

# Inland Wetlands And Watercourses Agency



Chair	Joseph Carta	
Vice-Chair	Ken McClellan	
Members	Fred Terrasi	Trevor Davis
	David Pritchard	Jennifer Greenberg
	Jammie Middleton	Brian Gartner
	Steven Skultety	Vacant
Alternates	Jack Pieper	Paul Dyka
	Vacant	Kristen Rzasa
	Vacant	
Staff	James Sipperly, Environmental Planner	

## MEETING MINUTES

Wednesday – January 4, 2022

Meeting held in person only, Municipal Building, Common Council Chambers  
7:00 P.M.

Present: Ken McClellan  
Joseph Carta  
Paul Dyka  
David Pritchard  
Jennifer Greenberg  
Fred Terasi  
Trevor Davis  
Jammie Middleton  
Kristen Rzasa

Absent:  
Jack Pieper  
David Pritchard  
Brian Gartner  
Steven Skultety

Public: Dave Carson, P.E, OCC Group, Domenic Dimartino, George Logan, approx., 120 members of the public (see sign in sheet that was optional), Pat Benjamin PE, Jessie and Mike Prince, Bob Daniels

Staff: James Sipperly, Environmental Planner

### A. Call to Order

J. Carta, Chairman called the meeting to order at 7:02 pm and led the Pledge of Allegiance.

Motion: To add Election of Officers under item F 1. Moved by K. McClellan; seconded by T. Davis; approved unanimously

Motion: To switch item under old business item 1. to before the Public Hearing on Kaplan Drive. Moved by K. McClellan; seconded by P. Dyka; approved unanimously

### C. Old Business

1. Subdivision to create one single family lot at 874 Millbrook road (Map-Lot 44-0205)  
Agent/Agent: Jessie and Mike Prince/Daniels Farm, LLC. 2022-11

Pat Benjamin PE, discussed the project in detail, to re-subdivide 1 lot that will be 2.66 acres. There is san 8 acre watershed that drains to the intermittent watercourse on the site. They are proposing to install a pipe within the watercourse for a driveway crossing. There is no

other aces from the north side of the site. Discussion ensued.

Motion:

IWWA APPPLCATION W 2022-11

Applicant/Agent Jessie & Mike Prince/Daniels Farm, LLC

Draft Motion:

That the Inland Wetlands and Watercourses Agency (hereinafter, "Agency"), having considered application 2022-11 with due regard to the criteria enumerated in Section 22a-41 of the Connecticut General Statutes and Section 8 of the Inland Wetlands & Watercourses Regulations of the City of Middletown finds the following:

1. That proposed activities are to install 36 linear feet of an 18" ADS pipe in and intermittent watercourse and construct a 12' wide gravel driveway to a proposed single family home.
2. That the inland wetlands and watercourses on the site were delineated by Eric Davidson, Certified Soil Scientist and shown correctly on the plan referenced below. A report dated October 1, 2022 has been submitted and is included in the application.
3. That the proposed work, as specified and conditioned below, is in conformance with the purposes and provisions of said sections and furthermore, will not have a significant adverse effect on the adjacent inland wetlands and watercourses.

Therefore, permit # W 2022-11 is granted, with conditions, to allow the following regulated activities as depicted on the submitted plan entitled:

"Property/Boundary Survey & Site Development Plan, Re-subdivision of Daniels Farm, LLC, creating Lot 1, 874 Millbrook Road, Middletown, CT, scale 1"=40', dated Oct 19, revised Nov 21, 2022, prepared by Bascom & Benjamin, LLC"

This Permit is issued by the Agency subject to the following conditions and/or modifications as follows:

1. If the authorized activity is not completed within five (5) years from the date of approval by the Agency that is, on or before January 4, 2028 said activity shall cease and, if not previously revoked or specifically extended, this Permit shall be null and void.
2. The permittee shall notify the Wetlands Officer immediately upon the commencement of work and upon its completion.
3. Prior to the commencement of any site work, the Permittees and/or their agent shall properly install any and all sedimentation and erosion (S&E) control measures as depicted on the site plans approved by the Agency. Changes to S&E controls may be made in order to accommodate field conditions so long as they provide equal or greater protection against S&E into the regulated wetlands and upland review area.
4. A copy of the plans approved by the Agency shall be kept at the job site for the duration of construction activities as approved herein.
5. During construction, as represented to the Agency, no material shall be stockpiled within the regulated area or in areas other than those depicted on the site plans approved by the Agency.

