



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

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

Amended Minutes and Record of Votes

Present: Chairman John Whitney, Vice Chairman Stacy Dabrowski, Joseph Corlis, Peter Omicioli, Robert Donohue, William Yeske, Wynn Muller

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.

RECEIVED FOR RECORD
Sep 30, 2022 10:09A
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

3. Seating of Alternates:

No alternates were seated.

4. Approval of Agenda:

Mr. Popper said that we will hear old business first tonight.

A motion was made by Robert Donohue and seconded by Joseph Corlis to approve the agenda with the change of hearing old business before new business. All were in favor; the motion passed.

5. Approval of Minutes:

a. July 6, 2022

Mr. Muller said he would like to see more details on page 4 regarding Dr. Jamin DeProto's statement including his qualifications and comments regarding the impact of the trucks on the wetlands. Mr. Muller said he would give Mr. Popper his written text.

A motion was made by Wynn Muller and seconded by Joseph Corlis to approve the minutes of July 6th with the amendment as written by Mr. Muller. All were in favor; the motion passed.

b. August 3, 2022

Mr. Popper said we will table the approval of the August 3rd minutes to allow him to get some changes.

A motion was made by Robert Donohue and seconded by Peter Omicioli to table the approval of the minutes from August 3rd until the October 5th meeting. All were in favor; the motion passed.

6. Old Business:

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.

Mr. Popper reads the legal notice for application #22-02.

Mr. Popper said he has provided several of the Commission members the materials they have requested. He said some of the Commissioners have asked for additional time to review the materials and therefore he is asking the Commission to table acting on this application until the October 5, 2022 meeting. He asked that the Commissioners to listen to and read the minutes of any meetings they may have missed.

He said he has a letter from the applicant consenting to a 30-day extension of time until the October 5, 2022 meeting for action by the Commission on the application.

A motion was made by Wynn Muller and seconded by Joseph Corlis to approve an extension of time until October 5, 2022 for the Commission to make the decision on application #22-02 All were in favor; the motion passed.

A motion was made by Robert Donohue and seconded by Peter Omicioli to table action on application #22-02 until October 5, 2022. All were in favor; the motion passed.

Mr. Popper addressed the public and said the Commission must act at the October 5, 2022 meeting on the application #22-02. He said there will be no discussion, comments or vote regarding by the Commission on application #22-02 tonight.

7. Development Compliance Officer Report:

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

Mr. Driska said his report is in the package and Stacy Dabrowski asked him to summarize the report so Mr. Driska gave a brief summary of each of the projects listed.

8. Town Planner Report: no report given

9. New Business: Accept and Schedule New Applications:

a. Application #22-07: Request to conduct activities within the Upland Review Area to allow for filling at 12 Summer Brook Lane. Magdalene and Sead Mehic are the Applicants and the Owners.

Mr. Popper said that item #9 - application #22-07 will be done administratively by staff and he is just sharing the application with the Commission.

10. New Business:

a. Application #22-06: Request to conduct activities within the Upland Review Areas to allow for the redevelopment of the site to include a apartments, townhouses and commercial development at 100 Berlin Road. M360 Berlin Land Holdings, LLC is the Applicant and the Owner.

Jim Cassidy of Hallisey, Pearson and Cassidy at 35 Cold Spring Road, Rocky Hill said this Commission deemed this project insignificant at the last meeting. This project is 2 parcels on 12.75 acres at 100 Berlin Road. It is the former Red Lion Inn and the other parcel located at 15R Christian Hill Road is vacant. He said this project received approval from Planning and Zoning for a zone change.

Mr. Cassidy read from the project narrative which said this will be a mixed-use development including residential buildings, commercial, and twenty townhouses. He said we are planning on using part of the existing garage and much of the same developed footprint so the area subject to redevelopment was previously disturbed when the hotel was constructed. He said much of the Christian Hill Road site contains wetlands except for the centermost portion and Coles Brook runs through the southeast corner of the parcel. Mr. Cassidy said that the regulated activities will impact the 100 feet upland review area and the 200 feet upland review area from a watercourse. He said no direct impact to the wetlands are proposed.

