

TOWN OF COLUMBIA
INLAND WETLANDS AND WATERCOURSE COMMISSION

Adella G. Urban Administrative Offices Conference Room
323 Route 87, Columbia, CT
Monday, October 5, 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://tinyurl.com/yykdag39>
also on ColumbiaCT.org

Meeting ID: 824 6830 8804
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.

1. **Call to Order:**
2. **Roll Call-Seat Alternates:**
3. **Additions/Changes in order of Agenda:**
4. **Audience of Citizens**

Open Public hearing:

IWWC 2021-07: Proposed Regulation Changes -**Adopt** State DEEP revisions to General Statutes into Town of Columbia IWWC Regulations. Discuss Changes to Section 19 Fee Structure among other Sections of the Regulations.

Continue or Close Public Hearing

Open Regular Meeting

5. **Old Business**
 - 5.1 **IWWC-2021-03:** Application of Penny Walsh to rebuild lake wall and stone patio, and possibly replace dock, Assessor's Map 013B, Lot #052, in the LAR zone.
 - 5.2 **IWWC-2021-04:** Application of Alan and Beth Baumert to rebuild lake wall, replace deck, install a firepit, repair/replace existing docks, and landscaping at 3 Webster Lane, Assessor's Map 013D, Lot #002, in the LAR zone.
 - 5.3 **IWWC 2021-07:** Proposed Regulation Changes -State DEEP revisions to Town of Columbia IWWC Regulations. Discuss Section 19 Fee Structure among other Sections of the Regulations.
6. **New Business:**

7. Approval of Meeting Minutes:

4.1 Special Meeting Minutes of August 3, 2020

4.2 Special Meeting Minutes of September 14, 2020

8. Audience of Citizens

9. Communications/Correspondence

10. Commission Open Discussion

11. 2021 Schedule of Meetings

12. Administrative Reports

13. Adjournment

From: Winther, Darcy <Darcy.Winther@ct.gov> on behalf of DEEP
MunicipalInlandWetlandRegs< DEEP.Municipal.Inland.Wetland.Regis@ct.gov>
Sent: Wednesday, September 02, 2020 2:50 PM
To: John Valente
Cc: Board Clerk
Subject: RECEIVED: 2020, Town of Columbia Proposed Regulations, Public Hearing
October 5, 2020

Importance: Low

The Connecticut Department of Energy and Environmental Protection (DEEP), Inland Wetlands Management Program (IWMP), is in receipt of your proposed amendment(s) to the Inland Wetlands and Watercourses Regulations of the Town of Columbia (and public hearing date), attached to your email dated August 24, 2020.

To ensure the proposed amendment(s) conform to the Connecticut Inland Wetlands and Watercourses Act (IWWA) and accomplish your objectives, the IWMP strongly suggests consultation with your town attorney. The IWMP does not provide a review of your entire set of regulations, however, staff are available to answer questions or discuss concerns you may have regarding specific amendments. Please feel free to contact the IWMP at (860) 424-3019.

The IWMP has prepared guidance and assembled information to assist you in the regulation amendment process. These materials can be found on the IWMP's web page: www.ct.gov/deep/inlandwetlands. Please use the "Legislation, Regulation & Case Law" link located on the left side of the web page.

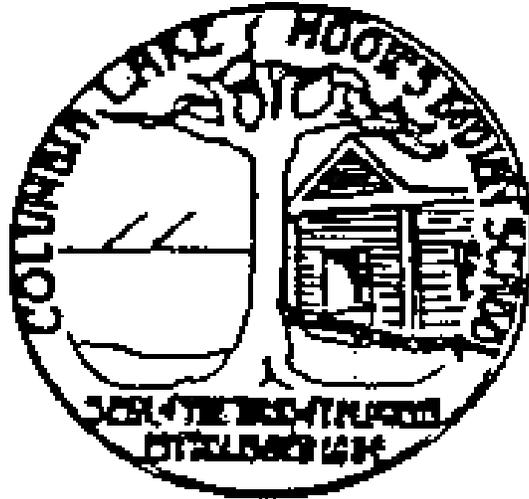
Lastly, please provide the DEEP with a copy of the final regulations as adopted by the municipal inland wetlands agency pursuant to IWWA section 22a-42a(b) no later than ten days after such adoption.

Thank you for your cooperation.

Darcy Winther

Inland Wetlands Management Program
Land and Water Resources Division
Bureau of Water Protection and Land Reuse
Connecticut Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127
P: 860.424.3063 | F: 860.424.4054 | E: darcy.winther@ct.gov
www.ct.gov/deep/inlandwetlands





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

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APPENDICES

Appendix A Connecticut General Statute Section 1-1 (q.) **Page 49**

Appendix B Connecticut General Statute section 8-7d:
Hearings and decisions. Time limits. Date of
Receipt. Notice to adjoining municipality.
Public notice registry
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Appendix C Nutrient Allocation Worksheet **Page 53**

~~**Appendix D** Correspondence dated August 29, 2012 **Page 56**
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~~

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~~ Agency or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to sections 22a-39 or 22a-45a of the Connecticut General Statutes.
- 5.2 The Commissioner of 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. Filing Fee Shall Not Be Required
 - 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.

Section 1-1(q)

- (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.

APPENDIX B

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

(b) Notwithstanding the provisions of subsection (a) of this section, whenever the approval of a site plan is the only requirement to be met or remaining to be met under the zoning regulations for any building, use or structure, a decision on an application for approval of such site plan shall be rendered within sixty-five days after receipt of such site plan. Whenever a decision is to be made on an application for subdivision approval under chapter 126 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. Whenever a decision is to be made on an inland wetlands and watercourses application under chapter 440 on which no

hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. The applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days or may withdraw such plan or application.

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

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

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

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

requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

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

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

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

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

commission or planning and zoning commission to prevent such errors in complying with the provisions of this section.

Nutrient Allocation Land Use Worksheet

Prior to the issuance of a wetlands permit, (all parcels within 200 feet of Columbia Lake) OR (all activities within 200 feet of Columbia Lake) OR (all properties within the Columbia Lake watershed) that have an application before the Columbia Inlands and Watercourses Commission (IWWC) for a regulated activity must complete the Nutrient Allocation Worksheet Sheet 1 Revised January 1 2008 and provide projected annual export of total phosphorus in pounds per acre per year in estimated storm water from the subject parcel and shall be computed both for the parcel with existing improvements thereon and for the existing parcel based on the completed project for which the Wetlands permit is sought. If the activity for which the wetlands permit is sought requires a building permit, then the applicant shall provide as required in section 21.4 of the Zoning Regulations a sign off or comments from the Zoning Enforcement Officer on his/her review of the Nutrient Allocation Worksheet designed to compute the annual export of total phosphorus. These computations shall be made in accordance with the methods defined in "Columbia Lake Watershed Management Plan" (hereafter called the Management Plan) approved 1998, or as may be amended from time to time based on newer information including but not limited to basic scientific understanding of nutrient dynamics, infiltration rates of various soils or ground covers and proximal monitoring data from Columbia Lake. Data for computing the nutrient export estimate, as defined in the Management Plan shall be provided by the applicant on the site plans.

If the computed annual export of total phosphorus for the existing parcel with the completed project for which the Wetlands permit is sought is greater than the allocation defined in the Management Plan, the applicant shall apply adequate best management practices (BMPs) singly or in combination to reduce the total phosphorus export either to comply with the allocation requirements of the overlay zone in which the parcel is located on the Zoning Map or to both produce a computed annual export of total phosphorus at least 10% less than the computed annual export of total phosphorus from the subject parcel with existing improvements thereon on the date of the permit application, and to produce a computed annual export of total phosphorus at a 100% reduction of total phosphorus for the activity a wetlands permit is being sought. For these purposes, total phosphorus export shall be recomputed with credits assigned for BMPs where infiltration coefficients are available and as defined in the Management Plan.

A worksheet provided as part of the wetland's application - building permit application materials will include spaces for all required input variables, levels of total phosphorus

to be achieved, and suggested infiltration or other coefficients as available for nutrient allocation calculation. The applicant will fill in this worksheet and annotate these input numbers to details of a site plan included in the wetland's application- building permit application package. With the applicant supplied information, the Agent (ZEO) (wetlands agent if the activity applied for will not require a building permit) will input this applicant data into a computer spreadsheet analysis to estimate the levels of total phosphorus (lb./acre/year) in surface storm water coming off the specific site or land parcel. The worksheet shall be based on the latest revision of a nutrient allocation model and level of total phosphorus permissible in each of the Columbia Lake Watershed Overlay Zones on the Residential Agricultural District, LAR, LBR, and LCR.

Examples of Best Management Practices for Reduction of Phosphorus

The applicant who is designing or redesigning a project application

site plan may use a number of manuals or texts to find examples or diagrams of what are the current Best Management Practices (or BMPs). The Connecticut Stormwater Quality Manual (draft 2003 or as amended) and the Connecticut Erosion and Sedimentation Guidelines (2002 or as amended) contain some examples, explanations, and diagrams for BMPs that might be available and appropriate to include in the building permit application site plan.

Generally, applicants for Wetlands permits can reduce total

phosphorus in stormwater by increasing the stormwater infiltration and the detention of stormwater before it reaches Columbia Lake.

For smaller projects and individual land parcels, the most valuable and practical BMPs are included but not limited to those in the following list:

O Permeable pavement choices

O Bio-retention structures/residential rain gardens

O Vegetated swales, buffers, filter strips

O Drywells for roof drains/leaching trenches

O Rainwater harvesting/rain barrels

O Dry detention ponds

O Underground detention facilities

O Vegetative filter strips/level spreaders

O Grassed drainage swales, wet or dry

O Proper location and reduction of impervious area on site

O Maintain or restore pre-development vegetation by type

O Encourage sheet flow versus channelization of storm water

O Disconnect flows from multiple impervious surfaces

O Minimize creation of steep slopes/vice versa

O Replanting with trees, underbrush, groundcovers, flowerbeds

Infiltration coefficients to calculate credits for the site plan worksheet may or may not be available for the above list of BMPS. The most current list of infiltration coefficients available in the scientific literature will be available on the worksheet page of the building permit application.

21.4.5 Additional (Non-Regulatory but Suggested) Columbia Lake

Protection Actions Not in the Purview of the Commission.

