



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, July 16, 2020 at 7:00 P.M.
Via Teleconference

I. CALL TO ORDER

The Chairman called the teleconference to order at 7:00 p.m.

II. ROLL CALL

Members Present: C. Heffernan, C. Wehrly, C. Savage, P. Kay, M. Fish, A. Oziolor, E. Steffen, J. Esty

Members Absent: None. M. Fish stepped down to allow both E. Steffen and J. Esty to be seated

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

III. OLD BUSINESS

A. 20-008 “Carroll” Application to Conduct a Regulated Activity

Extension of existing above ground deck of 650 sf, install hot tub, 32' x 16' semi in-ground pool, 205 sf paver walkway, 355 sf crushed stone driveway, and fence.

179 Ingham Hill Road (Map 51/Lot 2)

Owner: Matthew & Alicia Carroll

ACTION: *Consider proposed activity, deliberate and act.*

Mr. Carroll was present and explained that he submitted a revised drawing which shows they are no longer proposing an extended deck and there will instead be a stone patio going around a portion of the pool. The existing deck and topography are also now shown on the plan. C. Wehrly asked if the latest plan was dated 7/1/20 because he does not see a change in the deck location. Mr. Carroll explained the changes to the deck layout. A. Oziolor asked about the patio location. C. Wehrly and A. Oziolor would like to see an updated plan clearly showing the changes. C. Heffernan stated he would be comfortable with asking the applicant to add those clarifications to the plan as a stipulation of approval in order to move ahead.

MOTION to approve the application (20-008) “Carroll”, 179 Ingham Hill Road (Map 51/Lot 2) subject to the applicant’s concession that he will resubmit a revised map showing that there will be grass between the edge of the pool toward the edge of the wetland and will also delineate where any other walkway to the pool will be that does not constitute a substantial addition of impervious material; **MADE:** by C. Heffernan;

SECONDED: by A. Oziolor; **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.

B. 20-009 “Muir” Application to Conduct a Regulated Activity

Construction of a 12,000 sf business office and warehouse building, install paved driveway and parking lot, utility shed, landscaping, leaching system, and within 100’ upland review area.

92 Spencer Plains Road (Map 46/Lot 16)

Owner: Estate of Henry Syvertsen Applicant: John Muir

ACTION: *Consider proposed activity, deliberate and act.*

Joe Wren was present representing the applicant. Mr. Wren explained that soil scientist R. Snarsky reviewed the invasive species on the site and submitted a letter explaining his findings. There was also a minor change to the plan to incorporate the comments in this letter. The plan indicates the spoil pile to be removed and invasive species to be eradicated. The plan also shows some minor updates to grading to accommodate the final drainage design, but nothing that would impact the wetlands. A. Oziolor asked if the drainage would be reviewed. Mr. Wren replied that would happen during the zoning review.

MOTION to approve the application (20-009) “Muir”, 92 Spencer Plains Road (Map 46/Lot 16) as submitted and revised as of 7/16/20; **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. 20-010 “Foulkes” Application to Conduct a Regulated Activity

Construct a second story 18’ x 16’ deck.

6 Merritt Lane (Map 52/Lot 3-1)

Owner: Risha Foulkes & Robert Wertheimer

ACTION: *Consider proposed activity, deliberate and act.*

Risha Foulkes was present and gave an overview of the proposal. A. Oziolor asked whether the deck would be on the ground and if heavy machinery would be used. Ms. Foulkes stated that only three support posts would be placed in the ground and no heavy machinery will be used.

MOTION to approve the application (20-010) “Foulkes”, 6 Merritt Lane (Map 52/Lot 3-1) as submitted; **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.

D. “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.*

P. Hegge reported that Mr. Sipperly submitted a letter dated July 9, 2020 and there were also some recent photos submitted. P. Hegge stated that it appears that the native vegetation has regenerated in the wetlands, providing food and shelter for native wildlife. P. Hegge would like to have the net square footage of the wetland determined. C. Heffernan stated that they eventually need to reach a resolution. A. Oziolor asked whether the gravel area in Exhibit 1 was recently placed or existing. P. Hegge was unsure about the gravel. C. Heffernan would like to have the Aulds or a representative at the next meeting to answer the commission's questions.

MOTION to continue the "Auld" Discussion of Violation for 6 Trails End (Map 16/Lot 68-4) to the next regular meeting on August 20, 2020 for compliance oversight; **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.

IV. NEW BUSINESS

- A. **20-011 "Captain Dolbeare, Inc" Application to Conduct a Regulated Activity**
Demolishing an existing 2-story dwelling, and constructing a new 2-story dwelling, covered porch, remove existing septic system and install new septic and leaching system within the 100' upland review area.
52 Cromwell Place (Map 32/Lot 20-2)
Owner: Captain Dolbeare, Inc.
ACTION: *Received 7/16/2020, Review for completeness, Accept application and determine if regulated activities are significant.*

Joe Wren was present to represent the applicant. Mr. Wren gave an overview of the project and explained that there is just a sliver of the new house within the 100' upland review area. There will be an overall reduction in area of disturbance within the upland review area. A. Oziolor asked for an estimate of the total existing impervious surface vs. proposed. Mr. Wren answered that the proposed pervious area is probably the same or less than existing.

