

**INLAND WETLANDS AND WATERCOURSES REGULATIONS
TOWN OF GLASTONBURY, CONNECTICUT**

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SECTION I

INTRODUCTION

- 1.1 The inland wetlands and watercourses of the state of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of ground water; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreation values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by: minimizing the disturbance and pollution to inland wetlands, watercourses and their associated conservation buffer areas; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, water purification, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement. These regulations hereby provide an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

- 1.2 These regulations shall be known as the “Inland Wetlands and Watercourses Regulations of the Town of Glastonbury.”

- 1.3 The Inland Wetlands and Watercourses Agency of the Town of Glastonbury was established in accordance with Section 15-22 of the Code of Ordinances and is duly authorized to implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of Glastonbury.
- 1.4 These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.
- 1.5 The concept of conservation buffer areas has its origins in a document entitled A Guide For Streambelts - System Of Natural Environmental Corridors In Connecticut, United States Department of Agriculture, Soil Conservation Service, Storrs, Connecticut, September 1972. Prior to the adoption of these regulations, such buffer areas have been previously regulated under Section 3.25 of the Town of Glastonbury Building Zone Regulations, effective date of October 22, 1973, as amended through August 1, 1987.
- 1.6 The Agency shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny permits for all regulated activities on inland wetlands, watercourses and their associated conservation buffer areas in the Town of Glastonbury pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

SECTION 2

DEFINITIONS

2.1 As used in these regulations:

- a. "Act" means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the General Statutes, as amended.
- b. "Agency" means the Inland Wetlands and Watercourses Agency of the Town of Glastonbury.
- c. "Clear-cutting" means the cutting of all or substantially all trees greater than two inches in diameter at breast height.
- d. "Commission member" means a member of the Inland Wetlands and Watercourses Agency of the Town of Glastonbury.
- e. "Commissioner of Environmental Protection" means the commissioner of the State of Connecticut Department of Environmental Protection.
- f. "Conservation buffer area" means that area within a radius of one hundred (100) feet from each point on the boundary of a wetland or watercourse not regulated by the State of Connecticut pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
- g. "Deposit" means to fill, grade, dump, place, discharge, emit or any similar activity.
- h. "Designated agent" means an individual designated by the agency to carry out its functions and purposes.
- I. "Discharge" means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.
- j. "Disturbing the natural and indigenous character of the land" means altering the inland wetland or watercourse by reason of removal or deposition of material, clear cutting, alteration or obstruction of water flow, or pollution of the wetland or watercourse.
- k. "Farm" means land devoted to agricultural use in the raising or harvesting of any agricultural or horticultural commodity including, but not limited to: nurseries and

greenhouses that are primarily used for growing plants, trees or shrubs; farm buildings and structures that are essential to the farming operations; and the acreage of such land in actual use for farming operations that consists of tillable cropland, untillable permanent pasture, orchard land and woodland.

- l. "Farming" means use of a farm for the purpose of raising or harvesting any agricultural or horticultural commodity that is subject to and previously documented by the filing of a farm business declaration with the federal Internal Revenue Service.
- m. "Material" means any substance, solid or liquid, organic or inorganic, including but not limited to soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse or waste.
- n. "Municipality" means the Town of Glastonbury, Hartford County, Connecticut.
- o. "Nurseries" means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.
- p. "Permit" means the whole or any part of any certificate of approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Agency.
- q. "Permittee" means the person to whom such permit has been issued.
- r. "Person" means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporation, governmental agency or subdivision thereof.
- s. "Pollution" means any harmful thermal, chemical, biological, physical or visual effect upon or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials allowed to be discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion or sedimentation resulting from any filling, regrading, or excavation or other earth disturbing activity.
- t. "Regulated activity" means any operation within, or use of, a wetland or watercourse involving removal or deposition of material, clear-cutting, or any obstruction, construction, alteration or pollution, or disturbance of the natural and indigenous character of the land of such wetland or watercourse, and any removal or deposition or material, clear-cutting, obstruction or construction within one hundred (100) feet of any wetland or watercourse,

but shall not include the activities specified in Section 4 of these regulations.

