

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

**Meeting Location: Online webinar, to join via computer please go to the link below
<https://zoom.us/j/104244167>**

To join via telephone please dial: +16465588656 then when prompted 104244167#

Chairman Lou Morando called the meeting to order at 7:05 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, and Paul St. Amand. A quorum was established.

Absent: Commissioner Richard Williams, James Walton and Kevin Washington

Also present was Assistant Town Planner Todd Sealy and Inland Wetlands and Watercourse Agent Emily Perko.

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

Public communications open at 7:06 PM.

There were no comments from the public.

Public communications closed at 7:09 PM.

III. Business Meeting

A. Minutes

Commissioner Towers made a motion to approve the minutes as corrected for the March 3, 2020 meeting. Commissioner Fraysier seconded the motion.

The commission voted 6-0-0.

B. New Business

Designate Emily Perko as Inland Wetlands and Watercourse Agent.

Commissioner Towers made a motion to designate Emily Perko as the Inland Wetlands and Watercourse Agent.

Commissioner St. Amand seconded the motion.

The commission voted 6-0-0.

Application 20-110_100 Meadow Road – Riverfront Recapture Inc. – Demolition of warehouse building

Marc Nicol, Director of Planning and Development for Riverfront Recapture was present and addressed the commission. Riverfront Recapture purchased 62 acres, 2 of which are in the town of Windsor. On the 2 acres there is an old produce warehouse on the property that is located in a floodplain. Mr. Nicol explained that the warehouse needed to be demolished so further development of the Hartford to Windsor River walk can be completed. Mr. Nicol stated that the entire parcel is located in the 100 year floodplain. Mr. Nicol stated that Riverfront Recapture would like to create a cove for paddle sports where there was already a partial cove dug by the previous owners. Riverfront Recapture wanted to take the soil out of the cove and move to the upper ground to raise the land above the 100 year flood level to make it a viable development parcel. Mr. Nicol noted that the revenue generated by the development would help offset the cost of the larger park area Riverfront wishes to develop.

Mr. Nicol stated that the demo for the warehouse would occur in May 2020. Town of Windsor staff have reviewed the site numerous times.

Commissioner Fraysier asked Mr. Nicol if the building was located on the east or west side of the train tracks. Mr. Nicol stated that it is located on the east side of the tracks.

Mr. Nicol stated that all vegetation around the building has been removed, all utilities have been disconnected and the next step is to remediation of the building then to demolish it.

Commissioner Schibley asked Mr. Nicol if this was located slightly southwest of Decker's Brook. Mr. Nicol stated that yes it is. Commissioner Schibley asked if the Windsor Hartford line was about 100 feet south of the building. Mr. Nicol stated that it's maybe 50 feet. Commissioner Schibley noted that there are several provisions in our regulations that require notice to adjoining municipality and he asked if that notice has been sent to Hartford. Environmental Planner Perko stated that once it's considered received she will send out the notification to Hartford. Mr. Nicol noted that there are two other buildings located in Hartford that are being demoed and Riverfront Recapture is going through the process with Hartford at this time, in which Hartford is also aware of the Windsor demo.

Commissioner Towers asked if Mr. Nicol knew if the building was used for anything other than produce. Mr. Nicol stated that he doesn't believe so and the property has been used for agricultural purposes.

Commissioner Schibley asked if the asphalt area would remain around the building. Mr. Nicol stated that at this point only the building is coming down and there is a milling

surface around the building at the moment. Commissioner Schibley indicated that the milling surface would contain the wetlands better while the demo is done.

Commissioner St. Amand asked if the building itself would be removed from the property. Mr. Nicol stated that the roof materials would be remediated first then disposed of offsite. Mr. Nicol noted that the walls are masonry block and plan on taking all concrete to crush to make an aggregate which can be used on site for future development purposes. Commissioner St. Amand asked what the known material is. Mr. Nicol stated that a complete environmental assessment of all three buildings on the property has been done and the roof contains asbestos, any wood in the building has lead paint on it and would be disposed of appropriately. Commissioner St. Amand asked if there was good concrete that can be crushed and used. Mr. Nicole noted that yes we do.

Commissioner Fraysier asked if the emails attached to the application would be with the completed application. Environmental Planner Perko stated that she would include them. Commissioner Fraysier indicated that there is no description of the regulated activity on application, but in an email itself and wanted to make sure emails are included with the application in the file.

