

REGULAR MEETING MINUTES
WINDSOR INLAND WETLANDS & WATERCOURSES COMMISSION
TUESDAY MAY 2ND, 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

Chairman Morando, Secretary Towers, and Commissioners; C. Elkins, S. Fraysier, R. Williams and Alternate Commissioner: J. Adamson.

Also present was Wetland Agent, Chloe Thompson.

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

Edward Schenkel, attorney from Jacobi & Case and Steven Trinkaus, P.E. from Trinkaus Engineering, LLC. addressed the Commission representing an abutting property owner to 29 Windsor Ave. E. Schenkel explained their opposition to the permit modifications for the Mixed Use Development application (22-143) to be decided upon later in this meeting. E. Schenkel stated that they have numerous and significant concerns with the original application and the modifications to be proposed. S. Trinkaus detailed his review noting concerns with the site plans, and the stormwater/drainage report. E. Schenkel asked the Commission to consider the presentation by S. Trinkaus when deciding whether or not to deny the permit modifications.

III. BUSINESS MEETING

- **MINUTES**

Commissioner Fraysier **made a motion to approve the minutes as amended for April 5th.** Commissioner Towers seconded the motion. **Vote 5-0-0**

- **NEW BUSINESS**

- Application 23-151: 29 Island Road, Loomis Chaffee Institute – Single Family House

Lance Hall, Director of the Physical Plant at Loomis Chaffee School addressed the Commission as the representative for this application. L. Hall explained that Loomis is looking to construct a 1500 square foot house on the lot where a house was previously but has since been removed.

Commissioner Towers noted that the property currently has a lot of standing water present, and asked if this house was going to have a basement and if there was any concern with flooding because of this. L. Hall confirmed that there will be a basement and noted that the other Loomis owned houses on this road do not currently have any issues with basement flooding. L. Hall added that location of the house will be up-gradient of the currently inundated portion of the lot.

Commissioner Towers asked if any clearing was needed for this project. L. Hall stated that they will attempt to avoid cutting three trees along the southern end of the property, but all trees that are removed will be replaced to remain in compliance with Loomis Chaffee's "tree-for-tree" efforts.

Chairman Morando asked about utilities and the location of the proposed house in comparison to the previously existing house

W. A. Thompson noted that in the application form, there were calculations missing in item six where the area of disturbance should be listed. L. Hall said he would follow up with this information.

Commissioner Fraysier asked where the subsurface piping for the gutters will be located. L. Hall stated that these pipes will run along the back of the house and discharged at each of the rear corners sheet flowing over the lawn. Commissioner Williams noted that this water may contribute to the inundation observed by Commissioner Towers.

Commissioner Fraysier asked when the wetlands were delineated. L. Hall said this was completed roughly two weeks ago.

Commissioner Fraysier asked if and how the homeowner will be made aware of the regulated areas on the property. Chairman Morando added that by informing the future property owner, unpermitted activity may be avoided and protect the regulated areas from further impact. L. Hall stated that this property and all of the abutters are owned and maintained by Loomis, therefore, any activity requiring permits would be conducted and processed by the school's Physical Plant.

Commissioner Towers asked if pesticides, herbicides or fertilizers would be used to maintain the lawn. L. Hall stated that Loomis currently only uses lime on their residential properties.

Commissioner Fraysier made a **motion to accept and delegate to agent for approval, application 23-151: 29 Island Road, Loomis Chaffee Institute – Single Family House**. Commissioner Williams seconded the motion. **Vote 5-0-0**

****Commissioner Adamson left the meeting at 8:23pm.**

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

Kristen Solloway, P.E. and Vice President from Fuss & O'Neill, and Marc Nicol Dir. Of Park Planning & Development for Riverfront Recapture, Inc. addressed the Commission as the application representatives acting on behalf of the State of CT DEEP. K. Solloway explained that this application is one portion of a larger project to connect the Hartford Boathouse to Windsor's existing riverwalk and trail system. M. Nicol detailed the funding sources, and the main objective of the phased project to improve residents' accessibility to the Connecticut River. K. Solloway explained the locations of all temporary and permanent impacts necessary to construct a ~825 foot long paved trail and a bridge to cross Deckers Brook.

Commissioner Fraysier asked if all phases of the project are going to begin construction at the same time. M. Nicol and K. Solloway stated that construction time periods are expected to vary due to as a result of regulatory requirements and permitting as well as the various funding sources.

