

**SPECIAL MEETING MINUTES**  
**WINDSOR INLAND WETLANDS & WATERCOURSES COMMISSION**  
**TUESDAY JULY 23, 2024 7:00PM**  
**HYBRID MEETING – COUNCIL CHAMBERS AND ONLINE**  
<https://us02web.zoom.us/j/85435818689>

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Chairman Fraysier called the meeting to order at 7:01 p.m.

**1. ROLL CALL**

Chairman Fraysier, Secretary Towers, and Commissioners C. Elkins, B. Stearns, and alternate Commissioner J. Adamson.

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. VIOLATION HEARINGS**

- Violation 23-115: 4 Walters Way, Thomas DeFranzo – Feb. 6, 2024 Cease & Correct Order

W.A. Thompson explained that in accordance with recommendations from the Commission at the previous meeting, Town staff met with Mr. DeFranzo's attorney and consultants – Attorney Sherwood, Skip Alford P.E. and George Logan PWS to discuss any outstanding concerns regarding the proposed restoration plan and previous staff comments. During this meeting staff proposed revising the Order to address violations that occurred in the northern stream and associated wetlands due to the complexity of the factors associated with the southern stream.

W.A. Thompson stated that she has quickly drafted a revised Order, of which was reviewed by the Town Attorney before providing such to the Commission and Mr. DeFranzo's consultants earlier this afternoon. W.A. Thompson added was unsure if there had been sufficient time for everyone to review the document in entirety before the meeting and recommended having discussion to address any questions, comments or concerns because of this. The proposed process for this would be for the Commission to review the changes to the Order and provide input if necessary. The Commission could then make a motion to revise the Order as drafted, thereby approving the restoration plan. A certificate of this Order would be recorded on the property's Land Records in the Town Clerk's Office, and will be released upon compliance as detailed in the previously submitted proposal.

This draft includes additional actions discussed in the meeting with Mr. DeFranzo's consultants and Town staff, of which would be added to the previously submitted restoration proposal to produce a finalized plan. A date within a reasonable timeframe must be submitted to the Commission by July 30<sup>th</sup>, 2024 via email. W.A. Thompson added that she created a map as a visual supplement to

demarcate the portions of the property that generally encompass the “Northern Stream System”, that includes the hydrography, wetlands and structures being addressed in this revision. All of the areas outside of the boundary would not be addressed until a more definitive plan of action is determined to address the erosion and sedimentation primarily in the southern-most stream system.

Chairman Fraysier asked the Commissioners if they had any input on the materials provided. Chairman Fraysier stated that this revision would narrow the scope of the previous Order, focusing on the wetlands, watercourses, and upland review area around the newly constructed shed and shipping containers. Chairman Fraysier read the five additional measures to be added to the restoration plan listed in the draft revision. Chairman Fraysier asked if there should be another measure to require the removal of the newly constructed shed. W.A. Thompson stated that the disassembly and removal of the shed was already included in the proposal submitted by Mr. DeFranzo. Commissioner Towers asked if the fence and the shipping containers were going to be removed. W.A. Thompson noted that in the restoration materials, Atty. Sherwood stated Mr. DeFranzo would remove the fence if the Commission decided it was necessary. W.A. Thompson recalled a statement from G. Logan about the fence not posing a risk to the wetlands. G. Logan stated that the existing fence does not pose a potential for long-term impacts, and may be beneficial to the wetlands serving more as an auditory and visual buffer.

Chairman Fraysier stated he would like to allow the respondents to have input on the discussion and confirm that they were able to review the proposed revision to the Order. S. Alford stated that he was not able to review the document, and expressed concern with the July 30<sup>th</sup> deadline as he is currently unsure of his availability to complete the necessary tasks. Chairman Fraysier stated that the July 30<sup>th</sup> deadline was only to provide a reasonable date by which the materials would be submitted, not a submission deadline.

