



REGULATIONS
of the
SUFFIELD CONSERVATION
COMMISSION

REGULATIONS
(Effective 11/24/04)

IMPLEMENTING THE INLAND WETLANDS
AND
WATERCOURSES ACT, 1972 PUBLIC ACT NO. 155
(GENERAL STATUTES §§22A-36-45 INCLUSIVE)
AS AMENDED AND SUPPLEMENTED BY THE PROVISIONS OF PUBLIC ACT 73-571 AND
PUBLIC ACTS 87-533, 87-338, 03-177, 03-276 AND 04-209

Table of Contents

<u>Section</u>		<u>Page</u>
1	General Provisions	1
2	Definitions	3
3	Inventory of Regulated Uses	8
4	Permitted Uses as of Right and Non-Regulated Uses	9
5	Activities Regulated by the State	12
6	Regulated Activities to be Licensed	14
7	Application Requirements	15
8	Application Procedures	22
9	Public Hearings	25
10	Review Process	26
11	Decision Process and Permit	29
12	Bond or Letter of Credit	34
13	Enforcement	35
14	Amendments	37
15	Appeals	40
16	Conflict and Severance	41
17	Other Permits	42
18	Effective Date of Regulations	43
19	Fee Schedule	44
20	Application	47

SECTION 1

General Provisions

Title and Authority

- 1.1 The inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance, or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state' potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

Title

- 1.2 These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Suffield."

Inland Wetland Commission

- 1.3 The Inland Wetland and Watercourses Agency of the Town of Suffield was established in accordance with an ordinance adopted October 2, 1972 and shall be implement the purposes and provisions of the Inland Wetland and Watercourses Act in the Town of Suffield.

Adoption

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

Enforcement

- 1.5 The Agency shall enforce the Inland Wetlands Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, or deny permits for all regulated activities in the Town of Suffield pursuant to sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

SECTION 2

Definitions

2.1 As used in the 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 Suffield Conservation Commission of the Town of Suffield.

“**BOGS**” are areas distinguished by evergreen trees and shrubs underlain by peat deposits, 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.

“**COMMISSION**” means the Inland Wetlands and Watercourses Commission of the Town of Suffield.

“**COMMISSION MEMBER**” means a member or a seated alternate of the Inland Wetlands Commission of the Town of Suffield.

“**COMMISSIONER OF ENVIRONMENTAL PROTECTION**” means the commissioner of the State of Connecticut Department of Environmental Protection.

“**CONSERVATION**” means the development, conservation, supervision, and regulation of natural resources in the Town of Suffield.

“**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.

“**DEPOSIT**” includes, but shall not be limited to fill, grade, dump, place, discharge or emit.

“**DESIGNATED AGENT**” means an individual(s) designated by the Suffield Conservation Commission to carry out its functions and purposes.

“**DISCHARGE**” means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.

“**DISTURB THE NATURAL AND INDIGENOUS CHARACTER OF THE LAND**” means to alter the inland wetlands and watercourses by reason of removal or deposition of material, clearing the land, altering or obstructing water flow, or pollution.

“ESSENTIAL TO THE FARMING OPERATION” means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.

“FARMING” means use of land for the growing of crops, raising of livestock or other agricultural use.

“FEASIBLE” means able to be constructed or implemented consistent with sound engineering principles.

“MANAGEMENT PRACTICE” means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

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

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

“MUNICIPALITY” means the Town of Suffield, Hartford County, Connecticut.

“NURSERIES” means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.

“PERMIT” means the whole or any part of any license, certificate or approval or similar form of permission which may be required of any person by the provisions of these regulations and the Act or other municipal, state and federal law.

“PERMITTEE” means the person to whom a permit has been issued.

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

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

“PRUDENT” means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.

“REGULATED ACTIVITY” means any operation within or use of a wetland or watercourse involving removal or deposition of material; any activity within 50 (fifty) feet of a wetland, the location of any portion of any subsurface waste disposal or drainage system within 150 (one hundred and fifty) feet of any wetland or watercourse, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in Section 4 of these regulations. However, the construction of a swimming pool in or within 50 (fifty) feet of a wetland or watercourse is deemed a regulated activity.

“REGULATED AREA” means any wetlands or watercourses as defined in these regulations.

“REMOVE” includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut timber, bulldoze, dragline or blast.

“RENDERING UNCLEAN OR IMPURE” means any alteration of the physical, chemical or biological properties of any waters of the state, including, but not limited to, change in odor, color, turbidity or taste.

“SIGNIFICANT IMPACT ACTIVITY” means any activity, including, but not limited to, the following activities which may have a major effect or significant impact on the area for which an application has been filed or on another part of the inland wetland or watercourse system; or,

1. Any activity involving deposition or removal of material which will or may have a major effect or significant impact on the regulated area or on another part of the inland wetland or watercourse system.
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support desirable fisheries, wildlife, or other biological life; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
5. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area.
6. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.

