

TOWN OF SOUTH WINDSOR



INLAND WETLAND/WATERCOURSE AND CONSERVATION REGULATIONS

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TABLE OF CONTENTS

SECTION I - TITLE AND AUTHORITY	1
SECTION III -- INVENTORY AND MAPPING OF REGULATED AREAS ...	7
SECTION IV -- PERMITTED AND NON-REGULATED USES	8
SECTION V -- REGULATED ACTIVITIES, PERMITS AND USES	10
SECTION VI -- ACTIVITIES REGULATED BY THE STATE	11
SECTION VII - APPLICATION PROCEDURE	12
SECTION VIII -- INFORMATION REOUIRED ON APPLICATIONS	17
SECTION IX -- FORMAL REVIEW	22
SECTION X -- PUBLIC HEARING	24
SECTION XI -- DECISION AND DECISION REVIEW PROCEDURES	25
SECTION XII -- PERMIT DECISIONS	28
SECTION XIII -- PERMIT DURATION	30
SECTION XIV -- APPEALS	30
SECTION XV -- ENFORCEMENT	31
SECTION XVI -- BOND AND INSURANCE	32
SECTION XVII -- AMENDMENTS	32
SECTION XVIII -- CONFLICT AND SEVERANCE	35
SECTION XIX - ESTABLISHMENT OF REGULATIONS	36
REVISIONS	37

SECTION I - TITLE AND AUTHORITY

- 1.1 These regulations shall be known as the "Inland Wetlands, Watercourses, and Conservation Regulations of the Town of South Windsor".
- 1.2 These regulations have been prepared by the Inland Wetlands Agency/Conservation Commission of the Town of South Windsor in accordance with the provisions of An Act Concerning Inland Wetlands and Watercourses (Public Act 155, 1972, amended, P.A. 571, 1973), codified as sections 22a-36 to 45 inclusive of the Connecticut General Statutes, as amended, hereinafter referred to as "The Act" together with an act concerning establishment of municipal conservation commissions (P.A. 310, 1961; P.A. 490 S.7, 1963; P.A. 284 S. 1, 1969; P.A. 872 S.403, 1971; P.A. 73-293 and P.A. 79-84), as amended, codified as section 7-131a to 131q inclusive of the Connecticut General Statutes, as amended, herein referred to as "The Act". The Agency was authorized by the Town Council of the Town of South Windsor in accordance with a resolution adopted June 4, 1973. The Conservation Commission was authorized by the Town Council of South Windsor in accordance with a resolution adopted, and later revised 2-4-80 as Ordinance No. 99, sections 9-22 through 9-27 of The Code of the Town of South Windsor.
- 1.3 Pursuant to The Act, the Inland Wetlands Agency/Conservation Commission of the Town of South Windsor has the option of granting a permit, granting a permit with conditions or limitations, or denying a permit for all uses and activities on inland wetlands and watercourses; and the development, conservation, supervision and regulation of natural resources within the Town of South Windsor. The Conservation Commission also shall oversee planning and maintenance of the South Windsor Wildlife Sanctuary and, in accordance with Connecticut General Statutes 131-b shall (1) conduct research into the utilization and possible utilization of land areas of the municipality. (2) keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information on the proper use of such areas. and (3) keep records of its meetings and activities and make an annual report to the municipality in the manner required of other municipal agencies. And it may, with the approval of the municipal legislative body, acquire land and easements in the name of the municipality.
- 1.4 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; hydrological stability; control of flooding and erosion; recharging and purification of groundwater; and 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 deposit, 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 these regulations (see section 22a-36 of the Connecticut General Statutes as amended) 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 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.

SECTION 11 - DEFINITIONS

2.1 As used in these regulations:

- A. "Agency" means The Inland Wetlands Agency/Conservation Commission of the Town of South Windsor;
- B. "Bogs" are areas distinguished by evergreen trees and shrubs under laid by peat deposits, poor drainage, and highly acidic conditions;
- C. "Buildable area" means a residential lot shall contain a contiguous buildable area of at least 10,000 square feet, into which a square of ninety feet by ninety feet [90' x 90'] can be located, exclusive of regulated areas

associated with wetlands, watercourses, and water bodies; and within which the dwelling must be located;

- D. "Clean Fill" means uncontaminated natural soil or rock which is inert in terms of leaching and poses no threat, present or future, of pollution to surface waters or ground waters. Moreover, clean fill typically excludes, but is not limited to the exclusion of: demolition or construction waste materials or debris (combustible or non combustible) including concrete, asphalt, paving materials or by-products, yard wastes, including branches, limbs, brush, shrubs, trees, parts of trees, tree stumps and similar materials grown on or emanating from land; non putresible solid wastes, combustible or non combustible; and bulky rubbish or refuse, including putresible solids, semi solids or liquids;
- E. "Clear-cutting" means the harvest of timber in a fashion which removes all trees in excess of two (2) inch caliper;
- F. "Conservation" means the development, conservation, supervision, and regulation of natural resources within the Town of South Windsor;
- G. "Conservation easement" means a restrictive covenant running from the property owner to the Town of South Windsor, which restrictive covenant shall attach to and run with the land and be binding upon the property owner and his heirs, successors and assigns. The effect of the conservation easement shall be a legal agreement between the property owner and the Town, wherein the property owner agrees to perpetually preserve, protect, conserve and maintain in a natural, scenic and open condition, all land contained within the legal description encompassing the conservation easement. By natural, scenic and open condition it is hereby meant that the land must remain undisturbed i.e., no construction; no filling or excavation; no removal or destruction of trees, shrubs, or vegetation (live or dead); and no activities detrimental to drainage, flood control, water conservation, erosion control, soil, conservation or the preservation of wildlife. The fee simple interest in the land contained within the conservation easement shall remain with the owner of the land subject to the conservation easement in favor of the Town;
- H. "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;
- I. "Deposit" includes, but shall not be limited to fill, grade, dump, place, discharge, or emit;

- J. "Discharge" means the emission of any water, substance or material into waters of the Town of South Windsor whether or not such substance causes pollution;
- K. "Disturb the natural and indigenous character of the land" means the activity will alter the inland wetlands and watercourses by reason of removal or deposition of material, clear cutting, alteration or obstruction of water flow, or will result in the pollution of the wetland or watercourse;
- L. "Feasible" means able to be constructed or implemented consistent with sound engineering principles;
- M. "License" means the whole or any part of a permit, certificate of approval or similar form of permission which may be required of any person by the provisions of these regulations or The Act;
- N. "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;
- O. "Marshes" are areas with soils that exhibit aquic moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by soft stemmed herbaceous plants. The water table in marshes is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six inches or more in depth are common;
- P. "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;
- Q. "Open Space Land" means any land used for agriculture, parks, natural areas, forests, camping, fishing, wetland preservation, wildlife habitat, reservoirs, hunting, golfing, boating, historic and scenic preservation, and other purposes as set forth in state and federal laws and regulations;

