

**TOWN OF CROMWELL
INLAND WETLANDS AND WATERCOURSES AGENCY
PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. WEDNESDAY, MARCH 5, 2008
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

MINUTES

1. **Call to Order:** Chairman Beatty called the meeting to order at 7:02 p.m.
2. **Roll Call:**
Present: Chairman Jonathan Beatty, Wynn Muller, Madeleine Lowry, Julius Neto, Ann Halibozek, William Yeske, Alternate G. Alden Nettleton and Alternate Joe Corlis

Also Present: Town Planner Craig Minor
3. **Seating of Alternates:** A **motion** was made by Mr. Yeske and **seconded** by Mr. Muller to seat Alternate G. Alden Nettleton and was *unanimously approved. Motion passed.*
4. **Approval of Agenda:** A **motion** was made by Mr. Nettleton and **seconded** by Mr. Muller to approve the agenda with the following amendment: Move 10. Old Business to before the 8. Public Hearing and was *unanimously approved. Motion passed.*
5. **Approval of Minutes:**
 - a. February 6, 2008: A **motion** was made by Mr. Neto and **seconded** by Ms. Halibozek to approve the minutes of February 6, 2008 with the following corrections: p. 1 the date should be 2008 (not 2007), p. 2 the word >done= should be stricken from the fourth sentence under Public Comment and p. 4 names should read: Monica & Neil Schappert and Elba Borgess at 110 North Road and was *unanimously approved. Motion passed.*
 - b. February 9, 2008: A **motion** was made by Mr. Neto and **seconded** by Mr. Muller to approve the minutes of February 9, 2008 and was *unanimously approved. Motion passed.* Ms. Lowry, Mr. Nettleton and Mr. Yeske abstain.
6. **Development Compliance Officer Report:**
 - a. Status of On-going Projects: Fred Curtin reviewed his report. No updates.

Mr. Muller stated that information on some of the applications should be updated.
Applications 07-01 & 07-03 should read >approved=
Application 07-04 the hearing was in 2007.
Application 07-07 not sure what this is.
Application 07-37 would like date of approval listed on report.
Application 08-02 was only approved as non-significant impact activity, but application has not been approved.

Mr. Muller stated that the conservation easement split rail fence has been removed at 21 Congress Street. Mr. Curtin will follow up. Mr. Muller suggested having the homeowner install the newly approved markers at their own expense.

Ms. Halibozek stated that Application 07-03 should read >approved=.

Chairman Beatty asked Mr. Curtin to follow up on the homeowner posting a sign for a public hearing and make sure receipts are filed for 78 Timber Hill Road.

b. Status of Existing and Possible New Cease and Desist Orders:

1. Unauthorized fill in the Upland Review Area on Shadow Lane behind 540 Main Street. Shadow Farm LLC (Sal Branciforte), owner: Mr. Curtin is waiting for a court date for the hearing on this matter.

7. Town Planner Report: Mr. Minor is working on the new mitigation requirements.

8. Public Comments: None.

9. Public Hearing and Possible Action:

a. Application #07-34: Conservation Subdivision ("NorthWoods") at 123 and 141 North Road. Kenneth and Norman Nadeau, owner/applicant. Continued from February 6, 2008: Atty Petrella introduced Ed Pawlak to explain his environmental report. Chairman Beatty commented that the commission received comments from Ms. Goodfriend today. Mr. Pawlak is a registered soil scientist with CT Ecosystems. Mr. Pawlak reported that wetland soils found on site are Wilbraham and Menlo series and the non-wetland soils are Ludlow and Wethersfield series. The wetlands 12.5% of the site or about 9.66 acres. There will be about 4,094 sq. ft. of wetland disturbance largely due to the installation of crossings at three wetland locations. There will also be 4.885 acres of upland review area disturbance. Mr. Pawlak reviewed the storm water management system for the site and reported on his findings related to the DEP Natural

Diversity Data Base. As stated in the report fifty different wildlife species were identified on the property but none were listed as threatened, endangered or special concern species. Mr. Pawlak stated that the movement to houses in the area between wetland 1A & 1B is less of a wetland and wildlife impact than other explored locations. Mr. Yeske asked why some homes couldn't be built on dry land near the Mattabasset River. Mr. Pawlak stated that the land near the river is more valuable to wildlife and that the river is part of a major river system in Connecticut. Mr. Pawlak supports the trade off of contiguous open space over the wetland disturbance because buffers around the wetlands will make it feasible.

