

TOWN OF EAST HARTFORD



INLAND WETLANDS – ENVIRONMENT COMMISSION REGULATIONS

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**INLAND WETLANDS-ENVIRONMENT COMMISSION
REGULATIONS OF THE
TOWN OF EAST HARTFORD**

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SECTION 1

TITLE AND AUTHORITY

1.1 The inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic, and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted, and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the State of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic, and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable, and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare, and safety of

the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance, and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state, or local authority; preventing damage from erosion, turbidity, or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife, and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational, and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse, and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

1.2 TITLE

These regulations shall be known as the Inland Wetlands-Environment Commission Regulations of the Town of East Hartford, Connecticut.

1.3 STATUTES

These regulations have been prepared by the Inland Wetlands-Environment Commission of the Town of East Hartford in accordance with the provisions of an Act concerning Inland Wetlands and Water Courses, Sections 22a-36 to 22a-45, inclusive of the General Statutes of Connecticut, as amended, and Public Act 73-571, and Public Act 79-285, authorized by the town council of the Town of East Hartford in accordance with ordinances adopted April 2, 1974, and June 3, 1980.

1.4 AUTHORITY

Pursuant to said General Statutes and Public Act, the Inland Wetlands-Environment Commission of the Town of East Hartford shall issue, issue with modifications, or deny permits for all regulated activities on inland wetlands and water courses within the town.

1.5 POWERS

The Inland Wetlands/Environment Commission may recommend to the Council the acquisition of land and easements in the name of the Town. The Commission may receive gifts of funds and land in the name of the Town, provided such acquisition

receives prior approval of the Council. All funds received by the Commission from any source shall be turned over to the Town Treasurer and become part of the General Fund of the Town; provided that, with the specific approval of the Council, the Commission may agree to accept from any source funds, earmarked by the donor for a particular purpose, not inconsistent with the general duties and powers of the Commission.

SECTION 2

DEFINITIONS

2.1 DEFINITIONS AS USED IN THESE REGULATIONS:

- a. "Act" means the Inland Wetland and Watercourses Act, Sections 22a-36 through 22a-45 of the General Statutes of Connecticut, as amended.
- b. "Bog" means an area distinguished by evergreen trees and shrubs underlaid by peat deposits, poor drainage, and highly acidic conditions.
- c. "Clear-cutting" means the harvest of timber in a fashion which removes all trees down to a two (2) inch diameter at breast height.
- d. "Commission" means the Inland Wetlands-Environment Commission of the Town of East Hartford.
- e. "Commission member" means a member of the Inland Wetlands- Environment Commission of the Town of East Hartford.

- f. "Commissioner of Environmental Protection" means the Commissioner of the Department of Environmental Protection; of the State of Connecticut
- g. "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.
- h. "Conservation buffer area" or "buffer zone" means the upland review area; a regulated area upstream of the inland wetlands or watercourse in which activities may impact wetlands or watercourses. It is more specifically defined as that area within a radius of one hundred (100) feet from each point on the boundary of an inland wetland and two hundred (200) feet from a watercourse not otherwise regulated pursuant to Section 22a-28 through 22a-35 of the Connecticut General Statutes as amended.
- i. "Conservation easement" means a covenant placed on the land records as a deeded easement that preserves land or inland wetlands or watercourses predominately in their natural scenic, or open condition; or in agricultural, farming, forest, or open space use. For an example of a typical easement, see Appendix "A" attached hereto.
- j. "Deposit" means, but shall not be limited to, fill, grade, dump, place, discharge, or emit.

- k. "Designated agent" means an individual designated by the Commission to carry out its functions and purposes.
- l. "Discharge" means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.
- m. "Disturbing the natural and indigenous character of the land" means any activity that will significantly alter the inland wetlands or watercourse by reason of removal or deposition of material, clear cutting, alteration, or obstruction of water flow, or will result in the pollution of the wetland or watercourse.
- n. "Essential to the farming operation" means that the activity proposed is necessary and indispensable to sustain farming activities on an existing farm.
- o. "Farming" means use of land for the growing of crops, raising of livestock, or other agricultural use.
- p. "Feasible" means able to be constructed or implemented consistent with sound engineering principles.
- q. "General Statutes" means the Connecticut General Statutes.
- r. "Inland wetlands maps" means the maps titled "Designated Inland Wetlands and Watercourses of the Town of East Hartford".
- s. "License" means the whole or any part of any permit, certificate of approval, or similar form of permission which may be required of any person by the provisions of

these regulations under the authority of the commission, and/or by the General Statutes 22A-45 inclusive.

- t. "Management practice" means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of Waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.
- u. "Manual of Technical Design" means "Town of East Hartford Manual of Technical Design". Copies of this document are available in the Town Hall Engineering Division.
- v. "Marshes" means areas with soils that exhibit aquic (saturated) moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by soft-stemmed herbaceous plants. The water table in marshes is at or above the surface throughout the year,

but seasonal fluctuations are encountered, and areas of open water six inches or more in depth are common.

- w. "Material" means any substance, solid or liquid, organic or inorganic, including, but not limited to, soil, sediment, aggregate, land, gravel, clay, bog, peat, mud debris, sand, refuse, or waste.
- x. "Municipality" means the Town of East Hartford, Hartford County, Connecticut.
- y. "Nurseries" means land used for propagating trees, shrubs, or other plants for transplanting, sale, or for use as stock for grafting.
- z. "Permit" means the whole or any part of any license, certificate of approval, or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the commission.
- aa. "Permittee" means the person to whom such permit has been issued.
- bb. "Person" means any person, firm, partnership, association, corporation, limited liability company, organization or legal entity of any kind, including municipal corporations, governmental agencies, or subdivisions thereof.
- cc. "Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public

or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.

dd. "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.

ee. "Public Act" means Connecticut Public and Special Acts

ff. "Regulated activity" means any operation or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration, or pollution of such wetlands or watercourses, and any earth moving, filling, construction, or clear-cutting of trees within one hundred (100) feet of wetlands or within two hundred (200) feet of watercourses or flood hazard areas, but shall not include the activities specified in section 4 of these regulations.

gg. "Regulated area" means any inland wetland or that area within one hundred (100) feet of such wetlands or within two hundred (200) feet of a watercourse or a flood hazard area.

