

**MIDDLETOWN INLAND WETLANDS AND WATERCOURSES AGENCY**  
**MINUTES OF DECEMBER 5, 2001**

**Members Present**

J. Carta  
W. Von Mahland  
K. Miller  
D. Brown  
H. Bartoli  
M. Loman  
R. Whitney  
L. Lukens  
D. Perruccio  
R. Trigo

**Members Absent**

J. Beatty

**Others Present**

J. Sipperly, staff  
R. Fusari  
E. Roberts  
M. Looram  
N. Bolduc  
F. Clark  
A. Rich  
M. Slade  
R. Audette  
L. Goldman  
W. Corvo  
P. Armetta  
10 members of public

A. Call to Order

J. Carta, Chairman, called the meeting to order at 7:10 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.

A. 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

Robert Fusari, owner discussed the plans in detail. This project was previously withdrawn and modifications were made for resubmission.

The drive was relocated for the rear lot thus reducing the upland disturbance, the proposed clearing was reduced by 28%. There also is an increase in open space by 6,000 square feet. Also added was a 25-foot line where no disturbance will be allowed from the wetlands and watercourses. Mr. Fusari reported that Timothy Drive is over 200 feet away from the proposed road and that mitigating wetlands is a non-issue, as no wetlands will be disturbed.

Members of the public wished to speak.

Owner of 15 Timothy Drive reported he has flooding in his basement. John Allen of 40 Wildflower Lane is concerned about blasting, and wildlife. Jean Stung 62 Wildflower Lane, does not want this subdivision approved, and keep the property as it is. Owner of 12 Morning Glory Drive is also concerned with blasting. M. Anderson, civil engineer, 17 Wildflower Lane could not be present but had R. Alexander present a letter and Mr. Anderson's review of the plans.

Brian Devine, 41 Wildflower Lane spoke against the development.

Owner of 33 Wildflower Lane discussed the application and the liability insurance for blasting. Amelia Beake 7 Wildflower Lane spoke against the project. David Head 7 Timothy Drive concerned with future impacts and submitted photo's of the existing area. Bruce Hoffman, 33 Timothy Drive spoke against the project. Lisa Hoffman 33 Timothy Drive concerned about the wildlife.

Colleen Head 7 Timothy Drive submitted a letter and a newspaper article.

Mr. Fusari rebutted saying that 2:1 slopes are proposed and that all 2:1 slopes in Riverbend have been stabilized easily. He discussed blasting, bonding and their requirements for pre- inspections.

R. Trigo questioned the quality of the wetlands

K. Miller questioned the character and functions of the wetlands, she visited the site.

Mr. Sipperly reported on his observations of the site. He further reported that the information submitted tonight will be reviewed by our engineering department and a report will be issued for the next meeting.

Motion: To continue the public hearing on Jan. 2, 2002

Moved by M. Loman\seconded by R. Trigo

approved unanimously with W. von Mahland abstaining.

Motion: To hold a 10 minute recess

Moved by R. Whitney\seconded by R. Trigo

approved unanimously

J. Carta, Chairman called the meeting back to order at 9:15 p.m.

D. New Business

1. Proposal for 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

Mike Loram, a Professional Engineer\Land Surveyor licensed in the State of CT represented the applicant. Mr. Loram stated that the site is 20.4 acres in size, 4.2 acres are wetlands, delineated by R. Snarski, Soil Scientist. The project has two existing houses and would like to create 4 additional lots, with 2 interior lots. Lot #5 is deep and a wetland crossing is needed.

The fill associated with the placement of a crossing would be 3800 cubic yards or .26 acres of wetland soil, to accommodate the needed side slopes. A letter from Mr. Snarski is forthcoming, explaining the quality of the wetlands and the proposed impacts and mitigation.

Motion: That the commission accepts the application and finds that this proposed activity is significant and set a public hearing for January 2, 2002.

Moved by R. Whitney\seconded by R. Trigo

approved unanimously

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

Mr. Sipperly reported that Mr. Mazzotta was present tonight but had to leave early due to a death in his family.

Mr. Sipperly reported that this agency approved a similar application in 1994 that expired in 1999. Mr. Mazzotta had the watercourse re-delineated by David Lord, Soil Scientist, and shifted the house further from the wetlands and relocated a deck.

Motion: To accept the application

Moved by W. von Mahland\seconded by R. Whitney

Approved unanimously

3. 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).

Norm Bolduc, Professional Engineer, Conklin and Soroka presented the project. There is work proposed in the 50 foot regulated area, but no work will be in the wetlands. Presently the wetlands is a mowed field. Runoff from the proposed site will go into a detention basin before discharging to the wetlands area.

