

Frost Bridge to Campville 115-kV Project Bulk Filing #1 of Municipal Documents

Town of Thomaston



Town of Thomaston

INLAND WETLANDS AND WATERCOURSES

REGULATIONS



**HISTORY OF THE
INLAND WETLANDS AND WATERCOURSES COMMISSION**

The Inland Wetlands and Watercourses Commission (IWWC) is an eight (8) member Commission consisting of five (5) regular members and three (3) alternate members.

The Inland Wetlands and Watercourses Commission enforce all provisions of the Inland Wetlands and Watercourses Act pursuant to Section 22a-36 to 22a-45, inclusive of the Connecticut General Statutes, as amended.

- Provides reports/recommendations to the Planning and Zoning Commission for all subdivisions and re-subdivisions.
- Issues approvals/permits for regulated activities or denial for regulated activities.
- Considers requested amendments to the regulations.
- Resolves issues relative to violations.
- Provides determinations for uses termed “As of Right”.

The Commission is responsible for reviewing applications, which may impact a wetland or watercourse. The purpose of the Commission’s regulations is to minimize or prevent disturbance and pollution of the Town’s inland, wetlands, and watercourse, including its bogs, swamps, and marshes, as well as its lakes, ponds, rivers, and streams.

The Commission was established by an Ordinance adopted on March 5, 1979, dissolved on August 21, 1984, and reconstituted on January 5, 1987.

INLAND WETLANDS AND WATERCOURSES COMMISSION MEMBERS:

Regular Members:	Joseph Fainer, Chairman Matt Kulman, Vice-Chairman Bob Carr, Secretary Tim Clark Anthony Samela
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Alternates:	Vacancy Vacancy Vacancy
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Wetlands Enforcement Officer:	Jeremy Leifert
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Administration Assistant/ Recording Secretary:	Pat Santa Maria
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Section 1 - Title and Authority

- 1.1 The inland wetlands and watercourses of the State of Connecticut and the Town of Thomaston are an indispensable and irreplaceable, but fragile natural resource with which the citizens of the State and Town 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 groundwater, 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 the town and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic, and recreational values and benefits of the state and town 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 and town. It is, therefore, the purpose of these regulations to protect the citizens of the state and town by making provisions for the protection, preservation, maintenance, and use of the inland wetlands and watercourses by minimizing their disturbance and pollution, 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, 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 by providing 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 Thomaston."
- 1.3 The Inland Wetlands and Watercourses Commission of the Town of Thomaston was established in accordance with an ordinance adopted March 5, 1979, dissolved August 21, 1984, and reconstituted January 5, 1987, and shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of Thomaston.
- 1.4 These regulations shall incorporate by reference certain standards of performance for the execution of activities within the wetlands and watercourses in the Town of Thomaston.

- 1.5 The Agency shall enforce the Inland Wetlands and Watercourses Act and shall either issue, issue with terms, conditions, limitations or modifications, or deny permit applications for all regulated activities in the Town of Thomaston pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.
- 1.6 The Agency shall enforce the Inland Wetlands and Watercourses Act and may, upon reasonable finding, enforce the provisions of the regulations in the Town of Thomaston pursuant to Sections 2a-36 to 22a-45, inclusive of the Connecticut General Statutes as amended. Enforcement may include, but is not limited to, the issuance of notices of violation, citations, litigation, and other forms of action so provided by Connecticut General Statutes, as amended, and/or Town Ordinance or regulations, as amended.

Section 2 - Definitions

2.1 As used in these regulations:

"**Act**" means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended.

"**Agency**" means the Thomaston Inland Wetlands and Watercourses Commission (TIWWC) of the Town of Thomaston.

"**Activity**" means any operation, use or activity affecting a regulated area.

"**Bogs**" are watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.

"**Clear-cutting**" means the harvest of timber in a fashion, which removes all trees down to a two inch diameter at breast height.

"**Commission member**" a daily seated regular or alternate of the Commission.

"**Commissioner of Environmental Protection**" means the Commissioner of the State of Connecticut Department of Environmental Protection.

"**Continual flow**" means a flow of water, which persists for an extended period of time. This flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.

"**Deposit**" includes, but shall not be limited to fill, grade, dump, place, discharge or emit.

"**Designated Agent/Enforcement Officer/Wetlands Agent**" this is an individual designated by the Commission to carry out and enforce its functions regulations and purposes.

"**Discharge**" means emission of any water, substance, or material into waters of the state whether or not such substance causes pollution.

"**Dry Hydrant**" means a non-pressurized pipe system that: (A) Is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water.

"**Essential to the farming operation**" means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.

"**Farming**" shall be consistent with the definition as noted in Section 1-1(q) of the Connecticut General Statutes (see Appendix A) as amended.

"Farm pond" a body of water created by a dam or excavation used for watering live stock, irrigation, fire protection, fish production, wildlife management, and other uses commonly associated with farming.

"Feasible" means able to be constructed or implemented consistent with sound engineering principles.

"License" means the whole or any part of any permit, certificate of approval or similar form of permission, which may be required of any person by the provisions of Sections 22a-36 to 22a-45, inclusive.

"**Management practice**" means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to erosion and sedimentation controls, restrictions on land use or development, construction setbacks from wetlands or watercourses, proper disposal of waste materials, procedures for equipment maintenance to prevent fuel spillage, construction methods to prevent flooding or disturbance of wetlands and watercourses, procedures for maintaining continuous stream flows, confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

"**Marshes**" are watercourses that are distinguished by the absence of trees and shrubs and the dominance of soft stemmed herbaceous plants. The water table in marshes is at or above the ground surface throughout the year and areas of open water six (6) inches or more in depth is common, but seasonal water table fluctuations are encountered.

"**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.

"**Municipality**" means the Town of Thomaston.

"**Nurseries**" means places where plants are grown for sale, transplanting, or experimentation.

"**Permit**" see license

"**Permittee**" means the person to whom a license has been issued.

"**Person**" means any person, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

"Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any material, substance, or waste discharged or deposited by any means, including, but not limited to, 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 and sedimentation resulting from any filling, land clearing or excavation activity.

"Prudent" means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.

"Regulated activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses, but shall not include the specified activities in Section 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, construction, depositing or removing of material and discharging of storm water on the land within one hundred (100) feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. The Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area, which is likely to impact or affect wetlands or watercourses, is a regulated activity.

"Remove" includes, but shall not be limited to drain, excavate, mine, dig, dredge, suck, bulldoze, dragline or blast.

"Rendering unclean or impure" means any alteration of the physical, chemical or biological properties of any waters of the state, including, but not limited to change in odor, color, turbidity or taste.

"Setback areas" are measured as a linear distance of no less than one hundred (100) feet from any regulated wetland area or watercourses as in these regulations.

"Significant impact" means any activity, including but not limited to the following activities, which may have a major effect:

1. Any activity involving deposition or removal of material, which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
2. Any activity, which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
3. Any activity, which substantially diminishes the natural capacity of an inland wetland or watercourse to support aquatic, plant or animal life and habitats, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space, or perform other functions.
4. Any activity, which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.

5. Any activity, which causes substantial diminution of flow of a natural watercourse or groundwater, levels of the wetland or watercourse.
6. Any activity, which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
7. Any activity, which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

"Soil scientist" means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management.

"Swamps" are watercourses that are distinguished by the dominance of wetland trees and shrubs.

"Submerged lands" means those lands, which are inundated by water on a seasonal or more frequent basis.

"Town" means the Town of Thomaston.

"Upland Review Area" means non-wetlands and watercourses review areas that may be reviewed by the agency.

"Waste" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands and watercourses of the town.

"Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the town or any portion thereof, not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two (2) or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

"Waters of the State" means any wetland or watercourse located in the State of Connecticut.

"Wetlands" means land, including submerged land, as defined in this section, not regulated 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 floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites, which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

Section 3 - Inventory of Inland Wetlands and Watercourses

- 3.1 The map of wetlands and watercourses entitled "Soil Survey Map, Town of Thomaston Connecticut" delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the Inland Wetlands Office in the Building and Land Use Department. In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types, and the location of watercourses. The Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations, an on-site field inspection by a qualified soil scientist or other information in determining the location of the boundaries of wetlands and watercourses.
- 3.2 Any person may petition the Agency for an amendment to the map. 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 bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to, aerial photography, remote sensing imagery, resource mapping documentation by a qualified soil scientist or other available information. The Agency may require such person to provide an accurate delineation of regulated areas in accordance with Section 15 of these regulations. Un-permitted or illegal activity that changes the nature of soils, wetlands, and watercourses shall not be grounds for the reclassification of wetlands.
- 3.3 The Agency shall maintain a current inventory of regulated areas within the town. The Agency may amend its map as more accurate information becomes available.
- 3.4 All map amendments are subject to the public hearing process outlined in Section 15 of these regulations.

Section 4 - Permitted Uses as of Right & Non-Regulated Uses

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- a. grazing, farming, nurseries, gardening and harvesting of crops, and farm ponds of three (3) acres or less essential to the farming operation and activities conducted by or under the authority of the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision 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 of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale.
 - b. a residential home (a) for which a building permit has been issued or (b) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to Subsection (b) of Section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987.
 - c. boat anchorage or mooring.
 - d. uses incidental to the enjoyment and maintenance of residential property. Such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality provided that in any town where there are no zoning regulations establishing minimum residential lot sites, the largest minimum lot site shall be two (2) acres. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or onto a wetland or watercourse, or diversion or alteration of a watercourse.
 - e. Construction and operation by water companies as defined by Section 16-1 of the Connecticut 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 public water supplies except as provided in Sections 22a-401 and 22a-403 of the Connecticut General Statutes.
 - f. Emergency activities – Those activities of an emergency nature necessary to protect the public health, welfare or safety provided that only resulting detrimental effects on a regulated area is promptly corrected.
 - g. Maintenance relating to any drainage pipe which existed before the effective date of July 1, 1974, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subdivision, “maintenance” means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.
 - h. Withdrawals of water for fire emergency purposes.

- 4.2 The following operations and uses shall be permitted as non-regulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:
- a. maintenance to existing facilities and drainage.
 - b. conservation of soil, vegetation, water, fish, shellfish, and wildlife.
 - c. outdoor recreation activities including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing, and shell fishing where otherwise legally permitted and regulated.
 - d. installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply.
- 4.3 All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Agency in accordance with Section 6 of these regulations, or for certain regulated activities located outside of wetlands and watercourses from the duly authorized agent in accordance with Section 12 of these regulations.
- 4.4 To carry out the purposes of this section, any person proposing a permitted operation and use or a non-regulated operation and use shall, prior to commencement of such operation and use, notify the agency on a form provided by it, and provide the agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or non-regulated use of a wetland or watercourse. The agency shall rule that the proposed operation and use or portion of it is a permitted or non-regulated operation and use or that the proposed operation and use is a regulated activity and a permit is required.

**Section 5 - Activities Regulated Exclusively by the Commissioner
of Environmental Protection**

- 5.1 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated 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, pursuant to Sections 22a-39 or 22a-45a of the Connecticut General Statutes.
- 5.2 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 Connecticut General Statutes, as amended.
- 5.3 The Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under Section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Environmental Protection under Sections 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from a municipal wetlands commission for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.
- 5.4 The Commissioner of Environmental Protection shall have exclusive jurisdiction over the 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.

Section 6 - Regulated Activities to be Licensed

- 6.1 The Agency reserves the right to perform a field inspection in order to determine its jurisdiction.
- 6.2 No person shall conduct or maintain a regulated activity in the Town of Thomaston without first obtaining a permit for such activity from the Thomaston Inland Wetlands and Watercourses Commission of the Town of Thomaston.
- 6.3 The Commission shall regulate any activity operator or use in or affecting a wetland or watercourse involving the deposition or removal of materials, obstruction, construction, alteration, pollution and any other regulated activity use unless such is permitted or non-regulated pursuant to Section 4 of these regulations, and not until after the requirement of Section 4.4 has been fulfilled.
- 6.4 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency conducting or maintaining activities inconsistent with an issued permit, not complying with the terms of a permit, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these regulations and any other remedies as provided by law.

Section 7 - Application Requirements

- 7.1 Any person intending to conduct a regulated activity or to renew or amend a permit to conduct such activity, shall apply for a permit on a form provided by the agency. The application shall contain the information described in this section and any other information the agency may reasonably require. Application forms may be obtained in the Inland Wetlands Office in the Building and Land Use Department and on the Town's website at www.thomastonct.org. The submission of an application does not grant any authority or right to the applicant nor does it relieve the applicant from obtaining any other permits, licenses, etc. so required by Federal, State, or local law or regulations.
- 7.2 If an application to the agency for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall in accordance with Section 8-3(g), 8-3c, or 8-26 as applicable of the Connecticut General Statutes, submit an application for a permit to the agency in accordance with this section no later than the day the application is filed with the Planning and Zoning Commission.
- 7.3 The application shall contain such information as is necessary for a fair and informed determination thereon by the Agency. The Commission may require a pre-application meeting to determine if the proposed activity involves a significant impact activity.
- 7.4 A prospective applicant may request the agency to determine whether or not a proposed activity involves a significant impact activity.
- 7.5 All applications shall include the following information in writing or on maps or drawings:
- a. the applicant's name, home and business mailing addresses, and telephone numbers. If if the applicant is a Limited Liability Corporation or a Corporation, you must include the managing member's or responsible corporate officer's name, address, and telephone number.
 - b. the owner's name, mailing address, telephone number, and written consent of the land owner if the applicant is not the owner of the land upon which the subject activity is proposed.
 - c. the applicant's interest in the land.
 - d. the geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) in acres or square feet of wetlands or watercourses to be disturbed, soil type(s), wetland vegetation, the setback areas, and any areas of potential upland impact.
 - e. the purpose, a description of the proposed activity, proposed erosion and sedimentation controls, and other management practices and mitigation measures, which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance, and create productive wetland or watercourse resources.

- f. alternative, which would cause less or no environmental impact to wetlands or watercourses and why the alternative as set forth in the application was chosen. All such alternatives shall be diagramed on a site plan or drawing.
- g. a site plan showing the proposed activity, the existing and proposed conditions in relation to wetlands and watercourses, and identifying any further activities associated with or reasonably related to the proposed regulated activity, which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.
- h. names and mailing addresses of all adjacent land owners per Town Assessor records.
- i. statement by the applicant that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information.
- j. authorization for the members and agents of the Agency to inspect the subject land at reasonable times during the pendency of an application and for the life of the permit.
- k. a completed DEP reporting form that the agency shall revise or correct the information provided by the applicant and submit the form to the Commissioner of Environmental Protection in accordance with Section 22a-39-14 of the Regulations of Connecticut State Agencies.
- l. any other information the agency deems necessary to the understanding of what the applicant is proposing.
- m. submission of the appropriate filing fee based on the fee schedule established in the Code of The Town of Thomaston, CT Chapter 154 Fees.
- n. indicate if the applicant or property owner is or has ever been in violation of Thomaston Inland Wetlands and Watercourses regulations or any other state or municipal Inland Wetlands and Watercourse regulations.

7.6 At the discretion of the Agency or its agent or when the proposed activity involves a significant impact, additional information based on the nature and anticipated effects of the activity, including but not limited to the following, is required:

- a. site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the state or by such other qualified person.
- b. engineering reports and analyses and additional drawings to fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to watercourses, and the proposed erosion and sedimentation control plan.
- c. mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service. The wetlands shall be delineated in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans.
- d. a description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions.

- e. a description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative which would cause less or no environmental impact to wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent.
- f. analysis of chemical or physical characteristics of any fill material.
- g. management practices and other measures designed to mitigate or remediate the impact of the proposed activity or earlier non-permitted activities.
- h. plans to enhance existing wetlands and watercourses or to create near wetlands and watercourses to replace the lost area or function of wetlands and watercourses proposed to be impacted.

7.7 The applicant shall certify whether:

- a. any portion of the property on which the regulated activity is proposed is located within five hundred (500) feet of the boundary of an adjoining municipality.
- b. traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site.
- c. sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality.
- d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

7.8 Six (6) paper copies or a certified electronic copy of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed in writing by the Agency. All electronic media submitted must be in a format viewable by the Inland Wetland and Watercourses Commission.

7.9 Any application to renew or amend an existing permit shall be filed with the Agency in accordance with Section 8 of these regulations at least sixty-five (65) days prior to the expiration date of the permit. Any application to renew or amend such an existing permit shall contain the information required under Section 7 of these regulations provided:

- a. the application may incorporate the documentation and record of the prior application.
- b. the application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit.
- c. the application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit.
- d. the application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued.
- e. the Agency may, prior to the expiration of a permit, accept an untimely application to renew such 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 renewed and the public interest or environment will be best served by not interrupting the activity.
- f. the Agency may re-assess the fees and costs associated with the review of the renewal application.

- 7.10 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than five (5) years.
- 7.11 No person shall file a permit application with the Inland Wetlands and Watercourses Commission (IWWC) or its duly authorized agent other than for interior work in an existing building or for exterior work that does not expand or alter the footprint of an existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction not later than sixty days prior to the filing of the permit application. In lieu of such notice, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction. If the applicant has provided written notice pursuant to this subsection, the holder of the restriction may provide proof to the IWWC that granting of the permit application will violate the terms of the restriction and the IWWC shall not grant the permit. If the applicant fails to comply with the provisions this section, the party holding the conservation or preservation restriction may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the IWWC or its duly authorized agent. The IWWC shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction.

Section 8 - Application Procedures

- 8.1 All petitions, applications, requests or appeals shall be submitted to the Inland Wetlands and Watercourses Commission of the Town of Thomaston within ten (10) business days of the next regularly scheduled meeting.
- 8.2 The Agency shall, in accordance with Connecticut General Statutes Section 8-7d(f), notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which:
- a. any portion of the property affected by a decision of the agency is within five hundred (500) feet of the boundary of an adjoining municipality.
 - b. 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. significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality.
 - d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application, petition, appeal, request or plan.

- 8.3 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in Section 25-32a of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Agency.
- 8.4 The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission to the Agency or its agent of such petition, application, request or appeal or thirty-five (35) days after such submission, whichever is sooner.
- 8.5 At any time during the review period, the applicant shall provide such additional information as the agency may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in Subsection 11.2 of these regulations.
- 8.6 All applications shall be open for public inspection.

- 8.7 Application requirements;
- a. Incomplete applications may be denied.
 - b. Failure to pay any application or other fees when due shall constitute an incomplete application.
- 8.8 The applicant is responsible for all fees/costs associated with the application process.

Section 9 - Public Hearings

- 9.1 The inland wetlands agency shall not hold a public hearing on an application unless the inland wetlands agency determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least twenty-five (25) persons, eighteen (18) years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the inland wetlands agency not later than fourteen (14) days after the date of receipt of such application or if the inland wetlands agency finds that a public hearing regarding such application would be in the public interest. The inland wetlands agency may issue a permit without a public hearing provided that no petition provided for in this section is filed with the inland wetlands agency on or before the fourteenth (14th) day after the date of receipt of the application. Such hearing shall be held no later than sixty-five (65) days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard.
- 9.2 Notice of the public hearing shall be published at least twice at 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 wetland and watercourse is located. The applicant shall bear the cost of these notifications.

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. Reports from other agencies and commissions, including but not limited to, the Town of Thomaston:
 1. Conservation Commission
 2. Planning and Zoning Commission
 3. Building Official
 4. Highway Superintendent
 5. Water Pollution Control Authority
 6. Torrington Area Health District
 7. Wetlands Enforcement Officer or duly authorized deputy
 8. Town Engineer or other expert
 9. The applicant's or Agency's subject experts
 10. The Agency's declared expertise
 11. CT Water Company
 12. CT DEP/EPA/Army Corp
 - c. The Agency may also consider comments on any application from the Northwest Conservation District, the Regional Planning Commission or other regional organizations (i.e. Council of Elected Officials), 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.
 - d. Non-receipt of comments from state agencies and commissions listed in Subdivision 10.1b and c above within the prescribed time shall neither delay nor prejudice the decision of the Agency.
 - e. For an application for which a public hearing is held, public comments, evidence, and testimony.
- 10.2 Criteria for Decision. In carrying out the purposes and policies of Sections 22a-36 to 22a-45, inclusive of the Connecticut General Statutes, including matters relating to regulating, licensing, and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:
- a. the environmental impact of the proposed regulated activity on wetlands or watercourses.
 - b. the applicant's purpose for and any feasible and prudent alternatives to the proposed regulated activity, which alternatives would cause less or no environmental impact to wetlands or watercourses.
 - c. the relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses.

- d. Irreversible and irretrievable loss of wetland or watercourse resources, which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures, which may be considered as a condition of issuing a permit for such activity including but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.
 - e. the character and degree of injury to or interference with safety, health or the reasonable use of property, which is caused or threatened by the proposed regulated activity.
 - f. impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to the proposed regulated activity, which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses.
 - g. the applicant's history of compliance shall be a factor in establishing conditions of the permit, but not necessarily the approval or denial of a permit.
- 10.3 In the case of an application, which received a public hearing pursuant to a finding by the Agency, that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Agency finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the Agency shall consider the facts and circumstances set forth in Subsection 10.2 of this section. The finding and the reasons therefore shall be stated on the record in writing.
- 10.4 In the case of an application, which is denied on the basis of a finding, that there may be feasible and prudent alternatives to the proposed regulated activity, which have less adverse impact on wetlands or watercourses, the Agency shall propose on the record in writing the types of alternatives, which the applicant may investigate. This subsection shall not be construed to shift the burden from the applicant to the agency to prove that the applicant is entitled to the permit or to present alternatives to the proposed regulated activity.
- 10.5 A municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.
- 10.6 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.

Section 11 - Decision Process and Permit

- 11.1 The Agency or its duly authorized agent acting, pursuant to Section 12 of these regulations, may in accordance with Section 10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act or deny the application. Such terms may include any reasonable measures, which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality or (c) in the following order of priority: restore, enhance, and create productive wetland or watercourse resources.
- 11.2 No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. 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. The applicant may consent to one (1) or more extensions of the periods specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days or may withdraw the application. The failure of the Agency to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Agency.
- 11.3 The Agency shall state upon its record the reasons and bases for its decision.
- 11.4 The Agency shall notify the applicant and any person entitled to such notice 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 to be published in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen (15) day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.
- 11.5 If an activity authorized by an inland wetland permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, or variance or special exception, under Sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, the Agency shall file a copy of the decision and report on the application with the Town of Thomaston Planning and Zoning Commission within fifteen (15) days of the date of the decision thereon.

- 11.6 Any permit issued under this section for any activity shall be valid for not more than five (5) years and not fewer than two (2) years, at the discretion of the Commission. All permits shall be valid for a term of five (5) years unless otherwise stated in a motion of approval and on written permits issued. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than ten (10) years.
- 11.7 Notwithstanding the provisions of Section 11.6, any permit issued under this section prior to July 1, 2011, that has not expired prior to the effective date of this section, shall expire not less than nine years after the date of such approval. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances that requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no such permit shall be valid for more than fourteen years. Provisions of this section shall expire on July 1, 2025, upon expiration of a permit without timely renewal, or upon the completion of all activities related to permits issued prior to July 1, 2011.
- 11.8 No permit issued by the Agency shall be assigned or transferred without the written permission of the Agency.
- 11.9 If a bond is required in accordance with Section 13 of these regulations, the Agency may withhold issuing the permit until such bond is provided.
- 11.10 General provisions in the issuance of all permits:
- a. The Agency has relied in whole or in part on information provided by the applicant and 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 of Thomaston and convey no rights in real estate or material nor any exclusive privileges, are further subject to any and all public and private rights, and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity.
 - c. If the activity authorized by the Agency's permit also involves an activity, which requires zoning or subdivision approval, special permit, variance or special exception under Sections 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.
 - d. In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
 - e. Permits are not transferable without the prior written consent of the Agency.

Section 12 - Action by Duly Authorized Agent

- 12.1 The Agency may delegate to its duly authorized agent the authority to approve or extend a license for an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Agency and shall contain the information listed under Section 7.5 of these regulations and any other information the Agency may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 9 and 11 of these regulations, such agent may approve or extend such an activity at any time.
- 12.2 Any person receiving such approval from such agent shall within ten (10) days of the date of such approval, publish at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Agency within fifteen (15) days after the publication date of the notice and the Agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three (3) business days after receipt by such Agency or its agent of such appeal. Any person may appear and be heard at the meeting held by the Agency to consider the subject appeal. The Agency shall, at its discretion sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these regulations.

Section 13 - Bond

- 13.1 The Agency may require, as a permit condition, the filing of a bond with such surety or other such mechanism in such amount and in a form approved by the Agency.
- 13.2 The bond or surety shall be conditioned on compliance with the provisions of these regulations and the terms, conditions, and limitations established in the permit.
- 13.3 The amount and form of the bond shall be reviewed by the Wetland Enforcement Officer, Town Engineer and Town Attorney.

Section 14 - Enforcement

- 14.1 The Agency may appoint an agent or agents to act in its behalf with the authority to issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this section, the Agency or its duly authorized agent shall take into consideration the criteria for decision under Section 10.2 of these regulations.
- 14.2 The Agency or its agent may make regular inspections at reasonable hours of all regulated activities for which permits have been issued with the consent of the property owner or the authorized agent of the owner during the life of the permit.
- 14.3 In the case in which a permit has not been issued or a permit has expired, the Agency or its agent may make regular inspections at reasonable hours with the consent of the property owner or the authorized agent of the property owner.
- 14.4 If the Agency or its duly authorized 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 duly authorized agent may:
- a. issue a written order by 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 by 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 subsection shall not delay or bar an action pursuant to Section 22a-44 (b) of the Connecticut General Statutes, as amended.
 - b. 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 an 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 14.3.a or other enforcement proceedings as provided by law. After notice to the property owner and an opportunity to be heard, the Agency may record a notice of violation on the land records.
 - c. may direct the Wetland Enforcement Officer to issue a citation for the violation in accordance with the "ORDINANCE ESTABLISHING CITATION PROCEDURES

AND FINES FOR VIOLATIONS OF THE INLAND WETLANDS AND WATERCOURSES REGULATIONS”.

The Agency may in its discretion invoke one or more of these enforcement procedures.

- 14.5 The Agency may suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Agency shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct, which warrants the intended action. The Agency shall hold a hearing to provide the permittee 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 certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.

Section 15 - Amendments

- 15.1 These regulations and the “Soil Survey Map” for the Town of Thomaston may be amended from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Environmental Protection or as new information regarding soils and inland wetlands and watercourses becomes available.
- 15.2 An application filed with the Agency which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.
- 15.3 These regulations and the Town of Thomaston “Soil Survey Map” shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Agency shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five (35) days before the public hearing on their adoption.
- 15.4 Petitions requesting changes or amendments to the "Soil Survey Map", Thomaston, Connecticut, shall contain at least the following information:
 - a. the petitioner's name, mailing address, and telephone number.
 - b. the address, or location of the land affected by the petition.
 - c. the petitioner's interest in the land affected by the petition.
 - d. map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations.
 - e. the reasons for the requested action.
 - f. other information reasonably requested by the agency.
- 15.5 Any person who submits a petition to amend the “Soil Survey Map”, Thomaston, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Agency. If such person is the owner, developer or contract purchaser of the land, which is the subject of the petition, or if such person is representing the interests of such an

owner, developer or purchaser, in addition to the information required in Subsection 15.4, the petition shall include:

- a. the name, mailing address, and telephone number of the owner(s) of such land and owner(s) agent or other representative.
 - b. the names and mailing addresses of the owners of abutting land.
 - c. documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types.
 - d. map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.
 - e. other information as reasonably requested required by the agency.
- 15.6 Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual. The agency may hire an expert to analyze, review, or report on the area. The cost shall be borne by the applicant.
- 15.7 A public hearing shall be held on petitions to amend the "Soil Survey Map". Notice of the hearing shall be published in a newspaper having a general circulation in the municipality where the land that is the subject of the hearing is located at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the date set for the hearing. All materials including maps and documents relating to the petition shall be open for public inspection.
- 15.8 The Agency shall hold a public hearing on a petition to amend the regulations and the Soil Survey Map within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five days (35) after commencement. The Agency shall act upon the changes requested in such petition within sixty-five (65) days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one (1) or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw such petition. Failure of the Agency to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.
- 15.9 The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.

Section 16 - Appeals

- 16.1 Appeal on actions of the Agency shall be made in accordance with the provisions of Section 22a-43 of the Connecticut General Statutes, as amended.
- 16.2 Notice of such appeal shall be served upon the Agency and the Commissioner of Environmental Protection.

Section 17 - Conflict and Severance

- 17.1 If there is a conflict among the provisions of these regulations, the provision, which imposes the most stringent standards for the use of wetlands and watercourses, shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision or provision of these regulations shall not affect the validity of any other part, which can be given effect without such invalid part, or parts.
- 17.2 If there is a conflict between the provisions of these regulations and the provisions of the Act, the provisions of the Act shall govern.

Section 18 - Other Permits

- 18.1 Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Thomaston, the State of Connecticut or the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

Section 19 - Effective Date of Regulations

- 20.1 These regulations are effective upon filing in the Office of the Town Clerk and publication of a notice of such filing in a newspaper having general circulation in the Town of Thomaston. These regulations were adopted by the Inland Wetlands and Watercourses Commission at a Special Meeting held on Wednesday, June 18, 2008. The effective date of these regulations as determined by the Commission is July 5, 2008. These regulations have been filed with the Town Clerk on June 25, 2008.

Appendices

- (Appendices are for reference only. They are not intended to be part of the Inland Wetlands and Watercourses Regulations)

A	.....	Definition of Farming
B	.....	CT General Statute
C	.....	Upland Review Guidelines
D	.....	Soil Scientist Qualifications
E	.....	Site Plan Review Checklist
F	.....	CT Invasive Plant List
G	.....	Inland Wetlands & Watercourses Act
H	.....	Agriculture, Forestry & Wetlands Protection in Connecticut
I	.....	CT Guidelines for Soil Erosion & Sediment Control
J	.....	Site Stormwater Management Plan Checklist
K	.....	DEP Stream Crossing Guidelines
L	.....	IWWC Fee Schedule

APPENDIX A

Connecticut General Statute section 1-1(q)

Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

APPENDIX B

Connecticut General Statute section 8-7d

Sec. 8-7d. Hearings and decisions. Time limits. Day of receipt. Notice to adjoining municipality. Public notice registry. (a) In all matters wherein a formal petition, application, request or appeal must be submitted to a zoning commission, planning and zoning commission or zoning board of appeals under this chapter, a planning commission under chapter 126 or an inland wetlands agency under chapter 440 and a hearing is required or otherwise held on such petition, application, request or appeal, such hearing shall commence within sixty-five days after receipt of such petition, application, request or appeal and shall be completed within thirty-five days after such hearing commences, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. In addition to such notice, such commission, board or agency may, by regulation, provide for additional notice. Such regulations shall include provisions that the notice be mailed to persons who own land that is adjacent to the land that is the subject of the hearing or be provided by posting a sign on the land that is the subject of the hearing, or both. For purposes of such additional notice, (1) proof of mailing shall be evidenced by a certificate of mailing, and (2) the person who owns land shall be the owner indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing, any person or persons may appear and be heard and may be represented by agent or by attorney. All decisions on such matters shall be rendered within sixty-five days after completion of such hearing, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. The petitioner or applicant may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition, application, request or appeal.

(b) Notwithstanding the provisions of subsection (a) of this section, whenever the approval of a site plan is the only requirement to be met or remaining to be met under the zoning regulations for any building, use or structure, a decision on an application for approval of such site plan shall be rendered within sixty-five days after receipt of such site plan. Whenever a decision is to be made on an application for subdivision approval under chapter 126 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. Whenever a decision is to be made on an inland wetlands and watercourses application under chapter 440 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed sixty-five days or may withdraw such plan or application.

(c) For purposes of subsection (a) or (b) of this section and section 7-246a, the date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of such commission, board or agency, immediately following the day of submission to such commission, board or agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner. If the commission, board or agency does not maintain an office with regular office hours, the office of the clerk of the municipality shall act as the agent of such commission, board or agency for the receipt of any petition, application, request or appeal.

(d) The provisions of subsection (a) of this section shall not apply to any action initiated by any zoning commission, planning commission or planning and zoning commission regarding adoption or change of any zoning regulation or boundary or any subdivision regulation.

(e) Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, and the time for a decision by a zoning commission or planning and zoning commission established pursuant to this section would elapse prior to the thirty-fifth day after a decision by the inland wetlands agency, the time period for a decision shall be extended to thirty-five days after the decision of such agency. The provisions of this subsection shall not be construed to apply to any extension consented to by an applicant or petitioner.

(f) The zoning commission, planning commission, zoning and planning commission, zoning board of appeals or inland wetlands agency shall notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which: (1) Any portion of the property affected by a decision of such commission, board or agency is within five hundred feet of the boundary of the adjoining municipality; (2) 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; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

(g) (1) Any zoning commission, planning commission or planning and zoning commission initiating any action regarding adoption or change of any zoning regulation or boundary or any subdivision regulation or regarding the preparation or amendment of the plan of conservation and development shall provide notice of such action in accordance with this subsection in addition to any other notice required under any provision of the general statutes.

(2) A zoning commission, planning commission or planning and zoning commission shall establish a public notice registry of landowners, electors and nonprofit organizations qualified as tax-exempt organizations under the provisions of Section 501(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, requesting notice under this subsection. Each municipality shall notify residents of such registry and the process for registering for notice under this subsection. The zoning commission, planning commission or planning and zoning commission shall place on such registry the names and addresses of any such landowner, elector or organization upon written request of such landowner, elector or organization. A landowner, elector or organization may request such notice be sent by mail or by electronic mail. The name and address of a landowner, elector or organization who requests to be placed on the public notice registry shall remain on such registry for a period of three years after the establishment of such registry. Thereafter any land owner, elector or organization may request to be placed on such registry for additional periods of three years.

(3) Any notice under this subsection shall be mailed to all landowners, electors and organizations in the public notice registry not later than seven days prior to the commencement of the public hearing on such action, if feasible. Such notice may be mailed by electronic mail if the zoning commission, planning commission or planning and zoning commission or the municipality has an electronic mail service provider.

(4) No zoning commission, planning commission or planning and zoning commission shall be civilly liable to any landowner, elector or nonprofit organization requesting notice under this subsection with respect to any act done or omitted in good faith or through a bona fide error that occurred despite reasonable procedures maintained by the zoning commission, planning commission or planning and zoning commission to prevent such errors in complying with the provisions of this section.

Appendix C



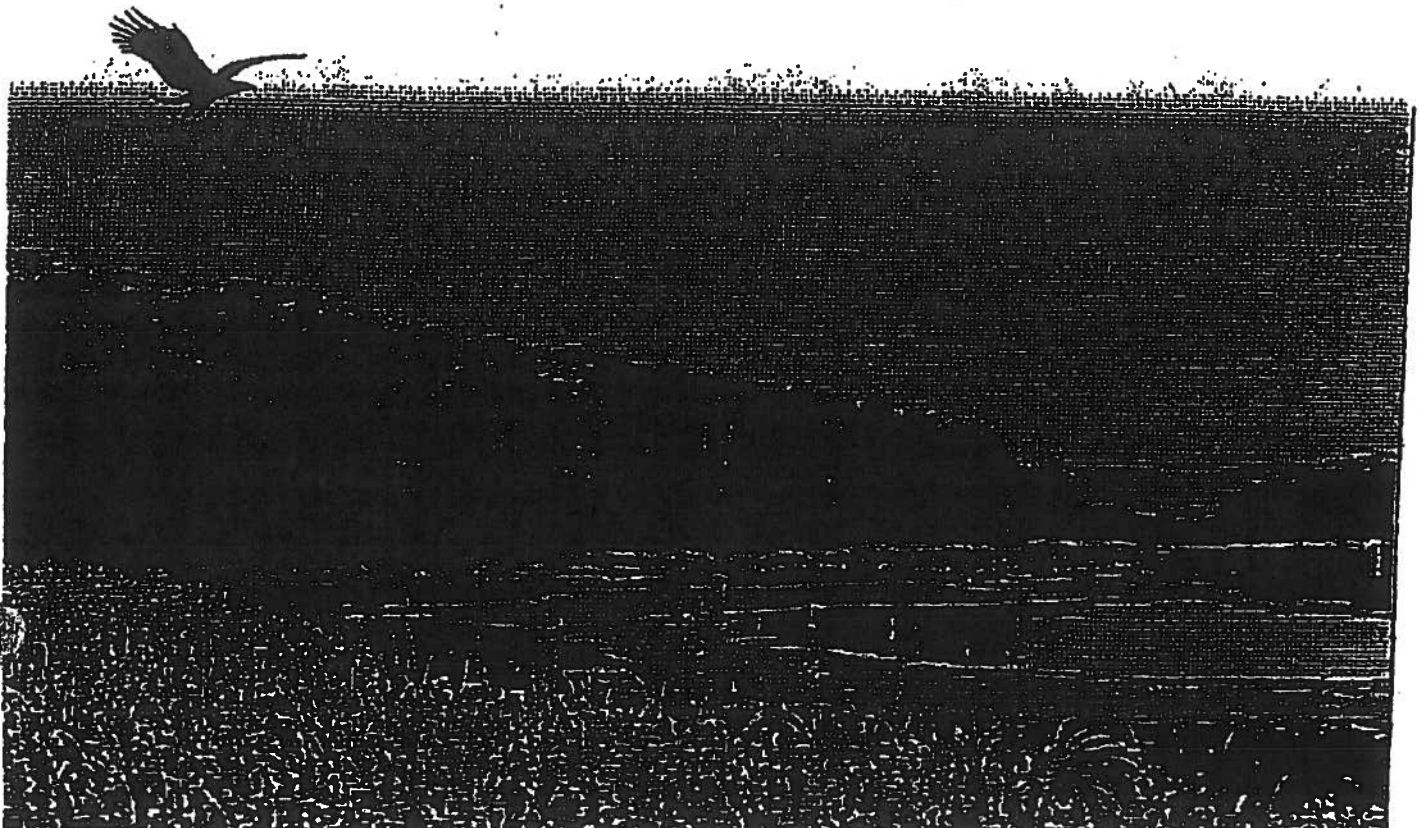
STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

79 Elm Street
Hartford, CT 06106-5127

**GUIDELINES
UPLAND REVIEW AREA REGULATIONS
CONNECTICUT'S INLAND WETLANDS &
WATERCOURSES ACT**

June, 1997

Wetlands Management Section
Bureau of Water Management



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Cover Picture From: Forested Wetlands/Functions, Benefits and the Uses of Best Management Practices, U.S.D.A. Forest Service.

Guidelines for Upland Review Area Regulations Under Connecticut's Inland Wetlands and Watercourses Act

Wetlands and Uplands: an Introduction

The relationship between a wetland or watercourse and its surrounding upland is complex. Upland land clearing, excavating, filling and other construction activities if not properly planned and executed can have significant impacts on adjacent wetlands and watercourses. Under the Inland Wetlands and Watercourses Act, the municipal wetlands agency has broad authority to issue permits not only for activities in wetlands or watercourses themselves, but for activities located elsewhere when such activities are likely to impact or affect wetlands or watercourses. *It is the department's policy to encourage municipal wetland agencies to review proposed activities located in upland areas surrounding wetlands and watercourses wherever such activities are likely to impact or affect wetlands or watercourses.*¹

An understanding of how certain activities in upland areas affect wetlands and watercourses has led most towns to adopt regulations requiring wetland agency review of proposed development adjacent to wetlands and watercourses.² Such regulations are optional under the Act, but serve to inform the public as to the circumstances under which a wetlands permit is required of activities proposed adjacent to a wetland or watercourse.³

While requiring a permit for specified activities within defined upland review area boundaries, these wetland agencies still maintain their authority to regulate proposed activities located in more distant upland areas if they find that the activities are likely to impact or affect a wetland or watercourse.

The purpose of these guidelines is to assist municipal wetlands agencies to review and revise their wetlands and watercourses regulations, if necessary. As such, the guidelines provide a foundation for consistency in municipal regulations and permitting activities. They are not intended to substitute for reasoned evaluation and judgement by municipal wetlands agencies of the local wetland and watercourse resources, the conditions surrounding those resources, and the types of activities which are likely to impact or affect those resources. Nor are they intended to guide wetlands agencies through the decision making process for acting on permits. Both these topics are more appropriately addressed in detail through the department's Inland Wetlands Management Training Program for wetland agency commissioners and their staff. Wetlands agencies are reminded that they should review proposed changes in their inland wetlands and watercourses regulations with their town attorney.

Model Municipal Upland Review Area Regulations

In addition to implementing the law to protect wetlands and watercourses, regulations inform the public on what to expect if one proposes an activity in or affecting a wetland or watercourse in the subject town. Upland review area regulations reduce or eliminate the need for case-by-case rulings by providing notice as to what activities need wetland permits. By specifying where a permit is required, such regulations foster consistency and are convenient for the public. In determining the boundaries for its upland review area regulations, the wetland agency should consider the specific kinds of development activities on uplands which are likely to impact or affect wetlands and watercourses and the nature of that impact or affect.

An upland activity which is likely to impact or affect wetlands or watercourses is a *regulated activity* and should be identified as such in the regulations. In identifying upland review area regulated activities, the wetlands agency must apply the standard established under section 22a-42a(f) of the General Statutes and find that the activity is "... likely to impact or affect wetlands or watercourses."⁴ Examples of upland regulated activities are included in the models below. In implementing its upland review area regulations, the wetland agency must be cognizant that certain proposed activities, which are permitted uses as of right or as nonregulated uses under section 22a-40 of the General Statutes, are not regulated and do not require a permit from the wetlands agency under the Inland Wetlands and Watercourses Act.

There are a number of ways that the boundaries of an upland review area may be defined in regulations. In selecting its approach, the wetland agency should consider the special nature of their town's wetland and watercourse resources, the purposes and intent of the Inland Wetlands and Watercourses Act, and how the regulations will be implemented.

Three models for upland review area regulations are presented below. The first model provides that certain specified activities if conducted within a specified distance measured from *any* wetland or watercourse are regulated activities. As such, the first model is the basic model and easiest to implement. The second model expands upon that basic model by identifying specific wetland and watercourse resources of special concern and providing site specific review area widths for those resources. This model should be used where the wetland agency believes additional protection though a wider review area is needed or to take existing land development or uses into account with a narrower review area. The third model adds to the basic model a slope and soil factor in determining the site specific width or location of the upland review area. The first and second models are easily understood and implemented, while the third is technically complex and not easily implemented without trained staff.

Note that the first sentence of each model definition below is the definition of the term *regulated activity* taken from section 22a-38(13) of the Inland Wetlands and Watercourses Act and, as such, its meaning may not be changed in municipal inland wetlands regulations.

Model Regulation Options

Model I.

"Regulated activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within _____ feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. The Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

Model II.

"Regulated activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within the following upland review areas is a regulated activity:

- (1) within _____ feet measured horizontally from the ordinary high water mark⁶ of Town Lake, Smith Lake or Pine Meadow Pond;
- (2) within _____ feet measured horizontally from the ordinary high water mark of Ledge Brook and of Big Trout Brook between the Route 51 and Main Street Bridges over Big Trout Brook.
- (3) within _____ feet measured horizontally from the boundary of the wetlands comprising Great Swamp;
- (4) within the area enclosed by the _____ foot contour elevation surrounding Ice Pond Bog; such contour is depicted on the Inland Wetlands and Watercourses Map for the Town of _____;
- (5) within _____ feet measured horizontally from the boundary of any other wetland or watercourse.

The Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

Model III.

"Regulated activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the

specified activities in section 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water in the following areas is a regulated activity:

- (1) on land within ____ feet measured horizontally from the boundary of any wetland or watercourse, provided
- (2) if the slope of such land exceeds 5%,⁷ within the distance measured horizontally from the boundary of the wetland or watercourse equal to ____ feet plus an additional 5 feet for each 1% increase in slope greater than 5%, but not more than __[e.g., 200]__ feet;
- (3) on land designated on the Inland Wetlands and Watercourses Map of the Town of _____ as containing highly erodible soils.

The Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

Considerations in Establishing Upland Review Areas

Regulated Activities

The Inland Wetlands and Watercourses Act (Sections 22a-36 through 22a-45a of the General Statutes) defines *regulated activity* to mean:

*"... any operation within or use of a wetland or watercourse involving the removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses, but shall not include the specified activities in section 22a-40 of the Connecticut General Statutes."*⁸

In addition to activities located in a wetland or watercourse, any activity located in a non-wetland or non-watercourse area which is likely to impact or affect a wetland or watercourse may be deemed to be a regulated activity (unless the activity is a use permitted as of right or as a nonregulated activity). However, the likelihood of an activity having a substantive impact on a wetland or watercourse will depend on a number of factors, including the nature of the wetland or watercourse, the activity, soils and slope of the land, and would generally decrease with increasing distance of the activity from the wetland or watercourse. At some point, impacts from that activity on wetlands and watercourses would be expected to become de minimis and not measurable.

The DEP believes that a 100 foot-wide upland review area is sufficient for reviewing construction

activities in areas surrounding wetlands or watercourses because most of the activities which are likely to impact or affect these resources will be located in that area. However, based on the special factors of concern to a wetlands agency, e.g., wetland and watercourse values, slope, soils, existing development, etc., a greater or lesser distance may be appropriate for a particular municipality. However, beyond 100 feet it is neither practical nor desirable, from a wetlands and watercourses management perspective, to automatically require an inland wetlands permit for *all* construction activities. It must be emphasized that other municipal authorities and mechanisms involving planning, zoning and subdivision decisions and plans of conservation and development, play a role in addressing the broader watershed issues.

Upland Review Areas, Setbacks and Buffers

In a number of municipal inland wetlands regulations, upland review areas are referred to as setbacks or buffers.⁹ We chose the term *upland review area* to describe the non-wetland or non-watercourse area in which certain activities would be regulated because it best conveys the regulatory scheme under the wetlands statutes wherein a wetland agency reviews regulated activities case-by-case and approves or disapproves them on their merits. The inland wetland statutes do not authorize a blanket prohibition of *all* activities either in the wetlands or in upland review, buffer or setback areas.

Use of Upland Review Area Regulations

Most municipal wetland agencies have already adopted some form of upland review area regulations.¹⁰ Such regulations are based on a presumption that the regulated activity will have an adverse impact on the adjacent wetland or watercourse. A person proposing to conduct a regulated activity has the burden to demonstrate to the wetlands agency that the impacts of his proposal are consistent with the purposes and provisions of the Inland Wetlands and Watercourses Act and, therefore, that he is entitled to the permit. An applicant who successfully documents to the satisfaction of the wetlands agency that his proposed activities are fully consistent with the purposes and provisions of the Inland Wetlands and Watercourses Act is entitled to receive a permit. The factors the wetlands agency must consider in making its decision on the application are prescribed in section 22a-41 of the General Statutes.¹¹

The Role of the Upland Review Area in Protecting Wetlands and Watercourses

Upland areas surrounding wetlands or watercourses function in a number of ways to protect these resources. An understanding of these functions and how they potentially may be impacted by construction activity or development is necessary for the wetlands agency to adopt an upland review area and subsequently regulate activities therein. Since the functions will vary depending on the specific project site, each permit application will be different and must be reviewed on its individual merits.

Control Non-point Source Pollution

- *Vegetation and natural soils foster removal of nutrients, sediments, particulates, and other potential pollutants and pathogens from storm-water runoff thereby protecting water quality
- *Sediments arising from road sanding and construction activities are trapped
- *Flood flows, stream bank erosion, and storm-water discharges to wetlands and watercourses are attenuated
- *Separating distances from wetlands or watercourses allow for treatment of wastewaters

Protect Aquatic Habitat

- *Wind-thrown trees, dropped branches and detritus create important habitat for aquatic organisms within watercourses
- *Stabilize under cutting stream banks, providing shelter for fish and other aquatic organisms
- *Riparian areas are an essential component of habitat and for mammals, birds, amphibians, reptiles, invertebrates and other wetland animals
- *Watercourses are allowed to meander naturally without endangering development

Control Temperature

- *Shrubs and trees shade wetlands and watercourses and help maintain cold water aquatic habitats in summer and insulate them from deep frost in winter
- *Water temperatures suitable for fish spawning and egg and fry development are maintained
- *Cooler water supports higher dissolved oxygen

Provide Food for Aquatic Life

- *Decomposing leaves and detritus contribute to the food chain, especially of aquatic insects
- *Insects falling from branches feed fish and other aquatic life

Insulate Fish and Wildlife From Human Activities

- *Potential for human interference with fish and wetland wildlife is reduced

Provide a Corridor Linking Wetlands and Watercourses

- *Wildlife habitats are continuous, not fragmented or isolated, allowing for migratory habits of wetland wildlife

Examples of Regulated Activities in Upland Review Areas and Their Potential Wetland or Watercourse Impacts

Keep in mind that the substance and significance of an impact will vary from site to site and may decrease with increasing distance from the wetland or watercourse.

Clearing, grubbing and grading

- *Loss of stream shading
- *Increased surface water temperature
- *Loss of food source for aquatic organisms
- *Loss of riparian habitat/diminished in stream habitat value
- *Increased storm-water runoff
- *Reduced capacity to remove nutrients and other impurities from runoff
- *Soil erosion/sedimentation
- *Destabilization of stream banks
- *Increased disturbance of aquatic and wetland animals
- *Release of nutrients bound in the soil
- *Loss of instream habitat diversity from wind-thrown trees and branches

Paving

- *Increased storm-water runoff/discharge
- *Decreased ground-water recharge, reduced stream flow during dry seasons
- *Non-point source of water pollution, including petroleum products from motor vehicles
- *Source of sand and grit from storm water discharges
- *Disruption of fish spawning and fish-egg incubation
- *Periodic disturbance from maintenance of storm-water management system
- *Thermal loading in watercourses

Excavating

- *Soil erosion/sedimentation
- *Altered surface and ground-water discharge patterns and quantity

- *Diversion or dewatering of wetland/watercourse
- *Destabilization of watercourse channels

Filling

- *Diversion of surface water drainage/dewatering
- *Loss of flood-water storage
- *Increased flooding or flood hazards
- *Increased stream erosion
- *Erosion of fill material
- *Sedimentation

Constructing

- *Soil erosion/deposition
- *Disturbance of adjacent fish and wildlife habitats
- *Increased non-point sources of water pollution
- *Fragmentation of wetland/watercourse habitats

Depositing material

- *Erosion/loss of material into regulated area
- *Leaching/pollution potential
- *Disturbance of adjacent aquatic habitats
- *Alteration of riparian habitats
- *Other impacts similar to filling and constructing

Removing material

- *Discharge/loss of material to regulated area
- *Modification of riparian habitats
- *Surface drainage changes
- *Other impacts similar to clearing, grubbing or grading

Discharging storm water

- *Water quality - discharge of road sands/grit; oils; grease
- *Water quantity - flow attenuation; velocity dissipation
- *Erosion/sedimentation
- *Assimilation of potential pollutants
- *Change in receiving stream water temperature
- *Increase velocity of runoff and decrease travel time to the receiving watercourse
- *Nuisance flooding

Determining Upland Review Area Boundaries

Due to the variability of Connecticut's landscape features, even within the same watershed, and the multiplicity of regulated activities which may be involved in site development, it is not practical to establish separate upland review area boundary distances *for each category or type of regulated activity*. Instead, the upland review area should be of sufficient width to ensure that it will encompass the activities that are most likely to impact or affect the adjacent wetlands or watercourses. It is recommended that upland review area boundaries be delineated using a uniform distance measured horizontally and perpendicular from the ordinary high water mark of a lake, pond, river or stream or from a wetland soil boundary.

The upland review area width adopted by the wetlands agency may be wider or narrower than the 100 foot width recommended by DEP. DEP encourages municipal wetlands agencies base their upland review area widths giving due consideration to local landscape factors including the value, or importance, of wetland or watercourse resources, extent of existing land use and, if a wetland agency deems it to be practicable, on the slope and soils of the land to be developed or other factors.

To be enforceable, the upland review areas must be adopted in the town's inland wetlands and watercourses regulations following the procedures described under section 22a-42a of the General Statutes.¹² Importantly, the upland review area regulations must be easy to understand by a property owner and easy to implement by the inland wetlands agency (should it need to take an enforcement action), as well as by any other interested person.

A uniform review area width has the advantage of simplicity over a variable width in that it is easier to delineate, understand and administer. The disadvantage of a variable, non-uniform, width upland review area regulation is that its inherent complexity may make the regulation difficult to establish and subsequently administer. Ordinarily, the agency will need a professional staff person to delineate and enforce variable upland review area regulations. Also, citizens may be confused using a variable approach and disagreements over the actual location on the ground of the outer limit of the upland review area may complicate permit and enforcement proceedings. Verification of the upland review area location is particularly important in an enforcement action where the burden is on the agency to prove that there is a violation of its regulations. For these reasons, the department urges caution in adopting complex upland review area boundaries (e.g., Model Option III, above).

While it is desirable for upland review areas to be depicted on the town's official inland wetlands and watercourses map, depending on the type of review area adopted, actual mapping may not be necessary provided appropriate narrative description is included in the town's inland wetlands and watercourses regulations and such provisions *are clearly referenced on the official map*. Wetlands agency regulations governing wetlands maps and the official wetlands maps themselves should state that such wetlands and watercourses maps were prepared for information purposes only and that the actual character of the land shall govern the agency's jurisdiction thereon. The

official wetlands and watercourses maps should also clearly reference or depict all upland review areas which have been adopted by the agency.

Boundary Factors

There are a number of factors which should be considered in defining upland review area boundaries. For unique situations, such as with an important bog, the boundary of the review area could be set by using an elevation contour encompassing the subject area. In addition, upland review areas may be wider or narrower for specified wetlands or watercourses. For example, an upland review area for a significant wetland or watercourse habitat or for wetlands and watercourses located in a public water supply watershed could be set wider than a review area for wetlands or watercourses located in other less critical areas.

*** Significant Wetland and Watercourse Resources**

All wetlands have intrinsic value, some wetland areas being more or less ecologically valuable than others. But if a wetland or watercourse is known to be ecologically significant, or to have a critical function or value such as in flood control or as habitat for an endangered species, a wider, more protective, upland review area may be appropriate. Unique wetland and watercourse values such as in research, education or recreation may also warrant a wider upland review area.

DEP encourages all towns to evaluate their wetlands resources. To that end, DEP offers training guidance on a methodology for identifying the relative importance of the wetlands and watercourses in a town or within a watershed. (See: DEP Bulletin # 9 *Method for the Evaluation of Inland Wetlands in Connecticut, 1989* ¹³) This methodology uses mathematical and word expressions to assign relative "wetland value units" (WVU) to a number of the common wetland and watercourse functions. The following functions are defined in DEP Bulletin #9:

- Flood Control
- Ecological Integrity
- Wildlife Habitat
- Fish Habitat
- Nutrient Retention and Sediment Trapping
- Education Potential
- Visual/Esthetic Quality
- Agricultural Potential
- Forestry Potential
- Water Based Recreation
- Ground-water Use Potential
- Shoreline Anchoring and Dissipation of Erosive Forces
- Noteworthiness, including public water supply watersheds

In addition, guidance on vernal pools is provided in a recent publication by the Connecticut Forest Stewardship Program and the University of Connecticut Cooperative Extension System titled *Identification and Protection of Vernal Pool Wetlands of Connecticut*. Both of the above referenced publications are available from the DEP Bookstore, 79 Elm Street, Hartford, phone 860-424-3555.

* Slope

By enlarging the width of the upland review area in proportion to its slope upward from the wetland or watercourse, the wetland agency may have a better opportunity to protect wetlands and watercourses from sedimentation originating from upland construction activities. For example, wherever the minimum 100 foot upland review area slope exceeds 5%, regulations could add 5 feet (or other reasonable measure) of review area distance *horizontally* for each 1% increase in slope. Thus, if the basic 100 foot wide review area has a 15% slope upward from the ordinary high water line or wetland soil boundary, an additional 50 feet would be added to the horizontal width of the upland review area ($5\text{ft}/1\% \times 10\% = 50\text{ft}$). Similarly, where the land slopes away (downward) from the regulated area, e.g., as in the case of a hill-side seep wetland, the width of the review area could be reduced.

In general, the greater the slope of the land being developed, the greater the potential threat of damage to adjacent wetlands and watercourses from erosion and sedimentation. However, in practice, unless a town already has good town-wide topographic mapping, calculating a slope parameter for a town-wide map of the upland review area boundary would require considerable professional engineering expertise.

A practical approach to using the slope factor may be for wetland agencies to assert their jurisdiction case-by-case over major construction activities on any steeply sloped areas located outside the upland review area where wetlands and watercourses may be threatened by sedimentation caused by erosion at upland construction sites. Such sedimentation is deemed to be pollution and may be cause for an enforcement action under the inland wetlands statutes (see definition of regulated activity above).

* Soils

Combined with slope, the type of soil found adjacent to wetlands and watercourses is an important factor in how development may affect adjacent wetlands or watercourses. Soil characteristics such as texture, cohesiveness and organic content influence the creation of rill and gully formation as a result of erosion by water. In turn, this creates a potential for sedimentation of adjacent wetlands and watercourses. The United States Department of Agriculture, Natural Resources Conservation Service, has compiled lists of highly erodible soil map units which can be located using their published soil surveys. While these lists were compiled primarily for agricultural applications, they may also be useful in evaluating the erosion potential from construction activity.

Also, the permeability of a particular soil, the rate at which groundwater travels through a soil, is an important consideration when evaluating the potential for an upland review area to renovate wastewater discharges to the ground water that may subsequently discharge to a wetland or watercourse. This may be an important consideration when septic system leaching fields or storm water infiltration trenches are proposed adjacent to wetlands or watercourses.

For more information on highly erodible soils, refer to *Highly Erodible Soil Map Units of Connecticut*, USDA-NRCS (1986). For more information on soil permeability characteristics, contact your local USDA-Natural Resource Conservation Service Center (call 860-487-4011 for the center near you). Information on ground-water as it relates to sewage treatment can be found in *Seepage and Pollutant Renovation* (DEP Bulletin # 7) and *Carrying Capacity of Public Water Supply Watersheds* (DEP Bulletin # 11).

Except when soils are used to define wetlands, regulation of development based on soil characteristics is largely a responsibility of the town sanitarian and the planning and zoning commission(s).¹⁴ However, where highly erodible soils are located adjacent to wetlands and watercourses, erosion and sedimentation control is especially critical and should also be addressed by the wetland agency.

Upland review area boundaries based on soil characteristics should be depicted as such on the official inland wetlands and watercourses map for the subject town.

* Floodplain Limits

The landward boundary of a mapped floodplain, such as delineated by the 100-year flood mapped by the National Flood Insurance Program, has been determined using a theoretical design flood on the subject watercourse. Mapped flood limits have no direct relation to the location of wetlands or smaller watercourses on the floodplain. Also, the floodplain boundaries for most small watercourses have not been mapped. For these reasons, flood insurance floodplain maps may not reflect a reasonable boundary of the upland review area.

* Urban Areas and Existing Development

Existing development of the area surrounding wetlands and watercourses has, more likely than not, already had an impact on the upland area's ability to protect those resources. Degraded conditions should not be used to justify further degradation. The wetlands or watercourses themselves may have been filled or modified for storm water or flood control. For these reasons any remaining fringe of undisturbed area between the wetland or watercourse and existing upland development may be all that there is to buffer adjacent water resources from further degradation from new development. In such urban areas, particular attention should be given to how storm water discharges are managed so as to minimize the opportunity for pollution and alteration of wetland or watercourse habitats.

New development in urban areas that contain degraded wetlands or watercourses, may provide an opportunity to improve these degraded resources while mitigating the impact of the new development. This can be accomplished by habitat restoration or enhancement or by using storm water management system retrofits that are designed to improve the quality of the storm water discharge.

Endnotes

1. This document was prepared in response to inquiries from municipal wetland commissioners, the Rivers Advisory Committee, the regulated community and other interested persons for guidance on implementing setback and buffer provisions in municipal regulations adopted under Connecticut's Inland Wetlands and Watercourses Act. Section 22a-42d of the General Statutes directs the department to provide guidance for the implementation of Section 22a-42a(f) of the General Statutes.
2. Over 80% of Connecticut's municipal wetlands agencies have regulations governing regulated activities in areas surrounding wetlands or watercourses.
3. Section 22a-42a(c)(2) of the General Statutes provides that a wetlands agency may delegate approval authority for non-significant activities proposed in upland review areas to its agent provided such agent has had DEP training.
4. Section 22a-42a(f) provides that the wetlands agency has jurisdiction over those activities proposed in the upland review area which are "... likely to impact or affect wetlands or watercourses." In documenting the necessity for regulating specific activities conducted in upland review areas, it is not sufficient to merely assert that the activity "may" impact or affect wetlands or watercourses.
5. Contact DEP for a copy of *Inland Wetlands and Watercourses Model Regulations*. DEP's *Model Regulations* provide a comprehensive guide for implementing the Inland Wetlands and Watercourses Act through municipal wetland agency regulations. *Model Regulations* is updated as needed to reflect current legislation.
6. "Ordinary high water mark" means a mark on the land caused by the presence and action of water, which presence and action is so common and usual and so long continued in all ordinary years so as to mark upon the land a distinction between the abutting upland and the watercourse. Such mark may be found by examining the bed and bank of any watercourse and ascertaining thereon an abrupt change in the characteristics of soil or vegetation or slope of the land. This term should be defined in municipal wetlands regulations.
7. Percent slope is most simply determined by dividing the difference in elevation between two points by the distance between the points (i.e., rise/run) and multiplying the result by 100. If a slope factor is used in regulations, the regulations must provide guidance as to how the slope should be measured in the field e.g., on shortest straight line transect from any wetland or watercourse boundary to the highest up gradient point on the land to be developed; number and location of transects; and, in recognition that

the actual slope of the land is not uniform, methods for averaging of slope over a site.

8. In implementing upland review area regulations, the wetlands agency must be cognizant of the "uses as of right" provisions of section 22a-40 of the General Statutes. Under section 22a-40, certain activities are uses of wetland and watercourses as of right or as a nonregulated use. Such uses are not regulated and do not require a permit from the wetland agency. For example, subdivision (4) of section 22a-40(a) prescribes that certain "... uses incidental to the enjoyment and maintenance of residential property ..." are permitted as of right: "[s]uch uses shall include maintenance of existing structures and landscaping but shall not include removal or deposition of significant amounts of material from or onto a wetland or watercourse or diversion or alteration of a watercourse." Other uses permitted as of right include certain agricultural and forestry uses, boat anchorage and mooring, certain water company activities and maintenance of drainage pipes which pre-date the regulations. Nonregulated uses include a number of conservation and recreational activities. Persons proposing such uses should seek confirmation from the municipal wetlands agency that their proposed project does not require a permit.

9. DEP has not adopted an upland review area provision for state agency actions because, unlike municipal wetland agencies which have only one opportunity to review a project, DEP has a number of opportunities during both planning and permitting of state agency projects. DEP reviews state agency projects under the Environmental Policy Act (Findings of No Significant Impact, Environmental Impact Statements) and several permit programs under Title 22a and 25 of the General Statutes. As partners in state government, state agencies generally act cooperatively to address environmental issues. Utilizing its technical resources, the State strives to apply site specific best management practices during the different planning and regulatory reviews.

10. Depending on the wetland agency, upland review area widths range from 25 feet up to 650 feet from wetland or watercourse boundaries.

11. Section 22a-41 of the Inland Wetlands and Watercourses Act established the criteria for decision on permit applications as follows: In carrying out the purposes and policies of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:

- a. the environmental impact of the proposed regulated activity on wetlands or watercourses;
- b. the applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
- c. the relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
- d. irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such

Agency Mission

The mission of the Department of Environmental Protection (DEP) is to conserve, improve and protect the natural resources and environment of the State of Connecticut and to do this in a way that encourages the social and economic development of Connecticut while preserving the natural environment and the life forms its supports in a delicate, interrelated and complex balance, to the end that the state may fulfill its responsibility as trustee of the environment for present and future generations. The DEP achieves its mission through regulation, inspection, enforcement and licensing procedures which help control air, land and water pollution in order to protect health, safety and welfare. The Department also improves and coordinates the state's environmental plans, functions and educational programs in cooperation with the federal, regional and local governments, other public and private organizations and concerned individuals, while managing and protecting the flora and fauna for compatible uses by the citizens of the state.

**SOIL SCIENTIST QUALIFICATIONS
FOR
THE STATE OF CONNECTICUT
INLAND WETLANDS AND WATERCOURSES ACT**

In 1972, recognizing the importance of inland wetlands and watercourses, Connecticut's legislature enacted the Inland Wetlands and Watercourses Act (IWWA: sections 22a-36 through 22a-45 of the General Statutes of Connecticut). The IWWA defines "wetlands" as land, consisting of soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey. Since the Connecticut IWWA uses a soil-based definition of wetlands, a soil scientist is necessary to determine and delineate such wetlands. Therefore the IWWA also defines a "soil scientist" as an individual meeting standards set by the federal Office of Personnel Management. Various professional soil science organizations also "certify" a person as a soil scientist. This fact sheet will clarify the Connecticut IWWA definition of soil scientist and will describe how the standards of the federal Office of Personnel Management correspond to the membership criteria established by professional soil science organizations.

I. State of Connecticut Definition

- a. From the General Statutes of Connecticut (Revised to January 1, 2007), Title 22a, Chapter 440, Inland Wetlands and Watercourses Act

Section 22a-38. Definitions. (5) "Soil scientist" means an individual duly qualified in accordance with standards set by the federal Office of Personnel Management;

- i. From the U.S. Office of Personnel Management, Operating Manual for Qualification Standards for General Schedule Positions, Section IV-B (GS-470 Soil Science Series):

Qualification Standard for Soil Scientist:

- A degree in soil science or a closely related discipline that included 30 semester hours or equivalent in biological, physical, or earth science, with a minimum of 15 semester hours in such subjects as soil genesis, pedology, soil chemistry, soil physics, and soil fertility.

OR

- A combination of education and experience—courses equivalent to a major in soil science or a related discipline that included at least 30 semester hours in the biological, physical, or earth sciences. At least 15 of these semester hours must have been in the areas specified in A above, plus appropriate experience or additional education.

II. Professional Soil Science Organizations

a. Society of Soil Scientists of Southern New England (SSSSNE)

The SSSSNE annually publishes a listing of its members who meet their qualifications for Basic and Professional Members.

- i. *Basic Member* status requires a BS degree with 30 semester credit hours in the biological, physical, chemical, and earth sciences, with a minimum of 15 of these semester credits in soil science courses, meeting the following distribution, and approval of the Board of Directors:

- A minimum of three semester credits in Soil Genesis, Classification, Morphology, and Mapping.

AND

- The remaining soil science credits must be in at least three of the following six categories:

- 1) Introductory Soil Science
- 2) Soil Chemistry/Fertility
- 3) Soil Physics
- 4) Soil Microbiology/Biochemistry
- 5) Soil Survey Interpretations/Soils and Land Use/Soils and the Environment
- 6) Independent Study/Seminar/Geology (three-credit maximum)

NOTE: Course(s) must be related to soil science.

- ii. *Professional Member* status requires the qualifications of Basic Member, plus three years (full-time equivalent) experience in soil science, subject to approval of the Board of Directors. M.S. and Ph.D. degrees in soil science each count as one year of experience. Applicants must provide information detailing types and amount of soil science experience along with letters from two qualified soil scientists attesting to the applicant's qualifications and work experience.

- iii. *For Further Information:* <http://nesoil.com/ssssne/> OR Society of Soil Scientists of Southern New England, PO Box 258, Storrs, CT 06268

b. Soil Science Society of America Soil Certification (SSSA)

The SSSA provides a certification program for soil scientists. There are four certification options available:

- i. *Certified Professional Soil Scientist (CPSS)*
- ii. *Certified Professional Soil Classifier (CPSC)*
- iii. *Associate Professional Soil Scientist (APSS)*
- iv. *Associate Professional Soil Classifier (APSC)*

In general, eligibility requirements are:

- Minimum of a bachelor's degree with a major in the area for which application is made, or a closely allied field of science and meet the minimum core requirements.

Core requirements are 15 semester credits soil science (a soil classifier must include 5 semester hours in soil genesis, morphology, classification, interpretation, or mapping within the 15 semester credits of soil science), 6 semester credits plant or soil biology, and 3 semester credits additional core courses.

- Five years of professional experience, subsequent to the bachelor's degree, working in the area of certification. Experience while working toward an advanced degree does not qualify. Three years of experience is necessary for those with Masters degrees or PhD's.
- Five references familiar with work experience; at least one must be associated with applicant's employment.

As of January 1, 1998, qualification as a CPSS or CPSC requires passing two exams developed by the Soil Science Society of America (in addition to the requirements outlined in 1, 2, and 3 above):

Fundamentals exam – to be taken by graduating seniors and those without experience. After passing this exam, applicants would be APSS's or APSC's.

Professional practice exam – to be taken after required experience is achieved.

- v. *For Further Information:* <https://www.soils.org/certifications/cpss-cpsc/>
OR: ASA Headquarters, Member Services Dept., ATTN: Certification Programs, 677 S. Segoe Road, Madison, WI 53711; (608) 268-4957

III. Important:

- a. A soil scientist, meeting such definition as provided for in the Connecticut Inland Wetlands and Watercourses Act, does not need to be SSSA certified or listed in the Registry of the SSSNE to delineate Connecticut wetlands.
- b. A soil scientist certified by one of the above mentioned professional soil scientist organizations meets the definition of soil scientist as provided for in Connecticut's Inland Wetlands and Watercourses Act.

Appendix E

Inland Wetlands and Watercourses Commission Site Plan Review Checklist

The following checklist is designed to help municipal staff verify the completeness and accuracy of submitted site plans and supporting application materials, and generate questions and concerns for the applicant to address.

Date of Application _____	Commission File No. <input type="text"/>
Applicant _____	
Project Name _____	
Address/Location _____	
Type of Development _____	

Review submitted site plans to confirm the following information:

General Information

1. North arrow
2. Submission date
3. Revisions dates
4. Professional seal
5. Graphic scale/written scale
6. Legend
7. Property line
8. Abutting property owners
9. Easements

Y	N	NA	Notes

	Y	N	NA	Notes
20. Acreage of wetland disturbance				
Potential impacts				
21. Increased erosion, sedimentation and turbidity				
22. Water quality degradation				
23. Degradation of fish and wildlife habitat				
24. Decreased flood control potential				
<ul style="list-style-type: none"> • Change in flood storage potential • Change in flood conveyance capacity • Change in ground and surface water discharge/recharge 				
25. Aesthetic degradation/impairment of recreational uses				
Preservation/protection measures:				
26. Erosion and Sedimentation control measures:				
<ul style="list-style-type: none"> • Silt fence 				

- Hay bales
- Combined silt fence/hay bale
- Other control measures

27. Stormwater/water pollution control measures:

- Catch basin with/without oil/water separators
- Detention basin
 - Within wetlands
 - Outside wetlands
- Grassy swale
- Riprap plunge pool
- Pervious surface to allow groundwater infiltration
- Other control measures

28. Construction sequencing

29. Wetlands compensation

Miscellaneous:

Y	N	NA	Notes



Action

Submission of application Date _____

Acceptance of application Date _____

Public hearing Date _____

 Date _____

Application withdrawn Date _____

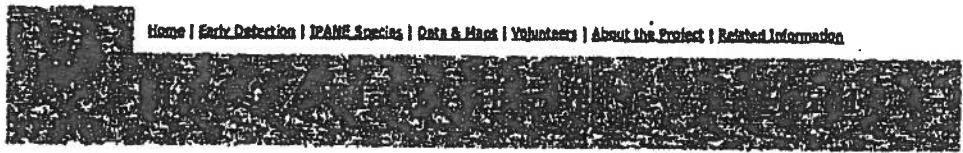
Denied Date _____

Approved Date _____

Approved with
modification/conditions Date _____

Modifications/conditions _____








U.S. Army Corps of Engineers permit required



Home | Early Detection | IPANE Species | Data & Maps | Volunteers | About the Project | Related Information

Connecticut Invasive Plants Council

**CONNECTICUT INVASIVE PLANT LIST
JANUARY 2004**

-  [1. Connecticut Invasive Plants Council](#)
-  [2. Connecticut Invasive Plant Working Group](#)
-  [3. Northeastern National Parks Invasive Evaluation Project](#)
-  [4. School Curriculum](#)
-  [5. Invasive Plant Management Projects](#)
-  [6. Massachusetts Invasive Plant Evaluation Project](#)
-  [7. New England Invasive Plant Group \(NEIPG\)](#)

This is a list of species that have been determined by floristic analysis to be Invasive or potentially Invasive in the state of Connecticut, in accordance with PA 03-136. The Invasive Plants Council will generate a second list recommending restrictions on some of these plants. In developing the second list and particular restrictions, the Council will recognize the need to balance the detrimental effects of Invasive plants with the agricultural and horticultural value of some of these plants, while still protecting the state's minimally managed habitats.

CONNECTICUT INVASIVE PLANT LIST
(Produced by the Connecticut Invasive Plants Council)
Connecticut Public Act No. 03-136

The Connecticut Invasive Plants Council encourages the use of non-invasive alternatives, particularly when planting near parks, natural areas, or other minimally managed habitats.

AQUATIC & WETLAND PLANTS			
Species	Common name	Invasive	Potentially Invasive
<i>Butomus umbellatus</i> L.	Flowering rush		X
<i>Cabomba caroliniana</i> A. Gray	Fanwort	X	
<i>Caillitriche stagnalis</i> Scop.	Pond water-starwort		X
<i>Egeria densa</i> Planchon	Brazilian waterweed		X
† <i>Eichhornia crassipes</i> (Mart.) Solms	Common water-hyacinth		X
<i>Hydrilla verticillata</i> (L.f.) Royle	Hydrilla	X	
<i>Iris pseudacorus</i> L.	Yellow Iris	X	
<i>Lythrum salicaria</i> L.	Purple loosestrife	X	
<i>Marsilea quadrifolia</i> L.	European watercress		X
<i>Myosotis scorpioides</i> L.	Forget-me-not	X	
<i>Myriophyllum aquaticum</i> (Vell.) Verdc.	Parrotfeather		X
<i>Myriophyllum heterophyllum</i> Michx.	Variable-leaf watermilfoil	X	
<i>Myriophyllum spicatum</i> L.	Eurasian watermilfoil	X	
<i>Najas minor</i> All.	Brittle water-nymph		X
<i>Nelumbo lutea</i> (Willd.) Pers.	American water lotus		X
† <i>Nymphoides peltata</i> (Gmel.) Kuntze	Yellow floating heart		X
† <i>Pistia stratiotes</i> L.	Water lettuce		X
<i>Potamogeton crispus</i> L.	Crispy-leaved pondweed	X	
<i>Rorippa microphylla</i> (Boenn. ex Reichenb.) Hyl. ex A. & D. Löve	Onerow yellowcress		X
<i>Rorippa nasturtium-</i>	Watercress		X

<i>aquaticum</i> (L.) Hayek			
† <i>Salvinia molesta</i> Mitchell complex	Giant salvinia		X
<i>Trapa natans</i> L.	Water chestnut	X	
TREES			
Species	Common name	Invasive	Potentially Invasive
<i>Acer ginnala</i> L.	Amur maple		X
* <i>Acer platanoides</i> L.	Norway maple	X	
<i>Acer pseudoplatanus</i> L.	Sycamore maple		X
<i>Ailanthus altissima</i> (Mill.) Swingle	Tree of heaven	X	
<i>Paulownia tomentosa</i> (Thunb.) Steudel	Princess tree		X
<i>Populus alba</i> L.	White poplar		X
* <i>Robinia pseudo-acacia</i> L.	Black locust	X	
SHRUBS			
Species	Common name	Invasive	Potentially Invasive
<i>Amorpha fruticosa</i> L.	False indigo		X
* <i>Berberis thunbergii</i> DC.	Japanese barberry	X	
<i>Berberis vulgaris</i> L.	Common barberry	X	
<i>Elaeagnus angustifolia</i> L.	Russian olive		X
<i>Elaeagnus umbellata</i> Thunb.	Autumn olive	X	
* <i>Euonymus alatus</i> (Thunb.) Sieb.	Winged euonymus	X	
<i>Frangula alnus</i> Mill.	Glossy buckthorn	X	
<i>Ligustrum obtusifolium</i> Sieb. & Zucc.	Border privet		X
<i>Ligustrum ovalifolium</i> Hassk.	California privet		X
<i>Ligustrum vulgare</i> L.	European privet		X
<i>Lonicera xbella</i> Zabel	Bell's honeysuckle	X	
<i>Lonicera maackii</i> (Rupr.) Maxim.	Amur honeysuckle	X	
<i>Lonicera morrowii</i> A. Gray	Morrow's honeysuckle	X	
<i>Lonicera tatarica</i> L.	Tatarian honeysuckle		X
† <i>Lonicera xylosteum</i> L.	Dwarf honeysuckle		X
<i>Rhamnus cathartica</i> L.	Common buckthorn	X	
<i>Rosa multiflora</i> Thunb.	Multiflora rose	X	
* <i>Rosa rugosa</i> Thunb.	Rugosa rose		X
<i>Rubus phoenicolasius</i> Maxim.	Wineberry		X
WOODY VINES			
Species	Common name	Invasive	Potentially Invasive
* <i>Ampelopsis brevipedunculata</i> (Maxim.) Trautv.	Porcelainberry		X

<i>Celastrus orbiculatus</i> Thunb.	Oriental bittersweet	X	
* <i>Lonicera japonica</i> Thunb.	Japanese honeysuckle	X	
<i>Pueraria montana</i> (Lour.) Merr.	Kudzu		X
HERBACEOUS PLANTS			
Species	Common name	Invasive	Potentially Invasive
<i>Aegopodium podagraria</i> L.	Goutweed	X	
<i>Alliaria petiolata</i> (Bieb.) Cavara & Grande	Garlic mustard	X	
<i>Cardamine impatiens</i> L.	Narrowleaf bittercress	X	
<i>Centaurea biebersteinii</i> DC.	Spotted knapweed	X	
<i>Cirsium arvense</i> (L.) Scop.	Canada thistle		X
<i>Cynanchum louiseae</i> Kartesz & Gandhi	Black swallow- wort	X	
<i>Cynanchum rossicum</i> (Kleoc.) Borhidi	Pale swallow- wort	X	
<i>Datura stramonium</i> L.	Jimsonweed		X
<i>Elsholtzia ciliata</i> (Thunb.) Hylander	Crested late- summer mint		X
<i>Euphorbia cyparissias</i> L.	Cypress spurge		X
<i>Euphorbia esula</i> L.	Leafy spurge	X	
<i>Froelichia gracilis</i> (Hook.) Moq.	Slender snake cotton		X
<i>Glechoma hederacea</i> L.	Ground ivy		X
<i>Heracleum mantegazzianum</i> Sommer & Lavier	Giant hogweed		X
<i>Hesperis matronalis</i> L.	Dame's rocket	X	
<i>Humulus japonicus</i> Sieb. & Zucc.	Japanese hops		X
† <i>Impatiens glandulifera</i> Royle	Ornamental jewelweed		X
<i>Kochia scoparia</i> (L.) Schrader	Common kochia		X
<i>Lepidium latifolium</i> L.	Perennial pepperweed	X	
<i>Lychnis flos-cuculi</i> L.	Ragged robin		X
* <i>Lysimachia nummularia</i> L.	Moneywort		X
* <i>Lysimachia vulgaris</i> L.	Garden loosestrife		X
<i>Onopordum acanthium</i> L.	Scotch thistle		X
<i>Omithogalum umbellatum</i> L.	Star-of- Bethlehem		X
<i>Polygonum caespitosum</i> Blume	Bristled knotweed		X
<i>Polygonum cuspidatum</i> Sieb. & Zucc.	Japanese knotweed	X	
<i>Polygonum perfoliatum</i> L.	Mile-a-minute vine	X	
<i>Polygonum sachalinense</i> F. Schmidt ex Maxim.	Giant knotweed		X
<i>Ranunculus ficaria</i> L.	Fig buttercup	X	
<i>Rumex acetosella</i> L.	Sheep sorrel		X
† <i>Senecio jacobaea</i> L.	Tansy ragwort		X
<i>Siphium perfoliatum</i> L.	Cup plant		X
<i>Solanum dulcamara</i> L.	Bittersweet nightshade		X

<i>Tussilago farfara</i> L.	Coltsfoot	X	
<i>Valeriana officinalis</i> L.	Garden heliotrope		X
GRASSES AND GRASS-LIKE PLANTS			
Species	Common name	Invasive	Potentially Invasive
<i>Arthraxon hispidus</i> (Thunb.) Makino	Hairy jointgrass		X
<i>Bromus tectorum</i> L.	Drooping brome- grass		X
† <i>Carex kobomugi</i> Owhi	Japanese sedge		X
<i>Glyceria maxima</i> (Hartman) Holmburg	Reed mannagrass		X
<i>Microstegium vimineum</i> (Trin.) A. Camus	Japanese stilt grass	X	
* <i>Miscanthus sinensis</i> Andersg.	Eulalia		X
<i>Phalaris arundinacea</i> L.	Reed canary grass	X	
<i>Phragmites australis</i> (Cav.) Trin.	Common reed	X	
<i>Poa compressa</i> L.	Canada bluegrass		X

* An asterisk (*) denotes that the species, although shown by scientific evaluation to be invasive, has cultivars that have not been evaluated for invasive characteristics. Further research may determine whether or not individual cultivars are potentially invasive. Cultivars are commercially available selections of a plant species that have been bred or selected for predictable, desirable attributes of horticultural value such as form (dwarf or weeping forms), foliage (variegated or colorful leaves), or flowering attributes (enhanced flower color or size).

† A dagger (†) indicates species that are not currently known to be naturalized in Connecticut but would likely become invasive here if they are found to persist in the state without cultivation.

January 2004

U.S. EPA
U.S. Forest Service
U.S. Department of Agriculture

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Statement to accompany list - January 2004: This is a list of species that have been determined by floristic analysis to be invasive or potentially invasive in the state of Connecticut, in accordance with PA 03-136. The Invasive Plants Council will generate a second list recommending restrictions on some of these plants. In developing the second list and particular restrictions, the Council will recognize the need to balance the detrimental effects of invasive plants with the agricultural and horticultural value of some of these plants, while still protecting the state's minimally managed habitats.

In May 2004, Public Act 04-203 banned a subset of the January 2004 list making it illegal to move, sell, purchase, transplant, cultivate, or distribute banned plants.

@ column indicates growth form or habitat: A = Aquatic & Wetland; G = Grass & Grass-like; H = Herbaceous; S = Shrub; T = Tree; V = Woody Vine

Explanation of symbols after Common Name:

(P) Indicates Potentially Invasive (all other plants listed are considered Invasive in Connecticut)

* denotes that the species, although shown by scientific evaluation to be invasive, has cultivars that have not been evaluated for invasive characteristics. Further research may determine whether or not individual cultivars are potentially invasive. Cultivars are commercially available selections of a plant species that have been bred or selected for predictable, desirable attributes of horticultural value such as form (dwarf or weeping forms), foliage (variegated or colorful leaves), or flowering attributes (enhanced flower color or size).

° indicates species that are not currently known to be naturalized in Connecticut but would likely become invasive here if they are found to persist in the state without cultivation

BAN column indicates ban date: 2003 = banned under PA 03-136; 2004 = effective October 1, 2004; 2005 = effective October 1, 2005; N/A = Invasive or potentially Invasive plants not banned under PA 04-203

COMMON NAME	@	SCIENTIFIC NAME	SYNONYMS	BAN
American water lotus (P)	A	<i>Nelumbo lutea</i> (Willd.) Pers.	American lotus-lily	2005
Amur honeysuckle	S	<i>Lonicera maackii</i> (Rupr.) Maxim.		2004
Amur maple (P)	T	<i>Acer ginnala</i> L.		N/A
Autumn olive	S	<i>Elaeagnus umbellata</i> Thunb.		2004
Bell's honeysuckle	S	<i>Lonicera X bella</i> Zebel	Belle honeysuckle	2004
Bittersweet nightshade (P)	H	<i>Solanum dulcamara</i> L.	Climbing nightshade	2004
Black locust*	T	<i>Robinia pseudo-acacia</i> L.		N/A
Black swallow-wort	H	<i>Cynanchum louiseae</i> Karst. & Gandji	Vincetoxicum or <i>Cynanchum nigrum</i>	2004
Border privet (P)	S	<i>Ligustrum obtusifolium</i> Steb. & Zucc.		2005
Brazilian water-weed (P)	A	<i>Egeria densa</i> Planchon	Anacharis; Egeria	2003
Bristed knotweed (P)	H	<i>Polygonum caespitosum</i> Blume	Smartweed	2004
Brittle water-nymph (P)	A	<i>Najas minor</i> All.	Eutrophic water-nymph	2005
California privet (P)	S	<i>Ligustrum ovalifolium</i> Hassk.		N/A
Canada bluegrass (P)	G	<i>Poa compressa</i> L.		2004
Canada thistle (P)	H	<i>Cirsium arvense</i> (L.) Scop.		2004
Coltsfoot	H	<i>Tussilago farfara</i> L.		2004
Common barberry	S	<i>Berberis vulgaris</i> L.		2004
Common buckthorn	S	<i>Rhamnus cathartica</i> L.		2004
Common kochia (P)	H	<i>Kochia scoparia</i> (L.) Schradler	Summer cypress; Fireweed	2004
Common reed	G	<i>Phragmites australis</i> (Cav.) Trin.	Phragmites	2004
Common water-hyacinth* (P)	A	<i>Eichhornia crassipes</i> (Mart.) Solms		N/A
Crested late-summer mint (P)	H	<i>Elsholtzia ciliata</i> (Thunb.) Hylander	Elsholtzia	2004
Crispy-leaved pondweed	A	<i>Potamogeton crispus</i> L.	Curly or Curly-leaved pondweed	2003
Cup plant (P)	H	<i>Siphium perfoliatum</i> L.		2004
Cypress spurge (P)	H	<i>Euphorbia cyparissias</i> L.		2004
Dame's rocket	H	<i>Hesperis matronalis</i> L.		2004
Drooping brome-grass (P)	G	<i>Bromus tectorum</i> L.	Cheatgrass	2004
Dwarf honeysuckle* (P)	S	<i>Lonicera xylosteum</i> L.	European fly-honeysuckle	2005
Eulalia* (P)	G	<i>Miscanthus sinensis</i> Anders.	Chinese or Japanese silvergrass	N/A
Eurasian watermilfoil	A	<i>Myriophyllum spicatum</i> L.		2003
European privet (P)	S	<i>Ligustrum vulgare</i> L.		N/A
European waterclover (P)	A	<i>Marsilea quadrifolia</i> L.	Water shamrock	2005
False indigo (P)	S	<i>Amorpha fruticosa</i> L.		2004
Fanwort	A	<i>Cabomba caroliniana</i> A. Gray		2003
Fig buttercup	H	<i>Renunculus ficaria</i> L.	Lesser celandine	2004
Flowering rush (P)	A	<i>Butomus umbellatus</i> L.		2005
Forget-me-not	A	<i>Myosotis scorpioides</i> L.	True forget-me-not; Water scorpion-grass	2005
Garden heliotrope (P)	H	<i>Valeriana officinalis</i> L.	Valerian	2004
Garden loosestrife* (P)	H	<i>Lysimachia vulgaris</i> L.		2005
Garlic mustard	H	<i>Alliaria petiolata</i>	auth. = (Bleb.) Cavara & Grande	2004
Giant hogweed (P)	H	<i>Heracleum mantegazzianum</i>	auth. = Sommier & Lavier	2004

COMMON NAME	Q	SCIENTIFIC NAME	SYNONYMS	BAN
Giant knotweed (P)	H	<i>Polygonum sachalinense</i>	auth. = F. Schmidt ex Maxim.; <i>Fallopia s...</i>	2004
Giant salvinia [^] (P)	A	<i>Salvinia molesta</i> Mitchell complex		2005
Glossy buckthorn	S	<i>Frangula alnus</i> Mill.	European buckthorn; <i>Rhamnus frangula</i>	N/A
Goutweed	H	<i>Aegopodium podagraria</i> L.		2005
Ground ivy (P)	H	<i>Glechoma hederacea</i> L.	Run-away robin; Gill-over-the-ground	2004
Hairy jointgrass (P)	G	<i>Arthraxon hispidus</i> (Thunb.) Makino	Small carpgrass	2004
Hydrilla	A	<i>Hydrilla verticillata</i> (L.f.) Royle		2003
Japanese barberry*	S	<i>Berberis thunbergii</i> DC.		N/A
Japanese honeysuckle*	V	<i>Lonicera japonica</i> Thunb.		2005
Japanese hops (P)	H	<i>Humulus japonicus</i> Sieb. & Zucc.		2004
Japanese knotweed	H	<i>Polygonum cuspidatum</i> Sieb. & Zucc.	<i>Fallopia japonica</i>	2004
Japanese sedge [^] (P)	G	<i>Carex kobomugi</i> Owhi		2004
Japanese stilt grass	G	<i>Microstegium vimineum</i>	auth. = (Trin.) A. Camus	2004
Jimsonweed (P)	H	<i>Datura stramonium</i> L.		2004
Kudzu (P)	V	<i>Pueraria montana</i> (Lour.) Merr.	<i>Pueraria lobata</i>	2004
Leafy spurge	H	<i>Euphorbia esula</i> L.		2004
Mile-a-minute vine	H	<i>Polygonum perfoliatum</i> L.		2004
Moneywort* (P)	H	<i>Lysimachia nummularia</i> L.	Creeping jenny	N/A
Momow's honeysuckle	S	<i>Lonicera morrowii</i> A. Gray		2004
Multiflora rose	S	<i>Rosa multiflora</i> Thunb.		2004
Narrowleaf bittercress	H	<i>Cardamine impatiens</i> L.		2004
Norway maple*	T	<i>Acer platanoides</i> L.		N/A
Onerow yellowcress (P)	A	<i>Rorippa microphylla</i>	auth. = (Boern, ex Reichenb.) Hyl. ex A. & D. Löve	2005
Oriental bittersweet	V	<i>Celastrus orbiculatus</i> Thunb.	Asiatic bittersweet	2004
Ornamental jewelweed [^] (P)	H	<i>Impatiens glandulifera</i> Royle	Tall impatiens	2004
Pale swallow-wort	H	<i>Cynanchum rossicum</i> (Desv.) Borhidi	<i>Vincetoxicum rossicum</i>	2004
Parrotfeather (P)	A	<i>Myriophyllum aquaticum</i>	auth. = (Vell.) Verdc.	2005
Perennial pepperweed	H	<i>Lepidium latifolium</i> L.	Tall pepperwort	2004
Pond water-starwort (P)	A	<i>Callitriche stagnalis</i> Scop.		2005
Porcelainberry* (P)	V	<i>Ampelopsis brevipedunculata</i>	auth. = (Maxim.) Trautv.	N/A
Princess tree (P)	T	<i>Paulownia tomentosa</i>	auth. = (Thunb.) Steudel; Empress-tree	2004
Purple loosestrife	A	<i>Lythrum salicaria</i> L.		2005
Ragged robin (P)	H	<i>Lychnis flos-cuculi</i> L.		2004
Reed canary grass	G	<i>Phalaris arundinacea</i> L.		N/A
Reed mannagrass (P)	G	<i>Glyceria maxima</i> (Hartman) Holmberg	Tall mannagrass	2004
Rugosa rose* (P)	S	<i>Rosa rugosa</i> Thunb.	Beach, Salt spray, Jap., or Ramana Rose	N/A
Russian olive (P)	S	<i>Eleagnus angustifolia</i> L.		2004
Scotch thistle (P)	H	<i>Onopordum acanthium</i> L.		2004
Sheep sorrel (P)	H	<i>Rumex acetosella</i> L.		2004
Slender snake cotton (P)	H	<i>Froelichia gracilis</i> (Hook.) Moq.	Cottonweed	2004
Spotted knapweed	H	<i>Centaurea blebersteinii</i> DC.	<i>Centaurea maculosa</i>	2004
Star-of-Bethlehem (P)	H	<i>Ornithogalum umbellatum</i> L.		N/A
Sycamore maple (P)	T	<i>Acer pseudoplatanus</i> L.		2004
Tansy ragwort* (P)	H	<i>Senecio jacobaea</i> L.	Stinking Willie	2004
Tatarian honeysuckle (P)	S	<i>Lonicera tatarica</i> L.		2005
Tree of heaven	T	<i>Ailanthus altissima</i> (Mill.) Swingle		2004
Variable-leaf watermilfoil	A	<i>Myriophyllum heterophyllum</i> Michx.		2003
Water chestnut	A	<i>Trapa natans</i> L.		2003
Water lettuce [^] (P)	A	<i>Pistia stratiotes</i> L.		2005
Watercress (P)	A	<i>Rorippa nasturtium-aquaticum</i>	auth. = (L.) Hayek; <i>Nasturtium officinale</i>	2005
White poplar (P)	T	<i>Populus alba</i> L.		2004
Wineberry (P)	S	<i>Rubus phoenicolasius</i> Maxim.		2004
Winged euonymus*	S	<i>Euonymus alatus</i> (Thunb.) Sieb.	Burning-bush	N/A
Yellow floating heart [^] (P)	A	<i>Nymphoides peltata</i> (Gmel.) Kuntze		2005
Yellow iris	A	<i>Iris pseudacorus</i> L.		2005

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(P.A. 93-428, S. 28, 39; P.A. 97-289, S. 8, 9.)

History: P.A. 93-428 effective July 1, 1993; P.A. 97-289 added control of mosquito larvae to the requirements for projects under this section, effective July 1, 1997.

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Sec. 22a-36. Inland wetlands and watercourses. Legislative finding. 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 groundwater; 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 recreational 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 sections 22a-36 to 22a-45, inclusive, 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 their disturbance and pollution; 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, 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 by providing 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.

(1972, P.A. 155, S. 1.)

Cited. 179 C. 250. Cited. 180 C. 421; Id., 692. "To interpret Sec. 22a-430 as precluding the municipal regulation of sewerage systems would clearly work to undermine some of the basic purposes of the act" as expressed in the statute. 183 C. 532. The inland wetlands and watercourses act cited. 186 C. 67. Cited. 193 C. 414. Cited. 196 C. 218. Cited. 203 C. 525. Cited. 209 C. 544; Id., 652. Cited. 211 C. 416. Inland wetlands and watercourses act cited. 212 C. 710; Id., 727; 213 C. 604. Cited. 216 C. 320. Inland wetlands and watercourses act (IWWA) Sec. 22a-36 et seq. cited. Id. Inland wetlands and watercourses act (IWWA) cited. 217 C. 164. Inland wetlands and watercourses act cited. 218 C. 703; 219 C. 404. Cited. 220 C. 362; Id., 476. Cited. 226 C. 579. Inland wetlands and watercourses act, Secs. 22a-36-22a-45a cited. Id. Cited. 227 C. 71; Id., 175. Inland wetlands and watercourses act. Sec. 22a-36

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et seq. cited. 228 C. 95. Cited. 229 C. 247. Inland wetlands and watercourses act cited. Id. Cited. Id., 627; Id., 654. Cited. 235 C. 448. Inland Wetlands and Watercourses Act cited. 242 C. 335. Although one of the broad purposes of act is to prevent "loss of fish and other beneficial aquatic organisms, wildlife and vegetation". when viewed in context of the act as a whole, the intent to protect wildlife is a secondary effect of protecting the wetlands and watercourses themselves. 266 C. 150. Inland Wetlands and Watercourses Act does not provide inland wetlands agencies with jurisdiction to regulate activities that solely affect the wildlife that uses the wetlands and watercourses without affecting the wetlands or watercourses themselves. 269 C. 57.

