



KAREN FELDMAN
Acting Chair

TERRY MARTINO
Executive Director

Draft Minutes
Regulatory Programs Committee
March 14, 2019

**MINUTES OF THE REGULATORY PROGRAMS COMMITTEE MEETING
March 14, 2019**

The Committee meeting convened at approximately 1:45 p.m.

Regulatory Programs Committee Members Present

Chair Daniel Wilt, Arthur Lussi, John Ernst, and Matt Tebo.

Other Members and Designees Present

Acting Chair Karen Feldman, Robert Stegemann, Bradley Austin, Chad Dawson, and William Thomas.

Local Government Review Board Present

Gerald Delaney.

Agency Staff Present

Terry Martino, Paul Van Cott, Sarah Reynolds, John Burth, Shaun LaLonde, Colleen Parker

Approval of Draft Committee Minutes for February 2019

A motion to approve the draft committee minutes as amended was made by John Ernst and was seconded by Arthur Lussi. All were in favor.

Delegation of Authority

Paul Van Cott discussed the strategic planning process conducted with staff and the reasons for the proposed modifications to the Agency's Delegation Resolution that would authorize the signing of notices of completion and incompleteness, general permits, and permits by designated staff under specific circumstances and subject to the supervision of the Deputy Director for Regulatory Programs. He stated that the staff recommendation was for approval of the proposed modification to the Agency's Delegation Resolution.

Mr. Lussi commented that this modification was thoughtful and will be more efficient for the Division. Ms. Feldman noted that the tiered approach in the approval process prohibits any one person giving approval to projects without a thorough review being done by appropriate staff. Matt Tebo agreed with Mr. Lussi's comments and asked how much time might be saved by this modification in process for the applicant. Mr. Van Cott responded that in the year 2017 the average turn-around time for issuance of a minor project permit after completion of a project was 35 days. Mr. Delaney stated his concern that a document signed by someone other than the Division Director may be challenged and therefore documentation of the approval process should be made. Mr. Van Cott responded that Mr. Delaney had a valid concern and there are internal controls in place for all processes within the Agency. He said he was confident that Mr. Delaney's point would be taken by both the Executive Director and the Deputy Director of Regulatory Programs as accountability in decision making is very important to them and to the Agency as a whole.

Mr. Wilt called for a motion to adopt the proposed modifications to the Delegation of Authority Resolution. Mr. Lussi moved the item and was seconded by Matt Tebo. All were in favor.

Project P2007-0011R3 David Nenni (Trevor Fravor)

This is a third renewal of Permit 2007-11 for construction of a single-family dwelling on a lot created by a subdivision involving wetlands.

Mr. Fravor reviewed the project proposal and predicates of jurisdiction. He noted staff recommendation was for approval of the project with conditions.

Mr. Lussi asked where the second principal building right was going to be located. Ms. Reynolds responded building rights can take various forms. She stated for example, if a second kitchen was installed within one principal building, said kitchen installation could constitute a second building right. Mr. Dawson noted that Condition 13 covers this contingency.

Mr. Lussi asked if the septic system was adequate for the proposal. Mr. Fravor responded affirmatively.

Mr. Ernst asked why the project was delayed. Mr. Fravor responded that his understanding was that the applicant was not ready to move forward with the project.

Ms. Feldman asked about the wastewater treatment system and the distance to the wetland area. Mr. Fravor responded 100 ft. in distance. She then asked if flooding has been an issue for the area in the past. Mr. Fravor responded he saw the property during winter conditions but does not feel flooding will be a problem. Mr. Delaney noted that part of the deep hole test pits that are done by Agency staff reveal where the water table is and would address such concerns.

Mr. Wilt asked about invasive species. Mr. Fravor responded there is a condition which addresses invasives within the permit.

Mr. Lussi asked for a definition of substantially commenced. Ms. Reynolds responded that it is unique by permit. Mr. Fravor added that when a foundation is in place, the project is considered to be substantially commenced.

Motion was made for approval by Mr. Lussi and was seconded by Mr. Ernst. All were in favor.

Old Business

None

New Business

None

The Committee meeting adjourned at approximately 2:30 p.m.