

INLAND WETLANDS AND WATERCOURSES REGULATIONS

FOR THE

TOWN OF NORTH BRANFORD, CONNECTICUT



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INLAND WETLANDS AND WATERCOURSES COMMISSIONERS

Steven Scavo, Chairman

Gerald S. Fischbach, Regular Member

Ashley Joiner, Regular Member

Frank Brigano, Regular Member

Lisa DePonte, Regular Member

William Galdenzi, Alternate Member

Vacant, Alternate Member

STAFF

Carey Duques, Town Planner/Wetlands Enforcement Officer

For information contact:

Planning Department

Town Hall

909 Foxon Road

North Branford, CT 06471

Phone (203) 484-6010 Fax (203) 484-6018

Email: townplanner@townofnorthbranfordct.com

NORTH BRANFORD INLAND WETLANDS AND WATERCOURSES AGENCY
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**SECTION I
TITLE AND AUTHORITY**

- 1.1 The inland wetland and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the State have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic, and plant life.

Many inland wetland and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling, or removal of material, the diversion or obstruction of water flow, the erection of structures, and other uses, all of which have despoiled, polluted, and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting 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 to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity, or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife, and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse, and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

- 1.2 These Regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of North Branford."

- 1.3 The Conservation and Inland Wetlands and Watercourses Agency of the Town of North Branford herein referred to as the "Agency" was established in accordance with the North Branford Town Council Ordinance No. 115 adopted October 23, 1973, as amended, and shall implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of North Branford.
- 1.4 These regulations have been adopted and may be amended, from time to time, in accordance with the provision of the Inland Wetlands and Watercourses Act and these regulations.
- 1.5 The Agency shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, and deny permits for all regulated activities in the Town of North Branford pursuant to Sections 22a-36 and 22a-45, inclusive, of the Connecticut General Statutes, as amended:

SECTION 2 DEFINITIONS

- 2.1 As used in these regulations:
 - a. "Act" means the Inland Wetland and Watercourses Act, Sections 22a-36 through 22a-45 inclusive, of the General Statutes, as amended.
 - b. "Agency" means the Conservation and Inland Wetlands and Watercourses Agency of the Town of North Branford.
 - c. "Bogs" are watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.
 - d. "Clear-cutting" means the harvest of timber in a fashion which removes all trees down to a two (2") inch diameter at breast height.
 - e. "Commissioner of Environmental Protection" means the Commissioner of the State of Connecticut Department of Environmental Protection.
 - g. "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.
 - h. "Deposit" includes, but shall not be limited to fill, grade, dump, place, discharge, or emit.

- g. “Duly Authorized Agent” means an individual designated by the Agency to carry out certain functions and purposes provided such agent has completed the comprehensive training program developed by the Commissioner pursuant to Connecticut General Statute Section 22a-39(n).
- h.. “Discharge” means emission of any water, substance, or material into waters of the state whether or not such substance causes pollution.
- i. “Farming” activities consistent with the definition as noted in Section 1-1(q) of the Connecticut General Statutes and as affirmed by ruling of the Agency (see Appendix A).
- j. “Feasible” means able to be constructed or implemented consistent with sound engineering principles.
- k. “License” means the whole or any part of any permit, certificate of approval, or similar form of permission, which may be required of any person by the provisions of Sections 22a-36 to 22a-45, inclusive.
- l. “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 watercourses that are distinguished by the absence of trees and shrubs and the dominance of soft-stemmed herbaceous plants. The water table in marshes is at or above the ground surface throughout the year and areas of open water six inches or more in depth are common, but seasonal water table fluctuations are encountered.
- 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. “Municipality” means the Town of North Branford, New Haven County, Connecticut.

- r. "Nursery" means a place where plants are grown for sale, transplanting, or experimentation.
- s. "Permit" see license.
- t. "Permittee" means the person to whom a license has been issued.
- u. "Person" means any person, firm, partnership, association, corporation, limited liability company, company, organization, or legal entity of any kind, including municipal corporations, governmental agencies, or subdivisions thereof.
- v. "Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to erosion and sedimentation resulting from any filling, land clearing or excavation activity.
- w. "Preservation" means the long-term protection of wetlands or other aquatic resource and associated uplands through the implementation of legal and physical mechanisms.
- x. "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 alternate is imprudent.
- y. "Regulated Activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration, or pollution of such wetlands or watercourses but shall not include the specified activities in Section 4 of these regulations. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within 100 feet measured horizontally from the boundary of any wetland or watercourses and 200 feet measured horizontally from the center of the Farm River is a regulated activity. The Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area that is likely to impact or affect wetlands or watercourses is a regulated activity.
- z. "Remove" includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, bulldoze, dragline, or blast.

- aa. “Rendering unclean or impure” means any alteration of the physical, chemical or biological properties of any waters of the state, including, but not limited, to change in odor, color, turbidity, or taste.
- bb. “Significant impact” means any activity, including, but not limited to, the following activities which may have a major effect:
 - 1. Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourses or on wetlands or watercourses outside the area for which the activity is proposed.
 - 2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourses system, or
 - 3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
 - 4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation, or sedimentation in a wetland or watercourse.
 - 5. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse.
 - 6. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
 - 7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.
- cc. “Soil Scientist” means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management.
- dd. “Swamps” are watercourses that are distinguished by the dominance of wetland trees and shrubs.
- ee. “Submerged lands” means those lands, which are inundated by water on a seasonal or more frequent basis.