- u. “Regulated area” means an aggregate area comprised of any inland wetland or watercourse and the conservation buffer area as defined and determined pursuant to these regulations.
- v. “Remove” means to drain, excavate, mine, dig, dredge, suck, grub, clear-cut, bulldoze, dragline, blast or any similar activity.
- w. “Rendering unclean or impure” means altering the physical, chemical or biological properties of any waters of the state, including, but not limited to, change in odor, color, turbidity or taste.
- x. “Significant activity” means any activity, including but not limited to the following activities, which may have a major effect or significant impact on the wetland or watercourse for which an application has been filed or on any other part of the wetland or watercourse system:
 1. Any activity involving a deposition or removal of material which will or may have a major effect or significant impact on the inland wetland or watercourse or on any other part of the inland wetland or watercourse system, or
 2. Any activity which substantially changes the natural channel or may inhibit the natural channel or may inhibit the natural dynamics of a watercourse system, or
 3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife, or other biological life, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space or other functions, or
 4. Any activity which causes or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse, or
 5. Any activity which causes or has the potential to cause a substantial diminution of flow of a natural watercourse, or groundwater levels of the wetland or watercourse, or
 6. Any activity which causes or has the potential to cause pollution of a wetland or watercourse, or
 7. Any activity which destroys unique wetland or watercourse areas having demonstrable scientific or educational value.



- y. "Soil scientist" means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management (formerly the U.S. Civil Service Commission) or its successor.
- z. "Submerged lands" means those lands which are inundated by water on a seasonal or more frequent basis.
- aa. "Town" means the Town of Glastonbury, Hartford County in the State of Connecticut.
- bb. "Waste" means sewage or radioactive material or any substance, liquid, gas or solid, which may pollute or tend to pollute any of the waters of the Town.
- cc. "Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, perennial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not otherwise regulated pursuant to Sections 22a-28 through 22a-35 of the General Statutes, as amended.
- dd. "Wetlands" means land, including submerged land as defined in Section 2.1.z of these regulations, not regulated by the State of Connecticut pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Soil Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites or made land which possess a saturated, acid soil moisture regime as defined by the USDA Cooperative Soil Survey.

SECTION 3

INVENTORY OF REGULATED AREAS

- 3.1 The map entitled “Inland Wetlands and Watercourses Map, Glastonbury, Connecticut,” delineates the general location and boundaries of wetlands and watercourses which can be used to determine the general limits of regulated areas. Copies of this map are available for inspection in the Office of the Town Clerk, or the Office of Community Development. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types, locations and extent of watercourses, and measurements from the edge of a wetland or watercourse. Such determinations shall be made by field inspection and testing conducted by a soil scientist where soil classifications are required, or where watercourse determinations are required, by other qualified individuals.
- 3.2 Any property owner who disputes the designation of any part of his or her land as a wetland or watercourse on the Inland Wetlands and Watercourses Map, may petition the Agency to change the designation. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall provide proof that the designation is inapplicable. Documentation in accordance with Section 14 of these regulations may be required of the property owner when the Agency requires an accurate delineation of regulated areas.
- 3.3 The Agency or its designated agents shall inventory and maintain current records of all regulated areas within the town. The Agency may amend its map from time to time as information becomes available relative to more accurate delineation of wetlands and watercourses within the town. Such map amendments are subject to the public hearing process set forth in Section 14 of these regulations.

SECTION 4

PERMITTED USES AND OPERATIONS AS OF RIGHT AND NONREGULATED USES AND OPERATIONS

4.1 The following uses and operations shall be permitted in regulated areas, as of right:

- a. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less which are essential to a farm, as defined in these regulations. The provisions of this section shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear-cutting (except for the expansion of agricultural crop land), or the mining of top soil, peat, sand, gravel or similar material from regulated areas for the purposes of sale;
- b. A residential home for which a building permit was issued prior to July 1, 1987. The person claiming a use of regulated areas permitted as a right under this subsection shall document the validity of said right by providing a certified copy of the building permit and plot plan showing proposed and existing topography, house, well, sewage disposal and driveway locations, and any other necessary information to document to the person's entitlement;
- c. Boat anchorage or mooring, not to include dredging or dock construction;
- d. Uses incidental to the enjoyment or maintenance of residential property containing a residential home and the area of said residential property being equal to or smaller than the largest minimum residential lot size permitted in the Town. Such incidental uses shall include the maintenance or minor additions to existing structures and landscaping, but shall not include clear-cutting or removal or deposition of substantial amounts of material from or into a regulated area or diversion or alteration of a watercourse. Notwithstanding the provisions of Section 4.4 of these Regulations, a permitted use under this Section 4.1.d may be reviewed by the Agency or its designated agent for a determination of whether the proposed activity is permitted or nonregulated.
- e. Construction and operation, by water companies as defined by Section 16-1 of the General Statutes or by municipal water supply systems as provided for in chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with existing or potential public water supplies except as provided in Section 22a-401 and 22a-403 of the General Statutes.

