

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

**PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. WEDNESDAY, JUNE 4, 2008
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

MINUTES

PRESENT: Chairman Jonathan Beatty, Madeleine Lowry, Ann Halibozek, Julius Neto, William Yeske and Alternates Joe Corlis and G. Alden Nettleton

ABSENT: Wynn Muller

ALSO PRESENT: Town Planner Craig Minor and ZEO Fred Curtin

1. Call to Order: Chairman Beatty called the meeting to order at 7:00p.m.
2. Roll Call: The above mentioned members introduced themselves.
3. Seating of Alternates: A motion was made by Mr. Neto and seconded by Ms. Halibozek 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 Ms. Halibozek to approve the agenda and was *unanimously approved. Motion passed.*
5. Approval of Minutes:
 - a. May 7, 2008: A motion was made by Ms. Halibozek and seconded by Mr. Nettleton to approve the amended minutes with changes:
Page 1 the motion to unseat Mr. Nettleton should be before item 5. Approval of Minutes, add to page 2 item 6.b.3. Ms Halibozek asked if any fill was added to the backyard and Ms. Heskett replied that no fill has been brought in, and was *unanimously approved. Motion passed.*
 - b. May 20, 2008: Tabled.

Chairman Beatty reported that the tests of the soil from the new park along River Road were received by the First Selectman and are being reviewed by staff. Ms. Lowry asked about the three barrels that are on site and Mr. Curtin will follow up. Mr. Neto asked Mr. Curtin to follow up with staff on the test results and confirmed with him that only two feet on dirt will be removed, except for the trenching areas for utilities.

6. Development Compliance Officer Report:

a. Status of On-going Projects: Mr. Minor reported that Lowes called to inform him that they will be conducting an erosion and control training session on Friday, June 6 at the Radisson hotel for site workers.

Mr. Curtin reported that the work for application 07-01 Coles Road is out to bid.

b. Status of Existing Cease and Desist Orders:

1. Jason LeVesque; Infinity Builders: cutting trees in the Conservation Easement area at 86 Court Street: Atty Petrella submitted a letter from Ed Pawlak, CT Ecosystems Inc confirming that the trees were planted as per the Cease and Desist order. A motion was made by Mr. Neto and seconded by Ms. Lowry to remove the Cease and Desist and was *unanimously approved. Motion passed.*

2. Casey McCormick, owner of 86 Court Street. See item 6.b.1.

3. Jo-Ann Heskett: failure to maintain the natural buffer to the side and rear yard, as per IWWA permit #98-10: Ms. Heskett reported that she has contacted Wendy Goodfriend. Mr. Minor suggested using the survey that was done ten to fifteen years ago as a reference for the wetland delineation because it's still correct and then working with Ms. Goodfriend to develop a plan and bring it to the next meeting. Ms. Lowry asked if Ms. Goodfriend's plan will recommend that debris be removed. Mr. Minor suggested adding that to the list of items to be completed. Mr. Yeske then suggested following Ms. Goodfriend's recommendation. Ms. Halibozek would like to wait for Ms. Goodfriend's report before the commission adds anything. A motion was made by Ms. Halibozek and seconded by Ms. Lowry to uphold the Cease and Desist order and was *unanimously approved. Motion passed.*

4. S and S Partnership, 201 Main Street: filling in wetland/upland review. Cromwell Meadows: Mr. Curtin reported that some material has been removed and that a representative of the DEP called to say they will be conducting a state survey to determine the state's property lines. Atty Carella, representing the owner of the land, stated that some material is drying and will be moved off-site. Mr. Neto asked if there is a time line for completion and Atty Carella responded that he isn't sure when it will be completed. Mr. Yeske then asked what the normal time is for expected completion for most orders and Mr. Curtin responded that because there is a large amount of material it will take longer and that the occupant is showing good faith based on the progress shown at this time. A motion was made by Mr. Neto and seconded by Ms. Halibozek to uphold the Cease and Desist order and was *unanimously approved. Motion passed.*

5. Unauthorized fill in the Upland Review Area on Shadow Lane behind 540 Main Street. Shadow Farm LLC (Sal Branciforte), owner: Mr. Minor and Mr. Curtin met with the attorney representing the land owner. The attorney would like the fee to be waived. The Board of Selectman are able to consider the request but Mr. Minor is not sure if it's on their agenda yet. Mr. Minor stated the property is 95% wetlands and that based on the fee structure, the fee would be out of proportion to the offense. Ms. Halibozek clarified that the fee then

charged would only be for the disturbed area, not the entire property and Mr. Minor concurred. Mr. Neto would like to have any recommendation for fee waiver worded so that future offenders would not be able to use this case as a precedent. Mr. Minor confirmed that if asked, his recommendation would be worded so that it could not lead to other fee waiver requests. *No action was required.*

c. New and Potential Cease and Desist Orders:

