



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

www.oldsaybrookct.gov

**REGULAR MEETING AGENDA
HYBRID MEETING**

*J. Colin Heffernan, Chairman
Charles W. Savage, Vice Chairman
Alex Bertan*

*Peter DeLisa (Conservation)
Mark Caldarella (Zoning)
Paula S. Kay (Planning)
Sandra Roberts (Economic Development)
Alternate Members
Elizabeth D. Steffen, Secretary
Marcia Wilcox
Jay Kulowiec*

MINUTES
REGULAR MEETING
Thursday, April 18, 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 (left at 8:59), P. DeLisa, M. Caldarella, P. Kay, M. Wilcox, J. Kulowiec (seated)

Members Absent: S. Roberts, E. Steffen

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

Audience Present: 3 online

M. Caldarella stated that he reviewed prior minutes and recordings to be prepared for the meeting.

III. OLD BUSINESS

A. 24-006 “McKenna” Application to Conduct a Regulated Activity

2 Trolley Crossing (Map 63/Lot 25)

Demo garage and rebuild 24' x 24' two-story residential addition with 24' x 5' overhang within 100' upland review area.

Applicant: Leland McKenna Owner: Leland & Victoria McKenna

ACTION: Received 3/21/2024; Consider & Act (NLT 5/24/2024)

Leland McKenna briefly reviewed the plan to demo the garage and build a 24' x 24' addition. J. Kulowiec asked if the footprint of the addition is the same as the garage currently there, which Mr. McKenna confirmed. M. Caldarella asked if the foundation will remain as a slab and Mr. Leland stated it would be a full foundation.

MOTION to approve **24-006 “McKenna” Application** as submitted subject to the usual permit conditions. **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, M. Caldarella, P. Kay, J. Kulowiec; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

B. 24-005 “BluSky” Application to Conduct a Regulated Activity

35 Research Parkway (Map 39/Lot 5)

Construction of two cooling towers on concrete pad, construction of an exhaust cleansing room on existing loading dock, two propane tanks on concrete pads and a vaporizer within 100’ upland review area.

*Applicant: Will Hessert**Owner: Jill Coan/Stark Properties, LLC*

ACTION: Received 3/21/2024; Determine if regulated activities are significant; Schedule public hearing or Consider & Act (NLT 5/24/2024)

A. Bertan recused himself and M. Wilcox was seated. C. Heffernan mentioned the letter from Geoffrey Jacobson dated April 17. Will Hessert, Carissa Chandler, and Stephen Chandler presented, specifically discussing changes to the plan based on the recommendations of Mr. Jacobson, including the storm drain reroute, the thickness of the concrete, the use of hay bales, and the galvanized roof structure and steel mesh to protect the tank from amphibians.

J. Kulowiec asked questions about the way the pumps operate with the cooling towers, the water flow in the cooling towers, blowback that occurs during the cooling process, silt fencing, and the need for dewatering in relation to the water table. P. Kay stated that at the last meeting she was hoping to receive an opinion on the scientific safety of the process, but Geoffrey Jacobson’s letter does not speak to that directly. C. Heffernan stated that the Commission’s purview is limited to significant impacts on the wetlands and Mr. Jacobson’s letter stated that he did not feel that this will cause a significant impact on the wetlands.

MOTION to approve **24-005 “BlueSky” Application**, at 35 Research Parkway, as amended by the map presented at the meeting, which has addressed all of the issues raised in Geoffrey Jacobson’s April 17, 2024 letter, and the applicant has stated that they can comply with all of the recommendations made by that letter, which also includes that silt sacks will be installed in the catch basins in the rear of the existing building as indicated on the map, and the applicant will place wetlands markers along the wetlands boundary at 50 foot intervals, and that any blowback as part of the cooling water process will be taken off site or handled by an appropriate DEEP permit, and subject to all of the usual standard conditions.. **MADE:** by C. Heffernan; **SECONDED:** by M. Wilcox; **VOTING IN FAVOR:** C. Heffernan, C. Savage, P. DeLisa, M. Caldarella, P. Kay, J. Kulowiec, M. Wilcox; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

C. 24-007 “Atlas Construction” Application to Conduct a Regulated Activity

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

Removal of felled trees, material stockpile, in-place roadway materials and fencing, and placement of granular fill material and grading within inland wetland and 100’ upland review area.

*Owner: 0 Old Middlesex Turnpike, LLC**Agent: Michael Ott, P.E., L.S.*

ACTION: Received 3/21/2024; Consider & Act (NLT 5/24/2024)

Paul Connolly, a member of the public who submitted a letter, was allowed to speak. He stated that someone who has violated wetlands rules should not be allowed to mitigate the damage themselves.

