

Regulated Activity Definition

“Regulated activity” means any operation within or use of a wetland or watercourse or its associated upland review area involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses. The term “regulated activity” shall include, but is not limited to, any earth moving, clearing, grubbing, filling, grading, paving, excavating, constructing, depositing, or removing of material, and discharging of stormwater on the land, or clear cutting of trees within the following upland review areas when those activities are likely to impact or affect wetlands or watercourses:

COMMENTARY: Upland Review Area is a defined area of land outside of but adjacent to inland wetlands and watercourses in which the Commission or its agent has the authority to review, but not necessarily prohibit activities.

Within 150 feet measured horizontally from the ordinary high-water mark of any waterbody, watercourse or the edge of wetlands (including alluvial soils) whichever is greater; unless the activity proposed is: ~~[except that, if the proposed activity is the installation of any portion of a subsurface waste disposal system, the upland review area shall extend 150 feet from the ordinary high-water mark of any watercourse.]~~

Commented [AC1]: Language exists in the current regulations - to be brought back in if 150' changes

1. Within 300 feet measured horizontally from the ordinary high-water mark or measured horizontally from the edge of fringing wetland, whichever is greater of any lake in the Lake Protection Overlay District as defined by the Salisbury Zoning Regulations (Lake Wononskopomuc, Lake Wononpakook, Lake Washining, and Lake Washinee).
2. Within 300 feet measured horizontally from the edge of a calcareous fen.
3. Within 300 feet measured horizontally from either side of a high-gradient, cold-water stream originating on the Taconic Plateau.
4. Within 750 feet measured horizontally from the ordinary high-water mark of a vernal pool.

If the Commission finds that any other activity located outside an inland wetland or watercourse is having or is likely to have a detrimental impact on an inland wetland or watercourse, the Commission may determine that such activity is a regulated activity.

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Notwithstanding any of the foregoing provisions, the term “regulated activity” shall not include any of the specified activities in Section 22a-40 of the Connecticut General Statutes (permitted uses As of Right - see section 4 of these regulations).

The following routine activities occurring in the upland review area do not require application to the Commission or its agent:

- mowing an existing lawn
- leaf raking of an existing lawn so long as the leaves are not blown or deposited into a wetland or watercourse
- weeding, planting, fertilizing, or mulching of existing gardens
- care and maintenance of existing shrubs and trees including targeted application of pesticides, pruning or removal of dead limbs
- removal of dead, dying, or fallen trees that threaten structures or access ways not including stump grinding or grubbing
- maintenance and repair of existing structures including cleaning, painting, roofing, and septic pump-out
- temporary storage of water-dependent structures and equipment including boats.

Activities that require earth moving and disturbance such as driveway and septic repairs; widescale application of fertilizers, pesticides, or herbicides; or stump grinding and grubbing, require application to the Commission or its agent.