

# Inland Wetlands And Watercourses Agency



Chair	Joseph Carta	
Vice-Chair	Ken McClellan	
Members	Fred Terrasi	Trevor Davis
	David Pritchard	Jennifer Greenberg
	Jared Lynch	Vacant
	Vacant	Vacant
Alternates	Jack Pieper	Paul Dyka
	Christine Raczka	Vacant
Staff	James Sipperly, Environmental Planner	

## REGULAR MEETING MINUTES

Wednesday – March 4, 2026

Meeting held in person only, Municipal Building, Common Council Chambers  
6:00pm. A video tape of this meeting was recorded.

Present: Joe Carta  
Ken McClellan  
Fred Terrasi  
Jennifer Greenberg  
Jared Lynch  
Jack Pieper  
Paul Dyka

Absent: Trevor Davis  
David Pritchard  
Christine Raczka

Public: Michael Doherty, David Winkel, Scott Lana

Staff: Marek Kozikowski, Director of Land Use

### A. Call to Order

1. Chairman J. Carta called the meeting to order at 7:03pm and led the Pledge of Allegiance. A quorum was determined.

### B. Public Forum – on items not on the agenda

None.

### C. Public Hearing

1. **Proposed construction of a multi-use trail from Kaplan Drive to Tuttle Road.**  
**Applicant/Agent: Michael T. Doherty/SLR Consulting, W2026-1.**

M. Kozikowski introduced the application. M. Kozikowski stated that this is a city project. This segment is part of an extensive trail that is being developed through Connecticut.

Michael Doherty, with SLR Consulting, presented the application. M. Doherty described the areas of wetlands that are along the proposed trail. They will be replacing the concrete sidewalk that runs along Kaplan Drive and around the school with a concrete ten foot wide trail. There will be two boardwalk pressure treated structure wetlands crossings. One boardwalk crossing will impact 710 square feet of wetlands. The second boardwalk will impact of 550 square feet of wetlands on the trail to Tuttle Road. Once you cross Tuttle Road, you can connect with the Mattabessett Trail or

eventually to the Westlake bikeway. This trail is about 0.7 miles from Kaplan Drive to Tuttle Road. There will be 4,900 square feet of direct wetlands impact.

David Winkel, 418 Mile Lane, asked what the life expectancy of the boardwalks are.

Scott Lana, 80 Hemlock Place, commented that the public hearing signs weren't posted for very long. S. Lana then asked about the maintenance of the trail and about the next phase of this trail.

M. Doherty responded to D. Winkel's inquiry stating that he can't give a number of years the boardwalks will last, but they have used these same boardwalks in other projects and they have lasted for decades and haven't had any issues with them.

M. Kozikowski responded to S. Lana's inquiries. The public hearing signs were posted per the regulations. One sign was posted at the intersection of Mile Lane and Kaplan Drive and another sign was posted on Tuttle Road. Abutting property owners were mailed notice of the public hearing. As for the upkeep and maintenance of the trail, that falls under the Public Works Department. The next step will be to connect Mile Lane to the Arrigoni Bridge. The design of this trail has been done in consultation with the Board of Education Officials. M. Kozikowski has had multiple conversations with the principle of Lawrence School. He also presented this plan at a PTA meeting. The PTA brought up safety concerns. M. Kozikowski stated that they added fencing along the driveway and parking area and moved the crosswalk away from the school. An outdoor class room was added in response to parent's desire to keep the school connected to the surrounding nature.

J. Carta asked where the vernal pools are located.

M. Doherty responded there are no vernal pools in the area of the trail. The vernal pools are located to the west of the area.

J. Carta asked if there will be any wetlands enhancements.

M. Doherty responded yes. They will be putting back some vegetation as well as trees.

Motion to close the public hearing.

Moved by K. McClellan, seconded by F. Terrasi.

Passed unanimously: 6-0.

