



**Town of Cromwell
Inland Wetlands and Watercourses Agency**

***PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. WEDNESDAY, AUGUST 4, 2010
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET***

MINUTES

PRESENT: Chairman Jonathan Beatty, Madeline Lowry, Joe Corlis, G. Alden Nettleton and Alternate Amanda Thomas

ABSENT: Wynn Muller and Scott Lamberson

ALSO PRESENT: Town Planner Craig Minor and ZEO Fred Curtin

1. **Call to Order:** Chairman Beatty called the meeting to order at 7p.m.
2. **Roll Call:** The above-mentioned members were introduced.
3. **Seating of Alternates:** A **motion** was made by Mr. Corlis and **seconded** by Mr. Nettleton to seat Ms. Thomas and was *unanimously approved. Motion passed.*
4. **Approval of Agenda:** A **motion** was made by Mr. Nettleton and **seconded** by Mr. Corlis to add item 11.b. Application #10-12 and was *unanimously approved. Motion passed.*
5. **Approval of Minutes:**
 - a. July 7, 2010: A **motion** was made by Ms. Thomas and **seconded** by Mr. Corlis to approve the minutes of July 7, 2010 and was *unanimously approved. Motion passed.*
6. **Development Compliance Officer Report:**
 - a. Status of On-going Projects:

A **motion** was made by Mr. Yeske and **seconded** by Mr. Corlis to turn the issue at 136 Berlin Road over to the town attorney to handle and was *unanimously approved. Motion passed.*

Ms. Halibocek asked for an update on the item regarding the property behind the old Sav-Mor. Mr. Curtin will provide an update at next month's meeting.

b. Status of Existing Cease and Desist Orders:

1. 97 Nooks Hill Road:

Mr. Curtin stated that the medallions have been installed and they are now in full compliance with the cease and desist order. Mr. Curtin requested that the order be removed.

A **motion** was made by Ms. Thomas and **seconded** by Mr. Corlis to remove the Cease and Desist order for 97 Nooks Hill Road and was *unanimously approved. Motion passed.*

7. Public Comments

Paul Munson, 62 Pasco Hill Road, stated that he is concerned about Pasco Brook during a rain storm. It appears brown during the storms. Mr. Munson tried talking with the First Selectman but didn't make any headway. Mr. Munson also contacted the DEP and Chairman Beatty who recommended that he take some photos. Mr. Munson submitted photos from a rainstorm in June. Mr. Williams from the DEP stated that he talked with the Town and they felt that it was due to a previous problem and that the wetland is cleaning itself out. Mr. Munson feels that the color is not accurate for that explanation because it is darker brown not brackish. Mr. Munson thinks the issue could be due to the start of construction and the type of roof on the home that has been built due to its sharp angles. Chairman Beatty asked Mr. Curtin to investigate this problem. Mr. Munson stated that Mr. Williams indicated that Mr. Curtin stated that the problem is due to an issue further upstream.

8. Town Planner Report:

a. Upland Review Area Permits Issued by Staff: None

b. Proposed Change to Staff Approval Process:

Chairman Beatty asked to hold off on this issue until next month. A motion was made by Ms. Lowry and seconded by Mr. Corlis to table this item until next month and was unanimously approved. Motion passed.

9. Public Hearing:

a. Application #10-05: Proposed Amendment to Sections 7 and 11 of the Inland Wetland Agency Regulations regarding the length of permit validity, to comply with Public Act #09-111. Inland Wetlands and Watercourses Agency, applicant:

Chairman Beatty stated that this application is in order to come into compliance with State

regulations that were passed earlier this year. Chairman Beatty asked if any permits that have been issued are impacted by this change. Mr. Minor will look at open permits and report next month.

A **motion** was made by Mr. Nettleton and **seconded** by Mr. Corlis to close the public hearing and was *unanimously approved. Motion passed.*

A **motion** was made by Ms. Thomas and **seconded** by Mr. Corlis to approve application #10-05 as stated and was *unanimously approved. Motion passed.*

10. Old Business:

a. Application #10-07: Move Existing "Made Wetlands" at 51 Court Street. Michelle Hodge, owner/applicant. Continued from June 2, 2010:

A **motion** was made by Ms. Lowry and **seconded** by Ms. Thomas to approve Application #10-07 whereas:

1. In September 2004 the Inland Wetlands and Watercourses Agency found that the large wetland in the back of the lot know as 51 Court Street performs far more wetland functions than the small, isolated wetland in the front of the lot, and for that reason approved IWA Permit #04-29; and
2. The applicant has submitted expert testimony regarding the low value of the constructed wetland, which testimony was not refuted by expert testimony to the contrary; and
3. The applicant has submitted expert testimony that the constructed wetland is probably not a vernal pool; and
4. The applicant's expert testimony stated that this activity will not exacerbate the existing flooding conditions in the area, which testimony was not refuted by expert testimony to the contrary; and
5. Sec. 22a-42a(d)(1) states that the Agency may approve applications with conditions that may include "in the following order of priority: restore, enhance, and create productive wetland or watercourse resources", and the applicant has proposed to restore the degraded wetlands to the rear and east side of the property by removing invasive vegetation; and
6. The Agency believes that removing invasive vegetation from the larger wetland will do more to benefit it than would attempting to enhance the constructed wetland; and
7. The Agency finds there is no prudent and feasible alternative to the requested activity.

