

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

**PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. WEDNESDAY, JUNE 27, 2007
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

MINUTES

1. Call to Order: Chairman Beatty called the meeting to order at 7:00p.m.

2. Roll Call:

Present: Chairman Jonathan Beatty, Wynn Muller, Julius Neto, Ann Halibozek, Thomas O'Neill and Alternate G. Alden Nettleton.

Absent: Madeleine Lowry

3. Seating of Alternates: A **motion** was made by Mr. O'Neill and **seconded** by Ms. Halibozek to seat Alternate Nettleton and was *unanimously approved. Motion passed.*

4. Approval of Agenda: A **motion** was made by Mr. Neto and **seconded** by Mr. Muller to approve the agenda and was *unanimously approved. Motion passed.*

5. Approval of Minutes:

a. April 25, 2007: Ms. Halibozek asked that the last paragraph on Page 4 be revised to specifically include the items that she raised during the discussion. A **motion** was made by Mr. Nettleton and **seconded** by Mr. O'Neill to approve the minutes as revised and was *unanimously approved. Motion passed.*

b. May 23, 2007: A **motion** was made by Mr. O'Neill and **seconded** by Mr. Neto to approve the minutes as submitted and was *unanimously approved. Motion passed.*

6. Development Compliance Officer Report:

a. Status of On-going Projects: Fred Curtin directed the members to the list of approved wetland activities that was previously provided to them.

b. Status of Cease and Desist Orders:

1. 47 Coles Road:

Attorney George Lawler on behalf of owner Gary Beaulieu asked the Inland Wetlands Agency to rescind the Cease and Desist order. Chairman Beatty asked Mr. Curtin to give a detailed description of what the site conditions presently are, which Mr. Curtin then did. Chairman Beatty

then asked Mr. Curtin if everything "is as it should be" at 47 Coles Road and Mr. Curtin replied that it was. Attorney Lawler reminded the members that the reason his client obtained the permit last month was to clear up these concerns. Mr. Neto inquired about the alleged filling of a low-lying area behind the house. Attorney Lawler admitted that it had been done, but it was in accordance with the permit that was approved last month.

Sandra Muller of 49 Coles Road asked to speak. Mr. Neto made a motion to go to "Public Comments", seconded by Mr. O'Neill and was *approved (Wynn Muller recused). Motion passed.*

8. Public Comments:

Sandra Muller of 49 Coles Road submitted photos of the area behind the house at 47 Coles Road showing a pile of dirt several cubic yards in size. She said the photos were taken the day after the permit was issued last month. She also said that a trailer and a snowmobile have been placed next to the garage, in the wetland. She asked that the Cease and Desist order remain in place.

The Agency returned to "Development Compliance Report", by consent.

6. Development Compliance Officer Report:

b. Status of Cease and Desist Orders:

1. 47 Coles Road:

Attorney Lawler said Mr. Beaulieu should certainly be held to the same standards as any other resident of Cromwell, but unfortunately his neighbor is well-versed in the details of wetland permitting. Mr. Neto agreed, but pointed out that since Mr. Beaulieu knows this, he should be extra careful to make sure that there are no misunderstands on her part. The burden is on him to know the regulations just as well as Ms. Muller does. Chairman Beatty concurred and told Mr. Curtin to inspect the property tomorrow, and if everything is in order, to rescind the Cease and Desist. Ms. Halibozek asked about the trailer and snowmobile. Town Planner Craig Minor pointed out that keeping this type of equipment is not prohibited in an upland review area. She then asked Mr. Curtin how often does he inspect a site. Mr. Curtin replied that it depends on the nature of the activity. Attorney Lawler asked how would his client know if Mr. Curtin has approved lifting the Cease and Desist? Mr. Minor replied that a legal notice would be published.

A **motion** was made by Mr. O'Neill and seconded by Mr. Nettleton authorizing Mr. Curtin to rescind the Cease and Desist on the condition that he verify that the owner is in complete compliance with Cromwell Inland Wetland Agency regulations and was *approved (Wynn Muller recused). Motion passed.*

2. 64 Evergreen Road: Mr. Curtin reported that there has been no action by the owners of the property. Mr. Minor reminded the members that the owners were told to apply for a permit to keep the berm, or apply for a permit to remove the berm, whichever they preferred.

3. 114 Washington Road: Mr. Curtin reported that the owner is in compliance with the permit. Mr. Minor reported that the "Scarlet Oak" trees that the contractor has asked permission to substitute for the "Red Oak" recommended by Wendy Goodfriend was in fact not a good tree to plant in these conditions, so the contractor has obtained Red Oaks. A motion was made by Mr. O'Neill and seconded by Mr. Muller to rescind the Cease and Desist and was *approved (Alden Nettleton abstained). Motion passed.*

7. **Town Planner Report:** No action.

8. **Public Comments:** None.

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

10. **Old Business:** None.

11. **New Business:**

a. Application #07-17: Request for Wetland Map Amendment at 52 Chelsea Drive. John and Claire Schukoske, owner/applicant.

Attorney Sal Petrella presented the application. He said that consulting engineer Jim Cassidy will prepare additional mapping to make the information clearer and that these maps will be submitted soon. Mr. Muller said that he wants to have the additional maps before any site walk. Mr. Neto concurred.

A site inspection on July 11, 2007 at 5:30 pm was scheduled by consent. A public hearing on the application on July 25, 2007 was scheduled by consent.

b. Application #07-18: Replace and enlarge existing deck within the Upland Review Area at 4 Copperknoll Road. Lee Builders Inc, applicant; John and Wendy Wilkins, owners.

Applicant Wendy Wilkins presented the application and explained that they want to replace the original deck on the back of the house, which is within 100 feet of the wetlands. Mr. Muller said he wished he knew how much of the back yard upland review area is presently mowed, so that he could better evaluate the impact of the proposed new deck.

A **motion** to approve was made by Ms. Halibozek and seconded by Mr. Neto and was *approved.*

c. Application #07-19: Replace and relocate existing detached garage in the Upland review Area at 21 Kirby Road. Gary and Lisa Charette, owner/applicant.

The applicant was not present. Mr. Minor offered to present the application on his behalf, since it is a fairly simple application. Mr. Neto said that this would set a precedent that he was not comfortable with. No action was taken.

12. Communications: None.

13. Commissioners' Comments and Reports:

The practice of taking Public Comments after the Development Compliance Officer's report was discussed. The consensus was that this should take place before the DCO report, so that he could respond to those comments during his report. Mr. Minor informed the members that the order of the agenda is set by the bylaws, and that the bylaws can only be changed after the proposed change has been read. The consensus was that this discussion should constitute the "first reading" and directed Mr. Minor to put "Bylaw Amendment" on the agenda for action next month.

Mr. Nettleton asked if the February minutes were ever approved. Mr. Minor said he would look into this.

14. Adjourn: A **motion** was made by Mr. O'Neill and seconded by Mr. Muller to adjourn and was *approved*. The meeting adjourned at 8:00 pm.

Respectfully Submitted,

**Craig Minor
Acting Clerk**