

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

**SPECIAL MEETING
7:00 P.M. MONDAY, MARCH 17, 2008
ARCH ROOM CROMWELL TOWN HALL, 41 WEST STREET**

MINUTES AND RECORD OF VOTES

1. Call to Order: Chairman Beatty called the meeting to order at 7:02 pm

2. Roll Call:

Present: Chairman Jonathan Beatty, Wynn Muller, Julius Neto, Madeleine Lowry, Ann Halibozek, William Yeske, Alternate Joseph Corlis (seated).

Absent: Alternate G. Alden Nettleton.

3. Seating of Alternates: Alternate Joe Corlis was seated by general consent.

4. Old Business:

a. Application #08-01: Passive Recreation Park in Upland Review Area at 204 Main Street. Town of Cromwell, owner/applicant:

Town Engineer Joseph Mazurek described the site and the proposed improvements. He stated that he has seen and read two separate studies of the site.

The study first was done by HRP Associates of Plainville, CT prior to the Town's purchase of the site in 2001 and is a "hybrid" Phase I/Phase II study. Town Planner Craig Minor distributed copies of excerpts from the study. Mr. Mazurek noted that the study identified nothing that he would consider to be an environmental concern, but the study did recommend that if the foundation of the former cinderblock building is removed, the soil underneath it should be analyzed. The report stated that the level of lead found was the same as the amount that would occur naturally. Although test pits were not dug on the entire 3.5 acre site, it is reasonable to assume that soil samples taken from test pits 8 and 9 (the easternmost test pits) would be the same as the soil on the eastern side of the site.

The second study was done by Tighe and Bond in 2006 and was only a Phase I, and as such did not involve any soil sampling. Mr. Mazurek summarized it and said that he felt the 2001 study was more useful in evaluating the site. He distributed copies of excerpts from the study.

Commissioner William Yeske said that in his experience, the operators of industrial sites sometimes "tomb" hazardous materials under a slab of concrete. Chairman Jonathan Beatty asked Mr. Mazurek if the plan calls for the removal of the slab. Mr. Mazurek replied "yes", and that the Town would arrange to have the soil analyzed as recommended in the HRP study.

Commissioner Julius Neto expressed concern about the two pages of disclaimers in the HRP study, and with the Connecticut River dredgings that were used to raise the level of the site many years ago that might be contaminated with industrial wastes as are other riverbeds in the state.

Mr. Mazurek replied that, based on his experience in the private sector, those disclaimers are standard for this type of work and should not be the cause of alarm. He also said that test pits 8 and 9 went down to the level of the dredgings and did not find any contaminants and it could be extrapolated that the soil on the east side of the site is no different. He repeated that the Town does intend to do a Phase II study of the soils under the slab. Commissioner Ann Halibozek noted that the disclaimers did not make mention of anything specific to the Cromwell site, so they are probably "boilerplate".

Commissioner Wynn Muller made a motion to find it "in the public interest" to hold a hearing on this application. Commissioner Madeleine Lowry seconded. A discussion ensued over whether this issue was properly under the jurisdiction of the Inland Wetlands Agency or the Planning and Zoning Commission. Chairman Beatty asked Mr. Mazurek if he had any concerns with the site, to which Mr. Mazurek replied "no". Chairman Beatty called the question. Voting in favor: Madeleine Lowry, Wynn Muller, and Julius Neto. Voting against: Joseph Corlis, Ann Halibozek, William Yeske, and Chairman Beatty. The motion failed.

A discussion then followed on whether the project was "significant". The definition of "significant impact activity" was read, and there was disagreement about whether Item 6 applied: "Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse". Commissioner Wynn Muller made a motion to find the application "significant", seconded by Commissioner Madeleine Lowry. Voting in favor: Joseph Corlis, Madeleine Lowry, Wynn Muller, Jon Beatty, and Julius Neto. Voting against: Ann Halibozek and William Yeske. The motion passed.

Commissioner Wynn Muller asked Town Engineer Mazurek to prepare a written summary for the next meeting. Chairman Beatty asked him to ask Wendy Goodfriend of the CT River Coastal Conservation District to review and comment on the plans. Commissioner Muller noted that now that the project has been deemed "significant", the higher threshold for approval applies.

5. Adjourn: A motion was made by Mr. Muller and **seconded** by Ms. Lowry to adjourn at 8:25 pm and was *unanimously approved. Motion passed.*

Respectfully submitted,

Craig Minor, AICP
Acting Clerk