

**Inland Wetlands Commission  
Regular Meeting  
Final Minutes  
August 4, 2022**

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

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

The meeting was called to order at 7:01 p.m. on August 4, 2022 at the Stonington Police Department.

Old 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.

Peter Gardner, project engineer, presented the application. The applicant is proposing a single-family home on a previously subdivided lot. The home is as close to the front property line as possible and tried to keep it as far from the wetlands as possible. Mr. Wright asked about the total amount of fill brought in. The staff report indicated 200 yards. There will be erosion and sedimentation controls in place. Mr. Ferreira asked about the excavation process. Mr. Gardner stated that there will be three-foot excavation and some fill brought in based on the slope of the lot. The pool will be excavated, but no grading is required for the area. Ian Cole, soil scientist, stated that part of the area was already disturbed during the sub-division process. Mr. Finiguerra asked about the curtain drains on the rear of the home that is in the upland review area. Mr. Gardner stated they collect and discharge to point FD on the plans. The pool will not be built right away, but any changes would need to come back for approval. Mr. Finiguerra asked about the pipe discharge. Mr. Cole responded that there is a significant amount of stone in that area which will treat the discharge.

Mr. Unites moved to approve the application with the following stipulation:

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

Motion seconded by Mr. Ferreira, all in favor 5-0. Motion approved.

**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.

Peter Gardner, project engineer, presented the application. The applicant is proposing a single-family home to be constructed on the lot. They have kept all disturbance outside of the upland review area with the exception of the footing drain due to distances required for the gravity flow. The remaining area of the property will remain undisturbed.

Mr. Wright moved to approve the application with the following stipulation:

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

Motion seconded by Mr. Ferreira, all in favor 5-0. Motion approved.

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.

Mr. Wright has listened to the recording of the previous meeting and was seated.

Andrew McCoy, attorney for the applicant, discussed the charge of the commission and their jurisdiction. The application is subject to an intervention from the neighbors presented before tonight's meeting. The applicant presented revised site plans to incorporate comments from the Town Engineer and some input from the public. Peter Gardner reviewed the changes to the plan based on comments from the Town Engineer. They have one additional comment from the Town Engineer to add erosion and sedimentation controls around the base of the incline of the house. The applicant has agreed that this may be added as a condition of approval. Ian Cole has taken test pits as requested and there is infiltration in the compensatory storage area. Ian Cole, soil scientist, testified on the application. Mr. Cole presented on the existing wetland conditions. The site has a history of farm use, but is currently an overgrown field. Mr. Cole spoke about the quality of the wetlands and that they were likely due to the farming nature of the property. They did a percolation test for the compensatory storage area and found that it drains one inch every five minutes. Mr. Cole testified that the field soils would not create a pond. The berm will serve as a natural buffer to the wetlands as well. Mr. Cole stated that there is no direct wetland activity. Some impervious surface will be removed from the existing drive. Mr. Cole stated that the project will not create any adverse impacts to the wetland. Mr. Cole stated that the wetland does not contain any vernal pools. Mr. Unites asked about the palustrine emergent wetlands commented on by the public. Mr. Cole stated that the area is a forested wetland. Mr. Unites asked how deep it was to groundwater. Mr. Cole stated that it is 24-36 inches down and even with the removal of soil, Mr. Cole stated that he is confident that area would not flood in a rain event. Mr. Finiguerra asked about the photos submitted at the hearing of standing water. Ms. Palmer gave them Exhibit #3. Mr. Unites clarified that the entire site is in the flood zone, so regardless of location of the home, compensatory storage would be required. Mr. Unites asked about other locations for the home. Mr. Gardner stated they could move the home but the storage area would still be needed. Mr. Unites asked about whether they considered putting the home on pilings. Mr. Cole stated that the construction of those pilings causes similar disturbance. Mr. McCoy stated that alternatives are only required if there are adverse impacts to the wetlands, which testimony has indicated there is not. The commissioners stated their qualifications.

Public Comment Against:

JD Fontanella, 19 Smith Street, spoke on behalf of Maggie Jones. Mr. Fontanella presented case law stating that the commission may not agree with the expert and can rely on their own expertise. Mr. Fontanella read a submitted letter (Exhibit #9). The group alleges that there are vernal pools on the site based on amphibians found on their site.

