

**SPECIAL MEETING MINUTES**  
**WINDSOR INLAND WETLANDS & WATERCOURSES COMMISSION**  
**THURSDAY APRIL 18<sup>TH</sup>, 2024 7:00PM**  
**HYBRID MEETING – COUNCIL CHAMBERS AND ONLINE**  
Online webinar: <https://us02web.zoom.us/j/85435818689>

---

Chairman Fraysier called the meeting to order at 7:00 p.m.

**1. ROLL CALL**

Chairman S. Fraysier, Vice Chairman Elder, Secretary Towers, Commissioners B. Stearns, C. Elkins, 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; communications closed at 7:02pm.

**3. BUSINESS MEETING**

○ **MINUTES**

Commissioner Elkins made a motion **to approve the minutes from the March 5, 2024 meeting**. Commissioner Cote seconded the motion. **Vote 6-0-0**

Commissioner Towers made a motion **to approve the minutes as amended from the March 19, 2024 meeting**. Commissioner Elkins seconded the motion. **Vote 6-0-0**

○ **OLD BUSINESS**

- **Application 24-197: 450 & 462 Bloomfield Ave, A.R. Building Company, Inc. – Multi-Family Residential Development**

Chairman Fraysier recused himself from review of this application.

John Schmitz, P.E. from BL Companies addressed the Commission as the representative for the application. J. Schmitz presented the changes to the application since the last meeting. J. Schmitz stated that this set of plans addresses staff comments and reviewed the changes made specifically in response to such.

B. Stearns asked if the stormwater infrastructure would have the ability to filter out petroleum or other contaminants from vehicles in the parking lot. J. Schmitz stated that oils and other floatables will be filtered out in the separators before reaching the underground infiltration system.

Vice Chairman Elder asked if there was going to be signage installed off-site to ensure all construction traffic was going to enter through Dunfey Lane with the tracking entrance, rather than through the gas station parking lot. J. Schmitz stated that there will be a perimeter fencing around the entrance through the gas station area; connections to this will only be established in the final stages of construction.

Commissioner Towers asked if the stockpiles will be located farther from wetlands that they might have previously shown. J. Schmitz stated that some of the stockpiles are shown in building footprints, but they are only temporary and outside of the upland review area.

Commissioner Towers noted that grading will occur directly on the wetland border, and asked if the sediment and erosion (S&E) controls were going to be inspected daily. J. Schmitz stated that there will be an inspector on the contractor's staff that will be inspecting and replacing silt fence as needed. Vice Chairman Elder suggested that this be a condition of the approval, and that inspections be held more than once a day after storm events. J. Schmitz stated that these are also written reports that can be submitted to staff. Commissioner Cote added that the erosion control blanket should also be included in daily inspections. J. Schmitz stated that every area where there are E&S controls would be inspected.

Vice Chairman Elder made a motion **to approve application 24-197: 450 & 462 Bloomfield Ave, A.R. Building Company, Inc. – Multi-Family Residential Development with the following conditions:**

1. Place signage to direct construction traffic to Dunfey Lane entrance only,
2. Daily inspections of all E&S controls including immediately after storm events,
3. Provide inspection reports as requested.

Commissioner Towers seconded the motion. **Vote: 5-0-1. Chairman Fraysier abstained.**

- **Application 24-196: 4 Walters Way, Thomas DeFranzo – 16' x 31' Shed**

W.A. Thompson stated that the 60 day period of tabling an application has been reached, and would therefore recommend that the application be denied without prejudice due to the outstanding violation on the property.

Attorney David Sherwood and Tom DeFranzo (property owner) addressed the commission. D. Sherwood stated that he was representing the property owners.

D. Sherwood stated that with the consent of the applicant, the commission can extend this period for a maximum of 60 days before deciding on the application and requested the commission do so. D. Sherwood that this is a matter that will have to be addressed in connection with the other alleged violations, therefore it makes the most sense to consider them at the same time.

Commissioner Towers made a motion **to table application 24-196: 4 Walters Way, Thomas DeFranzo – 16' x 31' Shed, per consent of the applicant.** Commissioner Elkins seconded the motion. **Vote 5-1-0.** Commissioner Cote opposed.

#### 4. Violations

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

W.A. Thompson noted that she sent a memo containing comments from the submitted progress plans and letters from the surveyor and the property owner's attorney. In addition to this, there was a memo from the Town's attorney. W.A. Thompson stated that in the memo, it's explained that a show cause hearing shall be scheduled for the revision of the original Cease & Desist Order as the hearing did not continue after the revision on February 6<sup>th</sup>. W.A. Thompson suggested this be scheduled to occur at the next regular meeting on May 8<sup>th</sup>. Chairman Fraysier reviewed the events so far; the initial C&D was specifically in regard to the shed constructed without a permit, and the revised C&C on February 6<sup>th</sup> included additional wetland impacts suspected to have occurred.

