# *TOWN OF EAST HADDAM*

# *INLAND WETLANDS AND WATERCOURSES*

# *REGULATIONS*

## *2026 PROPOSED AMENDMENTS*

## *PUBLIC HEARING ON*

## *NOVEMBER 17, 2026*

## *Additions in bold and italics*

## **Deletions in [brackets]**

## *EFFECTIVE DATE – TBD*

# TOWN OF EAST HADDAM
# INLAND WETLANDS AND WATERCOURSES REGULATIONS
# Effective Date –

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# Section 1
# Title and Authority

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

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

1.3 The Inland Wetlands and Watercourses Commission of the Town of East Haddam was established in accordance with an ordinance adopted October 17, 1974 and shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of East Haddam.

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

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

## Section 2
## Definitions

2.1 As used in these regulations:

***"Abutting landowner" means the owner of record of any property adjacent to the subject property including properties across a street or other right-of-way.***

"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 East Haddam Inland Wetlands and Watercourses Commission of the Town of East Haddam.

"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 or substantially all trees equal to or greater than two-inch diameter at breast height.

"Commissioner of Environmental Protection" means the Commissioner of the State of Connecticut Department of ***Energy and*** Environmental Protection ***(CT DEEP)***.

“Commission” means the Inland Wetlands and Watercourses Commission of the Town of East Haddam

"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 East Haddam Inland Wetlands and Watercourses 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 wetland or watercourse" means to alter the inland wetlands and watercourses by reason of removal or deposition of material, clearing the land, altering or obstructing water flow, or pollution.

***“Designated Agent” means an individual(s) designated by the Commission to carry out its functions and purposes.***

***"Erosion" means detachment and transportation of soil resulting from the action of water or wind.***

***"Erosion Control Measure" means defined procedures intended for controlling the detachment of soil, the movement of water and/or the deposition of sediment.***

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

"Farm" means property classified as "Farm Land" by the Assessor of the Town of East Haddam pursuant to Connecticut General Statutes Section 12-107c, (also known as Public Act 490), as amended.

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

"Farm Pond" means a pond that is accessory to a Farm. A Farm Pond shall be defined as the minimum size and number of impoundment(s) of three acres or less, which is, or are reasonably required for the watering of livestock, the irrigation of crops, or other agricultural activities currently taking place on the subject property, as opposed to merely contemplated. This definition shall be construed so as to exclude from the meaning of "Farm Pond" impoundments which are essentially ornamental, or which are of such size, number, character, or location that their primary function is not the support of commercial agricultural operations.

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

"First order stream" is a stream so small that it does not have any mappable tributaries.

"Habitats" mean areas or environments in which an organism or biological population normally lives or occurs.

"Hydrophytic vegetation" perennial vascular aquatic plant having it's over wintering buds underwater.

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

***"Landowner" means a person with an ownership interest in the land.***

"Lateral distance": means the distance from one point to another measured on a horizontal plane.

“License” means the whole or any part of any permit, certification, or approval or similar form of permission that may be required of any person by the provisions of by the provision of Sections 22a-36 to 22a-45 inclusive.

"Management practice and Best Management Practices (BMP)" 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 aquitic 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 East Haddam.

"Nurseries" means land used for propagating trees, shrubs or other plants for transplanting, sale, or experimentation.

***“Perennial Stream” means a stream that has running water on a year-round basis under normal climatic conditions.***

"Permit" means the whole or any part of any license, certificate or approval or similar form of permission that 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, limited liability 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, runoff, 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, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in Section 22a - 40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within 100 feet measured horizontally from the boundary of any wetlands or watercourse is a regulated activity. Any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within 400 feet measured horizontally from the boundary of any vernal pool is also a regulated activity. The Commission may rule that any activity that alters the existing rate, or quality, of any stormwater discharge or sheet flow conveyed to a regulated area, or alters the hydrology or flow dynamics of a regulated area and is likely to impact or affect wetlands or watercourses is a regulated activity.

"Regulated area" means inland wetlands and watercourses as defined by 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.

"Second order stream" means any stream formed by the confluence or joining of two first order streams.

"Significant impact activity" means any activity, including, but not limited to, the following activities that may have a major effect or significant impact.

a. 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.

b. Any activity, which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.

c. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support desirable fisheries, wildlife, or other biological life; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.

d. Any activity that is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.

e. Any activity that causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area.

f. Any activity that is likely to cause or has the potential to cause pollution of a wetland or watercourse.

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

h. The creation of conditions which may adversely affect the health, welfare and safety of the individual or the community, which may be incurred when unsuitable development occurs in swamps, marshes, along watercourses, or in areas subject to flooding.

i. Any activity that places the wetland activity in a Category II (5,000 sq. ft. to 1.0 acre) or Individual Permit (1.0+ acre) type wetland as defined by the Connecticut Programmatic General Permit as amended.

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

***"State" means the State of Connecticut.***

"Swamps" are watercourses with soils that exhibit aquic moisture regimes and are distinguished by the dominance of wet tolerant trees and shrubs.

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

"Town" means Town of East Haddam

"Upland Review Area" means any area one hundred (100) feet (lateral distance) from wetlands or watercourses, or within four hundred (400) feet (lateral distance) from a vernal pool as defined in these regulations, or any activity which alters the natural hydrology of a site thereby impacting a regulated area.

"Vernal Pool" means a seasonal or permanent body of standing water with the following characteristics: 1) occurs within a confined, natural or manmade depression or basin; 2) contains water for at least two consecutive months during the growing season, 3) typically lacks a fish population; and 4) supports or has the capability of supporting populations of vernal pool obligate species. The existence of a vernal pool shall be determined in the accordance with the criteria for identification set forth in the draft Connecticut Department of Environmental Protection, Bureau of Water Management document entitled, "Guidance to Connecticut's Municipal Inland Wetlands and Watercourses Agencies Vernal Pool

Definitions / Indicators". See Appendix B . Note: all potential vernal pools that cannot be properly evaluated for confirmation as vernal pools (for reasons associated with season, etc.) are to be considered to be vernal pools for regulatory purposes, until such time as a proper determination can be made.

