



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

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*J. Colin Heffernan, Chairman
Charles A Wehrly, III, Vice Chairman
Charles W. Savage*

*Richard J. Esty (Conservation)
Madeleine B. Fish (Zoning)
Paula S. Kay (Planning)
Vacancy (Economic Development)*

Alternate Members

*Elizabeth D. Steffen, Secretary
Janis L. Esty
Vacancy*

**MINUTES
REGULAR MEETING**

Thursday, February 21, 2019 at 7:00 P.M.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

I. CALL TO ORDER

The Chairman called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: C. Heffernan, C. Wehrly, C. Savage, R. Esty, M. Fish, P. Kay, E. Steffen, J. Esty

Staff: C. Nelson, Town Planner, T. Shields, Consulting Attorney, M. Paccione, Recording Clerk

III. OLD BUSINESS

17-009 “Bagnati” Application to Conduct a Regulated Activity

Excavation, grading, fill, seeding, installation of a fence, placement of a deck and gravel driveway

72 Bokum Road (Map 57/Lot 19-2)

Applicant: Benjamin Bagnati, owner Agent: Donald Fortunato, CSS, CT-LEP

The Chairman summarized the extensive public hearing held last month. He reminded the members of the six factors for evaluating applications from “Considerations for Decisions” in the regulations and read each factor aloud. The Commission followed with a lengthy deliberation concerning impact of water runoff and the negative impact it may have for soil erosion, the importance of restoration of the entire ditch to be graded as a swale, and the wetland boundaries. The condition of the driveway was discussed and it was suggested that removing it would likely do more harm than good, therefore it should just be properly maintained. The deck should have no roof; because it is only going to be relocated, should not have any new materials added to it, and the exposed land area caused by its removal must be restored with appropriate grass seed. The fence must be elevated from the ground to permit the flow of water through the swale. An updated of the proposed activity must be provided.

MOTION to approve with conditions that part of 17-009 **Bagnati Application to Conduct a Regulated Activity**, 72 Bokum Road, permit the existing driveway composed of natural and pervious materials to remain in its present location which is within the 100 foot upland review area on the grounds that: the existing driveway was constructed within the 100 foot review zone without the benefit of a regulated activities permit as required by law, and the applicant has now come before this Commission with a complete application seeking a permit to allow the existing and unpermitted driveway to remain in its present location subject to the following conditions: 1. The Applicant restore the ditch or trench as shown in Exhibit 5 of the materials presented before this Commission at the last public hearing to the satisfaction of the Town's consulting wetlands scientist as a shallow swale, properly graded within the footprint of the ditch to maintain recently restored drainage on the property from east to west, and shallow swale should not extend beyond the footprint of the ditch so as to not drain away any surface water that collects in the recently restored wetland east and northeast of the ditch. MADE by **C. Heffernan**; SECONDED **R. Esty**; VOTING IN FAVOR: **C. Heffernan, C. Wehrly, C. Savage, M. Fish, E. Steffen, P. Kay; R. Esty, J. Esty**; OPPOSED: **None**; ABSTAINING: **None**; APPROVED: **8-0-0**.

MOTION to approve with conditions that part of 17-009 **Bagnati Application to Conduct a Regulated Activity**, 72 Bokum Road, to permit the relocation of an existing deck from its present location to a new location to be centered along rear of house which is within the 100 foot upland review area, on the grounds that the applicant has now come before this Commission with a complete application seeking permit to allow the existing deck to be relocated to a new location but still within the 100 foot upland review area, subject to the following conditions: 1. the Applicant restore the ditch or trench as shown in Exhibit 5 of the materials presented before this Commission at the last Public Hearing to the satisfaction of the Town's consulting wetlands scientist as a shallow swale, properly graded within the footprint of the ditch to maintain recently restored drainage on the property from east to west, and shallow swale should not extend beyond the footprint of the ditch so as to not drain away any surface water that collects in the recently restored wetland east and northeast of the ditch. 2. No roof permitted on relocated deck as proposed. 3. No use of any new decking materials other than necessary footings to support relocated decking material. 4. Area underneath deck exposed following relocation be restored to lawned area with appropriate grass seed. MADE by **C. Heffernan**; SECONDED **J. Esty**; VOTING IN FAVOR: **C. Heffernan, C. Wehrly, C. Savage, M. Fish, E. Steffen, P. Kay; R. Esty, J. Esty**; OPPOSED: **None**; ABSTAINING: **None**; APPROVED: **8-0-0**.

