

**REGULAR MEETING MINUTES**  
**WINDSOR INLAND WETLANDS & WATERCOURSES COMMISSION**  
**TUESDAY OCTOBER 4<sup>TH</sup>, 2022 7:00PM**

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

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Chairman Morando called the meeting to order at 7:00 p.m.

**I. ROLL CALL**

Present: Chairman Morando, Vice Chairman Schibley, Secretary Towers, Commissioners; K. Elder, C. Elkins, R. Williams 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.

**III. BUSINESS MEETING**

**a. MINUTES**

- Commissioner Schibley made a **motion to approve the minutes for September 7, 2022.** Commissioner Elkins seconded the motion. **Vote 7-0-0**

**b. MEETING SCHEDULE & NEW APPLICATION FORM**

Wetland Agent Thompson presented a draft of the 2023 Meeting Schedule and a new draft version of the Agent Approval form for impacts within the upland review area. The Commission reviewed the documents and provided feedback.

Vice Chairman Schibley made a **motion to approve the meeting schedule as presented.** Commissioner Towners seconded the motion. **Vote 7-0-0.**

**c. OLD BUSINESS**

- **Application 22-122: 415, 425 Day Hill Road, Alford Associates - Building Demolition, Proposed Warehouse and Wetland Berm**

Christian Alford from Alford Associates addressed the Commission representing the application. C. Alford explained the updates to the site plans made in response to Commission comments and comments from the Engineering Department and their contracted reviewer, BSC Group. W.A. Thompson stated a review of the updates had not been conducted by staff in time for the meeting tonight. Comments from Engineering & BSC were just submitted to Chris on September 27<sup>th</sup>.

W.A. Thompson said that the comment that may have the most impact on the storm water component would be comment #9 in the "Drainage Report Comments" section (attached to minutes). W.A. Thompson also noted that because this application includes a significant impact to the wetlands, alternatives must be presented to show that this application is proposing the most feasible and prudent alternative.

C. Alford presented the information requested by the Commission in the previous meeting, regarding the existing conditions, impervious cover and drainage areas.

Vice Chairman Schibley asked if the reasoning behind discharging the water from the roof into the wetlands is because this water is considered to be much cleaner than other storm water. Vice Chairman Schibley asked what the material of the roof was. Tom Riley, the architect for this project, stated that the roof is metal, covered in a white plastic material and would not contribute to any pollutants or contamination.

Vice Chairman Schibley asked how the size of the basins was determined, and what the source was for rainfall data. C. Alford stated that rainfall data was retrieved from NOAA, and this data was used to calculate the size of the basins needed for each storm interval.

Vice Chairman Schibley referenced the comment from Engineering Dept. /BSC asking if the increase in water level within the wetland would be sustainable for the current plant species. C. Alford stated he spoke with their environmental consultant and the plant species would be able to sustain the proposed conditions.

Commissioner Fraysier listed the following comments he would like addressed by C. Alford: 11, 13 in the "Plan Set Comments" section and 5, 6, 7, & 9 in the "Drainage Report Comments" section. C. Alford replied and provided further detail on comment 11 regarding the outfall within wetland limits. Vice Chairman Schibley also expressed concern with comment 13 regarding the existing foundation being used for a retaining wall. C. Alford explained the details on how this foundation from the existing building will be used as a retaining wall for the water quality basin to avoid additional wetland impacts. C. Alford showed the initial construction detail for the foundation. C. Alford said this structure will be evaluated properly. C. Alford provided clarity on comments 5, 6, & 7 regarding the sizing of pipe in water quality basins.

C. Alford stated that he believes there was confusion from the Engineering review regarding question 9 in the drainage comments. W.A. Thompson attempted to clarify this by stating that the elevations of the basins and outfalls were not allowing water to percolate into the ground, and it is suspected that there will be much more water coming through the 2" pipe because of this, but the calculations for this are not included so the amount of water cannot be determined with the information provided. C. Alford stated that the 2" pipe is what should hold the water back and keep water in the basin for a longer period of time. C. Alford added that the updated plans may address this comment.

Chairman Morando asked if comment 8, asking for a Pond Report was submitted, and what it consists of. C. Alford explained the details of the Pond Report and stated that this data was included in the Storm Water Report, and that he was confused by this comment but it will be addressed.

Commissioner Fraysier asked C. Alford if there were other feasible and prudent alternatives considered. C. Alford listed a few alternatives in various areas around the site, and explained that this application is the most feasible and prudent alternative. Commissioner Fraysier asked if there

were other considerations for configurations of the site. C. Alford stated that the proposed configuration will improve the wetlands on the site and there will be less impervious cover adjacent to the wetlands, and the flow of water off site will be reduced.

Vice Chairman Schibley stated that his biggest concern with this application in the previous meeting was the large increase in impervious cover, but is less concerned now seeing the stormwater calculations. Vice Chairman Schibley stated he was still concerned with the timing of comments between the applicant and the Engineering Department & BSC Group, to allow for each comment or concern to be properly addressed.

