



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

www.oldsaybrookct.gov

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

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

I. CALL TO ORDER

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

II. ROLL CALL

Members Present and Seated: C. Heffernan, C. Wehrly, C. Savage, R. Esty, P. Kay, M. Fish, A. Oziolor

Members Present not Seated: E. Steffen, J. Esty

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

III. OLD 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: Received 2/20/2020; Application found complete and determined no significance of impact; No public hearing; Deliberate and act by 4/16/2020 meeting (NLT 4/24/2020).

Geoffrey Jacobson, P.E. was present representing the applicant. A. Oziolor stated that she didn't realize the IWWC had determined and voted that there was no significance of impact at the February meeting, because of the presence of the vernal pool on the property. Mr. Jacobson stated that he requested documentation of the presence of the vernal pool but no one was able to produce it. C. Nelson stated that because the Town is the applicant there would be no Ord. 71 fees, and that the Town has always considered this a significant action. She continued that although a soil scientist has determined there is no vernal pool in the construction area, they would be happy to conduct construction so that there is no impact on the area in question. A. Oziolor stated they should try not to dewater the area and should conduct construction during the naturally dry period which is late summer. R. Esty stated that vernal pools dry out mid to late summer. Mr. Jacobson stated that based on the timing of the application process, they would be anticipating construction in late summer, and that the construction period would be approximately 60 days. James Sipperly, who was present for another application, stated that he is a certified soil scientist, and explained that most vernal pool species are out of the pools by late May.

MOTION to approve the application (20-002) “Route 1 Sidewalks”, Boston Post Road (Lynde St. to Pond Rd.)(Map 36), with the condition that construction not take place prior to August 1 or between March 1 and August 1; **MADE:** by C. Heffernan; **SECONDED:** by C. Wehrly; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, R. Esty, M. Fish, P. Kay, 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 16/Lot 63)

Owner: John and Mirosława Demianczyk

ACTION: *Received 2/20/20; Application found complete and determined no significance of impact; No public hearing; Deliberate and act by 4/16/20 meeting (NLT 4/24/20).*

Mr. Demianczyk was present.

MOTION to approve the application (20-003) “Demianczyk”, 3 Cedar Lane (Map 16/Lot 63) for the construction of an overhang roof for an existing 23’ x 13’ deck within the 100’ upland review area; **MADE:** by C. Heffernan; **SECONDED:** by R. Esty; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, R. Esty, M. Fish, P. Kay, A. Oziolor; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 7-0-0.

C. “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 and Kerry Auld

ACTION: *Continue discussion of violation.*

James Sipperly, Certified Soil Scientist, was present representing the applicant. P. Hegge reported that the wetlands have been delineated. The site plan that was provided does not show the boundary of the upland review area, and does not indicate whether the wetlands are inland or tidal. Mr. Sipperly stated that he was asked by the property owners to delineate the wetlands, as shown on the map by flags 1-16. He went on to explain that what he found was very similar to what was mapped in 1992. He does not think there is a hydrologic boundary between S. Cove and the wetland on the property. The owners did not fill in the wetlands- they hired someone to remove the phragmites, which has resulted in the return of native vegetation and wildlife. They would like to prepare a planting plan to mitigate the disturbance that has taken place and to provide a transition from the landscaping to the native wetland vegetation. P. Kay stated that she wouldn’t rush the planting within the wetland, to give the native vegetation a chance to grow. P. Sipperly agreed and stated that they would not be planting within the wetland. The banks which were disturbed by the removal of the phragmites would be seeded appropriately. C. Wehrly stated that he would like to see photos of the native vegetation that has returned to the wetland. A. Oziolor asked if fill had been brought in. J. Sipperly explained that fill had been brought in elsewhere on the property, not within the wetland.

MOTION to continue the “Auld” discussion of violation for 6 Trails End (Map 16/Lot 68-4) to the next regular meeting on May 21, 2020 for compliance oversight and to review a report of findings, delineation of the 100’ upland review area, planting plan, and photos of newly emerged native wetland vegetation to be provided by the applicant; **MADE:** by C. Heffernan; **SECONDED:** by R. Esty; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, R. Esty, M. Fish, P. Kay, A. Oziolor; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 7-0-0.

IV. NEW BUSINESS

A. 20-004 “[Lycurgus, LLC](#)” Application to Conduct a Regulated Activity

Construction of a bioretention/recharge basin for stormwater management.

