



TOWN OF CROMWELL
INLAND WETLANDS AND WATERCOURSES AGENCY
41 WEST STREET, CROMWELL, CT 06416

***REGULAR MEETING
7:00 WEDNESDAY, JULY 6, 2022
TOWN COUNCIL CHAMBERS
CROMWELL TOWN HALL, 41 WEST STREET***

Minutes and Record of Votes

Present: Chairman John Whitney, Vice Chairman Stacy Dabrowski, Joseph Corlis, Peter Omicioli, Wynn Mueller (via phone)

Absent: Robert Donohue, William Yeske

Also present: Director of Planning and Development Stuart Popper, Development Compliance Officer Bruce Driska

1. Call to Order

The meeting was called to order at 7:01pm by Chairman John Whitney.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates:

No alternates were seated.

4. Approval of Agenda:

A motion was made by Peter Omicioli and seconded by Joseph Corlis to amend the agenda to include 2 new applications to be considered and accepted. Application 22-03 Roswell Develop, LLC, 170 Evergreen Road and application 22-04 Cromwell Automotive 263 Main Street.

5. Approval of Minutes:

a. June 1, 2022

A motion was made by Peter Omicioli and seconded by Joseph Corlis to approve the minutes of June 1, 2022. All were in favor; the motion passed.

6. Development Compliance Officer Report:

a. Status of On-going Project and Existing Cease and Desist Orders

Development Compliance Officer Bruce Driska said 2 applications were included in his report. For application 22-01 on West Street the foundation has been poured and they are ready to build.

7. Town Planner Report:

Town Planner Stuart Popper said that the old Lord Cromwell site has been approved for a zone change and the application will come to the IWWA in September for activities within the Upland Review Area.

8. Public Comments:

Mr. Popper asked if there were any members of the public who wanted to speak on a matter other than what was on the agenda. No one came forward.

Commission Member Wynn Mueller joined by phone.

9. New Business: Accept and Schedule New Applications:

Mr. Rock Evans from SLR Consulting at 99 Reality Drive in Cheshire, CT said that Application #22-03 was for 170 Evergreen Road at the corner of Willowbrook Road to build 6 single family homes. He said the site is 14 acres and there is a stream and wetlands on the site. He said there will be six frontage lots and the construction of five of the lots will impact the Upland Review Area but not the wetlands. He said they will adhere to best management practices in regards to the driveways, garages and drainage infrastructure. He said there will be 54,320 square feet of total disturbance and showed the map. He said it is a pretty cut and dry delineation. He showed the site plan and said the distance to the wetlands is about 10-12 feet. He said the houses will be designed to have basement walkouts to minimize the disturbance. Mr. Evans said they are here this evening seeking a determination of a nonsignificant activity with the Upland Review Area.

A motion was made by Peter Omicioli and seconded by Joseph Corlis to find that the proposed activity within the Upland Review Area to be a nonsignificant activity for Application #22-03 and to schedule it for the August meeting. All were in favor; the motion was passed.

Mr. Justin Packard of Hallisey, Pearson and Cassidy said Application #22-04 for 263 Main Street is an existing business/building with a one-story building on the property. He said there is a paved parking lot with one large gravel storage area in the rear for cars and equipment. He said there are wetlands behind that gravel area but the wetlands are not on the property. He said the current gravel area is in the upland review area. Mr. Packard said they are planning on building a 500 square foot steel building on the western side where gravel is now which will be used for storage only. He said they will pave the area

from the front to the back leading to the building and leave gravel everywhere else. He said there will just be minor regrading in the upland review area. He said they will not be decreasing any lawn space. Mr. Packard said they are here this evening seeking a determination of a nonsignificant activity with the Upland Review Area.

A motion was made by Peter Omicioli and seconded by Joseph Corlis to find that the proposed activity within the Upland Review Area to be a nonsignificant activity for Application #22-04 and to schedule it for the August meeting. All were in favor; the motion was passed.