In addition to the requirement of compliance with the Nutrient Allocation of property within the designated Columbia Lake Protection Overlay Zone, residents are encouraged to take additional voluntary actions to protect the quality of Columbia Lake as described in the Management Plan, including but not limited to:

- **Proper maintenance and pump-out frequency of on-site wastewater disposal systems (septic systems),**
- **Consider installation of septic tank effluent filters when service is performed,**

- Use of sand fill materials with a phosphorus attenuation capacity exceeding 0.01 kg P / cubic ft when constructing or repairing septic system leaching fields,
- Design leaching field geometry to maximize down-gradient soil contact volume and avoid intersecting septic groundwater plumes,
- Avoid the use of septic system additives,
- Maximize phosphorus removal from wastewater by approved innovative designs,
- Only use fertilizers that have low, or no phosphorus content made available at local vendors. (* effective October 15, 2003)

List of changes:

Changes most changes noted by BOLD and UNDERLINED TEXT

1. **Section 1-1(q)**
2. **Section B text included from old regs**
3. **Appendix C from existing regulations full text**
4. **Delete appendix D**
5. • Section 5.1 uses the word “commission” rather than “agency.” The Inland Wetlands and Watercourses Act, section 22a-39(h), states “...conducted by any department, agency or instrumentality...”. **CHANGE COMMISSION TO AGENCY**
6. • Section 20.2 is confusing and not necessary. The Inland Wetlands and Watercourses Act references sec. 8-7d for the date of receipt. The language of sec. 8-7d(c) makes a distinction between the “date of receipt” and the “day of submission” to the inland wetlands agency. These are two different points in time. Regulation 20.2 appears to conflict with sec. 8-7d(c). **DELETE SECTION 20.2**
7. **Section 19-10 b 3 ADD TO REGULATIONS 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. Filing Fee Shall Not Be Required**
8. 19.5 Monitoring and Inspection Fees.
 - d. 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.
 - e. The cost of monitoring and inspections will be charged to the applicant based upon the following fee schedule:

(4) Wetlands Agent	\$35.00 per inspection or billed per hour @ \$35.00/ per ½ hour or part thereof
(5) <u>Engineer</u>	<u>\$150.00 per inspection or</u> <u>billed per hour @ \$150.00 per hour or part thereof</u>
(6) <u>Environmental</u> <u>Consultant</u>	<u>\$150.00 per inspection or</u> <u>billed per hour @\$150.00 per hour or part thereof</u>
 - f. **Inspections for Non-Compliance will be charged a \$50.00 per site inspection fee or \$50 per ½ hour or part thereof.**
9. **I. 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.**

2006 Regulatory Advisory sect 8.3 public water supply watershed activities and notifications

2007 Regulatory Advisory revised language 8.7d CT General Statutes as part of Appendix B

2008 Advisory error

2009 Advisory time periods all of which have currently expired section 7.10 and 11.6

2010 Advisory Conservation and preservation easements restrictions to be notified as part of application process section 7.11, 10.8, 10.9, 10.10

2011 Advisory Fire Department withdrawal of water for firefighting purposes

Section 4.1 g, 4.2 c

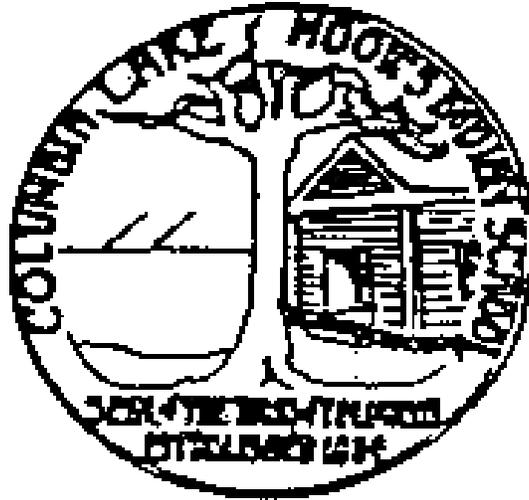
And section 7.10 permits issued prior to July 1, 2011 that did not expire prior to May 9, 2011 valid for 14 years

Section 11.6 time periods expired

2012 Advisory Section 11.1 restriction on permits as to time of year or mitigation of activity in order of priority.

Section 11.6 and 11.6 1 time period expired

2015 Advisory Changes to CGS 8.7d additional notice to those listed as owners on the property tax map or most recent grand list



TOWN OF COLUMBIA

INLAND WETLANDS AND WATERCOURSES REGULATIONS

**REVISED: 6/03/08
EFFECTIVE: 7/01/08**

**REVISED: 3/04/13
EFFECTIVE: 4/01/13**

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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 was established in accordance with an ordinance adopted April 11, 1985 and shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of Columbia.

1.4 These regulations have been adopted and may be amended from time to time in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.

1.5 The Commission shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, or deny permits for all regulated activities in the Town of 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:

1.6A WETLANDS OF SPECIAL CONCERN: Any wetlands identified in this subsection 1.6A of these regulations except it shall exclude wetlands on any lot of record less than four (4) acres in size that existed prior to the promulgation of these regulations. The wetlands of special concern for the purpose of this section are the wetlands identified in the CT Ecosystems Study 2000 and shown on plan dated 2000, Rev. January 1, 2008. Specifically, the wetlands identified are Wetland identification numbers C11, C12, H12, G30, H13, M3, M6, M7, M9, T3, T6, T12, & W3.

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** “Agency” means the Inland Wetlands and Watercourses Commission of the Town of Columbia.
- 2.3** “Bogs” are watercourses distinguished by evergreen, trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.
- 2.4** “Clear-cutting” means the harvest of timber in a fashion which substantially removes all trees greater than a two inch diameter at breast height.
- 2.5** “Commissioner of Energy and Environmental Protection” means the Commissioner of the State of Connecticut Department of Energy and Environmental Protection.
- 2.6** “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.
- 2.7** “Deposit” includes, but shall not be limited to fill, grade, dump, place, discharge or emit.
- 2.8** “Discharge” means emission of any water, substance, or material into waters of the state whether or not such substance causes pollution.
- 2.9** “Essential to the farming operation” means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.
- 2.10** “Farming” shall be consistent with the definition as noted in section 1-1(q) of the Connecticut General Statutes. (See Appendix A)
- 2.11** “Feasible” means able to be constructed or implemented consistent with sound engineering principles.
- 2.12** “License” means the whole or any part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of sections 22a-36 to 22a- 45, inclusive.

2.13 “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.

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

2.15 “Material” means any substance, solid or liquid, organic or inorganic, including but not limited to soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse or waste.

2.16 “Municipality” means the Town of Columbia

2.17 “Nurseries” means places where plants are grown for sale, transplanting, or experimentation.

2.18 “Permit” see license

2.19 “Permittee” means the person to whom a license has been issued.

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

2.21 “Pollution” means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.

2.22 “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.

2.23 “Regulated activity” means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 4 of these regulations. Furthermore any clearing, grubbing, filling, grading, paving, excavating, constructing, construction of a patio, 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 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.
- 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 shall be increased to 200 feet if the slope is greater than 20%.

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

2.25 “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.

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

- a. Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
- 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 aquatic, 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 substantial diminution of flow of a natural watercourse or groundwater levels of the 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.

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

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

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

2.30 "Town" means the Town of Columbia.

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

2.32 "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 any duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

2.33 "Wetlands" means land, including submerged land as defined in this section, not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as it may be amended from time, to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aguic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

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Section 3

Inventory of Inland Wetlands and Watercourses

3.1 The map of wetlands and watercourses entitled “Inland Wetlands and Watercourses Map of 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 wetlands 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 use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.

3.2 Any person may petition the 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 the public hearing process outlined in Section 15 of these regulations.

Section 4

Permitted Uses as of Right & Non-regulated Uses

4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:

a. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less, essential to the farming operation and activities conducted by, or under the authority of, the Department of Energy and Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;

(1.) The duly authorized agent may render a determination on the above activities when the activity is not in wetlands and may issue an administrative approval specific to the following operations and uses of right: Grazing, farming and nurseries.

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, which ever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987;

c. Boat anchorage or mooring;

d. Uses incidental to the enjoyment and maintenance of residential property, such property defined, as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality provided that in any town where there are no zoning regulations establishing minimum residential lot sites, the largest minimum lot site shall be two acres. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of

significant amounts of material from or onto a wetland or watercourse, or diversion or alteration of a watercourse;

(1.) The duly authorized agent may render a determination on the above activities when activity is not in wetlands.

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 and;

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

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.

(1.) The duly authorized agent may render a determination on the above activities when activity is not in wetlands and may issue an administrative approval specific to the following non-regulated uses: Conservation of Soil and Vegetation.

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

(1.) The duly authorized agent may render a determination on the above when activity is not in wetlands and may issue an administrative

approval specific to the following non-regulated uses: Outdoor recreation including play, field trials, nature study, hiking, and horseback riding.

- 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 fire- fighting 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 duly authorized agent in accordance with section 12 of these regulations.

4.4 **To carry out the purposes of this section, any person proposing a permitted operation and use or a non-regulated operation and use shall, prior to commencement of such operation and use, notify the 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 non-regulated use of a wetland or watercourse.** The Commission shall rule that the proposed operation and use or portion of it is a permitted or non-regulated operation and use or that the proposed operation and use is a regulated activity and a permit is required.

Section 5

Activities Regulated Exclusively by the Commissioner of Energy and Environmental Protection

5.1 The 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-28 through 22a-35 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 and 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.

Section 6

Regulated Activities to be Licensed

6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands and Watercourses Commission of the Town of Columbia.

6.2 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.

6.3 The Commission shall regulate any operation within or use of a wetland, watercourse, or upland review area, involving removal or deposition of materials, 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.

6.4 The Commission shall regulate any operation outside of an upland review area upon its determination that the proposed activity may disturb the natural and indigenous character of any wetlands or watercourse.

Section 7

Application Requirements

7.1 Any person intending to conduct a regulated activity or to renew or amend a permit to conduct such activity, shall apply for a permit on form provided by the Commission. The application shall contain the information described in this section and any other information the Commission may reasonably require. Application forms may be obtained in the offices of the Town Clerk or the Commission.

7.2 If an application to the Town of Columbia Planning, Zoning, or 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, zoning, or 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 or not a proposed activity involves a significant impact activity.

7.5 All applications shall include the following information in writing or on maps or drawings:

- a. The applicant's name, home and business mailing addresses and telephone numbers; if the applicant is a Limited Liability Corporation or a Corporation the managing member's or responsible corporate officer's name, address, and telephone number;
- b. The owner's name, mailing address and telephone number and written consent of the land owner if the applicant is not the owner of the land upon which the subject activity is proposed;
- c. The applicant's interest in the land;
- d. The geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail, to allow identification of the inland wetlands and watercourses, the area(s) (in acres

or square feet) of wetlands or watercourses to be disturbed, soil type(s), and wetland vegetation;

e. The purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;

f. Alternative which would cause less or no environmental impact to wetlands or watercourses and why the alternative as set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing;

g. A site plan showing 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;

h. Names and mailing addresses of adjacent land owners;

i. Statement by the applicant that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;

j. Authorization for the members and agents of the Commission to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the permit;

k. A completed DEEP reporting form; 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 Commissions;

l. Any other information the Commission deems necessary to the understanding of what the applicant is proposing.

m. Submission of the appropriate filing fee based on the fee schedule established in section 19 of these regulations.

n. Nutrient Allocation Land Use Worksheet: If a regulated activity is located in the Columbia Lake Watershed, a completed copy of the Nutrient Allocation Land Use Worksheet (sheet 1 Nutrient Allocation – Land Use Worksheet Revised January 1, 2008) will be required, as part of the application submittal. (See Appendix C for more information) If the proposed activity is an activity requiring a nutrient allocation worksheet under Section 21.4 of the Zoning regulations, the submittal to wetlands shall also include a sign off or comments from the Zoning Agent, prior to the commission taking any action on the application. The Commission will evaluate the information on this worksheet as part of their review of the overall proposed management practices, mitigation measures and erosion and sedimentation controls which may be considered as a condition of issuing a permit. The Commission will not base its decision solely on the applicant's ability to either comply or not comply with the measures to limit the nutrient loading as per Section 21.4 of the Zoning Regulations. The Commission will make its determination based on the criteria set forth in Section 10 of its regulations and other relevant information.

o. Columbia Drainage Basin, (where activity is proposed) Number or Name of Basin as identified on the CT DEEP Resource Map

p. The Commission may require that the applicant provide the following 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. 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 wetlands 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 wetlands 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.

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

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

7.7 The applicant shall certify whether:

- a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- b. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or,
- d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

7.8 Twelve (12) copies of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the Commission.

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

- a. The application may incorporate the documentation and record of the prior application;
- b. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
- c. The application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit;
- d. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued;

e. The Commission may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized, activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activity;

7.10 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided may be valid for more than ten years and further provided that any permit issued prior to July 1, 2011 that did not expire prior to May 9, 2011 shall be valid for no more than fourteen years.

