

**WINDHAM INLAND WETLANDS &
WATERCOURSES COMMISSION**

MINUTES

January 10, 2008

The Windham Inland Wetlands & Watercourses Commission held its meeting on January 10, 2008 in the Meeting Room, Town Hall. The meeting was called to order at 7:00 P.M. Members present were James McGill, Susan Johnson, Joseph Marsalisi and Nancy Tinker. Also present were Town Planner James Finger and Town Engineer Joseph Gardner.

Planner Finger's staff report explained that due to the previous Chair (Jerry Iazzetta) move to the Board of Selectmen, the Board now needs to consider electing a new Chair.

1) Election of Officers – Nominations were opened.

Chair – Joseph Marsalisi nominated Susan Johnson, and James McGill seconded the nomination. No other nominations were offered, so the vote was taken. The Commission unanimously elected Susan Johnson to serve as chair.

Vice-Chair – the Chair then asked for nominations for Vice Chair. Joseph Marsalisi nominated Nancy Tinker, and Susan Johnson seconded the motion. The Commission unanimously elected Nancy Tinker to serve as Vice-Chair.

2) Aldi, Inc., 308 Boston Post Road, North Windham – application for permit to conduct activity in an upland area near a wetland.

Planner Finger's staff report dated January 4, 2008 explained this is an application for a permit for activities in an upland area near a wetland. These activities include building a new 16,000 square foot grocery store, a parking lot and associated drainage facilities. At last month's meeting the Commission directed the applicant to revise the plans to minimize the activity close to the wetlands, and to examine measures to avoid storm water collection and detention

James Cerkanowicz, Project Manager and Engineer for Aldi, Inc. presented a revised plan incorporating the changes directed at the previous meeting. He said the initial plan contained a much larger parking area and a larger retention pond. Commission members expressed concern with the size of the retention pond as they felt it was too large. Taking that into consideration, Cerkanowicz said the size of the retention pond was reduced. The original plan included 2 larger ponds to handle water management as well as a larger building and parking lot – which also have been reduced in size. The revised plan shows a reduction in the width of the access road from 30 to 25 feet. The building was also reduced by 12 feet in length. The number of parking spaces were reduced from 85 spaces to 75 spaces. He then went on to review storm water and drainage calculations. The revised plan shows a reduced detention pond, and a larger area of undisturbed area.

Susan Johnson asked if the plan contains erosion control measures. Mr. Cerkanowicz reviewed the proposed erosion control measures; tracking pads, diversion ditches and sediment traps. A silt fence will surround stockpiles and hale bales will further protect everything, he added.

Susan Johnson then asked about inspections during construction, and who would perform the on-going inspections. Mr. Cerkanowicz said the applicant has no objections to weekly inspections.

Town Engineer Joseph Gardner said he and Planner James Finger would most likely do the inspections and recommended a cash bond in the amount of \$5,000. If the silt fence is not maintained then we can take the money and bring in a contractor to fix it, said Gardner. Mr. Cerkanowicz said they had no objection to the commission setting a cash bond as recommended by the town engineer.

Mr. Cerkanowicz then went on to review post construction measures. A 'Vortechinics' chamber will be cleaned every 6 months as well as just before winter, he said. Planner Finger said this is a much better design than what was put in next-door four or five years ago, as they have much better safeguards.

Susan Johnson then asked about the percolation rate. Mr. Cerkanowicz said the percolation rate was 5 inches per hour. He then went on to review the 50-year and the 100-year storm projections, adding that the detention pond would contain the 100-year storm. Mr. Cerkanowicz said that concern was also raised about the amount of disturbance to the area near the wetlands. Therefore the reduction in the size of the project will preserve more of the upland area on and around the site and will bring fewer disturbances to the wetlands, he concluded.

After a brief discussion, Nancy Tinker made a motion to approve the plan as presented with a stipulation that the applicant post a cash bond of \$5,000 and the calculations for the vortechinics unit must be submitted for the Town Engineer to review and approve. James McGill seconded the motion, and the motion carried unanimously.

- 3) Eastern Valley LLC, Autumn Ridge Drive & Mullen Hill Road, Windham** – An application to divide a 25+ acre parcel into two building lots, one requiring a wetlands permit for the driveway.

Planner Finger's staff report explained the property actually consists of two or three separate parcels, and they want to reconfigure the existing parcels into different shaped lots. Both properties contain wetlands, and the property off Autumn Ridge has its principal access very close to a wetland. Planner Finger also explained that given the extensive wetlands on site, he recommend a declaration of restrictions on the use of the wetlands.

Wes Wentworth, a Civil Engineer and Soil Scientist representing the applicant, explained that they we would like to reconfigure the land into two separate building lots. Each lot will contain a house. One house will be coming in off Mullen Hill Road and one house will be coming in off Autumn Ridge. He said they are also before the Zoning Board of

Appeals for a frontage reduction for the property on Autumn Ridge and for approval of a rear lot for the property on Mullen Hill Road.

