

**REGULAR MEETING MINUTES
WINDSOR INLAND WETLANDS & WATERCOURSES COMMISSION
TUESDAY MAY 4, 2021 7:00PM**

Meeting Location: Online webinar, to join via computer please go to the link below
<https://us02web.zoom.us/j/85610257799>

To join the meeting via telephone, please call 1-312-626-6799 and follow voice commands. The meeting ID: 856 1025 7799

Chairman Morando called the meeting to order at 7:21 PM.

I. Roll Call:

Present: Chairman L. Morando, Secretary Towers, Commissioners, A. Schibley, S. Fraysier, and D. DeCarlo.

Also present was Assistant Town Planner, Todd Sealy, Town Planner, Eric Barz and Environmental Planner, Chloe Thompson.

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

Public communications opened at 7:22 PM.

Sarah Faulkner from The Hartford Audubon Society Inc., addressed the commission concerning 220 Kennedy Road and 37T Canterbury Lane.

Public communications closed at 7:24 PM.

III. Business Meeting:

A. Minutes:

Commissioner Towers made a motion to approve the minutes for April 6, 2021 as amended. Commissioner Schibley seconded the motion, unanimously passed. Vote 5-0-0

Town Planner Barz introduced Chloe Thompson, the new Environmental Planner to the Commission.

B. New Business:

- **Application 21-240_50 Huckleberry Road – Applicant: Town of Windsor Landfill – Subsurface piping and catch basin creation.**

Phil Forzley, Project Manager from Fuss & O’Neill was present and addressed the Commission. Mr. Forzley stated that Daniel Jahne would be giving the Commission a presentation about the wetlands.

Daniel Jahne, Hydrogeologist of Fuss & O’Neill was present and addressed the Commission. Mr. Jahne gave a brief overview of the Landfill to the Commission.

Mr. Forzley stated that the landfill was before the Commission last fall to do geotechnical borings at the toe of the landfill and also in the river which was able to retrieve data for this project. The concept for this project is very specific to what was presented before. Mr. Forzley shared a presentation with the Commission. Mr. Jahne said that the State had requested a corrective action milestone for this project which required the construction of this solution to be complete by October 1st. The detention basin channel would be used for construction access. A new gravel road would be installed from the end of the detention basin to the hiking trail. There would be small clearing to set up the pad for the horizontal drilling rig near the Seep 1. Continuing down the hiking trail to Seep 2 area to install a permanent gravel road for maintenance. There would be a silt curtain around the entire water area during construction.

Chairman Morando asked if the iron oxide that is being removed, is natural to the soil. Mr. Jahne said that is part of the formation and see this formation in a lot of streams.

Commissioner Schibley asked if the check dams would be maintained. Mr. Forzley said that there would be an operation of cleanup plan for the town to follow. Commissioner Schibley asked if the check dams would smooth out everything flowing through them. Mr. Forzley said that this is not a storm water management system. Commissioner Schibley asked about the fill volume. Mr. Forzley said that there would be 127 cubic yards of excavation. Between the gravel and rip rap there would be about 300 cubic yards of fill. Commissioner Schibley asked if the timber frame would be removed once done. Mr. Forzley said that they are installed to protect the construction vehicles and then removed once done. Commissioner Schibley asked about the cleanup pipe. Mr. Forzley said that it would be a plastic pipe and above grade.

Commissioner Fraysier asked how much fill is occurring in the floodplain. Mr. Forzley said that almost no fill would be there. Commissioner Fraysier asked if it is just earth or stone. Mr. Forzley said that it would probably be stone. There is an Army Corps permit needed for this project. Commissioner Fraysier asked about the sump settling basin going to be accessed. Mr. Forzley said that this is an easily accessible area that you can walk to. Commissioner Fraysier asked about the horizontal boring and pipeline. The pipe is shown going through the till and if it is there any concern digging through this. Mr. Forzley explained the digging process to the Commission. Commissioner Fraysier asked about the steep slope stabilization and wanted to know if three inch stone would help without washing out. Mr. Forzley said that the erosion control blanket would be anchored in with deep staples. Commission Fraysier asked how much higher the access road would be. Mr. Forzley said that it is six inch fill. Commissioner Fraysier asked if the standard riprap fill of eighteen inches would be enough. Mr. Forzley said that the answer is yes since not a lot of flow area. Commissioner Fraysier asked if any progress had been done by Army Corps yet. Mr. Forzley said that he needed a turnaround from Army Corps within ten to twelve weeks.

