

Inland Wetlands and Watercourses Regulations of the Town of Haddam

**Wetlands Commission
Haddam, Connecticut**

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Inland Wetlands and Watercourses Regulations Town of Haddam, Connecticut

Table of Contents

	Page
Section 1 - Title and Authority	1
Section 2 - Definitions	2
Section 3 - Inventory of Inland Wetland and Watercourses.....	7
Section 4 - Permitted Uses as of Right and Non-regulated Uses	8
Section 5 - Activities Regulated by the State.....	10
Section 6 - Regulated Activities to be Licensed	11
Section 7 - Application Requirements	12
Section 8 - Application Procedures.....	21
Section 9 - Public Hearings.....	22
Section 10 - Considerations for Decision	23
Section 11 - Decision Process and Permit	26
Section 12 – Action by Duly Authorized Agent.....	29
Section 13 - Bond and Insurance	30
Section 14 - Enforcement.....	31
Section 15 - Amendments	32
Section 16 - Appeals	34
Section 17 - Conflict and Severance	34
Section 18 - Other Permits	34
Section 19 - Fees	34
Section 20 - Effective Date of Regulations.....	35
Standard Permit Conditions	1
Forest Practices Regulations	3

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. 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 ground water; 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.

Such unregulated activities have had, and will continue to have, significant adverse impact on the environment and ecology of Connecticut. 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, safety and welfare of the citizens of the state.

It is therefore the purpose of these Regulations to make provisions for the protection, preservation, maintenance and use of inland wetlands and watercourses by:

- * minimizing their disturbance and pollution;
- * preventing damage from erosion, turbidity or siltation;
- * preventing loss of fish and other beneficial aquatic life, wildlife, and vegetation and the destruction of the natural habitats thereof;
- * deterring and inhibiting the danger of floods and pollution;
- * protecting the quality of wetland and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values;
- * protecting the state's potable water supplies from the dangers of drought, overdraft, pollution, misuse, and mismanagement.

This will be accomplished 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 the environment and thus guarantee to citizens of the state of Connecticut and to future generations the safety of such natural resources for their benefit and enjoyment.

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

1.3 In 1972, the Connecticut General Legislature enacted Public Act 155, the Inland Wetlands and Watercourses Act, that encouraged towns to designate an Inland Wetlands and Watercourses Agency to carry out the duties described in the act. The Conservation Commission was designated to serve as the Inland Wetlands and Watercourses Agency of

the Town of Haddam by ordinance adopted November 14, 1972. This directive was incorporated into the first Town Charter, adopted on November 4, 1975. On November 3, 1987, revisions to the Town Charter were adopted that shortened the wording of Section 5.3, but did not change the meaning. On September 22, 1994, an ordinance was adopted that created a Wetlands Commission to carry out the responsibilities formerly designated to the Conservation Commission. This ordinance became effective on October 13, 1994.

- 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 Agency shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, or deny permits for all regulated activities on inland wetlands and watercourses in the Town of Haddam, pursuant to Sections 22a-36 to 22a-45a, inclusive, of the Connecticut General Statutes, as amended.
- 1.6 At least one member of the Wetlands Commission or Haddam Land Use Staff shall be a person who has completed the comprehensive training program developed by the Commissioner pursuant to Section 22a-39, as amended by Section 2 of Public Act 95-313. Failure to have a member of the Commission or staff with training shall not affect the validity of any action of the Commission. The Commission shall hold a meeting at least once annually at which information is presented to the members of the Commission summarizing the provisions of the training program.

Section 2 Definitions

- 2.1 As used in these Regulations:

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

"Agency" means the Wetlands Commission of the Town of Haddam.

"Bogs" are usually 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 products in a fashion which removes all trees down to a 2-inch diameter at chest height.

"Commission" means the Wetlands Commission of the Town of Haddam.

"Commission member" means a member of the Wetlands Commission of the Town of Haddam.

"Commissioner" means the commissioner of environmental protection.

"Continual flow" means a flow of water which persists for an extended 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 recurs in prolonged succession.

"Date of receipt (of application)" shall be the day of the regularly scheduled meeting of the Commission immediately following the day of submission, provided such meeting is no earlier than three (3) business days after the date of submission, or thirty-five (35) days after submission, which ever is sooner. The application shall be placed on the agenda for consideration and if deemed complete, the decision-making time table begins.

"Date of submission (of application)" is deemed to be the calendar date when the application is filed with the Land Use Office and all appropriate fees are paid.

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

"Designated agent" means that person designated as the Wetlands Enforcement Officer and/or the Chairman of the Haddam Wetlands Commission or any individual designated by the 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.

"Disturbing the natural and indigenous character of the land" means that the activity will significantly alter inland wetlands and watercourses by reason of removal or deposition of material, clear cutting, alteration or obstruction of water flow in the wetland or watercourse or their surroundings and will result in the pollution or degradation of the wetland or watercourse.

"Farming" means use of land for growing of crops; raising of livestock or other agricultural use.

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

"Gardening" means the tilling of soil, planting, cultivating and harvesting of vegetable matter.

"Grading" means removal, deposition, or alteration of any earth material that changes present elevations.

"Grazing" means using any tract of land to feed or supply farm animals with grass or pasture, to tend farm animals, or feeding or growing silage and herbage.

"Grubbing" means to dig or dig up vegetated areas.

"Harvesting of crops" means gathering plants or animals or plant or animal products which have been grown to be harvested.

"Incidental and maintenance uses", as used in Section 18, means uses that do not significantly alter the value or the extent of wetlands, upland review area, or watercourses, and are not for accommodating new uses but for retaining pre-existing ones. Examples are: maintenance of pre-existing ditches and culverts, fences, or stone walls.

"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 of these Regulations under the authority of the Wetlands Commission.

"Major watercourses" means watercourses so designated on the "Official Inland Wetlands and Watercourses Map, Town of Haddam."

"Major wetlands" means wetlands so designated on the "Official Inland Wetlands and Watercourses Map, Town of Haddam."

"Marshes" are watercourses that are distinguished by the absence of trees and shrubs and which are dominated by soft-stemmed herbaceous plants. The water table of marshes is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water, six inches or more in depth, are common.

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

"Municipality" means the Town of Haddam, Middlesex County, Connecticut.

"Nurseries" means places where plants for are grown for sale, transplanting, or experimentation.

"Permit" means the whole of any part of any license, certificate of approval or similar form of permission which may be required of any person by the provisions of these Regulations under the authority of the Commission.

"Permittee" means the person to whom such permit has been issued.

"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.

"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.

"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.

"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 watercourse, but shall not include the specified activities in Section 4 of these Regulations. Furthermore, any clearing, grubbing, grading, paving, excavating, filling, constructing, depositing or removing of material, clear cutting of trees or shrubs, and discharging of storm water on the land within the following upland review areas is a regulated activity:

(1) within one hundred (100) feet measured horizontally from all tidal wetlands, minor and major wetlands and any minor or major watercourse;

(2) If the overall slope of the upland review area exceeds an average of a 10% grade and additional fifty (50) feet shall be added to the horizontal width of the upland review area.

