

NORWALK CONSERVATION COMMISSION MINUTES

MARCH 15, 2005

ATTENDANCE: Mathew Caputo, Acting Chairman; Beth Ackerman; Susan Llorca; Ed Holowinko

STAFF: Alexis Cherichetti

Acting Chairman Caputo called the meeting to order at 6:15 p.m.

DISCUSSION

Preliminary Review of Draft Changes to Inland Wetland and Watercourses Regulations

Ms. Cherichetti said that review of draft changes to the document had progressed to Section 60A-8. On page 28 there was a question regarding 500' distance to adjoining property. She said that this was as per State statute, and was made a part of all Land Use applications. On page 29, the reference to "10 days prior" came into play when a public hearing was required. Regarding item A #2 on page 30, Ms. Cherichetti said the petition must have 25 signatures. The information was taken verbatim from the 2004 change to the regulations. She said Section 8-7 of the General Statutes dealt with all land use permits and activities; a person must reside in the municipality they are signing for.

Acting Chairman Caputo said grammatical changes were needed on some of the pages; Ms. Ackerman said that punctuation changes were also needed. On page 33, item 2, paragraph 6, line 2, the word "map" should be changed to "may." In item 4, the word "destroy" should be deleted and the word "impacted" should be added. Ms. Cherichetti said the word irrevocable was used in the State regulations and that she would look into this further and advise the Commission of her findings. There was concern that the second sentence in that section would limit this, but the word was probably used to substantiate. Acting Chairman Caputo agreed that the language should be either very vague or very specific, depending on the circumstances.

The Commissioners discussed changes on page 34, section C. In section D, the s should be deleted from the word "alternatives." Ms. Cherichetti said she would call the State DEP and ask their opinion. She said sections E and F were borne as a result of the Avalon court decisions.

On page 35, change the word "bases" to "basis." Ms. Cherichetti referred to section H on page 36, saying that a check was required for a bond. Section B on page 37 regarding appeal of Declaratory Permit decisions, Ms. Cherichetti said this could happen. On page 38, the amount of the bond was a calculated, though estimated, amount. The Commissioners discussed typeface that would need to be bolded. In section E, Acting

Chairman Caputo asked if the language was sufficient for the Legal Department; Ms. Cherichetti said they approved the change in 2004. She said she was comfortable with the language in section A on page 39. She said that Chair Destefanis wanted section B to be defined better, but the language in the draft corresponded with the model regulations. Acting Chairman Caputo suggested it be left as is. He asked that the end of the sentence should be deleted. He requested that the word “knowingly” be removed from section A 2 and 3 on page 40. She said item B was added to the State statute and model regulations in 1997. She said the Appeal section no longer was left open to interpretation. It now referred to State statute, and went directly to court.

The Commissioners briefly discussed the fees proposed on page 47. Ms. Cherichetti said the fee schedule was adopted last year. It became obvious that on certain applications Staff spent more time on some than on others. She said that a base fee was established; additional fees were added when necessary. She said she gathered her information from surrounding towns. Acting Chairman Caputo said he wanted to add the suggestion proposed by Commissioner Smith, which was similar to what the City of Milford did. A clause would be added that if after review of the application it was determined that expert knowledge or skill beyond the original scope was required, the associated cost of that expertise would be added to the base fee. Ms. Cherichetti said that the Town of Wilton would also adopt this requirement. The State statute and the DEP’s wetland division director agreed as well. The Commissioners agreed to this suggestion. Ms. Cherichetti said that it is not always possible to know what, if any, expertise is required until after the initial application fee had been submitted. Ms. Ackerman asked what the next step was after the changes were made. Ms. Cherichetti said the new changes would become effective after notice to the City Clerk and the newspaper. She said the DEP would need a copy of the changes 35 days before a public hearing was held. A public hearing would be held. Ultimately, a final vote would be required to adopt the regulations

Ms. Cherichetti said that she would incorporate all recommended changes, reprint the document and have it ready for the Commissioners at their meeting the third week of April.

COMMENTS OF STAFF

Ms. Cherichetti had no specific comments to make.

COMMENTS OF COMMISSIONERS

There were no specific comments from Commissioners

ADJOURNMENT

MR. HOLOWINKO MOVED TO ADJOURN.
ACTING CHAIRMAN CAPUTO SECONDED THE MOTION.
MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Carol A. Graham for
Telesco Secretarial Services

