

MIDDLETOWN INLAND WETLANDS AND WATERCOURSES AGENCY
MINUTES OF JANUARY 2, 2002

Members Present

J. Carta
J. Beatty
R. Whitney
L. Lukens
H. Bartoli
D. Brown
W. von Mahland

Members Absent

D. Perruccio
M. Loman
R. Trigo
K. Miller

Others Present

J. Sipperly, staff
W. Corvo
P. Armetta
R. Audette
M. Slade
A. Boyd
G. Smilas
S. Marino
A. Rich
L. Bowers
D. Titus
M. Brock
C. Brock
B. Dobmeier
lots more people
were in attendance

A. Call to Order

J. Carta, Chairman, called the meeting to order at 7:05 p.m. in the Council Chambers at the Municipal Building. The roll was called and a quorum was determined. All members in attendance are full voting members tonight.

Elections

J. Carta explained that Elections always take place the first meeting in January. Mr. Carta opened nominations on the floor. R. Whitney moved that we re-elect the current positions, J. Carta, Chairman; J. Beatty for Vice Chairman, J. Sipperly, Secretary, W. von Mahland seconded and J. Carta asked for other nominations

Nominations were closed

Approved unanimously

B. Public Hearing

1. Proposal for a 3 lot resubdivision and construction of utilities to service the lots to be located at the southeast corner of the intersection of Morning Glory Drive and Tuttle Road in the Meadows at Riverbend (2001-22) Applicant\agent Tuttle Road Associates

Mr. Fusari referred to a letter he received from his Engineers dated December 20, 2001. Conklin and Soroka Engineers responded point by point to Mr. Anderson's letter received at the last meeting. Mr. Sipperly read the letter into the record. Mr. Fusari again answered questions generated from the Commission and the public at the last meeting.

Colleen Head 7 Timothy Drive spoke against the plan.

David Head 7 Timothy Drive also spoke against the plan

Mr. Anderson, engineer and adjacent property owner spoke about surface water changes and impact to wildlife habitat.

- A. Becker 7 Wildflower Lane stated that we should get back into protecting our homeland and preserve the open spaces that exist in this country.

L. Boyd Wildflower Lane spoke against the project

J. Carta questioned the size of the lots and "open space area"

H. Bartoli questioned the blasting.

- B. Fusari explained the preblasting survey and post blasting surveys that are performed by certified licensed blasters.

Motion: To close the Public Hearing

Moved by J. Beatty\seconded by H. Bartoli

Approved unanimously with W. von Mahland abstaining

- 2. Proposal for a six-lot subdivision on the East end of Sagem Drive and to allow the construction of a driveway to access lot #5 of the proposed subdivision. (2001-24) Applicant\agent Bricon LLC, Custom Homes

Mike Looram, Civil Engineer explained the project.

The total site is 20.4 acres with 4.2 acres of wetlands. A six-lot subdivision is being proposed and there are two existing houses on the property. The driveway to lot #5 is proposed at a 15% slope, M. Looram is seeking a variance for that.

Mr. Looram stated that .267 acres of wetlands is proposed to be filled and/or altered. 950 cubic yards of material will be placed along 250 linear feet of a wetland edge. He proposes to install 3 structural arches, which is required to accommodate a 100 year flood, this equates to a 144 square foot structural area, 8 feet 7 inches tall, (91 square feet) Mr. Looram stated that the pre runoff calculation is 38.4 cfs and the post runoff is 40.2 cfs a 5.1 % increase

Much storage capacity is available in the pond on site.

- S. Marino, Lot #2 Miner Street asked about his property elevations and that of Sachem Drive and the proposed houses. He stated his well has been impacted by development in the area in the past.

Ann Bickford, WRRD had questions relative to the arches and their specific heights and measurements. Ron Borelli reported that the fill is equal to 60 tri axel of fill. This is a tremendous amount of fill, he stated.

Arline Rich spoke as an abutting property owner. She is concerned about her water table and the utilities underground and the fact that they have to blast.

Paul Spodus, Sachem Drive questioned the 50 foot buffer line and existing drainage concerns.

H. Bartoli questioned the existing road and proposed driveway slopes and grades.

J. Carta expressed his views on moving the crossing further up the stream, where the crossing would be narrower. Mr. Carta and Mr. Sipperly visited the site and agree that the crossing should be looked at again.

Mr. Looram stated that he would look into this.

Motion: To continue the Public Hearing and table this application

J. Beatty moved\seconded by H. Bartoli

Approved unanimously with 6 members voting yes and W. von Mahland being opposed.

Motion: To have a 10 minute recess at 8:30 p.m.