7.11 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:

a. for purposes of this section, “conservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.

b. for purposes of this section, “preservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land 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 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 Inland Wetlands and Watercourses Commission of the Town of Columbia.

8.2 The Commission shall, in accordance with Connecticut General Statutes section 8-7d(f), notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which:

- a. Any portion of the property affected by a decision of the commission is within five hundred feet of the boundary of an adjoining municipality;
- b. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
- d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

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

8.3 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 25-32a, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application.

8.4 The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the 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 inland wetlands commission shall not hold a public hearing on an application unless the inland wetlands 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 inland wetlands commission not later than fourteen days after the date of receipt of such application, or the inland wetlands commission finds that a public hearing regarding such application would be in the public interest. The inland wetlands commission may issue a permit without a public hearing provided no petition provided for in this section is filed with the inland wetlands 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 or persons may appear and be heard and may be represented by an agent or by an 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 Any significant changes to a current application or plan shall be submitted to the Inland Wetlands and Watercourses Commission of the Town of Columbia at least ten (10) calendar days prior to the next scheduled hearing date or may be submitted less than ten (10) days at the discretion of the Commission Chairman or its agent.

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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. Reports from other agencies and commissions including but not limited to the Town of Columbia:
 1. Conservation Commission
 2. Planning, zoning, or planning and zoning commissions
 3. Building Official
 4. Health Officer
- c. The Commission may also consider comments on any application from the Tolland County Soil and Water Conservation District, the Windham Regional Council of Governments; agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
- d. Non-receipt of comments from state agencies and commissions listed in subdivision 10.1 b and c above within the prescribed time shall neither delay nor prejudice the decision of the Commission.
- e. For an application for which a public hearing is held, public comments, evidence and testimony.

10.2 Criteria for Decision. In carrying out the purposes and policies of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the 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;
- b. The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
- c. The relationship between the short term and long term impacts of the proposed regulated activity on wetlands or Watercourses and the

maintenance and enhancement of long-term productivity of such wetlands or watercourses;

d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;

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

f. Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and 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 alternatives 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 agency shall not deny or condition an application for a regulated activity in an area outside wetlands or water courses 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.

10.8 In the case of an application where the applicant has provided written notice pursuant to subsection 77.11c of these regulations, the holder of the restriction may provide proof to the inland wetlands agency 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 inland wetlands agency shall not grant the permit approval.

10.9 In the case of an application where the applicant fails to comply with the provisions of subsections 77.11c 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 inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency 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 inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency 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 watercourse resources. Such terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided the Agency, or its agent, determines that such restrictions are necessary to carry out the policy of sections 22a-36 to 22a-45 inclusive, of the Connecticut General Statutes.

11.2 No later than sixty-five (65) days after receipt of an application, the 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) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one 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.

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(g), 8-3c, 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, Zoning, or 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 Agency prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine years after the date of such approval.

See Appendix D for 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

11.7 No permit issued by the Commission shall be assigned or transferred without the written permission of the Commission.

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(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.

d. In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

e. Permits are not transferable without the prior written consent of the Commission or its commissioner.

11.10 If the Agency grants a permit with terms, conditions, limitations, or modifications, the applicant may attempt to modify the proposal to the Agency's satisfaction. The Agency shall determine whether the proposed modification requires the filing of a new application. The rejection of a modified or corrected application by the Agency shall be equivalent to the denial of an application for the purposes of appeal.

Section 12

Action by Duly Authorized Agent

12 .1 The Commission may delegate to its duly authorized agent the authority to approve or extend a license, for an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of Energy and Environmental Protection pursuant to sections 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.

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 The Commission may require as a permit condition the filing of a bond with such surety in such amount and in a form approved by the Commission.

13.2 The bond or surety shall be conditioned on compliance with the provisions of these regulations and the terms, conditions and limitations established in the permit.

13.3 The commission may require the applicant to certify and provide documentation 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.

13.4 The commission may require bonding to insure any activity being undertaken in a non-regulated 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 Agency of evidence that the proposed activity/activities have been substantially completed in a satisfactory manner. The Agency may, in its own discretion release a portion of the bond amount if it is of the opinion that the permitted activity/activities have been substantially completed and only a minor portion of the activity/activities 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 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 for decision under section 10.2 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 with the consent of the property owner or the authorized agent of the owner during the life of the permit.

14.3 In the case in which a permit has not been issued or a permit has expired, the Commission or its agent may make regular inspections at reasonable hours with the consent of the property owner or the authorized agent of the property owner.

14.4 If the Commission or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the 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 section 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 any 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 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.
(Note: Application fee schedules shall be adopted as Commission regulations or as otherwise provided by town ordinance.)

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.

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 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 days after receipt of such petition. The hearing shall be completed within thirty-five days after commencement. The commission shall act upon the changes requested in such petition within sixty-five 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 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 Energy and 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 Fees are set to cover the reasonable cost of reviewing and acting on applications, petitions, monitoring compliance with any permit or commission order, and legal notice fees. A schedule of fees and rates as herein noted will be established when deemed necessary by the commission. Any fees required by these regulations shall be submitted to the commission at the time noted herein. Payments will be made by check or money order payable to the Town of Columbia.

19.2 No application shall be approved or permit granted by the commission unless all fees that are determined applicable by the commission are paid in full unless a waiver has been granted by the commission. pursuant to Subsection 19.7 of these Regulations.

19.3 The basic “Residential”, “Residential Subdivision”, “Commercial”, and “Other Uses” fees, noted in Subsection 19.5 of these regulations are non-refundable.

19.4 Definitions: As used in Subsection 19.5 of these Regulations:

A. “Residential Uses” means activities carried out on property developed for permanent housing or being developed to be occupied by permanent residence.

B. “Residential Subdivision” means activities on property being subdivided and developed into additional residential parcels or homes on land in common ownership

C. “Commercial Uses” means activities on property developed for industry, commerce, trade, recreation and business or being developed to be occupied for such purposes, for profit or non-profit.

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

19.5 Filing, Application and Permit Fees Fee Structure

A. Basic Filing Fees due at the time an application is formally received by the Commission for Regulated Activities. (Section 6 of the Wetlands Regulations)

(1)	Basic Residential Filing Fee	\$125.00
	Plus fee from Schedule A “Impact to Wetlands or Watercourse”	

(2)	Basic Residential Subdivision Filing Fee	\$125.00
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Plus \$125.00 per parcel that contains a "Regulated Activity,"
Plus fee from Schedule A

(3) Basic Commercial Filing Fee Plus fee from Schedule A	\$300.00
(4) Basic Other Uses Filing Fee Plus fee from Schedule A	\$100.00
(5) Basic Agent Fee for Approval or Extension of Activity Pursuant to Section 12	\$65.00
(6) Residential uses with minimal impact Plus fee from Schedule A	\$100.00

The above fees cover the cost of processing the application, preliminary review of application and plans, initial inspection(s) of the site and meeting(s) with the applicant or the applicant's agent providing a final review or report and summary ruling on the Commission's decision. If an application requires additional review time and or monitoring by staff or consultants and these costs are in excess of the basic filing fee Schedule B and or Schedule C will be applied to that application. This will allow the Town to transfer the actual costs of review and or monitoring directly to the applicant. An estimate of these costs will be provided to the applicant within 10 days of receipt of the application, any portion of these fees in excess of the actual cost will be refunded to the applicant.

B. Application fee for regulated activity started without a permit:
Double Regular Fee plus Fee from Schedule A

C. Inspection for Non-compliance to permit conditions:
\$50.00 per/site inspection or per 1/2hr

D. Fee for a permit application that includes road construction (private or public) involving wetland or watercourses: \$1,000.00 up to 1,000 feet and \$1.00 per foot there after.

E. Significant Activity and or Public Hearing Fee (Subsection 7.4): \$350.00

F. 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.

G. Modification of previously approved permit to include, but not limited to, extension(s) of time in which to initiate and/or complete the activity:
\$70.00

H. State Fee: The State fee is currently \$60.00. The applicant will be responsible for this fee and any increases in the State fee.

I. 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.

Schedule A.

Area of Wetland and Watercourse Impacted: A fee for the area measured in square feet of wetlands to be affected by the proposed regulated activity including, but not limited to, any excavation, filling, alteration, or pollution of such wetland or watercourse” and per linear foot of watercourse disturbed.

Fee per 1000 square feet of affected wetlands	\$100.00
Fee per linear foot of watercourse disturbed	\$2.00

Schedule B.

Complex Application Fee: The Inland Wetlands Agency 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. The Agency or the duly authorized agent shall estimate the complex application fee which shall be paid pursuant to section 19.1 of these regulations within 10 days of the applicant's receipt or notice of such estimate. 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 Agency’s decision.

Schedule C.

Additional Monitoring and Inspection Fees

Wetlands Agent -----	\$35.00 per inspection or per ½ hour
Engineer-----	\$85.00 per inspection or per ½ hour
Environmental Consultant-----	\$85.00 per inspection or per ½ hour

These fees along with 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

19.6 Exemptions: The Town of Columbia, Connecticut and the State of Connecticut shall be exempt from the payment of fees cited in Subsection 19.5.

19.7 Waiver: The applicant may petition the Commission to waive, reduce or allow delayed payment of a fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Commission should consider in its determination under this subsection. The Commission may waive all or part of the fee in question if the Commission determines that:

- a. The Activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the

applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee or;

b. The amount of the application fee is clearly excessive in relations to the cost to the Town for reviewing and processing the application. 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.

APPENDIX A

Connecticut General Statute section 1-1(q)

Words and Phrases. Construction of Statutes.

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

APPENDIX B

Connecticut State Statute section 8-7d

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

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

(c) For purposes of subsection (a) or (b) of this section and section 7-246a, the date of receipt of a petition, application, request or appeal shall be the day of the next

regularly scheduled meeting of such commission, board or agency, immediately following the day of submission to such commission, board or agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner. If the commission, board or agency does not maintain an office with regular office hours, the office of the clerk of the municipality shall act as the agent of such commission, board or agency for the receipt of any petition, application, request or appeal.

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

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

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

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

(2) A zoning commission, planning commission or planning and zoning commission shall establish a public notice registry of landowners, electors and nonprofit organizations qualified as tax-exempt organizations under the provisions of Section 501(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal

revenue code of the United States, as from time to time amended, requesting notice under this subsection. Each municipality shall notify residents of such registry and the process for registering for notice under this subsection. The zoning commission, planning commission or planning and zoning commission shall place on such registry the names and addresses of any such landowner, elector or organization upon written request of such landowner, elector or organization. A landowner, elector or organization may request such notice be sent by mail or by electronic mail. The name and address of a landowner, elector or organization who requests to be placed on the public notice registry shall remain on such registry for a period of three years after the establishment of such registry. Thereafter any land owner, elector or organization may request to be placed on such registry for additional periods of three years.

