



# Town of Watertown Connecticut

51 Depot Square Business Center

Suite 502, Watertown Connecticut 06795-2200

Planning and Zoning, Zoning Board of Appeals, Conservation Commission/Inland Wetland Agency

Telephone: (860) 945-5266

Fax: (860) 945-2704

Website: [www.watertownct.org](http://www.watertownct.org)

## MINUTES CONSERVATION COMMISSION/ INLAND WETLANDS AGENCY WATERTOWN, CONNECTICUT

### PUBLIC HEARING

Text Amendments to the Inland Wetlands & Watercourses Regulations

Time: 7:00 P.M. (7:07 P.M.)  
Date: Thursday, February 10, 2011  
Place: Watertown High School Lecture Room  
324 French Street  
Watertown, Connecticut

#### 1. Call Hearing to Order

Chairman, Mr. Edwin Undercuffler called the meeting to order at 7:07 p.m.

#### 2. Roll Call

**Present:** Chairman, Mr. Edwin Undercuffler  
Vice Chairman, Mr. Donato Orsini  
Mr. Michael Genovese  
Mr. Joseph Polletta  
Ms. Martha Sturgis  
Mr. Brian Benoit  
Ms. Dorota Habib  
Mr. Richard Sarandrea (7:21 P.M.)

**Absent:** Secretary, Mr. Thomas Murphy  
Mr. Todd Robinson

**Also Present:** Wetlands Enforcement Officer, Mr. Moosa Rafey  
Land Use Secretary, Mr. Chuck Bezio

Chairman, Mr. Edwin Undercuffler seated Ms. Dorota Habib for absent member Secretary.

Mr. Thomas Murphy. Chairman, Mr. Edwin Undercuffler read the legal notice into the record.

TOWN OF WATERTOWN  
Legal Notice

The Conservation Commission/Inland Wetlands Agency of the Town of Watertown pursuant to Section 15 of the Watertown Inland Wetlands and Watercourse Regulations and Section 22a-42a of the Connecticut General Statutes will hold a public hearing at 7:00PM on Thursday, February 10, 2011 at Watertown High School Technology Center 324 French Street, Watertown, CT to hear and possibly act on proposed amendments to the Inland Wetlands and Watercourses Regulations of the Town of Watertown, Connecticut. The Commission will amend Section 7 .11.c, Section 10.8, and Section 1010 of the Inland Wetlands and Watercourses Regulations in accordance with changes in the Connecticut General Statutes and the State Department of Environmental Protection Model Regulations.

The underlined language noted below is new and will be added to the regulations and the bracketed ([J]) language will be deleted and will be removed from the regulations.

7.11 c.10.8 no person shall file a permit application, other than for interior work in an existing building or for exterior work on an existing building that does not expand or alter the footprint of [an] such existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, including, but not limited to, any state agency that holds such restriction, not later than sixty days prior to the filing of the permit application.

In the case of an application where the applicant fails to comply with the provisions of subsection 7.11 c or 7.11 d of these regulations, (1) the party holding the conservation or preservation restriction, other than a state agency that holds such restriction, may, not later than fifteen (15) days after receipt of actual notice of permit approval, file an appeal with the Conservation Commission/ Inland Wetland Agency, subject to the rules and regulations of such agency relating to appeal. The Conservation Commission/ Inland Wetland Agency shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction [.] or (2) the state agency that holds such restriction may, not later than thirty days after receipt of actual notice of permit approval, file an appeal with the Conservation Commission/ Inland Wetlands Agency, subject to the rules and regulations of such agency relating to appeals. The Conservation Commission/ Inland wetlands Agency shall immediately reverse such permit approval if the commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction.

10.10 Nothing in subsections 7.11.c or 7.11.d of these regulations shall be construed to prohibit the filing of a permit application or to require such written notice when the activity that is the subject of such permit application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction.

At this hearing interested persons and written communications will be heard. A copy of the regulations with proposed amendments is on file in the Planning and Zoning Office, 51 Depot Street, Suite 502, Watertown, CT.

