

INLAND WETLANDS AND WATER COURSES COMMISSION
MEETING MINUTES
OF
OCTOBER 3, 2023

CALL TO ORDER:

The Inland Wetlands and Water Courses Commission Meeting was called to order by Chairman Peter Nieman at 7:00 p.m. on September 12, 2023 in the Berlin Town Hall, Public Works Department (Room 120), 240 Kensington Road, Berlin, CT. Additionally, the meeting was accessible remotely through Zoom.

ATTENDANCE:

Chairman Peter Nieman, Commissioners: Rick White, David Rogan, Bill Jackson, Gary Pavano and John Russo. Absent- Michael Cassetta. Staff- Jim Horbal. Guests: Attorney Jennifer Coppola-Ciulla & Donofrio, LLP, and Applicants/Presenters. Via Zoom: Attorney Chris Smith- Alter & Pearson, LLC, Attorney Tim Sullivan- Wisniowski & Sullivan, Mr. Ian Cole, Mr. Michael Kayam- NCBP East Berlin, and Mr. Joe Giuliano.

AUDIENCE OF CITIZENS: None.

MINUTES:

The minutes of the September 12, 2023 meeting were previously distributed for review.

Commissioner Pavano made a motion to approve the minutes of the September 12, 2023 meeting, seconded by Commissioner White. The motion was unanimously approved.

REGULAR MEETING:

Application 23-05W - Proposal by Little House Living, LLC to construct residential dwelling units and discharge drainage within an Upland Review Area on Lot 10, Block 114, #1676 Berlin Turnpike.

Attorney Christopher J. Smith, Alter & Pearson, LLC, and Mr. Ian T. Cole, Professional Soil & Wetland Scientist, Ian T. Cole, LLC, (via Zoom) and applicant Pat Snow were present for the Applicant.

Mr. Horbal stated that he would like to remind the Commissioners of two specific things: As you know, the public hearing question and comment period has been closed, and receipt of new information from this point forward is prohibited. Secondly, there have been numerous comments made during the hearing on many different aspects of the proposal. The Commission's responsibility must stay centered on your role of administering regulations as they apply to the upland review guidance portion of the [Wetlands] Regulations.

Chairman Nieman asked if there were any comments from the Commissioners. He stated that there cannot be any comments from the public or the applicant, and no information accepted.

Commissioner Rogan commented that in regard to the previous meeting, he preferred an independent, licensed engineer/consultant be brought in. He has concerns with the south-side drainage requiring a private resident to maintain the drainage brought on from this development, and he wants the 50' upland review area upheld as the Berlin Land Trust recommended.

Commissioner White stated that the Commission has been given a lot of information from the Professionals and he appreciated the time to digest and process the information and listen to the concerns from the neighbors. The Commission is here to protect the wetlands, and well over 50% of the upland review area is going to be impacted during construction. Commissioner White said he was having a hard time getting past that concern.

Chairman Nieman stated that the Commission is here to protect the wetlands and we have been given a lot of information from licensed professionals and we have to trust that they have given us enough information to help make a decision.

Commissioner Rogan made a motion to disapprove Application 23-05W, seconded by Commissioner White. Chairman Nieman asked if there were any other motions. Commissioner Jackson asked if there could be a roll call vote. Commissioner Russo asked for further explanation, as he had not been through this process since he was appointed. Commissioner Russo voted no, Commissioner Jackson voted no, Commissioner White voted yes, Commissioner Rogan voted yes, Commissioner Pavano voted yes, and Chairman Nieman voted no.

Attorney Jennifer Coppola, Corporate Counsel, was present for the meeting. She explained the voting procedure:

Following a tie vote on a motion to disapprove the application, the Commission Chair called for any other motions and no other motions were made. A roll call vote on the motion to disapprove the application was taken and confirmed the tie vote (3-3) on said motion. The application was denied as it failed to garner enough votes for approval.

Application 23-07W - Proposal by Sheppard Family Holdings, LLC to re-establish a wetland boundary on Lot 2A, Block 107, 758 Four Rod Road.

Mr. Charlie Talmadge, President, Development Planning Solutions (DPS), sent a request to table the application until the November 14, 2023 meeting and schedule a Public Hearing for that meeting.

The Applicant is requesting to officially establish and identify the wetland boundaries on their property. The "open field" property is located on the southwest corner of the intersection of Norton Road and Four Rod Road. At this time, there are no proposals for development.

Staff is presently coordinating to retain an independent review of the existing site conditions.

Statutory requirements direct the Commission to hold a Public Hearing on this request.

Mr. Charlie Talmadge, President, Development Planning Solutions (DPS), sent a request

to table the application until the November 14, 2023 meeting and schedule a Public Hearing for that meeting.

Commissioner Rogan made a motion to table Application 23-07W, seconded by Commissioner Russo. The motion was unanimously approved.

