



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

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**REGULAR MEETING**  
**7:00 WEDNESDAY, APRIL 7, 2021**  
**ROOM 224**  
**CROMWELL TOWN HALL, 41 WEST STREET**

**AGENDA**

1. Call to Order
2. Roll Call
3. Seating of Alternates:
4. Approval of Agenda:
5. Approval of Minutes:
  - a. March 3, 2021
6. Development Compliance Officer Report:
  - a. Status of On-going Project and Existing Cease and Desist Orders
7. Town Planner Report:
8. Public Comments:
9. New Business Accept and Schedule New Application:
  - a. Application #21-03: Request to conduct activities within the Upland Review Area to allow for the development of a single-family subdivision at 60 and 80 Hicksville Road. John Zaleski is the Applicant and Adelbrook Community Services, Inc. is the Owner.
10. Commissioners' Comments and Reports:
11. Adjourn

RECEIVED FOR RECORD  
Apr 01, 2021 11:35A  
JoAnn Doyle  
TOWN CLERK  
CROMWELL, CT

*Inland Wetlands and Watercourses Agency*  
**REGULAR MEETING**  
**7:00 PM WEDNESDAY, MARCH 3, 2021**  
**Room 224**  
**Cromwell Town Hall, 41 West Street**  
*Meeting Minutes*

**Present:** Chairman Joseph Corlis, John Whitney, Bob Donohue, William Yeske, David Adametz, and Wynn Muller (via phone)

**Absent:** None

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

**1. Call to Order:**

The meeting was called to order by Chairman Joseph Corlis at 7:02 PM.

**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 to approve the agenda was made by John Whitney; seconded by Wynne Muller. *All in favor; motion passed.*

**5. Approval of Minutes:**

**a. February 3, 2021:**

A motion to approve the meeting minutes of February 3, 2021 was made by John Whitney; seconded by Bob Donohue. *All in favor; motion passed.*

**6. Development Compliance Officer Report:**

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

Development Compliance Officer Bruce Driska addressed the Commission and noted there is no change in the report from last month. There were no new Administrative Permits issued and no Cease-and-Desist Orders have been issued or any enforcement. Mr. Driska asked the Commission if there were any questions. The Commission did not have any questions and thanked Mr. Driska.

**7. Town Planner Report:**

Director of Planning and Development Stuart Popper addressed the Commission. He said as noted in Mr. Driska's report, construction continues at the Nike site and Mr. Driska is up there daily monitoring progress. Mr. Popper said development continues on Field Road at the Arbor Meadows project. He said the plantings at the Starbucks site are in good shape and will be monitored through the spring to be sure that all plants have

taken, and water level is being maintained.

Mr. Popper noted that some new applications for development in the spring are expected. He said there is no development proposed involving any major wetland impact, however. The Commission thanked Mr. Popper for his report.

**8. Public Comments:**

None

**9. New Business Accept and Schedule New Application:**

- a. **Application #21-03:** Request to conduct activities within the Upland Review Area to allow for the development of a single-family subdivision at 60 and 80 Hicksville Road. John Zaleski is the Applicant and Adelbrook Community Services, Inc. is the Owner (*New Application*).

Mr. John Wagenblatt, Principal, LRC Group at 160 Main Street, Cromwell addressed the Commission. He said the Applicant, John Zaleski is proposing a 9-lot subdivision located along West Street and Hicksville Road. Mr. Wagenblatt described the site, the locations of the Upland Review areas and the Inland Wetlands and the proposed single-family house lots.

Mr. Wagenblatt explained that there is proposed upland review area disturbance on lots 2, 8 and 9. He noted that the upland disturbance on lot 2 and 9 is needed since it is the best location for storm water management for these lots. Mr. Wagenblatt explained that the upland review area disturbances are all located near “fringe” wetlands along the upper portions of the wetland system. He said that these wetlands do not exhibit the functions and values provided by the “core” wetlands located closer to Chestnut Brook and the onsite pond. Mr. Wagenblatt said the fringe wetlands appear like the adjacent uplands regarding forest composition and habitat. He noted that as such, encroachment into the review zone associated with these wetlands does not diminish their existing functions and values.

Mr. Wagenblatt asked the Commission if there were any questions. Mr. David Adametz asked about rain washing pesticides and other toxic chemicals into the brook and pond. Mr. Popper answered that the woods and vegetation form a barrier between the houses and wetlands. Mr. Driska added that the woods and vegetation act as a “bio-filter”. Mr. William Yeske asked why there is one less house than the original application. Mr. Wagenblatt explained it was changed to eliminate inland wetland activity. Mr. Bob Donohue asked if Lot 10, which was removed from this application, could be added later. Mr. Popper replied that they would have to apply for another application. Mr. John Zaleski the applicant of 48 Evergreen Road, Cromwell addressed Mr. Donohue’s question. Mr. Zaleski said he plans to build his home on the proposed lot 9 and the addition of Lot 10 would impact his property and he does not see that lot ever being developed.

Mr. Popper asked given the information that has been presented does the Agency wish to make a finding as to whether Application 21-03 is a significant activity that would require a Public Hearing or is an insignificant activity.

John Whitney made a motion determining there is not significant activity; seconded by David Adametz. There was no discussion. *All in favor; motion passed.*

**10. Public Hearing:**

Mr. Popper read the Legal Notice into the record. John Whitney made a motion to open the Public Hearing; seconded by William Yeske. *All in favor, motioned passed.*

- a. **Application #21-01:** Request to conduct activities within Inland Wetlands and Upland Review Area to allow for the development of a single-family subdivision at 60 and 80 Hicksville Road. John Zaleski is the Applicant and Adelbrook Community Services, Inc. is the Owner. Mr. Popper said that the Application has been withdrawn and the Public Hearing cancelled for this Application.
- b. **Application #21-02:** Request to conduct activities (filling and grading) within the Inland Wetlands and Upland Review Area at 241 and 251 Main Street to allow for the installation of a digital billboard. Rodney Bitgood of 263 Main Street Cromwell is the Applicant and Rodnella Realty is the Owner.

