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MINUTES – REGULAR MEETING
WINDSOR INLAND WETLANDS AND WATERCOURSES COMMISSION
Wednesday, January 03, 2007

The meeting was called to order at 7:03 p.m. by Chairman Levine in Council Chambers of Windsor Town Hall, Windsor, CT.

I. ROLL CALL

Present: Paul Gegetskas, Jill Levine, Gary Crosson, Sharon MacDonald, Charles Vola, Dean Massey (arrived at 7:05 p.m.), Linnea Gilbert (arrived at 7:20 p.m.), Alternate Shana Prevost, Alternate Marlene Towers and Agent Groff

Excused: Edward Borowski, Robert McCarron

A quorum of regular members was established.

II. PUBLIC COMMUNICATIONS

Mr. Robert Daddario, representing the Lord Family, LLC addressed the Commission. There is a court case going on regarding the development of the property and access using the culvert. He requested a meeting at the culvert to review the repairs and see that it is now safe for traffic to travel over. There would not be any damage done to trees and the road is safe for construction equipment to travel over.

Commissioner Massey: Motion to amend the agenda to add Item 7 for discussion of a procedural rule for alternate members and Item 8 for an Executive Session to discuss the pending litigation and invitation to the site.
Commissioner Vola: Second.
All Commissioners vote yes

III. BUSINESS MEETING

A. Minutes

1. October 3, 2006
Commissioner Vola: Motion to accept the minutes of October 3, 2006 as corrected.
Commissioner Crosson: Second.
All Commissioners vote yes

2. December 5, 2006
Commissioner Vola: Motion to accept the minutes of December 5, 2006 as corrected.
Commissioner MacDonald: Second.

All Commissioners vote yes

B. **Old Business**

1. **Violation** – 73 Lang Road – William Rush

Agent Groff: I visited the property yesterday and took pictures. Most of the trees have wells dug around them; there are two trees to go. He will complete the application form within the next week so we can close this out.

C. **New Business/Accepted Applications**

1. **Application 06-777B – ING North America Insurance** – Day Hill Road at Blue Hills Avenue (Rte. 187) – widen road on east side of northbound Blue Hills for right turn lane and grading in the 150' upland regulated area.

Chairman Levine: Why isn't the state representing this and do we need DEP approval? How close to the Bloomfield line is it and do we have to notify the Town of Bloomfield?

Commissioner Crosson: Who did the plans?

Mr. Roger Kellman representing ING North America Insurance: ING is the entity for which the work is being done. Part of it is on state property. There are four separate applications. The maps were reviewed with the Commission. There is a little over 6,000 square feet of upland impact at this site. We may be within 500 feet of the Bloomfield town line.

Mr. Todd Penney, Project Engineer, Town of Windsor: Like any offsite program, we are paying for it as part of the economic development package we are giving ING. DEP would only get involved if it was a state project and if we were going to have some wetlands impacts. H.A. Hesketh did the plans for ING, which the Town Engineering Department reviewed along with the DEP. During the planning, the offsite improvements were only schematic. We've come up with construction plans over three months that we are ready to go out to bid with in the near future. I don't think we are within 500' of Bloomfield.

Agent Groff: There are erosion sedimentation controls listed on the plan. All of the catch basins have barriers and silt sacks. My only comment is the depth of the sump at the corner.

Commissioner Vola: Motion to accept **Application 06-777B** provided that the complete drawings are provided to the Town.
Commissioner MacDonald: Second
All Commissioners vote yes.

Commissioner Vola: Motion to refer **Application 06-777B** to the Wetlands Agent.
Commissioner Massey: Second.
All Commissioners vote yes.

2. **Application 06-777C – ING North America Insurance** – Day Hill Road at Northfield Drive – widen road on north side of westbound Day Hill Road for a right turn with temporary watercourse crossing and grading with the 150' upland regulated area.