Commissioner Fraysier asked for C. Alford to follow up on the concern about timing of work to be done within wetlands. C. Alford stated that information on the construction sequence was included in the updated plans, and that all work was to be conducted during dry periods or while the ground was frozen.

C. Alford stated that he does not believe the changes to be made in response to Engineering comments would have any impact on the wetlands. Vice Chairman Schibley asked if holding this application for another meeting to allow for the comments to be addressed properly would upset the applicant's schedule. C. Alford stated that this would upset their application as the work that can be done first on site is the work within the regulated areas. C. Alford said that he does not foresee there being any significant changes. Vice Chairman Schibley expressed concern with the retaining wall as this ideally would have been approved of by the Engineering Department.

Commissioner Towers asked if silt fencing was added in the areas noted in the previous meeting. C. Alford showed that the updated plans added silt fencing in several locations.

Vice Chairman Schibley suggested adding a metric to "significant change" in a condition to approval of this application as Engineering comments are addressed.

Commissioner Schibley made a **motion to approve application 22-122: 415, 425, 505 Day Hill Road, Alford Associates - Building Demolition, Proposed Warehouse and Wetland Berm subject to standard conditions in addition to the following special conditions:**

- 1. All comments from the Engineering Department are adequately addressed to their satisfaction and;**
- 2. the sequence of construction listed in the updated plan set (Item #15) indicating certain activities be conducted during dry conditions or when the ground is frozen are adhered to and;**
- 3. final discharge rates to be approved by the Engineering Department do not vary greater than 5% from this application.**

Commissioner Fraysier seconded the motion. **Vote 7-0-0**

**d. NEW BUSINESS**

Bill Anderson, P.E. from VHB addressed the commission as the Project Manager for this application.

B. Anderson presented the general details of the road construction, new utilities and associated infrastructure. This project will involve direct wetland impacts of roughly 3600ft<sup>2</sup> and include an outfall from catch basins and a culvert to permit flow from the northern wetland to the southern wetland.

Commissioner Elder asked how the flow of water will be managed during construction and installation of the culvert. B. Anderson explained that it could be constructed in phases to reduce overall impact and could constrain the time to conduct this work to one or two days in a dry season. Commissioner Elder expressed concern with preventing flow and depriving downstream habitats of water. B. Anderson stated that if flow was obstructed, it would be temporary lasting hours rather than days.

Commissioner Elder noted that there is a lot of cutting in some areas and filling in others, and asked how material was going to be stockpiled or collected, assuming the excavated material was being reused to fill. B. Anderson stated that the material would most likely be trucked off-site. Commissioner Elder stated that if the material did remain on-site, this stockpile must have silt fencing and possibly covering to ensure this would not end up in the wetlands.

Commissioner Elder asked if this road would be closed during construction. B. Anderson said they have the option to as all developed properties on this road have access through adjacent streets.

Vice Chairman Schibley noted that the runoff from proposed catch basins on the road are all concentrated into one outfall and plunge pool, which will allow water to reach the wetlands much faster, and asked for how much more water will be directed to the existing watercourse. B. Anderson stated that calculating this is actually difficult because there is no existing infrastructure to measure from, but they do plan on armoring the outfall with riprap and creating a plunge pool to dissipate velocities before the water enters the stream. Vice Chairman Schibley clarified that he is not necessarily concerned with erosion at the outfall, but the volume and rate of water discharge at this location being much more concentrated than the existing conditions. Vice Chairman Schibley stated that he is looking for more information on how volume and flow rates are going to change from the existing conditions for each storm intensity (2 year, 5 year, etc.). B. Anderson stated that there is an analysis they could do to provide more insight.

Commissioner Fraysier asked questions about traffic flow.

Commissioner Fraysier asked if there was any consideration to channelizing the roadway runoff into swales rather than piping into catch basins. B. Anderson stated that this would take a lot more area to construct and the Town's right-of-way is not large enough to include this.

Commissioner Fraysier asked B. Anderson to explain the horizontal alignment of the road as proposed. B. Anderson explained that the current roadway encroaches onto properties to the north of the road closest to Marshall Phelps, therefore the new roadway attempts to correct this by straightening, and falling mostly within the right-of-way which will also allow for a sidewalk. Commissioner Fraysier noted that there will still be encroachment onto nearby properties in the proposed plans. B. Anderson stated that there will have to be some encroachment to allow for the road and a side walk, but it has been optimized for the least amount of impact on nearby properties while also allowing for minimal turning as this road will be used primarily by tractor trailers or other large vehicles. Commissioner Fraysier noted on sheet 19,

the sidewalk is placed deeply into a slope and is concerned about the volume of material being removed from this area which is all outside of the right-of-way, and asked why this wasn't avoided by shifting to the right side of the cross section as shown on this sheet. B. Anderson stated that there was consideration for placing the sidewalk on the other side of the road, and there will be encroachment to adjacent properties even if the road was shifted, or the sidewalk was on the southern side of the road. Commissioner Fraysier asked if there was going to be impacts to other properties regardless, why not ask for additional area to allow for swales that would clean the water before entering the wetland/watercourse rather than a direct discharge. B. Anderson stated that this is something they could discuss with the Town as an alternative option.

