



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Planning and Community Development

MEMORANDUM

TO: Inland Wetlands Agency/Conservation Commission

FROM: George K. McGregor, AICP, Director
Brittany MacGilpin, Wetlands Agent

DATE: September 19, 2023

SUBJECT: By-Law Revision—Affirmation of votes need to pass a motion

Pursuant to direction and discussion held by the Commission at its meeting on September 5, 2023, Staff recommends the following revision to the *Guidelines for Conservation Commission/Inland Wetlands and Watercourses Agency*:

Insert New Section I, under IV. Meetings

All votes and decisions shall require the affirmative vote of a majority of those members seated and constituting a quorum (for instance, if 6 or 7 members are seated, 4 affirmative votes are required for a motion to pass; if four or five members are seated, 3 affirmative votes are required).

Please note that no other changes are recommended at this time. Staff has attached the full and current guidelines for the Commission to review and evaluate for future changes, as necessary.

GUIDELINES FOR CONSERVATION COMMISSION/INLAND WETLANDS AND WATERCOURSES AGENCY

**Adopted 9/15/1981
Revised 4/4/1989; Amended 5/2/1992, 1/6/2015**

I. AUTHORITY

- A. The Commission acts as a Conservation Commission under the Connecticut General Statutes, Section 7-131a and by Town Ordinance on October 1, 1961.
- B. The Commission acts as the Inland Wetlands and Watercourses Agency of the Town under the Connecticut General Statutes, Section 22a-36 to 22a-45 inclusive as amended, and by Town Ordinance, October 1, 1973.

II. STRUCTURE

- A. Seven members and two alternates appointed by the Board of Selectmen under Chapter VIII, Section 805 of the Charter of the Town of Simsbury, and by the above sections of Connecticut General Statutes.
- B. Officers are Chairman, Vice Chairman, Secretary; elected for a two-year term at the first meeting of the Commission in September, or such other meeting and for such shorter term as the Commission may choose in order to fill a vacancy.

III. STAFF

- A. A Conservation Officer, as staff assistant to the Commission, has those administrative and technical responsibilities described in Duties of the Conservation Officer on file in the Commission Office. For the purpose of these Rules of Procedure, "Conservation Officer" shall mean any designated agent of the Commission. Procedural duties are further defined in the Inland Wetlands and Watercourses Regulations of the Town of Simsbury and directives of the Town Planner.
- B. The Minutes Clerk is responsible for taking and transcribing the minutes of all meetings. Appointed Town Staff is responsible for performing clerical duties necessary to the proper functioning of the Commission.

IV. MEETINGS¹

- A. The regular scheduled meetings of the Commission shall be held on the first and third Tuesdays of each month at 7:30 p.m.
- B. A quorum to conduct a meeting is four members.

¹ Connecticut General Statutes, section 1-18 (a) (b)

- C. The Commission shall adopt Robert's Rules of Order as a general guide for the conduct of all regular and special meetings.
- D. Order of Business
 - 1. Public hearings, if any.
 - 2. Applications for Inland wetlands Permits.
 - 3. Decisions related to public hearings for map amendments, amendments to the regulations, etc.
 - 4. Conservation concerns.
 - 5. Special items of interest.
 - 6. Staff reports.
 - 7. Announcements and correspondence.
 - 8. Minutes of previous meeting(s).

The Commission Chairman may change the order in drawing the agenda to accommodate applicants with time constraints or travel distance considerations.
- E. The meeting schedule for the following year shall be filed with the Town Clerk in November. Any meeting held on other than the filed dates is considered a "Special Meeting."
- F. Special or Emergency Meetings may be called by the Chairman.
- G. A Field Trip is considered a "Special Meeting" as a quorum is expected to be present.
- H. Executive sessions at which the public (including the Clerk) is excluded can only be held on matters concerning pending litigation and/or personnel issues.

V. AGENDA

- A. The Chairman, with the assistance of the Conservation Officer, shall be responsible for the compilation of the agenda (see Office Procedure Manual filed with the Conservation Office and also IV (D) above).
- B. The Conservation Officer shall distribute the agenda and, when possible, relevant resource material to Commission members, staff, and others approximately five days prior to the meeting. The agenda is filed with the Town Clerk and posted in the Town Office Building twenty four (24) hours before a regular or special meeting.
- C. The Commission may consider and act upon items not listed on the agenda of a regular meeting upon a two-thirds vote of those present and voting.

- D. Persons wishing to have matters placed on the agenda must file such a request with the Conservation Officer no later than seven (7) days before the date of the next meeting. Exception to this rule is the filing of an Inland Wetlands Permit Application which requires submission at least three working days prior to the day of the meeting.

VI. MINUTES

- A. Commission minutes shall be taken by the Minutes Clerk (See Section III (B) of these rules), or in her absence by the secretary, or other person designated by the Commission Chairman.
- B. Amendments or corrections to the minutes shall be by action of the Commission at a meeting.
- C. Approved minutes shall be entered promptly into the legal Minutes Book and signed by the Commission Secretary.

VII. SUBCOMMITTEES

- A. The Chairman may appoint subcommittees, members of which may include public volunteers, to undertake studies or projects.

