

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

**PUBLIC HEARING AND REGULAR MEETING
7:30 P.M. WEDNESDAY, JANUARY 24, 2007
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

MINUTES AND RECORD OF VOTES

1. Call to Order: Chairman Jonathan Beatty called the meeting to order at 7:05 p.m.

2. Roll Call:

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

ALSO PRESENT: Town Planner Craig Minor (arrived 7:15p.m.) and Selectman Stan Stachura (arrived at 7:30p.m.)

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

4. Approval of Agenda: A **motion** was made by Mr. Muller and **seconded** by Mr. O'Neill to amend the agenda and add item 4a. Additional Public Comment and move 6. Development Compliance Officer Report to 7b. and was *unanimously approved. Motion passed.*

a. Additional Public Comment: Sandra Muller of 45 Coles Road suggested notifying residents in a nice way of reasons for the importance for permits and regulations such as protection of the town, homeowner and neighbors. Mrs. Muller also asked if the minutes of show cause hearings should be verbatim. Mrs. Muller also stated that the shell of a truck at 49 Coles Road was removed by a flat bed truck and that the wall on the property is made of cement and bricks and there is dirt on the other side. The bridge is not the original. It was originally a footbridge.

5. Approval of Minutes:

a. December 19, 2006: Tabled.

b. December 27, 2006: A **motion** was made by Mr. Muller and **seconded** by Ms. Halibozek to approve the minutes of December 27, 2006 and was *unanimously approved. Motion passed.*

c. January 6, 2007 (12:00pm): A **motion** was made by Mr. Neto and **seconded** by Mr. O'Neill to approve the minutes of January 6, 2007 at 12p.m. and was *unanimously approved. Motion passed.* Mr. Nettleton abstained.

d. January 6, 2007 (2:00pm): A **motion** was made by Mr. Muller and **seconded** by Ms. Lowry to approve the minutes of January 6, 2007 at 2p.m. and was *unanimously approved*. *Motion passed*. Mr. Nettleton abstained.

6. Town Planner Report:

a. Proposed Budget for FY 2007-2008: Mr. Muller stated that IWWA would like to see the line item for departmental costs are increased to include more funds for more members to attend meetings and contract services increased to include professional consultation and advice. Ms. Halibozek asked about the increased fees for permits. Mr. Muller stated that the town accounting system may be able to show the figures.

A **motion** was made by Ms. Halibozek and **seconded** by Mr. Muller to submit the proposed 2007-2008 budget with the recommendations of the commission and was *unanimously approved*. *Motion passed*

Mr. Minor stated that the money for training was based on the amount spent in 2006 and Chairman Beatty suggested adding more money for training. Mr. Neto how the contract services figure was reached and Mr. Minor stated that it is based on an hourly rate, hours per project, per year. Mr. Neto suggests sending a letter in support for additional training to the Finance Board with the proposed budget. Mr. Beatty would like to see an additional \$150 to allow two more people to attend training sessions.

b. Development Compliance Officer Report: Mr. Curtin was not present at the start of the report.

A **motion** was made by Mr. Muller and **seconded** by Ms. Halibozek to table action on 64 Evergreen Road.

A **motion** was made by Ms. Halibozek and **seconded** by Mr. Neto to table action on 47 Coles Road. Mr. Neto stated he is hesitant to table action for another four weeks. Mr. Minor stated that a representative of Mr. Beaulieu submitted forms to Planning and Zoning. Mr. Neto would like verification of no activity at the site. Chairman Beatty stated that the cease and desist would remain in place if it was tabled and that Mr. Curtin could continue to visit the site. *Unanimously approved. Motion passed.*

Mr. Muller stated his disappointment that Mr. Curtin was not present for this meeting. At this time Mr. Curtin arrived at the meeting.

A **motion** was made by Ms. Halibozek and **seconded** by Mr. O'Neill to remove from the table 47 Coles Road and was *unanimously approved. Motion passed.*

A **motion** was made by Mr. Muller and **seconded** by Mr. O'Neill to remove from the table 64 Evergreen Road and was *unanimously approved. Motion passed.* Mr. Muller recused himself during discussion of the 47 Coles Road property. Mr. Curtin stated that a packet was brought

into the Planning and Zoning office but he has not reviewed it. Chairman Beatty stated that it is a site that should receive continued monitoring. Mr. Net had asked for baseline photos of the property. Mr. Curtin took photos and saw that some clean up has taken place with no additional violations. There is also a drainage issue that needs to be resolved. Mr. Neto stated that during public comment it was discovered that the owner was not truthful about the activity and recommends additional photos be taken to ensure that no activity is being done and to be used for future comparison. Chairman Beatty requested that the characteristics of the wall and its permanence.

A **motion** was made by Mr. Neto and **seconded** by Ms. Halibozek to hold open the cease and desist order on 47 Coles Road and was *unanimously approved. Motion passed.*

Mr. Curtin will continue to monitor the property. Ms. Halibozek asked if any fines are in place. Mr. Curtin stated that would come under P&Z and if necessary would be forwarded to Town Attorney Jack Bradley. Chairman Beatty requested that Mr. Curtin remind the owner that regulated cannot occur.

