

REGULAR MEETING MINUTES
WINDSOR INLAND WETLANDS & WATERCOURSES COMMISSION
WENESDAY NOVEMBER 6TH, 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

Present: Chairman Fraysier, Secretary Towers, and Commissioners C. Elkins, B. Stearns, N. Osowiecki 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

a. MINUTES:

Commissioner Towers made a **motion to approve the minutes for October 1st, 2024 as amended**. Commissioner Elkins seconded the motion. **Vote 6-0-0**

b. 2025 MEETING SCHEDULE:

Commissioner Towers made a **motion to approve the Meeting Schedule for 2025**. Commissioner Elkins seconded the motion. **Vote 6-0-0**

2. PUBLIC HEARINGS

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

Chairman Fraysier opened the public hearing at 7:06pm. Commissioner Towers read the legal notice.

Ed Avizinis, Certified Professional Soil Scientist and Professional Wetland Scientist and property owner, Mark Thomas addressed the Commission as the representatives for this proposal. M. Thomas explained that he hired E. Avizinis survey a portion of his property that is currently mapped as wetlands. E. Avizinis was able to verify that there are no wetlands the property, and has supplied the Commission with a report and delineation of wetlands on an adjacent property.

E. Avizinis stated that this area as slightly depressed and did have a little surface staining, but it does not meet the criteria to define it as a wetland. E. Avizinis added that he delineated wetlands on adjacent properties to the south and east. E. Avizinis stated that there was

additional information request regarding the soil profiles which was also submitted to the Commission.

M. Thomas stated that he closely monitors any dumping activity on the street near the wetlands, which was an issue previously; he tries to be very environmentally conscious. Commissioner Osowiecki thanked M. Thomas.

Chairman Fraysier stated that all of the necessary information appears to have been submitted and he does not have any concerns with approval. Commissioners agreed.

Chairman Fraysier called for members of the public to speak in favor, in opposition or neither for nor opposed. No members of the public were present.

Chairman Fraysier closed the public hearing at 7:16pm.

Commissioner Osowiecki made a **motion to approve the Petition for Wetland Map Amendment 24-215: 33 Shelley Ave, Mark Thomas**. Commissioner Elkins seconded the motion. **Vote 6-0-0**

3. VIOLATIONS

a. SHOW CAUSE HEARINGS

i. V24-129: 94 Winthrop Road, Mark Mars – Cease & Correct Order

Commissioner Stearns recused himself from this application.

W.A. Thompson explained the reasoning for the issuance of this Order; a significant amount of soil had been deposited on the property directly adjacent to mapped wetlands without a permit or sediment and erosion control measures. In addition to this, W.A. Thompson saw that there was heavy machinery parked within the mapped wetland areas. W.A. Thompson added that she wasn't entirely sure of the exact volume of soil, but presented site photos and aerial imagery which included the official mapped wetland boundaries. W.A. Thompson stated that the boundaries as mapped are most likely not completely accurate, and she believes it's more probable that the boundary is closer to the forest line at the rear of the property; but can only be confirmed by certified wetland scientist. W.A. Thompson expressed concern with any grading or stockpiling activity as the growing season has concluded, which would prevent the establishment of stabilizing vegetation. W.A. Thompson stated that if this soil was to be stockpiled over the winter until it would be used for grading or filling, she still has concerns with ensuring this is stabilized throughout the winter. For these reasons, W.A. Thompson stated she believes the best course of action to protect the adjacent wetlands would be to remove the soil from the property entirely. If the property owner wishes to complete this activity in the spring, they must submit an application to the Commission before the soil is brought back onto the property.

Mark Mars addressed the Commission as the property owner. M. Mars stated that he wasn't intending on stockpiling the material and intended to spread it around the wet areas in his backyard. M. Mars stated that he does have silt fence installed behind the soil, and was not going to put the soil into the wetlands. Chairman Fraysier stated that based off of the Official Wetlands Map, the soil does appear to be in the wetlands, and if M. Mars disagrees with the

mapping, this must be verified by a soil scientist. M. Mars asked if the Commission would allow him time to find someone to survey his property. M. Mars added that he wants to spread about six inches of soil so he can cut his lawn, and removed the heavy machinery from the lawn areas as W.A. Thompson requested.