"Vernal Pool Obligate Species" means species that can only reproduce successfully in vernal pool habitats, they include those species set forth in Appendix A.

"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 <u>two</u> 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. "Watercourses" include aquatic, plant or animal life and habitats in wetlands or watercourses.

"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 that possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey. "Wetlands" includes aquatic, plant or animal life and habitats in wetlands or watercourses.

* Typical examples of Swamp, Marsh and Bog Species are listed in the booklet titled, "Inland Wetland Plants of Connecticut, Wm. A. Neiring and R.H. Goodwin, for the Connecticut Department of Environmental Protection, May 1973.

## Section 3
## Inventory of Regulated Areas

3.1 The map of regulated areas entitled "Inland Wetlands and Watercourses Map, East Haddam, Connecticut" delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the office of the Town Clerk or the Commission. In all cases, the precise location of regulated areas shall be determined by the actual character of the land and the distribution of wetland soil types and location of watercourses, including vernal pools. The Commission may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.

3.2 Any owner who disputes the designation of any part of his or her land as a regulated area on the Inland Wetlands and Watercourses Map, may petition the Commission to change the designation in accordance with Section 15 of these regulations. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances that support the change. The petitioner shall provide proof that the designation is inapplicable. The Commission may require such an owner to provide an accurate delineation of regulated areas in accordance with Section 15 of these regulations

3.3 The Commission or its designated agent(s) shall maintain a current inventory of inland wetlands and watercourses, including vernal pools, and update the official map delineating said wetlands, and watercourses to be regulated in the Town of East Haddam. The Commission 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 15 of these regulations.

3.4 When wetlands or watercourse boundaries are in dispute as the Official Inland Wetlands and Watercourses Map is being considered and amended, the Commission may temporarily prohibit any person from conducting any activity or maintaining any facility without first obtaining a permit.

## Section 4
## Permitted Uses as of Right & Nonregulated Uses

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

a. grazing, farming, nurseries, gardening, harvesting of crops and farm ponds of three acres or less essential to the farming operation***, and activities conducted by, or under the authority of, the Department of Energy and Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control.***. The provisions of this subdivision shall not be construed to include road construction, or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the **expansion** of agricultural crop land, the mining of top soil, peat, sand, gravel or similar 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 (provided that in any town where there are no zoning regulations establishing minimum residential lot sites, the largest minimum lot site shall be two acres) and containing a residence**.** Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse.

e. construction and operation, by water companies as defined by section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102, of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in sections 22a-401and 22a-403 of the Connecticut General Statutes ; and

f. maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a of the Connecticut General Statutes or July 1, 1974, 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; and

g. Withdrawal of water for fire emergency purposes.

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

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

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

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

4.3 All activities in wetlands or watercourses, or within the upland review area involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Commission in accordance with Section 6 of these regulations, ***or for certain regulated activities located outside of wetlands and watercourses from the duly authorized agent in accordance with Section 12 of these regulations***.

4.4 Declaratory Ruling - To carry out the purposes of this section, any person proposing to carry out a permitted or nonregulated operation or use of a wetland, watercourse, or upland review area that may disturb the natural and indigenous character of the wetland or watercourse shall, prior to commencement of such operation or use, notify the Commission on a form provided by it, and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated

use of the wetland or watercourse. The Commission or its designated agent shall rule that the proposed operation or use is a permitted or a 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, as authorized by the Commission, may make such ruling on behalf of the Commission at any time.

## Section 5
## Activities Regulated Exclusively by the Commissioner of *Energy and* Environmental Protection

5.1 [In addition to any permit or approval required by the Commission 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.]

5.***1*** The Commissioner of ***Energy and*** Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, 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 Statues.

5.***2*** The Commissioner of ***Energy and*** Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.

5.***3*** The Commissioner of ***Energy and*** Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of ***Energy and*** Environmental Protection under section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of 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 ***Energy and*** Environmental Protection shall have exclusive jurisdiction over the discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under section 404 of the Federal Clean Water Act.

## Section 6
## Regulated Activities Requiring a Permit

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 East Haddam.

6.2 The map of regulated areas, entitled, "Official Inland Wetlands and Watercourses Map, East Haddam, Connecticut", shall serve as a guide to the wetlands and watercourses boundaries and shall be considered a part of these regulations, and copies of said map shall be available for inspection in the Office of the Town Clerk. Said map is generated for guidance and can not supercede on site field designation by a certified soil scientist, or in the case of vernal pool identification, a qualified individual.

6.3 The Commission and its agent or any specialists hired by the Commission to evaluate permit applications under these regulations have the right of free access, at reasonable times, to the property under consideration. The property owner may require that such persons have a letter of authorization from the Chairman or Secretary of the Commission prior to permitting such access. (See Section 8.9)

6.4 Changes in regulations, including boundaries, shall be made pursuant to Section 22a-42a(b) of the General Statutes and as described in Section 15 of these regulations.

6.5 No person shall conduct any activity within one hundred (100) feet (lateral distance) of any watercourse or mapped wetland boundary or within four hundred (400) feet (lateral distance), of a vernal pool which activity would constitute a regulated activity if it were conducted within, or involved the use of, a wetland or watercourse, including a vernal pool, without first obtaining a determination from the Inland Wetland and Watercourses Enforcement Officer or the Commission that such activity does not constitute a regulated activity.

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

# Section 7
# Application Requirements

7.1.a The Commission and the application may hold a pre-application meeting to discuss a proposed application. A pre-application meeting is recommended to facilitate the general consideration of factors and problems affecting the land before the application proceeds with an official application and the preparation of the final maps, plans and documents required for formal consideration by the Commission. The purpose of the pre-application meeting is purely to provide preliminary guidance to the applicant, and to identify areas of concern or further study, so as to minimize delay, expense and inconvenience to the public, the applicant, and the Commission upon the receipt, if any, of a formal application. Neither the applicant nor the Commission shall be in any way bound by any statement made during the pre-application meeting, nor shall the statement of any Commission member be deemed to be an indication of prejudgment or prejudice, it being acknowledged by the applicant that the Commission's responses, like the request itself, are preliminary and subject to further change and refinement. There shall be no vote or other formal action at any pre-application meeting, other than (1) referrals to other municipal, State, or Federal agencies for review and comment if deemed advisable by the Commission and (2) whenever possible, a determination as to whether the proposed activity is a significant activity should be made at the pre-application meeting. The Commission should state the reasons why the activity was deemed significant in writing.

