

**TOWN OF COLUMBIA**  
**INLAND WETLANDS AND WATERCOURSE COMMISSION**

Adella G. Urban Administrative Offices Conference Room  
323 Route 87, Columbia, CT  
Monday, August 3, 2020 - 7:00 P.M.

**REGULAR MEETING AGENDA**

**Regular Meeting – to be held on Zoom Meeting** Download free app at Zoom.us

Meeting link is <https://us02web.zoom.us/j/83735783202>

also on ColumbiaCT.org

Meeting ID: 837 3578 3202

or join by phone 1-646-558-8656 same ID and password

AS THIS IS A VIRTUAL MEETING WE ARE OPERATING UNDER THE FOLLOWING PROCEDURES:

THIS SESSION IS BEING BOTH VIDEO AND AUDIO-RECORDED. ATTENDEES, COMMISSIONERS AND STAFF WILL GENERALLY REMAIN ON MUTE EXCEPT WHEN SPEAKING OR VOTING AND WILL GENERALLY BE KEEPING VIDEO OF THEMSELVES ON THROUGHOUT THE MEETING. IF A MEMBER OF THE PUBLIC CREATES AN AUDIO OR VIDEO DISRUPTION, THEY MAY BE MANUALLY EJECTED FROM THE MEETING UPON RECOMMENDATION OF STAFF OR THE CHAIR.

**Call to Order:**

**Roll Call-Seat Alternates:**

**Additions/Changes in order of Agenda:**

**1. Audience of Citizens:**

**2. Old Business:**

**2.1** Proposed Regulation Changes -State DEEP revisions to Town of Columbia IWWC Regulations. Discuss Section 19 Fee Structure among other Sections of the Regulations.

**3. New Business:**

**3.1 IWWC-2021-01** Application for Kevin Shortoff for activity at 64 Laurel Lane, to reconstruct driveway into a semicircle, Assessor's Map 012B, Lot 013, in the Lar Zone.

**4. Approval of Meeting Minutes:**

**4.1** Meeting Minutes of February 3, 2020

**4.2** Special Meeting Minutes of February 18, 2020

**4.3** Special Meeting Minutes of July 15, 2020

**5. Audience of Citizens:**

**6. Communications/Correspondence:**

**7. Commission Open Discussion:**

**8. Administrative Reports:**

**9. Adjournment:**



## **TOWN OF COLUMBIA**

### **INLAND WETLANDS**

### **AND**

### **WATERCOURSES**

### **REGULATIONS**

**REVISED: 6/03/08**

**EFFECTIVE: 7/01/08**

**REVISED: 3/04/13**

**EFFECTIVE: 4/01/13**

**DRAFT: 8/21/2020**

# COLUMBIA INLAND WETLANDS AND WATERCOURSES REGULATIONS

## TABLE OF CONTENTS

	Page
<b>Table of Contents</b>	<b>Page 2</b>
<b>Appendices</b>	<b>Page 3</b>
<b>Section 1</b> Title and Authority	<b>Page 4</b>
<b>Section 2</b> Definitions	<b>Page 6</b>
<b>Section 3</b> Inventory of Inland Wetlands & Watercourses	<b>Page 11</b>
<b>Section 4</b> Permitted and Non-regulated Uses	<b>Page 12</b>
<b>Section 5</b> Activities Regulated by the State	<b>Page 15</b>
<b>Section 6</b> Regulated Activities to be Licensed	<b>Page 16</b>
<b>Section 7</b> Application Requirement	<b>Page 17</b>
<b>Section 8</b> Application Procedures	<b>Page 23</b>
<b>Section 9</b> Public Hearings	<b>Page 25</b>
<b>Section 10</b> Considerations for Decision	<b>Page 27</b>
<b>Section 11</b> Decision Process and Permit	<b>Page 30</b>
<b>Section 12</b> Activity by Duly Authorized Agent	<b>Page 33</b>
<b>Section 13</b> Bonds and Insurance	<b>Page 34</b>
<b>Section 14</b> Enforcement	<b>Page 35</b>
<b>Section 15</b> Amendments	<b>Page 37</b>
<b>Section 16</b> Appeals	<b>Page 40</b>
<b>Section 17</b> Conflict and Severance	<b>Page 41</b>
<b>Section 18</b> Other Permits	<b>Page 42</b>
<b>Section 19</b> Application Fees	<b>Page 43</b>
<b>Section 20</b> Effective Date of Regulations	<b>Page 48</b>

## APPENDICES

<b>Appendix A</b>	Connecticut General Statute Section 1-1 (q.)	<b>Page 49</b>
<b>Appendix B</b>	Connecticut General Statute section 8-7d: Hearings and decisions. Time limits. Date of Receipt. Notice to adjoining municipality. Public notice registry <b>Page 50</b>	
<b>Appendix C</b>	Nutrient Allocation Worksheet	<b>Page 53</b>
<b>Appendix D</b>	Correspondence dated August 29, 2012 from the DEEP, Senate Bill No. 345, Public Act No. 12-151 and accompanying flow chart regarding CT Inland Wetlands & Watercourses Act Section 22a-42a	<b>Page 56</b>

## SECTION 1

### TITLE AND AUTHORITY

- 1.1 The Inland Wetlands and Watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of 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 COLUMBIA."
- 1.3 The Inland Wetlands and Watercourses Commission of the Town of COLUMBIA, established in accordance with Town Ordinance 74-01 as adopted and revised, shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of COLUMBIA, Connecticut.

- 1.4 These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.
- 1.5 The Inland Wetlands and Watercourses Commission of the Town of COLUMBIA shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, or deny permits for all regulated activities in the Town of COLUMBIA pursuant to sections 22a-36 to 22a45, inclusive, of the Connecticut General Statutes, as amended.
- 1.6 Areas of special concern in the Town of COLUMBIA include the following watercourses and their associated wetlands as outlined on the official COLUMBIA Wetlands Map:

1.6B WATERCOURSES OF CONCERN

- 1.6B1 - COLUMBIA LAKE
- 1.6B2 - MONO POND
- 1.6B3 - COLUMBIA LAKE BROOK
- 1.6B4 - CLARKS BROOK
- 1.6B5 - GIFFORDS BROOK
- 1.6B6 – HOP RIVER
- 1.6B7 – MACHT BROOK
- 1.6B8 – TEN MILE RIVER
- 1.6B9 – MINT BROOK
- 1.6B10 – UTLEY BROOK
- 1.6B11 – DAM BROOK

SECTION 2  
DEFINITIONS

As used in these regulations:

- 2.1 **"Act"** means the Inland Wetlands and Watercourses Act, sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended.
- 2.2.1 **"Bogs"** are areas watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.
- 2.3 **"Clear-cutting"** means the harvest of timber in a fashion which removes all or substantially all trees down to a two-inch diameter at breast height.
- 2.4 **"Commission"** means the Inland Wetlands and Watercourses Commission of the Town of COLUMBIA.
- 2.5 **"Commission member"** means a member of the Inland Wetlands and Watercourses Commission of the Town of COLUMBIA.
- 2.6 **"Commissioner of Energy and Environmental Protection"** means the commissioner of the State of Connecticut Department of Energy and Environmental Protection.
- 2.7 **"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.
- 2.8 **"Deposit"** includes, but shall not be limited to fill, grade, dump, place, discharge or emit.
- 2.9 **"Discharge"** means emission of any water, substance, or material into wetlands or watercourses waters of the state whether such substance causes pollution.
- 2.10 **"Disturb the natural and indigenous character of the wetland or watercourse"** means to alter the inland wetlands and watercourses by reason of removal or deposition of material, clearing the land, altering or obstructing water flow, or pollution.
- 2.11 **"Essential to the farming operation"** means that the proposed activity is necessary and indispensable to sustain farming activities on the farm, where "farm" is defined by section 1-1 (q) of the Connecticut General Statutes (Appendix A).
- 2.12 **"Farming"** means use of land for the growing of crops, raising of livestock or other agricultural use, shall be consistent with the definition as noted in section I-1 (q) of the Connecticut General Statutes (see Appendix A).
- 2.13 **"Feasible"** means able to be constructed or implemented consistent with sound engineering principles. —means able to be constructed or implemented consistent with sound engineering principles

- 2.14 **"License"** means the whole or any part of any license, permit, certificate or of approval or similar form of permission which may be required of any person by the provisions of these regulations and the Act or other municipal, state and federal law sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended
- 2.15 **"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.
- 2.16 **"Marshes"** are areas with soils that exhibit aquatic moisture regimes and 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.
- 2.17 **"Material"** means any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, land, gravel, clay, bog, peat, mud, debris, sand, refuse or waste.
- 2.18 **"Municipality"** means the Town of COLUMBIA, Connecticut.
- 2.19 **"Nurseries"** means land used for propagating trees, shrubs, or other places where plants are grown for transplanting, sale, or for use as stock for grafting experimentation
- 2.20 **"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 and ascertaining thereon an abrupt change in the characteristics of soil or vegetation or slope of the land.
- 2.21 **"Permit"** - see License
- 2.22 **"Permittee"** means the person to whom a permit has been issued.
- 2.23 **"Person"** means any person, firm, partnership, association, corporation, company, limited liability company, organization, or legal entity of any kind, including municipal corporations, governmental agencies, or subdivisions thereof.
- 2.24 **"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.

- 2.25 **"Prudent"** means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.
- 2.26 **"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:
- a. Within 200 feet measured horizontally from the ordinary high- water mark of a river, stream, brook or from a wetland soil in those areas identified in section 1.6 of the Commission's Regulations "Areas of Special Concern".
  - b. Within 100 feet measured horizontally from the boundary of any other wetland or watercourse. The Commission may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.
  - c. The Upland Review Area (URA) shall be increased to 200 feet if the slope is greater than 20% within 100' of a wetlands or watercourses to the regulated activity as identified in Section 2.26 of the Commissions regulations.
- 2.27 **"Remove"** includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut timber, bulldoze, dragline or blast within 200 feet measured horizontally from the ordinary high water mark of the river, stream, brook or from a wetland soil in those areas identified in Section 1.6 of the Commissions regulations Areas of Special Concern or within 100 feet measured horizontally from the boundary of any wetland or watercourse. The Commission may rule that any other activity located within such upland review area or in any non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.
- 2.28 **"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,
- 2.29 **"Significant activity impact"** means any activity, including, but not limited to, the following activities which may have a major effect or significant impact.
- a. Any activity involving deposition or removal of material which will or may have a major substantial effect or significant impact on the regulated area or on another part of the inland wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
  - b. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.

- c. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support fish aquatic, wildlife, or other biological life plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
  - d. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse,
  - e. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area wetland or watercourse.
  - f. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
  - g. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.
- 2.30 **"Soil scientist"** means an individual duly qualified in accordance with standards set by the federal Office of Personnel Management.
- 2.31 **"Swamps"** are areas or watercourses with soils that exhibit aquatic moisture regimes and are distinguished by the dominance of wetland trees and shrubs.
- 2.32 **"Submerged lands"** means those lands which are inundated by water on a seasonal or more frequent basis.
- 2.33 **"Town"** means the Town of COLUMBIA, Connecticut.
- 2.34 **"Vernal pool"** means a watercourse consisting of a confined basin depression which contains a small body of standing water, usually drying out for part of the year during warm weather. It can be natural or man-made and lacks a permanent outlet or any fish population. Further, the occurrence of one or more of the obligatory species which include the fairy shrimp, spotted salamander, Jefferson salamander, marbled salamander, wood frog and eastern spadefoot toad are necessary to conclusively define the vernal pool.
- 2.35 **"Waste"** means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands or watercourses of the Town.
- 2.36 **"Watercourses"** means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent; public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration, longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.
- 2.37 **"Wetlands"** means land, including submerged land as defined in this section, not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial

and floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites, which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

## SECTION 3 INVENTORY OF REGULATED AREAS

- 3.1 The map of regulated areas wetlands and watercourses entitled "Inland Wetlands and Watercourses Map, COLUMBIA, Connecticut" delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the office of the Town Clerk or the Commission. In all cases, the precise location of regulated areas wetland and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses. The Commission may consider, but is not limited to, 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 Commission 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 Commission may require such person to provide an accurate delineation of regulated areas in accordance with section 15 of these regulations.
- 3.3 The Commission shall maintain a current inventory of regulated areas within the town. The Commission may amend its map as more accurate information becomes available.
- 3.4 All Map amendments are subject to a public hearing process outlined in Section 15 of these regulations.

## SECTION 4

### PERMITTED USES AS OF RIGHT AND NON-REGULATED USES

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- a. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
  - b. A residential home (A) for which a building permit has been issued or (B) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987. Any person claiming a use of wetlands permitted as of right under this subdivision shall document the validity of said right by providing a certified copy of the building permit and site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document his or her right hereunder;
  - c. Boat anchorage or mooring, not to include dredging or dock construction.
  - d. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality (provided that in any town where there are no zoning regulations establishing minimum residential lot sites, the largest minimum lot size shall be two acres) and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping but shall not include removal or deposition of significant amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse.
  - e. Construction and operation, by water companies as defined by section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in sections 22a-401 and 22a-403 of the Connecticut General Statutes.
  - f. Maintenance related 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 [hydrophytes] hydrophytic vegetation. For purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place; 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. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices.
- b. Outdoor recreation including the use of play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing and cross-country skiing where otherwise legally permitted and regulated.
- 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, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Commission in accordance with Section 6 of these Regulations or for certain regulated activities located outside of wetlands and watercourses from the duty authorized agent in accordance with Section 12 of these regulations.

4.4 To carry out the purposes of this section, any person proposing a permitted operation and use or a non-regulated operation and use shall, prior to commencement of such operation and use, notify the Commission on a form provided by it, and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of a wetland or watercourse. The Commission shall rule that the proposed operation and use or portion of it is a permitted or nonregulated 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 STATE COMMISSIONER OF ENERGY AND ENVIRONMENTAL PROTECTION

- 5.1 Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, commission or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to sections 22a-39 or 22a-45a of the Connecticut General Statutes.
- 5.2 The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to sections 22a-08 through 22a-05 of the Connecticut General Statutes, as amended,
- 5.3 The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair, or removal order issued by the Commissioner of Energy and Environmental Protection under section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Energy Environmental Protection under sections 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from a municipal wetlands commission for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.
- 5.4 The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over the discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under section 404 of the Federal Clean Water Act.

