

REGULAR MEETING MINUTES
WINDSOR INLAND WETLANDS & WATERCOURSES COMMISSION
WEDNESDAY JANUARY 3RD, 2024 7:00PM
HYBRID MEETING – COUNCIL CHAMBERS AND ONLINE
Online webinar: <https://us02web.zoom.us/j/85435818689>

Chairman Morando called the meeting to order at 7:02 p.m.

1. ROLL CALL

Chairman Morando, Secretary Towers, and Commissioners S. Fraysier, C. Elkins, R. Williams, and B. Stearns.

Also present was Wetland Agent, Chloe Thompson, and Office Administrator, Andrea Marcavitch.

2. PUBLIC COMMUNICATIONS (3-minute limit on items other than Public Hearings) – None; communications closed at 7:04pm.

3. BUSINESS MEETING

o **MINUTES**

Commissioner Elder made a **motion to approve the minutes as amended for December 5th, 2023**. Commissioner Williams seconded the motion. **Vote 6-0-0**

o **NEW BUSINESS**

- **Application 23-192: Clover Street, Town of Windsor - Cricket Field Improvements**

Chairman Morando asked W.A. Thompson if she had any comments on this application. W.A. Thompson stated that she did not have any comments at this time.

Rob Newton, P.E. from BSC Group addressed the Commission as the representative for this application. R. Newton explained that the Town is looking to improve Cricket Fields adjacent to Clover Street School and explained the details of the application. The field currently has issues with drainage and is in need of additional parking. R. Newton explained that the entire elevation of the field will be raised roughly two feet, and underdrains will be installed below ground.

Chairman Morando recalled his experience with the drainage issues in the park.

Commissioner Fraysier asked if there was silt fence to be placed around the southern two wetlands. R. Newton stated that silt fence will be placed all around the site including this area. Commissioner

Fraysier stated that this was missing from the plans. Commissioner Fraysier added that silt fence should also be added around stockpile locations.

Commissioner Fraysier asked if the chain-link fence was to remain in the eastern site of the field. R. Newton said this was a left-over backstop fence that will be removed.

Commissioner Fraysier asked if there was an alternative to having the drainage not outlet to the catch basins in the street drainage system. R. Newton stated that the poor soil conditions on the site do not allow for infiltration and the field would not be able to drain. Commissioner Fraysier asked if there was any possibility that the catch basins adjacent to the residential area could be eliminated and have the water gather in a swale instead. R. Newton stated that this was the best option to protect the homeowners to the north from runoff and to avoid interactions with the existing utilities (sewer/sanitary line) in this area.

Commissioner Elkins asked if the parking lot was going to be paved; Commissioner Fraysier asked if there was going to be curbs. R. Newton confirmed the parking will be paved but will not have curbing.

Commissioner Towers asked if this proposed raise in elevation will affect the abutting properties and if this would improve the drainage for the residents or if it will remain the same. R. Newton stated that the grade in this area will remain the same and there is a series of existing catch basins along the property line to carry runoff from the fields and residential properties.

Commissioner Fraysier asked for clarification on the decrease of volume of peak discharge from the site. R. Newton explained that they are attempting to flow more water into the drainage system with the use underdrains an infiltration, which will carry water off-site. Commissioner Fraysier asked for clarification on how the volume is being compensated given the increase in impervious cover of the parking lot. R. Newton stated that there is an expected increase in volume of water, but peak discharge will decrease. R. Newton said that there may have been a mistake in how this detail was entered in the application and will review this for revisions.

Commissioner Towers made a **motion to accept application 23-183: 23-192: Clover Street, Town of Windsor - Cricket Field Improvements**. Commissioner Elkins seconded the motion. **Vote 6-0-0**

- **Application 23-193: 1001 Day Hill Road, Fast Pitch Nation – Additional Ball Field**

W.A. Thompson pointed the Commissioner's to her comments provided in their packets and to the applicant, specifically calling to items numbered three and six (comments attached to this document).

