



TOWN OF WESTBROOK

WETLANDS

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MINUTES OF THE SPECIAL IWWC MEETING OCTOBER 4, 2011

Present: Attorney Tim Bates, David Stein, Samantha Crowley and Dwayne Xenelis.

Call to order:

Chairman David Stein called the meeting to order at 5:15 p.m. in the Westbrook Municipal Center.

Business:

207 Pettipaug Road.

Chairman Stein stated that the purpose of the meeting was to discuss enforcement options available to the Commission, and to determine the next enforcement steps. A discussion was held amongst attendees. It was determined that David Stein was the only Commission member present who attended the site walk in 2010. There have been violations at this location since 1982; some things were permitted after the fact, and some were not. In several cases the wetlands had been filled in and graded without permit. The resident has not been responsive towards the permit requirements. The horse barn was built without permits from any of the Land Use agencies. These facts were gathered from the timeline that was developed for the purposes of recording activity at this location.

The resident in question lives in close proximity (within 200 feet) to the wetland agent for the Town of Westbrook. Based upon the timeline, it appears that the resident was in compliance until 2008, some permits were obtained after the fact. There is a violation outstanding from 8/24/2010. Attorney Bates stated that the resident was supposed to show up at a show cause hearing and did not; however IWWC did not hold a hearing within the 10 days necessary to hold him accountable.

Attorney Bates advised that the next steps would be to check on the status of the violations, have the hearing, and follow the proper process. Attorney Bates recommended putting the hearing on the agenda, and asking the commission to attend a site walk. H. Wallace may have a conflict of interest because the property lines are within 200 feet of her property. Attorney Bates recommended asking the First Selectman whether there is a wetland agent in another town that can assist, or perhaps the zoning enforcement official could be designated as a temporary enforcement officer. Attorney Bates mentioned that IWWC cannot go back and undo previous approvals. He explained that a site walk should be conducted as a special meeting. Chairman Stein advised that the State library has flyover photos taken every five years, and it would be useful to compare 5, 10, 15 years to compare the progression of changes on the lot.

Attorney Bates advised that H. Wallace can be subpoenaed as a witness and that the contractor would not be accountable for the unauthorized work, but the owner would. The question was raised as to whether there were ownership issues, as the violation runs with the property. Attorney Bates advised that the property will need to be investigated by a title searcher and that the UCONN Magic website is a resource with aerial photography maps starting in 1934. Chairman Stein noted that the IWWC will need to vote to designate a temporary enforcement officer. Attorney Bates asked for clarification as to what the IWWC would like him to do. Chairman Stein commented that the restoration of the property could create more wetland impacts, and that the chain of the property title needs to be investigated. Attorney Bates suggested that H. Wallace have a discussion with Chairman Stein as a fact witness. David Stein volunteered to obtain a bridge sketch from Bob Doane, and review the file.

Adjournment:

Dwayne Xenelis made a motion to adjourn the meeting at 6:00 p.m.
Samantha Crowley seconded the motion and it was unanimously approved.

Respectfully submitted,

Samantha Crowley