Jim Cassidy, engineer with Hallisey, Pearson & Cassidy walked the property on February 28, 2008 with Wendy Goodfriend of CRCCD. Ms. Goodfriend made some initial comments before the walk. One recommendation was to reduce the width of the pavement from the town required 28ft. to 24ft. only where there are no houses. This would allow street parking where there are houses but reduce the overall impervious pavement. Ms. Goodfriend also suggested having sidewalks on only one side for the same reason. Both recommendations would require approval by the Board of Selectmen. Chairman Beatty would like to receive the responses to Ms. Goodfriend's comments with the agenda packet for next month. Mr. Cassidy stated that the corners of lots 1 & 33 come within the 75 ft. buffer and lots 9 & 10 would require substantial grading but alternatives are being explored. There will be eight temporary sediment basins throughout the project that will prevent massive erosion during construction. The nature trail would be located along the HELCO right of way, power lines and towers were removed in the 1970's, and the commission had suggested placing signs, benches and informational plaques riverside. Mr. Cassidy also suggests that some areas should be regraded to level ATV ruts and pedestrian bridges could be built over wetland crossings. Chairman Beatty asked if there is anything that could be done to prevent future ATV access and parties occurring riverside. Mr. Cassidy stated that monitoring by residents and town employees will help and rocks or telephone poles placed across the path could also help deter unwanted activity. Chairman Beatty suggested that the width of the pedestrian bridges could act as a deterrent and would like the police department involved in the planning process. Mr. Cassidy suggested installing vertical posts also. Mr. Muller asked what costs would be expected to maintain the trail. Mr. Minor stated that P&Z understood that the open space would be deeded to the town as a conservation area but he's not sure if the Parks & Rec. department would be given the maintenance responsibility. Mr. Muller is concerned about budgetary issues. Mr. Yeske asked about the width of the road bridges and their longevity. Mr. Cassidy stated that the bridges would be regulation width are of solid construction and made to last. Mr. Yeske also suggested eliminating sidewalks altogether. Mr. Cassidy stated that their removal would be a safety issue. Ms. Halibozek asked about parking for the walking path. Mr. Cassidy stated that parking could be placed roadside and that the pedestrian bridges, constructed of pressure treated wood, could be a great Boy Scout Eagle

project. Mr. Cassidy stated that cars could be parked at the intersection of the trail and the roadway along the edge of the roadway at an angle accommodating about five vehicles. The surface would depend on the seasonal use of the path; year-round would require paving and a pitch toward the road, seasonal would require a gravel surface with a pitch toward the southeast. The road could be left at 28' to allow for roadside parking for cross country skiing in winter instead of a paved area. Mr. Corlis asked if other storm water management options were explored and Mr. Cassidy stated that other options had been explored but the soil types were not conducive to other options.

Chairman Beatty called a five minute recess at 8:49p.m.

Chairman Beatty called the meeting to order at 8:56p.m.

Chairman Beatty opened the hearing to public comment.

Neil Schappert, 125 North Road, stated that the plan presented to IWWA is not the same as the plan presented to P&Z. The movement of the houses to the >meadow= area was not approved. Mr. Schappert then read a portion of the minutes from the P&Z meeting that the application was discussed. Chairman Beatty stated that the commission has jurisdiction over IWWA issues only.

Mr. Yeske stated that procedures must be followed. Mr. Minor stated that it does not matter what P&Z approved but that the IWWA is charged with evaluating the wetland impacts not P&Z issues.

Monica Schappert, 125 North Road, stated that the road and the right of way for access to the houses through the >meadow= area is a drastic change to the plans. Mr. Cassidy stated that the movement of those houses from south of the walking path to the already disturbed >meadow= area is the least impact option. Mr. Minor stated that if P&Z doesn't agree with the current plans they could have a public hearing.

Elba Borgess, 110 North Road, stated that the brook at Pasco Hill Road overflows its banks and wants to know who is responsible for repairing the road and feels this new development will increase the impact. Mr. Minor stated that the engineer (Mr. Cassidy) is addressing the run-off to have a zero increase. Mr. Cassidy stated that he reviewed the storm water management plans for the project and is phasing the construction to minimize the impact and erosion.

