



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

REGULAR MEETING
7:00 WEDNESDAY, JUNE 1, 2022
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. May 4, 2022
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:
10. New Business:
 - a. Application #22-02: Request to conduct activities within the Inland Wetlands and Upland Review Area to allow for the construction of a road and warehouse at 94A and 102 Court Street, 76 and 80R Geer Street and 210 Shunpike Road. Scannell Properties #576, LLC is the Applicant and Dilys B. and Henry P. Jr. McIntyre, Gardner's Nurseries Inc. and Paramount Property LLC are the Owners.
11. Commissioners' Comments and Reports:
12. Adjourn

RECEIVED FOR RECORD
May 25, 2022 09:27A
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

[illegible]

**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 3: 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 project, but an explanation of why 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 driveway off Shunpike Road will require replacing an old culvert at the location of the historic stream crossing.
Please see Attachment 2: Project Narrative for additional discussion.

Area of Wetland Impacted by this Project 19,394 SF (0.445 AC) (in square feet or acres):
Area of Upland Review Area Impacted by this Project Development: 195,252 SF (4.48 AC) (in square feet or acres): Mitigation: 214,065 SF (4.91 AC)

Application # 22-02

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

Thomas P. Cody
Applicant's Signature

May 3, 2022

Date of Submission

Thomas P. Cody, Robinson & Cole, LLP, Attorneys 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.

TOWN OF CROMWELL
INLAND WETLANDS AND WATERCOURSES AGENCY

CHECKLIST OF REQUIRED DOCUMENTS

Applicant Scannell Properties #576, LLC, Attention Daniel Madrigal

Project Name or Location Project Highlands, 210 Shunpike Road, Cromwell

This checklist must be signed by the applicant or agent and submitted with the application. Place a check mark next to each item submitted. Incomplete applications may be returned. **If the Inland Wetlands Agency finds the activity to be "significant" additional information will be required.**

Fifteen copies of the following:

- ☒ a. Site plan showing the proposed development; proposed erosion and sediment control measures; wetlands and watercourses; statement of amount (in square feet or acreage) of wetland or watercourse disturbance; soil type; vernal pool (if known).
- ☒ b. Reports or studies (if applicable).

One original of the following:

- ☒ c. Complete application form.
- ☒ d. List of the names and mailing addresses of current adjacent property owners;
- ☒ e. Written authorization for the Agency to inspect the subject land, at reasonable times, both before and after a final decision has been issued;
- ☐ f. Completed DEP reporting form;
- ☒ g. Appropriate filing fee.
- ☒ h. This checklist, signed by the applicant or his agent.

Applicant (or agent)

Thomas P. Coody

THOMAS P. COODY
ATTORNEY FOR APPLICANT

5/3/22
date

Attachment 1 – Table of Properties included in Application

Parcel Address	Map-Lot Number	GIS Parcel ID	Owner	Owner Address	Regulated Activity (Direct Wetland Impact)	Regulated Activity (Upland Review Area Activity)
210 Shunpike Road	25-3	05058000	Dilys B. McIntyre and Harry P. McIntyre, Jr.	102 Court Street, Cromwell, CT 06416	Yes (stream crossing)	Yes (driveway)
222 Shunpike Road	25-4	00184000	Estate of Sonia Ann Fuller	Garfield Avenue, Middletown, CT 06457	None	None
94A Court Street	35-69	00190600	Gardners Nurseries Inc.	Brook Street, Rocky Hill, CT 06067	None	Yes (driveway)
102 Court Street (rear portion only)	25-72	00314900	Dilys B. McIntyre and Harry P. McIntyre, Jr.	102 Court Street, Cromwell, CT 06416	None	Yes (driveway)
50 Geer Street	35-53	00190800	Gardners Nurseries Inc.	Brook Street, Rocky Hill, CT 06067	None	None
52 Geer Street	35-54	00191700	Gardners Nurseries Inc.	Brook Street, Rocky Hill, CT 06067	None	None
58R Geer Street	35-58	00196900	William R. Gibb and Jean H. Gibb	Geer Street, Cromwell, CT 06416	None	None
62 Geer Street	35-61	00434800	Tanya Spada	Geer Street, Cromwell, CT 06416	None	None
64 Geer Street	35-63	00191400	Gardners Nurseries Inc.	Brook Street, Rocky Hill, CT 06067	None	None
76 Geer Street	35-55	00191100	Gardners Nurseries Inc.	Brook Street, Rocky Hill, CT 06067	Yes (proposed building)	Yes (proposed building)
80R Geer Street	36-10	00000500	Concezio Pace and Steven Reilly	83 Kimberly Rd, Newington, CT 06111	None	Yes (driveway)

