MEETING MINUTES

Wednesday – August 3, 2022
Meeting held in person only, Municipal Building, Common Council Chambers
7:00 P.M.

Present:  Ken McClellan
          Joseph Carta
          Paul Dyka
          Jammie Middleton
          Brian Gartner
          Jennifer Greenberg
          Kristen Rzasa (new member)

Absent:  Fred Terrasi
         Jack Pieper
         Steven Skultety
         Trevor Davis

Public:  Seth Lenz, Assistant Chief Engineer; Bob Tedeski, Weston and Sampson; Domenick More,
         Debbie More, 117 Sachem Drive; Pat Benjamin, Bascom and Benjamin Engineering;
         Dean Delvecchio; Kasia Lemoenski

Staff:   James Sipperly, Environmental Planner

A.  Call to Order

J. Carta, Chairman called the meeting to order at 7:03 pm and led the Pledge of Allegiance.

B.  Public Hearing

1. Request to upgrade Red Road sewer pumping station which was originally constructed in

   Seth Lenz, Assistant Chief Engineer, Water and Sewer Department described the project. The current
   pump station is quite old and is in bad working order. The former design is not up to
   current standards and in dire need of repairs and upgrades. There is a confined space as well.
   S. Lenz stated that they have hired Weston and Sampson as consulting engineers to design the
   project.

   Bob Tedeski, P.E. from Weston and Sampson went into details about the project. The wetlands
   were flagged on April 4, 2022 by Demian Sorretino. There will be a new concrete
   slab, a new control panel, new bypass and new generator. All the work will be outside the
   flagged wetlands area. Silt fence will be installed around the whole project area. There will be
an above ground generator that will have a diesel underground double walled supply tank. There will be interstitial monitoring device to detect any leakage. That monitoring system is phone operated and on call workers will be immediately notified.

The new building will be shielded with arborvitaes and plantings.

J. Carta asked if any members of the public would like to speak.

Kasia Lemoenski, 6 Red Yellow Road spoke about saving the existing trees for shade. B. Tedeski replied that one needs to be removed for sure and that it might be possible to save the other 3 existing trees.

Staff read a letter from Bryna O’Sullivan requesting that another species of tree be planted because arborvitaes are susceptible to be eaten by deer. Staff will look into this with the project engineer.

Staff asked about the timing and phasing of the project. B. Tedeski responded that ordering the materials have been tough. Once the materials have arrived the project will take approximately one month to construct. The phasing would be, set up a bypass system, demo the existing structure, construct the new system and then train the personnel to run the pump station.

Motion: To close the public comment period of the Public Hearing. Moved by K. McClellan/seconded by J. Greenberg; approved unanimously.

J. Carta opened questions from commissioners.

J. Middleton questioned the concrete pad for the generator and the diesel tank. The potential for a leak or spill is of concern. B. Tedeski stated that is slim because of the way the tank is designed and monitored.

J. Sipperly asked about the service area of the pump station and S. Lenz responded that it handles all off Red area and a good portion of the Yellow area plus some houses off of Laurel Grove Road.

K. Rzasa asked about the 23 6’arborvitaes trees and where they would be planted exactly. B. Tedeski stated that they would not be in the wetland area but around the building for cover.

J. Carta asked about the time frame of the proposed work and staff responded that the commission could stipulate when that work could be done during a dry time of year.

J. Sipperly asked if there will continue to be an external alarm that is visible to people passing by. S. Lenz responded that there would be.

Motion: To close the Public Hearing. Moved by K. McClellan; seconded by P. Dyka approved unanimously.

C. Old 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.
P. Benjamin P.E. discussed the plans in detail. There is an existing culvert crossing where the force main will be installed just below that area. The force main will be 42” below grade and that there will be 110 sqft of temporary disturbance.

Motion:

IWWA APPLICATION W 2022-5
Applicant/Agent Estate of Robert Kereks, C/O Michael Kereks, Executor

Draft Motion:

That the Inland Wetlands and Watercourses Agency (hereinafter, “Agency”), having considered application 2022-5 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 activity is the construction of a new septic system due to the failure of the existing septic system at the existing house.
2. That the sewer force main must be buried under the intermittent watercourse to the new septic system leaching fields at the location where there is an existing culvert crossing. That the force main will be buried at a depth of 42” below existing grade.
3. That the inlands wetlands and watercourses on the site were delineated by Eric Davidson, Certified Soil Scientist on May 24, 2022 and are shown correctly on the plan referenced below.
4. That based on subsurface soil tests, no other portion of the property can support a 3 bedroom septic system.
5. That the plans were approved by the Middletown Health Department on July 11, 2022.
6. That there will be 110 sq. ft. of temporary intermittent watercourse disturbance while installing the force main.
7. 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 2022-5 is granted, with conditions, to allow the following regulated activities as depicted on the submitted plan entitled:

“Subsurface Sewage Disposal System Repair, Assessors Map 41, Lot 34, 488 Bow Lane, prepared for Michael Kerkes, scale 1”=20’, dated 6-7-22, prepared by Bascom & Benjamin, LLC”

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 August 3, 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
that 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 the work will be done during a dry time of year which will be verified by staff prior to the commencement of construction activities.

