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TOWN OF SOUTH WINDSOR

INLAND WETLANDS AGENCY / CONSERVATION COMMISSION

MINUTES - REVISED

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JUNE 17, 2026

MEMBERS PRESENT: Chairperson Barbara Kelly, Vice Chairperson Jack Phillips, Secretary Arthur Jennings, Richard Muller, Mark Diciancia, Patrick Mitchell

ALTERNATES PRESENT: Sue Larsen

MEMBERS ABSENT: Steve Lewis, John Blondin

STAFF PRESENT: Michele Lipe, Director of Planning; Jessica Petro, Assistant Director of Planning
Brenna Gordon, Recording Secretary

CALL TO ORDER: 7:01pm

PUBLIC PARTICIPATION: None

PERMIT EXTENSIONS: None

CORRESPONDENCE AND REPORTS: None

BONDS: None

MINUTES: May 20, 2026 and June 3, 2026

Commissioner Mark Diciancia suggested the following changes to the May 20, 2026 minutes:

- Page 4, fifth paragraph to be corrected to: "Commissioner Diciancia said he also walked the property. He said the Town Manager, Mike Maniscalco; Public Works Director, Vinny Stetson; and the Town Engineer should be informed of what's going on here", regarding the erosion of the outfalls on Scott Drive, which he said are a major cause of the wetland degradation.

Commissioner Richard Muller noted that he wasn't at the meeting, but after listening, proposed the following change to the May 20, 2026 minutes:

- Page 3, sixth paragraph, first sentence be changed to: "DeMallie said the area of the bridge crossing was damaged due to sins of the predecessors farming/agricultural purpose restoring the stream channel back to its pre-pond direction and establishing it will correct the current problems."

Director of Planning Lipe stated that she would have the Recording Secretary listen to the recording of those specific sections and revise the minutes to accurately reflect what was stated.

Motion to: approve 5-20-25 minutes with the above changes

Made by: Vice Chairperson Jack Phillips

Seconded by: Commissioner Arthur Jennings

Motion – carried with Larsen abstaining

Vote – unanimous

Motion to: approve 6-3-2026 minutes

Made by: Vice Chairperson Jack Phillips

Seconded by: Commissioner Arthur Jennings

Motion – carried with Larsen abstaining

Vote – unanimous

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CONSERVATION COMMISSION REPORT: None

WETLAND OFFICER'S REPORT:

Assistant Director of Planning, Jessica Petro, made some site visits in Environmental Officer Autum Herzog's absence. Petro reviewed erosion and sedimentation measures on some of the ongoing construction projects to ensure that measures were being maintained and the sites were stable.

She highlighted The Gateway at 274 Buckland and stated she did not see any compromising issues of erosion or debris past silt fences, etc. The detention basins, stone check dams, and seeding were complete. Engineering site review noted temporary seeding is complete at the back of the site to the retaining wall.

The proposed apartment, the Residence at Evergreen Walk, has temporary seeding and is starting to germinate.

Orchard Point construction is ongoing; she observed regrading of the detention basins. The Planning Department has issued the first CO for this development.

The only site on which they saw matters to address was at the house lot at 33 Woodcock Drive. She noted erosion and a slope condition that they're looking to stabilize. These issues and resolution ideas have been communicated and documented, and they are working on the next steps to fix and finalize this.

Kelly asked if there had been any further communication regarding the basin at the south end of The Residence at Evergreen Walk, other than seeding. Michele Lipe noted that they are likely not looking to do anything to the basin at this time and are waiting until next year to begin construction. Kelly hoped to recirculate this conversation, noting that the bottom of the basin has never been cleared out and leads to sediment leaking into water from being stirred up during big storms. This has been a longstanding issue.

OLD BUSINESS:

Appl. 26-06W, Estates at 100 Oakland Senior Residence Development – IWA/CC application for site plan approval for the construction of a 69-unit senior residence development including a roadway with a bridge crossing, grading, tree clearing, stormwater management, and associated utilities, on properties of 32.53 acres located at 15 Petersen Way, 50 Darlene Drive, 80, 90, and 100 Oakland Road, AA-30 and RR zone.

Vice Chairperson Jack Phillips reiterated that since they have closed the public hearing, the Commission must adopt some findings related to the whether or not the developers' conduct is reasonably likely to cause unreasonable pollution impairment.

Motion: A finding that the developer's conduct, as proposed in the application and presented during the public hearing, is unreasonably likely to cause unreasonable pollution impairment or destruction of the public trust in the air, water, or other natural resources of the state, based on the record as a whole.

