

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 – February 1, 2023

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
Trevor Davis
Kristen Rzasa
Brian Gartner
Steven Skultety

Absent: Jack Pieper
Fred Terasi
Jammie Middleton

Public: Dave Carson, P.E, OCC Group, Domenic Dimartino, George Logan, approx. for the applicant; 41 members of the public

Staff: Marek Kozikowski, Director

A. Call to Order

J. Carta, Chairman called the meeting to order at 7:07 pm and led the Pledge of Allegiance.

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

Dave Carson, of the OCC Group that is representing the applicant, began by addressing some issues raised at last month's hearing. There will only be two buildings and this isn't the first phase of a larger project. He then addressed drainage concerns stating that none of the drainage from neighboring properties will affect the development area. It drains to East Swamp Brooke and West Swamp Brooke. The development area doesn't drain towards any of the neighboring properties. Mr. Carson then addressed the historical and existing conditions of the property under review. The development site was and is cultivated farmland. Most of the parking of building two is within the cultivated farmland area. They designed their project outside of the existing wetland area so there is no adverse impact. He pointed out a wetland area that's been degraded over the years in which they will be working with the City's Environmental Planner to plant native plants in that area.

George Logan, of Rema Ecological Services, presented ten exhibits. The first two are two Google

aerial photographs of the area. The third exhibit is more photos of the area they want to enhance. The fourth exhibit is a Draft Plan for Enhancement of Wetlands. Pages one through three are the goals of what they'd like to do with that area. Pages four through seven detail how their plans will be executed. On January 18th the applicant went out to the site and catalogued the conditions of the site. He then described their plan for what they intend to plant and how they'll maintaining the area.

Donna Caron, 159 Birchwood Drive inquired about comments requested from other departments.

Director Kozikowski read a letter from Dorothy Scagliola dated January 10, 2023 expressing concerns about the project.

Chairman Carta read a letter from Maria Cope dated January 11, 2023 expressing concerns about the project.

Vice Chairman McClellan read letters from Elena Chamberland, 394 Mile Lane dated January 12, 2023 and January 6, 2023 expressing concerns about the project and requested a response.

Chairman Carta read a letter from Noah Blake dated January 19, 2023 expressing concerns and requested the rejection of the proposal.

Vice Chairman McClellan read sections of a long letter from Ashley Rivera dated January 31, 2023 that address issues that relate to wetlands and the natural environment that may be related to the purview of the IWWA. McClellan noted that the letter addressed many issues not subject to IWWA review.

Vice Chairman McClellan read comments from the Public Works Department Engineering Division dated January 23, 2023.

Paul Brown, 303 Mile Lane, expressed concerns about impact on salamanders and other animals in the area.

David Winkle, 418 Mile Lane expressed concerns about the drainage plan proposed.

Janice Pawlak, 27 Brookfield Lane yielded her time to Mr. Winkle.

Brian Gartner, Jr. left at 7:59pm

Christine Rzaska, 33 Ridgewood Road, environmental scientist expressed concerns on the environmental impact of the project.

John Cooper, 273 Mile lane, expressed concerns on existing and future vegetation and animals habitats.

Sara Turner, 721 Congdon St West requested rejection of the proposal expressing environmental concerns regarding animal habitat, the washing out of the road and drainage issues.

Kathy Trputec, 81 Wildflower Lane expressed environmental concerns.

Kathleen Kennedy, Castanea Court expressed concerns about flooding in the area.

Paul Turenne, 565 Newfield Street, spoke in objection of the proposal, inquired if Lawrence School had to be expanded, what are the environmental impacts on the wetlands if this project was

constructed.

Jill Zinuski, 149 Birchwood Drive wondered if there was any research conducted on the area before the schools were constructed.

Dino Santostefano, 306 Mile Lane, expressed concerns about the wetlands and wildlife of the area as well as the drainage issues.

Peter Zinuski, 149 Birchwood Drive spoke in opposition of the proposal and what affect this project will have on the wetlands.

David Pawlak, 27 Brookfield Lane spoke in opposition of the proposal. This project will destroy habitats for wildlife and he expressed concerns about flooding issues.

Ashley Rivera, 49 Ten Acre Road, spoke in opposition of the proposal.

Motion to take a 10 minute recess.

Moved by Vice Chairman McClellan; seconded by K. Rzasa.

Motion passed unanimously.

The meeting resumed at 8:55pm.

Chairman Carta read a letter from Elena Chamberland, 394 Mile Lane dated February 2nd, 2023 concerning the proposed no-pet-policy and prohibiting service dogs.

Chairman Carta went out to the site multiple times. He suggests to hold the public hearing open until next month, hold a site visit, and retain a wetlands scientist to re-delineate the wetlands.

Mr. Carson stated that the applicant is not willing to extend the public hearing.

Vice Chairman McClellan referenced the public works comments about the level spreader that's not designed properly and inquired if it could be redesigned.

Mr. Carson clarified that it's the inverts on the drain pipe running all the way back to the system. That's what the Public Works comments were referring to.

Vice Chairman McClellan referenced the multi-use trail according to the plan is mostly on school property. The City planned multi-use trail is mostly on the land they want to develop and inquired if that discrepancy been negotiated with the City.

Mr. Carson answered that will be resolved in the future.

Vice Chairman McClellan asked if the school board has seen these plans and commented on them.

Mr. Carson answered that they presented the plans to the school board twice.

Vice Chairman McClellan asked if they responded in writing.

Mr. Carson answered not that he is aware.

K. Rzasa asked Mr. Carson to verify that the wall is actually ten feet from the wetlands. She also asked if he has a signed letter from an engineer that the wall will never fail.

Mr. Carson stated that the closest the wall comes to the wetlands is seven feet. He answered that he doesn't have a signed letter because the wall hasn't been designed yet.