- R. "Person" means any person, firm, partnership, association, corporation, company, organization, or legal entity of any kind including municipal corporations, governmental agencies or subdivisions thereof;
- S. "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;
- T. "Pollution" means any harmful thermal effect or the contamination or rendering unclean or impure of any wetlands or watercourses of the Town of South Windsor 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 are not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity;
- U. "Regulated Activity" means any operation within or use of or effect upon a wetland or watercourse involving removal or deposit of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, and earth moving, filling, construction, or clear-cutting of trees within eighty (80) feet of wetlands or a watercourse, (upland review area boundary), but shall not include the activities specified in section IV of these Regulations. Because certain activities have an adverse impact on wetlands, activities outside these distances are regulated if the Agency determines they are likely to cause or have the potential to cause adverse impact on a regulated area;
- V. "Regulated Area" means all wetlands and watercourses in the Town of South Windsor as defined in these regulations;
- W. "Remove" includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, bulldoze, dragline or blast;
- X. "Rendering Unclean or Impure" means any alteration of the physical, chemical, or biological properties of any of the waters of the Town of South Windsor, including, but not limited to, change in odor, color, turbidity or taste;
- Y. "Significant impact activity", means any activity, including, but not limited to, the following activities which may have a major effect or significant impact on the area for which an application has been filed or on another part of the inland wetland or watercourse system; or

1. Any activity involving the deposit 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; or
 2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system; or
 3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife, or other biological life; or to prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space; or to perform other functions; or
 4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse; or
 5. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area; or
 6. Any activity which causes or has the potential to cause pollution of a wetland or watercourse; or
 7. Any activity which impacts unique wetland or watercourse areas having demonstrable scientific or educational value;
- Z. "Soil Scientist" means an individual duly qualified in accordance with standards set by the federal Office of Personnel Management;
- AA. "Submerged lands," means those lands, which are inundated by water on a seasonal or more frequent basis;
- BB. "Submission" means the date that the application is presented to, and date stamped by, the Planning Department;
- CC. "Swamps" are areas with soils that exhibit aquic moisture regimes and are dominated by wetland trees and shrubs;
- DD. "Upland Review Area" Non-wetland or non-watercourse area around wetlands or watercourses within which certain types of activities, as defined in these regulations as *regulated activities*, are taking place. While requiring a permit for specified activities within defined *upland review area boundaries*, the Agency has authority to regulate proposed activities located in more distant upland areas if they are likely to impact or affect a wetland or watercourse;

- EE. "Waste" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute, or tend to pollute, any of the waters of the Town of South Windsor;
- FF. "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 Section 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;
- GG. "Wetlands" means land, including submerged land not regulated pursuant to section 22a-28 to 22a-35 of the Connecticut General Statutes inclusive, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by National Cooperative Soils Survey, as may be amended from time to time, by the Natural Resources Conservation Service of the United States 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 National Cooperative Soil Survey.

SECTION III -- INVENTORY AND MAPPING OF REGULATED AREAS

- 3.1 The map of regulated areas entitled "Inland Wetlands and Watercourses Map, South Windsor, 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 Town Clerk or the Agency. 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 Agency 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 The Agency or its designated agent(s) shall maintain a current inventory of regulated areas within the town. The Agency 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, soils maps, site

inspection observations or other available information. Such map amendments are subject to the public hearing process outlined in section 17.4 of these regulations.

SECTION IV -- PERMITTED AND 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 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. The Agency may request specific information and/or a site plan detailing exactly what work is to be done so as to ascertain whether such activity (in kind or in amount) is a permitted use:
 - B. A residential home (1) for which a building permit has been issued or (2) 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, as amended by section 6 of this act, 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. Documentation (i.e., the actual copy of the building permit and/or subdivision plan) for verification of authenticity and other related information may be required by the Agency. Also, written statements as to any work, deemed necessary by the applicant (owner), on the lot itself. Any filling, dredging or grading work will require the submission of a site plan detailing exactly what work is to be done, in relation to wetlands and watercourses, together with a written explanation as to how and why such work is deemed necessary for the maintenance and enjoyment of the residential home. Any such work beyond the construction of the residential home itself may require a permit from the Agency;

- C. Uses incidental for the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted by the South Windsor Zoning Regulations. Such incidental uses shall include maintenance of existing structures and landscaping but shall not include removal or deposit of significant amounts of material from or onto a wetlands or watercourse or diversion or alteration of a watercourse. The Agency may request specific information and/or a site plan detailing exactly what work is to be done so as to ascertain whether such activity (in kind or in amount) is a permitted use;
 - D. Boat anchorage or mooring; not to include dredging or dock construction;
 - E. Construction and operation by water companies, as defined in 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. 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 non-regulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland and 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, emergency repairs, minor work to control erosion, or minor work to encourage proper fish, wildlife and silviculture management practices;
 - B. Outdoor recreation including play and sporting areas, golf courses, field trails, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing where otherwise legally permitted and regulated.
- 4.3 All activities in wetlands or watercourses involving filling, excavation, dredging, clear-cutting, grading and excavation or any other alteration or use of a wetland or

watercourse not specifically permitted by this section shall require a permit from the Agency in accordance with section VII of these regulations.

- 4.4 To carry out the purposes of this section, any person proposing to carry out a permitted or non-regulated 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 Agency on a form provided by it. They shall also 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 the wetland or watercourse. The Agency, or its designated agent, shall rule that the proposed operation or use is a permitted or a non-regulated 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 Agency following the meeting at which the request was received. The designated agent for the Agency may make such ruling on behalf of the Agency at any time.
- 4.5 If the Agency finds on the basis of the evidence before it that a proposed use or activity will not involve any regulated activity, as defined in section 2. 1 s, permission to proceed shall be granted forthwith, subject to limitation or revocation, if it is later shown that a regulated activity is involved in, or arises from that use.

SECTION V -- REGULATED ACTIVITIES, PERMITS AND USES

- 5.1 Subject to the provisions of section II hereof, regulated activities affecting the wetlands and watercourses of the Town are prohibited except as they may be permitted by the Agency, as hereinafter provided.
- 5.2 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Agency.
- 5.3 The Agency shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, alteration or pollution, of such wetlands or watercourses and any other regulated activity, unless such operation or use is permitted or non-regulated pursuant to section IV of these regulations.
- 5.4 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in section XV of these regulations and any other remedies as provided by law.

- 5.5 The 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 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 8.5 of these regulations and any other information the Agency may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 7, 8, 9, and 11 of these regulations, such agent may approve or extend such an activity at any time.
- 5.6 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 Agency within fifteen 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 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 VI -- ACTIVITIES REGULATED BY THE STATE

- 6.1 In addition to any permit or approval required by the Agency, the Commissioner of Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:
- A. Construction or modification of any dam pursuant to sections 22a-401 through 22a-410 of the 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-349 of the Connecticut General Statutes, as amended;
 - C. Construction or placement of any structure or obstruction within the tidal or navigable waters of the state pursuant to sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to section 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 change in the instantaneous flow of any surface waters of the state where the tributary watershed area above the point of diversion is one hundred (100) acres or larger pursuant to sections 22a-365 through 22a-378 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.
- 6.2 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, (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.
- 6.3 The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands regulated pursuant to sections 22a-28 through 22a-35 of the Connecticut General Statutes.
- 6.4 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 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 agency for any action necessary to comply with said dam order or to carry out the activities authorized by said dam permit.

SECTION VII - APPLICATION PROCEDURE

- 7.1 Any person applying for a regulated activity, as defined in section 2.1U, or seeking conservation plan approval shall submit an application for a permit or conservation plan approval to the Agency or its Agent.