- ff. "Town" means the Town of North Branford.
- gg. "Waste" means sewage (human or animal waste) or any substance, liquid, gaseous, solid, or radioactive, which may pollute or tend to pollute any of the wetlands and watercourses of the town.
- hh. "Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to Section 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.
- ii. "Wetlands" means land, including submerged land as defined in this Section, not regulated pursuant to Section 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

SECTION 3 INVENTORY OF INLAND WETLANDS AND WATERCOURSES

- 3.1 The map of wetlands and watercourse entitled "Inland Wetlands and Watercourses Map, North Branford, 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 Agency. In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types and locations 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 Any person may petition the Agency for an amendment to the map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall bear the burden of proof

regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping or other available information. The Agency may require such person to provide an accurate delineation of regulated areas in accordance with Section 15 of these regulations.

- 3.3 The Agency shall maintain a current inventory of regulated areas within the town. The Agency may amend its map as more accurate information becomes available.
- 3.4.1 All map amendments are subject to the public hearing process outlined in Section 15 of these regulations.

SECTION 4 PERMITTED USES AS OF RIGHT & NON-REGULATED USES

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
 - a. Grazing, farming, nurseries, gardening, and harvesting of crops and farm ponds of three (3) acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subsection shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
 - b. A residential home (A) for which a building permit has been issued or (B) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning, or planning and zoning commission as the effective date of promulgation of the municipal regulations pursuant to subsection (b) of Section 22a-42a, or as of July 1, 1974, which ever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subsection unless the building permit was obtained on or before July 1, 1987.
 - c. Boat anchorage or mooring;
 - d. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of material from or into a wetlands or watercourse, or diversion or alteration of a watercourse.

- e. Construction and operation, by water companies as defined by Section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102, of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Section 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, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subsection, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place; and
 - g. Withdrawals of water for fire emergency purposes.
- 4.2 The following operations and uses shall be permitted, as non-regulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow, or pollution of the wetland or watercourse:
- a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife;
 - 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 shellfishing where otherwise legally permitted and regulated; and
 - c. The installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For purposes of this section, "dry hydrant" means a non-pressurized pipe system that: (A) is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water.
- 4.3 All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, grading, withdrawal of water, or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Agency in accordance with Section 6 of these regulations, or for certain regulated activities located outside of wetlands and watercourses from the duly authorized agent in accordance with Section 12 of these regulations.
- 4.4 To carry out the purposes of this section, any person proposing to carry out a permitted

operation and use or a non-regulated operation and use, shall, prior to commencement of such operation and use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or non-regulated use of the wetland or watercourse. The Agency or its duly authorized agent if authorized under Section 12.1 shall rule that the proposed operation and use or portion of it is a permitted or non-regulated operation and use or that the proposed operation and use is a regulated activity and a permit is required.

SECTION 5
ACTIVITIES REGULATED EXCLUSIVELY BY THE COMMISSIONER OF THE
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

- 5.1 The Commissioner of the Department of Energy and Environmental Protection (DEEP) shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to Sections 22a-39 or 22a-45a of the Connecticut General Statutes.
- 5.2 The Commissioner of DEEP shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
- 5.3 The Commissioner of DEEP shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of DEEP under Section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of DEEP under Section 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from a municipal wetlands agency for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.
- 5.4 The Commissioner of DEEP shall have exclusive jurisdiction over the discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.

SECTION 6
REGULATED ACTIVITIES TO BE LICENSED

- 6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Conservation and Inland Wetlands and Watercourses Agency of the Town of North Branford.

- 6.2 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 proceeding and penalties prescribed in Section 14 of these regulations and any other remedies as provided by law.

SECTION 7 APPLICATION REQUIREMENTS

- 7.1 Any person intending to conduct a Regulated Activity or to renew or amend a permit to conduct such activity, shall apply for a permit on a form provided by the Agency. The application shall contain the information described in this Section and any other information the Agency may reasonably require. Application forms may be obtained in the offices of the Agency which is the Planning Department located in Town Hall.
- 7.2 If an application to the North Branford Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Agency in accordance with this section, no later than the day the application is filed with the Planning and Zoning Commission.
- 7.3 The application shall contain such information as is necessary for a fair and informed determination thereon by the Agency.
- 7.4 A prospective applicant may request the Agency to determine whether or not a proposed activity involves a significant impact activity.
- 7.5 All applications shall include the following information in writing or on maps or drawings:
- a. The applicant's name, home and business mailing addresses, and telephone numbers; if the applicant is a Limited Liability Corporation or a Corporation the managing member's or responsible corporate officer's name, address, and telephone number;
 - b. The owner's name, mailing address, and telephone number and written consent of the landowner if the applicant is not the owner of the land upon which the subject activity is proposed;
 - c. Applicant's interest in the land;
 - d. The geographical location of the land which is the subject of the proposed activity, including but not limited to a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetland or watercourse disturbance, soil type(s), and wetland vegetation;

- e. The purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
- f. Alternative which would cause less or no environmental impact to wetlands or watercourses and why the alternative as set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing;
- g. A site plan showing existing and proposed conditions in relation to wetlands and watercourses, identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses;
- h. Names and mailing addresses of adjacent land property owners;
- i. Statement by the applicant that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
- j. Authorization for the members and agents of the Agency to inspect the property, at reasonable times, during the pendency of an application and for the life of the permit;
- k. A completed DEP reporting form the Agency shall revise or correct the information provided by the applicant and submit the form to the Commissioner of Environmental Protection in accordance with section 22a-39-14 of the Regulations of Connecticut State Agencies
- l. Any other information the Agency deems necessary to the understanding of what the applicant is proposing; and
- m. Submission of the appropriate filing fee based on the fee schedule established in Section 19 of these regulations.

