

WINDHAM INLAND WETLANDS & WATERCOURSES COMMISSION

Minutes for Thursday September 11, 2008

I. **Call to Order**

The meeting was called to order at 7:05 P.M. Members present were Chair Susan Johnson, Martin Brogie, Joseph Marsalisi, Nancy Tinker and Joseph Wagner. Also present were Town Planner James Finger and Recorder Kathleen Wright.

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

1. **John & Patricia Donohue 460 Boston Post Rd., North Windham Application for renewal of wetlands permit for continuation of existing gravel pit near Joshua Tract parcel**

Joe Boucher, Towne Engineering, represented the Donahues. He displayed a map and gave some history of the site, which was excavated as far back as 1934. He said that since the last meeting he had sent a letter dated 8-27-08 in which he proposed to use a mix recommended by the NRCS. He chose this mix because it is locally and commercially available and it is close to a mix recommended in the 2002 E&S (Erosion and Sedimentation Control) manual. The site is well established, the banks are stabilized. The embankments that disturbed in the past are stabilized and should now remain undisturbed. There are some invasive plants, including Japanese Knotweed. Chair Johnson said she had visited the site. She asked about measures taken to ensure there are no leaks from machinery. Mr. Donahue said good maintenance and the grade of the site should prevent leaks and they have had no problems. Mr. Brogie said he walked the site today. He said there is much Japanese Knotweed and he asked if there is some way to control that as the work heads to closure. There was a discussion of controlling invasives. Mr. Donahue will look into controlling the Knotweed. Mr. Brogie saw no dust at the site. He saw that the edge of the haul road is 8-10' near the bog. He asked why there is cutting along the road. Mr. Donahue said the neighbors cut some and he does some to keep the road clear. He expects to be working at the site 5 years more at least.

Motion: Mr. Brogie made a motion to renew the existing gravel pit excavation permit for John & Patricia Donohue, 460 Boston Post Rd., North Windham.

Mr. Wagner seconded the motion.

The vote was unanimous, in favor.

2. **Loch View LLC Main St., Willimantic Wetland application for new parking lot on Mill #4 site for use to complete Windham**

Mills Development

Thomas Briggs, Principal of Loch View LLC and Louis Testa, Chapter 11 Trustee for the Windham Mills Development Corporation were present.

Mr. Brogie said that he works on the Windham Mills property and has a conflict, so he stepped down, and also he excused himself from the meeting to attend another meeting.

Mr. Testa explained his role in the process. On 7-3-07 he was appointed by the US Trustees Office to serve as the Chapter 11 Trustee for Windham Mills Development Corp. He is fiduciary for the estate and the estate is nil. His options at the time were to close the mill, which did not seem viable because of the strong tenant base. Financing was not available so he could not form a plan to operate the property, and so it was made available for sale. Loch View made an offer that was viewed by the Bankruptcy Court and the creditors as fair market value. The sale was approved subject to contingencies that bring us here. Windham Mills Development Corp., although the current owner of the site, will transfer the site to Loch View under a plan of liquidation to be filed shortly. Mr. Testa said I am here to answer questions about the bankruptcy. He is excited that the burden on the Town will be removed and the property can move on to the next phase.

Mr. Briggs said we need to buy the property with the Mill 4 parcel subdivided off. That is a requirement of the purchase. We seek the IWWC blessing on the concept plan, which we put forward for the Mill 4 parking lot. Mr. Briggs said he will also give an idea of what is intended because Loch View will be returning to the IWWC again. The property will need not only parking on the Mill 4 parcel, but also we will bring a site plan for 2A, the primary parcel, later on, for parking near the building in order to make it fully tenanted. Planner Finger said the plan is the conceptual plan of a parking lot for future use, but it is not a fully developed site plan. A certificate of zoning compliance is needed in order to subdivide the back piece that they don't want because of the contaminants, but they do need the easement for parking. Ms. Tinker said she assumes that they would return later for approval with a fully developed plan. Planner Finger said they will need to submit a fully engineered site plan later, and what they need now is a jurisdictional ruling. Mr. Briggs said our engineers are working now with Mr. Finger's office to produce the parking plan. We are currently working on drainage calculations and setbacks and any other items. Ms. Tinker asked if they are also evaluating the bridge. Mr. Briggs said yes, and they intend to buy the property as soon as possible but they need to have the sub division done before that point. We are willing to have subdivision approval based upon a provision that we would obtain approval from IWWC at a later time.

