

Gary Goeschel

From: Pade, Neil <NPade@TownofCantonCT.org>
Sent: Monday, June 29, 2020 9:57 AM
To: Gary Goeschel
Subject: RE: Upland Review Areas

Hi Gary –

100' in Canton.

When I was in Vernon there was a project that identified a couple of water resources as warranting additional protections and those were set at 200' while the rest were set at 100'. That was over a decade ago now, I'm not sure if they are still in place.

Thanks,

Neil S. Pade AICP
Director of Planning and Community Development
Town of Canton, Connecticut
4 Market Street
PO Box 168
Collinsville, CT 06022-0168
860-693-7891 Phone
860-693-7884 Fax
npade@townofcantonct.org
www.townofcantonct.org

From: Connecticut Planning Professionals [mailto:CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU] **On Behalf Of** Gary Goeschel
Sent: Wednesday, June 24, 2020 3:26 PM
To: CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU
Subject: Upland Review Areas

CAUTION: This email came from outside the organization. Do not click links or open attachments if you are unsure the message is safe.

Message sent from a system outside of UConn.

Hello All,

The Town of East Lyme is in the process of reviewing a proposed regulation change to their Inland Wetland & Watercourses Regulations which contemplates a **500-foot Upland Review Area**. I'm looking to see if there are any Towns in CT with Upland Review Areas greater than 100-feet and if so, what was the rationale (if any) behind increasing it.

I thank you all in advance,

Best,
Gary Goeschel

Gary A. Goeschel II
Director of Planning / Inland Wetlands Agent
Town of East Lyme
PO Box 519 | 108 Pennsylvania Avenue | Niantic, Connecticut 06357
Office 860-691-4105 | Fax 860-691-0351
ggoeschel@eltownhall.com

----- To subscribe/unsubscribe, update your address, or view the list archives, visit
<http://s.uconn.edu/ctplanner>.

Gary Goeschel

From: Connecticut Planning Professionals <CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU> on behalf of Renata Bertotti <0000016e4a7e59cc-dmarc-request@LISTSERV.UCONN.EDU>
Sent: Wednesday, June 24, 2020 4:02 PM
To: CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU
Subject: Re: Clarification on 8-30j Affordable Housing Plan Deadline

Message sent from a system outside of UConn.

Thank you!

From: Connecticut Planning Professionals <CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU> **On Behalf Of** Melissa Kaplan-Macey
Sent: Wednesday, June 24, 2020 3:03 PM
To: CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU
Subject: Clarification on 8-30j Affordable Housing Plan Deadline

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Message sent from a system outside of UConn.

Hi all-

Apologies for the confusion/incorrect information. Mike Santoro at DOH has re-clarified that the first affordable housing plans to comply with 8-30j are due July 24, 2022.

Best, Melissa



Melissa Kaplan-Macey, AICP

Vice President, State Programs & Connecticut Director
Regional Plan Association
2 Landmark Square, Suite 108, Stamford, CT 06901
melissa@rpa.org | 212.253.6502



Learn more at rpa.org

----- To subscribe/unsubscribe, update your address, or view the list archives, visit <http://s.uconn.edu/ctplanner>.

Note: The information contained in this email message is confidential and may contain privileged information and material. Any review or use of the information contained in this email message by persons other than the intended recipient(s) is prohibited.

----- To subscribe/unsubscribe, update your address, or view the list archives, visit <http://s.uconn.edu/ctplanner>.

Gary Goeschel

From: Connecticut Planning Professionals <CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU> on behalf of Aimee Pardee <apardee@TOWNOFREDDINGCT.ORG>
Sent: Wednesday, June 24, 2020 3:48 PM
To: CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU
Subject: Re: Upland Review Areas

Message sent from a system outside of UConn.

Redding regulates within 500' of the high water line of vernal pools.

Aimee Pardee, M.A.
Land Use Director
Zoning/Conservation Official
Town of Redding
100 Hill Road
Redding, CT 06875
(203) 938-8517
apardee@townofreddingct.org

----- To subscribe/unsubscribe, update your address, or view the list archives, visit <http://s.uconn.edu/ctplanner>.

