

REGULAR MEETING MINUTES
WINDSOR INLAND WETLANDS & WATERCOURSES COMMISSION
WEDNESDAY SEPTEMBER 6, 2023 7:00PM
HYBRID MEETING – COUNCIL CHAMBERS AND ONLINE
Online webinar: <https://us02web.zoom.us/j/85435818689>

Chairman Morando called the meeting to order at 7:03 p.m.

1. ROLL CALL

Chairman Morando, Secretary Towers, and Commissioners K. Elder, C. Elkins and Alternate Commissioners J. Adamson and 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 Fraysier made a **motion to approve the minutes as amended for July 13th**. Commissioner Towers seconded the motion. **Vote 5-0-0**

Commissioner Towers made a **motion to approve the minutes as amended for August 8th**. Commissioner Fraysier seconded the motion. **Vote 5-0-0**

- **NEW BUSINESS**

- Application 23-171: 570 Pigeon Hill Rd., Shawn Cox - Bruns-PAK – Power Supply & Electrical Upgrades

Kevin Johnson, Professional Landscape Architect from Close, Jenson and Miller introduced himself as the representative for this application. Also present was Shawn Cox from Bruns Pak, Electrical Designer. K. Johnson explained the details of the application, of which is for the Aetna building on the corner of Addison Road and Pigeon Hill Road. K. Johnson stated that this application has been reviewed by staff prior to this date, and comments from such review have all been addressed with updated plans.

Commissioner Fraysier asked if there were any federal wetlands suspected to be on the property. K. Johnson stated that he does not believe the wetland scientist found there to be any, and all of the activity is within the Upland Review Area, with no activity occurring in the wetlands.

Commissioner Fraysier made a **motion to delegate to agent application 23-171: 570 Pigeon Hill Rd., Shawn Cox - Bruns-PAK – Power Supply & Electrical Upgrades**. Commissioner Williams seconded the motion. **Vote 5-0-0**

- Application 23-173: 26 Island Rd. & 32 Beckwith Dr., Loomis Chaffee School – Single Family House

Lance Hall, Director of the Physical Plant for Loomis Chaffee, and Charles Sheehan, P.E. addressed the Commission as representatives for this application. C. Sheehan described the details of the application, which will be for housing of school staff managed and maintained my Loomis. All activity will take place in the Upland Review area, and a NDDB application has been approved by DEEP, with results of such are currently being sent back to Loomis.

Commissioner Towers asked where exactly the house will be located. C. Sheehan referred to the plans and provided additional information.

Commissioner Fraysier asked for more detail on the sanitary easement and the stone path indicated on the plans. L. Hall stated that the stone path is for ease of walking for the existing residents but will be removed to allow for this additional development.

Commissioner Fraysier asked if there will be any access from Island Road and if the existing trees will be maintained. C. Sheehan stated that there will only be access from the driveway on Beckwith Drive, and all but one tree will remain.

W.A. Thompson asked if stockpiles could be indicated on the plans. C. Sheehan stated that this will be added and a copy of this will be sent.

Commissioner Fraysier asked if the residents are made aware of the regulated areas on the property. L. Hall stated that the residents are aware of the regulated areas, of which are of special interest to these residents in particular given their affiliations with various groups on campus. C. Sheehan added that the land is managed and maintained my campus staff which are properly trained to account for these restrictions and any regulated activity that may occur.

Commissioner Fraysier made a **motion to delegate to agent application 23-173: 26 Island Rd. & 32 Beckwith Dr., Loomis Chaffee School – Single Family House, with the condition to indicate the locations of stockpiles**. Commissioner Towers seconded the motion. **Vote 5-0-0**

4. HEARINGS

- Violation 23-115: 4 Walters Way, Thomas DeFranzo – Cease & Desist Order

Chairman Morando read the process in which hearings are conducted.

Thomas DeFranzo, receiving party of the Cease and Desist addressed the Commission. T. DeFranzo distributed paper plans to the Commission showing the location of the shed which is partially constructed. W. A. Thompson displayed previously submitted digital plans that did not include this information, but attempted to show the location of the structure digitally per T. DeFranzo's description.

T. DeFranzo stated that the area of the shed is in the location that was previously approved for a paddock area, which is to the west of the existing barn as indicated on the plans. T. DeFranzo added that this area was previously cleared as a part of this approval and does not occur within the wetlands.

W.A. Thompson explained to the Commission the reason for the issuance of the Cease and Desist Order as this was not an approved activity, which appears to be occurring within the Upland Review Area, and is potentially adjacent to a body of water. W.A. Thompson added that she believes additional information is needed in regard to the location of the structure and the limits of disturbance.

T. DeFranzo stated that shed is within the Upland Review Area, but is more than 60 feet from the stream on the property. T. DeFranzo added that the wetlands have been flagged on the property in the past, and this is within the paddock area which was previously approved.

Chairman Morando stated that the previous approval was for a paddock area, not a shed and asked if there was going to be water and electrical services added. T. DeFranzo stated that he would like to add water and electric. Chairman Morando explained that this is a very different project from a paddock area, which should have been proposed through an application to the IWWC as well as a building permit.

