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

**REGULAR MEETING
7:00 WEDNESDAY, OCTOBER 5, 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, 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. Mr. Yeske arrived at 7:02pm.

3. Seating of Alternates:

No alternates were seated.

4. Approval of Agenda:

A motion was made by Wynn Muller and seconded by Joseph Corlis to approve the agenda with the correction of changing the date on the agenda from September to October. All were in favor; the motion passed.

5. Approval of Minutes:

a. July 6, 2022

A motion was made by Wynn Muller and seconded by Joseph Corlis to approve the minutes of July 6, 2022. All were in favor; the motion passed.

b. August 3, 2022

A motion was made by Wynn Muller and seconded by Joseph Corlis to approve the minutes of August 3, 2022. All were in favor; the motion passed.

c. September 7, 2022

A motion was made by Peter Omicioli and seconded by Stacy Dabrowski to approve the amended minutes of September 7, 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

Mr. Driska said there was a brief summary in the package and he had nothing additional to add. He asked the Commissioners if they had any questions. No questions were asked by the Commissioners.

7. Town Planner Report:

Mr. Popper said we will hear one new application tonight and you have to decide if the activity is significant or not to determine if a public hearing is necessary. He said we will hear a brief presentation from the applicant.

8. Public Comments:

Chairman Whitney asked if anyone from the public had anything to say about any items not on the agenda tonight. No one came forward.

9. New Business: Accept and Schedule New Applications:

- a. Application #22-08: Request to conduct activities within the Inland Wetlands and the Upland Review Area to allow for the construction of a building at 80 Shunpike Road. Opportunity Real Estate Equities LLC is the Applicant and Margaret E. Chernook, Trustee is the Owner.

John Wagenblatt from LRC Group at 160 West Street, Cromwell said they are interested in developing a parcel of land that borders West Street/Route 9/Shunpike Road. He said it is a 31-parcel lot and we are looking to develop 4 acres with access from the adjoining property at 80 Shunpike Road which is also owned by the same owner. He said this will require subdivision approval from the Planning and Zoning Commission. He said the Wetlands have been flagged and located by a soil scientist. Mr. Wagenblatt showed the proposed site plan. He said they are proposing a 13,000 square foot building with the first phase being about 10,000 square feet and the seconded phase, which will occur sometime later, will be an additional 3,000 square feet. It's a two-story building so in total it will be 26,000 square feet. Mr. Wagenblatt said the proposed wetland disturbance is necessary to connect to the Cromwell sewer trunk line and is temporary. He said it will be replaced to its original condition after that and for mitigation we will plant the wetland species within the stormwater management basin and that will cover around 200 square feet. Mr. Wagenblatt said the upland review area disturbance is to meet the parking requirements and stormwater treatment. He said there will be 156 parking spaces. He said there is a 100-year flood line on the east side of the property.

Ms. Dabrowski asked if it was going to be a medical building and Mr. Wagenblatt said yes. She asked if the commission members would have the opportunity to review the plans. Mr. Popper said at this time the commission is being asked to determine if this is a significant or insignificant activity and be

considered as a public hearing item or as a business item. He said either way the commission will have the opportunity to review the application prior to the next meeting. The commission members briefly discussed the application and the proposed impact to the inland wetlands.

A motion was made by William Yeske and seconded by Joseph Corlis to find application #22-08 to be significant activity and to have a public hearing on November 2, 2022. John Whitney, Stacy Dabrowski, Joseph Corlis, Peter Omicioli, Robert Donahue, William Yeske approved; Wynn Muller opposed. The motion passed.

10. 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 application #22-02. He said there will be no comments from anyone tonight including the public and the applicant since the public hearing is closed. He said the Commissioners will discuss and vote. He said that Mr. Donahue and Mr. Yeske missed the July 6, 2022 meeting. He asked both if they reviewed the minutes. Mr. Donahue said yes, he watched remotely and reviewed the minutes. Mr. Yeske said he reviewed the minutes. Ms. Dabrowski said she missed the August 6, 2022 meeting and did review the minutes.

A motion was made by Wynn Muller and seconded by Stacy Dabrowski to approve application #22-02.

A discussion took place with Mr. Muller reading the following statement:

This application should be treated as we do each and every application in accordance with the Inland Wetlands and Watercourses Regulations. The appropriate section is the Title and Authority, Section 1. Which reads in part as follows:

"The inland wetlands and watercourses of the state of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed." Half way down, it continues as: "It is therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, reservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish or other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process **to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state**, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn." Emphasis added!

Further in these regulations in section 10 is a list of items for **Considerations for Decision** in considering applications before this agency.