Mr. Kellman: There is some minor work in the center island area further away. There are some wetlands on the north side of the road. It hasn't been field surveyed by survey scientist and I conservatively estimated it. The Wetlands Agent distributed a field survey and is flagged in the field and is further back from the road than I conservatively estimated when the plan was completed. The wetlands start at the edge of a pipe. We will have it surveyed and put on the drawing. Our work does not extend into the area.

Agent Groff: Is there an intermittent watercourse?

Commissioner Levine: What about the silt fence and will there be curbing?

Mr. Kellman: Yes, there is an intermittent watercourse but we are not impacting the watercourse. There is silt fence that we will have to establish and there will be a slope towards the wetlands. The silt fence will not be removed until vegetation has been established. We can use matting that doesn't use the nylon mesh.

Mr. Penney: This is an existing fill condition of Day Hill Road. To accommodate that right hand turn lane into Northfield Drive, we start to widen with a taper up to 14 feet. At the limits of the culvert, we are widening out approximately 10 feet. It is an existing 6-8 foot fill that we will just push over. There is an existing closed drainage system there now for stormwater from the road to be collected. There will be curbing. We would like all of these projects remanded to the Wetlands Agent to expedite the projects.

Commissioner Vola: Motion to accept **Application 06-777C**.
Commissioner MacDonald: Second
All Commissioners vote yes.

Commissioner Vola: Motion to refer **Application 06-777C** to the Wetlands Agent.
Commissioner Gegetskas: Second.
All Commissioners vote yes.

3. **Application 06-777D – ING North America Insurance** – Marshall Phelps Road at Poquonock Avenue (Rte. 75) – widen road on northwest side of southbound Poquonock Avenue for right turn lane and north side of Marshall Phelps with upgrade drainage and grading within the 150' upland regulated area.

Mr. Kellman: We are widening on all four sides of the intersection. The existing pond is surrounded by a grassy area. Phelps Brook runs north to south under Marshall Phelps Road. The total impact area within the upland regulated area is about 22,000 sq. feet. There will be some temporary direct work to construct the retaining wall and widening along the culvert, which is right at the edge of the wetlands and watercourse. There will

probably be some encroachment during construction. There is probably some minor wetland vegetation disturbance along the edge of the pond. We will be adding a new catch basin at the corner of Marshall Phelps and Kendrick Place with a 4-foot sump.

Chairman Levine: Where does the discharge from the drainage system go?

Commissioner Crosson: Have the neighbors been notified and if not, should they be? I would want them to be given an opportunity to have this thoroughly explained to them since the setting is primarily residential and has historical significance. If you change the plan they should be able to see the new plans.

Mr. Penney: The existing drainage system has a catch basin on the far side that discharges a standard outlet discharge. There is no plunge pool or rip-rap. There is a little erosion, nothing major. The basin doesn't get a lot of water. The widening allows for a catch basin with a 4' sump. There will be a plunge pool to dissipate the velocities. We originally designed calling for a 2 to 1 slope which would have required a metal guide rail. We decided to go for a 4 to 1 to eliminate the metal guide rail to maintain some of the aesthetic value, which would bring the grading 10 feet closer to the brook. It will be easier to maintain with the mowers also. One of our suggestions was to plant a couple of trees to help supplement the removal of the large trees. The neighbors were notified when we did the original public hearing. The specific details of tree removal may not have been identified. The trees are within the state's right of way.

Agent Groff: There was also discussion to modify the area with more landscaping than what is shown. The tree removal will have to go through the process. Was a neighborhood meeting done?

Chairman Levine: If we decide to go to a public hearing, the neighbors will be notified and they can attend the public hearing. Is the pond owned by the Town?

Mr. Penney: A neighborhood meeting was not done regarding the specifics of this particular project. All of the work is being done within the right of way of Marshall Phelps, the state's right of way or the town property. The pond is owned by the Town. There is a 72" culvert which carries Phelps Brook across the road. There are two catch basins which discharge directly into the culvert without sumps. We've asked Hesketh to remove the low point off the culvert, construct two new catch basins with 4' sumps to improve the water quality issues before it gets into Phelps Brook. That will directly discharge through the concrete/abutment wall. A guide rail can't be there without significant reinforcement. There is existing wooden rail fence that we will replace.

