



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](http://www.oldsaybrookct.gov)

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

**MINUTES**  
**REGULAR MEETING**  
**Thursday, February 16, 2023**  
Via Hybrid Meeting  
Town Hall 1<sup>st</sup> 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, M. Caldarella, P. Kay, S. Roberts, E. Steffen (not seated), J. Esty (not seated), J. Kulowiec (not seated).

**Members Absent:** None

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

**Audience Present:** 2 in person and 1 remote

**III. CONTINUED PUBLIC HEARING**

**22-007 “SPR Oasis, LLC” Application to Conduct a Regulated Activity**

Construction of a retail center within inland wetlands and 100’ upland review area.

52 Spencer Plain Road (Map 25/Lot 27)

Applicant: SPR Oasis, LLC Owner: Ortho Saybrook LLC Agent: Joseph Wren, P.E.L.S.

*ACTION: Applicant consented to 29 of 65-day extension to 1/19/2023. Close ph or further extension required.*

Commissioner E. Steffen recused herself and did not sit at the table for the continued public hearing. Attorney Edward Cassella presented. The applicant’s soil scientist Bob Russo and town legal consultant Attorney Michael Cronin were also present. Mr. Cassella reviewed several outstanding items raised by consultants Jeff Jacobson and Eric Davidson, which included updating the landscaping plans to add standards of survival and resolving certain calculation questions. He concluded by stating that all comments from the consultants have been addressed.

C. Heffernan asked if the applicant was in agreement with the following recommendations: (1) that none of the proposed woody vegetation (Red Cedar or Shadblow) be allowed on the fill embankment or within 25-feet of the toe of the fill embankment of Stormwater Basin #3; and (2) that prior to the commencement of work, limits of disturbance be clearly delineated in the field by some highly visible means such as hazard tape or fence, to prevent the inadvertent destruction of vegetation beyond the limits permitted and to prevent accidental encroachment into wetlands and/or neighboring property. Mr. Cassella stated that the applicant agreed to both conditions. C. Heffernan also highlighted that the comment in the photometric plan regarding Zoning Regulation 68.1.5 is not a wetlands regulation so it will be addressed by the Zoning Commission at the appropriate time.

C. Heffernan opened the floor for public comment.

Lou Treschitta, Burgey Rd. in Chalker Beach, stated that he spoke with Joe Wren about drainage and was told that eventually the drainage from this development would end up in the marsh. He further stated that the tide gate in the marsh is malfunctioning and there is a substantial amount of flooding. He discussed the pipes and catch basins from Post Road and Big Y and explained that when it rains fresh water gets into the marsh, which is killing the marsh, displacing animals, and causing a health hazard. Mr. Treschitta stated that he had the water tested for E.coli and the result was much higher than the permissible levels for swimming. The marsh is also flooding people's properties and causing their septic systems not to work. He asked if DEEP was contacted about this development and further stated that allowing this development to drain into the marsh, without talking to DEEP and without conducting studies on the harm to surrounding marshes, would be negligent and worsen an existing problem. J. Kulowiec, asked who owns the tide gate and Mr. Treschitta said that the state put it in in 1957. J. Kulowiec further asked who owns the marsh and Mr. Treschitta stated that it is partially owned by him, Summerwood Condominiums, Chalker Beach, and the Town of Old Saybrook. C. Heffernan asked if the flooding is happening without this development, which Mr. Treschitta answered affirmatively. Mr. Treschitta showed commission members a video of the flooding at the marsh. Mr. Treschitta was asked to provide a copy of the video for the public record, which he agreed to do.

Gary Albanese of Chalker Beach stated that the drainage into the marsh goes against norms because there is a 6 ft. culvert and an outlet pipe that is 24 inches. He stated that it needs to be fixed before any more water is added to the marsh.

Mr. Cassella responded to the public comments by stating that the development is half a mile inland from the western edge of the Chalker Beach tidal marsh. The stormwater has been carefully designed to mitigate the rates of runoff and control stormwater quality. Several measurements were implemented, including stormwater basins, deep sumps, outlet hoods, and site drainage maintenance plans. He further stated that consultant Jeff Jacobson reviewed the

application and that the stormwater management plan complies with all Inland Wetlands Regulations.