Gary Goeschel

From: Richard P. Roberts <ROBERTS@halloransage.com>
Sent: Wednesday, June 24, 2020 3:46 PM
To: Gary Goeschel
Subject: RE: Upland Review Areas

At one point Burlington had 600' because of the steep terrain etc., but I think DEEP told them that was too much. Maybe I am misremembering.



Richard Roberts, Esq.
Halloran & Sage LLP
One Goodwin Square, 225 Asylum Street
Hartford, CT 06103-4303

E roberts@halloransage.com
D 860.297.4695
F 860.548.0006

www.halloransage.com

NAVIGATING OUR NEW REALITY
CLICK TO VISIT OUR RESOURCE CENTER

Confidentiality: The information contained in this e-mail message is intended only for the use of the individual or entity named above and is privileged and confidential. Any dissemination, distribution, or copy of this communication other than to the individual or entity named above is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone.

From: Connecticut Planning Professionals <CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU> **On Behalf Of** Gary Goeschel
Sent: Wednesday, June 24, 2020 3:26 PM
To: CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU
Subject: Upland Review Areas

Message sent from a system outside of UConn.

Hello All,

The Town of East Lyme is in the process of reviewing a proposed regulation change to their Inland Wetland & Watercourses Regulations which contemplates a **500-foot Upland Review Area**. I'm looking to see if there are any Towns in CT with Upland Review Areas greater than 100-feet and if so, what was the rationale (if any) behind increasing it.

I thank you all in advance,

Best,
Gary Goeschel

Gary A. Goeschel II
Director of Planning / Inland Wetlands Agent
Town of East Lyme
PO Box 519 | 108 Pennsylvania Avenue | Niantic, Connecticut 06357
Office 860-691-4105 | Fax 860-691-0351
ggoeschel@eltownhall.com

----- To subscribe/unsubscribe, update your address, or view the list archives, visit <http://s.uconn.edu/ctplanner>.

Gary Goeschel

From: Connecticut Planning Professionals <CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU> on behalf of Voelker, William <wvoelker@CHESHIRECT.ORG>
Sent: Wednesday, June 24, 2020 3:44 PM
To: CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU
Subject: Re: Upland Review Areas

Message sent from a system outside of UConn.

We're at 50 feet in Cheshire. Good luck with the future litigation!

William S. Voelker, AICP
Town Planner/Development Coordinator
Town of Cheshire
wvoelker@cheshirect.org
203 271-6670

From: Connecticut Planning Professionals [mailto:CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU] **On Behalf Of** Gary Goeschel
Sent: Wednesday, June 24, 2020 3:26 PM
To: CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU
Subject: Upland Review Areas

Message sent from a system outside of UConn.

Hello All,
The Town of East Lyme is in the process of reviewing a proposed regulation change to their Inland Wetland & Watercourses Regulations which contemplates a **500-foot Upland Review Area**. I'm looking to see if there are any Towns in CT with Upland Review Areas greater than 100-feet and if so, what was the rationale (if any) behind increasing it.

I thank you all in advance,

Best,
Gary Goeschel

Gary A. Goeschel II
Director of Planning / Inland Wetlands Agent
Town of East Lyme
PO Box 519 | 108 Pennsylvania Avenue | Niantic, Connecticut 06357
Office 860-691-4105 | Fax 860-691-0351
ggoeschel@eltownhall.com

----- To subscribe/unsubscribe, update your address, or view the list archives, visit <http://s.uconn.edu/ctplanner>.

----- To subscribe/unsubscribe, update your address, or view the list archives, visit <http://s.uconn.edu/ctplanner>.

Gary Goeschel

From: Martha Fraenkel <mfraenkel@gmail.com>
Sent: Wednesday, June 24, 2020 3:39 PM
To: Gary Goeschel
Subject: Re: Upland Review Areas

Gary, i was the zeo/weo in Brooklyn CT until a year ago, where the upland review area was/is greater than 100 ft.
martha fraenkel

On 6/24/2020 3:26 PM, Gary Goeschel wrote:

Message sent from a system outside of UConn.

Hello All,

The Town of East Lyme is in the process of reviewing a proposed regulation change to their Inland Wetland & Watercourses Regulations which contemplates a **500-foot Upland Review Area**. I'm looking to see if there are any Towns in CT with Upland Review Areas greater than 100-feet and if so, what was the rationale (if any) behind increasing it.

