



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

**REGULAR MEETING
7:00 P.M. WEDNESDAY, JANUARY 4, 2012
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

Minutes and Record of Votes

Present: G. Alden Nettleton, Jonathan Beatty, Madeline Lowry, Wynn Muller, Joseph Corlis, Scott Lamberson, William Yeske, Amanda Thomas, John Whitney

Also Present: Board of Selectman Ann Halibozek

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.

3. Seating of Alternates – no alternates were seated

4. Approval of Agenda

A **motion** was made by Joseph Corlis and **seconded** by Madeline Lowry to approve the agenda. *All were in favor; the motion was passed.*

5. Approval of Minutes:

- a. December 7, 2011

A **motion** was made by Joseph Corlis and **seconded** by Madeline Lowry to approve the minutes with one amendment on page 4, #7 by changing Timberline to Timberhill Road. *All were in favor; the motion was passed.*

6. Development Compliance Officer Report:

- a. Status of On-going Projects

Development Compliance Officer Fred Curtin went over his December 2011 Activity Report dated December 27, 2011. He also remarked that the Fish and Game Club near Nooks Hill Road has bought in millings to fill in the road. Mr. Curtin is going to take a look to see if this activity requires a permit. He said it is his understanding that they have a right to hunt within the wetlands but any work on the road would be a different activity. Chairman Beatty agreed that this was not permissible activity and they needed to investigate. He asked Mr. Curtin to take appropriate actions.

- b. Status of Existing Cease and Desist Orders
- c. "Show Cause" Hearing for 47 Coles Road. Gary Beaulieu, owner.

Wynn Mueller recused himself from this hearing and moved to the back of the room.

Chairman Beatty asked Mr. Curtin if the amount of the fill is equal to what was already there. Mr. Curtin replied that he does not have any record of any material already there. He said there was a stockpile on the property but it was in a different location away from the upland review area. Mr. Beatty said he does not feel it is possible that this fill was already there and asked Mr. Curtin if he concurred. Mr. Curtin said he did. Mr. Beatty said he feels that a fine would be an appropriate penalty since the homeowner was fully aware of what he was doing.

Attorney Salvatore Petrella of 630 Main Street came forward and discussed a letter that he had given the Commissioners today, January 4, 2012. He said that he was here representing Mrs. Sandra Mueller, neighbor to 47 Coles Road. Attorney Petrella said they are asking that Mr. Beaulieu be ordered to completely remove the deposited materials and stone wall. They also asked that Mr. Beaulieu be told to apply for permits before any additional activity takes place within the upland review area. They asked that if he is told to remove this material that it is under strict erosion and sedimentation controls and that Mr. Curtin monitor and photograph the process. Attorney Petrella remarked that this Commission previously had a Court Street homeowner pay to have all trees replanted that a tree cutter cut down by mistake. He said this cost was around \$3000-\$4000. He said and that was an accident but the actions of Mr. Beaulieu were not inadvertent.

Mrs. Sandra Mueller of 45 Coles Road came forward and passed around color pictures to the Commissioners. She said this photo was taken on September 11, 2011 when she returned from being away all summer. She asked that the Commission follow their own regulations. She said that this has been going on for 20 years and she doesn't want it to look like they live in a commercial area.

Chairman Beatty asked Mr. Beaulieu if he had any comments and Mr. Beaulieu shook his head no from the audience.

Chairman Beatty said he finds this interesting because in his opinion this activity could have been approved if a permit was applied for. He said this was clearly not a redistribution of soil already on the property. He said his feeling were that first the materials have to go and then they would look into fines since this was a blatant disregard for the rules.

There was a discussion about what the deadline for removal should be based on weather conditions and whether the town engineer or Mr. Curtin should monitor the removal process.

William Yeske said that since he has been away for the last few months that he was going to abstain from voting at this hearing. It was decided that an alternate should be seated for the purpose of this hearing.

A **motion** was made by William Yeske and **seconded** by Joseph Corlis to seat Amanda Thomas for the show cause hearing for 47 Coles Road. *All were in favor; the motion was passed.*

A **motion** was made by Madeline Lowry and **seconded** by Amanda Thomas to direct the owner of 47 Coles Road to remove all fill and rocks with the following rules: 1) it must be done with proper erosion and sedimentation controls 2) the removal process must be monitored by the Compliance Officer, Fred Curtin 3) the removal must be completed by May 1, 2012. 4) a replanting plan with the help of a proper authorized agency must be submitted and completed by May 1, 2012. The motion also required that Fred Curtin come up with recommended fines by the next meeting held on February 1, 2012. *Joseph Corlis, Scott Lamberson, G. Alden Nettleton, Jonathan Beatty, Amanda Thomas and Madeline Lowry were in favor. William Yeske abstained. The motion was passed.*

Wynn Mueller joined the Commissioners back at the front table.

7. Public Comments

Theresa Griffith of 14 Hicksville Road came forward and said that she was here at the last meeting to complain about water running into her property from past construction that is damaging the property. She said she heard that the Timberhill Road deeds have a clause in them that says the homeowners must maintain the swales. Mr. Fred Curtin said he went out there and did notice water. He has sent an email to the Town Engineer but has not heard back from him. Chairman Beatty asked him to follow up with this ASAP and to determine if this falls under an

emergency repair. Mr. Griffith said she has written many letters and attended many meetings over the years but that nothing gets done. She said she should not have to beg for the right thing to be done.

Ann Halibozek, a resident at 7 Christian Hill Road and a member of the Board of Selectman came forward and said that it was brought to her attention that Viola Landscaping on Commerce Drive doesn't appear to have the proper Erosion and Sedimentation controls in place. She also said that there is a large empty parcel on the corner of North Road and North Road extension that has large amounts of fill there. Chairman Beatty asked Mr. Curtin to look into this. Wynn Mueller said that he recalls about five years ago the fill was supposed to come out and no permits were ever issued.

8. Town Planner Report:

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

9. Public Hearing and Possible Action: none

10. Old Business:

- a. Application #11-21: Commercial Building and related parking in the upland review area at 25 Commerce Drive. Stephen Sargis, applicant; SMS Realty LLC, owners.

Stephen Sargis came forward and reviewed the application. Amanda Thomas confirmed that this application was for a 5,000 square foot building with 25 parking spaces. She also asked if it was strictly office space. Mr. Sargis replied that yes, all of that was correct. Mr. Mueller asked how this differed from the permit that had expired and Mr. Sargis said that was for a 9,000 square foot building and this is for a 5,000 square foot building. He said that that they may want to go bigger based on what kind of pricing he gets for building and the materials. There was a discussion about where the bigger building would go and Chairman Beatty said that anything bigger than 5,000 square feet would have to come back here as a modified permit since this plan is only showing a 5,000 plan.

A **motion** was made by Scott Lamberson and **seconded** by William Yeske to approve application #11-21 with a 5,000 square foot building as the plans show. *All were in favor; the motion was passed.*

11. New Business: None.

12. Communications

13. Commissioners' Comments and Reports

Wynn Mueller passed around a summary of by-laws. He read the by-laws and there was discussion reminding Commissioners that emails or discussions outside of meetings about current applications are prohibited against if they are discussing specific issues or concerns. They also agreed that it would take a unanimous 7 vote motion to change any by-laws.

14. Adjourn

A **motion** was made by Scott Lamberson and **seconded** by Madeline Lowry to adjourn at 7:57pm. *All were in favor; the motion was passed.*

Respectfully Submitted,


Linda Imme
Recording Clerk