Phil Doyle P.E. from LADA, P.C. Land Planners addressed the Commission as the representative for this application. Also present was David Rocca, owner and manager of Fast Pitch Nation, LLC and Ian Cole, soil scientist.

P. Doyle explained that the details of the application, which include the addition of a baseball/softball field that impacts a previously approved wetland mitigation area in 2018. P. Doyle addressed the first comment from W.A. Thompson and highlighted the boundary of the wetland mitigation area and its proposed extension into the upland portion. P. Doyle addressed comment number 4 and explained that additional native plantings could be included between the new field and the remainder of the wetland mitigation area. P. Doyle commented on the last comment and agreed, adding that has all been designed to protect the wetland areas and sandy soils for the protected tiger beetle.

I. Cole stated that he believes there will be no adverse effects on the wetlands and watercourses will be impacted as a result of this activity. I. Cole directed the Commission to site photos of the area and gave a brief overview of the site's history. I. Cole stated that the fauna of concern on this site are the eastern box turtle and the tiger beetle; of which standard DEEP best practices will be implemented for. I. Cole stated that the planting plan includes the maintenance of a young invasive Phragmites stand which has the potential to expand if not removed. I. Cole and P. Doyle stated that this proposal includes a new water quality basin and 100+ new plantings to help support the integrity of the successful man-made wetlands.

Commissioner Fraysier asked what the maintenance requirements were for each season, mowing etc. P. Doyle stated that they will be maintaining certain areas as open sandy soils for the tiger beetle, and the bottom water quality basin will be maintained once a year, removing invasive species. I. Cole stated that in site photo number 4, most of this area is open sand for tiger beetles and the best option would be to not introduce plantings as to adhere to DEEP's best management practices. There is cattail in this area as well which is beneficial for filtration of water leading to Mill Brook.

Commissioner Stearns asked what the maintenance is for the grass of the field in terms of fertilization, herbicide and pesticides. D. Rocca stated that organic fertilizer has been used without the use of pesticides and herbicides. P. Doyle added that for the majority of the year, the area is unused and does not have an overall intense use. I. Cole added that this project will be very quick, with very easy-to-manage construction work.

Commissioner Fraysier asked about the potential vernal pool on the property. I. Cole stated that he has reviewed the reports on this wetland and agrees that this is a man-made feature that does not meet the definition of a vernal pool standard. I. Cole added that this activity would not impact the area anyway. W.A. Thompson asked I. Cole to explain the differences between this body of water/wetland (wetland H) and a vernal pool. I. Cole stated that this wetland does not have

adequate hydrology, i.e. it does not hold water for three months during the amphibian breeding season.

Chairman Morando asked for confirmation on the timeline to complete this project. I. Cole stated that this will take roughly two months or less. D. Rocca added that all construction activity will take place in the winter months.

Commissioner Towers asked if there would be sweeps for the eastern box turtle. I. Cole stated that this is already part of the protocol and there will be exclusion fencing installed, along with daily turtle sweeps during construction. Given approval time-periods, this activity is planned to occur outside of the active season for the box turtle. Commissioner Fraysier asked if any turtles have been found during previous construction. D. Rocca said there have not.

Commissioner Towers asked if there were hay bales around the wetlands in addition to silt fencing. P. Doyle stated that they are currently planning on using both hay bales and silt fencing on the lower sides of the site abutting wetlands.

Commissioner Towers asked about littering from patrons. D. Rocca stated that there is a lot of staff managing this. I. Cole stated that in his field work, he has not found any trash in the area.

Commissioner Fraysier noted that in the wetland report REMA mentioned site visits were in March and April 2018 with “no obligate species found”, and asked if that was also an indicator of vernal pools. I. Cole stated that you would need amphibian and other species as well as the hydrology to identify a vernal pool properly.