Attorney Richard D. Carella, from the law firm of Updike, Kelly and Spellacy, PC in Middletown addressed the Commission. Attorney Carella described the site and the surrounding properties. He explained that this Agency had previously a site for the digital billboard which was located at the southern most point of 241 Main Street and was outside the wetlands but within the upland review area. Attorney Carella said that the Planning and Zoning Commission did not like the location at the south end of the site because the digital billboard would be very visible. He explained that the Commission suggested that the Applicant relocate the billboard farther north behind the old gas station building where it would be less visible. Attorney Carella said so here we are with the new application.

Attorney Carella described the location of the single-sided billboard at the site. He noted that the billboard is proposed to be installed at the end of an old service road adjacent to Route 9. Attorney Carella said that vehicles will enter the site via the current curb cut onto the existing parking lot and then onto the old service road. He said a tracking pad is proposed along with timber matting for old service road. Attorney Carella explained that all the disturbed areas will be surrounded by a silt fence and the silt fence will remain until all work is completed and the disturbed areas are seeded and stabilized. He noted that a 6' diameter, 0.875" thick support pipe will be pounded into the ground until it reaches solid material. Attorney Carella said holes will be drilled into the

hollow pipe to allow for flood water to freely enter and exit the interior of the pipe. He explained that the billboard will be in conformance with Town regulations, the top of the billboard will be no higher than 50' above the adjacent highway (CT Route 9). Attorney Carella said a small amount of material (19 cubic feet minimum) is proposed to be removed from the site to offset the volume taken up by the walls of the support column. He noted that there is expected to be 2,182 square feet of wetland disturbance and 1,455 square feet of upland review area disturbance. Attorney Carella said all the disturbed areas will be seeded and stabilized upon completion of the installation. He said the only permanent disturbance will be the area of the physical pylon.

Attorney Carella concluded his presentation and thanked the Commission and asked if there were questions. Mr. Whitney asked for clarification on "timber matting". Attorney Carella said it is usually large boards placed parallel to each other and is used for road crossings in wetland areas. Mr. Muller asked about the maintenance of the billboard. Attorney Carella explained that there be minimal maintenance and a vehicle such as a pick-up truck would be used to access the area. Mr. Whitney asked how the billboard is powered. Attorney Carella said that power will be installed prior to the installation of the billboard.

Mr. Popper said if the Agency acts tonight it should be with the following conditions contained in Mr. Driska memo dated February 26, 2021: There would be a contact person available 24/7 during construction and erosion control bond will be filed prior to construction starting. Mr. Yeske asked if there were any plans for developing the rest of the site. Mr. Bitgood said he is working plans to develop the site.

John Whitney made a motion to close the public hearing, seconded by William Yeske. All in favor, motion passed.

John Whitney made a motion to approve Application #21-02 with the conditions set forth in the February 26, 2021 memo from Bruce Driska. Seconded by David Adametz. *All in favor; motion passed.*

**11. Commissioner's Comments and Reports:**

None.

**12. Adjourn**

A motion to adjourn was made by John Whitney at 7:53 PM; seconded by Bob Donohue. *All in favor; motioned passed.*

Respectfully submitted,

Michelle Armetta  
Recording Clerk

Application # 21-03

TOWN OF CROMWELL  
INLAND WETLANDS AND WATERCOURSES AGENCY

APPLICATION TO CONDUCT REGULATED ACTIVITY

Street Address: 60 & 80 Hicksville Road	Map/Block/Lot: 30/25 & 31/71 Volume/Page: 1473/34 & 1473/35
Applicant: Jay Zaleski	Owner: Adelbrook Community Services, Inc. & Adelbrook, Inc
Address: 48 Evergreen Road, Cromwell, CT 06416	Address: 60 Hicksville Road, Cromwell, CT 06416
Phone: 860-883-4717	<i>I hereby consent to the Applicant acting as my agent for the purpose of this application. I hereby permit the members and agents of the Agency to inspect the subject land both before and after a final decision has been issued.</i> Signature: 
Parcel ID # 00085100 & 10701400	

Reason for the Proposed Wetland or Upland Review Area Disturbance (not a description of the <u>project</u> , but an explanation of <u>why</u> this disturbance is necessary to complete the project):
See Attached Addendum

Area of Wetland Impacted by this Project (in square feet or acres): 0 s.F.
Area of Upland Review Area Impacted by this Project (in square feet or acres): 64,654 s.F.

Application # 21-03

Description of Alternative Methods Considered, and Justification for Method Chosen:
See Attached Addendum

Certification of Notice to Neighboring Municipalities	
Is any portion of the wetland or watercourse impacted by this application within 500' of Rocky Hill, Berlin, or Middletown?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable
Has a copy of this application been sent to the Rocky Hill, Berlin, or Middletown municipal Inland Wetlands and Watercourses Agency?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable
Has a copy of the plans been sent to the Rocky Hill, Berlin, or Middletown municipal Inland Wetlands and Watercourses Agency?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable

I, the undersigned, hereby certify that the information presented as part of this application is to the best of my knowledge, true and accurate and that should such information be proved to be inaccurate or misleading, any permit issued on the basis of this information may be revoked.