- 7.2 The application forms entitled "Inland Wetlands, Watercourses, and Conservation Application" (hereinafter referred to as the "IWWC Application") and "Minimal Impact Inland Wetlands, Watercourses, and Conservation Application"(hereinafter referred to as the "Minimal Impact Application") will be made available in the Planning Department, Town of South Windsor.
7. 2a All applications must be made by the property owner of record, or an individual having substantial interest in the property or a duly authorized agent or attorney.
- 7.3 An applicant applying for an IWWC Application shall be responsible for the following:
- A. The applicant shall be responsible for displaying a sign on the property that states that an application is pending before the Agency. The sign shall be visible from a town street and shall be displayed for at least ten(10)days before the scheduled meeting. The applicant may obtain the sign at the Planning Department, Town of South Windsor.
 - B. The applicant shall also notify abutting property owners, in writing by certified mail, within at least seven (7) calendar days of the time an application is submitted, that an application is pending before the Agency. The applicant is required to provide a copy of the certified letter and to whom it was sent at the time the application is received and presented to the Agency. The applicant may also be requested by the Agency to notify other property owners at the direction of the Agency.
 - C. The application and maps or plans shall be filed in duplicate at the Planning Department, Town of South Windsor.
 - D. When deemed appropriate by the Agency, or its designated agent, a copy of the application and maps or plans shall be submitted to the town Engineer for review.
 - E. An application fee is required and must be submitted to the Agency with the application. In the event the fee is not paid the application may be denied. Fees include a ten dollar (\$10) surcharge, assessed by the State, to fund the State Environmental quality Fund. A fee schedule can be obtained in the Planning Department.
 - F. No application shall be deemed a complete application unless it shall be in such form and contain such information, as the Agency deems necessary for a fair determination of the issues. Incomplete applications may be denied.
 - G. All information submitted in the application for review shall be considered factual, or in the case of anticipated activity, binding. A knowing failure of

the applicant or any of his, or her, or its agents to provide correct information, or activities exceeding the scope of the permit, shall be sufficient grounds for the revocation of any permit under these regulations.

- H. The Agency will require submission of the application, with accompanying maps or plans and required fee by date of receipt. The Agency will not hear the presentation of the application involving a regulated activity until at least 14 days after the date of receipt. Priority for placement on the agenda will be by order of date. It is the applicant's responsibility to ensure that all information required is submitted. The applicant is encouraged to respond to all staff reviews and comments before the application is scheduled on the agenda for presentation to the Agency. All additions and revisions to the application shall be received no less than three (3) days prior to the presentation.
- I. At any time during the review period, the Agency may require the applicant to provide more information about the wetlands and/or watercourses in question and/or proposed activity.
- J. The Agency, and its agent or any specialists retained by the Agency shall have the right of free access to portions of the property under consideration, to evaluate permit applications under these regulations.
- K. The Agency may require meetings with the applicant at times designated by the Agency.
- L. A reporting form shall be completed during the application process, which provides the Commissioner of the Department of Environmental Protection with information necessary to properly monitor the inventory of State wetlands. The reporting form shall be part of the application and the following information shall be provided by the applicant; name of applicant; location and name of the project; project and site description; area of wetlands and/or linear feet of watercourse proposed to be altered. The Agency shall be responsible for the remaining information and any corrections on the form and for filing it in accordance with section 22a-39(m) of the Inland Wetlands and Watercourses Regulations of the Department of Environmental Protection.
- M. In the case of any IWWC application where any portion of the wetland or watercourse on which the regulated activity is proposed is located within five hundred (500) feet of Hartford, Vernon, Manchester, East Hartford, East Windsor, Windsor or Ellington (which shall be considered adjoining municipalities) the applicant shall give written notice, in accordance with Public Act 87-533, of the proposed activity, certified mail return receipt requested, to the adjacent municipal wetlands agency on the same day of filing an application with the South Windsor Inland Wetlands Agency.

Documentation of such notice shall be provided to the Agency in accordance with section 22a-42c of the Connecticut General Statutes.

1. 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.
- N. When an IWWC 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 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 receipt 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 Agency.
- 7.4 An applicant applying for a Minimal Impact Application shall be responsible for the following:
 - A. It is the applicant's responsibility to ensure that all information required is submitted.
 - B. An application fee is required and must be submitted to the Agency with the application. In the event the fee is not paid the application may be denied. Fees include a ten dollar (\$10) surcharge, assessed by the State, to fund the State Environmental fund. A fee schedule can be obtained in the Planning Department.
 - C. No application shall be deemed a complete application unless it shall be in such form and contain such information, as the Agency deems necessary for a fair determination of the issues. Incomplete applications may be denied.

- D. All information submitted in the application for review shall be considered factual, or in the case of anticipated activity, binding. A knowing failure of the applicant or any of his, or her, or its agents to provide correct information, or performance exceeding the levels of activity anticipated, shall be sufficient grounds for the revocation of any permit under these regulations.
 - E. The Agency or its Agent or any specialists retained by the Agency shall have the right of free access to portions of the property under consideration, to evaluate permit applications under these regulations.
 - F. Upon approval by the authorized Agent, the applicant shall cause notice of the decision to be published in a daily newspaper having a general circulation in the town where the activity occurs. The notice must be published within 10 days of the decision.
 - G. A reporting form shall be completed during the application process, which provides the Commissioner of the Department of Environmental Protection within information necessary to properly monitor the inventory of State wetlands. The reporting form shall be part of the application and the following information shall be provided by the applicant; name of applicant; location and name of the project; project and site description; area of wetlands and/or linear feet of watercourse proposed to be altered. The Agency shall be responsible for the remaining information and any corrections on the form and for filing it in accordance with section 22a-39(m) of the Inland Wetlands and Watercourses Regulations of the Department of Environmental Protection.
7. 5 The regular meetings of the Agency shall be on the first and third Wednesdays of the month. (This may be changed by a majority vote of the Commission.) In the event of conflict with legal holidays, the meetings will be scheduled for the previous or subsequent Wednesdays, utilizing the earliest possible Wednesdays of the month.
- 7.5a Applications for permits and approval of conservation plans shall be officially received at each regularly scheduled meeting of the month, providing such meeting is no earlier than three (3) business days after submission, or thirty five (35) days after such submission, whichever is sooner. Applications not ready for presentation will be scheduled on an agenda, as soon as possible, after staff reviews and comments have been addressed. Incomplete plans may be denied by the Agency.
- 7.6 No application, previously acted on by the Agency, may be resubmitted within one (1) year of said action unless there are significant changes to the

application. This provision does not apply to applications that are withdrawn by the applicant prior to action by the Agency.

SECTION VIII -- INFORMATION REQUIRED ON APPLICATIONS

8.1 The IWWC Application shall include the following information in writing, and shall be on a form provided by the Agency and available from the Planning Department, Town of South Windsor:

- A. The applicant's name, home and business addresses, and telephone numbers.
- B. The owner's name (if applicant is not the owner of the property), home and business addresses, telephone numbers, and written consent to the proposed activity set forth in the application.
- C. If applicant is not the owner, state interest in the land.
- D. The geographical location of the property which is to be affected by the proposed activity, including a description of the land in sufficient detail to allow identification of the property on the Inland Wetlands and Watercourses Map including the parcel number as shown on the current Tax Assessor's Map.
- E. Names and addresses of adjacent property owners.
- F. Proof that all abutting property owners have been notified by certified mail that an application is pending before the Agency.
- G. The purpose and 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.
- H. Amount and kind of material proposed to be removed, or deposited and/or type of use.
- I. Acreage/sq. ft. of wetlands and watercourses in regulated areas to be altered.
- J. The acreage/sq. ft. of regulated area and disturbance (including wetlands and regulated upland review areas) and types of fill.