## REGULATED ACTIVITIES TO BE LICENSED

- 6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands and Watercourses Commission of the Town of COLUMBIA.
- 6.2 The Commission shall regulate any operation within 100' of a wetlands or watercourse, and within 200' of an Area of Special Concern (AOSC; refer to Section 1.6), involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses and any other regulated activity, unless such operation or use is permitted or non-regulated pursuant to Section 4 of these regulations.
- 6.3 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Commission, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these regulations and any other remedies as provided by law.
- 6.4 The Commission shall regulate any activity that occurs in non-wetland upland or non-watercourse areas that are likely to impact or affect inland wetlands or watercourses.
- 6.5 The Commission and its agent or any specialists hired by the Commission to evaluate permit applications under these regulations shall have the right of free access to any part of the under consideration with the owners or agent of the owner's permission. The property' owner may require that such persons have a letter of authorization from the Chairman of the Commission prior to permitting such access.

## 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 using the Town of COLUMBIA Inland Wetlands and Watercourses Commission Application for Permit form. The application shall contain the information described in this section and any other information the Commission may reasonably require. Application forms may be obtained at the Town Clerk's office or downloaded from the Town website.
- 7.2 If an application to the Town of COLUMBIA Planning and Zoning Commission for subdivision or re-subdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with section 8-3 (g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Commission in accordance with this section, no later than the day the application is filed with such planning and zoning commission.
- 7.3 The application shall contain such information as is necessary for a fair and informed determination thereon by the Commission.
- 7.4 A prospective applicant may request the Commission to determine whether a proposed activity involves a significant activity.
- 7.5 All applications shall include the following information in writing and/or on maps or drawings:
- a. The applicant's name, mailing address, telephone number(s), and email address; if the applicant is a Limited Liability Corporation or a Corporation, the managing member's or responsible corporate officer's name, address, telephone number, and email address.
  - b. If applicable, the name of any authorized agents (e.g., architect, engineer, survey, attorney), business name, mailing address, phone number(s), and email address.
  - c. The applicant's interest in the land.
  - d. The land-owner's name, mailing address and telephone number(s) and, if the applicant is not the owner of the land upon which the subject activity is proposed, the written consent of the owner.

All applications involving land within the COLUMBIA Lake high water mark must include the COLUMBIA Lake Management Association (ALMA) as a co-applicant.
  - e. A statement indicating whether an application has been filed with the Town of COLUMBIA Planning and Zoning Commission,
  - f. A statement indicating whether the land is part of a previously approved subdivision (if so, copies of all permits are to be submitted with the application).
  - g. A description of any other State or Town Permits pending for work on the land or required for work on the land.
  - h. The geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and

watercourses, the area(s) (in acres or square feet) of wetlands and/or watercourses to be disturbed, soil type(s), and wetland vegetation;

- i. The purpose and a description of the proposed activity, including:
  - i. A detailed description of all activity, including any construction and/or disturbance.
  - ii. A description of the type and volume of material to be filled or excavated, (A) in the wetlands and/or watercourse(s) and (B) in the upland review area.
  - iii. A description of the amount and area of disturbance (A) in the wetland(s) and/or watercourse(s) and (B) in upland review area.
- j. A description of 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;
- k. A description of alternatives considered and subsequently rejected by the applicant 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 diagrammed on a site plan or drawing;
- l. A site plan showing the proposed activity and existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses;
- m. Names and mailing addresses of adjacent landowners.
- n. 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.
- o. Authorization for the members and agents of the Commission and any consultant for the Commission to inspect the subject land, at reasonable times, both before and after a final decision has been issued and for the life of the permit
- p. A completed DEEP reporting form; the Commission and any consultant for the Commission shall revise or correct the information provided by the applicant, and submit the form to the Commissioner of Energy and Environmental Protection in accordance with section 22a-39-14 of the Regulations of Connecticut State Agencies;
- q. Any other information the Commission deems necessary to the understanding of what the applicant is proposing.
- r. The Commission may require that the applicant provide notice(s) to adjacent property owners when the commission determines it is in the public's best interest and/or if the impact from the proposed regulated activity has potential to impact neighboring properties. If required, notice of the Wetlands Meeting shall be mailed to the owner(s) of record of abutting land by the applicant, certified receipt requested, no less than fifteen (15) days

prior to the Wetlands Meeting. The notice must be mailed to persons who own land that is adjacent to the land that is the subject of the applicants request for a wetland permit. and if required by the Commission, notice to be additionally provided by posting a sign on the land that is the subject of the wetland's application. 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. Proof of such notification shall be provided to the commission by the applicant prior to the meeting the commission may choose to increase the extent or reach of the notice to subsequent adjacent property owners to be notified by the Applicant, certified receipt requested, should the commission determine it is in the public's best interest.

- s. Submission of the appropriate filing fee based on the fee schedule established in Section 19 of these regulations.

7.6 At the discretion of the Commission or its Agents or when If 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: as determined by the Commission, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required unless otherwise determined by the Commission:

- a. Site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person;
- b. Engineering reports and analyses and additional drawings to fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan.
- c. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service; the wetlands shall be delineated in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans;
- d. A description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions.
- e. A description or how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative which would cause less or no environmental impact to wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent;
- f. Analysis of chemical or physical characteristics of any fill material; and

- g. Management practices and other measures designed to mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and fish and wildlife habitats, and functions which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.
  - h. Written description of the proposed construction process and sequence.
- 7.7 The applicant shall certify whether:
- a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality.
  - b. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site.
  - c. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or,
  - d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- 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 Commission.
- 7.9 Any application to renew or amend an existing permit shall be filed with the Commission in accordance with section 8 of these regulations at least sixty-five (65) days prior to the expiration date of the permit. The Commission shall determine whether an amendment or modification to an existing permit will require a new permit application. Any application to renew or amend such an existing permit shall contain the information required under section 7 of these regulations provided:
- a. The application may incorporate the documentation and record of the prior application.
  - b. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit.
  - c. The application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit',
  - d. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued.
  - e. The Commission may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its 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 Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit 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 land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of 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 COLUMBIA Inland Wetlands and Watercourse Commission of the Town of COLUMBIA or the Town Clerk who shall act as agent of the Inland Wetlands and Watercourses Commission for the receipt of such petition, application, request or appeal.
- 8.2 The Commission shall, in accordance with Connecticut General Statutes sections 8-7d(f) and 22a-42b, notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal request or plan concerning any project on any site in which:
- a. Any portion of the property affected by a decision of the Commission is within five hundred feet of the boundary of the 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 sewage or drainage system within the adjoining municipality; or,
  - d. Water run-off from the improved site will impact streets or other municipal or private property' within the adjoining municipality.
  - e. Notice of the pendency of such application shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the date of receipt of the application, petition, appeal, request or plan.
- 8.3 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 25-32a of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days after the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application.
- 8.4 The date of receipt of any application, petition, request or appeal shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission 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 Commission may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in subsection 11.2 of these regulations.

8.6 All applications shall be open for public inspection.

8.7 Incomplete applications may be denied.

SECTION 9  
PUBLIC HEARINGS

- 9.1 The Commission shall not hold a public hearing on an application unless the Commission determines that the proposed activity may have a significant impact on wetlands or watercourses, 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 Commission not later than fourteen days after the date of receipt of such application, or the Commission finds that a public hearing regarding such application would be in the public interest. The Commission may issue a permit without a public hearing provided no petition provided for in this section is filed with the Commission on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application, all applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person may appear and be heard and may be represented by agent or by attorney.
- 9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.
- 9.3 Notice of the Public Hearings shall be mailed to the owner(s) of record of abutting land by the applicant, certified receipt requested, no less than fifteen (15) days prior to the hearing. The notice must be mailed to persons who own land that is adjacent to the land that is the subject of the hearing and if required by the Commission, notice to be additionally provided by posting a sign on the land that is the subject of the hearing. 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. Proof of such notification shall be provided to the commission by the applicant prior to the hearing. The commission may choose to increase the extent or reach of the notice to subsequent adjacent property owners to be notified by the Applicant, certified receipt requested, should the commission determine it is in the best public interest.
- 9.4 In the case of any application which is subject to the notification provisions of subsection 8.3 of these regulations, a public hearing shall not be conducted until the clerk of the adjoining town(s) have received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.
- 9.5 Any significant changes to the plan or application shall be submitted to the Agent Commission and Town Clerk no later than 10 days prior to the public hearing: at the discretion of the Commission or its Agents, untimely significant changes may be received within a shorter time period.

## SECTION 10

### CONSIDERATIONS FOR DECISION

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

- a. The application and its supporting documentation.
- b. For an application for which a public hearing was held, public comments, evidence and testimony,
- c. Reports from other agencies and commissions including but not limited to the Town of COLUMBIA's:
  - Conservation Commission
  - Planning and Zoning Commissions
  - Building Official
  - Health Officer/Sanitarian
- d. The Commission may also consider comments on any application from the Tolland County Soil and Water Conservation District, Council of Governments, or other regional organizations (i.e. Council of Elected Officials); agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
- e. Non-receipt of comments from agencies and commissions listed in subdivisions 10.1.c and d above within the prescribed time shall neither delay nor prejudice the decision of the Commission.

10.2 Criteria for Decision. In carrying out the purposes and policies of sections 22a-36 to 22a45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Commission 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 capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety;
- b. The 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 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 value of wetlands and watercourses to the community.
- 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.

- 10.3 In the case of an application which received a public hearing pursuant to a finding by the Commission that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the Commission shall consider the facts and circumstances set forth in subsection 10.2 of this section. The finding and the reasons therefore shall be stated on the record in writing.
- 10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternative to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Commission 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 wetlands Commission 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 Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issue. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these regulations and sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.

- 10.8 In the case of an application where the applicant has provided written notice pursuant to subsection 7.11c of these regulations, the holder of the restriction may provide proof to the Commission that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the Commission shall not grant the permit approval.
- 10.9 In the case of an application where the applicant fails to comply with the provisions of subsection 7.11c or 7.11d of these regulations, (1) the party holding the conservation or preservation restriction, other than a state agency that holds such restriction, may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the agency, subject to the rules and regulations of such agency related to appeals. The Commission shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction; or (2) the state agency that holds such restriction may, not later than thirty days after receipt of actual notice of permit approval, file an appeal with the agency, subject to the rules and regulations of such agency relating to appeals. The Commission shall immediately reverse such permit approval if the commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction.
- 10.10 Nothing in subsections 7.11c or 7.11d of these regulations shall be construed to prohibit the filing of a permit application or to require such written notice when the activity that is the subject of such permit application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction.

## SECTION 11

### DECISION PROCESS AND PERMIT

- 11.1 The Commission, 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 watercourses resources. Such terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided the Commission, 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 Commission 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) of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one 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 Commission 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 Commission shall be withdrawn by the applicant or denied by the Commission.
- 11.3 The Commission shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall, as applicable and in accordance with section 10 of these regulations, incorporate a statement relative to the consideration of feasible and prudent alternatives.
- 11.4 The Commission 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 Commission 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 an inland wetland permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, or variance or special exception, under sections 8-3(c), 8-3(g), or 8-26 of the Connecticut General Statutes, the Commission shall file a copy of the decision and report on the application with the Town of COLUMBIA Planning and Zoning Commission within fifteen days of the date of the decision thereon.

- 11.6 Any permit issued by the Commission 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, whichever is earlier. Any permit issued by the Commission 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 Commission prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine years after the date of such approval.
- 11.7 No permit issued by the Commission shall be assigned or transferred without the written permission of the Commission or its agent
- 11.8 If a bond or insurance is required in accordance with section 13 of these regulations, the Commission may withhold issuing the permit until such bond or insurance is provided.
- 11.9 General provisions in the issuance of all permits:
- a. The Commission 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 Commission are subject to and do not derogate any present or future rights or powers of the Commission or the Town of COLUMBIA, 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 Commission's permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under sections 8.3(c), 8-3(g), 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 Commission.

## SECTION 12

### ACTION BY DULY AUTHORIZED AGENT

- 12.1 The Commission may delegate to its duly authorized agent the authority to approve or extend the license for an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of Energy and 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 Commission and shall contain the information listed under Section 7.5 of these regulations and any other information the Commission 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. Agent shall report at the next meeting any action taken.
- 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 Commission within fifteen days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such Commission or its agent of such appeal. Any person may appear and be heard at the meeting held by the Commission to consider the subject appeal. The Commission 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 Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Commission, be required to file a bond with such surety in such amount and in a form approved by the Commission. The Commission may require, as a permit condition, the filing of a bond with such surety in such amount and in the form approved by the commission
- 13.2 The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.
- 13.3 The Commission may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within two (2) years of completion of such operations, in an amount commensurate with the regulated activity.
- 13.4 The commission may require bonding to ensure any activity being undertaken in a nonregulated area, if that activity may potentially disturb the natural and indigenous character of any regulated area.
- 13.5 The amount of the performance bond shall be released to the permittee upon receipt by the Commission of evidence that the proposed activity(ies) have been substantially completed in a satisfactory manner. The Commission may, in its own discretion release a portion of the bond amount if it is of the opinion that the permitted activity(ies) have been substantially completed and only a minor portion of the activity(ies) remains to be completed.

SECTION 14  
ENFORCEMENT

- 14.1 The Commission may appoint an agent or agents to act in its behalf with the authority to inspect property, except a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this section, the Commission or its duly authorized agent shall take into consideration the criteria decision under section of these regulations.
- 14.2 The Commission or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations with the consent of the property owner or the duly authorized agent of the owner during the life of the permit.
- 14.3 In the case which a permit has not been issued or a permit has expired, the Commission or its agents 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 Commission or its designated agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Commission or its duly authorized agent may:
- a. Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Commission 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 Commission shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission 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 Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to section 22a-44(b) of the Connecticut General Statutes, as amended.
  - b. Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Commission, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in subdivision 14.3. a or other enforcement proceedings as provided by law.
- 14.5 The commission 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 Commission 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 Commission shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Commission 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 COLUMBIA may be amended, from time to time, by the Commission in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- 15.2 An application filed with the Commission 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 Commission 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 COLUMBIA Inland Wetlands and Watercourses Map shall be amended in the manner specified in section 22a-42a of the Connecticut General Statutes, as amended. The Commission shall provide the Commissioner of Energy and 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 days before the public hearing on their adoption. Fee schedules shall be adopted as Commission regulations.
- 15.4 Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, COLUMBIA, Connecticut, shall contain at least the following information:
- a. The petitioner's name, mailing address and telephone number.
  - b. The address, or location, of the land affected by the petition.
  - c. The petitioner's interest in the land affected by the petition.
  - d. Map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations; and
  - e. The reasons for the requested action.
  - f. The names and addresses of adjacent property owners; and
  - g. A map showing proposed development of the property.
- 15.5 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, COLUMBIA, 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 Commission. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 15.4, the petition shall include:

- a. The name, mailing address and telephone number of the owner(s) of such land and owner(s) agent or other representative.
  - b. The names and mailing addresses of the owners of abutting land.
  - c. Documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; 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 regulations and 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 days, the first not more than fifteen days nor less than ten days, and the last not less than two 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 Commission 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. The hearing shall be completed within thirty-five (35) days after commencement. The Commission 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 Commission 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 Commission 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 Commission shall be made in accordance with the provisions of section 22a-43 of the Connecticut General Statutes, as amended.
- 16.2 Notice of such appeal shall be served upon the Commission and the Commissioner of Energy and Environmental Protection.