7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

8. Significant reduction of the area's suitability for recreation which may result from destruction of wildlife, habitat, scenic value, archaeological or historic features, or

9. The creation of conditions which may significantly and adversely affect the health, welfare and safety of the Individual or Community, which may occur with development in regulated areas.

"SOIL SCIENTIST" means an individual duly qualified in accordance with standards set by the federal Office of Personnel Management.

"SWAMPS" are areas with soils that exhibit aquatic moisture regimes and are distinguished by the dominance of wetland trees and shrubs.

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

"TOWN" means the Town of Suffield.

"UPLAND REVIEW AREA" means the non-wetland or non-watercourse area around wetlands or watercourses within which certain types of activities, as defined in these regulations as *regulated activities* take place. While requiring a permit for specified activities within the defined upland review area boundaries, the Agency has authority to regulate proposed activities located in more distant upland areas if they are likely to have an impact or affect on a wetland or watercourse.

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

"WATERCOURSES" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

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

SECTION 3

Inventory of Regulated Areas

Inland Wetlands and Watercourses Map

- 3.1 The map of regulated areas entitled “Inland Wetlands and Watercourses Map, Suffield, 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 regulated areas 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 classifications are required, or where watercourse determinations are required, by other qualified individuals. 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.

Petition for map change

- 3.2 Any owner who disputes the designation of any part of his or her land as a regulated area on the Inland Wetlands and Watercourses Map, must petition the Agency to change the designation in accordance with Section 14 of these regulations. 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 provide proof that the designation is inapplicable. The Agency will require such an owner to provide an accurate delineation of regulated areas in accordance with Section 14 of these regulations.

Records; map amendments

- 3.3 The Agency or its designated agent(s) shall maintain a current inventory of regulated areas within the town. The Agency may amend its map as more accurate information becomes available. Any person may petition for an amendment to the map. Petitioners shall bear the burden of proof for all requested map amendments. Such proof may include, but not be limited to, aerial photography, remote sensing imagery, resource mapping or other available information. Such map amendments are subject to the public hearing process outlined in Section 14 of these regulations.

SECTION 4

Permitted Uses as of Right & Nonregulated Uses

Permitted uses as of right

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- a. grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
 - b. a residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, which ever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the building permit was obtained on or before July 1, 1987. Any person claiming a use of wetlands permitted as a right under this subdivision shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document his or her right hereunder;
 - c. boat anchorage or mooring, not to include dredging or dock construction;
 - d. uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse. Construction of a swimming pool within a wetland is a regulated activity.
 - e. construction and operation, by water companies as defined by section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102, of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water

supplies except as provided in sections 22a-401 through 22a-410 of the Connecticut General Statute

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

Nonregulated uses

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

a. conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices.

b. outdoor recreation including the use of play and sporting areas, golf courses, field trails, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing and cross-country skiing where otherwise legally permitted and regulated.

Permit required for other uses

4.3 All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Agency in accordance with Section 6 of these regulations.

Review of proposed use by Commission

4.4 To carry out the purposes of this section, any person proposing to carry out a permitted or nonregulated operation or use of a wetland or watercourse that may disturb the natural and indigenous character of the wetland or watercourse shall, prior to commencement of such operation or use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse. The Agency or its designated agent shall rule that the proposed operation or use is a permitted or nonregulated use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Agency following the meeting at which the request was received. The designated agent for the Agency may make such ruling on behalf of the Agency at any time.

SECTION 5

Activities Regulated by the State

Jurisdiction

- 5.1 In addition to any permit or approval required by the Agency, the Commissioner of Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:
- A. Construction or modification of any dam pursuant to sections 22a-401 through 22a-411 of the Connecticut General Statutes, as amended.
 - B. Construction, encroachment or placement of any obstruction within stream channel encroachment lines pursuant to sections 22a-342 through 22a-349a of the Connecticut General Statutes, as amended.
 - C. Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the state pursuant to sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
 - D. Diversion of water, including withdrawals of surface or groundwater in excess of fifty thousand (50,000) gallons per day or any piping, culverting, channelization, relocation, damming or other alteration of the location of flow of any surface waters of the state where the tributary watershed area above the point of such alteration is 100 acres or larger, pursuant to sections 22a-365 through 22a-378a of the Connecticut General Statutes, as amended.
 - E. Discharges into the waters of the state pursuant to section 22a-430 of the Connecticut General Statutes, as amended.
 - F. 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.

Activities undertaken by state agencies

- 5.2 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 section 22a-39 or 22a-45a of the Connecticut General Statutes.

Tidal wetlands, dam repair and removal

5.3

- A. 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.
- B. 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 or a dam construction permit issued by the Commissioner of Environmental Protection under sections 22a-403 or 22a-41 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or dam construction 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 dam permit, however must notify the Suffield Conservation Commission in writing of the work.

SECTION 6

Regulated Activities to be Licensed

Permit Required

6.1

- A. No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands and Watercourses Agency in the Town of Suffield.
- B. The Commission shall regulate any operation within uses of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses and any other regulated activity, unless such operation or use is permitted or non-regulated pursuant to Section 4 of these regulations.