10. Public Hearing:

a. Application #22-02: Request to conduct activities within the Inland Wetlands and Upland Review Area to allow for the construction of a road and warehouse at 94A and 102 Court Street, 76 and 80R Geer Street and 210 Shunpike Road. Scannell Properties #576, LLC is the Applicant and Dilys B. and Henry P. Jr. McIntyre, Gardner's Nurseries Inc. and Paramount Property LLC are the Owners. (public hearing continued)

A motion was made by Peter Omicioli and seconded by Joseph Corlis to open the public hearing for application 22-02. All were in favor; the motion was passed.

Mr. Popper read the legal notice for Application #22-02. He said there was a presentation last month by the applicant and his representatives and we will continue the meeting tonight to allow for comments by the neighbors and their representatives with a cut off time of 10:00pm.

Attorney John Parks of 352 Billings Road, Somers, CT handed Mr. Popper the verified petition to intervene from Jamin DeProto

Mr. George Logan, Wetland Scientist with REMA Ecological Services located at 164 East Center Street in Manchester, CT said he is working on behalf of the neighbors of the proposed site. He distributed a supplemental report to the Commission. Mr. Logan provided his background on his experiences working in Cromwell on various large projects. He said he and his team have walked the eastern perimeter of this property from adjacent town property to see what they see and how the proposed activity directly and indirectly impacts the wetland resources. He said there is an 18,000 square foot confirmed Tier 1 vernal pool with other vernal pools which are connected ecologically. He said Bing.com was a good source for aerial photographs of the vernal pools and Jon Harriman, Town Engineer had allowed them to review some the town files relating to the mapping of the town's wetlands a number of years ago.

Mr. Logan continued to read from his supplemental report and explain his findings. He said the Commission needs to explore other alternatives as your regulations say no there should be no vernal pool impact. He said filling tier 1 vernal pool #7 of this size is unprecedented and simply just not done. He said this will create an irreversible and irretrievable loss of wetland resources. Mr. Logan said the size and shape of this building do not represent a balance for this area. He said the town regulations say this can be discussed and considered by the Wetlands Commission.

Mr. Logan said a CT soil survey shows an area indicating wetlands that may have been missed due to its size. He said that this area will be under the proposed tractor trailer parking spaces seen from 46R Geer Street. He also said that section 23a on the soil map shows a wet spot and it hasn't been mapped since it's

too small. He said this area has rarely been planted due to its sustained wetness which is evident by the very dark topsoil. He said the applicant's soil scientist can investigate this. Mr. Logan also showed previously mapped wetland 46-22-18. He said I don't know what happened to this but it is right under where the parking lot would be.

Mr. Logan said that the Kestrel and Broad Winged Hawks may be impacted by this development. He said a more robust inventory of species would have been better for this application.

Mr. Logan gave Mr. Popper a copy of the Best Development Practices methodology. Mr. Logan talked about the critical areas around the vernal pools and said he is skewing the numbers to be in favor of the applicant instead of us. He said the total disturbances shouldn't take more than 25% of the habitat for a tier 1 vernal pool and vernal pool #6 will have a 28% disturbance. Mr. Logan also talked about discharge violations and the area they are proposing to restore will take years. He said the proposed access road is essentially a killing zone for amphibians. He said there is interconnectivity between vernal pools and if you sever the one in the middle the ones on the sides will suffer. He said they are eliminating the best source for amphibians.

Sigrun Gadwa, a Wetland and Soil Scientist from Cheshire, CT said she is a regular subcontractor to Rema and she owns her firm as well. Ms. Gadwa said she will expand on Mr. Logan's details. She said the Commission will need to decide on the physical effects on the vernal pools. She also said this proposal included a lot of lights which will attract insects and bats. She said this will have an adverse effect on the diversity of the population. Ms. Gadwa handed out an article on the impacts of artificial lighting.

Ms. Gadwa referred to page 5 of the Rema handout. She said many invertebrates, amphibians and aquatic insects all habitat this vernal pool. She said it's a very complex recycling of nutrients going on. She said a healthy vernal pool has a diverse population along with predators. She said these will all be highly vulnerable by the entry way road. Ms. Gadwa handed Chairman Whitney a chapter about the population of vernal pools. She also discussed diesel fuel exhaust that could settle into the wetlands. She also read the conclusion on page 9 of the Rema report.

Attorney John Parks of 352 Billings Road, Somers, CT talked about reduction of species and how it impacts the values of the wetlands. He said these very things are what this Commission is charged to protect by statute.