## SECTION 17

### CONFLICT AND SEVERANCE

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

## SECTION 18

### OTHER PERMITS

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

## SECTION 19

### APPLICATION FEES

- 19.1 Method of Payment. All fees required by these regulations shall be submitted to the Commission by check or money order payable to the Town of COLUMBIA.
- 19.2 Application Fee Estimate and Payment. An estimate of application fees will be provided to the applicant within 10 days of receipt of the application in the Land Use Department. Fees are due at the time an application is formally received by the Commission (refer to Section 6.) No application shall be approved, or permit granted by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant to subsection 19.10 of these regulations.
- a. All applications will incur a State Fee. At the date of this revision, the State Fee is \$60.00. The applicant is responsible for any increases to this fee that may occur after adoption of these regulations. This fee is not refundable.
  - b. All application wills incur a Basic Filing Fee (refer to subsection 19.3). This fee is not refundable.
  - c. Additional fees may be assessed to cover costs associated with complex applications and/or monitoring and inspection of an application (refer to subsections 19.4 and 19.5). Payment of any such additional fees is due within 10 days of notice to the applicant.
  - d. Additional fees will be assessed for regulated activities started without a permit (subsection 19.3b) and activities requiring inspection due to non-compliance (subsection 19.5c).
  - e. The applicant is responsible for the cost of publishing the legal notice of the commission's decision. The approximate amount of publishing this notice will be assessed at the time of filing.
- 19.3 Basic Filing Fees. Basic filing fees cover the cost of processing the application, preliminary review of application and plans, initial inspection(s) of the site and meeting with the applicant or the applicant's agent.
- a. Basic filing fee definitions. As used in this section:
    - (1) "Residential Uses" means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.
    - (2) "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,
    - (3) "Other Uses" means activities other than residential uses or commercial uses.
  - b. The standard basic filing fees are as follows:
    - (1) Basic Residential Filing Fee       \$200.00
    - (2) Basic Residential Subdivision Filing Fee   \$150.00  
      + \$150.00 per parcel or lot that contains a "Regulated Activity"

(3) Basic Commercial Filing Fee \$300.00

(4) Basic Other Uses Filing Fee \$100.00

(5) Basic Fee for Agent Approval or \$65.00  
Extension of Activity Pursuant to Section 12

(6) Residential uses with minimal impact \$100.00

c. Regulated Activity Started without a Permit. The filing fee for a regulated activity that was started with an approved permit shall be double the standard basic filing fee.

19.4 Complex Application Fee. The Commission may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts to analyze, review, and report on issues requiring such experts.

a. The Commission or the duly authorized agent shall be paid pursuant to Section 19.1 of these regulations within 10 days of the applicant's receipt or notice of such estimate.

b. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after publication of the Commission's decision

19.5 Monitoring and Inspection Fees.

a. The approximate number and type of inspections will be determined at the time of filing, and/or assessed per inspection required to monitor the site after the permit is issued.

b. The cost of monitoring and inspections will be charged to the applicant based upon the following fee schedule:

(1) Wetlands Agent \$35.00 per inspection or  
billed per hour @ \$35.00/ per ½ hour or part thereof

(2) Engineer \$150.00 per inspection or  
billed per hour @ \$150.00 per hour or part thereof

(3) Environmental Consultant \$150.00 per inspection or  
billed per hour @\$150.00 per hour or part thereof

c. Inspections for Non-Compliance will be charged a \$50.00 per site inspection fee or \$50 per ½ hour or part thereof.

19.6 Significant Activity and Impact Fees:

a. Significant Activity Fee (refer to Subsection 7.6). If it is determined that the application will result in a significant activity a fee of \$250.00 will be assessed.

b. Area of Wetland and Watercourse Impacted Fee. A fee for the area of wetlands to be affected and/or length of watercourse disturbed, by the proposed regulated activity, including, but not limited to, any excavation, filling, alteration, or pollution of such wetland or watercourse, will be assessed as follows:

(1) Wetland Impacts: \$100.00 per square feet of affected wetlands

(2) Watercourse Impacts: \$2.00 per linear foot of watercourse disturbed

- c. Road Construction Impact Fee. Any road construction (private or public) involving wetland or watercourses will be assessed a \$1000.00 fee for the first 1000 feet and \$1.00 per foot thereafter.
- 19.7 Map Amendment Petitions. Such petitions will incur a \$250.00 fee plus an additional \$20.00 per 1000 linear feet (or portion thereof) of total length of wetlands and watercourses boundary subject to the proposed boundary change. (Refer to Section 15.5 of these regulations for additional information regarding map amendment petitions.)
- 19.8 Request for Modification of a Previously Approved Permit. A \$70.00 fee will be assessed for requests to modify a previously approved permit. Such requests include, but are not limited to, requests for extension(s) of time in which to initiate and/or complete the permitted activity.
- 19.9 Exemptions. Boards, commissions, councils and departments of the Town of are exempt from all fee requirements.
- 19.10 Waivers. The applicant may petition the Commission to waive, reduce or allow delayed payment of the fee.
- a. Such petitions shall be in writing and shall state fully the facts and circumstances the Commission should consider in its determination under this subsection.
  - b. The Commission may waive all or part of the application fee if the Commission determines that:
    - (1) The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
    - (2) The application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.
    - (3) An applicant in a lake Zone required to complete the Nutrient Allocation Worksheet to comply with the Zoning regulations reduces the nutrient loading by greater than 15 percent of the required reduction.
  - c. The Commission 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 COLUMBIA.
- 20.2 Public Act 96-157 uses the word "submission" which should be understood to mean "day of receipt."

**Sec. 1-1. Words and phrases. Construction of statutes.**

(a) In the construction of the statutes, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood accordingly.

...

(q) Except as otherwise specifically defined, the words “**agriculture**” and “**farming**” shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a 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, hoophouses 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 farmlands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

# COLUMBIA INLAND WETLANDS AND WATERCOURSES REGULATIONS

## TABLE OF CONTENTS

	Page
<b>Table of Contents</b>	<b>Page 2</b>
<b>Appendices</b>	<b>Page 3</b>
<b>Section 1</b> Title and Authority	<b>Page 4</b>
<b>Section 2</b> Definitions	<b>Page 6</b>
<b>Section 3</b> Inventory of Inland Wetlands & Watercourses	<b>Page 11</b>
<b>Section 4</b> Permitted and Non-regulated Uses	<b>Page 12</b>
<b>Section 5</b> Activities Regulated by the State	<b>Page 15</b>
<b>Section 6</b> Regulated Activities to be Licensed	<b>Page 16</b>
<b>Section 7</b> Application Requirement	<b>Page 17</b>
<b>Section 8</b> Application Procedures	<b>Page 23</b>
<b>Section 9</b> Public Hearings	<b>Page 25</b>
<b>Section 10</b> Considerations for Decision	<b>Page 27</b>
<b>Section 11</b> Decision Process and Permit	<b>Page 30</b>
<b>Section 12</b> Activity by Duly Authorized Agent	<b>Page 33</b>
<b>Section 13</b> Bonds and Insurance	<b>Page 34</b>
<b>Section 14</b> Enforcement	<b>Page 35</b>
<b>Section 15</b> Amendments	<b>Page 37</b>
<b>Section 16</b> Appeals	<b>Page 40</b>
<b>Section 17</b> Conflict and Severance	<b>Page 41</b>
<b>Section 18</b> Other Permits	<b>Page 42</b>
<b>Section 19</b> Application Fees	<b>Page 43</b>
<b>Section 20</b> Effective Date of Regulations	<b>Page 48</b>

## APPENDICES

<b>Appendix A</b>	Connecticut General Statute Section 1-1 (q.)	<b>Page 49</b>
<b>Appendix B</b>	Connecticut General Statute section 8-7d: Hearings and decisions. Time limits. Date of Receipt. Notice to adjoining municipality. Public notice registry <b>Page 50</b>	
<b>Appendix C</b>	Nutrient Allocation Worksheet	<b>Page 53</b>
<b>Appendix D</b>	Correspondence dated August 29, 2012 from the DEEP, Senate Bill No. 345, Public Act No. 12-151 and accompanying flow chart regarding CT Inland Wetlands & Watercourses Act Section 22a-42a	<b>Page 56</b>

## SECTION 1

### TITLE AND AUTHORITY

- 1.1 The Inland Wetlands and Watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of 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 COLUMBIA."
- 1.3 The Inland Wetlands and Watercourses Commission of the Town of COLUMBIA, established in accordance with Town Ordinance 74-01 as adopted and revised, shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of COLUMBIA, Connecticut.

- 1.4 These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.
- 1.5 The Inland Wetlands and Watercourses Commission of the Town of COLUMBIA shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, or deny permits for all regulated activities in the Town of COLUMBIA pursuant to sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.
- 1.6 Areas of special concern in the Town of COLUMBIA include the following watercourses and their associated wetlands as outlined on the official COLUMBIA Wetlands Map:

1.6B WATERCOURSES OF CONCERN

- 1.6B1 - COLUMBIA LAKE
- 1.6B2 - MONO POND
- 1.6B3 - COLUMBIA LAKE BROOK
- 1.6B4 - CLARKS BROOK
- 1.6B5 - GIFFORDS BROOK
- 1.6B6 – HOP RIVER
- 1.6B7 – MACHT BROOK
- 1.6B8 – TEN MILE RIVER
- 1.6B9 – MINT BROOK
- 1.6B10 – UTLEY BROOK
- 1.6B11 – DAM BROOK

SECTION 2  
DEFINITIONS

As used in these regulations:

- 2.1 **"Act"** means the Inland Wetlands and Watercourses Act, sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended.
- 2.2.1 **"Bogs"** are areas watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.
- 2.3 **"Clear-cutting"** means the harvest of timber in a fashion which removes all or substantially all trees down to a two-inch diameter at breast height.
- 2.4 **"Commission"** means the Inland Wetlands and Watercourses Commission of the Town of COLUMBIA.
- 2.5 **"Commission member"** means a member of the Inland Wetlands and Watercourses Commission of the Town of COLUMBIA.
- 2.6 **"Commissioner of Energy and Environmental Protection"** means the commissioner of the State of Connecticut Department of Energy and Environmental Protection.
- 2.7 **"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.
- 2.8 **"Deposit"** includes, but shall not be limited to fill, grade, dump, place, discharge or emit.
- 2.9 **"Discharge"** means emission of any water, substance, or material into wetlands or watercourses waters of the state whether such substance causes pollution.
- 2.10 **"Disturb the natural and indigenous character of the wetland or watercourse"** means to alter the inland wetlands and watercourses by reason of removal or deposition of material, clearing the land, altering or obstructing water flow, or pollution.
- 2.11 **"Essential to the farming operation"** means that the proposed activity is necessary and indispensable to sustain farming activities on the farm, where "farm" is defined by section 1-1 (q) of the Connecticut General Statutes (Appendix A).
- 2.12 **"Farming"** means use of land for the growing of crops, raising of livestock or other agricultural use, shall be consistent with the definition as noted in section 1-1 (q) of the Connecticut General Statutes (see Appendix A).
- 2.13 **"Feasible"** means able to be constructed or implemented consistent with sound engineering principles. —means able to be constructed or implemented consistent with sound engineering principles

- 2.14 **"License"** means the whole or any part of any license, permit, certificate or of approval or similar form of permission which may be required of any person by the provisions of these regulations and the Act or other municipal, state and federal law sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended
- 2.15 **"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.
- 2.16 **"Marshes"** are areas with soils that exhibit aquatic moisture regimes and 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.
- 2.17 **"Material"** means any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, land, gravel, clay, bog, peat, mud, debris, sand, refuse or waste.
- 2.18 **"Municipality"** means the Town of COLUMBIA, Connecticut.
- 2.19 **"Nurseries"** means land used for propagating trees, shrubs, or other places where plants are grown for transplanting, sale, or for use as stock for grafting experimentation
- 2.20 **"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 and ascertaining thereon an abrupt change in the characteristics of soil or vegetation or slope of the land.
- 2.21 **"Permit"** - see License
- 2.22 **"Permittee"** means the person to whom a permit has been issued.
- 2.23 **"Person"** means any person, firm, partnership, association, corporation, company, limited liability company, organization, or legal entity of any kind, including municipal corporations, governmental agencies, or subdivisions thereof.
- 2.24 **"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.

- 2.25 **"Prudent"** means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.
- 2.26 **"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:
- a. Within 200 feet measured horizontally from the ordinary high- water mark of a river, stream, brook or from a wetland soil in those areas identified in section 1.6 of the Commission's Regulations "Areas of Special Concern".
  - b. Within 100 feet measured horizontally from the boundary of any other wetland or watercourse. The Commission may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.
  - c. The Upland Review Area (URA) shall be increased to 200 feet if the slope is greater than 20% within 100' of a wetlands or watercourses to the regulated activity as identified in Section 2.26 of the Commissions regulations.
- 2.27 **"Remove"** includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut timber, bulldoze, dragline or blast within 200 feet measured horizontally from the ordinary high water mark of the river, stream, brook or from a wetland soil in those areas identified in Section 1.6 of the Commissions regulations Areas of Special Concern or within 100 feet measured horizontally from the boundary of any wetland or watercourse. The Commission may rule that any other activity located within such upland review area or in any non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.
- 2.28 **"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,
- 2.29 **"Significant activity impact"** means any activity, including, but not limited to, the following activities which may have a major effect or significant impact.
- a. Any activity involving deposition or removal of material which will or may have a major substantial effect or significant impact on the regulated area or on another part of the inland wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
  - b. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.

