

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

**PUBLIC HEARING
Proposed Amendments to the
Inland Wetland and Watercourse Regulations**

Time: 7:00 P.M.

Date: Thursday, April 16, 2009

Place: Watertown High School Technology Center
324 French Street
Watertown, Connecticut

1. Call Hearing to Order

The Chairman called to order the public hearing at 7:17:31 PM

2. Roll Call

Vice Chairman, Mr. Donato Orsini executed the roll call.

Present: Chairman, Mr. Edwin Undercuffler
Vice Chairman, Mr. Donato Orsini
Mr. Michael Genovese
Mr. Joseph Polletta
Alternate, Ms. Denise Russ

Absent: Secretary, Mr. Thomas Murphy
Alternate, Mr. Michael Brown
Ms. Martha Sturgis

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

The Chairman seated Ms. Denise Russ for absent regular member Ms. Martha Sturgis.

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3. Hearing of Applications

Chairman 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 them selves.
10. The Conservation Commission/Inland Wetland Agency has thirty-five days from the date when the Public Hearing is closed to render its decision.

Proposed Amendments to the Inland Wetland and Watercourse Regulations**A. Continuation of the Public Hearing from March 12, 2009 for an application by the Watertown Conservation Commission/ Inland Wetland Agency to amend the Inland Wetland and Watercourse Regulations of the Town of Watertown.**

Recess or adjourn the Public Hearing must be closed by April 16, 2009.

Chairman Undercuffler asked if copies of the proposed regulations were handed out to the public in attendance.

Mr. Rafey advised the Board that he put copies of the existing and proposed regulations in the Land Use Office, Oakville and Watertown Library and the Town Clerk's Office.

Chairman Undercuffler noted that there has been, changes to the proposed amendments since last month.

Mr. Rafey noted that the changes have been noted in the memo dated 04/09/09. All underlined revision sections are from DEP, all the bold sections are new sections and all italic bolds section are comments from the Planning and Zoning Commission.

Chairman Undercuffler pointed out the changes on page 22. Chairman Undercuffler read the change in to the record. The Duly Authorized Agent shall report to the Agency of any such approvals at the next scheduled regular meeting.

Mr. Polletta requested clarification.

Chairman Undercuffler explained that if there is no, wetlands activity on the property then Mr. Rafey can authorize the activity and report his approval to the Commission.

Mr. Rafey explained that the CT General Statues states that any time a person wishes to subdivide a parcel of land even if there is no regulated activities but there is wetland/or watercourses on the parcel, applicant must submit an application to the Agency to determine that there is no regulated activities associated with the proposed subdivision. Once the Commission has determined that there is no activity or impacts to wetlands or watercourses a report must be issued to the Planning and Zoning Commission.

Mr. Rafey explained that putting this clause in to the Regulations that if there is no wetlands and/ or watercourses or regulated activity on the property and he would inspect the parcel and make the determination and report back to the Commission.

Mr. Rafey noted the following changes have been added.

1. Page 1 - Martha Sturgis added as a regular member. Chuck Berger the Town Engineer.
2. Page 2 - Duly Authorized Agent means Agency's Wetlands Enforcement Officer.

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3. Page 5 - Top of bank of any watercourse, and any other non wetlands and watercourses area likely to adversely impact or affect wetlands or watercourses.
4. Page 10 – The Planning and Zoning Commission encourages but does not require the Inland Wetland Agency permits be approved before formal application to the Planning and Zoning Commission.
5. Page 11 – The applicant is encouraged to permit the public to accompany the Agency on Agency noticed site walks on the subject property.

Mr. Polletta expressed concerns with property owners not wanting the public on the property.

Mr. Rafey recommends that the property owners can ask for a hold harmless agreement from the public because the liability will remain with the applicant/property.