At its discretion, the Commission may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area may have an adverse impact on wetlands or watercourses and is a regulated activity.

"Regulated area" means any wetland and watercourse and their contiguous upland review areas as defined in these Regulations.

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

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

"Salmon River watershed" means the area so designated on the "Official Inland Wetlands and Watercourses Map, Town of Haddam."

"Significant activity" means any activity, including, but not limited to, the following activities which the Commission determines may have a major effect or significant impact on the area for which an application has been filed or on another part of the inland wetland or watercourse system:

1. Any activity involving a deposition or removal of material which will or may have a substantial effect on the wetlands and watercourse area or on another part of the inland wetland or watercourse system; or
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system; or
3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife, or other biological life, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space or other functions; or
4. Any activity which causes substantial turbidity, siltation or sedimentation in a wetland or watercourse; or
5. Any activity which causes a substantial diminution of either flow of a natural watercourse or ground water levels of the regulated area; or
6. Any activity which causes or has the potential to cause pollution of a wetland or watercourse; or
7. Any activity which destroys unique wetland or watercourse areas having demonstrable scientific or educational value.

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

"Stumping" means the removal, from its established position in the earth, of that part of a plant/tree remaining attached to the root after the stem/trunk is cut.

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

"Swamps" are watercourses that are distinguished by the dominance of wetland trees and shrubs.

"Tidal wetlands" means those wetlands regulated pursuant to Connecticut General Statutes 22a-28 through 22a-35.

"Town" means the Town of Haddam, Middlesex County in the State of Connecticut.

"Upland review area" means those non-wetland and non-watercourse area in which certain construction and landscape alterations activities may have a substantive and or adverse impact on the adjacent wetlands and watercourses and are thereby regulated.

"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.

"Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal, or continual flow 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 to 22a-35, inclusive of the Connecticut General Statutes, as amended. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two (2) or more of the following characteristics: (a) Evidence of scour or deposits of recent alluvium or detritus, (b) The presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

"Wetlands" means land, including submerged land, not regulated pursuant to Sections 22a-28 to 22a-35, inclusive, 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 may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture.

"Wetlands Enforcement Officer" means an individual employed by the Town of Haddam to act as the Designated Agent for the Wetlands Commission to carry out its functions and purposes.

Section 3

Inventory of Inland Wetland and Watercourses

- 3.1 The map of regulated areas, entitled "Official Inland Wetlands and Watercourses Map, Town of Haddam," delineates the general location and boundaries of inland wetlands, the location of watercourses and specifies the width of upland review areas. Copies of this map are available for inspection in the office of the Town Clerk. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of regulated soil types, and locations of watercourses. Such determination shall be made by field inspection and testing conducted by a certified soil scientist where soil classifications are required, or where watercourse determinations are required, by other

qualified individuals.

- 3.2 Any property owner who disputes the designation of any part of his or her land as a regulated area on the "Official Inland Wetlands and Watercourses Map, Town of Haddam," may petition the Commission to change the designation. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall provide proof that the designation is inapplicable. Documentation in accordance with Section 14 of these Regulations may be required of the property owner when the Commission requires an accurate delineation of regulated areas.
- 3.3 The Commission or its designated agent shall inventory and maintain current records of all regulated areas within the town. The Commission may amend its map from time to time as information becomes available relative to more accurate delineation of wetlands and watercourses within the town. Such map amendments are subject to Section 14 and to the public hearing process outlined in Section 9 of these Regulations.

Section 4

Permitted Uses as of Right & Non-Regulated Uses

- 4.1 The following operations and uses shall be permitted in regulated areas, as of right:
- a. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation. 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 on a subdivision lot approved by the Town of Haddam Planning and Zoning Commission as of July 1, 1974, provided the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as of right under this Subsection shall document the validity of said right by providing a certified copy of the building permit and approved site plan showing proposed and existing topographic contours, house and well locations, septic system, driveways, 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 Town of Haddam 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 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 impounds, storage and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 through 22a-410 of the Connecticut General Statutes.
- f. Maintenance of drain pipes within regulated areas, under the following circumstances: (1) If pipes were in existence on November 2, 1973 and (2) are located on property zoned residential that does not contain certain hydrophytic vegetation such as cat-tails. Maintenance means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.

- 4.2 The following operations and uses shall be permitted as a non-regulated use 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 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, shell fishing and cross-country skiing where otherwise legally permitted and regulated.
- 4.3 All activities involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of a wetland, watercourse or upland review area not specifically permitted by this Section shall require a permit from the Commission in accordance with Section 6 of these Regulations.
- 4.4 Any person proposing to carry out a permitted or non-regulated operation or use of a wetland, watercourse or upland review area shall, prior to commencement of such operation or use, notify the Commission by contacting the designated agent, or by form, (pages 1 and 2 and applicant's signature of the permit application) and provide the Commission with sufficient information to enable it to determine that the proposed operation and use is a permitted or non-regulated use.

The Commission may authorize its designated agent to make the determination set forth in the preceding paragraph. In making such determination, the agent may consult with other land use staff or Chairman of the Commission. This determination will be reported at the next regularly scheduled meeting and reflected in the meeting minutes.

Section 5

Activities Regulated by the State

- 5.1 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities and other 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, (1) after an advisory decision on such license or permit has been rendered to the Commissioner of Environmental Protection by the Commission, or (2) thirty-five days after receipt by the Commissioner of Environmental Protection of such application, whichever comes first.
- 5.2 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-410 of the Connecticut General Statutes, as amended;
 - b. Construction or modification of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349 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 in excess of fifty thousand (50,000) gallons per day or any surface waters of the state where the tributary watershed area above the point of diversion is 100 acres or larger pursuant to Sections 22a-365 through 22a-378 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.
- 5.3 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

Section 6

Regulated Activities to be Licensed

- 6.1 No person shall conduct or maintain a regulated activity in a regulated area, including the upland review area, without first obtaining a permit for such activity from the Wetlands Commission.

Activities which are deemed significant by the Commission require a public hearing.

- 6.2 The Commission shall regulate any operation within or use of a wetland, watercourse or upland review area involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetland or watercourse and any other regulated activity, unless such operation or use is permitted or non-regulated pursuant to Section 4 of these Regulations.
- 6.3 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.
- 6.4 Under normal circumstances, applications which involve the repair or replacement of an existing septic system in a regulated area require a permit. If the Wetlands Enforcement Officer or the Town Planner determines that such activity is warranted before the application can be presented to the Commission at its next regularly scheduled meeting, and before the Commission can act under the time constraints affecting submitted applications, action may be taken by the Wetlands Enforcement Officer or the Town Planner provided that the following requirements are met:
1. A completed wetland application will be submitted for review and approval by the Wetlands Enforcement Officer and/or Town Planner;
 2. The new or repaired septic system causes no greater impact on the regulated area than the pre-existing system;
 3. There shall be no increase in the number of bedrooms, dwelling units, or any other component of use which would constitute an increase in septic discharge, as determined under the Connecticut Public Health Code;
 4. The Sanitarian, or the Connecticut Department of Health Services, as the case may be, has approved the design of the proposed repair or replacement; and

5. All applicable requirements of these Regulations, such as required erosion and sedimentation control measures, are met.