88R Geer Street (rear portion only)	35-9	00341400	Carol A. Nettis Revocable Living Trust	Geer Street, Cromwell, CT 06416	None	None
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Attachment 2

Scannell Properties #576 Application for Inland Wetlands Permit 210 Shunpike Road, Cromwell

Project Narrative

This Project Narrative is in support of Scannell Properties #576, LLC's application for an inland wetlands permit for property located east of Shunpike Road (State Route 3), north of Court Street and Geer Street, west of Watrous Park, and south of the Rocky Hill municipal boundary ("Property"). The 250-acre Property consists of the entirety of 10 different parcels of land, together with portions of 2 other parcels. The land involved in the Project would be merged to form a single parcel of land. Please see the Table of Properties included in the Application for information about each of the parcels included in the Property. Please also note that, while this application includes all of the land that will be part of the Project, regulated activities are proposed on only five of the parcels that are part of the Property.

Scannell previously applied for an inland wetlands permit for the same Property in 2021. A public hearing was opened, and the application was referred to LandTech to conduct a peer review of the application for the Commission's benefit. LandTech prepared a comment letter dated January 14, 2022, which asked the applicant several questions, and included requests for additional analysis of the proposal. Unfortunately, the statutory time limit for the public hearing ran out before the applicant could complete its responses to LandTech's questions. Scannell withdrew the 2021 application, and utilized the next few months to perform the additional analysis that had been requested. This application is the culmination of the additional work that was done to fully address LandTech's comments and questions.

Overview of Property

The predominantly historical agricultural use of the Property 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, residences, 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 Property 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 Property 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 Property were also delineated and are depicted on plan sheets in the application materials.

Overview of Project and Regulated Activities

This application is in support of a project that would include the development of a warehouse building with an approximate footprint of 1,042,840 sq. ft., as well as associated improvements such as an entrance driveway, parking and loading areas, landscaping, lighting, and stormwater management features ("Project"). The vast majority of the Property is zoned Business Industrial Park (BP). Warehousing is permitted in the BP zone with special permit approval by the Planning and Zoning Commission. Two parcels located along Shunpike Road (Map/Lot 25-3 and 25-4) are zoned Industrial, and warehousing is permitted in the I zone with site plan approval only. A small portion of one parcel fronting on Court Street (Map/Lot 35-69) is located in the R-25 zone. The R-25 zoned area is not included in the activities proposed in the application.

The applications comply with all bulk and dimensional criteria as set forth in Zoning Regulations sections 3.4.B and 3.5.B. A Zoning Chart demonstrating zoning compliance is included in the application materials.

The Project will have a single driveway access point on Shunpike Road. This is an important feature of the Project, because the Project will have no regular access from any other streets. One gated and locked driveway for emergency access only will be located on Geer Street. This emergency access driveway will have a "Knox box" installed which will enable emergency responders to gain access to the site if necessary, but will prevent all other non-emergency access.

The specific location for the driveway along Shunpike Road was selected for having the least impact on wetland resources. The driveway will result in a small amount of unavoidable direct wetland impacts and encroachment into upland review areas, due to the crossing of an unnamed perennial stream. The installation of a culvert for the driveway crossing will result in approximately 1,387 sq. ft. of direct impact to wetlands that border on the stream, along with activities within the upland review area. The proposed stream crossing is sited at an old farm road crossing that contains remnants of a culvert and associated filling and grading.

The proposed warehouse building will also result in the filling of the approximately 18,007 sq. ft. irrigation pond located near the center of the Property (76 Geer Street parcel), in addition to development within the upland review area. Additional regulated activities isolated to work within the upland review area associated with the proposed access road would occur on the 94A Court Street, 102 Court Street, and 80R Geer Street parcels.

