

REGULAR MEETING MINUTES
WINDSOR INLAND WETLANDS & WATERCOURSES COMMISSION
WEDNESDAY SEPTEMBER 4TH, 2024 7:00PM
HYBRID MEETING – COUNCIL CHAMBERS AND ONLINE
Online webinar: <https://us02web.zoom.us/j/85435818689>

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

1. ROLL CALL

1. **PUBLIC COMMUNICATIONS** (3-minute limit on items other than Public Hearings) – None; communications closed at 7:01pm.

2. BUSINESS MEETING

a. MINUTES

Commissioner Elkins made a **motion to approve the minutes for July 2, 2024**. Commissioner Towers seconded the motion. **Vote 4-0-1**

Commissioner Towers made a **motion to approve the minutes for July 23, 2024**. Commissioner Elkins seconded the motion. **Vote 4-0-1**

b. NEW BUSINESS

i. Application 24-211: 20 Day Hill Road, 20 Day Hill Road, LLC. – Pickleball Facility

Luke Showalter, P.E. and Bryan Balicki, P.E. of Furrow Engineering introduced themselves as the representatives of the application. L. Showalter described the details of the application, and their responses to comments from the Wetland Agent. B. Balicki detail the work to be completed for the wetland replication area, to offset the permanent wetland impact required for this proposal.

Commissioner Stearns asked W.A. Thompson where on the property she was suggesting an alternate location for the wetland replication as referenced in her staff comments. W.A. Thompson stated that she proposed this area be relocated to the north of the building, near wetland flags A-10 to A-13. This would be closer to the forest canopy rather than in an area exposed to direct sunlight; given that the replication is only 1:1 in regard to square footage, this location may have a greater impact on improving functions and values. W.A. Thompson added that this is a very small area in general, therefore she was posing this as an alternative option rather than a strong recommendation. Commissioner Osowiecki asked if relocating the replication area would pose a significant hardship. B. Balicki stated that they would be agreeable to either location, but wanted to add that there might be more of a hydraulic benefit in its current configuration, which is on the “downstream” side of the wetland. W.A. Thompson asked

if the wetland scientist provided them with any comment on the alternative location. B. Balicki stated that they did not.

Chairman Fraysier asked if the sewer lines were confirmed in the field. B. Balicki stated that the location was verified in the field and located via survey.

Chairman Fraysier noted the replies to staff comments regarding the wetland replication plantings and sequence, and asked if these details were reflected in the site plans or if they were going to be revised to include this. B. Balicki stated that this information has not yet been incorporated into the site plans; they will add this to the package. Chairman Fraysier asked if the species selected were native. B. Balicki stated that three of the species are typically used in wetland replication projects, and the fourth is one that was identified in the wetlands on the property (silky dogwood). W.A. Thompson added that these are all typical native wetland shrubs.

Chairman Fraysier asked what timeframe the 80% survival/success rate applies to. B. Balicki confirmed that this would be evaluated the growing season after the work was completed. Chairman Fraysier asked W.A. Thompson if this monitoring methodology was typical in Windsor. W.A. Thompson stated that this is typical, especially given that this is a relatively small area of 530 square feet. W.A. Thompson added that this implies there will be additional plantings and monitoring in the second growing season should there be a survival rate of less than 80%, and asked B. Balicki to confirm this. B. Balicki confirmed.

Chairman Fraysier noted that the primary benefit of these wetlands as described in the wetland report, is wildlife habitat. Chairman Fraysier also noted that the lighting plan shows higher foot candles within the wetlands themselves along the rear of the building, and asked if this could be mitigated to reduce light exposure into the wetlands. B. Balicki stated that the light in this area was reduced from a previous submission and said that they do have a requirement to properly illuminate the areas around the egress. The lights would be turned off after the facilities operating hours. Chairman Fraysier asked if there was a way to reduce the light exposure if the lights were lowered or on a pole. B. Balicki stated that the wall mounted lights will actually result in less exposure, but they will look into the possibility of lowering the height. W.A. Thompson asked when the facility closes at night. B. Balicki stated that they are planning on closing at 11 p.m. year-round.

Commissioner Towers asked if noise was a concern even though the pickleball courts are located within the building. B. Balicki stated that the building will be fully insulated, and a sound study was submitted to the Planning and Zoning Commission, which shows the noise levels will be 39 decibels 400 feet away from the building. While it is a noisy sport, the insulation in the building will reduce sound omitted to the surrounding area. Commissioner Stearns asked if the projected sound levels were accounting for all courts being used at the same time. B. Balicki affirmed this.

