

TOWN OF CLINTON
ANDREWS MEMORIAL TOWN HALL
54 EAST MAIN STREET
CLINTON, CONNECTICUT 06413
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CLINTON INLAND WETLANDS COMMISSION

MINUTES

Virtual Regular Monthly Meeting
February 2, 2021

Chairman Scott Harley called the February 2, 2021 Virtual Regular Monthly Meeting of the Clinton Inland Wetlands Commission of the Town of Clinton to order at 7:01 P.M.

Members present: Chairman Scott Harley, Vice Chairman Michael Florio, Secretary Jo Ann Phelps, Edward Alberino, Robert LaFrance, Bertram Schmitz, and, Alternates Tania Abbatello and Mackenzie Blanusa (arrived at 7:05 P.M.)

Members absent: James Norrie and Alternate Ryan Tartisel

Also present: Wetlands Enforcement Officer Kathleen King, Clerk Sherry Lee Hynes, applicants, applicants' agents and members of the public

Chairman Harley **SEATED** Abbatello for Norrie.

IWC 20-003R: 17 Pleasant Valley Road, Thomas F. Richards (Applicant) Thomas & Diane M. Richards (Owners). Application for Activity within 50' of Inland Wetlands or a Waterbody: in-ground swimming pool. Assessor's Mp 74 Block 52 Lot 2-1. Zone: R-60

Tom Richards was present for the applicants.

Schmitz **MOVED** to accept IWC 20-003R: 17 Pleasant Valley Road, Thomas F. Richards (Applicant) Thomas & Diane M. Richards (Owners). Application for Activity within 50' of Inland Wetlands or a Waterbody: in-ground swimming pool. Assessor's Map 74 Block 52 Lot 2-1. Zone: R-60 and to set a site walk for February 14, 2021 at 9:00 A.M. with an inclement weather date of February 21, 2021 at 9:00 a.m.. Alberino seconded the motion. Discussion: none. Voting in favor: Harley, Florio, Phelps, Alberino, LaFrance, Schmitz, and, Abbatello. Opposed: none. Abstentions: none. The motion was **carried**, 7-0-0. Blanusa was not seated.

Phelps **MOVED** to add to the agenda: IWC 21-004R: 115 Nod Road, Bausch Advanced Technologies Industrial Building, Bausch Advanced Technologies, Inc. (Applicant) SBB, Inc. (Owner). Application for Wetlands Permit for Activity within 50' of Inland Wetlands or a Watercourse: new industrial building. Assessor's Map 21 Block 3 Lot 23-1. Zone: IP. Schmitz seconded the motion. Discussion: none. Voting in favor: Harley, Florio, Phelps, Alberino,

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LaFrance, Schmitz, and, Abbatello. Opposed: none. Abstentions: none. The motion was **carried**, 7-0-0. Blanusca was not seated.

IWC 21-004R: 115 Nod Road, Bausch Advanced Technologies Industrial Building, Bausch Advanced Technologies, Inc. (Applicant) SBB, Inc. (Owner). Application for Wetlands Permit for Activity within 50' of Inland Wetlands or a Watercourse: new industrial building. Assessor's Map 21 Block 3 Lot 23-1. Zone: IP.

Present for the Applicant: **Michael Ott, P.E.**, Summer Hill Civil Engineers & Land Surveyors, P.C., Madison, Connecticut, and Oliver Bausch and Andrews Lucas, both of Bausch Advanced Technologies, Inc.

Michael Ott P.E. gave a brief overview of the project: a new 12,000 square foot industrial building. A portion of the building and grading will be within 50' of the inland wetlands.

Schmitz **MOVED** to accept IWC 21-004R: 115 Nod Road, Bausch Advanced Technologies Industrial Building, Bausch Advanced Technologies, Inc. (Applicant) SBB, Inc. (Owner). Application for Wetlands Permit for Activity within 50' of Inland Wetlands or a Watercourse: new industrial building. Assessor's Map 21 Block 3 Lot 23-1. Zone: IP, and to set a site walk on February 14, 2021 at 9:30 A.M. with an inclement weather date of February 21, 2021 at 9:30 A.M. Schmitz seconded the motion. Discussion: none. Voting in favor: Harley, Florio, Pheps. Alberino, LaFrance, Schmitz, and, Abbatello. Opposed: none. Abstentions: none. The motion was **carried**, 7-0-0. Blanusca was not seated.

IWC 20-010R: 359 East Main Street, David Malazzi (Applicant) S.D.R. LLC (Owner). Application for Permit for Activity in the 100' Review Zone: construction of a 9,000 square foot building for truck storage. Assessor's Map 87 Block 69 Lot 1. Zone: I-2

- Determination of Significant Activity
- Set Public Hearing or Eligible for Decision

Jonathan Malazzi was present for the applicant.