- hh. "Remove" means, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut timber, bulldoze, dragline, or blast.
- ii. "Rendering unclean or impure" means any alteration of the physical, chemical, or biological properties of any water of the state, including, but not limited to, change in odor, color, turbidity, or taste.
- jj. "Significant activity" means any activity including, but not limited to, the following activities which may have a major effect or substantial impact on the area for which an application has been filed or on another part of the inland wetland or watercourse system
1. Any activity involving a deposition or removal of material which will or may have a major effect or substantial impact on the regulated area or on another part of the inland wetland or watercourse system.
 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 desirable fisheries, wildlife, or other biological life; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space, or other functions.

4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation, or sedimentation in a wetland or watercourse.
 5. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area
 6. Any activity which causes or has the potential to cause pollution of a wetland or watercourse.
 7. Any activity which destroys unique wetland or watercourse areas having demonstrable scientific or educational value.
- kk. "Soil scientist" means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management.
- ll. "Submerged lands" means those lands which are inundated by water on a seasonal or more frequent basis.
- mm. "Swamps" means areas with soils that exhibit aquatic moisture regimes and are dominated by wetlands trees and shrubs.
- nn. "Town" means the Town of East Hartford, Hartford County, in the State of Connecticut.
- oo. "Waste" means sewage or any substance, (i.e., liquid, gaseous, solid, or radioactive) which may pollute or tend to pollute any of the waters of the town.
- pp. "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 this state or any portion thereof, not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the General Statutes. 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. (This definition of "watercourses" supersedes the definition in PA 95-313.)

qq. "Wetlands" means land, including submerged land as defined in Section 2.1(aa) of these regulations, not regulated pursuant to section 22a-28 through 22a-35, inclusive, of the General Statutes of Connecticut, which consists of any of the soil types designated as poorly drained, very poorly drained alluvial, and flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Soil Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

SECTION 3

INVENTORY OF REGULATED AREAS

3.1 MAPPING

The map of regulated area, entitled "Designated Inland Wetlands and Watercourses of the Town of East Hartford, Connecticut," delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection in the office of the Town Clerk and Town Engineer. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types, and locations of watercourses. Such determinations shall be made by field inspection and testing. Determination of the character of the land and distribution of wetland soil types shall be performed by a certified soil scientist. Location of watercourses may be performed by a certified soil scientist or other qualified individuals. Pursuant to those criteria other areas not so designated on the map may be determined to be inland wetlands or watercourses upon actual inspection by the Commission or its designated representative. Failure of the map to depict an area as an inland wetland or watercourse shall create no presumption and shall not deprive the commission of authority to regulate if actual inspection reveals the area to be an inland wetland or watercourse.

3.2 DISPUTATION OF MAP BOUNDARY LINES

Any property owner who disputes the designation of any part of his or her land as a regulated or nonregulated area on the inland wetlands map may petition the agency to change the designation, in accordance with Section 15 of these regulations. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall provide proof that the designation is inapplicable. Documentation in accordance with Section 15 of these regulations may be required of a petitioner when the Commission requires an accurate delineation of regulated areas.

3.3 MAINTAINING RECORDS

The Commission or its designated agent shall inventory and maintain current records of all regulated areas within the town. The Commission may amend its map from time to time as information becomes available relative to more accurate delineation of wetlands and watercourses within the town. Such map amendments are subject to the public hearing process outlined in Section 15 of these regulations.

3.4 DOCUMENTATION BY SOIL SCIENTIST

The Commission may require the petitioner to present documentation by a soil scientist that the land in question

does not have a soil type classified by the National Cooperative Soils Survey as poorly drained, alluvial, or flood plain. Such documentation includes a current map of the land in question signed by a soil scientist on which the flag locations defining the boundaries of the regulated soil types are depicted.

3.5 REBUTTAL OF MAPS

In order to rebut the presumption created by the map with respect to the designation of swamps, bogs, or marshes, the petitioner must prove that the area in question is not defined by botanical species as a swamp, bog, or marsh. The Commission may, at its discretion, require documentation by a biologist, botanist or ecologist competent in plant identification and wetland ecology systems.

3.6 MONITORING OF REGULATED AREAS

The Commission and/or its designated agent shall monitor and maintain general surveillance of the regulated areas within the town to ensure that no unauthorized regulated activities occur.

SECTION 4

PERMITTED USES OF RIGHT & NONREGULATED USES

4.1 OPERATIONS AND USES PERMITTED AS OF RIGHT

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. The provisions of this section shall not be construed to include road construction or the erection of buildings not directly related to the farming operation; relocation of watercourses with continual flow; filling, or reclamation of wetlands or watercourses with continual flow; clear cutting of timber except for the expansion of agricultural crop land; or the mining of top soil, peat, sand, gravel, or similar material from wetlands or watercourses for the purposes of sale;
- b. A residential home (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 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 subsection unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house

and well locations, septic system, driveway, approval dates, or other necessary information to document his entitlement;

- c. Boat anchorage or mooring, not to include dredging or dock construction;
- d. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of material from or into a wetlands or watercourse or diversion or alteration of a watercourse.
- e. Construction and operation by water companies, as defined by Section 16-1 of the General Statutes or by municipal water supply systems as provided for in Chapter 102 of the General Statutes of Connecticut, 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-410 of the General Statutes.
- f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to Section 22a-42a or July 1, 1974, whichever is earlier, provided such pipe is on property

which is zoned residential but which does not contain hydrophytic vegetation. For purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.

4.2 OPERATIONS AND USES PERMITTED AS NONREGULATED USES

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

- a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion or to encourage proper fish, wildlife, and silviculture management practices.
- b. Outdoor recreation including the use of play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing, and cross-country skiing where otherwise legally permitted and required.

4.3 OPERATIONS AND USES PERMITTED AS OF RIGHT IN BUFFER ZONES:

In addition to the operations and uses permitted pursuant to Section 4.1, the following operations and uses shall be permitted in buffer zones, as of right: Activity involving the removal, deposition, or other disturbance of soil that is less than or equal to one cubic yard.

