

Inland Wetlands Commission
Regular Meeting
Final Minutes
August 5, 2021
Stonington Police Station, 173 South Broad St., Pawcatuck, CT

Seated for the meeting were Lee Reichert, Raul Ferreira, Dennis Unites, Michael Finiguerra, and William Wright. Also in attendance, Candace Palmer, WEO. Nick Salerno was absent.

The meeting was called to order at 7:00 p.m. on August 5, 2021 at the Stonington Police Station.

Consent Agenda:

IW #21-08 North Star Farm 1, LLC-Jeffrey C. Walker (Sergio F. Cherenzia, PE-Agent) - Seeking a permit for construction of a single-family residence, barn, well, septic, utilities, parking, storm water management, two wetland crossings and associated site improvements. Creation of two new farm ponds and renovation/restoration of two existing ponds. Filling and activity in the wetland and the upland review area. Property located on Wheeler Road, Stonington. Assessor's Map 87 Block 1 Lot 2A, Zone RR-80. **Reduction in activity.**

Sergio Cherenzia presented the plan modification which proposes to alter one of the wetlands crossings which will now cross in a narrower spot creating a reduction of activity in the wetlands of about 600 SF.

Mr. Ferreira moved to approve the application, seconded by Mr. Wright, all in favor 5-0. Motion approved.

New Business:

IW #21-15 Stonington Country Club (Peter Gardner-Agent) - Seeking a permit for construction of a 12' x 12' on golf course bathroom and underground sewage system located within the upland review area. Property located on 396 Taugwonk Road, Stonington. Assessor's Map 69 Block 1 Lot 3, Zone GBR-130.

IW #21-16 Janice P. & Hal C. Wingo, III (Peter Gardner-Agent) - Seeking a permit to construct a new single-family residence, driveway, septic system, utilities and associated site improvements within the upland review area. Property located on 9 School House Road, Mystic. Assessor's Map 176 Block 7 Lot 24A, Zone RA-20.

IW #21-17 Daniel Ross (Seamus Moran, P.E.-Agent) - Seeking a permit for construction of a new single-family residence and associated activities. Underground sewage system located within the upland review area. Property located on 16 East Forest Road, Mystic. Assessor's Map 177 Block 11 Lot 2, Zone RA-20.

The applications were accepted and scheduled for site walk August 28, 2021.

Old Business:

IW #21-13 Connecticut Real Estate Properties, LLC - Seeking a permit for construction of a new single-family residence, driveway and associated utilities with no activity in the upland review area or inland wetlands and watercourse. Property located on 240 New London Turnpike, Stonington. Assessor's Map 138 Block 3 Lot 10C, Zone GBR-130. Mike Zarotney presented the application. The project was

previously granted a wetland permit through the subdivision process. They are not proposing any activity in the upland review, but they had a requirement for review by the commission from a stipulation on the application for the rear lot.

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

IW #21-14 Kyle & Shabnam Richards (Demian A. Sorrentino, AICP, CSS-Agent) - Seeking a permit for construction of an attached Accessory Dwelling Unit, associated activities and underground sewage system located within the upland review area. Property located on 28 Benjamin Stanton Pentway, Mystic. Assessor's Map 164 Block 2 Lot 4, Zone GBR-130.

Demian Sorrentino presented the site plan. The applicant is proposing to construct a one-bedroom accessory dwelling unit attached to the home on the property as well as replacing the septic system. Ledge Light Health District has approved the plan as presented this evening. They are upgrading the capacity of the system due to the addition creating a two-part system. Due to the location of the wetlands on site there is a small envelope of space to work within almost all falling within the upland review area. Mr. Sorrentino stated they are doing their best to limit disturbance and create an efficient septic system that will provide better water treatment. Mr. Wright asked whether they considered relocating the well. They did not see this as a viable option since the well is currently functioning well and that would create significant more disturbance.

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

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

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

IW #21-07Jannat, LLC (Dieter & Gardner, Inc-Agent) - Seeking a permit for construction of a gas station/convenience store, associated parking and site improvements within the upland review area. Property located on 54 South Broad Street, Pawcatuck. Assessor's Map 14 Block 2 Lot 6, Zone LS-5. *Rescheduled to August 5, 2021 per Applicant's Request.*

