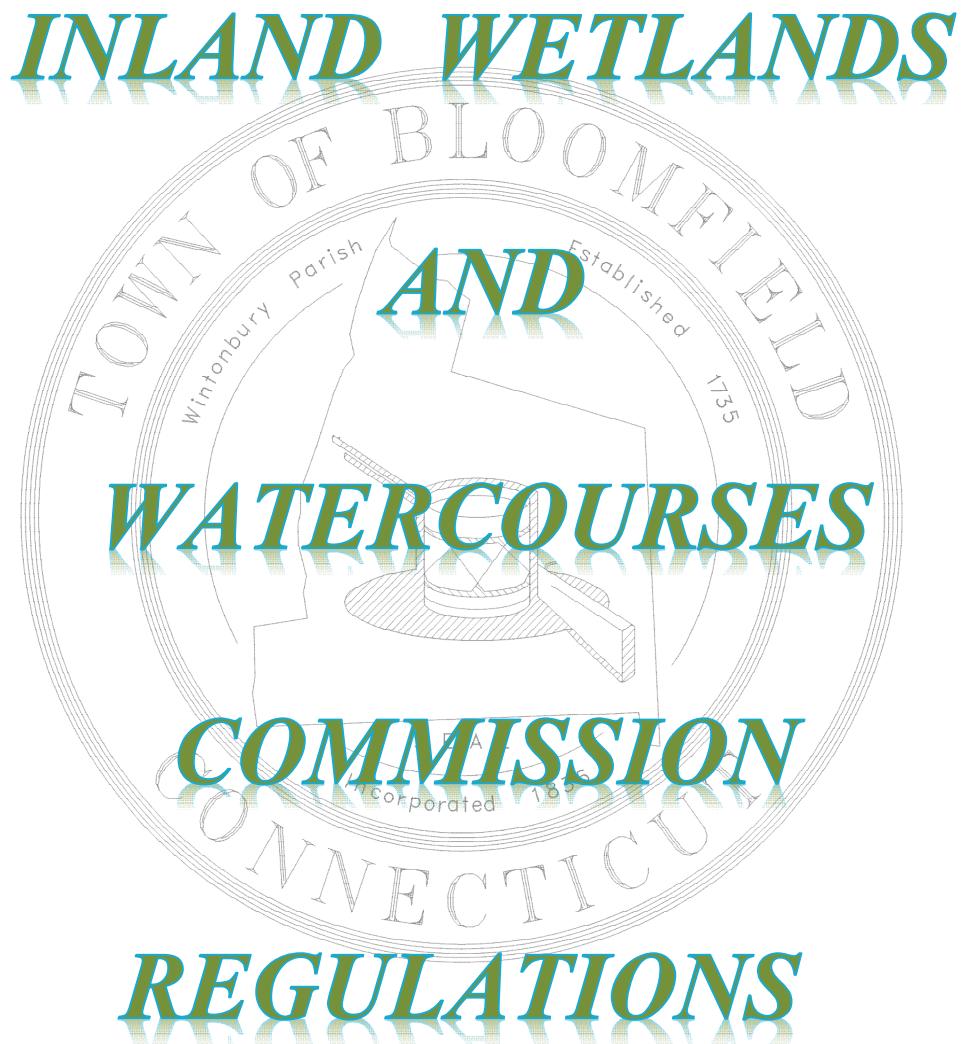


TOWN OF BLOOMFIELD
CONNECTICUT



Adopted May 15, 2023

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These Regulations were adopted on May 15, 2023 by the
Town of Bloomfield Inland Wetlands and Watercourses Commission:

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Illustrations by Abigail Rorer, property of the United States of America, from "Freshwater Wetlands, A Guide to Common Indicator Plants of the Northeast," by Dennis W. Magee, published in 1981 by University of Massachusetts Press.

Section 1 - Title and Authority

1.1 The inland wetlands and watercourses of the Town of Bloomfield and State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of these Regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn. (*From GCS Section 22a-36 Legislative finding.*)

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

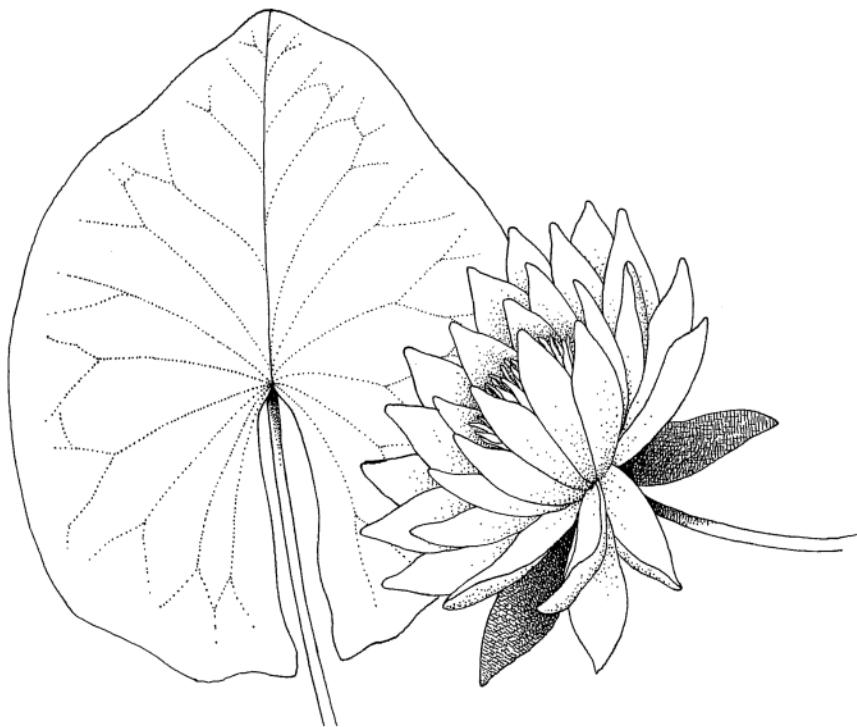
1.3 The Inland Wetlands and Watercourses Commission of the Town of Bloomfield shall implement the purposes and provisions of these Regulations and the Inland Wetlands and Watercourses Act in the Town of Bloomfield. The Commission shall consist of nine (9) members chosen in the manner set forth in Chapter 2, Article VII, Sections 2-90 through 2-95 inclusive of the Code of Ordinance of the Town of Bloomfield (*Town of Bloomfield Ordinance Number 69 adopted 12/11/73*). A quorum shall consist of five (5) Commission members and no permit may be granted, revoked or suspended, and no amendment to the regulations or map may be made except upon at least four (4) affirmative votes.

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 Town of Bloomfield Ordinances 2-90 through 2-95 authorize the Commission to exercise all power granted to the Town of Bloomfield by the Wetlands Act including adoption and publication of these Regulations.

1.6. The Town of Bloomfield Inland Wetlands and Watercourses Commission is the enforcement agency of the Inland Wetlands and Watercourses Act and issues permits, with terms, conditions, limitations or modifications; or denies permits for all regulated activities in the Town of Bloomfield pursuant to Sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended.

1.7 The Commission also regulates certain activities in areas around wetlands and watercourses in accordance with the provisions of these Regulations related to applications for, and approval of, activities to be conducted in wetlands and watercourses, or uplands which are deemed likely to impact or affect wetlands or watercourses. See definition of Regulated Activity in Section 2.1 below.



Nymphaea odorata Ait.
Fragrant Water-lily or Pond-lily

Section 2 – Definitions

Except as specifically defined in this section, words and phrases used in these Regulations shall have the same meaning as they have in common usage and to give a particular usage its most reasonable application. Meanings derived from and/or consistent with usage in the State of Connecticut D.E.E.P. Model Regulations and any associated guidance documents published by D.E.E.P. shall be given precedence when determining “most reasonable application.”

2.1 As used in these Regulations:

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

“Agency” means the Inland Wetlands and Watercourses Commission of the Town of Bloomfield.

“Agent” – see “Wetlands Agent”

“BMP” means an industry standard Best Management Practice measure for stormwater quality and/or erosion and sedimentation control.

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

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

“CGS” means the State of Connecticut General Statutes, as revised and currently in force.

“Commission” means the Inland Wetlands and Watercourses Commission of the Town of Bloomfield.

“Commissioner of Energy and Environmental Protection” means the Commissioner of the State of Connecticut Department of Energy and Environmental Protection.

“Compensatory Mitigation” means an action taken to provide created, restored or enhanced wetland and/or watercourse resources similar to the impacted wetland and/or watercourse resource after all appropriate and practicable avoidance and minimization has been achieved.

“Continual flow” means a flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.

“Date of receipt” of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Wetlands Commission immediately following the day of submission to such the Commission, or its designated Agent, of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner.

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

"DEEP" means the State of Connecticut Department of Energy and Environmental Protection.

"Discharge" means emission of any water, substance, or material into wetlands or watercourses whether or not the substance causes pollution.

"E&S Guidelines" means the "2002 Connecticut Guidelines for Soil Erosion and Sediment Control", as issued by the Connecticut Council on Soil and Water Conservation in cooperation with the Connecticut Department of Energy and Environmental Protection, DEEP Bulletin 34, including any and all supplements, addenda, corrections and/or revisions.

"Erosion" means the wearing away of soil or other material by the action of water or wind.

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

"Farming" shall be consistent with the definition as noted in Section 1-1(q) of the Connecticut General Statutes (see Appendix C). Farming does not include clear cutting for future development or any other purpose except the expansion of farm land.

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

"Forestry" means the development, cultivation, tending and conservation of forest land, and the managed responsible harvesting of forest products. The term "Forestry" specifically does not mean nor includes the harvest of forest products, or any other activity, involved in removing trees or otherwise clearing forest land pursuant to the conversion of the forest land to other uses. The meaning of the terms "forest land" and "forest practice" shall be as defined in Chapter 451a of CGS, and the undertaking of any forest practice within an area subject to regulation by the Commission shall be in accordance with said Chapter 451a of CGS, any other applicable statute or law, and all applicable regulations, standards, and guidelines published by the DEEP.

"Grading" means the reshaping of land surface through the removal, excavation or cutting, and/or placement, deposit or filling, of materials by hand or mechanical means.

"Hydrophytic vegetation" means plants which require saturated or semi-saturated soil moisture conditions.

"Improvements" means various structures, utilities, drainage facilities, traffic control facilities, grading, pavements, landscaping, and other facilities and installed features, and including appurtenances incidental to them, existing or proposed for a site.

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

“Intervener” means any person or persons which have been granted CEPA intervener status in accordance with CGS Section 22a-19

“Jurisdictional Ruling” means a determination made by the Commission or Agent concerning whether a proposed activity is a regulated activity or not. See Sections 4.4, 4.5, 4.6 and 6.6.

“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 Sections 22a-36 to 22a-45, inclusive of the General Statutes of Connecticut.

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

“Marshes” are watercourses that are distinguished by the absence of trees and shrubs. The dominant vegetation in marshes is soft-stemmed herbaceous plants. Some marshes can support woody vegetation. The water table in a marsh is at or above the ground surface throughout the year, and areas of open water six inches or more in depth are common, but seasonal water table fluctuations are encountered.

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

“Mitigation” or “Compensatory Mitigation” means an action taken which provides some form of substitute wetland and/or watercourse resource for the impacted wetland and/or watercourse resource after all appropriate and practicable avoidance and minimization has been achieved. Mitigation may include created, restored, enhanced and/or rehabilitated wetland and/or watercourse resources.

“Mowing” means the cutting of vegetated ground cover, without disturbing the root structure of the existing vegetation, to a height of not less than three (3) inches.

“Municipality” means the Town of Bloomfield.

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

“Official Map” or “Inland Wetlands and Watercourses Map” or “Map” means the Official Map of Inland Wetlands and Watercourses, Bloomfield, Connecticut as maintained under the direction of the Commission as set forth in Section 3 of these Regulations.

“Permit” see license

"Permittee" means the person to whom a permit or license 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 of these entities.

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

"Potential Vernal Pool" means a depressed area in the land that has the potential to be a functional vernal pool but that cannot be positively identified as such due to the season of the year. Potential vernal pools shall be considered functional vernal pools for the purposes of calculating impacts and fees.

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

"Regulated Activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of the wetlands or watercourses, but shall not include the specified activities in Section 4 of these Regulations. Furthermore, regulated activities are also defined as removal or deposition of material, or any obstruction, construction, alteration or pollution within the Upland Review Areas 100 feet from a wetland or 200 feet from a watercourse, or within the Vernal Pool Habitat Areas, or removal of vegetation within the Vegetated Buffer Zones or other activities within upland areas deemed likely to have an effect on the wetlands or watercourses. See definitions of the Upland Review Areas, Vernal Pool Habitat Areas and Vegetated Buffer Zones below.

"Remove" includes, but shall not be limited to drain, excavate, mine, dig, dredge, suck, 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.

"Resources" or "Natural Resources" means the wetlands, watercourses, Upland Review Areas, Vegetated Buffer Zones, Vernal Pool Habitat Areas, and any other areas that contribute to and/or receive benefits from them.

"Sedimentation" means the deposition of material or soil by the forces of erosion or from natural or mechanical processes.

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

1. Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
5. Any activity which causes substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse.
6. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

"Soil Scientist" means a person meeting the Soil Scientist qualifications of the State of Connecticut Inland Wetlands and Watercourses Act as determined by the Commissioner of Energy and Environmental Protection, and defined in Section 22a-38(5) of the Wetlands Act.

"Stabilization" means the establishment of temporary or permanent ground cover on disturbed soils to prevent erosion by appropriate methods approved by the Commission or Agent, or as specifically approved by the Commission on a case by case basis.

"Stormwater Management Plan" means the "Stormwater Management Plan for the Town of Bloomfield Connecticut", dated July 2004, prepared by SEA Consultants Inc., and published by the Town of Bloomfield, including any and all supplements, addenda, and corrections issued.

"Stormwater Quality Manual" means the "2004 Connecticut Stormwater Quality Manual", as published by the State of Connecticut Department of Energy and Environmental Protection, including any and all supplements, addenda, and corrections issued.

"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 and seasonal flooding or inundation.

"Town" means the Town of Bloomfield.

"Upland Review Area" means the uplands within 100 feet of a wetland, 200 feet of a watercourse, and 500 feet from an identified or potential vernal pool.

"Vegetated Buffer Zone" means the uplands within 100 feet of named watercourses and ponds, within 75 feet of other watercourses and within 50 feet of wetlands. See Section 6.3.

