



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

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

www.oldsaybrookct.gov

*Richard J. Esty (Conservation)
Madeleine B. Fish (Zoning)
Paula S. Kay (Planning)
Vacancy (Economic Development)*

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

**MINUTES
REGULAR MEETING**

Thursday, February 20, 2020 at 7:00 P.M.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

I. CALL TO ORDER

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

II. ROLL CALL

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

Members Absent: M. Fish, J. Esty

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

III. OLD BUSINESS

A. “Oceanside Automotive”

Discuss new proposal and modifications to stipulated judgement.

810 Middlesex Turnpike (Map 63/Lot 68)

Owner: Legacy for Him, LLC.

Agent: Attorney Edward Cassella

ACTION: *Discuss proposed modifications and determine if acceptable.*

Attorney Cassella presented a brief background on the stipulated judgement. The wetlands restoration has been completed. Some landscaping remains to be completed. Structural issues have prevented the construction of the second floor addition that was approved. They are now proposing a similar-looking new building which is much more efficient. The second floor, with the exception of 500 square feet, will not be used. A set of plans was distributed to the commission members. Attorney Cassella explained that the site plan is not changing, other than a slight change to the footprint of the east side of the building and a slight reduction in floor area. They would like to substitute the new drawings labeled Elevations, Ground Level Plan, Second Floor Plan and Sections & Details, all revised 2/11/20, for what is known as Exhibit A, and substitute the updated plan labeled Site Development Plan, revised 2/18/20, for what is known as Exhibit C. They are also asking that the deadline for the completion of the building be extended to December 31, 2020.

MOTION to accept the amendment to the stipulated judgement to substitute the new building elevations, floor plans and site plan for Exhibits A and C, and to extend the deadline for completion of the building to December 31, 2020; **MADE:** by C. Heffernan; **SECONDED:** by R. Esty; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, R. Esty, E. Steffen, A. Oziolor; **OPPOSED:** None;

ABSTAINING: None; **APPROVED** 7-0-0.

B. 20-001 “Bagnati” Application to conduct a Regulated Activity

Adding and installing an above-ground 120 gallon propane tank for garage within 100’ upland review area.

72 Bokum Road (Map 57/Lot 19-2)

Owner/Applicant: Benjamin Bagnati

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

Mr. Bagnati stated that he is seeking approval for the propane tank and also for the concrete blocks to be placed underneath the hoop house as shown in the application. The shed pad that is still shown in the application is no longer being considered and will be removed from the application. Mr. Bagnati stated that he would properly secure the propane tank.

MOTION to approve the application (20-001) “Bagnati”, 72 Bokum Road (Map 57/Lot 19-2) to install and properly secure a 120 gallon above-ground propane tank, given all other activity listed on the application is withdrawn; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, R. Esty, E. Steffen, A. Oziolor; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 7-0-0.

Mr. Bagnati stated that he is still seeking approval for the concrete blocks to be placed beneath the hoop house which will replace a rotting wood foundation.

MOTION to approve the application (20-001) “Bagnati”, 72 Bokum Road (Map 57/Lot 19-2) to substitute an existing wood foundation for a concrete block foundation beneath the existing hoop house; **MADE:** by C. Heffernan; **SECONDED:** by R. Esty; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, R. Esty, E. Steffen, A. Oziolor; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 7-0-0.

C. “Auld” Show Cause Hearing

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 and Kerry Auld

ACTION: *Continue discussion of violation.*

P. Hegge reported that the wetlands have not yet been delineated due to weather. The surveyors will be creating an updated site plan for the property which should be done in March.

MOTION to continue the “Auld” discussion of violation for 6 Trails End (Map 16/Lot 68-4) to the next regular meeting on March 19, 2020; **MADE:** by C. Heffernan; **SECONDED:** by R. Esty; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, R. Esty, E. Steffen, A. Oziolor; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 7-0-0.

IV. NEW BUSINESS

A. 20-002 “Route 1 Sidewalks” Application to conduct a Regulated Activity for Municipal Improvement

Construction of sidewalks along the south side of Route 1 between Pond Road and Lynde Street.

Boston Post Road (Lynde Street to Pond Road) (Map 36)

Applicant: Town of Old Saybrook Owner: State of CT Department of Transportation

ACTION: *Receive application, Review for completeness, Accept application and determine if regulated activities are significant.*

Jeff Jacobson, representing the Town of Old Saybrook, gave an overview of the sidewalk proposal. There is a gap in the sidewalk along Route 1 due to a wetland area. In the fall he had presented to the commission two options for constructing the sidewalk. They have since come up with a third option which uses a segmental block retaining wall, allowing the depth of excavation to be reduced and allowing the wall to be moved back slightly, resulting in reduced disturbance of the wetland area. A catch basin will be installed to reduce runoff into the wetland. R. Esty asked about the timing of the project since it could affect the spring breeding season of the wetland and vernal pool wildlife. Mr. Jacobson replied that construction would probably take place in the summer of 2020. P. Kay asked about the appearance of the concrete blocks. Mr. Jacobson stated that the blocks come in a wide variety of colors and textures, and they are nice looking. The wall will be completely within the DOT right-of-way but they have obtained a temporary easement for the construction. A. Oziolor asked whether they had looked further into a boardwalk as had been discussed in the fall. Mr. Jacobson replied that it would be beyond the funding that is available to the town. The town could add an overlook if they chose to.

