

CONSERVATION COMMISSION

SPECIAL MEETING JULY 3, 2012

CONFERENCE ROOM L 101

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotape on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block called the roll call at 7:20 p.m. and noted Commissioners Andreas, Clark and Igielski were present. Also present were Alternate Paskewich, Town Engineer Chris Greenlaw and Town Planner Craig Minor.

NOTE: Chairman Block designated that Alternate Paskewich would vote for Commissioner Shapiro.

ITEM III

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM IV A

Discussion of authorized agent to the wetlands (interim)

Mr. Chris Greenlaw, Town Engineer, noted that a number of activities have resulted from recent major storm events. A number of these activities, which were minor in nature, occurred in the upland review area, required the property owner to go through the formal permit process.

Mr. Greenlaw noted that Section 12 of the Regulations allows the Commission to delegate its duly authorized agent the authority to handle minor impacts within the upland review area provided that the agent has completed the DEEP comprehensive training program for such agents. The following process would be followed for a typical application that complied with the requirements of Section 12:

- A. An application would include an application form (or a written description), an application map and fee.
- B. The applicant, upon receiving approval from the agent, shall publish notice in a local newspaper per the requirements of Section 12.2 of the Regulations.
- C. Any person (member of the public) may appeal the agent's action per section 12.2 of the Regulations.

- D. "The (Commission) Agency (upon an appeal from the public), shall (per Section 12.2 of the Regulations) at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these regulations."

Mr. Greenlaw noted that he is currently taking the course but would not complete it until October of this year.

Mr. Greenlaw noted that there are two people on Town staff, an Engineering Department Technologist and Town Planner, Craig Minor who now meet the requirements to be designated as a duly authorized agent.

Mr. Greenlaw noted that he met with the Town Manager to discuss this matter and the second item (2414 Berlin Turnpike) on the agenda. The consensus coming out of that meeting was to requests tonight's Special Meeting.

Alternate Paskewich asked if the duly authorized agent would attend all meetings? Mr. Greg Minor entered the following remarks into the record:

His former employer, the Town of Cromwell, four (4) years recognized the need to appoint a duly authorized agent.

The agent could only act within the 100 foot up land review area in a single family residential zone.

The agent was given a check list to determine if a proposed activity fell within his/her authority.

A report was submitted to the Agency after the fact.

Chairman Block noted that Mr. Greenlaw would still serve as the liaison with the Commission. He would funnel such a request to Mr. Minor to see if it could be handled administratively.

Mr. Greenlaw asked Mr. Minor if he had ever contacted the Chair of the agency? Mr. Minor responded that he used the check list to evaluate a request and never had a problem with his decision.

Alternate Paskewich noted that the discussion tonight has focused only on single family residential homes. What about Commercial?

Chairman Block noted the Town of Cromwell guide lines are under discussion.

Mr. Minor reviewed the guidelines (listed to audio tape for details of his remarks) that were in use in Cromwell and noted that they were approved by the agency. Part of the process involved discussion between the Chair and agent.

Commissioner Andreas suggested that any guidelines that may be developed could be included in the Regulations.

Commissioner Igielski reviewed what would be required to incorporate any guide lines into the Regulations. He suggested that consideration be given to include any guide lines into the Commission's "Internal Rules and Guide Lines".

Commissioner Andreas asked how many agents the Commission would end up with? Chairman Block responded that Mr. Minor's appointment would be temporary in nature and would end when Mr. Greenlaw completes DEEP's comprehensive training program in October.

Chairman Block requested that Mr. Greenlaw come up with suggested list of guide lines for the agent.

Commissioner Igielski noted that the public can only appeal the action of the agent.

Chairman Block noted that Commission should move forward with the interim appointment tonight and staff could come back at a future meeting with the suggested guide lines to be followed by the agent.

Alternate Paskewich noted that the work load in this area is increasing and therefore warrants moving forward with the request (to appoint an interim agent).

Commissioner Igielski said that he supports moving forward with the appointment of an interim agent. Mr. Greenlaw would funnel a potential case for a determination and possible action by the agent.

There was a general discussion among Commission members on how to proceed in the matter (listen to audio tape for details of the discussion). The discussion ended up in a motion.

Motion made by Commissioner Igielski that the Commission delegate to the duly authorized agent Mr. Craig Minor, Town Planner, the authority to approve or extend a license for an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetland or watercourse and was seconded by Commissioner Clark. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

Motion made by Commissioner Andreas that the Commission now proceed with the development of guide lines for the duly authorized agent..

Commission went into recess at 8:20 p.m.

Commission came out of recess at 8:28 p.m.

Said guide lines would be made available for review and discussion by Mr. Greenlaw at the July 17, 2012 meeting of the Commission and was seconded by Alternate Paskewich. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

#### ITEM IV B

Discussion of regulated activity at 2414 Berlin Turnpike

Mr. Greenlaw noted that the activity occurring at the subject location manifests a typical example of an activity taking place in the upland review area (would result in no greater than a minimal impact on a wetland or watercourse).

Mr. Greenlaw entered the following remarks into the record:

- A. The Town Planning & Zoning Commission approved the site for a restaurant in 2007.
- B. The Town Planning & Zoning Commission approved a patio for the site in 2010.
- C. In June of 2012, the applicant came in for a building permit for the patio. At that time it was found that the approved signed mylar was missing.
- D. When the signed mylar was provided and the grading plan was reviewed by the Zoning Enforcement Officer, it was determined that upland buffer area encroached upon the patio area.
- E. The applicant is unable to proceed with work on the patio at this time because there was no wetland permit in hand.
- F. The Town (through the Commission) has an opportunity (address matter through duly authorized agent) to act in a fair manner.
- G. The matter was reviewed with the Town Manager. It was the consensus at the meeting that the matter could be addressed by a duly authorized agent.

Commissioner Clark asked if the agent would have caught it earlier in the process? There was a general discussion among Commission members (listen to audio tape for the details of the discussion).

Chairman Block noted that in his opinion there is nothing of value left in the area. There was a general discussion among Commission members (listen to audio tape for the details of the discussion).

Mr. Greenlaw gave a general overview of what would remain to be done under the duly authorized agent before work could start on site (listen to audio for details of his remarks).

It was the consensus of Commission members to turn the matter over to the duly authorized agent.

ITEM V

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

Motion made by Commissioner Andreas to adjourn meeting at 8:50 p.m. and was seconded by Commissioner Clark. There was no discussion. Vote was 5 yes, 0 no and motion was carried.

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Peter M. Arburr, Recording Secretary

Commission Members

Tayna Lane, Town Clerk

Town Manager, John Salamone

Town Planner

Councilor Myra Cohen

Councilor David Nagel

Chairperson, Town Plan and Zoning Commission.

Peter Borman, Esquire, Town Attorney

Chris Greenlaw, Town Engineer

Lucy Robbins Wells Library (2)