



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

***PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. WEDNESDAY, NOVEMBER 3, 2010
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET***

MINUTES

PRESENT: Chairman Jonathan Beatty, Amanda Thomas, G. Alden Nettleton, Joe Corlis, William Yeske, Madeleine Lowry and Scott

Lamberson.

ABSENT: Wynn Muller

ALSO PRESENT: Town Planner Craig Minor and ZEO Fred Curtin

1. **Call to Order:** Chairman Beatty called the meeting to order at 7:00p.m.
2. **Roll Call:** The above-mentioned members were introduced.
3. **Seating of Alternates:** A **motion** was made by Mr. Nettleton and **seconded** by Mr. Yeske to seat Alternate Amanda Thomas and was *unanimously approved. Motion passed.*
4. **Approval of Agenda:** A **motion** was made by Mr. Yeske and **seconded** by Ms. Thomas to add items 10-20 and 10-22 under New Business and was *unanimously approved. Motion passed.*
5. **Approval of Minutes:**
 - a. October 6, 2010: A **motion** was made by Ms. Thomas and **seconded** by Ms. Lowry to approved the minutes of October 6, 2010 and was *unanimously approved. Motion passed.*
6. **Development Compliance Officer Report:**
 - a. Status of On-going Projects: Mr. Curtin reported that Cromwell Commons paid their fine and that planting should be done this Friday.

Mr. Curtin also reported that E&S controls have been added along Rte 9 to curb further erosion. After last month's meeting Mr. Curtin couldn't observe any activity behind any of the homes on Evergreen Road but will check again when leaves have fallen.

Chairman Beatty asked if any citizen complaints were received over the last month. Mr. Curtin responded that he received an inquiry about a driveway on Pasco Hill Road and if it was to be gravel and Mr. Minor confirmed that the second house in the back more will have a gravel

entrance.

b. Status of Existing Cease and Desist Orders: None. Chairman Beatty asked that this item be removed until other issues come up.

7. Public Comments: None.

8. Town Planner Report:

a. Upland Review Area Permits Issued by Staff: None. Mr. Minor stated that several applications have been filed but because of the slope of the land they require approval by the commission. Chairman Beatty asked if the required slope for commission approval is correct or if it needs to be adjusted and Mr. Minor stated he will review the applications from the last few years to see if any recommendations can be made.

b. Proposed Change to "Staff Approval" Process: None.

9. Public Hearing:

a. Application #10-18: Remove Vegetation in the Wetland and Upland Review Area adjacent to 28 Senator Drive. Thomas Varricchio, owner/applicant:

Mr. Minor read the official public hearing notice for this item. Ms. Thomas read part of the recommendation by town attorney Jack Bradley. Thomas Varricchio, 28 Senator Drive, reviewed the plan and the variety of plants included. Mr. Varricchio also brought literature on the plants chosen. The cost to replant is almost \$4,000. Mr. Minor read the memo from CRCCD that was received yesterday (November 2, 2010) including comments regarding the application. Chairman Beatty believes it would be advisable to ask the applicant to reconsider the choices for planting based on the comments of Erica Lerner, CRCCD. MS. Thomas asked what the timeline is and what would be done during the winter and Mr. Varricchio stated that nothing will be done over the winter and that the planting would be done in the spring.

Chairman Beatty opened the hearing to members of the public and stated that the hearing should be kept open until next month to give members of the public time to review comments received. Ms. Ann Halibozek, 7 Christian Hill Road, is concerned about planting the plants to the specifications required and the ability of the applicant to complete it in such a short timeframe-a weekend. Ms. Halibozek is also concerned about proper removal of the invasive species and the availability of Mr. Curtin to monitor the work on the property. Mr. Varricchio commented that there are very few roots left and is confident that he can plant the plants in a weekend or two according to the plan. Chairman Beatty asked that Mr. Varricchio address the concerns of Ms. Lerner.

A **motion** was made by Ms. Thomas and **seconded** by Mr. Corlis to continue the public hearing

on Application #10-18 and was *unanimously approved. Motion passed.*

10. Old Business:

a. Application #10-16: Swimming Pool in Upland Review Area at 3 Summer Brook Lane. Eric and Celeste Stearns, owner/applicant:
Brian Desparo, representing Pools by Murphy, made himself available for questions from the commission. Mr. Minor reminded the commission that there was discussion last month about the type of delineation from the wetland area. Mr. Desparo stated that any type of fence could be installed depending on what the commission requests. Ms. Lowry clarified that the delineation would be to mark the conservation area. Mr. Minor stated that the point is to create a visual line such as a split rail fence or concrete monuments with medallions. Mr. Lamberson asked how close the pool is to the wetland area and Mr. Desparo stated that the pool fence could be kept as close as possible to the pool and allow for more space around the patio area further from the wetland. The consensus of the commission was for concrete monuments every 50 feet. A **motion** was made by Mr. Lamberson and **seconded** by Mr. Yeske to approve the application with the use of concrete monuments every 50 feet and was *unanimously approved. Motion passed.*

