

**TOWN OF CROMWELL
INLAND WETLANDS AND WATERCOURSES AGENCY
PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. WEDNESDAY, AUGUST 6, 2008
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

MINUTES

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

ABSENT: Wynn Muller

ALSO PRESENT: Town Planner Craig Minor (arr. 7:30p.m.) 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 were introduced.
3. **Seating of Alternates:** A **motion** was made by Ms. Halibozek 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. Corlis and **seconded** by Ms. Lowry to approve the agenda and was *unanimously approved. Motion passed.*
5. **Approval of Minutes:**
 - a. July 2, 2008: A **motion** was made by Mr. Corlis and **seconded** by Ms. Halibozek to approve the minutes with the following correction: on page 4, item 9a. should read 'Ms. Lowry asked what the advantage...' not 'Mr. Lowry...' and was *unanimously approved. Motion passed.*
6. **Development Compliance Officer Report:**

- a. **Status of On-going Projects:** Mr. Curtin stated that regarding Application 08-01 there are problems with the silt fence and that the last heavy rain brought it down. Mr. Curtin has sent a note to the Public Works Director. Chairman Beatty stated that he observed one-third of the silt fence down and that hay bales may need to be used to help stabilize the fence. Chairman Beatty stressed that the town needs to be a model on this type of project. Ms. Halibozek asked how close the project was to having the area near the silt fence stabilized. Mr. Curtin stated that plantings still need to be done but that he believes that it will be stabilized by the end of the month. Mr. Neto stated that this is the fourth major breach of the erosion controls and would like the town to be more pro-

active. Chairman Beatty would like it conveyed to the Public Works Director that the IWWA would like the project done the correct way.

Chairman Beatty asked for an update on the Lowe's project. Mr. Curtin stated that the chain link fence is working. Mr. Neto suggested that since the chain link fence is working so well on this project, it could be used in the future on other projects. Ms. Halibozek stated that the rear of the property near the Dickenson's property, the land level is one-third of the way up the tree trunks and that the developer stated that the extra soil would be removed. Ms. Halibozek requested that Mr. Curtin check to make sure this is not impacting the wetlands.

b. Status of Existing Cease and Desist Orders:

1. Jo-Ann Heskett: failure to maintain the natural buffer to the side and rear yard at 97 Nooks Hill Road, as per IWA permit #98-10: Bob Heskett stated that the eastern side pins are set according to the map and they have met with Wendy Goodfriend and have gotten ideas for a planting plan. They plan to do plantings in September and then apply for a permit in 2009 for a shed, stockade and split rail fence. The property owner to the northwest has agreed to remove materials from the wetlands that were observed on the site walk. Chairman Beatty requests a more specific plant list to be developed. Mr. Curtin will continue to follow up on this issue.

2. S and S Partnership, 201 Main Street: filling in wetland/upland review. Cromwell Meadows: Mr. Curtin will be meeting with the town attorney in Hartford with photos of where the progress has halted.

3. Unauthorized fill in the Upland Review Area on Shadow Lane behind 540 Main Street. Shadow Farm LLC (Sal Branciforte), owner: Mr. Curtin stated that this item has been on the Board of Selectman's agenda for several months. The owner needs to show what the fee would be currently and the suggested reduction. Ms. Halibozek clarified that the fee was intended for the area where the clean-up needs to be done, not the area outside the clean-up. Mr. Neto asked what can be done to move the process forward.

A **motion** was made by Mr. Neto and **seconded** by Ms. Halibozek to support Mr. Curtin's timetable and was *unanimously approved. Motion passed.*

4. Unauthorized filling/activity in the wetland and upland review area at 20 Hillside Avenue; Statewide Radio Service Corporation (Edward Hotyckey), owner: Edward Hotyckey stated that he has spoken with Wendy Goodfriend and then proceeded to describe his plan to bury a perforated drain pipe and put gravel over it and increase the height of the curb to redirect water away from his property. Ms. Halibozek requested to see Ms. Goodfriend's report. Chairman Beatty would like to see her written report and suggests that Mr. Hotyckey speak with Mr. Minor. Chairman Beatty clarified that these were field identified wetlands. Mr. Hotyckey will contact Ms. Goodfriend for a report and forward it to Mr. Minor.