7.1.b 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 Commission. The application shall contain the information described in this section and any other information the Commission may reasonably require. Application forms may be obtained in the offices of the East Haddam **[**Town Clerk or the Commission**]** ***Land Use Office***.

7.1.c For any permit involving property subject to a conservation restriction or preservation restriction, the following shall apply:

7.1.c.1 for purposes of this section, "conservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.

7.1.c.2 for purposes of this section, "preservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.

7.1.c.3 no person shall file a permit application, other than for interior work in an existing building or for exterior work on an existing building that does not expand or alter the footprint of

[an]such existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, including, but not limited to, any state agency that holds such restriction, not later than sixty days prior to the filing of the permit application.

7.1.c.4 in lieu of such notice pursuant to subsection 7.1.c.3, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.

7.2 If an application to the Town of East Haddam Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland, watercourse, or regulated area, the applicant shall, in accordance with Section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Commission in accordance with this section, no later than the day the application is filed with such planning, zoning, or planning and zoning commission.

7.3 The application shall contain such information as is necessary for a fair and informed determination thereon by the Commission.

7.4 A prospective applicant may request the Commission to determine whether or not a proposed activity involves a significant impact activity.

7.5. The information required by the Commission shall be furnished in sufficient Copies to permit the Commission to carry out its duties under these regulations. At least ten (10) copies of a subdivision map and/or site plan map must be submitted for a final review of an application proposal, unless submission of fewer copies is approved by the Inland/Wetlands and Watercourses Commission Enforcement Officer. Also, the Commission may request that all proposed roadway centerlines, wetland borders, watercourses including vernal pool borders, location of all drainage facilities, septic area test pits, and proposed house sites be staked in the field by the developer's engineer or surveyor to permit the Commission to view the proposed locations. The centerline shall be staked every one hundred (100) feet and the stakes shall show the roadway stations**.** The Commission may require that any documents submitted in accordance with these Regulations shall be provided in a specified digital format.

7.6. The Commission may require submission of the complete application ten (10) days prior to its regular meeting in order for the application to be included on the agenda and allow time for field inspection by the Commission, weather and time permitting.

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

a. the applicant's name, home and business mailing addresses, email address, and telephone numbers; if the applicant is a Limited Liability Corporation or a Corporation the managing member's or responsible corporate officer's name, address, email address, and telephone number;

b. the owner's name, mailing address and telephone number and written consent of the land owner if the applicant is not the owner of the land upon which the subject activity is proposed;

c. the applicant's interest in the land;

d. the geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetlands or watercourses to be disturbed, soil type(s), and wetland vegetation;

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

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

g. site plans showing the existing condition and the proposed activity in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses;

h. 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 attainable. Such descriptions shall include the purposes of such construction or activity.

i. names and mailing addresses of adjacent landowners within 100 feet of all property lines.

j. 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. All information submitted in the application shall be considered factual, or in the case of anticipated activity, binding. A knowing failure on the part of the applicant or any of his agents to provide correct information or performance exceeding the levels of anticipated activity shall be sufficient grounds for the revocation of any permit issued under these regulations and/or for penalties to be imposed;

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

l. a completed ***CT DEEP*** reporting form; the Commission 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;

m. any other information the Commission deems necessary to the understanding of what the applicant is proposing; and

n. submission of the appropriate filing fee based on the fee schedule established in the Town of East Haddam Ordinance Book and listed in Appendix F of these regulations;

o. For subdivision and resubdivision applications, the applicant shall submit an application that includes all of the criteria for a complete Planning and Zoning application, including the mapping and narrative in the Four Step Process to create a Subdivision required in Section 3 of the East Haddam Subdivision Regulations.

p. For applications that include activities involving stream crossings, the applicant shall incorporate, to the maximum feasible extent, standards and practices recommended in the Connecticut Stream Crossing Guidelines as published by the Connecticut Department of ***Energy and*** Environmental Protection and the Massachusetts River and Stream Crossing Standards: Technical Guidelines as published by the Massachusetts Department of Environmental Protection. Copies are available in the Land Use Office or can be found the Connecticut ***Department of Energy and Environmental Protection*** and Massachusetts Department of Environmental Protection web sites.

q. For applications that contain over five thousand square feet of disturbance, the applicant's design engineer shall design the plans so as to conform, to maximum feasible extent, to the Connecticut Stormwater Quality Manual as amended and published by the Connecticut Department of ***Energy and*** Environmental Protection. All stormwater management plans shall include measures to capture and treat stormwater runoff in accordance with the guidelines outlined in the most recent version of the CT Connecticut Stormwater Quality Manual and to incorporate low impact development design elements to the extent that is practical. No application involving any site development plan will be approved by the Commission unless it includes a stormwater management plan detailing how the stormwater runoff and associated water quality impacts resulting from the development will be controlled and managed during and after construction. The plan must be prepared by an appropriate design professional. The Commission may impose additional requirements deemed reasonable and necessary to control the volume, timing, rate, and/or quality of run-off if the hydrologic, geologic, topographic, or land use conditions warrant greater control than provided by the applicant. Further the

Commission may restrict the use of certain Best Management Practices, and may require pretreatment to exceed the minimum standards established in the most recent version of the CT Stormwater Quality Manual.

7.8 Summary Ruling: If the Commission finds that a proposed activity is a regulated activity not involving significant impact or major effect on the inland wetlands or watercourse, as defined in Section 2 of these regulations, it may allow the activity with or without conditions after initial review. In order to grant a permit at this stage, the Commission (after full review of the considerations set forth in Section 7 and 1.5 of these regulations and other pertinent factors) shall issue an opinion presenting the reasons for granting the permit with or without conditions.

