

# **TOWN OF THOMPSON CONNECTICUT**

## **INLAND WETLANDS & WATERCOURSES REGULATIONS**



Revised March 10, 2009

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Regulations for the protection of Inland Wetlands and Watercourses in the Town of Thompson were first adopted on May 20, 1974. Prior to the current edition, they were revised on October 11, 1988, February 15, 1995, May 14, 1996, March 10, 1998, November 10, 1998, June 12, 2001, April 13, 2004, March 15, 2006 and October 9, 2007.

# **INLAND WETLANDS AND WATERCOURSES REGULATIONS FOR THE TOWN OF THOMPSON**

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## **SECTION 1**

### **TITLE AND AUTHORITY**

- 1.1 The inland wetlands and watercourses of the state of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic, and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted, and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic, and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare, and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of 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 of generations yet unborn.
- 1.2 These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Thompson."
- 1.3 The Inland Wetlands and Watercourses Agency of the Town of Thompson was established in accordance with the ordinance adopted May 20, 1974, and shall implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of Thompson.
- 1.4 These regulations have been adopted and may be amended, time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.

- 1.5 The Agency shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny permits for all regulated activities on inland wetlands and watercourses in the Town of Thompson 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:

- a. "**Act**" means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the General Statutes, as amended.
- b. "**Agency**" means the Inland Wetlands and Watercourses Agency (or Commission) of the Town of Thompson.
- c. "**Bogs**" are watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.
- d. "**Clear-cutting**" means the harvest of timber in a fashion which removes all trees down to a 2" diameter at breast height.
- f. "**Commission member**" means a member of the Inland Wetlands and Watercourses Agency of the Town of Thompson.
- g. "**Commissioner of Environmental Protection**" means the commissioner of the State of Connecticut Department of Environmental Protection.
- h. "**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.
- i. "**Deposit**" includes, but shall not be limited to fill, grade, dump, place, discharge, or emit.
- j. "**Designated agent**" means an individual(s) designated by the agency to carry out its functions and purposes.
- k. "**Discharge**" means emission of any water, substance, or material into waters of the state whether or not such substance causes pollution.

- l. "**Disturbing the natural and indigenous character of the land**" means that the activity will significantly alter the inland wetlands and watercourses by reason of removal or deposition of material, clear cutting, alteration or obstruction of water flow, or will result in the pollution of the wetlands or watercourse.
- m. "**Emergency**" means any event, circumstance or condition which, in the opinion of the agency or the wetlands enforcement officer, endangers the public health and safety or the health and safety of one or more residents of the town, as certified in writing by one or more of the following town agencies: the Department of Public Works, Resident State Trooper, the First Selectman.
- n. "**Farming**" means commercial use of land for the growing of crops, raising of livestock or other agricultural use, consistent with the definition as noted in Connecticut State Statute Chapter 1, Section 1-1q.
- o. "**Feasible**" means able to be constructed or implemented consistent with sound engineering principles;
- p. "**License**" means the whole or any part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions sections 22a-36 to 22a-45, inclusive.
- q. "**Management practice**" means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.
- r. "**Marshes**" are watercourses that 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.
- s. "**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.
- t. "**Mitigation**" is the attempt to alleviate some or all of the detrimental effects arising from a given action, replacing an existing wetland or its functions by creating a new wetland, restoring a former

wetland, or enhancing or preserving an existing wetland.

- u. "**Municipality**" means the Town of Thompson, Windham County, Connecticut.
- v. "**Nurseries**" means places where plants are grown for sale, transplanting or experimentation.
- w. "**Permit**" means the whole or any part of any license, certificate or approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Inland Wetlands Agency.
- x. "**Permittee**" means the person to whom such permit has been issued.
- y. "**Person**" means any person, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.
- z. "**Pollution**" means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged, or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing, or excavation activity.
- aa. "**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;
- bb. "**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, and any earth moving, filling, construction, or clear-cutting of trees within one hundred (100) feet of wetlands or watercourses, and within two hundred (200) feet of the 10 especially noteworthy wetlands and/or watercourses in Thompson identified in the *TOWN OF THOMPSON INLAND WETLAND INVENTORY* prepared by Northeastern Connecticut Regional Planning Agency 1980 pages 9, 14 and 15, but shall not include the specified activities in Section 4 of these regulations.
- cc. "**Regulated area**" means any inland wetlands or watercourse as defined in these regulations.
- dd. "**Remove**" includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut timber, bulldoze, dragline, or blast.