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

Owner: Lycurgus, LLC

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

ACTION: *Received 3/19/2020; [Revised materials rec'd](#); Review for completeness, Accept application and determine if regulated activities are significant.*

Robert Doane, P.E.L.S. stated that the applicant is proposing to develop a 1.96 acre parcel that was previously developed. There are concrete pads located on the property from the prior development. They are proposing to disturb approximately 7,000 sq. ft. within the upland review area. They are proposing a bioretention area to mitigate the runoff, and a gravel driveway. A. Oziolor asked if there would be tree clearing. R. Doane replied that the bioretention area and driveway areas would be cleared, and that the vegetation is primarily invasive species. The area within the silt fence, as shown on the site plan, would be cleared. A. Oziolor stated that she would like to see the existing and proposed tree line shown on the site plan. C. Heffernan asked if there is more being proposed than what is stated on the agenda. R. Doane replied that there is more. There was a discussion of the specific actions being proposed. R. Doane stated that the application was technically accepted in March and he is concerned about the timeline. C. Heffernan replied that the application can be accepted as complete with no delay to the process, and the next agenda should be more specific regarding what is being proposed. M. Fish stated that the activities appear to be significant. R. Esty asked about fencing for the bioretention basin. R. Doane replied that it is only 1’ deep and fencing is not needed. A. Oziolor asked how the basin would be accessed for maintenance. R. Doane replied that it would be via Old Middlesex Tnpk. There was a discussion of the Ord. 71 fees.

MOTION to accept the application (20-004) “Lycurgus, LLC”, 97 Old Middlesex Tnpk. (Map 41/Lot 09) as complete pending revision of the site plan to show the existing and proposed tree line and clarification of the 100’ upland review area boundary, and to determine the regulated activities are significant and Ord. 71 fees are required; **MADE:** by C. Heffernan; **SECONDED:** by M. Fish; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, R. Esty, M. Fish, P. Kay, A. Oziolor; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 7-0-0.

B. “Old Saybrook High School”

Request for report for a future Special Exception application to the Zoning Commission to determine if the installation of field lighting poles located approximately 400’ from inland wetlands does not require an IWWC permit.

1111 Boston Post Road, Map 28/ Lot 14, Residence A District, Coastal Area Management Zone, Pedestrian Node.

Applicant: Town of Old Saybrook-Board of Education Agent: Geoffrey Jacobson, P.E.

ACTION: *Review map, determine if activity is outside of IWWC jurisdiction and direct staff to write a report to Zoning Commission in accordance with the provisions of the CT General Statutes.*

Geoffrey Jacobson, P.E. was present representing the applicant. Mr. Jacobson explained that the applicant is proposing to provide field lighting for the football field at Old Saybrook High School. A report is required from the IWWC due to the presence of wetlands of the property, even though the nearest proposed light pole is 390 feet away from a wetland, well outside of the upland review area. C. Heffernan asked if any light spillover would impact the wetland, and R. Esty asked if the lights would be on a timer. M. Fish responded that there will be no spillover whatsoever into the wetlands, and the lights will be turned off after every event. C. Heffernan stated that this action appeared to be outside of the IWWC’s jurisdiction.

MOTION to direct staff to provide a report to the Zoning Commission stating the proposed action at 1111 Boston Post Rd. (Map 28/Lot 14), to install field lighting poles approximately 400’ from an inland wetland, does not require a permit from the IWWC; **MADE:** by C. Heffernan; **SECONDED:** by C. Wehrly; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, R. Esty, M. Fish, P. Kay, A. Oziolor; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 7-0-0.

V. REGULAR BUSINESS**A. Meeting Minutes: February 20, 2020**

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

B. Correspondence & Announcements

There was no correspondence or announcements.

C. Committee, Representative & Staff Reports

P. Hegge reported that there are three new projects being proposed on Reservoir Rd., Bokum Rd. and Middlesex Tnpk. that may come before the IWWC in the near future.

R. Esty reported that the Conservation Commission’s film festival which was scheduled for April 4th was postponed due to Covid-19 restrictions. They would like to reschedule if possible. They are also considering some online activities to recognize Earth Day.

VI. **ADJOURNMENT**

The chairman adjourned the meeting at 8:21 pm to the next regularly scheduled meeting on May 21st, 2020 at 7:00 p.m.

Respectfully Submitted,

Lynette Wacker
Recording Clerk