

**THE INLAND WETLANDS AND WATERCOURSES COMMISSION REGULATIONS
OF THE
TOWN OF SALISBURY, CONNECTICUT**

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Effective:**

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3 **Section 1**
4 **Title, Authority, and Statement of Purpose**

- 5 1.1 The inland wetlands and watercourses of the State of Connecticut are an indispensable and
6 irreplaceable but fragile natural resource with which the citizens of the state have been endowed.
7 The wetlands and watercourses are an interrelated web of nature essential to an adequate supply
8 of surface and underground water; to hydrological stability and control of flooding and erosion; to
9 the recharging and purification of groundwater; and to the existence of many forms of animal,
10 aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in
11 danger of destruction because of unregulated use by reason of the deposition, filling or removal of
12 material, the diversion or obstruction of water flow, the erection of structures and other uses, all
13 of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated
14 activity has had, and will continue to have, a significant, adverse impact on the environment and
15 ecology of the state of Connecticut and has and will continue to imperil the quality of the environment
16 thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state
17 for its citizens now and forever more. The preservation and protection of the wetlands and
18 watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or
19 destruction is in the public interest and is essential to the health, welfare and safety of the citizens
20 of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by
21 making provisions for the protection, preservation, maintenance and use of the inland wetlands and
22 watercourses by minimizing their disturbance and pollution; maintaining and improving water quality
23 in accordance with the highest standards set by federal, state or local authority; preventing damage
24 from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms,
25 wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the
26 danger of flood and pollution; protecting the quality of wetlands and watercourses for their
27 conservation, economic, aesthetic, recreational and other public and private uses and values; and
28 protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution,
29 misuse and mismanagement by providing an orderly process to balance the need for the economic
30 growth of the state and the use of its land with the need to protect its environment and ecology
31 in order to forever guarantee to the people of the state, the safety of such natural resources for their
32 benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.
33
- 34 1.2 These regulations shall be known as the "Inland Wetlands and Watercourses Commission
35 Regulations of the Town of Salisbury."
36
- 37 1.3 The Conservation Commission of the Town of Salisbury was established in accordance with an
38 ordinance adopted as Ordinance 30 in 1972 and shall implement the purposes and provisions of
39 these regulations and the Inland Wetlands and Watercourses Act in the Town of Salisbury.
40
- 41 1.4 The Inland Wetlands and Watercourses Commission was established in accordance with the Town of
42 Salisbury Ordinance 125, effective October 28, 2020, assuming and implanting the purposes and
43 provisions of these regulations and the Inland Wetlands and Watercourses Act.
44
- 45 1.5 These regulations have been adopted and may be amended, from time to time, in accordance with
46 the provisions of the Inland Wetlands and Watercourses Act and these regulations.
47
- 48 1.6 The Agency shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with terms,
49 conditions, limitations or modifications, or deny permits for all regulated activities in the Town of
50 Salisbury pursuant to sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as
51 amended.
52

- 53 1.7 The Inland Wetland and Watercourses Commission of the Town of Salisbury finds that the Town's
54 wetlands and watercourses are exceptional and valuable resources that require diligent stewardship for
55 the general health and welfare of the community and as unique resources that benefit the citizens of the
56 entire State.
57
- 58 a. Salisbury hosts a rich diversity of wetlands and watercourses that are un-fragmented and
59 interconnected. Large portions of the State have lost this connectivity and ecological resiliency.
60 The importance and value of Salisbury's wetland and watercourses will increase over time as more
61 of the State's resources become fragmented by urbanization.
62
 - 63 b. Salisbury has the highest elevations within the State, in excess of 2,000 feet above sea level. As the
64 effects of climate change increase, scientific modeling has demonstrated that wetlands and
65 watercourses originating at high elevations will be the last refuges for certain cold-water limited
66 aquatic species within the State.
67
 - 68 c. Six large lakes lie within Salisbury's boundaries. Two are at high elevations atop the Taconic
69 Uplift (Riga Lake, 1750 feet above sea level and South Pond, 1715 feet above sea level); four lie
70 on the valley floor at slightly over 700 feet above sea level. Lakeville Lake, the deepest natural lake
71 in Connecticut (106 feet at its deepest point) is fed both by springs and surface run-off. The
72 impounded Twin Lakes in the northeastern section of Town are the headwaters of Schenob Brook,
73 a nationally recognized watershed of high ecological importance. These three lakes and the fourth
74 valley floor lake (Long Pond) are important recreational resources for the Town and the State.
75 They are among the most sought-after residential areas and are under increasing threat from
76 overdevelopment.
77
 - 78 d. Salisbury's rich diversity of wetlands and watercourses serve as habitat for robust populations of
79 many endangered, threatened, and special concern wetland-dependent plant and wildlife species.
80 Habitats such as fens, high-gradient coldwater streams, and vernal pools are among the varied
81 habitats in Salisbury that contain many of these species and merit enhanced protection. Additional
82 critical wetland habitats as defined by Connecticut DEEP such as Acidic Red/Black Spruce Basin
83 Swamp, Poor Fen, Rich Fen, Circumneutral Spring Fen, Floodplain Forest are also found in
84 Salisbury. These areas are rare, unique, and specialized wildlife habitats recognized by the state of
85 Connecticut as being of conservation interest.
86
 - 87 f. The Housatonic River, which is a Federally designated Wild and Scenic River, is the eastern
88 boundary of Salisbury. The Salmon Kill and Moore Brook are two major tributaries to the
89 Housatonic River that originate in Salisbury. The Salmon Kill Valley and its broad floodplains are
90 an iconic pastoral landscape that has remained relatively unchanged since the early 20th century.
91
 - 92 g. Altered precipitation patterns caused by climate change place new stresses upon wetland and
93 watercourses. Increased flooding threatens both human and natural infrastructure. Comprehensive
94 review of activities occurring in wetlands and the upland review areas adjacent to wetlands and
95 watercourses is an important climate change resiliency strategy.

Section 2
Definitions

2.1 As used in these regulations:

"Act" means the Inland Wetlands and Watercourses Act, sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended.

"Agency" means the Inland Wetlands and Watercourses Commission of the Town of Salisbury.

"Agent Approval" - An inland wetlands 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 wetland or watercourse.

"Bogs" are watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.

"Clear-cutting" means the harvest of timber in a fashion which removes all trees down to a two-inch diameter at breast height.

"Commissioner of Environmental Protection" means the commissioner of the State of Connecticut Department of Environmental Protection.

"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.

"Cumulative Impact" is the impact on the environment that results from the compounding of incremental impact of an activity or action when added to other past, present, and reasonably foreseeable future actions.

"Deposit" includes, but shall not be limited to fill, grade, dump, place, discharge or emit.

"Discharge" means emission of any water, substance, or material into waters of the state whether or not such substance causes pollution.

"Essential to the farming operation" means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.

"Farming" shall be consistent with the definition as noted in section 1-1(q) of the Connecticut General Statutes. (See Appendix A)

"Feasible" means able to be constructed or implemented consistent with sound engineering principles.

"Grubbing" means digging to remove or uproot trees or stumps.

"Headwaters" are composed of numerous small tributaries and groundwater seepages which coalesce into larger tributaries and are the source of all rivers and streams.

"Jurisdictional Ruling" is a ruling made by the Agency when determining if an activity is exempt from permitting on the basis of as of right or nonregulated use in accordance with Section 4 of these

Commented [AC2]: 22a-1b(c) the environmental consequences of the proposed action including...cumulative impact

Commented [AC3R2]: EPA: May 1999 the assessment of cumulative impacts - National Environmental Policy Act for actions of federal agencies. The concept takes into account all disturbances since cumulative impacts result in the compounding of effect. Compounding = good word.