4.4 USES REQUIRING A PERMIT

All activities in wetlands, watercourses, or buffer zones involving filling, excavation, dredging, clear cutting, grading, or any other alteration or use of a wetland, watercourse or buffer zone not specifically permitted by this section shall require a permit from the Commission in accordance with Section 6 of these regulations.

4.5 NOTIFICATION OF USE

To carry out the purposes of this section, any person proposing to carry out a permitted or nonregulated operation or use of a wetland, watercourse or buffer zone which may disturb the natural and indigenous character of the land shall, prior to commencement of such operation or use, notify the Commission in writing and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse. The Commission or its designated agent shall rule that the proposed operation or use is a permitted or a nonregulated

use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Commission following the 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.

SECTION 5

ACTIVITIES REGULATED BY THE STATE

5.1 ACTIVITIES REGULATED BY THE STATE

In addition to any permit or approval required by the commission, the Commissioner of Environmental Protection shall regulate activities in or affecting wetlands watercourses or buffer zones subject to the following jurisdiction:

- a. Construction or modification of any dam pursuant to Sections 22a-401 through 22a-410 of the General Statutes, as amended;
- b. Construction or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349 of the General Statutes, as amended;
- c. Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the state pursuant to Sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the General Statutes, as amended;
- d. Diversion of water in excess of fifty thousand (50,000) gallons per day or any surface waters of the state

- where the tributary watershed area above the point of diversion is 100 acres or larger pursuant to Sections 22a-365 through 22a-378 of the General Statutes, as amended;
- e. Discharges into the waters of the state pursuant to Section 22a-430 of the General Statutes, as amended;
 - f. Discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.

5.2 JURISDICTION OF THE STATE

The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities and other activities in or affecting wetlands, watercourses or buffer zones undertaken by any department, agency, or instrumentality of the State of Connecticut, except any local or regional board of education, (1) after an advisory decision on such license or permit has been rendered to the Commissioner by the Inland Wetland-Environment Commission of the Town of East Hartford or (2) thirty-five days after receipt by the Commissioner of such application, whichever occurs first.

5.3 TIDAL WETLANDS

The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and

regulated pursuant to Sections 22a-28 through 22a-35 of the General Statutes as amended.

5.4 The Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under Section 22a-402 or a dam construction permit issued by the Commissioner of Environmental Protection under Sections 22a-403 or 22a-41 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or dam construction permit shall not be required to obtain a permit from the Commission for any action necessary to comply with said dam order or to carry out the activities authorized by said dam permit.

SECTION 6

REGULATED ACTIVITIES TO BE LICENSED

6.1 REQUIRED PERMIT

No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Commission.

6.2 REGULATING OPERATIONS

The Commission shall regulate any operation within or use of a Wetland, watercourse, or buffer zone involving removal or deposition of material or any obstruction, construction, alteration, or pollution of such wetlands, watercourses or

buffer zones and any other regulated activity, unless such operation or use is permitted or nonregulated pursuant to Section 4 of these regulations.

6.3 ENFORCEMENT

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

SECTION 7

ACTIVITIES DELEGATED TO AUTHORIZED AGENT

7.1 DELEGATED ACTIVITIES

In furtherance of Section 22a-42a (c) (2) of the Connecticut General Statutes (Inland Wetlands and Watercourses Act), the East Hartford Inland Wetlands-Environment Commission delegates approval authority to the Commission's Authorized Agent, subject to the limitations set forth in the following table:

Activity Within a Buffer Zone Only

Sheds/Garages (up to 500 sq. ft.)

Decks

Building Additions (up to 500 sq. ft.)

Cut/Fill for pools (above ground only) / tennis courts

Septic System - install and repair

Landscaping

Minor clearing in buffer zone

Minor expansion of driveways

Utility construction/repair - Government and private

Minor grading (depositing or removal of up to 25 cu. yds.)

The authorized Agent shall, in addition to having the right to issue approval letters for the above noted activities, have the right to assess reasonable cash bonds and additional fees as provided for by the regulations and require reasonable use of permanent demarcation boundaries and other mitigation measures, such as restorative or enhancement plantings. The authorized Agent can reduce or release cash bonds for staff approved activities and also grant permit extensions for activities in non wetland or watercourse areas.

Within ten days of the date of the approval, the Agent shall publish a notice of the approval in a newspaper having a general circulation in the Town wherein the activity is located or will have an effect. Any person may appeal such decision of the Agent to the Inland Wetlands Commission within 15 calendar days after the publication of such notice, and the Commission shall consider such appeal at its next regularly scheduled meeting. The Commission shall, at its discretion, sustain, alter, or reject the decision of the Agent or require a full application for permit.

7.2 INSTRUCTIONS FOR APPLICATION FOR WETLANDS AGENT APPROVAL

The East Hartford Wetlands Agent has been authorized to approve and/or extend applications for activities in the

Inland Wetlands buffer zone in cases where the activities will result in no greater than minimal impact to wetlands/watercourses. Under the authority granted to the Wetlands Agent by the East Hartford Inland Wetlands-Environment Commission, pursuant to provisions of Connecticut General Statutes and the Inland Wetlands and Watercourse Regulations, the Agent may only approve and cannot deny such applications. If the Agent believes an application may have greater than a minimal impact on wetlands/watercourses, the application is referred to the Inland Wetlands-Environment Commission for action.

The following are the procedures to be used for making application for Wetlands Agent approval:

1. Complete Application Form and provide information required by the Regulations.
2. Submit two (2) copies of the application and appropriate fee to the Engineering Division, Town Hall, 740 Main Street, East Hartford, CT. 06108.
3. Wetlands Agent will issue decision within ten (10) working days.
4. Notice of decision will be published in a newspaper having general circulation in a newspaper circulation in the Town of East Hartford within ten (10) working days of date of decision.
5. No work may commence until after the 15 calendar day appeal period (counted from date of publication) has expired, or

if appeal taken, until a decision of the Commission is made.

7.3 APPEAL PROCEEDURE

Procedure for appeals to East Hartford Inland Wetlands-Environment Commission (pursuant to C.G.S. 22a-42a):

- a) Appeal must be in writing.
- b) Appeal must state reason/merits.
- c) Appeal must be submitted to the Inland Wetlands Agent and/or Chairperson.
- d) Appeal will be placed on next regular meeting agenda (must be submitted no later than 3:30 p. m., on the close-out date for that month).