W.A. Thompson stated that if M. Mars wanted to alter the wetland boundaries as shown on the Official Wetlands Map, he would have to go through the map amendment process; this enforcement order is following the boundaries as they are currently located. Regardless of the exact boundary, this activity is in the upland review area, and he does not have a permit. M. Mars asked if he were able to have someone survey tomorrow, would he be able to complete the grading. W.A. Thompson stated that this process would extend into the winter, and stabilizing vegetation would not be able to grow until spring. M. Mars asked if he could compact the soil. W.A. Thompson stated that this would not be sufficient. M. Mars stated that removing the soil would be difficult for him to remove right now and asked again if the Commission would allow him to spread the soil.

M. Mars asked if he could relocate the material to a different part of his property outside of the wetlands. Chairman Fraysier stated that this location would have to be outside of the mapped wetland boundary. W.A. Thompson stated that this would still be located in the upland review area. W.A. Thompson stated that based off of our Engineering Department standards, silt fencing is meant to be temporary, and not necessarily extend throughout the winter. W.A. Thompson stated that if it were to be stored for this extended period of time, she would have to ensure the stabilization met the Engineering Department standards, and if it does not, the material would have to be removed.

Chairman Fraysier proposed establishing timeframes to ensure this order is complied with. There was general discussion about how the stockpile erosion control methods would be inspected and confirmed to meet the minimum standards. W.A. Thompson stated that the jurisdiction of the Engineering Department in regard to this activity is limited on residential properties when the disturbance area is this small. W.A. Thompson stated that the current plan to allow the soil to be stockpiled over the winter could be problematic due to the fact that the timeline for compliance is proving to be difficult to establish, and that there will be an expectation of this being inspected to meet the Engineering Department's standards. Even if a requirement is that an application be submitted by a certain date, the exact approval date cannot be determined and the stockpiled soil could remain on the property for several months, which is directly upgradient of wetlands, if not in wetlands themselves. W.A. Thompson stated that this is a violation, and the most direct resolution would be to have the material removed from the property until M. Mars obtains a permit to do the work that has begun. Commissioner Elkins and Chairman Fraysier stated they agreed. Commissioner Osowiecki stated that he believes the soil could remain on site and stabilized over the winter.

M. Mars stated that removing the soil itself will pose a risk of sedimentation. Commissioner Cote stated that the Commission always tries to be the most reasonable and understanding, but they are tasked with ensuring the wetlands are protected from impacts such as sedimentation. Commissioner added that she understands some soil will remain in the lawn after it is removed, but this would happen if the pile was relocated as well. Commissioner Cote stated that more than 75% of this property is identified as wetlands, and if M. Mars wants to continue doing work

of this nature on his property, perhaps he should have the property delineated by a wetland scientist.

There was general discussion by when the material would have to be removed. W.A. Thompson added that as the agent, she would feel more comfortable allowing a period longer than a week if there were additional sediment and erosion controls installed – hay wattles for example. M. Mars asked if he could fill in smaller depressions with the soil in his backyard. W.A. Thompson stated that, again, vegetation will not grow to stabilize this soil. M. Mars stated that he has to do this right away while he has the equipment. W.A. Thompson said that this isn't something the Commission has to consider over the potential impacts to the wetlands.

Commissioner Towers made a **motion to affirm the V24-129: Cease and Correct Order issued to Mark Mars at 94 Winthrop Road**. Commissioner Elkins seconded the motion. **Vote 5-0-1. Commissioner Stearns abstained.**

Commissioner Elkins made a **motion to require the following corrective actions for Violation 24-129: 94 Winthrop Road, Mark Mars – Cease & Correct Order:**

1. Installation of hay wattles around the stockpiled material by November 8th, 2024, and
2. The material must be removed from the property November 27th, 2024.

Commissioner Towers seconded the motion. Vote 4-1-1. Commissioner Osowiecki opposed, Commissioner Stearns abstained.

b. REMEDIATION REVIEWS

i. V23-122: 364 Addison Road, Mark Scott – Cease & Desist Order

W.A. Thompson stated that she reviewed the materials and has a list of comments that were distributed to the IWWC, Brian Denno and the property owner earlier today.

