



Inland Wetlands and Watercourses Agency

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SPECIAL MEETING MINUTES

Inland Wetlands and Watercourses Commission
Thursday, October 22nd, 2020 at 7:00 PM
The meeting was held remotely, via ZOOM:

This meeting was held remotely in accordance with Executive Order 7B part 1 and all speakers were required to identify their name and title each time they spoke.

1. CALL TO ORDER:

Chairman Peter Bassermann called the meeting to order at 7:05pm. He noted that meeting is in accordance with Executive Order 7B.

2. ROLL CALL:

Commissioners Present: Chairman Peter Bassermann, Suzanne Botta, Clarice Begemann, Steve Sullivan, Sandra Kraus, Richard Greenalch

Commissioners Absent: Sandra Kraus

Staff Present: Jaymie Frederick – Inland Wetland Agent, Abby York – Inland Wetland Associate

3. VIOLATIONS:

- i. Notice of Violation | 69 Chestnut Street | clearing and earth disturbance within the upland review area without a permit to conduct regulated activity
 - **Joe Iamunno** (Owner) and **Michael Bennett** (Land Surveyor with Bennett and Smilas) were both in attendance to report to the Commission.
 - **IW Agent Frederick** gave the background information for the notice of violation, citing a site visit with a representative from the building department.
 - **Chairman Bassermann** asked some questions and **IW Agent Frederick** noted the stabilization efforts that have taken place since the violation was issued. A silt fence had been installed on site and was functioning properly. **Chairman Bassermann** asked the homeowner to speak, and **Joe Iamunno** explained the circumstances.
 - **IW Agent Frederick** inquired and **Joe Iamunno** confirmed that any activities that would be taking place in an area of concern have already been completed.
 - **Comm. Botta** noted that a Cease and Correct Order may be the most effective next step, in order to expedite the stabilization process. **Comm. Rose** agreed, and asked **IW Agent Frederick** to share the site maps and photos. **IW Agent Frederick** shared her screen to orient the commissioners to the map and explain the photos taken.
 - **Mike Bennet** gave clarification for the property survey shared, noting that the map was prepared to show existing structures for acquisition of the property, rather than a site plan. **Bennett** noted that this explains why there are no contours or wetland information. Discussion regarding the survey commenced.

- **Chairman Bassermann** asked for clarification on the process of issuing a Cease and Correct Order, which **IW Agent Frederick** provided. Then, **Bassermann** asked for Commissioner input about the next step to take.
- The idea of a wetland delineation being done was brought up. **IW Agent Frederick** shared a map of the wetland delineations done on neighboring properties to better clarify the jurisdictional area of the IW Agency, regarding the Upland Review Area.
- **Joe Iamunno** noted that there was a halt on the building permit as a result of the NOV issued by the IW Agency. He asked if the Commission would allow him to continue building, to winterize the house. A brief discussion was had, where Commissioner consensus was reached that construction on the house, provided that it remain within the footprint of the house, should not be held up during the Cease and Correct Order.
- **IW Agent Frederick** clarified that the applicant does not need to wait for the hearing in order to accomplish the activities that the Commission is requesting get done. **Joe Iamunno** mentioned the seeding and other erosion control mechanisms he plans to set in place immediately. **IW Agent Frederick** added that a wetland delineation should be ready for review at the Cease and Correct hearing and **Joe Iamunno** agreed. There was a consensus about what to include within the Cease and Correct Order.
- **Comm. Greenalch** stated that it may be asking too much to request a wetland delineation to be done within the 10 days of the Cease and Correct Order, and suggested that the full map and wetland delineation be made available for the next regularly scheduled meeting on November 12. Commissioners agreed then further clarified the expectations they have for the site for review at the next meeting.
- The Commissioners decided on a Just Cause Hearing for Thursday, October 29th at 7pm, and **Joe Iamunno** confirmed he would be in attendance.