Eve Aldridge, spoke on behalf of the Old Mystic Congregational Church. They feel the change in the plan does not indicate whether the new lawn will cause additional flooding to their baseball field which floods frequently. They are concerned with the environmental impacts.

Janis Mink, read letters of neighbors to the project into the record from Patrice Thomas, Dan Williams, Joanne Fontanella, and Jamie Lane. (Exhibit 9) Janis Mink added her own statement and spoke about

flooding in the region. She stated that the test pits focus on downward flow and is still concerned about groundwater which many neighbors testified on. (Exhibit 11)

Maggie Favretti, 19 Whitehall Lane, Mystic. Ms. Favretti is an environmental educator and spoke to the revised plans. She stated concern with the drainage of the basin based on the groundwater table. She also expressed concern with the limestone and fertilizer that may reach the wetland from the grass basin and cause negative impacts. Ms. Favretti shared testimony from Pieter Visscher (Exhibit 9). Ms. Favretti's full comments are Exhibit 12.

Velma Gregopolis, landscape designer, spoke about her concern of lawn being the only buffer to the wetlands and its potential erosion and the impacts of the monoculture.

No Public Comment in Favor.

No General Comment.

Rebuttal:

Peter Gardner stated the only change on the plan is the removal of the rain garden, test pit information, and riprap added to the roof drain outlet. The erosion and sedimentation control plan is based of state standards. The area is compensatory storage, not mitigation. They have made is as shallow as possible by making it this large. Ian Cole stated that on the letter of intervention and stated that he disagrees and the application will not have a negative impact on the wetlands on any of their points. He stated there will be no impact to onsite or offsite impacts to the wetlands. Andrew McCoy, stated that they submit there are no negative impacts to the wetlands and have expert testimony stating that from Ian Cole. They additional asked that the commission deny the intervener status based on Mr. Cole's testimony. Mr. Wright asked about the about the slope of the home to the basin, Mr. Gardner stated it was 4:1. Mr. Unites asked about limestone and nitrogen impact. Mr. Cole recommended a filter strip of conservation mix at the berm prior to the wetlands to mitigate concern. Mr. Finiguerra expressed concern with the basin being in the majority of the upland review area and the potential for ponding. Mr. Cole discussed using a tall grass mix that would only require annual mowing to be planted within the compensatory storage area. The grass mix would not need fertilization like a lawn. Mr. Finiguerra expressed concern with infiltration.

The commission discussed a condition to seed the upland review area with a conservation mix.

Public Comment:

Jamie Lane, neighboring property owner stated his concern with the clearing that took place on the land and is concerned with chemicals potentially used on the lawn. He is also concerned the clearing caused the vernal pools to dry out.

Mr. Reichert closed the public hearing.

Mr. Unites moved to table the application to the next meeting, seconded by Mr. Wright, all in favor 5-0. Motion approved.

Discussion:

Edythe K. Richmond Homes, 45 Sisk Dr., Pawcatuck. Storm System & Pond Maintenance Program.

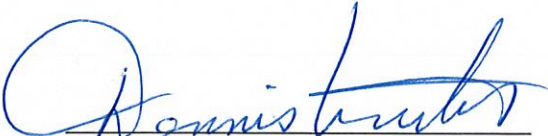
Ms. Palmer stated there is a detention basin on the site that was previously maintained by DPW but has not been maintained by DPW for approximately ten years. The commission needs to decide the jurisdiction to maintain the basin. Stonington Housing Authority will be responsible for the maintenance moving forward.

Mr. Unites moved that is as of right for them to maintain the basin, seconded by Mr. Finiguerra. All in favor 5-0. Motion approved.

Minutes:

Mr. Ferreira moved to approve the minutes of the July 7, 2022 and July 30, 2022 meetings, seconded by Mr. Finiguerra. All in favor 5-0. Motion approved.

Mr. Ferreira moved to adjourn, seconded by Mr. Finiguerra. All in favor 5-0. The meeting was adjourned at 9:26 p.m.



Dennis Unites, Secretary