

REGULAR MEETING MINUTES
WINDSOR INLAND WETLANDS & WATERCOURSES COMMISSION
TUESDAY JULY 1, 2025 7:00PM
HYBRID MEETING – COUNCIL CHAMBERS AND ONLINE
<https://us02web.zoom.us/j/85435818689>

Chairman Fraysier called the meeting to order at 7:02 p.m.

1. ROLL CALL

Chairman Fraysier, Secretary Towers, Commissioners B. Stearns, N. Osowiecki, M. Cote, and C. Elkins. Also present was Wetland Agent, Chloe Thompson.

2. PUBLIC COMMUNICATIONS (3-minute limit on items other than Public Hearings) – None; communications closed at 7:03pm.

3. BUSINESS MEETING

a. MINUTES:

Commissioner Elkins made a **motion to approve the minutes for April 15, 2025**. Commissioner Towers seconded the motion. **Vote 6-0-0**

b. NEW BUSINESS

i. Application 25-234: 445 Poquonock Ave, Alford Associates – 3 Lot Subdivision

Skip Alford, P.E. of Alford Associates addressed the Commission as the representative for this application. Also present was Craig McKiernan, executor of the estate for the property. S. Alford explained the location of the site and the existing conditions. S. Alford summarized the overall details the proposal to construct two additional single family homes on this property.

Commissioner Towers expressed concern with homeowners being unaware of the wetlands on the rear of their property, and the potential for dumping of leaves and other yard waste in the wetlands. Commissioner Towers asked if the property owners are going to be notified of this. S. Alford stated that the wetland line will be on the site plans and the property to the south would have to trespass to bring their waste to the wetlands entirely located on the northern property.

W.A. Thompson noted that written comments had not yet been prepared, but acknowledged that the Town Engineer, Suzanne Choate, had submitted preliminary comments.

W.A. Thompson identified that the application pertains to a site mapped by NRCS as containing highly erodible soils, specifically Category 2 and potentially Category 1 erosion susceptibility. W.A. Thompson cited previous cases in Town where structures placed near slopes led to erosion-related issues, including risks to decks and foundations.

W.A. Thompson noted that if the proposed structure is to remain in the current location, the Town Engineer would likely request a geotechnical report. W.A. Thompson suggested exploring a relocation of the proposed house to the south or southwest, which may be on more stable ground.

While utility installation cost implications were unclear, relocation may reduce construction risk and impact to wetlands. The wetlands are in relatively close proximity to the proposed disturbance area, raising concern about erosion contributing to potential wetland degradation. W.A. Thompson indicated that she would prefer to see the structure relocated to a more stable area to reduce risk. Commissioners generally expressed agreement with the suggestion.

S. Alford stated that he doesn't believe moving the house would be an issue.

Discussion continued regarding the conservation easement requirement. W.A. Thompson confirmed that for all single-family residential approvals in recent years, a conservation easement has been required around wetlands by the IWWC. The conservation easement includes a requirement for permanent markers and is recorded on the land records to ensure long-term notice to current and future property owners. W.A. Thompson clarified that while wetland delineations are not recorded, conservation easements are, and they provide clear notice of restrictions.

S. Alford noted that the proposed limit of clearing is approximately 150 feet from the wetlands. The adjacent slope toward the wetlands is moderate (approximately 8% grade), with more severe slopes further upslope. S. Alford stated that they do not have an issue with establishing a conservation easement.

S. Alford stated that with proper sedimentation and erosion controls in place (e.g., silt fence), there should be no significant impact to the wetlands, which are located approximately 65–70 feet away from the proposed disturbance.

Chairman Fraysier asked S. Alford to provide information on the wetland functions and values associated with the on-site wetland area.

S. Alford described the on-site wetland as a typical upland, deciduous, forested wetland, similar in nature to others in the vicinity. S. Alford added that no formal wetland report was submitted, as the proposed development is located approximately 70 feet from the wetlands and falls within the upland review area.

Chairman Fraysier stated that the activity is still within the upland review area therefore they need to have information on the functions and values of the wetlands. Chairman Fraysier reiterated that placing the second house further away from steep slopes would likely minimize risk and better protect the wetland area.

Chairman Fraysier noted that the driveway will be 12 feet wide with three feet of passable area on either side and inquired whether this side area would be paved or constructed with pervious material. S. Alford indicated that three feet of crushed stone on each side is proposed for stormwater purposes, consistent with Fire Marshal access requirements.

Commissioner Cote agreed with the earlier concerns regarding erosion, particularly in the northwest corner of the lower lot, and supported relocating the structure approximately 20 feet to the east. Commissioner Stearns concurred.

Commissioner Towers made a **motion to accept application 25-234: 445 Poquonock Ave, Alford Associates – 3 Lot Subdivision**. Commissioner Osowiecki seconded the motion. **Vote 6-0-0**

ii. Application 25-235: 4 Walters Way, Alford Associates – Proposed Storm Drainage Improvements

Skip Alford, P.E. of Alford Associates addressed the Commission as the representative for this application. Also present was Tom Defranzo representing the property owner.

