

**CLINTON INLAND WETLANDS COMMISSION
TOWN OF CLINTON, CONNECTICUT**



**INLAND WETLANDS
AND
WATERCOURSES REGULATIONS**

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Inland Wetlands and Watercourses Regulations
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PREAMBLE

The Inland Wetlands and Watercourses Regulations of the Town of Clinton are intended to protect inland wetlands (marshes, swamps and bogs) and watercourses (rivers and stream belts, flood plains) and insure that the natural values of these resources will always be available to the citizens of Clinton. These regulations are formal recognition of the importance of wetlands and water courses for flood control, water supply, water quality, wildlife habitat, recreation, education and landscape diversity. Another intention of these regulations is to protect the citizens of Clinton from unwise development on wetland areas. These areas, because of their poorly drained character, are poor building sites due to the potential for insecure foundations, flooding and incompatibility with septic systems. During the periods of heavy rainfall wetlands receive vast amounts of water in the form of runoff from surrounding higher elevations. This water is held and gradually released. By virtue of this holding action, wetlands help lessen the disastrous effects of major and minor flooding. Under certain circumstances wetlands may act to increase water supplies by providing water to underground reserves. Wetlands function to maintain water quality by removing numerous dissolved and un-dissolved contaminants from water passing through them. They serve as a habitat for numerous animal species including mammals, birds, amphibians, reptiles and fish. Recreational activities, such as hunting, hiking and picnicking are enhanced by the presence of wetlands. Because of their unique natural roles and distinct plant and animal populations, wetlands are critically important educational resources. Numerous other natural functions, too varied to list here, have been ascribed to Connecticut wetlands. Much of the previous destruction of wetlands can be attributed to human ignorance of their natural values and a motivation to create what was considered more useful land.

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**SECTION 1
TITLE AND AUTHORITY**

- 1.1 These Regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Clinton".
- 1.2 These Regulations have been adopted by the Clinton Inland Wetlands Commission in accordance with the provisions of An Act concerning Inland Wetlands and Watercourses (Sections 22a-36 to 45, inclusive, of the Connecticut General Statutes, as amended), having been authorized by the Board of Selectmen of the Town of Clinton in an ordinance adopted on May 6, 1974, effective June 10, 1974.
- 1.3 The Commission shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue and deny permits for all regulated activities in inland wetlands and watercourses in the Town of Clinton.

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SECTION 2
DEFINITIONS

2.1 As used in these Regulations:

2.2 “**A**”

2.2.0 Act: Means the Inland Wetland and Watercourses Act, Sections 22a-36 through 22a-45 of the General Statutes, as amended.

2.3 “**B**”

2.3.0 Bog: Means a poorly drained area containing an accumulation of organic material and characterized by an association of plants recognized as bog species. Bogs are usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions. Typical examples of bog species are listed in the booklet titled Inland Wetland Plants of Connecticut by Wm. A. Neiring and R.H. Goodwin, Connecticut Arboretum for the Connecticut Department of Environmental Protection, May, 1973.

2.4 “**C**”

2.4.0 Clear-cutting: Means the harvest of timber products in a fashion which removes all species of trees down to a 2" diameter at breast height.

2.4.1 Commission: Means the Clinton Inland Wetlands Commission.

2.4.2 Commission Member: Means a member of the Inland Wetlands and Watercourses Commission of the Town of Clinton.

2.4.3 Commissioner of Energy and Environmental Protection: Means the Commissioner of the State of Connecticut Department of Energy and Environmental Protection.

2.5 “**D**”

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

2.5.1 Designated Agent: Means an individual designated by the Commission to carry out its functions and purposes.

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2.5.2 **Discharge:** Means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.

2.5.3 **Disturbing the natural and indigenous character of the land:** Means that the activity will significantly alter the inland and watercourses by reason of removal or deposition of material, clear-cutting, alteration or obstruction of water flow, or will result in the pollution of the wetland or watercourse.

2.6 **“E”**

2.7 **“F”**

2.7.0 **Farming:** Means using any tract of land for growing crops; raising livestock or other agricultural use.

2.7.1 **Feasible:** Means able to be constructed or implemented consistent with sound engineering principles.

2.8 **“G”**

2.8.0 **Gardening:** Means the tilling of soil, planting, cultivating, and harvesting of vegetable matter.

2.8.1 **Grazing:** Means using any tract of land to feed or supply farm animals with grass or pasture, to tend farm animals, or feeding or growing silage and herbage.