Cited. 4 CA 271. Cited. 5 CA 70. Cited. 6 CA 715. Inland wetlands and watercourses act cited. 12 CA 47. Inland wetlands and watercourses act cited. 15 CA 336; 18 CA 440. Cited. 19 CA 713. Inland wetlands and watercourses act cited. 20 CA 309. Cited. 25 CA 446. Inland wetlands and watercourses act cited. 26 CA 564; 27 CA 590. Cited. 28 CA 262; Id., 780. Inland wetlands and watercourses act cited. Id. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 29 CA 12; Id., 105. Inland wetlands act cited. 30 CA 85. Inland wetlands and watercourses act, Secs. 22a-36-22a-45 cited. 31 CA 105; Id., 599; judgment reversed, see 229 C. 627, see also 36 CA 270. Inland wetlands and watercourses act cited. 32 CA 799. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 34 CA 385. Cited. 36 CA 270. Inland Wetlands and Watercourses Act cited. Id. Cited. 37 CA 166. Inland Wetlands and Watercourses Act cited. Id.

Cited. 32 CS 104. Under the Inland Wetlands and Water Courses Act, sections 22a-36 through 22a-45, commissioner of environmental protection is limited to promulgating regulations and appealing from decisions of municipal commissions. 35 CS 145 et seq. Cited. Id. Nothing obligates commissioner to include "balancing computation" in his opinion relative to economic factors described in this section at risk of nullification of his entire action. This section must yield to section 22a-41 for factors to be considered. 36 CS 1. Cited. 41 CS 444. Cited. 42 CS 57.

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Sec. 22a-37. Short title: Inland Wetlands and Watercourses Act, Sections 22a-36 to 22a-45, inclusive, shall be known and may be cited as the "Inland Wetlands and Watercourses Act".

(1972. P.A. 155, S. 2.)

Cited. 179 C. 250. Cited. 180 C. 421; Id., 692. Cited. 183 C. 532. The inland wetlands and watercourses act cited. 186 C. 67. Cited. 192 C. 247. The inland wetlands and watercourses act cited. 193 C. 414; 196 C. 218. Cited. 203 C. 525. Cited. 209 C. 544; Id., 652. Cited. 211 C. 416. Inland wetlands and watercourses act cited. 212 C. 710; Id., 727; 213 C. 604. Cited. 216 C. 320. Inland wetlands and watercourses act (IWWA) Sec. 22a-36 et seq. cited. Id. Inland wetlands and watercourses act (IWWA) cited. 217 C. 164. Inland wetlands and watercourses act cited. 218 C. 703; 219 C. 404. Cited. 220 C. 362; Id., 476. Inland wetlands and watercourses act, Secs. 22a-36-22a-45a cited. 226 C. 579. Inland wetlands and watercourses act. Sec. 22a-36 et seq. cited. 228 C. 95. Inland wetlands and watercourses act cited. 229 C. 247. Cited. Id., 627; Id., 654. Inland Wetlands and Watercourses Act cited. 242 C. 335.

The inland wetlands and watercourses act cited. 4 CA 271. Cited. 5 CA 70. Cited. 6 CA 715. Inland wetlands and watercourses act cited. 12 CA 47; 15 CA 336; 18 CA 440. Cited. 19 CA 713. Inland wetlands and watercourses act cited. 20 CA 309; 26 CA 564; 27 CA 590; 28 CA 780. Inland wetlands

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and watercourses act, Sec. 22a-36 et seq. cited. 29 CA 12; Id. Inland wetlands act cited. 30 CA 85. Inland wetlands and watercourses act, Secs. 22a-36-22a-45 cited. 31 CA 105; Id., 599; judgment reversed. see 229 C. 627. see also 36 CA 270. Inland wetlands and watercourses act cited. 32 CA 799. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 34 CA 385. Inland Wetlands and Watercourses Act cited. 36 CA 270; 37 CA 166.

Cited. 35 CS 145. Cited. 36 CS 1. Cited. 41 CS 444. Cited. 42 CS 57.

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Sec. 22a-38. Definitions. As used in sections 22a-36 to 22a-45a, inclusive:

- (1) "Commissioner" means the Commissioner of Environmental Protection;
- (2) "Person" means any person, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof;
- (3) "Municipality" means any town, consolidated town and city, consolidated town and borough, city and borough;
- (4) "Inland wetlands agency" means a municipal board or commission established pursuant to and acting under section 22a-42;
- (5) "Soil scientist" means an individual duly qualified in accordance with standards set by the federal Office of Personnel Management;
- (6) "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;
- (7) "Waste" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters of the state;
- (8) "Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters;
- (9) "Rendering unclean or impure" means any alteration of the physical, chemical or biological properties of any of the waters of the state, including, but not limited to change in odor, color, turbidity or taste;
- (10) "Discharge" means the emission of any water, substance or material into waters of the state whether or not such substance causes pollution;
- (11) "Remove" includes, but shall not be limited to drain, excavate, mine, dig, dredge, suck, bulldoze, dragline or blast;
- (12) "Deposit" includes, but shall not be limited to, fill, grade, dump, place, discharge or emit;

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(13) "Regulated activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 22a-40;

(14) "License" means the whole or any part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of sections 22a-36 to 22a-45a, inclusive;

(15) "Wetlands" means land, including submerged land, not regulated pursuant to sections 22a-28 to 22a-35, inclusive, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture;

(16) "Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon this state or any portion thereof, not regulated pursuant to sections 22a-28 to 22a-35, inclusive. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) Evidence of scour or deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a duration longer than a particular storm incident, and (C) the presence of hydrophytic vegetation;

(17) "Feasible" means able to be constructed or implemented consistent with sound engineering principles;

(18) "Prudent" means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.

(1972, P.A. 155, S. 4; P.A. 73-571, S. 2, 9; P.A. 87-533, S. 1, 14; P.A. 95-79, S. 92, 189; 95-313, S. 1; P.A. 96-157, S. 1; 96-269, S. 3, 4.)

History: P.A. 73-571 replaced definition of "conservation commission" with definition of "inland wetlands agency" in Subdiv. (4); P.A. 87-533 amended the definition of "municipality" to exclude metropolitan districts, village, fire and sewer districts, sewer districts and municipal organizations having authority to levy and collect taxes or make charges for its authorized functions; P.A. 95-79 redefined "person" to include a limited liability company, effective May 31, 1995; P.A. 95-313 redefined "wetlands" to make spelling and nomenclature corrections and redefined "watercourses" to include vernal or intermittent bodies of water; P.A. 96-157 amended the definition of "soil scientist" to update the reference to the federal Office of Personnel Management, amended the definition of "watercourses" to require evidence of two of the specified characteristics and added the definitions of "feasible" and "prudent"; P.A. 96-269 changed effective date of P.A. 96-157 from October 1, 1996, to January 1, 1997, effective June 12, 1996.

Cited. 179 C. 250. Cited. 180 C. 421; Id., 692. Cited. 183 C. 532. The inland wetlands and watercourses act cited. 186 C. 67. The inland wetlands and watercourses act cited. 196 C. 218. Cited. 203 C. 525. Cited. 209 C. 544; Id., 652. Cited. 211 C. 416. Inland wetlands and watercourses act cited. 212 C. 710; Id., 727; 213 C. 604. Cited. 216 C. 320. Inland wetlands and watercourses act (IWWA) Sec.

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22a-36 et seq. cited. Id. Inland wetlands and watercourses act (IWWA) cited. 217 C. 164. Inland wetlands and watercourses act cited. 218 C. 703; 219 C. 404. Cited. 220 C. 362; Id., 476. Inland wetlands and watercourses act. Secs. 22a-36-22a-45a cited. 226 C. 579. Inland wetlands and watercourses act. Sec. 22a-36 et seq. cited. 228 C. 95. Inland wetlands and watercourses act cited. 229 C. 247. Cited. Id., 627; Id., 654. Inland Wetlands and Watercourses Act cited. 242 C. 335. Definitions of "watercourses" and "wetlands" are limited to physical characteristics and do not include reference to wildlife protection or biodiversity. 266 C. 150.

Cited. 4 CA 271. Cited. 5 CA 70. Cited. 6 CA 715. Inland wetlands and watercourses act cited. 12 CA 47. Inland wetlands and watercourses act cited. 15 CA 336; 18 CA 440. Cited. 19 CA 713. Inland wetlands and watercourses act cited. 20 CA 309; 26 CA 564; 27 CA 590; 29 CA 12; Id., 105. Inland wetlands act cited. 30 CA 85. Inland wetlands and watercourses act, Secs. 22a-36-22a-45 cited. 31 CA 105; Id., 599; judgment reversed, see 229 C. 627, see also 36 CA 270. Inland wetlands and watercourses act cited. 32 CA 799. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 34 CA 385. Inland Wetlands and Watercourses Act cited. 36 CA 270; 37 CA 166.

Cited. 35 CS 145. Cited. 36 CS 1. Cited. 41 CS 444. Cited. 42 CS 57.

Subdiv. (6):

Cited. 227 C. 175.

Subdiv. (13):

Cited. 192 C. 591. Cited. 193 C. 414. Cited. 196 C. 218. Cited. 227 C. 175.

Cited. 20 CA 309.

Subdiv. (15):

Cited. 215 C. 616.

Cited. 43 CA 239.

Subdiv. (18):

Access way that would more than double the impact to the wetlands is not a prudent alternative. 79 CA 49.

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Sec. 22a-39. Duties of commissioner. The commissioner shall:

(a) Exercise general supervision of the administration and enforcement of sections 22a-36 to 22a-45, inclusive;

(b) Develop comprehensive programs in furtherance of the purposes of said sections;

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- (c) Advise, consult and cooperate with other agencies of the state, the federal government, other states and with persons and municipalities in furtherance of the purposes of said sections;
- (d) Encourage, participate in or conduct studies, investigations, research and demonstrations, and collect and disseminate information, relating to the purposes of said sections;
- (e) Retain and employ consultants and assistants on a contract or other basis for rendering legal, financial, technical or other assistance and advice in furtherance of any of its purposes, specifically including, but not limited to, soil scientists on a cost-sharing basis with the United States Soil Conservation Service for the purpose of (1) completing the state soils survey and (2) making on-site interpretations, evaluations and findings as to soil types;
- (f) Adopt such regulations, in accordance with the provisions of chapter 54, as are necessary to protect the wetlands or watercourses or any of them individually or collectively;
- (g) Inventory or index the wetlands and watercourses in such form, including pictorial representations, as the commissioner deems best suited to effectuate the purposes of sections 22a-36 to 22a-45, inclusive;
- (h) Grant, deny, limit or modify in accordance with the provisions of section 22a-42a, an application for a license or permit for any proposed regulated activity conducted by any department, agency or instrumentality of the state, except any local or regional board of education, (1) after an advisory decision on such license or permit has been rendered to the commissioner by the wetland agency of the municipality within which such wetland is located or (2) thirty-five days after receipt by the commissioner of such application, whichever occurs first;
- (i) Grant, deny, limit or modify in accordance with the provisions of section 22a-42 and section 22a-42a, an application for a license or permit for any proposed regulated activity within a municipality which does not regulate its wetlands and watercourses;
- (j) Exercise all incidental powers including but not limited to the issuance of orders necessary to enforce rules and regulations and to carry out the purposes of sections 22a-36 to 22a-45, inclusive;
- (k) Conduct a public hearing no sooner than thirty days and not later than sixty days following the receipt by said commissioner of any inland wetlands application, provided whenever the commissioner determines that the regulated activity for which a permit is sought is not likely to have a significant impact on the wetland or watercourse, he may waive the requirement for public hearing after (1) publishing notice, in a newspaper having general circulation in each town wherever the proposed work or any part thereof is located, of his intent to waive said requirement, and (2) mailing notice of such intent to the chief administrative officer in the town or towns where the proposed work, or any part thereof, is located, and the chairman of the conservation commission and inland wetlands agency of each such town or towns, except that the commissioner shall hold a hearing on such application upon receipt, within thirty days after such notice has been published or mailed, of a petition signed by at least twenty-five persons requesting such a hearing. The commissioner shall (1) publish notice of such hearing at least once not more than thirty days and not fewer than ten days before the date set for the hearing in a newspaper having a general circulation in each town where the proposed work, or any part thereof, is located, and (2) mail notice of such hearing to the chief administrative officer in the town or towns where the proposed work, or any part thereof, is located, and the chairman of the conservation commission and inland wetlands agency of each such town or towns. All applications and maps and documents relating thereto shall be open for public inspection at the office of the commissioner. The commissioner shall state upon his records his findings and reasons for the action taken;

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(l) Develop a comprehensive training program for inland wetlands agency members;

(m) Adopt regulations in accordance with the provisions of chapter 54 establishing reporting requirements for inland wetlands agencies, which shall include provisions for reports to the commissioner on permits, orders and other actions of such agencies and development of a form for such reports; and

(n) The commissioner shall issue a certificate to any member of a municipal inland wetlands agency or its staff who completes the training program offered annually by the commissioner for such officials.

(1972, P.A. 155, S. 5; P.A. 77-397; 77-599, S. 1, 7; P.A. 80-16; P.A. 87-533, S. 3, 14; P.A. 95-313, S. 2.)

History: P.A. 77-397 specifically mentioned commissioner's power to issue orders in Subdiv. (h) and added Subdiv. (i) re commissioner's duty to conduct public hearings on inland wetlands applications; P.A. 77-599 inserted new Subdivs. (h) and (i) re commissioner's power to grant, deny, limit or modify applications for permits or licenses and relettered former Subdivs. (h) and (i) as (j) and (k); P.A. 80-16 expanded Subdiv. (k) to include provisions re waiver of hearing requirement and re hearings held upon receipt of petition requesting hearing; P.A. 87-533 amended Subsec. (f) by adding reference to chapter 54 and added Subsec. (l) regarding a training program for inland wetlands agency members and Subsec. (m) regarding adoption by the commissioner of regulations establishing reporting requirements for inland wetlands agencies; P.A. 95-313 added Subsec. (n) re certificate for municipal officials who have completed the training program.

See Sec. 22a-6n re notice of commissioner's determination regarding application under this section.

Cited. 179 C. 250. Cited. 180 C. 421; Id., 692. Cited. 183 C. 532. The inland wetland and watercourses act cited. 186 C. 67. The inland wetlands and watercourses act cited. 196 C. 213. Cited. 203 C. 525. Cited. 209 C. 544; Id., 652. Cited. 211 C. 416. Inland wetlands and watercourses act cited. 212 C. 710; Id., 727; 213 C. 604. Cited. 216 C. 320. Inland wetlands and watercourses act (IWWA) Sec. 22a-36 et seq. cited. Id. Inland wetlands and watercourses act (IWWA) cited. 217 C. 164. Inland wetlands and watercourses act cited. 218 C. 703; 219 C. 404. Cited. 220 C. 362; Id., 476. Inland wetlands and watercourses act, Secs. 22a-36-22a-45a cited. 226 C. 579. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 228 C. 95. Inland wetlands and watercourses act cited. 229 C. 247. Cited. Id., 627; Id., 654. Cited. 242 C. 335. Inland Wetlands and Watercourses Act cited. Id.

Cited. 4 CA 271. Cited. 5 CA 70. Cited. 6 CA 715. Inland wetlands and watercourses cited. 12 CA 47. Inland wetlands and watercourses act cited. 15 CA 336; 18 CA 440. Cited. 19 CA 713. Inland wetlands and watercourses act cited. 20 CA 309; 26 CA 564; 27 CA 590; 28 CA 780. Inland wetland and watercourses act, Sec. 22a-36 et seq. cited. 29 CA 12; Id., 105. Cited. 30 CA 85. Inland wetlands act cited. Id. Inland wetlands and watercourses act, Secs. 22a-36-22a-45 cited. 31 CA 105; Id., 599; judgment reversed. see 229 C. 627, see also 36 CA 270. Cited. Id., 643. Inland wetlands and watercourses act cited. 32 CA 799. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 34 CA 385. Inland Wetlands and Watercourses Act cited. 36 CA 270; 37 CA 166.

Cited. 35 CS 145. Cited. 36 CS 1. Cited. 41 CS 184; Id., 444. Cited. 42 CS 57.

Subdiv. (h):

Cited. 28 CA 262.

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Subdiv. (k):

Cited. 231 C. 451.

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Sec. 22a-40. Permitted operations and uses. (a) The following operations and uses shall be permitted in wetlands and watercourses, as of right:

(1) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision 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 of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;

(2) A residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987;

(3) Boat anchorage or mooring;

(4) Uses incidental to the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality, provided in any town, where there are no zoning regulations establishing minimum residential lot sites, the largest minimum lot site shall be two acres. Such incidental uses shall include maintenance of existing structures and landscaping but shall not include removal or deposition of significant amounts of material from or onto a wetland or watercourse or diversion or alteration of a watercourse;

(5) Construction and operation, by water companies as defined in section 16-1 or by municipal water supply systems as provided for in chapter 102, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in sections 22a-401 and 22a-403; and

(6) Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.

(b) The following operations and uses shall be permitted, as nonregulated uses in wetlands and

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watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

(1) Conservation of soil, vegetation, water, fish, shellfish and wildlife; and

(2) Outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated.

(c) Any dredging or any erection, placement, retention or maintenance of any structure, fill, obstruction or encroachment, or any work incidental to such activities, conducted by a state agency, which activity is regulated under sections 22a-28 to 22a-35, inclusive, or sections 22a-359b to 22a-363f, inclusive, shall not require any permit or approval under sections 22a-36 to 22a-45, inclusive.

(1972, P.A. 155, S. 3; P.A. 73-571, S. 1, 9; P.A. 77-599, S. 2, 7; P.A. 87-533, S. 2, 14; P.A. 88-364, S. 33, 123; P.A. 94-89, S. 15; P.A. 97-289, S. 5, 9; P.A. 98-209, S. 4.)

History: P.A. 73-571 allowed usage of wetlands and watercourses for grazing, farming, etc. purposes, for residential purposes, for boat anchorage or mooring and for water supply purposes "as of right" as was previously the case deleting exception "as they involve regulated activities", but allowed usage "as a nonregulated use ... provided they do not disturb the natural and indigenous character of the land" for conservation of soil, vegetation, etc. and outdoor regulation, where previously these uses too had been "as of right"; P.A. 77-599 amended Subsec. (a)(2) for clarity adding references to approval by municipal planning and zoning commissions and to July 1, 1974, as alternate approval date, amended (a) (4) for clarity by adding words "equal to or smaller than" with reference to lot size, by specifying that incidental uses include "maintenance of existing structures and landscaping" but exclude "removal or deposition of significant amounts of material from or onto a wetland or watercourse or diversion or alteration of a watercourse", amended Subsec. (b) to specifically prohibit removal or deposition of material, alteration or obstruction of water flow or pollution of wetlands or watercourses and to refer to field "trials" rather than field "trails" in (b) (2); P.A. 87-533 amended Subdiv. (1) of Subsec. (a) to require permits for farm ponds not essential to the farming operation, and certain road construction, relocation of wetlands and watercourses with continual flow, clear cutting of timber, and mining for the purposes of sale and amended Subdiv. (2) of Subsec. (a) to require permits for all residential homes after July 1, 1987; P.A. 88-364 made a technical change in Subsec. (a); P.A. 94-89 amended Subsec. (a) to add a new Subdiv. (6) re maintenance of drainage pipes in certain wetlands areas; P.A. 97-289 amended Subdiv. (1) of Subsec. (a) to include in the operations permitted as of right activities of the Commissioner of Environmental Protection re wetland or watercourse restoration and mosquito control, effective July 1, 1997; P.A. 98-209 added new Subsec. (c) re permitted uses by state agencies.

Cited. 179 C. 250. Cited. 180 C. 421; Id., 692. Cited. 183 C. 532. The inland wetlands and watercourses act cited. 186 C. 67. Cited. 193 C. 414. The inland wetlands and watercourses act cited. 196 C. 218. Cited. 203 C. 525. Cited. 209 C. 544; Id., 652. Cited. 211 C. 416. Inland wetlands and watercourses act cited. 212 C. 710; Id., 727; 213 C. 604. Cited. 216 C. 320. Inland wetlands and watercourses act (IWWA) Sec. 22a-36 et seq. cited. Id. Inland wetlands and watercourses act (IWWA) cited. 217 C. 164. Inland wetlands and watercourses act cited. 218 C. 703; 219 C. 404. Cited. 220 C. 362; Id., 476. Cited. 226 C. 358. Inland wetlands and watercourses act, Secs. 22a-36-22a-45a cited. Id., 579. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 228 C. 95. Cited. 229 C. 247. Inland wetlands and watercourses act cited. Id. Cited. Id., 627; Id., 654. Inland Wetlands and Watercourses Act cited. 242 C. 335.

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Cited. 4 CA 271. Cited. 5 CA 70. Cited. 6 CA 715. Cited. 7 CA 283. Inland wetlands and watercourses act cited. 12 CA 47. Inland wetlands and watercourses act cited. 15 CA 336; 18 CA 440. Cited. 19 CA 713. Inland wetlands and watercourses act cited. 20 CA 309; 26 CA 564; 27 CA 590; 28 CA 780. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 29 CA 12; Id., 105. Inland wetlands act cited. 30 CA 85. Inland wetlands and watercourses act, Secs. 22a-36-22a-45 cited. 31 CA 105; Id., 599; judgment reversed, see 229 C. 627, see also 36 CA 270. Inland wetlands and watercourses act cited. 32 CA 799. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 34 CA 385. Inland wetlands and Watercourses Act cited. 36 CA 270; 37 CA 166.

Cited. 35 CS 145. Cited. 36 CS 1. Cited. 41 CS 444. Cited. 42 CS 57.

Subsec. (a):

Subdiv. (4): Statute intended to apply only to that which is already in existence on residential property, including residence. 183 C. 532. Subdiv. (1) cited. 215 C. 616. Subdiv. (2): There is no as-of-right exemption from wetlands regulation under this section for construction of houses on subdivision lots existing prior to July 1, 1974, unless a building permit had been issued for such lot prior to July 1, 1987. 229 C. 247. P.A. 87-533 cited. Id.

Subdiv. (1): Regulation in effect at time of court decision is controlling. 18 CA 440. Subdiv. (1) cited. 20 CA 819. Subdiv. (1) cited. 24 CA 163.

Subsec. (b):

Cited. 217 C. 164.

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Sec. 22a-41. Factors for consideration of commissioner. Finding of no feasible and prudent alternative. Wetlands or watercourses. Habitats. Jurisdiction of municipal inland wetlands agencies. (a) In carrying out the purposes and policies of sections 22a-36 to 22a-45a, inclusive, including matters relating to regulating, licensing and enforcing of the provisions thereof, the commissioner shall take into consideration all relevant facts and circumstances, including but not limited to:

- (1) The environmental impact of the proposed regulated activity on wetlands or watercourses;**
- (2) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;**
- (3) The relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;**
- (4) Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to**

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(A) prevent or minimize pollution or other environmental damage, (B) maintain or enhance existing environmental quality, or (C) in the following order of priority: Restore, enhance and create productive wetland or watercourse resources;

(5) The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and

(6) Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

(b) (1) In the case of an application which received a public hearing pursuant to (A) subsection (k) of section 22a-39, or (B) a finding by the inland wetlands agency that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the commissioner finds on the basis of the record that a feasible and prudent alternative does not exist. In making his finding, the commissioner shall consider the facts and circumstances set forth in subsection (a) of this section. The finding and the reasons therefor shall be stated on the record in writing.

(2) In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the commissioner or the inland wetlands agency, as the case may be, shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subdivision shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.

(c) For purposes of this section, (1) "wetlands or watercourses" includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) "habitats" means areas or environments in which an organism or biological population normally lives or occurs.

(d) A municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.

(1972, P.A. 155, S. 6; P.A. 87-533, S. 4, 14; P.A. 96-157, S. 2; 96-269, S. 3, 4; P.A. 04-209, S. 1; P.A. 05-288, S. 94.)

History: P.A. 87-533 added Subsec. (b) requiring the commissioner to find that a feasible and prudent alternative does not exist prior to issuing a permit for an application which received a public hearing; P.A. 96-157 amended Subsec. (a) to modify the enumerated factors for consideration and amended Subsec. (b) to provide conditions for hearings governed by that subsection, to provide that findings re feasible and prudent alternatives be on the basis of the record and to add Subdiv. (2) re proposal of alternatives by the agency; P.A. 96-269 changed effective date of P.A. 96-157 from October 1, 1996, to January 1, 1997, effective June 12, 1996; P.A. 04-209 added new Subsec. (c) defining wetlands or watercourses and habitats and new Subsec. (d) re jurisdiction of municipal inland wetlands agencies, effective June 3, 2004; P.A. 05-288 made technical changes in Subsec. (b)(1), effective July 13, 2005.

Cited. 179 C. 250. Cited. 180 C. 421; Id., 692. Cited. 183 C. 532. The inland wetlands and watercourses act cited. 186 C. 67. Under this statute a local inland wetland agency must take into

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account the environmental impact on the regulated area that is pertinent, not the environmental impact in general. 192 C. 247. The inland wetlands and watercourses act cited. 196 C. 218. Cited. 203 C. 525. Cited. 209 C. 544; Id., 652. Cited. 211 C. 416. Inland wetlands and watercourses act cited. 212 C. 710; Id., 727; 213 C. 604. Cited. 216 C. 320. Inland wetlands and watercourses act (IWWA) Sec. 22a-36 et seq. cited. Id. Inland wetlands and watercourses act (IWWA) cited. 217 C. 164. Inland wetlands and watercourses act cited. 218 C. 703; 219 C. 404. Cited. 220 C. 362; Id., 476. Cited. 222 C. 98. Cited. 226 C. 227; Id., 579. Inland wetlands and watercourses act, Secs. 22a-36-22a-45a cited. Id. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 228 C. 95. Inland wetland and watercourses act cited. 229 C. 247. Cited. Id., 227; Id., 654. Inland Wetlands and Watercourses Act cited. 242 C. 335.

Cited. 4 CA 271. Cited. 5 CA 70. Cited. 6 CA 715. Inland wetlands and watercourses act cited. 12 CA 47. Inland wetlands and watercourses act cited. 15 CA 336; 18 CA 440. Cited. 19 CA 713. Inland wetlands and watercourses act cited. 20 CA 309. Cited. 21 CA 122. Cited. 24 CA 708. Cited. 25 CA 572. Inland wetlands and watercourses act cited. 26 CA 564. Cited. 27 CA 214. Inland wetlands and watercourses act cited. Id., 590. Cited. 28 CA 262; Id., 780. Inland wetlands and watercourses act cited. Id. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 29 CA 12; Id., 105. Cited. 30 CA 85. Inland wetlands act cited. Id. Inland wetland and watercourses act. Secs. 22a-36-22a-45 cited. 31 CA 105; Id., 599; judgment reversed, see 229 C. 627, see also 36 CA 270. Cited. 32 CA 799. Inland wetlands and watercourses act cited. Id. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 34 CA 385. Inland Wetlands and Watercourses Act cited. 36 CA 270; 37 CA 166. Cited. 43 CA 227.

Cited. 35 CS 145. Section does not mandate specific reference in the finding and conclusion to any one of the six factors or a "balancing test". 36 CS 1. Cited. 41 CS 444. Cited. 42 CS 57.

Subsec. (a):

Subdiv. (4): Mitigation measures are an integral component in the process of approving a permit that seeks to destroy wetland or watercourse resources. Trial court improperly concluded that inland wetlands commission could accept payment of money and in-kind services as mitigation for destruction of wetlands and since the condition of the payment of money and provision of in-kind services was integral to commission's decision to grant the permit, judgment of trial court was reversed and the case remanded with direction to sustain the appeal. 251 C. 269. Local wetlands and watercourses commission, in considering application for permit to conduct a regulated activity, must consider, among other things, any feasible and prudent alternatives to the proposed activity that would cause less or no environmental impact to wetlands or watercourses. 263 C. 572. It is the impact on the regulated area that is pertinent, not the environmental impact in general. Inland wetlands agencies do not have jurisdiction to regulate activities that solely affect the wildlife that use the wetlands and watercourses without affecting the wetlands or watercourses themselves. 269 C. 57.

Cited. 25 CA 446. "All relevant facts" does not include adjacent land when proposed development does not have a significant impact on the wetlands and watercourses, 49 CA 95.

Subsec. (b):

Cited. 19 CA 334. Cited. 25 CA 446. Cited. 27 CA 214. Cited. 28 CA 435.

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Sec. 22a-42. Municipal regulation of wetlands and watercourses. Action by commissioner. (a) To carry out and effectuate the purposes and policies of sections 22a-36 to 22a-45a, inclusive, it is hereby declared to be the public policy of the state to require municipal regulation of activities affecting the wetlands and watercourses within the territorial limits of the various municipalities or districts.

(b) Any municipality may acquire wetlands and watercourses within its territorial limits by gift or purchase, in fee or lesser interest including, but not limited to, lease, easement or covenant, subject to such reservations and exceptions as it deems advisable.

(c) On or before July 1, 1988, each municipality shall establish an inland wetlands agency or authorize an existing board or commission to carry out the provisions of sections 22a-36 to 22a-45, inclusive. Each municipality, acting through its legislative body, may authorize any board or commission, as may be by law authorized to act, or may establish a new board or commission to promulgate such regulations, in conformity with the regulations adopted by the commissioner pursuant to section 22a-39, as are necessary to protect the wetlands and watercourses within its territorial limits. The ordinance establishing the new board or commission shall determine the number of members and alternate members, the length of their terms, the method of selection and removal and the manner for filling vacancies in the new board or commission. No member or alternate member of such board or commission shall participate in the hearing or decision of such board or commission of which he is a member upon any matter in which he is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of such board or commission and replacement shall be made from alternate members of an alternate to act as a member of such commission in the hearing and determination of the particular matter or matters in which the disqualification arose. For the purposes of this section, the board or commission authorized by the municipality or district, as the case may be, shall serve as the sole agent for the licensing of regulated activities.

(d) At least one member of the inland wetlands agency or staff of the agency shall be a person who has completed the comprehensive training program developed by the commissioner pursuant to section 22a-39. Failure to have a member of the agency or staff with training shall not affect the validity of any action of the agency. The commissioner shall annually make such program available to one person from each town without cost to that person or the town. Each inland wetlands agency shall hold a meeting at least once annually at which information is presented to the members of the agency which summarizes the provisions of the training program. The commissioner shall develop such information in consultation with interested persons affected by the regulation of inland wetlands and shall provide for distribution of video presentations and related written materials which convey such information to inland wetlands agencies. In addition to such materials, the commissioner, in consultation with such persons, shall prepare materials which provide guidance to municipalities in carrying out the provisions of subsection (f) of section 22a-42a.

(e) Any municipality, pursuant to ordinance, may act through the board or commission authorized in subsection (c) of this section to join with any other municipalities in the formation of a district for the regulation of activities affecting the wetlands and watercourses within such district. Any city or borough may delegate its authority to regulate inland wetlands under this section to the town in which it is located.

(f) Municipal or district ordinances or regulations may embody any regulations promulgated hereunder, in whole or in part, or may consist of other ordinances or regulations in conformity with regulations promulgated hereunder. Any ordinances or regulations shall be for the purpose of effectuating the purposes of sections 22a-36 to 22a-45, inclusive, and, a municipality or district, in acting upon ordinances and regulations shall incorporate the factors set forth in section 22a-41.

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(g) Nothing contained in this section shall be construed to limit the existing authority of a municipality or any boards or commissions of the municipality, provided the commissioner shall retain authority to act on any application filed with said commissioner prior to the establishment or designation of an inland wetlands agency by a municipality.

(1972, P.A. 155, S. 7; P.A. 73-571, S. 3, 9; P.A. 74-133; P.A. 87-533, S. 5, 14; P.A. 96-157, S. 3; 96-269, S. 3, 4.)

History: P.A. 73-571 clarified provisions, included districts as well as municipalities under provisions, specified that ordinance establishing board or commission should determine number of members, length of terms, etc. in Subsec. (c) and added Subdiv. (2) in Subsec. (f) re commissioner's power to protect wetlands and watercourses if municipality does not exercise its regulatory authority; P.A. 74-133 added provisions re disqualification of members from participation in hearing or decision in which they are directly or indirectly personally or financially involved and selection of alternate in such cases under Subsec. (c); P.A. 87-533 amended Subsec. (a) to require rather than encourage municipal regulation of inland wetlands, amended Subsec. (c) to require all municipalities to establish inland wetlands agencies on or before July 1, 1988, amended Subsec. (d) to authorize towns or boroughs to delegate authority to regulate inland wetlands to the towns in which they are located, deleted former Subsec. (f) re state regulation of inland wetlands, relettering former Subsec. (g) as (f) and adding proviso re commissioner's authority to act on applications filed prior to designation of municipal agency; P.A. 96-157 inserted new Subsec. (d) re training of agency or staff and relettered former subsequent Subsecs. and amended Subsec. (f) to require incorporation of the factors for consideration set forth in Sec. 22a-41 in the agency's regulations or ordinances; P.A. 96-269 changed effective date of P.A. 96-157 from October 1, 1996, to January 1, 1997, effective June 12, 1996.

Cited. 179 C. 250. Cited. 180 C. 421; Id., 692. Cited. 183 C. 532. The inland wetlands and watercourses act cited. 186 C. 67. Cited. 192 C. 247. Cited. 193 C. 414. The inland wetlands and watercourses act cited. 196 C. 218. Cited. 203 C. 525. Cited. 209 C. 544; Id., 652. Cited. 211 C. 416. Inland wetlands and watercourses act cited. 212 C. 710; Id., 727; 213 C. 604. Cited. 216 C. 320. Inland wetlands and watercourses act (IWWA) Sec. 22a-36 et seq. cited. Id. Inland wetlands and watercourses act (IWWA) cited. 217 C. 164. Inland wetlands and watercourses act cited. 218 C. 703. Cited. 219 C. 404. Inland wetlands and watercourses act cited. Id. Cited. 220 C. 362; Id., 476. Cited. 226 C. 579. Inland wetlands and watercourses act, Secs. 22a-36-22a-45a cited. Id. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 228 C. 95. Inland wetlands and watercourses act cited. 229 C. 247. Cited. Id., 627; Id., 654. Cited. 242 C. 335. Inland Wetlands and Watercourses Act cited. Id.

Cited. 4 CA 271. Cited. 5 CA 70. Cited. 6 CA 715. Inland wetland and watercourses act cited. 12 CA 47. Inland wetlands and watercourses act cited. 15 CA 336; 18 CA 440. Cited. 19 CA 713. Inland wetlands and watercourses act cited. 20 CA 309; 26 CA 564; 27 CA 590. Cited. 28 CA 780. Inland wetlands and watercourses act cited. Id. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 29 CA 12; Id., 105. Inland wetlands act cited. 30 CA 85. Inland wetlands and watercourses act, Secs. 22a-36-22a-45 cited. 31 CA 105; Id., 599; judgment reversed, see 229 C. 627. see also 36 CA 270. Cited. 31 CA 643. Inland wetlands and watercourses act cited. 32 CA 799. Cited. 34 CA 385. Inland wetlands and watercourses. Sec. 22a-36 et seq. cited. Id. Inland Wetlands and Watercourses Act cited. 36 CA 270; 37 CA 166.

Cited. 35 CS 145. Cited. 36 CS 1. Cited. 41 CS 444. Cited. 42 CS 57.

Subsec. (a):

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Cited. 212 C. 710. Subdiv. (5) cited. 217 C. 164. Cited. 231 C. 451.

Cited. 18 CA 440. Cited. 37 CA 166.

Subsec. (c):

Cited. 186 C. 67.

Cited. 12 CA 47. Cited. 24 CA 708. Disqualification applies to ex officio members. 50 CA 548.

Cited. 43 CS 373. Once a municipality has established an agency to regulate activities affecting wetlands and watercourses within its territorial limits in accordance with this section, such agency is not subject to interference by municipality's legislative body. Inland Wetlands and Watercourses Act requires that the agency created pursuant to the act be sole agent for licensing of regulated activities in the municipality. 49 CS 188.

Subsec. (d):

Cited. 222 C. 98.

Subsec. (e):

Cited. 212 C. 710. Cited. 217 C. 164. Cited. 222 C. 98.

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Sec. 22a-42a. Establishment of boundaries by regulation. Adoption of regulations. Permits. Filing fee. (a) The inland wetlands agencies authorized in section 22a-42 shall through regulation provide for (1) the manner in which the boundaries of inland wetland and watercourse areas in their respective municipalities shall be established and amended or changed, (2) the form for an application to conduct regulated activities, (3) notice and publication requirements, (4) criteria and procedures for the review of applications and (5) administration and enforcement.

(b) No regulations of an inland wetlands agency including boundaries of inland wetland and watercourse areas shall become effective or be established until after a public hearing in relation thereto is held by the inland wetlands agency. Any such hearing shall be held in accordance with the provisions of section 8-7d. A copy of such proposed regulation or boundary shall be filed in the office of the town, city or borough clerk as the case may be, in such municipality, for public inspection at least ten days before such hearing, and may be published in full in such paper. A copy of the notice and the proposed regulations or amendments thereto, except determinations of boundaries, shall be provided to the commissioner at least thirty-five days before such hearing. Such regulations and inland wetland and watercourse boundaries may be from time to time amended, changed or repealed, by majority vote of the inland wetlands agency, after a public hearing in relation thereto is held by the inland wetlands agency, in accordance with the provisions of section 8-7d. Regulations or boundaries or changes therein shall become effective at such time as is fixed by the inland wetlands agency, provided a copy of such regulation, boundary or change shall be filed in the office of the town, city or borough clerk, as the case may be. Whenever an inland wetlands agency makes a change in regulations or boundaries it shall state upon its records the reason why the change was made and shall provide a copy of such regulation,

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boundary or change to the Commissioner of Environmental Protection no later than ten days after its adoption provided failure to submit such regulation, boundary or change shall not impair the validity of such regulation, boundary or change. All petitions submitted in writing and in a form prescribed by the inland wetlands agency, requesting a change in the regulations or the boundaries of an inland wetland and watercourse area shall be considered at a public hearing held in accordance with the provisions of section 8-7d. The failure of the inland wetlands agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition.

(c) (1) On and after the effective date of the municipal regulations promulgated pursuant to subsection (b) of this section, no regulated activity shall be conducted upon any inland wetland or watercourse without a permit. Any person proposing to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse shall file an application with the inland wetlands agency of the town or towns wherein the wetland or watercourse in question is located. The application shall be in such form and contain such information as the inland wetlands agency may prescribe. The date of receipt of an application shall be determined in accordance with the provisions of subsection (c) of section 8-7d. The inland wetlands agency shall not hold a public hearing on such application unless the inland wetlands agency determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the agency not later than fourteen days after the date of receipt of such application, or the agency finds that a public hearing regarding such application would be in the public interest. An inland wetlands agency may issue a permit without a public hearing provided no petition provided for in this subsection is filed with the agency on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held in accordance with the provisions of section 8-7d. If the inland wetlands agency, or its agent, fails to act on any application within thirty-five days after the completion of a public hearing or in the absence of a public hearing within sixty-five days from the date of receipt of the application, or within any extension of any such period as provided in section 8-7d, the applicant may file such application with the Commissioner of Environmental Protection who shall review and act on such application in accordance with this section. Any costs incurred by the commissioner in reviewing such application for such inland wetlands agency shall be paid by the municipality that established or authorized the agency. Any fees that would have been paid to such municipality if such application had not been filed with the commissioner shall be paid to the state. The failure of the inland wetlands agency or the commissioner to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application.

(2) An inland wetlands agency may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetland or watercourse provided such agent has completed the comprehensive training program developed by the commissioner pursuant to section 22a-39. Notwithstanding the provisions for receipt and processing applications prescribed in subdivision (1) of this subsection, such agent may approve or extend such an activity at any time. Any person receiving such approval from such agent shall, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the inland wetlands agency within fifteen days after the publication date of the notice and the inland wetlands agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such agency or its agent of such appeal. The inland wetlands agency shall, at its discretion, sustain, alter or reject the decision of its agent or require an application for a permit in accordance with subdivision (1) of subsection (c) of this section.

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(d) (1) In granting, denying or limiting any permit for a regulated activity the inland wetlands agency, or its agent, shall consider the factors set forth in section 22a-41, and such agency, or its agent, shall state upon the record the reason for its decision. In granting a permit the inland wetlands agency, or its agent, may grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity which are designed to carry out the policy of sections 22a-36 to 22a-45, inclusive. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (A) prevent or minimize pollution or other environmental damage, (B) maintain or enhance existing environmental quality, or (C) in the following order of priority: Restore, enhance and create productive wetland or watercourse resources. No person shall conduct any regulated activity within an inland wetland or watercourse which requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special permit, special exception or variance or other documentation establishing that the proposal complies with the zoning or subdivision requirements adopted by the municipality pursuant to chapters 124 to 126, inclusive, or any special act. The agency may suspend or revoke a permit if it finds after giving notice to the permittee of the facts or conduct which warrant the intended action and after a hearing at which the permittee is given an opportunity to show compliance with the requirements for retention of the permit, that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application. The applicant shall be notified of the agency's decision by certified mail within fifteen days of the date of the decision and the agency shall cause notice of their order in issuance, denial, revocation or suspension of a permit to be published in a newspaper having a general circulation in the town wherein the wetland or watercourse lies. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten days thereafter.

(2) Any permit issued under this section for the development of property for which an approval is required under section 8-3, 8-25 or 8-26 shall be valid for five years provided the agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued under this section for any other activity shall be valid for not less than two years and not more than five years. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than ten years.

(e) The inland wetlands agency may require a filing fee to be deposited with the agency. The amount of such fee shall be sufficient to cover the reasonable cost of reviewing and acting on applications and petitions, including, but not limited to, the costs of certified mailings, publications of notices and decisions and monitoring compliance with permit conditions or agency orders.

(f) If a municipal inland wetlands agency regulates activities within areas around wetlands or watercourses, such regulation shall (1) be in accordance with the provisions of the inland wetlands regulations adopted by such agency related to application for, and approval of, activities to be conducted in wetlands or watercourses and (2) apply only to those activities which are likely to impact or affect wetlands or watercourses.

(P.A. 73-571, S. 4, 9; P.A. 75-387, S. 1; P.A. 77-599, S. 3, 7; P.A. 79-285, S. 1, 2; P.A. 81-125, S. 2; P.A. 83-109; P.A. 87-533, S. 6, 14; P.A. 89-356, S. 16; P.A. 92-148, S. 1, 2; P.A. 93-305; P.A. 95-313, S. 3; P.A. 96-157, S. 4; 96-269, S. 3, 4; P.A. 97-124, S. 10, 16; P.A. 98-209, S. 16; P.A. 99-225, S. 16, 33; P.A. 03-177, S. 11, 12; 03-276, S. 6.)

History: P.A. 75-387 specified in Subsec. (b) that amendment or repeal of regulations takes place only after public hearing is held, moved upper limit for hearing date from sixty to sixty-five days after

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receipt of application and required that action be taken within sixty-five rather than forty-five days after completion of hearing in Subsec. (c), and required that applicant be notified of decision within fifteen rather than five days after decision reached in Subsec. (d); P.A. 77-599 required that commissioner be sent a copy of changed regulations, boundaries, etc. in Subsec. (b) and a copy of permits or orders issued in Subsec. (d) and required that reasons for a decision be included in the record; P.A. 79-285 required publication of notice twice rather than once and set standards for times of posting and added Subsec. (e) re filing fee; P.A. 81-125 added the word "watercourse" after each use of the words "inland wetland" for consistency with other sections of the chapter; P.A. 83-109 amended Subsec. (c) by establishing the day of receipt of applications for permits to conduct a regulated activity upon an inland wetlands or watercourse; P.A. 87-533 amended Subsec. (a) to require regulations on forms for an application notice and publication requirements, criteria and procedures for review and administrative and enforcement, amended Subsec. (b) to require notice to the commissioner before a public hearing and to delete provision which had authorized imposition of filing fee, amended Subsec. (c) to require that public hearing be completed forty-five days after commencement and to reduce time for action on applications from sixty-five to thirty-five days, amended Subsec. (d) to require zoning compliance before regulated activity is conducted in an inland wetland and to delete provision requiring sending of copy of permit and order to commissioner within ten days of issuance and amended Subsec. (e) to authorize municipalities to charge filing fees sufficient to cover the reasonable cost of reviewing and acting on applications; P.A. 89-356 amended Subsec. (b) to authorize the petitioner to consent to more than one extension of the periods specified for the holding of the hearing and for action on the petition provided the total extension is not for longer than the original period and to add provision that the failure of the agency to act in a timely manner shall not be deemed to constitute approval of the petition, amended Subsec. (c) to add provisions authorizing the applicant to consent to one or more extensions of the time periods for agency action, provided the total extension is not for longer than the original period, or to withdraw the application, authorizing the applicant to file the application with the commissioner of environmental protection for review and action if the agency fails to act within specified time periods or any extension thereof, specifying that the costs of the review by the commissioner shall be paid by the municipality and that fees otherwise payable to the municipality shall be paid to the state, and specifying that the failure of the agency or commissioner to act in a timely manner shall not be deemed to constitute approval of the application, and amended Subsec. (d) to authorize the applicant to provide for the publication of the notice of the decision of the agency when such notice is not published in a timely manner; P.A. 92-148 amended Subsec. (b) to change the required time of the first newspaper advertisement for a hearing under that Subsec. to not more than fifteen days nor less than ten days before such hearing, reducing time frame by ten days, and amended Subsec. (d) to provided for specific time limits for permits issued under that Subsec; P.A. 93-305 amended Subsec. (d) to modify the authority of wetlands agencies re expiration dates of permits and time required for completion of regulated activities; P.A. 95-313 added Subsec. (f) re buffer areas; P.A. 96-157 amended Subsec. (c) to create Subdivs. (1) and (2), amended Subdiv. (1) to condition the holding of public hearings on applications and added Subdiv. (2) to provide for delegation by the agency of certain authority to an agent, amended Subsec. (d) to create Subdivs. (1) and (2) and amended Subdiv. (1) to include references to action by the agent, to provide for terms for permits, deleted provisions re time periods for permits and added Subdiv. (2) re time periods for permits, and amended Subsec. (f) to delete a reference to "buffer" areas and to include references to watercourses; P.A. 96-269 changed effective date of P.A. 96-157 from October 1, 1996, to January 1, 1997, effective June 12, 1996 (Revisor's note: Due to a clerical error in Subsec. (c)(1) the words "... impact on wetlands or watercourses, a petition signed ..." were incorrectly printed in the original engrossed bill version of P.A. 96-157 as "... impact on wetlands, watercourses or a petition signed ..."); P.A. 97-124 amended Subsec. (c) to modify the time period for making a request for a public hearing, to exempt the actions of an agent of the municipal agency from certain time period requirements and to make technical changes, effective June 6, 1997; P.A. 98-209 amended Subsec. (c) to add additional provision for issuance of a permit without a public hearing; P.A. 99-225 amended Subsec. (c)(1) to modify the deadline for receipt of a petition for a public hearing on

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applications under this section, effective June 29, 1999; P.A. 03-177 amended Subsec. (b) by eliminating provisions re public hearing notice and procedure and the time for an inland wetlands agency to render a decision on a petition and adding provisions requiring public hearing to be conducted in accordance with Sec. 8-7d, and amended Subsec. (c)(1) by replacing provisions re determination of date of receipt of application, public hearing notice and procedure and the time for rendering a decision with provisions requiring public hearing to be conducted in accordance with Sec. 8-7d, effective October 1, 2003, and applicable to applications filed on or after that date; P.A. 03-276 amended Subsec. (c)(1) to add age and residency requirements for persons who sign a petition, effective July 1, 2003.

See Sec. 7-159b re preapplication review of use of property.

Cited. 179 C. 250. Cited. 180 C. 421; Id., 692. The inland wetlands and watercourses act cited. 186 C. 67. Cited. 192 C. 247. The inland wetlands and watercourses act cited. 196 C. 218. Cited. 203 C. 525. Cited. 209 C. 544; Id., 652. Cited. 211 C. 416. Inland wetlands and watercourses act cited. 212 C. 710; Id., 727; 213 C. 604. Cited. 216 C. 320. Inland wetlands and watercourses act (IWWA) Sec. 22a-36 et seq. cited. Id. Inland wetlands and watercourses act (IWWA) cited. 217 C. 164. Inland wetlands and watercourses act cited. 218 C. 703; 219 C. 404. Cited. 220 C. 362; Id., 476. Inland wetlands and watercourses act. Secs. 22a-36-22a-45a cited. 226 C. 579. Inland wetlands and watercourses act. Sec. 22a-36 et seq. cited. 228 C. 95. Inland wetlands and watercourses act cited. 229 C. 247. Cited. Id., 627; Id., 654. Inland Wetlands and Watercourses Act cited. 242 C. 335. Site inspection was not a "hearing" requiring stringent notice requirement of statute. 243 C. 266.

Cited. 4 CA 271. Cited. 5 CA 70. Cited. 6 CA 715. Inland wetlands and watercourses act cited. 12 CA 47. Inland wetlands and watercourses act cited. 15 CA 336, 337; 18 CA 440. Cited. 19 CA 713. Inland wetlands and watercourses act cited. 20 CA 309; 26 CA 564; 27 CA 590; 28 CA 780. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 29 CA 12; Id., 105. Inland wetlands act cited. 30 CA 85. Inland wetlands and watercourses act, Secs. 22a-36-22a-45 cited. 31 CA 105; Id., 599; judgment reversed, see 229 C. 627, see also 36 CA 270. Cited. Id., 643. Inland wetlands and watercourses act cited. 32 CA 799. Cited. 34 CA 385. Inland wetlands and watercourses act. 22a-36 et seq. cited. Id. Inland Wetlands and Watercourses Act cited. 36 CA 270. Cited. 37 CA 166. Inland Wetlands and Watercourses Act cited. Id. Cited. 43 CA 227.

Cited. 41 CS 444. Cited. 42 CS 57.

Subsec. (a):

Subdiv. (4) cited. 21 CA 122, 131.

Subsec. (b):

Cited. 231 C. 451, 460.

Subsec. (c):

Cited. 183 C. 532. Cited. 196 C. 218. Cited. 222 C. 98. Time limits directory not mandatory. Id., 269. Cited. Id., 541. Cited. 231 C. 451.

Cited. 6 CA 715. Cited. 20 CA 309. Cited. 24 CA 708. Cited. 25 CA 61; Id., 164. Cited. 29 CA 12. Cited. 35 CA 317. Cited. 37 CA 166. Cited. 41 CA 39; Id., 89; Id., 120. Purpose of hearing under Subdiv. (1). Site inspections are not hearings. 49 CA 95.

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Subsec. (d):

Requirement of stating upon the record the reason for its decision is met by the commission's statement of the factors upon which it relied. 180 C. 692. Cited. 196 C. 218. Cited. 212 C. 710. Trial court on appeal must search record of hearings before commission to determine if an adequate reason exists for its decision. 213 C. 604. Cited. 217 C. 164. Cited. 222 C. 98; *Id.*, 541. Cited. 231 C. 451.

Cited. 18 CA 440. Cited. 19 CA 334. Cited. 20 CA 309. Cited. 21 CA 122. Cited. 24 CA 708. Cited. 27 CA 214. Cited. 29 CA 469. Cited. 32 CA 799. Cited. 41 CA 421; judgment reversed, see 242 C. 550.

Subsec. (f):

Commission may regulate activities impacting the physical characteristics of wetlands and watercourses, but no other aspects, such as wildlife or biodiversity. 266 C. 150.

Inland wetlands commission, under this section, must first enact a formal regulation to exercise its authority over upland review areas. 79 CA 710.

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Secs. 22a-42b and 22a-42c. Notice to adjoining municipalities when traffic, sewer or water drainage and water runoff will affect such municipalities. Notice of application to adjacent municipality re conduct of regulated activities within five hundred feet of its boundaries. Sections 22a-42b and 22a-42c are repealed, effective October 1, 2003.

(P.A. 87-307, S. 4; 87-533, S. 12, 14; P.A. 88-364, S. 34, 123; P.A. 89-175, S. 6, 7; P.A. 96-118, S. 4; P.A. 03-177, S. 14.)

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Sec. 22a-42d. Revocation of authority to regulate inland wetlands. (a) The commissioner may revoke the authority of a municipality to regulate inland wetlands pursuant to section 22a-42 upon determination after a hearing that such municipality has, over a period of time, consistently failed to perform its duties under said section. Prior to the hearing on revocation, the commissioner shall send a notice to the inland wetlands agency, by certified mail, return receipt requested, asking such agency to show cause, within thirty days, why such authority should not be revoked. A copy of the show cause notice shall be sent to the chief executive officer of the municipality that authorized the agency. The commissioner shall send a notice to the inland wetlands agency, by certified mail, return receipt requested, stating the reasons for the revocation and the circumstances for reinstatement. Any municipality aggrieved by a decision of the commissioner under this section to revoke its authority under said section 22a-42 may appeal therefrom in accordance with the provisions of section 4-183. The commissioner shall have jurisdiction over the inland wetlands in any municipality whose authority to regulate such inland wetlands has been revoked. Any costs incurred by the state in reviewing applications for inland wetlands activity for such municipality shall be paid by the municipality. Any fees that would have been paid to such municipality if such authority had been retained shall be paid to the state.

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(b) The commissioner shall cause to be published notice of the revocation or reinstatement of the authority of a municipality to regulate inland wetlands in a newspaper of general circulation in the area of such municipality.

(c) The commissioner shall adopt regulations in accordance with the provisions of chapter 54 establishing standards for the revocation and reinstatement of municipal authority to regulate wetlands pursuant to section 22a-42.

(P.A. 87-533, S. 13, 14; P.A. 88-364, S. 35, 123.)

History: P.A. 88-364 made a technical change to Subsec. (a).

Cited. 209 C. 544; Id., 652. Cited. 211 C. 416. Inland wetlands and watercourses act cited. 212 C. 710; Id., 727; 213 C. 604. Cited. 216 C. 320. Inland wetlands and watercourses act (IWWA) Sec. 22a-36 et seq. cited. Id. Inland wetlands and watercourses act (IWWA) cited. 217 C. 164. Inland wetlands and watercourses act cited. 218 C. 703; 219 C. 404. Cited. 220 C. 362; Id., 476. Inland wetlands and watercourses act. Secs. 22a-36-22a-45a cited. 226 C. 579. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 228 C. 95. Inland wetlands and watercourses act cited. 229 C. 247. Cited. Id., 627. Cited. Id., 654. Inland Wetlands and Watercourses Act cited. 242 C. 335.

Inland wetlands and watercourses act cited. 18 CA 440. Cited. 19 CA 713. Inland wetlands and watercourses act cited. 20 CA 309; 26 CA 564; 27 CA 590; 28 CA 780. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 29 CA 12; Id., 105. Inland wetlands act cited. 30 CA 85. Inland wetlands and watercourses act, Secs. 22a-36-22a-45 cited. 31 CA 105; Id., 599; judgment reversed, see 229 C. 627, see also 36 CA 270. Inland wetlands and watercourses act cited. 32 CA 799. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 34 CA 385. Inland Wetlands and Watercourses Act cited. 36 CA 270; 37 CA 166.

Cited. 41 CS 444. Cited. 42 CS 57.

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Sec. 22a-42e. Application filed prior to change in inland wetlands regulations not required to comply with change. Exceptions. An application filed with an inland wetlands agency which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetlands regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of this chapter as of the date of such receipt.

(P.A. 89-311, S. 3; 89-356, S. 17; P.A. 96-157, S. 5; 96-269, S. 3, 4.)

History: P.A. 89-356 provided that such application shall not be required to comply with subsequent "changes to setbacks and buffers", deleted provision that such application shall not be required to

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comply with any subsequent change in inland wetlands "boundaries", and added provision that the section shall not be construed to apply to the establishment, amendment or change of boundaries of inland wetlands or watercourses or any change in regulations necessary to make such regulations consistent with the provisions of chapter 440 as of the date of such decision; P.A. 96-157 changed the date for determining an application's compliance with the law from the date of the decision of the agency to the date the agency receives the application; P.A. 96-269 changed effective date of P.A. 96-157 from October 1, 1996, to January 1, 1997, effective June 12, 1996.

Inland wetlands and watercourses act (IWWA) cited. 217 C. 164. Inland wetlands and watercourses act cited. 218 C. 703; 219 C. 404. Cited. 220 C. 362; Id., 476; Id., 527. Inland wetlands and watercourses act, Secs. 22a-36-22a-45a cited. 226 C. 579. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 228 C. 95. Cited. 229 C. 247. Inland wetlands and watercourses act cited. Id. Cited. Id., 627; Id., 654. Inland Wetlands and Watercourses Act cited. 242 C. 355.

Cited. 25 CA 51; Id., 199. Inland wetlands and watercourses act cited. 26 CA 564, 566; 27 CA 590; 28 CA 780. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 29 CA 12; Id., 105. Inland wetlands act cited. 30 CA 85. Inland wetlands and watercourses act, Secs. 22a-36-22a-45 cited. 31 CA 105; Id., 599; judgment reversed, see 229 C. 622, see also 36 CA 270. Cited. 32 CA 799. Inland wetlands and watercourses act cited. Id. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 34 CA 385. Inland Wetlands and Watercourses Act cited. 36 CA 270; 37 CA 166.

Cited. 42 CS 57.

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Sec. 22a-42f. Notice of application to water company re conduct of regulated activities within watershed of water company. When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 25-32a, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days after the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application.

(P.A. 89-301, S. 1; P.A. 90-230, S. 72, 101; P.A. 91-300, S. 2; P.A. 06-53, S. 2.)

History: P.A. 90-230 corrected an omission; P.A. 91-300 changed the statutory definition of water company by changing the statutory definition reference from Sec. 16-1 to Sec. 25-32a; P.A. 06-53 required Commissioner of Public Health to receive notice of proposed regulated activity upon an inland wetland or watercourse within water company watershed, gave commissioner right to appear and be heard at hearing on any such proposed regulated activity and made technical changes.

Inland wetlands and watercourses act (IWWA) cited. 217 C. 164. Inland wetlands and watercourses act cited. 218 C. 703; 219 C. 404. Cited. 220 C. 362; Id., 476. Inland wetlands and watercourses act, Secs. 22a-36-22a-45a cited. 226 C. 579. Inland wetlands and watercourses act. Sec. 22a-36 et seq. cited.

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228 C. 95. Inland wetlands and watercourses act cited. 229 C. 247. Cited. Id., 627; Id., 654. Inland Wetlands and Watercourses Act cited. 242 C. 355.

Inland wetlands and watercourses act cited. 26 CA 564; 27 CA 590; 28 CA 780. Inland wetlands and watercourses act. Sec. 22a-36 et seq. cited. 29 CA 12; Id., 105. Inland wetlands act cited. 30 CA 85. Inland wetlands and watercourses act, Secs. 22a-36-22a-45 cited. 31 CA 105; Id., 599; judgment reversed, see 229 C. 627. see also 36 CA 270. Inland wetlands and watercourses act cited. 32 CA 799. Inland wetlands and watercourses act. Sec. 22a-36 et seq. cited. 34 CA 385. Inland Wetlands and Watercourses Act cited. 36 CA 270; 37 CA 166.

Cited. 42 CS 57.

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Sec. 22a-42g. Municipal fine for violation of wetlands regulations. (a) Any municipality may establish, by ordinance, a fine for violations of regulations adopted pursuant to section 22a-42 provided the amount of any such fine shall be not more than one thousand dollars and further provided no such fine may be levied against the state or any employee of the state acting within the scope of his employment.

(b) Any police officer or other person authorized by the chief executive officer of the municipality may issue a citation to any person who commits such a violation. Any municipality which adopts an ordinance pursuant to subsection (a) of this section shall also adopt a citation hearing procedure pursuant to section 7-152c by which procedure such fine shall be imposed.

(c) Any fine collected by a municipality pursuant to this section shall be deposited into the General Fund of the municipality or in any special fund designated by the municipality.

(P.A. 96-269, S. 1.)

Inland Wetlands and Watercourses Act cited. 242 C. 335.

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Sec. 22a-43. Appeals. (a) The commissioner or any person aggrieved by any regulation, order, decision or action made pursuant to sections 22a-36 to 22a-45, inclusive, by the commissioner, a district or municipality or any person owning or occupying land which abuts any portion of land within, or is within a radius of ninety feet of, the wetland or watercourse involved in any regulation, order, decision or action made pursuant to said sections may, within the time specified in subsection (b) of section 8-8, from the publication of such regulation, order, decision or action, appeal to the superior court for the judicial district where the land affected is located, and if located in more than one judicial district to the court in any such judicial district. Such appeal shall be made returnable to the court in the same manner as that prescribed for civil actions brought to the court, except that the record shall be transmitted to the court within the time specified in subsection (i) of section 8-8. If the inland wetlands agency or its agent does not provide a transcript of the stenographic or the sound recording of a meeting where the inland wetlands agency or its agent deliberates or makes a decision on a permit for which a public hearing was

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held, a certified, true and accurate transcript of a stenographic or sound recording of the meeting prepared by or on behalf of the applicant or any other party shall be admissible as part of the record. Notice of such appeal shall be served upon the inland wetlands agency and the commissioner, provided, for any such appeal taken on or after October 1, 2004, service of process for purposes of such notice to the inland wetlands agency shall be made in accordance with subdivision (5) of subsection (b) of section 52-57. The commissioner may appear as a party to any action brought by any other person within thirty days from the date such appeal is returned to the court. The appeal shall state the reasons upon which it is predicated and shall not stay proceedings on the regulation, order, decision or action, but the court may on application and after notice grant a restraining order. Such appeal shall have precedence in the order of trial.

(b) The court, upon the motion of the person who applied for such order, decision or action, shall make such person a party defendant in the appeal. Such defendant may, at any time after the return date of such appeal, make a motion to dismiss the appeal. At the hearing on such motion to dismiss, each appellant shall have the burden of proving such appellant's standing to bring the appeal. The court may, upon the record, grant or deny the motion. The court's order on such motion may be appealed in the manner provided in subsection (p) of section 8-8.

(c) The proceedings of the court in the appeal may be stayed by agreement of the parties when a mediation conducted pursuant to section 8-8a commences. Any such stay shall terminate upon conclusion of the mediation.

(d) No appeal taken under subsection (a) of this section shall be withdrawn and no settlement between the parties to any such appeal shall be effective unless and until a hearing has been held before the Superior Court and the court has approved such proposed withdrawal or settlement.

(e) There shall be no right to further review except to the Appellate Court by certification for review in accordance with the provisions of subsection (p) of section 8-8.

(1972, P.A. 155, S. 8; P.A. 73-571, S. 5, 9; P.A. 76-436, S. 461, 681; P.A. 77-603, S. 13, 125; P.A. 78-280, S. 1, 127; P.A. 84-227, S. 3; P.A. 87-338, S. 8, 11; P.A. 89-356, S. 9; P.A. 91-136; P.A. 95-151, S. 1; P.A. 96-180, S. 76, 166; P.A. 00-108, S. 1; P.A. 01-47, S. 3; 01-195, S. 173, 181; P.A. 02-132, S. 66; P.A. 04-78, S. 2.)

History: P.A. 73-571 provided that appeals be made within fifteen days after publication of regulation, order, etc. rather than in accordance with Secs. 4-166 to 4-184 of the 1971 supplement to statutes, added provisions clarifying nature and effect of appeal and deleted Subsecs. (b) and (c) re assessment of damages and allotment of court costs and re power of commissioner, district or municipality to purchase land and contract with landowners; P.A. 76-436 replaced court of common pleas with superior court and added reference to judicial districts, effective July 1, 1978; P.A. 77-603 amended appeal provisions to specify that in contested cases appeals shall conform to Sec. 4-183 and to clarify venue; P.A. 78-280 deleted references to counties; P.A. 84-227 added Subsec. (b) re a hearing on a motion to dismiss the appeal made by the person who applied for the order, decision or action where each appellant has the burden of proving his standing to bring the appeal, and added Subsec. (c) re a prohibition on withdrawal or settlement without court approval; P.A. 87-338 amended Subsec. (a) to authorize appeals by the commissioner or persons owning or occupying abutting land and to authorize the commissioner to appear as a party to actions brought by other persons; P.A. 89-356 amended Subsec. (a) to replace provision that aggrieved person or abutter "may, within fifteen days after publication of such regulation, order, decision or action appeal to the superior court for the judicial district where the land affected is located, and if located in more than one judicial district, to said court in any such judicial district. except if such appeal is from a contested case, as defined in section 4-166,

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such appeal shall be in accordance with the provisions of section 4-183" with "may appeal to the superior court in accordance with the provisions of section 4-183"; P.A. 91-136 deleted language that appeal to superior court be in accordance with Sec. 4-183 and substituted language that appeal be taken within the time specified in Subdiv. (b) of such regulation, order, decision or action; P.A. 95-151 amended Subsec. (b) and added Subsec. (d) to provide for appeal of Superior Court's decision in manner provided for appeal of court decisions re zoning appeals; P.A. 96-180 amended Subsec. (d) to change "right of further review" to "right to further review", effective June 3, 1996; P.A. 00-108 amended Subsec. (a) to make a technical change and add provision re transcripts of meetings; P.A. 01-47 amended Subsecs. (a), (b) and (d) by making technical changes, including changes for purposes of gender neutrality; P.A. 01-195 amended Subsec. (a) to substitute "portion of land within" for "portion of land" and make technical changes, effective July 11, 2001; P.A. 02-132 added new Subsec. (c) re stay of appeal upon commencement of mediation pursuant to Sec. 8-8a, redesignated existing Subsecs. (c) and (d) as Subsecs. (d) and (e) and made technical changes in Subsec. (a) and redesignated Subsec. (d); P.A. 04-78 amended Subsec. (a) by adding provision re requirements for service for purposes of notice to inland wetlands agency applicable to appeals taken on or after October 1, 2004.

Rule that party who seeks advantage under a statute or ordinance is precluded from subsequently attacking validity raises question that claim could properly be litigated by appeal: jurisdictional claims are appropriate for resolution by declaratory judgment. 178 C. 173. Cited. 179 C. 250. Cited. 180 C. 421; Id.. 692. Cited. 183 C. 532. The inland wetlands and watercourses act cited. 186 C. 67. The inland wetlands and watercourses act cited. 196 C. 218. Cited. 203 C. 525. Cited. 209 C. 544; Id., 652. Cited. 211 C. 416. Inland wetlands and watercourses act cited. 212 C. 710; Id., 727; 213 C. 604. Cited. 215 C. 616. Cited. 216 C. 320. Inland wetlands and watercourses act (IWWA) Sec. 22a-36 et seq. cited. Id. Cited. 217 C. 164. Inland wetlands and watercourses act (IWWA) cited. Id. Inland wetlands and watercourses act cited. 218 C. 703. Cited. 219 C. 404. Inland wetlands and watercourses act cited. Id. Cited. 220 C. 362; Id., 476. Cited. 221 C. 46. Cited. 222 C. 98. Inland wetlands and watercourses act. Secs. 22a-36-22a-45a cited. 226 C. 579. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 228 C. 95. Inland wetlands and watercourses act cited. 229 C. 247. Cited. Id., 627; Id., 654. Inland Wetlands and Watercourses Act cited. 242 C. 355.

Cited. 4 CA 271. Cited. 5 CA 70. Cited. 6 CA 715. Cited. 7 CA 283. Inland wetlands and watercourses act cited. 12 CA 47. Inland wetlands and watercourses act cited. 15 CA 336; 18 CA 440. Exception clause applied to state agencies only. 19 CA 713. Inland wetlands and watercourses act cited. 20 CA 309. Cited. 24 CA 163; Id., 708. Cited. 25 CA 164; Id., 543; judgment reversed, see 222 C. 541. Inland wetlands and watercourses act cited. 26 CA 564. Cited. 27 CA 214; Id., 590. Inland wetlands and watercourses act cited. Id. Cited. 28 CA 262; Id., 435. Inland wetlands and watercourses act cited. Id., 780. Inland wetlands and watercourses act. Sec. 22a-36 et seq. cited. 29 CA 12; Id., 105. Cited. 30 CA 85. Inland wetlands act cited. Id. Cited. 31 CA 105. Inland wetlands and watercourses act. Secs. 22a-36-22a-45 cited. Id.: Id., 599; judgment reversed, see 229 C. 627, see also 36 CA 270. Cited. 32 CA 799. Inland wetlands and watercourses act cited. Id. Inland wetlands and watercourses act Sec. 22a-36 et seq. cited. 34 CA 385. Inland Wetlands and Watercourses Act cited. 36 CA 270; 37 CA 166. Cited. 43 CA 239.

Cited. 35 CS 145. Cited. 36 CS 1. Cited. 41 CS 184; Id., 444. Cited. 42 CS 57.

Subsec. (a):

Related service of notice on commissioner is not defect that flaws subject matter jurisdiction. 211 C. 416. Cited. 212 C. 710. Cited. 222 C. 541. Cited. 242 C. 335.

Cited. 12 CA 47. Provisions govern appeals from commission to superior court not proceedings

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before the commission. 30 CA 85. Cited. 31 CA 155.

Subsec. (c):

Cited. 220 C. 54. Cited. 242 C. 355.

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Sec. 22a-43a. Findings on appeal. Setting aside or modifying action. Authority to purchase land. (a) If upon appeal pursuant to section 22a-43, the court finds that the action appealed from constitutes the equivalent of a taking without compensation, it shall set aside the action or it may modify the action so that it does not constitute a taking. In both instances the court shall remand the order to the inland wetland agency for action not inconsistent with its decision.

(b) To carry out the purposes of sections 22a-38, 22a-40, 22a-42 to 22a-43a, inclusive, 22a-401 and 22a-403, the commissioner, district or municipality may at any time purchase land or an interest in land in fee simple or other acceptable title, or subject to acceptable restrictions or exceptions, and enter into covenants and agreements with landowners.

(P.A. 73-571, S. 6, 9.)

Cited. 180 C. 421; Id., 692. The inland wetlands and watercourses act cited. 186 C. 67; 196 C. 218. Cited. 203 C. 525. Cited. 209 C. 544; Id., 652. Cited. 211 C. 416. Inland wetlands and watercourses act cited. 212 C. 710; Id., 727; 213 C. 604. Cited. 216 C. 320. Inland wetlands and watercourses act (IWWA) Sec. 22a-36 et seq. cited. Id. Inland wetlands and watercourses act (IWWA) cited. 217 C. 164. Inland wetlands and watercourses act cited. 218 C. 703. Cited. 219 C. 404. Inland wetlands and watercourses act cited. Id. Cited. 220 C. 362; Id., 476. Inland wetlands and watercourses act, Secs. 22a-36-22a-45a cited. 226 C. 579. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 228 C. 95. Inland wetlands and watercourses act cited. 229 C. 247. Cited. Id., 627; Id., 654. Inland Wetlands and Watercourses Act cited. 242 C. 355.

Cited. 5 CA 70. Cited. 6 CA 715. Inland wetlands and watercourses act cited. 12 CA 47. Inland wetlands and watercourses act cited. 15 CA 336; 18 CA 440. Cited. 19 CA 713. Inland wetlands and watercourses act cited. 20 CA 309; 26 CA 564; 27 CA 590; 28 CA 780. Inland wetland and watercourses act. Sec. 22a-36 et seq. cited. 29 CA 12; Id., 105. Inland wetlands act cited. 30 CA 85. Inland wetlands and watercourses act, Secs. 22a-36-22a-45 cited. 31 CA 105; 31 CA 599; judgment reversed, see 229 C. 627, see also 36 CA 270. Inland wetlands and watercourses act cited. 32 CA 799. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 34 CA 385. Inland Wetlands and Watercourses Act cited. 36 CA 270; 37 CA 166.

Cited. 41 CS 444. Cited. 42 CS 57.

Subsec. (a):

Court held trial court should decide a "taking without compensation" issue de novo since administrative agency has been held incompetent to decide constitutional issues. 209 C. 544.

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Sec. 22a-44. Penalty. Court orders. (a) If the inland wetlands agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of sections 22a-36 to 22a-45, inclusive, or of the regulations of the inland wetlands agency, the agency or its duly authorized agent may issue a written order, by certified mail, to such person conducting such activity or maintaining such facility or condition to cease immediately such activity or to correct such facility or condition. Within ten 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 days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. 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 subsection (b) of this section. The agency may file a certificate of such order in the office of the town clerk of the town in which the land is located and the town clerk shall record such certificate on the land records of such town. Such certificate shall be released upon compliance with such order. The commissioner may issue orders pursuant to sections 22a-6 to 22a-7, inclusive, concerning an activity, facility or condition (1) which is in violation of said sections 22a-36 to 22a-45, inclusive, if the municipality in which such activity, facility or condition is located has failed to enforce its inland wetlands regulations or (2) for which an approval is required under sections 22a-36 to 22a-45, inclusive, and for which such approval has not been obtained.

(b) Any person who commits, takes part in, or assists in any violation of any provision of sections 22a-36 to 22a-45, inclusive, including regulations adopted by the commissioner and ordinances and regulations promulgated by municipalities or districts pursuant to the grant of authority herein contained, shall be assessed a civil penalty of not more than one thousand dollars for each offense. Each violation of said sections shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Superior Court, in an action brought by the commissioner, municipality, district or any person, shall have jurisdiction to restrain a continuing violation of said sections, to issue orders directing that the violation be corrected or removed and to assess civil penalties pursuant to this section. All costs, fees and expenses in connection with such action shall be assessed as damages against the violator together with reasonable attorney's fees which may be allowed, all of which shall be awarded to the commissioner, municipality, district or person which brought such action. All penalties collected pursuant to this section shall be used solely by the Commissioner of Environmental Protection (1) to restore the affected wetlands or watercourses to their condition prior to the violation, wherever possible, (2) to restore other degraded wetlands or watercourses, (3) to inventory or index wetlands and watercourses of the state, or (4) to implement a comprehensive training program for inland wetlands agency members.

(c) Any person who wilfully or knowingly violates any provision of sections 22a-36 to 22a-45, inclusive, shall be fined not more than one thousand dollars for each day during which such violation continues or be imprisoned not more than six months or both. For a subsequent violation, such person shall be fined not more than two thousand dollars for each day during which such violation continues or be imprisoned not more than one year or both. For the purposes of this subsection, "person" shall be construed to include any responsible corporate officer.

(1972. P.A. 155. S. 9; P.A. 75-387. S. 2; P.A. 76-330; P.A. 77-599, S. 4, 7; P.A. 81-125. S. 1; P.A. 87-338. S. 9, 11; P.A. 95-151. S. 2; 95-218, S. 13, 24; P.A. 96-269. S. 2.)

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History: P.A. 75-387 made previous provisions Subsec. (b) and inserted new Subsec. (a) re orders issued upon discovery of violation of Secs. 22a-36 to 22a-45 or regulations of inland wetlands agency; P.A. 76-330 allowed assessment of attorneys fees against violator and required that all costs, etc. be awarded to the initiator of the action; P.A. 77-599 amended Subsec. (a) to allow issuance of orders to cease an activity as well as orders to correct facilities or conditions; P.A. 81-125 amended Subsec. (a) to authorize agents of inland wetlands agencies to issue orders and amended Subsec. (b) to clarify the superior court's jurisdiction to impose fines; P.A. 87-338 amended Subsec. (a) to authorize the commissioner to issue orders concerning violations if the municipality in which the violation occurred has failed to enforce its regulations and added Subsec. (c) re wilful or knowing violations; P.A. 95-151 amended Subsec. (a) to provide for recording of certificate of order by inland wetlands agency on land records; P.A. 95-218 amended Subsec. (b) to allow use of penalties collected under this section for restoring other degraded wetlands, an inventory of wetlands in the state and training for wetlands officials (Revisor's note: The word "to" was inserted editorially by the Revisors following Subdiv. indicators (2), (3) and (4) for grammatical accuracy); P.A. 96-269 amended Subsec. (a) to add Subdiv. (2) re enforcement by the commissioner concerning unauthorized activities.

Cited. 179 C. 250. Cited. 180 C. 421; Id., 692. Cited. 183 C. 85; Id., 532. The inland wetlands and watercourses act cited. 186 C. 67. Cited. 193 C. 414. The inland wetlands and watercourses act cited. 196 C. 218. Cited. 203 C. 525. Cited. 209 C. 544; Id., 652. Cited. 211 C. 416. Inland wetlands and watercourses act cited. 212 C. 710; Id., 727; 213 C. 604. Cited. 216 C. 320. Inland wetlands and watercourses act (IWWA) Sec. 22a-36 et seq. cited. Id. Inland wetlands and watercourses act (IWWA) cited. 217 C. 164. Inland wetlands and watercourses act cited. 218 C. 703; 219 C. 404. Cited. 220 C. 362; Id., 476. Cited. 221 C. 46. Cited. 225 C. 185. Inland wetlands and watercourses act, Secs. 22a-36-22a-45a, cited. 226 C. 579. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 228 C. 95. Inland wetlands and watercourses act cited. 229 C. 247. Cited. Id., 627; Id., 659. Inland Wetlands and Watercourses Act cited. 242 C. 355. Trial court properly concluded that corporate officer was personally liable for cutting trees. 275 C. 105.

Cited. 4 CA 271. Cited. 5 CA 70. Cited. 6 CA 715. Inland wetlands and watercourses act cited. 12 CA 47. Inland wetlands and watercourses act cited. 15 CA 336; 18 CA 440. Cited. 19 CA 713. Inland wetlands and watercourses act cited. 20 CA 309; 26 CA 564; 27 CA 590; 28 CA 780. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 29 CA 12, 15; Id., 105. Inland wetlands act cited. 30 CA 85. As a matter of law DEP could not properly issue an administrative order under Subsec. (a) having three years earlier elected to bring action against plaintiff under Subsec. (b). 31 CA 105. Inland wetlands and watercourses act, Secs. 22a-36-22a-45 cited. Id.; Id., 599; judgment reversed, see 229 C. 627. see also 36 CA 270. Inland wetlands and watercourses act cited. 32 CA 799. Inland wetlands and watercourses act. Sec. 22a-36 et seq. cited. 34 CA 385. Inland Wetlands and Watercourses Act cited. 36 CA 270; 37 CA 166.

Cited. 35 CS 145. Cited. 36 CS 1. Cited. 41 CS 444. Cited. 42 CS 57.

Subsec. (a):

Cited. 227 C. 904.

Cited. 18 CA 440.

Subsec. (b):

Trial court properly determined per diem monetary penalties. 275 C. 105.

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Cited. 8 CA 254. Cited. 32 CA 799. Supreme court in *Stamford v. Kovac*, 229 C. 622, reversed judgment of appellate court in 31 CA 599 and remanded case for consideration of remaining issues raised by defendant. 36 CA 270. Cited. 41 CA 120.

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Sec. 22a-45. Property revaluation. Any owner of wetlands and watercourses who may be denied a license in connection with a regulated activity affecting such wetlands and watercourses, shall upon written application to the assessor, or board of assessors, of the municipality, be entitled to a revaluation of such property to reflect the fair market value thereof in light of the restriction placed upon it by the denial of such license or permit, effective with respect to the next succeeding assessment list of such municipality, provided no such revaluation shall be effective retroactively and the municipality may require as a condition therefor the conveyance of a less than fee interest to it of such land pursuant to the provisions of sections 7-131b to 7-131k, inclusive.

(1972, P.A. 155, S. 10.)

See Sec. 12-63g re assessment of buffers.

Cited. 179 C. 250. Cited. 180 C. 421; Id., 692. Cited. 183 C. 532. The inland wetlands and watercourses act cited. 186 C. 67; 196 C. 218. Cited. 203 C. 525. Cited. 209 C. 544; Id., 652. Cited. 211 C. 416. Inland wetlands and watercourses act cited. 212 C. 710; Id., 727; 213 C. 604. Cited. 216 C. 320. Inland wetlands and watercourses act (IWWA) Sec. 22a-36 et seq. cited. Id. Inland wetlands and watercourses act (IWWA) cited. 217 C. 164. Inland wetlands and watercourses act cited. 218 C. 703; 219 C. 404. Cited. 220 C. 362; Id., 476. Inland wetlands and watercourses act, Secs. 22a-36-22a-45a cited. 226 C. 579. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 228 C. 95. Inland wetlands and watercourses act cited. 229 C. 247. Cited. Id., 627; Id., 654. Inland Wetlands and Watercourses Act cited. 242 C. 355.

Cited. 4 CA 271. Cited. 5 CA 70. Cited. 6 CA 715. Inland wetlands and watercourses act cited. 12 CA 47. Inland wetlands and watercourses act cited. 15 CA 336; 18 CA 440. Cited. 19 CA 713. Inland wetlands and watercourses act cited. 20 CA 309; 26 CA 564; 27 CA 590; 28 CA 780. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 29 CA 12; Id., 105. Inland wetlands act cited. 30 CA 85. Inland wetlands and watercourses act, Secs. 22a-36-22a-45 cited. 31 CA 105; Id., 599; judgment reversed, see 229 C. 627, see also 36 CA 270. Inland wetlands and watercourses act cited. 32 CA 799. Inland wetlands and watercourses act, Sec. 22a-36 et seq. cited. 34 CA 385. Inland Wetlands and Watercourses Act cited. 36 CA 270; 37 CA 166. Section does not limit a property owner's remedy under Sec. 12-117a. 80 CA 630.

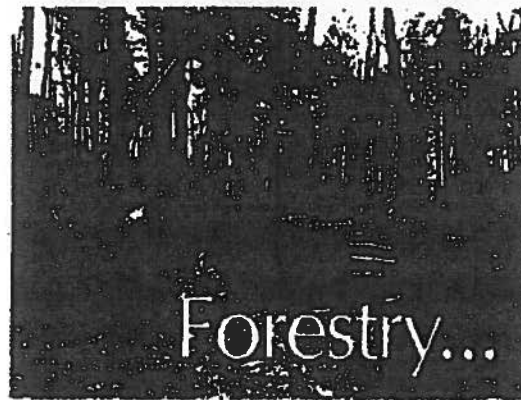
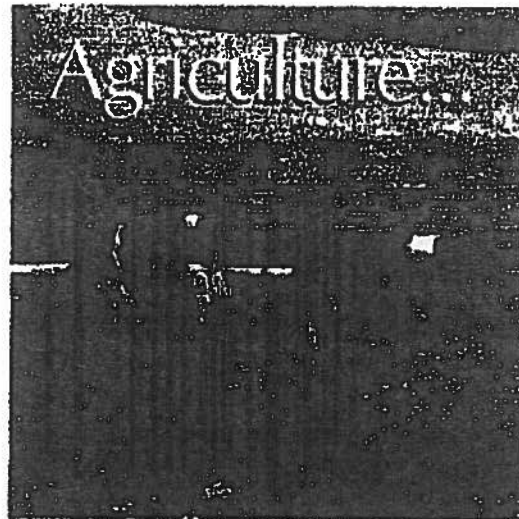
Cited. 35 CS 145. Cited. 36 CS 1. Cited. 41 CS 444. Cited. 42 CS 57.

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Sec. 22a-45a. General permits for minor activities. Regulations. (a) The Commissioner of Environmental Protection may issue a general permit for any minor activity regulated under sections



...and Wetlands
Protection in
Connecticut

Produced by the Connecticut Department
of Environmental Protection

Connecticut has a long history of wetland and watercourse use relating to agriculture and forestry. While these resources have allowed Connecticut to thrive, their abuse by land use activities has resulted in increased severity of flooding, water pollution, loss of beneficial wildlife and fisheries, and diminished recreational values. Such abuse is evidence of how fragile our wetlands and watercourses are and how important it is to preserve them.

This pamphlet explains the relationship of agricultural and forestry-related pursuits to state and federal laws regulating the use of wetlands and watercourses. In Connecticut, such laws are the Connecticut Inland Wetlands and Watercourses Act (the Act), the Connecticut Forest Practices Act, Section 404 of the Clean Water Act, and Title XIV, Subchapter B of the Flood Securities Act.

In response to public concern that unregulated development in wetlands and watercourses was adversely impacting the environment and ecology of the state, the Connecticut General Assembly passed the Act in 1972. The Act provides for regulation of wetlands and watercourses by each town. Any entity or individual must obtain a permit before conducting regulated activities affecting wetlands and watercourses. The Act recognizes the special role that farmers and foresters play as stewards of the land. Special provisions were included in the Act exempting many agricultural and forestry activities from permit requirements.

The Forest Practices Act passed in 1991 regulates forest activities which may affect wetlands and watercourses. Forest practices such as commercial timber harvesting for logs or firewood are key examples of operations which are covered by the law. The legislation is designed to protect and conserve Connecticut's forest resources by encouraging its wise and careful use.

Section 404 of the Clean Water Act, passed in 1972, set up a program for the federal government to protect wetlands. Section 404 of the Clean Water Act gave the authority to the U.S. Army Corps of Engineers (USACOE) to establish a permit system to regulate the dredging and filling of materials in waters of the United States, including most wetlands.

Title XIV, Subchapter B of the Flood Securities Act, also referred to as the "Swampbuster" provision, restricts certain U.S. Department of Agriculture (USDA) benefits when draining or conversion of wetlands occurs.



With appropriate wetlands care

Why are Wetlands Valuable?

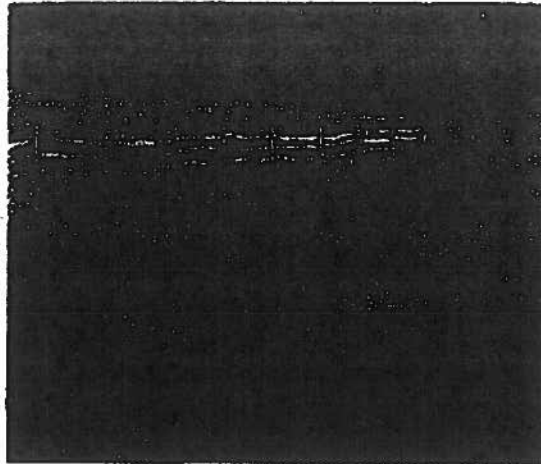
Wetlands are transitional areas between land and water, encompassing such diverse and complex ecosystems as riparian woodlands, vernal pools, peatlands, floodplains, marshes and swamps. Each individual wetland can provide different functions and possess different values.

These benefits can include:

- flood control
- ground water recharge and discharge
- water quality improvement
- biological productivity
- fish and wildlife habitat
- maintaining biodiversity and open space
- recreation and aesthetics
- education and scientific research

How are Connecticut's Wetlands and Watercourses Defined?

The Inland Wetlands and Watercourses Act defines wetlands and watercourses separately. *Wetlands* means "land, including submerged land, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey of the Natural Resources Conservation Service of the United States Department of Agriculture." *Watercourses* means "rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial,



John R. Kennedy

*ate Best Management Practices, agriculture and
re good neighbors.*

vernal or intermittent, public or private, which are contained within, flow through or border upon the state or any portion thereof." Excluded from the definition of wetlands and watercourses are those areas regulated as tidal wetlands. Tidal wetlands are regulated pursuant to section 22a-28 through 22a-35a of the Connecticut General Statutes. Wetlands and watercourses may include areas which have been subject to prior disturbances such as grading, draining, and filling.

How is Agriculture in Connecticut Defined?

The terms "agriculture," "farming" and "forestry" are not defined in the Act. However, section 1-1(q) of the Connecticut General Statutes defines *farming* and *agriculture* to include: "cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife..." as well as "...the operation, management, conservation, improvement or maintenance of a farm and its buildings..." and "...construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes..."

Section 1-1(q) also defines *aquaculture* to include: "farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farmlands." The Connecticut Department of Agriculture has exclusive authority for granting or denying certain aquaculture permits.

How is Forestry in Connecticut Defined?

Forestry is the science and practice of producing human benefits from the forest while protecting its long-term health and productivity. Clean water, wildlife habitat, recreational opportunities, firewood, timber and maple syrup are but a few examples of the many benefits forests provide to people. As noted above, forestry is included in the definition of farming and agriculture in section 1-1(q) of the Connecticut General Statutes. Silviculture is the art and science of growing and tending forests for the production of wood and other benefits. Silviculture encompasses a wide range of practices intended to reproduce forest stands or to increase the growth rate.

vigor and value to trees. Numerous terms associated with forestry are defined in section 23-65(f) of the Forest Practices Act.

The Forest Practices Act requires forest practitioners to be certified by the Connecticut Department of Environmental Protection (DEP) prior to conducting any commercial forest practices in Connecticut. The law requires that anyone who advertises, solicits, contracts or engages in commercial forest practices within Connecticut at any time must have the appropriate certificate issued in accordance with the law. A forest practitioner certification is only required for activities which occur on forestland. To qualify as forestland under state regulations, the parcel, or portion of a parcel must be at least one contiguous acre on which there is no structure, maintained landscape area, access way or other improvements and which is occupied by a minimum number of trees as described in the law. There are three levels of certification offered: Forester, Supervising Forest Products Harvester, and Forest Products Harvester. In Connecticut only a certified Forester is allowed to develop a silvicultural plan. Each level has a specific description of what activities they are permitted to do under the law. Contact the DEP Forestry Division for further details on this program.

How Can I Determine If My Property Contains Wetlands and Watercourses?

Municipal agencies and land owners can utilize the published soil survey maps and the town's official wetlands map for guidance in determining the general location of wetlands and watercourses. This is an important first step before initiating a new activity. Identifying wetlands and watercourses may be difficult for an untrained person. The available maps frequently show only the general location of regulated areas and may not be adequate for project planning purposes. A soil scientist may be required to delineate wetlands and watercourses on a site if the precise location of such area is needed.

Advice regarding the presence of wetlands and watercourses on your land may be obtained by contacting:

- your local Inland Wetlands Agency or agent
- your county soil and water conservation district
- a soil scientist
- the USDA Natural Resources Conservation Service
- the U.S. Army Corps of Engineers

What is Considered a Regulated Activity in a Wetland and Watercourse Under Connecticut Law?

Since almost seventeen percent of the state contains wetlands, it is very likely that the land you farm or use for forestry has a wetland or watercourse on it. A person proposing to conduct a regulated activity in or affecting a wetland or a watercourse must first obtain a permit from an Inland Wetlands Agency. State agencies proposing a regulated activity must obtain a permit from the DEP. A permit may also be needed from the USACOE. The Act defines a *regulated activity* as "any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 22a-40 of the Connecticut General Statutes." In addition, Inland Wetlands Agencies can incorporate buffer or upland review area provisions into the definition of regulated activity. Therefore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removal of material and discharging of storm water on the land within a certain distance (specified by the town) measured horizontally from the boundary of any wetland or watercourse may be a regulated activity. Further, it is important to understand that the Inland Wetlands Agency may rule that any other activity located within such upland review area, or in any other non-wetland or non-watercourse area, is a regulated activity if it is likely to impact or affect wetlands or watercourses.

What Agricultural and Forestry Activities Require a Permit Under Connecticut Law?

The following activities require a permit under the Act:

- roadway construction not directly related to the farming or forestry operation

"Continual flow" means a flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle (June through September), but it recurs in prolonged succession.

Inland Wetlands Agency Jurisdiction

The Inland Wetlands Agency is legally entitled to review any proposed activity which may affect a wetland or watercourse. This includes proposed farming and forestry activities to determine whether such activity is regulated or qualifies as an exempt agricultural activity. Inland Wetlands Agencies should not, however, require the review of ongoing farming operations such as the routine tilling of soil, and planting or harvesting on croplands within wetlands or any locally established buffer zone.

- erection of buildings not directly related to the farming or forestry operation
- relocation of watercourses which have continual flow (see the definition of continual flow below left; relocation may be associated with channelization, culverting, dredging or installation of dams, dikes or diversion structures)
- filling or reclamation of wetlands or watercourses with continual flow
- mining of top soil, peat, sand, gravel, or similar material for purposes of sale
- clearcutting of timber not associated with the expansion of cropland

What Agricultural and Forestry Activities are Permitted as of Right Under Connecticut Law?

Many farming and forestry activities in wetlands and watercourses are permitted "as of right" and therefore are not regulated activities. The Act exempts the following activities from permit requirements whether such activities apply to existing operations and uses, or to new operations:

- grazing
- farming (including forestry)
- nurseries
- gardening
- harvesting of crops (including silviculture activities)
- farm ponds of three acres or less essential to the farming operation. This means that the pond is necessary and indispensable to sustain farming

activities. It is important to note while the excavation of the pond itself may be exempt, disposal of the excavated material into adjacent wetlands may require a permit.

- clearcutting of trees for the expansion of crop land
- construction of roads provided they are directly related to the farming or forestry operation
- erection of buildings provided they are directly related to the farming or forestry operation
- activities conducted by, or under the authority of, the DEP for the purposes of wetland or watercourse restoration or enhancement or mosquito control.

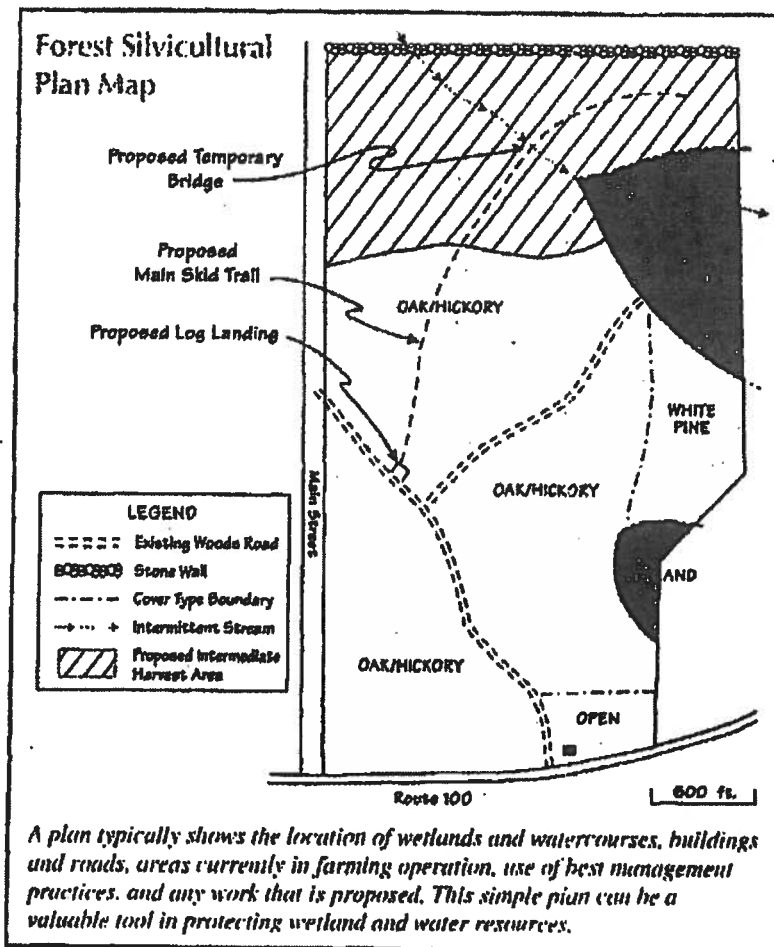
Some of these activities may be regulated under the Federal Clean Water Act.