149 Regulations or on the basis that the proposed activity is not regulated.
150
151 "License" means the whole or any part of any permit, certificate of approval or similar form of
152 permission, which may be required of any person by the provisions of sections 22a-36 to 22a-45,
153 inclusive.
154
155 "Management practice" means a practice, procedure, activity, structure or facility designed to
156 prevent or minimize pollution or other environmental damage or to maintain or enhance existing
157 environmental quality. Such management practices include, but are not limited to: erosion and
158 sedimentation controls; restrictions on land use or development; construction setbacks from
159 wetlands or watercourses; proper disposal of waste materials; procedures for equipment
160 maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of
161 wetlands and watercourses; procedures for maintaining continuous stream flows; confining
162 construction that must take place in watercourses to times when water flows are low and fish and
163 wildlife will not be adversely affected.
164
165 "Marshes" are watercourses that are distinguished by the absence of trees and shrubs and the
166 dominance of soft-stemmed herbaceous plants. The water table in marshes is at or above the
167 ground surface throughout the year and areas of open water six inches or more in depth are
168 common, but seasonal water table fluctuations are encountered.
169
170 "Municipality" means the Town of Salisbury.
171
172 "Nurseries" means places where plants are grown for sale, transplanting, or experimentation.
173
174 "Ordinary high-water mark (watercourse) means the mark on the land caused by the presence and
175 action of flowing water (including sediments and debris) which presence and action is so common,
176 usual and sustained in all ordinary years so as to mark upon the land a distinction between the abutting
177 upland and the watercourse.
178
179 "Ordinary high-water mark (lake, pond, vernal pool) means the line along the shore providing evidence
180 of the water level based on vegetative characteristics such as the presence of aquatic emergent or
181 floating vegetation and/or physical characteristics such as a discernable natural line impressed on a
182 bank, scouring, shelving, staining, or the presence of sediments or debris.
183
184 "Permit" see license
185 "Permittee" means the person to whom a license has been issued.
186
187 "Person" means any person, firm, partnership, association, corporation, limited liability company,
188 company, organization or legal entity of any kind, including municipal corporations, governmental
189 agencies or subdivisions thereof.
190
191 "Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of
192 any waters of the state by reason of any waste or other materials discharged or deposited therein
193 by any public or private sewer or otherwise so as directly or indirectly to come in contact with
194 any waters. This includes, but is not limited to, erosion and sedimentation resulting from any
195 filling, land clearing or excavation activity.
196
197 "Prudent" means economically and otherwise reasonable in light of the social benefits to be
198 derived from the proposed regulated activity provided cost may be considered in deciding what is
199 prudent and further provided a mere showing of expense will not necessarily mean an alternative
200 is imprudent.

201
202 “Regulated activity” (1) means any operation within or use of a wetland or watercourse or its
203 associated upland review area involving removal or deposition of material, or any obstruction,
204 construction, alteration or pollution, of such wetlands or watercourses, but shall not include the
205 specified activities in Section 22a-40 of the Connecticut General Statutes or Section 4 of the
206 Commission Regulations. The term “regulated activity” shall include, but is not limited to, any earth
207 moving, clearing, grubbing, filling, grading, paving, excavating, constructing, depositing, or removing
208 of material, and discharging of stormwater on the land ~~, or clear cutting of trees~~ within the following
209 upland review areas when those activities are likely to impact or affect wetlands or watercourses:

- 210
- 211 a. Within 150 feet measured horizontally from the boundary of wetlands or from the ordinary
212 high-water mark of any watercourse. The activities referenced in subsections b-e below are
213 excluded from subsection a.
 - 214
 - 215 b. Within 300 feet measured horizontally from the boundary of a fen.
 - 216
 - 217 c. Within 300 feet measured horizontally from the ordinary high-water mark of a high-gradient,
218 coldwater stream.
 - 219
 - 220 d. Within 300 feet measured horizontally from the ordinary high-water mark of a vernal pool.
 - 221
 - 222 e. Within 75 feet measured horizontally from the ordinary high-water mark of Lake
223 Wononskopomuc. Any active portion of any subsurface waste disposal system within 150 feet
224 of the ordinary high-water mark of these four lakes is deemed a regulated activity.
 - 225
 - 226 f. Within 75 feet measured horizontally from the ordinary high-water mark of Lake
227 Wononpakook. Any active portion of any subsurface waste disposal system within 150 feet of
228 the ordinary high-water mark of these four lakes is deemed a regulated activity.
 - 229
 - 230 g. Within 75 feet measured horizontally from the ordinary high-water mark of Lake
231 Washing. Any active portion of any subsurface waste disposal system within 150 feet of the
232 ordinary high-water mark of these four lakes is deemed a regulated activity.
 - 233
 - 234 h. Within 75 feet measured horizontally from the ordinary high-water mark of Lake Washinee.
235 Any active portion of any subsurface waste disposal system within 150 feet of the ordinary
236 high-water mark of these four lakes is deemed a regulated activity.

237
238 (2) the agency may rule that any other activity located in a non-wetland or non-watercourse area is
239 likely to impact or affect wetlands or watercourses and is a regulated activity.

240
241 "Remove" includes, but shall not be limited to drain, excavate, mine, dig, dredge, suck, bulldoze,
242 dragline or blast.

243
244 "Rendering unclean or impure" means any alteration of the physical, chemical or biological
245 properties of any waters of the state, including, but not limited to, change in odor, color, turbidity
246 or taste.

247
248 "Significant impact" means any activity, including, but not limited to, the following activities
249 which may have a major effect:

- 250
- 251 1. Any activity involving deposition or removal of material which will or may have a
252 substantial effect on the wetland or watercourse or on wetlands or watercourses outside

253 the area for which the activity is proposed.
254
255 2. Any activity which substantially changes the natural channel or may inhibit the natural
256 dynamics of a watercourse system.
257
258 3. Any activity which substantially diminishes the natural capacity of an inland wetland or
259 watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply
260 water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other
261 functions.
262
263 4. Any activity which is likely to cause or has the potential to cause substantial turbidity,
264 siltation or sedimentation in a wetland or watercourse.
265
266 5. Any activity which causes substantial diminution of flow of a natural watercourse or
267 groundwater levels of the wetland or watercourse.
268
269 6. Any activity which is likely to cause or has the potential to cause pollution of a wetland
270 or watercourse.
271
272 7. Any activity which damages or destroys unique wetland or watercourse areas or such
273 areas having demonstrable scientific or educational value.
274
275 "Soil scientist" means an individual duly qualified in accordance with standards set by the federal
276 Office of Personnel Management.
277
278 "Swamps" are watercourses that are distinguished by the dominance of wetland trees and shrubs.
279
280 "Submerged lands" means those lands which are inundated by water on a seasonal or more
281 frequent basis.
282
283 "Town" means the Town of Salisbury.
284
285 "Upland Review Area" is a defined area of land outside of but adjacent to inland wetlands and
286 watercourses that may be necessary to provide protection from the adverse impacts of
287 various land uses. The Commission or its agent has the authority to review, but not necessarily prohibit,
288 activities in the upland review area.
289
290 "Waste" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute
291 or tend to pollute any of the wetlands and watercourses of the Town.
292
293 "Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and
294 all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are
295 contained within, flow through or border upon the Town or any portion thereof not regulated pursuant
296 to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes.
297
298 "Fen" includes:
299 1. Circumneutral Spring Fen - Naturally open wetlands occupying high pH groundwater
300 discharge sites; peat accumulation minimal. Subtypes include sedge, shrub thicket,
301 phragmites, woodland, and other/unique.
302
303 2. Rich Fen - Natural peatlands occupying topographically defined basins; influenced by
304 base-rich waters; on deep, poorly decomposed peats; restricted to the western marble

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305 valleys. Subtypes include sedge, shrub thicket, dwarf shrub, woodland, phragmites,
306 and other/unique

307
308 3. Poor Fen - Natural peatlands (bogs) occupying topographically defined basins;
309 influenced by acidic ground water; on deep, poorly decomposed peats; dominated
310 primarily by ericaceous shrubs. Subtypes include dwarf shrub, shrub thicket, saturated
311 woodland, and other/unique

312
313 "High-Gradient Coldwater Streams" are headwaters usually originating from high elevation
314 wetlands. Occurring 800' above sea level, they receive not only surface water, but also large
315 amounts of subterranean seepage that break out at various fissures in the bedrock, adding cold
316 water to these streams as they plunge over steep cliffs and boulders.

317
318 "Intermittent Watercourses" shall be delineated by a defined permanent channel and bank and
319 the occurrence of two or more of the following characteristics: (A) Evidence of scour or
320 deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a
321 duration longer than a particular storm incident, and (C) the presence of hydrophytic
322 vegetation.

323
324 "Vernal Pools" are seasonally inundated depressions that attain maximum depths in spring or
325 fall and lack permanent surface water connections with other wetlands or water bodies. Vernal
326 pools are determined by both the physical characteristics and the presence of indicator/obligate
327 species.

328
329 "Wetlands" means land, including submerged land as defined in this section, not regulated
330 pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which
331 consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and
332 floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of
333 the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such
334 areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture
335 regime as defined by the USDA Cooperative Soil Survey.