- K. Acreage of wetlands and watercourses to be created.
- L. Lineal feet of proposed stream alteration.
- M. Total land area of project and percentage, which is wetlands.
- N. Alternatives considered by the applicant and why the proposal to alter the wetlands set forth in the application was chosen.
- O. A separate Class A-2 map showing only existing conditions and contours
- P. Class A-2 map of the area to be developed, 1"= 40', showing the following:
 - 1. Regulated activities;
 - 2. Existing structures and property lines;
 - 3. Locations of existing watercourses and wetlands, as defined in sections 2.1 FF and 2.1 GG of these regulations, and boundaries of regulated areas defined in section 2.1V of these regulations. Identify the reference for watercourses and/or wetlands boundaries as shown on the map. The identifying numbers or other reference systems used in field delineation shall be shown on the plans. The party responsible for delineating wetlands, watercourses, or water bodies shall verify the limits as shown on the plans and shall submit a written report describing the findings. If the property does not contain any watercourses or wetlands this shall be noted on the plans;
 - 4. Location of one hundred (100) year flood lines;
 - 5. Elevations by two, (2) ft. contours;
 - 6. Natural landscape features, woodland and vegetation;
 - 7. Utilities existing and proposed;
 - 8. Proposed layout development and uses;
 - 9. Layout of existing and proposed drainage systems;
 - 10. Layout of existing and proposed sanitary sewers or septic systems;
 - 11. Proposed open spaces;
 - 12. Proposed areas of change where material is intended to be deposited or removed;

13. Proposed grading or any earth movement anticipated;
14. Percentage of impervious area;
15. Disposal of stumps;
16. Test pits on site;
17. Buildable area as defined in section 2.1c; (see waiver provision in section 8.4);
18. Proposed detention basin, if required, sized for one hundred (100) year storm and zero increase in peak rate of runoff. This may be waived, if in the opinion of the Town Engineer, a lesser basin design is consistent with the Town's overall stormwater management program;
19. Proposed soil erosion prevention, sediment control and other soil conservation treatments to be taken showing any proposed sediment basins, diversion dikes, indicating the timing of stripping of topsoil, when topsoil shall be stripped, where topsoil shall be stored and for how long, and what method of stabilization shall be used, and be in complete compliance with the guidelines expressly set forth in Public Act 83-388, as amended, "An Act Concerning Soil Erosion and Sediment Control" which amends or creates sections 8-2, 8-13d, 8-25 and section 22a-36 et. seq. of the Connecticut General Statutes of Connecticut;
20. Projected changes in velocity, volume or course of water flow and their effects;
21. Drainage calculations should be submitted, when appropriate, including topographic information showing the natural drainage areas.

Q. A conservation plan, which includes detailed phases and sequences of activities, and a specific schedule of plantings. This plan should also include, but not be limited to, a detailed erosion and sediment control plan meeting the criteria of and in compliance with the guidelines expressly set forth in Public Act 83-388 of the State Statutes, as amended, "An Act Concerning Soil Erosion and Sediment Control", as aforesaid, and defined below with a suggestion for an acceptable format. See Connecticut Guidelines for Soil Erosion and Sediment Control Handbook for further details.

1. Definition of Plan

An erosion and sediment control plan is a document, which explains and illustrates the measures, which will be taken to control erosion and sediment problems on construction sites. The plan has a written portion

known as a narrative and an illustrative portion known as a map or site plan. A plan is defined in PA 83-388 of 1983 as follows:

"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;

2. Plan Format

The soil erosion and sediment control plan shall be an integral part of the overall site plan. However, it needs to be consolidated so it can be separated from the site plan for review and certification.

To facilitate plan review, certification and implementation, and the construction inspection process, the following format is suggested:

- a. The information needed for construction should be on the construction drawings and not in the design calculations or background information.
- b. The construction drawings should all be the same size sheets.
- c. The soil erosion and sediment control measures construction drawings should be a part of the overall construction drawings for the project.
- d. The construction details for measures should be shown on a separate sheet from the plan view sheets.
- e. The stages of development, sequence of major operations on the land and maintenance program during construction are in the narrative portion of the plan but also should be on the construction drawings.
- f. General information about the project and design calculations should be in the narrative portion with the exception of a small simple plan.
- g. The design calculations should be in the narrative separate from the construction drawings. Design calculations are normally not needed for inspection, but design calculations need to be available in case revisions are necessary during construction.

- h. The background information should be in the narrative separate from the construction drawings.
 - i. Additional information as may be required by the Agency.
- 8.2 An applicant may request a waiver to the Class A-2 map requirement. This request shall be submitted in writing to the Agency, and shall be acted on by the Agency, prior to submission of an application.
- 8.3 The Agency may require the applicant to provide information from the DEP Natural Diversity Data Base to determine if any state listed endangered species exist on the project site.
- 8.4 The Agency may allow for a waiver to the buildable area; as defined in section 2.1c, in very unusual situations with documentation from a soil scientist, geologist, biologist, ecologist, or other qualified individual. A request for a waiver shall be submitted in writing to the Agency, and shall be acted on by the Agency, prior to submission of an application. Supportive documentation to justify the request must be provided by the applicant.
- 8.5 The Minimal Impact Applications shall include the following information in writing, and shall be on a form provided by the Agency and available from the Planning Department, Town of South Windsor.
 - A. The applicant's name, home and work addresses, and telephone numbers.
 - B. The owner's name (if applicant is not the owner of the property), home and business addresses, telephone numbers, and written consent to the proposed activity set forth in the application.
 - C. If applicant is not the owner, state interest in the land.
 - D. The geographical location of the property which is to be affected by the proposed activity, including a description of the land in sufficient detail to allow identification of the property on the Inland Wetlands and Watercourses Map including the parcel number as shown on the current Tax Assessor's Map.
 - E The purpose and description of all proposed regulated activity(ies) including amount of disturbance in square feet and types of fill and the time element involved.
 - F. Identification of all other permits or approvals that have been issued, applied for, or required with respect to the proposed activity set forth in the application. (These may include, but not be limited to, local Planning &

Zoning, Zoning Board of Appeals, D.E.P., F.E.M.A., D.O.T., the Army Corps of Engineers, and any other State, Local or Federal Permits.)

SECTION IX -- FORMAL REVIEW

- 9.1 If after the receipt of the application, the Agency finds that the activity applied for does or may involve a "regulated activity", which may be a "significant impact activity" (could have a major effect or significant impact on the watercourse or wetlands as defined), the application shall then be subject to further review hereinafter designated as "formal review". The application shall then be scheduled for a public hearing in accordance with section X of these regulations.
- 9.2 Under formal review the applicant may be required to meet with the Agency at times designated by the Agency and the applicant may be requested to submit such additional information as the Agency deems necessary.
- 9.3 The applicant shall present any alternatives considered and indicate why the proposal to alter wetlands set forth was chosen. In addition, the applicant shall clearly prove that the proposed alteration or destruction of wetlands and/or watercourses is unavoidable and that a feasible and prudent alternative to the alteration or destruction of wetlands and/or watercourses does not exist.
- 9.4 Additional information may be required related to the proposed regulated activity and needed to assess the impact on the regulated area, This may include, but not be limited to the following:
 - A. Soils Information - consistent with Soil Conservation Service categories as determined in the field by a qualified soil scientist. This may include, but need not be limited to:
 1. Soil types;
 2. Percolation rates;
 3. Soil saturated with water within three (3) feet of the surface for 2-12 months;
 4. Soil saturated with water within three (3) feet of the surface for less than two (2) months;
 5. Slope stability;
 6. Erosion and sedimentation problems and their solution;

7. Soil strength and suitability for construction purposes.

B. Biological Information - The applicant may be required to submit:

1. An evaluation of the extent of the presence of plant species commonly associated with wetlands or watercourse;
2. An analysis of the probable effect of the proposed activity upon the plant and animal ecosystem.
3. A report providing a functional analysis of any impacted wetlands, watercourses, or water bodies.