Asst. Town Planner Sealy stated that this project is directly in the wetlands and addressing this is a requirement of the landfill closure. Asst. Town Planner Sealy said that there has not been any public comment at this time.

Commissioner Fraysier expressed his concerns about having a public hearing. Commissioner Schibley said that we have enough time to publish for a public hearing. Commissioner Fraysier said that it a significant impact to the wetlands and it would be good to have public hearing.

Commissioner Fraysier noted that the plans said there was no eco area available on site for mitigation. Mr. Forzley said that this is a mitigation project. Mr. Jahne said that this fishermen were complaining to DEEP about orange discharge. This mitigation would minimizing how much of the surface flow is visible in the Farmington or put into a pipe to the river bottom.

Commissioner Fraysier stated that he is in favor of a public hearing on the amount of impact to the wetlands.

Commissioner Fraysier made a motion to determine significant impact to wetlands Application 21-240_50 Huckleberry Road – Applicant: Town of Windsor Landfill, and to set public hearing for the June 1, 2021 meeting. Commissioner Towers seconded the motion; unanimously passed. Vote 5-0-0

- **Application 21-247_25 Sage Park Road – Applicant: Town of Windsor/ Adam Kessler Assistant Town Engineer – Athletic Field Improvements**

Asst. Town Engineer Kessler was present and addressed the Commission. Asst. Town Engineer Kessler gave a brief overview to the Commission. There is no direct impact to the wetlands. Total of onsite wetlands is just under an acre and total regulated area is 10 ½ acres. The impact to the regulated area would be 4 ½ acres. The wetlands were delineated in December 2020. The project is currently out to bid. Construction would start in mid-July. Seeding would happen this fall and the fields would rest until early 2022. Sage Park would closed from July 15, 2021 to 2022. Irrigation would be feed by a well.

Commissioner Schibley asked what the total area of upland impact. Asst. Town Engineer Kessler said that is about 4 ½ acres.

Commissioner Fraysier asked if there are any vernal pools in the area. Asst. Town Engineer Kessler said that the wetland report stated that there was wet pockets out there, but no vernal pools observed. Commissioner Fraysier asked if the drainage design was new. Asst. Town Engineer Kessler stated that there are two new outlets that would discharge the underdrain system and as well as a few yard drains.

Commissioner Schibley asked if downstream from Decker’s Brook. Asst. Town Engineer said that is way down stream.

Commissioner Fraysier asked if there was a watercourse through the parcel. Asst. Town Engineer said that there is an intermittent watercourse just off site. Commissioner Fraysier asked if this was going to be illuminated. Asst. Town Engineer said that no light were proposed. Commissioner Fraysier asked if there was any NDDB hits for this project. Asst. Town Engineer said that no there is not.

Commissioner Schibley made a motion to accept application 21-247_25 Sage Park Road – Applicant: Town of Windsor/Adam Kessler Assistant Town Engineer, and delegate it to the agent. Commissioner DeCarlo seconded the motion; unanimously passed. Vote 5-0-0

C. Old Business:

- **Application 21-229_4 Walters Way – Applicant: Thomas Defranzo – Agricultural Exemption for a fish pond and vineyard**

Asst. Town Planner Sealy stated that the applicant asked for the application to be continued.

Commissioner Schibley stated that it might be a good idea to deny this without prejudice and have it taken off the agenda. If they reapply maybe have no permit fee. Commissioner Schibley stated that the application was not complete at the last meeting.

