

**REGULAR MEETING MINUTES**  
**WINDSOR INLAND WETLANDS & WATERCOURSES COMMISSION**  
**TUESDAY JUNE 22, 2021 7:00PM**

**Meeting Location:** Online webinar, to join via computer please go to the link below  
<https://us02web.zoom.us/j/85435818689>

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

**I. Roll Call:**

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

Also present was Assistant Town Planner and Acting Inland Wetlands Agent, Todd Sealy; Town Planner, Eric Barz; and Inland Wetlands Agent, Chloe Thompson.

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

Public communications opened at 7:05 PM.

No Attendees

Public communications closed at 7:05 PM.

**III. Business Meeting:**

• **Minutes:**

Commissioner Washington made a **motion to approve the minutes from May 4, 2021**. Commissioner Schibley seconded the motion. **Vote 6-0-0**

Commissioner Schibley made a **motion to approve the minutes for June 1, 2021 as amended**. Commissioner Towers seconded the motion. **Vote 6-0-0**

**IV. Public Hearing**

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

Phil Forzley from Fuss and O’Neill introduced himself as the project manager and Dan Jahne as the hydrogeologist.

Mr. Jahne explained the background details of this project. DEEP issued the Town a stewardship permit which outlines the protocol for the closure of the landfill. Mr. Jahne explained how the iron leachate developed, and entered the body of water that discharges into Farmington River.

Mr. Jahne described alternative options that were being considered in the early stages of this project, and how this plan was determined to be the best option.

Mr. Forzley spoke about a previous application submitted and approved by the commission for borings in 2019.

Mr. Forzley explained the existing conditions of the project site, including detail of the Natural Diversity Database (NDDDB) areas. Mr. Forzley identified where the outfall of the stream is containing the iron leachate.

Mr. Forzley explained plans for site access and preparation. He also presented the details for the horizontal boring and pipeline profile.

Commissioner DeCarlo asked if the outflow pipe had a backflow prevention system. Mr. Forzley said the outlet pipe is facing the direction of flow, and there is nothing preventing the backflow, as this is a clean water system and this is not necessary. The size of the pipe and flow of the river is not fast enough to create suction issues where major backflow would occur anyway. Mr. Jahne explained that the final capping of the landfill will drastically reduce flow of water and amount of leachate, and will continue to decrease.

Commissioner Schibley asked about the clearing of trees, and recommended doing a survey of the trees to identify important ones to be avoided in discretionary circumstances when establishing the access road. Mr. Forzley said that the commission can walk as well as the Inland Wetlands Agent to identify the clearing limits.

Commissioner Schibley asked how long the silt fence will be in place and if there is any concern for wildlife getting caught in the silt fence. Mr. Forzley explained that fish are not a concern, but the length of time it will be in place is only about 4 weeks for the entire duration of the project. He also explained that there will be training for contractors provided by a biologist specifically for turtles of special concern that are expected to be present.

Commissioner Schibley asked about the erosion control for the sloped areas, referring to Seep #1, if Mr. Forzley believes this will be sufficient. Mr. Forzley said assured it will be effective.

Commissioner Fraysier asked about previous plans to store fill in the floodplain. Mr. Forzley said he addressed this issue and revised the plans to change the location of where the fill will be stored, outside of the floodplain.

Commissioner Fraysier asked if the Army Corps permit was what is driving the schedule for the project. Mr. Forzley confirmed this, and said construction is currently scheduled to

begin early September. Mr. Jahne added that this is a corrective action milestone implemented by DEEP which establishes the deadline of October 1<sup>st</sup>.

Commissioner Morando asked if there was anyone from the public wishing to speak opposing this application. Leon Alford of 426 Lantern Way, addressed the commission as an abutter to the landfill. Mr. Alford explained the history of this landscape, and how this is a natural occurrence that is a well-known characteristic of this area. He expressed his concerns with the cost of the project that is only to resolve an issue with the visual appearance of the iron leachate. Mr. Jahne explained that the conditions of the landfill closing permit issued by the state in 2010 were to resolve this issue due to the volume of complaints received about the matter.

Commissioner Towers asked how much of the iron leachate is attributed to the landfill. Mr. Forzley explained that this is a natural occurrence. Mr. Jahne explained that the proximity of the groundwater control system for the landfill and the stream is what triggered the condition of the permit granted by the state to close the landfill.

Commissioner Schibley recalled details of a previous presentation of the project, that while this is in fact an effort to improve aesthetics more than to resolve an environmental concern, this still falls within the scope of the commission. Recreational and aesthetic values are of concern in addition to their ecological function.

Chairman Morando closed the public hearing at 8:12pm.

**Commissioner Schibley made a motion to approve with conditions, application 21-240\_50 Huckleberry Road – Applicant: Town of Windsor Landfill – Subsurface piping and catch basin creation. Commissioner Towers seconded the motion. Vote 6-0-0**

## **V. Discussion**

Commissioner DeCarlo asked about the use of the chat window on Zoom, recalling issues during the last meeting. Environmental Planner Thompson explained that the chat function is to be removed for future meetings, and asked that no one from the panel respond to those submitting text outside of time allotted for public comment.

## **VI. Hearings**

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

Eric Barz, Town Planner stated that a meeting between the property owner and the Hartford Audubon Society (HAS) had not occurred as planned in the last meeting. Mr. Logan was unable to meet due to a request by HAS of Ms. Hewitt that was to be fulfilled

prior to a site visit with their ecologist. Town Planner Barz stated that the Town Attorney, Tim Fitzgerald was present and available to answer questions of the commissioners.