A break was called at 8:20pm and the meeting was called back to order at 8:25pm.

Mr. Popper said they have a speaker list. Chairman Whitney said there will be a 3-minute time limit for each speaker. Mr. Popper said you can also just say I support the previous comments of another speaker. Mr. Popper asked Attorney Parks about the intervenor.

Dr. Jamin DeProto of 50 Hicksville Road said he is an instructor of Harvard Medical, Oxford and a scientist who conducted a lot of research in his days. Dr. DeProto reads from the verified petition to intervene that he submitted.

Ben Conroy of 59 Geer Street said the peer review shows the research was incomplete and this is not the best option. He asked if Cromwell wanted this dumped into our neighborhoods, schools, communities and wetlands. He said this is not the most prudent approach and I oppose it.

Nicole McHugh of 17 Botelle Manor said I oppose it. She said she is a professional counselor and performs a lot of data research. She said there wasn't any actual clear data from the May meeting nor was it presented from a scientific perspective and she questioned if it was actual data. She said there is no validity or reliability in these studies. She asked how they can trust this will be a successful project. Ms. McHugh said there is nothing in the new proposal for scientifically mitigating wetlands. She said Cromwell should create a Cromwell land trust if the town values conservation.

Ken Kasek of 15 Pondview Drive said there are too many issues with this property as explained by the applicants. He said he is putting in a request to the applicants to show one manmade vernal pool in Connecticut that has been constructed and successful.

Steven Balmer of 18 Ranney Street said this is a terrible idea and this plan is not suitable. He said he has deep concerns about the deposition of materials and pollution of local waters by trucks that will build up over time. He said the Commission should deny based on the oath you took.

Fay Tine of 24 Botelle Manor said she was concerned with the thermal effects or heat islands. She said the road will separate the vernal pools.

Alana Stachura of 47 Geer Street said the applicant submitted an application in 2021 with their best practices which were debunked by the peer review. She said now a new application is submitted this year with best practices saying there are no other alternatives. She said to please use the no build alternative.

Andrew Holt of 8 Wildwood Road said he opposes the proposal. He said all of the neighbors oppose it and he hasn't talked to one person who is in favor. He asked how Scannell can say there are 150 loading docks but it's not a transportation center. He said this completely disregards and destroys the wetlands. He said this land should be used to build a new middle school and that Scannell will create gridlock all over town. He said this will be the biggest mistake of the town and please say no.

Joan Holt of 48 Geer Street said my property abuts this directly and my biggest concern is pollution of the Mattabesset River and its flow into the Connecticut River and Long Island Sound. She said I agree with all who oppose.

Phyllis Becker of 71 Geer Street said they will put the snow into piles on the property which will be surrounded by chain link fences. She said this will pollute the wetlands. Ms. Becker said that there was a May Bloomberg report talking about how large ecommerce companies are closing. She said that we don't want an empty half-built building. She said covering a vernal pool will ruin other wetlands. She asked how do we know what they are saying is true and she would like to see another peer review. She asked the Commission not to approve and said this is unsuitable activity for this part of Cromwell.

Patricia Jepsen of 46R Geer Street said she is adjacent to the property and said she opposes the destruction of vernal pools and the lack of the applicant's alternatives. She said this would have short- and long-term impacts.

Robin Swanson of 1 Walnut Tree Road said the reason to deny this application is vernal pool #7. She said your regulations say that wetlands can be manmade or natural. She said they need smaller buildings and you can't let them cover the vernal pool. She said you can't make a decision until you get all the reports.

Diane Wiegert of 75 Geer Street said she agrees with all the previous speakers who oppose the application. She asked the Commission to please deny. She said we have a petition and are just looking to get more signatures before we submit it. She handed out the petition to the Commission.

Isabella Szydlowski of 3 Jewell Avenue said she agrees with all the previous speakers who oppose the application. She said the applicants have downplayed how complex these wetlands are. She said Mr. Logan from Rema has such a long-standing history with Cromwell and we are fortunate with what his team has pointed out. Please deny this application. She said the feasible and prudent alternative is to build smaller buildings or nothing at all.

