

**INLAND WETLANDS AND
WATERCOURSES REGULATIONS**



**TOWN OF
ROCKY HILL, CONNECTICUT 06067**

OPEN SPACE AND CONSERVATION COMMISSION

Ken Goldberg, Chairman
Sandi Kelly, Vice-Chairman
Craig Riedinger, Secretary
Larry Lindenberger
Mike O'Toole
David D. Schweitzer
Dan Hovey

ALTERNATE MEMBERS

Christopher Duff
Steven Drapeau
Robert Saviske

Eileen Knapp, Recording Secretary
Margaret Nevico, Secretary

Adopted: March 13, 2002
Draft date: February 7, 2002
Effective Date: July 3, 2002
Revised: April 18, 2002
Revised May 11, 2005
Revised January 24, 2012 (front page only)

Price: \$10.00 per copy

TABLE OF CONTENTS

TABLE OF CONTENTS	1
SECTION 1: TITLE AND AUTHORITY	3
SECTION 2: DEFINITIONS	4
SECTION 3: INVENTORY OF REGULATED AREAS	7
SECTION 4: PERMITTED USES AS OF RIGHT AND NON-REGULATED USES	8
SECTION 5: REGULATED ACTIVITIES TO BE LICENSED	9
SECTION 6: APPLICATION REQUIREMENTS	10
SECTION 7: PUBLIC HEARINGS	14
SECTION 8: CONSIDERATIONS FOR DECISION	16
SECTION 9: DECISION PROCESS AND PERMIT	17
SECTION 10: ACTION BY DULY AUTHORIZED AGENT	19
SECTION 11: BONDS AND INSURANCE	19
SECTION 12: ENFORCEMENT	19
SECTION 13: AMENDMENTS	21
SECTION 14: APPEALS	22
SECTION 15: CONFLICT AND SEVERANCE	22
SECTION 16: OTHER PERMITS	22
SECTION 17: RECORDS RETENTION AND DISPOSITION	23
SECTION 18: EFFECTIVE DATE OF REGULATIONS	23
INDEX	24

INLAND WETLANDS AND WATERCOURSES REGULATIONS AMENDMENTS

<u>Section</u>	<u>Date</u>	<u>Remarks</u>
6.9	5/11/05	Delete no earlier than 3 days after receipt
6.11.a.8	5/11/05	Leave amount of surcharge blank
6.11.a.9	5/11/05	Third party review added
6.11.b.6	5/11/05	Extension fee for Class B Permit added
6.11.b.7	5/11/05	Extension fee for Class C Permit added
6.11.c	5/11/05	Changed Fee from \$50 to \$100
6.11.d	5/11/05	Changed Fee from \$25 to \$50
6.16	5/11/05	Changed in order to comply with State Statutes
7.1	5/11/05	Changed in order to comply with State Statutes
8.2.g	5/11/05	Third party review added
8.3	5/11/05	Local Conservation District added
8.7	5/11/05	Clarification of the Composition of Wetlands and Watercourses added
8.8	5/11/05	Language added in order to comply with State Statutes
8.9	5/11/05	Section added in order to comply with State Statutes
9.2	5/11/05	Clarification of the Section done to reflect State Statutes
13.6	5/11/05	Change done in order to comply with State Statutes
13.7	5/11/05	Change done in order to comply with State Statutes

INLAND WETLANDS AND WATERCOURSES REGULATIONS

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 this 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 unborn.
- 1.2 These regulations shall be known as "Inland Wetlands and Watercourses Regulations" of the Town of Rocky Hill.
- 1.3 The Open Space and Conservation Commission of the Town of Rocky Hill was established in accordance with the town charter and shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of Rocky Hill.
- 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 Rocky Hill Open Space and Conservation Commission (Inland Wetlands and Watercourses Agency) 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 Rocky Hill pursuant to sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes as amended;

INLAND WETLANDS AND WATERCOURSES REGULATIONS

SECTION 2: DEFINITIONS

2.1 As used in these regulations:

- a. **"ACT"** means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the General Statutes, as amended.
- b. **"AGENCY"** means the Inland Wetlands and Watercourses Agency of the Town of Rocky Hill.
- c. **"BOGS"** means areas distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.
- d. **"CALCAREOUS SEEPAGE SWAMP"** means a forested wetland characterized by the discharge of groundwater with a chemistry influenced by the underlying limestone geology.
- e. **"CEDAR SWAMP"** means a forested wetland characterized by the presence of Northern White Cedar/Atlantic White Cedar.
- f. **"CLEAR-CUTTING"** means the harvest of timber in a fashion, which removes all trees down to a 2" diameter at breast height.
- g. **"COMMISSION MEMBER"** means a member of the Inland Wetlands and Watercourses Agency of the Town of Rocky Hill.
- h. **"COMMISSIONER OF ENVIRONMENTAL PROTECTION"** means the commissioner of the State of Connecticut Department of Environmental Protection.
- i. **"CONSERVATION EASEMENT"** means a document recorded in the land records in which an owner of land voluntarily agrees with the town permanently to refrain from doing certain things in an environmentally sensitive area that the owner might have been able to do were it not for the agreement.
- j. **"CONTINUAL FLOW"** means a flow of water, which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.
- k. **"DEPOSIT OR DEPOSITION"** includes, but shall not be limited to, fill, grade, dump, place, discharge or emit.
- l. **"DESIGNATED AGENT"** means the Town Engineer, or a substitute as designated by the Inland Wetlands and Watercourses Agency of the Town of Rocky Hill.
- m. **"DISCHARGE"** means the emission of any water, substance, or material into wetlands or watercourses, whether or not such substance causes pollution.
- n. **"DISTURBING THE NATURAL AND INDIGENOUS CHARACTER OF THE LAND"** means an activity that will significantly alter the Inland Wetlands and Watercourses by reason of removal or deposition of material, clear cutting, alteration or obstruction of water flow, or will result in the pollution of the wetlands or watercourses.
- o. **"ESSENTIAL TO THE FARMING OPERATION"** means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.
- p. **"FARMING"** means the use of land for the growing of crops, raising of livestock or other agricultural use.
- q. **"FEASIBLE"** means able to be constructed or implemented consistent with sound engineering principles.