Commissioner Towers made a motion to table the application 21-229_4 Walters Way – Applicant: Thomas Defranzo – Agricultural Exemption for a fish pond and vineyard to the next meeting. Commissioner DeCarlo seconded the motion. Vote 5-0-0

IV. Discussion – None

V. Authorized Agent Actions

- **Application AA-21-236_ 265 East Barber Bissell Bridge Walkway Trail – Applicant: Vaughn Peoples-Hobson – Bike Repair station**
- **Application AA-21-237_ 51 Timothy Terrace – Applicant: John Lafleur – Shed installation**
- **Application AA-21-238_101 Carriage Way – Applicant: Monica Diaz – Above ground pool**
- **Application AA-21-239_ 211 West Bank – Applicant: Allen Patnode – Generator on pre-cast pad**
- **Application AA-21-241_11 Matthew Lane – Applicant: Aaron Napper – Deck replacement**
- **Application AA-21-242_ 314 East Bank– Applicant: Robert Luby – Generator installation next to house**
- **Application AA-21-243_ 104 Ethan Dr– Applicant: Stephen Santoro – Above ground pool**

Environmental Planner Thompson explained the Agent Actions to the Commission.

Commissioner Schibley asked if both above ground pool had any grading or were they are on flat areas. Asst. Town Planner Sealy stated that they were both on flat land.

Environmental Planner Thompson said that application AA-21-243_104 Ethan Drive, she asked the applicant to move it to a leveler area.

VI. Agent Report

- **Violation: 220 Kennedy Road, Tameka Hewitt – 37 Canterbury Lane, Hartford Audubon**

Asst. Town Planner Sealy explained the violations to the Commission. Asst. Town Planner Sealy said that in Public Comment, Sarah Faulkner had already mentioned this violation. The Cease and Desist letter dated April 30, 2021 was read into record to the Commission.

Asst. Town Planner Sealy stated that the area that was cleared out wasn't a high value wetland with a lot of invasive species and phragmites had taken over the wetlands. The soil was not disturbed from the equipment they used. The really unfortunately part was a bobcat den was removed since the homeowner feared for her children.

Asst. Town Planner Sealy said we do not know the name of the contractor at this time.

Commissioner Schibley said that if this required a public hearing within ten days of receipt. Commissioner Schibley stated that this should be scheduled and inform the homeowner to appear at it.

Commissioner DeCarlo asked when the clock starts. Asst. Town Planner Sealy stated that it is within 72 hours of receipt of the certified mail.

Commissioner Towers said that she went by the site today and saw significant damage from the road. Commissioner Towers felt a hearing is appropriate. Commissioner Towers asked if we knew if any more work was being done in the area at this time. Asst. Town Planner Sealy said that the homeowner was done with the work she was doing there and she is aware of the significance of it.

Commissioner DeCarlo asked when the picture were taken. Sarah Faulkner, President of the Hartford Audubon Society, Inc. said that the pictures were taken on April 28th and May 1st. Commissioner DeCarlo stated that then we have a point of reference. Ms. Faulkner said that she believed the homeowner is done with the work there. Commissioner DeCarlo asked about the bobcat and if something happened to them. Do we need to notify DEEP about this? Environmental Planner Thompson said that she did research on the bobcats and they are actually not protected from normal impact to their habitat.

Commissioner Schibley asked about Ordinance 14.80.A and it said three days off you deliver it, starts the 72 hours. Everyone needs to be involve with the remediation public hearing.

Ms. Faulkner stated the area that was mowed down had some phragmites, but not a lot of them. The area was a mix of brush, some natural grasses, and some phragmites. Ms. Faulkner's fear since this is cleared is that the phragmites would take off all over the area. It's important to be planted properly. The homeowner wants to put up a fence and that is a great idea. Ms. Faulkner said that she would like native plants put back to restore what should be there and take the opportunity to remove the phragmites. Ms. Faulkner would like to provide the plan to the Commission and ask for the cost for the plan and the plantings to be reimbursed by the homeowner.

