



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

*J. Colin Heffernan, Chairman
Chuck Savage, Vice Chairman
Laura Parker Gray
Peter DeLisa (Conservation)
Mark Caldarella (Zoning)
Paula Kay (Planning)
Sandra Roberts (Economic Development)*

www.oldsaybrookct.gov

Alternate Members
*Elizabeth D. Steffen, Secretary
Janis Esty
Jay Kulowiec*

MINUTES
REGULAR MEETING
Thursday, August 17, 2023
Via Hybrid Meeting
Town Hall 1st floor conference room
302 Main Street, Old Saybrook

I. CALL TO ORDER

Chairman C. Heffernan called the meeting to order at 7:00 pm.

II. ROLL CALL

Members Present: C. Heffernan, L. Gray, P. DeLisa, M. Caldarella, P. Kay, S. Roberts, E. Steffen (seated), J. Kulowiec (not seated), J. Esty (remote, not seated).

Members Absent: C. Savage

Staff Present: L. Wacker, Assistant Town Planner; C. Maharbiz, Recording Clerk

Audience Present: 20 in person, 8 remote

III. NEW BUSINESS

A. “Atlas Construction” Application to Conduct a Regulated Activity

0 Middlesex Tpke, Maps 41 & 42 Lots 12 & 13-3

Construction of a commercial business storage facility including a 2,400 square foot storage building, 13,500 square foot outdoor storage area, driveway, utility services, signage, and landscaping.

Applicant: Atlas Construction Services LLC Agent: Michael J. Ott, P.E., L.S.

ACTION: Receive, review for completeness, accept application and determine if regulated activities are significant.

MOTION to rearrange the order of the agenda to hear **23-007 “Atlas Construction”** after the public hearing for Application **23-006 “CGCT Old Saybrook LLC”**; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, L. Gray, P. DeLisa, M. Caldarella, P. Kay, S. Roberts; E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

IV. PUBLIC HEARINGS

A. “CGCT Old Saybrook, LLC” Application to Conduct a Regulated Activity

1654 Boston Post Road, Map 26/Lot 39

Construction of a 40,000 s.f. Whole Foods grocery store and renovation of 25,365 s.f. of additional retail space and potential medical office within inland wetlands and 100’ upland review area.

Applicant: Carpionato Group, LLC Agent: Attorney Edward M. Cassella

Attorney Edward Cassella explained the ownership of the building and briefly discussed the plan to develop a Whole Foods and additional retail, which will include new construction for part of the building, a new façade, updated parking, renovated lighting and landscaping, a new septic system, and a new stormwater mitigation system. He explained that the application has been through a review process with the Town’s consulting engineer Jeff Jacobson and Wetlands consult Richard Snarsky.

Engineer Jeff Fitzgerald reviewed the site plan and stated that there will be an increase of .6 of an acre of impervious surface. He explained that 2,042 s.f. of wetlands is to be impacted by the stormwater quality improvements and that the stormwater system was designed to manage peak flows and reduce volume. He then reviewed the stormwater mitigation system in detail, including the three basins to be used, and explained that the wetlands area to the south is limited by the former, elevated trolley line. Mr. Fitzgerald discussed the three alternatives presented.

C. Heffernan asked if any alternatives were considered with pervious parking and why that alternative was not presented. Mr. Fitzgerald said that it was considered but not presented because groundwater is variable, and the applicant wanted to have a pavement section that would hold up with shallow groundwater; basins can store a lot of runoff whereas porous pavement can end up sheetflowing. He further stated that such an alternative was not presented because it was not considered reasonable. Attorney Matthew Willis, representing the IWWC, asked for clarification about the southern boundary line of the property, which he was told is the trolley line. He then asked if water ever flows over the trolley line and Mr. Fitzgerald responded that they do not know of water flowing over. Wetlands and soil scientist Eric Davison stated that there is no physical evidence of flow over the trolley line. C. Heffernan asked if the trolley line was built on a naturally high elevation point or an artificially high elevation point. Mr. Davison stated that it appears to be entirely constructed of fill. C. Heffernan asked when it was constructed. Mr. Davison stated that he believes it was constructed in the late 1800s and L. Gray stated that it was upgraded in 1911.