Attorney Sherwood addressed the Commission as the representative for Mr. DeFranzo and stated that he has read the proposed revision and reviewed such with his client. W.A. Thompson asked Atty. Sherwood if he had any input or would be amenable to the proposed revision. Atty. Sherwood stated that he didn't believe their input was relevant.

Commissioner Adamson made a **motion to approve the revision to the Cease and Correct Order as drafted on July 23, 2024 for Violation 23-115: 4 Walters Way, Thomas DeFranzo – Feb. 6, 2024 Cease & Correct Order**. Commissioner Towers seconded the motion. **Vote 5-0-0**

## 6. AGENT REPORTS

W.A. Thompson reported that the applicant for 55 Baker Hollow Road, whose project was recently approved by the Commission, submitted an updated stormwater report. The Town Engineer expressed concern in her staff comments to the applicant regarding significant decreases in stormwater flows that may affect wetland function. W.A. Thompson stated that there was a condition to the IWWC's approval, *“All Engineering Department comments shall be adequately addressed with any adjustments resulting in no additional impact to wetlands or watercourses.”* This would require the applicant to submit an application for a modification to their IWWC permit, should

they proceed with the materials as submitted to the Engineering Department. W.A. Thompson stated that she will discuss this again and in more detail at the next regularly scheduled meeting.

W.A. Thompson provided the Commission with an update on the violation at 851 Marshall Phelps, stating that the trucks have been removed from the property and they are awaiting test results from Fuss & O'Neill.

**7. PETITIONS FROM COMMISSIONERS**

Adding to a petition from the previous meeting, Commissioner Towers stated that she had driven by the development at 125 Mack Street and it appeared the sediment and erosion control issues had been addressed.

**8. ADJOURNMENT**

**Commissioner Adamson made a motion to adjourn at 7:25 p.m. Commissioner Elkins seconded the motion. Vote 5-0-0**

I certify that these minutes were approved on

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Marlene Towers, Secretary  
Inland Wetlands and Watercourses Commission

Issued – August 29<sup>th</sup>, 2023  
Revised by IWWC – February 6<sup>th</sup>, 2024 and  
July 23<sup>rd</sup>, 2024

Thomas and Patricia DeFranzo  
4 Walters Way  
Windsor CT, 06095

## CEASE AND CORRECT ORDER

Property Owner, and their agents, contractors and/or lessees,

This Cease and Correct Order, as hereby revised, is issued by the Windsor Inland Wetlands and Watercourses Commission (IWWC) at the conclusion of the show cause hearing concerning the prior orders issued August 29, 2023 and February 6, 2024 (#23-115).

As the Windsor Inland Wetlands Agent it came to my attention that there has been ongoing regulated activity on your property at **4 Walters Way**, specifically including the construction of a structure within the upland review area directly adjacent to wetlands and a stream. Furthermore, it appears there has been regulated activity within and surrounding wetlands and watercourses, including but not limited to filling, grading, stream/water diversion, excavation to establish several ponds, and obstruction of flow of a portion of the stream system.

Regulated areas include watercourses, wetlands and the area within 150 feet (upland review area) of such watercourses and wetlands. Regulated activities in these areas require a permit be issued prior to commencement of such activity. Upon review of our records, no permit for regulated activity was issued by the IWWC, and therefore conduct of such regulated activity is in violation of Sections 4.3 and 6.1 of the Windsor Inland Wetlands and Watercourses Regulations.

Following the August 29, 2023 enforcement order and the subsequent show cause hearing, you submitted “Existing Conditions Plan Prepared for Thomas DeFranzo Improvement Location Survey 4 Walters Way & 130 Merriman Road Windsor, Connecticut prepared by Alford Associates Civil Engineers Windsor, Dated December 6, 2023 Revised 12-27-23, 4-4-24, 4-15-24, 5-13-24 and 7-15-24”, which shall be referred to as the “2024 Existing Conditions Plan”.

