



**REGULAR MEETING OF THE INLAND WETLANDS AND WATERCOURSES AGENCY  
MIDDLETOWN CONNECTICUT  
JANUARY 2, 2020**

**A. Call to Order / Pledge of Allegiance**

Commissioner Whitney said that the Election of Officers was missing from the agenda. It always takes place on the first meeting of the year. He made a motion to move the Election of Officers to Item A. Everything else would be moved down one ... Call to order would be Item B and Public hearings to Item C and so on. \_\_\_\_\_seconds the motion. The Chair called for the vote. It was approved unanimously. Commissioner Whitney also made a motion to move the New Business Item 1 to Public hearings Item #3 and Item # 3 would be #4. \_\_\_\_\_seconds the motion. The Chair called for the vote. It was approved unanimously.

**B. Election of Officers**

Commissioner Whitney nominates Commissioner Carta as Chairman. \_\_\_\_\_ seconds the nomination. No discussion or other nominations. Comm. Whitney moves to close the nominations for chair. The Chair calls for the vote. It was approved unanimously.

Comm. Pritchard nominates Comm. Whitney as Vice-Chairman. Seeing no other nominations Comm. Whitney moves to close the nomination. Comm. Carta seconds the motion. The Chair calls for the vote. It was approved unanimously.

Comm Whitney nominates Christine Raczka (staff) as secretary. Comm. Carta seconds the motion. Seeing no other nominations Comm. Whitney moves to close the nomination. The Chair calls for the vote. It was approved unanimously.

**Roll Call**

Present: Commissioner Joe Carta  
Commissioner Robert Whitney  
Commissioner David Pritchard  
Commissioner Fred Terrasi  
Commissioner Ken McClellan  
Commissioner Jennifer Greenberg  
Commissioner Jammie Middleton

Commissioner Trevor Larrubia  
Commissioner Paul Dyka (seated for Commissioner Davis)

Absent: Commissioner Trevor Davis  
Commissioner Gabriel Russo  
Commissioner Jack Pieper

Staff: Ron Baia, Zoning and Wetlands Enforcement Officer

### C. Public Hearing

- 1. Proposed three (3) lot subdivision and the construction of two (2) single family dwellings on two building lots at 584 Atkins St. within the 100 foot Upland Review Area. Applicant/agent Cocco II, LLC 19-08 (Date of Receipt: November 6, 2019; scheduled public hearing for December 4, 2019; continued to January 2, 2020)**

Comm. Carta said there was a problem with the signage and it did not meet the minimum requirement for the Inland Wetlands Commission so applicant asked for application to be continued to February. Comm. Whitney moves to continue until the February 5, 2020 meeting. Comm. McClellan seconds the motion. The Chair calls for the vote. It was approved unanimously.

- 2. Proposed construction of townhouse buildings, access drive, storm drainage, underground chamber system, stormwater management area/rain garden and utilities location at Lots 104 & 105 West & Middlefield Streets within the 100 foot upland review area. Applicant/agent DeFavero Associates, Inc. 19-13**

Richard Reynolds, Project Engineer with the LRC Group is the Civil Engineer, Landscape Architect and Land Surveyor introduced the proposal. He handed out colored plans so the Commission can follow easier. The project site contains 1.97 acres of land. He spoke of the existing conditions house, carport, shed and swimming pool. The proposal includes demolition of the house, carport, shed and swimming pool. Some trees will be removed and an existing well on the parcel will be abandoned.

The proposal includes 17 townhouse units, parking spaces, a one way access drive, underground storm drainage system catch basin, etc.

From the public:

- Joyce Rossi of 80 Middlefield Street questioned how close the parking was to the wetlands
- Babjiyavar Bhushan of 57 West Street lives across the street from the project and asked how close the exit on Middlefield Street would be to the neighbors.

Rich Reynolds explained that each unit will have its own garage and a parking space right outside the garage. There is also visitor parking spaces on the west side of the parcel. What is required is 27 spaces and what is being proposed is 45 spaces.