Penalties for offenses

- 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 13 of these regulations and any other remedies as provided by law.

SECTION 7

Application Requirements

Forms

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

Necessary Information

- 7.2 The application shall contain such information as is necessary for a fair and informed determination thereon by the Agency.

Pre-application meeting

- 7.3 A prospective applicant may request the Agency to determine whether or not a proposed activity involves a significant impact activity.

Information to be provided

- 7.4 All applications shall include the following information in writing or on maps or drawings:
- A. The applicant's name, home and business mailing addresses and telephone numbers;
 - B. The owner's name, mailing addresses and telephone number and written consent of the land owner if the applicant is not the owner of the land upon which the subject activity is proposed;
 - C. A location map at a scale of 1 inch = 2,000 feet identifying the geographical location of the property involved;
 - D. A map at a scale of 1 inch = 100 feet identifying the geographical location of the property to be affected by the proposed activity, adjacent lands, adjacent regulated areas, such as upstream and downstream areas as may be identified by the Agency or its designated agent, and other prominent features including, but not limited to, existing and proposed property lines, roads and drives, existing buildings and their utilities, topography, soil types from the published soil survey, the limits of the inland wetlands, watercourses and conservation buffer areas, existing and proposed lands protected as open space or by private conservation easements, and types of vegetative cover;
 - E. A site plan overlaying the Town of Suffield Inland Wetlands and Watercourses Map to show adjacent wetlands on abutting properties.

F. The soil scientist shall prepare a report that includes the name of the applicant and project, the location of and limits of the property investigated, the dates of the soil investigations, a brief description for each soil mapping unit investigated, the set of the consecutive numbers used on survey tapes to identify the wetland boundaries, and a certified statement that the wetland boundaries appearing on the site plan are to the best of his/her knowledge true and accurate;

G. The applicant's interest in the land;

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

I. Alternatives considered and subsequently rejected by the applicant and why the alternative as set forth in the application was chosen; all such alternatives shall be diagrammed on a site plan or drawing;

J. A site plan showing the proposed activity and existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses including aquatic, plant or animal life and habitats in wetlands or watercourses;

K. Acreage/sq. ft. of wetlands and watercourses in regulated areas to be altered.

L. The acreage/sq. ft. of regulated area and disturbance (including wetlands and regulated upland review areas) and types of fill.

M. Acreage of wetlands and watercourses to be created.

N. Lineal feet of proposed stream alterations.

O. Total land area of project and percentage, which is wetlands.

P. A Erosion and Soil Control Plan, as defined by Public Act 83-388 "Soil erosion and sediment control plan means a scheme that minimizes soil erosion and sedimentation and includes but is not limited to a map and narrative. The map shall show topography, cleared and graded areas, proposed area alterations and the location of and detailed information concerning erosion and sediment measures and facilities. The narrative shall describe the project, the schedule of major activities on the land, the application of conservation practices, design criteria, construction details and the maintenance program for any soil and sediment control facilities that are needed", shall contain the following information:

1. The information needed for construction should be on the construction drawings and not in the design calculations or background information.
2. The construction drawings should all be the same size sheets.
3. The soil erosion and sediment control measures construction drawings should be part of the overall construction drawings for the project.
4. The construction details for measures should be shown on a separate sheet from the plan review sheets.
5. The stages of development, sequence of major operations on the land and maintenance program during construction are in the narrative portion of the plan but also should be on the construction drawings.
6. General information about the project and design calculations should be in the narrative portion with the exception of a small simple plan.
7. The design calculations should be in the narrative separate from the construction drawings. Design calculations are normally not needed for inspection, but design calculations need to be available in case revisions are necessary during construction.
8. The background information should be in the narrative separate from the construction drawings.
9. Additional information as may be required by the Agency.

K. Names and mailing addresses of adjacent land owners;

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

M. Authorization for the members and agents of the Agency to inspect the subject land, at reasonable times, both before and after a final decision has been issued.

N. A completed DEP reporting form; the Agency shall revise or correct the information provided by the applicant and submit the form to the Commissioner of Environmental Protection in accordance with section 22a-39-14 of the Regulations of Connecticut State Agencies.

O. Any other information the Agency deems necessary to the understanding of what the applicant is proposing; including:

1. Elevations by contour lines at two (2) foot vertical intervals,

2. Locations of all existing and proposed waste treatment facilities,
3. Areas where material will be deposited or moved,
4. Significant vegetation including all trees over six (6) inches caliper diameter breast height,
5. Proposed grading of any moved material by two (2) foot contours.
6. Wildlife and habitat assessment be performed, at the expenses of the applicant, if deemed necessary.

P. If the Commission so requests, the applicant may be required to submit at a scale of 1 inch = 40 feet, or a scale that exhibits greater detail, indicating the following:

1. Location and limits of all regulated areas;
2. Existing and proposed conditions in relation to the regulated areas;
3. Location and prominent features within the regulated areas such as bedrock outcrops, stone walls, trees deemed by the agency or its agency to be of critical value and existing buildings or drives;
4. Any measures to detain or retain storm water runoff or recharge groundwater;
5. Any plantings or habitat improvement;
6. Any other measures proposed to mitigate the potential environmental impacts.