Commissioner Fraysier asked what seed mix was to be used in the upland review area. B. Anderson stated that this has not been planned yet, and asked if there was a preference. Commissioner's Elder and Fraysier and Schibley stated that a wetland seed mix would probably be most appropriate. B. Anderson said they will specify that in the plans for these areas.

Commissioner Elder stated that a schematic of the potential impacts onto regulated areas would be beneficial to the Commission to be able to understand the overall impacts will be, especially in regard to dewatering of the wetlands.

Commissioner Fraysier asked if the elevations on the construction plans were reflective of the elevations on the cross sections, as the cross sections appear to show more impact than the plans. B. Anderson said they all should be consistent with the construction plan elevations.

Commissioner Fraysier asked what the next steps for design were. B. Anderson stated that he believes to have significant progress roughly within the next month.

Commissioner Fraysier asked if these plans were being reviewed by our Town Engineering Dept. W.A. Thompson stated that the Engineering Dept. is working with VBH and reviewing material regularly, and doesn't believe this will be reviewed by BSC Group.

Commissioner Fraysier stated that he would feel more comfortable considering this application once it has a more developed design; he is concerned about the large cuts, lack of plans for water handling and feels that impacts could be optimized. B. Anderson stated that all of the Commission's concerns would be addressed and will work with the Town to ensure it meets their goals as well. Commissioner Elder asked if updated plans would be available by the next IWWC meeting.

Vice Chairman Schibley generally summarized the concerns and need for more information in regard to culvert installation sequence, sheet flow/swales versus catch basins and flow rates of concentrated runoff, and the reasoning for placement of the road which involve encroachments and significant excavation.

Commissioner Towers asked if there was a NDDB area, or protected species noted within the project limits. B. Anderson said there was not. Commissioner Towers noted that wildlife can still be present outside of the NDDB areas.

W.A. Thompson asked B. Anderson to clarify what the elevation of the culvert was in relation to ground elevation. B. Anderson stated that the current culvert is at a slightly lower elevation than the ground, which they will be correcting to meet the ground elevation. W.A. Thompson stated that she wanted to

highlight the importance of ensuring fish and other wildlife passage was still possible post construction, i.e. matching these elevations.

Commissioner Elder asked if it were possible to show the baseline stationing on the existing conditions plan so they could make correlations easier. B. Anderson said he would accommodate this.

Commissioner Fraysier asked if the watercourse was intermittent. B. Anderson this stream is more established as perennial and has consistent flow. W.A. Thompson stated this would be an ideal time for a site visit to see high flows with recent rain events. B. Anderson ensured the Commission that the chosen size culvert took this flow into consideration. Vice Chairman Schibley asked if the proposed concrete pipe will allow for a greater flow rate than the existing corrugated pipe. B. Anderson confirmed this but said it wouldn't significantly change the flow rate.

Commissioner Schibley made a **motion to accept application 22-129: Baker Hollow Road Construction, Town of Windsor**. Commissioner Towers seconded the motion. **Vote 6-1-0**

#### IV. AGENT ACTION

Wetland Agent Thompson read the following agent approvals to the Commission.

- AA22-126: 33 Mohawk Cir, Gladys Torres – Fence in Backyard
- AA22-127: 382 Park Ave, Frank Corbett – 32' x 40' Garage

#### V. AGENT REPORTS

- 2101 Day Hill Road (Abutting 123 Great Pond Dr. – Emhart Glass)

W.A. Thompson stated that a Cease and Desist Order was issued to the property owner, Iron Bridge, LLC. which was delivered October 3<sup>rd</sup>. This will trigger a 10 day period in which a show cause hearing must be held with the property owner.

W.A. Thompson reviewed the nature of the violation with the Commissioners and stated that she has not yet heard a response, but the hearing must be held before next Thursday, October 13<sup>th</sup>, and she will be inspecting the property to see if sediment and erosion controls have been installed per the instructions in the Order.

Chairman Morando asked what would happen if we did not hear a response. W.A. Thompson said that she would have to read more about that process, but for a Notice of Violation, the next step would be to forward this information to a hearing officer.

- Application Form Updates

W.A. Thompson said in addition to updating the Agent Action form, she has also been looking into revising the long form, and asked the Commission for any input if they had any.

- VI. PETITIONS FROM COMMISSIONERS
- VII. ADJOURNMENT

Commissioner Schibley made a motion to adjourn at 9:32pm and Commissioner Towers seconded the motion. Vote 7-0-0

I certify that these minutes were approved on

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Marlene Towers, Secretary  
Inland Wetlands and Watercourses Commission