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

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

APPENDIX C

Nutrient Allocation Land Use Worksheet

Prior to the issuance of a wetlands permit, (all parcels within 200 feet of Columbia Lake) OR (all activities within 200 feet of Columbia Lake) OR (all properties within the Columbia Lake watershed) that have an application before the Columbia Inlands and Watercourses Commission (IWWC) for a regulated activity must complete the Nutrient Allocation Worksheet Sheet 1 (revised January 1, 2008) and provide projected annual export of total phosphorus in pounds per acre per year in estimated storm water from the subject parcel and shall be computed both for the parcel with existing improvements thereon and for the existing parcel based on the completed project for which the Wetlands permit is sought. If the activity for which the wetlands permit is sought requires a building permit, then the applicant shall provide as required in section 21.4 of the Zoning Regulations a sign off or comments from the Zoning Enforcement Officer on his/her review of the Nutrient Allocation Worksheet designed to compute the annual export of total phosphorus. These computations shall be made in accordance with the methods defined in "Columbia Lake Watershed Management Plan" (hereafter called the Management Plan) approved 1998, or as may be amended from time to time based on newer information including but not limited to basic scientific understanding of nutrient dynamics, infiltration rates of various soils or ground covers and proximal monitoring data from Columbia Lake. Data for computing the nutrient export estimate, as defined in the Management Plan shall be provided by the applicant on the site plans.

If the computed annual export of total phosphorus for the existing parcel with the completed project for which the Wetlands permit is sought is greater than the allocation defined in the Management Plan, the applicant shall apply adequate best management practices (BMPs) singly or in combination to reduce the total phosphorus export either to comply with the allocation requirements of the overlay zone in which the parcel is located on the Zoning Map or to both produce a computed annual export of total phosphorus at least 10% less than the computed annual export of total phosphorus from the subject parcel with existing improvements thereon on the date of the permit application, and to produce a computed annual export of total phosphorus at a 100% reduction of total phosphorus for the activity a wetlands permit is being sought. For these purposes, total phosphorus export shall be recomputed with credits assigned for BMPs where infiltration coefficients are available and as defined in the Management Plan.

A worksheet provided as part of the wetland's application – building permit application materials will include spaces for all required input variables, levels of total phosphorus to be achieved, and suggested infiltration or other coefficients as available for nutrient allocation calculation. The applicant will fill in this

worksheet and annotate these input numbers to details of a site plan included in the wetland's application- building permit application package. With the applicant supplied information, the Agent (ZEO) (wetlands agent if the activity applied for will not require a building permit) into a computer spreadsheet analysis to estimate the levels of total phosphorus (lb/acre/year) in surface storm water coming off the specific site or land parcel. The worksheet shall be based on the latest revision of a nutrient allocation model and level of total phosphorus permissible in each of the Columbia Lake Watershed Overlay Zones on the Residential Agricultural District, LAR, LBR, and LCR.

Examples of Best Management Practices for Reduction of Phosphorus

The applicant who is designing or redesigning a project application site plan may use a number of manuals or texts to find examples or diagrams of what are the current Best Management Practices (or BMPs). The Connecticut Storm Water Quality Manual (draft 2003 or as amended) and the Connecticut Erosion and Sedimentation Guidelines (2002 or as amended) contain some examples, explanations, and diagrams for BMPs that might be available and appropriate to include in the building permit application site plan.

Generally, applicants for Wetlands permits can reduce total phosphorus in storm water by increasing the stormwater infiltration and the detention of stormwater before it reaches Columbia Lake. For smaller projects and individual land parcels, the most valuable and practical BMPs are included but not limited to those in the following list:

- Permeable pavement choices
- Bio-retention structures/residential rain gardens
- Vegetated swales, buffers, filter strips
- Drywells for roof drains/leaching trenches
- Rainwater harvesting/rain barrels
- Dry detention ponds
- Underground detention facilities
- Vegetative filter strips/level spreaders
- Grassed drainage swales, wet or dry
- Proper location and reduction of impervious area on site
- Maintain or restore pre-development vegetation by type
- Encourage sheet flow versus channelization of storm water
- Disconnect flows from multiple impervious surfaces
- Minimize creation of steep slopes/vice versa
- Replanting with trees, underbrush, groundcovers, flowerbeds

Infiltration coefficients to calculate credits for the site plan worksheet may or may not be available for the above list of BMPS. The most current list of infiltration coefficients available in the scientific literature will be available on the worksheet page of the building permit application.

Section 21.4.5 of the Columbia Zoning Regulations: Additional (Non-Regulatory but Suggested) Columbia Lake Protection Actions Not in the Purview of the Commission:

In addition to the requirement of compliance with the Nutrient Allocation of property within the designated Columbia Lake Protection Overlay Zone, residents are encouraged to take additional voluntary actions to protect the quality of Columbia Lake as described in the Management Plan, including but not limited to:

- Proper maintenance and pump-out frequency of on-site wastewater disposal systems (septic systems),
- Consider installation of septic tank effluent filters when service is performed,
- Use of sand fill materials with a phosphorus attenuation capacity exceeding 0.01 kg P / cubic ft when constructing or repairing septic system leaching fields,
- Design leaching field geometry to maximize down-gradient soil contact volume and avoid intersecting septic groundwater plumes,
- Avoid the use of septic system additives,
- Maximize phosphorus removal from wastewater by approved innovative designs,
- Only use fertilizers that have low, or no phosphorus content made available at local vendors. (* effective October 15, 2003)

APPENDIX D:

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)

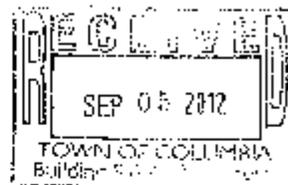


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To: Connecticut's Municipal Inland Wetlands Agencies
From: Betsy Wingfield, Bureau Chief *BW*
Bureau of Water Protection and Land Reuse
Dated: August 29, 2012
Re: 2012 Legislation and Regulation Advisory



In 2012 the Connecticut General Assembly amended the Inland Wetlands and Watercourses Act (IWWA) with the passage of Public Act No. 12-151.

Public Act No. 12-151 amends section 22a-42a(d)(1) and section 22a-42a(d)(2) of the General Statutes of Connecticut. Specifically, the Public Act amends (d)(1) by stating that permit conditions can include seasonal restrictions provided the inland wetlands agency or its agent determines that such restrictions are necessary to carry out the policy of the IWWA; and amends (a)(2) by specifying that for regulated activities involving development projects also requiring approval under Connecticut General Statutes Chapter 124 (Zoning), Chapter 124b (Incentive Housing Zones), Chapter 126 (Municipal Planning Commissions) or Chapter 126a (Affordable Housing Land Use Appeals), the wetlands permit approval is valid until the companion planning and/or zoning permit approval expires, or for ten years from the date of issuance of the wetlands permit, whichever is earlier.

A complete copy of Public Act No. 12-151 is attached for your information. Newly added language is underlined and deleted language is bracketed. The provisions of section 22a-42a(d) of the Connecticut General Statutes, as amended by Public Act No. 12-151, take effect October 1, 2012. You should plan to revise your inland wetlands agency regulations to reflect these amendments to the IWWA.

The following changes to the Inland Wetlands and Watercourses Model Municipal Regulations (IWWMMR) Fourth Edition, dated May 1, 2006, as amended by the Department of Energy and Environmental Protection's Legislation and Regulation Advisories dated February 1, 2007; December 10, 2007; October 14, 2008; March 3, 2010; November 17, 2010; and September 8, 2011 are made in order to conform to Public Act No. 12-151:

Section 11: Decision Process and Permit

The underlined language noted below is new and should be added to your regulations. The bracketed language noted below should be deleted from your regulations.

1 1.1 The Agency, or its duly authorized agent acting pursuant to Section 12 of these regulations, may, in accordance with Section 10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources. Such terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided the Agency, or its agent, determines that such restrictions are necessary to carry out the policy of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.

11.2...11.5

1 1.6 Any permit issued by the Agency for the development of land for which an approval is required under [section 8-3, 8-25 or 8-26] chapter 1 24, 1 24b, 126 or 1 26a of the Connecticut General Statutes shall be valid [for five years provided the Agency may establish a specific time period within which any regulated activity shall be conducted] until the approval granted under such chapter expires or for ten years, whichever is earlier. Any permit issued by the Agency for any [other] activity for which an approval is not required under chapter 1 24, 1 24b, 1 26 or 1 26a shall be valid for not less than two years and not more than five years. [Any permit issued by the Agency prior to July 1, 2011 that was in effect and did not expire prior to May 9, 201 1 shall be valid for a period not less than nine years after the date of such approval.]

1 1.6.1 Notwithstanding the provisions of Section 1 1.6 of these regulations, any permit issued by the Agency prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine years after the date of such approval.

To assist your agency in understanding the various permit expiration dates, a flow chart of relevant statutory permit approval timeframes is attached.

Finally, please note that within your inland wetlands agency regulations all references to the "Department of Environmental Protection" and "DEP" should be changed to the "Department of Energy and Environmental Protection" and "DEEP".

Should you have any further questions regarding the above changes, please feel free to contact Darcy Winther of the Wetlands Management Section at (860) 424-3019.



Senate Bill No. 345

Public Act No. 12-151

**AN ACT CONCERNING THE TIME IN WHICH A REGULATED
ACTIVITY MUST BE CONDUCTED UNDER A PERMIT ISSUED BY
AN INLAND WETLANDS COMMISSION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (d) of section 22a-42a of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(d) (1) In granting, denying or limiting any permit for a regulated activity the inland wetlands agency, or its agent, shall consider the factors set forth in section 22a-41, and such agency, or its agent, shall state upon the record the reason for its decision. In granting a permit the inland wetlands agency, or its agent, may grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity which are designed to carry out the policy of sections 22a-36 to 22a-45, inclusive. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (A) prevent or minimize pollution or other environmental damage, (B) maintain or enhance existing environmental quality, or (C) in the following order of priority: Restore, enhance and create productive wetland or watercourse resources. Such terms may include restrictions as to the

Senate Bill No. 345

time of year in which a regulated activity may be conducted, provided the inland wetlands agency, or its agent, determines that such restrictions are necessary to carry out the policy of sections 22a-36 to 22a-45, inclusive. No person shall conduct any regulated activity within an inland wetland or watercourse which requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special permit, special exception or variance or other documentation establishing that the proposal complies with the zoning or subdivision requirements adopted by the municipality pursuant to chapters 124 to 126, inclusive, or any special act. The agency may suspend or revoke a permit if it finds after giving notice to the permittee of the facts or conduct which warrant the intended action and after a hearing at which the permittee is given an opportunity to show compliance with the requirements for retention of the permit, that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application. The applicant shall be notified of the agency's decision by certified mail within fifteen days of the date of the decision and the agency shall cause notice of their order in issuance, denial, revocation or suspension of a permit to be published in a newspaper having a general circulation in the town wherein the wetland or watercourse lies. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten days thereafter.