I thank you all in advance,

Best,
Gary Goeschel

Gary A. Goeschel II
Director of Planning / Inland Wetlands Agent
Town of East Lyme
PO Box 519 | 108 Pennsylvania Avenue | Niantic, Connecticut 06357
Office 860-691-4105 | Fax 860-691-0351
ggoeschel@eltownhall.com

----- To subscribe/unsubscribe, update your address, or view the list archives, visit
<http://s.uconn.edu/ctplanner>.

Gary Goeschel

From: David Lavallee <lavalleed@southington.org>
Sent: Wednesday, June 24, 2020 3:38 PM
To: Connecticut Planning Professionals; Gary Goeschel
Subject: Re: Upland Review Areas

Southington has 200' for vernal pools

Sent from my iPhone

On Jun 24, 2020, at 3:26 PM, Gary Goeschel <ggoeschel@ELTOWNHALL.COM> wrote:

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Message sent from a system outside of UConn.

Hello All,

The Town of East Lyme is in the process of reviewing a proposed regulation change to their Inland Wetland & Watercourses Regulations which contemplates a **500-foot Upland Review Area**. I'm looking to see if there are any Towns in CT with Upland Review Areas greater than 100-feet and if so, what was the rationale (if any) behind increasing it.

I thank you all in advance,

Best,
Gary Goeschel

Gary A. Goeschel II
Director of Planning / Inland Wetlands Agent
Town of East Lyme
PO Box 519 | 108 Pennsylvania Avenue | Niantic, Connecticut 06357
Office 860-691-4105 | Fax 860-691-0351
ggoeschel@eltownhall.com

----- To subscribe/unsubscribe, update your address, or view the list archives, visit
<http://s.uconn.edu/ctplanner>.

This message contains confidential information and is intended for the individual named. If you are not the addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake And delete this e-mail from your system.'

Gary Goeschel

From: Lisa Houlihan <LHoulihan@ELLINGTON-CT.GOV>
Sent: Wednesday, June 24, 2020 3:33 PM
To: Gary Goeschel
Subject: RE: Upland Review Areas

Dear Gary,

Ellington has a 250' URA for properties with the Shenipsit Watershed, otherwise it's 100'.

Best regards,

Lisa

Lisa M. Houlihan, AICP
Ellington Town Planner
PO Box 187 / 55 Main Street/ Ellington, CT 06029
Phone: 860-870-3120 / Fax: 860-870-3122
Website: www.ellington-ct.gov/ Email: lhoulihan@ellington-ct.gov /

From: Connecticut Planning Professionals [mailto:CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU] **On Behalf Of** Gary Goeschel
Sent: Wednesday, June 24, 2020 3:26 PM
To: CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU
Subject: Upland Review Areas

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Message sent from a system outside of UConn.

Hello All,

The Town of East Lyme is in the process of reviewing a proposed regulation change to their Inland Wetland & Watercourses Regulations which contemplates a **500-foot Upland Review Area**. I'm looking to see if there are any Towns in CT with Upland Review Areas greater than 100-feet and if so, what was the rationale (if any) behind increasing it.

I thank you all in advance,

Best,
Gary Goeschel

Gary A. Goeschel II
Director of Planning / Inland Wetlands Agent
Town of East Lyme
PO Box 519 | 108 Pennsylvania Avenue | Niantic, Connecticut 06357
Office 860-691-4105 | Fax 860-691-0351
ggoeschel@eltownhall.com

----- To subscribe/unsubscribe, update your address, or view the list archives, visit
<http://s.uconn.edu/ctplanner>.

Confidentiality Notice: This electronic message is intended to be used exclusively by the individual or entity to which it is addressed. This message may contain information that is privileged or confidential and thereby exempt and protected from unauthorized disclosure under applicable law. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, be aware that any disclosure, dissemination, distribution or copying of this communication, or the use of its contents, is not authorized and is strictly prohibited. If you have received this communication in error, please notify the sender immediately and delete the original message from your e-mail system.

Gary Goeschel

From: DeCarli, Jeremy <jdecarli@easthamptonct.gov>
Sent: Wednesday, June 24, 2020 3:29 PM
To: Connecticut Planning Professionals; Gary Goeschel
Subject: RE: Upland Review Areas

East Hampton uses a 200 foot URA in the Lake Pocotopaug Watershed, 150 foot along the CT and Salmon Rivers, and 100 feet everywhere else.