336
337 "Wetlands and Watercourses Buffer Area" is an area of undisturbed vegetation bordering a wetland or
338 watercourse either naturally occurring or planted as mitigation. The buffer may be composed of a
339 combination of trees, woody vegetation (shrubs, bushes, brush), and herbaceous vegetation

Commented [AC4]: [Cold Water Stream Habitat Map \(ct.gov\)](#)

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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, Salisbury, 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 Agency. In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses. Such determinations shall be made by field inspection and testing conducted by a soil scientist where soil determinations are required, or where watercourse determinations are required, by any qualified individual. The Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses
- 3.2 Any person may petition the Agency for an amendment to the map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping or other available information. The Agency may require such person to provide an accurate delineation of regulated areas in accordance with section 15 of these regulations.
- 3.3 The Agency shall maintain a current inventory of regulated areas within the town. The Agency may amend its map as more accurate information becomes available.
- 3.4 All map amendments are subject to the public hearing process outlined in section 15 of these regulations.

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Section 4
Jurisdictional Rulings for
Permitted Uses as of Right & Nonregulated Uses

- 371 4.1 To carry out the purposes of this section, any person proposing a permitted operation and use or a
372 nonregulated operation and use shall, prior to commencement of such operation and use, notify the
373 Agency on a form provided by it, and provide the Agency with sufficient information to enable it to
374 properly determine that the proposed operation and use is a permitted or nonregulated use of a wetland
375 or watercourse. The Agency shall rule that the proposed operation and use or portion of it is a permitted
376 or nonregulated operation and use or that the proposed operation and use is a regulated activity, and a
377 permit is required.
378
- 379 4.2 The following operations and uses shall be permitted in inland wetlands and watercourses, as of
380 right:
381
- 382 a. grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres
383 or less essential to the farming operation, and activities conducted by, or under the authority
384 of, the Department of Environmental Protection for the purposes of wetland or watercourse
385 restoration or enhancement or mosquito control. The provisions of this subdivision shall not
386 be construed to include road construction or the erection of buildings not directly related to
387 the farming operation, relocation of watercourses with continual flow, filling or reclamation of
388 wetlands or watercourses with continual flow, clear cutting of timber except for the expansion
389 of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from
390 wetlands or watercourses for the purposes of sale;
391
 - 392 b. a residential home (i) for which a building permit has been issued or (ii) on a subdivision lot,
393 provided the permit has been issued or the subdivision has been approved by a municipal planning,
394 zoning or planning and zoning commission as of the effective date of promulgation of the
395 municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974,
396 which ever is earlier, and further provided no residential home shall be permitted as of right
397 pursuant to this subdivision unless the permit was obtained on or before July 1, 1987;
398
 - 399 c. boat anchorage or mooring;
400
 - 401 d. uses incidental to the enjoyment and maintenance of residential property, such property
402 defined as equal to or smaller than the largest minimum residential lot site permitted
403 anywhere in the municipality provided that in any town where there are no zoning regulations
404 establishing minimum residential lot sites, the largest minimum lot site shall be two acres.
405 Such incidental uses shall include maintenance of existing structures and landscaping, but
406 shall not include removal or deposition of significant amounts of material from or onto a
407 wetland or watercourse, or diversion or alteration of a watercourse;
408
 - 409 e. Construction and operation, by water companies as defined by section 16-1 of the
410 Connecticut General Statutes or by municipal water supply systems as provided for in chapter 102
411 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the
412 impounding, storage and withdrawal of water in connection with public water supplies except
413 as provided in sections 22a-401 and 22a-403 of the Connecticut General Statutes and;
414
 - 415 f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal
416 regulations adopted pursuant to section 22a-42a of the Connecticut General Statutes or July 1,
417 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but
418 which does not contain hydrophytic vegetation. For purposes of this subdivision, "maintenance"

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419 means the removal of accumulated leaves, soil, and other debris whether by hand or machine,
420 while the pipe remains in place.

421
422 g. Withdrawals of water for fire emergency purposes.
423

424 4.3 The following operations and uses shall be permitted, as nonregulated uses in wetlands and
425 watercourses, provided they do not disturb the natural and indigenous character of the wetland or
426 watercourse by removal or deposition of material, alteration or obstruction of water flow or
427 pollution of the wetland or watercourse:

428 a. conservation of soil, vegetation, water, fish, shellfish and wildlife; and

429
430 b. outdoor recreation including play and sporting areas, golf courses, field trials, nature study,
431 hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping,
432 hunting, fishing and shellfishing where otherwise legally permitted and regulated.
433

434
435 c. The installation of a dry hydrant by or under the authority of a municipal fire department,
436 provided such dry hydrant is only used for firefighting purposes and there is no alternative
437 access to a public water supply. For purposes of this section, "dry hydrant" means a non-
438 pressurized pipe system that: (A) is readily accessible to fire department apparatus from a
439 proximate public road, (B) provides for the withdrawal of water by suction to such fire
440 department apparatus, and (C) is permanently installed into an existing lake, pond or stream
441 that is a dependable source of water.
442

443 4.4 All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting,
444 clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted
445 by this section and otherwise defined as a regulated activity by these regulations shall require a permit
446 from the Agency in accordance with section 6 of these regulations, or for certain regulated activities
447 located outside of wetlands and watercourses from the duly authorized agent in accordance with
448 section 12 of these regulations.
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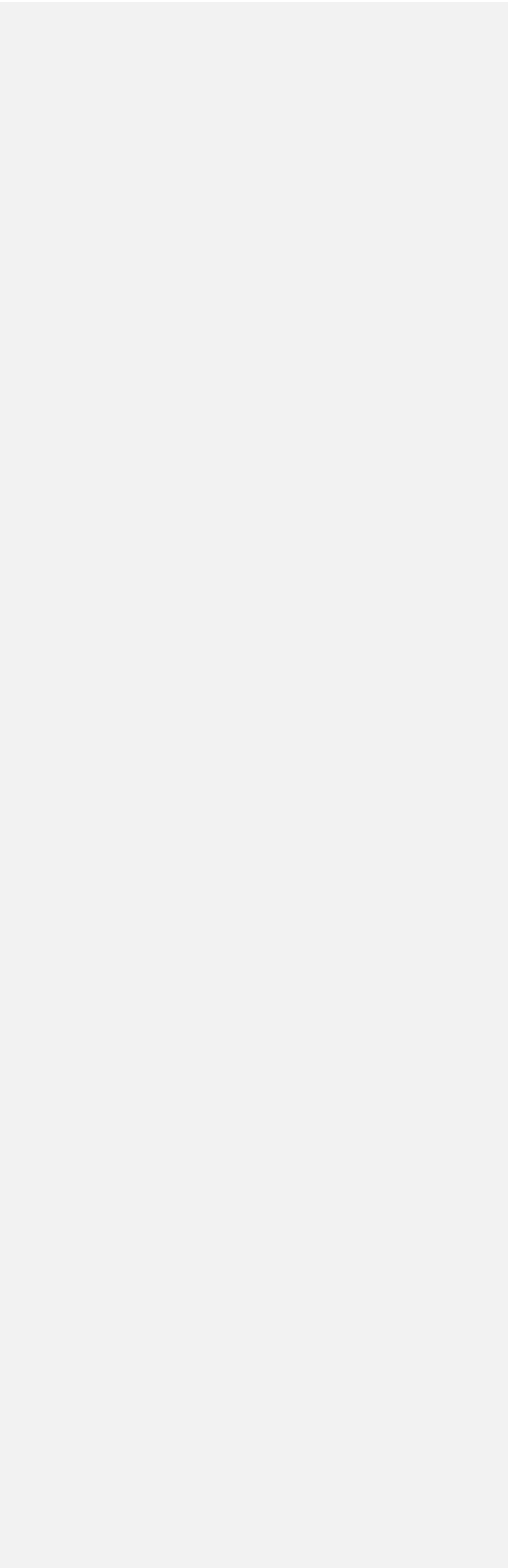
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Section 5

Activities Regulated Exclusively by the Commissioner of Environmental Protection

- 5.1 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to sections 22a-39 or 22a-45a of the Connecticut General Statutes.
- 5.2 The Commissioner of 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 Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of 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 agency for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.
- 5.4 The Commissioner of 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.

