

**TOWN OF HADDAM  
INLAND WETLANDS COMMISSION  
TOWN HALL  
21 FIELD PARK DRIVE, HADDAM, CT  
MONDAY, 20 AUGUST 2018  
PUBLIC HEARING AND MEETING  
UNAPPROVED MINUTES  
*Subject to Approval by the Commission***

**ATTENDANCE**

X	Paul Best, Secretary
X	Curt Chadwick
X	Jeremy DeCarli
A	Dan Iwanicki, Vice Chairman
A	Joe Stephens
X	Mark Stephens, Chairman
X	Tom Worthley
X	Dave Costa, Alternate - Seated
A	Gail Reynolds, Alternate
X	Jim Puska, Wetlands Enforcement Officer
X	Bunny Hall Batzner, Recording Clerk

**1. Call to Order & Attendance/Seating of Alternates**

Mr. M. Stephens, chairman, called the meeting to order at 7:00 p.m. and all regular and alternate members were seated.

**2. Additions/Corrections to the Agenda**

None.

**3. Public Comment**

None.

**4. Old Business**

None.

**5. New Business**

None.

**6. Public Hearing (Continued)**

**Application for Wetlands Permit #IW016678 for Activity in the Upland Review Area on Property Located at 81 Arkay Drive, Haddam, CT and Shown on Assessor's Map #36, Assessor's Lot #7-12**

Michael Sciascia, applicant/owner, Jamie Sciascia, owner, and William Cowan, President, Haddam Land Trust, were present.

This is a continuation from Monday, 16 April 2018, Monday, 21 May 2018, Monday, 18 June 2018, and Monday, 16 July 2018. **NOTE: The hearing was closed and a vote taken on 16 July 2018; however, due to a defective agenda and the Notice of Decision having not been published, Attorney Matthew Willis, Land Use counsel, recommended the public hearing be reopened.**

Mr. M. Stephens read an email from Matthew Willis, Esq., dated 3 August 2018, in regard to reopening the public hearing and approval of the minutes from the 16 July 2018 hearing (Exhibit A; copy on file with the minutes in the Town Clerk's Office). In his email, Attorney Willis indicates that "There is law on this and the key factor is whether the legal notice of the decision was published or not." In regard to the minutes, Attorney Willis indicates the Commission can approved them as they would normally, but that a notation should be added showing the hearing/meeting was reopened along with the date it was done.

Mr. M. Stephens asked for all Commissioners who were in favor of reopening the public hearing to say "Aye". It was unanimous.

Mr. M. Stephens asked Mr. Sciascia if there was anything new to be added from the last hearing. Mr. Sciascia stated he was informed that the entire July meeting was invalid because it was not posted properly. Mr. M. Stephens stated all parties could discuss the matter again, but doesn't believe it's necessary as there are 12 pages of well-done minutes for review. Mr. Sciascia stated he thought everything was stricken from the record. Mr. M. Stephens stated no, and that's why legal counsel was consulted as the Commission was unclear as to how to properly proceed.

Mr. M. Stephens again asked if there was anything more to add to the hearing. Mr. Sciascia indicated no. As there was nothing new, Mr. M. Stephens called for the close of the public hearing.

**MOTION:** Paul Best moved to close the public hearing at 7:02 p.m. Dave Costa second. Motion carried unanimously.

## **7. Public Meeting**

### **Application for Wetlands Permit #IW016678 for Activity in the Upland Review Area on Property Located at 81 Arkay Drive, Haddam, CT and Shown on Assessor's Map #36, Assessor's Lot #7-12**

Mr. M. Stephens stated since nothing has changed, he felt the Commission should continue as they had and make it official by putting out a motion to either approve or not approve noting that he likes to have motions be in the affirmative in order for Commissioners to have a choice.

Mr. M. Stephens stated if the Commission should deny the application, perhaps additional reasons for denial should be listed. After further consideration, Mr. M. Stephens felt no additional reasons should be added as the record can stand for itself since the minutes (16 July 2018) were not stricken.