- ee. "**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.
- ff. "**Significant activity**" means any activity, including but not limited to, the following activities which may have a major effect:
1. Any activity involving a deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
  2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
  3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or other functions.
  4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
  5. Any activity which causes a substantial diminution of flow of a natural watercourse, or groundwater levels of the wetland or watercourse.
  6. Any activity which is likely to causes or has the potential to cause pollution to a wetland or watercourse.
  7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.
- gg. "**Soil Scientist**" means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management.
- hh. "**Swamps**" are watercourses that are distinguished by the dominance of wetland trees and shrubs.
- ii. "**Submerged lands**" means those lands which are inundated by water on a seasonal or more frequent basis.
- jj. "**Town**" means the Town of Thompson, Windham County, in the State of Connecticut.
- kk. "**Upland review area**" means the area adjacent to and extending one hundred (100) feet from a wetland or watercourse and two hundred (200) feet from the ten (10) especially noteworthy wetlands and watercourses identified in the *TOWN OF THOMPSON INLAND WETLAND INVENTORY* prepared by Northeastern Connecticut Regional Planning Agency 1980 pages 9, 14 and 15. Any activity within this area will be considered a regulated activity and will require a permit or approval. Also, see item 2.1 (bb) "Regulated Activity".
- ll. "**Waste**" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or

tend to pollute any of the waters of the Town.

mm. "**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 section 22a-28 through 22a-35 of the General Statutes, inclusive. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:

- (a) evidence of scour or deposits of recent alluvium or detritus,
- (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and
- (c) the presence of hydrophytic vegetation.

nn. "**Wetlands**" means land, including submerged land as defined in Section 2.1 (hh) of these regulations, not regulated pursuant to section 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 floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

### **SECTION 3 INVENTORY OF REGULATED AREAS**

- 3.1 The map of wetlands and watercourses entitled "Inland Wetlands and Watercourses Map, Thompson, Connecticut," delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection in the office of the Town Clerk or the Inland Wetlands Agency. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types and locations of watercourses. For initial determination, the Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses. However, final determination will be made by a certified soil scientist.
- 3.2 Any person may petition the Agency for an amendment to the map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping, or other available information. The Agency may require such person to provide an accurate delineation of regulated areas in accordance with Section 14 of these regulations.



- 3.3 The Inland Wetlands Agency or its designated agent(s) shall inventory and maintain current records of all regulated areas within the town. The Agency may amend its map from time to time as information becomes available relative to more accurate delineation of wetlands and watercourses within the town.
- 3.4 All map amendments are subject to the public hearing process outlined in Section 14 of these regulations.

#### **SECTION 4**

##### **PERMITTED USES AS OF RIGHT & NON-REGULATED 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 Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this section shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel, or similar material from wetlands or watercourses for the purposes of sale;
  - b. A residential home (1) for which a building permit has been issued or (2) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by the municipal 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, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subsection unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway approval dates or other necessary information to document his entitlement;
  - c. Boat anchorage or mooring, not to include dredging or dock construction,
  - d. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of material from or into a wetland or watercourse, or diversion or alteration of a wetland or

watercourse.

