

**Inland Wetlands and Watercourses Commission
Town of Wallingford**

**SPECIAL MEETING
Tuesday, October 23, 2012, 6:00 p.m.**

The Special Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Tuesday, October 23, 2012, at 6:00 p.m. in Room 205 of the Municipal Building, Wallingford, Connecticut for the purpose of conducting a Regulations Revisions Workshop.

Present: Commissioners were Jim Vitali - Chairman, Ellen Deutsch - Vice Chairman, Nick Kern - Secretary, James Heilman – alternate, Deborah Phillips – alternate and Environmental Planner, Erin O’Hare. Regular Member, David Parent arrived later.

Absent: Dennis Murphy, Jim Dobson – alternate

Member of the public in attendance: Attorney Joan Molloy.

Chairman Vitali called the meeting to order at 6:05 p.m. He stated that the Special Meeting was being held to discuss proposed revisions to Inland Wetlands and Watercourses Commission Regulations. He welcomed Attorney Joan Molloy who was attending in response to a notice the IWWC had forwarded to interested professional attorneys, developers, and engineering consultants who had participated in the previous regulation revision workshops held by the IWWC in 2010.

Chairman Vitali asked Ms. O’Hare, Environmental Planner, to review the Environmental Planner’s Report, dated October 19, 2012, containing a compilation of draft proposed revisions to the Regulations, Section 4 and Sections 7 through 12, inclusive. Ms. O’Hare explained that the proposed revisions set forth were taken from the DEP Model Regulations, and the annual DEP Advisory Reports regarding legislative changes. She indicated many of the changes are simply English language changes, rather than content.

Chairman Vitali led a discussion of the proposed language section by section as follows below.

SECTION 4 – PERMITTED USES AS OF RIGHT AND NONREGULATED USES.

Section 4.1.b - agreed to retain the (current) last sentence.

Section 4.2.c - fine as proposed.

SECTION 7 – APPLICATION REQUIREMENTS

Section 7.1. – fine as proposed.

Section 7.2. - after extensive discussion regarding of this new subsection, it was agreed to omit it.

Section 7.3. - fine as proposed

Section 7.4. - the term “*significant impact activities*” should be noted throughout this provision; reworked wording; omit final sentence.

Section 7.5. a., b., and c - fine as proposed.

Section 7.5.d - last sentence amended to read “*disturbed or impacted, temporarily or permanent.*”

Section 7.5.e – amend listing of items applicant shall provide to appear in a bullet-type format. It was noted some items may not be applicable to the type of activity proposed.

Section 7.5.f - fix last sentence to “*any*” such alternatives - rest as proposed.

Section 7.5.g. - opted to delete the portion of the provision relative to “*activities which are made inevitable by the proposed regulated activity*”

Section 7.5.h - add, “*per Town Assessor’s records*”.

Section 7.5.i - fine as proposed.

Section 7.5.j – discussion on meaning of the “life of the permit” which means when the activity has been completed, not 5 years. Agreed to replace with completion of regulated activity or act(s) specified therein.

Section 7.5.k - add the DEEP filing fee.

Section 7.5.l - fine as proposed.

Section 7.6., a, b, c - fine as proposed.

Section 7.6. d - h - fine as proposed.

Section 7.7. – fine as proposed.

Section 7.8. – Ms. O’Hare will rephrase this section to address the number of copies of application materials to be submitted.

Section 7.9. - regarding the 65 day expiration date, put in language “*unless waived by the Commission*”.

Sections 7.9.a - d, and (new) **e** - fine as proposed.

Section 7.10. (new) – regarding renewal of permits. Ms. O’Hare distributed copies of a DEEP color flow chart illustrating 2012 legislation regarding permit expirations that helps clarify the complicated new law. Perhaps the issue of a bond should be addressed in this section. Joan Molloy suggested that the language dealing with “*for no more than fourteen years*” should also state, “*unless amended by statute*”, which would take care of any future changes the State makes to this provision. Agreed language needs to allow extension of permit whether or not there is enforcement action pending. Commissioner Heilman suggested “*regardless of enforcement action*”. Ms. O’Hare was instructed to go back to the drawing board on this one.