However, previously submitted site plans titled “AA Subdivision Schematic Prepared for Thomas Defranzo Merriman Road Date: 5-12-95” and “Existing Conditions Plan Prepared for Thomas Defranzo Date: 1-28-10”, show discrepancies from the 2024 Existing Conditions Plan, indicating additional regulated activity has occurred without a permit. The lengthy show cause hearing for the revised Order issued February 6<sup>th</sup>, 2024, determined,

as admitted, that there has been regulated and unpermitted activity involving the filling of wetlands and the excavation of ponds.

There are two different stream systems at the site – “northern” and “southern”, as further described and clarified in the attached map titled “Northern Stream System Boundaries”. Given the complexity of the activities, factors and events associated with the southern stream, this Order is revised to address only the northern stream’s wetlands and watercourses. The activities, and restoration orders pertaining to the southern stream will be later addressed in conjunction with the Town staff because there are influencing factors of sedimentation and erosion associated with the culvert and outfall originating from Merriman Road. This Order, as revised, shall not require the resolution of the unpermitted activity occurring in the southern stream system at this time.

The compiled overlay of the site plans from 1-28-10, 5-12-95 and 12-27-23 (before subsequent revisions) can be viewed on the attached map titled **“4 Walters Way Wetland Boundary and Stream Changes 2024”, which was produced on January 31, 2024.**

Please note that the changes depicted in the wetland areas in the northern stream system that have been filled or altered in some way total approximately 9,078ft<sup>2</sup>, surrounding a newly constructed shed and two storage containers. Streams that have been filled total approximately 167 linear feet. These features are identified as portions of areas 'A', 'C', and 'D', and streams #6 and #7 on the Comparison Map and the Northern Stream System Boundaries sketch, which will be addressed and compensated in the restoration plan for the northern stream system.

By this Order, you are hereby directed to implement a final restoration plan to resolve the unpermitted activities that have occurred in the northern stream system. This final restoration plan shall include all of the proposed restoration/mitigation measures and activities set forth in the “Wetland Restoration/Creation, dated June 22<sup>nd</sup>, 2024 prepared by George Logan, PWS of REMA Ecological Services” and the “Wetlands Mitigation Plan (Proposed), dated June 24<sup>th</sup>, 2024 prepared by Wilson Alford Jr. P.E. of Alford Associates”. **Furthermore, the final restoration plan shall include the following additional restoration/mitigation measures and activities:**

- 1. Re-submit a NDDB Determination Request with a narrative and schematic detailing the previous activity and the proposed remediation work; a copy of which shall be provided to the IWWC,**
- 2. Provide the total daily volume of detained water on site as it pertains to the northern stream,**
- 3. Remove deposited man-made debris or material, i.e. millings, discarded metal, tires, etc.**
- 4. Avoid the use and storage of heavy machinery adjacent to steep slopes (as to not cause further destabilization or soil compaction) and within 75ft of wetlands or watercourses following the completion of the remediation work,**
- 5. Establish permanent markers of the wetland and watercourse boundaries or summation thereof while encompassing all wetland or watercourse areas.**

The final restoration plan, consistent with the above Order, together with all restoration plan materials shall be submitted to the Inland Wetlands and Watercourses Commission (IWWC) within a reasonable time. **No later than July 30, 2024,** the property owner or its consultants shall inform Commission, by email, of the specific date when the wetland agent will receive that final restoration plan and materials, which will then be distributed IWWC for informational purposes.

A certificate of this Order will be recorded on the property's Land Records in the Town Clerk's Office, and will be released upon compliance. As per the Restoration Plan, compliance will be determined after the third and final year of monitoring, based on a cumulative report provided to the IWWC that evaluates monitoring and restoration success.

Should this Restoration Plan ordered by the IWWC not be complied with, the Commission has the option of pursuing further enforcement order procedures or may pursue an action in Superior Court, pursuant to CGS 22a-44 (b). You may also be subject to Section 14 of the Windsor Inland Wetlands and Watercourses Regulations and the Town of Windsor Ordinances Chapter 14, Article VII. The activities of this violation are described by Category 4 and 5 in the Town Ordinances as, ***"Excavating in, filling or draining of any portion of a wetland or watercourse without a permit"*** and ***"Carrying on activities without a permit, or carrying on activities not authorized by a permit, which cause sediment to flow into any wetland or watercourse or otherwise cause the pollution of any portion of a wetland or watercourse"***, carrying a fine of \$750 for each day the violation is not addressed or corrected in excess of the time frame.

