

Inland Wetlands & Watercourses Commission

Regular Meeting

March 3, 2011

Minutes

Final

Chairperson Downie called the meeting all to order: 7:05 p.m.

Commission Members Present: Deborah Downie, Nick Salerno, H. Lee Reichart, Phil Biondo, Amanda Lindberg and Alisa Morrison.

Commission Members Absent: Nat Trumbull, Jon Mitchell

Staff Present: Candace Palmer WEO

Correspondence: A letter from Town Engineer, Larry Sullivan, regarding the Town's intent to pave Taugwonk Rd.

Call for Public Comment: None

Consent Agenda:

a. **IW #10-16 Lattizori Development** - Requesting changes to road location and new town drainage system. Reduce number of approved lots from 37 to 35. All activity located outside of the 100' Upland Review Area. Property located at 189 Jerry Browne Rd. Mystic; Assessors Map 134, Block 3, Lot 2; Map 133, Block 1, Lot 1A; Map 150, Block 2, Lot 1; Zone RA-40.

This item was continued to the next meeting at the applicant's request.

New Business:

a. **IW #11-04 Lattizori Development LLC** – Seeking a modification to permit IW #10-16 for a 36 lot residential subdivision including construction of approximately 4,523 feet of new roads with associated drainage, sanitary sewers and utilities. Construction of detention basins, a portion of the new road and some grading within the 100' Upland Review Area and discharge of stormwater to the wetlands. Property located at 189 Jerry Browne Rd., Mystic. Assessor's Map 134, Block 3, Lot 2; Map 133, Block 1, Lot 1A; Map 150, Block 2, Lot 1. Zone RA-40.

A site walk was scheduled for April 2, 2011.

Old Business:

a. **IW #11-02 (MOD) Tyler James Allen & Lydia Teixeira** – Seeking a modification to approved permit #IW 06-04 for the construction of a single-family residence and garage within the 100' Upland Review Area Property located at Greenhaven Rd & Elizabeth Ave., Pawcatuck. Assessor's Map 10 Block 7 Lot 16 & 17; Zone RC-120.

Engineer C. J. Doyle of Cherenzia Associates presented the application stating that the new house plan reduced the planned square footage of the house and relocated the septic tank.

Mr. Biondo made the motion to approve the application including the transfer of permit and the renewal of same for the following reason: The activity will not impact or affect the wetlands and watercourses with the following stipulation: The applicant will notify the Wetlands Officer prior to the start of construction. Ms. Morrison seconded. Ms. Lindberg made the motion to amend the motion to add the word adversely. Ms. Morrison seconded. The motion was unanimously approved.

b. **IW #11-03 Cops Brook Property LLC** – Seeking a permit for a 2 lot re-subdivision for two single family dwellings within the Upland Review Area. Property located at 445 New London Tnpk, Stonington. Assessor's Map 117 Block 1 Lot 1C; Zone RR-80.

Owner Art Hayward spoke of his intension to split the 25 acre parcel into 2 pieces. Mr. Biondo asked if the application would include the road as well. Mr. Hayward responded affirmatively. Mr. Salerno asked if the culvert would remain as is or if it would require more work. Mr. Hayward responded, stating that not only was the culvert already in place but was already seeded and planted and there would be no more work around the culvert.

Ms. Morrison made the motion based on the following findings: The activity will not adversely impact or affect the wetlands and watercourses with the following 4 stipulations:

1. *The applicant will notify the Wetlands Officer prior to the start of construction;*

2. After road construction, the road side slopes shall be seeded with a combination "Wet Mix" and "Construction/Wildlife Mix". These vegetated areas should be 25 feet where possible
3. The seeding/planting scheme may be modified depending on hydrologic conditions and plant availability. The Wetlands Officer will be contacted and informed of any changes and
4. The vegetated buffer area should be inspected annually for 2 years after construction. Any bare spots or eroded areas will be reseeded. Invasive species such as bittersweet, sumac, etc. that may enter the area in the future should be harvested by hand.

Mr. Reichart seconded. The motion was unanimously approved.

Other Business:

a. **Show Cause Hearing** - (IW Complaint #10-004) Willow Point Wood Works a/k/a Philip LoPresto Jr. - 16-20 Stonington Rd. a.k.a. Map 160, Block 2, Lot 3; RC-120

WEO Ms. Palmer reviewed the history of the violation that included a potential buyer digging test holes. Attorney Mike Hardesty representing Willow Point Wood Works spoke on behalf of his client. He stated that their soil scientist has determined that there was no disturbance of the wetlands nor did there appear to be any disturbance in the upland review area. Mr. Biondo asked who for the identity of their soil scientist. Attorney Hardesty stated that it was Don Fortunato. Attorney Hardesty stated that he had no written report or facts substantiating his findings. Attorney Tom Collier representing Alice Street LLC stated that his client was under contract to purchase the property and subsequently performed soil testing. He admitted that the excavator was over exuberant in digging his test holes and as he was digging performed more than was usually done due to finding auto parts in the soils as he was digging. Attorney Collier stated that the property had been historically legally filled prior to 1972 when the state adopted Wetland laws. Due to winter weather a full report is not yet available. He clarified several statements including the lost wetlands is actually uplands soil. He thought that further environmental testing is required before determining a plan going forward.

Attorney Collier stated that the owner of the property is Alice Court LLC, not Pierce Hall and that he would like Mr. Halls name struck from the record. Attorney Hardesty then stated that the owner of the property is Willow Point Wood Works not Philip LoPresto and that he would like Mr. LoPresto's name struck from the record.

Mr. Biondo stated that the actual wetlands should be determined prior to further discussion.

George Logan reviewed his site inspections and photographs of the site disturbance and found a minimum of 3 feet of fill prior to the regulations of 1972. Snow and frozen conditions have made his determination impossible. The Commission discussed with Mr. Logan gaining the requested data evaluating the site prior to the April 7 meeting with a site walk prior to the May meeting.

The hearing was continued with the understanding that Staff would keep the Wetlands Commission updated as Mr. Logan's wetlands determination progressed.

Public Hearings: None

Regulations: Discussions, the Commission was reminded of the combined Commissions meeting scheduled for March 24, 2011 at the Mystic Middle School.

Review of Outstanding Minutes: February 3, 2011. Mr. Reichart made the motion to approve. Mr. Salerno seconded. The minutes were approved 4-1 with Ms. Morrison abstaining.

Adjournment: Ms. Morrison made the motion approve. Mr. Reichart seconded. The motion to adjourn was unanimous. Chairman Downie adjourned the meeting at 8:10 P.M.



Nick Salerno, Secretary