- e. Construction and operation, by water companies as defined by Section 16-1 of the General Statutes or by municipal water supply systems as provided for in Chapter 102, of the Connecticut General Statutes, of dams, reservoirs, and other facilities necessary to the impounding, storage, and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 and 22a-403 of the General Statutes.
  - f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For the purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.
  - g. Any property owner wishing to conduct construction activities upon property containing no wetlands must show by a letter from a Certified Soil Scientist that there are no wetlands on the parcel and that there would be no adverse impact upon adjacent properties.
- 4.2 The following operations and uses shall be permitted as non-regulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:
- a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices.
  - b. Outdoor recreation including the use of play and sporting areas, golf courses, field trails, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell-fishing, and cross-country skiing where otherwise legally permitted and regulated.
- 4.3 All activities in wetlands or watercourses involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this section shall require a permit from the Agency in accordance with Section 6 of these regulations. Certain regulated activities located outside of wetlands and watercourses shall require a wetland agent approval from the duly authorized agent in accordance with section 11b of these regulations.
- 4.4 To carry out the purposes of this section, any person proposing a permitted or non-regulated operation or use of a wetland or watercourse, which may disturb the natural and indigenous

character of the land, shall, prior to commencement of such operation or use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or non-regulated use of the wetland or watercourse. The Agency or its designated agent shall rule that the proposed operation or use is a permitted or a non-regulated use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Agency following the meeting at which the request was received. The designated agent for the Agency may make such ruling on behalf of the Agency at any time in consultation with the Chairperson of the Agency.

- 4.5 The agency and the applicant may hold a pre-application meeting to determine whether or not an application is required. A letter from a certified soil scientist is necessary to determine the existence or non-existence of wetlands on the property. The agency may require a site walk of the property prior to a declaratory ruling.

## **SECTION 5**

### **ACTIVITIES REGULATED BY THE STATE**

- 5.1 The Commissioners of environmental protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to sections 22a-9 or 22a-45a of the Connecticut General Statutes.
- 5.2 The Commissioner of environmental protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
- 5.3 The Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under dam repair or removal order issued by the Commissioner of Environmental Protection under section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Environmental Protection under sections 22a-403 of the Connecticut general Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from municipal wetlands agency for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.
- 5.4 The Commissioner of Environmental Protection shall have exclusive jurisdiction over the discharge of fill or dredged materials into the wetlands or 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 TO BE LICENSED**

- 6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands Agency of the Town of Thompson.
- 6.2 The Agency shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of substantial amounts of material, or any obstruction, construction, alteration, or pollution, of such wetlands or watercourses and other regulated activity, unless such operation or use is permitted or non-regulated pursuant to Section 4 of these regulations. Additionally, if a proposal involves activities outside of a wetland or watercourse which can alter or affect that wetland or watercourse then a permit is required.
- 6.3 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Town of Thompson Inland Wetlands Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 13 of these regulations and any other remedies as provided by law.
- 6.4 Where approval is granted with conditions, the conditions must be strictly adhered to.

## **SECTION 7 APPLICATION REQUIREMENTS**

- 7.1 Any person wishing to undertake a regulated activity shall apply for a permit on a form entitled "Town of Thompson Inland Wetlands and Watercourses Agency - Application for permit" or "Application for Wetland Agent Approval." An application shall include an application form and such information as prescribed by Section 7.5 and, in the case of a significant activity; by Section 7.6 of these regulations. Application forms may be obtained in the office of the Thompson Town Clerk or the Inland Wetlands Agency.
  - a. Any changes to an approved or permitted regulated activity as defined in Section 2.1 bb of the Town of Thompson Inland Wetlands and Watercourses Regulations must be submitted to the Agency as a permit change for Agency review and approval. This does not constitute a new application and no fees are required.
- 7.2 If an application to the Town of Thompson Planning & Zoning Commission for a subdivision or re-subdivision of land involves land containing a wetland or watercourse, as defined in Section 2 of these regulations, the applicant shall submit an application to the Inland Wetlands Agency in

accordance with this section no later than the day the application is filed for the subdivision or re-subdivision. Such an application is intended for review prior to Planning & Zoning Approval and is a preliminary review for conceptual approval and is not for regulated activities. Applications for conceptual approval of a subdivision or re-subdivision proposal shall be submitted on an application form entitled, "Subdivision Review Application."