1. Unauthorized filling/activity in the wetland and upland review area at 20 Hillside Avenue; Statewide Radio Service Corporation (Edward Hotyckey), owner: Mr. Curtin stated that this property is located just before the cemetery and that trees were removed in the wetland and 100' upland review area. Chairman Beatty stated that a permit would have to be obtained if any further work is to be done in this area. Mr. Hotyckey stated that he received the Cease and Desist order on May 28, 2008 and has called Ms. Goodfriend who recommended contacting Rich Snarsky. A map of the area was sent to Mr. Snarsky and he will be visiting the site soon. Mr. Hotyckey reported that Sal Branciforte asked him for help in storing equipment and Mr. Hotyckey said it was okay to use the land as long as all the rules were followed. Mr. Hotyckey also said he wasn't aware that there were wetlands in the area because it is on a hillside. Sal Branciforte, 13 Briar Court, stated that he had removed the trees to use the land. Ms. Halibozek asked if vehicles were going to be store there. Mr. Branciforte confirmed that vehicles were to be store there because he need somewhere else to store vehicles due to the issue on Shadow Lane. A motion was made by Ms. Halibozek and seconded by Mr. Neto to uphold the Cease and Desist order and have a remediation plan by the next IWWA meeting and was *unanimously approved. Motion passed.*

2. Unauthorized grading/activity in the wetland and upland review area at 114 Washington Road and failure to clean the drainage swale as per the Engineering report dated January 19, 2007; Jerzy and Malgorzata Pytel, owner: Mr. Minor reported that he received a phone call stating the Mr. Pytel was ill and would not be at the meeting. Mr. Minor stressed that someone should be here to represent the homeowner tonight. Mr. Curtin told members that he had given them copies of the original map. The town engineer had requested that Mr. Curtin check to make sure the drainage work was done properly and Mr. Curtin visited the site several times and recently noticed that the trees were cleared beyond the approved tree line. Ms. Halibozek asked if the required trees had been planted and Mr. Curtin confirmed that they had been. A motion was made by Mr. Neto and seconded by Ms. Halibozek to uphold the Cease and Desist order and a remediation plan should be submitted at the next IWWA meeting and was *unanimously approved. Motion passed.* Ms. Halibozek suggests making sure that the property owner knows about possible fines. Mr. Neto suggests using photographic documentation and that fines could be used to remediate.

Mr. Curtin stated that at 163R Shunpike Road the replantings have been done and that he is continuing to monitor the site.

7. Town Planner Report: None.

8. Public Comments: None.

9. Public Hearing and Possible Action:

a. Application #08-06: Residential Subdivision at 48 Pasco Hill Road. J. Dorio Builders and Realty Inc., applicant; Estate of Robert Rioux, owner. Continued from May 7, 2008

Mr. Minor reported that the applicants received a letter from Ms. Goodfriend that would require significant changes to the application and that they are currently considering their options. Chairman Beatty then opened the hearing to public comment.

John Adamowicz, 70 Pasco Hill Road, stated that he is upset that the applicants are not in attendance and would like the applicants penalized.

Paul Munson, 62 Pasco Hill Road, is also upset because he changed his work schedule in order to attend this meeting and that the applicants should be made to reapply.

Mr. Yeske explained that a procedure must be followed and that the applicant still has thirty days left and that he also understands the public's frustration. Ms. Halibozek asked what would happen if the applicant is not in attendance at the July meeting and if anything could be added to the regulations to prevent no shows in the future. Mr. Minor commented that it is foolish for applicants not to appear at a public hearing and Chairman Beatty asked that he let the applicants know the commission's disappointment.

John Adamowicz, 70 Pasco Hill Road, asked who he should call to find out if the applicant will be here next month and Mr. Minor responded that there is no guarantee. Chairman Beatty added that their clock runs out next month. Mr. Adamowicz said he is appalled that they aren't in attendance. Mr. Neto stated that the applicants have the legal right to present a new application, the process must be followed and that everyone's rights must be considered. Mr. Adamowicz requested a copy of Ms. Goodfriend's comments.

Paul Munson, 62 Pasco Hill Road, asked what the application fee was. Mr. Minor reported that it was \$894.71.

A motion was made by Ms. Halibozek and seconded by Mr. Neto to continue the hear to next month and was *unanimously approved. Motion passed.*

10. Old Business: None.

11. New Business:

a. Application #08-10: Commercial Development in Inland Wetlands at 257 Main Street. Bruce Raulukaitis, owner/applicant.