(2) Any permit issued under this section for the development of property for which an approval is required under [section 8-3, 8-25 or 8-26] chapter 124, 124b, 126 or 126a shall be valid [for five years provided the agency may establish a specific time period within which any regulated activity shall be conducted] until the approval granted under such chapter expires or for ten years, whichever is earlier. Any permit issued under this section for any [other] activity for which an approval is not required under chapter 124, 124b, 126 or 126a shall be

Senate Bill No. 345

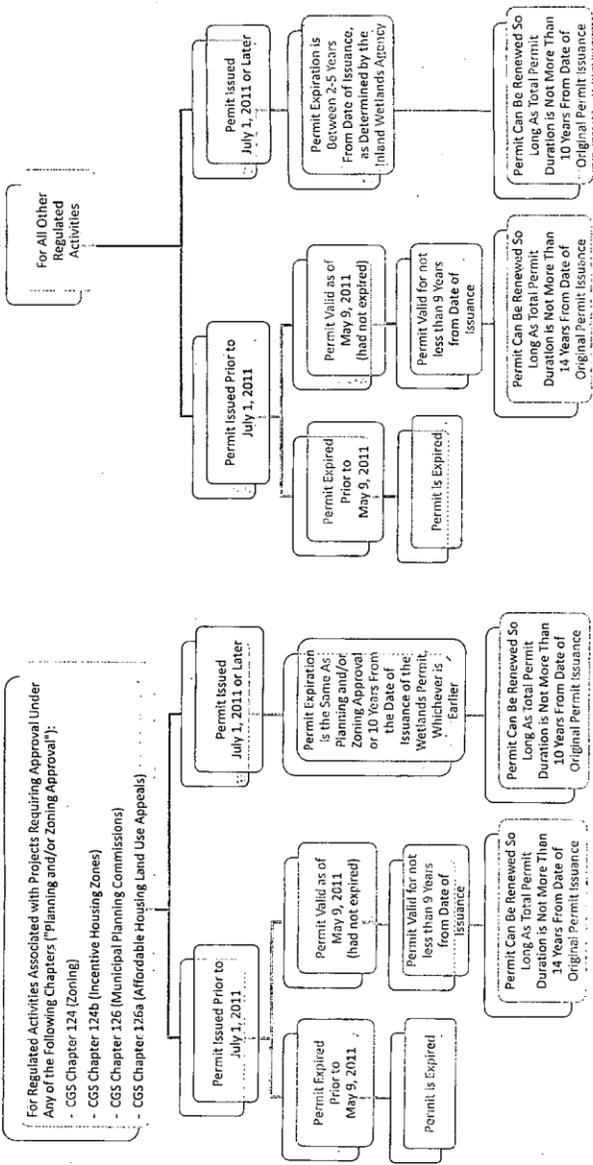
valid for not less than two years and not more than five years. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit may be valid for more than ten years.

Approved June 15, 2012

CT Inland Wetlands & Watercourses Act Section 22a-42a

Permit Expirations
Refer to the CT Inland Wetlands and Watercourses Act for specific statutory language and permit timeframes

Application Received



*

2009

The underlined language noted below is new and should be added to your regulations. **7.10 Any** application to renew a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided a) no permit issued during the time period from July 1, 2006, to July 1, 2009, inclusive, shall be valid for more than eleven years; and b) no permit issued prior to July 1, 2006 or after July 1, 2009 may be valid for more than ten years. Section 11: Decision Process and Permit

The underlined language noted below is new and should be added to your regulations. | 1.6 **Any permit issued by the Agency prior to July 1, 2006 or after July 1, 2009 for the development of land for which an approval is required under section 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five years provided the Agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Agency prior to July 1, 2006 or after July 1, 2009 for any other activity shall be valid for not less than two years and not more than five years.**

Any permit issued by the Agency during the time period from July 1, 2006, to July 1, 2009, inclusive, shall expire not less than six years after the date of such approval. Please be reminded it is our understanding that Section 3 of Public Act 09-181 governs

2010

7.11 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply: 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. ("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. no person shall file a permit application, other than for interior work in an existing building or for exterior work on an existin~ that does not expand or alter the footprint of [an] 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 restrictio p~n not later

than sixty days prior to the filling of the permit application. in lieu of such notice pursuant to subsection 7.1 lc, the applicant may submit a letter from the holder of such restriction or fr om the holder s authorized agent, verifying that the application is in compliance with the terms of the restriction. **Section 10:** Considerations for Decisions The underlined, language noted below is new and should be added to your regulations. The bracketed ([]) language is deleted and should be removed from your regulations. 10.8 In the case of an application where the applicant has provided written notice pursuant to subsection **7.1 lc** of these regulations, the holder of

f the restriction may provide proof to the inland wetlands agency 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 inland wetlands agency shall not grant the permit approval. 10.9 10.10 In the case of an application where the applicant fails to comply with the provisions of subsections 7.1 lc or 7.11 d Of these regulations, ~ 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 inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency ~hall reverse the permit approval upon a fmding 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 afte, receipt of actual notice of permit approval, file an appeal with the inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency 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. Nothing in subsections 7.1 lc or 7.1 ld 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 wil! occur on a portion of property that is not restricted under the terms of such conservation or preservation

restriction. Should you have any further questions regarding the above changes, please feel free to contact Darcy Winther of the Wetlands Manag

2011

2011

Section 4: Permitted Uses as of Right & Nonregulated Uses The underlined language noted below is new and should be added to your regulations. The bracketed language noted below should be deleted from your regulations. 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right: a. ... b. a residential home [(i)] (A) for which a building permit has been issued or [(ii)] (B) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987; c. ... d. ... 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 [and]; f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a of the Connecticut General Statutes or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this 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 nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse: a. Conservation of soil, vegetation, water, fish, shellfish and wildlife; [and] b. outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated [.]; and c. The installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For purposes of this section, "dry hydrant" means a non-pressurized pipe system that: (A) is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of**

water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water.

Section 7: Application

Requirements The underlined language noted below is new and should be added to your regulations. The bracketed language noted below should be deleted from your regulations. 7.10 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided [a)] no permit [issued during the time period from July 1, 2006, to July 1, 2009, inclusive,] shall be valid for more than [eleven] ten years, [; and b) no permit issued prior to July 1, 2006 or after July 1, 2009 may 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.

Section 11: Decision Process and Permit

The underlined language noted below is new and should be added to your regulations. The bracketed language noted below should be deleted from your regulations. 11.6 Any permit issued by the Agency [prior to July 1, 2006 or after July 1, 2009] for the development of land for which an approval is required under section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five years provided the Agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Agency [prior to July 1, 2006 or after July 1, 2009] for any other activity shall be valid for not less than two years and not more than five years. Any permit issued by the Agency [during the time period from July 1, 2006, to July 1, 2009, inclusive, shall expire not less than six years] 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. Should you have any further questions regarding the above changes, please feel free to contact Darcy

*

2012

11.1 The Agency, or its duly authorized agent acting pursuant to Section 12 of these regulations, may, in accordance with Section 10 of these regulations, grant the application as filed or grant It upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources. Such terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided the Agency or its agent, determines that such restrictions are necessary to carry out the policy of sections 22a-36 to 22a-45r inclusive, of the Connecticut General Statutes. 11.2 ... 11.5 11.6 Any permit issued by the Agency for the development of land for which an approval is required under [section 8-3, 8-25 or 8-26] chapter 124, 124b, 126 or 126a of the Connecticut General Statutes shall be valid [for five years provided the Agency may establish a specific time period within which any regulated activity shall be conducted] until the approval granted under such chapter expires or for ten years, whichever is earlier. Any permit issued by the Agency for any [other] 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. **[Any permit issued by the Agency**

prior to July 1,2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine years after the date of such approval.] 11.6.1 Notwithstanding the provisions of Section 11.6 of these regulations, any permit issued by the Agency prior to July 1,2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine years after the date of such approval. To assist your agency in understanding the various permit expiration dates, a flow chart of relevant statutory permit approval timeframes is attached. Finally, please note that within your inland

wetlands agency regulations all references to the "Department of Environmental Protection" and "DEP" should be changed to the "Department of Energy and Environmental Protection" and "DEEP". Should you have any further questions regarding the above changes, please feel free to contact Darcy Winther of the Wetlands Management Section at (860) 424-3019

2015

Notice to adjacent abutting property owner shall be determined by tax map or grand list records only

Notice by applicant to water company of a regulated activity to take place by way of seeking a IWWC Permit

REGULATION AMENDMENTS TIMELINE The Connecticut Inland Wetlands and Watercourses Act section 22a-36 through section 22a-45 establishes a specific timeline for the amendment of inland wetlands agency regulations. The timeline begins when an amendment is proposed. The timeline is as follows: 1. Amendment is proposed. 2. The amendment and the notice of the public hearing must be submitted to the Commissioner of DEEP at least 35 days before such hearing on the amendment is held. 3. A public hearing on the amendment must be held within 65 days after the receipt of the amendment proposal. 4. The public hearing must finish within 35 days after it started. 5. The inland wetlands agency must take action on the amendment proposal within 65 days after the hearing ends. 6. The inland wetlands agency must submit the final adopted amendment language to the Commissioner of DEEP not later than 10 days after adoption. * For complete timeline information refer to the Inland Wetlands and Watercourses Act

<https://portal.ct.gov/-/media/DEEP/water/wetlands/uplandreviewdocumentjune1997PDF.PDF>

19.1 Fees are set to cover the reasonable cost of reviewing and acting on applications, petitions, monitoring compliance with any permit or commission order, and legal notice fees. A schedule of fees and rates as herein noted will be established when deemed necessary by the commission. Any fees required by these regulations shall be submitted to the commission at the time noted herein. Payments will be made by check or money order payable to the Town of Columbia. 19.2 No application shall be approved or permit granted by the commission unless all fees that are determined applicable by the commission are paid in full unless a waiver has been granted by the commission. pursuant to Subsection 19.7 of these Regulations. 19.3 The basic "Residential", "Residential Subdivision", "Commercial", and "Other Uses" fees, noted in Subsection 19.5 of these regulations are nonrefundable. 19.4 Definitions: As used in Subsection 19.5 of these Regulations: A. "Residential Uses" means activities carried out on property developed for permanent housing or being developed to be occupied by permanent residence. B. "Residential Subdivision" means activities on property being subdivided and developed into additional residential parcels or homes on land in common ownership C. "Commercial Uses" means activities on property developed for industry, commerce, trade, recreation and business or being developed to be occupied for such purposes, for profit or non-profit. D. "Other Uses" means activities other than 19.5 Filing, Application and Permit Fees Fee Structure A. Basic Filing Fees due at the time an application is formally received by the Commission for Regulated Activities. (Section 6 of the Wetlands Regulations)

(1) Basic Residential Filing Fee \$125.00 Plus fee from Schedule A “Impact to Wetlands or Watercourse”
 (2) Basic Residential Subdivision Filing Fee \$125.00 44 Plus \$125.00 per parcel that contains a “Regulated Activity,” Plus fee from Schedule A (3) Basic Commercial Filing Fee \$300.00 Plus fee from Schedule A (4) Basic Other Uses Filing Fee \$100.00 Plus fee from Schedule A (5) Basic Agent Fee for Approval or \$65.00 Extension of Activity Pursuant to Section 12 (6) Residential uses with minimal impact \$100.00 Plus fee from Schedule A The above fees cover the cost of processing the application, preliminary review of application and plans, initial inspection(s) of the site and meeting(s) with the applicant or the applicant’s agent providing a final review or report and summary ruling on the Commission’s decision. If an application requires additional review time and or monitoring by staff or consultants and these costs are in excess of the basic filing fee Schedule B and or Schedule C will be applied to that application. This will allow the Town to transfer the actual costs are in excess of the basic filing fee Schedule B and or Schedule C will be applied to that application. This will allow the Town to transfer the actual costs of review and or monitoring directly to the applicant. An estimate of these costs will be provided to the applicant within 10 days of receipt of the application, any portion of these fees in excess of the actual cost will be refunded to the applicant. B. Application fee for regulated activity started without a permit: Double Regular Fee plus Fee from Schedule A C. Inspection for Non-compliance to permit conditions: \$50.00 per/site inspection or per 1/2hr D. Fee for a permit application that includes road construction (private or public) involving wetland or watercourses: \$1,000.00 up to 1,000 feet and \$1.00 per foot there after. E. Significant Activity and or Public Hearing Fee (Subsection 7.4): \$350.00 F. 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. G. Modification of previously approved permit to include, but not limited to, extension(s) of time in which to initiate and/or complete the activity: \$70.00 45 H. State Fee: The State fee is currently \$60.00. The applicant will be responsible for this fee and any increases in the State fee. I. **The applicant is responsible for the cost of publishing the legal notice and Public Hearing Notices as well as any other legal notices determined appropriate by the Commission .** The approximate amount of publishing this notice will be assessed at the time of filing.

