



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*

*Richard J. Esty (Conservation)  
Madeleine B. Fish (Zoning)  
Paula S. Kay (Planning)  
Vacancy (Economic Development)*

**Alternate Members**

*Elizabeth D. Steffen, Secretary  
Janis L. Esty  
Alyse Y. Oziolor*

**MINUTES**

**REGULAR MEETING**

Thursday, April 18, 2019 at 7:00 P.M.  
Town Hall, 1<sup>st</sup> Floor Conference Room  
302 Main Street, Old Saybrook

**I. CALL TO ORDER**

The Vice Chairman called the meeting to order at 7:02 p.m.

**II. ROLL CALL**

**Present:** C. Wehrly, C. Savage, R. Esty, M. Fish, P. Kay, E. Steffen, A. Oziolor

**Absent:** C. Heffernan, J. Esty

**Staff:** P. Hegge Environmental Enforcement Officer, S. Migliaccio, Recording Clerk

The Vice Chairman introduced Patrick Hegge the new Environmental Enforcement Officer and the new member, Alyse Oziolor.

**III. OLD BUSINESS**

**19-002 “Perfetto” Application to Conduct a Regulated Activity**

Installation of a sump pump drainage dispersion system

9 Reservoir Road (Map 52/Lot 83)

Applicant: Robert Perfetto, Jr. Owner Agent: Kenneth J. Picaro, L.S.

**ACTION:** *Rec'd 3/21/19, Open public hearing, continue or close by 4/18/19 mtg (NLT 4/24/19) Consider proposed activities, deliberate & act*

The date for the public hearing should be May 16, 2019. The application was received at the last meeting and was deemed complete. Work will be bypassed by new drainage. Patrick visited the site and took photos which were reviewed by the members of the commission. There were some discussion and questions.

A site inspection was done and a report from Nathan L. Jacobson, dated April 16, 2019, was read to the members. He gave his assessment of the property and gave his recommendations as to what needs to be done.

Robert Perfetto explained to the board the drainage problems on his property which is due mostly from ground water. The water pools in his back yard and he can't prevent the water going onto others property.

Kathryn Marshall, who lives at 11 Reservoir Road, told the members Mr. Perfetto put a pipe across a neighbor's yard which drains into a trench on the other side. She says this causes problems in her back yard.

Thomas Marshall explained this problem is affecting the trees in his back yard by creating root rot. One tree has already fallen and damaged Mr. Perfetto's garage. He said he was advised to remove four trees or they could come down and damage his home. He

believes the root rot is caused by Mr. Perfetto's water seeping onto his property. More dialog ensued back and forth.

It was suggested that the members visit the site and see the problem on both properties. A date to visit was Tuesday April 23, 2019 at 6:15 pm but was changed to Tuesday April 30, 2019 at 6:15 pm. Those members who cannot attend will visit independently.

**MOTION** to continue to a Public Hearing to consider Robert Perfetto's request for installation of a sump pump drainage dispersion system at 9 Reservoir Road MADE by **M. Fish**; **SECONDED** by **C. Savage**; **VOTING IN FAVOR: C. Wehrly, C. Savage, R. Esty, A. Oziolor, M. Fish, E. Steffen, P. Kay**; **OPPOSED: None**; **ABSTAINING: None**; **APPROVED 7-0-0.**

#### IV. NEW BUSINESS

##### 19-003 "Wertheim" Application to Conduct a Regulated Activity

Relocation and elevation of house, removal/installation of decks, removal of garage and gazebo

118-120 Sea Lane (Map 13/Lot 79)

Applicant: Pamela Wertheim, Owner Agent: Joseph Wren, P.E.

**ACTION:** *Receive application. Determine completeness and find significance of impact: schedule for consideration and action.*

Mr. Wertheim's agent, Joseph Wren, explained to the members the work to be done on Mr. Wertheim's property. They will lift the house and move it more in the middle of the property out of zone B and onto zone A. It will have the same foot print. The garage and the gazebo will be removed. A 500 sf driveway will be constructed out of asphalt and has a curb which will help with any drainage entering the wetlands. There were some questions pertaining to gutters and the driveway.

