

**Inland Wetlands Commission
Regular Meeting
Final Minutes
July 7, 2022**

Stonington Police Station, 173 South Broad St., Pawcatuck, CT

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

The meeting was called to order at 7:00 p.m. on July 7, 2022 at the Stonington Police Department.

New Business:

IW#22-09 Jesse & Alison Russell (Owner) - Craig Caulkins, Caulkins Homes, LLC (Applicant) – Dieter & Gardner, Inc. (Agent) - Seeking a permit for construction of a single-family residence, inground pool, septic system, driveway and associated site improvements within the upland review area. Property located on 9 Lindsey Lane, Pawcatuck. Assessor's Map 35 Block 2 Lot 3G, Zone RA-40/RR-80.

IW #22-10 - James & Kathleen Michalove (Owner) – Peter Gardner (Applicant) - Seeking a permit for construction of a single-family residence with associated improvements. Footing drain located within the upland review area. Property located 599 Wheeler Road, Stonington. Assessor's Map 91 Block 2 Lot 1A, RR-80.

The applications were accepted and scheduled for site walks July 30, 2022.

Old Business:

IW #22-08 Masons Island Company (Owner) Masons 17 CT, Inc. (Applicant) Peter Giordano-Prominent Development, LLC (Agent) - Seeking a permit for a 10-lot residential re-subdivision plus 1 open space lot. No activity in the regulated Inland Wetlands or upland review area. Approval required per C.G.S. 8-26(e). Property located on School House Road and Cormorant Road, Mystic. Assessor's Map 181 Block 3 Lot 1, Zone RM-15.

Peter Giordano, developer of the property, presented the re-subdivision plan. The property was previously approved for 24 lots, but they are now seeking to revise the plan to 10 lots with one open space lot. There is no proposed activity in the regulated inland wetlands or upland review area. Access to the site will be over 100 feet away from the regulated wetland area. There was a septic system approved on the site with a temporary easement that is prior to this project, the system has not yet been built but they have until 2026 to build the system. The wetlands and pond are all contained within the open space area. The open space will be maintained by the homeowner's association of Masons Estates. The vegetation in the open space will remain as is. Mr. Unites asked about invasive species control in the open space and if the applicant would be open to including some efforts in the plan. Mr. Ferreira asked about the drainage for the road. Mr. Giordano stated the majority will go through an existing retention pond that was sized to include the run off of this subdivision.

Mr. Unites moved to approve the application with stipulations, seconded by Mr. Ferreira, all in favor 4-0. Motion approved with the following stipulations:

1. Staff shall be notified prior to the start of construction to inspect sediment/erosion control measurements.

2. Invasive control plan to be submitted and approved by the Town Engineer prior to construction activities.

Public Hearing:

IW #22-06 Coast Development Group, LLC (Glenn Callahan-Agent) - Seeking a permit for construction of a single-family residence and site improvements within the upland review area. Property located on 16 Smith Street, Old Mystic. Assessor's Map 166 Block 6 Lot 19, Zone RA-20.

Peter Gardner, project engineer, presented the site plan. The applicant is proposing construction of a single-family residence on the existing lot. The southeast corner of the property has a small wetland area. The applicant is proposing a single family home with driveway. The home is in a flood zone and for every cubic foot of fill brought in a cubic foot must be removed, which will be managed through the rain garden, also providing drainage for the lot. There is no proposed activity in the wetland area. Mr. Gardner reviewed the comments from the Town Engineer. They have responded to the comments and they have answered the majority to his satisfaction. Mr. Reichert asked for additional information on the rain garden. Mr. Gardner stated that due to the compensatory fill requirements they have opted to install a rain garden, though it is not there for the purposes of retaining stormwater as usually seen. Mr. Unites asked about septic. Mr. Gardner stated they are able to tie in to city sewer, but they will be installing a well on site. Mr. Finiguerra asked about the elevations on the site. Mr. Gardner reviewed the elevations and stated the berm on the rain garden is above the wetlands. Run off from the house would be stopped by the berm prior to the wetlands. The rain garden has 26,000 cubic feet of storage. Mr. Finiguerra asked about the water from the house and driveway. Mr. Gardner explained the house roof will be channeled into a leader, with a splash pad below and then into the rain garden. The driveway will sheet flow to the rain garden.

Public Comment in Favor:

None.

