



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

[www.oldsaybrookct.gov](http://www.oldsaybrookct.gov)

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

*Alyse Oziolor (Conservation)  
Madeleine B. Fish (Zoning)  
Paula S. Kay (Planning)  
Vacancy (Economic Development)*

**Alternate Members**  
*Elizabeth D. Steffen, Secretary  
Janis L. Esty*

**MINUTES**  
**REGULAR MEETING**  
Thursday, October 15, 2020 at 7:00 p.m.  
Via Teleconference

**I. CALL TO ORDER**

The Vice-Chairman called the teleconference to order at 7:00 p.m.

**II. ROLL CALL**

**Members Present:** C. Wehrly (acting as Chairman), C. Savage, P. Kay, A. Oziolor, E. Steffen, J. Esty

**Members Absent:** C. Heffernan, M. Fish

**Staff Present:** P. Hegge, Environmental Planner; L. Wacker, Recording Clerk

**III. OLD BUSINESS**

**A. “Auld” Violation**

Cease & Desist Order issued on September 8, 2020  
Placement of fill in wetlands and within the 100’ upland review area.  
6 Trails End, (Map 16/ Lot 68-4)  
Owner: Christopher & Kerry Auld

Vice-Chairman Wehrly stated that the Commission received the requested materials from the owner and asked the members if they had any comments or questions. A. Oziolor stated that she thought they requested photos of the wetlands showing the vegetation. Mr. Auld stated that was not his understanding, and that he confirmed with staff that he delivered what was requested. P. Hegge stated that he thought Mr. Auld provided what he was asked to. C. Wehrly asked Mr. Auld if he could provide some photos for the file and Mr. Auld stated that he would. The Vice-Chairman noted that the Commission already approved a motion to lift the Cease and Desist Order at the last meeting. A motion was made to formally close the Show Cause hearing.

**MOTION** to close the public hearing for the “Auld” Show Cause Hearing, 6 Trails End (Map 16/Lot 68-4); **MADE:** by E. Steffen; **SECONDED:** by A. Oziolor; **VOTING IN FAVOR:** C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 6-0-0.

#### IV. NEW BUSINESS

##### A. 20-016 “Sarette Builders” Application to Conduct a Regulated Activity

Construction of a single-family residence with driveway and grading within the 100’ upland review area.

2 Davies Circle (Map 46/Lot 13-02)

Owner/Applicant: Wade Sarette, Sarette Builders, LLC Agent: Robert L. Doane, Jr., P.E., L.S.

**ACTION:** *Accept application, review for completeness, determine if regulated activities are significant and determine if Ordinance 71 fees are required.*

Bob Doane was in attendance representing the applicant. He explained that they would like to construct a house, sanitary system and driveway on the property. There are no wetlands on the property but there are wetlands across the street on the south side of Davies Road. The house would be slightly within the upland review area and the sanitary system is not within the upland review area. The driveway would be within the upland review area. A. Oziolor asked about the existing culvert under the road and expressed concern that sediment might run off into the pipe during construction. Mr. Doane explained that silt fence will be installed near the culvert and offered to also have hay bales placed across the driveway at the end of each construction day. C. Wehrly asked for more information about the nearby wetlands. Mr. Doane replied that he would call it a red maple swamp, and described it as a mostly wooded wetland with dense vegetation.

**MOTION** to accept the application (20-16) “Sarette Builders”, 2 Davies Circle (Map 46/Lot 13-02) as complete, and to determine there will be no significant impacts and no Ord. 71 fees required; **MADE:** by A. Oziolor; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 6-0-0.

##### B. 20-017 “MVJJ, LLC” Application to Conduct a Regulated Activity

Construction of a 12’4” x 13’ 9” office addition and 15’ x 20’ pavilion within the 100’ upland review area.

1522 Boston Post Road (Map 26/Lot 28)

Applicant/Owner: MVJJ, LLC Agent: Robert L. Doane, Jr., P.E., L.S.

