



TOWN OF WOLCOTT

INLAND WETLANDS

AND

WATERCOURSES REGULATIONS



WOLCOTT INLAND WETLANDS AND WATERCOURSES REGULATIONS

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
1 Title and Authority	2
2 Definitions	4
3 Inventory of Regulated Areas	11
4 Permitted and Nonregulated Uses	13
5 Activities Regulated by the State	17
6 Regulated Activities to be Licensed	19
7 Application Requirements	21
8 Application Procedures	28
9 Public Hearings	30
10 Considerations for Decision	32
11 Decision Process and Permit	37
12 Action by Duly Authorized Agent	43
13 Bond and Insurance	44
14 Enforcement	45
15 Amendments	48
16 Appeals	52
17 Conflict and Severance	52
18 Other Permits	52
19 Application Fees	53
20 Records Retention and Disposition	56
21 Effective Date of Regulations	57
Appendix "A"	58

Section 1
Title and Authority

1.1 The inland wetlands and watercourses of the Town of Wolcott are an indispensable and irreplaceable but fragile natural resource with which the citizens of the 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 Town of Wolcott 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 town. It is, therefore, the purpose of these regulations to protect the citizens of the 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 town'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 town 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 town, 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 Wolcott."
- 1.3 The Inland Wetlands and Watercourses Commission of the Town of Wolcott was established in accordance with an ordinance adopted in 1973 and shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of Wolcott.
- 1.4 These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.
- 1.5 The Commission shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, or deny permits for all regulated activities in the Town of Wolcott pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

Section 2
Definitions

2.1 As used in these regulations:

- a. **"Act"** means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended.
- b. **"Agency"** means the Inland Wetlands and Watercourses Commission of the Town of Wolcott.
- c. **"Applicant"** means any person as defined under Section 2.1 of these regulations wishing to undertake an activity regulated by the Inland Wetlands and Watercourses Commission of the Town of Wolcott.
- d. **"Bogs"** are areas distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.
- e. **"Clear-cutting"** means the harvest of timber in a fashion which removes all trees down to a two-inch diameter at breast height.
- f. **"Clearing and grubbing"** means the removal of all vegetation including stumps.
- g. **"Commission"** means the Inland Wetlands and Watercourses Commission of the Town of Wolcott.
- h. **"Commission Member"** means a member of the Inland Wetlands and Watercourses Commission of the Town of Wolcott.
- i. **"Commissioner of Environmental Protection"** means the commissioner of the State of Connecticut Department of Environmental Protection.
- j. **"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.
- k. **"Deposit"** includes, but shall not be limited to fill, grade, dump, place, discharge or emit.

- l. **"Designated agent"** means the Chairman of the Inland Wetlands and Watercourses Commission and/or any other individual(s) designated by the Inland Wetlands and Watercourses Commission to carry out its functions and purposes.
- m. **"Discharge"** means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.
- n. **"Disturb the natural and indigenous character of the wetland or watercourse"** means to alter the inland wetlands and watercourses by reason of removal or deposition of material, clearing the land, altering or obstructing water flow, or pollution.
- o. **"Essential to the farming operation"** means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.
- p. **"Farming"** means use of land for the growing of crops, raising of livestock or other agricultural use.
- q. **"Feasible"** means able to be constructed or implemented consistent with sound engineering principles.
- r. **"Flood plain"** means land identified by the Federal Emergency Management Agency, National Flood Insurance Program, on maps designated as FIRM, Flood Insurance Rate Map, Town of Wolcott, Connecticut, New Haven County, Panels 1 through 8 inclusive, dated July 5, 1982.
- s. **"Inland Wetlands and Watercourses Map, Town of Wolcott, Connecticut"** means those maps which are approved by the Commission and listed in Appendix "A" of these regulations showing general locations and boundaries of the inland wetlands, watercourse and flood plains in the Town of Wolcott, Connecticut.
- t. **"License"** means the whole or part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Inland Wetlands and Watercourses Commission.
- u. **"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.

