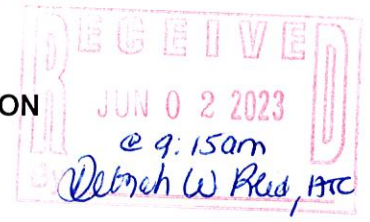


**TOWN OF SOUTH WINDSOR  
INLAND WETLANDS AGENCY / CONSERVATION COMMISSION**



**MINUTES:** May 17, 2023

**MEMBERS PRESENT:** Blondin John, Cote Paul, Jennings Arthur, Chairperson Kelly Barbara, Macdonald James, Muller Richard, Vice Chairperson Phillips John, and Secretary Reed Adam

**MEMBERS ABSENT:** Katzbek, Dan

**ALTERNATES PRESENT:**

**STAFF PRESENT:** Jeff Folger, Sr. Environmental Planner  
Tersee Flores, Recording Secretary

**COUNCIL LIAISON PRESENT:** Steven King Jr.

Chairperson Kelly called the meeting to order at 7:02 p.m.

**PUBLIC PARTICIPATION:**

Chairperson Kelly asked for public comment for items that were not on agenda. No public comment.

**PERMIT EXTENSIONS:** None

**CORRESPONDENCE AND REPORTS:** None

**BONDS:** None

**MINUTES:** The minutes of 5-03-23 were approved by consensus.

**CONSERVATION COMMISSION:** None

Jeff Folger, Environmental Planner mentioned Thursday, May 11<sup>th</sup> with the assistance of around 15 Girl Scouts and their parents they were able to complete the planting of 30 hybrid willows which were planted at the base of the sledding hill of Barber Hill Road. The goal was to soften the view of those houses.

Chairperson Kelly added part of the approval of that sub division did show that planting will remain but an Easement was not put in place, so the individual home owners were free to clear their land as they saw fit. The plantings are on Town property, so a visual buffer will be re-established over time.

**WETLAND OFFICER:**

Jeff Folger mentioned regarding Pleasant Valley School, they are in a lull between rain storms, and they are taking the opportunity to do some construction installations on the detention basin.

## **PUBLIC HEARING:**

**Appl. 23-11P, Industrial Flex Space, 75 Connecticut Ave.** – IWA/CC application for an Industrial Incubator facility and Cold Storage Units, parking, stormwater management and associated utilities, on property located easterly of Connecticut Ave. and westerly of Judy Lane. Industrial (I) zone.

Chairperson Kelly mentioned they wanted to leave the hearing open to get the report from the Town Engineer on the storm water management. This was submitted in letter form.

Peter M. DeMallie, President and Principal Design Professional presented the application on behalf of Trio Investment Property LLC and their client Dan Russell and introduced Glen Martin, Senior Project Manager/DPI, James M. McManus, MS, CPSS, Certified Professional Soil Scientist and Chris Zibbideo.

Peter mentioned they will discuss new items and questions regarding the Town Engineer Report.

Mr. DeMallie entered into the record and read a memo that was submitted to him from Jeffrey Doolittle, Assistant Director Public Works/Town Engineer and a response letter from himself and Andrew Krar, Licensed Professional Engineer.

Mr. Chris Zibbideo addressed questions from Chairperson Kelly, Commissioner Phillips, Blondin, and Muller regarding question number 14 and 15 in Mr. Doolittle memo.

Vice Chairperson Phillips mentioned he actually had questions regarding number 13 and 14.

**Question #13.** What is the condition of the adjacent wetlands on this property and the drainage channel and other detention basins to the west? These need to be maintained in good condition for the onsite drainage to work as designed.

Mr. Zibbideo mentioned Mr. DeMallie covered it well where he discussed the property owner agreed to maintain any onsite swales within his property limits in the event Constitution Landing does not. Prior to the PZC hearing, the engineers will inspect both existing detention basins to the west.

**Question #14.** All of the developed site is discharging to the Newberry Brook watershed.

What impacts may this site discharge have on the Newberry Brook to the west downstream of Route 5?

How do the peak flows and times of concentration from this developed site compare to the peak flows and times of concentration for Newberry brook downstream (at a culvert behind 835 John Fitch Boulevard and 211 Newberry Road, and by Main Street) for the 2, 10, 25 and 100 yr. storms?

Mr. Zibbideo stated that the stormwater management plan for the site is designed to retain 100% of the 100-year storm on site. The site is on the top of the watershed and comprises an extremely small percentage of the watershed area. There will be no negative impact to the Newberry Brook channel.

Mr. James McManus discussed soil types, characteristics and wetland delineation and what he has reviewed on site.

Ms. Kelly open the hearing for public input.

Consultant, James Sipperly thanked the Commission for reading his letter into the record at our last meeting.

Comments from the public were made from the following:

James Sipperly  
Stephen Grech, 155 Judy Lane  
Daniel Edwards 131 Hilton Drive

**Motion to:** close public hearing on Appl. 23-11P

Was made by: Commissioner Phillips

Second by: Commissioner Cote

Motion carried.

Vote: unanimous

**Appl. 23-18W, Prime Materials Recovery – 444 Nutmeg Road North** - IWA/CC application for the Wetland Map Revision on property located northerly of Governors Hwy, and easterly of Nutmeg Road north. Industrial (I) Zone.

Jeff Folger mentioned we failed to post public hearing notice for this meeting in the appropriate time to the Journal Inquirer. He requested the public hearing be re-scheduled for future date and the next available time is June 7<sup>th</sup>.



