



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)*

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

MINUTES
REGULAR MEETING
Thursday, October 19, 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, C. Savage, L. Gray, P. DeLisa, P. Kay, S. Roberts, J. Kulowiec (seated).

Members Absent: M. Caldarella, E. Steffen, J. Esty

Staff Present: Carl Fortuna, First Selectman; L. Wacker, Assistant Town Planner; C. Maharbiz, Recording Clerk

Audience Present: 10 in person, 10 remote

III. OLD BUSINESS

A. 23-006 “HollyHead, LLC” Application to Conduct a Regulated Activity

1379 Boston Post Road, Map 26/Lot 14

Construction of a 504 s.f. lean to shed roof within 100’ upland review area.

Applicant/Agent: Samuel B. Jones Owner: HollyHead, LLC

ACTION: Consider proposed activities, Deliberate and Act (NLT 11/24/2023).

Applicant Samuel Jones stated that he is putting up a shed roof for one of his tenants for a shed with a gravel floor. L. Wacker explained that although the application did not involve a significant action, when she did a site visit, she saw that the site plan was not being adhered to and there was a lot of debris on the site within the upland review area, including extra cars, tires, and piles of materials. She spoke to Mr. Jones who agreed to remove the materials. She has returned to the site and it has been cleaned up. C. Heffernan confirmed with the applicant that he understood that after approval, continued compliance with what was on the site plan is paramount. Mr. Jones confirmed that he understood.

MOTION to approve **23-006 “HollyHead LLC”** Application to conduct a regulated activity at 1379 Boston Post Road, Map 26/Lot 14 regarding the construction of a 504 s.f. lean to shed roof within 100’ upland review area as submitted; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Savage, L. Gray, P. DeLisa, P. Kay, S. Roberts, J. Kulowiec; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

IV. DELIBERATIONS

A. 23-006 “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

ACTION: Close ph by 9/21/2023 (1 of 65 day extension granted)

C. Heffernan stated that the public hearing closed at the last meeting so the Commission will not receive any comments from the public or the applicant.

J. Kulowiec commented about the impact of stormwater on the wetlands. He noted that there is a 5% increase in current impervious area with this development and that there is an uncontrolled DOT highway discharge that borders the western boundary of property. The applicant decided to put controls on that discharge even though it is not emanating from the property, which he found to be a positive sign in terms of stormwater control.

S. Roberts was concerned about the impervious area and wanted to know about the impact of making the back end of the building impervious. C. Heffernan stated that his understanding is that it would be an increase of the impervious area, which will go back into the wetlands, and it is up to members to decide whether it is significant. J. Kulowiec pointed out that the application notes it is an increase of .4 acres of additional impervious area. He does not believe it raises itself as being significant since it will be controlled with basins.

P. DeLisa noted that he saw no resolution to the differing perspectives regarding rip rap in the catch basins. C. Heffernan stated that there were two differing opinions, and it was the Commission’s job to weigh them and decide how to proceed.

C. Savage stated that all his concerns were addressed and that the property and wetlands will be better when the project is completed.

P. Kay concurred with C. Savage. Her concerns focused on questions raised regarding stormwater, septic and changing elevations. She noted that conditions can be attached to an approval to address those open issues.

L. Gray stated that she was concerned about the comments by Trinkaus Engineering. Specifically, she is worried about the stormwater basins not complying with the 2004

Stormwater Quality Manual. She is also concerned about the suitability of the soil to install the septic system as well as nitrogen running into the wetlands.

First Selectman Carl Fortuna commented as an ex officio member of the Commission. He stated that there will be a significant improvement on the DOT drainage. He believes a motion to approve is in order not only because it will be an improvement, but also Zoning will take another look at the application. With respect to the septic system, he noted that CRAHD oversees that and will need to approve the septic.

C. Heffernan agreed with First Selectman Fortuna regarding the septic system. He also noted that the Town's experts have said that there will be a negligible impact to the wetlands, specifically that the project would not impact the wetlands capacity to support fish and wildlife, prevent flooding, supply and protect surface and groundwater, facilitate drainage, control pollution, support recreational activities, and promote the public health and safety. He acknowledged neighborhood concerns but stated that the Town's experts did not agree that this development will increase their suffering.

L. Gray asked about the comment in the Trinkaus Engineering letter that storm basins 1A and 1C are not designed in compliance with Stormwater Quality Manual and that the erosion and sediment control plan is not in compliance. C. Heffernan stated that his understanding was that the 2004 Manual was not adopted by DEEP but was advisory. J. Kulowiec stated that engineer Bohler responded to the Trinkaus letter, Ex. 50, and he found the responses well founded. He also stated that the development will need to get two stormwater permits from the State of Connecticut, for construction and an operating general permit for commercial activities. C. Heffernan stated that the Commission should not develop the habit of having other agencies supervise the Commission's work. He agreed that Mr. Bohler's response to Trinkaus was comprehensive, and the Town's own engineers did not identify any problems with the plan.

C. Heffernan confirmed that the Commission read both the draft Resolutions for Denial as well as the draft Resolution for Approval of the Application to Conduct a Regulated Activity.