f. Activities within the conservation buffer area, as defined in these regulations, that are determined by the Agency under Section 4.4 of these regulations not to affect any wetland or watercourse.

- 4.2 The following uses and operations shall be permitted as nonregulated uses in regulated areas, provided they do not disturb the natural and indigenous character of the wetland or watercourse:
- a. Conservation of soil, water, floral or faunal resources including, but not limited to, minor work to control erosion and encourage proper fish, wildlife and silviculture management practices.
 - b. Outdoor recreation including, but not limited to, the use of play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing and cross-country skiing, where otherwise legally permitted and regulated.
- 4.3 All activities in regulated areas involving any alteration or use of a regulated area not specifically permitted by this section shall require a permit from the Agency in accordance with Section 6 or these regulations.
- 4.4 To carry out the purposes of this section, any person proposing to carry out a permitted or nonregulated activity in a regulated area shall, prior to commencement of such activity, notify the Agency with sufficient information to enable it to determine that the proposed activity is permitted or nonregulated. The Agency shall rule either that the proposed activity is a permitted or nonregulated activity, or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Agency following the meeting at which the request was received.

SECTION 5

ACTIVITIES REGULATED BY THE STATE

- 5.1 In addition to any permit or approval required by the Agency, the Commissioner of Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:
- a. Construction or modification of any dam pursuant to Sections 22a-401 through 22a-410 of the General Statutes, as amended;
 - b. Construction or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349 of the General Statutes as amended;
 - c. Construction or placement of any structure or obstruction within the tidal, coastal or navigable water of the state pursuant to Sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the General Statutes, as amended;
 - d. Diversion of water in excess of fifty thousand (50,000) gallons per day or any surface waters of the state where the tributary watershed area above the point of diversion is 100 acres or larger pursuant to Sections 22a-365 through 22a-378 of the General Statutes, as amended;
 - e. Discharges into the water of the state pursuant to Section 22a-430 of the General Statutes, as amended; or
 - f. Discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.
- 5.2 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities and other activities, in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the state of Connecticut, except any local or regional board of education, (1) after an advisory decision on such permit has been rendered to the Commissioner by the Agency or (2) thirty-five days after receipt by the Commissioner of such application, whichever occurs first.
- 5.3 The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to Sections 22a-28 through 22a-35 of the General Statutes.

SECTION 6

REGULATED ACTIVITIES TO REQUIRE A PERMIT

- 6.1 No person shall henceforth conduct or maintain a regulated activity without first obtaining a permit for such activity from the Agency.
- 6.2 The Agency shall regulate any activity in such regulated areas, unless such operation or use is permitted or nonregulated pursuant to Section 4 of these regulations.
- 6.3 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 13 of these regulations and any other remedies as provided by law.

SECTION 7

APPLICATION REQUIREMENTS

- 7.1 Any person intending to undertake a regulated activity shall apply for a permit on a form entitled "Town of Glastonbury Inland Wetlands and Watercourses Agency - Application for Permit." An application shall include an application form and such information as prescribed by this section. Application forms may be obtained in the Office of Community Development.
- 7.2 All applications shall contain prescribed information that is necessary for a fair and informed determination of the issues, as specified by the Agency or its designated agent.
- 7.3 The Agency and the applicant may hold a pre-application meeting to examine the scope of a proposed regulated activity or to determine whether or not the proposed application involves a significant activity. The Agency shall state, in writing, the reasons for a significant activity determination.
- 7.4 All applications shall include the following information:
- a. The applicant's name, home or business address and telephone number and the applicant's interest in the property;
 - b. The landowner's name, address and telephone number and written consent if the applicant is not the owner of the property involved in the application;
 - c. The purpose and a description of the proposed activity and alternatives considered by the applicant and why the proposal to alter the wetlands or watercourses set forth in the application was chosen;
 - d. A location map at a scale of 1 inch = 2,000 feet identifying the geographical location of the property involved;
 - e. A map at a scale of 1 inch equals 100 feet identifying the geographical location of the property to be affected by the proposed activity, adjacent lands, adjacent regulated areas, such upstream and downstream areas as may be identified by the Agency or its designated agent, and other pertinent features including, but not limited to, existing and proposed property lines, roads and drives, existing buildings and their utilities, topography, soil types from the published soil survey, the limits of inland wetlands, watercourses and conservation buffer areas, existing and proposed lands protected as open space or by private conservation easements, and types of vegetative cover;