INLAND WETLANDS AND WATERCOURSES REGULATIONS

- r. **"FEN"** means a peat accumulating wetland dominated by sedges and/or ericaceous shrubs. Typical plant species include low sedges, ericaceous shrubs, sphagnum and other mosses.
- s. **"GENERAL STATUTES"** means the General Statutes the State of Connecticut.
- t. **"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 these regulations.
- u. **"MADE LAND"** means an area where the surface soil and subsoil has been stripped away and where earth or trash is used as filler materials. It also includes areas where the soil profiles have been disturbed through leveling or other means.
- v. **"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. Management practice includes, but is 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.
- w. **"MARSHES"** means areas with soils that exhibit aquic (saturated) moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by soft-stemmed herbaceous plants. The water table in marshes is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six inches or more in depth are common.
- x. **"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.
- y. **"MUNICIPALITY"** means the Town of Rocky Hill, Hartford County, State of Connecticut. See **"TOWN."**
- z. **"NURSERIES"** means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.
- aa. **"PERMIT"** means the whole or any part of any license, certificate, or approval or similar form of permission, which may be required of any person by the provisions of these regulations and the Act, or any other municipal, state, and federal law.
- bb. **"PERMITTEE"** means the person to whom a permit has been issued.
- cc. **"PERSON"** means any person, firm, partnership, association, corporation, company, organization, or legal entity of any kind including municipal corporations, governmental agencies or subdivisions thereof.
- dd. **"POLLUTION"** means any 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 being 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.
- ee. **"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.
- ff. **"REGULATED ACTIVITY"** means any operation within or use of a wetland or watercourse

INLAND WETLANDS AND WATERCOURSES REGULATIONS

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 General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing or material and discharging of storm water on the land within 100 feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. The Agency may rule that if any other activity located within the upland review or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses then it too is a regulated activity.

- gg. **"REGULATED AREA"** means any wetlands or watercourses as defined in these regulations.
- hh. **"REMOVE"** includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut-timber, bulldoze, dragline or blast.
- ii. **"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.
- jj. **"SIGNIFICANT IMPACT ACTIVITY"** means any activity, including, but not limited to, the following activities, which may have a major effect or significant impact:
 - 1. Any activity involving deposition or removal of material, which will or may have a major effect or significant impact on the regulated area or on another part of the inland wetland or watercourse system.
 - 2. Any activity, which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
 - 3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support desirable fisheries, wildlife, or other biological life; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
 - 4. Any activity, which is likely to cause or has the potential to cause substantial turbidity, siltation, or sedimentation in a wetland or watercourse.
 - 5. Any activity, which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area.
 - 6. Any activity, which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
 - 7. Any activity, which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.
- kk. **"SOIL SCIENTIST"** means an individual duly qualified in accordance with standards set by the federal Office of Personnel Management.
- ll. **"SPRUCE SWAMP"** means a forested wetland characterized by the presence of Red/Black Spruce.
- mm. **"SWAMPS"** means areas with soils that exhibit aquic (saturated) moisture regimes and are distinguished by the dominance of wetland trees and shrubs.
- nn. **"SUBMERGED LANDS"** means those lands that are inundated by water on a seasonal or more frequent basis.
- oo. **"THREATENED and ENDANGERED SPECIES, SPECIES of SPECIAL CONCERN; SIGNIFICANT NATURAL COMMUNITIES"** means those species listed by CT DEP pursuant to Chapter 495 of the Connecticut General Statutes as threatened or endangered species or species of special concern. Known locations of threatened and endangered species and species of special concern, and significant natural communities are identified on maps

INLAND WETLANDS AND WATERCOURSES REGULATIONS

entitled "State and Federal Listed Species and Significant Natural Communities," as amended.

- pp **"TOWN"** means the Town of Rocky Hill, Hartford County, State of Connecticut. See also **"MUNICIPALITY."**
- qq **"UPLAND REVIEW AREA"** means the area of land within 100 feet measured horizontally from the boundary of any wetland or watercourse. (See also REGULATED ACTIVITY)
- rr **"VERNAL POOL"** means a water course consisting of a confined basin depression, which contains a 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.
- ss **"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.
- tt **"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.
- uu **"WETLANDS"** means land, including submerged land as defined in these regulations, not regulated pursuant to Sections 22a-28 through 22a-35 inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resource and Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

SECTION 3: INVENTORY OF REGULATED AREAS

- 3.1 The map of regulated areas, entitled "Inland Wetlands and Watercourses Map, Rocky Hill, Connecticut," delineates the general location and boundaries of inland wetlands and the general location of watercourses in the town. Copies of this map are available for inspection in the office of the Town Clerk or the Agency. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses. The Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.
- 3.2 Any person disputing the designation of his or her land as a regulated area on the Inland Wetlands and Watercourses Map may petition the Agency to change the designation in accordance with section 13 of these regulations. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances that support the change. The petitioner shall provide proof that the designation is inapplicable. The Agency may require such a person to provide an accurate delineation of regulated areas in accordance with Section 13 of these regulations.