MOTION to accept the application (20-011) "Captain Dolbeare, Inc.", 52 Cromwell Place (Map 32/Lot 20-2) as complete, and to determine it is not significant with no Ord. 71 fees required; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **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.

- B. **20-012 "Provence Land Company, LLC" Application to Conduct a Regulated Activity**
Construction of a bioretention/recharge basin for stormwater management within the 100' upland review area.
1325 Boston Post Road (Map 27/Lot 24-1)
Owner: Charles E. Adlemann & Kevin P. Kelly et al
ACTION: *Received 7/16/2020, Review for completeness, Accept application and determine if regulated activities are significant.*

Bob Doane was present to represent the applicant, Provence Land Co., LLC, the contract purchaser of the vacant property. Mr. Doane explained the proposal which includes the construction of a 6,000 square foot building for a tree service facility. Mr. Doane explained that there are no on-site wetlands. There is a small drainage area in the northwest corner of the property. P. Kay asked about the trees proposed within the storm water basin. Mr. Doane explained that the trees within the basin do not affect the basin's capacity or effectiveness. C. Wehrly asked about the uses proposed within the building. Mr. Doane explained that the tree service vehicles will undergo minor maintenance within an area of the building. The floor drain is sealed and will not discharge. Mr. Doane will provide building plans and a more complete description of the maintenance uses within the building. A. Oziolor asked whether customers would be going onto the property. Mr. Doane replied that few customers were expected onsite and read from the Statement of Use which outlined the number of employees, vehicles and hours of operation. A. Oziolor suggested using a pervious paving and asked about the storm water management plan. She also stated that the trees within the basin were not necessary since they would not be benefitting the wetland, but she would prefer to see more tree coverage along the wetland boundary.

MOTION to accept the application (20-012) "Provence Land Company, LLC", 1325 Boston Post Road (Map 27/Lot 24-1) as complete, and to determine it is not significant with no Ord. 71 fees required; **MADE:** by C. Heffernan; **SECONDED:** by A. Oziolor; **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. **20-013 "Maynard" Application to Conduct a Regulated Activity**

Excavating and construction of a new 26' x 32' garage with new concrete foundation within the 100' upland review area.

27 Chalker Beach Road (Map 26/Lot 25)

Owner: Warren & Susan Lavena

ACTION: Received 7/16/2020, Review for completeness, Accept application and determine if regulated activities are significant.

No one was present to represent the applicant. The commission members stated that they had copies of the site plan but did not have the application. Without the application or anyone present to answer questions about the proposal, the commission members expressed that they could not act on the application. There was a discussion about the best way to move on the action.

MOTION to reject the application (20-013) "Maynard", 27 Chalker Beach Road (Map 26/Lot 25) because there was no one at the meeting to present the application; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Savage, E. Steffen; **OPPOSED:** C. Wehrly, A. Oziolor, P. Kay, J. Esty; **ABSTAINING:** None; **MOTION FAILED:** 3-4-0.

MOTION to table the application (20-013) "Maynard", 27 Chalker Beach Road (Map 26/Lot 25) to the next regularly scheduled meeting on August 20, 2020; **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.

V. REGULAR BUSINESS

A. Meeting Minutes: June 18, 2020

MOTION to approve the regular meeting minutes of June 18, 2020 as presented; **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

MOTION to pay an invoice for \$3,150.00, dated 6/30/20 from Attorney M. Cronin; **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.

C Heffernan stated that it was not fair to the commission members for applicants to submit meeting materials the day of the meeting and expect them to be reviewed them in time to make a determination that night. C. Heffernan tasked P. Hegge to look through the regulations to determine whether they can establish a cut-off time for the acceptance of materials to be considered at the meetings.

C Heffernan reported that P. Hegge has completed the necessary training to allow him to handle IWWC permits administratively, and that they should now come to a consensus as to what is right for administrative adjudication and what should come before the commission. C. Heffernan advised P. Hegge to come up with a proposal to discuss at the next meeting.

P. Hegge reported that that Conservation Commission has set the date for their annual coastal cleanup day as September 26, 2020.

C. Committee, Representative & Staff Reports

P. Hegge reported that a formal complaint was filed for brush-hogging without a permit on Bokum Road.

C Wehrly asked about the expenditure reports that were included in the packets. P. Hegge will get more information and report back at the next meeting.

C Wehrly asked P. Hegge whether any further information was received regarding the expiring permit for 11 Rivers Edge Road. P. Hegge responded that he reached out to the owner and has not received a response. C. Heffernan suggested putting the matter on the August agenda so the commission can act.

VI. ADJOURNMENT

MOTION to adjourn the meeting at 8:45 p.m. to August 20th, 2020 at 7:00 p.m., Town Hall, 302 Main Street or via teleconference; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **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.

Respectfully Submitted,

Lynette Wacker
Recording Clerk