Q. Submission of the appropriate filing fee based on the fee schedule established in Section 20 of these regulations.

R. The site plan shall show any potential or existing vernal pools on the affected portion of the proposed property along with a written evaluation as to the quality of the vernal pool and probable effect of the development on the vernal pool(s) conducted by a certified wildlife scientist, professional wetland scientist or other qualified individual.

1. A buffer of 100 feet of non-disturbance shall be incorporated into the site plans when a vernal pool is identified. This non-disturbance area can be adjusted at the approval of the Commission based upon evidence of vernal pool quality by an expert.

2. No piped stormwater system shall discharge into a vernal pool.

S. If the application involves the subdivision or splitting of a lot the applicant must identify the original lot by its Lot number as depicted in the Town Assessor's Office and then display the newly formed lot using the original lot number with a letter suffix (i.e. Lot 28a & 28b).

Additional Information for significant activities

7.5 If the proposed activity involves a significant impact activity as determined by the Agency, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required:

- A. Site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person;
- B. Engineering reports and analyses and additional drawings to fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;
- C. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service; the wetlands shall be delineated in the field by a soil scientist and the soil scientist' field delineation shall be depicted on the site plans;
- D. A description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions;
- E. A description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent;
- F. Analysis of chemical or physical characteristics of any fill material including:
 - volume in cubic yards
 - Nature of materials (e.g. sand, gravel, loam, building materials, etc.)
 - Precise chemical composition of any toxic materials whether they are to enclose in containers of any type or deposited openly without containment.
 - Explanation of how the affected property is to be protected from the erosion or leaching of deposited materials.
- G. Management practices and other measures designed to mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats, which prevent flooding, degrading of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.

Impact on adjoining municipalities

7.6 The applicant shall certify whether:

- A. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;

- B. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- C. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or,
- D. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- E. A copy of the application form submitted to the adjoining municipality.

Submission of materials

- 7.7 An original and 5 copies of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the Agency.

Renewal or extension of permit

- 7.8 Any application to renew an existing permit shall be filed with the Agency in accordance with Section 8 of these regulations at least sixty-five (65) days prior to the expiration date of the permit. Any application to renew or amend such an existing permit shall contain the information required under Section 7 of these regulations provided:
- A. The application may incorporate the documentation and record of the prior application;
 - B. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
 - C. The application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit;
 - D. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued;
 - E. The Agency may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activity.
 - F. The Commission shall evaluate the application pursuant to Section 10 of these Regulations and grant the application as filed, grant it with any terms or limitations, or deny it.
- 7.9 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated

activity for which the permit was issued provided no permit may be valid for more than ten years.

SECTION 8

Application Procedures

Filing

8.1 All applications shall be submitted to the Conservation Commission of the Town of Suffield.

Notice to adjoining municipalities

8.2 When an application to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse is filed and any portion of such wetland or watercourse is within five hundred feet of the boundary of East Granby, Granby, Enfield, Windsor Locks, Southwick, Massachusetts or Agawam, Massachusetts, the applicant shall give written notice of the application by certified mail, return receipt requested, on the same day to the inland wetlands agency of such other municipality.

8.3 The Agency shall, in accordance with Connecticut General Statutes section 22a-42b, notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:

- A. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- B. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- C. A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or,
- D. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Notice of the pendency of such application shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the date of receipt of the application.

Notice to water company

8.4 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 16-1 of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the

date of the application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Agency.

Date of Receipt

8.5 The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Agency immediately following the day of submission to the Agency, or thirty-five days after such submission, whichever is sooner.

Additional Information

8.6 At any time during the review period, the applicant shall provide such additional information as the Agency may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in Subsection 11.2 of these regulations. This may include but is not limited to the following:

A. Soils Information - consistent with Soil Conservation Service categories as determined in the field by a qualified soil scientist. This may include, but need not be limited to:

1. Soil types;
2. Percolation rates;
3. Soil saturated with water within three (3) feet of the surface for 2-12 months;
4. Soil saturated with water within three (3) feet of the surface for less than two (2) months;
5. Slope stability;
6. Erosion and sedimentation problems and their solution;
7. Soil strength and suitability for construction purposes.

B. Biological Information - The applicant may be required to submit:

1. An evaluation of the extent of the presence of plant species commonly associated with wetlands or watercourses;
2. An analysis of the probable effect of the proposed activity upon the plant and animal ecosystem.
3. A report providing a functional analysis of any impacted wetlands, watercourses, or water bodies.

C. Analysis of Material to be Deposited - If any materials are to be deposited at any point within the subject parcel, the report will describe such materials in terms of:

1. Volume, in cubic yards;
2. Nature of materials (i.e., sand, gravel, loam, building materials, etc.);
3. Precise chemical composition of any toxic materials, whether such materials are enclosed in containers of any type, or are deposited openly without containment or any kind;
4. Explanation of how materials will be protected from erosion, leaching, or sediment loss.

