



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
Vacancy*

MINUTES

REGULAR MEETING

Thursday, October 18, 2018 at 7:00 P.M.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

I. CALL TO ORDER

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

II. ROLL CALL

Members present: C. Heffernan, C. Wehrly, C. Savage, R. Esty, P. Kay, E. Steffen, J. Esty

Members absent: M. Fish

Staff: E. Pawlak, Wetlands Soil Scientist; T. Cronan, Legal Counsel, C. Nelson, Town Planner

III. OLD BUSINESS

17-009 “Bagnati” Permit to Conduct a Regulated Activity

Excavation, grading, fill, seeding, installation of a fence, and placement of a deck
72 Bokum Road (Map 57/Lot 19-2)

Applicant: Benjamin Bagnati, owner Agent: Donald Fortunato, CSS, CT-LEP

Mr. Fortunato described the process for monitoring groundwater in the project area, during the growing season (April through July 2018), to determine if the topsoil excavation was of wetlands. Mr. Pawlak reviewed the property and the monitoring at the locations he had specified and reported that he was satisfied with the installation of the wells, the information gathered and the methodology used to extrapolate the ground water based on ground elevations. Groundwater wells 1-3 were poorly drained for a period sufficient to learn that the soils were wetlands; ground wells 4 and 5 did not. The scientists agreed to the wetland delineation as sketched in Mr. Pawlak’s report. Mr. Pawlak recommends the applicant have a land surveyor record the southern wetlands boundary as marked in the field to tie in to the wetlands boundary on the west side of the property. Mr. Pawlak found no soil erosion due because of naturally occurring vegetation but suggested the area be further planted with a New England “wet mix” seed in the spring to increase the stability of soils as well as the wetland plant diversity.

The Chairman welcomed brief comments from the applicant and the adjacent property owner; neither had comment.

MOTION to accept application #17-009 as **complete** pending mapping revisions discussed; MADE by **C. Heffernan**; SECONDED by **E. Steffen**; NO DISCUSSION; VOTING IN FAVOR: **C. Heffernan, C. Wehrly, C. Savage, R. Esty, P. Kay, E. Steffen, J. Esty**; OPPOSED: **None**; ABSTAINING: **None**; APPROVED: **7-0-0**.

MOTION to find the regulated activities would have a **significant impact** on the area for which the application has been filed, and to schedule a public hearing of application #17-009 for **December 20, 2018 at 7:00 p.m., Town Hall, 302 Main Street**; MADE by **C. Heffernan**; SECONDED by **E. Steffen**; NO DISCUSSION; VOTING IN FAVOR: **C. Heffernan, C. Wehrly, C. Savage, R. Esty, P. Kay, E. Steffen, J. Esty**; OPPOSED: **None**; ABSTAINING: **None**; APPROVED: **7-0-0**.

The Commission determined it will need the application reviewed by its consulting wetlands scientist and legal counsel and asked Ms. Nelson to solicit proposal and arrange for fees to be paid per the Town Code.

MOTION to schedule a site walk for orientation to the property subject to application #17-009 on **Saturday, November 10, 2018 at 11:00 a.m.** at 72 Bokum Road; MADE by **E. Steffen**; SECONDED by **C. Heffernan**; NO DISCUSSION; VOTING IN FAVOR: **C. Heffernan, C. Wehrly, C. Savage, R. Esty, P. Kay, E. Steffen, J. Esty**; OPPOSED: **None**; ABSTAINING: **None**; APPROVED: **7-0-0**.

18-004 “Oceanside Auto” Application to Conduct a Regulated Activity

Buildings, modified gravel driveway, parking area and suitable landscape buffer.

810 Middlesex Turnpike (Map 63/Lot 8)

Applicant: Legacy 4 Him, LLC, owner

Agent: Edward M. Cassella, Esquire

The period for acting on the application has expired; the Commission received a letter from the Applicant’s attorney withdrawing the application.

IV. NEW BUSINESS

Stipulated Judgment in Settlement of the Superior Court case

Christina M. Costa, et al v. Legacy 4 Him, et al.

810 Middlesex Turnpike (Map 63/Lot 8)

Plaintiff: Inland Wetlands & Watercourses Commission Agent: Alan P. Curto, Esq.

The Commission referred to the same letter from the Applicant’s attorney about the matter as progressing but not finalized.

MOTION to continue the matter to the **November meeting** of the Commission; MADE by **C. Heffernan**; SECONDED by **E. Steffen**; VOTING IN FAVOR: **C. Heffernan, C. Wehrly, C. Savage, R. Esty, P. Kay, E. Steffen, J. Esty**; OPPOSED: **None**; ABSTAINING: **None**; APPROVED: **7-0-0**.

18-016 “Bradley” Application to Conduct a Regulated Activity

Demolish existing house and construct a 4,507 s.f. house with 2,595 s.f. garage.

14 Dogwood Lane (Map 7/Lot 41)

Applicant: Richard & Marcia Bradley, owners

Agent: Joseph P. Wren, P.E.

Mr. Wren oriented the Commission to the site plan depicting the activities proposed within the regulated area of 100’ of the wetlands. The Chairman asked why the application did not include any information in writing or on the site plan about alternatives that would cause less or no environmental impact to the wetlands per Section 7.5 F. of the Regulations. Mr. Wren responded that, although the activities are regulated due to being within 100’ of the wetland, he read the regulations to require alternatives only when the proposal actually disturbs wetlands. Mr. Wren described the alternatives considered and the many factors that went in to choosing the proposed configuration. The Chairman verified that the application proposed phasing of the eventual construction of the garage for some time later than the period described in the application for construction of the house. Mr. Esty asked about the clearing of trees within the upland review area and the site’s ability to absorb stormwater down the slope from the development to the wetland; Mr. Wren described the gentle slope and the porous soils as suitable to accommodate any runoff, as well as suggesting best management practices that might address the Commission’s concerns.

