

Willington Inland Wetland and Watercourse Commission

October 2, 2023 – 7:30 PM

Special Meeting Minutes

A. Call to Order

P. Lord called the meeting to order at 7:41 PM.

B. Roll Call/ Seating of Alternates

Patrick Lord

Ralph Tullis

David Jordan

Also Present:

Michael D'Amato, Zoning Agent

Evelyn Delaney, Assistant Land Use Agent

C. Applications to be received:

None

D. Approval of Minutes:

a. 07/20/2023

M. D'Amato informed them that the minutes have not been filed yet.

D. Jordan motioned to table the minutes to the next meeting. R. Tullis seconded. All in favor.

E. Public Hearing:

None

F. New Business:

a. TH-23-5: Selective Timber Harvest at 0 Village Street (14 001-0A) Owner: Ace Equipment Sales Inc Applicant: Anthony Grossi

Anthony Grossi presented the application to the Commission. to speak. He indicated the Timber Harvest would be located on the Hall's Pond property, which is comprised of 209 acres, but that only 50% of it is accessible due to the steep slopes, wetlands, and the pond itself. Instead of going through Wetlands the landing will be right off the parking lot of the commercial business. He stated that the forest had seen a lot of mortality due to invasive species.

R. Tullis asked if a straight body tri-axel log truck would be used. A. Grossi said yes it will. R. Tullis asked if they would only have the one landing at the south end of the pond. A. Grossi said correct. R. Tullis asked if they would be skidding all the trees out to the landing intact as felled and then de limb and process. A. Grossi said that they will cut the top off in the woods and then they main stem the tree. They do not take out the entire top because they do not chip anything.

P. Lord made the statement of that the eastern side of the pond can get steep and asked how they would approach that. A. Grossi informed him that they won't be going that far over. If it is too steep to operate, they will not. They stop when it gets to a 15% slope to avoid erosion. P. Lord asked if they have any intent to access along the edge of the pond area. A. Grossi said they will be staying back about 100' from the pond itself. They use a buffer that they will stay 75' – 100' from the edge of the pond and that within 100' of that they only harvest 50% of the base layer anyways. He stated that the owner did not want to see a lot of disturbance from the other side of the pond.

P. Lord asked if they have thought of a different method for the stream crossings. A. Grossi said that they will be using timber mats. P. Lord stated he was concerned that run off could affect Hall's Pond which discharges to the Willimantic River. He stated he would rather see matting over the poles. A. Grossi said they will be using mats and also have a 40' steel bridge for bigger places as well.

R. Tullis stated concerns about the buffer due to the wording in the silviculture plan, in the plan it states that they harvest within the buffer. A. Grossi stated they do harvest within the buffer unless they have a no touch zone. He assured that they will be following a 75' no touch zone near the pond. And then within the next 25' – 50' after that there will be minimal harvesting within that. P. Lord

asked when this project would start. A. Grossi said sometime between the middle of November or December. He prefers to start when the ground is more stable. He understands that it may push back due to weather.

D. Jordan expressed concerns for the hiking trail that comes out there. Had concerns about the wood being pulled out through there and asked what could be done to preserve the hiking trail. He feels it would be important as they are finishing up to re constitute the trail for people who hike that area. A. Grossi said if its an existing trail they leave them open and only cross on right angles. They will arrange the main skid trail if they have to so that it bisects instead of running parallel. D. Jordans also asked about truck traffic on Village St. He is concerned about the steps they would take retain a safe environment for the families that are there. A. Grossi said that they do put up signs and inform the drivers coming to pick up the logs of the concerns. They did move the landing further North from Village St and Center St to be farther away and have direct access to RT32. A. Grossi also answered P. Lord question earlier about water runoff, they are not adverse to using hay when it comes to any kind of seepage or where it is potential for run off. If the runoff is bad enough where an 18" or 2' haybale won't stop the water, they just won't work. Its easier to stop. P. Lord asked where they are coming in because there is a lot of wetlands there. A. Grossi said that there is an existing road right there with a stone culvert. The guys doing the layout did inform him that the culvert is deteriorating, they will mat this culvert due to that as well as use hay.

R. Tullis said that Village St is a one way to get to 32 and mentioned that the sensible thing to do with any truck is to go all the way down to Pinney hill to access 32 from a safety standpoint instead of making a left turn off Village St because there is a blind corner. It also avoids having to go through the family area. A. Grossi agreed that they can go through the neighborhood and come out to Pinney Hill. M. D'Amato brought up a potential approval condition regarding crossing over the hiking trail at a 90 degree angle.

