

**MIDDLEFIELD INLAND WETLANDS
and
WATERCOURSES AGENCY
405 Main Street
Middlefield, Connecticut 06455**

Minutes of the February 21, 2018 Regular Meeting

Rebecca Adams, Chairman, called the meeting to order at 7:02 pm.

Attendance:

Members

Alternates

X	Adams, Rebecca	X	Zieminski, Charles
X	Angiletta, Irene		
X	Brown, James		
X	Li, Linda		
A	Manning, John	Others	
X	Poturnicki, Rob	X	Bernotas, Randy
X	Veeley, Robert		

A=Absent

X=Present

Amendments to the Agenda

None.

Rob Poturnicki made a motion, seconded by Robert Veeley, to approve the agenda, as presented. Motion carried unanimously.

Public Comment

Marianne Corona asked if the Commission would add public comment at the end of meeting and Rebecca Adams agreed to do that.

Linda Li made a motion, seconded by Jim Brown, to add public comment to the end of the agenda. Motion carried unanimously.

Rob Poturnicki made a motion, seconded by Robert Veeley, to close the regular meeting and open the public hearing. Motion carried unanimously.

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Public Hearing 7:00 p.m.

Gary and Carmella Kowalewski, Application for permit to conduct a significant activity at 55 Lake Road; Proposal to build a new home.

Rebecca Adams reminded people in attendance to stay off of their phones during the public hearing.

Mark Lovley, president of Lovley Development, 710 Main Street, Suite 11 in Plantsville, was present on behalf of the applicant. Mr. Lovley gave maps to the Commission members that show what was there at one point and what is there now. The owners would like to demolish the existing house and build a new one.

Mr. Lovley reviewed that the new home will be about 685 square feet larger than the original footprint. The old home was 1,165 square feet and the new home will be 1,850 square feet. The old home was 54.5 feet back from the lake and the new one is proposed to be 58.1 feet back. The old home was 7.4 feet from the east and the new one will be 8.2 feet. Mr. Lovley reviewed that the Commission had done a site walk almost two weeks ago.

Mr. Lovley explained that, at the last meeting, they had talked about having the roof drains put underground and they had an engineer design that. All other information is the same as was presented at the last meeting.

Rebecca Adams asked about the underground roof drains and how that would help to mitigate the increased impervious surface and the way the water will fall. Mr. Lovley explained that it is like a mini septic system and has a stone trench that is approximately 24 inches and is in a cone with piping. It does have two clean-outs and an overflow that will run out on the grass, if needed. The engineer took the roof area at a 100-year storm to make it work. Ms. Adams pointed out the existing impervious area and the increase which would be just under 900 square feet.

Mr. Lovley reviewed that this system takes all the water from the roof into an underground piping system that ties into this mini septic system. The water will then dissipate and get stored in the stone trench until it can either evaporate through the ground or seep into the ground. Mr. Lovley directed the members to the plan where it shows the four sections of the system. There is grass proposed around the system right up to the lake.

The driveway is currently designed as crushed stone. Carmella Kowalewski explained that approximately 20 or 30 feet of the existing driveway is paved with an apron at the road, with the rest being gravel and dirt. If they decided to pave the driveway in the future, they would come back for a permit to do that.

Mrs. Kowalewski also presented a letter from the bordering neighbor, Craig Borelli, who was unable to attend tonight's meeting. Rebecca Adams read the letter into the record and Mr. Borelli stated that he had no concerns or opposition to the proposed construction.

Irene Angiletta and Linda Li asked Mr. Lovley to repeat the explanation of the roof drain system which he did. Ms. Angiletta asked if he was intending to use this system as a chip to offset the increase in impervious surface. Mr. Lovley explained that this is required code for all new construction. Rebecca Adams explained that this is not about chips and negotiating, but that this is the new code that is responsive to wetlands. Mr. Lovley reminded the members that there was no mitigation present for the previous house. Ms. Li commented that during heavy rains, water from septic systems does sort of pool up and Mr. Lovley explained that this was designed to store the water from a roof of this size and there is an overflow pipe to prevent it from pooling.

Jim Brown asked about the lake level and Mr. Lovley explained that system is three feet above the lake level. He then reviewed the elevations and slope of the property. Mr. Lovley also explained that they plan to redo the apron at the driveway so all of the road water runs to the storm drain.