Report of such action by the Wetlands Enforcement Officer or the Town Planner must be made at and recorded in the Commission meeting minutes.

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 Haddam - Application for a Wetlands Permit". An application shall include an application form and such information as prescribed by Section 7.3 and, in the case of a significant activity, by Section 7.4 of these Regulations. Application forms may be obtained in the offices of the Town of Haddam Land Use Office.

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

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

- 7.3 All applications shall include the following information in writing:

- a. The applicant's name, home and business addresses and telephone numbers, and the applicant's interest in the land;
- b. The owner's name, address and telephone number and written consent (signature) if the applicant is not the owner of the property involved in the application;
- c. Property address, project name (if any), Assessor's map and lot numbers;
- d. Description of the proposed activity;
- e. A description of the alternatives to the proposed activity that were considered, if any, and the reasons why the activity set forth in the application was chosen. These alternatives may be diagramed;
- f. The size of the regulated area on the property upon which activity is proposed, in square feet;

- g. The size of wetlands and watercourses altered, in acres or square feet;
- h. The size of wetlands of watercourses newly created (outside of existing wetlands) in acres or square feet;
- I. The number of linear feet of stream alteration;
- j. Authorization for the Commission members and its designated agent(s) to inspect the property, at reasonable times, both before and after a final decision has been issued.
- k. Three site plan maps, described in the following sections. Each map should be clear and informative. Depending on the scope of the work proposed, hand-done sketch maps may be acceptable for maps 2 and 3; however, professional survey/engineering drawings may be required. The list below includes information typically required for properly describing an activity to the Commission, but the applicant should include whatever additional information is helpful or appropriate.
- l. All information to meet the requirements of Section 22a-39-14 of the Regulations of Connecticut State Agencies, "Connecticut Department of Environmental Protection, Statewide Inland Wetlands & Watercourses Activity Reporting Form," as amended.
- m. The following maps and site plans:
MAP 1: General Location Map -- submit one (1) copy
Photocopy of USGS topo map, 8-1/2" x 11" (available in the Land Use Office), scale: 1" = 2,000'

Show the following:

- a. Approximate property boundaries outlined

[The following **Maps 2 & 3** should include a North arrow and have a title block in the lower right hand corner with the following information: name of the project and/or street address; name of applicant/owner/developer; map scale; name and signature of person who prepared the map and the date prepared.]

MAP 2: Site Plan/Boundaries Map -- submit one (1) copy

Scale: Up to 1" = 100' (If entire map does not fit on a 24" x 36" sheet, scale can be reduced to 1" = 200')

Show the following:

- a. Existing and proposed property boundaries of the entire property, and proposed modifications and or subdivision thereof;
- b. Approximate location of all regulated areas currently existing on the property:

wetlands, watercourses and applicable upland review areas. (see Official Wetlands Map at the Town Office Building or the Land Use Office for assistance);

- c. Location of existing/proposed buildings, structures, roads (including logging roads), driveways, parking areas, wells, septic systems, utility lines, and/or other uses;
- d. Total acreage.

(Note: Map 2 is not necessary if the entire property can be shown on Map 3)

MAP 3: Proposed Activity Map -- submit three (3) copies, showing proposed activity within regulated area(s)

Scale: 1" = 40' or larger (e.g. 1" = 20') unless otherwise approved by the Commission.

Unless otherwise approved by the Commission, the map shall be prepared by a licensed land surveyor, licensed by the State of Connecticut, and compiled with the horizontal control based upon a monumented Class A-2 boundary survey, and vertical control for elevation based upon U.S. Geological Survey datum and the Connecticut Coordinate Grid System, where possible under existing standards. Proposed construction activity shall be drawn by a professional engineer licensed in the State of Connecticut, or by such other person acceptable to the Commission.

Show the following for the regulated areas on the property where activity is proposed:

- a. Regulated area (wetlands, watercourses, upland review area) involved with the proposed activity. Unless otherwise approved by the Commission, wetland boundaries shall be determined by a certified soil scientist and shown on the site plan. The site plan shall include the signature of the soil scientist responsible for locating the regulated area(s), and shall depict the flag locations of the wetland boundaries as they are marked in the field.
- b. Location of existing and proposed buildings, structures, septic systems, wells, roads (including logging roads), driveways, parking areas, graveled areas, and/or other uses. Indicate distance (in feet) from proposed activity to closest regulated area;
- c. Any easements and right(s) of way, other pertinent features (e.g. significant ledge outcrops, stone walls, percolation holes, test pits, etc.)
- d. Edges and general areas of existing and proposed vegetation (forest, field, lawn, clearing, etc.), properly labeled.
- e. Erosion and sedimentation measures, and/or other mitigative measures planned

to protect wetlands and watercourses from harmful discharges during or after the proposed activity.

- f. If filling, grubbing, grading, stumping, and/or excavating is proposed in a regulated area, show proposed edge of area to be disturbed, and existing and proposed contours at 2' intervals. Indicate areas for placement of fill material and/or material removed and any areas to be used for temporary storage piles (e.g. topsoil, organic soil) and the sediment and erosion control measures used. Indicate type of material to be used for fill, if any, and how the surface of the disturbed area will be stabilized.
- g. If storm water drainage systems are proposed, include cross-section construction drawing(s), and drainage computations/profiles based on ten (10) and twenty-five (25) year storms.
- h. Submission of the appropriate filing fee based on the current fee schedule established by town ordinance.

7.4 If the proposed activity is deemed a "significant activity" by the Commission (as defined in Subsection 2.1 of these Regulations), a public hearing and additional information (including notice to adjacent property owners) is required; see Subsection 9.1 for details. Such information shall be based on the nature and anticipated effects of the activity and shall include, but not be limited to, the following items (a.) through (h.).

Ten (10) copies of the complete application (including additional materials described below) must be submitted.

- 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, upland review areas, land contours, boundaries of land ownership, proposed alterations and uses of wetlands, watercourses and upland review areas, and other pertinent features of the development drawn by a licensed surveyor, professional engineer or architect registered in the State of Connecticut, or by such other person acceptable to the Commission.
- b. Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses;
- c. Wetlands will be delineated in the field by a soil scientist and such field delineation will be incorporated onto the site plan. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Soil Conservation Service;
- d. Description of the ecological communities (i.e. desirable fisheries, wildlife habitat, or

other biological life) and functions of the wetlands or watercourses involved with the application and describe how the proposed regulated activity affects the described ecological communities and wetlands functions;

- e. Drawings and descriptions of the alternatives to the proposed activities and the effects of each alternative to the proposed activities on the described ecological communities and wetland or watercourse functions, and explanations of why each alternative is deemed neither feasible nor prudent.