C. Heffernan asked if the applicant has complied with all DEEP notifications and the permitting process, which Mr. Cassella confirmed.

**MOTION** to close the public hearing; **MADE:** by C. Heffernan; **SECONDED:** by M. Caldarella; **VOTING IN FAVOR:** C. Heffernan, C. Savage, L. Gray, P. DeLisa, M. Caldarella, P. Kay, S. Roberts; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

J. Kulowiec mentioned Section 7 of the regulations regarding mitigation of stormwater runoff as well as Section 7.6 dealing with retention ponds. He asked about Section 7.6's mention of "bonding to assure compliance" and whether this has been discussed with the applicant. C. Heffernan stated that it has not been a part of the application. In response to Mr. Kulowiec's question about whether the Commission has ever required any type of bonding in other applications, L. Wacker stated that it is not something that is typically done. Mr. Kulowiec further stated that the applicant will have to register for a general permit for construction activities with DEEP.

C. Heffernan stated that the application was referred to various experts, including an engineer and a soil scientist. The Commission has relied historically on their expertise. These experts have not indicated in their various letters that this development will grossly impact downstream wetlands or raise water levels. In addition, their letters have generally stated that all of their concerns have been addressed so he is inclined to vote to approve.

C. Savage stated that the Commission needs specific, conclusive support to turn down an application and he does not feel such support exists here. No red flags have been raised by the consultants so he is inclined to approve.

**MOTION** to approve 22-007 "SPR Oasis, LLC" to construct a retail center at 52 Spencer Plain Rd. (Map 25/Lot 27) with the following conditions: (1) With regard to the landscape plan, none of the proposed woody vegetation (Red Cedar or Shadblow) be allowed on the fill embankment or within 25-feet of the toe of the fill embankment of Stormwater Basin #3; (2) Prior to the commencement of work, limits of disturbance must be clearly delineated in the field by some highly visible means such as hazard tape or fence, to prevent the inadvertent destruction of vegetation beyond the limits permitted and to prevent accidental encroachment into wetlands and/or neighboring property; and (3) All standard conditions will also apply; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Savage, L. Gray, P. DeLisa, M. Caldarella, P. Kay, S. Roberts; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

#### IV. REGULAR BUSINESS

##### A. Minutes – January 19, 2023

**MOTION** to approve the regular meeting minutes of January 19, 2023, as presented; **MADE:** by

C. Heffernan; **SECONDED:** C. Savage; **VOTING IN FAVOR:** C. Heffernan, C. Savage, L. Gray, P. DeLisa, M. Caldarella, P. Kay, S. Roberts; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

**B. Committee, Representative & Staff Reports** – M. Caldarella stated that the Zoning Commission starts their first hearing on this application next Wednesday. P. Kay stated that the Planning Commission is working on the POCD and has discussed infrastructure, including culverts. J. Kulowiec mentioned the annual MS4 report from the town on the discharge of stormwater, which identifies impacts to adjacent wetlands. C. Heffernan reminded everyone to fill out the POCD survey that has been sent around.

**C. Correspondence & Announcements** – L. Wacker reminded members about the Land Use Educations Series next Thursday. She informed members about the Annual Meeting of the Connecticut Association of Wetland Scientists on March 9, 2023. She also reminded members that the Connecticut Bar Association is holding a Land Use Law webinar on Saturday, March 11, 2023. She handed members an Inland Wetlands Roles and Responsibilities document and highlighted that the last page includes a list of education resources.

## V. ADJOURNMENT

**MOTION** to adjourn the meeting at 7:48 p.m. to the next regular meeting on March 16, 2023, 7 p.m. Old Saybrook Town Hall, 302 Main Street, 1<sup>st</sup> Floor Conference Room and via Zoom; **MADE:** by C. Heffernan; **SECONDED:** by M. Caldarella; **VOTING IN FAVOR:** C. Heffernan, C. Savage, L. Gray, P. DeLisa, M. Caldarella, P. Kay, S. Roberts; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

Respectfully Submitted,  
Carolina Maharbiz, Recording Clerk