Harley **READ** the following documents into the record:

1. List of Documents received through February 1, 2021. There was no request to have a document from the List read into the record; and
2. January 6, 2021 Response from Osprey Environmental Engineer LLC.

J. Malazzi's additional information to Osprey's Response to DTC's December 10, 2020 report:

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1. As to No. 1. Self-explanatory. The Commission wants the report resubmitted for this application.
2. As to No. 2: Confirmed.
3. As to No. 3. Self-explanatory. Phelps asked for a revised plan if there are any changes.
4. As to No. 4. Self-explanatory.
5. As to No. 5. Self-explanatory.
6. As to No. 6. Self-explanatory.
7. As to No. 7. Self-explanatory.
8. As to No. 8. Self-explanatory. LaFrance asked for a written maintenance plan. The engineer should be able to supply this.
9. As to No. 9. The structure will be only for storage for trucks.

At the request of the Commission, J. Malazzi **granted** an extension to March 2, 2021 to allow time to provide the additional information needed to complete the application. Clerk Hynes asked for written confirmation to be sent to her.

Alberino **MOVED** to **CONTINUE** IWC 20-010R: 359 East Main Street, David Malazzi (Applicant) S.D.R. LLC (Owner). Application for Permit for Activity in the 100' Review Zone: construction of a 9,000 square foot building for truck storage. Assessor's Map 87 Block 69 Lot 1. Zone: I-2 to the March 2, 2021 Virtual Regular Monthly Meeting to allow the applicant to submit additional data to make a complete application. LaFrance **seconded the motion**. Discussion: none. Voting in favor: Harley, Florio, Pheps, Alberino, LaFrance, Schmitz, and, Abbatello. Opposed: none. Abstentions: none. The motion was **carried**, 7-0-0. Blanusa was not seated.

IWC 21-001R: 13 River Road, Developer's Lot 2, Dennis Irmscher (Applicant) Dennis & Wendy Irmscher (Owners). Application for Regulated Activity Less than 50' from Inland Wetlands or a Watercourse: single-family residence, driveway, septic system, well, gazebo and associated grading. Assessors Map 08 Block 01 Lot 28. Zone: R-80.

- Action on Minutes: January 24, 2021 Special Meeting
- Determination of Significant Activity
- Set Public Hearing or Eligible for Decision

Alberino **RECUSED** from this application.

Dennis Irmscher was present.

Special Meeting Minutes. Schmitz **MOVED** to accept and approve as presented the Minutes of the January 24, 2021 Special Meeting as to 13 River Road. Abbatello seconded the motion. Discussion: none. Voting in favor: Harley, Florio, Phelps, Blanusa,

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Schmitz, and, Abbatello. Opposed: none. Abstention: LaFrance. The motion was **carried**, 6-0-1. Alberino recused.

Harley **READ** the following documents into the record:

1. List of Documents received through February 1, 2021. Upon request he read the February 3, 2021 Report from DTC;
2. February 2, 2021 Response to Engineer's Report from Osprey Environmental Engineering, LLC.

Schmitz inquired if there was an alternative to the proposed location of the residence, as noted in the Town Engineer's Report. Irmscher said there was no other location.

LaFrance and Harley led a discussion on Comment 2 from DTC and the associated response from Osprey. A question arose: are flood plain limits the jurisdiction of the IWC or the Planning and Zoning Commission. WEO King was asked to contact the consulting town planner and/or engineer about the jurisdiction.

Determination of Significant Activity. Tabled to the March 2, 2021 Virtual Regular Monthly Meeting.

Schmitz **MOVED** to **CONTINUE** IWC 21-001R: 13 River Road, Developer's Lot 2, Dennis Irmscher (Applicant) Dennis & Wendy Irmscher (Owners). Application for Regulated Activity Less than 50' from Inland Wetlands or a Watercourse: single-family residence, driveway, septic system, well, gazebo and associated grading. Assessors Map 08 Block 01 Lot 28. Zone: R-80 to the March 2, 2021 Virtual Regular Monthly Meeting to allow the applicant to submit additional data to make a complete application. Florio seconded the motion. Discussion: none. Voting in favor: Harley, Florio, Phelps, Schmitz, and, Abbatello. Opposed: none. Abstention: LaFrance. The motion was **carried**, 5-0-1. Blanusa was not seated. Alberino recused.

Alberino **returned** to the meeting.

IWC 21-002R: 108B Long Hill Road, Corey F. Szymanski (Applicant) Corey F. & Tonia M. Szymanski (Owners) Application for Activity within 50' of Inland Wetlands or a Watercourse: single family residence, pool, driveway, and associated improvements. Assessor's Map 75 Block 52 Lot 6. Zone: R-60.