C. Analysis of Material to be Deposited - If any materials are to be deposited at any point within the subject parcel, the report will describe such materials in terms of:

1. Volume, in cubic yards;
2. Nature of materials (i.e., sand, gravel, loam, building materials, etc.);
3. Precise chemical composition of any toxic materials, whether such materials are enclosed in containers of any type, or are deposited openly without containment or any kind;
4. Explanation of how materials will be protected from erosion, leaching, or sediment loss.

D. Watercourse Characteristics - If a proposed activity may affect a watercourse lying within, partly within, or flowing through subject parcel, the report will describe any anticipated changes in the following:

1. PH (i.e., alkalinity/acidity level);
2. Turbidity or solids in parts per million;
3. Nitrate and phosphate level in parts per million;
4. Dissolved oxygen;
5. Temperature range;
6. Bacteria count in fecal coliforms per milliliter;
7. Test for other chemical constituents as specified by the Agency;
8. Flow, if any, in cubic feet per second.

E. Geologic Information - This may include, but need not be limited to:

1. Outcrops;
2. Depth of bedrock;
3. Bedrock type;
4. Structural characteristics of bedrock;
5. Availability of ground water;
6. Existence and location of aquifers;
7. Overburden types.

F. If the proposed activity may affect a watercourse or wetlands lying within, partly within, or flowing through, or adjacent to the affected property, information relevant to the present character and the projected impact upon the watercourse or wetlands. This may include, but need not be limited to:

1. Extent of drainage areas affected;
2. Low and high flow periods (including mean flow);
3. Proposed discharge;
4. Flooding;
5. Recharge and/or discharge of groundwater;
6. Alteration of flow characteristics;
7. Amounts of expected erosion and sedimentation.

G. Supplemental Report - Accompanying the site map(s) will be a written report providing a detailed explanation of the mapped material.

SECTION X -- PUBLIC HEARING

- 10.1 The Agency shall not hold a public hearing on an application unless the Agency 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 Agency not later than fourteen (14) 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. The Agency may issue a permit without a public hearing provided no petition is filed with the Agency on or before the fourteenth day after the date of receipt of the 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.
- 10.2 All public hearings shall commence no later than sixty five (65) days after the receipt of such application. The hearing shall be completed within forty five (45) days of its commencement. Action shall be taken on applications within thirty five (35) 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 (1) or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such application, provided the total extensions of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such 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 must either be withdrawn by the applicant or denied by the Agency.
- 10.3 Where possible, public hearings shall be completed in a single session. However, the hearing may be continued to a specified date where necessary for the full development of the evidence, or for the full and adequate participation of the parties, or for such other substantial purposes.
- 10.4 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 days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetlands or watercourses are located.
- 10.5 All applications, maps, and documents relating to the hearing shall be open for public inspection in the Planning Department, Town of South Windsor.

SECTION XI -- DECISION AND DECISION REVIEW PROCEDURES

- 11.1 The Agency shall consider the following in the making of its decision on any application:
- A. Evidence offered at the public hearing, if required;
 - B. Any reports from other agencies and commissions:

1. The Agency may submit all applications involving significant activities to the regional Soil and Water Conservation District and/or the Commissioner of the Department of Environmental Protection.
2. The Agency may request comments on all applications from the following:
 - a. Planning and Zoning Commission, Town of South Windsor;
 - b. South Windsor Public Works Department;
 - c. South Windsor Building Department;
 - d. Water Pollution Control Authority, Town of South Windsor;
 - e. South Windsor Environmental Health Officer or State Department of Health;
 - f. Regional Soil and Water Conservation District;
 - g. Regional Planning Organization;
 - h. Appropriate agencies in adjacent municipalities, which may be affected by the proposed activity;
 - i. Other technical agencies or organizations which may undertake additional studies or investigations.
3. Non-receipt of comments from these agencies shall not delay the proceeding or prejudice final decision by the Agency.

C. Information submitted by the applicant.

D. All relevant facts and circumstances as they affect inland wetlands and watercourses.

E. Public comments, evidence, and testimonies.

- 11.2 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 or watercourses.
- 11.3 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 11.2 of this section. The finding and the reasons therefor shall be stated on the record in writing.
- 11.4 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 not in the hearing record shall not be considered by the Agency in its decision. However, the Agency is not precluded from seeking advice from its own experts on information already in the record of the public hearing.

- 11.5 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 provided this subsection 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.

SECTION XII -- PERMIT DECISIONS

- 12.1 The Agency, or its duly authorized agent acting pursuant to Section 5.5 of these regulations, has the option of granting a permit, granting a permit with conditions or limitations, or denying a permit and shall state upon the record the reason(s) for its decision.
- 12.2 Conservation Easement Requirements - If the proposed activity is located within or is in the proximity to wetlands or watercourses, and the applicant proposes a conservation easement to mitigate potential impacts upon such wetlands and watercourses acceptable to the Agency, then the applicant's application, maps and documents shall include a clear delineation of said conservation easement including but not limited to the following information:
- A. The extent of the area of the proposed project affected by the conservation easement including precise acreage calculations, boundary dimensions including bearings and distances, and such other engineering data as may be required by the Agency;
 - B. Detailed provisions for the conservation plan to protect the areas within the conservation easement during all construction phases or periods of other activity on the proposed site;
 - C. In addition to showing such conservation easement on all approved maps to be filed in the Town Land Records, the applicant shall file a conservation easement containing restrictive covenants using the standard conservation easement available in the Planning Department. The conservation easement is a restrictive covenant which shall attach to and run with the land, and it shall be binding on the landowner and his heirs, successors, and assigns forever. This conservation easement document shall be recorded on the land records of the Town prior to the conveyance of title to any portion of the subject property, prior to the permit being effective, and prior to the issuance of any certificate of occupancy for any structure on the subject property;

- D. Merestones must be installed by the applicant to clearly denote the bounds of such conservation easement areas on each individual subdivided lot or parcel (as appropriate to this application) on the maps or plans. Merestones, as required by the Agency and located according to specifics on the final plan, shall be verified by the land surveyor who placed them prior to the issuance of a building permit by the Building Department for each and every subdivided lot or parcel having a conservation easement.
- 12.3 Action shall be taken on applications within thirty-five (35) 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 complete application. The applicant may consent to one (1) or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such application, provided the total extensions of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such 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 must either be withdrawn by the applicant or denied by the Agency.
- 12.4 Upon the rendering of a final decision, the Agency shall notify the applicant by certified mail of its decision within fifteen (15) days of the date of the decision. The Agency shall, in addition, cause notice of its order in issuance or denial of a permit to be published in a daily newspaper having a general circulation in the Town wherein the regulated area 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.
- 12.5 If a bond is required in accordance with section XVI of these regulations, no permit shall be issued until such bond or surety is provided. None of the proposed activities under the permit can begin until all changes required by the Agency have been added to the plans. Furthermore none of the proposed activities under the permit can begin until all bonding, if required by this permit, has been posted and final plans, with approval letter reproduced thereon, have been filed with the Planning Department.
- 12.6 If the Agency denies the permit, or if it grants a permit with terms, conditions, limitation or modifications, the applicant may attempt to modify the proposal to the Agency's satisfaction. The Agency shall determine whether the proposed modification requires the filing of a new application. The rejection of a modified or corrected application by the Agency shall be equivalent to the denial of an application for the purposes of appeal.
- 12.7 The Agency shall file its decisions with the Town Clerk, Town of South Windsor and shall also cause the administrative officer designated by the Agency to maintain a record of all applications.

