



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)*

www.oldsaybrookct.gov

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

MINUTES
REGULAR MEETING
Thursday, February 15, 2024
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, P. DeLisa, M. Caldarella, P. Kay, S. Roberts, E. Steffen, M. Wilcox, J. Kulowiec (remote, joined at 7:03 p.m.)

Members Absent: None

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

Audience Present: None

III. OLD BUSINESS

A. “Atlas Construction” Continued Show Cause Hearing

Cease & Desist Order issued on November 20, 2023

Unauthorized regulated activity within wetlands and 100' upland review area

0 Old Middlesex Turnpike (Map 41/Lot 1 and Map 42/Lot 3)

Owner: 0 Old Middlesex Turnpike, LLC

MOTION to rearrange the items on the agenda to hear the Old Business after New Business;
MADE: by C. Heffernan; **SECONDED:** by M. Caldarella; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, M. Caldarella; P. Kay, S. Roberts; **OPPOSED:** None;
ABSTAINING: None; **APPROVED:** 7-0-0.

IV. NEW BUSINESS

A. 24-001 “Appleby Holdings, LLC” Application to Conduct a Regulated Activity

9 Custom Drive, Map 46/Lot 9

Construction of a 11,056 s.f. 2-story micro cultivation facility with associated site improvements including, but not limited to, access drives, parking area, septic system, stormwater management, and landscaping.

Applicant: Appleby Holdings, LLC

Agent: Joe Wren, P.E.L.S.

ACTION: Received 1/18/2024. Review for completeness, determine if regulated activities are significant, schedule PH or continue or act.

Attorney Joseph Hammer and engineer Joe Wren (remote) presented. Also present for the applicant were Carolina O'Hagan, attorney Matthew Rosenthal (remote), Chuck Appleby (remote), and Brendan Appleby (remote). Engineer Joe Wren explained the site and showed pictures handed out at the meeting of existing site conditions. Mr. Wren explained that the wetlands are a small, isolated area that used to be a detention pond and stated that the trees closest to the wetlands will not be removed. He also discussed the proposed plan, including the two-story building, the driveway, parking, septic, landscaping, buffer, stormwater management, and the January 17th and February 8th letters from Richard Snarski. Mr. Wren read his February 15 letter to the Commission.

C. Heffernan asked Mr. Wren if he had a response to the letter received from the Town of Westbrook's IWWC regarding concerns about disposal and runoff. Attorney Hammer stated that the only items that will go into the septic are sink water and toilet water, not manufacturing or processing water nor water from the floor drains; processed water will run in an enclosed system. The written response letter from attorney Matthew Rosenthal was handed out. C. Heffernan then asked if the water in the enclosed system would be tanked out. Mr. Wren stated that his understanding is that the water is recycled and reused. C. Heffernan also asked about the removal of trees, specifically the number, diameter, and whether they have been flagged. M. Wren estimated that 8 or 9 trees would need to be removed. C. Heffernan asked for more information on tree removal for the next meeting.

J. Kulowiec asked about the special exception on the site plan, which Mr. Wren explained is required by Zoning for the district because the building is over 10,000 s.f. and it is a use that requires a special exception. He further asked if the generator on the left will be gas fired, which Mr. Wren confirmed and he also confirmed that the building is gas fired. J. Kulowiec asked if the exterior dumpster can be put outside the 100 ft. review area. Mr. Wren stated that the left side is where all the utilities come in as well as where the loading area is located. The dumpster will have mostly cardboard and not a lot of trash since there will only be two small offices in the building. J. Kulowiec then asked about the sump pit, which Mr. Wren explained will be in the basement located on the left side of the building. Mr. Kulowiec further asked if the basement will be under drained and Mr. Wren explained that the portion of the building that is basement will have footing drains that will be directed to the sump pit.

P. Kay asked for clarification on a micro cultivation facility. Attorney Matt Rosenthal explained that it is one of eleven classes of licenses for cannabis within Connecticut. A micro cultivation facility is limited to 10,000 s.f. of grow space. She then asked what will be done in the facility, which Mr. Rosenthal stated that the facility will be propagating and growing cannabis and drying and processing into a product, but there will be no retail sales. P. Kay further asked if the applicant would be permitted to make gummy or sugary products or desserts. Mr. Rosenthal stated that a separate license is needed to make edible products. At a micro cultivation facility, extraction can happen, but the production into food products would require a food and beverage license.

M. Caldarella asked if there will be retail sales at either parcel. Mr. Rosenthal stated that the 5 Custom Drive parcel is one of the two approved locations in Old Saybrook for retail facilities so there is the

possibility that that property will be developed for retail sales. M. Caldarella stated that the materials submitted indicate that no water or contaminants will be released from the building and he asked about the possibility of a system failure and whether there will be any containment of the water in the event of a failure. Mr. Appleby stated that water sensors can be installed. He also explained that the 5-gallon containers of the nutrients used for the plants will be in the basement. M. Caldarella then asked whether it is possible, in the event of a leak of the system in the basement, for water to escape and end up in the proposed sump pit and the exterior of the building. Mr. Appleby stated that the engineer can address such concerns. C. Heffernan asked the applicant to provide more information on the sensors and fail safes before the next meeting.