Commissioner Rogan made a motion to schedule a Public Hearing for Application 23-07W at the November 14, 2023 meeting, seconded by Commissioner Russo. The motion was unanimously approved.

Application 23-09W - Proposal by NCBP East Berlin, LLC to construct an impervious outdoor storage area and discharge drainage into a regulated area on Lot 17-2-133-34B, 191 Commerce Street, East Berlin.

Mr. Robert Prior, Solli Engineering, Monroe, CT, was present for the Applicant and demonstrated prints as he explained to the Commissioners:

It is the intent of the Applicant, New Castle Building Products (NCBP) East Berlin LLC, to modify the existing site to include an additional 35,560 square-foot of outdoor storage area. Below is a brief summary of existing and proposed conditions:

EXISTING SITE CONDITIONS:

The site is located at 191 Commerce Street, Berlin, Connecticut within the Planned Industrial (PI) district. The overall site totals approximately 4.0 acres and is bounded by commercial property and wetlands to the west, Connecticut state land to the north, commercial businesses to the south, and Commerce Street to the east. The site is currently accessed from Commerce Street via two bituminous driveways and consists of an existing 12,310 square-foot building, existing storage areas, parking and drive aisles, and bituminous pavement. The western portion of the site is a brush/woods mix with existing wetlands.

PROPOSED SITE CONDITIONS:

The project proposes to construct an additional 35,560 square-feet of outdoor storage area with pavement striping, landscaping, lighting, and drainage improvements. Outdoor storage is permitted within the Planned Industrial district. The two access driveways will continue serving one-way movements to and from Commerce Street, and two-way vehicular circulation is proposed around the northern, southern, and western building sides. The parking area will provide a total of forty-four (44) parking spaces, which will include three (3) spaces being designated as ADA accessible. An additional thirty-eight (38) deferred parking spaces have been delineated on the Site Layout Plan to be constructed in the future, if necessary. The project proposes a retaining wall with safety fencing along the perimeter located along the western edge of the development. The stormwater run-off for the site will be designed in accordance with all Town and State regulations. Within the area analyzed for stormwater purposes, the redevelopment results in an increase of approximately 0.84 acres of impervious area compared to existing conditions. Peak runoff rates will be reduced and water quality treatment will be provided via a proposed underground stormwater detention system. Please refer to the Engineering Report for the detailed stormwater management plan that will be provided. The proposed site plan modification will maintain its existing utility connections and no additional utility improvements are proposed.

Chairman Nieman proposed a couple of questions about equipment, and hoped there would be some explanations before the next meeting. The Chairman asked if Mr. Horbal was satisfied. Mr. Horbal answered that the Applicant has spoken with Staff, and he has requested that they incorporate Ab-Tech type systems be incorporated into the plans.

Commissioner Rogan made a motion to table Application23-09W until the November 14, 2023 meeting, seconded by Commissioner Pavano. The motion was unanimously approved.

Application 23-08F - Proposal by the Town of Berlin Public Works Department to construct Truck Wash Bay Improvements in a Flood Hazard Zone on Lot 8, Block 83A, 35 Town Farm Lane.

Mr. Michael S. Ahern, P.E., Berlin Public Works Director/Town Engineer, was present for the Town of Berlin. They are proposing to make safety improvements to an existing truck wash area at the Physical Services Facility located along Town Farm Lane. This present wash area is attached to the southerly end of the Highway Department building. The current proposal involves enclosing the structure to better provide for washing vehicles during the winter months. Flood-proofing measures are being included within the design to negate any impacts within the floodplain.

- Location – 19 Town Farm Lane
- Project – to fully enclose existing wash bay with an 8’ addition onto the southern elevation. Size – 24’ 6” x 42’6”. CMU (cinderblock) exterior walls with flood vents and upper metal wall panels, slab on grade, and two overhead coiling doors.
- Wetlands – confirmed with the inland wetlands agent, no disturbance within upland review setback. (2010 JL survey shows previous wetland flagging).
- Floodplain – project is within 100-year floodplain and regulatory floodway (also shown on JL survey). FEMA Base Flood Elevation at El 44.0.
- Request/Rationale – No compensatory mitigation proposed as;
 - Structure will incorporate automatic flood vents to allow floodwaters to flow through structure.
 - Four additional flood vents have been added to the project. Two on each of the West and East Walls in addition to the two on the South Wall. The total of flood vents is 6 providing coverage for 1,200 square feet of floor area. The total actual floor area is 41’2”x24’9” equaling 1,019 square feet.
 - Structure has two overhead doors which will also allow floodwaters into structure.
 - Existing ground surface is impervious (slab and asphalt), and will remain impervious after project. In other words, no change other than more concrete (slab extension) and less asphalt.
 - Project needed to address worker safety concerns, due to icing during cold weather conditions.

Commissioner Rogan made a motion to approve Application 23-08F with Standard Conditions, seconded by Commissioner White. The motion was unanimously approved.

