Wednesday, December 1, 2021
Council Chambers
7:00 P.M.

Present:  
Joseph Carta
Ken McClellan
David Pritchard
Jennifer Greenberg
Paul Dyka
Fred Taurasi

Absent:  
Trevor Davis
Brian Gartner
Jack Piper
Jammie Middletown
Steven Skultety

Public:  
Chris Bell, Engineer; Chris Holden, Deputy Director of Public Works

Staff:  
James Sipperly, Environmental Planner

A. Call to Order / Pledge of Allegiance
The meeting was called to order at 7:03pm.

B. Public Hearing
None scheduled

C. Old Business

1. Construction of a road and five single-family homes on lots 12-0106, 12-0110, 12-0193, 12-0194, and 12-0195 Nathan Hale Road. Applicant/agent Joseph Mazzotta 2021-7

J. Carta summed up the application process by stating that there has been numerous public hearings conducted and a site walk was conducted on this application. The plans were modified several times to reflect changes from the town engineer and the wetland agency.

J. Carta stated that staff had drafted a motion for consideration on this application. J. Carta asked staff to read it into the record.

Draft motion:
IWWA APPLICATION 2021-07 PERMIT

Applicant agent Joseph Mazzotta

That the Inland Wetlands and Watercourses Agency (hereinafter, “Agency”), having considered application 2021-07 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 a public hearing was held on September 1, October 6, and November 3, 2021.
2. That a field site visitation was conducted by members of the Agency on September 11, 2021.
3. That the application is for construction of a city street, installation of utilities, 5 single family homes and construction of a mitigation channel.
4. That the total acreage of wetlands to be altered on the site is 0.12 acres. The total area of regulated area is 1.12 acres.
5. That the proposed mitigation channel will replace an existing drainage swale and will discharge into a proposed detention pond and ultimately into a 8’wide 1’ deep rip rap spillway that discharges to an existing wetland system.
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 # 2021-7 is granted, with conditions, to allow the following regulated activities as depicted on the submitted plan entitled:

Site Plan, Nathan Hale Rd, Extension-Subdivision, Middletown, CT; scale 1”=30’, dated March 25, 2021 revised 8/30/21, prepared by Christopher Bell, P.E. sheets SD-1,SD-2,P1 and D1

This Permit is issued by the Agency subject to the following conditions and/or modifications as follows:

1. That the proposed Conservation Easement Covenants and Restrictions were reviewed and approved by the Office of General Counsel and said easement and maps shall be recorded in the Town Clerk’s Office.
2. That prior to the commencement of construction, an erosion and sedimentation control bond shall be submitted to the Land Use Office. The cost of the bond will be determined by the Environmental Planner and/or City Engineer.
3. If the authorized activity is not completed within five (5) years from the date of approval by the Agency that is, on or before December 1, 2026 said activity shall cease and, if not previously revoked or specifically extended, this Permit shall be null and void.
4. The permittee shall notify the Wetlands Officer immediately upon the commencement of work and upon its completion.
5. 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. The Permit will notify staff of any changes to the site plans.
6. 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.
7. 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.
8. The City reserves the right to inspect the site work area at any time from commencement to
9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. The authorizations and activities set forth in this Permit are not transferable without the written consent of the Agency or its Authorized Agent.

15. 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.

16. 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.

17. 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.

18. 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.

19. Nothing in this permit 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.

20. 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.

21. That placards will be placed along the Conservation easement demarcating no further encroachments in said areas.

Motion: That application 2021-07 be approved with the previous motion language. Moved by D. Pritchard; seconded by Ken McClellan

Discussion:

J. Carta stated that he would normally not vote in favor of an application relocating a watercourse. However, this is a drainage ditch that is not function properly.

J. Carta has some concerns with the last house on the west side of the property. The large rocks near
the wetlands he would like to have them remain so that the wetlands would be more protected. C. Bell agreed to that happening.

Vote: Approved unanimously

D. New Business

1. General Permit Application to conduct routine maintenance in and adjacent to inland wetlands and watercourses. Applicant/agent Public Works Department W2021-17

J. Sipperly explained that this general permit has been issued for many years to the Public works Department.

J. Sipperly reported that as a result of the inquiry by Attorney Janet Brooks on this topic at a previous meeting the legal department reviewed this legally. J. Sipperly sent out to the agency members the written decision by the legal department that yes indeed it was legal for the agency to issue this type of permit. J. Sipperly stated that the present and existing general permit is valid until January 4, 2022.

C. Holden explained the types work that would be conducted. J. Carta read an excerpt from the last general permit issued. Discussion ensued regarding the procedure of notifying staff when work would be done.

Motion: To extend the existing general permit that will expire on January 4, 2022 for 5 years allowing the public works department to conduct routine maintenance in and adjacent to wetlands and watercourses. Moved by D. Pritchard; seconded by F. Taurasi

Discussion: K. McClellan would like to add this language to the motion “that emergency repairs can be conducted if there is an immediate threat to the public health and safety to the residents of Middletown” The mover and seconder agreed with that change. Vote: approved unanimously.

E. Agency Review

None

F. Reports of Officers and Committees

1. J. Sipperly discussed the pond off of Poplar Road that is owned by the Demerchants. Ted Bysiewicz was supposed to dredge the pond out this summer but has not. Staff and Ted and the owners will meet next week to discuss a plan moving forward for this winter when the ground freezes.

2. J. Sipperly reported that he inspected the car wash on Washington Street and the silt fence was installed properly and being maintained.

3. J. Sipperly also received a complaint from the neighbor of John Kollman on Higby Road that a pond was enlarged and is now on their property. Staff inspected the site and no erosion is occurring. Michelle Ford allowed Mr. Kollman to improve a woods road to gain access to agricultural fields used for hay. As a result, the road is acting like an earthen dam to collect water and the pond is enlarged. J. Carta knew about this and stated that a stone outlet should be installed to equalize the amount of water being collected. No maps exist showing the property line, nor is there any physical evidence of such.

4. J. Sipperly reported that Ron is leaving and the Commission members wished him well in Monroe
5. J. Carta reported that J. Greenberg has been working hard comparing and contrasting Middletown’s wetland regulations with the state model regulations. She has done a lot of work and would like some assistance moving forward. A committee should be formed to assist with this. J. Sipperly staff will assist and J. Carta will also.

G. Public Open Forum
None

H. Minutes – November 3, 2021

Motion to approve the minutes of the November 3, 2021 meeting. Moved by K. McClellan; seconded by F. Taurasi passed unanimously.

I. Communication and Bills

1. An email from Jammie Middleton was received requesting that the Commission meet virtually.

J. Adjournment

Motion to adjourn at 8:01pm. Moved by Ken McClellan; seconded by J. Greenberg passed unanimously.

Respectively Submitted,

James Sipperly, Environmental Planner
Department of Land Use