

**Inland Wetlands Commission
Regular Meeting
Final Minutes
February 2, 2023
Stonington Police Station, 173 South Broad Street, Pawcatuck, CT 06379**

Seated for the meeting were William Wright, Raul Ferreira, Dennis Unites, and Lee Reichart. Candace Palmer, WEO, was also present.

The meeting was called to order at 7:00 p.m. at the Stonington Police Department.

Correspondence: None

Call for Public Comment:

Ben Tamsky, 5 Edgemont St., Mystic, looking for an update on the project at 16-20 Stonington Road.

Maggie Favretti, Alliance for Mystic River Watershed, spoke about world wetlands day.

Consent Agenda: None

New Business: None

Public Hearing:

IW #22-23 Coast Development Group, LLC - Daniel O'Brien - Seeking a permit to improve the ecological quality within the upland review area. Construction of the proposed single-family residence and grading is outside the upland review area. Property located on 16 Smith Street, Old Mystic. Assessor's Map 166 Block 6 Lot 19, Zone RA-20. **[Continued from 1/5/2023]**

The members seated for this hearing are Mr. Unites, Mr. Ferreira, Mr. Wright, and Mr. Reichart, the same members who were seated for the original discussion on 1/5/2023.

Candace Palmer stated that the Public Comment portion of the meeting was closed at the previous meeting but the public could comment if any new information was presented.

Attorney William McCoy representing Coast Development Group, discussed the REMA report in opposition which was submitted by Mr. Logan, at the prior meeting. One issue is the lack of soil testing and appropriate flagging of the wetlands. Another issue according to Mr. McCoy is the subject of vernal pools. Even though neighbors can hear 'critters' this does not serve as enough evidence that vernal pools exist. Lastly, Mr. McCoy reiterates that the jurisdiction of this commission is limited to the upland review area and activities that affect inland wetlands. This application is simply about a single-family home being built on a single-family lot where all construction activities are outside the upland review area, the house will be built on stilts, and compensatory fill is outside the review area. Mr. McCoy acknowledges that the owner will have to go back over time to update the seed mixture which will be replacing the invasive species.

The Public Hearing portion was been closed.

Mr. Unites informed the public of his qualifications; environmental geologist with 40 years experience, etc. He mentions that one concern is flooding however this board does not deal with that issue. There are some questions about delineation accuracy in Mr. Logan's reports, thus without a 3rd party review we must rely on the professionalism of Mr. Cole and his experience. The bottom line is that they must make a decision based on what is occurring within the upland review area and its impact on the adjacent inland wetland. There are feasible ways to deal with the potential issues. Mr. Unites recommends a series of stipulations such as a clear evasive management plan and inspections to evaluate if the plan is working.

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Mr. Ferreira states his qualifications as a biologist, entomologist and taxidermist. After analyzing the facts from both sides, with good and positive arguments, we are back to the same question: Can a house can be built without impacting the wetlands or the wetlands impacting the building of a house. All discussions prove that we all want good and balanced decisions.

The first cleanup of the property without permission was a wrong step, (I expect, future cases, will not be repeated without severe consequences, and the developers must keep in mind that this will not be a precedent). At the end, as proved, the removal of the 'junk', if we agree, was beneficial.

I admit the difficulty of proactively identifying vernal pools, especially on private land. Vernal pools are ephemeral waterbodies that dry out for a part of the year. If they do not dry regularly, the organisms that survive in permanent aquatic environment (fishes) may dominate the ecosystem.

The absence of fish allows other species (Salamanders, Backswimmers (Hemiptera), Dragonflies, etc.) to use vernal pool habitats. Vernal pools of biological significance must contain water for at least 2 months during the spring to allow organisms to complete their development prior to the pool drying. Obligate vernal pools amphibians include the wood frog (*Rana sylvatica*), the Eastern spadefoot toad (*Scaphiopus holbrookii* (a CT endangered species), the spotted salamander (*Ambystoma maculatum*), the marbled salamander (*Ambystoma opacum*), the Jefferson salamander (*Ambystoma jeffersonianus*), a CT species of special concern). Salamanders often breed in a single pool throughout their reproductive lives while living in surrounding upland areas (up to 125 m). During the present or passed meetings was any proof of Vernal Pools.

Vernal pools protection is constrained by several factors, which fall into two broad categories: ecological (problems related to vernal pool biology and technical elements, such difficulty in identifying ephemeral wetlands and a need for upland protection) and social/ policy problems include the lack of explicit protection in existing legislation and the resultant lack of consistent implementation, a general distrust of government.

Evasive species mentioned during these meetings are 'bad' for the ecosystem, but only a radical approach can (if they can) eliminate them, with consequences in the impact generated by the measures applied. As mentioned, during the arguments, removal ... but they will come back. The proposed method of removing them, seems to me, a reasonable and safe way to do that (keep in mind, they will come back).

