

*Town of Killingworth
Inland Wetlands and Watercourses Commission
Killingworth, Connecticut 06419*

**Regular Meeting #24-8
Town Emergency Operations Center**

August 13, 2024

Chairman Glenn Johnson called the Regular Meeting to order at 7:00 p.m.

Members present: G. Johnson, C. Plum, C. Reimers, T. Doyle, E. Pizzuto

Members absent: D. Cutillo

Also absent - Enforcement Officer L. Kieft-Robitaille

Visitors: Stephen & Sheryl-Lee Albertson, Michael Cassella, Michael Berkun, Geoff Cook,
Chris Parkington

MINUTES

The minutes of the July 9, 2024 Regular Meeting were approved by a motion by T. Doyle, with a second by C. Plum. T. Doyle, C. Plum, C. Reimers and E. Pizzuto voted in favor. There were no votes against.

OLD BUSINESS

Stephen and Sheryl-Lee Albertson permit application (W 26) for clearing brush and small trees to access property, 262 Route 81

Members reviewed the property location that was walked a few years ago. Members do not anticipate any negative impact on nearby wetlands due to the proposed activity. *T. Doyle moved, seconded by C. Plum, to approve the application as submitted. T. Doyle, C. Plum, C. Reimers, and E. Pizzuto voted in favor. There were no votes against. The motion carried.*

M & M Realty Holdings, LLC permit application (W 27) for activities related to an affordable housing apartment building housing 18 units, 255 Route 80

A revised site plan was submitted showing additional details for the drainage and septic systems. *C. Reimers moved, seconded by T. Doyle, to approve the application as submitted, with the condition that the fabric sheathing be secured to prevent water from getting underneath it. T. Doyle, C. Plum, C. Reimers, and E. Pizzuto voted in favor. There were no votes against. The motion carried.*

Picard property, 272 Roast Meat Hill Road - discussion of flooding concerns

The property owners have a flooding issue on their property due to the Town-owned pond north of the Picard property that dams up due to beaver activity. Chairman Johnson sent his site walk report and photos to the First Selectman. No additional information was discussed.

Pathfinders Inc. (owner), Theodore Langevin (applicant) permit application (W 28) for temporary erection of tents for one-day events at Deer Lake Outdoor Center, 101 Paper Mill Road

Commission members do not believe that the temporary tent set-ups for a few special events during the year will have a negative impact on the wetlands. *C. Plum made a motion to approve the application and it was seconded by E. Pizzuto. T. Doyle, C. Plum, C. Reimers, and E. Pizzuto voted in favor. There were no votes against. The motion carried.*

Ryan & Nora Sweeney approval for driveway construction on River Road (W-18)

The IWWC Enforcement Officer has received complaints about the activity at this site. Chairman Johnson has walked the site and found that there is no clearing in the IWWC regulated area. Members agreed that the site has to be stabilized due to the steep grade. No action needs to be taken by the commission at this time.

NEW BUSINESS

Michael & Deborah Cassella permit application (W-29) for already-constructed storage bins in regulated area, 157 Route 81

Mr. Cassella attended the meeting to request an after-the-fact permit for stone storage bins that have been placed in the wetlands setback area. Mr. Cassella said he was under the impression that the setback area was the original 50', but has learned that it is now a 100' setback. The Rustic Barn Furniture store will be relocating next door to the Premium Stone building. Members will conduct a site walk on Thursday, August 22nd at 3:00.

Town of Killingworth (owner), Killingworth Park and Recreation Commission (applicant) permit application (W-30) for construction of pickle ball courts, 323 Route 81

Four pickle ball courts are proposed for the area between the library and Recycle Way, in front of the Rocco Reale baseball field. Some of the construction will be in the 100' wetland setback area. The runoff from the paved courts will go into the wetlands and will be filtered by vegetation and a grass swale. Members are familiar with the property and agreed that a site visit is not necessary at this time.

Geoffrey and Annette Cook permit application (W-31) for an in-ground pool, 31 Robin Lane

Mr. Cook explained to the commission that he thought the proposed pool location is within 500' from a vernal pool on his property. Members discussed the criteria for a vernal pool and agreed that the pond is probably not a vernal pool. A site walk will be conducted on Thursday, August 22nd after the Cassella site walk at 3:00, anticipated to be around 3:45-4:00.