"Vernal Pools" means a seasonal watercourse in a contained depression, or basin, that lacks a fish population, and/or in most years supports breeding and development of amphibian or invertebrate species recognized as obligate to seasonal watercourses. These obligate species include but are not limited to:

- a. Spotted salamander
- b. Jefferson salamander / Blue-spotted salamander complex
- c. Marbled salamander
- d. Wood frog
- e. Fairy shrimp or their eggs
- f. Fingernail clams

"Vernal Pool Habitat Area" means the area within 500 feet of a vernal pool, or potential vernal pool, developed or undeveloped, which has, or may have suitable habitat necessary for the non-aquatic phase of the amphibian life cycle. See Sections 6.5 and 7.9.

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

"Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion of the Town not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes (Tidal Wetlands). Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:

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

"Wetlands" means land, including submerged land as defined in this section, not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes (Tidal Wetlands), which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain

by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Wetland areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey. Submerged land includes ponds, bogs, lakes, marshes, and all other bodies of water, natural or artificial, vernal or intermittent, public or private.

“Wetlands Agent”, also referred to as the “Agent”, means the staff member of the Town of Bloomfield duly authorized by the Commission, and properly trained, to administer, in accordance with the provisions of these Regulations, the various functions of the Commission, to provide technical guidance and assistance to the Commission, to act for the Commission in specified circumstances or as appropriately directed by the Commission, and to perform various other duties and services for the Commission.

“Wetlands Agent Permit” means an administrative approval of a Permit application issued by the Wetlands Agent on behalf of the Inland Wetlands and Watercourses Commission, as set forth in Section 12. of these Regulations.

“Wetlands Permit” means a license issued by the Inland Wetlands and Watercourses Commission by the authority of and in accordance with the Inland Wetlands and Watercourses Act, and these Regulations, for a person or entity to conduct one or more Regulated Activities in accordance with the provisions of said Inland Wetlands and Watercourses Act and these Regulations and any conditions of approval set forth in the issued permit; in brevity, may also be referred to as simply a “Wetlands Permit”.

“Wet Meadow” means an area of wetlands, or mixed wetlands and uplands, where the soil is saturated or extremely wet for most of the year, but only inundated for short periods of time; and the predominant vegetation is herbaceous.

Section 3 – Inventory of Inland Wetlands and Watercourses (Official Map of Inland Wetlands and Watercourses)

3.1 The Commission shall maintain a current inventory of the wetlands and watercourses within the Town. The inventory is intended as an enforceable guide to the locations of the wetlands and watercourses.

3.2 The inventory is in the form of a map entitled **“Official Map of Inland Wetlands and Watercourses, Bloomfield, Connecticut”** (hereinafter the “Map”). The Map delineates the general location and boundaries, as applicable, for wetlands and watercourses. The Map is maintained under the direction of the Commission by the Wetlands Agent, as assisted by the Town of Bloomfield Engineering and GIS staff. Copies of the Map are available for inspection and purchase in the Offices of the Town Clerk and the Planning Office at the Town Hall, 800 Bloomfield Avenue, Bloomfield, Connecticut. A facsimile copy of the Map will be made available on the Town’s web site (BloomfieldCT.org), on the Wetlands Commission web page.

3.3. The Map may be utilized by the Commission and others as a guide in assisting them to identify the general locations of wetlands and watercourses within the Town.

3.4 In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses. The Commission may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection, observations, or other information in determining the location of the wetlands and watercourses.

3.5 The Commission may require the applicant or petitioner to provide an accurate delineation of the wetlands and watercourses, and submit a Wetlands Map Amendment application, in accordance with Section 15. of these Regulations.

3.6 The Commission may amend, change, or reissue the Official Map from time to time as deemed fit to improve the Map and/or to better meet its obligations. The amendment process shall be in accordance with the provisions of Section 15. of these Regulations.

3.7 Where any application shall include information regarding the location of wetlands and watercourses that is deemed by the Commission to be more accurate, or otherwise of better quality, than the corresponding information on the current Official Map of Inland Wetlands and Watercourses the Commission may utilize this more accurate information in making their decision and/or require the applicant to submit a Wetlands Map Amendment application.

3.8 Any person may petition the Commission for an amendment to the Map. All petitions must be submitted to the Commission in writing, on the form available at the office of the Town Planner and Wetlands Agent, and shall include all relevant facts and circumstances to support the proposed amendment to the Map. The petitioner shall bear the burden of proof regarding the validity of the proposed map amendment as supported by the facts, circumstances, and other information submitted in support of the petition. The petition will be evaluated based upon the criteria set forth in these Regulations. The information must be relevant and of appropriate nature, application, accuracy, and scale to be considered.

3.9 All amendments to the Map shall be subject to the public hearing process outlined in Section 9. of these Regulations.

3.10 The Commission may elect to maintain the Map in digital format in a Geographic Information System (GIS). The Commission may require that map amendment plans and delineations be submitted in an acceptable digital format that complies with the latest standards set by the Engineering Department and current standards for the Town of Bloomfield Geographic Information System. In lieu of a submittal in acceptable digital format, the Commission may assess a supplemental application fee to offset the Town's costs in converting the data to an acceptable digital format.

Section 4 – Uses Permitted as of Right & Nonregulated Uses

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

- a. grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Energy and Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
- b. a residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of the municipal regulations pursuant to subsection (b) of Section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted under this subdivision shall document that validity of said right by providing to the Commission a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document his entitlement.
- c. boat anchorage or mooring; except dredging or dock construction.
- d. uses incidental to the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse;
- e. Construction and operation, by water companies as defined by Section 25-32a of the Connecticut General Statutes or by municipal water supply systems as provided for in chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies, except as provided in Sections 22a-401 and 22a-403 of the Connecticut General Statutes;
- f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to Section 22a-42a of the Connecticut General Statutes or July 1, 1974, whichever is earlier, provided the pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation; and
- g. Withdrawals of water for fire emergency purposes.

For purposes of the subsection above, “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 nonregulated uses in wetlands, watercourses or upland review areas, provided they do not disturb the natural and indigenous character of the wetlands, watercourses, or upland review areas 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 use or operation 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 trails, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing where otherwise legally permitted and regulated; and
- c. The installation of a dry hydrant by or under the authority of a municipal fire department provided the dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For purposes of this section “dry hydrant” means a non-pressurized pipe system that: (A) is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to the fire apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water.

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

4.4 A jurisdictional ruling is required for non-regulated or permitted uses. Any person proposing a permitted operation and use or a nonregulated operation and use shall, prior to commencement of the operation and use, submit a written request for a Jurisdictional Ruling to the Commission, and provide the Commission with sufficient information to enable it to properly determine if the proposed operation and use is a permitted or nonregulated use of a wetland or watercourse, or upland review area. The Commission shall rule that the proposed operation and use or portion of it is a permitted or non-regulated operation and use or that the proposed operation and use is a regulated activity for which a permit is required.

4.5 A jurisdictional ruling is required for timber harvesting and forestry. Any person proposing to carry out timber harvesting, forest management practices or any other use or operation that includes the creation of skidder roads or trails, landing areas, temporary crossings or other disturbance of a wetland, watercourse or upland review shall submit a written request for a Jurisdictional Ruling to the Commission pursuant to Section 4.4 of these Regulations. Trees, woods, brush, forest or other vegetation may not be removed, cleared, mowed or otherwise disturbed

within the wetlands, watercourses or upland review areas without a Jurisdictional Ruling in accordance with Section 4.4 of these Regulations or a valid Wetlands Permit.

4.6 A Jurisdictional Ruling may be requested for uses and operations outside of the wetlands, watercourses and upland review areas that are not likely have impacts to wetlands or watercourses.

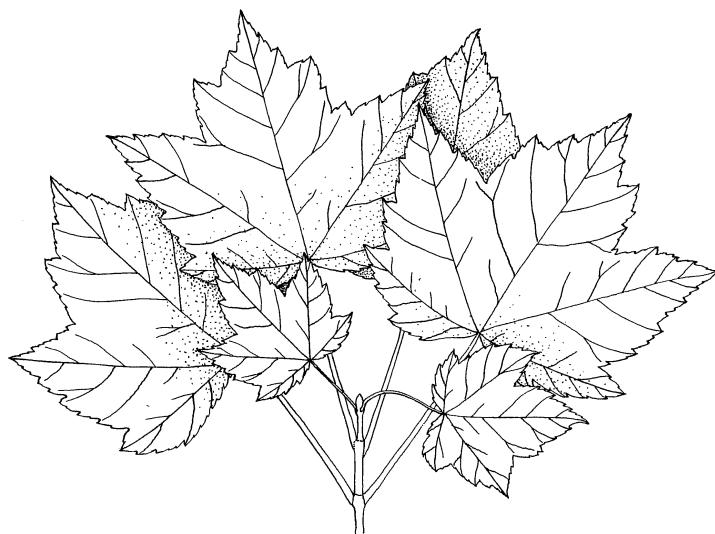
4.7 A written notification of the Jurisdictional Ruling shall be sent to the person or entity that submitted the request in accordance with Sections 4.4, 4.5 and 4.6.

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

5.1 The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, Commission or instrumentality of the State of Connecticut, including the Connecticut Siting Council, except any local or regional board of education, pursuant to Sections 22a-39 or 22a-45a of the Connecticut General Statutes.

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

5.3 The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Energy and Environmental Protection under Section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Energy and Environmental Protection under Sections 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from a municipal wetlands Commission for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.



ACERACEAE
Maple Family *Acer rubrum* L.
Red, Soft or Swamp-Maple

5.4 The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over the discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.

Section 6 - Regulated Activities to be Licensed

6.1 No Person shall conduct or maintain a regulated activity in the Town of Bloomfield without first obtaining a permit for the activity from the Commission. Furthermore, all conduct associated with any permitted regulated activity shall be in strict accordance with the terms and conditions of the subject permit as well as any applicable provisions of these Regulations and/or the regulations of the DEEP.

6.2 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.

6.3 Wetlands and Riparian (watercourse) Vegetated Buffers Zones:

a. The Commission recognizes the importance of vegetated areas adjacent to, and upslope and upstream of, wetlands and watercourses for the protection of these natural resources. The Commission hereby establishes wetlands and riparian Vegetated Buffer Zones for the protection of wetlands and watercourses. Vegetated buffers are located within the Upland Review Areas and regulated activities within them are subject to regulation by the Commission.

b. The final permitted impacts to and any required restoration of a vegetative buffer shall be determined by the Commission based on the various individual conditions relevant to the site. The standard widths of vegetated buffers, subject to a case-by-case determination by the Commission, shall be as follows:

i) One hundred (100) feet from the banks of rivers and named streams, (e.g. Farmington River, North Branch of the Park River, Wash Brook, Tumbledown Brook, Beaman Brook, Mill Brook, Filley Brook, Meadow Brook and Griffin Brook.)

ii) Seventy – five (75) feet from the banks or regular periodic maximum limits, as may be best determined, by the Commission, of other watercourses, with perennial flow.

iii) Fifty (50) feet from the regular periodic maximum limits, as may be best determined, by the Commission, of intermittent watercourses and wetland areas.

c. Existing vegetation within the Vegetated Buffer Zone shall be retained wherever possible. The Commission may require new vegetation to be planted in the Vegetated Buffer Zone and/or the removal of invasive species as part of the Wetlands Permit.

- d. Plans submitted with applications for permits shall identify existing Vegetated Buffer Zones, describing the limits, types of vegetation, (including ground cover), and any unique characteristics of the buffer; and the plans shall show the extents, types of plants, quantity/density of plantings, and other relevant information for proposed vegetated buffer improvements.
- e. Existing native or beneficial vegetation within the buffers, generally, shall be retained in its natural state, or enhanced as appropriate, whenever possible. Non-enhancement related activity within existing vegetated buffers is to be minimized.
- f. All applications for permits involving work in or near the vegetated buffers shall include an ecological and environmental assessment of existing and proposed vegetated buffers as related to their subject wetlands and watercourses. In addition to discussing the specific nature and characteristics of the buffers, the assessment shall present reasoning for any proposed vegetated buffer creation or enhancement, or lack of creation or enhancement, including their limits. The assessment shall also present justification for any proposed non-vegetated buffer enhancement activities proposed within an existing buffer, including an analysis of alternatives to the proposed work that were considered that may, or may appear to, reduce the amount of activity conducted within the buffer. This assessment may be waived for applications involving minor disturbances of the vegetated buffers at the discretion of the Commission or Wetlands Agent.
- g. Where the Commission requires the expansion and/or enhancement of an existing vegetative buffer or the planting of a new buffer, or the buffer is otherwise proposed, plantings shall be native canopy or shade trees, shrubs, and herbaceous plants, or other beneficial species suited to the specific local habitat and conditions and to their purpose as part of the buffer. Vegetated buffers may be required to be planted to naturalize the edge of the disturbed areas and may be planted within uplands and/or wetlands. **See Appendix B** for typical plants and typical buffer planting schematics. The requirements for specific vegetated buffers shall be subject to a case-by-case determination by the Commission for each application.
- h. The Commission may require specifications for vegetated buffer plants, including soil preparation and installation methods, to be included with the application submittal. The vegetated buffer plantings shall, at a minimum, be in accordance with any applicable standards and specifications published in the Regulations of the Bloomfield Plan and Zoning Commission or, where the Bloomfield standards and specifications are not applicable, shall be modeled after the following:
 - i) "Riparian Forest Buffers – Function and Design for Protection of Water Resources," published by the USDA.
 - ii) "Vegetated Buffer Strips for Streams, Lakes, and Ponds," published by the Thames River Basin Partnership Initiative.
 - iii) "The Importance of Streamside Buffers," published by the Rivers Alliance of Connecticut.
- i. The use of riparian or wetland vegetated buffer areas for passive recreation is permitted. Any regulated activities associated with the construction, development, or maintenance of the vegetated buffers for passive recreation shall be subject to regulation by the Commission.

6.4 Mowing Within Wet Meadows or other Wetland Areas

- a. Mowing or cutting of ground cover may be necessary to maintain existing wet meadows or to create new wet meadow areas. Periodic mowing to maintain an existing wet meadow does not require a permit provided that the mowing does not adversely disturb the ground within the wetlands watercourse or upland review area. Mowing in wetlands or wet meadows is to be done in late summer or fall when the ground is dry and after the autumn bird nesting season. All mowing is to leave the root systems of existing vegetation undisturbed and the ground cover a minimum of three (3) inches tall. Cut vegetation may be removed or left in place.
- b. A wet meadow may be maintained by annual or bi-annual mowing in accordance with these Regulations.
- c. Areas of existing lawn grass identified as wetlands on the Official Map may be mowed regularly to maintain the lawn grass.