Schedule A. Area of Wetland and Watercourse Impacted: A fee for the area measured in square feet of wetlands to be affected by the proposed regulated activity including, but not limited to, any excavation, filling, alteration, or pollution of such wetland or watercourse” and per linear foot of watercourse disturbed. Fee per 1000 square feet of affected wetlands \$100.00 Fee per linear foot of watercourse disturbed \$2.00 Schedule B. Complex Application Fee: The Inland Wetlands Agency 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. The Agency or the duly authorized agent shall estimate the complex application fee which shall be paid pursuant to section 19.1 of these regulations within 10 days of the applicant's receipt or notice of such estimate. 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 Agency’s decision.

Schedule C. Additional Monitoring and Inspection Fees

Wetlands Agent -----\$35.00 per inspection or per ½

**hour Engineer-----\$100.00 per inspection or per
½ hour Environmental Consultant-----\$100.00per inspection or
per ½ hour These fees along with 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 19.6 Exemptions: The Town of Columbia, Connecticut and the State of Connecticut shall be exempt from the payment of fees cited in Subsection 19.5. 19.7 Waiver: The applicant may petition the Commission to waive, reduce or allow delayed payment of a fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Commission should consider in its determination under this subsection. The Commission may waive all or part of the fee in question if the Commission determines that: a. The Activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee or; b. The amount of the application fee is clearly excessive in relations to the cost to the Town for reviewing and processing the application.

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. The Filig fee for a residential use will not be chargedThe Commission shall state upon its record the basis for all actions under this subsection.

SEP 02 2020

TOWN OF COLUMBIA
BUILDING & LAND USE

James Blair Landscape and Design, LLC
17 Columbia Landing
Columbia, CT 06237
Wednesday September 2, 2020

Town of Columbia Inland Wetlands Commission
323 Route 87
Columbia, CT 06237

Dear Commission Members,

I am submitting an application to rebuild the lake wall at 132 D Route 87 on behalf of the owner, Penny Walsh. Mrs. Walsh has contracted me to rebuild the wall which has fallen into disrepair. She would also like to replace the existing dock. The dock is older and the wood is rotting, becoming unsafe to use. If permit is granted, work would commence at the appropriate time following draw down this fall. Any lake bed activity would be completed on or before March 15, 2021. No machinery will be placed in the lake bed.

My construction sequence will be as follows:

- Installing of silt fence in lake bed to prevent any silt or debris getting into Columbia Lake.
- Establish offsets with stakes to locate face of wall and docks. Offsets to remain in place to confirm wall face throughout project.
- Dismantling and salvaging stone from existing wall. Stones to be placed on tarps and plywood on lake bed.
- Excavating to approximately 12-15" depth for base of wall. Base to be 1 ¼" crushed stone with stabilization mat.
- Wall construction will be dry stacked "fieldstone", filling voids with ½" crushed stone. Wall will be back filled with 1/2" stone and protected with filter fabric.
- Re-establish grade with suitable soil, seed and straw. This step will be done at the appropriate time, late April, early May of 2021.

Erosion control and site management:

- There will be no stock piling of soils on site.
- Diverting of any downspouts which drain at the rear of the building away from work area with 4" pipe
- Installing silt fence above the work area. The silt fence will be taken down during work days that are precipitation free and re-installed when crews leave. Silt fence will remain in place until new seed is properly germinated.

The wall will be approximately 42" in total height. This height will match the wall on the west end of their property.

Mrs. Walsh's desire is to maintain her property while minimizing any impact to Columbia Lake. Safety and aesthetics are important, but equally if not more important, is the impact on the lake.

Repairing the wall, replacing the dock, and eliminating the erosion of the bank, is extremely important, not only to this property but to Columbia Lake.

Thank you for your time and consideration of this matter. I look forward to answering any questions or concerns the commission may have.

Respectfully submitted,

James Blair
James Blair Landscape and design, LLC

SEP 02 2020

TOWN OF COLUMBIA
BUILDING & LAND USE

TOWN OF COLUMBIA
INLAND WETLANDS COMMISSION
Application for Permit

**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 9/2/2020 Application # IWW-2021-03

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 09/02/2020 CHK# 013675 (BAIR)

1. Name And Address of Applicant JAMES BLAIR

Home/Day Phone _____ Cell Phone 860 428 2916

Business Name & Business Address of Applicant _____

JAMES BLAIR LANDSCAPE AND DESIGN 17 COLUMBIA LN DG
COLUMBIA

Email JBLANDIS@EARTHLINK.NET

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 PENNY WALSH 132 D ROUTE 87 COLUMBIA

Home Phone 228 9829 Business Phone _____ Cell 860 817 4978

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

Is this land part of a previously approved subdivision? _____

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)

N/A

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

Street Address 132 D ROUTE 87

Nearest telephone pole # and distance to intersection _____

Name of Subdivision & Subdivision Lot # 52

Tax Assessors Map Reference: Map # 013B Lot # 52

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

THELRIEN 132 B ROUTE B7
RAMM 132 C ROUTE B7

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:

TEAR DOWN AND REBUILD OF LAKE WALL AND STONE
PATIO AROUND FLAG POLE AT THE POINT. PATIO WILL BE
REPLACED WITH PERMEABLE PAVERS. THE TEAR DOWN OF LAKE
WALL MAY INCLUDE SOME MAINTENANCE TO THE EXISTING DOCK.

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

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)

APPROX. 50 YARDS OF MATERIAL
INCLUDING WALL STONE AND STONE BACK FILL

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)

2000 - 3000 SQUARE FEET OF LAWN AREA
WILL BE DISTURBED

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 LAR

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 Benny H. Walsh Date 8-29-20

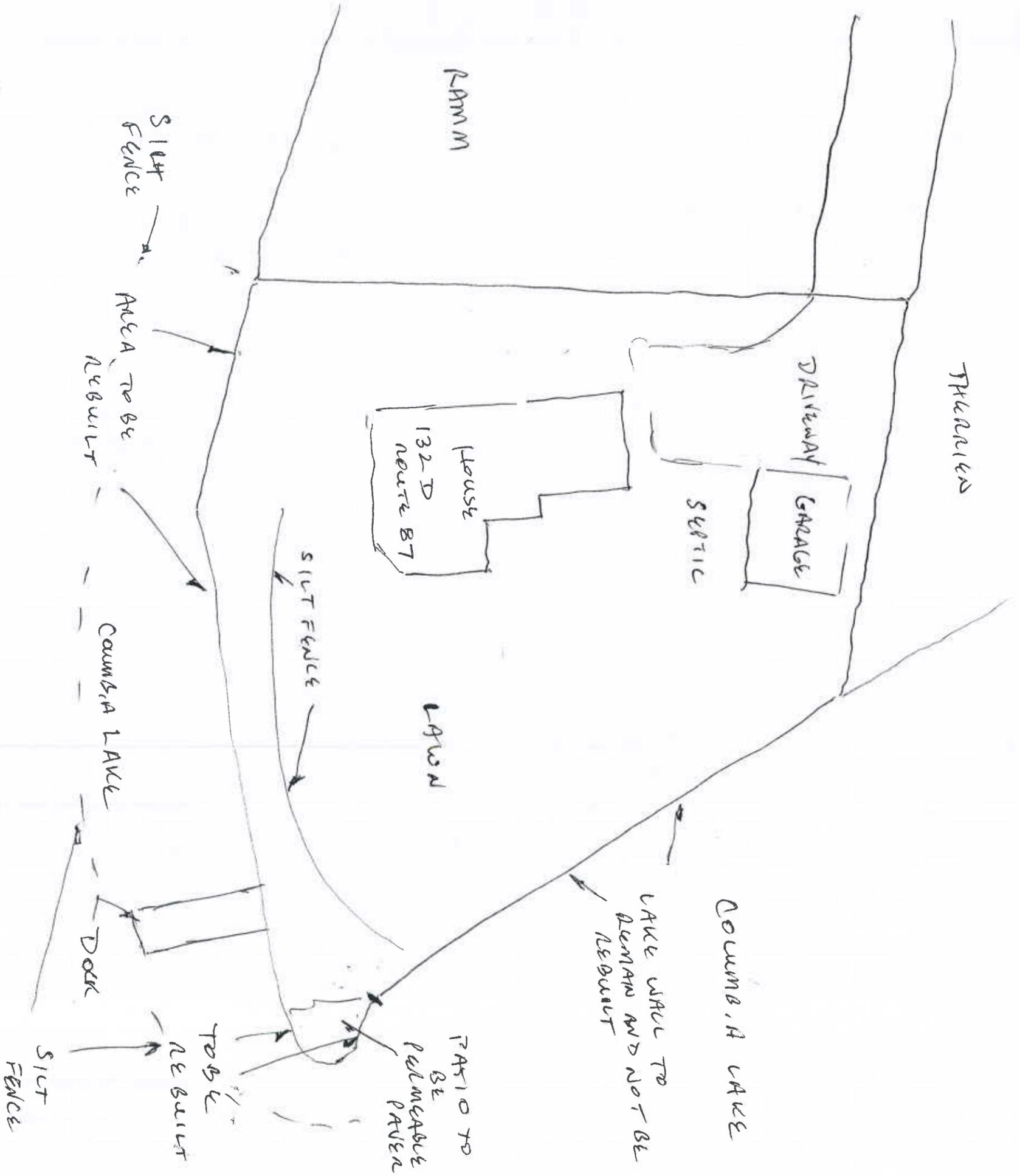
16. Signature of Applicant:

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 [Signature] Date 7.31.2020

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.



PENDING WHATSIT
 MAKE WALL TEAR DOWN
 AND REBUILT
 DRAWN BY JAMES BLAIR
 7.31.2020
 SCALE 1" = 20'

RECEIVED
 SEP 02 2020
 TOWN OF COLUMBIA
 BUILDING & LAND USE

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 2021-03** 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: James Blair
Address: 17 Columbia Landing
Address of Activity: 132 D Route 87
Property owned by: Penny Walsh
Maps dated: July 31, 2020
Application received on: September 2, 2020 and \$285.00 fee paid

For the proposed activity:

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 two 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 diversion methods installed and the silt fence prior to movement of any earth material.

6. All surface areas within 100 feet Columbia Lake are to be stabilized with vegetation.
7. 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.
8. The property owner, **Penny Walsh**, 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.
9. Wall to be elevated less than 12 inches above existing grades, a benchmark with two reference points on the wall to be set
10. Staking to be placed to triangulate existing wall face. At least 4 stakes to be placed in lake with triangulation points measured on existing wall. To be approved by wetlands Agent prior to work commencing.
11. Silt fence to be placed below wall, geotextile fabric or tarps to be placed on Lake bottom to receive debris and stone from demolition of wall. To be inspected by Wetlands Agent prior to start of work
12. Diversion of storm water from above wall to be in place prior to start of work and inspected by Wetlands Agent. Silt fence or hay bales directing storm water to a control point is a satisfactory measure. All disturbed soils to be hayed and seeded silt fence to remain in place until the site is stabilized. Silt fence in lake can be removed once the disturbed areas are stabilized and inspected by Town.

A COPY OF THIS MOTION AND CONDITIONS LISTED, WHEN APPROVED BY A MAJORITY VOTE OF THE IWWC MEMBERS PRESENT AND SIGNED BY THE AGENT, SHALL CONSTITUTE A PERMIT FOR THE ACTIVITY DESCRIBED IN THE APPLICATION AND ACCOMPANYING DATA.

