



# Inland Wetlands and Watercourses Agency

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## SPECIAL MEETING MINUTES

### Inland Wetland and Watercourses Commission Regulation Fee Review Committee

Thursday, January 21<sup>st</sup>, 2021 at 3:00 PM  
This meeting was held remotely, via ZOOM.

#### CALL TO ORDER:

**Chairman Peter Bassermann** called the meeting to order at 3:02pm. He noted that this is the fee revision subcommittee of the Inland Wetland and Watercourses Commission, the purpose of which is to propose changes and report them to the Commission for approval.

#### 1. ROLL CALL:

**Subcommittee Members Present:** Chairman Peter Bassermann and Eric Rose

**Staff Present:** IW Agent Jaymie Frederick and IW Associate Abby York

#### 2. DISCUSSION:

- a. Discuss possible fee revisions for recommendation to full Commission
  - **IW Agent Frederick** shared the document “Staff Notes 01.21.2021” with recommendations made by staff. **Chairman Bassermann** then asked what the fees are supposed to cover. Discussion regarding this was had. **IW Agent Frederick** shared language from the Connecticut General Statutes (CGS) regarding cost of applications.
  - **Comm. Rose** recommended that determining annual operating cost of the Agency and an hourly rate would be beneficial. **Chairman Bassermann** questioned if there was any language in the Agency regulations that goes beyond what the CGS say.
  - **Comm. Rose** stated that he interprets the CGS to allow for oversight during monitoring periods, etc., not just initial review of an application. **Comm. Rose** recommended that determining the cost of agency per year divided by number of operating hours to calculate an hourly rate to use for applications. **Comm. Rose** then questioned how fees would be applied for monitoring periods, etc.
  - **Chairman Bassermann** asked if language in the statutes precludes the agency from using a system where there’s a flat rate for a Cease & Correct order, Notice of Violation, application type, etc. **IW Agent Frederick** said that while there isn’t necessarily language that precludes this, she is unaware of any towns that assess fees in this way.
  - **Comm. Rose** mentioned the Town of Greenwich fees schedule [to be shared in the Dropbox and discussed at the next meeting] as an example.
  - **Chairman Bassermann** requested to discuss how area of disturbance is used as a way of assessing the cost of applications. **IW Agent Frederick** noted that this is used because, typically, larger projects have greater erosion potentials.
  - **Chairman Bassermann** requested staff contact Town Counsel about changing the fee structure. **Comm. Rose** added that a discussion with the Finance Department could also be beneficial.

- **IW Agent Frederick** pointed out the “Waiver” section of the regulations. **Frederick** noted that the applicant needs to submit a written request for the Commission to review and grant as they see fit. **Frederick** also recommended that a “de minimus” fee be added back to the regulations, especially given projects with minimal disturbance. Reintroducing a “de minimus” fee was further discussed.
- **IW Agent Frederick** noted that in previous regulations, a flat fee for a single home was used. **Frederick** stated that the bracket system was likely used to give a reduced fee to a smaller project that may not have as great of an impact as a larger project.
- **Comm. Rose** stated that it would be quicker and easier to calculate fees if a flat fee was used for each type of project. **Comm. Rose** asked if the fees are high enough to cover what is expected of the Agency by the Town. **IW Agent Frederick** said it will ultimately be up to the Commission to set the fees.
- **Chairman Bassermann** noted that it would be good to have a baseline fee for modest projects in the Upland Review Area and then have a system in place for assessing fees for applications that would be brought to the Commission.

**\*Chairman Bassermann left the meeting [tech. issues] at 3:58pm and rejoined at 4:03pm\***

- **Comm. Rose** noted that the revenue for the Agency is about 1/3 of the operating cost per the 2020 budget, then reiterated that it would be beneficial to ask Town Counsel/Finance Department what their expectations for the IW fees are.
  - **IW Agent Frederick** clarified the follow-up tasks for staff expected by the subcommittee for the next meeting, then discussed other proposed changes made by staff in the document “Staff Notes 01.21.2021”.
  - Discussion was had about adding language regarding refunds for an application fee. **Comm. Rose** suggested that within the fourteen day after the application was submitted, the fee can be refunded. After this point, the fee would non-refundable. **Chairman Bassermann** agreed.
  - The subcommittee continued discussion to charging fees for enforcement orders. **IW Agent Frederick** noted that she was unsure of a time where a fee has been charged for an enforcement. **Frederick** questioned the subcommittee if they would like for staff to follow up with Town Counsel. **Chairman Bassermann** and **Comm. Rose** confirmed they would, and requested that the language be shared to determine if the Agency would be within its rights to charge fees for enforcement orders.
  - **Comm. Rose** reiterated that a menu-style fee schedule would allow for no debate in assessing the fee. It would be easier for both applicants and staff. **Chairman Bassermann** agreed with **Comm. Rose’s** suggestion.
- b. Schedule next meeting
- **Chairman Bassermann** stated that given the workload associated with the upcoming meeting, it would be most appropriate to allow staff to focus on the Commission meeting and determine a time later on and relay that to the subcommittee.
  - **Comm. Rose** noted that he would be able do some research on his own. **IW Agent Frederick** requested that any research done by either of the subcommittee members be submitted to staff no less than 24 hours in advance.
  - February 18<sup>th</sup> at 3pm was tentatively added to the schedule as the next meeting date and time, with the understanding that at the February 11<sup>th</sup> meeting, staff could determine if they would be prepared for a subcommittee meeting on February 18<sup>th</sup>.

**ADJOURNMENT:**

**The meeting was adjourned at meeting at 4:50pm.**

**NO OTHER BUSINESS WAS CONDUCTED.**

**Respectfully submitted,**

**Abby York,  
Inland Wetland Associate**