

APPROVED 7-24-19
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES
Inland Wetlands Commission

Minutes of the Inland Wetlands Commission meeting held on Wednesday, May 22, 2019 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #2, at 7:00 PM.

MEMBERS PRESENT:

Mark R. Trojanowski, Chairman
Frank H. Bumsted
Cheryl A. Juniewicz, acting Secretary
Pat Libero
Steven Miller, Alternate
Elizabeth Beacom, Alternate

ABSENT MEMBERS:

Steven J. Nugent, Secretary
Anna Garsten
Joseph L. Tenedine
Pamela Sletten, Alternate

TOWN STAFF:

Alan Fredricksen, Land Use Administrator
J. Andrew Bevilacqua, Town Engineer
Laura Magaraci, Zoning and Inland Wetlands Enforcement Officer
Attorney Jennifer Coppola, Town Counsel
Pam Miller, Clerk
Genevieve Bertolini, Stenographer

AGENDA:

Mr. Trojanowski, Chairman called the meeting of the Inland Wetlands Commission to order at 7:08 PM and introduced the Commission and town staff. Then, Mr. Trojanowski asked if there were any changes to the agenda. Mr. Fredricksen stated that application #I19-06 has been postponed to the June 26, 2019 meeting. Then, he asked the Chairman if a new item could be added to the agenda; a bond release for 124 Mansfield Road. Mr. Trojanowski asked the Commission for a motion. Mr. Bumstead moved to add the bond release to the agenda; Mr. Libero seconded the motion. All were in favor.

PUBLIC HEARINGS:

Ms. Juniewicz read the call for the first Public Hearing:

1. #I18-17 Continuation of the application of Bill Ryan, Applicant, National Partners North Haven LLC, Owner, relative to 381 State Street, (Map 34, Lot 111), seeking a Permit to Conduct Regulated Activity and a Site Plan Referral. Plan Entitled: 381 State Street, North Haven, Connecticut. Prepared by: Nafis & Young Engineers, Inc. Dated: December 2018. Scale: 1"=20'. IL-30 Zoning District.

Mr. David Nafis, Professional Engineer of Nafis & Young, presented the application to permit the construction of an approximately 1800 square foot car rental facility on the western side of this approximately 16 acre parcel. The car rental facility would utilize less than one acre along the State Street frontage to the south of the existing main access drive for National Lumber, a lumberyard and construction products supplier, which occupies the balance of the property. Mr. Nafis presented the site plan and stated that the application is proposed for Enterprise Rental Car Company. He discussed the addition of a rain garden.

Mr. Scott Stevens, Soil Scientist of Soil Science and Environmental Services, Inc., discussed the tidal wetlands and the other watercourses on the property. He explained the soils and the vegetation located on the site.

Mr. Nick McLay of Nafis & Young presented a drawing of the Rain Garden plan as Exhibit A.

Ms. Jennifer Beno, Wetland Biologist of Soil Science and Environmental Services, Inc., explained the purpose of the Rain Garden and Infiltration System. She discussed the plant species that are proposed for the site. She stated that the Rain Garden will require some necessary maintenance.

The Commission asked questions and they were answered by Mr. McLay and Ms. Beno.

Mr. Trojanowski asked for public comment.

There being no public comment, the Public Hearing was closed.

2. #I19-06 Application of North Haven Business Park LLC, Applicant, Alvina's LLC, Owner, relative to 71 Leonardo Drive, (Map 52, Lot 65), seeking a Permit to Conduct Regulated Activity and a Site Plan Referral. Plan Entitled: Site Plan Application of North Haven Business Park, LLC, 71 Leonardo Drive, North Haven, Connecticut 06473. Prepared by: Criscuolo Engineering, LLC. Dated: 1/09/2013. Scale: 1"=20'. IL-80 Zoning District.

This application has been postponed to the June 26, 2019 meeting.

Ms. Juniewicz read the call for the next Public Hearing:

3. #I19-07 Application of Cinemark USA, Inc., Applicant & Owner, relative to 550 & 570 Universal Drive North, (Map 21, Lots 2 & 11), seeking a Subdivision Referral. Plan Entitled: Land of Cinemark USA Inc., 550 & 570 Universal Drive North, North Haven, Connecticut. Prepared by: BL Companies. Dated: 04/19/2019. Scale:

1"=60'. IL-80 Zoning District.