Please contact me should you have any questions regarding this matter. I can be reached via email at [thompson@townofwindsorct.com](mailto:thompson@townofwindsorct.com), or alternatively you may call the Planning Department office at (860) 285 – 1980.

Sincerely,







Chloe Thompson  
Inland Wetlands Agent/Environmental Planner  
**CERTIFIED MAIL: 7021 1970 0000 2925 7866**

**cc: Todd Sealy, Town Planner**  
**Suzanne Choate, Town Engineer**  
**Peter Souza, Town Manager**  
**Inland Wetlands and Watercourses Commission**

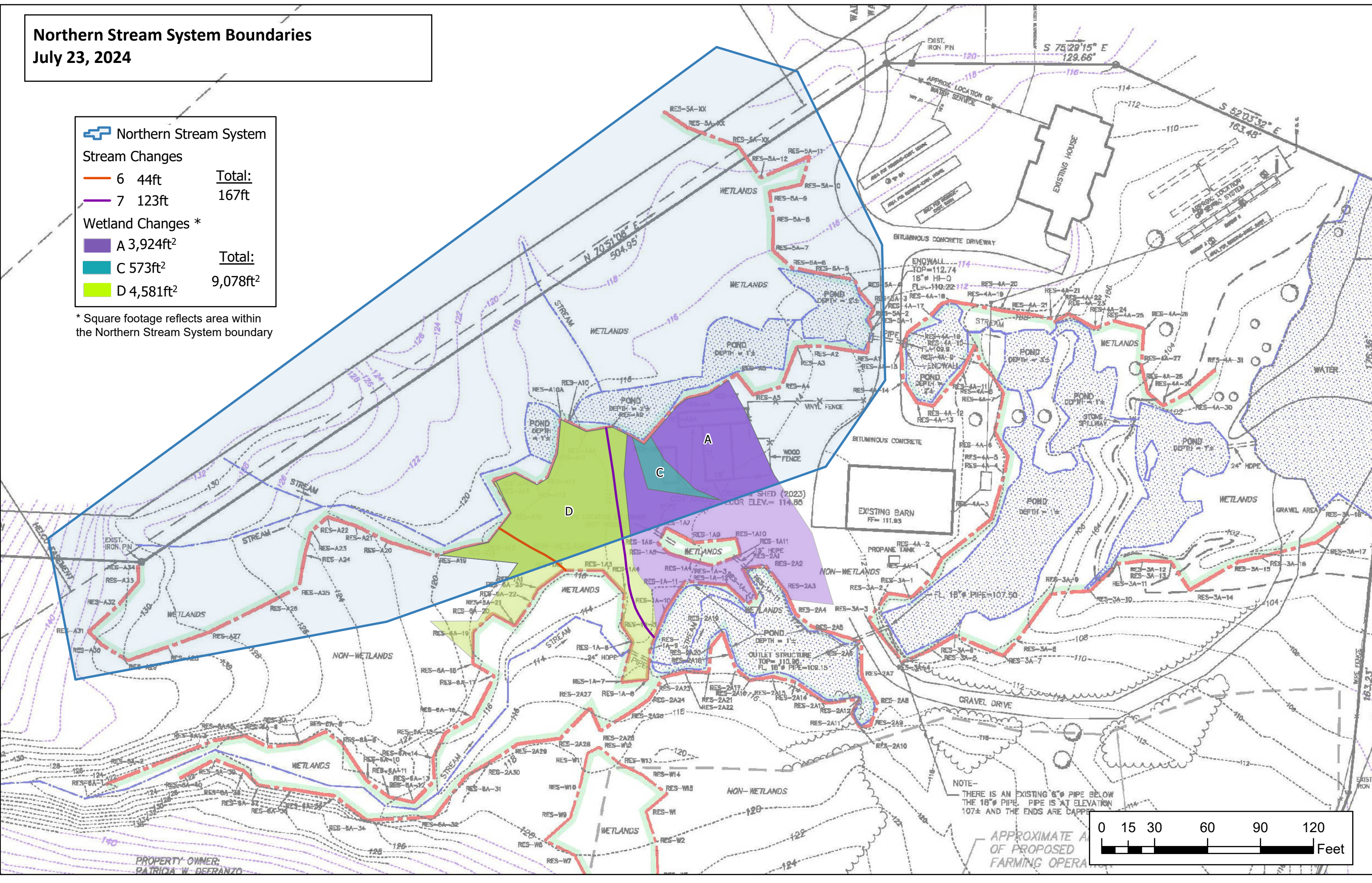


# Northern Stream System Boundaries

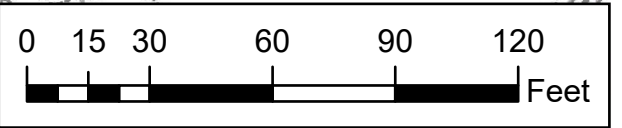
July 23, 2024

	Northern Stream System	
<b>Stream Changes</b>		
	6 44ft	<b>Total:</b>
	7 123ft	167ft
<b>Wetland Changes *</b>		
	A 3,924ft <sup>2</sup>	<b>Total:</b>
	C 573ft <sup>2</sup>	9,078ft <sup>2</sup>
	D 4,581ft <sup>2</sup>	

