



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

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

www.oldsaybrookct.gov

**REGULAR MEETING AGENDA
 HYBRID METING**

*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, March 21, 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, P. Kay, E. Steffen (seated), M. Wilcox (seated), J. Kulowiec

Members Absent: M. Caldarella, S. Roberts

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

Audience Present: 7 in person, 5 online

III. OLD BUSINESS

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

9 Custom Drive (Map 46/Lot 9)

Construction of an 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; Consider & Act (NLT 3/22/2024)

Joe Wren presented. He reviewed the revised plans, providing information on the trees as requested by the Commission, including those that will be removed, those that will stay and those that will be added. He then discussed the closed loop system that will be used for containment of the wastewater in the building, including explaining that backflow preventors, floor covering, and sealed sump pits will be used so that nothing leaks into the ground. Mr. Wren then reviewed and discussed comments made by town consultant Jeff Jacobson.

J. Kulowiec asked how the reverse osmosis system mentioned in one document will function. Jeremy Corrao answered for the applicant, stating that the reverse osmosis system will be removed from the building and the only thing that will be used is the water treatment system. Mr. Kulowiec then asked about the use of an ozonation system in one document and ultraviolet for disinfection in

another document. Mr. Corrao explained that ozonation will be on one side and UV on the other side. He stated that using both systems gives extra protection from contaminants. C. Heffernan then asked if the contaminants being discussed are harmful to the public to which Mr. Corrao explained that it is algae and these systems are used to prevent biological matter from building up in the equipment and reaching the plants. J. Kulowiec asked if the production area will have a lab, such as for nutrient testing, and Mr. Corrao stated it would not. Finally, J. Kulowiec asked if herbicides or pesticides will be used and Mr. Corrao explained that they cannot be used under CT statutes. P. Kay asked for clarification on the proximity of the existing pavement to the wetlands, which Mr. Wren showed on the site plan.

MOTION to accept the plan as proposed for Application 24-001 “Appleby Holdings, LLC” at 9 Custom Drive, Map 46/Lot 9, with the understanding that the applicant is agreeing to provide a stormwater basin monitoring report, including photos, to be submitted on an annual basis for a 3 year time period each October, with the annual report addressing the success of the plantings, any remedial measures needed to be implemented, any eradication of exotic invasive plants if they become invasive as described in paragraph 8 of the Jacobson engineering letter dated March 20, 2024, and subject to our usual conditions. **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, E. Steffen, M. Wilcox; **OPPOSED:** P. Kay; **ABSTAINING:** None; **APPROVED:** 6-1-0.

C. Heffernan stated that Joe Wren requested that Item C. of New Business be moved up.

MOTION to move the agenda to accommodate Mr. Joe Wren and take up next New Business Item C. Notice of Violation. **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, P. Kay, E. Steffen, M. Wilcox; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

NEW BUSINESS. Item C.

Notice of Violation: Issued 2/22/2024 for regulated activities including removal of pavement and construction of stone wall within 100-foot upland review area without a permit.
806 Boston Post Road (Map 36/Lot 118)
Owner: Epic Real Estate Group 806 LLC
Action: Discuss violation

Lynette Wacker explained the violation, stating that in mid-to-late February she heard of activity taking place at 806 BPR. When she investigated, she saw pavement removed and a stone wall along the property line where the wetlands are located. She issued a Notice of Violation on February 22.

Joe Wren presented and owner Jack Pragosa was present to answer questions. Mr. Wren stated that Mr. Pragosa ordered a survey and immediately flagged the wetlands. The wetlands are mostly off property. He discussed the walls, septic and proposal to reduce the asphalt. Mr. Pragosa explained that he put the walls up to stop debris and that he paid to clean the area. C. Heffernan told Mr. Pragosa to submit a wetlands application and not to do any further work until the application is approved.

Continued discussion of OLD BUSINESS:

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

150 Old Post Road (Map 19/Lot 44-2)

Remediation plan for previous violation plus construction of a rain garden for stormwater management, grading and vegetation removal within the 100’ upland review area associated with the construction of a house, decks, garage, pool and driveway.

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

ACTION: Received 2/15/2024; Consider & Act (NLT 4/19/2024)

Fern Tremblay presented and reviewed the notice of violation and construction plan. He stated that the tree detail on the plan was modified to address the comments made by Kathy Connolly. L. Wacker stated that the Commission could ask the applicant to put up wetlands markers if there is the potential of encroachment into the wetlands. The applicant agreed to put up markers.

MOTION to approve **24-002 “150 Old Post Rd.” Application** as revised and that the wetland markers be made available to the applicant for installation along the wetlands boundary **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, P. Kay, E. Steffen, M. Wilcox; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

IV. NEW BUSINESS

A. 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; Review for completeness, determine if regulated activities are significant and if Ord. 71 fees will be required.