SECTION XIII -- PERMIT DURATION

- 13.1 The duration of any permit shall be for five (5) years. The activities approved shall be completed within one year of commencement and the Agency may establish a specific time period within which work may be conducted. The Agency may require that activities be completed in less time and may extend the time period for completion. All permits shall expire upon the completion of the acts specified by the approved plans.
- 13.2 The Agency, at its discretion, may request status reports on an approved site. The frequency shall be determined by the Agency. This report is to be written by a licensed Professional Engineer and is to detail the status of activity, compliance to sedimentation and erosion control plan, and compliance to any regulated activities approved. Failure to submit a status report, if requested, may result in the revocation of the permit.
- 13.3 Permits are issued to specific applicants for conducting regulated activities. The permittee is responsible for compliance with the permit. Permits may be transferred with consent of the Agency. The new permit holder will acknowledge understanding of the permit provisions and agree to comply. Timely action will be taken by the Agency.
- 13.4 There will be a thirty five dollar (\$35) fee required for an extension of a permit. This includes a ten dollar (\$10) surcharge, assessed by the State, to fund the State Environmental Quality Fund. In the event the fee is not paid the request for extension shall be tabled.
- 13.5 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 ten years.

SECTION XIV -- APPEALS

- 14.1 Appeal of actions of the Agency shall be made in accordance with the provision of section 22a-43 of the Connecticut General Statutes, as amended.
- 14.2 In accordance with CONNECTICUT GENERAL STATUTES 22a-42a-(c)-(2) any person may appeal the decision, made by a duly authorized Agent, to the Inland Wetlands Agency within fifteen (15) days after the publication date of the

notice of the approval 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 of such appeal. The Agency shall, at its discretion, sustain, alter, or reject the decision or require an application for a permit under these regulations.

SECTION XV -- ENFORCEMENT

- 15.1 The Agency and/or its designated agent shall monitor and maintain general surveillance of the regulated areas within the town to ensure that no unauthorized regulated activities occur.
- 15.2 The Agency and/or its designated agent shall make regular inspections of all activities for which permits have been issued under these regulations. Such activities shall be open to inspection at all reasonable times. The owner, applicant, or their agent shall have approved plans readily available and shall produce the same for inspection by such agent of the Agency upon request.
- 15.3 If the agency finds that any person is conducting or maintaining any activity, facility or condition which reasonably can be expected to impair, alter or destroy the wetlands or watercourses of the Town of South Windsor, or which is creating or reasonably can be expected to create a source of pollution to the wetlands or watercourses of the Town of South Windsor, it may issue by certified mail, one or more of the following: (1) "Warning Letter", Requiring that the property owner consult with the designated agent of the Agency within (7) days of issuance of such Warning Letter; (2) "Investigatory Letter", identifying a concern of the Agency pointing out the need to consult with the Agency within seven (7) days of issuance of the Investigatory Letter about the possible necessity of a permit, and possible penalties for any violation; (3) "Notice of Violation", being a letter stating the nature of the violation, the jurisdiction of the Agency/or its designated agent to regulate such activity, steps necessary to correct the violation, and a timetable for taking such steps; (4) "A Written Order", sent by certified mail to such person maintaining such facility or condition to correct such facility or condition.

Within ten (10) days of 15.3 (4) "A Written 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.

- 15.4 The original order shall be effective upon issuance and shall remain in effect until the Agency revises or withdraws the order. The issuance of an order pursuant to

this section shall not delay or bar an action pursuant to section 22a-44 (b) of the Connecticut General Statutes, as amended.

- 15.5 Any person who commits, takes part in or assists in any violation of any provision of these regulations or of any provision of sections 22a-36 to 22a-45 of the Connecticut General Statutes, as amended, shall be subject to the penalties provided in section 22a-44 of the Connecticut General Statutes, as amended, and to such other penalties as the law may provide.
- 15.6 Any permit granted by the Agency pursuant to these regulations may be suspended or revoked if the Agency finds 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, after giving notice to the permittee of the facts or conduct which warrants 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. The applicant shall be notified of the Agency's decision by certified mail within fifteen (15) days of the date of the decision and the Agency shall cause notice of its decision to be published in a daily newspaper having a general circulation in the town wherein the wetland lies.
- 15.7 If the Agency finds that the public health, safety or welfare requires emergency action, and incorporates a finding to that effect in its order, it may order summary suspension of the permit pending further proceedings and may issue a cease and desist order to the permittee directing him to immediately halt any and all regulated activities found to be in violation of the terms of the permit. In the event said cease and desist order is not obeyed, the Agency may bring an action pursuant to section 22a-44 of the Connecticut General Statutes, as amended.

SECTION XVI -- BOND AND INSURANCE

- 16.1 To ensure the protection of the wetlands, the applicant, upon approval of the application and prior to issuance of a permit, at the discretion of the Agency, may be required to file a cash bond, and/or a performance bond, and/or a maintenance bond in an amount and with sureties and in a form approved by the Agency.
- 16.2 The bond and sureties shall be conditioned on compliance with all provisions of these regulations and conditions imposed on application approval.
- 16.3 Applicants shall indemnify and hold harmless the Town of South Windsor against any liability, which might result from the proposed operation or use.

SECTION XVII -- AMENDMENTS

- 17.1 These regulations and the Official Inland Wetlands and Watercourses Map may from time to time be amended by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Environmental Protection, and as new information regarding soils, hydrology or botanical species, peculiar to inland wetlands and watercourses in the Town of South Windsor become available.
- 17.2 These regulations, and the Official Inland Wetlands and Watercourses Map may be amended, changed or repealed, in the manner specified in Section 22a-42a (b) of the Connecticut General Statutes, as amended. Before the effective date of any such amendment, change or repeal measure, a public hearing is to be held by the Agency, at which parties in interest and citizens shall have the opportunity to be heard. The Agency shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations or amendments thereto, except map amendments, at least thirty-five (35) days before the public hearing.
- 17.3 An application filed with the 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 upland review area boundaries, taking effect on or after the date of 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 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 Chapter 440 of the Connecticut General Statutes as of the date of such receipt.
- 17.4 Petition Procedure
- A. Any owner who disputes the designation of any part of his or her and as a regulated area on the Inland Wetlands and Watercourses Map, may petition the Agency to change the designation in accordance with this section 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. Documentation, in accordance with these regulations, may be required of the property owner when the agency requires an accurate delineation of regulated areas.
- B. Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, South Windsor, Connecticut" shall be in writing and submitted in triplicate. This shall contain at least the following:

1. The applicant's name, home and business addresses and telephone numbers;
 2. The owner's name (if not the applicant), home and business addresses, telephone numbers, and a written consent to the proposed action set forth in the application;
 3. Applicants interest in the land;
 4. The geographical location of the property involved in the petition, including a description of the land in sufficient detail to allow identification of the disputed wetland or watercourse areas on the Inland Wetlands and Watercourses Map, including the parcel number as shown on the current Tax Assessor's Map.
 5. The reasons for the requested action;
 6. The names and addresses of adjacent property owners; and
 7. A map showing proposed development of the property, if available.
- C. The Agency may require the petitioner to present documentation by a soil scientist that the land in question does not have a soil type classified by the National Cooperative Soils Survey as poorly drained, very poorly drained, alluvial, or flood plain. Such documentation includes a map of the land in question signed by a soil scientist on which the flag locations defining the boundaries of the regulated soil types are depicted.
- D. Watercourses, as defined in section 2.1 FF of these regulations, shall be delineated by a soil scientist, geologist, ecologist, or other qualified individual.
- E. A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality 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 such hearing. A copy of such proposed boundary change shall be filed in the office of the town clerk for public inspection at least ten (10) days before such hearing.
- F. Within ninety (90) days after receipt, in the office of the Agency, of a petition for a change in the mapped boundaries of any wetland or watercourse, the Agency shall hold a public hearing to consider the petition. The Agency shall act upon the changes requested in such petition within sixty (60) days after the close of the hearing. The public hearing shall be concluded within forty-five (45) days. The petitioner may consent to one or more extensions of the

periods specified in this subsection for the holding of the hearing and for action on such petition, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such petition. 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.