**ACTION:** *Accept application, review for completeness, determine if regulated activities are significant and determine if Ordinance 71 fees are required.*

Bob Doane was in attendance representing the applicant. He explained that they would like to construct an office addition to the existing building and a separate pavilion for storage. There is an existing concrete pad covering most of the area where the office addition will be. There will be little disturbance to the property. They would be encroaching slightly on the scrub growth on the south side of the property, and most of the area of disturbance is lawn. A pipe for the sanitary system will need to be moved. P. Kay asked Mr. Doane to explain the pavilion. Mr. Doane explained that it would be a concrete pad with a pitched roof supported by columns, open on all sides, similar to a gazebo. It will be approximately 8 ft. high. P. Kay asked if the new office addition would replace an existing interior office. Mr. Doane explained that the original office was removed when the previous deli use was discontinued. C. Wehrly asked Mr. Doane to confirm that the distance to the wetland from the proposed office

addition is approximately 40 ft., and approximately 60 ft. from the proposed pavilion. Mr. Doane confirmed this, and stated that he felt this will be a relatively insignificant activity with very little earth work around an existing building, and requested it be handled administratively if possible. P. Hegge stated he would be comfortable with handling the application administratively if the Commission is comfortable with it. There was a discussion about the administrative permit procedure. A. Oziolor asked about the clearing of vegetation that was mentioned, the stockpiled material shown on the site plan, and construction vehicle access. Mr. Doane explained that there is some brush that needs to be cleared on the southeast corner of the pavilion- just scrub growth, not trees- and that the temporary stockpile is due to excavation for the frost wall associated with the addition. Any excess material will be removed from the site. Construction vehicles will access the site via the existing parking lot.

**MOTION** to the accept the application (20-017) “MVJJ, LLC”, 1522 Boston Post Road (Map 26/Lot 28) as complete, to determine there will be no significant impact and no Ord. 71 fees required, and to authorize P. Hegge to handle administratively; **MADE:** by C. Wehrly ; **SECONDED:** by A. Oziolor; **VOTING IN FAVOR:** C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 6-0-0.

C. “Kuljis” Violation

Notice of Violation issued on October 7, 2020  
Construction of a deck within the 100’ upland review area  
2 Cove Landing (Map 16/Lot 62-01)  
Owner: Zoran R. Kuljis & Ann S. Lenz

The owners were not in attendance. C. Wehrly stated that nearly two years ago the Commission approved an application for a shed on this property, and now there is an issue with a deck which is currently under construction. P. Hegge stated the building inspector informed him about the deck construction, and when he went to see the property he also observed a retaining wall, stockpiled cord wood in or near the wetland, and the possible removal of vegetation from the wetland area. He also stated that there is no mention of the deck or retaining wall in the approved permit. There was a discussion among the Commission members about the shed that was previously approved. P. Kay stated she had a concern that Mr. Kuljis might not have been able to access the virtual meeting. C. Wehrly stated that they need to determine whether the original application and approval included the deck or retaining wall, and that the motion to approve the permit from 2019 does not mention a deck or retaining wall. P. Kay urged staff to thoroughly go through the records to find out what was approved. J. Esty suggested checking the meeting audio if possible. P. Hegge reported the deck and retaining wall were not mentioned in the legal notice for the 2019 permit either.

**MOTION** to direct staff to issue a Cease and Desist Order for the retaining wall and deck at 2 Cove Landing (Map 16/ Lot 62-01), and to advise the owner to apply for a wetlands permit for the deck and retaining wall; **MADE:** by E. Steffen; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 6-0-0.

## V. REGULAR BUSINESS

### A. Meeting Minutes: September 14, 2020 and September 17, 2020

J. Esty commented that she was not present at the September 14<sup>th</sup> meeting so she should not be recorded as voting for the motions made at that meeting.

