

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

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

Vice Chairman Schibley called the meeting to order at 7:07 p.m.

I. ROLL CALL

Present: 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 Williams made a **motion to approve the minutes as amended for October 4th, 2022.** Commissioner Elkins seconded the motion. **Vote 6-0-0**

b. OLD BUSINESS

- Application 22-129: Baker Hollow Road Construction, Town of Windsor

Bill Anderson, P.E. from VHB addressed the commission as the Project Manager for this application. Bob Jarvis, Town Engineer was also present.

Vice Chairman Schibley asked if Bill Anderson could describe to the Commission any updates and responses to questions asked in the previous meeting. Vice Chairman Schibley noted that the Commission received the additional documentation on flow rates from VHB.

Commissioner Fraysier asked for clarification on the two different proposed conditions as listed on the Hydrologic Analysis table provided to the Commission. B. Anderson described another proposed design that discharges the roadway runoff to the pond to the north rather than discharging directly into the stream to the south of the road.

Commissioner Fraysier asked what other alternatives were considered for the design of the road to determine that the proposed was the most feasible and prudent. B. Anderson described the reasoning for the current design which keeps adjacent property impacts to a minimum, and added that there would be a much greater area of impact should swales be utilized for drainage rather than piping to catch basins.

Commissioner Fraysier asked if there was any consideration to raising the elevation of the road, or straightening to reduce the volume of cuts required. B. Anderson stated given the existing conditions, there will be significant cuts regardless of the direction and elevation, and this design was chosen as a result of a cost-benefit analysis based on overall impacts. Bob Jarvis added that this design is best for the Town's maintenance and overall conceptual design.

Vice Chairman Schibley asked which of the two proposals was more favorable from an engineering perspective and to provide detail on each of the two options as it pertains to wetlands. B. Anderson said that the outlet to the pond does provide additional storage of water during large storm events, but it will have a greater right-of-way impact, however the initial proposal to discharge to the south of the road, is essentially synonymous with the northern discharge in terms of flow rates. The reason for including both proposals was to show that alternatives were considered, but did not have significantly different results. The plan would be to proceed with the initial proposal to discharge to the south of the road. Vice Chairman Schibley stated that the riprap at the outfall appears to be more than sufficient and is not concerned with erosion for discharging to the south because of such. B. Anderson stated that the required size is 10' x 7' but they extended this to reach the stream.

Commissioner Elder asked for additional information on how flow of water from the pond to the stream will be managed during construction. Commissioner Elder added that he would also like to see more information on the limits of disturbance especially to the north of the culvert, as contractors should have a clear line of where work was permitted. B. Anderson referred to the additional material provided to the Commission on the sequence of construction for the culvert. B. Anderson explained that the precast structures and other construction material were chosen to confine the culvert installation to a 48-hour period. The road will also be closed to any through traffic during this part of the construction phase. B. Anderson added that their Wetland Scientist stated that wetland habitats will not be negatively impacted by the proposed sequence and duration. Commissioner Elder stated that the contractor should be given specific direction to use quick-set concrete or other materials to ensure the 48-hour period specifically within low-flow conditions is adhered to.

Commissioner Elder asked if the cofferdam to the south could be expanded to include the ripped outlet. B. Anderson drew on the plans presented how this would be modified to meet this request.

Commissioner Fraysier asked if the newly proposed temporary and permanent impacts were accounted for in the area calculations, assuming the limits of disturbance have increased since the initial application. B. Anderson stated that excavation within wetlands will not be significant as the goal is to match existing elevations. B. Anderson stated that on the northern side of the street, there will be some grading and excavation work, but this is included in the initial application calculations. Commissioner Fraysier asked if there was a site plan that included the impact area boundaries for a contractor to reference during construction. B. Anderson stated that they could provide additional material to the contractor to ensure they are aware of the disturbance limits, and that the cofferdam can be installed without additional temporary impact area needed for access.

Vice Chairman Schibley noted that with the expansion of the cofferdam proposed by Commissioner Elder, there may be an issue with impounding of water coming from the catch basin outfall depending on the sequence of construction. Vice Chairman Schibley proposed that the cofferdam be relocated to directly outside of the road culvert if the catch basin outfall is constructed before culvert construction. B. Anderson replied that the outfall will not be constructed before the culvert, so they could provide additional material to the contractor to avoid confusion with the construction sequence.

Commissioner Fraysier asked how the wetland impacts were calculated. Commissioner Elder suggested that the newly proposed detail may not be reflected in the total acreage of “regulated area disturbance” as listed on the application form (Section 6). B. Anderson stated that the disturbance limits have not changed from the initial application and the updates proposed reflect the area calculations as listed.

