TOWN OF EAST WINDSOR

PUBLIC TOWN MEETING NOTICE

The legal voters of the Town of East Windsor are hereby warned that a Town Meeting will be held at the Town Hall, 11 Rye Street, Broad Brook, CT and via Zoom on Thursday, August 19, 2021, at 7:30 p.m. for the following:

Item 1: To consider and discuss the ordinance establishing Wetland Violation Citations and Procedures, a means by which the Town of East Windsor can effectively enforce the Town of East Windsor Inland Wetland and Watercourses Regulations (the Regulations), with the implementation of citations and fines for violations and continued noncompliance of the Regulations.

Item 2: To consider and discuss the ordinance to establish the criteria and process by which certain lands in the Town of East Windsor may be classified as "open space" for the purposes of property taxation ("Open Space Classification") in accordance with Section 12-107e of the Connecticut General Statutes.

Item 3: To consider and discuss the renaming the Filter Beds to Trolley Crossing.

Item 4: To consider and discuss the renaming the property on Route 140 formerly owned by the Henzel family to Heritage Park.

Item 5: To consider and discuss the renaming the park at the end of Cemetery Road as the Master Sergeant Richard U. Sherman Town Park.

Dated at East Windsor, Connecticut this 12th day of August 2021.

EAST WINDSOR BOARD OF SELECTMEN

Jason E. Bowsza, First Selectman

Marie E. DeSousa, Deputy First Selectman

Charles F. Nordell, Selectman

Sarah A. Muska, Selectman

Alan Baker, Selectman

Join Zoom Meeting; https://us06web.zoom.us/j/7148971799
Meeting ID: 714 897 1799
One tap mobile
16465588656,,3326833563# US (New York)
13126266799,,3326833563# US (Chicago)
Dial by your location
+1 646 558 8656 US (New York)
+1 312 626 6799 US (Chicago)
+1 301 715 8592 US
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US
Meeting ID: 714 897 1799

Item #1

Item 1. To consider and discuss the ordinance establishing Wetland Violation Citations and Procedures, a means by which the Town of East Windsor can effectively enforce the Town of East Windsor Inland Wetland and Watercourses Regulations (the Regulations), with the implementation of citations and fines for violations and continued noncompliance of the Regulations.

Shall the Town adopt the ordinance establishing Wetland Violation Citations and Procedures? Yes _____ No _____

I move the foregoing resolutions be adopted.

Item #2

Item 2. To consider and discuss the ordinance to establish the criteria and process by which certain lands in the Town of East Windsor may be classified as "open space" for the purposes of property taxation ("Open Space Classification") in accordance with Section 12-107e of the Connecticut General Statutes.

Shall the Town adopt the ordinance establishing Open Space Classification?
Yes _____ No _____

I move the foregoing resolutions be adopted.

Item #3

Item 3. To consider and discuss the renaming the Filter Beds to Trolley Crossing.

Shall the Town rename the Filter Beds to Trolley Crossing?
Yes _____ No _____

I move the foregoing resolutions be adopted.

Item #4

Item 4. To consider and discuss the renaming the property on Route 140 formerly owned by the Henzel family to Heritage Park.

Shall the Town rename the property on Route 140 formerly owned by the Henzel family to Heritage Park?
Yes _____ No _____

I move the foregoing resolutions be adopted.

Item #5

Item 5. To consider and discuss the renaming the park at the end of Cemetery Road as the Master Sergeant Richard U. Sherman Town Park.

Shall the Town rename the park at the end of Cemetery Road as the Master Sergeant Richard U. Sherman Town Park?
Yes _____ No _____

I move the foregoing resolutions be adopted.

TOWN OF EAST WINDSOR
Wetlands Violation Citations & Procedures, Ordinance # 2021-_____

The following ordinance was adopted at a Special Town Meeting duly warned and held on _____.

BE IT ORDAINED:
ORDINANCE ENTITLED "WETLANDS VIOLATION CITATIONS & PROCEDURES"

A. Purpose:
The purpose of this Ordinance is to establish penalties for violations of the Town of East Windsor Inland Wetlands and Watercourses Regulations (the "Regulations"), establish a procedure for issuance of citations to violators, for collections of fines and to have the Town of East Windsor's citation hearing procedure apply to citations hereunder issued.