VIII. INLAND WETLANDS AND WATERCOURSES PROCEDURES

- A. See Inland Wetlands and Watercourses Regulations, Town of Simsbury, Connecticut and Office Procedures Manual in the Commission office.
- B. Format for PUBLIC HEARINGS on Inland Wetlands Applications for Permits:
 - 1. Reading of call of the hearing by secretary.
 - 2. Chairman presents Rules for speakers, including limitation of presentations.
 - 3. Presentation by applicant.
 - 4. Reports from officials and agencies.
 - 5. Questions from commissioners.
 - 6. Statements or questions from the applicant regarding number 4 above.
 - 7. Repeat process of numbers 5 and 6.
 - 8. Statements or questions from members of the public.
 - 9. Response to number 8.
 - 10. Determination if hearing is to be closed, continued, or the record kept open.

IX. DECISION PROCESS

- A. In making their decision, the Commissioners shall rely upon their own knowledge, application documents, staff reports, testimony or evidence presented, minutes, and other official records of public hearings and public meetings. For Inland Wetlands Permit decisions, the Commission also follows its Inland Wetlands and Watercourses Regulations.

B. The DECISION - The Commission reserves the right to determine whether a matter is a “simple” or “complex” procedure.

1. For SIMPLE matters:

- a. Following general discussion, Commissioners arrive at a consensus.
- b. The formal decision is drafted and a vote taken on the motion as worded.
- c. The decision letter is typed by staff using the motions.

2. For decisions involving COMPLEX matters:

- a. Following general discussion, Commissioners arrive at a consensus.
- b. A rough draft of the consensus is prepared by staff and/or one or more Commissioners from tapes and minutes of the meeting, and made available to all Commissioners at least two days before the next meeting.
- c. A vote adopting the final wording of the Commission is necessary to complete the action of the Commission.

C. FOLLOW-UP PROCESS

- a. The Chairman checks the wording of the letter of final decision as typed by staff. As soon as the Chairman signs the decision letter, the document is an Official Document. If this decision is regarding an Inland Wetlands Permit, the original letter is sent to the applicant, a copy is filed with the Town Clerk for the records, and a legal notice is posted in the Simsbury Town Office and advertised in a local newspaper.

X. EX PARTE COMMUNICATIONS

While an application is pending, Conservation Commission members shall refrain from discussing the application with all interested parties. Commissioners may consult with each other only during a commission meeting and may consult with staff for technical advice on an application. An outside consultant retained by the Commission for technical advice only shall be considered “staff” for the purpose of this section. After a public hearing has been closed, commissioners may consult with staff for the purpose of clarifying matters within the scope of the documents or evidence received during the application process.

XI. AMENDMENTS

These rules may be amended at any regular meeting of the Commission by a majority of the commissioners, provided that at least ten (10) days’ notice shall have been given in writing to all members of the Commission to amend the same.

RESPONSIBILITIES OF THE SIMSBURY CONSERVATION COMMISSION AND INLAND WETLANDS AND WATERCOURSES AGENCY

I. CONTINUING

A. CHAIRMAN

1. Presides over meetings.
2. Schedules meetings.
3. Drafts agendas.
4. Assumes overall responsibility for Commission's actions.
5. Drafts annual report.
6. Checks wording and signs all decisions.

B. VICE CHAIRMAN

Assumes the responsibilities of the Chairman in the Chairman's absence.

C. SECRETARY

1. Is responsible for the minutes, and may take minutes in the absence of the Minutes Clerk.
2. Keeps informed of the location and structure of the Commission's files which are maintained by staff.
3. Signs the Minutes Book.

D. CONSERVATION OFFICER

See "Duties of the Conservation Officer."

II. MAJOR ACTION AREAS

A. Preservation of Open Space

1. Maintains land index.²
2. Conducts research on matters relating to open space and land use.²
3. Keeps informed on techniques, acquisition of land and easements, tax law, Federal and State programs and legislation.

B. Inland Wetlands and Watercourses.

C. Sedimentation and Erosion Control.

² Required of all local Conservation Commissions, See Section 7-131a, Connecticut General Statutes.

III. POTENTIAL ACTION AREAS

- A. Water supply and quality
- B. Forestry
- C. Fish and wildlife
- D. Plant life
- E. Agricultural lands
- F. Education and information
- G. Legislation
- H. Air quality
- I. Energy
- J. Transportation
- K. Recycling and waste disposal
- L. Others

IV. WORK WHICH MAY BE PERFORMED WITHIN A REGULATED AREA WITH STAFF APPROVAL

- A. Ordinary septic, sewer line, or other utility repair which cannot be scheduled in advance in order to fix a leak, etc.
- B. Work to an existing road or driveway which is the only access to a particular site in order to allow access to the site.
- C. Work performed at CT DEP's directive such as removal of oil or other tanks which may be leaking.
- D. Removal of residential oil tanks which must be done to comply with the Town's ordinance as long as the removal is done pursuant to a building permit.
- E. Work to an existing drainage system which lies outside the Town's street right-of-way in order to repair damage, but is not part of ordinary maintenance.
- F. New municipal storm drainage systems lying completely within the road right-of-way with less than 36" discharges.³
- G. Additions to existing municipal drainage systems.³
- H. Septic system repair located within the regulated 75-foot buffer area.
- I. Decks in the buffer.
- J. Second story additions on existing houses.

³ Approved by the Chairman, Conservation Commission - June 1984.