

INLAND WETLAND & WATERCOURSES CONSERVATION COMMISSION REGULATIONS



TOWN OF GRISWOLD

**NEW LONDON COUNTY
CONNECTICUT**

Griswold Inland Wetland & Watercourses Conservation Commission

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COMMISSION REGULATIONS**

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ARTICLE I

Title, Authority and Purpose

195-1 Title

This Chapter shall be known as the “Inland Wetlands and Watercourses Conservation Commission Regulations of the Town of Griswold, Connecticut” and is hereby referred to as “this Chapter”.

195-2 Authority

This Chapter has been prepared by the Griswold Inland Wetlands and Watercourses Conservation Commission. This Commission’s authority is granted by Section 22a-36 through 22a-45 of the Connecticut General Statutes, collectively known as the “Connecticut Inland Wetlands & Watercourses Act”; and as authorized by an Ordinance of the Griswold Town Meeting on November 19, 1973.

195-3 Purpose

The preservation and protection of wetlands and watercourses from undesirable and unregulated use, disturbance, or destruction is in the public interest. Regulation of wetlands and watercourses is essential to the purposes of public health, outdoor recreation and conservation of our natural resources. Major concerns include:

- a. Flood and erosion control,
- b. Hydrological stability,
- c. Recharging and purification of groundwater, and,
- d. The continued existence of many forms of plant and animal life.

It is the purpose of this Chapter to protect the citizens of Griswold by making provisions for the protection, preservation, maintenance and use of wetlands and watercourses by:

- a. Minimizing their disturbance and pollution;
- b. Maintaining and improving water quality in accordance with the highest standards set by federal, state, or local authority;
- c. Preventing damage from erosion, turbidity, or siltation;
- d. Preventing loss of fish, other beneficial aquatic organisms, wildlife and vegetation, and the destruction of the natural habitats thereof;

- e. Deterring and inhibiting the danger of flood and pollution; and
- f. Protecting potable freshwater supplies from the dangers of drought, overdraft, pollution, misuse, and management.

This Chapter provides an orderly process to balance the need for the economic growth of the Town of Griswold with the need to protect its environment. By protecting the quality of wetlands and watercourses, the people of the Town of Griswold forever guarantee the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

195-4 Interpretation of Regulated Soils

All wetlands, as defined in this Chapter, are shown, for general reference purposes only, on a map entitled “Inland Wetlands Map of Griswold, Connecticut” as filed in the office of the Town Clerk. In all instances, the actual characteristics of the soils of a given site, as determined by a soil scientist, shall determine whether the land in question constitutes a wetland, as defined in this Chapter.

ARTICLE II

Definitions

195-5 Definitions

As used in this Chapter, the following terms shall have the meanings indicated:

Boat Anchorage - An area where boats can ride at anchor, sometimes designated by local authorities.

Boat Mooring – The act and/or means to firmly secure a vessel.

Bog – A poorly drained area containing an accumulation of organic material and characterized by an association of plants recognized as “bog” species as listed in the booklet titled, “Inland Wetlands Plants of Connecticut, May 1973”.

Clear Cutting – The harvest of timber in a fashion, which removes all trees down to a two-inch diameter at breast height (11/21/96)

Commercial Activity – Any development other than Residential Activity, as defined in this Chapter.

Commission – The Inland Wetlands, Watercourses & Conservation Commission of the Town of Griswold, Connecticut.

Commissioner – The Commissioner of Environmental Protection for the State of Connecticut

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

Discharge – The emission of any water, substance or material into the waters of the Town of Griswold, whether or not such a substance causes pollution.

Farming – Shall include the cultivation of soil, dairying, forestry, raising and/or harvesting of any agricultural or horticultural commodity, the feeding, caring, training and management of livestock on a lot containing at least five (5) acres. The term “farm” shall include farm buildings and buildings or structures accessory thereto, nurseries, orchards, ranges, and/or greenhouses used primarily for the raising or keeping of agricultural or horticultural commodities or livestock.

Feasible – Able to be constructed or implemented consistent with sound engineering principles.

Intermittent (Seasonal) Watercourse – Any waterway that would convey water for the duration of a storm event, thaw, or seasonal high water table, said waterway being one that accumulates and/or flows in a certain direction through a regular channel having banks and sides. 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; (C) the presence of hydrophytic vegetation.

License – The whole or any part of any permit, certificate, approval or similar form of permission, which may be required of any person by provisions of this Chapter.

Marsh – An area normally covered with shallow water, subject to seasonal variations, that contains an association of herbaceous, soft-stemmed plants recognized as marsh vegetation. Typical examples of marsh species are listed in the booklet titled, “Inland Wetland Plants of Connecticut, May 1973”.