Attorney Rob Avena summarized the application process and addressed the Intervention petition. Peter Gardner presented the site plan for the application. The applicant is proposing to demolish the existing building and rebuild a convenience store and gas pumps on the site. They will install a stormsepter and a rain garden to manage storm water flows. They have received the Town Engineer's comments and will comply with all. Mr. Unites asked if the property was formerly a gas station and asked about the status of the existing tanks. The applicant stated it was but does not know the status of the tanks and whether they are even there. The applicant is proposing to clean up the debris on site and will manage all flows to the wetlands through a rain garden including from the swale from Route One. Mr. Gardner provided a clarification that the site was cleaned, and the previous tanks were removed. Ian Cole, soil scientist reviewed the storm water flow path and current status of the wetland flows. Mr. Gardner clarified how the flows will be caught by the stormcepter system and rain garden. Mr. Unites expressed his discomfort with the lack of knowledge about the tank removal. Attorney Avena stated that once they further examine the site if they discover any further evidence, they must disclose any findings during their excavation. The applicant agreed to a stipulation to provide evidence the tanks have been removed and test soils. Mr. Finiguerra stated he would like to see the numbers of stipulation two.

Mr. Finiguerra moved to hear the intervener, seconded by Mr. Wright, all in favor 5-0. Motion approved.

Jon Chase representing John MacNeil has filed a petition under C.G.S. 22A-19 to come before the commission as an intervener. Attorney Chase disclosed that he also represents a neighboring gas station, but is unrelated to this petition. Mr. MacNeil has filed this verified intervention pleading out of concern for environmental impacts. Mr. Chase stated that they have not been provided the revised plan copies, but they have been able to obtain them through their own means. Their expert Mr. Temple has not had sufficient time to review the changes. An analysis of the prior plans has been done by the expert, but there are now revised plans and comments from the town therefore they have not had a reasonable opportunity to review and reasonably request a continuance. Mr. Finiguerra asked about the process of notifying the intervener on the application. Atty. Avena explained that his interpretation of the law that the commission has to accept the petition prior to becoming a party to the application. Mr. Finiguerra and Mr. Wright stated that in their review of the intervener's report, a significant amount of the comments is outside the purview of the commission. Mr. Chase reiterated that they felt they needed a reasonable time to review. Mr. Reichert stated he feels they have had sufficient time. Mark Temple, Lenard Engineering, hydro-geologist commented on his theory of where the tanks were likely located. He also expressed concern with other potential tanks that may have been located on the site previously and hydraulic lifts. Mr. Temple refuted Mr. Cole's opinion that there will be no significant impact to the wetlands due to its size and quality, which Mr. Temple stated is more inter-connected a greater wetland which can contain rare species and vernal pools. Mr. Temple requested that the applicant extend the wetlands survey into the connecting wetlands on town property to evaluate this. Mr. Temple stated he feels they could incorporate the existing building or build outside of the upland review area and recommended that the scale of the store be reduced. Mr. Temple also raised concern with the proposed storm water management system with the ground water table affecting the rain garden's hydraulic capacity which may cause it to be below the accepted volume. He also expressed concern with the depicted rip rap berm on the plans compared to the rain garden detail. He does feel the tanks have been removed, but is unsure if there is contamination on site. Mr. Finiguerra addressed Mr. Temple's report and clarified the role of the commission and addressed that the majority of their concerns have been mitigated through the stipulations of approval. Mr. Chase read the Connecticut General Statutes regarding 22A-19 petitions and stated that they feel a smaller building is a reasonable alternative. Mr. Reichert stated he feels that they are doing the diligence to ensure this will not negatively impact the environment. Mr. Finiguerra also stated they have not provided any calculations that the alternative would be better. Mr. Reichert stated that if the system is properly treating the water the size of the building and placement is not relevant to the commission. Mr. Temple restated his concern with the ground water table. Mr. Unites stated that the activities are in the upland review area and their charge is to protect the wetlands and water quality and would defer to the Town Engineer on the calculations. Mr. Finiguerra suggested a modification to stipulation two to address the water table. The commission added a stipulation that the scaling on the plans is accurate to the rain garden and rip rap section. Mr. Unites recommended continuing the application so that more information could be obtained and some stipulations addressed.

Atty. Avena thanked the commission for their patience and stated they are only improving the wetlands through their actions and feels their argument unfounded. Atty. Avena stated they intend to meet the stipulations the commission has recommended. Mr. Unites stated it is a reasonable request to have some test pits before the next meeting and the evidence of removal of the tanks.

Mr. Unites moved to table the application to September 2, 2021, seconded by Mr. Wright, all in favor 5-0. Motion approved.

Mr. Ferreira moved to approve the minutes of the July 1, 2021 meeting and July 31, 2021 meeting, seconded by Mr. Wright, all in favor 5-0. Motion approved.

Mr. Finiguerra moved to adjourn, seconded by Mr. Ferreira, all in favor 5-0. The meeting was adjourned at 8:37 p.m.



Dennis Unites, Secretary