Commissioner Fraysier noted that at the culvert inlet there is a 3ft difference between the proposed and existing elevation, and asked if this was accounted for in the total impact area. B. Anderson restated that all of the work proposed was accounted for in that calculation. Commissioner Fraysier asked for visual representation of this area. B. Anderson drew on the presented plans approximating the limits of disturbance within the wetlands and within the Upland Review Area. Commissioner Fraysier asked if this delineation was included in the initial application. B. Anderson said he does not believe that was included, but what is currently shown was how the areas were calculated. Wetland Agent Thompson asked Commissioner Fraysier if he was looking to verify the means in which disturbance was calculated. Commissioner Fraysier stated that the plans as presented do not show the wetland impacts on the application. B. Anderson stated that this information could easily be provided to the wetland agent for clarity.

Commissioner Elder added that silt fencing and sediment and erosion control efforts should also be adjusted to account for the installation of the cofferdam. Vice Chairman Schibley summarized the concerns, asking for additional detail on overall disturbance limits both permanent and temporary, which account for the newly proposed cofferdam as well as access for the construction of such. B. Anderson stated the majority of the work can be conducted from the road, with no heavy equipment to enter the wetland area. B. Anderson sketched a line on the presented plans and stated that an official plan with this line could be provided to the wetland agent.

Vice Chairman Schibley proposed that conditions be added to an approval, requiring a plan be submitted to the wetland agent prior to construction depicting limits of disturbance, and prohibiting the use of heavy machinery within the wetland boundary. Commissioner Fraysier stated that he would need to see the grading detail on the inlet as it he believes it will alter the wetland area impact.

Bob Jarvis, Town Engineer, stated that the Town would be in favor of a conditional approval to clarify and provide additional detail to support the calculations as submitted, and expressed concern with the potential disadvantage that a deferment may cause for this project.

Vice Chairman Schibley proposed conditions to add to an approval, which B. Jarvis was amenable to. Commissioner Fraysier stated that the additional information requested has the potential to significantly alter the impacts.

Commissioner Elder stated that he thinks additional detail is needed to adequately assess the application, even if there were a conditional approval.

Vice Chairman Schibley asked the Commission to state any other concerns for the applicant to address at the next meeting should the application be deferred. Commissioner Fraysier asked for there to be a plan showing a clear limit of disturbance, and a grading plan specifically focused on the culvert inlet.

Commissioner Fraysier made a **motion to defer application 22-129: Baker Hollow Road Construction, Town of Windsor, pending submission of additional detail to the Commission.** Commissioner Williams seconded the motion. **Vote 4-2-0**

c. NEW BUSINESS

- Application 22-137: 770, 800, 808 & 812 Bloomfield Ave (TLD Ace), Alford Associates – Pavement Expansion and Improvements

Skip Alford addressed the Commission representing the application. Also present was Matthew Nickerson from TLD Ace. S. Alford described the proposed activity in three different areas within the Upland Review Area. S. Alford explained that the majority of wetlands on-site are water quality basins constructed when the site was initially developed. S. Alford stated that the need for these site improvements are to address traffic safety concerns, improve truck turns and include a raised garden for employees.

Vice Chairman Schibley asked if there would be a greater flow of traffic adjacent to the wetlands once the parking lots between 800 & 770 Bloomfield Ave are connected. Vice Chairman Schibley added that he would be more concerned if this were not already a man-made and isolated wetland surrounded by development. S. Alford stated that this paved connection is much narrower than a standard driveway, and would therefore not encourage traffic not associated with TLD Ace. Commissioner Towers asked if this driveway would be used by trucks. S. Alford stated that this would be primarily used by employees with compact cars during rush-hour traffic as a safer avenue for employees to leave the site, rather than having to immediately enter onto Bloomfield Ave. Commissioner Towers stated that it wouldn't make a lot of sense for non-TLD traffic to use this route as opposed to the actual roadway.

Vice Chairman Schibley stated that he believes the impacts to be minimal enough for agent approval.

Commissioner Fraysier made a **motion to delegate to the Wetland Agent application 22-137: 770, 800, 808 & 812 Bloomfield Ave (TLD Ace), Alford Associates – Pavement Expansion and Improvements**. Commissioner Elkins seconded the motion. **Vote 6-0-0**

IV. HEARINGS

Vice Chairman Schibley made a **motion to add to the agenda the Hearing to show cause for 2101 Day Hill Road Cease and Desist Order, Iron Bridge LLC**. Commissioner Towers seconded the motion. **Vote 6-0-0**

- 2101 Day Hill Road, Iron Bridge LLC. – Cease & Desist Order 9/28/22

Wetland Agent Thompson explained the activity occurring on site in relation to the regulated areas which provoked the issuance of the Cease and Desist Order to Iron Bridge LLC on September 28th.