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

Municipality – The Town of Griswold, Connecticut.

Person – Any individual, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

Pollution – Harmful thermal effect or the contamination or rendering unclean or impure of any waters of the Town of Griswold by reason of any waste or other materials discharged or

deposited therein by any public or private sewer or otherwise, so as to directly or indirectly come into contact with any waters.

Prudent – 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 – Any operation or use of a wetland or watercourse involving removal or deposition of material, any obstruction, construction, alteration or pollution of such wetlands or watercourses, and any earth moving, filling, construction, and clear-cutting of trees in a regulated area, but shall not include the activities specified in Article III of these regulations.

Regulated Area – The area extending one hundred fifty (150) feet for commercial activities, or seventy-five (75) feet for all other activities from the edge of a wetland or watercourse as determined by a soil scientist.

Remove – The taking of materials from the land by means that include but are not limited to draining, excavating, mining, digging, dredging, sucking, bulldozing, draglining or blasting.

Rendering Unclean or Impure – Any alteration of the physical, chemical, or biological properties of any waters of the Town of Griswold including, but not limited to changes in color, odor, turbidity or taste.

Residential Activity – Development consisting exclusively of single-family and two-family dwellings and permitted accessory uses, as defined in the Griswold and Borough of Jewett City Zoning Regulations.

Significant Impact or Major Effect – Any activity which would have an adverse effect on the regulated area or on another portion of a wetland or watercourse system. Such activities include but are not limited to:

- a. Deposition of material.
- b. Removal of material.
- c. Changes to the natural channel or the natural dynamics of a watercourse.
- d. Diminishing the natural capacity to support desirable biological life, prevent flooding, supply water, assimilate waste, facilitate drainage, and/or provide recreation and open space.
- e. Degradation of surface and/or ground water as measured by the standards of the Water Compliance Division of the Connecticut Department of Environmental Protection.

Soil Scientist – An individual duly qualified in accordance with standards set by the Federal Office of Personnel Management.

Swamp – An area with a water table at or near the surface of the ground throughout most of the year and containing vegetation dominated by an association of trees and/or shrubs recognized as swamp species. Typical examples of swamp species are listed in the booklet titled, “Inland Wetland Plants of Connecticut, May, 1973”.

Waste – Sewage or any substance, liquid, gaseous, solid, or radioactive, which may pollute or tend to pollute any of the waters of the Town of Griswold.

Watercourse – A river, stream, brook, waterway, lake, pond, marsh, swamp, bog, 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 of Griswold or any portion thereof, not regulated pursuant to the Connecticut General Statutes, Section 22a-28 through 22a-35, as amended. 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; (C) the presence of hydrophytic vegetation.

Wetlands – Land, including submerged land, not regulated pursuant to Section 22a-28 through 22a-35 of the Connecticut General Statutes, as amended, which consists of any soil type designated as poorly drained, very poorly drained, alluvial, and flood plain by the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture.

ARTICLE III

Permitted Operations and Uses

Some types of development are exempted from regulation under Section 22a-36 through 22a-45 of the Connecticut General Statutes. Although these statutes prohibit regulation of the land use, itself, they do not prevent this Commission from establishing reasonable procedures to determine whether a claimed exemption actually applies in a specific case.

Any person proposing to carry out a permitted or non-regulated operation or use of a wetland or watercourse that may disturb the natural and indigenous character of the wetland or watercourse shall, prior to commencement of such operations or use, notify the Commission on a form provided by it and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or non-regulated use of the wetland or watercourse. The Commission or its designated agent shall rule that the proposed operation or use is a permitted or a non-regulated use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the

next regularly-scheduled meeting at which the request was received. The designated agent for the Commission may make such ruling on behalf of the Commission at any time.

195-6 Uses Permitted by Right

The following operations are permitted 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. This exemption 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; and
 - Mining of topsoil, peat, gravel, or similar material from wetlands or watercourses for the purpose of sale.
- b. A residential home (i) for which a building permit has been issued or, (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of Section 22a-42a of the Connecticut General Statutes 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. (11/21/96)
- c. Boat anchorage or mooring, not including dock construction.
- d. Uses incidental to the enjoyment and maintenance of residential property, including maintenance of existing structures and landscaping, but not including removal or deposition of five or more cubic yards of material from or onto a wetland or watercourse or the diversion or alteration of a watercourse. For the purpose of this exemption, the term “residential property” does not include a parcel of land that is larger in area than the largest minimum residential lot size required anywhere in the municipality. For example, if the largest lot size in Griswold is two acres, a homeowner having a twenty-acre lot may not claim the “residential property” exemption for activities occurring throughout the parcel, but is limited to a two-acre portion, which should be shown on a site plan.
- e. The construction and operation by water companies as defined in Section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes of dams, reservoirs, and other facilities

necessary to the impounding, storage, and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 and 22a-403 of the Connecticut General Statutes.