This lot on Mullen Hill Road will have more than adequate frontage, he said. He then identified the property on the map and delineated the wetlands. He said all activity on lot #1 would be outside of the wetland upland review area. The house and septic system for lot #2 will also be outside of the wetland and upland review area. Mr. Wentworth said at the request of a commissioner, Martin Brogie, we have revised the plan to move the driveway. Instead of coming in at 90% we will move the driveway out of the wetlands area. He said the revised plan would have much less disturbance than the original plan. Town Engineer Joseph Gardner agreed that the revised plan is a much better plan than what was originally proposed.

After a brief discussion James McGill made a motion to approve the revised plan and to include a Declaration of Restrictions as a condition of approval. Joseph Marsalisi seconded the motion, and the motion carried unanimously.

4) Wetlands Violation

Douglas and Theresa Fleming presented a complaint against his neighbor - Karl Perkins regarding new information on a previous wetland violation (from 2005 to the Wetlands Commission) stating that fill has been added in the wetlands area adjacent to their property. Mr. Fleming said Mr. Perkins has also buried debris there. Since there were a lot of trees and brush separating the properties at that time, we were not aware of what Mr. Perkins was doing, said Fleming. The wetlands are located on the east and south side of his property. We had a small pond explained Fleming, which was essentially destroyed because Mr. Perkins filled in approximately 35 feet along his driveway pushing the wetlands further over onto his property. Everything has been killed, asserted Fleming. He then distributed photos of the pond taken in 2004. These photos depict a very pristine pond, he said. Mr. Perkins buried debris in the wetlands area and covered it with topsoil, he declared.

The Commission reviewed a letter from Karl Perkins addressed to the Inland Wetlands Commission. Mr. Perkins states that in 2005 these same issues pertaining to the violation were reviewed. With the expertise of Towne Engineering and Soils Scientist Jon Ianni the Town was satisfied with the remediation we made to our violation and lifted the order, said Perkins. We then went to Civil Court, and to this day we are still in litigation, he added. Mr. Perkins asked the Commission to review all the records regarding the violation. With the Town's permission to perform remediation, before, during and after, inspections were done on the properties by many people, said Perkins. With a soil scientist's before and after report, and the Town's satisfaction of there no longer being any violations, we received a letter from the Town lifting the notice of violation. Mr. Perkins concluded by saying his 363 (Scotland Rd.) property was sold in 2007 so he can't give the Commission access; but invited the Commission to conduct a site walk from his 377 property.

John Ianni, Soils Scientist, reviewed the remediation process performed by Mr. Perkins in 2005. He also referred to his letter dated May 13, 2005 which contained recommendations

for the removal of some old debris. At that time the old wooded material was removed, and the material was pulled back to create a lesser slope. This was then stabilized with vegetation. The main goal at that time was to stabilize the property, said Ianni.

Planner Finger said the more recent complaint revolves around filling which allegedly occurred over a broader amount of time. Mr. Fleming disputed some of Mr. Ianni's comments. He insisted that filling in has occurred along the entire east property line.

Mr. Ianni requested that the Commission review the record. He said the wild accusations being made by Mr. Fleming are very disturbing and that he did not feel comfortable continuing the discussion. He added that due to his scheduling conflicts, he would not be available at the Commission's next meeting in February.

Susan Johnson said the Commission would leave this issue open. The Commission will review all the material and perhaps hold a site walk. Planner Finger said the Commission could hold a special meeting to review the entire file; but the Chair said she didn't think the Board would need to hold a special meeting. The Commission agreed to review the material at the next meeting.

- 5) Windham Water Pollution Control Facility** – This is an application for permission to conduct a regulated activity within an inland wetland, water course, or upland review area.

Town Engineer Joseph Gardner said the WWPCF is planning an upgrade of its sewer treatment plant. The property is located on the easterly portion of the Willimantic Service District abutting the Natchaug, Shetucket, and Willimantic Rivers - and south of Main Street behind Recreation Park. Planner Finger said they would make a full presentation next month. The Commission took receipt of the application that will be considered next month.

6) Correspondence

- a) Letter from Michael J. Bartlett, Forest Resource Manager for Hull Forest Products, Inc. requesting a jurisdictional ruling for proposed timber harvest of the land of Bass Farms, Inc. off Indian Hollow Road.
- b) Eastern Connecticut Resource Conservation and Development Area, Inc. including its latest brochure for the Environmental Review Team program, a free service to the municipalities of Connecticut.
- c) CFL (Connecticut Federation of Lakes) Newsletter.

Given that there was no further business, James McGill made a motion to adjourn, and Nancy Tinker seconded. The motion carried. The meeting was adjourned at 9:30 P.M.

Respectfully submitted,

Lillian Murray, Clerk