B. Statutory Authority:
Pursuant to Connecticut General Statutes ("C.G.S.") Section 22a-42g, as may be amended, and in addition to the remedies provided in C.G.S. Section 22a-44, the Wetlands Enforcement Official is authorized to issue citations for violations of the Town of East Windsor Inland Wetlands and Watercourses Regulations to the extent and manner provided for herein. A citation may be issued for those types of Inland Wetlands and Watercourses violations specified in Section C of this ordinance. In such instances, each citation will apply jointly and severally to the person who owns the property and such person's employees, agents, contractors, and subcontractors, as the case may be. Each day that any violation continues shall be deemed a separate offense, for which a separate citation may be issued. No citations may be issued against the State or any State Official or employee acting within the scope of his employment.

C. Issuance of Citation(s); Schedule of Fines:
Any person who commits, takes part in, or assists in, any violation of the Town of East Windsor Inland Wetlands and Watercourses Regulations shall be issued a citation in accordance with the Town of East Windsor Inland Wetlands and Watercourses Schedule of Fines ("Fines Schedule"). The Fines Schedule shall be maintained and updated by the Inland Wetlands and Watercourses Agency and kept in the East Windsor Planning and Development Office.

All fines assessed and due hereunder shall be made payable to the Treasurer, Town of East Windsor. Such payment(s) shall be made inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment(s).

Nature of Violation (for activities with no active permit):
1. Conduct, activities in the upland review area which do not pose an immediate danger to a wetland or watercourse.
2. Conduct activities in the upland review area which may pose an immediate danger to a wetland or watercourse.
3. Conduct activities in a wetland or watercourse which cause limited and/or correctable damage to a wetland or watercourse.
4. Excavating, filling and/or draining of any portion of a wetland or watercourse.
5. Diverting, damming, or otherwise changing the course of a watercourse.
6. Conduct any activity which causes sediment to flow into any wetland or watercourse or otherwise causes the pollution of a wetland or watercourse.
7. Conduct activity, in an inland/wetland or watercourse or regulated area, or any other regulated activity not listed above.

Nature of Violation (for activities with an active permit):
1. Failure to install and maintain silt control measures, silt fence, haybales, riprap and other similar sediment controls measures in accordance with an approved plan.
2. Non-compliance with permit conditions.
3. Conduct which exceeds the scope of the wetlands permit and encroaches upon or impacts upland review areas.
4. Conduct which exceeds the scope of the wetlands permit and encroaches upon or impacts a wetland or watercourse.

Each day that the violation remains uncorrected shall be considered a separate offense. **Fines may accrue for each day that a violation continues.**

D. Service of Notice; Citation:

Any citation issued under this Ordinance shall be in writing and shall be deemed to have been sufficiently given, for all purposes, if provided in one of the following forms, unless otherwise stated:

1. In-hand service, by the Wetlands Enforcement Official or designated agent and/or employee.
2. Certified mail return receipt requested and regular mail, to the last known address of the person cited or to the address listed in records at the Assessor's Office.
3. Service by a State Marshal who shall serve the person named in the citation in-hand or by leaving a true copy of the citation at the usual place of abode of such person or by any other service authorized for the service of civil process in the State of Connecticut. Marshal's service shall be effective at the time the personal, abode or other service is made by the serving marshal.
4. A citation sent by regular mail shall be deemed and considered received on the fourth (4th) business day following mailing.

The Wetlands Enforcement Official shall file and retain a true and accurate copy of (i) the original citation so served, (ii) the date, place, and manner of service, and (iii) the date of mailing if service is effectuated by mail. If service is executed by a State Marshal, the Marshal's return of service shall be filed and retained by the Wetlands Enforcement Official.

E. Citations and Procedures:

1. Any person that is issued a citation pursuant to this Ordinance shall be afforded a period of 30 (thirty) calendar days, from receipt of said citation, to make an uncontested payment of the fine specified in the citation. If the person cited makes an uncontested payment, in full of the fine within the prescribed 30 (thirty)-day period, the IWWA agent shall make a record of such payment and issue a confirmation to owner that the violation has been remedied and no further action is needed. The amount of such fine shall be equivalent to the amount provided in the Fines Schedule, in accordance with Section C of this Ordinance.

2. If a person who has been issued a citation does not make an uncontested payment, in full of the fine specified in the citation and within the time allowed under Section E.1 of this Ordinance, the Wetlands Enforcement Official shall, within three (3) months of the expiration of said uncontested payment period, send a notice to the person cited, informing such person:
   a. Of the allegations against him or her and the amount of the accumulated fines, as established by the Fines Schedule.
   b. That the person cited may contest liability before a Hearing Officer appointed by the Board of Selectman, as provided in Section E.5 of this Ordinance, by delivering, in person or by mail, within ten (10) days of the date of the notice, a written demand for a hearing.
   c. That if the person cited does not demand such a hearing within, an assessment and judgment shall be entered against him or her.
   d. That such judgment may issue against him or her without further notice.