Moved by J. Beatty\seconded by R. Whitney

Approved unanimously

J. Carta called the meeting back to order at 8:40 p.m.

Kleen Energy Systems Public Hearing

Attorney Larry Golden reviewed the role of the Middletown Inland Wetlands and Watercourses Agency relative to the Siting Council and this application. Attorney Golden stated that this is not a typical wetland application. The CT Siting Council authorizes some local agencies to act as agencies of the state, similar to a Mini-Siting Council. Different time limits apply. Statutes does not require a public hearing, however the Agency decided to have a public hearing for the public's benefit.

The applicant also sent letters to the abutting property owners, noting the Public Hearing and signs were put up on Bow Lane and River Road. Mr. Corvo then discussed the field trip and the site walk and referred to the map, which he used in his previous presentations. Mr. Corvo reported that during the field trip the merits of the project were not discussed. Only the site was viewed.

Andy Boyd discussed the site plan and the field trip orientations again. Steve D'Amatio, TRC, discussed existing conditions, historic land use (mining) and the existing drainage system.

Andy Boyd then discussed engineering details and design for curbed roadways, catch basin, deep sumps, two drainage systems exist. First for the roadway, the second for the plant itself. Another system is the drainage swales and watercourses on the site. Creating and modifying these drainage swales are the most important and will include the wet ponds, and sediment basins during construction.

Steve Damatio then discussed the wetland and watercourse mitigation plan in detail.

Public Comments

David Meehl, 944 Bow Lane, is concerned with the sound, smoke stack, and future plans for anything else being constructed on this site.

Linda Bowers, Cranberry Lane, distributed a letter with concerns. She requested further information on, water quality. She asked that an ERT be conducted. She represented that there could be serious long-term impacts.

Earle Roberts discussed the CEPA exemption. He was concerned with noise pollution. He asked about the Conservation Commission comments. He talked about the historic use of the site.

Andy Boyd stated that the project was designated for a 50-year storm. The cross culverts for a 100 year storm.

Mr. Sipperly reported that the Conservation Commission will host a Special Meeting on the power plant project on January 3, 2002. Mr. Sipperly also reported that he is the chairman of the state ERT program and stated that it is highly unlikely that the ERT team would be approved to conduct an ERT on this parcel. DEP employees are used and this would be redundant and a conflict of interest if they reviewed it again for the siting council.

Bill von Mahland questioned the practice of detaining and retaining water relative to the site plan.

L. Lukens requested that an ERT be conducted.

Motion: To continue the public hearing to January 8, 2002.

Moved by J. Beatty\seconded by L. Lukens

Approved unanimously

T. Brown requested that he feels an ERT should be conducted.

Motion: That an ERT be conducted on this project.

Moved by D. Brown\seconded by L. Lukens

Discussion ensued regarding having an ERT be conducted or not.

J. Beatty moved the question

All in favor of the motion: D. Brown, L. Lukens, and H. Bartoli; against the motion: W. von Mahland, R. Whitney, J. Beatty, J. Carta

Motion fails.

Motion: To have a 10 minute recess

moved by J. Beatty\seconded by D. Brown

Approved unanimously

The chairman called the meeting back to order at 12:10 a.m.

C. Old Business

- 1.) Proposal for a six lot subdivision on the East end of SACHEM Drive and to allow the construction of a driveway to access lot #5 of the proposed subdivision. (2001-24)
Applicant\agent Bricon LLC, custom Homes

This item will be continued at the next meeting for a public hearing.

- 2.) Proposal to construct a single family dwelling to be located on the corner of Navadon Parkway and Phedon Parkway (2001-25) Applicant\agent Joseph Mazzotta

Motion: To move this item to the end of Old Business

Moved by J. Beatty\seconded by W. von Mahland

2. Proposal for construction of a Farm Market, Greenhouse, parking areas, septic system and detention pond on property containing wetlands located at the corner of Brush Hill Road and South Main Street. (2001-26) Applicant\agent Brock Farm LLC

Dan Carta, engineer, Conklin and Soroka, represented the applicant on this application. The plans were reviewed in detail.

Motion: That the Middletown Inland Wetlands and Watercourses having considered the factors pursuant to Section 8 of the Inland Wetlands and Watercourses Regulations of the City of Middletown, Staff's and commission's field site visitations, Commissioner's knowledge of the area and after review of written information provided by the applicant this application finds the following:

- 1.) That the proposed construction to construct a farm market, greenhouse, parking areas and detention pond will not have a significant adverse effect on the adjacent wetlands and watercourses.

Therefore the commission grants the permit application of Brock Farm Market LLC (2001-26) as presented and as shown on the plans entitled:

Brock's Farm Market
Brush Hill Road & Route 17
dated 11/19/01
scale 1 inch equals 40 feet
prepared by Conklin and Soroka

with the following stipulations:

- usual stipulations
- 1) Approval of the septic system by the Health Department is required prior to the commencement of construction activities.
 - 2.) That the engineer submit a plan showing a secondary containment to collect (runoff) from the watering system within the greenhouse.

