

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

***PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. WEDNESDAY, SEPTEMBER 7, 2011
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET***

Minutes

Present: G. Alden Nettleton, Jonathan Beatty, William Veske, Joseph Corlis, Madeline Lowry, Amanda Thomas,

Absent: Wynn Muller, Scott Lamberson, John Whitney

Also Present: Town Planner, Craig Minor

1. Call to Order

The Meeting was called to order at 7:00pm by Chairman Jonathan Beatty.

2. Roll Call

The presence of the above members was noted.

2. Seating of Alternates

A **motion** was made by Madeline Lowry and **seconded** by Joseph Corlis to seat Amanda Thomas as an alternate. *All were in favor; the motion passed.*

4. Approval of Agenda

A **motion** was made by Joseph Corlis and **seconded** by William Veske to approve the agenda with the 2 additional items under new business. *All were in favor; the motion was passed.*

5. Approval of Minutes:

a. August 3, 2011

A **motion** was made by Joseph Corlis and **seconded** by William Veske to approve the minutes of August 3, 2011. *All were in favor; the motion was passed.*

b. August 6, 2011

A **motion** was made by Joseph Corlis and **seconded** by Madeline Lowry to approve the minutes of August 6, 2011. *All were in favor; the motion was passed.*

6. Development Compliance Officer Report:

Zoning Enforcement Officer came forward to discuss his report dated August 23, 2011.

a. Status of Existing Cease and Desist Orders:

1. 70 Evergreen Road

Mr. Curtin said that they had until the end of September to finish removing the tires. Amanda Thomas asked if it was realistic to think that they could really get this done by the end of the month. Mr. Curtin said that the engineering firm is monitoring the project and he thinks they will have more opportunity to work now that the rain has stopped.

2. 123-141 North Road ("Northwoods Estates")

A **motion** was made by Madeline Lowry and **seconded** by Amanda Thomas to lift the Cease and Desist order at 123-141 North Road contingent upon Zoning Enforcement Officer's satisfactory inspection. *All were in favor; the motion was passed.*

3. 130 Shunpike Road

Wayne Esty came forward and said he represents the homeowner, Mr. Brooks of 130 Shunpike Road. He handed out an affidavit and photos of work recently done there. He said that Mr. Brooks has removed all the clippings and soil from the area and planted native plants. He believes he has complied with the remediation and is asking that the Cease and Desist order be removed. Mr. Curtin said he has not had a chance to confirm this yet.

A **motion** was made by Amanda Thomas and **seconded** by Madeline Lowry to lift the Cease and Desist order at 130 Shunpike Road contingent upon Zoning Enforcement Officer's satisfactory inspection. *All were in favor; the motion was passed.*

4. 28 Senator Drive

Fred Curtin said that the posts have been dug where this Commission determined they should be. He said he is satisfied with the locations and will go ahead and tell Mr. Varrichio he can install the monuments.

b. Status of On-going Projects

7. Public Comments - none

8. Town Planner Report:

- a. Upland Review Area Permits Issued by Staff: none.

9. Public Hearing and Possible Action:

Town Planner Craig Minor reads the public hearing dated August 24, 2011.

- a. Application #11-13: Bi-Directional Pipeline Flow Modifications at 252 Shunpike Road. Algonquin Gas Transmission LLC, owner/applicant.

Karl Smith with TRC Environmental in Lowell, MA came forward to discuss the plans of this project. He said that this is a market driven expansion and they are looking to bring natural gas to the metro New York area. They need to install additional pipes and change the direction of gas flow. He said that the DEP has already approved this project and they are obligated to make wetland enhancements based on that permit. He said that there will be .82 acres of temporary wetland disturbance.

Amanda Thomas asked if there would be pipe jump up issues and Mr. Smith said yes, that was possible. Gus McCloughlin, Project manager said the compressor will run as it always does and the functionality does not change. G. Alden Nettleton asked where the dirt will be placed while they are working and Mr. Smith said that it will be stockpiled on site. He said timber mats will be laid down and the soil will be placed on top of that. Chairman Beatty asked how long the project is expected to take and Mr. Smith said 4 months or so.

A **motion** was made by Amanda Thomas and **seconded** by Joseph Corlis to close the public hearing. *All were in favor; the motion was passed.*

A **motion** was made by Joseph Corlis and **seconded** by Madeline Lowry to approve application #11-13. *All were in favor; the motion was passed.*

10. Old Business: none.

11. New Business:

- a. Application #11-14: Material Processing in the Upland Review Area on Parcel 00326300 behind 231 Shunpike Road. Arborio Brothers LLC, owner/applicant.

Attorney Salvatore Petrella of 630 Main Street said he was representing Arborio. His client is seeking wetlands permit to conduct a regulated activity on this property: the temporary storage of

demolition debris brought in from construction sites, to be processed here and then used at future construction sites. He said that this is a contractor's yard and there is large number of equipment there. He said there are 14 acres and material are stored there. He said the surface is a processed material that rain can permeate but very slowly. He said trucks drive over this surface. He said a water course runs adjacent to this site with a separation of about 100 feet. He said for the last 40 years they have stored concrete, stone and other materials. He said each area is separated to store different materials.

