

INLAND WETLANDS AND WATERCOURSES COMMISSION
MINUTES - JULY 28, 2008
Work Session - Regulations

MEMBERS PRESENT: Richard Girouard, Chairman
John Lauria
Andrew Lubin
Arlyne Fox

ALSO PRESENT: Stephen Savarese, PE, LS - Town Engineer
Neil Lieberthal - Town of Trumbull Attorney

The Chairman opened the work session at 7:15 p.m.

The following changes were discussed and made:

2.1 - Add - "Agent" is the duly authorized agent appointed by the Agency pursuant to Section 12.1.

2.1 - "License" take out Inland Wetlands - insert Agency.

2.1 - "Waste" - Wetlands or Watercourses.

2.1 - "Wetlands" - Submerged.

7.1 - Completed application is to be submitted to the Agency no later than fifteen days prior to the next scheduled hearing.

7.4 - The Agency, acting through its Agent, and the applicant may hold a pre-application meeting to determine whether or not the proposed application involves a significant impact activity.

7.5 a. - the applicant's name, home and business mailing address and telephone numbers; if the applicant is a Limited Liability Corporation or a Corporation the managing member's or responsible corporate officer's name, address, and telephone number;

7.6A - At the discretion of the Agency or its Agent, or when the proposed activity involves a significant impact, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required:

7.6(A) a. -...architect or landscape architect licensed by the State of Connecticut, or by such other qualified person unless excepted by the Agency or its Agent;

7.6(A) b. -...plan including a construction sequence narrative and construction phasing plan;

7.6(B) d. -...fluctuations by collection of on site soil data;

7.6(B) f. -...to bedrock in the area of alterations by collection of on site soil data;

7.6(B) g. -... excavation as witnessed by the Agency or its Agent;

7.8 - Seven copies of all application materials...

7.12 - It shall be the applicant's...

8.1 - All petitions, applications, requests or appeals shall be submitted to the Clerk of the Agency in the office of the Town Engineer no later than fifteen days prior to the scheduled hearing date.

9.3 - Notice of the public hearing shall be mailed to the owner (s) of record of all land within 75 feet of any property lines of the subject property no less than fifteen (15) days prior to the day of the hearing (See Subsection 7.12) This notice requirement may be waived by the Agency for any application submitted by the Town or its Agencies, Boards and/or Commissions.

10.6 - Agency shall not deny...

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10.7 - ...record of the public hearing. The Agency may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts to analyze, review, and report on issues requiring such experts. The Agency or the duly authorized Agent shall estimate the complex application fee which shall be paid within 10 days of the applicant's receipt or notice of such estimate. Any portion of the complex application fee in excess of the actual costs shall be refunded to the applicant no later than 30 days after publication of the Agency's decision. The Agency may adjust its initial estimate and require additional funds be paid. A conclusion...

11.2 - The failure of the Agency...

11.3 - During the meeting "work session" commissioners shall decide which applications need field inspections prior to a public hearing. In addition, during the work session a "mutually agreed to" date and time to meet with the Town Agent in order to perform said inspections shall be established by the Commission Chairperson. Commissioners may also perform the field inspections on their own if they cannot attend the scheduled field inspections. Commissioners may also field inspect any pending application, even if inspection was not deemed necessary by the majority of the Commission. A record stating the date and approximate time each Commissioner present performed their field inspection for pending applications that will be voted on shall be prepared by the Commission Chairperson prior to commencement of new business.

11.3a - The Agency shall state upon its record the reasons and basis for...

14.5 - In the event the landowner has been issued a cease and desist order and is required to submit an application for a permit additional application fees or surcharges maybe required in accordance with the fee schedule in Section 19.

15.1 -... Agency in accordance with the Connecticut General Statutes or regulations of the State Department of Environmental Protection.

Appendix B -... In addition to such notice, such commission, board or agency may, by regulation, provide for additional notice. Such regulations shall include provisions that the notice be mailed to persons who own land that is adjacent to the land that is the subject of the hearing or be provided by posting a sign on the land that is the subject of the hearing, or both. For purposes of such additional notice, (1) proof of mailing shall be evidenced by a certificate of mailing, and (2) the person who owns land shall be the owner indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing, any person or persons may appear and be heard and may be represented by agent or by attorney. All decisions on such matters shall be rendered within sixty-five days after completion of such hearing, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. The petitioner or applicant may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition, application, request or appeal.

Appendix B (d)...any zoning commission, planning commission or planning and zoning commission regarding adoption or change of any zoning regulation or boundary or any subdivision regulation.

The Commissioners will meet again either August 25th, August 20^t or August 21st to work on the up-dated Regulations. An e-mail will be sent to find out which date is preferred.

The Chairman closed the work session at 9:15 p.m.

Respectfully submitted,

BY: _____
Joyce Augustinsky, Clerk