



South Norwalk Electric and Water

***A Municipal Utility System
Serving the Needs of the Community***

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February 25, 2021

Mr. Nick Lee, Chair
Wilton Inland Wetlands Commission
c/o Mike Conklin, Director of Environmental Affairs
Town of Wilton, Town Annex
238 Danbury Road
Wilton, CT 06897

RE: Request for SNEW Comments Regarding WET#2654(S) Behrens—220 Nod Hill Rd

Dear Chairman Lee, Mr. Conklin, and Members of the Commission:

We are submitting this correspondence as a follow up to your request at the February 11, 2021 Inland Wetlands Commission for written SNEW comments as to the submitted Corrective Action Plan by the property owners.

As our attorney indicated at the previous hearing, SNEW has had an opportunity to review the Corrective Action Plan. Further, on February 4, 2021, Casey Cordes, Attorney Murphy and I had the opportunity to meet virtually with Kate Throckmorton and one of the attorneys representing Mr. And Mrs. Behrens (Attorney Ahrens). The meeting was productive and clarified the areas of concern for the parties. Ms. Throckmorton also satisfactorily answered several technical questions by SNEW regarding the plan.

Currently, SNEW has several remaining areas of concern with the plan as it pertains to the SNEW property.

1. Location and number of trees: The location and number of trees to be replanted on the SNEW property has not been resolved by the parties. In the opinion of SNEW, the number of trees proposed to be replanted by the property owner on SNEW land appears to be very low in light of the surrounding tree cover and existing aerial photographs. In an effort to resolve this disagreement, SNEW's GIS staff obtained additional aerial images of the area from third-party sources. As the metadata regarding the images is subject to additional verification, SNEW is in the process of retaining an aerial photography analysis expert to review, analyze and research existing images in order to obtain an accurate count of the number of trees removed from the SNEW property. SNEW is also concerned about the location of some of the proposed trees. At least two of the replacement trees are proposed to be planted on the property line demarcating the two properties. As part of a proposed global resolution of all claims pending between the Behrens' and SNEW, SNEW has

requested a chain link fence be installed on SNEW property near the property line. If trees are planted on the property line, it will impede and interfere with the installation and maintenance of a fence on the SNEW property. Moreover, SNEW requested that the chain link fence be placed sufficiently away from the joint property line in order to enable SNEW staff to repair and maintain the fence as necessary without trespassing on the Behrens' property.

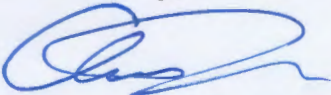
2. Invasive Species Control Plan: As the invasive species control plan involves the use of herbicides on highly regulated watershed land next to a public water supply source, SNEW is concerned about the types of herbicides to be used and the application methods. As a general proposition, SNEW avoids the use of herbicides on its watershed lands due to the regulations. In an effort to resolve this issue, SNEW forwarded the Connecticut Department of Public Health and Department of Energy and Environmental Protection guidelines and Inter-agency Memorandum of Understanding regarding the use of these types of chemicals in public water supply areas to the Behrens' attorney. To date, SNEW has not received commentary, questions, or feedback from the Behrens' representatives regarding this issue.

3. Watering Plan: The current Corrective Action Plan does not address or account for watering of the newly planted trees. Moreover, as the property is currently served by well water, and not a municipal water supply, a watering plan should be in place to address watering a large volume of newly planted trees on both the Behrens property and the SNEW property. If the newly planted trees are not properly cared for, they will not survive. SNEW does not and cannot consent to the use of Streets Pond reservoir for watering of the trees. SNEW has not received commentary or feedback from the Behrens' representatives regarding this issue.

4. Recreational Use of SNEW Properties: While not necessarily an issue for the Inland Wetlands Commission, SNEW is aware of evidence that its property and Streets Pond were used for recreational purposes by the Behrens' family. Accordingly, the Behrens' attorneys have been advised that any settlement must include an agreement to refrain from recreational use of the SNEW watershed land and reservoir. All of SNEW's properties in Wilton and surrounding towns remain closed for public, recreational use.

SNEW remains cautiously optimistic that the issues between the parties can be resolved. Once SNEW is able to obtain an accurate count as to the number of trees removed, it intends to renew discussions with the Behrens' attorneys regarding a global resolution of this matter.

Sincerely,



Alan E. Huth
General Manager & CEO