Commissioner Crosson: Will a 30 day deferral have a significant impact on the project?

Mr. Penney: A 30 day deferral with a public hearing in February will not have a significant impact on this project.

Chairman Levine: Will the two 4' sumps improve the drainage? The Ward property had removal of material which compromised the slope, will this ultimately improve his issue?

Was there any thought to perhaps building a bridge with railings on both sides to protect the wetlands instead of a 42" concrete wall. A few years ago they replaced the guard rails on the Wilbur Cross Highway and they are very aesthetically appeasing. I'm also considering crossing wildlife that can't cross a solid wall but can scoot under a fence. West Hartford, off of I-84 at the Park Road exit has an attractive bridge with rails. This is a gateway project, we want it to be beautiful. Perhaps we could see some drawings of different ideas instead of a one dimensional line on a piece of paper. This is the time to address these issues.

Agent Groff: We have to be careful not to overstep our boundaries of jurisdiction.

Chairman Levine: Agreed with Agent Groff.

Mr. Penney: It will improve the drainage, but mostly the water quality. It is fairly a smaller watershed. There are existing basins which will be changed to manhole covers and add additional piping for the catch basins. This is independent of his issue, it will not improve it. We won't be going in there and removing those trees. The bridge would significantly increase the cost, there may still be some sort of concrete abutment. Does the town want to look at the capacity issues with the culvert. That is not necessarily an ING improvement issue. That is another project. We are trying to come up with the best available project which minimizes the impact of the wetlands, allowing the time and cost of restrictions construction. Nothing that we are doing is going to jeopardizing the existing conditions of the stormwater and the culvert. We've tried to implement modest improvements which we could do within the confines of this project. There are other methods but it becomes a cost issue.

Mr. Kellman: Because of the width of the lining that we need, having a slope with a guardrail will not be enough. The proposed wall is being located in the stone rip-rap area. We may be able to leave some small holes in the wall at road level for animal crossings. We could also look at the facings on the wall toward the road.

Agent Groff: We can certainly look at a combination.

Commissioner Crosson: Motion to accept **Application 06-777D**.
Commissioner Gilbert: Second
All Commissioners vote yes.

Commissioner Crosson: Motion to refer **Application 06-777D – ING North America Insurance** – Marshall Phelps Road at Poquonock Avenue (Rte. 75) for a public hearing.
Commissioner Gegetskas: Second.

Commissioner Vola: I don't see why we need to go for a public hearing. There are a lot of abutters, but it is Town property.

Commissioner MacDonald: I'm not sure that we need a public hearing either.

Chairman Levine: I thought we may not need a public hearing, but a letter to the abutters inviting them to come in and look at the plans would be nice.

Motion Carries 5-2-0 with Chairman Levine and Commissioner Vola opposing. Public Hearing to be scheduled for February.

4. **Application 06-777E – ING North America Insurance** – Poquonock Avenue (Rte. 75) at Interstate 91 – widen Poquonock on the south side eastbound, west side of I-91 northbound exit ramp, west side of Poquonock Avenue eastbound with improved drainage and grading within the 150' upland regulated area.

Mr. Kellman: The project begins very close to Day Hill Road. There is a lot of work going towards the town center. Continuing east on Poquonock Avenue, the proposed widening was previously approved by this Commission in 2004 under the HD2 permit for Price Chopper, etc. The watercourses were reviewed on the map.

Commissioner Vola: Motion to accept **Application 06-777E**.
Commissioner Gilbert: Second
All Commissioners vote yes.

Commissioner Vola: Motion to refer **Application 06-777E** to the Wetlands Agent.
Commissioner Gilbert: Second.
All Commissioners vote yes.