Mr. Cassidy said there are four activities. The first is removal of the existing building and pavement within the upland review area. Second is the construction of a portion of a building and some of the townhouses, construction of a new parking area and drainage system and other utilities. He said these both overlap so the total impact for both is 98,000 square feet or 2.26 acres.

Mr. Cassidy said the third activity is the cleaning, grading and construction of a 6-foot-wide stone dust walking trail with an impact of 5,900 square feet. The fourth activity is the clearing, grading and construction of rain gardens behind some of the townhouses with an impact area of 3,800 square feet. The total impact to the upland review area is 107,700 square feet.

Mr. Cassidy said they did shift some of the townhouses and the residential building more to the west than what was previously shown on the initial master plan in an effort to minimize impacts to the upland review area.

Mr. Muller asked if there would be activity to the right of the sewer line. Mr. Cassidy said no, we are just letting people walk around there.

Ms. Dabrowski asked if he could talk about the impact of any water flow across Route 372 since we have had issues with flooding there. Mr. Popper said that has been further away from this area. Mr. Driska said there was flooding on Route 372 last year and that was due to some incomplete projects but have since been completed.

Mr. Muller asked when the demolition would take place and how will you ensure that dust and sediment doesn't get into the wetlands. Mr. Cassidy said we will follow all sediment controls. He said we will use barriers and all precautions.

Mr. Donohue asked if they submitted a plan to the water department and Mr. Cassidy said yes, we needed to file an impact statement to get the zone change. He said we have met with all the necessary departments.

Mr. Popper said that Mr. Cassidy did make a presentation to us at the last meeting and the Commission decided that the activity was not significant. He said if this is approved tonight it will go before the Planning and Zoning Commission for a site plan approval which will be a Public Hearing.

A motion was made by Robert Donohue and seconded by Wynn Muller to approve application #22-06. All were in favor; the motion passed.

11. Public Comments:

Peter Amato, 79 Willow Brook Road said he has lived there since 1985. Mr. Amato handed out his talking points to the Commission. Mr. Popper told Mr. Amato that the public comments portion can't be about an application that is being heard. Mr. Amato said he was concerned with the process for approving applications. He said when an application isn't in the wetland area the Commission doesn't hold a public hearing during the process. He said there is also a 14-day window to appeal an application and to petition for a public hearing but a resident might not be aware that an application has been submitted. He said that the property had been up for sale before and that is how he came to know that the wetlands boundary markers had been placed much further into the back than this current plan shows.

Ms. Dabrowski asked Mr. Amato what he was trying to obtain from a soil study. Mr. Amato said he is just trying to establish a boundary for the wetlands. Mr. Popper asked if a plan had ever been submitted for this property and Mr. Amato said he wasn't sure. Mr. Yeske asked how the boundary could have changed that much. Mr. Popper said this isn't a public hearing and Mr. Amato wanted to share his ideas on how the Wetlands Commission process could be improved. Mr. Amato said wetlands mapping is based on soil not plants. He said I have letters that I submitted from Mr. Logan and responses from Mr. Cole. Mr. Popper said we can talk about those with the application but not now. Mr. Popper said based on the plans all activities are in the upland review area and that is why they didn't have a public hearing.

Joseph Koniushesky 180 Evergreen Road refers to the map he handed out and showed where his house is. He said he has had flooding on numerous occasions and said water goes right up to his foundation in his garage. He asked that the Commission please make sure this project is done right. He said I was lucky

with the 7 inches of rain yesterday since Willow Brook is dry but it could have been bad. He said that 184 Evergreen Road has also had a problem before. He said anything on Willow Brook concerns me and maybe the Commission should plan a visit in Fall or early Winter. He said the culvert there needs to be cleaned out.

