



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, April 15, 2021 at 7:00 P.M.
Via Teleconference

I. **CALL TO ORDER**

The Chairman called the teleconference to order at 7:01 p.m.

II. **ROLL CALL**

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

Staff Present: P. Hegge, Environmental Planner; S. Makowicki, Recording Clerk

III. **OLD BUSINESS**

“Kuljis” Violation

Cease & Desist Order

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

2 Cove Landing, (Map 16/ Lot 62-1)

Owner: Zoran R. Kuljis & Ann S. Lenz

ACTION: *Continue discussion of violation*

Mr. Heffernan reported that he had sought advice from Attorney Michael Cronin in regard to the Kuljis violation. Mr. Cronin advised that since Mr. Kuljis is under pending lawsuits with the Building and Zoning Departments. This pending litigation would resolve any issues the commission has with Mr. Kuljis.

MOTION to continue the matter “Kuljis Violation” Cease & Desist Order for construction of deck and retaining wall within the 100’ upland review area at 2 Cove Landing (Map 16/Lot 62-1) until the next regularly scheduled meeting in May. **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, E. Steffen, M. Fish, A. Oziolor; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

IV. **NEW BUSINESS –**

“Budney” Violation

Notice of Violation issued April 7, 2021

Placement of fill within the 100' upland review area.
4 Dibble Road, (Map 46/Lot 14-1)
Owner: Leonard Budney

P. Hegge reported that he received correspondence from a neighbor who witnessed Mr. Budney dumping fill in the watercourse on his property. Mr. Hegge visited the property on April 4, 2021 with the owner present. Mr. Budney informed the wetlands officer that he was filling the yard and he would be seeding the area. Mr. Hegge also witnessed that the owner was using heavy machinery to move the fill in the upland review area.

P. Kay asked what the violation was considering that the fill was not going into the watercourse.

A. Oziolor stated that the violation was within the 100ft upland review area and a wetland review should be done on the property.

C. Wehrly stated that exhibits three and five show what looks like soil being pushed up to the edge of the watercourse. There is no proof of delineation.

C. Heffernan stated that a notice of violation went out to the property owner and there was no response to this notification. The property owner needs to file an application to show what he is doing on the property.

MOTION to continue the matter “**Budney Violation**” Notice of Violation issued April 7, 2021 Placement of fill within the 100’ upland review area. 4 Dibble Road, (Map 46/Lot 14-1) Owner: Leonard Budney until the next regularly scheduled meeting in May. **MADE:** by C. Heffernan; **SECONDED:** by C. Wehrly; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C Savage, P. Kay, J. Esty, M. Fish, A. Oziolor; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

V. REGULAR BUSINESS

A. Meeting Minutes: March 18, 2021

MOTION to approve the meeting minutes of March 18, 2021 as presented; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, M. Fish, J. Esty, A. Oziolor; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

B. Correspondence & Announcements

P. Hegge inquired if the Commission had previously submitted articles into the Events Newsletter.

C. Heffernan could not remember if the Commission had in the past but was willing to write an article to future submission. Outreach to the community would be a positive thing.

C. Committee, Representative & Staff Reports

A. Oziolor reported that the Conservation Commission is working on a pollinator garden planting plan with students from Old Saybrook High School. The planting will start next month and there is a need for volunteer help. There will be a flower sale on the Town Green on May 7-8.

P. Hegge reported that he received an as of right request from Mr. Bagnatti at 75 Bokum Rd to cut down a dying and falling down tree. Mr. Hegge went over the work that was to be done with the owner.

P. Hegge reported that he has received a complaint from Mr. Evangelisti at 49 Bokum Rd stating that the Eversource substation installment of new steel transmission poles has caused flooding on Mr. Evangelisti's parcel number 57-11-1. Mr. Hegge reported that Eversource had gone through DEEP and CT Siting Council, which is the proper procedure. Ultimately Eversource has right of way easement on the property.

A. Oziolor informed the Commission that Eversource is exempt from inland and wetlands review.

P. Kay inquired if this was a new situation.

P. Hegge reported that Eversource started the work about four years ago and finished the project about a year ago.

C. Heffernan stated that even if the Commission does not have review over Eversource, it would still be good to bring the situation to their attention.

P. Hegge reported on an updated as of right activity form. The DEEP form was used as a guide.

P. Kay advised that the references to forestation and timber harvest should be eliminated as the town does not usually have these activities.

A. Oziolor agreed and stated that there should be a check list of the regulated as of right activities and what activities are not permitted. Ms. Oziolor also suggested to add that wetlands should be flagged and delineated by a wetlands engineer.

VI. ADJOURNMENT

<p>MOTION to adjourn the meeting at 7:38 p.m. to May 20th, 2021 at 7:00 p.m. via teleconference; MADE: by C. Heffernan; SECONDED: by C. Wehrly; VOTING IN FAVOR: C. Heffernan, C. Wehrly, C. Savage, P. Kay, M. Fish, J. Esty, A. Oziolor; OPPOSED: None; ABSTAINING: None; APPROVED: 7-0-0.</p>
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Respectfully Submitted,

Sarah Makowicki
Recording Clerk