

**Inland Wetlands Commission  
Regular Meeting  
Final Minutes  
January 5, 2023  
Stonington Police Station, 173 South Broad Street, Pawcatuck, CT 06379**

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

The meeting was called to order at 7:01 p.m at the Stonington Police Department

**Correspondence:**

Kirsten Foster (2 Anchor Lane) Regarding 16-20 Stonington Rd.:

Ms. Palmer read the letter of correspondence into the record where there was suggestion of landscape methods, catching runoff etc. Pine trees absorb more water. Trees reduce flood risk as does vertical vegetation. It will solve frequent flooding on this property.

**Call for Public Comment:**

Ben Tamsky is asking for an update on the 'unauthorized excavation'. Ms. Palmer read her correspondence. She has yet to hear back. It is an ongoing project per Mr. Reichart.

Consent Agenda: None

**New 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

Scheduled for sitewalk on January 28, 2023

**Old Business:**

**IW #22-15 Deborah & Stephen Adams** - Seeking a permit for construction of a deck within the upland review area. Property located on 147 Stony Brook Road, Stonington. Assessor's Map 65 Block 1 Lot 7, Zone RR-80.

The board visited the site 2 months ago. The erosion control from original construction is still in place. It will be renewed. Mr. Unites asked if the deck is on peers which it is.

Mr. Unites made a motion to approve with the following stipulation:

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

This motion was seconded by Mr. Ferreira. All in favor, 4-0.

**IW #22-22 Ante Ljubicic** - Seeking a permit for construction of a driveway over existing culvert including a boulder retaining wall within the upland review area for proposed single-family residence. Property located on 362 Flanders Road, Stonington. Assessor's Map 107 Block 1 Lot 2C, Zone GBR-130/RR-80.

The commission issued the original permit in July of 1985. Mr. Ljubicic clarifies that there is not much of a difference. Per Ms. Palmer the culvert was already installed per the original approvals. The applicant would now like to update driveway with boulders, pave the driveway and a install a portion within upland review area was never finished - they now have to reapply.

Mr. Ferreira asks about the extent of excavation. Per Mr. Ljubicic there is not much change and they will reaffirm the lines of the driveway.

Mr. Palmer clarifies it will be brought up more than an inch or a couple inches. The suggestion is to add 8 inches of gravel with 2 inches of concrete. Believes in this case the paving is a good idea to protect the gravel from running off during plowing.

Per Mr. Reichart, this project will stabilize the culvert.

Mr. Wright made a motion to approve this application with the following stipulations:

1. Staff shall be notified prior to the start of construction to inspect sediment/erosion control measurements.
2. No work is to be performed within 100' of the designated vernal pools without additional permitting.
3. Sieve analysis and amount of fill in square feet shall be provided to staff prior to any depositing of new soils within the upland review area.

This motion was seconded by Mr. Ferreira. All in favor, 4-0. Mr. Reichart draws the applicants attention to stipulation #2. This shall be enforced. Motion approved.

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.

Attorney William McCoy gave a brief overview. This is the subject of a prior application for a plan which involves construction of a single-family home on a single family lot. The work for which seeking permits relates to is work outside of the upland review area. There will be removal of invasive species. They will remove six damaged or diseased trees. The house has been raised and put on stilts. They have responded to all comments received by the town about the project. No adverse impacts in temporary or permanent manner.

Peter Gardner, Agent - The home will be on stilts. Garage will be on slab. Compensatory storage is outside wetland review area. Mr. Gardner reviewed comments from the Town Engineer for the record. Only thing that would take place is the planting of two trees. Will just be removing the six trees and invasive species. Mr. Gardner clarifies for Mr. Reichart that Copper Beach is suited for the area. Mr. Unites adds that the preferred stump removal system is to cut and grind them down instead of pulling out large chunks - possible stipulation? Mr. Gardner clarifies for Mr. Reichart there will be town sewer access.

The commission had questions for Ian Cole, Soil Scientist: Are there plantings that could be done without providing the additional nitrogen to the area? Response from Mr. Cole, It is doable, just less survivability for the plants. Commission asked if the area is going to be grassed and then mowed? For the basin area, yes. The meadow area is a self-regulating, open space habitat. They may have to address certain patches over the years but still doable.

The Attorney clarifies for Mr. Unites that there will be nothing other than tree removal. The maintenance will address the invasive species that come back.

Ms. Palmer asks about the methodology for clearing the invasive species. Per Mr. Cole, they can mow everything to a pulp, dispose, come back with lawn seeding and then monitor it. Worst case scenario is that it would revert back to how it is now.

Public Comments in favor: None

Public Comments Against:

Jonathan Fontanella, 19 Smith St OM, is mentioning groundwater flow rate. There is no storage in place when excavating this. Maximum infiltration has been met. The new plan says it will promote infiltration further which is not possible. The Northern wood frog is very localized and will be at risk. Mr. Fontanella stated, "He can hear the frogs when he opens the door to his machine shop."

