

**TOWN OF CROMWELL
INLAND WETLANDS AND WATERCOURSES AGENCY
7:00 PM WEDNESDAY, DECEMBER 1, 2021
COUNCIL CHAMBERS CROMWELL TOWN HALL, 41 WEST STREET
AMENDED MINUTES AND RECORD OF VOTES**

Present: Chairman Joseph Corlis, Robert Donohue, William Yeske, Stacy Dabrowski, John Whitney, Peter Omicioli, Wynn Muller (via phone), and Jennifer Donahue (Liaison)

Absent: No one was absent

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

RECEIVED FOR RECORD
Dec 30, 2021 10:35A
JoAnn Doyle
TOWN CLERK
CROMWELL, CT
7:03 PM

1. Call to Order:

The meeting was called to order by Chairman Joseph Corlis at 7:03 PM.

2. Roll Call:

The presence of the above members was noted.

3. Seating of Alternates:

Stacy Dabrowski and Peter Omicioli are the seated alternates.

4. Approval of Agenda:

Mr. Popper said he would like to amend the agenda to include the approval of the 2022 meeting calendar and the October 6th minutes.

Robert Donahue made a motion to approve the amended agenda. Seconded by William Yeske. *All in favor, motion passed.*

5. Approval of Minutes:

William Yeske made a motion to approve the minutes from October 6th. Seconded by Robert Donahue. *All in favor, motion passed.*

Robert Donahue made a motion to approve the minutes from November 3rd. 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. Driska said there are not any enforcement actions happening at this time.

He said the Country Squire Drive apartments site has been stabilized and meets minimum requirements for both the Town of Cromwell and the State of Connecticut.

Mr. Driska said the State is currently clearing and re-piping at the intersection of Shunpike Road and Berlin Road which will facilitate better drainage flow under the Berlin Road.

Mr. Driska also said an area adjacent to the 99 Restaurant and West Street had recently undergone tree cutting and brush clearing. He said that the work was being monitored by staff and the he requested that all the disturbed area be stabilized with woodchips that were available from the cutting.

Mr. Driska said a building lot on 60 North Road recently began clearing and tree cutting. He said that the work was being monitored by staff and the he requested that all the disturbed area be stabilized with woodchips that were available from the cutting.

7. Town Planner Report:

Mr. Popper said communication is continuing with the proposed developer for the former Red Lion property. He said the developer will be making an informal presentation to the PZC at their December 7, 2021 meeting. Mr. Popper noted that a proposed subdivision with a rear lot will be considered by the PZC at their December 7, 2021 meeting.

8. Public Comments:

Chairman Corliss asked for Public Comments on any issue not before the Agency tonight. There were no Public Comments made.

9. New Business:

- a. Application #21-07: Request to conduct activities within the Upland Review Area to allow for the construction of additional parking spaces at 60 Hicksville Road. Adelbrook, Inc. is the Applicant and the Owner.

Mr. Popper asked the commission to continue this application until the January 5, 2022 meeting. John Whitney made a motion to table this application until January 5th. Seconded by Robert Donahue. *All in favor, motion passed.*

- b. Meeting Calendar for 2022

Robert Donahue made a motion to approve the 2022 calendar. Seconded by John Whitney. *All in favor, motion passed.*

10. Public Hearing:

- 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 Henry P. Jr. McIntyre, Gardner's Nurseries inc. and Paramount Property LLC are the Owners.

Mr. Popper asked the commission to make a motion to open the Public Hearing. He said this is a continuation of the Public Hearing from our last meeting on November 3rd.

John Whitney made a motion to open the Public Hearing. Seconded by William Yeske. *All in favor, motion passed.*

Mr. Thomas Cody; an Attorney with Robinson & Cole LLC at 280 Trumbull St # 28, Hartford, CT representing the Applicant Scannell Properties #576 LLC said said he had one item of housekeeping to address. Attorney Cody said they had installed four double-sided signs public notice signs before the first Public Hearing and. He said after the first public hearing was continued, they had the date changed on all of the signs to reflect the date of December 1, 2021 for the continued public hearing. Attorney Cody submitted an affidavit for the record to show the signs had been updated.