- f. A site plan at a scale that provides sufficient detail showing existing and proposed conditions, including maximum building areas, in relation to regulated areas and measures proposed to mitigate the potential environmental impacts;
- g. A title block and legend of symbols used for each plan or map indicating the name of the project, landowner and applicant, name and signature of the person preparing the plan or map, date prepared and subsequent revision dates, and scale;
- h. Names and addresses of abutting property owners as shown in the records of the tax assessor of the Municipality as of a date no earlier than thirty (30) days before the date the application is submitted to the Agency;
- i. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit by deception or by inaccurate or misleading information;
- j. Authorization for the Agency members and their designated agents to inspect the property, at reasonable times, both before and after a final decision has been issued, and after completion of the project;
- k. The calculated (1) total area (square feet) of wetlands and watercourses on the subject property and (2) total area (square feet) of regulated area that would be disturbed by the proposed regulated activities;
- l. Submission of the appropriate filing fee based on the fee schedule established in Section 15-22 of Town Code of Ordinances; and
- m. Any other information the Agency or its designated agent deems necessary for the review and evaluation of the application.

7.5 All applications involving a land use proposal subject to these regulations and also subject to subdivision or special permit application may be required to contain the following additional information:

- a. All wetland boundaries on the property shall be identified by a soil scientist and located by a Licensed Land Surveyor. All wetland soil types shall be classified by the soil scientist;
- b. The soil scientist shall consecutively number the survey tapes that mark boundary lines of wetlands that will be or may be affected by the proposed activity. The survey tapes shall be located by a Licensed Land Surveyor and each tape location and number shall be plotted onto

the site plan;

- c. The soil scientist shall prepare a report that includes the name of the applicant and project, the location of and limits of the property investigated, the dates of the soil investigations, a brief soil description for each soil mapping unit investigated, the set of the consecutive numbers used on survey tapes to identify the wetland boundaries, and a certified statement that the wetland boundaries, and a certified statement that the wetland boundaries appearing on the site plan are to the best of his knowledge true and accurate;
- d. All watercourses identified on the property shall be located and identified on the site plan to the satisfaction of the Agency or its designated agent;
- e. A site plan shall be submitted at a scale of 1 inch equals 40 feet, or a scale that exhibits greater detail, indicating the following: location and limits of all regulated areas; existing and proposed conditions in relation to regulated areas; location of prominent features within regulated areas such as bedrock outcrops, stone walls, trees deemed by the Agency or its agents to be of critical value and existing buildings and drives; names of abutting property owners; soil erosion and sediment control measures; any measures to detain or retain storm water runoff or recharge groundwater; any plantings or habitat improvement; and any other measures proposed to mitigate the potential environmental impacts;
- f. A map of sufficient scale shall be submitted indicating each surficial drainage area influencing each distinct wetland area or watercourse on the property;
- g. A general written description of the physical and vegetative characteristics shall be submitted for each distinct wetland area; and
- h. Any other specific information reasonably requested by the Agency or its designated agent.

7.6 If the Agency determines that an application involves a significant activity, as defined in Section 2.1.x. of these regulations, then the Agency may require that the applicant provide the following additional information:

- a. Site plans for the proposed land use on the subject property which will be affected indicating details of: existing and proposed conditions; wetland, watercourse and conservation buffer zone boundaries; land contour intervals of the land and other topographic features; boundaries of land ownership; proposed regulated activities; and other pertinent features of the land use being proposed on the subject property for development, which plans shall be drawn by a licensed surveyor, professional engineer or landscape architect registered in the State of Connecticut or by such other qualified person;

