

BYLAWS  
of the  
TOWN OF SALISBURY  
INLAND WETLANDS & WATERCOURSES COMMISSION

ARTICLE I

Purpose and Authorization:

The objectives and purposes of the Inland Wetlands & Watercourses Commission (IWWC) of Salisbury, Connecticut are those set forth in Sections 22a-36 to 22a-45 inclusive of the Connecticut General Statutes (C.G.S.), and those powers and duties delegated to the IWWC by Town of Salisbury Ordinance No.125, effective October 28, 2020, as amended. Proceedings of the IWWC shall be in accordance with Sec. 8-7d and other pertinent sections of the C.G.S.

ARTICLE II

Office of Agency:

The office of the IWWC (sometimes hereafter the “Commission” or “Agency”) shall be at the Salisbury Town Hall, 27 Main Street, Salisbury, Connecticut, where all Commission records will be kept. Copies of all official documents, records, maps, etc., will be filed in the Land Use Office or recorded in the Town Clerk’s Office. The mailing address of the Agency is:

Town of Salisbury  
Inland Wetlands & Watercourses Commission  
P. O. Box 548  
Salisbury, CT 06068

ARTICLE III

Membership Established by Town of Salisbury Ordinance No. 125:

Section 1. The Commission shall consist of seven (7) regular members and three (3) alternate members, each of whom shall be an elector of the Town of Salisbury, holding no salaried municipal office. The terms of office have been classified pursuant to Ordinance No. 125

Section 2. Resignations from the Commission shall be in writing and delivered to the Town Clerk of Salisbury with a copy transmitted to the Chair, who will then forward same to the Board of Selectmen.

ARTICLE IV

Officers and Their Duties:

Section 1. The officers of the IWWC shall consist of a Chair, a Vice Chair and a Secretary, and shall have the duties normally conferred by parliamentary usage on such officers. All officers shall serve until their respective successors have been elected and duly qualified. All officers shall be regular members of the Commission.

Section 2. The Chair shall preside at all meetings and hearings of the Commission. The Chair may

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participate in all discussions of all matters before the Commission and may vote thereon, notwithstanding being the Chair of any meeting or hearing. The Chair shall have authority to appoint committees from all the membership of the Commission, call special meetings, and perform other duties as may be prescribed in these bylaws, or by resolution of the Commission as authorized by the Inland Wetlands and Watercourses Act.

Section 3. The Vice Chair shall act for the Chair in the event of the absence, recusal or disqualification of the Chair at any meeting or hearing of the Commission and have the authority to perform all the duties prescribed for that office.

## ARTICLE V

### Election of Officers:

Section 1. At the first regular meeting in the month of January officers will be elected, and these bylaws reviewed. The recording secretary shall record such proceedings and make them a part of the minutes of the annual meeting. Five regular members must be present before election of officers can take place.

Section 2. Nominations shall be made by members of the Commission at the annual meeting and election specified in the preceding Article shall follow immediately thereafter.

### Section 3

- a. The candidate for Chair receiving a majority vote of the regular members voting shall be declared elected and shall serve a term of one year, and until a successor shall take office.
- b. The candidate for Vice Chair receiving a majority vote of all the members (including alternate members) voting shall be declared elected and shall serve a term of one year, and until a successor shall take office.
- c. The candidate for Secretary receiving a majority vote of all the members (including alternate members) voting shall be declared elected and shall serve a term of one year, and until a successor shall take office.

Section 4. A vacancy in any officer position shall be filled by members of the Commission at any meeting warned for that purpose who shall vote for a successor following the election procedure set forth in the preceding Sections 2 and 3 of this Article.

## ARTICLE VI

### Meetings

Section 1. Regular meetings of the IWWC shall be held on the second and fourth Monday of each month (except for November & December when there will be only one meeting per month). During the regular November meeting, a meeting schedule for the ensuing year shall be established. All regular meetings will begin at 6:30 p.m. at the Town Hall unless otherwise noticed. In the event of a conflict with holidays or other events, meetings will be held on the Tuesday following the 2<sup>nd</sup> or 4<sup>th</sup> Monday. A

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majority vote may change the date of said meeting. The membership shall be notified of regular and special meetings not less than 24 hours in advance of such meeting. All meetings, including special and emergency meetings shall comply with the Freedom of Information Act, C.G.S. Chapter 14, Sec. 1-200. The notice of the meeting shall include the proposed Agenda of the meeting.

Section 2. Four members of the Commission shall constitute a quorum, and the number of votes necessary to transact regular business shall be a majority of those members of the Commission present and voting at the meeting. Map and regulations amendments in accordance with 22a-42a(b), require an affirmative majority vote of the Commission.

