

REGULAR MEETING MINUTES
WINDSOR INLAND WETLANDS & WATERCOURSES COMMISSION
TUESDAY FEBRUARY 1ST, 2022 7:00PM
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 7:00 PM.

I. ROLL CALL

Present: Chairman L. Morando, Secretary M. Towers, Commissioners; A. Schibley, K. Elder, D. DeCarlo, R. Williams, K. Washington (virtual) and S. Fraysier.

Also present was Wetland Agent, Chloe Thompson.

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

No public communications, closed at 7:03pm.

III. BUSINESS MEETING

a. MINUTES:

Commissioner Schibley made a **motion to approve the minutes as amended for January 4, 2022**. Commissioner Towers seconded the motion. **Vote 8-0-0**

b. NEW BUSINESS

i. Application 22-101: 105 International Drive, INDUS Realty Trust Inc. – Industrial Building Construction

David Ziaks introduced himself to the Commission as the Professional Engineer from Hesketh & Associates, Inc. representing this application. Also representing this application was Bob Russo, Environmental Consultant and Tim Lescalleet, Project Manager from INDUS. D. Ziaks explained the general details of the property's location, abutters and regulated areas. The total disturbance area within regulated areas will be 2.75 acres with all development occurring in the northern section of the parcel.

Chairman Morando asked D. Ziaks to indicate where the limits of clearance where. D. Ziaks explained that most of the development area is within current farmlands and the clearing of trees will be mostly toward the south of the development area.

Commissioner Elder asked why silt fencing was missing in one section of the development area. D. Ziaks explained that the significant change in grade in this area made the inclusion of silt fencing expendable.

Commissioner Schibley asked about the details of the drainage basin size, and if water was being channelized in these areas. D. Ziaks stated that water wasn't being channelized, and that similar sites

nearby have been monitored for their infiltration rates during this past years notable storms, and they are operating very well, likely because of the sandy soils in this area.

Commissioner Schibley asked if the southern parking lot could be moved more south to have the associated drainage basin lay completely outside of the upland review area. D. Ziaks stated that basins in this area are very much over-designed, so they may re-evaluate this and instead decrease the basin footprint.

Commissioner Schibley asked when they were planning on breaking ground. D. Ziaks said that they plan on beginning development in the summer of 2022.

Commissioner Schibley asked for more detail on the concrete weirs. D. Ziaks stated that the weirs will spread flow of water out rather than having a channelized discharge through a drainage pipe during significant rainstorm events.

Commissioner Fraysier asked how INDUS plans on accommodating the restrictions invoked by the NDDB survey result reporting the presence of eastern box turtles. D. Ziaks stated that contractors are required to walk the site occasionally with the wetland scientist to sweep for turtles before any clearing is done. Nests are avoided, and any individuals found are physically moved to a different location on-site. Wetland Agent Thompson stated that the NDDB area is very small and only on the northern most corner of the site, which is currently an abandoned agricultural field and directly adjacent to the roadway.

Commissioner Fraysier asked if all of the plantings were native. D. Ziaks said confirmed that all of the plantings were native.

Commissioner Fraysier asked how large the trench is going to be to install the water, sewer and electrical lines in the northern portion of the site, as the wetland boundary appears to be within 10 feet of the proposed lines. D. Ziaks stated that the utility lines they would be adding to are actually relatively shallow in this area, an estimated seven feet from the ground surface. Commissioner Fraysier asked how wide the trench was going to be. D. Ziaks said roughly 8 to 10 feet. Commissioner Fraysier expressed concern with this given the close proximity to the wetland boundary. D. Ziaks stated that he does not see issue with moving the trench further away from the wetlands, and suggested the Commission include that as a condition of the permit.

Commissioner Fraysier asked how the two different seed mixes requiring different maintenance strategies would be monitored, or if there was a maintenance plan established for these areas. D. Ziaks stated that the characteristics of the two seed types are so divergent, that it will be easily identifiable as to which areas are mowed versus which are only maintained periodically.