Made by: Vice Chair Phillips

Seconded by: Secretary Jennings

Comments:

Kelly reiterated that this is the finding they would either need to make or dispute. Phillips noted that considering they are working in the stream and in the wetlands and are changing the routing of the stream, if done right it will not cause unreasonable harm and if not done right, there is definitely a chance of unreasonable pollution impairment or destruction. Therefore, his opinion is that the developers are reasonably likely to cause unreasonable harm if done wrong.

The commission requested further clarification and agreed to continue discussion of this finding before voting.

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Phillips clarified, the motion is proposing if the activities, as proposed by the application, could be reasonably likely to cause unreasonable harm to the wetlands, in this case, if not done properly.

Jennings suggested that the way the wetlands are functioning now is an issue, especially with a lot of the water coming off of Scott Drive, and what that is doing to the whole area. He suggested that not doing anything also is detrimental to that area and to the waterways.

Diciancia mentioned, dating back to the developments built in the 70s and 80s including Scott Drive, the Town had failed us at maintaining the storm culverts, which impinged on Mr. Newberry's property and made it worse over time. When Scott Drive and the surrounding area was built, it was the Town and community's responsibility to maintain the storm drain and waterway that the community caused damage to. Phillips suggested this is possible but reiterated that the finding pertains to the activities being proposed now, with the bridge crossing and work being done in the stream and in the wetlands, not historically what happened in the past.

Kelly agrees on a finding that there may be a potential for a significant impact on the wetlands, which would lead to the commission having to make rulings on alternatives, but does not think it goes as far as causing unreasonable pollution.

Phillips recited a definition of reasonably likely: more than a mere assertion of harm, more than it might or it is possible. Then recited the definition of unreasonably likely: fails to meet the statutes and regulations that are regulating the pollution in air, water, and other natural resources of the state. He further explained that he worded the finding in the positive or double-negative wording to lead to the specific wording of the result. If you vote yes, they need further findings, and if you vote no, then they proceed on with the final application.

It was clarified by the chair that a vote in favor was the finding of unreasonably unlikely to cause unreasonable pollution impairment or destruction of the public trust in the air, water, etc.

At Lipe's request, Phillips restated **the motion**: A finding that the developer's conduct, as proposed in the application and presented during the public hearing, is unreasonably likely to cause unreasonable pollution impairment or destruction of the public trust in the air, water, or other natural resources of the state, based on the record as a whole.

A vote was called

Motion – failed

Vote – 0-5, with Diciancia and Larsen abstaining

Phillips reiterated that based on the previous finding, they do not need a prudent and feasible alternative finding.

Kelly then opened the discussion of the application in its final form as presented. Phillips noted that while he was not at the last meeting, he did watch the video recording of it and wanted to bring up three comments. Regarding the concern raised at the public hearing about the lack of mailed notices, the Town Attorney and the applicant's lawyer determined that no harm resulted, and therefore the issue does not need further consideration in this discussion. Secondly, the commission does not have authority over construction traffic or lack thereof on Darlene Drive; this is a question for other commissions. Thirdly, the commission cannot force the applicant to do anything about the Town outfalls that need work, they can only give recommendations on them and advise that they be worked on; this could be discussed under the conservation commission section.

Jennings commented that he is aware that the outfalls are not the applicant's responsibility, but his concern is what happens to the space as this issue persists and water continues to build. He is concerned about what will happen if there is no correction and it being an ongoing problem.

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Diciancia seconds this point. The lack of responsibility as a community is what caused this damage and is concerned that there may be similar issues hiding within other communities. He does not want a problem for the association that was originally caused by the community and Town's lack of addressing the outfalls. Kelly agreed that it is an ongoing sedimentation issue of the wetlands and the downstream wetlands.

Muller furthered that this application, if passed, will provide a good opportunity for the Town to take action on the outfalls and sedimentation issues, noting it will cause a lot more issues down the road if it is not dealt with now.

Chairman Kelly noted this should be discussed further under New Business on the agenda.

Phillips continued with comment regarding the application. He noted it appears that the developers have come up with a plan that has minimal temporary impact on the stream and watercourse. In the long run, this will have an improvement on the watercourse and was a feasible well planned out approach with bridge installation from both his commissioner and his professional engineer points of view.

Kelly noted that the span bridge is in accordance with DEEP's best management practices for stream crossings. It is high enough for wildlife passage within the stream corridor. She also went over the soil erosion and sediment control plans and believes the prompt seeding, ongoing maintenance, and keeping up with site adaptations as needed are reflected well in the plan.

