

REGULAR MEETING MINUTES
WINDSOR INLAND WETLANDS & WATERCOURSES COMMISSION
TUESDAY JUNE 6TH, 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.

1. ROLL CALL

Chairman Morando, Secretary Towers, and Commissioners D. DeCarlo, K. Elder, C. Elkins, S. Fraysier, R. Williams and Alternate Commissioner M. Cote

Also present was Wetland Agent, Chloe Thompson

2. PUBLIC COMMUNICATIONS (3-minute limit on items other than Public Hearings) – None

3. BUSINESS MEETING

- **MINUTES**

Commissioner Elkins made a **motion to approve the minutes as amended for May 2nd**. Commissioner Towers seconded the motion. **Vote 8-0-0**

- **OLD BUSINESS**

- Application 23-152: 73 Meadow Road, State of CT – Riverwalk Trail and Bridge Construction

Chairman Morando stated the application was accepted on May 2, 2023 and that nothing further had been asked for from the engineers or the developer. He asked Wetland Agent Chloe Thompson if she had anything to add and she said, no.

Commissioner Fraysier asked if there were any comments from the Engineering Department. Ms. Thompson said, no.

Commissioner Fraysier made a **motion to approve application 23-152: 73 Meadow Rd, State of CT – Riverwalk Trail and Bridge Construction**. Commissioner Elkins seconded the motion. **Vote 8-0-0**

- Application 23-156: 205 Baker Hollow Road, Alford Associates – Proposed Distribution Warehouse

Chairman Morando stated the application was accepted on May 2, 2023 and he asked if Ms. Thompson had any comments. Ms. Thompson discussed comments from the Engineering Department, reduction in stream flow, clearing limits and discharge points.

Engineer and Land Surveyor Wilson Alford, Jr. and Certified, Professional Soil Scientist Jim McManis were present. They discussed the site and surrounding properties, wetlands and adjacent stream, proposal, access, stormwater, basins, discharge of water, riprap and pipe size,

rate of flow, wetlands A & B, photos, methods to protect the wetland, silt fence and disturbance area.

Ms. Thompson reviewed the Town Engineer's comments. Mr. Alford explained that he used the Town's established standards for riprap and did not understand why there was an issue with the plans. He stated that he received the Engineer's comments today when the plans had been submitted six weeks ago. Ms. Thompson replied that they did not have the drainage report six weeks ago.

Commissioner Elder said that the riprap and pipe sizing would have to be resolved with the Engineering Department. He asked if they looked into installing a standard headwall a little further back in the embankment and then they would be able to pull it out of the stream a bit. Mr. Alford explained how he would use the riprap.

Commissioner Elder asked about placing the riprap underneath the outlet. Mr. Alford said the outlet has to be down at the elevation of the stream and then you have to excavate from there to the stream. He said the dynamics of the flow are a bit better with a flared end.

Commissioner Fraysier said it sounds like we could reduce the wetland impact if we use the DOT's calculations for the size of the punch bowl. Mr. Alford said as long as the Engineering Department says that is fine. He continued that whether six or seven feet wide of riprap is installed, the area adjacent to it will be disturbed.

Commissioner DeCarlo asked if the pipe could be shortened. Mr. Alford said that he wants to get the riprap to the stream because otherwise there will be erosion. He said the riprap ought to be down at the elevation of the stream and whatever is done upstream will not make much difference for the impact on the wetlands.

Commissioner Fraysier asked if there was any information on wetland B. Mr. McManis introduced himself and reviewed his qualifications. He said typically they do not evaluate wetlands when they are small, like wetland B. He said it is very disturbed and is more of a function of agricultural and many other disturbances. He continued that it really has no function at all but does meet the State of Connecticut's definition of a poorly drained soil.

Commissioner Fraysier asked him to review what determines if something has a low or high indirect impact. Mr. McManis spoke about soils, elevations, slopes and erosion for the project and believed the impact would be minimal.

Commissioner Fraysier asked if there would be any maintenance needed once the construction is over. Mr. Alford said there are notes on the drawings for necessary maintenance.

Commissioner Fraysier asked if the maintenance is worked up into a lease or ownership agreement with the property. Mr. Alford said there is an inspection maintenance agreement signed with the Town and is filed on the land records so that subsequent owners will also be aware of their responsibilities.

Commissioner Fraysier said there doesn't appear to be any landscaping proposed on or around the extended detention pond. Mr. Alford said if it is necessary, they could put some in there but that the slopes of the detention basins are supposed to be mowed.

Ms. Thompson asked how the comment on the lack of vegetation in the detention ponds relates to comment number nine where the ponds are not built to the depth of three to six feet where they would more likely support the invasive and nuisance problem. Mr. Alford said if that were a concern, they could dig them a bit deeper.

Mr. Alford discussed the comments regarding changing the size of the riprap at the outlet and if that would change the amount of intrusion that they have in the wetlands. He continued that he would like the riprap to be next to the wetlands and whether there is 10 or 12 feet of riprap, he still wants that corner of riprap to be adjacent to the stream so there will be no erosion.

Chairman Morando said that it really comes down to a matter of a few inches and that he would agree that this is just an academic discussion about a small portion of this riprap. He recommended approval with conditions.

Commissioner Towers asked if there were any animals on the national diversity database in this area. Mr. Alford said they have researched it and he did not think there was anything but if there were, they would adhere to the protocols.

Ms. Thompson recommended to include a condition that no further wetland impact is added given the adjustment to engineering.

Mr. Alford asked that wetland B be added as a condition of the motion.

Commissioner Elder made a **motion to approve application 23-156: 205 Baker Hollow Road, Alford Associates – Proposed Distribution Warehouse** with the **following conditions:**

- All Engineering Department comments shall be adequately addressed with any adjustments resulting in no additional impact to wetlands or watercourses and;
- Additional sediment and erosion control protections be applied to wetland B.

Commissioner Towers seconded the motion. Vote 8-0-0

- **NEW BUSINESS**

A brief break was taken and they reconvened at 8:36 p.m.

The new business item below was moved to after the public hearing agenda item.

- Permit Modification 21-230: 777, 903 and 1001 Day Hill Road, Alford Associates – Fill Removal

Licensed Engineer Wilson Alford, Jr. was present and reviewed the application.

Commissioner DeCarlo asked how much less excavation would take place in the upland review area. Mr. Alford was unsure of the exact number but estimated about 5-6' less.

Commissioner DeCarlo asked if the map they were looking at encompassed all of 777, 903 and 1001 Day Hill Road. He was trying to understand the orientation that was being shown. Mr. Alford showed the Commission where certain landmarks were on the map.

Commissioner Fraysier stated that he did not have enough information to approve the application. Mr. Alford said they are not doing any drainage as a result of this and that they are just excavating material.

Commissioner Fraysier said that Mr. Alford had mentioned a new building. Mr. Alford replied that the excavation is in preparation for a new building and all they are doing is grading the dirt.

Commissioner Fraysier said that he would like to see the new building and everything associated with it in order to approve it as all the grading is for the new building. Mr. Alford said that he was just giving background information that a new building will be going in. He added that they will be coming before the Commission for a site plan approval and at that time they would show the drainage for the building.

Commissioner Fraysier stated the new grading is all needed for the new building and whatever development that is going in there needs this grading so they are now linked. Mr. Alford said they are just grading the earth and it is a possibility that the building does not happen.

Commissioner Towers asked what the purpose was of grading the land if there is no building prepared for it. Mr. Alford said it is to prepare for a future building but at this point they are coming to ask permission to grade the earth. He said he was giving them information that there is a possibility that there will be a building there and that he is asking for their approval to grade the land according to the plan. He assured them that nothing was going to be happening to the wetlands.

Commissioner DeCarlo stated he thought the work was going to be touching the 150' boundary. Mr. Alford said right but because of the sequencing and the erosion and sedimentation control they have, there will be nothing that affects the wetlands.

Looking at the map, Mr. Alford reviewed the level of grading, depressions and a basin that would be installed to prohibit stormwater runoff on the site.

Commissioner Fraysier said that they are expanding the grading because of future development and that he would need to have the building information in order to approve the application. Mr. Alford said that he did not know exactly what the building was going to be at this point and that he was asking for permission to grade the area flat.

Commissioner Fraysier repeated that he did not have enough information to vote on the application.

Commissioner DeCarlo asked if they could do the project without touching that area. Mr. Alford said, no and that the problem is that there are commitments that need to be done so that someone can deliver a building at a certain time. He said they are asking for permission to move dirt around.

Commissioner Fraysier reviewed the history of the applicant with these properties and said he would be in favor of a separate application for the additional grading associated with the grading that is coming in. Mr. Alford said that they are not coming in with a development and that he just wants permission to do this. He said that if there is a development then they will come in with an application. He repeated that he is asking to grade the dirt in a different fashion than he was doing before.

Commissioner Towers asked Mr. Alford if he was sure the wetlands would not be affected with all the grading. Mr. Alford said, yes and reviewed the grading on the map.

Commissioner Morando asked to review the original application 21-30 and asked what the purpose was of that. Mr. Alford said to excavate and export material.

Commissioner Morando stated that soil is being moved around and the wetlands are not being impacted. He shared his opinion that it is not the concern of the Commission if the land will ever be developed with this application.

Commissioner Towers asked about the Engineering Departments comments. Ms. Thompson said that the comments were to address the outstanding comments from the April 5th memo.

Commission Morando said that it looked like all comments had been addressed.

Commissioner Towers thought dust control was still an issue.

Commissioner Morando said that they have a water truck out there. Mr. Alford said that every time he had been out there, there had been a water truck.

Commissioner Towers said that she had not seen it and she is down there all the time. Mr. Alford said there are two properties they are working on simultaneously all the time, so if they did not see it, it could be on the other property.

Commissioner Towers said that the crew needs to do a better job. It was very windy the other day and there was a lot of dust. Mr. Alford thought that some of the dust could be coming from the soccer fields and reviewed what had been top seeded.

Commissioner Fraysier asked what the limit was on the number of acres to be disturbed at a time. Mr. Alford said they are proposing five acres.

Commissioner Fraysier asked if they were to change it to four acres, would they have to change the phasing. Mr. Alford said, yes. He stated that changing it to four acres would not change anything other than how frequently the water truck went by.

Commissioner Elder made a **motion to approve permit modifications to application 21-230: 777, 903, 1001 Day Hill Road, Alford Associates – Fill Removal**, with the conditions that all Engineering Department comments be adequately addressed. Commissioner Elkins seconded the motion. **Vote 7-1-0 (Fraysier against)**

4. Public Hearing

Secretary Towers read the legal notice into the record. Public hearing began at 8:38 p.m.

- Application 23-153: 436, 438 and 458 Rainbow Road, F.A. Hesketh & Associates, Inc. – Wetland Map Amendment

Owner Vincent Oswecki, Engineer Guy Hesketh of Hesketh & Associates, Inc. and Certified, Professional Soil Scientists Jim McManis were present and reviewed the application.

Commissioner DeCarlo said he could see the Town's wetland delineation and asked where the information was that shows that it is not a wetland. Mr. McManis said the evidence is that they have probed the site. He said that they do not document every hole and do not make fancy reports. They just dig and put a flag where it is wet.

Mr. Hesketh said when Mr. Logan delineated the wetland boundary, he put a flag number at each one of the locations, which established where the wetland began and ends. He did certify the map.

Commissioner DeCarlo asked if they could describe how they determine where the boundary is. Mr. McManis described the process and the science behind it.

Commissioner Williams asked if the Town's Engineering Department confirmed the findings of what was done by Logan. Ms. Thompson replied that the Engineering Department does not review that.

Commissioner Williams asked who reviews their findings. Ms. Thompson said that she went out in the field and looked at the delineation and asked questions of Mr. Logan but generally that is not something the Engineering Department does.

Commissioner Williams asked about Ms. Thompson's findings. Ms. Thompson said she had questions on some of the soils.

Public Comment: None

Commissioner Morando closed the public hearing at 9:08 p.m.

Commissioner Fraysier made a **motion to approve application 23-153: 436, 438, and 458 Rainbow Road, F.A. Hesketh & Associates, Inc. – Wetland Map Amendment.** Commissioner Elkins seconded the motion. **Vote 8-0-0**

5. AGENT ACTION

Wetland Agent Thompson reviewed the following applications:

- AA23-158: 1043 Palisado Ave – 12' x 24' Deck
- AA23-159: 11 Foxglove Ln – 18' x 33' Above Ground Pool
- AA23-160: 237 Rollingbrook – 12' x 8' Shed
- AA23-161: Hunters Ridge – Asphalt Road Repair
- AA23-162: 32 Strawberry Hill – 24' Paver Patio and Fence

6. AGENT REPORTS

Ms. Thompson issued a notice of violation in conjunction with a cease and desist order from the Planning and Zoning Department and a notice of violation from the Engineering Department for 33 Meadow Road where they are parking tractor trailers.

7. PETITIONS FROM COMMISSIONERS

Commissioner Powers asked about Palisado Avenue. Ms. Thompson gave an update and explained that they were waiting on additional materials.

Commissioner Towers asked if someone had been monitoring the site on Day Hill Road, by Marshall Phelps. Ms. Thompson said there are inspectors that go out there.

Commissioner Towers shared concerns with the silt fencing and dust. Ms. Thompson said that she would check it out and talk to the inspector.

8. ADJOURNMENT

Commissioner Towers made a motion to adjourn at 9:53pm. Commissioner Elkins seconded the motion. Vote 8-0-0

I certify that these minutes were approved on

Marlene Towers, Secretary
Inland Wetlands and Watercourses Commission