

INLAND WETLANDS & WATERCOURSES COMMISSION
June 3, 2020 Meeting Minutes

(MEETING CONDUCTED REMOTELY VIA ZOOM)

These minutes are not official until approved at a subsequent meeting.

Commission Members Present: Bob Crochetiere, Mary Jane Perrier, Lacinda VanGieson, Richard Pease, Roy Zettlemoyer, and Jonathan Savino

Commission Members Absent: James Guthrie, Jay Farrelly, Darry Ruitter, and Patrick Roy (Alternate)

Town Staff Present: Jennifer Rodriguez (Zoning and Wetland Agent)

I. Call to Order

Due to some technical difficulties, Chairman Crochetiere asked Vice Chairwoman Perrier to call the virtual meeting to order at 7:07 pm.

II. Roll Call

Roll call was taken.

III. Approval of Minutes from the March 4, 2020 Regular Meeting

It was **MOVED** (Savino) and **SECONDED** (Pease) and **PASSED** (Unanimous, 5-0; VanGieson Abstaining) that the Inland Wetlands and Watercourses Commission approves the March 4, 2020 minutes as published.

IV. Public Hearings

A. Text Amendment: Sections 9.3, 18.3, and 18.5 relating to certificate of mailing for abutters notices and waiver of municipal fees

Ms. Rodriguez commented that the recommended text amendment came from a realization that the local requirement for certified mail exceeds the requirement from the Connecticut General Statutes (CGS). The Connecticut General Statutes require a certificate of mailing which is a lot less expensive. Several applicants have spent hundreds of dollars on abutter notices, and the request came to the commission to consider this change. The commission reviewed the CGS and found that the local regulations do in fact conflict with the General Statutes, so the commission decided to move forward with this text amendment. The actual change would be to Section 9.3. The text to be changed is stricken with strike marks and the added text is in brackets. The following are the proposed changes for Section 9.3: **Delete** "Notice of the public hearing shall be sent by certified mail, return receipt requested." **Add** "Proof of mailing shall be evidenced by a certificate of mailing." **Delete** "The applicant shall provide documentation that the owner(s) of adjacent land were duly notified pursuant

to the regulations by submitting a copy of return receipts to the “Agency.” A discussion took place whether it is clear that the applicant will provide the commission with a certificate of mailing. It was decided to keep the last sentence in, **replacing** “*return receipts*” with “*certificate of mailing*” to read “*The applicant shall provide documentation that the owner(s) of adjacent land were duly notified pursuant to the regulations by submitting a copy of certificate of mailing to the “Agency.”*”

It was **MOVED** (Zettlemoyer) and **SECONDED** (Savino) and **PASSED** (Unanimous, 6-0) that the Inland Wetlands and Watercourses Commission opens the public hearing on the Text Amendment for Section 9.3 relating to certificate of mailing for abutters notices.

Eric Marsh and Tiffany Tisler spoke. Mr. Marsh commented that he’s not sure why we do this and that the abutters receiving notice is an important part of this. Ms. Tisler commented that saying this would be a conflict is a misstatement. She said that it sounds like the current regulation is merely exceeding what is required by the state statute. It is her opinion that if we are making sure the way that the regulation is written that the abutters actually receive notice, she thinks that’s better than this change which proposes to only ensure that the person mailing actually sent the mail. From that procedural due process that we want to make sure the abutters actually received the mail, she thinks that the regulation should stay unchanged.

There was a brief discussion about the reason for this change in the regulation. Ms. Rodriguez explained that some people do sign the card and some do not. In the last few cases with larger projects the applicant communicated to the commission that they had spent several hundred if not in the thousands of dollars to do the mailings, and a lot of cards came back. Mr. Pease pointed out that in the case of condos, when you have a condo as an abutter, you may have a lot of renters, so the letters may go to the owners and not to the renters.

It was **MOVED** (Zettlemoyer) and **SECONDED** (Pease) and **PASSED** (Unanimous, 6-0) that the Inland Wetlands and Watercourses Commission closes the public hearing on the Text Amendment for Section 9.3 relating to certificate of mailing for abutters notices.

It was **MOVED** (Zettlemoyer) and **SECONDED** (Savino) and **PASSED** (Unanimous, 6-0) that the Inland Wetlands and Watercourses Commission approves the changes discussed above in the Text Amendment for Section 9.3 relating to certificate of mailing for abutters notices; specifically: **Delete** “*Notice of the public hearing shall be sent by certified mail, return receipt requested.*” **Add** “*Proof of mailing shall be evidenced by a certificate of mailing.*” In the last sentence, **replace** “*return receipts*” with “*certificate of mailing*” to read “*The applicant shall provide documentation that the owner(s) of adjacent land were duly notified pursuant to the regulations by submitting a copy of certificate of mailing to the “Agency.”*”

Ms. Rodriguez stated that the other text amendment that was discussed over the last several months is in Section 18 which is regarding fees. There are two areas that the commission was looking at. In Section 18.3 regarding the \$60 fee that the State DEEP requires, there is a phrase that says it's required as a separate check, but the Finance Department does not require it as a separate check, so "*as a separate check*" was stricken. In Section 18.5 it says, "*The application fee may not be waived and is not refundable.*" There were many instances where the application was withdrawn without prejudice because the applicant needed more time to address staff and commission's concerns, so the commission wanted to be able to waive those fees. This line in Section 18.5 should be stricken, and then Section 18.6 where it says, "The 'Agency' shall state upon the record the basis for all actions under this section," would become 18.5.