The Chairman asked for a drawing of the alternatives considered; Mr. Wehrly stated that he was comfortable that the alternatives presented satisfies the requirement. Mr. Wren described various additional stormwater management practices that could be undertaken but reiterated that that they are not necessary because the proposed activities would have no measurable impact on the wetlands during construction or in the future.

MOTION to deny application #18-016 as **incomplete**; MADE by **C. Heffernan**; NO SECOND; FAILED.

MOTION to accept application #18-016 as **complete**; MADE by **C. Wehrly**; SECONDED by **E. Steffen**; NO DISCUSSION; VOTING IN FAVOR: **C. Wehrly, C. Savage, R. Esty, P. Kay, E. Steffen, J. Esty**; OPPOSED: **C. Heffernan**; ABSTAINING: **None**; APPROVED: **6-1-0**.

MOTION to find the regulated activities proposed by application #18-016 would **not have a significant impact** on the area for which the application has been filed; MADE by **C. Wehrly**; SECONDED by **E. Steffen**; NO DISCUSSION; VOTING IN FAVOR: **C. Wehrly, C. Savage, R. Esty, P. Kay, E. Steffen, J. Esty**; OPPOSED: **C. Heffernan**; ABSTAINING: **None**; APPROVED: **6-1-0**.

The Commission discussed whether it could grant the applicant’s request to act but was unclear as to whether the statutory period for receiving petitions for public hearing had passed; the Commission asked Ms. Nelson to verify when that period begins.

MOTION to continue application #18-016 to the meeting of **November 15, 2018 at 7:00 p.m., Town Hall, 302 Main Street**; MADE by **C. Heffernan**; SECONDED by **E. Steffen**; VOTING IN FAVOR: **C. Heffernan, C. Wehrly, C. Savage, R. Esty, P. Kay, E. Steffen, J. Esty**; OPPOSED: **None**; ABSTAINING: **None**; APPROVED: **7-0-0**.

18-017 “Pelczar” Application to Conduct a Regulated Activity

Remove existing deck and four sheds and add a stair tower and 8 x 4 ft. deck.

140 Ingham Hill Road (Map 48/Lot 1)

Applicant: Pamela L. Pelczar, owner

Agent: Stuart Fairbank, P.E.

Mr. Pelczar described the constraints of the site’ shape and topography, as well as the limitations of renovating an old house to meet current building standards. The Commission identified the proposed stone patio and clarified that it is included in the activities proposed by the application. The Commission considered the application’s explanation of this proposal over other reasonable or prudent alternatives, and acknowledged a reduction of overall development in balance with the proposed renovation.

MOTION to accept application #18-017 as **complete** and to find the regulated activities would **not have a significant impact** on the area for which the application has been filed, therefore no additional fees are required for technical review, and to continue the matter for **consideration and action** at the meeting of **November 15, 2018 at 7:00 p.m., Town Hall, 302 Main Street**; MADE by **E. Steffen**; SECONDED by **C. Heffernan**; NO DISCUSSION; VOTING IN FAVOR: **C. Heffernan, C. Wehrly, C. Savage, R. Esty, P. Kay, E. Steffen, J. Esty**; OPPOSED: **None**; ABSTAINING: **None**; APPROVED: **7-0-0**.

V. REGULAR BUSINESS**A. Minutes**

MOTION to approve the minutes of the **July 19, 2018 meeting**; MADE by **C. Heffernan**; SECONDED by **E. Steffen**; NO DISCUSSION; VOTING IN FAVOR: **C. Heffernan, C. Wehrly, C. Savage, R. Esty, P. Kay, E. Steffen, J. Esty**; OPPOSED: **None**; ABSTAINING: **None**; APPROVED: **7-0-0**.

B. Correspondence & Announcements

None.

C. Committee, Representative & Staff Reports

The Commission members and staff informed each other of goings-on with other agencies and organizations. The Commission acknowledged a letter from Mr. Greg Chapman, 115 Bokum Road; Ms. Nelson reported on that and activities permitted to be undertaken to address stormwater matters along Bokum Road.

D. 2019 Meeting Calendar

MOTION to send the schedule of meetings for the 2019 calendar year to the Town Clerk; MADE by **C. Heffernan**; SECONDED by **E. Steffen**; VOTING IN FAVOR: **C. Heffernan, C. Wehrly, C. Savage, R. Esty, P. Kay, E. Steffen, J. Esty**; OPPOSED: **None**; ABSTAINING: **None**; APPROVED: **7-0-0**.

VI. **ADJOURNMENT**

MOTION to adjourn the meeting to **November 15, 2018 at 8:44 p.m., Town Hall, 302 Main Street**; MADE by **E. Steffen**; SECONDED by **C. Heffernan**; VOTING IN FAVOR: **C. Heffernan, C. Wehrly, C. Savage, R. Esty, P. Kay, E. Steffen, J. Esty**; OPPOSED: **None**; ABSTAINING: **None**; APPROVED: **7-0-0**.

Respectfully submitted,

Christine Nelson