

**East Haddam Inland Wetlands and Watercourse Commission  
Town of East Haddam  
Municipal Office Complex  
1 Plains Road**

**Special Meeting Minutes  
June 27, 2019**

**1. CALL TO ORDER**

Mr. Dill called the meeting to order at 7:31 pm.

**2. ATTENDANCE**

**COMMISSIONERS PRESENT:** Chairman, Randolph Dill, Vice Chair, Mary Augustiny, Daniel Jahne, Jennifer Burton-Reeve.

**COMMISSIONERS ABSENT:** Bryan Goff

**3. MINUTES:**

Minutes to be reviewed during the next meeting.

**4. SHOW CAUSE HEARING**

- a. Continued – 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 contacted the DEEP. He spoke with Darcy Winther and asked her if a permit was required for resurfacing an existing road in the upland review area. Ms. Winther stated her conservative reading suggest a permit would be required. Mr. Ventres stated he and Ms. Winther continued to discuss this matter, which ended with Ms. Winther stating it would be best if Mr. Ventres spoke to a lawyer about this matter.

Mr. Ventres then contacted attorneys Mark Branson and Matt Willis. Mr. Ventres asked if there is any case law to suggest a permit is required for resurfacing a road and how many towns have Inland Wetland and Watercourses Commissions that review resurfacing.

Mr. Ventres spoke with Mr. Willis. Mr. Ventres presented a copy of his email correspondence. Mr. Willis stated he has never heard of a town requesting permission to resurface a road in the upland review area.

Mr. Ventres also stated he spoke with Neal Williams for the DEEP. Mr. Williams said he does not need visit the resurfaced road because it is not part

of his jurisdiction and the Town has the authority to make the decision as to whether or not a road is resurface.

Mr. Dill summarized the situation by stating there is a wetland across from a private gravel road which fed into the pipe on Mr. O'Mara's property and into the catch basin. He then asked to confirm if everything is plugged at this point. Mr. Ventres confirmed this to be true.

Mr. Dill asked Mr. O'Mara how he plans to fix the situation. Mr. O'Mara stated he thought he was not allowed to speak at this meeting. Mr. Ventres clarified the Commission had asked Mr. O'Mara to be a silent witness if the DEEP had visited his property to inspect the resurfaced road. However, he is allowed to speak and present his case in the meeting.

Mr. O'Mara stated it not his responsibility to correct the issue. He said the prior owner installed the pipe illegally. He stated the oil from the resurfaced road is causing pollution.

Ms. Burton-Reeve presented an article about bacterial sheens, a naturally occurring bacterium, which could cause the sheen in the water that Mr. O'Mara claims is oil.

Mr. Dill asked Mr. O'Mara how he's going to fix the issue. Mr. O'Mara stated he is not going to fix the issue.

Mr. Dill stated if Mr. O'Mara does not want to correct the issue he may take the matter up in court, if that's what he would prefer to do.

Mr. Dill said, for the record, Mr. O'Mara created this problem by illegally filling property, which caused flooding to surrounding properties.

Mr. O'Mara said he would not agree to the installation of a new pipe until the State of Connecticut agrees this will not cause pollution to the lake.

Mr. Ventres asked Mr. O'Mara if he knew the pipe was there when he purchased the property. Mr. O'Mara did not want to comment.

Mr. Dill opened the public part of the hearing.

Allen Welch, 2 Shore Road, stated based on the minutes from when the bait shop was being considered for approval, Mr. O'Mara has always known about the water running through the property. Mr. Welch read a portion of the minutes.

David King, 10 Shore Road, asked about the drainage pipe that used to be at the boat launch. He thought it might have been removed and asked if this

pipe has any correlation to the flooding issue. Mr. Ventres stated the pipe is still there and is unrelated.

**Motioned by Ms. Augustiny, seconded by Ms. Burton-Reeve, unanimously passed to refer the case to legal council for corrective action**

**5. IWWC ENFORCEMENT OFFICER'S REPORT**

No additional information to report.

**6. ADJOURNMENT**

**Motioned by Ms. Burton-Reeve, seconded by Mr. Jahne, and unanimously passed to adjourn the meeting at 7:49 pm.**