Chairman Beatty said that we need to make sure this activity does not cause any harm. He said that without maps and exact locations it would be hard to make a decision. He said that he wanted to make a site visit with the Commissioners. Madeline Lowry asked if these materials will be shipped off and Attorney Petrella said yes, but we are not creating a disturbance. Chairman Beatty said but we don't know what measures you are taking. Attorney Petrella said a site visit would be fine but to please keep this process moving in a timely manner. Chairman Beatty said it is our intention to keep you on next month's agenda. Mr. Minor said that the important deadline is the applicant's responsibility to send notice to abutting neighbors at least 15 days prior to a public hearing. Attorney Petrella said they are not looking for a public hearing. There was discussion on the latest date they could schedule the site visit and comply with the 15 day rule. It was decided that September 20, 2011 would be the latest date. Chairman Beatty set the site visit for September 17, 2011 at 10:00am.

- b. Application #11-16: Cable Conduit in the Upland Review Area at 100 and 800 Corporate Row and 14 Hillside Road. A.M. Pinney Construction LLC, applicant; Buhl Land V LLC, owner.

Chairman Beatty said that in light of these last minute applications he wanted to mention that he is not comfortable with this and has asked Town Staff to make sure that nothing is added to the agenda unless it received the Wednesday before a scheduled meeting. The only exception would be an emergency. He said they will follow the precedent of the Planning and Zoning Commission.

Craig Pinney came forward and said that they are looking to run these cables to facilitate interaction between the two buildings. The area where they want to install them runs beside the wetland boundaries. Chairman Beatty asked how long this trench would create a temporary disturbance and Mr. Phinney said about 2-3 days and the trench would run a few feet deep.

Ed Pawlak of CT Ecosystems said he has spoken to Jim Cassidy of Hallisey, Pearson and Cassidy and they have reviewed the site plan together. He said that Mr. Cassidy told him that a mini excavator would be used and at most would create a 10 foot wide disturbance to get the excavator in there. The stabilization would be straight forward. He recommends a seed mix of

conservation/wildlife mix and then mulch. Mr. Pawlak said he does not anticipate much of an impact.

A **motion** was made by Amanda Thomas and **seconded** by Joseph Corlis to find no significant activity to application #11-16. *All were in favor; the motion was passed.*

- c. Application #11-17: Commercial Building in the Upland Review Area at 10 County Line Drive. Rocky Hill Development LLC, owner/applicant.

Chairman Beatty asked Town Planner Craig Minor if this falls within 500 feet of the town line and Mr. Minor said it does and he is sending the information to Rocky Hill.

George Logan a Soil Scientist handed out pictures and a site soil report. He said this building will be 14,000 square feet for light industrial use with 71 parking spaces. He said they will connect to city water and sewer. He said the water flows to the wetland. There will be a 6 ½ high modular retaining wall. Chairman Beatty asked how the storm water is going to be treated to prevent it from going into the wetland. Mr. Logan said he thought an oil and grit separator would be best. Chairman Beatty said they would need to hear a complete maintenance plan at the next meeting.

A **motion** was made by Joseph Corlis and **seconded** by Amanda Thomas to find no significant activity to application #11-17. *All were in favor; the motion was passed.*

12. Communications- none

13. Commissioners' Comments and Reports

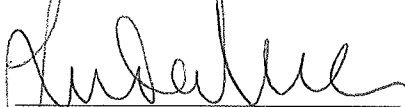
Chairman Beatty said he wanted to talk about letting small commercial projects in the upland review area be handled by town staff. Things that create a temporary small disturbance, things that involve less than 100 square feet of disturbance in the upland review areas. He also said projects that don't alter drainage. He reminded the Agency members that applications in the upland review area must be approved if it is clear that the activity will have no impact on the actual wetlands, so there is no reason not to let staff approve them. Our job is to make sure that wetland areas do not get damaged. Amanda Thomas said she does not feel comfortable with giving commercial properties the go-ahead. She thought there was a dramatic difference between commercial and residential projects. Chairman Beatty reminded her that this Commission can't deny requests unless we can prove it is a significant disturbance. Town Planner Craig Minor said that state statutes give the Agency the authority to delegate approval in the upland review area to town staff. Chairman Beatty said the staff will not blindly approve things. Joseph Corlis asked what kind of specific guidelines the staff would have. Chairman Beatty said things that create a

short term temporary disturbance, things that do not include buildings or alter drainage plans. G. Alden Nettleton said that they know the staff now but can we revoke this if we get new staff? Mr. Minor said that yes, they could. William Veske said that he agrees with Ms. Thomas. He is concerned that if something happens that the town staff would take the blame. He didn't think it took too much time out of the meetings. Mr. Minor replied that this wouldn't be for the staff's convenience, but rather to be more business friendly, as the applicants spend a lot of time going through the process. Ms. Thomas thought that was more a problem of businesses waiting until the last minute to apply for permits. There was a discussion that they should expect an increase over the next few months of applications for generator pads because of the recent storm.

14. Adjourn

A **motion** was made by Amanda Thomas and **seconded** by William Veske to adjourn at 8:39pm.
All were in favor; the motion was passed.

Respectfully Submitted,



Linda Imme
Recording Clerk