Commissioner Osowiecki asked if the tree line along Poquonock Avenue will be maintained. B. Balicki stated that there will be a roughly 150ft buffer of vegetation that will be undisturbed.

Chairman Fraysier restated his previous comment requesting a reduction of light exposure into the wetland wildlife habitat.

Chairman Fraysier noted a comment from the Town Engineer regarding encroachment into the neighboring property's stormwater easement area, and asked if this was addressed. B. Balicki stated that the activity does not actually violated the terms of the agreement, even though there is activity in this area.

Commissioner Towers asked if there was any consideration for potential stormwater impacts to the residential development to the north. L. Showalter stated that there will be no impact to the neighbors.

Chairman Fraysier noted that there are several yard drains along the rear of the buildings directly adjacent to the wetlands, and expressed concern with a potential to be depriving the wetlands of hydrology. L. Showalter stated that these yard drains are gathering water from a very small area, and prevents water sheet-flowing into the wetlands before they can be treated in the stormwater basin.

Chairman Fraysier stated that he believes the sediment and erosion control measures (silt fencing) needs to be extended toward the hotel going westward to account for utility work. Chairman Fraysier asked if the wetland impacts accounted for the impact of installing the sediment and erosion controls. L. Showalter stated that this area was included in the total square footage of wetland impact. B. Balicki stated that the trench work for utilities is most likely already contained by silt fencing downgradient, but they will review the plans to ensure this is properly accounted for. Chairman Fraysier suggested that S&E controls be extended by the basin around the wetland replication area as well. B. Balicki stated that this was mentioned in the wetland replication narrative, but will be added to the site plans as discussed earlier in the meeting.

Commissioners agreed with W.A. Thompson in regard to the potential relocation of the wetland restoration area, and asked B. Balicki for comments. W.A. Thompson stated that if this were going to result in additional impacts to access this area, then perhaps the current location is the most beneficial. W.A. Thompson suggested an evaluation be completed to determine the cost-benefit of each location. Chairman Fraysier asked for feedback from the wetland scientist. B. Balicki stated they will consider this and consult their wetland consultant from GZA.

There was additional discussion regarding seed mixes and planting plans for the site overall, and that of the wetland replication area.

Commissioner Towers made a **motion to accept application 24-211: 20 Day Hill Road, 20 Day Hill Road, LLC. – Pickleball Facility**. Commissioner Elkins seconded the motion. **Vote 5-0-0**

ii. Petition for Wetland Map Amendment 24-215: 33 Shelley Ave, Mark Thomas

Mark Thomas, the property owner, spoke to the Commission as the applicant's representative. He explained that he had hired a wetland scientist to survey the property, and according to the provided materials, wetlands were only identified on an adjacent property, which contradicts the Official Wetlands Map. Thomas further noted that the area currently marked as wetlands on this map is merely a small depression. Chairman Fraysier asked if specific details on the soil profile could be provided. Chairman Fraysier asked if the wetlands were identified using both soil

characteristics and vegetation. M. Thomas said that he will request this information from the wetland scientist.

W.A. Thompson stated that because this is a map amendment petition, the Commission must hold a public hearing, which can be scheduled for the next regular meeting on October 1st. There was general discussion about this process.

Commissioner Osowiecki made a **motion to accept the petition for Wetland Map Amendment 24-215: 33 Shelley Ave, Mark Thomas, and schedule a public hearing on October 1, 2024**. Commissioner Elkins seconded the motion. **Vote 5-0-0**

3. AUTHORIZED AGENT ACTIONS

- a. AA24-208: 71 River Street – 25' x 18' Deck and 18' Paver Patio
- b. AA24-210: 691 Prospect Hill Road – 180' Linear Fence
- c. AA24-212: 137 Carriage Way – 10' x 16' Shed
- d. AA24-213 (M20-220): 100 Helmsford Way – Erosion Control Plan
- e. AA24-214: 39 Taylor St – 16' x 30' Deck

