

MINUTES OF THE REGULAR MEETING
MAY 3, 2011

PRESENT: Chairman David Stein, Carole Ketelsen, Mike Engels, Samantha Crowley, Chris Ehlert (@ 7:19 p.m. and IWWC Enforcement Officer Heidi Wallace.

ALSO PRESENT: Ron Carr, Jennifer and Ken Capano, Engineer Joe Wren, John McCall and members of the public.

1. Call to order:

Chairman David Stein called the meeting to order at 7:02 p.m. in the Westbrook Mulvey Municipal Center Multi Purpose Room.

2. Public Comment Period (maximum 15 minutes)

None.

3. OLD BUSINESS

1. 130 Osprey Circle, Assessor Map 24, Lot W10, post facto permit application for shed

Applicant Ron Carr was present. A letter dated 4/18/11 from Penelope Sharp, Environmental Consultant, was submitted. The letter states that she feels that the shed is not causing irreversible impacts on the wetlands. Heidi Wallace stated that it was her opinion that moving the shed would cause more damage at this point.

Upon a motion by Samantha Crowley, seconded by Mike Engels, it was:

VOTED: Unanimously to approve the application for 130 Osprey Circle for a shed with deck in the regulated area.

At this time, Chairman David Stein stepped down and appointed Vice Chairman Carole Ketelsen as Acting Chairman.

2. 684 West Pond Meadow Road, Assessor Map 63, Lot E31A – application for Chain Link Fence

Engineer Joe Wren, as well as applicants Jennifer and Ken Capano, were present. The following items were submitted since the last meeting: Online Mapping, Wetlands Map, Sub-Regional Drainage Basins, Soil Survey Maps and Photo's and Log. Engineer Joe Wren wanted to clarify that because there were only 3 members present, there would have to be at least 2 members that vote "yes" in order for this application to be approved. Nothing has changed since last month. Also received were letters from 2 adjoining neighbors (Belinda Jones and Rita Trojanoski) which both stated they are opposed to the application.

At 7:19 p.m. Commission Member Chris Ehlert arrived. Mr. Wren updated him as to what was already presented.

Mr. Wren stated that there never was a bulldozer on the site, as indicated by the adjoining neighbors,

and all of the fence posts were installed by hand with post hole diggers and shovels. 4 trees were removed with a mini excavator. Mr. Wren also wanted to remind the Commission that the applicants did come to the Land Use Department prior to doing any work and were told that they did not need any permits by Land Use Staff. There is a boundary dispute claim by an abutting property owner, but that is not in this Commission's Jurisdiction. Mr. Wren stated that Commission Member Carole Ketelsen, as well as the 2 adjoining property owners, who are opposed to the application, requested permission to do a site walk of the property. The property owners were under the assumption that this was an official site walk, but nothing was posted. Carole Ketelsen stated for the record "that when she has been unable to attend a site walk, she has gone and looked at the property by herself. She is also familiar with many properties in town". Mr. Capano stated that it was his understanding that at the last meeting, it was determined that a site walk was not needed. Mr. Wren stated that he feels that the applicants did their due diligence and feels that they should be able to complete the fence. He doesn't feel that the fence is a major disturbance to the wetlands and he does not see any sedimentation or erosion issues.

Commission Member Chris Ehlert stated that he felt that the Commission should vote on this application tonight and that it should not be continued. Mr. Ehlert also wanted stated for the record that a member of the audience (Belinda Jones) was taping the meeting and that this was never stated for the record and should have been. Acting Chairman Carole Ketelsen stated that Chairman David Stein gave Ms. Jones permission to tape the meeting before the meeting started. Mr. Ehlert stated that this should have been stated when the meeting opened.

Mr. Wren stated that the applicants have already spoken with Soil Scientist Rich Snarsky about the possibility of rebuilding the areas that were disturbed. He further stated that there has been no loss of wetlands. Carole Ketelsen stated that this area is an integral part of the Patchaug Watershed. She submitted information regarding turtles and ducks in the area. Mr. Capano stated that since the last meeting, his dogs were attacked by 2 stray dogs. Heidi Wallace stated that 2 draft motions were submitted by Carole Ketelsen and they were reviewed by Attorney Bates. Samantha Crowley stated that she felt that the application should be approved as proposed with some conditions for the entire and the installation could be installed with guidance from Heidi Wallace and possibly Rich Snarsky. Mike Engels stated that he doesn't see any issues with impact to the wetlands. Carole Ketelsen suggested that the triangle area could be completed, but not the rest of the fence to leave it open for wildlife.