Additional Site Plan Requirements:

1. A "Site Plan" if required to be submitted in conformance with these regulations, shall mean a plan, drawing or drawings, drawn to a scale determined by the Agency contingent upon the area under consideration. The plans shall be:
 - a.) Drawn to a scale of 1" = 40', unless the Agency determines, upon written request of the applicant, that another scale is appropriate;
 - b.) Drawn on sheets of 12"x 18", 18"x 24", or 24"x 36"
 - c.) Prepared, certified, and sealed by a licensed professional engineer registered in the State of Connecticut, unless waived by the Agency when

the proposed impact is determined to be minimal.

2. The site plan shall include, but shall not be limited to, the following information, both existing and proposed, as applicable to the particular application:
 - a.) Title block including name of project, address, Assessor's Map and lot numbers, owner of record, applicant/developer (if different from owner), date, scale (ratio and bar).
 - b.) True point north.
 - c.) Location map at a scale of 1" = 800' showing the general location of the area in which the regulated activity is proposed relative to its surrounding area.
 - d.) Property lines with accurate bearings and distances and additional lines delineating the area to be used under the proposed regulated activity including construction limit lines.
 - e.) Town boundary lines, if applicable.
 - f.) Recognized landmarks and wooded areas as well as all buildings, structures, streets, stone walls, fences, parking area, loading areas, and rights-of-way contained on the property. All existing and proposed structures and buildings within seventy-five (75') feet of the proposed regulated activity, including those on other lots.
 - g.) Names of abutting property owners, including those across the street.
 - h.) Locations on or within two hundred (200') feet of the subject parcel of any regulated area as defined in these regulations.
 - i.) Boundaries and location of all borings and soil sample data presented by the applicant and documented by a soils scientist. If the proposed activity involves a wetland, the wetlands on the lot shall be identified and flagged in the field by a professional soils scientist and documentation thereof provided to the Agency. Wetland boundaries and flag numbers shall be shown on the map.
 - j.) Location and type of all watercourse contained within, flowing through, or bordering on the property. If the proposed activity involves construction or alterations of a standing body of water (eg. lake or pond), its surface area, average depth, and an existing and proposed bottom profile shall be provided.
 - k.) Boundary line of the regulated 100 ft. setback area from any wetland and watercourse.
 - l.) Existing and proposed contours within seventy-five (75') feet of the regulated area of two (2') foot intervals.
 - m.) Areas where material is to be deposited, removed, or displaced.
 - n.) Sediment and erosion control plan detailing how the site shall be stabilized during and after the conduct of the regulated activity.
 - o.) Location and extent of all existing and proposed septic systems--

including perc and deep test pit locations--within one hundred (100') feet of a regulated area.

- p.) Layout of all existing and proposed storm water sewers catch basins, manholes, bridges, culverts, and similar drainage structures. Pipe sizes shall be included
- q.) Location of 100-year flood boundary.
- r.) Significant vegetation which has one or more of the following functions: erosion control, terrestrial and aquatic wildlife habitat-and/or historical, recreation, or educational significance.
- s.) Landscaping including trees and/or shrubs, lawn, other landscaping features, and natural terrain not to be disturbed.

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

- a. Site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alteration and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person;
- b. Engineering and soils reports and analysis and additional drawings to fully describe the proposed project and any filling, excavation, drainage, or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;
- c. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Soil Conservation Service; the wetlands shall be delineated in the field by a soil scientist and the field delineation shall be depicted on the site plans;
- d. A description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions;
- e. This additional information shall also include, but shall not be limited to, the following information:
 - 1. Terrestrial and aquatic dominant botanical species, rare species, and the height, age classes and density of this vegetation;
 - 2. Terrestrial and aquatic animal life;
 - 3. Habitat value of the wetlands and/or watercourse for all indigenous and/or migratory, terrestrial, and/or aquatic wildlife species;
 - 4. Depth of water table or level of water if inundated;
 - 5. Date of field determination of these data;
 - 6. Evaluation of the probable effect of the proposed activity on the factors

addressed in the biological evaluation (eg. Section 7.6e 1 through 5).

- d. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative which would cause less or no environmental impact to the wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent;
- e. Analysis of chemical or physical characteristics of any fill;
- f. Management practices and other measures designed to mitigate the impact of the proposed activity.

7.7 The applicant shall certify whether:

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

7.8 Ten (10) copies of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the Agency.

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

- a. The application may incorporate the documentation and record of the prior application.
- b. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
- c. The application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit;
- d. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued;
- e. The Agency may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be renewed

and the public interest or environment will be best served by not interrupting the activity.

- 7.10 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit shall be valid for more than ten years, and further provided that any permit issued prior to July 1, 2011 that did not expire prior to May 9, 2011 shall be valid for no more than fourteen years.
- 7.11 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:
- a. for purposes of this section, "conservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.
 - b. for purposes of this section, "preservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to preserve historically significant structures or sites.
 - c. no person shall file a permit application, other than for interior work in an existing building or for exterior work on an existing building that does not expand or alter the footprint of such existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, including, but not limited to, any state agency that holds such restriction, not later than sixty days prior to the filing of the permit application.
 - d. in lieu of such notice pursuant to subsection 7.11c, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.

SECTION 8
APPLICATION PROCEDURES

- 8.1 All petitions, applications, requests or appeals shall be submitted to the Conservation and Inland Wetlands and Watercourses Agency of the Town of North Branford.
- 8.2 The Agency shall, in accordance with Connecticut General Statutes Section 8-7d(f), notify the Town Clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which:
- a. any portion of the property affected by a decision of the Agency is within five hundred feet of the boundary of an adjoining municipality;
 - b. a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - c. a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
 - d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

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

- 8.3 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 25-32a, the applicant shall provide written notice of the application to the water company, the Director of the local Health Department and, when appropriate, the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days after the date of the application. The water company, Director of the local Health Department and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application.
- 8.4 The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission to the Agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner.