Chair Johnson asked Mr. Briggs to talk about easements and parameters. Mr. Briggs said we have an easement from the seller. Our goal is to have parking close to the building for tenanting, as close to the bridge as possible while observing the right setbacks. The bridge will be renovated as necessary. Chair Johnson asked how does the easement facilitate the change. Mr. Briggs said we did not want to acquire the Mill 4 parcel because of contaminants. Associated costs to remediate would make it impossible to finance. Mr. Briggs said that Mr. Brogie's firm, Pine Crest had done a Phase one already.

Mr. Testa gave some history and said it would have been impossible to sell this entity with the Mill 4 site included. It was planned early on that either the Town or the State would want it, but part of the negotiations led to the parking issue where we need to give at least 8 acres to service the building and meet local regulations. The eight acres is all in the parcel 4 area.

Mr. Briggs said the determination of how much of the 8 acres will need to be used will be based on uses in the building. Chair Johnson asked if the 8 acre easement area is going to have any remediation. Mr. Briggs said this will be a cap, which we expect the DEP would permit. Mr. Testa clarified that the contamination is elsewhere. Chair Johnson asked about contaminants that would be stirred up in the process. Mr. Testa referred Chair Johnson to Mr. Cody. Mr. Briggs said the area is flat and a cap of processed stone would not disturb it and by encapsulating the area there would be no chance of contaminants leaching out. Ms. Tinker asked if the monitoring well is in use. Mr. Briggs is not aware of any monitoring. Mr. Briggs said that asphalt and landscaping can only improve it. Planner Finger said there are a couple of other easements, which need to be discussed. The Town has an interest to see it cleaned up and developed to produce taxes. Ms. Tinker pointed out a potential detention basin. There was a discussion of some initial cleanup that took place in 1998. Mr. Briggs said they have a fair amount of information that has already been done, including a some information gathered by Pinecrest. Chair Johnson asked if we could accept the concept plan pending recommendations by Town Engineer Gardner.

Planner Finger said what is needed is a conclusive action to accept the conceptual plan for jurisdictional ruling only. That way they will qualify to present an application to the Planning Commission and they can move forward. They will need to come back for a wetlands permit, including, at a minimum, items listed on Mr. Gardner's memo of 9-8-08.

Motion: Ms. Tinker made a motion to accept the conceptual plan for jurisdictional ruling purposes only. Loch View will come back to the IWWC with an application for a permit at a later time, which will include items from Town Engineer Gardner's memo. Mr. Marsalisi seconded the motion. The vote was unanimous, in favor.

III. Old Business– DISCUSSION/POSSIBLE ACTION

III. Routine Business – DISCUSSION/POSSIBLE ACTION

1. Approval of Minutes -

Motion: Mr. Marsalisi made a motion to approve the minutes of the 8-18-08 meeting. Mr. Wagner seconded the motion. Ms. Tinker abstained. The vote was unanimous, in favor.

2. Miscellaneous -

- Planner Finger said, with respect to agent review, there are 2 items. The Town of Windham plans to build a recreational structure on the beach at Rec Park within 200' of the river. There is a plan for 10 Jerusalem Road. Notice in the newspaper was published and a permit was issued.
- Planner Finger said he will attend a training on invasive plants. There was a discussion of trainings. A DVD on trainings is available from Planner Finger. On the DEP web site there will be notice of a plant identification walk training. Planner Finger will also attend a training on hazardous waste brownfields and grant writing.
- Planner Finger said that Eastern CT University is trying to address the drainage problem.

3. Correspondence -

V. Adjourn

Motion: A motion to adjourn was made by Ms. Tinker.
Chair Johnson adjourned the meeting at 8:05PM.

Respectfully submitted,

Kathleen Wright, Recording Clerk
September 18, 2008

recommend the merger to Jean de Smet 18 months into her tenure. There was a discussion of upcoming changes.

VII. Adjourn

Given that there was no further business, Chair Stahl adjourned the meeting at 9:12 P.M.

Respectfully submitted,
Kathleen Wright, Clerk
March 07, 2008