



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

REGULAR MEETING
7:00 WEDNESDAY, OCTOBER 6, 2021
TOWN COUNCIL CHAMBERS
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. April 7, 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 #21-06: 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.
10. Commissioners' Comments and Reports:
11. Adjourn

RECEIVED FOR RECORD
Sep 30 2021 11:40A
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

pl

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

Present: Chairman Joseph Corlis, John Whitney, Robert Donohue, William Yeske and Wynn Muller (via phone)

Absent: David Adametz and John Keithan


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 7:00 PM.

2. Roll Call

The presence of the above members was noted.

RECEIVED FOR RECORD
Jun 29, 2021 03:37P
JoAnn Doyle
TOWN CLERK
CROMWELL, CT 

3. Seating of Alternates

No alternates were seated.

4. Approval of Agenda

A motion to approve the agenda was made by Robert Donohue seconded by John Whitney. *All in favor, motion passed.*

5. Approval of Minutes:

a. March 3, 2021

A motion to approve the minutes of March 3, 2021 was made by John Whitney seconded by William Yeske. *All in favor, motion passed.*

6. Development Compliance Officer Report:

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

Mr. Bruce Driska reported about ongoing projects noting that Cromwell Village at the top of Country Squire Drive has been progressing. He said he conducts daily inspections of the site.

Mr. Driska explained that the plantings around the stormwater basin by Starbucks have survived the winter and they appear to be very healthy. He said he will continue to monitor the plants in the basin to ensure that they go through this growing season.

Mr. Driska said that he has done an inspection of the drainage system and storm water structure at Arbor Commons on Field Road. He reports that it did very well over the winter as did all the stabilization that was in place last year.

The Commission members had no questions and thanked Mr. Driska for his report.

7. Town Planner Report:

Mr. Popper reported that the addition to Covenant Living is complete and it is expected that they will have their grand opening at the end of the April. He reported that the landscaping and boardwalk around the pond is very well done. Mr. Popper encourages everyone to go and take a look.

Mr. Popper explained that on the agenda under New Business: Accept and Schedule is 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.

Mr. Popper said at the March meeting the Agency discussed Application #21-03 and determined that the proposed activities within the Upland Review Area were not a significant impact. Mr. Popper said that he was contacted by Mr. Muller and asked that the Commission consider to rescinding its vote from the last meeting when it determined that Application #21-03 was an insignificant activity. He said that Mr. Muller is asking the Commission to vote again to determine if Application #21-03 is a significant activity and therefore would require a public hearing. Mr. Popper said he contacted the Town Attorney and was advised that Commission could vote to rescind, but the motion must pass with a super majority (4 out of 5).

Mr. Popper asked the Commission that prior to voting on rescinding the vote that they listen to the presentation from the Applicant and his Engineer and Soil Scientist on the proposed activities within the Upland Review Area.

8. Public Comments:

A member of the public wished to make comments pertaining to Application #21-03, but after discussion between the Commission and Town Staff, it was determined that these comments could only be made during a Public Hearing. Mr. Popper noted that the public will have the opportunity to make comments at the Planning and Zoning Public Hearing scheduled for the Resubdivision application on April 20, 2021.

There were no other public comments.

9. New Business:

- 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.

Mr. Popper said that the Agency determined at their meeting on March 3, 2021, that Application #21-03 was not significant activity. Mr. Wynn Muller has asked the Commission to rescind this vote.

Mr. Popper asked the Commission prior to voting to rescind the vote to allow the Applicant the opportunity to present information supporting that Application #21-03 as not a significant activity requiring Public Hearing.

Mr. John Wagenblatt, Principal, LRC Group at 160 Main Street, Cromwell addressed the Commission. The Applicant, John Zaleski is proposing a 9-lot subdivision located along West Street and Hicksville Road. Mr. Wagenblatt was joined by Mr. Richard Reynolds,

Project Engineer, LRC Group and Martin Brogie, Connecticut Licensed Environmental Professional and Soil Scientist.