6.5 Vernal Pool Habitat Areas

- a. The Commission recognizes the importance of vernal pool habitat for the protection of the non-aquatic phase of the amphibious life cycle. The Commission hereby establishes a **500 foot** area around vernal pools as the Vernal Pool Habitat Area.
- b. All applications shall identify known or potential vernal pools on the application forms and indicate vernal pools and the **500 foot** Vernal Pool Habitat Area limits on the plans. The applicant shall limit the disturbance of the Vernal Pool Habitat Area as much as possible with the goal of disturbing less than 10% of the Vernal Pool Habitat Area located within the subject parcel.
- c. All applications that include proposed disturbances within a Vernal Pool Habitat Area shall include, as additional information, an analysis of the existing land coverages within the entire Vernal Pool Habitat Area, on and off the subject parcel, prepared by a qualified wetlands scientist/biologist/professional. The analysis shall also demonstrate how the proposed development within the Vernal Pool Habitat Area will not have an adverse effect on the vernal pool.

6.6 All proposed development or soil disturbance (including removal of trees and vegetative ground cover) of 10,000 square feet of land or more, outside of the Upland Review Areas or Vernal Pool Habitat Areas with overland flow to, or a storm drainage system connection with wetlands or watercourses, shall be submitted for review with a written request for a Jurisdictional Ruling in accordance with Sections 4.4 and 4.6 of these Regulations. The Wetlands Commission or Agent may determine that a Wetlands Permit application is required.

Section 7 – Application Requirements

7.1 a. Any person intending to conduct a regulated activity, desiring to renew or amend an existing Wetlands and Watercourses Permit, or otherwise desiring a license from the Inland Wetlands and Watercourses Commission shall apply for a permit from the Commission on the appropriate form supplied by the Commission, and including the appropriate supporting information as set forth in this section. Application forms may be obtained in the offices of the Town Clerk or the Wetlands Agent (i.e. Engineering / Planning and Zoning) in the Town Hall, 800 Bloomfield Avenue. Completed application packages are to be submitted to said offices of the Wetlands Agent; (the Town Clerk's office does not accept applications.) Copies of various forms may be posted on the Town's web site for reference only, and should not be used for completing the submitted application. The on-line forms will not be accepted as a completed application unless the resulting format exactly matches the corresponding application form available in Town Hall as set forth above, (i.e. the acceptability should be verified prior to submittal.) Petitions to amend the Official Map of Inland Wetlands and Watercourses shall be submitted in accordance with the applicable provisions of Section 15 of these Regulations.

b. Applications may be submitted at any time. All complete applications shall be officially received at the next regular meeting of the Commission, following the day of submittal, and may be recommended for a Public Hearing at the next regular meeting. Decisions on those applications that are not the subject of a Public Hearing shall not become effective until after the 14 day petition period, provided for in Section 9.1 below, has expired. Requested additional information shall be submitted a minimum of one week before the meeting.

c. It is the responsibility of the petitioner, applicant, appeal or violator to submit the permit applications, petitions, or appeals, and supporting documentation in accordance with this Section. Information obtained from Town Staff, the Town Web site, or other sources, shall not supersede the requirements of these Regulations.

7.2 Incomplete or nonconforming applications, to any extent, may be rejected by the Commission or Agent.

7.3 Applicants are encouraged to review their proposal, and the property, with the Wetlands Agent prior to submitting an application. All permit applications are subject to review and a determination of completeness by the Wetlands Agent.

7.4 The Wetlands Agent may summarily reject any application deemed to be substantially incomplete or nonconforming. The Wetlands Agent shall report rejected applications to the Commission at their next regularly scheduled meeting.

7.5 A prospective applicant may request that the Commission determine whether or not a proposed activity involves a significant impact to Wetlands and Watercourses, and requires a Public Hearing; and the Commission and/or the Wetlands Agent may review an application prior to its official date of receipt to determine whether a Public Hearing is required.

7.6 An acceptable application shall include, as a minimum, the following information:

- a) Any and all required application forms fully and accurately completed and properly executed with original signatures at all required locations within the forms.
- b) Drawings including the information required by and prepared in full accordance with the most recent edition of the Town of Bloomfield Site Plan Drawing Standards, and specifically including all watercourses and wetlands as flagged by a Soil Scientist and surveyed in the field.
- c) Supporting documentation including, but not limited to, storm drainage analyses, environmental reports, habitat studies, wildlife inventories, soil reports, etc.

7.7 The requirements of Section 7.8 below may be waived by the Commission, at its discretion, and on a tentative basis by the Agent, when the proposed activity does not involve a significant impact.

7.8 In addition to, or as may be included within, the information required under 7.6 above, an acceptable application shall include, as a minimum, the following information in writing or presented on maps or drawings, and on forms as published from time to time by the Commission, properly executed, signed and notarized:

- a) The name, mailing address, telephone number(s), and interest in the subject land and/or project of the applicant.
- b) If the applicant is other than an individual, the name, mailing address, and telephone number(s) of the duly authorized officer, partner, owner, or other such responsible position within the legal entity of application, who shall represent and be responsible for the applicant with respect to the subject application.
- c) If the applicant does not own, or legally represent, in full, the parcel, or parcels, of land associated with the subject application, then the applicant shall also submit the name, mailing address, telephone number, and written and executed consent of all owners, which are not the applicant, of the subject parcel(s) for the applicant to:
 - 1.) submit and represent an application for, obtain, comply with, and perform the activities proposed by, required with, or made conditions of, any Wetlands Permit subsequently granted for regulated activities on the subject property,
 - 2.) to commit and bind the property owner to any Wetlands Permit subsequently granted for regulated activities, and
 - 3.) to grant the Commission and Agent authorization for access onto the subject property for purposes of evaluation, inspection, and
- d) The geographic location of the proposed regulated activities described in sufficient detail to allow ready identification of the inland wetlands and watercourses affected. This identification can be on a copy of the Official Map.

- e) Map(s) certified by a Licensed Land Surveyor indicating the property boundary to a minimum of A-2 horizontal accuracy and topographic information to a minimum of T-3 accuracy;
- f) The total areas, in square feet, or acres to the thousandth decimal place, of:
 - 1.) the total land proposed to be disturbed by grading or other activities in any way associated with the application;
 - 2.) the wetlands, watercourses and Upland Review Areas; and the lengths in feet along linear watercourses and shorelines of ponds or lakes proposed to be disturbed or affected;
 - 3.) the areas or lengths, as appropriate, of wetlands and watercourses proposed to be restored, enhanced and/or created; and
 - 4.) the areas of the Vegetated Buffer Zones to be disturbed and created, enhanced or restored.
 - 5.) the areas of the Vernal Pool Habitat Areas to be disturbed and created, enhanced or restored.
- g) A detailed description of the proposed regulated activity, its purpose, and the protection, compensatory mitigation and enhancement measures and management practices proposed to 1) prevent or minimize pollution or other environmental damage, 2) maintain and enhance existing environmental quality, and 3) restore, enhance, and/or create productive wetland and watercourse resources. If the proposed regulated activity is part of a larger project, the larger project shall also be described in detail.
- h) Detailed descriptions, including maps, drawings, and/or other appropriate supporting information, for at least two alternatives to the proposed regulated activities which may, or may appear to, reduce the environmental impacts and/or damages to wetlands and watercourses, Upland Review Areas and Vernal Pool Habitat; and an explanation/analysis of why the preferred alternative was chosen. All reasonable alternatives must be considered.
- i) The names, mailing addresses, and subject property addresses (if different) of the owners of all adjacent properties, and, for any application that is the subject of a public hearing all other properties within 500 feet of the application parcel(s), including those in adjacent towns and cities.
- j) A written statement by the applicant that the applicant is familiar with all of the information being provided in, with, or otherwise associated to the application on behalf of the applicant, and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information.
- k) Written authorization from the property owner for the members and agents of the Commission to evaluate and inspect the subject premises of the application and pertinent surrounding areas and to enter upon the property for enforcement purposes, as related to the subject application and any associated license.
- l) A draft DEEP Wetlands Activity Reporting form for the Commission to submit to the Commissioner of DEEP in accordance with Section 22a-39-14 of the Regulations of State Agencies; the Commission may revise, addend, correct, or otherwise alter the form prior to submittal, to accurately reflect the Commission's final decision.

- m) Any other pertinent information to support the application, to better comply with the application requirements, and/or to improve the ability of the Commission to make an informed decision on the matter.
- n) The appropriate filing fee, based on the current applicable fee schedule.

7.9 For applications which include proposed regulated activities that involve a significant impact to wetlands or watercourse resources, or as otherwise deemed appropriate by and at the discretion of the Commission, the following information shall also be included with the application:

- a) Engineering or other professional reports, analyses, and details to fully describe and evaluate the proposed regulated activities.
- b) A description and discussion of the ecological communities and functions of the wetlands and watercourses associated with the application, including the effects of the proposed activities on these communities and functions; effects on these communities and functions must also be addressed as part of the discussion of considered alternatives required under Section 7.8 h) above.
- c) A description of the characteristics of fill material proposed for use, if any; with the understanding that a more detailed analysis of the physical and chemical characteristics of any fill material proposed for use shall be submitted to and approved by the Wetlands Agent prior to the placement of any such material.
- d) Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service; the wetlands shall be delineated in the field by a Soil Scientist and the Soil Scientist's field delineation shall be depicted on the site plans; the Commission or Agent shall determine whether a Map Amendment application must be filed in accordance with Section 15 of these Regulations,
- e) Mapping of all watercourses as defined in these Regulations. Potential vernal pools shall be investigated for the presence of obligate species or other indicators. Watercourses shall be located in the field by a Soil Scientist, wetland ecologist, wetland scientist, geologist or other qualified individual and depicted on the site plans.
- f) A description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative which would cause less or no environmental impact to wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent;
- g) Management practices and other measures designed to mitigate the impact of the proposed activity.
- h) Compensatory mitigation measures to offset the proposed impacts to wetlands and/or watercourses. Mitigation may include the creation, restoration and/or enhancement of

wetland and watercourse resources and shall be provided at a minimum ratio of mitigation to impacts of 1½ to 1.

- i) A natural resource impact and mitigation plan that summarizes the proposed impacts and mitigation measures. Mitigation measures shall be compensatory with the types and qualities of the impacted wetlands, watercourses and other natural resources.
- j) An analysis of the existing Vernal Pool Habitat Area(s), on and off the subject property, and the impact to this natural resource from the proposed activities.

7.10 A complete application for a Wetland Permit; for Modifications to a Permit and for Amendments to the Official Map shall also include the following:

- a) the original and one (1) copy of the completed application forms; including the original signatures of the applicant(s) and property owner(s) and a notarized Conflict of Interest Disclosure form.
- b) six (6) paper copies of each sheet of plans, maps, and drawings that are no larger than 24" x 36" at their original size, bound into sets as appropriate;
- c) twelve (12) paper copies of all plans, maps, and drawings at a size of 11" x 17", (sheets that are originally larger in size being reduced accordingly), bound into sets as appropriate; and
- d) twelve (12) paper copies of all other supporting information.

A complete application for a Wetlands Agent Permit shall include the application forms as described in subsection a) above; three (3) full-sized sets of all plans, maps and drawings as described in subsection b) above and; three (3) copies of all supporting documentation.

Applications for Amendments to the Official Map of Inland Wetlands and Watercourses, or to these Regulations, shall also comply with the provisions of Section 15. of these Regulations.

At any time the Commission or Agent may request additional copies of plans and supporting documentation.

7.11 Any application to extend an existing permit shall be filed with the Commission at least sixty-five (65) calendar days prior to the expiration date of the subject existing permit.

7.12 Any application to extend an existing permit shall be in accordance with the provisions of this Section, as may be appropriate, the applicant may:

- a) Reference the application file number, public hearing date (if applicable), and Commission meeting date of approval for the subject existing permit.

b) Incorporate the relevant supporting information and record of the application for the subject existing permit by reference.

The applicant shall:

- c) Describe the general status of the subject regulated activities and associated work completed to date.
- d) Describe in detail the status of each condition of the subject existing permit and the work or measures undertaken or completed to date with respect to the conditions.
- e) Describe in detail any deviations from the information submitted in the application for the subject existing permit, or from the requirements of the conditions of the permit, in the work or measures completed or undertaken to date; and shall include the reasons for the deviations; and any notifications to and/or approvals from the Wetlands Agent and/or the Commission for the deviations; and, if significant deviations occurred without such notifications, or approvals being sought, the reasons that the deviations were made.
- f) Describe any enforcement activities that have occurred in connection with the subject existing permit.
- g) Describe any changes in facts or circumstances involved with or affecting the Wetlands and Watercourses, proposed activities, or the subject property associated with the subject existing permit.
- h) Describe and otherwise support any proposed changes or alterations to the permitted activities or any other relevant aspect of the subject existing permit in accordance with the applicable provisions of Section 7 of these Regulations.

7.13 The Commission may, at its discretion and prior to the expiration of an existing permit, accept and act upon an untimely application to extend the permit if the subject regulated activities are ongoing, and may allow the continuation of the activities beyond the expiration date of the subject existing permit, all other conditions and requirements of the subject existing permit remaining in force, if it is deemed that said permit is likely to be renewed and that the interest of the public and/or protection of the environment will be best served by not interrupting the subject regulated activities. The permit expiration or extension dates are from the original date of approval.

7.14 All pertinent aspects of an application and construction or other activities associated with an issued permit shall, where appropriate, be in accordance with the following issued guidance documents: the DEEP's Erosion Control Guidelines, the Stormwater Quality Manual and the Town of Bloomfield Stormwater Management Plan, except for specific alternate measures specifically approved by the Commission and the Town Engineer (either directly or via the Site Plan approval process of the Plan and Zoning Commission). Specific identification, of variances from these guidance documents within an application and subsequent approval of a permit extension or modification shall constitute a means of specific approval of the identified variance. Conversely, the inclusion of one or more variances from these guidance documents in an application without specific identification of the variance and

subsequent approval of a permit extension or modification shall not, constitute specific approval of the identified variance.