6. The City reserves the right to inspect the site work area at any time from commencement to conclusion of the property to ensure permit conditions and compliance with the regulations is being met.
7. All sedimentation and erosion control devices shall remain in place until the end of construction and the site is deemed stabilized by the City's Wetlands Enforcement Officer or other authorized agent of the Land Use Department. An inspection can be scheduled by calling 860-638-4590.
8. All work, including all regulated activities conducted pursuant to this authorization, shall be consistent with the terms and conditions of this Permit. Any structures, excavation, fill, obstructions, encroachments, and/or regulated activities not specifically identified and authorized herein shall constitute a violation of this Permit and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the Permittees accept and agree to comply fully with all terms and conditions of this Permit.
9. No equipment or material including, without limitation, fill, construction materials and/or debris, shall be deposited, placed, and/or stored in any regulated area, on or off site, unless specifically authorized by this Permit.
10. The authorizations and activities set forth in this Permit are not transferable without the written consent of the Agency or its Authorized Agent.
11. In evaluating this application, the Agency has relied on information provided by the Permittees. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, this Permit may be modified, suspended, or revoked by the Agency.
12. If applicable, flagging associated with the wetland boundary shall remain until the completion of construction activities and shall not be removed until all work is complete and the site is stabilized.
13. The Permittee shall employ best management practices, consistent with the terms and conditions of this Permit, to control stormwater discharge, to prevent erosion and sediment migration beyond the work area(s), and to otherwise prevent pollution of inland wetlands and watercourses. The Permittees shall immediately inform the City's Inland Wetlands Enforcement Officer of any problems related to activities in the regulated area, which have been impacted during the course of, or caused by, the authorized work.
14. This Permit is subject to, and does not detract from, any present or future property rights or other rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected hereby.
15. Nothing in these regulations shall obviate any requirement for the Permittee to obtain any other assent, permit, or license required by law and/or regulation by the Government of the United States, the State of Connecticut, or any other political subdivisions thereof. Obtaining such assents, permits, and/or licenses is solely the responsibility of the Permittee.
16. That any storage of fuel, oils and other chemicals on the site shall be stored in a secondary container to prevent the possibilities of spills and/or leaks.

Moved by K. McClellan; seconded by K. Rzasa; approved unanimously with J. Carta abstaining.

## **B. Public Hearing**

1. Request for Kaplan Drive access to construct two identical four story apartment complex Buildings at Map-Lot 09-0017 Newfield Street and Map-Lot 10-0147 & Mile Lane.  
Applicant/Agent: D&V Development of Middletown, LLC, 2022-12

J. Sipperly, staff read the Public Hearing notice into the record.

D. Carson, PE OCC Group explained the project in detail. There is a proposed land swap of 25.6 acres of land off Kaplan Drive to the City for 4.28 acres of land off Kaplan Drive to the applicant. The land is a mix of woodland and open fields. The open fields are used for historical agricultural use as a mowed hay field. There are wetlands and flood plain along the stream corridor. In 1998 the wetlands were marked as part of the proposed golf course. Eric Davidson reflagged the wetlands recently and there are more wetlands now than were flagged in 1998. As a result of this finding, they relocated the buildings parallel to the property lines instead of perpendicular to the property lines.

D. Carson showed a map and the dark green are woods and the light green are the fields and he pointed out some existing dirt roads. A precast retaining wall will prevent grading into the wetland and the site drainage design will catch 100% of the runoff of site.

There will be underground storm water detention storage so that no surface water detention basins are needed. At the base of the retaining wall, there will be wetland plantings to add value and diversity to the wet fields.

Regarding drainage:

There will be 4 separate underground storm water storage systems and two hydrodynamic separators. The systems are all under drained. These will then drain to 4 oversized level spreaders and the sheet flow after will be mimicking existing flows. There are no velocity point discharges. This system is designed to handle between a 2 -100 year storm.

George Logan, Soil Scientist from REMA Ecological stated that there is no direct disturbances to the wetlands. Between the wetland buffer and the wetlands he is proposing to hand plant 1.82 acres of wetland habitat to provide plant diversity and natural beautification. The mitigation is for work proposed in the wetland 100' regulated area. Mr. Logan stated that the exact species and location will be worked out with the Environmental Planner. Mr. Logan went over the erosion and sedimentation control measures. Mr. Logan pointed out the areas for temporary stock pile, sediment traps and sediment check dams.

D. Carson PE, said that the site was designed to drain everything toward the center of the site and then into the subsurface storm water storage system.