Soil scientist Eric Davison discussed the transition from inland wetlands to tidal wetlands and stated that based on salinity and physical characteristics the limit appears to be the southern face of the trolley line. He walked through the various wetland areas. He then reviewed Richard Snarsky’s letter and discussed the applicant’s response to Mr. Snarsky’s recommendations.

E. Steffan asked if tidal modeling considered that high tide is approximately 2 feet higher now than 20 years ago. Mr. Davison explained regulatory boundaries and the Coastal Jurisdiction Line. C. Heffernan asked what the likelihood of success over invasive species will be after 3

years. Mr. Davison stated that in the areas that will be planted, he expects to have a better balance of natives over invasives. He pointed out that there is a requirement of 75% success rate. C. Heffernan confirmed that if in 3 years the 75% rate has not been achieved, the applicant will continue activity to reach the goal.

Mr. Fitzgerald then discussed the amount of parking spaces and the requirement imposed by the tenant. C. Costa asked if the applicant would consider leaving a certain percentage of parking unbuilt to be built in the future if there is a need. Mr. Taglianetti from Carpionato Group explained that Whole Foods has parking requirements that must be met under the lease. E. Steffan asked if the parking needs were calculated based on higher need during the summer months and Mr. Taglianetti explained that Whole Foods conducted their own demographic study to determine parking requirements. C. Heffernan asked if there will be an alternative to reduce the size of the building and Mr. Taglianetti stated that a portion of the building was already reduced because of parking shortage. Jeff Jacobson asked if all of the parking spaces have to be paved under the lease, and Mr. Taglianetti stated that he will check the lease.

C. Heffernan opened the meeting to public comment.

Attorney Steven Sheehan, representing Chalker Beach Improvement Association (CBIA), began by stating that CBIA would like to see the development move forward with no worsening to what the CBIA is currently suffering. He discussed the tidal gateway that is located on property not owned by the CBIA, the Certificate of Permission to install the tidal gateway, and maintenance requirements. He stated that the last time the gateway was maintained was in 2016 when the Big Y Plaza was constructed. He further explained that currently there is regular flooding in an area that has not had septic improvements. As a result, flooding causes puddles in yards and roads with E. coli. Mr. Sheehan then discussed the findings of Trinkaus Engineering, which was retained by CBIA. He stated that CBIA would like to see the application include some study and analysis of the water effects onto Chalker Beach.

Henry Resnikoff, representing NBA Restaurant or Al Forno, stated that Attorney Bergenn, who represents the restaurant, sent a letter explaining that Al Forno currently has a lease with 10 years remaining. He expressed concern that the Commission is hearing an application where the applicant does not control the space because there has been no agreement between the applicant and Al Forno for its ultimate disposition. Attorney Willis stated that IWWC is an administrative board that cannot make legal decisions regarding title. Mr. Resnikoff explained that the restaurant is having difficulty legally and stated that there have been no discussions regarding the issue with the applicant for eight months.

Louis Treschitta, a resident of Chalker Beach, passed out water quality test results from 2023 showing bacteria from septic runoff, a petition with 300 signatures stating that the tidal gate needs to be repaired, and an engineering letter from H.K. Associates. He pointed out that the 2021 test stated that the result is consistent with drain water. He also mentioned that Waldo & Associates submitted a letter stating that because of the ineffectiveness of the tide gate, the marsh and surrounding property elevation is 1 to 1.5 feet lower. Mr. Treschitta discussed the tidal gate, prior maintenance, the need to clean the marsh, and the sandbar in front of the trash rack. He

questioned the total capacity of what exists now with what will be put in as well as its flow rate and whether the sewage system has been maintained.

Gary Albanese, a Chalker Beach property owner and drainage and pavement contractor, stated that fresh water from 100 acres of land comes into the marsh and through a 24-inch pipe. He stated that the area needs a bigger volume of pipe because when the tidal gate is closed, water has nowhere to go. He asked the applicant to take that into consideration as part of their drainage study and to figure out how to get the water out of the marsh more quickly.