- f. The 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 such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this Chapter, "maintenance" means the accumulated leaves, soil and other debris whether by hand or machine, while the pipe remains in place.

195-7 Uses Permitted Under Certain Conditions.

The following operations and uses are not subject to municipal regulation provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow, or pollution of the wetland or watercourse:

- a. Conservation of soil, vegetation, water, fish, shellfish and wildlife;
- b. Outdoor recreation, including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin-diving, camping, boating, water-skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated.
- c. Any dredging or any erection, placement, retention or maintenance of any structure, fill, obstruction or encroachment, or any work incidental to such activities, conducted by a state agency, which activity is regulated under Sections 22a-28 to 22a-35 of the Connecticut General Statutes, inclusive, or Sections 22a-359b to 22a-363f of the Connecticut General Statutes, inclusive, shall not require any permit or approval under this Chapter.

ARTICLE IV

Regulation of Activities

195-8 Permit Required

The Commission shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses and any other regulated activity, unless such operation or use is permitted or non-regulated pursuant to Article III of these regulations. In addition, the Commission shall regulate any earth moving, filling, construction, or clear-cutting of trees within a regulated area around any wetland or watercourse.

195-9 Delineation of Regulated Areas

Regulated activities adjacent to a wetland or watercourse are likely to affect those wetlands or watercourses. The Commission will therefore regulate these activities in a regulated area extending one hundred fifty (150) feet from the delineated edge of a wetland or watercourse for commercial activities or seventy-five (75) feet from the delineated edge of a wetland or watercourse for all other activities.

195-10 Adoption of Map

The map of regulated wetlands entitled, “Inland Wetlands Map of Griswold, Connecticut” shall be considered a part of this Chapter, and copies of said map shall be available for inspection in the office of the Town Clerk. The map may be revised from time to time in accordance with provisions of Article IX of this Chapter.

This map is to be utilized for general reference purposes only. In all instances, the actual characteristics of the soils of a given site, as determined by a soil scientist, shall determine whether land in question is a wetland; or in the case of a watercourse, the actual conditions as determined by a soil scientist, professional biologist, and/or professional ecologist.

195-11 Access to Property

Commission members, their agents and designees shall have the right of free access to any part of the property under consideration for the granting of a permit under this Chapter. The property owner may require that such persons have a letter of authorization for the Chairperson or Secretary of the Commission prior to permitting such access. Except in an emergency, entry onto private property shall be made at reasonable hours and after reasonable notice to the owners, their agents, or by judicial authority.

195-12 Surveillance of Area

The Commission shall maintain general surveillance of the regulated areas within the Town of Griswold to ensure that no unauthorized regulated activities occur.

195-13 Disputes Over Designation

If an applicant disputes the designation of any part of his land as a regulated area, the applicant may be required to produce such information as the Commission deems necessary to permit an informed decision, but in no case shall the Commission impose an unreasonable burden of proof. To meet such burden of proof, an applicant may be required to present documentation by a soil scientist for a wetland, or a professional biologist, and/or a professional ecologist for a watercourse, that the land in question should not be designated as a regulated area.

195-14 Disqualification of Commission Members

No member or alternate member of the Commission shall participate in the hearing or decision of any matter in which he/she is directly or indirectly involved in a personal or financial sense. In the event of such disqualification, such fact shall be entered into the records of the Commission and a legally-appointed alternate member be appointed for the duration of action on the matter that required disqualification of the original member.

ARTICLE V

Application Procedure

195-15 Submission, Form, and Contents of Application

(a) Applications to the Enforcement Officer

In accordance with Section 22a-42a(c)(2) of the Connecticut General Statutes, the Commission hereby delegates to its duly authorized agent (Wetlands Enforcement Officer) the authority to approve or extend a regulated activity that is located in a regulated area but not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetland or watercourse provided such agent has completed the comprehensive training program developed by the commissioner pursuant to section 22a-39. Notwithstanding the provisions for receipt and processing applications as prescribed under this Article, such agent may approve or extend such an activity at any time. All approvals granted by said agent shall, within ten (10) days of the date of such approval, be published in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Commission within fifteen days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by the Commission or its agent of such appeal. The Commission shall, at its discretion, sustain, alter or reject the decision of its agent or require an application for a permit in accordance with Section 22a-42a(c)(1) of the Connecticut General Statutes.

