

**Willington Inland Wetland and Watercourse Commission**

**June 28, 2023 – 7:30 PM**

**Special Meeting Minutes**

**Please Note: This meeting was conducted online.**

**A. Call to Order/ Roll call**

D.Schreiber called the meeting to order at 7:36pm.

**Members Present:**

David Schreiber

Patrick Lord

Mark Drobney

**Also Present:**

Michael D'Amato, Land Use Agent

**B. Seating of alternates**

None

**C. Applications to be received:**

- a. **IW-23-5:** Application construction of single-family home within the upland review area. 265 Turnpike Rd (MBL: 40/014-00). Owner: J.Boland & S.Preston Applicant: G. Semprebon

The Commission noted that this application was for receipt only. Discussion and consideration would be at the subsequent meeting in July. It was determined that a public hearing was not required.

- b. **IW-23-8:** Application for property clearing associated with site access and parking area within the Upland Review area. 0 Depot Rd (MBL: 15/001-00). Applicant: H.Sabia

The Commission noted that this application was for receipt only. Discussion and consideration would be at the subsequent meeting in July. It was determined that a public hearing was not required.

**D. Approval of Minutes:**

- a. February 27, 2023

P.Lord made a motion to approve the minutes as presented. Second by M.Drobney.

**All in favor. Motion Passed unanimously.**

**E. Public Hearing:**

None

**F. New Business:**

- a. **TH-23-2:** Selective Timber Harvest: 361 Tolland Turnpike Rd (22/018-00) Owner: Diane L Becker Applicant: James Halleran

James Halleran was in attendance and presented the project to the Commission. He stated that property had been managed by the previous property owner and that all of the locations that include wetland crossings as depicted on the submitted map are existing improved stream crossings built by the previous owner. He indicated that this would be a selective harvest, not a clear cut across the entire property. He further stated that there would be two separate landing areas to provide better access, most of which would utilize areas that were already cleared.

P.Lord asked the applicant to confirm that the Fenton River was located to the East of the project area. He also asked the applicant to confirm the buffer that would be left between harvesting activities and the water. J.Halleran indicated that it would be at least 50ft.

P.Lord made a motion to approve the application as submitted and in accordance with the Town's Forest Practices Regulations and 2012 DEEP BMPs. Second by M.Drobney.

**All in favor. Motion Passed unanimously.**

- b. **IW-23-3:** Request for Jurisdictional Ruling associated with a selective Timber Harvest with wetland disturbance at 361 Tolland Turnpike (22/018-00) Owner: Diane L Becker. Applicant: James Halleran

James Halleran provided an overview of the activity. P.Lord confirmed that as presented in their Timber Harvest application there would be no activity within a wetland and at least a 50ft buffer would be maintained.

P.Lord made a motion to issue a finding of no jurisdiction based upon the submitted activity. Second by M.Drobney.

**All in favor. Motion Passed unanimously**

- c. **TH-23-3:** Selective Timber Harvest: 61 Cowles Rd (016/26-00) Owner: Lawrence Becker Applicant: James Halleran

James Halleran presented the application to the Commission. He stated that the selective harvest area would include approximately 70 acres and that there would be a single stream crossing, which would include bridge mats and corduroy for the crossing. He further stated the job would be done this summer, when conditions were dry. He indicated that given the topography of the upper section of the property, the second drainage crossing may be required.

P.Lord asked the applicant if the proposed corduroy were proposed to be removed or left at the conclusion of the project. J.Halleran indicated that typically they are left in place as removal can be more destructive.

P.Lord made a motion to approve the application as submitted and in accordance with the Town's Forest Practices Regulations and the 2012 DEEP BMP's. Second by M. Drobney

**All in favor. Motion Passed Unanimously.**

- d. **IW-23-4:** Request for Jurisdictional Ruling associated with a selective Timber Harvest with wetland disturbance at 61 Cowles Rd (016/26-00) Owner: Lawrence Becker Applicant: James Halleran

The Commission discussed this request and found that based upon the presentation of the materials during the Timber Harvest application, issuance of a jurisdiction ruling for this project was appropriate.

P.Lord made a motion to issue a finding of no jurisdiction based upon the submitted activity. Second by M.Drobney.

**All in favor. Motion Passed Unanimously.**

- e. **TH-23-4:** Timber Harvest: 0 Tolland Turnpike (22/003-00) Owner: Patrick Lehane Applicant: Rick Zulick

Rick Zulick was in attendance and presented the application to the Commission. He explained that while the property was large the only proposed harvesting would occur within the area depicted on the plan which was south of the brook on the property and at the southern end of Common Rd. He stated that the operation would be conducted in accordance with the State Best Management Practices. He further stated that access to the harvest area already existing and was adequate. He indicated that there would be a single stream crossing as the topography of the site prevented access to the parcel from Tolland Turnpike.