- 8.5 At any time during the review period, the applicant shall provide such additional information as the Agency may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in subsection 11.2 of these regulations.
- 8.6 All applications shall be open for public inspection.
- 8.7 Incomplete applications may be denied.

SECTION 9 PUBLIC HEARINGS

- 9.1 The inland wetlands agency shall not hold a public hearing on an application unless the inland wetlands agency determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the inland wetlands agency not later than fourteen days after the date of receipt of such application, or the inland wetlands agency finds that a public hearing regarding such application would be in the public interest. The inland wetlands agency may issue a permit without a public hearing provided no petition provided for in this section is filed with the inland wetlands agency on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard.
- 9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.
- 9.3 Notice of the public hearing shall be mailed by the applicant to the owner(s) of record, as determined by the current Assessor's records, of abutting land no less than fifteen (15) days prior to the day of the hearing. Evidence of such mailings, in the form of United States Post Office certificates of mailing, shall be submitted to the Agency prior to the public hearing date. The Agency has the authority to require notification beyond the adjacent neighbors if deemed appropriate based on the impact to the wetlands or the neighbors; i.e. a residence located on a lake may require that all neighbors on the lake be notified.
- 9.4 An applicant for a permit which is the subject of a public hearing shall post a sign on the affected property, which sign shall be visible and legible to passersby on the principal

street on which the property is located. Such sign, to be provided to the applicant by the Town, shall state the date, time, and place of the public hearing, shall indicate the general nature of the proposed activity for which a permit is being sought, and shall be in evidence for the continuous period of fourteen (14) days prior to the public hearing.

SECTION 10 CONSIDERATIONS FOR DECISION

- 10.1 The Agency may consider the following in making its decision on an application:
- a. The application and its supporting documentation;
 - b. Reports from other agencies, commissions, and officials including but not limited to the Town of North Branford:
 1. Planning and Zoning Commission
 2. Town Engineer
 3. Health Officer
 4. Building Official
 - c. The Agency may also consider comments on any application from the Southwest Conservation District, the South Central Regional Council of Governments or other regional organizations; agencies in adjacent municipalities which may be affected by the proposed activity or other technical agencies or organizations which may undertake additional studies or investigations.
 - d. Non-receipt of comments from agencies, commissions, and officials listed in subsection 10.1.c above within the prescribed time shall neither delay nor prejudice the Agency's consideration of the application.
 - e. For an application for which a public hearing is held, public comments, evidence and testimony.
- 10.2 Criteria for Decision:
In carrying out the purposes and policies of Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:
- a. The environmental impact of the proposed action, including the effects on the inland 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, which could readily attain the objective of the activity proposed in the application. This consideration should include, but is not limited to, these alternatives or requiring actions of different environmental impacts, such as using a different location for the activity;

- 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 and watercourse resources.
 - e. The character and degree of injury to, or interference with, safety, health or the reasonable use of property including abutting or downstream property, which would be caused or threatened by the proposed activity, or the creation of conditions which may do so. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and wildlife and their habitat, loss of unique habitat having demonstrable natural, scientific, or educational value, loss or diminution of beneficial aquatic organisms and wetland plants, the dangers of flooding and pollution, and the destruction of the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses to the community; and
 - f. Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses.
- 10.3 In the case of an application which received a public hearing pursuant to a finding by the Agency that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Agency finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the Agency shall consider the facts and circumstances set forth in Section 10.2 of these regulations. This finding and the reasons therefore shall be stated on the record in the decision of the Agency and in writing.
- 10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Agency shall propose on the record in writing the types of alternatives which the applicant may investigate 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.
- 10.5 For purposes of this section, (1) "wetlands and watercourses" includes aquatic, plant or

animal life and habitats in wetlands or watercourses, and (2) "habitats" means areas or environments in which an organism or biological population normally lives or occurs.

- 10.6 A municipal inland wetland agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.
- 10.7 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall be not considered by the Agency in its decision. However, the Agency is not limited from seeking technical clarification and advice from its own staff on information not already in the public hearing record.

SECTION 11 DECISION PROCESS AND PERMIT

- 11.1 The Agency, or its duly authorized agent acting pursuant to Section 12 of these regulations, may, in accordance with Section 10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources. Such terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided the Agency, or its agent, determines that such restrictions are necessary to carry out the policy of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.
- 11.2 No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Agency.

- 11.3 The Agency shall state upon its record the reasons and bases for its decision.
- 11.4 The Agency shall notify the applicant and any person entitled to such notice of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen day period, the applicant may provide for the publication of such notice within ten days thereafter.
- 11.5 If an activity authorized by the inland wetland permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, variance or special exception, under Sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, the Agency shall file a copy of the decision and report on the application with the Town of North Branford Planning and Zoning Commission within fifteen (15) days of the date of the decision thereon.
- 11.6 Any permit issued by the Agency for the development of land for which an approval is required under Chapter 124, 124b, 126 or 126a of the Connecticut General Statutes shall be valid until the approval granted under such chapter expires or for ten years, which ever is earlier. Any permit issued by the Agency for any activity for which an approval is not required under chapter 124, 124b, 126 or 126a shall be valid for not less than two years and not more than five years.
- 11.6.1 Notwithstanding the provisions of Section 11.6 of these regulations, any permit issued by the Agency prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period of not less than nine years after the date of such approval.
- 11.7 No permit issued by the Agency shall be assigned or transferred without the written permission of the Agency.
- 11.8 If a bond or insurance is required in accordance with Section 13 of these regulations, the Agency may withhold issuing the permit until such bond or insurance is provided.
- 11.9 General provisions in the issuance of all permits:
- a. The Agency has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
 - b. All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the Town of North Branford, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to

- any and all public and private rights and to any federal, state and municipal laws or regulations pertinent to the subject land or activity.
- c. If the activity authorized by the Agency's permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under Sections 8-3(g), 8-3C or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.
 - d. In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
 - e. Permits are not transferable without the prior written consent of the Agency.