- b. Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses;
- c. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Soil Conservation Service, delineation of all wetlands in the field by a soil scientist, and such field delineations incorporated onto the site plans;
- d. Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the probable effects of the proposed regulated activities on these communities and wetland functions;
- e. Description of how the applicant will change, diminish or enhance the ecological communities and functions of the wetlands or watercourses involved in the application, each alternative to the proposed regulated activity, and why each alternative considered was deemed neither feasible nor prudent;
- f. Description of the chemical and physical characteristics of any proposed fill material to establish the desired type or quality of fill material to be used in all regulated areas;
- g. Measures which mitigate the impact of the proposed activity;
- h. Maps and descriptions that identify downstream and downgradient regulated areas which are off-site and their condition, existing off-site structures on adjacent properties, and watershed or drainage area boundaries which influence the subject regulated area; and
- i. Any other specific information reasonably requested by the Agency or its designated agent.

7.7 All applicants shall certify as to each of the following:

- a. Whether any portion of the wetland or watercourse on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- b. Whether traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. Whether sewer or water drainage from the project site will flow through and affect the sewage or drainage system within the adjoining municipality; and
- d. Whether water runoff from the improved site will affect streets or other municipal or private property within the adjoining municipality.

- 7.8 A reporting form shall be completed by the applicant during the application process which provides the Commissioner of the DEP with information necessary to properly monitor the inventory of State wetlands. A copy of the STATEWIDE INLAND WETLAND ACTIVITY REPORTING FORM shall be part of the application and all applicable sections of said form shall be completed by the applicant. These complete sections to be provided as part of the application shall include all of the requested information on the form with the exception of the information pertaining to the Agency's decision.
- 7.9 Nine (9) copies of all application materials shall be submitted unless otherwise directed in writing by the Agency or its designated agent.
- 7.10 Any application to renew or extend the expiration date of a previously issued permit or amend an existing permit shall be filed with the Agency at least sixty-five (65) days prior to the expiration date for the permit in accordance with Section 8 of these regulations. Such application for renewal, extension or amendment shall set forth the following information:
- a. The application shall state the name, address and telephone number of the permit holder, the address or locational description of the property involved, and the dates of issuance and expiration of the permit;
 - b. The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;
 - c. The application shall describe any changes in facts or circumstances affecting the regulated areas or the property for which the permit was issued;
 - d. The Agency may accept a late application to extend the expiration date of a permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be extended and the public interest or environment will be best served by not interrupting the activity. The application shall describe the extent of work completed for the activities authorized in the permit;
 - e. The application shall incorporate by reference the documentation and record of the original application; and
 - f. The Agency shall evaluate the application pursuant to Section 10 of these regulations and grant the application as filed, grant it with any terms or limitations, or deny it.

SECTION 8

APPLICATION PROCEDURES

- 8.1 All applications shall be filed for receipt with the municipal Office of Community Development. The application fee shall be paid at the time of filing. A schedule of fees established under Section 15-22 of the Town Code of Ordinances shall be available at the Office of Community Development.
- 8.2 The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Agency immediately following the date of submission provided such meeting is no earlier than three business days after receipt, or thirty-five (35) days after such submission, whichever is sooner.
- 8.3 At any time during the review period, the Agency may require the applicant to provide additional information about the regulated area or regulated activity which is the subject of the application, or regulated areas affected by the regulated activity. (The Agency shall not exceed the required sixty-five (65) day time limit in taking action on an application pending the receipt of additional information as stated in Section 11.2 of these regulations.)
- 8.4 All applications shall be open for public inspection.
- 8.5 Incomplete applications may be denied without prejudice.
- 8.6 In the case of any application where any portion of the wetland or watercourse on which the regulated activity is proposed is located within 500 feet of the boundary of East Hartford, Manchester, Bolton, Hebron, Marlborough, East Hampton, Portland, Cromwell, Rocky Hill or Wethersfield, the applicant shall give written notice of the proposed activity, by certified mail return receipt requested, to the adjacent municipal wetland agency on the same day of filing a permit application with the Agency. Documentation of such notice shall be provided to the Agency.
- 8.7 The Agency shall notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:
 - a. Any portion of the wetland or watercourse on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 - b. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;

- c. A significant portion of the sewer or water drainage from the project site will flow through and significantly affect the sewage or drainage system within the adjoining municipality; or
- d. Water runoff from the improved site will affect streets or other municipal or private property within the adjoining municipality.