- v. **"Marshes"** are areas with soils that exhibit aquatic moisture regimes and 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 inches or more in depth are common, but seasonal water table fluctuations are encountered.
- w. **"Material"** means any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, land, gravel, clay, bog, peat, mud, debris, sand, refuse or waste.
- x. **"Municipality"** means the Town of Wolcott.
- y. **"Nurseries"** means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.
- z. **"Permit"** means the whole or any part of any license, certificate or approval or similar form of permission which may be required of any person by the provisions of these regulations and the Act or other municipal, state and federal law.
- aa. **"Permittee"** means the person to whom a permit has been issued.
- bb. **"Person"** means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.
- cc. **"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.

This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.

dd. **"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.

ee. **"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, and any earth-moving, removal or deposition of material, obstruction, construction, clear-cutting or clearing and grubbing within the "flood plains" of the town and the areas adjacent to wetlands and watercourses specified in Section 2.1(ff) of these regulations, but shall not include the specified activities in Section 4 of these regulations. 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 a "regulated area" as defined by Section 2.1(ff) of these regulations;
2. within 300 feet measured horizontally from the boundary of any other wetland or watercourse.

The Commission 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.

ff. **"Regulated area"** shall be defined as all existing and future "Flood Plains", "Wetlands" and "Watercourses" within the Town of Wolcott and all adjacent ground surfaces located within the following horizontal distances of the "Flood Plains", "Wetlands" and "Watercourses", not all of which may be specifically delineated on the maps entitled "Inland Wetlands and Watercourses Maps, Town of Wolcott, Connecticut" due to imperfections in printing and mapping scale:

New Britain Reservoir.....500 feet from the high water mark

Southington Reservoir #2.....500 feet from the high water mark

All watercourses feeding directly into the above cited reservoirs100 feet from mid-channel

Chestnut Hill Reservoir.....100 feet from the high water mark

Scovill Reservoir.....100 feet from the high water mark

All watercourses and water bodies not listed above.....100 feet from the boundary

Flood Plains designated as either "A" or "B" Zones..... 50 feet from the boundary

Wetlands.....100 feet from the boundary

- gg. **"Remove"** includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut timber, bulldoze, dragline or blast.
- hh. **"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.
- ii. **"Significant impact activity"** means any activity, including, but not limited to, the following activities which may have a major effect or significant impact.
 1. Any activity involving deposition or removal of material which will or may have a major effect or significant impact on the regulated area or on another part of the inland wetland or watercourse system.
 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 desirable fisheries, wildlife, or other biological life; 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 a substantial diminution of

flow of a natural watercourse or groundwater levels of the regulated area.

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.
- jj. **"Soil scientist"** means an individual duly qualified in accordance with standards set by the federal Office of Personnel Management.
- kk. **"Submerged lands"** means those lands which are inundated by water on a seasonal or more frequent basis.
- ll. **"Swamps"** are areas with soils that exhibit aquatic moisture regimes and are distinguished by the dominance of wetland trees and shrubs.
- mm. **"Town"** means the Town of Wolcott.
- nn. **"Transfer"** is construed to mean the reallocation of a valid Inland Wetlands and Watercourses Permit to conduct a regulated activity in a regulated area to a new owner of the property on which the regulated activity is to occur. A Transfer Permit is required.
- oo. **"Upland Review Area"** means those locations not necessarily defined as Regulated Area(s) but whose potential impact upon wetlands or watercourses is such that they may be regulated by the Commission under the terms of the "Guidelines for Upland Review Area Regulations Under Connecticut's Inland Wetlands and Watercourses Act" distributed by the Connecticut Department of Environmental Protection on June 30, 1997.
- pp. **"Waste"** means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands or watercourses of the Town.
- qq. **"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 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.
- rr. **"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 flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Soil Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.
- ss. **"Wetlands restoration activity"** means activity pursued to restore a damaged, polluted, and/or altered wetland its natural state and function.