Public Comment Against:

JD Fontanella, family homestead located at 19 Smith Street, Old Mystic. JD Fontanella presented the NEMO guidelines from the UCONN program that the rain garden was designed to (Exhibit #2). Mr. Fontanella spoke to rules within the program that they feel the plan does follow such as proximity to the house, well, and depth of the rain garden. Mr. Fontanella presented photos (Exhibit #3). They stated that multiple rain gardens in town have been approved, but the maintenance is not being kept up to date. NEMO was unable to make a comment but provided information about other alternatives for compensatory storage. They are concerned that the rain garden would not be effective in its size and nature and no testing of the soils has been done. There is concern over the poorly draining site and the future effects climate change. They have received advice and comments from these agencies on the plan, but cannot submit at this forum. Mr. Fontanella stated that the upland review area was cleared without permission. Mr. Fontanella stated there is an existing home and barn on the property and has been for 75 years, which should be able to continue and does not need to be rebuilt. Mr. Unites stated they have not had an independent review of the wetlands; they have only had the applicant's soil scientist. Mr. Finiguerra asked how the rain garden is ineffective. Mr. Fontanella stated it is close to the home and not functioning as a rain garden. Mr. Finiguerra stated that roof water is clean and the driveway is pervious surface, and the rain garden is able to sufficiently manage the water, but is concerned about the rain garden being dug down into already wet soils. Mr. Finiguerra explained the

purview of the commission. Mr. Fontanella reviewed the photos from the staff report and the photos he submitted. The commission discussed the potential impact of the rain garden on the wetlands. Mr. Finiguerra expressed concern with the lack of test pits and the creation of a pond potentially with the rain garden.

Vilma Gregoropolis, part of the family who previously owned the property and landscape designer. She has built rain gardens and they are designed for one inch storm events. She stated there is a significant amount of maintenance required and is concerned with future homeowners ability to maintain. She stated that a larger variety in the plantings would make it more functional. She also expressed concern with outdoor patios/firepits/grilling in the future and there is no space for that with the current location.

Dan Booker, resident of Stonington, spoke to the wetness of the property historically and spoke in opposition of the application.

Lynn Marshall, resident of Groton, stated that the property is close to the Groton border and expressed concern with the proposed rain garden and is concerned with its functionality and longevity. She expressed concern with the rain garden functioning in the future and charged the commission with assessing existing rain gardens, having an independent third-party review, studying the larger impact on the surrounding wetlands, and asked how they can help to evaluate the statements of the soil scientists. She asked the commission to deny the application and implored that the wetlands be protected.

Mary Hendrickson, resident at 20 Rossie Street, stated she has submitted testimony already and spoke to those comments regarding development in the flood zone and impact of climate change. She is concerned about the impact to the environment with this project.

Jean Marsh, pastor of the church adjacent to the property, spoke about their concern for their property being affected if the rain garden does not function properly.

A question was asked on the procedure for inspection of the rain garden by the town. Ms. Palmer explained as compensatory storage, it would be part of their zoning permit and inspected during that process. If not maintained it would be pursued by zoning and wetlands.

Maggie Favretti, resident of Stonington and educator, asked about large rain events and where water will go during those events if it cannot spread over the lands. Ms. Favretti read a statement from the Groton Conservation Commission and their concern with the impact to the greater wetland ecosystem. Ms. Favretti asked where the fill for the house comes from. They also recommended an independent soil scientist and hydrologist review.

General Comment:

John Holland, stated growing up he witnessed pollution of the Mystic River and is glad the commission is there to protect the river.

JD Fontanella, brought the commission's attention to the written testimony of Rudy Favretti.

Rebuttal:

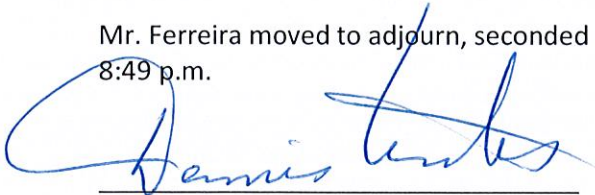
Peter Gardner, stated there has never been a notice of violation or cease and desist order on the property. A complaint was made, Ms. Palmer went to the property and asked them to stop work and submit an application. Mr. Gardner stated the purpose of the rain garden is for compensatory storage and is not for mitigation and remediation. Mr. Gardner stated they can remove the rain garden and just have a depression for the compensatory storage. It was an attempt on the applicant's part to be more attractive than a depression. Mr. Gardner stated that he does not see how there would be standing water in the rain garden. He stated the comments made are large what ifs. Ian Cole, soil scientist, has written in his report that there is no impact to the wetlands. Mr. Unites asked if the property owner would allow an approved soil scientist to do an outside evaluation and asked about the groundwater. The applicant stated they will not approve outside study of the site. Mr. Finiguerra stated they need to sift through the comments received and is concerned that the compensatory storage is an adequate long-term solution and its impact to the wetlands. The applicant agreed to continue to the application for Ian Cole, soil scientist to be present to answer questions. The exhibits submitted will be provided to the applicant. Mr. Unites asked about the functionality of the rain garden and whether pooling would occur.

The hearing was continued to the August 4, 2022 meeting.

Minutes:

Mr. Ferreira moved to approve the minutes of the June 2, 2022 and June 25, 2022, seconded by Mr. Finiguerra, all in favor 4-0. Motion approved.

Mr. Ferreira moved to adjourn, seconded by Mr. Unites, all in favor 4-0. The meeting was adjourned at 8:49 p.m.



Dennis Unites, Secretary