Brian Denno from Denno Land Surveying and Consulting, LLC. addressed the Commission as the representative of this proposal. B. Denno detailed of the existing conditions on site. B. Denno stated that the site generally needs to be cleaned up; silt fencing along the wetlands is not installed correctly and silt has eroded into the wetlands as a result. B. Denno said that is working with the soil scientist, Scott Stevens, from Soil Science and Environmental Services (SSES) to collaborate on a restoration plan, who will have more information for him within in a week to week and a half. B. Denno stated that he has contacted DEEP, because an Eastern box turtle was found on site.

B. Denno stated that he has not had a lot of discussion with the property owners about their plans for the property, but does know that they would like to construct a 40' by 60' metal building, however, being that the majority of the property is in the upland review area, all of this activity would require a permit from the IWWC. B. Denno noted that W.A. Thompson has serious concerns about the stockpiled millings. B. Denno presented pictures of the site showing the fallen silt fencing, silt in the wetlands and log piles. B. Denno stated that the soil itself is not of a great quality to sustain plant life. W.A. Thompson asked if the soils present were native soils or

deposited material. B. Denno stated that he is unsure but the soil scientist will be able to provide more information. B. Denno noted that W.A. Thompson suggested not to remove all of the log piles from the wetlands to reduce the impact; SSES will reply to this comment. B. Denno said he assumes this discussion will continue into the upcoming meetings, but will answer as many questions as he can.

W.A. Thompson reminded the Commission to apply deadlines on when material is to be submitted by. Chairman Fraysier asked W.A. Thompson to read through her comments. W.A. Thompson reviewed the comments and concerns (copy attached). W.A. Thompson added that this activity also violates Zoning Regulations and Town Ordinances managed by the Engineering Department, therefore there may be additional enforcement orders issued from those departments, and the restoration sequence would need to be mindful of other restrictions.

B. Denno stated that the total disturbance area is about 1.9 acres, and he believes you have to obtain a permit or notify the state for disturbance over an acre. W.A. Thompson added that the wetland impact specifically being over 5,000 square feet, requires CT DEEP permitting. B. Denno stated that this is the threshold for Army Corps permitting as well.

B. Denno asked if the Commission would like to see wetland creation efforts in the wetland system to the east. Chairman Fraysier stated that he wouldn't be in favor of impacting the wetlands to access this area.

W.A. Thompson suggested meeting with staff to ensure all comments are addressed before the final submission to the IWWC.

Chairman Fraysier asked if the stockpiled millings could be removed while the restoration plan was being finalized. Chairman Fraysier asked if there was any possibility of the millings being used as part of the restoration plan. B. Denno said that the only use might be to create a parking lot in the future. W.A. Thompson stated that asphalt millings do not meet the definition of "clean fill", as there is a risk of contaminated leachate per a memo from Connecticut's Waste Engineering and Enforcement Division from 2006. Chairman Fraysier stated that he believes the millings should be removed immediately – within the next few weeks.

There was general discussion regarding sediment and erosion controls and the timeline of when this immediate work could be completed.

Commissioner Osowiecki made a **motion to order the following corrective actions to be completed by November 20th, 2024 for V23-122: 364 Addison Road, Mark Scott – Cease & Desist Order:**

1. Repair and/or install sediment and erosion control measures including a construction entrance;
2. Remove stockpiled millings from the property, and;
3. Submit a complete wetland restoration plan to the wetland agent.

Commissioner Towers seconded the motion. Vote 6-0-0

4. AUTHORIZED AGENT ACTIONS

- a. AA24-217: 801 Bloomfield Ave – EV Charging Station
- b. AA24-218: 66 Robin Road – 12' x 20' Deck

5. AGENT REPORTS

- a. Violations
 - i. V24-126: 509 River Street Violation, Wayne Kier

W.A. Thompson explained that there still has not been any correspondence with the property owner and the fines have been accruing for quite some time. W.A. Thompson added that she is consulting with the Town Attorney on the process to have a lien placed on the property's land records.

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

W.A. Thompson explained that this violation has not been addressed and there hasn't been any correspondence from the property owner, therefore citations will be issued.

6. PETITIONS FROM COMMISSIONERS

7. ADJOURNMENT

Commissioner Towers made a motion to adjourn at 8:40 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