MEETING MINUTES

Wednesday – May 4, 2022
Meeting held in person only, Municipal Building, Common Council Chambers
7:00 P.M.

Present: Jennifer Greenberg
Ken McClellan
Joseph Carta
Steven Skultety
David Pritchard
Paul Dytka
Jammie Middleton

Absent: Fred Terrasi
Trevor Davis
Jack Pieper

Public: Russ Rubinow, Gene Salvatore residents Brown Street

Staff: James Sipperly, Environmental Planner

A. Call to Order

The chairman called the meeting to order at 7:03 pm and led the Pledge of Allegiance.

B. Public Hearing

None scheduled

C. Old Business

1. Re-subdivision of the existing property at the end of Talias Trail into 6 lots and construction of 6 single family homes and extension of existing road and new cul-de-sac. Applicant/Agent Sunwood Development Corporation, Permit # 2022-2.

Bob Wiedenmann, Sunwood Development Corp, presented the application. This property originally 56 acres that included a 19 lot subdivision. 6 acres of open space was set aside. This application is to extend Talias Trail to create an additional 6 lots. Previously there was a lot of debris, topsoil, tree stumps left at this area. Bob worked with the town to clean this area up and remove the materials. The wetland is on the west side of the property and is a
wetland corridor with West Swamp Brook. There was a wetland assessment done in 2019. #-4 years ago this agency granted a 4 lot subdivision here.

The concerns are the 3200 sq. ft. upland review disturbance on lots 1&2. Lot 3 has minimal grading in the upland review area.

J. Carta mentioned that individual lots 1, 2 and 3 may need to come back for individual site plan reviews.

Motion:
That the Inland Wetlands and Watercourses Agency (hereinafter, “Agency”), having considered application 2021-14 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 the proposed activities are to re-subdivide property at the end of Talias Trail into 6 lots and the construction of 6 family homes and extension of existing road and new cul-de-sac.
2. That this property was subject to a previous 4 lot re-subdivision which was granted by the IWWA on July 3, 2018 and expires on July 3, 2023. The application number is 18-06 and now is null and void
3. That there will be no disturbance of any wetlands and watercourses on the site.
4. That there will be a total disturbance of 6,580 sq. ft. in the regulated area to conduct grading and the installation of a storm water level spreader.
5. 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 2022-2 is granted, with conditions, to allow the following regulated activities as depicted on the submitted plan entitled:

“Proposed Residential Subdivision, Talias Trail and Mile Lane, Middletown CT, scale 1”=30’, dated March 25, 2022, prepared by SLR sheets SD1-SD6.”

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 May 4, 2027 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.

17. That lots 1-3 shall be required to come back for an individual site plan approval prior to construction activities on said lots to ensure that the inland wetlands and watercourses shall remain protected.
Moved by K. McClellan; seconded by D. Prichard, approved unanimously.

2. Brown Street drainage concerns.

J. Carta and J. Sipperly visited the site at 93 Brown Street. J. Carta reported on their findings. Mr. Lapointe explained that some trees were cut and chipped and left I place. J. Carta stated that the grades are about the same on both properties and that there is standing water that is 1.5 feet deep on Mr. Lapointe’s property as well. Mr. Lapointe stated that there is a drain pipe on 85 Brown Street that was installed by the farmer years ago and now it appears to be clogged.

J. Carta and J. Sipperly visited 85 Brown Street and spoke to Kelly Rubinow who acknowledged there is a drain there and her husband put rocks over it.

Russ Rubinow stated there was a drain there and he dug it up once and he did not see anything. Much discussion ensued regarding the drain and its location and lack of ability to drain. This is where the water is the deepest. Gene Salvatore also agreed that there was a drain and it worked years ago nicely.

Jennifer Greenberg discussed the role of the Commission here. Jammie Middleton cited the regulations regarding the Commission’s jurisdiction. Russ Rubinow went over a timeline of events and said he gave pictures to Chris Holden, Public Works Dept. Russ will get a packet together for staff next week.

D. New Business
1. Addition to an existing industrial building 2175 South Main Street within 100 foot regulated area. Applicant/Agent Ami sports, LLC, Permit # 2022-3

Sal Monarca explained that he wants to expand an existing building and a portion of the building will extend into the 100 regulated area by 20-25 feet. The wetlands are actually a man-made fire pond.

Motion: To accept application 2022-3 and schedule it for action at the next meeting in June. Moved by K. McClellan; seconded by J. Middleton; approved unanimously.

E. Agency Review
None

F. Reports of Officers and Committees
1. Enforcement Action – Dominick & Deborah More, 117 Sachem Drive, filling and grading within a wetland. J. Sipperly explained the Mores’ have hired a soil scientist and a land surveyor and are working on putting together a plan possibly for the next meeting. No work is being conducted and the site is stable.

G. Public Open forum
None
H. Minutes of April 6, 2022
The minutes were reviewed as received. Motion: To approve the minutes of April 6, 2022 as presented. Moved by D. Pritchard, seconded by S. Skultety, approved unanimously with P. Dyka abstaining.

I. Communication and Bills
J. Greeenberg emailed draft regulation changes and we will look at a few sections at a time moving forward.

J. Adjournment
Motion: To adjourn at 8:300pm. Moved by K. McClellan; seconded by P. Dyka Approved unanimously.

Respectfully Submitted,

James Sipperly, Secretary/Environmental Planner
Department of Land Use