Asked if there was any benefit to reassessing the area in the spring as the report is from 2018. I. Cole stated that the vernal pool upland recommendations are in direct conflict with the recommended tiger beetle habitat protocol and therefore does not believe a re-evaluation would be beneficial for this area. Commissioner Fraysier asked if there was any negative impact on the wetland mitigation buffer area as a result of this activity. I. Cole stated that the activity may actually benefit the buffer zone as they are planning on removing a young Phragmites population that has a high potential to expand if not managed.

Commissioner Fraysier asked how the sandy areas tie into the soccer fields to the east. P. Doyle stated that this is a separate facility from this area. Commissioner Fraysier asked if there was an elevation difference. P. Doyle stated that there is a six foot difference, going up in elevation from the sandy area to the soccer field.

Commissioner Fraysier asked what the plans were for construction access. P. Doyle stated that access will be made through existing pathways; there will also be a construction pad in this location.

Commissioner Fraysier recalled the previous conversation about fertilizers and herbicides, and noted that plans (L5.1 & L7.1) refer to the use of commercial fertilizer. I. Cole stated that this is likely a standard construction practice for the establishment of grass and sod. P. Doyle stated that this comes from DEEP protocol as grass must be established in disturbed soils, but D. Rocca will be using organic fertilizers. Commissioner Fraysier asked if that could be modified. P. Doyle stated that it could be a condition of the approval.

Commissioner Fraysier made a **motion to accept and delegate to agent for approval application 23-193: 1001 Day Hill Road, Fast Pitch Nation – Additional Ball Field**. Commissioner Elkins seconded the motion. **Vote 6-0-0**

4. Show-Cause Hearings

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

Skip Alford, P.E. from Alford Associates and Tom DeFranzo, property owner were present.

W.A. Thompson stated that she has provided comments on the submitted plans from December 6th and has received replies on them, as well as updated plans to address the comments. W.A. Thompson added that she overlaid these plans onto those previously submitted (2021) and there appears to be significant discrepancies between the wetland delineations. The details of this should be discussed and considered as part of this hearing. Commissioner Fraysier asked where this was on the plans. W.A. Thompson displayed plans from 2021, “Farm Plan – REMA annotated” and stated that the wetland line in the area of the newly constructed shed does not exist on the most recently submitted plans. W.A. Thompson added that there are other lines to the south that are entirely different.

Chairman Morando asked when the previous delineation was conducted and who completed such. W.A. Thompson stated that these were from 2021 as part of a previous cease and desist hearing, with both delineations conducted by REMA. Chairman Morando stated that there is a note on the plans stating that the findings are “substantially correct”. Commissioner Fraysier stated that he agrees with needing an explanation as to why the wetland boundary has changed over the past few years.

S. Alford stated that the property has been subject to erosion from conditions upstream that could have had an effect on this area. Commissioner Fraysier asked if George Logan from REMA was available to speak on this. S. Alford stated that he is not, but the area closer to the road has been eroding and causing sedimentation which might have filled in wetlands. Commissioner Fraysier stated that he would like G. Logan to comment on this. S. Alford stated that there is a letter from G. Logan stating that the shed does not have any impact on the wetlands and as a result of the erosion, the wetlands are not of high quality. S. Alford stated that he emailed this to W.A. Thompson. W.A. Thompson stated that she did just receive an email during this meeting. Chairman Morando was given a copy and read portions of the letter, which mentioned the wetland impact and previous sedimentation. W.A. Thompson stated she has not read this letter yet, but this may be speaking on the wetlands as they exist today, rather than how they may have been subject to manipulation.

Commissioner Stearns asked if there had been any cored soil samples taken from the area to determine if fill was found. S. Alford stated that this is how G. Logan identifies the boundary and has determined that the shed will not cause any long-term impacts to wetlands. S. Alford stated that he believes the Cease & Desist should be lifted so they can proceed.