b. Application #10-17: Swimming Pool in Upland Review Area at 8 Twin Oaks Drive. Elizabeth Pulling, owner/applicant:
Brian Juliano, Juliano's Pools, reviewed the application for a pool installation in the tree protection area. When Mr. Brian Juliano visited the property he found that many of the trees were dead or dying.
A **motion** was made by Mr. Lamberson and **seconded** by Mr. Yeske to approve the application and was *unanimously approved. Motion passed.*

11. New Business:

a. Application #10-21: Extend Rear Yard and Sanitary Sewer Line into Upland Review Area at 33 Coles Road. Mary Sirois, applicant; Charlotte Whitney, owner:
Mary Sirois, 40 Metacomet Drive, Berlin, future owner of 33 Coles Road was hoping to remove some of the trees in one area and plant trees in another. Ms. Sirois wanted to create a level area coming out of the basement also. Ms. Sirois also stated that the sewer line would have to run through a neighboring lot to install a lateral for sewer hook-up. Chairman Beatty let the applicant know that the application can't be acted upon tonight. Chairman Beatty suggested including a few photos of the area for commissioners to get a better idea of the topography. Ms. Thomas asked what the 'squiggly' line is and Ms. Sirois stated that it is the proposed edge of the cleared property.
A **motion** was made by Ms. Lowry and **seconded** by Mr. Lamberson to find this a non-significant impact activity and was *unanimously approved. Motion passed.*

b. Application #10-20: Placement of fill in upland review area, 20 Washington Road, Juliano Pools, applicant:

Brian Juliano, stated that the application is due to the re-installation of a swing set that had to be moved when a pool was installed. Mr. Juliano stated that there was some 'growth' that was removed and didn't realize that it was in the upland review area. Chairman Beatty asked how close the area is to the wetland and Mr. Minor stated that it encroaches the upland review area by ten feet. Mr. Minor stated that the application could be acted upon tonight because it had been in the office for awhile and just received all of the information. Ms. Halibozek asked if there is any impact to any neighbors and if any complaints have been received. Mr. Minor was not aware that this was cleared already and is not aware of any complaints. Ms. Halibozek is concerned that neighbors are not able to comment. Mr. Juliano was aware of a complaint of privacy during the removal of the 'growth'. Eugene Konig, Blackhaw Drive, (owns the property behind) is concerned that work not be done in the wetlands. Mr. Minor stated that the activity is 90 feet away from the wetlands. Ms. Thomas asked if the property is already flattened out and Mr. Juliano confirmed that it is work that has already been done. Mr. Minor stated that the town wetland map doesn't list this site as a wetland but during the construction of a subdivision it was flagged as a wetland area and that if someone hadn't complained, it would not have come to anyone's attention. Jean Konig, 8 Blackhaw Drive, is concerned about privacy and the ability to look into the other yard now that the brush has been removed and that the removal was done right up to the property line.

A **motion** was made by Ms. Thomas and **seconded** by Mr. Corlis to approve application #10-20 and was *unanimously approved. Motion passed.*

c. Application #10-22: Placement of fill at 76 Nooks Hill Road, John Whitney, owner/applicant:

John Whitney, 76 Nooks Hill Road, stated that he just purchased this property from his mother-in-law and stated that the area has not been maintained. Mr. Whitney would like to fill two areas- one by the driveway and one in back. Mr. Minor stated that one area is less than 30 feet from the wetland and the wetland behind the house is shallow and far enough away that it could be approved by staff. Chairman Beatty asked for pictures of the area. Mr. Whitney stated that he will be asking the Board of Selectmen for a modification of the fee for the application due to the amount of property that he owns that is wetlands.

A **motion** was made by Mr. Corlis and **seconded** by Ms. Thomas to support a modification of the application fee and was *unanimously approved. Motion passed.*

12. Communications: None.

13. Commissioners' Comments and Reports: Ms. Halibozek commented that the application on Coles Road didn't include the cubic yardage of the fill because it wasn't on the map. Mr.

Minor stated that the required amount needs to only be enough for the work being done. Mr. Corlis stated that some commissioners would like to attend CACYWC training but the cost has increased to \$50 and Mr. Minor stated that he will submit the registration forms.

- a. Alternate Agent for Inland Wetlands Agency: Tabled.

14. Adjourn: A **motion** was made by Mr. Corlis and **seconded** by Mr. Lamberson to adjourn at 8:10p.m. and was *unanimously approved. Motion passed.*

Respectfully submitted,

Catherine Potter
Clerk