

**TOWN OF SOUTH WINDSOR  
INLAND WETLANDS AGENCY / CONSERVATION COMMISSION  
WEBex Meeting**

**MINUTES:** October 21, 2020

**MEMBERS PRESENT:** Barbara Kelly, Adam Reed, James Macdonald, Jack Phillips,  
Paul Cote, Richard Muller, Elizabeth Warren, Art Jennings

**ALTERNATES PRESENT:** None

**STAFF PRESENT:** Jeff Folger, Sr Environmental Planner  
Jeff Doolittle, Town Engineer/Asst Dir of Public Works  
Michael Lehmann, IT  
Donna Thompson, Recording Secretary

Chairperson Kelly called the meeting to order at 7:03 p.m.

**PUBLIC PARTICIPATION:** None

**PERMIT EXTENSIONS:** None

**CORRESPONDENCE AND REPORTS:** None

**BONDS:** None

**MINUTES:** 10/07/2020

The minutes of 10/07/2020 were approved by consensus.

**CONSERVATION COMMISSION:** Mr. Folger stated that he will be working with the high school environmental club on a project for a management plan for the black walnut grove on the open space off Dart Hill Road. He has been in contact with a local forester who could work with the students to show how a forester accomplishes a project like that. The grove is six or seven acres and has the potential to be harvested at some point in the future. This would be a valuable resource for the Town at that time. There is also an individual that is interested in tapping black walnut trees for syrup. This could be another project for the students in assisting with the collection of the sap and creation of the syrup. Both of these projects would bring awareness to the fact that trees are a valuable commodity for products other than wood.

**WETLAND OFFICER:** nothing to report

**SHOW CAUSE HEARING** – 150 Felt Rd, Katzbek

Commissioner Adam Reed recused himself from the Show Cause Hearing for personal reasons.

Mr. Daniel Katzbek, Attorney Kari Olson, Jeff Folger and the commissioners discussed the issue of a possible wetlands violation on property located at 150 Felt Road. Mr. Katzbek, owner of the property, stated that the National Cooperative Soil Survey, which is operated by the USDA/NRCS, provides maps indicating that there are no wetland soils on his property. The type of vegetation growing in the area is not a determining factor for wetlands. Mr. Katzbek also stated that his family uses that area for recreation and reaching their gardening/wood cutting locations. Mr. Katzbek said that he has a right to privacy and recreation on his property, and chooses not to allow a soil scientist on the property to physically test for wetland soils.

Attorney Olson stated that the maps Mr. Katzbek is referring to are very generalized and Town regulations require that there be a proper delineation if any wetlands regulation is proposed. The maps are not necessarily accurate especially given the amount of time that has passed since the maps were done. Mr. Folger saw wetlands vegetation in the area of disturbance. It may be that what Mr. Katzbek is proposing to do in a wetlands area is exempt, but it has to be brought to the commission for their determination. The reason for the show cause hearing is for Mr. Katzbek to provide the information necessary for this commission to determine that the notice of violation should not stand. The burden of prove is on Mr. Katzbek to prove to the commission that the order issued by Mr. Folger should not stand. To alleviate everyone's concerns and resolve this, a certified soil scientist could visit the site and confirm that these are wetland soils. The other possibility would be for Mr. Katzbek to ask the commission to render a decision as to whether the activities proposed in what appears to potentially be wetlands is exempt none the less. . Mr. Folger was obligated to address the complaint of a possible wetlands violation. It is now the commission's responsibility to address the issue.

The consensus of the commission was that the issue could easily be resolved just by having a soil scientist visit the property and test the soil. Even if it is wetland soil, the commission could then determine if the activity in that area is permitted as of right. Mr. Katzbek will not allow a soil scientist on his property to test the soil. Nor had he proposed that the activities in this area be reviewed to determine if they are allowed by the Town's regulations. Mr. Katzbek was given the opportunity to request that the activities his family enjoys on their property be considered a use as of right under the Town's regulations. Mr. Katzbek stated that he was reluctant to pursue the claim of a regulated use of the property due to concern that it would be perceived as an admission of wetlands on the property. Attorney Olson stated that Mr. Katzbek has every right to claim the use of his property is a regulated use without concurring that there are wetlands involved. Mr. Katzbek did claim that the activities conducted on his property are a right of his without agreeing that there are wetlands on the property.