The creation of a garden, (whatever we want call it) without severe disturbance can bring wild life back and a restoration of some "extinct" species of pollinator's bees (Bumble bees) can happen, as well other friendly species.

The removal of the trees must be processed by a professional, using the method of branch by branch at a time and the stumps must stay undisturbed. The only stump allowed to be grounded will be the one in front of the house.

The planting of the two new trees must be with the less disturbance of the soil and after planting all soil must be stabilized with vegetation allowed in these circumstances.

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After these ecological and environmental arguments, I will state that this will not be setting precedents and each case will be analyzed to the best of our abilities, as separated identities. All decisions will be in my point of view, building partnerships between the different constituencies and it is hoped that consensus rather than confrontation will mark the future of wetlands conservation in Connecticut without stopping development.

Mr. Reichart believes the proposal is a good one. He would like to see language about growth management.

Mr. Unites made a motion to approve as the application will not significantly impact or adversely affect the wetlands and watercourses and there is no character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity. I motion to approve the application with the following stipulations:

1. Staff shall be notified prior to the start of construction to inspect sediment/erosion control measurements.
2. Applicant shall provide a revegetation plan to the Town Engineer for approval prior to the start of construction. Plan shall provide a schedule of inspections be a responsible professional to evaluate the progress & success of said program. The parameters to be used in the evaluation shall be provided with the plan.
3. Applicant should reconsider the removal of the willows that do not present a hazardous condition. If they are to be removed, they shall be cut to a near ground level and leave the stumps in place.
4. There will be a minimal disturbance by heavy equipment in the Upland Review Area and any activities are to be after the spring period [April].
5. Use of soil amendment such as fertilizers or lyme in the Upland Review Area should be eliminated to the extent possible.
6. In the non-upland review area, the use of fertilizers, pesticides and herbicides should be minimized.
7. As-builts shall be provided to show the location of the elements as approved by this plan.

Seconded by Mr. Wright. All in favor, 4-0. Motion approved.

Old Business:

IW #22-24 Mystic Sahajanand LLC C/O Mukesh Patel - Seeking a permit for construction of an 80-room hotel, parking and associated utilities, access drives, hardscaping and landscaping located within the Upland Review Area. Property located at 321 Liberty St. Pawcatuck CT. Assessor Map 17, Block 3, Lot 4; Zone HI-60.

Sergio Cherenzia, President of Cherenzia Associates. Reoriented the building to fit the site, built into the slope. 5 stories with one being a walkout. Can now pump 90% of wastewater using gravity instead of mechanicals. They need a planning/zoning special use permit but believe they have met all zoning requirements. Over the years this property has mutated and changed but the majority is a 'grassy type vegetation'. There will be a 25-foot buffer to the intermittent stream. Trees and a wall will create the buffer. Parking lot will be paved. All storm water is diverted to an on-site detention basin.

Mr. Reichart asked about the maintenance of the basin. Comments in the report show the basin has not been tended to for some time and rogue trees are growing. The client will be speaking with the owners of the Tractor Supply as it is technically their obligation until this new building is built, at which time it will become a shared maintenance.

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Mr. Unites asks about drainage of the basin.

Mr. Reichart mentions that they would have to look at the respective plans from Tractor Supply.

Mr. Ferreira asks about the style of trees and maintaining a corridor for water runoff. He mentions the arrangement of trees can be improved.

Mr. Unites asks if pervious pavement was considered. According to Mr. Cherenzia this was not necessary. Mr. Cherenzia and his client are happy to accommodate the town engineer's requests.

Mr. Reichart recommends adding stipulations about the species/arrangement of the trees as well as the maintenance of the storm retention basin.

Mr. Wright moves to approve the application with the following stipulations:

1. Staff shall be notified prior to the start of construction to inspect sediment/erosion control measurements.
2. Application shall be amended as per CLA Recommendations from Robert Deluca P.E. Correspondence dated January 26, 2023.
3. The white spruce boarder is to be amended with additional tree varieties.

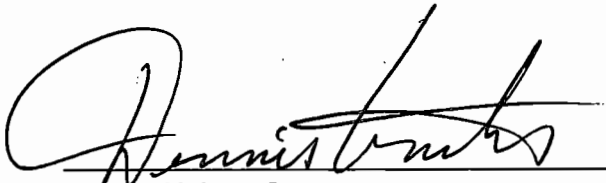
Seconded by Mr. Ferreira, all in favor, 4-0. Motion passed.

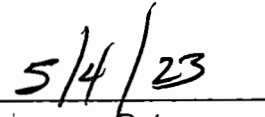
Review of Outstanding Minutes: 1/5/2023 and 1/28/2023

Mr. Ferreira made a motion to approve the minutes, as amended, seconded by Mr. Wright. All in favor, 4-0.

Adjournment:

Mr. Wright made a motion to adjourn, seconded by Mr. Unites. All in favor, 4-0. The meeting was adjourned at 8:23 p.m.


Dennis Unites, Secretary


Date