
Inland Wetlands & Watercourses Commission Minutes 12/14/2017



TOWN OF OLD SAYBROOK Inland Wetlands & Watercourses Commission

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J. Colin Heffernan (Zoning), Chairman
Chuck Savage
Charles A. Wehrly, III
Richard J. Esty (Conservation)
Madeleine B. Fish (Zoning)

Vacancy (Planning)
Vacancy (Economic Development)
Alternate Members
Elizabeth D. Steffen, Vice Chairman
Janis Esty
Vacancy

MINUTES SPECIAL MEETING Thursday, December 14, 2017 – 7:00 P.M. Town Hall, 1st Floor Conference Room 302 Main Street, Old Saybrook

I. CALL TO ORDER

The Chairman called the meeting to order at 7:03 pm.

II. ROLL CALL

Members present: Colin Heffernan, Richard Esty, Elizabeth Steffen, Madge Fish, and Charles Wehrly

Members absent: Chuck Savage, Janis Esty

Staff: Gillian Carroll, Environmental Planner, Chris Costa, Sharon E. Migliaccio, Recording Clerk

III. SHOW CAUSE HEARINGS

A. "Oceanside Automotive

Construction of a building, garage, security fence/gate, and sheds without permits at 810 Middlesex Avenue, Assessor's Map 63/Lot 8, Restricted Business B-3 District

Owner: Legacy 4 Him, LLC Agent: David Stewart

Ms. Carroll had received a complaint of violations at 810 Middlesex Turnpike, Old Saybrook and a cease and desist was sent. Mr. Chairman Colin received a letter from Halloran & Sage LLP which he had the members of the commission review. The letter recommends David Stewart's request for a continuance be denied.

Attorney Cassella, representing Mr. Stewart, told the members that an approval was granted by the Inland Wetlands Commission in 2005. It was determined it was approved with conditions and a permit was not ever granted.

Ms. Costa said there was an approval but with conditions that were never met.

Chairman Colin asked each member his or her thoughts to approving a continuance. After some discussion, the Commission denied the continuance.

<p>MOTION to deny councils request of a continuance ; MADE by C. Heffernan; SECONDED by E. Steffen; VOTING IN FAVOR: C. Heffernan, R. Esty, E. Steffen, C. Wehrly, M. Fish;; OPPOSED: None; ABSTAINING: None; APPROVED: 5-0-0.</p>

MOTION to have the commission authorize its attorney and enforcement officer to commence a civil enforcement proceeding in accordance with Conn. Gen. Stats. 22a-44(b), and to seek criminal enforcement in accordance with Conn. Gen. Stats. 22a-44 (c).; **MADE** by C. Heffernan; **SECONDED** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, R. Esty, E. Steffen, C. Wehrly, M. Fish.; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

There was some discussion of moving directly to the Public Hearings. Some members and public felt it was not legal to amend a Special Meeting but our council advised it was permissible to change the order of the agenda as long as the parties affected had no objections. There were no objections so the Chairman went directly to the public hearing.

IV PUBLIC HEARINGS

B. Bagnati

Excavation, grading, fill seeding, installation of a fence, placement of a deck and gravel driveway without permits.

Mr. Don Fortuato, soil scientist for Mr. Bagnati, spoke on his findings at 72 Bokum Road. In the area behind the garage, the soil was disturbed and the soil was poorly drained. He said monitoring wells should be installed and checked later in the spring. It appears that in 2009 the gravel driveway was there. Before 2009 there is not much information regarding this property.

Mr. Pawlak, soil scientist for the Inland Wetlands, dug test holes on September 6, 2017 and found disturbed soil. He does not know when the disturbance happened. Mr. Pawlak suggested restoration of the disturbed soil with topsoil and gravel; and to put monitoring wells and check in during the spring, beginning of the growing season.

IWEO said it is important to know where the wetlands are and wants to be on site when the pipes are installed in the presence of the home owner.

COMENTS FROM THE PUBLIC

Mr. DeBlaisis, Attorney for Eugene Evangelisti, spoke briefly before introducing Mr. Evangelisti. Mr. Evangelisti told the members that the soil was disturbed in 1980's when the house was built. He went on to say that in 2009 there was no gravel driveway and that Bagnati Sr. put one in himself. He then distributed packets to members (Exhibit 1). The packets included records and photos obtained from the Land Use office. He went on to accuse Mr. Bagnati Sr. of violations and that Mr. Bagnati Jr. continues with the violations.