7.9 Plenary Ruling If the proposed activity does or may involves a significant impact activity on the inland wetlands, or watercourses, including vernal pools, as determined by the Commission additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required:

a. site plans for the existing conditions and the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, including vernal pools, 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 regulated area and upland review area 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 and watercourses, including vernal pools, shall be delineated in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans;

d. a description of the ecological communities (wildlife, fisheries, invertebrate and plant species inventories) and functions of the wetlands, watercourses, and upland review areas 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, watercourses, or upland review areas involved in the application and each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent;

f. analysis of chemical or physical characteristics of any fill material; and

g. management practices and other measures designed to mitigate the impact of the proposed activity.

h. if an area exists that does or may have vernal pool characteristics, a Vernal Pool Inventory and Impact Worksheets shall be submitted. (See Appendix C & D).

7.10 The applicant shall certify whether:

a. any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality,

b. traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site,

c. sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or,

d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

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

a. the application may incorporate the documentation and record of the prior application.

b. the application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit.

c. the application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit.

d. the application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued.

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

7.12 Any application to renew a permit shall be granted upon request of the permit

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

# Section 8
# Application Procedures

8.1 All applications, petitions, request, or appeals shall be submitted to the Inland Wetlands and Watercourses Commission of the Town of East Haddam.

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 another municipality, 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 Commission shall, in accordance with Connecticut General Statutes Section 8-7d(f) and 22a-42b, notify the Clerk of any adjoining municipality of the pendency of any application, petition, appeal, request, or plan concerning any project on any site in which

a. any portion of the property 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,

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, petition, appeal, request, or plan.

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 Commission.

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

8.6 At any time during the review period, the applicant shall provide such additional information as the Commission may reasonably require. Requests for such additional information shall not stay the time limitations set forth in subsection 11.2 of these regulations.

8.7 All applications shall be open for public inspection.

8.8 It is the burden of the applicant to submit a complete application, and to demonstrate compliance with all criteria and requirement of the Regulations and, accordingly, the applicant may submit such additional reports or information as may be required to satisfy that burden. Any application found to be incomplete may be denied without prejudice to a future complete application.

8.9 The filling of an application with the Commission shall be deemed to constitute permission by the applicant for the Commission or its agents to enter onto the subject property for the purpose of inspections and tests, and, if the Commission designates a formal site walk during the public hearing process, such permission shall allow the general public, in company with the Commission only, to inspect such property. The property owner shall be sent notification prior to any scheduled field walk of the Commission.

## Section 9
## Public Hearings

9.1 The Commission shall not hold a public hearing on an application unless the Commission determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the Commission not later than fourteen days after the date of receipt of such application or the Commission finds that a public hearing regarding such application would be in the public interest. The Commission may issue a permit without a public hearing provided no petition provided for in this section is filed with the 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 as in accordance with the provisions of Section 8-7d of the Connecticut General Statutes. 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.

9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.

9.3 Notice of the public hearing shall be mailed to the owner(s) of record of abutting land within 100 feet of the property no less than fourteen days prior to the day of the hearing. Mailings shall be sent by **[**certified mail**]** ***certificate of mailing***, **[** return receipt required by the applicant.**]**

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. Proof of such notification shall be entered into the hearing record.

# Section 10
# Considerations for Decision

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

a. the application and its supporting documentation;

b. public comments, evidence and testimony;

c. reports from other agencies and commissions including but not limited to the Town of East Haddam:

1. Conservation Commission
2. Planning and Zoning Commission
3. Building Official
4. Chatham Health District

Other staff, consultants**,** and agencies hired by the Town of East Haddam

d. The Commission may also consider comments on any application from the Connecticut River Coastal Conservation District, the **[**Midstate**]** ***Lower Connecticut River Valley*** 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. For applications that include activities involving stream crossings, the Commission shall apply the standards and practices recommended in the Connecticut Stream Crossing Guidelines as published by the Connecticut Department of Environmental Protection and the Massachusetts River and Stream Crossing Standards: Technical Guidelines as published by the Massachusetts Department of Environmental Protection as guidance documents in best management practices for stream crossings. Copies are available in the Land Use Office or can be found the Connecticut and Massachusetts Department of Environmental Protection web sites.

f. 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.

10.2 Criteria for Decision. In carrying out the purposes and policies of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances as they affect inland wetlands and watercourses (including vernal pools), including but not limited to:

a. The environmental impact of the proposed regulated activity on wetlands or watercourses;

b. The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;

c. The relationship between the short term and long-term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;

d The 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 on the aquatic, plant or animal life and in habitats in wetlands or watercourses, proved that the Commission shall not deny or condition an application for a regulated activity in area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plants, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses;

g. impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses;

h. the suitability of such action for the area for which it is proposed. This requires the Commission to balance the need for economic growth of the Town and the use of its land, with the need to protect its environment for the people of the Town and for the benefit of generations yet unborn;

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

10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact

on wetlands or watercourses, the Commission shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.

10.5 In reaching its decision on any application after a public hearing, the Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be 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.

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

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

10.8 In the case of an application where the applicant has provided written notice pursuant to subsection7.1.c.3 of these regulations, the holder of the restriction may provide proof to the inland wetlands agency that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the inland wetlands agency shall not grant the permit approval.

10.9 In the case of an application where the applicant fails to comply with the provisions of subsections 7.1.c.3 or 7.1.c.4 of these regulations, (1) the party holding the conservation or preservation restriction, other than a state agency that holds such restriction, may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction [.]; or (2) the state agency that holds such restriction may, not later than thirty days after receipt of actual notice of permit approval, file an appeal with the inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency shall immediately reverse such permit approval if the commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction.

10.10 Nothing in subsections 7.1.c.3 or 7.1c.4 of these regulations shall be construed to prohibit the filing of a permit application or to require such written notice when the activity that is the subject of such permit application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction.