MOTION to receive the application (20-002) “Route 1 Sidewalks”, Boston Post Road (Lynde St. to Pond Rd.)(Map 36), finding it complete with no significance of impact; **MADE:** by C. Heffernan; **SECONDED:** by R. Esty; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, R. Esty, E. Steffen, A. Oziolor; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 7-0-0.

A. Oziolor noted that the application states there is no vernal pool on the property, but the project was within the vernal pool. R. Esty agreed that there is a vernal pool that will be affected. Mr. Jacobson will amend the application to indicate the presence of the vernal pool.

MOTION to amend the previous motion for (20-002) “Route 1 Sidewalks”, Boston Post Road (Lynde St. to Pond Rd.)(Map 36) to state that the proposed activity does take place within a vernal pool and the applicant will conduct the proposed activity outside of the breeding season ; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, R. Esty, E. Steffen, A. Oziolor; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 7-0-0.

B. 20-003 “Demianczyk” Application to conduct a Regulated Activity

Construction of an overhang roof for an existing 23 x 13 deck within the 100’ upland review area.

3 Cedar Lane (Map 12/Lot 63)

Owner: John and Miroslawa Demianczyk

ACTION: *Receive application, Review for completeness, Accept application and determine if regulated activities are significant.*

John Demianczyk explained that he would like approval to construct a roof over an existing rear deck and an overhang over the front entryway. P. Kay asked if there was an existing roof over the entryway. Mr. Demianczyk replied that there is not. All work is to be done by hand and there will be no heavy machinery. There was a discussion of the location of the pond. C. Wehrly asked if gutters or drains were proposed. Mr. Demianczyk explained that the gutters would be connected to the existing gutter system. R. Esty asked where the gutters would drain. Mr. Demianczyk explained that they would drain onto the ground on both sides of the house.

MOTION to receive the application (20-003) “Demianczyk”, 3 Cedar Lane (Map 12/Lot 63) as complete with no significance of impact; **MADE:** by C. Heffernan; **SECONDED:** by R. Esty; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen, R. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 7-0-0.

V. REGULAR BUSINESS

A. Meeting Minutes: January 16, 2020

MOTION to approve the regular meeting minutes of January 16, 2020; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, A. Oziolor, E. Steffen, R. Esty, P. Kay; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

MOTION to amend the agenda to include the special meeting minutes of February 18, 2020; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, A. Oziolor, E. Steffen, R. Esty, P. Kay; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

MOTION to approve the special meeting minutes of February 18, 2020; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, A. Oziolor, E. Steffen, R. Esty, P. Kay; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

B. Correspondence & Announcements

P. Hegge reported that there was an outstanding bill from the last meeting, Invoice #2598 from Connecticut Ecosystems, LLC in the amount of \$1,562. C. Heffernan responded that he had reviewed the Commission’s budget and authorized payment of that invoice.

C. Committee, Representative & Staff Reports

P. Hegge reported that he was reviewing the file for “Spencer 95, LLC”, 47Spencer Plains Road (Map 25/Lot 25) and found a permit which expired in 2019. Most of the work is complete. It was originally indicated that two culvert pipes would be removed but Mr. Rand decided not to remove the pipes and is waiting to hear back from Amtrak as to whether they still want the pipes removed. They have installed some seating along the wetland pond and will be installing native plantings when it warms up. R. Esty stated that it appears that what they approved was supposed to be further away from the pond than what is there now, and that they were supposed to install special catch basins. He would like to look into whether the applicant encroached upon the buffer zone that was on the approved plan. P. Hegge will look into that issue. C. Heffernan stated that he would not be inclined to pursue enforcement action since the work is expected to be completed very soon and bringing enforcement action at this time would only delay the project’s completion, as long as they have not built outside of the approved plan. If they are not complying with the approved plan or the work is not completed in a timely manner they can reconsider taking action.

R. Esty reported that the Conservation Commission will be holding a film festival on April 4th. They have requested that the IWWC staff a table at the festival. C. Heffernan stated that they would have a table there and asked any commission members to let him know if they are available to staff the table.

VI. **ADJOURNMENT**

<p>MOTION to adjourn the meeting at 8:07 p.m. to March 19th, 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, A. Oziolor, R. Esty, E. Steffen; OPPOSED: None; ABSTAINING: None; APPROVED: 7-0-0.</p>

Respectfully Submitted,

Lynette Wacker
Recording Clerk