



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, February 18, 2021 at 7:00 P.M.  
Via Teleconference

I. **CALL TO ORDER**

The Chairman called the teleconference to order at 7:05 p.m.

II. **ROLL CALL**

**Members Present:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, M. Fish, J. Esty

**Members Absent:** E. Steffen

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

III. **OLD BUSINESS**

**21-001 “Warren & Loucks” Application to Conduct a Regulated Activity**

Install generator and in-ground 500-gallon propane tank within the 100’ upland review area.

1 Merritt Lane, (Map 52/Lot 5-1)

Owner: Mark Warren and Lisa Loucks

**ACTION:** Received 1/21/2021, Consider propose activity, deliberate & Act

A. Oziolor asked if the erosion control measures discussed at the last meeting were added to the site plan. P. Hegge replied that hay bales have been added to the site plan.

**MOTION** to approve the application (21-001) “Warren & Loucks” to install a generator and in-ground 500-gallon propane tank within the 100’ upland review area at 1 Merritt Lane, (Map 52/Lot 5-1); **MADE:** by C. Heffernan; **SECONDED:** by C. Wehrly **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, M. Fish, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

C. Wehrly noted that at the January meeting, the commission voted to continue the Kuljis matter to the February meeting.

**MOTION** to amend the agenda to add “Kuljis” Violation, 2 Cove Landing (Map 16/Lot 62-1) under Old Business; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, M. Fish, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

P. Hegge reported that a state marshal has served Mr. Kuljis. The town is suing Mr. Kujlis for not complying with what he has been directed to do by other town entities.

**MOTION** to continue the matter “Kuljis” Violation, 2 Cove Landing (Map 16/Lot 62-1) to the next regularly scheduled meeting in March; **MADE:** by C. Heffernan; **SECONDED:** by C. Savage; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, A. Oziolor, M. Fish, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

C. Wehrly asked if the discussion from the last meeting concerning the Pear application should be addressed. P. Hegge replied that he sent a letter to Mr. Pear and copied Mr. Wren, which stated that the activity the Pears were proposing- dredging a stream with no continual flow, at 76 Bokum Road (Map 57/Lot 17)- was determined to be as-of-right. A copy of the letter was placed in the file. C. Wehrly requested P. Hegge send a copy to the commission members so they all know what transpired. C. Heffernan stated that in the future for as-of-right activities, the town should have a form for a nonregulated activity. If there is a question as to whether an activity is as-of-right, the commission can discuss it at their next meeting. If they decide it is as-of-right, P. Hegge can be directed to write a letter stating that for the file, or they can determine that a permit is necessary and go forward from there. C. Heffernan referenced Section 4.4 of the town’s Inland Wetlands and Watercourses Regulations which allows this.

#### IV. NEW BUSINESS

##### A. Permit Extension Request

###### 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

**ACTION:** *Requests an extension of the permit to complete regulated activities. Permit expires 2/21/2021.*

P. Hegge reported that Mr. Bagnati could not attend the meeting because he needed to plow during the snowstorm, and that Mr. Bagnati was ok with going forward with his request for a permit extension. P. Hegge stated that after he notified Mr. Bagnati that his wetlands permit was going to expire, he conducted a site visit and it did not appear that any of the permitted work had been done. P. Hegge reported that Mr. Bagnati is requesting a permit extension because the property has been the subject of litigation. Mr. Bagnati’s neighbor Mr. Evengelisti sent a letter to the commission opposing the permit extension request. There was a discussion about the ongoing litigation regarding this property. C. Wehrly asked whether the granting of an extension of a wetlands permit, unless there is some compelling reason not to, is a normal course of procedure. The granting of

extensions was discussed. P. Kay asked P. Hegge if Mr. Bagnati had acknowledged that none of the work has been done. P. Hegge replied that he did. C. Heffernan made a motion to grant the extension. C. Wehrly asked about the length of the extension and it was discussed.

**MOTION** to grant a two-year extension to the existing permit for (17-009) "Bagnati" excavation, grading, fill, seeding, installation of a fence, placement of a deck and gravel driveway at 72 Bokum Road, (Map 57/Lot 19-2); **MADE:** by C. Heffernan; **SECONDED:** by M. Fish; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, M. Fish, A. Oziolor, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

## V. REGULAR BUSINESS

### A. Meeting Minutes: January 21, 2021

P. Kay asked P. Hegge to clarify who wrote the letter and what site plan was being discussed on Page 4 under Correspondence and Announcements. The commission decided a clarification was needed, and the minutes should state that "P. Hegge reported that regarding the letter dated December 15, 2020 from Jacobson about Daniels Propane, P. Hegge reviewed the site plan and there was no activity within the IWWC's jurisdiction."

**MOTION** to approve the meeting minutes of January 21, 2021 as corrected; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, M. Fish, A. Oziolor, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

### B. Correspondence & Announcements - None.

### C. Committee, Representative & Staff Reports

P. Hegge reported that he issued an administrative permit for 9 Jorgensen Lane (Map 35/Lot 7-4) for an activity involving minimal grading 85 feet from the wetlands. A. Oziolor asked if sediment and erosion control measures were in place. P. Hegge replied that they were.

## VI. ADJOURNMENT

**MOTION** to adjourn the meeting at 7:47 p.m. to the next regular meeting on March 18<sup>th</sup>, 2021 at 7:00 p.m. via teleconference; **MADE:** by C. Heffernan; **SECONDED:** P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, M. Fish, A. Oziolor, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

Respectfully Submitted,

Lynette Wacker  
Recording Clerk