D. Watercourse Characteristics - If a proposed activity may affect a watercourse lying within, partly within, or flowing through subject parcel, the report will describe any

anticipated changes in the following:

1. PH (i.e., alkalinity/acidity level);
2. Turbidity or solids in parts per million;
3. Nitrate and phosphate level in parts per million;
4. Dissolved oxygen;
5. Temperature range;
6. Bacteria count in fecal coliforms per milliliter;
7. Test for other chemical constituents as specified by the Agency;
8. Flow, if any, in cubic feet per second.

E. Geologic Information - This may include, but need not be limited to:

1. Outcrops;
2. Depth of bedrock;
3. Bedrock type;
4. Structural characteristics of bedrock;
5. Availability of ground water;
6. Existence and location of aquifers;
7. Overburden types.

F. If the proposed activity may affect a watercourse or wetlands lying within, partly within, or flowing through, or adjacent to the affected property, information relevant to the present character and the projected impact upon the watercourse or wetlands. This may include, but need not be limited to:

1. Extent of drainage areas affected;
2. Low and high flow periods (including mean flow);
3. Proposed discharge;
4. Flooding;
5. Recharge and/or discharge of groundwater;
6. Alteration of flow characteristics;
7. Amounts of expected erosion and sedimentation.

Public inspection; incomplete applications

8.7 All applications shall be open for public inspection.

8.8 Incomplete applications may be denied.

SECTION 9

PUBLIC HEARINGS

When Required

- 9.1 The Agency shall not hold a public hearing on an application unless the Agency determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least (25) twenty-five persons of the age of eighteen and who reside in the Town of Suffield, requesting a hearing is filed with the Agency not later than (14) fourteen days after the date of receipt of such application or the Agency finds that a public hearing regarding such application would be in the public interest. Such hearing shall be held no later than (65) sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any public hearing.

Publication of notice

- 9.2 Notice of the public hearing shall be published at least twice at intervals the first published between 10-15 days before the hearing, and the last not less than (2) 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.

Notice to abutting property owner(s)

- 9.3 Notice of the public hearing shall be mailed by the applicant to the owner(s) of record of abutting land within 100 feet of the property and any other interested party (i.e. property owner's across the street) no less than fifteen days prior to the day of the hearing.

Notice to adjoining municipality(ies)

- 9.4 In the case of any application which is subject to the notification provisions of Subsection 8.3 of these regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality(ies) has received notice of the pendency of the application, with a minimum of 10 days prior to the hearing. Proof of such notification shall be entered into the hearing record.

SECTION 10

Review Process

Considerations for Decision

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

- A. The application and its supporting documentation.
- B. Public comments, evidence and testimony.
- C. Reports from other agencies and commissions including but not limited to the Town of Suffield:
 - Conservation Commission
 - Planning, Zoning, or Planning and Zoning Commissions
 - Building Official
 - Health Officer
- D. The Agency may also consider comments on any application from the Hartford County Soil and Water Conservation District, the Regional Planning Agency or other regional organizations (i.e. Council of Elected Officials); agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
- E. Non-receipt of comments from agencies and commissions listed in Subdivisions 10.1.c and d above within the prescribed time shall neither delay nor prejudice the decision of the Agency.

Criteria for Decision

10.2 In carrying out the purposes and policies of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:

- A. The environmental impact of the proposed regulated activity on wetlands or watercourses including aquatic, plant or animal life and habitats **only** in wetlands or watercourses as supported by expert testimony;
- B. The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses including aquatic, plant or animal life and habitats **only** in wetlands or watercourses as supported by expert testimony;
- C. The relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses including aquatic, plant or animal life and habitats **only** in wetlands or watercourses as supported by expert testimony; and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;

- D. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
- E. The character and degree of injury to, or interference with safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity;
- F. Impacts of the proposed regulated activity on wetlands or watercourses including aquatic, plant or animal life and habitats **only** in wetlands or watercourses as supported by expert testimony; outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses including aquatic, plant or animal life and habitats **only** in wetlands or watercourses as supported by expert testimony; and
- G. The importance of the area to the region with regard to water supply, water purification, flood control, natural habitat, recreation, open space, and size.

10.3 The Agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.

Finding that alternative does not exist

10.4 In the case of an application which received a public hearing pursuant to a finding by the Agency that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Agency finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the Agency shall consider the facts and circumstances set forth in Subsection 10.2 of this section. The finding and the reasons therefore shall be stated on the record in writing.

10.5 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses including aquatic, plant or animal life and habitats **only** in wetlands or watercourses as supported by expert testimony; , the Agency shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.

Decision to be based on record of Public Hearing

- 10.5 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these regulations and sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.

SECTION 11

Decision Process & Permit

Decision of Commission

11.1 The Agency, or its duly authorized agent acting pursuant to Section 12 of these regulations, may, in accordance with Section 10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.

Time limits for hearing decision

11.2 No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing on such application. The hearing shall be completed within forty-five (45) days of its commencement. Action shall be taken on applications within thirty-five days (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such application, provided the total extension of any such period shall not be for longer than 65 days, or the applicant may withdraw such application. The failure of the Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Agency.

