

**TOWN OF CROMWELL  
INLAND WETLANDS AND WATERCOURSES AGENCY**

**PUBLIC HEARING AND REGULAR MEETING  
7:30 P.M. WEDNESDAY, JULY 26, 2006  
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

**MINUTES**

**PRESENT:** Chairman Wynn Muller, Julius Neto, Moira Robertson, Jonathan Beatty, Ann Halibozek and Thomas O'Neill

**ABSENT:** Madeleine Lowry

**ALSO PRESENT:** Town Planner Craig Minor and Board of Selectman Liaison Stan Stachura

1. **Call to Order:** Chairman Muller called the meeting to order at 7:35p.m.
2. **Roll Call:** Chairman Muller introduced the above-mentioned members.
3. **Seating of Alternates:** None.
4. **Approval of Agenda:** Mr. Beatty made a motion to approve the agenda with the addition of agenda item New Business 11e., seconded by Mr. Neto. All were in favor.
5. **Approval of Minutes:**
  - a. June 28, 2005: Mr. Beatty made a motion to approve the minutes, seconded by Mr. O'Neill. All were in favor. Chairman Muller abstained. Chairman Muller also stated that he didn't receive copies of the minutes from meetings in March, April and May.
6. **Development Compliance Officer Report:** Mr. Curtin reviewed his written report and gave updates on several permit applications.

05-02: The site was inspected with State DEP representatives who had suggestions that the developer is willing to comply with.

05-05: The developer will be presenting a mitigation plan to IWWA in the future. Attorney Petrella introduced William R. Coons Jr. Mr. Coons has taken measures to fix problems due to excessive spring rain and to prevent future foreseeable problems from developing. Mr. Neto stated that the DEP requests inspection after ANY rainfall and appreciates the efforts by the developer and asked if any new 'best practices' have been developed or learned from his experiences. Chairman Muller would like to see clearing of problem projects to be done in stages along with stabilization to help avoid

problems. Mr. Beatty suggests adding such requirements to the regulations to prevent the removal of topsoil.

05-10: The E&S controls are in place.

05-15: Mr. Curtin will walk Coles Brook with Wendy Goodfriend and observe activity to the south.

05-21: The cease and desist order was not issued because DEP representatives were not available for a site inspection until last Friday therefore not enough time was allowed. The E&S controls have failed on the north side and is affecting the wetlands. Mr. Curtin has asked the developer to appear at the August meeting. Chairman Muller asked the commission if they are satisfied to allow the developer a week to comply. Mr. Beatty suggests that if compliance isn't met ten days before the August meeting a cease and desist order should be issued. Mr. Curtin will email Chairman Muller on the situation.

05-23: The detention pond has been relocated.

06-09: The first condition should read "prior to the wet season" not during the wet season.

06-11: Mr. Curtin has asked the homeowner to mail him information regarding the pool filter.

Mr. Curtin made site walk visits to the properties that were non-compliant. As of tonight's meeting both 05-05 and 05-21 are still non-compliant.

Ms. Halibozek observed that there were no hay bales in place on the Ledge Road property, only a silt fence and scattered hay. Mr. Curtin confirmed that the area is within one hundred feet of the wetland. The wood chips have been removed and Mr. Curtin confirmed that the property is zoned as farmland. Ms. Halibozek also stated that according to the DEP website, the Cider Hill development is listed as having significant concern. Mr. Minor stated that it is a box turtle habitat. Ms. Halibozek will follow up with the DEP.

Mr. Beatty noticed fertilizer being stored near storm drains at Wal-Mart. The bags of cow manure could cause a large amount of phosphorus in the Mattabasset River. Mr. Beatty would like a cease and desist order issued by the August meeting if the situation isn't rectified.

Mr. Neto observed that house to the east of the Arborio property on the Shunpike is selling stone, fertilizer, etc... and would like Mr. Curtin to visit the owners to make sure the materials aren't affecting the nearby stream.

Chairman Muller also asked for clarification of the permit for work at the Sawmill Pub. Atty Petrella suggests that the IWWA allow one to two weeks for compliance when issues arise.

## **7. Town Planner Report:**

- a. Conservation Easements: None.

**8. Public Comments:** Atty Sal Petrella, 558 Main Street, in reference to application 06-18 would like to request that a public hearing be held before the renewal due to neighbors with concerns.

Robert Stevens, 114 Washington Road, is currently trying to sell the property at 114 Washington Road and only needs renewal of the permit to install the driveway.

**9. Public Hearing and Possible Action:** None.

**10. Old Business:** None.

**11. New Business:**

**a. Application #06-16: Stormwater Management (stream bank improvements) in a Wetlands/Upland Review Area in Pierson Park. Town of Cromwell Public Works Department, owner/applicant:** (Bob Niesyn stated that an agreement has been reached with Pat Snow regarding Capilos Drive.) Bob Niesyn and the crew working at Pierson Park won't know the extent of the repair necessary until the project begins. Ms. Robertson stated that the material removed destroyed the turtle habitat. Mr. Niesyn explained that the material removed was a build up of brush and debris that had built up over the last twenty-five years and the material currently exposed is the original material. Ms. Halibozek suggested that measures be taken to prevent a blockage in the future. Mr. Niesyn stated that this is the only instance in twenty-five years and that there are plans in the future for streams, etc... to be monitored.