Jack B. Coy, LLC (owner), Michael Berkun (applicant) permit application (W-32) to excavate a farm pond, between Roast Meat Hill Road and Reservoir Road

Mr. Berkun stated that this property has always been considered a farm. His proposal is to irrigate a commercial nursery specializing in native wetlands species. Commission members have approved a subdivision on that site and are considering it to be residential property. They would like to see Town documents that show the Town considers it to be a farm; Chairman Johnson will inquire about this and report to the commission at the September meeting. Mr. Berkun said the commercial plants will be grown in the shaded areas around the pond. He stated that he has flowers for commercial use growing there now.

Members questioned how the material dug from the pond will be removed from the site without disturbing the Class AA stream. Mr. Berkun said there is a crossing there now and he will put in another one if the commission requires that. Members also want to be assured that there will be no activity in the buffer zone, especially between the pond and the Class AA stream. Members would like to know the opinion of the CT Water Company on the proximity of the stream to the activity and the potential impact of the nursery operation on the water quality of the stream.

A revised Farm Pond Plan, dated 8/5/24, was submitted. Also submitted by Mr. Berkun at tonight's meeting were a copy of a letter from Mark Branse, Town of Killingworth attorney, to Linda Kieft-Robitaille, dated 6/25/2024, re: Jack B. Coy subdivision status; an article from Halloran Sage, dated 7/5/2010, re: "Farming, Wetlands and 'As of Right' Activities"; and an article from CT Department of Energy & Environmental Protection, titled "Agriculture Forestry & Connecticut's Inland Wetlands and Watercourses Act", reprinted October 2016.

Walker pond activity - Overlook Farms Road

Chairman Johnson reported that he had walked the property that had been granted a permit to remove cattails from a portion of the pond. He reported that the area had been graded with some of the pond material, and there were no areas of concern for the commission.

Additional application

Commission members opted to not discuss an application for a shed on Stevens Road (W-33) because it had not been included on the agenda submitted to the Town Clerk, and therefore, members of the public would not have an opportunity to know about the application.

COMMUNICATIONS

1. IWWC Budget print-out for July 2024
2. Site Plan - 253 Route 80, Killingworth, CT, Property of M&M Realty Holdings, LLC, Lot-3 Grading & Utility Plan, revised 7/10/24
3. Geoff & Annette Cook Application to Conduct a Regulated Activity
4. Map of property owned by Geoffrey Cook & Annette Cook, 31 Robin Lane
5. Town of Killingworth (owner), Killingworth Park & Recreation Commission (applicant) Application to Conduct a Regulated Activity
6. Plan, Pickle Ball Courts at Rocco Reale Field
7. Michael & Deborah Cassella Application to Conduct a Regulated Activity
8. Site Development Plan prepared for M. Cassella Landscaping, Inc., #157 Route 81
9. Topographic Survey of 157 Route 81 prepared for Michael Cassella & Deborah Cassella
10. Jack B. Coy LLC (owner), Michael Berkun (applicant) Application to Conduct a Regulated Activity
11. Farm Pond Plan prepared for Jack B. Coy, LLC, dated 8/5/2024
12. Letter from Killingworth Town Attorney Mark Branse to Linda Kieft-Robitaille, 6/25/24, re: Jack B. Coy subdivision
13. Article from CT DEEP - "Agriculture, Forestry & CT Inland Wetlands & Watercourses Act, reprinted October 2016
14. Halloran Sage article, dated July 5, 2010 - "Farming, Wetlands and 'As of Right' Activities"
15. Receipt to M Berkun for ZBA Appeal fee
16. Receipt to M. Berkun for IWWC application fee

ADJOURNMENT

There being no other business to discuss, T. Doyle moved, seconded by C. Reimers, to adjourn the meeting at 8:18 p.m. to Thursday, August 22, 2024 at 3:00 p.m. at 157 Route 81 (Premier Stone business). The motion carried unanimously.

Respectfully submitted,

Mary Anne Lisk
Clerk