



**REGULAR MEETING OF THE INLAND WETLANDS AND WATERCOURSES AGENCY
MIDDLETOWN CONNECTICUT
FEBRUARY 5, 2020**

A. Call to Order / Pledge of Allegiance

Chairman Carta opened the meeting at 7:04 PM with the Pledge of Allegiance

Present: Commissioner Joe Carta
Commissioner Robert Whitney
Commissioner Trevor Davis
Commissioner David Pritchard
Commissioner Ken McClellan
Commissioner Jennifer Greenberg
Commissioner Paul Dyka (seated for Commissioner Terrasi)

Absent: Commissioner Fred Terrasi
Commissioner Jammie Middleton
Commissioner Trevor Larrubia
Commissioner Gabriel Russo
Commissioner Jack Pieper

Staff: Ron Baia, Zoning and Wetlands Enforcement Officer

Commissioner Whitney moves to make a change under Public Hearings. He would like switch Item 2 with Item 3 and add an Agency Review Item which was not on the agenda. Commissioner McClellan seconds the motion. The chair calls for the vote. It is unanimous to switch item with 7 aye votes.

B. Public Hearing

- 1. Continued: 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**

John Benizi explained that Tom Cocco had to leave the state for a family emergency and he would be speaking for the application. Commissioner McClellan asked staff if the applicant had submitted the E&S controls. Ron said that they will be asking the applicant to address the storm water drainage. Commissioner Davis asked how the Commission can approve it if the applicant has not submitted what was asked of him. Commissioner McClellan said that there needs to be a sedimentation plan and does not feel comfortable until applicant submits more material.

Commissioner Robert Whitney moves to table the 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. Commissioner Ken McClellan seconds the motion. The chair calls for the vote. It is unanimous to table with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

3. Continued: Proposed amended site plan for building modifications to accommodate tenant for a general repairer 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

Commissioner Trevor Davis recuses himself from this application.

Atty. Amy Souchons representing Bridgestone Retail Operation spoke regarding the proposal. Atty. Carella asked that Commissioner Davis leave the room for the recusal period. Atty. Souchons said they asked for a continuance at the January meeting to answer any and all questions brought up at that meeting. She wanted to answer the question about rotating/modifying the building layout to bring the Firestone building from the upland review area. They were able to rotate the building and they also addressed moving the dumpster and tire storage totally outside the upland review area.

Attorney Carella representing a number of property owners on Washington Street said the design will unusually contribute to the pollution of the property. His main concern is about the use. It requires a much more effective storm water treatment. He said the applicants have presented no prudent or feasible alternatives for the Commission to consider. He handed the Commission copies of the storm water management report. He addressed portions of the report and said he believes their storm water treatment is not efficient.

Attorney Souchons through the Chair asked if Attorney Carella is a state licensed engineer. Mr. Carlella said no, he is not a state licensed engineer but he can read the applicant's plans.

Attorney Souchons said that the issue about storm water flows is a technical subject. Mark Grocki, Project Manager with VHB said he understands why a non-engineer be kind of confused with a lot of numbers in a storm water report. The water quality measures have already been approved in 2017. Currently they have reduced impervious area. Mark went into detail about the storm water management plan. A lengthy discussion ensued. Attorney Carella said he has a problem because the plans have not changed since the 2017 site plan approval. Everything that was mentioned was designed for retail use and not this type of intense motor vehicle use.

Commissioner Robert Whitney moves to close the public hearing. Commissioner Ken McClellan seconds the motion. The chair calls for the vote. It is unanimous with 6 aye votes. The Chair states the matter carried with 6 affirmative votes.

Commissioner Robert Whitney moves for approval for the amended site plan for building modifications to accommodate tenant for a general repairer with associated parking within the 100 foot upland review area for the property of Washington West, LLC located at 804 Washington Street. Commissioner Ken McClellan seconds the motion.

Commissioner McClellan said that after hearing all the testimony, he is convinced that the applicant has addressed any concerns about pollutants getting into the wetlands. Between the reduced impervious areas, it has improved runoff. The spill plans that the Commission heard about from the Firestone Group seem that the equipment, catch basins and galleries are capable of handling whatever small spills there are. He asks that the Commission approves this application.

Commissioner Whitney said this project was previously approved in 2017. He said the nature of the development has changed but this development is less intensive. He does believe that prudent alternative was switching buildings. He heard no negative comments from staff. He is very comfortable with this plan and the applicants did a good job. He will be voting in favor of it.

The chair calls for the vote. It is unanimous to approve with 6 aye votes. The Chair states the matter carried with 6 affirmative votes.

2. Continued: Proposed construction of a multi-family housing development, access drive, parking and utilities located at Lots 104 & 105 West Street within the 100 foot upland review area. Applicant/agent Delfavero Associates, Inc. 19-13

Richard Reynolds, Project Engineer with LRC Group distributed colored plans to the Commission for references. He summarized the previous presentation. There will be 17 townhouse residential units with garage access for each unit, one-way access drive, storm drainage system with catch basins with four (4) foot sumps, underground storm water chamber detention system, public water, sewer, gas, storm water management area, plantings and landscaping. Because of comments at the last meeting they reconfigured to break them up into multiple units and eliminated additional parking on the west side of the project. He mentioned the letter they sent to the Commission with responses to all the city comments. Commissioner Carta asked that he respond to the January 2, 2020 comments from the staff. He responded to each comment one-by-one.