- a. After a subdivision proposal has been approved by the Planning & Zoning Commission and the parcels have become legal lots, those lots involving regulated activities as defined in Section 2.1 bb of the Town of Thompson Inland Wetlands and Watercourses Regulations will require permits or approvals before any regulated activities are conducted.
- b. Any changes made to a subdivision plan conceptually approved by the Inland Wetlands and Watercourses Commission that affect wetlands or watercourses, as a result of Planning and Zoning approval, must be resubmitted to the Inland Wetlands and Watercourses Commission with all changes clearly depicted on the revised plan for review and approval. This constitutes a change to a conceptually approved plan and does not require a new application or associated fees. However, if the changes are not submitted for review and approval, the conceptual approval will be considered null and void, and a new conceptual subdivision review application with all fees will need to be submitted.

7.3 All applications shall contain such information that is necessary for a fair and informed determination of the issues.

7.4 The Agency and the applicant may hold a pre-application meeting to determine whether or not the proposed application involves a significant activity.

7.5 All applications shall include the following information in writing:

- a. The applicant's name, home and business addresses, and telephone numbers, or if the applicant is a Limited Liability Corporation (LLC) or a Corporation, the managing member or responsible corporate officer's name, home and business address, and telephone number;
- b. The owner's name, address, and telephone number and written consent if the applicant is not the owner of the property involved in the application;
- c. Applicant's interest in the land;
- d. The geographical location of the property which is to be affected by the proposed activity, including but not limited to a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, a computation of the area(s) (in acres or square feet) of wetland or watercourse disturbance, 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 (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;
- f. Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen. These alternatives shall be diagramed on a site plan or drawing and submitted to the commission as part of the application;
- g. A site plan showing existing and proposed conditions in relation to wetlands and watercourses; and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses. The erosion and sedimentation control provisions on the site plan must comply with the most current DEP edition of the *Connecticut Guidelines for Soil Erosion and Sedimentation Control*. Stormwater design must comply with the most current version of the *Connecticut Stormwater Quality Manual* and be so noted on the plans. It is strongly recommended that low impact development techniques, storm water management techniques that are designed to approximate the pre-development site hydrology, be utilized in the storm water system design wherever practical and possible;
- h. A site plan showing the area of mitigation or wetland enhancement to compensate for wetlands altered or destroyed by the proposed activity;
- i. Names and addresses of adjacent property owners;
- j. Certification 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;
- k. Authorization for the members and agents of the Agency to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the permit;
- l. Any other information the Agency deems necessary to the understanding of what the applicant is proposing;
- m. Submission of the appropriate filing fee, three business days prior to the next regularly scheduled meeting, along with the completed application form and all attached maps and documents in triplicate.

7.6 At the discretion of the Agency or its agent, or when the proposed activity involves a significant activity as determined by the Agency and defined in Section 2.1(ff) of these regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following is required.

- a. Site plans for the proposed use or operation and the property which will be affected, which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the development drawn by a licensed surveyor, professional engineer, or landscape architect registered in the State of Connecticut or by such other qualified person;
- b. Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage, or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan.
- c. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Soil Conservation Service (the Agency may require the applicant to have the wetlands delineated in the field by a soil scientist and that the field delineation be incorporated onto the site plans);
- d. Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions;
- e. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application, and with 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;
- g. Measures which mitigate the impact of the proposed activity. Such measures include but are not limited to: plans or actions which avoid destruction or diminution of wetlands or watercourse functions, recreational uses and natural habitats, which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources. The erosion and sedimentation control provisions on the site plan must comply with the most current DEP edition of the *Connecticut Guidelines for Soil Erosion and Sedimentation Control* and the most current version of the *Connecticut Stormwater Quality Manual* and be so noted on the plans.