Motion: To accept the application

Moved by W. von Mahland\seconded by R. Trigo

Approved unanimously

4. Proposed reconstruction of Brush Hill, 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.

Fred Clark, Professional Engineer, DiCarlo & Doll, represented the applicant who is The City of Middletown, Public Works Department.

Mr. Clark reported that to improve the road it must be widened and a culvert extension and replacement is required. The road is presently 19 feet wide and the design standard calls for 28 feet wide. The slopes are to be designed at 4:1, no guard rails or curbing will be needed.

Motion: To accept the application as received

Moved by R. Trigo\seconded by M. Loman

Approved unanimously

A more detailed map will be submitted to show the wetland area.

Motion: To have a 5 minute recess.

Moved by D. Perruccio\seconded by H. Bartoli

Approved unanimously

#### E. Other Business

1. Kleen Energy Systems Project, c/o Industrial Park Road, Middletown, CT  
Construction of an electric generating facility and substation on River Road\Middletown, CT Environmental reports\site plan review process.

Mr. Sipperly distributed a letter from the City Attorney's office and summarized it.

Mr. Sipperly reported that when the state of Connecticut deregulated power in CT, state statutes were developed giving review of new power plants to the Siting Council. Section 16 of CT General Statutes gives local jurisdictions the ability to review and comment based on the Siting Council requirements. Mr. Sipperly reported that the wetland commission is serving as a sub-set to the siting council and that this application process is not applicable to our wetland regulations.

William Corvo, applicant stated that he welcomes working with this commission and reported on the history of the partnership team and its members. He reported that 4 essential components were critical, water source, zoning, the grid line for access to deliver power and a fuel source.

Larry Goldman, Attorney gave a brief description of the applicable state statutes and the commission's role typically that they have under these laws.

Attorney Goldman stated that 3 years ago the power industry was restructured. The legislature wanted the generation of power to be competitive. This will induce more efficient plants, cheaper energy to consumers and will better the environment.

Mr. Goldman reported that this submission is different than previous wetland applications.

The CT Siting Council has sole jurisdiction over power plants and gas lines. The state statutes take precedent over local regulations. Planning and Zoning and Inland Wetlands have limited authority to approve the location or siting of the facility.

Mr. Goldman stated that many jurisdictions will be issuing approvals or permits. The commission can look at and comment on impact on natural resources, and the nature of its value and functions. The commission then determines if this is a proper location, that is the ultimate issue or question. Statutes don't mention anything about a hearing but there is a required 65-day decision from when the application is submitted.

Mr. Goldman reported that the legislature modified this and stated that 65 days runs from when the Siting Council receives the application. The Council then approves, denies or approves with stipulations.

The Commission was requested to give an affirmative action of support for the location at the feldspar property. A finding that this will not have a significant adverse effect on adjacent wetlands and watercourses is what they are looking for. Also the commission can attach concerns, stipulations or conditions.

Mr. Goldman concluded his comments.

Roger Lenos, Chief Engineer explained the details of the plant. Proposed is a 520 Megawatt gas fired turbine with state of the art technology resulting in a 60% fuel efficiency, that provides energy. 137 acres of the site, 37 acres will be affected.

Components will include, warehouse, offices, storage tanks, power block, cooling towers. A worker parking area and material lay down area is proposed also.

Rick Audette, engineer explained the site conditions existing and proposed.

Other members of the team explained the site conditions existing and proposed.

Other members of the town explained the wetlands impacts and improvements to water quality in the Ct River.

The Commission asked various conditions.

Mr. Sipperly reported that a meeting is being coordinated for December 15, 2000 at 7:00 p.m. to allow the Planning & Zoning, Common Council and Inland Wetlands Commission to view the site. This will be posted by staff and filed with the Town Clerk.

Also Mr. Sipperly reported that a Public Hearing would be held on January 16, 2002 with the Planning & Zoning Commission to further discuss the project.

#### F. Enforcement Officer's Report

Mr. Bell is not in attendance tonight

#### G. Agency Review

More scheduled

#### H. Reports of Officers and Committee Reports

No reports needed

#### I. Public Open Forum

No one from the public wished to speak at this time.

#### J. Minutes

Minutes of November 7, 2000 were reviewed

Motion: To approve the minutes as presented

Moved by R. Whitney\seconded by W. von Mahland

Approved unanimously with R. Trigo\M. Loman and D. Perruccio abstaining

K. Communications and Bills

L. Regulations Workshop

J. Carta suggested that a subcommittee be formed to work and finalize the changes.

J. Beatty will serve as represented by the chairman, R. Whitney, D. Brown and K. Miller will also serve on a committee. After the holidays a meeting will be scheduled.

M. Adjournment

To adjourn at 11:45 p.m.

Moved by R. Whitney\seconded by H. Bartoli

Approved unanimously