William Brown, 33 Middlefield Street which is across from where they will be developing. He had questions regarding the parking. Because the latest plan has less parking, does that mean people will be parking in the street? He asked about the trash and if there will be a dumpster, where would it be placed. He also asked about the value of the units and how long will the construction be.

John Tepley of 92 West Street is concerned about the noise and traffic. Commissioner Carta said that those questions would have to be brought to the Planning and Zoning Commission.

Commissioner McClellan questioned the applicant about the silt fence. His concerned is how the silt fence and hay bales would be secured since it is a steep slope and there is not a lot of soil on the slope. Rich Reynolds said there will be a double row of silt fencing and they will not be adding any fill so there will not be any increase for potential of any runoff. He also said that if need be, they could install chain link fences which is pretty effective.

Commissioner Whitney spoke about the existing bank that goes down to the Cuginchaug River. From the Aldi's lot, it's very easy to tell that it is all ledge. He asked what type of stone and how stable is it. Mr. Reynolds said they had a boring done in the storm water area and he's not sure what it is. They had two permabilities done and one was 1.4' deep and the other was 3.4' feet

per day. Commissioner Whitney continues to ask questions regarding the storm water management plan.

Commissioner Davis asked why the southernmost unit is not attached. Mr. Reynolds said it is handicap accessible. It is one story while the others are 2 story.

Jeff Delfavero (applicant) said they have gone through 20 iterations. They wanted to get away from the slope as far as they could with any excavation so they literally had to go for a flip-flop. They original plan was for the units in back but it was too close to the slopes and they had no backyards. Through his meetings with planning office they looked at different options. The original plan was for retail or medical use but they didn't think it was good for the neighborhood for traffic. Then they looked at multi-family and Joe Samolis said he really thinks they have to pull away from river and keep the minimum amount of construction against the river. This is how they came up with this plan.

A motion was moved and seconded by Commissioner Whitney and Commissioner Pritchard for a 5 minute recess at 8:56 PM. Meeting resumed at 9:06 PM.

Commissioner Ken McClellan moves to close the public hearing. Commissioner David Pritchard seconds the motion. The chair calls for the vote. It is unanimous to close public hearing with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

Commissioner Robert Whitney moves for approval for construction of a multi-family housing development, access drive, parking and utilities located at Lots 104 & 105 West Street within the 100 foot upland review area. Commissioner Ken McClellan seconds the motion.

Commissioner Whitney said he still had a few areas of concern. He knows they had a boring but they didn't have one in the detention basin. He's concerned because they may have high ledge there and they don't know. He's not crazy about out-letting down to the Coginchaug River and he is still unsure how permeable the soil is under the galleys.

Commissioner Carta said he had the same concerns. He is not sure that the boring (B-7) is the furthest one west and it's actually in the driveway in back of a townhouse so it's not really telling the Commission what that area is. Rich Reynolds said that they would do another boring or test hole there and provide the information to the City Engineer. If they need to adjust the storm water management area...it can be done.

Commissioner McClellan asked that they add an amendment to the motion to have a bore to reconfirm the depth of soils around the catch basins. Commissioner Whitney accepts the amendment to the motion.

The chair calls for the vote with stipulations. It is unanimous to approve with 7 aye votes.

C. Old Business

None

D. New Business

- 1. Request for a five (5) year extension for Permit #15-05 for the South Cove Residential Development located at 225 River Road and 35 Eastern Drive. Applicant/agent Turkey Hill LLC/ Martin Smith 15-0**

Commissioner Robert Whitney moves to grant a request for a five (5) year extension for Permit #15-05 for the South Cove Residential Development located at 225 River Road and 35 Eastern Drive. Commissioner Trevor Davis seconds the motion. The chair calls for the vote. It is unanimous to approve with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

- 2. Proposed renewal of general permit to conduct routine maintenance activities along its ROWs in and adjacent to wetlands and watercourses and work needed for the servicing of existing water and sewer services and their respective appurtenances throughout the city. Applicant/Agent City of Middletown Water/Sewer Dept. (20-01)**

Commissioner Robert Whitney to schedule for Old Business at the March 4, 2020 meeting. Commissioner Trevor Davis seconds the motion. The chair calls for the vote. It is unanimous to approve with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

E. Agency Review

- 1. Request for an Agency Review for an application to construct a house with the driveway in the upland review area at Bartholomew Road Map 42, Lot 156. Applicant/agent Meghan Carta 20-02**

Commissioner Carta explained that this is for a single family dwelling with a small wetland that they're staying away from. He did not think it's necessary for a wetland permit but he wanted to bring it up to the Commission. Commissioner McClellan said as long as staff keeps an eye on the project, then he is ok with it.

Commissioner Davis made a motion that no permit was required. Commissioner Robert Whitney seconds the motion. The chair calls for the vote. It is unanimous that no permit is required with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

F. Reports of Officers and Committees

None

G. Public Open Forum

None

H. Minutes – January 2, 2020

Commissioner Ken McClellan moves for approval of the minutes of January 2, 2020. Commissioner Whitney said that the Pledge of Allegiance started after the Order of Business. Commissioner Robert Whitney seconds the motion with minor changes. The chair calls for the vote. It is unanimous to approve with 6 aye votes and 1 abstention. The chair states the matter passes unanimously with 7 affirmative votes.

I. Communication and Bills

None

J. Adjournment

Commissioner Ken McClellan moves for adjournment at 9:27 PM. Commissioner Paul Dyka seconds the motion. The chair calls for the vote. It is unanimous to adjourn with 7 aye votes.

Respectfully submitted,

Ron Baia
City of Middletown
Zoning and Wetlands Enforcement Officer

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