  
\_\_\_\_\_  
Applicant's Signature

2-24-21  
\_\_\_\_\_  
Date of Submission

John Zaleski  
\_\_\_\_\_  
Printed Name

***The Cromwell Inland Wetlands and Watercourses Agency has detailed environmental information on many of the wetland areas in town. The applicant is strongly encouraged to request a copy of this information.***



**Addendum to Town of Cromwell Inland Wetlands and Watercourses Agency  
Application to Conduct Regulated Activity  
VISTA ESTATES  
Hicksville Road & West Street**

*Reason for the Proposed Wetland or Upland Review Area Disturbance:*

There is proposed upland review area disturbance on lots 2, 8 & 9. The upland disturbance on lot 2 & 9 is needed since the best location for lot-related storm water management is the lowest portion of each lot. On lot 8, minimal site grading is necessary for the construction of the house. The upland review area disturbances are all located near "fringe" wetlands along the upper portions of the wetland system. These wetlands do not exhibit the functions and values provided by the "core" wetlands located closer to Chestnut Brook and the onsite pond. The fringe wetlands appear similar to adjacent uplands with regard to forest composition and habitat. As such, encroachment into the review zone associated with these wetlands does not diminish their existing functions and values.

*Description of Alternative Methods Considered, and Justification for Method Chosen:*

Along proposed lots 1 and 3 through 8 off of Hicksville Road the connection to the existing sanitary sewer was considered as a direct connection from each of the proposed house's to the sewer line that runs along Chestnut Brook which would require crossing the existing wetlands on the west side of the easement and greatly increasing the wetland disturbance. A second sewer line consideration would include a separate sanitary sewer line that would traverse the back of the same proposed lots, parallel to the sewer line and tying into the easement at the first manhole north of Hicksville Road. This would increase the disturbance in the upland review area.

LRC Engineering & Surveying, DPC  
LRC Engineering & Surveying, LLC  
LRC Environmental Services, Inc.

Connecticut SBE Certified

160 West Street, Suite E  
Cromwell, CT 06416  
Tel: (860) 635-2877  
Fax: (860) 635-4226

Offices in Connecticut, New York and New Jersey

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## MEMORANDUM

To: Stuart B. Popper, AICP, Director of Planning & Development  
From: Bruce E. Driska, CZEO, Zoning & Wetlands Enforcement Officer *BD*  
Date: March 29, 2021  
Re: **Plan Review, IWWA Application #21-03, 60 & 80 Hicksville Road, John Zaleski Applicant**

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### BACKGROUND

“THE SUBJECT PROPERTY” is part of the Adelbrook Community Services property and is proposed for subdivision. Chestnut Brook flows from West Street approximately 1100 ft through “THE SUBJECT PROPERTY” emptying into a pond near Missionary Road. There is a 100- year flood area in addition to wetlands along this portion of the Chestnut Brook corridor.

### PROPOSAL

The Applicant proposes activities within the Upland Review Area (URA) for the development of 8 new single- family homes on property located at Hicksville Road (7 lots) and West Street (1 lot).

### COMMENTS

I support the approval of this application with the following conditions:

1. The area marked as Proposed Tree Line be field delineated with a physical barrier such as an orange construction safety fence.
2. Permanent ground mounted posts bearing a sign or medallion noting a Wetlands Upland Review Area be placed every 50-ft for Lots # 2,4,5,6,7, and 8.
3. The deeds for Lots 2,3,4,5,6,7,8 and 9 containing Upland Review Areas or Wetlands shall reflect activity restrictions as specified within the Cromwell Inland Wetlands and Watercourses Regulations, Section 4.
4. Permanent ground mounted posts bearing a sign or medallion noting an Inland Wetlands Area be placed every 50-ft for Lot #9 along WF # 90-115.
5. The Applicant shall provide the name and number of an individual responsible for 24- hour response related to Erosion & Sedimentation Control related issues.
6. The Applicant shall meet with Staff prior to any ground disturbance, tree cutting, etc.

**Engineering Department  
Town of Cromwell  
Cromwell, CT**

**Memorandum**

**To:** Stuart Popper  
**CC:** Inland Wetlands Commission  
**From:** Jon Harriman, P.E.   
**Date:** 3/25/2021  
**Re:** Application # 21-03 – 60 and 80 Hicksville Road

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I have reviewed the plans to subdivide and create 9 lots at 60 and 80 Hicksville Road. I offer the following comments. This is a modification of previous application 21-01 (withdrawn). My comments raised under the previous application still apply. I have added one new comment after a site walk.

1. The plans call for infiltration galleries to mitigate the increase in runoff for most of the lots (some use pond structures). The discharge point for these infiltration units appears to be in an area that I would assume will be a grass lawn (not clear). The discharge should extend all the way to the end of the yards, and the discharges should have erosion control. Additionally, the topography appears to show that these discharges will quickly flow onto the abutting property. Abutting property storm water discharges are one of the most common complaints received by the Town. Provisions must be implemented on the plans to prevent this storm water from discharging to the neighboring lot unless easements are recorded. It is possible that addressing this comment will have an impact on the upland review area.
2. The lot fronting on West Street are surrounded by flagged wetlands. Test pit data should be submitted to demonstrate the suitability of the proposed lot for construction. It would appear that this lot receives runoff from the lots on Smith Farm and West Street to the east. The plans should address how this runoff will be handled on the proposed lot and routed around the house and driveway.
3. Site line comments are generally a planning and zoning matter. However during a visit to the site I tried to approximate the site line views from the proposed driveway on West Street. It appears to me that tree clearing may be required in both directions. No tree clearing or trimming is shown on the plans. To the west this clearing could be an impact to wetlands and the upland review area.

In compliance with Cromwell's CTDEEP MS4 permit requirements, attached to this memo is the Town's notification to contractors regarding CTDEEP storm water permitting requirements that may be relevant to this project.