SECTION 12 ACTION BY DULY AUTHORIZED AGENT

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

**SECTION 13
BOND AND INSURANCE**

- 13.1 The Agency may require as a permit condition the filling of a bond with such surety in such amount and in a form approved by the Agency.
- 13.2 The bond or surety shall be conditioned on compliance with all provisions of the regulations and the terms, conditions, and limitations established in the permit.

**SECTION 14
ENFORCEMENT**

- 14.1 The Agency may appoint an agent or agents to act in its behalf with the authority to issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this section, the Agency or its duly authorized agent shall take into consideration the criteria for decision under Section 10.2 of these regulations.
- 14.2 The Agency or its agent may make regular inspections at reasonable hours of all regulated activities for which permits have been issued with the consent of the property owner or the authorized agent of the owner during the life of the permit.
- 14.3 In the case in which a permit has not been issued or a permit has expired, the Agency or its agent may make regular inspections at reasonable hours with the consent of the property owner or the authorized agent of the property owner.
- 14.4 If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Agency or its duly authorized agent may:
 - a. Issue a written Cease and Desist order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn.
 - b. The Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Agency affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action

- pursuant to Section 22a-44(b) of the Connecticut General Statutes, as amended.
- c. Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Agency, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. The application fee will be assessed on all regulated activities and will be consistent with Section 19.5. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Section 14.4.a or other enforcement proceedings as provided by law.
 - d. The Agency shall file a certificate of such order in the office of the Town Clerk and the Town Clerk will record such certificate on the Land Records. Such certificate shall be released only upon determination by the IWWA that compliance with the order has been achieved and is lifted. If deemed necessary, the IWWA may also place a lien on the property for the value of damage done to the wetlands and/or upland area, as determined by a wetland scientist or qualified professional, if compliance is not achieved in a timely manner per review by the Town Attorney. Upon compliance the lien would be released.

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

SECTION 15 AMENDMENTS

- 15.1 These regulations and the Inland Wetlands and Watercourses Map for the Town of North Branford may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- 15.2 An application filed with the Agency which is in conformance with the applicable inland

wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.

- 15.3 These regulations and the Town of North Branford's Inland Wetlands and Watercourses Map shall be amended in the manner specified in Sections 22a-42a of the Connecticut General Statutes, as amended. The Agency shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five (35) days before the public hearing on their adoption. Application fee schedules shall be considered as part of the Agency regulations.
- 15.4 Petitions requesting changes or amendments to the "Inland Wetland and Watercourses Map, North Branford, Connecticut" shall contain at least the following information:
- a. The petitioner's name, address and telephone number;
 - b. The address, or location, of the land affected by the petition;
 - c. The petitioner's interest in the land affected by the petition;
 - d. Map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations; and
 - e. The reasons for the requested action.
- 15.5 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, North Branford, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Agency. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 15.4, the petition shall include:
- a. The name, mailing address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
 - b. The names and mailing addresses of the owners of abutting land;
 - c. Documentation by a soil scientist of the disturbance of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist

- documenting the location of wetland soils on the land and a map of the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
- d. Map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.
- 15.6 Watercourses shall be delineated by a soil scientist, geologist, ecologist, or other qualified individual.
- 15.7 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 a general circulation in the municipality where the land that is the subject of the hearing is located at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days, before the date set for the hearing. All materials including maps and documents relating to the petition shall be open for public inspection.
- 15.8 The Agency shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five (35) days after commencement. The Agency shall act upon the changes requested in such petition within sixty-five (65) days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw such petition. Failure of the Agency to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.
- 15.9 The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.

SECTION 16 APPEALS

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

**SECTION 17
CONFLICT AND SEVERANCE**

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

**SECTION 18
OTHER PERMITS**

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

**SECTION 19
APPLICATION FEES**

- 19.1 Method of Payment: All fees required by these regulations shall be submitted to the Agency by cash, check, or money order payable to the Town of North Branford at the time the application is filed with the Agency.
- 19.2 No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Agency pursuant to Subsection 19.7 of these regulations.
- 19.3 The application fee is not refundable unless it has been withdrawn prior to its application receipt at an Agency meeting.
- 19.4 Definition: As used in this Section:
- “Commercial Uses” means activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.
- “Residential uses” means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.

“Other Uses” means activities other than residential uses or commercial uses.

19.5 Fee Schedule: Application fees shall be based on the following schedule:

a. DEEP fee- All applications and violations require submission of a DEEP reporting form and the current fee as designated by the State of Connecticut.

b. Regulated Activities- Section 6 of these Regulations

1. A Single or Duplex Residential lot

(DEEP fee of \$60 is included in fees listed below)

Total area of disturbance (sq. ft.)	Fee
Up to 250	\$70
251-500	\$80
501-1,000	\$100
1,001-5,000	\$200
5,001-10,000	\$300
10,001-20,000	\$400
20,001-30,000	\$500
30,001-40,000	\$600
Over 40,000	\$600 + \$50 per 5,000 sq. ft.