With special conditions:

1. This permit shall not take effect until the Town of Cromwell installs the catch basin and related improvements shown on the "Wetlands Mitigation Modification Plan" prepared by Hallisey, Pearson and Cassidy dated May 28, 1020.
2. The applicant shall remove all existing invasive shrubs in the area shown on the "Wetlands Mitigation Modification Plan" prepared by Hallisey, Pearson and Cassidy dated May 28, 2010, and shall plant twenty suitable wetlands shrubs in this same area. Shrubs to be planted shall be

approved by town staff prior to planting. This work shall be completed to the satisfaction of the Wetlands Enforcement Officer prior to commencing any work in the wetland to be filled.

3. The applicant shall plant sixteen non-wetland shrubs at the location shown on the "Wetland Mitigation Modification Plan" prepared by Hallisey, Pearson and Cassidy dated May 28, 2010. Shrubs to be planted shall be approved by town staff prior to planting. This work shall be completed to the satisfaction of the Wetlands Enforcement Officer prior to commencing any work in the wetland to be filled.

4. The applicant shall prepare and record a revised Conservation Easement reflecting the revised conservation easement area, to be reviewed by town staff prior to recording.

5. The applicant shall install conservation easement medallions (to be provided by the Town) on suitable posts at 50' intervals along the new conservation easement boundary.

And with general conditions:

1. This Permit shall expire five years after the date of its issuance.

2. All work shall be conducted as shown on the "Wetlands Mitigation Modification Plan" prepared by Hallisey, Pearson and Cassidy dated May 28, 2010 or as amended to reflect any conditions of this approval.

3. The Permittee shall notify the Development Compliance Officer and the Town Engineer immediately prior to any work being conducted in a wetland or upland review area.

4. The Permittee shall notify the Development Compliance Officer upon the completion of the approved regulated activity.

5. In granting this Permit, the Agency has relied on information provided by the Permittee and, if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, this permit may be modified, suspended or revoked.

6. Prior to commencement of any regulated activity and not more than 30 days after the date of this permit, the Permittee shall submit a narrative "Erosion and Sediment Control Chronological Order Checklist" for use by the Permittee's contractors and town staff.

7. The Permittee shall mark the boundaries of all conservation easement areas in a manner approved by the Agency, such as concrete monuments, a split-rail fence, new trees or shrubs, metal medallions attached to existing trees, or some combination of the above. The Permittee shall install said markers before selling any residential lots, and before commencing with any other site work.

8. The Permittee shall remove all temporary erosion and sediment control devices not more than six months after the topsoil is stable.

This permit shall constitute the Agency's "final decision" per Sec.8-26(e) of the Connecticut General Statutes.

The motion was unanimously approved. Motion passed.

11. New Business:

 a. Application #10-11:

Repair Existing Culvert under Court Street near 63 Court Street. Town of Cromwell, owner/applicant: Ms. Lowry read the items to determine significance. Chairman Beatty is concerned that the possibility of 'de-watering' the wetlands during construction.

A **motion** was made by Mr. Yeske and **seconded** by Ms. Lowry to find Application #10-11 a significant impact activity and was *unanimously approved. Motion passed.*

b. Application #10-12:

Replace Existing Culvert under Pasco Hill Road near 45 Pasco Hill Road. Town of Cromwell: Mr. Minor stated that this application is affecting the same area that Mr. Munson was discussing earlier. The plan is to introduce a wider box culvert with stone underneath. Mr. Minor stated that the plan is to replace a 36" pipe and a 24" pipe with a larger box culvert measuring 52" wide. Chairman Beatty would like to hold off on the finding of significance until next month but to schedule a public hearing in the public's interest.

A **motion** was made by Ms. Lowry and **seconded** by Ms. Thomas to schedule a public hearing at the next regular meeting in the public's interest and was *unanimously approved. Motion passed.*

Ray Cioffi, 61 Court Street, asked if a public hearing was ever held for the installation of the sleeve on Court Street. Chairman Beatty stated that the Public Works department had been lax in pulling permits in the past and that it is necessary to have a permit approved before work is done. Mr. Cioffi doesn't want to see this be delayed again. Chairman Beatty hopes to be able to answer specific questions at next month's meeting so that work can begin as soon as possible. Ms. Lowry asked if this project is expected to be in-house and Ms. Hodge believes that it will be combined with other culvert replacement projects in town and will need to go out to bid.

12. Communications: None.

13. Commissioners' Comments and Reports: Ms. Lowry attended the Inland Wetland in Berlin last night and stated that a new project has been proposed for Rte. 372 abutting Cromwell's land. Ms. Lowry has a set of the plans and will turn them over to the town.

14. Adjourn: A **motion** was made by Ms. Thomas and **seconded** by Mr. Corlis to adjourn at 7:45p.m. and was *unanimously approved. Motion passed.*

Respectfully submitted,

Catherine Potter
Clerk