Jennings noted the final presentation of the bridge was far superior to the first presentation of the plans as viewed. There was a lot of thought put into it, and it will improve the area dramatically without negatively impacting the area. It ensures parameters required by the state are also met.

Muller noted the bridge the developers agreed to put in, where typically a culvert would instead be used, is impressive in size and functionality. Though more costly, it will be a big benefit that will not minimize the wetlands. The ability of nature to pass through underneath due to its size is very positive and will solve the problem with the stream while withstanding major storms. He commented on the erosion that can be seen from north of the intended bridge which is why the previous farmer had created the pond to collect excess water to prevent this. This led to growth of evasive species issues. This application and project as described will fix this erosion and restore it for the long-term for this area. He commented it would be great if something could be done to the two spurs up north that will continue to cause erosion issues. He appreciates the developer's willingness to enhance the community, the wildlife, and the wetlands. This will create a healthy ecosystem.

Commissioners brought up the removal of knotweed as a proposal they will get into more detail of moving forward. This is not one of the things the developers are addressing in this application but was proposed they could do. Phillips noted at least one of the members of the public made comments that natural wetlands are better than created wetlands. He emphasized that the wetlands involved on this property are not natural wetlands, they were formed because of ponds that were created and are now populated exclusively with invasives.

The commission confirmed they are happy with the stormwater approach displayed in the plans. They are happy to see best practice being used and phases being clearly broken down for this plan.

Director of Planning, Michele Lipe, noted they provided the commission with draft approval conditions. These were concerns that arose through the process of the application by the Planning Department and Town Engineer. They do have specific recommendations about the phasing. They recommended reporting take place on a regular basis so if there are adjustments that need to be made in terms of erosion and sedimentation, they can be kept up with.

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Motion to: approve Appl. 26-06W with the following modifications:

1. The final approved copy of the entire set of plans and this letter reproduced thereon must be submitted to the Planning Department. This must be completed within 65 days of approval prior to any construction activity on the site. Plans submitted to Planning & Zoning Commission shall be considered having met this requirement.
2. The application shall indemnify and hold harmless the Town of South Windsor against any liability, which might result from the proposed operation or use.
3. Since a zoning approval is required with this application, the Inland Wetlands Agency approval expiration shall coincide with the zoning expiration date. It is the landowner(s)/applicant(s) responsibility to track expiration dates and notify the Commission of a renewal request at least 65 days prior to expiration.
4. Bonds shall be collected: \$100,000 for establishment and maintenance of erosion and sediment controls, and \$150,000 for the installation of stormwater structures, and \$5,000 for installation and establishment of wetland plantings. The wetlands bond shall be held for three full growing seasons for monitoring, maintenance, invasive control and reported to town staff on an annual basis.
5. All permits and approvals required shall be obtained and submitted to the Town prior to any activity on the site.
6. A contact person shall be identified on the plans.
7. Prior to any disturbance the erosion and sedimentation control for each phase of work to be coordinated on site with Town Staff as indicated below:
 - Review and approval of staked limit of clearing and installed perimeter erosion control measures at the beginning of each phase of work.
8. Review method and technique of soil stabilization and stormwater management for the temporary and/or final condition, amend as necessary, and provide additional stabilization measures as needed to ensure adequate performance.
9. Review and approval of established vegetation and/or seeding prior to proceeding to subsequent phases.
10. In accordance with Zoning Sec. 8.6.5.G Standards for Conservation Plans - progress reports on erosion and sediment control measures shall be submitted bi-weekly to town staff with verification of the following:
 - All erosion and sedimentation controls shall be inspected weekly and immediately following every major rain event. Any damaged controls shall be replaced within 24 hours.
 - All temporary sediment traps shall be inspected regularly and after every significant rainfall event. Excavate accumulated soil when storage capacity is reduced by 50%.
 - All stone outlets or dewatering devices shall be inspected regularly. Ensure the stone outlets and dewatering devices are free of debris. If the trap fails to drain within 48 hours after a storm, please notify the Town Engineer and Environmental Planner/Conservation Officer.
11. Paving of the binder course must be done on roads sections that can be ready for paving at least once every year during construction. Paving shall be done in the summer or fall before winter shut down of paving operations.
12. Prior to the issuing of any Certificate of Occupancies (or within 2 years), necessary permits shall be obtained, and the work shall be completed for the removal of the Japanese Knotweed on the property and planting of the removal area with appropriate native plantings. This planting and restoration shall follow the plan and proposal prepared by George Logan and presented during the application process.
13. In accordance with C-ES7 Construction Sequence General Notes; applicable to all Phases 1-7, bullet point 16 'Establish vegetation on all disturbed soil that will remain exposed for longer than 30 days. Seed within 7 days after the suspension of grading work with a temporary seed mixture per Section 5 'Vegetative Soil Cover' of the 2024 Connecticut Guidelines for Soil Erosion and Sediment Control.'
14. The 100' Upland Review Area shall be staked out in the field and provide a transition from the protected vegetation to the managed landscape. Proposed vegetation within Upland Review Area to be native and/or adaptive vegetation.