# Section 11
# Decision Process and Permit

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

11.2 No later than sixty-five (65) days after receipt of an application, the Commission may hold a public hearing on such application. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within sixty-five (65) 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 a total of sixty-five (65) days, or may withdraw such application. The failure of the Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Commission.

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

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

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

11.6 ***Any permit issued by the Commission for the development of land for which an approval is required under Section 8-3, 8-25, or 8-26 of the Connecticut General Statutes shall be valid for five years provided the Commission may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Commission for any other activity shall be valid for not less than two years and not more than five years.***

**[**Any permit issued by the Commission **[**prior to July 1, 2006 or after July 1, 2009**]** for the development of land for which an approval is required under section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five years provided the Commission may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Commission for any other activity shall be valid for not less than two years and not more than five years. Any permit issued by the Commission prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine years after the date of such approval.**]**

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

11.8 If a bond or insurance is required in accordance with Section 13 of these Regulations, the Agency may withhold issuing the permit until such bond or insurance is provided.

11.9 General provisions in the issuance of all permits:

a. the Commission has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.

b. All permits issued by the Commission are subject to and do not derogate any present or future rights or powers of the Commission or the Town of East Haddam , and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity.

c. if the activity authorized by the Commission's permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under sections 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.

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

## Section 12
## Action by Duly Authorized Agent

12 .1 The Commission may delegate to its duly authorized agent the authority to approve or extend a licensed activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of ***Energy and*** Environmental Protection pursuant to section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Commission and shall contain the information listed under Section 7.5 of these regulations and any other information the Commission may reasonably require. At the time of filing such request, the applicant shall be responsible for notification of the property owners within one hundred feet of the subject property lines as per the Town notice ordinance.

12.2 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.

12.3 Any person receiving such approval from such agent shall, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Commission within fifteen days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such Commission or its agent of such appeal. Any person may appear and be heard at the meeting held by the Commission to consider the subject appeal. The Commission shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these regulations.

## Section 13
## Bond and Insurance

13.1 Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Commission, be required to file a bond with such surety in such amount and in a form approved by the Commission.

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

13.3 The applicant may be required to certify public liability insurance against liability which might result from proposed operation or use covering any and all damage which might occur within two (2) years of completion of such operations, in an amount to be determined by the Commission commensurate with the projected operation.

# Section 14
# Enforcement

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

14.2 The Commission or its agent may make regular inspections, at reasonable hours, during the life of the permit, of all regulated activities for which permits have been issued under these regulations. The consent form for such inspections is part of the permit application.

14.3 If the Commission or its designated agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Commission or its duly authorized agent may:

a. Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition.

b. Within ten (10) calendar days of the issuance of such order the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to section 22a44(b) of the Connecticut General Statutes, as amended.

c. Suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Commission shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct that warrants the intended action. The Commission shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The

Commission shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.

d. Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Commission and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in subdivision 14.3.a or other enforcement proceedings as provided by law.

# Section 15
# Amendments

15.1 These regulations and the Inland Wetlands and Watercourses Map for the Town of East Haddam 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, hydrology or obligate botanical species peculiar to inland wetlands and watercourses, including vernal pools, becomes available.

15.2 An application filed with the Commission which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Commission with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.

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

15.4 Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, East Haddam, Connecticut", shall contain at least the following information:

a. the petitioner's name, mailing address, email address, and telephone number;

b. the address, or location, of the land affected by the petition,

c. the petitioner's interest in the land affected by the petition

d. map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries, including vernal pools, on such land in accurate detail together with the documentation supporting such proposed boundary locations; and

e. the reasons for the requested action.

15.5 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, East Haddam, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Commission. If such person is the owner, developer or contract purchaser of the land that 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, email 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 map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.

15.6 The Inland Wetlands soils and Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.

15.7 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having 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.

15.8 The Commission shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five (35) days after commencement. The Agency shall act upon the changes requested in such petition within sixty-five (65) days after completion of the hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five days (65) days or may withdraw such petition. Failure of the agency to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.

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

15.10 These regulations shall become effective upon filing in the Office of the Town Clerk of East Haddam, Connecticut, and publications of legal notice of promulgation in a newspaper having general circulation in the Town.

15.11 All regulations, including regulated area boundary maps, promulgated or amended by the Commission, pursuant to the Act, shall be submitted to the Commissioner of the Department of Environmental Protection not later than ten (10) days after their adoption.

**Below is not part of the CT DEEP Model - Delete**

[15.12.a In the event that the Commissioner shall find any part of the Commission's regulation not in conformity, the Commissioner shall issue a notice of nonconformance that shall include:

i. the reasons for holding any part to be nonconforming;

ii. the section or sections whose operation and effect shall be suspended until they shall be amended and resubmitted;

iii. the extent to which the Commissioner shall exercise jurisdiction over the municipal wetlands watercourses, for their protection, in the interval between the issuance of a notice of nonconformance and the resubmission of amended regulations, including boundary maps.

15.12b The Commission shall, pursuant to the provisions for adopting and amending Regulations contained in the Act, initiate proceedings to amend such nonconforming regulations within twenty (20) days of the receipt of a notice of nonconformance.

15.12c Upon disapproval of any regulations, the Commissioner shall assume jurisdiction over those portions of the regulations as may be necessary to assure continuity of the wetland and watercourse regulation in the Town. This jurisdiction shall cease upon approval of the regulations by the Commissioner.

15.12d Failure of the Commissioner to issue a notice of nonconformance within sixty (60) days of the receipt of such regulations, maps, or amendments shall be taken as approval of such regulations.

15.12e If municipal regulations were not submitted to and granted approval by the Commissioner in a preliminary form prior to adoption, they shall not become effective until granted final written approval by the Commissioner.

15.13 All enforcement activities undertaken by the Town and all appeals which pertain to the wetlands and watercourses of the State shall be reported, on a form supplied by the Commissioner within fifteen (15) days of the commencement of such action.]

## Section 16
## Appeals

16.1 Appeal on actions of the Commission shall be made in accordance with the provisions of section 22a-43 of the Connecticut General Statutes, as amended.

