



Inland Wetlands and Watercourses Agency

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SPECIAL MEETING MINUTES

Inland Wetlands and Watercourses Commission

Thursday, February 17th, 2022 at 7:00 PM

This meeting was held remotely, via ZOOM.

CALL TO ORDER:

Chairman Peter Bassermann called the meeting to order at 7:02pm.

ROLL CALL:

Commissioners Present: Chairman Peter Bassermann, Clarice Begemann, Suzanne Botta, Melissa Funaro, Melissa Papantones, and Mark Steinberg

Commissioners Absent: Richard Greenalch

Staff Present: Jaymie Frederick – IW Agent

1) OTHER BUSINESS:

a) Regulation Revisions

i) Regulation Fee Subcommittee Report and draft fee changes

- Staff discussed with the Commission a general overview of the timeline of regulation amendments process and the details of the public hearing that will need to be held to approve the regulations.
- The Commission started the review of the regulation changes proposed with the changes to the fees. Staff talked through the proposed changes to the fees in section 19 of the regulations. Commissioners discussed how specific they should be.
- The Commission read the language regarding if fees should be assessed by the Total Area of Disturbance or the Upland Review Area of Disturbance. They determined they would assess the fees using the Total Area of Disturbance, since using the Upland Review Area of Disturbance would be difficult to assess and they want to apply the fees fairly and uniformly. Staff reminded the Commission that they should state their rationale for the changes they're making on the record at the public hearing.
- The Commission discussed if the DEEP fee should be required for violations. They determined to remove that language [§19.5] from the regulations.
- Staff reminded the Commission of the change in the statutes regarding residential housing, and shared the subcommittee's thinking in splitting up the fee assessment in the categories of "Residential Uses" and "Commercial & Other Uses". The Commission then reviewed the drafted fee bracket and discussed how that would work. Staff shared the draft document outlining how the numbers in the bracket were based and some alternatives. The Commission then discussed adding a fourth level to the bracket to account for projects with higher levels of activity.
- Staff discussed with the Commission the details of "Schedule A", the fees associated with the remediation/conservation activities and fee reduction

- requests. Commission did not want to pursue changes to “Schedule A” fee and agreed the remediation/conservation activities fee should be removed.
- The next change discussed was regarding the “Subdivision/Re-subdivision Referral”. Staff noted that it is their opinion that this should only apply in instances where a subdivision with wetlands on it is occurring that has no regulated activity.
 - Staff reviewed the language proposed for “Extra Assessments” regarding hiring a peer review and returning any unused funds. The Commission determined they are comfortable with staff and Town Counsel determining what is best.
 - Staff advised removing 19.5(f) from the regulations, as the guidance received from DEEP does not support requiring permits for corrective action per a Cease and Correct Order. Commissioners agreed that this should be removed from the regulations.
 - The language regarding the fee waivers was discussed, the Commission thought 19.7(c) should be added to the section. Commissioners discussed the wording of the section regarding the use of Agency and/or the Duly Authorized Agent. Commission thought Duly Authorized Agent should in included.
- ii) Discuss/review changes to regulations in response to statute changes, previous commission discussions and staff notes
- Staff continued walking the Commissioners through other changes to the regulations, including Section 21.1, regarding removing filing application forms in the Office of the Town Clerk, language which is not in the Model Regulations.
 - Staff then moved to the beginning of the draft changes document, including the sections regarding the revision dates listed and the list of commissioners and staff members. Staff then noted a changes suggested in the definitions section.
 - Staff moved onto section 7.6 and shared the proposed changes regarding the stormwater retention requirements, specifically regarding the language relating to the retention of the first inch. Commission was okay with changing first inch to Water Quality Volume (WQV). More review on threshold for requirement and whether to have reduced requirement for redevelopment. Directed staff to draft possible definition for redevelopment for next review.
 - Reviewed other minor changes to section 7: typo, updating a reference and adding a source for storm event data to be used in stormwater assessments.
 - Upon reaching the revisions to Section 7.10, the Commission determined to table further discussion.

ADJOURNMENT:

**Comm. Botta made a motion to adjourn the meeting.
Clarice Begemann seconded the motion.**

The motion carried unanimously. The meeting was adjourned at 8:53pm.

Respectfully submitted,

**Abby York
Inland Wetlands Associate**