Mr. M. Stephens stated if the application is denied, it would allow the applicant more time to come up with a plan that's more fitting, one that can be attested to by a professional engineer. Mr. M. Stephens also stated once the decision is made, he wants the Notice of Decision to be published immediately as this will allow approximately three weeks for a Notice of Violation to go out. Mr. M. Stephens stated he does not feel a Cease and Desist Order should be issued as the Sciascias have ceased and desisted and are waiting for instructions from Mr. Puska in regard to erosion and sedimentation control (e&s), etc. Mr. M. Stephens explained that a Notice of Violation and a Cease and Desist are both placed on the Land Records in the Town Clerk's Office and can be modified, upheld, or removed when the Commission holds its administrative hearing and the Sciascias (to be notified by certified mail) make their appearance. Mr. M. Stephens read Section 14 – Enforcement, Subsection 14.3a of the Inland Wetlands Regulations (highlighted area; copy on file in the Town Clerk's Office). Mr. M. Stephens noted this will allow the Sciascias additional time to file a new application that would include all of the items previously discussed

while also allowing for the hearing to be held during the regular meeting in September. Mr. Puska asked if an engineer's plan is expected. Mr. M. Stephens stated yes. Mr. M. Stephens outlined what Mr. Puska must do and explained the procedure to the Sciascias.

**MOTION:** Curt Chadwick moved to approve the application for Wetlands Permit #IW016678 for activity in the upland review area on property located at 81 Arkay Drive, Haddam, CT and shown on Assessor's Map #36, Assessor's Lot #7-12. See map on file in the Land use Office. **Conditions:** 1. Standard Permit Conditions. 2. Special Conditions/Modifications – No. Jeremy DeCarli second. Motion denied unanimously. **Reason for Denial:** Application is incomplete.

Mr. M. Stephens stated the application was denied without prejudice. Mr. M. Stephens also stated the instructions of what's to now take place have been made clear; and asked if there were any questions. Mr. M. Stephens asked Mr. Sciascia if he had a copy of the Inland Wetlands Regulations showing what a completed application requires. Mr. Sciascia stated yes. Mr. Best asked if the Commission is or is not asking the applicant to come up with an engineered plan. Mr. M. Stephens stated the Commission is asking for an engineered plan and that the minutes remain the same. Mr. M. Stephens stated the Commission has to have some kind of assurance that what's done on site will work.

Mr. Costa asked the date of the September meeting. Mr. M. Stephens stated the next regular meeting is scheduled for Monday, 17 September 2018; and that sometime after 10 September 2018 the Notice of Violation should be mailed as well as some instructions to the applicant.

## **8. Wetlands Enforcement Officer's Report**

Mr. Puska stated he's holding on to a couple of applications as they are incomplete at this time.

**Paperwork to Commissioners** - Mr. M. Stephens asked if Mr. Puska could provide copies of all applications, maps, agendas, etc., to all Commissioners. Mr. M. Stephens informed the Commission that Maureen Tary, Land Use Office Coordinator, retired and that she provided the Commission with copies of agendas, applications, maps, etc.

**Bill Cowan, 5 Tinker Road** - Mr. M. Stephens informed Mr. Cowan that his application had been approved (Agent Approval). Mr. Cowan stated he had another issue that he thought was supposed to be on the agenda. Mr. Puska stated he approved the application and it's been published (Notice of Decision) in the paper. Mr. Cowan stated he had not received notification yet. Mr. Puska stated he will not receive notification until 15 days after the Decision is posted.