Commissioner Towers read from the REMA letter which stated that the property has been influenced by up-gradient erosion and previous agriculture activity. Chairman Morando noted that the erosion and sedimentation has been commented on by G. Logan, the soil scientist, which Commissioner Fraysier and W.A. Thompson were referring to. Chairman Morando added that the information has been provided, but the Commission could ask G. Logan to explain this with more detail. Commissioner Elkins agreed.

T. DeFranzo stated that there is an ongoing issue with erosion and discharge of water from Merriman Road.

Chairman Morando asked W.A. Thompson what the next steps should be, and how they can proceed with lifting the Cease and Desist Order. W.A. Thompson stated that the property owner has produced the requested materials to assess the conditions of the site, and the next step would be to have an application for the unpermitted activity. T. DeFranzo stated that he would like the submission of an application to be a condition of lifting the Order so he can put a roof on the shed. W.A. Thompson stated that he would need to have an approved application to do this work anyway, so upholding the Order does not pose a time delay.

Commissioner Fraysier stated that it doesn't appear much more would be needed for the application as they have most of the information already. W.A. Thompson stated that the complete application would have a full wetland report in addition to the letter/memo from REMA and a completed application form; once this is received the Cease and Desist could be lifted and the application can be heard. W.A. Thompson stated that this hearing was to assess the impacts of the unpermitted activity and prescribe corrective actions if necessary, but it appears that there isn't a need for any remediation therefore the next step is to submit an application. W.A. Thompson added that there should be more detail on the discrepancies between wetland boundaries included in this application. T. DeFranzo stated that he didn't know he was going to need an application. W.A. Thompson stated that this has been the standard practice; an application is needed for this activity and the reason for the issuance of the Cease and Desist. The Commission cannot prescribe the completion of the shed as a corrective action. Commissioner Fraysier explained that this is the first time the Commission has been able to consider whether or not the shed construction has impacted wetlands on the property.

T. DeFranzo asked if the Commission could hold a special meeting to consider the future application. T. DeFranzo stated that the wetlands on this property were disturbed previously, and he has completed a lot of work to remediate them, and create a pond. W.A. Thompson stated that a permit has never been issued for the creation of a pond, only reference to one on submitted site plans. T. DeFranzo stated that he submitted an application for this in 2020, and believed he did not need a permit because it is an agricultural property. T. DeFranzo stated that there is a lot of erosion coming from Merriman Road and he would like to put a roof on his shed so he can keep his wood dry.

Chairman Morando asked if a special meeting could be scheduled in two weeks. W.A. Thompson stated that the Commission can be polled for availability, but new applications cannot be received at special meetings and this would have to be accepted in February at the next regular meeting.

- Violation 23-122: 364 Addison Road, Mark Scott – Cease & Desist Order

W.A. Thompson stated that she has spoken to the property owner and they have requested a continuation to allow for them to produce materials.

6. Agent Action

Wetland Agent Thompson reviewed the following agent approved applications:

- AA23-189: 21 Matthew Ln. – Backyard Fence
- AA23-191: 99 International Dr. – HVAC Unit
- AA23-193: 123 Prospect Hill Rd. – Solar Array

7. Agent Reports

8. Petitions From Commissioners

Chairman Morando announced his upcoming resignation from the Commission, and encouraged Commissioner's to take on additional roles as elected officers. W.A. Thompson encouraged Commissioners to reach out to her if anyone would like more information on the duties of these positions. Commissioner Fraysier asked what the process would be for electing officers. W.A. Thompson said she would notify all of the Commissioners in a letter of this process including the nominations and voting to take place at the next meeting. Commissioner Towers stated that if Chairman Morando has to resign before the next meeting, she will have to officiate as she is currently the secretary and only remaining officer.

W.A. Thompson and the Commission thanked Chairman Morando for his long-term dedication to this Commission as well as his 20+ year service to other town Commissions.

9. Adjournment

Commissioner Towers made a motion to adjourn at 8:54 p.m. Commissioner Elkins seconded the motion. Vote 6-0-0

I certify that these minutes were approved on

Marlene Towers, Secretary

Inland Wetlands and Watercourses Commission