



TOWN OF OLD SAYBROOK
**Inland Wetlands & Watercourses
Commission**

www.oldsaybrookct.gov

*J. Colin Heffernan, Chairman
Charles A. Wehrly, III, Vice Chairman
Charles W. Savage*

*Alyse Oziolor (Conservation)
Madeleine B. Fish (Zoning)
Paula S. Kay (Planning)
Vacancy (Economic Development)*

Alternate Members
*Elizabeth D. Steffen, Secretary
Janis L. Esty*

MINUTES
REGULAR MEETING
Thursday, May 21, 2020 at 7:00 P.M.
Via Teleconference

I. CALL TO ORDER

The Vice-Chairman called the regular meeting to order at 7:07 p.m.

II. ROLL CALL

Members Present and Seated: C. Heffernan (arrived at 7:10), C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen, J. Esty

Members Absent: M. Fish

Staff Present: P. Hegge, Environmental Planner; L. Wacker, Recording Clerk

A. Oziolor stated that she has been sworn in as a member of the IWWC representing the Conservation Commission and is no longer an alternate member.

III. PUBLIC HEARING

20-004 “Lycurgus, LLC” Application to Conduct a Regulated Activity

Construction of a bioretention/recharge basin for storm water management, construction of a 14 storage unit, and fence.

97 Old Middlesex Turnpike, (Map 41/Lot 09)

Owner: Lycurgus, LLC

Agent: Robert Doane, P.E.L.S.

ACTION: *Open public hearing, continue or close by 6/18/2020 (NLT 6/24/2020)*

C. Heffernan arrived and opened the public hearing. Robert Doane, P.E.L.S. was in attendance to represent the applicant. Mr. Doane explained that since the last meeting they have submitted an extensive storm water report, the proposed bio-retention basin has been enlarged, the shape of the building has been slightly changed and the driveway will go all the way around the building to accommodate emergency vehicle access. They have also clarified the upland review area delineation and added the vegetation/tree line to the site plan. Five trees that are proposed to be removed will be replaced with nine trees. The storm water report indicates that the project will have no significant impact on the wetland. Mr. Doane asked if there were any questions.

C. Heffernan asked P. Hegge if they had received a review letter from G. Jacobson. P. Hegge stated they did not receive a letter because Mr. Jacobson did not have sufficient time to do a review before the meeting. C. Heffernan asked if Mr. Jacobson’s comments could still be received if the public hearing were closed tonight. P. Hegge, E. Steffen and Mr. Doane all stated that they could be received.

D. Lyga, a member of the audience, stated her concerns about the project, including the residential nature of the street with families and children living there, the potential increase in traffic, potential drainage problems, and potential contamination of the property from commercial vehicles and any future uses that will be allowed on the property.

A. Oziolor stated concerns about the impacts of removing vegetation around the wetland and would prefer to see the project moved to allow the wetland vegetated buffer to be preserved if possible. B. Doane replied that they would look into putting some trees in the bio-retention basin and a discussion of that option followed.

MOTION to close the public hearing and continue the matter (20-004) “Lycurgus, LLC”, 97 Old Middlesex Turnpike, (Map 41/Lot 09), to the next regular meeting of the IWWC to take into account the comments of G. Jacobson; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, E. Steffen, A. Oziolor, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 7-0-0.

IV. OLD BUSINESS

“Auld” Violation

Cease & Desist Order issued on October 24, 2019.

Placement of fill in wetlands and within the 100’ upland review area.

6 Trails End (Map 16/Lot 68-4)

Owners: Christopher & Kerry Auld

ACTION: *Continue discussion of violation.*

No one was in attendance to represent the owners. P. Hegge stated that C. Auld did submit a landscaping plan. The owners are continuing to mitigate the situation and the wetlands appear to be regenerating. He will continue to follow up with them.

A. Oziolor commented that it is unclear from the plan what plants are proposed, and they should make sure that the plantings are native species. More cattails may not be needed.

MOTION to continue the “Auld” Discussion of Violation for 6 Trails End (Map 16/Lot 68-4) to the next regular meeting on June 18, 2020 for compliance oversight and to hear from an Auld representative; **MADE:** by C. Heffernan; **SECONDED:** by A. Oziolor; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 7-0-0.

V. NEW BUSINESS

A. 20-005 “Pear” Application to Conduct a Regulated Activity

Clear out ditch where stream flows down from hill and within 100’ upland review area.

76 Bokum Road, (Map 57/Lot 17)

Owner: Barbara Pear

ACTION: *Received 5/21/2020, Review for completeness, Accept application and determine if regulated activities are significant.*

David Pear, husband of owner Barbara Pear, was in attendance. Mr. Pear explained that they are proposing to use a backhoe to clear out a small stream which has become occluded. They are considering subdividing their land.

C. Heffernan asked if the property is currently being farmed. Mr. Pear replied that someone takes the hay once a year or more. C. Heffernan stated that the map does not indicate where the pond and stream are, or where the proposed disturbance would take place. He would like to see a complete application so they can determine whether the activity is significant.

