

WINDHAM INLAND WETLANDS & WATERCOURSES COMMISSION

DATE: **Thursday March 13, 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. **Town of Windham Water Pollution Control Facility (WPCA) aka Sewer Facility – 2 Main St., Willimantic,** application for wetland permit for activities in upland of Wetland, + floodplain
2. **Windham TSC, LLC – 476 Boston Post Rd., North Windham** application for wetlands permit for activities in upland of Wetland/Bog – take receipt
3. **Borghesi Building & Engineering Company, Inc. – 1315 Main St., Willimantic** – application for jurisdictional ruling for activities in upland
4. **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.
5. **Willimantic Waste Paper Co., Inc.** 185 Recycling Way, Willimantic – application for wetlands permit for activities in upland of Wetland + floodplain

III. Old Business– DISCUSSION/POSSIBLE ACTION

1. Wetland Violation Complaint re: 363 &377 Scotland Rd.- Commission to review files only

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: June 16, 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

Town of Windham Water Pollution Control Facility (WPCA) aka Sewer Facility – 2 Main St., Willimantic, This is an application for wetland permit to upgrade the Sewer Plant. The work involves alteration and construction as well as removal of soil in the flood plain, as well as in the upland regulated area abutting the Natchaug, Shetucket, and Willimantic Rivers. Most of the activity is to replace existing facilities with upgraded facilities, and due to the flood plain, there is the need to provide additional flood storage areas. The Sewage treatment plant was originally constructed in 1959, and upgraded to secondary treatment in 1974. This upgrade will involve approximately \$30 million of improvements to enhance the facilities reducing the amount of nitrogen and phosphates from the discharge. The overall improvement will improve water quality into the River, and I do not see this as having a significant impact on wetlands.

Windham TSC, LLC – 476 Boston Post Rd., North Windham – This is an 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 are still working out details of concern relating to this project. The Commission would have taken receipt at the February meeting, so now it is imperative that the Commission make a determination as to whether there is a significant impact to the wetland bog.

Borghesi Building & Engineering Company, Inc. – 1315 Main St., Willimantic – This is an application for jurisdictional ruling for activities in upland, involving an increase in development of the site, and adding impervious surfaces, and redoing the drainage system for the site. The details on drainage are yet to be provided and so the Town Engineer cannot provide his report until we have this – this is an incomplete application.

Frog Bridge Development Company LLC for 560 Main St. Willimantic This is a request for jurisdictional ruling on a change of use from a Manufacturing and warehousing use to establish a Multi-family housing project. This change will involve 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. In addition, the Conservation Commission was concerned about the increased pollutants from cars and trash getting into the River from the parking lot as it will be used much more intensively for the new tenants of the apartments, compared with the current user who has much less activity here.

Willimantic Waste Paper Co., Inc. - 185 Recycling Way, Willimantic – This is an application for wetlands permit for activities in upland and the floodplain – please see the applicant’s report. The Commission will merely be taking receipt at this time.

Old Business

In January, the Commission heard a complaint alleging a wetland violation at the property of G. Karl and Robin Perkins now or formerly owners of 363 & 377 Scotland Rd., Windham. The Commission heard a detailed complaint from Mr. & Mrs. Fleming abutting the subject property. At that time, John Ianni, the Soil Scientist representing the Perkins, and their Attorney was there, but the attorney said he was not representing them at the Wetlands meeting because they were in litigation with the Fleming’s on the same matter.

In reviewing the file with the Chair, I was directed to examine the history of the property and how it came to be situated as it is. According to the 1954 aerial photo of the site, the property did not have any substantial wetlands. As near as I can find, 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, but 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. She indicated that she would send me a series of aerial photos of the property when she can find them, but they have undergone some re-organization and she is trying to find someone in her agency who holds custody of the archived aerial photos. In addition, she said she would try to find someone who can interpret the earlier soil classifications.

In further review of the documents and statements, it appears that the area where the Fleming's identified a wetland violation along the east side of their common property line – that these were 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 and installed an impoundment, which has created the wetlands immediately adjacent to his property.

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 brought in a statement from Mr. Brian Crudden the previous owner of his property, and he said that he has hired a consultant to present additional evidence to the Board. The Fleming's are eager to have the Commission see the problems, and Mrs. Perkins has extended an offer to allow the Commission to conduct a site walk of her property to examine the conditions of the site. Just last week I received a letter from a staff person at Joe Courtney's office urging that I investigate this complaint. Now that the weather is improving, and given your increasingly busy agenda I would recommend that the Commission try to make time to review this complaint for appropriate action.