

July 27, 2011

Public Hearing – Special Meeting

7:00 p.m. Land Use Meeting Room

MEMBERS PRESENT: Mr. Bedini, Mrs. Hill, Mr. Wadelton

MEMBERS ABSENT: Mr. Bohan, Mr. LaMuniere

ALTERNATES PRESENT: Ms. Cheney, Mr. Papsin

ALTERNATE ABSENT: Mr. Martino

STAFF PRESENT: Mr. Ajello, Mrs. J. Hill

ALSO PRESENT: Mr. Kleinberg, Mr. Cavalaro, Mr./Mrs. Frank, Press, Residents

PUBLIC HEARING

Revision of the Inland Wetlands and Watercourses Regulations/ Proposed Section 11A:

Special Criteria for Applications Involving Regulated Activities Around Lake Waramaug and Other Major Water Bodies and Watercourses

Mr. Bedini called the public hearing to order at 7:00 p.m. and seated Members Bedini, Hill, and Wadelton and Alternate Papsin for Mr. LaMuniere.

Mr. Wadelton read the legal notice published on 7/15/11 and 7/22/11.

Mr. Bedini asked for comments from the Commission.

Mr. Ajello pointed out inconsistent language in section 11A.01.c. It was agreed that the words, “do not” should be deleted from line 4.

Mr. Frank, president of the Lake Waramaug Assn., commended the Commission on the proposed revision and said that it has the full support of the LW Assn.

Mrs. Frank thanked the Commission on behalf of the Lake Waramaug Task Force for its efforts to keep Lake Waramaug healthy.

Mr. Wadelton read the 7/25/11 email from Mr. and Mrs. Klein to the commissioners.

Mrs. Hill noted the numbering in the draft should be corrected.

MOTION:

To close the public hearing to consider the revision of the Inland Wetlands and Watercourses Regulations: proposed Section 11A.

By Mr. Wadelton, seconded by Mr. Papsin, and passed 4-0.

Mr. Bedini closed the hearing at 7:14 p.m.

This public hearing was recorded and the recording is on file in the Land Use Office, Bryan Memorial Town Hall, Washington Depot.

SPECIAL MEETING

Mr. Bedini called the Special Meeting to order at 7:15 p.m. and seated Members Bedini, Hill, and Wadelton and Alternate Papsin for Mr. LaMuniere and Ms. Cheney for Mr. Bohan.

Mr. Wadelton responded to the 7/25/11 email from Mr. and Mrs. Klein.

1) Regarding the Klein’s request for a clearer definition of “reasonable use of the lake,” he noted that

there is a wide variety of conditions around the lake and many possible activities that could be applied for, so many of each, that they could not all be listed. He said property owners have a right to do what they want within reason and that the Commission needed the flexibility to review each application on its own merits and to balance the rights of the property owner with the Commission's mandate to protect the lake. Mr. Bedini and Ms. Cheney noted that problems often result when a term is over defined.

2) To answer the Klein's question, "Is this a threat to 'grandfathering?'" Mr. Wadelton said it was not. He noted existing stonewalls could be repaired and maintained within reason.

3) The Kleins recommended that "feasible and prudent alternatives" be more clearly defined and asked if this took into account property values and financial hardship. Mr. Wadelton said the Commission does take into account financial considerations.

4) While the Kleins felt there were not "before" and "after" measurements, Mr. Wadelton noted the Commission conducts site inspections, which are the "before" measurement.

Referring to the remark by the Kleins re: section 11A.04a, Mrs. Hill said the Commission does not deal with applications in a "black and white" manner; each case is considered on its own merits. Mr. Wadelton agreed that it was not all or nothing; that there is give and take when reviewing applications.

Finally, regarding the statement that "money buys what the regulations forbid," Mr. Wadelton agreed with the Kleins, but said the Commission is limited in the amount of fines it may levy.

MOTION:

To approve Section 11.A; new section to the Washington Inland Wetlands and Watercourses Regulations, draft dated 5/16/11, with two corrections:

- 1) delete the words, "do not" in line #4 of section 11A.01c and
- 2) correct the section numbers.

By Mr. Wadelton, seconded by Mrs. Hill, and passed 5-0.

Section 11A will become effective 15 days after the date the legal notice is published.

MOTION:

To adjourn the Meeting.

By Mrs. Hill.

Mr. Bedini adjourned the meeting at 7:23 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill
Land Use Administrator