Moved by J. Greenberg; seconded by k. McClellan; 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.

P. Benjamin P.E. described the project in detail. P. Benjamin stated there is no disturbance in the wetlands only within a slight portion of the upland review area.

K. Rzasa questioned the amount of trees to be removed. P. Benjamin responded that there will be about 20 trees removed that are between 6” – 10” in diameter.

Motion:

IWWA APPLICATION W 2022-6
Applicant/Agent Dean Delvecchio

Draft Motion:

That the Inland Wetlands and Watercourses Agency (hereinafter, “Agency”), having considered application 2022-6 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 construct a single family dwelling, well, septic and driveway grading within the upland review area.

2. That there is no proposed disturbance to the inland wetlands and intermittent watercourse on site.

3. That the inlands wetlands and watercourses on the site were delineated by Eric Davidson, Certified Soil Scientist in May 2022 and are shown correctly on the plan referenced below.

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.

Therefore, permit # W 2022-6 is granted, with conditions, to allow the following regulated activities as depicted on the submitted plan entitled:

“Subsurface Sewage Disposal, Tax assessors Map #49, lot 0035, East Side of Shunpike Road, prepared for Dean Delvecchio, scale 1”=20’, dated 5-31-22, prepared by Bascom and Benjamin, LLC”

This Permit is issued by the Agency subject to the following conditions and/or modifications as
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 August 3, 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 co to prevent the possibilities of spills and/or leaks.

Moved by K. McClellan; seconded by B. Gartner; approved unanimously.

Motion: to amend the agenda to add item D 1. To C3. Moved by K. McClellan; seconded by B. Gartner; approved unanimously.


J. Sipperly stated that the Mores’ have responded to all of the Notice of Violations issues.

D. More presented his remediation plan and described how and when he will do the work. When it is this dry this is the best time of year to do it. He will notify staff when he starts the work which may take between 4-6 weeks to do.

Motion:

IWWA APPPLICATION W 2022-8
Applicant/Agent Dominick & Deborah More

Draft Motion:

That the Inland Wetlands and Watercourses Agency (hereinafter, “Agency”), having considered application 2022-8 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 applicant has complied with all of the terms, questions and requests of the Notice of Violation dated March 4, 2022 and it is therefore negated.
2. That this application is to conduct routine maintenance to remove sediment and soil removal in “Bear Pond” as a result of several severe storm events.
3. That the inlands wetlands and watercourses on the site were delineated by William Jackson, Certified Soil Scientist between May 11-18 and his report is included in the application materials.
4. That the wetland delineation is properly shown on a site plan prepared by Jackowiak Land Surveying dated June 30, 2022.
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 2022-8 is granted, with conditions, to allow the following regulated activities as depicted on the submitted plan entitled:

“Exhibit 1, received July 07, 2022, on base map – General Location Survey depicting Wetland limits as delineated, prepared for Dominick & Deborah More, scale 1”=50’ dated June 30, 2022 prepared Jackowiak Land Surveying”

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 August 3, 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.

Moved by K. McClellan; seconded by B. Gartner; approved unanimously

D. New Business

1. Subdivision to create five residential building lots at 665 Ridgewood Road (map/lot: 10/0008). Applicant/Agent: Hubbard Properties, LLC 2022-9

Motion: To accept the application and schedule it for review at the next meeting on September 7, 2022. Moved by B. Gartner; seconded by K. Rzasa; approved unanimously.

2. Fill Wetlands for retail development at 550 Highland Avenue. Applicant/Agent: South Main Investors, LLC. 2022-10

J. Sipperly stated that there is a small isolated pocket of wetland like soils in an existing mowed lawn area. Filling is automatically a significant activity and requires a Public Hearing.

Motion; to accept the application and schedule a Public Hearing for the September 7, 2022 meeting. Moved by K. McClellan; seconded by P., Dyka approved unanimously.
E. Agency Review
   None

F. Reports of Officers and Committees
   Staff reported that he has been conducting routine inspections with no issues to report.

G. Public Open forum
   None

H. Minutes of July 6, 2022
   The minutes were reviewed as received. Motion: to approve the minutes of July 6, 2022 as received. Moved by K. McClellan; seconded by B. Gartner; approved unanimously with J. Greenberg 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 send year end reports on their treatments.

J. Adjournment
   Motion: To adjourn at 8:25 pm. Moved by K. McClellan; seconded by B. Gartner; Approved unanimously.

Respectively Submitted,

James Sipperly, Secretary/Environmental Planner
Department of Land Use