3. If the person who is sent the notice pursuant to Section E.2 above chooses to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine(s) so assessed, either in person or by mail, to the Planning Office of the Town of East Windsor. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the notice described in Section E.2 shall be deemed to have admitted liability, and the Wetlands Enforcement Official shall certify to the Hearing Officer that such person has failed to respond. The Hearing Officer shall thereupon enter and assess the fines provided for by this section and shall follow the procedures set forth in Section E.4 of this Ordinance.

4. The Board of Selectman shall appoint one citation Hearing Officer to conduct hearings provided by this section. Hearing Officers shall serve for terms of two (2) years, unless earlier removed for cause. Neither the Wetlands Enforcement Official nor any employee, agent or member of the Town of East Windsor Planning and Development Department or Inland Wetlands Commission who exercises Wetlands Commission Authority may be appointed as a Hearing Officer.

5. Any person who requests a hearing shall be given written notice of the date, time, and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of hearing notice, provided that the Hearing Officer shall grant, upon good cause

shown, any reasonable request by any interested party for postponement or continuance. An original certified copy of the initial notice of violation issued by the issuing official shall be filed and retained by the municipality and shall be deemed to be a business record within the scope of CGS §52-180 and evidence of the facts contained therein. The presence of the Wetlands Enforcement Official shall be required at the hearing. A person wishing to contest liability shall appear at the hearing and may present evidence on his or her behalf. The Wetlands Enforcement Official may present evidence on behalf of the Town of East Windsor. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him or her upon a finding of proper notice and liability under the applicable provisions of the Town of East Windsor Inland Wetlands Regulations and this Ordinance. The Hearing Officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such a person is unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as he or she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his or her decision at the end of the meeting. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against such person as provided by this Ordinance.

5. If such assessment is not paid on the date of its entry, the Hearing Officer shall send, by first class mail, a notice of the assessment to the person liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court, together with the appropriate entry fee. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes pursuant to C.G.S. 7-152c.

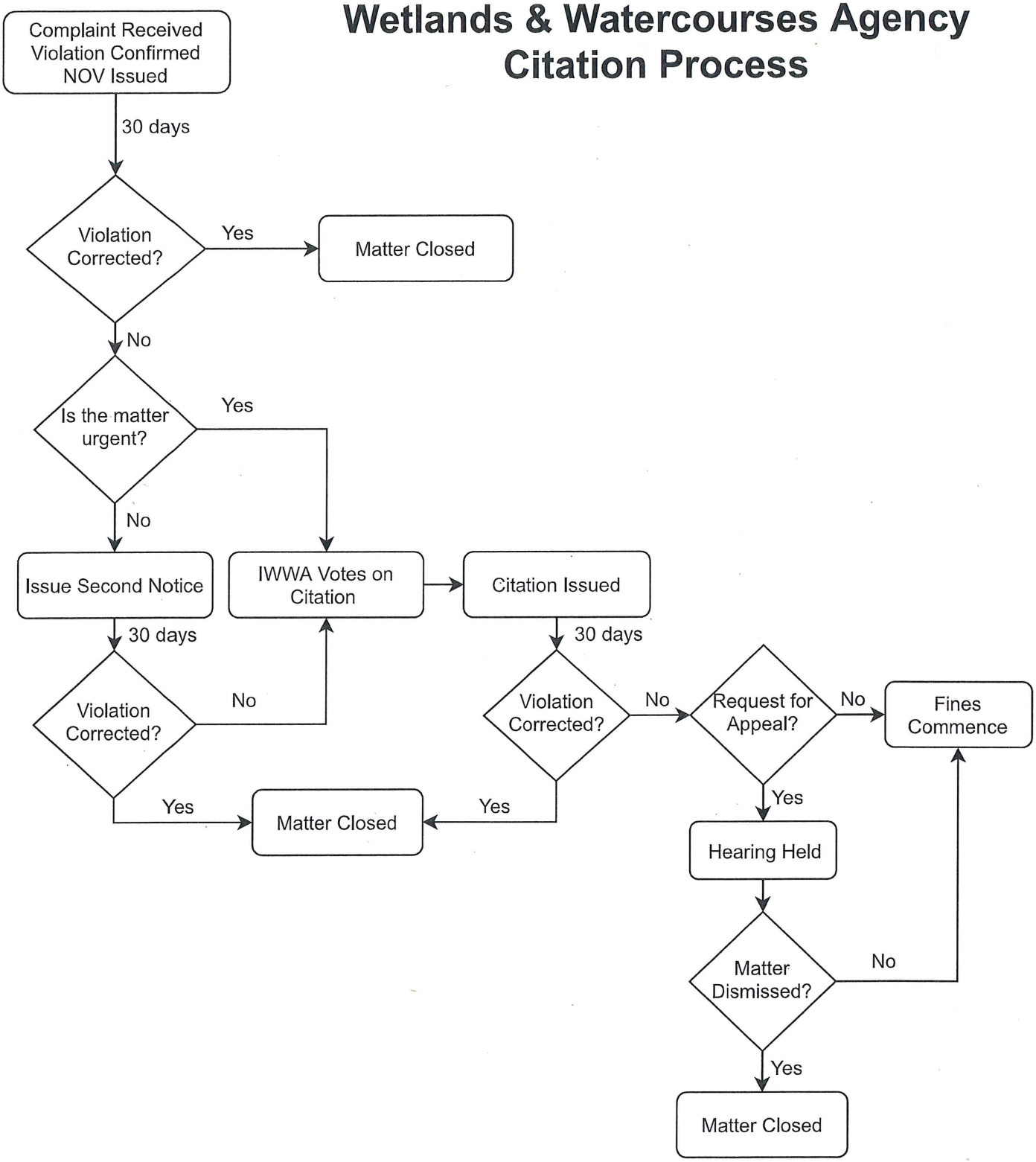
Said Ordinance shall become effective fifteen (15) days from publication thereof.