Mr. Wagenblatt presented the site plan and presented the plans and information on all the proposed activities to take place within 64,000 square feet of Upland Review Area as part of the new Application #21-03. He noted that on Lots 2 and 9 the area to be disturbed is on the lowest parts of the lots near the fringe wetlands for the installation of the individual storm water management systems. Mr. Wagenblatt said the other portion of Upland Review Area to be disturbed will be for the site grading for Lot 8.

Mr. Richard Reynolds reviewed his letters dated April 5, 2021 addressing comments from Mr. Bruce Driska and Mr. Jon Harriman in their memos of March 29, 2021 regarding stormwater management and the installation of temporary construction fencing prior to site disturbance.

Mr. Martin Brogie addressed the Commission. Mr. Brogie explained to the Commission that he is a licensed environmental professional with 30 years of experience conducting wetland delineation and assessment and mitigation impact analysis. He said he provides wetland delineation and assessment services in association with site development or redevelopment. Mr. Brogie said he has worked on a variety of local, state, and federal inland wetland permitting over his career. He said he was hired by LRC group to conduct a wetland delineation on the subject site.

Mr. Brogie asked the Commission if they were in receipt of his report from January 2021. Mr. Popper noted that the Commission had received this report as part of the previously withdrawn application.

Mr. Brogie explained that the purpose of his original report was to prepare a wetland delineation of the property, an assessment of the value and functions of the wetlands, review proposed project construction plans, assess potential wetland impacts and to provide wetland mitigation recommendations as needed. He said Mr. Popper had forwarded him the emails and letters from neighbors expressing their concerns the impact this proposed development may have upon the inland wetlands, Chestnut Brook and the natural habitat on the property. Mr. Brogie thanked Mr. Popper for the letters and said he would be happy to address their concerns and questions.

He first presented a summary of his report describing the value and function of the wetlands on the site, Chestnut Brook, and the natural habitat. Mr. Brogie then gave a detailed response to the concerns raised in the neighbor's letter regarding the impact the proposed development may have upon the inland wetlands, Chestnut Brook, the Mattabesset watershed, vernal pools and the impact on wildlife at the site. He explained that this new application would have no direct impact upon the wetlands and all the activities were taking place within the Regulated 100' Upland Review Area. Mr. Brogie concluded in his professional opinion, the activities associated with Application 21-03 would pose no significant impact and is what he considers a "very low-impact development."

Mr. William Yeske commented that Mr. Brogie did a very good job. Chairman Corlis thanked Mr. Brogie, Mr. Wagenblatt and Mr. Reynolds for their presentation.

Mr. Muller asked Mr. Popper to read into the record the Town of Cromwell Inland Wetland and Watercourse Regulations Section 2.1 Definition ff. "Significant Impact" means any activity, including, but not limited to, the following activities which may have a major effect on a wetland or watercourse. Mr. Popper read 1. – 7. Section 2.1 Definition ff. and the Commission found that for each point, the answer would be NO.

Chairman Joseph Corlis then asked each Commission Member to vote "yes" to rescind Application 21-03 (i.e., considered "significant activity") or vote "no" that Application 21-03 is NOT considered "significant activity" and therefore will not require a Public hearing.

Members voted as follows:

Robert Donohue – Yes

John Whitney – No

Joseph Corlis – No

Wynn Muller – No

William Yeske – No

Motion to rescind did not pass.

Mr. Popper said if the Commission were to act favorably upon Application #21-03 this evening it should be with the conditions contained in the memos from Mr. Jon Harriman dated March 25, 2021 and Mr. Bruce Driska dated March 29, 2021.