Linda Li reiterated that a heavy rain event will cause the water to pool on the grass and Rebecca Adams explained that septic systems don't have overflows like this system does. Ms. Li stated that that is due to the water table being so high and the water has nowhere to go.

Irene Angiletta stated that the Department of Environment Protection says that the more impervious surface you have, the more chance you have for pollution in the lake. Mr. Lovley agreed and explained that that's why they are installing the system and fixing the apron. Ms. Angiletta asked if they had considered decreasing the size of the structure and Mr. Lovley stated that they have not and there are houses that are a lot bigger in the area. Ms. Angiletta commented that the density of the zoning indicates that there should be a consideration for that. Rebecca Adams reminded the Commission that they needed to consider only their regulations.

Ms. Li summarized that Ms. Angiletta is looking at this more in absolute terms and not trying to compare a small garbage can to a large garbage can. She is just talking about garbage and saying garbage is bad. Ms. Adams referred the members to the letter from Brian Curtis regarding the large amount of flow going on now and how this helps to mitigate that. Ms. Angiletta also reminded the applicant that the Commission does have the authority to ask him for an alternative to what he is proposing. Mr. Lovley explained that they have responded to what the Commission

asked for at the last meeting. Ms. Li asked about a rain garden and Mr. Lovley explained that there is no area to do a rain garden here and the proposed system would work better. Mr. Lovley also explained that this system was installed at every home at Ross Farms in Rockfall and he has also installed them at many homes in Southington.

Irene Angiletta asked if Ms. Adams had Brian Curtis' letter to read into the record and she did not. Randy Bernotas will speak with Mr. Curtis and get something. Ms. Adams explained that she had asked Mr. Curtis to do a technical review of the system.

John Gasewicz, 12 Fowler Development, explained that he built the two-story houses on the property. He stated that the soil is all clay and rock in the area and has absolutely no drainage. Ten years ago, he had to run two pumps to get the water level down enough to put the footing in for the house he built. The water was coming from an underground spring. Mr. Gasewicz had pictures for the Commission to review. He feels that the storm water collection system proposed will not work in the area. Mr. Gasewicz ended up putting the houses on a slab because crawl spaces will not work. They also have overflows installed on the wells. With such a high water level, he is concerned with the roof water getting into the wells. The roof drains on Mr. Gasewicz's house drain right onto the ground. He feels that a perk test needs to be done before the proposed system can be installed. He also questioned the elevation of the lake in Mr. Lovley's information. Mr. Gasewicz was also concerned about where the water would go from a sump pump. He would like the Commission to restrict the depth of the proposed crawl space. He reminded the Commission that the sewer system was necessary at the lake because nobody's septic system would work.

Mark Lovley responded that the basement floor elevation is only nine inches down and their property is up gradient from Mr. Gasewicz. The grade of the lake was taken on 12/9/17 and the property is seven feet above the lake. Even if the lake comes up three feet, the property is still four feet above it. He also reported that the system will be built up hill on the property and reviewed the proposed location. The system can be located on any part of the property.

Mrs. Kowaleski stated that they purchased the home at the beginning of July and were there all summer. She was at the property at least three times with tremendous rain storms and never saw any puddling or had anything happen with the well. Mr. Gasewicz explained that their well wouldn't overflow anymore since the wells were put in at adjoining properties at a lower level.

Linda Li wondered if the Commission should have a study done to make sure that the adjoining properties don't overflow. Rebecca Adams reminded everyone that no change is being proposed in the well or the grade on the property.

Mr. Lovley reiterated that the basement slab will be at 315 (less than nine inches below the lowest point) and the floor will be at 319.6. They will not be digging into the ground to build a crawl space.

Randy Bernotas explained that there is a depression where the house used to be and there is no water in it.

Irene Angiletta asked if the soil type was considered when the drainage system was designed and Mr. Lovley explained that the engineer took that into consideration by looking at the soil maps. No soil test was done.

Mr. Lovley agreed to move the entire drainage system up grade and that will make it approximately two feet higher than was proposed.

Another member of the public stated that positive-pressure wells are very common, even in higher elevations.

Jim Brown felt it would be a good idea to have Brian Curtis review this proposed system. Mr. Lovley explained that Mr. Curtis had looked at the system already and the only change is the location would be about 60 feet up grade. Rebecca Adams suggested that a condition could be put on the permit that Brian Curtis approves the system.