Mr. Cole, Soil Scientist for Mr. Evangelisti, submitted two letters dated September 28, 2017 and July 25, 2017. He concurs with the other soil scientists that pipes should be placed and monitoring should be done in the Spring.

Mr. Cameron Evangelisti asked the weight, size, and materials of the pipes. Mr. Pawlak said they were standard pipes and would have filter fabric inside. The wells will be monitored March thru June. Mr. Cameron Evangelisti would like test pipes where the driveway gravel is also. The Chairman said the soil scientist would determine where to place the test pipes.

Mr. Cole pointed out there is existing surface water and pooling on the property now. Mr. Evangelisti is concerned that the water from the disturbed soil is contaminating his well. Attorney McCoy said wells should not be effected by what is going on with the Bagnati property.

The commission noted that drinking wells are out of the Inland Wetlands Commission jurisdiction.

MOTION to close the public hearing was ; **MADE** by C. Heffernan; **SECONDED** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, R. Esty, E. Steffen, C. Wehrly, M. Fish;; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

MOTION to accept the application to refill affected area as soon as possible with IWEO and Mr. Pawlak with existing soil, install monitoring wells, and monitor in the Spring by Mr. Pawlak. Mr. Pawlak is to report back to the commission by April 1, 2018 by submitting a letter of the progress; **MADE** by C. Heffernan; **SECONDED** by R. Esty; **VOTING IN FAVOR:** C. Heffernan, R. Esty, E. Steffen, C. Wehrly, M. Fish;; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

MOTION to deny condition of application for the driveway without prejudice until findings are received from monitoring wetlands conditions; **MADE** by C. Heffernan; **SECONDED** by E. Steffen; **VOTING IN FAVOR:** C. Heffernan, R. Esty, E. Steffen, C. Wehrly, M. Fish;; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0.

THE PUBLIC HEARING CLOSED

After the Public Hearing closed the Show Cause Hearing was resumed.

B. Bagnati

Excavation, grading, fill, seeding, installation of a fence, placement of a deck and gravel driveway without permits

72 Bokum Road, Assessor's Map57/Lot 19-2, Residence AAA District

Applicant/Owner: Benjamin Bagnati Agent: Attorney William McCoy

IWEO has visited the site at 72 Bokum Road and wants the restoration to be done only with existing soil and hay. She recommended the Cease and Desist order be withdrawn.

IV. REGULAR BUSINESS

A. Minutes

There was one correction to the October 19th minutes the date of meeting said October 10th.

MOTION to **APPROVE** the Minutes of October 19, 2017 as corrected; **MADE** by L. Steffen; **SECONDED** by R. Esty; **VOTING IN FAVOR:** C. Heffernan, R. Esty, C. Wehrly, M. Fish; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0

B. Correspondence & Announcements

Elizabeth Steffen reported an Invoice #17-0478 was received from Cronin & Shields for \$510 and Invoice #17-0429 for \$660, totaling \$1,170. Also, an invoice #2536 from Connecticut Ecosystems

LLC for \$1,500 was received.

MOTION to pay \$1,170 to Cronin & Shields LLC and \$1,500 to Connecticut Ecosystems ; **MADE** by L. Steffen; **SECONDED** by R. Esty; **VOTING IN FAVOR:** : C. Heffernan, R. Esty, C. Wehrly, M. Fish; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0

Gillian gave an update on the Sam Barnes property.

VII. ADJOURNMENT

MOTION to adjourn the meeting at 9:05 P.M. until the next Regularly Scheduled Meeting of the Inland Wetlands & Watercourses Commission scheduled for Thursday, January 18, 2017, Town Hall, 302 Main Street, 1st Floor Conference Room; **MADE:** by: C. Herrernan; **SECONDED:** by C. Wehrly; **VOTING IN FAVOR:** : C. Heffernan, R. Esty, C. Wehrly, M. Fish; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 5-0-0

Respectfully submitted,

Sharon E. Migliaccio
Recording Clerk