6. Page 16 & 17 Section 9.4 - Posting public hearings notices on subject property.
 - a. The applicant shall post an Agency public hearing notice sign on the subject property during the ten day period prior to commencement of and during an Agency scheduled public hearing.
 - b. One public hearing notice sign shall be provided by the Agency without expense to the applicant upon Agency receipt of an application fee and the Agency scheduling a public hearing. Additional signs required by this section shall be provided by the Agency at a fee to the applicant covering the cost of the signs.
 - c. Signs shall be no further than 500 feet apart along paved street frontage of the subject property, and shall be in proximity to the street with clear and unobstructed visibility to motorists passing the signs. If a property has no paved street frontage, signs shall be posted in locations determined by the Agency's Duly Authorized Agent.
 - d. Public hearing notice signs are not required for Agency regulation text amendments, wetlands and watercourses map amendments, for Agency hearings that is not required to have notice published in a local newspaper, or for Agency enforcement hearings.
 - e. The signs shall be no less in size than 2 feet wide by 1 feet high, indicating a land use public hearing will be held by the Agency, and shall display the Agency office telephone number to contact for information.

Proposed Amendments to the Inland Wetland and Watercourse Regulations

f The signs shall be reasonably maintained and replaced if necessary by the applicant until the day following the close of the public hearing, at which time all signs shall be removed by the applicant.

g. The applicant is required on forms determined by the Agency to return under oath to the Agency that the applicant complied with this section of the Agency regulations.

h. In the event the applicant fails to post and/or maintain signs as required by Agency regulations, the application may be deemed by the Agency to be incomplete; and in that circumstance a reason for the Agency to not approve the application.

i. In the event the Agency finds the applicant is non-compliant with this section of the Agency regulations was not the fault of the applicant, or for other reasons determined by the Agency, the Agency may waive this section by a motion with two thirds Agency membership vote of approval”

7. Page 18 Section 10.1

f. Inland Wetlands and Watercourses Regulations of the Agency, as amended.

g. Guidelines for Upland Review Area Regulations Under Connecticut’s Inland Wetlands and Watercourses Act, June 1997 by the State of Connecticut Department of Environmental Protection, as amended.

h. 2002 Erosion and Sedimentation Control Guidelines, by the State of Connecticut Department of Environmental Protection, as amended.

i. Guidelines of the 2004 Connecticut Stormwater Quality Manual by the State of Connecticut Department of Environmental Protection, as amended.”

Mr. Rafey read Section 10.9 into the record.

8. Page 20 Section 10.9

In the case of an application where the applicant has provided written notice pursuant to subsection 7.11. c of these regulations, the holder of the restriction may provide proof to the Agency that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the Agency shall not grant the permit approval.

9. Page 27 Section 19.8

Third party reviews approved by the Agency or approved by the Duly Authorized Agent shall be paid by the applicant directly to the third party consultant The Town of Watertown and its officials are not liable for payment of services or for work products of third party consultants. Prior to commencing work there shall be a written agreement executed by the applicant, the Agency or the Duly Authorized Agent, and the third party consultant describing the third party review services, payment for these services, and scheduled delivery dates of reports and work products.

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The Chairman asked if anyone in the public has had the opportunity to read the regulations? The Chairman explained the process of amending the regulations and that they are following DEP recommendations.

Mr. Rafey noted that the only significant change is the 50' setback has been changed to 100' setback/ upland review area.

MOTION: Vice Chairman, Mr. Donato Orsini moved to close the public hearing.

SECOND: Mr. Michael Genovese.

VOTE


AYES:

Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

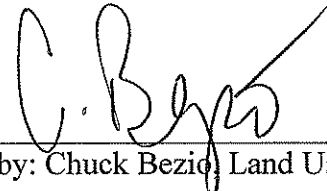
NAYS: None.

MOTION UNANIMOUS PASS T 5-0.

Attest:



Tom Murphy, Secretary
Conservation Commission
Inland/Wetland Agency



Approved by: Chuck Bezio Land Use Secretary