Section 3
Inventory of Regulated Areas

3.1 The map of regulated areas entitled "Inland Wetlands and Watercourses Map, Wolcott, 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 office of the Commission. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses. The Commission may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.

3.2 Any owner who disputes the designation of any part of his or her land as a regulated area on the Inland Wetlands and Watercourses Map, may petition the Commission to change the designation in accordance with Section 15 of these regulations. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall provide proof that the designation is inapplicable.

The Commission may require such an owner to provide an accurate delineation of regulated areas in accordance with section 15 of these regulations.

3.3 The Commission or its designated agent(s) shall maintain a current inventory of regulated areas within the town. The Commission may amend its map as more accurate information becomes available. Any person may petition for an amendment to the map. Petitioners shall bear the burden of proof for all requested map amendments. Such proof may include, but not be limited to, aerial photography, remote sensing imagery, resource mapping or other available information. Such map amendments are subject to the public hearing process outlined in Section 15 of these regulations.

- 3.4 The Commission and/or its designated agent shall routinely monitor and maintain a general surveillance of the regulated areas within the Town to ensure that no unauthorized regulated activities occur and that permitted activities occur within permit limitations.
- 3.5 The Commission may require that the designation of the regulated area boundary, as referenced on the map accepted by the Commission at the time a permit is granted, shall be recorded on the deed to the property along with the following deed restriction:

It has been determined by the Wolcott Inland Wetlands and Watercourses Commission that Wetlands or Regulated Areas as defined by the Wolcott Inland Wetlands and Watercourses Regulations are present on the property. Any activity in the Wetland and/or Regulated Area must have prior approval/permitting by the Inland Wetlands and Watercourses Commission of the Town of Wolcott.

Section 4

Permitted Uses as of Right & Nonregulated 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 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 watercourses 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, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
- b. 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, which ever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the building permit was obtained on or before July 1, 1987. Any person claiming a use of wetlands permitted as a right under this subdivision shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information

to document his or her right hereunder;

- c. boat anchorage or mooring, not to include dredging or dock construction;
- d. uses incidental to the enjoyment or 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 acres) and containing a residence. 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 into 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 through 22a-410 of the Connecticut General Statutes.
- f. maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to Section 22a-42a of the Connecticut General Statutes or July 1, 1974, which ever 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.

4.2 The following operations and uses shall be permitted as nonregulated 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. conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices.
- b. outdoor recreation including the use of play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing and cross-country skiing where otherwise legally permitted and regulated.

4.3 All activities in 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 Commission in accordance with Section 6 of these regulations.

4.4 Normal routine maintenance by the Town of Wolcott agencies shall be permitted, but not upgrading or improving of existing facilities and structures, provided such maintenance does not constitute a significant activity as defined in Section 2.1 of these regulations. Notification of such activities by the Town shall be made to the Commission by submittal of a "Municipal Construction/Maintenance Activity Report". Maintenance work shall be performed so as to cause the least change, modification, disturbance or damage to the regulated area. Work performed under this Section must include the proper installation and maintenance of all appropriate erosion

and sediment controls and the use of Best Management Practices to minimize any adverse effects on the environment. Every reasonable effort, as determined by the Commission, shall be made to restore the regulated area to its original natural condition by the Town Commission conducting such necessary maintenance work.

- 4.5** To carry out the purposes of this section, any person proposing to carry out a permitted or nonregulated operation or use of a wetland or watercourse that may disturb the natural and indigenous character of the wetland or watercourse shall, prior to commencement of such operation or use, notify the Commission on a form provided by it, titled "Notification of Intent to Conduct a Permitted or Non Regulated Activity", and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse. The Commission or its designated agent shall rule that the proposed operation or use is a permitted or a nonregulated use or operation or that a permit is required.

Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Commission following the meeting at which the request was received. The designated agent for the Commission may make such ruling on behalf of the Commission at any time.

Section 5
Activities Regulated by the State

- 5.1** In addition to any permit or approval required by the Commission, the Commissioner of the Department of Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction.
- a. Construction or modification of any dam pursuant to Sections 22a-401 through 22a-411 of the Connecticut General Statutes, as amended.
 - b. Construction, encroachment or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349a of the Connecticut General Statutes, as amended.
 - c. Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the state pursuant to Sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
 - d. Diversion of water, including withdrawals of surface or groundwater in excess of fifty thousand (50,000) gallons per day or any piping, culverting, channelization, relocation, damming or other alteration of the location of flow of any surface waters of the state where the tributary watershed area above the point of such alteration is 100 acres or larger, pursuant to Sections 22a-365 through 22a-378a of the Connecticut General Statutes, as amended.
 - e. Discharges into the waters of the state pursuant to Section 22a-430 of the Connecticut General Statutes, as amended.

- f. Discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.
- 5.2** The Commissioner of the Department of Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, Commission 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.
- 5.3** The Commissioner of the Department 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.
- 5.4** The Commissioner of the Department 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 or a dam construction permit issued by the Commissioner of Environmental Protection under Sections 22a-403 or 22a-41 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or dam construction 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 dam permit.

Section 6
Regulated Activities to be Licensed

- 6.1** No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands and Watercourses Commission of the Town of Wolcott.
- 6.2** The Commission shall regulate any operation within or use of a regulated area involving removal or deposition of materials, or any obstruction, construction, alteration or pollution of such regulated area and any other regulated activity, unless such operation or use is permitted or non-regulated pursuant to Section 4 of these regulations.
- 6.3** The Commission shall regulate any operation or activity outside of the regulated area which has resulted in materials or pollution, as defined in Section 2 of these regulations, entering, or being in immediate danger of entering a regulated area. This provision shall come into effect automatically when the Soil Erosion and Sediment Control Plan of any project or activity within the Town is found to be inadequate or non-existent and as a result has immediately endangered any regulated area within or bordering upon the Town, including the storm drainage system.

Under this Section all activity on the site shall stop upon discovery of the incursion, either voluntarily, or as a result of an action taken in conformance with Section 14.3 of these regulations. Once stopped the project shall not be allowed to continue until an adequate Soil Erosion and Sediment Control Plan is prepared and an Inland Wetlands and Watercourses Permit is applied for and issued.

This provision shall not take effect if:

- a. The danger to the regulated area is contained within twenty-four (24) hours of its inception, and

- b. The Soil Erosion and/or Sediment Control Barriers are modified, repaired or replaced within forty-eight (48) hours, as dictated by the incident, and
- c. The Inland Wetlands and Watercourses Commission is notified of the failure and the Commission or their Designated Enforcement Agent approves the plan to remove the offending material or pollution from the vicinity of the regulated area.

If Wetlands Restoration Activity is deemed to be required by the Commission a permit will be mandatory.

- 6.4** Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Commission, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these regulations, fee adjustments as prescribed in Section 19 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 Commission. The application shall contain the information described in this section and any other information the Commission may reasonably require. Application forms may be obtained in the offices of the Commission.
- 7.2** If an application to the Town of Wolcott Planning, Zoning, or Planning and Zoning Commission 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 Commission in accordance with this section. Any changes or modifications required for approval by Planning, Zoning, or Planning and Zoning Commission which vary from an application approved by the Inland Wetlands and Watercourses Commission must be submitted and described within a new application to the Inland Wetlands and Watercourses Commission.
- 7.3** The application shall contain such information as is necessary for a fair and informed determination thereon by the Commission.
- 7.4** A prospective applicant may request the Commission 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 in printed form, as well as a signature sign-off, home and business mailing addresses and telephone number(s);