INLAND WETLANDS AND WATERCOURSES REGULATIONS

- 3.3 The agency and/or its designated agent(s) shall maintain a current inventory of regulated areas within the town. The Agency may amend its map as information that is more accurate becomes available. Any person may petition for an amendment to the map. Petitioners shall bear the burden of proof for all requested map amendments. Such proof may include, but not be limited to, aerial photography, remote sensing imagery, resource mapping, or other available information. Such map amendments are subject to the public hearing process outlined in Section 13 of these regulations.

SECTION 4: PERMITTED USES AS OF RIGHT AND NON-REGULATED USES

PERMITTED USES AS OF RIGHT

- 4.1 To carry out the purposes of this section, any person proposing to carry out an allowed or non-regulated operation or use of a wetland or watercourse, that may disturb the natural and indigenous character of the land, shall, prior to commencement of such operation or use, notify the agency on a form provided by the agency, and provide the agency with sufficient information to enable it properly to determine that the proposed operation and use is an allowed or non-regulated use of the wetlands or watercourse. The agency or its designated agent shall rule that the proposed operation or use is an allowed or a non-regulated use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the agency following the meeting at which the request was received. The designated agent for the agency may make such ruling on behalf of the agency at any time.
- 4.2 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 section shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear-cutting of timber, except for the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale.
 - b. Boat anchorage or mooring, not to include dredging or dock construction.
 - c. Uses incidental to the enjoyment or maintenance of residential property, such property being defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse.
 - d. A residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by the Planning and Zoning Commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of Section 22-42a of the General Statutes and further provided no residential home shall be permitted as of right pursuant to this subsection unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system driveway, approval dates or

INLAND WETLANDS AND WATERCOURSES REGULATIONS

other necessary information to document his entitlement.

- e. Construction and operation, by water companies as defined by Section 16-1 of the General Statutes or by municipal water supply systems as provided for in section 102, of the 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-410 of the General Statutes.
- f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a 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 the purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.

- 4.3 All activities in **wetlands** or **watercourses** involving filling, excavation, dredging, **clear-cutting**, **clearing**, grading or any other alteration or use of a **wetland** or **watercourse** not specifically permitted by this section and otherwise defined as a regulated area by these regulations shall require a **permit** from the **agency** in accordance with section 5 of these regulations.

NON-REGULATED USES

- 4.4 The following operations and uses shall be allowed 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 trails, 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.

SECTION 5: REGULATED ACTIVITIES TO BE LICENSED

- 5.1 No **person** may conduct or maintain a **regulated activity** without first obtaining a **permit** for such activity from the **agency** and the **agency** may instruct the **designated agent** to determine if the **regulated activity** should come before the **agency** for a **permit**.
- 5.2 Any **person** found to be conducting or maintaining a **regulated activity** without the prior authorization of the **agency**, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in section 12 of these regulations and any other remedies as provided by law.
- 5.3 The map of **regulated areas**, entitled "Official Inland **Wetlands** and **Watercourses** Map, Rocky Hill Connecticut" shall serve as boundaries and shall be considered a part of these regulations, and copies of said map shall be made available for inspection in the offices of the Town Clerk and the Engineering Department of the **town**.

INLAND WETLANDS AND WATERCOURSES REGULATIONS

- 5.4 Changes in regulations including boundaries shall be made pursuant to Section 22a-42a of the **Act**.
- 5.5 The **agency** may, in its discretion supported by substantial evidence on the record, modify the requirement for the **upland review area**. The Commission shall take factors into account such as, but not limited to, topography, wildlife corridors, value of **wetlands** averaging, etc., when modifying this requirement.

SECTION 6: APPLICATION REQUIREMENTS

- 6.1 Any **person** intending to conduct a **regulated activity** shall apply on a form provided by the **agency**. The application shall contain the information described in this section and any other information the **agency** may reasonably require. Application forms may be obtained in the offices of the Rocky Hill Town Engineering Department or the **agency**.
- 6.2 If an application to the Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a **wetland** or **watercourse**, the applicant shall, in accordance with Sections 8-3(g), 8-3c, or 8-26, as applicable, of the **General Statutes**, submit an application for a **permit** to the **agency** in accordance with this section, on or before the day the application is filed with the Planning and Zoning Commission .
- 6.3 The application shall contain such information as is necessary for a fair and informed determination thereon by the **agency**.
- 6.4 A prospective applicant may request the **agency** to determine whether or not a proposed activity involves a significant impact activity.
- 6.5 All applications shall include the following information in writing and/ or on maps or drawings:
- a. the applicant's name, home and business mailing addresses and telephone numbers;
 - 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. 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 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