In presenting alternatives, the applicant should thoroughly review ways to minimize or avoid disturbance to the wetlands, including the alternate locations, configurations, designs, design parameters, and/or specifications that could serve that purpose, and alternate ways to develop and make use of the wetland or adjacent land that might avoid the need for impact on the wetland. Any conclusions as to feasibility, unfeasibility, or preference of one alternative over the other given economic, engineering, environmental and permitting constraints should be accompanied by the data that supports those conclusions.

In weighing alternatives from an environmental standpoint, preference should be given to those that result in the least disturbance to the wetland. To the extent feasible options require disturbance of the regulated area, possible mitigation alternatives should also be presented and analyzed, so as to demonstrate that the proposal presented is the least intrusive and, with mitigation, either achieves or comes as close as possible to achieving no net long-term adverse effect on the wetland system;

- f. Analysis of chemical or physical characteristics of any fill material;
- g. Measures which mitigate the impact of the proposed activity. Such measures include:
 - 1. Plans or actions which **prevent further destruction** and diminution of wetland functions or the degradation of water quality from present or future activities and from activities incidental to the proposed uses, to include:
 - a. A plan to control erosion and sedimentation and avoid obstruction of drainage:
 - * from activities proposed within the regulated area; and
 - * from any other activities associated with or stemming from the proposal, in or out of the regulated area, that might have an impact on the wetland.
 - b. A construction plan that minimizes incidental and temporary damage through such things as:
 - * protecting the tree canopy and maintaining as much vegetation on site

as possible;

- * choosing equipment and techniques that limit the area of disturbance, reduce soil compression and rutting or other damage to soils, preclude oil spills or release of hazardous materials, and minimize the need for and the extent and duration of water diversions;
 - * adopting excavation and soil management techniques that limit damage to root systems, stockpile organic soils separately from inorganic soils, protect, control and properly locate stockpiles, and protect the wetland resource;
 - * proper scheduling and sequencing of construction to minimize work time, avoid wet times of year, and to assure that the activity, noise, and any resulting temporary changes in water quality and quantity have the least possible effect on wetland functions such as plant and animal habitat, fisheries and recreation;
 - * returning the site as much as possible to its original condition through proper site remediation, reestablishment of equivalent hydraulic conditions in the soil, and the careful replacement of organic soils in temporarily affected areas whenever possible;
 - * a marking, protection, and/or monitoring plan for areas that are not to be impacted, through such means as:
 - identifying, flagging and or fencing sensitive features that fall within the area where work is to take place, but which are not to be disturbed;
 - clearly marking the edge of the area of disturbance throughout the period of construction;
 - specific monitoring, inspection and reporting measures as may be necessary to prevent damage to adjacent resources;
 - permanently monumenting and protecting the outer edge of wetlands and upland review areas in the vicinity of areas to be cleared or developed;
 - protective easements or covenants that protect remaining regulated areas, or that limit the risk that these might be adversely affected by adjacent uses.
2. Plans or actions which **compensate for damage** in one part of the wetland, or one function of a wetland, through improvements or better protection of others, such as:

- * compensatory flood storage or retention (preferably outside current wetlands) or other changes to preserve hydraulic characteristics of the drainage;
- * wildlife habitat improvements in one area to compensate for reduced wildlife habitat in another;
- * restoration of the area affected by the activity in ways that add natural wetland values that did not exist there before;
- * remediation of past damage, or permanent improvements to stem chronic and unauthorized pollution, trashing, off-road vehicular activity, etc. currently taking place on the property;
- * easements, covenants or other land instruments that improve the long-term protection of remaining wetlands, or enhance the wetland's value to the community by making it more accessible for recreational, educational, or research purposes.

7.5 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, so that the Commission may notify the Town Clerk of that adjoining municipality before a decision is rendered;
- b. When a public hearing is to be held on a pending application, that notice has been sent, by Certified Mail, to the owners of record of adjacent land within ninety feet (90') of property boundary and all parties of record of the public hearing, as described in Subsection 9.3;
- c. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- d. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality;
- e. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

7.6 Any application submitted pursuant to Section 8 of the Connecticut General Statutes shall be guided by the application requirements of this Section of these Regulations.

7.7 Any request to renew or extend the expiration date of a previously issued permit (see Subsection 11.7) shall be filed with the Commission, on a form prescribed by the

Commission, (pages 1 and 2 of the Permit Application and applicant's signature), with the appropriate background information listed below, not later than sixty-five (65) days prior to the expiration date for the permit in accordance with Subsections 8.4 through 8.8 of these Regulations. Upon timely request for extension, the permit shall not expire until the Commission acts upon the request.

Any request for renewal or extension shall be made in accordance with this Section 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. The request shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;
- c. The request shall describe any changes in facts or circumstances involved with or affecting wetlands, watercourses, or upland review areas on the property for which the permit was issued;
- d. The request shall contain such information as is necessary for a fair and informed determination of the issues.
- e. The Commission may accept an untimely request to extend the expiration date of a permit so long as the request is submitted prior to the expiration date of the permit and only if the authorized activity is ongoing. The Commission may 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 request shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit.

Any such request shall be approved upon request of the permit holder unless (1) The Commission finds that there has been a substantial change in circumstances which requires a new permit application or (2) and enforcement action has been undertaken with regard to the regulated activity for which the permit was issued.

No request can be approved if the total period of the initial permit plus renewals or extensions would exceed ten (10) years.

7.8 Expired permits cannot be renewed.

7.9 To obtain a permit for a new or reconstructed pond, it is recommended that the following information be included in a site plan with your permit application:

- a. A topographical survey of the proposed pond site, including property lines and buildings;
- b. Proposed side slopes (3:1 are recommended, 4:1 slopes out of the pond);
- c. Size of the pond, width and depth;
- d. A plan view and cross sectional view of the proposed pond, showing elevations of the pond bottom and water level;
- e. Location of topsoil and spoil piles, with erosion controls;
- f. Identification of regulated wetland areas by a qualified soil scientist;
- g. A narrative containing the following information -- amount of material to be removed and the new location of said material, proposed measures to prevent erosion and sediment problems during construction.

7.10 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 agriculture, 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 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 (60) days prior to the filing of the permit application.
- d. In lieu of such notice pursuant to subsection 7.10c, the applicant may submit a letter from the holder of such restriction or from the holder’s authorized agent, verifying the

application is in compliance with the terms of the restriction.

- 7.11 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 a) no permit issued during the time period from July 1, 2006, to July 1, 2009, inclusively, shall be valid for more than eleven years; and b) no permit issued prior to July 1, 2006 or after July 1, 2009 may be valid for more than ten years.