SECTION 8

APPLICATION REQUIREMENTS

8.1 PROCEDURE

Any person wishing to undertake a regulated activity shall apply for a permit on an Application provided by the Commission. In addition to the application, the applicant shall provide appropriate mapping, reports and information as prescribed by Section 8.4 and, in the case of a significant activity, by Section 8.6 of these regulations. Application forms may be obtained in the office of the East Hartford Town Planner or may be downloaded from the Town's website.

8.2 SUBMISSION DATE

The commission requires a submission of the application 15 days prior to its regular meeting in order for the application to appear on the agenda.

8.3 DETERMINATION OF ISSUES

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

8.4 INFORMATION REQUIRED

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

- a. The applicant's name, home and business addresses and telephone numbers;
- b. The owner's name, address, telephone number, and written consent if the applicant is not the owner of the property involved in the application;
- c. Applicant's interest in the land;
- d. The geographical location of the property which is to be affected by the proposed activity including but not limited to a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, a computation of the area(s) (in acres or square feet) of wetlands or watercourse disturbance, soil type(s) and vegetation;

- e. The purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.
- f. Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen. These alternatives shall be diagrammed on a site plan or drawing and submitted to the commission as part of the application;
- g. A site plan showing existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.
- h. A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre;
- i. Names and addresses of adjacent property owners;

- j. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
- k. Authorization for the commissioners and agents of the commission to inspect the property at reasonable times, both before and after a final decision has been issued;
- l. Any other information the commission deems necessary to the understanding of what the applicant is proposing;
- m. Submission of the appropriate filing fee based on the fee schedule established in Section 20 of these Regulations.

8.5 SITE PLAN DESIGN CRITERIA

The site plan design criteria shall generally be based upon the technical requirements as set forth in the "Manual of Technical Design".

8.6 SIGNIFICANT ACTIVITY - ADDITIONAL INFORMATION

If the proposed activity involves a significant activity as determined by the commission and defined in Section 2.1.jj of these regulations, additional information based on the nature and anticipated effects of the activity including, but not limited to, the following is required:

- a. Site plans for the proposed use or operation and the property which will be affected, which show existing and proposed conditions, wetland and watercourse boundaries, land

- contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the development drawn by a licensed surveyor , professional engineer, or landscape architect registered in the State of Connecticut or by such other qualified person;
- b. Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage, or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;
 - c. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Soil Conservation Service with delineation of the wetlands in the field by a soil scientist and incorporation of the field delineation onto the site plans;
 - d. Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions;
 - e. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application with each alternative and a description of why each alternative considered was deemed neither feasible nor prudent;
 - f. Analysis of chemical or physical characteristics of any fill material;

- g. Measures which mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which: (1) avoid destruction or diminution of wetland or watercourse functions, recreational uses, and natural habitats, (2) prevent flooding, degradation of water quality, erosion and sedimentation, and obstruction of drainage, (3) otherwise safeguard water resources.

8.7 CERTIFICATION BY APPLICANT

The applicant shall certify whether or not:

- a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- b. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality;
- d. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

8.8 EXTENSION OR AMENDMENT OF A PERMIT

Any application to extend the expiration date of a previously issued permit or amend an existing permit shall be filed with the commission at least sixty-five (65) days prior to the

expiration date for the permit in accordance with Section 8 of these regulations. Any application for amendment, renewal, or extension shall be made in accordance with this Section provided:

- a. The application shall incorporate by reference the documentation and record of the original application;
- b. The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;
- c. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
- d. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or the property for which the permit was issued;
- e. The Commission may accept an untimely application to extend the expiration date of a permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be extended and the public interest or environment will be best served by not interrupting the activity. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;

- f. The Commission shall evaluate the application pursuant to Section 11 of these Regulations and grant the application as filed, grant it with any terms or limitations, or deny it.
- g. The Commission will not accept untimely applications to amend a permit.

8.9 DATA FORM - DEP

The State of Connecticut Department of Environmental Protection (DEP) reporting form entitled, "Statewide Inland Wetlands & Watercourses Activity Reporting Form" shall be submitted with the application. The form provides the Commissioner of the Department of Environmental Protection with information necessary to properly monitor the inventory of state wetlands. The applicant shall be responsible for the completion of Part II of the form. The Commission shall be responsible for completing Part I of the form along with the review and necessary corrections to the form necessary for filing it in accordance with Section 22a-39-14 of the Inland Wetlands and Watercourses Regulations of the Department of Environmental Protection.

8.10 Any application to extend the time limits of a permit shall be granted upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the

regulated activity for which the permit was issued provided no permit may be valid for more than ten years.

SECTION 9

APPLICATION PROCEDURES

9.1 FILING

All applications shall be filed with the Department of Development of the Town of East Hartford.

9.2 COPIES

The applicant shall provide 14 copies of ALL documents along with the original signed application and maps.

9.3 NOTIFICATION TO ADJACENT MUNICIPALITIES BY APPLICANT

When an application to conduct or cause to be conducted a regulated activity upon an inland wetland, watercourse, or buffer zone is filed and any portion of such wetland, watercourse, or buffer zone is within five hundred feet of the boundary of another municipality, the applicant shall give written notice of the application by certified mail, return receipt requested, on the same day to the inland wetlands agency of such other municipality. **A copy of the letter and the original return receipt shall be submitted to the commission the night of the meeting.**

9.4 NOTIFICATION TO ADJACENT MUNICIPALITIES BY COMMISSION

The Commission shall, in accordance with Connecticut General Statutes Section 22a-42b, notify the clerk of any adjoining

municipality of the pendency of any application to conduct a regulated activity when:

- a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- b. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality;
- d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality;

Notice of the pendency of such application shall be made by registered mail and shall be mailed within seven (7) days of the date of receipt of the application.

9.5 NOTIFICATION TO A WATER COMPANY

When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in Section 16-1 of the 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 commission 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. Documentation of such notice shall be provided to the Commission.

