



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

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

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Alternate Members
*Elizabeth D. Steffen, Secretary
Jay Kulowiec
Marcia Wilcox*

MINUTES
REGULAR MEETING
Thursday, December 21, 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, A. Bertan (left at 9:36 p.m.), P. DeLisa, M. Caldarella, S. Roberts, E. Steffen (seated at 9:36 p.m.), J. Kulowiec (seated)

Members Absent: P. Kay, M. Wilcox

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

Audience Present: 3 in person, 2 remote

III. CONTINUED PUBLIC HEARINGS

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: Close public hearing (NLT 12/21/2023) & Act

Robert Reardon, managing partner of the owner to the north of the subject property, and the engineer he retained, Richard Pastore, reviewed the materials submitted to the Commission. Engineer Pastore discussed the development’s impact on the wetlands from increased water, including a resulting increase in mosquitos, and explained test holes and modeling. He provided suggestions to slow down the excess water, which included the use of swales, a pervious or gravel driveway instead of a paved driveway, earthen berm to build up the side of the driveway rather than a retaining wall made of hard surface, and relocating the level spreader on the north side to avoid water flowing into the rear of the property to the north.

J. Kulowiec asked how using a more permeable driveway related to the need for permanent sediment traps. Mr. Pastore responded that sediment traps stop sedimentation of the wetlands and that the use of swales on the downhill side of the driveway will slow water down and act as a sediment trap. C. Heffernan asked Mr. Pastore if he has any reason to believe that the development will cause more than an incremental increase in waterflow to the wetlands as described by town engineer Jeff Jacobson. Mr. Pastore disagreed with the assessment of town engineer Jacobson because the development involves creating pervious surfaces and changing vegetation to a forested lot. J. Kulowiec asked about the value of mathematical modeling for runoff to which Mr. Pastore responded that modeling cannot be used for a small site like this. C. Heffernan asked Mr. Pastore if he is improving a plan that is already good or remediating a plan that is deficient. Mr. Pastore opined that the plan can be made better and that the effect on the wetlands will involve the wet areas staying wetter longer and leading to increased bugs. He further stated that it is hard to quantify the increased water and its effect on mosquitos. C. Heffernan further asked how the use of swales will not also lead to increased pooling of water and mosquitos. Mr. Pastore explained that swales do not stay wet all the time like wetlands and do not hold water long enough for mosquito breeding.

Engineer Gregg Fedus provided his response to Mr. Reardon and Mr. Pastore's comments, including discussing the pipe, test pits, trees to be saved, water curtains, and the use of swales. He explained the inaccuracy in the January test pits due to an 8-day period between when they were dug and read. Town expert Martin Brogie then provided his recommendations, which included using permanent placards to protect the 50 ft. zone and the use of supplemental plantings in the 50 ft. zone. Mr. Fedus stated that the owner agreed to the placards but disagreed that additional plantings are necessary.

Ingolf Janerus, property owner to the south of the applicant, presented his comments to the application. He discussed the test pits, percolation tests, the use of an existing path, the lack of cost estimates to weigh alternatives, the need to examine the worst-case scenario, and the inclusion of language in the deed requiring maintenance by the owner of items that are part of the design.

Gregg Fedus provided his response. With respect to the test pits, he stated that he discarded the January test pits due to the 8-day delay in reading them. He disagreed with moving the driveway because it would involve more disturbance to the wetlands.

J. Kulowiec asked Mr. Fedus about the percolation pits. Mr. Fedus explained that percolation pits are part of the final septic design. C. Heffernan asked if maintenance of the equipment will be the ongoing obligation of the property owner with monitoring by the enforcement officer. L. Wacker stated that the town would not check the property indefinitely and would investigate in the future if there was an impact on the wetlands. Gregg Fedus stated that the owner would agree to any conditions on maintenance.