Attorney Cody said this evening's presentation will focus on comments and questions from the town staff and the public from the November 3, 2021 meeting. He said a PowerPoint presentation will be used to help illustrate the responses to the questions.

Mr. David Gagnon; a professional civil engineer from Langan Engineering at 555 Long Wharf Drive, New Haven, CT represented the Applicant Scannell Properties #576 LLC. He gave an overview of the project site which is approximately 250 acres. Mr. Gagnon said there will be 384 employee parking spaces, 500 truck parking spaces and 178 loading docks on both the West and East side of the Warehouse. He explained that the main access road to the site is located off Shunpike Road and an emergency only access off of Geer Street. Mr. Gagnon addressed questions regarding the drainage culvert showing a photo of the concrete box culvert which has an open bottom. He said the box culvert measures 5 feet by 12 feet and the block retaining wall will be a maximum height of 10 feet with a length of 130 feet. Mr. Gagnon noted that he does not believe it will be visible due to the existing vegetation. He said the culvert was designed to meet all State DOT standards.

Mr. Gagnon addressed comments regarding the sewer line on the west side of the property. He said the town staff asked if the retaining walls would impact the sewer line and the presentation showed the crossing will be away from that sewer line. Mr. Gagnon said they were asked to provide access to a town sewer easement from the proposed entrance noting they would install a gravel access path with a gate to provide access to the Town.

Mr. Gagnon addressed another comment regarding the sewer easement stating the stream channel has been overflowing and flooding for years identifying the cause as a clogged and damaged pipe and illegal dumping. Mr. Gagnon said he has spoken to the town staff adding the Applicant has agreed to work with town as well as adjacent property owners to solve this issue prior to the commencement of construction.

Mr. Gagnon addressed the question of dewatering during the construction of the culvert and retaining wall. He explained that sandbags will be placed on the north and south side of the crossing and water will be pumped downstream. Mr. Gagnon said pumps will be placed on site in anticipation of large storm events.

Mr. Gagnon addressed the question if any part of the site will drain to Dividend Brook. He said a very small portion of the site is located within the Dividend Brook watershed but

there will be no impact to Dividend Brook. Mr. Gagnon discussed the storm water quality features on site including infiltration basins, large collection systems under the parking lot, a wet pond, extended basins and water quality units all designed to reduce discharge flows from storms.

Mr. Dean Gustafson; Professional Soil Scientist/Senior Wetland Scientist from All-Points Technology Corporation, P.C. at 567 Vauxhall Street Extension Suite 311 Waterford, CT representing the Applicant Scannell Properties #576 LLC. He showed an example of a successful forested wetland creation at Elm Ridge Park, Rocky Hill, CT. Mr. Gustafson compared the construction on the wetland over a period of time from 2005 to 2015. Mr. Gustafson said the project provided expanded plantings and habitat in a wetland creation area with sufficient hydrology to support 50% or greater aerial dominance of native wetland vegetation.

Mr. Gustafson said he will review the health and success of the plants for five years and will provide documentation regarding any recommendations for future seasons targeting assurance that the new wetland habitat will provide compensation for the proposed wetland development impacts.

Mr. Gustafson said the wetland habitat on this property supports various wildlife habitats. He said they are only impacting a very small percent of the overall wetland resources in site. He said there was a reference to the Hartford Fern which was identified and pink lady slipper which was not identified on the site. Mr. Gustafson said due to the location of the Hartford Fern, it will not be affected by this project. He said the majority of this property will be preserved, but there is no way to avoid some of the wetland impacts.

Mr. Popper asked Mr. Gagnon to show on the map the two specific areas of wetland impacts, which include the wetlands crossings.

Mr. Gagnon said, the first impact the wetlands crossing for the access road off of Shunpike Road and the second impact is filling of the manmade irrigation pond within the footprint of the proposed building.