Mr. John Schmitz, Project Manager of BL Companies, presented the application for a Resubdivision Referral intended to permit the resubdivision of the original "Cinemark" 25.72 acre parcel from three lots into five lots. New lots 4 and 5 are proposed to be 2.411 and 1.168 acres respectively. Lot 4 complies with the requirements for the IL-80 zoning district and Lot 5 complies with the requirements for the IL-30 zoning district, in accordance with Amendment 12, effective date 1 February 2015. All Inland Wetlands on the property are located on the far western and northwestern portions of the site. Mr. Schmitz explained the parcel and the wetlands on the property. He stated that a site plan application is intended for the Planning & Zoning Commission to develop the site.

The Commission asked questions and they were answered by Mr. Schmitz.

Mr. Trojanowski asked for public comment.

There being no public comment, the Public Hearing was closed.

Ms. Juniewicz read the call for the last Public Hearing:

4. #I19-08 Application of John Zyrlis-Agent for Kerstine, LLC, Applicant, Kerstine, LLC, Owner, relative to 85 Sackett Point Road, (Map 37, Lot 126), seeking a Permit to Conduct Regulated Activity and a Site Plan Referral. Plan Entitled: Inland Wetlands and Planning and Zoning Applications for Warehouse - 2-Development, 85 Sackett Point Road, North Haven, Connecticut. Prepared by: TPA Design Group. Dated: 4-23-19. Scale: 1"=30'. IL-80 & IG-80 Zoning Districts.

Mr. John Zyrlis of TPA Design Group presented the application to permit the construction of an approximately 9,000 square feet, single story warehouse building on the northernmost portion of this uniquely shaped, approximately 9.17 acre, property. The Commission approved a Permit to Conduct Regulated Activity and a Positive Site Plan Referral for an approximately 10,000 square feet warehouse building on the southernmost portion of this property on 22 July 2015 (#I15-09). The applicant proposes vehicular access from Sackett Point Road only and some grading and fill are proposed in the wetland buffer area. Mr. Zyrlis presented a site drawing, explained the wetlands and stated that a small office is proposed as well as 13 parking spaces. He explained the detention and drainage systems and stated that the site will be cleaned and the debris will be removed. He presented Exhibit A; an email from the Fire Chief.

Ms. Laura Magaraci, Zoning and Inland Wetlands Enforcement Officer discussed the planting plan and asked for the removal of the invasive species and recommended that some trees and native species be planted for stabilization of the steep slope to shade out new growth of invasives.

The Commission asked questions and they were answered by Mr. Zyrlis.

Mr. Trojanowski asked for public comment.

1. Mr. Jerry Remalade of Quail Run asked a question about the proposed operations.
2. Mrs. Paula Miller of 90 Sackett Point Road asked about the potential lessees.
3. Mr. Ali Abul of 86 Sackett Point Road commented on privacy.
4. Mr. Jawaid of 86 Sackett Point Road asked questions about traffic.

Mr. Zyrilis responded to the public comment. There being no further public comment, the Public Hearing was closed.

DELIBERATIONS:

1. #I18-17 Continuation of the application of Bill Ryan, Applicant, National Partners North Haven LLC, Owner, relative to 381 State Street.

Mr. Bumsted moved to approve the application; Mr. Miller seconded the motion. The Commission voted as follows:

Trojanowski – aye Bumsted – aye Miller – aye Beacom – aye

The application was approved with appropriate conditions.

3. #I19-07 Application of Cinemark USA, Inc., Applicant & Owner, relative to 550 & 570 Universal Drive North, (Map 21, Lots 2 & 11), seeking a Subdivision Referral. Plan Entitled: Land of Cinemark USA Inc., 550 & 570 Universal Drive North, North Haven, Connecticut. Prepared by: BL Companies. Dated: 04/19/2019. Scale: 1"=60'. IL-80 Zoning District.

