



**MINUTES**

**November 12, 2015**

**PRESENT:** Liz Craig, Acting Chair, Tom Burgess, Nick Lee, Rick Stow, Mark Andrews, Dan Falta

**ALSO PRESENT:** Mike Conklin, Environmental Analyst; Liz Larkin, Recording Secretary; Kevin O'Brien, O'Brien Premiere Properties

**ABSENT:** John Hall (notified of intended absence)

**I. CALL TO ORDER**

Ms. Craig called the meeting to order at 7:30 p.m.

**II. PUBLIC HEARINGS - None**

**III. APPLICATIONS TO BE REVIEWED - None**

**IV. APPLICATIONS READY TO BE ACCEPTED**

**A. WET#2363(I) – PECK – 14 Wilton Acres – “emergency” septic replacement**

**B. WET#2366(I) – SARANIERO – 58 Forest Lane – “emergency” septic repair 35 ft. from wetlands**

Mr. Lee MOVED to ACCEPT the above applications, SECONDED by Mr. Burgess and CARRIED 5-0-0 as Mr. Falta was not present at this time.

**V. APPROVED MINOR ACTIVITIES**

**A. WET#2362(M) – WHITIN – 16 Edith Lane – “after-the-fact” installation of a shed**

**B. WET#2364(M) – OLSTEIN – 201 Sturges Ridge Road – install generator and propane tanks**

Mr. Conklin briefly reviewed all of the above minor applications that have been approved by staff.

**VI. CORRESPONDENCE – None**

**VII. OTHER APPROPRIATE BUSINESS**

**A. Fee Schedule Discussion** – Mr. Conklin distributed materials to the commissioners in response to a letter from Mr. O’Brien about the current fee schedule in place since September of 2013. Mr. Conklin stated that the fees were revised in 2013 for the first time since August of 2000. He explained that fees were not raised in so many years due to the recession, but with the economy improving and the increase in construction activity, the fees were eventually increased to be comparable with neighboring towns.

Mr. Conklin advised that other residents and agents have stated the current fee schedule is disproportionately high when there is a large amount of disturbance project wide, but not necessarily in the regulated area. Mr. O’Brien provided an example of these fees with an application he recently submitted and immediately withdrew due to the owners balking at the fee. Mr. O’Brien stated this is a 14 acre parcel with 12 acres in the rear under development. The Application fee would be equal to \$19,000, but the majority of the disturbance is outside the 100 ft. regulated buffer. He added that Planning and Zoning’s fee for this same subdivision is \$860.

Mr. Conklin explained what he proposes based on conversations with town counsel and applicants. He would like to discuss the possibility of making the additional fee reflective of the disturbance of the regulated area, instead of calculating the disturbance project-wide.

Mr. Falta joined the meeting and was seated.

Mr. Conklin explained applicants will find ways around paying the project-wide fee by submitting applications in pieces which is not desirable for the residents or the town. Mr. Falta stated that he thinks the commission should encourage development and not attempt to be a revenue generating department. Ms. Craig stated she was not in favor of the new home construction at 19 Lee Allen Lane as it did not leave enough of a lawn for the size of the home. She suggested that future owners will disturb the wetland when they eventually enlarge their yard. Mr. Falta disagreed with Ms. Craig and stated this commission cannot predict the future behavior of homeowners. Mr. Andrews added that this scenario would create an enforcement issue.

Mr. Conklin confirmed that the commission may not have foreseen that application fees could potentially be excessive. He provided an example of a 12-lot subdivision where only one or two lots have wetlands. The application fee for this activity could potentially be in excess of \$60,000. Mr. Stow stated it would be more logical to protect the regulated areas. Mr. Andrews concurred that the regulated area is our only jurisdiction. Mr. Burgess stated that the proposed new fee structure will encourage developers to avoid or minimize the disturbance in the regulated area.

Mr. Conklin noted that the application fees are meant to cover the cost of staff review and site inspections. He also noted that the law changed to allow the commission to request a third party review at the cost of the applicant.

Ms. Craig MOVED to ACCEPT the proposed fee change and send to the Board of Selectman for a vote unless a public hearing is warranted by the Commission on the matter, SECONDED by Mr. Burgess and CARRIED 6-0-0.

Mr. Andrews inquired if a public hearing would be required to change the fees. Mr. Conklin confirmed he would look into this with Town Counsel. Mr. Burgess asked if we would issue refunds to those applicants that had high fees. Mr. Conklin confirmed that this would not be possible as the application was already acted upon.

**B. 2016 Meeting Schedule** – Mr. Lee MOVED to APPROVE the 2016 Meeting Schedule as drafted, SECONDED by Mr. Burgess and CARRIED 6-0-0.

**C. 2016 Elections** – Mr. Falta MOVED to keep the current officers in place with Mr. Hall as the Chairman, Ms. Craig as Vice Chair and Mr. Lee as Secretary, SECONDED by Mr. Burgess and CARRIED 6-0-0.

**D. Approval of Minutes – October 22, 2015**

Mr. Lee MOVED to APPROVE the minutes as drafted, SECONDED by Mr. Burgess, and CARRIED 6-0-0.

**VIII. ADJOURN**

Mr. Andrews MOVED to ADJOURN at 8:32 pm, SECONDED by Mr. Burgess and CARRIED 6-0-0.

Respectfully Submitted,  
Liz Larkin  
Recording Secretary, Environmental Affairs