



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

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

MINUTES

PRESENT: Chairman Jonathan Beatty, G. Alden Nettleton, Scott Lamberson, William Yeske, Wynn Muller, Madeline Lowry, Joe Corlis and Alternate Amanda Thomas

ALSO PRESENT: Town Planner Craig Minor, Town Engineer Joe Mazurek and Board of Selectman liaison Ann Halibozek (arr. 7:12p.m.)

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:** None.
4. **Approval of Agenda:** A **motion** was made by Mr. Corlis and **seconded** by Mr. Muller to approve the agenda and was *unanimously approved. Motion passed.*
5. **Approval of Minutes:**

a. June 2, 2010:

Mr. Muller submitted written suggested changes.

Page 3: Remove the section beginning with “Mr. Muller stated that...” and ending with “...not the best alternative.” with “Mr. Muller stated there were some misconceptions regarding the original application. Last month we heard that there had been no finding of significant impact with that application #04-19. While that may be technically correct, application #04-18 was to amend the town wetland map on the same property and was being considered concurrently. Under 04-18 there was a determination of significant impact and a public hearing was held. The agency held that locating the house closer to the road was less impact on the overall wetlands than the alternative, although both alternatives were undesirable.”

Page 5: Remove the statement “Mr. Muller would like the hearing to be kept open.” And replace with “Mr. Muller indicated that Mrs. Lowry had a motion on the floor which had not been

seconded. However, it may be an invalid motion since the hearing was still open. He would like to keep the hearing open to consider the revised application. Mrs. Lowry withdrew her motion.”

A **motion** was made by Mr. Muller and **seconded** by Mr. Corlis to approve the minutes of June 2, 2010 with the suggested changes and was *unanimously approved. Motion passed.* Mr. Lamberson abstained.

6. Development Compliance Officer Report: Mr. Curtin was not in attendance but submitted a written report.

a. Status of On-going Projects:

A **motion** was made by Mr. Yeske and **seconded** by Mr. Nettleton to have the Town Attorney send a letter to the owners of Cromwell Commons and was *unanimously approved. Motion passed.*

1. 4 Eager Lane:

Joe Mazurek, Town Engineer, stated that the original plan was approved by P&Z and called for a drainage swale but because of recent activity on the property the only solution would be to construct a formal pipe system. Mr. Mazurek wanted the commission to be aware of this change. There was to be a meeting this morning but the developer didn't show up. Chairman Beatty stated that the purpose of the pipe would do the same job as the swale. The property owner is willing to do the work if the developer doesn't follow through. The amount of water conveyed will remain the same. Mr. Nettleton asked if the pipe used will allow for excess water and Mr. Mazurek confirmed that it would be. The maintenance of the drains will be the homeowner's responsibility.

A **motion** was made by Ms. Lowry and **seconded** by Mr. Corlis to find the change in the application not significant and was *unanimously approved. Motion passed.*

b. Status of Existing Cease and Desist Orders:

1. 97 Nooks Hill Road.

An update was included in Mr. Curtin's report.

7. Public Comments: None.

8. Town Planner Report:

a. Upland Review Area Permits Issued by Staff:

1. Application #10-09: Footings Under Existing Deck at 9 Summerbrook Lane. Ronald Infante, applicant; Loraine Caruso, owner: This permit was approved in-house.

9. Public Hearing:

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

Atty Mike Dowley, representing the Hodge family, has reviewed the materials and has concluded that the public is concerned about drainage and flooding. Joe Mazurek, Town Engineer, stated that there are internal concerns about drainage issues. Mr. Mazurek stated that drainage problems are a common issue and the town is proposing to undertake a redesign of the system on Court Street. Work is planned to begin before the end of the summer but the schedule is determined by the Public Works department. Mr. Mazurek described the project and the location of the catch basins. The project will help resolve the issue. Ms. Lowry asked if the existing pond could be filled in and not moved elsewhere. Mr. Mazurek confirmed that it would be filled in. Atty Dowley stated that the applicant is okay with agreeing to hold off on doing any work until the town's project is completed. Chairman Beatty opened the comments to the public.

Pat Whitney, 63 Court Street, lives near the culvert and at the time the house was built they agreed to take responsibility to make sure that the water has a clear path. Ms. Whitney stated that the water has a hard time flowing through the pipes and feels that there is too much water coming from too many areas to flow through this area. Ms. Whitney is not in favor of relocating the water unless the project will work. Ms. Whitney brought this issue up two years ago and hasn't heard back from town staff. Ms. Whitney submitted photos showing the water level at different times of the year.