K.Mikel of Common Rd asked if there was any monitoring of timber harvest activities while the project was occurring by the Town or DEEP.

M. D'Amato indicated that the operator would notify the Town before the project was to begin. He stated that while the Town does not necessary perform random or regular inspections, the site is inspected to ensure the project is being conducted in accordance with the approved plan. He further stated that the applicant was a certified forester and was essentially taking professional responsibility for the project.

K. Mikel asked for clarification as to when the “dry season” was and the overall duration of these types of projects.

R. Zulick indicated that because the project includes a brook crossing, the activity was planned for late summer or fall to be sure that the brook crossing occurs in dry conditions if possible.

P. Lord made a motion to approve the application as submitted and in accordance with the Town’s Forest Practices Regulations and the 2012 DEEP BMP’s. Second by M. Drobney

**All in favor. Motion Passed Unanimously**

- f. **IW-23-7** Request for Jurisdictional Ruling associated with a selective Timber Harvest with wetland disturbance at 0 Tolland Turnpike (22/003-00) Owner: Patrick Lehane  
Applicant: Rick Zulick

The Commission reviewed the application and submitted and presented by R. Zulick. It was again stated that the activity would be conducted in accordance with the State DEEP 2012 BMPs.

P. Lord made a motion to issue a finding of no jurisdiction based upon the submitted activity. Second by M. Drobney.

**All in favor. Motion Passed Unanimously**

- g. **Discussion:** Fenton Ruby Park Beaver Issues. Willington Conservation Commission.

K. Demers, Chair of the Willington Conservation Commission was present to discuss challenges the Commission was having with beavers in Taylor Pond at the Fenton Ruby Park. She explained the issues that were occurring with flooding that was being caused by a dam the beavers had constructed and explained that it had caused for trails to be rerouted etc. She further explained that the biggest concern was that should the Town not intervene, the dam could not only cause further damage to trails and habitat but it could also create a situation where if the dam were to let go during a large rain event the volume of water released would create a dangerous condition for habitat and property downstream including the pedestrian bridge within the park.

She explained that the Conservation Commission was working to try and find solutions to this issue, which could include removal of a portion of the dam to reduce the water level and the installation of a water-level management device commonly known as a “beaver deceiver”. This would allow the beavers to continue to build and maintain the dam but would allow water to pass through the dam and ensure the level within the pond was kept to a safe elevation.

The Commission reviewed photos provided by K.Demers as well as schematics of the type of device that could be installed. Ultimately, the Conservation Commission was looking for guidance from the Inland Wetlands Commission as to if any of these activities would require permitting before they could occur.

M.D'Amato indicated that many Towns have dealt with this issue and that they have found that these activities fall within permitted uses as of right and that a permit is not required as the activities are being conducted to preserve the habitat in the area and are not harmful to the beavers.

The Commission held a general discussion about the activity, problems in the past and other areas of the park that may also have these issues. The members were in agreement that such an activity would not require a permit from the Commission as it was a permitted use by right. They indicated they would be interested in how successful these efforts were.

**G. Old Business:**

None

**H. Correspondence:**

None

**I. Staff report and Discussion**

M.D'Amato indicated that he had spoke with N.Zito about some of the challenges with the requirements of the Forest Practices Act and that notifications to abutting land owners frequently are not delivered in time and that because of the type of application, no public comments are allowed, which can frustrate the recipients of those letters. He discussed with Nick requesting that operators provide notice prior to the commencement of the activity to make sure abutting property owners are aware of this activity and the issued approval.

M.D'Amato also reviewed the status of two recent Notices of Violation that were issued, both of which were working to be resolved or permitted.

**J. Public Comment:**

K.Demers asked about identification and setbacks for vernal pools as part of the Timber Harvest activity and how they are identified as part of an application.

P.Lord confirmed the setback was 50ft from vernal pools per the Towns Regulation and the the information is provided to best of the applicant's ability, but no official wetland delineation is required.

D.Schreiber stated that non-permitted wetland encroachment could jeopardize their license with DEEP.

M.Drobney stated that this is why most of these activities are conducted during the driest times of the year.

P.Lord confirmed that timber harvesting was an as of right activity and could be conducted within wetland areas.

### **Adjournment**

The meeting was adjourned at 9:14pm