INLAND WETLANDS AND WATERCOURSES REGULATIONS

- inaccurate or misleading information;
 - j. authorization for the members and agents of the **agency** to inspect the subject land, at reasonable times, both before and after a final decision has been issued;
 - k. a completed DEP reporting form; the **agency** shall revise or correct the information provided by the applicant and submit the form to the **Commissioner of Environmental Protection** in accordance with Section 22a-39-14 of the Connecticut General Statutes;
 - l. any other information the **agency** deems necessary to the understanding of what the applicant is proposing; and
 - l. submission of the appropriate filing fee based on the fee schedule established in Section 6.11 of these regulations.
- 6.6 If the proposed activity involves a **significant impact activity** as determined by the **agency**, 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, 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.
- 6.7 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**.
- 6.8 Twelve copies of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the **agency**.
- 6.9 Any **person** wishing to undertake a **regulated activity** shall apply for a **permit** to the **agency** no less

INLAND WETLANDS AND WATERCOURSES REGULATIONS

than twenty-one (21) days prior to the **agency's** regular meeting for the application to be included on the agenda. The application form entitled "Application for **permit**" is a part of these regulations. The forms are available in the Engineering Department. The date of receipt of such application shall be the day of the next regularly scheduled meeting of the **agency**, immediately following the day of submission, or thirty-five days after submission, whichever is sooner. Application must be made by the property owner of record or the duly authorized agent of such owner, such authorization to be in writing

6.10 All applications shall be accompanied by the appropriate application fee in accordance with the fee schedule in Section 6.11.a.

- a. Class A **permit** for Declaratory Ruling - If the **agency** finds, on the basis of submitted evidence, that a proposed activity or use does not involve any **regulated activity** in a **regulated area**, permission to proceed will be granted forthwith. This permission shall be subject to limitation or revocation if it is later shown that a **regulated activity** in a **regulated area** is a consequence of that proposed activity or use.
- b. Class B **permit** - If the **agency** finds, on the basis of submitted evidence, that a proposed activity or use is a **regulated activity** not having a **significant impact** or major effect, as defined in Section 6.14 of these Regulations, on the **regulated area**, it may allow the activity or use with or without conditions. At the discretion of the **agency**, a bond in a form of a passbook will be required from the **permittee** if a Class B **permit** is issued.
- c. Class C **permit** - If the **agency** finds that the activity applied for does or may have a significant impact or major effect on a **regulated area**, the **agency** shall require information which may include, but need not be limited to the information included on the application form. At the discretion of the **agency**, a bond in a form of a passbook will be required from the **permittee** if a Class C **permit** is issued. Such bond shall be established by the **agency** and shall be enough to cover all the environmental measures and maintenance associated with the development. An agreement form approved by the **agency** shall be used as part of the bond.
- d. Application to amend Inland **Wetlands** and **Watercourses** Map.
- e. Application to amend Inland **Wetlands** and **Watercourses** Regulations.

6.11 Fee Schedule

- a. Application for **permit**
 1. An application for **permit** fee of \$25.00 per lot for subdivisions or \$.02 per square foot of building footprint for site plans whichever is greater will be required for all applications unless the requirements of Section 6.11.a.2. below are met.
 2. No application for **permit** fee is required when the application is for a Class A **permit** for a residential property on a lot with an existing single-family dwelling and there is no activity within or impact upon an inland **wetlands** and/or **watercourse**.
 3. Upon determination that an Application for **permit** is for a Class C **permit**, an additional public hearing fee of \$100.00 for parcels of 0 - 5 acres in size and \$500.00 for parcels greater than five (5) acres shall be required and payment of said fee is due twenty (20) days prior to the commencement of the public hearing. Failure to submit fees will void the application.

INLAND WETLANDS AND WATERCOURSES REGULATIONS

4. If it is determined that an Application under Section 6.11.a.2 that the application fee under Section 6.11.a.1 is required, **permits** will not be issued until all remaining fees have been paid.
5. Application Fee to amend inland **wetlands** and **watercourses** map is \$200.00.
6. Application Fee to amend inland **wetlands** and **watercourses** regulations is \$200.00.
7. All other applications are subject to a \$50.00 charge.
8. A surcharge will be charged on all applications for a **permit** as required by General Statutes Section 22a-27j.
9. If the agency finds that the services of an individual/consulting firm is necessary to review a wetlands applications and related document on behalf of the agency, then the agency will choose an individual/consulting firm. The applicant is to bear all cost associated with a review or report generated by the individual/consulting firm. Such fee shall be paid in full [prior to the rendering of a decision]. **upon demand**.

b. **Permit Fees**

1.	Class A Permit	\$ 0.00
2.	Class B Permit	\$ 75.00
3.	Class C Permit	\$100.00
4.	Amendments to Map	\$ 0.00
5.	Amendments to Regulations	\$ 0.00
6.	Permit Extension - Class B	\$ 25.00
7.	Permit Extension - Class C	\$ 50.00

The above **permit** Fees are in addition to the Applications Fees in Section 6.11.a. **Permits** will not be issued until all fees have been paid.

c. Modifications of **permits**

A request to modify the terms and conditions of an existing **permit**, including a class A permit, shall be accompanied by a fee of \$100.00.

d. Discussion Fee

Prior to application, in order to be considered for preliminary discussion, a letter indicating the proposed activity along with a \$50.00 fee shall be submitted to the **agency** twenty-one (21) days prior to the meeting. While the **agency** stands ready to discuss with any **person** a proposed activity, these discussions shall be in no way construed as conceptual approval for **permit** for the activity, or as an indication that the Commission shall subsequently issue a **permit**.

6.12 At any time prior to the approval, the **agency** may require the applicant to provide more information about the **wetlands** and/or **watercourses** in question and/or the proposed activity.

6.13 In submitting an Application for **permit** to the **agency**, the applicant and/or owner grant permission to the **agency** and its Agents to enter the property for the purposes of reviewing and inspecting the parcel of land that is the subject of the application.

