MEETING MINUTES

Wednesday – June 1, 2022
Meeting held in person only, Municipal Building, Common Council Chambers
7:00 P.M.

Present: Jennifer Greenberg
Ken McClellan
Joseph Carta
David Pritchard
Paul Dyka
Trevor Davis

Absent: Fred Terrasi
Jammie Middleton
Jack Pieper
Steven Skultety
Brian Gartner

Public: Russ Rubinow, Gene Salvatore, David Steuerwald residents Brown Street

Staff: James Sipperly, Environmental Planner

A. Call to Order

The chairman called the meeting to order at 7:00 pm and led the Pledge of Allegiance.

B. Public Hearing
None scheduled

C. Old Business

No one is here presently to represent the applicant.

Motion: To table this item further on the agenda when the applicant is present. Moved by D. Pritchard; seconded by K. McClellan, approved unanimously.

2. Brown Street drainage concerns.
J. Sipperly reported that he received a packet from R. Rubinow a few days after the last meeting dated May 112, 2022. Staff emailed this report to everyone. The packet includes photos and a timeline of events that occurred at the site from when it was purchased.

Discussion ensued regarding the information contained therein. D. Pritchard asked where is the manhole located exactly. R. Rubinow responded that it was on his property.

G. Salvatore handed in a report he compiled using NRCS soil types and maps and discussed the history of the area. J. Sipperly explained that those maps are compiled on a large scale and used for general planning purposes only and are not that accurate. J. Sipperly further stated that Ken Stevens was hired by the Rubinow’s to conduct a high intensity soil survey and issued a detailed report. The soil series from Ken’s report does not match the soils from the NRCS information.

J. Carta stated that those drainage pipes, and there were several were put in a long time ago, as he played in those fields as a kid. G. Salvatore said something happened around 2002 and water started accumulate.

K. McClellan looked at maps and asked R. Rubinow about the depth of water and the location of the pipes and swales that exist.

R. Rubinow stated that currently the water is low and the manhole is exposed. J. Sipperly and J. Carta will make another site visit to view the manhole.

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.

Sal Monarca submitted a revised site plan dated 5/24/22 showing stone around the building and roof line and silt fencing locations.

There were no questions from the Commission members.

Staff read a proposed motion.

IWWA APPPLCATION W 2022-3
Applicant/Agent Ami Sports, LLC

That the Inland Wetlands and Watercourses Agency (hereinafter, “Agency”), having considered application 2022-3 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 additional to an existing industrial building is within the 100’ regulated area. The wetland boundary delineated is the edge of an existing man-made fire pond.
2. 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 2022-3 is granted, with conditions, to allow the following regulated activities as depicted on the submitted plan entitled:

“Improvement Location Survey for AMI sports, LLC, 2175 South main street, Middletown/Middlefield CT, Scale 1”=40’, dated 03-22-2022, revised 5/24/22, prepared by Richard F. Mihok, P.E. & L.S. Consulting Engineers”

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 June 1, 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 no floor drains shall be allowed due to the fact that this area is in a watershed protection overlay zone.

Moved by K. McClellan; seconded by D. Pritchard, approved unanimously.

D. New Business

1. Maintenance removal of sedimentation in “Yellow Pond” Long hill Road, Applicant /Agent Wesleyan Hills Association, Permit # 2022-4.

Rick Neczyek Wesleyan Hills Association management agency discussed that there is a lot of sediment accumulation and that the pond sometimes floods out the surrounding area. JV III contractors will be doing the work which is the same contractor that was used for the first pod along RT 17.

Motion: That the application be accepted and tabled for action at the next meeting on July 6, 2022. Moved by D. Pritchard; seconded by T. Davis, 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.

2. J. Sipperly received a copy of a CT DEEP permit for treatment to Sliders Bar and Grill pond. K. Mcclelan asked who follows up to ensure this is done and done properly. Staff will follow up on that.

G. Public Open forum
None

H. Minutes of May 4, 2022
The minutes were reviewed as received. Motion: To approve the minutes of May, 2022 as amended to spell Paul Dyka’s last name properly. Moved by K. McClellan; seconded by J. Greenberg, approved unanimously with T. Davis 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 8:25 pm. Moved by D. Pritchard; seconded by K. McClellan
Approved unanimously.

Respectfully Submitted,

James Sipperly, Secretary/Environmental Planner
Department of Land Use