In arriving at my decision to vote in opposition to this application 22-2, I believe as stated by REMA in their slide #10.2f that the size and the scope of the building pavement and infrastructure in proximity to residential areas, schools, and parks do not represent a balance between exonymic growth and the need to protect the environment and ecology for people and generations yet unborn.

The turnout of the numerous citizens in opposition to this application further confirms the validity of this decision. In fact, citizen DaNeGe of Coles Road asked numerous times of the applicant "What is the anticipated tax revenue to offset the wetland impact?" and I cannot find that this issue was ever addressed.

Further, citizen, intervenor, James DeProto stressed the damage to the wetlands from the exhaust. He said, "the exhaust is comprised of CO, CO₂, NO, and NO₂ (both of which when mixed with water create Nitric Acid) and SO₂ which when mixed with water becomes Sulfuric Acid. In the significant amounts which this level of truck traffic would create, the wetland areas would become contaminated with toxic chemicals." I find not adequate response from the applicant.

I will further address other sections of Section 10 below:

Section 10.1, b includes "Public Comments" and the comments by the public and the intervenors above should be considered as appropriate.

Section 10.2, b, while the applicant has successfully presented that there are no feasible alternatives to its application due to its scope, other alternative solutions do exist were others to arrive at a different use of the land which would have significantly less impact on the wetlands.

Section 10.2, c discusses the short-term vs long term impacts of the proposed activity. This has only long-term impact which is not reversible

Section 10.2, d The impact here is certainly irreversible in that a wetland and vernal pool have been destroyed on the "promise" that a new wetland and vernal pool will replace same.

Notice that the "Create productive wetland", is the very last resort in preserving wetlands.

Section 10.2, e Discusses the character and degree of injury to or interference with the safety, health or the reasonable use of the property. The idea of a toxic wetlands near a school and park seems totally contrary to this section.

Section 10.5 This section includes the habitat for aquatic life in this area and the toxic wetland does not bode well for habitat, nor does the idea of a replacement wetland and vernal pool bode well to habitat.

Mr. Muller said for those reasons I oppose application #22-02. Ms. Dabrowski said she opposed application #22-02 and cited sections 10.2 f and g and 7.7. She also said with the middle school being built near this property I also feel it isn't appropriate.

Mr. Yeske said he is in favor of application #22.02 and cited section 10D, 11 and 11.1. He said it's not wrong for them to be there and the pool is manmade and not natural. He said a farmer made this for his cows. Mr. Yeske said with proper engineering they should be able to do this.

Mr. Popper said I want to recommend the following conditions be included in the motion to approve. He read application #22-02 and said the applicant has reduced direct wetland impacts, reduced the 100-foot wetland upland review area activities, reduced the 200-foot vernal pools upland review area activities and they have added/expanded wetland mitigation efforts. He said the conditions of approval should be that the applicant shall employ an independent erosion and sedimentation control professional to conduct daily erosion and sediment inspections, along with documentation. They should conduct pre and post storm inspections with documentation. The applicant should conduct weekly erosion and sedimentation special reports which are to be submitted to staff. The erosion and sedimentation control professional shall continue until the project is deemed complete or the issuance of certificate of occupancy and the condition of the approval includes the addition of the words IWWA Agent (the Inland Wetlands Agency Agent) to several notes found on page four. CE 11, 101, 102, 103, 200, 201, 202, 203, 300, 301, 302 and 303 which is in the form of a memo.

Mr. Muller amended his motion to approval application #22-02 to include the conditions listed by Mr. Popper. The motion was seconded by Stacy Dabrowski. Peter Omicioli, Robert Donohue, William Yeske approved; Wynn Muller, Stacy Dabrowski, John Whitney, Joseph Corlis opposed. The motion failed.

Mr. Popper said the Commissioner should make a motion to deny using Mr. Muller's statement.

Mr. Yeske said I believe this application should pass since the applicant has taken all the appropriate steps to protect the wetlands and proposed efforts to mitigate any impact to the wetlands.

A motion was made by Wynn Muller and seconded by Stacy Dabrowski to deny application #22-02 based on the statement provided by Mr. Muller. Wynn Muller, Stacy Dabrowski, John Whitney, Joseph Corlis approved. Peter Omicioli, Robert Donohue, William Yeske opposed. The motion passed.

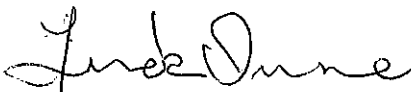
Chairman Whitney said application #22-02 was denied with a vote of 4 Commissioners in favor of denial and 3 Commissioners opposed to denial.

11. Commissioners' Comments and Reports:

12. Adjourn

A motion was made by Robert Donohue and seconded by Peter Omicioli to adjourn at 7:31pm. All were in favor; the motion passed.

Respectfully submitted,



Linda Imme
Recording Clerk