J. Carta, Chairman opened this portion of the meeting to the public:

Melissa Spencer, 233 Tuttle Road stated that there is wetlands all over the north of the project. There is a lot of wildlife there and does not want the bike path going through here. Does not want trees cut and destroying the wetlands.

John Cooper, 273 Mile Lane echoed those comments and found it laughable to the comments made by the applicant's engineer and the soil scientist.

Leonard Brooks, 376 Mile Lane, asked about endangered species in the wetlands like, the brown bat, barn owl, he showed a list of species and there is a lot of species found in wetlands in CT. He said that the wetlands on Birchview Drive were affected when the high school was built. More flooding has occurred and every storm is like a 50 – 100 year storm. 2" of rain floods that area now.

Mark Rogaleski, said that new construction should not be done anywhere in this area and is concerned about the trucks and buses on Mile Lane.

Dorothy Sanzaro, 315 Mile Lane said her parents built the house she lives in, second generation and there is severe flooding always there. The house was built in 1962 and water is always in the basement.

Norm Sherin 354 Birchwood, need to make sure they fix Mile Lane. There is a hole in the road and the road is collapsed.

Glen Champlain, 346 Mile Lane said that 2 4 story buildings do not belong there period.

Ashley Rivera, 49 Ten Acre Road, going to the school the area floods now. There is flooding in the school yard, kids can't have recess, and when those buildings get built there is no place for the water to go.

Mark Lacombe 41, Greenwood, if the buildings are built, how does this affect the drainage towards the school and Kaplan Drive.

Rob Rosa 69 Mile Lane, is a Landscape Architect and is interested in wetlands and he said don't touch them to begin with. Site planning is all about money. They max out the property the most and the development team wins making money.

Doris Winkle 418 Mile Lane, is disgusted with the Public Works Department as the road washes out, frequent flooding of the roadway. If the road washes out the school kids could be stuck, and all those people in those buildings. This area is one big swamp and doesn't percolate because it is all clay. All the city's drainage systems do not work and all are inadequate.

David Botley 5 Mile Lane, owns an 11 acre farm. There is definitely more water in this area and there is nowhere for it to go. His land is getting wetter and wetter every day.

Kathy Kennedy, Canstania Court, said wetlands are a natural sponge and this project will cause more flooding. She asked about an easement from Newfield Street, Kaplan Drive collapsed and mile Lane collapsed. The flooding in 1984 flooded everything in this area.

362 Mile Lane, she stated that she had 4' of water in her basement from the last big storm and is still trying to fix it. She does not agree with this project moving forward. Houses on top of Ridgewood made it worse. All of Kaplan Drive takes all this water. There are no spring peepers anymore, the beavers have flooded everything including the vernal pools.

John Cooper 273 Mile Lane, he attended Lawrence School and said the Commission has a particular role here, he wants the commission to look at people's faces in the audience. We all have lived here for 30 years and this project makes no sense and not grounded in reality. There are more negatives than positives.

329 Mile Lane, they are new to the area just 3 months and does not want this project to be built.

Jason Kearns, 245 Tuttle Road, was notified because he is an abutter and feels like this is just the beginning, and more buildings will be coming in the future.

Mellisa Spencer 233 Tuttle Road, the property is wet where she lives and she is on a hill and gets flooded. Clay soils do not percolate. Water and flooding is changing the forest cycle. This area needs to be protected and it needs to be protected now. She asked the commission members to stand with us now.

Donna Ciacca, Newfield Street asked about the NDDDB reports.

Scot Lanna, 80 Hemlock Place, said that when the high school was built they made canals to drain water towards Keigwan School and the woods turned into swamps. There is open water where there was woods. Wetlands are being created because the water from the high school can't drain. He sometimes has 4' of water in his backyard. He wants to hold the city responsible and may seek legal action if need be. In 1984 he saw cows swimming in torrents of water he never saw before. That flood scoured and made new channels.

Norm Perma? 91 Birchwood Drive said along Spruce Rd? a meadow used to be there. Public Works storm drains and flow preventers are all under water in the wetlands and they do nothing about it.

Tina 468 Mile Lane has lived there for 20 years and wants no apartments behind her house. There are deer and rabbits and animals like a zoo out there. She doesn't want them to go because of future flooding.

An unidentified speaker said there are vernal pools all over this area. There are Eastern Box turtles there and CT is losing endangered species at an alarming rate. We all need to stand up and protect Middletown and protect CT and is depending on the commission to don't change Middletown into a Meriden.

Steve Verno 707 Ridgewood Road, said West Swamp Brook floods and showed an area on a national map that had wetlands everywhere.