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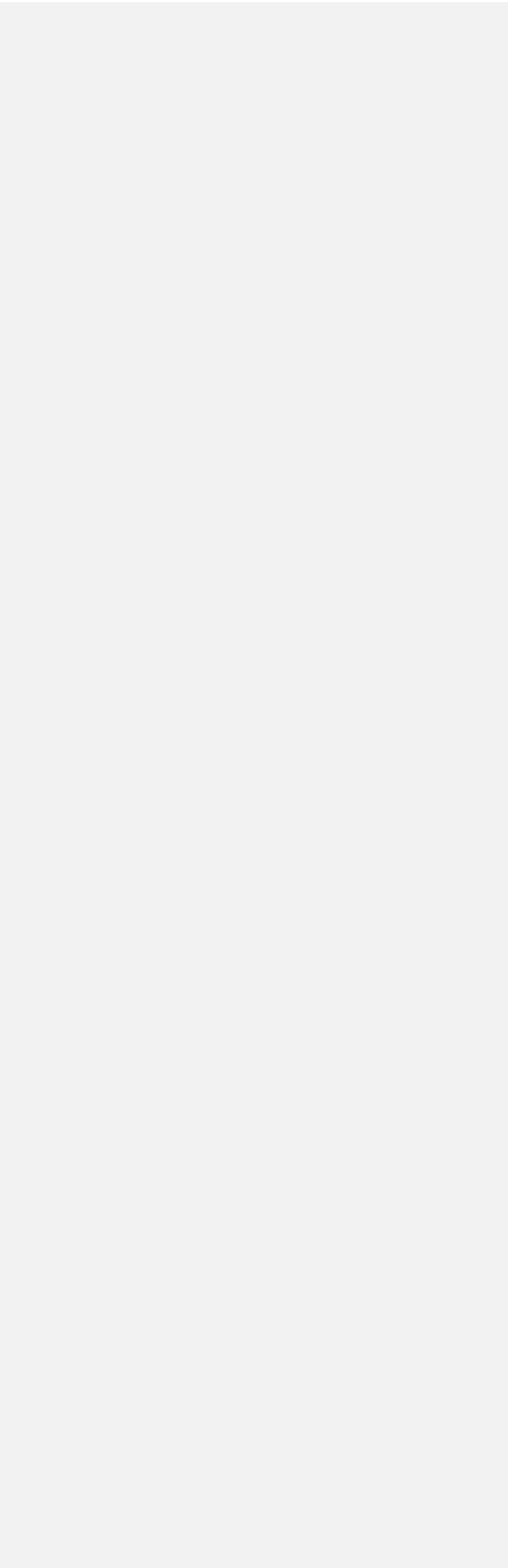
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Section 6
Regulated Activities to be Licensed

- 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 Salisbury.
- 6.2 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in section 14 of these regulations and any other remedies as provided by law.

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488 **Section 7**
489 **Permit Application Requirements**

- 490 7.1 Any person intending to conduct a regulated activity or to renew or amend a permit to conduct
491 such activity, shall apply for a permit using a form provided by the Agency. The application shall
492 contain the information described in this section and any other information the Agency may reasonably
493 require. Application shall be made in electronic form through the Land Use Office.
494
- 495 7.2 If an application to the Town of Salisbury Planning, Zoning, or Planning and Zoning Commission
496 for subdivision or resubdivision of land containing a wetland or watercourse, the applicant shall, in
497 accordance with Section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes,
498 submit an application for a permit to the Agency in accordance with this section, no later than the
499 day the application is filed with such planning, zoning, or planning and zoning commission.
500
- 501 7.3 The application shall contain such information as is necessary for a fair and informed
502 determination thereon by the Agency.
503
- 504 7.4 A prospective applicant may request the Agency to determine whether or not a proposed activity
505 involves a significant impact activity.
506
- 507 7.5 All applications shall include the following information in writing, or on maps or drawings:
508
- 509 a. the applicant's name, mailing address, and telephone number; if the applicant is a Limited Liability
510 Corporation or a Corporation the managing member's or responsible corporate officer's name,
511 mailing address, and telephone number
 - 512 b. the owner's name, mailing address and telephone number and written consent of the land
513 owner if the applicant is not the owner of the land upon which the subject activity is
514 proposed
 - 515 c. the applicant's interest in the land
 - 516 d. the geographical location of the land which is the subject of the proposed activity
 - 517 e. a description of the land in sufficient detail to allow identification of the inland wetlands and
518 watercourses
 - 519 i. the area(s) (in acres or square feet) of wetlands or watercourses to be disturbed, soil
520 type(s), and wetland vegetation;
 - 521 ii. the purpose and a description of the proposed activity and proposed erosion and
522 sedimentation controls and other management practices and
 - 523 iii. mitigation measures which may be considered as a condition of issuing a permit for
524 the proposed regulated activity including, but not limited to, measures to:
525 (1) prevent or minimize pollution or other environmental damage,
526 (2) maintain or enhance existing environmental quality, or
527 (3) in the following order of priority: restore, enhance and create productive
528 wetland or watercourse resources;
 - 529 f. alternative which would cause less or no environmental impact to wetlands or watercourses
530 and why the alternative as set forth in the application was chosen; all such alternatives shall
531 be diagramed on a site plan or drawing
532
 - 533 g. a site plan showing the proposed activity and existing and proposed conditions in relation to
534 wetlands and watercourses and identifying any further activities associated with, or reasonably
535 related to, the proposed regulated activity which are made inevitable by the proposed
536 regulated activity and which may have an impact on wetlands or watercourses
537
538

- 539 h. statement by the applicant that the applicant is familiar with all the information provided in
540 the application and is aware of the penalties for obtaining a permit through deception or
541 through inaccurate or misleading information
542
- 543 i. a completed DEEP reporting form; the Agency shall revise or correct the information provided
544 by the applicant and submit the form to the Commissioner of Environmental Protection in
545 accordance with section 22a-39-14 of the Regulations of Connecticut State Agencies
546
- 547 j. submission of the appropriate filing fee based on the fee schedule established in the Bylaws of the
548 Town of Salisbury Inland Wetlands & Watercourses Commission
549
- 550 7.6 At the discretion of the Agency or its agent, additional information, based on the nature and
551 anticipated effects of the activity, including but not limited to the following, may be required:
552
- 553 a. site plans for the proposed activity and the land which will be affected thereby which show existing
554 and proposed conditions, wetland and watercourse boundaries, established upland review area,
555 land contours, boundaries of land ownership, proposed alterations and uses of wetlands and
556 watercourses, and other pertinent features of the land and the proposed activity, prepared by a
557 professional engineer, land surveyor, architect or landscape architect licensed by the state, or by
558 such other qualified person;
559
- 560 b. engineering reports and analyses and additional drawings to fully describe the proposed
561 activity including any filling, excavation, drainage or hydraulic modifications to watercourses and
562 the proposed erosion and sedimentation control plan;
563
- 564 c. mapping of soil types consistent with the categories established by the National Cooperative
565 Soil Survey of the U.S. Natural Resources Conservation Service; the wetlands shall be
566 delineated in the field by a soil scientist and the soil scientist's field delineation shall be
567 depicted on the site plans;
568
- 569 d. authorization for the members and agents of the Agency to inspect the subject land, at reasonable
570 times, during the pendency of an application and for the life of the permit;
571
- 572 e. a description of the ecological communities and functions of the wetlands or watercourses involved
573 with the application and the effects of the proposed activity on these communities and
574 wetland functions;
575
- 576 f. a description of how the applicant will change, diminish, or enhance the ecological
577 communities and functions of the wetlands or watercourses involved in the application and
578 each alternative which would cause less or no environmental impact to wetlands or
579 watercourses, and a description of why each alternative considered was deemed neither
580 feasible nor prudent;
581
- 582 g. analysis of chemical or physical characteristics of any fill material; and
583
- 584 h. management practices and other measures designed to mitigate the impact of the proposed activity.
585
- 586 7.7 The applicant shall certify whether:
587
- 588 a. any portion of the property on which the regulated activity is proposed is located within 500
589 feet of the boundary of an adjoining municipality;
590