Commissioner Towers asked if there are plans to have silt sacks over the catch basins on International Drive as the development is very close to the road. D. Ziaks stated that this is included in their E&S Control Plan, and there are only two catch basins near this parcel.

Commissioner Fraysier made a **motion to accept application 22-101: 105 International Drive, INDUS Realty Trust Inc. – Industrial Building Construction**. Commissioner Williams seconded the motion. **Vote 8-0-0**

ii. Application 22-102: 385, 389 & 445 River Street, Amazon.com Services LLC. – Stream & Wetland Restoration

Evan Seeman introduced himself to the Commission as an attorney from Robinson & Cole, filling in for Atty. Tom Cody. Also present from the Amazon party was Dean Gustafson, Senior Wetland Scientist from All Points Technology, Dan Madrigal and Dave Duncan from SPA Properties, and Tim Onderko from Langan Engineering. E. Seeman gave a brief summary of the events leading up to the submission of this application, which included the issuance of a corrective order to address the impact of sediment and erosion control failures during the summer of 2021.

D. Gustafson presented the details of the Stream and Wetland Restoration Plan for the three parcels affected by the E&S control failures. This work being proposed is Phase 2 of the corrective efforts, and will focus primarily on the stream bank between Basin D and the Stosonis farm, as well as a much smaller stream and wetland segment on the Lowe property on Old River St. D. Gustafson explained that the pre-restoration conditions will be re-evaluated in the spring of 2022, immediately before any additional work is conducted to ensure the current plans are the most appropriate, and to document any changes since the last evaluation in Fall 2021.

D. Gustafson explained that any areas where there is roughly 4-6 inches of sediment deposition will be restored through sediment removal and subsequent live plantings and re-vegetation to ensure permanent stabilization of stream banks and disturbed soils. Mature trees in this area will be identified and preserved to the best of their ability as they obtain access for restoration. D. Gustafson then explained the planting schedule, methods and species of choice, which is expected to improve the vegetative cover existent before the S&E control failures. Monitoring post restoration efforts will ensure success and span three years post conclusion of work conducted. Additional years of planting and monitoring will occur if the established success standards are not satisfied.

Commissioner Fraysier asked if milorganite is considered a prohibited fertilizer to be used in the wetland areas. D. Gustafson affirmed that this is not to be used, and that given the likely nutrient load in these soils, additional fertilization is not necessary, especially with the Farmington River and other bodies of water being in such close proximity to the project areas.

Commissioner Elder and Commissioner Williams asked for clarification on the monitoring methodology and time periods in regard to meeting success standards. D. Gustafson explained that success standards are evaluated on a yearly basis, and additional efforts will be conducted each year as opposed to one final evaluation at the end of the three year period. This will increase the likelihood of a successful and timely restoration. D. Gustafson added that the first year post planting is expected to have the highest mortality rate, and should the success rate not be met, additional efforts and monitoring will occur each year until it is met.

Commissioner Schibley asked D. Gustafson to clarify that the yearly reports will be submitted to the Commission's Wetland Agent, Chloe Thompson. D. Gustafson confirmed that this is their intention, and added that example reports can be sent to the Agent to provide the Commission with what they can expect in the years to come.

Commissioner Schibley added that any minor changes to the restoration efforts not included in this application should be detailed in the annual report, even if they are conducted as a reactionary effort to rectify unmet success standards. D. Gustafson affirmed that any changes will be proposed prior to work being conducted as well as including them in the annual report.

Commissioner Schibley requested that the silt pond and farm pond on the Stosonis property be monitored and reported for overall functionality and status of sediment deposition. D. Gustafson stated that this would be added to the Monitoring Requirements section as a forth item.

Commissioner Schibley asked what order the work will be conducted along the stream, and what the timeline is for each segment; are they to take place immediately after each other, or is one area allowed to establish before moving downstream onto the next section. D. Gustafson explained that each segment will occur rather rapidly, moving from Basin D down toward the Stosonis ponds, and eventually down to the Lowe property. D. Gustafson added that release of sediment will be controlled with the use of coir logs on both sides of the stream, and the stream base itself will remain as sediment as this is the natural state of this particular stream. The coir logs are expected to last roughly four growing seasons, which is one year post monitoring efforts.