2020 revisions to proposed 2012 wetlands enforcement ordinance RFC 04/06/2021 (comment added)

SCHEDULE OF FINES FOR WETLANDS VIOLATIONS		
NATURE OF VIOLATION	NO ACTIVE PERMIT	ACTIVE PERMIT
Conduct activities in the upland review area which do not pose an immediate danger to a wetland or watercourse.	$50	
Conduct activities in the upland review area which may pose an immediate danger to a wetland or watercourse.	$150	
Conduct activities in a wetland or watercourse which cause limited and/or correctable damage to a wetland or watercourse.	$350	
Excavating, filling and/or draining of any portion of a wetland or watercourse.	$500	
Diverting, damming or otherwise changing the course of a watercourse.	$750	
Conduct any activity which causes sediment to flow into any wetland or watercourse or otherwise causes the pollution of a wetland or watercourse.	$1000	
Conduct any other regulated activity in a regulated area not listed above.	$100	
Failure to install and maintain silt control measures, silt fence, haybales, riprap and other similar sediment controls measures in accordance with an approved plan.		$50
Non-compliance with permit conditions.		$50
Conduct activity which exceeds the scope of the wetlands permit and encroaches upon or impacts upland review areas.		$150
Conduct activity which exceeds the scope of the wetlands permit and encroaches upon or impacts a wetland or watercourse.		$250

Each day a violation exists shall constitute a new violation

DRAFT - East Windsor Inland Wetlands & Watercourses Agency Citation Process



P&C Edits (5-18-2021)

TOWN OF EAST WINDSOR

ORDINANCE CONCERNING THE CLASSIFICATION OF LAND AS OPEN SPACE UNDER SECTION 12-107e OF THE CONNECTICUT GENERAL STATUTES

I. Purpose and Intent:

A. It is hereby declared that it is in the public interest to encourage the preservation of open space land in the Town of East Windsor, to conserve the Town's natural resources, and to provide for the welfare and happiness of the residents of the Town of East Windsor. It is hereby further determined that is in the public interest to prevent the forced conversion of open space land in the Town of East Windsor to more intensive uses as the result of economic pressures caused by the assessment thereof for purposes of property taxation at values incompatible with their preservation as such open space land.

B. The purpose of this Ordinance is to establish the criteria and process by which certain lands in the Town of East Windsor may be classified as "open space" for the purposes of property taxation ("Open Space Classification"), in accordance with Section 12-107e of the Connecticut General Statutes.

II. **Definitions:** For purposes of this Ordinance, certain terms and words are defined as follows. Unless the context clearly requires otherwise, all words, terms, and phrases used herein but not otherwise defined shall have the meaning respectively ascribed to them in Section 12-107b of the Connecticut General Statutes, as amended.

"Application" means that certain form M-30, entitled, "Application to the Assessor for Classification of Land as Open Space Land," prescribed by the Commissioner of the Department of Agriculture, and available at the Assessor's office, located at 11 Rye Street, Broad Brook, CT 06016.