Randy Bernotas explained that this is roof water and the point would be to alleviate velocity and is not necessarily contaminated. He also mentioned five or six catches basins on Baileyville Road that dump directly into the lake.

Irene Angiletta asked for a name of this proposed system and Mr. Lovley explained that it is an underground roof drainage system and the units are StormTech chambers. Ms. Angiletta would like to see a town-hired engineer take a look at the system and Mr. Lovley agreed with obtaining a letter from Mr. Curtis.

A homeowner from 53 Lake Road asked if moving the system up 60 feet would impact their well and Mr. Lovley explained that it would be moved up next to the driveway and farther from the well. She also commented that she has no water concern as her property is up higher.

Jim Brown made a motion, seconded by Rob Poturnicki, to close the public hearing at 8:02 pm. Motion carried unanimously.

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The Commission took a five-minute break at this point.

The meeting reconvened at 8:08 pm.

Gary and Carmella Kowalewski, Proposal is a significant activity to demolish the existing house and build a new home on property at 55 Lake Road

Rebecca Adams proposed a motion to approve the application of Gary and Carmella Kowalewski to construct a residential structure proposed on the engineering drawings as submitted from Lovley Development with the drainage system proposed with the exception of moving the system away from the lake in order to obviate any issues with drainage and the water table. She proposed several conditions, including approval of the proposed system by Brian Curtis.

Jim Brown made the motion, seconded by Rob Poturnicki, as above.

Irene Angiletta did not feel that the Commission should vote on this motion until the next meeting after a letter is received from Brian Curtis. She would also like to see a perk test done on the property.

Linda Li felt that people needed time to think it over and any other ideas should be brought forth at the next meeting. She, too, would like to see Brian Curtis' review.

Rebecca Adams explained that the public hearing has been closed and therefore no new additional comments can be made into the record. If the public saw a problem happening during the course of construction, that can be brought to the attention of the Enforcement Officer. Ms. Adams explained that no changes will be made to the plan other than what might be required from Brian Curtis' review.

Rob Poturnicki wanted the Commission to be realistic with the fact that the issue here is an additional 685 square feet of roof runoff. Jim Brown also felt that Brian Curtis could be consulted about whether or not a perk test needs to be done and Ms. Adams agreed that that could be added as a condition. Randy Bernotas explained that a perk test is usually needed for a foundation or footings and this is not the case here.

Irene Angiletta did not want to rush into this and she would like to see an engineer report from Brian Curtis as a lot of issues had been brought up tonight about water and water table that are a concern. Ms. Angiletta stated that the Commission does not want another Whispering Winds as the town was held liable because they didn't pay attention to the details.

Rebecca Adams was comfortable with having Brian Curtis sign off on the system in order for the permit to be effective. She does not feel that this has been rushed and the public hearing was properly noticed and evidence has been taken. Ms. Angiletta asked why the Commission couldn't wait until they have a written statement from Brian Curtis. Other Commission members felt that they were covered with the motion written as it was and that the permit would not be effective if Brian Curtis did not approve the system. Rob Poturnicki also felt that Brian Curtis

had reviewed the system and that the Commission would have been told if he did not approve of the system.

Rebecca Adams polled the members and Bob Veeley and Rob Poturnicki were prepared to vote on this tonight. Mr. Poturnicki felt that this was above and beyond what is required and nobody else at the lake has a system like this. Linda Li mentioned that moving the system up grade was not reviewed by Brian Curtis and she'd like to have time to absorb the information. Jim Brown asked how Brian Curtis' requirements would be addressed. Ms. Adams explained that it would be up to the applicant to address his comments and the permit would not become effective until his recommendations were addressed. Irene Angiletta asked if the redesigned drainage system would be put on the plan and Mr. Lovley agreed that that would be done before Mr. Curtis' review.

Mrs. Kowalewski asked about the process of voting on a permit and Ms. Adams explained that it does not have to be a unanimous vote.

Randy Bernotas also mentioned that any problems that were encountered at Ross Farms were corrected within a 24-hour period.

Jim Brown called the question and debate was closed. A vote was taken by roll call. Voting for the motion: Bob Veeley, Rob Poturnicki, Rebecca Adams and Jim Brown. Against: Irene Angiletta, Linda Li. Motion carried.