7.15 Notwithstanding the requirements of subsection 7.14 above, all applications shall include specific provisions for the prompt and on-going stabilization of disturbed soils, fall and spring season stabilization, regardless of the status of the development, and shall limit the disturbed soil area to as small an area as practical. Designated and/or appropriate soil stabilization measures shall be in place and properly maintained on the current and all previous phases of a multi-phase project before any regulated activities are commenced on a subsequent phase.

7.16 Information submitted with an application associated with the development of a residential, commercial, or industrial subdivision shall include proposed general site work information for the development of the individual lots. The general site work information shall include, but not be limited to, identification of the building pad, basic grading (including significant slopes, retaining structures, overland drainage, and critical spot elevations), driveway locations and dimensions, utility locations, drainage improvement locations, and significant landscaping related improvements or features. While the overall subdivision permit remains in force, individual lots may be developed, subject to complying other applicable requirements and regulations, under said overall permit. If the overall subdivision permit has expired, then a separate permit to develop each lot is required.

7.17 All information submitted by the applicant, or a representative or agent of the applicant directly with or otherwise associated with an application shall be considered binding upon the applicant. Any failure of the applicant, either directly or through a representative or agent of the applicant to:

- 1.) provide correct and complete information associated with the application and/or to
- 2.) prosecute the subject regulated activities and/or to
- 3.) otherwise conduct operations associated with a permit or other license granted by the Commission under these Regulations, or otherwise within the Commission's authority, in accordance with the submitted information, as approved by the Commission, shall be deemed sufficient grounds for the Commission to suspend and/or revoke the subject permit or other license, and/or to take enforcement actions in accordance with applicable provisions of Section 14, or as otherwise allowed by these Regulations, the Inland Wetlands and Watercourses Act, or other applicable ordinance, statute, or regulation.

7.18 At any time during the review process for any application, the Commission, acting directly or through the Wetlands Agent, and in order to make more informed decisions, may request that the applicant provide, at the applicant's expense, additional information relating to the proposed regulated activities and improvements, the subject or surrounding land and its soils, potentially impacted wetlands, watercourses, and upland review areas, proposed measures and management practices, potential alternate measures and management practices, whether or not included in the application, and/or any other information submitted in association with the application or as may be deemed relevant; and the applicant shall comply with any such request. See Section 8.7.

7.19 In the event an applicant fails to comply with any request for additional information made by the Commission under the provisions of subsection 7.18 above, or as the Commission otherwise has authority to request, by the time the Public Hearing (if so required) for the subject application is concluded, or by the time the Commission meets to act upon an application that does not require a

Public Hearing, then, if the Commission deems it reasonable to conclude that the subject information should have been included with the original application in order for said application to be fully complete, or the Commission deems that the applicant has had reasonably sufficient time to comply with the subject request and that the subject requested information was reasonably available to the applicant, then the Commission may take the lack of the subject information being made available to the Commission by the applicant into account, (though not in a punitive manner), in its consideration of and actions regarding the subject application. If the Commission does not so deem, then the application shall be considered and the actions rendered as if the subject request was not made and the subject information was not available.

7.20 Additional information requested under the provisions of subsection 7.18 above may include, but not be limited to, environmental impact reports, biological and wildlife studies (within the wetlands and watercourses), analysis of existing wetlands and watercourses functions or other characteristics, analysis of potential impacts on the on-site, and reasonably related off-site wetlands and watercourses, extensive storm drainage analysis, field determinations and limit locations of wetland and non-wetland soil types, field verification of any submitted information not so based, analysis of any material proposed to be deposited in the Wetlands, Watercourses, or upland review areas, more extensive analysis of any proposed or alternative measures, procedures, or activities, and researching, compiling, and presenting available reference information regarding any aspect of the application or associated activities, measures, or procedures.

7.21 All applications for subdivisions and re-subdivisions are to include schematic site development information for all proposed building lots. This information shall include, but is not limited to, proposed buildings, limits of pavement, grading, limits of clearing, utilities, retaining structures and stormwater management facilities; and any materials to be stored, excavated, imported or discharged, including storm and waste waters.

7.22 Any application to amend an existing permit shall be filed in accordance with the provisions of Section 7 of these Regulations and the Wetlands Act.

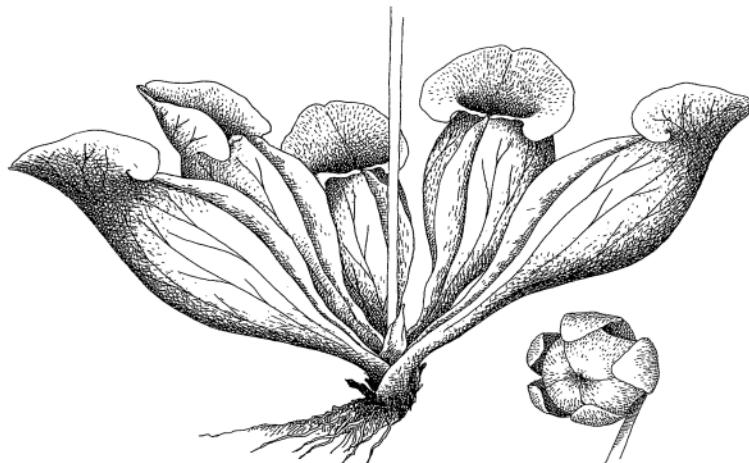
7.23 The party responsible for the installation and maintenance of erosion and sediment control measures is to be identified on the plans. For projects that disturb less than one acre all erosion and sediment control measures are to be inspected on a weekly basis and after every rain event of 0.5 inches or more in 24 hours. For projects that disturb more than one acre all erosion and sediment control measures are to be inspected at least once a week and within 24 hours of the end of a rain event that generates stormwater discharge from the site. Inspection reports shall be prepared for each inspection and submitted to the Wetlands Agent. Corrective measures identified in the reports are to be implemented within 48 hours or before the next rain event whichever is sooner.

7.24 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:

- a. for the 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 property, 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 such land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming or open space use.

- b. For the purposes of this section “preservation restriction” means 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 property, 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 on an existing building that does not expand or alter the footprint of the existing building, for property that is subject to a conservation restriction or a preservation restriction, unless the applicant provides proof that written notice of the application has been provided, by certified mail, return receipt requested, or USPS “Proof of Mailing” receipt, to the party holding such restriction, including, but not limited to, any state agency that holds such a restriction. This notice is to be sent not later than sixty (60) days prior to the filing of the permit application.
- d. In lieu of the notice as described in Section 7.24 c. above the applicant may submit a letter from the holder of the restriction or from the holder’s authorized agent, verifying that the application is in compliance with the terms of the restriction. (See sections 10.9 - 10.11).



SARRACENIACEAE
Pitcher-plant Family
Sarracenia purpurea L.
Pitcher-plant, Sidesaddle-flower,
or Huntsman's-cup

7.25 All proposals that require a Wetlands Permit or Wetlands Agent Permit shall be evaluated for Low Impact Development (LID) strategies. LID's shall be implemented whenever practical and may be required as a condition of approval.

Section 8 - Application Procedures

8.1 All petitions, applications, requests or appeals shall be submitted to the Inland Wetlands and Watercourses Commission of the Town of Bloomfield. Petitions, applications, requests and appeals may be submitted at any time. Any such submittals that require a Public Hearing shall be officially received at the next regular meeting and the Public Hearing scheduled within 65 days in accordance with Section 9 of these Regulations.

8.2 The Commission shall, in accordance with Connecticut General Statutes Section 8-7d(f), notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which:

- a. any portion of the property affected by a decision of the Commission is within five hundred feet of the boundary of an adjoining municipality;
- b. a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage 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.

The notice shall be made by certified mail, return receipt requested, or USPS "Proof of Mailing" receipt, and shall be mailed within seven (7) days of the date of receipt of the application, petition, appeal, 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. The adjoining municipality may, through a representative, appear and be heard at any hearing on any application, petition, request or plan.

8.3 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in Section 25-32a of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health, in a format prescribed by said Commissioner, provided the water company, or said Commissioner, has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the Inland Wetlands Commission of the municipality. The notice shall be made by certified mail, return receipt requested, or USPS "Proof of Mailing" receipt, and shall be mailed out not later than seven

(7) days after the date of application. The water company, and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application. Documentation of the notice shall be provided to the Commission.

8.4 The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Commission, immediately following the day of submission to the Commission or its Agent of the petition, application, request or appeal has been submitted, or thirty-five days after the day of submission, whichever is sooner.

8.5 All applications shall be open for public inspection.

8.6 The Commission may refer a copy of the application and any additional information submitted in connection therewith to the following agencies, commissions or committees for review and/or advisory opinion. The Commission will endeavor to make their referrals in a timely fashion but failure to receive a review or advisory opinion shall not delay the hearing or decision procedure:

- a. The U.S.D.A. Natural Resources Conservation Service;
- b. The Bloomfield Town Plan and Zoning Commission;
- c. The Bloomfield Conservation, Energy and Environmental Committee;
- d. The Bloomfield Public Works Director
- e. The agency or commission charged with wetlands regulation and the zoning or planning commission in any municipality whose border lies within five hundred (500) feet of any portion of the property on which exists any wetland, watercourse or upland review area that may be affected by the proposed activity;
- f. The Commissioner of the State of Connecticut Department of Energy and Environmental Protection;
- g. The United States Department of Environmental Protection;
- h. The United States Army Corps of Engineers;
- i. The West Hartford/ Bloomfield Health District;
- j. The Director of Planning and Development;
- k. The Town of Bloomfield Town Engineer;
- l. The Town of Bloomfield Building Official;
- m. The Federal Emergency Management Agency (FEMA)
- n. The Town Attorney

8.7 This section applies to Permit applications and Map Amendment applications deemed to be complex, or when additional information is required for the Commission to make an informed decision, in accordance with Sections 7.18, 7.19 and 7.20 above.

a. In order to properly review any application the Commission may further require an applicant to engage and pay one or more independent Soil Scientist, civil engineer, biologist, wetland scientist or other professional, acceptable to the Commission, to:

- i. analyze review and report or otherwise perform professional and/or technical services; and
- ii. provide reports to the Commission, to supplement Town Staff and provide the Commission with more information to carry out its duties. Said Soil Scientist, civil engineer, biologist, wetlands

scientist or other professional shall report directly to the Wetlands Agent.

b. Complex Application Fee. The Commission may charge an additional application fee sufficient to cover the cost of reviewing and acting on applications deemed complex by the Commission. This fee may include, but not be limited to, the cost of retaining experts to analyze, review, and report on issues requiring such experts. The reports, reviews and/or analyses prepared by such experts shall be supplementary to the normal review by Town Staff. The Commission or the duly authorized Agent shall estimate the complex application fee which shall be paid pursuant to these Regulations within 30 days of the applicant's receipt or notice of the estimate. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after publication of the Commission's decision.

8.8 All Soil Erosion and Sedimentation Control Plans shall be certified by the preparer as complying with the 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control, DEEP Bulletin 34, as amended and shall include a separate signature/certification block that includes the following words:

I, the undersigned, do hereby certify that this plan has been prepared in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control, DEEP Bulletin 34, as amended, and in accordance with The Town of Bloomfield Inland Wetlands and Watercourses Commission Regulations Section 7, and the Town of Bloomfield Design and Construction Standards, as applicable.

(Signature of the preparer)

Date

8.9 All final plans are to be signed by the permittee with the following note:

I, the undersigned, do hereby indemnify and hold harmless the Town of Bloomfield and all of its departments, officials, agents, and employees against any liability, or claim of liability, brought on account of any injuries or damages received or sustained as a result of, in connection with, or pursuant to the permittee's performance of regulated activities or other work or activities associated with a permit issued by the Commission, enforcement of a permit, and/or the permittee's compliance with, attempted compliance with, and/or lack of compliance with, the permit.

Furthermore, I assume responsibility for ensuring that this plan is complied with by all contractors and subcontractors working on the project. Any adjustments, revisions or modifications to this plan must be submitted to the Wetlands Agent, in writing, for approval prior to implementing the changes. Only those changes approved by the Wetlands Agent can be implemented. The Town of Bloomfield shall not be held liable for substandard construction, improper installation, lack of maintenance or other neglect of any aspect of the project by the permittee, contractors or subcontractors.

(Signature of the Permittee)

Date

Section 9 - Public Hearings

9.1 The Inland Wetlands Commission shall not hold a public hearing on an application unless the Commission determines that 1.) the proposed activity may have a significant impact on wetlands or watercourses; 2.) a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the Inland Wetlands Commission not later than **fourteen days** after the date of receipt of the application; 3.) the Inland Wetlands Commission finds that a public hearing regarding the application would be in the public interest; or 4.) the application includes the subdivision or re-subdivision of land containing wetlands or watercourses. The Commission may issue a permit without a public hearing provided no petition provided for in this section is filed with the Commission on or before **the fourteenth** day after the date of receipt of the application. The hearing shall be held no later than **sixty-five days** after the receipt of the application. All applications and maps and documents relating to the application shall be open for public inspection. At the hearing any person or persons may appear and be heard.

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

9.3 For any application to the Commission requiring a Public Hearing, the Applicant shall display a sign or signs on the property stating that an application is pending. The sign or signs shall be obtained at the Office of Planning and Zoning at the Town Hall and shall be erected, and maintained by the Applicant in a manner to be clearly visible from all adjacent streets. Said sign or signs **shall be posted ten (10) days** before the date of the Public Hearing, shall remain in place until the Public Hearing is completed, and shall be removed by the Applicant not later than three (3) days after the Public Hearing is completed. At, or on the day of, the Public Hearing the applicant must submit an affidavit on the form provided by the Wetlands Agent, certifying that the sign or signs have been in place for the required period prior to the Public Hearing.