- 591 b. traffic attributable to the completed project on the site will use streets within the adjoining
592 municipality to enter or exit the site;
593
- 594 c. sewer or water drainage from the project site will flow through and impact the sewage or
595 drainage system within the adjoining municipality; or,
596
- 597 d. water run-off from the improved site will impact streets or other municipal or private
598 property within the adjoining municipality.
599
- 600 7.8 Supplemental application materials shall be submitted in hard copy and digital format. Two (2) hard
601 copies of all supplemental application materials shall be submitted to comprise a complete application
602 unless an applicant is otherwise directed, in writing, by the Agency or its agent.
603
- 604 7.9 Any application to renew or amend an existing permit shall be filed with the Agency in
605 accordance with section 8 of these regulations at least sixty-five (65) days prior to the expiration
606 date of the permit. Any application to renew or amend such an existing permit shall contain the
607 information required under section 7 of these regulations provided:
608
- 609 a. the application may incorporate the documentation and record of the prior application;
610 b. the application shall describe the extent of work completed at the time of filing and the
611 schedule for completing the activities authorized in the permit;
612 c. the application shall state the reason why the authorized activity was not initiated or completed
613 within the time specified in the permit;
614 d. the application shall describe any changes in facts or circumstances involved with or affecting
615 wetlands or watercourses or use of the land for which the permit was issued;
616 e. the Agency may, prior to the expiration of a permit, accept an untimely application to renew
617 such permit if the authorized activity is ongoing and allow the continuation of work beyond
618 the expiration date if, in its judgment, the permit is likely to be renewed and the public
619 interest or environment will be best served by not interrupting the activity;
620
- 621 7.10 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency
622 finds that there has been a substantial change in circumstances which requires a new permit
623 application or an enforcement action has been undertaken with regard to the regulated activity for
624 which the permit was issued provided no permit may be valid for more than ten years, except as
625 provided in Section 11 of these Regulations and Connecticut General Statutes Section 22a-42a(g).
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Section 8
Application Procedures

- 630 8.1 All petitions, applications, requests or appeals shall be submitted to the Inland Wetlands and
631 Watercourses Commission of the Town of Salisbury.
632
- 633 8.2 The Agency shall, in accordance with Connecticut General Statutes section 8-7d(f), notify the
634 clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or
635 plan concerning any project on any site in which:
636
- 637 a. any portion of the property affected by a decision of the agency is within five hundred feet of
638 the boundary of an adjoining municipality;
 - 639 b. a significant portion of the traffic to the completed project on the site will use streets within
640 the adjoining municipality to enter or exit the site;
 - 641 c. a significant portion of the sewer or water drainage from the project on the site will flow
642 through and significantly impact the drainage or sewerage system within the adjoining
643 municipality; or
 - 644 d. water run-off from the improved site will impact streets or other municipal or private
645 property within the adjoining municipality.
646
- 647 Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven
648 days of the date of receipt of the application, petition, appeal, request or plan.
649
- 650 8.3 When an application is filed to conduct or cause to be conducted a regulated activity upon an
651 inland wetland or watercourse, any portion of which is within the watershed of a water company
652 as defined in section 16-1 of the Connecticut General Statutes, the applicant shall provide written
653 notice of the application to the water company provided such water company has filed a map
654 showing the boundaries of the watershed on the land records of the municipality in which the
655 application is made and with the inland wetlands agency of such municipality. Such notice shall
656 be made by certified mail, return receipt requested, and shall be mailed within seven days of the
657 date of the application. The water company, through a representative, may appear and be heard at any
658 hearing on the application. Documentation of such notice shall be provided to the Agency.
659
- 660 8.4 The date of receipt of a petition, application, request or appeal shall be the day of the next
661 regularly scheduled meeting of the Agency, immediately following the day of submission to the
662 Agency or its agent of such petition, application, request or appeal or thirty-five days after such
663 submission, whichever is sooner.
664
- 665 8.5 At any time during the review period, the applicant shall provide such additional information as
666 the Agency may reasonably require. Requests for such additional information shall not stay the
667 time limitations as set forth in subsection 11.2 of these regulations.
668
- 669 8.6 All applications shall be open for public inspection.
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- 671 8.7 Incomplete applications may be denied.

Section 9
Public Hearings

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- 9.1 The inland wetlands agency shall not hold a public hearing on an application unless the inland wetlands agency determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the inland wetlands agency not later than fourteen days after the date of receipt of such application, or the inland wetlands agency finds that a public hearing regarding such application would be in the public interest. The inland wetlands agency may issue a permit without a public hearing provided no petition provided for in this section is filed with the inland wetlands agency on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard.
- 9.2 Legal Notice in Newspaper - Notice of the public hearing shall be published by the Agency 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 to Abutters - Upon the scheduling of a public hearing by the Commission, the applicant shall notify by certified mail all owners of property within 100 feet of the subject property including parcels separated from the subject property by a public street or other municipal property, at least seven (7) days in advance of the initial public hearing. 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. The notice shall include a brief description of the application along with the date, time, and location of the public hearing. At or before the public hearing the applicant shall submit to the Commission a list of all property owners notified, and certificates of mailing of the notices to each such property owner, as evidence of compliance with this requirement.

Section 10
Considerations for Decision

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707 10.1 The Agency may consider the following in making its decision on an application:
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709 a. The application and its supporting documentation
710 b. Reports from other agencies and commissions including but not limited to the Town of Salisbury:
711 1) Planning and Zoning Commission
712 2) Building Official
713 3) Town Sanitarian (Torrington Area Health District)
714 The Agency may also consider comments on any application from the Northwest
715 Conservation District, the Northwest Hills Council of Governments or other regional
716 organizations (i.e. Council of Elected Officials); agencies in adjacent municipalities which
717 may be affected by the proposed activity, or other technical agencies or organizations
718 which may undertake additional studies or investigations.
719 c. Non-receipt of comments from state agencies and commissions listed in subdivision 10.1b
720 and c above within the prescribed time shall neither delay nor prejudice the decision of the
721 Agency.
722 d. For an application for which a public hearing is held, public comments, evidence and
723 testimony.
724
725 10.2 Criteria for Decision. In carrying out the purposes and policies of sections 22a-36 to 22a-45, inclusive,
726 of the Connecticut General Statutes, including matters relating to regulating, licensing and
727 enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and
728 circumstances, including but not limited to:
729
730 a. the environmental impact of the proposed regulated activity on wetlands or watercourses;
731 b. the applicant's purpose for, and any feasible and prudent alternatives to, the proposed
732 regulated activity which alternatives would cause less or no environmental impact to wetlands
733 or watercourses.
734 c. the relationship between the short term and long term impacts of the proposed regulated
735 activity on wetlands or watercourses and the maintenance and enhancement of long-term
736 productivity of such wetlands or watercourses.
737 d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused
738 by the proposed regulated activity, including the extent to which such activity would
739 foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures
740 which may be considered as a condition of issuing a permit for such activity including, but
741 not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2)
742 maintain or enhance existing environmental quality, or (3) in the following order of priority:
743 restore, enhance and create productive wetland or watercourse resources;
744 e. the character and degree of injury to, or interference with, safety, health or the reasonable use
745 of property which is caused or threatened by the proposed regulated activity; and
746 f. impacts of the proposed regulated activity on wetlands or watercourses outside the area for
747 which the activity is proposed and future activities associated with or reasonably related to,
748 the proposed regulated activity which are made inevitable by the proposed regulated activity
749 and which may have an impact on wetlands and watercourses.
750
751 10.3 In the case of an application which received a public hearing pursuant to a finding by the Agency
752 that the proposed activity may have a significant impact on wetlands or watercourses, a permit
753 shall not be issued unless the Agency finds on the basis of the record that a feasible and prudent
754 alternative does not exist. In making this finding the Agency shall consider the facts and circumstances
755 set forth in subsection 10.2 of this section. The finding and the reasons therefore shall be stated

|

756 on the record in writing.

757
758 10.4 In the case of an application which is denied on the basis of a finding that there may be feasible
759 and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands
760 or watercourses, the Agency shall propose on the record in writing the types of alternatives which
761 the applicant may investigate provided this subsection shall not be construed to shift the burden from
762 the applicant to prove that he is entitled to the permit or to present alternatives to the proposed
763 regulated activity.

764
765
766 10.5 For purposes of this section, (1) "wetlands and watercourses" includes aquatic, plant or animal
767 life and habitats in wetlands or watercourses, and (2) "habitats" means areas or environments in which
768 an organism or biological population normally lives or occurs.

769
770 10.6 A municipal inland wetlands agency shall not deny or condition an application for a regulated
771 activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic,
772 plant, or animal life unless such activity will likely impact or affect the physical characteristics of such
773 wetlands or watercourses.