Dated at Watertown, CT this 27th day of January 2011

Dated at Watertown, CT this 3rd day of February 2011

Tom Murphy, Secretary  
Conservation Commission/ Inland Wetlands Agency

Chairman, Mr. Edwin Undercuffler read the ground rules into the record.

#### GROUND RULES CONSERVATION COMMISSION INLAND/WETLAND AGENCY

1. The applicant or his representative will make his formal presentation to the Commission stating the proposed regulated activities, the wetland impacts, and the alternatives which were considered by the applicant.
2. All comments, discussion and observations shall be made through the Chairman after proper recognition by the Chairman. This is necessary to ensure that only one person at a time speaks on any issue, thus making it easier for everyone to understand and for clearer legal transcription.
3. All persons addressing the Commission shall begin by first clearly stating their name and address for the record. If necessary, the person may be asked to spell his name for the record.
4. Following the presentation of the application, the Conservation Commission Inland Wetland Agency will ask specific questions of the applicant.
5. After the Commission has asked its questions of the applicant, I shall then allow any members of the public who wishes to speak either in favor of this application or against it to address the Commission.
6. I shall then allow the applicant to respond to the comments of the members of the general public.

7. I shall then allow any members of the general public who wish to present any additional information or clarifying discussion to do so.
8. I shall then provide an opportunity for the applicant to respond to these additional remarks if he or his representative so wishes.
9. The Conservation Commission/Inland Wetland Agency has thirty-five days from the date the public hearing commences to complete the public hearing. The Commission may ask the applicant for a thirty-five day extension of the public hearing period if the Commission requires any additional information or wishes to schedule a site walk to observe the situation for themselves.
10. The Conservation Commission/Inland Wetland Agency has thirty-five days from the date when the Public Hearing is closed to render its decision.

Mr. Richard Sarandrea arrived at 7:21 P.M.

### **3. Hearing of Applications**

- A. The Conservation Commission/ Inland Wetland Agency's proposed revisions to Section 7.11.c, Section 10.8, and Section 10.10 of the Inland Wetlands and Watercourses Regulations of the Town of Watertown.**

**Recess or adjourn the Public Hearing must be closed by March 17, 2011.**

Rafey

He briefly describes what the Department of Environmental Protection wants to be included into our Wetland Regulation. This public hearing is slightly different than an applications public hearing. The Commission is proposing these changes so some of the ground rules do not apply. Members of the public who wish to speak on these Amendments may do so. The changes that are of a concern of the DEP are for those properties which have a conservation easement or conservation restriction on them. Sometimes the Town, State, or a private third party may own the conservation easements. The purpose of these changes, are to allow the Commission to review the application properties that have conservation restrictions on them and are being proposed to have regulated activity on these properties. If the activity is outside of the conservation easement area there is no need to ask the applicant to send a notice to the holder of the conservation easement area.

This amendment is for only when the activity impacts the conservation area on the property in that case the applicant shall send a notice to the holder of the conservation easement 60 days before they apply for a permit from the Commission and the applicant needs to prove that the letter was sent to the owner of the conservation area by a certified return receipt. There is time limits also stated that anyone can appeal the decision of the Commission if they find that the decision violates the restriction on the part of the property which is under the Conservation easement. Individuals 15 days after the approval and the state agencies have 30 days to appeal the decision. If they prove that the Commission approval violated their rights, the Inland Wetlands Agency, shall immediately reverse such permit approval if the commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction.

Polletta I thought in the Conservation easement areas that you cannot go in there.

Rafey Exactly.

**Public:**

None.

**MOTION:** Mr. Michael Genovese moved to close the public hearing.

**SECOND:** Ms. Martha Sturgis.

**VOTE**


**AYES:**

Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Mr. Joseph Polletta; Ms. Martha Sturgis; Mr. Brian Benoit; Ms. Dorota Habib.

**NAYS:** None.

**MOTION UNANIMOUS PASS T 7-0.**

Attest:

  
\_\_\_\_\_  
Tom Murphy, Secretary  
Conservation Commission  
Inland/Wetland Agency