

Inland Wetlands Commission

MINUTES

Regular Meeting

October 30, 2019

4:00 p.m.

Main Level Meeting Room

Members Present: Mr. Papsin, Mr. Bedini, Mr. LaMuniere, Mr. Bennett, Ms. Branson, Alt., Mr. Kassis, Alt.

Staff Present: Ms. White, Mr. Tsacoyannis

Call to Order:

Mr. Papsin called the meeting to order at 4:00 pm.

Seated: Mr. Papsin, Mr. Bedini, Mr. LaMuniere, Ms. Branson, Alt., Mr. Kassis, Alt.

Commissioners and staff discussion regarding enforcement procedure questions to be sent to Counsel:

It was noted that changes to a town ordinance would need to go to Town Counsel, then the Selectmen, then a Town Meeting.

The Commissioners discussed Section 23 of the Inland Wetlands and Watercourses Regulations of the Town of Washington, Town Ordinance #720, subsection E. Schedule of Fines, last line "The failure to comply with any provision of an enforcement order shall constitute a separate violation and shall be subject to a separate citation and fine."

It was noted that the Wetlands Enforcement Officer (WEO) determines the timeframe needed to correct an issue after he has issued a cease and desist or stop order on work being done without a permit. The property owner is given a time period to correct, or bring the area back to its original state and this will be done on a case-by-case basis.

The Commission would like to seek counsel regarding the justification for raising fees.

The Commission discussed under the \$1000 fine, the phrase "for all other violations?" They feel this is vague and needs to be clarified. The Commissioners agreed that "for **any further** violations" should replace this phrase.

The Commissioner revisited the discussion regarding the last sentence in Section 23 of Town Ordinance #720. They discussed that the timeframe in which a property owner is to correct the violation will be decided by the WEO and/or the Inland Wetlands Commission (IWC). The WEO has the right to extend that time period if the property owner can prove unforeseen difficult circumstances.

Mr. Tsacoyannis stated that he starts with a verbal cease and desist, makes note of this in his field book, takes photographs, and adds it to his spreadsheet when he returns to the office. The Commission discussed whether there should be some sort of form, ticket, or written notice so that there is a record.

The Commissioners discussed Section 1 Enforcement – 15.04.a regarding “This notice shall be in the form of a letter to the person responsible for the violation and shall be delivered by Certified Mail/Return Receipt Requested.”

The appeal process was discussed.

The Commission agreed that Counsel should advise as to whether the field book and spreadsheet are sufficient for the record.

The Commission noted that wording within Town Ordinance #720, E. Schedule of Fines, 2, should be changed from “activity has not had a physical impact on a wetland or watercourse” to “activity has not had a **significant negative** impact on a wetland, watercourse or **the upland review area**.”

The Commissioners discussed the amount of the fines as they are written in T.O. #720. Ms. White stated that she researched surrounding towns and confirmed that the Town of Washington fines are much lower. They discussed how they would justify an increase in the fines. This would be another question to ask counsel.

5:04: Mr. Bennett arrived and is seated.

The Commission agreed to ask counsel about the procedure to increase the dollar amount of the fines. They discussed how these fines should act as a deterrent to property owners. The Commissioners would also ask counsel if each violation is charged separately in the event that multiple violations occur at one time.

Adjournment:

MOTION: To adjourn at 5:49 pm by Mr. Papsin, passed unanimously.

Respectfully Submitted,


Shelley White
Land Use Administrator,
November 6, 2019