Stormwater Management

The Project includes an extensive stormwater management system which has been designed in general accordance with the 2004 Connecticut Stormwater Quality Manual and includes several stormwater Best Management Practices (BMPs) to treat and attenuate increases in runoff from the project site. The stormwater management system has been designed to satisfy the Groundwater Recharge Volume requirements as well as temporarily store and infiltrate the Water Quality Volume. The system reduces peak flow rates from the sites for all storm events up to and including the 100 year. A summary of on-site systems and supporting calculations can be

found in the Stormwater Management Report prepared by Langan and submitted as part of the application.

Soil Erosion and Sediment Control Plan

A detailed soil erosion and sediment control plan has been included in the application. The plan has been divided into three phases of work showing the various soil erosion and sediment control components that will be in place as the project progresses from initial site preparation, to building construction, and establishment of the final treatment of all of the Property's disturbed areas. In addition to review by the Town of Cromwell, the Project will also be required to secure a Connecticut Department of Energy and Environmental Protection General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. This application requires the review and approval of an independent third party engineer who was not involved in the preparation of the plans prior to the State's release of the permit.

Proposed Wetland Mitigation

To compensate for the unavoidable wetland impacts, three types of mitigation are proposed in the application: wetland creation and associated buffer enhancement areas, terrestrial wetland enhancement areas, and conservation easement areas.

1. *Wetland Creation and Buffer Enhancement Areas.* Three wetland and vernal pool creation areas are proposed. Approximately 6,514 sq. ft. of wetlands will be created near Wetland 4. This mitigates the wetland impact associated with 1,387 sq. ft. of direct wetland impact associated with the Wetland 4 crossing by creating new forested floodplain wetland habitat. Approximately 71,014 sq. ft. of wetlands will be created near Wetland 12 as mitigation for the 18,007 sq. ft. of wetlands and vernal pool impacts associated with the filling of the manmade irrigation pond. This new wetland will include areas of seasonal shallow inundation and will be planted with native wetland trees, shrubs, and herbaceous plants. Finally, 50,485 sq. ft. of new vernal pool area will be created. Surrounding the wetland and vernal pool creation areas will be a 280,500 sq. ft. buffer enhancement area that will consist of various native upland trees, shrubs, grasses, and flowering herbaceous species.
1. *Terrestrial Habitat Enhancement Areas.* Five areas of habitat enhancements are proposed totaling 824,610 sq. ft. (18.9 acres). These enhancement areas are associated with vernal pools numbered 2, 4 and 6, which include fallow nursery meadow, disturbed contractor yard, cultivated field and cleared areas, and floodplain enhancement areas.
2. *Conservation Easement Areas.* Four areas are proposed to be encumbered with permanent conservation easements totaling 4,317,700 sq. ft. (99.12 acres). Habitats associated with Wetland areas 2, 3, 5, 6, 7, 8, 9, 10, 12 and 13; Vernal Pool areas 1, 2, 6, and 9; and other buffer enhancement and terrestrial habitat areas will all be protected by these extensive permanent conservation easements.

Taken together, the proposed mitigation areas will support a variety of wetland functions and values with a focus on wildlife habitat function. The proposed wetland creation is at a

creation/impact ratio of 4:1, and the vernal pool creation area is at a ratio of 2.8:1 (not counting the extensive vernal pool areas that will be protected by new conservation easements).

Conclusion

The proposed development plan and associated regulated activities represent the most prudent and feasible alternative for the Project, as other alternatives would result in significantly greater impacts to wetland resources.

**TOWN OF CROMWELL
INLAND WETLANDS AND WATERCOURSES AGENCY
7:00 PM WEDNESDAY, MAY 4, 2022
COUNCIL CHAMBERS CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman John Whitney, Joseph Corlis, William Yeske, Stacy Dabrowski and Peter Omicioli

Absent: Robert Donohue and Wynn Muller

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

1. Call to Order:


The meeting was called to order by Chairman John Whitney at 7:00PM.

2. Roll Call:

The presence of the above members was noted.

3. Seating of Alternates

No alternates were seated.

