



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

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*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, May 20, 2021 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, M. Fish, P. Kay, E. Steffen, J. Esty

Members Absent: C. Savage, A. Oziolor

Staff Present: P. Hegge, Environmental Planner; L. Wacker, 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 stated that they are still in the same position they were before, with Mr. Kuljis currently in litigation with other agencies in town, and the IWWC is staying any further enforcement action as that case winds its way through the court. P. Hegge asked if everyone had a chance to review the latest communication which he sent to the commission members on May 18th. Mr. Heffernan summarized the document, a letter to the Superior Court clerk from Mr. Kuljis stating his opposition to the plaintiff’s motion for default.

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 June; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, P. Kay, M. Fish, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

“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

ACTION: *Continue discussion of violation*

Mr. Budney was present along with the former property owner Mary Costa. C. Heffernan asked P. Hegge if the photos they received were of the subject property. P. Hegge replied that they were. Mr. Hegge went on to report that he met with Mr. Budney the day before to guide him through the application process, and that Mr. Budney was hiring a surveyor to generate a site plan and identify the inland wetlands and watercourses. Mr. Budney stated that the soil scientist he spoke with expected to be available in a month. Mr. Budney asked what kind of surveyor or engineer he could use. P. Hegge told Mr. Budney that any of them should be fine, as long as they are able to show the property boundaries, inland wetlands, watercourses, setbacks, and upland review area. He should also show where any soil will be stockpiled as well as any other regulated activities within the commission’s jurisdiction. Mr. Budney stated that he did not create a lawn, he just re-soiled over the lawn that was already there. Ms. Costa, former owner, stated that she owned the property for 18 years. She explained that the tenant who lived there had been in a nursing home for the last couple of years and had let the property go, so she had to get the property brush hogged. After the brush hogging, the area was mowed and maintained as a lawn. C. Wehrly asked what kind of brush was cut down. Ms. Costa replied that it was just overgrown brush, grass and bushes a couple of feet high. She did not know exactly what they were. P. Kay asked if Mr. Budney could summarize what he had done. Mr. Budney replied that he put a lawn in. He clarified that he put some soil, seed and straw over the existing yellow and brown lawn.

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), until the next regularly scheduled meeting in June; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, P. Kay, M. Fish, J. Esty, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

IV. REGULAR BUSINESS**A. Meeting Minutes:** April 15, 2021

P. Hegge stated that regarding the Budney violation, the minutes stated that the commission approved a motion to continue the matter, but the actual motion was to issue a Cease and Desist Order. P. Hegge noted that although he did not issue the C&D order, Mr. Budney is complying with what he was directed to do. The minutes should be corrected as follows:

MOTION to ~~continue the matter~~ issue a Cease and Desist Order for “**Budney Violation**” Notice of Violation issued April 7, 2021 Placement of fill within the 100’ upland review area.

MOTION to approve the meeting minutes of April 15, 2021 as amended; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, P. Kay, M. Fish, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

B. Correspondence & Announcements

- i. Resignation of P. Hegge- C. Heffernan thanked Mr. Hegge for his work and wished him all the best in his future endeavors.
- ii. Appointment of temporary enforcement officer of Inland Wetlands and Watercourses Commission.

MOTION to appoint Chris Costa as temporary enforcement officer for the Inland Wetlands and Watercourses Commission until the vacancy is filled; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, P. Kay, M. Fish, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

C. Committee, Representative & Staff Reports

P. Hegge reported that he spoke with Darcy Winthur at DEEP and Attorney M. Cronin about a complaint regarding the Eversource activity at 49 Bokum Road (Map 57/Lot4), and confirmed that Eversource is exempt from municipal permitting. Eversource did go through the CT Siting Council, the Army Corps of Engineers and DEEP. P. Hegge also informed the complainant Mr. Evangelisti of this finding.

P. Hegge reported that he issued an administrative permit for 42 Bokum Road (Map 57/Lot 26). The owner will be constructing an addition to their home for a family member who requires handicapped access. The regulated activity was approximately 86 feet from the wetland boundary and would have minimal impact.

P. Hegge reported that the owner of 94 Bokum Road (Map 62/Lot 5) was stockpiling soil near a watercourse. Mr. Hegge met with the owner and asked him to relocate the soil away from the watercourse and outside of the Upland Review Area. The owner agreed, and when Mr. Hegge re-inspected the property the soil had been moved as directed.

P. Hegge reported that an activity at 54 Pennywise Lane (Map 30/Lot 14) was determined to be a minor as-of-right activity under Section 4.2.

C. Wehrly reported that on April 22 he emailed C. Heffernan and P. Hegge a document titled Application for Regulated Activity Timeline which he believes was originally received from Attorney Cronin. This document explains why the IWWC cannot act on an application at the same meeting it is received. C. Heffernan stated that he agrees the document answers the question. P. Hegge will distribute the document to the commission members via email.

V. ADJOURNMENT

MOTION to adjourn the meeting at 7:24 p.m. to June 17th, 2021 at 7:00 p.m. via teleconference; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, P. Kay, M. Fish, J. Esty, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

Respectfully Submitted,

Lynette Wacker
Recording Clerk