application 06-800 provided that the Agent's comments are addressed, applicable standard conditions and a site visit is performed.

Commissioner MacDonald: Second.
All Commissioners vote yes.

4. Application 06-801 – Windsor Business Park, LLC – 123 Day Hill Road – increase parking area to comply with zoning regulations (to be deferred) within the 150' upland regulated area.

Mr. Jack Neubieser, Engineer, Borghesi, representing Windsor Business Park, LLC addressed the Commission. New drawings were distributed to the Commissioners. The project is for a 45,000 sq. ft. addition. As part of the zoning regulations we are required to show an additional amount of parking. The parking was moved outside of the 50' of the wetlands.

Commissioner Vola: Motion to accept application 06-801 – Windsor Business Park, LLC.

Commissioner MacDonald: Second
All Commissioners vote yes.

Commissioner Vola: Motion to waive the public hearing, approve application 06-801 – Windsor Business Park, LLC and remand the application to the Wetlands Agent pending receipt of information.

Commissioner MacDonald: Second.
All Commissioners vote yes.

- 5. Application 06-802 – Rayco Development, LLC – 770 Matianuck Avenue**
– construction of 10 single-family homes with infrastructure and grading within the 150' upland regulated area.

Commissioner Gegetskas recused himself from the application.

Chairman Levine sat Commissioner Towers as a regular voting member for the application.

Mr. Wilson Alford, Jr., Alford Associates, representing Rayco Development addressed the Commission. The proposal is to extend Sunny Field Drive and construct 10 homes. The closest foundation to the wetland is 75'. The drawings reflect the Wetland Agents comments. There are five catch basins that are in the street and four others. There are none in the cul-de-sac. The detention basin is in the northeast corner of the property with the conservation easement area noted on the drawings.

Agent Groff: Mr. Wistrom, an abutter, called me today and was very positive about his meeting with the developer regarding his water concerns.

Commissioner Massey: Motion to accept application 06-802 – Rayco Development, LLC.

Commissioner Towers: Second

All Commissioners vote yes.

Commissioner Massey: Motion to waive the public hearing and approve application 06-802 provided that the Wetland Agent's comments are addressed and the recommended conditions are included.

Commissioner MacDonald: Second.

All Commissioners vote yes.

6. Meeting Schedule for 2007

Commissioner MacDonald: Motion to accept the Meeting Schedule for 2007 with the correction changing Thursday, January 4th to Wednesday, January 3rd.

Commissioner Gegetskas: Second

All Commissioners vote yes.

D. Applications Received 1 day before Meeting

- 1. Application 06-803 – Windsor Stevens, Inc. – 40 Stevens Mill Road** – repair and maintain culvert and dam within watercourse.

Mr. Wilson Alford, Jr., Alford Associates, representing Windsor Stevens, Inc. addressed the Commission. There is a mill that is still making paper next to the Farmington River that receives water from the Rainbow Brook. They are requesting a permit to repair the weir and berm if it is damaged during a storm. I suggested that they use larger stones than before to prevent frequent washouts.

Agent Groff: They need the water immediately if the weir is damaged because they can't operate their business without water.

Commissioner Vola: Motion to accept application 06-803 – Windsor Stevens, Inc.

Commissioner Gegetskas: Second

All Commissioners vote yes.

Commissioner Vola: Motion to approve application 06-803 – Windsor Stevens, Inc. and remand it to the Wetlands Agent.

Commissioner Gegetskas: Second.

All Commissioners vote yes.

D. AGENT SIGN-OFFS

- A. Application AA06-115 – Neil & Cliona Beaulieu** – 309 Trapper Circle - Repair stone wall and stabilize banks with soil, rip-rap and new vegetation within the watercourse and 150' upland regulated area.
- B. Application AA06-116 – Michael & Darlene Jezouit** – 159 Ethan Drive – Install 110' of 10' perforated pipe to control flooding and regrade to the east of the pipe within the 150' upland regulated area.
- C. Application AA06-117 – Robert Lodge** – 92 Ethan Drive – Construction of a 26' x 26' garage on concrete pad with footing, a paved driveway and stone swale within the 150' upland regulated area.
- D. Application AA06-118 – Jose Pacheco** – 775 Park Avenue – Construction of a 40' x 40' garage on concrete pad with footings and partially paved driveway with the 150' regulated area.
- E. Application 06-119 – Gary Starr** – 299 Merriman Road – Construction of a 24' x 28' garage on concrete pad with piers within the 150' upland regulated area.
- F. Application AA06-120 – Gregory Quinn** – 35 Rainbow Creek Drive – Construction of a 10' x 7' shed on gravel pad within the 150' regulated area.
- G. Application AA06-121 – Paul & Angela Gegetskas** – 549 Rainbow Road – Construction of a 15' x 15' addition to home on concrete pad within the 150' regulated area.
- H. Town Maintenance Applications**
 - 1. 22 Holly Circle** – Add repair of sinkhole to existing permit
 - 2. 52 Palisado Avenue** – revise parking area to comply with ADA requirements

Agent Groff: This is the parking area across from Bart's. They are adding handicapped parking spaces and a ramp for wheelchair access.

VI. MISCELLANEOUS

A. Status of Rainbow Road erosion issue

Agent Groff: I wrote to Vinnie and told him that there may be some town maintenance issues. He asked if the developer was still viable and I said yes. If the person is interested in pursuing it, it becomes a civil matter. I spoke to the Town Project Engineer and this area will be reviewed for a Town Maintenance permit.

VII. AGENT REPORT

Agent Groff: I received a phone call from Mr. Macierowski, 900 Palisado Avenue last Thursday that somebody had dumped a lot of junk across the street. We checked it out and it had to be removed. The person contracted for the sidewalk had dumped three truckloads and some of it went into the wetlands.

I received a letter from Fuss & O'Neil regarding the pond dredging on the Hamilton site on rainbow Road; it has been completed. I went out and checked it and it looks totally different, it looks really nice. They took six truckloads of sediment out of the pond.

A. Wetland Violation Ordinance

Agent Groff: As of December 1st this ordinance is in effect. The Town Manager already published the ordinance in the paper.

Agent Groff: On this month's agenda there was a homeowner permit granted to 159 Ethan Drive to Michael and Darlene Jezouit. Upon inspection, instead of one 10" perforated pipe, two 12" pipes were installed. He is in immediate violation of his permit and causing sediment and increased water flow on the adjacent property which is against zoning regulations. I will be inspecting the property tomorrow to see how bad the damage is.

The new Town Planner is not happy with the cavalier attitude that developers and residents have regarding the environment. That is why I added the condition for an independent inspector for the Rivertown application. It's a common condition for large sites for towns in the state for an independent inspector to perform the inspection. For the Walgreen's site I receive a weekly report of the conditions of when they did the inspection, whether there was a rain event, a narrative of what was found and a reduced map; so far there have been 28 problems. The amount of silt fence on the Rivertown site and the conditions that have been consistent on the current site warranted it. There are so many contractors on site and no one in charge.

VIII. PETITIONS FROM COMMISSIONERS

Commissioner Towers: It's nice to see Walden Meadow Road and the pond with all the foliage. I'm glad we are getting remediation of the sedimentation.

IX. ADJOURNMENT

Chairman MacDonald: Motion to adjourn the meeting at 9:10 p.m.

Chairman Vola: Second

All Commissioners vote yes

Respectfully submitted,

I certify that these minutes were accepted on

Kristin Countryman
Recording Secretary

Robert McCarron, Secretary
Windsor Inland Wetlands Commission