- c. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support fish aquatic, wildlife, or other biological life plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
  - d. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse,
  - e. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area wetland or watercourse.
  - f. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
  - g. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.
- 2.30 **"Soil scientist"** means an individual duly qualified in accordance with standards set by the federal Office of Personnel Management.
- 2.31 **"Swamps"** are areas or watercourses with soils that exhibit aquatic moisture regimes and are distinguished by the dominance of wetland trees and shrubs.
- 2.32 **"Submerged lands"** means those lands which are inundated by water on a seasonal or more frequent basis.
- 2.33 **"Town"** means the Town of COLUMBIA, Connecticut.
- 2.34 **"Vernal pool"** means a watercourse consisting of a confined basin depression which contains a small body of standing water, usually drying out for part of the year during warm weather. It can be natural or man-made and lacks a permanent outlet or any fish population. Further, the occurrence of one or more of the obligatory species which include the fairy shrimp, spotted salamander, Jefferson salamander, marbled salamander, wood frog and eastern spadefoot toad are necessary to conclusively define the vernal pool.
- 2.35 **"Waste"** means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands or watercourses of the Town.
- 2.36 **"Watercourses"** means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent; public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration, longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.
- 2.37 **"Wetlands"** means land, including submerged land as defined in this section, not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial

and floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites, which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

## SECTION 3 INVENTORY OF REGULATED AREAS

- 3.1 The map of regulated areas wetlands and watercourses entitled "Inland Wetlands and Watercourses Map, COLUMBIA, Connecticut" delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the office of the Town Clerk or the Commission. In all cases, the precise location of regulated areas wetland and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses. The Commission may consider, but is not limited to, 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 Commission 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 Commission may require such person to provide an accurate delineation of regulated areas in accordance with section 15 of these regulations.
- 3.3 The Commission shall maintain a current inventory of regulated areas within the town. The Commission may amend its map as more accurate information becomes available.
- 3.4 All Map amendments are subject to a public hearing process outlined in Section 15 of these regulations.

## SECTION 4

### PERMITTED USES AS OF RIGHT AND NON-REGULATED USES

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- a. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
  - b. A residential home (A) for which a building permit has been issued or (B) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987. Any person claiming a use of wetlands permitted as of right under this subdivision shall document the validity of said right by providing a certified copy of the building permit and site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document his or her right hereunder;
  - c. Boat anchorage or mooring, not to include dredging or dock construction.
  - d. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality (provided that in any town where there are no zoning regulations establishing minimum residential lot sites, the largest minimum lot size shall be two acres) and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping but shall not include removal or deposition of significant amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse.
  - e. Construction and operation, by water companies as defined by section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in sections 22a-401 and 22a-403 of the Connecticut General Statutes.
  - f. Maintenance related 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 [hydrophytes] hydrophytic vegetation. For purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place; 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. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices.
- b. Outdoor recreation including the use of play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing and cross-country skiing where otherwise legally permitted and regulated.
- 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, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Commission in accordance with Section 6 of these Regulations or for certain regulated activities located outside of wetlands and watercourses from the duty authorized agent in accordance with Section 12 of these regulations.

4.4 To carry out the purposes of this section, any person proposing a permitted operation and use or a non-regulated operation and use shall, prior to commencement of such operation and use, notify the Commission on a form provided by it, and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of a wetland or watercourse. The Commission shall rule that the proposed operation and use or portion of it is a permitted or nonregulated 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 STATE COMMISSIONER OF ENERGY AND ENVIRONMENTAL PROTECTION

- 5.1 Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, commission or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to sections 22a-39 or 22a-45a of the Connecticut General Statutes.
- 5.2 The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to sections 22a-08 through 22a-05 of the Connecticut General Statutes, as amended,
- 5.3 The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair, or removal order issued by the Commissioner of Energy and Environmental Protection under section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Energy Environmental Protection under sections 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from a municipal wetlands commission for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.
- 5.4 The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over the discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under section 404 of the Federal Clean Water Act.

## REGULATED ACTIVITIES TO BE LICENSED

- 6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands and Watercourses Commission of the Town of COLUMBIA.
- 6.2 The Commission shall regulate any operation within 100' of a wetlands or watercourse, and within 200' of an Area of Special Concern (AOSC; refer to Section 1.6), involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses and any other regulated activity, unless such operation or use is permitted or non-regulated pursuant to Section 4 of these regulations.
- 6.3 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Commission, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these regulations and any other remedies as provided by law.
- 6.4 The Commission shall regulate any activity that occurs in non-wetland upland or non-watercourse areas that are likely to impact or affect inland wetlands or watercourses.
- 6.5 The Commission and its agent or any specialists hired by the Commission to evaluate permit applications under these regulations shall have the right of free access to any part of the under consideration with the owners or agent of the owner's permission. The property' owner may require that such persons have a letter of authorization from the Chairman of the Commission prior to permitting such access.

## 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 using the Town of COLUMBIA Inland Wetlands and Watercourses Commission Application for Permit form. The application shall contain the information described in this section and any other information the Commission may reasonably require. Application forms may be obtained at the Town Clerk's office or downloaded from the Town website.
- 7.2 If an application to the Town of COLUMBIA Planning and Zoning Commission for subdivision or re-subdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with section 8-3 (g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Commission in accordance with this section, no later than the day the application is filed with such planning and zoning commission.
- 7.3 The application shall contain such information as is necessary for a fair and informed determination thereon by the Commission.
- 7.4 A prospective applicant may request the Commission to determine whether a proposed activity involves a significant activity.
- 7.5 All applications shall include the following information in writing and/or on maps or drawings:
- a. The applicant's name, mailing address, telephone number(s), and email address; if the applicant is a Limited Liability Corporation or a Corporation, the managing member's or responsible corporate officer's name, address, telephone number, and email address.
  - b. If applicable, the name of any authorized agents (e.g., architect, engineer, survey, attorney), business name, mailing address, phone number(s), and email address.
  - c. The applicant's interest in the land.
  - d. The land-owner's name, mailing address and telephone number(s) and, if the applicant is not the owner of the land upon which the subject activity is proposed, the written consent of the owner.

All applications involving land within the COLUMBIA Lake high water mark must include the COLUMBIA Lake Management Association (ALMA) as a co-applicant.
  - e. A statement indicating whether an application has been filed with the Town of COLUMBIA Planning and Zoning Commission,
  - f. A statement indicating whether the land is part of a previously approved subdivision (if so, copies of all permits are to be submitted with the application).
  - g. A description of any other State or Town Permits pending for work on the land or required for work on the land.
  - h. The geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and

watercourses, the area(s) (in acres or square feet) of wetlands and/or watercourses to be disturbed, soil type(s), and wetland vegetation;

- i. The purpose and a description of the proposed activity, including:
  - i. A detailed description of all activity, including any construction and/or disturbance.
  - ii. A description of the type and volume of material to be filled or excavated, (A) in the wetlands and/or watercourse(s) and (B) in the upland review area.
  - iii. A description of the amount and area of disturbance (A) in the wetland(s) and/or watercourse(s) and (B) in upland review area.
- j. A description of 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;
- k. A description of alternatives considered and subsequently rejected by the applicant 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 diagrammed on a site plan or drawing;
- l. A site plan showing the proposed activity and existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses;
- m. Names and mailing addresses of adjacent landowners.
- n. 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.
- o. Authorization for the members and agents of the Commission and any consultant for the Commission to inspect the subject land, at reasonable times, both before and after a final decision has been issued and for the life of the permit
- p. A completed DEEP reporting form; the Commission and any consultant for the Commission shall revise or correct the information provided by the applicant, and submit the form to the Commissioner of Energy and Environmental Protection in accordance with section 22a-39-14 of the Regulations of Connecticut State Agencies;
- q. Any other information the Commission deems necessary to the understanding of what the applicant is proposing.
- r. The Commission may require that the applicant provide notice(s) to adjacent property owners when the commission determines it is in the public's best interest and/or if the impact from the proposed regulated activity has potential to impact neighboring properties. If required, notice of the Wetlands Meeting shall be mailed to the owner(s) of record of abutting land by the applicant, certified receipt requested, no less than fifteen (15) days

prior to the Wetlands Meeting. The notice must be mailed to persons who own land that is adjacent to the land that is the subject of the applicants request for a wetland permit. and if required by the Commission, notice to be additionally provided by posting a sign on the land that is the subject of the wetland's application. 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. Proof of such notification shall be provided to the commission by the applicant prior to the meeting the commission may choose to increase the extent or reach of the notice to subsequent adjacent property owners to be notified by the Applicant, certified receipt requested, should the commission determine it is in the public's best interest.

- s. Submission of the appropriate filing fee based on the fee schedule established in Section 19 of these regulations.

7.6 At the discretion of the Commission or its Agents or when If 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: as determined by the Commission, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required unless otherwise determined by the Commission:

- a. Site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person;
- b. Engineering reports and analyses and additional drawings to fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan.
- c. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service; the wetlands shall be delineated in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans;
- d. A description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions.
- e. A description or how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative which would cause less or no environmental impact to wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent;
- f. Analysis of chemical or physical characteristics of any fill material; and

- g. Management practices and other measures designed to mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and fish and wildlife habitats, and functions which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.
  - h. Written description of the proposed construction process and sequence.
- 7.7 The applicant shall certify whether:
- a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality.
  - b. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site.
  - c. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or,
  - d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- 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 Commission.
- 7.9 Any application to renew or amend an existing permit shall be filed with the Commission in accordance with section 8 of these regulations at least sixty-five (65) days prior to the expiration date of the permit. The Commission shall determine whether an amendment or modification to an existing permit will require a new permit application. Any application to renew or amend such an existing permit shall contain the information required under section 7 of these regulations provided:
- a. The application may incorporate the documentation and record of the prior application.
  - b. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit.
  - c. The application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit',
  - d. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued.
  - e. The Commission may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its 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 Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit 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 land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of 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 COLUMBIA Inland Wetlands and Watercourse Commission of the Town of COLUMBIA or the Town Clerk who shall act as agent of the Inland Wetlands and Watercourses Commission for the receipt of such petition, application, request or appeal.
- 8.2 The Commission shall, in accordance with Connecticut General Statutes sections 8-7d(f) and 22a-42b, notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal request or plan concerning any project on any site in which:
- a. Any portion of the property affected by a decision of the Commission is within five hundred feet of the boundary of the 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 sewage or drainage system within the adjoining municipality; or,
  - d. Water run-off from the improved site will impact streets or other municipal or private property' within the adjoining municipality.
  - e. Notice of the pendency of such application shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the date of receipt of the application, petition, appeal, request or plan.
- 8.3 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 25-32a of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days after the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application.
- 8.4 The date of receipt of any application, petition, request or appeal shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission 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 Commission may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in subsection 11.2 of these regulations.

8.6 All applications shall be open for public inspection.

8.7 Incomplete applications may be denied.

SECTION 9  
PUBLIC HEARINGS

- 9.1 The Commission shall not hold a public hearing on an application unless the Commission determines that the proposed activity may have a significant impact on wetlands or watercourses, 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 Commission not later than fourteen days after the date of receipt of such application, or the Commission finds that a public hearing regarding such application would be in the public interest. The Commission may issue a permit without a public hearing provided no petition provided for in this section is filed with the Commission on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application, all applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person may appear and be heard and may be represented by agent or by attorney.
- 9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.
- 9.3 Notice of the Public Hearings shall be mailed to the owner(s) of record of abutting land by the applicant, certified receipt requested, no less than fifteen (15) days prior to the hearing. The notice must be mailed to persons who own land that is adjacent to the land that is the subject of the hearing and if required by the Commission, notice to be additionally provided by posting a sign on the land that is the subject of the hearing. 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. Proof of such notification shall be provided to the commission by the applicant prior to the hearing. The commission may choose to increase the extent or reach of the notice to subsequent adjacent property owners to be notified by the Applicant, certified receipt requested, should the commission determine it is in the best public interest.
- 9.4 In the case of any application which is subject to the notification provisions of subsection 8.3 of these regulations, a public hearing shall not be conducted until the clerk of the adjoining town(s) have received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.
- 9.5 Any significant changes to the plan or application shall be submitted to the Agent Commission and Town Clerk no later than 10 days prior to the public hearing: at the discretion of the Commission or its Agents, untimely significant changes may be received within a shorter time period.

## SECTION 10

### CONSIDERATIONS FOR DECISION

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

- a. The application and its supporting documentation.
- b. For an application for which a public hearing was held, public comments, evidence and testimony,
- c. Reports from other agencies and commissions including but not limited to the Town of COLUMBIA's:
  - Conservation Commission
  - Planning and Zoning Commissions
  - Building Official
  - Health Officer/Sanitarian
- d. The Commission may also consider comments on any application from the Tolland County Soil and Water Conservation District, Council of Governments, or other regional organizations (i.e. Council of Elected Officials); agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
- e. Non-receipt of comments from agencies and commissions listed in subdivisions 10.1.c and d above within the prescribed time shall neither delay nor prejudice the decision of the Commission.

10.2 Criteria for Decision. In carrying out the purposes and policies of sections 22a-36 to 22a45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Commission 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 capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety;
- b. The 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 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 value of wetlands and watercourses to the community.
- 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.

- 10.3 In the case of an application which received a public hearing pursuant to a finding by the Commission that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the Commission shall consider the facts and circumstances set forth in subsection 10.2 of this section. The finding and the reasons therefore shall be stated on the record in writing.
- 10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternative to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Commission 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 wetlands Commission 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 Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issue. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these regulations and sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.

- 10.8 In the case of an application where the applicant has provided written notice pursuant to subsection 7.11c of these regulations, the holder of the restriction may provide proof to the Commission that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the Commission shall not grant the permit approval.
- 10.9 In the case of an application where the applicant fails to comply with the provisions of subsection 7.11c or 7.11d of these regulations, (1) the party holding the conservation or preservation restriction, other than a state agency that holds such restriction, may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the agency, subject to the rules and regulations of such agency related to appeals. The Commission shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction; or (2) the state agency that holds such restriction may, not later than thirty days after receipt of actual notice of permit approval, file an appeal with the agency, subject to the rules and regulations of such agency relating to appeals. The Commission shall immediately reverse such permit approval if the commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction.
- 10.10 Nothing in subsections 7.11c or 7.11d of these regulations shall be construed to prohibit the filing of a permit application or to require such written notice when the activity that is the subject of such permit application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction.