Mr. Bumsted moved to approve the application; Mr. Libero seconded the motion. The Commission voted as follows:

Trojanowski – aye Bumsted – aye Juniewicz – aye Libero – aye Miller – aye Beacom – aye

The application was approved with appropriate conditions.

4. #I19-08 Application of John Zyrilis-Agent for Kerstine, LLC, Applicant, Kerstine, LLC, Owner, relative to 85 Sackett Point Road.

Mr. Bumsted moved to approve the application; Mrs. Beacom seconded the motion. The Commission voted as follows:

Trojanowski – aye Bumsted – aye Juniewicz – aye Libero – aye Miller – aye Beacom – aye

The application was approved with appropriate conditions.

INFORMAL: None

OTHER: None

ENFORCEMENT ACTIONS: None

EXTENSIONS: None

PERMITTED USES AS OF RIGHT: None

BOND RELEASES & REDUCTIONS:

- 124 Mansfield Avenue, #117-04

Mr. J. Andrew Bevilacqua, Town Engineer presented the request for a bond release in the amount of \$17,000.

Mr. Bumsted moved to approve the application; Mr. Libero seconded the motion. The Commission voted as follows:

Trojanowski – aye Bumsted – aye Juniewicz – aye Libero – aye Miller – aye Beacom – aye

The bond release was approved.

CORRESPONDENCE: - Pfizer letter

The correspondence was briefly discussed.

MEETING SCHEDULE: 2020 Meeting Dates

Mr. Bumsted moved to approve the 2019 Meeting Dates; Mr. Miller seconded the motion. The Commission voted as follows:

Trojanowski – aye Bumsted – aye Juniewicz – aye Libero – aye Miller – aye Beacom – aye

The Meeting Dates were approved.

MINUTES:

- April 24, 2019

Mr. Bumsted moved to approve the April 24, 2019 meeting minutes; Mrs. Beacom seconded the motion. The Commission voted as follows:

Trojanowski – aye Bumsted – aye Miller – aye Beacom – aye

EXECUTIVE SESSION:

1. Discuss the status of the pending litigation of Laura Magaraci, et al. v. Robert P. Neubig, et al., and possible action relating to same.
2. Consider whether to convene in executive session to discuss the status of the pending litigation of Laura Magaraci, et al. v. Robert P. Neubig, et al.

Mr. Bumsted moved to enter Executive Session at 8:35 PM; Ms. Juniewicz seconded the motion. The Commission invited Jennifer Coppola, Town Counsel, Alan Fredricksen, Land Use Administrator, J. Andrew Bevilacqua, Town Engineer, and Laura Magaraci, Zoning Enforcement Officer, into Executive Session. The Commission voted as follows:

Trojanowski – aye Bumsted – aye Juniewicz – aye Libero – aye Miller – aye Beacom – aye

Mr. Bumsted moved to exit Executive Session at 9:01 PM; Mr. Libero seconded the motion. The Commission voted as follows:

Trojanowski – aye Bumsted – aye Juniewicz – aye Libero – aye Miller – aye Beacom – aye

Mr. Trojanowski read the following motion into the record:

I make a motion to Authorize Town Counsel Jennifer Coppola and Wetlands Enforcement Officer Laura Magaraci, Land Use Administrator Alan Fredricksen, and Town Engineer Andrew Bevilacqua to negotiate the final terms of, and Attorney Coppola to execute, a Stipulation for Judgement in the pending wetlands enforcement action of Laura Magaraci, Inland Wetlands Commission of the Town of North Haven, and Town of North Haven v. Robert P. Neubig and Neuco Corp., which Stipulation shall include but not limited to terms which allow for the release of a cash bond in the amount of \$15,000 currently being held against the subject property at 480 Valley Service Road for Wetlands Application #I10-05 to be held in escrow by one or both of the Parties' counsel to be disbursed solely for payment of expenses or costs associated with the proper removal and disposal of all solid waste from the property in compliance with all applicable statutes and regulations; Mr. Bumstead seconded the motion. The Commission voted as follows:

Trojanowski – aye Bumsted – aye Juniewicz – aye Libero – aye Miller – aye Beacom – aye

ADJOURN:

Mr. Bumsted moved to adjourn the meeting; Mr. Libero seconded the motion. The meeting was adjourned at 9:04 PM.