Section 3. All IWWC meetings shall be open to the public. Executive Sessions may be held upon an affirmative vote of two thirds of the members of the Commission present and voting taken at a public meeting and stating the reasons for the executive session, as defined in the Freedom of Information Act.

Unless an alternate member is appointed by the Chair to sit in the place and stead of a regular member, no alternate member may be part of the deliberation following a public hearing, but may participate in discussion at regular meetings or public hearings whether such alternate member is voting at that meeting or hearing.

Section 4. Seating of alternate member from the panel of alternates. The Chair shall designate an alternate member from the panel of alternates to act in place of a regular member. The Chair shall choose alternates in rotation so that all alternate members shall act as nearly equal a number of times as possible in filling absences. If any alternate member is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting or hearing.

## ARTICLE VII

### Order of Business at Regular Meetings

Section 1. Unless otherwise determined by the Chair, the order of business at regular meetings shall be:

- a. Call to order, roll call and seating of alternate members if appropriate
- b. Amend the proposed Agenda if additions, deletions, or other changes are to be made.
- c. Approve the Agenda, which shall also include the following items d. through h.
- d. Approve minutes of previous meeting(s) and public hearings
- e. Public Comments –Note: Public comment is restricted to items that are neither on the agenda nor the subject of any pending IWWC application
- f. Receive and schedule action upon applications, appeals and other items of new business
- g. To conduct such other business that is proper to come before the Commission
- h. Receive communications
- i. Adjourn

Section 2. No other business may be added to the approved Agenda except by two thirds vote of the Commission. No item of the approved Agenda may be dispensed with or deleted except by a majority vote of the IWWC.

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ARTICLE VIII

Public Hearings

Section 1. All public hearings prescribed by law shall be held in accordance with the provisions of Chapters 124 and 440 of the Connecticut General Statutes and shall be conducted in conformity with the Freedom of Information Act. The Commission will publish their public hearing legal notices in the Lakeville Journal, unless a holiday prohibits proper notification, in which case such notices shall be published in the Waterbury Republican.

Section 2. Evidence and testimony at all hearings shall be recorded as provided in accordance with C.G.S. Sec. 8-7a. Proceedings of the hearing shall be incorporated into the minute book of the Commission to be a permanent part of that record.

ARTICLE IX

Conduct of the Public Hearing

Section 1.

- a. Four members of the IWWC including alternate members seated from the panel of alternates shall constitute a quorum in order to conduct the public hearing.
- b. The Chair shall act as presiding officer of the public hearing.
- c. If the Chair is unable to preside at the public hearing, then the Vice Chair shall act as presiding officer of the public hearing.
- d. If neither the Chair nor Vice Chair is able to preside at the public hearing, then the membership of the Commission seated for the hearing shall select one from among its number, who shall act as presiding officer of the public hearing.

Section 2. The Secretary shall read the legal notice and note the dates and newspaper in which the legal notice was published.

Section 3. A summary of the application shall be stated by the presiding officer at the opening of the public hearing. The presiding officer shall describe the method of conduct of the hearing.

Section 4. The presiding officer shall:

- a. First recognize the applicant or appellant to testify and give evidence in support of the application.
- b. Next, proponents supporting the applicant shall be given a fair opportunity to give testimony and present evidence in favor of the application.
- c. Then, the presiding officer shall recognize those opposed to the application and allow them a fair opportunity to testify and present evidence against the application.

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d. At any time, the presiding officer shall recognize any Commission member who shall be given the opportunity to question and seek information from any person who has been recognized to speak or testify at the hearing.

e. And finally, prior to the close of the hearing, the applicant shall be given an opportunity to rebut any testimony or evidence given previously by others at the hearing.

Section 5. The presiding officer may require that all questions and comments at the public hearing must be directed through the presiding officer after a speaker is properly recognized by the presiding officer in accordance with usual parliamentary procedure.

Section 6. All persons recognized to speak shall approach the hearing table in order to facilitate proper recording of comments. Before commenting or giving testimony on the matter before the hearing each person so recognized shall give his or her name and address for the record.

Section 7. The presiding officer shall conduct an orderly hearing and shall take steps necessary to maintain the order and decorum of the public hearing at all times. The presiding officer has the right to postpone and continue the hearing to a future date in the event the public hearing becomes unruly and unmanageable in the sole opinion of the presiding officer. When all proceedings before the Commission have been completed or the statutory timeframe will expire, the presiding officer shall entertain a motion to close the public hearing.

Section 8. Any member of the IWWC, including any alternate member, may participate in discussion and ask questions of all who appear at the public hearing until the close of the hearing. However, after the close of the public hearing (or any continuation thereof), only regular members and alternate members who are seated in the place of regular members may participate in the deliberations of the Commission leading to its decision and vote upon the matter.