W.A. Thompson reminded the Commission of the ongoing history and concerns related to the subject property and noted that there has been substantial involvement on this parcel, particularly due to an outfall pipe on Merriman Road that discharges stormwater onto this private property. The Town has agreed to conduct certain outfall repairs, but ongoing erosion issues remain on private property. A portion of the previously ordered wetland restoration plan will be impacted if this application is approved as-is.

Given the complexity and scope of the project, W.A. Thompson recommended that the Commission retain a third-party consultant to assist in reviewing the application and to provide an independent assessment of the proposed impacts to the wetlands. The third-party reviewer would not be affiliated with the applicant or the Town and would be responsible for producing a technical opinion regarding wetland impacts and the efficacy of the restoration and mitigation plans.

W.A. Thompson also noted that, in addition to the independent peer review, a geotechnical report may be warranted or required by either the Town Engineer or the Commission. This would help assess soil stability and ensure long-term effectiveness of erosion mitigation measures.

W.A. Thompson identified this as a “significant activity” under Section 9.2 of the Inland Wetlands & Watercourses Commission regulations and advised that the Commission has the discretion to hold a public hearing.

The site plan and restoration area were displayed. S. Alford described the location, noting a 60-foot elevation drop from Merriman Road to the Rainbow Reservoir. Photos were shown of an erosion gully approximately 300 feet long, 30–35 feet wide, and 8–10 feet deep. The erosion is ongoing and worsens during storms. A site profile was displayed to further explain the proposed grading and restoration.

S. Alford described the proposed drainage improvements: a 36-inch pipe would run 175 feet from Merriman Road downhill (elevation drop from 148 to 124), conveying stormwater through a new manhole and outlet structure. S. Alford stated that the pipe would reduce erosion by containing flow and slowing velocity via corrugated materials. At the bottom, a new pond is proposed with a sediment forebay and outlet structure to reduce peak flow rates. The pond would detain stormwater and reduce flow by approximately 75% for small storms and 50% for larger ones. The system would disturb 0.3 acres of wetlands, but is intended to stop ongoing sediment discharge into the Rainbow Reservoir caused by previous development of the Berrios Hill subdivision.

T. Defranzo noted that there are 16 catch basins from the subdivision currently that discharge onto the property. The resulting erosion has affected multiple onsite ponds and flooded a carriage house in the past.

Chairman Fraysier asked if the pond holds water. S. Alford stated that the pond will hold about 8 feet of water.

T. Defranzo stated that the proposed pond is outside the wetlands buffer. Chairman Fraysier noted visible wetland lines within the disturbance area directly showing that this activity would occur within the wetlands. S. Alford argued that most of the wetlands were probably caused by erosion, and not naturally occurring.

There was brief discussion regarding the sizing of the pipes.

Chairman Fraysier explained his background as a professional engineer and the importance of having a geotechnical engineer evaluate characteristics of the soil and whether it has the capacity to withstand erosion. Chairman Fraysier added that this is a known issue at the site, and feels as though a geotechnical investigation would be worthwhile in order to support the design.

Chairman Fraysier noted the project includes significant infrastructure — pipe, riprap, plunge pool, and pond — and asked who would maintain it, since much of it lies on private property.

Chairman Fraysier asked for clarification on a proposed 10-inch pipe designed to drain the pond, and why draining would be necessary.

Chairman Fraysier stated that due to the extent of wetland disturbance (~0.3 acres, 13,068ft²), he recommended holding a public hearing. Chairman Fraysier also requested alternatives to the proposed design to minimize wetland impact, as well as inclusion of the 100-year floodplain on plans. W.A. Thompson added that a public hearing would trigger the requirement to document all feasible and prudent alternatives.

Chairman Fraysier noted that turtles are identified in the NDDDB and asked how this would be addressed in project documents.

Chairman Fraysier asked why the grading was going to be returned to the 1977 contours as noted on the site plan. S. Alford explained that 1977 reflects pre-erosion conditions, but agreed to show actual proposed contours instead.

S. Alford sought clarification on the term "geotechnical report" — whether it refers to expert soil identification or formal boring samples. S. Alford stated that he believes the soil scientist would be qualified to complete this.

S. Alford responded that maintenance would be handled by the property owner. S. Alford explained the 10-inch pipe is standard for draining ponds and would include a valve. As for alternatives, S. Alford said doing nothing would allow continued sedimentation into the Farmington River. Reducing the pond size would reduce effectiveness and increase downstream erosion risk.

Commissioners reiterated the need for documented alternatives. T. Defranzo stated that the pond area includes both wetland and non-wetland portions and is already eroded. T. Defranzo estimated 200,000 cubic yards of material had been lost, based on his experience operating a local sand pit. T. Defranzo welcomed site visits and confirmed soils had been tested and found to be highly erodible. He stated he is open to other alternatives if they exist, but noted the elevation change limits options.

The commission asked the applicant and their engineer to revisit the design and ensure the most feasible and prudent alternative is presented. Chairman Fraysier also noted that due to the square footage of direct wetland and watercourse impact, including the relocation of a waterway, there may

be permitting required from the Army Corps of Engineers as well, possibly CT DEEP. S. Alford stated that he was unsure if they needed an Army Corps permit.