William Bellock, Proposed 4-Lot Commercial Subdivision, 8 Higby Road

Rebecca Adams explained that the Commission will accept the application tonight.

William Bellock, from Bellsite Development, reminded the Commission that he had spoken to them a few months back and reviewed that this would be a four-lot subdivision at the northeast corner of Higby Road and Route 66. It is approximately 23 acres, 18 of which are in the Town of Middletown. The wetlands soil report and mapping was done and are in the file. He reviewed that lot 3 is a bit smaller that was originally proposed because it is still being actively farmed. They have also deleted the small cul-de-sac, pending the State accepting the proposed curb cut.

Rebecca Adams suggested that a public hearing be held for the next meeting. Mr. Bellock agreed and will provide any necessary information. He also reviewed the process of going through Wetlands, P&Z and then DOT. Randy Bernotas explained that there are wetlands on the site and 100-foot review areas. Mr. Bellock does not have a site plan application yet, but cannot go to Planning and Zoning until Wetlands has reviewed it. At some point, there will be an application for each individual lot. Mr. Bellock believes that of the 23 acres, 18 are in Middletown and approximately 11 of the total 23 are wetlands. This is a subdivision with no on-

site improvement until there is an application for site plan. Ms. Adams explained that the Commission will only review the concept of the lots and any permits would be separate.

Irene Angiletta had a problem with that and felt that they would not be keeping the best interest of the Town and its wetlands in mind. Ms. Adams explained that this was how Ross Farms was done and Ms. Angiletta stated that she will research that. Ms. Angiletta felt that it was up to the applicant to show any impact on the wetlands. Mr. Bellock agreed and stated that until there is a plan of development for any of the individual sites, there is no impact.

Rebecca Adams will speak to Attorney Matt Willis and Brian Curtis prior to the next meeting and will invite Attorney Willis to be present at the meeting. Linda Li would also like to have the Town Planner present at the meeting to help understand the impact of the lots in the future. Irene Angiletta requested a better soil map with soil types. Mr. Bellock explained that the information was provided based on the soils in the area obtained from the Town and the State.

Rob Poturnicki made a motion, seconded by Linda Li, to set a public hearing for a proposed 4-lot commercial subdivision at 8 Higby Road for the next meeting. Motion carried unanimously.

Enforcement Matters

- **Michael Carusone, 255 Baileyville Road, notice of violation of IWWC permit and opportunity to demonstrate compliance**

Rebecca Adams stated that she spoke with Attorney Matt Willis and had asked the applicants to come before the Commission to show that the porches on the back of the property are approved by the Wetlands. This is not a public hearing.

The attorney representing the Carusones noted, for the record, that the Enforcement Officer recused himself from this issue as he is the next-door neighbor to the property. Mr. Bernotas had left the meeting before this discussion began. The attorney has not yet seen a copy of a letter that was sent outlining the concerns that the Commission might have and Ms. Adams agreed that the letter was returned and she apologized for that.

Ms. Adams explained that the two items are on the back and were not listed on the hand drawing. The attorney explained that an email was received from Lee Vito, with a response from Linda Li, stating that the initial hand-drawn plan was inadequate and asking for additional drawings. Ms. Adams stated that the map given to P&Z was not an engineered drawing and Wetlands did not act on that. Ms. Adams reiterated that Mr. Carusone had stated that the new structure would be on the exact same footprint and showed the Commission on patios. She stressed that the Commission would not have concluded that it was not a significant impact or not held a public hearing had they had this information.

The attorney reviewed the as-built which was submitted to ZBA which showed a concrete patio. One of the patios has a deck over it and the narrower one has a roof. The attorney certainly understands the Commission's concerns about run-off and impervious surface and asked how to best address the concerns given the fact that the structure is there. Rebecca Adams suggested that the Commission's counsel meet with her and Mr. Carusone and his counsel.

Michael Carusone showed an approved building permit that had included the plans and Ms. Adams explained that a building permit is different than wetlands approval. Mr. Carusone asked why Wetlands would not have looked at the application before signing off on it. Ms. Adams explained that signing off on the building permit is not the same as the activity on the wetlands permit. Mr. Carusone explained that the plan and the email both predated the meeting with Wetlands.