Application 23-10WF - Proposal by 550-554 Berlin Turnpike Associates, LLC to construct an entrance driveway, and site improvements within regulated areas on Lot 14, Block 83, #522 Berlin Turnpike.

Attorney Timothy Sullivan, Wisniowski and Sullivan, LLC (via Zoom) spoke on behalf of 550-554 Berlin Turnpike Associates, LLC.

The Application involves regulated activity and floodplain filling at 554 Berlin Turnpike, The floodplain filing will result in a net increase of approximately 750 cu yard of flood storage volume. All of the proposed activity in this application was approved in Application 20-07WF.

The Applicant's engineer, Bart Bovee, is ill this evening, so we request that discussion of the specific engineering and impacts be deferred until the November 14, 2023 meeting and move forward with scheduling a Public Hearing.

Commissioner Pavano made a motion to schedule a Public Hearing for Application 23-10WF for the November 14, 2023 meeting, seconded by Commissioner White. The motion was unanimously approved.

Other Business to Come Properly Before the Commission

A) 1906 Berlin Turnpike, LLC

Attorney Chris Smith, Ian Cole, Soil Scientist, (both via Zoom), and Mr. Pat Snow were present for the discussion.

Mr. Horbal is obtaining a third-party review and knows that the Planning and Zoning Commission is facing a time-line on their end. Land Tech Associates has agreed to conduct a survey within the next few days.

B) Application 20-07WF- Proposal by 550-554 Berlin Turnpike Associates, LLC, to construct a Multi-Family Development and associated appurtenances within an upland review area, floodway and floodplain on Lot 13, Block 83, #522 Berlin Turnpike. Request for Permit Modifications.

Attorney Timothy Sullivan, Wisniowski and Sullivan, LLC (via Zoom) spoke on behalf of the Applicant, 550-554 Berlin Turnpike Associates, LLC.

My client is requesting that this matter be continued to November 14, 2023 as the Engineer, Bart Bovee, is ill, and he is necessary for a complete presentation.

Commissioner Rogan made a motion to table the discussion on Application 20-07WF until the November 14, 2023 meeting, seconded by Commissioner Pavano. The motion was unanimously approved.

C) StanChem Polymers, Inc., 401 Berlin Street, East Berlin – Proposed Site Improvements – Discussion

Stephen Benben, P.E., Triton Environmental, Inc. and Mr. Dennis Vachon were present for the presentation. Mr. Benben distributed pictures of the plant and proposed prints and a diagram of the proposed tanks.

The proposed improvements include the construction of a tank farm containment structure with up to four (4) tanks, a new truck unloading area, stormwater management systems, and associated pumps and appurtenances. The project is located within the FEMA Special Flood Hazard Area, Regulatory Floodway, and the 50-foot regulated wetland area.

The Commissioners had several questions for Mr. Benben and Mr. Vachon. They will be submitting an application to the Commission in the near future and were looking for feedback on feasibility of the proposal.

D) Notice of Violation – Old Brickyard Lane

Mr. Thomas Coccomo, managing member of Coccomo Brothers, was present to present his progress. He showed a drawing that his surveyor will complete after feedback from tonight's meeting.

Chairman Nieman mentioned that he visited the property the next day, and indeed Mr. Coccomo had installed a silt fence, as promised. Mr. Coccomo explained that the wood chips will remain and he planted some arborvitae and grasses. He would like to plant non-evasive plants.

Bob Martino, 245 Old Brickyard Lane, could not attend the meeting and asked Attorney Jennifer Coppola, Corporate Counsel, to speak on their behalf. Mr. Coccomo has not reached out to them with a restoration plan or asked permission to work on their property.

Chairman Nieman again stated that the Commission would require an as-built, topographic map of the property showing the disturbed areas, and a Vegetation Restoration Plan by the November 14, 2023 meeting.

E) Town of Berlin Plan of Conservation and Development (POCD)- Appointment of Commission Member

Mr. Horbal had previously distributed a request from the Town to appoint a delegate from each Commission to serve on the Plan of Conservation and Development committee.

Commissioner Rogan made a motion to appoint Chairman Peter Nieman to the Plan of Conservation and Development committee, seconded by Commissioner Russo. The motion was unanimously approved.

Good of the Order:

Attorney Coppola spoke to the Commissioners about training options available to Wetland Commissioners. The Commissioners had recently been sent some information on a

training session and she will provide a link to some certification options through UCONN. She suggested keeping a log of all of the Commissioners training in the future.

ADJOURNMENT:

Commissioner Rogan made a motion to adjourn the meeting at 8:30 p.m. The motion was seconded by Commissioner Pavano. The motion was unanimously approved.

Lecia Paonessa
Recording Secretary

RECEIVED FOR RECORD
BERLIN TOWN CLERK



10/10/2023, 10:36:42 AM