How Can I Determine If My Agricultural and Forestry Activity is Exempt Under Connecticut Law?

Your first step should be to contact the local Inland Wetlands Agency for a jurisdictional ruling. Inland Wetlands Agencies are entitled to review any non-state agency proposed activity which may impact a wetland or watercourse, and to request sufficient information about that activity to determine whether it is exempt. "Sufficient information" generally does not include everything that is normally required in a permit application for a regulated activity. A brief letter with backup documentation

will often suffice. Detailed engineering plans, including soil scientist reports, are not usually required. However, you should consult the municipal regulations for specific requirements. Documentation may include the following:

- a location map of your property (a photocopy of the U.S. Geological survey topographic map or town wetland map is ideal, but a town road map or sketch may suffice)
- a plan or drawing showing the location of wetlands, watercourses, areas currently farmed, building and road locations, and a sketch of what work you propose
- documentation that the use of the property is for agricultural purposes and that the work you propose is related to, or essential to, that activity



For forestry proposals, documentation might include the following:

- evidence that a certified professional forester is involved in planning and implementing the operation. Professional foresters must

be certified by the Connecticut DEP and provide copies of their certificate upon request.

- a silvicultural plan prepared by a certified professional forester. These plans are derived from careful analysis of the forest sites where the proposed activity will be conducted. They clearly state the goals of the proposed activity and details on its implementation, including best management practices that will be utilized to minimize impacts on wetlands and watercourses.
- a forest stewardship plan. These plans can provide strong evidence that the proposed operation is part of an overall plan to enhance forest health and productivity. Plans written by a professional forester show landowners how to gain such benefits from their forest.
- a sketch map or drawing showing the general location of wetlands and watercourses and the practice(s) to be performed. If a silvicultural plan has been prepared it will typically include such a map.

The DEP encourages Inland Wetlands Agencies to provide expedited review procedures for "permitted as of right" agricultural or forestry activities. Providing good documentation will protect your rights under the law and will make it easier for the Inland Wetlands Agency to understand your proposal.

If a determination is made that the project or a portion of it is not exempt, an application must be filed for a wetland permit with the appropriate plans and supporting documentation so the Inland Wetlands Agency can make an informed decision. Inland wetlands regulations specific to each town will identify what information is needed for a complete permit application. No new activity should proceed that may affect wetlands or watercourses until a permit has been issued, or until the agency has determined that the project is exempt. Agriculture and forestry actions can be subject to the enforcement authority of the Inland Wetlands Agency if subsequent actions deviate from that which was authorized.

How Can I Limit the Impact of My Activities on Water Resources?

Whether a permit is obtained or an exemption is granted, all work should be carried out in an environmentally sensitive manner. All forestry activities should be conducted in adherence to professionally recognized prin-

ciples of forest management. Attention to seasonal considerations, erosion control, seeding and stabilization will help make your project successful.

Agricultural pollutant sources are nutrients (particularly nitrogen and phosphorus), sediment, animal wastes, pesticides and salts. These pollutants can enter surface water through direct runoff or through seepage into groundwater that discharges to a surface water outlet. Provided they are maintained in a natural and undisturbed condition, wetlands can help improve water quality, store floodwater, reduce erosion and recharge groundwater. The state's policy is to encourage agricultural and forestry practices consistent with Best Management Practices (BMPs) to protect our fragile water resources. BMPs are procedures or methods of reducing or eliminating the generation of wastes and wastewaters, spills and leaks, or other releases into the environment. For more information on BMPs and technical assistance on applying them, contact the agencies listed on the back of this pamphlet.

How are Wetlands Regulated by the Federal Government?

Two federal Acts, Section 404 of the Clean Water Act and Title XIV, Subchapter B ("Swampbuster") of the Food Security Act of 1985, as amended in 1990 and 1996, contain wetland conservation provisions, which govern the conversion of wetlands for the purpose of commodity crop and silvicultural production.

What is Section 404 of the Clean Water Act?

Section 404 of the Clean Water Act defines *wetlands* as "...those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." It is important to note that the federal definition of wetlands is different from the definition of wetlands under Connecticut's Act.

Section 404 of the Clean Water Act lists specific agricultural and silvicultural activities which are exempt from regulation, even though these activities occur on "jurisdictional wetlands." The regulatory agency which administers Section 404 of the Clean Water Act is the USACOE in consultation with the U.S. Environmental Protection Agency, the U.S. Department of Interior Fish

and Wildlife Service, the National Marine Fishery Service and the U.S.D.A. Natural Resources Conservation Service (NRCS). The NRCS can provide information on federal wetlands criteria, wetland determinations on agricultural lands, information on wetland soil characteristics, and interpretations and information on federal rules and regulations concerning administration of its programs.

What Farming and Forestry Activities are Exempt from Section 404 of the Clean Water Act?

There are basically two main provisions under Section 404 that must be satisfied for a farming activity to be exempt. Under Section 404(f)(1), a discharge is exempt only if it is associated with certain ongoing farming, silviculture, and ranching activities. Under Section 404(f)(2), known as the "recapture provision," the discharge continues to be exempt only if the activity does not bring an area of waters into a new use and impair the flow and circulation of the waters or reduce their reach. Exempt activities are:

- established (i.e., ongoing), normal farming activities such as: plowing, seeding, cultivating, harvesting and minor drainage for the production of food or fiber
- maintenance (but NOT construction) of drainage ditches (the term "maintenance" includes removal of accumulated silt and debris, but does not in-

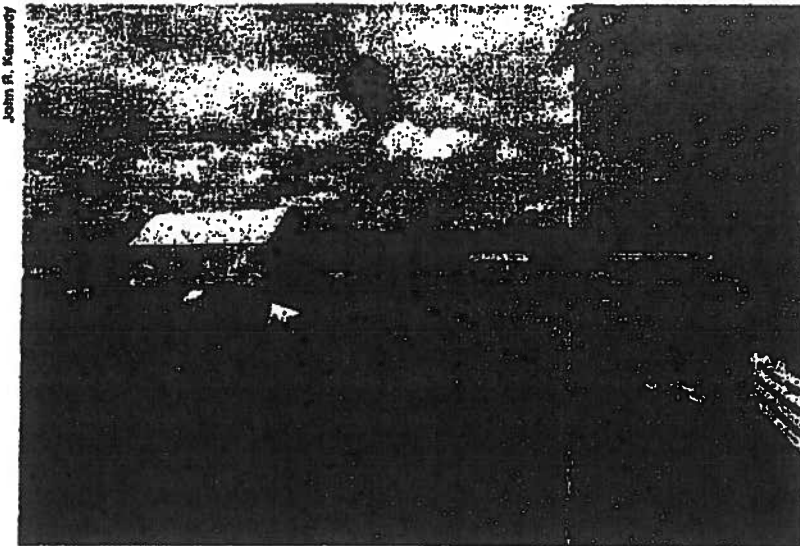
clude widening, deepening, realigning or extending the length of existing drainage ditches)

- construction and maintenance of irrigation ditches
- construction and maintenance of farm or stock ponds (to provide water for livestock or irrigation as long as the size and location of the pond are proportionate to the quantity of water needed to support the principal farming operation)
- construction and maintenance of farm and forest roads, in accordance with BMPs

The list above is a summary. The full text of the federal law can be found in Section 404(f) of the Clean Water Act. Many clarifications and examples are found in the USACOE implementing regulations and inter-agency memoranda. (For further details the following Internet address can be accessed: [http://www.usace.army.mil/net/functions/cw/cecwa/reg with 404f.htm](http://www.usace.army.mil/net/functions/cw/cecwa/reg%20with%20404f.htm), [sec404.htm](http://www.usace.army.mil/net/functions/cw/cecwa/reg%20with%20404f.htm), [33cfr323.htm#323.4](http://www.usace.army.mil/net/functions/cw/cecwa/reg%20with%20404f.htm), and [cwaag.htm](http://www.usace.army.mil/net/functions/cw/cecwa/reg%20with%20404f.htm)).

To be exempt under Section 404 of the Clean Water Act, the farming or silvicultural activity must be part of an ongoing farming or silvicultural operation and cannot be associated with converting a wetland to agricultural or silvicultural production, or converting an existing agricultural or silvicultural wetland into non-wetland area.

Wetlands which were hydrologically altered and converted to produce an agricultural commodity (meaning an annually tilled crop) prior to December 23, 1985, and which were or are used for commodity crop production and remain in agricultural use, are identified as "prior converted croplands" when designated by NRCS. Such wetlands are not under the jurisdiction of Section 404 unless the activities which resulted in the conversion involved the unauthorized discharge of dredged or fill material into wetlands or other waters. Agricultural wetlands which have not been used, managed or maintained for cropping purposes



Farm ponds of three acres or less are permitted as of right, but only if necessary and indispensable to sustain farming activities.

in the last five years are considered abandoned and generally are subject to regulation under Section 404. Areas that are inundated for longer than 14 days during the growing season are not prior converted but "farmed wetlands" and remain under Section 404 jurisdiction.

What Farming Activities are Regulated Under the Wetland Conservation Provisions (Swampbuster) of the Food Security Act as Amended?

The "Swampbuster" provision of the Food Security Act, as amended, restricts the USDA program benefits when persons:

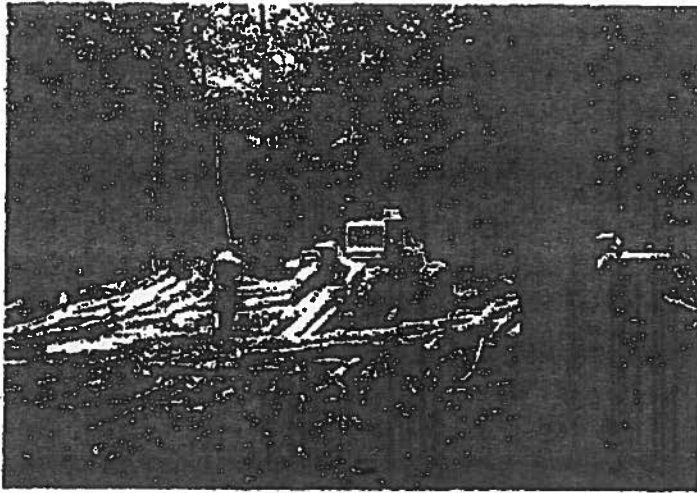
- drain or convert wetlands including the removal of woody vegetation for the purpose of agricultural production after November 28, 1990; or
- plant agricultural commodity crops on converted wetlands which were converted by drainage, dredging, filling, leveling removing woody vegetation, or otherwise manipulated after December 23, 1985.

Conversion of wetlands for use in production of a commodity crop may result in the loss of all USDA program benefits including farm loans.

When Do Federal "Swampbuster" Provisions Apply?

The NRCS will, upon request, make a certified wetland determination on agricultural lands. This is the best way to determine if wetlands are present on your lands including the lands you rent, and what restrictions and exemptions apply to their use. The wetland determination can be done for either the owner or the producer. To request a certified determination, contact your local USDA NRCS office.

It is much easier to ask the question, "Do I have wetlands in my fields?" before they are altered, than after, when USDA benefits may be jeopardized, and wetland restoration required.



A skidder drops a load of logs in a landing area for trucking.

What Other Permits Might I Need?

The Connecticut DEP has a number of regulatory programs which may affect your farming or forestry operation. The following is a listing of the most common permits and the DEP unit which you may contact if questions arise:

- Dam construction or impoundments
DEP Dam Safety Program
Phone: (860) 424-3706
- Diversions of water for irrigation, dam construction, stream channelization or relocation
DEP Water Diversion Program
Phone: (860) 424-3019
- Pesticide application, algae control
DEP Pesticide Program
Phone: (860) 424-3369
- Agricultural waste management
DEP Water Bureau - Permitting, Enforcement and Remediation Division
Phone: (860) 424-3018
- Licensing of forest practitioners
DEP Forestry Division
Phone: (860) 424-3630

Where Can I Go for Assistance?

The following agencies and organizations provide guidance on a wide range of topics dealing with the proper management of water resources. Publications are often available upon request.

Municipal Inland Wetland Agency

Town Hall

CT DEP Wetland Management Program

(860) 424-3019

CT DEP Forestry Division

(860) 424-3630

CT DEP Wildlife Division

(860) 424-3011

CT Department of Agriculture

(860) 566-4845

CT Farm Bureau Association, Inc.

(860) 683-1922

CT Council on Soil & Water Conservation

(860) 424-3905

CT Cooperative Extension System

College of Agriculture and Natural Resources

University of Connecticut

(860) 486-6271

U.S. Army Corps of Engineers

(800) 343-4789

U.S. Environmental Protection Agency

(617) 565-3420

USDA Natural Resources Conservation Service

(860) 487-4011

USDA Consolidated Farm Services Agency

(860) 285-8483



STATE OF CONNECTICUT
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

79 Elm Street
Hartford, CT 06106-5127

Arthur J. Rocque, Jr., Commissioner

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♻️ Printed on recycled paper.

Details from 2002

CT Guidelines for Soil Erosion and Sediment Controls

Prepared by the CT Council on Soil and Water Conservation in corporation with
CT DEP.

Figure TP-2 Diagram of Zones Relating To Tree Protection

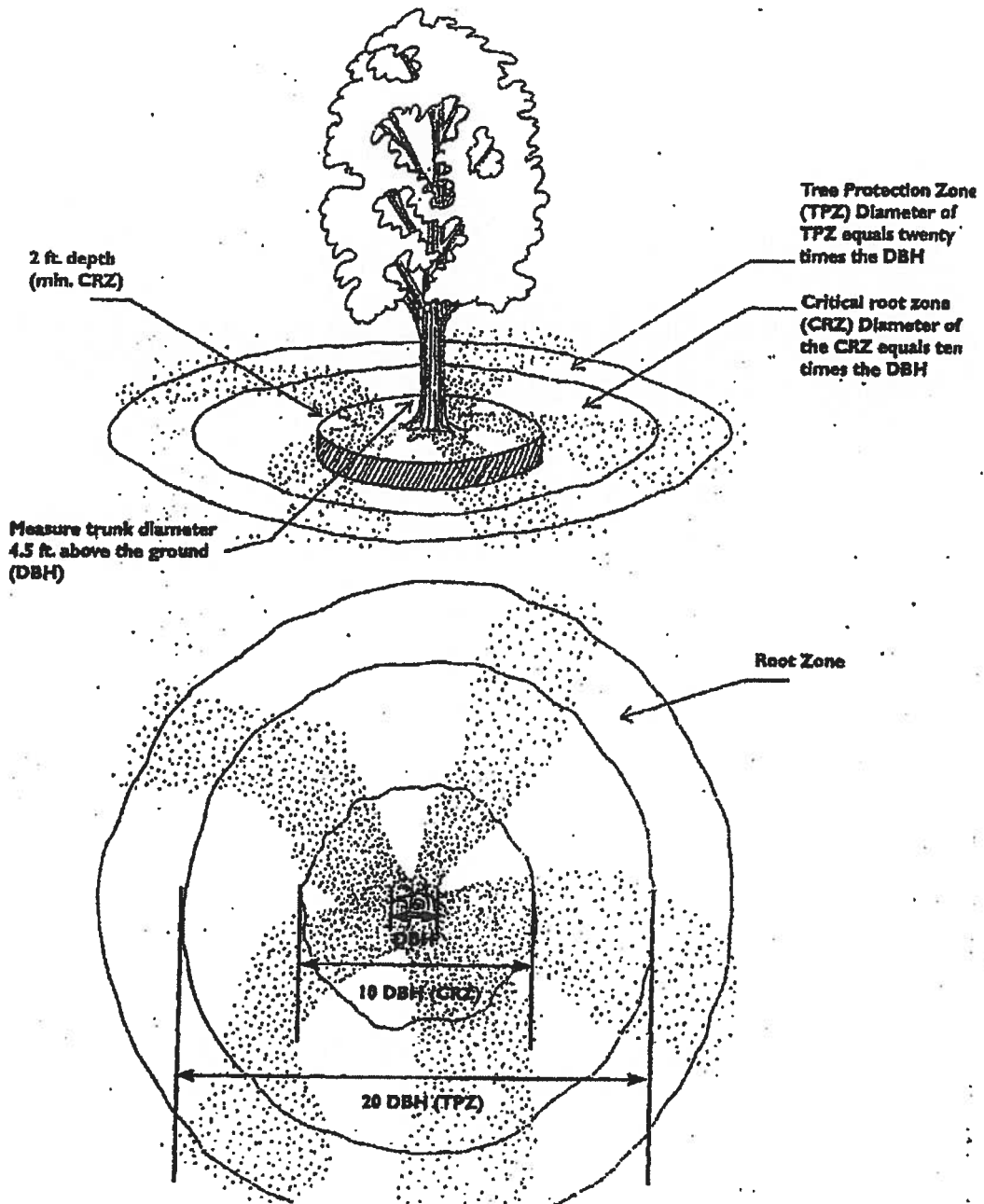
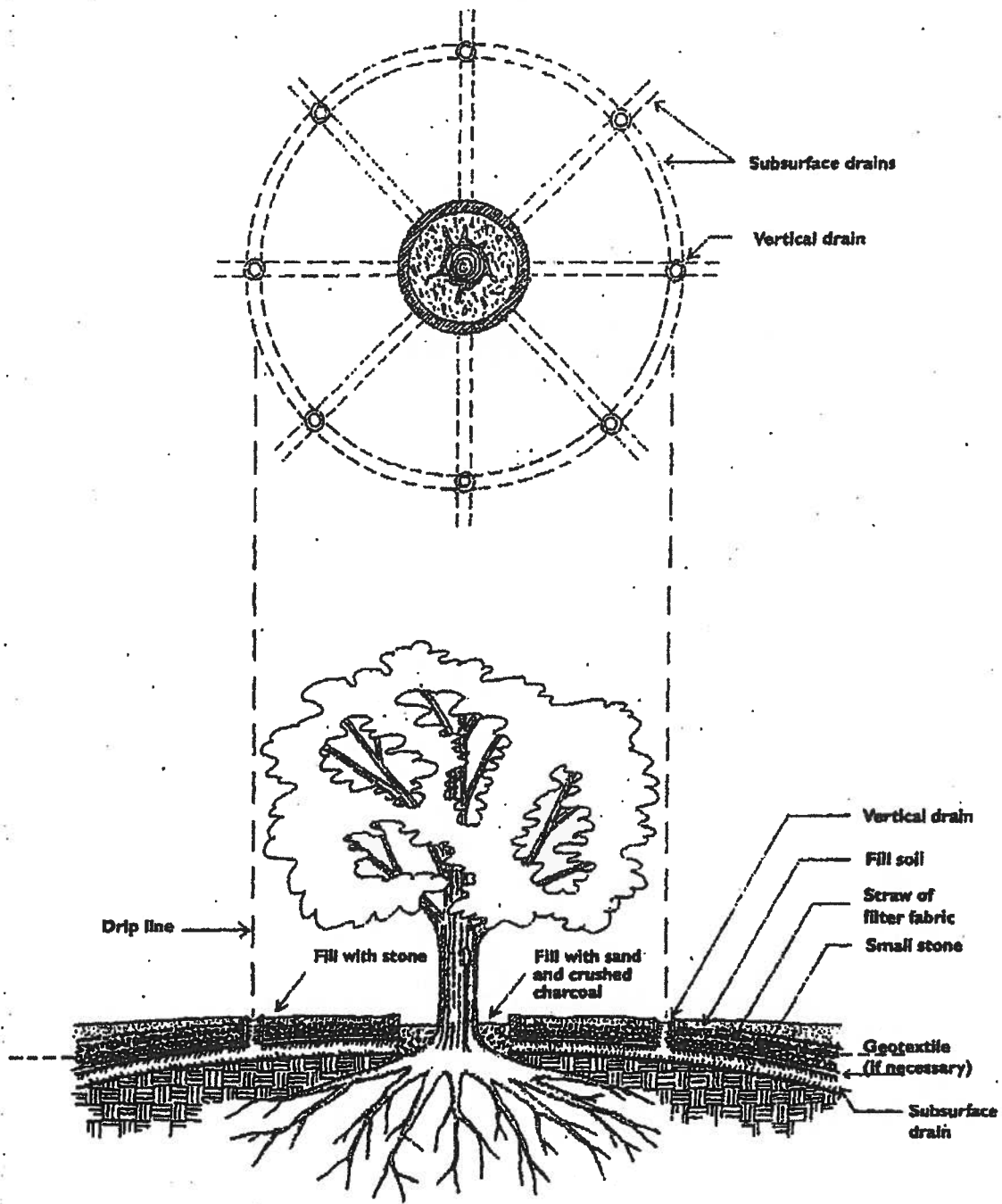
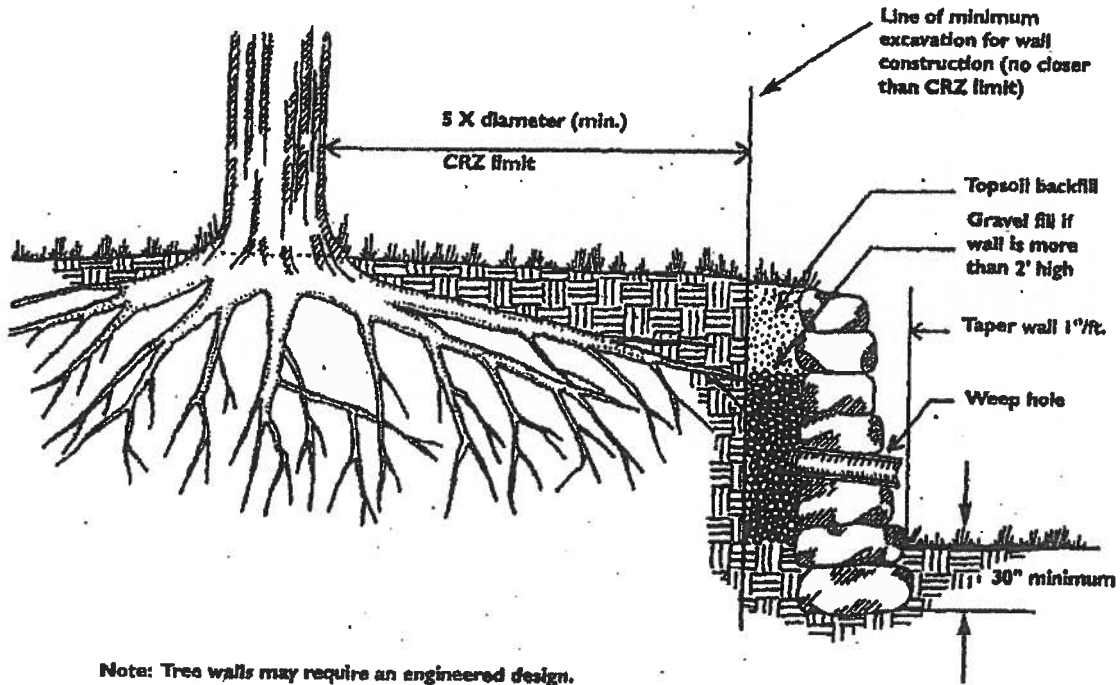


Figure TP-3 Example of Tree Well



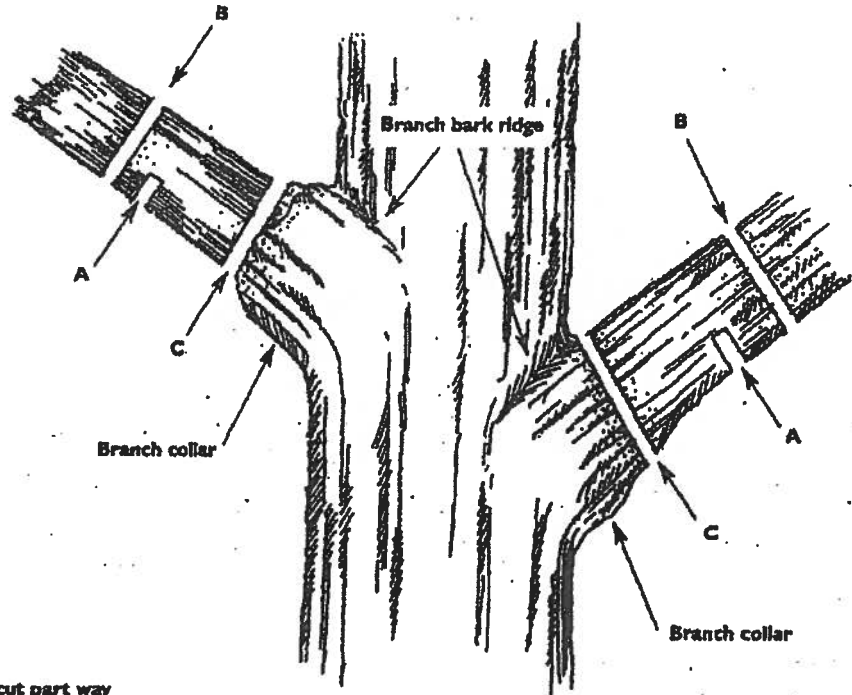
Source: Adapted from Virginia Erosion and Sediment Control Handbook, 1992.

Figure TP-4 Example of Tree Well



Source: Adapted from Virginia Erosion and Sediment Control Handbook, 1992.

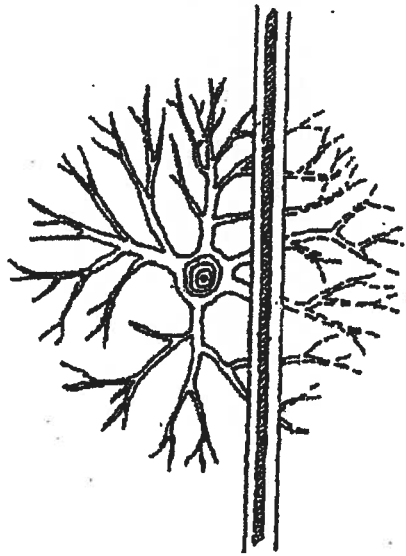
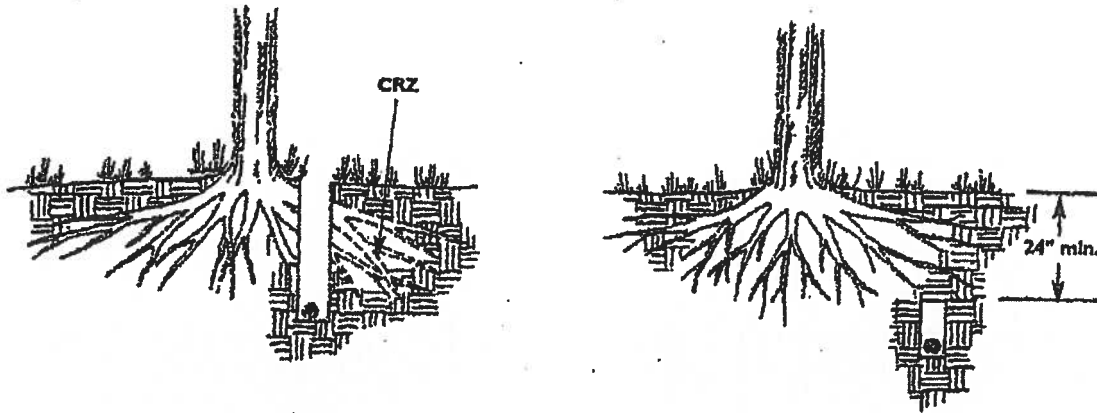
Figure TP-5 Pruning Details



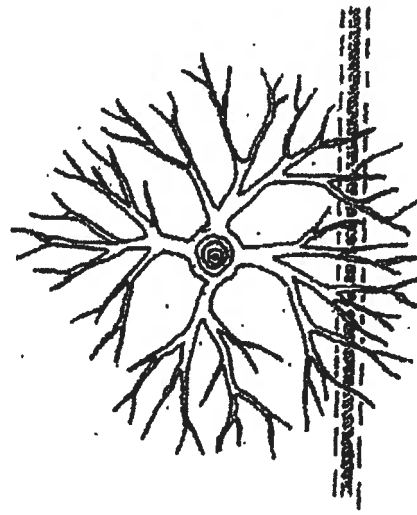
First, cut part way through the branch at A; then cut it off at B. Make the final cut at C.

Source: Protecting Trees from Construction Damage - A Homeowner's Guide, University of Minnesota Extension Service, 1993.

Figure TP-6 Trenching vs. Tunneling



Destruction of feeder roots within the CRZ will probably kill the tree.

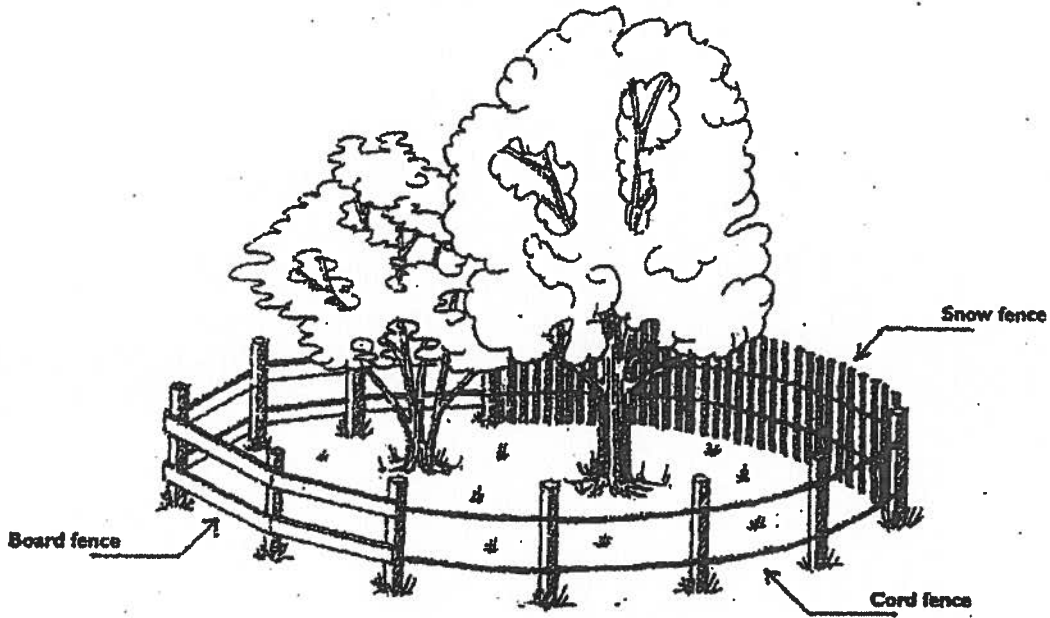


Tunneling under the CRZ will preserve important feeder roots.

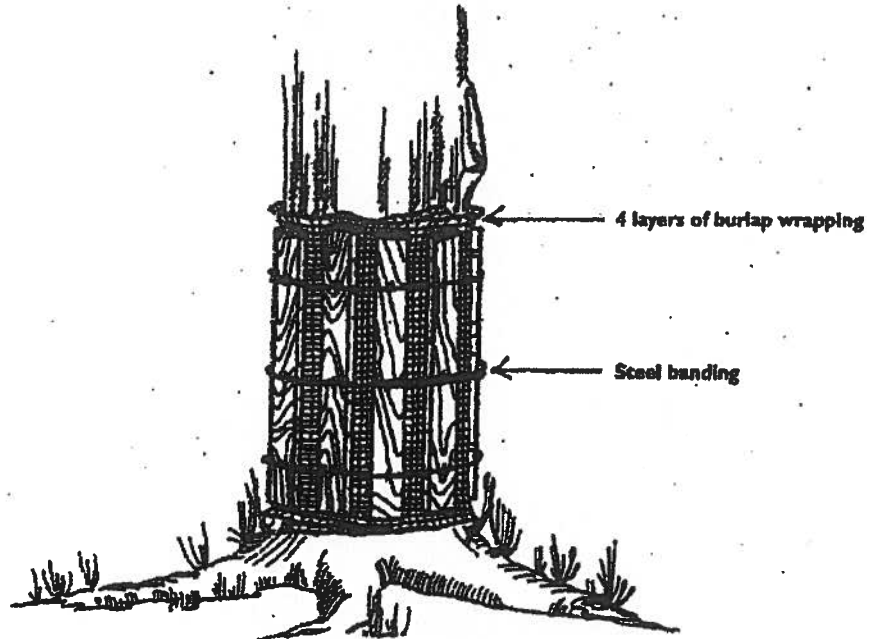
Source: Adapted from Virginia Erosion and Sediment Control Handbook, 1992.



Figure TP-7 Mechanical Tree Protection



Correct methods of fencing tree protection zones

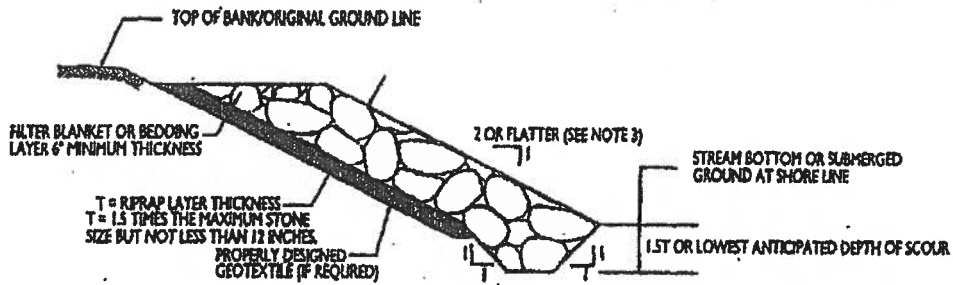


Correct trunk armoring

Note: Use for protecting street trees adjacent to construction area where paved surfaces make it impractical to establish tree protection zone.

Source: Adapted from Virginia Erosion and Sediment Control Handbook, 1992.

Figure RR-4 Riprap for Channel and Shoreline Stabilization



NOTES:

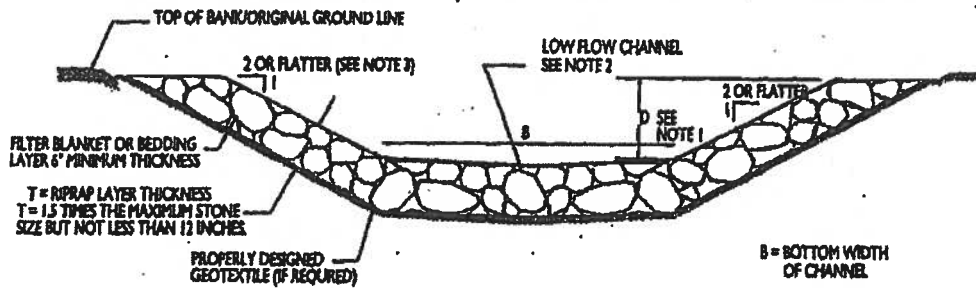
1. FOR A CHANNEL OR RIVER APPLICATION THE TOTAL HEIGHT OF RIPRAP REVEMENT IS DEPENDENT UPON THE DESIGN DEPTH OF FLOW PLUS FREEBOARD.
2. FOR A SHORELINE APPLICATION THE TOTAL HEIGHT OF RIPRAP REVEMENT IS DEPENDENT UPON THE DESIGN WAVE HEIGHT PLUS FREEBOARD.
3. SIDE SLOPES STEEPER THAN 2:1 WILL REQUIRE ADDITIONAL ANALYSIS.

TYPICAL CROSS-SECTION OF RIPRAP REVEMENT

(NOT TO SCALE)

Source: USDA-NRCS

Figure RR-5 Riprap for Armored Channel Stabilization



TYPICAL CROSS-SECTION OF RIPRAP LINED CHANNEL

(NOT TO SCALE)

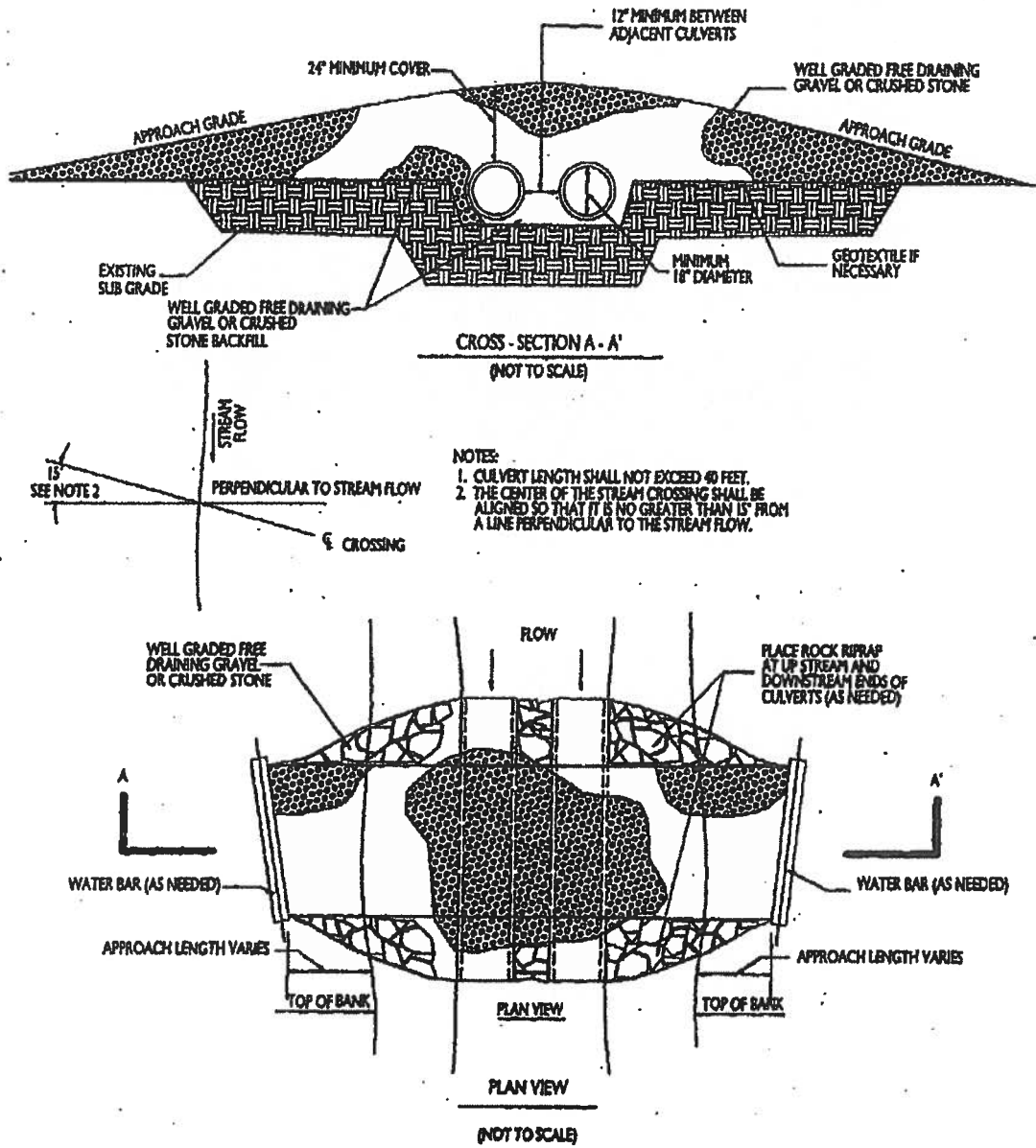
NOTE:

1. THE TOTAL HEIGHT OF RIPRAP LINING IS DEPENDENT UPON THE DESIGN DEPTH OF FLOW PLUS FREEBOARD DUE TO CHANNEL CURVATURE, PLUS FREEBOARD.
2. IN CHANNELS WITH SIGNIFICANT BOTTOM WIDTHS, LOW FLOW CHANNELS MAY BE INCORPORATED IN THE TEMPLATE.
3. SIDE SLOPES STEEPER THAN 2:1 WILL REQUIRE ADDITIONAL ANALYSIS.

Source: USDA-NRCS



Figure TSC-2 Temporary Culvert Crossing



Source: USDA-NRCS



Figure LS-3 Illustration of a Level Spreader with a Rigid Lip

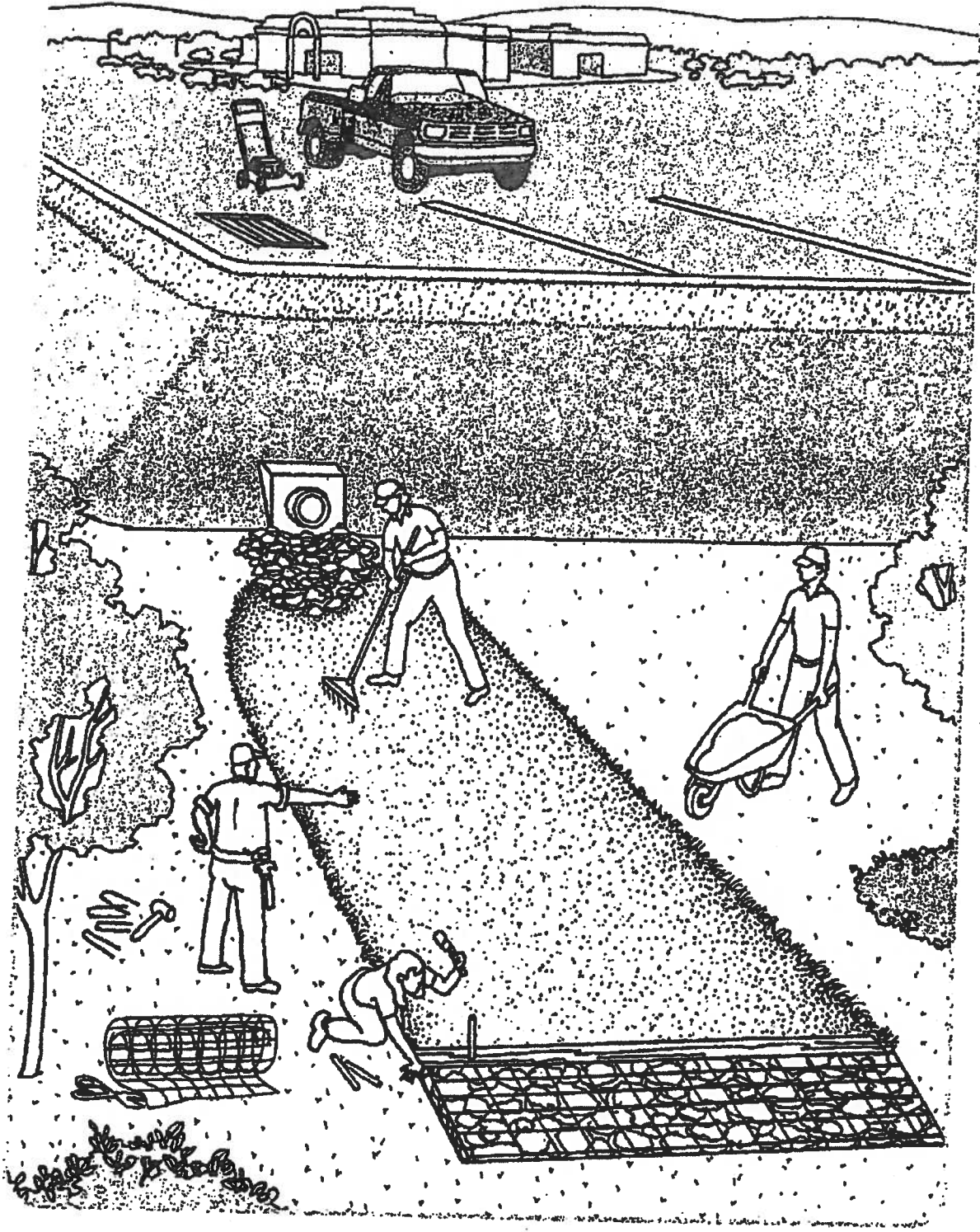
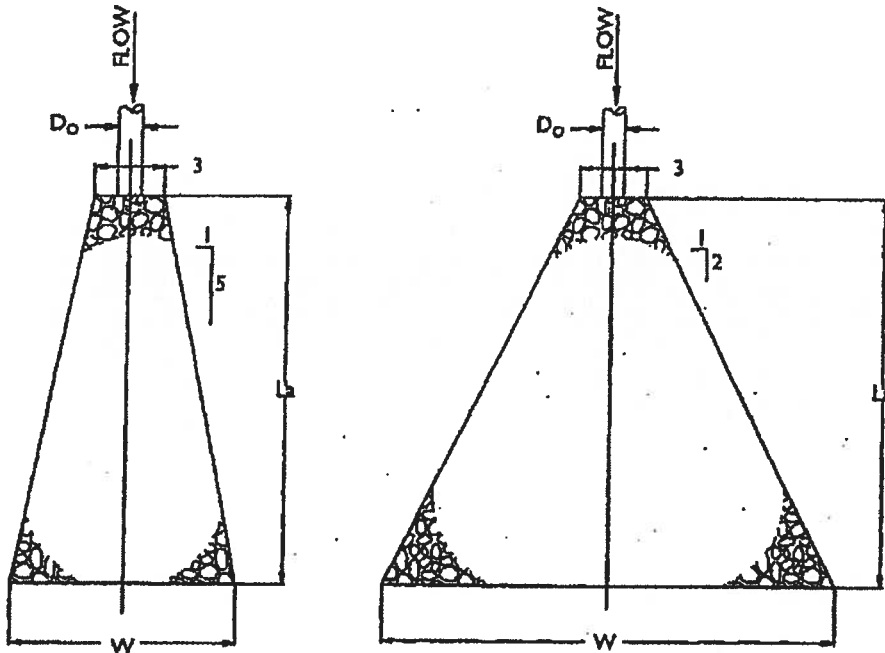


Figure LS-4 Conduit Level Spreader

NOTE: FOR USE AS CONDUIT OUTLET PROTECTION WHERE THERE IS NO WELL DEFINED CHANNEL IMMEDIATELY DOWNSTREAM



$$W = 3D_o + 0.4L_u$$

TAILWATER $\geq 0.5D_o$

$$W = 3D_o + 0.4L_u$$

TAILWATER $< 0.5D_o$

Design Example

Given: $D_o = 1.5$ ft, $Q = 14.5$ cfs, $TW = 0.7$ ft.

Find: L_u , W , d_{50}

$$L_u = \frac{1.7Q}{D_o^{3/2}} + 8D_o = \frac{1.7(14.5 \text{ cfs})}{1.5^{3/2}} + 8(1.5) = 25.4$$

$$L_u = 25.4 \text{ ft.}$$

$$W = 3D_o + L_u = 3(1.5) + 29.9 \text{ ft. (Say 30 ft.)}$$

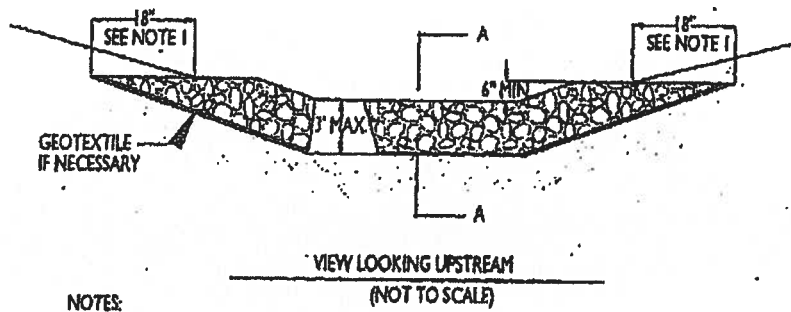
Median Stone Diameter:

$$d_{50} = \left(\frac{0.02}{TW}\right) \left(\frac{Q}{D_o}\right)^{2/3} = \left(\frac{0.02}{0.7}\right) \left(\frac{14.5}{1.5}\right)^{2/3} = 0.58 = 7 \text{ inches}$$

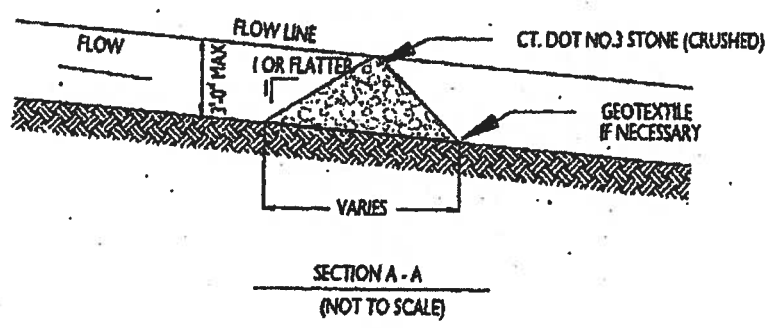
Source: USDA-NRCS



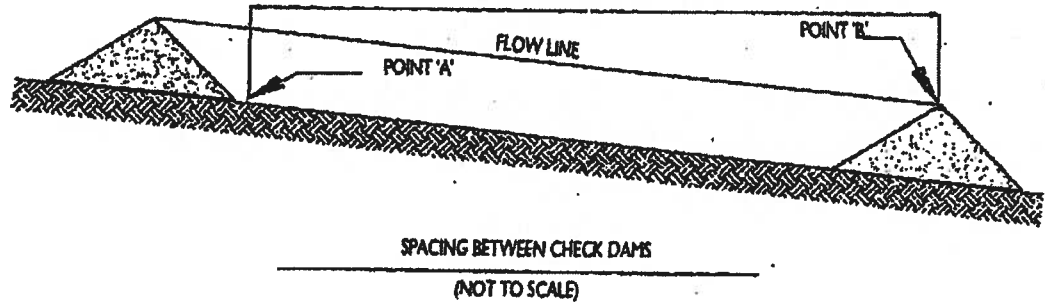
Figure SCD-2 Stone Check Dam Installation in Drainageways



- NOTES:
1. KEY STONE INTO THE DITCH BANKS AND EXTEND INTO THE ABUTMENTS A MINIMUM OF 18" TO PREVENT FLOW FROM FLANKING THE CHECK DAM.
 2. THE MINIMUM DESIGN CAPACITY SHALL CONVEY A 2 YEAR - 24 HOUR PEAK FLOW.



'L' = THE DISTANCE SUCH THAT POINTS 'A' AND 'B' ARE OF EQUAL ELEVATION.



Source: USDA-NRCS



Figure SCD-4 Stone Check Dam at Catch Basin in Depression

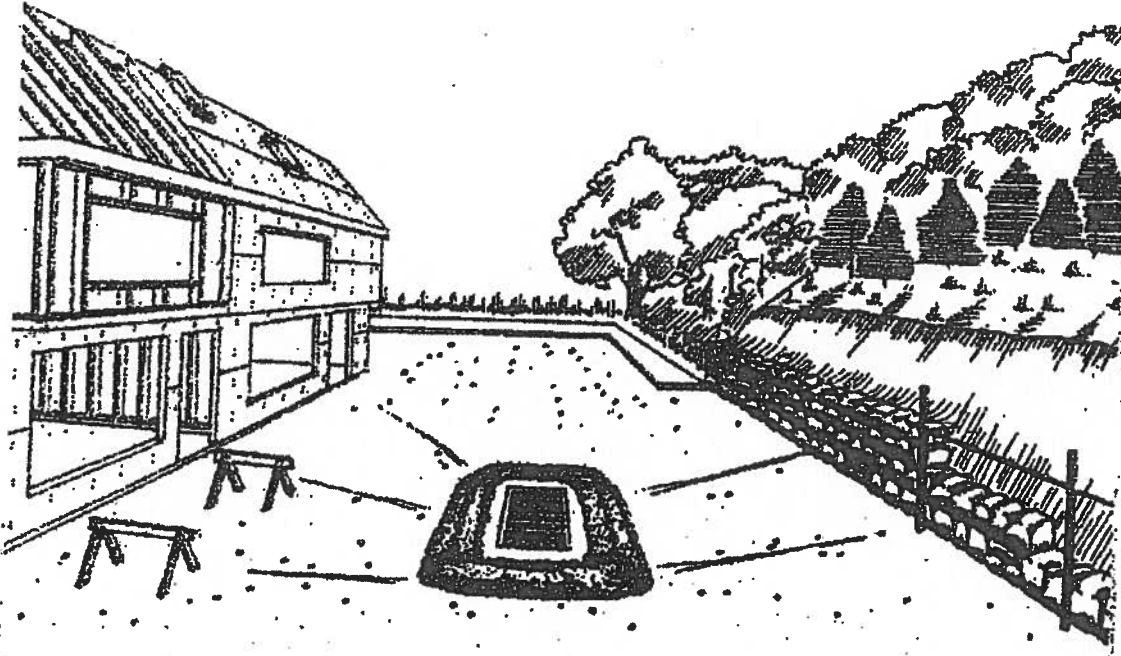


Figure SCD-5 Stone Check Dam at Culvert Inlet on Slope

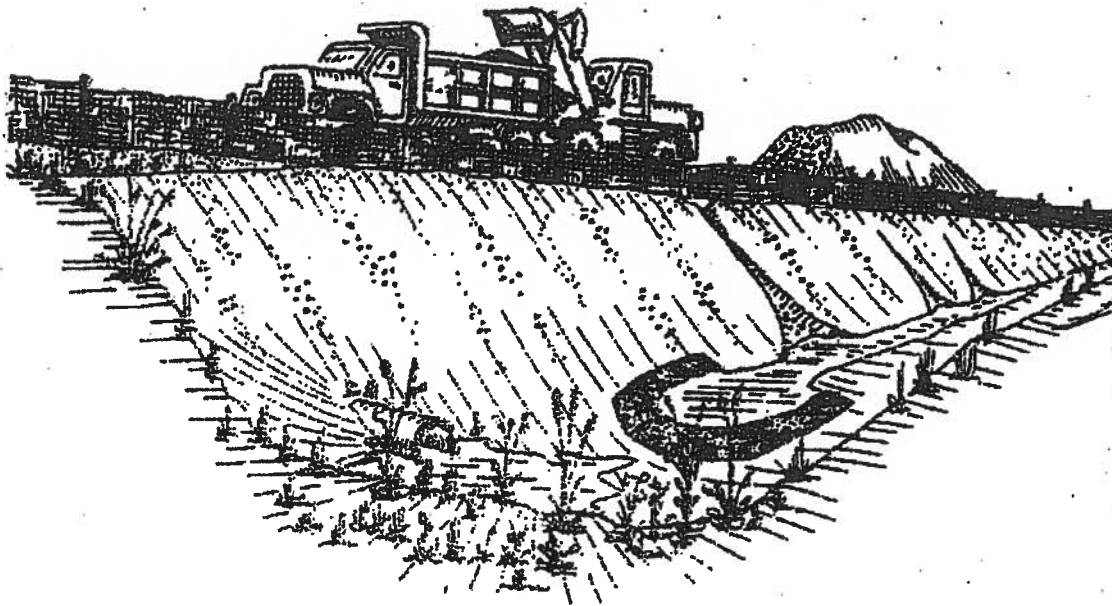


Figure SCD-6 Special Case Combination Stone Check Dams

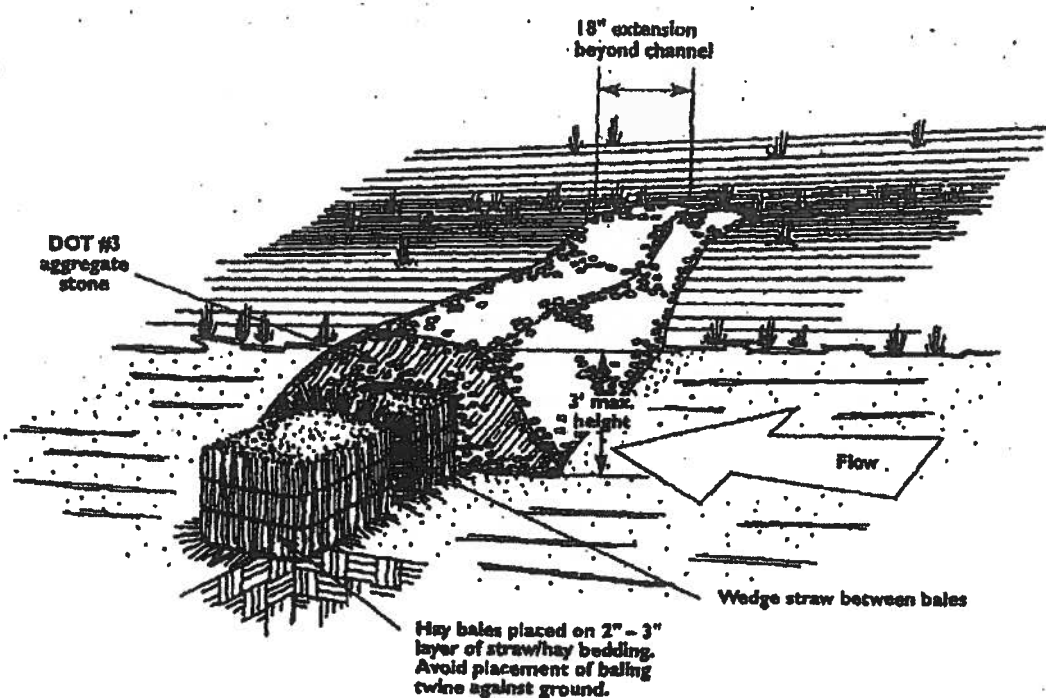
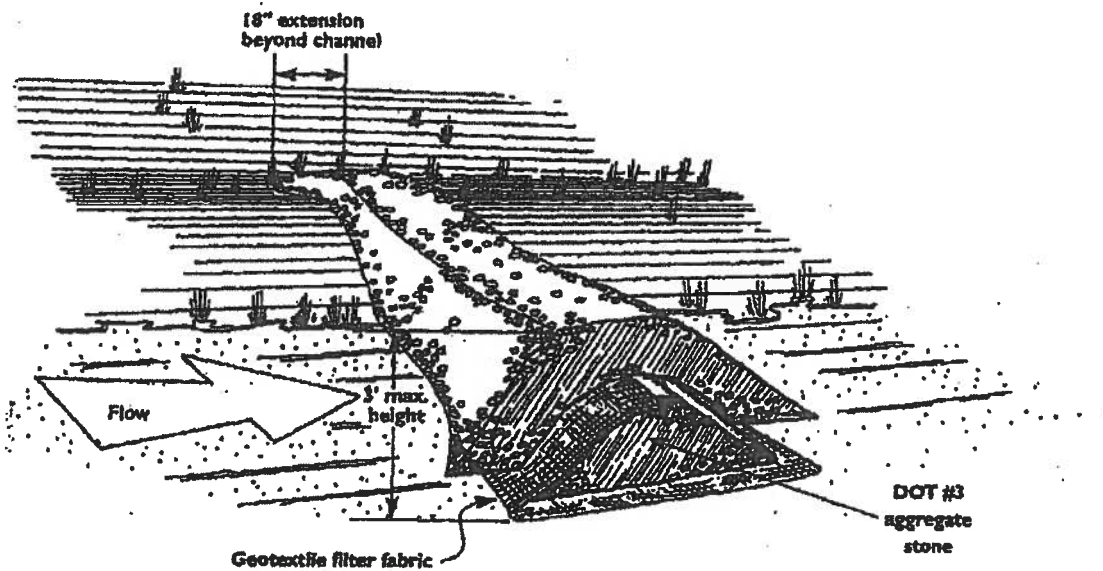


Figure HB-2 Placement and Construction of a Hay Bale Barrier

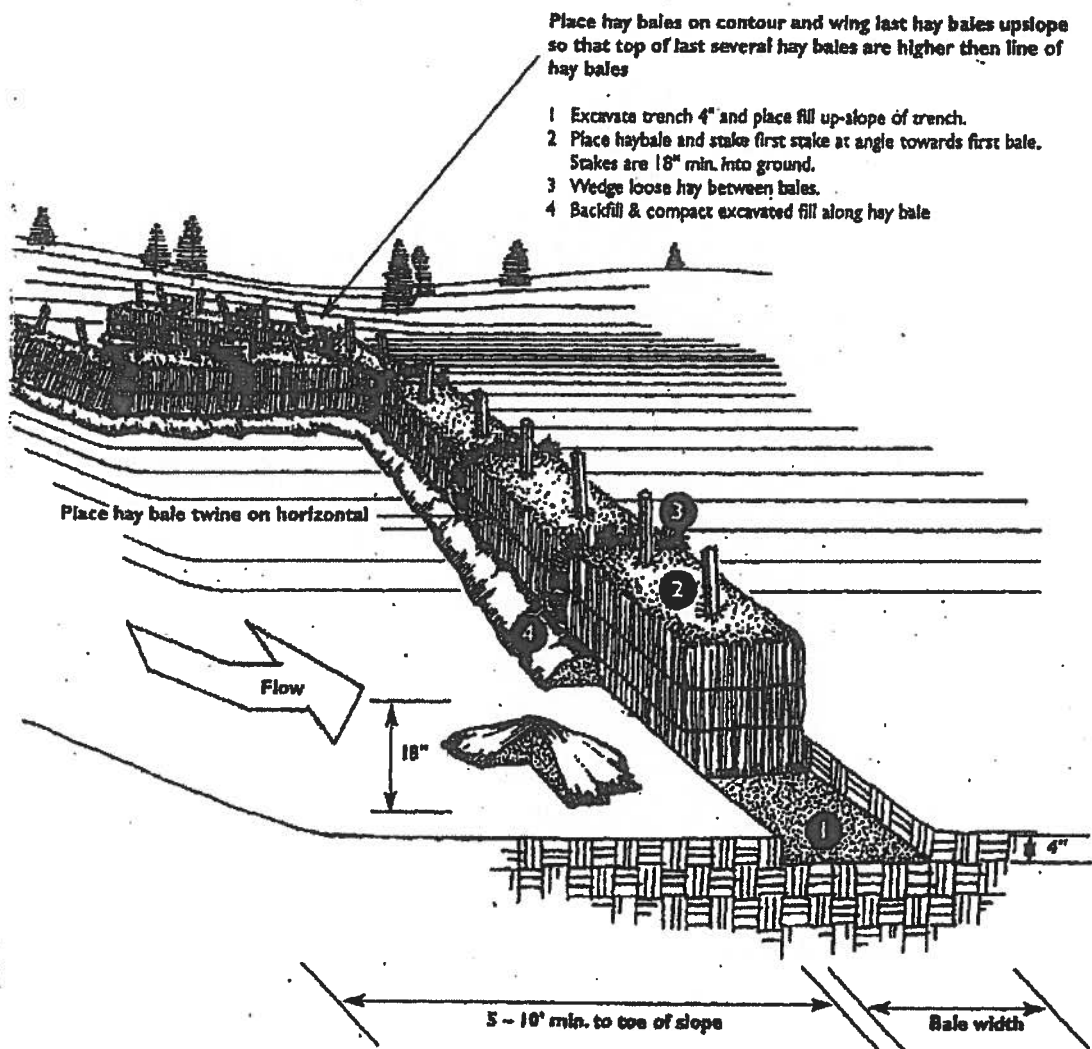


Figure HB-3 Hay Bale Barrier at Catchbasin in Hollow

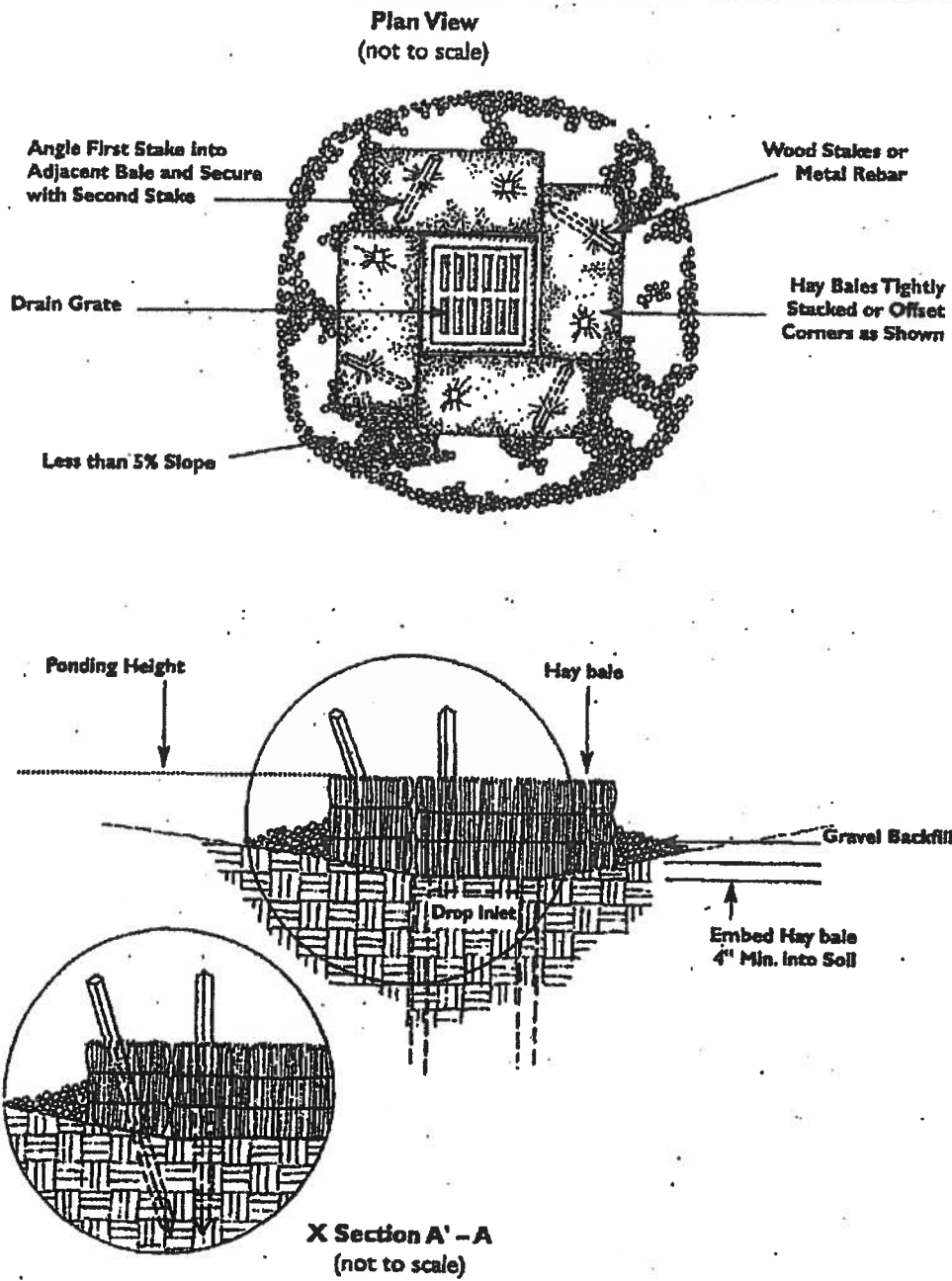


Figure HB-4 Adding Backup Hay Bale Barrier

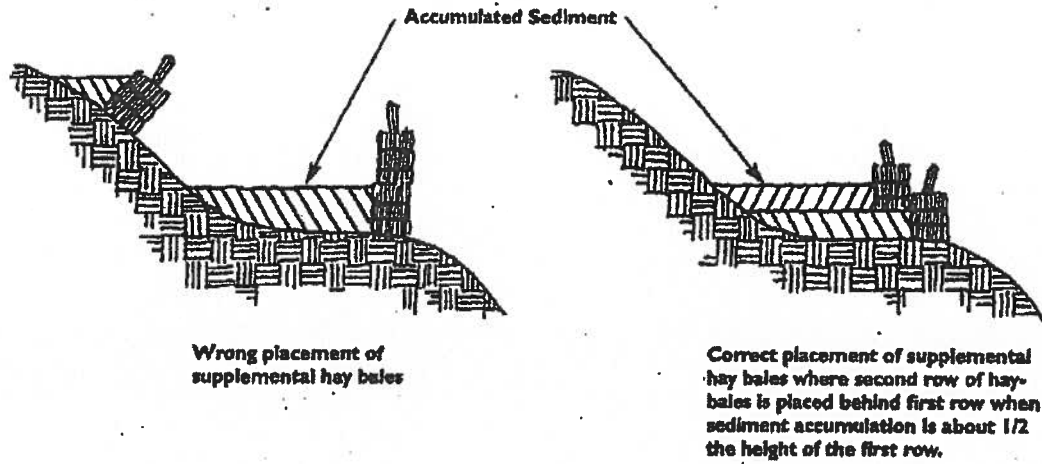
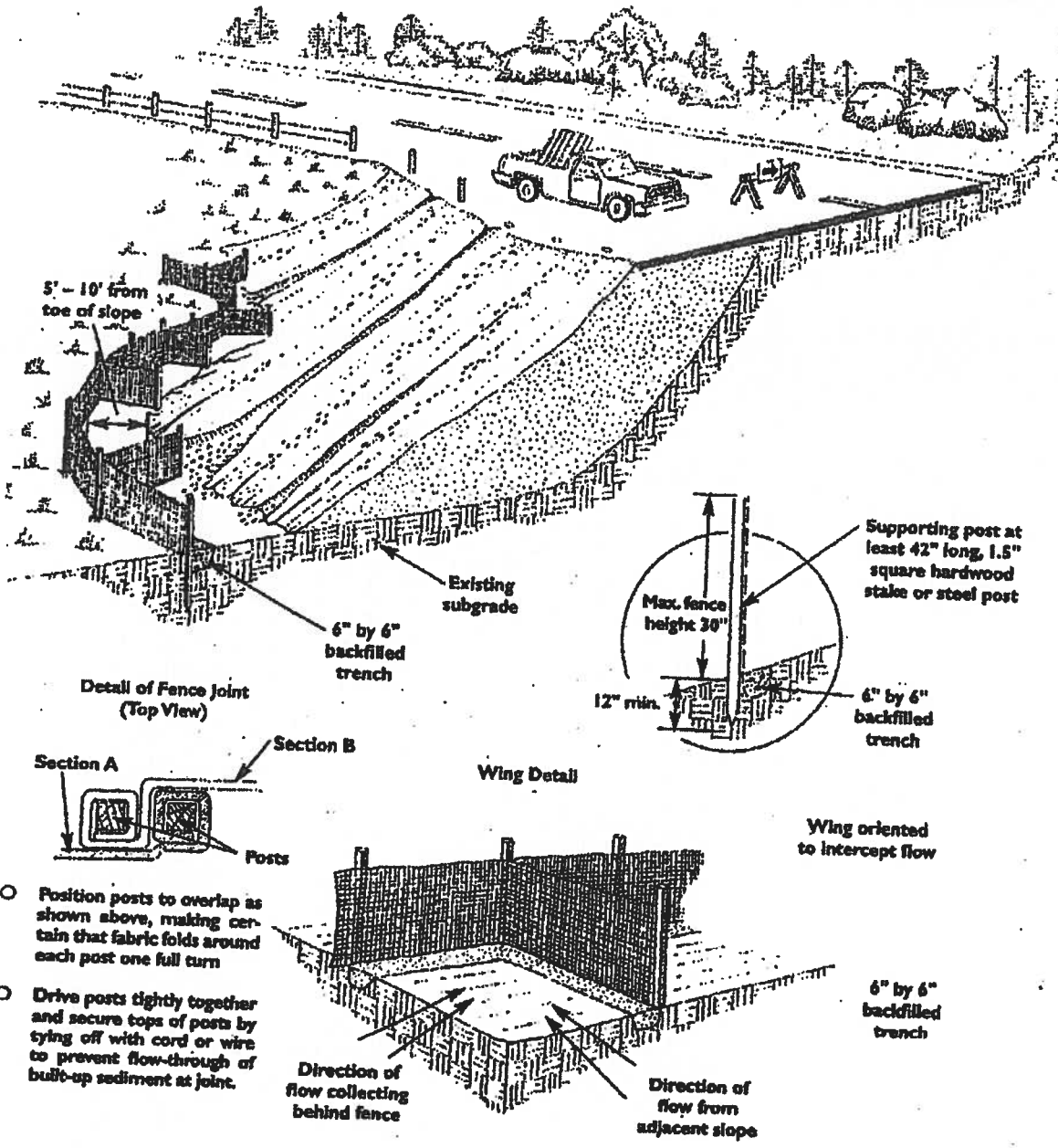


Figure HB-5 Hay Bale Barrier Trouble Shooting Guide

Problem	Cause	Fix
undercutting	inadequate trenching	reset bales properly or for small failure backfill downslope rills, fill & compact under failing bale, fill joints with hay, backfill up slope side of bale with 4" wedge of wood chips or compacted soil
	spaces between bales	
	barrier not on the contour, runoff flowing along upslope side of barrier	same as above, and install perpendicular wings to break flow line such that bottom end of wing is higher than top of barrier
rilling around end	not extending end of hay bale barrier far enough upslope	extend hay bale barrier far enough upslope so that bottom of last bale is higher than top of lowest bale
hay bales moved	watershed too large	change to stone barrier
	flows too concentrated	change to geotextile silt fence or stone barrier
	inadequately staked	fill and compact any rills at hay bale barrier, reinstall bale, fill joints, backfill and compact, increase staking depths

Figure GSF-3 Toe of Slope Installations with Wings



- Position posts to overlap as shown above, making certain that fabric folds around each post one full turn
- Drive posts tightly together and secure tops of posts by tying off with cord or wire to prevent flow-through of built-up sediment at joint.



Figure GSF-4 Swale and Catch Basin Installations

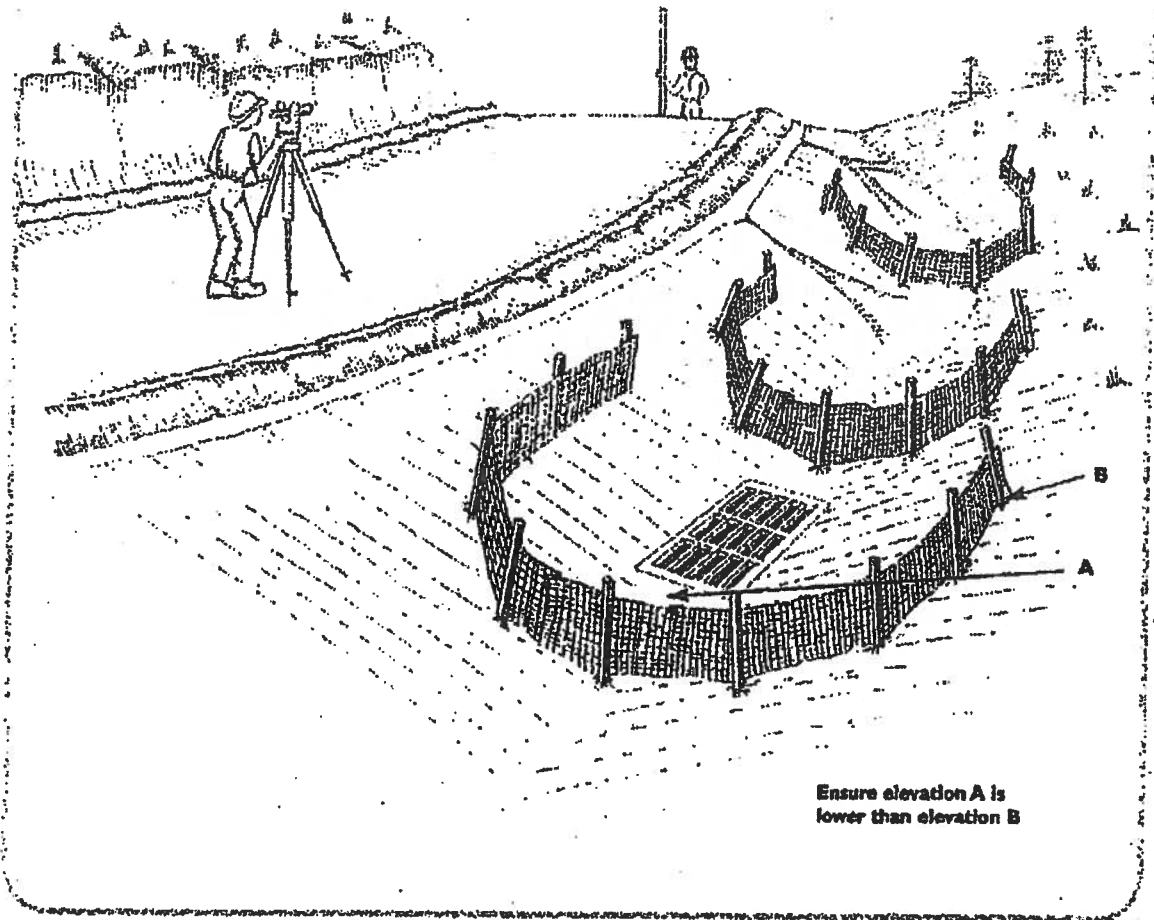
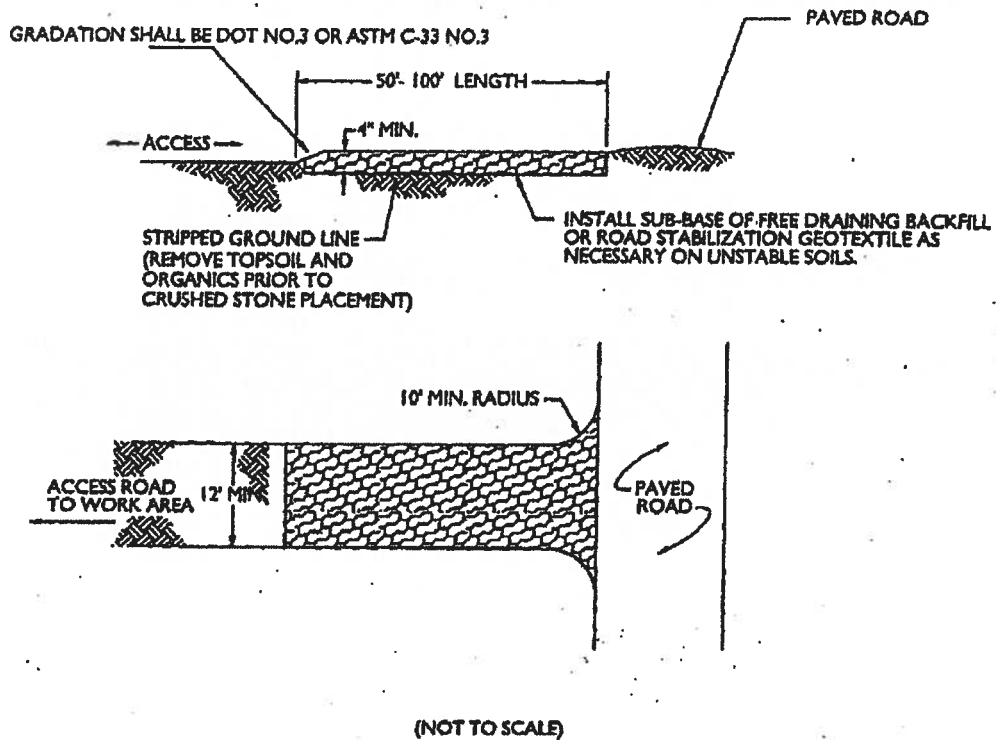


Figure GSF-5 Silt Fence Trouble Shooting Guide

Problem	Cause	Fix
fence fallen over or stakes broken from pressure of water	too large drainage area	Change to stone check dams or add additional controls up slope to reduce velocities and sediment loading (see measure matrix, Chapter 4 for other measures available).
	flows too concentrated	Repair or replace fence, increase staking frequency, angle stake up slope, consider installing hay bale barrier on the down slope side of fence in area of concentration or adding guy wire for support.
	stake not driven deep enough geotextile not properly attached to stakes	Repair or replace fence, increase stake depth. Recheck manufacturer's instructions on attachment and re-attach.
undercutting, toe failure	poor trenching or inadequate compaction, not enough geotextile buried	Install new fence properly or retrench, fill & compact rills at fence failure, drive stakes deeper as necessary to bury enough geotextile, fill & compact trench and down slope rills to provide support. For repeated failures consider installing hay bale barrier on the down slope side at the failure site after repair work is done.
	fence not on the contour, runoff eroding up slope side of barrier	Retrench, fill & compact rills at fence failure, and install perpendicular wings to break flow line such that bottom end of wing is higher than top of fence at wing joint OR install stone barriers on up slope side of fence to reduce runoff velocities. For repeated failures consider installing hay bale barrier on the down slope side at the failure site after
	poor transition from trench to obstruction at grade	Fill failed area to make smooth transition from trench to obstruction and re-bury flap of geotextile with 6 inches of tamped soil or aggregate. For repeated failures consider installing hay bale barrier on the down slope side at the failure site after repair work is done.
water running around ends	not extending end of fencing far enough up slope	Extend fence far enough up slope so that bottom of fence end is higher than top of lowest portion of fence, overlap joints at least 6 inches.

Figure CE-2 Diagram of Typical Construction Entrance



Source: USDA-NRCS

Summary

The Act establishes a public policy that recognizes soil erosion resulting from the development of land as a serious problem, and the sediment generated by this erosion as polluting the land, water and air. The policy requires improved and broadened erosion and sediment control activities that will consist of a coordinated control program to reduce the danger from storm runoff, minimize nonpoint sediment pollution, and conserve and protect land, water, air, and other environmental resources. (C.G.S. section 22a-326.)

Definitions are provided for the terms Council, disturbed area, erosion, inspection, soil erosion and sediment control plan, regulations, sediment and soil. (C.G.S. section 22a-327.)

The Council on Soil and Water Conservation is given the responsibility to develop and maintain guidelines that will outline methods and technology for controlling erosion and sedimentation. These guidelines are to be made available to the public by the Department of Environmental Protection and the Soil and Water Conservation Districts. (C.G.S. section 22a-328.)

All municipalities are required to develop regulations that require erosion and sediment control plans for development projects which will disturb an area larger than one-half acre. Erosion and sediment control plans are not required for land disturbances of one-half acre or less, or for the construction of a single-family house that is not part of a subdivision. The regulations must provide for certification of the plans for adequacy and for inspection of the measures being installed. (C.G.S. section 22a-329.)

Section 8-2 (Zoning), subsection (b) of section 8-13d (Planned Unit Development) and subsection (a) of section 8-25 (Municipal Planning Commission) of the General Statutes are revised by this act to make erosion and sediment control mandatory rather than optional. Municipalities are given an implementation dated of July 1, 1985. (C.G.S. section 22a-329.)

For further information see other statutes.

Connecticut General Statutes, Revised to 1997

Sec. 22a-325. Short title: Soil Erosion and Sediment Control Act. Sections 22a-325 to 22a-329, inclusive, shall be known and may be cited as the "Soil Erosion and Sediment Control Act".

(P.A. 83-388, S. 1.)

Sec. 22a-326. Legislative finding; policy of the state. The General Assembly finds that soil erosion on land being developed is a serious problem in Connecticut, that sediment is a source of pollution, that rapid changes in land use from agricultural and rural to nonagricultural and urban and the construction of residential, industrial and commercial development and land-disturbing activities associated with development have accelerated soil erosion and sediment deposition resulting in water pollution and damage to residential, agricultural, industrial and recreational land uses, to fish and wildlife and to other resources. It is, therefore, declared to be the policy of the state to strengthen and extend its erosion and sediment control activities and programs and to establish and implement, through the Council on Soil and Water Conservation, soil and water conservation districts, the municipalities and the Commissioner of Environmental Protection, a state-wide coordinated erosion and sediment control program which shall reduce the danger from storm water runoff, minimize nonpoint sediment pollution from land being developed and conserve and protect the land, water, air and other environmental resources of the state.

(P.A. 83-388, S. 2.)

Sec. 22a-327. Definitions. As used in sections 22a-325 to 22a-329, inclusive: (1) "Council" means the Council on Soil and Water Conservation established under subsection (c) of section 22a-315; (2) "Disturbed area" means an area where the cover is destroyed or removed leaving the land subject to accelerated erosion; (3) "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice and gravity; (4) "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan; (5) "Soil erosion and sediment control plan" means a scheme that minimizes soil erosion and sedimentation and includes, but is not limited to, a map and narrative. The map shall show topography, cleared and graded areas, proposed area alterations and the location of and detailed information concerning erosion and sediment measures and facilities. The narrative shall describe the project, the schedule of major activities on the land, the application of conservation practices, design criteria, construction details and the maintenance program for any erosion and sediment control facilities that are installed; (6) "Regulations" mean any regulations adopted by a municipality pursuant to sections 8-2 and 8-25; (7) "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion; (8) "Soil" means any unconsolidated mineral and organic material of any origin.

(P.A. 83-388, S. 3; P.A. 85-409, S. 4, 8.)

History: P.A. 85-409 removed reference to Sec. 8-13d in Subdiv. (6), that section having been repealed by the same act
Sec. 22a-328. Guidelines for soil erosion and sediment control. The council shall develop guidelines for soil erosion and sediment control on land being developed. The guidelines shall outline methods and techniques for minimizing erosion and sedimentation based on the best currently available technology. Such guidelines shall include, but not be limited to, model regulations that may be used by municipalities to comply with the provisions of sections 22a-325 to 22a-329, inclusive. The Commissioner of Environmental Protection and the soil and water conservation districts shall make the guidelines available to the public.

(P.A. 83-388, S. 4.)

Sec. 22a-329. Municipal land use. Regulations. (a) The regulations adopted by a municipality pursuant to sections 8-2 and 8-25, on and after July 1, 1985, shall require that: (1) Proper provision be made for soil erosion and sediment control; (2) a soil erosion and sediment control plan be submitted with any application for development when the disturbed area of such development is more than one-half acre; and (3) the municipality or the soil and water conservation district shall certify that the plan complies with regulations adopted pursuant to said sections. Prior to certification, any plan submitted to a municipality may be reviewed by the soil and water conservation districts which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan. The regulations shall include, but not be limited to, provisions for certification of a plan and inspection of measures being installed pursuant to such plan. A single-family dwelling that is not a part of a subdivision of land shall be exempt from such regulations. The soil and water conservation districts shall assist municipalities which so request in developing regulations to comply with this section. Nothing in this section shall be construed as extending the time limits for the approval of any application under chapter 124 or 126. (b) Notwithstanding the provisions of subsection (a) of this section, the council may grant an extension of time for the adoption of the regulations on soil and sediment control required under sections 8-2 and 8-25, but not beyond June 30, 1986, to any municipality which makes application to the council before July 1, 1985.

(P.A. 83-388, S. 5, 9; P.A. 85-91, S. 1, 5; 85-409, S. 5, 8.)

History: P.A. 83-388, S. 5, effective July 1, 1985; P.A. 85-91 added Subsec. (b) re time extension for adoption of regulations and made a corresponding technical change to prior provisions, designated as Subsec. (a); P.A. 85-409 removed reference to Sec. 8-13d and chapter 124a which were repealed by the same act.

Cited. 19 CA 334, 337.

Secs. 22a-330 to 22a-335. Reserved for future use.



Appendix J

Site Stormwater Management Plan Checklist

1. Applicant/Site Information

Applicant name, legal address, telephone/fax numbers

Common address and legal description of site

Site locus map

2. Project Narrative

Project description and purpose (for existing and proposed conditions)

- Natural and manmade features at the site, including, at a minimum, wetlands, water-courses, floodplains, and development (roads, buildings, and other structures)
- Site topography, drainage patterns, flow paths, and ground cover
- Impervious area and runoff coefficient
- Site soils as defined by USDA soil surveys including soil names, map unit, erodibility, permeability, depth, texture, and soil structure
- Stormwater discharges from the site, including quality and known sources of pollutants and sediment loadings
- Critical areas, buffers, and setbacks established by the local, state, and federal regulatory authorities
- Water quality classification of on-site and adjacent waterbodies
- Identification of any on-site or adjacent waterbodies included on the Connecticut 303(d) list of impaired waters

Potential stormwater impacts

- Potential pollution sources (e.g., erosive soils, steep slopes, vehicle fueling, vehicle washing)
- Types of anticipated stormwater pollutants and the relative or calculated load of each pollutant
- Summary of calculated pre- and post-development peak flows
- Summary of calculated pre- and post-development groundwater recharge

Critical on-site resources

- Wells, aquifers
- Wetlands, streams, ponds
- Public drinking water supplies

Critical off-site (adjacent to or downstream of site) resources

- Neighboring land uses
- Wells, aquifers
- Wetlands, streams, ponds
- Public drinking water supplies

Proposed stormwater management practices

- Source controls and pollution prevention
- Alternative site planning and design
- Stormwater treatment practices
- Flood control and peak runoff attenuation management practices

Site plan (for existing and proposed conditions) (see Item 4. below for appropriate format)

- Topography, drainage patterns, drainage boundaries, and flow paths
- Locations of stormwater discharges
- Perennial and intermittent streams
- USDA soil types
- Proposed borehole investigations
- Vegetation and proposed limits of clearing and disturbance
- Resource protection areas such as wetlands, lakes, ponds, and other setbacks (stream buffers, drinking water well setbacks, septic setbacks, etc.)
- Roads, buildings, and other structures
- Utilities and easements
- Temporary and permanent conveyance systems (grass channels, swales, ditches, storm drains, etc.) including grades, dimensions, and direction of flow
- Location of floodplain and floodway limits and relationship of site to upstream and downstream properties and drainage systems
- Location, size, maintenance access, and limits of disturbance of proposed structural stormwater management practices (treatment practices, flood control facilities, stormwater diversion structures, etc.)
- Final landscaping plans for structural stormwater management practices and site revegetation

- *The referenced or assumed elevation datum*
- *Two (2) benchmarks on the site within one hundred feet of the proposed construction*
- *Outside limits of disturbances*
- *Plan references*

5. Construction Erosion and Sediment Controls

Erosion and sediment control plan that complies with the requirements of the current version of *Connecticut Guidelines for Soil Erosion and Sediment Control*, DEP Bulletin 34.

6. Supporting Documents and Studies

Provide other sources of information used in the design of construction and post-construction stormwater controls for the site development, as applicable:

Soil maps, borings/test pits

Infiltration test results

Groundwater impacts for proposed infiltration structures

Reports on wetlands and other surface waters (including available information such as Maximum Contaminant Levels [MCLs], Total Maximum Daily Loads [TMDLs], 303(d) or 303(b) listings, etc.)

Water quality impacts to receiving waters and biological/ecological studies

Flood study/calculations

7. Other Required Permits

Evidence of acquisition of all applicable federal, state, and local permits or approvals (e.g., copies of DEP permit registration certificates, DEP Dam Safety Registration certificate for stormwater impoundments, DPH approval letter for stormwater discharges within 100 feet of a watercourse within a public water supply watershed or aquifer protection area, local approval letters, etc.)

8. Operation and Maintenance

Detailed inspection and maintenance requirements/tasks

Inspection and maintenance schedules

Parties legally responsible for maintenance (name, address, and telephone number)

Provisions for financing of operation and maintenance activities

As-built plans of completed structures

Letter of compliance from designer

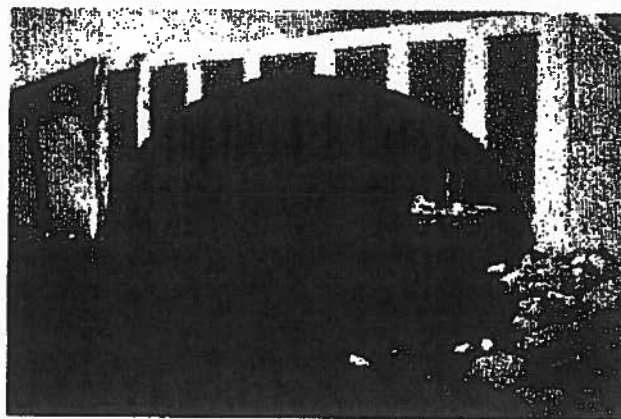
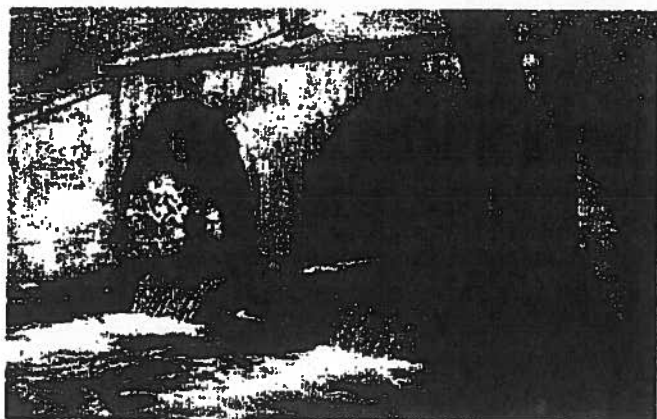
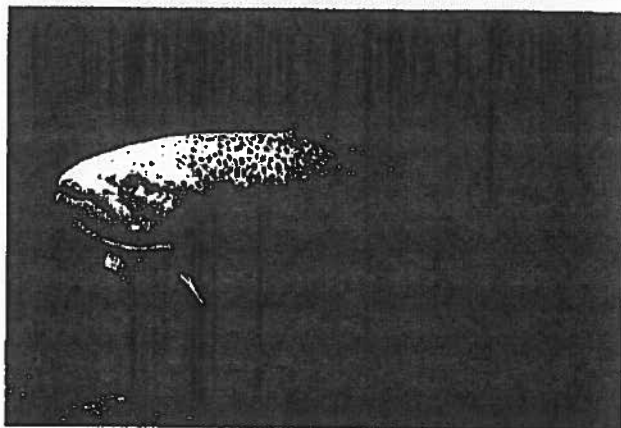
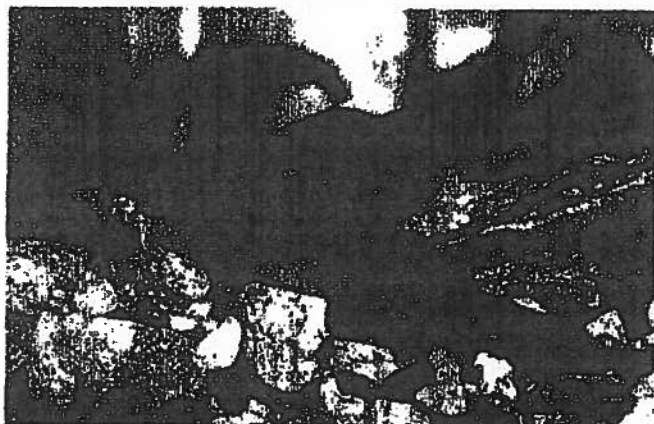
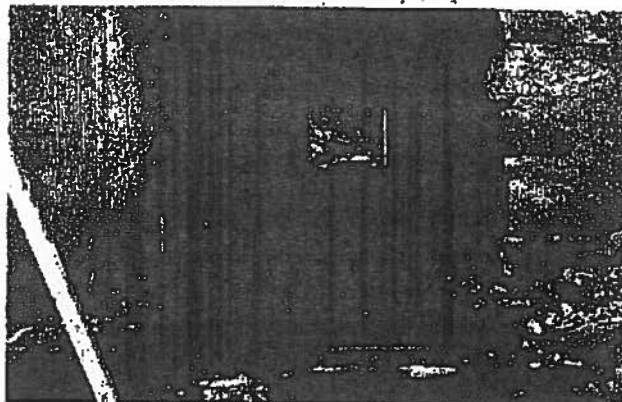
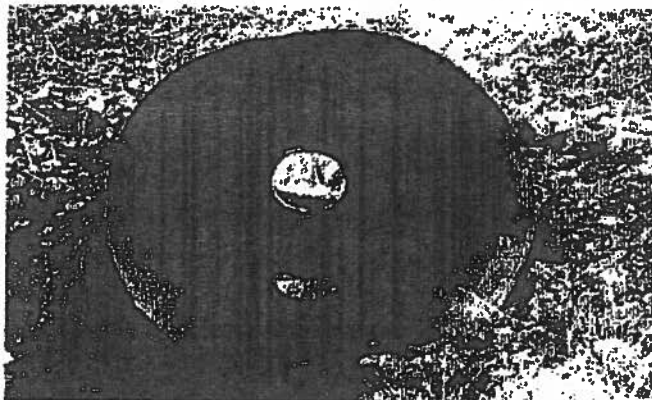
Post-construction documentation to demonstrate compliance with maintenance activities.



CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION

Inland Fisheries Division
Habitat Conservation and Enhancement Program

Stream Crossing Guidelines



February 26, 2008

I. INTRODUCTION

Inland Fisheries Division (IFD) Habitat Conservation and Enhancement (HCE) staff have been assessing fish passage and instream habitat needs at stream crossings across Connecticut since the late 1980's. The program was created in part to ensure that fish and other aquatic life as well as aquatic habitat needs would be effectively addressed during municipal, State and Federal regulatory permit review processes. These stream crossing guidelines are intended to provide government agencies, non-profit environmental groups and private landowners with the best technical guidance available to ensure unimpeded fish passage for resident and anadromous fishes and to minimize construction related impacts.

Guidelines focus primarily on fish and fish passage, but incorporating the suggested practices will also benefit other wildlife. This document is not intended to be a technical design manual. Readers should consult specific guidance documents provided by municipal, State, or Federal regulatory offices having permitting authority over a stream crossing project. Also, scientific and technical manuals produced by other agencies, including those of the States of Vermont (VDFW 2005), Washington (WDFW 2003), Oregon (Robison et. al. 1999) and California (CFGD 2003) can provide additional guidance on fish passage design and related issues.

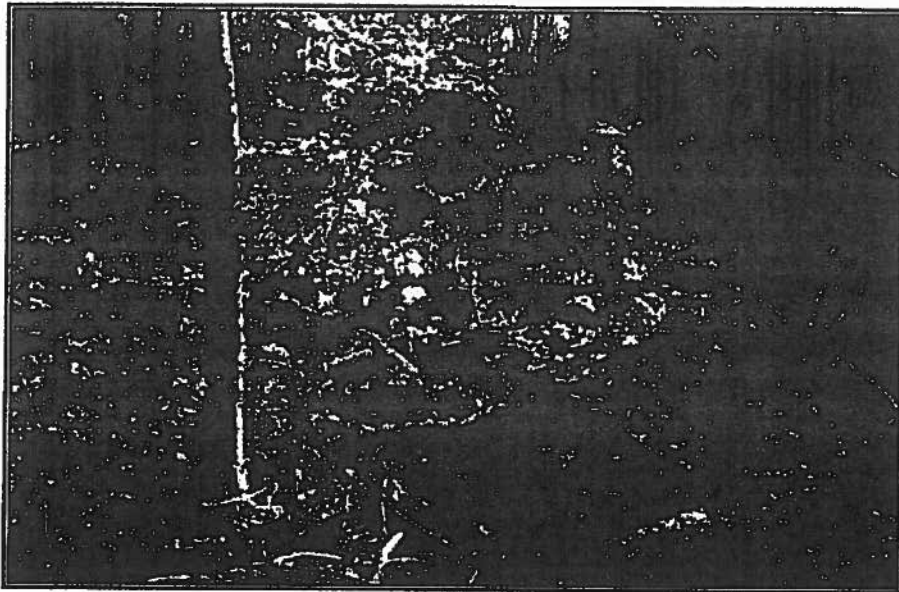


Figure 1. Example of small stream in Connecticut that supports a fish community.

Along a stream continuum, stream flow, hydrology, physical habitat and water quality are factors that determine which fish species are present in a watershed and the abundance and diversity of those species. While Connecticut citizens may readily recognize the negative effects of existing dams on fish passage, many may not be aware that stream crossings, particularly culverts, can permanently block or seasonally impede upstream fish passage.

Fish passage needs are often unrecognized on small watercourses. Small streams account for most of the total stream miles within any watershed (Jackson 2003) with an estimated 70% of stream channel in the United States being comprised of small, headwater streams (Leopold et al. 1964). Many small streams in Connecticut support fish populations, often times a single

species such as native brook trout (Figure 1). Many "problem" or impassable stream crossings were installed before environmental regulations were in place to review stream crossing designs and before there was a full understanding of the negative impacts to fish passage. Consequently, fish populations can become "fragmented" and unable to reach critical spawning, nursery, feeding, or seasonal refuge habitats that are important to the completion of various life history phases. The fragmentation of stream habitat and fish populations can adversely impact fish community diversity, fish population levels and fish survival. The following section describes common stream crossing problems observed in Connecticut.

II. COMMON STREAM CROSSING PROBLEMS

➤ Perched Culverts

The most common stream crossing problems in Connecticut are perched culverts that are situated above the elevation of the stream bottom at the culvert outlet (downstream end) that present obvious physical barriers to upstream fish passage (Figure 2). Perched culvert conditions are the result of improper installation or are created over time by years of excessive scour and erosion of the streambed at the culvert outlet. Freeze-thaw conditions can also lead to culvert perching.



Figure 2. Example of culverts perched above streambed.

➤ Shallow Water Depth

Another common problem are culverts that create shallow water or sheetflow conditions, especially during seasonal low flow periods (Figure 3). Thus, fish cannot swim through these structures due to insufficient water depths.

➤ Excessive Water Velocity

Excessive water velocities can occur within the main body of a culvert at the inlet/outlet sections. Velocity problems are typically observed within smooth bottom concrete box culverts that do not contain natural streambed substrates and lack channel roughness. Excessive velocities or hydraulic jumps can sometimes occur in culverts placed at improper slopes. Many fish species may not be able to pass through culverts with excessive velocities due to exhaustion (Figure 4).

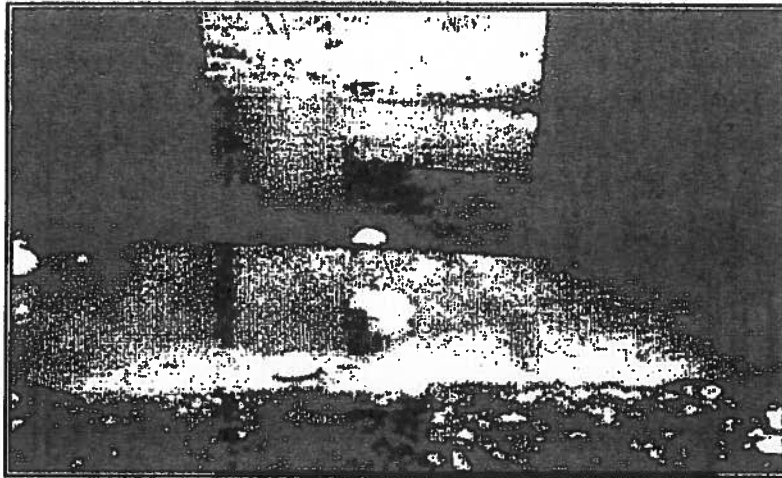


Figure 3. Example of shallow water conditions in a concrete box culvert.

➤ **Debris accumulation**

Debris accumulation is another condition that can block fish passage. Accumulation of debris most often occurs at undersized culvert or multiple culvert situations, usually at the culvert inlet (Figure 5). Debris blockage can cause damage to the crossing structure or possibly lead to flooding. If debris forms a logjam comprised of large woody debris (LWD), which is defined by biologists as logs with a minimum diameter of 4 inches and a minimum length of 6 feet, it may be possible to remove the logjam and re-introduce portions of LWD downstream of the roadway crossing where it does not present any hazard. Refer to Inland Fisheries Division management guidelines within the LWD Factsheet that can be obtained at the DEP website, <http://www.ct.gov/dep/lib/dep/fishing/restoration/largewoodydebrisfactsheet.pdf>.

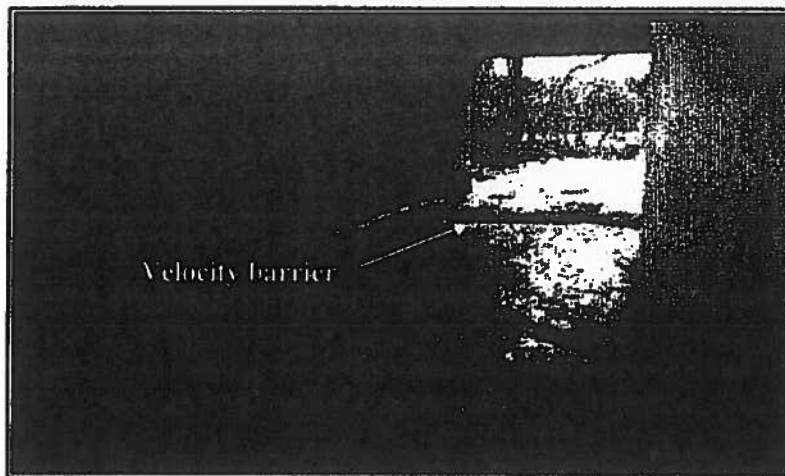


Figure 4. Example of excessive water velocities resulting in a barrier to fish passage.

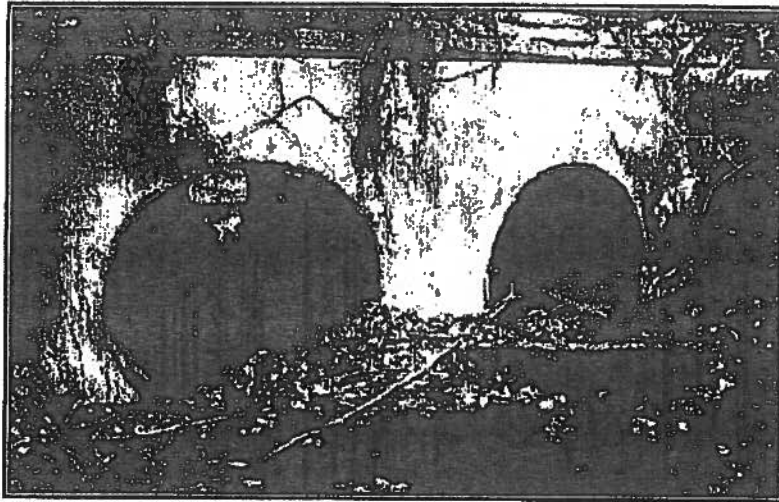


Figure 5. Debris blockage at culvert inlets that blocks fish passage.

III. STREAM CROSSING GUIDELINES

Fish species in Connecticut streams vary greatly in size, and many adult fishes, e.g., blacknose dace, longnose dace and tessellated darter never exceed 4 inches in length. Thus, when designing fish passage at road crossings, consideration must be given to the entire fish community, not just the larger stream fish such as trout and white sucker.

Many of the standards in these guidelines have been adopted from and are consistent with U.S. Army Corps of Engineers Connecticut Programmatic General Permit guidance. Refer to <http://www.nae.usace.army.mil/reg/ctpgp.pdf> for more details relative to general permit requirements and also contact the DEP Inland Water Resources Division for permit guidance.

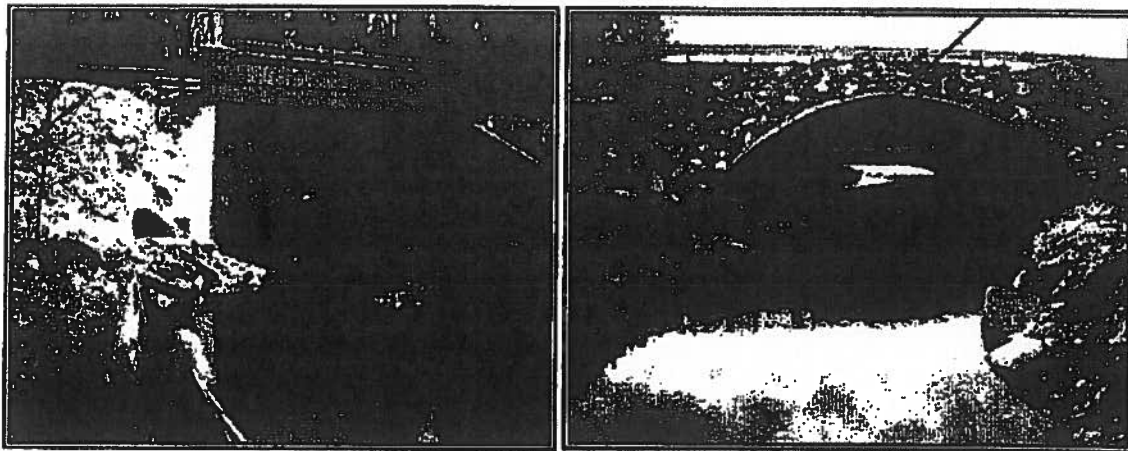


Figure 6. Clear span bridges and bottomless arch culverts are preferred stream crossing structures.

For new or replacement stream crossing projects, the Inland Fisheries Division (IFD) typically recommends the installation of clear span bridges or bottomless arch culverts for the crossing of perennial watercourses (Figure 6). These structures are "fish passage friendly" since they do not create barriers or impediments to fish migration and they best preserve physical instream habitats. Intermittent watercourses are evaluated for fish passage needs based upon the potential for seasonal utilization of the watercourses by fish.

In certain situations, the IFD has accepted the installation of culverts for stream crossings. However, several modifications to culvert design may be required to ensure fish passage and maintenance of aquatic resource integrity. The modifications recommended are as follows:

➤ **SINGLE CULVERT**

The invert of a box culvert should be set no less than 1 foot below the existing streambed elevation. This installation technique is referred to as a sunken or embedded culvert. The invert of a round culvert less than 10 feet in diameter should be set 1 to 2 feet below the existing streambed elevation. For round pipe greater than 10 feet in diameter, the culvert invert should be set a minimum of 20% of the pipe diameter below the streambed elevation.

➤ **MULTIPLE CULVERTS**

Multiple culverts are discouraged where design criteria can be met with a single culvert. For multiple culvert situations, one or more of the culverts should be installed as per the guidelines for single culverts (Figure 7). Deflectors may need to be installed in the stream to concentrate low streamflows into and through the recessed culvert. Recessed culvert(s) should be installed in the thalweg or deepest section of the channel and be in alignment with the low flow channel.

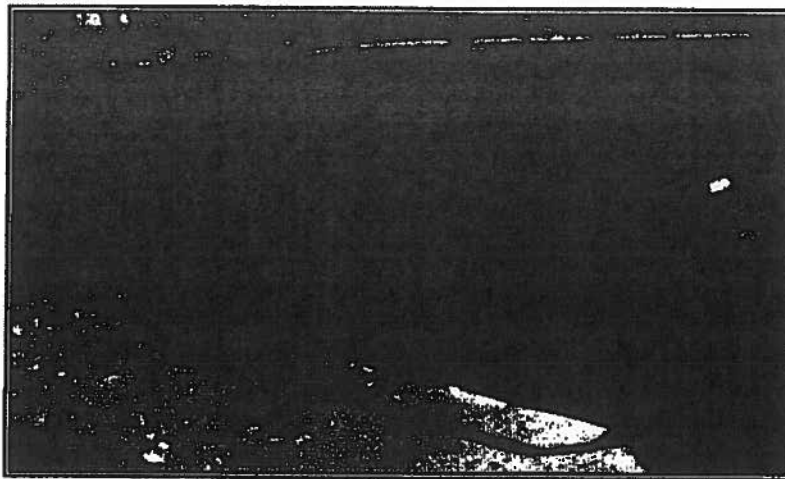


Figure 7. Culvert on left is sunken 1 foot below grade. Culvert at right, installed "at grade" accommodates high stream flows.

➤ **GRADIENT**

The culvert gradient should be no steeper than the streambed gradient upstream or downstream of the culvert matching the overall stream gradient as closely as possible. Gradient for sunken culverts should not exceed 3%. Bottomless arch culverts or clear span bridges should be utilized in all cases where gradient exceeds 3%.

➤ **ALIGNMENT**

Culvert alignment should be similar to that of the stream and not placed at a skew. This will ensure proper water conveyance and will protect against excessive channel erosion or scour.

➤ **LENGTH**

Culvert length should be as short as possible. Vertical headwalls rather than fill slopes are recommended at the culvert inlet and outlet to reduce the total culvert length (Figure 8). Narrowing and lowering the roadway along with steepening embankments can also help reduce culvert length.

➤ **WIDTH**

The culvert should have a width that spans an area 1.2 times the bankfull width of the stream. In Connecticut streams, bankfull width equates to the channel width wetted at the 1.5 to 2 year storm frequency flow. This standard also applies to arch (bottomless) culverts.

➤ **CORRUGATED CULVERTS**

Corrugated culverts are preferred over smooth culverts since the corrugations create a roughness that aids in the retention of streambed material. Metal culverts are least preferred due to longevity concerns with rusting.

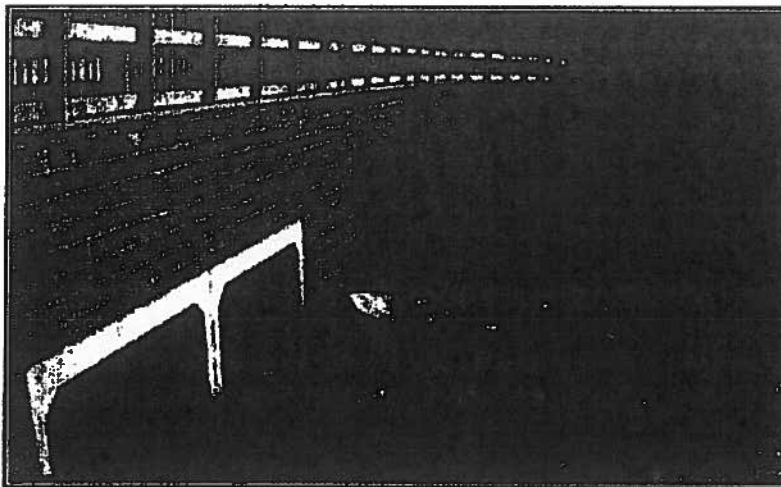


Figure 8. Example of vertical headwall that reduces length of culverts.

➤ **OPENNESS RATIO**

The culvert should have an Openness Ratio of ≥ 0.25 . The Openness Ratio (OR) is calculated by dividing a culvert's cross sectional area (height x width) by its length. All measurements are in meters.

$$\text{Embedded Culverts: OR} = \frac{[(\text{Cross-sectional culvert area pre-embedded}) - \text{Embedded area}]}{\text{Culvert length}}$$

$$\text{Arch Culverts (bottomless): OR} = \frac{\text{Height} \times \text{Width}}{\text{Length}}$$

➤ **PRESERVATION OF STREAMBED SUBSTRATES**

Native streambed material excavated for culvert placement should be stockpiled and replaced within the culvert following its installation. (Figure 9). Streambed material should be replaced in a manner replicating the original stream cross section with a well-defined low flow channel contiguous with that existing in the stream.

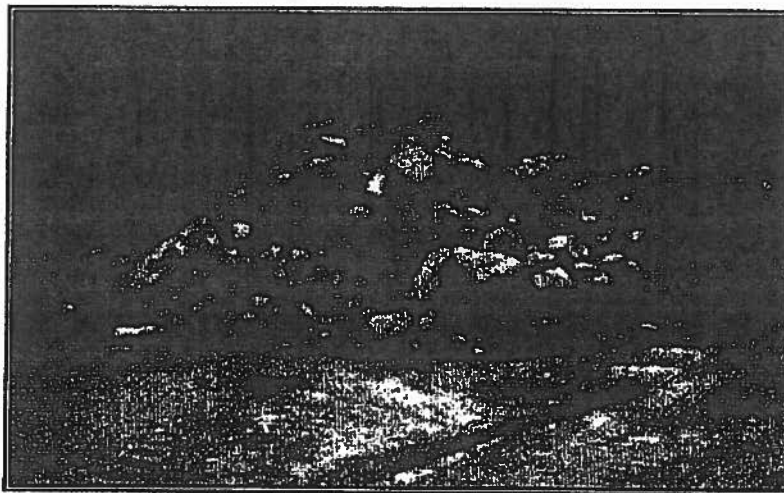


Figure 9. Streambed materials stockpiled for installation within sunken culverts.

IV. OTHER STREAM CROSSING AND HABITAT CONSIDERATIONS

In addition to offering recommendations for structure design, the IFD has developed the following measures to enhance and protect aquatic habitats and resources.

➤ **SEASONAL CONSTRUCTION WINDOWS**

Stream crossing construction projects can severely degrade stream fish habitat and water quality through the production of excessive turbidity and sedimentation levels. Negative impacts of sedimentation to fisheries resources have been well documented (Cordone and Kelley 1961; Reiser and Bjorn 1979; Ritchie 1972). Also, certain construction activities can prevent or delay the migratory movements of resident riverine and anadromous fishes through a project site. Consequently, seasonal construction windows, defined as "time periods during which construction should occur" are often recommended during times of the year when it is easier to control soil erosion and sedimentation and fewer fish are undergoing migrations.

Appropriate construction windows are typically determined on a case-by-case basis, but the following two windows are most often recommended.

1. INLAND RESIDENT FISH CONSTRUCTION WINDOW

In inland waters, unconfined¹ instream construction activities associated with either bridge/culvert installation and rehabilitation projects should only be allowed from the period June 1 through September 30, inclusive (Figure 10). Conversely this means a prohibition of unconfined instream construction activities from October 1 through May 30. Cofferdam installation may be allowed outside this window if construction techniques do not involve streambed excavation or sheetpile installation. This construction window pertains to perennial streams only. The use of construction windows to protect intermittent streams will be made on a case-by-case basis and their ability to seasonal support fish populations. Contact HCE fisheries biologists for guidance.

A June 1 through September 30 construction timeframe can be utilized as an effective measure for mitigating construction related disturbances for the following reasons: (1) it protects the spawning, egg incubation, and fry development periods of most resident fishes, (2) it does not interfere with seasonal migratory periods of resident fishes, and (3) it limits construction activities such as dewatering, excavation, trenching, and cofferdam placement to the period of low streamflow which coincides with the historic seasonal low rainfall period in Connecticut. In addition, during the June 1 through September 30 low flow period, erosion control measures are most effective and sediment transport can be more easily confined within the immediate construction area.

2. ANADROMOUS FISH CONSTRUCTION WINDOW

In both the tidal portions of rivers and streams and inland waters, elevated suspended sediment concentrations and sound levels produced by certain construction activities may prevent or delay spawning migrations of anadromous fish. The term anadromous refers to a species that lives in the ocean and returns to freshwater to spawn. Species of concern are alewife and blueback herring (collectively known as river herring), American shad and Atlantic salmon. Activities of particular concern are underwater pile driving, demolition of structures such as bridge piers using hoe rams and unconfined excavation and filing. All of these activities may affect the movement of fish through the project site². Preventing migration would result in a complete failure of fish to spawn upstream of the site. If fish could not spawn anywhere below the site, it would cause the loss of an entire year class of fish that would have been produced in the stream. Delaying migration could reduce spawning stress, resulting in the production of fewer fish than would have been expected.

¹ Unconfined is defined as work not contained within a cofferdam or similar type water exclusion structure.

² Although outside the scope of this document, it should be noted that occasionally a project may require the use of equipment or methods that can generate pressure waves sufficient to injure or kill fish, such as the use of high energy pile drivers to drive large support piles, high energy hoe rams for demolition, and blasting. If a contractor requests to use these during a sensitive period, HCE staff recommend a plan be developed and submitted for review and approval that details how impacts to fish will be avoided or acceptably minimized.

Collectively, spawning migrations of river herring, American shad and Atlantic salmon occur between March 1 and June 30. Therefore to protect all of these migratory species, unconfined instream construction activities associated with either bridge/culvert installation and rehabilitation projects should only be allowed from July 1 to February 28th, inclusive³. Conversely this means a prohibition of unconfined instream construction activities from March 1 through June 30 (Figure 10).

Since the migratory period of each anadromous species is different and may vary from stream to stream and only one or two species occur in some streams, an appropriate construction window should be determined on a case-by-case basis and will depend upon: (1) location of the project, (2) which species are known to migrate through the project area, (3) the timing of migration in the system, and (4) the type of construction activities and manner in which they are conducted. IFD Habitat Conservation and Enhancement staff can be consulted to assist with determining the best construction window to protect anadromous fishes.

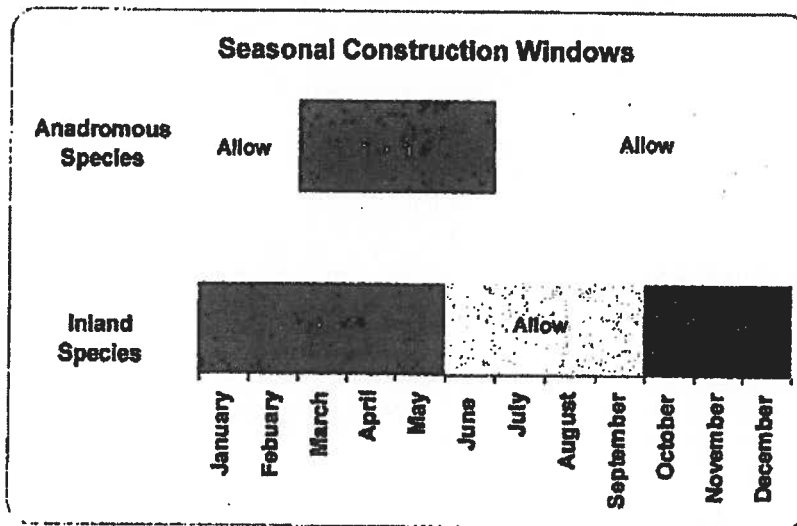


Figure 10. Recommended seasonal construction windows for inland and anadromous fish. Note that the allowable unconfined work window in streams supporting both anadromous and inland fishes is restricted to the period from July 1 through September 30.

➤ EROSION AND SEDIMENT CONTROLS

All appropriate erosion and sediment controls should be established prior to and be maintained through all phases of construction. Stream crossing projects should adhere to soil and erosion control best management practices as outlined in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control Manual (DEP Bulletin 34).

➤ SCOUR PROTECTION

The placement of scour protection measures should be minimized to the fullest extent possible and should match overall stream gradient as closely as possible. The

³ Note that for projects in the freshwater portions of streams, where the June 1 through September 30 window might be appropriate, a modification of the window might be necessary if the stream supports a spawning run of one or more anadromous species.

placement of riprap in streams for scour protection is discouraged. If scour protection is required within the streambed, it is recommended that the surface layer of natural streambed substrates should be scraped from the existing streambed, saved and then placed back as a top layer over a "sublayer" of riprap. Typically, this top layer of substrates should be no less than 12 inches in depth. This strategy can satisfy both engineering concerns for scour protection as well as fisheries concerns for preserving and maintaining the habitat benefits of natural streambed substrates. In addition, it is recommended that cross sectional and longitudinal profiles of the channel protected for scour should match pre-construction profiles.

➤ RIPARIAN ZONE PROTECTION

Riparian vegetation disturbed during construction should be re-established in a timely manner upon project completion. The species of vegetation selected for reestablishment should be native to the immediate watershed and be non-invasive. Refer to the Connecticut Native Tree and Shrub Availability List for more information. This list is available on the DEP website at http://www.ct.gov/dep/lib/dep/wildlife/pdf_files/habitat/ntvtree.pdf. Where possible, retaining walls should be utilized in lieu of fill slopes along roadway approaches to stream crossing structures to minimize riparian habitat loss.

➤ HABITAT MITIGATION

Instream habitats can often be lost or modified due to culvert placement. For example, placement of a culvert within spawning habitats can directly impact fish population levels. As a consequence, HCE fisheries biologists assess habitat losses and alterations associated with stream crossings and may recommend installation of instream habitat enhancement structures such as rock vanes, rootwads or boulders to offset or minimize instream habitat impacts. Refer to Maryland Waterway Construction Guidelines Manual for a thorough description of some habitat mitigation practices (MDEWA 2000).

➤ FISHING ACCESS

Stream crossing locations can be popular areas for angling, especially on streams stocked with trout. Often times angler parking access is only available through informal pull-off areas along the roadside. Stream crossing replacements that include roadway improvements may also include the installation of guardrails, which will permanently block off these informal parking areas. While the IFD acknowledges the need for roadway and public safety, it is recommended that roadway improvement design plans consider the retention or improvement of public fishing access.

V. CULVERT RETROFITS

Existing culverts that are not scheduled for replacement but which block fish passage can sometimes be modified or retrofitted to provide effective upstream fish passage. There are several retrofit options that can include gradient control weirs, interior baffles/weirs and even the installation of a fishway. Gradient control weirs are usually constructed with large boulders (Figure 11). They are typically placed downstream of the culvert outlet and are used to back-up water through a culvert or reduce an excessive drop at a culvert outlet. Care must be exercised to ensure that gradient control weirs do not block fish passage during low flows. Baffles or weirs can be used to facilitate fish passage by creating a series of pools with drops to increase water depth and decrease water velocities (Figure 12). There are several different

baffle configuration designs (Robison et. al. 1999, VDFW 2005). Baffles can increase debris clogging and accumulation and therefore require periodic maintenance. Installation of an engineered fishway can be utilized where the above retrofit options are not viable (Figure 13). Culvert retrofit design can be complicated and will usually require the services of a qualified civil engineer as well as review by HCE fisheries biologists. Culvert retrofits are never a substitute for full replacement and in some cases, full replacement can be more cost effective.

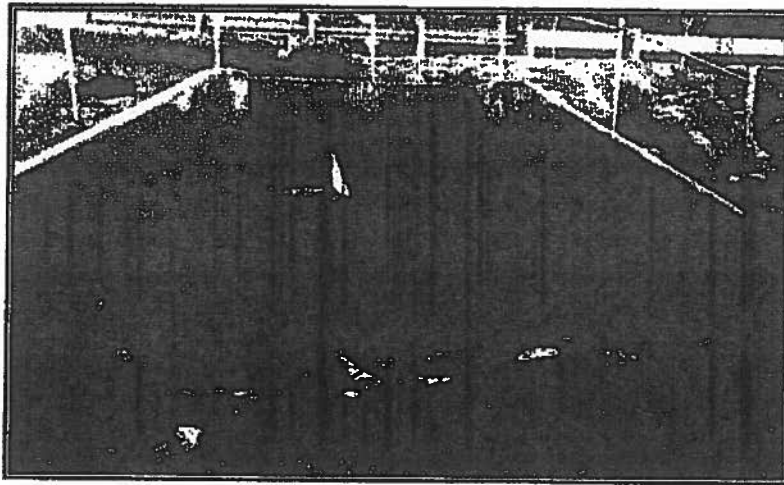


Figure 11. Example of boulder weir installed at outlet to create backwater into a culvert.

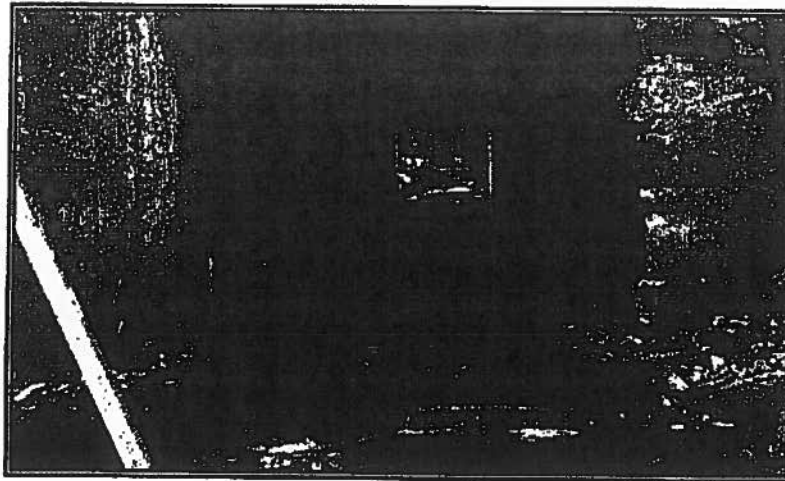


Figure 12. Example of concrete weir system.

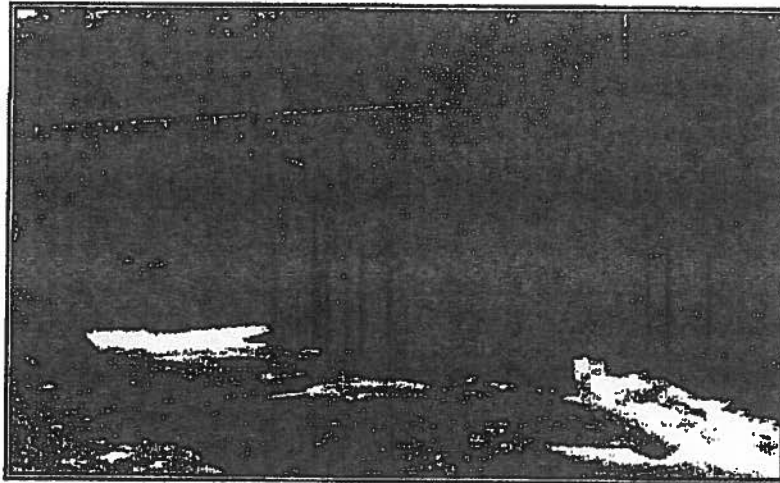


Figure 13. Example of fishway installed within a culvert.

CONCLUSION

While this publication provides general stream crossing guidance, each stream crossing project may present certain challenges that have not been discussed. This document is not meant to be a technical design manual. Refer to the several design manuals that have been cited for more technical/engineering information, many of which are available on the internet. HCE staff are available to provide technical guidance relative to fish passage requirements for stream crossings; refer to contact information below.

CONTACT INFORMATION

Technical Guidance

Bureau of Natural Resources

Inland Fisheries Division

Habitat Conservation and Enhancement Program

Hartford Office: 860-424-3474

Eastern Connecticut: 860-295-9523

Western Connecticut: 860-567-8998

Coastal Connecticut: 860-434-6043

Regulatory Guidance

Bureau of Water Protection and Land Reuse

Inland Water Resources Division

Environmental Analysis Section: 860-424-3019

FEES
154 Attachment 2

Appendix L
Base Fee Schedule
Thomaston Inland Wetlands and Watercourses Commission

18 Application fees

18.1 Method of payment

In accordance with the provisions of 22a-42a(e) of the Connecticut General Statutes, the Commission may require a filing fee to be deposited with the Commission. The amount of such fee shall be sufficient to cover the reasonable cost of reviewing and acting on applications and petitions, including but not limited to the costs of certified mailings, publications of notices and decisions and monitoring compliance with permit conditions or Commission orders.

18.2 Waiver of fee

No applications shall be granted or approved unless the correct application fee is paid in full or a waiver has been granted by the Commission

18.3 Petition to waive, reduce or delay fees

- a. Any applicant may petition the Commission to waive, reduce or allow for a delay in payment of the fee.
- b. Petitions shall be in writing and state fully the facts and circumstances that the Commission should consider in making its determination.
- c. The Commission may waive all or part of any application fee if it determines that:
 1. The proposed activity or use would clearly result in a substantial public benefit to the environment, public health and safety.
 2. The applicant would be deterred from initiating the activity solely or primarily as a result of the amount of the application fee.
 3. The amount of the fee is clearly excessive in relation to costs for reviewing and processing the application
- d. The Commission shall state upon its record the basis for all actions and decisions under this section.

18.4 Definitions

- a. **Single-family**—Activities carried out on property developed for housing or proposed to be developed or currently occupied by permanent residential housing of a single-family dwelling unit.
- b. **Commercial uses**—Activities carried out on property developed for industry, commerce, recreation or business or being developed to be occupied for such purposes, for profit or nonprofit.
 - 1. **Subdivisions**—Those activities carried out on property proposed to be developed for permanent residential housing.
 - 2. **Other uses**—Those activities other than those as listed above.

18.5 Exemptions

All boards, commissions, councils and agencies of the Town are exempt from all fee requirements.

18.6 Fee Schedule (Amended 12-15-2004)

- a. **Regulated uses, Section 6**
 - Single-family: \$75 plus \$50 per lot
 - Commercial: \$200 plus \$150 per lot
 - Subdivision: \$175 plus \$175 per lot
 - All other uses: \$150 plus \$150 per lot
- b. **Permitted and nonregulated uses, Section 4**
 - Uses of right, Section 4.1: no charge.
 - Nonregulated uses, Sections 4.2 and 4.3: \$150
- c. **Significant activities**
 - Operations and uses, Section 7.4: \$225
- d. **Map/regulation amendment**
 - Petition by applicant, Section 15: \$150
- e. **Modifications to approved plans**
 - Previously approved plans, Sections 7.8
And 11.5: \$75
- f. **Post-application fee**
 - Residential: \$100
 - Commercial: \$200
- g. **Extension of permit: \$50**

18.7 Schedule A

- a. In addition to any other applicable fees for proposed activities in wetland area, the following standards shall be used:

<u>Square Feet of Regulated Area</u>	<u>Fee per 1,000 Square Feet</u>
Less than 2,500	\$5
2,500 to 50,000	\$10
More than 50,000	\$15

- b. The fees in this section are in addition to other fees as so noted in Section 18.6a through f.

18.8 Schedule B

In addition to any other applicable fees for regulated activities, the Commission shall require the following fee: \$10 per 100 linear feet for any activity affecting a watercourse area.

18.9 Regulated activity permit fee

- a. No regulated activity permit shall be issued until the permit fee has been paid.
- b. The applicant shall have a period of 10 days after the Commission's approval to pay for and obtain the permit.

18.10 Enforcement and collection

- a. The filing of an application constitutes the applicant's and the property owner's agreement to pay the base application fee and additional surcharge fees. The base fee shall be paid at the time the application is filed with the Commission.
- b. The surcharge fees shall be paid within 10 days of the date the invoice is mailed. The invoice shall be sent by certified mail, return receipt requested, or delivered to the applicant.
- c. If such fees are not paid when due, the Commission may deny the application as incomplete or withhold the issuance of any permit approval and commence legal action against the applicant and/or property owner to recover the fee.
- d. In the event the Wetlands Commission is compelled to retain legal Counsel to recover the fee, the applicant and/or property owner shall be liable for the Commission's reasonable attorney's fee and costs of collection.

STANDARD WETLAND PERMIT CONDITIONS

1. The permittee shall notify the Land Use Administrator/Wetlands Enforcement Officer of the Town of Thomaston prior to the commencement of the work associated with this permit.
2. The permit will be valid for a term of five years from the date of approval unless stated otherwise by the commission, but in no cases shall permits be valid for less than two years.
3. Within two weeks of completion of the work, the permittee shall submit photographs to the Thomaston IWWC of the completed activity or of portions of the activity performed under the permit to the satisfaction of the Commission.
4. The Agency has relied in whole or in part on information provided by the Applicant and if such information subsequently proves to be false, deceptive incomplete or inaccurate, the permit may be modified suspended or revoked.
5. 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 of Thomaston, 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 federal, state and municipal laws or regulations pertinent to the subject land or activity.
6. If the activity authorized by the Agency's permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under sections 8-3(g), 8-3(c), or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.
7. In conducting the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permits as needed to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
8. Permits shall not be transferred without the prior written consent of the Thomaston IWWC.



TOWN OF THOMASTON
AQUIFER PROTECTION AREA
LEVEL "A" REGULATIONS

Thomaston Aquifer Protection Agency

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Aquifer Protection Area Level "A" Regulations

SECTION 1. Title and Authority

- (a) Aquifers are an essential natural resource and a major source of public drinking water for the State of Connecticut. Use of groundwater will increase as the population grows and opportunities for new surface water supplies diminish due to the rising cost of land and increasingly intense development. At the same time, numerous drinking water wells have been contaminated by certain land use activities, and others are now threatened. To address this problem, Connecticut has established the Aquifer Protection Area Program (Connecticut General Statutes §22a-354a to §22a-354bb) to identify critical water supply aquifers and to protect them from pollution by managing land use. Protection requires coordinated responsibilities shared by the state, municipality and water companies to ensure a plentiful supply of public drinking water for present and future generations. It is therefore the purpose of these regulations to protect aquifer protection areas within the Town of Thomaston by making provisions for:
- (1) implementing regulations consistent with state regulations and An Act Concerning Aquifer Protection Areas, Connecticut General Statutes §22a-354a to §22a-354bb ("the Act");
 - (2) delineating aquifer protection areas on the Town of Thomaston Zoning District map;
 - (3) regulating land use activity within the aquifer protection area including: prohibiting certain new activities; registering existing regulated activities; and issuing permits for new regulated activities at registered facilities; and
 - (4) administering and enforcing these regulations.
- (b) These regulations shall be known as the Aquifer Protection Area Regulations (the "APA Regulations") of the Town of Thomaston. The APA Regulations and their associate Thomaston Zoning District Map code of "APA" are different than the existing Aquifer Protection Zone Map Code "APA" established by the Thomaston Zoning Regulations. Only one of these regulations and zoning district map codes may regulate the same area of land.
- (c) These regulations were adopted and may be amended, from time to time, in accordance with the provisions of §22a-354p of An Act Concerning Aquifer Protection Areas, the Connecticut General Statutes §22a-354a to §22a-354bb and the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10.
- (d) The Planning and Zoning Commission of the Town of Thomaston is established as the Aquifer Protection Agency (the "Agency") in accordance with the "Ordinance for the Establishment of an Aquifer Protection Agency," (the "APA Ordinance") effective January 4, 2005, and shall implement the purposes and provisions of the APA Ordinance and the Act.

- (e) The Agency shall administer all provisions of the Act and shall approve or deny registrations, issue permits, issue permits with terms, conditions, limitations or modifications, or deny permits for all regulated activities in aquifer protection areas in the Town of Thomaston pursuant to the Act.
- (f) An Aquifer Protection Level “A” Area Permit application shall be submitted with a Site Plan application and a Special Permit application in accordance with the Town of Thomaston Zoning Regulations or submitted with a Subdivision Plan application or a Re-Subdivision application in accordance with the Town of Thomaston Subdivision Regulations.

SECTION 2. Definitions

- (a) As used in these regulations, the following definitions apply:
 - (1) "Affected water company" means “affected water company” as defined in §22a-354h of the Connecticut General Statutes;
 - (2) “Agency” means the board or commission authorized by the municipality under §22a-354o of the Connecticut General Statutes;
 - (3) “Agriculture” means “agriculture” as defined in the §1-1(q) of the Connecticut General Statutes;
 - (4) "Applicant" means, as appropriate in context, a person who applies for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies or a permit under Section 9 of the APA Regulations;
 - (5) "Application” means, as appropriate in context, an application for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, an application for a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies or an application for a permit under Section 9 of the APA Regulations;
 - (6) "Aquifer protection area" means "aquifer protection area" as defined in §22a-354h of the Connecticut General Statutes and any extension of such area approved by the Commissioner pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies;
 - (7) "Area of contribution" means "area of contribution" as defined in §22a-354h of the Connecticut General Statutes and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies;
 - (8) "Bulk storage facility" means property where oil or petroleum liquids are received by tank vessel, pipeline, railroad car or tank vehicle for the purpose of storage for wholesale distribution;

- (9) "Certified Hazardous Materials Manager" means a hazardous materials manager certified by the Institute of Hazardous Materials Management and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable laws and identify appropriate pollution prevention practices for such activities;
- (10) "Commissioner" means the commissioner of environmental protection, or his or her agent;
- (11) "Domestic sewage" means "domestic sewage" as defined in §22a-430-3(a) the Regulations of Connecticut State Agencies;
- (12) "Facility" means property where a regulated activity is conducted by any person, including without limitation any buildings located on the property that are owned or leased by that person; and includes contiguous land owned, leased, or for which there is an option to purchase by that person;
- (13) "Floor drain" means any opening in a floor or surface which opening or surface receives materials spilled or deposited thereon;
- (14) "Hazardous material" means (A) any hazardous substance as defined in 40 CFR 302.4 and listed therein at Table 302.4, excluding mixtures with a total concentration of less than 1% hazardous substances based on volume, (B) any hazardous waste as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies, (C) any pesticide as defined in §22a-47 of the Connecticut General Statutes, or (D) any oil or petroleum as defined in §22a-448 of the Connecticut General Statutes;
- (15) "Hazardous waste" means "hazardous waste" as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies;
- (16) "Industrial laundry" means a facility for washing clothes, cloth or other fabric used in industrial operations;
- (17) "Infiltration device" means any discharge device installed below or above the ground surface that is designed to discharge liquid to the ground;
- (18) "Inland wetland and watercourse areas map" means a map pursuant to §22a-42a of the Connecticut General Statutes;
- (19) "ISO 14001 environmental management system certification" means a current ISO 14001 environmental management system certification issued by an ISO 14001 environmental management system registrar that is accredited by the American National Standards Institute (ANSI)-American Society for Quality (ASQ) National Accreditation Board (ANAB);
- (20) "Level A mapping" means the lines as shown on Level A maps approved or prepared by the Commissioner pursuant to §22a-354c, §22a-354d or §22a-354z of the Connecticut General Statutes encompassing the area of contribution and recharge areas;

- (21) "Lubricating oil" means oil that contains less than one percent (1%) chlorinated solvents and is used for the sole purpose of lubricating, cutting, grinding, machining, stamping or quenching metals;
- (22) "Municipality" means "municipality" as defined in §22a-354h of the Connecticut General Statutes;
- (23) "Owner" means the owner or lessee of the facility in question;
- (24) "De-icing chemical" means sodium chloride, calcium chloride, or calcium magnesium acetate;
- (25) "Person" means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency, political or administrative subdivision of the state, or other legal entity of any kind;
- (26) "Pollution" means "pollution" as defined in §22a-423 of the Connecticut General Statutes;
- (27) "Pollution prevention" means the use of processes and materials so as to reduce or minimize the amount of hazardous materials used or the quantity and concentration of pollutants in waste generated;
- (28) "Professional engineer" means a professional engineer licensed in accordance with Chapter 391 of the Connecticut General Statutes, and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable law and identify appropriate pollution prevention practices for such activities;
- (29) "Publicly Owned Treatment Works" means "publicly owned treatment works" as defined in §22a-430-3 of the Regulations of Connecticut State Agencies;
- (30) "Public service company" means "public service company" as defined in §16-1 of the Connecticut General Statutes;
- (31) "Public supply well" means "public supply well" as defined in §19-13-B51b of the Regulations of Connecticut State Agencies;
- (32) "Recharge area" means "recharge area" as defined in §22a-354h of the Connecticut General Statutes and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies;
- (33) "Registered regulated activity" means a regulated activity which has been registered under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 8 of the APA Regulations, and is conducted at the facility identified in such registration;
- (34) "Registrant" means a person, who or which, has submitted a registration for an existing regulated activity under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 4 of the APA Regulations;

- (35) "Regulated activity" means any of the following activities, which are located or conducted, wholly or partially, in an aquifer protection area, except as provided for in §22a-354i-5(c) and §22a-354i-6 of the Regulations of Connecticut State Agencies, or Section 4 of the APA Regulations:
- (A) underground storage or transmission of oil or petroleum, to the extent such activity is not pre-empted by federal law, or hazardous material, except for (1) an underground storage tank that contains number two (2) fuel oil and is located more than five hundred (500) feet from a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, or (2) underground electrical facilities such as transformers, breakers, or cables containing oil for cooling or insulation purposes which are owned and operated by a public service company,
 - (B) oil or petroleum dispensing for the purpose of retail, wholesale or fleet use,
 - (C) on-site storage of hazardous materials for the purpose of wholesale sale,
 - (D) repair or maintenance of vehicles or internal combustion engines of vehicles, involving the use, storage or disposal of hazardous materials, including solvents, lubricants, paints, brake fluids, transmission fluids or the generation of hazardous wastes,
 - (E) salvage operations of metal or vehicle parts,
 - (F) wastewater discharges to ground water other than domestic sewage and stormwater, except for discharges from the following that have received a permit from the Commissioner pursuant to §22a-430 of the Connecticut General Statutes: (1) a pump and treat system for ground water remediation, (2) a potable water treatment system, (3) heat pump system, (4) non-contact cooling water system, (5) swimming pools,
 - (G) car or truck washing, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
 - (H) production or refining of chemicals, including without limitation hazardous materials or asphalt,
 - (I) clothes or cloth cleaning service which involves the use, storage or disposal of hazardous materials including without limitation dry-cleaning solvents,
 - (J) industrial laundry activity that involves the cleaning of clothes or cloth contaminated by hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
 - (K) generation of electrical power by means of fossil fuels, except for (i) generation of electrical power by an emergency engine as defined by §22a-174-22(a)(2) of the Regulations of Connecticut State Agencies, or (ii) generation of electrical power by means of natural gas or propane,

- (L) production of electronic boards, electrical components, or other electrical equipment involving the use, storage or disposal of any hazardous material or involving metal plating, degreasing of parts or equipment, or etching operations,
- (M) embalming or crematory services which involve the use, storage or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (N) furniture stripping operations which involve the use, storage or disposal of hazardous materials,
- (O) furniture finishing operations which involve the use, storage or disposal of hazardous materials, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (P) storage, treatment or disposal of hazardous waste subject to a permit under §22a-449(c)-100 to §22a-449(c)-110, inclusive, of the Regulations of Connecticut State Agencies,
- (Q) biological or chemical testing, analysis or research which involves the use, storage or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works, and provided that on-site testing of a public supply well by a public water utility is not a regulated activity,
- (R) pest control services which involve storage, mixing or loading of pesticides or other hazardous materials,
- (S) photographic finishing which involves the use, storage or disposal of hazardous materials, unless all waste water from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (T) production or fabrication of metal products which involves the use, storage or disposal of hazardous materials including (1) metal cleaning or degreasing with industrial solvents, (2) metal plating, or (3) metal etching,
- (U) printing, plate making, lithography, photoengraving, or gravure, which involves the use, storage or disposal of hazardous materials,
- (V) accumulation or storage of waste oil, anti-freeze or spent lead-acid batteries which are subject to a general permit issued by the Commissioner under §22a-208(i) and §22a-454(e)(1) of the Connecticut General Statutes,
- (W) production of rubber, resin cements, elastomers or plastic, which involves the use, storage or disposal of hazardous materials,
- (X) storage of de-icing chemicals, unless such storage takes place within a weather-tight water-proof structure for the purpose of retail sale or for the purpose of de-icing parking areas or access roads to parking areas,

- (Y) accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer or composting of solid waste which is subject to a permit issued by the Commissioner pursuant to §22a-207b, §22a-208a, and §22a-208c of the Connecticut General Statute, except for a potable water treatment sludge disposal area,
 - (Z) dying, coating or printing of textiles, or tanning or finishing of leather, which activity involves the use, storage or disposal of hazardous materials,
 - (AA) production of wood veneer, plywood, reconstituted wood or pressure-treated wood, which involves the use, storage or disposal of hazardous material, and
 - (BB) pulp production processes that involve bleaching;
- (36) "Release" means "release" as defined in §22a-133k-1 of the Regulations of Connecticut State Agencies;
 - (37) "State aquifer protection regulations" means §22a-354i-1 to §22a-354i-10, inclusive, of the Regulations of Connecticut State Agencies;
 - (38) "Storage" means the holding or possession of any hazardous material;
 - (39) "Storage tank" means a stationary device which is designed to store hazardous materials, and is constructed of non-earthen materials including without limitation concrete, steel, fiberglass or plastic;
 - (40) "Topographic feature" means an object, whether natural or man-made, located on the earth surface and of sufficient size that it appears on a 1:24,000 scale topographic quadrangle map drawn by the United States Geological Survey;
 - (41) "Underground" when referring to a storage tank or storage tank component means that ten percent or more of the volumetric capacity of such tank or component is below the surface of the ground and that portion which is below the surface of the ground is not fully visible for inspection;
 - (42) "Vehicle" or "vehicles" means a "vessel" as defined by §15-170 of the Connecticut General Statutes, and any vehicle propelled or drawn by any non-muscular power, including without limitation an automobile, aircraft, all-terrain vehicle, tractor, lawn mower or snowmobile;
 - (43) "Waters" means "waters" as defined in §22a-423 of the Connecticut General Statutes;
 - (44) "Well field" means "well field" as defined in §22a-354h of the Connecticut General Statutes; and
 - (45) "Zoning district map" means any map showing zoning districts prepared in accordance with maps adopted pursuant to §8-3 of the Connecticut General Statutes.

SECTION 3. Delineation of Aquifer Protection Area Boundaries

- (a) The Planning and Zoning Commission shall delineate the aquifer protection areas on the Town of Thomaston Zoning District map. Such delineation shall consist of the combined areas of contribution and recharge areas as shown on Level A maps approved or prepared by the Commission.
 - (1) Such boundaries shall be delineated within one hundred-twenty (120) days after being notified by the Commissioner that an aquifer protection area is located partially or entirely within the Town of Thomaston.
 - (2) Notice of such delineation shall be published in a newspaper having substantial circulation in the affected area. Such notice shall include at least the following:
 - (A) a map or detailed description of the subject aquifer protection area; and
 - (B) the name, telephone number, and address of a representative of the Agency who may be reached for further information.
- (b) In order to clarify the location of an aquifer protection area boundary, the Agency may apply to the Commissioner to extend such boundary to coincide with the nearest property line, municipal boundary or topographic feature pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies. Such extension shall, at a minimum, fully encompass the aquifer protection areas bounded by the approved level A mapping but shall not exceed the distance necessary to clarify the location of the aquifer protection area or to facilitate the administration of regulations pertaining thereto. An aquifer protection area boundary may not be extended without prior written approval of the Commissioner.
 - (1) Any request by the Agency to the Commissioner for extension of an aquifer protection area boundary shall include at least the following:
 - (A) A map to scale delineating (1) the aquifer protection area boundary mapped under Section 3(a) of the APA regulations and (2) the proposed extension of the aquifer protection area boundary;
 - (B) A certification by the chairperson or duly authorized agent of the Agency that notice of such request has been provided to all owners of property within the proposed extended aquifer protection area and all affected water companies in accordance with the following:
 - (1) Such notice shall include at least the following:
 - (aa) A map showing the aquifer protection area boundaries and the proposed extension of such boundaries,
 - (bb) the name, address, and telephone number of a representative of the Agency who may be contacted for further information, and
 - (cc) a statement that any person may, not later than thirty (30) days after said notification, submit to the Agency written comments on such proposed boundary extension;

- (2) Such notice shall be effectuated by the following:
 - (dd) Delivery of notice by certified mail to those individuals and entities identified in Subsection (b)(1)(B) of this Section, or
 - (ee) the publication of a notice in a newspaper having substantial circulation in the affected area; and posting of notice near the proposed boundaries of the subject aquifer protection area of at least four signs each of which shall be at least four (4) square feet in size (two feet by two feet - 2' x 2'); and
 - (3) a summary of comments received by such Agency regarding the proposed boundary extension and the Agency's response.
- (2) Not later than sixty (60) days after receiving the Commissioner's written approval of a request to extend an aquifer protection area boundary, the Agency shall cause such boundary to be delineated in accordance with Subsection (a) of this Section.
- (c) No person may challenge the boundaries of the aquifer protection area under the APA Regulations unless such challenge is based solely on a failure by the Agency to properly delineate the boundaries in accordance with §22a-354n of the Connecticut General Statutes.
 - (d) A map of the location and boundaries of the aquifer protection areas, or regulated areas, shall be available for inspection in the Office of the City/Town Clerk or the Agency.
 - (e) If the Level A mapping is amended in accordance with §22a-354b-1(i) or §22a-354b-1(j) of the Regulations of Connecticut State Agencies, the Agency shall cause the amended aquifer protection area boundary to be delineated in accordance with Subsections (a) or (b) of this Section

SECTION 4. Prohibited and Regulated Activities

- (a) All regulated activities are prohibited in aquifer protection areas, except as specified in Subsection (b) of this Section.
- (b) The following regulated activities are not prohibited in aquifer protection areas:
 - (1) A registered regulated activity which is conducted in compliance with §22a-354i-9 of the Regulations of Connecticut State Agencies or Section 12 of the APA Regulations; and
 - (2) a regulated activity which has received a permit issued pursuant to §22a-354i-8 of the Regulations of Connecticut State Agencies or Section 9 of the APA Regulations.
- (c) The following are not regulated activities:
 - (1) Any activity conducted at a residence without compensation;

- (2) any activity involving the use or storage of no more than two and one-half (2 1/2) gallons of each type of hazardous material on-site at any one time, provided the total of all hazardous materials on-site does not exceed fifty-five (55) gallons at any one time;
- (3) any agricultural activity regulated pursuant to §22a-354m(d) of the Connecticut General Statutes;
- (4) any activity provided all the following conditions are satisfied:
 - (A) such activity takes place solely within an enclosed building in an area with an impermeable floor,
 - (B) such activity involves no more than 10 percent (10%) of the floor area in the building where the activity takes place,
 - (C) any hazardous material used in connection with such activity is stored in such building at all times,
 - (D) all waste waters generated by such activity are lawfully disposed through a connection to a publicly owned treatment works, and
 - (E) such activity does not involve (1) repair or maintenance of internal combustion engines, including without limitation, vehicles, or equipment associated with such vehicles, (2) underground storage of any hazardous material, or (3) above ground storage of more than one hundred ten (110) gallons of hazardous materials;
- (5) any activity solely involving the use of lubricating oil provided all the following conditions are satisfied:
 - (A) such activity does not involve cleaning of metals with chlorinated solvents at the facility,
 - (B) such activity takes place solely within an enclosed building in an area with an impermeable floor,
 - (C) any hazardous material used in connection with such activity is stored in such building at all times, and
 - (D) such activity does not involve: (1) repair or maintenance of internal combustion engines, including without limitation, vehicles, or equipment associated with such vehicles, (2) underground storage of any hazardous material, or (3) above ground storage of more than one hundred ten (110) gallons of such lubricating oil and associated hazardous waste; and
- (6) any activity involving the dispensing of oil or petroleum from an above-ground storage tank or tanks with an aggregate volume of two thousand (2,000) gallons or less provided all the following conditions are satisfied:
 - (A) such dispensing activity takes place solely on a paved surface which is covered by a roof,
 - (B) the above-ground storage tank(s) is a double-walled tank with overfill alarms,

and

- (C) all associated piping is either above ground, or has secondary containment.
- (d) Determination of a non-regulated activity
 - (1) Any person proposing to carry out a non-regulated activity, as set forth in Section 4(c) of these regulations, in an aquifer protection area shall, prior to commencement of such activity, notify the Agency or its duly authorized agent on a form provided by the Agency. Such form shall provide sufficient information to enable the Agency or its duly authorized agent to properly determine that the proposed activity is a regulated activity or a non-regulated activity within the aquifer protection area.
 - (2) If such activity is determined to be a non-regulated activity, then no further action under the APA Regulations is necessary.

SECTION 5. Activities Regulated by the State

- (a) The Commissioner shall exclusively regulate activities within aquifer protection areas that are specified in §22a-354p(g) of the Connecticut General Statutes. The Agency shall regulate all other regulated activities.
- (b) Any person conducting regulated activities that are within the authority of the Commissioner shall submit a registration or obtain a permit or exemption from the Commissioner prior to engaging in such activity. The Commissioner shall process applications for those regulated activities.
- (c) The Agency may submit an advisory decision to the Commissioner for consideration on any permit regulated under this Section in accordance with the Connecticut General Statutes §22a-354p(g).

SECTION 6. Application for an Exemption from Prohibition or Regulation

- (a) The owner or operator of a regulated activity may seek an exemption from the Commissioner pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies. Any person seeking an exemption from the Commissioner shall concurrently submit a copy of the application for an exemption to the Agency and any affected water company.
- (b) The Agency may submit written comments to the Commissioner on any exemption regulated under this Section in accordance with §22a-354i-6(c) of the Regulations of Connecticut State Agencies within sixty (60) days of the agency receipt of copy of the application.

SECTION 7. General Registration, Permit Application and Transfer Procedures

- (a) All applications for permits and registrations shall contain sufficient information for a fair and informed determination of the issues. The Agency may request additional information from the applicant for this purpose.
- (b) The day of receipt of a registration, permit application or transfer form shall be the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission of the application to the Agency or its duly authorized agent, or thirty-five (35) days after such submission, whichever is sooner.
- (c) At any time during the review period, the Agency may require the applicant or registrant to provide additional information about the regulated activity. Requests for additional information shall not stay the time limitations for registrations and permits as set forth in Sections 8 and 9 of the APA Regulations.
- (d) All permit applications and registrations shall be open for public inspection.
- (e) Incomplete permit applications and registrations may be denied without prejudice.
- (f) No permit or registration issued under Sections 8 or 9 of the APA Regulations shall be assigned or transferred except with written approval by the Agency.
- (g) The Agency shall notify the town clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which: (1) any portion of the property affected by a decision of such agency is within five hundred (500) feet of the boundary of the adjoining municipality; (2) 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; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

SECTION 8. Registration Requirements

- (a) Any person engaged in a regulated activity which substantially commenced, or was in active operation within the past five (5) years, or with respect to which a municipal building permit was issued, either (A) before the effective date of the state aquifer protection regulations, or (B) before the date an applicable aquifer protection area is designated on a municipal zoning district map or inland wetland and watercourse areas map, whichever occurs later, shall register the activity in accordance with this Section unless such person has pending an application for an exemption pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies.

- (1) The Commissioner shall process registrations for those regulated activities specified in §22a-354p(g) of the Connecticut General Statutes. The Agency shall process registrations for all other regulated activities.
 - (2) If the regulated activity is not specified in §22a-354p(g) of the Connecticut General Statutes, the person engaged in such activity shall submit a registration to the Agency not later than one hundred-eighty (180) days after adoption of regulations pursuant to §22a-354p of the Connecticut General Statutes, or the designation the aquifer protection area pursuant to §22a-354i-2 of the Regulations of Connecticut State Agencies, whichever occurs later. Said person shall simultaneously file a copy of the registration with the Commissioner, Commissioner of Public Health and the affected water company.
- (b) All registrations shall be provided on a form prescribed by the Agency and shall be accompanied by the correct registration fee in accordance with Section 18 of the APA Regulations. Such registration forms may be obtained from the Thomaston Town Clerk or the Agency. Such registration forms shall include at least the following information in writing or on maps or drawings:
- (1) The name, business telephone number, street address and mailing address of the:
 - (A) Registrant; if the registrant is a corporation or limited partnership, the full name of the facility and such corporation or limited partnership as registered with the Connecticut Secretary of State, and any officer or governing or managing body of any partnership, association, firm or corporation,
 - (B) owner of such facility if different than the registrant, and
 - (C) manager or operator overseeing the operations of such facility;
 - (2) the location of such facility, using street address or other appropriate method of location, and a map showing the property boundaries of the facility on a 1:24,000 scale United States Geological Survey topographic quadrangle base;
 - (3) an identification of the regulated activity or activities conducted at the facility, as described in Section 2(a)(35) of the APA Regulations, which regulated activity or activities shall consist of any regulated activity which substantially commenced, was in active operation, or with respect to which a municipal building permit was issued within the past five (5) years; and
 - (4) a certification by the registrant that the subject regulated activity is in compliance with the best management practices set forth in Section 12(a) of the APA Regulations, as follows, signed after satisfying the statements set forth in the following certification:

"I have personally examined and am familiar with the information submitted in this registration and all attachments, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in

this document or certification may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.”

- (c) When deemed necessary to protect a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, the Agency may:
 - (1) require, by written notice, any registrant to submit for review and written approval a storm water management plan prepared in accordance with Section 12(b) of the APA Regulations. If so required, the storm water management plan shall be implemented by the registrant immediately upon its approval; or
 - (2) require, by written notice, any registrant to submit for review and written approval the materials management plan prepared in accordance with Section 12(a) of the APA Regulations. If so required, the materials management plan shall be implemented by the registrant immediately upon its approval.
- (d) If the Agency determines that a registration is incomplete, it shall reject the registration and notify the registrant of what additional information is required and the date by which it shall be submitted.
- (e) If the registration is determined to be complete, and the regulated activity is eligible for registration, the Agency shall send written notification of such registration to the registrant. Such registration shall be determined to be complete and eligible if the registrant has not otherwise received a notice of rejection from the Agency, not later than one hundred eighty (180) days after the date the registration is received by the Agency.
- (f) The following general provisions shall be included in the issuance of all registrations:
 - (1) The Agency has relied in whole or in part on information provided by the registrant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the registration may be modified, suspended or revoked;
 - (2) all registrations issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, 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 federal, state, and municipal laws or regulations pertinent to the subject land or activity;
 - (3) a complete registration shall expire five (5) years from the date of receipt of such registration by the Agency;
 - (4) the registrant shall apply to the Agency to renew the registration on a form prescribed by the Agency for a facility prior to expiration of such registration; and
 - (5) If a registered regulated activity is out of business or inactive when registration renewal is required, a five (5) year allowance shall be in effect from the date the registration expires. If the registrant has not applied to renew the registration within five (5) years of the date the registration expires, the facility is no longer eligible for registration.

- (g) If a regulated activity which is eligible for registration in accordance with Subsection (a) of this Section fails to be registered or if the registrant of an active registered activity fails to apply for renewal prior to expiration, the Commissioner or municipal aquifer protection agency, as appropriate, may accept a late registration at their discretion, subject to the limitations in Subsection (f)(5) of this Section.
- (h) Any person wishing to assume the benefits under a registration for regulated activities shall apply to transfer such registration on a form prescribed by the Agency and submitted to the Agency.

SECTION 9. Permit Requirements

- (a) Any person may apply for a permit to add a regulated activity to a facility where a registered regulated activity occurs.
- (b) The Agency shall process permit applications for those registrants that have registered pursuant to Section 8 of the APA Regulations. The Commissioner shall process permit applications for regulated activities specified in §22a-354p(g) of the Connecticut General Statutes and for those registrants that have registered pursuant to §22a-354i-7(b)(1) of the Regulations of Connecticut State Agencies.
- (c) Action shall be taken on permit applications within sixty-five (65) days after the completion of a public hearing or in the absence of a public hearing within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of either of these timeframes, provided the total extension of all such periods is sixty-five (65) days or less.
- (d) An application for a permit shall be made on a form prescribed by the Agency and shall be accompanied by the correct application fee in accordance with Section 18 of the APA Regulations. Such permit application forms may be obtained from the Town of Thomaston Planning and Zoning Commission at the Land Use Office. Simultaneously with filing an application, the applicant shall send a copy of the application to the Commissioner, the Commissioner of Public Health and the affected water company. An application shall include the following information:
 - (1) The information as required for a registration under Section 8(b) of the APA Regulations shall be provided for the proposed regulated activity;
 - (2) a confirmation and certification that the existing and proposed activity:
 - (A) remains and shall remain in compliance with Section 12(a) of the APA Regulations,
 - (B) shall not increase the number of underground storage tanks used for storage of hazardous materials, and
 - (C) remains and shall remain in compliance with all local, state, and federal environmental laws;

- (3) a materials management plan in accordance with Section 12(a) of the APA Regulations;
- (4) a storm water management plan in accordance with Section 12(b) of the APA Regulations;
- (5) the following environmental compliance information with respect to environmental violations which occurred at the facility where the regulated activities are conducted, within the five (5) years immediately preceding the date of the application:
 - (A) any criminal conviction involving a violation of any environmental protection law,
 - (B) any civil penalty imposed in any state or federal judicial proceeding, or any penalty exceeding five thousand dollars (\$5,000.00) imposed in any administrative proceeding, and
 - (C) any judicial or administrative orders issued regarding any such violation together with the dates, case or docket numbers, or other information which identifies the proceeding. For any such proceeding initiated by the state or federal government, the Agency may require submission of a copy of any official document associated with the proceeding, the final judgment or order;
- (6) any additional information deemed necessary by the Agency regarding potential threats to the ground water and proposed safeguards; and
- (7) the following certification signed by the applicant and the individual responsible for preparing the application, after satisfying the statements set forth in the certification:

"I have personally examined and am familiar with the information submitted in this document and all attachments, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."
- (e) The Commissioner, any affected water company or the Commissioner of Public Health may, not later than thirty (30) days after receiving a copy of an application for a permit under this Section, submit to the Agency written comments on such application. The Agency shall give due consideration to any such comments, and shall provide a copy of the decision to the Commissioner, the affected water company and the Commissioner of Public Health.
- (f) To carry out the purposes of the Act, the Agency may grant an application as filed, grant it upon such terms, conditions, limitations or modifications necessary, or deny it. The Agency shall state upon the record the reason for its decision.
- (g) The Agency may hold a public hearing on an application for a permit in accordance with Section 10 of the APA regulations.

- (h) The Agency shall not issue a permit unless a complete application has been received and the applicant demonstrates to the Agency's satisfaction that all requirements of this Section of the APA regulations have been satisfied and all of the following standards and criteria have been met:
 - (1) the proposed regulated activity shall take place at a facility where a registered regulated activity occurs;
 - (2) the proposed regulated activity shall not increase the number, or storage capacity of underground storage tanks used for hazardous materials except for the replacement of an existing underground storage tank in accordance with Section 12(a)(3) of the APA Regulations;
 - (3) the materials management plan and storm water management plan have been satisfactorily prepared in accordance with Sections 12(a) and 12(b) of the APA Regulations;
 - (4) the applicant has submitted a confirmation and certification that all regulated activities remain and shall remain in compliance with all local, state and federal environmental laws in accordance with Subsection (d)(2) of this Section;
 - (5) the applicant's compliance record does not indicate (A) that any noncompliance resulted from indifference to or disregard for the legal requirements, (B) an unwillingness or inability to devote the resources necessary to comply and remain in compliance, or (C) that instances of noncompliance have led to serious environmental harm, harm to human health or safety, or a substantial risk of such harm;
 - (6) the proposed regulated activity shall be conducted in accordance with Section 12 of the APA Regulations;
 - (7) the existing regulated activity is being conducted in accordance with Section 12 of the APA Regulations; and
 - (8) the certification required under Subsection (d)(7) of this Section has been signed by the applicant and the individual responsible for preparing the application.

- (i) The Agency may impose reasonable conditions or limitations on any permit issued under this Section to assure protection of the ground water, including, but not limited to the following:
 - (1) best management practices in addition to those set forth in Section 12 of the APA Regulations; and
 - (2) ground water monitoring.

- (j) The following general provisions shall be included in the issuance of all permits:
 - (1) the Agency has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked;

- (2) all permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, 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 federal, state, and municipal laws or regulations pertinent to the subject land or activity;
 - (3) the permit shall expire ten (10) years from the date of issuance of such permit by the Agency; and
 - (4) a person shall apply to the Agency to renew the permit on a form prescribed by the Agency prior to expiration of such permit. Such renewal shall be granted upon request by the Agency unless a substantial change in the permitted activity is proposed, or enforcement action with regard to the regulated activity has been taken, in which case, a new permit application shall be submitted and reviewed in accordance with the provisions of this Section.
- (k) The Agency shall notify the applicant or permittee 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 issuance or denial of a permit to be published in a newspaper having a general circulation in the municipality in which the aquifer protection area is located.
 - (l) A permittee may request a modification of a permit from the Agency. Such request shall be on a form prescribed by the Agency, and shall include the facts and reasons supporting the request. The Agency may require the permittee to submit a new application for a permit or renewal in lieu of a modification request.
 - (m) A person wishing to assume the benefits under a permit for regulated activities shall apply to transfer such permit on a form prescribed by the Agency and submitted to the Agency.

SECTION 10. Public Hearings Regarding Permit Applications

- (a) If the Agency decides to hold a public hearing regarding an application for a permit to conduct a regulated activity within an aquifer protection area, such hearing shall commence no later than sixty-five (65) days after the receipt of such application.
- (b) Notice of the hearing shall be published at least twice at 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 city/town where the affected aquifer, or any part thereof, is located.
- (c) The Agency shall send to any affected water company, at least ten (10) days before the hearing, a copy of the notice by certified mail, return receipt requested. Any affected water company may, through a representative, appear and be heard at any such hearing.
- (d) All applications, maps and documents relating thereto shall be open for public inspection.
- (e) At such hearing any person or persons may appear and be heard.
- (f) The hearing shall be completed within thirty-five (35) days of its commencement.

- (g) The applicant may consent to an extension of the time frames in Subsections (a) or (f) of this Section, provided the total extension of all such periods, including any extensions provided in Section 9(c), totals sixty-five (65) days or less.
- (h) 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.
- (i) The applicant or permittee shall be notified of the Agency's decision in accordance with Section 9(k) of the APA Regulations.

SECTION 11. Bond and Insurance Relevant to Permit Applicants

- (a) An applicant may be required to file a bond as a condition of the permit.
- (b) Any 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 12. est Management Practices

- (a) Every regulated activity shall be conducted in accordance with the following:
 - (1) hazardous materials may be stored above ground within an aquifer protection area only in accordance with the following conditions:
 - (A) hazardous material shall be stored in a building or under a roof that minimizes storm water entry to the hazardous material storage area, except that a roof is not required for a bulk storage facility as defined in Section 2 of the APA Regulations,
 - (B) floors within a building or under a roof where hazardous material may be stored shall be constructed or treated to protect the surface of the floor from deterioration due to spillage of any such material,
 - (C) a structure which may be used for storage or transfer of hazardous material shall be protected from storm water run-on, and ground water intrusion,
 - (D) hazardous material shall be stored within an impermeable containment area which is capable of containing at least the volume of the largest container of such hazardous material present in such area, or ten percent (10%) of the total volume of all such containers in such area, whichever is larger, without overflow of released hazardous material from the containment area,
 - (E) hazardous material shall not be stored with other hazardous materials that are incompatible and may create a hazard of fire, explosion or generation of toxic substances,

- (F) hazardous material shall be stored only in a container that has been certified to meet state or federal specifications for containers suitable for the transport or storage of such material,
 - (G) hazardous material shall be stored only in an area that is secured against unauthorized entry by the public, and
 - (H) the requirements of this subdivision are intended to supplement, and not to supersede, any other applicable requirements of federal, state, or local law, including applicable requirements of the Resource Conservation and Recovery Act of 1976;
- (2) no person shall increase the number of underground storage tanks used to store hazardous materials;
 - (3) an underground storage tank used to store hazardous materials shall not be replaced with a larger tank unless (A) there is no more than a twenty-five percent (25%) increase in volume of the larger replacement tank, and (B) the larger replacement tank is a double-walled tank with co-axial piping, both meeting new installation component standards pursuant to §22a-449(d)-1(e) and §22a-449(d)-102 of the Regulations of Connecticut State Agencies, and with interstitial monitoring;
 - (4) no person shall use, maintain or install floor drains, dry wells or other infiltration devices or appurtenances which allow the release of waste waters to the ground, unless such release is permitted by the Commissioner in accordance with §22a-430 or §22a-430b of the Connecticut General Statutes; and
 - (5) a materials management plan shall be developed and implemented in accordance with the following:
 - (A) a materials management plan shall contain, at a minimum, the following information with respect to the subject regulated activity:
 - (1) a pollution prevention assessment consisting of a detailed evaluation of alternatives to the use of hazardous materials or processes and practices that would reduce or eliminate the use of hazardous materials, and implementation of such alternatives where possible and feasible,
 - (2) a description of any operations or practices which may pose a threat of pollution to the aquifer, which shall include the following:
 - (aa) a process flow diagram identifying where hazardous materials are stored, disposed and used, and where hazardous wastes are generated and subsequently stored and disposed,
 - (bb) an inventory of all hazardous materials which are likely to be or will be manufactured, produced, stored, utilized or otherwise handled, and
 - (cc) a description of waste, including waste waters generated, and a description of how such wastes are handled, stored and disposed,

- (3) the name, street address, mailing address, title and telephone number of the individual(s) responsible for implementing the materials management plan and the individual(s) who should be contacted in an emergency,
 - (4) a record-keeping system to account for the types, quantities, and disposition of hazardous materials which are manufactured, produced, utilized, stored, or otherwise handled or which are discharged or emitted; such record-keeping system shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the municipal aquifer protection agency, and
 - (5) an emergency response plan for responding to a release of hazardous materials. Such plan shall describe how each such release could result in pollution to the underlying aquifer and shall set forth the methods used or to be used to prevent and abate any such a release;
- (B) when a materials management plan is required under either Section 8(c) or 9(d) of the APA Regulations, such materials management plan shall be completed and certified by a professional engineer or a certified hazardous materials manager, or, if the facility where the regulated activity is conducted has received and maintained an ISO 14001 environmental management system certification, then the registrant may complete and certify the materials management plan; and
 - (C) the materials management plan shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the municipal aquifer protection agency.
- (b) The development and implementation of a storm water management plan required for regulated activities in accordance with Sections 8(c) and 9(d) of the APA Regulations, shall be as follows: A storm water management plan shall assure that storm water run-off generated by the subject regulated activity is (1) managed in a manner so as to prevent pollution of ground water, and (2) shall comply with all of the requirements for the General Permit of the Discharge of Storm Water associated with a Commercial Activity issued pursuant to §22a-430b of the Connecticut General Statutes.

SECTION 13. Other State, Federal and Local Laws

- (a) Nothing in these regulations shall obviate the requirement for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Thomaston, State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers and the United States Environmental Protection Agency. Obtaining such assents, permits or licenses are the sole responsibility of the applicant.

- (b) No person shall conduct any regulated activity within an aquifer protection area which requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special permit, special exception or variance, or other documentation establishing that the proposal complies with the Town of Thomaston zoning or subdivision regulations.

SECTION 14. Enforcement

- (a) The Agency may appoint a duly authorized agent to act in its behalf with the authority to issue notices of violation or cease and desist orders.
- (b) If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which violates any provision of these regulations, the Agency or its duly authorized agent may:
 - (1) Issue a notice of violation.
 - (A) The notice of violation shall state the nature of the violation, the jurisdiction of the Agency, and the necessary action required to correct the violation including without limitation halting the activity in the aquifer protection area.
 - (B) The Agency may request that the person 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 an application for the necessary permit or registration. Failure to carry out the action(s) directed in a notice of violation may result in issuance of an order under Subsection (2) of this Section or other enforcement proceedings as provided by law.
 - (2) Issue a written order.
 - (A) Such order shall be issued by certified mail, return receipt requested to such person conducting such activity or maintaining such facility or condition to cease such activity immediately or to correct such facility or condition. The Agency shall send a copy of such order to any affected water company by certified mail, return receipt requested.
 - (B) Within ten (10) 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. Any affected water company may testify at the hearing. The Agency shall consider the facts presented at the hearing and, within ten (10) days of the completion of the hearing, notify the person by certified mail, return receipt requested, that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn.

- (3) Suspend or revoke registration or permit.
 - (A) The Agency may suspend or revoke a registration or a permit if it finds, after a hearing, that the registrant or permittee has not complied with the terms, conditions or limitations set forth in the registration or the permit. Prior to revoking or suspending any registration or permit, the Agency shall issue notice to the registrant or the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct that warrants the intended action.
 - (B) The Agency shall hold a hearing to provide the registrant or permittee an opportunity to show that it is in compliance with its registration or permit. The Agency shall notify the registrant or permittee of its decision by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of a suspension or revocation in a newspaper having general circulation in the Town of Thomaston.
- (c) An order issued pursuant to Subsection (b)(2) of this Section shall be effective upon issuance, shall remain in effect until the Agency affirms, revises, or withdraws the order, and shall not delay or bar an action pursuant to Subsection (b)(3) of this Section.
- (d) A court may assess criminal and or civil penalties to any person who commits, takes part in, or assists in any violation of any provision of the APA regulations in accordance with §22a-354s(b) and §22a-354s(c) of the Connecticut General Statutes.

SECTION 15. Amendments

- (a) These regulations may be amended, changed or repealed in accordance with §22a-354p(b) of the Connecticut General Statutes.
- (b) If a complete application is filed with the Agency which is in conformance with the APA regulations as of the date of its filing, the permit issued shall not be required to comply with any changes in regulations taking effect on or after the filing date. The provisions of this Section shall not apply to the establishment, amendment, or change of the boundaries of the aquifer protection area or to any changes in the APA Regulations necessary to make the regulations consistent with Chapter 446i of the Connecticut General Statutes as of the date of the Agency's decision.

SECTION 16. Appeals

- (a) Appeal of the Agency's regulation, order, decision or action shall be made in accordance with §22a-354q of the Connecticut General Statutes.

SECTION 17. Conflict and Severance

- (a) If there is a conflict between the provisions of the APA Regulations, the provision that imposes the most stringent standards shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision or provision of these regulations shall not affect the validity of any other part that can be given effect without such valid part or parts.
- (b) If there is a conflict between the provisions of the APA Regulations and the Act, the provisions of the Act shall govern.

SECTION 18. Registration and Permit Application Fees

- (a) All fees required by these regulations shall be submitted to the Agency by certified check or money order payable to the Town of Thomaston at the time the registration or permit application is filed with the Agency.
- (b) No registration or permit application shall be granted or approved by the Agency unless the correct registration/application fee is paid in full or unless a waiver has been granted by the Agency pursuant to Subsection (f) of this Section.
- (c) The registration or permit application fee is nonrefundable.
- (d) Registration or permit application fees shall be based on the following schedule established by the Town of Thomaston at a Town Meeting in the Code of the Town of Thomaston;
- (e) Boards, commissions, councils and departments of the Town of Thomaston are exempt from all fee requirements.
- (f) The registrant or applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this Section. The Agency may waive all or part of the application fee if the Agency determines that:
 - (1) the activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the registrant or applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the registration or permit application fee; or
 - (2) the amount of the registration or permit application fee is clearly excessive in relation to the cost to the Town of Thomaston for reviewing and processing the application.
- (g) **Extra Assessments**

In the event that additional expenses, including but not limited to outside consultants, experts, or legal advisors, are incurred in processing the registration or permit application, the applicant/registrant may be assessed an additional fee not to exceed \$5,000.00 (five thousand dollars) to cover said costs. Said fees are to be estimated by the duly authorized agent and submitted with the application fee and held until the application is completely processed after which time any residual funds pertaining to this assessment are to be returned to the applicant/registrant.

For the purpose of this assessment, an “outside consultant” means a professional who is not an employee of the Town of Thomaston including but not limited to engineering, environmental, hydrogeology and hazardous materials management professionals.

(h) The Agency shall state upon its record the basis for all actions under this Section.

SECTION 19. Effective Date of Regulations

The APA Regulations, APA boundaries, and amendments thereto, shall become effective upon (1) the Commissioner’s determination that such regulations are reasonably related to the purpose of ground water protection and not inconsistent with the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10 and (2) filing in the Office of the City/Town Clerk.

Effective Date: October 6, 2010

Revision Date: December 10, 2010

Town of Thomaston

ZONING REGULATIONS



Effective June 1, 2012

Revised to February 2, 2015

INTRODUCTION

The Planning and Zoning Commission is an eight (8) member Commission consisting of five (5) regular members and three (3) alternate members.

The Zoning Commission was established by an Ordinance adopted at a Town meeting on February 9, 1970. The Planning and Zoning Commission was established by an Ordinance adopted at a Town meeting on December 12, 1979.

The Zoning Regulations for the Town of Thomaston were adopted on April 28, 1971 by the Zoning Commission. The Zoning Regulations became effective May 8, 1971.

The Regulations were revised in 1982 and became effective April 2, 1982. The Commission amended the Zoning Regulations and the Zoning Map in 2002, 2007, and 2012.

Planning and Zoning Commission Members

William Guerrero, Chairman

Ralph Celone, Vice-Chairman

Jesse Judson, Secretary

Ron Gundersen

William Gloade

Alternates

Brian Davis

Marie Galbraith

Tom Mueller

Staff

Zoning Enforcement Officer - Jeremy Leifert

Administrative Assistant/Recording Secretary - Pat Santa Maria

Rev. June 1, 2012

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Rev. June 1, 2012

Article 1 – General Zoning Provisions

1.1 Basic Requirements

No land or building shall be utilized or designated for use and no building shall be constructed, reconstructed, altered, enlarged, extended or moved except in conformity with these regulations.

Land shall not be subdivided, encumbered, conveyed or sold so as to make the property non-conforming or more non-conforming to the regulations. The use of any building shall not result in making it non-conforming or more non-conforming, reducing any setback, landscaping, open space, or off-street parking/loading spaces to less than what is required by the regulations.

1.2 Permit Required

No building shall be enlarged, extended, constructed, reconstructed, altered or moved without obtaining a Zoning Permit. No land or other building shall be used, occupied or changed in use until a Zoning Permit has been approved by the Zoning Enforcement Officer.

Article 2 - Definitions

Words used shall have the meanings commonly attributed to them. Doubts as to their meaning shall be resolved in accordance with the purpose and intent of these regulations. Words are defined, explained, and interpreted as follows:

2.1 Accessory Building or Use

A use which is subordinate and incidental to the principal use on the premises. A building which is attached to the principal building by a covered passageway or having a wall or part of a wall in common with the principal building shall be considered an integral part of the principal building and be governed by the requirements in Schedule B.

2.2 Adult Oriented Business Establishments

A business related to adult oriented entertainment, which includes, but not limited to, bookstores, mini-motion pictures or motion pictures theaters, cabaret, novelty businesses or other person service businesses.

2.3 Aquifer

A geological unit capable of yielding usable amounts of water commonly referred to as an underground water reservoir.

2.4 Aquifer Protection District

Primary and secondary recharge areas. the Aquifer Protection Map is on file in the Town Clerk and the Land Use Offices.

2.5 Building

Any building containing a room primarily intended for storage or shelter, housing or for the enclosure of person, animals or materials.

2.6 Cellar

The basement area of a building. At least half of its unobstructed height must be below the finished grade of the land adjacent to the building.

2.7 Certification

Sediment and erosion control plan, which complies with all requirements and is approved by the Commission.

2.8 Commission

The Thomaston Planning and Zoning Commission, unless otherwise noted.

2.9 Convalescent Home

A home for the aged, rest home, nursing home with supervision or a home which cares for adults or children suffering from harmless chronic mental problems.

2.10 Disturbed Area

An area in which the existing ground cover has been removed, destroyed or disturbed.

2.11 Dwelling

Building containing one (1) or more dwelling units and used for residential purposes.

2.12 Dwelling Unit

A building attached to a permanent foundation and occupied by a single family unit. Lodging in a single room occupancy, hotel or motel shall not be considered a dwelling unit.

2.13 Earth Sheltered Building

Buildings used for dwelling purposes having most of its floor to ceiling height below the finished level of the adjoining ground provided that one of its longest sides is completely above the finished level of the ground and its windows equal to at least ten percent (10%) of its floor area.

2.14 Erosion

The movement of soil or rock by ice, water, wind or gravity.

2.15 Family

One (1) or more related individuals, but not more than five (5) unrelated individuals, living as a housekeeping unit.

2.16 Farm

Land containing five (5) acres or more used for agricultural or commercial purposes including, but not limited to truck gardens, nurseries, greenhouses, forestry, and the keeping of poultry, livestock, and roadside stands.

2.17 Firing Range

A place where one (1) or more persons gather to discharge firearms from a designated firing point to a target area.

2.18 Floor Area

The heated interior accessible from the ground floor. Cellar space is not included.

2.19 Floor Area, Maximum

To compute the floor area, measurements shall be taken from the outside surfaces of exterior walls enclosing the floor area.

2.20 Hotel/Motel

A building which has a common entrance and/or a main office with several common entrances and contains living and sleeping accommodations for rent for ten (10) or more persons.

2.21 Height

Vertical distance measured from the average elevation of the finish grade to the highest point of the building.

2.22 Inspection

On-site inspection of sediment and erosion control measures as shown on the record plans to determine if the facilities are property functioning and maintained.

2.23 Junk Yards

Includes motor vehicle junk businesses and junk yards as defined in the Statutes. Also included are places of storage, whether or not connected with a business for two (2) or more unregistered vehicles, which are no longer in condition for legal use on the public highways. Storage of motor vehicles parts, metal, glass, paper, and waste materials, which have an aggregate bulk equal to one (1) automobile.

2.24 Kennels and Commercial Kennels

A premise on which five (5) or more dogs, aged six (6) months or older, are kept as pets or for breeding, sport, show, sale, and owned by its occupants. A commercial kennel is a business for boarding or grooming of dogs including veterinarian hospitals.

2.25 Lot

One (1) or more contiguous parcels of land under single ownership at the time of filing an application for a zoning permit as land to be used or developed as a unit.

2.26 Lot, Corner

A lot situated at the intersection of two (2) streets.

2.27 Lot, Interior

A lot that lacks frontage on an accepted street.

2.28 Lot Line

Any boundary line of a lot or parcel of land.

2.29 Lot, Through

A lot having both front and rear yards abutting on a street.

2.30 Lot, Width

Distance between the side lot lines.

2.31 Modular Dwelling Unit

A dwelling assembled in sections on a permanent foundation. The unit shall not be equipped with axles, wheels or a trailer hitch. This includes units transported with or without a wheeled chassis and which was constructed after June 15, 1976.

2.32 Primary Recharge Area

The area directly overlaying the stratified-drift aquifer.

2.33 Recreational Vehicle

A self driven vehicle which is intended primarily for office work, temporary living quarters or recreational purposes and which is not fixed to a permanent foundation.

2.34 Rooming House-Tourist Home

A residential unit in which sleeping accommodations for more than three (3) individuals and less than ten (10) persons are rented per diem, weekly, monthly or for extended periods of time.

2.35 Secondary Recharge Area

Land immediately adjacent to the primary recharge area from which groundwater moves down gradient into the aquifer.

2.36 Sediment

Mineral or organic material which is in suspension or in the process of moving by means of erosion.

2.37 Signs

An attachment to a building which display letters, insignia, flags or other representations which can be used as an advertisement for commercial purposes. Signs shall include billboards, neon tube/lights, strings or light or similar devices hung upon or attached to any part of a building.

2.38 Small Water Company

Any person, company or corporation owning, operating, leasing or controlling a water distribution system designed to provide service to fifteen (15) to two hundred-fifty (250) service connections or twenty-five (25) to one thousand (1,000) persons on a regular basis.

2.39 Soil

Any unconsolidated mineral or organic material of any origin.

2.40 Soil Erosion and Sediment Control Plan

A plan containing a map and a narrative designed to minimize erosion and sedimentation. A plan shall be submitted when the disturbed area is cumulatively more than half (1/2) an acre. Dwellings not part of a subdivision shall be exempt.

2.41 Street

An approved street shown on a subdivision map recorded in the Town Clerk's Office prior to May 21, 1956. Streets must be built to specifications and approved by the Board of Selectmen.

2.42 Street Right-of-Way

The area of property between opposing street lines that is owned and maintained by the Town and also includes right of ways shown on a map of an approved subdivision, whether or not the streets within in such subdivision have yet been accepted by the town. The right of way includes both the portion of the street as well as the area outside the pavement as is required for traffic signs, sidewalks, etc.

2.43 Structure

Anything constructed or erected including, but not limited to, the use of which requires:

- (1) location on, in or under ground or water, or
- (2) attachments to something having location on the ground or water

Including, but not limited to: buildings, swimming pools, tennis courts, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicapped ramps, signs, permanent awnings, a gas or liquid storage tank that is principally above ground, ground mounted antennas, ground mounted solar panels and satellite dishes, and fences or wall more than six (6) feet high, other than retaining walls.

2.44 Trailer

A vehicle designed to be transported by motor power, which is not permanently secured to a foundation, which may be used for human habitation or recreational purposes. Also includes mobile homes not secured to a permanent foundation, camping and utility trailers, boats, and recreational vehicles.

2.45 Wind Energy Conversion System

A devise which converts wind energy to mechanical or electrical energy. Tower height shall not exceed one hundred (100) feet provided the distance between the ground and the lower point of any blade shall be fifteen (15) feet. Setback from property lines or public easements shall equal to one point five (1.5) times the height of the unit.

2.46 Yard, Front

Distance as measured between the side lot lines.

2.47 Yard, Rear

Distance as measured between the side lot lines.

2.48 Yard, Side

Distance as measured between the front and rear lot lines.

2.49 Boulevard

Two (2) one way traffic lanes constructed to Town standards and separated by a grassed or suitably landscaped median area.

2.50 Seasonal Vendors

Farm stands permitted in residential zones. In business zones the following applies: Accessory uses may include seasonal or special sales events provided that the special sales event occur not more than twice in a six (6) month period, but not within less than thirty (30) days of each event. Each sales event shall not exceed a period of fourteen (14) consecutive calendar days. Such sales events are characterized as "sidewalk sales", "Christmas tree sales", "holiday plant sales", "grand opening", "tent sales", and similar. Tent sales are limited to not for profit and community groups.

Such accessory uses may be conducted provided that:

1. It is conducted by the owner(s) of the principal use(s) or business(s) are located.
2. It is conducted on the premises on which the principal use(s) or business(s) are located.
3. It is conducted during normal and reasonable business hours.
4. The accessory use may use the street yard area, but shall in no way encroach on any other yard requirement or on any road right-of-way.
5. The accessory use and/or temporary shelter or display fixtures shall be placed in such a manner as not to obstruct any vehicular or pedestrian access or egress, or any parking or loading space required by these regulations. The use shall be subject to review and direction of the Zoning Enforcement Officer to assure that the aforesaid provisions are met.

2.51 Freight and Materials Trucking Facility/Freight and Trucking Terminals

Establishments primarily engaged in the trans-shipment of goods from shippers to receivers for a charge, covering the entire transportation route and in turn, making use of the services of other transportation establishments in effecting deliveries. Terminals with the capability of handling a large variety of goods involving various forms of transportation and providing multi-modal shipping capabilities, such as rail to truck and truck to air. Such facilities may have onsite storage of materials and containers. Any site which generates more than three (3) trips within a twenty-four (24) hour period is considered a Freight and Materials Trucking Facility aka a Freight and Trucking Terminal.

Article 3 – Districts and Zones

3.1 Classification of Zoning Districts

Thomaston is comprised of the following zoning districts. The symbol, title, and square footage for each zone is as following:

Zone/Symbol	Title	Minimum Square Footage
RA-80A	Residential	80,000
RA-80	Residential	80,000
RA-40	Residential	40,000
RA-15	Residential	15,000
GC	General Commercial	15,000
M-1	Manufacturing Light	15,000
M-2	Manufacturing Heavy	15,000
APZ	Aquifer “Level B” Mapping	
APA	Aquifer “Level A” Mapping	

3.2 Flood Plain District

District overlaps other zones. Boundaries and other equipment are specified in Article 7.

3.3 Aquifer Protection District

District overlaps other zones. Boundaries and other requirements are specified in Article 11.

3.4 Zoning Map

The boundaries for all zones are shown on the Zoning Map. The map is on file with the Town Clerk and in the Zoning Office.

3.5 Zone Boundaries Along Right-of-Way

If a zone boundary follows a railroad, street or right-of-way, the boundary shall be considered the center line of the street, right-of-way or mid way between the railroad tracks.