Motion by:

Seconded by:

Commission Action: Approved with conditions

Date: October 5, 2020

John Valente, Wetlands Official

Expires: October 5, 2022

SEP 02 2020

TOWN OF COLUMBIA
BUILDING & LAND USE

James Blair Landscape and Design, LLC
17 Columbia Landing
Columbia, CT 06237
Wednesday September 2, 2020

Town of Columbia Inland Wetlands Commission
323 Route 87
Columbia, CT 06237

Dear Commission Members,

I am submitting an application to rebuild the lake wall at 3 Webster Lane on behalf of the owners, Mr. and Mrs. Baumert. The Baumerts have contracted me to rebuild the wall which has fallen into disrepair. They would also like to replace the existing docks. Both docks are older and the wood is rotting, becoming unsafe to use. We also intend to replace the deck immediately adjacent to the larger dock. That deck will be 12" above the new dock with a retaining wall around it. The new patio surface will be permeable pavers in order to prevent any direct runoff into Columbia Lake. The height of the wall and 1 ¼" stone base will help to infiltrate that water, including the lawn immediately up gradient. That is an additional 400-500 square feet currently allowed to run off into the lake area. Our plan also includes installing steps along west side of the property. This area is presently lawn and is a steep slope. The seven stairs would have stone landings in between in order to reduce or eliminate any runoff. If permit is granted, work would commence at the appropriate time following draw down this fall. Any lake bed activity would be completed on or before March 15, 2021. No machinery will be placed in the lake bed.

My construction sequence will be as follows:

- Installing of silt fence in lake bed to prevent any silt or debris getting into Columbia Lake.
- Establish offsets with stakes to locate face of wall and docks. Offsets to remain in place to confirm wall face throughout project.
- Dismantling and salvaging stone from existing wall. Stones to be placed on tarps and plywood on lake bed.
- Excavating to approximately 12-15" depth for base of wall. Base to be 1 ¼" crushed stone with stabilization mat.
- Wall construction will be dry stacked "fieldstone", filling voids with ½" crushed stone. Wall will be back filled with 1/2" stone and protected with filter fabric.
- Re-establish grade with suitable soil, seed and straw. This step will be done at the appropriate time, late April, early May of 2021.

Erosion control and site management:

- There will be no stock piling of soils on site.
- Diverting of any downspouts which drain at the rear of the building away from work area with 4" pipe

- Installing silt fence above the work area. The silt fence will be taken down during work days that are precipitation free and re-installed when crews leave. Silt fence will remain in place until new seed is properly germinated.

The wall will be approximately 52” in total height. This height will match the wall on the east end of their property.

The Baumerts wish is to maintain their property and minimize any impact to Columbia Lake. Safety and aesthetics are important, but equally if not more important, is the impact on the lake. Repairing the wall, replacing the wooden deck, and capturing as much runoff as possible would be an important improvement, not only to this property but to Columbia Lake.

Thank you for your time and consideration of this matter. I look forward to answering any questions or concerns the commission may have.
Respectfully submitted,

James Blair
James Blair Landscape and design, LLC

SEP 02 2020

TOWN OF COLUMBIA
INLAND WETLANDS COMMISSION
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 9/2/2020

Application # IWWC 2021-04

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 1/2 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 09/02/2020 CLK # 013675 (BLAIR)

1. Name And Address of Applicant JAMES BLAIR

Home/Day Phone _____ Cell Phone 860 428-2916

Business Name & Business Address of Applicant _____

JAMES BLAIR LANDSCAPE AND DESIGN 17 COLUMBIA LANDING
COLUMBIA

Email JBLANDIS@EARTHLINK.NET

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 ALAN AND BETH BAUMERT

Home Phone _____ Business Phone _____ Cell 860 883 9580

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

Is this land part of a previously approved subdivision? _____

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 3 WEBSTER LANE COLUMBIA, CT

Nearest telephone pole # and distance to intersection _____

Name of Subdivision & Subdivision Lot # _____

Tax Assessors Map Reference: Map # 013D Lot # 2

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

SHEA 1 WEBSTER LANE

NASON 5 WEBSTER LANE

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:

TEAR DOWN AND REBUILD OF LAKE WALL REPLACE DECK ON
LAKE SIDE WITH PERMEABLE PAVERS INSTALL A FIRE PIT
IN PATIO AREA REPAIR/REPLACE EXISTING DOCKS
INSTALL STEPS AND LANDSCAPING IN YARD ADJACENT TO
HOUSE AREA THAT IS DRAWN.

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

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)

APPROX 75 YARDS OF MATERIAL
INCLUDING WALL AND BACK FILL STONE

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)

APPROX 4000 SQ' OF LAWN AREA
MAY BE DISTURBED IN CONSTRUCTION

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 7-31-2020

Zone Classification LAR

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 8-10-2020

16. Signature of Applicant:

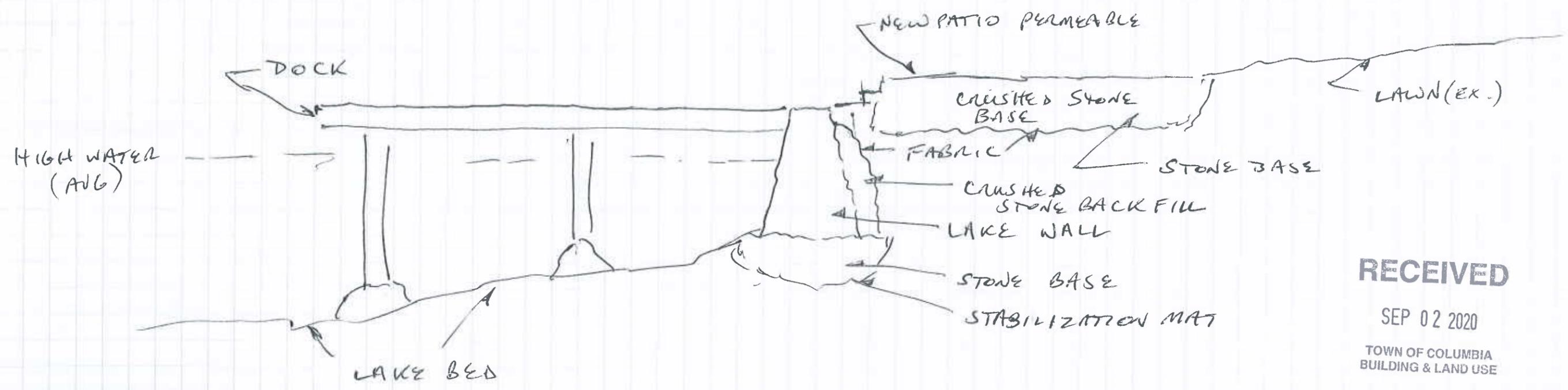
The undersigned is familiar with all the information provided in this application and is aware that any permit obtained through deception, inaccurate or misleading information is subject to revocation.

Signature of Applicant  Date 7-31-2020

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.

MR. MRS BAUMERT
3 WEBSTER LANE
COLUMBIA, CT 06237
LAKE WALL AND PATIO
CROSS SECTION
DRAWN BY J. BLAIR
8/29/2020
NOT TO SCALE



RECEIVED
SEP 02 2020
TOWN OF COLUMBIA
BUILDING & LAND USE



SITE A

RECEIVED

SEP 02 2020

TOWN OF COLUMBIA
BUILDING & LAND USE

MIL AND MRS BAUMENT
3 WEBSTER AVE
COLUMBIA, CT 06237
LITTLE WALL REBUILT
7-31-2020
DRAWN BY JAMES BURR
SCALE 1"=20'

NUTRIENT ALLOCATION - LAND USE WORKSHEET

Client Allen & Beth Baumert
 Address 3 Webster Lane, Columbia, CT
 Parcel Watershed District: A
 Parcel Area (Sq. Ft.): 25,130

Current Residential Use Load (No BMP Credits)			
Land Use	Area (Sq. Ft.)	P Load / Ac. (Lbs./Ac./Yr.)	Total Load (Lbs./Ac./Yr.)
Roof	1189	1.3	0.035
Impervious Surface	529	1.5	0.018
Semi-pervious Surface	2862	1.0	0.066
Lawn	11338	1.0	0.260
Woodland	8873	0.1	0.020
Pond Surface	260	0.2	0.001
Mulched Planting Area	79	0.2	0.000
TOTAL	25130		0.402

Allowable	
------------------	--

Proposed Site Plan (No BMP Credits)			
Land Use	Area (Sq. Ft.)	P Load / Ac. (Lbs./Ac./Yr.)	Total Load (Lbs./Ac./Yr.)
New Roof Areas	2850	1.3	0.085
Deck and Patio- Impervious Surface	840	1.5	0.029
Semi-pervious Surface	4750	1.0	0.109
Lawn	16430	1.0	0.377
Woodland	0	0.1	0.000
Pond Surface	260	0.2	0.001
Mulched Planting Area	0	0.2	0.000
TOTAL	25130		0.601

Site Plan (With BMP Credits)

Note: First flush infiltration for driveway - 5 units of stormtec SC-740 chambers
 each chamber stores 81.7 cu.ft. with 12" stone base

Land Use	Area (Sq. Ft.)	P Load / Ac. (Lbs./Ac./Yr.)	Total Load (Lbs./Ac./Yr.)
New Roof Areas(not diverted to infiltration)	0	1.3	0.000
Deck and patio - Impervious Surface	840	1.5	0.029
Impervious Surface (1" first flush - see note)	4750	0.2	0.022
Stone	842	0.2	0.004
Lawn	5631	1.0	0.129
Mulched wood chips	2820	0.2	0.013
Mulched Planting Area	7137	0.2	0.033
1" First Flush (Roof Diverted to Infiltration)	2850	0.2	0.013
Pond Surface	260	0.2	0.001
TOTAL	25130		0.244

BMP REVISED PLAN		<i>Town of Columbia, Connecticut</i>		
Nutrient Allocation - Land Use Worksheet				
Overall Watershed Areal P Export Allocation=		0.32	lb P Acre ⁻¹ Year ⁻¹	
		0.32	lb P Acre ⁻¹ Year ⁻²	
		0.37	lb P Acre ⁻¹ Year ⁻³	
		0.42	lb P Acre ⁻¹ Year ⁻⁴	
Base Loading Areal TP Allocations:				
Undisturbed Woodlands=	0.1	lb P Acre ⁻¹ Year ⁻¹		
Semi-Pervious Area=	1	lb P Acre ⁻¹ Year ⁻¹		
Impervious Area=	1.5	lb P Acre ⁻¹ Year ⁻¹		
Land Owner:	Alan & Beth Baumert			
Address:	3 Webster Lane			
Assessors Location Map, Block, Parcel:	13D	2		
Parcel Area=	25130	sq ft	0.576905	Acres
				25130
Parcel Allocation=	Watershed District A	0.18461	lb P Year ⁻¹	Sq. Feet
	Watershed District B	0.213455	lb P Year ⁻²	
	Watershed District C	0.2423	lb P Year ⁻³	
Current Residential Use Load (No BMP Credits)				
	sq ft	Est P Load (lb P / acre / yr)	LOAD	
Roof	1189	1.3	0.035484	
Impervious Surface	529	1.5	0.018216	
Semi-pervious Surface	2862	1.0	0.065702	
Lawn	11338	1.0	0.260285	
Woodland	8873	0.1	0.02037	
Pond	260	0.2	0.001194	
Mulched Planting Area	79	0.2	0.000363	
TOTAL	25130	Total Estimated Load	0.401614	Target No. 0.361452
Proposed Site Plan (No BMP Credits)				
	sq ft	Est P Load (lb P / acre / yr)	LOAD	
Roof	2850	1.3	0.085055	
Deck/Patio Impervious	840	1.5	0.028926	
Semi-pervious Surface	4750	1.0	0.109045	
Lawn	16430	1.0	0.377181	
Woodland	0	0.1	0	
Pond Surface	260	0.2	0.001194	
Mulched Planting Area	0	0.2	0	
	25130			
TOTAL		Total Estimated Load	0.6014	
Proposed Site Plan (With BMP Credits)				
	sq ft	Est P Load (lb P / acre / yr)	LOAD	
Deck/Patio Impervious	840	1.5	0.028926	
Semi-pervious Surface	4750	1.0	0.109045	
Stone	842	0.2	0.003866	
Lawn	5758	1.0	0.132185	
Mulched Wood Chips	3190	0.2	0.014646	
Mulched Planting Area	6640	0.2	0.030487	
1" First Flush/Roof Infiltra	2850	0.2	0.013085	
Pond Surface	260	0.2	0.001194	
Total Area=	25130	Total Estimated Load=	0.333434	

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 2021-04** 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: James Blair
Address: 17 Columbia Landing
Address of Activity: 3 Webster Lane
Property owned by: Alan & Beth Baumert
Maps dated: July 31, 2020
Application received on: September 2, 2020 and \$285.00 fee paid

For the proposed activity:

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 diversion methods installed and the silt fence prior to movement of any earth material.
6. All surface areas within 100 feet of the Lakes are to be stabilized with vegetation.