(b) Applications to the Commission

Any person who: (1) has been denied a Permit to conduct a regulated activity by the Enforcement Officer in accordance with Section 195-15(a); (2) is claiming an exemption under “Uses Permitted by Right” Section 195-6 of this Chapter; (3) is requesting a declaratory ruling, or (4) is proposing to conduct a regulated activity within a wetland or watercourse; must submit an application to the Commission. A properly completed application along with the appropriate fees shall be submitted to the appropriate Town Hall Representative. Applications may be submitted during normal Town of Griswold working hours. In order for an application to be considered at the next regularly scheduled meeting of

the Commission, the application should be received at least fourteen (14) days prior to that meeting. Later submission could result in tabling of the application to the following month.

No application shall be deemed complete unless it shall be in such form and contain such information, as the Commission considers necessary for a full determination of the issues.

All applicable sections of the permit application shall be filled out. Noncompliance could be cause for denial of the permit. When engineer-prepared drawings are required, the applicant should submit seven copies of each sheet.

A Reporting Form shall be completed during the application process which provides the Commissioner of the Department of Environmental Protection with information necessary to properly monitor the inventory of State wetlands. The Reporting Form shall be part of the application and specified sections shall be completed by the applicant. The Commission shall be responsible for the remaining information and any corrections on the form prior to filing it with the State.

195-16 Application Time Schedule

Section 22a-42a(c)(1) of the Connecticut General Statutes outlines the procedure for processing all applications as classified under Section 195-20 of this Chapter. The following is a synopsis of those sections:

a. “DAY OF RECEIPT”

The “Day of Receipt” is deemed to be the earlier of (i) the day of the next regularly scheduled meeting of the Commission after the date the application is submitted; or (ii) 35 days after the application is submitted.

b. “DEADLINE FOR HOLDING A PUBLIC HEARING”

If the Commission finds that a public hearing is required in accordance with Section 195-18 of this Chapter, it must commence within 65 days after “day of receipt”.

c. “DEADLINE FOR COMPLETION OF PUBLIC HEARINGS”

Within thirty-five (35) days after the commencement date.

d. “DEADLINE FOR DECISION”

Within thirty-five (35) days after completion of a public hearing; or within sixty-five (65) days after “day of receipt” if a public hearing was not held.

e. “DEADLINES FOR NOTICES OF DECISION”

Within fifteen (15) days of the decision.

Except for subsection (e) above, the applicant may consent to one or more extensions of the periods specified in this subsection for the commencement or closing of the hearing and for action on such application, provided the total period of all such extensions shall not exceed a cumulative total of sixty-five (65) days.

If the inland wetlands agency, or its agent, fails to act on any application within thirty-five (35) days after the completion of a public hearing or in the absence of a public hearing within sixty-five (65) days from the date of receipt of the application, or within any extension of any such period as provided in section 8-7d of the Connecticut General Statutes, the applicant may file such application with the Commissioner of Environmental Protection who shall review and act on such application in accordance with this section. Any costs incurred by the Commissioner in reviewing such application for such inland wetlands agency shall be paid by the municipality that established or authorized the agency. Any fees that would have been paid to such municipality if such application had not been filed with the Commissioner shall be paid to the state. The failure of the inland wetlands agency or the Commissioner to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application.

195-17 Information Required on Application

Applications are available at the Town Hall and shall include the following information: (11/21/96)

- a. The type of activity proposed.
- b. The Tax Assessor's description of the property (map, block, lot, volume and page).
- c. Fee computation.
- d. Other permit applications for which the applicant is applying at the Town of Griswold for this property.
- e. The applicant's name(s).
- f. The applicant's mailing address.
- g. The applicant's telephone number.
- h. The property owner's name(s), mailing address(es) and telephone number(s) if different from the applicant's.
- i. The name(s) and telephone number(s) of the engineer/surveyor/contractor who prepared the plan or who is performing the work.
- j. The address of the property (number and street name) according to the Griswold Tax Assessor's records, and the zone in which the property is located.

- k. The geographical location of the property, including description of the land in sufficient detail to allow identification on the Inland Wetlands, and Watercourses Map (DO NOT STATE “See attached plans”.)
- l. The purpose and description of the proposed activity. (DO NOT STATE “See attached plans”.)
- m. State the start of work date and estimated completion date. (refer to Section 195-32 Time Limit for Completion)
- n. Any additional information that would enable the Commission to arrive at a fair decision.
- o. The site plan/sketch shall include the following:
 - 1) The names of adjacent property owners.
 - 2) If proposed activity is within seventy-five feet of a property line, the distances to adjacent landowner’s well(s) and septic system(s).
 - 3) The location of existing structures, wells, septic systems, proposed activity, and delineation of the affected wetland or watercourse.
 - 4) The names of frontage and side streets.
- p. An alternative plan considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen, and
- q. The certification that the information submitted in the application form and related documents is true and correct to the best of the applicant’s knowledge and authorization for the Commission and it’s agent to inspect the property (at reasonable times) both before a final decision has been issued, and before the start of work, during work, and after work has been completed.