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Made By: Vice Chair Phillips

Seconded by: Commissioner Jennings

The Commission discussed the application. Phillips reiterated that the comments made earlier fit the motion. What they are proposing to do will be a net benefit to the wetlands and watercourse. Muller mentioned the developers managed to use infiltration systems with the area's good soil to control the mass amounts of water that will come off the property and used generous assumptions to withstand collection of water for major storms to ensure no erosion will take place. Issues from the public were addressed well by the design team and Mr. Newberry did the best he could to cater to the needs and concerns of the neighbors. It is an expensive and complicated project that the Town can be proud of.

Kelly commented that at the public hearing, they heard a lot of testimony about the wildlife that is on the property that may or will be displaced. As the commission they have a responsibility to look at the implications on the wetlands. In changing an area to potentially protect wildlife, they could more negatively impact the wetland. She wanted to make clear that the court decisions have framed that they must make a decision from a wetland's perspective. Though this can be advocated for in a different setting, she did not feel that the wildlife issue swayed her thoughts in making a wetlands decision on this particular application.

The vote was called

Motion – carried

Vote – unanimous with Larsen abstaining

The application was granted. The developers spoke to thank the agency and commission for their work, time, and effort in reviewing this application.

NEW BUSINESS:

Conservation Commission discussion of Appl. 26-06W, Estates at 100 Oakland Senior Residence Development:

Kelly made the initial remark reiterating that they know they want to make their thoughts known about the outfalls at Scott Drive by issuing letters, as appropriate, to various departments and commissions.

Muller and Jennings made comments regarding conservation and vegetation efforts of the development team. Muller noted from a conservation point of view that the 12 acres that will remain untouched upon project completion is something we don't see very often. The layout of the development and the vegetation the developers will implement were chosen intricately with wildlife benefit. He noted this plan is the best we could have hoped for, for the property. Mr. Newberry has been very receptive of input from the public to update the plan as best as it can be. Jennings noted that not all vegetation is suitable home for all wildlife and believes that the developers took into account how to conserve the land allotted to be suitable for both residents and wildlife. He doesn't believe that this development will prevent animals from seeking passage through the corridor, especially with the plans and plantings the developers are using. Therefore, no concerns regarding this topic need to be communicated out.

Kelly reiterated that the one topic that needs to be communicated is the issue of the Scott Drive outfalls: the time-sensitive nature of them and the fact that there's an opportunity here with the Oakland development. She noted they should focus the Conservation Commission concerns on the sedimentation and damage downstream that is going on, and express urgency to the Planning & Zoning Commission, Town Council, Town Manager, and Public Works. This is viewed as a problem that causes a continuing impact on the wetlands that is getting worse from what the Conservation Commission is seeing.

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The commission reiterated the need to be proactive instead of reactive on this matter, and finding a way to do something to help, regardless of budget. The town needs to get the discharge down to the stable level of the stream. Commissioners suggested drop structure, plunge pools, among other possible fixes.

Motion to: send a letter on behalf of the Conservation Commission to: Planning & Zoning Commission, Public Works, Town Council, and Town Manager expressing the Commissions concerns over the two outfalls from Scott Drive and the critical need to correct the problem before access is no longer available.

Made by: Vice Chairperson Phillips
Seconded by: Commissioner Jennings
Motion – carried
Vote – unanimous

OTHER BUSINESS: None

APPLICATIONS RECEIVED:

- **Appl 26-17P, First Student, Inc.** - IWA/CC application for the construction of a school bus parking area including a fueling station, stormwater management and associated utilities on properties known as 405 Sullivan Ave, 1 and 2 on Schweir Road (southeasterly corner of Sullivan Ave. and Schweir Road), Industrial (I) Zone.

Director of Planning, Lipe, noted that this application will be a Conservation Commission approval and no public hearing will be necessary.

ADJOURNMENT:

Motion to: adjourn at 8:24 PM
Made by: Phillips
Seconded by: Jennings
Motion – carried
Vote – unanimous

Respectfully submitted,

Brenna Gordon

Brenna Gordon, Recording Secretary