T. Defranzo noted the urgent nature of addressing ongoing erosion issues and expressed willingness to invest in a resolution and expressed concern with permitting delays that could affect project timing. Chairman Fraysier stated that the Commission also would like to see this issue addressed in a timely manner as well, but they need assurances that this is the best option and the plan is fully developed.

The Commission reiterated the need for a third-party peer review given the complexity and extent of proposed wetland impacts. S. Alford and Commission debated whether a formal geotechnical report was necessary. Commissioners sought calculations showing whether site soils could withstand proposed water velocities. S. Alford stated erosion would be mitigated by piping flows and routing them into armored plunge pools and ponds.

W.A. Thompson clarified that George Logan's erosion and sedimentation expertise may not fully satisfy the geotechnical review requested. Chairman Fraysier noted that there was also no wetland report from George Logan (soil/wetland scientist) included in the application package. Chairman Fraysier added that there is no technical information in the application materials regarding the soil characteristics and erosion of such. S. Alford stated that he has calculations on the flow, volume and velocity of the water. Chairman Fraysier replied that that is not the information he is referring to.

Chairman Fraysier reiterated the requirement of being presented feasible and prudent alternatives given that the proposal includes significant direct impacts, of which is the responsibility of the applicant. Commissioners discussed requesting a third-party peer review by a soil/wetlands scientist and potentially requiring a geotechnical report to validate soil stability.

Commissioner Elkins made a **motion for the Commission to require the services of a qualified third-party soil scientist or wetland scientist to conduct a peer review of application 25-235: 4 Walters Way, Alford Associates – Proposed Storm Drainage**, due to the technical complexity of the proposed activity and potential impacts to wetlands and watercourses in addition to the impacts to the IWWC ordered restoration plan for Violation 23-115. The review shall be coordinated through the Town's Inland Wetlands Agent. Commissioner Towers seconded the motion. **Vote 6-0-0**

Commissioner Towers made a **motion to hold a public hearing at the next regularly scheduled meeting for application 25-235: 4 Walters Way, Alford Associates – Proposed Storm Drainage**, as the proposed regulated activity may involve significant impact to wetlands or watercourses per Section 9.1 of the Inland Wetlands and Watercourses Regulations. Commissioner Elkins seconded the motion. **Vote 6-0-0**

4. AUTHORIZED AGENT ACTIONS

- a. W.A. Thompson summarized the following approvals:
 - i. AA25-228: 44 Macktown Road – 16' x 36' In-ground Pool
 - ii. AA25-229: 30 Hope Circle – Deck and Above Ground Pool
 - iii. AA25-230: 98 Country Club Road – 20' x 40' In-ground Pool
 - iv. AA25-231: 112 & 114 Chandler – Underground Stormwater Connection
 - v. AA25-232: 74 Prospect Hill Road – 10' x 16' Shed

5. AGENT REPORTS

W.A. Thompson reported on the restoration plan ordered for 4 Walters Way last year. New aerial imagery released on April 9, 2025, prompted concerns about a potential disturbance outside of the designated wetland restoration area—estimated at approximately 2,000 square feet. In response, a letter was sent requesting that a status report be compiled outlining the restoration activity completed thus far, in order to confirm adherence to the approved restoration plan. Mr. Defranzo agreed to provide this report by July 14, 2025. Updated site plans are also expected on that date to further assess compliance.

W.A. Thompson stated that town staff has been working with a few different property owners regarding ongoing erosion concerns on previous developments that were constructed in areas with extremely sandy and erodible soils. The town Engineer has required the completion of a geotechnical report for all of the proposals being discussed. Commissioner Towers discussed long-standing erosion problems behind units in Strawberry Hill and the challenges of implementing effective, affordable solutions, which have persisted since the time of former staff member Cyd Groff.

6. PETITIONS FROM COMMISSIONERS

Commissioner Towers raised concerns regarding an herbicide called Diquat that is planned for use this summer to manage an invasive aquatic plant in the Connecticut River and nearby waterbodies. While Diquat has been used in other states (e.g., Louisiana), there are concerns about its potential impacts on wildlife and humans. Although the herbicide is EPA-approved and supported by the Army Corps of Engineers, Commissioner Towers questioned its safety and noted there would be restrictions on public water access following treatment.

Locations mentioned for potential application included Selden Creek, Hamburg Cove, and Lake Pocotopaug Lake in East Hampton. A public comment period is open until **July 13, 2025**. Commissioner Towers plans to contact the Save the Sound organization for awareness and further dissemination. W.A. Thompson asked if Commissioner Towers could forward the information she has to the rest of the Commission, and said she would also search for more resources to provide.

7. ADJOURNMENT

**Commissioner Elkins made a motion to adjourn at 8:35 p.m. Commissioner Cote seconded the motion.
Vote 6-0-0**

I certify that these minutes were approved on

Marlene Towers, Secretary
Inland Wetlands and Watercourses Commission