Town soil scientist Martin Brogie provided his comments. He recommended the use of placards as previously discussed and the use of supplemental plantings due to an open lower canopy. As an environmental professional, he stated that it is hard to quantify the increased hydrology into the wetlands. He agreed with Mr. Fedus that there is no better location for the driveway and expressed confusion about the lack of health department approval for the septic system. Mr. Fedus responded that the sanitarian concluded the site was suitable for sewage disposal.

MOTION to close the public hearing on **23-010 “Scott D. Alexander”** Application to Conduct a Regulated Activity at 70 Otter Cove Drive, Map 63/Lot 36-001; **MADE:** by C. Heffernan; **SECONDED:** by P. DeLisa; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, M. Caldarella, S. Roberts, J. Kulowiec; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

MOTION to continue **23-010 “Scott D. Alexander”** Application to the next regularly scheduled meeting of January 18, 2024 at 7 p.m.; **MADE:** by C. Heffernan; **SECONDED:** by M. Caldarella; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, M. Caldarella, S. Roberts, J. Kulowiec; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

MOTION to take up New Business before Old Business; **MADE:** by C. Heffernan; **SECONDED:** by M. Caldarella; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, M. Caldarella, S. Roberts, J. Kulowiec; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

IV. NEW BUSINESS

A. Bertan left the meeting at 9:36 p.m. E. Steffan was seated for the remainder of the meeting.

A. Permit Extension Request

21-012 “Amos” Application to Conduct a Regulated Activity

Remove and replace an existing driveway culvert, dredge pond of sediment and debris, and remove dead or dying trees along north edge of pond within inland wetlands and 100’ upland review area.

Schoolhouse Road (Map 50/Lot 11-1)

Applicant/Owner: Anita Amos

ACTION: Requests a 3-year extension of the permit to complete regulated activities. Permit expiration 1/20/2024. Extend to 1/20/2027.

L. Wacker stated that Ms. Amos could not be present but sent a letter explaining that she has had trouble finding someone to do the work. This is her first extension request.

MOTION to extend **21-012 “Amos”** Permit to 1/20/2027; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Savage, P. DeLisa, M. Caldarella, S. Roberts, J. Kulowiec, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

- B. Notice of Violation:** Issued 11/9/2023 for the clearing of vegetation and trees within 100-foot upland review area without a permit
150 Old Post Road (Map 19/Lot 44-2)
Owner: Amy L. Terray, Harry P. Amara
Action: Discuss violation and next steps

L. Wacker explained that she became aware of the violation when she heard that the property owners were talking to the beach neighborhood association about developing the property. She received calls from neighbors regarding work taking place. When she visited the property, she saw that trees had

been removed in what appeared to be the upland review area, which she confirmed on MapGeo. She sent a letter to the owners, who responded that trees had been cut in the upland review area, so she issued a Notice of Violation.

Engineer Angus McDonald responded and stated that Richard Snarsky walked the property. He reported that eight ten-foot-tall maple trees were taken down. Mr. McDonald stated that the owner would agree to replace the cut trees and asked that the Commission consider mitigation as part of the site plan application that will be submitted in a month or two.

C. Heffernan requested that the owner present an application for remediation or include remediation as part of the site plan application for the February meeting. M. Caldarella asked about the diameter of the trees removed, which Mr. McDonald stated were about 24-inches wide. He will include information about the diameter of the trees to be planted in his plan.

MOTION that Amy L. Terray and Harry P. Amara, 150 Old Post Road, Map 19/Lot 44-2, will present either a remediation plan or a site plan that incorporates remediation at the February meeting; **MADE:** by C. Heffernan; **SECONDED:** by M. Caldarella; **VOTING IN FAVOR:** C. Heffernan, C. Savage, P. DeLisa, M. Caldarella, S. Roberts, J. Kulowiec, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

- C. Preliminary Discussion:** Proposed medical office building and associated parking.
52 Spencer Plain Road
(Map 25/Lot 27) Agent: Joseph Wren, P.E.L.S.
Action: Provide feedback on proposed regulated activities

Joseph Wren presented the preliminary plan for the development of medical offices. He discussed the changes from the prior application 22-007 SPR Oasis, LLC presented for this site, including a decrease in parking spaces, an increase to the buffer area, and a decrease in the number of entrance lanes.