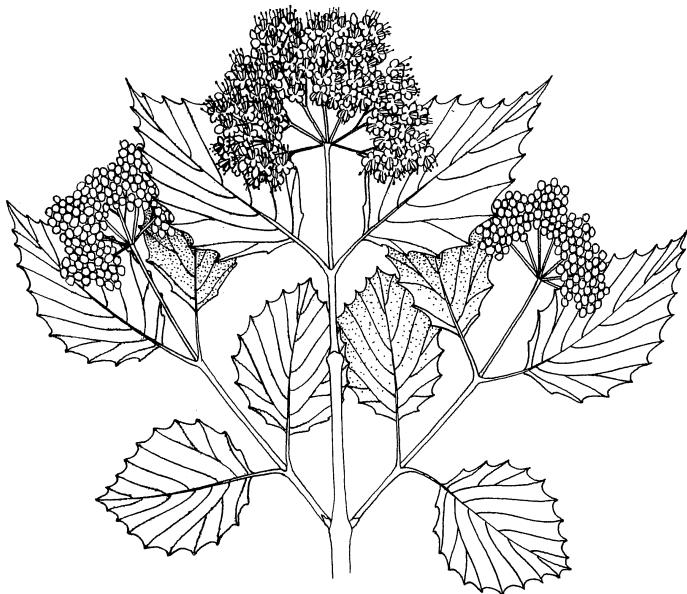
9.4 The Applicant, shall, send notices of Public Hearings, by certified mail, or USPS certificate of mailing receipt, to abutting property owners, property owners whose property lines are within five hundred (500) feet of any point in the property lines of the subject parcel, and other persons whom the Commission deems entitled to notice, **no less than 10 (ten) days** before the hearing. The Applicant shall submit proof of mailing at, or on the day of, the Public Hearing. Proof of mailing shall be evidenced by certified receipt or a USPS certificate of mailing. The person who owns land shall be the owner indicated on the Assessor's records, property tax map or on the last-completed grand list as of the date such notice is mailed. A title search or any other additional method of identifying persons who own land that is adjacent to the land that is the subject of the hearing shall not be required. A typical notice letter is included with the application package. The final draft of the notice letter and a list of the 500-foot abutters are to be submitted for review to the Wetlands Agent before the notices are mailed. Additional notice shall be mailed to other property owners and/or residences at the request of the Wetlands Agent or the Commission.

9.5. All applications for subdivisions or re-subdivisions of land containing wetlands or watercourses shall be the subject of a Public Hearing. Public Hearings shall also be held for applications for Wetland Map Boundary Amendments and Amendments to these Regulations.

9.6 The Commission may require a Public Hearing for any application. All Public Hearings shall be scheduled by the Commission in accordance with Section 11.2 of these Regulations. At the hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after the completion of a Public Hearing. The applicant may consent to one or more extensions of the periods specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Commission to act within any time period specified in this subsection, or any extension of the time period, shall not be deemed to constitute approval of the application.

9.7 In the case of an application for which CEPA intervener status, under CGS Section 22a-19, has been granted, the intervener shall receive written notice of Public Hearings scheduled by the Commission. The intervener shall be allowed to cross examine the applicant and the applicant's qualified experts, to call their own qualified experts, submit written testimony concerning the application and make preliminary and summary comments for the record. The intervener may request copies of the application and supporting documentation and other correspondence relating to the application.

9.8 In the case of an application that includes the subdivision or re-subdivision of land containing wetlands or watercourses, and following a review of the schematic development information required in Section 7.21 of these Regulations, the Commission may determine that due to the locations of wetlands and watercourses, certain lots may not suitable for development and/or certain areas of the property are not suitable for construction of roads, driveways, parking lots, utilities, stormwater discharges, retaining walls or significant regrading (cuts or fills). This determination shall be submitted to the Town Plan and Zoning Commission as a recommendation that these lots are not suitable for development.



Viburnum recognitum Fern.
Arrow-wood

Section 10 - Criteria and Considerations for Decision

10.1 The Commission may consider the following, among other things, in making its decision on an application:

- a. The application and its supporting documentation.
- b. Reports and/or information from other agencies and commissions including but not limited to those listed in Section 8.6 whether or not such reports and/or information were formally requested.
- c. The Commission may also consider comments on any application from the Hartford County Natural Resources Conservation District, the Capitol Region Council of Governments Planning Commission or other regional organizations (i.e. Council of Elected Officials); agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
- d. Non-receipt of comments from state agencies and commissions listed in subdivision 10.1b and c above within the prescribed time shall neither delay nor prejudice the decision of the Commission.
- e. For an application for which a Public Hearing is held, public comments, evidence and testimony.

10.2 Criteria for Decision. In carrying out the purposes and policies of Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions of the Wetlands Act and these Regulations, the Commission shall take into consideration all relevant facts and circumstances, including but not limited to:

- a. the environmental impact of the proposed regulated activity on wetlands or watercourses;
- b. the applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses.
- c. the relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses.
- d. irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
- e. the character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
- f. impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses.

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

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

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

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

10.7 In reaching its decision on any application after a Public Hearing, the Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in its decision.

10.8 In the case of an application for which CEPA intervener status, under CGS Section 22a-19, has been granted, the Commission shall state for the record, if approved, that the application does not involve conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the wetlands, watercourses or other natural resources of the town.

10.9 In the case of an application where the applicant has provided written notice pursuant to subsections 7.24 c. or 7.24 d. of these Regulations, the holder of the restriction may provide proof to the Commission that granting of the permit application will violate the terms of the restriction. Upon finding that the requested land use violated the terms of the restriction, the Commission shall not grant the permit approval.

10.10 In the case of an application where the applicant fails to comply with subsections 7.24 c. or 7.24 d. of these Regulations, (1) the party holding the conservation or preservation restriction, other than a state agency that holds the restriction, may, not later than fifteen (15) days after receipt of actual notice of permit approval, file an appeal with the Commission subject to the regulations concerning appeals as set forth in Section 16 of these Regulations. The Commission shall reverse the permit approval upon finding that the requested land use violates the terms of the restriction, or (2) the state agency that holds such a restriction may not later than thirty (30) days after receipt of actual notice of permit approval, file an appeal with the Commission, subject to the regulations concerning appeals as set forth in Section 16 of these Regulations. The Commission shall immediately reverse the permit approval if the commissioner of the state agency that holds the restriction certifies that the land use authorized in the permit violates the terms of the conservation or preservation restriction

10.11 Nothing in subsections 7.24 c. or 7.24 d. of these Regulations shall be construed to prohibit the filing of a permit application or to require a written notice when the activity that is the subject of a permit application will occur on a portion of property that is not restricted under the terms of the conservation or preservation restriction.



ARACEAE
Arum Family
Arisaema stewardsonii Britt.
Jack-in-the-Pulpit. Indian-tur
Bog-onion

Section 11 - Decision Process and Permit

11.1 The Commission, or its duly authorized Agent acting pursuant to Section 12 of these Regulations, may, in accordance with Section 10 of these Regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. These 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. These terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided the Commission, or its Agent determines that the restrictions are necessary to carry out the policy of the Wetlands Act and these Regulations.

11.2 No later than sixty-five (65) days after receipt of an application, the Commission may hold a Public Hearing. At the hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a Public Hearing. In the absence of a Public Hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Commission to act within any

time period specified in this subsection, or any extension of the time period, shall not be deemed to constitute approval of the application.

11.3 The Commission shall state upon its record the reasons and basis for its decision.

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

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

11.6 No permit issued by the Commission shall be assigned or transferred without the written permission of the Commission. Permit holders shall make a request in writing to the Commission requesting approval for the transfer of a permit, and shall include a Conflict of Interest Disclosure Form completed by the assignee or transferee.

11.7 If a bond or insurance is required in accordance with Section 13 of these Regulations, the Commission may withhold issuing the permit until the bond or insurance is provided; and an issued permit may be suspended by the Commission with no change in the expiration date of the permit, if the bond or insurance is allowed to lapse.

11.8 General provisions in the issuance of all permits:

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

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

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

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

e. No permit shall be assigned or transferred without the written permission of the Commission, or its Agent. The assignee, transferee or other recipient of a permit shall be bound by all representations made by the applicant in obtaining the permit and by all the terms, conditions and limitations contained in the permit and shall have all the rights, duties and obligations of the original applicant who was granted the permit.

f. The permittee shall notify the Commission in writing of a change in the ownership of the property for which a Permit was issued on the same day that the deed is filed on the Land Records; and of any changes to the ownership or directors of the corporation or company to whom the Permit was issued.

g. The permittee shall take the necessary steps consistent with the terms and conditions of the permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

h. The permittee shall notify the Agent, or, if the Agent may not be reached, the Town Engineer, or Town Planner, as soon as possible in the event of any occurrence that has caused, is causing, or has the ready potential to cause an adverse impact to a wetland or watercourse to any extent beyond the impacts contemplated and approved in the granting of the permit. The permittee shall also make arrangements with any agent or representative of the permittee who may be in a position to observe or otherwise come to have knowledge of the occurrence in the absence of the permittee to also provide this notification.

11.9 A complete Inland Wetlands and Watercourses Commission Permit shall consist of the following documents:

- a. The Wetlands Permit including a terms and conditions signed by the Secretary of the Commission, or Agent,
- b. The approved plan or map with all conditions of approval incorporated and signed by the Secretary of the Commission,
- c. Supporting documentation as presented and accepted by the Commission,
- d. Any other documentation required by the Commission or Agent,
- e. Any bond or insurance required by the Commission, to remedy on-site or off-site remediation concerns.

11.10 Any permit issued under this section, for the development of property for which Town Plan and Zoning Commission approval is required under Chapters 124, 124b, 126 or 126a of the Connecticut General Statutes (Planning and/or Zoning board approval) shall be valid until the approval granted under such chapters expires or for ten years, after the date of approval, whichever is earlier. Any permit issued under this section for any activity for which an approval is not required under CGS Chapters 124, 124b, 126 or 126a shall be valid for not less than two years and not more than five years. Any permit issued

prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for not less than nine years after the date of approval. The expiration date is to be included on the permit issued by the Commission.

11.11 Any permit may be extended for a maximum of ten years upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which require a new permit application, the applicant is not in full compliance with the permit or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued; provided that any permit issued prior to July 1, 2011, that did not expire prior to May 9, 2011, shall be valid for no more than fourteen years. Any permit issued after July 1, 2011 shall not be valid for more than ten (10) years after the date of approval. The expiration date is to be included on the permit issued by the Commission.

11.12 All Commission decisions dismissing, granting, granting with conditions or limitations or denying an application shall be set forth in the official minutes and shall state the Commission's reasons for so deciding. In all cases where a Public Hearing was held, the decision recorded in the minutes shall include discussion of the considerations and criteria set forth in Section 10.2 of these Regulations. The Commission shall make all of its minutes available for public inspection at the office of the Bloomfield Town Clerk.

11.13 As a condition of any permit the Commission may require that the applicant engage and pay for an independent consultant, Soil Scientist, civil engineer, biologist, wetlands scientist, or other professional, acceptable to the Commission, to report on the progress of the project, and the results of any monitoring and/or inspections as required by the Commission and to provide periodic reports to the Commission regarding sensitive issues such as soil stabilization, siltation or other contamination or pollution of wetlands and watercourses, or the impacts of development or its operation upon completion. Said professional shall, during all phases of construction, perform soil erosion and sediment control measure inspections, and prepare and submit reports on the status of these measures on a weekly basis and within 24 hours of the end of a rain event of one half inch or more in 24-hours. Reports are to be submitted to the Wetlands Agent, developer and site contractor. Reports are to be submitted in writing to the Wetlands Agent, 800 Bloomfield Avenue, Bloomfield, CT 06002.

11.14 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 Bloomfield, State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Energy and Environmental Protection and the U.S. Army Corps of Engineers. Obtaining this assents, permits or licenses is the sole responsibility of the applicant. No regulated activities are to be commenced until all other permits are obtained.

11.15 For subdivisions, industrial or commercial developments, or condominium developments, all required Inland Wetlands and Watercourses Commission Permits, Planning and Zoning Commission Permits, and Zoning Board of Appeals Variances must be obtained and a Permit to Develop issued by the Office of the Town Planner prior to any construction, land disturbance or removal of vegetation.

11.16 No person may conduct any regulated activity which also requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special permit, special

exception or variance or other documentation establishing that the proposal complies with the Zoning or Subdivision Regulations and specifications requirements adopted by the Town of Bloomfield Plan and Zoning Commission.

11.17 No modifications to any aspect of the permitted regulated activities can be made without the approval of the Commission or Agent. A written request for approval of minor modifications to approved or permitted regulated activities shall be submitted by the Permittee, to the Commission or Agent, prior to commencement of the affected regulated activities. No modifications shall be made to any approved or permitted regulated activities until reviewed by the Agent or Commission and written approval granted. The Commission or Agent may require that the permittee submit an application for a Modification of Permit in accordance with Section 11.20. All field changes made during the course of construction shall be shown on as-built drawings or plans.

A minor modification is defined as any change to the approved or permitted regulated activities that does not alter, or which reduces, the impacts to wetlands, watercourses or upland review areas, or which constitutes a change in land use that would not likely have an effect on these natural resources.

11.18 Commission approval is required for modifications to the uses, language or boundaries of any conservation easement granted to the Town of Bloomfield. The Commission considers these easements to be fully binding on the property owner, in perpetuity, and modifications to them are not encouraged. Applications for modifications to the uses, language or boundaries of a conservation easement are to include the reasons for the modification and the payment of the appropriate fee. (A standard form for conservation easements is available at the Town Hall Offices of the Town Planner and Wetlands Agent)

11.19 In the case of an application for which CEPA intervener status, under CGS Section 22a-19, has been granted, the intervener shall receive written notice of the decisions made by the Commission.

11.20 An application shall be submitted for a Modification of Permit in all cases where approved or permitted regulated activities are proposed to be significantly modified. Whether a modification is minor or significant shall be determined by the Commission or the Agent. The application for a Modification of Permit shall be made in accordance with Section 7. of these Regulations and shall also include plans and supporting documentation for the proposed modifications and a comparison with the approved or permitted regulated activities.

A significant modification is defined as any change or revision to the permitted or approved regulated activities which would increase the impacts to wetlands, watercourses or upland review areas; modify a stormwater outfall, stormwater management facility or mitigation area; or a change in land use which would affect the permitted regulated activities and would likely have an effect on wetlands, watercourses or upland review areas.

11.21 Significant modifications, changes or revisions to regulated activities approved by the Commission shall be heard by the Commission. Modifications, changes or revisions to regulated activities approved by the Wetland Agent may be approved by the Agent or referred to the

Commission at the discretion of the Agent. Additional information may be requested at any time by the Commission or Agent to aid in the review of the proposed modifications.

11.22 The permittee shall file a copy of the Wetland Permit, extension, modification or re-assignment, including conditions of approval, on the Bloomfield Land Records.

Section 12 - Action by the Wetlands Agent

12.1 The Commission may delegate to the Wetlands Agent the authority to approve or extend a license for an activity that is not located in a wetland or watercourse when this Agent finds that the conduct of this activity would result in no greater than a minimal impact on any wetlands or watercourses, provided this Agent has completed the comprehensive training program developed by the Commissioner of Energy and Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statutes. Requests for approval by the Agent shall be made on a form provided by the Commission and shall contain the information listed under Section 7.8 of these Regulations and any other information the Commission may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 9 and 11 of these Regulations, this Agent may approve or extend such an activity at any time.

