



Inland Wetlands and Watercourses Agency

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SPECIAL MEETING MINUTES

Inland Wetland and Watercourses Commission Regulation Fee Review Committee

This meeting was held remotely, via ZOOM, on Monday, August 23rd, 2021 at 5:00 PM

CALL TO ORDER:

Chairman Peter Bassermann called the meeting to order at 5:08pm.

ROLL CALL:

Commissioners Present: Chairman Peter Bassermann and Eric Rose

Commissioners Absent: None

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

1. APPROVAL OF MINUTES:

a. July 22nd, 2021 meeting minutes

Comm. Rose made a motion to approve the minutes.

Chairman Bassermann seconded the motion.

The motion carried. (Y-N-A : 2-0-0)

b. August 10th, 2021 meeting minutes

Comm. Rose made a motion to approve the minutes.

Chairman Bassermann seconded the motion.

The motion carried. (Y-N-A : 2-0-0)

2. DISCUSSION:

a. Discuss possible fee revisions for recommendation to full Commission

- Staff and subcommittee members reviewed the discussion at the full Commission meeting on August 12th, 2021. It was noted the Commission determined to use area of disturbance based fees and they would be cautious designating specific distances for de minimis fees.
- Staff shared the current fee schedule with the subcommittee members and the fee schedule structure proposed based off of the subcommittee's discussion.
- Staff discussed the changes to the statutes and how it impacts the fee revisions. The subcommittee said based off of the new statutes, they may need to revised the definition used for multi-family housing. Commissioners recommended that activities that are just commercial could be assessed at a separate rate. Staff noted there has been some confusion with applicants who aren't considered either commercial or residential. The Subcommittee suggested the section be referred to as "Commercial, Industrial, and Utility".
- The subcommittee discussed whether the menu fees should either increase or decrease as the area of disturbance increases. Subcommittee members suggested the Commission redefine area of disturbance as it relates to the fee. Staff reminded the subcommittee that the Commission regulates activities, not areas, and while some Commissions define an Upland Review Area to help determine what they consider a regulated activity, that

- distance and area can change. Subcommittee members stated they may be more comfortable assessing fees based on disturbance in the Upland Review Area as opposed to total area of disturbance, if they increased the Upland Review Area to 200 feet. Staff shared some draft language defining disturbed area and said it may be worthwhile to bring this to the Commission to determine if they want to pursue this method.
- Staff and the subcommittee discussed how the process of extending the upland review area on a case by case basis, due to steep slopes or other circumstances. Commissioners expressed concern that an applicant outside of the Upland Review Area may not come to the Agency to see if a permit is required. Staff said building permits are reviewed by the department, and the review is either signed off on or the applicant is informed that they will need an Inland Wetlands permit.
 - The subcommittee discussed the definition of “Regulated Activity” and considered some changes to the language. Staff shared they believe there should be a definition for area of disturbance.
 - The subcommittee discussed having another subcommittee meeting before the September full Commission meeting. It was determined the next meeting would be held on Tuesday, September 7th at 5pm. Staff reiterated the subcommittee would like to see an area of disturbance definition, make adjustments based of the discussion around single and multi-family housing, and feedback from Town Counsel regarding a non-linear increase in the brackets from single family and multi-family housing.
 - Staff shared the example brackets as drafted for the subcommittee to review. Subcommittee members shared they don’t think the fees should decrease, and would like staff to address if the fees would decrease by assessing them based off of disturbance within the Upland Review Area. Staff stated it may be difficult to assess the change, as the revenue each year can vary greatly, depending on whether or not a large application is received.
- b. Prepare report for full Commission
- The Commission determined they would meet again on September 7th before making a full report to the Commission at the September 9th meeting.

ADJOURNMENT:

Comm. Rose made a motion to adjourn the meeting.

Chairman Bassermann seconded the motion.

The meeting was adjourned at 6:32pm.

Respectfully submitted,

**Abby York
Inland Wetlands Associate**