



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

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

www.oldsaybrookct.gov

*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, January 17, 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, Attorney, M. Paccione, Recording Clerk

III. OLD BUSINESS

18-018 Application to Conduct a Regulated Activity

Construction of a foundation for installation of a pre-fabricated shed.

2 Cove Landing (Map 16/Lot 62)

Applicant: Zoran Kuljis, owner

The Applicant stated he had nothing further to present beyond that shared at the last meeting. R. Esty and C. Wehrly reported they were not at the last meeting, but reviewed the materials and were ready to act upon the application.

MOTION to permit Application 18-018 to Conduct a Regulated Activity for construction of a foundation for installation of a pre-fabricated shed at 2 Cove Landing; MADE by **C. Heffernan**; SECONDED by **E. Steffen**; VOTING IN FAVOR: **C. Heffernan, C. Savage, M. Fish, E. Steffen, P. Kay**; OPPOSED: **None**; ABSTAINING: **C. Wehrly, R. Esty**; APPROVED: **5-2-0**.

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 Commission continued the public hearing. A letter from Ian Cole, soil scientist for the neighboring property owner, was entered into the record. Attorney William McCoy

presented on behalf of the Applicant; he reported that soil scientist Don Fortunato was unable to attend, and that Ed Pawlak, the soil scientist who represents the Town, was present, and that both Fortunato and Pawlak were on the same page relative to findings.

Attorney McCoy reviewed the activities for which his client applied to permit:

1. Restored disturbances regraded and vegetation of excavated area
2. Wells installed to delineate wetlands boundaries of disturbed soils
3. Perimeter fence near wetland area
4. Existing driveway topped with gravel
5. Movement of attached deck

Mr. Pawlak, who is reviewing the proposed activities on behalf of the Town, provided a historical summary of the activity on the property. As relates to the letter from Ian Cole, dated 10/16/18, who is working on behalf of the neighbor on the abutting property, Mr. Evangelisti, Mr. Pawlak providing guidance and recommendations to the Commission:

1. Dug up "bowl" was restored
2. Ditch was restored with soil
3. Swale, shallow was incorporated for rain flow
4. Monitoring program was appropriate
5. Delineation was accurate
6. Survey should show wetland flags 1-13

There was further discussion about the survey and revised maps. Attorney McCoy asked Mr. Pawlak if he was satisfied with the restoration, which he was, and then asked Mr. Pawlak if he had observed siltation, which he had not.

Mr. Bagnati addressed the Commission and gave a summary of the condition of the property and work that had been done since he purchased it in 2014. He would like to install a privacy fence as there is currently no existing fence. There was more discussion of maps and the need for all the wetlands flags. The gravel driveway was discussed. Mr. Pawlak saw no need to remove or reconstitute the gravel driveway and observed no erosion into the Wetlands.

Eugene Evangelisti, 65 Bokum Road, presented the Commission with photographs of the property dating back to the early 90's and more recently, a letter addressed to Mr. Bagnati from former Wetlands Officer Kelly Volansky, dated March 30, 2009, ordering all activity to cease within the regulated areas. He said his photos depicted grade that had not been restored, and with elevation change, the water table drops and there is sedimentation.

Following this, the Commission discussed with Attorney McCoy, Mr. Pawlak, Mr. Bagnati, Mr. Evangelisti, in great length the condition of the property and how each viewed it. Ian Cole, stated that most of the ditch is still in place and that he has witnessed observable flow. Mr. Evangelisti is concerned for the wetlands and materials that may have transferred to it. Mr. Pawlak responded that he could support the restoration of the entire ditch as a shallow swale if properly graded within the footprint of the ditch to maintain the existing drainage pattern on the property, i.e. from east to west, but that the shallow swale should not be extended beyond the footprint of the ditch so as not to drain away any surface water that collects within the recently restored wetland east and northeast of the ditch.

Mr. Evangelisti has no objection to Mr. Bagnati putting up a privacy fence. The updated map is a reasonable condition of approval.

MOTION to close the public hearing for 17-009 **Bagnati Application to Conduct a Regulated Activity**, 72 Bokum Road, to conduct regular activity; MADE by **E. Steffen**; SECONDED by **C. Wehrly**; VOTING IN FAVOR: **C. Heffernan, C. Wehrly, C. Savage, R. Esty, M. Fish, E. Steffen, P. Kay**; OPPOSED: **None**; ABSTAINING: **None**; APPROVED: **7-0-0**.

The Commission agreed to review the information presented this evening in order to act with confidence at the next meeting.

MOTION to continue consideration of 17-009 **Bagnati Application to Conduct a Regulated Activity**, 72 Bokum Road, to the next regularly scheduled meeting on **Thursday, February 21, 2019 at 7:00 p.m., Town Hall, 302 Main Street**; 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

There was no new business to report.

V. REGULAR BUSINESS

A. Minutes

On Page 2, “Cronin” to be corrected to “Cronan”, “55-day rule” to be corrected to “65-day rule”. Correction to Motion to continue Public Hearing to P. Kay voting against.

MOTION to accept the minutes of the **December 20, 2018 meeting** as amended; MADE by **C. Heffernan**; SECONDED by **C. Savage**; VOTING IN FAVOR: **C. Heffernan, C. Wehrly, C. Savage, J. Esty, M. Fish, E. Steffen, P. Kay**; OPPOSED: **None**; ABSTAINING: **None**; APPROVED: **7-0-0**.

MOTION to accept the minutes of the **November 10, 2018 Site Walk**; MADE by **C. Heffernan**; SECONDED by **C. Savage**; VOTING IN FAVOR: **C. Heffernan, C. Wehrly, C. Savage, J. Esty, M. Fish, E. Steffen, P. Kay**; OPPOSED: **None**; ABSTAINING: **None**; APPROVED: **7-0-0**.

B. Correspondence & Announcements

There was none.

C. Committee, Representative & Staff Reports

Christine Nelson introduced Bob Perfetto, 9 Reservoir Road, about whom she had reported to the Commission that he would be submitting an application to permit work he had undertaken in the upland review area. Mr. Perfetto stated he is pursuing an alternative solution and so, rather, may be applying to remove the work he has undertaken. He will have an answer for the Commission by the next meeting. Ms. Nelson reported that the disturbed soil is stabilized and the ground is frozen.

D. Election of Officers

MOTION made to keep the executive board as-is with no change; MADE by **R. Esty**; SECONDED by **E. Steffen**; VOTING IN FAVOR: **C. Heffernan, C. Wehrly, C. Savage, R. Esty, M. Fish, E. Steffen, P. Kay**; OPPOSED: **None**; ABSTAINING: **None**; APPROVED: **7-0-0**.

VI. ADJOURNMENT

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

Respectfully submitted,

Margaret Paccione, Recording Clerk