

**East Haddam Inlands Wetlands and Watercourse Commission  
Town of East Haddam  
Municipal Office Complex**

**Regular Meeting Minutes  
June 18, 2019**

**1. CALL TO ORDER**

Mary Augustiny called meeting to order at 7:31 pm

**2. ATTENDANCE**

**Present:** Vice Chair, Mary Augustiny, Daniel Jahne, and Jennifer Burton-Reeve  
**Absent:** Chairman, Randolph Dill and Bryan Goff

**3. MINUTES**

**Motioned by Mr. Jahne, seconded by Ms. Burton-Reeve, and unanimously passed to accept the May 21, 2019 minutes as amended.**

Page 2, item C, Ms. Burton-Reeve, not Mr. Dill, made the motion  
Page 2, item D, “impervious” should be replaced with “pervious”  
Page 3, first paragraph, “spread” should be replaced with “pile”

**4. BILLS**

No bills.

**5. FIELD INSPECTION REPORT**

No field inspection this month.

**Ms. Augustiny moved to amend the agenda to review Wetlands Permit Review (previously listed as item 7). The motion passed unanimously.**

**6. WETLANDS PERMIT REVIEW**

- a. Continued - #W19-10 – 10 Robbie Road – Edward Sikorski (owner), Town of East Haddam (applicant), Stabilize stream bank and direct flow to the existing culverts. Assessor’s Map 56, Lot 081.**

Ms. Augustiny asked if plans had been presented. Mr. Ventres stated no plans were presented.

**Motioned by Ms. Burton-Reeve, seconded by Mr. Jahne, and unanimously passed to deny application #W19-10 – 10 Robbie Road – Edward Sikorski (owner), Town of East Haddam (applicant), Stabilize stream bank and direct flow to the existing culverts. Assessor’s Map 56, Lot 081, without prejudice, due to incomplete plans**

## **7. SHOW CAUSE HEARING**

### **a. 18 Shore Road – Daniel C. O’Mara & Ralph Affinito Jr. – Filling without a permit in the upland review area. Assessor’s Map 67, Lot 66.**

Mr. Ventres presented a copy of the Cease and Desist Order issued by the East Haddam Inland Wetlands and Watercourse Commission (IWWC) to Mr. Daniel C. O’Mara and Ralph Affinito Jr.

Mr. Ventres also presented the following:

-The 2009 plans for the bait and tackle shop.

-A map diagramming the new fill area done without a permit, which covers the parking lot, labeled 1-11. The map also depicts the approximate area of flooding, which Mr. Ventres states has been caused by the raising of the parking area to create a dam and the removal of an existing pipe.

-The 2011 approval letter from the IWWC to construct a bait and tackle shop building in the upland review area. The approval letter does not call for any fill.

-The minutes from the IWWC August 16, 2011 meeting. Mr. Ventres read a portion of the minutes, “Mr. Dill stated they noticed some pipes that were leaking water. Mr. O’Mara believed these were clay pipes from the old drains across the road. He believed the water was coming from Oak Road/Rock Road. He did not know what should be done about this. He stated for forty years, there has always been water flowing through this property. He stated the previous owner installed PVC pipe in the swamp, which clogged, and caused issues.”

-The 2011 approval letter from the East Haddam Planning and Zoning Commission for the proposed bait and tackle shop and skiff rentals.

-The 2015 approval letter from the East Haddam Planning and Zoning Commission for a mobile food unit (hot dog cart).

-The minutes from the Planning and Zoning August 23, 2011 meeting as well as the September 13, 2011 minutes. Mr. Ventres read a portion of the minutes, “Mr. Tom Attenello, 40 Rock Road asked who was responsible for maintaining the culvert that is backing up and causing issues on his property.

Mr. Ventres stated this association is one of the very few associations without fees, regulations, meetings, etc. This has been typically been handled by the adjacent property owners, but he cautions that they should contact the Land Use Office before beginning any work.”