4. ADMINISTRATIVE DISCUSSION:

- i. Regulation revisions – discuss process and content to assess/revise, start discussing potential revisions for regulation amendment
 - **Chairman Bassermann** asked if there were any Commissioner objections to allowing for a brief public comment. **Comm. Botta** gave clarification about the regulation amendment process from DEEP, noting that based on their specifications, there was nothing prohibiting that. The Commission allowed for a public comment..
 - **Wayne Cook** (Citizen) said that he believes that, in the past, there has not always been good communication between the IW Agency and the public, whether that be in terms of notifying the public about changes in the amendments or in what the changes are. **Chairman Bassermann** again noted the regulation amendment process as required by DEEP, stating that the public will be notified as is required.
 - **IW Agent Frederick** gave background information about the revision comments, as made during her review or at previous meetings. **Chairman Bassermann** requested that context of importance be provided as reviewing the proposed changes.
 - **IW Agent Frederick** began by reviewing the changes, starting with two definition revisions for “Agent” and “Compensation.” There was a general consensus about making the two definition clarifications.
 - Next, **IW Agent Frederick** noted that a change in the language of Section 7.10a could make it more consistent with Section 7.8. Several questions were asked. **Chairman Bassermann** said he thought the proposed new wording would be an improvement.
 - **IW Agent Frederick** then moved onto Section 7.10b, where she noted that the wording could be changed to better provide context for this section. **Chairman Bassermann** asked for clarification on how the new schedule for reporting would

change from the current version. **IW Agent Frederick** explained that the timeframe that would go along with the proposed wording.

- Other concerns were brought up and changes were suggested and agreed upon.
- **Chairman Bassermann** asked if the reporting was restricted to the 5 years, to which **IW Agent Frederick** responded. **Comm. Botta** provided clarity on extending a reporting period if the Commission was not satisfied.
- **Comm. Rose** pointed out a few grammatical and structural changes that could be made for Section 7.10b. **IW Agent Frederick** noted the changes mentioned.
- **IW Agent Frederick** moved onto Section 7.12, asking the Commission to consider reducing the number copies per application. **Chairman Bassermann** asked if that is something that staff could direct as appropriate. **IW Agent Frederick** agreed.
- Section 9.5 was then introduced by **IW Agent Frederick**, which should reference a different section. After brief Commissioner questioning, the change was agreed upon and there was no further discussion about this revision.
- **IW Agent Frederick** discussed the proposed changes to Section 11.8, in terms of adding “Duly Authorized Agent” after the Agency and two small grammatical changes. Some questioning by the Commissioners followed.
- Section 13 was then discussed. **Chairman Bassermann** asked if other commissions in the town follow the same guidelines regarding bond requirements. A discussion followed, prompting **Bassermann** to suggest getting guidance from Town Counsel. **Comm. Botta** agreed. **Comm. Rose** asked what triggers a bond and the scope of work that would trigger a bond, noting that the entire section could be given some clarity.
 - **Chairman Bassermann** asked if the Commission would benefit from a review of bonds. **Comm. Rose** emphasized that there should be some predictable means by which the Commission require a bond. A consensus was reached to table any changes to this section until a fuller discussion could be had.
 - **Comm. Botta** asked **IW Agent Frederick** if there was any guidance from DEEP. **IW Agent Frederick** noted that she will check in with **Darcy Winther**.
 - **Chairman Bassermann** stated that this section is not a priority, but if staff can make the changes, it would be helpful to process the revisions at the same time.

Comm. Greenalch left 8:56pm

- **IW Agent Frederick** brought up Section 14, and discussed the changes noted. After a short discussion, there was a consensus to strike this change from the revisions.
- **IW Agent Frederick** moved on to Section 19, the application fees. One change she wanted to be discussed was the de-minimis fee. Some questioning followed. **IW Agent Frederick** noted that other towns do have this fee, although it is called a “Minimum Impact Activity fee”.
 - **Comm. Botta** noted that she is very much in favor of adding back the de-minimis fee. Further questioning along the lines of providing a definition and examples, in order to provide clarity to the public.
 - **Comm. Rose** suggested that this become the standard wetland application fee and if the activity is greater, the fee becomes higher.
 - **IW Agent Frederick** noted there are some similarities between this proposed structure and the fees for Planning and Zoning, except that IW Agency would assess fees based off of area of disturbance.
- **IW Agent Frederick** recommended several more wording changes to Section 19.

- **Chairman Bassermann** noted the time, saying that in order to discuss the fee schedule in its entirety, it may be best to revisit this in its entirety at another time.
 - **Comm. Botta** mentioned that a subcommittee could be formed to do some of the deeper work and then present their findings and proposed changes. Some discussion followed regarding the thoughts of the Commissioners.
- **Chairman Bassermann** requested for **IW Agent Frederick** to send out an email to recruit Commissioners to form a subcommittee to take a look at the fee structuring.
 - **Comm. Botta** noted that there may be a requirement for forming a subcommittee, to which **IW Agent Frederick** said she would look into the process and recommended postponing action until special meeting scheduled for 7pm on October 29th, 2020.

Comm. Botta made a motion to end the meeting. Comm. Rose seconded the motion. The motion carried unanimously (Y-N-A : 5-0-0). Meeting was adjourned at 9:20pm.

Respectfully submitted,

**Abby York
Inland Wetland Associate**