## D. Old Business

### **1. Proposed construction of a multi-use trail from Kaplan Drive to Tuttle Road located at Mile Lane (Map-Lot: 10-0147). Applicant/Agent: Michael T. Doherty/SLR Consulting. W2026-1.**

Staff read the following draft motion into the record:

IWWA APPLICATION W 2026-01

Applicant/Agent: Michael T. Doherty, PLA/SLR Consulting

Draft Motion:

That the Inland Wetlands and Watercourses Agency (hereinafter, "Agency"), having considered application 2026-01 with due regard to the criteria enumerated in Section 22a-41 of the Connecticut General Statutes and Section 8 of the Inland Wetlands & Watercourses Regulations of

the City of Middletown finds the following:

1. That the proposed activities are to create a public recreational multi-use trail from Kaplan Drive to Tuttle Road using bituminous concrete with two helical pile support timber boardwalks spanning two wetland areas. Excavation and filling with on-site material will utilized to meet the required slopes at each wetland crossing.
2. That this trail segment will eventually CT to a state wide trail system connecting the existing Airline Trail and the Farmington Canal Linear Park and the regional East Coast Greenway.
3. That the multi-use trail will consist of a 10' wide paved pathway that is 0.9 miles in length.
4. That a total of 4,900sqft of permanent wetland impacts are proposed by this project primarily consisting of excavation and filling along the existing Lawrence School parking lot.
5. That the project will implement all applicable BMP's to protect wetlands and water quality during construction. An E&S control plan in accordance with the 2004 CT Guidelines for Soil Erosion and Sedimentation Control has been developed and is depicted on Sheets SP-01 to SP-08.
6. Clearing limits will be flagged, field verified and approved by the Environmental Planner prior to any removals. In all instances, disturbed soil beyond the pavement will be topsoiled and seeded to reestablish vegetative cover.
7. That the pavement thickness should be 3" not 4". 1.5" of S0.5 base course and then 1.5" of S0.375 top course as recommended by the City Engineer, Tom Nigossanti.
8. That the proposed work, as specified and conditioned below, is in conformance with the purposes and provisions of said sections and furthermore, will not have a significant adverse effect on the adjacent inland wetlands and watercourses.

Therefore, permit # W 2026-01 is granted, with conditions, to allow the following regulated activities as depicted on the submitted plan entitled:

"Newfield Multi-use Trail, Phase I, Kaplan Drive to Tuttle Road, Middletown, CT, dated January 28, 2026, scale as shown, sheets – IN, RAP, EX-01-EX-04, SP-01-SP-08, & SD=01-SD-03, prepared by SLR of Cheshire CT"

This Permit is issued by the Agency subject to the following conditions and/or modifications as follows:

1. If the authorized activity is not completed within five (5) years from the date of approval by the Agency that is, on or before March 4, 2031 said activity shall cease and, if not previously revoked or specifically extended, this Permit shall be null and void.
2. The permittee shall notify the Wetlands Officer immediately upon the commencement of work and upon its completion.
3. Prior to the commencement of any site work, the Permittees and/or their agent shall properly install any and all sedimentation and erosion (S&E) control measures as depicted on the site plans approved by the Agency. Changes to S&E controls may be made in order to accommodate field conditions so long as they provide equal or greater protection against S&E into the regulated wetlands and upland review area.
4. A copy of the plans approved by the Agency shall be kept at the job site for the duration of construction activities as approved herein.
5. During construction, as represented to the Agency, no material shall be stockpiled within the regulated area or in areas other than those depicted on the site plans approved by the Agency.
6. The City reserves the right to inspect the site work area at any time from commencement to conclusion of the property to ensure permit conditions and compliance with the regulations is being met.

7. All sedimentation and erosion control devices shall remain in place until the end of construction and the site is deemed stabilized by the City's Wetlands Enforcement Officer or other authorized agent of the Land Use Department. An inspection can be scheduled by calling 860-638-4590.
8. All work, including all regulated activities conducted pursuant to this authorization, shall be consistent with the terms and conditions of this Permit. Any structures, excavation, fill, obstructions, encroachments, and/or regulated activities not specifically identified and authorized herein shall constitute a violation of this Permit and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the Permittees accept and agree to comply fully with all terms and conditions of this Permit.
9. No equipment or material including, without limitation, fill, construction materials and/or debris, shall be deposited, placed, and/or stored in any regulated area, on or off site, unless specifically authorized by this Permit.
10. The authorizations and activities set forth in this Permit are not transferable without the written consent of the Agency or its Authorized Agent.
11. In evaluating this application, the Agency has relied on information provided by the Permittees. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, this Permit may be modified, suspended, or revoked by the Agency.
12. If applicable, flagging associated with the wetland boundary shall remain until the completion of construction activities and shall not be removed until all work is complete and the site is stabilized.
13. The Permittee shall employ best management practices, consistent with the terms and conditions of this Permit, to control stormwater discharge, to prevent erosion and sediment migration beyond the work area(s), and to otherwise prevent pollution of inland wetlands and watercourses. The Permittees shall immediately inform the City's Inland Wetlands Enforcement Officer of any problems related to activities in the regulated area, which have been impacted during the course of, or caused by, the authorized work.
14. This Permit is subject to, and does not detract from, any present or future property rights or other rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected hereby.
15. Nothing in these regulations shall obviate any requirement for the Permittee to obtain any other assent, permit, or license required by law and/or regulation by the Government of the United States, the State of Connecticut, or any other political subdivisions thereof. Obtaining such assents, permits, and/or licenses is solely the responsibility of the Permittee.
16. That any storage of fuel, oils and other chemicals on the site shall be stored in a secondary container to prevent the possibilities of spills and/or leaks.