4. AGENT REPORTS

a. New Violations

i. V24-125: 39 Pebblebrook Violation, B&M Tree Company & Akina Richards

W.A. Thompson explained the details of this violation; the property owners hired B&M Tree Company to cut down several large trees that were in a conservation easement area, which prohibits the removal of vegetation and impact to the steep slopes. After the trees were cut, they were disposed of or left in place on the slope posing a significant risk to erosion of soils already identified as highly erodible. At the base of the slope there are wetlands and a stream. W.A. Thompson stated she issued a Notice of Violation to both the property owner and the tree company, requiring the removal of debris and stabilization of the disturbed soils. W.A. Thompson added that the property owner has already planted several shrubs along the top of the slope, but there may be additional efforts needed that will be determined once the tree debris is removed. Commissioner Osowiecki asked if there were additional efforts that could be completed to stabilize the slope. W.A. Thompson stated that it's difficult to determine what would be the most effective method to do so considering the steepness of this slope; whatever measures are taken would have to not pose risk of contributing to the amount of material at risk of erosion.

ii. V24-126: 509 River Street Violation, Wayne Kier

W.A. Thompson explained the details of this violation, which involved the deposition roughly 20-30 cubic yards of low-grade fill directly adjacent to a stream along the property line. What appeared to be a result of this activity was significant erosion of the stream banks opposing the fill, alteration of the stream flow and significant sedimentation in the stream. W.A. Thompson

stated the delivery of this Notice of Violation was delayed as the post office was unable to obtain a signature from the property owner after several attempts. W.A. Thompson said she was notified of work being completed in this area with heavy machinery and visited the property to intervene. At this time W.A. Thompson hand-delivered a copy of the Notice to the operator of the machinery and left another copy for the property owner. W.A. Thompson stated that the property owner contacted her the day after and she obtained permission to inspect the property.

W.A. Thompson stated that after observing the significant impact of this activity, she determined that the most appropriate course of action would be to require the property owner to hire a wetland scientist or environmental consultant to prepare a restoration plan. W.A. Thompson stated that she is having a very difficult time contacting the property owner since the site visit, and will attempt to send another letter to the address detailing the steps for compliance.

iii. V24-127: 705 Prospect Hill Road Violation, Charles Stoldt

W.A. Thompson explained this violation was first brought to her attention by the neighbors of this property, complaining of debris entering the pond. During a site visit with the Health Department's Blight Officer, she noticed that a berm of crushed stone had been placed in the pond itself. W.A. Thompson stated that the delivery of this Notice was delayed as the post office was unable to obtain a signature from the property owner, therefore a state marshal was sent to deliver the Notice. The Notice of Violation instructs the property owner to remove the debris, and submit a plan of how the berm will be removed.

b. Old Violations

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

W.A. Thompson stated that all of the initial requirements for this order have been complied with and documented; the restoration efforts are now able to begin. A memo detailing this was submitted to the IWWC.

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

W.A. Thompson explained that this order has now reached complete compliance; the environmental report showed there were no contaminants found, and all trucks and trailers have been removed from the property. A memo detailing this was submitted to the IWWC.

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

W.A. Thompson explained that she has not received any correspondence from the property owner or their contractors since May, despite attempting to contact them via email for the past several months. W.A. Thompson stated that the last information received from the contractor, was that they were having a restoration plan prepared that was to take a few weeks, but it has been quite a long time since there have been any updates. W.A. Thompson noted that because of this, the next steps would be to consider imposing fines. Commissioner Elkins stated that she believes it is time to start issuing fines. W.A. Thompson stated that she would consult with the

attorney to determine whether or not they need to establish another compliance period given how long it has been since there has been any correspondence.

5. PETITIONS FROM COMMISSIONERS

Commissioner Towers asked for an update on the stormwater calculations for 55 Baker Hollow Road that were mentioned in the previous meeting. W.A. Thompson stated that the Engineering Department are the ones in contact with the applicants, and she has not received an update so far.

Commissioner Stearns stated that he contacted W.A. Thompson about herbicide use on Pierson Lane adjacent to a stream and expressed concern to the Commission. W.A. Thompson stated that she contacted DPW, and this was not something that was conducted by Town staff, and this was most likely the HOA landscaping company spraying here as they own the land to the north. W.A. Thompson stated that she has been searching for a contact for the management company, but our staff does not currently have a contact. W.A. Thompson added that she will try to see if there is a way to contact a property owner in this subdivision that may be able to provide more information.

6. ADJOURNMENT

Commissioner Towers made a motion to adjourn at 8:47 p.m. Commissioner Osowiecki seconded the motion. Vote 5-0-0

I certify that these minutes were approved on

Marlene Towers, Secretary
Inland Wetlands and Watercourses Commission