Commissioner Phillips proposed closing the show cause hearing and not making a decision until after having an executive session for this issue.

Motion to: close the Show Cause Hearing regarding 150 Felt Road at 8:07 pm  
Was made by: Commissioner Phillips  
Second by: Commissioner Jennings  
The motion carried.  
The vote was unanimous.

The executive session will be scheduled on the next agenda.

Commissioner Reed read into the record the legal notice as posted on the Town's web site on October 8, 2020.

**PUBLIC HEARING: 8:12 pm**

**Appl. #20-52W– Town of South Windsor – Main Street Bridge over Podunk River –** Inland Wetland/Conservation Commission application for approval of the re-construction of a road bridge located on the southern end of Main St., A-40 Residential Zone.

Mr. John Wengell, WMC Consulting Engineers, and Mr. Jeffrey Doolittle, South Windsor Town Engineer/Assistant Director of Public Works, presented the application. This project had previously been approved by the commission in 2014. DEEP denied the permit and required a revised plan. This plan will have significantly less impact on the channel than the plan proposed in 2014. Mr. Doolittle stated that the entire bridge will be replaced and will have less impact than the previous proposal.

Mr. Wengell presented the proposal for the bridge replacement. He stated that there are barrier curbs set up due to the poor condition of the bridge superstructure. The far side of the lane is closed off to vehicles. The existing masonry stone abutments will be removed down to the just above the high water line. Elevation will be approximately sixteen feet. Currently, DOT rates the superstructure to be in serious condition, and the substructure to be in satisfactory condition. The bridge is within the 100 year flood plain and also within a floodway. There is mussel habitat in the area of the bridge project. There are no contaminated soils or hazardous materials within the project limits. Best management practices will be used during construction. All disturbed areas will be restored upon completion of the project. The abutments will be moved farther back from the existing abutments with grading back from those existing abutments. The bridge will be opened up to approximately seventy feet. There will be approximately 194 feet of roadway construction. The deep H piles will be driven to approximately 100 feet from the roadway surface to bedrock. The bridge structure will be increased to thirty-six feet. There will be two twelve foot six inch lanes and two three foot six inch shoulders. There will be rounded riprap embankment protection from the existing stone to the proposed new structure. The existing channel grades will be maintained. There is no grading proposed in the channels. Flow will be maintained in the channel at all times.

The construction staging is as follows: install e&s measures and debris shield; remove superstructure; remove existing stone masonry to elevation 16.5; temporary coffer dams

at all four embankment corners; excavate and install new abutments; install bridge abutments and wing walls; install the riprap; install the bridge superstructure; complete the roadwork; establish turf and seed. Silt sacks or sandbags will be used to protect and confine the area from a two year storm event.

There will be a permanent impact to the watercourse with the placement of toe boulders at the edge of the river channel. The boulders are to help hold back and grade the embankments in order to keep anything from going into the stream. There will be some excavating for placement of the boulders.

Commissioners were concerned about the extent of protection against sediment reaching the river if a severe storm occurred during construction, State guidelines are being used for this determination and the contractor will be responsible for securing the area.

Commissioners Kelly, Phillips, Warren and Muller visited the site.

Motion to: continue the public hearing on Appl. #20-52W to the next meeting due to the application pending signs not being posted for ten days prior to the meeting

Was made by: Commissioner Phillips

Second by: Commissioner Jennings

The motion carried.

The vote was unanimous.

#### **OLD BUSINESS:**

#### **OTHER BUSINESS:**

There was discussion as to the date for the next meeting due to a potential conflict with another commission. It was decided to have a special meeting on November 5, 2020.

#### **APPLICATIONS RECEIVED:**

#### **ADJOURNMENT:**

Motion to: adjourn at 8:47 p.m.

Was made by: Commissioner Jennings

Second by: Commissioner Cote

The motion carried.

The vote was unanimous.

Respectfully submitted:

Donna Thompson  
Recording Secretary

**Approved: January 6, 2021**