Section 8 Application Procedures

- 8.1 All applications shall be filed with the Town of Haddam Land Use Office.
- 8.2 In the case of any application where any portion of the wetland or watercourse on which the regulated activity is proposed is located within five hundred (500) feet of the boundary of Chester, Durham, East Haddam, East Hampton, Killingworth or Middletown, the applicant shall give written notice, in accordance with Section 22a-42c of the Connecticut General Statutes, of the proposed activity, certified mail return receipt requested, to the adjacent municipal wetland agency or commission on the same day of filing an inland wetland permit application with the Town of Haddam Wetlands Commission. Documentation of such notice shall be provided to the Haddam Wetlands Commission.
- 8.3 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse within the town, any portion of which is within the watershed of a water supply company as defined in Section 25-32a of the Connecticut General Statutes, the applicant shall provide written notice of such application to the water company provided the water company has filed a map showing the boundaries of the watershed on the land records in the town. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of application. The water company, through a representative, may appear and be heard at any hearing on the application.
- 8.4 The Commission shall, in accordance with Section 22a-42b of the Connecticut General Statutes, notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:
- a. Any portion of the property on which the regulated activity is proposed is located within five hundred (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 on the site will flow through and significantly impact the drainage or sewage system within the adjoining municipality; or
- d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Notice of the pendency of such application shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application, petition, request or plan. No hearing may be conducted on any application, petition, request or plan unless the adjoining municipality has received the notice required under this Section. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

- 8.5 The date of receipt of any application shall be the day of the regularly scheduled meeting of the Commission immediately following the day of submission to the Commission, provided such meeting is no earlier than three (3) business days after the date of submission, or thirty-five (35) days after submission, whichever is sooner.
- 8.6 At any time during the review period, the Commission 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.
- 8.7 All applications shall be open for public inspection.
- 8.8 Incomplete applications may be denied. See Subsections 7.3 and 7.4 for components of a complete application.

Section 9 Public Hearings

- 9.1 The Commission shall not hold a public hearing on applications unless the Commission determines that the proposed activity
 - (1) may have a significant impact on wetlands and/or watercourse; or
 - (2) the Commission finds that a public hearing regarding such an application would be in the public interest; or
 - (3) a petition signed by a least twenty-five (25) persons requesting a hearing is filed with the Commission not later than fourteen (14) days after the date of receipt of such application, (first meeting where the application is placed on the agenda for consideration).

Such hearing shall be held no later than sixty-five (65) days after the receipt of such application by the Commission.

All applications and maps and documents relating thereto shall be placed on file with the Commission through the Town of Haddam Land Use Office at least ten 10 days before the date of the public hearing where they shall be available for public inspection.

Any person may appear and be heard at any public hearing within the format outlined by the Commission for said hearing.

- 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 and watercourse is located.
- 9.3 The applicant shall give notice, by certified mail, to the owners of record of adjacent land within ninety feet (90') of property boundary and all parties of record of the public hearing no less than ten (10) days prior to the day of the hearing. Proof of such notification shall be entered into the hearing record.
- 9.4 In the case of any application which is subject to the notification provisions of Section 8.4 of these Regulations, a public hearing shall not be conducted if the clerk of the adjoining municipality(s) has not 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 from a public hearing or meeting;
 - c. Reports from other agencies and commissions including but not limited to the Town of Haddam Conservation Commission, Planning and Zoning Commission, Town Engineer, Building Inspector and Public Health Official.
 - d. The Commission may also consider comments on any application from the Middlesex County Soil and Water Conservation District, the Midstate Regional Planning Agency or other regional organizations; 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. Advice and evidence from its own experts or experts hired by the Commission.

- f. Non-receipt of comments from agencies and commissions listed above within the proscribed time shall neither delay nor prejudice the decision of the Commission.

10.2 Standards and Criteria for Decision - The Commission shall consider all relevant facts and circumstances in making its decision on any application for a permit, including but not limited to the following:

- a. The environmental impact of the regulated activity on wetlands or watercourses, including the effects on the inland wetland's and watercourse's capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety;
- b. The applicant's purpose for, and any feasible and prudent alternatives to the proposed regulated activity for which alternatives would cause less or no environmental impact to wetlands or watercourses and which could feasibly attain the basic objectives of the activity proposed in the application. This consideration should include, but is not limited to, the alternative of taking no action, or postponing action pending further study, and the alternative of requiring actions of different nature which would provide similar benefits with different environmental impacts, such as using a different location for the activity.
- c. The relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands and/or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses, including consideration of the extent to which the proposed activity involves trade-offs between short-term environmental gains at the expense of long-term losses, or vice versa, and consideration of the extent to which the proposed action forecloses or predetermines future options.
- d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (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. This requires recognition that the inland wetlands and watercourses of the State of Connecticut are an indispensable, irreplaceable and fragile natural resource, and that these areas may be irreversibly destroyed by deposition, filling, and removal of material, by the diversion, diminution or obstruction of water flow including low flows, and by the erection of structures and other uses.
- e. The character and degree of injury to, or interference with, safety, health, or the

reasonable use of property, including abutting or downstream property, which would be caused or threatened by the proposed regulated activity, or the creation of conditions which may do so. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and wildlife and their habitat, loss of unique habitat having demonstrable natural, scientific or educational value, loss or diminution of beneficial aquatic organisms and wetland plants, the dangers of flooding and pollution, and the destruction of the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses.

- 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. This requires a balancing of the need for the economic growth of the state and the use of its land, with the need to protect its environment and ecology for the people of the state and the benefit of generations yet unborn.
- g. 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. Such measures include, but are not limited to, actions which would avoid adverse impacts or lessen impacts to wetlands and watercourses and which could be feasibly carried out by the applicant and would protect or enhance the wetland's or watercourse's natural capacity to support fish and wildlife, prevent flooding, supply water, control sedimentation, prevent erosion, assimilate wastes, facilitate drainage, and to provide recreation and open space.
- h. The extent to which a upland review area along wetlands and watercourses, as specified on the "Official Inland Wetlands and Watercourses Map, Town of Haddam," has been preserved as a mitigation measure to minimize long-term disturbances of the regulated area.

10.3 In the case of any application which received a public hearing, 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. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in its decision. However, the Commission is not precluded from seeking advice from its own experts on information already in the public record of the public hearing.

In making this finding, the Commission shall consider the facts and circumstances set forth in Section 10 of these Regulations. This finding and the reasons therefore shall be stated on the record in the decision of the Commission.

10.4 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-45a, inclusive of the CT General Statutes.

- 10.5 For the purposes of this section, (1) “wetlands and watercourses” includes aquatic, plants or animal life and habitats in wetlands and watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or occurs.
- 10.6 The Wetlands Commission shall not deny or condition an application for a regulated activity in an area outside wetlands and 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 and 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.
- 10.8 In case of an application where the applicant has provided written notice pursuant to subsection 7.10c of these regulations, the holder of the restriction may provide proof to the Wetlands Commission that granting 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 Wetlands Commission shall not grant the permit approval.
- 10.9 In the case of an application where the applicant fails to comply with the provisions of the subsections 7.10c or 7.10d of these regulations, the party holding the conservation or preservation restriction may, not later than 15 days of receipt of actual notice of permit approval, file an appeal of with the Wetlands Commission, subject to the rules and regulations of such agency relating to appeals. The Wetlands Commission shall reverse the permit approval upon a finding that the requested land use violates the terms of such 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 grant, deny or limit the application as filed; it may grant the regulated activity upon other terms, conditions, limitations or modifications which are designed to carry out the purpose and policies of the Act, as amended. 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 , but no earlier than thirty (30) days after submission, the Commission may hold a public hearing on such application. The hearing shall be completed within thirty-five (35) days of its commencement and 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 any such periods shall not be for longer than sixty-five (65) days, or may withdraw such application.