MOTION to approve with conditions that part of 17-009 **Bagnati Application to Conduct a Regulated Activity**, 72 Bokum Road, to permit the installation of a fence six feet in height and approximately 10 feet from the applicant's boundary line with Mr. Evangelisti which would cause such fence to be installed within the 100 foot upland review area, on the grounds that: the applicant has presented substantial expert testimony showing that the installation of the proposed fence will NOT have an adverse impact on the wetlands on or adjacent to the property, and the applicant has presented evidence sufficient to establish that no feasible and prudent alternatives are available which would cause meaningfully less or no environmental impact to wetlands, subject to the following conditions: 1. The Applicant restore the ditch or trench as shown in Exhibit 5 of the materials presented before this Commission at the last Public Hearing to the satisfaction of the Town's consulting wetlands scientist as a shallow swale, properly graded within the footprint of the ditch to maintain recently restored drainage on the property from east to west, and shallow swale should not extend beyond the footprint of the ditch so as to not drain away any surface water that collects in the recently restored wetland east and northeast of the ditch 2. An updated map will be provided prior to construction showing property line as shown on application and the location of the fence consistent with the fence running from north to south from 21.02 to the concrete monument found on map dated 10/29/18. 3. the bottom of fence will be elevated off the ground to permit the flow of water to swale. 4. Fence will be constructed of cedar, redwood, vinyl, or TREX; **MADE by C. Heffernan; SECONDED R. Esty; VOTING IN FAVOR: C. Heffernan, C. Wehrly, C. Savage, M. Fish, E. Steffen, P. Kay; R. Esty OPPOSED: None; ABSTAINING: None; APPROVED: 7-0-0.**

IV. NEW BUSINESS

19-001 **"Ingham Hill Rd. Turnaround" Application to Conduct a Regulated Activity**
Removing vegetation and material, depositing and grading material, construction and paving, surface water diversion and vegetation restoration
Terminus of Improved Portion of Ingham Hill Road and Land of Town/State/TNC
Applicant: Town of Old Saybrook Agent: Christopher Taylor, P.E.

The Commission was impressed with this plan and found the application to be complete and activity to be significant so a Public Hearing is scheduled for March 21, 2019, 7:00 PM. First Floor Conference Room, Town Hall, 302 Main Street, Old Saybrook.

V. REGULAR BUSINESS

A. Minutes

MOTION to accept the minutes of the January 17, 2019 meeting **MADE by C. Heffernan; SECONDED by C. Savage; VOTING IN FAVOR: C. Heffernan, C. Wehrly, C. Savage, R. Esty, J. Esty, M. Fish, E. Steffen, P. Kay; OPPOSED: None; ABSTAINING: None; APPROVED: 8-0-0.**

B. Correspondence & Announcements

MOTION to approve payment of Cronan and Shields, Invoice #18-451, dated January 31, 2019 in the amount of \$1443.00 and payment of Connecticut Eco Systems, Invoice #2586, dated January 17, 2019 in the amount of \$1468.75. **MADE: C. Heffernan; SECONDED: R. Esty; VOTING IN FAVOR: C. Heffernan, C. Wehrly, C. Savage, R. Esty, M. Fish, P. Kay, E. Steffen, J. Esty; ABSTAINING: None. OPPOSED: None; APPROVED: 8-0-0.**

C. Committee, Representative & Staff Reports

C. Wehrly reported to the Commission that the WPCA has completed the first two phases consisting of over 1000 properties with 700+ to go and that they are revisiting the design. He also recommended to the Board an article in this week's Harbor News about the final septic projects.

There was no Staff Report.

VI. ADJOURNMENT

MOTION to adjourn the meeting at 9:11 p.m. to **Thursday, March 21, 2019 at 7:00 p.m., Town Hall, 302 Main Street; MADE by C. Heffernan; SECONDED by M. Fish; VOTING IN FAVOR: C. Heffernan, C. Wehrly, C. Savage, R. Esty, J. Esty, E. Steffen, M. Fish, P. Kay; OPPOSED: None; ABSTAINING: None; APPROVED: 8-0-0.**

Respectfully Submitted,

Margaret Paccione
Recording Clerk

NEXT REGULAR MEETING
Thursday, March 21, 2018 at 7:00 P.M.
Town Hall, 1st Floor Conference Room
302 Main Street, Old Saybrook

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