2.9 **“H”**

2.10 **“I”**

2.11 **“J”**

2.12 **“K”**

2.13 **“L”**

2.14 **“M”**

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

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

2.14.2 **Municipality**: Means the Town of Clinton, Middlesex County, Connecticut.

2.15 "N"

2.15.0 **Nurseries**: Means land used for propagating trees, shrubs and other plants for transplanting, sale, or for use as stock for grafting.

2.16 "O"

2.17 "P"

2.17.0 **Permit**: Means the whole or any part of any license, certificate or approval or similar form of permission which may be required of any person by the provisions of these Regulations under the authority of the Inland Wetland Commission.

2.17.1 **Permittee**: Means the person to whom such permit has been issued.

2.17.2 **Person**: Means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind; including municipal corporations, governmental agencies or subdivisions thereof.

2.17.3 **Pollution**: Means harmful thermal effect or the contamination of or rendering unclean or impure of any waters of the State by reasons 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 resulting from any filling or excavation activity.

2.17.4 **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.

2.18 "Q"

2.19 "R"

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2.19.0 Regulated Activity: Means any operation within or use of a wetland or watercourse involving removal or deposition of material; or any obstruction, construction, alteration, or pollution, of such wetlands or watercourses, and any earth moving, filling, construction, or clear-cutting of trees, but shall not include the specified activities in Section 4 of these Regulations.

2.19.1 Regulated Area: Means any inland wetland or watercourse as defined in these Regulations and any area within 100 feet of wetlands and watercourses.

2.19.2 Remove: Includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear-cut timber, bulldoze, dragline or blast.

2.19.3 Rendering Unclean or Impure: Means any alteration of the physical, chemical or biological properties of any waters of the State, including, but not limited to, change in odor, color, turbidity or taste.

2.20 **“S”**

2.20.1 Standard: Means the distance that buildings and/or other structures should be set back from an inland wetland or watercourse unless no adverse impact to wetlands or watercourses can be demonstrated.

2.20.1 Significant Activity: Means any activity, including, but not limited to, the following activities which may have a substantial effect on the area for which an application has been filed or an another part of the inland wetland or watercourse system:

2.20.1a Any activity involving a deposition or removal of material which will or may have a substantial effect on the regulated area or on another part of the inland wetland or watercourse system, or

2.20.1b Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system, or

2.20.1c Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife, or other biological life, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space or other functions, or

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- 2.20.1d Any activity which causes substantial turbidity, siltation or sedimentation in a wetland or watercourse, or
- 2.20.1e Any activity which causes a substantial diminution of flow of a natural watercourse, or groundwater levels of the regulated area, or
- 2.20.1f Any activity which causes or has the potential to cause pollution of a wetland or watercourse, or
- 2.20.1g Any activity which creates conditions which may adversely affect the health, welfare and safety of any individual or the community, or
- 2.20.1h Any activity which destroys unique wetland or watercourse areas having demonstrable scientific or educational value.

2.20.2 Soil Scientist: Means an individual duly qualified in accordance with standards set by the U.S. Office of Personnel Management.

2.20.3 Submerged Lands: Means those lands which are inundated by water on a seasonal or more frequent basis.

2.20.4 Swamps: Are dominated by wetland trees and shrubs. Red maple is the most characteristic tree of the wooded swamps with black gum and black ash as frequent associates. A conspicuous shrubby understory of highbush blueberry, spicebush, sweet pepperbush, clammy azalea and other wetland shrubs may be present and a rich diversity of wildflowers, such as marsh-marigold, skunk-cabbage, jewelweed, violets, and cardinal flower may also be present. Shrub swamps represent another swamp type, where alders, willows, button-bush and other shrubs can form relatively pure or mixed stands. Occasionally trees may be associated with a shrub swamp. However, a high water table often favors certain shrubs, such as buttonbush, over trees. In swamps, the underlying deposits are often relatively shallow and usually highly organic. Swamps may develop through the gradual invasion of marshes by woody species or directly, as in poorly drained depressions. (For further information see Inland Wetland Plants of Connecticut, Niering, W.A. and R.H. Goodwin, The Connecticut Arboretum, Connecticut College, New London, CT, 5/73).

2.21 “T”

2.21.0 Town: Means the Town of Clinton, Middlesex County, in the State of Connecticut.

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2.22 "U"

2.23 "V"

2.24 "W"

2.24.0 Waste: Means sewage or any natural man-made substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the water of the State.

2.24.1 Watercourses: Means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to Section 22a-28 through 22a-35, inclusive. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of one 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.

