MEETING MINUTES

Wednesday – September 7, 2022
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  
Kristen Rzasa  
Steve Skultety

Absent:  Fred Terrasi  
Jack Pieper  
Brian Gartner  
Trevor Davis  
Jammie Middleton

Public:  Seth Lenz, Assistant Chief Engineer, Water and Sewer Dept.; Pat Benjamin, Bascom and Benjamin Engineering; Atty. Rich Carella; Guy Hesketh, P.E., Anthony Zemba, Soil Scientist; Mike Stone, 28 members of the Public

Staff:  James Sipperly, Environmental Planner

A. Call to Order

J. Carta, Chairman called the meeting to order at 7:02 pm and led the Pledge of Allegiance.

B. Public Hearing

1. Request to fill 983sgft of wetlands and mitigate 6,079sgft of wetland area for a commercial development at 550 Highland Avenue. Application # 2022-10

Atty. Rich Carella introduced the project to the Commission. The grocery store will be a Big Y and will be located between RT 17 and Highland Avenue.

Guy Hesketh the project engineer discussed the plans in detail, including the existing site conditions, proposed site improvements, traffic and parking layout and construction details.

Anthony Zemba, Soil Scientist discussed the two wetland areas of the site. Wetland A is a wetland associated with a watercourse and has medium to high value and provides many wetland functions. Wetland B is an isolated wetland area that has low value and is located in a mowed lawn area. Old drainage via a concrete pipe bisects this wet area and that may be the cause of the wetness, Mr. Zemba stated. Wetland B was formed in human transported materials. There also is a report he submitted dated July 28, 2022.
Guy Hesketh then talked about storm water drainage and treatment. There are to be three underground structures that are all custom designed. He explained how they would treat the storm water and then recharge it back into the ground. Mr. Hesketh then explained the erosion and control measures to be used to stabilize the site while under construction.

Chairman J. Carta then opened up the Public Hearing for members of the public.

Howard Godwin, Durwin Street, asked about how this whole project will impact the Condo’s down the hill and how it will affect the Apple Rehabilitation Center. He also is concerned about all the sand and salt that will used in the parking lot.

Kate Wilson, Brown Street, asked about the pollutants going down to the southeast wetlands and how much stormwater drainage goes into wetland B presently.

Mary Ellen Sulkens, asked about what will be done to wetland A specifically and during construction where will the silt fence be installed.

Mr. Hesketh responded to those questions. Mr. Sipperly asked him to explain how the hydrodynamic separators work for the public.

Chairman Carta opened up questions to commission members.

K. McClellan asked about erosion and sedimentation controls again and asked to see their proposed locations. Mr. Hesketh said that there will be an inspector on site to do weekly inspections. Mr. Sipperly stated that as part of his job, he conducts inspections of working site as well.

K. Rzasa asked about possible flooding issues. Mr. Hesketh said that the existing site conditions were reviewed and using the standard calculations for a 100 year storm event sized the drainage structures accordingly.

D. Pritchard asked about a schedule for maintenance for these drainage systems. Mr. Hesketh responded that they do routine street sweepings in the parking lot especially in the winter to remove sand and silt before it enters the system. The catch basins are twice annually inspected and cleaned.

J. Carta asked about the quality of wetland B and asked about saving some large trees along the truck entrance drive.

J. Sipperly asked about site construction activities and phasing and about temporary storm water storage basins. Mr. Hesketh stated that when the contractors are hired staff will be contacted to attend meetings to address those very issues and will allow input from him moving forward.

Motion: To close the Public Hearing on application # 2022-10. Moved by K. McClellan; seconded by K. Rzasa; approved unanimously.

Chairman Carta reported that this will now go under Old Business item #3.

C. Old Business
1. Request to upgrade Red Road sewer pump station which was originally constructed in 1969 at 90 Red Road. Applicant/Agent: City of Middletown Water and Sewer Department. 2022-7

Mr. Sipperly reported that there was a public hearing on this and there was a question about the arborvitaes to be planted. This was referred to the Urban Forestry commission and they recommended planting eastern red cedars instead, because the deer eat the arborvitaes.

K. McClellan asked about what will be demolished and S. Lentz. PE responded that the above structure and wet well will be removed.

Motion:

IWWA APPPLCATION W 2022-7
Applicant/Agent Middletown Water & Sewer Department

That the Inland Wetlands and Watercourses Agency (hereinafter, “Agency”), having considered application 2022-7 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 include, abandonment of the existing pump station (built in 1969), installation of a new precast wet well and valve vault and minimal site work.
2. That there is no direct impacts to the inland wetlands and watercourses on the site. There will be a total of 3,359 sqft of impact to the regulated area.
3. 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 2022-7 is granted, with conditions, to allow the following regulated activities as depicted on the submitted plan entitled:

“Red Road Pump Station Improvements, Site Plan (page C-301) & Demolition (page C-201)
Dated June 8, 2022, scale 1”=10′, prepared by Weston and Sampson Engineers, Inc.”

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 September 7, 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.

18. That from a recommendation from the Urban Forestry Commission is not to plant 20 Green Giant Arborvitaes but to plant 20 Eastern Red Cedars as the arborvitaes are susceptible to damage by deer.