2. Commercial Development, Multi-Family, subdivisions, and other residential uses no included in 1. above:

(DEEP fee of \$60 is included in fees listed below)

Total area of disturbance (sq. ft.)	Fee
Up to 250	\$140
251-500	\$160
501-1,000	\$200
1,001-5,000	\$400
5,001-10,000	\$600
10,001-20,000	\$800
20,001-30,000	\$1,000
30,001-40,000	\$1,200
Over 40,000	\$1,200 + \$25 per 1,000 sq. ft.
More than 50,000	\$1,400 + \$15 per 1,000 sq. ft.

AND

3. Fees to be assessed in addition to fees above as they apply:

- ii. Public Hearing \$150
To be paid prior to opening the public hearing
- iii. Significant Activity Fee \$200.00

In addition to base fee, assessed if IWWA determines that a significant activity is proposed; Section 7.6 of these Regulations

- c. Applications that do not involve regulated activities are subject to the following fee schedule, plus the current DEEP fee.
 1. Subdivision/Resubdivision Referral without regulated activity \$50
 2. Jurisdictional Ruling
 - a) Permitted Uses as of right \$50
 - b) Non-Regulated Uses \$25
 3. Regulation Amendment Petitions \$200.00
 4. Map Amendment Petitions \$175.00
 5. Modification of Previous Approval \$60.00
(There shall be no fee for correcting typographical or other errors)
 6. Renewal of Previous Approval \$50.00
 7. De-minimus: In lieu of above fees \$25.00
When authorized by IWEO/Agent
- d. Extra Assessments: In the event that additional expenses, including but not limited to, the hiring of outside consultants, experts, or legal advisors are incurred in processing of applications or for ensuring compliance by the applicant, permittee, or violator, an additional fee may be assessed by the Town to cover said costs. Said fees will be held by the Town until the application is completely processed, the project has been completed, or compliance has been achieved, after which time any residual funds pertaining to this assessment are to be returned to the applicant, permittee, or violator.
- e. No permit shall be issued unless all required fees have been submitted to the Town.
- f. If any regulated activities have commenced prior to obtaining a wetlands permit the application fee shall be two times the original application fee for the activity. This additional fee is to cover staff costs associated with the more complex application. If a public hearing is deemed necessary that associated fee shall be added to the revised fee.
- g. Violations: Compliance shall not be attained until all fees and/or fines assessed have been submitted to the Town.

19.6 Exemption. Boards, commissions, councils and departments of the Town of North Branford, Connecticut, are exempt from all fee requirements.

19.7 Waiver. The applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this Section. The

Agency may waive all or part of the application fee if the Agency determines that:

- a. The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
- b. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.
- c. The applicant has shown good cause.

The Agency shall state upon its record the basis for all actions under this subsection.

SECTION 20 EFFECTIVE DATE OF REGULATIONS

- 20.1 These regulations are effective upon filing in the Office of the Town Clerk and publication of a notice of such filing in a newspaper having general circulation in the Town of North Branford.

APPENDIX A

Connecticut General Statute Section 1-1(q)

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

APPENDIX B

Connecticut General Statute Section 8-7d

Hearings and decisions. Time limits. Day of receipt. Notice to adjoining municipality.

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

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

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

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

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

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

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

(2) A zoning commission, planning commission or planning and zoning commission shall establish a public notice registry of landowners, electors and nonprofit organizations qualified as tax-

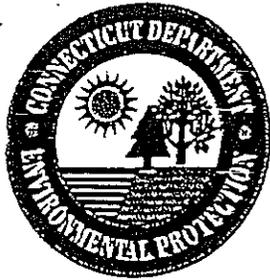
exempt organizations under the provisions of section 501 (c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, requesting notice under this subsection. Each municipality shall notify residents of such registry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

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

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

APPENDIX C

Guidelines, Upland Review Area Requirements



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

79 Elm Street
Hartford, CT 06106-5127

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

June, 1997

Wetlands Management Section
Bureau of Water Management





STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



To: Municipal Inland Wetland Agencies

From: Charles E. Berger, Director
Inland Water Resources Division

A handwritten signature in cursive script, appearing to read "Charles E. Berger".

Date: June 30, 1997

Under the Inland Wetlands and Watercourses Act, Connecticut's municipalities regulate proposed development activities in or affecting wetlands and watercourses. In support of the municipal wetland agencies, DEP's Wetlands Management Section provides a comprehensive Wetlands Management Training Program for wetland agency commissioners and *Model Regulations* for local inland wetland programs. *Guidelines for Upland Review Area Regulations* was published in accordance with sections 22a-42(d) and 22a-42a(f) of the General Statutes to assist Connecticut's inland wetland agencies in developing and implementing municipal regulations for activities proposed on uplands around wetlands or watercourses.

The guide was drafted in response to inquiries from wetland agency members, river management groups, the regulated community, and other interest persons, for guidance in implementing what are popularly called buffer or setback provisions in wetland regulations. The guide uses the term upland review area to describe the non-wetland or non-watercourse area in which certain types of activities, as defined in municipal regulations, are regulated activities. Other terms for describing this area are used in municipal regulations. We selected the term upland review area because it best conveys the regulatory scheme under the inland wetlands statutes wherein a wetland agency reviews regulated activities case-by-case and approves or disapproves them on their merits.

For further information about DEP's Inland Wetlands Management Programs, please call (860) 424-3019.

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

Wetlands and Uplands: an Introduction

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

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

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

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

Model Municipal Upland Review Area Regulations

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

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

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

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

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

Model Regulation Options⁵

Model I.

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

Model II.

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

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

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

Model III.