RECEIVED FOR RECORD
May 16, 2022 10:43A
JoAnn Doyle
TOWN CLERK
CROMWELL, CT 

4. Approval of Agenda

Mr. Popper amended the agenda to add the acceptance of Application #22-02: Request to conduct activities within the Inland Wetlands and Upland Review Area to allow for the construction of a road and warehouse at 94A and 102 Court Street, 76 and 80R Geer Street and 210 Shunpike Road. Scannell Properties #576, LLC is the Applicant and Dilys B. and Henry P. Jr. McIntyre, Gardner's Nurseries Inc. and Paramount Property LLC are the Owners. He said he would like the agency to make a determination of the impact of the application and schedule it to be heard at the June 1st meeting.

William Yeske made a motion to approve the amended agenda of May 5, 2022. Seconded by Joe Corlis. *All in favor, motion passed.*

5. Approval of Minutes:

a. April 6, 2022

Peter Omicioli made a motion to table the approval of the minutes of April 6, 2022. Seconded by Joe Corlis. *All in favor, motion passed.*

6. Development Compliance Officer Report:

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

Peter Omicioli made a motion to find this a significant activity and to schedule a public hearing for June 1, 2022. Seconded by Joe Corlis. *All in favor, motion passed.*

The members of the public addressed the agency asking if the application, plans and associated reports can be placed on the web site for everyone to download and review. Mr. Popper said all the information will be available on the town website on the Inland Wetlands and Watercourses Agency page on or before this Friday. He also said, people are welcome to come into the Planning and Development office to look at the hard copies of all the information Monday through Friday from 8:30AM to 4:00PM.

10. New Business:

a. Application #22-01: Request to conduct activities within the Upland Review Area to allow for the construction of commercial building at 5 Berlin Road. Bantry Bay Ventures, LLC are the Applicants and Michael J. Cannata is the Owner.

Mr. Popper said at the previous IWWA meeting in April, it was determined that these activities were insignificant because they are all within the upland review area and a public hearing was not required.

Mr. Thomas J. Daly, engineer and manager of Civil and Structural Engineering from SLR International Corporation in Cheshire Ct. said he is here on behalf of Bantry Bay Ventures LLC, regarding the application with activities proposed within the 100-foot upland review area at 5 Berlin Road. He said the wetlands were mapped by Meghan Raymond, soil scientist from SLR International Corporation. Mr. Daly noted that the site abuts the Mattabassett River and the site and the surrounding neighborhood is located within the 100-year flood plain.

Mr. Daly said they are proposing a 5,000 square foot retail building is designed to avoid direct wetland impacts and minimize impacts within the upland review area to the maximum extent possible. He explained that after receiving staff comments the plans were revised to include a 1:1 floodplain storage compensation for the proposed project. Mr. Daly said as a result of the changes, the area of Upland Review impacted by this project has increased from 43,170 sf (0.99 acres) to 73,786 sf (1.69 acres). He noted that no direct wetlands impacts are proposed. Mr. Daly described how the flood storage compensation areas will work and the proposed landscaping for those areas.

Mr. Popper asked Mr. Daly to describe the activities within the 100-foot buffer as they relate to the site plan. Mr. Daly said the proposed one-story building is 5,000 square feet and the site will contain 31 parking spaces. He indicated on the plans that a small portion of building, and about half the parking lot is located in the upland review area as were the flood storage compensation areas. Mr. Daly described the drainage at the site and the proposed underground chamber system.

Mr. Popper said all the requested staff modifications have been addressed and staff has

no other comments on the plans.

William Yeske made a motion to approve Application #22-01: Request to conduct activities within the Upland Review Area to allow for the construction of commercial building at 5 Berlin Road. Bantry Bay Ventures, LLC are the Applicants and Michael J. Cannata is the Owner. Seconded by Peter Omicioli. *All in favor, motion passed.*

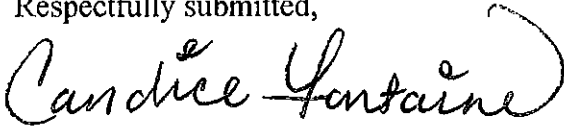
11. Commissioners' Comments and Reports:

Peter Omicioli nominated Stacy Dabrowski as Vice Chairman. *All in favor, motion passed.*

12. Adjourn:

Peter Omicioli made a motion to adjourn at 7:30PM. Seconded by Stacy Dabrowski. *All in favor, motion passed.*

Respectfully submitted,

A handwritten signature in cursive script that reads "Candice Fontaine". The signature is written in black ink and is positioned above the printed name and title.

Candice Fontaine
Recording Clerk