7.7 The applicant shall certify whether:

- a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
  - b. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
  - c. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within adjoining municipality; or,
  - d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- 7.8 Two (2) copies of all written application materials shall be submitted to comprise a complete application, including two (2) full-sized (24" x 36") sets of plans and seven (7) 11" x 17" sets of plans, or as is other-wise directed, in writing, by the Inland Wetlands Agency.
- 7.9(a) Any written request to extend the expiration date of a previously issued permit or amend an existing permit shall be filed with the Agency at least sixty-five (65) days prior to the expiration date for the permit in accordance with Subsections 8.4 through 8.8 of these regulations. Any request for amendment or extension shall be made in accordance with this Section provided:
- a. The written request may incorporate by reference the documentation and record of the original application;
  - b. The written request shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;
  - c. The written request shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or the property for which the permit was issued;
  - d. The Agency may accept an untimely written request to extend the expiration date of a 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 extended and the public interest or environment will be best served by not interrupting the activity. The written request shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit.
  - e. The Agency shall evaluate the written request pursuant to Section 10 of these regulations and grant the request as filed, grant it with any terms or limitations, or deny it.



- f. Any permits that were active prior to October 1, 1993 fall under the previous regulations adopted October 11, 1988. All permits after that date must abide by Section 11.7.
- 7.9(b) Any application to renew a permit shall be granted upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than ten years.
- 7.10 A reporting form shall be completed during the application process which provides the Commissioner of the Department of Environmental Protection with information necessary to properly monitor the inventory of State wetlands. The reporting form shall be part of the application and the following information shall be provided by the applicant: name of applicant; location and name of the project; project and site description; area of wetlands and/or linear feet of watercourse proposed to be altered. The Agency shall be responsible for the remaining information and any corrections on the form and for filing it in accordance with section 22a-39-14 of the Inland Wetlands and Watercourses Regulations of the Department of Environmental Protection.
- 7.11 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:
- a. 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.
  - b. 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 the 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.
  - c. no person shall file a permit application, other than for interior work in an existing building or for exterior work that does not expand or alter the footprint of an 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 not later than sixty days prior to the filing of the permit application.

- d. in lieu of such notice pursuant to subsection 7.11c, 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.

## **SECTION 8**

### **APPLICATION PROCEDURES**

- 8.1 All petitions, applications, requests and appeals shall be submitted to the Town Clerk of the Town of Thompson who shall act as the agent of the Thompson Conservation & Inland Wetlands Commission for the receipt of such petition, application, request or appeal.
- 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 500 feet of the boundary of Massachusetts, Rhode Island, or Woodstock or Putnam, CT, the applicant shall give written notice of the application by certified mail return receipt requested, to the adjacent municipal wetlands agency on the same day of filing an inland wetlands permit application with the Thompson Inland Wetlands Agency. Documentation of such notice shall be provided to the Thompson Inland Wetlands Agency in accordance with Section 22a-42c of the Connecticut General Statutes.
- 8.3 The Agency shall, in accordance with Connecticut General Statutes sections 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 site in which:
  - a. any portion of the property affected by a decision of the agency is within five hundred feet of the boundary of an adjoining municipality;
  - b. a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
  - c. a significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or
  - d. water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Such notice 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 25-32a of the General Statutes, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner 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 not later than seven days after the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the agency.
- 8.5 The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Agency immediately following the day of submission to such agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner.
- 8.6 At any time during the review period, the Agency may require the applicant to provide additional information about the regulated area or regulated activity which is the subject of the application, or wetlands or watercourses affected by the regulated activity. Requests for additional information shall not stay the time limitations as set forth in section 11.2 of these regulations.
- 8.7 All applications shall be open for public inspection.
- 8.8 Incomplete applications may be denied.

## **SECTION 9 PUBLIC HEARINGS**

- 9.1 The inland wetlands agency shall not hold a public hearing on an application unless:
- a. the agency determines that the proposed activity may have a significant impact on wetlands or watercourses,
  - b. a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the agency not later than fourteen days after the date of receipt of such application,

c. the agency finds that a public hearing regarding such application would be in the public interest.