**MOTION** to receive the application, finding it complete with no significance of impact MADE by **E. Steffen**; **SECONDED** by **M. Fish**; **VOTING IN FAVOR: C. Wehrly, C. Savage, R. Esty, A. Oziolor, M. Fish, E. Steffen, P. Kay**; **OPPOSED: None**; **ABSTAINING: None**; **APPROVED 7-0-0.**

#### DISCUSSION

**Violation:** Removal of vegetation and trash debris from watercourse, disturbing natural soil, carrying out cleanup efforts for watercourse, trees cut down.

2 James Court (Map 53/Lot 30-5)

Keith Lemoine, Owner

**ACTION:** *Consider if removal of dead trees within the upland review area and bank clearing of debris from the stream is a regulated activity requiring a permit within 100 feet.*

Patrick Hegge and Chris Costa went to see the property. Mr. Hegge gave a report on the work that was done there and took photos. The members

reviewed the photos and had some questions.

Keith Lemoine showed two photos of the stream in his back yard. He stated there was some large garbage bags filled with trash, old tires, dead tree stumps and limbs in the stream.

The members applauded Mr. Lemoine for his efforts to clean the area but cautioned him on disturbing the wetlands. He was advised to first talk to the Land Use department and find out if what he wants to do needs a permit or if it is allowed. Mr. Lemoine said he wants to do what is correct and will check with the office before doing any work on his property.

The board's consensus determined that this will be handled administratively.

## V. EXECUTIVE SESSION

Eugene Evangelisti vs. Inland Wetlands & Watercourse Commission of Old Saybrook.

**ACTION:** *Close public meeting to hold executive session to discuss pending litigation.*

The public meeting was closed at 9:48 pm and resumed at 9:56 pm. No action was taken.

## VI. REGULAR BUSINESS

### A. Minutes

**MOTION** to accept the minutes of the March 21, 2019 meeting **MADE** by **E. Steffen**; **SECONDED** by **P. Kay**; **VOTING IN FAVOR** **C. Wehrly, C. Savage, R. Esty, M. Fish, E. Steffen, P. Kay**; **OPPOSED: None**; **ABSTAINING: A. Oziolor**; **APPROVED: 6-0-1.**

### B. Correspondence & Announcements

There was an invoice from Cronan and Shields, LLC for Review of E-Mail Correspondence; Review Writ of Appeal; Draft Engagement Letter; Draft E-Mail to C. Nelson for \$330.00.

**MOTION** to approve payment of Cronan and Shields; Invoice #19-223, dated March 11, 2019 in the amount of \$330.00. **MADE: P. Kay**; **SECONDED: R. Esty**; **VOTING IN FAVOR: C. Wehrly, C. Savage, R. Esty, M. Fish, P. Kay, E. Steffen**; **ABSTAINING: A. Oziolor. OPPOSED: None**; **APPROVED: 6-0-1.**

### C. Committee, Representative & Staff Reports

Richard gave a brief report on the Conservation Commission.

There was no Staff Report.

VI. **ADJOURNMENT**

**MOTION** to adjourn the meeting at 9:13 p.m.to **Thursday, May 16, 2019 at 7:00 p.m., Town Hall, 302 Main Street**; MADE by **R. Esty**; SECONDED by **P. Kay**; VOTING IN FAVOR: **C. Wehrly, C. Savage, R. Esty, M. Fish, P. Kay, E. Steffen**; **ABSTAINING: A. Oziolor None**; APPROVED: **6-0-1**.

Respectfully Submitted,

Sharon Migliaccio  
Recording Clerk

NEXT REGULAR MEETING  
**Thursday, May 16, 2018 at 7:00 P.M.**  
Town Hall, 1<sup>st</sup> Floor Conference Room  
302 Main Street, Old Saybrook

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