Notice of the pendency of such application shall be made by registered mail and shall be mailed within seven (7) days of the date of receipt of the application.

SECTION 9

PUBLIC HEARINGS

- 9.1 A public hearing shall be held on all applications involving a significant activity. A public hearing may be held on applications which do not involve significant activities if the Agency determines it is in the public interest. A petition containing the signatures of twenty-five or more taxpayers or residents of the Town of Glastonbury or (if the application is subject to Sections 8.6 or 8.7 of these regulations) an adjoining municipality shall be considered as adequate public interest for the purposes of scheduling a public hearing. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any public hearing.
- 9.2 Notice of the public hearing shall be published at least twice at the intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in each town where the affected regulated area is located.
- 9.3 Notice of the public hearing shall be mailed to the owner(s) of record of abutting land as shown in the records of the tax assessor of the Municipality as of a date no earlier than thirty (30) days before the date the application is submitted to the Agency.
- 9.4 In the case of any application which is subject to the notification provisions of Section 8.7 of these regulations, a public hearing shall not be conducted until the clerk of such adjoining municipality has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

SECTION 10

CONSIDERATIONS FOR DECISION

- 10.1 The Agency may consider the following in making its decision on an application:
- a. The application and its supporting documentation;
 - b. Public comments, evidence and testimony from a public hearing;
 - c. Reports from other agencies, commissions, departments and their staffs including, but not limited to the Town Office of Community Development, Public Works Department, Health Department, and Building Department; and
 - d. Comments on any application from the Hartford County Soil and Water Conservation District, the Capitol Region Council of Governments, agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
- 10.2 Nonreceipt of comments from agencies and commissions listed in Section 10.1 above within the prescribed time shall neither delay nor prejudice the decision of the Agency.
- 10.3 Standards and Criteria for Decision.

The Agency shall consider all relevant facts and circumstances in making its decision on any application for a permit, including but not limited to the following:

- a. The environmental impact of the proposed action on the inland wetland or watercourse, including the effects on the inland wetland's and watercourse's capacity to support desirable biological life, to prevent flooding, to supply and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety;
- b. The alternatives to the proposed action including a consideration of alternatives which might enhance environmental quality or have a less detrimental effect, and which could feasibly attain the basic objectives of the activity proposed in the application. This consideration should include, but is not limited to, the alternative of requiring actions of a different nature which would provide similar benefits with different environmental impacts, such as using a different location for the activity;

- c. The relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity, including consideration of the extent to which the proposed activity involves trade-offs between short-term environmental gains at the expense of long-term losses, or vice versa, and consideration of the extent to which the proposed action forecloses or predetermines future options;
- d. Irreversible and irretrievable commitments of resources which would be involved in the proposed activity. This requires recognition that the inland wetlands and watercourses of the State of Connecticut are an indispensable, irreplaceable and fragile natural resource, and that these areas may be irreversibly destroyed by deposition, filling, and removal of material, by the diversion, diminution or obstruction of water flow including low flows, and by the erection of structures and other uses;
- e. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property, including abutting or downstream property, which would be caused or threatened by the proposed activity, or the creation or conditions which may do so, especially those resulting from activities within the conservation buffer area. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and wildlife and their habitat, loss of unique habitat having demonstrable natural, scientific or educational value, loss or diminution of beneficial aquatic organisms and wetland plants, the dangers of flooding and pollution, and the destruction of the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses to the community;
- f. The suitability of the activity to the area for which it is proposed. This requires a balancing of the need for the economic growth of the state and the use of its land, with the need to protect its environment and ecology for the people of the state and the benefit of generations yet unborn;
- g. Measures which would mitigate the impact of any aspect of the proposed regulated activity. Such measures include, but are not limited to, actions which would avoid adverse impacts or lessen impacts to wetlands and watercourses and which could be feasibly carried out by the applicant and would protect the wetland's or watercourse's natural capacity to support fish and wildlife, prevent flooding, supply water, control sedimentation, prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space;
- h. The proposed regulated activity does not interfere with the drainage system of the area or does not constitute a possible flood hazard, considering the general topography of the area, the watercourse pattern of the vicinity and the size of the drainage areas involved; and

- i. In applying the above standards and criteria, the Agency shall consider activity in the conservation buffer area with respect to its impact on the related wetland and/or watercourse. An activity in the conservation buffer area which is determined by the Agency under Section 4.4 of these regulations not to affect any wetland or watercourse is not a regulated activity.
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10.4 In the case of any application which received a public hearing a permit shall not be issued unless the Agency finds that a feasible and prudent alternative does not exist. In making this finding, the Agency shall consider the facts and circumstances set forth within this section. This finding and the reasons therefore shall be stated on the record in the decision of the Agency.