George Logan, REMA Ecological Services, submits a professional resumes of his own as well as a colleague who produced their report. He has a Masters Degree in Natural Resource Science. He summarized the findings of his report. He mentions that something characterized as wetland can be monitored as a watercourse according to the definitions. A wetland area is raised when removing species and plants. It is worth the time for the commission to consider a third party review. The meadow concept is better than a 'lawn' but still not ideal - a robust area with shrubs and trees is better (multiple layer canopy, leaves that fall, places for animals to live). It seems the commission is going the wrong way in conserving the upland area. They have to match the pollinator seed mix to that of the area. Mr. Logan's professional opinion is that this plan is not an enhancement, it is "nothing". Diversity will go down. As a soil and wetlands scientist, Mr. Logan has concern. Per Mr. Unites, they never heard quality statements on the existing off site wetlands. Mr. Logan adds that the onsite portion is part of the whole - potential impacts do not stop at property line. Per Mr. Reichart, 75 years ago this was farm field and CT was an agricultural state - have to look at this under existing conditions and find a balance. Mr. Logan clarifies for Mr. Ferreira that they do not know about the presence of vernal pools because they were not able to visit the site in the spring. Mr. Wright adds that the application cannot be put on hold for that reason and we must use the information that we have. Mr. Logan suggests acting as though they are there. Mr. Fontanella adds a correction that storm water is coming from the north, not the southwest.

Bob Haberman: 58 Main St OM. Backyard faces playground. Basement is dirt floor, well in basement. Every spring water comes to top of well. 1 foot of water in basement. High water table. Flooded regions in front yard when heavy rain comes down. Land is higher than 16 Smith St. Come spring there will be a lot of water on that property according to Mr. Haberman. Compensatory fill will get flooded. A pool of water near the playground is a hazard for the children. Based on the floods in '83 and '10, water comes north to south, overflows across Smith St and into 16 Smith St.

Mary Hendrickson, 20 Rossie St Mystic. Looked at site on December 17th, it was water logged. Cannot imagine as building site. Whatever is done will set precedent. Allowing this will set precedent for wetlands across town.

Maggie Favretti, Mystic. - Unusual amount of people at this meeting which attests to public benefits that wetlands provide. Specific benefit to community such as controlling flooding. Controls water flowing off Quoketaug Hill. Protecting properties on Smith St and Main St. Ms. Favretti, talks about the lack of vegetation, benefits of vernal pools, managing mosquito presence. She adds that the absence of evidence for vernal pools does not mean they are not there. The commission should listen to the people that live here - people are coming out to protect the wetlands that protect them.

Eva Aldrich, Lantern Hill OM, speaking for members of OM Methodist Church. Read letter submitted to record.

Barbara Tufts: another destruction of environment. So many places for species to live in wetlands. Vital ecosystems. Biological super markets. Attract many animals. Important to consider these concepts when deciding if it will be destroyed. Think about the future of this habitat.

Peter Viscer. One thing not brought up: for this project to move forward there will be a large amount of nitrogen, phosphorus and other chemicals. It will change the environment. Should think about the long term effect.

Jean Marsh, pastor at OM United Methodist Church. The church has a history of trying to protect church grounds. They would like to protect woodland and wetlands. This will affect their own property and she does not approve.

Lydia Pan, 8 Spooner Dr, Mystic. Since 2014 she is a very active volunteer to conserve habitats in town. Firmly believes in protecting bio diversity. Should be thoughtful in considering future developments. Would like to preserve water and air quality. The town has to restore with quality vegetation. Submitted letter for the record.

Lenny Bellet, 36 Bruggeman Pl. Not within mile of site. Does not have a background on this topic. Mr. Bellet claims there will be significant ecological impacts.

George Logan for the record: A meadow vs. a robust buffer is a big difference.

Rebuttal:

Attorney William McCoy and Peter Gardner remind commission of their charge against sincere comments from public. Their charge is to determine if proposed activity has a likelihood of adversely affecting adjacent wetland and watercourses, not about draining. If nothing is done, they still have to deal with invasives. This project will deal with those. Speculation is not the same thing as evidence. Mr. Cole has provided an opinion on where wetlands are and where upland area is. Only one expert that has been to the site. Regarding effects of phosphorus, if they wish to avoid this issue there can be a condition of approval that no phosphorous based fertilizer is used. Does not deny there will probably be abutting issues downstream, however this is not the charge of the commission. This is an application for the construction of a single-family home on a single-family lot. The client is entitled to build this home as long as it proves to be built without adversely affecting adjacent wetlands and water courses, which it has done.

Per Mr. Gardner the activity is limited to removing six trees, stumps will either remain or be ground down. Stumps outside upland review area will be removed. NO proof of vernal pools on this property or adjacent ones. Regarding waterflow, their plan says nothing about this - it not an issue. Yes, there is flooding here but that is not the issue on the table. Home and improvements are outside upland review area.

Comment from Mr. Unites: abundant information has been submitted this evening and they have not been able to review thoroughly. Suggestion to conclude at next meeting with review.

Public comment has been closed.

Mr. Unites has made a motion to table this application approval for the meeting on February 2nd.

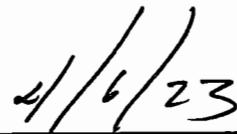
Review of Outstanding Minutes: 12/1/2022 and 12/17/2022

Mr. Ferreira made a motion to approve the minutes of 12/1/2022, seconded by Mr. Wright. All in favor, 4-0.

Mr. Ferreira made a motion to adjourn the meeting, seconded by Mr. Wright. All in favor, 4-0. Meeting adjourned at 9:06 pm.



Dennis Unites, Secretary



Date