Section 9. Hearings and decisions of the Commission upon the matter before it shall be made in compliance with the requirements and time limits of C.G.S. Sec. 8-7, 8-7a and 8-7d.

## ARTICLE X

### Administrative Matters

Section 1. Employees. Within the limits of the funds available for its use, the IWWC may employ such staff personnel and/or consultants as it sees fit to aid the Commission in its work. Appointments and engagements shall be made by a majority vote of the membership.

Section 2. Spokesperson. The Chair or a duly appointed Commission member or staff person shall act as public spokesperson for the IWWC. Such duties include the preparation of any news releases to be distributed to the communications media. All releases shall reflect the thinking of the majority of the Commission.

Section 3. Media Matters. Admission of the press and communications media to all meetings and hearings of the Commission shall be conducted in conformity with the Freedom of Information Act

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Section 4. Attendance. Members and alternates shall notify the Chair or appointed designee of any absence prior to any meeting or hearing.

Section 5. Base Application Fees. In accordance with C.G.S. Sec. 22a-42a(e), the Inland Wetlands & Watercourses Commission may require a filing fee to be deposited with the agency.

a. The amount of such fee shall be sufficient to cover the reasonable cost of reviewing and acting on applications and petitions, including, but not limit to, the costs of certified mailing, publications of notices and decisions and monitoring compliance with permit conditions or agency orders.

b. A schedule of fees may be adopted or amended by a majority vote of the IWWC, only after the proposed change has been introduced, read and discussed at a meeting of the Commission.

Section 6. Fee Schedule. Applications shall be subject to the following fee schedule:

<u>Type</u>	<u>Proposed</u>	
<u>Permit for Regulated Activities (Agent)</u>	<u>\$65*</u>	<u>*\$60 State Fee Applies</u>
<u>Permit for Regulated Activities (Commission)</u>	<u>\$150*</u>	<u><sup>1</sup>All Lots in</u>
<u>Subdivision</u>	<u>\$75/Lot*<sup>1</sup></u>	<u>Subdivision</u>
<u>Appeal of Agent Decision</u>	<u>\$150</u>	<u><sup>2</sup>Public</u>
<u>As of Right/Nonregulated</u>	<u>No Fee</u>	<u>Hearing Fee</u>
<u>Regulation Amendment</u>	<u>\$350*<sup>2</sup></u>	<u>Applies</u>
<u>Map Amendment</u>	<u>\$350*<sup>2</sup></u>	
<u>Permit Transfer, Modification, or Renewal</u>	<u>\$50*</u>	
<u>Conditioned Permit Monitoring Fee</u>	<u>Case by case</u>	
<u>Monitoring Compliance with Order</u>	<u>Case by case</u>	
<u>Public Hearing Fee</u>	<u>\$250.00</u>	

Section 7. Escrow for Outside Consultants. In addition to base application fees, and due to the technical nature of applications, there may be a need for outside consultant services. In accordance with the Town of Salisbury Ordinance No. 84, the agency shall charge the applicant a surcharge fee to fund the approximate actual costs of processing the application. The expenses for such outside consultants may be estimated by the permit granting authority upon receipt of the application, based upon the projected expenses of reviewing, evaluating and processing the application. This reasonable estimate, together with the appropriate application fee stated above, shall be paid forthwith, and the application shall be deemed incomplete until these fees have been submitted. The fee shall be paid within 10 days of the applicant's receipt or notice of such estimate. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after publication of the agency's decision.

Section 8. Fee Waiver. The applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this subsection. The Agency may waive all or part of the application fee if the Agency determines that:

a. The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or

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b. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.

c. The applicant has shown good cause.

The Agency shall state upon its record the basis for all actions under this subsection.

ARTICLE XI

Amendments:

a. These bylaws may be amended by a majority vote of the IWWC, only after the proposed change has been introduced, read and discussed at a previous regular meeting of the Commission.

b. If there be any conflict or inconsistency between the term of these bylaws and the laws of the State of Connecticut, then such laws shall control and prevail over the terms of these bylaws.

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ADOPTION CLAUSE:

These bylaws have been duly approved and adopted as “Bylaws of the Inland Wetlands & Watercourses Commission of the Town of Salisbury” at a meeting called to approve the same on DATE, 2022. These bylaws are a public record described in C.G.S. Sec 8-5 and are filed in the records of the Commission.

These bylaws have been duly amended and adopted by the Commission in the form set forth above at a meeting held for that purpose on DATE, 2022

Signed and dated at Salisbury, Connecticut, this DATE<sup>th</sup> day of MONTH-2022

Chair Attest: \_\_\_\_\_

Secretary \_\_\_\_\_