INLAND WETLANDS AND WATERCOURSES REGULATIONS

- 6.14 If the **agency** finds, based on the information before it, that the proposal will involve a **significant impact activity**, the applicant shall be required to submit such pertinent information designated on the application form as the **agency** deems necessary to make a decision in the area.
- 6.15 The Agency shall, in accordance with Connecticut General Statutes sections 8-7b(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 agency 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 drainage or sewerage system within the adjoining municipality; or
 - d. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Such notices 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.

- 6.16 The **agency** shall, in accordance with General Statutes Section 22a-42b, notify the Town Clerk of any adjoining **municipality** of the pendency of any application to conduct a **regulated activity** when:
- a. Any portion of the property on which the **regulated activity** is proposed is located within 500 feet of the boundary of an adjoining **municipality**; or
 - b. A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining **municipality**; or
 - c. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining **municipality**.

Notice of the pendency of such application shall be made by Certified Mail, Return Receipt Requested and shall be mailed within seven (7) days of the date of receipt of the application.

- 6.17 Any application to renew a **permit** shall be granted upon request of the **permit** holder unless the **agency** finds that there has been a substantial change in circumstances which requires a new **permit** application or an enforcement action has been undertaken with regard to the **regulated activity** for which the **permit** was issued, provided no **permit** may be valid for more than ten years.
- 6.18 Applicants are required to alert nearby property owners following similar signage requirements established by the Town of Rocky Hill Planning and Zoning Commission. Signs will be made available by the Town of Rocky Hill Engineering Department.

SECTION 7: PUBLIC HEARINGS

INLAND WETLANDS AND WATERCOURSES REGULATIONS

- 7.1 The inland wetlands agency shall not hold a public hearing on an application unless the inland wetlands agency determines that the proposed activity may have a significant impact on ~~wetlands~~ 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 agency not later than fourteen days after the date of receipt of such application, or the agency finds that a public hearing regarding such application would be in the public interest. The agency may issue a permit without a public hearing provided no petition provided for this section is filed with the agency on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard and may be represented by agent or by attorney.
- 7.2 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.
- 7.3 Notice of the public hearing shall be mailed to the owner(s) of record of land within 500 feet of the project property no less than fifteen days prior to the day of the hearing.

The applicant, or his legal representative, shall mail notification of the application, which shall be the legal notice provided by the **agent** with the schedule date, time and place of the hearing, to the owners of each parcel or property 500 feet or less distant from the applicant's property. The owners and their address shall be determined from the latest real estate list of the **town** in the Tax Assessor's office. At the hearing, the applicant, or his legal representative, shall submit evidence of the required mailing in the form of U.S. Postal Service Certificates of Mailing, a list showing the office names and addresses of the owners of all properties, and a copy of the notification (including attachments) which were mailed. Certificates can be obtained at the local post office. Failure to follow the notification procedure shall render the application null and void.

- 7.4 In the case of any application, which is subject to the notification provisions of Section 6.15 of these Regulations, a public hearing shall not be conducted until the Town Clerk of the adjoining **municipality(ies)** has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

SECTION 8: CONSIDERATIONS FOR DECISION

- 8.1 The **agency** may consider the following in making its decision on an application:
- a. The application and its supporting documentation;
 - b. Public comments, evidence and testimony from a public hearing;
 - c. All relevant facts and circumstances as they affect inland **wetlands** and **watercourses**.
- 8.2 The **agency** may request comments on all applications from the following, but the non-receipt of comments from these agencies shall not delay the proceedings or prejudice the decision;
- a. Town of Rocky Hill Planning and Zoning Commission;
 - b. Town of Rocky Hill staff including but not limited to the Building Inspector, the Town Planner

INLAND WETLANDS AND WATERCOURSES REGULATIONS

and the Town Engineer;

- c. Town of Rocky Hill Sanitarian or State Department of Health;
 - d. Capitol Region Council of Governments or other regional planning agencies;
 - e. Appropriate agencies in adjacent **municipalities** which may be affected by the proposed activity;
 - f. Other technical agencies or organizations which may have an interest in the proposed activity, for example, the Connecticut River Assembly.
 - g. **Individuals and/or consulting firms which are asked to review plans on behalf of the agency.**
- 8.3 The **agency** may submit applications involving significant activities to the **The Local Conservation District** and/or the State of Connecticut Department of Environmental Protection for a report or comment.
- 8.4 Criteria for Decision. In carrying out the purposes and policies of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:
- a. the environmental impact of the proposed regulated activity on wetlands or watercourses;
 - b. the applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
 - c. the relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
 - d. irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
 - e. the character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
 - f. impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.
- 8.5 In the case of any application, which received a public hearing pursuant to a finding by the agency, that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the agency finds on the basis of record that a feasible and prudent alternative does not exist. In making this finding, the agency shall consider the facts and circumstances set forth

INLAND WETLANDS AND WATERCOURSES REGULATIONS

in subsection 8.4 of these regulations. This finding and the reasons therefore shall be stated on the record in writing.

- 8.6 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the agency shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.
- 8.7 For purposes of this section, (1) "wetlands or 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.
- 8.8 A municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.
- 8.9 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these regulations and section 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.