**Town of Cromwell**  
**Stormwater Permit Information for Developers and Contractors**

If your project disturbs more than one acre of land, regardless of phasing, you are responsible for the requirements of the Connecticut Department of Energy & Environmental Protection (DEEP) *General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities* (“Construction Stormwater General Permit”).

If your project is greater than 5 acres, you are required to submit a registration for the Construction Stormwater General Permit at least 60 days prior to the planned commencement of the construction activity. A copy of your Stormwater Pollution Control Plan shall be provided to the Town upon request.

If your project is between one and five acres, you must adhere to the erosion and sediment control land use regulations of the Town of Cromwell which can be found in the Zoning Regulations and Inland Wetland and Watercourses Regulations, as well as the Connecticut Guidelines for Soil Erosion and Sediment Control and the Connecticut Stormwater Quality Manual. No registration or plan review and certification is required for such construction activity provided a Town of Cromwell land-use commission (i.e. Planning, Zoning, or Inland Wetland) reviews and issues a written approval of the proposed erosion and sediment control measures, pursuant to the requirements of section 22a-329 of the Connecticut General Statutes.

At the completion of a construction project registered pursuant to the “Registration Requirements” of the Construction Stormwater General Permit, a Notice of Termination must be filed with the commissioner. A project shall be considered complete after all post-construction measures are installed, cleaned and functioning and the site has been stabilized for at least three months following the cessation of construction activities. A site is considered stabilized when there is no active erosion or sedimentation present and no disturbed areas remain exposed for all phases.

**More information can be obtained by calling the DEEP at 860-424-3000 or  
visiting their Construction Stormwater General Permit webpage at:**

**[http://www.ct.gov/deep/cwp/view.asp?a=2721&q=558612&DEEPNav\\_GID=16](http://www.ct.gov/deep/cwp/view.asp?a=2721&q=558612&DEEPNav_GID=16)**

To: Inland Wetlands and Watercourses Agency

Re: Proposed Residential Re-Subdivision, Vista Estates/Hicksville Road

As residents of 49 Hicksville Road for the past 27 years, our home is located across from the aforementioned property and more specifically, across from the retention pond located adjacent to Missionary Road. Our location has given us an amazing front row seat to the presence of all manner of wildlife, wild birds and waterfowl that exist in the woods and wetlands that surround both Chestnut Brook, as it travels to the Cromwell Meadows Management Area, the retention pond and surrounding wetlands. Deer, Fox, rabbits, coyotes, as well as all manner of aquatic life and plants, make this area their home. From wild turkey, owls, a Pileated woodpecker, blue heron, wood ducks, to multiple bald eagles fishing the pond, this area supports a strong and healthy ecosystem.

Our point is simply to respectfully request that you carefully consider and support the safest possible plan of development in this area. A plan that will protect the health and viability of Chestnut Brook, the pond and the surrounding wetlands, so that this area will continue to be a lively, vital and environmentally sound area in our beautiful town.

Thank you for taking the time to read and consider our concerns.

Sincerely,  
Margaret Colella  
John Colella

## Popper, Stuart

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**From:** Catherine Brooks <shbrooks@snet.net>  
**Sent:** Monday, March 01, 2021 1:44 PM  
**To:** Popper, Stuart  
**Subject:** Proposed Residential Sub-division: 60-80 Hicksville Road

I am sending this email to express my opposition to the proposal cited above. As a resident of Cromwell and Hicksville Road I am concerned about its impact on established wetlands and watercourse. Chestnut Brook runs the entire length of the property and into the Cromwell Meadows Wildlife Management Area. Also this proposal is not in keeping with the Management Plan for Mattabeset River Watershed signed in September 2020.

I sincerely hope that you will give this matter careful consideration.

I will not be able to attend the meeting due to Covid-19 concerns.

I can be reached at the above email address.

Catherine Brooks  
Sent from my iPhone

## Popper, Stuart

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**From:** J. . <JEFFCARR558@msn.com>  
**Sent:** Monday, March 01, 2021 12:03 PM  
**To:** Popper, Stuart  
**Subject:** Inland Wetlands and Waterhouse Agency

Re: Proposed Residential Resubdision, Vista Estates/ Hicksville Road

Dear Mr. Stuart Popper, Ms. Alice Kelly and members of The Inland Wetlands and Watercourse Agency,

My family and I relocated to Cromwell and selected Hicksville Road as our place to settle 7 years ago. One of the major factors when making our decision was the vacant property located across the street from my home located at 95 Hicksville Road.

I was told that the land was part of the Adelbrook property and would not be developed because it was part of the Inland and Wetlands watercourse and home to many species of wildlife.

I have been blessed to see many Deer, Geese, Ducks, Coyotes, Bobcats, Foxes, Turkeys and other wildlife including Turtles, Frogs, Hawks and Bald Eagles.

The wetlands are critical for the survival of these beautiful animals and they are disappearing at an alarming rate. The habitat for survival such as water, food, shelter and space to roam.

The Chestnut Brook runs the entire length of the Cromwell meadow state wildlife area and into the Mettabeset and is significant for the survival of wildlife in this area.

Housing development contributes to increased storm water runoff to the watershed. Also chemical contamination from lawn maintenance and other processes add to the pollutants.

Because of the impervious surfaces, a typical street generates nine times more runoff than a wooded area of the same size.

I humbly ask that the members of the Inland Wetlands and Watercourse Agency seriously consider these factors when making your decision and please reject this and any proposal to build in this area.

If you elect to grant this development proposal to Mr. John Zaleski I ask the Town of Cromwell, The Department of Inland Wetland and Waterhouse Mr. Zaleski or all of the above to purchase my home and property because I will no longer desire to reside in the area.