John Whitney made a motion to approve Application #21-03 with the conditions contained in the memos from Mr. Jon Harriman dated March 25, 2021 and Mr. Bruce Driska dated March 29, 2021. Seconded by William Yeske. *All in favor, motion passed.*

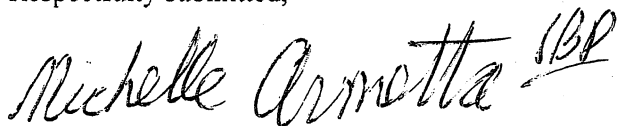
10. Commissioners' Comments and Reports:

None.

11. Adjourn:

John Whitney made a motion to adjourn at 8:26 PM. All in favor, motion passed.

Respectfully submitted,

A handwritten signature in black ink that reads "Michelle Armetta" followed by a stylized monogram "IBP".

Michelle Armetta

Recording Clerk

		IWWA PERMIT REPORT 2021				
Permit #	Name of Applicant	Site Location	Type of Activity	Decision Date	Status	
20-01	John Zaleski	60 & 80 Hicksville Road	Wetlands disturbance for driveway	Withdrawn on 02/24/2021	Withdrawn	
21-02	Rodney Bitgood	241 & 251 Main Street	Construct access road and digital billboard within wetlands and URA	03/23/2021	Approved	
21-03	John Zaleski	60 & 80 Hicksville Road	Construct eight single family homes within URA	04/07/2021	Approved	
21-04	Dan Seabra	5 Fawn Run	Construct deck within URA	Approved by Staff 04/29/2021	Approved	
21-05	Kevin Cahill	60 North Road	Clearing, excavation, grading and septic installation for new home	Approved by Staff 08/16/2021	Approved	
21-06	Scannell Properties #556 LLC	76, 80R, 94A & 102 Geer Street 210 Shunpike Road	Conduct activities within inland wetlands and URA to construct a road and warehouse	To be scheduled	Open	
21-07	80 Geer Street	William Perry	Excavate and grade within URA for a pool	Approved by Staff 09/25/2021	Approved	

**TOWN OF CROMWELL
INLAND WETLANDS AND WATERCOURSES AGENCY**

APPLICATION TO CONDUCT REGULATED ACTIVITY

Street refer to Attachment 1: Parcel List Address:	Map/Block/Lot: refer to Attachment 1: Parcel List Volume/Page:
Applicant: Scannell Properties #576, LLC	Owner: refer to Attachment 1: Parcel List
Address: 8801 River Crossing Blvd. Suite 300, Indianapolis, IN 46240	Address: refer to Attachment 1: Parcel List
Phone: (763) 331-8853; Daniel Madrigal	<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> refer to Attachment 2: Letters of Authorization Signature:
Parcel ID #: refer to Attachment 1: Parcel List	

Reason for the Proposed Wetland or Upland Review Area Disturbance (<i>not a description of the <u>project</u>, but an explanation of <u>why</u> this disturbance is necessary to complete the project</i>):
The proposed warehouse building and the proposed access road off Shunpike Road will result in unavoidable direct wetland impacts and encroachment into upland review areas.
The proposed access road off Shunpike Road will require crossing of an unnamed perennial stream with the installation of a large culvert at the site of a former stream crossing.
Please see Attachment 3: Project Narrative for additional discussion.

Area of Wetland Impacted by this Project 21,300 SF (0.489 AC) (in square feet or acres):
Area of Upland Review Area Impacted by this Project 401,500 SF (9.217 AC) (in square feet or acres):

Description of Alternative Methods Considered, and Justification for Method Chosen:
Alternate locations for the proposed warehouse building would result in significantly greater wetland impacts. Filling of the man-made irrigation pond is considered the most prudent alternative compared to impacting higher functioning wetlands elsewhere on the property.
The use of a former stream crossing near Shunpike Road is considered the most prudent alternative since it is an existing disturbed area and avoids creating a new stream impact.

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?	<u>Yes</u> / No Not Applicable
Has a copy of this application been sent to the Rocky Hill, Berlin, or Middletown municipal Inland Wetlands and Watercourses Agency?	<u>Yes</u> / No Not Applicable
Has a copy of the plans been sent to the Rocky Hill, Berlin, or Middletown municipal Inland Wetlands and Watercourses Agency?	<u>Yes</u> / No 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.