9.6 RECEIPT OF APPLICATIONS

The date of receipt of any application 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, or thirty-five (35) days after such submission, whichever is sooner.

9.7 ADDITIONAL INFORMATION

At any time during the review period, the Commission may require the applicant to provide additional information about the regulated area or regulated activity which is the subject of the application, or wetlands or watercourses affected by the regulated activity. The Commission shall not exceed the required sixty-five (65) day time limit in taking action on an application pending the receipt of additional information as stated in Section 11.2 of these regulations.

9.8 PUBLIC INSPECTION

All applications shall be available for public inspection in the engineering department.

9.9 INCOMPLETE OR INACCURATE INFORMATION

Submission of applications which are incomplete or contain inaccurate information may be grounds for denial.

9.10 DISPLAY OF SIGNS

The applicant shall display a sign or signs which indicate that an application for permit to undertake a regulated activity has been filed for the area on which the sign or signs have been posted. Said sign or signs shall be erected and maintained by the applicant wherever the parcel abuts each public or private street from the day the application is filed or from the day that the notice of public hearing has been posted, until the first secular day following Commission action. The requirement of this section shall not apply to the Inland Wetlands-Environment Commission of the Town of East Hartford.

SECTION 10

PUBLIC HEARINGS

10.1 PUBLIC HEARING INVOLVING SIGNIFICANT ACTIVITY

The Commission shall not hold a public hearing on such application unless the Commission determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least twenty-five persons who are eighteen years of age or older and 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 or the Commission finds that a public hearing regarding such application would be in the public interest. The Commission may issue a permit without a public hearing provided no petition provided for in this section is filed with the Commission before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five (65) days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney.

10.2 NOTICE OF HEARING

Notice of the public hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in the newspaper having a general circulation in each town where the affected wetland and watercourse is located. It is the responsibility of the Commission to send notice to the newspaper.

10.3 NOTICE TO ABUTTING OWNERS

Notice of the public hearing shall be mailed by the applicant to the owner(s) of record of abutting land no less than fifteen (15) days prior to the day of the hearing. Mailing of the notice shall be by certified mail return receipt, and the signed receipt(s) shall be given to the Commission the night of the public hearing.

10.4 NOTIFICATION TO ADJOINING MUNICIPALITIES

When an application to conduct or cause to be conducted a regulated activity upon an inland wetland, watercourse or buffer zone is filed and any portion of such wetland or watercourse is within five hundred feet of the boundary of another municipality, the applicant shall give written notice of the application by certified mail, return receipt, on the same day to the inland wetlands commission of such

other municipality. A copy of the letter and the original return receipt shall be submitted to the commission at the meeting.

The Commission shall, in accordance with Connecticut General Statutes Section 22a-42b, notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:

- a. any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- b. a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. a significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or,
- d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Notice of the pendency of such application shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the date of receipt of the application.

10.5 PUBLIC HEARING TIME LIMITS

Where possible, public hearings shall be completed in a single session. However, the hearing may be continued to a specified date but not later than thirty-five (35) days after such hearing commences, where necessary for the full development of the evidence, or for the full and adequate participation of the parties, or for such other substantial purposes.

SECTION 11

CONSIDERATIONS FOR DECISION

11.1 DECISION CONSIDERATIONS

The Commission may consider, but is not limited to, the following in making a decision on an application:

- a. The application and its supporting documentation;
- b. Public comments, evidence, and testimony from a public hearing;
- c. Reports from other agencies and commissions including but not limited to:
 1. Town of East Hartford Planning and Zoning Commission;
 2. Town of East Hartford departments of: Public Works, Inspections and Permits, Development, and Health and Social Services;
 3. Metropolitan District Commission;

4. Capitol Region Council of Governments or other regional organizations.

- d. The Commission may also consider comments on any application from the North Central Conservation District, agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
- e. Nonreceipt of comments from agencies and commissions listed in 11.1.c above within the proscribed time shall neither delay nor prejudice the decision of the Commission.

11.2 STANDARDS AND CRITERIA FOR DECISION

In carrying out the purposes and policies of Sections 22a-36 to 22a-45 of the General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, 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; and aquatic, plant or animal life and habitats in 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 or watercourses.

11.3 FINDINGS OF THE COMMISSION

- (a) In the case of an application which received a public hearing pursuant to a finding by the Inland Wetlands 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 Section 11.2 Subsection (a). The finding and the reasons therefore shall be stated on the record in writing.
- (b) In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Commission shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.

11.4 DECISION

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.

SECTION 12

DECISION PROCESS AND PERMIT

12.1 DECISION PROCESS

In granting a permit the Inland Wetlands Environment Commission, or its duly authorized agent, may grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity which are designed to carry out the policy of Sections 22a-36 to 22a-45, inclusive, of the General Statutes. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (A) prevent or minimize pollution or other environmental damage, (B) maintain or enhance existing environmental quality, or (C) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.

- a. The Commission may delegate to its duly authorized agent the authority to approve or extend an activity that is

not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner pursuant to Section 22a-39 of the General Statutes. Requests for such approval shall be made on a form provided by the Commission and shall contain the information listed under Section 7.2 of these regulations and any other information the Commission may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Section 8, 9, 10 and 11 of these regulations, such agent may approve or extend such an activity at any time.

- b. Upon receiving approval by the authorized agent, and within ten days of the date of such approval, the Commission shall publish, notice of the approval in newspapers having a general circulation in the towns wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Commission within fifteen days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such agency 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 8 of these regulations.

12.2 TIME LIMITS ON DECISIONS

No later than sixty-five (65) days after receipt of an application, the Commission may hold a public hearing on such application. The hearing shall be completed within thirty-five (35) days of its commencement and action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such application, provided the total extension of any such period shall not be for longer than sixty five days, or may withdraw such application. The failure of the Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the commission must either be withdrawn by the applicant or denied by the commission.

12.3 RECORDING DECISIONS

The Commission shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives.