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

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

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

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

Considerations in Establishing Upland Review Areas

Regulated Activities

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

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

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

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

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

Upland Review Areas, Setbacks and Buffers

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

Use of Upland Review Area Regulations

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

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

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

Control Non-point Source Pollution

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

Protect Aquatic Habitat

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

Control Temperature

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

Provide Food for Aquatic Life

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

Insulate Fish and Wildlife From Human Activities

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

Provide a Corridor Linking Wetlands and Watercourses

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

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

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

Clearing, grubbing and grading

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

Paving

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

Excavating

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

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

Filling

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

Constructing

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

Depositing material

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

Removing material

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

Discharging storm water

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

Determining Upland Review Area Boundaries

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

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

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

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

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

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

Boundary Factors

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

* Significant Wetland and Watercourse Resources

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

DEP encourages all towns to evaluate their wetlands resources. To that end, DEP offers training guidance on a methodology for identifying the relative importance of the wetlands and watercourses in a town or within a watershed. (See: DEP Bulletin # 9 *Method for the Evaluation of Inland Wetlands in Connecticut*, 1989¹³) This methodology uses mathematical and word expressions to assign relative "wetland value units" (WVU) to a number of the common wetland and watercourse functions. The following functions are defined in DEP Bulletin #9:

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

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

* Slope

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

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

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

* Soils

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

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

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

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

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

* Floodplain Limits

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

*Urban Areas and Existing Development

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

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

Endnotes

1. This document was prepared in response to inquiries from municipal wetland commissioners, the Rivers Advisory Committee, the regulated community and other interested persons for guidance on implementing setback and buffer provisions in municipal regulations adopted under Connecticut's Inland Wetlands and Watercourses Act. Section 22a-42d of the General Statutes directs the department to provide guidance for the implementation of Section 22a-42a(f) of the General Statutes.

2. Over 80% of Connecticut's municipal wetlands agencies have regulations governing regulated activities in areas surrounding wetlands or watercourses.

3. Section 22a-42a(c)(2) of the General Statutes provides that a wetlands agency may delegate approval authority for non-significant activities proposed in upland review areas to its agent provided such agent has had DEP training.

Section 22a-42a(f) provides that the wetlands agency has jurisdiction over those activities proposed in the upland review area which are "... likely to impact or affect wetlands or watercourses." In documenting the necessity for regulating specific activities conducted in upland review areas, it is not sufficient to merely assert that the activity "may" impact or affect wetlands or watercourses.

5. Contact DEP for a copy of *Inland Wetlands and Watercourses Model Regulations*. DEP's *Model Regulations* provide a comprehensive guide for implementing the Inland Wetlands and Watercourses Act through municipal wetland agency regulations. *Model Regulations* is updated as needed to reflect current legislation.

6. "Ordinary high water mark" means a mark on the land caused by the presence and action of water, which presence and action is so common and usual and so long continued in all ordinary years so as to mark upon the land a distinction between the abutting upland and the watercourse. Such mark may be found by examining the bed and bank of any watercourse and ascertaining thereon an abrupt change in the characteristics of soil or vegetation or slope of the land. This term should be defined in municipal wetlands regulations.

7. Percent slope is most simply determined by dividing the difference in elevation between two points by the distance between the points (i.e., rise/run) and multiplying the result by 100. If a slope factor is used in regulations, the regulations must provide guidance as to how the slope should be measured in the field e.g., on shortest straight line transect from any wetland or watercourse boundary to the highest up gradient point on the land to be developed; number and location of transects; and, in recognition that

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

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

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

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

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

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

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; and
- 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.

Additionally, if the wetlands agency holds a hearing because it found that the subject activity may have a significant impact, the wetlands agency may not grant the permit unless it finds that the activity is acceptable under the criteria listed above and that there is no less environmentally damaging feasible and prudent alternative.

12. Under Section 22a-42a(b) of the General Statutes, the wetlands agency must provide the DEP with a copy of notice of its hearing on proposed regulations and a copy of the proposed regulations no less than 35 days prior to the hearing thereon. DEP must review and approve all proposed wetland agency regulations except proposed map revisions.

13. The methodology described in DEP Bulletin #9 is a resource planning tool intended to be used for town-wide or watershed-wide assessments of wetland resources and is not designed to be used by applicants or wetlands agencies to evaluate the significance of the impact of activities proposed in permit applications.

14. Section 22a-329 of the General Statutes provides that regulations adopted by a municipality pursuant to CGS Secs. 8-2 and 8-25 shall require that proper provisions be made for soil erosion and sediment control.

Appendix D

IWWA Application and Fee Schedule

Date of Submission: _____
Fee Paid: _____

Appl. # _____

**TOWN OF NORTH BRANFORD, CT
CONSERVATION AND
INLAND WETLANDS AND WATERCOURSE AGENCY**

APPLICATION

1. Address of Property: _____
Present Zone: _____ Map: _____ Lot: _____

2. Owner of Property: _____
Mailing Address: _____
Telephone: _____ Cell #: _____
E-mail address: _____

3. Applicant/Agent: _____
Mailing Address: _____
Telephone: _____ Cell #: _____
E-mail address: _____

4. Contact Person (if different from above): _____
Mailing Address: _____
Telephone: _____ Cell #: _____
E-mail address: _____

5. THIS APPLICATION IS FOR:
- Permit to Conduct Regulated Activity
 - After the Fact Regulated Activity
 - Site Plan Referral
 - Special Permits/Exceptions/Exemptions
 - Subdivision Referral
 - Amend Regulations, Section #(s) _____
 - Boundary Clarification
 - Renewal/Modification/Extension of Permit/Transfers
 - Permitted Use As of Right
 - Permitted and Non Regulated Use
 - Non Regulated Use
 - Significant Activity

6. Description of Project: _____

TOWN OF NORTH BRANFORD - INLAND WETLAND APPLICATION

APPLICATION SUBMISSION CHECKLIST

All applicants must submit the following, or that deemed necessary by the "Duly Authorized Agent", in order for an application to be considered complete.