2.24.2 Wetlands: Means land, including submerged land as defined in Section 2.20.3 of these Regulations, not regulated pursuant to Section 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service.

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**SECTION 3
INVENTORY OF REGULATED AREAS**

- 3.1 The map of regulated areas, entitled "Inland Wetlands and Watercourses Map, Clinton Connecticut," delineates the general location and boundaries of inland wetlands and the location of watercourses. Copies of this map are available for inspection in the Office of the Commission, Andrews Memorial Town Hall. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of regulated soil types, and locations of watercourses. Such determinations shall be made by field inspection and testing conducted by a certified soil scientist where soil classifications are required, by other qualified individuals deemed acceptable to the Commission.
 - 3.1a The omission of any watercourse from these maps does not constitute exemption of the water course from these Regulations.
 - 3.1b The precise location of an inland wetland boundary may be verified by a field observation by the Commission or its designated agents.
- 3.2 The Commission shall establish or amend regulated area maps only in accordance with the procedures of Section 22a-42a of the General Statutes, as amended.
- 3.3 Any property owner who disputes the designation of any part of his or her land as a regulated area on the Inland Wetlands and Watercourses Map, may petition the Commission to change the designation. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall provide proof that the designation is inapplicable. Documentation in accordance with Section 14 of these Regulations may be required of the property owner when the Commission requires an accurate delineation of regulated areas.

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**SECTION 4
PERMITTED USES AS OF RIGHT
& NONREGULATED USES**

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

- 4.1a Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Energy and Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this 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;
- 4.1b A residential home on a subdivision lot approved by the Town of Clinton, Connecticut, Planning and Zoning Commission as of June 27, 1974 provided the building permit was obtained on or before July 1, 1987. The applicant shall be prepared to document the validity of said permit by providing a certified copy of the building permit and approved site plan showing proposed and existing topographic contours, house and well locations, septic systems, driveways, approval dates or other information;
- 4.1c Boat anchorage or mooring, not to include dredging of dock construction;
- 4.1.d Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of material from or into a wetland or watercourse or diversion or alteration of a watercourse;
- 4.1e Construction and operation, by water companies as defined by Section 16-1 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 through 22a-410 of the General Statutes;

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- 4.1f Reconstruction or restoration of any building or structure after damage by fire, explosion or wind, provided that such reconstruction or restoration shall be completed within a period of 24 months from the date the permit is issued;
- 4.1g The following operations and uses shall be permitted as a nonregulated use in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:
 - 4.1g1 Construction and operation, by water companies as defined in Connecticut General Statutes Section 16-1 or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary for the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Connecticut General statutes Sections 22a-401 and 22a-403.
 - 4.1g2 Maintenance relating to any drainage pipe which existed before July 1, 1974, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subsection, "maintenance" means the removal of accumulated leaves, soil and debris whether by hand or machine, while the pipe remains in place.
- 4.2 The following operations and uses shall be permitted, as non-regulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetlands or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:
 - 4.2a Conservation of soil, vegetation, water, fish, shellfish and wildlife.
 - 4.2b 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 shell fishing where otherwise legally permitted and regulated.
 - 4.2c The installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For purposes of this subsection, "dry hydrant" means a non-pressurized pipe

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system that: (A) is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water.

4.2d The withdrawal of water for fire emergency purposes.

- 4.3 All activities in wetlands or watercourses involving filling, excavation, dredging, clear-cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this Section shall require a permit from the Commission in accordance with Section 6 of these Regulations.
- 4.4 To carry out the purposes of this Section, any person proposing to carry out a permitted or nonregulated operation or use of a wetland or watercourse, which may disturb the natural and indigenous character of the wetland or watercourse, shall, prior to commencement of such operation 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 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.

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**SECTION 5
ACTIVITIES REGULATED BY THE STATE**

- 5.1 The Commissioner of Energy and Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:
 - 5.1a Construction or modification of any dam pursuant to Sections 22a-401 through 22a-410 of the General Statutes, as amended;
 - 5.1b Construction, encroachment, or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349 of the General Statutes, as amended;
 - 5.1c 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;
 - 5.1d Diversion of water, including withdrawal of surface or groundwater, in excess of fifty thousand (50,000) gallons per day or any change in the instantaneous flow of any surface waters of the State.
 - 5.1e Discharges into the waters of the State pursuant to Section 22a-430 of the General Statutes, as amended;
 - 5.1f Discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clean Water Act.
 - 5.1g 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 State Statutes Sections 22a-28 to 22a-35, inclusive, as amended, or Sections 22a-359b to 22a-363f, inclusive, as amended, shall not require any permit or approval under Sections 22a-36 to 22a-45, inclusive, as amended, pursuant to Public Act 98-209 Section 4, as amended.
- 5.2 The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over regulated activities and other activities, in or affecting wetlands or watercourses, undertaken by any department, commission 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 Wetland Commission of the municipality within which such wetland is located or (2) thirty-five days after receipt by the Commissioner of such application, whichever occurs first.