**Sciascia, Notice of Violation** - Mr. M. Stephens stated that Mr. Puska should mail the Notice of Violation around 7 September 2018 and in this way it allows Mr. Sciascia ten days to come before the Commission to discuss the matter. Mr. M. Stephens asked Mr. Puska to outline in the Notice what is being asked for. Mr. Puska stated Mr. Sciascia knows what's required and what's being asked for. Mr. Puska stated he was under the assumption that Mr. Sciascia would have had everything that was required at tonight's hearing; however, Mr. Sciascia declined to say anything further during the hearing which at that point the conversations he and Mr. Sciascia had had prior to this hearing would have been disclosed. Mr. Puska also stated that Mr. Sciascia had Attorney Willis' email and was aware of why the hearing was being held. For clarification purposes, Mr. M. Stephens asked if Mr. Sciascia received Mr. Willis' letter with Mr. Puska stating yes and that he had discussed the letter on the phone with Mr. Sciascia.

## **9. Approval/Correction of the Minutes**

**MOTION:** Paul Best moved to approve the 18 June 2018 Public Hearing/Meeting minutes as submitted. Tom Worthley second. Motion carried unanimously.

16 July 2018 minutes: Notation to be added at the recommendation of Matthew Willis, Esq., regarding the 81 Arkay Drive Public Hearing/Meeting – **DUE TO THE FACT THAT THE AGENDA WAS DEFECTIVE (INCORRECT DATE) AND THE NOTICE OF DECISION WAS NOT PUBLISHED, THE COMMISSION AGREED TO REOPEN THE PUBLIC HEARING AND PROCEED AND HAVE ANOTHER VOTE ON MONDAY, 20 AUGUST 2018.**

**MOTION:** Tom Worthley moved to approve the 16 July 2018 Public Hearing/Meeting minutes as amended with a notation regarding the reopening of the public hearing/meeting for 81 Arkay Drive as recommended by Matthew Willis, Esq. Curt Chadwick second. Motion carried with Mr. Best, Mr. Costa, and Mr. DeCarli abstaining.

Prior to the vote, discussion followed in regard to the minutes. Mr. Best asked since the agenda for the 16 July 2018 hearing/meeting was defective, why are the minutes still valid. Mr. M. Stephens read the email from Attorney Willis which states, "As for the minutes, I think you can do them like you normally do and just make a notation that the meeting was redone on whatever date the meeting is redone." Mrs. Batzner stated she would add this notation under the subject matter at the beginning of both the hearing and meeting regarding the Sciascia application.

Mr. Best asked if Mr. Sciascia has clear wording of what he has to provide to the Commission. Mr. Chadwick stated he too asked that question and it appears that the minutes of the last hearing were clear enough. Mr. M. Stephens stated Mr. Puska has spoken to Mr. Sciascia time and again and has the same understanding. Mr. Puska stated he couldn't believe that Mr. Sciascia acted as if he didn't understand what the Commission was asking for because it's been very clear what's been asked for. A brief discussion followed with Mr. M. Stephens stating he would have kept the hearing open if Mr. Sciascia had shown that he had retained an attorney or an engineer to assist him through the process. Discussion also followed in regard to how long this matter may remain open; the need for contractors to ask property owners if they've obtained permits; and that the question was asked of Mr. Sciascia of how many years he has lived on the property because for seven years they've been seeing the water and skunk cabbage at the back of their property. Mr. M. Stephens stated to the Sciascias credit they did stop work when told to. Mr. Puska stated the only thing going for Mr. Sciascia is there have been no monumental failures due to the weather with all of the storms over the last 60 days. Mr. M. Stephens stated Mr. Sciascia does have that knowledge and he needs to work with an engineer in regard to it, that an engineer will also be looking at alternatives, and an attorney would help him through the process.

The Commission tabled the approval of the 30 July 2018 Special Meeting minutes as there was not a quorum of those Commissioners present at that meeting.

## **10. Adjournment**

The meeting was adjourned at 7:34 p.m.

Respectfully Submitted,

*Bunny Hall Batzner*

Bunny Hall Batzner  
Recording Clerk

**The next meeting is scheduled for Monday, 17 September 2018.**