Dean Gustafson

Applicant's Signature

September 29, 2021

Date of Submission

Dean Gustafson, All-Points Technology Corp., P.C., Agent for Scannell Properties #576, LLC

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.

PROJECT NARRATIVE

The Applicant, Scannell Properties #576, LLC, proposes a $\pm 1,042,840$ SF footprint warehouse on property located east of Shunpike Road (State Route 3), north of Geer Street and south of the Rocky Hill municipal boundary. The Project Area consists of the assemblage of multiple parcels that total approximately 250 acres. The predominately historical agricultural use of the Site has resulted in landscape-wide anthropogenic (man-made) changes and associated vegetative communities, including: existing cultivated agricultural fields, landscape nursery fields, associated barns and outbuildings, residency, dug irrigation pond, Algonquin gas ROW, contractor material storage yard, old field, successional forest (from historic agricultural fields), wetland resources, vernal pools, and unnamed perennial and intermittent streams. The vicinity of the Site consists of commercial and industrial development along Shunpike Road to the west, residential development to the south, a town park (Watrous Park) is to the east and an Algonquin Gas compressor/transmission station and gas line Right-of Way ("ROW") and agricultural land to the north in Rocky Hill.

Several wetland areas were identified and delineated on the Project Area including an isolated irrigation pond located centrally in the eastern portion of the property. Additional wetland systems, including complexes of forested seep systems, vernal pools, and unnamed perennial watercourse systems located in the northern and western portions of the Project Area, were delineated.

Due to the locations of wetland resources and associated Upland Review Areas on the Project Area and the building program needs of the proposed development, direct wetland impacts are unavoidable along with encroachment into the Upland Review Area. The majority of the $21,300\pm$ SF of direct wetland impacts resulting from the proposed project is associated with an $18,000\pm$ SF irrigation pond which is surrounded by an existing cultivated field that represents the largest developable area on the Project Area. Situating the development within this large developable area will allow the building program needs to be attained while avoiding and minimizing impacts to more valuable wetland resources. Of the $1,707,440\pm$ SF of total wetlands located within the Project Area, the proposed development impacts only 1.25% of the total area of wetlands. The proposed development plan represents the most prudent and feasible alternative.

Access to the proposed development will be gained from Shunpike Road at the western end of the Project Area. Wetlands that parallel Shunpike Road in this area of the Site are associated with an unnamed perennial watercourse that flows to the north. An old farm road crossing of this perennial watercourse with remnants of a culvert and associated fill/grading activities exists in the northwestern corner of the Project Area close to Shunpike Road. This previous wetland and stream crossing will be improved to accommodate the proposed access road. Utilizing this former crossing will result in limited wetland impacts of $3,300\pm$ SF and would occur within previously disturbed areas. A large culvert opening will be used for the crossing upgrade to properly convey stream flows, significantly improving the previous crossing.

To compensate for these unavoidable wetland impacts, a wetland creation area of at least $25,000\pm$ SF will be provided in the northeast corner of the Project Area within an existing cultivated field that is in proximity to other wetland resources. This new wetland will include areas of seasonal shallow inundation and will be planted with native wetland trees, shrubs, and herbaceous plants. Surrounding the wetland creation area will be a $42,500\pm$ SF buffer enhancement area that will consist of various native upland trees, shrubs, grasses, and flowering herbaceous species. The overall mitigation area will support a variety of wetland functions and values with a focus on wildlife habitat function.