5. 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. Curtin stated that Flynn Surveying has been working on measuring the grade of the driveway, identifying the wetlands and identifying any unapproved disturbances in the upland review area. Jerzy Pytel brought new maps to the meeting and admitted that his garden is four or five feet within the upland review area. Commission members determined that this is an acceptable use in the area. Mr. Pytel also stated that he has about two or three trees that he would like to take down and indicated on the map where they are located. Chairman Beatty stated that if the trees are not within the upland review area, they could be taken down without a permit. Mr. Curtin stated that the pitch on the map for the driveway looks okay but that he would like the Town Engineer Joe Mazurek's input. Mary Cahill, 5 Fennwood Drive, stated that Mr. Pytel was told he had to submit an application for work he has already done and that trees have been removed in areas where they weren't supposed to be removed. Ms. Cahill gave a brief history of events regarding this issue. Chairman Beatty stated that Mr. Pytel appears to have satisfied the requests of the commission.

A **motion** was made by Ms. Halibozek and **seconded** by Mr. Neto to approve the application pending the Town Engineer's review and was *unanimously approved. Motion passed.*

Chairman Beatty would like updates on both items 6.b.4. and 6.b.5. from Mr. Curtin for the next meeting.

c. New and Potential Cease and Desist Orders: None.

7. Town Planner Report: None.

8. Public Comments: None.

9. Public Hearing and Possible Action: None.

10. Old Business:

a. Application #08-06: Residential Subdivision at 48 Pasco Hill Road. J. Dorio Builders and Realty Inc., applicant; Estate of Robert Rioux, owner: Chairman Beatty stated that he would like concrete monuments on the corners of the easement area. Jack Guilmartin of J.L. Surveying reviewed the plan and Mr. Minor reviewed the conditions of the proposed conditions.

A **motion** was made by Ms. Halibozek and **seconded** by Mr. Corlis to approve, with conditions, Application #08-06: Residential Subdivision at 48 Pasco Hill Road. J. Dorio Builders and Realty Inc., applicant; Estate of Robert Rioux, owner and was *unanimously approved. Motion passed.*

The conditions are:

1. The plans shall be as shown on the plan submitted August 6, 2008. The boundary or the easement area will be marked in the field as shown on the plans submitted August 6, 2008.

2. The applicant shall submit a conservation easement for staff review and approval within sixty days of wetland permit approval. Upon staff approval, the conservation easement shall be executed by the applicant not less than sixty days after subdivision approval by the Planning and Zoning Commission.
3. The plans shall be revised to show the soil types on each lot, and information on the limitations and constraints of each soil type on land development activities as recommended in Wendy Goodfriend's memo of May 20, 2008.
4. The driveway to Lot 4 to be moved to the west side of Lot 2, with wetland plantings and a split rail fence on the west side of that driveway for a length of approximately 200' from Pasco Hill Road.
5. The applicant will comply with the "Mitigation" described on Page 15 of the Environmental Assessment Report by SSES dated July 1, 2008.
6. The applicant will comply with the "Recommendations" described on Page 15 of the Environmental Assessment Report by SSES dated July 1, 2008.
7. The actual house on Lot 4 may not exceed 150% of the size shown in the plans dated August 6, 2008.

b. Application #08-15: Erosion Control Repairs at 4 Marlon Place. Town of Cromwell, applicant; Thomas Moskites, owner: Tom Moskites submitted photos also showing a pipe coming from the Milane's property. Chairman Beatty asked Mr. Curtin to investigate the pipe and take any necessary action. Mr. Moskites asked about a timeline for completing the project. Mr. Curtin replied that it is up to the Public Works department. Michelle Lawlor stated that she would like some kind of a timeline and that it is within the town's best interest to complete the project before a child gets hurt and before another spring thaw occurs. A **motion** was made by Ms. Halibozek and **seconded** by Ms. Lowry to approve the application with the following conditions; 1) the large pipe coming from the Milane's property is not covered by the application and that 2) the project is expedited by the Public Works Director and was *unanimously approved*. *Motion passed*. Mr. Neto abstained.

11. New Business: None.

12. Communications:

- a. "The Habitat" Spring 2008

13. Commissioners' Comments and Reports: Ms. Halibozek asked about the inclusion of the DEP notifications in the agenda packet. Mr. Minor stated that they may be coming before the IWWA in the future. Chairman Beatty suggests that Mr. Pytel contact Mr. Curtin before doing any more work in the future. Mr. Nettleton asked about a supplementary training DVD. Mr. Minor is not aware of receiving it but will check into it. Mr. Nettleton also stated that the website needs to be updated. Mr. Neto is hopeful that the town staff will make corrections at the new park.

Ms. Halibozek stated that the safety issue should be a priority at Marlon Place.

14. Adjourn: A **motion** was made by Mr. Neto and **seconded** by Ms. Halibozek to adjourn at 8:27p.m. and was *unanimously approved. Motion passed.*

Respectfully submitted,

Catherine Potter