- Action on Minutes: January 24, 2021 Special Meeting
- Determination of Significant Activity
- Set Public Hearing or Eligible for Decision

Corey F. Szymanski and **Joe Wren, P.E.**, Indigo Land Design, Old Saybrook, Connecticut were present for the applicants.

Minutes: January 24, 2021 Special Meeting. Schmitz **MOVED** to accept and approve as presented the Minutes of the January 24, 2021 Special Meeting as to IWC 21-002R: 108B Long Hill Road, Corey F. Szymanski (Applicant) Corey F. & Tonia M. Szymanski (Owners) Application for Activity within 50' of Inland Wetlands or a Watercourse: single family residence, pool, driveway, and associated improvements. Assessor's Map 75 Block 52 Lot 6. Zone: R-60. Florio seconded the motion. Discussion: none. Discussion: none. Voting in favor: Harley, Florio, Phelps, Alberino, Schmitz, and, Abbatello. Opposed: none. Abstention: LaFrance. The motion was carried, 6-0-1. Blanusa was not seated.

Joe Wren, P.E., presented the application for the construction of a single-family residence and associated structures, some of which will be within 50' of inland wetlands. He noted that the owners own both of the lots. The rear lot is being developed. There are no plans at this time to develop the front lot. By modifying the lot line, it allowed for the activities to be further from the wetlands. The corner of the proposed residence will be about thirty-one feet from the wetlands spur. The limits of clearing and grading will be between eleven and twelve feet from the wetlands spur.

Schmitz asked that on the wetlands spur that the area between the limits of clearing and the wetlands be left in a natural state. C. Szymanski agreed to this. Abbatello was in agreement with this.

Harley **READ** the following documents into the records:

1. List of Documents received through February 1, 2021. No documents were received.
2. February 2, 2021 Report from The CRAHD.

LaFrance questioned where the flow from the roof would be going. Wren advised the water would go into downspouts to the ground, which is long and flat, and, all outside the 100' review area. The water will travel 100' to 200' to get to the wetlands except the south side roof runoff which will go into a plunge pool.

Determination of Significant Activity. By consensus the Commission determined that the proposed activities do not meet the criteria to be deemed "significant activities" as defined in the Inland Wetlands and Watercourse Regulations of the Town of Clinton.

Alberino **MOVED** to approve IWC 21-002R: 108B Long Hill Road, Corey F. Szymanski (Applicant) Corey F. & Tonia M. Szymanski (Owners) Application for Activity within 50' of Inland Wetlands or a Watercourse: single family residence, pool, driveway, and associated improvements. Assessor's Map 75 Block 52 Lot 6. Zone: R-60 in accordance with the Site Plan entitled

Site Plan
Prepared for Corey Szymanski
108B Long Hill Road, Map 75 Block 52 Lot 6
Clinton, Connecticut

dated December 30, 2020 last revised January 21, 2021, and the

Lot Line Modification Plan
"Stirlingshire Woods" Lot 2 and Lot 3
Land of Corey F Szymanski and Tonia M. Szymanski
108-A and 108-B Long Hill Road
Clinton, Connecticut

dated December 8, 2020

subject to the following conditions:

Special Conditions:

1. The roof drainage on the southeast and southwest corners of the structure shall discharge to the plunge pool on the southern portion of the house as identified on the record site plan.
2. There shall be no invasive specials permitted south of the structure.
3. There shall be no structures or gardening on the southeast corner of the property by the wetlands.
4. There shall be no work performed outside the clearing and silt fence line.

General conditions:

5. Not later than two weeks prior to the commencement of any work, permittee shall submit to the Clinton Inland Wetlands Commission the names and addresses of any contractor(s) employed to conduct such work and the expected date for commencement and completion of the work.
6. Permittee shall give a copy of the permit to the contractor(s) who will be carrying out the authorized activities.
7. Posting of erosion and sedimentation control bond in the amount of \$5,000, as established by the Clinton Inland Wetlands Commission which shall be held for two growing seasons or less at the discretion of the wetlands enforcement officer.
8. Permittee shall not deviate from the referenced site plans and shall not make de minimus changes without the prior authorization of the Clinton Inland Wetlands Commission or the wetlands enforcement officer until the authorized work has been completed.
9. On or before 90 days after completion of the authorized work, permittee shall submit "as-built" plans.

Florio seconded the motion. Discussion: none. Voting in favor: Harley, Florio, Pheps. Alberino, LaFrance, Schmitz, and, Abbatello. Opposed: none. Abstentions: none. The motion was **carried**, 7-0-0. Blanusa was not seated.

IWC 21-000AR: IWC Proposed Amendment to Inland Wetlands and Watercourse Regulations of the Town of Clinton, Section 4.1.d – Permitted Uses As of Right & Non-Regulated Uses – residential property.

