

**REGULAR MEETING MINUTES  
WINDSOR INLAND WETLANDS & WATERCOURSES COMMISSION  
TUESDAY MARCH 3, 2020 7:00PM  
COUNCIL CHAMBERS WINDSOR TOWN HALL**

Chairman Lou Morando called the meeting to order at 7:03 PM.

**I. Roll Call (Chairman Morando reminded everyone to silence their cell phones.)**

Present: Chairman Lou Morando, Secretary Marlene Towers and Commissioners Ruth Jefferis, Steven Fraysier, Adam Schibley, James Walton, Paul St. Amand, and Kevin Washington. A quorum was established.

Absent: Commissioner Richard Williams

Also present was Town Planner Eric Barz, Assistant Town Planner Todd Sealy and Interim Inland Wetlands and Watercourse Agent Barbara Kelly.

**II. Public Communications (3-minute limit on items other than Public Hearings)**

Public communications open at 7:04 PM.  
There were no comments from the public.  
Public communications closed at 7:04 PM.

**III. Business Meeting**

**A. Minutes**

Commissioner Schibley made a motion to approve the minutes as amended for the February 4, 2020 meeting. Commissioner Towers seconded the motion.  
The commission voted 8-0-0.

**B. New Business**

Designate Barbara Kelly as Interim Inland Wetlands and Watercourse Agent.

Commissioner Schibley made the motion to designate Barbara Kelly as the Interim Inland Wetlands Agent, Commissioner Towers seconded the motion.  
The commission voted 8-0-0.

**C. Old Business**

There were no authorized agent actions to report.

**V. Public Hearing**

Application 19-109\_1201 Kennedy Road – SPA Properties – Distribution Center.

Public Hearing was opened at 7:08PM

Commissioner Fraysier recused himself from the Commission.

Attorney Tom Cody, Robinson & Cole, was present and addressed the Commission on behalf of the applicant SPA Properties, LLC. Atty. Cody gave the Commission a recap from the January 2020 meeting.

Dean Gustafson, Soil Scientist from All-Points Technology Corporation was present and addressed the Commission. Wetland #1 is located on the West side with a central perennial stream that has hillside seepage feeders to the wetland. Wetland #2 is located and flows off the property to the south with delineated wetland resourced off site which is an intermittent watercourse that narrows. Wetland #3 is located on the eastern portion of the site that has larger hillside seepage that drains to the central portion and is associated with an intermittent stream system. Wetland #4 is located a small isolated wetland that is located near wetland #3, but is cut off from it by the farm road. Wetland #1 is the highest functioning wetlands on the property and the other wetlands are very similar to each other. There is no direct disturbance to any of the wetlands and any work would be limited to the upland review area. There is a proposed bridge spanning over an area of wetlands in order to avoid direct impact and having a site with soils that facilitate good infiltration. The storm water would mainly be treated through infiltration. 12% of the upland review area will be disturbed by the project. The storm water management system will not have an adverse effect on the wetlands. Sediment and erosion control plan will be implemented prior to construction and in addition to that an Environmental/wetland scientist monitor, inspections during construction before significant storm events, monitoring of facility slopes during operation, periodic inspections after typical storm events throughout the course of the construction.

Nate Kirschner, from Langan Engineering was present and addressed the Commission. Mr. Kirschner gave an overall of the distribution center. There are 200 truck loading spaces along the western edge of the building and 1,800 employee parking spaces. There are two access locations, one along Kennedy Road and the other over the bridge avoiding the wetlands. No drainage will leave the site. Infiltration flow is fast through this site. There are several basins for infiltration and to retain a 100 year storm. The storm water was over designed for the site based on the infiltration rates. Mr. Kirschner stated that there are emergency spillways. The clean roof water is being managed and used to support the vitality to wetland #1. There is a three phase erosion and sediment control plan. Phase one is initial mobilization of contractors, Phase two is mass earth work, and Phase three is site construction which would focus on the building and related site work such as the road and storm infrastructure which would be enclosed with silt fencing. He stated the last component to be installed would probably be the bridge. Mr. Kirschner stated that he couldn't speak for the means and methods of the contractor but he assumed this would be the logical approach. The timeframe for construction is fifteen

months. The facility would be scheduled to open in August 2021. Mr. Kirschner gave an overview of the erosion and sediment control practices and details that will be in place to minimize disturbance to the wetlands during construction. Mr. Kirschner presented a drawing to the commission detailing the bridge and abutments. He noted that the abutments were sixty three and thirty six feet away from the wetlands.