\* Square footage reflects area within the Northern Stream System boundary



NOTE—  
THERE IS AN EXISTING 8" PIPE BELOW THE 18" PIPE. PIPE IS AT ELEVATION 107± AND THE ENDS ARE CAPPED

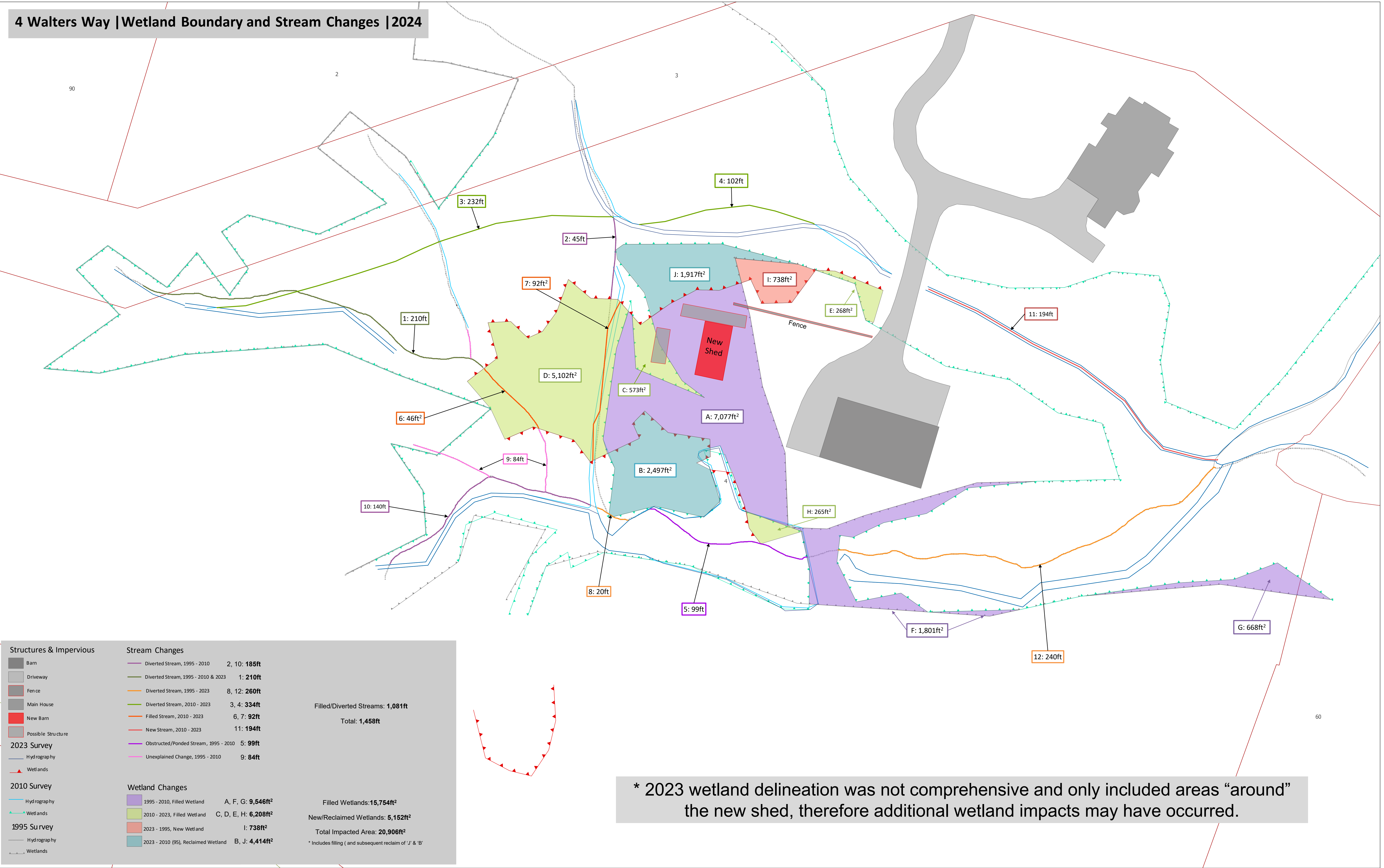


PROPERTY OWNER:  
PATRICIA W. DEFRANZO

APPROXIMATE AREA OF PROPOSED FARMING OPERATIONS



# 4 Walters Way | Wetland Boundary and Stream Changes | 2024



Structures & Impervious	
[Grey Box]	Barn
[Light Grey Box]	Driveway
[Brown Box]	Fence
[Dark Grey Box]	Main House
[Red Box]	New Barn
[Light Grey Box]	Possible Structure

Stream Changes		
[Purple Line]	Diverted Stream, 1995 - 2010	2, 10: 185ft
[Green Line]	Diverted Stream, 1995 - 2010 & 2023	1: 210ft
[Orange Line]	Diverted Stream, 1995 - 2023	8, 12: 260ft
[Light Green Line]	Diverted Stream, 2010 - 2023	3, 4: 334ft
[Red Line]	Filled Stream, 2010 - 2023	6, 7: 92ft
[Brown Line]	New Stream, 2010 - 2023	11: 194ft
[Pink Line]	Obstructed/Ponded Stream, 1995 - 2010	5: 99ft
[Light Purple Line]	Unexplained Change, 1995 - 2010	9: 84ft

Wetland Changes		
[Purple Area]	1995 - 2010, Filled Wetland	A, F, G: 9,546ft <sup>2</sup>
[Light Green Area]	2010 - 2023, Filled Wetland	C, D, E, H: 6,208ft <sup>2</sup>
[Red Area]	2023 - 1995, New Wetland	I: 738ft <sup>2</sup>
[Teal Area]	2023 - 2010 (95), Reclaimed Wetland	B, J: 4,414ft <sup>2</sup>

Filled/Diverted Streams: 1,081ft	
Total: 1,458ft	
Filled Wetlands: 15,754ft <sup>2</sup>	
New/Reclaimed Wetlands: 5,152ft <sup>2</sup>	
Total Impacted Area: 20,906ft <sup>2</sup>	
* Includes filling ( and subsequent reclaim of 'J' & 'B'	

\* 2023 wetland delineation was not comprehensive and only included areas “around” the new shed, therefore additional wetland impacts may have occurred.

