

WINDHAM INLAND WETLANDS & WATERCOURSES COMMISSION

DATE: **Thursday April 10, 2008**

TIME: **7:00 P.M.**

PLACE: **Windham Town Hall, 979 Main St., Willimantic, CT**

A G E N D A

I. **Call to Order**

II. **New Business** – DISCUSSION/POSSIBLE ACTION

1. **Responses to violation Notice – West Main St. Willimantic**

2. **Frog Bridge Development Company LLC for 560 Main St. Willimantic** request for jurisdictional ruling on a change of use from Manufacturing - to establish a Multi-family housing project.

3. **Willimantic Waste Paper Co., Inc.** 185 Recycling Way, Willimantic – application for wetlands permit for activities in upland of Wetland + floodplain

4. **Public Hearing - Windham TSC, LLC – 476 Boston Post Rd., North Windham** application for wetlands permit for activities in upland of Wetland/Bog

III. **Old Business**– DISCUSSION/POSSIBLE ACTION

1. Wetland Violation Complaint re: 363 &377 Scotland Rd.

IV. **Routine Business** – DISCUSSION/POSSIBLE ACTION

1. Approval of Minutes

2. Miscellaneous

3. Correspondence

V. **Adjourn**

Susan Johnson, Chair

Town of Windham

979 Main St., Willimantic, CT. 06226

MEMO

TO: Inland Wetlands Commission
DATE: April 4, 2008
FROM: James Finger, Windham Town Planner
SUBJ: Planner's Report

If you are not coming to the meeting, please call 465-3041 to let us know. Thank You!

New Business

Responses to violation Notice –West Main St. Willimantic I had sent out notices to three property owners located on West Main St., and of these one of them has submitted a detailed response to correct the problem – which is simply to remove the debris blocking the drainage to the catch basin on the adjacent property. They would like to briefly present their response and secure permission to proceed on corrective action.

Borghesi Building & Engineering Company, Inc. – 1315 Main St., Willimantic – This is still incomplete and is therefore not on the agenda.

Frog Bridge Development Company LLC for 560 Main St. Willimantic This is a request permit on a change of use from a Manufacturing and warehousing use to establish a Multi-family housing project. This change will involves cleaning the building that is partially in the Willimantic River, as well as clearing the area between the buildings, the head race of the Hydro power plant in the Art Space building parallel to the River, and the River itself. A detailed scope of work has been submitted showing the staging along the Riverside of the Building, and how they will recover debris, and cleaning solution.

Willimantic Waste Paper Co., Inc. - 185 Recycling Way, Willimantic – A revised plan has been submitted for this application as requested showing the changes to grading which now directs the surface water to the storm water treatment facility. The building has grown to 15,000 to provide more space for sorting trash indoors. Again, this is an application for wetlands permit for activities in upland and the floodplain. Their Soil Scientist (John Ianni) has provided a report that recommended design changes to the out-fall splash pad that have been incorporated into the new plans. In addition, he indicates that the immediate wetlands area to be affected by the improvements has been degraded over time, and the proposed improvements should have a positive effect on the wetlands. Thus the staff does not view this proposal as having a significant impact on the wetlands.

Windham TSC, LLC – 476 Boston Post Rd., North Windham – This is a public hearing on the application for wetlands permit for activities in upland of Wetland/Bog. This proposal is immediately adjacent to the Joshua Tract Atlantic White Cedar Bog, and they have outlined several concerns relating to the scope of the project. Revised plans and a wetlands assessment has been delivered to you in advance. Also, a Phase I Environmental & Soil Quality Investigation Reports were sent by e-mail to the Commission, because they couldn't get them to me in time to go into the packets. The printed documents will be available at the hearing. Several Commission members have walked the site, and you should report your observations at the site and bring up any questions you have from the site walk. Also, if you have any special training or expertise, this should be disclosed at the hearing.

Old Business

Last month, the Commission reviewed various materials received or that I compiled with assistance from State Agencies, and consultation with Towne Engineering a local Engineering firm. Among the materials provided were an examination of the history of the property and how it came to be situated as it is. For reference, I provided a copy of the original subdivision depicting an existing driveway, but no mention of any wetlands near it at that time. In fact, the didn't identify an existing drainage culvert from route 14 that continues to carry storm water onto the property – even today; and this appears to be the primary source of water for the little pond which is the concern of the Fleming's. A 1954 and 1990 aerial photo of the site gave no clue about this pond, and in fact that the property did not have any substantial wetlands near the Fleming property along the Perkins Driveway.

In addition, the twenty-acre man made was probably established during the mid 1970's, as we do not have any permits for creating any ponds on or near the subject property, as it was largely an open field. This is corroborated by other documents that I found using both 1) the U.S. Department of the Interior's Fish and Wildlife Service map prepared by the Office of Biological Services for the National Wetlands Inventory dated March 1980 at a scale of 1:80,000 showing detailed wetland features; + 2) Soil Survey of Windham County Connecticut dated January 1982, with a list of wetlands Soils as defined by State Law.

The Town of Windham adopted wetland regulations in 1976, and the minutes for that early period are inconsistent, but a plan for a subdivision of this property was submitted and approved in 1978. At that time the Inland Wetlands Agency relied on the advice of the U.S. Department of Agriculture Soil Conservation Service and they supplied a report (see attached).

In consultation with Marla Butts of the DEP office involved in this complaint, the soil classifications identified on the plans at that time were those used prior to the ones in use since 1982, and only the areas on the east side of the driveway, and south of the Fleming property were identified as having wetland soils. Thus, it appears that the area where the Fleming's identified a wetland violation along the east side of their common property line was not classified as wetlands on those early maps. In fact, we know from what the Perkins have stated, and Mr. Fleming has admitted, that Mr. Fleming and a neighbor - Mr. Russell Wicks created this little pond, which has created the wetlands immediately adjacent to his property. So, now it may be a wetland, but it is not mapped as such.

We have no records of any permits for this work done about ten to twelve years ago, and the only documentation we have about any wetlands on the Perkins property is that which was shown on the early maps from 1978, and 1982 and the large 20 acre man made pond which was apparently created prior to the establishment of the Town's wetlands regulations.

Mr. Fleming hired a consultant to present additional information – some of which contradicted the DEP Solid Waste Division assessment, but the consultant's report concluded that although there has been some filling along the driveway, as well as brush and landscaping debris in the back, it was not recommended that the fill be removed at this time because it would create more problems that could have more of an impact on the Fleming property. At most, the consultant suggested that the property owners simply do a 'spring clean-up' to remove the paint cans and assorted loose debris.

In closing, I would add that Mr. Fleming needs to remove the large piles of wood and stumps away from the wetlands as soon as it is practical to do so, perhaps during dry weather conditions.