Moved by D. Pritchard; seconded by K. McClellan. Clarification on the demolition of the wet well and abandonment of the pump station. Only the demolition of the wet well will be below the surface and the rest of the station will be rebuilt. The mover and seconder agreed with this clarification. Vote: approved unanimously.

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

Steve Skultety recused himself from this application.

Pat Benjamin, PE represented the applicant and described the project in detail. There is one 17.9 acre lot which they would like to subdivide into 5 lots off of Ridgewood Road. The wetland activity is limited to installing two sewer pipes, 42” deep across the intermittent watercourse, backfill and then seed with a Conservation Wet-mix seed. The construction should take no more than half a day. The work will be done in a dry time between June 1 and September 3.

Motion: To table this for action at the next meeting on October 5, 2022. Moved by D. Pritchard; seconded by P. Dyka; approved unanimously.

Motion: D. Pritchard moved for a 5 minute recess. Seconded by P. Dyka approved unanimously

J. Carta called the meeting back to order at 8:57 pm

3. Request to fill 983sgft of wetlands and mitigate 6,079sgft of wetland area for a commercial development at 550 Highland Avenue. Application # 2022-10

This was subject of a Public Hearing tonight and J. Carta stated that all the questions were answered and ask staff to read a draft motion into the record.

Motion:

IWWA APPLICATION W 2022-10
Applicant/Agent South Main Street Investors, LLC

Draft Motion:

That the Inland Wetlands and Watercourses Agency (hereinafter, “Agency”), having considered application 2022-10 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 redevelop two parcels into a 51,892sqft grocery store and associated site improvements including paved parking areas and drives, stormwater management systems and utility services. The existing building structures will be demolished.
2. That 983sqft of inland wetland soils located in an existing mowed field are proposed to be filled. This small isolated wetland area was found to have very little function and is of low value.
3. That the inlands wetlands and watercourses on the site were delineated by Anthony Zemba, Certified Soil Scientist and Certified Ecologist on July 8 2022 and are shown correctly on the plan referenced below. A report from Mr. Zemba dated July 28, 2022 is included in the application materials submitted.
4. To offset the filling of the small isolated wetland area, there is no suitable location on the site to create another wetland area. As a mitigation alternative, there will be an enhancement of the other existing wetlands and watercourses area on the site known as wetland A. Accumulated sediment, downed trees and brush, as well as garbage and “floatables” from the stormwater drainage off RT 17 will be removed. The current watercourse flowing through the existing headwall is partially blocked causing erosion of the existing banks.
5. A comprehensive stormwater management report dated August 22, 2022 prepared by F.A. Hesketh Associates is included in the application materials.
6. 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 2022-10 is granted, with conditions, to allow the following regulated activities as depicted on the submitted plan entitled:

“Big Y World Class Market, 502 & 550 Highland Avenue, Middletown, CT – Inland Wetlands and Watercourses Agency Application Plan Set, dated July 29, 2022, revised through August 22, 2022, scale as shown, 21 sheets in total as specifically identified thereon”

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 September 7, 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.

17. That a bond calculated by the Town Engineer covering the erosion and sedimentation control measure costs, including the filling of the isolated wetland area and the proposed
wetland mitigation work costs shall be submitted to the City of Middletown using a bank check or money order prior to the commencement of construction activities.

18. That deep sumps will be installed on the last stormwater structures to remove oils and chemicals.

19. That staff will be included in discussions with the contractor to develop a phasing plan for the site construction and grading, including having the ability to comment on any on-site temporary stormwater detention basins.

20. That a double rough of silt fence and/or hay bales will be installed along the northeast corner of the site at the toe of the proposed steep slope.

Moved by K. McClellan; seconded by S. Skultety, approved unanimously.

D. New Business
None

E. Agency Review
None

F. Reports of Officers and Committees
1. Ted Bysiewicz, removal of silt from pond at 97 Poplar Road, Demerschment property. J. Sipperly reported that a Cease and Desist was issued on December 21, 2020. Recently Mr. Sipperly was made aware of this and contacted Ted. All parties involved met on the site on April 5, 2022 to discuss the work to be done and when. Mr. Bysiewicz performed the work as required and the Demerschants are satisfied as well.

Staff’s recommendation is to remove the Cease and Desist Order.
Motion: To close the Cease and Desist Order against Ted Bysiewicz. Moved by K. McClellan; seconded by K. Rzasa, approved unanimously.

G. Public Open forum
11 members of the public stayed in attendance to talk about Pameacha Pond dam removal project. J. Carta stated that there is no application that was submitted. Mr. Sipperly further stated that this may not even be under this Agency’s authority as it may solely be a state permit. This meeting was taped and recorded to hear the testimony.

H. Minutes of August 3, 2022
The minutes were reviewed as received. Motion: to approve the minutes of August 3, 2022 as received. Moved by K. McClellan; seconded by P. Dyka; approved unanimously

I. Communication and Bills
None

J. Adjournment
Motion: To adjourn at 9:58 pm. Moved by K. McClellan; seconded by D. Pritchard; Approved unanimously.

Respectfully Submitted,

James Sipperly, Secretary/Environmental Planner
Department of Land Use