My brother and I work nights, have health issues and sleep during the day and I have my nephew with Cerebral Palsy living with me.

We lost my dad March 15, 2019 and sister March 15, 2020 so it has been a stressful couple of years and the proposal to develop this area just adds to our anguish.

Wishing you and your families the very best of health during these trying times we all face.

Sincerely,

Jeffrey Carron and Family  
95 Hicksville Road  
Cromwell, CT 06416.

jeffcarr558@msn.com

Telephone: 860-635-0030

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

Date: February 21, 2021

To: Inland Wetlands and Watercourses Agency

From: Peter and Marianne Sylvester, 41 Hicksville Road

Re: Proposed Residential Re-Subdivision, Vista Estates/Hicksville Road

We have been residents of Cromwell at 41 Hicksville Road for 28 years. We would like to bring to the Inland Wetlands and Watercourses Agency's attention certain matters related to the wetlands around the areas proposed for development on Hicksville Road. This Agency is tasked with the heavy responsibility of balancing the natural habitat and resources of the Town with development of residential and commercial interests. We have concerns about how the property owner, Adelbrook, and the developer, John Zaleski, will be addressing some of the environmental issues.

The Management Plan for the Mattabesset River Watershed ("Management Plan") was signed by Cromwell's First Selectman, Board of Selectmen member(s), Town Planner, and resident representation [September 2000] in recognition of the importance of the Mattabesset River Watershed area. This Plan is basically a pledge to support and work toward goals to create a healthier future for the Mattabesset River Watershed. The area proposed for development by Adelbrook and Mr. Zaleski are along Chestnut Brook wetlands, which flows through the Cromwell Meadow State Wildlife Area and into the Mattabesset River Watershed area.

These wetlands and Chestnut Brook are significant to the wildlife in this area and the residents of Hicksville Road and all the residents of the Town. The diversity of the wildlife that travels through this area and finds refuge in the stream and pond is noteworthy. The residents of Hicksville Road have seen not only ducks, geese, and deer, but coyotes, fisher cats, bobcats, foxes, turtles, hawks, and even bald eagles. The wooded area along Hicksville Road and along the wetlands provides a route for wildlife to travel safely from the Cromwell Meadow State Wildlife Area for food and shelter. [Cromwell Meadows is the largest wetland within the watershed. ("Management Plan" page 33)] Within the Management Plan for the Mattabesset River Watershed, the objective to reduce fragmentation and destruction of wildlife habitat was identified. "Wildlife species require large enough tracts of land to gather food and find appropriate shelter. When roads and building are constructed, they often cut through the home range of an animal population. Fragmenting the land in this way often disturbs migration, hunting, and breeding patterns of animal habitats." ("Management Plan", page 128).

*Has the developer provided an analysis of Connecticut's Natural Resource Diversity Database for this area?*

Goal #5 identified by the "Management Plan" is to "Protect wetland and watercourse areas from development and other disturbances." Wetlands "produce oxygen, filter

pollutants, remove silts and sediments, absorb organic and inorganic chemicals, and recycle and reuse these nutrients.” One of the objectives noted for this goal is to protect intact wetland systems. “Extreme caution should be used when developing the land around wetlands – even minor changes in slope of the land can change the way water flows to a wetland, causing the wetland wither to dry up or to drown.” (“Management Plan”, page 129) It is important to maintain buffers between wetland and watercourses and developed areas, and allow for growth of naturally vegetated zones.

Additionally, Goal #7 states “Restore and maintain in-stream and riparian habitat to support healthy fish populations and other aquatic life.” (“Management Plan”, page 136) “Housing development contributes impervious surface and thus increased storm water runoff to the watershed. Moreover, chemical applications to lawns and other household disposals add pollutants to our waterways. More households also mean more demand on local water resources...” (“Management Plan”, page 45) “Runoff from fertilized land manifest themselves as high nutrient levels in the Mattabesset River and in certain tributaries.” (“Management Plan”, page 25) It should be noted that the existing retention pond at the corner of Hicksville Road and Missionary Road has had significant problems with algae. In fact, two years ago a “bubbler” system was installed to mitigate the algae problem in the pond with unsatisfactory results.

“Because of impervious surfaces, a typical street generates nine times more runoff than a wooded area of the same size.” (“Management Plan”, page 43) The “Management Plan” states “land use patterns and zoning determine the image of a town – how much forested upland and open space is preserved; ...” (“Management Plan”, page 38) “Construction of buildings... changes the hydrology of an area. These areas increase water velocity and volume of runoff – often with extraordinary effects on peak discharge rates, downstream channel degradation, habitat loss, ... and contamination of water resources from polluted runoff. In the Mattabesset River Watershed, all municipalities require storm water drainage profiles to be submitted as part of their Zoning Regulations. However none of these towns outline specific provisions for managing increases in storm water runoff after a site is developed.” (“Management Plan”, page 41)

Cromwell’s own Plan of Conservation and Development (2007) indicates a goal (#5) to supply an infrastructure that balances growth with preservation; to protect and appropriately manage the community’s natural resources. We ask that the Inland Wetlands and Watercourses Agency gives careful consideration to this proposed development project and the strain the additional nine houses will have on the precious resources provided by the Chestnut Brook and Mattabesset River Watershed area to the ecosystem of this Town.

Thank you for taking the time to listen to our concerns.

## Popper, Stuart

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**From:** Moore, Jacob <Jacob.Moore@jakebrake.com>  
**Sent:** Thursday, February 25, 2021 11:16 AM  
**To:** Popper, Stuart  
**Subject:** Vista Estates, Proposed Sub-Division, 60 & 80 Hicksville Road, Cromwell CT, Wet-lands Impact

**Importance:** High

Dear Mr. Popper,

My name is Jacob Moore, resident of 8 Smith Farm Road in Cromwell since 2012. I appreciate the time, dedication, and effort that you and the Cromwell Wetlands board have given to this matter.

