



TOWN OF STONINGTON
Inland Wetlands & Watercourses Commission
Stonington Police Station Meeting Room
173 South Broad Street, Pawcatuck, CT 06379

FINAL

The Inland Wetlands and Watercourses Commission held a regular meeting on July 3, 2008, at the Stonington Police Station Meeting Room.

Present: Matthew Berger, Deborah Downie, Amanda Lindberg, Jeffrey Stritar, alternate Larry Davis and Wetlands Enforcement Officer Candace Palmer.

Absent: Alisa Morrison and Bruce Wheeler

Call to Order:

Chairman Matthew Berger called the meeting to order at 7 p.m.

Correspondence:

Chairman Matthew Berger distributed a letter regarding ex parte-communications dated June 25, 2008, from the Town's legal counsel, Thomas J. Londregan to William R. Haase, Town Planning Director.

Call for Public Comment:

None.

New Business:

IW #08-10 Michael & Tara Padilla - Seeking a permit to locate an above ground pool within the 100' Upland Review Area. Property located at 23 Swan Street, Pawcatuck, CT. Assessor's Map 36, Block 8, Lot 9, Zone RA-20.

The application was accepted and site walk scheduled for August 2, 2008.

IW #08-11 Birch River Group, LLC (Mark Spruance) - Seeking a permit to construct a single family residence within the 100' Upland Review Area. Property located at Pequotsepos Center Road, Mystic, CT. Assessor's Map 150, Block 1, Lot 6, Zone RA-40.

The application was accepted and site walk scheduled for August 2, 2008.

IW #08-12 Amanda Lindberg (Tonya Morgan) - Seeking a permit to install a solar array to generate electricity for household use within the 100' Upland Review Area. Property located at 560 North Main Street, Stonington, CT. Assessor's Map 97, Block 1, Lot 2, Zone GBR-130.

Amanda Lindberg recused herself. This application was accepted and site walk scheduled for August 2, 2008.

IW #08-13 North Stonington Group, LLC (Paul Aparo) - Seeking a permit to construct a commercial structure with associated site work within the 100' Upland Review Area. Property located at 350 Liberty Street, Pawcatuck, CT. Assessor's Map 17, Block 1, Lots 13, Zone CS-5.

The application was accepted and site walk scheduled for August 2, 2008.

Old Business:

IW #08-05 Coccoomo III LLC - Seeking a permit to create 4,432 square feet of wetlands (wetlands mitigation). Property located at Cutter Drive, Mystic, CT. Assessor's Map 163, Block 2, Lots 7C & 7D, Zone RA-20.

Applicant, Thomas Coccoomo, submitted three plans for the record. Larry Davis questioned if it was the enhancement that the Commission requested more information on before proceeding. Applicant responded affirmative. Larry Davis stated he was concerned with the spraying for plant control. While it will be done by a licensed individual, there can be collateral damage. Larry Davis acknowledged that this permit (05) and permit (06) that follows raises concern in that Mr. Coccoomo is asking to have essentially two permits run concurrent. The entire subdivision is under violation and cease and desist. If the permit allowing restoration and enhancement is within the Commission's regulations, it may run five years. It could go on hold while permit 06 moves forward. Larry Davis stated he would like to see application (05) completed and cleaned up in response to the violation before permit (06) moves forward.

Thomas Coccoomo responded he would like to get approval on this application and if approval of permit (06) is received, he would be willing to withhold any building permits until this restoration process is complete. Candace Palmer stated permit (06) is slated to be opened tonight. It gives 100 days and in that time it may be possible for the applicant to have restoration completed.

Larry Davis suggested keeping the violation in place with modification to do restoration enhancement and upon completion, further application can be made. Applicant, Thomas Coccoomo responded he would like to put in curbs, finish the road and install two stormseptors, and engineering needs to review it by the end of August.

Larry Davis made a motion that the Inland Wetlands & Watercourses Commission keep the violation and cease and desist order in place and only allow restoration and enhancement. Seconded by Deborah Downie. As soon as the restoration is completed, the cease and desist will be released. Amanda Lindberg amended the motion to permit curbing and installation of storm scepters at the same time mitigation is done. Seconded by Deborah Downie. Motion carried unanimously. "Motion to Amend" Approved 3/1; Amanda Lindberg-approve; Deborah Downie-approve; Matt Berger-approve; Jeffery Striter-approve; Larry Davis-deny. "Motion to approve as amended" Carried Unanimously.

IW #08-06 Coccoomo III LLC - Seeking a permit to construct a single family residence within the 100' Upland Review Area. Property located at 20 Whaler Road, Mystic, CT. Assessor's Map 163, Block 2, Lot 7F, Zone RA-20.

A motion was made by Amanda Lindberg, seconded by Jeffrey Stritar to table the permit application. Larry Davis stated it was procedurally incorrect. Motion was withdrawn. Applicant, Thomas Coccoomo, requested that the application not be opened. Larry Davis made a motion to accept the request of Thomas Coccoomo, seconded by Deborah Downie, and the motion carried unanimously.