## SECTION 11

### DECISION PROCESS AND PERMIT

- 11.1 The Commission, 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 watercourses resources. Such terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided the Commission, 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 Commission 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) of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one 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 Commission 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 Commission shall be withdrawn by the applicant or denied by the Commission.
- 11.3 The Commission shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall, as applicable and in accordance with section 10 of these regulations, incorporate a statement relative to the consideration of feasible and prudent alternatives.
- 11.4 The Commission 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 Commission 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 an inland wetland permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, or variance or special exception, under sections 8-3(c), 8-3(g), or 8-26 of the Connecticut General Statutes, the Commission shall file a copy of the decision and report on the application with the Town of COLUMBIA Planning and Zoning Commission within fifteen days of the date of the decision thereon.

- 11.6 Any permit issued by the Commission 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, whichever is earlier. Any permit issued by the Commission 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 Commission prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine years after the date of such approval.
- 11.7 No permit issued by the Commission shall be assigned or transferred without the written permission of the Commission or its agent
- 11.8 If a bond or insurance is required in accordance with section 13 of these regulations, the Commission may withhold issuing the permit until such bond or insurance is provided.
- 11.9 General provisions in the issuance of all permits:
- a. The Commission 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 Commission are subject to and do not derogate any present or future rights or powers of the Commission or the Town of COLUMBIA, 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 Commission's permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under sections 8.3(c), 8-3(g), 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 Commission.

## SECTION 12

### ACTION BY DULY AUTHORIZED AGENT

- 12.1 The Commission may delegate to its duly authorized agent the authority to approve or extend the license for an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of Energy and 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 Commission and shall contain the information listed under Section 7.5 of these regulations and any other information the Commission 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. Agent shall report at the next meeting any action taken.
- 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 Commission within fifteen days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such Commission or its agent of such appeal. Any person may appear and be heard at the meeting held by the Commission to consider the subject appeal. The Commission 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 Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Commission, be required to file a bond with such surety in such amount and in a form approved by the Commission. The Commission may require, as a permit condition, the filing of a bond with such surety in such amount and in the form approved by the commission
- 13.2 The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.
- 13.3 The Commission may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within two (2) years of completion of such operations, in an amount commensurate with the regulated activity.
- 13.4 The commission may require bonding to ensure any activity being undertaken in a nonregulated area, if that activity may potentially disturb the natural and indigenous character of any regulated area.
- 13.5 The amount of the performance bond shall be released to the permittee upon receipt by the Commission of evidence that the proposed activity(ies) have been substantially completed in a satisfactory manner. The Commission may, in its own discretion release a portion of the bond amount if it is of the opinion that the permitted activity(ies) have been substantially completed and only a minor portion of the activity(ies) remains to be completed.

SECTION 14  
ENFORCEMENT

- 14.1 The Commission may appoint an agent or agents to act in its behalf with the authority to inspect property, except a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this section, the Commission or its duly authorized agent shall take into consideration the criteria decision under section of these regulations.
- 14.2 The Commission or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations with the consent of the property owner or the duly authorized agent of the owner during the life of the permit.
- 14.3 In the case which a permit has not been issued or a permit has expired, the Commission or its agents 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 Commission or its designated agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Commission or its duly authorized agent may:
- a. Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Commission 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 Commission shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission 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 Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to section 22a-44(b) of the Connecticut General Statutes, as amended.
  - b. Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Commission, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in subdivision 14.3. a or other enforcement proceedings as provided by law.
- 14.5 The commission 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 Commission 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 Commission shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Commission 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 COLUMBIA may be amended, from time to time, by the Commission in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- 15.2 An application filed with the Commission 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 Commission 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 COLUMBIA Inland Wetlands and Watercourses Map shall be amended in the manner specified in section 22a-42a of the Connecticut General Statutes, as amended. The Commission shall provide the Commissioner of Energy and 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 days before the public hearing on their adoption. Fee schedules shall be adopted as Commission regulations.
- 15.4 Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, COLUMBIA, Connecticut, shall contain at least the following information:
- a. The petitioner's name, mailing address and telephone number.
  - b. The address, or location, of the land affected by the petition.
  - c. The petitioner's interest in the land affected by the petition.
  - d. Map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations; and
  - e. The reasons for the requested action.
  - f. The names and addresses of adjacent property owners; and
  - g. A map showing proposed development of the property.
- 15.5 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, COLUMBIA, 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 Commission. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 15.4, the petition shall include:

- a. The name, mailing address and telephone number of the owner(s) of such land and owner(s) agent or other representative.
  - b. The names and mailing addresses of the owners of abutting land.
  - c. Documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; 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 regulations and 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 days, the first not more than fifteen days nor less than ten days, and the last not less than two 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 Commission 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. The hearing shall be completed within thirty-five (35) days after commencement. The Commission 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 Commission 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 Commission 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 Commission shall be made in accordance with the provisions of section 22a-43 of the Connecticut General Statutes, as amended.
- 16.2 Notice of such appeal shall be served upon the Commission and the Commissioner of Energy and Environmental Protection.

## SECTION 17

### CONFLICT AND SEVERANCE

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

## SECTION 18

### OTHER PERMITS

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

## SECTION 19

### APPLICATION FEES

- 19.1 Method of Payment. All fees required by these regulations shall be submitted to the Commission by check or money order payable to the Town of COLUMBIA.
- 19.2 Application Fee Estimate and Payment. An estimate of application fees will be provided to the applicant within 10 days of receipt of the application in the Land Use Department. Fees are due at the time an application is formally received by the Commission (refer to Section 6.) No application shall be approved, or permit granted by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant to subsection 19.10 of these regulations.
- a. All applications will incur a State Fee. At the date of this revision, the State Fee is \$60.00. The applicant is responsible for any increases to this fee that may occur after adoption of these regulations. This fee is not refundable.
  - b. All application wills incur a Basic Filing Fee (refer to subsection 19.3). This fee is not refundable.
  - c. Additional fees may be assessed to cover costs associated with complex applications and/or monitoring and inspection of an application (refer to subsections 19.4 and 19.5). Payment of any such additional fees is due within 10 days of notice to the applicant.
  - d. Additional fees will be assessed for regulated activities started without a permit (subsection 19.3b) and activities requiring inspection due to non-compliance (subsection 19.5c).
  - e. The applicant is responsible for the cost of publishing the legal notice of the commission's decision. The approximate amount of publishing this notice will be assessed at the time of filing.
- 19.3 Basic Filing Fees. Basic filing fees cover the cost of processing the application, preliminary review of application and plans, initial inspection(s) of the site and meeting with the applicant or the applicant's agent.
- a. Basic filing fee definitions. As used in this section:
    - (1) "Residential Uses" means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.
    - (2) "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,
    - (3) "Other Uses" means activities other than residential uses or commercial uses.
  - b. The standard basic filing fees are as follows:
    - (1) Basic Residential Filing Fee       \$200.00
    - (2) Basic Residential Subdivision Filing Fee   \$150.00  
+ \$150.00 per parcel or lot that contains a "Regulated Activity"

(3) Basic Commercial Filing Fee \$300.00

(4) Basic Other Uses Filing Fee \$100.00

(5) Basic Fee for Agent Approval or \$65.00  
Extension of Activity Pursuant to Section 12

(6) Residential uses with minimal impact \$100.00

c. Regulated Activity Started without a Permit. The filing fee for a regulated activity that was started with an approved permit shall be double the standard basic filing fee.

19.4 Complex Application Fee. The Commission may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts to analyze, review, and report on issues requiring such experts.

a. The Commission or the duly authorized agent shall be paid pursuant to Section 19.1 of these regulations within 10 days of the applicant's receipt or notice of such estimate.

b. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after publication of the Commission's decision

19.5 Monitoring and Inspection Fees.

a. The approximate number and type of inspections will be determined at the time of filing, and/or assessed per inspection required to monitor the site after the permit is issued.

b. The cost of monitoring and inspections will be charged to the applicant based upon the following fee schedule:

(1) Wetlands Agent \$35.00 per inspection or  
billed per hour @ \$35.00/ per ½ hour or part thereof

(2) Engineer \$150.00 per inspection or  
billed per hour @ \$150.00 per hour or part thereof

(3) Environmental Consultant \$150.00 per inspection or  
billed per hour @\$150.00 per hour or part thereof

c. Inspections for Non-Compliance will be charged a \$50.00 per site inspection fee or \$50 per ½ hour or part thereof.

19.6 Significant Activity and Impact Fees:

a. Significant Activity Fee (refer to Subsection 7.6). If it is determined that the application will result in a significant activity a fee of \$250.00 will be assessed.

b. Area of Wetland and Watercourse Impacted Fee. A fee for the area of wetlands to be affected and/or length of watercourse disturbed, by the proposed regulated activity, including, but not limited to, any excavation, filling, alteration, or pollution of such wetland or watercourse, will be assessed as follows:

(1) Wetland Impacts: \$100.00 per square feet of affected wetlands

(2) Watercourse Impacts: \$2.00 per linear foot of watercourse disturbed

- c. Road Construction Impact Fee. Any road construction (private or public) involving wetland or watercourses will be assessed a \$1000.00 fee for the first 1000 feet and \$1.00 per foot thereafter.
- 19.7 Map Amendment Petitions. Such petitions will incur a \$250.00 fee plus an additional \$20.00 per 1000 linear feet (or portion thereof) of total length of wetlands and watercourses boundary subject to the proposed boundary change. (Refer to Section 15.5 of these regulations for additional information regarding map amendment petitions.)
- 19.8 Request for Modification of a Previously Approved Permit. A \$70.00 fee will be assessed for requests to modify a previously approved permit. Such requests include, but are not limited to, requests for extension(s) of time in which to initiate and/or complete the permitted activity.
- 19.9 Exemptions. Boards, commissions, councils and departments of the Town of are exempt from all fee requirements.
- 19.10 Waivers. The applicant may petition the Commission to waive, reduce or allow delayed payment of the fee.
- a. Such petitions shall be in writing and shall state fully the facts and circumstances the Commission should consider in its determination under this subsection.
  - b. The Commission may waive all or part of the application fee if the Commission determines that:
    - (1) The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
    - (2) The application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.
    - (3) An applicant in a lake Zone required to complete the Nutrient Allocation Worksheet to comply with the Zoning regulations reduces the nutrient loading by greater than 15 percent of the required reduction.
  - c. The Commission 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 COLUMBIA.
- 20.2 Public Act 96-157 uses the word "submission" which should be understood to mean "day of receipt."

**Sec. 1-1. Words and phrases. Construction of statutes.**

(a) In the construction of the statutes, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood accordingly.

...

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

RECEIVED

JUL 06 2020

TOWN OF COLUMBIA  
INLAND WETLANDSCOMMISSION  
Application for Permit

TOWN OF COLUMBIA  
BUILDING & LAND USE

\*\*You must submit your application to the Building/Land Use Department by the close of the workday (12:00 p.m.) FRIDAY of the week before the next regularly scheduled meeting of the IWWC. If Friday is a holiday, submit the application the Thursday before by 6:00 p.m.

Date Submitted 6/12/2020

Application # IWW- 2021-01

**Wetlands Filing Fees (Effective April 1, 2013):**

Basic residential filing fee - \$285.00 (\$125.00 plus \$60.00 State fee plus \$100.00 fee for legal notice of decision)

Basic residential subdivision filing fee - \$125.00 plus \$125.00 per parcel containing a regulated activity plus \$60.00 State fee plus \$100.00 fee for legal notice of decision

Basic commercial filing fee - \$460.00 (\$300.00 plus \$100.00 fee for legal notice of decision) plus State fee of \$60.00

Basic other uses filing fee - \$200.00 (\$100.00 plus \$100.00 fee for legal notice of decision)

Basic agent fee for approval or extension of activity pursuant to Section 12 - \$125.00 (\$65.00 plus \$60.00 State fee)

Inspection for non-compliance to permit conditions - \$50.00 per site inspection or per ½ hour

Fee for a permit application that includes road construction (private or public) involving wetland or watercourses \$1,000.00 up to 1000' and \$1.00 per foot thereafter

Significant activity requiring public hearing fee (Subsection 7.4) - \$635.00 (Basic residential filing fee of \$285.00 plus \$350.00 fee which includes additional staff review and publication of two public hearing legal notices)

Commercial significant activity requiring public hearing fee (Subsection 7.4) - \$810.00 (Basic commercial filing fee of \$460.00 plus \$350.00 fee which includes additional staff review and publication of two public hearing legal notices)

Map amendment petitions (Subsection 14.3) - \$350.00 plus \$20.00 per 1000 linear feet of total length of wetlands and watercourses boundary subject to the proposed boundary change

Modification of previously approved permit to include, but not limited to, extension(s) of time in which to initiate and/or complete the activity - \$170.00 (\$70.00 plus \$100.00 fee for publication of legal notice of decision)

FEE PAID: \$285.00/-  
CHK # 1496 ✓

1. Name And Address of Applicant Kevin Shortoff 64 Laurel Ln., Columbia 06237

Home/Day Phone \_\_\_\_\_ Cell Phone 860-885-9905

Business Name & Business Address of Applicant \_\_\_\_\_

Email KEShortoff@gmail.com

2. Name, Address & Title of Authorized Agent (if different from applicant)

\_\_\_\_\_

Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

3. Applicant's interest in the property (please check one)

Owner \_\_\_\_\_  Developer \_\_\_\_\_  Builder \_\_\_\_\_  Option Holder \_\_\_\_\_  Other

If Applicant is not the Owner, please provide:

Name & Address of Owner \_\_\_\_\_

Home Phone \_\_\_\_\_ Business Phone \_\_\_\_\_ Cell \_\_\_\_\_

4. Has application been filed with the Planning and Zoning Commission? \_\_\_\_\_

Is this land part of a previously approved subdivision? NO/N/A

If so, please attach copies of all permits.

5. Identify any other State or Town permits pending for the proposed work on this property or required for work on this property. (attach extra pages if necessary)

\_\_\_\_\_

6. Location of property where proposed activity is to take place

Street Address 64 Laurel Ln. Columbia, CT.