3.6 Map Dimensions

If no linear dimension is indicated on the Zoning Map, the Commission shall determine the location of the boundary using the map scale.

3.7 Physical Markers

If a boundary is determined by a street, highway, railroad or other physical monument, which varies from what is shown on the Zoning Map, the physical monument/marker shall control.

3.8 Sewer and Public Water Supply Requirements

Property located in an RA-15 residential zone shall be served by public sewer and water supplies, however, property in excess of one (1) acre in an RA-15 zone may be served by well and septic providing such use is authorized by the Health District.

3.9 Scope of Controls

After the effective date of these regulations, all new construction, development, change, enlargement, relocation, use, structural alteration of a building, use or change in bulk shall conform to Schedule B. Non-conforming uses and bulk may continue pursuant to other requirements in Schedule B.

3.10 General Zone and District Definitions

a. General Commercial (GC)

Provides for commercial activities in the central business district and along the major arterials. Uses may require Commission review regarding their impact on parking, vehicular traffic patterns, and pedestrian traffic.

b. Manufacturing Light Zone (M-1)

Provides for transportation, distribution, wholesale and warehouse facilities in a low density park like atmosphere. Uses shall be located near major arterials capable of accepting an increase in vehicular traffic. Manufacturing uses may be developed near mixed use residential areas provided they are adequately screen and noise buffered.

Uses include those which create minimal levels of noise, air and water pollution, and are generally involved in secondary or tertiary manufacturing, processing, assemblies, packaging, fabrication, and treatment of goods or merchandise.

c. Manufacturing Heavy Zone (M-2)

Provides suitable locations for heavy industrial uses and open storage of goods, materials, earth excavation and mining operations. Heavy traffic generating commercial activities are permitted. Sites shall be located near Route 8, major arterials or mixed use areas and away from high density residential neighborhoods.

d. Downtown Development District

It is the intent of the Commission to preserve and promote cultural, governmental, and business growth by reviewing significant developments and changes in use including, but not limited to, renovation, alteration, construction, and to determine compliance with the regulations and the Plan of Development. Some of the permitted uses listed in Article 4 may be appropriate in other commercial areas in the community, but they may not complement existing uses within the district. Therefore, the Commission encourages building designs and plans which will be pedestrian friendly, enhance visual integrity, municipal character, and promote community development and identity. Applications shall be consistent with Article 9

(Off Street Parking and Loading), Article 10 (Special Permit), and Article 17 (Site Plan). Applications shall also be consistent with the goals and recommendations in the Executive Summary of the Plan of Development and with the Downtown Development District Map.

e. Residential Zones

Residential property shall be capable of accommodating the buildable square as required in Schedule B. The square shall not contain any wetlands or watercourses or the required fifty (50) foot setback or predevelopment slopes in excess of twenty-five percent (25%).

Developments in the RA-80A zone shall not be required to double the square footage for interior lots.

Article 4 – Permitted Uses by Zone/District

4.1 Permitted Uses, Schedule A

The following uses are permitted or prohibited in accordance with the following procedures:

- Y - use **PERMITTED** as a matter of right
- N - use which is **NOT PERMITTED**
- S - use **PERMITTED SUBJECT TO SITE PLAN APPROVAL**
- P - use **PERMITTED SUBJECT TO SPECIAL PERMIT APPROVAL**

4.2 Table of Bulk Regulations - Schedule B

This table details the minimum lot size, setbacks, height, and floor area requirements for all buildings.

4.3 Prohibited Uses

Any use not included in Schedule A is prohibited in the zone. To assist in interpreting permitted uses, the following list, which is not intended to be exhaustive, is specifically prohibited by the regulations.

- a. Amusement parks, race tracks, and junk yards excepting those operated by the Town.
- b. The production of ammonia, chlorine, bleach powder manufacturing, creosote treatment, carbon/bone black, caustic soda, industrial alcohol, carbide, cellulose, dyes, potash, explosive nitrates, pyroxilin, hydrochloric, nitric, phosphoric, picric or sulfuric acid, coal or coke, tar products, explosives, and gelatin.
- c. Stockyard and slaughter houses, slag piles, the keeping, breeding, keeping or raising of foxes, mink, pigs or primates for laboratory or commercial purposes.
- d. Primary production of charcoal/briquettes, oil cloth, linoleum, paint, varnish, turpentine, soap/starch, matches, rubber, reduction of flour/grain or food, refining petroleum products such as naphtha, kerosene or lubricating oil, and the distillation of wood or bones.

4.4 Outdoor Accumulations

The outdoor accumulation of material is expressly prohibited if it is generally visible from the street or adjacent property or if the material changes the character of the surrounding property. Materials include, but are not limited to, debris, trash, rubbish, inoperable motor vehicles or parts thereof, and building or construction equipment. Also prohibited is the outdoor storage of more than one (1) unregistered motor vehicle in a residential zone.

**Table of Permitted Uses
Residential and Farming Uses**

Section 4.5 - Schedule A, Part A	Zoning Districts						
	Residential RA				Comm.	Mfg.	
	*80A	80	40	15	GC	M1	M2
A.1 Single Family Dwelling Units	Y	Y	Y	Y	N	N	N
A.2 Two (2) Family Dwelling Units	N	N	N	Y	N	N	N
Units shall be served by city sewer and water, have minimum floor area of seven hundred-fifty (750) square feet and meet the requirements of Schedule B.							
A.3 Three (3) Family Dwelling Units	N	N	N	Y	N	N	N
Lots shall contain a minimum of twenty-four thousand (24,000) square feet and be served by city sewer and water, frontage shall not be less than one hundred (100) feet and coverage shall not exceed fifty percent (50%).							
Buildings with four (4) units or more shall conform to the requirements of Article 19. Height of units shall not exceed forty (40) feet and driveways shall be located a minimum of five (5) feet from the property line.							
A.4 Residential Modular Developments **							
* RA-80A Zone adopted December 7, 2005, effective December 14, 2005							
** A.4 deleted May 3, 2006, effective May 30, 2006							
A.5 In-Law Apartments	P	P	P	P	P	P	P
The apartment shall have the same appearance as the primary unit. It shall be continued within or constructed as an addition to the primary unit. Detached units are not permitted.							
Direct interior access, without going outside, shall be provided between the apartment and the primary dwelling unit.							

Zoning Districts						
Residential RA			Comm.	Mfg.		
*80A	80	40	15	GC	M1	M2

The unit shall contain no more than one (1) bedroom. The unit shall not exceed seven hundred (700) square feet of habitable area. The unit may have a kitchen, bathroom, and a front room.

Access to the unit shall be from the side or rear. Access from the front shall not be permitted except through the main entrance of the primary unit. No additional doors in the front shall be permitted. The unit shall not have a separate utility box.

Individuals residing in the apartment shall be related by blood, marriage or adoption. The owner of the primary unit shall reside on site.

The permit shall be active for a period of five (5) years. The permit may be renewed by the Zoning Enforcement Officer upon inspection and determining that the conditions of the original approval has not been violated.

All permits shall be recorded in the Thomaston Land Records.

The permit shall be voided upon sale or transfer of ownership or if the principal owner no longer resides on site.

A.6 Livestock (Cattle and Horses)

P P P P P P P

The farm shall conform to the requirements of Section 2.16. Livestock barns shall be at least thirty five (35) feet from any property line.

The first head of livestock requires two (2) acres. Another half (1/2) acre is required for each additional animal. Donkeys, goats, and sheep are considered livestock.

Acreage where the livestock roam shall be usable land, free from slopes over twenty-five percent (25%), significant bedrock outcrops and other natural and physical features.

Zoning Districts						
Residential RA				Comm.	Mfg.	
*80A	80	40	15	GC	M1	M2

Each horse, cattle or donkey shall require a minimum of ten thousand (10,000) square feet of fenced in land. A minimum of five hundred (500) square feet shall be required for each goat or sheep. The acreage shall be calculated by subtracting the minimum lot requirement and other factors as noted above.

A.7 Mini Farms P P P P P P P

Mini farms shall be five (5) acres or less and the applicant shall meet all of the requirements in Part A.6.

A.8 Roadside Farm Stands S S S S S S S

Stands shall be used to display and sale of forestry, farm or garden produce grown on the premises. The stand shall be located no closer than ten (10) feet from the property line.

A.9 Agricultural Structures P P P P P P P

Farm buildings, nurseries, greenhouses or other structures used for the processing or storing agricultural produce.

A.10 Kennels, Stables/Riding Academies P P P P P P P

Operations require a minimum of five (5) acres and shall conform to the acreage requirements in Part A.6.

A.11 Livestock and Poultry P P P P P P P

The keeping, raising, and breeding of poultry and other livestock not noted in part A.6. The commercial breeding of rodents, rabbits, pigs, foxes or other fur bearing animals is not permitted.

A.12 Caretaker's Residence P P P P P P P

The unit shall conform to Schedule B and its use shall be clearly an accessory to a permitted use for the site.

A.13 Accessory Apartments

N N N N P N N

Shall comply with regulations set forth in Article 28. Additional approvals from the fire marshal are required for all proposals to ensure compliance with state and local fire codes.

**Table of Permitted Uses
Community Facilities and Service Use**

Section 4.5 - Schedule A, Part B	Zoning Districts						
	Residential RA				Comm.	Mfg.	
	*80A	80	40	15	GC	M1	M2
B.1 Municipal Facilities Includes all buildings, land, and recreational facilities owned and operated by the Town of Thomaston.	S	S	S	S	S	S	S
B.2 Meeting Facilities Places of worship, libraries, community centers, and charitable institutions.	P	P	P	P	P	P	P
B.3 Reservoirs and Water Towers Units	P	P	P	P	N	N	N
B.4 Cemeteries	P	P	P	P	N	N	N
B.5 Veterinary Hospitals Hospitals shall not be open for business except in the event of an emergency before 8:00 am or after 8:00 pm. Outside kennels or runs shall not be permitted. Overnight boarding shall only be permitted in an enclosed building. No more than fifty (50) animals may be kept overnight. Buildings must be located at least two hundred fifty (250) feet from any off site dwellings. Commercial uses shall be accessory to the primary use. Structures shall be designed to minimize noises. Hospitals located within a flood hazard area shall file an evacuation plan with the Fire Department.	N	N	N	N	P	P	P
B.6 Recreation Facilities Includes all non-municipal recreational facilities.	P	P	P	P	P	P	P

Zoning Districts							
Residential RA				Comm.	Mfg.		
*80A	80	40	15	GC	M1	M2	

B.7 Convalescent Hospitals

P P P P P N N

Minimum lot size shall be one (1) acre in the GC or M zones and ten (10) acres in the RA zones.

Vegetative buffers shall be provided along the rear and side lines.

Hospitals shall be located a minimum of two hundred (200) feet from any property line in the RA zones.

B.8 Public Utilities

S S S S S S S

Public utility and railroad rights-of-way shall be designed to be in character with the surrounding neighborhood.

B.9 Small Water Companies

S S S S S S S

Companies which provide service to less than two hundred-fifty (250) connections or one thousand (1,000) persons shall submit a water supply construction or expansion plan as required by the General Statutes. A Certificate of Public Convenience shall also be submitted.

B.10 Day Care Providers/Independent Schools

N N N N P P P

Service is provided to twelve (12) or more children by a provider licensed by the State.

Group Day Care Home

S S S S N N N

Service is provided to seven (7) or more, but less than twelve (12) children by a provider licensed by the State.

Family Day Care Home

S S S S N N N

Service is provided for six (6) or fewer children including the provider's, between three (3) and twelve (12) hours a day.

Zoning Districts						
Residential RA			Comm.	Mfg.		
*80A	80	40	15	GC	M1	M2

B. 11 Communication Towers

P P P P P P P

Radio/Television Towers

The base shall be located one point five (1.5) times the height of the tower away from any property line or town accepted street or associated street rights-of-way. Wires supporting the tower shall be placed at least one hundred (100) feet from any property line, easement or street line.

Amateur Communication Towers

Towers shall be located in rear yards or directly attached to the primary structure. Free standing towers are exempt if the height of the mast does not exceed forty-five (45) feet.

Towers in excess of forty-five (45) feet shall conform to the requirements of Radio/Television towers.

**Table of Permitted Uses
Commercial and Manufacturing Uses**

Section 4.5 - Schedule A, Part C	Zoning Districts						
	Residential RA				Comm.	Mfg.	
	*80A	80	40	15	GC	M1	M2
C.1 Service Providers	N	N	N	N	S	S	S
Buildings where goods are sold or service provided primarily at retail. Temporary sidewalk sales are exempted							
C.2 Businesses/Professional Office	N	N	N	N	P	P	P
C.3 Banks/Financial Institutes	N	N	N	N	S	S	S
C.4 Funeral Parlors	N	N	N	N	S	S	S
C.5 Dry Cleaning and Laundromats	N	N	N	N	P	P	P
C.6 Hotels and Motels	N	N	N	N	P	P	P
Property shall contain a minimum of eighty thousand (80,000) square feet and two thousand (2,000) square feet per building. Each unit shall be no less than two hundred seventy-five (275) square feet. The facility shall be served by city sewer and water.							
Front and rear yard setbacks shall be seventy-five (75) feet. Side yard setbacks shall be fifty (50) feet. Cooking facilities shall be permitted in twenty percent (20%) of the units.							
C.7 Food Service and Fast Food Restaurants	N	N	N	N	P	P	P
C.8 Commercial Printing Establishments	N	N	N	N	P	P	P
C.9 Indoor Theatres/Playhouse	N	N	N	N	P	P	P
C.10 Bed and Breakfast/Tourist Homes	P	P	P	P	N	N	N
C.11 Public and Private Parking Facilities	N	N	N	N	P	P	P

Zoning Districts						
Residential RA				Comm.	Mfg.	
*80A	80	40	15	GC	M1	M2

C.12 Motor Vehicle Repair, Service Stations, and Automobile Sales	N	N	N	N	P	P	P
--	---	---	---	---	---	---	---

The site shall have a minimum of two hundred (200) feet of frontage and one hundred fifty (150) feet in depth. Buildings and pumps shall be fifty (50) feet from any property line.

If required, buffers or fencing shall be used. Forms of illumination shall not cause excessive glare on adjacent properties.

Facilities designed to serve trucks larger than five (5) tons shall contain a lot width of three hundred (300) feet. curb cuts shall be a minimum of twenty-five (25) feet from any street intersection, side or rear property line.

C.13 Manufacturing/Processing of Goods	N	N	N	N	P	P	P
---	---	---	---	---	---	---	---

C.14 Freight and Materials Trucking, Freight Terminals, Railroad Yards, and Bus Storage Yards	N	N	N	N	N	S	S
--	---	---	---	---	---	---	---

C.15 Public Utility Transformers Stations,	N	N	N	N	N	S	S
---	---	---	---	---	---	---	---

C.16 Petroleum Products	N	N	N	N	N	S	S
--------------------------------	---	---	---	---	---	---	---

Commercial storage shall include the sale and distribution of fuel oil, bottled gas excluding petroleum tank products with capabilities in excess of one thousand (1,000) gallons.

C.17 Open Storage Yards and Building Contractor's Business	N	N	N	N	P	S	S
---	---	---	---	---	---	---	---

Facilities shall be screened by fencing, buffering or by vegetative cover from adjacent properties and the street.

Zoning Districts							
Residential RA				Comm.	Mfg.		
*80A	80	40	15	GC	M1	M2	

C.18 Earth Excavation and Mining

N N N N N P P

Operations are subject to the requirements of Article 18.

C.19 Earth Processing Operations

N N N N N P P

All operations require a permit. Stockpiled materials and the area of operations shall be stipulated on the permit and the site plan.

Processing machinery shall not be operated within two hundred (200) feet of any property line or street.

Activities shall not be permitted on holidays or Sundays. The Commission shall have the authority to establish operational hours.

Measures shall be taken to minimize noise, vibration and dust. Access roads shall be maintained in good working order.

Explosives shall not be permitted on site. Vehicles shall secure their loads to prevent spillage.

Construction materials shall be removed and the property restored to its original condition consistent with the topography and the neighborhood.

Permits shall be valid for one (1) year. The site shall be open at all times to the Commission and/or agent to determine compliance. The applicant may be required to submit periodic reports detailing the status of the project.

The applicant shall file a survey bond in an amount the Commission and/or their agent deems necessary to insure completion of the work. A liability insurance policy shall be submitted. Town Counsel shall approve all polices and bonds.

Upon restorations, the applicant may apply for release of the bond, otherwise it shall remain in full force and effect.

Zoning Districts						
Residential RA				Comm.	Mfg.	
*80A	80	40	15	GC	M1	M2

C.20 Recreation Camps

P P P P N N N

Camps shall contain at least ten (10) acres and no more than nine (9) sites per acre. Interior roads shall be capable of handling large recreational vehicles in a safe and efficient manner. All parking shall be off street.

Recreational vehicles, camp sites, and structures, other than the unit occupied by the owner/caretaker, may not be situated any closer than two hundred (200) feet from the front property line or one hundred (100) feet from the side or rear property lines.

Campgrounds shall conform to any applicable Health codes from the State or Torrington Area Health District.

Roadways within the site shall be dustless, graded, and well drained. Minimum road width shall be twelve (12) feet for one-way and twenty two (22) feet for two-way traffic.

C.21 Firing Ranges

N N N N P P P

Prior to any decision, the Commission shall receive a letter of approval from the Thomaston Police Dept. and the Thomaston Fire Dept.

Exterior Operating Range

There shall be no elevated discharge of firearms. Applicants shall take appropriate measures to baffle noise. Target and impact areas shall be bermed.

The Commission shall establish reasonable hours of operation. Operations shall not be permitted on legal holidays or Sundays without the written authorization from the Police Dept.

Interior Operating Range

Operations shall only be permitted during normal

Zoning Districts							
Residential RA				Comm.	Mfg.		
*80A	80	40	15	GC	M1	M2	

business hours.

Exemptions:

Established Fish and Game as well as Rod and Gun Clubs are exempted from the above.

C.22 Adult Oriented Businesses

N N N N P P P

These activities are directly related to adult oriented business and entertainment and includes, but are not limited to, adult book stores, adult mini-motion picture theaters, adult cabarets, adult novelty business or other adult personal service entertainment or businesses.

These uses shall only be permitted by Special Permit pursuant to the provisions of Article 9 and subject to compliance with the special requirements and standards of Article 25.

C.23 Portable Food Vending/Trailers/Trucks/Carts

N N N N **S S S

All uses shall conform to the requirements of Article 27.

**Not permitted in the Downtown Development District

**Table of Permitted Uses
Accessory Uses**

Section 4.5 - Schedule A, Part D	Zoning Districts						
	Residential RA				Comm.	Mfg.	
	*80A	80	40	15	GC	M1	M2
D.1 Accessory Production/Manufacturing	N	N	N	N	P	N	N
<p>Accessory production of goods or merchandise shall be sold on the premises. Floor areas used for production and servicing shall be limited to ten percent (10%) of the building or three thousand (3,000) square feet, whichever is greater.</p> <p>Parking shall be provided off-street for employees.</p>							
D.2 Accessory Storage	N	N	N	N	P	N	N
<p>Merchandise may be stored on site for those uses which are clearly accessory to permitted used in the zone.</p>							
D.3 Residential Accessory Uses	Y	Y	Y	Y	N	N	N
<p>Accessory uses are usually associated with or incidental to a permitted use in a residential zone.</p> <p>Uses shall not significantly change or alter the characteristics of the neighborhood. Accessory uses may consist of, but are not limited to, such uses as greenhouses, swimming pools, tool and storage sheds, garages, tennis courts, and barns.</p> <p>Accessory uses may include the exterior storage of trailers, boats or recreational vehicles in rear yards.</p> <p>Accessory uses are permitted in the GC, M1, and M2 zones providing the primary use of the dwelling is for residential purposes.</p>							

**Table of Permitted Uses
Temporary Uses**

Section 4.5 - Schedule A, Part E	Zoning Districts						
	Residential RA				Comm.	Mfg.	
	*80A	80	40	15	GC	M1	M2
E.1 Building and Structures	Y	Y	Y	Y	Y	Y	Y
Permits are valid for one (1) year. They may be extended for periods(s) of one (1) year after inspection by the Zoning Enforcement Officer.							
E.2 Political Signs	Y	Y	Y	Y	Y	Y	Y
Signs are permitted for a period of sixty (60) days prior to and for seven (7) days after an election. Signs are exempted from any fees.							
E.3 Trailers, Motor/Mobile Homes	Y	Y	Y	Y	Y	Y	Y
One (1) trailer, motor or mobile home is permitted per lot whenever construction of a residential single family dwelling is underway and a zoning and building permit has been issued.							
Occupants must be the owners of the property or related by blood, marriage or adoption. Approval is limited to one (1) year and is not renewable.							
E.4 Christmas Tree Sales	Y	Y	Y	Y	Y	Y	Y
Maximum length of sales and display shall not exceed forty-five (45) days.							
E.5 Auction Sales	Y	Y	Y	Y	Y	Y	Y
The Thomaston Police Dept. shall issue the applicable permits. The Thomaston Fire Marshal and Building Inspector shall inspect all tents per code requirements.							
E.6 Temporary Events	P	P	P	P	S	S	S
Permits shall be valid for up to 30 days in a calendar year at the discretion of the commission or its agent for carnivals, fairs, bazaars, antique shows, tent sales,							

Rev. June 1, 2012

Zoning Districts						
Residential RA			Comm.	Mfg.		
*80A	80	40	15	GC	M1	M2

auctions, fundraisers and similar activities. The applicant must demonstrate a sufficient and safe traffic circulation, off street parking and pedestrian access plan. On street parking is strictly prohibited unless specifically approved as part of a site plan. Placement of temporary tents or structures shall not result in the reduction of required parking spaces. Specific dates and times for any event must be approved by the Commission or its agent. The applicant must obtain any additional required approvals from the Police Dept., Building Official, Torrington Area Health District, Fire Marshal, Board of Selectmen or Recreation Dept. A certificate of insurance and/or posting of a bond may be required for events held on Town of Thomaston property.

The duration of temporary permits shall be at the discretion of the Commission, but may not exceed 30 (thirty) days per calendar year per property. Permits may be administratively renewed for yearly or seasonal events by the authorized agent of the Commission if: (a) there is no substantial change in Use or event dates, (b) the original permit was approved by the Commission within 5 (five) years of the renewal application date, (c) the Commission did not condition an original approval prohibiting such renewal.

E.7 Temporary Liquor Permits

P P P P P P P

The Planning and Zoning Commission may approve applications for single event or seasonal permits for the sale or service of beer, wine or liquor subject to appropriate conditions and safeguards deemed necessary by the Commission, notwithstanding the provisions of Article 4, Section 4.5, Schedule A, Part F.1 of these regulations and provisions of the State Liquor Control Act. Separation distances in Part F.1 of these regulations may be waived for the purposes of temporary permits at the discretion of the Commission.

The duration of temporary permits shall be at the discretion of the Commission, but shall not exceed thirty (30) days per calendar year per property. Permits may be administratively renewed for yearly or seasonal events by the authorized agent of the commission if: (a) there is no substantial change in use or event dates, (b) the original permit was approved by the Commission within five (5) years of the renewal application date, (c) the Commission did not condition an original approval prohibiting such renewal.

**Table of Permitted Uses
Alcoholic Beverages**

Section 4.5 - Schedule A, Part F	Zoning Districts						
	Residential RA				Comm.	Mfg.	
	*80A	80	40	15	GC	M1	M2
F.1 Alcoholic Beverages	N	N	N	N	P	N	N

No building shall be erected, used or altered that is arranged, intended or designed to be used for the retail sale or consumption of wine, alcohol, beer or other liquors or beverages requiring a license and/or permit pursuant to the State Liquor Control Act.

The entrance to any building shall be a minimum of fifteen hundred (1,500) feet as measured along the center line of the street to any other establishment in which alcohol is sold or dispensed.

The entrance shall also be a minimum of fifteen hundred (1,500) feet from any hospital, public or private school, library or place of worship.

Grocery stores, club permits for outings, special events and picnics, which are authorized by the State Liquor Control Act, are exempted from this section.

Restaurant permits, as defined by the Liquor Control Act, shall be classified in accordance with the meaning of Section F.1.

**SCHEDULE B
TABLE OF BULK REGULATIONS**

ZONING DISTRICTS

STANDARDS	RA80/ RA80A	RA40A	RA15	GC	M1	M2
LOT AREA/SIZE IN SQUARE FEET	80,000	40,000	15,000	15,000	15,000	
LOT FRONTAGE	200 FT	150 FT	80 FT	100 FT	100 FT	
FRONT YARD SETBACK	50 FT	50 FT	40 FT	30 FT	30 FT	
SIDE YARD SETBACK	15 FT	15 FT	15 FT	10 FT	10 FT	
REAR YARD SETBACK	50 FT	50 FT	40 FT	30 FT	30 FT	
RESIDENTIAL ZONE SETBACK				40 FT	50 FT	
MAXIMUM HEIGHT	30 FT	30 FT	30 FT	40 FT	50 FT	
RESIDENTIAL AREA SQUARE FOOTAGE	1,250	1,250	1,000			
NON-RESIDENTIAL AREA SQUARE FOOTAGE				750	750	
BUILDABLE SQUARE*	200	150	80	100	100	
MAXIMUM % OF GROUND COVERAGE OF BUILDABLE LOT AREA	15	15	15	30	50	

Except as noted above, all dimension area expressed as minimum requirements and are in linear footage.

*** Excludes all wetland and watercourses and their setback areas, as well as significant redevelopment slope areas over 25%.**

**** Interior lot size in the RA80A Zone does not have to be twice the size of the zone**

Article 5 – Area, Location and Bulk Standards

5.1 General Provisions

The following regulations and Schedule B shall be applicable to the area, shape, frontage of lots, and buildings for each zone.

5.2 Lot, Area, Shape, and Frontage

Property shall conform to the requirements of Schedule B and, with the exception of lots of record, each lot shall be capable of containing a buildable square. The square may extend to the property line, however, it shall not extend into public utility easements of right-of-ways with the exception of those utility services directly servicing the site.

Wetlands, watercourses or their setback area, any significant predevelopment slopes in excess of twenty-five percent (25%) shall not be present within the buildable square. The applicant shall provide information necessary to satisfy the requirements of Schedule B. Plans shall bear the seal of a licensed engineer.

5.3 Exceptions

The requirements contained in Schedule B shall not prohibit the common interest ownership of any building on a lot which conforms to the requirements of the zone.

5.4 Interior Lots

5.4.A – General Considerations

Interior lots lack the frontage as required in Schedule B. When determining if a lot meets the criteria for approval, the Commission shall take into consideration the drainage patterns, shape of the property, accessibility, vehicle safety, topography, public utilities, and right of access to the property. Each interior lot shall be used for no more than one dwelling unit.

5.4.B - Rights-of-Way

Interior lots shall be parallel to and behind an existing lot. A private unobstructed access-way of twenty-five (25) feet in width shall be provided for each interior lot. Access for more than two interior lots shall require street standards set forth under the subdivision regulations of the Town of Thomaston. A gravel or paved eighteen (18) foot wide road must be provided. The grade shall not exceed twelve percent (12%). If two (2) abutting access strips are created, they shall be separated from any other access on the same side of the street by one and half (1½) times the minimum frontage required for the zone.

5.4.C – Public Safety

In consultation with the Thomaston Fire and Police Departments, driveways shall be designed to provide proper draining and to accommodate fire and other emergency vehicles. To provide directions for emergency vehicles, the address of each interior lot shall be identified by a numbered post or mailbox located on the connecting road.

5.4.D – Ownership of Lots

The owner of an interior lot must own the access way in fee simple. The Planning and Zoning Commission may permit the use of a common shared driveway provided that the width of such driveway is divided between two access ways. The responsibility and cost for maintenance shall be equally shared and the rights to pass and re-pass shall be granted to each of the owners using the common driveway until the driveway is improved to road specifications set forth in the Town of Thomaston Subdivision regulations and accepted by the Town as a Town road. A common driveway shall be under joint ownership of the lots that it serves.

5.4.E – Filing of Deeds

Applicants shall provide the commission with copies of proposed deeds and covenants that shall identify common driveway ownership and maintenance responsibilities. The deed or covenant shall be submitted for review and acceptance by the town attorney. The approved deed or covenant shall be filed with the town clerk along with approved maps and drawings.

5.4.F – Lot Sizes and Setbacks

Excluding the right-of-access area, the square footage of an interior lot shall be no less than twice what is required in the zone. The square footage for interior lots in the RA-80A zone do not have to be doubled. The lot line which is parallel and closest to the street shall be considered the frontage line for the purpose of determining setback requirements.

5.5 Heights

The height requirements in Schedule B shall not apply to church spires, ornamental cupolas, flagpoles, silos, towers, wind to energy conversion systems, solar energy systems, air conditioning, and other similar equipment provided these structures do not occupy more than twenty-five percent (25%) of the roof.

5.6 Setback Height

Unless permitted elsewhere, no structure shall be constructed or extended into any setback area.

5.7 Setback for Fences, Walls, and Terraces

These provisions shall not apply to fences or walls less than six (6) feet in height or to retaining walls or unroofed terraces providing that none of the above shall be located within the right-of-way of any street. No hedge, fence or wall over two (2) feet high shall be built in the front yard of a corner lot within fifty (50) feet of the corner. Standard style stockade fences shall be located as close to the property line as possible or in at least six (6) inches. The smooth side of the fence shall face the abutting property.

5.8 Setbacks for Unattached Accessory Buildings and Swimming Pools in Residential Zones

All buildings and structures shall be governed by the height and yard requirements applicable to a principal building or structure except minor accessory buildings and structures as follows:

- a. Minor accessory buildings and structures up to two hundred-fifty (250) square feet in area and one (1) story up to eighteen (18) feet in height must be located a minimum of five (5) feet from the side and rear yard property lines and must meet the front yard property line setbacks applicable to a principal building or structure in the zone.
- b. Minor accessory buildings and structures up five hundred (500) square feet in area and one (1) story up to eighteen (18) feet in height must be located a minimum of fifteen (15) feet from the side and rear yard property lines and must meet the front yard property line setback applicable to a principal building or structure in the zone.
- c. All other accessory buildings and structures shall meet the dimensional requirements i.e. property line setbacks, heights percent of ground coverage requirements applicable to a principal building or structure in the zone.

Swimming pools shall conform to the requirements of Schedule B applicable to a principal building or structure. Decks, diving boards, ladders, cabanas, and other similar structures are subject to the setback requirements for a principal structure in the zone.

5.9 Corner Lots

The frontage line of a corner lot shall be the line which fronts upon that part of the dwelling containing the primary entrance. The remaining corner yard shall be at least twenty-five (25) feet in depth. The owner shall designate on the plot plan which of the two (2) remaining yards shall be the side and rear yard.

5.10 Lots in Two (2) Zones

If a zoning district divides a lot which has road frontage in another zone, the regulations for the less restrictive zone shall extend not more than thirty (30) feet into the more restrictive zone.

5.11 Building Orientation

When the length of a dwelling unit is three (3) times greater than its width, the length shall be parallel to the street. Orientation of the longer side shall apply to units constructed after the date of adoption of these regulations and shall not govern additions made to existing units nor shall it govern accessory additions or other buildings located on the lot.

5.12 Permanent Foundations

Residential dwellings shall have permanent foundations.

Article 6 – Performance Standards

6.1 Dust, Dirt, Fly Ash, and Smoke

No dust, dirt, fly ash or smoke shall be emitted into the air so as to endanger public health, safety, impair the value and enjoyment of other property or constitute a source of air pollution.

6.2 Odors, Gases, and Fumes

No offensive odors or noxious, toxic, carcinogenic or corrosive fumes or gases shall be emitted into the air except for those connected with the spreading of fertilizer or manure.

6.3 Vibration

Except for vibrations normally associated with construction or demolition of buildings or those normally associated with the operation of heavy equipment where permitted, no extreme or excessive vibrations shall be transmitted outside the property where it originates.

6.4 Noise

With the exception of farming operations, police, fire, time signals, ambulance sirens, and noise customarily involved in the use of home implements and in the construction/demolition of buildings, no noise which is objectionable due to volume, beat frequency, intermittence or shrillness shall be transmitted outside the property where it originates.

6.5 Liquid or Solid Waste

Waste products shall not be discharged into any sewer, stream or storm drainage system.

6.6 Danger

Materials which are dangerous due to explosion, fire, hazard, radioactivity or carcinogenic shall be manufactured, stored, used or disposed of except in accordance with regulations and codes of the Town, State or Federal Government.

Article 7 - Flood Plain District

7.1 Boundaries and Elevations

The Flood Plain District shall consist of the areas identified as "Flood Hazard Areas" delineated on a map titled "Firm Flood Insurance Rate Map Town of Thomaston, CT, Community Panel No. 090055-001-0006" comprising six (6) parts effective June 25, 1981, prepared by the Dept. of Housing and Urban Development, Federal Insurance Administration.

Designated flood hazard areas have a one percent (1%) chance of flooding in any given year. The maps also identify base flood elevations above mean sea level. Maps are on file in the Town Clerk's Office and in the Zoning Office.

7.2 Requirements

Buildings shall not be constructed, substantially improved or moved unless a Flood Hazard Permit is obtained from the Building Official in accordance with the "Flood Plain Management Ordinance, Thomaston, CT."

Substantial improvement means any repair, reconstruction or improvement to a building in which the cost equals or exceeds fifty percent (50%) of the current market value of the building. Substantial improvement is considered to have occurred when alteration of any wall, ceiling, floor or other structural part of the building starts whether or not it affects the external dimensions of the building.

Buildings must comply with health codes, sanitary, and safety code regulations. Any alteration of a building listed on the National Register of Historic Places or on the State Inventory of Historic Places shall not be construed as requiring substantial improvement.

7.3 Maps and Plans

Site plans shall contain the boundary of the Zoning District, Flood Hazard Area, base flood elevations, and the lowest elevation above sea level including the basement for any proposed or existing structure.

Outside storage areas shall not be sited in manufacturing or commercial zones unless measures are taken to prevent the floatation of materials and other equipment and to minimize flood damage within the district. Any building that is constructed, moved or substantially improved shall have the basement as its lowest floor elevation.

Article 8 – Signs

8.1 Purpose

The purpose of this article is to promote public safety and welfare by providing adequate standards to control the number, height, size, location, illumination and design of signs. The provisions of this section have been added to preserve the rights of free speech and expression while protecting against traffic distractions and hazards, to provide reasonable standards by which permitted uses within various zones may relate their function to the public and aid in preserving and enhancing the aesthetic and historical values of the community.

8.2 General Provisions

Except in conformance with these regulations, no signs shall be constructed, enlarged, extended, structurally altered or moved. Zoning permits are required for all signs except for those specified in Article 8.3 of these regulations. Signs may not be placed within the right-of-way of any street, or be located in such a way to be hazardous to traffic circulation or pedestrian use, obstruct any window, door, ventilation system, fire escape or exit. Unless specified on a permit, signs shall not be animated, rotating or flashing and may be permitted to be illuminated and directed so as not to cause glare onto any street or adjacent property. Signs shall not be located on a roof and no sign shall project above the top wall of any structure. Signs attached to a building may project into the setback area provided the sign does not project more than one (1) foot from the building or into or over a street line.

8.3 Signs Exempt from Zoning Permit Requirements

- a) Real Estate – Any signs pertaining to the sale, lease, or rental of land or buildings. Signs shall not exceed 6 (six) square feet in area and must be removed within 30 (thirty) days of sale, lease or rental.
- b) Political/Election Signs – Provided they comply with section 8.2 of these regulations.
- c) Identification of Residential Dwelling Units – Includes name and/or street number. Maximum sign area of 2 (two) square feet allowed.
- d) Flags – Provided that they do not pose an obstruction as conveyed in Article 8.2. Flags advertising a business must conform to the requirements of section 8.4 of these regulations as a detached sign.

8.4 Permit Required Signs, Number, and Size

A. Permanent Signs in Residential Zones (RA-15, RA-40, RA-80, RA-80A)			
Type of Sign	Maximum Sign Area (square feet)	Maximum Number of Signs	Special Conditions
Free Standing/Detached Signs (By P&Z Special Permit Only) for Permitted Home Occupation	6 Square Feet	1 Per Lot	Shall not exceed 6 feet in height; shall not be internally or externally lighted
Attached Signs Related to Permitted Home Occupation	6 Square Feet	1 Per Lot	May not be internally lighted; external lighting must be incidental to normal home lighting
Signs for Civic, Municipal and Non-Profit Organizations on the Premises	16 Square Feet	1 Per Lot	Shall not exceed 6 feet in height if detached

B. Permanent Signs in Commercial/Manufacturing Zones (GC, M1, M2)			
All Permanent Signs within the General Commercial Zone must be approved by site plan approval. Signs exceeding any of the requirements in the table below in the General Commercial Zone may be approved by special permit. Such special permits are valid for three (3) years and must be renewed by the Planning and Zoning Commission.			
Type of Sign	Maximum Sign Area (square feet)	Maximum Number of Signs	Special Conditions
Wall/Entrance Signs	1 Square Foot per Linear Foot of Building Frontage	1 Per Business	
Free Standing/Detached Signs	32 Square Feet	1 Per Lot	Shall not exceed 16 feet in height
Signs for Civic, Municipal and Non-Profit Organizations on the Premises	32 Square Feet	1 Per Lot	Shall not exceed 16 feet in height if detached

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C. Temporary Signs (All Zones)			
Type of Sign	Maximum Sign Area (square feet)	Maximum Number of Signs	Duration
Business Advertisement	32 s.f.	1 Per Lot, Per Business	60 Days
Contractors/Construction	5 s.f.	1 Per Lot for Each Contractor	60 Days
Temporary Sales	32 s.f.	1 Per Lot, Per Business	60 Days
Signs for Civic, Municipal and Non-Profit Organizations and Special Events	16 s.f. – May be Increased by Special Permit	1 Per Lot – May be Increased by Special Permit	60 Days - May be Increased By Special Permit, Not to Exceed 180 Days in a Calendar Year
Garage/Tag Sales	4 s.f. each	2 (two) on the premises of the sale and 2 (two) offsite directional signs with property owner permission	3 Days (Fri-Sat-Sun) Maximum. May be placed up to 48 hours before sale and shall be removed promptly at sale conclusion. No more than 2 permits per calendar year per property

Article 9 - Off Street Parking and Loading

9.1 Applicable to All Uses

Parking spaces shall be provided for all lots.

9.2 Areas Counted as Parking Spaces

Areas which may be counted for off-street parking include any private carport, garage or other area available for parking. The front yard of any single family residence may be counted as one (1) parking space. This does not apply to corner lots.

9.3 Location of Required Accessory Parking

Accessory parking spaces may be provided on the same lot as the primary use or within three hundred (300) feet of such lot.

9.4 Size of Automobile Parking Spaces

Spaces shall be ten (10) feet by twenty (20) feet. Handicapped parking shall be a minimum of twelve (12) feet by twenty (20) feet. Spaces shall be designed to provide safe access, entering, exiting, and maneuvering.

9.5 Access

Access shall be provided to all streets. Access shall consist of one ten (10) foot lane that contains five (5) to twenty (20) spaces and two (2) ten (10) foot lanes for parking containing over twenty (20) parking spaces.

9.6 Drainage and Surfacing

Spaces shall be drained and provided with a dustless surface.

9.7 Joint Parking Facilities

Facilities may be provided in areas designed to serve two (2) or more businesses. The number of spaces shall not be less than the number required for each business.

9.8 Off-Street Loading Space

Accessory loading spaces may be provided for manufacturing or commercial operations. Each space shall be twelve (12) feet wide and sixty (60) feet long. Loading spaces may be located within a building, but not within the off-street parking spaces or accessory drives. Unobstructed access at least ten (10) feet wide to and from streets shall be provided. The access may be combined with the parking lot. spaces may be designed to serve two (2) or more facilities. The number of spaces shall not be less than the amount required for each establishment.

Buildings having a ground floor in excess of eight thousand (8,000) square feet shall have two (2) spaces for the first twenty-five thousand (25,000) square feet of floor area or fraction thereof.

9.9 Additional Parking Provisions

The entrance/exit for off-street parking which contains more than ten (10) parking spaces or a loading space shall not be located within fifty (50) feet of the intersection of any street.

Off-street parking areas containing at least ten (10) spaces or any loading space located within fifty (50) of a residential zone shall have a screened or buffered area between itself and all adjacent lots, including those locate across the street. If floodlighting used, it shall be arranged in a way to eliminate glare towards residential lots.

9.10 Handicapped Parking Spaces

The number of handicapped parking spaces shall be determined at the review process.

9.11 Parking Space Standards

Schedule C shall be used to calculate the minimum number of parking spaces that will be required.

Schedule C
Table of Required Minimum Parking Standards

<u>Use of Facility</u>	<u>Parking Spaces Required</u>
Residential Dwelling Units	two (2) spaces for each dwelling unit
In-Law Apartment	one (1) space
Churches, Assembly Halls and Theaters	one (1) space for every five (5) seats
Convalescent Hospitals	one (1) space for every three (3) beds
Retail and Business Office, Banks, feet Veterinary Hospitals, and Service area floor Establishments	one (1) space for every three (300) hundred of gross floor area, excluding storage
Motor Vehicle Service and Repair Stations	ten (10) spaces or five (5) spaces for each bay, whichever is greater
Hotels and Motels	one (1) space for every guest room and one (1) space for every employee
Restaurants and Taverns	one (1) space for every five (5) seats
Manufacturing Building and Offices	one (1) space for every seven hundred-fifty (750) square feet of floor area, whichever is greater, and (1) space for every three (3) employees
Tennis Courts and Other Similar Uses	five (5) spaces for each court
Educational Institutions	one (1) space for every twelve (12) students
Other Uses Not Listed	Spaces shall be provided for uses not listed above sufficient to maintain the purpose and intent of Article 8

Article 10 - Special Permits

10.1 General Provisions

The Commission may approve a permit for the establishment of one (1) or more uses pursuant to Schedule A. the following requirements are in addition to any other that may be applicable in the zone in which the use is proposed.

10.2 Intent of Regulations

Special Permits provide for unusual uses that under favorable circumstance would be appropriate, harmonious, and desirable. These uses possess special characteristics. Each use should be considered on an individual basis.

10.3 Application

a. Statement of Use

The applicant shall submit four (4) copies of a statement describing the proposed use in sufficient detail to determine compliance.

b. Site Plan Map

Four (4) copies of a map at a scale of one hundred (100) feet to the inch shall be submitted. It shall contain existing and proposed buildings, contours, property lines, off-street parking, loading spaces, outside storage areas, watercourses, wetlands, storm drainage, sewage disposal, water supply facilities, landscaping, and all non-disturbed natural terrain areas and features.

c. Architectural Plans

The applicant shall submit four (4) copies of the plan. All buildings, elevations, signage, perspective drawings, and floor plans shall be shown.

d. Sediment and Erosion Control Plan

The applicant shall submit four (4) copies of the plan at a scale of one hundred (100) feet to the inch. The plan shall contain provisions to control sedimentation and erosion and reduce danger from stormwater runoff. The plan shall contain existing and proposed contours, graded and cleared areas, proposed alterations, and the location of control measures. The narrative shall describe the project, schedule of major construction activity, detail grading and design criteria, conservation practices, and maintenance program.

e. Determination/Review Procedure

The Commission may determine that all or part of the requirements under Section 10.3 (b)(c), and (d) are not necessary to make a reasonable and sound decision on the application.

f. Application Fee

A fee shall be submitted with the application.

10.4 Procedure

Applications shall be filed with the Land Use Office at least seven (7) days prior to the next regular meeting. Within sixty-five (65) days after the receipt of a complete application, the Commission shall hold a public hearing.

Notice of the time and place of the hearing shall be published in a newspaper with a substantial circulation in the Town. Publication of the notice shall be at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days before the date of the hearing.

A decision shall be rendered within sixty (65) days after the hearing is closed. The Commission may approve, approve with modification or disapprove the application. The applicant may consent in writing to an extension of time for the hearing or decision.

10.5 General Considerations

The Commission shall consider the size and intensity of the proposed use, conformity with the Plan of Development, capacity of local arterials to accommodate traffic, and any hazards that may be created along with the number, location and arrangement of off-street parking, loading spaces, and vehicular access. The effect upon property values, placement of buildings, topography, and landscaping along with police, fire, ambulance, and safety considerations shall be reviewed.

The Commission shall review water supply and sewage facilities, drainage, sedimentation and erosion problems, and the available of recreational facilities. The Commission may require addition information and documentation to complete its review of the application.

10.6 Decision

The Commission shall approve, approve with modification or disapprove the application. The Commission shall state that the use will be harmony with the purpose and intent of the regulations. if disapproved, the Commission shall state for the record the specific sections of the regulations.

10.7 General Standards

a. Neighborhood

Plans shall be designed to enhance neighborhood character and accomplish a transition between dissimilar areas. They shall be designed to preserve and enhance property values and the general appearance of the community.

The Commission may require recommendations and goals from the Plan of Development be incorporated into the applicant's plan to complement the proposed use of the property. Provisions for improvements to streets terminating at the proposed use shall be made in the plans.

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b. Endorsement and Filing of Bond

The Commission may authorize the endorsement of the map to permit filing with the Town Clerk. The endorsement shall not be executed until all conditions have been completed. prior to endorsement, the applicant shall file a bond and execute and agreement to guarantee completion within two (2) years. The bond shall be in a form and amount that is acceptable to the Town Counsel and the Commission.

c. Release of Bond

Prior to the release or before authorizing any map to be filed when no bond has been posted, the Commission's agent shall inspect the premises and notify the Commission that all work has been completed according to the approved plans.

d. Conditional Approval

Approval is conditioned upon the satisfactory completion of the project. Approval shall become null and void if the project is not complete within two (2) years. The Commission may grant a one (1) year extension after holding a hearing. The applicant must demonstrate good cause. Permits may be granted subject to certain conditions and safeguards necessary to protect public health, safety, convenience, welfare, and property values in the neighborhood.

e. Sedimentation and Erosion Control Plan

The project shall not commence unless the control measures have been installed and are operating. Controls shall be maintained in effective working order to ensure compliance.

10.8 Conditions and Safeguards

Conditions may be attached to protect local characteristics. This may include providing additional setback greater than required by the regulations, screening of parking areas or other uses from adjoining premises by walls, fences, plantings or other devices.

The Commission may also limit the number of occupants, regulate the number, type, location, and design of traffic controls including pedestrian walkways, off-street parking, other special features, regulate outdoor lighting, require approval in phases, and determine the orientation and spacing of buildings.

If necessary, a Certificate of Public Convenience from the Dept. of Health Services and Public Utility Control will be submitted whenever water will be supplied from a small water company. The Commission may review the homeowner association or condominium association legal documents.

10.9 Inland Wetlands

Projects containing a regulated activity, pursuant to Sections 22a-36 to 22a-45 of the Statutes or P.A. 87-533 shall be submitted to the Planning and Zoning Commission. The applicant shall indicate the presence of any watercourses or wetlands and the extent within the subject property.

If the time for a decision would lapse prior to thirty-five (35) days after a decision by the Wetlands Commission, the period for a decision by the Planning and Zoning Commission shall be extended for an additional thirty (30) days. The Wetland Commission shall submit a final report to the Planning and Zoning Commission.

10.10 Sanitation Report

The Water Pollution Control Authority shall submit a report regarding the availability of sanitary sewers or a report shall be submitted from the Torrington Area Health District regarding the siting of septic systems, leach fields, and bedrock wells.

10.11 Channel Encroachment Areas

A report from the Dept. of Environmental Protection and/or Corps of Engineers as to the types of activities that may be permitted shall be submitted with the application.

10.12 Inspection by Town Engineer

The applicant shall be responsible for any and all inspection and review costs incurred by the Town Engineer during the review process. If additional site inspections or reviews are required after approval is granted and prior to completion of the project, the applicant shall be responsible for costs incurred by the Engineer as per a fee schedule assessed to the Town in a year by the Town Engineer.

Article 11 – Aquifer Protection District

11.1 Purpose

To preserve the quality and quantity of groundwater resources and to insure a safe and healthy public water supply by regulating land uses which may contribute to the degradation of aquifers needed for present and future public water supplies.

11.2 General Provisions

These regulations shall apply to the land designated on a map recorded in the Town Clerk's Office as the "Town of Thomaston Aquifer Protect Protection District Map."

11.3 Use Limitations

Discharges to septic systems shall not average more than three hundred-fifty (350) gallons per acre per day in the direct recharge area of the aquifer. Road salt storage and loading sites are not permitted. The disposal of solid waste in landfills, dumps, and septage disposal is prohibited.

Commercial and industrial storage, production or disposal of any hazardous wastes as defined by State or Federal laws is prohibited. Underground tanks are generally prohibited, however, the applicant may demonstrate a special need case. The applicant shall contact the CT Water Company and obtain a letter or approval regarding the proposed use.

11.4 Aquifer Impact Assessment

Commercial, industrial or institutional uses are not allowed unless the applicant can identify the type and quantities of liquid, solid, and gaseous materials to be land filled, stored, deposited or discharged on the site. The applicant must demonstrate that the material and its use will not adversely affect present or future water quality within the district.

11.5 Public Act 98-115

This act provides that any applicant who proposes any type of activity with the Aquifer Protection District must provide written notification to the affected water company. The Land Use Officer shall provide the reporting forms.

Article 12 – Planned Industrial District

12.1 Purpose

To permit land to be used for the construction of buildings and other facilities for research and development, light industry, offices of technological and scientific research organizations. The purpose of this district is to consider land as a single unit of development for the purpose of planning so that there is a coordinated development plan while maintaining individual ownership of lots.

12.2 Qualifying Standards

The Commission may establish a District on its own motion or upon application of the owner or owners of contiguous property totaling at least ten (10) acres. A District may be established in an area containing less than ten (10) acres if the Commission finds the public interest will be served and the tract is contiguous to land zoned for manufacturing or commercial use.

Prior to establishing a district, the Commission shall consider the desirability of the proposal for economic and physical development of the community, preserving the value and character of adjacent property, direct access to a major state highway and provisions for public utilities. The Commission may require other restriction to protect public health, safety, and the general welfare of the community.

12.3 Permitted Uses

Uses are limited to office buildings, research and development laboratories, storage and wholesale use, distribution, light industry, and earth excavation. Uses which are clearly accessory to the principal use of the property are permitted.

A maximum of twenty percent (20%) of the District may be used for commercial activities as long as accessory goods or services are compatible with other principal uses. Commercial uses shall be limited to those uses allowed in the GC zone which would not generate substantial vehicular traffic.

12.4 Design Standards

Design standards are limited to provide flexibility while ensuring the applicant adheres to performance standards for parking signs, residential buffers, architectural design, and open space. Building shall not exceed a height of fifty (50) feet. Property shall not contain less than fifteen thousand (15,000) square feet nor have a frontage less than eight (80) feet. Side and rear yard setbacks shall be ten (10) feet and front yard setbacks shall be forty (40) feet.

Total ground coverage excluding parking facilities shall not exceed fifty percent (50%) of the lot. Developments shall be designed to ensure maximum safety to the user. Parking spaces shall not exceed seventy-five (75) vehicles and must meet the requirements of Article 9 if more parking is required, a second facility may be established. Parking facilities shall not be located in setback areas which abut residential zones. Spaces shall be landscaped from residential zones. Loading areas shall be screened and not visible from the street. Spaces shall meet the requirements of Article 9.

Signs shall conform to Article 8 and be located thirty (30) feet from any property line and be designed to coordinate with the principal building. Ground mounted signs shall be landscaped.

Buildings shall be at least fifty (50) feet from a residential zone. A landscaped buffer shall be planted at least eight (8) feet in height. The applicant shall submit architectural designs for building facades. A list of materials and textures for all buildings and other facilities shall be submitted.

12.5 Application Procedure

If a District is established, it shall be governed by the site plan and architectural review requirements and, if applicable, by the Subdivision Regulations. The applicant shall submit four (4) copies of each plan map.

Plans shall show grading, landscaping, drainage, and buffer profiles that will be used for visual screening. Sedimentation and erosion control measures, existing and proposed streets, parking and loading areas, driveways, and maneuvering and turning radii areas for vehicles shall also be shown.

The applicant will illustrate the orientation of buildings, undisturbed vegetation areas, open spaces, watercourses, signs, architectural plans, elevation drawings, floor plans, and all public utilities and easements.

12.6 Open Space

The Commission may require a minimum of ten percent (10%) of the land in a District to be dedicated as open space.

Article 13 – Non-Conforming Uses

13.1 Applicability

This article is applicable only to those uses in existence on the effective date of the regulations, except as may be provided elsewhere. The lawful use of any premises existing on this date may be continued even if the use, area, height or bulk requirements of that use do not conform to the regulations. The date shall include the effective date of any subsequent amendments which may cause any use to become non-conforming.

13.2 Buildings/Structures with Non-Conforming Bulk

Normal maintenance, enlargement, reconstruction, alterations, repair or moving of a structure with non-conforming bulk is permitted if the same doesn't not increase the degree or create any non-conforming bulk in such building or structure.

13.3 Repair and Alteration

Normal maintenance, repair incidental alteration in a building occupied by a use which is non-conforming is permitted

13.4 Change in Use - Certification of Use

The Zoning Board of Appeals (ZBA), using the standards and procedures in Article 10 Special Permit, Article 11 Off Street Parking and Loading, and Article 17 Site Plan Review, may grant a change in use from one non-conforming use to another non-conforming use provided the degree and intensity of the non-conformity is not increased. A new Certificate of Use shall be obtained from ZBA for any change in use.

The ZBA must determine the following when reviewing a request for a Change in Use - Certificate of Use;

- a. The change in use will not be detrimental to the public health or safety and will not adversely affect the character of the surrounding neighborhood.
- b. The intensity of the new non-conformity is not increased when measured by such standards as hours of operation, number of employees, number of required parking spaces or loading spaces, or the number of automotive trips generated.
- c. A non-conforming use may be changed to conforming use.

If ZBA grants a Change in Use - Certificate of Use to an applicant, the applicant must submit an application for Site Plan Review to the Planning and Zoning Commission.

13.5 Termination

Once a non-conforming use has been terminated or changed its characteristics, the non-conforming use shall not be resumed or restored.

13.6 Cessation

No Non-Conforming Use which shall have been discontinued for a period exceeding 1 year shall be resumed or replaced by any other non-conforming use providing that there is clear evidence of the property owner's intent to abandon and discontinue such use.

13.7 Abandonment

If a non-conforming use is abandoned, it shall imply intent by the owner to permanently cease the non-conforming use.

13.8 Extension and Enlargement

A non-conforming use may be extended or enlarged provided that for each three hundred (300) square feet inside the building, there shall be three hundred (300) square feet outside to accommodate parking facilities.

13.9 Damage and Destruction

A non-conforming structure, which is destroyed or damaged by fire or casualty, may be structurally altered or reconstructed provided the degree of non-conformity is not increased.

13.10 Existing Uses

Existing uses are not required to rearrange their building to comply with the regulations unless the reconstruction is required by other regulations.

13.11 Signs

Any increase in size, illumination or flashing shall be deemed an enlargement resulting in an increase in the non-conformity.

13.12 Change in Plans

Nothing herein shall be deemed to require a change in plans, construction or use of any structure for which a zoning permit has been approved and a building permit issued subsequent to the adoption of these regulations and in which construction was lawfully begun prior to such date and completed within two (2) years following such date.

13.13 Lots

Lots which lack a primary building or which fail to comply with the requirements of Schedule B may be used and a building constructed as long as the lot has a minimum footage of thirty (30) feet on an approved street or has an easement or private right-of-way. The proposed use shall conform to the regulations and not require Special Permit approval.

13.14 Side Yard Requirements for Non-Conforming Lots

Any lot of record as of March 31, 1971 or any other lot which was a part of a subdivision and granted final approval prior to the above date and has a square footage or frontage less than what is required in Schedule B shall be used only for a single family detached residential dwelling providing the lot conforms to the other requirements in Schedule B.

13.15 Non-Conforming Frontage and Side Yard Requirements

If an undersized lot is unable to be developed as required in Schedule B, the following shall apply:

<u>Frontage</u>	<u>Minimum Side Yard Width</u>
Less than fifty (50) feet	five (5) feet - however, the sum of both side yards shall not be less than thirty-six percent (36%) of the lot frontage
Between fifty (50), but less than sixty (60) feet	eight (8) feet - however, the sum of both side yards shall not be less than thirty-eight percent (38%) of the lot frontage
Between sixty (60) feet and eighty (80) feet	ten (10) feet - however, the sum of both side yards shall not be less than thirty-eight percent (38%) of the lot frontage

Article 14 – Administration and Enforcement

14.1 Interpretation of Regulations

These regulations shall be held to the minimum requirements for the promotion of public safety and convenience. If the requirements of the regulation conflict with other regulations, ordinances, covenants, deeds or restriction the more restrictive shall govern.

14.2 Enforcement

The Commission may employ the services of a Zoning Officer. The Officer shall be responsible for and authorized to enforce the Zoning Regulations, subject to the supervision by the Commission. The Officer may inspect any building or premise, order the immediate termination of any condition found to be in violation of these regulations, examine any action which is disputed, and submit reports to the Commission on all zoning violations.

14.3 Zoning Permits Required

No land, building or structure shall be erected, used, enlarged, extended, constructed, renovated, altered or moved until a permit has been obtained from the Zoning Enforcement Officer.

14.4 Zoning Permits on Public Highways

Permits shall not be issued unless the frontage meets the requirements of Schedule B and, if an interior lot, parallel to a State highway or accepted or proposed street on a subdivision map and filed with the Town Clerk.

Streets shall be constructed and approved by the Road Superintendent and Town Engineer under Construction and Acceptance of Public Streets/Highway Ordinance or they may be partially constructed to meet the requirements except for the final course of bituminous binder, sidewalk, and curbing.

All public improvements shall be subject to a Performance Bond guaranteeing completion. Bonds shall be in a form satisfactory to the Commission and Town Counsel. Permits may be issued for farming uses and other buildings including necessary uses not capable of or intended for human habitation and for additions to existing buildings or to residential dwelling units.

14.5 Permit Application Procedure

Applications shall be submitted prior to the extension, enlargement, moving, construction or reconstruction of any building or structure.

14.6 Certification of Zoning Compliance

The Zoning Officer may issue a Compliance Certificate for the use or occupancy of any land or building after determining that all requirements have been satisfied. Buildings shall not be used until a Certificate of Zoning Compliance has been issued stating that the use is in accordance with the regulations.

14.7 Records

The Zoning Officer shall keep a record of all applications, certificates, fees, and identifiable complaints of any zoning violations, including all inspections made pursuant to the regulations, and violation notices and actions taken.

14.8 Foundation Verification - "As Built"

A certified "As Built" plot plan shall be submitted to the Enforcement Officer within fourteen (14) days after the completion of footings, piers or walls to verify setback requirements. The plot plan shall be required for structures involving close proximity to property lines, watercourses or wetlands or other similar building restriction lines.

If the certified "As Built" is not received with the required time frame, the Building Official will not issue any additional construction permits.

14.9 Sedimentation and Erosion Control Measures

The Enforcement Officer shall inspect all control facilities to ensure they are in compliance with approved plans, properly installed, functioning, and maintained by the applicant.

Article 15 – Amendments

15.1 Amendments

These Regulations, including the Zoning Map may be amended or repealed as provided in Section 8-3 of the State of Connecticut General Statutes as amended by either the initiative of the Commission or by petition. Every petition for such action shall be filed with the Commission which may act on it only after a public hearing. The applicant, or his authorized agent, will be required to appear at the public hearing for the change to the Zoning Regulations or the Zoning Map.

15.2 Petitions For Change

Any person may petition the Commission requesting a change in these Regulations or the boundaries of the Zoning Districts as shown on the Official Zoning Map for the Town of Thomaston. A complete petition shall consist of the petition form and filing fee prescribed by the Commission and all documents and statements required to accompany the form.

15.3 Supporting Information

A full text of any proposed change in these regulations clearly indicating existing provisions to be repealed and new provisions to be enacted.

A Map clearly showing, and a complete written description of any proposed change in Zoning District boundaries, including a precise description by metes and bounds or courses and descriptions, of the location of the new boundary to be established and a list, keyed to said map of the names and addresses of the record owners of land within, and within five hundred (500) feet outside, the area to be affected by such zoning boundary change.

A complete and comprehensive written statement of the reasons for any proposed regulation or Zoning District Map boundary change, including any special interest the petitioner may have in such change.

Said map shall show existing and proposed zoning districts with dimensions and distances of all zone boundary lines, and existing property lines.

15.4 Advisory Reports

The Commission may request advisory reports and or reviews from governmental agencies, commissions, officials or others. The applicant shall furnish to say parties copies of application documents and maps and other information as directed by the Commission. Copies of any such reports shall be provided to the applicant.

15.5 Posting of Sign at Properties for Zone Change Applications

The applicant shall place a sign or signs on the affected property giving notice of the proposed public hearing. Where the property is a corner lot, a sign shall be placed on both frontages of the property. The sign is to be placed at or near the street line or traveled way and shall be clearly visible to the general public.

The sign shall have a minimum area of 4 feet by 4 feet. Capital Letters shall be three (3) inches in height. The sign must be legible in block or printed letters not less than the size shown above. Signs must be a minimum of two (2) signs on a corner lot or parcel, one facing each street. Signs must be posted not over two hundred (200) feet apart, in addition to the minimum required. Said sign(s) must be erected at least twenty (20) days before the date of the hearing and remain on the premise until after the hearing after which said sign(s) shall be promptly removed by the applicant. The sign(s) shall be prepared and erected by the applicant or agent for the applicant or property owners who request the zone change. The cost of the sign(s) shall be borne by the applicant(s). Lettering shall be black on yellow background and the wording shall read as follows:

HEARING NOTICE
CHANGE OF ZONE
OF THIS PROPERTY

FROM: _____

TO: _____

PLACE: TOWN HALL, THOMASTON, CONN

DATE AND TIME: _____

Article 16 - Validity and Effective Date

16.1 Validity

The invalidity of any part of these regulations shall not invalidate any other section, paragraph or provision.

16.2 Effective Date

Any amendment or change in these regulations shall be in full force and effect from the date established by the Commission.

Article 17 - Site Plan Review

17.1 General Provisions

The use of land or buildings is subject to administrative review and site plan approval. The extension, construction, reconstruction, moving, structural alteration or enlargement of any structure in connection with such shall conform to the following standards.

17.2 Review Standards

The applicant shall design vehicular and pedestrian access in a way to avoid safety hazards and traffic congestion. The applicant shall demonstrate that sewage disposal and water supplies are in compliance with the regulations of the Water Pollution Control Authority, Torrington Area Health District, the Dept. of Health Services and Public Utility Control.

The applicant shall demonstrate if off-street parking and loading is designed in a way to enhance vehicular safety and protect health. The applicant shall design the location and height of exterior lighting to avoid glare on other properties.

The applicant shall plant shrubbery or create other buffers in commercial and manufacturing setbacks to lesson impact on adjacent properties and provide landscaped areas next to off-street parking and loading areas. Landscaping may consist of planting strips of islands not less than eight (8) feet in width.

Construction, including drainage and other improvements, shall be done in such a way that it shall not cause erosion and sedimentation on the subject or adjacent property or into any wetlands or watercourse.

17.3 Site Plan Application

The plan shall be drawn to a scale not to be less than one hundred (100) feet to the inch and contain existing and proposed contours, property lines, buildings, streets, driveways, off-street parking, loading areas, right-of-ways, storage areas, signs, lighting, water supply sources, sewage disposal, wetlands and watercourses, and storm drainage facilities on and adjacent to the site. Features such shrubbery, trees, lawns, and other areas along with undisturbed natural terrain shall also be shown.

The applicant shall submit four (4) copies of the site plan map. The plan shall include elevations, drawings, and floor plans.

17.4 Sedimentation and Erosion Control Facilities

The plan shall be prepared at a scale of not less than one hundred (100) feet to the inch and contain provisions to construct facilities and reduce the danger from stormwater runoff on the site and on adjacent properties. A narrative along with a grading schedule for construction, design criteria, conservation practices, and a maintenance program for the facilities shall be submitted. Development shall not begin onsite until all of the control facilities are installed and functioning properly.

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17.5 Public Utility Services

The applicant shall provide a report from the Torrington Area Health District regarding subsurface waste disposal systems along with the location of primary and secondary leach fields and wells. A report from the Water Pollution Control Authority regarding the ability and availability of sewage disposal shall also be submitted. A report from the Dept. of Environmental Protection or from the Army Corp. of Engineers as to what types of uses, if any, will be permitted up to or within their area of jurisdiction shall be submitted.

The applicant shall submit a Certificate of Public Conveyance accompanied by a water supply plan approved by the Dept. of Health Services and Public Utility Control if water will be supplied by a small water company.

17.6 Plan of Development

The applicant's plan shall conform to the overall purpose and intent of the Plan of Development. The Commission may require policy recommendations from the plan to be incorporated into the site plan.

17.7 Submission of Application

Applications shall be submitted seven (7) days prior to the next meeting. This will permit a preliminary review and placement on the agenda. Applications shall be received at a regular meeting, which is known as the "day of receipt."

17.8 Decision of Commission

The Commission shall approve, approve with modifications or disapprove any site plan application with sixty-five (65) days after it has been received at a regular meeting. The Commission shall determine if the application is complete. If the Commission fails to act with sixty-five (65) days, it shall be considered approved and a certificate to that effect shall be issued upon written demand by the applicant. Demand must be received within thirty (30) days after the expiration of the sixty-five (65) day period for action.

17.9 Extension of Application

An extension of the sixty-five (65) day review period may be granted provided the applicant gives written consent. Grounds for disapproval shall be stated and made part of the record.

17.10 Legal Notice

Legal notice of the decision shall be published within fifteen (15) days after the decision.

17.11 Certificate of Occupancy

A Certificate shall not be issued until the Zoning Officer has determined that all provisions of the plan are in compliance. If conditions prevent compliance, the Officer may authorize the issuance of the Certificate on the condition that the remaining provisions are complied with as weather permits. Non-compliance shall make the approval null and void unless extended for good cause.

17.12 Revisions, Modifications, and Extensions

Substantial revisions, modifications, construction, enlargements, extensions or structural alterations to an approved site plan shall require the submission of a revised application.

17.13 Condition of Approval

Conditions of approval shall be completed within five (5) years after the date of approval. If not completed, the approval shall be null and void. The Commission may, by resolution and without holding a hearing, extend approval for a period of one (1) year for good cause.

17.14 Administrative Authorization

The Zoning Enforcement Officer shall have the authority to administratively approve changes providing the requirements for off-street parking are the same as or less than what was required for the previous use. If approved, the Officer shall state that the decision and/or use may be subject to future review by the Commission. Approvals shall allow for immediate occupancy except for those instances when the Building Official requires a Certificate of Occupancy.

In cases where additional parking, substantial structural alterations or renovations are involved, a site plan shall be submitted for review. The Zoning Officer shall determine if a thorough review is warranted by the Commission.

17.15 Inland Wetlands and Watercourses Commission

Applications shall be submitted to the Wetlands Commission no later than the day it is submitted to the Planning and Zoning Commission to determine the presence of a regulated activity.

If the period for a decision by the Planning and Zoning Commission expires prior to a decision by the Wetlands Commission, the decision period shall be extended for a period of thirty-five (35) days after a decision is rendered by the Wetlands Commission. The applicant shall submit a copy of the Wetland's decision to the Planning and Zoning Commission.

17.16 Inspection by Town Engineer

The applicant shall be responsible for all inspection and review cost incurred by the Town Engineer during the review process. If it is determined that additional inspection and follow up reports are necessary after granting an approval and prior to project completion, the applicant shall be responsible for all costs incurred by the Town Engineer as per the fee schedule assessed to the Town.

Article 18 - Zoning Board of Appeals

(Amended 2-2-15)

18.1 Power and Duties

The Zoning Board of Appeals shall have all of the powers and duties prescribed by the regulations and Connecticut General Statutes Section 8-6, as may be amended.

18.2 Administrative Review

The Board shall hear and decide appeals where it is alleged that there is an error in any order or decision by the Zoning Enforcement Officer or interpretation of these regulations.

18.3 Variance

In certain cases, the Zoning Board of Appeals may authorize variances from the zoning regulations where owing to special circumstances or conditions, a literal enforcement of the regulations would result in exceptional difficulty or unusual hardship.

The Zoning Board of Appeals shall not be required to consider an application for the same or substantially the same variance more than once during any six (6) month period from the date of their decision or the date of the Court's decision.

Variances shall become effective when the original certificate or a certified copy of such is recorded in the Land Records.

18.4 Procedure for Combined Applications

Whenever a pending application for a variance is joined with an appeal to the Board, the Board shall initially decide the issues presented by the appeal.

Article 19 - Sedimentation and Erosion Control Bond
(Amended 2-2-15)

The Commission shall secure a bond to enforce, stabilize, and control any adverse environmental impacts resulting from a lack of facilities or non-compliance with the approved sedimentation and erosion control plan. A bond shall be required if the disturbance is in excess of a half (½) acre. The applicant shall be given written notice of a public hearing.

The Zoning Officer shall access to the site to determine compliance with Article 17. Section 8-12 of the Statutes and Public Act 87-244 authorizes action against a violation of this Article.

The Commission shall require a cash book, savings account or an irrevocable letter of credit. The bond may be called after a certified notice is sent to the applicant. The Commission must make a determination that the Sediment and Erosion Control Plan is not being followed by the applicant or their agent. The Commission or their agent shall determine the amount of the bond.

Article 19 shall apply to all special permit or site plan applications approved on or after the effective date of these regulations whether or not the application was filed prior to the effective date of these regulations.

Article 20 - Health District Authorization

(Amended 2-2-15)

The Commission shall require approval from the Torrington Area Health District prior to issuing a zoning permit for buildings which require septic systems. Buildings shall be enlarged, constructed or intensified without obtaining approval from the Torrington Area Health District.

Activities subject to this requirement include the construction of a single or multi-family units, commercial or manufacturing buildings, and additions to these units. Also, the conversion of residential units from seasonal use to year round use and the addition of new uses to a dwelling or structure, whether or not a subsurface disposal system is present on the property, is also required for review.

Wells for potable water or industrial usage shall not be dug, drilled or deepened without obtaining an approval from Torrington Area Health District. Swimming pools shall not be installed without obtaining a permit from Torrington Area Health District.

These requirements shall be in addition to any other requirements of the Town or the State Building Code. Failure to comply may result in the revocation or suspension of any permits or further legal action for enforcement of these regulations. If action is brought, the subject party may be liable for attorney fees and court costs.

Article 21 – Special Regulations

(Amended 2-2-15)

21.1 Earth Excavation and Mining

a. General Provisions

Land shall not be altered by excavation or by the removal or relocation of earth, topsoil, gravel, clay, loam, minerals or by the deposition of other materials without obtaining a permit unless such activity is exempted pursuant to Section 21.1.F. After the effective date of these regulations, no operations shall be allowed to continue without a Special Permit

b. Definition of Earthen Materials

These include any organic or inorganic materials, peat, loam, quarry materials, gravel, stone, clay, sand, and other similar natural resources. Earthen materials shall not include construction or building materials, rubbish, trash, stumps, inoperable motor vehicles or parts thereof, road construction materials or any other forms of solid waste, except as may be permitted.

c. Special Permit Required

A Special Permit shall be required for activity that exceeds two hundred-fifty (250) cubic yards per year from any lot, unless the use is exempted pursuant to Section 21.1.F.

d. Zoning Permit Required

A zoning permit shall be required for all activity between one hundred (100) and two hundred-fifty cubic yards per year, unless it is exempted pursuant to Section 21.1.F. Permits shall not be required for any activity of less than one hundred (100) cubic yards per year on any lot.

e. Safety Considerations for Operations Including Exemptions

Operations must be conducted in such a way as not to compromise the character or integrity of the neighborhood or endanger the health or safety of its residents. They shall be limited from 8:00 am to 5:00 pm Monday through Saturday. Activity is not permitted on Sunday or on legal holidays. After holding a hearing, the Commission may authorize new hours of operation due to special circumstances and conditions.

f. Exemptions from Obtaining a Special Permit

Activity accessory to the construction of buildings, streets, driveways drainage, off-street parking, sewer improvements or to agricultural operations are exempted. Also, activity such as necessary filling, removal, grading or alterations connected with manufacturing, commercial or residential construction is also exempted along with municipal projects.

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g. Application Requirements

The plan shall show the limits of all areas to be cut, filled, graded, excavated or altered. All property lines, streets, and the location of buildings on adjoining properties within two hundred (200) feet of the subject property shall be shown. Each parcel shall contain the names and addresses of legal owners. A list of property owners shall be submitted.

Contour lines, drawn at not less than two (2) foot intervals, shall be coordinated to a permanent monument drawn to a scale of one hundred (100) feet to the inch.

Watercourses, wetlands or drainage areas within two hundred (200) feet of the property shall be shown. If off-site data is not available, information may be obtained from the USGS. Bedrock out-croppings, forested areas, and other physical features shall be shown.

The applicant shall provide an estimate of the number of cubic yards of material to be filled, excavated, graded or removed from the site and the time necessary to complete the activity. Vehicular access routes to the site shall be shown along with an estimate of the type of equipment and other machinery to be used onsite.

The location of buildings and structures, including temporary ones to be erected onsite, shall be shown. The plan shall contain details regarding the storage of explosives and blasting equipment onsite. Grading details and a landscaping plan shall be included.

h. Standards and Conditions

Processing machinery shall not be used within two hundred (200) feet of any property or street line. Machinery shall be removed upon termination of the permit. Machinery not accessory to the activity shall not be allowed on site. No material or equipment shall be stockpiled or operated outside of the permit area.

At no time shall more than one (1) area exceeding five (5) acres be opened for operations. All remaining areas shall be left undisturbed. Operations which create inclines, pits or depressions, erosion, improper drainage or other conditions which would impair the development or reuse of the site or would deteriorate the use of adjacent properties, cause health or safety concerns resulting from such activity or use shall not be permitted.

Reasonable measures shall be taken to minimize noise, dust, and vibrations. Access roads shall be covered with a dustless surface and maintained in good condition at all times.

Six (6) foot high fencing shall be installed if excavations exceed a depth of five (5) feet and create slopes in excess of two to one (2:1). Fencing shall be installed when bordering roads, streets, travel ways, and residential areas. Other screening measures may be used.

Excavations shall not be permitted within one hundred (100) feet of any highway, from any residential unit or below the grade of any property within fifty (50) feet of the property line.

The permittee shall assure that vehicles exiting the site have their loads secured to avoid spillage. Drainage swales shall be provided to prevent erosion, runoff, and the creation of stagnant water.

i. Restoration of the Site

Upon completion or expiration of the permit, excavated and disturbed areas shall be restored to the following vertical to horizontal ratios; undisturbed earth one to one point five (1:1.5), earth fill one to two (1:2), and rock four to one (4:1).

Restoration shall not result in the creation of sharp cuts, declines, depressions, erosion, drainage or sewage problems. Debris and boulders, which are not design improvements, shall be removed. A layer of soil, free of large stones, shall be spread to a thickness of not less than six (6) inches over the entire area. The area shall be fertilized and seeded with a perennial grass and maintained until the area has stabilized. This requirement shall not apply to ponds or to expose ledge existing prior to excavation.

j. Public Hearing

The Commission shall hold a hearing within sixty (65) days after receipt of a completed application for any activity involving excavation, filling, grading or removal of two hundred-fifty (250) cubic yards or more of earthen material. Failure to submit information may be considered grounds for disapproval of the application. All communications shall be in writing. Copies shall be kept on file in the Land Use Office.

k. Permit Approval

Permits shall be valid for one (1) year provided no violations have occurred. Permits may be renewed for a period of one (1) year without holding a hearing provided the applicant submits a revised plan showing the existing conditions. The applicant's engineer shall certify that all authorized work has been conducted in accordance with the requirements of the permit. If the permit is renewed, legal notice shall be published.

l. Site Inspection

The Zoning Enforcement Office and the Town Engineer shall have access for inspection purposes and to determine compliance. The Commission may require the submission of status reports detailing site progress.

m. Liability Insurance and Bonding

The applicant shall provide proof of liability insurance. The Town shall be named as insured with a limit of not less than one hundred thousand dollars (\$100,000.00) to personal injury, which shall include death, and not less than ten thousand dollars (\$10,000.00) for property damage covering all operations to be conducted pursuant to the permit. If the insurance is cancelled or not renewed, the permit shall be terminated.

The applicant shall submit security in the form of a certified check, passbook account, , letter of credit, or other form acceptable to the Commission and the Town Attorney. The security shall be equal to the amount of the proposed excavation and site restoration costs as provided by the applicant and approved by the Planning and Zoning Commission with recommendation from the Town Engineer and/or Zoning Officer.

Upon completion of the restoration work, the applicant may apply for release of the bond. The Town Engineer and the Zoning Officer shall inspect the restoration and submit a report to the Commission regarding compliance. If in compliance, the bond may be released to the permittee, otherwise, it shall remain in full force and effect. The applicant may also apply for partial release of security with the recommendation of the Town Engineer and/or Zoning Officer.

21.2 Multiple Dwelling Units

a. General Provisions

This section shall provide procedures and standards for the development of multiple dwelling units.

b. Qualifying Standards for the Tract

The tract shall consist of a lot or contiguous lots under one (1) ownership or control. The tract shall contain a minimum of ten (10) acres and be served by public sewer and water. It shall contain two (2) access ways of which one (1) may be on a State road.

Each access way shall have a minimum of fifty (50) feet of frontage. The minimum frontage for the tract shall not be less than eight (80) feet. One (1) access way may be with eighty (80) feet when two (2) abutting strips are created, they shall be separated from any other access way on the same side of the street by a minimum of one hundred-twenty (120) feet. The tract shall be located within the RA-15 zone.

c. Design Standards for Dwelling Units

No more than six (6) dwelling units per acre shall be permitted. To compute the density, a seventy-five (75) foot buffer shall be excluded from the area of the tract. Principal buildings shall be located a minimum of thirty (30) feet from other principal structures.

Two (2) parking spaces shall be provided per unit. Each building shall provide two (2) spaces to accommodate visitors. Each unit shall have 2 doors or a set of stairs accessing the outside of the unit.

No building shall contain more than six (6) dwelling units. Primary buildings shall not be constructed within seventy-five (75) feet of any street or property line. Maximum height shall not exceed forty (40) feet. Units shall contain a minimum of seven hundred-fifty (750) square feet of habitable floor area. Ground coverage shall not exceed fifteen percent (15%).

Utilities shall be located underground. Buildings shall not exceed two hundred (200) feet in length. Each unit shall be provided with a minimum of forty-eight (48) square feet for outside storage. Garages, basements or other space within the unit may be used to meet this requirement.

Exterior space shall be considered common land and usable for traffic circulation, parking, recreation or conservation purposes. A minimum of twenty-five percent (25%) shall be designated as open space and used for recreational purposes.

d. Standards

The tract shall be served by private streets. Streets shall meet municipal construction standards. Internal circulation patterns shall be designed to discourage through traffic. A minimum of thirty (30) feet is required between streets and buildings. Pavement width is twenty-four feet. If the street pattern significantly improves traffic circulation in the area, the Commission may require that they be dedicated to the Town. Access to a minimum of ninety percent (90%) of all units shall be from loop drives or permanent cul-de-sacs and not from other roads.

e. Phase Development

The Commission may approve construction in phases. Each phase shall be capable of existing without completion of succeeding phases.

f. Procedure - Application Submission Requirements

The Commission shall review the application pursuant to Article 10. The applicant shall submit four (4) copies of a statement describing the project in sufficient detail, four (4) copies of the site plan map and four (4) copies of the architectural plan designs.

The applicant shall submit a report from the Water Pollution Control Authority regarding the availability and capacity for sewage disposal services along with a report from the CT Water Company regarding the availability of water service.

A traffic report detailing parking and vehicular circulation patterns on roads leading to and away from the site, sight line evaluation, and design standards shall be submitted. The Commission may require additional data and analysis.

g. Landscaping Plan

The plan shall contain the location of buildings, off-street parking, including areas reserved for special needs and handicapped individuals, exterior lighting, walkways, shrubbery, trees, other plantings to be removed or retained, designs for recreation areas, buffer areas, and open spaces.

h. Common Interest Ownership

Article 21.2 shall apply to all multi-family dwellings converted to common interest form of ownership on or after the effective date of these regulations.

i. Special Needs and Handicapped Accessibility

The plan shall conform to all requirements to the CT Basic Building Code and to any special requirements in the American Disabilities Act.

21.3 Housing for Elderly and Seniors

a. Basic Standards and Conditions

Housing shall be located in RA-15 or GC zones. Applications shall meet the requirements of Article 10. The tract shall consist of one (1) lot or a number of contiguous lots under one (1) ownership or control and contain a minimum of ten (10) acres. The maximum number of dwelling units allowed shall not exceed ten (10) per acre. The buffer area shall not be subtracted from the acreage prior to computing the density. The applicant shall demonstrate a need for senior housing.

b. Site Access

All projects shall contain two (2) separate access points of which one (1) may be on a State road. Each access shall have a width of fifty (50) feet. The secondary access road need only be an emergency road suitable for evacuations and public safety vehicles.

The development shall be served by a private road constructed to Town standards and designed to discourage through traffic. Interior streets shall not extend within thirty (30) feet of any unit. The Commission may require streets be dedicated to the Town whenever it would serve to improve traffic circulation.

The Commission may, at its discretion and for good cause, approve the construction of a boulevard style access to a senior housing development in lieu of the two (2) access point requirement providing the applicant has submitted sufficient documentation for the safe and convenient movement of vehicular traffic and pedestrians, made accommodations for emergency and public safety vehicles, provided attractive layout design and landscaping plans, made provisions for public utilities, submitted restrictive covenants for maintenance and owners responsibility, provided sufficient bonding to cover construction costs, and any other items that may be required by the Commission.

c. Design Standards

Buildings shall not exceed thirty (30) feet in height. They shall be separated from each other by a minimum of thirty (30) feet. Units shall have a minimum of four hundred-forty (440) square feet of habitable living space. Ten percent (10%) of all units shall be constructed as handicapped adaptable. The exterior design and recreational facilities shall be in character with the neighborhood. Ground coverage shall not exceed fifteen percent (15%). Units shall be served by underground public utilities.

d. Parking Space Standards

One (1) space shall be required for each unit and one (1) space for each employee. Parking and loading facilities shall be provided for delivery trucks and vans. One (1) space per building shall be provided to accommodate visitor parking.

e. Screens and Buffers

Screening and buffering may consist of evergreens or shrubbery. The Commission may require other types of screening. A buffered area of seventy-five (75) feet shall be required around the tract. Trash and debris disposal areas shall be designed to serve the project.

f. Phase Development

The Commission may require projects to be approved in phases. Each phase shall be capable of functioning without the completion of succeeding phases.

g. Modifications to Approved Project

The Modifications to an approved project may be granted by filing a site plan application in accordance with Article 17.

h. Public Safety Considerations

The Commission may seek additional requirements to ensure the safety, health, and welfare of the Town and the residents of the project.

21.4 Home Occupations

a. General Requirements

Home occupations shall be located in residential units and the owner shall obtain a special permit. The purpose of this regulation is to protect neighborhoods from adverse impacts of certain activities while permitting other residents the reasonable use of their property and homes.

b. General Provisions

Except as may be permitted, home occupations shall be operated in such a way so as not to display any overt characteristic or appearance of a business which would infringe upon the lawful right or privilege of others to enjoy the peaceful use of their residential units.

Home occupations shall not permit the outside storage of equipment or materials. Window displays designed to be seen from the exterior of the dwelling are not permitted.

Occupations shall not cause any intolerable amounts of noise, dust, vibrations, odors or noxious fumes to leave the premises other than which can normally be associated with or produced by a single family dwelling. They shall not use mechanical or electrical equipment which will create interference with radio or television receivers or cause fluctuations in line voltage off the premises. Occupations shall not interfere with the normal delivery of utilities or other customary services to the neighborhood.

c. Abutting Property Owners

For special permit applications under this section, notice of the hearing on the application shall be sent to all abutting property owners and those across the street by certificate of mailing no later than ten (10) days prior to the hearing date..

d. Number of Occupations and Location

Only one (1) occupation shall be permitted to operate at any time in the dwelling. Permits are non-transferable to new owners or to new locations.

e. Vehicular Circulation and Parking

Home occupations shall not cause significantly larger traffic volumes than would normally be expected. Activities shall not create safety hazards or cause traffic congestion to residents. Occupations shall keep delivery and pick up of materials to and from the premises to an absolute minimum. Permit holders should encourage customers to park vehicles only in areas permitted by law. The Commission may request additional information from other agencies involved in public safety to determine if off-street parking should be required for vehicles.

f. Employees

Home occupations shall be operated by members of the family residing in the unit. Persons engaged in construction trades or other similar fields may utilize their unit as an office for business activities. Work must be performed off the premises. The home shall not serve as a gathering place or staging area for employee parking.

g. Signs and Advertising

Signs proposed in conjunction with a home occupation application shall obtain a sign permit application from the Land Use Office and conform to the regulations set forth in Section 8.4 of these regulations.

h. Classes and Instruction

Class size shall not exceed more than two (2) students. Classes may be permitted up to a maximum of four (4) students if the Commission determines that additional traffic will not be generated. The limiting of class size shall not be construed to prohibit occasional exceptions for recital or other similar gatherings. Classes shall be scheduled a minimum of thirty (30) minutes apart to help mitigate traffic congestion.

i. Enforcement

Any party who feels aggrieved by an action pursuant to this section shall notify the Zoning Officer in writing and detail the alleged violation. Within thirty (30) days after receipt of such notice, the Enforcement Officer shall investigate. Within ten (10) days after completing the investigation, the Zoning Officer shall notify the aggrieved party by certified mail the finding of the investigation.

The notification shall state the reasons for the decision and specify a time frame for compliance. It shall also state what action will be taken if compliance is not forthcoming. Any person aggrieved by the decision of the Zoning Officer may appeal that decision to the Board of Appeals.

j. Home Occupations

The following uses are permitted as occupations; arts and crafts for sale off site, data and word processing, catalog direct sales and distribution off site, professional sales, insurance, consulting services, broker, real estate, home grown produce, gardening and landscaping for sale and distribution off site, telephone solicitation, doctor, accountants, investors, designers, financial planners, architects, planners, and engineers.

The following uses not are not permitted as occupations; video sales and distribution, retail sales establishments, automobile sales and repair, painting, parts and service, appliance repair including television and radio, private clubs, beauty salons, barber shops, exercise studios, massage parlors, gyms, welding or metal shops, firearms, ammunition, and explosives.

The Commission recognizes that it is impossible to list all permitted and non-permitted home occupations. The Commission will make a determination on the merits of each application after conducting a public hearing and soliciting comments from adjacent property owners and public safety officials.

21.6 Adult Oriented Establishments

a. General Purpose

The purpose is to manage and regulate those particular uses, which because of their character and nature, are recognized as having potentially serious and objectionable operational characteristics and which have been proven to adversely affect community enrichment, neighborhood children, improvement efforts, retail trade, and commercial and residential property values.

Special regulations of these uses are necessary. The purpose is to prevent the concentration of these types of uses in any one area, to minimize any adverse community impacts, and to assure that these adverse effects will not contribute to the degradation of the surrounding neighborhoods. These regulations are intended to prevent any concentration of adult business uses and to protect the general health, welfare, safety, way of life, and local property values in the Town.

b. Definitions

1. Adult Oriented Establishment

This is defined to include the following without limitation; adult motion and mini-motion picture theaters, adult cabarets, adult bookstores, and adult personal service businesses.

It also includes any premise to which members, patrons, or the general public is invited or admitted and which is so arranged as to provide studios, booths, compartments, rooms or stalls separate from the common areas of the premises for the purpose of viewing adult motion pictures. It is also defined as any premise where an entertainer provides adult entertainment to a member, member of the public or any patron in attendance when such entertainment is held, conducted, operated or maintained for a profit direct or indirect.

This also includes without limitation, any adult entertainment studio or any premise that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

2. Accessory Adult Use

This is defined as any establishment containing less than ten percent (10%) of its stock in trade in books, magazines, pamphlets or periodicals for sale, rent or barter, videos, movies, cassettes or films for sale, rent or barter, videos, movies, cassette or films for sale, rent or barter, other types of adult oriented materials or any types of devices used for sexual stimulation or display for sale, rent or barter.

It is also defined as any establishment utilized for viewing motion picture devices or other types of coin operated means which is characterized by or distinguished by its emphasis on matters or subject depicting or relating to "specified sexual activity" or "specific anatomical areas".

3. Adult Bookstore

This is an establishment which contains more than ten percent (10%) of its stock in trade in magazines, books, pamphlets, periodicals, video cassettes or films which are distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activity" or "specific anatomical areas".

If the establishment utilizes more than ten percent (10%) of its interior, gross floor area, as calculated by square footage, to sell or display any material or subject matter as noted above, it is also classified as an adult bookstore. Hallways, restrooms, foyers, loading docks, storage rooms, and areas not normally utilized to display or sell products are not to be calculated in the gross floor area.

Adult bookstores also present adult materials and/or entertainment, including movies or films, video cassettes or live entertainment for the purpose of observation or view a person, persons or patrons.

4. Adult Entertainment

Adult entertainment is defined as any means or method used to perform any exhibition or display of any type of adult oriented motion pictures, live performances or dance of any type.

It is also defined as any type of adult oriented entertainment which has a substantial or significant portion of such entertainment any actual or simulated performance or "specified sexual activities" or exhibition and viewing of "specified anatomical areas", modeling, removal of any articles of clothing or appearing unclothed, pantomime or any manner of person services offered to customers, patrons or members.

5. Adult Motion Picture Theater

This is defined as an enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished by or characterized by an emphasis on matters or subjects depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons or persons.

6. Adult Mini-Motion Picture Theater

This is defined as an enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished by or characterized by an emphasis on matters or subjects depicting, describing or relating to specified sexual activities or specified anatomical areas for viewing or observation by persons or patrons.

7. Employee

An employee is any person, including independent contractors, who work in or at or render services directly related to the operation of an adult oriented establishment.

8. Entertainer

An entertainer is any person who provides entertainment in an adult oriented establishment whether or not entertainment is provided as an employee or independent contractor and whether or not a fee is charged or accepted for entertainment.

9. Minor

A person under the age of eighteen (18) years old.

10. Operator

Any person, partnership or corporation operating, conducting or maintaining an adult oriented establishment.

11. Principal Activity

A use which accounts for ten percent (10%) or more of a business's stock in trade, square footage of display space, floor space or movie display time per month.

12. Sexual Activities

The definition "Sexual Activities" does not include or apply to bona fide medical publications, educational publications and films, bona fide art or photography publications that devotes at least twenty-five percent (25%) of the lineage of each issue to articles and advertisements dealing with art or photography, periodicals which reports or describes current events and which from time to time publish photographs of nude or semi-nude persons in connection with the dissemination of the news.

It also applies to publications or films which describe and report different cultures and which from time to time publish or show photographs or depict nude or semi-nude person when describing certain cultures in which nudity or semi-nudity is indigenous to the population.

13. Specified Sexual Activities

Specified sexual activities are defined, but not limited to, human genitals in any state of sexual arousal or stimulation sex acts, actual or simulated fondling or erotic touching of genitals, buttocks, anus, female breasts or pubic region, and acts of masturbation, intercourse or sodomy.

14. Specified Anatomical Areas

The term specified anatomical areas is defined as less than completely opaquely covered human genitals and the public region, buttocks, female breasts below a point immediately above the top of the areola and male genitals in a discernable turgid state.

a. Exemptions

The provisions of Article 21.6 shall not apply to nor prohibit the treatment by a licensed chiropractor, osteopath, masseur or masseuse, licensed practical nurse or a registered professional nurse, electrolysis treatment by a licensed operator of electrolysis equipment, hospitals, nursing homes, medical clinics or offices.

This also applies to barbershops and beauty salons which offer massage only to the scalp, face, shoulders or neck. Athletic facilities and alumni clubs of an educational institution, philanthropic, charitable groups, and institutions are also exempted.

Other exempted facilities include health establishments, commercial and non-commercial clubs which are equipped to provide instruction, personal service or other activities which can improve or affect a person's physical condition by massage, exercise, including aerobics, martial arts, and the use of exercise equipment.

b. Locational Requirements and Standards

Adult establishments shall be located in manufacturing zones and subject to the approval of the Commission in accordance with the following standards and criteria;

Adult establishments shall not be located within seven hundred-fifty (750) feet of a residential zone or within one thousand five hundred (1,500) feet from the property line of any public, private or parochial school or any educational facility which provides services to individuals under the age of eighteen (18) years old, any State licensed day care center or provider, public parks, libraries, playgrounds, funeral parlors, cemeteries or any other public gathering place, any municipal, State or Federal building, and any place of worship. Adult businesses shall be separated by a minimum of one thousand five hundred (1,500) feet from another such business.

For purposes of compliance, distances shall be measured in a straight line, without regard to intervening structures, from the nearest portion of the building containing or proposing to contain an adult establishment to the nearest boundary of the uses as specified above.

Pursuant to Section 8-6 of the Statutes, these regulations shall not be varied by the Zoning Board of Appeals to accommodate the location of an adult establishment.

c. Signs and Exterior Displays

No adult use shall be conducted in any manner on the premises that permits or allows the observation or viewing of any type of material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas from any public way or from any property not registered as an adult establishment. This requirement shall also apply to any display, decoration, attached or detached sign, shop, window or other opening.

d. Lighting and Visibility

Adult establishments shall be well lighted at all times and be physically arranged in such a manner so that the entire interior portion of the booths, cubicles, rooms or stalls where adult entertainment is provided shall be clearly visible from the common areas of the premises. Visibility into booths, cubicles, rooms or compartments shall not be blocked, obscured or concealed at any time by doors, drapes, curtains, partitions or any other type of obstruction.

It shall be unlawful to construct, install or fashion any enclosed booths, cubicles, rooms or stalls in an adult business for whatever purpose, but especially for the purpose of providing for the private or secluded viewing or observation of adult oriented videos, motion pictures or other types of adult entertainment.

Adult establishments shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which persons or patrons are permitted access at an illumination of not less than one 1 foot candle as measured at the floor level. It shall be the responsibility of the operator, its agent or employees to ensure the illumination is maintained at all times when any patron is on the premises.

e. Inspection of Premises

Establishments shall be available for immediate inspections at reasonable times by enforcement personnel. Inspections shall be conducted by enforcement personnel pursuant to the Statutes and the regulations.

f. Registration

Adult establishments shall register with the Zoning Officer. It shall be a violation of the regulations for the owner or person or persons in control of any property to establish or operate or to permit any individual to establish or operator a regulated adult establishment without receiving a Certificate of Zoning Compliance. Any lawful and pre-existing adult business in operation prior to the effective date of these regulations shall be registered with the Zoning Officer within thirty (30) days of that date.