195-18 Public Hearings

The Commission shall not hold a public hearing on an application unless: (1) the Commission determines that 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 (18) years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the Commission not later than fourteen (14) days after the date of receipt of such application; (3) the Commission finds that a public hearing regarding such application would be in the public interest. The Commission may issue a permit without a public hearing provided no petition provided for in this subsection is filed with the Commission on or before the fourteenth day after the date of receipt of the application.

At any public hearing, or at any meeting at which an application is being heard under this chapter for which a public hearing is not held, the presentation of evidence and deliberations leading to a decision shall be transcribed by a competent stenographer or be recorded by a sound-recording device.

All notices of public hearings 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 (2) days, the first not more than fifteen (15) days or less than ten (10) days and the last not less than two (2) days before the date set for the hearing. In determining the intervals of publication, the terminal days, i.e., the date of publication and the date of the hearing, shall be excluded. Said hearing shall be conducted within the time parameters as established in Section 195-16 of this Chapter.

Maps, plans and related documents pertaining to the activity requiring the public hearing shall be available for public inspection in the Office of the Town Clerk or other designated location. At a public hearing, any person or persons may appear and be heard on matters relating to the subject of the hearing.

195-19 Referral of Application

When an application is submitted to conduct a regulated activity upon an inland wetland or watercourse, any portion of which is within five hundred (500) feet of the boundary of another municipality, the *applicant* is required, in accordance with Section 22a-42c of the Connecticut General Statutes, to give written notice of the application by certified mail, return receipt requested, to the Inland Wetlands Agency of the other municipality on the same day as he/she submits the application. (Repealed October 1, 2003)

The Commission may also submit a copy of the proposed activity for review and comment to:

- a. The Eastern Connecticut Conservation District.
- b. The Southeastern Connecticut Council of Governments; and/or
- c. Any commission, agency, or organization as determined by the Commission.

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 provided such water company has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application.

195-20 Classification of Application

The Commission shall, following receipt of the application at its regularly scheduled meeting, classify the application as one of the following:

- a. Declaratory Ruling (Exemptions) – If the Commission finds, on the basis of the evidence before it, that a proposed activity or use does not involve any regulated activity as defined in Section 195-5 or involves only a permitted use as defined in Article III, permission to proceed shall be granted within ten (10) days. This permission shall be subject to limitation or revocation if it is later shown that a regulated activity or non-permitted use is a consequence of that proposed activity. The Commission shall state in writing its reasons for finding that a proposed permitted use or other activity does not involve a regulated activity.
- b. Summary Ruling (Permits) – If the Commission finds that a proposed activity is a regulated activity not involving significant impact or major effect on the inland wetland or watercourse as defined in Section 195-5 of this Chapter, it may allow the activity with or without conditions after initial review. In order to grant a permit at this stage, the Commission, after a full review of the considerations set forth in Section 195-24 of this Chapter and other pertinent factors, shall issue an opinion presenting its reasons for granting the permit with or without conditions.
- c. Plenary Rulings – If the Commission finds that the activity applied for does or may involve a significant or major effect on the inland wetland or watercourse, the Commission shall request information which may include but is not limited to the following:
 - 1) Site plan,
 - 2) Soil sample data,
 - 3) Biological evaluation,
 - 4) Analysis of material to be deposited,
 - 5) A description of the proposed activity, including blueprints and engineering and architectural plans or designs, where available or reasonably available,
 - 6) A list of other property owners whose rights or interests may be or will be affected by the proposed activity, and
 - 7) Stream characteristics.

195-21 Disposition of Fees

Any fee or fees collected shall be turned over to the Town Treasurer for inclusion in the General Fund.

195-22 Fees

Pursuant to the Section 22a-42a(e) of the General Statutes, the Commission is allowed under State Statute to establish a fee sufficient to cover the reasonable cost of reviewing and acting on an application, petition, or a permit renewal, including but not limited to, the costs of certified mailings, publication of notices and decisions, and monitoring compliance with permit conditions or Commission orders. Based on the average costs and prior experience, the following fee schedule is in effect: (11/21/96)

Residential Fee (includes single-family and two-family residences.)	\$100.00
Commercial Fee	\$300.00
Commercial (multi-family residence) * fee is per dwelling unit*	\$ 50.00
State Fee	\$ 30.00

Plus all of the following that are applicable:

1. Public hearing (see Section 195-18)	\$175.00
2. Delineation of wetlands/approval for P & Z only (no request for a permit but requiring official acceptance)	\$ 75.00
3. Petition by any person for amendment to this Chapter or amendment to the Official Inland Wetlands And Watercourses map	\$175.00
4. Subdivisions – for each lot within the Subdivision the subdivision that contains wetlands or watercourses and/or work in a regulated area	\$ 50.00
5. Commercial activity – any activity of a Commercial nature within a regulated area	\$ 50.00

The Commission may pass any additional costs to the applicant if the application is withdrawn after such costs have been incurred.