MOTION to approve application **23-006 "CGCT Old Saybrook LLC"** to conduct a regulated activity at 1654 Boston Post Road, Map 26/Lot 39 as presented; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Savage, L. Gray, P. DeLisa, P. Kay, S. Roberts, J. Kulowiec; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

V. NEW BUSINESS

A. **23-010 "Scott D. Alexander" Application to Conduct a Regulated Activity**

70 Otter Cove Drive, Map 63/Lot 36-001

Construction of single family house with attached garage, driveway, underground utilities and grading within 100' upland review area.

Applicant/Agent: Gregg Fedus, Fedus Engineering

Owner: Scott D. Alexander

ACTION: Received 9/21/2023. Review for completeness, accept application and determine if regulated activities are significant.

Mr. Fedus presented and reviewed the revised plans. He explained that the property is under contract and is currently an empty lot. Wetlands are located approximately in the middle. The applicant responded to comments from the Town's engineer and soil scientist, and prepared revised plans, which were briefly presented at the meeting. The plan is to place the house as far back and keep grading activities 50 feet from the western boundary of the wetlands. Mr. Fedus reviewed elements of Town Engineer Geoffrey Jacobson's comments that the applicant agreed to comply with as well elements Mr. Fedus disagreed with, such as the need for a culvert. He also discussed comments made by the Town's soil scientist Martin Brogie, noting his disagreement regarding the need for a conservation easement.

C. Heffernan asked whether the slope of the hill up to the house is naturally occurring or man-made. Mr. Fedus stated that it is proposed so there will be a slope from the western property line down towards the wetlands. It will involve taking materials from the high side and filling at a rate of 3 to 1.

J. Kulowiec asked if the property is served by public water, to which Mr. Fedus responded that a well will be used and clarified that the revised plans include the location of the well.

Town soil scientist Martin Brogie provided his comments regarding the application.

Eva Janerus, who owns the property to the south, submitted a letter and provided public comments. She is concerned about water flowing to her property and noted that there has not been a study of water flow. She also noted that there is a low point between the two lots and she is worried that there will be a lake.

Commission members discussed timing and the need for a public hearing. C. Heffernan stated that the Commission does not yet have the final plans and needs time to review the application, along with the Town's experts, so he is leery of foreclosing the public hearing.

MOTION to deem regulated activities significant and open a public hearing for Application **23-010 "Scott D. Alexander"** at 70 Otter Cove Drive, Map 63/Lot 36-001 d; **MADE:** by C. Heffernan; **SECONDED:** by J. Kulowiec; **VOTING IN FAVOR:** C. Heffernan, C. Savage, L. Gray, P. DeLisa, P. Kay, S. Roberts, J. Kulowiec; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

B. 23-011 "Glynda Beaman" Application to Conduct a Regulated Activity

367 Main Street, Map 22/Lot 251

Construction of sunroom within existing deck area for Unit 41 & 42, within the 100' upland review area.

Applicant/Owner: Glynda Beeman

ACTION: Received 9/21/2023. Review for completeness, accept application and determine if regulated activities are significant.

Attorney Edward Cassella presented. He explained that the applicant owns two units at Banbury Crossing to construct sunrooms and deck expansions. He reviewed the site plans of the 2 units as well as the Banbury Crossing plan. He showed the location of the tidal wetlands and inland wetlands and explained each of the unit applications. Unit 42 is within 50 feet of

the tidal wetlands. The septic systems are in between the development and the marsh; for Unit 42, the septic will be relocated from the south to the west of the unit further from the wetlands. The proposed development is going to be either in an area where there is already a structure or a deck, or there is already lawn, so will not encroach further into native buffer areas.

Commission members all agreed to act on the application at the current meeting.

MOTION to approve **23-011 “Glynda Beaman”** Application to Conduct a Regulated Activity as presented; **MADE:** by C. Heffernan; **SECONDED:** by C. Savage; **VOTING IN FAVOR:** C. Heffernan, C. Savage, L. Gray, P. DeLisa, P. Kay, S. Roberts, J. Kulowiec; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

VI. REGULAR BUSINESS

A. Minutes – September 21, 2023

MOTION to approve the regular meeting minutes of September 21, 2023, as presented; **MADE:** by J. Kulowiec; **SECONDED:** by L. Gray; **VOTING IN FAVOR:** C. Heffernan, C. Savage, L. Gray, P. DeLisa, P. Kay, S. Roberts, J. Kulowiec; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

B. Committee, Representative & Staff Reports – L. Wacker mentioned that the office received a permit transfer at 233 Boston Post Road. Ownership of the property has transferred and there is a wetlands permit that is still valid and will be transferred. The site plan is staying the same. It will be handled administratively.

C. Correspondence & Announcements – C. Heffernan stated that correspondence was received for one of the applications as already noted. L. Wacker reminded the Commission that the CACIWC conference will be on Saturday, November 11. The location will be at the Bristol Events Center and Commission members can be reimbursed.

A. ADJOURNMENT

MOTION to adjourn the meeting at 8:05 p.m. to the next regular meeting on November 16, 2023, 7 p.m. Old Saybrook Town Hall, 302 Main Street, 1st Floor Conference Room and via Zoom; **MADE:** by C. Heffernan; **SECONDED:** by P. DeLisa; **VOTING IN FAVOR:** C. Heffernan, C. Savage, L. Gray, P. DeLisa, P. Kay, S. Roberts, J. Kulowiec; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

Respectfully Submitted,
Carolina Maharbiz, Recording Clerk