"Assessor" means the Assessor for the Town of East Windsor.

"Plan of Conservation and Development" means the Town of East Windsor's plan of conservation and development, including any amendment thereto, prepared or adopted pursuant to Section 8-23 of the Connecticut General Statutes.

"Town" means the Town of East Windsor.

"Undeveloped Land" means land without buildings, roads, driveways or other permanent structures or active mineral extraction activities.

III. **Classification of Land as Open Space Lands:** The Planning and Zoning Commission of the Town of East Windsor, in preparing the Plan of Conservation and Development for the Town, may designate in such plan areas which it recommends for preservation as open space lands. Land included in any area so designated upon such plan, as adopted, may be

classified as "open space land" for the purposes of property taxation if there has been no change in the use of such area which has adversely affected its essential character as an open space land between the date of the adoption of such plan and the date of such classification.

IV. **Qualification Criteria:** For the purpose of open space land value assessment, and pursuant to the provisions of Section 12-107e of the Connecticut General Statutes, as amended, all land located in the R-1, R-2, R-3, A-1, or A-2 zones of the Town of East Windsor may be eligible for Open Space Classification. Upon Application by the property owner(s), parcels which qualify for Open Space Classification may be classified as such by the Assessor subject to the following provisions:

A. The designated open space shall be any site or area of Undeveloped Land equal to or in excess of four (4) acres and may include any Undeveloped Land designated as "open space" on an approved subdivision map.

B. When determining the total acreage of Undeveloped Land for purposes of Subsection IV, A, above, the Assessor will not include the minimal special requirements, or lot size required by the respective zone in such calculation.

C. Contiguous parcels within a zone having the same title owner may be aggregated for the purpose of determining the area of Undeveloped Land which is eligible for Open Space Classification. Parcels which are intersected by a town or state road are considered contiguous parcels of land for purposes of Open Space Classification.

D. Effective on the date of approval as a subdivision or re-subdivision, any land which had been designated as open space by the Assessor shall be removed from such designation, and a conveyance tax paid, if required under Section 12-504a of the Connecticut General Statutes.

V. **Application Procedure:** The following procedure shall be followed in filing the Application for Open Space Classification to the Assessor.

A. Written Application: Applications for Open Space Classification shall be made in writing, and in the manner and on the forms prescribed by the Town. Applications shall be submitted to the Assessor's Office, located at 11 Rye Street, Broad Brook, CT 06016.

B. Application Form: Applications for Open Space Classification shall be made on that certain form M-30, entitled "Application to the Assessor for Classification of Land as Open Space Land," as amended, prescribed by the Commissioner of the Department of Agriculture. This form is available from the Assessor's Office, located at 11 Rye Street, Broad Brook, CT 06016.

C. Information Requested: Applications must be signed and dated by the respective property owner(s). All required sections of the Application shall be completed in full and must include the following information:

1. Description of the land, including Assessor's Map and Lot number;

2. A general description of the present land use of the property;

3. A statement of the potential tax liability for the land under the provisions of Sections 12-504a to 12-504e, inclusive, of the Connecticut General Statutes, as amended; and

4. Such other information as may be required by the Assessor to determine the eligibility of the land with respect to Open Space Classification.

D. Application Deadlines: Applications for Open Space Classification are accepted from September 1st to October 31st each year. By state law, filing deadlines during a revaluation year are extended through December 30th. Applications that are not filed within the prescribed timeframe or are deemed incomplete by the Assessor will not be accepted for Open Space Classification.

E. Determination and Classification: The Assessor shall annually determine whether there has been any change in the area designated as an area of open space land upon the Plan of Conservation and Development which adversely affects its essential character as an area of open space land and, if the Assessor determines that there has been no such change, the Assessor shall classify such land as open space land and include it as such on the Town's assessment grand list.

F. Valuation: Any land that receives Open Space Classification shall have an assessed value set at twenty-five percent (25%) of the excess acreage value set at the time of revaluation.

G. Failure to Submit Application: Failure to file an Application for Open Space Classification within the time limits prescribed in Subsection V, D and in the manner and form prescribed in Subsection V, B shall be considered a waiver of the right to such classification on the Town's assessment list.

VI. **Appeals:** Any person aggrieved by the Assessor's denial of an Application for Open Space Classification shall have the same rights and remedies for appeal and relief as are provided in the Connecticut General Statutes for taxpayers claiming to be aggrieved by the doings of Assessors or Boards of Tax Review.

Draft Date: 4/28/21 (CJC)