



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, December 17, 2020 at 7:00 P.M.
Via Teleconference

I. CALL TO ORDER

The Chairman called the teleconference to order at 7:04 p.m.

II. ROLL CALL

Members Present: C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen

Members Absent: M. Fish, J. Esty

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

III. OLD BUSINESS

“Kuljis” Violation

Cease and Desist Order

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*

The owners were not present. C. Heffernan stated that he discussed the violation with Atty. Cronin and has been informed that other agencies are currently pursuing this matter, so there is no need for the IWWC to move forward at this time.

IV. DISCUSSION

Review and discuss Section 4, As-of-Right & Non-regulated Uses. Determine if dredging a stream with no continual flow is exempt. 76 Bokum Road (Map 57/Lot 17)

Owner: Barbara C. Pear Agent: Joseph Wren, P.E.

J. Wren was present representing the owner Barbara Pear and her husband Mr. Pear. He stated that the property has always been used as an agricultural property and continues to be used for agriculture. Mr. Wren reviewed the statues and stated that what they are requesting is within the as-of-right uses. He stated that he was told by soil scientist Richard Snarsky,

who investigated the property, that it is clearly a man-made ditch and an intermittent watercourse. Mr. Wren stated that the ditch has been there for nearly 100 years and presented aerial photographs showing the ditch as far back as 1934. He explained that the ditch was cleaned out in the 1980's and since then it has filled in with silt. The Pears would like to clear out the ditch when it is dry. Mr. Wren stated that this should fall under the agricultural exemption. C. Heffernan stated that this is the information that they have been requesting from the applicant to allow them to make a decision in this case. He asked how often the ditch is not flowing. Mr. Wren replied that it is dry most of the year. A. Oziolor asked if there is documentation of any approvals for the dredging that took place in the 1980's. Mr. Wren stated that he did not have physical evidence of approvals, but he was told that they had permission to clear it out. Barbara Pear stated that her brother did the work and he told her that he did get a permit, but she could not find any documentation of that in the Town's wetlands archives. C. Heffernan read the definition of continual flow, and asked how they know it does not have continual flow. Mr. Wren replied that according to the property owners the ditch is dry most of the time. C. Heffernan read the definition of an intermittent watercourse and asked Mr. Wren if the ditch had any of the properties as defined. Mr. Wren stated that would be better answered by Mr. Snarsky. A. Oziolor stated that it would need to have two out of three of the criteria to be defined as intermittent- if it is not flowing now when there has been a lot of storm activity, it is probably barely an intermittent watercourse- and that she agrees with Mr. Wren about the status. E. Steffen stated that the Town did not have a wetlands officer in the 1980s. Mr. Pear stated that they have made this lot a farm through the USDA and there has been elaborate study of the property, including soil identification. C. Heffernan asked P. Hegge if there was a way to incorporate the documents provided by Mr. Wren into the property file for future use. P. Hegge stated that would be possible. P. Hegge asked whether there were wetlands in the vicinity of this ditch. Mr. Wren stated the ditch did not have wetlands soils. Mr. Wren stated that he would provide the materials presented at the meeting for the file, and he will ask Mr. Snarsky to delineate on the map the areas of the ditch that he identified as intermittent. C. Wehrly asked about the size of the pond and if it fits the definition of a farm pond. There was a discussion of the definition. Mr. Wren asked if the owners could now proceed with clearing the ditch. C. Heffernan stated that this is an information discussion so they have nothing to proceed with at this meeting and there is nothing to approve. P. Kay asked if they were deciding if it is an as-of-right use, and if so, there does not need to be an application. C. Heffernan agreed. B. Pear stated that on 10/13/20 they did submit an application. P. Hegge clarified that was not accepted as a complete application. C. Wehrly asked if P. Hegge could handle this administratively. A. Oziolor suggested directing P. Hegge to confer with Atty. Cronin and if it appears to be an as-of-right use they will not need a permit and will give the owners documentation that the activity is as-of-right. P. Hegge stated that he and Mr. Wren already conferred with Atty. Cronin. C. Heffernan stated that he will speak with Atty. Cronin in the next week and see if he will issue an opinion letter that this is an as-of-right use. Mr. Pear stated that they started this discussion in the spring and they still do not have a decision. If the work gets postponed any longer it will be spring and the field will be flooded again which will hinder the farming of the property. C. Heffernan suggested that Mr. Pear could also get an opinion letter from Atty. Cronin to ensure that the issue keeps moving forward on their end. C. Heffernan stated that he would be in touch with Mr. Wren as soon as he has spoken with Atty. Cronin.

V. NEW BUSINESS

Election of Officers:

MOTION to nominate J. Colin Heffernan as Chairman of the Town of Old Saybrook Inland Wetlands and Watercourses Commission; **MADE:** by P. Kay; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

MOTION to nominate Charles A. Wehrly, III as Vice Chairman of the Town of Old Saybrook Inland Wetlands and Watercourses Commission; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

MOTION to nominate Elizabeth Steffen as Secretary of the Town of Old Saybrook Inland Wetlands and Watercourses Commission; **MADE:** by C. Heffernan; **SECONDED:** by A. Oziolor; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

VI. REGULAR BUSINESS

A. Meeting Minutes: November 19, 2020

MOTION to approve the meeting minutes of November 19, 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; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

B. Correspondence & Announcements

P. Hegge stated that at the last Conservation Commission meeting guest speaker Atty. Janet Brooks talked about a training opportunity for volunteers interested in serving on wetlands commissions. A. Oziolor stated that the workshops are meant more for recruiting potential new members for wetlands commissions and are probably too basic to be of interest to current members.

C. Committee, Representative & Staff Reports

P. Hegge reported that he issued an administrative permit for a shed proposed approximately 60 ft. from a wetland on Connolly Drive, and that the cul-de-sac work on Ingham Hill Rd. is completed and he signed off on it.

A. Oziolor reported that Old Saybrook achieved silver status in the Sustainable CT program.

VII. **ADJOURNMENT**

<p>MOTION to adjourn the meeting at 8:06 p.m. to January 17th, 2021 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; OPPOSED: None; ABSTAINING: None; APPROVED: 6-0-0.</p>

Respectfully Submitted,

Lynette Wacker
Recording Clerk