10b. Application #22-03: Request to conduct activities within the Upland Review Areas to allow for the construction of a 6-lot subdivision at 170 Evergreen Street. Roswell Development, LLC is the Applicant and Robert Grinold Estate c/o Adam Berkeley Grinold is the Owner.

Mr. Popper read application #22-03 and said they will make a presentation on mapping and then we can discuss Mr. Logan's letter.

Ryan McEvoy with SLR Consulting said they are proposing a 6-lot single family residential subdivision. He said lots 1-4 will have an impact on the upland review area and lot 5 will have no impacts and lot 6 will have 1,900 square feet of activity in the upland review area. He said there will be activity in the wetlands itself.

Mr. Popper reads the letter from soil scientist George Logan of REMA that Mr. Amato referred to. He also read the reply to that letter from soil scientist Ian Cole.

Mr. Muller said that it is typical for the town wetlands map to show one thing and then an applicant comes in with something different. He said REMA is looking at what they did in the 90's.

Ian Cole, Soil Scientist in Middletown explained his process and timeline for mapping. He said it is a wooded property but he has deep aerial photos from overtime from the 30's to now. He said there is a definable stone wall that is very distinct and defines and confines the wetlands in the area near the proposed development. Cole said he has not seen the map from VHB, only the town map. He said VHN was using technology that is 25 years old now. He said the guidelines have also changed over time and I can replicate soil drainage in the field now. Ms. Dombrowski asked how a stone wall delineates the wetlands and Mr. Ian said they are indirect relics.

Mr. Popper said like Wynn Muller said, it is up to the Commission to interpret old maps and findings. We have relied on a soil scientist for that mapping. In the past we have gone along with soil scientists. If we don't do that we have to come up with a new process.

Mr. Yeske said we can't keep hiring soil scientists, where do we stop? Mr. Popper said we have two opinions and you will have to decide who you agree with.

A break was called at 8:20pm and Ms. Dabrowski would not be returning to the meeting.

The meeting was called back to order at 8:26pm.

Mr. Muller said the wetlands are defined by soil not plants. Mr. Muller said he has great respect for Mr. Logan but Mr. Cole went out to the field and tested the soil but REMA has not done that. He also said that Mr. Amato has good points but for now we have to go with our policy and use the soil scientists' findings. Mr. Yeske and Mr. Donohue both said they agreed. Mr. Omicioli said that going forward we should look at the discrepancy. Mr. Muller said we have to make a policy to have an independent study or a public

hearing if it's, say, a 10% discrepancy in mapping. He said we didn't have any way to know there was a discrepancy. Mr. Popper said we would have to change the wetlands regulations for something like that.

Mr. Cole said he is confident in his findings and I think Mr. Logan would agree with my findings if we were in the field together.

Mr. Popper said we can't require the property owner to allow other soil scientists on their property.

A motion was made by Wynn Muller and seconded by Robert Donohue to approve application #22-03. All were in favor, Joe Corlis opposed; the motion passed.

12. Commissioners' Comments and Reports:

Mr. Muller asked the Town Planner to look at some possible policy changes for different soil findings.

Mr. Popper said the only application next month will be the Scannell property. He said I will be on vacation the next two weeks so call Mr. Driska with any questions or materials needed. He also asked the Commissioners to watch or listen to any meetings they may have missed. Mr. Donohue said he watched the missed meeting.

Mr. Popper said he will prepare two motions, one to approve and one to deny that you can review.

Mr. Whitney asked if there was a policy on people handing us material during a meeting. He asked how they were expected to vote on something they just received. Mr. Popper said no, you should have time to digest the information. Mr. Popper also said that all of our conversations need to be done in public.

13. Adjourn:

A motion was made by Rob Donohue and seconded by Peter Omiciolli to adjourn at 8:42pm. All were in favor; the motion passed.

Respectfully Submitted,



Linda Imme
Recording Clerk