16.2 Notice of such appeal shall be served upon the Commission and the Commissioner of Environmental Protection.

16.3 If upon appeal pursuant to Section 16.1 of these regulations, the court finds that the action appealed from constitutes the equivalent of taking without compensation, it shall set aside the action, or it may modify the action so that it does not constitute a taking. In both instances the court shall remand the order to the Commission for action not inconsistent with its decision

## 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.

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

## Section 18
## Other Permits

18.1 Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of East Haddam, the State of Connecticut or the Government of the United States including any approval(s) required by the Connecticut Department of ***Energy and*** Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses are the sole responsibility of the applicant.

18.2 No person shall conduct any regulated activity within an inland wetland or watercourse, including vernal pool, nor within one hundred (100') feet (lateral distance) of the mapped boundary of a wetland or watercourses or within four hundred (400) feet (lateral distance) of a vernal pool thereof, in accordance with Section 5.5 hereinabove, if such regulated activity requires zoning or subdivision approval, without first having obtained a valid certificate of zoning or subdivision approval, special exception, site plan approval, certificate of zoning compliance, variance, or other documentation required by the East Haddam Zoning or Subdivision Regulations establishing that the proposal complies with the said Zoning or Subdivision Regulations.

# Section 19
# Application Fees

19.1 Method of Payment. All fees required by these regulations shall be submitted to the Commission by certified check or money order payable to the Town of East Haddam at the time the application is filed with the Agency.

19.2 No application shall be accepted 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 except under the conditions of 19.2 and 19.7.

19.4 Definitions. 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.

19.5 Fee Schedule. Fees are to be set by Town meeting as required by Town ordinance. See Appendix E

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

19.7 Waiver. 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 Commission should consider in its determination under this subsection. The Commission may waive all or part of the application fee if the Commission determines that:

a. The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or

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

The Commission shall state upon its record the basis for all actions under this subsection.

## Section 20
## Records Retention and Disposition

The Commission and the Town Clerk for the Town of East Haddam shall retain complete administrative records of Agency actions and dispose of such records in accordance with the retention/disposition schedules set for in subsection 20.2.

The public records administrator of the Connecticut State Library established the following new records retention/disposition schedules for municipal Inland Wetlands Agencies effective February 2005:

| RECORD TITLE | MINIMUM RETENTION REQUIRED IN AGENCY | TOWN CLERK |
|---|---|---|
| Applications (inc. supporting materials) | 10 years | - |
| Decision Letters | 10 years | Permanent |
| Approved Site Plans | 10 years | - |
| Legal Notices | 1 year | Permanent |
| Staff and Public Written Testimony (hearing records) | 10 years | - |
| Minutes of Meetings & Public Hearings | | Permanent |
| Tapes, Audio-Inland Wetland Matters | 1 year unless under appeal | - |
| Notices of Violation & Orders | 10 years | - |
| Text of Changes Adopted In Regulations | Continuous Update/ Permanent | - |
| General Correspondence Issued or Received | 5 years | - |

# Section 21
# Effective Date of Regulations

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 East Haddam.

Effective date:

Revised May 2017 -

Revised April 20, 2011 – incorporate State statute changes from 2004 to 2010 and included stream crossing guidelines.

Revised October 1, 2004 Amendments pertaining to the passage of Public Act 03-177 and Public Act 03-276 of CGS 22a-42a and the fee ordinance.

Revised - October 6, 2003.

## Appendix A - Obligate Vernal Pool Species

**1. Vertebrates**

a) Spotted salamander *(Ambystoma maculatum)*

b) Jefferson salamander *(Ambystoma jeffersonianum x laterale hybrid)*

c) Marbled salamander *(Ambystoma opacum)*

d) Wood frog *(Rana sylvatica)*

e) Eastern Spadefoot Toad *(Scaphiopus h. holbrookii)*

**2. Invertebrates**

a) Fairy Shrimp *(Anostraca sp.)*

## Appendix B - Criteria for Vernal Pool Identification [1]

### Bureau of Water Management
### Connecticut Department of Environmental Protection

### GUIDE TO CONNECTICUT'S MUNICIPAL INLAND WETLANDS AND WATERCOURSES AGENCIES

VERNAL POOL DEFINITION / INDICATORS

"Vernal Pool"[1] means a seasonal or permanent[2] watercourse[3] in a defined depression or basin[4], that lacks a fish population[5] and supports or is capable of supporting[6] breeding and development[7] of amphibian or invertebrate species recognized as obligate to such watercourses.

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[1] Because the term "vernal pool" is not entirely accurate, some have proposed the use of such terms such as "intermittent waterbody," ephermeral Pool," or "temporary pool" to describe this landscape feature. The term "vernal pool" is used here because "vernal" means "pertaining to spring" and it is in the spring that many of the ecologically significant activities take place in vernal pools.

[2] Most vernal pools are seasonal, drying out during the hotter summer months, but some have been found that remain filled with water all year round, or for a set of particularly wet years.

[3] The term, "watercourse" is used here as it is defined in the Connecticut Inland Wetlands and Watercourses Act (CGS 22a-38) as "…rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent…"

[4] Some vernal pool definitions further describe "depression" and "basin" as being "small" as most of the isolated woodland vernal pools are (usually less than 100 feet in diameter). The word "small" was excluded here because using this descriptor alone is too vague and including a minimum size may exclude valuable vernal pool habitats found within larger waterbodies. Additionally, a minimum time period for the presence of ponding was not included in this definition due to the difficulty in proving this requirement for regulatory purposes. It is assumed that if there is sufficient development of obligate species then the required inundation of water has occurred. Hydrologic indicators listed in the "indirect indicators" section can also be used to judge period of inundation based on indicated depths.

[5] "Population" here is to mean a self-sustaining number of native fish.

[6] The need to include the phrase"…capable of supporting…" reflects the highly variable nature of vernal pools. A limited sampling of vernal pool hydrologic and biological characteristics may not reveal its "true identity" as a vernal pool due to its seasonal variability, short-term climatic variations, or natural population cycles. For example, it has been observed that particular vernal pools may support viable populations only periodically in a given set of years due to natural population dynamics. This capability would have to be determined through professional judgment.