195-23 Revocation of Permit for False Information

All information submitted in the application for review shall be considered factual or, in the case of anticipated activity, binding. A knowing failure of the applicant or any of his or her agents to provide correct information or performance exceeding the levels of activities anticipated shall be sufficient grounds for the revocation of any permit issued under this Chapter and/or for penalties to be imposed. Each day of violation or deception shall be considered as a separate offense in accordance with Public Act 155 of the Connecticut General Assembly (see C.G.S. Section 22a-36), as amended.

ARTICLE VI

Professionally Prepared Site Plan Requirements

195-24 Information Required

The site plan required in Article V shall be prepared by a licensed land surveyor or professional engineer or architect registered in the State of Connecticut. A master copy of the plans shall contain the signatures and seals of the creators of the plans. The plan shall be drawn to a scale, which is adequate to show the information required by the Commission to evaluate the proposed activity and its environmental impact. The site plan should contain but is not limited to the following:

- a. The boundary lines, dimensions, and area of the property.
- b. The locations of all wetlands and watercourses both on the property and within 200 feet of the boundaries. The 75 foot residential and 150 foot commercial regulated areas outside the wetlands or watercourse shall be clearly indicated. The master copy of the plans shall contain the signature and seal, if applicable, of the soil scientist who delineated the wetlands or watercourse.
- c. Elevations at one foot contour intervals in all areas of the property that are within 100 feet of a wetland or watercourse; elevations at five foot contour intervals from 100 to 500 feet from the wetland or watercourse; elevations for the remainder of the property to be at a contour interval sufficient to accurately depict the topography of the site. If deposition or removal of ground materials is proposed, resulting elevations shall be shown by one-foot contour intervals.
- d. The location and description of all existing structures, roads, drainage features, and other man-made objects.
- e. The locations and descriptions of all proposed activities.

- f. A documented description of the soils, including the location of any soil borings or test holes; the location and results of percolation tests; soil types shall be described in accordance with categories established by the United States Soil Conservation Service.
- g. A description of the vegetative cover, including dominant botanical species and any rare species.
- h. Quantities and descriptions of materials to be removed or deposited in terms of volume, composition, and the possibility of erosion or leaching from deposited materials.
- i. Existing and proposed depths of water and high water levels for all inundated areas.
- j. Erosion and sedimentation control measures that will be used throughout the project, and
- k. If pollution is expected or proposed, the existing and anticipated alkalinity/acidity level, turbidity, bacterial count, flows, odor, color, temperature, and taste of affected water both above and below the ground surfaces.
- l. Plans shall include the following note:

NOTE: This property has wetland, watercourse, swamp, marsh or bog characteristics, which have been defined by this document before the Inland Wetland & Watercourses Conservation Commission of the Town of Griswold, Connecticut. Purchase of this property conveys the responsibility of abiding by all Federal, State and Municipal regulations for the preservation and protection of these "Regulated Areas". See the "Inland Wetlands & Watercourses Conservation Commission Regulations of the Town of Griswold" for permitted and regulated uses of these areas. Any subsequent changes to these plans will require the approval of the Inland Wetland & Watercourses Conservation Commission of the Town of Griswold. (11/21/96)

The requirements for any of the above items may be waived or modified by the Commission if it determines that such information is not necessary to properly evaluate the impact of the proposed activity.

195-25 Criteria to be Considered

The Commission shall consider the following in making its final decision on a permit application:

- a. All evidence offered at or before any public hearing.
- b. Any reports from other commissions and/or federal or state agencies, including the Eastern Connecticut Conservation District, the Southeastern Connecticut Council of Governments and/or the Connecticut Department of Environmental Protection.

- c. Additional requested information.
- d. All relevant facts and circumstances, including but not limited to the following:
 - 1) The environmental impact of the proposed action;
 - 2) The alternatives to the proposed action;
 - 3) The relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity;
 - 4) Irreversible and irretrievable commitments of resources which would be involved in the proposed activity;
 - 5) The character and degree of injury to or interference with safety, health, or the reasonable use of property which is caused or threatened; and
 - 6) The suitability or unsuitability of such activity to the area for which it is proposed.
- e. The potential use of the area for recreational purposes.
- f. The existence of rare, unusual, or endangered zoological or botanical species, and
- g. The importance of the area as a wildlife habitat, feeding, or breeding area.