Records

11.3 The Agency shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall, as applicable and in accordance with Section 10 of these regulations, incorporate a statement relative to the consideration of feasible and prudent alternatives.

Types of Rulings

11.4 Types of Rulings:

- A. **“Declaratory Ruling”** -If the Agency finds, on the basis of the information before it, that a proposed activity or use does not involve any regulated activity as defined in Section 2.1 of these regulations, it shall vote to approve the application, granting permission to proceed with or without stipulations. This permission shall be subject to limitation or revocation if it

is later shown that a regulated activity or non-permitted use is a consequence of that proposed activity. The Agency shall state in writing its reasons for finding that a proposed activity does not involve a regulated activity.

- B. **“Conceptual Ruling”** - If the Agency finds on the basis of the information before it, that a proposed division of land, which contains regulated area will create a parcel that is compatible with the proposed use and such use will not involve significant impact or major effect on the inland wetland or watercourse, as defined in Section 2.1, it may allow the division or use with or without conditions. A “Conceptual Ruling” does not constitute granting of an inland wetland permit. Any activity other than the division of land must be specifically approved by the Agency in a declaratory, summary or plenary ruling. In order for “ Conceptual Approval” a division of land for a specific use, the Agency shall, after full review of the considerations set forth in Section 10 and other pertinent factors including, but not limited to, those outlined in Section 11, issue an opinion presenting its reason for granting the “Conceptual Ruling” with or without conditions.
- C. **“Summary Ruling”** - If the Agency finds that a proposal in a regulated activity does not involve significant impact or have a major effect on the uplands or major effect on the inland wetland or watercourse as defined in Section 2.1, it may vote to grant the application, permitting the activity with or without conditions after initial review. In order to grant a permit at this stage, the Agency, after full review of the considerations set forth in Section 10 and other pertinent factors, shall issue an opinion presenting its reasons for granting the permit with or without conditions. Such opinion may include discussion of the considerations and criteria in Section 10.
- D. **“Plenary Ruling** - If the Agency finds the activity applied for does or may involve a significant impact or major effect on the inland wetland or watercourse, the Agency shall request information which may include, but is not limited to the following:
1. **Site Plan-** a map of the proposed use and the property which shall be affected, drawn by a licensed surveyor, professional engineer, or professional architect, who must be registered in the State of Connecticut. The map shall be at a scale determined by the Agency. Detailed information to be included on this site plan shall be requested by the Agency according to its evaluation requirements.
 2. **Soil Sample Data-** if the parcel lies within or partly within an area believed to contain poorly drained, very poorly drained, alluvial and/or flood plain soils, the data shall show where each specific soil type is found. Soil types identified must be consistent with the categories established by the National Cooperative Soils Study of the U.S. Soil Conservation Service.
 3. **Biological Evaluation-** if the affected property is believed to include any portion of a swamp, bog, or marsh, the applicant may be required to submit an evaluation of the extent of the presence of plant species commonly associated with those areas. The applicant may also be requested to submit an evaluation of the probable effect of his proposed activity upon those plant species and upon indigenous animal life.

4. Analysis of Material to be Deposited- the applicant may be required to describe any materials to be deposited on the affected property in terms of volume, composition, and the possibility of erosion or leaching from deposited materials.
5. A description of the proposed construction or the erection of structures on the affected property, including blueprints, engineering and architectural plans or designs, where available or reasonably obtainable. Such description should include the purpose of such activity or construction.
6. A list of other property owners whose rights or interests may be or will be affected by the proposed activity, including but not limited to all abutting property owners.
7. Stream Characteristics- if the proposed activity may affect a watercourse lying within, partly within, or flowing through or adjacent to the affected property, the applicant may be required to submit additional information relative to the present character of, and the projected impact of the proposed activity upon the stream.

Notice of decision

- 11.5 The Agency shall notify the applicant and any person entitled to such notice of its decision within fifteen (15) days of the date of the decision and the Agency shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen day period, the applicant may provide for the publication of such notice within ten days thereafter.
- 11.6 If an activity authorized by an inland wetland permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, or variance or special exception, under sections 8-3g, 8-3c, or 8-26 of the Connecticut General Statutes, the Agency shall file a copy of the decision and report on the application with the Town of Suffield Planning, Zoning, or Planning and Zoning Commission within fifteen days of the date of the decision thereon.

Duration of Permit

- 11.7 Any permit issued by the Agency for the development of land for which an approval is required under section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five years provided the Agency may establish a specific time period within which any regulated activity shall be conducted. Permits granted by the Suffield Conservation Commission shall be valid for a period of 40 months.

Transfer of Permit

11.8 No permit issued by the Agency shall be assigned or transferred without the written permission of the Agency.

Bond

11.9 If a bond approved by the Treasurer's office is required in accordance with Section 12 of these regulations, the Agency may withhold issuing the permit until such bond is provided.