Another person working with Mr. Carusone asked for the date of the letter for the driveway application and the date of the site visit. Rebecca Adams reminded everyone that the driveway was after the wetlands permit was granted. The attorney explained that the hand drawing was for the driveway and this current drawing was with the application and was approved. Ms. Adams reiterated that they would have never, ever approved the application. Mr. Carusone explained that they acted on the Commission's approval and built their house and he is looking for his certificate of occupancy.

The attorney summarized that the Building Department will not sign off on the CO as he is seeing a probable violation. Ms. Adams stated that they have been consulting with counsel on this for quite a while. The attorney cannot get a straight answer out of the Building Official. Ms. Adams explained that he has been told by counsel not to sign off on a CO and that they believe there is a violation. She suggested that a public hearing be scheduled and also reported that Planning and Zoning is looking through their files as well.

Rebecca Adams stated that she will have the Commission's attorney draft a letter to Mr. Carusone that outlines all of the issues. She also explained that the Commission was trying to be less official and less legal by not issuing a cease and desist order. Mr. Carusone's attorney will call Attorney Willis. Ms. Adams will provide a copy of the letter and the hand drawing to Mr. Carusone's attorney prior to the public hearing.

Mr. Carusone provided a copy of the Wetlands permit and Ms. Adams reviewed that there was no reference to the map. Mr. Carusone felt that the detailed plans were submitted at the meeting and were approved, showing the covered patio and the other patio. Mr. Carusone also didn't understand why this wasn't addressed when the Commission visited the site for the driveway permit. He did not hear about any "possible" violation until the third site visit by the building official.

Mr. Carusone's attorney reviewed that Mr. Carusone's frustration is due to the amount of time that lapsed and now his other house is spoken for and he cannot move into the new one. Ms. Adams suggested that the two attorneys speak to each other with the idea of working out a solution and she apologized to Mr. Carusone for not paying as much attention to this as she should have. Mr. Carusone made multiple calls and has spoken to Ed Bailey in person and finds it inexcusable, disheartening and unprofessional that he has to wait another month. He feels that he has made ungodly efforts to have this resolved tonight and he is upset that he is only being offered an apology.

Linda Li made a motion, seconded by Rob Poturnicki, to hold a public hearing for Mr. Carusone at the next meeting. Motion carried unanimously.

Public Comment

Marianne Corona was present on behalf of the Watershed Committee to talk about the property at 8 Higby Road. She looked at the wetlands application and saw nothing available for regulated activities. She wanted to encourage the Commission members to hold a small training session done by Mike Zizka. She also felt that a soil scientist should address this property.

Mrs. Corona would also like to talk about issues at the skating rink at another meeting. This issue has some up with the Army Corps. She asked that the Commission doesn't allow anything until the issues are straightened out.

Enforcement Officer's Report

Randy Bernotas reported that Gene Gargiulo at 159 Baileyville Road withdrew his application for removing trees. He does have an application for demolition of an existing garage and rebuilding a slightly larger garage with storage in the same proximity of the demolished garage. Site work is level and the increase in size was minimal. The new garage was skewed from its original footprint to meet setback requirements. Mr. Bernotas made the determination that the proper E&S controls were installed and he inspected the property and there is no reason to require a permit.

Mr. Bernotas also drives by 55 Lake Road daily to observe E&S controls and it has been good so far. He also did a site visit at 33 Peters Lane for a proposed construction of a single-family home. The wetlands are flagged and construction of the house and the septic field fell well outside the 100-foot review area. He signed off with explicit instructions for E&S controls.

Approval of Minutes

Rebecca Adams stated that they will review the minutes at the next meeting, due to the lateness in the evening.

Matters or Business Raised at Previous Meetings or on Previous Agendas

None.

Members' Suggestions for Matters for Addition to the Current Agenda or for Discussion and Inclusion on Future Agendas

Linda Li was concerned that Mr. Carusone brought up her personal email and Ms. Adams explained that the email is FOI-able. Ms. Adams felt that Mr. Carusone was trying to make his case by findings things to say that the Commission did something improper.

Jim Brown reminded everyone that they are all volunteers and not professionals.

Adjournment

Jim Brown made a motion, seconded by Rob Poturnicki, to adjourn the meeting. Motion was carried unanimously. The meeting was adjourned at 7:22 pm.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First