1. Original and nine (9) copies of the completed Town of North Branford, Inland Wetlands Agency, **Application for Permit** form.
2. Three (3) existing and proposed full size **plan sets** which include at minimum the following (Recommended Scale 1" = 40'). See the Regulations for complete requirements.
 - a. Location Map: Maximum Scale 1" = 400'. Include boundaries of other municipalities located within 500 feet of the property.
 - b. Address and Assessor's Map/Lot Number.
 - c. Existing & proposed topographic contour lines within 75' of regulated area at 2' intervals or less.
 - d. All existing surface and underground structures.
 - e. All wetlands, watercourses and their respective upland review areas, including all wetlands and watercourses which are within the upland review distance (100 ft) from the property line.
 - f. Identify public water supply watersheds.
 - g. North Arrow.
 - h. Reference soil scientist's report and licensed land surveyor who located wetland flags. All wetland flags are to be numbered in the field and to be located on the site plan.
 - i. Include all proposed conditions, including but not limited to final grading and buildings, all impervious surfaces, and landscaping plan (no invasive species).
 - j. Tag regulated activities and identify scope of work. Include location of access route for construction machinery.
 - k. Proposed soil erosion and sedimentation control, and other management practices & mitigation measures. A separate erosion control plan may be submitted.
 - l. Proposed drainage systems and regulated areas that will receive the storm water and/or describe this in the narrative.
 - m. Percolation and test pit locations.
 - n. Location of 100 year flood zone.
 - o. Other pertinent information as required by the Regulations.
 - p. Signed and sealed as required.
3. Nine **reduced copies of each of the above plans**, 11x17 or smaller. Full size copies may be submitted for reduced copies.
4. Ten copies of the following:
 - a. **Project Narrative** describing:
 1. Purpose & description of project and proposed activities.
 2. Alternatives considered and why they were rejected in favor of the proposed plan.
 3. Best management practices & mitigation measures which have been considered and are proposed.

FEE SCHEDULE

1. A Single or Duplex Residential lot:

Total area of disturbance (sq ft.)	Fee
Up to 250	\$70
251-500	\$80
501-1,000	\$100
1,001-5,000	\$200
5,001-10,000	\$300
10,001-20,000	\$400
20,001-30,000	\$500
30,001-40,000	\$600
Over 40,000	\$600 + \$50per 5,000 sq. ft.

OR

2. Commercial Development, Multi-Family, subdivisions, and other residential uses not included above:

Total area of disturbance (sq ft.)	Fee
Up to 250	\$140
251-500	\$160
501-1,000	\$200
1,001-5,000	\$400
5,001-10,000	\$600
10,001-20,000	\$800
20,001-30,000	\$1,000
30,001-40,000	\$1,200
Over 40,000	\$1,200 + \$25per 1,000 sq. ft.
More than 50,000	\$1,400 + \$15per 1,000 sq. ft.

OR

3. At the discretion of the Agency or Duly Authorized Agent, if an application is for maintenance or repair of an existing approved disturbance area (e.g. driveway, deck, septic) and will remain within the same existing footprint, the following fees apply in lieu of the fees provided for in Section 1 and 2 above.

Total Area of Disturbance (sq. ft.)	Fee
<500	\$50
>500	\$125



CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION
 79 Elm Street
 Hartford, CT 06106-5127

GIS CODE #: _____
 For DEP Use Only

Arthur J. Rocque, Jr., Commissioner

Statewide Inland Wetlands & Watercourses Activity Reporting Form

Please complete this form in accordance with the instructions. Please print or type.

PART I: To Be Completed By The Inland Wetlands Agency Only

1. DATE ACTION WAS TAKEN: Year _____ Month _____
2. ACTION TAKEN: _____
3. WAS A PUBLIC HEARING HELD? Yes _____ No _____
4. NAME OF AGENCY OFFICIAL VERIFYING AND COMPLETING THIS FORM:
 (print) _____ (signature) _____

PART II: To Be Completed By The Inland Wetlands Agency Or The Applicant

5. TOWN IN WHICH THE ACTION IS OCCURRING: _____
 Does this project cross municipal boundaries? Yes _____ No _____
 If Yes, list the other town(s) in which the action is occurring: _____
6. LOCATION: USGS Quad Map Name: _____ AND Quad Number: _____
 Subregional Drainage Basin Number: _____
7. NAME OF APPLICANT, VIOLATOR OR PETITIONER: _____
8. NAME & ADDRESS/LOCATION OF PROJECT SITE: _____
 Briefly describe the action/project/activity: _____
9. ACTIVITY PURPOSE CODE: _____
10. ACTIVITY TYPE CODE(S): _____, _____, _____, _____
11. WETLAND / WATERCOURSE AREA ALTERED [must be provided in acres or linear feet as indicated]:
 Wetlands: _____ acres Open Water Body: _____ acres Stream: _____ linear feet
12. UPLAND AREA ALTERED [must be provided in acres as indicated]: _____ acres
13. AREA OF WETLANDS AND / OR WATERCOURSES RESTORED, ENHANCED OR CREATED: _____ acres
 [must be provided in acres as indicated]

DATE RECEIVED: _____

PART III: To Be Completed By The DEP

DATE RETURNED TO DEP: _____

FORM COMPLETED: YES NO

FORM CORRECTED/COMPLETED: YES NO

Appendix E
Town of North Branford Wetlands Map