C. Heffernan asked if there has been a septic analysis for Whole Foods. Mr. Fitzgerald explained that an analysis was done and explained the new septic system, which will be outside of the upland review area. The applicant is in the process of receiving health approval for the septic system. C. Heffernan also asked about the raising of elevation at the site. Engineer Chas Evans stated that the Whole Foods itself is raised 1.5 ft. higher than the existing plaza. L. Wacker asked for clarification about the increase in the size of the building, which Mr. Taglionetti confirmed. She further asked if any consideration was given to reducing the number of tenants in order to reduce the demand on parking and to reduce impervious area. Mr. Taglionetti stated that reducing the leasable area of the plaza affects the economic viability of the development. Mr. Cassella stated that the applicant considered that alternative but did not find it to be economically prudent.

M. Caldarella stated that additional time is needed to review new information received.

MOTION to continue the public hearing for application **23-006 “CGCT Old Saybrook LLC”** to the next regular meeting of the IWWC on September 21, 2023 at 7:00 p.m. in the 1st floor conference room at Town Hall; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, L. Gray, P. DeLisa, M. Caldarella, P. Kay, S. Roberts; E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

MOTION to grant a 1-day extension of the 35-day limit to keep the public hearing open until September 21, 2003 for application **23-006 “CGCT Old Saybrook LLC”**; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, L. Gray, P. DeLisa, M. Caldarella, P. Kay, S. Roberts; E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

Discussion of “Atlas Construction” Application to Conduct a Regulated Activity:

Michael Ott presented remotely. He showed the site plan and permit drawings and explained the proposal to build an outdoor storage facility for sheds. He explained that the application includes a 40 x 60 storage building that will have electricity with no water or septic. He discussed parking, roof water, sediment control, grading and stone aggregate, landscaping, and reviewed the soil report prepared by Richard Snarsky. He stated that the landscape plan will be changed so no new landscaping will be installed beyond the 50-foot line.

J. Kulowiec asked if the parking spaces will be paved, and Mr. Ott stated that only the apron will be paved. L. Wacker asked Mr. Ott to find out from the landscaper if the plantings within the upland review area are appropriate for wetlands setting and if they are native or invasive. P.

DeLisa asked if there are any substantial trees on the property and Mr. Ott agreed to find out. C. Heffernan suggested that when updating the landscaping plan, the applicant can indicate if there are any significant trees based on the girth of the tree.

MOTION to accept “Atlas Construction” Application to Conduct a Regulated Activity as complete and that the regulated activities are not significant; **MADE:** by C. Heffernan; **SECONDED:** by M. Caldarella; **VOTING IN FAVOR:** C. Heffernan, L. Gray, P. DeLisa, M. Caldarella, P. Kay, S. Roberts, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

V. REGULAR BUSINESS

A. Minutes – May 18, 2023

MOTION to approve the regular meeting minutes of May 18, 2023, as presented; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, L. Gray, P. DeLisa, M. Caldarella, P. Kay, S. Roberts, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

B. Committee, Representative & Staff Reports – L. Wacker stated that she issued one administrative permit to replace a section of stone crawlspace with a poured concrete foundation and a residential addition 90 ft. from the wetlands at 190 Old Boston Post Road (Map 28/Lot 48). She closed 5 permits. With respect to 72 Bokum Road, the terms of the Stipulated Judgment have been satisfied. Mr. Bagnati restored and replaced the swale in accordance with the plan created by the Town’s consulting engineer and soil scientist, who inspected the work and found it to be satisfactory, so the case is closed. She also mentioned a letter sent to the property owner at 150 Old Boston Post Road to determine whether they violated the wetlands regulations by clearing within the 100’ upland review area. She asked the owner to put together a plan showing the wetlands upland review area and what clearing has taken place. She anticipates the owner will be submitting wetlands applications for work to be done on property.

C. Correspondence & Announcements – None.

A. ADJOURNMENT

MOTION to adjourn the meeting at 9:26 p.m. to the next regular meeting on September 21, 2023, 7 p.m. Old Saybrook Town Hall, 302 Main Street, 1st Floor Conference Room and via Zoom; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, L. Gray, P. DeLisa, M. Caldarella, P. Kay, S. Roberts, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

Respectfully Submitted,
Carolina Maharbiz, Recording Clerk