Eric Davison presented for the applicant. He showed the wetlands impact map and discussed the existing conditions. He showed what he has done so far with respect to a restoration plan,

including discussing plans for invasive plants as well as the planting plan. C. Heffernan stated that some of the trees taken out were large and he would like to see an inventory of the trees taken down. He asked about the caliber of the trees that will be brought in. Mr. Davison stated that an inventory will be done after the area is cleared and stated that survivability is lower for larger trees and opined that the largest trees for restoration should be 10-12 feet. Commission members and staff asked questions about invasive plants, use of the property after remediation is completed, and restoration plans in neighboring properties. Town consultant Martin Brogie commented that the trees to be brought in should be as large as possible. Due to Michael Ott arriving late from another meeting, discussion on “Atlas Construction” was paused.

D. “Atlas Construction” Continued Show Cause Hearing

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

Cease & Desist Order issued on November 20, 2023

Unauthorized regulated activity within wetlands and 100’ upland review area.

Owner: 0 Old Middlesex Turnpike, LLC

MOTION to table 24-007 “Atlas Construction” Application to Conduct a Regulated Activity. **MADE:** by C. Heffernan; **SECONDED:** by M. Caldarella; **VOTING IN FAVOR:** C. Heffernan, C. Savage, P. DeLisa, M. Caldarella, P. Kay, J. Kulowiec, M. Wilcox; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

A. Beltran was reseated in place of M. Wilcox after the above vote. Continued meeting with 5 Jade Court:

E. “5 Jade Court LLC” Continued Show Cause Hearing

Cease and Desist Order Issued on March 20, 2024

Unauthorized regulated activity within 100’ upland review area

5 Jade Court (Map 42/Lot 9-2)

Owner: 5 Jade Court, LLC

Joe Wren presented. He stated that he was hoping a survey map would be completed by the date of the meeting, but it was not yet ready. L. Wacker explained that the Land Use Office received an incomplete application on April 4, which did not have a site plan. The office contacted the applicant to pick up the application since it was not complete. She explained that the application is considered received because it crossed the counter into the office, but the intent was to return it as incomplete. The application does not contain a description of what is being applied for and does not include a site plan, so it did not go on the agenda.

Mr. Wren reviewed the existing conditions at various times by passing out images from 2012, 2016, and 2019, and explaining that the former owner stored boats in the back. He stated that the activities on the site are not affecting the wetlands and the owner has not expanded the edge in the back. He further stated that the applicant would like to retain the gravel area that already exists and will not cut any trees. The Commission discussed whether to move or keep the piles of soil that are already there during the application process. C. Heffernan stated that the silt fence should remain in place and that nothing should be moved or increased.

MOTION that the Cease and Desist Order remain in place with the notation that the silt fence that has been installed also remain in place. **MADE:** by C. Heffernan; **SECONDED:** by P. DeLisa;

VOTING IN FAVOR: C. Heffernan, C. Savage, A. Bertan, P. DeLisa, M. Caldarella, P. Kay, J. Kulowiec; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

IV. NEW BUSINESS

A. 24-009 “Epic Real Estate Group” Application to Conduct a Regulated Activity

806 Boston Post Road (Map 36/Lot 118)

Replace septic system, removal and replacement of paved parking lot, construction of two stone walls and landscaping within the 100’ upland review area.

Applicant/ Owner: Jack Pragosa, Epic Real Estate Group *Agent: Joe Wren, P.E., L.S.*

ACTION: Receive application, review for completeness and determine if regulated activities are significant.

Joe Wren presented and reviewed the site plan, including the septic system, paved parking lot and stone walls. He explained that the landscape wall does not allow anything into the pond. He also discussed the April 17th letter from Robert Russo discussing the existence of vernal pools.

MOTION to accept 24-009 “Epic Real Estate Group” Application as complete, that the regulated activities are not significant, and that no Ordinance 71 fees will be required. **MADE:** by C. Heffernan; **SECONDED:** by M. Caldarella; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, M. Caldarella, P. Kay, J. Kulowiec; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

B. 24-011 “Ortho Saybrook, LLC” Application to Conduct a Regulated Activity

52 Spencer Plain Road (Map 25/Lot 27)

Construction of a 23,820 s.f. medical office building, driveway, parking, stormwater management and other associated improvements within wetlands and 100’ upland review area.

Applicant: Provence Land Co., LLC *Agent: Joe Wren, P.E., L.S.*

ACTION: Receive application, review for completeness and determine if regulated activities are significant.

Joe Wren presented. He reviewed the site plan and the wetlands. He also provided a comparison to the previous application that was approved last year for the same site. He explained that this application has less impervious area, the stormwater basin is smaller, there is one septic versus two, one building versus two, and only two lanes for entry and exit versus three lanes. He stated that this plan involves less clearing and less disturbance to the wetlands. Mr. Wren also discussed the landscaping plan and the lighting plan. J. Kulowiec asked about putting the septic system on the west side and Mr. Wren explained why the septic was placed on the east side. Mr. Wren also stated that less fill will be used than the prior application and discussed the stormwater catch basins.