5. **Violation** – Stephen Plant – 165 Ethan Drive

Agent Groff: We started this investigation because of water issues at other properties. The water is coming from a footing drain coming from a sump pump. The pipe runs all the time. When the pump pumps, the water makes an arc and goes out about 6 feet, about every four minutes out of the basement, 365 days a year. This home was built in 2000 on top of the spring. The house sits downhill from a bunch of springs. The home also receives water uphill from other properties. There are a bunch of leaves and sediment has blocked the swale, which causes the problem which then causes the water to slope down to the property at 159 Ethan Drive. The plan is being amended because of the possibility of freezing of a pipe above ground. The swale needs to be cleared. A remediation plan is being developed. A fine is not applicable in this case because he came forward immediately and said he wants to fix this problem.

6. **Violation** – Darlene Jezouit – 159 Ethan Drive

Agent Groff: There was a violation issued for the length and type of pipe installed. There is a watercourse on the adjacent property (#137) about 45 feet away from where the trees were cleared. The property at #159 is impacted by 165 Ethan Drive and is caught in the middle. The property owner of 137 Ethan Drive has sent a letter from his attorney to Mr. Jezouit. Also, Mr. Jezouit has an application in for a shed.

Mr. Jezouit: I originally came in to Town hall last summer and was told that I didn't have wetlands on my property. When I wanted to install a pipe to get rid of the water in my back yard and trees were cleared for the work, a neighbor called the town to complain and now there is water from 165 Ethan Drive. I had a contractor come in and he installed two pipes instead of one. I would like to amend the permit for the pipes that are there.

Agent Groff: Once the direct flow is eliminated he will most likely not have a water problem. Mr. Plant purchased the property at 165 Ethan Drive a year ago and didn't know about the violation that existed. He wants to fix the problem. The neighbor who had his attorney send the letter is offering an easement for the water to flow 35' to the rear into the watercourse.

Chairman Levine: It sounds like there needs to be coordination between property owners.

Agent Groff: We are trying to work everything out together and everyone is being cooperative.

Commissioner Vola: Motion to allow Mr. Jezouit to amend his application for two 12" pipes instead of his one approved 10" pipe.
Commissioner Gegetskas: Second
All Commissioners vote yes

7. Discussion of a Procedural Rule for Alternate Members
Chairman Levine: A court case recently ruled that alternate members can't participate in discussions after the public hearing is closed.
Commissioner Vola: Motion that the item alternate members may not participate in discussion after the public hearing will be tabled until the next meeting.
Commissioner Gegetskas: Second
All Commissioners vote yes

D. Applications Received 1 day before Meeting
None.

IV. AGENT SIGN-OFFS

A. Application AA06-122 – Andrew & Angela Thorney – 68 Tamarack Drive – construction of a 20' x 24' addition to home on piers within the 150' upland regulated area

B. Application Remanded to Agent

1. Application 06-793 – Jubrey Enterprises, LLC. – 401, 405, 409 Dudleytown Road – construction of ten (10) single-family homes with new road and associated grading, paving, drainage, and utilities within the 150' upland regulated area.

C. Town Maintenance Applications
None.

V. MISCELLANEOUS

A. Letter of Violation Release – Silliman

B. Town Engineer response to Pleasant Street construction email

Commissioner Gegetskas: Motion to table Item V. B. Town Engineer response to Pleasant Street Construction email.
Commissioner MacDonald: Second
All Commissioners vote yes

VI. AGENT REPORT
None.

VII. PETITIONS FROM COMMISSIONERS
None.

VIII. ADJOURNMENT
Commissioner Gegetskas: Motion to adjourn the meeting to enter into Executive Session at 8:45 p.m.
Commissioner Gilbert: Second
All Commissioners vote yes

IX. EXECUTIVE SESSION
A. Discuss Pending Litigation

Respectfully submitted,

_____
Kristin Countryman
Recording Secretary

I certify that these minutes were accepted on

_____.

_____
Robert McCarron, Secretary
Windsor Inland Wetlands Commission