



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

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, November 19, 2020 at 7:00 P.M.
Via Teleconference**

I. CALL TO ORDER

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

II. ROLL CALL

Members Present: C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, M. Fish (not seated, left meeting at 7:36), E. Steffen, J. Esty

Members Absent: None

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

III. OLD BUSINESS

- A. **20-016 “Sarette Builders” Application to Conduct a Regulated Activity**
Construction of 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: *Consider proposed activity, deliberate and act.*

Robert Doane was present and explained the proposal. He stated that there are no wetlands on the property, the wetlands are across the street, and that they submitted a wetlands application at the last meeting. C. Heffernan asked if the commission members had any questions. A. Oziolor reiterated her concerns from the last meeting regarding stormwater runoff into the existing culvert. Mr. Doane explained that they are proposing to install silt fence on the downside of the property, as well as a stone construction entrance. He offered to install hay bales around the entrance to the culvert. A. Oziolor stated that she thought that was agreed upon at the last meeting and asked if the swale could adequately handle the additional runoff from the impervious surfaces of the house and driveway. B. Doane replied that the swale is adequate to handle the runoff.

MOTION to approve the application (20-16) **“Sarette Builders”**, 2 Davies Circle (Map 46/Lot 13-02) with the condition that hay bales be placed around the inlet of the culvert; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C.

Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen, J. Esty; OPPOSED: None; ABSTAINING: None; APPROVED 7-0-0.

B. **“Kuljis” Violation**

Cease and Desist Order issued on October 21, 2020

Construction of a deck and retaining wall within the 100’ upland review area

2 Cove Landing (Map 16/Lot 62-01)

Owner: Zoran R. Kuljis & Ann S. Lenz

ACTION: *Continue discussion of violation*

C. Heffernan stated that the Cease and Desist Order remains in effect and Mr. Kuljis was asked to submit a completed application indicating what had been done on the property to date and what he intends to do. Mr. Kuljis was not present. P. Hegge stated that he has not heard from Mr. Kuljis since the last meeting and no new materials were received from him. P. Hegge referenced the materials the commission members were provided, including the email he sent to Mr. Kuljis informing him about what he was expected to do, a map clarifying the locations of the retaining walls, and photos of the site work. He also confirmed that Mr. Kuljis was informed about the meeting. C. Heffernan asked for clarification about the email which included a message from Tom Makowicki to Mr. Kuljis. P. Hegge explained that the Building Official Mr. Makowicki informed Mr. Kuljis that the deck he was building did not have a permit and that Mr. Kuljis needed to provide the materials listed in the email as well as proof of an approval from the IWWC. C. Heffernan asked whether Mr. Kuljis has continued to work on the property. P. Hegge replied that it does not appear that any work is being done on the deck but that the retaining walls have been completed since the Cease and Desist Order was issued. P. Kay asked if the photos were recent. P. Hegge replied that the photos were taken since the last meeting. E. Steffen stated that she and M. Fish drove by the site and confirmed what P. Hegge just reported about the status of the work. C. Heffernan confirmed that at 7:19 Mr. Kuljis was still not present at the meeting. E. Steffen suggested continuing the Cease and Desist Order and informing Mr. Kuljis that he must appear at the next meeting. A. Oziolor asked what alternatives were available to the Commission, such as implementing a fine. The commission members discussed the matter. P. Kay expressed qualms about pursuing the matter aggressively because of a possible misunderstanding by the applicant about what was approved, and because Mr. Kuljis stated he was told by DEEP and the Audubon Society that he should do something to control the erosion. She would like to see if the ground was really at risk of eroding and if his claim is credible. C. Wehrly stated that they heard P. Hegge testify at the last meeting that town counsel’s opinion was that the permit issued by the IWWC did not include the deck, and it would be necessary for the owner to fill out a new application to cover that omission. C. Wehrly suggested sending something to Mr. Kuljis by certified mail return receipt requested asking him to submit an application prior to the December meeting. C. Heffernan added that he agreed with that strategy and if Mr. Kuljis does not comply they could then consider more aggressive measures. P. Hegge and C. Heffernan referenced sections of state law which appear to give the commission authority to pursue corrective action and institute fines. C. Savage stated that he would be uncomfortable issuing the maximum penalty at this time but that they should pursue the matter. C. Heffernan would like to give Mr. Kuljis the opportunity to come in and fix the problem. C. Savage suggested adding to the letter the recommendation that Mr. Kuljis contact the wetlands enforcement officer if he has any questions. C. Heffernan suggested adding to the letter the amount that the fines could potentially be. The members could not recall ever having to issue fines, and C. Heffernan

requested that P. Hegge check with the land use dept. about similar situations they may have dealt with for guidance.

MOTION to leave the Cease & Desist Order in place, continue the matter to the next regular meeting, and notify the applicant via certified mail, with return receipt requested, of the continuance of the Cease & Desist Order, the outstanding directive to file an amended application, and a warning that there can be further action taken by the commission if he does not complete those actions and attend the next regularly scheduled meeting on December 17, 2020, for “Kuljis Violation”, 2 Cove Landing (Map 16/ Lot 62-01; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED** 7-0-0.

IV. NEW BUSINESS

A. 2021 Meeting Calendar

MOTION to approve the 2021 meeting calendar as amended to change the September 16, 2021 meeting to September 30, 2021; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

V. REGULAR BUSINESS

A. Meeting Minutes: October 15, 2020 and October 29, 2020

MOTION to approve the meeting minutes of October 15, 2020 as presented; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

MOTION to approve the special meeting minutes of October 29, 2020 as presented; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

B. Correspondence & Announcements

P. Hegge stated the budget expenditure report is just for their general information.

C. Committee, Representative & Staff Reports

P. Hegge reported that an administrative permit was issued for a shed at 190 Old Boston Post Road. He also reported that there is a CACIWC conference scheduled for December 5th and he will email more information to the commission.

VI. **ADJOURNMENT**

MOTION to adjourn the meeting at 7:55 p.m. to the next regular meeting on December 17th, 2020 at 7:00 p.m. via teleconference; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

Respectfully Submitted,

Lynette Wacker
Recording Clerk