7. 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.
8. The property owner, **Alan and Beth Baumert**, 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.
9. Wall is to remain at the current elevation , within 2 to 3 inches , a benchmark with two reference points on the wall to be set and inspected prior to start of work
10. Staking to be placed to triangulate existing wall face. At least 4 stakes to be placed in lake with triangulation points measured on existing wall. To be approved by wetlands Agent prior to work commencing.
11. Silt fence to be placed below wall, geotextile fabric or tarps to be placed on Lake bottom to receive debris and stone from demolition of wall. To be inspected by Wetlands Agent prior to start of work
12. Diversion of storm water from above wall to be in place prior to start of work and inspected by Wetlands Agent. Silt fence or hay bales directing storm water to a control point is a satisfactory measure. All disturbed soils to be hayed and seeded silt fence to remain in place until the site is stabilized. Silt fence in Lake can be removed once the disturbed areas are stabilized and inspected by Town.

A COPY OF THIS MOTION AND CONDITIONS LISTED, WHEN APPROVED BY A MAJORITY VOTE OF THE IWWC MEMBERS PRESENT AND SIGNED BY THE AGENT, SHALL CONSTITUTE A PERMIT FOR THE ACTIVITY DESCRIBED IN THE APPLICATION AND ACCOMPANYING DATA.

Motion by:

Seconded by:

Commission Action: Approved with conditions

Date: October 5, 2020

Expires: October 5, 2022

John Valente, Wetlands Official

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 MINUTES

Members Present: Chairman John Allen, Vice-Chair Tom Archambault, Secretary Ron Wikholm, Tip Garritt, Ian Dunn, Mary Roickle

Members Excused: Carol Ann Jaswinski, William Ross

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

Others Present: Kevin Shortoff

Call to Order: J. Allen called the meeting to order at 7:06 pm and welcomed M. Roickle to the Commission.

Roll Call-Seat Alternates: Mary Roickle was seated for Carol Ann Jaswinski.

Additions/Changes in order of Agenda:

J. Allen asked if there was changes to the agenda. J. Valente suggested moving Item 3.1 after item 1.

J. Allen approve to move item 3.1 after item 1.

1. Audience of Citizens: None

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.

J. Valente discussed the regulation from the State. There is a "model" regulation in which the format is the same. When the State changes a regulation, the State will tell you where the language should be inserted in the model. J. Valente referenced Section 7.10 & 7.11 APPLICATION REQUIREMENTS, Section 11, 1.6, DECISION PROCESS AND PERMIT, Section 4, PERMITTED USES AS OF RIGHT AND NON-REGULATED USES. He stated a Public Hearing can be set up 65 days going forward and will have to notify the State 35 days before the Public Hearing. He reviewed the fee structure with the Commission. The applicant will be responsible to post additional notices. Increase in engineering fees, environmental consultant, and/or additional fees sufficient to cover the cost of reviewing and acting on complex applications. J. Allen questioned if an individual applies for a permit, will they get the final amount due at that time? J. Valente explained that he will need to be involved with the cost of the permit.

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.

J. Allen read the application and asked J. Valente to review it with the Commission. J. Valente has been working with K. Shortoff over a month. In 1987 wetlands existed when the plan was developed to build a home on the site. There is a question as to whether there are wetlands at the site today. The wetlands are now located in place of the detention basin. The detention basin is approximately 10 to 12 feet in diameter and 4 to 5 feet deep in the area where the wetlands exist. There may have been filling when the town excavated the basin. The driveway will be going in adjacent to the wetlands and

wetlands soil may no longer exists. K. Shortoff would like to get the driveway completed by the middle of October. He stated the main reason for the reconstructing the driveway was the danger in backing out of the current driveway into the road. He would like to make the driveway a semicircle and will impact a small section of wetlands. A six-inch pipe will be installed for drainage. In front of the home, the water flows to the street, in back, water flows in the far back area of the home. The 20-yard by 50-yard will drain underneath the driveway and enters the supposed wetlands. There is a supposed wetland area where some of the drainage from the property flows. J. Valente does not believe the area is wetlands. K. Shortoff said, starting from the road there will be a driveway threshold with a 10-inch pipe surrounding by crushed stone with a settling pond, 3-feet by 2-feet lined with sediment fabric and local stone. J. Valente stated the purpose of the settling ponds in place of having a catch basin is preferable so you can have the pipes opened to be able to clean the pipes. T. Garritt asked if there was a small watershed. J. Valente explained that the surface flow is limited to one side of the driveway and there is not a lot of surface water flow during a storm. K. Shortoff said the Town would clean the organic debris in the pipe and culverts. K. Shortoff said he would reorganize the rocks and create a swale to collect any debris. J. Valente stated that the flow is all sub-surface drainage. K. Shortoff explained where the driveway threshold would be located, a 12-feet wide driveway, built to code. R. Wikholm asked what material will be used for the surface of the driveway. K. Shortoff stated the first layer would be 3 ½ minus stone, built up to processed gravel, over that will be stone dust to allow for settling over 12 to 18 months. The driveway will then be paved. J. Allen asked if the paving will be over the stone dust. K. Shortoff stated he would leave that to the experts. J. Valente stated that the proposed construction of the driveway would allow for a paved surface. K. Shortoff explained the skirt drain was installed to mitigate the water into the basement. There are 4 surface drains with sediment filtering features that will drain into a pond that will be created in the back yard.

J. Valente read the Summary Ruling for the applicant and the Commission members.

J. Allen **MOVED** to **APPROVE** the application of K. Shortoff; T. Archambault **SECONDED**;
MOTION CARRIED: 6.0.0.

4. Approval of Meeting Minutes:

4.1 Meeting Minutes of February 3, 2020

T. Archambault **MOVED** to **APPROVE** the minutes of February 3, 2020 as presented; T. Garritt **SECONDED**;
MOTION CARRIED: 6.0.0.

4.2 Special Meeting Minutes of February 18, 2020

T. Garritt **MOVED** to **APPROVE** the minutes of February 18, 2020 as presented; T. Archambault **SECONDED**;
MOTION CARRIED: 6.0.0.

4.3 Special Meeting Minutes of July 15, 2020

R. Wikholm **MOVED** to **APPROVE** the minutes of July 15, 2020 as presented; T. Garritt **SECONDED**;
MOTION CARRIED: 4.0.2.

5. Audience of Citizens: None

6. Communications/Correspondence: None

7. Commission Open Discussion:

Commission members agreed to October 5, 2020 will be the the Public Hearing for proposed regulation changes.

8. Administrative Reports:

J. Valente reviewed some of the administrative approvals with the Commission.

9. Adjournment:

M. Roickle **MOVED** to **ADJOURN**; T. Archambault **SECONDED**; **MOTION CARRIED** 6:0:0
The meeting was adjourned at 8:17 pm.

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
Monday September 14, 2020 - 6:00 P.M.
SPECIAL MEETING MINUTES

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

Members Excused: Chairman John Allen

Staff Present: Inland Wetlands Agent John Valente

Others Present: Contractor/Owner of James Blair Landscape and Design, James Blair

1. **132 D Route 87** - The meeting began started at 6:00 p.m. Jim Blair, representing the P. Walsh contracted him to rebuild the wall which has fallen into disrepair. P. Walsh would like to replace the existing dock as well since the dock is old and the wood is rotting. A silt fence will be installed in the lakebed to prevent any silt or debris getting into the lake. Offsets with stakes will be established to locate the face of wall and docks and will remain in place throughout the project. Approximately 12-15" will be excavated for base of wall and be 1 1/4" crushed stone with a stabilization mat. The wall construction will be dry stacked fieldstone with 1/2' crushed stone filling the voids. The wall will be approximately 42" in height matching the wall on the west end of the property.

The site walk concluded at 6:15 p.m.

2. **3 Webster Lane** - The meeting began at 6:20 p.m. Jim Blair, representing the Baumert's contracted him to rebuild the wall which has fallen into disrepair. They would also like to replace the existing docks. Both docks are old, and the wood is rotting, becoming unsafe to use. The deck immediately adjacent to the larger dock will also be replaced. That deck will be 12" above the new dock with a retaining wall around it. The new patio surface will be permeable pavers in order to prevent any direct runoff into Columbia Lake. The plan includes installing steps along the side of the west side of the property. The stairs would have stone landings in between in order to reduce or eliminate any runoff. Any lake-bed activity would be completed on or before March 15, 2021. No machinery will be placed in the lakebed. A silt fence will be installed at the foot of the bank that approaches from the driveway area, which will be the construction access point and stretches across the property. The wall is established with sufficient fabric in place within the first three days of construction to provide a last resort protection. All exposed excavated areas are covered nightly with heavy tarps throughout the project duration to protect from ice, rain, freezing temperatures, and snow. These measures help to ensure no soils are migrating into the lakebed. All material for any dock or deck will be cut to length on the bank in a stable location where the saw dust can be contained and removed from the property. Any piers that may be needed would be set on the lakebed with no excavation being done, either by hand or machine.

The site walk concluded at 6:40.

2021 IWWC MEETING SCHEDULE

BOARD OR COMMITTEE NAME: **INLAND WETLANDS & WATERCOURSES COMMISSION**

TIME OF MEETING: 7:00 P.M.

DAY OF WEEK MEETING HELD: 1st Monday of Each Month (unless otherwise stated)

LOCATION OF MEETING: Adella G. Urban Administrative Offices Conference Room

PLEASE INSERT YOUR DATES IN THE MONTHS LISTED BELOW:

JANUARY 4	JULY 9 (1 st Thursday/Building Dept)
FEBRUARY 1	AUGUST 2
MARCH 1	SEPTEMBER 9 (1 st Thursday / Building Dept)
APRIL 5	OCTOBER 4
MAY 3	NOVEMBER 1
JUNE 7	DECEMBER 6
	JANUARY <u>2022</u> 3

RECEIVED _____ AT _____

ATTEST _____ TOWN CLERK/ASSISTANT TOWN CLERK

Approved at the XX/XX/XXXX IWWC meeting