It shall be the responsibility of the owner or agent having management or control of a building or premise, which contains an adult establishment, to furnish and maintain on a current basis the street address of the building, the owner's name and beneficial owner's name if the property is owned by a trust, the address of the owner and the beneficial owner's, the trade name of the adult establishment, the names and addresses of the major stockholders, the date of initiation of the business and if the building or premise is leased, a copy of the lease or rental agreement.

g. Severability

Should any court or other jurisdiction declare any provision, section or clause of this regulation to be unconstitutional, such decision shall only affect that provision, section or clause so declared unconstitutional and shall of affect any other section, clause or provision of this regulation.

21.7 Commercial Telecommunications Facilities and Sites

a. Purpose and Intent

The purpose is to control the placement of antennas, towers, and other facilities in a manner that will safeguard the community and protect the Town's visual and aesthetic qualities. The Commission shall require that information which is necessary to evaluate each facility. The Commission shall also require the proposed location to be the least disruptive to public health, safety and welfare, and consistent with the Plan of Development.

The intent is to minimize any adverse visual effects through proper design, siting, and screening to avoid potential damage to adjacent properties, to minimize the height and number of towers, and to provide for the orderly removal of abandoned antennas and towers.

b. Definitions

The following definitions have been adapted from the American National Standards Institute 1992 RF Exposure Standard and NCRP Report No. 67 and from the FCC's Rules;

1. **AGL** - Above ground level
2. **dB (decibel)** - Times the logarithm to the base ten (10) of the ratio of two (2) power levels.
3. **Equivalent Isotropically Radiated Power (EIRP)** - The product of the power supplied to the antenna and the gain in a given direction relative to an isotropic antenna.
4. **Monopole** - Tower composed primarily of a single structural element, not a lattice type structure.
5. **mW/cm²** - Milliwatts per square centimeter, a typical unit of power density measurement.
6. **Power Density** - Power per unit area normal to the direction of propagation, usually expressed in units of watts per square meter.
7. **Power Output** - The sum in watts of each transmitter power at a site, i.e. twelve (12) channels at twenty (2) watts per channel is two hundred-forty (240) watts.
8. **Radio Frequency Radiation (RFR)** - Non-ionizing radiation in the frequency range of three hundred (300) kHz to one hundred (100) GHz.
9. **Repeaters** - A device used to relay a radio transmission.

b. Use Regulations - Exemptions

The repair and maintenance of towers and antennas, especially those used for residential television, radio, amateur radio, satellite antennas of two (2) meters or less in diameter located in commercial zones are exempted from Article 21.7. Also exempted are satellite antennas measuring one (1) meter or less in diameter regardless of location and those facilities intended for the protection of the community such as police, fire, ambulance, and other public safety services.

c. Site Plan Approval

Facility uses are allowed in commercial and manufacturing zones pursuant to site plan approval. Uses proposed within an existing structure such as a steeple, flagpole, chimney or other similar structures and those on an existing structure such as fire or water towers and lattice or monopole towers, provided installation does not increase the height, are also subject to site plan approval.

Antennas located on transmission or distribution towers, telephone poles, and other utility structures are subject to the same process, provided no more than a twenty (20) foot increase in height results from the installation. This increase shall not be permitted within one hundred-fifty (150) feet of pavement of any Town or State road. Antennas may be mounted on buildings provided it does not project more than ten (10) feet above the height limit of the zone where the facility is located.

Antennas may be located on structures that are legally non-conforming with respect to the height requirements of Schedule B, provided the antenna does not project above the roof line or more than ten (10) feet above the height limit of the zone in which the facility is located. Antennas may be erected for the above purposes, unless they are to be shared by a commercial wireless service carrier which shall require special permit approval.

d. Special Permit Requirements

Facilities are allowed in all zones pursuant to special permit approval. Approval is required for all facilities that do not meet the requirements of Section 21.7.E and for ground mounted commercial towers.

Applications shall include a USGS map. Locations for existing and proposed towers outside and within the Town's borders that would connect or be interconnected "hand-off" with the proposed facility shall be shown. The map shall display the area from which the tower can be seen. It may be visible from more than one (1) community. The visual area shall be based upon an assessment of the topography surrounding the site.

The applicant shall provide an evaluation of the effect of the tower location within the Town and in adjacent communities. Special concern shall be given to those areas identified for existing or proposed preservation, open space or any existing or proposed Historic District.

The applicant shall provide copies of the application for each community located within three (3) miles of the facility. Copies shall be forwarded by the Commission to each community for review and comment.

d. General Standards and Requirements for All Facilities

If feasible, facilities shall be located on existing buildings such as water towers, utility poles, towers, and other telecommunications and related facilities, provided the installation preserves the integrity and character of those structures. The applicant shall consider the use of existing telephone and electric utility structures as potential sites.

The applicant shall prepare a comprehensive analysis as to why existing structures and other related facilities may or may not be suitable. The applicant or co-applicant shall be a licensed carrier and documentation of qualifications shall be presented.

If the facility is regulated by the Connecticut Siting Council, the applicant shall document its submission to the Council. The applicant shall also submit documentation regarding the legal right to install and utilize an existing structure at the time of submission.

The applicant shall show the location of the antenna on the existing structure and document that the fall zone is contained within the property lines and does not pose a safety threat to adjacent properties.

Ground mounted equipment shall not generate noise in excess of forty-five (45) decibels at the property line. Roof or side mounted equipment shall not generate noise in excess of fifty (50) decibels at the base of the building closest to the antenna.

e. General Standards and Requirements for Ground Mounted Towers

The applicant shall demonstrate that there are no feasible existing structures on which to locate the tower as an alternative to the proposed ground mounted tower.

Towers shall be camouflaged to the greatest extent possible by using compatible materials, screening, colors, landscaping, and placement with trees. Towers shall be located in areas which will offer the least detrimental visual impact to historic and scenic areas, ridge lines, and properties listed in the State or Federal Register of Historic Places.

Facilities shall be sited in low density areas to avoid any decrease of residential property values. In cases of structural failure or attractive nuisance, facilities shall not be sited in Floor Plain Zones or Special Flood Hazard Areas. Facilities shall not exceed FCC guidelines in order to protect the public from excessive electromagnetic radiation

Facilities shall be sited to avoid any adverse environmental impacts to rare or endangered flora and fauna in areas as shown on the Connecticut DEP and Federal Listed Species and Natural Communities Map. Towers shall not be sited in any wetland or watercourse area or within any regulated setback area.

In order to ensure public safety, the minimum distance from the base of a proposed ground mounted facility to a property line, roadway, habitable dwelling, business or industrial use, public recreational areas or public pathway shall be the height of the facility and mount, including any antenna or other appurtenance plus fifty percent (50%). The Commission may permit the setback to encroach within an adjacent property if it finds that a substantially superior design will result.

The fall zone in the adjacent property shall not be developed. It shall be subject to a legally binding agreement between the service provider and the property owner until such time as the tower is removed. The Commission shall consider the visual and safety impacts of the facility. Monopoles shall be the preferred type of ground mounted facility.

f. Special Permit Application - Sight Lines and Elevations

A site line representation shall be drawn to the highest visible point of the tower from any public road or building within three hundred (300) feet. Each line shall be depicted in profile and drawn at one (1) inch equals forty (40) feet. The profile shall display all intervening trees and buildings.

Each sight line shall be illustrated by a color photo of the existing conditions on the site as seen from any public road within three hundred (300) feet. The applicant shall submit a second set of photographs with the facility superimposed to illustrate what can be seen from public roads if the facility is constructed.

g. Special Permit Applications - Other Requirements

An RF Engineer shall submit reports on Adequate Coverage and Capacity and Justification of Need for Site Location of Ground Mounted Towers. The applicant shall provide a description of the service area for each communication system on the tower and prepare a statement justifying the rationale for the tower in the proposed location. A prepared statement with respect to the signal strength service objectives for each proposed wireless service shall be provided.

The applicant is responsible for providing an analysis for each service use demonstrating that the location will provide the required level of service and that other potential sites in the service area will not provide equal or better service. The applicant shall document that the antenna height is the minimum necessary to provide adequate coverage.

The applicant shall demonstrate the proposed service cannot be provided with equipment added to other existing or proposed towers. The applicant shall document for all facilities within three (3) miles of the proposed site if they or the service provider has a legal interest, whether by ownership, lease hold or otherwise. The applicant shall demonstrate that the sites cannot provide nor have the potential to provide adequate coverage or capacity to the Town.

h. Site Plan Application Requirements

The plan shall contain property lines within three hundred (300) feet, natural boundary markers, tree cover by species, buildings, accessory structures, locations of roads public and private, including pathways and walking trails, and contours at two (2) foot intervals.

Site information is also required for the antenna, building, equipment shelter and other facilities, proposed security barriers indicating the type and extent, as well as the point of controlled entry, distances, and grades from the facility to each structure on the site. All proposed changes to the property, including grading, vegetation, deposition, removal, and temporary or permanent roads.

i. Site Elevations

Site elevations at grade from all four (4) compass directions shall be provided for a fifty (50) foot radius around the facility and from existing public and private access ways that serve the property. Elevations shall be at one quarter inch (1/4") equals one (1) foot and display all antennas, mounts, equipment shelters, including elevations and AGL of the highest point.

If the security barrier obstructs the view of the facility, the barrier shall be cut away from the drawing to show the view behind the barrier. The plan shall show all structures on the property, existing trees, shrubs, and other plantings at the current height and at the proposed height at the time of installation along with approximate elevations. All grade cuts, fills, and changes shall be shown at original grade and at the new grade with two (2) foot contours above mean seal level.

j. Documentation for Each Facility Site

The applicant shall provide the exact location in latitude and longitude, minutes and seconds, a copy of the applicant's FCC license, number of transmitters, power output of each in watts, types of antennas, and the gain in dBi and the height of the antenna on the tower or structure.

The applicant shall also provide systems losses from cables and connectors in dB, minimum and maximum operating frequencies, number of channels, calculated Equivalent Isotropic Radiated Power in watts, calculated power densities in mW/cm² at ground level and ground elevations along with the height of other structures on the site. Potential adjustments to each site, including changes in antenna types, orientation, gain and height, and the power output shall be specified. The applicant shall provide the other documentation as required.

For each site modifications, providers shall submit a copy of their FCC license, number of transmitters, power output of each transmitter in watts, type of antennas and the gain dBi, height of the antenna on the tower, system losses from cables and connectors in dB, minimum and maximum operating frequencies, and the number of channels and calculated power densities in mW/cm² at ground level.

k. Distance from Existing Tower

The applicant must certify that any tower within one thousand (1,000) feet of the proposed facility does not meet the provider's structural specifications or technical requirements or that an agreement to share the existing tower could not be obtained at reasonable terms and conditions, including price.

l. Repeaters

Documentation shall be provided that the applicant has analyzed the feasibility of using repeaters in conjunction with existing facility sites to provide adequate coverage and/or capacity to the Town. Radial plots for repeaters sites shall be provided by the applicant

m. Soils Report

A soils report shall be submitted with design specifications for the tower foundation and anchors for the guide wires.

n. Site Emissions Report

The applicant shall submit an environmental impact and evaluation report of site emissions. This report shall provide an assessment of the tower's impact upon areas designated for conservation and preservation in the Plan of Development and In the State Plan for Conservation and Development.

The report shall assess Federal, State, and protected areas, including wetlands, watercourses, environmentally sensitive areas, critical habitats for plants and animals, historical buildings or sites, unusual topographic features, landmarks, monuments, permanently protected areas, State parks and forest land or lands protected by or being proposed for a land trust.

The applicant shall provide documentation listing the existing and maximum projected measurements of radio frequency radiation (RFR) from the facility for existing and ambient qualities and the maximum estimate of RFR from the facility plus the existing RR environment. The RF engineer shall certify that the RFR measurements are accurate and comply with FCC guidelines.

The applicant shall demonstrate that the proposed tower is in harmony and compatible with the surrounding properties and it does not adversely affect local characteristics or the integrity of the neighborhood.

o. Landscaping and Screening Requirement

The applicant shall provide a security fence at a height of at least eight (8) feet around the base of the tower. Existing vegetation shall be preserved. The applicant shall provide a vegetation plan to screen structures, fuel tanks, and as much of the tower as possible. The plantings may be evergreens planted ten (10) feet on center. Evergreens shall be six (6) feet high and grow to a minimum height of fifteen (15) feet at maturity. The Commission may accept any combination of existing vegetation, topography, walls or other features that meet the screening requirements.

The Commission may require a bank check, letter of credit, passbook savings bond or other form of security satisfactory to the Town Attorney to be held by the Town for a period of one (1) year to ensure that all plantings are in good condition and have taken hold.

p. Construction Plan Map

A construction plan shall be submitted. This map shall show details for access roads, construction, drainage improvement, above ground wires, cables, ducts, utility and signal cables, guiding, and anchor details.

The Commission may require, as a condition of the Special Permit, that within ninety (90) days of commencing the operation and at periodic intervals from the date of the approval, existing RFR measurements be taken from the facility. Measurements shall be certified by an acoustical engineer, stating that the measurements are accurate and meet the noise standards of the Health District.

q. Site Identification

The applicant shall provide, weather permitting, a balloon with a minimum diameter four (4) feet be sent aloft to the proposed height of the tower. The balloon shall remain aloft for a reasonable period to allow for public viewing and inspection by the Commission. Local notice of the balloon raising shall be published in a local newspaper by staff. Legal costs shall be paid by the applicant.

The applicant shall provide a list of Federal, State, regional, district, and municipal agencies, which will review the proposed tower and submit any decision, recommendation or position of such agency.

r. Federal Environmental Filing Requirements

The National Environmental Policy Act applies to applications for wireless service facilities. The Act is administered by the FCC via procedures adopted as Subpart 1, Section 1.1307 et seq. (27 CFR Ch 1.). The FCC requires the filing of an environmental assessment prior to operating a facility in a wilderness area, wildlife preserve, endangered species habitat, historical site, Indian religious site, inland wetland, watercourse, and Flood Plain area.

If high intensity white lights in residential neighborhoods or excessive radio frequency radiation exposure is applicable, the applicant shall submit an Environmental Assessment that meets FCC requirements.

s. Other Requirements

Commercial advertising shall not be allowed anywhere on the site. Signal lights or other forms of illumination shall not be permitted unless required by the FCC or the FAA. All other uses not clearly necessary to the operation and maintenance of the site are prohibited unless expressly permitted as a condition of approval.

The application shall describe all equipment to be maintained or stored on site. Not more than one (1) unmanned equipment and/or storage building may be permitted. It shall contain no more than seven hundred-fifty (750) feet of gross floor area and is not more than twelve (12) feet in height.

A service facility not used for six (6) months shall be removed by the owner. The removal shall occur within ninety (90) days from the end of the six (60) month period. Upon removal, the site shall be restored to its previous appearance and re-vegetated to blend in with the surrounding area. As a condition of approval, the Commission may require a bank check, letter of credit, passbook savings bond or other form of surety acceptable by the Town Attorney in an amount acceptable by the Town Engineer or staff sufficient to cover the cost of completing the restoration.

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21.8 Portable Food Vending Trailers/Trucks/Carts

a. General Provisions

This article shall provide standards for all food vending trailers, trucks, and carts.

b. Permits and Approval

All food vending trailers, trucks, and carts shall obtain the necessary permit(s) and approval(s) from the Torrington Area Health District and written approval from the owner of the property where the business is located. The written approval from the property owner shall state the specific start and end dates for the vending business and the letter must be signed by both the applicant and property owner.

c. Overnight Parking

All food vending trailers, trucks, and carts shall be removed from the premises each night where sales are permitted when not open for business.

d. Customer Parking

Each site used by food vending trailers, trucks, and carts must have access to at least four (4) off street parking spaces for customer use. The applicant must provide a sketch indicating all the uses at the site and the total number of parking spaces on site. The Zoning Enforcement Officer shall determine, based upon the regulations, that there is sufficient onsite parking for the existing businesses and for the food vendor.

e. Traffic Flow

No food vending trailers, trucks, and carts shall be located in an area which obstructs the flow of traffic on any street or in any parking lot.

f. Setbacks

All food vending trailers, trucks, and carts shall meet the required setbacks for the Zoning District.

g. Seasonal Use

No food vending trailers, trucks, and carts shall operate later than October 31st or earlier than April 1st in any year.

h. Location Plan

All applications for food vending trailers, trucks, and carts shall include a sketch indicating the location where business will be conducted. The required parking for employees and customers of the food vendor shall be shown on the location plan. The layout must be sketched to scale on the Assessor's map or if available, on an existing A-2 survey of the proposed site. The location plan shall show all required setbacks, traffic flow, on site and proposed customer traffic flow.

i. Hours of Operation

Portable food vendors shall operate from 7:00 am to 3:00 pm, Monday through Friday, unless amended by the Commission.

j. Signage

All signage must be permanently attached to vending trailers, trucks, or carts. No separate free standing or temporary signs are permitted.

k. Customer Seating

No customer seating is permitted.

l. Number of Vendors Permitted

There is only one (1) portable food vendor permitted per property. The portable food vendor must be self-contained within the trailer, truck or cart. The use of extension cords or exterior propane tanks is prohibited.

m. Statement of Use

A written Statement of Use must be provided by the applicant indicating exactly what will sold by the portable food vendor. The sale of items is limited to food stuff for human consumption - no magazines, trinkets, cigarettes, etc.

n. Issuance of Permits

The Zoning Permit may be issued by the Zoning Enforcement Officer after determination that all requirements of the regulations are met. The Zoning Enforcement Officer shall report all permits issued to the Commission at the next regularly scheduled meeting. The Zoning Enforcement Officer, at his/her discretion, may hold a public hearing on said application. The issuance of the Zoning Permit does not obviate the need to apply for and receive a permit pursuant to Town Ordinance 210 - Peddling and Soliciting, enforced by the Town of Thomaston Police Dept.

21.9 Accessory Apartments

a. General Provisions

The purpose of this section is to increase the options for rental dwelling units by allowing the construction or conversion of dwelling units in the General Commercial Zones as a special permit use.

b. General Design Criteria

- a. All Dwelling units must be located above commercial uses. First floor commercial uses may not be converted into residential use. There shall be a distinct separation of uses on the same level.
- b. A separate entrance is required for dwelling units. Main entrance(s) for residents shall not be located in close proximity to commercial loading or service areas.

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- c. One (1) off-street parking space shall be provided for all units up to six-hundred (600) square feet. Two (2) off-street parking spaces shall be provided for all units over six-hundred (600) square feet. Adequate lighting of both pedestrian and parking areas shall be provided. Parking requirements of Article 9 of these regulations shall be enforced for special permits under this section.
- d. Adequate sound insulation shall be provided between commercial uses and residential areas.
- e. Buildings shall contain a minimum of twelve hundred-fifty (1,250) square feet of commercial square footage. Each unit shall have a minimum of three hundred (300) square feet of habitable interior floor space. Each unit shall contain a full kitchen and a full bathroom.

c. Special Permit Criteria

The Commission shall grant all approvals subject to such conditions and safeguards as needed to carry out the expressed purpose of these regulations. The commission shall approve a special permit for mixed use residential and commercial uses only if it finds that, in addition to the design criteria, the following criteria are satisfactorily met;

- a. There is a demonstrated need in the community for mixed use housing.
- b. The existing business uses are compatible with residential uses, with a focus on the safety of residents within the building.
- c. The internal traffic circulation pattern is designed to minimize safety hazards for residents, particularly with respect to access into and out of the property and the building.
- d. Present and proposed utilities, streets, drainage system and other improvements have adequate capacity to accommodate the proposed use.
- e. There is no undue concentration of high density residential development in any area.
- f. All requirements of the underlying zone which are not expressly altered by the above requirements must be followed.
- g. The sign regulations of the underlying zone must be followed.

21.10 Moratorium - Palliative Marijuana Production Facilities and Dispensaries
(New; Effective 2-2-15)

a. General Provisions

The purpose of this section is to place a one-year moratorium on acceptance of applications for palliative marijuana production facilities and dispensaries so that the Planning and Zoning Commission may develop language regulating the use and location of dispensaries and production facilities to best protect public health, safety, property values and general welfare.

b. Definitions

For the purposes of this section the terms “dispensary”, “dispensary facilities”, “marijuana”, “producer” and “production facility” shall have meanings ascribed to them in Connecticut General Statutes Section 21a-408, as may be amended from time to time.

c. Moratorium

Marijuana dispensary facilities, marijuana production facilities, and pharmaceutical manufacturing facilities shall not be a permitted use in any zone until the Planning and Zoning Commission adopts revisions to the zoning regulations concerning such dispensary or production facilities or for one year following the effective date of this section of the regulations, whichever is sooner.

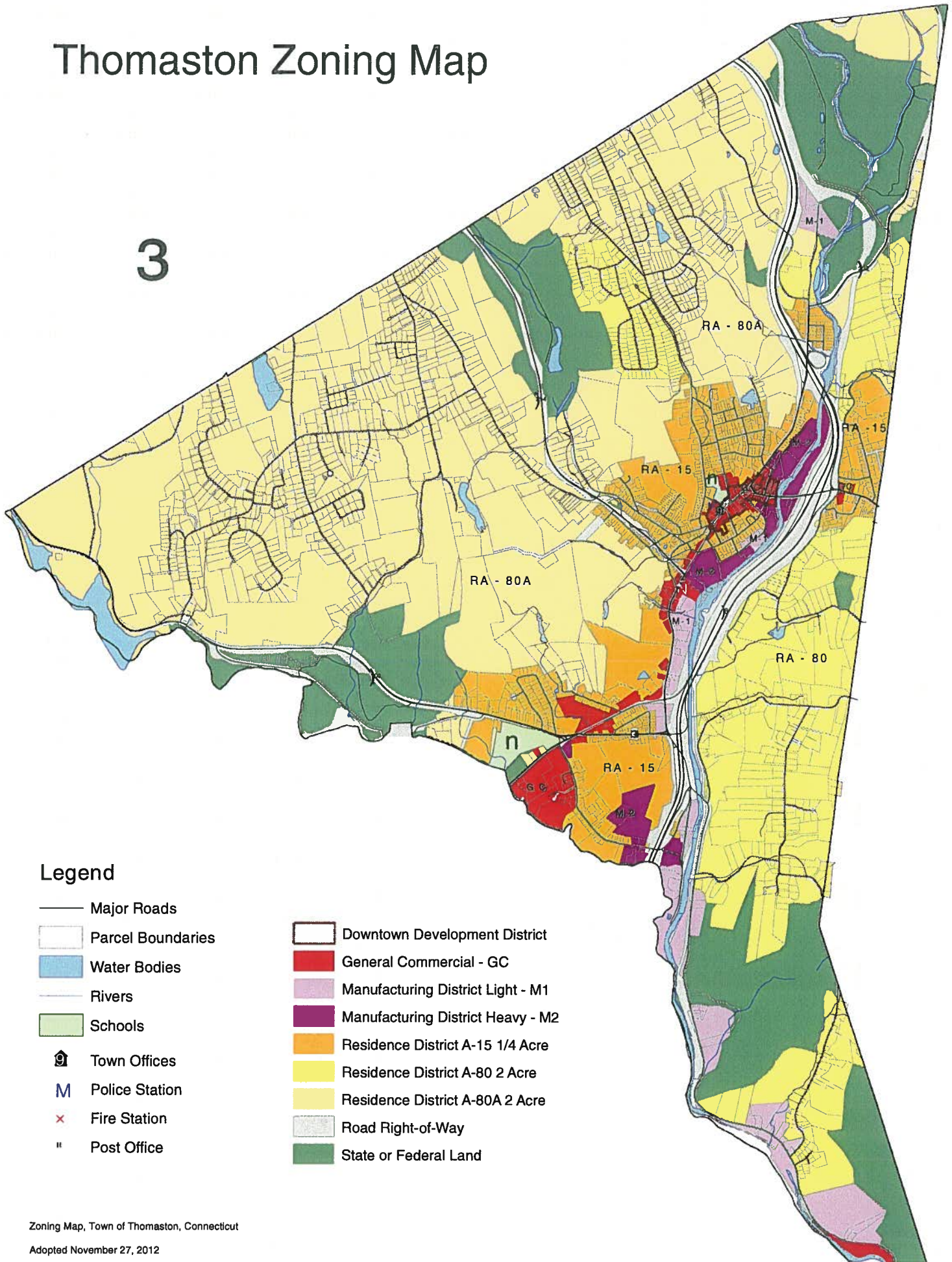
TEXT AMENDMENTS TO THE ZONING REGULATIONS

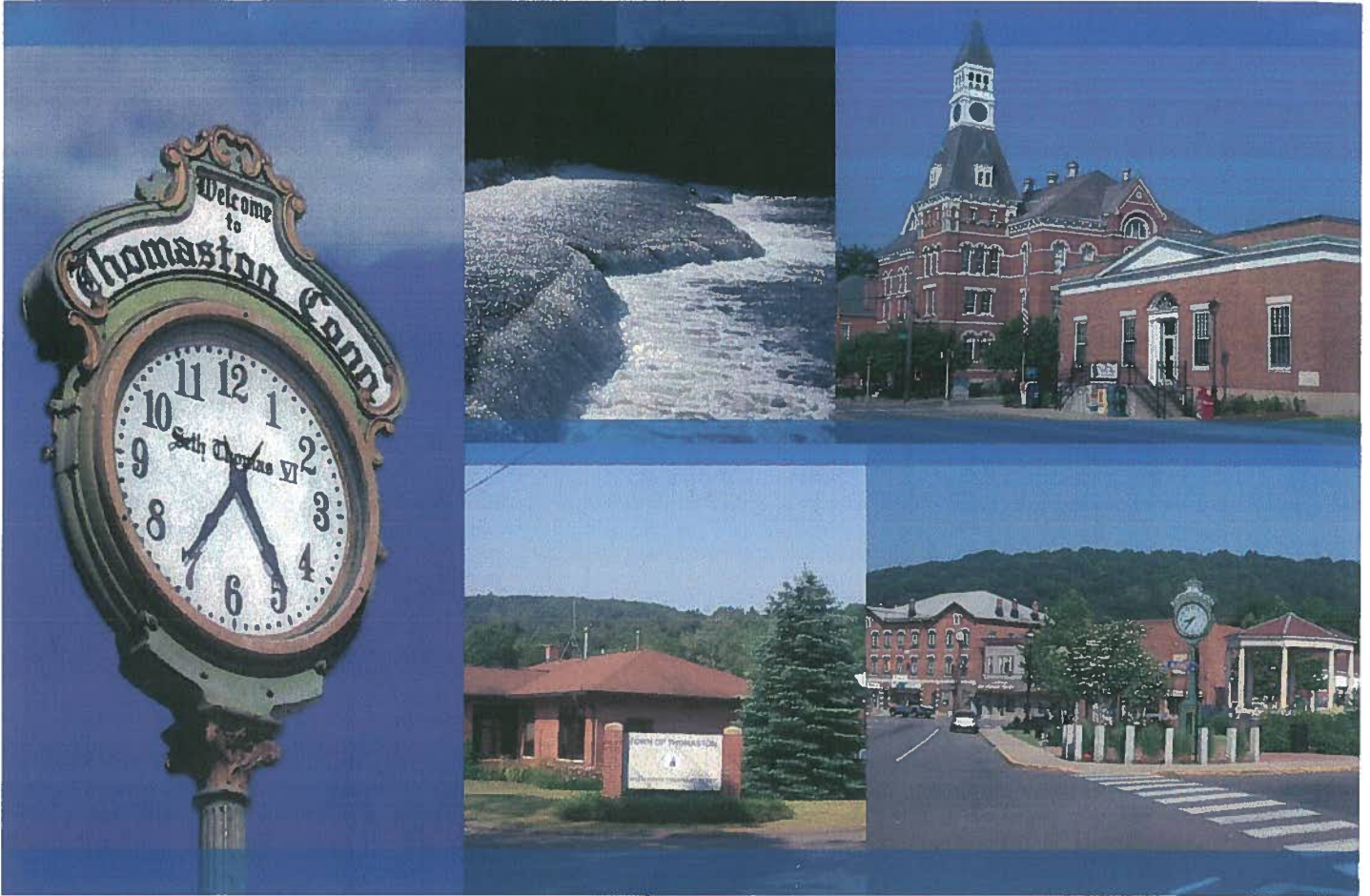
1. Amended Section 9.11 Parking Standards effective December 21, 2006.
2. Amended Article 2 Definitions add new Section 2.50 Seasonal Vendors- Farm Stands permitted in residential zones. In business zone certain standards apply, Effective December 21, 2006.
3. Amended Article 2 Definitions Section 2.43 Structures. Effective December 21, 2006.
4. Amended Article 4 Permitted Uses by Zone/District, Section B.10 to permit Independent Schools as a Special Permit in a G-C, M-1, and M-2 Zoning Districts. Effective October 3, 2007.
5. Amended Article 4 Permitted Uses by Zone/District add new Section C.23 to permit Portable Food Vending Trailers/Trucks/Carts as a site plan permitted use in a G-C, M-1, and M-2 Zoning Districts. Effective November 22, 2007.
6. Add new Article 27 Portable Food Vending Trailers/Trucks/Carts. Effective November 22, 2007.
7. Amended Article 15; Section 15.1 Amendments, Section 15.2 Petitions for Change, Article 15.3 Supporting Information and Section 5.4 Advisory Reports. Add new Section 15.5 Posting of Sign at Properties. Effective May 27, 2011.
8. Amended Article 5, Section 5.4 Interior Lots. Effective February 16, 2012.
9. Comprehensive amendments, Article 8 Signs. Effective June 1, 2012.
10. Amended Article 4, Section 4.5, Schedule A, Part A.5 In-Law Apartments. Effective August 30, 2012
11. Added Article 4, Section 4.5, Schedule A, Part E.6, Temporary Events. Effective March 26, 2013
12. Added Article 4, Section 4.5, Schedule A, Part E.7, Temporary Liquor Permits. Effective April 24, 2013
13. Amended Article 4, Section 4.5, Schedule A, Part A.13, Accessory Apartments and added Article 28, Accessory Apartments. Effective October 22, 2013.
14. Amended Articles 18 through 28 to re-number and condense into new article 21, Special Regulations. Also amended bonding and security language in these sections. Effective February 2, 2015.
15. Added Article 21.10, Moratorium - Palliative Marijuana Production Facilities and Dispensaries. Effective February 2, 2015.

Rev. June 1, 2012

Thomaston Zoning Map

3





Tighe&Bond

PLAN OF CONSERVATION AND DEVELOPMENT

Town of Thomaston, Connecticut

2014

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Appendices

Appendix A: Public Forum Meeting Minutes

- 8/21/13 Public Forum
- 11/20/13 Public Forum

Appendix B: Community-Wide Survey & Summary of Responses

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Section 1

Introduction

Thomaston encompasses approximately 12.2 square miles and is located in west-central Connecticut, approximately 25 miles west of Hartford at the southern border of Litchfield County, and is bordered by Litchfield and Harwinton to the north, Plymouth to the east, Watertown and Morris to the west and Waterbury to the south (Figure 1-1). The Town is located within the planning region of the Naugatuck Valley Council of Governments (NVCOG), consisting of nineteen towns in west-central Connecticut (Figure 1-2).

1.1 What is a Plan of Conservation & Development (POCD)?

The Thomaston Planning and Zoning Commission is charged, under Connecticut General Statutes section 8-23, with updating the Plan of Conservation and Development (POCD) for the Town of Thomaston every ten years. This document serves as the framework for land use policy, town-wide planning, and zoning regulation in the Town of Thomaston for each ten year cycle. The last POCD was developed in 2004, expiring in 2014. This 2014 POCD is effective for the years 2014-2024.

A POCD is a community's "blueprint" for the future. It is the broadest policy document that the Town of Thomaston will have to guide decision-making on development, conservation, and zoning regulation over the next ten years and beyond. This Plan provides an update on accomplishments since the 2004 POCD, analyzes existing conditions, identifies anticipated trends for the future, and compares this information with the identified goals and vision for Thomaston to determine recommendations for future actions. The process of creating the POCD helps to answer the following critical questions:

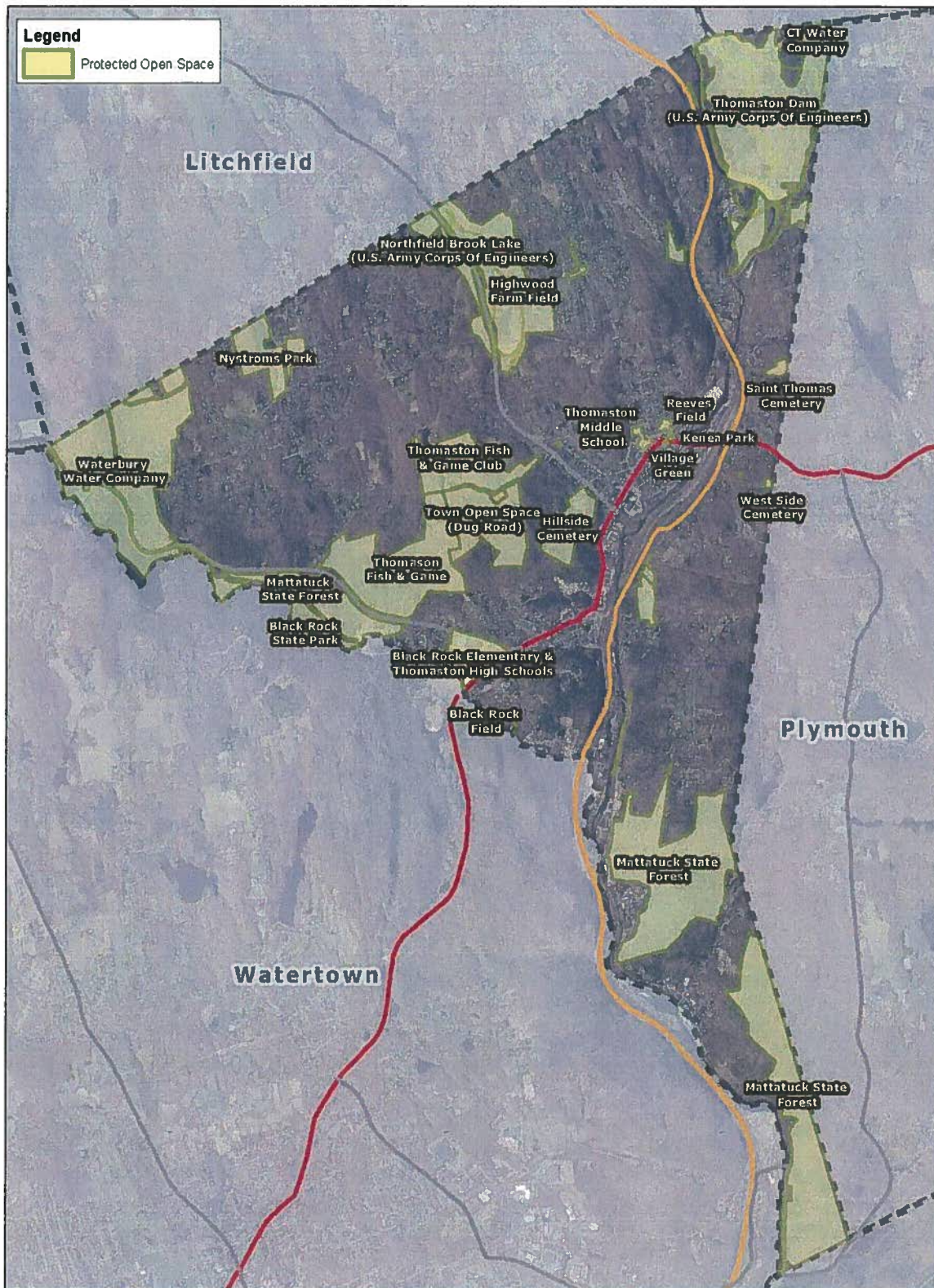
- What kind of a community does Thomaston want to be in the future?
- What does the Town need to do about it today?

Section 8-23 of the Connecticut General Statutes (CGS) and Public Act No. 07-239 outline a series of elements that must be addressed in each municipality's POCD. This POCD is generally organized according to the required elements to ensure that the Plan meets the requirements set forth by the state.

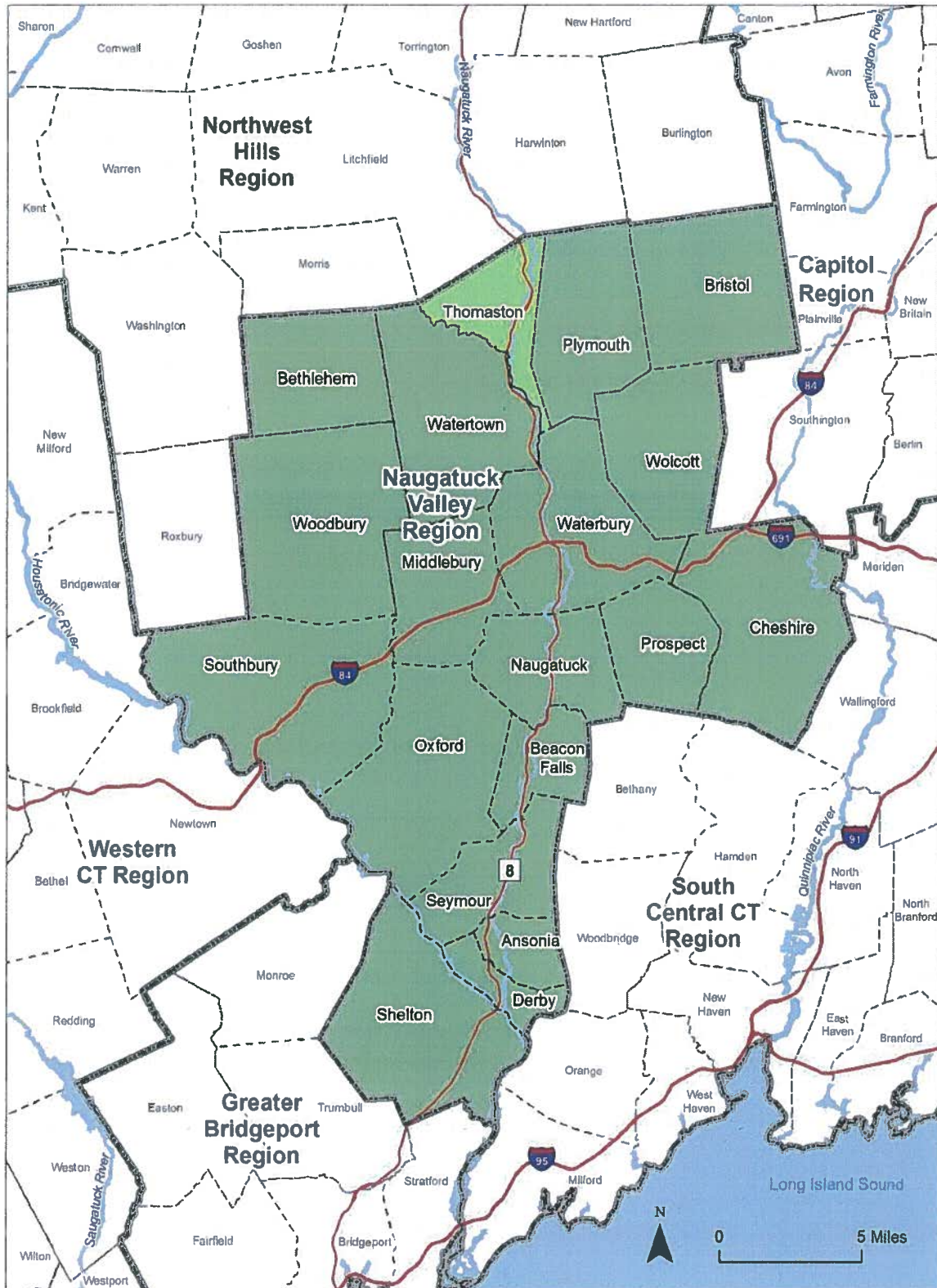
1.2 Why Prepare a POCD?

Having an up-to-date POCD serves two primary purposes: 1) the POCD provides a blueprint for future decision making in the Town; and 2) the POCD is a prerequisite for Thomaston's eligibility for discretionary state funding. Section 8-23 of the CGS requires that each municipality in the state adopt a POCD at least once every ten years. Public Act No. 07-239 Section 3(b) made municipalities potentially ineligible for discretionary state funding if they were not in compliance with the 10-year POCD update requirement.

Figure 1-1
Thomaston Aerial Photograph



**Figure 1-2
Naugatuck Valley Region**



1.3 How Will the Plan be Used?

The POCD provides a framework for guiding growth and municipal decisions to promote the community goals and vision. Once adopted, recommendations from the POCD will be forwarded to municipal staff, boards and commissions for implementation. Proposed changes to the Zoning Regulations and municipal improvement projects will be reviewed for consistency with the POCD. The POCD will also be reviewed when considering funding sources for implementing recommendations. While the POCD recommendations are advisory, the recommendations and considerations developed through the comprehensive planning exercise provides a thoughtful foundation for future Town decisions.

1.4 Relationship Among the Local, Regional and State Plans

The POCD was reviewed for consistency with the both the Council of Governments of Central Naugatuck Valley (COGCNV) "2008 Regional Plan of Conservation and Development" as well as the Connecticut Office of Policy and Management "Conservation & Development Policies: The Plan for Connecticut 2013-2018." This consistency review is discussed in Section 11.

1.5 POCD Process

In an effort to more closely engage the concerns of multiple boards, commissions, and residents, the Planning and Zoning Commission voted to create an ad-hoc Committee, formally known as the "Town of Thomaston Plan of Conservation and Development Steering Committee," to undertake the drafting of the changes and updates to the 2004 Town of Thomaston POCD. The members of the POCD Steering Committee are:

Regular Members:

Thomas Mueller, Chair
Rebecca Guay, Vice-Chair
Ralph Celone, Secretary
Brian Dayton
Peter Smith
Ken Koval
Luke Freimuth

Alternate Members:

Christine Yoos
Robert Carr
Tim Clark

Business Liaison:

Dave Barberet

Staff Liaison:

Jeremy Leifert - Land Use Administrator

Former Members:

Robert Flanagan
Joe Fainer

1.5.1 POCD Steering Committee Meetings

The POCD Steering Committee was instrumental in guiding the POCD process to address key issues and to incorporate the public at large into the process, through development of a community survey, public forums, word of mouth, and press. This committee held monthly public meetings from July 2012 through June 2014 specifically to discuss and draft the POCD update.

1.5.2 Public Forums

Two public forums were held to elicit public input into the direction of the POCD. The first public forum was held on August 21, 2013 and sought input on the issues facing the community. The second forum was held on November 20, 2013 to seek input on the proposed goals of the Master Plan. Minutes from each of these forums are provided in Appendix A.

1.5.3 Community Survey

Thomaston residents and business owners had the opportunity to comment on a variety of issues concerning Thomaston through a community survey. This survey was available on-line, through a link from the Town's website, as well as through hard copies available at the Town Hall from December 2012 through September 2013. In total, 148 responses were received. A copy of the survey and a summary of the responses are provided in Appendix B.

1.5.4 Required Reviews

Further review of the POCD was completed as required by Sections 8-23 of the CGS and Public Act No. 07-239:

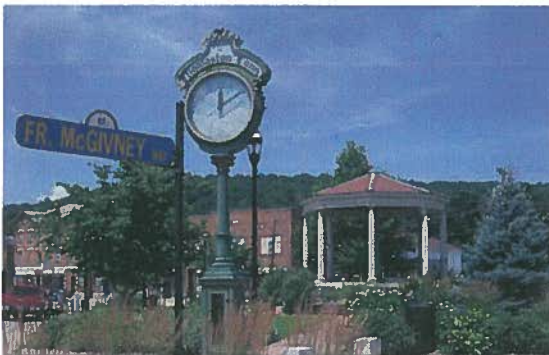
- June 24, 2014 through October 1, 2014: Public hearings were held by the Planning and Zoning Commission to adopt the POCD.
- July 15, 2014: A copy of the POCD was submitted to the Board of Selectmen for review and comment.
- July 18, 2014: A copy of the POCD was submitted to the Naugatuck Valley Council on Governments for review and comment.
- July 18, 2014: The POCD was posted on the Town of Thomaston's website for public review and comment.
- The Final POCD will be posted on the Town of Thomaston's website. A copy of the POCD will also be submitted to Connecticut Office of Policy and Management prior to December 31, 2014.

Section 2

Thomaston History

2.1 History of Thomaston

Thomaston was originally part of the Farmington Proprietor's purchase of the Mattatuck Plantation (Waterbury) in 1664. The Thomaston area settlers formed their own church society in 1739 as the Northbury Parish. Northbury and Westbury united in 1780 to form Watertown. In 1795 Northbury again separated to become Plymouth. The old village (Thomaston) section was known as Plymouth Hollow. The early history of Thomaston is centered on a young entrepreneur, Seth Thomas, who in 1807 began working for Eli Terry in Plymouth making clocks. In 1813, Thomas bought a mill in Plymouth Hollow to



Kenea Park
Photo by: Patrick Martin

manufacture his own clocks. Seth Thomas had a significant impact upon the local economy and appearance of the Town. In 1834 Seth Thomas built a new plant on the corner of Elm Street and Main Street, used as a cotton mill, the movement shop, and the tower clock factory. By 1856 Thomas was labeling his clocks with "Thomas Town". He was the driving force behind the routing of the Naugatuck Railroad through Plymouth Hollow, linking Thomaston with a transportation hub and the brass mills in Waterbury.

On July 6, 1875, Thomas Town and Plymouth Hollow became Thomaston in memory of Seth Thomas and the separation from Plymouth was confirmed by the State Legislature. Thomaston soon after entered a period of change fueled by industry. The first brick building was constructed in 1866 (American Hall), followed by the Morse Block (1876), Bradstreet Block (1877), the Town Hall (1883) and the Opera House (1884). During this time period, the Town transitioned from a wooden structure to a brick and mortar based downtown.

The Seth Thomas Clock Company continued to become internationally known and have a major impact on the growth of the town. As the Company grew, other additions were added to the complex of buildings and the company soon occupied three major sites: the movement shop and Tower Clock Division on Elm Street, the marine and watch shop on Marine Street, and the case shop on South Main Street. In 1915 the Seth Thomas building was erected on the corner of South Main and Elm Streets. Other local industries that supported Thomaston's growth include Thomaston Knife Company, Plume & Atwood, Oris Manufacturing Company, Eclipse Glass Company, and the Hallden Machine Company. Thomaston's community character incorporates the architecture of its historical



Seth Thomas Building
Photo by: Patrick Martin

beginnings. In recognition of the importance of these historic structures and buildings on the Town's community character, the Thomaston Opera House, Trinity Church, Hose, Hook and Ladder Truck Building, and the Reynold's Bridge have been placed on the National Register of Historic Places.

Today, the Town continues to be home to many small and medium-sized manufacturers. The original clock factory has now become a vibrant industrial park and is home to more than 20 tenants, employing nearly 500 people, many of whom work in skilled manufacturing trades. The current owners have expanded the site from 275,000 square feet to nearly 312,000 over the past decade to accommodate growth and demand for industrial and manufacturing space.

Development in Thomaston has been restricted by natural features, including steep topography, wetlands and the Naugatuck River, Northfield Brook, Lead Mine Brook, and Black Rock Brook. After the flood of 1955, the Army Corps of Engineers constructed dams on each of these waterways. Because of these flood control projects, approximately 16.5% of land in Thomaston is under the ownership of or administered by the State of Connecticut or the federal government. The state and federal open space lands, as well as the natural constraints, limit the areas for development in Thomaston, and are a significant consideration in the planning process for the Town.

For further reading, refer to these selected works on the history of Thomaston:

Gangloff, Rosa. *The Story of Thomaston: It's Origin and Development*. Waterbury, CT: Speed Offset Printing, 1975. Print.

Wassong, Joseph Jr. *Images of America: Thomaston*. Portsmouth, NH, Charleston, SC, Chicago, San Francisco: Arcadia Publishing, 2003. Print.

Brinkley, Douglas and Julie M. Fenster. *Parish Priest: Father Michael McGivney and American Catholicism*. New York, NY: HarperCollins, 2006. Print.

Section 3 Demographic Trends

This section provides a general overview of the existing conditions and trends affecting Thomaston’s demographics to provide a context for the POCD and future recommendations.

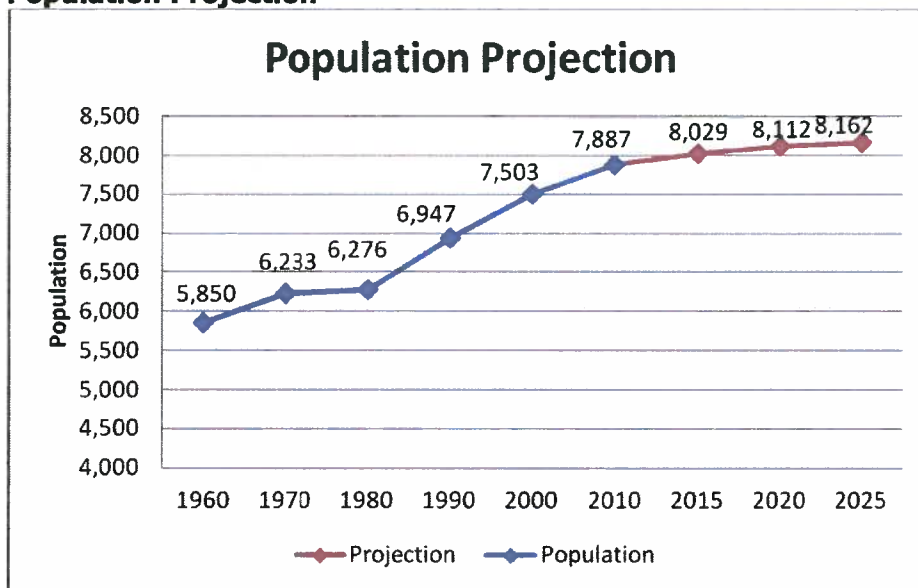
3.1 Population Trends

Thomaston’s population has steadily increased since the early 1900s, with a significant population increase occurring from 1980 to 2010. Most recently, according to U.S. Census Data, the Town of Thomaston population in 2010 was 7,887 people. However, as noted below, the Town’s population growth is expected to slow in the near future, with a higher percentage of the population being greater than 65 years old.

3.2 Population Projections

As shown below on Figure 3-1, population projections through 2025 from UCONN’s Connecticut State Data Center indicates that population growth will slow and begin to level off in the upcoming decades.

**FIGURE 3-1
Population Projection¹**



¹ U.S. Census of Population, 1970: Final Population Counts (PC(V1)-8), Connecticut. Advance Report. Table 3: Population of Towns and Places: 1970 and 1960.

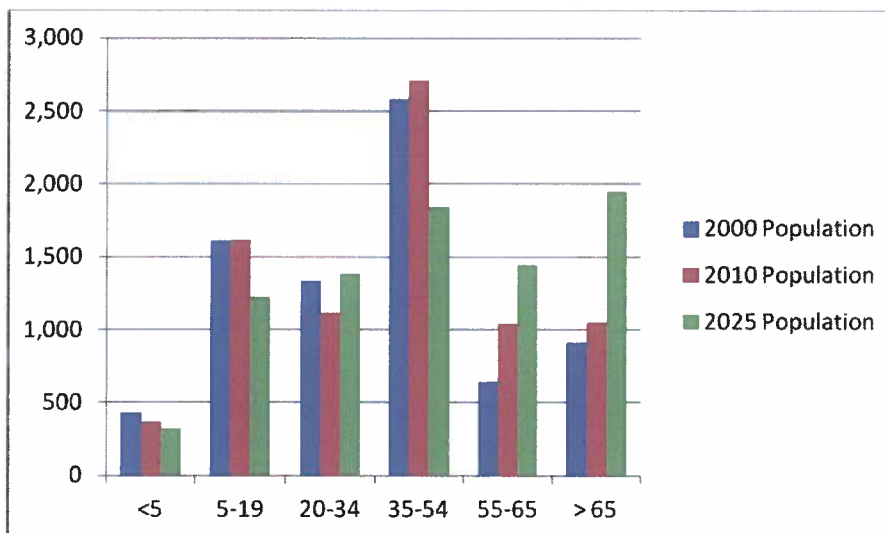
Council of Governments of the Central Naugatuck Valley. CNVR Total Population, by Municipality: 1980-2010. N.p.: Council of Governments of the Central Naugatuck Valley, n.d. PDF.

Connecticut State Data Center at the University of Connecticut Libraries Map and Geographic Information Center - MAGIC. (2012). 2015-2025 Population Projections for Connecticut at Town level - November 1, 2012 edition. Web. <http://ctsdc.uconn.edu/projections.html>.

3.3 Age

As shown on below Figure 3-2, the fastest growing age cohort has been the 55-65 age group. This cohort experienced a 62% increase from 2000 to 2010. The under 5 and 20-34 cohorts both experienced a 15% decrease over the last decade, reflective of the aging population. The 35-54 cohort experienced 5% growth over this same time period. This may indicate that young adults are leaving town once they graduate from high school or do not return after graduating from college. This may impact the types of municipal services the Town chooses to focus on in the future. If this trend continues, Thomaston may be a different community in the future. People in the baby boom generation (those born between 1946 and 1965) will be over age 65, resulting in an increase in the demand for elderly services such as a need for a variety of housing options and programs and activities for older residents. As the elderly population leaves the workforce, the ability of these individuals to retain larger homes may be affected and increase the need for more efficient housing options. The Town’s tax base may be affected by a potential shift in housing needs.

FIGURE 3-2
Population Distribution in Thomaston by Age 2000, 2010, and 2025²



As noted in the above figure, this trend is anticipated to continue through 2025, where the largest segment of the population (24%) will be comprised of individuals over the age of 65. Based on this, future population growth will likely occur via migration to and from Thomaston as opposed to a natural increase. The trends in Thomaston are consistent with the anticipated trends in the region. If this trend continues, it could also lead to a decline in regional working-age population which may impact Thomaston and the region’s economic growth.

² Council of Governments of the Central Naugatuck Valley. *Age Distribution of CNVR Population, by Municipality: 2010*. N.p.: Council of Governments of the Central Naugatuck Valley, n.d. PDF.

US Census Bureau, Census 2000 and 2010.

3.4 Ethnic and Racial Composition

According to 2010 Census Data, 96.8% of Thomaston residents identified themselves as white, 0.4% as Black or African-American, 0.3% as American Indian and Alaska Native, 0.8% as Asian and 1.8% as some other race or combination of races. The number of individuals identifying themselves as Hispanic increased from 1.5% of the total population in 2000 to 2.6% of the total population in 2010. Other than individuals who identified as multiple races, the largest percentage population increases from 2000 to 2010 were seen in those who identified themselves as Asian and American Indian. Within the total number of those who identified as Asian, the largest increase was in those who identified as Filipino (5 in 2000 and 25 in 2010). The largest percentage decrease from 2000 to 2010 was observed in those who identified as African-American.

Table 3-1
Thomaston and Central Naugatuck Valley Region Racial and Ethnic Composition³

Race	Thomaston 2000		Thomaston 2010		CNVR 2010
	Population	% of Total	Population	% of Total	% of Total
White	7,342	97.9%	7,631	96.8%	79.4%
African American	45	0.6%	34	0.4%	9.2%
Asian	37	0.5%	60	0.8%	2.2%
American Indian	8	0.1%	26	0.3%	0.3%
Other Race	31	0.4%	53	0.7%	6.1%
2 or More Races	40	0.5%	83	1.1%	2.7%
Total Population	7,503	100%	7,887	100%	100%

Table 3-1 compares the percent of total population by race of Thomaston to the total population of the Central Naugatuck Valley Region (CNVR), comprised of Waterbury, CT and twelve surrounding municipalities⁴. As indicated in Table 3-1, Thomaston has become more diverse over the past decade; however, Thomaston remains less diverse than the surrounding region.

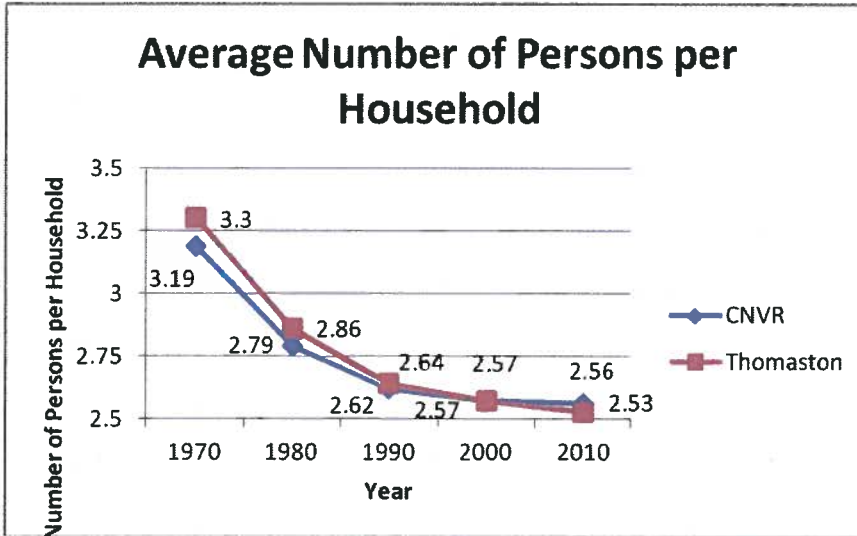
3.5 Households

As shown below on Figure 3-3 the average household size in both the CNVR and Thomaston has declined over the past five decades. Thomaston's average household size was greater than or equal to that of the surrounding region from 1970 to 2000. From 2000 to 2010, the region's average household size appears to level off; however, Thomaston's has continued to decline. This trend is reflective of smaller family sizes and more people living alone.

³ Council of Governments of the Central Naugatuck Valley. *Total Population, by Race, of CNVR Municipalities: 2010*. N.p.: Council of Governments of the Central Naugatuck Valley, n.d. PDF.

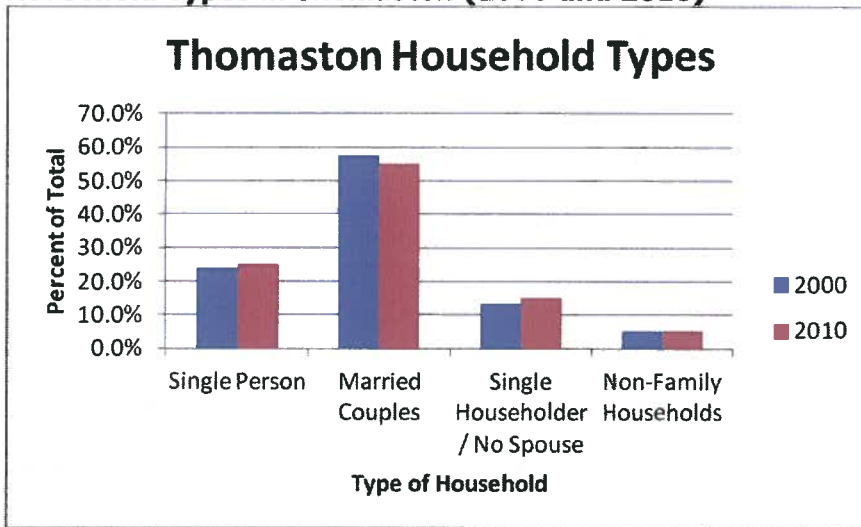
⁴ CNVR comprised of Beacon Falls, Bethlehem, Cheshire, Middlebury, Naugatuck, Oxford, Prospect, Southbury, Thomaston, Waterbury, Watertown, Wolcott and Woodbury

Figure 3-3
Average Number of Persons per Household (1970-2010), CNVR and Thomaston⁵



Though the average household size has declined over the past decade, the total number of households in Thomaston increased from 2,916 in 2000 to 3,108 in 2010. Figure 3-4 below depicts the types of households that comprise these totals for 2000 and 2010.

Figure 3-4
Household Types in Thomaston (2000 and 2010)⁶



⁵ Council of Governments of the Central Naugatuck Valley. *Household Size in the CNVR, by Municipality: 1970-2010*. N.p.: Council of Governments of the Central Naugatuck Valley, n.d. PDF.

⁶ U.S. Census Bureau, Census 2000 and 2010.

As shown in Figure 3-4, the number of married households in Thomaston declined between 2000 and 2010. During this same time period, the number of single person, single parent householders, and non-family households in Thomaston all increased. The number of non-family households increased at the slowest rate from 5.1% in 2000 to 5.3% in 2010.

3.6 Income

The 2013 COGCNV Report (Profile of the CNVR) report referencing the 2007-2011 American Community Survey 5-Year Estimates, indicates Thomaston's median household income in 2011 was approximately \$64,982. This is approximately \$17,450 less than the average household median income of CNVR communities. Thomaston's 2011 median household income was one of the lowest three in the CNVR region, along with Waterbury and Naugatuck. Oxford, Cheshire, and Middlebury had the highest 2011 estimated median incomes. See Table 3-2 below for a comparison of estimated 1999 and 2011 CNVR median household incomes.

TABLE 3-2
Estimated 1999 and 2011 Median Household Income of CNVR Municipalities⁷

Geographic Area	2011	1999	% Change (1999-2011)	% Change (Inflation Adjusted)
Beacon Falls	\$80,132	\$56,592	41.6%	4.9%
Bethlehem	\$86,891	\$68,542	26.8%	-6.1%
Cheshire	\$109,535	\$80,466	36.1%	0.8%
Middlebury	\$99,679	\$70,469	41.5%	4.8%
Naugatuck	\$63,414	\$51,247	23.7%	-8.3%
Oxford	\$111,122	\$77,126	44.1%	6.7%
Prospect	\$93,631	\$67,560	38.6%	2.7%
Southbury	\$72,177	\$61,919	16.6%	-13.7%
Thomaston	\$64,982	\$54,297	19.7%	-11.3%
Waterbury	\$41,499	\$34,285	21.0%	-10.3%
Watertown	\$81,203	\$59,420	36.7%	1.2%
Wolcott	\$80,529	\$61,376	31.2%	-2.8%
Woodbury	\$86,802	\$68,322	27.0%	-5.9%
CNVR	\$82,430	\$62,432	32.0%	-2.2%
State of CT	\$69,243	\$53,935	28.4%	-4.9%

As shown in Table 3-2, Thomaston and the CNVR region saw an increase in net median household income between 1999 and 2011. However, after adjusting for inflation, Thomaston's median household income decreased over this same time period by 11.3%, a faster rate of decrease than the surrounding region (with the exception of Southbury) and the state of Connecticut. This indicates that income growth in Thomaston is not keeping pace with inflation. This may be attributed to the aging population in Thomaston and an increase in individuals leaving the work force.

⁷ Council of Governments of the Central Naugatuck Valley. *A Profile of the Central Naugatuck Valley Region: 2013*. Rep. Council of Governments of the Central Naugatuck Valley, September 2013. Web. <http://www.cogcnv.org/publications.htm>.

Based on the above data, Oxford appears to be the wealthiest municipality in the CNVR with a 2011 estimated median household income of \$111,122, nearly 1.5 times larger than the CNVR's median household income. The income data reflects a growing income gap where the purchasing power of lower income communities and the households within are being eroded as income is not able to keep pace with growing inflation.

3.7 Poverty

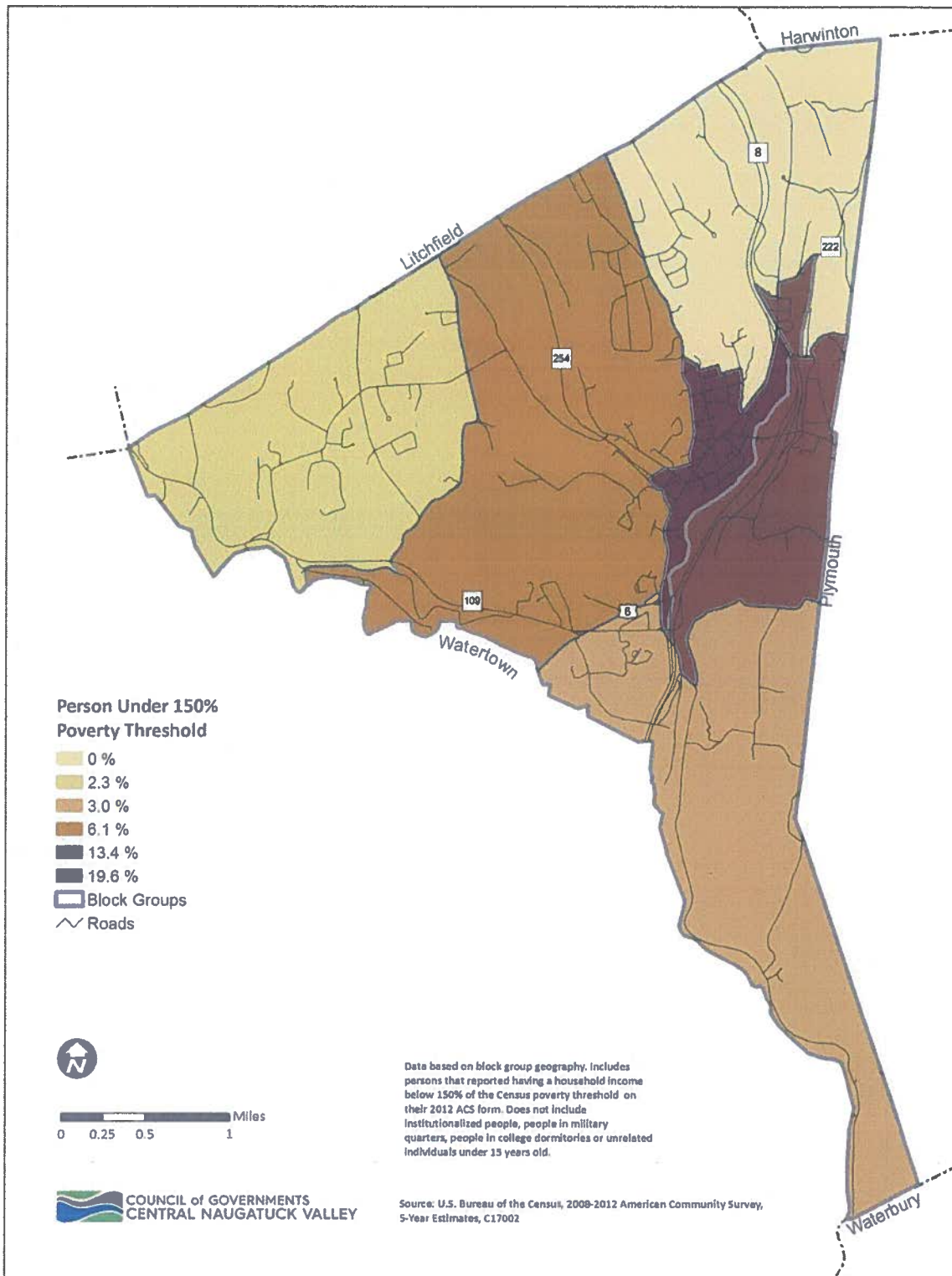
The 150% poverty threshold is generally used to measure persons that are in poverty or on in danger of crossing the poverty threshold. Estimates from the U.S. Census 2007 – 2011 American Community Survey indicate that 10-20% of persons generally located in the downtown area of Thomaston are estimated to have a median household income that falls below the 150% poverty level. This is depicted on Figure 3-5 (Percent of Persons under 150% of Poverty Level: 2007-2011). The same data indicates that the remainder of Thomaston contains 0-10% of persons below 150% of poverty level.

3.8 Major Demographic Trends

The demographic trends observed in Thomaston are typical of similar suburban New England communities. These trends are summarized below.

- Population growth is slowing
- Population is aging
- Household size is decreasing
- Regional income disparity is increasing
- Inflation is overtaking income growth
- Racial and ethnic diversity is increasing within Thomaston, though still lagging behind the region

Figure 3-5
Percent of Persons under 150% of Poverty Level, 2008-2012⁸



⁸ Figure from COGCNV, June 2014.

Section 4

Land Use & Growth Patterns

This section provides a general overview of the existing land use and trends affecting future growth and land use patterns, focusing on the historic, current, and future land uses in Thomaston. Understanding and regulating land uses provides the foundation of a community, guiding the community character and setting the stage for future growth and conservation. This understanding is important when goals, objectives and guidelines are being formulated regarding future growth management and land use decisions. Its purpose is to guide the local government in their approach to managing growth, conservation and changing uses. This section also provides an explanation of how the town has evolved historically so as to provide a framework for future land use while recognizing traditional land uses and community character in the planning process.

4.1 Current Conditions

The Town of Thomaston encounters significant growth challenges as much of the area is undevelopable due to federal or state ownership and environmental constraints. For example, with three federally-owned flood control dams and the State Forest lands, approximately 16.5% of the community is either under the ownership of or administered by the State of Connecticut or the U.S. Army Corps of Engineers. Furthermore, over 33% of land in Thomaston has severe development constraints due to steep slopes and wetland areas.

4.2 Location of Growth

As noted below, Thomaston's areas of growth are consistent with historic land use patterns. The Town's proximity to the Naugatuck River was and continues to be a major factor in the development of certain types of industries and Thomaston's downtown region. Consistent with historic land use patterns, Thomaston's dense commercial land uses are primarily located along the South Main Street and East Main Street corridor, and extend along Watertown Road (Route 109/Route 6) and Waterbury Road.

As shown on Figure 4-1 (Generalized Land Use) medium and high density residential development is currently centralized around South Main Street / State Route Highway 222 and adjacent to the downtown area. This growth is coincident with areas the Town has zoned as RA-15 which has a minimum lot size of $\frac{1}{4}$ acre to encourage denser residential development (see Figure 4-2, Zoning Map). These dense areas of residential growth are also areas of the Town which are served by water and sewer infrastructure.



Main Street
Photo by: Tighe & Bond

**Figure 4-1
Generalized Land Use in Thomaston**

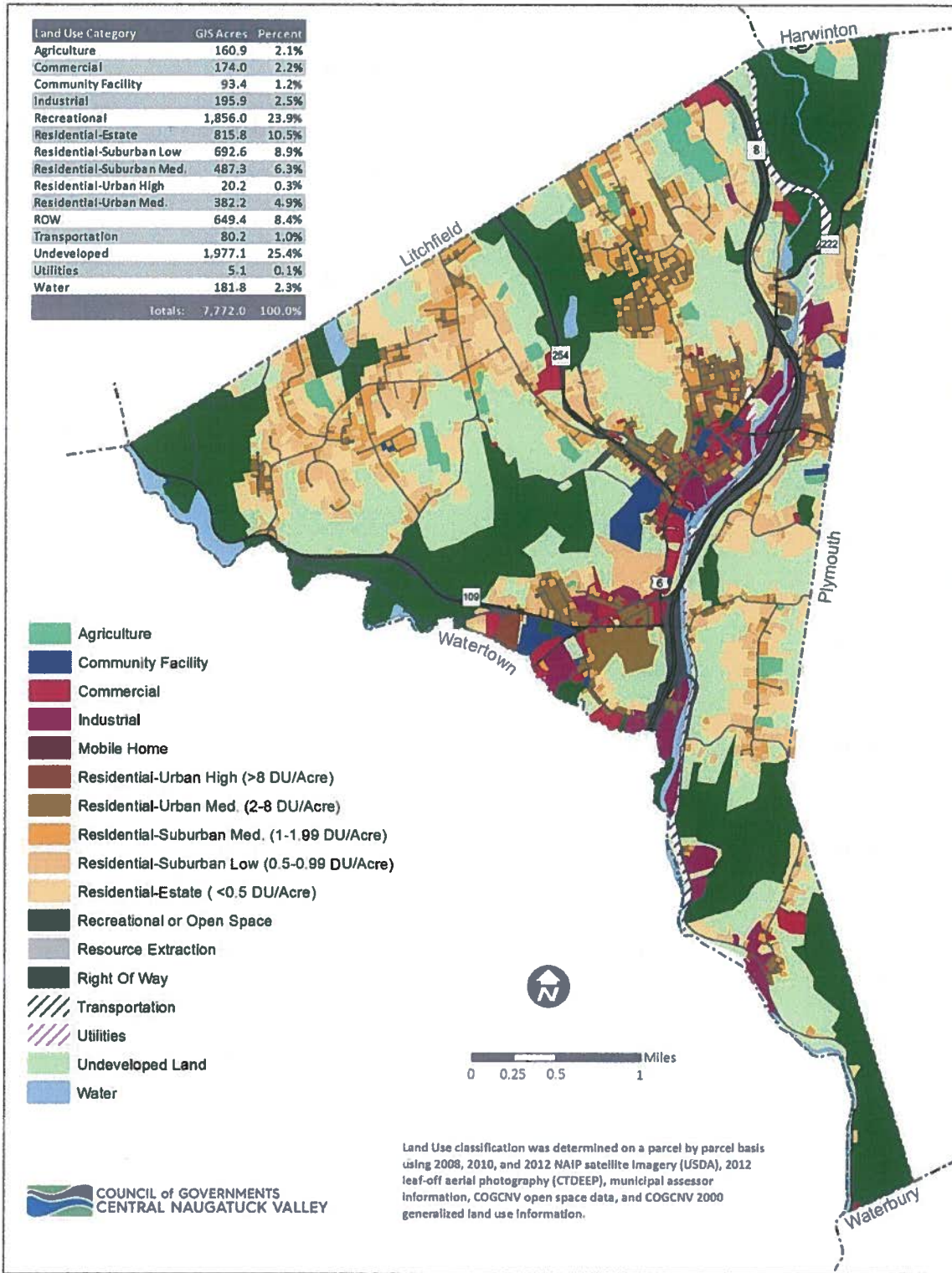
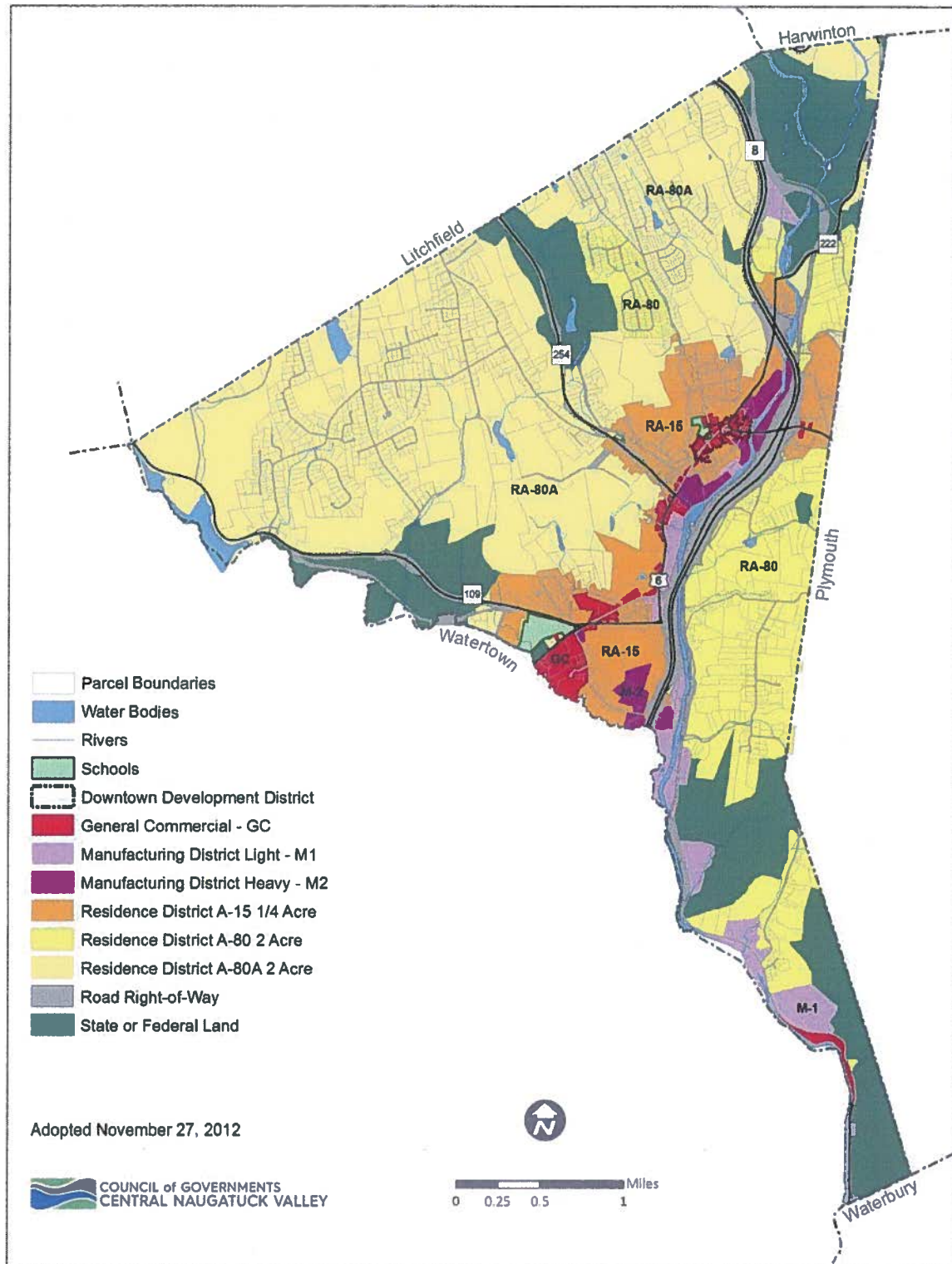


Figure 4-2
Thomaston Zoning Map



Lower density residential development is located in the northern portion of Thomaston in residential developments accessed via Route 254 or through the northern community of Litchfield. The Town recently revised the Zoning Map to address areas in the northern portion of Town that are not currently served by municipal water and sewer service. The revised zoning requires larger minimum lot sizes (80,000 sf) to allow for adequate siting of on-site water wells and septic systems.

The southern portion of the Town (south of Reynolds Bridge) is primarily undeveloped, as a large percentage of it is comprised of state or federally owned land. Portions of this area along Waterbury Road are also zoned for and manufacturing or industrial uses.

4.3 Build-Out

Based on a Regional Build-Out Analysis conducted in 2013 by the COGCNV⁹, Thomaston has 1,319 acres of buildable residential land. The build-out analysis estimated the potential number of residential units that can be built in Thomaston based on current zoning regulations and environmental constraints to development. The purpose of the build-out analysis is to project the potential population growth under existing zoning at full build-out conditions, not at any specific time. The majority of the available buildable land in Thomaston is located in the northern portion of Thomaston as shown on the Figure 4-3 (Residential Build-Out Analysis) where growth has slowed due to a lack of water and sewer infrastructure.

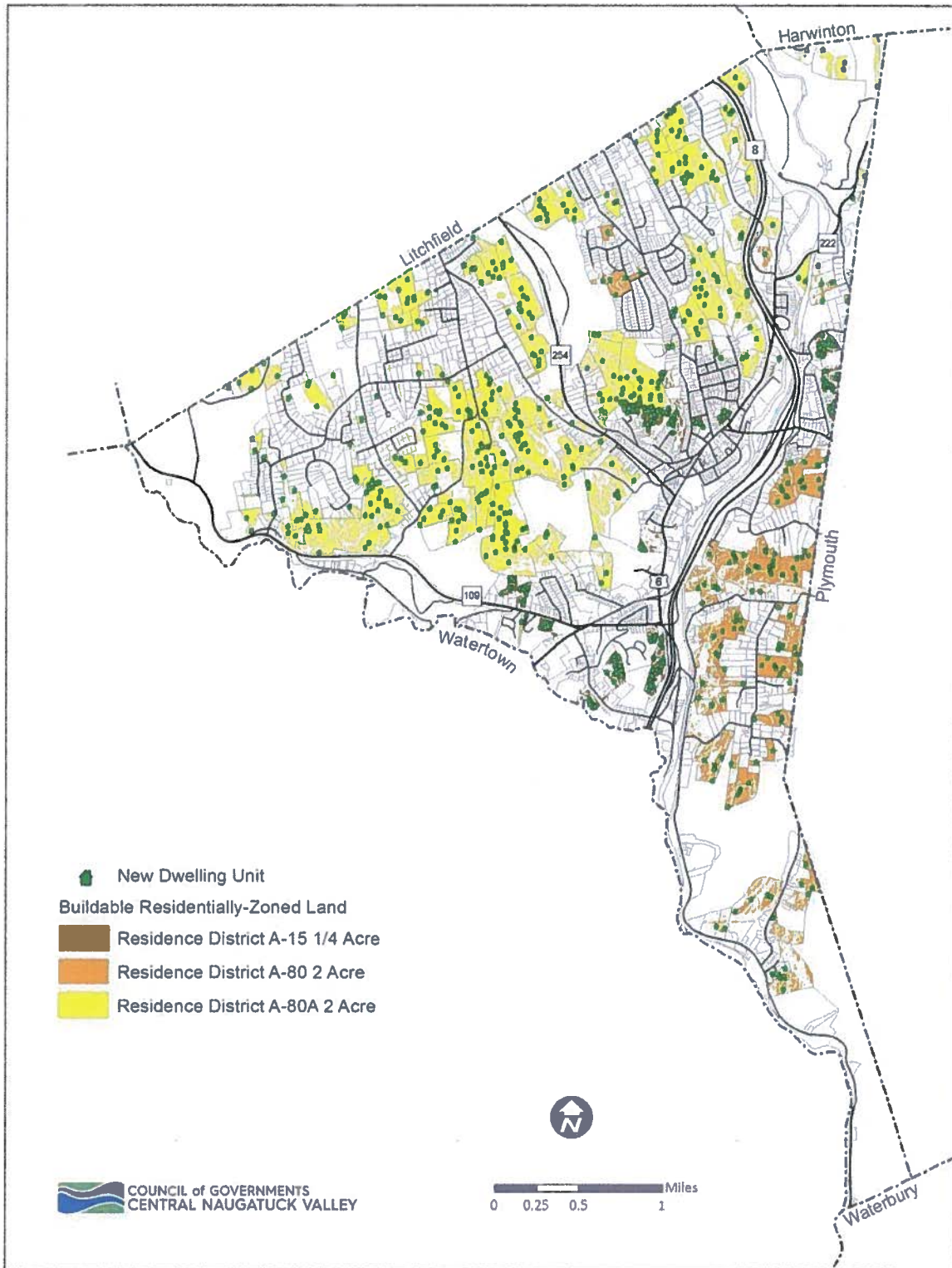
At build-out, the available land could host 681 potential future dwelling units with the current zoning in place. This is equivalent to 1,723 new residents (based on current 2010 Census household size of 2.53 residents per dwelling unit) or a 22% increase over the Town's 2010 Census population. While this represents a significant increase for Thomaston, the Build-Out analysis indicated that Thomaston can expect the fewest number of new dwelling units when compared to the other communities in the CNVR. The Build-Out Analysis performed by COGCNV also calculated the potential impacts that the increased population could have on Thomaston. Based on this data, 300 of the 1,723 new residents are anticipated to be school children. The impacts of the additional growth on infrastructure equate to 3,854 daily vehicle trips and 70 million gallons of residential water use per year. Note the potential impacts were evaluated based on national averages and may not necessarily reflect local conditions; however, these numbers are useful in helping the Town prepare for future growth.

The majority of the new dwelling units are anticipated to occur in the northern portion of the Town in areas zoned as R-80A. Note that a large portion of the new residential units (specifically south of Old Northfield Road) are shown in areas that are currently undeveloped and do not currently have water or sewer service. Furthermore, the build-out analysis also shows additional growth in the area east of the Northfield Brook Dam. Access to this area from Route 254 is currently very limited. Existing emergency access concerns may be exacerbated if the area reaches build out conditions without alternative access routes provided.

Commercial growth is expected to be focused on redevelopment of existing disturbed or developed sites within the existing commercial and manufacturing districts or on available land in the area of the Route 6 and Route 109 intersection.

⁹ Council of Governments of the Central Naugatuck Valley. *Central Naugatuck Valley Region Residential Build-Out Analysis, 2013*. Rep. Council of Governments of the Central Naugatuck Valley, November 2013. Web. http://www.cogcnv.org/PDF/CNV_Build-Out_2013.pdf.

Figure 4-3
Residential Build-Out Analysis



4.4 State POCD

Review of the State's Locational Guide Map, contained in the recently updated state plan *Conservation and Development Policies: The Plan For Connecticut, 2013-1018* (State C&D Plan) indicates that the majority of the Town is mapped as Priority Funding Areas (PFA). See Figure 4-4 for the State's C&D Plan Locational Guide Map of Thomaston. Generally, the State C&D plan delineated PFAs based on Census Blocks that contain the following factors:

- Designation of Urban Area or Urban Cluster in the 2010 census
- Boundaries that intersect a ½ mile buffer surrounding existing or planned mass-transit stations
- Existing or planned sewer service from an adopted Wastewater Facility Plan
- Existing or planned water service from an adopted Public Drinking Water Supply Plan
- Local bus service provided 7 days a week



Thomaston does not contain any areas that are mapped solely as Conservation Areas; however, a number of areas are designated as "Protected Lands" which also serve a conservation purpose. Protected Lands are lands that have some form of restriction on development, such as permanently protected open space or property in which the development rights have been acquired.

Pockets of Thomaston are also mapped as "Balanced PFAs." These are areas that meet the criteria of both Priority Funding Area and Conservation Areas. Conservation Areas are delineated based on the presence of factors that reflect environmental or natural resource values such as potential drinking water supply watersheds, aquifer protection areas, wetland soils greater than 25 acres, agricultural soils, hurricane inundation zones, 100-year flood zones, and critical habitats. Areas mapped as "Balanced PFAs" are generally located along the Naugatuck River and the area at the intersection of Reynolds Bridge Road and Route 6/Watertown Road. Balanced PFAs are also located in the northeast area of Thomaston and south of the Naugatuck River on the north and south sides of the Mattatuck State Forest.

Thomaston's current land use and growth patterns are consistent with the State's Locational Guide Map designations. This provides the Town with flexibility in encouraging growth-related projects. "Growth-related projects" as defined in CGS Section 16a-35c(a)(2) must be located within a PFA or proceed through a PFA exception process in order to receive funding from any state agency, department, or institution. As the majority of Thomaston is mapped as PFAs, the state POCD does not serve to restrict development or funding opportunities.

**Figure 4-4
State C&D Plan Locational Guide Map of Thomaston**



Thomaston, CT

2013-2018 State C&D Plan - Locational Guide Map

Printed: May 28, 2014

This map is for information only and its utilization and verification shall be the sole responsibility of the user.

4.5 Conclusions/Recommendations

Changes in overall land use patterns were not identified through the POCD process, as Thomaston's current land use patterns are reflective of historic growth patterns and Thomaston's community character. Land use concerns include controlling residential growth and encouraging new development to incorporate the existing landscape and minimize environmental impacts. Furthermore, managing growth is important to ensure that adequate infrastructure and town services are available to support additional growth.

As indicated on Figure 4-2, The Town has implemented zoning controls (a change of residential zoning in 2012 to minimum 2-acres in many outlying residential areas) to direct more dense development towards areas that have existing infrastructure in place to support additional growth. The Town should continue to encourage dense residential development through implementation of zoning controls. These may include items similar to the following:

- Review existing mixed-use regulations and revise as needed to allow for flexibility in requirements
- Continue to encourage mixed-use developments in general commercial areas
- Consider cluster development in areas where soil and environmental conditions permit

When reviewing proposed development, the Town should also consider the long-term increase of demand for municipal services, particularly sewer, water, and emergency services.

Section 5

Natural Resource Conservation

The natural resources of the Town and region both directly and indirectly affect the everyday life of its residents. The preservation of existing farmlands and open spaces continues to be an important consideration for many residents. In addition to farmlands and open spaces, there are other natural resource factors often not considered. These include but are not limited to: stormwater management, flood control and flood management, plant and wildlife habitat preservation, air quality standards, solid waste management, wetlands protection and clean drinking water. There are often pressures for development that negatively affect these resources, therefore it is important to ensure the long-term viability of these resources through responsible growth practices and preservation of important natural resources and features. The Town should strive to promote responsible growth and a high standard of living while maintaining an ecological balance and protecting its vital natural resources.

5.1 Current Conditions

Environmental constraints are an important criterion for future land use. They provide a method for setting parameters for the intensity of development — areas with more severe constraints should be developed at lower intensities. Table 5-1 summarizes the natural resources that most affect conservation and development efforts and the rationale for their consideration in the Plan.

Table 5-2 shows the types of resources affecting development and the level in which natural resources constrain development. Natural resources have been classified as to whether they pose minimal, moderate, severe, or prohibitive constraints to development. Conversely, these areas can be considered to present low, moderate, important, or significant opportunities for natural resource conservation.



Naugatuck River
Photo by: Jeremy Leifert

This type of analysis suggests areas where, in the absence of public water supply or public sewer service, land use intensity should reflect the natural capabilities of the land. In other words, it can be the starting point for zoning categories that consider soil type, terrain, and infrastructure capacity.

While these resources influence development patterns and densities, development can also adversely affect sensitive natural resources. The impact of land uses on public water supply watersheds, areas of high groundwater availability, and areas of excessively drained soils (all potentially subject to contamination) need to be considered. Natural diversity areas (sites with endangered plant and animal species and unique habitats) should also be protected from adverse impacts of development activities. Figures 5-1 through 5-3 depict these sensitive natural resources.

Table 5-3 is a breakdown of acreage in natural resource restrictions. The total acreage of land in the Town of Thomaston is 7,772 acres. Figure 5-4 provides a graphical depiction of these development restrictions.

**TABLE 5-1
Summary of Resources Affecting Conservation and Development**

Resource	Category	Reason for Conservation
Landform	Hilltop, ridgeline, valley or water body	Scenic views, community character
Steep Slopes	25 Percent or more	Slope stability, erosion potential, structural concerns
Soils	Poorly Drained (Wetlands) Hardpan Shallow and Rocky Excessively Drained	Habitat, water quality, and flood storage functions. Groundwater impairs septic systems and buildings. Groundwater impairs septic functions and buildings. Shallow soils impair septic function and construction Susceptible to contamination
Floodplains	Watercourse	Periodic flooding, threat to life and property
Water Quality	Surface Groundwater	Protect supply watersheds, prevent pollution Protect supply aquifers, prevent pollution
Aquifers	Water Quantity Water Quality	Provide adequate water supply Provide safe water supply
Air	Air Quality	Provides healthy environment
Plants	Diversity	Plant habitat, endangered species, forestry
Animals	Diversity	Animal habitat, endangered species, migration

**Table 5-2
Natural Resources Summary Table**

Development Constraint	Conservation Opportunity	Definition	Resource Condition
Minimal	Low	Having only a few or slight environmental constraints to development. Most difficult to conserve from development.	Excessively drained soils. Well drained soils and less than 25% slopes.
Moderate	Moderate	Having moderate or localized severe restrictions on development which may be overcome with environmental planning and mitigation. Difficult to conserve from development.	Well drained soils and greater than 25% slopes. Well drained soils and seasonally high water tables.
Severe	Important	Having some severe or very severe limitations on development which may be difficult to overcome with environmental planning and mitigation. Presents many opportunities to conserve important natural resources and functions.	Any soil with slopes in excess of 25%. Any shallow or rocky soils. Any hardpan soils. 500-year floodplains.
Prohibitive	Significant	Having severe or very severe limitations on development. Represent areas where it is most important to conserve natural resources and function.	Watercourses and waterbodies. Poorly drained soils (wetlands). 100-year floodplains.

**Table 5-3
Area of Natural Resource Constraints**

Resource	Total Acres	Percentage of Land in Town
Wetlands or Watercourses	606 Acres	7.7%
Steep Slopes (Over 25%)	1,967 Acres	25.3%
Natural Diversity Database Areas	1,024 Acres	13.2%
Aquifer Protection Area	114	1.5%

5.2 Land Use Intensity Guidelines

The following table is produced by the COGCNV and uses natural resource information to suggest the following land use intensity guidelines for development in the Town of Thomaston and the region.

**TABLE 5-4
Land Use Intensity Ranges - Private Septic Systems & Public Sewer Systems**

Private Septic Systems				
Constraint Level	Maximum Density (Units/Acre)		Minimum Lot Size (Acres)	
	Private Well	Public Water	Private Well	Public Water
Minimal	1.0	1.33	1.0	0.75
Moderate	0.67	1.0	1.5	1.0
Severe	0.5	0.67	2.0	1.5
Prohibitive	*	*	*	*

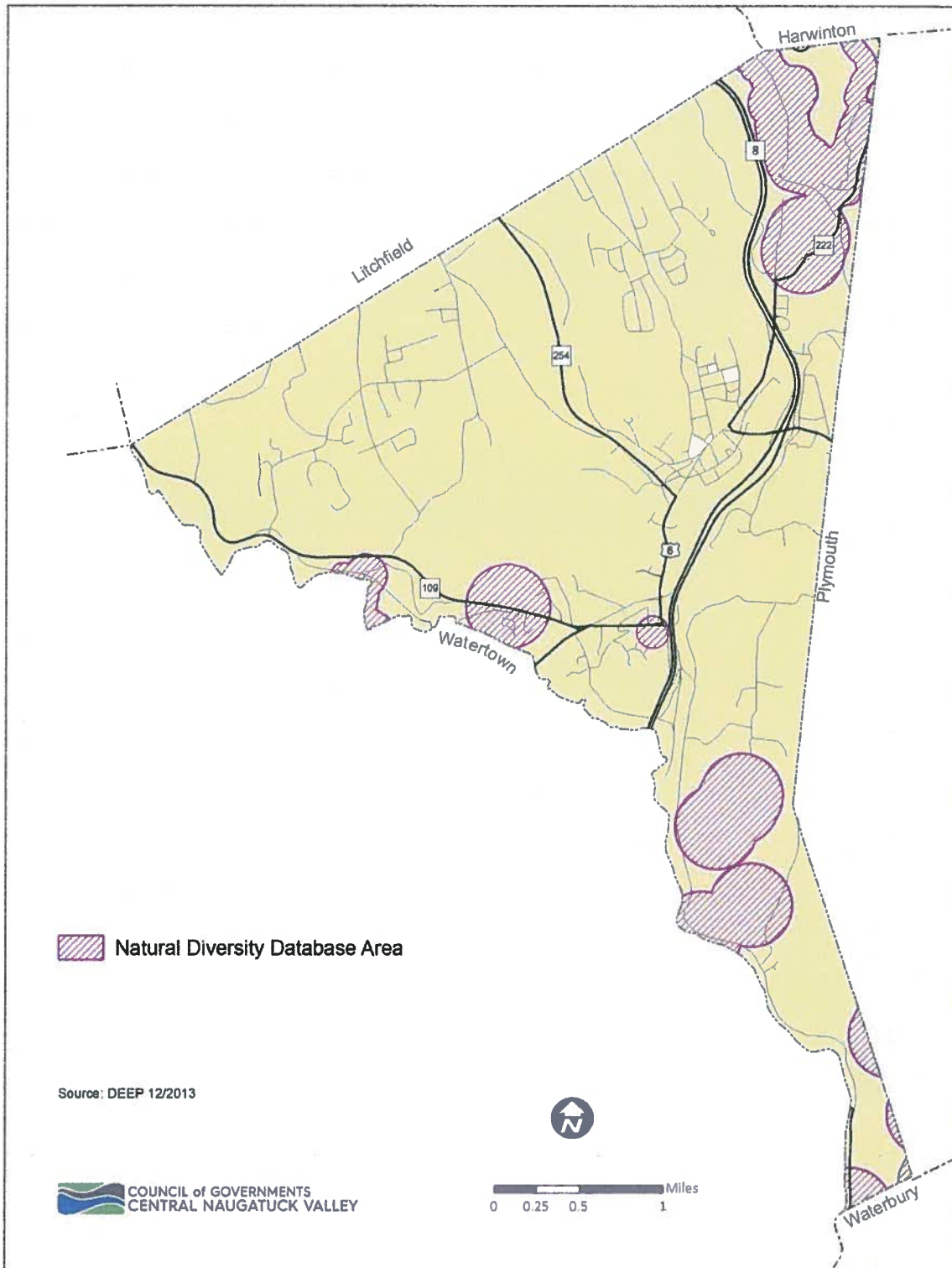
Public Sewer Systems				
Constraint Level	Maximum Density (Units/Acre)		Minimum Lot Size (Acres)	
	Private Well	Public Water	Private Well	Public Water
Minimal	1.33	2.0	0.75	0.5
Moderate	1.33	2.0	0.75	0.5
Severe	0.67	1.0	1.5	1.0
Prohibitive	*	*	*	*

The tables can be interpreted as follows:

- Recommended *minimum lot size* in an area of moderate development constraints that is served by private septic systems and wells would be 1.5 acres per lot (or a *maximum density* of 0.67 units per acre).
- Recommended *maximum lot size* in an area of moderate development constraints that is served by public sewer and public water would be one-half acre (or a *minimum density* of 2.0 units per acre).