- b. the name, address and phone number(s) of any agent contracted by the applicant(i.e., consultant, soil scientist, engineer) shall also be listed within the application form, with a printed identification of the primary contact's name and also including a sign-off by that contact for each such agent;
- c. the owner's name, mailing address and 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;
- d. the applicant's interest in the land;
- e. 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), and wetland vegetation;
- f. the purpose and a description of the proposed activity and 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;
- g. alternatives considered and subsequently rejected by the applicant and why the alternative as set forth in the application was chosen; all such alternatives shall be diagrammed on a site plan or drawing;
- h. a site plan showing the proposed activity and existing and proposed conditions in relation to wetlands and

watercourses, the boundaries of which shall be clearly marked and color coded (wetlands identified by green coloring, watercourses by pink, and regulated areas by yellow) 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; site plan should also include (specific proposed locations at which permanent markers described in Subsection 11.9(k)) will be subsequently placed, as condition of permit issuance, to clearly demarcate the boundary of regulated areas;

- i. names and mailing addresses of adjacent land owners;
- j. 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;
- k. authorization for the members and agents of the Commission to inspect the subject land, at reasonable times, both before and after a final decision has been issued;
- l. a completed DEP reporting form; the Commission shall revise or correct the information provided by the applicant and submit the form to the Commissioner of the Department of Environmental Protection in accordance with Section 22a-39-14 of the Regulations of Connecticut State Agencies;
- m. any other information the Commission deems necessary to the understanding of what the applicant is proposing; and
- n. submission of the appropriate filing fee based on the fee schedule established in Section 19 of these regulations.

- o. local or street on site blow-up map section included on map/site plan.
- p. Town Engineer shall note upon those plans which he reviewed the date of that review.

7.6 If the proposed activity involves a significant impact activity as determined by the Commission, 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, marked and color added (green for wetlands boundaries, pink for watercourses and yellow for regulated area 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 watercourse 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 scientists 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, 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; and
- g. management practices and other measures designed to mitigate the impact of the proposed activity.

7.7 The applicant shall certify whether:

- a. any portion of the property on which the regulated activity is proposed is located within 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; or,
- d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

A copy of all drainage and run-off calculations used to reach above conclusions shall be included with the application.

7.8 Four (4) copies of all application materials shall be

submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the Commission.

- 7.9 Any application to renew or amend an existing permit shall be filed with the Commission 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 Commission 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 judgement, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activity;
- 7.10 Any application to renew a permit shall be granted upon request of the permit holder unless the Commission 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.

- 7.11** Installation of environmentally protective measures such as silt fences and tracking pads shall be completed at the time of application, and before the permit can be granted.

Section 8
Application Procedures

- 8.1** All applications shall be submitted to the Inland Wetlands and Watercourses Commission of the Town of Wolcott.
- 8.2** When an application to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse is filed and any portion of such wetland or watercourse is within five hundred feet of the boundary of another municipality, the applicant shall give written notice of the application by certified mail, return receipt requested, on the same day to the inland wetlands commission of such other municipality.
- 8.3** The Commission shall, in accordance with Connecticut General Statutes Section 22a-42b, notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:
- a. any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 - b. a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - c. a significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or,
 - d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Notice of the pendency of such application shall be made by certified mail, return receipt requested and shall be mailed within seven days of the date of receipt of the application.

- 8.4** 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 16-1 of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company provided such water company 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 Commission of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Commission.
- 8.5** The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission, provided such meeting is no earlier than ten (10) business days after receipt, or thirty-five days after such submission, whichever is sooner.
- 8.6** At any time during the review period, the applicant shall provide such additional information as the Commission may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in Subsection 11.2 of these regulations.
- 8.7** All applications shall be open for public inspection.
- 8.8** Incomplete applications may be denied.