My concerns and comments below are with regard to the proposed residential housing sub-division by Mr. John Zaleski, Applicant, owner Adelbrook Community Services Inc.;

**1. Concern about significant impact and harm to existing wet-lands**

- a. The proposal is deemed "Significant Impact" per Cromwell "INLAND WETLANDS AND WATERCOURSES REGULATIONS"
  - i. It would be large, harmful man-made interference;
    1. It would call for significant impact to the wetlands and surround natural infrastructure.
    2. It would substantially diminish the natural capacity of the wetlands to support aquatic, plant or animal life.
    3. It is a proposal that would damage and or destroy unique wetland areas that have demonstrable scientific and or educational value.

**2. Concern about the timing/climate state of designated wetlands**

- a. The time of year that the field survey was done (January 7, 2021) does not take into account the wetter months of the year, where the vast majority of the land within the proposal are marsh lands; extremely saturated, wet, damp, moist and teeming with local wetlands wildlife and growth. I have first-hand account to have witnessed and experienced this natural occurrence.

**3. Concern about background of designated area and adjacent locale**

- a. The area owned and managed by Adelbrook Community Services Inc. has long been regarded as a Regulated Area with established wetlands, and as such been maintained as open space. There have been no buildings or other structures on the property.
  - i. It behooves Adelbrook Community Services Inc., adjacent property owners and neighbors to strive to respect and defend such established and vital wetlands.

**4. Potential for expanded harm beyond designated 487 SF area (specific to lots 9 and 10)**

- a. The proposal put forth by LRC "PROPOSED INLAND DISTURBANCE AREA = 487 SF" findings by Martin Brogie, Inc for lots 9 and 10 at minimum.
  - i. This area requested is small portion compared to the entire designated surrounding wetlands
    1. To only impact said 487 SF, it would require immense precision by the construction equipment to not disturb the vast surrounding wetlands, which cannot always be achieved

**5. Concern about dangerous and harmful precedence**

- a. The proposal would set a harmful precedent within the town and state of Connecticut regarding irrevocable wetlands impact, damage, destruction and subsequent lack of conservation.
  - i. It is up to all of us to do our part to be prudent stewards of what sparse and precious wetlands we are graced with the honor of conserving and protecting.

It is with my deepest and humblest opinion and hope that the board and all associated parties take these concerns into account, be prudent and thoughtful, and deny said application and proposal.

Please let me know that you have received this email accordingly.

Sincerely,

-Jacob Moore and Tu Lam-Moore  
8 Smith Farm Road, Cromwell CT 06416  
860-358-9678

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Re: Vista Estates, Proposed sub-division  
Mr. Popper,

February 23, 2021

My name is Cheryl Hayes, resident of 4 Smith Farm Road for 16 years along with my husband George Hayes. All of my following comments and concerns are specific to the proposal of Lot 9 and Lot 10 coming off of West Street.

Concerns:

The recent site development plan was done in January 2021. After researching precipitation averages, the information shows that January is in the middle of the driest months of the year in Cromwell which run from August through March. Therefore, the markers and boundaries of wetland may well be conservative of their natural state in the wet time of year which runs April to August. From my personal knowledge of the area behind my home, there is definitely a difference in the size of the marsh/wetland area in January as compared to April/May.

By the definition in the regulations, "Wetlands and Watercourses are indispensable and irreplaceable but fragile natural resources. They are an interrelated web of nature..."

The board has determined there to be significant impact on the Wetland and Watercourse area. I support that conclusion for the following reasons:

My belief is that the extent of the work necessary to construct homes on Lot 9 and Lot 10 will have a significantly adverse effect on the fragile Wetlands and watercourses which will subsequently introduce further environmental issues.

- There will be filling and removing of materials along hundreds of yards
- Waterflow will be diverted or possibly obstructed by the concrete driveway running hundreds of yards through the area. Concrete sheds water, it does not absorb.
- There will be the erection of two large building structures along with the machinery and vehicles crossing the area innumerable times.

Also, In order to construct and access these 2 house lots, the clear cutting of trees will be drastic in number to develop the driveway and structures. The benefit of trees to this wetland and watercourse cannot be overstated.

- Trees are a natural air conditioner. Their evaporation keeps the temperature cool, and the canopy reduces the ground temperature 6 to 8 degrees in this wetland.
- They provide water filtration and retention over the entire 10 acres for the watercourses and wetland.
- Trees capture and slow rainfall. Their roots filter water and recharge the aquifer.

For these reasons, the clear cutting of trees will disrupt, if not wipe out, the stability of the wetlands, watercourses and ecology that is currently surrounded by forest. I think it is logical to assert that the environmental balance will be permanently changed.

In making your decision on this proposed subdivision, please consider that there will be short term and long term impact on this entire area of wetlands and watercourses. The area will suffer a significant degree of injury, most of which will be irreversible. I understand there will be new homes built on land in every town. However, this proposal for Lot 9 and Lot 10 will cause damage to 10 acres of forest that is home to fragile wetland, brook, and watercourses which requires our protection, This damage **far** exceeds any benefit of 2 homes.