774
775 10.7 In reaching its decision on any application after a public hearing, the Agency shall base its
776 decision on the record of that hearing. Documentary evidence or other material not in the hearing
777 record shall not be considered by the Agency in its decision.
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779 **Section 11**
780 **Decision Process and Permit**

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782 11.1 The Agency, or its duly authorized agent acting pursuant to Section 12 of these regulations, may,
783 in accordance with Section 10 of these regulations, grant the application as filed or grant it upon
784 other terms, conditions, limitations or modifications of the regulated activity designed to carry out
785 the purposes and policies of the Act, or deny the application. Such terms may include any
786 reasonable measures which would mitigate the impacts of the regulated activity and which would:
787

- 788 • prevent or minimize pollution or other environmental damage,
- 789 • maintain or enhance existing environmental quality, or
- 790 • in the following order of priority: restore, enhance and create productive wetland or
- 791 watercourse resources.

792
793 Such terms may include restrictions as to the time of year in which a regulated activity may be
794 conducted, provided the Agency or its agent, determines that such restrictions are necessary to carry
795 out the policy of sections 22a-36 to 22a-45r inclusive, of the Connecticut General Statutes.
796

797 11.2 No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing
798 on such application. At such hearing any person or persons may appear and be heard and may be
799 represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of
800 its commencement. Action shall be taken on applications within thirty-five (35) days after
801 completion of a public hearing. In the absence of a public hearing, action shall be taken on applications
802 within sixty-five (65) days from the date of receipt of the application. The applicant may consent
803 to one or more extensions of the periods specified in this subsection, provided the total extension
804 of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the
805 application. The failure of the Agency to act within any time period specified in this subsection,
806 or any extension thereof, shall not be deemed to constitute approval of the application. An application
807 deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Agency.
808

809 11.3 The Agency shall state upon its record the reasons and bases for its decision.
810

811 11.4 The Agency shall notify the applicant and any person entitled to such notice of its decision within
812 fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the
813 Agency shall cause notice of its order in the issuance or denial of the permit, to be published in a
814 newspaper having general circulation in the town wherein the inland wetland or watercourse lies.
815 In any case in which such notice is not published within such fifteen day period, the applicant may
816 provide for the publication of such notice within ten days thereafter.
817

818 11.5 If an activity authorized by an inland wetland permit also involves an activity which requires a
819 zoning or subdivision approval, special zoning permit, or variance or special exception, under sections
820 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, the Agency shall file a copy of the
821 decision and report on the application with the Town of Salisbury Planning and Zoning
822 Commission within fifteen days of the date of the decision thereon.
823

824 ~~11.6~~ Any permit issued by the Agency for the development of ~~property~~land for which an approval
825 is required under ~~chapters 124, 124b, 126 or 126a~~section 8-3, 8-25 or 8-26 of the Connecticut General
826 Statutes ~~shall (i) not take effect until each such approval, as applicable, granted under such chapter has~~
827 ~~taken effect, and (ii) be valid until the approval granted under such chapter expires or for ten years,~~
828 ~~whichever is earlier, shall be valid for five years provided the Agency may establish a specific time~~
829 ~~period within which any regulated activity shall be conducted. Any permit issued by the Agency for~~
830 ~~any other activity shall be valid for not less than two years and not more than five years.~~

831
832 11.7 Notwithstanding the provisions of Regulation 11.6 above, any permit issued prior to July 1, 2011, that
833 has not expired prior to July 12, 2021, shall expire not less than fourteen years after the date of such
834 approval. Any such permit shall be renewed upon request of the permit holder unless the agency finds
835 that there has been a substantial change in circumstances that requires a new permit application or an
836 enforcement action has been undertaken with regard to the regulated activity for which the permit was
837 issued, provided no such permit shall be valid for more than nineteen years.
838
839
840 11.8 Notwithstanding the provisions of Regulation 11.6 and 11.7 above, any permit issued on or after July 1,
841 2011, but prior to June 10, 2021, that did not expire prior to March 10, 2020, shall expire not less than
842 fourteen years after the date of such approval. Any such permit shall be renewed upon request of the
843 permit holder unless the agency finds that there has been a substantial change in circumstances that
844 requires a new permit application or an enforcement action has been undertaken with regard to the
845 regulated activity for which the permit was issued, provided no such permit shall be valid for more than
846 nineteen years.
847 ~~11.6~~
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849 ~~11.7~~11.9 No permit issued by the Agency shall be assigned or transferred without the written permission
850 of the Agency.
851
852 ~~11.8~~11.10 If a bond or insurance is required in accordance with section 13 of these regulations, the Agency
853 may withhold issuing the permit until such bond or insurance is provided.
854
855 ~~11.9~~11.11 General provisions in the issuance of all permits:
856
857 a. All permits issued by the Agency are subject to and do not derogate any present or future
858 rights or powers of the Agency or the Town of Salisbury and convey no rights in real estate or
859 material nor any exclusive privileges, and are further subject to any and all public and
860 private rights and to any federal, state, and municipal laws or regulations pertinent to the
861 subject land or activity.
862 b. If the activity authorized by the Agency's permit also involves an activity which requires
863 zoning or subdivision approval, special permit, variance or special exception under sections 8.3(g),
864 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may
865 begin until such approval is obtained.
866 c. In constructing the authorized activities, the permittee shall implement such management practices
867 consistent with the terms and conditions of the permit as needed to control storm water
868 discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of
869 wetlands and watercourses.
870 ~~d.~~ Permits are not transferable without the prior written consent of the Agency.
871 ~~e.~~ The permittee shall notify the Salisbury Inland Wetlands Agent immediately upon the
872 commencement of work and its completion. A pre-construction meeting with the contractor and the
873 Agent is required.
874 ~~f.~~ All work and all regulated activities conducted pursuant to this authorization shall be consistent
875 with the terms and conditions of this permit. Any structures, excavation, fill, obstructions,
876 encroachments, or regulated activities not specifically identified and authorized herein shall
877 constitute a violation of this permit and may result in its modification, suspension or revocation.
878 ~~g.~~ In evaluating an application, the Commission and their Agent rely on the information provided by
879 the applicant. If such information is subsequently proven to be false, incomplete or misleading, this
880 permit may be modified, suspended, or revoked and the permittee may be subject to any other
881 remedies or penalties provided by law.
882 ~~h.~~ The permittee shall immediately inform the Agent of any problems involving the wetlands or

- 883 watercourses that have developed or are caused by the authorized work.
- 884 i. No equipment or material including without limitation, fill construction materials or debris shall be
- 885 deposited, placed or stored in any wetland or watercourse on the site except as authorized by a
- 886 permit.
- 887 j. This authorization is subject to and does not derogate any rights and powers of the Town of
- 888 Salisbury, conveys no property rights or exclusive privileges, and is subject to all public and
- 889 private rights and to all applicable federal, state and local laws. In conducting and maintaining any
- 890 activities authorized herein, the permittee may not cause pollution, impairment or destruction of the
- 891 wetlands and watercourses.
- 892 k. If the activity authorized also involves activity or a project that requires zoning or subdivision
- 893 approval, special permit, variance, or special exception, no work pursuant to the wetlands permit
- 894 may begin until such approval is obtained.
- 895 l. The permittee shall maintain sediment and erosion controls at the site in such an operable condition
- 896 as to prevent the pollution of wetlands and watercourses. Said controls are to be inspected by the
- 897 permittee for deficiencies at least once per week and immediately after rain events. The permittee
- 898 shall correct any such deficiencies within 24 hours of said deficiency being found. The permittee
- 899 shall maintain such control measures until all areas of disturbed soils, at the site, are stabilized.
- 900 m. Erosion and sediment controls must be installed and inspected prior to construction.
- 901 ~~d-n.~~ The site must be stabilized within 30 days of completing any ground disturbance.
- 902

