

**TOWN OF EAST HAVEN
INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES OF REGULAR MEETING
OCTOBER 13, 2021**

**HELD IN PERSON AT:
EAST HAVEN SENIOR CENTER
91 TAYLOR AVENUE, EAST HAVEN**

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Chairman Richard Poulton called the regular meeting to order at 7:04 p.m.

- I. He then called the roll for the Commission as follows:
- Wendy Bellmore - Present
 - Gerald Jaffe - Present
 - Rick Raffone - Present
 - Richard Poulton - Present
 - Dan McCann - Present
 - Kristy Porter – Attending another meeting at Senior Center.

Also in attendance:

- Jennifer Coppola - Counsel to the Commission
- Jonathan Bodwell - Town Engineer
- Genevieve Bertolini - Stenographer

- II. Pledge of Allegiance was recited by all.
- III. Approval of minutes of July 14, 2021 meeting.

Mr. Raffone made a motion to suspend the approval of the minutes until the next meeting.
Mr. McCann seconded the motion.
Motion passed unanimously.

- IV. Enforcement Actions
- A. 1309 North High Street

Attorney Coppola reported that she sent a soft letter to the owner and she didn't get a response. Attorney Coppola inquired as to what the Commission wants to do. Mr. Poulton asked if it was determined whether she lives there or not. Attorney Coppola responded she didn't know the answer to that question but that she still owns the property. She indicated the next thing she could do is send a marshal with a letter just to be sure that she does, in fact, get it. She asked if they want her to do that. She indicated if they want to go through the court system it would be pretty straightforward.

Mr. Poulton stated that this has been on the minutes since December of 2019. She's ignored cease and desist, notice of violations. She even ignored some of the marshal delivered notices. Mr. Poulton expressed desire to take it off this Commission's hands and leave it to legal.

Attorney Coppola made comments regarding precedent in such a situation in response to a question from Ms. Bellmore.

Mr. Poulton expressed that in his twenty-seven years doing this, this is the only time he had ever seen a property owner totally ignore this Commission's orders or requests to do something. I think Mr. Jaffe can verify that. We've done multiple enforcement actions and two civil actions by the Town ordinance before the hearing officer. It's always worked well. This is the only one we ever had a problem with.

Mr. Jaffe agreed and stated that this Commission has shown sympathy when sympathy is warranted. We're not hard fast. Mr. Jaffe stated that the Commission has been totally ignored in this case one way or the other.

Mr. Poulton stated that he agrees with counsel and that we should make one more legal attempt to contact.

Attorney Coppola stated that what they are looking for is compliance. Attorney Coppola responded to inquiry regarding a lien.

Mr. Poulton asked for a motion to table this to next month.

Mr. Jaffe made a motion to table 1309 High Street until next month.

Mr. McCann seconded the motion.

Motion passed unanimously.

B. 161 and 167 Saltonstall Parkway

Mr. Poulton gave a brief update regarding this property.

Mr. Bodwell presented print-outs of photographs. He stated the owner re-vegetated the entire area and it's all growing nicely. He stated the Water Authority went in and took care of theirs right away. This is vegetated right up to the bank of the

river. Mr. Bodwell stated that the Water Authority sent the property owner a bill for \$32,000. At this point, he stated we could hold onto it and see what happens.

Mr. Poulton asked if Mr. Bodwell would make the tress part of your cleanup in the future. Mr. Bodwell replied yes. Mr. Poulton stated that we could close out 161, 167 Saltonstall Parkway.

C. 50 River Road

Mr. Bodwell stated that he has been in close contact with the property owner and his surveyor and they are in the process, quite a way's along. Mr. Bodwell stated they want to continue a parking lot from John and Maria's crossed over to River Road to make it a one-way exit out. The plan is in the process so I'm expecting to see an application in a week or so for your next meeting.

Mr. Poulton asked for a motion to amend the agenda, item 5, to include a new application as 133 Commerce Street, East Haven.

Mr. Jaffe made a motion to amend the agenda.

Ms. Bellmore seconded the motion.

Motion passed unanimously.

Mr. Poulton inquired if Mr. Bodwell had an application. Mr. Bodwell responded he did. Mr. Bodwell gave a presentation regarding 133 Commerce Street. They are proposing an addition to the building and to extend the parking lot. They will work within the fifty-foot strip outside the wetlands -- but within the fifty-foot strip. They are proposing to pipe the watercourse and move it over to where the easement is. Mr. Bodwell stated that it's already in the existing parking and existing building. What they want to do is put a big addition on.

Mr. Bodwell stated that he got a call from a representative of the Land Trust. He pointed it out on the map. They are interested in this because it abuts their property and they're concerned about their pond. Because of their interest, I would suggest we go with a public hearing to allow them to put any input they would like. The applicant would like to get on the Planning and Zoning the first Wednesday of the month, November 3rd. Our next meeting would be November 10th.

Ms. Bellmore inquired as to which way the drainage is going. Mr. Bodwell responded.

Mr. McCann inquired as to food service they have or product. Attorney Coppola responded that it is food service. Mr. Poulton stated that it has no bearing in the wetlands or upper review area. Mr. McCann stated he was worried about drainage.

Mr. Jaffe inquired whether it was all commercial. Mr. Poulton responded it's Commerce Street. Mr. Bodwell stated it was all industrial and is empty right now.

Mr. Poulton stated he did agree that it is significant activity. One of the requirements to call for a public hearing is being designated as significant activity. We could table this application, call for a public hearing at the following meeting and then re-open the regular meeting after that for discussion on approval or disapproval and conditions.

Attorney Coppola stated that the motion should be threefold; to accept the application; to make a finding that it proposes significant activity; and to schedule the application for a public hearing at the next regular meeting which would be November 10th. Also, they have the ability to extend it up to 65 days.

Mr. McCann made a motion to accept the application for review and to have a public hearing on November 10th.

Mr. Raffone seconded.

Motion passes unanimously.

Ms. Bellmore would like some information about the land trust and what are they doing to honor their requirement to preserve this particular piece of property. That's an essential piece of information to know.

Mr. Poulton made a motion to adjourn.

Mr. Jaffe seconded.

Motion passes unanimously.

Meeting was adjourned at 7:35 p.m.