A. Bertan asked what would be done during construction before the fail safes are installed. Mr. Wren stated that the building will not be under operation until the sensors are installed.

Commission members then discussed whether the activities are significant.

MOTION to accept the application as complete, determine that the activities are not significant, and continue the Application **24-001 “Appleby Holdings, LLC”** at 9 Custom Drive, Map 46/Lot 9, to the meeting on March 21 at 7 p.m. at Town Hall, 1st Floor Conference Room or via zoom and request the applicant provide the following information by March 13: (1) information on the trees proposed to be removed, including location, number and size; (2) a detailed plan of the protection systems that are to be put in place in case of a breach of the closed loop system; and with the applicant’s permission Ordinance 71 fees for Mr. Jacobson or another appropriate engineer to review the stormwater detention plans and discharge plans as well as the closed loop system. **MADE:** by C. Heffernan; **SECONDED:** by M. Caldarella; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, M. Caldarella; P. Kay, S. Roberts; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

B. 24-002 “150 Old Post Rd.” Application to Conduct a Regulated Activity

150 Old Post Road, Map 19/Lot 44-2

Owner: Amy L. Terray, Harry P. Amara Agent: McDonald Sharpe & Assoc.

Remediation plan for previous violation plus construction of an approximately 3,053 s.f. house with associated decks, garage, pool house, pool, driveway, stormwater management (raingarden), septic and well, within the 100’ upland review area

ACTION: Review for completeness, determine if regulated activities are significant and if Ordinance 71 fees will be required.

Fern Tremblay from McDonald Sharpe & Associates presented and Amy Terray was also present. Mr. Tremblay explained that some of the trees that were cut years ago were in the upland review area, specifically 8 trees were removed from the upland review area and existing vegetation cut back. Richard Snarski developed a remediation plan to replant 8 trees. The tree stumps from the removed trees remain and have resprouted. Mr. Tremblay also discussed the proposal to build a house on the lot and reviewed the plan, including grading, rain garden, and stormwater collection through gutters.

C. Heffernan asked if Mr. Tremblay reviewed the letter from Kathy Connolly. Mr. Tremblay agreed to take Ms. Connolly’s expertise into account and update the detail on the plan. C. Heffernan confirmed that the applicant could provide an updated planting practices plan by the next meeting.

C. Savage asked what would happen to the stumps that remain and Mr. Tremblay stated that the plan is to let them continue to grow. C. Heffernan then asked if Mr. Snarski requested that the stumps be removed to which Mr. Tremblay stated that he said nothing about the stumps.

MOTION to accept the application as complete, that the regulated activities are not a significant, and that will continue Application **24-002 “150 Old Post Rd”** Map 19, Lot 44-2 to the next meeting on March 21, 2024 at 7 p.m. at Town Hall, 1st Floor Conference Room or via zoom, and request that the applicant provide a revised planting practices plan by March 13; **MADE:** by C. Heffernan; **SECONDED:** by C. Savage; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, M. Caldarella; P. Kay, S. Roberts; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

Discussion for “Atlas Construction” Continued Show Cause Hearing that moved to end of New Business:

Mike Ott and Marjorie Shansky presented. Mr. Ott provided an update, stating that the applicant has been monitoring the site for erosion and sedimentation issues and there have been no problems. He reported that a land surveyor laid out certain boundaries and determined that activities took place on 80 Millrock Rd. East. Attorney Shansky spoke to the owner of that property who has indicated she will give permission to file an application to remove the trees as part of phase 1. As soon as this permission is received, the applicant is ready to file the application. C. Heffernan confirmed that the applicant only needed permission from one parcel owner.

MOTION to uphold the Cease and Desist Order for Atlas Construction at 0 Middlesex Turnpike, Map 41, Lot 1 and Map 42, Lot 3 and continue the Show Cause Hearing to the next regular meeting on March 21, 7 p.m. at Town Hall; **MADE:** by C. Heffernan; **SECONDED:** by P. DeLisa; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, M. Caldarella; P. Kay, S. Roberts; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

V. REGULAR BUSINESS

A. Minutes – January 18, 2024

MOTION to approve the minutes of January 18, 2024 as presented; **MADE:** by C. Heffernan; **SECONDED:** by A. Bertan; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, M. Caldarella; P. Kay, S. Roberts; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

B. Committee, Representative & Staff Reports – L. Wacker stated that she received a wetlands application for 35 Research Parkway, which is posted and will be in the next packet. She also reported that the office made 4-inch aluminum wetlands markers that can be used when an applicant needs to mark wetland boundaries. She passed out a sample.

C. Correspondence & Announcements – None

VI. ADJOURNMENT

MOTION to adjourn the meeting at 8:32 p.m. to the next regular meeting on March 21, 2024, 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, A. Bertan, P. DeLisa, M. Caldarella; P. Kay, S. Roberts; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

Respectfully Submitted,
Carolina Maharbiz, Recording Clerk