12.4 NOTIFICATION

The Commission shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Commission shall cause notice of its order in the issuance or denial of the permit, in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. A copy of all Commission decisions shall be forwarded to the Commissioner of Environmental Protection in such a form as prescribed by the Commissioner. In any case in which such notice is not published within such fifteen day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

12.5 NOTIFICATION TO OTHER COMMISSIONS

If an activity authorized by the inland wetland permit also involves an activity or project which requires zoning or

subdivision approval, a special zoning permit, variance, or special exception, a copy of the decision and report on the application shall be filed with the East Hartford Planning and Zoning Commission within fifteen (15) days of the date of the decision.

12.6 DENIAL OF APPLICATION

If the Commission denies a permit, the application shall not be resubmitted unless the proposal is modified in a fashion that substantially changes the impacts which resulted in the denial. Such submittal shall take the form of a new application.

12.7 TIME LIMITS OF APPROVAL

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

It is further provided that

- a. the Commission may extend the time period for which the original permit is valid, provided that the extension

of such period not exceed ten (10) years from the date such permit was granted: or

- b. the Commission may extend the time period within which an activity, once commenced, is required to be completed under this section.

12.8 ASSIGNMENT OF A PERMIT

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

12.9 POSTING OF BOND OR INSURANCE

If a bond or insurance is required in accordance with Section 12 of these regulations, no permit shall be issued until such bond or insurance is provided, within forty-five (45) days of approval of application.

12.10 GENERAL PROVISIONS OF PERMIT

General provisions in the issuance of all permits:

- a. The Commission relied in whole or in part on information provided by the applicant, if such information subsequently proves to be false, deceptive, incomplete, or inaccurate, then the permit may be modified, suspended, or revoked.
- b. All permits issued by the Commission are subject to and do not derogate any present or future rights or powers of the Commission or the Town of East Hartford, 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 property or activity.

- c. If the activity authorized by the inland wetland permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance, or special exception, then no work pursuant to the wetland permit may begin until such approval is obtained.
- d. The permittee shall take 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.

12.11 EFFECTIVE DATE OF APPROVAL

The effective date of approval for a permit, amendment, or any decision by the Commission, shall be (15) fifteen days after the legal notice appears in the newspaper as provided in Section 12.4.

SECTION 13

BOND AND INSURANCE

13.1 BOND

Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Commission, be required to file a bond with such surety in the amount and in form approved by the Commission within forty-five (45) days of approval.

13.2 COMPLIANCE

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

13.3 INSURANCE

The Commission may require the applicant to certify, within forty-five (45) days of approval of the application, that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within two (2) years of completion of such operation, in an amount to be determined by the Commission commensurate with the regulated activity.

SECTION 14

ENFORCEMENT

14.1 OBSERVATION AND INSPECTION OF REGULATED AREAS

The Commission through its appointed agents may make regular observations of regulated areas for the purpose of discovering whether or not regulated activities are being conducted without permit. The Commission shall be authorized to seek such necessary court orders as will allow it through its appointed agents to enter upon private premises to make inspection where the Commission has probable cause to believe that a regulated activity is in progress and for which no permit has been granted. A request for a building permit filed with the town building inspector or an application for subdivision or site plan approval filed with the East Hartford Planning and Zoning Commission shall constitute permission to this Commission for inspection by its designated agent to determine or confirm the existence of any regulated area or the possibility of regulated activity.

14.2 INSPECTION OF PERMITTED ACTIVITY

As a condition of a permit, the Commission or its agents may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations.

14.3 CEASE AND DESIST ORDERS

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 agency or its duly authorized agent may:

- a. issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises, or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to Section 22a-44(b) of the General Statutes, as amended;
- b. suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions

or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Commission shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct 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 requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Commission shall publish notice of its decision in a newspaper having general circulation in the municipality;

- c. issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Commission, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands and watercourses. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized

activity, and/or provide a written reply to the notice or file a proper application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Subsection a of this Section or other enforcement proceedings as provided by law.

14.4 FINES FOR VIOLATIONS OF INLAND-WETLANDS REGULATIONS AND HEARING PROCEDURES

- a) The Town Engineer or his designees may issue citations to persons who commit violations of Inland-Wetlands Regulations. No citations may be issued against the State or any State official or employee acting within the scope of his employment.
- b) Citations may be issued for the following violations of the Inland-Wetlands Regulations, and the amount of the civil fine for each violation shall be as follows:

<u>Nature of Violation</u>	<u>Amount</u>
(1) Carrying on, without a permit, activities in the buffer zone which do not pose an immediate danger to a wetland or watercourse.	\$75.00
(2) Carrying on, without a permit, activities in the buffer zone which may pose an immediate danger to a wetland or watercourse.	\$150.00
(3) Carrying on, without a permit,	

- activities in a wetland or water-
course which causes limited and/or
correctable damage to the wetland
or watercourse. \$200.00
- (4) Excavating in, filling or draining
of any portion of a wetland or
watercourse. \$750.00
- (5) Carrying on, without a permit,
any activity which causes sediment
to flow into any wetland or water-
course or otherwise causes the
pollution of any portion of a
wetland or watercourse. \$750.00
- (6) Conduct in an inland-wetland/
watercourse, without a permit, of
any other regulated activity in a
regulated area not listed above. \$250.00

c) Any such citation may be (1) personally served on the person named in the citation; (2) served by certified mail, return receipt requested, to the person named in such citation or; (3) served on the property where the violation has occurred. The Town Engineer or other issuing authority shall maintain an original or certified copy of the citation. Such citation shall include the following provisions: (1) that the person may pay the

fine specified in the citation to the Tax Collector within thirty days of receipt of such citation or service on the property where the violation occurred; (2) the allegations against him and the amount of the fines; (3) that the person may contest liability before a Hearing Officer appointed by the Mayor as provided in subsection (G) of this section, by delivering, in person or by mail, within ten days of the date of the notice, a written demand for a hearing; (4) that if the person cited does not demand such a hearing, an assessment and judgment will be entered against him; and (5) such judgement will issue without further notice.

d) If the person who is served such citation wishes to admit liability for any alleged violation, he may, without requesting a hearing, remit the full amount of the civil fine, either in person or by mail, payable to the Town of East Hartford Tax Collector. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who fails to pay such fine or demand a hearing shall be deemed to have admitted liability, and the Tax Collector shall certify such failure to the Hearing Officer. The Hearing Officer shall thereupon assess the civil fines provided for in the citation.

Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of such notice, provided the Hearing Officer may grant upon good cause shown any reasonable request by such person for a postponement. The presence of either the Town Engineer or the person who issued the citation shall be required at the hearing if so requested by the person named in the citation. Such request must be included with the appeal. A person wishing to contest liability shall appear at the hearing and may present evidence in his behalf, and may be represented by agent or attorney. The Town Engineer or his designee may present evidence on behalf of the Town. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable provisions of the Inland-Wetlands Regulations. The hearing shall be conducted in accordance with the rules of evidence as established in Connecticut General Statutes §4-178. The Hearing Officer shall render a decision within ten days of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, he shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received

- the citation is liable for the violation, he shall assess the fines against such person as provided in the citation.
- e) If the assessment by the Hearing Officer is not paid to the Tax Collector within ten days of the decision of the Hearing Officer, the procedures set out in Connecticut General Statutes § 7-152 (f) shall apply.
- f) The Mayor shall appoint one or more citation Hearing Officers to conduct the hearings provided in subsection (G) of this section. Neither the Zoning Enforcement Officer, the Building Official nor any employee, agent or member of the Inland-Wetlands Commission who exercises Wetlands Commission authority may be appointed as a Hearing Officer.

SECTION 15

AMENDMENTS

15.1 AMENDMENTS TO REGULATIONS AND INLAND WETLANDS MAPS

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

15.2 LIMITATION OF REGULATIONS

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

15.3 GENERAL STATUTES

These regulations and the Town of East Hartford Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the General Statutes of Connecticut, as amended. The Commission shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments pursuant to Subsection 15.4 of this section, at least thirty-five (35) days before the public

hearing on their adoption. Application forms shall be considered as part of the Commission's regulations.

15.4 APPLICATION FOR MAP CHANGE

Applications requesting changes or amendments to the Inland Wetlands Map shall contain the following information:

- a. The applicant's name, address, and telephone number;
- b. The owner's name (if not the applicant), address, telephone number, and a written consent to the proposed action set forth in the application;
- c. Applicant's interest in the land;
- d. The geographic location of the property involved in the petition including a description of the land in sufficient detail to allow identification of the disputed wetland or watercourse areas;
- e. The reasons for the requested action;
- f. The names and addresses of adjacent property owners; and
- g. A map showing proposed development of the property.

15.5 DOCUMENTATION

The Commission may require the petitioner to present documentation by a soil scientist that the land in question does not have a soil type classified by the national cooperative soils survey as poorly drained, very poorly drained, alluvial, or flood plain. Such documentation includes a current map of the land in question signed by a soil scientist on which the flag locations defining the boundaries of the regulated soil types are depicted.

15.6 DELINEATION OF WATERCOURSES

Watercourses shall be delineated by a soil scientist, geologist, ecologist, or other qualified individual.

15.7 PUBLIC HEARING

A public hearing shall be held on petitions to amend the Inland Wetland Regulations and Maps. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days, before such hearing. All materials including maps and documents relating to the petition shall be open for public inspection, and shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before such hearing.

15.8 SCHEDULE OF MEETING

Within sixty-five (65) days after receipt of a petition for a change in the regulations or mapped boundaries of any inland wetland or watercourse, the Commission shall hold a public hearing to consider the petition. The hearing shall be completed within thirty-five (35) days after commencement. The Commission shall act upon the changes requested in such petition within sixty-five (65) days after the close of the hearing. At such hearing, any person or persons may appear

and be heard and be represented by agent or attorney. The petitioner may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such petition, provided the total extension of all such periods shall not be for longer than sixty-five(65) days, or may withdraw such petition. The failure of the Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition.

15.9 DECISION

The Commission shall make its decision and state, in writing, the reasons why the change in the inland wetland maps was made.

SECTION 16

APPEALS

16.1 APPEAL ON ACTIONS

Appeal on actions of the Commission shall be made in accordance with the provisions of Section 22a-43 of the General Statutes, as amended. (NOTE: Section 22a-43 was amended by Public Act 89-356.)

16.2 NOTICE OF APPEAL

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

SECTION 17

CONFLICT AND SEVERANCE

17.1 CONFLICT BETWEEN PROVISIONS

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

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 ADDITIONAL PERMITS

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

SECTION 19

EFFECTIVE DATE OF REGULATIONS

19.1 EFFECTIVE DATE

These Regulations including the inland wetlands map, application forms, fee schedule, and amendments thereto shall become effective upon filing in the office of the Town Clerk and publication of a notice of such action in a newspaper having general in the Town of East Hartford.

SECTION 20

FEE SCHEDULE

20.1 FEE SCHEDULE

A) Residential

1. Single family house or multi-family (up to 2 lots)

a) Owner occupied

Base fees = non-significant activity \$ 65
 = significant activity add'l fee of.. 130

b) Non-owner occupied

Base fees = non significant activity 75
 = significant activity add'l fee of 150

c) Utility Companies, non profit organizations

Base fees non significant activity 75
 = significant activity add'l fee of... 150

2. Subdivision - base fee plus \$75 for any lot located within the regulated area.

3. Sites - detention or retention ponds each, in addition to base fee (each)..... 250

No application shall be granted or approved by the Commission unless the correct application fee is paid in full.

B) Commercial or Business

1. Base fees (up to 2 lots) non-significant activity 125
 = significant activity..... 250

2. Subdivision base fee plus \$75 for any lot located within the regulated area.

3. Sites - detention or retention basins, in addition to base fee (each)..... 250

C)	Existing Permits	
	1. Application for extension of time	100
	2. Application for transfer of permit title holder	100
D)	Text or Map Change	
	1. Map change	250
	2. Regulation change	250

Connecticut General Statute Section 22a-27j requires all towns to collect on behalf of the State of Connecticut an additional \$30.00 fee for all Planning, Zoning and Inland Wetland permit applications. The Conservation Fund established by the fees will be used to assist the Soil and Water Conservation Districts, the Environmental Review Teams and the Council on Soil and Water Conservation in meeting their obligations under state statute.

ATTENTION: This State \$30.00 fee must be submitted in addition to the fees indicated above with any application to the Inland Wetland Commission.