P. Lord Motioned to Approve the application, with the conditions:

1. Stream crossings with be matted in lieu of corduroy.
2. Hiking trail crossings shall be at 90 degrees
3. 50ft buffer along watercourses, 75ft buffer to waterbodies and wetlands
4. Traffic conditions should be evaluated based upon the time of the harvest
5. Activity shall be conducted in accordance with the State of CT's DEEP Best Management Practices.

R. Tullis Seconded. All in favor.

b. IW-23-9: Request for Jurisdictional Ruling associated with a selective Timber Harvest with wetland disturbance at 0 Village Street (14 001-0A). Owner: Ace Equipment Sales.

Anthony Grossi presented the application. P. Lord asked if the wetland disturbance he's speaking of is the stream crossings. A. Grossi said yes, the three stream crossings. P. Lord said this is an As of Right Activity and asked if anyone from the commission has any questions regarding that. R. Tullis asked for an explanation on the As of Right Activity. P. Lord explained that Forestry Practices are considered an Agricultural Practice due to the harvesting of tree and timber. In the regulations it explains that this is an As of Right Activity for the property owner to conduct this on their property. M. D'Amato said this is correct. Willington has special authority over the Timber Harvest activities by the Timber Harvest Regs, which is a separate application. Provided you verify that they are conducting this activity in accordance with the way the State has outlined it, on the wetlands side it is an As of Right Activity. This is more or less a notification. P. Lord stated as we heard from the applicant, they are going to use the Connecticut DEEP Forestry BMPs with modification of extending the buffer from waterbodies and wetlands and using timber mats for crossings which will give more protection.

D. Jordan Motioned to Approve. R. Tullis Seconded. All in favor.

c. TH-23-6: Selective Timber Harvest at 328 Ruby Road (42 048-00) Owner: Ruby Assoc General Partnership Applicant: James Halleran

James Halleran presented the application. He stated that this is the property that is on Ruby Rd near the FedEx which is almost 400 acres. The Timber Harvest will only involve about 300 acres mostly due to wetlands and some steep slope. Luckily most of the poorly drained soils and wetland areas are along the boundaries. None of the wetland areas are developed in the middle of the lot. With that in mind we have 2 landing areas to accommodate the size of the parcel. One will be on Turnpike Rd where there is already and access there that is established and used by the landowner and is about 70' – 80' off Turnpike Rd. There is already a cleared-out area that is big enough to stage logs and accommodate the log truck to get up there and turn around. That part of the parcel is very dry so the skid trails will move up and down that gradient. They are going to avoid the streams that are along the western border of FedEx, it gets flatter and there is some channeling of water in wet weather. They are going to avoid that as well as the other intermittent stream that jots out into the middle of the sale. They will be keeping a tree length buffer around this so if there is any change a tree can fall

anyway it won't disturb, typically this would be 75'. He stated that there are small ponds and areas where water collects on the southeastern boundaries and those areas will be excluded. Back towards Ruby Rd there are water bodies that we will avoid as well and make sure no debris gets in there or left in there. There are other areas that are not defined as poorly drain soils, but observance in the field showed that they were and that will be excluded as well. He stated that there will be one drainage crossing to access the second landing. We will be crossing at the driest portion but also still planning to use timber mats. The skid trail must be moved closer to the border to avoid another wet area associated with that drainage. Most of the trees cut will go to the North landing but some will come out in the South landing. 8-wheel forwarders will be used so that they can be cut, felled, and then transported back to the landing. All processing is done in the woods so no processing will be done in the landing.

P. Lord asked if they will be using any sort of tracking pad when entering and exiting. J. Halleran said they will be using one they always utilize stone as a nice base for the landings which will be fortified with stone before trucks begin to come in. It also helps facilitate the trucking as well as keep the mud off the road. P. Lord mentioned that the landing is placed close to what is mapped as wetland soils, so without a delineation that is more than likely a wetland or poorly drained soil. He asked if there was any opportunity to rethink where the landing is going to be located or is that an existing area. J. Halleran confirmed that this is an existing area and the key to using this is to get up and away, it does look very close but it is actually a stream that is on the other side of the road and then comes across the road through a large culvert under the street and then follows the road. The landing is 100' off the road which is 100' away from the stream.