Jeremy

Town Offices are currently closed to the Public due to the ongoing COVID-19 Pandemic. Please call or email us with regards to submission of any paperwork or site inspections.

Staff is available through email and phone during normal business hours. We are committed to providing the best possible service at this challenging time. Please stay safe and stay healthy.

Jeremy DeCarli, AICP
Planning & Zoning Official
Town of East Hampton
1 Community Drive
East Hampton, CT 06424
T: 860-267-7450
E: jdecarli@easthamptonct.gov
www.easthamptonct.gov

From: Connecticut Planning Professionals <CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU> **On Behalf Of** Gary Goeschel
Sent: Wednesday, June 24, 2020 3:26 PM
To: CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU
Subject: Upland Review Areas

CAUTION:

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Remember to hover over any links and if you suspect the email is not legitimate or a phishing email, please contact Tom McMahon at x363.

Message sent from a system outside of UConn.

Hello All,

The Town of East Lyme is in the process of reviewing a proposed regulation change to their Inland Wetland & Watercourses Regulations which contemplates a **500-foot Upland Review Area**. I'm looking to see if there are any Towns in CT with Upland Review Areas greater than 100-feet and if so, what was the rationale (if any) behind increasing it.

I thank you all in advance,

Best,
Gary Goeschel

Gary A. Goeschel II
Director of Planning / Inland Wetlands Agent
Town of East Lyme
PO Box 519 | 108 Pennsylvania Avenue | Niantic, Connecticut 06357
Office 860-691-4105 | Fax 860-691-0351
ggoeschel@eltownhall.com

----- To subscribe/unsubscribe, update your address, or view the list archives, visit
<http://s.uconn.edu/ctplanner>.

This electronic message is a public record as defined by the Connecticut Freedom of Information Act Section 1-200(5). A copy of this message and any reply will be retained by the Town of East Hampton and will be accessible to the public unless exempted by law.

This electronic message is a public record as defined by the Connecticut Freedom of Information Act Section 1-200(5). A copy of this message and any reply will be retained by the Town of East Hampton and will be accessible to the public unless exempted by law.

Gary Goeschel

From: Connecticut Planning Professionals <CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU> on behalf of Peter Hughes <planner@MARLBOROUGHCT.NET>
Sent: Wednesday, June 24, 2020 4:05 PM
To: CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU
Subject: Re: Upland Review Areas

Message sent from a system outside of UConn.

150 and 200 from eight named waterbodies includes directly attached wetlands

The issue is not the distance it is commissioner and some staff that do not understand they do not buffer the upland and they must prove a direct adverse impacts not possible

This is where applications are held hostage and impacts cost of the development much more than any other regulatory agency

From: Connecticut Planning Professionals <CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU> on behalf of Aimee Pardee <apardee@TOWNOFREDDINGCT.ORG>
Sent: Wednesday, June 24, 2020 3:47 PM
To: CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU <CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU>
Subject: Re: Upland Review Areas

Message sent from a system outside of UConn.

Redding regulates within 500' of the high water line of vernal pools.

Aimee Pardee, M.A.
Land Use Director
Zoning/Conservation Official
Town of Redding
100 Hill Road
Redding, CT 06875
(203) 938-8517
apardee@townofreddingct.org

----- To subscribe/unsubscribe, update your address, or view the list archives, visit <http://s.uconn.edu/ctplanner>.

----- To subscribe/unsubscribe, update your address, or view the list archives, visit <http://s.uconn.edu/ctplanner>.

Gary Goeschel

From: Connecticut Planning Professionals <CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU> on behalf of Winther, Darcy <Darcy.Winther@CT.GOV>
Sent: Friday, April 03, 2020 1:38 PM
To: CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU
Subject: Re: Wetlands Question

Importance: Low

Message sent from a system outside of UConn.

Good afternoon ListServ,

As DEEP's inland wetlands management program staff and coordinator of DEEP's municipal inland wetlands agency training, I hope it will be helpful if I attempt to clarify this issue.