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

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**SECTION 6
ACTIVITIES REGULATED BY LOCAL TOWN COMMISSIONS**

- 6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetland Commission of the Town of Clinton.
 - 6.1a 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 of Energy and Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Commission and shall contain the information listed under Section 7.5 of these Regulations and any other information the Commission may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 9 and 11 of these Regulations, such agent may approve or extend such an activity at any time. (See Section 15.3 for appeal process.)
- 6.2 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 Section 4 of these Regulations.
- 6.3 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Town of Clinton Inland Wetland Commission, or violating any other provision of these Regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 13 of these regulations and any other remedies as provided by law.
- 6.4 The minimum standard for subsurface sewage disposal systems, buildings and similar structures shall be fifty (50) feet from the inland wetland boundary or watercourse. The Commission at its own discretion may amend this setback if the applicant can demonstrate that no adverse impact will result from a proposed location closer than fifty (50) feet to a wetland or watercourse.
- 6.5 100 Ft. Review Zone: Any activity proposed within 100 feet of wetlands, including but not limited to construction, additions, grading, excavation and deposition of material, except detached mechanical units such as an air conditioning condenser, heat pump, generator, propane tank or similar appurtenant equipment provided the total area of such unit, inclusive of the

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supporting pad, does not exceed 10 square feet shall first be submitted to the Office of the Commission for review and determination of whether such activity requires review and approval by the Agency or its Agent.

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**SECTION 7
APPLICATION REQUIREMENTS**

- 7.1 Any person wishing to undertake a regulated activity shall apply for a permit on a form entitled "Town of Clinton, Inland Wetlands and Watercourses Commission – Application for a Permit". An application shall include an application form and such information as prescribed by Section 7.3 and, in the case of a significant activity, by Section 7.4 of these Regulations unless otherwise waived by the Commission. Application forms may be obtained in the Office of the Inland Wetland Commission, Andrews Memorial Town Hall.
- 7.2 No application shall be deemed complete unless it shall be in such form and contain such information as the Commission deems necessary for a fair and informed determination of the issues. The Commission shall inform the applicant of such necessary information.
- 7.3 All applications shall include the following information in writing:
 - 7.3a The applicant's name, home and business address and telephone numbers;
 - 7.3b The owner's name, address and telephone number and written consent if the applicant is not the owner of the property involved in the application;
 - 7.3c Applicant's interest in the land;
 - 7.3d The geographical location of the property which is to be affected by the proposed activity, including a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, area(s) of wetland or watercourse disturbance, soil type(s) and vegetation;
 - 7.3e The purpose and a description of the proposed activity;
 - 7.3f Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen;
 - 7.3g A site plan showing the entire property drawn to scale, existing and proposed conditions in relation to wetlands and watercourses, and any other proposals planned for the property, including lot splits or subdivision;
 - 7.3h Limit of Work: shall be a line drawn on the plan(s) labeled as such, that encompasses all the work associated with the proposed project, such as, but not limited to, grading, excavating, planting, building construction and/or any regulated activity. No activity associated with the project may

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be undertaken beyond this designated limit without the consent of the Commission or its designee.

- 7.3i Names and addresses of adjacent property owners (while this information may be useful to the Commission, notification to adjacent property owners of the pendency of an application is not required by the State Statutes.) The Commission may, at its discretion, require applicants to post notice on the property of the application;
- 7.3j 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;
- 7.3k 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;
- 7.3l Any other information the applicant deems necessary to the understanding of what it is proposing;
- 7.3m Submission of the appropriate fee based on the fee schedule established in Section 20.3 of these Regulations;

7.4 If the proposed activity involves a significant activity as defined in Section 2.20.1 of these Regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to, the following is required:

- 7.4a Site plans for the proposed use or operation of the property which will be affected drawn by a licensed surveyor or professional engineer registered in the State of Connecticut.
 - 7.4a.1 Existing and proposed conditions.
 - 7.4a.2 Wetland and watercourse boundaries as flagged in the field by a Certified Soil Scientist.
 - 7.4a.3 Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S.S.C.S.
 - 7.4a.4 Two (2) foot contours in areas of the proposed regulated activity.