12.2 Any person receiving an approval from the Agent, in accordance with Section 12.1, shall, within ten days of the date of this approval, publish, at the applicant's expense, notice of the approval, and provide proof of publication, in a newspaper having a general circulation in the town wherein the activity is located or will have an effect.

12.3 Any person may appeal this decision of this Agent to the Commission within fifteen days after the publication date of the notice and the Commission shall consider this appeal at its next regularly scheduled meeting provided this meeting is no earlier than three business days after receipt by this Commission or its Agent of this appeal. Any person may appear and be heard at the meeting held by the Commission to consider the appeal. The Commission shall, at its discretion, sustain, alter, or reject the decision of its Agent or require an application for a permit to be submitted in accordance with Section 7 of these Regulations.

12.4 The Bloomfield Town Engineer, or Director of Planning, may act in the capacity of the Wetlands Agent with respect to enforcement actions when the Wetlands Agent is not immediately available and it is deemed that it is in the interest of the protection of wetlands and watercourses of the Town for a particular action or actions to be taken prior to the time when the Wetlands Agent is likely to become available to properly address the issue or issues at hand. The Chairman of the Commission shall be notified by the Town Engineer or Director of Planning when enforcement actions are taken in the absence of the Wetlands Agent. The Chairman shall also be notified when the Wetlands Agent is on vacation or sick leave.

Section 13 – Security for Performance

13.1 The Commission may, at its discretion and as deemed fit, require, as a permit condition, the applicant to post with the Commission a surety instrument, or instruments, (hereinafter referred to as "Security" or "Securities" or "Bond"), acceptable to the Commission and in an amount set, as deemed appropriate, by the Commission to secure the faithful performance of the regulated activities in accordance with these Regulations and the terms and conditions of the associated permit in accordance with any and all applicable regulations, permit terms and conditions, and best management practices. The amount of the Security or Bond may be increased by the Commission. The amount of the Security or Bond may be increased at any time by the Commission based on extenuating circumstances.

13.2 Unless specifically designated otherwise by the Commission, any required Security shall be administered by or under the direction of the Director of Planning and Development, (hereinafter referred to as the "Director"). For convenience and at the discretion of the Director, any required Security may be combined and administered jointly with other Securities required by the Town in association with the project and retained for a similar purpose, while maintaining a separate accounting of the Wetlands Commission required security.

13.3 The Director, acting in an administrative role and consistent with the purposes and terms of these Regulations and the subject permit, has the authority 1) to determine the acceptability of a Security as to form, terms, and provider, 2) to receive, evaluate, and act upon requests to modify any Security, which modifications may include changes in the amount secured, the form of the instrument, the provider of the instrument, and extensions of the term of the Security, 3) to initiate the calling of any Security and 4) to perform and make any other actions and determinations as are consistent with an administrative role.

13.4 Any Security shall be of a form and provisions acceptable to the Director. The default instruments for any Security shall be an irrevocable, evergreen Letter of Credit or cash. A Letter of Credit shall be issued by a bank licensed to conduct such business in the State of Connecticut and of appropriate financial soundness and stability. The duration of a Letter of Credit shall be not less than one year, with a provision for automatic renewal at increments of not less than one year. A cash security shall be held in escrow at a bank acceptable to the Director. Other forms of Security may be deemed acceptable at the discretion of the Director.

13.5 A performance Security shall remain in force until all of the terms and conditions of the permit have been successfully met, or six months beyond the date the Commission becomes aware that the permit ceases to be in effect, whichever is earlier. A maintenance Security shall, at the discretion of the Commission or the Director, remain in force for not less than one year and not more than two years. The suspension of a permit does not in any way affect the term of any associated Security.

13.6 Any Security may be called by the Commission when it is deemed that 1) the permittee is, to any extent, not complying with the provisions of the permit and/or these Regulations, 2) the non-compliance has caused, is causing, and/or has the reasonable potential to cause adverse impact to wetlands and watercourses, 3) the permittee has had reasonable opportunity to identify and move to correct the non-compliance, regardless of the status of notification of the non-compliance, and 4) the permittee is not

showing good faith towards remedying the non-compliance and/or the adverse impacts due to the non-compliance and/or complying with the orders of the Commission or Agent, and/or the permittee is otherwise not making adequate progress toward remedying the non-compliance.

13.7 In making a determination under Section 13.6 above, the Commission may consider as deemed appropriate, and among other factors: a) the compliance-related history of the permittee with respect to the subject permit, and, for critical situations, a broader scope may be considered; b) the magnitude of realized and potential adverse impacts; c) time-critical factors; and d) the status of the project.

13.8 For purposes of this Section failure to adequately progress on completing work or conducting activities associated with the permit in a timely manner with respect to various applicable requirements is considered non-compliance with the permit.

13.9 For purposes of this Section the term “non-compliance” is to be interpreted as generally or specifically as most protective of and beneficial to wetlands and watercourses.

13.10 The permittee shall be given a minimum of ten calendar days’ notice of the intent of the Commission to call a Security prior to the Commission actually notifying the issuer of the Security that the permittee is in default with respect to the commitments covered by the Security and that the Commission is calling for the forfeiture of the Security.

13.11 The Commission may use the proceeds from the forfeiture of a Security in any manner deemed to best protect or otherwise be most beneficial to wetlands and watercourses and any potential or realized adverse effects associated with it, allowing for the consideration of the amount of funds available, as well as to cover any expenses incurred in association with the process of obtaining the forfeiture of the Security. Such uses may include, but are not be limited to, expenses associated with completion of all or any part of the improvements associated with the regulated activities, stabilization and/or restoration of graded and damaged areas, construction of improvements not contemplated in or redesigned from the original plans, restoration and/or enhancement of affected wetlands and watercourses, repairs, design, bidding, testing, evaluation and analysis, professional consulting, and financial and legal services. Proceeds may be applied to events, actions, improvements, and work that are located off-site as well as on-site, are of a temporary as well as a permanent nature, that occur or occurred at any time subsequent to the Commission becoming aware of the default, and that were incurred by the Town of Bloomfield acting on the Commission’s behalf, including staff and equipment time, as well as by the Commission itself.

13.12 Nothing this section shall be construed to in any way limit or restrict the Commission from pursuing any legal remedy afforded it to recover damages for expenses incurred by it, or by the Town of Bloomfield acting on the Commission’s behalf, in any way associated with the default of the permittee’s obligations and commitments associated with a permit.

13.13 The Commission may authorize the Town of Bloomfield, acting through its legislative body, commissions, officials, administrators, and staff, as appropriate, to act as its agent in all matters regarding the calling of a Security or Insurance and/or otherwise associated with the default of a permit.

Section 14 - Enforcement

14.1 The Commission may appoint an Agent or Agents to act in its behalf with the authority to issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these Regulations. In carrying out the purposes of this section, the Commission or its duly authorized Agent shall take into consideration the criteria for decision under Section 10.2 of these Regulations.

14.2 The Commission or its Agent may make inspections at reasonable hours of any regulated activities, provided that these inspections shall be in accordance with applicable statutes and ordinances.

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 **Cease and Desist Order** by certified mail, return receipt requested, or USPS "Proof of Mailing" receipt, to the person conducting the activity or maintaining the facility or condition to immediately cease and desist the activity or to correct the facility or condition, or to the owner of record of the subject property if the responsible person cannot readily be determined. Within ten (10) calendar days of the issuance of the 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, or USPS "Proof of Mailing" receipt, that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to Section 22a-44(b) of the Connecticut General Statutes, as amended, and/or;

(b.) issue a **Notice of Violation** and order of corrective action, together referred to as a Notice of Violation, to the person conducting the activity or maintaining the facility or condition, stating the nature of the violation, the jurisdiction of the Commission, and prescribing the necessary action and steps to correct the violation which action and steps may include, without limitation, halting work in wetlands or watercourses or upland review areas. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in subsection a) above or other enforcement proceedings as provided by law. Failure to comply with the Commission's written order is also a violation and subject to enforcement actions.

(c.) issue a **Written Warning** to the property owner and/or responsible person or persons informing them of the existing violation of the Regulations or Permit and requesting that they appear at the next regular meeting of the Commission to discuss the violation and any remedial actions.

14.4 The Commission may suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as approved by the Commission. Prior to revoking or suspending any permit, the Commission shall issue notice to the permittee, personally or by certified mail, return receipt requested, or USPS "Proof of Mailing" receipt, setting forth the facts or conduct which warrants the intended action. The Commission shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all conditions of approval of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Commission shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.

14.5 All ordered mitigation, corrective, restorative or other work or actions shall be undertaken immediately in accordance with the order and applicable laws, regulations and standards by the violator and shall not require a separate permit. The Commission may subsequently require the violator to file an application for a permit for unlicensed regulated activities or for the modification of an existing permit.

14.6 Any person who commits, takes part in, or assists in any violation of these Regulations or any permit or order duly issued by the Commission or the Agent may be assessed by the Commission a civil penalty up to the maximum extent allowed by Town Ordinance 1-8. (a) for each and every offense. The Commission may levy a fine of up to \$250.00 per day for Violations of the Regulations. Each violation of said regulations or permit or order may be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance may be deemed to be a separate and distinct offense.

14.7 The Commission may petition the Superior Court in accordance with the Connecticut General Statutes, to restrain continuing violation of these Regulations, or any permit, order or decision of the Commission, to correct or remove the violation, and to assess damages in an amount necessary to effect the restoration of the affected wetland, watercourse or upland review area, to fine any person who willfully or knowingly violates these Regulations or any permit, order or decision issued, to assess a civil penalty or to enforce a civil penalty assessment by the Commission under Section 14.6 of these Regulations.

14.8 All costs, fees and expenses, and attorney's fees, of the action shall be assessed as damages against the violator.

14.9 All enforcement actions issued by the Commission shall be reported to the Commissioner of the D.E.E.P. within fifteen (15) days of the issuance and the Commission shall make other reports to the Commissioner as required pursuant to Section 22a-44 of the Connecticut General Statutes.

14.10 The Commission may levy a fine as part of any enforcement action in an amount not to exceed \$250.00 per day, in accordance with the Bloomfield Code of Ordinances Section 1-8. (a), and each day of a continuing violation may be considered a separate offence and shall be punishable as such. Fines may be assessed retroactively to the date that the violation was first identified.

Section 15 – Amendments to the Regulations and the Official Map

15.1 These Regulations and the Official Map of Inland Wetlands and Watercourses may be amended by the Commission from time to time in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Energy and Environmental Protection, or as new information regarding soils or inland wetlands and watercourses becomes available.

15.2 All petitions for amendments shall be processed in accordance with Section 22a-42a-(b) of CGS, as amended from time to time (see Appendix E), and any other applicable provisions of the Inland Wetlands and Watercourses Act, as well as applicable provisions of these Regulations. All petitions are subject to a Public Hearing in accordance with Section 9 of these Regulations.

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

15.4 Petitions requesting amendments to the Official Map of Inland Wetlands and Watercourses shall contain at least the following information:

- a. the petitioner's name, mailing address and telephone number;
- b. the address, or location, of the land affected by the petition;
- c. the petitioner's interest in the land affected by the petition;
- d. map(s) showing the geographic location of the land affected by the petition and the wetland and watercourse boundaries from the Official Map, and from a field survey of flagged wetlands and watercourses, on, and in close proximity to, the land in accurate detail;
- e. Soil Scientist's Soils Delineation report;
- f. Soil Scientist's certification of the accuracy of the flagged wetlands shown on the maps;
- g. All other documentation supporting the proposed Map Amendment; and
- h. The completed Wetlands Map Amendment application forms.

15.5 Any person may petition the Commission for an amendment to the Map. Any such petition must be submitted to the Commission in writing and shall include all relevant facts and circumstances which support the proposed change. The petitioner shall bear the burden of proof regarding the validity of the proposed map amendment. Such proof, as supported by the facts, circumstances, and other information submitted with the petition, will be evaluated based upon the criteria set forth in these regulations. This proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Commission. If this person is the owner, developer or contract purchaser of the land which is the subject of the

petition, or if this person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 15.4, the petition shall include:

- a). the name, mailing address and telephone number of the petitioner(s), owner(s) of the land and owner(s) agent or other representative;
- b.) the names and mailing addresses of the owners of abutting land and those within 500 feet of the property; including those within a neighboring Town or City.
- c.) documentation by a Soil Scientist of the distribution of wetland soils on said land. This documentation shall at a minimum include the report of the Soil Scientist documenting the location of wetland soils on the land and a sketch map of the said land indicating the flags set by the Soil Scientist and defining the approximate boundaries of the wetland soil types including poorly drained, very poorly drained and alluvial soils;
- d.) map(s) certified by a Licensed Land Surveyor indicating the property boundary to a minimum of A-2 horizontal accuracy, topographic information to a minimum of T-3 accuracy, the Soil Scientist's wetland flag locations including their alpha/numeric series corresponding to the Soil Scientist's report, lines and/or curves connecting the wetland flags for each wetland, the limits of all watercourses and their banks or shorelines, and the Official Map wetlands and watercourses, superimposed on the same map.
- e.) the total area of on-site wetlands and water bodies, and length of watercourses on the property as measured from the Official Map and as determined by the flagged wetlands and watercourses, and the net change in area of wetlands as determined by the Soil Scientist and compared to the Official Map to the nearest square foot.
- f.) submittal of the Soil Scientist field logs and a written comparison of the wetland soil types indicated on the Official Map and those determined by the Soil Scientist.
- g.) other information deemed necessary by the Wetlands Agent or Commission, from the application checklist, site plan requirements, or other review.

15.6 Watercourses shall be delineated by a Soil Scientist, geologist, ecologist or other qualified individual. Vernal pools and potential vernal pools shall be investigated for obligate and indicator species. Watercourses shall be delineated and/or flagged and surveyed for all Map Amendment applications.

15.7 A Public Hearing shall be held for petitions to amend the Regulations and/or the Official Map of Inland Wetlands and Watercourses. Notice of the hearing shall be published in a newspaper having a general circulation in the municipality where the land that is the subject of the hearing is located at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date set for the hearing. All materials including maps and documents relating to the petition shall be open for public inspection.

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

15.9 Any person may petition the Commission to amend the Wetlands Regulations. The petitioner shall bear the burden of proof for the requested regulation amendment(s). Petitions to amend the Regulations shall include reasons for the proposed amendment(s), the present language of the Regulation and the proposed amendment(s).