IW #08-07 Meehan Group, LLC/Claremont, LLC - Seeking a modification of approved Permit IW #03-16 to reduce road surface and amount of fill. Property located at Jerry Brown Road, Whitehall Avenue, Pequot Trail, and 1279 Pequot Trail, Mystic, CT. Assessor's Map 148, Block 3, Lots 3 & 9 and Assessor's Map 165, Block 5, Lots 1 & 14, Zones RR-80 and RA-40.

Deborah Downie recused herself.

A fax from the applicant was received requesting that the application not be opened until the August meeting of the Inland Wetlands & Watercourses Commission.

Deborah Downie reseated

IW #08-08 Robert Langworthy (Mark Spruance) - Seeking a permit to construct a single family residence within the 100' Upland Review Area. Property located at Pequotsepos Center Road, Mystic, CT. Assessor's Map 150, Block 1, Lot 5, Zone RA-40.

Applicant Mark Spruance stated that the parcel has been a lot of record since 1954. The proposed septic system is in the upland review area.

Chairman Matthew Berger recused himself. Vice Chairman Deborah Downie chaired the meeting.

Candace Palmer distributed recommendations and the applicant responded. He said looking at designs and setbacks, if the house is turned, it will not meet health codes with the pitch. One test hole indicated minor seepage. The applicant looked at designs and setbacks. Larry Davis responded that the Commission can only act upon what is in its purview, maintenance and good care of the wetlands. He suggested eliminating the garage. Applicant responded at some point there has to be some reasonable way to approve an application that one commission cannot think in terms of isolation. Jeffrey Stritar commented that grading has not been addressed. Larry Davis made a motion to deny the application on the basis of the lack of presentation of prudent alternatives and close proximity of the construction wetlands which may be detrimental to the wetlands, seconded by Jeffrey Stritar, and the motion carried unanimously.

Chairman Matthew Berger was reseated and called a five minute recess of the Commission.

Public Hearings:

IW #08-09 Retail Store Construction Co., Inc. (Liberty Crossing, LLC) - Seeking a permit for construction of a retail shopping center that requires the filling of wetlands, discharge of stormwater to wetlands, and other work in the Upland Review Area. Property located on the east and west sides of Liberty Street and Voluntown Road, Pawcatuck, CT. Assessor's Map 18, Block 1, Lots 6, 33, 33A, 34; Map 18, Block 2, Lots 1, 4; Map 20, Block 2, Lot 4; Map 20, Block 3, Lots 3, 5, 5A, 6, 7, 8, 9, 10, 10A, 11, 12, 13; Map 21, Block 1, Lot 39, Zone HI-60.

Chairman Matthew Berger opened the public hearing at 8:17 p.m. and read the application description.

Thomas E. Collier, legal counsel, representing Liberty Crossing LLC provided the background stating that the retail applicant is the recipient of a wetland permit granted in May 2006 and Zoning and Site Plan in August 2006. The plan has not changed. We are dealing with an alternate drainage plan. The permit of two years ago gave permission to fill three isolated wetlands and approval for mitigation plan on land east of Route 2. It also included a drainage retention basin on the Chapman parcel. Subsequent testing done in 2007 did not anticipate any ground water levels. The design of original drainage basin was determined not to be viable. The elevation of the basin would need to be increased, base increased, and distance of the basin would have to be moved from the pond. Various alternatives for the least environmental impact to satisfy the drainage needed have been developed. The new application seeks to fill the very same three wetlands on the west side. The application proposes a new mitigation plan

on site. It will be on the west side of the property. Presentations of the plan were given in detail by Nickitas F. Panayotou, President/CEO TRC Engineering, David Tompkins, Vice President, Kleinfelder, Raymond Cherenzia, Cherenzia & Associates, and Anthony Urbano, GZA Environmental Inc.

Larry Davis questioned how the additional water will change the dynamic and impact on the wildlife and what work/study as to the outfall on the east side of Route 49 has been done, and any kind of environmental assessment for the additional water to those wetlands.

Jeffrey Stritar questioned what the impact of the larger volume flowing through would be. David Tompkins responded the pond will be wetter and the low levels won't be reached. It could benefit the pond because nutrient levels would be flushed out. Volume is increasing but it is passing through at a controlled rate. Deborah Downie asked more questions on the water levels.

Chairman Matthew Berger stated the concern/question that if the data was flawed the last time, who would ensure the accuracy of information for this permit application.

Public Comment:

None. Chairman Matthew Berger stated that public hearing will be continued to a date to be announced.

Approval of Minutes:

Larry Davis made a motion to approve the February, March, May, and June minutes as written, seconded by Deborah Downie. Jeffrey Stritar abstained. Motion carried 4-0-1. The meeting of April 3, 2008 was cancelled.

Adjournment:

Larry Davis made a motion to adjourn at 10:56 p.m., seconded by Deborah Downie and the motion carried unanimously.

Jeffrey Stritar, Secretary