

Inland Wetland and Watercourse Commission
40 Old Farms Road Willington, CT 06279
April 27, 2020 – 7:30 PM
Meeting Minutes

Please note that this meeting was held online.

Members Present:

Patrick Lord
Tess Gutowski
Dave Schreiber

Members Not Present:

Mark Drobney

Also Present:

Michael D'Amato- Zoning Agent
Ashley Stephens- Assistant Land Use Agent

Roll call

D. Schreiber called the meeting to order at 7:30 PM.

Public Hearing:

IW-19-10 Adopt Amendments to Town of Willington Inland Wetlands and Watercourse Forest Practices Regulations

T. Gutowski asked if they could go page by page through the regulations.

D. Schreiber said that would be fine.

T. Gutowski said the Public Hearing has been open for many months, and the Commission has been working on these revisions for about 2 years, and wants to wrap up the project and make minor edits.

The commission discussed minor changes like wording, formatting and punctuation page by page M. D'Amato noted each of the changes.

M. D'Amato discussed what the State's comments were in respect to the new forestry regulations from N. Zito (forester for CT DEEP) regarding the removal of some definitions and sections. The Commission agreed on all but one of the comments. . He will then go back and edit the document and then send to the Commission for a final read through. .

M. D'Amato also discussed the phone conversation he had with D. Winther from CT DEEP to go over the regulations and questions that were brought up by the Commission. The topics discussed were how to not have applicants submit things twice but still make sure we have everything we need for both Wetlands and Forestry applications. As well as the topic of site walks and insurance coverage. D. Winther said the site walk issue had never come up but could be a gap with how this whole thing works. Her suggestions were that the Commission should deal with each application individually. They should have all forestry applications first and deal with those, and then adjourn meeting and start up a new meeting and then deal with all wetlands applications to keep the records clear and help members of the public to see how they are and aren't connected.

M.D'Amato also discussed that jurisdictional rulings are as of right with D. Winther and that is how the Commission can move from requiring both. You can decide what you need for sufficient information. Applicants should submit forestry application for forest practice and then jurisdictional application if there are wetlands on the property.

The Commission discussed that as of right is only for harvesting of timber, not for the operational plan if there are crossings. Although every property that has a harvest and wetlands application might not include impact to wetlands. So if there is a jurisdictional ruling, the applicant would not pay a fee, but if there is not a jurisdictional ruling, the applicant would pay the fee based on the application. But the jurisdictional ruling falls under the Wetlands, so if you are dealing with crossings for streams, you will still need an application for wetlands.

M. D'Amato stated that once we adopt regulations, and coordinate the online permitting system, he would like to follow up with D. Winther about the jurisdictional ruling.

T. Gutowski stated that submittal of forest practices can be at same time of wetlands.

P. Lord stated that forest practice itself is as of right act, through Inland Wetland application, you would get jurisdictional ruling on forest practice.

M. D'Amato stated that D. Winther suggested for site walks that one member of commission be a representative to go out with staff to report back during meeting to potentially not have the public walking around on an unsafe site.

There was discussion on if commission members should go on site walks or not, how to not have members of the public present on a site and if they would be covered by insurance.

M. D'Amato stated he will make the changes discussed tonight for the regulations. He will send it out to the Commission and then they will be posted on the website.

T. Gutowski asked if we have to send the regulations back to DEEP for final comment.

M. D'Amato said we don't need to send it back to DEEP and have them approve it but he will so they have it on file, but they don't not need to approve any final comments.

T. Gutowski asked about the annual reporting for DEEP, should that be reference to regulations or is it just administrative?

M. D'Amato stated that it's something we have to do as an administrative task, so it does not need to be in the regulations. It is in relation to tracking the fees.

P. Lord made a motion to close the Public Hearing for **IW-19-10 Adopt Amendments to Town of Willington Inland Wetlands and Watercourse Forest Practices Regulations.**

T. Gutowski seconded the motion to close the hearing. All in favor.
Public Hearing closed.

New Business:

No new business.

Application to be received

No new applications.

Old Business:

P. Lord made a motion to approve and adopt **IW-19-10 Adopt Amendments to Town of Willington Inland Wetlands and Watercourse Forest Practices Regulations revised March 4, 2019 along with discussed edits and changed on April 27, 2020.**

T. Gutowski seconded the motion. All in favor to be effective June 1, 2020.

Approval of minutes:

P. Lord made a motion to table the 2/24/2020 meeting minutes to the following meeting as they were not able to view the minutes prior to this meeting. T. Gutowski seconded motion. All in favor.

Correspondence:

M. D'Amato stated that he received an email from the Members of the Conservation Commission regarding the easement for Loves and asked why they weren't able to comment on the language of the easement. M. D'Amato stated that most of their concerns were addressed in the easement. The easement gives the town the right to enter and verify that things haven't been disturbed or destroyed by qualified personnel. We couldn't allow them to review the easement because they are not a regulatory agency and they would have had to open the Public Hearing up again. It was reviewed by the town attorney and their comments were mostly the same as what was approved

previously. The Commission wanted the public to be able to access the public site/ easement area but the town attorney stated that there was not a lot of testimony in this area, and we couldn't raise the issue now that the Public Hearing was closed. There isn't a good place on Loves site to try to get down to the water and it wouldn't be easily achieved, so we couldn't ask them to do add that in the easement now.

Staff report and Discussion:

M. D'Amato stated that A. Stephens is still waiting to take the CT DEEP Inland Wetland course as the first trial was not successful on the state's end.

He also stated that the King property will be starting their harvest in the next few weeks as they emailed A. Stephens last week to let us know

The commission discussed T. Gutowski and her impact on the Commission as she is leaving the commission May 15, 2020.

Adjournment:

P. Lord made a motion to adjourn the April 27, 2020 meeting at 8:48 pm. T Gutowski seconded motion. All in favor.

Respectfully Submitted,

Ashley Stephens