David Wonke 55 Mile Lane stated that the notifications are poor and should be changed.

Motion: To take a 10 minute recess. Moved by K. McClellan; seconded by K. Rzasa approved unanimously at 8:50pm.

J. Carta, Chairman called the meeting back to order at 9:04pm.

K. McClellan read a letter from Ken and Carol Faraci, 505 mile Lane.

J. Carta read a letter from Wai and Erica Hong 296 Mile Lane.

J. Sipperly read letters from Ninad Madhav Joshi 40 Talias Trail, Bethany Hong 286 Mile Lane and Paul Melluzzo Mile Lane resident.

D. Carson responded to the resident's questions and went over the proposal again to clarify misconceptions and misunderstandings.

George Logan, Soil Scientist, has 30 years of experience. He looked at this area in 2020 for another developer and looked at Davidson's delineation and agrees with it.

At that time he found a special species of concern plant. He reported it to the CT DEEP and it was recorded with the NDDDB. A letter from November 29, 2022 from the CT DEEP NDDDB states this. It is in the dirt roads around the swamps, off the project site. The plant is a swamp lousewort.

George talked about the wetland enhancement more, including soils, pH, and the scope of plants that would do well in this area. The goal is to create a natural realistic plant community in a wet meadow and will be mowed every 2-3 years with a mosaic of shrubs, grasses and create a trail throughout.

J. Carta opened the questions to commissioners:

K. McClellan asked about the project narrative impact analysis, regarding the 1.8 acres of wetlands created, suggested species and where and when will they be planted. He asked about the wood line barrier and open field connection, and asked about the flood plain along the wild bill property. He asked about pets in the apartments. No pets will be allowed according to D. Carson. Ken asked about the plan scheduling and construction timing. Ken asked about the height of the retaining wall which will be 5'-6' high and pre cast.

K. Rzasa asked about the distance off the closest wetlands from the retaining wall. D. Carson responded about 10'. Kristen asked about the wall and if it would ever collapse into the wetland. D. Carson said that it is a precast concrete wall by united Concrete and can't collapse because of the design and installation. Kristen asked about the underground drainage system. Kristen also asked about the limits of tree clearing and what affect it will have on the wildlife and the school grounds.

J. Greenberg asked about the maintenance schedule of the storm water detention system and all the drainage structures associated with it.

J. Middleton referenced Section 8 of the Inland Wetland and Watercourses Regulations Section 8 specifically. He discussed physical long term impacts versus short term impacts, discussing erosion and sedimentation control measures, phasing, no direct physical impacts, changing of local hydrology and spreading out water through the level spreaders.

J. Carta asked about underwater detention and that 80% of the suspended solids will be removed. Also he wanted more information on the 4 level spreaders. Joe also asked about the elevations of the parking lots and the backfill amounts for the retaining wall.

K. McClellan wants requested comments from the Town Engineer. The public requested seeing those comments as well.

Motion: To continue the Public Hearing until the next meeting on February 1, 2023. Moved by Ken McClellan; seconded by K. Rzasa; approved unanimously

**D. New Business**  
**None**

**E. Agency Review**  
**None**

**F. Reports of Officers and Committees**  
**1. Election of Officers for 2023**

Chairman, Joe Carta opened nominations from the floor. K. McClellan nominated Joe Carta for Chairman. Joe asked 3 times if there were any additional nominations from the floor. Hearing none the Chairman closed nominations for Chairman.

P. Dyka nominated K. McClellan for Vice Chairman. Joe Carta asked 3 times if there were any other nominations for Vice Chairman from the floor. Hearing none the Chairman closed nominations for Vice Chairman.

K. McClellan nominated Jim Sipperly as Secretary. Joe Carta asked 3 times if there were any other nominations from the floor. Hearing none, the Chairman closed nominations for Secretary.

The slate of officers were approved unanimously.

**G. Public Open forum**  
**None**

**H. Minutes of December 7, 2022**

The minutes were reviewed as received. Two corrections were noted, Terrasi is two R's and swamp should be swap. Motion: To approve the minutes as revised. Moved by J. Greenberg; seconded by K. Rzasa; approved unanimously with K. Rzasa abstaining

**I. Communication and Bills**  
**None**

**J. Adjournment**

Motion: To adjourn at 10:55 pm. Moved by K. Mc; seconded by P. Dyka  
Approved unanimously.

Respectively Submitted,

James Sipperly, Secretary/Environmental Planner  
Department of Land Use