Nearest telephone pole # and distance to intersection \_\_\_\_\_

Name of Subdivision & Subdivision Lot # \_\_\_\_\_

Tax Assessors Map Reference: Map # 012B Lot # 013 LTR

See attached :-)

7. Names and Addresses of Adjacent Property Owners (attach extra pages if needed)

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8. Project description (attach extra pages if needed)

Describe in detail the proposed activities here or on an attached page (see project description guidelines on page 8 of the application). Please include a description of all activities, construction or disturbance of soil:

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List the type and volume of material to be filled or excavated (even if the wetlands/watercourse is off your property). Material brought in must be from an approved source. See wetlands agent for determination of "approved source".

a) In the wetlands/watercourse \_\_\_\_\_  
\_\_\_\_\_

b) In the area adjacent to (within 100 feet measured horizontally from) the boundary of any other wetland or watercourse

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c) In the Wetlands of Special Concern (within 200 feet measured horizontally from the ordinary high water mark of a lake, pond, river, stream, a brook or from a wetland soil in those areas identified as areas of special concern in the Town of Columbia in Section 1.6 of the Commission's regulations). (See Section 1.6 on page 7 of the application for list of Watercourses of Special Concern)

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d) The Upland Review Area shall be increased to 200 feet if the slope is greater than 20% within 100' of wetlands.

Describe the amount and area of disturbance in percentage of acre and cubic yards of material to be deposited. Material brought in must be from an approved source. See wetlands agent for determination of "approved source".

a) In the wetlands/watercourse \_\_\_\_\_  
\_\_\_\_\_

b) In the area adjacent to (within 100 feet measured horizontally from) the boundary of any other wetlands/watercourse  
\_\_\_\_\_  
\_\_\_\_\_

c) In the Wetlands of Special Concern (within 200 feet measured horizontally from the ordinary high water mark of a lake, pond, river, stream, a brook or from a wetland soil in those areas identified as areas of special concern in the Town of Columbia in Section 1.6 of the Commission's regulations) (See Section 1.6 on page 7 of the application for list of Watercourses of Special Concern)  
\_\_\_\_\_  
\_\_\_\_\_

d) The Upland Review Area shall be increased to 200 feet if the slope is greater than 20% within 100' of wetlands.

9. List title of Site Plans, drawings, cross-sections with latest revision dates which accompany this application. Twelve copies of application and plans are required.
10. 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 wetlands or watercourses resources; alternatives considered and subsequently rejected by the applicant and why the alternative as set forth in the application was chosen; all such alternatives shall be diagrammed on a site plan or drawing.
11. Map/Site Plan (required for all applications)

Attach to the application a map or site plan showing existing conditions and the proposed project in relation to wetlands/watercourses. The scale of map or site plan should be 1"=20'; 1"=30'; or 1"=40'. If this is not possible, please indicate the scale that you are using. A sketch map to scale may be sufficient for small, minor projects. (See sketch map/site plan guidelines on page 8 of the application)

12. A detailed construction schedule with sequence of the work to be done and how and when it will be accomplished.

13. If sedimentation structures, detention pools, or other landscape features (rain gardens, mulched beds, etc.) are utilized to mitigate the impacts to the site, a maintenance schedule must be provided along with supporting data.

14. During the decision process, The IWWC will review the proposed Maintenance Schedule with supporting documentation and the type of maintenance and frequency of maintenance of each structure for the removal of sediment, replacement of stone or other medium(s) or reinstallation.

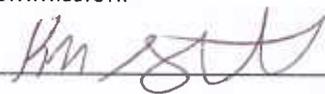
Applicant's map date and date of last revision \_\_\_\_\_

Zone Classification \_\_\_\_\_

Is your property in a flood zone? \_\_\_yes\_\_\_  no \_\_\_ don't know

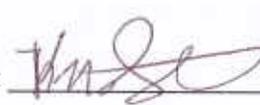
15. Owner's consenting signature:

The undersigned, as owner of the property, hereby consents to the applicant seeking a permit for the proposed activity. The owner also consents to the necessary and proper inspections of the above referenced property by the Columbia Inland Wetlands Commission and its Agent, both before and after a final decision has been made by the Commission.

Signature of Owner  Date 7/2/20

16. Signature of Applicant:

The undersigned is familiar with all the information provided in this application and is aware that any permit obtained through deception, inaccurate or misleading information is subject to revocation.

Signature of Applicant  Date ~~7/20/20~~ 7/2/20

17. Additional information: If deemed a significant activity by the Commission, additional information is required. (See Section 74 of the Commission's Regulations.)

18. Filing fee: Consult Regulations and Wetlands Agent for appropriate fees.

Kevin & Nancy Shortoff  
64 Laurel Lane  
Columbia, CT. 06237  
860-885-9905

7/2/2020

Please reference the attached 'Sketch-up' plot lot layout that was generated prior to construction in the 80's. On the left hand side of the plot I added a Legend, defining what the various line colors and symbols mean.

**See Figure 9.**

Project Description for # 8

1. **Explanation:** Our plan is to turn our driveway into a semicircle. The current layout of the driveway makes it difficult/impossible to turn a vehicle around. This makes it necessary to back out of the driveway into the street. Creating a turn-around within the property is not an option because of the proximity of our driveway to the engineered septic system.

Although Laurel Lane is a dead end road, traffic (especially USPS, FedEx and UPS delivery vehicles) constantly exceed the 25mph limit. My wife, visitors and I have all experienced several close calls backing into the street. This is the main reason why we want to extend our driveway into a semicircle.

Regarding the requirement to reduce our hard surfaces by 10% for this construction to be approved; We have done extensive work on our landscape in the past few months to curb rain and runoff management. This includes redoing the skirt drain that is on the up-hill side of our house. We (I) trenched out and installed 88 tons (4 triaxle's) of stone that is lined top and bottom with landscape fabric to mitigate silt clogging. In the middle of the skirt drain is a 4" diameter perforated pipe, wrapped in an additional layer of fabric sock that prevents silt migration/clogging. Along the path of the skirt drain I installed three (3) surface drains that tie into the perforated pipe. Extensive pitching (I now know what pitch-perfect means) of the grass areas, toward the drain, and reseeding is currently underway.

I also tied the downspouts from several of the house gutters into the above mentioned drainage pipe. All of this water will drain into a bio-retention area that we created in the back section of the property. The bio-retention area is about three feet deep and 25' feet in diameter. Once completed the retention area will be lined with nutrient absorbing, leafy greens.

2. **Describe the area:**

The area of wetland disturbance will be reestablished with the soil and plant life after excavation for the installation of a 6" drainage pipe.

We plan on utilizing the existing 6" drainage pipe underneath the existing driveway, that diverts storm water from the front yard.

On the road side of the driveway we plan to create a 'settling pond #1' which will be approximately 3' long and 2 feet wide

The settling pond will be lined with filter fabric then flat stone from our property. The pipes entering and exiting the 'settling pond' will be at least 6" from the bottom of the pond to allow for any sediment to settle.

**See Figure 1.**



Existing 6"  
Drainage pipe  
under driveway

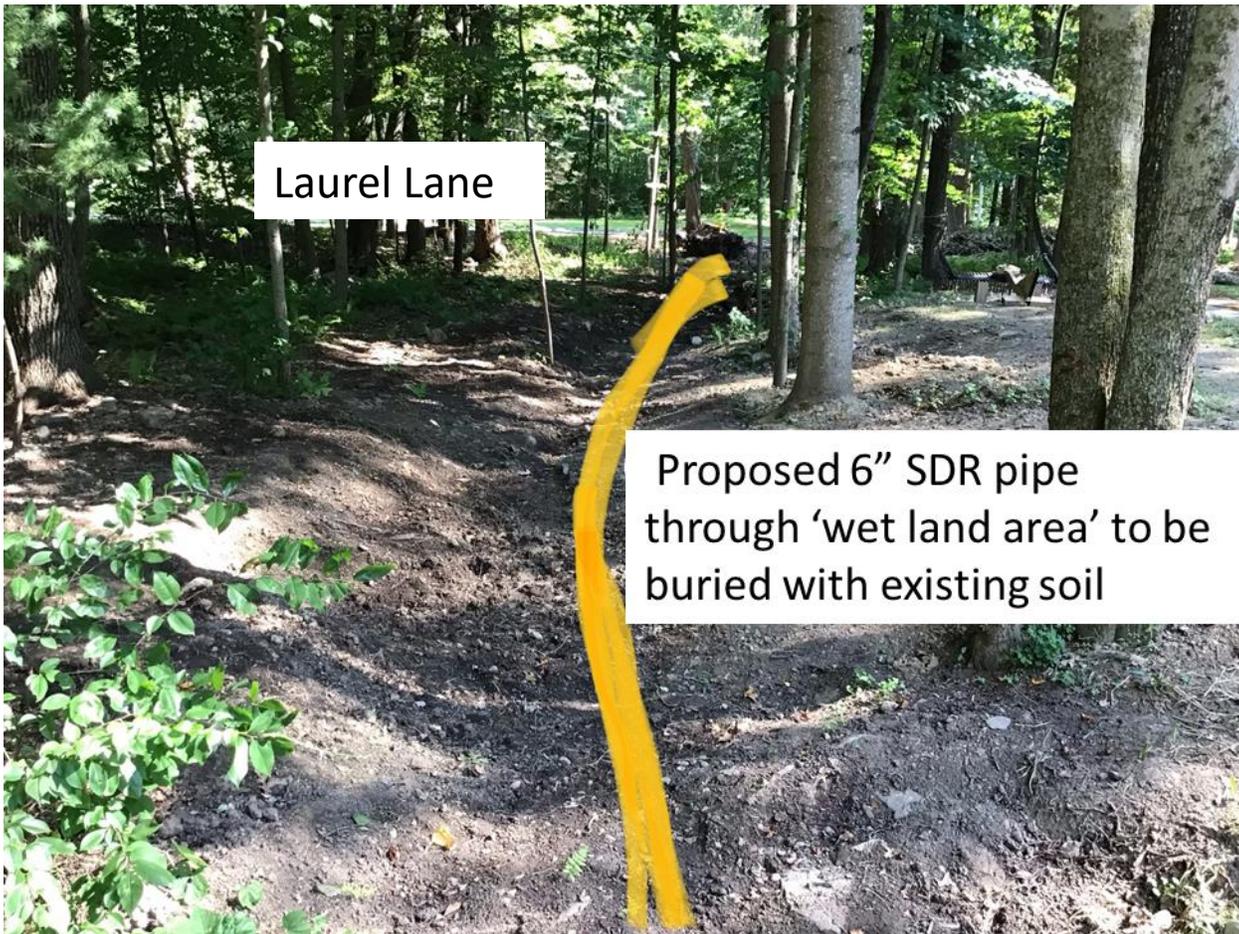
New settling  
Pond 3'L x2'W

Figure 1 Proposed settling pond)



**Figure 1 Proposed settling pond #1**

The effluent water from the 'settling pond #1' will travel through a solid 6" diameter SDR pipe into settling Pond #2, several feet before the driveway extension, in the front left corner of our lot. The 6" pipe will be approximately 160' in length and will skirt the engineered septic system (hence preventing any nutrient absorption). **See Figure 2. Surface Water Drainage Pipe**



*Figure 2. Surface Water Drainage Pipe*

The 6" drainage pipe will be pitched at least 1% and end before the new driveway extension, into 'Settling Pond #2', which will be constructed the in the same fashion as 'Settling Pond #1' (3'L x 2'W, filter fabric, lined with flat stone). **See and Figure 3 Settling Pond #2 and pipe underneath driveway extension & Figure 4 Existing Drainage Pit**

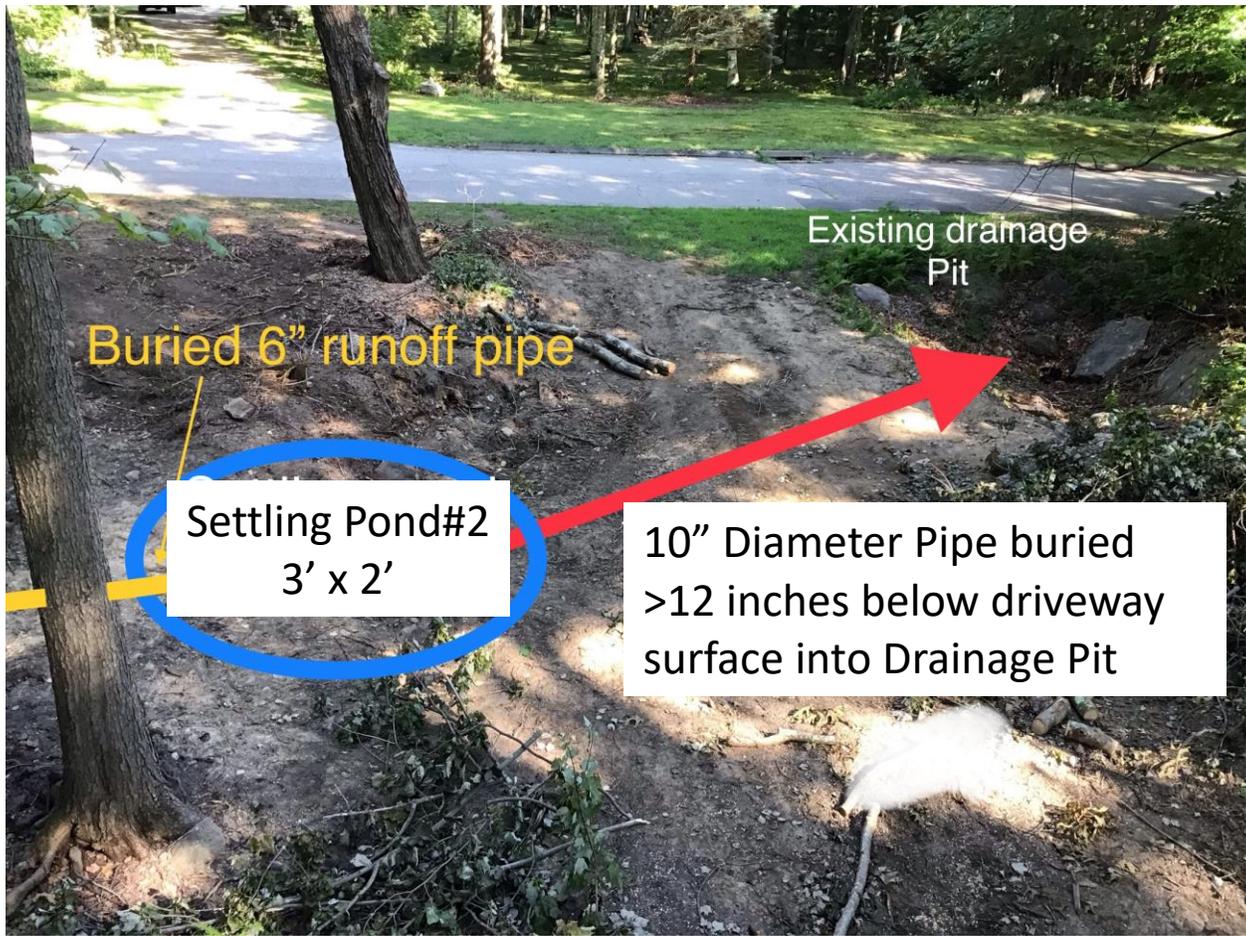


Figure 3 Settling Pond #2 and pipe underneath driveway extension



**Figure 4 Existing Drainage Pit**

The 10" pipe underneath the driveway extension will be buried at least 12 inches under the surface of the driveway, and be embedded in crushed stone. The drainage pit will be cleaned of existing sediment/organic debris, rocks organized and a swale added to catch any sediment from the effluent water out of the 10" pipe.