The jurisdiction of a municipal inland wetlands agency is NOT determined by a map. Municipal inland wetlands agencies regulate *activities* likely to impact or affect inland wetlands or watercourses within their territorial limits, whether or not such inland wetlands or watercourses are depicted on a map. If the inland wetlands agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the CT Inland Wetlands and Watercourses Act (IWWA) or of the regulations of the inland wetlands agency, the agency or its duly authorized agent may conduct an enforcement action.

The IWWA was first passed in 1972. To assist newly formed municipal inland wetlands agencies, it was deemed helpful to create a wetlands map that depicted inland wetland and watercourse resources within each municipality. At the time, DEEP had the geographic and mapping capabilities to provide this information, which was based on the NRCS soil survey. Due to scale and other mapping limitations, a disclaimer was provided that small wetland or watercourse areas may not be depicted on the map and that the boundaries of such resources may not be precise.

The concept of a map carried over to the DEEP model regulations, which guided municipal inland wetlands agencies to establish a map. However, it became apparent that maps are problematic for a number of reasons: maps become outdated, there are issues associated with scale, inaccuracies in the transfer of information while creating the map, and other limitations. Recognizing this, DEEP has recommended for years, and continues to recommend, that an agency's regulations and map provide a disclaimer that the map shows the general location of inland wetlands and watercourses and that the precise location of inland wetlands and watercourses is to be determined by the actual character of the land, the distribution of wetland soil types, and the location of watercourses. I am not an attorney, but believe this follows well established case law (e.g. *Aaron v. Redding*, 1981 - "...it is the type of soil which is determinative of whether certain land is a wetland..."). Most municipal inland wetlands agencies have established permit application requirements, in regulation, that a soil scientist delineate the inland wetlands and watercourses associated with the proposed regulated activity. Further, most municipal inland wetlands agencies have a regulation that states a person may petition the agency for an amendment to the map, and that the agency *may* amend the map as more accurate information becomes available.

The IWWA is, first and foremost, an environmental conservation and protection statute. Remember, municipal inland wetlands agencies do not regulate wetlands or watercourses, they regulate *activities* likely to impact or affect such resources. When conducting an enforcement action, the burden of proving the violation (an unpermitted activity) lies with the inland wetlands agency. Unless a property owner is willing to work with the agency to remedy a potential violation, it may be difficult to accurately determine the location, boundary, or presence of inland wetlands or watercourses. In these instances, various maps and aerial photos may assist. Just because an inland wetland or

watercourse is not depicted on a map or aerial photo, does not mean one does not exist on the landscape. Again, maps and aerial photos have limitations. Landscapes are dynamic and a map or aerial photo may not depict current conditions. A municipal inland wetlands agency may need to be creative in order to accurately document a violation (e.g., look through other department files for soils information, review previous permit applications for soil scientist reports, observe from a neighboring property, etc.).

Healthy wishes,

Darcy Winther

Inland Wetlands Management Program
Land and Water Resources Division
Bureau of Water Protection and Land Reuse
Connecticut Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127
P: 860.424.3019 | F: 860.424.4054 | E: darcy.winther@ct.gov

www.ct.gov/deep/inlandwetlands



www.ct.gov/deep

***Conserving, improving and protecting our natural resources and environment;
Ensuring a clean, affordable, reliable, and sustainable energy supply.***

-----Original Message-----

From: Connecticut Planning Professionals <CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU> On Behalf Of Mary Ann Chinatti

Sent: Friday, April 3, 2020 6:37 AM

To: CT_PLANNING_PROFESSIONALS-L@LISTSERV.UCONN.EDU

Subject: Wetlands Question

Message sent from a system outside of UConn.

Good morning all -

First I hope all are staying safe and healthy.

Now, our Friday test:

A resident working within a channelized stream to pipe/stone the channel for residential (already built property) improvement of water issue, and the WEO and IW Commission Chair state that if the area doesn't appear on the town's IW map (which is based on DEEP mapping) then it isn't considered a wetland. How do you, as an IW Commissioner, deal

with this if your Chair tells you it's a civil issue that needs to be dealt with in superior court because it's not a wetland/watercourse if it's not on the town's IW map???

Thanks in advance!
Mary Ann Chinatti
Town Planner
Town of Plainfield

To subscribe/unsubscribe, update your address, or view the list archives, visit <http://s.uconn.edu/ctplanner>.

----- To subscribe/unsubscribe, update your address, or view the list archives, visit <http://s.uconn.edu/ctplanner>.