These are general guidelines. Detailed review of field conditions and/or design of an engineered septic system may result in reevaluating these guidelines.

**Figure 5-1
Natural Diversity Database Areas**



**Figure 5-2
Inland Wetlands and Watercourses**

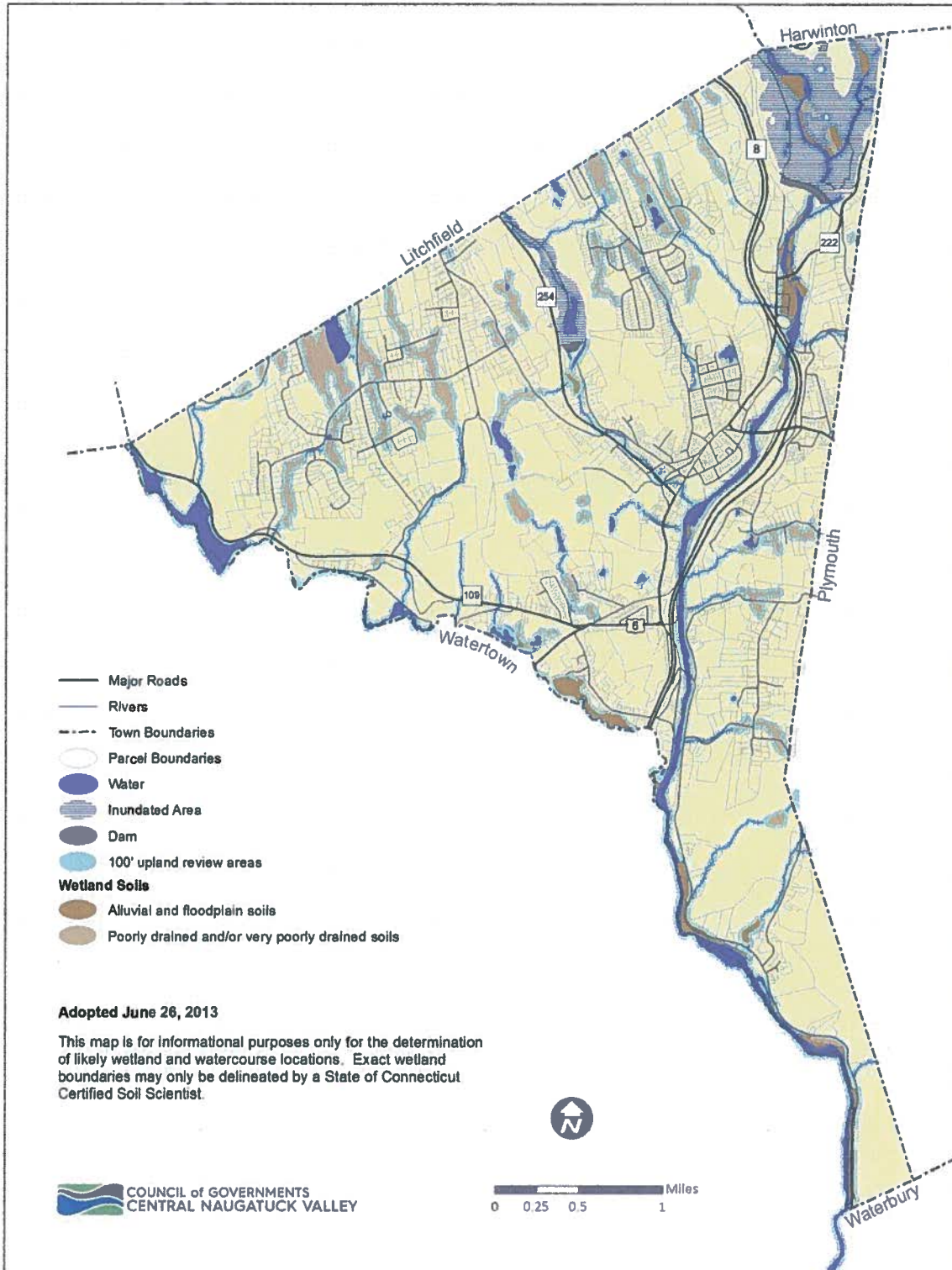


Figure 5-3
Level "A" Aquifer Protection Area

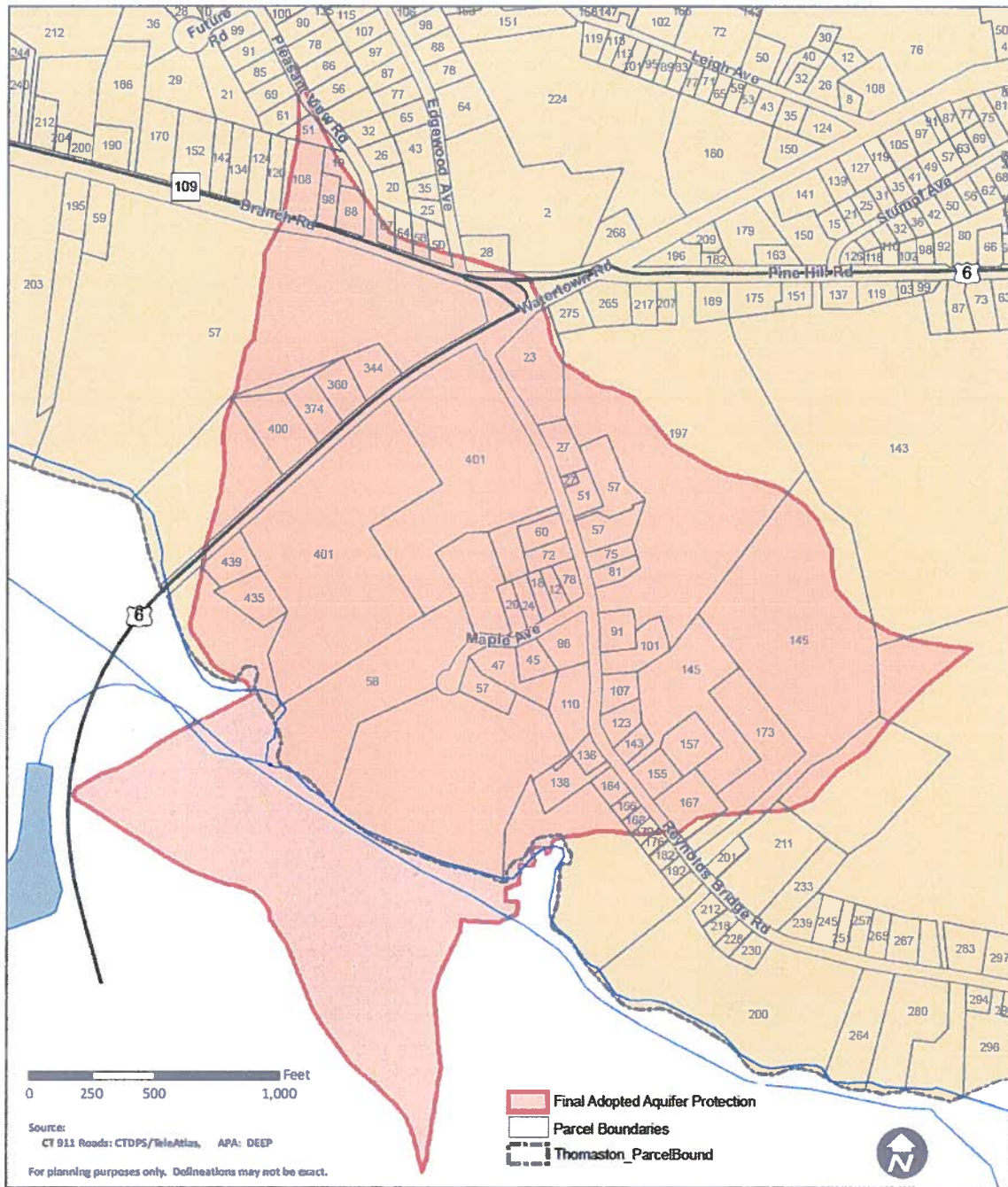
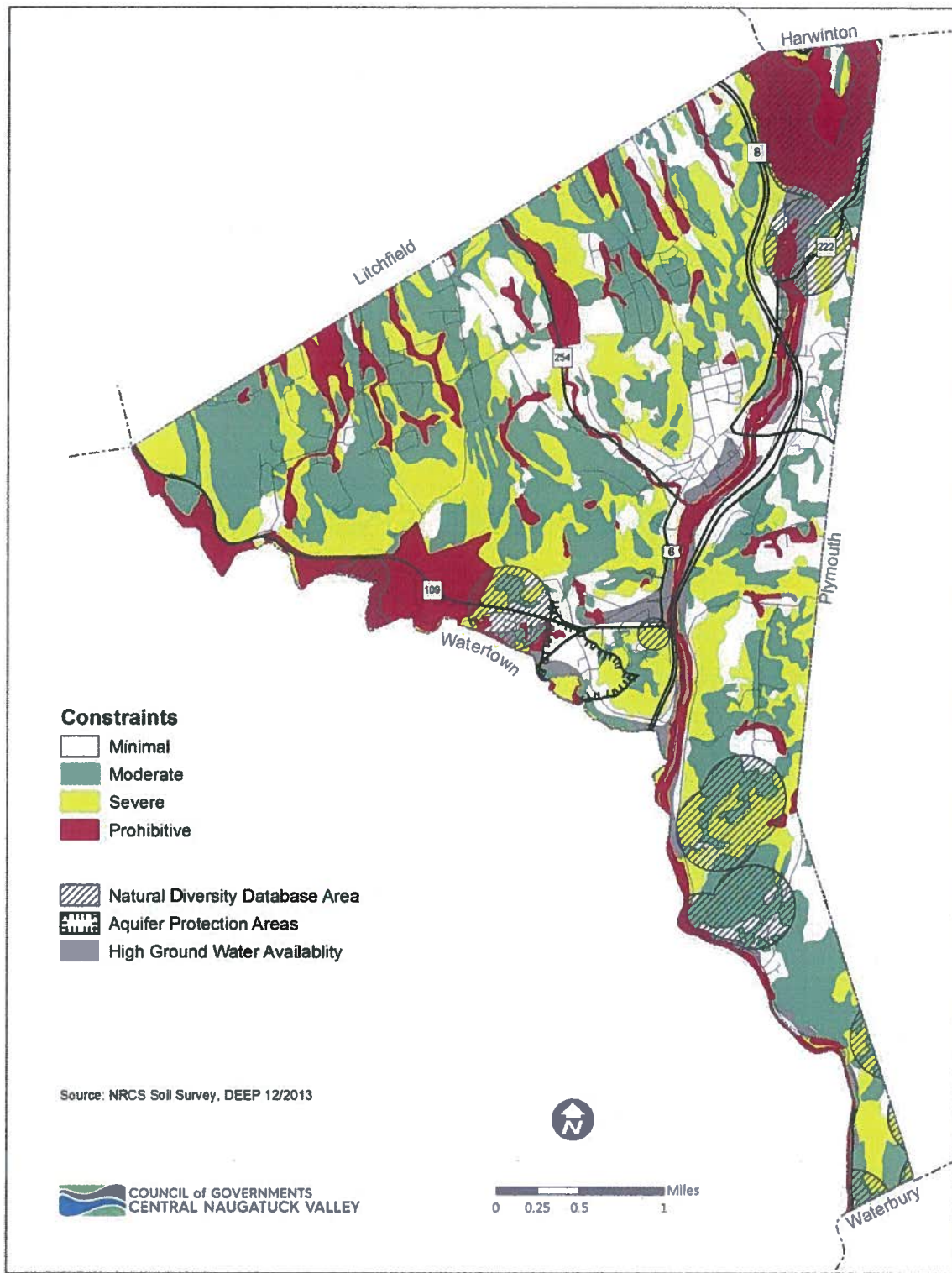


Figure 5-4
Comprehensive Map - Development Constraints



5.3 Pre-Disaster Mitigation

Natural hazard emergencies often arise from increased impervious surface, improper building locations, or poor site design, coupled with major storms. FEMA's Pre-Disaster Mitigation program provides planning funds to communities to identify likely natural hazards and projects to reduce the potential damage from natural hazard emergencies.

The Town of Thomaston's mitigation plan was published in October of 2008 and revised in February of 2009. It identifies and addresses concerns such as:

1. Terrain challenges regarding street access for emergency vehicles
2. Impacts to town facilities from a potential dam failure from Army Corps or Waterbury Water Company dams
3. Localized flooding of tributaries of the Naugatuck River, such as Branch Brook, during storm events
4. Additional stormwater control methods within the existing infrastructure and new development proposals
5. Driving conditions in the hillier sections of Town during winter
6. Preparedness for extreme events such as hurricanes, tornadoes, flash flooding, earthquakes and wildfires



Thomaston Dam
Photo by: Jeremy Leifert

Future planning decisions should refer to the "Town of Thomaston Natural Hazard Pre-Disaster Mitigation Plan" for guidance as well as the general recommendations in Section 5.5.6 below.

5.4 Impervious Surfaces

An impervious surface limits the ability of water to drain into the soil, increasing the speed, temperature, and pollutant carrying capacity of the resulting surface runoff. Over time, increased sediment loads cause streams to change form, destroying valuable riparian and streambed habitat. An impervious surface can be a roof, road, driveway, parking lot, hard packed soil, and other surfaces that seal the soil surface, preventing rainwater from soaking into the ground. The amount of impervious surface in a local watershed is a significant factor in the health of the watershed.

There are four CT DEEP major sub-regional drainage watersheds located wholly or in part within the Town of Thomaston - the Naugatuck River, Leadmine Brook, Northfield Brook and Branch Brook.

According to research provided by the University of Connecticut Center for Land Use Education and Research (CLEAR), a watershed is harmed when it becomes over 10% impervious. At 25% impervious, major degradation occurs, which is extremely expensive

to remediate. Currently, 47% of Thomaston is already affected by impervious surfaces and less than 1% is degraded. Under the current Zoning Regulations, if the Town becomes fully built-out, these proportions rise to 85% and 18%. Comparatively, within the Central Naugatuck Valley Region, 22% of the region is already affected by impervious surfaces and 6% is degraded. Under the current Zoning Regulations, if the region becomes fully built-out, these proportions rise to 43% and 16%. Developing regulations limiting impervious surface cover and promoting low impact development techniques should be explored by Town regulatory Commissions.

5.5 Major Recommendations

5.5.1 Open Space and Low Impact Development

- Consider large lot zoning, residential cluster development and Low Impact Development techniques to utilize and preserve properties for agricultural use and open space
- Identify local landscapes and scenic areas of special significance or aesthetic value and encourage their preservation and protection
- Support the acquisitions of land for open space, recreational, and other public purposes in those locations recommended by the Plan of Conservation and Development, Planning and Zoning Commission and Conservation Commission
- Encourage the preservation of valuable open space, scenic vistas, wetlands, and environmentally sensitive areas in residential developments
- Encourage stewardship of privately owned forest lands through continuing education programs and best management practices
- Require developers to incorporate environmentally sensitive areas and natural resource areas into public open space and privately owned conservation easements

5.5.2 Energy Conservation

- Encourage energy efficient patterns of residential housing, including solar and other reasonable forms of energy conservation
- Encourage the use of energy efficient development and best conservation practices while minimizing the environmental impact on sensitive areas

5.5.3 Wetlands and Watercourses

- Minimize any potential adverse impacts in order to preserve environmentally sensitive wetland and watercourse areas
- Monitor the effectiveness of Wetlands Regulations and continue efforts to identify the most environmentally sensitive and significant areas
- When filling of wetlands is unavoidable, pursue the creation of wetlands as a tool to achieve a "no net loss" policy; any proposed filling of wetlands should be offset by creation of wetlands of equal size
- Recommend against development in, and encourage the protection of, substantial areas of inland wetlands, cognizant to their economic and ecological value for

such diverse functions as water supply and purification, flood control and wildlife habitat

- Identify and preserve the aesthetic features of wetland and watercourse areas
- Recommend siting developments in those areas where existing wetlands and watercourses will be least affected
- Encourage proper onsite analysis and management of wetland and watercourse areas and adjacent lands
- Recommend that Town departments consider wetland and watercourse issues at the earliest stages of preventative maintenance, storm water drainage activities and project planning
- Discourage structural development in wetlands or watercourse areas, except where qualified engineering studies can demonstrate that the proposed development will be technically feasible and not create adverse environmental impacts
- Encourage municipal inspection of all structures in wetland and watercourse areas to ensure compliance with federal, state and local regulations, ordinances and building code specifications
- Work with other agencies, boards and commissions to establish compatible and passive land uses in wetland and watercourse areas

5.5.4 Floodplain Protection

- Review Zoning Regulations and Floodplain Ordinance and FEMA flood maps to verify that current related provisions are adequate and, if necessary, incorporate new methods and technology
- Consider the potential of utilizing floodplain areas for passive recreational uses, open space activities and other compatible uses

5.5.5 Public Drinking Water & Aquifer Protection

- Review all applications within or affecting the Aquifer Protection Area for compliance with the Aquifer Protection Regulations as contained in the Aquifer Protection Area Level "A" Regulations and Zoning Regulations
- Review and enhance existing aquifer protection regulations using the DEEP model and register commercial and industrial uses within the Aquifer Protection area
- Require all applicants to comply with Connecticut General Statutes and report proposed work activity within the primary or secondary aquifer recharge area to the Connecticut Water Company for evaluation
- Consider comments and recommendations from the Connecticut Water Company prior to rendering a decision on any application within or affecting the primary aquifer protection area
- Support efforts to expand existing sources and, if necessary, find new sources of potable water
- Support state and local groundwater monitoring efforts, especially in those areas where pollution is likely to occur
- Carefully review development proposals to prevent wastewater discharges to streams and eventually into the public water supply primary aquifer area

5.5.6 Health and Safety & Hazard Mitigation Plan

- Support all efforts to maintain air quality standards and protect the environment from the adverse effects of air pollutants
- Encourage citizen participation and local efforts to complement State and Federal programs that strengthen air quality standards while providing for responsible residential, commercial and industrial growth
- Support the efforts of Federal, State and local personnel to continue dam safety inspections and maintenance programs at regular intervals
- Encourage the creation and maintenance of Federal and State assistance programs for the repair and maintenance of privately owned dams
- Promote dam safety awareness in cooperation with the U.S. Army Corps of Engineers
- Recommend that sanitary wastewater discharges to onsite septic systems conform to local health district standards within the aquifer recharge area
- Minimize impacts within the aquifer recharge area by adhering to best management practices for stormwater and erosion control
- Prohibit and the disposal of solid waste materials in landfills, dumps, backyards or at commercial operations in the primary aquifer recharge area
- Employ best management practices in the storage, disposal or production of hazardous waste materials in the aquifer protection area
- Reduce adverse environmental impacts by continuing and improving the municipal recycling, leaf composting, household hazardous waste and curbside collection programs
- Recommend against the underground storage of fuel oils and gasoline, unless engineering and technical studies can demonstrate that protective measures can be accomplished
- Encourage greater coordination between state and local permitting agencies with respect to siting of new underground fuel storage tanks in accordance with Connecticut General Statutes Section 22a-449
- Develop a Town wide map identifying the location of underground storage tanks including those used for agricultural purposes
- Require a positive report from the Connecticut Water Company prior to siting of any new tanks in the Aquifer Protection Area
- Support the efforts of the Town and State Public Safety departments in specialized assistance, training activities and other efforts to prevent and control environmental hazards



Thomaston Dam
Photo by: Jeremy Leifert

5.5.7 Cultural Resource Preservation

- Encourage the preservation of existing prime agricultural farmlands
- Encourage the preservation of other significant properties that may have the potential and criteria to become prime agricultural farmlands
- Support efforts to obtain Federal and State grants to further document historic areas in Thomaston
- Encourage the preservation of scenic vistas in all potential development proposals



Old Smith Road Farm Field
Photo by: Jeremy Leifert

5.5.8 Site Development & Regulation

- Ensure that potential development areas have adequate provisions for reducing and safely removing stormwater runoff
- Consider regulations to limit impervious surfaces when practical
- Review the Zoning Regulations to insure that important natural and physical features are maintained and protected
- Require developers to demonstrate that their proposals are environmentally compatible with acceptable conservation and preservation standards
- Review all proposals for commercial, residential and manufacturing development on properties which contain substantial areas of slope to ensure proper engineering techniques and methods will be applied

Section 6 Housing

The housing section examines existing housing characteristics, local and state regulations and policies, and demographics to help identify housing characteristics, trends and needs in Thomaston.

6.1 Current Conditions

According to U.S. Census data, there were 3,276 total housing units in Thomaston in 2010. Based on information from the 2006-2010 American Community Survey 5-Year Estimates, the characteristics of the existing housing units are summarized below:

- 72% single family (1-unit detached and attached structures)
- 76% owner-occupied
- 37% constructed since 1980
- 27% constructed prior to 1939
- ~6% is subsidized¹⁰

6.1.1 Housing Stock

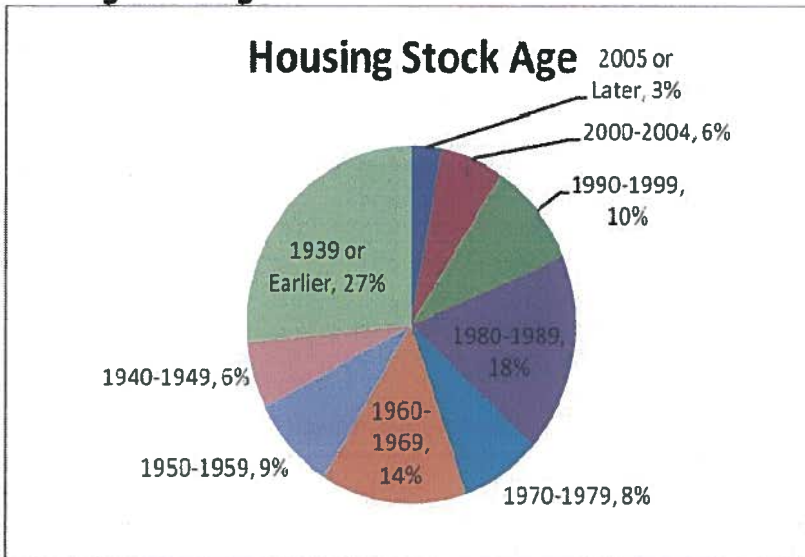
As shown in Figure 6-1, approximately one quarter of Thomaston's housing stock was built before World War II and more than half the housing stock was constructed before 1970. From 1997 to 2012, Thomaston's new housing units increased by 13% for 380 net new housing units. This indicates that the growth in housing has kept pace with population growth. According to US Census Data, from 2000 to 2010 there was a slight increase in the percentage of the population living in owner-occupied housing units (73.8% to 76%) and a corresponding decrease in the percentage of the population living in rental units (26.2% to 24%).



Downtown Residences
Photo by: Tighe & Bond

¹⁰ Connecticut Department of Housing. *Affordable Housing Appeals Listings, 2010*. Rep. Connecticut Department of Housing, 2010. Web. <http://www.ct.gov/doh/cwp/view.asp?a=4513&q=530486>

**Figure 6-1
Housing Stock Age¹¹**



The majority of permits issued for new housing from 1997 through 2012 were for single unit residences, with the exception of 22 permits issued in 2002 for “5 or more units” residences. Encouraging diversity in the housing stock may appeal to the elderly and to those seeking “starter homes”. The Zoning Regulations provide for apartment units, including allowing “in-law apartments” which are stand-alone apartments within a single-family residence. Furthermore, the mixed use overlay district provides for residential uses to be sited above commercial uses within the General Commercial Zones.



Residential House
Photo by: Tighe & Bond

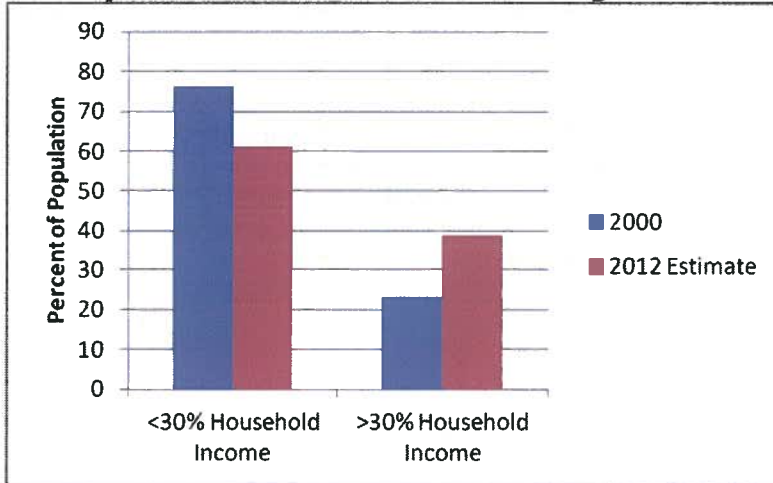
6.1.2 Housing Costs & Value

The median value of owner-occupied housing units in Thomaston increased significantly over the past decade from \$135,800 in 2000 (per 2010 Census Data) to \$230,300 in 2012 (per 2008-2012 ACS 5-Year Survey data).

Figure 6-2 depicts the monthly cost of home ownership as a percentage of household income. The Census Bureau uses 30% of income as a standard for measuring housing affordability. The 30% standard is the suggested maximum percent of income that should be allocated towards housing while the remaining income should be left over for nondiscretionary spending.

¹¹ U.S. Census Bureau, 2006-2010 American Community Survey 5-Year Estimates. Table DP-04. Selected Housing Characteristics. Geographic Area: Thomaston Town, Litchfield County, CT.

Figure 6-2
Monthly Homeowner Costs as a Percentage of Household Income¹²



The homeowner cost includes a homeowner monthly mortgage payment, real estate taxes, fire and hazard insurance, utilities, and fuel. As shown in Table 6-2, the percent of the Thomaston's population that is paying greater than 30% of their income to housing costs has significantly increased over the past decade.

¹² U.S. Census Bureau, 2008-2012 American Community Survey 5-Year Estimates. Table DP-04. Selected Housing Characteristics. Geographic Area: Thomaston Town, Litchfield County, CT.

Figure 6-3
Gross Rent as a Percentage of Household Income¹³

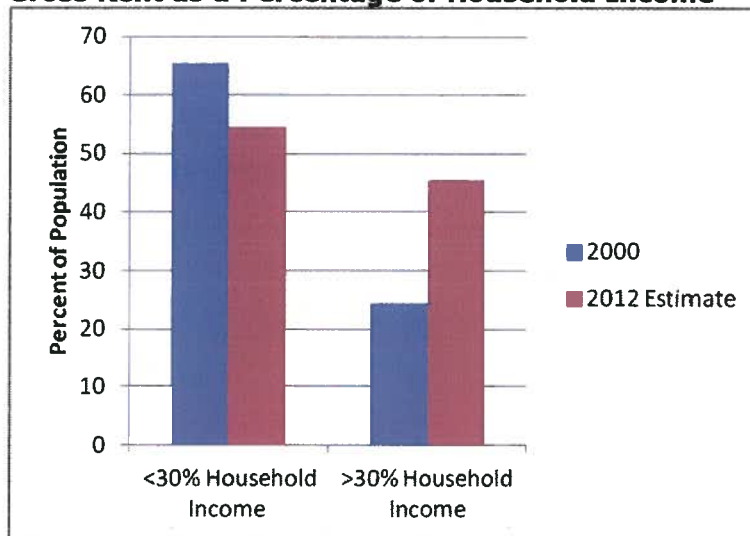


Figure 6-3 depicts gross rent as a percentage of household income. Gross rent includes monthly rent and utility costs. Similar to home ownership costs, individuals who are renting are spending a greater portion of their income on housing when compared to a decade ago.

6.1.3 Affordable Housing

The state's Affordable Housing Land Use Appeals Act (C.G.S. § 8-30g) sets a minimum affordable housing goal of 10% of a municipality's housing stock. The Act is intended to encourage the construction of affordable housing by shifting the burden of proof in the zoning and subdivision appeals process from the developer to the municipality in communities where less than 10% of housing units are deemed affordable.

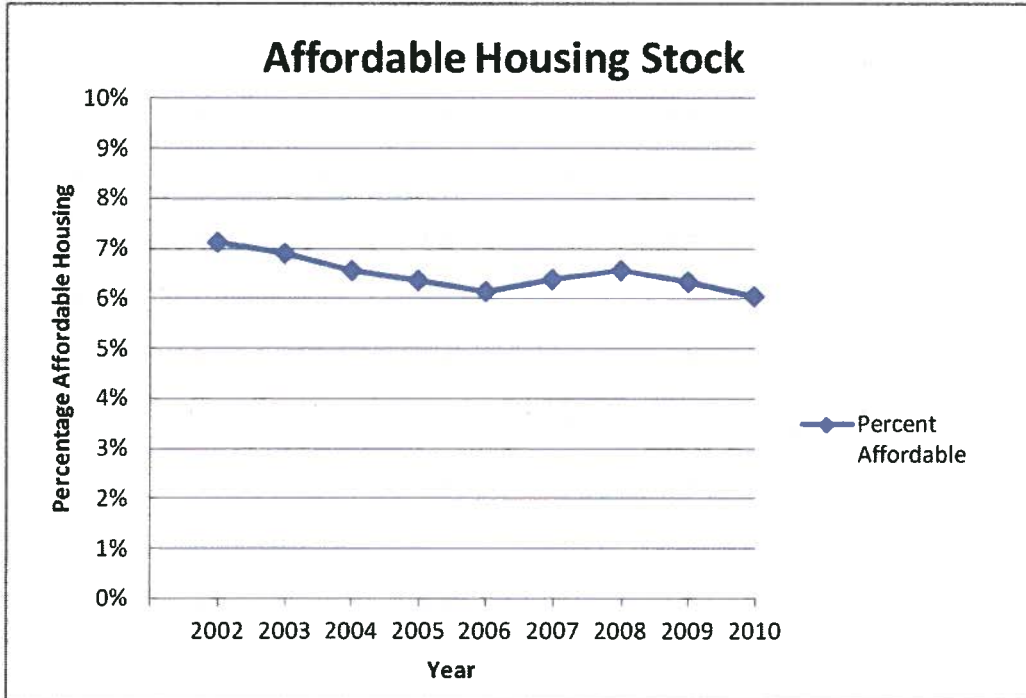
Under C.G.S. § 8-30g, in denying an affordable housing project a municipality with less than 10% of affordable housing units must prove that its action is justified by showing that it was "necessary to protect substantial public interests in health, safety....and such public interests clearly outweigh the need for affordable housing." Municipalities where a minimum of 10% of the housing stock is affordable to low- and moderate-income families are exempt from the application of this statute. In order to qualify as an affordable unit per Connecticut General Statutes (CGS) Section 8-30g, a unit must meet one of the following three criteria:

- Assisted housing funded through a State or Federal program,
- Connecticut Housing Finance Authority (CHFA)-financed housing (financed under a program for income-qualifying persons or families), or
- Housing that is deed restricted to be affordable to low- or moderate- income persons or families for at least forty years.

¹³ U.S. Census Bureau, 2008-2012 American Community Survey 5-Year Estimates. Table DP-04. Selected Housing Characteristics. Geographic Area: Thomaston Town, Litchfield County, CT.

As depicted in Figure 6-4, Thomaston percentage of affordable housing stock has been hovering in the 6 to 7% range and does not currently meet the State's 10% threshold.

Figure 6-4
Affordable Housing Stock¹⁴



Over the past decade, an average of 6.4% of the community's total housing stock has met the affordable housing criteria. An affordable housing developer will be able to utilize the advantages provided to them in the Affordable Housing Appeals Act until the affordable housing stock reaches 10% in Thomaston.

6.2 Housing Policies

Thomaston's Zoning Regulations allow a variety of housing types to include units that are affordable to a range of incomes. Article 21.2 of the regulations provide for the development of multiple dwelling units at up to a density of six units per acre. The units must be on a minimum of 10 acres and must be served by public sewer and water. Article 21.3 of the regulations allow for the development of housing for elderly and seniors at a density of up to 10 dwelling units per acre. The minimum lot size for these developments is also 10 acres. Article 21.9 seeks to increase the options for rental dwelling units by allowing the construction or conversion of dwelling units in the General Commercial Zones as a special permit use. These accessory apartment dwelling units must be located above commercial uses. The regulations note that the first floor commercial use may not be converted into a residential use and that there shall be a

¹⁴Connecticut Department of Housing. *Affordable Housing Appeals Listings, Years 2002-2011*. Rep. Connecticut Department of Housing, Published Annually 2002-2011. Web. <http://www.ct.gov/doh/cwp/view.asp?a=4513&q=530486>

distinct separation of uses on the same floor. In permitting these uses, the planning and zoning board must find that there is no undue concentration of high density residential development in any area. Thomaston does not currently have any Zoning Regulations in place to incentivize affordable housing.

Thomaston has sought and obtained funding to address affordable housing needs and to improve the existing housing stock. Thomaston was awarded \$45,000 by the Incentive Housing Zone Program (via the CT Office of Policy and Management) for a Technical Assistance Grant/Zone Adoption Payment to identify appropriate Incentive Housing Zone locations, draft regulations and prepare design standards. After reviewing potential parcels for suitability and eliminating those considered unsuitable, only the Drawn Metal Tube property at 219 Elm Street was considered. However, the zone adoption was ultimately not pursued due to implementation issues.

In 2011 the Town was awarded \$125,000 from the U.S. Department of Housing and Urban Development (HUD) Small Cities Community Development Block Grants program. The funds recapitalized the town's housing rehabilitation program by focusing on correcting code violations and making energy efficient upgrades.

6.3 Major Recommendations

6.3.1 Housing/Residential Development

- *Evaluate environmental, social, & economic costs of new development including transportation, sewers, water, schools, recreation, energy, and emergency services.*
 - Consider requesting comments from the Town's emergency services during Planning Board Review of new residential developments regarding availability of adequate fire flows and provision of sufficient access for police, ambulance, and fire department vehicles.
 - Encourage the preservation of valuable open space, scenic vistas, wetlands, and environment sensitive areas in residential developments.
 - Maintain and preserve the architectural integrity of neighborhoods.
- *Provide infrastructure and opportunity for safe, secure and sanitary housing conditions, where feasible, for all residents of Thomaston.*
 - Seek and apply for funding to address housing rehabilitation efforts to preserve and expand the Town's housing stock.
- Revise zoning to encourage the development of multi-family developments only along major arterials and in other appropriate locations, but within established and stabled high density single family neighborhoods.
- Recognize the need for large single family lots, particularly in those areas not served by public utilities.
- Encourage energy efficient patterns of residential housing, including solar and other reasonable forms of energy conservation.

- Revise the Zoning Regulations to address roof-mounted solar PV development as an accessory use within residential zoning districts.

6.3.2 Affordable Housing

- *Enhance and improve housing opportunities and the availability of choice for all income levels and encourage regional cooperation on planning for affordable housing and support affordable housing to all segments of society regardless of income levels.*
 - Perform an Affordable Housing Inventory and create a mechanism to guarantee the continued affordability of identified units.
 - Seek funding from Federal and State housing assistance programs to provide affordable housing opportunities for seniors and other individuals who cannot participate in the existing market place.
 - Seek partnerships with non-profit affordable housing agencies.
 - Create awareness in local officials, decision makers, and the general public regarding the need for affordable housing.
- *Support efforts to develop affordable housing near the downtown area in order to make better use of limited land resources, provide access to businesses and transportation, and to reduce pressure for affordable housing development away from the Town's center.*
 - Review existing Zoning Regulations and available infrastructure to determine if they provide realistic opportunities for the development of low to moderate income housing and multi-family dwellings.
 - Encourage the construction of recreational facilities in affordable housing developments along with the retention of open space areas for passive recreational activities.

6.3.3 Institutional Housing/Group Quarters

- *Provide safe, secure, and sanitary conditions for those requiring institutional, group quarters or special needs housing or care and recognize the housing needs of special individuals and families by encouraging such options as group homes, emergency shelters, transitional housing, apartments, and single room occupancy units.*
 - Review density standard, siting, and design criteria in the Zoning Regulations for emergency shelters, transitional housing, apartments, and single room occupancy units and identify areas within the Town where these facilities can be located.
 - Encourage and support non-profit organizations, municipal, and State efforts to provide care facilities for those individuals in need.

6.3.4 Senior Housing

- *Provide safe & secure housing for seniors as they are a valuable asset and play a vital role in the chemistry of a multi-functional community and encourage alternative housing choices and programs for seniors prior to approving and siting new facilities in the community.*
 - Review density standard, siting, and design criteria in the Zoning Regulations for in-law apartments, single occupancy units, and senior housing development projects and identify areas within the Town where these developments can be located.
 - Encourage seniors to interact with and participate in municipal programs which provide direct service to them.
 - Provide seniors with the opportunity for multi-mode transportation services to shopping and medical services.

Section 7 Economic Development

Thomaston’s economic development mission is to organize and promote sound economic growth to Thomaston by stimulating the expansion of existing businesses, attracting new enterprises, and assuring a favorable community climate for new ideas and economic growth while respecting the character and history of the community.

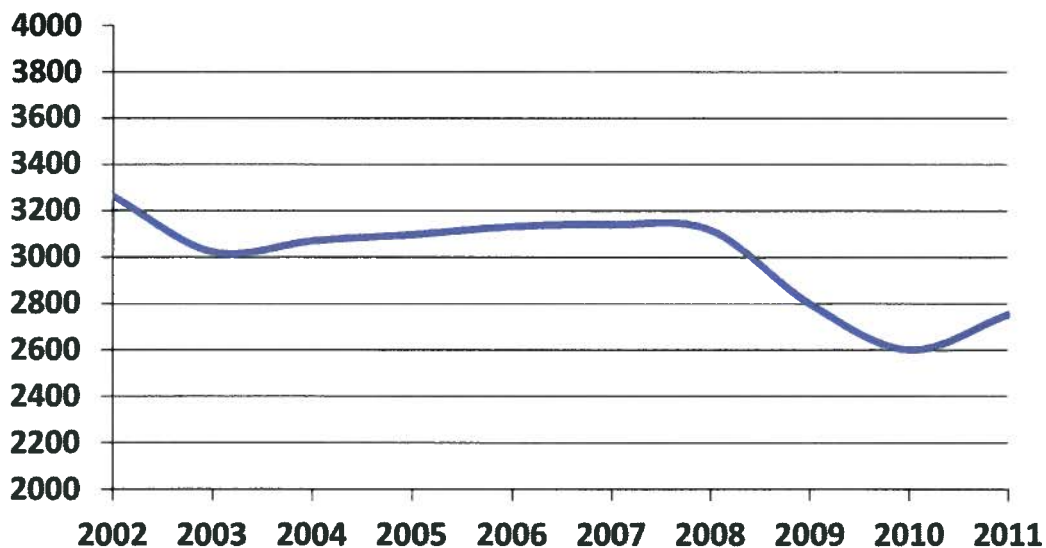
7.1 Current Conditions

7.1.1 Employment

The Town of Thomaston had a total employment of 2,753 jobs in 2011, a loss of 508 jobs (-15.4%) from 2002. Of these jobs, 2,158 (75.4%) are held by those living outside of Thomaston and 595 (21.6%) are held by Thomaston residents. There were 4,232 employed persons living in Thomaston in 2011, of which 3,637 (85.9%) were employed outside of Town.¹⁷ This highlights an area of concern in providing the residents of Thomaston with enough employment opportunities to support its working population.

Recovery from the 2007-2009 economic recession has been slow, particularly for the manufacturing sector. Employment within the town peaked at 3,261 in 2002 and declined to a low of 2,601 in 2010.

Figure 7-1
Total Employment in Thomaston, Job Numbers: 2002-2011¹⁷



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¹⁵U.S. Census Bureau, On The Map. *Area Profile Analysis, Years 2002-2011, Zip Code 06787*. Web. <http://onthemap.ces.census.gov/>

Table 7-1
Employment by Sector: 2002-2011¹⁸

Category	2002	2011	Percent of Total (2011)	Change	Percent Change
Manufacturing	1,767	1,358	49.3	-409	-23.2
Educational Services	250	246	8.9	-4	-1.6
Utilities	12	23	0.8	+9	+91.7
Construction	115	149	5.4	+34	+29.6
Retail Trade	290	232	8.4	-58	-20.0
Wholesale Trade	92	64	2.3	-28	-30.5
Transportation and Warehousing	48	52	1.9	+4	+8.3
Information	19	18	0.7	-1	-5.3
Finance and Insurance	16	21	0.8	+5	+31.2
Real Estate	11	8	0.3	-3	-27.3
Professional, Scientific and Technical	56	37	1.3	-19	-34.0
Management Companies	70	78	2.8	+8	+11.4
Waste Management and Remediation	28	12	0.4	-16	-57.2
Health Care and Social Assistance	84	75	2.7	-9	-10.8
Arts, Entertainment and Recreation	25	13	0.5	-12	-48.0
Accommodation and Food Service	102	150	5.4	+48	+47.0
Public Administration	210	111	4.0	-99	-47.2
Other	66	106	3.9	+40	+60.1

¹⁶ U.S. Census Bureau, On The Map. *Area Profile Analysis, Years 2002-2011, Zip Code 06787*. Web. <http://onthemap.ces.census.gov/>

Manufacturing makes up nearly half of the town's total employment, but has lost almost one-quarter of its workforce, or over 400 jobs, within the last decade. In this same time period, there has been measurable growth in food service and construction jobs; however, these new jobs have not made up for the significant loss in manufacturing jobs.

After decades of decline, manufacturing employment is projected to stay relatively stable from 2010 to 2020. Manufacturing subsectors such as plastics and rubber product manufacturing and chemical manufacturing are projected to add jobs statewide.



Whyco Manufacturing
Photo by: Jeremy Leifert

7.1.2 Community Development

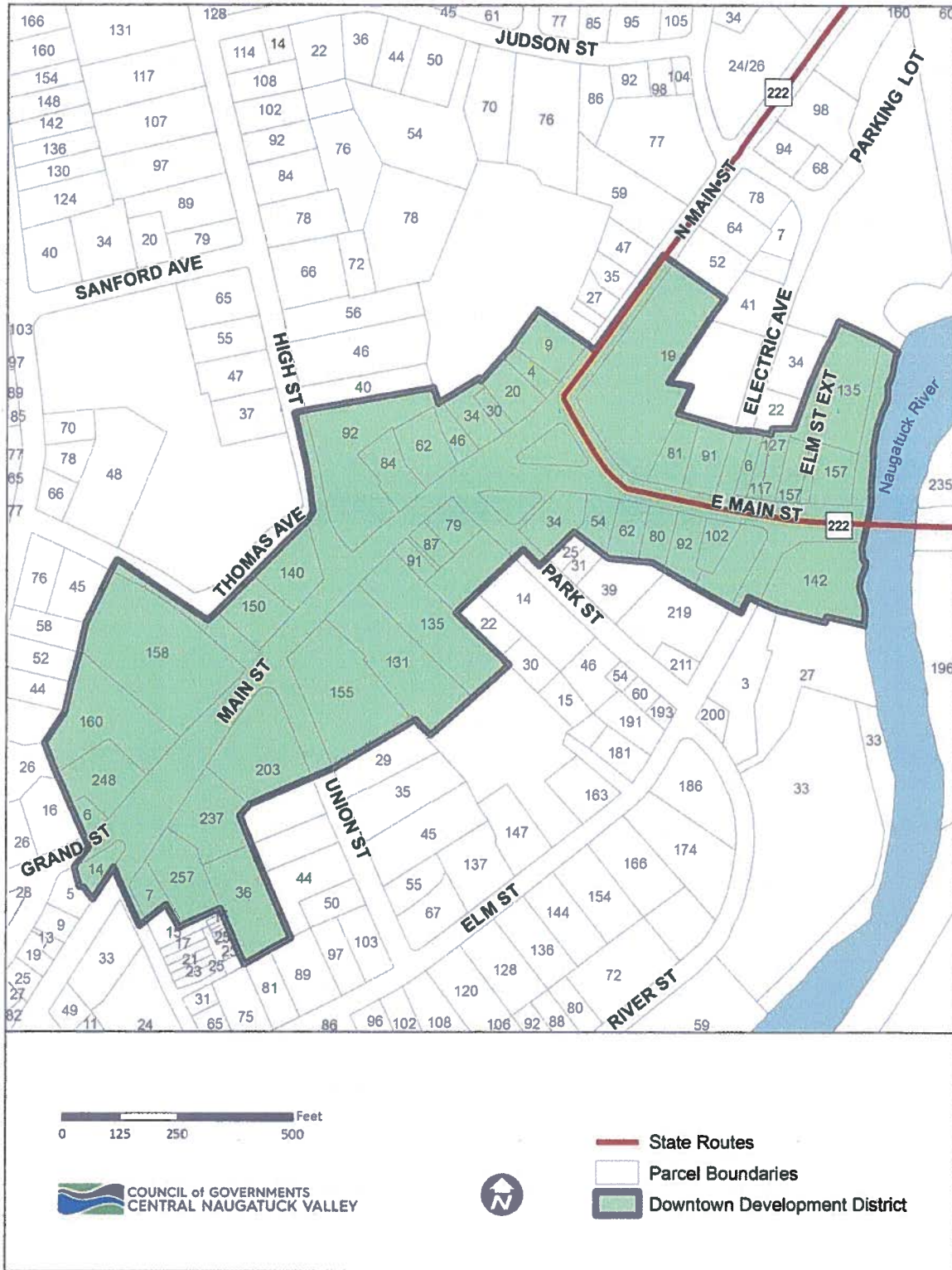
To further growth and development in the center of Thomaston's downtown area, the Town has implemented and mapped a Downtown Development District (Figure 7-2) which seeks to review significant developments and changes in use to projects within the overlay district. The purpose of the review is to allow greater flexibility from the standard General Commercial district regulations for the economic and cultural center of Town. The Thomaston Tax Incentive Program (TIP) and Enterprise Zone designation also seek to promote redevelopment in the downtown area by offering tax incentives to projects which cause a property owner to make a significant rehabilitation investment in the community.

7.1.3 Agriculture

There are currently several working farms and farm stands within the Town. While many state and local policy efforts focus on the permanent preservation of working lands, farming operations and farmers need more than just protected land to operate in a sustainable manner in the Town of Thomaston. Farms contribute significantly to local, regional and state economic development and security, job creation, tax bases, natural resource protection and quality of life, and have very different needs from other businesses, especially with respect to land use. However, farms are also businesses that face challenges that are unique in the Town and regional economy. There should be greater cooperation between farm business owners and Town officials to identify opportunities to improve agricultural regulations and expand on agricultural business opportunities. The Town regulations should also be balanced to encourage responsible growth patterns while preserving land for uses such as farming.¹⁷

¹⁷ Capitol Region Council of Governments. *Regulating the Farm: Improving Agriculture's Viability in the Capitol Region*. Published 2007. Web.
<http://www.ctplanningforagriculture.com/documents/CRCOGModelRegulations.pdf>

FIGURE 7-2
Downtown Development District Overlay Zone Boundary



7.2 Economic and Community Development Goals

7.2.1 Economic Development

- Incentivize potential new and existing businesses through the following:
 - Tax abatement for property improvements
 - Enterprise zone benefits
 - Additional tax incentives for businesses to move into Town
 - Downtown parking expansion through public-private parking agreements and prioritization of planning activities to identify sites for expanded public parking
 - Explore a permit process “fast track” when feasible
- Promote the Downtown Development District area as the center of municipal, administrative, cultural, and commercial activity.
- Continue to maintain and improve upon the economic base of the community in order to secure for current and future residents, a desirable place in which to live, work, worship, and raise a family.
- Review and enact regulations that are conducive to the development in the Town’s center and identify a market niche for the area.
- Support economic development projects for businesses in the East Main Street area and near Kenea Park that will encourage visitors to patronize business districts.
- Continue to encourage a stable and diversified tax base; expand the Town’s tax base and employment opportunities by attracting new businesses to suitable locations in the community.
- Give priority to those prospective businesses which would support existing businesses, provide employment opportunities for residents, and not over burden the ability of the Town’s infrastructure to provide necessary services.
- Recognize the economic potential of Waterbury Road for future industrial expansion along with Watertown Road and the South Main Street area for high traffic generating commercial expansion.
- Limit high intensity commercial establishments to the Route 6 or Main/South Street areas or within close proximity of such.
- Promote the development of industrial parks only in those areas which are zoned for such activity, contain ten (10) contiguous acres or more or in mixed use areas which are closer to arterials or highways.



Seth Thomas Industrial Park

- Where appropriate, encourage the return of or the use of underutilized Federal or State land to productive use by the community. Photo by: Patrick Martin
- Promote new economic activity in the Downtown Development District and along East Main Street that will complement existing businesses and increase economic opportunities.
- Identify and promote Thomaston's cultural, recreational, and historic attractions.
- Promote a diversity of businesses and commercial uses along Watertown Road and South Main Street that will attract and retain businesses, sustain business investment, and create economic opportunity and jobs.
- Recommend that significant new developments in the Downtown Development District and along the primary north-south corridor and Route 6 maintain symmetry with existing designs and architecture.
- Find ways to encourage people who work in Town to spend money in Town.
- Find innovative ways to draw new larger businesses.
- Incentivize additional development connections downtown to South Main Street and Route 6, where more area may be available for economic development.

7.2.2 Community Development

- Consider the appearance, architecture, and aesthetics of all proposed developments by giving special attention to the surrounding neighborhood.
- Improve the gateway entrances to Thomaston and the Downtown Business District through the use of signage and other types of visual aesthetics.
- Utilize vacant and under developed commercial, manufacturing, and residentially zoned property to its best and highest potential. Please refer to the Detailed Zoning Map of Thomaston.
- Encourage the underground installation of public utilities in future residential, commercial, and manufacturing developments.
- Improve the visual aesthetics along the gateway entrances to Thomaston.
- Prohibit new billboards and regulate the size and number of new signs.
- Encourage landscaping with trees and shrubbery along main thoroughfares and in public open space and parks.
- Protect the Town's architecturally significant structures along with archeological sites and areas of unique natural beauty through land development controls and other preservation methods.
- Improve the safety and visual appearance of the downtown business area through landscaping, maintenance of sidewalks, and the use of the street furniture, such as permanent benches and floral planting areas.
- Promote the downtown business area as a more desirable place for pedestrians and shoppers through the use of functional and aesthetic improvements, such as graphic symbols highlighting significant feature throughout the community.

- Carefully analyze all applications, especially if high intensity uses are proposed or when these uses may have an impact upon high density areas.
- Evaluate the environmental, social, and economic costs of new developments including infrastructure costs, such as transportation, sewers, water, schools, and recreation.
- Continue to utilize the requirements in the Downtown Development District to regulate aesthetics, such as building orientation, entrances, window space, and facades.
- Explore innovative zoning code amendments to enhance access and business development in the downtown area.
- Identify a niche to attract and keep people downtown. Thomaston's historic and cultural assets, such as the Opera House, Railroad Museum of New England (Train Station) and Seth Thomas Clock Museum could be utilized to attract additional downtown foot traffic.

7.2.3 Brownfield Redevelopment

- Promote, encourage, and market brownfield redevelopment and the reuse of inactive or underutilized manufacturing facilities in specified areas of the community.
- Support Federal, State, and local efforts to target and market brownfield sites in Thomaston and in the region.
- Educate the business community to participate in brownfield activity and to actively explore the benefits of the EPA's Revolving Brownfield Loan Fund.
- Encourage private investment in brownfield sites and adaptive reuse of existing structures and buildings for commercial, manufacturing, and residential uses.
- Incentivize the utilization and improvement of the Plume & Atwood building and grounds as a gateway business into Thomaston. This is a brownfield site, but recent environmental assessments have indicated limited need for extensive costs in remediation. A key issue to reuse of this site is vehicular accessibility. There is limited access for large trucks, and limited area for expansion of the road or driveway to the site. This may limit the site for reuse as a commercial or industrial facility. Avenues for a mixed use of this property should be explored, as well as potential options for redesigning vehicular and pedestrian accessibility.



Plume & Atwood Facility
Photo by: Patrick Martin

7.2.4 Mixed-Use Development

- Promote mixed use residential development in the downtown to provide foot traffic and spur business growth.
- Discourage mixed land uses in well-defined residential areas, except at the periphery where major arterials are located.

7.2.5 Business Access

- Recognize the unique old town cultural and architectural qualities of the downtown business district for future development and as a place to shop, conduct business, and worship.
- Provide for safe and efficient pedestrian accessibility in the downtown area, including evaluating options for public parking and biking
- Encourage the participation of area businesses and other civic organizations to suggest improvements in the downtown business sector and to promote the center of a focal point for entertainment and the arts and culture.
- Encourage development in the Downtown Development District, which will maximize and promote street level pedestrian activity and promote a sense of cohesiveness.

7.2.6 Agriculture

- Promote farm friendly business opportunities and regulations.
- Encourage farm-friendly business ventures to promote local farms.
- Encourage the preservation of existing prime agricultural farmlands
- Encourage the preservation of other significant properties that may have the potential and criteria to become prime agricultural farmlands
- Consider the use of innovative zoning practices and techniques to preserve existing prime farmlands and encourage the addition of new farms

7.3 Major Recommendations

- Develop a formal Downtown Plan that provides for uniform signage as well as increased and accessible parking.
- Create an action team consisting of various representatives from the town government that could facilitate expansion among new and existing businesses.
- Improve both internal and external gateways to provide a greater sense of security and increased foot traffic.
- Recognize the importance of Thomaston's rich culture, recreational centers, outdoor activities, and restaurants while continuing to foster the growth of these offerings.

- Create or promote special events or holiday events in the downtown area to encourage foot traffic and community involvement.
- Support offerings not only for residents of Thomaston, but also those that attract people from outside towns.
- Consider joining the Main Street Program of Connecticut to continue the professional development of EDC members and gain eligibility for certain government funding opportunities where available.
- Build and develop relationships with Federal and State government and recognize their importance as two of the largest landowners in town.
- Develop a program promoting the upkeep of business and residential property – especially those readily visible from business and downtown districts
- Encourage farm-friendly business ventures to promote local farms.

Section 8

Transportation

The transportation element examines existing traffic and transportation related data and conditions to help identify traffic and transportation characteristics, needs and trends in Thomaston. Transportation includes the various modes of travel within Thomaston and throughout the region, including motor vehicles, bicycles, and pedestrians.

8.1 Current Conditions

The regional transportation system includes roadway networks, public transit, airports, and bicycle and pedestrian facilities. In Thomaston, and the region at large, the primary mode of transportation is the personal vehicle. Thomaston is well connected through the regional roadway network; however, limited public transit options exist within Thomaston.

No commuter rail service is available in Thomaston. The Naugatuck Railroad, which is headquartered in Thomaston, formerly provided service from Bridgeport north to Winsted. Currently, the Railroad Museum of New England leases a portion of this line from ConnDOT and operates seasonal excursion trains from the Naugatuck Railroad station in Thomaston to Waterbury, CT. The railroad also provides local freight service along this corridor. Thomaston is approximately 40 miles southwest of Bradley International Airport and 100 miles northeast of LaGuardia and John F. Kennedy Airports in New York.

8.2 Travel Trends

According to the 2010 U.S. Census, 88% of the working population in Thomaston drove alone to their place of employment. Approximately 7% carpooled, less than 1% used public transit, walked or uses another means of transportation. Approximately 4% of workers worked from home. The average commuting time in 2010 was 23.1 minutes, up from 21.9 minutes in 2000.

8.3 Streets and Highways

The Town is easily accessible by an excellent network of US and State Routes and local roadways. Route 8, the region's main north-south expressway travels along the Naugatuck River in the eastern portion of Town, providing interstate access to the south in Waterbury, CT where it joins I-84, the major east-west highway through Connecticut. North of Thomaston, Route 8 proceeds through Litchfield, Harwinton, Torrington Winchester, and Colebrook, continuing as a rural minor arterial road into Massachusetts. Route 8 has three exits within Thomaston: Exit 38 (to US Route 6 west), Exit 39 (to US Route 6 east), and Exit 40 (to State Route 222/North Main Street). U.S. Route 6 generally parallels I-84, traveling east-west through CT. Within Thomaston, US Route 6 coincides with the Route 8 expressway for approximately 1 mile. See Figure 8-1 for a map of Thomaston's major roadways.

State Route 254 begins as a continuation of State Road 848 (Waterbury Road) at Exit 38 of the Route 8 Expressway. It proceeds north along the Naugatuck River before turning northwest paralleling Northfield Brook and continuing west of the Northfield Brook Dam

before crossing the town line into Litchfield and continuing northwest until its terminus at Route 118.

State Route 222 begins as East Main Street in the center of Thomaston at the Exit 39 interchange of the Route 8 expressway. Route 222 travels northeast through Thomaston, intersecting Route 8 at Exit 40 before continuing north, passing east of the Thomaston Dam, and crossing the Plymouth town line. In Plymouth it curves northward then briefly crosses into Thomaston proceeding north into Harwinton where it continues north-northwest until its terminus at Route 118.



Main Street looking South
Photo by: Jeremy Leifert

State Route 109 originates at the intersection of US 6 and Route 254 and continues northwest through Black Rock State Park and along the Wigwam Reservoir before entering Morris, CT.

Per the ConnDOT Listing of Locally Maintained Roads by Town, as of December 31, 2012 Thomaston contained 41.21 miles of locally maintained roads, the entirety of which are improved. There are no unimproved locally maintained roads within the Town.

8.3.1 Traffic Volumes

Existing traffic volumes were reviewed to obtain data related to historical traffic data, and trip distribution patterns. Table 8-1 summarizes average daily traffic (ADT) volumes on various roadways within Thomaston utilizing information provided by ConnDOT. As noted in Table 8-1, traffic volumes have remained relatively consistent along some of the major routes through Thomaston.

Figure 8-1
Functional Classification of Roads in Thomaston

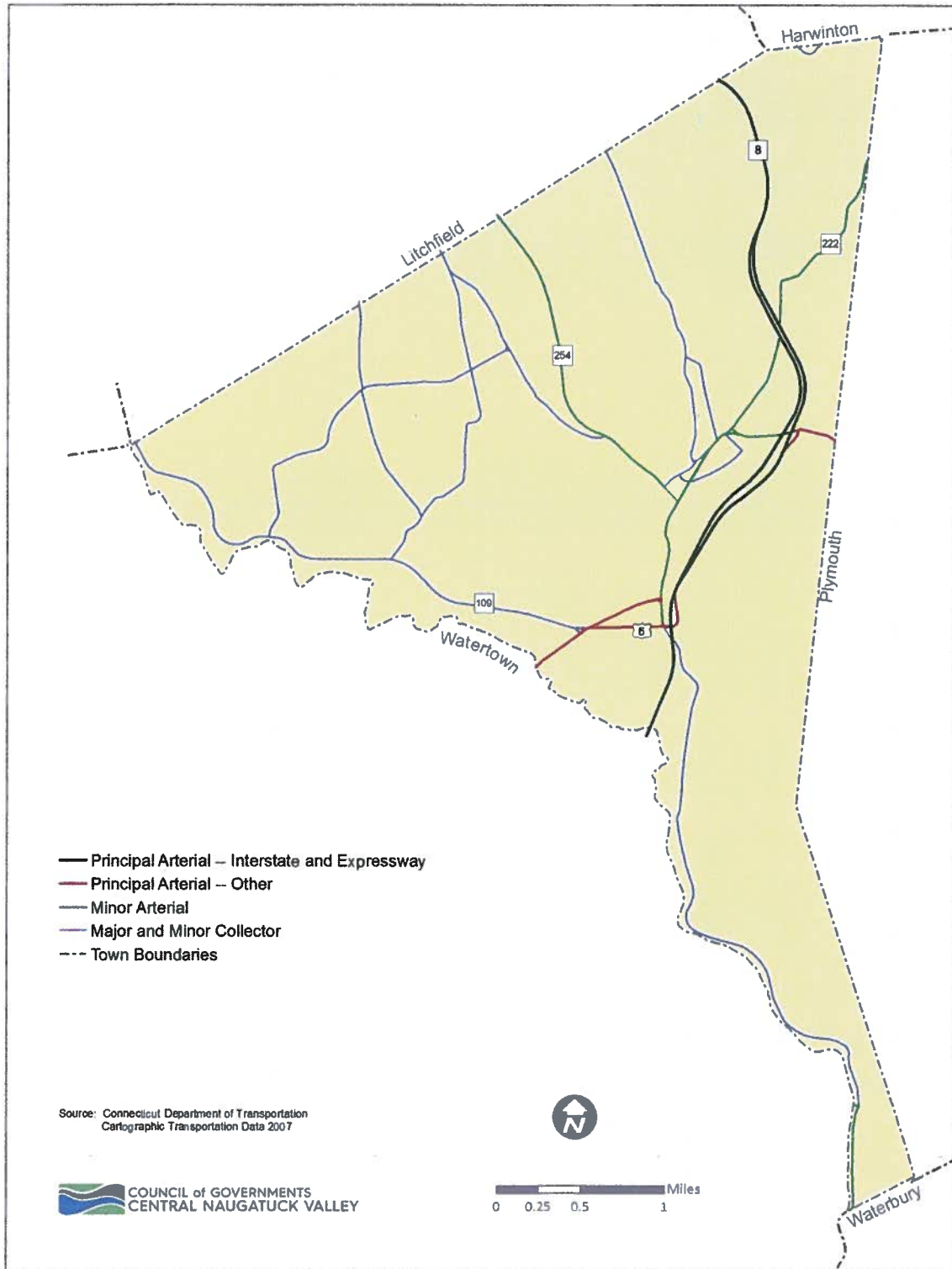


TABLE 8-1
Thomaston Traffic Volumes - 2002 - 2011¹⁸

Street	Location	ADT 2002	ADT 2005	ADT 2008	ADT 2011
Route 6/ Watertown Road	Watertown/Thomaston Town Line	NA	7,000	6,700	6,700
Route 109/ Branch Road	South of Old Northfield Road Intersection	5,000	4,400	4,500	4,500
Route 6/ Watertown Road	North of Route 109/ Branch Road Access	10,200	10,600	9,800	10,300
South Main Street	North of Watertown Road Intersection	15,200	14,900	14,100	14,600
East Main Street	West of Electric Avenue Intersection	6,700	6,600	4,800	5,400
Route 6/ East Main Street	East of Route 8 northbound on-ramp	16,800	17,400	16,900	16,700
Route 254/ Northfield Road	South of Walnut Hill Road Intersection	5,700	5,900	5,000	5,600
Route 254/ Northfield Road	North of Walnut Hill Intersection	3,800	4,000	3,300	3,800
Clay Street	North of Sanford Avenue Intersection	1,800	2,400	2,200	2,300
High Street Extension	North of High Street and Clay Street Intersection	NA	NA	3,200	3,200

8.3.2 Congestion

The Central Naugatuck Valley Long Range Transportation Plan 2011-2040, prepared by the COGCNV, June 2011 (CNVR LRTP Report) was reviewed to assess congestion issues in Thomaston. The CNVR LRTP Report evaluated congestion on a volume-to-capacity (v/c) ratio. The v/c ratio is defined as the peak hour traffic divided by a road segment's hourly vehicle capacity. A road segment is determined to have a congestion issue when the v/c ratio is greater than 1.00, as this indicates that peak hour traffic volumes exceed the road's hourly capacity. The study determined that a segment of Route 6 in Thomaston, from Route 222 to Prospect Street has a V/C ratio of 1.08, indicating a congestion issue. This area is highly influenced by traffic to and from the Route 8 exit.

8.3.3 Safety

Per ConnDOT, a High Hazard Accident Location is defined as a state highway segment and intersection that has experienced 15 or more accidents during a three-year period and have an actual accident rate greater than a statistically derived improbable accident

¹⁸ Average Daily Traffic (ADT) Maps, Thomaston, CT, prepared by the Connecticut Department of Transportation, Years 2002, 2005, 2008 and 2011. Web. <http://www.ct.gov/dot/cwp/view.asp?a=3532&q=330402>.

rate. The CNVR LRTP Report indicated that all municipalities in the region (with the exception of Beacon Falls, Bethlehem, and Oxford) had at least one hazardous state highway location and that 50% of the locations were in Waterbury.

Accident reports from the Connecticut Department of Transportation (ConnDOT) were reviewed to help identify potentially unsafe roadway conditions within Thomaston. The accident data addresses January 2009 – December 2011 and provides information on both state and local roads. High accident areas from this data are provided below.

High accident areas on state roadways include the following:

- US Route 6 at Route 222 (East Main Street)
- US Route 8 at Exit 38 to Route 254 (north and southbound)
- US Route 8 at Exit 39 to US Route 6 (north and southbound)
- US Route 8 at Exit 40 to US Route 222 (north and southbound)
- US Route 222 at southbound access to Route 8
- US Route 254 at US Route 810/Watertown Road
- US Route 807 at Route 254

There were no areas on local roadways that displayed a pattern of accidents during this timeframe. A number of accidents occurred on High Street, High Street Extension, Hickory Hill Road, and Old Northfield Road; however, they were spread out over the roadways and not clustered in specific areas.

8.4 Public Transportation/Commuter Lots

Though public transit routes extend just south of Thomaston into a portion of Watertown, public transit is not provided in Thomaston. According to the CNVR LRTP report, Thomaston is located within the Greater Waterbury Transit District Member Municipalities and Service Area but does not have fixed-route service.

The CNVR LRTP Report notes that the CNVR has 13 state designated commuter parking lots with a combined capacity of 1,009 vehicles. The commuter lots are primarily located in the vicinity of I-84 and Route 8 interchanges with one located in Thomaston on Route 6 at the interchange with Route 8. This commuter lot has a capacity of 48 vehicles. Per the CNVR LRTP Report, in 2009 the average occupancy of this lot was 34 vehicles (70% occupancy) with a maximum occupancy of 41 vehicles (85% occupancy). Commuter parking lots with 75% or greater maximum occupancy are considered candidates for expansion. There is no commuter lot expansion projects noted in the 2011-2013 CNVR LRTP.

Passenger rail service is available in the adjacent City of Waterbury. The Waterbury Branch Line commuter rail services is operated by Metro-North and runs several daily round trips between Waterbury and Bridgeport and one weekday trip from Waterbury to Stamford, CT.

8.5 Pedestrian and Bicycle Facilities

The Pedestrian and Bicycle Safety in the CNVR: An Assessment of Existing Conditions Report (prepared by the COGCNV, dated February 11, 2010) reviewed accidents in the region from 2003-2007 to identify areas where there were high frequencies of motor vehicle accidents involving pedestrians or bicyclists. The report identified the following two high hazard accident locations for pedestrians within Thomaston: Route 6 in the vicinity of Route 109 and Main Street from Route 254 to East Main Street. Thomaston was not listed as having high hazard accident locations for bicycles.

As part of the Update Process to the Statewide Bicycle and Pedestrian Plan, ConnDOT identified a series of cross-state bicycle routes. These roadways are direct routes that can be used to travel across longer distances across and through the state. These routes only follow state roads and are unsigned; however, over time ConnDOT's intent is to improve the amenities and signage for the routes. A portion of cross-state bicycle route #4 crosses through Thomaston. Bicycle route #4 enters in the northwest corner of the Town along Route 109 and proceeds southeast to Route 254 and eventually to Route 222 where it exits Thomaston and proceeds east. Thomaston does not currently have any dedicated bike lanes. However, review of the Pedestrian and Bicycle Safety Report indicated that no high hazard accident locations for bicyclists were identified within Thomaston.

To provide a safer route for pedestrians and bicyclists, COGCNV conducted a routing study for the Naugatuck River Greenway (NRG) through the towns of Beacon Falls, Naugatuck, Waterbury, Watertown and Thomaston. The study is part of an effort to build a 44-mile multiuse recreational trail along the Naugatuck River from Torrington to Derby, Connecticut. The primary goals of the NRG are to (1) develop a non-motorized transportation facility for walkers and cyclists, and (2) provide public access to the Naugatuck River. The NRG will provide Thomaston with a safe pedestrian and bicycle route that will facilitate public access to the Naugatuck River and connect to neighboring communities and existing attractions in Thomaston (Thomaston Dam, New England Railroad Museum, Clock Walk, and Opera House). The approximately 4.5 miles of the NRG within Thomaston includes portions set adjacent to existing roadways, soft-surface pathways close to the river, and on streets shared with low speed traffic. The Regional Naugatuck River Greenway Routing Study was approved by the COGCNV on December 10, 2010. Development of the NRG will be a long-term and multi-phase project led by the involved municipalities and state and federal agencies.

8.6 Conclusions/Recommendations

Per the CNVR LRTP Report, future congestion on the state highway system within the region was approximated utilizing the capacity values and projected traffic volumes to determine future v/c ratios. One segment in Thomaston was projected to have severe congestion by 2030 – Route 6 from Route 222 to Prospect Street. As noted above, this segment is currently experiencing congestion issues with a v/c of 1.08 observed in 2008. The v/c is expected to increase 26% by 2030 to 1.36. The Town may wish to begin evaluating ways to address this issue.

There is a large amount of residential development located in the northern portion of Thomaston between Route 254 and Route 8 (east of Northfield Brook and Northfield Brook Dam) that is not easily accessible via either of these roadways. The roadways providing access to this development create a north/south bottleneck as there are no east/west connections through the area due to large protected open space areas and

topographic constraints. This could make it challenging for emergency vehicles to quickly respond to calls in this area without entering from Litchfield to the north of Thomaston.

Information from the community-wide survey indicated that maintenance of roadways and sidewalks is an important issue to the Town. The survey also noted concerns regarding traffic patterns along South Main Street and at the intersection of Route 109/Route 6 (Watertown Road). The lack of available parking along Main Street was also identified as a concern.

8.6.1 Transportation Goals & Objectives

- *Provide for the efficient and orderly movement of people and goods into, out of, and within the Town and provide safe vehicular, pedestrian, and bicycle access to residential neighborhoods, recreational areas, and places of business, worship, and employment, etc.*
 - Improve pedestrian and bicycle access by implementing the "next-steps" as identified in the *Regional Naugatuck River Greenway Routing Study – Town of Thomaston, Connecticut (December 2010)*.
 - Revise Zoning Regulations to encourage developers to install sidewalks and otherwise plan for the future use of cul-de-sacs and dead end streets for connections to other roadways in the immediate neighborhood.
 - Seek grant funding to address sidewalk improvements and expansions.
 - Implement the Tracey Street Stormwater Plan, prepared by Weston & Sampson.
 - Continue with road restoration plan to include "web area" roads & sanitary sewers.
 - Incorporate pedestrian and bicycle planning into redevelopment efforts.
 - Continue to identify and develop areas for public parking in the downtown.
- *Improve the traffic flow, character, and safety of roadways within Thomaston, including the provision of adequate emergency services access to residential areas.*
 - Work with the Police Department and State and local officials in assessing traffic conditions in mixed use areas such as Reynolds Bridge Road, Watertown Road, and Waterbury Road and identify any high-crash locations.
 - Petition ConnDOT to study the traffic flow and circulation patterns in the Main Street and South Main Street corridor.
 - Assess traffic calming measures in areas of high hazard accidents for pedestrians: Route 6 in the vicinity of Route 109 and Main Street from Route 254 to East Main Street.
 - Support efforts to improve traffic circulation conditions on State and local roads by assessing land use proposals with respect to their potential traffic gathering capabilities and impacts on adjacent neighborhoods, including assessment of potential future connections from cul-de-sacs and dead end streets.

- Work with NVCOG to evaluate the need for construction of a non-access limited highway from Route 254 to the upper High Street Extension residential area and to identify the need in the Region's LRTP and Transportation Improvement Plan.
 - Perform an inventory of Town-owned roadways and create a Pavement Management Plan/Roads Preservation Program and schedule for maintenance and reconstruction of Town-owned roads to extend their overall life-expectancy.
 - Promote efforts to establish a schedule of road widths based on engineering standards and traffic flow patterns
 - Establish consistent paving techniques, road way maintenance, and uniform storm water drainage systems on all Town approved roads.
 - Continue to work with the NVCOG as a resource tool for assessing local traffic impacts and with the State to address regional transportation issues.
 - Evaluate the potential impact of residential and commercial development and the Town's capacity to handle such growth on the municipal roadway system and infrastructure.
- *Promote and encourage the use of public transit facilities, especially those serving the elderly, special needs individuals, and the disabled.*
- Seek to bring some form of commuter service to Thomaston to access both Torrington & Waterbury.
 - Expand and improve senior bus service by seeking Regional partnerships.

Section 9

Open Space and Recreation

It is widely recognized and strongly supported by Thomaston's residents that natural resources and recreational opportunities have intrinsic values which contribute to the Town's high quality of life. Similar to the need to maintain the physical infrastructure of the Town, there is a corresponding need to invest in a system of "green infrastructure" to preserve the natural and pastoral landscape of the community. To accomplish this, the Town should strive to preserve existing open space and grow its area of open space land where feasible, while providing a variety of passive recreational uses and outdoor recreational opportunities for all residents by utilizing these open space areas.

9.1 Current Conditions

9.1.1 Open Space Areas

Open space is defined as land that is preserved or restricted for park, recreation, cemetery, or conservation use, but may include areas primarily in a natural state or undeveloped. These areas include committed open space, forest land, farmland, and recreational areas free of intensive development. In Thomaston, Federal Land owned by the United States Government as flood control areas and the State of



Northfield Brook Dam
Photo by: Jeremy Leifert

Connecticut as state forest land make up 1,265 acres, or approximately 16.5 percent of the land area of the Town. Another 349 acres is owned by the City of Waterbury as a public water supply watershed, and another 60 acres is committed for cemetery use. The Town of Thomaston owns 165 acres of land in uncommitted (not permanently restricted) open space. Figure 9-1 depicts all public and private open space within the town.

There are also privately owned parcels of uncommitted open space in Thomaston, as categorized by their designation under Connecticut Public Act 490¹⁹ (PA-490) as farm land or forest land for preferential valuation purposes through the Thomaston Assessor. These parcels encompass an additional 979 acres of uncommitted open space.

A third PA-490 category for generalized "open space" is currently unavailable as a tool for land preservation until such time that the Town generates a "priority" open space map, which must be included in the Town plan and then adopts an ordinance at town meeting outlining the criteria for tax benefits. Figure 9-2 below accomplishes this goal and depicts the priority open space areas for the Town - those parcels with the highest potential value as preserved open space. Examples of some, but not all, factors

¹⁹ Connecticut Farm Bureau. *Public Act 490: A Practical Guide and Overview for Landowners, Assessor's and Government Officials*, Web. http://www.cfba.org/images/resources/complete_490guide_cfba.pdf

considered in determining these target areas include lot size, proximity to existing open space or the presence of development restrictions as shown in Table 5-1.

9.1.2 Recreation Department Facilities and Programs

Thomaston Recreation Department is governed by a Recreation Commission that maintains the following recreation areas with a total of approximately 24 acres dedicated to passive and active recreational activities. The Recreation Department also offers a variety of year-round recreation programs.

- **Sanford Avenue Field** – little league size infield, U-10 size soccer field, playground equipment, and two tennis courts
- **Reeve’s Field** – little league field, basketball court, batting cages, one tennis court and a small playscape and swings
- **Black Rock Field** – little league field, regulation baseball diamond, large-scale playground
- **Highwood Farms Field** – full size soccer field and a field for youth baseball or softball
- **Jackson Street Playground** – Former playground site where equipment was removed due to safety concerns
- **Nystrom’s Park** – little league field, regulation soccer field, basketball court, playground equipment, beach area, picnic area, and a bathhouse with bathrooms and changing areas
- **Nystrom’s Sport Complex** – Approved but not yet funded or built for a synthetic track & field area, 4 regulation tennis courts, regulation soccer field, improvements to little league facilities, 3 improved parking areas, 131 parking spaces with 8 handicap spaces and 100% access for handicapped persons. As of May 2012 the project design was 90% complete and sources of funding were being pursued to complete the project.



Nystrom’s Pond Picnic Area
Photo by: Jeremy Leifert

9.2 Major Recommendations

9.2.1 Open Space Preservation

- Consider the use of innovative zoning practices and techniques to preserve existing prime farmlands and encourage the addition of new farms
- Consider large lot zoning, residential cluster development and Low Impact Development techniques to utilize and preserve properties for agricultural use and open space

- Continue to encourage the use of off road vehicles in Federal flood control areas only to preserve the integrity of adjacent open spaces
- Explore the possibility of coordination between municipalities for open space land acquisitions for greenway or riverwalk or greenway use
- Support the acquisitions of land for open space, recreational, and other public purposes in those locations recommended by the Plan of Development, Planning and Zoning Commission and Conservation Commission (See Figure 9-2 - Priority Open Space Areas)



Mattatuck Trail/Blue Trail
Photo by: Jeremy Leifert

- Recognize the importance of the Naugatuck River as a historic and recreational resource
- Continue to participate with the NVCOG, other regional agencies, and local governments in establishing the Naugatuck River Greenway project
- Encourage the preservation of valuable open space, scenic vistas, wetlands, and environmentally sensitive areas in residential developments
- Review the Zoning Regulations to insure that important historic, cultural, scenic areas, and natural and physical features are maintained and protected



Open Fields, Private Property Walnut Hill Road
Photo by: Jeremy Leifert

- Require developers to incorporate environmentally sensitive and natural resource areas into public open space or privately owned conservation easements
- Limit improvements to open space areas to those consistent with the long term preservation and enjoyment of the property
- Encourage the connection of open space lands into large parcels to discourage landscape fragmentation; link open space areas with multi-purpose trails (biking, walking) when feasible
- Seek to establish an open-space acquisition fund to be funded through private sources
- Continue public outreach and education on open space and recreational opportunities in Town

9.2.2 Recreation

- Provide a variety of recreational uses and opportunities for passive recreation and outdoor recreational opportunities for all residents by utilizing open space areas



Dug Road Town Access
Photo by: Jeremy Leifert

- Partner with the Connecticut Forest and Parks Association, DEEP and Army Corps of Engineers to explore the possibility of establishing a well-

defined recreational hiking trail system in the State forest as well as in the Federal flood control areas

- Recognize the importance of Nystrom’s Park and the Highwood Farms recreation facilities as a valuable resource to the community and continue to improve recreational opportunities in those areas
- Study the possibility of utilizing the town-owned property adjoining Hillside Cemetery to supplement and enhance passive recreational activities and opportunities for the Town’s residents
- Promote the public use of and insure reasonable access, where feasible, to wetland and watercourse areas for open space and passive recreational activities
- Encourage the Recreation Commission to provide input to the land use decision process with regard to utilizing flood prone areas for aesthetic and passive recreational activities
- Create partnerships with the Planning and Zoning Commission, Inland Wetland/Conservation Commission, Greenway Committee and Recreation Commission to implement recommendations

**Figure 9-1
Public and Private Open Space**

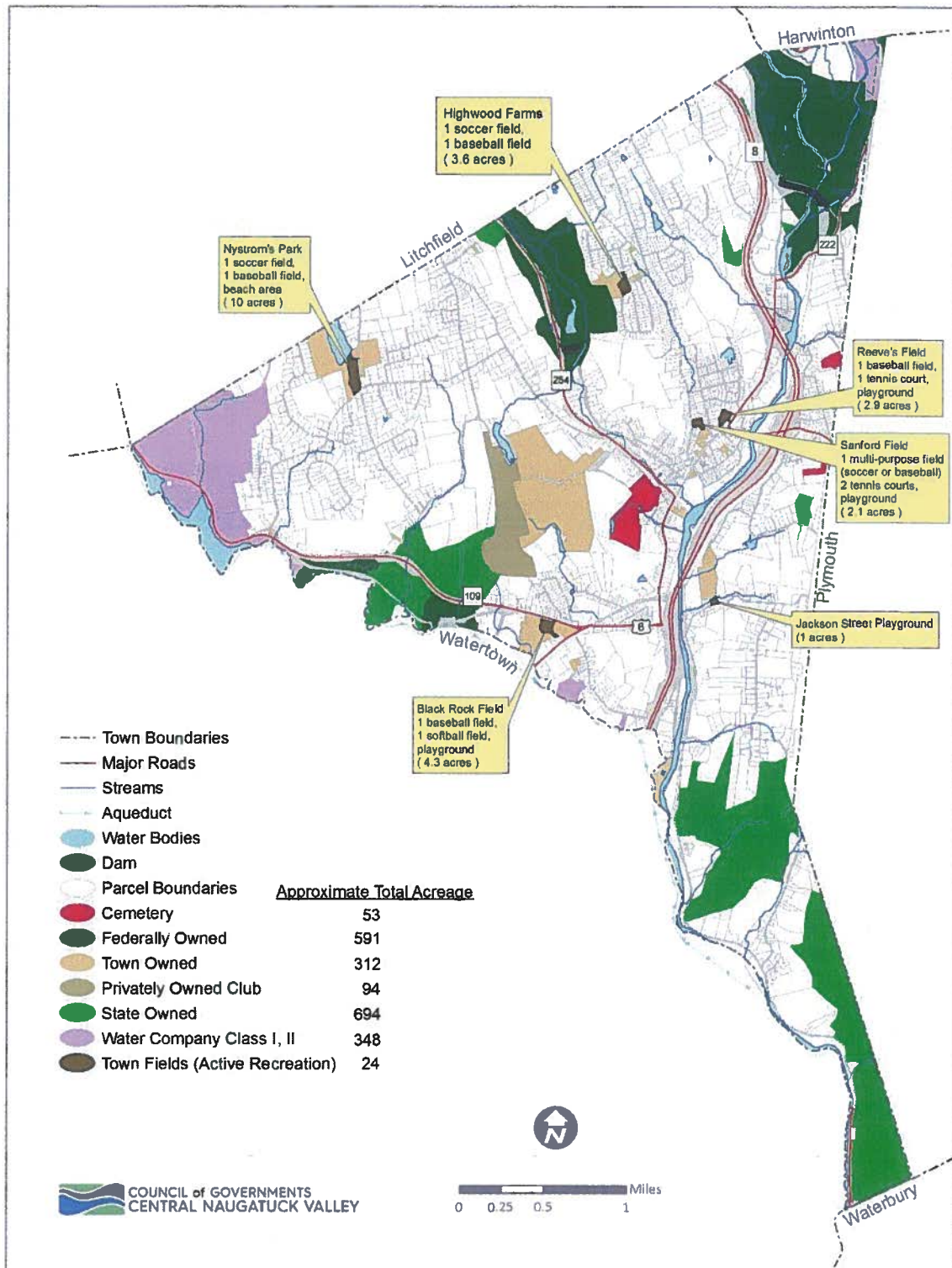
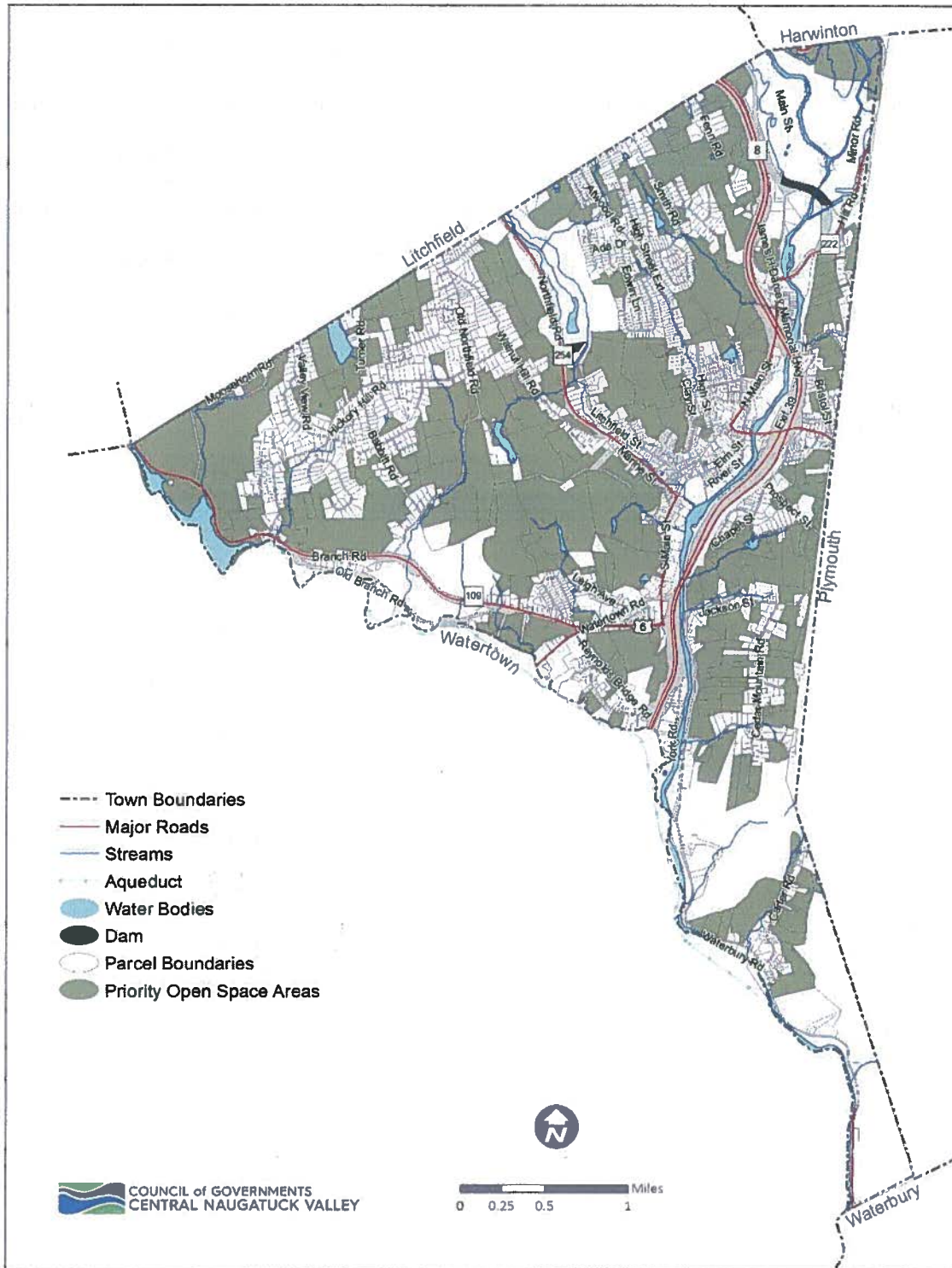


Figure 9-2
Priority Open Space Areas



Section 10

Infrastructure & Community Service

10.1 Overview

Thomaston provides a number of municipal services to a wide variety of citizens and must continue to balance meeting the needs of town staff, residents and businesses with the cost of providing these services. These services contribute to the overall quality of life and community character. Furthermore, infrastructure and community services support economic development, and can attract residents to a community. The citizens of Thomaston also play an active role in community services through a strong network of volunteerism.

10.2 Current Conditions

The Town provides a variety of municipal services to the citizens of Thomaston, including the following:

- Wastewater Services (see Section 10.5)
- Emergency Services (Section 10.6)
- Education (Section 10.7)
- Recreation and Open Space (Section 9.0)
- Transportation (Section 8.0)
- Other services and facilities (Section 10.8)

See the referenced sections for additional information. Portions of Thomaston are served by a private water company. The water utility is discussed in Section 10.4.

10.3 Regional Services

To facilitate cost reductions for the Town of Thomaston in many areas and to comply with state measures to regionalize services, Thomaston is associated with a variety of regionalized entities and organizations. Examples are:

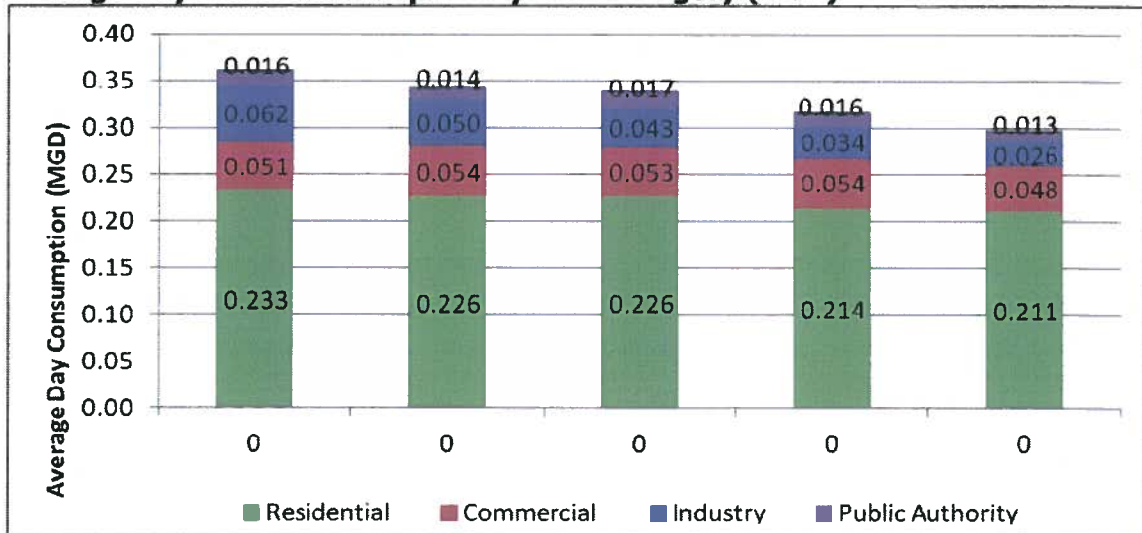
- The Naugatuck Valley Council of Governments
- The Western Connecticut Area Agency on Aging
- The Cable Television Advisory Council of Litchfield
- Western Connecticut Convention and Visitors Bureau
- Northwest Connecticut EMS Council
- The Torrington Area Health District
- Northwest Regional Mental Health Board
- Connecticut Conference of Municipalities
- Connecticut Interlocal Risk Management Agency
- Northwest Conservation District
- Greater Waterbury Transit District

10.4 Water Service

Potable water is provided by Connecticut Water Company (CWC), a private company that serves nearly 90,000 customers, or approximately 300,000 people, in 56 towns in Connecticut. The Thomaston water system serves customers in Thomaston and customers on Altair Avenue and North Street in the village of Terryville in Plymouth, CT. Within Thomaston, water service is primarily provided to the northeast and south central area of town (see Figure 10-2, Thomaston Water Service Map). Development outside of the water service area is served by private water supply wells. Water for the Thomaston system primarily comes from groundwater sources in the Reynolds Bridge Wellfield in Thomaston on the west side of the Naugatuck River. The water storage tank for the system is located on the east side of the River in Plymouth, CT. The Thomaston water system also maintains an interconnection with the City of Waterbury’s system that can be utilized during emergencies. Correspondence with CWC indicated that the Waterbury interconnection is rarely used.

Based on information from CT DEEP’s Water Diversion Program, CWC has a total registered water diversion/withdrawal allowance of 1.944 million gallons per day (mgd) from three active registered sources within the wellfield²⁰ and maintains a water diversion permit for a back-up well. Figure 10-1 provides a summary of the 2005-2009 Average Day Consumption.

Figure 10-1²¹
Average Day Water Consumption by User Category (MGD)



Though the number of commercial and residential customers has increased from 2005-2009, the corresponding consumption has significantly decreased. This trend has

²⁰ Connecticut Department of Energy & Environmental Protection. *Registered Diversions. Permitted Diversions.* . Rep. Water Diversion Program. July, 1, 2012. Web. http://www.ct.gov/deep/cwp/view.asp?a=2720&q=404934&deepNav_GID=1654

²¹ Connecticut Water Company. *Portions of the Thomaston and Terryville Water Supply Plan.* N.d. Provided by James S. Casagrande, P.E., Senior Engineer, Connecticut Water Company. March 13, 2014.

continued to occur through 2012, when the average annual daily demand was 0.393 mgd. The maximum daily demand in 2012 was 0.824 mgd on 7/11/12²².

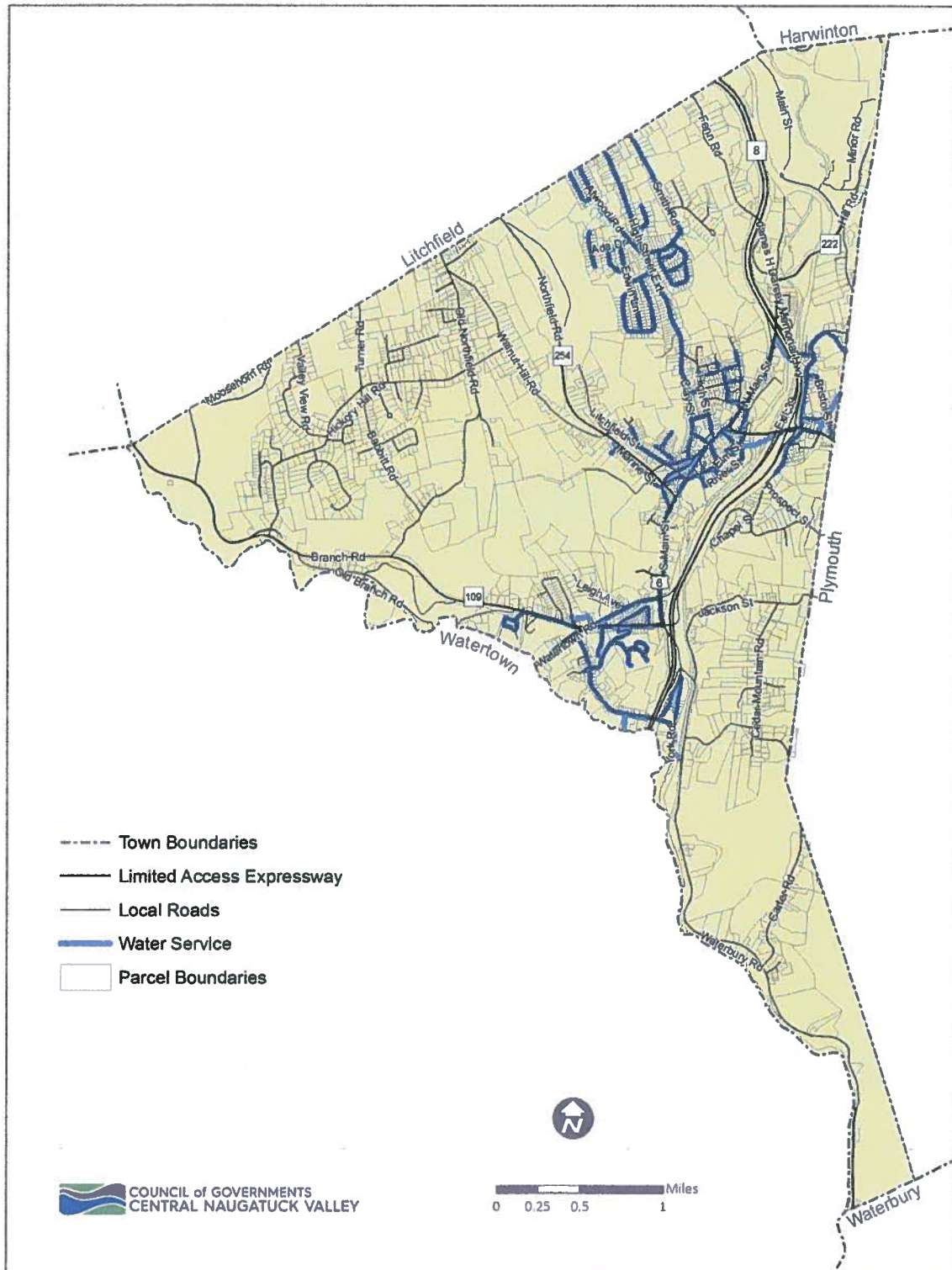
Table 10-1 provides a summary of the total water consumed, total produced, and the percent unaccounted for non-revenue water. Unaccounted water is water that is "lost" before it reaches the end user. This can occur through leaks in the distribution system, faulty water meters, or illegal connections. The unaccounted for non-revenue water has substantially increased since 2009 and is greater than the industry standard of 15%.