Mr. Pear asked for guidance about what he needs to do. P. Hegge suggested hiring a soil scientist to determine where the wetlands and watercourses are. C. Heffernan explained the application process, and suggested the applicant check with Town Hall to see if they already have a map on file. There was further discussion of the stream, and C. Heffernan agreed it would be a good idea to consult a soil scientist, but that it is up to the applicant.

MOTION to deem the application (20-005) "Pear", 76 Bokum Road (Map 57/Lot 17) incomplete, and instruct the applicant to take the comments made by the members regarding providing more detailed information so the members can have a more thorough understanding of what is being proposed and deliberate; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, M. Fish, P. Kay, A. Oziolor, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 7-0-0.

B. 20-006 "Clifford" Application to Conduct a Regulated Activity

Installing an above ground pool and within 100' upland review area.

28 Willard Avenue, (Map 24/Lot 91-1)

Owner: Ian S. & Sandra E. Clifford

ACTION: *Received 5/21/2020, Review for completeness, Accept application and determine if regulated activities are significant.*

Ian Clifford was in attendance. Mr. Clifford explained that they are proposing a deck and 24' diameter above-ground pool. C. Wehrly asked several questions about the proposal. Mr. Clifford answered that materials would be brought in by a small dump truck, the footings would sit on the ground and would be hand dug, there is an existing screen porch and steps going down to a patio, and the distance to the wetland is approximately 25' which he can verify. The septic system is located in the front of the house, which he can add to the drawing. C. Heffernan asked where the pool water would be discharged. Mr. Clifford replied that it would be directed away from the wetland. A. Oziolor asked how much ground disturbance would take place. Mr. Clifford replied that there would be none since the pool will sit on top of the ground.

MOTION to accept the application (20-006) "Clifford", 28 Willard Avenue (Map 24/Lot 91-1) as complete, subject to providing the additional information requested by C. Wehrly, and deem the regulated activities not significant with no Ord. 71 fees required; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, E. Steffen, P. Kay, A. Oziolor, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 7-0-0.

C. **20-007 “Town of Old Saybrook/Department of Public Works” Application to Conduct a Regulated Activity**

Regrading & paving Mulberry Street.

Owner: Town of Old Saybrook Applicant: Department of Public Works

ACTION: Received 5/21/2020, Review for completeness, Accept application and determine if regulated activities are significant.

P. Hegge explained the Town is proposing the regrading and paving of Mulberry St. within the upland review area. The commission members had a number of questions, including the specific project location and proposed erosion control measures, which could not be answered without a DPW representative present.

MOTION to accept the application (20-007) “Town of Old Saybrook/Department of Public Works”, Mulberry Street, as complete, deem the activity significant, and to move the adjudication of the merits of the proposal to the next regular meeting; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, E. Steffen, P. Kay, A. Oziolor, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 7-0-0.

VI. **REGULAR BUSINESS**

A. **Meeting Minutes: April 16, 2020**

P. Kay stated that in regard to “Auld”, she would like to replace “wouldn’t rush the planting” with “she didn’t want to rush them in coming up with a plan as they wanted an opportunity, that is time, to see what native vegetation would appear.”

MOTION to approve the regular meeting minutes of February 20, 2020 as amended by P. Kay; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, J. Esty, P. Kay, A. Oziolor, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

B. **Correspondence & Announcements**

There was no correspondence or announcements.

C. **Committee, Representative & Staff Reports**

C. Heffernan stated that wetlands training is being offered by DEEP and encouraged all members to go through the training.

P. Hegge reported that there was a septic effluent outbreak at 42 Bokum Road, making an emergency repair necessary. C. Heffernan would like to see some record of what was done once it is repaired. B. Doane stated that there is a site plan and they have treated it as a regulated activity. They are working with the health district and they are providing sedimentation and erosion control. He will provide an as-built when they are finished.

“Nichols” Permit #18-013

11 River Edge, (Map 64/Lot 019-01)

Owner: James Nichols

ACTION: *IWEO to report on status of maintenance on existing pond to remove sand and invasive species.*
IWWC deadline: 8/29/2020

P. Hegge reported that the applicant has not started the permitted work and would like to extend the permit which expires 8/29/2020. The commission members discussed the administrative aspects of the request and the nature of the work proposed. P. Hegge to obtain more information about the project and provide an update at the next meeting.

VII. ADJOURNMENT

<p>MOTION to adjourn the meeting at 9:10 p.m. to June 18th, 2020 at 7:00 p.m., Town Hall, 302 Main Street; MADE: by C. Heffernan; SECONDED: by E. Steffen; VOTING IN FAVOR: C. Heffernan, C. Wehrly, C. Savage, P. Kay, J. Esty, E. Steffen, A. Oziolor; OPPOSED: None; ABSTAINING: None; APPROVED: 7-0-0.</p>
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Respectfully Submitted,

Lynette Wacker
Recording Clerk