R. Tullis indicated that he was aware that there is an existing access road there. J. Halleran confirmed that the entrance is offset from the stream. P. Lord asked if they were doing this in the late fall or soon. J. Halleran said they will probably start late November early December depending on weather. R. Tullis asked about the South landing off Ruby Rd asking if there is an existing curb cut there. J. Halleran confirmed that this is correct. P. Lord asked if all the activities being conducted will be in accordance with the CT DEEP BMPS manual. J. Halleran said correct. He also said water bars are another thing that they utilize when encountering steeper slopes on skid trails so if any problems with erosion begin, they will use the water bars. R. Tullis said that the Ruby Brook along the north edge on Turnpike Rd can be troublesome in heavy rain, it does flow to the south but has been problematic in the past with heavy rain. J. Halleran made note to keep an eye on the weather for this. D. Jordan asked that since he has inspected the land if there are any Vernal pools visible on the land that have not been indicated. J. Halleran said that he did not see any, due to the slopes he did not find any pockets of water sitting. P. Lord complimented the abutters notice.

P. Lord Motioned to Approve with the following conditions:

1. The activity shall be conducted in accordance with State of CT DEEP's Best Management Practices.
2. Landings shall have appropriate anti-tracking pads
3. Shall maintain 50-75ft buffer around watercourses and waterways as specified in application.

R. Tullis Seconded. All in favor.

d. *IW-23-10: Request for Jurisdictional Ruling associated with a selective Timber Harvest with wetland disturbance at 328 Ruby Road (42 048-00) Owner: Ruby Assoc General Partnership Applicant: James Halleran*

James Halleran is present to speak. P. Lord stated that this is an As of Right activity. The Commission reviewed the application and did not have any additional questions for items not covered within the Timber Harvest Application.

P. Lord motioned to approve. R. Tullis seconded. All in favor.

G. Old Business:

None

H. Correspondence:

M. D'Amato indicated that in reviewing the Commission's Forest Practices Regulations and recent applications there has been a lot of feedback regarding notice of applications to neighboring property owners. The regs say that the applicant must provide notice to adjoining property owners within 10 days of filing the application with the commission which is challenge because depending on when the application is submitted it may not coincide with next meeting date and second these applications do not permit public hearings. The situation created is that the applicant lets the neighbors know when they've submitted the application and when the upcoming meeting is but then upon attending the meeting all they are permitted to do is listen. The Town has also received

feedback regarding activities that do not start for several months. While the abutters are notified sometimes ownership changes and new owners do not understand what is going on. M.D'Amato suggested the Commission consider revising this language to either remove the notification requirement or modify it to require the notification following approval.

N. Zito (CT DEEP) stated that M. D'Amato is correct. The way the Statue reads, the legislature did not give any ability for the public to request a public hearing. He agrees that notifying abutters before the meeting can cause problems. He says his preference would be to notify the abutters two weeks before the operation is supposed to start. This gives the abutters enough time to come to terms with it. P. Lord says that the notice to abutters from J. Halleran could be a template.

R. Tullis commented that he likes that the notice goes out prior to the meeting to let them know that the application is being acted on. He asked if the applicant is required to let the office know when they start work. M. D'Amato answered that the office did coordinate that, and they will give us a heads up but frequently they call and say we are starting next week but then due to weather the date gets pushed back multiple times. R. Tullis thinks it would be helpful to do a second notice a few weeks before work. M. D'Amato mentioned to possibly do a notice of decision with when the approval was done and the expected start date. P. Lord asked what this would do to the Regulations. M. D'Amato stated they have to be revised. P. Lord asked when we would do this. If it must go to a public hearing. M. D'Amato said that it would have to go through all the steps including approval by the State. N. Zito said it would be about a month before approval on changing these per DEEP. P. Lord said this would have to be put on the agenda for the next meeting, and in the meantime figure out what we must do to change that one part. M. D'Amato said that he can take these comments that were made and put them into a propped redline and at the next meeting if they are agreed on, they can then be sent off for comment and then subsequential to that schedule a hearing.

The Commission also reviewed proposed revisions to the Mansfield Inland Wetlands and Watercourses Regulations, which had been referred as a courtesy by the Town of Mansfield.

I. Staff report and Discussion

1. Review Forest Practices Section 5.6

See discussion above under Correspondence.

J. Public Comments

The Commission will hear brief comments from anyone wishing to speak. No business can be conducted here, nor can any comments be made about any items on the agenda.

None

K. Adjournment

The meeting was adjourned at 9:09 PM

Respectfully Submitted,
Evelyn Delaney
Assistant Land Use Agent