D. Sherwood added that the official issuance of the revised C&C listed violations in addition to the shed, and the violations surrounding the shed were discussed in the previously closed hearing therefore the hearing on May 8<sup>th</sup> would discuss only the additional alleged violations. W.A. Thompson stated that the commission would have until their June meeting to act on the shed application.

Chairman Fraysier noted that the show cause hearing for the shed has closed, and asked W.A. Thompson if the violation had been addressed. W.A. Thompson stated that this is still an outstanding violation, and the C&D is still in effect.

D. Sherwood stated that work is still being conducted, and distributed another partial site plan showing additional information that was collected since the submission on April 12<sup>th</sup>. D. Sherwood added that [in reference to W.A. Thompson's comments] the NDDB determination response was reviewed under the "residential construction" category, therefore the inclusion of any other activity in the request form will likely yield the same result without a restoration plan in place; there will be no impacts on protected species.

W.A. Thompson stated that this should be discussed again after the C&C has been addressed and final plans have been developed. D. Sherwood stated that would be acceptable.

D. Sherwood stated that the plans should be finalized and submitted in a few days.

Commissioner Stearns made a motion to **schedule a show cause hearing on May 8<sup>th</sup>, 2024 for Violation 23-115: 4 Walters Way, Thomas DeFranzo – Cease & Correct Order**. Commissioner Towers seconded the motion. **Vote 6-0-0**

- Violation 24-123: 851 Marshall Phelps Rd, Eric Atanga & Dynamic Distribution LLC. – Cease & Correct Order

W.A. Thompson stated that the property owner requested this discussion be tabled to the next meeting as they were not able to attend this meeting. W.A. Thompson stated that she provided the memo sent to the commission to the property owner and lessee as well. This memo was written to clarify the next steps to address the violation.

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

W.A. Thompson stated that the property owner, Alecia Scott, was present in the audience, and that their surveyor provided a preliminary existing conditions plan and that it appears they were looking for more information on what the commission would like to see in the restoration plan. W.A. Thompson stated that the existing condition plans do not show the pre-existing conditions, therefore it is difficult to estimate the amount of fill that was deposited on site.

Chairman Fraysier asked if there was a deadline placed on when to submit plans by. W.A. Thompson stated that there has not been so far. Chairman Fraysier asked if the property owners would be available to attend the May 8<sup>th</sup> meeting. W.A. Thompson asked Alecia Scott would be available, and confirmed that the property owners would be present on May 8<sup>th</sup>.

Chairman Fraysier stated that the updated plans are appreciated, and suggested setting a deadline by when we will receive plans.

There was discussion on how to determine this deadline, which would depend on consultants' schedules. W.A. Thompson suggested proceeding how the commission has done previously, and establish a deadline to receive a reasonable timeline.

Commissioner Elder made a motion to **require a timeline for submitting requested material by May 8<sup>th</sup> for Violation 23-122: 364 Addison Road, Mark Scott – Cease & Desist Order**. Commissioner Towers seconded the motion. **Vote 6-0-0**

## 6. Agent Action

- No agent actions were taken since the previous meeting.

## 7. Agent Reports

- W.A. Thompson noted that the previously delegated application for the Villages of Poquonock had minor changes, and will be approved.
- W.A. Thompson stated that there have been preliminary changes to FEMA's flood mapping, and the Town has advertised this and distributed information on this matter. A mapping application was created to help Windsor residents understand the changes on their property taking effect in 2025.

## 8. Petitions From Commissioners

- Commissioners Towers and Elkins asked W.A. Thompson for an update on previously discussed violations. W.A. Thompson provided a brief overview on their status.
- Commissioner Cote stated that there has been significant erosion on the Day Hill Dome property. W.A. Thompson stated that the Town does have construction inspectors in this

area daily, so they are likely aware of this but she will notify them and have this area inspected immediately.

- Commissioner Towers asked how frequently “Vortechs” systems must be cleaned out. Vice Chairman Elder stated that these are hydrodynamic separators and this information is probably in the specifications sheet. W.A. Thompson stated that she will reach out to the Engineering Department to review their maintenance plan agreement. W.A. Thompson added that she believes the standard is that they be cleaned on a yearly basis.

**9. Adjournment**

**Commissioner Elkins made the motion to adjourn at 8:15 PM. Commissioner Towers seconded the motion. Vote 6-0-0**

I certify that these minutes were approved on

\_\_\_\_\_  
  
\_\_\_\_\_

Marlene Towers, Secretary  
Inland Wetlands and Watercourses Commission