Mr. Muller came back into the meeting.

Mr. Curtin stated that no date has been given for an application to be submitted for 64 Evergreen Road.

A **motion** was made by Mr. Muller and **seconded** by Mr. Nettleton to continue the show cause hearing and an application must be submitted before the next scheduled meeting and was *unanimously approved. Motion passed.*

Application 05-23, Chili=s Restaurant, has some ponding water issues on the other side of the wetlands near I91. Mr. Curtin is not sure if that was the intention of the commission upon the application approval. Chairman Beatty asked if this ponding is affecting the plants. Mr. Curtin stated that the area has a high water table. Mr. Neto doesn=t recall the area having a ponding effect but instead used as a retention area. Mr. Minor suggested checking with the Town Engineer on its purpose and Chairman Beatty will follow-up. Ms. Lowry asked if the area is on State property. Mr. Curtin stated that most of the area is on Chili=s property.

Mr. Curtin stated that the Town Engineer will be reviewing the drainage study for 114 Washington Road. Copies of the study have been give to the commission. The foundation is in place.

Mr. Curtin said he was unaware of the commission=s inclusion of the line item for contract services in the proposed budget for 2007-2008 and who would control the money. Mr. Minor explained that this had been discussed earlier. Mr. Neto suggested that Mr. Curtin contact First Selectman Paul Beaulieu to discuss and that the budget is not final, it is still in the review process and that it is appropriate for the money to be used to ensure that work is done. Mr.

Muller asked if Mr. Curtin receives copies of the agenda, Mr. Curtin stated yes but that he doesn't always read them ahead of time.

Mr. Muller stated that in regards to 49 Coles Road, the minutes stated that there was a lack of mentioning the need for a permit for work on the property. Mr. Curtin said that the owner had called him and Mr. Curtin told him a permit was needed. Mr. Curtin said that an application was filed but he never followed up on it since the application was then withdrawn. Mr. Curtin said that he didn't realize how much work had been done on the bridge.

Ms. Halibozek asked about the oversize garage at 3 Kelly Lane. There seems to be concrete from an old garage floor dumped in the pond on the homeowner's property. There is an application going before P&Z. Chairman Beatty asked Mr. Curtin to visit the site.

7. Public Comments:

8. Public Hearing and Possible Action:

a. Application #06-28: Residential Subdivision (APond View≅) at Coles Road and Willowbrook Road. Larry Webster, owner/applicant: Alan Bongiovanni, land surveyor, gave an overview of the project. The site is about 24.5 acres, and one third is wetlands-about eight acres. This will become a seventeen-lot single family conservation subdivision. It was previously used as a nursery. Work will be confined to already cleared and level areas. It will be served by city sewer and water and there will be meadow enhancement areas developed to act as a buffer between residential and undisturbed areas. Joe Perogini, civil engineer, designed the storm-water drainage system with an underground detention system. This will slope to the west and southeast. There will be two systems for the storm-water drainage. The northern half of the site will drain to the western wetland and the southern half will drain to the southern wetland. State guidelines were followed in the development. Temporary seeding will be done as needed throughout construction to help reduce erosion and top soil will be brought into the site. George Logan, REMA Ecological Services, reported that the wetlands will be preserved, they contain a variety of wetland classes and subclasses and they are not vernal pools. The open meadow area will be mowed by the association once a year and there will be a six-foot wide path that could be mowed monthly. An eight to ten-foot border along the edge of the woods will remain un-mowed. There is a Phragmites patch in a wet area with dense vegetation surrounding it. The patch doesn't seem to be expanding and heavy machinery would need to be used to remove it which could do more damage than good. A state permit would also be required to use herbicides on the area. Purple Loosestrife has been seen and the area is on the UCONN list for a release of beetles. Mr. Minor asked the applicants to review Ms. Goodfriend's report point by point. Most items have been integrated into the plan presented tonight or will be implemented as necessary. Mr. Bongiovanni brought a sample of the conservation easement marker they'd like to use. It's bright orange, 6'-7' tall planted three feet in the ground, with a twelve-inch sticker with wording to indicated its purpose. Also, two split rail fences will be along the back lawns of the houses along the southern edge. Joe Santovasi, geologist and environmental professor, tested the area

for pesticides in thirteen areas and took twenty-five samples at varying depths. Groundwater and surface water contained no pesticides. The soil contained some residual pesticides; deladrin and chloradine. Their concentrations were one-tenth below the DEP=s criteria of a hazard level. Per the DEP guidelines the soil can remain on site. Mr. Bongiovanni stated that the removal of old cars on the site may cause harm. Mr. Neto asked Mr. Curtin to look for the cars and determine if their removal would be beneficial. Mr. Nettleton stated that split rail fences have a short life span. Mr. Bongiovanni replied that alternatives could be explored but that natural wood such as cedar would last longer and the association would be responsible to maintain the fence. Ms. Halibozek requested that split rail fences and orange markers be added behind lots 1,2,4,5,6 and 8. Mr. Neto asked what the time line is for the project. Mr. Bongiovanni explained that the site will be paved and seeded before the end of 2007 and that further development depends on the sale of the lots.