The agency may issue a permit without a public hearing provided no petition provided for 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. 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 (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland or watercourse or any part thereof is located. The costs of these required legal notices shall be the applicant's responsibility and are non-refundable.
- 9.3 Notice of the public hearing shall be mailed to the owner(s) of record of abutting land no less than fifteen (15) days prior to the day of the hearing, by the applicant with proof of such notification submitted to the commission prior to the hearing.
- 9.4 In the case of any application which is subject to the notification provisions of Section 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 DECISIONS**

- 10.1 The agency may consider the following in making its decision on an application:
  - a. The application and its supporting documentation;
  - b. Evidence and testimony
  - c. Public comments supported by evidence and testimony
  - d. Reports from other agencies and commissions including but not limited to the Town of Thompson:
    - 1. Conservation Commission

- 2. Planning and Zoning Commissions
- 3. Building Official
- 4. Health Officer

- e. On any application, the Agency may also consider comments from the Eastern Connecticut Conservation District, Inc., the Northeast 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.
- f. Non-receipt of comments from agencies and commissions listed in 10.1d and e above within the prescribed time shall neither delay nor prejudice the decision of the Agency.
- g. For an application for which a public hearing is held, public comments, evidence and testimony.

## 10.2 Standards and Criteria for Decision.

The Agency shall consider all relevant facts and circumstances making its decision on any application for a permit, including but not limited to the following:

- 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 watercourses;
- c. The relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
- d. Irreversible and irretrievable loss of wetlands or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
- e. The character and degree of injury to, or interference with, safety, health or the reasonable

use of property, which is caused or threatened by the proposed regulated activity; and

- f. Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.
- 10.3 In the case of any application which received a public hearing pursuant to a finding by the inland wetlands Agency that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Agency finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the Agency shall consider the facts and circumstances set forth in section 10.2. 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 agency shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.
- 10.5 For purposes of this section, (1) “wetlands or watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or occurs.
- 10.6 A municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.
- 10.7 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision. However, the Agency is not precluded from seeking advice from its own experts on information already in the record of the public hearing. 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 Inland Wetlands and Watercourses Regulations of the Town of Thompson and of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.
- 10.8 In the case of an application where the applicant has provided written notice pursuant to

subsection 7.11c 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 7.11c or 7.11d of these regulations, the party holding the conservation or preservation 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.

## **SECTION 11(a)**

### **DECISION PROCESS AND PERMIT**

- 11.1 The Agency, or its duly authorized agent acting pursuant to Section 11(b) 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 which are designed to carry out the policy of sections 22a-36 to 22a-45, inclusive, of the general statutes. 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 Agency may hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Inland Wetlands Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the agency shall be withdrawn by the applicant or denied by the agency.
- 11.3 The Agency shall state upon its record the reasons and bases for its decision.
- 11.4 The Agency shall notify the applicant and any named parties to the proceeding of its decision

within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in the issuance or denial of the permit, in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. A copy of all Agency decisions shall be forwarded to the Commissioner of Environmental Protection in such a form as prescribed by the Commissioner. 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 the inland wetlands permit also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, variance or special exception, a copy of the decision and report on the application shall be filed with the Town of Thompson Planning and Zoning Commission within fifteen (15) days of the date of the decision.
- 11.6 Any permit issued under this section for the development of property for which an approval is required under section 8-3, 8-25 or 8-26 of the general statutes shall be valid for five years provided the agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued under this section for any other activity shall be valid for not less than two and not more than five years.
- 11.7 Any permit issued under this section shall be valid for five years. Any regulated activity approved by the agency shall be completed within two years from the time such activity is commenced provided the agency may establish a specific time period within which any regulated activity shall be conducted and may require that an activity, once commenced, be completed within the time period specified on the permit and further provided the agency may extend (1) the time period of the original permit provided such period shall not extend beyond ten years from the date such permit was granted, or (2) the time period within which an activity, once commenced, is required to be completed under this section.
- 11.8 No permit shall be assigned or transferred without the written permission of the Agency.
- 11.9 If a bond or insurance is required in accordance with Section 12 of these regulations, no permit shall be issued until such bond or insurance is provided.
- 11.10 General provisions in the issuance of all permits:
  - a. In evaluating applications in which the Agency relied in whole or in part on information provided from the applicant, if such information subsequently proves to be false, deceptive, incomplete, or inaccurate, the permit may be modified, suspended, or revoked.
  - b. All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the Town of Thompson, and convey no rights in real



estate or material nor any exclusive privileges, and further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the property or activity.