[7] This definition necessitates that the obligate species reach a development stage more advanced than simply successful breeding (i.e. egg laying). This includes reaching the tadpole, larval stage, or the more advanced juvenile stages of their lifecycle. Using the word "development" serves to preclude those situations where prolific and successful breeding takes place in less than ideal habitat (i.e. puddles, ruts, the "root ball" and depressions of toppled trees) wherein the eggs soon perish due to insufficient hydrology, predation, temperature, or other environmental parameters. However, as mentioned above, in very dry years even "true" vernal pools may become dry before amphibian development is completed.

A. **Direct Indicators:** The species listed under categories 1 and 2 require vernal pools for successful reproduction. They are recognized as obligate vernal pool species. They serve as direct indicators for the existence of a vernal pool ecosystem. Documentation of vernal pool utilization by these species is the most reliable method of identifying vernal pool ecosystems.
Either one of the following categories will confirm the existence of a vernal pool ecosystem:

Category I - Vertebrates

Existence of a seasonal or permanent watercourse in a defined depression or basin that lacks a fish population, and shows evidence of breeding and/or development[8] by any of the following obligate vernal pool breeding species:

a. Spotted salamander *(Ambystoma maculatum)*
b. Jefferson salamander complex *(Ambystoma Jeffersonianum x laterale hybrid[9])*
c. Marbled salamander *(Ambystoma opacum)*
d. Wood frog *(Rana sylvatica)*

As required by this method of identification, evidence of breeding and/or development for these obligate species include one or more of the following:

BREEDING

1. Presence of breeding adults
   a. Wood frog - breeding chorus and/or mated pairs
   b. Obligate salamander - courting individuals and/or spermatophores
2. Two or more egg masses of any of the above-named species

DEVELOPMENT

3. Presence of tadpoles or larvae of the above species
4. Presence of transforming larvae and/or juveniles
   a. Wood frog - tail stub event
   b. Obligate salamanders - gill remnants evident

Category 2 - Invertebrates

Existence of a seasonal or permanent watercourse in a defined depression or basin that lacks a fish population and contains fairy shrimp *(Anostraca sp.)* or their eggs therein.

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[8] Evidence of breeding alone could be used to confirm the existence of a vernal pool if, through professional judgment, it is determined that the pool would be capable of supporting successful development.

[9] The hybridization of *A. jeffersonianum* (Jefferson salamander) and *A. laterale* (blue spotted salamander) provides a particular challenge when applied to the identification of vernal pools. For more information on this hybridization phenomenon, refer to Amphibians and Reptiles of Connecticut and Adjacent Regions, by Michael W. Klemens. *A. laterale* is not included as an obligate species here, as in other cases, because their breeding habitat requirements are markedly different than *A. jeffersonianum, A. maculatum* and *A. opacum. Klemens points out that* A. jeffersonianum / A. laterale *hybrids are "...far more abundant than either parental species" in Connecticut.*

B. **Indirect Indicators[10]:** In the absence of direct indicators (typically when the pool may be dry from late summer through early fall, during the winter, or when climatic or landscape conditions inhibit the presence of direct indicators), the following indirect indicators may be used to gauge the likelihood that a watercourse is capable of supporting obligate vernal pool species. To be clear, it is intended that these indicators can be used to conclude, for regulatory purposes, that a particular watercourse is a vernal pool, but they cannot be used to absolutely confirm its presence, as a developing obligate vernal pool species would. The more indirect indicators present (especially indirect indicators "a" through "d"), the greater the likelihood that a particular watercourse is a vernal pool capable of supporting obligate vernal pool species.

Existence of a defined depression or basin that exhibits:

a. Fingernail clam shells, snail shells, caddisfly cases, diving beetles or evidence of other aquatic invertebrates, among the leaf litter.
b. Presence of algal strands hanging over branches, or silt-stained leaves attached to overhanging branches, at or below the historic high-water mark of the dry basin
c. Dense wetland plant growth (e.g. buttonbush, bur-reed, etc.) in the interior of the basin or depression
d. A distinct waterline on the base of tree trunks or shrubs in the basin
e. Discolored water-stained "gray" leaf letter within the basin as distinguished from the "brown" leaves on the adjacent upland floor
f. Hummocks supporting moss, grass, sedges or woody growth along the edge of the basin or depression
g. Unvegetated, low-lying area or areas in the basin interior
h. Standing water or ice in the winter

Items "a" through "d" are to be considered strong indicators that show a higher probability for the existence of a vernal pool that holds water for a long enough period to support breeding and development of obligate species. Items "e" through "h" are indicators that might signify the presence of a vernal pool but do not provide sufficient evidence that the pool holds water long enough to support breeding and development of obligate species.

[10] These indirect indicators are basically "clues" that one can use when the direct indicators are absent (perhaps due to seasonal constraints, short-term climactic conditions or variations in natural population fluctuations) to establish a certain probability that the landscape feature being inspected is a vernal pool. The weight that these "indirect indicators" can receive as evidence to the presence of a vernal pool during the permit process may vary according to the circumstances. For instance, if it is winter and direct indicators are not present, but there are enough indirect indicators present so that the wetlands agency and / or their consultants feel that it is more likely to offer vernal pool habitat during the breeding season, the applicant may want to agree with this opinion so that he or she can move forward with the permit process under the assumption that a vernal pool exists. Otherwise, the permit decision may have to be postponed until the breeding season to confirm the presence of obligate species.