In addition, where a hearing is held on an application, the Commission may not issue a permit unless it finds that “a feasible and prudent alternative does not exist”. Although the courts have not interpreted the words “feasible and prudent alternative” in specific relation to the Inland and Wetlands Act, the same words were used in the Connecticut Environmental Protection Act and have been interpreted in that context. The Connecticut Supreme Court held that a “feasible” alternative under CEPA is one which may be accomplished using “sound engineering”, and that “prudent” alternatives “are those which are economically reasonable”. The Court noted that cost could be a factor in deciding what is prudent, but “(a) mere showing of expense. . . will not mean that an alternative is imprudent”.

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 agency in its decision.

195-26 Bond

The applicant may be required to post a bond in the form of a Letter of Credit or passbook bond with the Commission in a form satisfactory to the Town Attorney and in an amount approved by the Town Engineer and/or the Town Planner. An itemized bond estimate shall be prepared by the project engineer or contractor and shall be based on prevailing wage rates for the work disciplines involved. The required bond shall be posted prior to the endorsement

of the plans by the Chairperson. A copy of the approved site plan shall be part of the bond. No bond shall be reduced or released unless approved by the Commission. If the bond is not renewed, it shall be considered a violation of these regulations and shall cause the immediate issuance of a Cease & Desist Order by the Commission.

Financial Institutions shall be licensed to conduct business in Connecticut. Passbook bonds shall include a signed withdrawal slip and made payable to the Town of Griswold Inland Wetlands & Watercourses Conservation Commission. In addition, the issuing bank shall prepare a letter signed by the appropriate bank official stating that an "Assignment Hold" has been placed on the account, and said account will not be withdrawn or reduced until such time as the bank receives a report in writing from the Commission regarding the status of the bonded work. The bank letter shall also include a statement that the "Applicant" agrees with the terms and conditions of the bond and shall also contain a signature line for the applicant. Signatures shall be duly notarized. Insurance companies are required to send notice to the Griswold Inland Wetland & Watercourses Conservation Commission sixty (60) days prior to the expiration of the bond. (11/21/96)

ARTICLE VII

Action on Permits

195-27 Commission Authorized to Impose Conditions

The Commission is specifically authorized to grant, deny, or limit any permit for a regulated activity. The Commission may grant an application as filed or grant it upon such terms, conditions, limitations, or modification of the regulated activity as it may deem necessary to carry out the policy of the Inland Wetlands Act.

195-28 Notification of Decision

The applicant shall be notified of the Commission's decision to grant or deny, suspend or revoke a permit by certified mail within fifteen (15) days of the date of a final decision.

195-29 Publication of Decision

Within fifteen (15) days of the decision, the Commission shall cause notice of the order of issuance or denial, suspension, or revocation of a permit to be published in the form of a legal notice in a daily newspaper having a general circulation in the Town of Griswold. In any case in which such notice is not published within the fifteen (15) day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

195-30 Reasons for Decision to be Noted

In granting a permit, granting a permit with conditions, denying a permit, or suspending or revoking a permit, the Commission shall issue a written opinion presenting the reasons for its action. These reasons shall become part of the records of the Commission.

195-31 Suspension or Revocation of a Permit

The Commission may suspend or revoke a permit if it finds that:

- a. The applicant has not complied with the conditions or limitations set forth in the permit;
- b. The applicant has exceeded the scope of the work;
- c. The activity for which the permit was issued has had a more severe impact on the inland wetland or watercourse; or
- d. The activity does not involve a permitted use.

Such suspension shall occur after giving notice to the permittee of the facts or conduct, which warrant such action, and after a hearing at which the permittee is given an opportunity to show compliance with the requirements for retention of the permit.

195-32 Time Limit for Completion

Any permit issued under this Chapter for the development of property for which an approval is required under section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five (5) years provided the Commission may establish a specific time period within which any regulated activity shall be conducted. Any permit issued under this ~~section~~ Chapter for any other activity shall be valid for not less than two (2) years and not more than five (5) years. Any such permit shall be renewed upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than ten (10) years.

ARTICLE VIII

Appeals, Penalties, and Assessment Relief

195-33 Appeals

Any person aggrieved by any regulation, order, decision, or action made by the Commission pursuant to this Chapter may file appeal in accordance with Section 22a-43 of the

Connecticut General Statutes, provided that such appeal is commenced by service of process within fifteen (15) days from the date that notice of the decision was published as required by the General Statutes.

195-34 Violations and Penalties

Any person or their agent who commits, takes part in, or assists in any violation of any provision of this Chapter shall be fined not more than one thousand dollars (\$1,000.00) for each offense. Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Superior Court, in any action brought by the Commission, the Town of Griswold, or any person, shall have jurisdiction to restrain a continuing violation of this Chapter and to issue orders directing that the violation be corrected or removed. All costs, fees, and expenses in connection with such action shall be assessed as damages against the violator. The monies collected pursuant to this section shall be used to restore the affected wetland or watercourse to its condition prior to the violation.