ATTACHMENT 1: PARCEL LIST

Parcel Address	Map - Lot	Parcel ID	Regulated Activity (Wetland Impacts)	Regulated Activity (URA Impacts)	Owner	Owner Address
76 Geer Street	35 - 55	00191100	Yes (warehouse bld/irrigation pond)	Yes (warehouse bld/irrigation pond)	Gardners Nurseries Inc.	Brook Street, Rocky Hill, CT 06067
94A Court Street	35 - 69	00190600	None	Yes (access road)	Gardners Nurseries Inc.	Brook Street, Rocky Hill, CT 06067
102 Court Street	25 - 72	00314900	None	Yes (access road)	Dilys B. and Harry P. Jr. McIntyre	102 Court Street, Cromwell, CT 06416
210 Shunpike Road	25 - 3	05058000	Yes (access road/stream crossing)	Yes (access road)	Dilys B. and Harry P. Jr. McIntyre	102 Court Street, Cromwell, CT 06416
80R Geer Street	36-10	00000500	None	Yes (access road)	Paramount Property LLC	Hollow Tree Lane, Newington, CT 06111

September 23, 2021

Please be advised that Daniel Madrigal, Senior Development Manager at Scannell Properties #576, LLC, has the following property under contract and is hereby authorized to execute, on our behalf, any land use and related applications associated with the development of our property known as 62 Geer Street in Cromwell, Connecticut.

Sincerely,

Bryan and Tanya Woolsey

By: <u>Tanya Woolsey</u>	<u>Bryan Woolsey</u>
Printed: <u>Tanya Woolsey</u>	<u>Bryan Woolsey</u>
Title: <u>homeowner</u>	
Date: <u>9-27-21</u>	<u>2021-09-27</u>

Property Tax ID Parcels: 00434800

September 23, 2021

Please be advised that Daniel Madrigal, Senior Development Manager at Scannell Properties #576, LLC, has the following property under contract and is hereby authorized to execute, on our behalf, any land use and related applications associated with the development of our property known as 76 Geer Street and 94A Court Street in Cromwell, Connecticut.

Sincerely,

Marshall Gardner Jr.

By: ML Gardner Jr
Printed: Marshall Gardner Jr
Title: Presid
Date: 9/24/21

Property Tax ID Parcels: 00191100 and 00190600

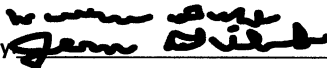
September 23, 2021

Please be advised that Daniel Madrigal, Senior Development Manager at Scannell Properties #576, LLC, has the following property under contract and is hereby authorized to execute, on our behalf, any land use and related applications associated with the development of our property known as 58R Geer Street in Cromwell, Connecticut.

Sincerely,

U

William and Jean Gibb

By 

Printed: William Gibb. Jean Gibb

Title: Owners

Date: 09/23/2021

Property Tax ID Parcels: 00196900

September 23, 2021

Please be advised that Daniel Madrigal, Senior Development Manager at Scannell Properties #576, LLC, has the following property under contract and is hereby authorized to execute, on our behalf, any land use and related applications associated with the development of our property known as 80R Geer Street in Cromwell, Connecticut.

Sincerely,

Paramount Properties LLC

By: 

Printed: STEVE REILLY

Title: MEMBER

Date: 9/24/21

Property Tax ID Parcels: 00000500

Please be advised that Daniel Madrigal, Senior Development Manager at Scannell Properties #576, LLC, has the following property under contract and is hereby authorized to execute, on our behalf, any land use and related applications associated with the development of our property known as 88R Geer Street in Cromwell, Connecticut.

Sincerely,

Cheryl Nettis

By: Cheryl Monter
Printed: 9/24/21
Title: Successor Trustee
Date: 9/24/21

Property Tax ID Parcels: 00341400

September 23, 2021

Please be advised that Daniel Madrigal, Senior Development Manager at Scannell Properties #576, LLC, has the following property under contract and is hereby authorized to execute, on our behalf, any land use and related applications associated with the development of our property known as 102 Court Street and 210 Shunpike Road in Cromwell, Connecticut.

Sincerely,

Dilys McIntyre
Harry Mc Intyre
Dilys and Harry McIntyre

By: _____

Printed: _____

Title: _____

Date: _____

Property Tax ID Parcels: 00314900 and 05058000