



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, June 17, 2021 at 7:00 P.M.  
Hybrid Meeting

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, M. Fish, P. Kay, E. Steffen

**Members Absent:** A. Oziolor, J. Esty

**Staff Present:** Christina Costa, Town Planner; Lynette 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 matter until Zoning Commission trial is concluded*

Ms. Costa explained that the Zoning Commission commenced legal action along with the Building Official, and although the IWWC is not involved in that action the end result will probably resolve those issues as well. The pre-trial is expected to take place in October. She recommended tabling the matter until that trial is concluded.

**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 Zoning Commission trial is concluded; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, M. Fish, E. Steffen; **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 matter until application is received*

Ms. Costa reported that Ms. Wacker spoke with Mr. Budney, and he is trying to obtain a survey. Ms. Wacker reported that the surveyor Mr. Budney contacted was not available until August and he is waiting to hear back from another surveyor. He has had the wetlands flagged and is complying with what he was asked to do by the commission so that he can submit a complete application. Ms. Costa stated that most of the time when there is a violation, it is because the homeowner did not know the regulations and they do end up complying once they are notified of the violation. It takes some time to get the wetlands flagged and a survey. In cases where the violation is not severe, and as long as the unauthorized activity has ceased and the homeowner is complying, it makes sense to have the staff person work with them until the application is ready to be put on the agenda, rather than having them come to meeting after meeting before they have a complete application. Ms. Costa stated that she started in 2001 as a wetlands enforcement officer and has worked in wetlands and zoning for 20 years, and she recommends handling these matters as a staff report during the meetings unless the violation is severe. Ms. Kay asked if a person is working to fix a violation, is there another path other than issuing a formal violation. Ms. Costa said that it can be a matter of working with the homeowner or business owner to let them know what they need to do to comply with the regulations, as long as they are willing to cooperate.

**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 a survey is complete and an application is received; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, M. Fish, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

#### IV. NEW BUSINESS

##### 21-006 “Route 1 Sidewalks” Application to conduct a Regulated Activity for Municipal Improvement

Construction of sidewalks along the south side of Route 1 between Old Post Road & Westbrook Town Line

Boston Post Road (Old Post Road to Westbrook Town Line), (Maps 17, 25, 26 & 27)

*Applicant: Town of Old Saybrook      Owner: State of CT Department of Transportation*

**ACTION:** *Receive application, Review for completeness, Accept application and Determine if regulated activities are significant.*

Geoffrey Jacobson was in attendance representing the Town as the applicant. Mr. Jacobson explained that the Town of Old Saybrook is applying for a grant to fund the construction and repair of sidewalks along Route 1 from Old Post Road to the Westbrook town line. The Town would have a better chance of obtaining the grant if the project was shovel-ready, so they would like to expedite the permitting process. He reviewed the plans showing where the sidewalks would be located and where the wetlands maps indicate the presence of wetlands near the project area. Ms. Costa explained that this is an effort to fill in the gaps and connect those sidewalks through town to make those areas safer. Mr. Heffernan asked if they would need to interface with Westbrook since the project goes to the border. Mr. Jacobson replied that Westbrook has already included extending sidewalks along Route 1 in their Master Plan. Mr. Heffernan asked if silt fence and all appropriate erosion control measures would be implemented. Mr. Jacobson replied that they would. Mr. Wehrly asked what erosion control measures might be used. Mr. Jacobson replied that they could use a

variety of measures including silt fence and coir logs. He explained that the project will have about a 10-foot wide path of disturbance and is not very close to wetlands, unlike the previous Route 1 sidewalk project between Lynde and Pond St. The closest wetland appears to be about 16 feet away from the project area. Ms. Kay asked how deep they would need to excavate. Mr. Jacobson replied that it would be a depth of about 13 inches.

**MOTION** to accept the application (21-006) “Route 1 Sidewalks” to conduct a Regulated Activity for Municipal Improvement at Boston Post Road (Old Post Road to Westbrook Town Line), (Maps 17, 25, 26 & 27) as complete, with no significant impact and no Ord. 71 fees required; **MADE:** by C. Heffernan; **SECONDED:** by P. Kay; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, M. Fish, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

## V. REGULAR BUSINESS

### A. Meeting Minutes: May 20, 2021

**MOTION** to approve the meeting minutes of May 20, 2021 as presented; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, P. Kay, M. Fish, E. Steffen; **OPPOSED:** None; **ABSTAINING:** C. Savage; **APPROVED:** 5-0-1.

### B. Correspondence & Announcements – None.

### C. Committee, Representative & Staff Reports

Ms. Costa reported that the Land Use Department is restructuring a bit. They have created an Assistant Town Planner position which will encompass the previous Environmental Planner position. The Assistant Town Planner would be responsible for wetlands, aquifer protection, conservation, permitting, and would be the staff person for the IWWC with daily office hours. Ms. Wacker has been offered the position. There is some opportunity to expedite permitting with more of the pre-application work taking place with the staff person rather than at IWWC meetings. Not all violations require an official Notice of Violation if the property owner is cooperative.

Ms. Costa also reported that there is a new Public Act 21-34 which changes the terms of wetlands permits. Any wetlands permit granted on or after July 1, 2021 for a project which also requires planning or zoning approval will not go into effect until the project also has its planning or zoning approval. The applicant cannot begin work related to the wetlands permit until those other approvals take effect. The wetlands approval will be valid for the same time period as the planning or zoning approvals, but not for more than 10 years. It will be a little tricky as they will need to wait for the planning or zoning permits before they can issue the wetlands permit, which could take months. Regarding the fee structure, the Land Use Department is restructuring the fees to reflect current costs. Different statutory authorities approve the different fees. The new fees will go to the next Town Meeting for adoption on July 13<sup>th</sup> at 5 p.m. At that same meeting there will be a public hearing for the draft Affordable Housing Plan which they are required to update. More information is on the Town website.

Ms. Costa also reported that there was a site walk on May 27<sup>th</sup> at 91 Sheffield St. There is a contract purchaser for the property. The site has a lot of regulatory constraints, including the Gateway Conservation Zone, inland wetlands and flood zone requirements. The next step would be for the contract purchaser to apply to the Zoning Commission. They would like to establish a Design Development District to allow four houses on the property. There are existing structures on the property that are in disrepair which would be removed. The property is currently zoned Marine Industrial. A public access component is also included because the property is within the Connecticut Coastal Area Management District. Mr. Wehrly commented that the inland wetland on the property looked like a small man-made drainage area which became a wetland over time.

## VI. ADJOURNMENT

**MOTION** to adjourn the meeting at 7:46 p.m. to July 15<sup>th</sup>, 2021 at 7:00 p.m., Old Saybrook Town Hall, 2<sup>nd</sup> Floor Conference Room and via Zoom; **MADE:** by C. Heffernan; **SECONDED:** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, P. Kay, M. Fish, E. Steffen; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 6-0-0.

Respectfully Submitted,

Lynette Wacker  
Recording Clerk