Failure of the Commission to act within the time period specified in this Subsection, or extension thereof, shall not be deemed to constitute approval of the application.

- 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.
- 11.4 The Commission 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 and the Commission 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. 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 Haddam Planning and Zoning Commission as soon as reasonably possible.
- 11.6 If the Commission denies a permit, the application shall not be resubmitted unless the proposal is modified in a fashion that substantially changes the impacts which resulted in the denial. Such submittal shall take the form of a new application.

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 watercourse, the Commission shall propose on the record, in writing, the types of alternatives which the applicant may investigate; 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.

- 11.7 Any permit issued under this section prior to July 1, 2006 or after July 1, 2009 shall be

valid for not less than two (2) years and not more than five (5) years (at the discretion of the Commission), except for the following:

Any permit issued prior to July 1, 2006 or after July 1, 2009 for the development of property for which an approval is required under Connecticut general Statutes Section 8-3 (Zone Change, Certificate of Compliance, Cite Plan Approval), or Sections 8-25 (Subdivision) or 8-26 (Re-subdivision) shall be valid for five (5) years provided the commission may establish a specific time period within which any regulated activity shall be conducted. Any permit issued during the time period from July 1, 2006, to July 1, 2009, inclusive, shall expire not less than six years after the date of such approval.

Any such request for renewal of a permit shall meet the terms of Section 7.7 of these regulations.

No permit may be valid for more than ten (10) years from the original date granted.

- 11.8 No permit shall be assigned, transferred, sublet or sold without the written permission of the Commission.
- 11.9 If a bond or insurance is required in accordance with Section 13 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 are as follows:
1. Prior to construction, a "Letter to Proceed" must be obtained by the applicant. The Wetlands Enforcement Officer, or other designated Land Use Office personnel, must be notified two (2) weeks prior to the beginning of construction. Verification of installed soil and erosion control measures and compliance with all other permit conditions, and if the activity authorized by the wetlands permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance or special exception then approval of same must be verified before a "Letter to Proceed" will be given to the applicant and construction allowed to begin.
 2. In evaluating this application, the Agency has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, this permit shall be modified, suspended or revoked.
 3. All work and regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions of this permit.

4. Timely implementation and maintenance of sediment and erosion control measures, as described in Guidelines for Soil Erosion and Sediment Control -- Connecticut, Revised 1988 (or more current edition when available), are a condition of this permit. All sediment and erosion control measures must be maintained until all disturbed areas are stabilized. The permittee shall also employ the best management practices, consistent with the terms and conditions of this permit, to control storm water discharges and to otherwise prevent pollution of wetlands and/or watercourses.

The permittee shall immediately inform the Wetlands Enforcement Officer (WEO) of any problems involving wetlands or watercourses which have developed in the course of, or which are caused by, the authorized work. The WEO is authorized to require additional erosion and sedimentation controls or to modify methods and procedures as may be required by field conditions. For information and technical assistance, contact the WEO or the Agency.

5. No equipment or material including, without limitation, fill, construction materials, or debris shall be deposited, placed or stored in any wetland or watercourse on or off site unless specifically authorized by this permit.
6. Plans for the ultimate disposal of excess material to be removed from the site, if applicable, must be approved by the WEO in advance of any such disposal.
7. Upon approval and signature of the Planning & Zoning Commission, if applicable, the permittee shall deliver one set of plans to the Town Building Department for the WEO.
8. Unless otherwise approved, all activity authorized by this permit must be completed within one year of the date the activity is started.
9. This authorization constitutes that required by Section 22a-39 of the CT General Statutes, as amended.
10. This permit is subject to and does not derogate any present or future property rights or other rights or powers of the Town of Haddam and conveys no property rights in real estate of material value nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

Section 12

Action by Duly Authorized Agent

- 12 .1 The Agency may delegate to its duly authorized agent the authority to approve or extend a license for an activity that is not located in a wetland or watercourse when such agent finds

that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Agency and shall contain the information listed under Section 7.5 of these regulations and any other information the Agency may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 9 and 11 of these regulations, such agent may approve or extend such an activity at any time.

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

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 wetland protection bond [or other surety in a form approved by the Commission]. Said bond shall be filed a minimum of ten (10) days prior to any construction activity or issuance of a permit and shall have a minimum duration of one (1) year from the beginning of construction activities, said date being calculated from the date on which a letter to proceed is issued by the Wetlands Enforcement Officer.
- 13.2 The wetland protection bond shall be conditioned on compliance with all provisions of these Regulations and the terms, conditions and limitations established in the permit.
- 13.3 The wetland protection bond may be in addition to any and all bonds required by the Planning and Zoning Commission or other Town of Haddam agency.
- 13.4 The amount and duration of all wetland protection bonds shall be set by the Wetlands Enforcement Officer, after consultation with the Town Engineer, and approved by the Commission. The wetland protection bond shall be endorsed in favor of the Town of Haddam and posted with the Land Use Office. Said wetland protection bond shall be in the form of cash, certified or cashier's check, or funds in a passbook savings account and

assigned to the Town of Haddam.

- 13.5 The Commission may require the applicant to certify that it has public liability insurance against any liability which might result from the proposed operation or use of the wetlands or watercourses and covering any and all damage to the wetlands or watercourses which might occur within two (2) years of completion of such operations[, in an amount to be determined by the Commission commensurate with the regulated activity]. The amount and duration of such insurance policy shall be determined by the Commission.

Section 14 Enforcement

- 14.1 The Commission may appoint any agent to act in its behalf with the authority to inspect property and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these Regulations.
- 14.2 As a condition of a permit, even if one was not issued or it has expired, the Commission or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these Regulations.
- 14.3 If the Commission 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 Commission or its duly authorized agent may:
- a. Issue a written order by certified mail, 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) 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 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 Section shall not delay or bar an action pursuant to Section 22a-44(b) of the Connecticut General Statutes as amended. The Commission may file a certificate of such order in the office of the Town Clerk, who shall record such certificate on the land records. Such certificate shall be released upon compliance with such order.
 - b. Suspend or revoke a permit if it finds that the applicant 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 Commission 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 Commission's decision to suspend, revoke or maintain a permit by certified mail within fifteen (15) days of its decision. The Commission shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.

- c. Any person who commits, takes part in, or assists in any violation of any provisions of these Regulations, or as otherwise set forth in said Statutes as Sections 22a-36 to 22a-45 inclusive of the Connecticut General Statutes as amended, shall be fined not more than one thousand dollars (\$1,000) and/or be imprisoned for not more than six (6) months for each offense. Each violation shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct offense.
- d. The Commission may petition the Superior Court, in accordance with Section 22a-44(b) of the Connecticut General Statutes as amended, to assess damages in the amount necessary to effect restoration of the affected wetlands and watercourses.

