



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

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*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, August 20, 2020 at 7:00 P.M.
Via Teleconference

I. CALL TO ORDER

The Chairman called the teleconference to order at 7:09 p.m.

II. ROLL CALL

Members Present: C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, J. Esty

Members Absent: M. Fish, E. Steffen

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

III. OLD BUSINESS

A. 20-011 “Captain Dolbeare, Inc” Application to Conduct a Regulated Activity

Demolition of existing 2-story dwelling, and constructing a new 2-story dwelling, removal of existing septic system and installation of new septic and leaching system within the 100’ upland review area.

52 Cromwell Place (Map 32/Lot 20-2)

Owner: Captain Dolbeare, Inc.

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

Joe Wren was in attendance representing the applicant. Having discussed the application at the previous meeting, there were no additional questions from the commission members.

MOTION to approve the application (20-011) “Captain Dolbeare, Inc.”, 52 Cromwell Place (Map 32/Lot 20-2); **MADE:** by C. Heffernan; **SECONDED:** by C. Wehrly; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 6-0-0.

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: *Consider proposed activity, deliberate and act.*

Bob Doane was in attendance representing the applicant. Mr. Doane explained that R. Snarsky reviewed the proposal and submitted a letter which stated that the proposal will not have an adverse impact on the wetlands. The applicants would prefer to use pavement as proposed, with a bioretention basin to handle any stormwater runoff. Within the building there will be no oil changes or engine maintenance, just routine cleaning of the vehicles. Anything that goes into the floor drains will be contained, pumped and hauled away with no discharge onto the property.

MOTION to approve the application (20-012) “Provence Land Company, LLC”, 1325 Boston Post Road (Map 27/Lot 24-1); **MADE:** by C. Heffernan; **SECONDED:** by A. Oziolor; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 6-0-0.

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.

Tom Maynard was in attendance representing the applicants and explained the proposal. Mr. Maynard stated that the project will probably be a little smaller than originally proposed but will still be in the same location. C. Wehrly asked whether there will be roof gutters and downspouts, and suggested that they be directed away from the wetlands. A. Oziolor asked whether any trees would be removed, what driveway material would be used, and whether the concrete slab would be above the 100 year flood zone elevation. Mr. Maynard explained that the location was chosen to save a large oak tree; the driveway, other than the apron, would be crushed stone; and that the concrete slab would be above the 100 year flood elevation but does require flood vents.

MOTION to accept the application (20-013) “Maynard”, 27 Chalker Beach Road (Map 26/Lot 25) as complete, to determine it will not have a significant impact on the wetlands, and that no Ord. 71 fees are required; **MADE:** by C. Heffernan; **SECONDED:** by A. Oziolor; **VOTING IN FAVOR:** C. Heffernan, C. Savage, C. Wehrly, P. Kay, A. Oziolor, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

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.

No one was in attendance to represent the owners. P. Hegge reported that he did not have any updates on the progress of the work, and that he invited and was expecting Mr. Sipperly to join the meeting to answer any questions.

MOTION to schedule a formal Show Cause Hearing for “Auld” Violation, 6 Trails End (Map 16/Lot 68-4) at the next regular meeting on September 17, 2020; **MADE:** by C. Heffernan; **SECONDED:** by A. Oziolor; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 6-0-0.

E. **Discussion:** Review proposal on what is right for administrative adjudication.

P. Hegge submitted a document for discussion outlining the proposed tolerances for administrative permits. The document shows two categories of actions: as-of-right uses that would not require a permit and those which could be granted an administrative permit with no commission review required. The commission discussed the proposed tolerances. P. Hegge to clarify for utilities, driveways, and additions constructed on piers, what circumstances would trigger a commission review. Consider adding under “Considerations for application” the following: “Use or storage of any hazardous materials or contaminants” and “Animal Pen.” Also consider adding a minimum 25 foot setback for those same uses to be considered for an administrative permit. P. Hegge showed his certificate of completion for the Municipal Inland Wetlands Agency Comprehensive Training course.

MOTION to continue the discussion of administrative permits to the next regular meeting on September 17, 2020; **MADE:** by C. Heffernan; **SECONDED:** by A. Oziolor; **VOTING IN FAVOR:** C. Heffernan, C. Savage, C. Wehrly, P. Kay, A. Oziolor, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

IV. REGULAR BUSINESS

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

MOTION to approve the regular meeting minutes of July 16, 2020 as amended to replace “pervious” with “impervious” in the last sentence regarding the Cap’t Dolbeare (20-011) application; and to state “any walkway that does ~~not~~ constitute a substantial addition of impervious material” regarding the Carroll (20-008) motion for approval; **MADE:** by C. Heffernan; **SECONDED:** by C. Wehrly; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, J. Esty, P. Kay, A. Oziolor; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

B. **Correspondence & Announcements** – None.

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

- i. The commission members discussed establishing a recommendation for applicants to provide application materials no less than 48-hours prior to a meeting in order to allow adequate time for review. Applicants could still submit materials any time before or at the meeting, but they may need to ask for a continuance to allow the commission members time to review. P. Hegge asked whether the wetlands regulations would need to be updated. C. Heffernan did not think that would be necessary.

MOTION to adopt a policy that all materials that are to be submitted to the commission for a proposal at a scheduled meeting be done so at least 48 hours prior; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Savage, C. Wehrly, P. Kay, A. Oziolor, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

- ii. P. Hegge reported that he did not observe any signs of mowing or brush hogging within the flagged wetlands regarding a complaint/FOI request on Bokum Rd.
- iii. P. Hegge received an email from Barbara Harms inviting the commission members to visit her property to see the meadow that has been established. The commission members discussed visiting and asked P. Hegge to coordinate with Ms. Harms.
- iv. The expense report presented at the previous meeting was clarified.
- v. The IWWC annual report was submitted.
- vi. P. Hegge reported that he issued an administrative permit for a proposed deck at 16 Harvey Lane. He thought he was permitted to do so since he had completed the required training, but since the commission has not yet voted on the administrative permit tolerances he is now unsure whether he was acting within his authority. The commission discussed the matter and determined that no additional action needs to be taken on this matter.
- vii. **“Nichols”** Permit #18-013
11 Rivers 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: 8/29/20

No one was in attendance representing the owner. P. Hegge reported that he made several attempts to contact the owner. The permit will expire with no additional action necessary by the commission.

V. ADJOURNMENT

MOTION to adjourn the meeting at 8:15 p.m. to September 17th, 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, A. Oziolor; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

Respectfully Submitted,

Lynette Wacker
Recording Clerk