-A series of images, which includes: the parking lot area as it appeared before the approval in 2011, the area between the bait shop and the reservoir in 2015 with grass, several images taken on June 17, 2019 of the parking lot depicting the area that was converted from grass to gravel without a permit, several photos showing the flooded area which shows water mixed with silt.

Mr. Ventres stated he has previously met with Mr. O’Mara. During this meeting, Mr. Ventres says he told Mr. O’Mara the removal of the pipe is the main contributing factor of the flooding. He explained, even though the existing pipe is probably undersized, it was functioning. He also stated Mr. O’Mara claimed the pipe failed in September of 2019. Mr. Ventres stated the failure was likely caused by a storm, which produced a large amount of water in a short period of time. He also said the pipe functioned during normal use. Mr. Ventres stated the town of East Haddam had previously offered to donate a pipe, which could be used to replace the existing pipe. Mr. Ventres also stated the town has not fixed the issue because it is located on private property.

Mr. Ventres also presented and explained a preliminary diagram he said was sent to Mr. O’Mara in January showing how a new pipe could be installed. Mr. Ventres stated the work proposed in the diagram would still require a permit.

Mr. Jahne asked if the catch basin depicted in one of the maps Mr. Ventres presented is a proposed catch basin. Mr. Ventres stated it is an existing catch basin. Mr. O’Mara confirmed there is a small catch basin in this location.

Ms. Augustiny asked if the purpose of this catch basin is to hold water except under the circumstances of an extreme storm. Mr. Ventres stated that is correct.

Mr. O’Mara stated Mr. Affinito has not been involved with this situation.

Mr. O’Mara presented the committee with a series of photos depicting the parking area, catch basin, waterfront, and flooded area. Mr. O’Mara also presented a video from November 25, 2018. He claimed the video shows evidence of the water overflowing from the pipe. Mr. O’Mara stated the existing pipe in question is still present. He said he has not removed the pipe; he has capped the pipe.

Mr. O'Mara stated asphalt chip was installed on the roads in the association. He stated Darcy Winther of the Connecticut Department of Energy and Environmental Protection (DEEP) said this action is a regulated activity. Mr. O'Mara said water is running off of these roads into his property and then into the reservoir.

Ms. Augustiny asked Mr. O'Mara which roads were causing water to drain into his property. Mr. O'Mara did not name a specific road but stated the water is draining from every road.

Mr. O'Mara stated he approached Mr. Ventres in April of 2018 about the parking area. He stated Mr. Ventres told him he did not need a permit as long as he used existing fill.

Mr. Ventres stated the application of asphalt chips is considered normal maintenance, and if someone told him otherwise they were incorrect. He stated this is not a regulated activity because they are existing roads. He said it is only a regulated activity if it was included as a stipulation in an approval letter from the IWWC or Planning and Zoning.

Mr. Ventres asked if Mr. O'Mara was aware of the town's offer to donate the pipe. Mr. O'Mara said he was aware of the offer.

Mr. Jahne asked, in reference to the map presented by Mr. Ventres, if the area highlighted in brown was the area that has been completely filled. Mr. Ventres confirmed and said filling past the driveway was not permitted in the original permit. Mr. O'Mara stated he asked Mr. Ventres if he needed a permit to fill this area. In response, Mr. Ventres stated he told Mr. O'Mara he did not need a permit to resurface the driveway. He continued, "raising the driveway" is not included in "resurfacing the driveway" and confirmed a permit is needed to raise the driveway.

Mr. Jahne asked if there is an easement for the pipe. Mr. Ventres said he reviewed the deed and subdivision map and there is no declaration the pipe is there. The pipe is only known from Mr. O'Mara's testimony and field walks. Mr. Ventres stated if this was on Town property the Town of East Haddam would have fixed the pipe, but this land is part of the association. However, there are no enforcement actions to keep association roads maintained. Mr. Ventres stated because Mr. O'Mara hasn't accepted the Town's willingness to assist it is now up to the property owners to correct the issue with their own engineer.