TABLE 10-1
Water Production and Consumption 2005-2009

Year	Total Consumed (mgd)	Total Produced (mgd)	% Unaccounted for Non- Revenue Water
2005	0.363	0.406	9.4
2006	0.345	0.406	13.6
2007	0.34	0.423	15.4
2008	0.32	0.409	16.6
2009	0.299	0.399	19.9

²² Connecticut Water Company. *Annual Report of the Connecticut Water Company to the Department of Public Utility Control For the Year Ended December 31, 2012.*

Figure 10-2
Thomaston Water Service Area



Review of the CWC's *Thomaston and Terryville Water Supply Plan* indicated that the Thomaston System has the capacity to meet current demand and is anticipated to expand to additional portions of Thomaston within the 30 and 50 year planning horizons to meet future demand. Consultation with the CWC indicated that the system has the capacity to meet current and future residential demand; however, infrastructure improvements could be required if a commercial or industrial development with high water demand occurs within the Town. Review of the CWC's *Thomaston and Terryville Water Supply Plan* also identified the construction of a storage tank in the Humaston Hill area as a non-critical long-term system improvement to be addressed within the 20 year planning period to increase fire flows.

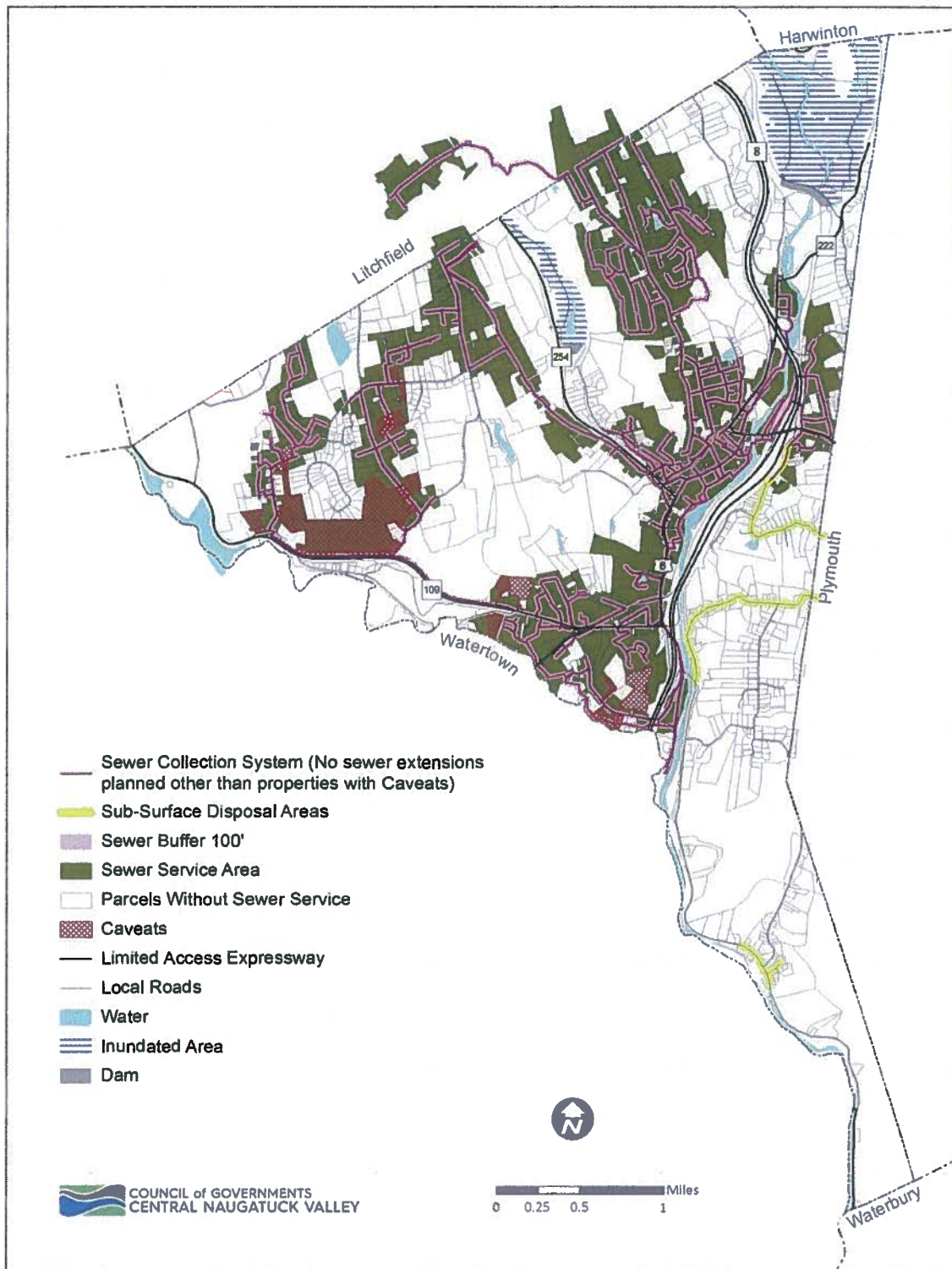
10.5 Wastewater Service

The Town's wastewater is conveyed to its Water Pollution Control Facility (WPCF) through approximately 190,000 linear feet (36 miles) of gravity sewers (see Figure 10-3, Thomaston Sewer Service Map). Parts of the collection system date back to the 1800s. There are also five pump stations located throughout the system. The collection system conveys wastewater, comprised of sanitary and infiltration and inflow (I/I) flows, to the Town's WPCF, located on Old Waterbury Road. The WPCF is subject to a National Pollutant Discharge Elimination System (NPDES) permit CT0100781, issued by CT DEEP and the USEPA. The WPCF, which was upgraded to a 1.38 mgd capacity in 2002, is currently operating at about 65% of its design capacity.

As the WPCF approaches capacity, the Town will need to undertake a multi-pronged approach to manage WPCF flow and capacity. Recently, the Town revised the Zoning Regulations to increase the minimum lot size. This was done in an effort to match the rate of residential development with the available WPCF capacity and to allow adequate area for the siting of septic systems and private wells on new development lots. In addition to growth management controls, other ways to increase WPCF capacity can include identifying and eliminating I/I and performing normal and proactive sewer system maintenance. The WPCF recently completed a system-wide evaluation survey to identify and prioritize areas where system improvements are warranted to address I/I and other maintenance issues. The WPCF is in the process addressing the areas that were identified by the evaluation. The estimated cost for implementing these recommendations is approximately \$1.08 million. The anticipated flow reductions are 79,810 gpd in infiltration and 44,800 gpd in inflow. The WPCA continues to identify and eliminate I/I and perform sewer system maintenance to increase the capacity of the WPCF.

The WPCF is authorized to discharge to the Naugatuck River in accordance with the effluent limits and monitoring requirements set forth in the facility's NPDES permit. A NPDES permit is renewed and reevaluated every five years to determine whether the effluent limits and monitoring requirements are adequate to protect water quality and comply with water quality standards. It is anticipated that future NPDES permit renewals for the WPCF may contain more restrictive limits for phosphorous and metals. It is likely that upgrades to the WPCF may be required in the future to meet future NPDES effluent limits. The WPCF should continue to plan for anticipated NPDES permit revisions and should seek funding from Connecticut's Clean Water Fund to assist in the planning, design and construction of the anticipated upgrades.

**Figure 10-3
Thomaston Sewer Service Area**



10.6 Emergency Services

Thomaston Volunteer Ambulance Corp (TVAC), located at 237 Main Street provides ambulance service 24/7 at no cost to the patient. TVAC maintains a paid day shift with the remainder of the time volunteered by citizens. TVAC has experienced an increasing call volume and is seeking to expand the existing thirty member volunteer pool to address the increase in calls and prepare for emergency and disaster events. TVAC operates two ambulances at the Mobile Intensive Care –Intermediate (MIC-I) with defibrillator and Epi-Pen level. The Town’s 2014-2015 budget provides for the purchase of fire apparatus to replace two aging vehicles. Other capital needs for TVAC include new and upgraded equipment, building maintenance, and additional building/storage space.

Thomaston Fire Department is located at 245 South Main Street and is comprised of 30 members. The Thomaston Fire Department is responsible for responding to emergency calls and providing education to Thomaston residents on fire prevention. The Fire Marshal is responsible for handling code violations, permit inspections, and overseeing the safe removal of Underground Storage Tanks. The Fire Department operates three fire engines, and five other support vehicles (Dive Van, Tanker, and Rescue, Tower, and Utility vehicles). The Fire Department is facing an anticipated increase in call volume, additional burdens on existing staff, and a need for new equipment and vehicle upgrades.

Thomaston Police Department is located at 158 Main Street. The Police Department is also facing an increased demand for all aspects of their services and is seeking to increase staffing accordingly. Capital needs for the Police Department include camera replacements, upgrades to the radio/communication system, additional staff, and additional vehicles.



Thomaston Police Car
Photo by: Patrick Martin

10.7 Public School System

The Thomaston Public School System currently consists of 3 schools: Black Rock Elementary School, Thomaston Center School, and Thomaston High School. See below for additional information on the individual schools.

- Black Rock Elementary School - a pre-kindergarten to Grade 3 school with approximately 320 students.
- Thomaston Center School – a Grade 4 through Grade 6 school with approximately 250 students
- Thomaston High School –a Grade 7 through Grade 12 school with approximately 500 students

Based on a review of the Connecticut District Performance Report for School Year 2012-2013 (Thomaston School District), the school district’s graduation rate has held steady at 91% between 2010 and 2012. Based on the Report, the District Performance Index (DPI) for the Connecticut Mastery Test (CMT) and Connecticut Academic Performance Test (CAPT) scores during the 2012-2013 school year are 82 and 77.9, respectively.

The State's target is 88. A DPI of 88 indicates that students will have performed at or above the "goal" level on the majority of the tests.

Information from the Connecticut State Department of Education was reviewed to determine the Net Current Expenditures per Pupil (NCEP) within the Thomaston school district. This information indicated that Thomaston is among the 40 lowest spending school districts with an NCEP of approximately \$13,088²³. The average NCEP within the 166 school districts is \$14,961. Thomaston will need to continue



Thomaston High School
Photo by: Patrick Martin

balancing the provision of a good quality education and the costs effectiveness of providing such services.

The Thomaston Public School system employs approximately 170 full and part time employees, though this number is anticipated to decrease over the next decade. The Thomaston Board of Education and the Superintendent of Schools recently developed a Long-Term Educational Utilization Plan for the District. The purpose of the plan is to identify the challenges affecting Thomaston's public schools, to determine viable and sound options to address the identified challenges, and to select the option that best addresses the challenges. This Long-Term Educational Utilization Plan, completed in June 2014, will ultimately yield a multi-year plan of action.

10.8 Municipal Facilities & Services

10.8.1 Municipal Facilities

Thomaston Public Works/Highway Department has eight full-time members that are responsible for maintaining all of the municipally-owned properties including, but not limited to, the transfer station, municipal buildings, roads, road sides, and parks. The Highway department currently maintains six snow plowing routes, municipal parking areas, and sidewalks. This department is also responsible for preventative maintenance on town owned vehicles, including police cruisers, fire trucks, and ambulances. The department faces a need for new equipment and vehicles, additional staff, and additional building/garage space.

The Thomaston **Transfer Station**, located at 258 Old Waterbury Road accepts bulky waste, electronics, and metal items for disposal.

²³ Connecticut Department of State Department of Education. *2012-2013 Net Current Expenditures per Pupil* Rep. Bureau of Grants Management. November 2013. Web.
<http://www.sde.ct.gov/sde/cwp/view.asp?a=2635&q=320562>

The **Thomaston Public Library** is a historic building that was originally constructed in 1880. The library offers a wide range of services and opportunities for personal and cultural enrichment. The library's collection includes more than 40,000 adult books and 20,000 children's books. Special collections include the Marjorie Conklin Collection of Art Books, the Allen C. Innes Collection of Books on Connecticut History and the Phyllis and Walt Robinson Women in History Collection. In addition to the extensive offering of books, the library offers a variety of programs and classes for children,



Thomaston Public Library
Photo by: Tighe & Bond

The **Seth Thomas-Bradstreet House** has been owned by the Town since November 2005. The House has stood on Main Street since at least 1838 when it was purchased from Marvin Blakeslee by Seth Thomas, the famed clockmaker for whom Thomaston was named. The Town provides guided tours of the house on Saturdays from June through October and offers private tours by appointment.

The **Thomaston Opera House** was built in 1884 and serves as a cultural and recreational center for the town and surrounding communities. In the past several years the opera house has undergone many restorations and improvements that have allowed its continual use as a multipurpose cultural and recreational center. The Thomaston Opera House produces a full schedule of theatrical and musical performances each year, including several theater organ concerts. The Town's Opera House Commission oversees its activities and plans additional restoration projects and the establishment of an endowment fund.



Thomaston Town Hall / Opera House
Photo by: Jeremy Leifert

10.8.2 Municipal Health and Welfare Services

Thomaston also provides a variety of Health and Welfare related services, including the following:

- Mini Bus
- Elderly Health Screening
- Social Services
- Veterans Administration
- Visiting Nurse Association
- Thomaston Food Pantry

10.9 Major Recommendations

10.9.1 Public Assistance and Special Needs

Provide multiple social services to individuals and families in need of assistance, including the provision of safe, secure, and sanitary conditions for those individuals requiring institutional, group quarters or special needs housing and care.

- Evaluate the feasibility of hiring additional part-time social services staff.
- Revise Zoning Regulations to encourage the siting of institutional care housing in those areas that are the most accessible to community services and facilities.
- Encourage employment opportunities for special population groups to enhance community interaction.
- Expand the Town-wide emergency plan and identify emergency evacuation shelters and staff, emergency supplies (cots, etc), and food distribution and logistics.
- Coordinate support services in areas such as housing, job training, substance abuse, mental health, parent training, financial management, and youth protective services to make them more available and accessible and create support groups for special needs individuals to maximize resources and consultation services.
- Seek partnerships with and pursue funding from Federal, State, and local programs that foster and lend supportive assistance to those individuals and families in need.

10.9.2 Educational Services

Provide an educational frame work that can be accessed and utilized by all residents and continue to assess and upgrade educational facilities to meet the needs of students and residents.

- Encourage preschool education programs and activities.
- Provide adult education programs to increase knowledge, vocational skills, and to address the cultural needs of the community.
- Form collaborative agreements with other municipalities to reduce cost and improve educational services for the student population.
- Implement the recommendations contained in the Long-Term Educational Utilization Plan

10.9.3 Municipal Services

Establish efficiency and cost-effectiveness as guiding principles for the provision and delivery of municipal services and encourage cross-utilization of services and staff within the Town and region.

- Explore all possibilities, including alternative uses, prior to vacating municipal buildings or facilities.

- Consolidate municipal services, including administrative services, into the Town Hall for easy access to all residents of Thomaston.
 - Fund capital improvements on the basis of priority with the highest need geared towards public safety, welfare, social, cultural, and administrative needs of the community.
 - Continue to utilize municipal buildings, including the Town Hall and the educational system for alternative uses during non-business hours.
 - Encourage volunteerism as a means to cut costs, reduce taxes, and foster civic pride.
 - Seek funding to obtain energy efficient light bulbs for use in street lights and evaluate returning streetlights in residential areas back in service.
 - Prior to approving residential or commercial developments, consider conditions to provide or extend municipal services to the development to address the capital cost of servicing the new development.
 - Seek partnerships with surrounding communities to foster collaboration with like departments in surrounding communities regarding facility, equipment, and personnel sharing.
 - Seek to consolidate repetitive tasks among departments whenever possible
- *Improve and maintain existing public buildings, infrastructure, utilities and municipal services.*
- Identify areas that are affected by failing onsite, individual well systems and encourage the Connecticut Water Company (CWC) to provide public water supply services to those areas. Coordinate with CWC to ensure that areas of future growth are addressed in CWC's Water Supply Plan.
 - Identify areas where onsite septic systems have failed or displayed a general trend toward failure and encourage the Water Pollution Control Authority to extend sanitary sewer service to these areas.
 - Increase the capacity of the WPCF by identifying and eliminating sources of I/I. Create an I/I Control plan that evaluates proactive sewer system maintenance, public education options, and municipal code enforcement as methods to reduce I/I. Consider reserving WPCF capacity to accommodate future commercial and industrial growth.
 - Develop long-range strategic visions for each department, board, and commission to identify and plan for future maintenance, equipment, and staffing needs. Maintain buildings in accordance with the "Facilities Condition Agreement" prepared by Silver/Petrucci.
 - Develop a long-term scheduled and proactive maintenance plan to address Town infrastructure such as roads, sidewalks, sanitary sewer and storm drainage systems, and recreational fields.

10.9.4 Public Safety - Police, Fire, and Ambulance

Provide municipal public safety services to all residents and promote volunteerism as an essential and vital service to the community.

- Continue to provide training, education support, and adequate equipment to all members of the police department, fire department, and ambulance service.
- Continue support and training for local police in their awareness of and responsiveness to special needs individuals.
- Explore the possibility of hiring part time administrative Fire Department Staff
- Encourage and promote volunteerism in all branches of public safety
- Continue to participate in and train volunteers for the Community Emergency Response Team.
- Request comments from the Town's emergency services during Planning Board Review of applications that involve public safety issues regarding availability of adequate fire flows and provision of sufficient access for police, ambulance, and fire department vehicles.
- Seek funds to replace existing street signs with larger more reflective signs.
- Use press releases and other mechanisms to encourage the importance of using the 911 house numbers system.
- Expand the Town-wide emergency plan and identify emergency evacuation shelters and staff, emergency supplies (cots, etc), and food distribution and logistics.
- Assess and upgrade the existing safety equipment and radio/communication system.
- Evaluate and develop a replacement plan for safety equipment and vehicles.
- Encourage State, Federal, and regional cooperation for EMS (beyond mutual aid, which is automatic) and municipal services. Cooperate with Federal, State, and local agencies in implementing anti-terrorism programs.

Section 11

Future Thomaston Form

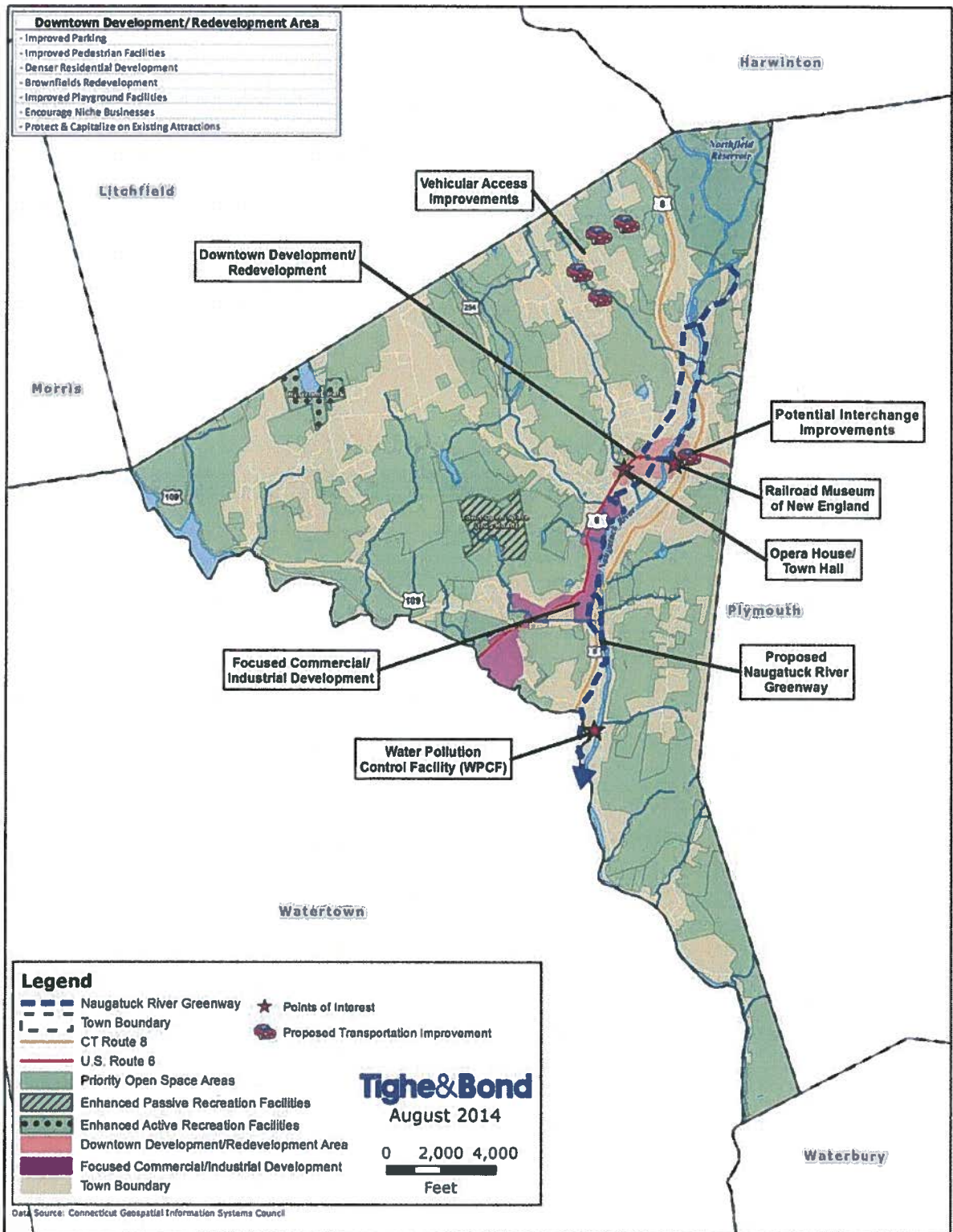
Thomaston values its small town feel and sense of community, historic buildings and rich heritage, and natural resources which provide for many recreational opportunities. A strong sense of volunteerism and town-wide events, combined with growth management activities have been crucial to maintaining the Town's community character and small town feeling.

Thomaston's vision for the next decade involves continuing to maintain the small town community character while balancing residential development and economic growth. New development will be encouraged to incorporate the existing landscape and minimize environmental impacts. Thomaston will capitalize on the historic and cultural assets to drive downtown revitalization and economic development. An increase in residential density in the downtown area will drive foot traffic to support the growing mixed-use development. The Town will become a destination for its historic and pedestrian friendly downtown, easily accessible open space and recreational areas, and small town community feel. See Figure 11-1 for a "Future Land Use Plan" which depicts the major land use related recommendations of this POCD.

The following provides a summary of the vision for the future. The goals and objectives contained in the implementation plan (see Section 12) further articulate this vision and help provide the framework to achieve this vision of Thomaston's future.

- Vibrant mixed-use downtown that capitalize on Thomaston's cultural and historic assets
- Higher residential density to support the retail and commercial components of downtown
- Redevelopment/reuse of the Plume & Atwood site
- Commercial growth likely focused on redevelopment of existing vacant buildings or disturbed/developed sites
- Continue to protect the Town's environmental assets by encouraging residential cluster development.
- Develop kid-friendly amenities (e.g. playgrounds) accessible to the public
- Encouraging economic ties between the downtown area and the Reynolds Bridge Industrial Park
- Continue to protect open space and provide additional opportunities for the public to access public open space and recreational areas
- Find ways to encourage protection of the Town's existing farm land and open space
- Provide adequate community services while maintaining a modest budget that is affordable to residents

Figure 11-1
Future Land Use Plan



11.1 Plan Consistency

In accordance with CGS 8-23, this POCD was compared to State and Regional plans and was found to be generally consistent with both the 2013-2018 State C&D Plan and the 2008 COGCNV Regional Plan of Conservation and Development.

All three plans:

- identify natural resource, open space, aquifer and historic areas for conservation,
- identify desirable development densities based on the existing zoning designations of these areas, and
- focus on concentrating development where existing infrastructure exists

Any inconsistencies between the plans reflects the fact that the State and Regional Plans make policy recommendations for relative intensities and environmental factors while this plan also suggests specific land-use types.

11.1.1 Consistency with Growth Management Principles of the State Conservation and Development Policies Plan, 2013-2018

Thomaston's Plan is consistent with the State's Growth Management Principles as follows:

Growth Management Principle #1: Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure

Thomaston's POCD recommends higher density uses and redevelopment within the Downtown Development District and in the Reynolds Bridge Road area, areas currently zoned for commercial and industrial development, and denser residential development. These targeted development areas have existing water, sewer and transportation infrastructure to serve development.

Growth Management Principle #2: Expand Housing Opportunities and Design Choices to Accommodate a Variety of Household Types and Needs

Thomaston's POCD identified the need for diverse housing choices and includes recommendations to allow for a mix of residential unit types to meet various demographic and affordability needs. Thomaston's existing Zoning Regulations allow for in-law apartments and apartments in mixed -use areas within the Downtown Development District. These regulations allow for housing that meets a cross-section of housing requirements.

Growth Management Principle #3: Concentrate Development Around Transportation Nodes and Along Major Transportation Corridors to Support the Viability of Transportation Options

Thomaston does not currently have bus or train service; however, the targeted development areas are along existing roadway networks. The commuter lot at the Route 6/Route 8 Interchange is well used by travelers. The focused growth areas for

economic development as well as denser residential uses are along major transportation corridors.

Growth Management Principle #4: Conserve and Restore the Natural Environment, Cultural and Historical Resources, and Traditional Rural Lands

Approximately 16.5% of Thomaston is protected as state forest or federal flood control. The POCD identifies additional targeted areas for future acquisition and protection as open space.

Growth Management Principle #5: Protect and Ensure the Integrity of Environmental Assets Critical to Public Health and Safety

The POCD identifies strategies for protecting environmental assets critical for protection public health and safety, including protection of public water supply aquifers and floodplains. Furthermore, the POCD includes strategies for energy efficiencies and encouraging sustainable development.

Growth Management Principle #6: Promote Integrated Planning across all Levels of Government to Address Issues on a Statewide, Regional and Local Basis

The Implementation Plan includes efforts to coordinate with adjacent communities, regional organizations and state entities to address common issues.

11.1.2 Consistency with Central Naugatuck Valley Regional Plan of Conservation & Development, 2008

The POCD was reviewed for consistency with the Central Naugatuck Valley Region, Future Land Use map. The Future Land Use Map for the region designates the area located at Main Street / South Main Street and Route 6 / Route 109 corridor as a "Community Center" development area. In accordance with this designation, this POCD recommends a number of strategies to redevelop, revitalize, and further mixed-use development within this area. The POCD also recognizes that areas for residential growth are located in the northern portion of the Town, consistent with the "Growth Areas" depicted on the regional Future Land Use map. The land use patterns encouraged by the POCD are generally consistent with the regional Future Land Use map as they both emphasize redevelopment in the downtown area, utilization of existing infrastructure, and preservation of natural resources.

Section 12 Implementation Plan

Implementation of the POCD is an on-going process. Implementation of the recommendations is anticipated to be staggered throughout the 10-year planning period, and some recommendations may continue beyond 10 years.

The following tables represent the action items for implementation to address the goals and objectives identified in this POCD. The below tables have been organized by the individual elements of the POCD and identifies primary responsibilities for carrying out the respective tasks and policies and the suggested priority (and schedule) for addressing each item. In addition, space has been provided for tracking the progress. The Implementation Plan should be reviewed each year to note progress and potential for changes to tasks. Each year, the Planning & Zoning Commission will be responsible for reviewing the implementation plan, and coordinating with the responsible parties, to solicit feedback and identify progress on the action items.

Each recommendation is identified as either a policy or a task. Policies provide long-term guidance, while tasks are specific actions that can be completed and evaluated. Furthermore, priorities are identified for each recommendation. Higher priority recommendations are either critical items or can be accomplished in a short time frame. Moderate priorities may be less critical or take longer to enact. Moderate priorities are anticipated to occur mid-way through the planning period. Low priority items are not time sensitive or require a larger effort or funding to accomplish. Low priority items are anticipated to be accomplished towards the end of the planning period, or beyond.

Legend

BOE	Board of Education
BOF	Board of Finance
BOS	Board of Selectmen
CC	Conservation Commission
CIC	Capital Improvements Committee
DPW	Public Works / Highway Department
EDC	Economic Development Corporation
TFD	Fire Department
GC	Greenway Committee
THA	Housing Authority
RC	Recreation Commission
THC	Historical Commission
IWWC	Inland Wetland and Watercourses Commission
TPD	Police Department
PZC	Planning and Zoning Commission
WPCA	Water Pollution Control Authority
AC	Agricultural Council
SrCAB	Senior Citizens Advisory Board
TVAC	Volunteer Ambulance Corp.
SS	Social Services

Objectives

T	Task
P	Policy

Priorities

1	High Priority
2	Moderate Priority
3	Low Priority

Status

N	No Progress
P	In Progress
C	Complete

12.1 Natural Resource Conservation

Encourage the preservation of historic and cultural resources, open space, agricultural, and recreational land.

T/P	Objective	Who	Priority	Status
P	Encourage the preservation of other significant properties that may have the potential and criteria to become prime agricultural farmlands	CC PZC AC	2	
T	Review the Zoning Regulations to insure that important natural and physical features are maintained and protected	PZC CC	3	
P	Encourage the preservation of valuable open space, scenic vistas, wetlands, and environmentally sensitive areas in residential developments	CC PZC IWWC	2	
P	Encourage stewardship of privately owned forest lands through continuing education programs and best management practices	CC	3	
T	Identify funding sources and seek funding to support the acquisitions of land for open space, recreational, and other public purposes in those locations recommended by the Plan of Development, Planning and Zoning Commission and Conservation Commission	CC GC THC IWWC PZC RC	3	
P	Consider the potential of utilizing floodplain areas for passive recreational uses, open space activities and other compatible uses	CC IWWC PZC	3	
T	Identify local landscapes and scenic areas of special significance or aesthetic value	CC	2	
P	Encourage preservation and protection of identified local landscapes and scenic areas	CC PZC	2	
P	Support efforts to obtain Federal and State grants to further document historic areas in Thomaston	THC PZC	3	

Encourage the design and siting of development in areas that will minimize environmental impacts.

T/P	Objective	Who	Priority	Status
P	Consider large lot zoning, residential cluster development and Low Impact Development techniques to utilize and preserve properties for agricultural use and open space	PZC CC AC	2	
P	Require developers to incorporate environmentally sensitive areas and natural resource areas into public open space and privately owned conservation easements	PZC IWWC CC	2	
P	Require developers to demonstrate that their proposals are environmentally compatible with acceptable conservation and preservation standards	PZC IWWC CC	2	
P	Provide tax benefits to property owners that permanently protect and/or donate land identified to the Town in those locations recommended by the Plan of Development, Planning and Zoning Commission and Conservation Commission	BOS	2	
T	Revise zoning ordinance to encourage cluster development and other energy efficient patterns of residential housing	PZC CC	2	
T	Consider regulations to limit impervious surfaces when practical	PZC CC	2	

Wetlands and Watercourses

T/P	Objective	Who	Priority	Status
T	Monitor the effectiveness of Wetlands Regulations and continue efforts to identify the most environmentally sensitive and significant areas	IWWC	2	
P	When filling of wetlands is unavoidable, pursue the creation of wetlands as a tool to achieve a "no net loss" policy; any proposed filling of wetlands should be offset by creation of wetlands of equal size	IWWC	2	
P	Recommend against development in, and encourage the protection of, substantial areas of inland wetlands, cognizant to their economic and ecological value for such diverse functions as water supply and purification, flood control and wildlife habitat	IWWC CC	2	

T	Identify and preserve the aesthetic features of wetland and watercourse areas	IWWC CC	3	
P	Recommend siting developments in those areas where existing wetlands and watercourses will be least affected	IWWC	2	
P	Encourage proper onsite analysis and management of wetland and watercourse areas and adjacent lands	IWWC	2	
P	Recommend that Town departments consider wetland and watercourse issues at the earliest stages of preventative maintenance, storm water drainage activities and project planning	IWWC PZC DPW BOS	1	
P	Discourage structural development in wetlands or watercourse areas, except where qualified engineering studies can demonstrate that the proposed development will be technically feasible and not create adverse environmental impacts	IWWC	1	
P	Encourage municipal inspection of all structures in wetland and watercourse areas to ensure compliance with federal, state and local regulations, ordinances and building code specifications	IWWC DPW	1	
T	Work with other agencies, boards and commissions to establish compatible and passive land uses in wetland and watercourse areas	IWWC CC PZC BOS	3	

Protect drinking water resources and water quality.

T/P	Objective	Who	Priority	Status
P	Require all applicants to comply with Connecticut General Statutes and report proposed work activity within the primary or secondary aquifer recharge area to the Connecticut Water Company for evaluation	PZC	1	
T	Review and enhance existing aquifer protection regulations using the DEEP model and register commercial and industrial uses within the Aquifer Protection area	PZC	1	
T	Coordinate with Connecticut Water Company (CWC) and revise Section 11.1 of the Zoning Ordinance to require consideration of comments and	PZC	2	

	recommendations from the CWC prior to rendering a decision on any application within or affecting the primary aquifer protection area			
P	Support efforts to expand existing sources and, if necessary, find new sources of potable water	PZC DPW BOS	2	
P	Support state and local groundwater monitoring efforts, especially in those areas where pollution is likely to occur	PZC DPW BOS	1	
P	Carefully review development proposals to prevent wastewater discharges to streams and eventually into the public water supply primary aquifer area	IWWC PZC WPCA	1	

Health and Safety/Hazard Mitigation Plan

T/P	Objective	Who	Priority	Status
P	Encourage citizen participation and local efforts to complement State and Federal programs that strengthen air quality standards while providing for responsible residential, commercial and industrial growth	BOS DPW PZC	2	
P	Support the efforts of Federal, State and local personnel to continue dam safety inspections and maintenance programs at regular intervals	BOS DPW PZC	2	
P	Encourage the creation and maintenance of Federal and State assistance programs for the repair and maintenance of privately owned dams	BOS DPW PZC	2	
T	Promote dam safety awareness in cooperation with the U.S. Army Corps of Engineers	BOS DPW PZC	2	
T	Review Zoning Regulations and Floodplain Ordinance and FEMA flood maps to verify that current related provisions are adequate and, if necessary, incorporate new methods and technology	PZC		
P	Recommend that sanitary wastewater discharges to onsite septic systems conform to local health district standards within the aquifer recharge area	PZC	1	

P	Minimize impacts within the aquifer recharge area by adhering to best management practices for stormwater and erosion control	PZC IWWC CC	1	
T	Revise Article 11 of the zoning ordinance to prohibit the disposal of solid waste materials in landfills, dumps, backyards or at commercial operations in the primary aquifer recharge area	PZC	1	
T	Revise Article 11 of the zoning ordinance to require best management practices in the storage, disposal or production of hazardous waste materials in the aquifer protection area	PZC	1	
P	Reduce adverse environmental impacts by continuing and improving the municipal recycling, leaf composting, household hazardous waste and curbside collection programs	BOS DPW CC	2	
T	Revise zoning ordinance to prohibit underground storage of fuel oils and gasoline, unless engineering and technical studies can demonstrate that protective measures can be accomplished	PZC	1	
P	Encourage greater coordination between state and local permitting agencies with respect to siting of new underground fuel storage tanks in accordance with Connecticut General Statutes Section 22a-449	PZC IWWC DPW	2	
T	Develop a Town wide map identifying the location of underground storage tanks including those used for agricultural purposes	PZC CC	2	
T	Coordinate with CWC and revise zoning to require a letter of approval from the Connecticut Water Company prior to siting of any new tanks in the Aquifer Protection Area	PZC	1	
P	Support the efforts of the Town and State Public Safety departments in specialized assistance, training activities and other efforts to prevent and control environmental hazards	DPW TPD TFD	1	

Site Development & Regulation

T/P	Objective	Who	Priority	Status
P	Review all proposals for commercial, residential and manufacturing development on properties which contain substantial areas of slope to ensure proper engineering techniques and methods will be applied	PZC	1	

12.2 Housing

Evaluate environmental, social, & economic costs of new development including transportation, sewers, water, schools, recreation, energy, and emergency services.

T/P	Objective	Who	Priority	Status
P	Encourage cluster housing on large parcels: fewer road and sidewalks to maintain, allows for more open space and recreational facilities.	PZC	2	
T	Maintain and preserve the architectural integrity of neighborhoods.	PZC THC	2	

Provide infrastructure and opportunity for safe, secure and sanitary housing conditions, where feasible, for all residents of Thomaston.

T/P	Objective	Who	Priority	Status
T	Revise zoning to encourage the development of multi-family housing units along major arterials and in other appropriate locations, but within established and stabled high density single family neighborhoods. Recognize the need for large single family lots, particularly in those areas not served by public utilities.	PZC	2	
P	Evaluate revising the Zoning Regulations to encourage energy efficient patterns of residential housing.	PZC	3	
P	Evaluate revising the Zoning Regulations to address roof-mounted solar PV development as an accessory use within residential zoning districts and encourage energy efficient patterns of residential housing.	PZC	3	

Enhance and improve housing opportunities and the availability of choice for all income levels and encourage regional cooperation on planning for affordable housing and support affordable housing to all segments of society regardless of income levels.

T/P	Objective	Who	Priority	Status
T	Seek funding from Federal and State housing assistance programs to provide affordable housing opportunities for seniors and other individuals who cannot participate in the existing market place.	THA SrCAB PZC BOS	2	
T	Seek partnerships with non-profit affordable housing agencies.	THA PZC	3	
T	Create awareness in local officials, decision makers, and the general public regarding the need for affordable housing.	THA PZC	1	
T	Perform an Affordable Housing Inventory and create a mechanism to guarantee the continued affordability of identified units	THA	1	

Support efforts to develop affordable housing near the downtown area in order to make better use of limited land resources, provide access to businesses and transportation, and to reduce pressure for affordable housing development away from the Town's center.

T/P	Objective	Who	Priority	Status
P	Encourage upscale rental units in the Downtown Development District to attract young professionals.	PZC EDC	2	
P	Encourage the construction of recreational facilities in affordable housing developments along with the retention of open space areas for passive recreational activities.	PZC THA CC RC	2	

Provide safe, secure, and sanitary conditions for those requiring institutional, group quarters or special needs housing or care and recognize the housing needs of special individuals and families by encouraging such options as group homes, emergency shelters, transitional housing, apartments, and single room occupancy units.

T/P	Objective	Who	Priority	Status
P	Encourage and support non-profit organizations, municipal, and State efforts to provide care facilities for those individuals in need.	THA SrCAB PZC	2	

Provide safe & secure housing for seniors as they are a valuable asset and play a vital role in the chemistry of a multi-functional community and encourage alternative housing choices and programs for seniors prior to approving and siting new facilities in the community.

T/P	Objective	Who	Priority	Status
P	Encourage seniors to interact with and participate in municipal programs which provide direct service to them.	SrCAB BOS	3	
T	Provide seniors with the opportunity for multi-mode transportation services to shopping and medical services.	SrCAB BOS	3	
P	Support "over 50" housing developments to accommodate shifting demographics.	PZC	3	

12.3 Economic Development

Encourage new industrial and commercial development in areas that have infrastructure to support additional growth and are consistent with historic land use and growth patterns.

T/P	Objective	Who	Priority	Status
T	Review and revise zoning to allow high intensity commercial establishments to the Route 6 or Main/South Street areas or within close proximity of such.	PZC	2	
T	Limit the development of industrial parks only in those areas which are zoned for such activity, contain ten (10) contiguous acres or more or in mixed use areas which are closer to arterials or highways.	PZC	2	
P	Recognize the economic potential of and promote a diversity of businesses and commercial uses along Watertown Road and South Main Street that will attract and retain businesses, sustain business investment, and create economic opportunity and jobs.	PZC EDC	1	
T	Carefully analyze all applications, especially if high intensity uses are proposed or when these uses may have an impact upon high density areas.	PZC DPW TFD TPD	1	
T	Re-evaluate expanding the boundaries of the Downtown Development District to assist in grant procurement.	PZC	2	

Maintain and improve upon the economic tax base of the community by expanding the Town's tax base and employment opportunities by supporting existing businesses and attracting new businesses to suitable locations in the community.

T/P	Objective	Who	Priority	Status
P	Continue to maintain and improve upon the diversified tax base of the community in order to secure for current and future residents, a desirable place in which to live, work, worship, and raise a family.	EDC BOS	2	
P	Continue to encourage a stable and diversified tax base; expand the Town's tax base and employment opportunities by attracting new businesses to suitable locations in the community.	EDC BOS	1	
P	Encourage prospective businesses which would support existing businesses, provide employment opportunities for residents, and not over burden the ability of the Town's infrastructure to provide necessary services.	EDC	2	
P	Find innovative ways to draw new larger businesses.	EDC BOS	2	
P	Explore innovative zoning code amendments to enhance access and business development in the downtown area.	EDC BOS PZC	2	
P	Evaluate the environmental, social, and economic costs of new developments including infrastructure costs, such as transportation, sewers, water, schools, and recreation.	BOE PZC DPW BOS WPCA RC TPD TFD	2	
T	Create an action team consisting of various representatives from the town government that could facilitate expansion among new and existing businesses.	BOS EDC PZC	2	
P	Recognize the importance of Thomaston's rich culture, recreational centers, outdoor activities, historic assets and restaurants while continuing to foster the growth of these offerings.	EDC TCC THC GC BOS PZC RC CC	2	

T/P	Objective	Who	Priority	Status
T	<p>Incentivize potential new and existing businesses through the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Tax abatement for property improvements <input type="checkbox"/> Enterprise zone benefits <input type="checkbox"/> Additional tax incentives for businesses to move into Town <input type="checkbox"/> Downtown parking expansion through public-private parking agreements and prioritization of planning activities to identify sites for expanded public parking <input type="checkbox"/> Explore a permit process "fast track" when feasible 	BOS EDC PZC	1	

Improve the appearance of Main Street / Downtown District and encourage development which supports a mixed-use downtown with pedestrian and bicycle-friendly connections while respecting existing architectural styles and historic buildings.

T/P	Objective	Who	Priority	Status
T	Improve the gateway entrances to Thomaston and the Downtown Business District through the use of signage and other types of visual aesthetics.	EDC THC BOS PZC	2	
P	Encourage the underground installation of public utilities in future residential, commercial, and manufacturing developments.	PZC DPW	3	
T	Prohibit new billboards and regulate the size and number of new signs.	PZC	2	
P	Encourage landscaping with trees and shrubbery along main thoroughfares and in public open space and parks.	DPW	3	
T	Improve the safety and visual appearance and provide a greater sense of security and increased foot traffic in the downtown business area through implementation of functional and aesthetic improvements such as landscaping, maintenance of sidewalks, street furniture (permanent benches and floral planting areas), and graphic symbols highlighting significant features throughout the community.	EDC DPW BOS CIC	2	

T	Continue to utilize the requirements in the Downtown Development District to regulate aesthetics, such as building orientation, entrances, window space, facades, and streetscapes.	PZC	2	
T	Promote the Downtown Development District area as the center of municipal, administrative, cultural, and commercial activity. Thomaston’s historic and cultural assets, such as the Opera House, Railroad Museum of New England (Train Station) and Seth Thomas Clock Museum could be utilized to attract additional downtown foot traffic.	EDC THC BOS PZC	2	
T	Evaluate the adoption of Architectural Design Guidelines to protect the Town’s architecturally significant structures and community character.	PZC THC	2	
T	Provide for safe and efficient vehicular and pedestrian accessibility in the downtown area, including evaluating options for public parking and biking.	PZC BOS DPW GC EDC	2	
T	Encourage the participation of area businesses and other civic organizations to suggest improvements in the downtown business sector and to promote the center of a focal point for entertainment and the arts and culture.	EDC BOS	2	
T	Evaluate the ability to provide public parking in the Downtown Development District to encourage additional patronage.	EDC PZC	1	
T	Develop a program promoting the upkeep of business and residential property – especially those readily visible from business and downtown districts	EDC BOS THA THC	2	

Encourage and support redevelopment of brownfield sites.

T/P	Objective	Who	Priority	Status
P	Support Federal, State, and local efforts to target and market brownfield sites in Thomaston and in the region.	EDC	2	
T	Educate the business community to participate in brownfield activity and to actively explore the benefits of the EPA's Revolving Brownfield Loan Fund.	EDC PZC	2	
P	Encourage private investment in brownfield sites and adaptive reuse of existing structures and buildings for commercial, manufacturing, and residential uses.	EDC BOS PZC	2	
T	Incentivize the utilization and improvement of Drawn Metal and Plume & Atwood buildings and grounds as a gateway business into Thomaston. Explore avenues for a mixed-use of this property, as well as potential options for redesigning vehicular and pedestrian accessibility.	EDC PZC BOS	3	

Support agriculture.

T/P	Objective	Who	Priority	Status
P	Promote farm friendly business opportunities and regulations	EDC PZC AC	2	
P	Encourage farm-friendly business ventures to promote local farms	EDC AC	2	
P	Encourage the preservation of existing prime agricultural farmlands	CC PZC AC	3	
P	Encourage the preservation of other significant properties that may have the potential and criteria to become prime agricultural farmlands	CC PZC AC	3	
T	Consider the use of innovative zoning practices and techniques to preserve existing prime farmlands and encourage the addition of new farms	PZC AC	3	

Other Recommendations

T/P	Objective	Who	Priority	Status
T	Consider joining the Main Street Program of Connecticut to continue the professional development of EDC members and gain eligibility for certain government funding opportunities where available.	EDC BOS	2	
T	Build and develop relationships with Federal and State government and recognize their importance as two of the largest landowners in town.	EDC PZC THC BOS	2	
P	Where appropriate, encourage the return of or the use of underutilized Federal or State land to productive use by the community.	PZC	3	
T	Develop a blight ordinance.	PZC	2	
T	Comprehensively define Liquor Regulations in the Downtown Development District.	PZC BOS	2	
T	Develop "Work/Play/Live/Education – A Town For all Time."	EDC	3	
T	Involve a wider cross-section of the community and municipal officials in economic/community development initiatives.	EDC	2	
T	Evaluate the feasibility of hiring an additional part-time Economic Development staff member.	BOF	2	

12.4 Transportation

Provide for the efficient and orderly movement of people and goods into, out of, and within the Town and provide safe vehicular, pedestrian, and bicycle access to residential neighborhoods, recreational areas, and places of business, worship, and employment, etc.

T/P	Objective	Who	Priority	Status
T	Revise zoning to encourage developers to install sidewalks and otherwise plan for the future use of cul-de-sacs and dead end streets for connections to other roadways in the immediate neighborhood.	PZC DPW	3	
T	Seek grant funding to address sidewalk improvements and expansions.	DPW EDC PZC	2	

T/P	Objective	Who	Priority	Status
T	Implement the Tracey Street Stormwater Plan, prepared by Weston & Sampson.	DPW	2	
T	Continue with road restoration plan to include "web area" roads & sanitary sewers.	DPW WPCA	2	
P	Incorporate pedestrian and bicycle planning into redevelopment efforts.	PZC	2	
T	Continue to identify and develop areas for public parking in the downtown.	EDC PZC	1	
T	Seek to bring commuter service to Thomaston to access both Torrington and Waterbury.	BOS EDC	3	
T	Seek regional partnerships to bring commuter service to Thomaston to access both Torrington and Waterbury and improve public transit facilities, especially those serving the elderly, special needs individuals, and the disabled.	BOS SrCAB	2	
T	Improve pedestrian and bicycle access by implementing the "next-steps" as identified in the Regional Naugatuck River Greenway Routing Study – Town of Thomaston, Connecticut (December 2010).	TGC PZC	1	

Improve the traffic flow, character, and safety of roadways within Thomaston, including the provision of adequate emergency services access to residential areas.

T/P	Objective	Who	Priority	Status
T	Work with the Police Department and State and local officials in assessing traffic conditions in mixed use areas such as Reynolds Bridge Road, Watertown Road, and Waterbury Road and identify any high-crash locations.	TPD DPW	1	
T	Petition ConnDOT to study the traffic flow and circulation patterns in the Main Street and South Main Street corridor.	BOS DPW	3	
T	Assess traffic calming measures in areas of high hazard accidents for pedestrians: Route 6 in the vicinity of Route 109 and Main Street from Route 254 to East Main Street.	BOS DPW	2	

T	Support efforts to improve traffic circulation conditions on State and local roads by assessing land use proposals with respect to their potential traffic gathering capabilities and impacts on adjacent neighborhoods, including assessment of potential future connections from cul-de-sacs and dead end streets.	PZC DPW	3	
T	Work with NVCOG to evaluate High Street Extension access, safety issues, and the potential need for construction of a non-access limited highway from Route 254 to the upper High Street Extension residential area and to identify the need in the Region's LRTP and Transportation Improvement Plan.	PZC BOS CIC DPW	2	
T	Perform an inventory of Town-owned roadways and create a Pavement Management Plan/Roads Preservation Program and schedule for maintenance and reconstruction of Town-owned roads to extend their overall life-expectancy.	DPW	2	
P	Promote efforts to establish a schedule of road widths based an engineering standards and traffic flow patterns	DPW PZC	2	
T	Establish consistent paving techniques, road way maintenance, and uniform storm water drainage systems on all Town approved roads.	DPW PZC	2	
P	Work with the NVCOG and the State to address regional transportation issues.	PZC BOS	2	

12.5 Open Space & Recreation

General Recommendations

T/P	Objective	Who	Priority	Status
T	Increase recreational activities and opportunities (e.g. track)	RC CC	2	
T	Incrementally develop Nystroms Park per the plan submitted by the Thomaston Track committee.	RC	2	
T	Continue to expand and improve park & recreational facilities utilizing funds generated by the Rec. Department.	RC	2	

T	Preserve and maintain Kenea & Monument Park.	BOS DPW	3	
T	Enhance Seth Thomas park with plants, ornamental trees, walkways, benches, and band shell.	DPW	3	
T	Identify and map open space and recreational land.	CC	1	

Open Space.

T/P	Objective	Who	Priority	Status
T	Continue to encourage the use of off road vehicles in Federal flood control areas only to preserve the integrity of adjacent open spaces	RC CC	2	
T	Explore the possibility of coordination between municipalities for open space land acquisitions for greenway or riverwalk or greenway use	CC GC	2	
T	Support the acquisitions of land for open space, recreational, and other public purposes in those locations recommended by the Plan of Development, Planning and Zoning Commission and Conservation Commission (See Figure 9-2 – Priority Open Space Areas)	PZC CC	2	
T	Recognize the importance of the Naugatuck River as a historic and recreational resource	CC	1	
T	Continue to participate with the NVCOG, other regional agencies, and local governments in establishing the Naugatuck River Greenway project	GC	1	
T	Review the Zoning Regulations to insure that important historic, cultural, scenic areas, and natural and physical features are maintained and protected	PZC	2	
P	Limit improvements to open space areas to those consistent with the long term preservation and enjoyment of the property	CC	2	
P	Encourage the connection of open space lands into large parcels to discourage landscape fragmentation; link open space areas with multi-purpose trails (biking, walking) when feasible	CC PZC	2	

T	Seek to establish an open-space acquisition fund to be funded through private sources	CC	2	
P	Continue public outreach and education on open space and recreational opportunities in Town	CC RC	2	

Recreation.

T/P	Objective	Who	Priority	Status
T	Provide a variety of recreational uses and opportunities for passive recreation and outdoor recreational opportunities for all residents by utilizing open space areas	RC CC	2	
T	Partner with the Connecticut Forest and Parks Association, DEEP and Army Corps of Engineers to explore the possibility of establishing a well-defined recreational hiking trail system in the State forest as well as in the Federal flood control areas	RC CC	2	
T	Recognize the importance of Nystrom's Park and the Highwood Farms recreation facilities as a valuable resource to the community and continue to improve recreational opportunities in those areas	RC	2	
T	Study the possibility of utilizing the town-owned property adjoining Hillside Cemetery to supplement and enhance passive recreational activities and opportunities for the Town's residents	CC	3	
T	Promote the public use of and insure reasonable access, where feasible, to wetland and watercourse areas for open space and passive recreational activities	RC	3	
P	Encourage the Recreation Commission to provide input to the land use decision process with regard to utilizing flood prone areas for aesthetic and passive recreational activities	RC	1	
T	Create partnerships with the Planning and Zoning Commission, Inland Wetland/Conservation Commission, Greenway Committee, Recreation Commission, and Agricultural Council to implement recommendations	PZC CC IWWC RC AC	2	

12.6 Municipal Services

Provide multiple social services to individuals and families in need of assistance, including the provision of safe, secure, and sanitary conditions for those individuals requiring institutional, group quarters or special needs housing and care.

T/P	Objective	Who	Priority	Status
P	Encourage employment opportunities for special population groups to enhance community interaction.	SS EDC	2	
T	Coordinate support services in areas such as housing, job training, substance abuse, mental health, parent training, financial management, and youth protective services to make them more available and accessible and create support groups for special needs individuals to maximize resources and consultation services.	SS	1	
T	Evaluate the feasibility of hiring an additional part-time social services staff member.	BOS SS	2	
T	Seek partnerships with and pursue funding from Federal, State, and local programs that foster and lend supportive assistance to those individuals and families in need.	SS	2	

Provide an educational frame work that can be accessed and utilized by all residents and continue to assess and upgrade educational facilities to meet the needs of students and residents.

T/P	Objective	Who	Priority	Status
T	Provide adult education programs to increase knowledge, vocational skills, and to address the cultural needs of the community.	BOE	2	
T	Form collaborative agreements with other municipalities to reduce cost and improve educational services for the student population.	BOE BOS	3	
T	Implement the recommendations contained in the Long-Term Educational Utilization Plan (once finalized)	BOE	1	
P/T	Improve Thomaston school's education rating and attractiveness.	BOE	2	
P	Encourage private educational development (i.e. secondary, college, magnet, trade schools).	BOE BOS	3	

P	Encourage preschool education programs and activities.	BOE BOS	2	
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Establish efficiency and cost-effectiveness as guiding principles for the provision and delivery of municipal services.

T/P	Objective	Who	Priority	Status
T	Consolidate municipal services, including administrative services, into the Town Hall for easy access to all residents of Thomaston.	BOS	3	
T	Explore all possibilities, including alternative uses, prior to vacating municipal buildings or facilities.	BOS CIC	2	
T	Fund capital improvements on the basis of priority with the highest need geared towards public safety, welfare, social, cultural, and administrative needs of the community.	CIC	2	
T	Continue to utilize municipal buildings, including the Town Hall and the educational system for alternative uses during non-business hours.	BOS BOE	3	
P	Encourage volunteerism as a means to cut costs, reduce taxes, and foster civic pride.	BOS TFD TPD TVAC RC	2	
T	Seek partnerships with surrounding communities to foster collaboration with like departments in surrounding communities regarding facility, equipment, and personnel sharing.	BOS BOE DPW TFD TPD TVAC	2	
T	Seek funding to obtain energy efficient light bulbs for use in streetlights and evaluate returning streetlights in residential areas back in service.	DPW CC	2	
T	Review all regulations and bylaws to ensure consistency of purpose.	BOS PZC	2	
P	Seek to consolidate repetitive tasks among departments whenever possible	BOS	2	

Improve & maintain existing public buildings, infrastructure, utilities and municipal services.

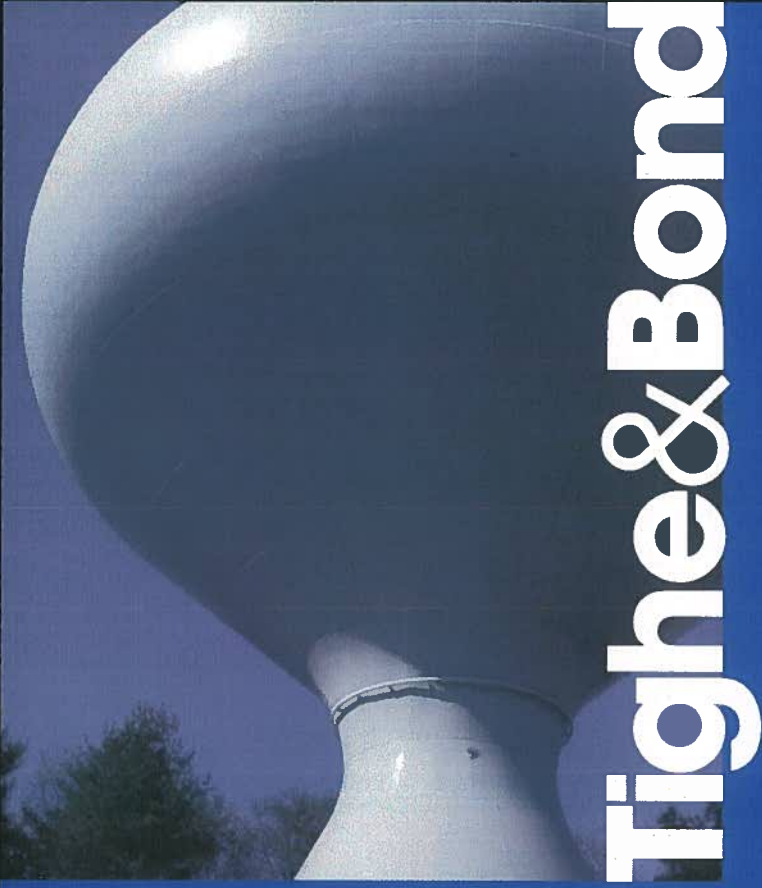
T/P	Objective	Who	Priority	Status
T	Identify areas where onsite septic systems have failed or displayed a general trend toward failure and encourage the Water Pollution Control Authority to extend sanitary sewer service to these areas.	WPCA	2	
T	Identify areas that are affected by failing onsite, individual well systems and encourage the Connecticut Water Company (CWC) to provide public water supply services to those areas. Coordinate with CWC to ensure that areas of future growth are addressed in CWC's Water Supply Plan.	PZC	2	
T	Increase the capacity of the WPCF by identifying and eliminating sources of I/I. Create an I/I Control plan that evaluates proactive collection system maintenance and improvements, public education options, and municipal code enforcement as methods to reduce I/I.	WPCA	1	
P	Consider reserving WPCF capacity to accommodate future commercial and industrial growth.	WPCA	2	
T	Prepare for anticipated plant upgrades to address anticipated CT DEEP stringent phosphorus permit limits and end of plant's design life. Seek funding from CT's Clean Water Fund.	WPCA	1	
T	Develop long-range strategic visions for each department, board, and commission to identify and plan for future maintenance, equipment, infrastructure, and adequate staffing needs. Maintain buildings in accordance with the "Facilities Condition Agreement" prepared by Silver/Petrucci.	TVAC TPD TFD BOE BOF BOS CC CIC DPW EDC GC THA THC IWWC PZC SrCAB RC SS WPCA	1	

T/P	Objective	Who	Priority	Status
T	Develop a long-term schedule and proactive maintenance plan to address Town infrastructure such as roads, sidewalks, sanitary sewer and storm drainage systems, and recreational fields.	TVAC TPD TFD BOE BOS CIC DPW PZC RC WPCA	1	

Provide municipal public safety services to all residents and promote volunteerism as an essential and vital service to the community.

T/P	Objective	Who	Priority	Status
P	Continue to provide training, education support, and adequate equipment to all members of the police department, fire department, and ambulance service.	TPD TVAC TFD	2	
P	Continue support and training for local police in their awareness of and responsiveness to special needs individuals.	TPD	2	
T	Continue to participate in and train volunteers for the Community Emergency Response Team.	TPD TVAC TFD	2	
T	Explore the possibility of hiring part time administrative Fire Department Staff	TFD	2	
T	Encourage and promote volunteerism in all branches of public safety	TPD TVAC TFD	2	
T	Request comments from the Town's emergency services during PZC Review of applications that involve public safety issues regarding availability of adequate fire flows and provision of sufficient access for police, ambulance, and fire department vehicles.	PZC TPD TFD TVAC DPW	2	
T	Seek funds to replace existing street signs with larger and more reflective signs.	DPW TPD	3	
T	Use press releases and other mechanisms to encourage the importance of using the 911-house numbers system.	TPD TFD TVAC	2	

T/P	Objective	Who	Priority	Status
T	Develop / expand an emergency operations center in the Police Department.	TPD TFD	2	
T	Expand the Town-wide emergency plan and identify emergency evacuation shelters and staff, emergency supplies (cots, etc), and food distribution and logistics.	TFD BOS TPD	2	
P	Encourage State, Federal, and regional cooperation for EMS (mutual aid is automatic) and regionalize resources (i.e. communication, animal control, detectives). Cooperate with Federal, State, and local agencies in implementing anti-terrorism programs.	TFD TPD TVAC	1	
T	Establish a vehicle plan with goal of replacing 1 vehicle/year and obtaining an extra vehicle.	TPD	1	
T	Establish a long-term vehicle plan. Reach short-term goal of one additional ambulance.	TFD	1	
T	Establish a long-term staffing plan and reach staffing goal.	TPD TFD	1	
T	Encourage upgrades to radio system and other technologies. Replace existing cameras.	TPD	2	
T	Perform annual needs assessments to determine whether existing equipment, vehicles, and facilities are adequate to ensure public safety needs are met.	FD PD TVAC	1	



Tighe & Bond

APPENDIX A

Plan of Conservation and Development Steering Committee
Meeting Motions/Minutes August 21, 2013

Members Present & Seated: Tom Mueller, Peter Smith, Christine Yoos, Rebecca Guay, Ralph Celone

Others Present: Jeremy Leifert, Tracy Adamski, Dave Barberet, Members of the public

The meeting called to order at 7:06 pm.

MINUTES:

R. Celone arrived at 7:09 pm

Discussion took place on whether a majority of members present was needed to pass a motion or a majority of the full commission, which is four votes. J. Leifert was asked to contact Town Counsel to clarify.

A motion was made by P. Smith and seconded by C. Yoos to accept the meeting minutes of July 17, 2013 as presented. Motion passed 4-0, R. Guay abstained.

OLD BUSINESS:

None

NEW BUSINESS:

Agenda Item #1 – Welcome and Introductions/Presentation

T. Mueller described the responsibility for the committee in the POCD process, and introduced Tracy Adamski, Planning Consultant from Tighe and Bond.

T. Adamski presented a slide presentation on the POCD process on what the steering committee has done to date, the results from the citizen survey, and what still remains to be accomplished from the committee as well as the process for formal acceptance of the town plan

Agenda Item #2 & #3 – Breakout Groups/ General Question and Answer

Due to the smaller size of the audience, T. Adamski suggested that the steering committee and members of the public conduct an open discussion on four topics determined as most important based on the citizen surveys, including Economic Development, Downtown Revitalization, Education and Economic Development.

Discussion took place on each of these topics, and T. Adamski moderated the discussion and took notes on areas of concern from town residents for potential inclusion in the POCD.

P. Smith left the meeting at 8:33

Agenda Item # 4 – Closing Comments and Next Steps

T. Adamski wrapped up the question and answer session and talked about the next steps for the POCD steering committee. She stated that the public survey is still open until September 1, 2013 and encouraged those who had not filled out a survey to do so. She also stated that the second public forum would be held on November 20, 2013, and the people in attendance should help spread the word. There was concern from members of the public that there was inadequate publicity for this event, and better effort should be made to publicize the next forum. T. Adamski stated that comments from the first forum as well as the results from the public surveys would determine the exact format of the second forum, and would be discussed in the regular POCD meetings in September and October.

PUBLIC COMMENT

None

COMMUNICATIONS AND BILLS

Agenda Item # 1 - Draft of “Natural Resources” section of the 2014 POCD

J. Leifert presented a rough draft of the natural resources section to the committee. He stated that it would be presented to the conservation commission for comment in October for their input, but the steering committee could also review it and comment if necessary. The item would likely come back up in the December or January POCD agenda.

REPORTS OF OFFICERS, STAFF, AND COMMITTEES

None

ADJOURNMENT:

A motion was made by C. Yoos and seconded by R. Guay to adjourn the meeting at 9:04 pm. Motion passed unanimously.

Respectfully submitted,

Jeremy Leifert , Town Planner

Thomaston POCD – Public Forum # 1 August 21, 2013

To: POCD Steering Committee

ATTENDEES: POCD Steering Committee See Attached Sign-In Sheet
Tracy Adamski, Tighe & Bond

FROM: Tracy Adamski

DATE: September 16, 2013

PURPOSE: August 21, 2013, the first Public Forum for the Thomaston Plan of Conservation and Development (POCD) was held at 7:00PM at the Town Hall. The purpose of the public forum was to educate community members about Thomaston's POCD update and the status of the planning process, as well as to facilitate a discussion about the issues relating to economic development/downtown, open space and recreation, and education.

INTRODUCTION: Chairman Tom Mueller opened the POCD meeting, welcomed everyone, and introduced the consultant, Tracy Adamski. Ms. Adamski outlined the agenda for the evening and presented a slide show that covered basic information on the POCD, listed the reasons for updating the POCD, identified the POCD elements, described the planning process, and described several statistics related to Thomaston including:

- Demographics
- Economic data
- Transportation information
- Open space and natural resources
- Public services information

The presentation also included preliminary results of the Town-wide POCD survey. Ms. Adamski indicated that the survey was open until September 1, 2013, and encouraged attendees to respond.

The presentation concluded with a list of key questions related to the three elements that were of primary interest based on the survey results: economic development/downtown revitalization, open space and recreation, and education.

The assembled attendees then discussed issues, concerns, and potential recommendations related to each of the discussion items. This exercise was facilitated by Ms. Adamski. The items that came out of this discussion are summarized below.

At the end of the event, Ms. Adamski thanked everyone for attending and identified the next steps in the process including the next scheduled public forum. Attendees strongly recommended that the next forum be better publicized.

Economic Development/ Downtown Revitalization

- Foot traffic is needed to bring people and more businesses into the downtown.
- Find ways to encourage people who work in Town to spend money in Town.
- Locations are limited for new larger businesses.

- The Plume & Atwood building is a blight on the gateway into Thomaston. This is a brownfield site, but environmental assessments have indicated that environmental issues are not as big an issue as people may think. A key issue to reuse of this site is vehicular accessibility. There is limited access for large trucks, and limited area for expansion of the road or driveway to the site. This may limit the site for reuse as a commercial or industrial facility. This site may be more suitable for redevelopment as a residential use.
- Increasing residential development in the downtown area could provide foot traffic, which could spur business growth.
- The Planning & Zoning code allows mixed use in the downtown area.
- Thomaston needs to identify a niche to attract and keep people downtown. Thomaston's historic and cultural assets, such as the Opera House, Railroad Museum of New England (Train Station) and Seth Thomas Clock Museum, could be capitalized on to attract more people to downtown.
- Incentives for businesses were discussed including:
 - Tax abatement for property improvements
 - Tax incentives for businesses to move into Town
 - Parking needed in downtown – The Town has identified sites for expanded public parking
 - Permit process "fast track"
- Consider the connection downtown to South Main Street and Route 6, where more area is available for economic development.

Open Space and Recreation

- Naugatuck River Greenway, which is proposed to run from Torrington to Derby, and through Thomaston, could be a future draw to Thomaston.
- Add an assessment classification allowing tax abatement for private open space land under Public Act 490.
- Provide more playgrounds in downtown.
- Support and enhance library programs.
- Add passive recreation trails to the Dug Road Town Open Space. Provide/improve access to the Town Open Space.
- Consider not accepting new roads as Town road, but keep new roads as private roads to be maintained by the residents.

Education:

- Generally Thomaston has a low cost/student and average test scores compared to other jurisdictions in the state.

- More/varied course offerings are desired; however, due to the size of the schools, there is less opportunity for electives that may be offered at larger schools or tech schools. This may be an opportunity for partnerships.
- The Board of Education (BOE) is undertaking a facility utilization study, which will consider school consolidation, and other partnerships, including regionalization.
- The benefits of the small school size are that the teachers know their students.
- School meals could be improved by providing fresh fruit / gluten free foods in the cafeteria.
- Thomaston's schools have quality teachers.
- The BOE continues to balance good quality education and cost effectiveness.

Plan of Conservation and Development Steering Committee
Revised Meeting Motions/Minutes November 20, 2013

Members Present & Seated: Tom Mueller, Ken Koval, Brian Dayton, Luke Freimuth, Christine Yoos, Tim Clark, Rebecca Guay

Others Present: Bob Carr, Ralph Celone, Peter Smith, Jeremy Leifert, Tracy Adamski, Members of the Public

The meeting called to order at 7:00 pm.

MINUTES:

A correction to the October minutes was offered by C. Yoos

A motion was made by K. Koval and seconded by C. Yoos to accept the meeting minutes of the October 16, 2013 regular meeting. Motion passed unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

The Committee opened the floor to T. Adamski who opened a presentation on the 2014 POCD. She introduced the POCD and spoke about what the document does for the Town and how it is a guidance document, but not a regulatory document. She then showed a series of slides summarizing the comments from the citizen survey that was conducted between December 2012 and September 2013. A recap of the first public forum was also discussed, with a recap of the topics of Economic Development, Downtown Revitalization, Open Space, Recreation and Education that were discussed at that meeting.

The open discussion of topics for this public forum were then discussed, beginning with land use and zoning. Concerns were voiced by members of the public over a lack of flexibility in the Zoning Regulations, and how mixed use regulations are written and enforced. There were also comments regarding the need for “friendlier” zoning regulations. Questions were also posed on the relationship between the POCD and the Planning and Zoning Regulations.

The next topic was residential development, and discussion took place with the members of the public on what the limiting factors in development are in Thomaston, and concerns over the sanitary conditions of certain properties, and the limits of regulations in this regard. Questions were posed on the definition of “responsible development” and how this is viewed from a regulatory standpoint.

Municipal services were then discussed, and the bulk of the discussion centered on the capacity of the sewer plant and the effect the recent “build-out” analysis on future services including emergency services.

The topic of transportation centered on generating greater opportunities for pedestrian traffic, and the discussion of adding or extending sidewalk to add safer walking routes through downtown along Main Street and South Main.

The next topic discussed was natural resources. Members of the audience expressed concern that agriculture was not placed in this category. T. Adamski explained that it had been discussed in the previous meeting under the Open Space category. J. Leifert stated that the rationale is that Natural Resources generally do not include man-made conditions such as a farm, but are a valuable land conservation tool as part of open space, which was the reasoning for placing agriculture in the open space category. The balance between responsible growth and the preservation on resources such as wetlands, floodplains, forests, rivers and streams was discussed. A focus on flood controls was discussed based on the unique situation of the federal flood control dams in Thomaston. Preservation of aquifers and other water resources such as wetlands was discussed. The preservation of air quality and support of state regulations was discussed. Members of the public voiced concerns over stricter environmental regulations imposed by the state, but generally approved of the town staff ensuring and supporting enforcement of existing regulations. The final item of support of underground storage tank regulations was discussed.

In closing by T. Adamski, she summarized the next steps in the POCD process for the Committee in drafting the document. J. Leifert stated that although this was the final public forum, all of the remaining Committee meetings were open to public comment.

PUBLIC COMMENT

None

COMMUNICATIONS AND BILLS

None

REPORTS OF OFFICERS, STAFF, AND COMMITTEES

None

ADJOURNMENT:

A motion was made by C. Yoos and seconded by R. Guay to adjourn the meeting at 9:01 pm. Motion passed unanimously.

Thomaston POCD – Public Forum # 2 November 20, 2013

To: POCD Steering Committee

ATTENDEES: POCD Steering Committee See Attached Sign-In Sheet
Tracy Adamski, Tighe & Bond

FROM: Tracy Adamski

DATE: December 18, 2013

PURPOSE: November 20, 2013, the second Public Forum for the Thomaston Plan of Conservation and Development (POCD) was held at 7:00PM at the Town Hall. The purpose of the public forum was to educate community members about Thomaston's POCD update and the status of the planning process, as well as to facilitate a discussion about the issues relating to land use and zoning, residential development, infrastructure and community services, transportation and natural resources.

INTRODUCTION: Chairman Tom Mueller opened the POCD meeting, welcomed everyone, and introduced the consultant, Tracy Adamski. Ms. Adamski outlined the agenda for the evening and presented a slide show that covered the following topics:

- Basic information on the POCD
- Reasons for updating the POCD
- POCD elements
- POCD planning process
- POCD survey results
- Results of Public Forum #1

The presentation concluded with an introduction to the discussion topics for the forum: land use and zoning, residential development, infrastructure and community services, transportation and natural resources.

The assembled attendees then discussed issues, concerns, and potential recommendations related to each of the discussion items. Goals from the 2004 plan, as revised by the POCD Steering Committee, were reviewed for each topic and discussed. This exercise was facilitated by Ms. Adamski. The goals reviewed and suggested modifications based on group discussion are summarized below. The proposed goals are identified in italicized text. Language proposed to be added is in underlined text; language proposed to be deleted is in strikeout text. The items that came out of this discussion are summarized below.

At the end of the event, Ms. Adamski thanked everyone for attending and identified the next steps in the process.

Land Use and Zoning

- Consider flexibility in mixed use zoning requirements
- Mixed use allows apartments above commercial uses

- Consider changing the town's charter
- No change to proposed goals:
- Continue to maintain and improve upon the economic base of the community in order to secure for current and future residents, a desirable place in which to live, work, play, worship, and raise a family.*
- Encourage responsible development of residentially zoned areas of Thomaston*

Residential Development

- Evaluate environmental, social, & economic costs of new development including transportation, sewers, water, schools, recreation and emergency services. Emergency services consideration should also include adequate access for fire department vehicles.*
- Provide safe & secure housing for seniors*
- Provide sanitary housing **
- Encourage regional cooperation on planning for affordable housing and provide support affordable housing to all segments of society regardless of income levels*
- Provide safe, secure and sanitary housing conditions for all residents of Thomaston. Participants discussed the difficulties with being able to meet this goal. However, participants agreed that this is a good goal to aspire to.*
- Enhance and improve housing opportunities and the availability of choice for all income levels*
- Provide safe, secure, and sanitary conditions for those requiring institutional, group quarters or special needs housing or care*

Municipal Services

- Provide and maintain municipal services in a safe & efficient manner to all residents*
- ~~I~~Ensure that expansion of municipal services be accomplished with careful fiscal restraint & responsibility*
- Provide multiple public and social services to individuals and families in need of assistance*
- Provide municipal public safety services to all residents and promote volunteerism as an essential and vital service to the community*
- Encourage regional cooperation for EMS (mutual aid is automatic) and municipal services*
- Encourage cross-utilization of services/staff within town*

Transportation

- Provide for the efficient and orderly movement of people and goods into, out of, and within the Town and provide safe vehicular and pedestrian access to residential neighborhoods, recreational areas, and places of business, worship, and employment, etc.*
- Seek grants for sidewalk improvements/expansion

Natural Resources

- Maintain farmland. This goal will be added to the open space category.

Environmental

- Support all efforts to maintain air quality standards & protect the environment from air and noise pollution*
- Share in the responsibility for attaining cleaner air standards ~~by encouraging~~ with Federal & State officials to monitor commercial, industrial, manufacturing uses – some discussion regarding this based on CTDEEP responsibilities for AQ Monitoring*
- Strive for ecological balance between the municipal resources and maintaining a high standard of living for the residents of Thomaston*

Flood Protection

- Protect life & property from hazards of a dam failure*
- Require all buildings, structures, and intrusions proposed or existing, which are located on flood plain soils or in designated flood plain areas, adhere to the requirements of the Thomaston Flood Plain Ordinances and the Zoning Regulations*
- Discourage high intensity development in designated flood plain areas*
- Encourage local officials, boards, and commissions to take a more proactive role in enforcing flood hazard regulations and ordinances*
- Protect the natural environment and resources of Thomaston while promoting aesthetic and culturally pleasing surroundings*
- Ensure that all areas proposed for development are designed to be sensitive to their surrounding environmental constraints*

Water Resources

- Protect and preserve the quality and quantity of groundwater, potable water supplies and on-site wells from pollution, contamination, degradation and unpermitted encroachment activities and comply with State aquifer protection requirements.*
- Encourage the Connecticut Water Company to identify potential water supply resources sufficient to meet existing demand and projected growth as well as to provide for storage and pressure needs*

- Prevent contamination of groundwater supplies*

Wetland

- Protect the natural value & functional role of wetlands & watercourses by regulating & monitoring activities in & adjacent to wetlands & watercourses*
- Continue to educate ~~ion~~ the public regarding the value and benefits of wetland protection*

Solid Waste and Wastewater

- Maintain an integrated recycling, composting and resource recovery program*
- Continue to work with Federal and State agencies on methods and techniques to improve the solid waste management system*
- Verify that the installation and maintenance of on-site subsurface waste disposal systems (septic systems) comply with local health district regulations*

UST

- Support the efforts of state agencies to control and regulate the siting of underground fuel storage tanks in all areas*
- Support the efforts of state agencies to monitor existing underground storage tanks for compliance*

Other

- Encourage public discourse by including a public comment period during Town board and commission meetings**



Tighe & Bond

APPENDIX B

POCD Survey Results Summary

TO: Thomaston POCD Committee
 FROM: Tracy Adamski, AICP
 DATE: September 18, 2013; Revised September 3, 2014

The purpose of this memorandum is to summarize the results of the Thomaston Plan of Conservation and Development (POCD) Survey that was conducted as part of the POCD update process. The survey was conducted from December 2012 through September 2013 and was made available electronically through a link on the Town website. Hard copies of the survey were made available to the public at the Town Hall. In total, 148 individuals responded to the survey (both electronically and hard copy). The following text provides a summary of the responses received. The questions asked on the survey are noted in bold font below, followed by a summary of the responses. The survey forms and tables of survey responses are available for viewing upon request in the Building and Land Use Office, Thomaston Town Hall, 158 Main Street.

Q1. What Street do you live on? You must reside in, own property, or own a business in Thomaston to participate.

147 Answered Question
 1 Skipped Question
 148 Total Responses

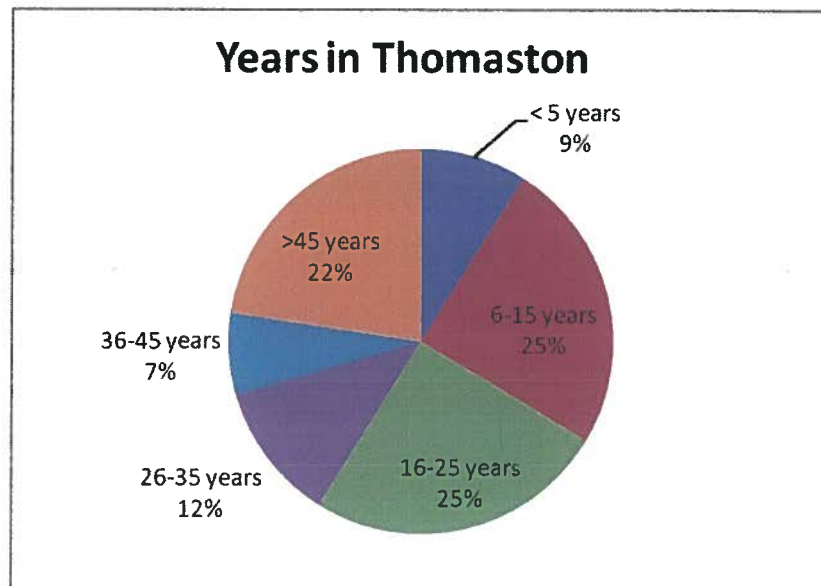
The respondents were well distributed throughout town. The streets identified by the respondents are provided in Attachment A.

Q2. How many years have you lived/ owned in Thomaston?

146 Answered Question
 2 Skipped Question
 148 Total Responses

As indicated below, the respondents were well distributed with relation to the time they have resided in Thomaston.

Years in Thomaston	# of Responses
≤ 5 years	13
6-15 years	36
16-25 years	37
26-35 years	17
36-45 years	10
≥45 years	33



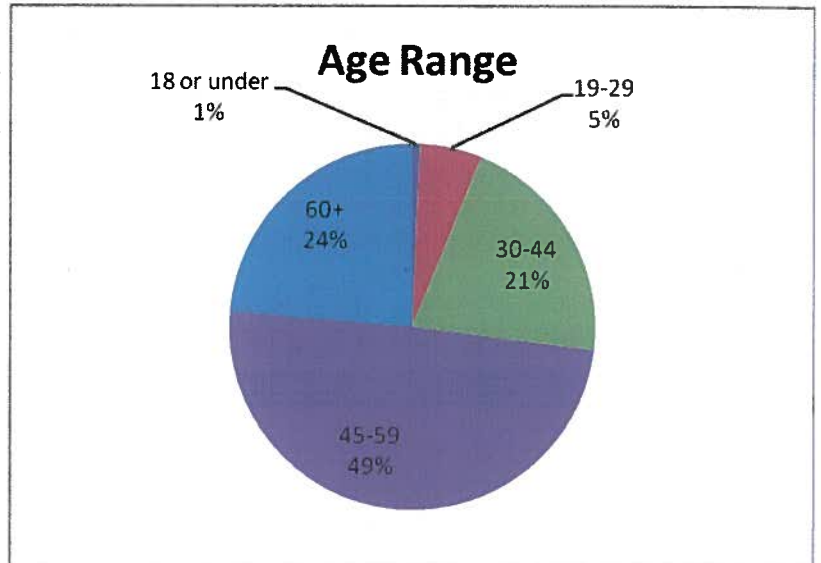
Q3. Please indicate the age range that describes you.

147 Answered Question
 1 Skipped Question
 148 Total Responses

Approximately half of the total respondents are within the 45-59 age cohort.

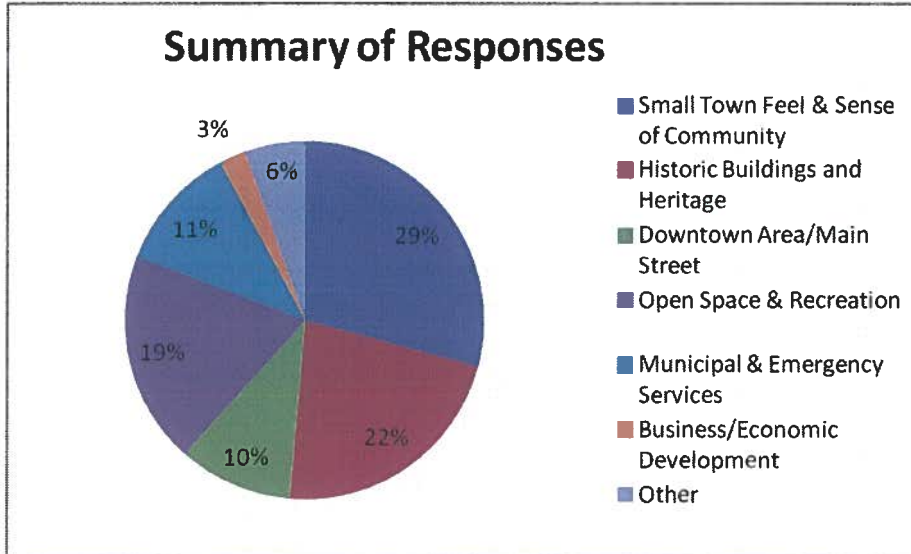
Age Range	% of Responses	% of General Population*
18 or under	1%	25%
19-29	5%	9%
30-44	21%	20%
45-59	49%	26%
60+	24%	19%

* Numbers do not add up to 100% due to rounding.



Q4. What are three things about Thomaston that you are proud of and would like to preserve?

As indicated below, together the categories of "Small Town Feel & Sense of Community" and "Historic Buildings and Heritage" comprise over half of the total responses.

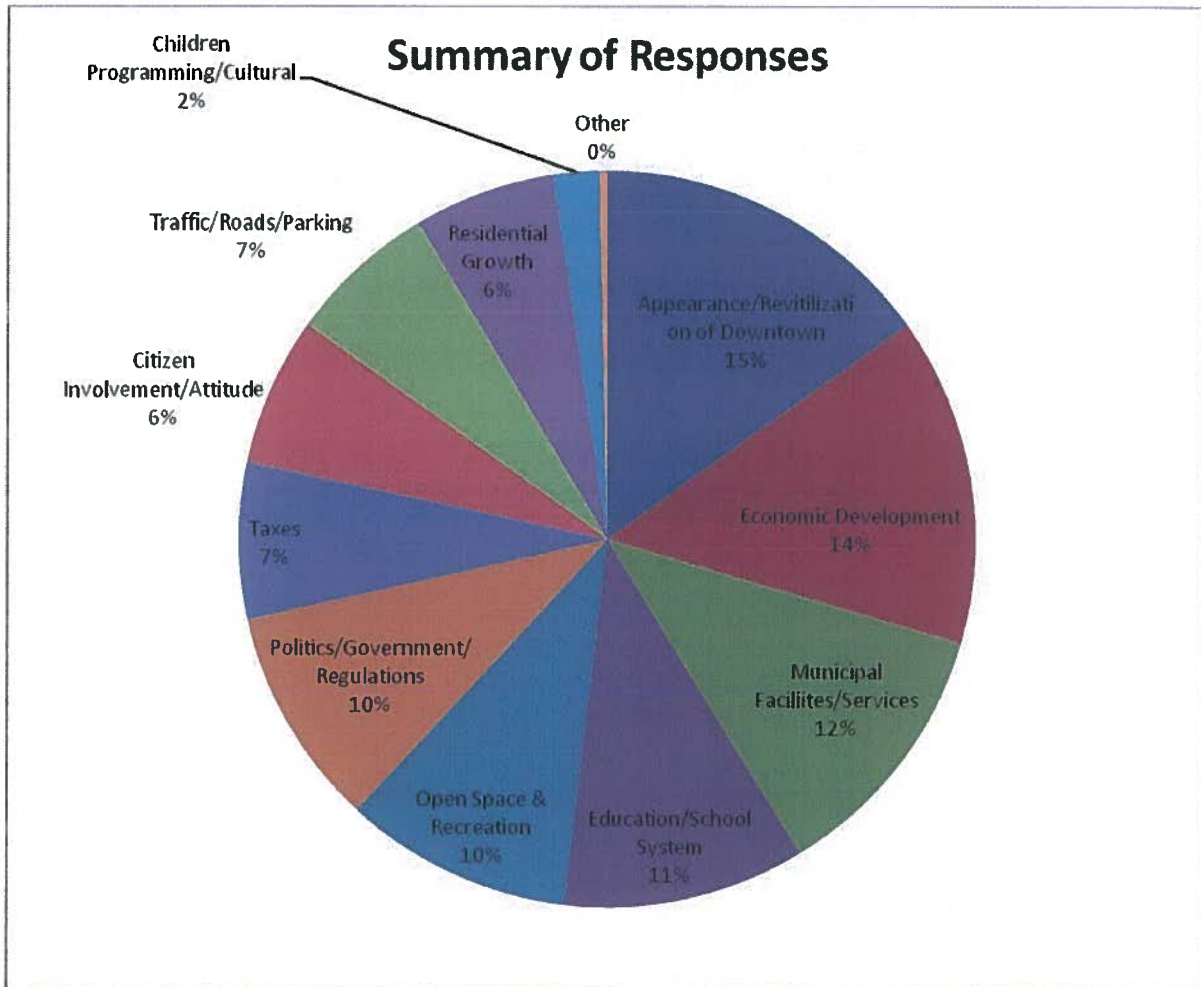


The following table provides a more detailed overview of the responses to this question, including the total number of responses received for each category and subcategories that comprise the total.

Detailed Overview	
Category	# of Responses
Small Town Feel & Sense of Community	85 Total
Small Town Feel	41
Community Events	31
Volunteerism	5
Other	8
Historic Buildings & Heritage	65 Total
Town History/Landmarks	17
Opera House	27
Town Hall	7
Seth Thomas	11
Train Station	3
Open Space & Recreation	56 Total
Black Rock	6
Nystroms	8
Open Space	11
Parks/Recreation	16
Farmland	11
Other	4
Municipal & Emergency Services	33 Total
Emergency Services (TVAC, TFD, TPD)	10
School System	8
Library	11
Other	4
Downtown Area/Main St.	30 Total
Business & Economic Development	7 Total
Other	16 Total

Q5. What are three things about Thomaston that you would like to change?

The below chart provides a summary of the responses to this question. As indicated below, the Appearance/Revitalization of Downtown and Economic Development combined comprise nearly a third of all answers.



The following highlights some of the reoccurring themes from the responses:

Appearance & Revitalization of Downtown

- Spruce up downtown
- Clean up empty buildings and Main Street
- Address blight through an ordinance

Economic Development

- Need more businesses
- Lack of industry
- Redevelopment of manufacturing buildings/brownfield sites

Education/ School System

- Our school system
- Lack of funding for education
- Expand arts/music program in schools

Open Space & Recreation

- Lack of recreational facilities and programs
- Conserve more open space

Politics/ Government/ Regulations

- Long-term planning needed
- Lack of transparency

Traffic/ Roads/ Parking

- Maintenance of roads
- Downtown parking
- Better traffic patterns

Citizen Involvement/ Attitude

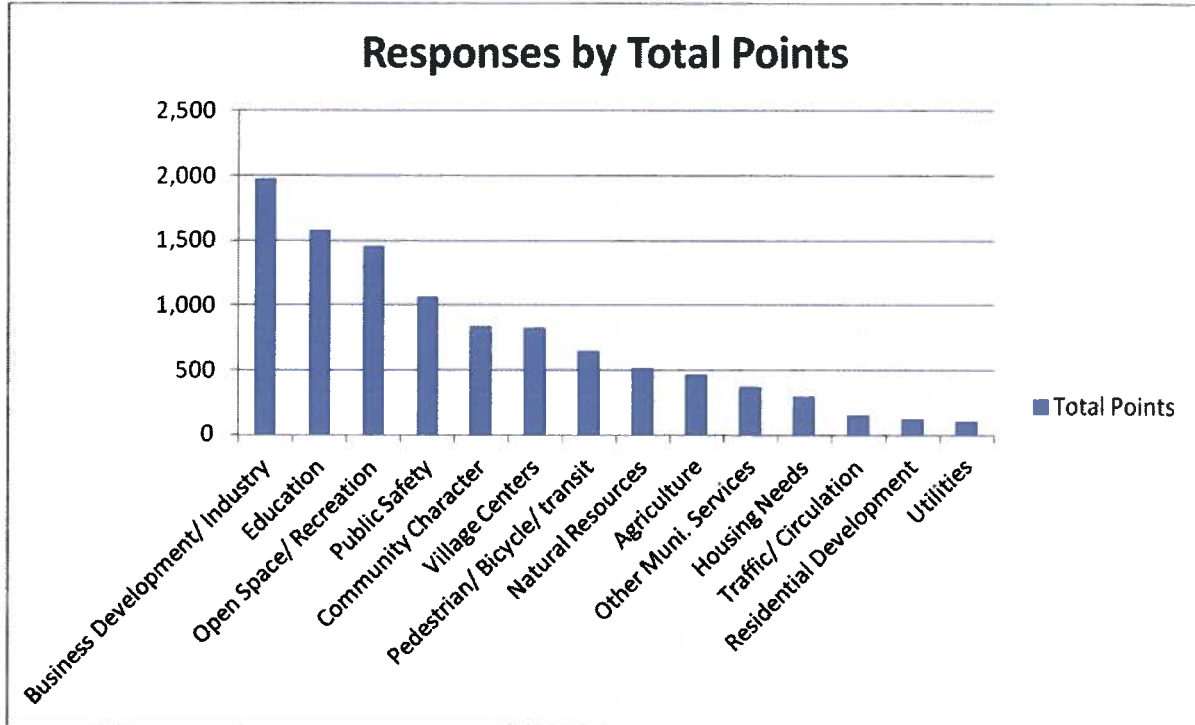
- Increase citizen and youth involvement
- Negative attitude

Other reoccurring themes include the following:

- Turn streetlights back on (Municipal Facilities & Services category)
- More programs and places needed for young people (Children programming/cultural category)
- High taxes (Taxes category)
- Less residential development (Residential Growth category)

Q6. You have \$100 to distribute in the following areas in any way you wish. Choose 3 or more categories that you think are the most important for the Town to focus on at this time.

The below graph provides a summary of the responses as organized by Total Points (which equates to total dollars) for each category.



Though in a different order, as shown below, the top five responses are the same when organized by the response count instead of when organized by total points.

Top 5 Responses by Response Count

Category	Total Number of Responses
Business Development/ Industry	63
Open Space/ Recreation	56
Education	54
Community Character	43
Public Safety	41

Q7. Are there any categories not mentioned above that you think the Town should focus on?

The following table provides a summary of the responses to this question.

Category	# of Responses
Economic Development	12
Government/Municipal Services	7
Education/Youth Programs	5
Open Space/Preservation	5
Recreation	4
Tax Base	4
Library	3
Regulations	2
Elderly	3
Other	6

Some of the reoccurring comments regarding this question include:

- Redevelopment of downtown area
- Increase the tax base
- More programs for children
- Preserve more open space
- Bike trails
- Addressing needs of the elderly

Q8. Are there any other thoughts about planning and conservation in Thomaston that you would like to share?

The following table provides a summary of the responses to this question.

Category	# of Responses
Economic Development/Downtown Area	12
Open Space/Preservation	9
Farm Land	8
Municipal Services/Infrastructure	8
Recreation	8
Planning & Zoning	6
Historic Buildings & Heritage	4
Residential Development	3
Other	4

Some of the reoccurring comments regarding this question include:

- Redevelopment of the downtown area
- Preservation of farm land
- Need for open space inventory / preservation of open space
- Preservation of historic buildings
- Long term planning
- Maintenance of existing infrastructure

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