



THE CONSERVATION COMMISSION: Your Town's Key to Natural Resource Protection

by Attorney Majorie Shansky

Editor's Note: A town's plan of conservation and development should achieve a reconciliation of development and conservation goals, or in today's terms, "sustainable development." In the following article Attorney Shansky emphasizes that conservation commissions are key to this reconciliation process.

The state's Blue Ribbon Commission on Property Tax Burdens and Smart Growth Incentives issued its report in October, 2003. Notwithstanding its insightful recommendations to the General Assembly suggesting specific reforms in both tax and land use planning, towns throughout the state continue to grapple with land use applications that reflect "fragmented growth patterns," as referred to in the Blue Ribbon Report, that threaten to destroy not only natural resources, but also community character.

In the absence of a new set of laws incorporating the recommendations in the Blue Ribbon Report, towns are encouraged to maximize their use of the existing statutory scheme to plan for and achieve a desirable balance between conservation and development. This effort begins with full support of the work of the Conservation Commission, continues with regulation review and amendment by the Planning and Zoning Commission, and includes a healthy dose of public participation.

Section 7-131a of the Connecticut General Statutes provides the enabling authority for a town, city or borough, by vote of its legislative body, to establish a conservation commission "for the development, conservation, supervision and regulation of natural resources, including water resources, within its territorial limits." Once established, a conservation commission is required to perform certain activities and permitted to engage in others.

One of the most visible jobs performed by the Conservation Commission is its advisory role in reviewing and reporting to planning and zoning or inland wetlands commission about pending applications. Indeed, while each of the statutory

actions of the conservation commission has obvious merit, it is the commission's preparation of an inventory of natural resources that has a fundamental and critical role in natural resource protection.

The goals for a natural resources inventory include providing a town with baseline information necessary to establish the link between the policies and goals of conservation identified in a plan of conservation and development and the regulations adopted by the Zoning and Inland Wetlands Commissions. An inventory permits informed decisions by zoning commissions about where to designate growth centers, where to acquire open space, and about whether environmental protection or conservation overlay districts are appropriate or desirable. A natural resources inventory encourages a town to map its natural resources and establish priorities for conservation efforts because of heightened appreciation of the function and values associated with specific resources and their relative vitality. The creation of a natural resources inventory provides an opportunity for collaboration among citizens with technical, scientific, and conservation expertise, and for town-wide education on the presence and importance of natural resources. Technical data and assistance are available to help commissions with natural resource inventory. (see **Resources** at the end of article).

After the Conservation Commission adopts the baseline natural resources inventory, the planning, zoning, inland wetlands and conservation commissions will have access to information that will inform their review of applications in or near identified resources. Developers' access to the inventory prior to design and submission of a development

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**Welcome to Rob Sibley ~
Our Newest Board Member**

The CACIWC Board of Directors is pleased to announce the recent appointment of Rob Sibley of Sandy Hook to the Board of Directors. Rob is the Conservation Official for the Town of Newtown, where he oversees inland wetlands, aquifer protection, open space, flood management and forest practices for the town. He will serve on the Board as the Alternate Representative from Fairfield County. Rob comes to us with an extensive background in natural resource protection and with high recommendation for being a valued contributor on other boards on which he has served.

Join CACIWC ListServ Now!

This Listserv provides a low-stress way for conservation and inland wetlands commissioners and staff to easily share information, ask questions, find resources, solicit advice, and post notices. If you are interested in subscribing to the CACIWC ListServ, please notify Janice Fournier at pfournier@earthlink.net to receive a registration form and the CACIWC ListServe rules.

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The Habitat welcomes articles and items, but will not be responsible for loss or damage. Correspondence to the editor, manuscripts, inquiries, etc. should be addressed to *The Habitat*, c/o Tom Odell, 9 Cherry St., Westbrook, CT 06498. Phone & fax (860)399-1807, or e-mail todell@snet.net.

Resource Protection, continued from page 1

plan may result in proposals that achieve residential and economic development goals without impairing natural resources. The availability of detailed resource information will enhance the town's ability to adopt and enforce land use regulations and defend decisions based on specific information and identified threats.

Conn. Gen. Stat. §7-131a(b) provides that a conservation commission shall "conduct research into the utilization and possible utilization of land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes." Further, a conservation commission "may make recommendations to zoning commissions, planning commissions, inland wetlands agencies and other municipal agencies on proposed land use changes." It is in this capacity, as a research and advisory land use commission, that conservation commissions can make a significant contribution to protection of natural resources.

Regulatory land use commissions such as planning, zoning and inland wetlands commissions seldom have time to research impacts of a development proposal on site-specific and watershed-related natural resources. They may be restricted in considering community character by statutory and local regulations. It is, therefore, essential that the conservation commission, as a research and advisory board, review and understand the regulations guiding local land use commissions so that its recommendations are made within the context of a commission's specific regulatory responsibilities. Armed with this knowledge, and familiarity with the town's natural resources, the conservation commission can be extremely effective in providing recommendations that have a significant and positive effect on land use decisions.

Additional statutory functions of the Conservation Commission as a research and advisory board include that it:

- ◆ may propose a greenways plan for inclusion in the plan of conservation and development of the municipality prepared pursuant to C.G.S. §8-23;
- ◆ may formulate watershed management and drought management plans that must be consistent with water supply management plans prepared pursuant to C.G.S. §25-32d;
- ◆ may make recommendations to zoning commissions, planning commissions, inland wetlands agencies and other municipal agencies on proposed land use changes.

The full exercise of its statutory authority by a conservation commission is key to achieving a town's goal of a balanced approach to sustainable development. 🍁

Marjorie Shansky is a land-use attorney with an office in New Haven. She is the law trainer in the Connecticut Land Use Leadership Alliance (LULA) workshops that were created by the Land Use Law Center of Pace University School of Law. The workshops are currently being presented throughout Connecticut.

RESOURCES:

- **Nonpoint Education for Municipal Officials** or **NEMO**, a University of Connecticut Cooperative Extension System; <http://nemo.uconn.edu>
- **Connecticut's Five Soil and Water Conservation Districts:** For information on how they can help your town visit their web site, conservect.org
- **Natural Resource Conservation Service;** ct.nrcs.usda.gov
- **Department of Environmental Protection:** dep.state.ct.us, click on Education and Outreach



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A New Resource for Water Quality Protection: The 2004 CT Stormwater Quality Manual

by John Rozum, NEMO Coordinator

What was news just ten years ago is now well-accepted fact: the transformation of the natural landscape to the developed landscape has implications for the health of our water resources. But just knowing these facts is not making our waters any cleaner, and as our communities grow they need real strategies and practices that can mitigate these impacts and preserve those areas that are most treasured by their citizens.

Enter the new Connecticut Stormwater Quality Manual. The manual, which was assembled by a team whose expertise ranged from the environment and public health to engineering and construction practices, was written to provide guidance on the practices necessary to protect both surface and ground water. The manual is not a new regulatory document. Rather, it is a true guidance document that is a valuable new resource for both the development community and the municipal regulatory bodies that oversee development. The manual is designed to focus on water quality issues, and thus complement existing guidance dealing with flood control, soil erosion and sedimentation.

The manual provides a three-tiered approach to stormwater quality management. The first, and by far the most important step, is focusing on **proper site planning and design**. It is through proper site planning that both stormwater quantity and quality issues can be addressed and the natural interaction of rainwater and the land can be preserved. This relationship is the primary focus of proper site planning and the manual outlines a number of ways that the natural hydrology of the site can be maintained. Alternative design techniques that reduce the amount or impact of impervious surfaces such as narrower streets, reduced parking lot size and distributed infiltration on a site are key elements of these techniques. Other practices, characterized as low impact development, emphasize the use of vegetated swales, buffers, rain gardens and green roofs as other site design elements that will help to retain the natural hydrology of a site.

After proper site design is implemented, there often is still an amount of stormwater runoff that must be considered, and the remainder of the manual addresses these concerns. **Controlling the sources** of pollution is key to keeping water clean, and the manual provides guidance on the “good housekeeping” practices that municipalities, businesses and homeowners can follow to keep pollutants out of stormwater runoff.

Sometimes a site, either because of the intensity or type of land use or a limitation involving soils or topography, requires an engineered solution to mitigate runoff quality. Termed **stormwater treatment practices** (STP), these elements cover a range of accepted practices from stormwater ponds and wetlands to bioretention and swales.

The STPs are divided into primary and secondary practices depending on the documented effectiveness of the practice to remove pollutants. The proper selection and sizing of these practices involves a thorough understanding of site characteristics, and much of the manual is devoted to providing detailed guidance for those professionals developing a stormwater strategy for their project.

The manual is filled with other information that will be useful for a wide audience. A detailed plant list specifying the appropriate plants for roadsides, xeriscapes or a stormwater wetland are provided. Also, guidance for towns wishing to incorporate these practices into their local regulations is included, as is information on STP maintenance and inspection. In short, the manual is a valuable reference document for anyone interested in reducing the impact of stormwater on our water resources.

If you are interested in learning more about the manual, or would like to get a copy of your very own, you're in luck! The DEP, NEMO and Fuss & O'Neill Inc. (who was responsible for the writing of the manual) are currently giving workshops around the state. The workshops give an overview of the manual and provide an opportunity for you to ask questions to the authors of the document. The manual is in limited supply, but all who attend the training receive their very own copy, which is certainly worth the price of admission (usually free!). For those who cannot attend the workshops, the manual can be downloaded from the DEP's website. For more information on the workshops and the manual go to the NEMO website:
http://nemo.uconn.edu/workshops_initiatives/stormwater.htm

This article first appeared in the NEMO newsletter. For more information about NEMO, the Stormwater Manual, or the other workshops, contact John Rozum, NEMO Coordinator, 860-345-4511.

Environmental Review Team – Helping Towns Make Sound Land Use Decisions

by Amanda Fargo-Johnson, ERT Program Assistant

Perhaps you may have heard of the Environmental Review Team (ERT) in the past, but did you know that it has been in existence since 1969. This is the 36th consecutive year of service. The Environmental Review Team is a unique program designed to assist municipalities in environmentally sound decision-making.

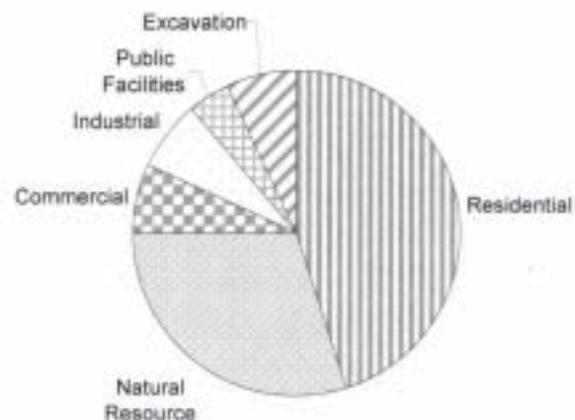
ERT is a program that is run under the guidance of the Eastern Connecticut and King’s Mark Resource Conservation and Development Areas (RC&D). The Eastern Connecticut ERT serves an 86 town area and was created in 1969. The King’s Mark ERT serves an 83 town area in the western portion of the state and began in 1976. The ERT is a public service, which enables it to serve all Connecticut towns free of charge. The ERT program is funded by the “Fee Bill” through a grant from DEP.

The ERT is comprised of a group of environmental professionals drawn from a variety of federal, state, regional, and local agencies. This multidisciplinary team is used to assist municipalities in the review of proposed projects for either: development, preservation or conservation.

Such Teams may include such specialists but are not limited to: Archaeologist, Engineer, Forester, Geologist, Historian, Hydrologist, Fisheries and Wildlife Biologist, Soil Scientist, Wetland and Storm Water Specialist, Landscape Architect, Planner, Resource Conservationist, Recreation Specialist, and Sanitarian. The Teams’ broad base of expertise and professional competence lends it self to addressing such environmental, planning, and development – related issues in a wide array of projects.

The following chart gives an idea of the quantity based on the 6 major category types conducted over the years.

Types of Review Conducted 1969-2004



Previous ERT reviews include: Subdivisions, Condominiums, Active Adult Communities, Affordable Housing, Shopping Centers, Malls, Industrial Parks, Schools, Town Offices, Public Facilities, Golf Courses, Race Tracks, Marinas, Roads, Parking lots, Sewer Extensions, Playing Fields, Nature Trails, Outdoor Classrooms, Excavations, Water Resource studies, Landfills, Zone Changes, Cemeteries, Coastal Management, Parks, Open Space, Camps, Indian Reservations, and Critical Areas.

The purpose of the ERT is to meet the challenges of development through knowledge of the land, its resources, and the effects of development. This knowledge can then be passed on to help local municipalities and their commissions assess such factors that need to be considered when making land use decisions. One benefit of the ERT report is that it supplies information not readily available to local decision makers due to limited resources.

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IMPORTANT BIRD AREAS IN CONNECTICUT: LINKING OPEN SPACE PLANNING TO BIRD HABITAT.

by Patrick M. Comins, Director of Bird Conservation, National Audubon CT

A discussion on what an Important Bird Area is; what the highest priority species for bird conservation in Connecticut are; tips on finding tools to identify key habitat sites, and evaluation in terms of a larger landscape.

CONNECTICUT'S IMPORTANT BIRD AREA PROGRAM

Audubon Connecticut's Important Bird Areas (IBA)

Program is part of a global effort to identify sites that are critical to the conservation of birds. IBAs are sites that provide habitat essential for the breeding, feeding, wintering or migration of one or more species of birds. IBAs may be large or small and either publicly or privately owned, and share characteristics such as high bird diversity, threatened or endangered species or the presence of unusually large numbers of birds. To be recognized as an IBA, a site is nominated and then evaluated by a Technical Committee, composed of the state's top ornithologists, to ensure its statewide significance to birds. Sites may be nominated by anyone including land managers, conservation organizations, scientists or the general public.

One of the basic tenets of the IBA program is to work closely with landowners, municipalities, and state and federal agencies to build awareness of the importance of key sites to certain bird species and help identify strategies to enhance management and protection of these areas. The IBA initiative is a voluntary program administered by the National Audubon Society and has no regulatory authority. There are no restrictions attached to the label of Important Bird Area for sites that are identified as IBAs.

The IBA Program is a proactive approach to bird conservation, attempting to identify the key sites for birds and better understand the conservation needs at each site and build partnerships to help meet those needs and insure that the sites remain important for birds. Since conservation resources are limited, if we know what sites are important for which species we can better plan our conservation efforts and steer resources to the areas where efforts will do the most good. Also, if we know which sites are most important we can begin working to protect those sites before threats to those sites are realized. We can be much more effective if we work to protect sites before development is proposed than working to stop a project once the planning for a project has begun.

What are the highest priority species for Connecticut? There are criteria for what makes a site an IBA. These criteria were developed by ornithological experts from around the state and take into account what are agreed to be the highest priority birds for our state.

IBA Criteria in Connecticut:

- 1. Sites for state-listed endangered or threatened species.** A list of Connecticut's Threatened and Endangered Species can be found here: <http://dep.state.ct.us/cgnhs/nddb/birds.htm>
- 2. Sites for other high conservation priority species (WatchList, Special Concern Species, Partners in Flight priorities).** Sites that are important to species that are identified as a conservation priority for Southern New England, but aren't included as Threatened or Endangered. Examples include: Saltmarsh Sharp-tailed Sparrow, Blue-winged Warbler, Wood Thrush and Bobolink. In most cases, only the highest quality sites for these species would be considered as IBAs.
- 3. Sites with representative, rare, or unique intact natural habitats.** The best examples in the state of a habitat type that may be important to birds, but for which we may be lacking ornithological data, e.g. large forest blocks, high quality wetlands, managed shrublands and large grasslands.
- 4. Sites of high abundance or diversity. Sites that support:**
 - ◆ 500+ waterfowl, winter, or 1000+ migration.
 - ◆ 100+ terns, 500+ gulls/season.
 - ◆ 500+ shorebirds/year.
 - ◆ 25+ wading birds nesting/100+ feeding.
 - ◆ 5000+ raptors/year in migration.
 - ◆ Exceptional concentrations of migratory landbirds.
 - ◆ >1% of known CT population of any 1 native species.
- 5. Long-term research/monitoring sites.** (Generally requires that the site meets at least one of the criteria)

How do IBAs help to protect birds?

In some states, Important Bird Areas are the basis for planning for federal, state, and local governments. For example, the U.S. Fish and Wildlife Service, and the states of New York and Pennsylvania give added emphasis to Important Bird Areas when considering land acquisition priorities. Through the IBA program Audubon will provide educational materials and technical assistance to private landowners, work to increase public awareness of environ-

mental issues at IBAs, and promote opportunities for scientific research and monitoring. Audubon is also working with state and federal agencies to ensure that the conservation needs of IBAs are incorporated into long-term planning initiatives. IBAs can also help to draw attention to sites, such as forest blocks, that cross municipal lines and that may not be recognized as significant if they are only looked at in the context of a single municipality.

Useful tools for identifying significant habitats in your town can be found at the following websites:

Connecticut's Comprehensive Wildlife Conservation Plan
http://www.teaming.com/state_cwcs/connecticut_cwcs.htm

UCONN's Map and Geographic Information Center
<http://magic.lib.uconn.edu/>

Connecticut's Changing Landscape from CLEAR
<http://clear.uconn.edu/projects/landscape/index.htm>

There are currently 26 recognized IBAs in Connecticut (list below). If there is an IBA in your community, or there is a site that you think should be considered an IBA, please contact Patrick Comins at Audubon Connecticut to learn more about partnerships to conserve birds and their habitats at Important Bird Areas in Connecticut.

Patrick M. Comins may be contacted at:
Audubon Connecticut
185 East Flat Hill Road
Southbury, CT 06488
(203)264-5098
pcomins@audubon.org

IMPORTANT BIRD AREAS IN CONNECTICUT

1. **Audubon Center in Greenwich** (including Quaker Ridge), Greenwich
2. ***Barn Island Wildlife Management Area**, Stonington
3. **Bent of the River Sanctuary**, Southbury
4. **Charles Island and Silver Sands State Park**, Milford
5. **The Connecticut Audubon Society's Bafflin Sanctuary**, Pomfret
6. **Connecticut College Arboretum**, Waterford and New London
7. **Cove Island Park**, Stamford
8. **East Rock Park**, New Haven
9. **Falkner Island Unit of Stewart B. McKinney NWR**, offshore of Guilford
10. **Good Hill Farm Preserve**, Woodbury and Roxbury
11. **Great Captain's Island**, Greenwich
12. **Greenwich Point Park and nearby islands**, Greenwich

13. ***Hammonasset Beach State Park**, Madison
14. **Lighthouse Point Park**, New Haven
15. **Mamacoke Island and adjacent coves**, Waterford
16. **Menunketesuck and Duck Islands and surrounding tidal flats**, Westbrook
17. **Milford Point/Wheeler Marsh/Mouth of the Housatonic River**, Milford
18. **Naugatuck State Forest (Main block)**, Naugatuck and Beacon Falls
19. **Northwest Park**, Windsor
20. **Quinnipiac River Tidal Marsh**, North Haven, New Haven, Hamden
21. **Salt Meadow Unit of Stewart B. McKinney NWR**, Westbrook.
22. **Sandy Point**, West Haven
23. **Station 43**, South Windsor
24. **Topsmead State Forest (grassland component only)**, Litchfield
25. **The Nature Conservancy's Devil's Den Preserve**, Weston, Redding
26. **White Memorial Foundation**, Litchfield, Morris

*Globally Important Sites

SOME LINKS WITH USEFUL INFORMATION ON BIRD CONSERVATION IN CONNECTICUT:

Partners in Flight:

<http://www.partnersinflight.org>

Audubon's Bird Conservation Pages:

<http://www.audubon.org/bird/index.html>

PIF Bird Conservation plan for Southern New England (most of CT):

http://www.blm.gov/wildlife/plan/pl_09_10.pdf

PIF Bird Conservation Plan for Northern New England (northwest CT):

http://www.blm.gov/wildlife/plan/pl_27_10.pdf

Connecticut Ornithological Association (**lots of additional links**):

<http://www.ctbirding.org>

North American Colonial Waterbird Conservation Plan:

<http://www.nacwcp.org/> 



Resources

VERNAL POOL MANAGEMENT PLAN FOR CHAPMAN MILL POND, WESTBROOK, CT

This 22-page GIS based Vernal Pool Management Plan provides recommendations for the protection and enhancement of vernal pools on the Chapman Mill Pond open space property in Westbrook, CT. The Plan was necessitated by the projected use of the 83 acre property for passive recreation, trail building and scientific exploration. Funded by a grant from The Rockfall Foundation and developed by the Connecticut River Coastal Conservation District, Middletown, Connecticut, the Plan supports the Westbrook Conservation Commission's long-term strategy to protect special habitats, such as vernal pool ecosystems.

In Westbrook the Plan will serve as a model for developing management plans for sensitive habitats on other open space properties. The Plan is posted as a pdf on CACIWC.org on the Conservation Commission Open Space page. If you would like a copy please contact Tom ODell at todell@snet.net.

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- ◆ To contact author, e-mail, jacksanders@yahoo.com 🍁

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OUR SPEAKER

CACIWC is pleased to announce that **DEP Commissioner Gina McCarthy** will be our keynote speaker. Commissioner McCarthy will discuss the role of her agency in environmental conservation and provide her vision for increasing environmental awareness in Connecticut.



WORKSHOPS

CACIWC again will host a day-long series of workshops for conservation and inland wetlands commissioners and staff. This year, the workshops are organized into four new tracks: *Open Space/Resource Conservation*, *Wetlands Protection*, *Science & Technology* and *Commission Leadership & Administration*. Scheduled topics for each track are listed below. Opportunities to view many informational displays on conservation issues and presentation of the **CACIWC Annual Achievement Awards** will complete the scheduled activities. *Watch CACIWC.org for further updates!*

A. OPEN SPACE/RESOURCE CONSERVATION

1. How to use free GIS mapping resources to develop natural resources information about your town.
2. Integrating natural resource information, town regulations and legal processes to influence land use decisions.
3. Land use applications, *a mock public hearing*: conservation commission's advisory role in protecting natural resources and reducing sprawl.

B. WETLANDS PROTECTION

1. Value and function of wetlands: their use in the decision process.
2. Wetlands case law update with ample time for your questions
3. How to use expert testimony to avoid appeals



C. SCIENCE & TECHNOLOGY

1. The latest technology in storm water management.
2. Effective use of the environmental review team (ERT)
3. Rapid Assessment of benthic macro invertebrates



D. COMMISSION LEADERSHIP & ADMINISTRATION

1. Aquifer protection in Connecticut: an overview of groundwater protection and the aquifer protection area program
2. Developing community support for funding open space programs



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There are certain requirements to be eligible for an ERT. You can request a review if you are the chief elected official of a municipality, the chairman of an administrative agency, or a town appointed committee dealing with natural resources. You may also request with a written endorsement from one of the above if you are the superintendent/principal of a school, president of a land trust, tribal leader, or a girl or boy scout council. Reviews can not be conducted for private citizens, citizens groups, engineers, or developers. Once an approval has been given for an ERT a field review is conducted with the ERT Coordinator, Team Members, and Town Representation present. The information from all Team Members is compiled into a single report done by the Coordinator (Elaine A. Sych), which is then given to the requesting agency and others related to the project. The program is adaptable and flexible, with the goal of excellence, accuracy, and objectivity.

The report is intended to provide advice, with the decisions being made locally. The ERT does not make decisions for town officials or land owners. The ERT provides information about the potential environmental impacts, limitations and opportunities, & possible mitigation measures to minimize negative effects. By doing so the ERT strengthens support for community decisions, increases awareness of

natural resources, saves time and money when costly problems are identified before implementation.

If you would like to find out more about the Environmental Review Team, learn how you can make a request, or to find out about previously completed projects, please contact the ERT office at (860) 345-3977, or by visiting us on the web at www.ct.nrcs.usda.gov/programs/rc&d where you can access both Eastern and King's Mark request packets, a listing of past ERT's, an ERT Power Point Presentation, current ERT's, along with other up to date information. 🍁

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CALL FOR NOMINATIONS ANNUAL RECOGNITION AWARDS

CACIWC is seeking nominations for our Annual Recognition Awards. As in previous years, these awards honor those commissioners, commissions and agents who have made outstanding contributions toward resource protection and environmental awareness while meeting the responsibilities outlined in state and local legislation. Nominations for these CACIWC Awards will be received through September 15, 2005 in the following four categories:

- ◆ Conservation Commissioner
- ◆ Inland Wetlands Commissioner
- ◆ Conservation or Inland Wetlands Commission
- ◆ Commission Staff, Agent or Director



Awards will be presented at the CACIWC 28th Annual Meeting & Environmental Conference, held Saturday November 5, 2005 at the Mountainside Special Events Facility in Wallingford. Nomination forms are being sent to each commission. If you would like a form you may download the pdf form from CACIWC.ORG or contact Tom ODe'll at (860)399-1807 or todell@snet.net.

Spring 2005

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