Hay bales will be installed prior to excavation to prevent sediment from entering the town drainage system. Also, excavation will begin at the road side end of the driveway extension, and finished day 1 to mitigate sediment entering the system.

The curb cut and threshold will be professionally done to meet current standards/requirements.

**(Figure 5 & 6 are a sketch-up of the proposal (not to scale)).**

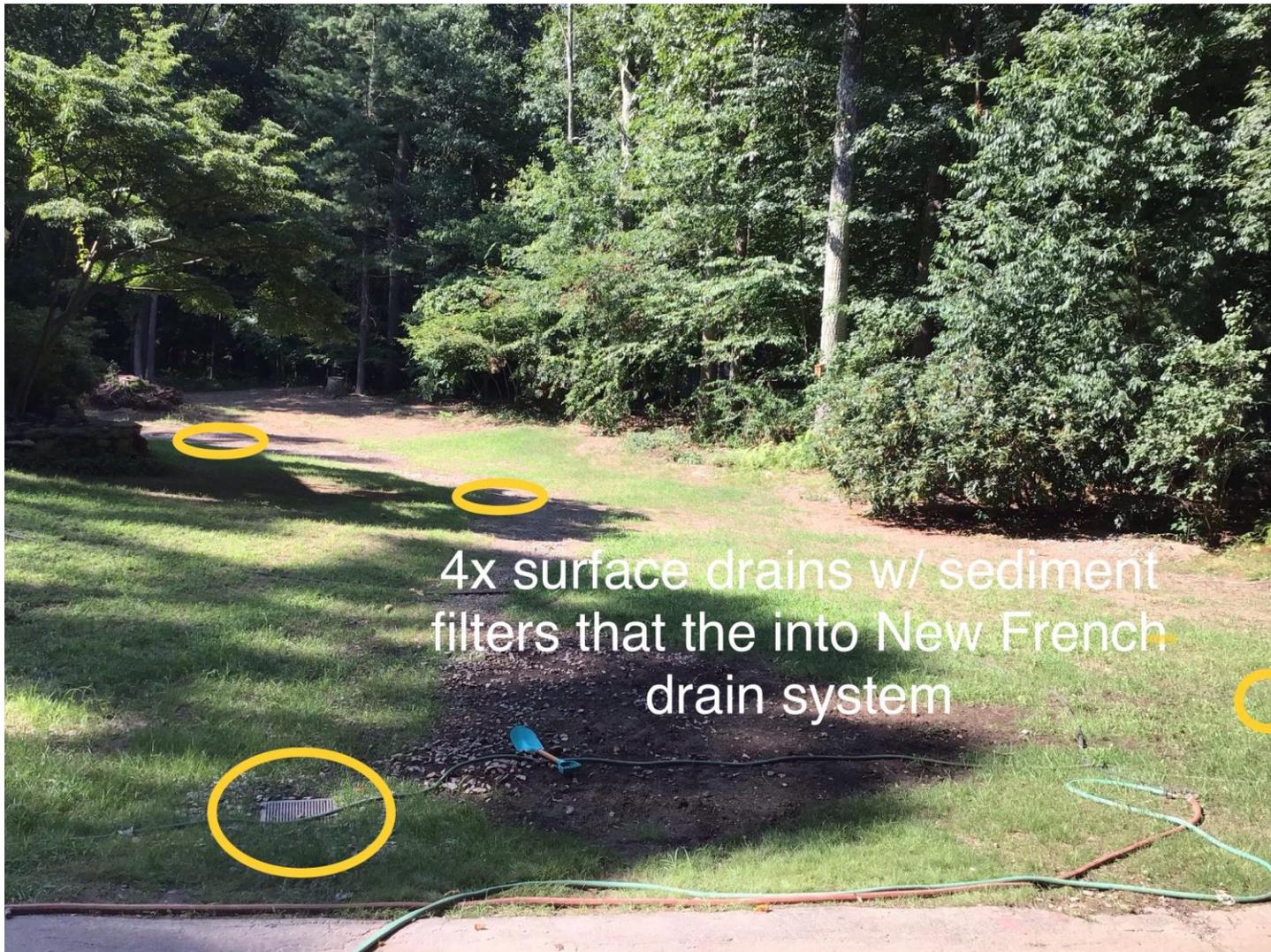


Figure 5 Driveway extension entrance



Figure 6 Drive Way Extension (continued)

**Figure 7** shows the new skirt drain that I installed to mitigate water infiltration of the basement. 88 tons (4 triaxles) of stone are buried around the house perimeter. A perforated pipe connects the surface drains and water drains to air into a nutrient absorption pond. The pipe has several layers of sediment filter (bottom of stone, sock around pipe and top of stone). The system has 4 surface drains with sediment filtering features and drains into a 'pond' back yard. Also, branches have been added so the roof gutters from the house drain into the 'pond'.



4x surface drains w/ sediment filters that the into New French drain system

**Figure 7 New Skirt Drain**

**Figure 8** Shows the area of the nutrient absorption pond. Once complete, this will be lined with native vegetation, and have an outflow that drains into the back of the property

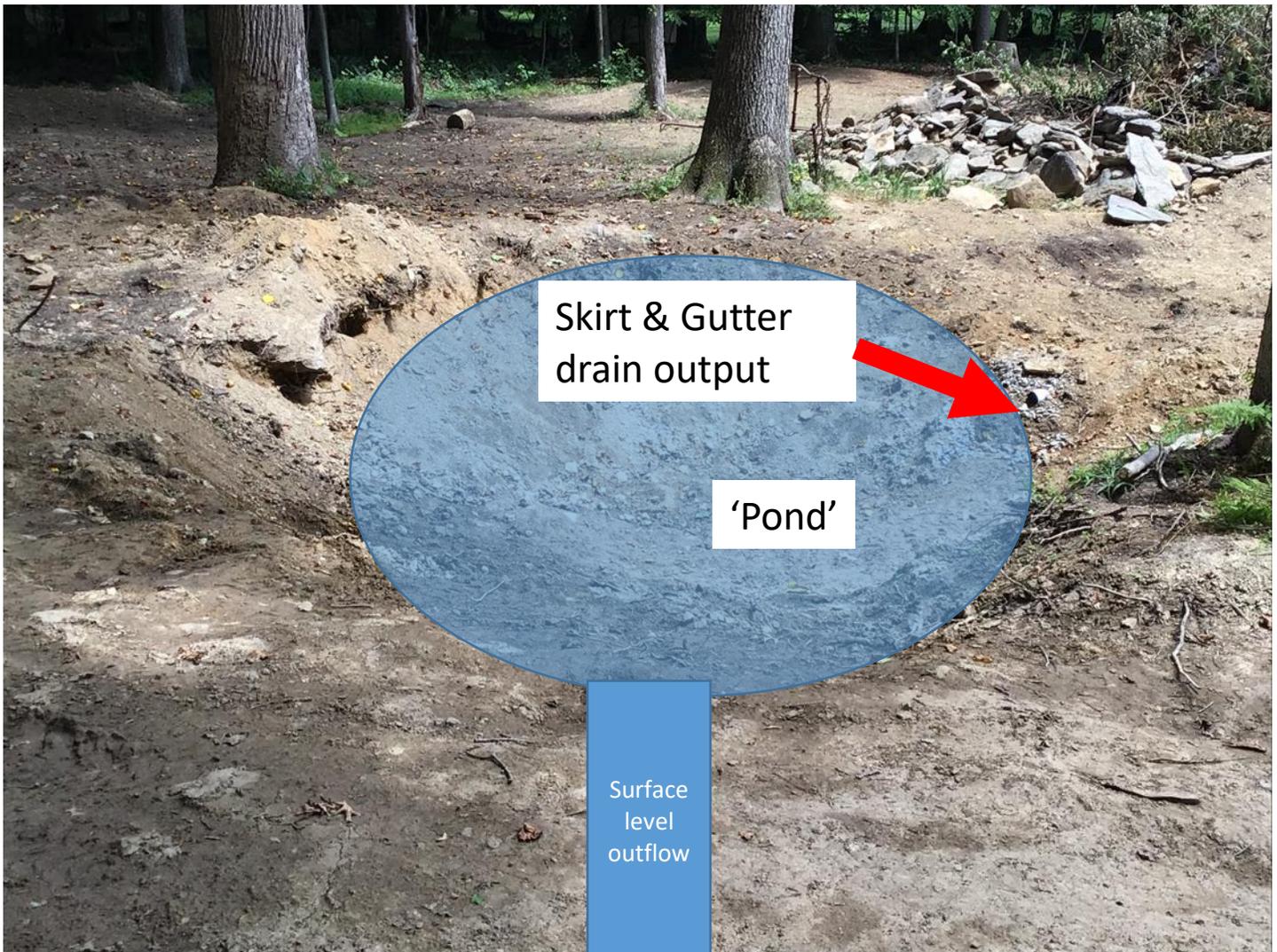


Figure 8: Nutrient Pond

3. **Does the area of activity drain toward wetland:** The runoff from the front lawn of this home will be directed into the covert in the front left corner of our property, through the wetland (as mentioned above). During a site visit, George Murphy referenced a study from the late 70's that concluded runoff from our property does not enter Columbia Lake.
4. **Alternate Methods:** The alternative that was eliminated is the possibility of widening our driveway. This option does not remove the safety hazard of backing into the road.
5. **Construction Methods:** The work will be done once the permits are granted. A 'Rubber Track-hoe' excavator will be used to limit impaction of surrounding soil. Soil to be excavated in the driveway path will be removed and repurposed on our property. The layers of the driveway are planned as follows:
  - a. 6" of compactable fill
  - b. 4" of 3" minus fill
  - c. Processed gravel & stone dust mix on top
  - d. For the new driveway section, the curb cut will be professionally cut, and apron installed will be to current spec.
  - e. The existing apron on our current driveway will be upgraded to meet current spec.



# DRAFT

## "SUMMARY RULING" (APPROVAL WITH CONDITIONS)

As provided for in Connecticut General Statutes Section 22a-36 through 22a-45, as amended, and in Sections 5, 6 and 9 of the Inland Wetlands and Watercourses Regulations of the Town of Columbia, I move that the application No. **IWWC-2021-01**, and supporting data described below, be approved, and a permit granted, with the standard conditions plus separate conditions listed below, in that the proposed activity does not have a significant impact on the wetlands or watercourses as defined in Section 2.1 of the Inland Wetlands and Watercourses Commission Regulations.

**Applicant:** Kevin Shortoff

**Address:** 54 Laurel Lane

**Address of Activity:** 64 Laurel Lane

**Property owned by:** Kevin and Nancy Shortoff

**Maps dated:** July 2, 2020

**Application received on:** July 6, 2020 and \$285.00 fee paid

**For the proposed activity: construct a driveway with culvert adjacent to wetlands and install erosion control measures in a historic wetlands area now modified to act as a storm water plunge pool at Laurel Lane**

1. The Inland Wetlands and Watercourses Commission Agent is to be notified 48 hours before the commencement of any part of the activity approved above.
2. The granting of this permit does not relieve the applicant from obtaining additional permits and/or approvals required by other agencies, federal, state and local. The DEEP is to sign-off and approve the completed project. The Owners Engineer is to provide certification to this Agency that the work was done in compliance with the Local and State Plans and conditions a plan showing the extent of the work is to be filed with the Town
3. If an approval or permit is granted by another agency and contains conditions affecting the wetlands and/or watercourses and the area 200 feet from their flagged boundaries not addressed by this permit, the applicant must resubmit the application for further consideration by the Inland Wetlands and Watercourses Commission, for a decision, before work on the activity is to take place.
4. The duration of this permit is for five (2) years, unless extended by this Agency, and shall expire upon the completion of the activity approved herein or within one year of the start of the activity, whichever is sooner.

5. The Town is to inspect and approve the silt fence/ hay bales prior to movement of any earth material. Hay bales to be placed at the invert of the Town culvert under Laurel Lane, silt fence is to be installed at the end of each work day perpendicular to the underdrain at the end of installation of the underdrain. Hay bales and or silt fence shall be installed perpendicular to the drain at three points between the existing driveway and the intersection of the new driveway and Laurel Lane. The open/disturbed soil will be immediately stabilized with hay and seeded upon finish grading. Silt Fence and Hay Bales to remain in place until the site is fully vegetated

6. All activities for the prevention of soil erosion, such as silt fences and hay bales, shall be under the direct supervision of the Inland Wetlands Agent and, if he deems it necessary, a certified engineer, who shall employ the best management practices, consistent with the terms and conditions of this permit, to control storm water discharges and to prevent erosion and sedimentation, to otherwise prevent pollution of wetlands or watercourses.

7. The property owner, **Kevin Shortoff** is assigned the responsibility for implementing this erosion and sediment control plan. This responsibility includes the installation and maintenance of control measures, informing all parties engaged on the construction site of the requirements and objectives of the plan, notifying the Inland Wetlands Commission office of any transfer of this responsibility, and conveying a copy of the erosion and sediment control plan if the title to the land is transferred.