Motion to approve the staff wording.

Moved by K. McClellan, seconded by P. Dyka.

Passed unanimously: 6-0.

**2. Proposed request for a temporary wetlands crossing to access phase II located at 530-534 Newfield Street. Applicant/Agent: Bob Dale/Newfield Residential Partners, LLC. W2026-2.**

Ron Bomengen, professional engineer with Fuss & O'Neill, presented the application. R. Bomengen is requesting a temporary drive through the low quality wetlands to access phase II. In his discussions with James Sipperly, they agreed that this was the most appropriate location for the drive. At the previous wetlands meeting, J. Sipperly requested a restoration plan. R. Bomengen provided that restoration plan.

K. McClellan asked the applicant to go through the restoration process.

R. Bomengen explained that they do not plan to regrade the wetlands crossing. They plan to remove the process aggregate, remove the fabric, add 12 inches of top soil and then seed it.

J. Carta commented that they have to replace wetland soils with wetland soils, not top soil. The applicant should stockpile the removed wetlands soils and when they go to restore the area, put the wetland soils back.

J. Carta asked where the drive will be entering from Newfield Street.

R Bomengen responded the driveway that accesses the transmission lines. Same entrance for phase I.

Staff read the following draft motion into the record:

IWWA APPLICATION W 2026-02

Applicant/Agent: Bob Dale/ Newfield Residential, LLC

Draft Motion:

That the Inland Wetlands and Watercourses Agency (hereinafter, "Agency"), having considered application 2026-02 with due regard to the criteria enumerated in Section 22a-41 of the Connecticut General Statutes and Section 8 of the Inland Wetlands & Watercourses Regulations of the City of Middletown finds the following:

1. That this application is a request to temporarily cross a wetland to gain access to the remaining development Phase II known as Springside off of Newfield Street.
2. Soils removed in the wetland areas for the purpose of constructing the construction access drive shall be stockpiled on site and replaced when the construction access driveway is removed.
3. That Phase I is completed including finished grading, paving and landscaping. To gain access to Phase II through the finished development of Phase I, it would severely disrupt the present tenant's way of life and create damage to existing infrastructure by heavy construction equipment passing through on a daily basis.
4. That the proposed temporary wetland crossing is in an area that was previously disturbed by work along the existing power lines in the past. This area was also the area that was disturbed many years ago as a result of removing clay in the old clay pits.
5. That the total impact of the regulated area is 0.27 acres and the total area of a watercourse to be altered is 0.08 acres.
6. That the wetland area is comprised of mostly invasive species including but not limited to phragmites and multiflora rose.
7. That the temporary disturbance will be for approximately 12 months and a detailed restoration plan has been submitted entitled "Restoration Plan, Newfield Street, dated 1/23/26, scale 1"=40' prepared by Fuss & O'Neil Engineers"
8. That the proposed work, as specified and conditioned below, is in conformance with the purposes and provisions of said sections and furthermore, will not have a significant adverse effect on the adjacent inland wetlands and watercourses.

Therefore, permit # W 2026-02 is granted, with conditions, to allow the following regulated activities as depicted on the submitted plan entitled:

"Springside Middletown – Phase II, Newfield Street, Middletown, dated October 10, 2025 CT scale as

shown, prepared by Fuss & O'Neil Engineers"

This Permit is issued by the Agency subject to the following conditions and/or modifications as follows:

1. If the authorized activity is not completed within five (5) years from the date of approval by the Agency that is, on or before March 4, 2031 said activity shall cease and, if not previously revoked or specifically extended, this Permit shall be null and void.
2. The permittee shall notify the Wetlands Officer immediately upon the commencement of work and upon its completion.
3. Prior to the commencement of any site work, the Permittees and/or their agent shall properly install any and all sedimentation and erosion (S&E) control measures as depicted on the site plans approved by the Agency. Changes to S&E controls may be made in order to accommodate field conditions so long as they provide equal or greater protection against S&E into the regulated wetlands and upland review area.
4. A copy of the plans approved by the Agency shall be kept at the job site for the duration of construction activities as approved herein.
5. During construction, as represented to the Agency, no material shall be stockpiled within the regulated area or in areas other than those depicted on the site plans approved by the Agency.
6. The City reserves the right to inspect the site work area at any time from commencement to conclusion of the property to ensure permit conditions and compliance with the regulations is being met.
7. All sedimentation and erosion control devices shall remain in place until the end of construction and the site is deemed stabilized by the City's Wetlands Enforcement Officer or other authorized agent of the Land Use Department. An inspection can be scheduled by calling 860-638-4590.
8. All work, including all regulated activities conducted pursuant to this authorization, shall be consistent with the terms and conditions of this Permit. Any structures, excavation, fill, obstructions, encroachments, and/or regulated activities not specifically identified and authorized herein shall constitute a violation of this Permit and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the Permittees accept and agree to comply fully with all terms and conditions of this Permit.
9. No equipment or material including, without limitation, fill, construction materials and/or debris, shall be deposited, placed, and/or stored in any regulated area, on or off site, unless specifically authorized by this Permit.
10. The authorizations and activities set forth in this Permit are not transferable without the written consent of the Agency or its Authorized Agent.
11. In evaluating this application, the Agency has relied on information provided by the Permittees. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, this Permit may be modified, suspended, or revoked by the Agency.
12. If applicable, flagging associated with the wetland boundary shall remain until the completion of construction activities and shall not be removed until all work is complete and the site is stabilized.
13. The Permittee shall employ best management practices, consistent with the terms and conditions of this Permit, to control stormwater discharge, to prevent erosion and sediment migration beyond the work area(s), and to otherwise prevent pollution of inland wetlands and watercourses. The Permittees shall immediately inform the City's Inland Wetlands Enforcement Officer of any problems related to activities in the regulated area, which have been impacted during the course of, or caused by, the authorized work.
14. This Permit is subject to, and does not detract from, any present or future property rights or other rights or powers of the State of Connecticut, and conveys no property rights in real

estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected hereby.

15. Nothing in these regulations shall obviate any requirement for the Permittee to obtain any other assent, permit, or license required by law and/or regulation by the Government of the United States, the State of Connecticut, or any other political subdivisions thereof. Obtaining such assents, permits, and/or licenses is solely the responsibility of the Permittee.
16. That any storage of fuel, oils and other chemicals on the site shall be stored in a secondary container to prevent the possibilities of spills and/or leaks.
17. That a bond calculated by the Town Engineer covering the erosion and sedimentation control measure costs shall be submitted to the City of Middletown using a bank check or money order prior to the commencement of construction activities.

Motion to approve with the amendments that wetland plants and seeds be used for replanting as well as adding a truck pad to the entrance and for Newfield Street to be cleaned daily or as needed.  
Moved by K. McClellan, seconded by F. Terrasi.  
Passed unanimously: 6-0.

#### **E. New Business**

- 1. Proposed construction of a single family home on Lot 1 located at Arbutus Street (Map-Lot: 38-0183) within the upland review area. Applicant/Agent: Anthony Garofalo. W2026-3.**

Motion to accept the application and schedule it as regular business on April 1, 2026.  
Moved by F. Terrasi, seconded by K. McClellan.  
Passed unanimously: 6-0.

#### **F. Agency Review**

None.

#### **G. Reports of Officers and Committees**

None.

#### **H. Minutes**

- 1. Special meeting February 11, 2026**

Motion to approve the minutes of the February 11, 2026 special meeting.  
Moved by K. McClellan, seconded by F. Terrasi.  
Passed: 6-0-1 (J. Greenberg abstained)

#### **I. Communication and Bills**

None.

#### **J. MIWWA regulation amendments and Official Wetlands Map**

K McClellan suggested a commission discussion and review of the proposed regulations at the April 1, 2026 meeting. This will be an agenda item for April under Commission Review.

## **K. Adjournment**

Motion: To adjourn at 8:16 pm

Moved by K. McClellan; seconded by J. Pieper.

Passed unanimously: 6-0.

Respectively Submitted,

Marek Kozikowski, AICP  
Director of Land Use