- G. The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made; or in the event that it was denied the Commission shall state the reasons for denial.

SECTION XVIII -- CONFLICT AND SEVERANCE

- 18.1 Nothing in these regulations shall eliminate any requirement for the applicant to obtain any other assent, permit or license required by law or regulations by the Government of the United States or of the State of Connecticut or any other political subdivision thereof. The obtaining of such assents, permits, or licenses is solely the responsibility of the applicant.
- 18.2 Where there is a conflict between the provisions of these regulations and those of any other applicable statute, ordinance or regulation, the provisions of that statute, ordinance or regulation, which imposes the greatest restrictions on the use of wetlands and watercourses, shall govern. The invalidity of any word, clause sentence, section, part or provision of these regulations shall not affect the validity of any other part, which can be given effect without such valid part of parts.
- 18.3 If there is a conflict between any provision of these Regulations and the provisions of the act, the provision of the act shall govern.

SECTION XIX -- ESTABLISHMENT OF REGULATIONS

- 19.1 These regulations including the Official Inland Wetlands and Watercourses Map shall not become effective or be established until after a public hearing in relation thereto is held by the Agency, at which parties in interest and citizens shall have an opportunity to be heard.
- 19.2 Notice of the time and place of such hearing shall be published in the form of a legal advertisement, appearing in a newspaper having a substantial circulation in the town 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 such hearing, and a copy of such proposed regulations or boundary shall be filed in the Office of the Town Clerk, Town of South Windsor

for public inspection at least ten (10) 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 (35) days before such hearing.

- 19.3 After such public hearing these regulations shall become effective upon filing a copy of the regulations in the Office of the Town Clerk, Town of South Windsor and upon publication of a notice of such filing in a newspaper having a general circulation in the Town of South Windsor.

REVISIONS

No revisions adopted prior to 1988 are recorded below.

1988 Amendments (also see SECTION II):

- 1) PERMIT DECISION add onto 11.4 - adopted 10/24/88.
- 2) FORMAL REVIEW-SECTION XI Conservation Easement Requirements, 8.6.H (1-5) - adopted 10/24/88.

1991 Amendments:

- 1) Comprehensive Changes to ALL SECTIONS - adopted 6/10/91

The following revisions are recorded in chronological order within each SECTION noting SUMMARY OF CHANGE - SUB-SECTION AFFECTED - DATE ADOPTED in that order.

TITLE AND AUTHORITY - SECTION I

Outlines responsibilities of Conservation Commission	1.3	10/18/00
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DEFINITIONS - SECTION II

Conservation Easement	2.1	10/24/88
Open Space Lane	2.1.a	10/24/88
Clean Fill	2.1.t	10/24/88
Add to last paragraph	6.4	10/24/88

Alphabetize existing definitions	2.1	03/15/93
Bogs"	2.1b	01/10/94
"Buildable area"	2.1c	01/10/94
"Marshes"	2.1n	01/10/94
"Submerged lands"	2.1y	01/10/94
"Swamps"	2.1z	01/10/94
Delete separate definition of "Intermittent Watercourse"	2.1e	04/24/96
Add "Because certain activities have an adverse impact on wetlands"	2.1r	04/24/96
Delete "; and all areas within forty (40) ft. of the boundary of such wetlands or eighty (80) feet of the boundary of such watercourses "	2.1s	04/24/96
Add "United States"	2.1w	04/24/96
Add "Watercourses definition	2.1aa	04/24/96
Delete "In Town of South Windsor or any portion thereof"	2.1aa	04/24/96
Delete "Soil Conservation Service"	2.1bb	04/24/96
Add "Natural Resources Conservation Services"	2.1bb	04/24/96
Add	2.L	06-03-98
Add	2.N	06-03-98
Add	2.S	06-03-98
Change	2.U	06-03-98
Typo	2.Y	06-03-98
Change	2.Y.4	06-03-98
Change	2.Y.7	06-03-98
Change	2.EE	06-03-98
Changed to single setback - 80ft and after "of a wetlands or watercourse" added in parentheses " <i>upland review area boundary</i> "	2.1U	10/18/00
Deleted language covered in regulation.	2.1V	10/18/00
Before "qualified" added "duly" - in lieu of "United States", "federal"	2.1Z	10/18/00
Added "Upland Review"	2.1DD	10/18/00
Re-Lettered	2.1	10/18/00

INVENTORY AND MAPPING OF REGULATED AREAS - SECTION III

Change publication time frames	3.3e	03/15/93
Delete "property owner"	3.3a	04/24/96
Add "person"	3.3a	04/24/96

Deleted and substituted new language.	3.1	10/18/00
Deleted and substituted language	3.2	10/18/00
Moved to 17.4	3.3	10/18/00

PERMITTED AND NON-REGULATED USES - SECTION IV

Reletter reference	4.5	03/15/93
Add onto sentence	4.1e	01/10/94
Reletter reference	4.5	01/10/94
Typo	4.1.B	06-03-98
Typo	4.1.C	06-03-98
Add	4.1.F	06-03-98
Amended to include activities of DEP	4.1A	10/18/00
Added "emergency repairs" and "minor work"	4.2A	10/18/00

REGULATED ACTIVITIES, PERMITS AND USES - SECTION V

Add	5.5	06-03-98
Add	5.6	06-03-98
Corrected typos and reference to section	5.5	10/18/00

SECTION VI - ACTIVITIES REGULATED BY THE STATE

Add	6.4	06-03-98
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APPLICATION PROCEDURE - SECTION VII

Change 7.3b		07/13/92
Reletter reference	7.1	03/15/93
Change permit fee to include surcharge	7.9	03/15/93
Reletter reference	7.1	01/10/94
Change "Mondays" to "Wednesdays"	7.4	01/10/94
Change "twenty-one" to "fourteen"	7.5	01/10/94
Delete "first"; add "each"	7.5 & 7.8	01/10/94
Delete portion of sentence	7.14	01/10/94
Change references & delete portion of add sentence	8.1n.3	01/10/94
Change "disposition" to "disposal"	8.1n.15	01/10/94
Add section	8.1n.17	01/10/94
Add "peak rate of"	8.1n.18	01/10/94