- c. If the activity authorized by the inland wetlands permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance, or special exception, no work pursuant to the wetland permit may begin until such approval is obtained.
- d. The permittee shall take such necessary steps consistent with the terms and conditions of the permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

### **SECTION 11(b)** **ACTION BY DULY AUTHORIZED AGENT**

- 11(b).1 The agency may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the commissioner pursuant to section 22a-39 of the General Statutes. Notwithstanding the provisions for receipt and processing applications prescribed in sections 8, 9 and 11(a) of these regulations, such agent may approve or extend such an activity at any time. Applications for such approvals shall be submitted on an application form entitled, "Application for Wetland Agent Approval."
- 11(b).2 Any person receiving such approval from such agent shall, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the agency within fifteen days after the publication date of the notice and the agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt of such agency or its agent of such appeal. The agency shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with section 7 of these regulations.

### **SECTION 12** **BOND AND INSURANCE**

- 12.1 Upon approval of the application and prior to issuance of a permit, the applicant may, at the

discretion of the Agency, be required to file a bond with such surety in such amount and in a form approved by the Agency.

- 12.2 The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions, and limitations established in the permit.
- 12.3 The Agency may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within two (2) years of completion of such operations, in an amount commensurate with the regulated activity as determined by the Commission.

### **SECTION 13 ENFORCEMENT**

- 13.1 The Agency may appoint an agent or agents to act in its behalf with the authority to inspect property except a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this section, the Agency or its duly authorized agent shall take into consideration the criteria for decision under section 10.2 of these regulations.
- 13.2 The Agency and its agent may make regular inspections at reasonable hours, of all regulated activities for which permits have been issued with the consent of the property owner or the authorized agent of the owner during the life of the permit.
- 13.3 If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility, or condition which is in violation of the Act or these regulations, the Agency or its duly authorized agent may:
  - a. issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect or that the order has been withdrawn. The Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the agency affirms, revises, or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar

an action pursuant to Section 22a-44 (b) of the General Statutes, as amended.

- b. issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Agency, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or filing a proper application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Subsection (a) of this Section or other enforcement proceedings as provided by law.
- 13.4 The Agency may 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 any permit, the Agency shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. At the public hearing the permittee shall be given an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Agency's decision to suspend, revoke, or maintain a permit by personal service or certified mail within fifteen (15) days of the date of its decision. The agency shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.

## **SECTION 14 AMENDMENTS**

- 14.1. These regulations and the Inland Wetlands and Watercourses Map for the Town of Thompson may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- 14.2 An application filed with the inland wetlands agency which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to regulated upland review areas, taking effect on or after the date of such receipt and any appeal from the decision of such agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. 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.

- 14.3 These regulations and the Town of Thompson Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General statutes, as amended. The Agency shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five (35) days before the public hearing on their adoption.
- 14.4 Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, Thompson, Connecticut" shall contain at least the following information:
- a. The petitioner's name, address, and telephone number;
  - b. The address 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 on such land in accurate detail together with the documentation supporting such proposed boundary locations; and
  - e. The reasons for the requested action;
- 14.5 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, Thompson, CT, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Agency. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such owner, developer or purchaser, in addition to the information required in subsection 14.3, the petition shall include:
- a. The name, address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
  - b. The names and 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 indication the flag locations

set by the soil scientist and defining the boundaries of wetland soil types; and

- d. Map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.
- 14.6 Watercourses shall be delineated by a licensed soil scientist, geologist, ecologist, or other qualified individual.
- 14.7 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days, before the date set for the hearing. A copy of such proposed boundary change shall be filed in the office of the town clerk for public inspection at least ten (10) days before such hearing.
- 14.8 The Agency shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five (35) days after commencement. The agency shall act upon the changes requested in such petition within sixty-five (65) days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection provided the total extension of all periods shall not be for longer than sixty-five (65) days or may withdraw such petition. Failure of the agency to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.
- 14.9 The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.

