

COLCHESTER CONSERVATION COMMISSION
BY-LAWS
Amended, Effective July 13, 2005

Authorization

The Conservation Commission of the Town of Colchester exercises the powers set forth in Section 7-131a of the Connecticut General Statutes and serves as the Inland Wetlands Agency for the Town of Colchester pursuant to Connecticut General Statutes Sections 22a-36 through 22a-45. The Commission is authorized to adopt rules for the transaction of its business. The enabling ordinances can be found at Chapter 39 of the Code of the Town of Colchester, available in the Town Clerk's Office.

Meetings

The Commission shall hold regular meetings, at least once a month, open to the public. The agenda for each of the regular meetings shall be posted in the Town Clerk's Office and on the Bulletin Board in the Code Administration/Planning & Zoning Department.

The Commission may hold special meetings as the need arises. Such meetings shall be called by the Chairman. These meetings shall be open to the public. The Town Clerk shall be notified of them 24 hours in advance.

In the absence of the Chairman and Deputy Chairman the members present shall elect a temporary Chairman for the conduct of that meeting.

All meetings will be run by the Chairman in an informal roundtable fashion unless the Commission decides to follow parliamentary procedures.

While meetings are open to the public they are not public hearings. The agenda shall contain a Public Comment section where the public shall have the right to address the Commission on matters not otherwise on the agenda. Requests to speak on items on the agenda shall be made to the Chairman. Decisions on such requests shall be made by the Chairman unless objection is raised by any member, in which case, a vote of the Commission shall decide.

At a meeting the Commission may vote to go into Executive Session only for those purposes identified in the Freedom of Information Act. The minutes must record the times at which an Executive Session begins and ends.

Procedures

All activities of the Commission shall be in accord with the applicable sections of the Connecticut General Statutes, as revised

Members

The Commission is comprised of five regular and three alternate members.

A quorum consists of three voting members or alternates. Neither proxies nor telephone votes shall be accepted.

All votes of the Commission shall be decided by simple majority, except as otherwise required by statute. There will be no secret ballots. In the event of a tie vote, the question shall be considered rejected.

In the event of a conflict of interest, either real or apparent, members affected shall recuse themselves from participation in decisions of the Commission.

An alternate member shall vote in the place of a member (a) who is absent or (b) who is abstaining because of conflict of interest. When the need for an alternate arises, the Chairman shall assign them in rotation, from meeting to meeting, from among the available alternates.

Officers

There shall be two officers of the Commission: A Chairman and a Deputy Chairman. Their terms of office shall be one (1) year, or until a successor has been elected. They shall be elected by the members of the Commission at the regular December meeting. The members may fill any vacancy in the position of any of the officers.

Duties of Officers

The Chairman shall set the dates of Commission meetings and shall notify the Town Clerk of the dates of all regular and special meetings. The Chairman shall establish the agenda for each meeting. The Chairman shall arrange that a record of all meetings be made available to the Town Clerk.

The Chairman shall sign all mylar plans of subdivisions approved by the Commission.

The Chairman shall assign members and/or agents of the Commission, including municipal enforcement officers, to investigate areas of concern, to make site inspections, to sign administrative documents on behalf of the Commission, and to carry out other duties as are necessary for efficient operation of the Commission.

In the absence of the Chairman, the Deputy Chairman shall have all the powers of the Chairman.

Public Hearings

Public Hearings held by the Commission shall be chaired by the Chairman or any member designated by the Chairman.

All who have an interest in the matter being heard shall have the right to speak at Public Hearings of the Commission. They shall speak in rotation in the order in which their request to speak has been recorded in date and time order. The Chairman shall have the power to rule statements or questions out of order if they are beyond the scope of the Hearing or if they require legal opinions which should be referred to legal counsel.

At Public Hearings written statements may be accepted from the public in lieu of verbal statements. Such written statements shall be read into the record, and filed with the minutes of the hearing.

A record of Public Hearings shall be filed in the records of the Commission.

Preliminary Reviews

Public Act 03-184 provides the statutory authorization for pre-application review by the Commission at the applicant's request. It also specifies that such reviews are not binding on the applicant or the commission. Any written materials related to pre-application or preliminary reviews should reiterate that limitation, as well as clearly state that the review does not create any vested right.

Recommendation on the Acquisition of Land or Interest in Land

Pursuant to the Board of Selectmen policy adopted April 3, 2003 and the Ordinance Creating an Open Space Preservation Fund, the Conservation Commission shall make recommendation to the Board of Selectmen prior to their consideration of acquisition or acceptance of land or interest in land. The Commission in their review and assessment of property may seek input from other Town agencies, such as the Parks & Recreation Department, Public Works Department, and Zoning & Planning Commission, as appropriate.

Conservation Easements

The Conservation Commission utilizes two forms of Conservation Easement. The "Standard" Easement is very limited in activities allowed to the property owner, e.g.: the removal of debris and dead trees, pruning and thinning of live trees for aesthetics and safety, and the planting of trees and shrubs to enhance wildlife habitat. It is appropriate to traditional small-lot subdivisions, and is intended for the principal purpose of protecting natural resources. The "Stewardship" Easement, appropriate to larger properties and to the protection of upland as well as wetland areas, includes an expanded list of Covenants and Exceptions which allows for traditional uses of the land such as agriculture, wood lot and wildlife habitat management, and outdoor recreational activities, consistent with the purposes of the easement. Both easements require that any proposed activity be approved by either the Wetlands Enforcement Officer or the Conservation Commission to assure that they are consistent with purposes of the easement and are undertaken in a manner to minimize detrimental impacts to the natural character of the land. The Commission may modify or amend the covenants in either form of easement as appropriate to any particular application.

Annual Report

The Commission shall prepare an Annual Report for inclusion in the Annual Town Report. Such report shall include major actions taken by the Commission and the plans for the following year.

Budget

The Commission may present justified funding requests through the Code Administration Department for inclusion in that Department's budget.

Amendments

These by-laws may be amended by a majority vote of the Commission. Such amendments shall be effective immediately after being passed at two consecutive meetings.

ADOPTED – JANUARY 13, 1988 (Approved 12/9/87 and 1/13/88)

AMENDED AND APPROVED June 14, 1995 and July 12, 1995

AMENDED AND APPROVED June 8, 2005 and July 13, 2005