Commissioner Schibley asked D. Gustafson if he would be amenable to having the Wetland Agent conduct inspections pre and post excavation for each segment after the wire flags have been placed. D. Gustafson was agreeable to this and said that he would re-write, or add a condition into the plan describing this as a requirement.

Commissioner DeCarlo asked why timber mats aren't going to be placed on the segment of the stream between the sediment pond and the farm pond on the Stosonis property. D. Gustafson explained that this area experienced minimal impacts and heavy machinery will not be required to remove any sediment. Should it be necessary to remove sediment at all, it will be removed by hand with laborers and shovels.

Commissioner Fraysier asked the Commission and Wetland Agent Thompson about how this restoration proposal is handled as it is related to the Cease and Correct Order issued to SPA Properties in the summer of 2021, and if they have the ability to hold a public hearing because of this. Wetland Agent Thompson said that the Cease and Correct Order was lifted with the condition that a restoration plan be submitted, therefore this is a separate application from the proposed corrective action SPA Properties previously submitted, and a public hearing could be held should the Commission decide it is warranted and is within the scope of the regulations. Commissioner DeCarlo asked if there were any other properties impacted other than the Stosonis', Lowe's and Town of Windsor's parcels. D. Gustafson and Wetland Agent Thompson said that these are the only three parcels where work is to occur.

Atty. Evan Seeman respectfully requested that this application be considered through a meeting rather than a public hearing and that they will continue to work with all property owners. Commissioner Schibley asked if permission has been obtained from all of the property owners. Atty. Seeman stated that they currently do not have permission from all of the property owners but are actively working toward this.

Atty. Jaqueline Reardon introduced herself as the attorney for the Stosonis'. Atty. Reardon requested that her client be present at pre-construction meetings, and expressed concern with impacts to the Stosonis property during the first phase of this restoration. Atty. Reardon also stated that her client will want input on any trees that are to be cut down on their property. Lastly, Atty. Reardon asked if Dean Gustafson was to be the only person conducting the monitoring of the restoration efforts on behalf of Amazon.com. D. Gustafson confirmed that his company, All Points Technology, is the only contractor hired to conduct the monitoring. Commissioner Schibley suggested that perhaps the condition requiring Wetland Agent inspections be modified to notify and invite property owners, should they wish to attend.

Commissioner Towers asked if consent from property owners will be obtained prior to the next meeting. Atty. Seeman said they are actively working toward this.

Commissioner Schibley made a **motion to accept application 22-102: 385, 389 & 445 River Street, Amazon.com Services LLC. – Stream & Wetland Restoration**. Commissioner Towers seconded the motion. **Vote 8-0-0**

IV. AGENT REPORTS

Wetland Agent Thompson presented a "Watershed Pledge"¹ to the Commission she posted on the Conservation Commission website residents to take as part of a town-wide effort to obtain a "Bronze" status with Sustainable CT.

Wetland Agent Thompson notified the Commission that the DEEP Municipal Inland Wetlands Agency Comprehensive Training Program is now available online.

V. PETITIONS FROM COMMISSIONERS

Chairman Morando stated that he would like a Vice Chairman to be selected. Commissioner Towers and Commissioner Fraysier nominated Commissioner Schibley and there were no other nominations.

Commissioner Towers **nominated Commissioner Schibley for Vice Chairman**. Commissioner Fraysier seconded the nomination. **Vote 8-0-0**.

VI. ADJOURNMENT

Commissioner Fraysier made a Motion to adjourn at 10:04pm. Commissioner Williams seconded and it passed 8-0-0.

¹ Text adopted by *River Smart, CT*. Google Form by Chloe Thompson & Amanda Goode

I certify that these minutes were approved on

Marlene Towers, Secretary
Inland Wetlands and Watercourses Commission