**Motion to:** table public hearing Appl. 23-18W until the next scheduled meeting June 7<sup>th</sup>  
Was made by: Commissioner Phillip  
Second by: Commissioner Jennings  
Motion carried.  
Vote: unanimous

## **NEW BUSINESS:**

**Appl. 23-11P, Industrial Flex Space, 75 Connecticut Ave. – IWA/CC** application for an Industrial Incubator facility and Cold Storage Units, parking, stormwater management and associated utilities, on property located easterly of Connecticut Ave. and westerly of Judy Lane. Industrial (I) zone.

**Motion to:** accept Appl. 23-11P for standard terms and conditions with recommended bondage.  
Was Made By: Commissioner Phillips  
Second by Commissioner Jennings  
The motion carried.  
The vote was unanimous

Mr. Folger recommended bonds shall be collected: \$25,000 for establishment and maintenance of erosion and sediment controls, and \$50,000 for the installation of stormwater structures, and \$20,000 for installation and establishment of wetland plantings. Mr. Folger proposed additional conditions; to eliminate the Phragmites stand within the northern swale. The proposed perimeter Arborvitae plantings must be installed prior to approval of the building permit. All approvals required must be obtained and submitted prior to any activity on the site. A contact person shall be identified on the plans.

Vice Chairperson Phillips thanked the members of the public and shared his comments on abutters past and present questions, in addition to Commissioners Muller, Jennings, Blondin and Reed.

Mr. Phillips statements are as follow:

Sec 8.8 is a regulation of this committee not of the USPS. The last revisions of the regulations, the wording was specifically changed to avoid the USPS registered trademark of certified mail as to eliminate the confusion as to whether certified mail is defined by USPS is what the requirement was but it's not required per our regulations and per our definition what certifies a mailing. Chairperson Kelly mentioned it was done prior to this application.

Suggestion for a conservation easement. The Commission cannot require a conservation easement, they must be offered by the applicant. The request was heard at this hearing no such offer was made by the applicant or property owner, therefore by case law we are not able to add a conservation easement on this property.

The size of the buffers surrounding the property and in between the property and residential properties is a planning and zoning requirement not something that can be done by this Commission. It must be raised with PZC at the appropriate time.

By case law the upland review area is forbidden to have them be exclusionary areas, they cannot be regulated but the activities upon them can be regulated to the extent that they impact the wetlands.

The Executive orders submitted: there was no testimony given on how the Executive order impacts this specific application.

Our win loss ratio was asked. Mr. Phillips mentioned this is not a competition we don't have a win loss, the applicants come in with their applications. If it meets regulations we are required to approve it, if it does not meet the regulations we do not approve it. Most applicants and the engineering firms that deal with presentations and applications before this Commission are well versed in the requirements and regulations of this Commission and therefore show up with applications that meet the requirements.

There was discussion and different of opinions regarding the size of the trees involved. Mr. Phillips mentioned the trees are not in wetlands, no testimony was given to indicate the diameter of the trees will have adverse impact on wetlands.

The wet area that was mentioned several times. The CT law on Wetlands indicates just because an area is wet does not necessarily mean it's a wetland. Just because an area is dry does not mean it is not a wetland. A wetland determination is based on soil types. The soil types in that area were measured numerous times by variety different qualified people and the conclusion was it is not wetland. In addition, the ditch, there are requirements on whether this



would qualify as an intermittent water course, there are specific requirements that must be met before it can be considered a intermittent water course, numerous times various people who are qualified to review agreed the ditch did not meet the requirements of being a water course.

The downstream concerns, this site is at the top of the water shed. In general the philosophy on detention and release of water says that you want to have the storm water that falls near the bottom of the water shed be released as quickly as possible to get it out of the way. The further up you are on the water shed the slower it should be released so it's not to be compounding on top of the peak flows that are downstream. The applicant showed that they are detaining the water at the upstream end and that they will not be providing additional peak flow to the streams. If work needs to be done in those areas that is something that is beyond the scope of this application.

The effects on the adjacent housing testimony was given that the adjacent houses are actually hydraulically upstream of this location.

Commissioner Muller expressed we see lots of applications come before us, the application presented is a very modest piece of property. He sees this project as a modest and responsible use of the property, and if anything it will enhance the wetlands that are currently there and give it more diversity, habitat for animals.

Commissioner Jennings shared that his participation as a Commissioner is to look towards the experts who are scientist and who can help define for him the best plans for this Commission. This property has done a good job in improving the area that they are constructing these buildings on improving the wetlands. He believes they spent a lot of resources to try to make a good decision to provide us with the information so as Commissioners we are protecting the land.

Commissioner Reed stated that primarily concerns with this application was the discharge the site was going to have giving the flooding concerns downstream and giving the information presented at peak flows or the 25 at 100 were either at or below from the current site conditions.

Commissioner Blondin agreed with the Commissioner's comments and expressed that they presented all the information that we needed to make a decision.

Vice Chairperson Phillips concluded in his opinion the application as provided does a very good job of protecting the wetlands on site and are meeting the necessary regulations.

Chairperson Kelly expressed she is a professional member of Society of Soil Scientist of Southern New England, she serves to review wetland lines in the 32 town in Hartford County for many years. She visited the site many times and concluded that there are no direct wetland impacts proposed on the site.

Chairperson Kelly stated that hearing no other discussion she called for a vote on Appl. 23-11P, Industrial Flex Space, 75 Connecticut Ave with the conditions as presented with those bonds for the removal of Phragmites and the establishment of the permanent planting all required to the building permit.

Motion carried.

Vote: unanimous

**OLD BUSINESS:** None

**OTHER BUSINESS:** None

**APPLICATIONS RECEIVED:**

**ADJOURNMENT:**

**Motion to:** adjourn at 8:25 p.m.

Was made by: Commissioner Phillips

Second by: Commissioner Blondin

The motion carried.

The vote was unanimous.

Respectfully submitted:

Tersee Flores  
Recording Secretary