The IWWC acknowledges that the Owner has offset/mitigated the disturbance to the wetlands by providing adequate erosion control measures, infiltrating and treating surface water and roof water to the rear of the home in a detention basin and reducing the nutrient loading by way of this storm treatment system to the rear of the house and installation of 60 cu/yd of stone to infiltrate surface water.

Description of construction sequence for work provided

Work to start on or about **August\_\_\_, 2020**

Work to take approximately **3 days** to complete

**Motion by:**

**Seconded by:**

**Commission Action:**

**Date:**

John Valente, Wetlands Official

**Expires:**

**TOWN OF COLUMBIA**  
**INLAND WETLANDS AND WATERCOURSE COMMISSION**

Adella G. Urban Administrative Offices Conference Room

323 Route 87, Columbia, CT

Monday, February 3, 2020 - 7:00 P.M.

**REGULAR MEETING MINUTES**

**Members Present:** Chairman John Allen, Vice-Chair Tom Archambault, Secretary Ron Wikholm, Tip Garritt, William Ross, Ian Dann, Carol Ann Jaswinski

**Members Excused:** None

**Staff Present:** Wetlands Agent John Valente, Board Clerk Flo Polek

**Others Present:** Don Cianci, Adam Leston, Robert Sullivan, Mary Sullivan, Contractors for the Sullivan's

**Call to Order:** J. Allen called the meeting to order at 7:00 p.m.

**Roll Call-Seat Alternates:** None

**Additions/Changes in order of Agenda:** as noted after item 2.2

**1. Audience of Citizens:** None

**2. Old Business:**

**2.1 IWWC-1920-09** Application of Oasis Auto, Owner Tai Xu, to locate a detention basin within 100 feet of wetlands for commercial activity expanding car dealership.

J. Valente explained that this is a commercial enterprise, 98% of the project is outside of the Upper Review Area with no opportunity for any water or sediment to get into the wetlands. John recommends that the Commission approves the application.

J. Valente read the summary of conditions into record;

T. Garritt **MOVED** to **APPROVE** the application with conditions as read and presented;

W. Ross **SECONDED; MOTIONED CARRIED; 7.0.0**

**2.2 IWWC-1920-10** Adam Leston & Cristina Granese, 4 Hop River Road, to remove wood chips from wetlands deposited by Eric's Tree Service.

D. Cianci stated that the woodchips were removed between January 23, 2020 to January 26, 2020 by an agent of Eric's Tree Service. J. Valente passed photos to the Commission as well as A. Leston who provided photos and video of the site. Both commented on the removal of the wood chips. J. Valente commented on the video and photos noting the slopes and the trees leaving the stumps as markers where the chips were removed. He stated that there is a diversion created by wood chips to divert the storm water and thought this was a fair compromise. He does not anticipate any storm water going into the wetlands. There was approximately 1500 to 2000 cubic yards of wood chips removed. Trees were cut down because the excavator needed to be able to swing 180 degrees left and right to remove the wood chips. Some woods chips will remain on the banks above the wetlands. To remove more would mean to bring in trucks to move it further up the hill adding additional time to the project. There is approximately a foot and one half of wood chips left in some areas (not in wetlands). J. Valente visited the site each day when the wood chips were being removed. He stated that the chips that remained would not fall back into the wetlands and it would be beneficial to have some wood

chips on the disturbed slopes. T. Garritt visited the site on February 3, 2020 and agreed with J. Valente. W. Ross questioned if fill was placed on the area prior to the depositing of the wood chips over the last year. J. Valente said the area was filled over the years greater than 40 years ago. Tree stumps were used as benchmarks to form a line in removing the woodchips. A big pile of wood chips was removed from the road in the back. The wood chips increased the elevation of the land up to a foot to five feet. J. Valente noted that the wood chips were left on a slope outside of the wetlands area as A. Leston is asking the Commission to consider leaving the chips there as an expansion of agriculture land and pasture. The Lestons have a farm and are permitted "as a use as of right per Section 4.1 of the Commissions Regulations to fill adjacent to the wetlands under the regulations for agricultural use. J. Valente is satisfied with the removal of the woodchips that are stored in the Upper Review Area. He recommends that A. Leston monitor the storm water, monitor that the wood chips are not sloughing off the bank into the wetlands, and any other issues and be available to do a joint inspection of the site in eighteen months to make sure the area has been stabilized and no other issues exists.

J. Valente read the summary ruling with conditions into record;  
T. Garritt **MOVED** to **APPROVE** the application with conditions;  
W. Ross **SECONDED; MOTIONED CARRIED; 7.0.0**

On behalf of A. Leston and C. Granese, D. Cianci thanked the Commission and J. Valente for his positive involvement in this very difficult issue. W. Ross seconded that statement.

W. Ross left the meeting.

T. Garritt **MOVED** to hear item 3.1-**IWWC-1920-13** before items 2.3 and 2.4; T. Archambault **SECONDED; MOTIONED CARRIED; 6.0.0**

W. Ross returned to the meeting.

### 2.3 Bylaws

J. Valente reviewed the proposed Bylaws;  
W. Ross **MOVED** to **APPROVE** the changes in the Bylaws;  
T. Archambault **SECONDED; MOTIONED CARRIED; 7.0.0**

### 2.4 Proposed Regulation Changes -State DEEP revisions to Town of Columbia IWWC Regulations, Discuss Section 19 Fee Structure among other Sections of the Regulations.

J. Valente suggested the changes to the regulations. A Public Hearing will be set up for the new regulations. J. Valente reviewed with the Commission Section 19 Fee structures. J. Valente will have full regulations and fee structures change next month.

## 3. New Business:

### 3.1 **IWWC-1920-13** Mary and Robert Sullivan, 7 Nuhfer Drive, Application to replace/repair seawall, Assessor's Map 012B, Lot 34, in the LAR Zone.

J. Valente explained that there are two issues, one to replace two docks, and the seawall that must be replaced. R. Sullivan would like to have the Commission meet in fourteen days to approve the application to replace the seawall because the project must be completed no later than March 15, 2020. Water level is low at this point. R. Sullivan presented his case with the contractors who will

complete the projects. During the fall clean-up it was noted in mid-November that the seawall was in much needed repair. W. Ross questioned if the same material is used. R. Sullivan noted that the existing material will be removed from the site and new material will be used. Concrete blocks will be used. This cannot be an administrative approval since the wall will be taken down and then digging begins at the interface between wetlands and uplands soils. The timeline is approximately one week to complete the project start to finish, with weather permitting. T. Garritt questioned if there is only one opening and asked if there is a drainage pipe. R. Sullivan stated that there is no drainage pipe. J. Valente noted that the area was all sand. W. Ross suggested that the excavation should begin immediately. J. Valente stated this could be considered an emergency repair/construction if it were through the coming year the whole in the wall would increase 3-fold and yards of material would go into the lake. By consensus the project can go forward under the Agents Direction. The Commission will hold a Special Meeting on February 18<sup>th</sup> to act on this Application

J. Valente read the **RECEIVED** document into record.

T. Garritt **MOTIONED** to **RECEIVE** Application IWWC-1920-13;

W. Ross **SECONDED**; **MOTION CARRIED 7:0:0**

J. Allen **MOTIONED** to schedule a Special Meeting for 7 Nuhfer Drive, on Tuesday, February 18, 2020 at 7:00 p.m.;

W. Ross **SECONDED**; **MOTION CARRIED 7:0:0**

#### **4. Approval of Meeting Minutes of January 6, 2020:**

Ian Dann asked that the spelling of his name be corrected.

I. Dann **MOVED** to **APPROVE** the Meeting Minutes of January 6, 2020, C. Jaswinski **SECONDED**;  
**MOTION CARRIED 7.0.0**

#### **5. Audience of Citizens:** None

#### **6. Communications/Correspondence:** None

#### **7. Commission Open Discussion:**

J. Allen opened discussion regarding tree services that drop wood chips in wetlands area. J. Valente stated he did not speak with anyone. The Town dumped wood chips near the road. The dumping of the wood chips was not part of the dumping near the wetlands.

J. Allen mentioned an article related to the mile a minute weeds in the Habitat. In Connecticut now, and what are people doing about it. It was an interesting article.

#### **8. Administrative Reports:** None

#### **9. Adjournment:**

W. Ross **MOVED** to **ADJOURN**; C. Jaswinski **SECONDED**; **MOTION CARRIED 7:0:0**

The meeting was adjourned at 8:24 p.m.

**TOWN OF COLUMBIA**  
**INLAND WETLANDS AND WATERCOURSE COMMISSION**  
**Building and Land Use Department**  
**323 Route 87, Columbia, CT**  
**Tuesday, February 18, 2020- 7:00 P.M.**  
**SPECIAL MEETING MINUTES**

**Members Present:** Chairman John Allen, Secretary Ron Wikholm, Tip Garritt, William Ross,

**Members Excused:** Vice-Chair Tom Archambault, Ian Dann, Carol Ann Jaswinski

**Staff Present:** Board Clerk Flo Polek

**Others Present:** Robert Sullivan, Mary Sullivan

**Call to Order:** J. Allen called the meeting to order at 7:00 p.m.

**Roll Call-Seat Alternates:** None

**Additions/Changes in order of Agenda:** None

**1. Audience of Citizens:** None

**2. Old Business:**

**2.1 IWWC-1920-13,** To approve the application of Mary and Robert Sullivan, 7 Nuhfer Drive, to replace/repair seawall, Assessor's Map 012B, Lot 34, in the LAR Zone.

J. Allen read the application for Robert and Mary Sullivan. R. Sullivan presented his case reiterating that two docks and the headwall would be replaced as they are in much needed repair. The length of the wall is 70 linear feet. W. Ross questioned if the face of the new wall will be in front of the old one. R. Sullivan said it would in the same line with new blocks. He stated that the demolition of the wall started on February 18, 2020. J. Allen questioned the height of the blocks. R. Sullivan said the height of the blocks will be 2 feet in height. W. Ross said that the footprint is should be consistent with the old one. R. Sullivan said the footprint is the same as the old one. T. Garritt stated that there would be no curve and the wall will be straight. R. Sullivan said that the solid blocks will be placed, then the vapor fabric will be placed behind the blocks, then the area will be filled with stone. W. Ross stated that this would create a drainage barrier behind the wall. Two docks will be rebuilt on concrete blocks. The ground is flat with no steep slopes. The lawn will be brought to the top of the wall.

W. Ross read the summary ruling with conditions into record and **MOVED to APPROVE** the application with conditions; T. Garritt **SECONDED; MOTIONED CARRIED; 4.0.0**

R. Sullivan and M. Sullivan thanked the Commission members for their consideration and time.

**3. Adjournment:**

T. Garritt **MOVED to ADJOURN;** W. Ross **SECONDED; MOTION CARRIED 4:0:0**

The meeting was adjourned at 7:15 p.m.

Respectfully submitted by Flo Polek, Board Clerk.

Please see the minutes of subsequent meetings for approval of these minutes and any corrections hereto.

**TOWN OF COLUMBIA**  
**INLAND WETLANDS AND WATERCOURSE COMMISSION**  
**Wednesday, July 15, 2020 - 6:00 P.M.**  
**SPECIAL MEETING MINUTES**

Members Present: Secretary Ron Wikholm, Ian Dann, Tip Garritt, Carol Ann Jaswinski

Members Excused: Chairman John Allen, Vice-Chair Tom Archambault, William Ross

Staff Present: Inland Wetlands Agent John Valente, Board Clerk Flo Polek

Others Present: Kevin & Nancy Shortoff, Steven Harrington

- 1. 64 Laurel Lane** - The meeting began started at 6:05 p.m. The Shortoff's would like to extend the driveway as a semicircle to the road. Commission members reviewed the site plans. A small area of wetlands is located in the back of the existing driveway and flows toward the main wetland area. The wetlands are the area that goes to the drainage system on the street. J. Valente pointed out the wetland area and stated he was not sure if this was a natural occurrence or inherited by the road system. The pipe goes down to RT 87. Mr. Shortoff said that the flow does not go into the lake. J. Valente confirmed. There will be a pipe 18 inches long under the ground, a solid 6" pipe, with a settling pond on the other side of the driveway. The size of the pipe underneath the driveway will be at 10 inches. The 6-inch pipe will dump into a small basin. There is a small section of lawn where water flows to the road. Most water goes to the back yard. Currently, there are 80 tons of stone filled in the lawn for a French drain. The water flows to a settling pond in the back. The pond has been in place for one month. An apron will be installed for the new driveway with the existing apron to be modified. There are two trees to be cut down. J. Valente asked of Mr. Shortoff knew where the ends of the trenches. Mr. Shortoff did not and said they will not be cutting. Mr. Valente stated that the Shortoff's need to be mindful of what falls in the area such as leaves and you may need to do some screening. The water will continue to flow to the road. Mr. Shortoff spoke to the neighbors and they dump the water down the middle of their back yards. Mr. Valente recapped the issues of the site walk. The pipe underneath the new driveway needs to be 10', need to see what the area will look like, the outlet to the town road, and improve the water going down the road. A meeting will be scheduled via Zoom. Not all issues were raised at the meeting and the Commission will revisit the site plan. The site walk concluded at 6:25 p.m.
- 2. 94 RT 66** - The meeting began at 6:40 p.m. J. Valente shared the site plans with the Commission and introduced S. Harrington. He stated that S. Harrington, in the future, would own the property currently owned by C. Atkins, 23 acres, which includes a farm. There were drainage issues that S. Harrington addressed where the State placed a pipe in which the water flows directly onto the property. J. Valente explained to the Commission members the way the water flows. S. Harrington cut a farm road so the water does not flow down to the river. The water is captured in the stones along the farm road. He said that S. Harrington has an application for a proposed farm road and farm activity, along with adding fruit trees and various farm fields, he currently has a half acre of pumpkins. The water running down the farm road will feed to the

farmlands. The Commission was driven to the proposed site. J. Valente provided in detail the information for the site.

Approximately 70% of trees that were removed along the road were dead. There was one small area where two trees fell into the river. S. Harrington added he would like to pull them out of the river. Mr. Harrington added that there are several trees that will fall into the river, as they are dead or in poor condition.

J. Valente stated the motion to approve the jurisdictional ruling for the farming activities 94 RT 66 and the adjacent property to the east currently owned by C. Atkins:

T. Garritt **MOVED** to **APPROVE** the motion; R. Wikholm **SECONDED**; **MOTION CARRIED 4:0:0**.

The site walk concluded at 7:30 p.m.