

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

Minutes of the February 19, 2020 Regular Meeting

Rebecca Adams Rieder, Chairman, called the meeting to order at 7:00 pm.

Attendance:

Members		Alternates	
X	Adams Rieder, Rebecca	A	Zieminski, Charles
X	Angiletta, Irene		
A	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

Amendments to the Agenda

Rebecca Adams Rieder would like to add AMI Sports under item 8. It was also agreed to move item 5 to after item 7.

Rob Poturnicki made a motion, seconded by John Manning, to approve the agenda, as amended. Motion carried unanimously.

Public Comment

None.

Enforcement Officer's Report

Randy Bernotas reported that the wall has been removed on Lake Shore Drive. They have not taken a permit out, but it was an emergency as the wall was coming down and it was a safety issue.

Permit Applications

a. City of Middletown, Stream crossing at Laurel Brook Reservoir

Jim Sipperly, certified soil scientist, Connecticut wetlands scientist and environmental resource specialist for the City of Middletown, was in attendance tonight to present the application. He noted that section 4 of Middlefield's Inland Wetlands regulations allows for the work that they are proposing.

Mr. Sipperly reviewed the location of the existing dam and spillway. There is a stone, earthen dyke on the other side of the spillway. The City of Middletown has done a lot of maintenance in this area, but have never done anything on the dyke. The CT DEEP did some inspections and determined that there are some integrity issues. In order to get to the dyke, they need to cross over Laurel Brook. Mr. Sipperly explained that they will create a temporary crossing to allow them to remove vegetation along the dyke and repair any issues.

Mr. Sipperly went on to describe the work that is planned, including a culvert. They will install silt fencing and hay bales. They propose to scrape and even out the stream bed and then install pipes. They believe it will take them a couple of months to do the work and then everything will be removed and area will be restored. He reviewed that there are really no wetlands associated with the brook. The watercourse itself is only about 2 to 3 feet deep at the area of the crossing.

Some major work needs to be done to the spillway. The city does not have the funding, but will look for funding under the Clean Water Act. They will fix the dyke and focus on the spillway at a later time. The DEEP also suggested that trees be removed at the toe of the dam and that has already been completed. They would like to put the crossing in before the Spring rains begin. Mr. Sipperly added that the city does not use the reservoir system for drinking water supply nor will they in the future, however it is still registered with the state. They do plan to have hiking trails around the reservoir to make it accessible to the public through some kind of permits. They may allow fishing as well as kayaks and canoes.

Rebecca Adams Rieder stated that she had confirmed the maintenance as-of-right, she wanted to make sure that everyone is comfortable with that interpretation of the regulations. Mr. Sipperly explained that the water company gets 80 percent of their water from well fields along the Connecticut River and 20 percent from the reservoir near Higby Mountain, however they have the ability to get water from any of those locations.

Linda Li arrived at the meeting at this point.

Mr. Sipperly explained that they will notify Randy Bernotas when work starts.

Rob Poturnicki made a motion, seconded by Bob Veeley, that the Middlefield Inland Wetlands and Watercourses Agency finds that the activity proposed by Middletown Water and Sewer is an operational use of right under section 4.1.e of the regulations, as construction and operation by a water company pursuant to Connecticut General Statutes 16-1 for work on dams and facilities necessary for the storage of water. Motion carried unanimously.

b. Terrance Martin, Preapplication discussion of construction of house, 102 Mattabeseck Road

Randy Bernotas was unable to print out copies of the preliminary site plan, but Terrance Martin did have one available. Mr. Bernotas asked about who is supposed to maintain the drainage pipe that goes under Mattabeseck Road and flows between the two properties. At the lake, the water fans out and has made a pretty large delta. That has inhibited use of that part of the property. He would like to be able to clean that channel out to create an intermittent watercourse. Rebecca Adams Rieder suggested Mr. Bernotas take that up with Ed Bailey. Rob Poturnicki felt it may be something that the property owner was supposed to maintain.