Commissioner Fraysier said that he would like to see the State Statutes are in place to ask for reimbursement. Commissioner Fraysier stated that we need to be careful.

Commissioner Schibley stated that obviously the land the Hartford Audubon Society, Inc. has damage to it and it's been trespassed on. Commissioner Schibley said that the Commission does not deal directly with trespassing. Commissioner Schibley stated that he does not know if the Commission could force the homeowner to assume those costs. First point is to get the homeowner in front of us to see that they are taking responsibility for their actions and make sure they are willing to make this right. Time is of the essence before things start growing. Commissioner Schibley stated that there should be daily site visits to make sure nothing is being done.

Town Planner Barz gave the Commission an overview of the Cease and Desist and fees associated with it. Town Planner Barz stated that he has been in touch with the Town Attorney about this violation.

Ms. Faulkner stated that their Land Use Atty. Keith Ainsworth was on the line. He gave an overview of the legal actions associated to this violation. Atty. Ainsworth stated that the Hartford Audubon Society would like to see their property restored and would have the homeowner pay for the cost of restoration and for the Society to deal with the violation. Atty. Ainsworth said that he is encouraging the Commission to have the homeowner take on the matter. The Society would prepare a plan and send it to the Commission. The Commission would then approve the restoration which would then be presented to the homeowner and the Society would come to a payment agreement with the homeowner.

Town Planner Barz stated that a corrected letter for the Cease and Desist would need to be redone and sent to the homeowner again. Town Planner Barz said that he would be speaking with Town Atty. Fitzgerald tomorrow and figure out a plan then get back to the Commission.

Chairman Morando asked if we are certain if Tameka Hewitt is the only land owner. Atty. Ainsworth stated that Ms. Hewitt is the sole homeowner.

Commissioner Schibley asked if the course that Town Planner Barz set out, is amenable with the Hartford Audubon Society, Inc. Ms. Faulkner stated that it is. Ms. Faulkner stated that there were four neighbors that complained about this violation. There was cutting trees, cutting brush, and then a machine was in the marsh. She believed the homeowner knew exactly where the property line is. Ms. Faulkner stated that Ms. Hewitt cut down the marsh so she would not have wild animals in her yard. Ms. Faulkner said that of course Ms. Hewitt had wild animals in her backyard since it's a nature preserve. Ms. Faulkner stated that Ms. Hewitt is from an urban area and felt the area is not comfortable to her. Ms. Faulkner said that the Hartford Audubon Society needed to do a better job talking to their abutters and informing them.

Ms. Faulkner thanked everyone in Windsor for cooperating and helping.

Commissioner Schibley said that there are two people who are preparing restoration plans.

Annette Pasek, Vice President of the Hartford Audubon Society, Inc., said that we do not know what the homeowners actions are going to be. She received a call from the Assessor’s office that a neighbor came in to complain. Ms. Pasek asked how the homeowner would cover the costs, insurance, out of pocket or something else. Atty. Ainsworth stated that as far as the cost that should not involve the Commission. Homeowner’s insurance usually covers it or the contractor’s insurance.

Commissioner Schibley asked that the Hartford Audubon Society be noticed of any future meetings.

Town Planner Barz said that he would be contacting the town attorney.

Commissioner DeCarlo asked about Emily’s email to the homeowner. The Commission would be provided with it all.

VII. Petitions from Commissioners:

Commissioner Schibley asked if there are any new appointments for IWWC since the Commission keeps having a problem with making quorum. Commissioner DeCarlo stated that he wanted to be a permanent Commission member, but was told he had to reapply. Commissioner Schibley stated that you have to submit an application for a permanent position.

VIII. Adjournment:

Commissioner Towers made a Motion to adjourn at 9:56pm Commissioner Schibley seconded and it passed 5-0-0.

I certify that these minutes were approved on

Marlene Towers, Secretary
Inland Wetlands and Watercourses Commission