Respectfully,

Cheryl and George Hayes

To: Mr. Stuart B. Popper, Town Planner  
160 West Street  
Cromwell CT 06416  
(SPopper@Cromwellct.com)

Re: VISTA Estates - Proposed Residential Subdivision  
West and Hicksville Road  
Cromwell CT 06416

From: Cheryl and George Hayes  
4 Smith Farm Road  
Cromwell CT 06416  
(hayes.che@gmail.com)

## **LETTER OF CONCERN**

TO: Town of Cromwell Inland Wetlands and Watercourses Agency

Re: Application No. 21-01  
60 & 80 Hicksville Road  
Parcel ID #00085100 & 10701400

Dear Members of the Inland Wetlands and Watercourses Agency:

It has come to our attention that Mr. John Zaleski, Applicant, has submitted a site development plan proposing to build a nine (9) lot residential housing subdivision on a portion of Hicksville Road and West Street in Cromwell.

### **Background of Property and Surrounding Area**

For many decades this property has been owned and managed by Adelbrook Community Services, Inc. & Adelbrook, Inc.. The property can be characterized as a Regulated Area with its established wetlands and watercourse. The property itself has been maintained as open space. There are no buildings or other types of structures on the property. This property consists of some open fields, a variety of well-established trees and other vegetation. Directly behind the property (i.e., eastern side and adjacent to Missionary Road) there is a privately-owned retention pond. Most importantly, Chestnut Brook runs the entire length of the property. The brook runs north to south from West Street all the way down through the Cromwell Meadows Wildlife Management Area. Various wildlife make this property their habitat including birds of many species (among them the bald eagle), bobcats, coyotes, deer, ducks, foxes, rabbits, turtles, wild turkeys, and others. Residents have many photographs which illustrate examples of the wildlife. The photos are available upon request.

### **Chestnut Brook and the Mattabeset Watershed**

Cromwell is part of the Mattabeset River Watershed. The Mattabeset River, which originates in Meriden, flows approximately 18 miles on its way to the Connecticut River. Included in the many streams of the Mattabeset River Watershed is Chestnut Brook in Cromwell. The Mattabeset River and its tributaries are home to many freshwater and migratory fish species. The watershed supports several uncommon plants (i.e., yellow corydalis flower and prickly pear cactus) and the falcate orange-tip butterfly. In addition, animals such as the five-lined skink lizard, box turtle, and marbled, spotted and red-backed salamanders live here.

### **Residential Homes on Hicksville Road and Condition of Existing Road**

There are residential homes on Hicksville Road, mostly on the western side of the road, starting from West Street and running to South Street. Only one (1) new home has been built on Hicksville Road within the past ten years and that residence is located near the intersection of Hicksville Road and West Street. It should be noted that

there are no sanitary sewers between the beginning of Hicksville Road – West Street and to the lot owned by Francis D’Angelo. The homes in this portion of Hicksville Road have septic systems.

For the most part, Hicksville Road does not have a formal storm water drainage system with precast concrete catch basins. The only precast concrete catch basins are located at the corners of Hicksville Road/Missionary Hill Road and Hicksville Road/Overlook Drive. The portion of Hicksville Road south of Missionary Road and Overlook Drive does not have a formal storm water drainage system. The developer of the residences of 41, 39, and 37 Hicksville Road installed an informal drainage system consisting of an 8-inch corrugated black pipe located at a depth of approximately 5 feet within the Town-owned 10-foot right away/grass area of these homes which drains into Chestnut Brook. Consequently, due to the lack of an adequate and proper storm drainage system, icing of the road surface occurs in front of the residences/driveways of 43, 41, 39, 37, 35 and 33 Hicksville Road. In severe and heavy rain storms ponding occurs. In addition, the road is cracking and breaking up as well as the lower portion of the driveways of the homeowners.

#### **CONCERNS OF RESIDENTS ON HICKSVILLE ROAD:**

##### **I. IMPACT/EFFECT FROM LAND-CLEARING and ON-SITE CONSTRUCTION ON INLAND WETLANDS and MATTABESSET WATERSHED**

- A. Potentially, the construction of 9 single-family homes will disturb the natural and indigenous character of the wetlands and watercourse on this property. We believe the use of heavy equipment (i.e., bulldozers, excavators, etc.) along with the actual excavation (i.e., clearing of land) of soil to build foundations, install necessary utilities, and grading will disturb the existing wetlands and watercourse.
- B. Potentially, the construction of 9 single-family homes will alter/change the natural channel of the present wetlands and watercourse and inhibit the natural dynamics.
- C. Potentially, the construction of 9 single-family homes will diminish the natural capacity of the wetlands and watercourse on this property in such a manner as to effect aquatic, plant and/or animal life and the established habitats on this property.
- D. Potentially, due to the irregular grades of the land, the necessary excavation and clearing of land will likely create a siltation or sedimentation in the wetlands and watercourse.
- E. Potentially, Chestnut Brook which is considered an “UPLAND REVIEW AREA” will be severely damaged/disturbed by the excavation and clearing of land required to build these 9 residential homes.
- F. The applicant of the proposed 9-lot subdivision has not submitted any documentation/evidence denying the existence of VERNAL POOLS on the property. Under section 7.5 of the regulations of the INLAND WETLANDS AND WATERCOURSES REGULATIONS of the TOWN OF CROMWELL, CONNECTICUT, adopted September 7, 1988 and Amended (effective April 12, 2011), it states that all applications shall include various information in either writing or on maps or drawings. We call to the

attention of the members of the Agency, subsection 7.5d of these regulations, which is part of the overall information that the application must include. Subsection 7.5d states the following:

*“...The geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area (in acres or square feet) of wetlands or watercourses to be disturbed, soil type(s), wetland vegetation, and known or possible vernal pools...”*

Also, we call to the Agency’s attention subsection 7.6d of these regulations, another requirement to be completed by the applicant in the application process. Subsection 7.6d states the following:

*“...A description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions...”*

We must recognize that within the wetlands there potentially exist VERNAL POOLS. Vernal Pools serve as a tremendous asset to wildlife habitat. Vernal Pools serve as a breeding habitat for certain species of wildlife, including salamanders and frogs. In addition, Vernal Pools serve as local watering holes for nearby animals – feeding ground for birds, snakes and turtles. The applicant has not provided any scientific studies and/or reports demonstrating that there are no VERNAL POOLS and whether there are any obligatory species such as fairy shrimp, spotted salamander, Jefferson salamander, marbled salamander, wood frog and eastern foot toad existing on this property. Development of this property could potentially harm and/or destroy any existing Vernal Pools. The best time to identify and document the existence of Vernal Pools on a property is from March through May.