Revisions to Plans Post Agency Approval

11.10 If after Agency permit approval, any revision is made or requested by another Town Agency, to the site plan, the applicant shall submit a finalized plan to the Suffield Conservation Commission for a review. If the Agency deems the changes alter the original intent of the approved plan, the Agency may request the applicant to file a new application.

Status Reports on Approved Sites

11.11 The Agency, at its discretion, may request status reports on an approved site. The frequency shall be determined by the agency. This report is to be written by a licensed Professional Engineer and is to detail the status of the activity, compliance to the sedimentation and erosion control plan, and compliance with any regulated activities approved. Failure to submit a status report, if requested, may result in the revocation of the permit.

General Provisions regarding permits

11.11 General provisions in the issuance of all permits:

- A. The Agency has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
- B. All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the Town of Suffield, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity.
- C. If the activity authorized by the Agency's permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under sections 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.
- D. In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

- E. Permits are not transferable without the prior written consent of the Agency.
- F. The permittee shall preserve from injury or defacement all vegetation designated to be left in specific areas as shown on the approved plan. If the activity authorized by the inland wetlands permit involves revegetation, the permittee is responsible for following plant health care techniques to achieve maximum plant survival. The replanted areas will be inspected regularly by an outside consultant hired by the permittee for a period of up to (2) two years after completion of work. The consultant shall submit a written report to the Commission summarizing each inspection and the permittee will be required to replace any damaged existing plants designated to be preserved and any revegetation which has not survived. A bond may be required to assure that the requirements of this section are fulfilled.

SECTION 12

Bond, Insurance or Letter of Credit

Bond

- 12.1 Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Agency, be required to file a bond with such surety in such amount and in a form approved by the Agency.
- 12.2 The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.

Letter of Credit

- 12.3 The applicant may be required to file a letter of credit approved by the Town of Suffield's Treasurer's Office, in an amount to be determined by the Agency commensurate with the regulated activity for any damage which might occur during the proposed operation or use of a wetland.

SECTION 13

Enforcement

Agent of Commission

13.1 The Agency may appoint an agent or agents to act in its behalf with the authority to inspect property, except a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this section, the Agency or its duly authorized agent shall take into consideration the criteria for decision under Section 10.2 of these regulations.

Inspections

13.2 The Agency or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations. If the Suffield Conservation Consultant is required to perform more than the allocated 3 (three) inspections per quarter, the agency may require an additional fee for each additional inspection.

Cease and Desist orders; suspension or revocation or permit; notice of violation

- 13.3 If the Agency or its designated agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Agency or its duly authorized agent may:
- A. issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Agency affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to section 22a-44(b) of the Connecticut General Statutes, as amended.
 - B. suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Agency shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Agency shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The

permittee shall be notified of the Agency' decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.

- C. issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Agency, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in subsection 13.3a or other enforcement proceedings as provided by law.

SECTION 14

Amendments

Effect on existing applications

- 14.1 These regulations and the Inland Wetlands and Watercourses Map for the Town of Suffield may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- 14.2 An application filed with the Agency which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.

Procedure

- 14.3 These regulations and the Town of Suffield Inland Wetlands and Watercourses Map shall be amended in the manner specified in section 22a-42a of the Connecticut General Statutes, as amended. The Agency shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five days before the public hearing on their adoption.

(Note: Application fee schedules shall be adopted as Agency regulations or as otherwise provided by town ordinance.)

Amendments

- 14.4 Petitions requesting changes or amendments to the Inland Wetlands and Watercourses Map, Suffield, Connecticut, shall contain at least the following information:
- A. The petitioner's name, mailing address and telephone number; the address, or location, of the land affected by the petition;
 - B. The owner's name (if not the petitioner), address, telephone number, and a written consent to the proposed action set forth in the application;
 - C. The petitioner's interest in the land affected by the petition;
 - D. Map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations;
 - E. The reason for the requested action.

- F. The names and addresses of adjacent property owners;
- G. A map showing proposed development of the property; and
- H. A map showing adjacent wetland boundaries.

Documentation of soil type

- 14.5 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, Suffield, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Agency. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in Subsection 15.4, the petition shall include:
- A. The name, mailing address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
 - B. The names and mailing addresses of the owners of abutting land;
 - C. Documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
 - D. Map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.

Delineation of watercourses

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

Public Hearing

- 14.7 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality at least twice at intervals of not less than two days, the first not more than fifteen days nor less than ten days, and the last not less than two days, before such hearing. A copy of such proposed boundary change shall be filed in the office of the town clerk for public inspection at least ten days before such hearing.

Time limits for hearing and action

14.8 Within sixty-five (65) days after receipt of a petition for a change in the mapped boundaries of any wetland or watercourse, the Agency shall hold a public hearing to consider the petition. The Agency must complete the public hearing within thirty-five days (35). The Agency shall act upon the changes requested in such petition within sixty (60) days after the close of the hearing. The petitioner may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such petition, provided the total extension of any such period shall not be for longer than sixty-five (65) days, or may withdraw such petition. The failure of the Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition.

