

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

**PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. WEDNESDAY, MARCH 28, 2007
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

MINUTES AND RECORD OF VOTES

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, Madeleine Lowry, Ann Halibozek, Thomas O'Neill and Alternate G. Alden Nettleton

Also Present: Town Planner Craig Minor and Selectman Stan Stachura

3. **Seating of Alternates:** A **motion** was made by Ms. Lowry and **seconded** by Mr. Neto to seat Alternate G. Alden Nettleton and was *unanimously approved. Motion passed.*

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

5. **Approval of Minutes:**

a. February 28, 2007 : A **motion** was made by Mr. Neto and **seconded** by Mr. O'Neill to approve the meeting minutes of February 28, 2007 and was *unanimously approved. Motion passed.*

6. **Development Compliance Officer Report:** Mr. Curtin reviewed his written report. Ms. Halibozek asked about Washington Estates and if Mr. Curtin investigated whether the homeowners were encroaching on the conservation easements in the development. Mr. Curtin will investigate.

Mr. Neto asked about the project on Rte. 372 (Walgreens) and the tremendous amount of discolored water fifty feet from the Mattabassett River. There is concrete being mixed on-site that may be the cause. Mr. Curtin will investigate and request additional protection if needed. Mr. Neto also asked about the planned cosmetic improvements to the Mattabassett District's concrete bunker near the Connecticut River. Mr. Minor will

contact them.

a. Cease and Desist Order at 47 Coles Road: A site walk was attempted on Sunday, but the homeowners were not home. A site walk has been rescheduled for Saturday, March 31 at 9:30a.m. Mr. Curtin visited the property on Monday with Wendy Goodfriend. Atty George Lawlor stated that the homeowner agrees with Ms. Goodfriend=s recommendations.

A **motion** was made by Mr. Neto and **seconded** by Ms. Halibozek to continue the Cease and Desist until the April meeting and was *unanimously approved. Motion passed.*

Ms. Lowry will take the minutes of the site walk.

b. Cease and Desist Order at 64 Evergreen Road

c. Cease and Desist Order at 114 Washington Road

7. Town Planner Report: None.

8. Public Comments: Joe Corliss, 17 Redwood Court, a resident of Cromwell Hills stated that the Board of Directors met and selected a construction company to make need improvements. An application will be submitted to IWWA in April that will include the drainage plan.

9. Public Hearing and Possible Action:

a. Application #07-04: Commercial Development in the Upland Review Area at 82 and 92 Coles Road and 27 Coles Road ("Lowe's Home Center"). Lowe's Home Centers, Inc. applicant; Main Street Equity LLC/Marty Realty Corporation/Carolyn Laban, owners: Postponed until April 25, 2007. A site walk is scheduled for Saturday, March 31 at 10a.m.

10. Old Business:

a. Application #07-02: Application to Conduct Regulated Activity at 47 Coles Road. Gary Beaulieu, owner/applicant: Tabled.

b. Application #07-05: Swimming Pool in the Upland Review Area at 24 Senator Drive. Dean and Susan Painchaud, owner/applicant: Dean Painchaud presented photos taken of his backyard and neighbor=s yards and reviewed the conservation easement document for the development. There was no fence required for delineation but pins were to be placed on the properties when the development was completed. Mr.

Neto thanked the homeowner for trying to follow the rules and requested that any plans for construction be submitted to staff and that access to the pool area be along the south side of the yard. Ms. Halibozek suggested using a cartridge filter system and a PVC fence along the north and south sides and an aluminum fence along the east side. A **motion** was made by Ms. Halibozek and **seconded** by Mr. Neto to approve the application and that the pool and fence are located outside the conservation easement area, a cartridge filter system is used and standard erosion and sedimentation controls are used and was *unanimously approved. Motion passed.*

11. New Business:

a. Application #07-08: Drainage Improvements in the Upland Review Area at 114 Washington Road. A&C Construction, applicant; Jerzy Pytel, owner: Atty Scott McKewan stated that the installation of the twelve inch pipe and the utilities will be done concurrently. Chris Gorski, engineer for the project, stated that the planting hasn't been done yet due to the time of year the application was approved (November) but will be done in the next few weeks, before the April meeting. Wood chips have been spread on the property. Mr. Neto asked if the new twelve-inch pipe will be strong enough to support the weight of oil delivery trucks, etc . . . Mr. Gorski stated that the pipe to be used is of the strongest construction. Ms. Halibozek asked if the stumps will be removed and Mr. Gorski stated that just cut wood will be removed. Ms. Halibozek would like the map to be clarified. Town Engineer, Joe Mazurek, clarified that the stumps to be removed are debris but the stumps still in the ground will not be touched. Mr. McKewan suggested that Mr. Gorski could coordinate with Mr. Curtin. A **motion** was made by Ms. Lowry and **seconded** by Ms. Halibozek to amend the permit to allow the work envisioned by the applicant and coordinate with the Town Engineer and present a report at the April meeting and was *unanimously approved. Motion passed.*