Tom Cody concluded the presentation by stating that the design team has taken great care to minimize the impacts to the wetlands by implementing best management practices, thorough erosion and sediment control, and a storm water management system designed for 100 year storms.

Commissioner Schibley asked the design team if consideration was given to relocating the second entrance to avoid bridging the wetlands. Mr. Kirschner stated that the layout of the parking lot was to maintain optimum circulation within the parking lot. He stated that if there was an alternative that could have avoided the bridge, they would have gone with that alternative as the bridge added significant costs to the project. Mr. Schibley commented on the uniqueness of the application and stated that while having a large development being built on the site, the disturbance to the wetlands was minimal. As this is not a high functioning wetland, in that it does not have a lot of ecological value but it is primarily for water storage, great care was taken to minimize the hydrological impacts.

Chairman Morando asked if there were any petitions in the audience.

There was no one in the audience in favor of the application.

There was no one in the audience against the application

There was no one in the audience neither for nor against the application.

Chairman Morando closed the public hearing at 8:02pm

Chairman Morando reopened the public hearing at 8:04pm at the request of the Town planner to allow for the interim wetlands agent Barbara Kelly to address the commission and applicants.

Barbara Kelly, Interim wetlands agent read a memo which outlined some of her questions regarding the site. Mrs. Kelly stated that she had concerns near wetlands 1, that deep channels have formed on these slopes and that she was concerned that the channels would further erode. She was also concerned that two of the outfalls would concentrate flow onto steep slopes and could erode the hillside. She was concerned that after construction, if no one is monitoring the site, it could potentially create problems of channelization, sediment washout, and erosion down the hill.

Mr. Kirschner addressed these concerns by stating that the outfalls would only flow during extreme events and the flow would be dissipated by rip rap and grass pavers. Mr. Kirschner stated there would be a construction inspector on site during construction to ensure the infrastructure was installed and working properly.

Mr. Cody stated that they were willing to accept any conditions on the approval as the commission saw fit. Mr. Cody stated that if the commission wished to have a special inspector during construction to monitor the outfalls and wetlands during and after construction. The commission discussed with the applicant the possibility of conducting special inspections before and after major storm events. There was discussion among the commission on how best to state the condition of inspections during significant storm events.

Commissioner Schibley made a motion to approve application 19-109\_1201 Kennedy Road – SPA Properties – Distribution Center with related infrastructure, finding no reasonable alternative the application was **approved with standard and special conditions such as: Environmental/wetland scientist monitor, inspections during construction before significant storm events, monitoring of slopes during facility operation, periodic inspections after typical storm events.** Commissioner Towers seconded the motion.

**Vote:** 7-0-0 with Commissioner Fraysier recused.

Commissioner Fraysier returned to the meeting.

Proposed amendment to the Windsor Inland Wetlands and Watercourses Regulations: Section 2.1(z) and Section 10.9

Commissioner Towers read the legal notice into the record. The commission stated that the application was being held to allow for public comment.

The commission discussed a letter regarding the application sent by Darcy Winther, of Department of Environment and Energy. The letter questioned some of the language in the regulations that was approved prior to this amendment. There was discussion if the Town's attorney should review this language or if it should be removed from the regulations. The commission decided to continue the hearing to receive clarification and recommendations from Ms. Winther and the Town attorney regarding the text.

Commissioner Schibley made a motion to **continue the public hearing for the proposed amendment to the Windsor Inland Wetlands and Watercourses Regulations: Section 2.1(z) and section 10.9 to the April 7<sup>th</sup> meeting,** Commissioner Towers seconded the motion.

**Vote:** 8-0-0

## V. Miscellaneous

There were no miscellaneous to report.

## VI. Authorized Agent Actions

Wetlands Agent Barbara Kelly signed off on an application for 40 Henry Street for the Windsor Housing Authority, stating that the work was within the 150 upland review area but will not have direct impacts to the wetlands

**VII. Agent Report**

There were no Agent Report.

**VIII. Petitions from Commissioners**

There were no Petitions from Commissioners.

**IX. Adjournment**

Chairman Morando entertained a motion to adjourn.

Commissioner Schibley made the motion to adjourn at 8:30 PM, Commissioner Towers seconded the motion. The commission voted 8-0-0

I certify that these minutes were approved on  
April 7, 2020

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Marlene Towers, Secretary  
Inland Wetlands and Watercourses Commission