Ms. Dabrowski asked about snow removal and where snow will be piled adding if snow is pushed and piled on the Geer Street side or the Watrous Park side it may have an impact on the surrounding community and suggested moving the snow to a different location.

Mr. Gagnon said they will come up with a plan regarding the snow removal. The plan will show specifically where the snow will be stored

Attorney Cody said the town had received a letter from the Rocky Hill IWWA and the letter suggested that a Peer Review of the application would be a good idea. He said the project will have to undergo a peer review process for the State Stormwater General Permit

process. Attorney Cody said another peer review at this time would be redundant and unnecessary.

Mr. Whitney said he was concerned about the impact the exhaust fumes from trucks could have upon the wetlands.

Attorney Cody said the trucks will travel on paved surfaces which drain to filtered drainage storage areas.

Mr. Yeske asked Mr. Popper if the town can guarantee that the people on Geer Street will not get more any water on their properties or their basements. Mr. Popper suggests that at the next meeting the applicant can discuss their research on ground water in the area and how they will not increase the flow of groundwater and show how their storm water system will handle all the water on site and not discharge any water off the site. He said the Applicant will also have to show to the Planning and Zoning Commission that there will not be any impact on ground water or increase the flow of water off the site.

Mr. Yeske asked Mr. Popper if the Town can we be sued due to a Regulation 10.3, Prudent Alternatives. Mr. Popper said that is tough call and speaking about lawsuits is premature. Chairman Corliss opened the Public Hearing for public comments. Mr. Popper said he would like to read the following letters into the record prior to allowing the public to address the Agency.

Mr. Popper read the following letters into the record:

A letter from Anthony Gramaldi, 90 Court Street regarding drainage related concerns. Mr. Popper said he will contact Mr. Gramaldi.

A letter from "Anonymous 1941" with concerns about the residence of 58 Geer Street regarding pool drainage and lawn pesticides and fertilizer which may contaminate the drainage water and the entire water wetlands system.

Mr. Popper said if this application is approved by the IWWA, it will then proceed to the Planning and Zoning Commission adding he will save the letters regarding noise, pollution, and traffic for the Planning and Zoning Commission public hearing.

Mr. Popper read the following letter from the Rocky Hill IWWA:

Town of Cromwell Inland Wetlands and Watercourses Agency:

Re: Activity within 500 feet of Rocky Hill – Proposed warehouse and related improvements for Scannell Properties #576 LLC

Dear Members of the IWWA,

The Town of Rocky Hill's IWWA received maps and correspondence dated October 13, 2021, related to the above proposal. At our meeting on November 10, 2021, there was discussion regarding this application. Among the items discussed were: a portion of the proposal is located within the Dividend Brook Watershed; concerns over the magnitude/complexity and possible environmental impacts of this proposal. In light of this discussion, our Agency is recommending that consideration be given to a third-party review of the proposal.

As you know, the Connecticut Coastal Conservation District can provide the service free of charge. Likewise, a consultant (to be funded by the applicant) could provide a review. The possibility of both of entities reviewing the proposal and making recommendations related to environmental issues/concerns could also be considered. They may be able to recommend other Best Management Practices that will help protect the water quality and other resources along the watershed.

Please note that the Town of Rocky Hill's goal, just as the Town of Cromwell's goal, is to maintain and improve water quality along the watershed and protect the natural resources that both towns share. Thank you for your anticipated cooperation on this matter.

Sincerely,

Todd Brown, Chairman
Town of Rocky Hill OS & CC
(IWWA)

Chairman Corliss opened the Public Hearing for public comments.

The following individuals are all opposed to Application #21-06 and they expressed concerns with the impact it would have upon the wetlands, the Upland Review Areas, ground water, wildlife and species that would be negatively impacted by the application. Many

1. Deirdre Daly at 63 Geer Street is concerned about the ground water.
2. Tom Smith at 182 Evergreen Road
3. Phylliss Becker at 71 Geer Street read the following statement into the record,

Inland Wetlands Watercourses Agency Meeting: December 1, 2021 Re: Project Highlands

We spoke with the DEEP today, and they confirmed that no one can move forward with any state registration or permit they may need from the state to start the project, including the CTDEEP Construction Storm Water Permit.