The Commission reviewed the amended proposal prepared by Consulting Town Planner Michael D’Amato. LaFrance expressed his concern for “...similar detached mechanical unit” and asked for specifics on what they would be. He then stated he was opposed to this language. He was agreeable to the addition of “propane tanks”.

Alberino **MOVED** to adopt the proposed amendment to Section 4.1.4 Permitted Uses as of Right & Non-Regulated Uses with the addition of propane tanks and to send the proposed amendment to the Department of Energy and Environmental Protection. Florio seconded the motion. Discussion: none. Voting in favor: Harley, Florio, Phelps, Alberino, Schmitz, and, Abbatello. Opposed: LaFrance. Abstentions: none. The motion was **carried**, 6-1-0. Blanusa was not seated. The proposal will be sent to the State of Connecticut Department of Energy and Environmental Protection for review.

Minutes: January 5, 2021 Virtual Regular Monthly Meeting

Schmitz **MOVED** to accept and approve as presented the Minutes of the January 5, 2021 Virtual Regular Monthly Meeting. Phelps seconded the motion. Discussion: none. Voting in favor: Harley, Florio, Phelps, Albrino, Schmitz and Abbatello. Opposed: none. Abstention: LaFrance. The motion was **carried**, 6-0-1. Blanusa was not seated.

Correspondence and Bills

Connecticut Bar Association Virtual Land Use Seminar. March 2021. Clerk Hynes asked the Commission members planning on attending to get the Registration Forms back to her as soon as possible for the Land Use Seminar put on by the Connecticut Bar Association.

Continued/New Business/WEO Report

- Claddagh Ridge Equestrian Center, 78 Killingworth Turnpike
 - Further development postponed to Spring 2021
- Update: Indian River Landing. WEO King received a complaint about dust. The contractor agreed to keep the dust down.
- IWC 19-002CV: 2 Old Nod Road: Filling of Wetlands Without a Permit, Cor-rine Taylor Development Corp., Assessor’s Map 21 Block 6 Lot 51. Zone: IP. Jon & Jennifer Damon (owners of Good Earth, the business run from this site) were present. WEO King sent the photographs taken by drone to the Commission prior to the meeting.

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Alberino **MOVED** that IWC 19-002CV: 2 Old Nod Road: Filling of Wetlands Without a Permit, Cor-rine Taylor Development Corp., Assessor's Map 21 Block 6 Lot 51. Zone: IP be closed, the violation having been remediated. Florio seconded the motion. Discussion: LaFrance inquired is there was going to be a change in the layout of the site. Jon Damon advised, not at this time. Voting in favor: Harley, Florio, Pheps. Alberino, LaFrance, Schmitz, and,Abbatello. Opposed: none. Abstentions: none. The motion was **carried**, 7-0-0. Blanusa was not seated.

The Commission thanked the Damon's for a job well done.

- IWC 19-003C: 15 Stone Wall Lane: Vincent D. & Margaret M. Pansa (Applicants & Owners). Discharge of Water into Wetlands without a Permit. Assessor's Map 28 Block 21 Lot 9-13. Zone: R-40.
 - Per the new town attorney, this matter is now considered a zoning violation (discharge of water off-site but not into the wetlands). Mr. Pansa has an attorney working with him on the remediation. This agenda item will remain on the agenda until the remediation is complete.
- Development of Beaver Guidelines. No action.
- 228 Cow Hill Road: Update & Violation – Filling of Wetlands and a Pond.
 - The applicant is working with surveyor Donald Gesick and with a soils scientist in preparation for the filing of an application.
- 230 Cow Hill Road: Violation – Filling Wetlands and Pond.
 - Tabled pending the outcome of 228 Cow Hill Road.
 - Bonding.
 - Harley is preparing a recommendation for the Commission's consideration.
- 3 Martin Drive, Chickens/Chicken Coop
 - 1/2/21: jurisdictional determination – IWC Permit needed for coop.
 - 2/2/21: A zoning violation is being started. The property owner says he will be moving the coop outside the 100' Upland Review Zone.
- Report: January 25, 2021 Annual Town Meeting. WEO King reported on the Meeting.

Additions to Agenda: March 2, 2021 Virtual Regular Monthly Meeting. None at this time other than the applications that were continued.

Chair's Comments. None.

There being no further business, Schmitz **MOVED** to adjourn the meeting. Florio seconded the motion. Discussion: none. Voting in favor: Harley, Florio, Pheps. Alberino, LaFrance, Schmitz, and, Abbatello. Opposed: none. Abstentions: none. The motion was **carried**, 7-0-0. Blanusa

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was not seated. The meeting was **adjourned** at 8:58 P.M. to the March 2, 2021 Virtual Regular Monthly Meeting.

Respectfully submitted,
Sherry Lee Hynes
Sherry Lee Hynes, Clerk

E-mail: Town Clerk
Town Council
Website