15.10 The Commission shall make its decision and state, in writing, the reasons why the amendment to these Regulations and/or the Official Map of Wetlands and Watercourses was made.

15.11 The limits of wetlands, associated with proposed map amendments and/or an application where the Commission or Agent determines that a detailed survey of the wetlands limits is appropriate, shall be delineated on the ground by a Soil Scientist. This delineation shall be coordinated under the direction of a Connecticut Registered Land Surveyor, and presented to the Commission, including soil types, on a map prepared by the Registered Land Surveyor. The map shall be appropriately certified by both the Soil Scientist and the Registered Land Surveyor. The defined points on the limits of the wetlands shall be particularly located on the map by listing their coordinates in a table or by providing bearings, or angles, and distances between the points, which traverse is tied to a coordinated property corner on the map. The accuracy of the wetland limit locations, with respect to the delineations made by the Soil Scientist, shall be \pm one foot. The method of determining the coordinates of the wetlands limit points shall be noted on the map. Geodetic positioning survey (GPS) coordinates shall be certified by a Registered Land Surveyor. Such map shall also show property boundaries, watercourses, natural features, and buildings and other man-made improvements and features, as appropriate. The map shall be accompanied by a soil investigation report prepared by the Soil Scientist.

15.12 The limits of watercourses associated with proposed amendments and/or an application where the Commission or Agent determines that a detailed evaluation of any watercourse limits is appropriate shall be determined by the best information deemed appropriate and/or readily available by the Commission, which information may include, but not be limited to, a survey certified by a registered land surveyor, a certified photogrammetric survey, orthorectified aerial photography, remote sensing imagery, and resource mapping; and may be required by the Commission to be provided by the applicant/petitioner as part of any application/petition.

15.13 The applicant shall provide walkable access, from a public or private road, to over-grown or remote portions of a property containing wetlands and or watercourses at the request of the Commission or Wetlands Agent to assist in the review of a Wetlands Map Amendment application. A

walkable access shall be at least 5 feet in width with vegetation cut down to no more than 6 inches in height.

15.14 Wetland and watercourse delineations shall be valid for not longer than 5 years from the date of the Soil Scientist's field investigation. Wetland and watercourse delineations made on property abutting the subject property may be incorporated into the adoption of periodic revisions to the Official Map of Inland Wetlands and Watercourses in accordance with this Section.

Section 16 – Appeals

16.1 Any and all appeals regarding any action or decision of the Commission shall be made in accordance with Sections 22a-43 of CGS as amended from time to time. Notice of an appeal shall be served upon the Commission and the Commissioner of Energy and Environmental Protection.

16.2 Any and all appeals regarding any action or decision of the Wetlands Agent shall be made to the Commission in accordance with applicable provisions of Section 22a-42a of CGS as amended from time to time.

Section 17 - Conflict and Severance

17.1 If there is a conflict among the provisions of these Regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision or provision of these Regulations shall not affect the validity of any other part which can be given effect without these invalid part or parts.

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

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

Section 19 - Fees

19.1 Method of Payment. All fees required by these Regulations shall be submitted to the Commission by cash or certified check or money order payable to the Town of Bloomfield at the time the application is filed with the Commission. All application fees shall include the current DEEP fee amount.

19.2 No application shall be granted or approved by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant to subsection **19.6** of these Regulations. The DEEP fee shall be included in the filing fee for each application submitted for a permit, a permit extension, a modification of a permit or conservation easement, and each petition submitted to amend the Regulations or the Official Map of Wetlands and Watercourses.

19.3 The application fee is not refundable.

19.4 Definitions. As used on the fee schedule:

"Residential Uses" means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.

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

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

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

19.6 Waiver. The applicant may petition the Commission to waive, reduce or allow delayed payment of the application fee. Such petitions shall be submitted in writing and shall state fully the facts and circumstances the Commission should consider in its determination under this subsection. Such petitions shall be submitted with the application or before the Commission votes on the application. The Commission may waive all or part of the application fee if the Commission determines that:

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

19.7 Prior to submitting an application the applicant shall review the fee schedule with the Wetlands Agent, or Commission, to ensure that the correct fees have been calculated. Following an initial review by the Commission or Agent additional application fees may be required including, but not limited to, a Complex Application fee in accordance with Section 8.7 b. of these Regulations. Additional application fees shall be paid in full before the Commission acts on the application.

19.8 Application fees paid for regulated activities which are subsequently reduced or eliminated by the Commission's approval of the application shall not be applied to other proposed regulated activities or applications unless specifically allowed by a vote of the Commission.

Section 20 - Effective Date of Regulations

20.1 These Regulations are effective as of **May 15, 2023**. A copy of these regulations has been filed in the Office of the Town Clerk and a notice has been published in a newspaper having general circulation in the Town of Bloomfield.



Vaccinium corymbosum L.
Highbush-Blueberry

Appendix A. Forms

Fee Schedule
Permit Application
Map or Regulation Amendment Application
Conflict of Interest Disclosure Form

Appendix B. Plant common and Latin names

From a publication titled "Inland Wetland Plants of Connecticut"
Vegetated Buffer schematics

Appendix C.

Connecticut General Statute Section 1-1(q) ("farming" definition)

APPENDIX D.

Connecticut General Statute Section 8-7d Hearings and decisions

Appendix E.

Connecticut General Statute Section 22a-42a (b) – Regulations and Map Amendments

Appendix F - Connecticut General Statute Section 22a-19 – Intervener Status

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Town of Bloomfield Inland Wetlands and Watercourses Commission
2023 FEE SCHEDULE

NAME & LOCATION OF PROJECT	<hr/>	
1. RESIDENTIAL USES ON SINGLE LOT: NEW HOUSE MODIFICATION TO EXISTING OWNER-OCCUPIED:	\$100	<hr/>
2. COMMERCIAL/INDUSTRIAL USES: NEW CONSTRUCTION, PER LOT MODIFICATION TO EXISTING	\$500	<hr/>
3. MULTI-FAMILY Residential (Apartments, PLRs, PECs, MFER's) \$75 x _____ (the number of units), maximum of \$1000 MODIFICATION TO EXISTING	\$200	<hr/>
4. SUBDIVISION (Public Hearing included): Plus \$100 x _____ (Number of lots upon which a regulated activity is proposed)	\$200 \$500	<hr/>
5. ALL OTHER USES:	\$200	<hr/>
6. WETLANDS AGENT PERMIT (No work in wetlands or watercourses):	\$50	<hr/>
7. AREA OF WETLANDS DISTURBANCE _____ SF x \$50.00 per 1000 square feet, rounded up to the nearest 1000 square feet upon which a regulated activity is proposed	<hr/>	
8. AREA OF WATERCOURSE DISTURBANCE _____ SF x \$50.00 per 1000 square feet, rounded up to the nearest 1000 square feet upon which a regulated activity is proposed	<hr/>	
9. LENGTH OF WATERCOURSE DISTURBANCE _____ LF x \$50.00 per 100 linear feet, rounded up to the nearest 100 linear feet of watercourse or shoreline upon which a regulated activity is proposed, maximum of \$5000	<hr/>	
10. UPLAND REVIEW AREA DISTURBANCE _____ SF x \$20.00 per 1000 square feet, rounded up to the nearest 1000 square feet, of uplands within 100 feet of wetlands and 200 feet of watercourses upon which a regulated activity is proposed, maximum of \$1000	<hr/>	
11. AREA OF VERNAL POOL HABITAT AREA DISTURBANCE _____ SF x \$20.00 per 1000 square feet, rounded up to the nearest 1000 square feet, outside of the 200-foot Upland Review Area, upon which a regulated activity is proposed, maximum of \$2000	<hr/>	
12. SIGNIFICANT ACTIVITY FEE (Public Hearing):	\$500	<hr/>
13. COMPLEX APPLICATION FEE (as determined by the Commission or Agent)	<hr/>	
14. WETLANDS REGULATION AMENDMENT (Public Hearing included):	\$250	<hr/>
15. SIGNIFICANT MODIFICATION OF PERMIT	\$250	<hr/>
16. CONSERVATION EASEMENT BOUNDARY OR USES MODIFICATION	\$500	<hr/>
17. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION FEE	\$60.00	
TOTAL CALCULATED FEE: <hr/>		

Fees shall be determined by the Wetlands Agent based on this schedule. All applications are subject to fees for disturbances of the wetlands and watercourses of the Upland Review Areas, of the Vegetated Buffer Zones, of the Vernal Pool Habitat areas and the DEEP fee. All applicable fees for the proposed activity(s) shall be applied. Checks are to be made payable to, and remitted to, the Town of Bloomfield, 800 Bloomfield Avenue, Bloomfield CT, 06002. The applicant may petition the Wetlands Commission to reduce, waive, or modify the amount of the fee, in writing, at the time the application is filed.

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Inland Wetlands and Watercourses Commission

APPLICATION FOR PERMIT

1. Applicant's Name, Address, Phone Number and E-mail Address: _____

2. Applicant's interest in the property: Owner Lessee Optionee Other, Explain: _____

3. Property Owner(s) Name, Address, Phone Number and E-mail Address: _____

4. Location of Property, including street address, and Assessor's lot and map number: _____

5. Description of proposed activity and location on property: _____

Check all that apply: Excavation Filling Grading In Wetlands In Watercourse or pond
 In Upland Review Areas Subdivision Commercial/ Industrial Site New House Addition
 Culvert Maintenance Clearing/ Forestry/ Logging Road Construction Utility Construction

6. Total Area of the Property _____ Ac/SF

7. Total Area of Wetlands on the Property from the Official Map: _____ Ac/SF

8. Total Length and Area of Watercourses from the Official Map: _____ LF _____ Ac/SF

9. Total number of Vernal Pools and area of 500-foot VP Habitat Area _____ Ac/SF

10. Wetlands Area Altered or Disturbed: _____ Ac/SF

11. Watercourse Area Altered or Disturbed: _____ Ac/SF

12. Watercourse Length or Shoreline Length Altered or Disturbed: _____ LF

13. Area of Wetlands Created, Enhanced or Restored (excl. open water) _____ Ac/SF

14. Area of Upland Review Areas on site and disturbed: _____ Ac/SF

15. Area of Vegetated Buffer Zones on site and disturbed: _____ Ac/SF

16. Area of Vernal Pool Habitat Area disturbed: _____ Ac/SF

17. Total Land Area disturbed for the project: _____ Ac/SF

The undersigned warrants the truth of all statements contained in this application according to the best of his or her knowledge and belief, and is aware of the penalties for obtaining a permit through deceptive information. The property owner grants permission to the Commission and its Agent to enter the subject property for the purposes of inspection, evaluation and enforcement.

Signature of Applicant: _____ Date: _____

Signature of Property Owner: _____ Date: _____

(TOWN USE ONLY BELOW THIS LINE)

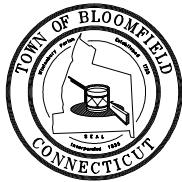
Received at Bloomfield Town Hall by: _____ Date: _____

This application is scheduled for Official Receipt by the Wetlands Commission at the Regular Meeting of: _____

Public Hearing no yes date: _____ Wetlands Agent Permit

ALL APPLICATIONS SHALL INCLUDE THE ORIGINAL SIGNATURES OF THE APPLICANT AND PROPERTY OWNER, PAYMENT OF THE FEE; PLANS OR MAPS SHOWING THE PROPOSAL AND HIGHLIGHTING THE PROPOSED REGULATED ACTIVITIES AND SUPPORTING DOCUMENTATION, ALL SUBJECT TO COMPLIANCE WITH THE REGULATIONS; AND THE SITE PLAN INCLUSION REQUIREMENTS. USE ADDITIONAL SHEETS IF NECESSARY. **REVISED MAY 15, 2023**

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Inland Wetlands and Watercourses Commission

APPLICATION FOR WETLANDS MAP OR REGULATION AMENDMENT

1. Applicant's Name, Address and Phone Number: _____
2. Applicant's interest in the property: Owner Lessee Optionee Other: _____
3. Property Owner(s) Name, Address and Phone Number: _____
4. Location of Property (include street address), Assessor's lot and map number: _____
5. Description of proposed map boundary or regulation amendment: _____

6. Total Area of Wetlands on property from Official Map: _____ Ac/SF
7. Total Length of Watercourse from Official Map: _____ LF
8. Total Area of Open Water from Official Map: _____ Ac/SF
9. Total Area of Wetlands as flagged by Soil Scientist: _____ Ac/SF
10. Total Length of Watercourse as determined by Survey: _____ LF
11. Total Area of Open Water as determined by Survey: _____ Ac/SF
12. Total number and Area of Vernal Pools: _____ Ac/SF
12. Wetland Net Change (exclude wetland to open water): _____ Ac/SF
13. Watercourse Length Net Change: _____ LF
14. Open Water Area Net Change: _____ Ac/SF
15. Total Land Area of the Property: _____ Ac/SF

The undersigned warrants the truth of all statements contained in this application according to the best of his or her knowledge and belief, and grants permission to the Commission and its Agent to enter the subject property for the purposes of inspection, evaluation and enforcement.

Signed: Applicants Name: _____ Date: _____

Signature of Property Owner: _____ Date: _____

(TOWN USE ONLY BELOW THIS LINE)

Received at Bloomfield Town Hall by: _____ Date: _____

This application is scheduled for Official Receipt by the Wetlands Commission at the Regular

Meeting of: _____ and a Public Hearing on: _____

All Map and Regulation Amendment applications are subject to a Public Hearing and payment of the \$310.00 fee (\$250.00 plus DEEP fee of \$60.00). All Map Amendment applications shall be accompanied by a Soils Investigation Report from a Soil Scientist; and a plan showing a minimum of a.) existing topography and property information, b.) the wetlands and watercourses from the Official Map, c.) the Soil Scientist's flagged wetlands and watercourses, d.) the Soil Scientist's certification and signature, and e.) the signature and seal of a Connecticut Licensed Land Surveyor. All applications shall include the original signatures of the applicant and the property owner. REVISED: MAY 23, 2023

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CONFLICT OF INTEREST DISCLOSURE FORM

This form is required for all applications and permit transfers and must be notarized. Complete all sections, indicate N/A if not applicable and use additional sheets if necessary. Full disclosure is required for a complete application. Incomplete applications will not be scheduled for a hearing.