Sarah Faulkner from the Hartford Audubon Society stated that Ms. Hewitt did not respond to their request, and suggested two options to proceed with remediation. The first requiring Ms. Hewitt to hire a consultant to draft plans for remediation to be approved by HAS and then enforced by the IWWC. The second option would be for Ms. Hewitt to submit funds in escrow, and gifted to HAS as a grant to pay for a plan developed by HAS. The second option would avoid fees incurred by Ms. Hewitt to have a plan developed by Mr. Logan and any fees for labor required to install plants on site. Ms. Faulkner stated that they would still require Ms. Hewitt to provide water to establish the plants.

Town Planner Barz asked for clarification from Ms. Faulkner, asking if Ms. Hewitt's consultant was allowed access to the site to conduct a survey of the existing conditions in order to draft a plan for remediation. Ms. Faulkner restated her explanation of the two options above.

Sigrun Gadwa, an associate of Mr. Logan, explained details of a report to be sent to the commission on a survey of the site. Ms. Gadwa stated that small stems of the previously existing shrubs have sprouted from the root system.

Ms. Hewitt explained that her lack of response to the HAS was because of concerns she had with the request of funds in order to gain access to the site. Ms. Hewitt asked that the commission be fair and balanced, mirroring previous resolutions to violations.

Ms. Gadwa stated that she will submit her report to HAS and Environmental Planner Thompson.

Chairman Morando stated he believes it is necessary the commission acknowledge the fact that violations have occurred without permits.

Commissioner Schibley asked Ms. Hewitt if she believes she has conducted regulated activity without a permit. Ms. Hewitt stated that she does agree this is true. Commissioner Schibley stated that with that concession, it is clear that there has been a violation of the Inland Wetland Regulations.

Ms. Hewitt asked what the policy was for restoration, and expressed concerns with requests from HAS proposing plans to improve the area to greater conditions than what was previously existing.

Town Planner Barz explained that each situation is treated individually, but generally areas are restored to the conditions prior to conducting the regulated activity. Town Planner Barz also stated that he thinks the request for water to newly planted species by HAS is

necessary for their establishment. Town Planner Barz proposed that Ms. Gadwa submit her report for all parties to review it, and for plans to be drafted with estimated costs. Town Planner Barz asked Ms. Faulkner to restate the two options previously posed by HAS.

Commissioner Schibley suggested that the IWWC require a restoration plan be submitted from Ms. Gadwa on behalf of Ms. Hewitt.

Town Planner Barz suggested working with one plan instead of each party drafting their own, and revise the plan to meet compromise between both parties.

Annette Pasek, HAS President addressed the commission, asking what the commission would have proposed if each party had not suggested creating restoration plans. Chairman Morando stated that the commission would have requested the property owner (Ms. Hewitt) hire a consultant to draft restoration plans for the commission to review; the commission cannot create restoration plans. Ms. Gadwa has written a restoration plan that the HAS will comment on, and both parties will bring an agreed upon plan to the commission for review.

Attorney Tim Fitzgerald addressed the commission and stated that the next meeting to determine a restoration plan would be considered a continuation of the hearing, thus a new application for the activity to restore the area would not be necessary.

Commissioner Schibley stated that he believes there is a minimum fee of \$250 for the Cease and Desist Order, but it we should address this in a future meeting. Commissioner Washington agreed.

**Commissioner Schibley made a motion to validate the Cease and Desist Order to Ms. Tameka Hewitt at 220 Kennedy Road for violations occurring on 37T Canterbury Lane, and that restoration plans be submitted to the commission for review. Commissioner Washington seconded the motion. Vote 6-0-0**

## **VII. Agent Reports**

- **Violation: 4 Walters Way**

Environmental Planner Thompson summarized the nature of violations recently taking place at 4 Walters Way, a property adjacent to Rainbow Reservoir and the Farmington River. Environmental Planner Thompson presented the Cease and Desist currently in the mail to the property owner, and explained that a show cause hearing is tentatively scheduled for July 6.

Assistant Town Planner Sealy explained that this Cease and Desist Order is specifically addressing activity on the southern-most portion of the property, and not all of the violations suspected on the property were addressed in this order. The upcoming hearing

will be to specifically address the land clearing, berm creation, sediment erosion and regrading activity south of the southern-most stream.

Environmental Planner Thompson explained that a few different departments with in DEEP have been notified of all regulated activity apparent at this time, and are scheduling site visits.

Commissioner Towers expressed concern with the level of erosion into the roadway that might flow into the river. Environmental Planner Thompson said that was also addressed in the order, instructing the property owner to install sediment and erosion control measures.

Commissioner Schibley commented that this activity occurred during or immediately after having an application under review by the commission.

Chairman Morando asked if the property owner had received an agricultural use for the property. Asst. Town Planner stated that his property is zoned as agricultural, but the exception from the regulations requires approval from the IWWC. Environmental Planner Thompson clarified that agricultural exemptions are very specific, and each activity must be specifically stated and reviewed by the commission to acquire a permit.

**VII. Petitions from Commissioners:**

Asst. Town Planner Sealy explained to the commission that hybrid meetings are now an option for commissions, and we could host a hybrid meeting for the next regular meeting on July 6<sup>th</sup>.

**VIII. Adjournment:**

**Commissioner Towers made a Motion to adjourn at 9:34pm. Commissioner DeCarlo seconded and it passed 6-0-0.**

I certify that these minutes were approved on

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Marlene Towers, Secretary  
Inland Wetlands and Watercourses Commission