SECTION 9: DECISION PROCESS AND PERMIT

- 9.1 The agency or its duly authorized agent acting pursuant to Section 10 of these regulations may grant the application as filed; grant it upon such terms, conditions, limitations or modifications necessary to carry out the purposes of the Act; or deny it. 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.
- 9.2 No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In 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 subdivision, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Agency to act within any time period specified in this subdivision, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Agency.
- 9.3 The **agency** 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 incorporate a statement relative to the consideration of **feasible** and **prudent** alternatives .

INLAND WETLANDS AND WATERCOURSES REGULATIONS

- 9.4 The **agency** shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by Certified Mail, Return Receipt Requested, and the **agency** shall cause notice of its order in the issuance or denial of the **permit**, to be published in a newspaper having general circulation in the **town** wherein the inland **wetland** or **watercourse** lies. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten days thereafter. A copy of all decisions shall be forwarded to the **Commissioner of Environmental Protection** in such a form as prescribed by the Commissioner.
- 9.5 If the **agency** denies a **permit**, the application shall not be resubmitted within one year unless the proposal is modified in a fashion that substantially changes the impacts which resulted in the denial. Such submittal shall take the form of a new application.
- 9.6 Any **permit** issued pursuant to these regulations shall be valid for five years. Any **regulated activity** approved by the **agency** shall be completed within one year from the time such activity is commenced provided the **agency** may establish a specific time period within which any **regulated activity** shall be conducted and may require that an activity, once commenced, be completed within a time period of less than one year and further provided the **agency** may extend (1) the time period of the original **permit** provided such period shall not extend beyond ten years from the date such **permit** was granted, or (2) the time period within which an activity, once commenced, is required to be completed.
- 9.7 If work required under a **permit** is not completed within the time specified in the **permit**, or an extension granted by the **agency**, the **permittee** shall be considered in violation of these regulations and subject to the penalties of Section 22a-44 of the **Act** and local ordinances.
- 9.8 No **permit** shall be assigned or transferred without the written permission of the **agency**. Following an appearance before the **agency** by the new **permittee**, the **agency** may require a new application from the assignee or transferee.
- 9.9 If a bond or insurance is required in accordance with section 11 of these regulations, no **permit** shall be issued until such bond or insurance is provided.
- 9.10 General provisions in the issuance of all **permits**:
- a. In evaluating applications in which the **agency** relied in whole or in part on information provided by the applicant, if such information subsequently proves to be false, deceptive, incomplete, or inaccurate, the **permit** may be modified, suspended, or revoked. See Section 12.3(b).
 - b. All **permits** issued by the **agency** are subject to and do not derogate any present or future rights or powers of the **agency** or the **town**, 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 property or activity.
 - c. If the activity authorized by the **permit** also involves an activity or a project which requires planning, zoning or subdivision approval, special Permit, variance or special exception, no work pursuant to the **wetlands permit** may begin until such approval is obtained.
 - d. The **permittee** shall take such necessary steps consistent with the terms and conditions of the Permit, to control storm water **discharges** and to prevent erosion and sedimentation and to otherwise prevent **pollution** of **wetlands** and **watercourses**.

INLAND WETLANDS AND WATERCOURSES REGULATIONS

- e. If a **permit** requires a **conservation easement** on the property, no work shall commence on the project until the **conservation easement** is reviewed and approved by the **agency** and filed in the Rocky Hill Land Records . The **conservation easement** shall be in a form prescribed by the **agency**.

SECTION 10: ACTION BY DULY AUTHORIZED AGENT

- 10.1 The **agency** may delegate to its duly authorized **agent** the authority to approve or extend an activity that is not located in a **wetland** or **watercourse** when such **agent** finds that the conduct of such activity would result in no greater than a minimal impact on any **wetlands** or **watercourses** provided such **agent** has completed the comprehensive training program developed by the **Commissioner of Environmental Protection** pursuant to Section 22a-39 of the **General Statutes**. Requests for such approval shall be made on a form provided by the **agency** and shall contain the information listed under section 6 of these regulations and any other information the **agency** may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in sections 6, 7 and 8 of these regulations, such **agent** may approve or extend such an activity at any time.
- 10.2 Any **person** receiving such approval from such **agent** shall, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the **town** wherein the activity is located or will have an effect. Any **person** may appeal such decision of such **agent** to the **agency** within fifteen (15) days after the publication date of the notice and the **agency** shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such **agency** or its **agent** of such appeal. Any **person** may appear and be heard at the meeting held by the **agency** to consider the subject appeal. The **agency** shall, at its discretion, sustain, alter, or reject the decision of its **agent** or require an application for a **permit** in accordance with section 6 of these regulations.

SECTION 11: BONDS AND INSURANCE

- 11.1 A performance bond and/or a maintenance bond in an amount and form approved by the **agency** may be required upon approval of the application and prior to issuance of a **permit**.
- 11.2 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**.
- 11.3 The **agency** 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 to be determined by the **agency** commensurate with the **regulated activity**.
- 11.4 Bonding procedure as per Section 6.10c may be incorporated if the Commission deems necessary.

SECTION 12: ENFORCEMENT

- 12.1 The **agency** may appoint an **agent** or **agents** to act in its behalf with the authority to inspect property, except the living quarters, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations.
- 12.2 As a condition of a **permit**, the **agency** or its agent may make regular inspections, at reasonable

INLAND WETLANDS AND WATERCOURSES REGULATIONS

hours, of all **regulated activities** for which **permits** have been issued under these regulations.

