

*Town of Killingworth
Inland Wetlands and Watercourses Commission
Killingworth, Connecticut 06419*

**Information Session #24-9
Town Emergency Operations Center**

September 10, 2024

Due to the lack of a quorum to hold a Regular Meeting, Chairman Glenn Johnson called the Information Session to order at 7:00 p.m.

Members present: G. Johnson, C. Plum, E. Pizzuto

Members absent: D. Cutillo, T. Doyle, C. Reimers

Also absent - Enforcement Officer L. Kieft-Robitaille

Visitors: Michael Berkun

MINUTES

The minutes of the August 13, 2024 Regular Meeting and the minutes of the August 22nd site walks could not be approved by a vote due to the lack of a quorum.

OLD BUSINESS

Michael & Deborah Cassella After-the-fact permit application (W-29) for already-constructed storage bins in regulated area, 157 Route 81

Members conducted a site walk on Thursday, August 22nd. According to the site walk minutes, "there were no detrimental impacts to adjacent wetlands observed." No vote can be taken at this meeting.

Town of Killingworth (owner), Killingworth Park and Recreation Commission (applicant) permit application (W-30) for construction of pickle ball courts, 323 Route 81

Chairman Glenn Johnson, who is also a member of the Killingworth Park and Recreation Commission, discussed the concerns from library personnel expressed at the Park and Recreation Commission meeting, about potential noise and parking problems if the pickle ball courts are constructed next to the library. No vote on this application can be taken at this meeting.

Geoffrey and Annette Cook permit application (W-31) for an in-ground pool, 31 Robin Lane

Mr. Cook explained to the commission at the last meeting that he thought the proposed pool location is within 500' from a vernal pool on his property. Members conducted a site walk on August 22nd. They determined that the water body on the property is not a vernal pool and they saw nothing that would potentially be a negative impact on the nearby wetlands and watercourses if the pool is constructed in the proposed location. No vote can be taken at this meeting.

Jack B. Coy, LLC (owner), Michael Berkun (applicant) permit application (W-32) to excavate a farm pond, between Roast Meat Hill Road and Reservoir Road

Mr. Berkun attended the meeting to continue discussion of his proposal for a farm pond. A letter from Mr. Berkun's attorney, Sylvia K. Rutkowska, dated 9/10/24, to Chairman Johnson was received. Attorney Rutkowska requested the Commission determine that the proposed farm pond is a "Permitted Use as of Right".

A letter from Jessica Baldwin, Environmental & Regulatory Compliance Coordinator at the Connecticut Water Company, dated 9/9/24, to Linda M. Kieft-Robitaille, stated their review of the plans, and their desire to keep the water quality of this "important drinking water supply source" from being negatively impacted. "The proposed pond is located within 30-feet of two tributaries to the Menunketesuck River. We recommend that the proposed 30-ft stream buffers remain naturally vegetated to protect the ecology and water quality of each tributary." "The CWC has no objection to this project as long as erosion and sediment control measures are strictly adhered to both during and post construction and as long as livestock, pesticides, herbicides, and all fertilizers are excluded from the proposed pond."

Mr. Berkun presented a packet of information from several sources (see "Communications" below). One of the items mentioned in Mr. Berkun's introductory letter that was discussed briefly at the meeting, is the request for an as-of-right ruling to construct 3 sheds for farm use within the 100' upland review area.

The property is not considered a subdivision by P&Z after the conditions of their approval that have not been met expired at the beginning of August. Mr. Berkun stated that the property has never been zoned residential; it has always been a farm.

Clerk's salary

Review of the July and August IWWC budget print-outs for the July 2024-June 2025 fiscal year show that the money that was submitted in the commission's budget request for the clerk's salary had been reduced to \$0. Chairman Johnson wrote a letter to the Board of Finance requesting that the salary money be returned to the IWWC budget. He spoke with the chairperson of that Board and she indicated that the full amount would be put back into the commission's budget.

NEW BUSINESS

Permit application (W-34) to construct a patio at 33 Fawn Hill Road

Wetlands Enforcement Officer Linda Kieft-Robitaille contacted the IWWC clerk to say this application has been withdrawn. Another application for a shed on Stevens Road was also withdrawn.

COMMUNICATIONS

1. IWWC Budget print-out for July-August 2024, dated 8/30/24
2. Copy of emailed letter from Jessica Baldwin, CT Water Company, 9/9/24, re: Roast Meat Hill farm pond proposal
3. Letter from Attorney Sylvia K. Rutkowska, Managing Partner, 9/10/24, to Chairman Johnson, re: Jack B. Coy farm pond review
4. Copy of letter from IWWC Chairman Glenn Johnson to Board of Finance Chairperson Annie Stirna, 9/10/24, re: recording secretary's salary
5. Michael Berkun Notes and Index of Exhibits, 9/10/24
6. Same as #2 that was included in packet of information submitted by M. Berkun
7. Copy of letter from Shauna Ham, Town of Killingworth Assessor, to Jack B. Coy, LLC, c/o Michael Berkun, 7/5/24, re: Roast Meat Hill Road property
8. Copy of email from Robin Zagorodny, Building Dept. Administrative Assistant, 8/20/24, to Michael Berkun re: property addresses
9. Copy of FOIA response from Linda Kieft-Robitaille, ZEO/WEO, regarding farming & pond regulations
10. Copy of portions of the Killingworth Town Regulations
11. Copy of email from Linda Kieft-Robitaille, ZEO/WEO, to Michael Berkun, 8/27/24, re: zoning permit for 4 sheds
12. Article from Halloran Sage, 7/5/2010, "Farming, Wetlands and 'As of Right' Activities

ADJOURNMENT

The meeting adjourned at 7:34 p.m.

Chairman Johnson will call a Special Meeting to discuss and vote on the applications that could not be voted on this evening due to lack of a quorum.

Respectfully submitted,

Mary Anne Lisk
Clerk