MEETING MINUTES

Wednesday – July 6, 2022
Meeting held in person only, Municipal Building, Common Council Chambers
7:00 P.M.

Present: Ken McClellan
Joseph Carta
David Pritchard
Paul Dyka
Jammie Middleton
Brian Gartner

Absent: Fred Terrasi
Jack Pieper
Steven Skultety
Trevor Davis
Jennifer Greenberg

Public: Russ Rubinow, Gene Salvatore, residents Brown Street, Domenick More, Debbie More,
117 Sachem Drive, Joe Fazzino, Water and Sewer Director, Rich Nemsick, Wesleyan Hills

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

Rick Nemsick 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 pond along RT 17. J. Sipperly reported that permit for the first pond is still active and they will be finishing up that first and then be moving to the second.

R. Nemsick stated that the pond is heavily vegetated with invasive species. Those species will be removed off site. Only soil materials from the pond will be deposited behind the existing parking area and spread out.

J. Middleton asked if this was a man-made pond or not and if it was dredged previously. J. Carta responded that it was manmade and R. Nemsick responded that he does not believe that it was ever maintained since it was created. R. Nemsick also added that there would be about 3-4 dump trucks off material to be removed.

Seeing no more questions from commission members, J. Carta asked staff to read a draft motion into the record below.

IWWA APPPLCATION W 2022-4
Applicant/Agent Wesleyan Hills Association

That the Inland Wetlands and Watercourses Agency (hereinafter, “Agency”), having considered application 2022-4 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 construction activities to dredge an existing silted in pond known locally as “Yellow Pond”, is necessary to maintain open water conditions for wildlife and migratory birds.
2. That the area to be dredged is approximately ¼ acre in size and the material will be removed off site and deposited near the “The Barns” parking area and seeded and mulched.
3. That the proposed work shall be done during a dry time of year and verified by the Environmental Planner. Said work shall be completed in one day.
4. 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.
5. That silt fence be installed down gradient of the work site to prevent migration of any silt downstream of the site.

Therefore, permit # W 2022-4 is granted, with conditions, to allow the following regulated activities as depicted on the submitted plan entitled:

“Yellow Pond Proposed Dredging Plan, dated 5/25/22, not to scale, prepared by Westford Realty Management, for Wesleyan hills Association

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 July 6, 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 remove 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 D. Pritchard; approved unanimously.

2. Brown Street drainage concerns.

J. Carta and J. Sipperly visited the site and saw the existing drain the farmer installed many
years ago. J. Sipperly showed photos of the stone drain. The cover stone had an 8” hole that
was about 1 ½ foot deep to the top off accumulated fine silt. J. Carta took a video with his
cell phone that was dark because of the lack of light. J. Sipperly recommended that someone
should auger through or dig down into the silt to see if there was any pipe or drainage below
the silt accumulation. Kelly Rubinow said she would relay that to her husband Russ. She
further stated that she really doesn’t mind the water because her daughter likes to ice skate
in the winter.

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. This one

R. Rubinow also stated on the record that he doesn’t mind the water being there he would
just like it to drain faster than it did before. J. Sipperly mentioned some research on
groundwater levels that K. McClellan researched out on a local farm and the ground water
levels are significantly higher than in previous years. As a soil scientist J. Sipperly stated this
groundwater trend at previous meetings.

R. Rubinow stated he is more concerned with the fact that his neighbor did not get a permit
to do the work on his property back in 2004-2005.

K. McClellan stated that is a legal issue between two property owners. No wetlands were
delineated on Mr. Lapointe’s property so there is no basis on jurisdiction that can be made at
this time.

J. Middleton reported that the Commission can make decisions that are definitive today
moving forward on work done in designated wetlands and watercourses.
There has to be a wetland determination made at some point in time and years ago that
wasn’t done.

P. Dyka asked about the farmer who owned the land that gave Mr. Lapointe permission to
cut the trees to make it easier on him to continue farming that area. There may have been no
violation because farmers can clear trees as a matter of right.
G. Salvatore wants someone to dig up Mr. Lapointe’s property to see what the soils look like.

Mr. Sipperly stated that would not be practical and further Mr. Lapointe would probably not give anybody permission to dig up his yard and existing lawn area.
Mr. Sipperly recommended that moving forward someone should further investigate the drain and everyone should watch what happens in the seasons coming up because a predicted dry spell may be a trend in the future. Perhaps this season the water may drain faster and be less in volume to begin with.

R. Rubinow thanked the Commission members for their time listening and responding to their concerns.

D. **New Business**

1. Construction of a new septic system requiring the sewer force main to cross the intermittent watercourse to the new septic system leaching fields at 488 Bow Lane. Applicant/Agent: Michael Kereks/Estate of Robert Kereks. [2022-5]

   Motion: To accept the application of 2022-5 and schedule it to be heard on August 3, 2022. Moved by D. Pritchard, seconded by B. Gartner; approved unanimously

2. Construction of a single family home, septic system, well, driveway, and associated land clearing and grading on Shunpike Road (Map/Lot: 49/0035). Applicant/Agent: Dean Delvecchio. [2022-6]

   Motion: To accept the application of 2022-6 and schedule it to be heard on August 3, 2022. Moved by K. McClellan, seconded by B. Gartner; approved unanimously

3. Request to upgrade Red Road sewer pumping station which was originally constructed in 1969 at 90 Red Road. Applicant/Agent: Middletown Water & Sewer Department. [2022-7]

   J. Fazzino, Director of Water and Sewer, was present and presented the application. Seeing that this activity is a public improvement in a fairly small close knit neighborhood, the commission determined that in the public’s interest the application be subject of a public hearing.

   Motion: To accept the application and hold a public hearing for the public’s interest on August 3, 2022. 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. Mr. More sent an application by email to staff today. Staff reviewed it and found it to be complete. Mr. More presented the map and the wetland delineation and a report from the soil scientist, Bill Jackson. J. Sipperly will visit the site with Mr. More to look at mitigation plans to remove the material.
Motion: To accept the application 2022-8 and schedule it for review at the next regularly scheduled meeting on August 3, 2022. Moved by K. McClellan, seconded by D. Pritchard; approved unanimously.

G. Public Open forum

None

H. Minutes of June 1, 2022

The minutes were reviewed as received. Under C. Old Business, K. McClellan would like to add “application 2022-3” after “To table this item” Motion: To approve the minutes of June 1, 2022 as amended. Moved by K. McClellan; seconded by P. Dyka, approved unanimously with T. Davis abstaining.

I. Communication and Bills

1. J. Sipperly received copies of a CT DEEP permits for treatment to several ponds in Middletown for algae blooms. K. McClellan asked who follows up to ensure this is done and done properly. Staff followed up with the manager Lisa Marikakis of The Pond and Lake Connection and they are required to record, actual treatment dates, chemicals and volumes used, weather conditions and who applied the treatments on a yearend basis for each pond.

J. Adjournment

Motion: To adjourn at 8:45 pm. Moved by D. Pritchard; seconded by K. McClellan

Approved unanimously.

Respectively Submitted,

James Sipperly, Secretary/Environmental Planner
Department of Land Use