MOTION to accept 24-007 “Ortho Saybrook” Application as complete, that the regulated activities are significant, and that Ordinance 71 fees will be required. **MADE:** by C. Heffernan; **SECONDED:** by M. Caldarella; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, M. Caldarella, P. Kay, J. Kulowiec; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

A. Bertan left the meeting and M. Wilcox was seated in his place. Continued discussion of “Atlas Construction” Application:

Michael Ott stated that the land surveyor added property stakes and reset the location of wetlands flags 2-17. He then explained the steps for the tree removal, which will include: (1) removing all fencing within the Town's right of way; (2) removing the pile of millings that is sitting in the center of the roadway by loading it onto trucks; (3) scraping the millings that have spread into the center of the roadway where they will be rolled and compacted over the roadway surface, which will become the processing area for taking care of the trees; (4) parking all equipment needed to process the trees in the old roadway; (5) pulling trees into the processing area starting from the west side of the property moving east, which can be done without equipment entering the wetlands or the 50 ft. buffer; and (6) using equipment for processing the trees, called harvesters, that will pick up the tree, which will then be delimbed, cut into smaller lengths, and put on a truck. There will be no stumps removed.

C. Heffernan reviewed the comments in the email from Geoffrey Jacobson dated April 16, 2024 and Mr. Ott answered questions contained in that letter. Martin Brogie commented that the plan is detailed. He asked about efforts to contact the State about trees cut on state property, which Mr. Ott stated has been done. Mr. Brogie then suggested that trees be planted on the northern side. Commission members then discussed how supervision of the work will be accomplished.

MOTION to approve **24-007 "Atlas Construction" Application** subject to the following conditions: (1) that as the information becomes available, a revised plan will be submitted that will show the type of equipment to be used and where it will be staged, and where the equipment refueling will take place; (2) that temporary spill containment measures, including oil absorbent booms and blankets, will be taken; (3) that the applicant will provide the Town of Old Saybrook with the anticipated start date and schedule; (4) that all work will be done under the supervision of the Town of Old Saybrook; (5) that the applicant will timely notify the Town of any changes to the proposed work schedule; and (6) that the standard conditions apply and that all activity will be done consistent with the construction notes and construction sequence as provided by the applicant.; **MADE:** by C. Heffernan; **SECONDED:** by J. Kulowiec; **VOTING IN FAVOR:** C. Heffernan, C. Savage, P. DeLisa, M. Caldarella, P. Kay, J. Kulowiec, M. Wilcox; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

MOTION that in the event that the applicant receives permission from any of the abutting property owners to the site to remove any felled trees that that application shall be handled administratively at the discretion of the Wetlands Enforcement Officer; **MADE:** by C. Heffernan; **SECONDED:** by P. DeLisa; **VOTING IN FAVOR:** C. Heffernan, C. Savage, P. DeLisa, M. Caldarella, P. Kay, J. Kulowiec, M. Wilcox; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

C. Heffernan commented on Paul Connolly's remarks, explaining that the process is more involved than just Atlas doing the work and includes a team of engineers supervising as well as the Town's engineer, soil scientist, and botanist being involved. He explained that there is a team of people working on this under the supervision of the Town.

MOTION to uphold the Cease and Desist at 0 Middlesex Turnpike other than the work approved at the phase 1 remediation application, and to continue the Show Cause Hearing to the next regularly scheduled meeting on May 16, 7 p.m. at Town Hall; **MADE:** by C. Heffernan;

SECONDED: by J. Kulowiec; **VOTING IN FAVOR:** C. Heffernan, C. Savage, P. DeLisa, M. Caldarella, P. Kay, J. Kulowiec, M. Wilcox; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

V. **REGULAR BUSINESS**

A. **Minutes** – March 21, 2024 & March 28, 2024

MOTION to approve the minutes of March 21, 2024 and March 28, 2024 as presented. **MADE:** by C. Heffernan; **SECONDED:** by J. Kulowiec; **VOTING IN FAVOR:** C. Heffernan, C. Savage, P. DeLisa, M. Caldarella, P. Kay, J. Kulowiec, M. Wilcox; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

B. **Committee, Representative & Staff Reports** – L. Wacker stated that she issued two administrative permits: (1) 262 Essex Rd for a shed in the upland review area and (2) 4 Dibble Rd for a garage on a cement slab in the upland review area .

C. **Correspondence & Announcements** – None.

VII. **ADJOURNMENT**

MOTION to adjourn the meeting at 9:53 p.m. to the next regular meeting on May 16, 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:** C. Heffernan, C. Savage, P. DeLisa, M. Caldarella, P. Kay, J. Kulowiec, M. Wilcox; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.