

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

Minutes of the December 18, 2019 Regular Meeting

Rebecca Adams Rieder, Chairman, called the meeting to order at 7:01 pm.

Attendance:

Members		Alternates	
X	Adams Rieder, Rebecca	A	Zieminski, Charles
X	Angiletta, Irene		
X	Brown, James		
X	Li, Linda		
X	Manning, John	Other	
X	Poturnicki, Rob	X	Bernotas, Randy
X	Veeley, Robert	A	Curtis, Brian

A=Absent  
X=Present

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PUBLIC HEARING  
7:00 pm

AMI Sports, LLC to determine if the proposed activity to construct an indoor soccer building, with amenities, and a rain garden within 100' of a wetland would have a significant impact on the wetlands. The property is located on Snell Road, Middlefield, CT, Map #18, Lot #17 and 2175 South Main Street, Middletown, CT, Map 32, Lot #0006

Rebecca Adams Rieder explained that the continuation of the public hearing will be continued until the January meeting. She spoke with Ed Pollack today about hiring him as the commission's soil scientist, but he could only commit to one public hearing.

Ms. Adams Rieder re-opened the public hearing at 7:03 pm.

Richard Mihok, a civil engineer from Marlborough, was present on behalf of AMI Sports, LLC as was George Logan. They have made some minor modifications. Rebecca Adams Rieder explained that Brian Curtis will review the plans as will the commission's soil scientist. Mr. Mihok stated that they have made some improvements on the rain garden and Mr. Logan added a wet meadow as well. They have also planned to pave the entire parking lot around the building, at the request of the commission. They have also modified the drainage pattern somewhat to bring all of the water away from the front of the building and down the side. This will allow almost all of the water to go into the rain garden. The run-off will be decreased from pre-development and post-development. There will be roof leaders on the building which will go into the wet meadow or the drainage system.

Mr. Mihok explained that he is still waiting on the Health District and has received no response from them.

George Logan reported that he has done a wetlands assessment and he also provided some photographs of what has happened on the property over the years. There is a little manmade wet meadow on the property now and he proposes creating another wet meadow and a shallow marsh. He believes that what will be created will be more highly functioning than what is present now.

Mr. Bernotas asked what they found out about the millings on the property and Mr. Mihok stated that he has not spoken to Mr. Monarca, but he will do that. Mr. Bernotas stated that the area behind the building looks like it is getting ready to be paved. Rebecca Adams Rieder explained that they will schedule a site walk and will include Brian Curtis and the wetlands scientist. Mr. Mihok stated that there have been different activities on the property, mainly in Middletown. Ms. Adams Rieder explained that they will coordinate with Middletown as well.

Rob Poturnicki asked about the work being done at the building and Ms. Adams Rieder explained that they will have to look into that and see if work is being done without a permit and that will, in fact, slow the process down. She explained that the two gentlemen present tonight are here to talk about their work and they are not involved in what is happening on the site.

Mr. Mihok stated that he had told the applicant to leave the area as is. Mr. Poturnicki was concerned because they are looking at a plan that means nothing if the property has changed. Ms. Adams Rieder stated that they need to do a site visit to get an assessment of the current conditions and that is planned shortly. If the property owner is making changes to the property that are not proposed on the plans, that would be an enforcement issue. Mr. Mihok will talk to the property owner and visit the property.

Mr. Mihok went on to review the areas of wetland disturbance and the alternate plans as well. Mr. Logan explained that the wetland is really low functioning and they will be creating something much better.

Rebecca Adams Rieder explained that Ed Pollack had offered to do the work for the commission, but he will be going away in February and could only commit to one hearing. Mr. Logan noted that he worked with Mr. Pollack in the past. Ms. Adams Rieder did not know who they will choose to do the work, but will let Mr. Logan know.

Rob Poturnicki made a motion, seconded by Linda Li, to continue the public hearing until the next meeting. Motion carried unanimously.

Rebecca Adams Rieder closed the public hearing at 7:18 pm.

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The regular meeting was opened at 7:19 pm.

Amendments to the Agenda

None.