Section 15 Amendments

- 15.1 These Regulations and the "Official Inland Wetlands and Watercourses Map, Town of Haddam" may be amended, from time to time, by the Commission 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.
- 15.2 An application filed with the Commission which is in conformance with the applicable Commission Regulations as of the date of receipt shall not be required thereafter to comply with any change in these Regulations, including changes to upland review areas, taking effect on or after the date of receipt. The provisions of this Section shall not to 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 them consistent with the provisions of Chapter 440 of the Connecticut General Statutes as of the date of receipt.
- 15.3 These Regulations and the "Official Inland Wetlands and Watercourses Map, Town of Haddam" 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 determinations of boundaries, at least thirty-five (35) days before the public hearing on their adoption.

- 15.4 Petitions requesting changes or amendments to the "Official Inland Wetlands and Watercourses Map, Town of Haddam" shall complete the Permit Application.
- 15.5 Any person who submits a petition to amend the "Official Inland Wetlands and Watercourses Map, Town of Haddam," 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. Such documentation includes a map of the land in question signed by a certified soil scientist on which the flag locations defining the boundaries of the regulated soil types are depicted. The map shall be compiled with the horizontal control based upon a monumented Class A-2 boundary survey, and vertical control for elevation based upon U.S. Geological Survey datum and the Connecticut Coordinate Grid System, where possible under existing standards. The map shall be prepared and sealed in accordance with privilege afforded by the laws of the State of Connecticut to a licensed land surveyor licensed in the State of Connecticut.
- 15.6 Watercourses shall be delineated by a competent soil scientist, geologist, ecologist or other individual satisfactory to the Commission.
- 15.7 A public hearing shall be held on petitions to amend the "Official Inland Wetlands and Watercourses Map, Town of Haddam." 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 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 (10) days before such hearing.
- 15.8 Within sixty-five (65) days after receipt of a complete petition for a change in the mapped boundaries of any wetland or watercourse, the Commission shall hold a public hearing to consider the petition. The hearing shall be completed within thirty-five (35) days of commencement. The Commission shall act upon the changes requested in such petition within sixty-five (65) days after the hearing. 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 (65) days, or may withdraw such application. The failure of the Commission to act within any time period or extension shall not be deemed to constitute approval of the petition.
- 15.9 The Commission shall make its decision in writing and state the reasons why the change in the "Official Inland Wetlands and Watercourses Map, Town of Haddam" was made in writing.

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.

Section 17 Conflict and Severance

- 17.1 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.
- 17.2 If there is a conflict between the provisions of these regulations and the provisions of the Act, the provisions of the Act shall govern.

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 Haddam, 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 19 Fees

- 19.1 All fees required by the Town of Haddam shall be submitted to the Land Use Office, or other designated office or official, by cash or check, payable to the Town of Haddam, at the time the application is submitted.

- 19.2 No application shall be deemed complete or accepted by the Commission unless the correct application fee is paid in full.

Section 20
Effective Date of Regulations

- 20.1 These Regulations, including the "Official Inland Wetlands and Watercourses Map, Town of Haddam" 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 Haddam.

WETLANDS COMMISSION
STANDARD PERMIT CONDITIONS

1. Prior to construction, a "Letter to Proceed" must be obtained by the applicant. The Wetlands Enforcement Officer, or other designated Land Use Office personnel, must be notified two (2) weeks prior to the beginning of construction. Verification of installed soil and erosion control measures and compliance with all other permit conditions, and if the activity authorized by the wetlands permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance or special exception then approval of same must be verified before a "Letter to Proceed" will be given to the applicant and construction allowed to begin.
2. In evaluating this application, the Agency has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, this permit shall be modified, suspended or revoked.
3. All work and regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions of this permit.
4. Timely implementation and maintenance of sediment and erosion control measures, as described in Guidelines for Soil Erosion and Sediment Control -- Connecticut, Revised 1988 (or more current edition when available), are a condition of this permit. All sediment and erosion control measures must be maintained until all disturbed areas are stabilized. The permittee shall also employ the best management practices, consistent with the terms and conditions of this permit, to control storm water discharges and to otherwise prevent pollution of wetlands and/or watercourses.

The permittee shall immediately inform the Wetlands Enforcement Officer (WEO) of any problems involving wetlands or watercourses which have developed in the course of, or which are caused by, the authorized work. The WEO is authorized to require additional erosion and sedimentation controls or to modify methods and procedures as may be required by field conditions. For information and technical assistance, contact the WEO or the Agency.

5. No equipment or material including, without limitation, fill, construction materials, or debris shall be deposited, placed or stored in any wetland or watercourse on or off site unless specifically authorized by this permit.
6. Plans for the ultimate disposal of excess material to be removed from the site, if applicable, must be approved by the WEO in advance of any such disposal.
7. Upon approval and signature of the Planning & Zoning Commission, if applicable, the permittee

shall deliver one set of plans to the Town Building Department for the WEO.

8. Unless otherwise approved, all activity authorized by this permit must be completed within one year of the date the activity is started.
9. This authorization constitutes that required by Section 22a-39 of the CT General Statutes, as amended.
10. This permit is subject to and does not derogate any present or future property rights or other rights or powers of the Town of Haddam and conveys no property rights in real estate of material value nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

FOREST PRACTICES REGULATIONS

ADOPTED: JANUARY 10, 2000

FOREST PRACTICES REGULATIONS

1. INTRODUCTION:

Harvesting of forest tree species is an integral part of forest management by which wood for human use is obtained and by which during harvesting operations, there will be temporary changes in the forest environment.

The objective of these Regulations is not to discourage timber harvesting but to allow harvesting procedures that:

*Limit soil erosion;

*Protect water bodies and watercourses from sedimentation and other pollutants;

*Protect the public health, safety and welfare, and property values;

*Comply with the Connecticut River Gateway Commission's standards within the Gateway Conservation Zone.

*The burden of proof concerning any dispute on the amounts of wood cut shall rest with the landowner and shall be resolved by a professional forester.

*The Commission may impose the more stringent cutting requirements.

These regulations are adopted under the authority of the Connecticut General Statutes Section 23-65k.

2. DEFINITIONS:

A. Forest Practice--Any activity which may alter the physical or vegetative characteristics of any forest and which is undertaken in connection with the harvest of commercial forest products unless such harvest is undertaken pursuant to the conversion of forest land to other uses and such conversion has been approved by the wetland commission.

B. Commercial Forest Products--Wood products harvested from a tract of forest land in excess of fifty cords or one hundred fifty tons or twenty five thousand board feet, whichever measure is appropriate, in any twelve month period.

C. Commercial Forest Practitioner--Any person who engages in commercial forest practices.

- D. Tree--A woody perennial plant usually having one self-supporting stem or trunk which has a definitely formed crown and is normally expected to attain a mature height of over twenty feet.