Commissioner Whitney said he has not seen any of the comments from the various departments. He asked if the maps the Commission currently have include all the changes from the comments. Rich said yes the 10/25/19 maps have all the changes. Comm Whitney said he was concerned because he has not seen the comments. Rich explained that he has met with all the departments prior to submitting the map, and has integrated the changes. Comm. Carta said he would like to see the department comments and when they were dated.

Comm. Whitney motions to continue the public hearing until the February 5<sup>th</sup> meeting for the proposed construction of townhouse buildings, access drive, storm drainage, underground chamber system, storm water management area/rain garden and utilities location at Lots 104 & 105 West & Middlefield Streets within the 100 foot upland review area so they can see if there were any departmental comments. Comm. McClellan seconds the motion. The Chair calls for the vote. It was approved unanimously.

- 3. Proposed construction of a 6,000 s.f. general repairer building with associated parking within the 100 foot upland review area for the property of Washington West, LLC located at 804 Washington Street. Applicant/agent Washington West, LLC / Abe Kaoud 19-15 (Scheduled for a public hearing on 1/2/19)**

#### **Moved from New Business**

- 4. Intervention pursuant to C.G.S. 22a-19 by JSD Holding Company LLC of 566 Washington Street in the matter of revised plans filed in connection with a wetlands permit (#17-04) to construct an automobile repair facility and other regulated actives within the 100 ft upland review area on the property located at 804 Washington Street.**

Amy Souchons, Attorney with Hurwitz Safarin, Slossberg & Knuff for the applicant introduced the proposal.

Mark Grocki, Project manager with VHB. He gave a presentation about the proposed project using graphs and plans comparing what has already been approved and the new proposal. The approved plan has a much larger impervious footprint than the new proposal and the building has been changed from 20,600 sq. ft. to 12,300 sq. ft. The wetland disturbance has not changed. In the northern portion of the site the amount of the impervious area has been reduced by 14,000 sq. ft. What they're proposing is an above grade storm water detention basin that is only going to be collecting roof runoff. There will be no interior drains in the building. So if there is a minor spill in the building, it will not go into the storm water management system because there is no floor drains. There is a protocol that is immediately implemented if any oil was spilled, such as scrub water holding tank, used oil tanks that are for storage to be cleaned out at least once a week. Again this proposed change in use does not alter the previous limits of disturbance. There is no change in the retaining wall so there are no changes in the wetland impacts that were already approved. They are maintaining the storm water management system. There are no changes in the effectiveness of the erosion control. This proposed change in use does not represent any further undesirable effects to the wetland system.

Amy Souchons showed the footprint of the interior of Firestone. Because of some of the concerns that have been raised in some of the discussion last month or in the environmental intervention petition. In the lower right corner of the building, there is a used oil holding tank and two supplemental used oil mobile carts. There is also a tank for used oil filters and a location for scrub water. These are all internal to the building. In the exterior there is scrap tire storage which was relocated to the rear of the property, furthest from the upland review area.

Attorney Rich Carella, representing JDS Holding Company and is the Environmental Intervener. He asked where the used battery storage would be located. He said the applicant failed to address the concerns from an environmental prospective. He expressed concern about the placement of the dumpsters and the loading area is right on top of a catch basin. This plan has never been approved by DEEP or the Army Corps. If you look at their plan, this system cannot handle anything but a ten-year storm. He said the proponents have not taken any steps to determine if this is the most prudent and feasible alternative available to them. He feels they did not address any of the environmental concerns for the exterior of the property.

Ben Cicitto, 71 Barbara Road said the back of his property views the whole project. He expressed concern for the wetlands and the Barbara Road community. It threatens the wildlife and endangered species.

Heather Mierz of 65 Barbara Road is very concerned about noise pollution. She invited all the Commissioners to her property to see what was proposed from her view.

Amy Souchons said Attorney Carella is not an expert or engineer and they brought no expert testimony to speak of the environmental issues. She explained the designated loading zone. There has to be a place for drop off and pick up of materials. It is not to be used for any work on cars.