Moved by J. Beatty\seconded by H. Bartoli

Approved unanimously

3. Proposed reconstruction of Brush Hill Road including horizontal and vertical realignment, widening and culvert replacement\extension so the required standards in accordance with state (CT DOT) and federal (Aashto) design criteria can be met. (2001-27) Applicant\agent Public Works Department

Bob Dobmeier, engineer for the city, described the project. Fred Clark described the project in detail. The plans were modified by the request of Mr. Sipperly who visited the site with Mr. Dobmeier and Mr. Clark. The pipe invert should match existing conditions and not allow the water that is ponded on the south side of the road to drain freely.

Discussion ensued regarding the width and drainage.

Proposed reconstruction of Brush Hill Road including horizontal and vertical realignment, widening and culvert replacement\extension so the required standards in accordance with CT\DOT and Federal Aashto design criteria can be met. Applicant\agent Public Works Department

Motion: The Middletown Inland Wetlands and Watercourses Agency having considered the factors pursuant to Section 8 of the Inland Wetlands and Watercourses Regulations of the City of Middletown, staff's and commission's field site visitations, Commissioner's knowledge of the area, and after review of written information provided by the applicant on this application finds the following:

1. That the proposed activities consists of widening the 20-foot existing road to 30 feet, thus extending the culvert and filling a small area of wetlands.
2. To improve safety for pedestrians and vehicular traffic, it is recommended that a 4:1 slope be included in the widening and that the total wetland disturbance will be .185 acres.
3. That the road reconstruction project will provide increased safety to pedestrians and vehicular traffic and further will not have a significant adverse effect on the adjacent wetlands and watercourses.

Therefore the Agency grants the permit application of the Public Works Department (2001-27) as presented and as shown on the plan entitled:

“State of CT, Dept. of Transportation,
Middletown, CT, Reconstruction of Brush Hill Road

Scale as shown, dated 11/26/01, Sheets
2 and 5, prepared by DeCarlo & Doll, Inc.
revised Dec. 14, 2001 and sheet 29 cross sections
dated revised 12/28/01

Moved by J. Beatty\seconded by H. Bartoli

Approved unanimously

4. Continued: Proposal for a 3 lot subdivision and construction of utilities to service lots and construction of residential homes at the southwest corner of the intersection of Tuttle Road and Morning Glory Drive (2001-23) Applicant\agent Tuttle Road Associates

Proposal for a 3 lot subdivision and construction of utilities to service lots and construction of residential homes at the Southwest corner of the intersection of Tuttle Road and Morning Glory Drive (2001-23) Applicant\agent Tuttle Road Associates

Draft Motion:

The Middletown Inland Wetlands and Watercourses Agency having considered the factors pursuant to Section 8 of the Inland Wetlands and Watercourses Regulations of the City of Middletown, Staff's and Commission members field site visitations, Commissioner's knowledge of the area, and after review of written information provided by the adjacent property owners and concerned citizens in the area: the information provided by the applicant and his engineers; and after review of comments from the City's engineering department finds the following:

- 1) That this application is for the construction of 3 proposed houses and driveways to be accessed from Morning Glory Drive.
- 2) That a previous (3 lot subdivision) was submitted and formerly withdrawn on 10/3/01. Previous in 1995 a 9-lot subdivision was submitted and also withdrawn.
- 3) The plans were modified and resubmitted on 10/29/01. The proposed plans show that there will be no filling, excavation or grading within inland wetlands and watercourses that are located on site. That tree clearing and grading associated with the development of one of the 3 lots will be within 50 feet of a flagged wetland area.
- 4) That a 25 foot non-disturbance line will be established adjacent to the flagged wetland area.

- 5) That out of the total site area of 5.045 acres, 3.459 acres will be left undisturbed and remain as open space.
- 6) That the comments from the public relative to the drainage calculations and engineering were submitted to and reviewed by the City of Middletown Engineering Department. A memo dated 12/26/01, indicates that the Chief Engineer has 2 comments relative to the drainage of the proposed development.
- 6) That the current plans reflect the most prudent and feasible alternative and that the proposed activity will not have a significant adverse effect on the adjacent wetlands and watercourses.