Decision

14.9 The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands Watercourses Map was made.

SECTION 15

Appeals

Procedure

- 15.1 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.

Notice

- 15.2 Notice of such appeal shall be served upon the Agency and the Commissioner of Environmental Protection.

SECTION 16

Conflicts and Severance

Conflict between provisions; severability

- 16.1 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.
- 16.2 If there is a conflict between the provisions of these regulations and the provisions of the Act, the provisions of the Act shall govern.

SECTION 17

Other Permits

- 17.1 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 Suffield, the State of Connecticut or the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

SECTION 18

Effective Date of Regulations

- 18.1 These regulations including the Inland Wetlands and Watercourses Map, application forms, fee schedule, and amendments thereto, shall become effective upon filing in the Office of the Town Clerk and publication of a notice of such action in a newspaper having general circulation in the Town of Suffield.

SECTION 19

Fee Schedule

Method of Payment

- 19.1 All fees required by these regulations shall be submitted to the Agency by check, cash, or money order payable to the Town of Suffield at the time the applicant is made.
- 19.2 No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Agency pursuant to Subsection 19.7 of these regulations.
- 19.3 The application fee is not refundable.

Definitions

19.4 As used in this section:

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

“**Commercial uses**” means activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.

“**Other uses**” means activities other than residential uses or commercial uses.

Fee Schedule

19.5 Application fees shall be based on the following schedule:

<u>ACTIVITY</u>	<u>FEE</u>	<u>APPLIED</u>
STATE FEE	\$30.00	_____
REGULATED ACTIVITY (SEC. 6)		
RESIDENTIAL USE (BASIC FEE)	\$75.00/ LOT	_____
PLUS SCHEDULE A FEE		
SQ. FT. REGULATED AREA = _____		
a. LESS THAN 2,500	\$20.00/1,000 SF	_____
b. 2,500 TO 50,000	\$14.00/1,000 SF	_____
c. MORE THAN 50,000	\$10.00/1,000 SF	_____
PLUS DETENTION/RETENTION BASIN	\$250.00/EACH	_____
COMMERCIAL USE (BASIC FEE)	\$150.00	_____

PLUS SCHEDULE A FEE		
SQ. FT. REGULATED AREA = _____		
a. LESS THAN 2,500	\$20.00/1,000 SF	_____
b. 2,500 TO 50,000	\$14.00/1,000 SF	_____
c. MORE THAN 50,000	\$10.00/1,000 SF	_____
PLUS DETENTION/RETENTION BASIN	\$250.00/EACH	_____
ALL OTHER USES	\$50.00	_____
PERMITTED USES AS OF RIGHT (SEC. 4.1)	NO CHARGE	_____
NONREGULATED USES (SEC. 4.2)	\$40.00	_____
SIGNIFICANT ACTIVITY FEE (SEC. 7.5)	\$200.00	_____
MAP AMENDMENT PETITIONS (SEC. 14.3)	\$300.00	_____
PLUS SCHEDULE B FEE		
LIN. FT. REGULATED AREA = _____		
a. LESS THAN 500	\$25.00/100 LIN. FT.	_____
b. 500 TO 1,000	\$15.00/100 LIN. FT.	_____
c. MORE THAN 1,000	\$10.00/100 LIN. FT	_____
MODIFICATIONS TO PREVIOUS APPROVAL		
RESIDENTIAL	\$30.00/LOT	_____
PLUS SCHEDULE A OR B		_____
DRAINAGE BASIN REVIEWS	\$250.00/EACH	_____
MULTI FAMILY USES (3 OR MORE UNITS/LOT)	\$200.00 + \$40.00 UNIT	_____
APPLICATION FOR EXTENSION OF TIME	\$100.00	_____
COMMERCIAL/INDUSTRIAL MODIFICATIONS	\$100.00	_____
PLUS SCHEDULE A OR B		_____
DRAINAGE BASIN REVIEWS	\$250.00/EACH	_____
TOTAL:		\$ _____

Exemption

19.6 Boards, commissions, councils and departments of the Town of Suffield are exempt from all fee requirements.

Waiver

19.7 . The applicant may petition the Agency to waive, reduce or allow delayed payment

of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this subsection. The Agency may waive all or part of the application fee if the Agency determines that:

- A. The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
- B. The amount of the application fee is clearly excessive in relation to the cost of the Town for reviewing and processing the application.
- C. The Agency shall state upon its record the basis for all actions under this subsection.

Financing of special Study

- 19.8 Certain applications for extraordinarily large and/or significant projects pose environmental impacts or problems beyond the expertise of the Suffield Conservation Commission and its consultant to evaluate and make appropriate recommendations. In such instances, if the Commission, after reviewing the matter with its staff, reasonably concludes that an outside, independent study of consultation is necessary for the Commission to decide the issue before it, the Commission may require an applicant, as a condition of processing its application, to pay for the cost of such study or consultation. In such cases, the applicant will be required to place a sum of not to exceed \$10,000.00 into a fee account, the balance of which will be returned to them after the study and/or consultation is completed.

SECTION 20

Application