V. OLD BUSINESS

A. 23-013 “Sovereign Builders” Application to Conduct a Regulated Activity

6 South Street, Map 22/Lot 76

Construction of a single-family, 3 bedroom dwelling with driveway, septic system, utilities and other associated improvements within 100’ upland review area.

Applicant/Owner: Sovereign Builders Agent: Joe Wren, P.E.L.S.

ACTION: Consider & Act

Joe Wren presented and briefly reviewed the application. He stated that no changes were made. M. Caldarella asked if the house would be built on the same footprint to which Mr. Wren responded that it would be the same or similar. Due to the proximity of the wetlands, L. Wacker recommended putting in markers along the property line to prevent encroachment into the buffer area.

MOTION to approve 23-013 “Sovereign Builders” Application to Conduct a Regulated Activity, 6 South Street, Map 22/Lot 76, with the usual conditions and the additional condition that three placards be placed along the southeast property line adjacent to the wetlands; **MADE:** by C. Heffernan; **SECONDED:** by M. Caldarella; **VOTING IN FAVOR:** C. Heffernan, C. Savage,

P. DeLisa, M. Caldarella, S. Roberts, J. Kulowiec, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

B. 23-014 “Paula Meo” Application to Conduct a Regulated Activity

100 Old Sea Lane, Map 13/Lot 72

Demolition of existing house and construction of a 1,620 s.f. house, driveway, septic system, utilities and other associated improvements within 100’ upland review area.

Applicant/Owner: Paula Meo Agent: Joe Wren, P.E.L.S.

ACTION: Consider & Act

Joe Wren presented and briefly reviewed the application. He stated that no changes were made. M. Caldarella asked about the anticipated amount of fill to be used, which the application stated would be 350 cubic yards.

MOTION to approve 23-014 “Paula Meo” Application to Conduct a Regulated Activity, 100 Old Sea Lane, Map 13/Lot 72; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR** C. Heffernan, C. Savage, P. DeLisa, M. Caldarella, S. Roberts, J. Kulowiec, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

VI. REGULAR BUSINESS

A. Minutes – 11/16/2023, 11/30/2023, 12/6/2023

L. Wacker stated that for the December 16, 2023 site walk minutes, Martin Brogie should be listed under “Others Present.” C. Maharbiz corrected the November 30, 2023 Minutes on page 3, specifically the motion immediately before adjournment to continue the Cease-and-Desist hearing where P. Kay was listed as opposing the motion. P. Kay should not be listed as opposing the motion. The motion was approved by all voting members in a 7-7-0 vote.

MOTION to approve the minutes of November 16, 2023, November 20, 2023, and December 6, 2023 as amended; **MADE:** by J. Kulowiec; **SECONDED:** by M. Caldarella; **VOTING IN FAVOR:** C. Heffernan, C. Savage, P. DeLisa, M. Caldarella, S. Roberts, J. Kulowiec, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

B. Committee, Representative & Staff Reports – None.

C. Correspondence & Announcements – C. Heffernan mentioned a holiday card received from Jacobson and Associates.

VII. ADJOURNMENT

MOTION to adjourn the meeting at 10:02 p.m. to the next regular meeting on January 18, 2024, 7 p.m. Old Saybrook Town Hall, 302 Main Street, 1st Floor Conference Room and via Zoom; **MADE:** by C. Heffernan; **SECONDED:** by M. Caldarella; **VOTING IN FAVOR:** Heffernan, C. Savage, P. DeLisa, M. Caldarella, S. Roberts, J. Kulowiec, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

Respectfully Submitted,

Carolina Maharbiz, Recording Clerk