Michael Formanek addressed the Commission representing the property at 2101 Day Hill Road. M. Formanek explained that the property was purchased in the early 2000's and dirt biking has taken place on the property, which has remained generally unchanged since this date. M. Formanek stated that he believes the brook on site is not a flowing brook, and does not feel that the regulated areas have been impacted.

Vice Chairman Schibley explained that the Town's data show the stream on the property is a perennial stream, which suggests that it likely flows year round, but regardless of flow, this is an area where certain activities are regulated. Vice Chairman Schibley added that the dirt biking on the property is causing the soil to be continuously disturbed, thus causing concern for the risk of erosion into the wetlands and stream located on the property. Vice Chairman Schibley

M. Formanek stated that he just wanted to understand the situation as a whole, and asked what he could do with this land at this point. Vice Chairman Schibley explained that if further regulated activity is proposed on the property within the Upland Review Area or wetlands, it shall be considered as a separate matter in the form of an application to the Commission. Vice Chairman Schibley explained that the current intention of the Commission is to address the Cease and Desist, and the current state of the disturbed soils to ensure further erosion or impact to the regulated areas is properly addressed.

Vice Chairman Schibley asked if further activity has occurred on the site since the issuance of the Cease and Desist Order. M. Formanek said he has changed the locks on the gate, notified those who use the property, but cannot entirely fence the property. M. Formanek added that to the best of his knowledge, no one has used the property.

Vice Chairman Schibley asked W.A. Thompson what her concerns were, and if there was anything that needed to be addressed immediately. W.A. Thompson stated that her main concern is installing proper sediment and erosion (S&E) controls to protect the wetlands and stream from further sedimentation. W.A. Thompson added that the lack of dirt biking does not remove the risk for erosion because of the steep slopes.

Commissioner Towers asked if hay bales could be used as S&E Controls to allow dirt biking to continue. W.A. Thompson stated that minor suggestions on how dirt biking might be able to continue are welcome, and the Commission can certainly express their thoughts and opinions on such, but the applicant needs to propose the activity in a separate application to the Commission which shall include assurances that the activity will not negatively impact the regulated resource areas. Vice Chairman Schibley added that if M. Formanek wanted to continue dirt biking, the Commission would more appropriately address the details and logistics in a separate agenda item, i.e. an application. The purpose of tonight's meeting is to address the activity that has already occurred.

Vice Chairman Schibley suggested that perhaps a site visit with the wetland agent is necessary to address the current state of the disturbed soils, and to plan where stabilization is needed both temporarily with silt fence and permanently, which will be presented to the Commission in a future meeting. M. Formanek asked if he could be in attendance. Vice Chairman Schibley said this would be preferred as it would be much clearly identified where the S&E controls were needed.

Vice Chairman Schibley made a **motion to affirm the issuance of the Cease and Desist Order which shall remain in effect**. Commissioner Elder seconded the motion. **Vote 6-0-0**

V. AGENT ACTION

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

- AA22-133: 77 Prospect Hill Rd , Rafael Rodriguez – 20' x 26' Deck & Previous Clearing/ Re-grading
- AA22-135: 84 Winthrop Rd, Jonathan Mojica – 500ft² Deck
- AA22-136: 96 Seymour St, Wanda Walker-Douville – 8' x 12' Shed

VI. AGENT REPORTS

Wetland Agent Thompson asked the Commission about how to proceed with transferring a previously issued permit. The Commission agreed that a pre-written letter could be modified and acted upon by the Commission.

Wetland Agent Thompson informed the Commission that she has arranged to have an attorney come and speak to the Commission on any questions they may have and requested that if they have prepared any to submit them ahead of time so the seminar could be well-structured.

VII. PETITIONS FROM COMMISSIONERS

Commissioner Towers stated that she saw work being done by CT DOT in wetlands off of Poquonock Ave, and asked W.A. Thompson if a permit was granted by the Town of Windsor, or if she was notified of this. W.A. Thompson stated that local permits are not required for this work, and she was not notified of the work.

VIII. ADJOURNMENT

Commissioner Towers made a motion to adjourn at 8:58pm and Commissioner Williams seconded the motion. Vote 6-0-0

I certify that these minutes were approved on

Marlene Towers, Secretary
Inland Wetlands and Watercourses Commission