Chris Pleasanton of 336 Man Street said he is heartbroken by this project and opposes it. He said the environmental impact will be devastating and the peer reviews shows serious concern with the plans. Mr. Pleasanton said the statute says that the obligation of this commission is to consider the impacts of the wetlands so please deny.

Michael Slowik of 25 Vincy Drive said he voices strong objections to this application. He said his wife also opposes the application as well. He said this project should not be built on wetlands and is very complicated. He said there is a slew of major problems with their plans and they shouldn't be building on this wetland as it is simply inappropriate. After the toxicity levels were discussed he is wondering why our kids should be breathing these fumes. He asked why we should give this up for a warehouse. He said it violates the character and identity of Cromwell. He said he opposes and to please deny the application.

Diedre Daly of Geer Street said she is opposed to this application because of the impact to the wetlands and the wildlife. She noted that she lives directly across the street from the proposed warehouse and is very concerned about the impact not only to the wetlands and wildlife but to her and her neighbor's quality of life. She said she opposes the application and she asked that they please deny the application.

Michael Baecker of 71 Geer Street said he opposes this application due to the irreparable harm to the wetlands. He said a feasible and more prudent alternative would be more welcomed. He showed pictures of turtles moving with the vernal pools and said this would become a highway of death. He said the application is misleading and they are trying to take advantage of the town. He said please deny. He handed his comments to Mr. Popper.

Mr. Popper asked if anyone else wanted to speak.

Scott Baecker of 71 Geer Street said he was thankful for the peer review and said this project is too massive to build on this land. Please deny.

Dmytro Grebenyk of 202 Coles Road said he is right next to this and this construction impacts my backyard. He said the neighbors complain about Amazon now so what will happen when this is here. He said he would like to put a pond in his backyard but not with all of these trucks. He said the people of Cromwell will be impacted by this. He said more trucks and cars all add to the pollution. He said the State of CT provides grants to buy wetlands and he wondered if the town has considered this. He asked what the benefit to the town was and asked if it will outweigh the impacts to the environment. He said what if the economy creates a shortage of supplies and they don't have enough money to finish the build. He said construction could halt for years and it could be left half built.

Michael Race of 2 Walnut Tree Road said he opposes and supports all of the previous resident comments. He urged the Commission to deny the application.

Elizabeth Swift of 30 Geer Street said she opposes the application for all of the reasons stated.

John McHugh of 17 Botelle Manor said he opposes the application.

Attorney Parks submitted into record a court case from the Old Saybrook wetlands agency. He said this discusses the interconnection between wetlands and animals. He said this case was

regarding an application for a golf course that was denied. He told the Commission you are charged with protecting wetlands and water courses. He said you have everything you need from seasoned experts to deny this application.

Mr. Popper asked the audience if anyone had anything new to say. No one came forward.

He asked if anyone else wanted to speak and the applicant said they would like to speak.

Attorney Tom Cody of Robinson and Cole on 280 Trumbull Street in Hartford said they represent Scannell and presented in June. He said they will prepare a full response for the August meeting. He said he has a few thoughts regarding statute and regulations. He said the regulations aren't a prohibition of development of wetlands and if it was you wouldn't be here. He said the regulations want to create a balance. He said we have the highest regard for the wetlands and have spent 2 years researching and designing this property for the best use with protection of the wetlands. He said by proposing access to the Shunpike as opposed to Geer Street limits the impacts and fully satisfies a prudent and reasonable alternative. He said the filling of the vernal pool protects the array of wetlands around it. You wanted a peer review and some think Land Tech says we disregarded points but we spent 3 months investigating questions and comments. Land Tech says we satisfied their concerns. We think Land Tech agreed with the new plans.

Mr. Popper said the recording tape needs to be changed and we will come back and open the meeting to new comments.

Attorney Cody said they will just request an extension of time to extend the public hearing to cover the next August meeting.

A motion was made by Peter Omicioli and seconded by Stacy Dabrowski to accept the request for extension of time to continue the public hearing for Application #22-02. All were in favor; the motion passed.

11. Commissioners' Comments and Reports:

12. Adjourn

A motion was made by Peter Omicioli and seconded by Joseph Corlis to adjourn at 9:46pm. All were in favor; the motion passed.

Respectfully submitted,

Linda Imme

Linda Imme
Recording Clerk