Therefore the Commission grants the application of Tuttle Road Associates, as presented and shown on the plans entitled:

Riverbend Subdivision Section V
A Residential Development
Tuttle Road\Morning Glory Drive, Middletown, CT
dated Aug. 2001, revised 12/20/01
scale 1 inch equals twenty feet
prepared by Conklin and Soroka Inc.

with the following stipulations:

1. That prior to the commencement of construction activities, the applicant shall notify staff to ensure that the 25-foot non-disturbance line is delineated in the field and that the erosion and sedimentation controls are installed. The clearing limits for vegetation will also be delineated at this time.
2. That a bond for the installation and maintenance of erosion and sedimentation controls will be filed with the Planning, Conservation and Development Office prior to the start of construction said bond will be calculated by staff.
3. That the comments from the City's Chief Engineer dated December 26, 2001 be adhered to.
4. That the 25 foot non disturbance line be marked with permanent markers prior to the start of construction. The markers location and type will be determined by staff and the applicant.

5. The remaining 3.459 acres will remain as open space and be available to the adjacent property owners as part of the Riverbend Homeowner's Association for passive recreation.

Moved by J. Beatty\seconded by R. Whitney

D. Brown stated that this is a classic case of over pressing of the wetlands and one too many lots.

Vote: approved with all Commission members voting yes, except for D. Brown, and L. Lukens who voted against while W. von Mahland abstained.

5. Presentation of Kleen Energy Systems Projects, 90 Industrial Park Road, Middletown, CT construction of an electric generating facility and substation on River Road\Middletown, CT, Environmental Reports\Site Plan Review Process
6. Joe Mazzotta's application

Proposal to construct a single family dwelling to be located on the corner of Navadon Parkway and Phedon Parkway, (2001-25) Applicant\agent Joseph Mazzotta

Draft Motion:

The Middletown Inland Wetlands and Watercourses Agency having considered the factors pursuant to Section 8 of the Inland Wetlands and Watercourses Regulations of the City of Middletown, staff's and commission members field site visitations, Commissioner's knowledge of the area, and after review of written information provided by the applicant on this application finds the following:

- 1.) That this agency issued a permit to Joseph Mazzotta on 11/3/93 and said permit expired on 11/3/98.
- 2.) That no wetlands exist on the site and that staff witnessed the field delineation of the intermittent watercourse performed by David Lord, Soil Scientist.
- 3.) That this application was modified by relocating the proposed deck (from the north side of the house to the south side of the house) thus increasing the distance from the deck to the watercourse.
- 4.) The existing tree line along the intermittent watercourse will not be removed or disturbed.
- 5.) That the current plans reflect the most prudent and feasible alternative and that

the proposed activity will not have a significant adverse effect on the adjacent wetlands and watercourses.

Therefore the Commission grants the application of Joseph Mazzotta (2001-25) as shown on the plans entitled:

Improvement location and Topographic Survey prepared for Joseph Mazzotta, Navadon Parkway and Phedon Parkway, Middletown, CT, Scale 1 inch = 10 feet November 2001

prepared by Donald M. Strong, Land Surveyor

with the following stipulations:

- usual stipulations

Moved by W. von Mahland\seconded by J. Beatty

Approved unanimously

This was subject to a continuation of a public hearing on January 8, 2002.

D. New Business

1. The construction of 22 residential building lots, road and utilities and the construction of driveways to proposed building lots. Property owned by Grace Harmon, Marion Seifert, and Isabel Wimler, Applicant\agent George Smilas, Bennett and Smilas Engineering, Inc. (2001-29)

George Smilas requested that the commission accept the application and set it for a Public Hearing on February 6, 2002.

Motion: To accept the application and schedule a Public Hearing for Feb.6, 2002

Moved by J. Beatty\seconded by H. Bartoli

Approved unanimously

2. Construction of a driveway for access to a proposed residential house

Applicant\agent Stephen G. Borelli, (2001-30).

Motion: That the application be accepted for presentation at the next meeting.

Moved by J. Beatty\seconded by w. von Mahland

Approved unanimously

E. Enforcement's Officers Report

Wayne Bell is not in attendance yet again.

Mr. Carta will talk to the Director about his attendance.

F. Agency Review

1. 2 lot subdivision, Land of Grace Harmon, Marion Seifert, and Isabel Wimler, Kelsey Street and Arbutus Street.

George Smilas presented this application (2 lots not near the wetlands).

Motion: That after review of the maps presented a permit is not required for subdivision, however the location of the house on the lot will be reviewed by the Agency if the house location is changed.

Moved by William von Mahland\seconded by J. Beatty

Approved unanimously

G. Reports of Officers and Committees

H. Public Open Forum

I. Minutes

Regular Meeting of December 5, 2001

Motion: To approve the minutes of December 5, 2001 as modified.

Page 7, change town to team and 10:00 to 7:00

Moved by J. Beatty\seconded by L. Lukens

Approved unanimously

J. Adjournment

Motion to adjourn at 1:35 p.m.