Chairman Beatty asked if members of the public wanted to comment on the application.

Marvin Selski of 82 Willowbrook Road is concerned about the changes to the plan and about cars exiting onto Willowbrook Road.

Ron Marchikowski of 122 Coles Road confirmed that there are about a dozen vehicles on the property in the wetland on the western edge, including a five ton dump truck and car parts possibly filled with fuels and oil. The property was his grandfather=s.

Tim Griffin of 95 Willowbrook Road asked how big the stockpile of dirt will be and how long it will remain.

Joe Konichefski of 180 Evergreen Road stated that a branch of Willow Brook swells during rain events and backs up before crossing Evergreen Road. He is concerned about the rate of discharge from the detention/retention pond.

Tim Griffin asked for dust control measures to be discussed.

Michael Millane of 34 Field Road stated that in his experience during farming the land, the water table in area A is level with the pond.

Peter Amato of 79 Willowbrook Road is concerned with the increase of water flowing to area backyards.

Mr. Bongiovanni responded:

- that there have been no substantial changes from the plans submitted to P&Z
- they have permission to build homes on this site
- traffic issues are not the purview of IWWA
- the existence of the cars have been confirmed and they are happy to work with the Zoning Enforcement Officer

- the stock pile may be as high as ten feet and may be there as long as one or two years depending on how long it takes to complete the development
- there will be a water wagon help control dust
- the drainage systems are designed for a zero increase in runoff and there may be a noticeable reduction of flow from the site and that the Town Engineer has reviewed the plans

Mr. Muller asked if the stock pile will be seeded and Mr. Bongiovanni confirmed it will. There will be an easement from Willowbrook Road to the site for utility purposes. Mr. Neto asked Mr. Logan to make a long and short term assessment of the cars on site. Mr. Logan stated that the vehicles are in varying degrees of decomposition and that he will need to determine if any petroleum hydrocarbons remain and will also determine a plan for their removal.

A **motion** was made by Mr. Muller and **seconded** by Ms. Halibozek to continue the hearing to February and was *unanimously approved. Motion passed.*

Mr. Minor would like any outstanding issues to be resolved and Chairman Beatty asked Mr. Bongiovanni to get verification from Ms. Goodfriend.

9. Old Business:

a. Application #06-27: Bridge over Coles Brook at 49 Coles Road. Andrej & Ewa Cieslik, owner/applicant: Mr. Neto explained that this will finalize the process. Ms. Halibozek stressed that any further work will need an application. Ms. Lowry asked if the source of the oil puddles has been determined. Mr. Cieslik stated that they are waiting for a rain event to make observations. Mr. Neto stated that a mis-communication by town officials is partially to blame for how things have progressed.

A motion was made by Mr. Muller and seconded by Mr. O'Neill to approve the application and was unanimously approved. Motion passed.

Mr. Muller apologized for the misunderstanding and that the construction is of a quality that would have been approved.

10. New Business: None.

11. Communications: Comments by Mrs. Muller.

Mr. Minor suggests that the commission receive Mrs. Muller's comments under Communications and attach them to tonight's minutes.

Mr. Neto stated that cease and desist orders need to be more precise. Chairman Beatty would like them to include findings and actions. Mr. Neto suggested that Mr. Curtin may not have time to review tapes of meetings and Mr. Minor stated that he should take the time. Chairman Beatty

would like to develop a way to make things easier for the ZEO to follow. Mr. Minor stated that meeting minutes are not verbatim and Mr. Stachura explained the importance of using the microphones by both commission members and people at the podium. Copies of tapes can also be purchased at town hall.

12. Commissioners= Comments and Reports: Mr. Stachura suggested setting up criteria for follow-up using State statutes for penalties on issues such as 49 Coles Road. Mr. Minor stated that the State statutes give towns power to set up fine schedules for the ZEO to issue citations. Chairman Beatty stated that a town ordinance would be needed. Mr. Stachura believes it would need to come from the IWWA, then be presented to the Board of Selectmen, a public hearing would be held and then it could become an ordinance. Chairman Beatty stated that an appeal process would also need to be developed. Chairman Beatty stated that P&Z already have some authority and Mr. Minor stated that IWWA can't piggy-back their authority. Mr. Stachura suggests setting up a sub-committee to research it and get model ordinances from other towns. Mr. Minor also suggests contacting Town Attorney Jack Bradley and said it is a long process and most recently Portland and Cheshire went through it. Chairman Beatty will contact Mr. Bradley to discuss the steps.

13. Adjourn: A **motion** was made by Mr. Muller and **seconded** by Mr. O'Neill to adjourn at 9:45p.m. and was *unanimously approved. Motion passed.*

Respectfully Submitted,

Catherine Potter