

SPECIAL MEETING MINUTES
WINDSOR INLAND WETLANDS & WATERCOURSES COMMISSION
TUESDAY FEBRUARY 7TH, 2023 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 p.m.

I. ROLL CALL

Present: Chairman Morando, Vice Chairman Schibley, Secretary Towers, Commissioners; D. DeCarlo, K. Elder C. Elkins, S. Fraysier, R. Williams, and Alternate Commissioner: J. Adamson.

Also present was Wetland Agent, Chloe Thompson and Alternate Commissioner M. Cote (not seated).

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

No public communications.

III. BUSINESS MEETING

- **MINUTES**

Commissioner Adamson made a **motion to approve the minutes as amended for January 4th**. Commissioner Towers seconded the motion. **Vote 9-0-0**

- **OLD BUSINESS**

- Application 22-142: 777 Bloomfield Ave, Steven Aeschliman: Megson, Heagle & Friend – Single Family Home Construction

Wetland Agent Thompson stated that an email was sent to Commissioners including the updated documents on the requested information from the previous meeting.

Steven Aeschliman of Megson, Heagle & Friend introduced himself to the Commission representing the application. S. Aeschliman

Vice Chairman Schibley asked why the road way was being moved, and what the thought process was to create a new access driveway to the east of the site. S. Aeschliman stated that there is a future plan for access to be directly off of Addison Road Extension, rather than through the Ford dealership, which will be used by the other residential lots on this area as well. Vice Chairman Schibley asked what the plans were for the old driveway; if the gravel was to be removed or somehow remediated to preexisting conditions. S. Aeschliman stated that they have not developed any plans for the old driveway. Vice Chairman Schibley stated that if demolition wasn't being proposed in this application, a new application to the Commission would be necessary if these plans were to be developed in the future.

Commissioner Fraysier asked why the roof leaders from the house were going to discharge so far from the house. S. Aeschliman explained this was merely because of topography and to avoid sheet flow.

Vice Chairman Schibley asked which driveway was going to be used as a construction entrance. S. Aeschliman stated that the existing driveway will be used as opposed to the newly proposed driveway for the majority of the construction. Vice Chairman Schibley asked if it were possible to add silt fencing around this entrance adjacent to the wetlands. S. Aeschliman stated that he will add this and work with the property abutter to add silt fencing on their property up to the existing pavement as well.

Vice Chairman Schibley made a **motion to approve application 22-142: 777 Bloomfield Ave, Steven Aeschliman: Megson, Heagle & Friend – Single Family Home Construction with the standard conditions and the special condition that silt fence be added around the existing gravel drive.** Commissioner Towers seconded the motion. **Vote 9-0-0**

- Application 22-143: 29 Windsor Ave, VHB & Dijon LLC. – Mixed Use Development & Wetland Mitigation

Wetland Agent Thompson stated that the requested additional material was provided via email just hours prior to the meeting and she had not gotten a chance to fully review the material beforehand.

John Furman and Anna Loss of VHB addressed the Commission representing the application. A. Loss and J. Furman presented the additional material to the Commission.

W.A. Thompson asked A. Loss if the mitigation plan as submitted in the application was going to be updated to reflect the changes made to the planting detail, turtle exclusion fencing and herbicide usage. A. Loss said this could be updated.

Commissioner Fraysier noted that the contamination response from the developer only discussed hazardous materials that could have come from the preexisting building prior to demolition, but this did not include any discussion of hazardous material in the soils. Commissioner Fraysier asked if there was any soil testing conducted on-site. J. Furman stated that there was not as it was not warranted given the history of the site. Chairman Morando asked W.A. Thompson if other departments regulate contamination. W.A. Thompson stated that it is the building department that would oversee the removal of hazardous material as part of a demolition permit.

W.A. Thompson asked if there was a history of dumping on the site given that it has been abandoned and on the town-line for some time now, where contamination could have resulted. J. Furman stated that there was some dumping on-site, but it was minimal and mainly household waste; there was no sign of hazardous dumping found on-site.

Vice Chairman Schibley asked what kind of debris was found in some of the wetland areas, and how it was going to be removed. A. Loss stated that the debris in these wetlands is mostly broken up concrete, metal and other construction material, which is most likely going to be removed with machinery. J. Furman stated that the debris is likely very deeply settled into the soil therefore they will avoid large excavations and instead make the area as safe and as clean as possible.

Vice Chairman Schibley asked what the “oil sheens” were that were noted in the wetland report. A. Loss stated that this “oil” was not in-fact, true oil, but a result of mineralization and iron oxidization typically noted in wetland areas.

Vice Chairman Schibley asked why the parking was oriented behind the retail building rather than having the building abutting the wetlands with parking in the front. J. Furman stated that this configuration was originally part of a two-phase development which favored parking in the rear. This second phase has been halted since the wetland delineation was conducted on site, revealing more limitations than originally expected. J. Furman stated that the swale is also higher in elevation from the parking lot as the

entire site slopes downward toward Windsor Avenue. Vice Chairman Schibley asked what the elevation was within the swale. J. Furman stated that it is roughly at 62 feet, which will drain into wetland #1 on the southern end of the site.

Commissioner Adamson asked if there were box turtles found within the wetland areas which would then be inside the exclusion fence thus preventing turtles from escaping. A. Loss stated that based on the condition of the wetlands and the habitat type of the Eastern box turtle, it isn't likely for them to currently inhabit these areas within the fence.

Commissioner Towers asked if construction was to begin in the summer, noting that box turtles are active during the day in the summer and asked if there were going to be inspections each day for these turtles. A. Loss stated that each morning there will be turtle "sweeps" to remove and report any turtles present on the site.

Vice Chairman Schibley asked the Commission if anyone was unable to review the materials in sufficient detail given the tardiness of submission. The Commission agreed they were comfortable with acting on the application.

Commissioner Towers stated that phase two would need to be proposed in a separate application to the IWWC.

Vice Chairman Schibley made a **motion to approve application 22-143: 29 Windsor Ave, VHB & Dijon LLC. – Mixed Use Development & Wetland Mitigation with the standard conditions and a special condition to follow NDDB guidelines for the Eastern box turtle (*Terrapene carolina carolina*)**. Commissioner Fraysier seconded the motion. **Vote 9-0-0**

IV. AGENT ACTION

Wetland Agent Thompson stated that there were no Agent Action Approvals to report.

V. AGENT REPORTS

- Violations:
 - Hunter's Ridge

W. A. Thompson updated the Commission on this violation since the previous meeting, and stated that a citation has been issued to the property owner. Town staff is still waiting on the contractor to provide information requested on the work that has been conducted thus far. The official deadline for the property owner to submit the requested material which includes an application to the IWWC is February 15th, after which fines will be imposed immediately at \$750 per day. W.A. Thompson explained the most recent site visit with the property owner's engineer and contractor, as well as the Town Engineer to discuss the sediment and erosion controls.

- 33 Meadow Road

W. A. Thompson stated that she is still trying to get in contact with the property owner to address the violations, and is supposed to be hearing back from their attorney.

VI. PETITIONS FROM COMMISSIONERS

VII. ADJOURNMENT

Vice Chairman Schibley made a motion to adjourn at 8:36pm. Commissioner Elkins seconded the motion. Vote 9-0-0

I certify that these minutes were approved on

Marlene Towers, Secretary
Inland Wetlands and Watercourses Commission