LOCATION OF PROJECT: _____

NAME, ADDRESS, PHONE NUMBER AND E-MAIL ADDRESS OF APPLICANT: _____

IF APPLICANT IS OWNER OF RECORD, HOW LONG HAS HE/SHE OWNED THE PROPERTY YEARS _____ MONTHS _____

NAME, ADDRESS, PHONE NUMBER AND E-MAIL ADDRESS OF ALL PARTIES KNOWN TO HAVE AN INTEREST IN THIS APPLICATION:

OWNERS: _____

OPTIONEES: _____

OFFICERS, DIRECTORS AND MAJORITY STOCKHOLDERS OF CORPORATIONS LISTED ABOVE:

BENEFICIARIES OF ANY TRUST OR OTHER FIDUCIARY OWNERSHIP LISTED ABOVE: _____

TENANTS/PROSPECTIVE TENANTS: _____

ATTORNEYS, INCLUDING NAME OF LAW FIRM(S) AND PARTNERS: _____

FINANCIAL INSTITUTIONS OR OTHER FINANCIERS: _____

ENGINEERS, SURVEYORS: _____

ARCHITECTS: _____

BUILDERS: _____

CONSULTANTS: _____

OTHERS: _____

To the best of my knowledge, no one except those listed above has a financial interest in this application or the subject property who is an employee of the Town of Bloomfield, or an elected or appointed official of the Town of Bloomfield.

PRINTED NAME OF APPLICANT

APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, IN THE YEAR _____

NOTARY PUBLIC _____

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APPENDIX B

Plant common and Latin names are taken from a publication titled "Inland Wetland Plants of Connecticut" The Connecticut Arboretum Bulletin No. 19, Connecticut College, New London, Connecticut, May 1973. Additional information can be found on the National Plant List.

*This is not an exhaustive list of the plants that can be found in wetlands. Obligate (wetland only) species are in ***bold italics***. Underlined species are non-native and invasive. Information about endangered species, threatened species and species of special concern can be found at the DEEP and the Connecticut Invasive Plant Working Group web sites.*

TYPICAL PLANTS OF BOGS

Larch (*Larix Laricina*),

southern or Atlantic white cedar (*Chamaecyparis thyoides*),

black spruce (*Picea mariana*),

water-willow (*Decodon verticillatus*),

sundew (*Drosera rotundifolia*),

pitcher-plant (*Sarracenia purpurea*),

leather-leaf (*Chamaedaphne calyculata*),

sweet gale (*Myrica gale*),

bog laurel (*Kalmia polifolia*),

bog rosemary (*Andromeda glauca*),

(Threatened)

cranberry (*Vaccinium oxycoccus*)



TYPICAL PLANTS OF MARSHES

bur-reed (*Sparganium americanum*),

cat-tails (*Typha latifolia*),

arrowhead (*Sagittaria latifolia*),

pickerelweed (*Pontederia cordata*),

arrow-arum (*Peltandra virginica*),

wool grass (*Scirpus cyperinus*),

bulrushes (*Scirpus atrovirens*, *S. validus*, and *S. americanus*),

umbrella-sedge (*Cyperus strigosus*),

tussock sedge (*Carex sticta*),

spike-rush (*Eleocharis*),

(Endangered, quadrangulated var. *crassior* – Special Concern, *microcarpa* var. *filiculmis*)

purple loosestrife (*Lythrum salicaria*),

soft rush (*Juncus effusus*),

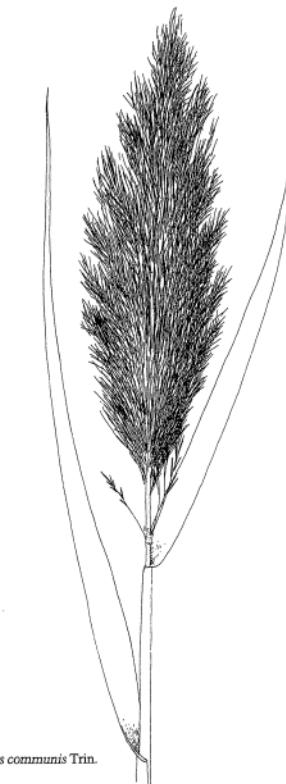
rush (*Juncus acuminatus*),

yellow pond-lily (*Nuphar advena*),

water-lily (*Nymphaea odorata*),
common reed (*Phragmites communis*),
wild rice (*Zizania aquatica*).

TYPICAL PLANTS OF SWAMPS

Red or swamp maple (*Acer rubrum*),
silver maple (*Acer saccharinum*),
poison sumac (*Rhus vernix*),
black ash (*Fraxinus nigra*),
large pussy-willow (*Salix discolor*),
silky willow (*Salix sericea*),
black willow (*Salix nigra*),
black gum (*Nyssa sylvatica*),
alders (*Alnus rugosa* and *A. serrulata*),
highbush blueberry (*Vaccinium corymbosum*),
maleberry (*Lyonia ligustrina*),
sweet pepperbush (*Clethra alnifolia*),
clammy or swamp azalia (*Rhododendron viscosum*),
black alder (*Ilex verticillata*),
spice bush (*Lindera benzoin*),
buttonbush (*Cephalanthus occidentalis*),
marsh-marigold (*Caltha palustris*),
skunk-cabbage (*Symplocarpus foetidus*).



Phragmites communis Trin.
Reed

OTHER REFERENCES

"Freshwater Wetlands, A Guide to Common Indicator Plants of the Northeast"
Dennis W. Magee, University of Massachusetts Press, 1981.

"Wetlands of Connecticut"
State Geological and Natural History Survey of Connecticut, 1992.

"National Wetlands Plant List"
Administered by the U.S. Army Corps. of Engineers, 2021.

VEGETATED BUFFER SCHEMATICS

NUMBER OF PLANTS / 100' OF BUFFER

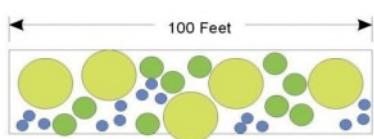
Basic Buffer (15' deep)



10 Habitat Trees – 2+ inches in caliper

10 Habitat Shrubs – 4 to 6 feet in height

Enhanced Buffer (25' deep)

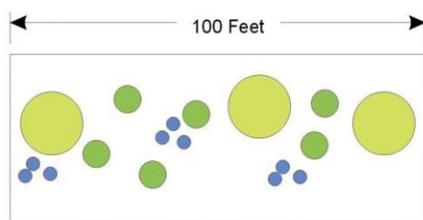


5 Canopy Trees - 3+ inches in caliper

10 Habitat Trees - 1.5+ inches in caliper

15 Habitat Shrubs - 4+ feet in height

Wide Buffer (50' deep)



3 Canopy Trees - 3+ inches in caliper

6 Habitat Trees - 1.5+ inches in caliper

9 Habitat Shrubs - 4+ feet in height

Planted and enhanced Vegetated Buffers Zones shall comply with these schematics unless specifically modified by the Wetlands Commission.

APPENDIX C

Connecticut General Statute Section 1-1(q) Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoophouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other mulluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under Chapter 124.

APPENDIX D

Connecticut General Statute Section 8-7d. Hearings and decisions. Time limits. Day of receipt. Notice to adjoining municipality. Public notice registry.

(a) In all matters wherein a formal petition, application, request or appeal must be submitted to a zoning commission, planning and zoning commission or zoning board of appeals under this chapter, a planning commission under chapter 126 or an inland wetlands agency under chapter 440 or an aquifer protection agency under chapter 446i and a hearing is required or otherwise held on such petition, application, request or appeal, such hearing **shall commence within sixty-five days** after receipt of such petition, application, request or appeal and **shall be completed within thirty-five days** after such hearing commences, unless a shorter period of time is required under this chapter, chapter 126, chapter 440 or chapter 446i. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. In addition to such notice, such commission, board or agency may, by regulation, provide for additional notice. Such regulations shall include provisions that the notice be mailed to persons who own land that is adjacent to the land that is the subject of the hearing or be provided by posting a sign on the land that is the subject of the hearing, or both. For purposes of such additional notice, (1) proof of mailing shall be evidenced by a certificate of mailing, and (2) the person who owns land shall be the owner indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed, and (3) a title search or any other additional method of identifying persons who own land that is adjacent to the land that is the subject of the hearing shall not be required (P.A. 15-68). All applications and maps and documents relating thereto shall be open for public inspection. At such hearing, any person or persons may appear and be heard and may be represented by agent or by attorney. **All decisions on such matters shall be rendered not later than sixty-five days after completion of such hearing**, unless a shorter period of time is required under this chapter, chapter 126, chapter 440 or chapter 446i. The petitioner or applicant **may consent to one or more extensions** of any period specified in this subsection, provided the **total extension of all such periods shall not be for longer than sixty-five days**, or may withdraw such petition, application, request or appeal.

(b) Notwithstanding the provisions of subsection (a) of this section, whenever the approval of a site plan is the only requirement to be met or remaining to be met under the zoning regulations for any building, use or structure, a decision on an application for **approval of such site plan shall be rendered not later than sixty-five days** after receipt of such site plan. Whenever a decision is to be made on an application for subdivision approval under chapter 126 on which no hearing is held, such decision shall be rendered not later than **sixty-five days after receipt of such application**. Whenever a decision is to be made on an inland wetlands and watercourses application under chapter 440 on which no hearing is held, such decision shall be **rendered not later than sixty-five days** after receipt of such application. Whenever a decision is to be made on an aquifer protection area application under chapter 446i on which no hearing is held, such decision shall be rendered not later than sixty-five days after receipt of such application. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed sixty-five days or may withdraw such plan or application.

(c) For purposes of subsection (a) or (b) of this section and section 7-246a, the date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of such commission, board or agency, immediately following the day of submission to such commission, board or agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner. If the commission, board or agency does not maintain an office with regular office hours, the office of the clerk of the municipality shall act as the agent of such commission, board or agency for the receipt of any petition, application, request or appeal.

(d) The provisions of subsection (a) of this section shall not apply to any action initiated by any zoning commission, planning commission or planning and zoning commission regarding adoption or change of any zoning regulation or boundary or any subdivision regulation.

(e) Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, and the time for a decision by a zoning commission or planning and zoning commission established pursuant to this section would elapse prior to the thirty-fifth day after a decision by the inland wetlands agency, the time period for a decision shall be extended to thirty-five days after the decision of such agency. The provisions of this subsection shall not be construed to apply to any extension consented to by an applicant or petitioner.

(f) The zoning commission, planning commission, zoning and planning commission, zoning board of appeals, inland wetlands agency or aquifer protection agency shall notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which: (1) Any portion of the property affected by a decision of such commission, board or agency is within five hundred feet of the boundary of the adjoining municipality; (2) 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; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

(g)(1) Any zoning commission, planning commission or planning and zoning commission initiating any action regarding adoption or change of any zoning regulation or boundary or any subdivision regulation or regarding the preparation or amendment of the plan of conservation and development shall provide notice of such action in accordance with this subsection in addition to any other notice required under any provision of the general statutes.

(2) A zoning commission, planning commission or planning and zoning commission shall establish a public notice registry of landowners, electors and nonprofit organizations qualified as tax-exempt organizations under the provisions of Section 501(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, requesting notice under this subsection. Each municipality shall notify residents of such registry and the process for registering for notice under this subsection. The zoning commission, planning commission or planning and zoning commission shall place on such registry the names and addresses of any such

landowner, elector or organization upon written request of such landowner, elector or organization. A landowner, elector or organization may request such notice be sent by mail or by electronic mail. The name and address of a landowner, elector or organization who requests to be placed on the public notice registry shall remain on such registry for a period of three years after the establishment of such registry. Thereafter any land owner, elector or organization may request to be placed on such registry for additional periods of three years.

(3) Any notice under this subsection shall be mailed to all landowners, electors and organizations in the public notice registry not later than seven days prior to the commencement of the public hearing on such action, if feasible. Such notice may be mailed by electronic mail if the zoning commission, planning commission or planning and zoning commission or the municipality has an electronic mail service provider.

(4) No zoning commission, planning commission or planning and zoning commission shall be civilly liable to any landowner, elector or nonprofit organization requesting notice under this subsection with respect to any act done or omitted in good faith or through a bona fide error that occurred despite reasonable procedures maintained by the zoning commission, planning commission or planning and zoning commission to prevent such errors in complying with the provisions of this section.

APPENDIX E

Connecticut General Statute Section 22a-42a (b) No regulations of an inland wetlands agency including boundaries of inland wetland and watercourse areas shall become effective or be established until after a public hearing in relation thereto is held by the inland wetlands agency. Any such hearing shall be held in accordance with the provisions of Section 8-7d. A copy of such proposed regulation or boundary shall be filed in the office of the town, city or borough clerk as the case may be, in such municipality, for public inspection at least ten days before such hearing, and may be published in full in such paper. A copy of the notice and the proposed regulations or amendments thereto, except determinations of boundaries, shall be provided to the commissioner at least thirty-five days before such hearing. Such regulations and inland wetland and watercourse boundaries may be from time to time amended, changed or repealed, by majority vote of the inland wetlands agency, after a public hearing in relation thereto is held by the inland wetlands agency, in accordance with the provisions of Section 8-7d. Regulations or boundaries or changes therein shall become effective at such time as is fixed by the inland wetlands agency, provided a copy of such regulation, boundary or change shall be filed in the office of the town, city or borough clerk, as the case may be. Whenever an inland wetlands agency makes a change in regulations or boundaries it shall state upon its records the reason why the change was made and shall provide a copy of such regulation, boundary or change to the Commissioner of Energy and Environmental Protection no later than ten days after its adoption provided failure to submit such regulation, boundary or change shall not impair the validity of such regulation, boundary or change. All petitions submitted in writing and in a form prescribed by the inland wetlands agency, requesting a change in the regulations or the boundaries of an inland wetland and watercourse area shall be considered at a public hearing held in accordance with the provisions of Section 8-7d. The failure of the inland wetlands agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition.

APPENDIX F

Connecticut General Statute Section 22a-19. (a) In any administrative, licensing or other proceeding, and in any judicial review thereof made available by law, the Attorney General, any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity may intervene as a party on the filing of a verified pleading asserting that the proceeding or action for judicial review involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.

(b) In any administrative, licensing or other proceeding, the agency shall consider the alleged unreasonable pollution, impairment or destruction of the public trust in the air, water or other natural resources of the state and no conduct shall be authorized or approved which does, or is reasonably likely to, have such effect as long as, considering all relevant surrounding circumstances and factors, there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare.