

NORWALK CONSERVATION COMMISSION MINUTES

MAY 17, 2005

ATTENDANCE: Elizabeth Ackerman; Matthew Caputo; D. Seeley Hubbard (6:12 p.m.); Marny Smith; Ed Holowinko; Susan Llorca (6:08 p.m.)

STAFF: Alexis Cherichetti

OTHER:

CALL TO ORDER

Ms. Smith called the meeting to order at 6:06 p.m.

DISCUSSION

Ms. Cherichetti handed out the Inland Wetlands and Watercourses Regulations document. She wanted to review two key areas, the definition of a minor, intermediate and significant activity; and the fee schedule. She stated that a public hearing has to be held before the Inland Wetlands and Watercourses Regulations document is adopted. Any proposed amendments need to be sent to the State DEP 35 days prior to the hearing. If the commission received it at their next meeting on May 24, it could be mailed to the DEP on June 1, and the public hearing could be held on July 12.

Ms. Llorca arrived at 6:08 p.m.

A summary of the major changes is as follows:

Chapter 1

There were no comments, so no additional changes were made.

D. Seeley Hubbard arrived at 6:12 p.m.

Chapter 2

The newly deleted items are as follows:

Ms. Cherichetti said that Pages 1-20 have the added text, not the deleted text. The brackets contain the added text, and some of the added text is in bold type.

The term aquatic soil moisture regime has been deleted.

The original definition of farming remains the same, as the State has determined.

The definition of marsh, and swamp also, originally contained a reference to a publication from 1973. That reference has been deleted, and the definition is now more similar to what is listed in the State statutes.

The definition of a regulated activity originally had started with “within such upland review area” and had caused some confusion. It now says that “Furthermore, any clearing, grubbing, filling, grading, paving, excavating, construction, depositing or removal of material, or discharging of stormwater on the land within the following upland review areas is a regulated activity”. This would be the most significant change. Permits are required for any activity within 50 feet of wetlands. Mr. Hubbard asked where the “100 ft from watercourse” begins. Ms. Cherichetti replied that it begins at the bank, the limit of the watercourse during normal flow conditions. The watercourse includes the channel and the edge of the bank. Ms. Ackerman asked where is it listed in the regulations if a homeowner needs a soil scientist? Ms. Cherichetti replied that it is listed in the application requirements.

Ms. Cherichetti said that another major change is to further define what kind of permit an activity would require for regulated activities in upland review areas. There is already a three tier permit system, that defines work as minor, intermediate, or significant. When a homeowner does work in a wetland or watercourse, that work would be considered “significant”, and that information is not included in the regulations. If it is added to the regulations, it would automatically require a public hearing. The classification of “minor” does not allow any activity in a wetland or watercourse. A homeowner that wanted to remove posts in a wetland or watercourse would go before the Commission, and then they would decide if it should go to a public hearing. Ms. Cherichetti said that she would make a fact sheet that would outline some basic definitions and define what kind of permit is needed for what type of work.

Ms. Cherichetti further clarified some confusion regarding the amount of cubic yards. It now reads “Minor can’t include the deposition or grading of more than 100 cubic yards of soil”; and “Intermediate can’t include the deposition or grading of more than 150 cubic yards of soil”. The term deposition is not being changed to be defined as excavation taken off site vs. excavation piled on site. It is less harmful to a wetland if it is excavated vs. stockpiled.

The definition of swamp had the reference to the 1973 publication deleted.

This marks the end of the major changes to definitions.

Chapter 3

There are no changes.

Chapter 4

The changes were resolved at the last meeting.

Chapter 5

There are no changes.

Chapter 6

There are no changes.

Chapter 7

There are no changes.

Chapter 8

There are no changes.

Chapter 9

There are no changes.

Chapter 10

There are no changes.

Chapter 11

There are no changes.

Chapter 12

There are no changes.

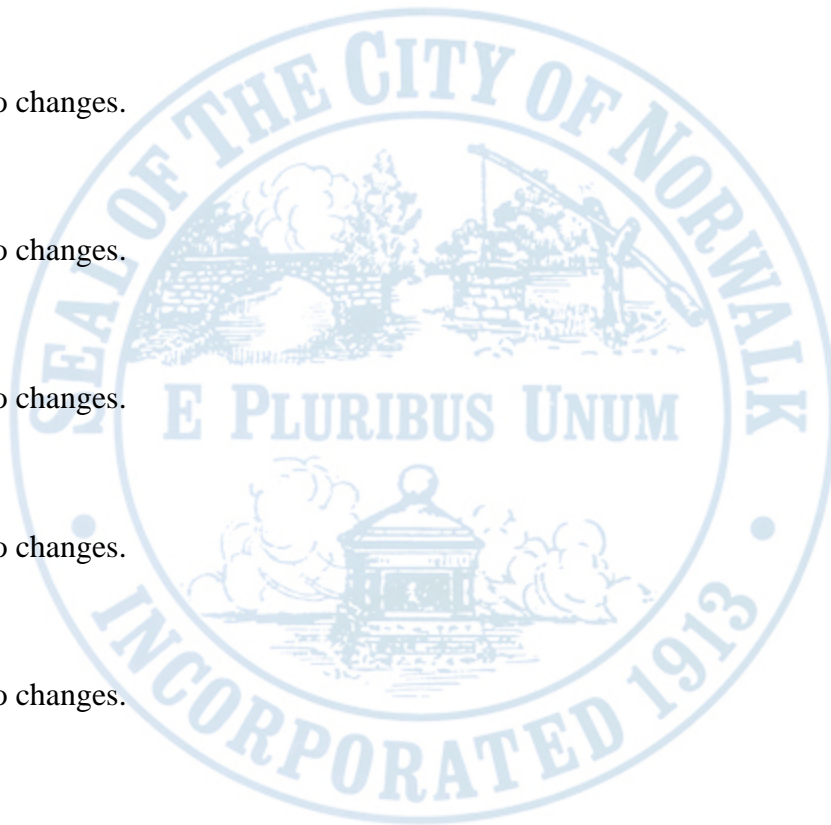
Chapter 13

There are no changes.

Chapter 14

On page 39, in subsection D 3 regarding Suspension or Revocation of permit, Ms. Cherichetti said that the Commission is allowed to suspend or revoke a permit. Mr. Caputo inquired whether the revocation process looks OK to the Law Department, in particular, regarding the recording of a certificate or notice on the land records. Ms. Cherichetti said this portion of the regulations is not new; nonetheless, the Law Department will be reviewing the draft changes.

Chapter 15



There are no changes.

Chapter 16

There are no changes.

Chapter 17

There are no changes.

Chapter 18

All application fees were increased by \$10.00 to cover the \$10.00 fee increase that goes to the State. Ms. Smith asked if these fees are enough to hire the people that we need. Ms. Cherichetti then referred to a new subsection F, which includes an additional fee when the Commission determines that a complex application requires an outside consultant to review the application.

One correction is in the third paragraph, first sentence, the word procession should be changed to processing.

Account numbers are assigned to permits per the Finance Department.

Mr. Caputo has a concern about the 2nd paragraph of Subsection F where it reads “by the Agent or Agency. It was decided to change it to: “The expense of such outside consultants for additional technical assistance shall be estimated by the Agent or Agency. The estimated cost of reviewing and evaluating the application times one hundred-fifty percent (150%) shall be paid by the applicant and deposited with the Agency or its designated agent. This estimate, together with the appropriate application fee given above, shall be paid forthwith, and the application shall be deemed incomplete until the aforementioned 150% estimate and the appropriate application fees have been remitted in full”.

Ms. Cherichetti will make the changes to the document. The three other members of the commission who are absent tonight will be called and asked to review the document as soon as possible in order to meet on May 24.

** MR. CAPUTO MOVED TO ADJOURN.

** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 8:05 p.m. .

Respectfully submitted,

Carolyn Marr

Telesco Secretarial Services

