



**REGULAR MEETING OF THE INLAND WETLANDS AND WATERCOURSES AGENCY
MIDDLETOWN CONNECTICUT
JANUARY 2, 2019**

A. Call to Order / Pledge of Allegiance

The meeting was called to order at 7:04 PM with the Pledge of Allegiance. All members are voting members.

Present: Commissioner Joe Carta,
Commissioner Robert Whitney
Commissioner Trevor Davis
Commissioner Fred Terrasi
Commissioner Ken McClellan
Commissioner Jennifer Greenberg
Commissioner Jammie Middleton
Commissioner Kayleigh Pratt (seated for Commissioner Pritchard)

Absent: Commissioner David Pritchard,
Commissioner Gabriel Russo
Commissioner Constance Kisluk
Commissioner Jack Pieper

Staff: Joseph Samolis, Director of PCD
Ron Baia, ZEO/WEO

1a. ANNUAL ORGANIZATIONAL MEETING – Election of Officers:

Chair

Commissioner Terrasi nominates Joseph Carta for Chairman. Nomination was seconded by Commissioner Davis. Commissioner McClellan moves to close nominations, seconded by Commissioner Terrasi. The chair calls for the vote. The matter passed unanimously.

Vice-Chair

Commissioner Davis nominates Robert Whitney as Vice Chair. Nomination was seconded by Commissioner Terrasi. Commissioner Davis moves to close nominations, seconded by Commissioner McClellan. The chair calls for the vote. The matter passed unanimously.

B. Public Hearing

- 1. Continued: Proposed construction of 3 residential apartment buildings with 48 units each along with a 2,530 s.f. community building and 9,000 sf commercial building to create a mixed use development project within 100 feet upland review area at 790-850 Newfield Street. Applicant/agent Marco DiMauro 18-14**

Doug Anderson from Anderson Wilcox handed out new full sets of revised plans and a supplemental drawing to the Commission. One of main components of the revised plans is the 100 foot review line that the Commission questioned at the last meeting. The total upland review area is 2.65 acres. There is approximately 1.68 acres of impervious surface (walkways, building structures and parking). There is 1.98 acres of landscape of the upland review area. They have eliminated the dog park area which will now be grass area.

Frank Magnotta, Consulting Engineer said that one of the items that was questioned by a Commissioner at the last meeting regarding the northerly building where they had piped on the outside of the building, they actually cut through a slice of the wetlands that protruded into the site. Originally they had a small drain line that went along the property line and cut through the edge of the wetland. He was able to eliminate that line completely from the side of the building and redesign so that it is now underneath the slab of that building. He said there was also some comments regarding the topsoil stock piles. He removed one completely and others were moved out of the way. They all have been moved from the proximity of the wetlands. He continued to update the Commission on any other changes to the plans that the Commission requested.

Joe Samolis read into the record a letter from DD Group, Consulting Engineers and Land Surveyors addressed to Kevin Ewald of 759 Newfield Street, Middletown, CT indicating that there would be some adverse effect of their property. He also read a letter from Larry McHugh, Chamber of Commerce in favor of the project.

From the public, Kevin Ewald of 759 Newfield Street stated that there is still an issue with the draining going into the pond adjacent to his property.

The Commission continued to question Frank Magnotta and Doug Anderson. A lengthy discussion ensued.

Commissioner Whitney moves to close the public hearing. Commissioner Terrasi seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 8 affirmative votes.

Commissioner Whitney moves for approval of the proposed construction of 3 residential apartment buildings with 48 units each along with a 2,530 s.f. community building and 9,000 sf commercial building to create a mixed use development project within 100 feet upland review area at 790-850 Newfield Street. Commissioner McClellan seconds the motion with a friendly amendment that the approval includes the condition of a detailed wetland protection plan during the construction. Commissioner Whitney would also like to add that the wetlands area on the property to be identified with medallions where the wetlands flags are and any property boundary. Commissioner Carta would like no work to be done on building #5 on the northside of the building. Also add that all fertilizer or chemical usage should be environmentally sound; and the use of sand is limited in the parking areas. Commissioner McClellan accepts the friendly amendments. The chair calls for the vote. The chair states the matter passes with 7 affirmative votes and one nay vote.

2. Proposed driveway for ingress and egress for future residential building within the 100 foot upland review area on Country Club Road (near Massa Tom Road). Applicant/agent Little Higby, LLC/Linda Pierce/Dowley & Associates 18-15

Attorney Mike Dowley introduced himself as a representative for Linda Pierce and husband. He gave a history of the property. He stated that he has been working on this property since 1999. At that time the property was appraised at \$1.5 million. The City worked out a contract where the City would buy the property for open space purposes for \$686,000. The City then decided not to go through the deal. The Pierces' loved the property and view and decided to build two homes on the mountain. This application is to put up a driveway to the two homes which does not touch the wetlands at all.

Mike Bennett, Professional Land Surveyor with Bennett & Smilas Associates briefly described the property. He showed the Commission an alternate plan, included filling a tenth of an acre of wetlands and decided to discard this plan. They redesigned the plans so that they would reduce the impacts. He gave a detailed presentation using the plans.

David Held, Professional Engineer and Land Surveyor with Provost & Rovero, Inc. explained that he is responsible for the engineering work on this project. He went over the steps taken for this property to allow the owner a reasonable use of the parcel while minimizing the impacts to the wetlands. He also gave a detailed presentation.

William Jackson, Registered Soil Scientist stated that he delineated the wetlands on the 12.5 parcel in March and April of 2018. There are 3 wetland series and one intermittent watercourse on the site.

At 8:57 PM Commissioner McClellan moved for a 5-minute recess to change the tape. Commissioner Greenberg seconded the motion. All in favor.

Commissioner Davis left the meeting.

No one from the public wished to speak. Commissioner Carta had questions on the intermittent watercourse. David Held answered all the questions from the Commission.

Commissioner McClellan moves to close the public hearing. Commissioner Terrasi seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 8 affirmative votes.

Joe Samolis explained that the City Engineer did not get a change to read the Engineer's letter as it had only been submitted tonight. It is up to the Commission if they want to approve the application without Tom Nigosanti's comments. Joe read Tom's 12/26/18 comments into the record.

Commissioner McClellan moves for approval of a proposed driveway for ingress and egress for future residential building within the 100 foot upland review area on Country Club Road (near Massa Tom Road). Commissioner Pratt seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 6 affirmative votes and one abstention.

C. Old Business

None

D. New Business

1. **Proposed demolition of an existing residential building and garage and construction of four (4) new 2-story residential building with associated parking, walkways and utilities within 100 feet upland review area at 173-179 Butternut Street. Applicant/agent Hillside Investments, LLC 18-16 (Date of Receipt 1/2/19; To be Scheduled for a Public Hearing)**

Commissioner McClellan moves to schedule a public hearing for February 6, 2019. Commissioner Greenberg seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

E. Agency Review

None

F. Reports of Officers and Committees and WEO Report

None

G. Public Open Forum

None

H. Minutes – December 5, 2018

Commissioner McClellan moves for approval of the minutes of December 5, 2018 Regular Meeting. Commissioner Terrasi seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

I. Communication and Bills

None

J. Adjournment

Meeting adjourned at 9:37 PM.

Respectfully submitted,

*Joseph Samolis,
Director of Planning, Conservation and Development*