Commissioner Towers stated that there is nothing in the application about the materials that would be excavated even though Mr. Nicol spoke of the environmental assessment. Mr. Nicol stated that the report was just received on March 31, 2020, so new information was received after the application was submitted.

Commissioner Schibley stated that it would be good to have all the information included on the application form such as item 11, included the remediation information and appending any missing details. Commissioner Fraysier stated that a completed application would be helpful. Commissioner Jefferis stated that the Environmental assessment should be included. Mr. Nicol asked if Commissioner Jefferis wanted the whole assessment or just the summary of the warehouse. Commissioner Jefferis noted that the summary would be fine as long as it indicated everything Mr. Nicol mentioned and what would happen with them. Mr. Nicol stated that yes it does and asked the Commission if it would be acceptable to email the summary to Environmental Planner Perko. Chairman Morando stated that that would be acceptable. Environmental Planner Perko stated that she would attach the summary to their packet at the next meeting.

Commissioner Fraysier stated that his concerns were that all information should be attached and the application amended.

Commissioner Schibley asked Mr. Nicol when demolition would start. Mr. Nicol stated that hopefully in May 2020, but it depended on the whole permit process of all that need to be completed. Commissioner Schibley noted that Mr. Nicol should include all companies that would be onsite so we know in advance.

Chairman Morando stated that acceptance of this application with the included new material would be appropriate and doesn't see any reason why this cannot be designated to the agent. Commissioner Schibley stated that they are demoing an entire building and designating to agent wouldn't be appropriate. Environmental Planner Perko stated that DEEP training has been down and she has not completed the DEEP required training that is listed in the regulations for her to make an agent approval. Commissioner St. Amand stated that the Commission should accept this application and over the next four weeks the Commission would decide how to take care of it.

Commissioner Tower made a motion to **accept Application 20-110_100 Meadow Road – Riverfront Recapture Inc. – Demolition of warehouse building with the condition the permit be revised and the environmental assessment be provided to the Commission for the next regularly scheduled meeting.**

Commissioner Schibley seconded the motion.

Discussion:

Commissioner Schibley asked if designated to Agent, the Commission would take care of, or are we doing both in case Environmental Planner Perko get training. Commissioner St. Amand asked if we could delegate it to the Agent as a blank position knowing it's going to be filled and move forward. Chairman Morando stated that he sees no problem with adding that clause in it. Commissioner Fraysier noted that we need the required information before the next meeting. Commissioner Towers said that we should accept the motion and wait until the next meeting and then we can delegate.

Vote: 6-0-0

Application 20-111_357 Rainbow Road – The Connecticut Light and Power Co. – 4 lot subdivision

Marek Kement, Engineer from Anchor Engineering Services was present and addressed the Commission. Mr. Kement stated that the Habitat for Humanity is looking to develop a four lot single family subdivision. The vacant six acres parcel is zoned both residential and agricultural. The wetlands were delineated by New England Environmental Services and a report was included in your packet. There are two areas of wetlands, the one in the northeastern corner of an intermittent watercourse with a storm water drainage system and the one on the western side of the property, which is primarily a mowed lawn. All four lots would be serviced by public sewer and public water which are located in the right of way. The lots are greater than a ½ acre each and no new roads needs to be created since frontage on Rainbow Road. Mr. Kement stated that the remaining land will be retained by The Connecticut Light and Power Company. Mr. Kement indicated that the activities in the upland review area would be installation of dwelling units with their associated driveways and utilities, drainage improvements associated with storm water management and clearing of wooded area with site grading. Mr. Kement noted that the total area of wetlands delineated was about ½ acre and proposing a zero acre

disturbance. The upland review area is a little over three acres and disturbing approximately .6 acres. Mr. Kement stated the best management practice for this project; cleaning of existing storm water structure, installation of erosion and sediment controls such as anti-tracking pads, inlet control structures at the existing catch basin as well as silt fencing or hay bales. Mr. Kement indicated that the site included features for low impact development which included infiltration and swales to capture roof drainage.

Commissioner Jefferis asked about Number 5 on attached list and there is no attached list. Are we aware if the neighborhood know what is going on with this? Environmental Planner Perko stated that she did not include the attached list in your packet, but it is in the file. Commissioner Jefferis asked if they are aware of the possible building going on. Mr. Kement noted that the list had fifteen names on it and doesn't know if aware yet, since public hearing has not been set and were not notified yet.