Commissioner Fraysier asked if the wetlands shown on the plans were from 2021. W. A. Thompson stated that she has a few comments in regard to proximities to wetland boundaries. W.A. Thompson explained that after reviewing the wetland boundaries from previously submitted site plans and current aerial imagery, there were potential discrepancies between the two. Wetland boundaries and topography on the previous plans had a disclaimer of only being surveyed in particular locations, and it was unclear of when this portion of the property was last surveyed. W.A. added that given this information, she recommends that the property be resurveyed for topography and wetlands to properly evaluate the impacts on wetlands as a result of the activity, which will determine if remediation is necessary. This will also provide the Commission with information necessary to consider a future application.

Chairman Morando asked if the request would be to re-survey the areas adjacent to the paddock area. W.A. Thompson stated that she would recommend this, but it may also be of the Commission's interest to evaluate how the adjacent wetland connects to the remaining system on the property as there appears to be ponding of water and streams in different locations as depicted on the plans. W.A. Thompson stated that the current impacts to the wetlands as a result of this activity are unknown, and a re-evaluation and re-survey may provide this information necessary to properly address this Cease and Desist.

Commissioner Fraysier requested that the updated plans include the proximities of the construction activity to the current wetlands. Commissioner Fraysier asked if this was on a slab or what other kind of intrusion into the ground was needed. T. DeFranzo stated that it has been built on a slab and is 16' by 30' which can be scaled back as it is not currently fully constructed. T. DeFranzo stated that the entire property was delineated is on the approval for the existing barn and paddock area which was on site plans in 1999/2000, and the new shed is not in an area that is impacting wildlife. T. DeFranzo stated he would like to have the Cease & Desist lifted tonight so he can protect his project thus far before winter.

Chairman Morando stated that the Commission is unable to do that without an application submitted to the IWWC, an updated wetland delineation and site plans, and additional information. T. DeFranzo stated that he will have this prepared.

Commissioner Fraysier asked if there are records for the approval of the existing barn on the property with delineated wetlands. W.A. Thompson stated that the barn and paddock were approved as a Jurisdictional Ruling in 1999, as it was “essential to the farming operations occurring on the property”. Commissioner Towers noted that the paper plan provided by T. DeFranzo states that this will not be a zoning violation if the barn is constructed as shown, but this activity deviates from this as the new shed was not shown on this plan. T. DeFranzo stated that he understands this, but thought that this wouldn’t be an issue because the new shed is within the approved paddock area. T. DeFranzo added that he will consult his engineer and provide the necessary information.

W.A. Thompson explained the dates in which materials shall be submitted. T. DeFranzo stated that he will provide this information. T. DeFranzo asked if there were is expiration date for field surveys including wetland delineations. W.A. Thompson stated that she does not believe that is currently described within the IWWC regulations, but at the time of the application, those evaluating the property must certify that existing conditions accurately represent what was previously surveyed.

Commissioner Fraysier stated that it would be helpful to see re-evaluated and delineated wetlands with the new structure on one set of plans and to have what was previously approved on another set of plans to compare both and determine what has changed.

Chairman Morando stated that there is also a \$250 fee minimum for all Cease and Desist Orders. Commissioner Fraysier stated that as long as they receive the information requested, he would be in favor of waiving the \$250 fee.

Commissioner Fraysier made a **motion to affirm the issuance of the Cease and Desist Order, remaining in effect to 4 Walters Way – Thomas DeFranzo, and to waive the \$250 fee.** Commissioner Towers seconded the motion. **Vote 5-0-0**

5. AGENT ACTION

Wetland Agent Thompson reviewed the following applications:

- AA23-167: 33 Canterbury Ln – 12' x 24' Shed
- AA23-168: 1 Grant Circle – 23' x 18' Deck
- AA23-169: 32 East St – 24' x 32' Addition
- AA23-170: 25 Skitchewaug St – Building and Drive Demolition
- AA23-172: 101 Lovell Ave – 15' x 26' Above Ground Pool

6. AGENT REPORTS

W.A. Thompson issued a citation for the unaddressed violations at 33 Meadow Road where they are parking tractor trailers, filling wetlands and floodplain.

W.A. Thompson included a memo to TPZ on an application to develop the property at 120 High Street explaining that if any erosion or activity is to occur within the URA, the applicant must notify the Wetland Agent and to submit an application for the remediation of any erosion. This site contains highly erodible soils, but has all activity outside of the IWWC reviewed areas.

7. PETITIONS FROM COMMISSIONERS

Chairman Morando commented on the importance of attendance among Commissioners. Commissioner Towers noted that if anyone is unable to attend and knows ahead of time to notify W.A. Thompson to prepare for rescheduling if necessary.

Commissioner Towers noted that sediment is entering the road near the 425 Day Hill Road project. W.A. Thompson stated that she will notify the Engineering Department of this.

Chairman Morando asked for details on the work being conducted on Poquonock Ave. W.A. Thompson stated that this is a state project as it's on a state road, and they are doing minor repairs to the existing structures.

8. ADJOURNMENT

Commissioner Towers made a motion to adjourn at 8:25 p.m. Commissioner Cote seconded the motion. Vote 5-0-0

I certify that these minutes were approved on

Marlene Towers, Secretary
Inland Wetlands and Watercourses Commission