b. Application #07-09: Storm Sewer Installation at 81 Court Street. Cromwell Public Works Department, applicant; Court/Carroll LLC, owner: Town Engineer, Joe Mazurek, that the site of the pipe installation was originally a swale, that is non-defined at this point, and will connect to a pipeline along Court Street. Mr. Neto asked for a time frame and the type of equipment to be used. Mr. Mazurek stated that a backhoe/excavator will be used to dig six to eight feet in depth and will be done midsummer. A **motion** was made by Mr. Neto and **seconded** by Mr. O'Neill to approve the application with the following condition: that the work is done during a dry season and was *unanimously approved. Motion passed.*

c. Application #07-10: Chestnut Brook Culvert Replacement on Evergreen Road East of Washington Road. Cromwell Public Works Department, applicant; Town

of Cromwell, owner: Mr. Mazurek stated that this project involves the reconstruction of a culvert and will allow for the installation of sidewalks. A double barrel pipe will be installed but will be constructed one side at a time. Construction will take place in summer using best management practices.

A **motion** was made by Mr. Neto and **seconded** by Mr. O'Neill and was *unanimously approved. Motion passed.*

Mr. Mazurek stated that the project will increase the flow downstream and Mr. Minor asked for copies of the plans for the file.

d. Application #07-11: Coles Brook Culvert Replacement on Evergreen Road between Coles Road and Route 91. Cromwell Public Works Department, applicant; Town of Cromwell, owner: Mr. Mazurek stated that this project is between Rte. 91 and Coles Road on Evergreen Road. A 14'w x 6'h box culvert will replace a five-foot pipe. The culvert will decrease the velocity but the volume will remain constant. Work will be done in midsummer and standard erosion and sedimentation controls will be used. Water will be diverted into a swale during construction and no DEP approval is required. A **motion** was made by Mr. O'Neill and **seconded** by Mr. Neto to approve the application and was *unanimously approved. Motion passed.*

e. Application #07-12: Permitted or Non-Regulated Activity at 64 Evergreen Road. Joseph and Bernice Ruske, owner/applicant: Riley Ruske, son of the applicant, believes the activity is an allowed activity as part of farm maintenance. Mr. Minor stated that he is not satisfied that the work is maintenance. Mr. Neto would like to see the pipe to better understand the work done. Ms. Lowry asked what type of soil was used in the project and Mr. R. Ruske stated that the soil was from the sediment pool. Mr. R. Ruske then shows photos of the work done on his laptop. Mr. Beatty asked how long ago the pipe was installed. Mr. R. Ruske stated it was installed in November. Chairman Beatty observed that it was built perpendicular across the stream instead of used to reinforce the stream walls and he is concerned it would be unable to hold water behind it or could cause a back up upstream. Chairman Beatty recommended having an engineer review the project. Mr. Neto agreed that an engineer review is needed although the homeowners are trying to do the best thing they can, Ms. Goodfriend's perspective would also be beneficial. Matthew Ruske, son of the applicant, stated that through observations during 3"-4" storms there were no issues. The pond was built in 1953. Mr. Minor stated that the Army Corps of Engineers would only review a study, not conduct a study of the project. Mr. Mazurek stated that he could visit the site and make observations but couldn't comment on anything without the project plans. Chairman Beatty suggested having Ms. Goodfriend visit the site and also get a legal opinion on the type of activity. A **motion** was made by Ms. Lowry and **seconded** by Ms. Halibozek to continue the Cease and Desist until the April meeting and was *unanimously approved. Motion passed.*

Mr. R. Ruske asked who requested the site inspection on November 28, 2006. Mr. Curtin stated that the information could be obtained through a Freedom of Information request.

12. Communications:

a. Letter from Carol Lazzaro dated March 11, 2007: Mr. Mazurek stated that three or four homeowners are concerned about the construction at 114 Washington Road. Mr. Mazurek sent her a copy of the drainage report. A one-hundred year storm event would raise the water levels to 138 and most houses are currently at 141-144. Mr. Neo asked what the IWWA could do. Mr. Mazurek stated that he is happy to talk to the homeowner and explain the data.

13. Commissioners= Comments and Reports: Selectman Stachura suggested that commission members make sure they listen to the engineers for their valuable information. He stated that money must now be allocated to fix the fields at Woodside Intermediate School to correct drainage issues. Additional drainage is now being designed for the school.

14. Adjourn: A motion was made by Mr. Neto and seconded by Mr. O'Neill to adjourn at 9:52p.m. and was unanimously approved. Motion passed.

Respectfully submitted,

Catherine Potter