- E) Modification to a permit
1. All modifications will be charged at the same rate as the original application, with the exception of modifications requested by local, state, or federal regulatory agencies.

SECTION 21

RECORDS RETENTION AND DISPOSITION

21.1 RECORDS RETENTION AND DISPOSITION

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

21.2 RETENTION/DISPOSITION SCHEDULES

The public records administrator of the Connecticut State Library established the following new records retention/disposition schedules for municipal inland wetlands agencies effective April 24, 1989:

RECORD TITLE MINIMUM RETENTION REQUIRED

	<u>IN COMMISSION</u>	<u>TOWN CLERK</u>
APPLICATIONS (INCL. SUPPORTING MATERIALS)	10 YEARS	-
DECISION LETTERS	10 YEARS	PERMANENT
APPROVED SITE PLANS	10 YEARS	-
LEGAL NOTICES	10 YEARS	PERMANENT
STAFF AND PUBLIC WRITTEN TESTIMONY (HEARING RECORDS)	10 YEARS	-
MINUTES OF MEETING & PUBLIC HEARINGS	15 YEARS	PERMANENT
TAPES, AUDIO-INLAND WETLAND MATTERS	4 YEARS	-

	<u>IN COMMISSION</u>	<u>TOWN CLERK</u>
NOTICES OF VIOLATION & ORDERS	10 YEARS	-
TEXT OF CHANGES ADOPTED IN REGULATIONS	CONTINUOUS UPDATE PERMANENT	-
GENERAL CORRESPONDENCE ISSUED OR RECEIVED	5 YEARS	-

APPENDIX "A"

CONSERVATION EASEMENT (SAMPLE)

THIS INDENTURE made this _____ day of _____ 2____, by and between _____ town of _____ county of _____, and state of Connecticut, hereinafter referred to as the "Grantor", and the town of East Hartford, a municipal corporation having its territorial limits within the county of Hartford, hereinafter referred to as the "Grantee";

W I T N E S S E S

WHEREAS, the Grantor is the owner of certain real property, hereinafter referred to as "the Property", situated in the town of East Hartford, county of Hartford and state of Connecticut, more particularly described in schedule "A" attached hereto.

and:

WHEREAS, the Grantor by and through this instrument conveys an easement to the Grantee of a portion of the property designated as a Conservation Easement which is more specifically described in schedule "B" attached hereto.

and:

WHEREAS, the Grantor and Grantee agree that the easement described herein is to, and shall run with, the land, and;

WHEREAS, the Grantee, acting through its Inland Wetlands Environment Commission, has determined that the preservation of the Easement Area as open space in its natural state would be in the public interest; and

WHEREAS, by Act of the Connecticut General Assembly, General Statutes, Revision of 1958, Revised to 1985, Section 22a-42(b), as amended, the Grantee is empowered to acquire wetlands and water courses within its territorial limits by easement or covenant; and

WHEREAS, the Grantee, acting through its Inland Wetlands-Environment Commission, has determined that the preservation and maintenance of the Easement Area as open space in a natural condition can best be accomplished by the securing, by the Grantee, of a conservation easement over. across, and upon the said Property of the Grantor;

NOW, THEREFORE, for good and valuable consideration delivered by the Grantee, receipt of which is hereby acknowledged by the Grantor, the Grantor does hereby freely give, grant, bargain, sell and convey unto the Grantee, its successors and assigns forever, a conservation easement and restriction over the Easement Area and Property consisting of:

The right of the Grantee to act in the public interest to preserve the Easement Area in its natural condition, free from random, unnecessary, undesirable and unregulated uses, and protected from disturbance and destruction; the right of the Grantee, or its authorized agents, in a reasonable manner and at reasonable times, to enter, inspect, and perform such work in the easement Area as the Grantee deems desirable for the maintenance of the Easement Area or to assure the protection of its open condition, water quality, natural vegetation and wildlife habitats; and the right of the Grantee to enforce by proceedings in law of equity the covenants hereinafter.

IN FURTHERANCE of the foregoing affirmative rights, the Grantor, on behalf of himself, his heirs and assigns, covenants and agrees:

1. The Easement Area shall be used for conservation, educational, and limited recreational (not including the use of motorized recreational vehicles) purposes only, No buildings, roads, parking areas, signs, billboards, or other structures, temporary or permanent, shall be constructed on or in the Easement Area.
2. The Easement Area shall not be subdivided, now or hereafter, in order that the aims set forth in the above declaration shall not be placed in jeopardy.
3. No alteration shall be made to the surface of the Easement Area other than that caused by the forces of nature, unless such alteration is approved in advance and in writing by the Inland Wetlands-Environment Commission of the town of East Hartford or its authorized representative. Without limiting the generality of the foregoing, the following activities are specifically prohibited on or in the Easement Area:
 - a. the dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, ashes, waste, rubbish, garbage, junk or unsightly or offensive materials;
 - b. the excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral or organic substance;

- c. the removal or destruction of trees, shrubs, or other natural vegetation;
 - d. the killing of wildlife;
 - e. the spraying of pesticides;
 - f. any activity or use detrimental to water quality, water conservation, drainage, flood control, erosion control, soil conservation, wildlife or the maintenance of the Easement Area in its natural scenic and open condition.
4. There is retained in the Grantor the following rights and obligations:
- a. the right to post the Property to control unauthorized use;
 - b. the right to erect temporary signs to advertise the Property for sale or rent;
 - c. the right to clear dead wood and brush from, and otherwise maintain, the Easement Area after giving notice to and receiving written approval from the Grantee, acting through its Inland Wetlands Environment Commission;
5. Grantor understands and expressly agrees that the Grantee shall, through this instrument, have the right of egress to and egress from the Easement Area from and through the Property for the purpose of using the Easement Area for all Purposes provided and assisting in the maintenance of same.
6. Should circumstances so change in the future that the purpose and intent of this grant can no longer be fulfilled, or that the fulfillment of said purposes would no longer be appropriate, the grantor or its successors and the Grantee or its successors may mutually agree to alter the rights, covenants and restrictions of this Easement at any time.

TO HAVE AND TO HOLD the above granted rights, privilege or authority unto said Grantee, its successors and assigns forever, to its and their proper use and behoof.