**Appendix C - Vernal Pool Inventory Worksheet - please supply one sheet per vernal pool**

**Applicant name** _____

**Property address** _____

**Approximate location of the vernal pool** _____

***Physical Characteristics***

**Size of Vernal Pool** - Surface area measured from the perimeter of the high water line.

Greater than 2,500 ft² _____

1,000 – 2,500 ft² _____

Less than 1,000 ft² _____

**Size of Upland Habitat** - Amount of undisturbed forest adjacent to the pool or system. (Intact canopy and natural ground cover)

Greater than 30 acres _____

20 – 30 acres _____

15 – 20 acres _____

Less than 15 acres _____

**Road Proximity** - Distance to closest road.

Less than 500 feet _____

Greater than 500 feet _____

Greater than 1,000 feet _____

**Closest Road Composition**

Road is paved _____

Road has curbs _____

**Connectivity to other Vernal Pools -** Distance to next closest vernal pool.

Less than 500 feet to one other pool ____

Less than 1,000 feet to two or more pools _____

***Biological Characteristics***

| **Observation** | **(Presence of)** | | |
|---|---|---|---|
| **Obligate Vertebrate Vernal Pool Species** | **Eggs** | **Larvae** | **Adults** |
| Spotted salamander *(Ambystoma maculatum)* | ____ | ____ | ____ |
| Jefferson salamander *(Ambystoma jeffersonianum)* | ____ | ____ | ____ |
| Marbled salamander *(Ambystoma opacum)* | ____ | ____ | ____ |
| Wood frog *(Rana sylvatica)* | ____ | _____ | ____ |
| Eastern Spadefoot Toad *(Scaphiopus h. holbrookii)* | _____ | _____ | ____ |
| **Invertebrate Vernal Pool Species** | | | |
| Fairy Shrimp *(Anostraca sp.)* | _____ | _____ | _____ |

Briefly describe all of the methods used to survey the vernal pool:

List date(s) of field visit(s):

Name: _____

Signature: _____

Date: _____

## Appendix D - Vernal Pool Impact Worksheet

(please supply one per vernal pool)

Applicant name: _____

Property address: _____

Approximate location of vernal pool: _____

1. Does the proposed plan involve disturbance within 100 ft of a vernal pool? _____

   a) If so, what is/are the type(s) of disturbance(s) proposed within this area?

2. Does the proposed plan involve disturbance within 400 ft of a vernal pool? _____

   a) If so, what is/are the type(s) of disturbance(s) proposed within this area?

Review areas versus proposed disturbed areas.

a) What is the area, calculated in square feet, measured from the edge of the pool extending one hundred (100) feet from the edge of the pool? _____ sq. ft.

What is the area that is proposed to be disturbed within the above measured area? _____ sq. ft.

What is the area, calculated in square feet, measured from one hundred (100) feet from the edge of the pool to four hundred (400) feet from the edge of the pool? _____ sq. ft.

What is the area that is proposed to be disturbed within the above measured area? _____ sq. ft.

4. Does the proposed plan involve new road construction within 400 ft. of a vernal pool? _____

   a) If so, will the new road(s) be paved? _____

   b) Will the new road(s) be curbed? _____

   c) What is the estimated daily traffic volume from 6 p.m. to 12 a.m.? ___cars/hr

5. Does the proposed plan involve the installation of erosion and sedimentation control measures within 400 ft of a vernal pool? _____

6. Will the proposed project result in an **increase** or **decrease** in the surface or subsurface water flow to the vernal pool? _____

a) If so, by how much per 10 year storm event? _____cu ft/sec

Name: _____

Signature: _____

Date: _____

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# Appendix F Fee Schedule

A. PERMITS

1. Residential additions, accessory buildings, and uses

| | | |
|---|---|---|
| a. | Declaratory Ruling – permitted uses…… | 0 |
| b. | Summary Ruling……(application)…… | $75 |
| c. | Plenary Ruling (when a public hearing is involved) | $200 |

Also, per every 100 square feet of proposed disturbed Wetlands and watercourses area in which an activity is proposed. $50

2. Residential New house or major reconstruction

Major reconstruction is considered work valued at 50% or greater of the present structure.

| | | |
|---|---|---|
| a. | Declaratory Ruling – permitted uses…… | 0 |
| b. | Summary Ruling……(application)…… | $75 |
| c. | Plenary Ruling (when a public hearing is involved) | $200 |

Also, per every 100 square feet of proposed disturbance in the 100 foot upland review area in which the activity is proposed. . $25

Per every 100 square feet of disturbance in the regulated area in which the activity is proposed. $50

3. Commercial Use

| | | |
|---|---|---|
| a. | Declaratory Ruling – permitted uses…… | 0 |
| b. | Summary Ruling … ……. | $200 |
| c. | Plenary Ruling……. | $300 |

Also, per every 100 square feet of proposed disturbance in the100 foot upland review area in which the activity is proposed. $50

Per every 100 square feet of proposed disturbance of the regulated area in which an activity is proposed. $100

4. Modification of a previous approval…… $75

5. Wetlands Map Amendments…… $200

## Appendix F Continued

B. Subdivision Review and permit fee

1. Per Lot Fee

a. 2-5 lots…..…… $100/per lot

b. 6-10 lots…… $200/per lot

c. 11 or more lots…… $300/per lot

2. Any activity(ies) requiring permitting will include the following fees.

a. Per every 100 square feet of <u>proposed</u> disturbance in the 100 foot upland review area in which the activity is proposed. $50

b. Per every 100 square feet of <u>proposed</u> disturbance of the regulated area in which an activity is proposed… $100

<u>Resubmitted Plans</u> Each time plans are resubmitted with substantial new and revised information there shall be charged a flat fee charge of $50 per lot re-submittal fee. This flat fee is for the entire proposal and not just for the lots affected.

The Applicant or the agent shall submit calculations of the area for the amount of proposed work in the upland review area and the regulated area. The Inland Wetlands Enforcement Officer or the Town Engineer will review the calculation.

D. Public Act 235 – per application $60

Complex Application Fee……..……The Inland Wetlands and Watercourses Commission may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts to analyze, review, and report on issues requiring such experts. The Agency or the duly authorized agent shall estimate the complex application fee which shall be paid pursuant to section 19.1 of these regulations within 10 days of the applicant's receipt or notice of such estimate. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after publication of the agency's decision. Any portion of the cost in reviewing and acting on a complex application fee that is owed to the Agency shall be paid within 30 days after publication of the agency's decision. If the fee is not paid in said time period then the permit shall become null and void.