- 12.3 If the **agency** or its duly authorized agent finds that any **person** is conducting or maintaining any activity, facility or condition which is in violation of the **Act** or these regulations, the **agency** or its duly authorized **agent** may:
- a. Issue a written order by Certified Mail, Return Receipt Requested, to such **person** conducting such activity or maintaining such facility or condition to immediately cease such facility or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the **agency** shall hold a hearing to provide the **person** an opportunity to be heard and show cause why the order should not remain in effect. The **agency** shall consider the facts presented at the hearing and within ten (10) calendar days of the completion of the hearing notify the **persons** 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 **agency** shall publish notice of its decision in a newspaper having general circulation in the **municipality**. The original order shall be effective upon issuance and shall remain in effect until the **agency** affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to Section 22a-44(b) of the **General Statutes**;
 - b. Suspend or revoke a **permit** if it finds that the applicant 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 any **permit**, the **agency** shall issue notice to the **permittee**, personally or by Certified Mail, Return Receipt Requested, setting forth the facts or conduct which warrants the intended action. At the show cause hearing the **permittee** shall be given an opportunity to show that the **permittee** is in compliance with its **permit** and any and all requirements needed for retention of the **permit**. The **permittee** shall be notified of the **agency's** decision to suspend, revoke, or maintain a **permit** by personal service or Certified Mail, Return Receipt Requested, within fifteen (15) days of the day of its decision;
 - c. Issue a notice of violation to such **person** conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the **Agency**, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in **wetlands** or **watercourse**. The **agency** may request that the individual appear at the next regularly scheduled meeting of the **agency** to discuss the unauthorized activity, and/or provide a written reply to the notice or filing a proper 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 subsection (a) above or other enforcement proceedings as provided by law.
- 12.4 Damage or problems to property immediately downstream or upstream of an area on which a **regulated activity** is to be or is being conducted may be deemed the responsibility of the **permittee**. Such damage includes, but is not limited to, siltation of Inland **wetlands** and/or **watercourses** or culverts, or flooding of adjacent properties.
- 12.5 Any **person** who commits, takes part in, or assists in any violation of any provision of these regulations, or of conditions imposed by these regulations, shall be fined not more than one thousand dollars (\$1,000) for each offense. Each violation of said regulation shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Superior Court, as provided in **General Statutes** Section 22a-44, in an action brought by the **municipality**, or any **person**, shall have jurisdiction to restrain a continuing violation of said regulation and to issue orders directing that the violation be corrected or **removed**. All costs, fees and expenses in connection with such action shall be assessed as

INLAND WETLANDS AND WATERCOURSES REGULATIONS

damages against the violator together with reasonable attorney's fees which may be allowed, all of which shall be awarded to the **municipality** and/or **persons** which brought such action.

SECTION 13: AMENDMENTS

- 13.1 These regulations and the official inland **wetlands** and **watercourses** Map for the Town of Rocky Hill may be amended, from time to time, by the **agency** in accordance with changes in the **General Statutes** or regulations of the State **Department of Environmental Protection**, or as new information regarding soils, hydrology or botanical species, peculiar to Inland **wetlands** and **watercourses** in the Town of Rocky Hill, becomes available.

An application filed with the **agency** which is in conformance with the applicable inland **wetlands** regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland **wetland** regulations, including changes to setbacks and **upland review areas**, taking effect on or after the date of such receipt and any appeal from the decision of such **agency** with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt.

- 13.2 These regulations and the Town of Rocky Hill inland **wetlands** and **watercourses** map shall be amended in the manner specified in Section 22a-42a of the **General Statutes**, as amended. The **agency** shall provide the **Commissioner of Environmental Protection** with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except determinations of boundaries, at least thirty-five days before the public hearing on their adoption.

- 13.3 Petitions requesting changes or amendments to the inland **wetlands** and **watercourses** map, Rocky Hill, Connecticut shall contain at least the following information:

- a. The applicant's name, address and telephone number;
- b. The owner's name (if not the applicant), address, telephone number, and a written consent to the proposed action set forth in the application;
- c. Applicant's interest in the land;
- d. The geographic location of the property involved in the petition including a description of the land in sufficient detail to allow identification of the disputed wetland or **watercourse** areas;
- 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.

- 13.4 The **agency** may require the property owner to present documentation by a **soil scientist** that the land in question does not have a soil type classified by the National Cooperative Soils Survey as poorly drained, very poorly drained, alluvial, or flood plain. Such documentation includes a map of the land in question signed by a **soil scientist** on which the flag locations defining the boundaries of the regulated soil types are depicted.

- 13.5 **Watercourses** shall be delineated by a **soil scientist**, geologist, ecologist, or any other qualified individual.

INLAND WETLANDS AND WATERCOURSES REGULATIONS

- 13.6 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.
- 13.7 The Agency shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five (35) days after commencement. The Agency shall act upon the changes requested in such petition within sixty-five (65) days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days or may withdraw such petition. Failure of the agency to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.
- The petitioner may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such petition, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such petition. The failure of the **agency** to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition.
- 13.8 The **agency** shall make its decision and state, in writing, the reasons why the change in the inland **wetlands** and **watercourses** map was made.

SECTION 14: APPEALS

- 14.1 Appeal of actions of the **agency** shall be made in accordance with the provisions of Section 22a-43 of the **General Statutes**, as amended.
- 14.2 Notice of such appeal shall be served upon the agency and the Commissioner of Environmental Protection.