Atty Petrella stated that the project must be looked as a whole, not the individual parts.

Mr. Corlis is concerned about the effect on the >meadow= and the run off from the four houses located within that area. Atty Petrella stated that no directive was issued to preserve the >meadow=.

Ms. Lowry felt the presentation was thorough.

Ms. Halibozek asked if footprints are available for the proposed homes. Mr. Cassidy responded that there are four different footprints that are about 3,000 sq. ft. colonial

style with two car garages and about 60'x50'. The lots are not big enough to allow much larger homes.

Mr. Yeske and Mr. Muller had no comments.

Mr. Neto would like the applicants to meet again with Ms. Goodfriend.

Mr. Cassidy will get a final list of comments from Ms. Goodfriend and forward to IWWA.

Mr. Nettleton asked about the location of the open space. Mr. Cassidy stated it will be located west of the cul de sac all the way to the river and south of the walking trail with two other small locations. Mr. Nettleton asked how the town will have access for maintenance and Mr. Cassidy stated that the open space won't be mowed and only the path will need maintenance.

Ms. Halibozek stated that a canoe could be launched river side but not a boat.

A **motion** was made by Ms. Halibozek and **seconded** by Mr. Neto to continue the public hearing to the next regularly scheduled meeting and was *unanimously approved*. *Motion passed*.

b. Application #07-35: Residential Driveway and Related Filling at 78 Timber Hill Road. Gilbert and Marion Bironi, owner/applicant. Continued from February 6, 2008: Continued.

10. Old Business:

a. Application #08-01: Passive Recreation Park in Upland Review Area at 204 Main Street. Town of Cromwell, owner/applicant: Chairman Beatty spoke with First Selectman Shingleton and learned that the Phase I environmental review has already been completed. Mr. Neto stated he is concerned about the exclusions of tests by the testing company and would like to review the complete report. Chairman Beatty expected to hear from town employees for their comments and be available for questions. A **motion** was made by Mr. Nettleton and **seconded** by Ms. Halibozek to table this application and was *unanimously approved*. *Motion passed*.

Mr. Minor will copy the full report and mail it to commission members, ask the town engineer to review the report and be available to answer questions. Mr. Neto stated that he believes Mr. Niesyn has a Phase II report. Chairman Beatty would also like more information on comparing the testing locations with the placement of the park. Mr. Muller is also concerned about dealing with the contamination as related to outside development in the future.

b. Application #08-02: Residential Construction in Upland Review Area at 119 Nooks Hill Road. Daniel Brisson, owner/applicant: A **motion** was made by Mr. Muller and **seconded** by Ms. Lowry to approve the application and was *unanimously approved*. *Motion passed*.

11. New Business:

a. Application #08-05: Residential Construction in Upland Review Area at 4 Harpers Meadow Road. David Carmody, owner/applicant: Mr. Carmody reviewed his plan to build a single story 2,200 sq. ft. ranch, measuring 68.5'x49' with a two bay garage. There will be some activity within the upland review area. Mr. Carmody stated he could provide scaled drawings to the commission. Mr. Muller is not sure how close the house will be to the wetland based on the submitted drawings. Chairman Beatty asked for the distances from the back of the house to the wetland and more final plans for next months meeting. Mr. Muller read through the points to determine significance. A motion was made by Mr. Muller and seconded by Mr. Neto to find the application a non-significant impact activity and was unanimously approved. Motion passed.

12. Communications:

a. "Biodiversity Conservation" Report: Chairman Beatty requested that this item be placed on a smaller agenda for discussion.

13. Commissioners= Comments and Reports: Ms. Halibozek asked who is responsible for making sure signs are posted and neighbors are notified of public hearings. Mr. Minor stated that he is responsible for both checking signs and accepting receipts. If a public hearing is closed and the application is accepted with proper posting and notification, the decision could be overturned.

Mr. Corlis reported that he attended a seminar by CRCCD on storm water run off.
Mr. Nettleton stated that the town website needs to be updated.
Ms. Halibozek stated that the names and terms of members needs updating.

14. Adjourn: A motion was made by Mr. Neto and seconded by Ms. Halibozek to adjourn at 10:00 p.m. and was unanimously approved. Motion passed.

Respectfully submitted,

Catherine Potter