A. Bertan recused himself. Will Hessert, Carissa Chandler, and Stephen Chandler presented. Will Hessert briefly explained the cooling towers and propane tank. C. Heffernan asked for an explanation of what the applicant will be doing at this site. Mr. Hessert explained the process of taking wood chips and creating biochar, which has an agricultural end use. Commission members asked questions about where the carbon comes from, where the water from the cooling towers will flow, the mesh cover, the containment around the cooling towers, other companies doing this process, the temperature inside the furnace, where wood chips will be stored, and the operation time of the furnace. Commission members discussed the significance of the activities and whether consultants should be retained to determine significance. J. Kulowiec requested that the applicant provide a diagram of the cooling system.

MOTION to accept **24-005 “BluSky” Application** as complete with the understanding that the applicant will provide the cooling system schematics that have been requested, and Ordinance 71 fees will be required so that the town engineers can review the application for its significance. **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Savage, P. DeLisa, P. Kay, E. Steffen, M. Wilcox; **OPPOSED:** None; **ABSTAINING:** A. Bertan; **APPROVED:** 6-0-1.

B. 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: Receive, review for completeness, determine if regulated activities are significant and if Ord. 71 fees will be required.

Applicant Leland McKenna explained the project and discussed the pictures submitted. He stated that a survey was done and the wetlands marked. The project will involve knocking down the current garage, building a new foundation and building a new two-story addition on the same footprint. P. Kay asked for clarification of the pictures in relation to the site plan.

MOTION to accept **24-006 “McKenna” 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 P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, P. Kay, E. Steffen, M. Wilcox; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

C. Notice of Violation: Issued 2/22/2024 for regulated activities including removal of pavement and construction of stone wall within 100-foot upland review area without a permit.

806 Boston Post Road (Map 36/Lot 118)

Owner: Epic Real Estate Group 806 LLC

Action: Discuss violation

Discussed above.

D. 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: Receive, review for completeness, determine if regulated activities are significant and if Ord. 71 fees will be required

Michael Ott presented and summarized the various phases of the project and the steps taken to date. He stated that the applicant will apply for an encroachment permit for the right of way and agreed to provide more detail as per the comments made by Jeff Jacobson. He also explained the delay in submitting the application, which was due to efforts to obtain permission from the neighbor’s property where some of the felled trees are located. He stated that the applicant has not yet obtained permission from the neighbor so will need to file a separate application for removal of the trees on the neighbor’s property. C. Heffernan reviewed the points made by Jeff Jacobson in his March 20 email and Ott responded to each of the comments. Martin Brogie provided his comments and opined that removal of the trees before developing a remediation plan is not necessary and that a remediation plan can be developed sooner so that planting can be done in the spring. C. Heffernan discussed how to jumpstart remediation, stating that the applicant should start restoration where possible and that phase 1 should not stop the applicant from beginning phase 2. C. Heffernan encouraged the applicant

to submit the plan before the next regularly scheduled meeting and if necessary, the Commission can have a special meeting.

MOTION to accept 24-007 “Atlas Construction” Application as complete subject to the additions that the applicant has agreed to provide, which were requested by the town’s consulting engineer Geoffrey Jacobson as stated in 3/21/24 email from L. Wacker; that there is no public hearing required; that Ordinance 71 fees are going to be assessed; and to proceed with the updating of the plan. **MADE:** by C. Heffernan; **SECONDED:** by A. Bertan; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, P. Kay, E. Steffen, M. Wilcox; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

V. CONTINUED SHOW CAUSE HEARING

A. “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 continue the Show Cause Hearing to the next regular meeting on April 18, 7 p.m. at Town Hall and to uphold the Cease and Desist Order for Atlas Construction at 0 Middlesex Turnpike, Map 41, Lot 1 and Map 42, Lot 3 and; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, P. Kay, E. Steffen, M. Wilcox; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

VI. REGULAR BUSINESS

A. Minutes – February 15, 2024

MOTION to approve the minutes of February 15, 2024 as presented. **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, P. Kay, E. Steffen, 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) paving and gravel driveway in the upland review area at 149 Ingham Hill Rd and (2) a shed on blocks in the upland review area at 300 Schoolhouse Rd.

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

VII. ADJOURNMENT

MOTION to adjourn the meeting at 9:35 p.m. to the next regular meeting on April 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 A. Bertan; **VOTING IN FAVOR:** C. Heffernan, C. Savage, A. Bertan, P. DeLisa, P. Kay, E. Steffen, M. Wilcox; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.