Ray Cioffi, 64 Court Street, believes the hole in the ground should be described as a wetland not a depression. Mr. Cioffi stated that this issue has been going on for fifteen years and doesn't feel that the application should be approved unless the commission can get assurance in writing from the town. Mr. Cioffi wants to make sure that the work is done properly to the satisfaction to all parties involved. Mr. Cioffi is frustrated that this issue has not been addressed for fifteen years.

Jim Gibson, 4 Sachem Drive, is concerned about filling in a wetland.

Jack Lutz, 6 Sachem Drive, asked if the proposal being discussed tonight is the same one that was presented last month and Mr. Cassidy confirmed that it was. Mr. Lutz asked what Ms.

Thomas' suggestion was last month. Ms. Thomas stated that her suggestion last month was to have a mitigation plan in place in case the town doesn't follow through with their project. Mr. Lutz has observed that the area has continued to be mowed. Mr. Lutz would like to still give the wetland a chance to develop.

Ray Cioffi, 64 Court Street, asked about the timeline for the catch basins and the culvert and Mr. Mazurek stated that the catch basins would be done by the end of the summer and the culvert would be done in the fall. Mr. Cioffi would like a more definite timeline. Chairman Beatty stated that it seems that the real issue is with the culverts and that should be dealt with first. Mr. Cioffi wants to see the project done right and is concerned about the health hazard of mosquitoes breeding in the standing water. Chairman Beatty stated that the approval on this application can be contingent on the completion of the town's project. Mr. Cioffi would like the specifics of the 'complete' project be spelled out and would also like a hearing after the project is done to make sure it is done right. Mr. Minor feels that these suggestions are unreasonable because the burden of the town's project is on the homeowner. Mr. Minor clarified that he felt delaying a decision on this application would be unreasonable. Mr. Cioffi would like the neighbors to have a chance to speak on the project before the homeowner's project begins. Mr. Lamberson feels that it would be beyond the scope of the commission to require that the neighbors review the town's work before the work on the application begins. Mr. Muller stated that the only thing that the commission has control over is whether or not to fill in the wetland area. Mr. Yeske stated that the group of neighbors has recourse if the work is done incorrectly but that he was assured by the engineer that it would be. Mr. Minor stated that the enforcement officer could review the project before the application work begins.

Jack Lutz, 6 Sachem Drive, stated that the town's work was not part of the suggestions made to resolve the issues of the wetland. Mr. Lutz stated that the issue is actually the filling in of the wetland. Mr. Lutz would still like to see the wetland be given a chance to flourish and stated that a fence that was supposed to be installed hasn't been put in. Chairman Beatty reviewed the approval of the original house plans. Mr. Minor stated that there were two pockets of wetlands and the commission allowed the filling in of the wetlands in the front and creating a wetland in the back of the house. Chairman Beatty stated that the mitigation for filling in the wetland includes removing invasive plants and planting wetland plants.

Kathy Choffee, 69 Court Street, asked where the water will be going.

Jim Gibson, 4 Sachem Drive, doesn't believe that planting something somewhere is enough mitigation.

Joe Mazurek, Town Engineer, agrees that this is a two-prong issue and stated that the soil scientist agrees that the area is a depression. Mr. Mazurek stated that he still needs to come before the commission for work on the culvert and plans to come before the commission next

month. Mr. Mazurek proposes installing a 36 inch pipe to eliminate the elevated height of the pipe. Mr. Mazurek suggests that the catch basin solution be acted upon and the culvert project be addresses separately. Mr. Minor asked which is the culvert replacement on the pipes and Mr. Mazurek stated that the pipe under the pavement is connecting two catch basins. Mr. Mazurek stated that the culvert replacement is for the stream. Mr. Mazurek has assurances from the administration that both of the projects will be supported.

Patricia Whitney, 63 Court Street, asked if the pipe would be able to handle the runoff and Mr. Mazurek explained the town's project.

Mr. Mazurek showed that he has the letter from Ms. Whitney on her complaint that was forwarded to the letter to the Public Works Director.

Mr. Mazurek reiterated that the culvert and basins are two different issues. Mr. Muller asked if the culverts are part of the application. Atty Dowley stated that they are not and reviewed the application. Atty Dowley stated that approval of the application would help all parties involved.

Jack Lutz, 6 Sachem Drive, stated that the proposal last month included a culvert.

