



TOWN OF OLD SAYBROOK
**Inland Wetlands & Watercourses
 Commission**

*J. Colin Heffernan, Chairman
 Charles W. Savage, Vice Chairman
 Alex Bertan*

www.oldsaybrookct.gov

**REGULAR MEETING AGENDA
 HYBRID METING**

*Peter DeLisa (Conservation)
 Mark Caldarella (Zoning)
 Paula S. Kay (Planning)
 Sandra Roberts (Economic Development)
Alternate Members
 Elizabeth D. Steffen, Secretary
 Marcia Wilcox
 Jay Kulowiec*

MINUTES
 SPECIAL MEETING
Thursday, March 28, 2024
 Via Hybrid Meeting
 Town Hall 1st floor conference room
 302 Main Street, Old Saybrook

I. CALL TO ORDER

Chairman C. Heffernan called the meeting to order at 7:01 pm.

II. ROLL CALL

Members Present: C. Heffernan, C. Savage, P. DeLisa, P. Kay, S. Roberts, J. Kulowiec (seated)

Members Absent: A. Bertan, M. Caldarella, E. Steffen, M. Wilcox

Staff Present: L. Wacker, Assistant Town Planner; K. Dooley, Recording Clerk

Audience Present: 1 online

III. NEW BUSINESS

A. “5 Jade Court, LLC” Show Cause Hearing

Cease & Desist Order issued on March 20, 2024

Unauthorized regulated activity within 100’ upland review area

5 Jade Court (Map 42/Lot 9-2)

Owner: 5 Jade Court, LLC

L. Wacker reported that she was informed at the beginning of March by a member of the public about unauthorized activity going on near wetlands at Waterview Landscaping, 5 Jade Court. When she visited, she saw a large pile of soil and other materials. Upon investigating, she found a wetlands permit from 2017 allowing for a small storage space behind the building, which is not what is presently in the back. According to the map in the prior application, the rest of the area behind the building was to remain in its natural state. On March 18, she returned to the site and took the photos that are in the packet. She saw a lot of material stored in the back and that the soil went to the edge of the drop off and right below what looked like wetlands. She saw no erosion and sedimentation controls and found that not conforming to the permit previously granted. She spoke to the manager, who did not know there was a wetlands permit. She sent a Cease-and-Desist letter on March 20. She further reported that she visited the site again on March 28 and the erosion and sediment controls had not yet been installed.

Kenneth Reid from Waterview Landscaping stated that he did not intend to exceed the boundaries and that no one had been digging in the wetlands. He was open to recommendations on how to comply.

C. Savage asked about the nature of the materials being stored and whether they are hazardous to the wetlands. Mr. Reid stated that it is soil and pelletized rocks, nothing hazardous, no herbicides or pesticides. P. Kay asked about the permit from 2017 and C. Heffernan explained what the permit stated with respect to the storage area and what was to be left as natural terrain. He further stated that running a business is not an excuse to exceed a permit. Mr. Reid asked if it would be possible to extend the area once it is cleaned up. C. Heffernan explained that there would be two phases: 1) for remediation of what is outside the permit and 2) for a new permit for more storage. L. Wacker explained that the reason for the Cease-and-Desist Order was because there were huge piles of soil eroding into the wetlands. Additionally, the Cease-and-Desist Order stated that erosion and sediment controls should be installed immediately, which was not done. Commission members discussed the materials in relation to the wetlands and the neighboring property. They also discussed the order of events as well as the scope of the Cease-and-Desist Order. C. Heffernan stated that sediment controls need to be installed first and then an application must be submitted explaining how the materials will be removed.

MOTION to uphold the Cease-and-Desist Order until the next regularly scheduled meeting. **MADE:** by C. Heffernan; **SECONDED:** by P. DeLisa; **VOTING IN FAVOR:** C. Heffernan, C. Savage, P. DeLisa, P. Kay, S. Roberts, J. Kulowiec; **OPPOSED:** P. Kay; **ABSTAINING:** None; **APPROVED:** 6-0-0.

IV. **ADJOURNMENT**

MOTION to adjourn the meeting at 7:31 p.m. to the next regular meeting on April 18, 2024, 7 p.m. Old Saybrook Town Hall, 302 Main Street, 1st Floor Conference Room and via Zoom; **MADE:** by C. Heffernan; **SECONDED:** by P. DeLisa; **VOTING IN FAVOR:** C. Heffernan, C. Savage, P. DeLisa, P. Kay, S. Roberts, J. Kulowiec; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.