

# Inland Wetlands And Watercourses Agency



Chair	Joseph Carta	
Vice-Chair	Ken McClellan	
Members	Fred Terrasi	Trevor Davis
	David Pritchard	Jennifer Greenberg
	Jammie Middleton	Brian Gartner
	Steven Skultety	Vacant
Alternates	Jack Pieper	Paul Dyka
	Vacant	Vacant
	Vacant	
Staff	James Sipperly, Environmental Planner	

## MEETING MINUTES

Wednesday – April 6, 2022

Meeting held in person only, Municipal Building, Common Council Chambers  
7:00 P.M.

Present: Jennifer Greenberg  
Ken McClellan  
Brian Gartner  
Joseph Carta  
Steven Skultety  
David Pritchard

Absent: Fred Terrasi  
Trevor Davis  
Paul Dyka  
Jack Pieper  
Jammie Middleton

Public: Bill Jackson, P.E., Domenico Fragomeni, Jadwiga Trzaska, Kiran Kling, student  
Ejen Ho, student, Deborah More, Dominick More, Russ Rubinow, Gene Salvatore

Staff: James Sipperly, Environmental Planner

### A. Call to Order

The chairman called the meeting to order at 7:23 pm and led the Pledge of Allegiance.

### B. Public Hearing

None scheduled

### C. Old Business

1. Construction of a single family home and driveway grading within the upland review area at 644 Country Club Road. Applicant/Agent Domenico Fragomeni & Jadwiga Trzaska, Permit # W2022-1.

Bill Jackson, P.E. is also a Soil Scientist and presented the application and site plan. The proposal is to construct a two bedroom single family home and driveway which will be within the 100' regulated area. City water is available and a septic system is being proposed. There is no proposed impacts to the wetlands on site. J. Carta asked if there was a wetland report and B. Jackson reported that there is not. J. Carta asked to extend

the silt fence around the soil stockpile area and also around the western side of the driveway.

Motion:

IWWA APPPLCATION W 2022-1

Applicant/Agent Domenico Fragomeni & Jadwiga Trzaska

Draft Motion:

That the Inland Wetlands and Watercourses Agency (hereinafter, "Agency"), having considered application 2022-01 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, driveway grading within the upland review area.
2. That the inlands wetlands and watercourses on the site were delineated by William Jackson, Certified Soil Scientist and shown correctly on the plan referenced below.
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 2022-1 is granted, with conditions, to allow the following regulated activities as depicted on the submitted plan entitled:

"Property & Topographic Survey, Land now or formerly, Domenico Fragomeni & Jadwiga Trzaska, 644 Country Club Road, Middletown, CT, Dated August 14, 2019 revised through 12/01/21, scale 1'=40', prepared by Bennett & Smilas Associates, 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 April 6, 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 silt fence will be extended to surround the soil stockpile area and at the west side of the drive.

Moved by K. McClellan; seconded by D. Pritchard, approved unanimously.

2. Brown Street Drainage concerns.

Russ Rubinow 85 Brown Street discussed the flooding problems. R. Rubinow represented that his neighbor at 93 Brown Street had graded and increased the height of his yard thus creating ponded water. R. Rubinow gave Chris Holden, Acting Public Works Director photos. There is mosquitoes, geese and ducks there now. He stated that it smells in the summer like a cess pool. The neighbor also cut trees and chipped them in the wetlands. The water is now knee deep.

Gene Salvatore 48 Brown Street described the area as well. Gene moved in the area in 1991 and when it rained heavy water would collect in the low lying area and slowly drain away. Gene further stated that the statutes have been violated because watercourses were blocked. Gene would like to see the owner remove the berm or install a drain to allow the water to drain through.

#### **D. New Business**

1. Re-subdivision of the existing property at the end of Talias Trail into 6 lots and construction of 6 single family homes and extension of existing road and new cul-de-sac. Applicant/Agent Sunwood Development Corporation, Permit # 2022-2.

Bob Wiedenmann, Sunwood Development Corp, presented the application. This property originally 56 acres that included a 19 lot subdivision. 6 acres of open space was set aside. This application is to extend Talias Trail to create an additional 6 lots. Previously there was a lot of debris, topsoil, tree stumps left at this area. Bob worked with the town to clean this area up and remove the materials. The wetland is on the west side of the property and is a wetland corridor with West Swamp Brook. There was a wetland assessment done in 2019. #4 years ago this agency granted a 4 lot subdivision here.

The concerns are the 3200 sq. ft. upland review disturbance on lots 1&2. Lot 3 has minimal grading in the upland review area.

J. Carta mentioned that some individual lots may need to come back for individual site plan reviews.

Motion: to accept the application and schedule it for our May 4, meeting. Moved by K. McClellan; seconded by B. Gartner, approved unanimously.

#### **E. Agency Review**

None

#### **F. Reports of Officers and Committees**

1. Enforcement Action – Dominick & Deborah More, 117 Sachem Drive, filling and grading within a wetland. J. Sipperly explained that he sent a notice of violation letter to the More's. J. Sipperly walked the site on March 25 with the property owner. The More's replied in writing and answered all the questions asked of them. D. More stated that he has hired a soil scientist and is working on getting a surveyor to map the wetland flags. He also stated that he was repairing the wetland areas from the big rain storm in June that caused the brook to shift flow and cause erosion. This item was tabled to May 4.

J.Sipperly also discussed an erosion problem on Heritage Boulevard that he walked with Public Works. They will be cleaning out an outfall from the road that was silted in. This work will be covered under the general permit.

J. Sipperly also visited 3 Red Yellow Road regarding flooding and a beaver problem. Staff will contact the homeowner's association maintenance company.

**G. Public Open forum**

Two students from Wesleyan were in attendance and asked questions of the commission members and staff relative to their charge and jurisdiction regarding wetlands and watercourses.

**H. Minutes of March 02, 2022**

The minutes were reviewed as received. Motion: To approve the minutes of March 02, 2022 as received. Moved by S. Skultety; seconded by K. McClellan; approved unanimously with D. Prichard abstaining.

**I. Communication and Bills**

J.Carta stated that once a year the Commission tries to have some sort of training. Staff will look into this. Also J. Greenberg has almost completed the regulations review and would like to do it in parts once she is finished.

**J. Adjournment**

Motion: To adjourn at 8:39pm. Moved by D. Pritchard; seconded by J. Greenberg  
Approved unanimously.

Respectively Submitted,

James Sipperly, Secretary/Environmental Planner  
Department of Land Use