Mr. O'Mara stated the pipe is not his responsibility, but it is interfering with his seasonal business and he wants help from the Town. Mr. O'Mara then said he spoke with Debra Cororan from the CT DEEP. He said Ms. Cororan told him an environmental study is needed.

In response, Mr. Ventres stated he told Mr. O'Mara on January 6<sup>th</sup> that the wetlands pocket acts as a filtration system to filter out pollutants before they enter the reservoir.

Mr. Jahne asked if the association has stormwater approval. Mr. Ventres stated there is no such approval. Mr. Ventres explained the roads were laid out prior to the establishment of the Planning and Zoning and Inlands Wetlands and Watercourse commissions.

Ms. Augustiny asked, in relation to an email Mr. Ventres presented, if a permit had been taken out to replace then pipe when Mr. Brian Curtis provided his review/proposed idea to replace the existing pipe. Mr. Ventres stated no permit had been taken out. Mr. O'Mara stated he did not receive this email. Mr. Ventres stated he presented this information to Mr. O'Mara via email.

Ms. Augustiny opened the comments to the public.

Mr. Phil Roger of 40 Rock Road stated, because of the flooding his property is now covered with water. He says the water is draining into his property.

Mr. Allen Welch of 2 Shore Road stated he has lived on this property for 42 years and he doesn't believe the asphalt chips have caused the flooding issue. Mr. Roger stated he believes the fill Mr. O'Mara used to raise the parking area, in a combination with the capped pipe, has caused the flooding. He also referenced the IWWC minutes from August 16, 2011 in which Mr. O'Mara was questioned about the leaking pipe. He said this implies Mr. O'Mara knew about the pipe for years.

Mr. Bob Casner, Chair of the Economic Development Commission, stated Mr. O'Mara is a small business owner and depends on the tourists in the summer for his income. He stated the pipe is undersized and it seems like it should be the responsibility of the association to correct. Mr. Casner stated the cease and desist letter would negatively impact Mr. O'Mara's business, especially with the holiday weekend coming up in a few weeks. He stated he hoped a resolution could be reached, without the cease and desist letter.

Mr. Roger wanted to clarify he does not want to suggest Mr. O'Mara's business should be shut down. He just wants the area to be fixed.

Mr. Jahne asked if there is a clear directive explaining who is responsible for the pipe. Mr. Ventres quoted items 3 and 4 from an email he sent to Mr. O'Mara on May 15, 2019. These item state, state the responsibility belongs to the property owner since the association never formed.

Mr. King, also of Shore Road said he would like to see the Town donate the pipe if this is still an option. He said he is willing to donate time to help resolve this issue.

Ms. Burton-Reeve asked Mr. O'Mara if he could uncap the pipe. Mr. Affinito stated he believes the catch basin has collapsed and stated he believed the pipe would need to be dug up and repaired. Ms. Burton-Reeve stated the catch basin is the responsibility of the property owner since it is on the property.

Mr. O'Mara said someone with the State of Connecticut told him that the water runoff is a pollution issue and the debris entering the lake will pollute the lake.

Mr. Ventres stated he would schedule a field walk of the property with the DEEP for next week.

Mr. Jahne stated the Commission has 10 days to make a determination. Mr. Ventres suggested the Commission reconvene next Thursday, June 27, 2019. During this time the DEEP will visit the property, 18 Shore Road. Mr. O'Mara will be informed of the date and time of the visit so he can be a witness. Mr. Ventres will report back to the meeting on June 27<sup>th</sup> with the findings.

**Motioned by Ms. Augustiny, seconded by Mr. Jahne, to continue the show causing hearing to next Thursday, June 27, 2019 at 7:30 pm.**

## **8. IWWC ENFORCEMENT OFFICER'S REPORT**

No information to report.

## **9. CONSERVATION COMMISSION INPUT**

No one was present from the Conservation Commission to report.

## **10. ADJOURNMENT**

Motioned by Ms. Burton-Reeve, seconded by Mr. Jahne, and unanimously passed to adjourn the meeting at 9:00 pm.

Respectfully Submitted,  
Devin Ganley  
Recording Secretary