3. ACTIVITIES PERMITTED WITHOUT REGISTRATION

- A. Timber, except in the Gateway Conservation Zone, may be harvested without obtaining approval from the Wetland Enforcement Officer, or obtaining site plan approval from the Wetland Commission for the following:
 - (1) Clearing to prepare site for farming and agricultural purposes including the cultivation of crops other than forest products;
 - (2) Thinning and clearing in connection with development of residential, industrial, recreational, public or non-woodland commercial purposes, including cutting, removing or harvesting trees on a lot for the purpose of preparing the site for the construction of a building, structure, or other use where prior approval has been granted;
 - (3) Thinning or clearing to provide access to abutting land;
 - (4) Cultured Christmas tree area;
 - (5) Cutting, removing or harvesting timber representing 15 cords or less, or ten thousand board feet or less on any one ownership of land within any given calendar year.

All harvesting, however, shall be conducted in a manner that minimizes erosion and sedimentation to wetlands and watercourses and to protect the public health, safety and welfare and property values.

4. DEFINITIONS AND REQUIREMENTS FOR ALL CUTTING IN THE GATEWAY CONSERVATION ZONE:

A. Non-Commercial Cutting

- (1). The cutting or removal of forest tree species on a lot for the purpose of preparing a site for the construction of a building or other structure and/or cutting for the customary maintenance and improvement of a lot of any size.
- (2). A cutting plan showing the existing mix of tree species, their approximate height, age and density; a description of the cutting or removal activities to be undertaken and any other information that

may be necessary and reasonably required.

B. Commercial Cutting

- (1). Any cutting or removal of forest tree species which exceeds one acre.
- (2). A cutting plan must show the applicant's property and the abutting property owner, a description of the activity to be undertaken, and certification by a forester that the plan is consistent with the "Minimum Standards for the Cutting of Timber" set forth in Appendix A of the Gateway Conservation Zone Regulations.
- (3). Commercial cutting representing 16 to 100 cords, or more than 10,000 board feet and less than or equal to 25,000 board feet on any one ownership of land within any 12 month period and owner of the property on which that harvest operation is proposed shall first obtain a permit from the Wetland Enforcement Officer.
- (4). Commercial cuttings representing more than 100 cords, or more than 25,000 board feet on any one ownership of land in any 12 month period the owner of the property on which the harvest operation is proposed shall first obtain a Timber Cutting Approval from the Commission.

5. COMMERCIAL CUTTING (OUTSIDE GATEWAY CONSERVATION ZONE)

A.16 to 100 Cords - Approval from Wetland Enforcement Officer Required

- (1). Before any timber is harvested representing 16 to 100 cords, or more than 10,000 board feet and less than or equal to 25,000 board feet on any one ownership of land within any 12 month period of the owner of the property on which the harvest operation is proposed shall first obtain a permit from the Wetland Enforcement Officer. Such permit shall be in effect for one year and may be renewed for one additional year with the approval of the Wetland Enforcement Officer without filing a new application.

The landowner shall submit:

- a. A sketch map or maps showing the landowner's property and the abutting property owners;
- b. Proof that notification has been given to abutting property owners within 500 feet of the actual area disturbed by the cutting operation. Such notification shall consist of a copy of the application for a cutting permit and shall be sent to abutting property owners within 500 feet via certified mail return receipt requested;

- c. Description of the nature and location of the cutting operations;
- d. Location of water bodies and water courses;
- e. Number and type of vehicles and equipment to be used;

Hours of operation are to be between 7:00 a.m. and 6:00 p.m., Mondays through Saturdays unless modified and approved by the Commission;

(2). Other information which the Wetland Enforcement Officer deems necessary to determine the cutting operation's impact on soil and water quality.

(3). Appropriate Fee

The Wetland Enforcement Officer shall give approval when satisfied that the cutting, removal or harvesting will minimize soil erosion and sedimentation to wetlands and watercourses, protect the public health, safety and welfare, and that no more than 100 cords, nor more than 25,000 board feet will be removed.

B. Over 100 Cords - Permit from Wetland Commission Required

(1). Before any timber is harvested representing more than 100 cords, or more than 25,000 board feet on any one ownership of land in any 12 month period the owner of the property on which the harvest operation is proposed shall first obtain a Timber Cutting Permit from the Commission. Such approval shall be in effect for one year and may be renewed for one additional year with the approval of the Commission without filing a new application.

The application for a Timber Cutting Permit shall include the following minimum requirements:

(1). A Timber Cutting Site Plan showing the following:

a. A U.S.G.S. topographic map showing the location of the property where harvesting is proposed.

b. A sketch map (such as a copy of an assessor's map) showing the landowner's property and the abutting property owners and proof that notification has been given to abutting property owners within 500 feet of the actual area disturbed by the cutting operation. Such notification shall consist of a copy of the application form and shall be sent to abutting property owners via certified mail, return receipt requested.

- c. Location of proposed cutting operation, including logging trials, skid trials, yarding and landing accesses and sawmills, bridges and other stream crossings.
 - d. Location of existing watercourses and/or water bodies.
- (2). A Sedimentation & Erosion Control Plan which meets the minimum requirements set forth in “Logging and Water Quality in Connecticut”, published by the Connecticut 208 Forestry Advisory Committee. Such erosion and sedimentation control plan may be referred to the Middlesex County Soil and Water Conservation District or the Forestry Division of the Department of Environment Protection for technical review or advisory opinion.
- (3). Narrative Description of:
- a. Type and number of vehicles to be used on the site;
 - b. Proposed vehicular access to the site;
 - c. Starting and completion dates and hours of days proposed for operation on the site;
 - d. Hours of operation, which are to be between 7:00 a.m. and 6:00 p.m., Mondays through Saturdays unless modified and approved by the Commission.
- (4). Appropriate Fee

6. GRANTING OF PERMIT

The cutting, removal or harvesting of trees or forest products may be permitted by the Commission subject to review of items required in these regulations. Of particular importance will be documentation that the proposed operation will comply with sedimentation and erosion control measures and notification of abutting property owners.

- A. The following administrative procedures shall apply to timber cutting operations where the Timber Cutting Permit approval from the Wetland Enforcement Officer or where a Timber Cutting Permit from the Commission are required:
 - (1). Ten days before the start of work, the Wetland Enforcement Officer will be notified and a site inspection will be scheduled.

- (2). Property boundaries adjacent to all cutting areas will be flagged in the field at reasonable intervals but not more than 50 feet at least ten days before the start of work, and trees to be removed within 25 feet of the boundary will be marked.
- (3). Major logging roads and side trails within 50 feet of a stream, wetland boundary or property boundary will be flagged in the field ten days before the start of work.
- (4). The landowner shall notify the Wetland Enforcement Officer upon completion of the harvest at which point any corrections necessary to correct erosion and sedimentation control problems will be carried out.
- (5). All skidding and loading operation shall be on private property unless otherwise approved by the Commission.
- (6). The burden of proof concerning any dispute on the amounts of wood cut shall rest with the landowner and shall be resolved by a professional forester. The Commission may impose more stringent cutting requirements.