Atty Salvatore Petrella, representing the applicant, stated that the location of the proposed warehouse is not near the wetlands on the property. P&Z requires a special permit for this building and a public hearing is scheduled. Ms. Goodfriend has visited the site and has made comments. Atty Petrella reminded the commission that the area was changed to a business zone last year. The warehouse will store building materials such as roofing and insulation, only non-hazardous materials, which will be stored on pallets. Jim Cassidy, engineer with Hallisey, Pearson and Cassidy, gave an overview of the project. The property is bounded to the north by land owned by Mr. Raulukaitis (applicant), to the east by Main Street, to the south by Citgo, to the southwest by Rte. 9 and to the west by a railroad line. Cromwell Creek runs through the property and the wetlands extend 300' wide from the center. The majority of the previously

cleared area is very disturbed and is not a pristine buffer. The ware house will be 5,000 sq. ft. (50' depth by 100' width). The parking lot will have eight front angled spaces with two curb cuts, one at the existing entrance and one further south that will exit only. The area is level 24 in the 100 year flood zone. The floor will be placed at level 17.5 elevation and the building will be wet flood proofed allowing water to flow through. There will be removable door panels to allow the water to flow through. The flood storage capacity lost is at total of 598 cu. yds. from the parking lot and concrete walls but an area will be excavated at the back of the building that will be a 602 cu. yd. storm water mitigation area with flood storage capacity. Due to the onsite wetlands and the wetlands across the street the area that can be developed outside the upland review area is very small. There will be a total of 3,200 sq. ft. of activity in the upland review area. Shrubs will be planted along the border to improve the area. Mr. Cassidy stated in response to Ms. Goodfriend's first comment that moving the building doesn't gain much distance from the wetlands and it decreases the turning point area for delivery trucks. The size of the building proposed is needed for storage. Mr. Nettleton asked if the new building will affect the drainage of the existing building to the north. Mr. Cassidy stated it should improve the drainage because it will also drain toward the storm water mitigation area, improving the water quality before it reaches the wetland. Ms. Halibozek asked about the buildings that had been there previously and if there are any associated utilities such as septic. Mr. Cassidy was unable to find any such records but will check again. Ms. Halibozek asked if there are any toilets or sinks planned for the building. Mr. Cassidy stated the only utility will be electricity located at an elevated height. A motion was made by Ms. Halibozek and seconded by Ms. Lowry to find the application insignificant because it is located in the upland review area and was *unanimously approved*. *Motion passed.*

b. Application #08-12: Addition to existing house at 4 Ledge Road in Upland Review Area. Anthony Salvatore, owner/applicant

Jim Cassidy, engineer with Hallisey, Pearson and Cassidy, reviewed the project. This is a 2.1 acre site with an existing raised ranch that is located in the upland review area. The homeowner would like to convert the garage to living space, construct an single car garage addition with living space above and do an addition on the kitchen with a deck. The driveway area will be reduced due to the larger house size. The disturbance within the upland review area is 3,525 sq. ft. A silt fence will be installed along the down slope. The closest point to the wetland is 37 feet but staff couldn't approve this application because of the 16% grade. A motion was made by Ms. Halibozek and seconded by Mr. Neto to find the application non-significant because it is located in the upland review area and was *unanimously approved*. *Motion passed.*

c. Application #08-13: Map Amendment on Ledge Road. John Massirio, owner

Jim Cassidy, engineer with Hallisey, Pearson and Cassidy, reviewed the project. On the town map there are three wetlands shown, Ed Pawlak of CT Ecosystems Inc. has been to the site but couldn't locate the third wetland-this area is on the side of a slope. Mr. Cassidy is requesting that the third wetland be modified based on Mr. Pawlak's visit. A motion was made by Ms. Lowry and seconded by Ms. Halibozek to schedule a public hearing for next month and was *unanimously approved*. *Motion passed.* Chairman Beatty asked Mr. Minor for more information on the wetlands.

d. Application #08-14: Residential Construction in Upland Review Area at 119 Nooks Hill Road. Daniel Brisson, owner/applicant

Jim Cassidy, engineer with Hallisey, Pearson and Cassidy reviewed the project. An application was approved recently by the commission but the homeowners then realized that the proposed garage is side entry. The entire property is within the upland review area and they would like to move the location of the house five feet to allow for more room for the garage entry. There would be no additional disturbance on the right of the house than was already planned. A motion was made by Ms. Lowry and seconded by Ms. Halibozek to approve the amendment and was *unanimously approved. Motion passed.*

12. Communications:

a. "Biodiversity Conservation" Report: None.

13. Commissioners' Comments and Reports: None.

14. Adjourn: A motion was made by Ms. Halibozek and seconded by Mr. Neto to adjourn at 8:51p.m. and was unanimously approved. Motion passed.

Respectfully submitted,

Catherine Potter
Clerk