Commissioner Fraysier asked if any soil testing had been conducted in regard to contamination. K. Solloway stated that the soil for the entire project has been sampled and tested, and there are no contaminated soils associated with this phase of the project.

Commissioner Fraysier asked for detail on any alternatives that may have been considered. M. Nicol explained that this is the most direct path to the existing trail on the northern side of Deckers Brook. Commissioner Fraysier asked for the reasoning behind the construction of a second bridge rather than an improvement of the existing. M. Nicol stated that the existing bridge is not able to withstand heavy equipment and emergency vehicles as it is just a pedestrian bridge. M. Nicol explained that this second bridge will also avoid the need to construct another ~2,000 feet of trail to reach the existing trail and bridge which significantly increases the impact area to the brook and involve more tree clearing than the proposed.

Commissioner Williams asked if the old bridge is going to be demolished. M. Nicol stated that the bridge will remain in place and provide pedestrian connection back over toward E. Barber Street.

Commissioner Towers asked when construction will start. M. Nicol said that this will be driven by permitting and restrictions placed due to the number of protected species in the area; certain time constraints are required for specific wildlife patters.

Commissioner Fraysier asked how the fill will be offset in the floodplain. K. Solloway and M. Nicol explained that this fill will be accounted for in a proposed cove which will be located just over the town line in the City of Hartford.

Commissioner Fraysier ask for the reasoning behind choosing to set the bridge at an elevation of 19ft. K. Solloway stated that 19ft was determined the most appropriate as opposed to the 14ft standard due to the depth of soil disturbance as this parcel has historically been farmland.

Commissioner Towers made a **motion to accept application 23-152: 73 Meadow Rd, State of CT – Riverwalk Trail and Bridge Construction**. Commissioner Elkins seconded the motion. **Vote 5-0-0**

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

Guy Hesketh, P.E. from F. A. Hesketh & Associates, Inc. addressed the commission representing the application. G. Hesketh explained the general details of the proposed map amendment after the site was surveyed for wetlands and watercourses by George Logan from REMA in February of 2023.

W.A. Thompson stated that all map amendments require a public hearing which would be reasonably scheduled for the next regular meeting.

Chairman Morando asked if MDC or the State of CT would need to be notified of this amendment. Chairman Morando asked where the existing data was retrieved from. W.A. Thompson stated that the data that the applicant is looking to modify comes from the MDC,

and/or from USDA soil types. G. Hesketh added that these maps are a generalization of land characteristics and he believes this is the first on-site investigation of wetlands and watercourses.

Commissioner Fraysier asked if there was any stormwater discharge from abutting properties, i.e. Route 20 to the northeast and Wyndemere Apartment Complex. G. Hesketh stated that there are no discharges from Wyndemere, but there is a watercourse flowing from the north onto the parcel but is within the wetland boundaries on the eastern portion of the site and they are not looking to modify that part of the map.

Commissioner Fraysier asked if there was a culvert on Rainbow Road to the south of the currently mapped watercourse on the western side. G. Hesketh said he did not know but even if there is and it supports water, they do not feel it meets the definition of a watercourse.

Commissioner Fraysier asked why the property owner is looking to amend the map. G. Hesketh stated that they wanted to get a better understanding of the regulated areas on the property.

Commissioner Fraysier made a **motion to accept application 23-153: 436, 438, and 458 Rainbow Road, F.A. Hesketh & Associates, Inc. – Wetland Map Amendment** and schedule a public hearing on June 6th, 2023. Commissioner Towers seconded the motion. **Vote 5-0-0**

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

In reference to the comments from E. Schenkel and S. Trinkaus made during “Public Communications”, W.A. Thompson explained that an appeal to the original application has not been submitted, and the 15-day appeal period has since expired as this application was approved in February of 2023. W.A. Thompson added that the decision made tonight must only take into consideration the modifications proposed and the impacts they may have on the regulated areas.

John Furman, P.E. from VHB and Brain McCann attorney from Pullman & Comley, LLC. addressed the commission as the representatives for this permit modification request. B. McCann explained the timing and conditions of the initial approval as well as the general details of the permit modification.

J. Furman detailed the proposed changes to the site which included a change in parking lot and building locations in the rear of the site (and associated infrastructure), and other adjustments to allow for the maneuvering of emergency vehicles, all with no additional impact to the wetlands.

Commissioner Fraysier asked if the impervious cover area was increasing. J. Furman stated that it was going to increase but it may be offset by adding a parking lot island and reducing pavement along the retail building. B. McCann added that this increase in impervious cover does not increase the amount of water discharged to wetlands. J. Furman stated that all runoff is collected in an underground system before connecting to the water management system in Windsor Ave.