Mr. Bernotas believes that either one of the plans for the house would work. He explained that the property is currently an empty lot after the house on it burned down. A site plan will be required. The property is already sewered, has electricity and a well. Rebecca Adams Rieder suggested that the applicant formalize a site plan and submit an application.

c. Lyman Orchard Apple Barrel, Reconstruction of existing deck

Attorney John Corona, from Lang and Corona, was present on behalf of the applicant. Craig Schatzlein from Lyman Farm was also present. He had pictures showing the area of concern. The deck wraps around the Apple Barrel building and part of it is elevated to a limited extent. They would like to remove the wooden deck and replace it with a patio. In order to do that, a retaining wall will need to be installed to raise the grade. The tree that is in the middle of the deck will have to be removed. The closest the building gets to the pond is about 24 feet.

The plan would be to build a retaining wall where the grade requires to raise the elevation so that the patio can be at the same grade as it wraps around the building. It will be in the same location and configuration as the deck is now. The bottom of the wall will be about 2 feet out from where the current deck support is. At its tallest point, the wall will be about 6 feet, tapering off to nothing at both ends. The patio will be constructed of simple concrete pavers and will not go very deep into the ground.

Attorney Corona explained that Lymans would like to accomplish the project during their shutdown period which ends soon. Randy Bernotas asked if the patio will be pitched toward the pond and Attorney Corona stated that there will be about a 1 percent grade on the patio so that the water gently sheet flows off the edge. The patio itself will absorb a certain amount of water and there is a drain around the perimeter.

It was agreed to empower Randy Bernotas, the Wetlands Enforcement Officer, to take oversight from here on out.

Approval of Minutes

Rob Poturnicki made a motion, seconded by John Manning, to approve the minutes of the January 15, 2020 regular meeting, as presented. Motion carried unanimously.

Luis Fernandes, Follow-up to Show Cause Hearing, 223 Baileyville Road

Luis Fernandes reviewed that the asphalt was removed and not put back right away because of the construction of the addition to the house. The contractor removed the asphalt as it was damaged. They are still proposing to install a rain garden which will capture the water from the driveway. They will replace the asphalt with the same amount, minus the opening at the mouth of the driveway which was extended about 15 feet to the north. They did add about 10 to 12 feet of asphalt for the apron. Once the asphalt plants open, they will install asphalt the rest of the way down the driveway.

Rob Poturnicki asked how the commission will know exactly what will be repaved and Mr. Fernandes stated that he has a plan which matches the old plan, except for the mouth of the driveway. He presented a copy to the commission and reviewed the design. The additional parking area will remain grass and will not be paved. Mr. Fernandes reviewed the original site plan, showing the rain garden.

Rebecca Adams Rieder stated that the town's engineer and Wetlands Enforcement Officer will review everything and follow up with Mr. Fernandes. Mr. Fernandes anticipates having the asphalt installed some time in late Spring and agreed to have it done no later than June 1, 2020.

Randy Bernotas noted that the rain garden will go all along his lake access and he was wondering if he should suggest that they split it, with a small pathway to allow access to the lake. Rebecca Adams Rieder suggested that he and Brian Curtis look at that.

Matters or business raised at previous meetings or on previous agendas

a. AMI Sports Update

Rebecca Adams Rieder reported that AMI Sports withdrew their application based on information from the soil scientists and engineers. No action or activity has been done nor has any proposal been received. The City of Middletown did send them a notice of violation for their portion of the property. Mrs. Adams Rieder spoke with Matt Willis and he agreed that Middlefield should do that as well. Middletown does have an ordinance where they can attach a lien to the property after a certain amount of time.

Attorney Willis has taken over the ordinance project and hopefully that will move along more quickly.

Randy Bernotas mentioned that he wished Jim Sipperly hadn't mentioned that the Laurel Brook Reservoir was abandoned because part of the watershed from that reservoir is a concern for AMI Sports. Mrs. Adams Rieder explained that it is not actually abandoned; they just do not have any plans to utilize it.

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

None.

Adjournment

Rob Poturnicki made a motion, seconded by John Manning, to adjourn the meeting. Motion was carried unanimously. The meeting was adjourned at 8:00 pm.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First