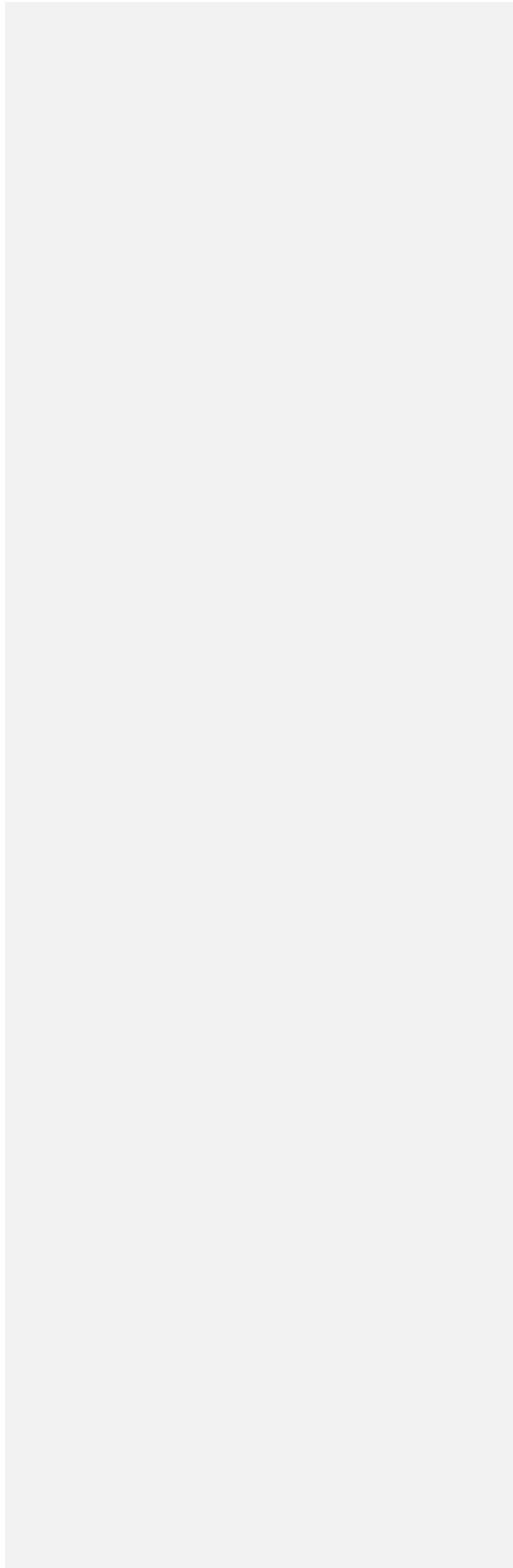
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Section 12
Action by Duly Authorized Agent

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

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Section 13
Bond and Insurance

- 13.1 The Agency may require as a permit condition the filing of a bond with such surety in such amount and in a form approved by the Agency.
- 13.2 The bond or surety shall be conditioned on compliance with the provisions of these regulations and the terms, conditions and limitations established in the permit.
- 13.3 Upon completion of all or part of the work guaranteed by such bond, the person posting a financial guarantee may request a release of all or a portion of such financial guarantee. The commission or its agent shall, not later than ~~thirtysixty~~ thirty-five days after receiving such request,
- (A) release or authorize the release of any such financial guarantee or portion thereof, provided the commission or its agent is reasonably satisfied that the site improvements for which such financial guarantee or portion thereof was posted have been completed, or
 - (B) provide the person posting such financial guarantee with a written explanation as to the additional site improvements that must be completed before such financial guarantee or portion thereof may be released.

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Section 14
Enforcement

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950 14.1 The Agency may appoint an agent or agents to act on its behalf with the authority to issue notices
951 of violation or cease and desist orders and carry out other actions or investigations necessary for
952 the enforcement of these regulations. In carrying out the purposes of this section, the Agency or its
953 duly authorized agent shall take into consideration the criteria for decision under section 10.2 of
954 these regulations.
955
956 14.2 The Agency or its agent may make regular inspections at reasonable hours of all regulated activities for
957 which permits have been issued with the consent of the property owner or the authorized agent of the
958 owner during the life of the permit.
959
960 14.3 In the case in which a permit has not been issued or a permit has expired, the Agency or its agent
961 may make regular inspections at reasonable hours with the consent of the property owner or the
962 authorized agent of the property owner.
963
964 14.4 If the Agency or its duly authorized agent finds that any person is conducting or maintaining any
965 activity, facility or condition which is in violation of the Act or these regulations, the Agency or its
966 duly authorized agent may:
967
968 a. issue a written order by certified mail, return receipt requested, to such person conducting
969 such activity or maintaining such facility or condition to immediately cease such activity or to
970 correct such facility or condition. Within ten (10) calendar days of the issuance of such order
971 the Agency shall hold a hearing to provide the person an opportunity to be heard and show
972 cause why the order should not remain in effect. The Agency shall consider the facts
973 presented at the hearing and within ten (10) days of the completion of the hearing notify the person
974 by certified mail that the original order remains in effect, that a revised order is in effect, or
975 that the order has been withdrawn. The Agency shall publish notice of its decision in a
976 newspaper having general circulation in the municipality. The original order shall be effective
977 upon issuance and shall remain in effect until the Agency affirms, revises or withdraws the
978 order. The issuance of an order pursuant to this subsection shall not delay or bar an action
979 pursuant to section 22a-44(b) of the Connecticut General Statutes, as amended.
980
981 b. issue a notice of violation to such person conducting such activity or maintaining such facility
982 or condition, stating the nature of the violation, the jurisdiction of the Agency, and
983 prescribing the necessary action and steps to correct the violation including, without
984 limitation, halting work in wetlands or watercourses. The Agency may request that the
985 individual appear at the next regularly scheduled meeting of the Agency to discuss the
986 unauthorized activity, and/or provide a written reply to the notice or file an application for the
987 necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in
988 issuance of the order provided in section 14.4(a) or other enforcement proceedings as
989 provided by law.
990
991 14.5 The Agency may suspend or revoke a permit if it finds that the permittee has not complied with
992 the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work
993 as set forth in the application including application plans. Prior to revoking or suspending any
994 permit, the Agency shall issue notice to the permittee, personally or by certified mail, return
995 receipt requested, to the address on file with the Tax Assessor's Office, setting forth the facts or
996 conduct which warrants the intended action. The Agency shall hold a hearing to provide the
997 permittee an opportunity to show that it is in compliance with its permit and any and all
998 requirements for retention of the permit. The permittee shall be notified of the Agency's decision to

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999 suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its
1000 decision. The Agency shall publish notice of the suspension or revocation in a newspaper having
1001 general circulation in the municipality.
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**Section 15
Amendments**

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- 1006 15.1 These regulations and the Inland Wetlands and Watercourses Map for the Town of Salisbury may
1007 be amended, from time to time, by the Agency in accordance with changes in the Connecticut General
1008 Statutes or regulations of the Connecticut Department of Energy and Environmental Protection, or as
1009 new information regarding soils and inland wetlands and watercourses becomes available.
1010
- 1011 15.2 An application filed with the Agency which is in conformance with the applicable inland
1012 wetlands regulations as of the date of the receipt of such application shall not be required
1013 thereafter to comply with any change in inland wetland regulations, including changes to setbacks
1014 and buffers, taking effect on or after the date of such receipt and any appeal from the decision of
1015 such Agency with respect to such application shall not be dismissed by the Superior Court on the
1016 grounds that such a change has taken effect on or after the date of such receipt. The provisions of
1017 this section shall not be construed to apply
- 1018 (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or
1019 (2) to any change in regulations necessary to make such regulations consistent with the provisions
1020 of the Act as of the date of such receipt.
1021
1022
- 1023 15.3 These regulations and the Town of Salisbury Inland Wetlands and Watercourses Map shall be amended
1024 in the manner specified in section 22a-42a of the Connecticut General Statutes, as amended. The
1025 Agency shall provide the Commissioner of Energy and Environmental Protection with a copy of
1026 any proposed regulations and notice of the public hearing to consider any proposed regulations or
1027 amendments thereto, except map amendments, at least thirty-five days before the public hearing
1028 on their adoption.
1029
- 1030 15.4 Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map,
1031 Salisbury, Connecticut, shall contain at least the following information:
1032
- 1033 a. the petitioner's name, mailing address and telephone number;
1034 b. the address, or location, of the land affected by the petition;
1035 c. the petitioner's interest in the land affected by the petition
1036 d. map(s) showing the geographic location of the land affected by the petition and the existing
1037 and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together
1038 with the documentation supporting such proposed boundary locations; and
1039 e. the reasons for the requested action.
1040
- 1041 15.5 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map,
1042 Salisbury, Connecticut, shall bear the burden of proof for all requested map amendments. Such
1043 proof may include, but is not limited to, professional interpretation of aerial photography and
1044 remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the
1045 Agency. If such person is the owner, developer or contract purchaser of the land which is the
1046 subject of the petition, or if such person is representing the interests of such an owner, developer
1047 or purchaser, in addition to the information required in subsection 15.4, the petition shall include:
1048
- 1049 a. the name, mailing address and telephone number of the owner(s) of such land and owner(s) agent
1050 or other representative;
1051 b. the names and mailing addresses of the owners of abutting land;
1052 c. documentation by a soil scientist of the distribution of wetland soils on said land. Such
1053 documentation shall at a minimum include the report of the soil scientist documenting the location
1054 of wetland soils on the land and a map of the said land indicating the flag locations set by the