Add section	8.1n.21	01/10/94
Add section	8.3	01/10/94
Add section	8.4	01/10/94
Delete "second and fourth"	7.4	04/24/96
Add "first and third"	7.4	04/24/96
Delete "triplicate"	7.6	04/24/96
Add "duplicate"	7.6	04/24/96
Delete "shall be tabled"	7.9	04/24/96
Add "may be denied"	7.9	04/24/96
Delete "State Environmental Review Team"	7.9	04/24/96
Add "the State Environmental Quality Fund"	7.9	04/24/96
Add "Incomplete applications may be denied"	7.10	04/24/96
Change	7.5	06-03-98
Typo	7.10	06-03-98
Add	7.16	06-03-98
Corrected reference to section number and added "or its Agent"	7.1	10/18/00
Created new " Minimal Impact Inland Wetlands, Watercourses, and Conservation Application".	7.2	10/18/00
Moved 7.3 to 7.2a and added "All"	7.3	10/18/00
Created new 7.3 outlining procedure for minimal impact application	7.3	10/18/00
Moved 7.3a to 7.3A	7.3a	10/18/00
7.3b to 7.3B	7.3b	10/18/00
Moved 7.3c to 7.3L	7.3c	10/18/00
Moved 7.3d to 7.3M and added "IWWC" before "application" And after "an" deleted "inland wetland permit"; and added "Connecticut" before "Connecticut General Statutes"	7.3d	10/18/00
Moved 7.3e to 7.3N and added "IWWC" before "application" and added "Connecticut" before "Connecticut General Statutes"	7.3e	10/18/00
Moved 7.3f to 7.3M-1	7.3f	10/18/00
Moved 7.3f-A to 7.3M-1a	7.3f-A	10/18/00
Moved 7.3f-B to 7.3M-1b	7.3f-B	10/18/00
Moved 7.3f-C to 7.3M-1c	7.3f-C	10/18/00
Moved 7.3f-D to 7.3M-1d	7.3f-D	10/18/00
Deleted 7.3g	7.3g	10/18/00
Moved 7.4 to 7.5	7.4	10/18/00
Added entire section for the Minimal Impact Application includes 7.4 -A-B-C-D-E-F-G.	7.4	10/18/00
Moved 7.5 to 7.3H and after "application" added "with accompanying maps"; before "until" added "involving a	7.5	10/18/00

regulated activity”; and before “receipt” added “the date of”

Moved 7.6 to 7.3C	7.6	10/18/00
Moved 7.7 to 7.3D	7.7	10/18/00
Moved 7.8 to 7.5a	7.8	10/18/00
Moved 7.9 to 7.3E	7.9	10/18/00
Moved 7.10 to 7.3F	7.10	10/18/00
Moved 7.11 to 7.3I	7.11	10/18/00
Moved 7.12 to 7.3K	7.12	10/18/00
Moved 7.13 to 7.3G and removed “performance exceeding the levels of activity anticipated” and substituted “activities exceeding the scope of the permit”	7.13	10/18/00
Moved 7.14 to 7.3J	7.14	10/18/00
Deleted – redundant with 17.3	7.15	10/18/00
Moved 7.16 to 7.6	7.16	10/18/00

INFORMATION REQUIRED ON APPLICATION - SECTION VIII

Reletter references	8.1n.3	03/15/93
Change and add	8.1.G	06-03-98
After “Names” added “and addresses”	8.1E	10/18/00
Substitute “The IWWC Application shall” for “All applications”	8.1	10/18/00
After “Acreage” added “/sq. ft” and after “watercourses” added “in regulated areas”	8.1-I	10/18/00
Moved 8.1-J to 8.1K	8.1-J	10/18/00
Created new requirement stating acreage/sq. ft. of regulated area and disturbance	8.1-J	10/18/00
Moved 8.1-K to 8.1-L	8.1-K	10/18/00
Moved 8.1-L to 8.1-M	8.1-L	10/18/00
Moved 8.1-M to 8.1-N	8.1-M	10/18/00
Added 8.1-O - requiring a Class A-2 map showing ONLY existing conditions and contours	8.1-O	10/18/00
Corrected references	8.1-P3	10/18/00
Deleted phrase “or in the water table”	8.1-P20	10/18/00
Created new section to address information on the newly created application - includes 8.5-A-B-C-D-E-F	8.5	10/18/00

FORMAL REVIEW - SECTION IX

Reletter reference	9.2	03/15/93
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Reletter reference	9.3	03/15/93
Change reference	9.2	01/10/94
Change reference	9.3	01/10/94
Add section	9.6B.3	01/10/94

PUBLIC HEARING - SECTION X

Reletter reference	10.1	03/15/93
Change reference	10.1	01/10/94
Add to	10.1	06-03-98
Changed "fifteen" days to "fourteen" days to conform with new state law; added "the date of" before "receipt"; and added the sentence beginning "The Agency".	10.1	10/18/00
Deleted requirement to mail abutters notification of public hearing.	10.6	10/18/00

SECTION XI - DECISION AND DECISION REVIEW PROCEDURES

Change and Add	11.2	06-03-98
Change and Add	11.3	06-03-98
Add	11.5	06-03-98
Substituted "regional" for "Hartford County"	11.1-B1	10/18/00
Substituted "regional" for "Hartford County"	11.1-B2-f	10/18/00

PERMIT DECISIONS - XII

<u>Add "or watercourses, and the applicant proposes"</u>	12. 1a	04/24/96
Delete "may be required so as"	12. 1a	04/24/96
Delete "the"	12. 1a	04/24/96
Add "such"	12. 1a	04/24/96
Add "and watercourses acceptable to the Agency"	12. 1a	04/24/96
Delete "when the Agency has determined that a conservation easement will be required"	12. 1a	04/24/96
Add wording	12.1	06-03-98

PERMIT DURATION - SECTION XIII

Change permit fee to include surcharge	13.4	03/15/93
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Change to language from State Statute	13.1	01/10/94
Delete "annual", add a sentence	13.2	01/10/94
Change "certified" to "licensed"	13.2	01/10/94
Delete "State Environmental Review Team"	13.4	04/24/96
Add "the State Environmental Quality Fund"	13.4	04/24/96
Add	13.5	06-03-98
Deleted "unless otherwise specified in the permit or extended by the Agency"	13.1	10/18/00

SECTION XIV - APPEALS

<u>Delete last sentence</u>	14.1	06-03-98
Created new section stipulating appeals process for minimal impact application.	14.2	10/18/00

ENFORCEMENT - SECTION XV

Add language from State Statute	15.7	03/15/93
Delete "issue one or more of the following"	15.3	04/24/96
Add "Issue by certified mail"	15.3	04/24/96
Delete "Within ten (10) days of issuance	15.4	04/24/96
Add "Within ten (10) days of either a 15.3 (3) Notice of Violation and Order or of 15.3 (4) written cease and desist order"	15.4	04/24/96
Delete "designated and"	15.5	04/24/96
Add sentence	18.3	04/24/96
Delete all	20.1	04/24/96
Delete "affirms"	20.2	04/24/96
Change wording	15.2	06-03-98

SECTION XVI – BOND AND INSURANCE

Typo	6.1	06-03-98
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CONFLICT & SEVERANCE – SECTION XVII

Substituted "receipt" for "decision" in paragraph and "Upland Review Area Boundaries" for "setbacks and buffers"	17.3	10/18/00
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Moved 3.3 and created 17.4 with minor changes.	17.4	10/18/00
Substituted “owner” for “person”		
Added “home and business”	17.4-B1	10/18/00
Added “home and business”	17.4-B2	10/18/00
Added phrase beginning “on the Inland Wetlands_ _”.	17.4-B4	10/18/00
Added the phrase beginning “as defined in _ _ _”.	17.4-D	10/18/00

ESTABLISHMENT OF REGULATIONS – SECTION XIX

Change publication time frames	19.2	03/15/93
Delete "after approval by D.E. P."	19.3	01/10/94
Rephrased and clarified	19.3	10/18/00