Upon a motion by Chris Ehlert, seconded by Samantha Crowley, it was:

VOTED: Unanimously that the Westbrook Inland Wetlands and Watercourses

Commission, after considering the facts and circumstances set forth in sections 4.1, 6.3, 7.6, 10 and 13 of the Regulations concerning Inland Wetlands and Watercourses for the Town of Westbrook, finds that the proposed activity in the application for the property known as 684 West Pond Meadow Road, Map 63, Lot E31A (Jennifer and Ken Capano property), therefore, the Commission hereby approves the proposed activity of fence installation, subject to the following conditions:

1. The applicant will restore all the wetlands on the property that were disturbed, to their pre-construction condition, including but not limited to the planting of trees.
2. The restoration of the wetlands will be done under the guidance of a professional Soil Scientist.
3. The plan for restoration of the wetlands, prepared by a Soil Scientist, must be submitted to the IWWC Agent for its review by August 31, 2011.
4. The restoration is required to be completed within six (6) months of the issuance of the permit.
5. The applicant will submit a bond to the IWWC to assure the completion of restoration of the

wetlands.

6. Because of an issue that has been raised regarding boundary lines, the applicant is proceeding with the work at their own risk with regards to the location of the work.

At this time, Chairman David Stein returned to the meeting.

3. **92 Essex Road, Assessor Map 37, Lot E2, Wilcox Fuel, Inc. Propane tanks in Regulated Area**
John McCall, applicant was present to state that they are proposing propane tanks in the regulated area. They will only be digging some holes for the footings. Mr. McCall stated that they will be happy to install silt fencing.
Upon a motion by Samantha Crowley, seconded by Mike Engels, it was:
VOTED: Unanimously to approve the application for 92 Essex Road, as submitted.

4. NEW BUSINESS: None

5. REGULAR BUSINESS

A. Minutes of the previous meetings: Regular Meeting – April 5, 2011:

Upon a motion by Chris Ehlert, seconded by Mike Engels, it was:

VOTED: Unanimously to approve the minutes of the Regular Meeting of April 5, 2011, as submitted.

B. Chairman's Comments:

None.

C. Correspondence:

1. Letter from Michael Wells dated March 16, 2011 regarding limitations on persons holding more than one position in Town Government: Carole Ketelsen stated that because Chris Ehlert has been appointed to the Board of Selectmen, she is asking him to resign his position on the IWWC. Mr. Ehlert stated that according to the letter from Attorney Wells, it is his decision to resign or stay. He further stated that he has been looking for a replacement for 8 months. His replacement will be ready to take over the position as the rep from the Zoning Commission after the May Meeting. Mr. Ehlert stated that he would never leave the Commission in the lurch and will not resign until his replacement is ready. He further stated that he would never put this Commission or the Town in jeopardy and he would recuse himself from any application that was controversial. He feels that he has worked very hard for this commission and has gone above and beyond. He will continue to do so until his replacement comes on board.
2. Resolution proposed by Finance Director Andrew Urban for bill payment authorization: Mr. Urban is recommending that the Commission adopt a resolution that will give one person the authority to approve the payment of bills in order to get them paid to our vendors in a timely manner. Carole Ketelsen stated that she feels that this is not general business practices.
Upon a motion by Samantha Crowley, seconded by Mike Engels, it was:
VOTED: Unanimously to authorize the Chairman of the IWWC to approve payments to vendors who provide goods or services on behalf of the IWWC in advance of meetings to approve the same in an amount not to exceed \$500.00. This policy is to be effective immediately.

D. Staff Report

Distributed and discussed.

E. Commission Member Reports

Carole Ketelsen stated that the Plan of Conservation and Development is almost complete.

F. Bills

Upon a motion by Chris Ehlert, seconded by Carole Ketelsen, it was:

VOTED: Unanimously to pay the following bills out of the 2010/2011 Fiscal Year Budget:

Hartford Courant - \$36.68 for legal notices, Katie Kelemen - \$38.42 and \$76.84 for November Secretarial Duties, \$65.00 reimbursement to Heidi Wallace for DEP Training Session, \$96.00 to Attorney Tim Bates for telephone conference with David Stein, \$30.00 reimbursement to Heidi Wallace for Erosion Control Workshop, \$1,008.00 to Robinson & Cole for December

G. Adjournment

Upon a motion by Chris Ehlert, seconded by Carole Ketelsen, it was:

VOTED: Unanimously to adjourn at 8:59 p.m.

Respectfully submitted:

Kathleen H. Kelemen, Secretary