Chairman Morando asked if the Town’s Engineering Department had a chance to review the materials. Suzanne Choate, Town Engineer stated that the review has not been completed in full, but it was noted that the wetland impacts had been reduced from the original application. S. Choate asked that if the commission approves this, to keep the comments from the original approval.

Commissioner Fraysier asked if there were any comments made before by the opposing party that specifically pertained to the proposed modification. J. Furman stated addressed comments regarding infiltration piping, stormwater quality units. J. Furman added that the comments from Trinkaus Engineering are more general and do not specifically call to anything in the proposed modifications.

Commissioner Towers asked if the Town's Engineering Department was still reviewing the application. W.A. Thompson stated that the original and the modifications are still under review. B. McCann added that a condition of the initial approval was to address all comments from the Town Engineering Dept.

Commissioner Fraysier asked how the stormwater control system is ensured to operate as designed if the soil was not tested for infiltration. J. Furman stated that their stormwater is not designed to infiltrate, however the soil testing was still performed and this data can be provided if it has not been already included in the stormwater report. Commissioner Fraysier pointed to the plans describing a perforated pipe. J. Furman stated that this is a typo which should be described as a solid pipe, and will be revised.

Commissioner Fraysier made a **motion to approve permit modifications to application 22-143: 29 Windsor Ave, Dijon LLC. & VHB – Mixed Use Development & Wetland Mitigation** with the conditions of the original approval and a special condition to have the grading plans be synonymous with the drainage report. Commissioner Towers seconded the motion. **Vote 5-0-0**

- Application 23-154: 458 Windsor Ave, Town of Windsor – Wilson Gateway Park Development

Rob Newton, P.E. from BSC Group addressed the commission as the representative for the application. R. Newton explained the general redevelopment of this parcel into a community park which abuts a section of the concrete channeled Deckers Brook.

Commissioner Fraysier asked if the two rip rap aprons were located above the concrete. R. Newton confirmed this and added that the reason for this is that it will dissipate some energy.

Commissioner Towers asked if there was a lot of grading to take place. R. Newton said there is very minimal grading, most of which will be to add some small berms behind the play area.

Commissioner Fraysier asked if there were contaminants found on site. R. Newton stated that there were no triggers in the historical land use that gave them reason to test the soils.

Commissioner Fraysier made a **motion to accept and delegate to agent for approval, application 23-154: 458 Windsor Ave, Town of Windsor – Wilson Gateway Park Development.** Commissioner Towers seconded the motion. **Vote 5-0-0**

- Application 23-155: 43 Niles Road, Town of Windsor – Welch Park Improvements

Suzanne Choate (Town Engineer), and Paul Norris (Director of Recreation) addressed the commission as the representatives for the application. P. Norris gave a general description of the project. S. Choate explained that all of this work will take place in the upland review area totaling ~2.7 acres with the majority of the work taking place within the existing footprint. S. Choate added that the fence line will be extended toward the west of the site to fence in a grassed area.

Commissioner Fraysier asked what type of vehicles and machinery will be used to complete the work and how will they access the site. P. Norris stated that the machinery for most of the project will be used outside of the footprint other than to pour concrete.

Commissioner Fraysier suggested extending the silt fence to the west and adding a silt sac over the catch basin in the parking lot by the corner of the pool. S. Choate stated that they will add this to the plans.

Commissioner Towers asked when the project will begin. P. Norris said that this will begin in October with plans to finish the work in time for a grand opening on July 1st 2024.

Commissioner Towers made a **motion to accept and delegate to agent for approval, application 23-155: 43 Niles Road, Town of Windsor – Welch Park Improvements**. Commissioner Elkins seconded the motion.
Vote 5-0-0

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

Chris Alford, P. E. addressed the commission as the representative for this application. C. Alford described the wetlands, drainage and other existing conditions on the site. C. Alford then explained the general layout of the proposed distribution warehouse, and associated infrastructure including a parking lot, loading docks and truck storage area to the south of the site.

Commissioner Fraysier asked if additional clearing would be necessary to maintain a sight distance requirement to the east of the access drive. C. Alford said that he does not believe this will be necessary as a part of their project, but the town will be clearing to the edge of the property when Baker Hollow Road construction begins as a retaining wall will be in this location.

Commissioner Towers asked if this project will be done before or after the construction of the road. C. Alford stated that he believes both projects will be operating simultaneously.

Commissioner Fraysier asked if the stream was a part of Mill Brook. C. Alford stated that it is an unnamed tributary of Mill Brook. Commissioner Fraysier asked what the discharge rate would be pre and post construction. C. Alford stated that the site is currently discharging 70cfs and after construction it would be reduced by 50cfs to about 20cfs.

Commissioner Fraysier asked if there were any vernal pools located on the property. C. Alford said there were no vernal pools.

Commissioner Fraysier asked where the wetland disturbance was located. C. Alford stated that there are two points of discharge that are direct impacts to the wetlands, and all other disturbances are within the upland review area.

Commissioner Fraysier asked if there were any contaminated soils on site. C. Alford said he did not know, and would follow up with more information at the next meeting, and added that there was some storage of vehicles and equipment in the southern portion of the property.

Chairman Morando asked if tobacco was previously farmed on this land. C. Alford said he believes it was tobacco which was only farmed on the northern portion of the site and did not expand to the south where it is currently forested.

Commissioner Fraysier asked if there were any NDDB areas on site. C. Alford stated that the mapping did not identify this site being within the NDDB.

Commissioner Fraysier asked for the wetland functions and values to be provided with the wetland report. C. Alford said he would have George Logan prepare this for the next meeting.

Commissioner Fraysier made a **motion to accept application 23-156: 205 Baker Hollow Road, Alford Associates – Proposed Distribution Warehouse**. Commissioner Towers seconded the motion. **Vote 5-0-0**

- Application 23-157: 116 Alcott Drive, Poolman Pools – In-ground Pool

W. A. Thompson reminded the commission that this application was in-part to address the violation taking place in the back of the property where wetlands were cleared without a permit. This application is also to construct an in-ground pool which will include replacement plantings and landscaping.

Roger Langlois and Sean Corrigan from Poolman Pools addressed the Commission as representatives for the application. S. Corrigan explained the details of the application.

Chairman Morando asked if the house was connected to sewer. S. Corrigan said that it was connected to sewer and the drainage for the pool would be connected to the gutters and sump pump which do not discharge toward the wetlands in the rear of the property.

Commissioner Fraysier asked how far beyond the actual pool dimensions was excavation to occur to allow for the construction of the pool. S. Corrigan stated it would be about 2ft. Commissioner Fraysier asked how far beyond the pool would grading occur once the pool was constructed. S. Corrigan said it would extend ~5ft beyond the pool edge.

W.A. Thompson noted that there were missing calculations in item #6 on the application for the disturbance area. S. Corrigan said this would be updated.

Commissioner Fraysier asked if heavy machinery was going to be used to install the fence, and asked if hand tools could be used. S. Corrigan said it was up to the fence contractor but will find this information.

Chairman Morando asked where the replacement plantings were going to be located. W.A. Thompson displayed pictures of the backyard that the homeowner had prepared to show proposed plantings of shrubs and trees.

Comissioner Fraysier asked what type of ground cover would be in between the plantings. Cherayne Forknot-Gayle, property owner, stated that she was planning on using a wetland grass seed. W.A. Thompson noted that on the wetland report, skunk cabbage was present after clearing, so some vegetation may regenerate naturally as well. Commissioner Fraysier asked if the grass would be mowed. C. Forknot-Gayle stated that the grass wouldn't be mowed.

Commissioner Towers made a **motion to accept and delegate to agent for approval, application 23-157: 116 Alcott Drive, Poolman Pools – In-ground Pool** with standard conditions and a special condition that all fence posts be dug without heavy machinery. Commissioner Elkins seconded the motion. **Vote 5-0-0**

IV. AGENT ACTION

Wetland Agent Thompson reviewed the following applications:

- AA23-148: 66 Winthrop Rd, Vincent DiPilato – 10' x 16' Shed
- AA23-149: 17 Old Village Cir, Creative Enclosures, LLC. – 13' x' 13' Sunporch
- AA23-150: 634 Bloomfield Ave, Guillermo Martin Herrera – 16' x 14' Addition

V. AGENT REPORTS

VI. PETITIONS FROM COMMISSIONERS

Commissioner Elkins asked for an update on the violations associated with Butler Construction Co. and 398 Palisado Avenue. W.A. Thompson explained the updates and progress on these violations, and that staff plans on meeting with the property owners in the coming week.

VII. ADJOURNMENT

Commissioner Towers made a motion to adjourn at 9:39pm. Commissioner Elkins seconded the motion. Vote 5-0-0

I certify that these minutes were approved on

Marlene Towers, Secretary
Inland Wetlands and Watercourses Commission