Jim Cassidy, Engineer with Hallisey, Pearson and Cassidy, showed the plan that was presented May 28, 2010 and reviewed it. Mr. Cassidy confirmed that the work cannot be completed until the town does their part.

Mr. Corlis is in favor of moving forward with the project and is aware that the Public Works department has money in their budget and would like to have the suggested conditions included.

Ms. Lowry is in favor of the application as long as the town's project is done correctly.

Ms. Thomas asked about the specific planting plan.

Mr. Muller is in favor of closing the hearing and voting on the application next month. Mr. Muller would like to have the motion drawn up ahead.

Mr. Yeske would like the brook repaired, the town should be held accountable, the culvert should be a separate issue but tied into the project, stated that the pool was approved and no rules were broken, and is not sure if he can vote on the project because Atty Dowley was his attorney at World Gym.

Mr. Nettleton-no questions/comments.

Mr. Lamberson asked about the wetland determination and Mr. Cassidy confirmed that Mr. Pawlak determined it is a low functioning wetland. Mr. Lamberson asked Mr. Cassidy to review the mitigation plan. The plan is to remove invasive plants and plant shrubs in two areas. Mr. Lamberson agrees that a motion should be drawn up ahead of time. Chairman Beatty asked Mr. Minor to draft a motion ahead of time in anticipation of this issue.

Chairman Beatty asked for confirmation that there will be no increase in water on the south side of Court Street and Mr. Mazurek confirmed.

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

A motion was made by Ms. Lowry and seconded by Mr. Corlis to approve application #10-51 and that items 2 & 3 should be completed before the work actually commences.

Mr. Muller would still like to consider this motion as a draft and may want to consider having an alternative motion.

Commission members informally decided that they would like to wait until next month to vote on the application. Chairman Beatty stated that the commission is only voting on the homeowners' application and Mr. Muller stated that the obligations of the commission should be included in the motion to approve and that the commission is not ignoring its obligations.

The previous motion was withdrawn by Ms. Lowry and Mr. Corlis.

A **motion** was made by Mr. Lamberson and **seconded** by Mr. Nettleton to table the application until next month and was *unanimously approved. Motion passed.*

10. Old Business:

a. Application #10-10: Gas Station/Convenience Store Renovation at 207 West Street. Gas Development Cromwell LLC, owner/applicant:

Matthew Davison, Soil Scientist with Vanasse Hangen Brustlin, Inc. reviewed the project for a gas station between Stop N' Shop and Wendy's restaurant. Standard E&S Controls will be installed during construction. Ms. Lowry asked if anything has changed since last month and Mr. Davison confirmed that everything is the same. Mr. Mazurek asked if this station is owned by Stop N' Shop and Mr. Davison stated that it is owned by Gas Development LLC. Mr. Minor stated that the owner is Gas Development LLC. Mr. Mazurek stated that it would be prudent to have an internal driveway with Stop N' Shop if it is owned by them. Chairman Beatty stated that that it would be a P&Z issue and they would have to come before the IWWA to request a modification to the plan.

A **motion** was made by Mr. Muller and **seconded** by Mr. Corlis to approve Application #10-10 and was *unanimously approved. Motion passed.*

11. **New Business:** None.

12. **Communications:** None.

13. Commissioners' Comments and Reports: Chairman Beatty suggests that small commercial projects that do not include new buildings or changes in drainage patterns could be approved in house by making a change to the regulations. Mr. Minor does not recommend doing it tonight Mr. Yeske feels that the regulations should be followed no matter what type of project it is. Chairman Beatty stated that even small projects could change the drainage pattern. Mr. Muller feels that commercial projects should be approved through the commission to avoid town staff being influenced by a team of engineers. Chairman Beatty felt that there could be limits placed on what type of commercial applications could be staff approved. Ms. Thomas feels that it could be a slippery slope because commercial applicants have staff that specializes in getting applications approved. Ms. Lowry agrees with Ms. Thomas.

Mr. Muller asked if the agenda that is received in the mail is the same one that is received electronically and Mr. Minor confirmed that it is. Chairman Beatty requested that the file be saved in a JPEG/PDF format not a TIF format.

Mr. Nettleton asked if everyone got a letter from Save Our Neighborhood about a project on the Millane property. Mr. Minor stated that Millane's reached out to neighbors previously and received a negative response. There is no application pending a this time.

14. Adjourn: A **motion** was made by Mr. Lamberson and **seconded** by Mr. Muller to adjourn at 9:08p.m. and was *unanimously approved. Motion passed.*

Respectfully submitted,

Catherine Potter
Clerk