Chairman Muller asked the commission to determine significance. Mr. Beatty made a motion to find the application to be a non-significant impact activity, seconded by Mr. Neto. All were in favor. Mr. Beatty made a motion to approve the application with the following conditions:

1. Should the scope of work result in the replacement of the pipe that, advice be sought from Wendy Goodfriend.

2. Advice be sought from Wendy Goodfriend for remediation downstream.

And that the Public Works report back to IWWA on its findings, seconded by Mr. Neto. All were in favor.

**b. Application #06-17: Stormwater Management (replace existing 15" culvert) in a Wetlands/Upland Review Area opposite 63 Court Street. Town of Cromwell Public Works Department, owner/applicant.** Bob Neisyn stated that the Public Works Department won't have to cross the street and no work will be done on the opposite side of the street. Only sidewalk culverts are being fixed. Chairman Muller asked the commission to determine significance. Mr. Beatty made a motion to find the application a non-significant impact activity, seconded by Mr. Neto. All were in favor. Mr. Beatty made a motion to approve the application, seconded by Mr. O'Neill with the usual conditions. All were in favor.

**c. Application #06-18: Renew Inland Wetlands Permit #01-16: Residential**

**Driveway in an Upland Review Area at 114 Washington Road. Robert B. Stevens Jr, owner/applicant.** Robert Stevens Jr. explained the scope of the application is for approval of the driveway placement only in order to install the driveway and sell the property. Discussion took place regarding the change in wetland regulations since this permit was approved. Mr. Beatty made a motion to renew the application for 90 days, and that the permit applies to the driveway only: allowing the driveway to extend to an area that is NOT within 100 feet of an upland review area and work with Town staff, seconded by Mr. O'Neill. All in favor.

**d. Application #06-19: Parking Lot in an Upland Review Area at 123 West Street (Fox Glen). St. John's Housing Corporation, owner/applicant:** Jim Cassidy; Hallisey, Pearson and Cassidy, 35 Cold Spring Road, Rocky Hill, explained the project at Fox Glen retirement community. The community currently has 108 units with 146 parking spaces-27 are handicapped and more disabled and elderly residents are requiring services for which there is not enough parking. The new lot will have 15 spaces. The pond on the property was constructed as a detention pond. The lot will be a 6,000 sq. ft. paved area where there is currently an open lawn. Existing trees will remain and the lot will continue the slope of the current lawn with run-off draining into a device to separate the water and impurities. A total of 8,100 sq ft will be disturbed. Ms. Halibozek asked where the top soil will be stock piled and the location of storm drains. Mr. Cassidy stated that the top soil will be stored at the furthest point from the pond and surrounded by silt fence. Alternatives were explored for the location of the lot. Chairman Muller asked the commission to determine significance. Mr. Beatty made a motion to find the application a non-significant impact activity, seconded by Mr. O'Neill. All were in favor. Mr. Beatty made a motion to approve the application, seconded by Ms. Robertson with the standard conditions. All were in favor.

**e. Application #06-20: Installation of water mains on Court Street. Cromwell Fire District, owner/applicant:** Bill Jarzavek, Director of Operations for the Cromwell Fire District explained the project from Sachem Drive to Geer Street. Ms. Robertson asked why the Fire District has not come before the IWWA before the project began. Mr. Jarzavek stated that the project was reviewed by the Public Works department and the Fire District never came before the IWWA in the past. Chairman Muller asked the commission to determine significance. Mr. Beatty made a motion to find the application a non-significant impact activity, seconded by Mr. Neto. All were in favor. Mr. Beatty made a motion to approve the application with the standard conditions, seconded by Mr. O'Neill. All were in favor.

## **12. Communications:**

a. Letter from DEP dated May 17, 2006 to Meriden Gas Turbines LLC: No action.

- b. Connecticut River Watch Program flyer: No action.
- c. *The Habitat*, Spring 2006: No action.
- d. *Connecticut NEMO Newsletter* Spring 2006: No action.
- e. Revised Inland Wetlands and Watercourses Model Municipal Regulations dated May 1, 2006: Mr. Minor advised adopting and revising the regulations and a public hearing could be scheduled.

### **13. Commissioners' Comments and Reports**

a. Proposed "topsoil preservation" amendment: A subcommittee of Mr. Beatty and Ms. Halibozek will explore the erosion control regulations. Chairman Muller suggests providing documentation to back-up their findings.

Mr. Neto suggests researching a way to self-support the enforcement of complex permits.

Mr. Beatty stated that most ZEO's report to the Town Planner and suggests drafting a letter to the First Selectman with concerns.

Mr. Minor stated that the First Selectman asked for fee structure information regarding applications.

Mr. Beatty also asked to see the new Lowe's plans.

**14. Adjourn:** Ms. Halibozek made a motion to adjourn at 10:28p.m., seconded by Mr. O'Neill. All were in favor.

**Respectfully submitted,**

**Catherine Potter**

Inland Wetlands and Watercourses Agency  
Wednesday, July 26, 2006