## **II. IMPACT/EFFECT FROM LAND-CLEARING and ON-SITE CONSTRUCTION ON HICKSVILLE ROAD, INLAND WETLANDS and MATTABSESSET WATERSHED (i.e., Flow of Water Issues)**

- A. Potentially, due to the lack of an adequate storm water drainage system on the upper and lower portions of Hicksville Road, on-going road surface icing occurrences will increase and, without any improvement to the storm water drainage system on Hicksville Road, any additional residential homes built on Hicksville Road will only exacerbate an already existing dangerous condition for motorists, pedestrians and local residents residing on Hicksville Road.
- B. Potentially, due to the lack of an adequate storm water drainage system on the upper and lower portions of Hicksville Road, the construction of 9 single-family homes in the proposed site will change the volume, velocity, and timing of the surface water runoff that will flow from these 9 single-family homes. The additional volume and velocity of the surface water runoff traveling down Hicksville Road will lead to increased ponding on the road and increased icing occurrences.
- C. Potentially, due to the change in the volume, velocity and timing of the surface water runoff, from the construction of these 9 single-family homes, the apron/lower portion of driveways of Hicksville Road residents will continue to crack and deteriorate. In addition, as we already know, Hicksville Road is

cracking and breaking up due to the lack of a formal storm water drainage system. This additional water runoff will exacerbate the current cracking and deterioration of the road.

- D. It is our hope that this Agency will require the applicant to comply with **ALL conditions and terms** of the regulations before any decisions are reached by this Agency. We point to subsection 7.6j of the regulations, the applicant must address stormwater quality and quantity. This subsection reads as follows:

*“...An affidavit from the applicant’s consulting engineer or legal representative attesting that the stormwater quality and quantity treatment design complies with generally accepted best management practices or the 2004 Connecticut Stormwater Quality Manual published by the Connecticut Department of Environmental Protection...”*

- E. It is our hope that this Agency will carefully review subsection 7.6l of the regulations and require the applicant to comply with this subsection. Subsection 7.6l of the regulations requires the applicant to provide documentation as to the actions/measures they propose to address stormwater quality and quantity. Given the existing lack of a formal storm water drainage system on most of Hicksville Road and ongoing problems, this is a significant concern of all residents on Hicksville Road. This subsection reads as follows:

*“A document listing each erosion control measure, stormwater quality and quantity treatment measure, and stream crossing shown on the site plan with its corresponding “best management practice “recommended by DEP Bulletin 34, the Connecticut Stormwater Quality Manual, and/or the DEP “Stream Crossing Guideline” ...”*

- F. Potentially, due to the land clearing (e.g., removal of existing trees, plants, grasses and other vegetation) as well as the removal of soil for the installation of residential home foundations, water will be displaced. The open fields, large trees with established roots, and other existing vegetation on the property are permeable surfaces that allow the rainwater to soak into the soil. However, rooftops of the 9 single family homes and driveways for these homes are impermeable surfaces forcing more rainwater to run off onto Hicksville Road and Chestnut Brook which is part of the Mattabeset River Watershed.
- G. Potentially, due to the land clearing (e.g., removal of existing trees, plants, grasses and other vegetation) as well as the removal of soil for the installation of residential home foundations, additional rainwater will run off into Chestnut Brook leading to overflow (i.e., flooding) of the brook onto: a) Hicksville Road, b) surrounding wetlands, and c) residential properties of homeowners whose property is adjacent to Chestnut Brook.
- H. Potentially, due to the land clearing (e.g., removal of existing trees, plants, grasses and other vegetation) we will lose and/or harm the natural filter, buffering Chestnut Brook from any pollutants that might flow into it. The land adjacent to Chestnut Brook has plants growing on it, including trees, shrubs and tall grasses that serve many important functions. For instance, the roots of plants stabilize the streambanks and control erosion. Plants along the brook improve habitat for fish and other aquatic animals.

- I. Potentially, due to the land clearing (e.g., removal of existing trees, plants, grasses and other vegetation) as well as the removal of soil for the installation of residential home foundations, the excess water runoff flowing into Chestnut Brook could create turbid waters in the Mattabesset River. We know that high turbidity is dangerous to fish because it reduces sunlight penetration in the water, impairing sight-feeding fish, and clogs fish gills.

Currently, the Mattabesset River has been designated as a “water quality hotspot” by the Connecticut River Forum. The Mattabesset River Watershed is in need of restoration by the State Department of Environmental Protection. The reason the Mattabesset River has been designated as a “water quality hotspot” is because of its poor water quality. We know that suburban development has resulted in nonpoint pollution, or polluted runoff, which is now the MAJOR source of contamination to the rivers and streams in the Mattabesset River Watershed.

We respectfully request that all items noted above be given careful and thoughtful deliberation by the Inland Wetlands and Watercourses Agency during their consideration of the above-referenced application regarding the potential negative effects on the environment and existing watershed of the proposed 9-lot subdivision.

Thank you.

Sincerely,

**David Masse & Wendy Masse**  
**Residents – 37 Hicksville Road, Cromwell, CT**