195-35 Notice of Violation

If the Commission finds that any person is conducting or maintaining any activity, facility, or condition which is in violation of this Chapter, the Commission and/or its designated agent may issue a written order by certified mail, return receipt requested, to such person maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order, the Commission shall hold a hearing to provide the person an opportunity to be heard and to show a cause as to why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and, within ten (10) days of completion of the hearing, notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission shall publish notice of its decision in a newspaper having a 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 the Section 22a-44(b) of the Connecticut General Statutes, as amended.

ARTICLE IX

Amendments

Such regulations and inland wetland 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 Commission, in accordance with the provisions of section 8-7d of the Connecticut General Statutes. Regulations or boundaries or changes therein shall become effective at such time as is fixed by the Commission, 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 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 of the Connecticut General Statutes. 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.

195-36 Amendment Procedure

This Chapter, including wetlands boundaries as shown on the “Inland Wetlands Map of Griswold, Connecticut” may, from time to time, be amended by the Commission in accordance with changes in the general statutes or regulations or guidelines of the State Department of Environmental Protection, or as new information regarding soils, hydrology or botanical or zoological species peculiar to inland wetlands and watercourses in the Town of Griswold becomes available. No changes or amendments shall be acted upon except after a public hearing conducted by the Commission.

195-37 Application to be Judged Using Existing Provisions

Any application for a permit submitted to the Commission shall be judged according to the Regulations in force on the date of its submission.

195-38 Majority Vote Required When Effective

This Chapter, including wetland boundaries as shown on the “Inland Wetlands Map of Griswold, Connecticut”, may be amended, changed, or repealed by a majority vote of the Commission. These changes shall become effective upon at such time as is fixed by the Commission, in accordance with Section 8-7d of the Connecticut General Statutes. Notice of such changes shall be filed in the office of the Town Clerk and publication of the decision on such action shall be published in a newspaper having general circulation in the Town of Griswold. No change shall be acted upon except after a public hearing conducted by the Commission.

195-39 Reasons for Amendment to be Included in Record

Whenever the Commission makes changes in this Chapter, including wetland boundaries as shown on the “Inland Wetlands Map of Griswold, Connecticut”, it shall state in its records the reasons for such changes.

195-40 Time Constraints for Petitions for Amendment

Any person may petition for a change in this Chapter or the boundaries of the “Inland Wetlands Map of Griswold, Connecticut”. All such petitions shall be received at a regularly scheduled meeting and shall be scheduled for public hearing in accordance with the time requirements established in Section 195-16 of this Chapter. Notice of the time and place of such hearing shall be published as outlined in Section 195-18 of this Chapter. A copy of the petition for change shall be filed in the office of the Town Clerk for public inspection at least ten (10) days prior to the hearing. The Commission shall act upon the petitioned change within thirty-five (35) days after the close of the public hearing. In addition, pursuant to Connecticut General Statutes Section 22a-42a(b), a copy of the notice and the proposed regulations or amendments thereto, except determinations of boundaries, shall be provided to the Commissioner of the Department of Environmental Protection no later than ten (10) days after its adoption provided failure to submit such regulation, boundary or change shall not impair the validity of such regulation, boundary or change.

195-41 Extension of Periods for Acting on Petitions

The petitioner may consent to an extension of the periods provided for in Section 195-41. The petitioner has the right to withdraw the petition at any time prior to the Commission’s decision. The failure of this Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition.

195-42 Fee for Petitions

See Section 195-22

195-43 Submission of Material by Petitioner

The petitioner may be requested by the Commission to submit additional information as necessary to evaluate the petition. Where a change in a wetland boundary is involved, the testimony or written statement of a soil scientist, biologist, geologist, or other expert will be required by the Commission.

ARTICLE X

Effect on Other Legislation

195-44 Other Legislation Not Superseded

This Chapter shall not supersede or rescind any other regulation or ordinance presently in force in the Town of Griswold.

196-45 Conflicts with Other Legislation

Where there is a conflict between the provisions of this Chapter and those of any other applicable statute, ordinance, or regulation, the provisions of the statute, ordinance, or regulation which imposes the greatest restriction on the use of the wetland or watercourse shall govern.

ARTICLE XI

Records Retention and Disposition

197-46 Responsibilities

The Commission and the Town Clerk for the Town of Griswold shall retain complete administration records of Commission actions and dispose of such records in accordance with the retention/disposition schedules set forth in Schedule M10 – Land Use and Development: Part 7: Inland Wetlands Records, effective February, 2005.