10.5 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision. However, the Agency is not precluded from seeking advice from its own staff on information already in the record of the public hearing.

SECTION 11

DECISION PROCESS AND THE ISSUED PERMIT

- 11.1 The Agency may:
- a. grant the application as filed; grant the application upon such terms, conditions, limitations or modifications necessary to carry out the purposes of the Act; or deny the application;
 - b. establish a specific time period within which any regulated activity shall be conducted; or
 - c. require that an activity, once commenced, be completed within a time period of less than one year.
- 11.2 No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing on such application. The hearing shall be completed within forty-five (45) days of its commencement and action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application.
- 11.3 The Agency shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives.
- 11.4 The Agency shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the agency shall cause notice of its order in the issuance or denial of the permit in a newspaper having general circulation in the Town. A copy of all Agency decisions shall be forwarded to the Commissioner of Environmental Protection in such a form as prescribed by the Commissioner.
- 11.5 If an activity authorized by the permit also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, variance or special exception, a copy of the decision and report on the application shall be filed with the Town Plan and Zoning Commission within fifteen (15) days of the date of the decision.
- 11.6 The Agency or its designated agent may make regular inspections, at reasonable hours, of all

regulated activities for which permits have been issued under these regulations.

- 11.7 Any issued permit shall be valid for five (5) years, but the approved regulated activities shall be completed within one (1) year from commencement of said activities. Furthermore the Agency may:
- a. extend the time period of the original permit provided such period shall not extend beyond ten years from the date such permit was granted; and/or
 - b. extend the time period within which a regulated activity, once commenced, is required to be completed under this section.

Permit renewal and extension shall comply with the procedures contained in Section 7.10; shall be at the discretion of the Agency; and may be subject to the calling of an additional public hearing. All permits shall expire upon the completion of the activities specified therein.

- 11.8 No permit shall be assigned or transferred unless and until the proposed assignee or transferee has appeared before the Agency and reviewed the terms of the permit with the Agency.
- 11.9 If a bond is required in accordance with Section 12 of these regulations, no permit shall be issued until such bond is provided.
- 11.10 General provisions in the issuance of all permits:
- a. In evaluating applications in which the Agency relied in whole or in part on information provided by the applicant, if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
 - b. All permits issued by the Agency are subject to, and do not derogate, any present or future rights or powers of the Agency or the Town, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the property or activity.
 - c. If the activity authorized by the issued permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance or special exception, no work pursuant to the issued permit may begin until such approval is obtained.
 - d. The permittee shall take such necessary steps consistent with the terms and conditions of the permit, to control storm water discharges and to prevent erosion and sedimentation and to

otherwise prevent pollution of wetlands and watercourses.

SECTION 12

BOND

- 12.1 Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Agency, be required to file a bond with such surety in such amount and in a form approved by the Agency or a letter of credit in amount and form approved by the Agency. The amount of the bond shall be based on an estimate of the cost of remedial measures in the event of failure of the applicant to comply with the terms and conditions of the permit.
- 12.2 The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.

SECTION 13

ENFORCEMENT

- 13.1 The Agency or its designated agent shall have the authority to inspect property except a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations.
- 13.2 If the Agency or its designated agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Agency or its designated agent may:
- a. Issue a written order by personal delivery or certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person in writing by personal delivery or certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the agency affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to Section 22a-44(b) of the General Statutes, as amended;
 - b. Suspend or revoke a permit if it finds that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application including application plans. Prior to revoking any permit, the Agency shall issue notice to the permittee, delivered personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. At the show-cause hearing the permittee shall be given an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Agency's decision to suspend, revoke, or maintain a permit by personal service or certified mail within fifteen (15) days of the date of its decision; and
 - c. Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Agency, and prescribing the necessary action and steps to correct the violation including, without

limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file a proper application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Section 13.2.a of these regulations or other enforcement proceedings as provided by law.