Mark Grocki said the Connecticut storm water manual requires only one primary form of water quality. This site has five. He went into detail on the four foot deep catch basins with hoods. A second treatment measure are the tree filters. They were brought to this design through Army the Corp of Engineers and Federal and State Design Review Boards.

Attorney Carella said the concept of a reduction in impervious area is a fallacy. He also said that the storm water quality unit they are proposing is the smallest. There are 18 units that are of larger capacity that could handle larger storms.

John DeSena of 57 Olympus Parkway asked for a guarantee that if a car is towed into Firestone the middle of the night with leaking oil, can they guarantee that it won't go into the Coginchaug River?

Comm. McClellan asked if the battery rack noted on the plans is also used for used batteries. Roger Gabriel, Area Manager of Central Connecticut for Firestone said all the batteries are stored internally. They are changed internally, stored internally and recycled weekly. Comm. McClellan asked if they are allowing vehicles to be towed in after business hours. Roger said that it does happen sometimes. If there is any oil leak they have pads that will soak up. Comm. McClellan asked the project manager if they did an alternate review with Firestone away from the upland review area. Roger said the runoff to the system would be the same. Comm. Whitney said the obvious thing would be to flip the building. He also asked if they could move the dumpster to another area.

At 9:00 PM a motion for a 10 minute recess to replace the tapes was moved and seconded by Comm. McClellan & Comm. Whitney. The Chairman called for a vote. Approved unanimously. Meeting resumed at 9:09 PM.

Commissioner Carta said that one of the biggest concerns the Commission has is what possibly could happen. He thinks that if the applicant could possibly turn the buildings around, it wouldn't take that much maneuvering to get a trailer truck around the building. A long discussion ensued regarding the moving of the buildings. Mark Grocki explained to the Commission that it would not work and this is the best design that the engineers, DEEP and the Army Corps came up with. A long discussion ensued regarding the moving of the buildings explained that wherever the spill may happen, it would still go through the same water quality steps as the current proposal. Moving the Firestone building further away does not add any additional benefit from a storm water spill standpoint.

Attorney Carella said that they have not considered any other alternative in moving this building further from the wetlands and redesigning the way the water is handled.

Amy Souchons made a request to continue the public hearing to try to refine the engineering a bit more. They already explored the alternative of flip-flopping the building. If that's the Commission's strong desire, they will look into it again. The thought was that the alternative of having less impervious surface was more important.

Comm. Larrubia said that he does not feel the repositioning of the building will have much effect on the quality of the water once it reaches the wetlands. He would like to discuss that if they do not flip the buildings, what could be done to improve the scenario. Mark said he understands but he feels that they have gone above and beyond the federal standards. He feels this is a vastly superior site to anything in Middletown and they have more than enough safeguards in this location.

Commissioner Whitney makes a motion to continue the public hearing to the next regularly scheduled meeting on February 5, 2020 for the purpose of providing an alternative and moving the dumpster to another location. Commissioner McClellan seconds the motion. The Chair calls for the vote. It was approved unanimously.

**D. Old Business**

None

**E. New Business**

None

**F. Agency Review**

None

**G. Reports of Officers and Committees**

Comm. McClellan asked staff if anything was done to the hydrants installed on their pond. Ron Baia said the silt fence was installed and they were going to wait for the stabilization before they were going to put some matting down. Comm. Carta said the matting was down.

**H. Public Open Forum**

None

**I. Minutes – December 4, 2019**

Comm. Larrubia asked that his name be added to the list of Commissioners. \_\_\_\_\_ made a motion to approve the minutes of 12/4/19. Comm. Terrasi seconded the motion. The Chair calls for the vote. It was approved with Comm. Whitney abstaining.

**J. Communication and Bills**

None

**K. Adjournment**

Meeting adjourned at 9:53 PM.

Respectfully submitted

Ron Baia  
Zoning and Wetlands Enforcement Officer