



**REGULAR MEETING OF THE INLAND WETLANDS AND WATERCOURSES AGENCY
MIDDLETOWN CONNECTICUT
JANUARY 6, 2021**

A. Call to Order / Pledge of Allegiance

Present: Joe Carta,
Trevor Davis
David Pritchard
Ken McClellan
Jennifer Greenberg (left at 7:30 PM)
Trevor Larrubia
Paul Dyka (seated for Fred Terrasi)

Absent: Fred Terrasi
Jammie Middleton
Gabriel Russo
Jack Pieper

Staff: Marek Kozikowski, City Planner
Ron Baia, ZEO/WEO

1. Election of Officers

David Pritchard motions to elect Joseph Carta as Chairman of the IWWA. Trevor Davis seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

Trevor Davis motions to elect Ken McClellan as Vice-Chairman of the IWWA. David Pritchard seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

Trevor Davis motions to elect Marek Kozikowski as Secretary of the IWWA. Ken McClellan seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

B. Public Hearing

None

C. Old Business

None

D. New Business

None

E. Agency Review

1. Discussion on the wetlands violation at Founder's Ridge on Ridgewood Road and offsite impacts on 97 Poplar Road. Applicant/ agent Ted Bysiewicz / Homes in Westfield, LLC

Ron Baia gave background on this violation. Back in the spring he was contacted by Mr. DeMerchant because his pond had dried up. Because this summer was particularly dry, he couldn't conclude anything at that time. In the fall, he determined that there was runoff from the Bysiewicz project where some of the silt went into Mr. DeMerchant's pond. In early September, he, Marek and the City Engineer, Tom Nigosanti visited the site. They made recommendations which resulted in a Cease & Desist.

Attorney Sherwood who is representing Mr. DeMerchant of 97 Poplar Road said he was contacted in June by Mr. DeMerchant. He said that there were 3 significant storm events which generated a remarkable amounts of sediment and a large volume of storm water from the construction site. They hired Chris Allen, a Wetland and Soil Scientist to prepare a presentation. Joe Carta asked Ron if everything on the Cease & Desist was resolved. Ron said that everything asked has been completed. Joe Carta asked Attorney Sherwood if they were satisfied with what has been done so far with the Cease & Desist. He understands that there is still a problem with the existing silt. Attorney Sherwood said that he is still concerned if what has been done so far is within the wetlands permit issued in 2017 and suggested Mr. Bysiewicz hire a civil engineer. He would like to see the enforcement of the wetlands permit and the sedimentation and erosion control plan. He would also like to see the plan for the damage this has done to his client's property.

Mr. Bysiewicz said the first time he was approached by Mr. DeMerchant was for a dust situation which he has since corrected. A pond discussion occurred a few weeks after that. He contacted his Civil Engineer who will do his plan. He also contacted his Environmentalist for a remediation maintenance plan. His Environmentalist has contacted Ron and they will meet next week. Attorney Sherwood requested the Commission go out to take a look at this because it is a significant problem. He would also see the WEO and Town Engineer make sure Mr. Bysiewicz follows the requirements of the Inland Wetland Permit and the approved plan.

Trevor Davis asked if staff ever been in a position to determine if the Eversource construction has had any impact on this. Ron said that he doesn't think it helped the situation with a pile of dirt sitting there for quite a while. They did not have the proper sediment controls around the dirt. Attorney Sherwood said that the problem is with Founder's Ridge and he does not believe that his engineer would sign off on a plan like that.

Chris Allen, Professional Wetland / Soil Scientist has been to the site several times and has been able to see the photos and videos that the DeMerchants have. He gave a power point presentation showing the impact that was done to the pond.

A discussion ensued. Mr. Bysiewicz has hired a civil engineer to review the Sediment and Erosion control plan and to design a mitigation plan for the pond. Staff agreed to contact Eversource for information on the site activity and soil stockpiling on the adjacent Eversource property. Mr. Bysiewicz will return to the iWWA with a plan for review at the next meeting.

F. Reports of Officers and Committees

None

G. Public Open Forum

None

H. Minutes – May 6, June 3, June 19, July 1, September 2, 2020 and October 7, 2020

Trevor Davis motions to approve the minutes of May 6, June 3, June 19, July 1, September 2 and October 7, 2020. David Pritchard seconds the motion. Ken McClellan abstains from the June 3rd and October 7th meeting. Trevor Davis abstains from the September 2nd meeting. The chair calls for the vote. The chair states the matter passes unanimously.

**I. Communication and Bills
Adoption of the 2021 Calendar**

David Pritchard moves for approval of the adoption of the 2021 Calendar. Trevor Davis seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

J. Adjournment

David Pritchard moves to adjourn at 8:04 PM. Trevor Davis seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

Respectfully submitted,

Marek Kozikowski, City Planner