Kris McKelvie, from Hartford Habitat and Humanity stated that they did send out a letter to all abutters of this property and we also have had an informal meeting last month to notify the abutters of our intentions to building the neighbor and they are aware. Commissioner Jefferis asked if there was any feedback from them. Mr. McKelvie noted that there was a lot of negative feedback, but not related to the wetlands and more honestly town complaints about number of vehicles speeding down the road and concerns about wildlife in that area. Mr. McKelvie stated that he would be happy to email the list of concerns from that meeting. Commissioner Jefferis noted that the environmental report mentioned the box turtles.

Commissioner Fraysier asked about the property's stormtech chambers lifespan and are the owners expected to maintain them. Mr. Kement indicated that he does not know the lifespan and each stormtech will help collect the roof water infiltrating to the ground. The owners would have to maintain this.

Commissioner Schibley asked which wetland is the maintained lawn. Mr. Kement stated that wetland is located directly located behind lot #435. Mr. Kement noted that the other wetland is located in the lower left-hand corner which contributes to the storm drain system out there. Commissioner Schibley asked if the neighbor right now was mowing the maintained lawn. Mr. Kement stated that yes the neighbor is encroaching onto this property. Commissioner Schibley asked about the steep grade off the property and dropped back off to the reservoir. Mr. Kement stated that it does further back, but the property is fairly flat.

Commissioner Towers stated that she drove by there today and it is fairly flat and wooded.

Commissioner Fraysier stated that application is complete except list of abutters. Chairman Morando asked Environmental Planner Perko if the town has received any feedback from the abutters. Environmental Planner Perko stated that nothing yet.

Chairman Morando stated that the public would be more concern TPZC issues. Environmental Planner Perko stated that this would also require a public hearing with TPZC and they have currently submitted that application to TPZC.

Mr. Kement stated that TPZC is accepting the application next Tuesday and setting a public hearing for the following month.

Commissioner Schibley stated that he doesn't see any significant impact to the wetland or to the public aspect of this particular application.

Commissioner Schibley made a motion to **accept Application 20-111_357 Rainbow Road – The Connecticut Light and Power C. – 4 lot subdivision and place on the agenda for the next regularly scheduled meeting.**

Commissioner Fraysier seconded the motion.

Vote: 6-0-0

C. Old Business

There were no authorized agent actions to report.

V. Public Hearing

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

Public Hearing was opened at 7:55PM

Chairman Morando asked if the lawyer needed to review this. Commissioner Schibley stated that we received correspondence from Darcy Winther regarding the records retention system that are opposed in our regulations are not typical in Inland Wetlands and Watercourses Regulations in other towns. Ms. Winther has some concerns with that. Ms. Winther suggested that we should seek out advice from the town attorney. Commissioner Schibley stated that in light of present circumstances, we continue the public hearing for another month to get the require resources to review. Commissioner Schibley suggested that we approve the amendment and then amended them later if we need to remove this, amend the retention schedule or we amended the schedule so that we have section of our regulations completely untouched. Commissioner Schibley indicated that since the timeline has been changed by the governor there is no harm in continuing the amendment for one month.

Commissioner Schibley made a motion **to continue the public hearing for the proposed amendment to the Windsor Inland Wetlands and Watercourses Regulation: Section 2.1(z) and Section 10.9 to the May 5th meeting.**

Commissioner Towers seconded the motion.

Vote: 6-0-0

V. Miscellaneous

There were no miscellaneous to report.

VI. Authorized Agent Actions

There were no miscellaneous to report. Environmental Planner Perko noted that if anyone was interested in taking the training, it is completely free and I can forward you a link to register.

Chairman Morando asked if this was level one or level two course. Environmental Planner Perko noted that it is just the required training under statute.

Commissioner St. Amand asked if this is a new course and if it replaced the previous training. Environmental Planner Perko stated that if you took the course before, that course is still effective.

VII. Agent Report

There were no Agent Report.

VIII. Petitions from Commissioners

All Commissioners hoped that everyone stays safe and well.

Chairman Morando stated that he received a letter from Mayor Trinks about a replacement for our Commission names Dominic DeCarlo appointed as an unaffiliated alternate with a four year term expiring March 2021. He needs to be sworn in at Town Clerk's office before attending the Commission. Commissioner Schibley stated that he believes oath and affidavits can be sworn in remotely at the moment.

IX. Adjournment

Chairman Morando entertained a motion to adjourn.

Commissioner Jefferis made the motion to adjourn at 8:02 PM.

Commissioner Schibley seconded the motion.

Vote: 6-0-0

I certify that these minutes were approved on

Marlene Towers, Secretary
Inland Wetlands and Watercourses Commission