Section 7.11. - relative to conservation restrictions, discussion questioned the need for a section dealing with State conservation easements. Ms. O’Hare is to do further research on the occurrence of conservation restrictions issues in Wallingford.

SECTION 8 – APPLICATION PROCEDURES

Section 8.1. – fine as proposed.

Section 8.2. – fine as proposed.

Section 8.3. – fine as proposed.

Section 8.4. – fix typo.

Sections 8.5., 8.6., and 8.7. – fine as proposed.

Commissioner Parent arrived at 6:50 p.m.

SECTION 9 – PUBLIC HEARINGS

Section 9.1. – Ms. O’Hare emphasized the need to set a public hearing no later than sixty-five days after the receipt of the application as per the new language. Attorney Molloy commented on time frame and the steps involved leading up to this stage. The

sixty-five day issue is in the state statute. Commissioner Heilman would like to see more push for the pre-application meetings so that all issues would then flow better and everyone involved would have a better understanding of time frames, documents to be presented, etc.. Perhaps the placement of pre-application items on the agenda would be beneficial as well as a section in the regulations dealing with pre-application issues.

Section 9.2. – fine as proposed.

Section 9.3. – IWWC wishes to change language of notice from “*not less than 15 days*” to “*not more than 15 days, no less than 10 days*”. The memorandum from the Law Dept., dated Oct. 4, regarding this section was discussed. Ms. O’Hare explained statutory timeframes were changed a few years ago to coordinate time frames with those of Planning and Zoning and ZBA. The 500 foot notice of abutting owners should be changed to 100 feet. It was agreed to require the posting of a sign for significant impact activity which would also serve as notification of public hearing. Attorney Small recommended language for the sign.

Section 9.4. - fine as proposed.

SECTION 10 – CONSIDERATIONS FOR DECISION

Section 10.1. – a is fine; b. change #4 to Health Department.; c. is fine as proposed; d., change to “*as listed in 10.1.b.*”; and e – fine as proposed.

Section 10.2. a, b, c, d, e, f, g, h - fine as proposed.

Section 10.3. – fine as proposed.

Section 10.4. – fine as proposed.

Section 10.5. – fine as proposed. Ms. O’Hare was directed to add the definition of “wetlands and watercourses” that appears in this section in Section 2, Definitions too.

Section 10.6. – fine as proposed

Sections 10.7. - fine as proposed.

Sections 10.8., 10.9., and 10.10. – Discussion centered on the need for language about conservation restrictions as there are few if any in town. Ms. O’Hare was asked to research this.

SECTION 11 – DECISION PROCESS AND PERMIT

Section 11.1. - fine as proposed.

Section 11.2. -fine as proposed.

Section 11.3. – current provision has a typo to be corrected, “bases” to “basis”, the rest is fine as proposed.

Section 11.4. – fine as proposed.

Section 11.5. – fine as proposed.

Section 11.6. – (new – formerly 11.8) – Ms. O’Hare will add language for the various land use approvals referenced in this subsection and will research where the DEEP recommends permit commencements language is to appear.

Section 11.6.1. – (new) – consider adding language “*as per Connecticut Statutes, as amended*” to avoid having to keep changing in the future. Also, Ms. O’Hare will check this section out against proposed section 7.10.

Section 11.7. – (formerly 11.9) - is fine as proposed.

Section 11.8. – (new - formerly 11.10) – Change reference to Section 12 to Section 13.

Section 11.9. – (formerly 11.11) – fine as proposed.

SECTION 12 – ACTION BY DULY AUTHORIZED AGENT

Section 12.1. (new) – regarding administrative approvals – fine as proposed.

Section 12.2. (new) – Public notice issue discussed. Attorney Molloy suggested following PZC practice of listing administrative approvals on agenda to fulfill notice.

Commissioner Vitali instructed Ms. O’Hare to revise these sections as agreed upon tonight. Those revisions and draft proposed revisions for the rest of the regulations, (Section 13 through 17, inclusive) will be reviewed at a workshop meeting to be scheduled in the future.

ADJOURNMENT:

Commissioner Vitali made a motion to adjourn, seconded by Commissioner Kern and passed. The meeting adjourned at 9:10 p.m..

Kim Touchette
Recording Secretary
Town of Wallingford
Inland Wetlands and Watercourses Commission