SECTION 15: CONFLICT AND SEVERANCE

- 15.1 If there is a conflict between 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.
- 15.2 If there is a conflict between any provision of these regulations and the provision of the act, the provisions of the Act shall govern.

SECTION 16: OTHER PERMITS

- 16.1 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**, State of Connecticut and the Government of the United States or any other political subdivision thereof including any approval

INLAND WETLANDS AND WATERCOURSES REGULATIONS

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 17: RECORDS RETENTION AND DISPOSITION

- 17.1 The Agency and Town Clerk for the Town shall retain complete administrative records of Agency actions and dispose of such records in accordance with the retention/disposition schedules set for in section.
- 17.2 The public records administrator of the Connecticut State Library established the following new records retention/disposition schedules for municipal Inland Wetlands Agencies effective April 24, 1989:

Record Title	Minimum Retention Required in Agency	Town Clerk
Applications (inc. supporting materials)	10 years	-
Decision Letters	10 years	Permanent
Approved Site Plans	10 years	-
Legal Notices	10 years	Permanent
Staff and Public Written Testimony (hearing records)	10 years	-
Minutes of Meetings and Public Hearings	15 years	Permanent
Tapes, Audio-Inland Wetland Matters	4 years	-
Notices of Violation and Orders	10 years	-
Text of Changes Adopted in Regulations	Continuous Update/ Permanent	-
General Correspondence Issued or Received	5 years	-

SECTION 18: EFFECTIVE DATE OF REGULATIONS

- 18.1 These regulations including the inland **wetlands** and **watercourses** map, application forms, fee schedule and amendments thereto, shall become effective upon filing in the Office of the Town Clerk of Rocky Hill and publication of a notice of such action in a newspaper having general circulation in the Town of Rocky Hill, Connecticut.

INDEX

A		denial	16
Act	2	Department of Environmental Protection	7, 9, 20, 21
activity	4	deposit	2
adjacent land owner	9	deposition	2
adjoining municipality	10	designated agent	2, 8
adjoining owner	14	detritus	5
agency	6, 8, 14	discharge	2
Agency	2	disputes	20
agent authority	18	disturbances	2
alternative	9, 16	dock	7
alternatives	15	documentation	20
amendments	20	drainage system	10
appeal	18	dredging	7
appeals	21	E	
applicant	14	effective date	21
application	21	endangered species	5
applications	9	enforcement	18
aquic	3	enforcement proceedings	19
audio tapes	21	Engineering Department	8
B		engineering report	10
boat	7	erosion and sedimentation	17
bogs	2	erosion and sedimentation control plan	10
bond	17, 18	excavation	7, 10
boundaries	8	extensions	16, 17, 21
C		F	
calcareous seepage swamp	2	failure to act	21
camping	8	false information	17
cedar swamp	2	farming	2, 7
Certificates of Mailing	14	feasible	3
changes	20, 21	feasible and prudent alternatives	16
clear-cutting	2, 7	filing	21
commission member	2	filing fee	9
Commissioner Of Environmental Protection	2	fines	19
conflicts	21	fish	3, 8
Connecticut State Library	22	fishing	8
conservation	8	G	
conservation easement	2, 17	gardening	7
considerations for decision	14	general provisions	17
continual flow	2	General Statutes	1, 2, 3, 5, 6, 7, 9, 12, 13, 15, 18, 19, 20, 21
Cooperative Soils Survey	6	golf courses	8
correspondence	21	grading	7
cross country skiing	8	gravel	7
D		H	
damage liability	19	harvesting	7
date of receipt	20	hearing	14, 16, 19
decision	21		
decision letters	21		

INLAND WETLANDS AND WATERCOURSES REGULATIONS

hiking	8	petition	14, 20
horseback riding	8	planning and zoning	17
hunting	8	Planning and Zoning Commission	9
I		pollution	3, 9
Inland Wetlands and Watercourses Regulations	1	prudent	4, 16
inspections	18	public hearing	14, 16, 21
insurance	17, 18	publication	14, 16, 18, 19, 21
inventory	6	publish	21
L		R	
land records	17	records retention	21
legal notice	14, 21	regulated activity	4, 5, 8, 9, 10
length of permit	13	regulated area	4
license	3, 21	regulated areas	6
M		remove	4
made land	3	rendering unclean or impure	4
maintenance bond	18	renewal of permit	13
management practice	3	residence	7
management practices	9, 10	residential home	7
map	8, 9	S	
marshes	3	sand	7
material	3	scuba diving	8
mining	7	sedimentation controls	9
minutes	22	septic system	7
misleading information	9	severance	21
mitigate	16	sewage	5
mitigation	9	sewer	10
mooring	7	show cause hearing	19
municipality	3, 13	significant impact	14
N		significant impact activity	4, 10, 12
National Cooperative Soils Survey	20	significant natural communities	5
Notice of hearing	14	siltation	19
notice of pendency	13	site plan	7, 9, 10, 21
notice of violation	19, 21	soil scientist	5, 10, 20
notification	16	soil survey	10
nurseries	3	soil types	10
O		spillage	3
Office of Personnel Management	5	spruce swamp	5
outdoor recreation	8	State Department of Health	15
P		subdivision	7
peat	7	submerged lands	5
performance bond	18	surety	18
permit	1, 3, 7, 8, 15, 22	suspend permit	19
permit suspension	19	swamp	5
permit with modifications	15	swamps	5
permitted uses of right	6	swimming	8
permittee	3	T	
person	3	Tax Assessor	14
		Town	5
		Town Clerk	21
		transfers	17