Section 9
Public Hearings

- 9.1** The Commission shall not hold a public hearing on an application unless the Commission determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least twenty-five persons requesting a hearing is filed with the Commission not later than fourteen days after the submission of such application or the Commission finds that a public hearing regarding such application would be in the public interest. The Commission may issue a permit without a public hearing provided no petition provided for in this Section is filed with the Commission on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any public hearing.
- 9.2** Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two 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. Said legal notice shall give adequate information about the nature of the proposed activity and the general location of the property, sufficient to apprise those who may be affected by the proposed activity so as to enable them to prepare intelligently for the hearing. Publication of all abutting owners is not mandated by this regulation.
- 9.3** Each application involving a significant activity shall be accompanied by a list of names and addresses of the owners of all properties or portions of properties situated within 100 feet of the site of the proposed activity, as indicated on the most recent records on file in the Town of Wolcott Tax Assessor's office. The applicant shall mail notification of

said pending application to at least one owner of record of each of said properties not more than fifteen (15) days but not less than ten (10) days prior to the date set for the public hearing. The text of said notice shall be the public hearing notice provided by the Commission, including a general description of the proposed activity. Evidence of such mailings, in the form of U.S. Postal Office Certificates of Mailing accompanied by a copy of the materials mailed, shall be submitted to the Commission together with the duplicate list of the above noted property owners not less than five days prior to the public hearing date. Failure to comply with any of the procedures required herein shall be deemed a valid basis for denial of the application, but shall not result in an automatic denial. In the case of the properties held in joint or multiple ownership, notification to a condominium officer or director, a corporate officer, a partner or other persons having a partial ownership fee interest in the property shall be considered adequate notification to all co-owners or parties in interest. These written notification requirements are in addition to any Statutory mandated public notice requirements. Therefore, the Commission shall be the sole judge of the adequacy of notice in the event of any dispute as to proper and adequate notification, incorrect address or the inadvertent failure of a property owner to be notified. Furthermore, any deficiency, whether perceived or real, in the above noted notification procedure shall not be construed as an automatic invalidation of any decision of the Commission on that application and shall not be considered jurisdictional.

- 9.4** In the case of any application which is subject to the notification provisions of Subsection 8.3 of these regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality(ies) has received notice of the pendency of the application.

Proof of such notification shall be entered into the hearing record.

Section 10
Considerations for Decision

10.1 The Commission may consider the following in making its decision on an application:

- a. The application and its supporting documentation.
- b. Public comments, evidence and testimony.
- c. Reports from other agencies and commissions including but not limited to the Town of Wolcott:
 1. Conservation Commission
 2. Planning, Zoning, or Planning and Zoning Commissions
 3. Building Official
 4. Health Officer
- d. The Commission may also consider comments on any application from the New Haven County Soil and Water 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.
- e. Non-receipt of comments from agencies and commissions listed in Subdivisions 10.1.c and d above within the prescribed time shall neither delay nor prejudice the decision of the Agency.

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

- a. the environmental impact of the proposed action, including the effects on inland wetlands or watercourses capacity to support fish and wildlife, to prevent flooding, to supply water and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety;
- b. the alternatives to the proposed action including a consideration of alternatives which might enhance environmental quality or have less detrimental effect, and which could feasibly attain the basic objectives of the activity proposed in the application. This consideration should include, but is not limited to, the alternative of requiring action of different nature which would provide similar benefits with different environmental impacts, such as using a different location for the activity;
- c. the relationship between the short term uses and long term uses of the environment and the maintenance and enhancement of long-term productivity, including consideration of the extent to which the proposed activity involves trade-offs between short term environmental gains at the expense of long-term losses, or vice-versa, and consideration of the extent to which the proposed action forecloses or predetermines future options;
- d. irreversible and irretrievable commitments of resources which would be involved in the proposed activity. This requires recognition that the inland wetlands and watercourses of the State of Connecticut are an indispensable, irreplaceable and fragile natural resource, and that these areas may be irreversibly destroyed by deposition, filling and removal of material, by the diversion, diminution or obstruction of water flows, and by the erection of structures and other uses;