**MOTION** to approve the special meeting minutes of September 14, 2020 as corrected, and the regular meeting minutes of September 17, 2020 as presented; **MADE:** by E. Steffen; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

### B. Correspondence & Announcements

- i. P. Hegge stated that he received new information for 76 Bokum Road (Map 57/ Lot 17). The owners recently hired a USDA soil scientist who determined that the stream is not a wetland, it is a man-made stream, but the USDA does not have the authority to define watercourses. It was previously determined to be an intermittent watercourse by soil scientist Richard Snarsky. A. Oziolor stated that this was not delineated by the USDA soil scientist under the Federal Clean Water Act and the USDA does not regulate the Clean Water Act. C. Wehrly stated that the applicant was previously asked to provide more information when the IWWC determined the application was incomplete earlier in the year. He would like to provide some guidance to the applicant as to what information they need to provide a complete application. A. Oziolor suggested that they require a wetlands delineation in accordance with the Clean Water Act regulations, which should include a map and some documentation. P. Hegge explained that the property owners brought a map to his office but he determined it did not include enough information to be considered complete. The property owner Barbara Pear was present at the virtual meeting with her husband David Pear. Mr. Pear stated that in the 1980s a permit was obtained to dredge the stream and he has been told that they can dredge as-of-right. He expressed that he feels they have done everything they have been asked to do. The land cannot be farmed until the dredging can be completed. C. Wehrly stated that the Commission is asking for a map that shows the specific location where they intend to dredge. Mr. Pear stated that they did give a map to P. Hegge and the First Selectman, and that P. Hegge has been to the property. A. Oziolor asked P. Hegge if he could find a copy of the original permit. There was a discussion about what materials P. Hegge was given and whether the wetlands and watercourses were sufficiently delineated. P. Kay asked if it was documented that this field includes an inland wetland. A. Oziolor stated that she would like to see a map that accurately depicts the boundary of the watercourse as well as the location of the proposed dredging, and also stated it would be helpful to have an opinion from Mr. Snarsky about the nature of the stream, and whether he believes it was man-made or previously dredged. She would also like to see photos of the property. Mr. Pear stated that they do not want to wait another month and would like the commission to make a determination so that they can dredge the stream before it is too late in the year to do the work. C. Wehrly stated that there is a procedure that the Commission must follow, and if the applicants provide the

information the Commission is asking for then they can proceed. Mr. Pear asked if he provides the map, would there be a way the Commission could make a decision sooner. C. Wehrly said they would take the matter up at their next meeting. There was further discussion about the necessary review process. Mr. Pear stated that he will provide copies of the map and the report that their soil scientist prepared, and suggested the Commission members take a look at the property in person.

- ii. C. Wehrly reported that they received copies of the Economic Development Section of the Plan of Conservation and Development with a memo from the First Selectman offering a presentation of the plan if the Commission would like one.
- iii. P. Hegge stated that the report regarding 1325 Boston Post Road was sent for the Commission's information. C. Wehrly suggested if the members have any comments to send them to P. Hegge.

### C. Committee, Representative & Staff Reports

- i. A. Oziolor reported that the Conservation Commission had a successful coastal cleanup in September.
- ii. P. Hegge reported the following:
  - o An administrative permit was issued for a split rail fence on James Court.
  - o The expense report was provided for the Commission's information.
  - o The material that was dumped at 92 Spencer Plains Road has been cleaned up. The applicant would like to install a chain link fence which could be handled administratively.
  - o The LaMay application was approved administratively.
  - o A State permit application was received for pesticide (herbicide) application within the wetlands in the North Cove area. They have already gotten approval from the State but also need P. Hegge's approval. He is not sure if they need to go before the IWWC. C. Wehrly suggested checking to see if they need a permit to eradicate an invasive species. P. Hegge will clarify with DEEP whether they are working within the tidal wetlands only or will be working within the inland wetlands.

## VI. ADJOURNMENT

**MOTION** to adjourn the meeting at 9:05 p.m. to November 19<sup>th</sup>, 2020 at 7:00 p.m., Town Hall, 302 Main Street or via teleconference; **MADE:** by E. Steffen; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

Respectfully Submitted,

Lynette Wacker  
Recording Clerk