Ms. Rodriguez pointed out that in Section 18.3 under the \$60 DEEP Fee it says in the regulations that we have to require a separate check, but the Finance Department does not need that to be a separate check, and we cannot just eliminate that because it is in the regulations. There was a discussion about the \$60 and taking out the entire line "(To be made out to 'Town of Windsor Locks' as a separate check.)" She explained that staff could tell people during the application process who to make the check out to. Mr. Pease added that it's a good idea to include instructions with the application and an application checklist for the person who is filling out the application. Maybe this could be included with an application checklist. Ms. Rodriguez responded that the submittal requirements are listed and bulleted on the application so the applicant can go through line by line, so it's already there. There was consensus to strike the whole sentence.

It was **MOVED** (Savino) and **SECONDED** (Pease) and **PASSED** (Unanimous, 6-0) that the Inland Wetlands and Watercourses Commission opens the public hearing on the Text Amendment for Sections 18.3 and 18.5 relating to a waiver of municipal fees.

Ms. Tisler stated she supports this change.

It was **MOVED** (Savino) and **SECONDED** (Pease) and **PASSED** (Unanimous, 6-0) that the Inland Wetlands and Watercourses Commission closes the public hearing on the Text Amendment for Sections 18.3 and 18.5 relating to a waiver of municipal fees.

It was **MOVED** (Zettlemoyer) and **SECONDED** (Pease) and **PASSED** (Unanimous, 6-0) that the Inland Wetlands and Watercourses Commission approves the changes discussed above in the Text Amendment for Sections 18.3, 18.5, and 18.6 relating to a waiver of municipal fees; specifically: in Section 18.3 "*(To be made out to 'Town of Windsor Locks' as a separate check.)*" will be stricken; in Section 18.5 "*The application fee may not be waived and is not refundable.*" will be stricken, and Section 18.6 will become Section 18.5.

It was **MOVED** (Savino) and **SECONDED** (Pease) and **PASSED** (Unanimous, 6-0) that the Inland Wetlands and Watercourses Commission sets the effective date for the changes discussed above to the Text Amendment for Sections 9.3, 18.3, 18.5, and 18.6 for July 1, 2020.

V. **Reviews** (none)

VI. **Action on Closed Public Hearing Items** (none)

VII. **Old Business**

A. **Discussion with Commission and Staff**

i. **Application revision**

Ms. Rodriguez asked if commission members wanted to discuss the revisions for the permit application or hold off to a later time. Mr. Pease pointed out that this version was included with the materials that were posted on the town website for the meeting tonight and he wasn't sure if everyone has had a chance to take a look at it. He said he tried to match up the language of the application with the language that is in the regulations and tried to clarify some of the regulated activities and when a permit is needed and when it is not. Ms. Rodriguez said for some reason this doesn't look like the document that she had. Mr. Pease confirmed that this document looked like his latest version. Ms. Rodriguez reiterated that it is very difficult to articulate all of the changes because this differs from the last copy that she had. She added that the commission can try to go through some of the changes now that they had from the last draft or hold off until the next time the commission can meet in person. It was agreed that it would be better to hold off until this could be done in person or until the documents could be shared side by side.

B. **Action Items** (none)

VIII. **New Business**

A. **Public Input** (none)

B. **Receive New Applications** (none)

C. **Informal Discussions**

Ms. VanGieson asked about the stream study. Ms. Rodriguez explained that it has been posted on the website but she has not had a chance to go through everything and summarize. It's a large document. Ms. VanGieson wondered if it would be appropriate for the commission to discuss any part of it at some future point. Ms. Rodriguez responded that it is a very appropriate topic. They will have a public

info session on it, and from that public process they will be prioritizing some of the recommendations that were made and through that prioritization they will look at how things can be funded, and then they will go from there.

Mr. Pease asked if the Plan of Conservation and Development (POCD) has been completed. Ms. Rodriguez replied that the public process hasn't happened for it yet but she is putting up the draft sections on the website as she goes through them, so it just needs to be edited and formatted properly. Once the content goes through the required processes, then she will send it off to be printed and bound. This project is the culmination of years of meeting with the various boards and commissions and in public processes. There will be a public hearing through the Planning and Zoning Commission, but the Wetlands Commission would not need to take any formal actions on it.

D. Action Items (none)

IX. Communications and Bills

A. JI Bill

Ms. Rodriguez explained that this is a balance of \$97.59 that needs to be paid. Chairman Crochetiere should email his approval to Mandi in the Finance Department and she will forward the bill to her.

It was **MOVED** (Savino) and **SECONDED** (Zettlemyer) and **PASSED** (Unanimous, 6-0) that the Inland Wetlands and Watercourses Commission approves the payment of \$97.59 to the Journal Inquirer.

X. Adjournment

It was **MOVED** (Zettlemyer) and **SECONDED** (Pease) and **PASSED** (Unanimous, 6-0) that the Inland Wetlands and Watercourses Commission adjourns the June 3, 2020 virtual meeting at 7:58 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*