## **SECTION 15**

### **APPEALS**

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

## **SECTION 16 CONFLICT AND SEVERANCE**

- 16.1 If there is a conflict between the provisions of these regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection, or provision of these regulations shall not affect the validity of any other part which can be given effect without such valid part or parts.
- 16.2 If there is a conflict between any provision of these regulations and the provisions of the Act, the provision of the Act shall govern.

## **SECTION 17 OTHER PERMITS**

- 17.1 Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits, or licenses required by law or regulation by the Town of Thompson, State of Connecticut, and the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits, or licenses is the sole responsibility of the applicant.

## **SECTION 18 APPLICATION FEES**

- 18.1 Method of Payment. All fees required by these regulations shall be submitted to the Agency by check or money order payable to the Town of Thompson at the time the application is filed with the Agency.
- 18.2 No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Agency pursuant to subsection 4 or subsection 18.7 of these regulations.
- 18.3 The application fee is not refundable.
- 18.4 Definitions. As used in this Section:
- a. "Residential uses" means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.
  - b. "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.

c. "Other uses" means activities other than residential uses or commercial uses.

18.5 Fee Schedule:

- Individual Lot -----\$50.00 +\$30.00  
(Additional \$30.00 fee to State as per Public Act 03-06)
- Conceptual Approval of Subdivision  
up to Two (2) Lots. -----\$50.00 + \$30.00
- Conceptual Approval of Subdivision  
of Three (3) Lots or more-----\$250.00 Base fee *plus*  
\$250.00 per lot + \$30.00

**Application fees are due at time of submission of completed application.**

Legal Ads: Applicants will be charged for all legal advertising expenses associated with applications.

Additional Fees:

- Legal Notice Fees for Public Hearings will be the applicant's responsibility.
- Complex Application Fee - The Agency will 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 experts. The Agency or the duly authorized agent shall estimate the complex application fee which shall be paid within 10days of the applicant's receipt 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.

*Inland Wetlands and Watercourses Regulations Booklet---* \$10.00

18.6 Exemption. Boards, commissions, councils, and departments of the Town of Thompson are exempt from all fee requirements.

18.7 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 Agency should consider in its determination under this section. The Agency may waive all or part of the application fee if the Agency determines that:

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

## SECTION 19 RECORDS RETENTION AND DISPOSITION

- 19.1 The Agency and the Town Clerk for the Town of Thompson shall retain complete administrative records of Agency actions and dispose of such records in accordance with the retention/disposition schedules set forth in subsection 19.2.
- 19.2 The public records administrator of the Connecticut State Library established the new record retention/disposition schedules for municipal Inland Wetlands Agencies effective April 24, 1989 listed below.

<u>RECORD TITLE</u>	<u>MINIMUM RETENTION REQUIRED IN AGENCY</u>	<u>TOWN CLERK</u>
Applications - including supporting materials	10 years	-
Decision Letters	10 years	Permanent
Approved Site Plans	10 years	-
Legal Notices	10 years	Permanent
Staff and Written Testimony (public hearings)	10 years	-
Minutes of Meetings & Public Hearings	15 years	Permanent



Tapes, Audio - Inland Wetland matters	4 years	-
Notice of Violation & Orders	10 years	-
Text of Changes Adopted in Regulations	Continuous Update/ Permanent	-
General Correspondence Issued or Received	5 years	-

## **SECTION 20**

### **EFFECTIVE DATE OF REGULATIONS**

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