Further, for the developer to suggest that they can get rid of the existing pond and wetlands and then create and move the animals' habitats is unreasonable. The wetlands and pond have been there for decades. Animals rely on them—they cannot say “Oh, they

must have moved our water supply and our home—let's cross acres of parking lots and roads, with huge trucks moving over them, 24 hours per day, to find water and the new pond."

Your own regulations state that you must take into consideration:

- 1) the environmental impact of the proposed activity on wetlands or watercourses, and
- 2) the irreversible and irretrievable loss of wetland or watercourse resources which will be caused by the development. We know from the DEEP that there are known extant populations and historic occurrences of State Endangered, Threatened, and Special Concern species on this property.

Respectfully, Phyllis A. Baecker 71 Geer Street

4. Diane Wiegert at 75 Geer Street said she is concerned the impact to the ground water and flooding of our basements.
5. Ben Conway 59 Geer Street said he would like a peer review.
6. Lauren Conway at 59 Geer Street said she would like a peer review.
7. Isabella Szydlowska at 3 Jewell Avenue said she would like a peer review. She is concerned he oils and grease will be contaminating the ponds.
8. Nicole McHugh at 17 Botelle Manor said she would like a peer review and also wants a follow-up on scientific data.
9. Patricia Jepson at 46 R Geer Street said she would like a peer review.
10. Mike Baecker at 71 Geer Street said he would like a peer review.
11. Andrew Holt at 8 Wildwood Road said he would like a peer review and is concerned with exhaust emissions, and fuel on-site storage issues.
12. Deanna Wade at 16 Scott Lane is concerned about the impact of the project on the environment and would like a peer review.
13. Glen Wiegert at 75 Geer Street is concerned at the impact to the ground water.
14. Lynn Blume at 60 Court Street Lane is concerned about the impact of the project on the environment and would like a peer review.
15. Jeff Melien at 37 Washington Road is concerned about the impact of the project on the environment and would like a peer review.
16. Brian Rarey at 96 Evergreen is concerned about the impact of the project on the environment and would like a peer review.
17. John Moran at 73 Geer Street is concerned about the impact of the project on the environment and would like a peer review.
18. Callie Conway-Coriant at 567 Main Street is concerned about the impact of the project on the environment and would like a peer review.
19. Suzanne Niedbala at 8 Ronal Drive is concerned about the impact of the project on the environment and would like a peer review.
20. Joan Holt at 48 Geer Street Lane is concerned about the impact of the project on the environment and would like a peer review.

21. Wendy Oulette at Geer Street Lane is concerned about the impact of the project on the environment and would like a peer review.
22. Joe Niedbala at 8 Ronal Drive is concerned with the noise, and light wildlife.
23. Redman Walsh at 15 Geer Street is concerned with the pollution, fuel, and salt.
24. Shaun Roahe at 9 Jewell Avenue is concerned about the salamanders.
25. Scott Baeker at 71 Geer Street read a statement concerning the environmental impact of the project.

Ms. Dabrowski believes IWWA should honor the request of the Town of Rocky Hill for a Peer Review.

William Yeske made a motion requesting that a peer review be completed per Section 7.6.h of the Inland Wetlands and Watercourses Agency Regulations. He also directed staff to prepare for scope for the peer review and to make whatever arrangements are necessary. Seconded by Robert Donahue. *All in favor, motion passed.*

John Whitney made a motion to continue the Public Hearing to our next meeting on Wednesday January 5, 2022. Seconded by Robert Donahue. *All in favor, motion passed,*

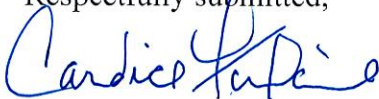
11. Commissioners' Comments and Reports:

There were no comments

12. Adjourn:

John Whitney made a motion to adjourn at 9:41 PM. Seconded by Robert Donohue.
All in favor, motion passed.

Respectfully submitted,



Candice Fontaine
Recording Clerk