Discussion and possible action on permit application of AMI Sports LLC, proposed activity to conduct a significant activity in a wetland by constructing an indoor soccer facility on property located at Snell Road, Middlefield, CT, Map #18, Lot #17 and 2175 South Main Street, Middletown, CT, Map 32, Lot #0006

Rebecca Adams Rieder explained that the commission will not take action on this yet, but they do need to have further discussions about concerns they have. Randy Bernotas felt that the commission needs to set a date for a site visit. Ms. Adams Rieder agreed and felt that they also needed to coordinate with Middletown. She suggested that the commission meet with staff first and then do a site visit. It was decided to conduct the site visit on January 4, 2020 and to meet at the Community Center at 9:00 am. Ms. Adams Rieder will coordinate the timing with staff.

Randy Bernotas will check in with the applicant and visit the site periodically.

Public Comment

None.

Self-storage facility update, 129 Meriden Road

Attorney John Corona, from Lang and Corona, was present on behalf of the developer of the project. He explained that Brian Curtis has issued his review of the project and they are left with pre-building permit issues, not regulatory issues. An application is pending with the Planning and Zoning Commission and they were supposed to have had a public hearing this past Monday but it did not happen because of a mix-up with the sign. That hearing will now be held in the early part of January. The only significant change is that one of the two detention basins on the site was pulled much more to the interior of the site, even further away from the wetland. Attorney Corona added that George Logan is also working on the project with them.

Rebecca Adams Rieder was thankful that the applicant brought this to the commission and was happy with the feedback from Brian Curtis. She noted that the Wetlands Commission has been told that they do not have jurisdiction over this project.

Executive session to discuss pending litigation for permit violations and significant activity without a permit at 255 Baileyville Road, property of Ava Carusone, Michael Carusone, Trustee

Rebecca Adams Rieder mentioned that Billy Rieder had attended a meeting that she was not at and tried to make a point about how to enter executive session. She explained that there needs to be a motion and a second and a two-thirds majority vote to enter executive session and apologized that she did not address that.

Rob Poturnicki made a motion, seconded by Bob Veeley, to enter into executive session at 7:34 pm. Motion carried unanimously.

Randy Bernotas left the meeting as he is not the Wetlands Enforcement Officer on this issue.

The Commission came out of executive session at 7:46 pm.

Enforcement Officer's Report

Randy Bernotas had nothing to report this month. He did say that he felt that AMI Sports was getting ready to do work on the property. Rebecca Adams Rieder stated that she will be available next week to go to the site and Randy Bernotas and Linda Li both stated they would be available as well. Ms. Adams Rieder did caution that they cannot have a quorum or discuss issues.

Approval of Minutes

Rob Poturnicki made a motion, seconded by Bob Veeley, to approve the minutes of the November 20, 2019 regular meeting, as presented. Motion carried unanimously.

Matters or business raised at previous meetings or on previous agendas

Rebecca Adams Rieder noted that Mr. Fernandes had a plan, brought it to the commission and the commission approved that plan. On that plan, the area was paved. The commission had discussion about the show cause hearing and Ms. Adams Rieder felt it was very easy to see what happens when stuff is dumped into the lake. Randy Bernotas did mention that the commission had always looked for non-pavement but came to realize that crushed stone becomes impervious as well. Ms. Adams Rieder felt that they made that point very clear to Mr. Fernandes when he brought in the application. She also felt that it should be disclosed to buyers when they purchase property on a lake that the property is regulated by Wetlands.

Jim Brown added that it might be good to remind people that all of the regulations are a result of bad things happening. Ms. Adams Rieder added that she would like to schedule a time to have a training about wetlands that could be taped and published for the townspeople to see.

Randy Bernotas asked if Mr. Fernandes can work on the addition when he has a cease and desist order, but Rebecca Adams Rieder stated that the cease and desist is for the things that he is doing that are not in

compliance with the permit. She added that the Commission is not going to take any more violations and the silt fence must be properly installed and in the correct place.

Members' suggestions for matters for addition to the current agenda or for discussion and inclusion on future agenda

None.

Adjournment

Jim Brown made a motion, seconded by Bob Veeley, to adjourn the meeting. Motion was carried unanimously. The meeting was adjourned at 8:20 pm.

Respectfully submitted,

*Debi Waz*

Debi Waz  
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