- 1055 soil scientist and defining the boundaries of wetland soil types; and
1056 d. map(s) showing any proposed development of the land in relation to existing and proposed wetland
1057 and watercourse boundaries.
- 1058
1059 15.6 Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified
1060 individual.
- 1061
1062 15.7 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map.
1063 Notice of the hearing shall be published in a newspaper having a general circulation in the
1064 municipality where the land that is the subject of the hearing is located at least twice at intervals of
1065 not less than two days, the first not more than fifteen days, nor less than ten days, and the last not
1066 less than two days before the date set for the hearing. All materials including maps and
1067 documents relating to the petition shall be open for public inspection.
- 1068
1069 15.8 The agency shall hold a public hearing on a petition to amend the regulations and the Inland
1070 Wetlands and Watercourses Map within sixty-five days after receipt of such petition. The hearing
1071 shall be completed within thirty-five days after commencement. The agency shall act upon the
1072 changes requested in such petition within sixty-five days after completion of such hearing. At
1073 such hearing, any person or persons may appear and be heard and may be represented by agent
1074 or attorney. The petitioner may consent to one or more extensions of any period specified in this
1075 subsection, provided the total extension of all such periods shall not be for longer than sixty-five days,
1076 or may withdraw such petition. Failure of the agency to act within any time period specified in
1077 this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.
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1079 15.9 The Agency shall make its decision and state, in writing, the reasons why the change in the Inland
1080 Wetlands and Watercourses Map was made.
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**Section
16 Appeals**

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

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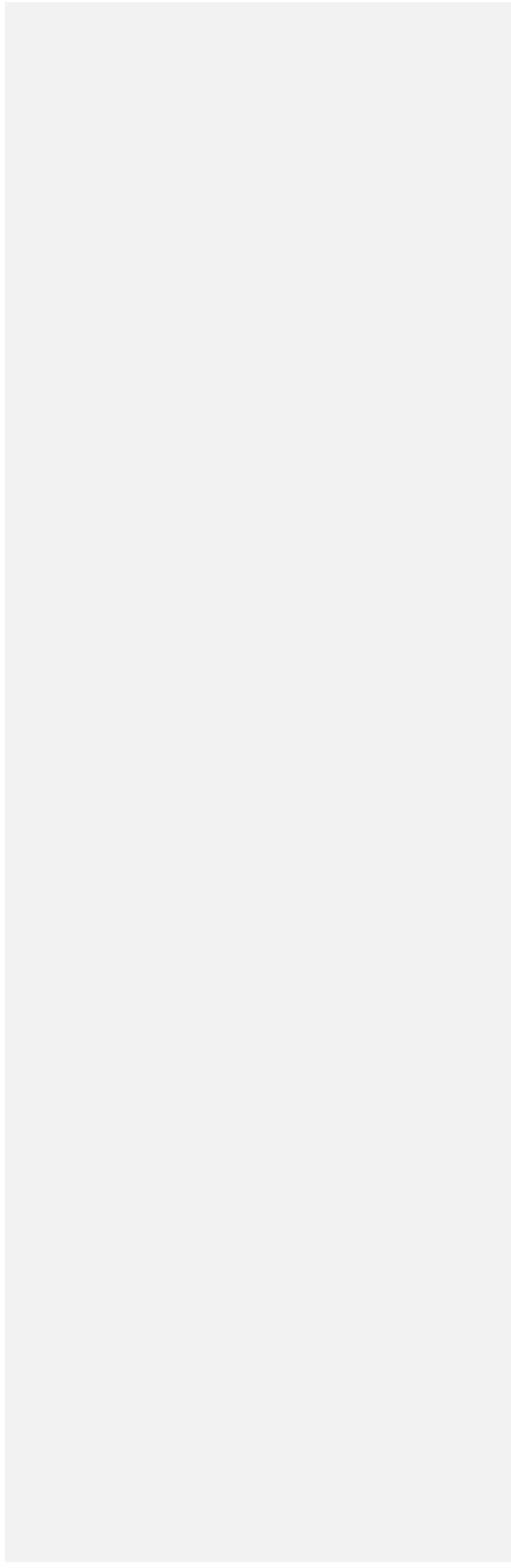
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Section 17
Conflict and Severance

- 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.

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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 Salisbury, 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.

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Section 19
Fees

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1119 19.1 Method of Payment. All application fees required by these regulations shall be submitted to the
1120 Agency by check ~~or credit card~~ payable to the Town of Salisbury at the time the application is filed
1121 with the Agency.
1122
- 1123 19.2 No application shall be granted or approved by the Agency unless the correct application fee is
1124 paid in full or unless a waiver has been granted by the Agency pursuant to subsection 19.7 of
1125 these regulations.
1126
- 1127 19.3 The application fee is not refundable.
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- 1129 19.4 Definitions. As used in this section:
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- 1131 "Residential Uses" means activities carried out on property developed for permanent housing or being
1132 developed to be occupied by permanent housing.
1133
- 1134 "Commercial uses" means activities carried out on property developed for industry, commerce, trade,
1135 recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit
1136
- 1137 19.5 Fee Schedule. In accordance with C.G.S. Sec. 22a-42a(e), the Inland Wetlands & Watercourses
1138 Commission may require a filing fee to be deposited with the agency. The amount of such fee shall be
1139 sufficient to cover the reasonable cost of reviewing and acting on applications and petitions, including,
1140 but not limit to, the costs of certified mailing, publications of notices and decisions and monitoring
1141 compliance with permit conditions or agency orders.
1142
- 1143 a. Complex Application Fee. The Inland Wetlands Agency may charge an additional fee sufficient to
1144 cover the cost of reviewing and acting on complex applications. Such fee may include, but not be
1145 limited to, the cost of retaining experts to analyze, review, and report on issues requiring such
1146 experts. The Agency or the duly authorized agent shall estimate the complex application fee which
1147 shall be submitted to the Agency by check payable to the Town of Salisbury. Any portion of
1148 the complex application fee in excess of the actual cost shall be refunded to the applicant no later
1149 than 30 days after publication of the agency's decision.
1150
- 1151 b. Monitoring Compliance Fee and/or Permit Compliance Fee. The Inland Wetlands Agency may
1152 charge an additional fee sufficient to cover the cost of monitoring and compliance. The
1153 applicant/landowner/contractor shall submit a check payable to the Town of Salisbury in the
1154 amount determined by consultant(s) to cover the Agency or Agents costs in monitoring
1155 compliance. Any portion of the monitoring compliance fee in excess of the actual cost shall be
1156 refunded to the applicant.
1157
- 1158 19.6 Fee Waiver. The applicant may petition the Agency to waive, reduce, or allow delayed payment of the
1159 fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency
1160 should consider in its determination under this subsection. The Agency may waive all or part of the
1161 application fee if the Agency determines that:
1162
- 1163 a. The activity applied for would clearly result in a substantial public benefit to the environment or to
1164 the public health and safety and the applicant would reasonably be deterred from initiating the
1165 activity solely or primarily as a result of the amount of the application fee, or
1166
- 1167 b. The amount of the application fee is clearly excessive in relation to the cost to the Town for

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1168 reviewing and processing the application.

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1170 c. The applicant has shown good cause.

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1172 The Agency shall state on the record the basis for all actions under this subsection.

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1174 19.7 Exemption. Boards, commissions, councils and departments of the Town of Salisbury are exempt from
1175 all fee requirements.

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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 Salisbury.

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Appendix A
Connecticut General Statute section 1-1(q)

For informational purposes only. For the language of the Statute currently in effect, consult the most recent version of the Connecticut General 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, 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 farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

Appendix B
Connecticut General Statutes § 8-7d (a) - § 8-7d (c)

For informational purposes only. For the language of the Statute currently in effect, consult the most recent version of the Connecticut General Statutes.

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 or an aquifer protection agency under chapter 446i 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, chapter 440 or chapter 446i. 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, (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, and (3) a title search or any other additional method of identifying persons who own land that is adjacent to the land that is the subject of the hearing shall not be required. 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 not later than sixty-five days after completion of such hearing, unless a shorter period of time is required under this chapter, chapter 126, chapter 440 or chapter 446i. 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 not later than 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 not later than 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 not later than sixty-five days after receipt of such application. Whenever a decision is to be made on an aquifer protection area application under chapter 446i on which no hearing is held, such decision shall be rendered not later than 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.