P. Dyka inquired about test pits that were created and the PVC pipe at the site.

Mr. Carson answered the test pits were to see what the subsurface soil was like for the underground stormwater detection system. The PVC pipe has been there since they proposed a golf course at that location.

S. Skultety asked if there were any other areas that were investigated outside of the one hundred foot review area to construct these buildings to swap with the city.

Mr. Carson answered that there is only fifteen acres of upland soil out of the 205 acres.

S. Skultety then asked if the school needed to expand then the area they want to build the apartment complex is the only buildable area.

Mr. Carson explained that building one is proposed on the City of Middletown property. The other building is on the applicant's property.

S. Skultety asked the enhancement plantings proposed, are those done before or after the construction. He also asked the soil scientist, Davidson Environmental, has stated that the area to be cleared for building one is that an early forested area.

Mr. Logan answered the plantings could happen at either time. As for the area for building one, it is coming back as an early forested area.

S. Skultety asked because there was water on the surface even though it's not a wetland area those are the areas where the underground drainage is proposed. The flow lines for the outlets are low for a one hundred year storm. Noting there was a recent rain storm that saturated the ground Skultety inquired if those structures could be raised.

Mr. Carson answered that the four underground detention systems is designed to hold all of the rain water. This system is designed to drain within 24 hours after a storm.

S. Skultety then asked if there is a chance the flow lines would back feed that system.

Mr. Carson stated that the invert of the underdrain needs to be adjusted.

Director Kozikowski stated for the record that while the City's Environmental Planner is a soil scientist, it is not a requirement of that position to be one. It would be inappropriate for this Commission to direct the Environmental Planner to do a soil assessment of the site because it is not a duty of that position. If the Commission wants that assessment, they should go to a third party.

T. Davis asked if the applicant is willing to conform their plans to the Public Works comments that were provided.

Mr. Carson responded absolutely.

Chairman Carta asked what kind of apartments there will be.

Mr. Carson stated there are one and two bedroom apartments

Carta inquired about the access to trails.

Mr. Carson answered that the trail idea is new. Right now there is no access.

Chairman Carta stated that last month Mr. Logan stated there will be.

Mr. Carson pointed out on the plan where the access will be. He also stated that it will be a great natural science area for the school. As it is now, there isn't much of a scientific area.

Chairman Carta disagreed with Mr. Carson's last statement. Chairman Carta went on to ask Mr. Logan about the flagged wetlands that he checked and asked if he performed any further delineations of the wetlands east to west.

Mr. Logan responded no.

Chairman Carta expressed his concerns that the area wasn't completely delineated. The area where flag 19 is looks like wetlands to him.

Mr. Logan responded that this is the worst time of year since everything looks wet in that area.

Chairman Carta expressed concerns about the endangered species that's in that area.

Mr. Logan responded that they need to do studies first on the species in the area at the right time of year. They will generate a report and present it to the DEEP.

Chairman Carta stated by using the upland review area, you're not leaving much room to the wetlands area for drainage. He also expressed concerns about the possibility of wetlands being where the buildings are proposed to be built.

Mr. Logan agreed with Chairman Carta but then said this won't adversely affect the wetlands in the area.

Chairman Carta asked what will pouch the water.

Mr. Logan answered the wetlands soils themselves that has high absorption.

Chairman Carta asked about small circles on one of the older maps in the wetlands area. He wondered if those were possible vernal pools.

Mr. Logan answered that the only potential vernal pool is closest to Kaplan Drive.

Chairman Carta stated that he doesn't think enhancing any of the wetlands will do anything to make the soils any better. The plants that you found you said they are spreading.

Mr. Logan answered yes. The best thing to do is to introduce a variety of vegetation.

Chairman Carta expressed concerns about foot traffic on the proposed trails, debris and garbage from the parking lot and dumpsters which are feet away from the wetlands. He doesn't think they're doing anything better for the wetlands by putting those building there.

Mr. Logan stated that court cases have stated that you have to look at direct and indirect physical impacts to wetlands. Wildlife isn't in the commission's purview.

Mr. Carson stated that two experts have stated that this would be an ecological enhancement.

D. Pritchard observed that looking at the overall site plan and the parking area, there are 34 spots that you can take out which will allow for a greater distance from the wetlands.

Mr. Carson answered that he's thought about it however he wants to make sure he has enough parking so that people aren't parking on Kaplan Drive.

T. Davis inquired about the parking requirement.

Director Kozikowski explained that the Commission can request that the developer reduce the number of parking as long as it's still in conformance.

T. Davis recommends that the Commission request that the parking be reduced.

Mr. Carson would be in favor of reducing the parking.

Motion: To close the public hearing.

Moved by Vice Chairman McClellan seconded by K. Rzasa

Approved: 7-1 (Against: Carta).

Chairman Carta stated that this item will move to Old Business and the final decision will be made at the March 1st meeting.

C. Old Business

None.

D. New Business

None.

E. Agency Review

None.

F. Reports of Officers and Committees

None.

G. Public Open forum

None.

H. Minutes of January 4, 2023

D. Pritchard pointed out that his name is both in the present and absent categories. He then pointed out that on page seven in the 3rd paragraph, 'wet' should be 'went' and 'Wild Bill' should be capitalized.

Motion to approve with corrections.
Moved by K. Rsaza seconded by S. Skultety
Approved: 6-0-2 (Abstained: Pritchard, Skultety)

I. Communication and Bills

Davis recognized that Hector Bartoli passed away.

J. Adjournment

Motion to adjourn at 10:01 pm.
Moved by K. Rzasa, seconded by K. McClellan.
Passed unanimously.

Respectively Submitted,

Marek Kozikowski, Director
Department of Land Use