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7.4a.5 Limit of Grading: Shall be a line drawn on the plan(s) labeled as such, that encompasses all areas of grading, earthwork, placing of fill, excavation, and/or stockpiling of material associated with the proposed project. This line shall indicate the point(s) at which all work as described above shall cease. No earthwork, grading, filling, excavating and/or stockpiling shall be conducted beyond this limit without express permission of the Commission or its designee.

7.4a.6 All proposed drainage structures, systems, ditches, swales and ponds to be constructed or modified by the proposed project as indicated on the plans shall have typical sections and cross sections drawn to scale on the plans. The typical sections and cross sections shall show the existing and proposed finished conditions.

7.4a.7 The term “Grade to Drain” shall not be permitted on the plans. The designer of the project shall use spot elevations and/or a larger scale drawing with contours at the necessary intervals to explicitly show the grading in the area(s) of concern. In the event that the above does not show enough detail to adequately indicate the proposed grading, than cross sections and/or details drawn to scale shall be used to augment the plan deemed necessary by the Commission.

7.4b Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses;

7.4c 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 and watercourse functions;

7.4d A biological evaluation of any wetlands or watercourses pertinent to the proposed activity:

 7.4d.1 Dominant botanical species, rare species and forest age classes of flora.

 7.4d.2 Habitat value of the affected property for all wildlife species.

 7.4d.3 Depth of water table below surface or level of water if inundated.

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7.4e The effect of the proposed activity or use upon a watercourse within or partly within the affected property including:

- 7.4e.1 pH or alkalinity/acidity level.
- 7.4e.2 Turbidity or solids in parts per million.
- 7.4e.3 Bacteria count on coliforms per milliliter.
- 7.4e.4 Flow, if any, in cubic feet per second.
- 7.4e.5 Estimate of the changes in items 1 through 4 resulting from the proposed usage.

7.4f Measures which would mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats, which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources;

7.5 In addition, the Commission may require such other data as it deems necessary to evaluate the application in light of the purposes and policies of the Regulations including, but not by way of limitation, an impact statement prepared pursuant to Section 10.2a of these Regulations.

7.6 The Applicant shall certify whether:

- 7.6a Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- 7.6b Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- 7.6c Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or,
- 7.6d Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

7.7 Submissions

7.7a Fifteen (15) copies of the complete application shall be submitted to

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comprise a complete application or as is otherwise directed, in writing, by the Inland Wetland Commission. *(Note: 3 full size and 12 reduced size)*

- 7.7b Digital data. Applicants shall submit plan data in electronic format conforming to the "Clinton Geospatial (GIS) Data Standard" (available in the Land Use Office) in addition to the required hard copies.
- 7.8 Any application to extend the expiration date of a previously issued permit shall be filed with the wetlands agent not later than sixty-five (65) days prior to the expiration date for the permit in accordance with Subsections 8.4 through 8.8 of these Regulations. Any application for renewal or extension shall be made in accordance with this Section provided:
 - 7.8a The application may incorporate by reference the documentation and record of the original application;
 - 7.8b The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;
 - 7.8c 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;
 - 7.8d The wetlands agent 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.
 - 7.8e The wetland agent shall evaluate the application pursuant to Section 10 of these Regulations, and upon consultation with the Commission grant the application as filed, grant it with any terms or limitations, or deny it.
- 7.9 A Reporting Form shall be completed during the application process which provides the Commissioner of Energy and Environmental Protection with information necessary to properly monitor the inventory of State wetlands. The Reporting Form shall be part of the application and the specified sections shall be completed by the applicant. These sections shall include the following: name of applicant; name of the project; project description; area of wetlands and/or lineal feet of watercourse proposed to be altered.

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7.10 The Commission and the applicant may hold a pre-application meeting to determine whether or not the proposed application involves a significant activity. Whenever possible the determination relative to significant activities should be made at the pre-application meeting.

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**SECTION 8
APPLICATION PROCEDURES**

- 8.1 All applications shall be filed in the Office of the Inland Wetland Commission of the Town of Clinton.
- 8.2 In the case of any application where any portion of the wetland or watercourse on which the regulated activity is proposed is located within 500 feet of the boundary of Madison, Killingworth or Westbrook, the applicant shall give written notice of the proposed activity, certified mail, return receipt requested, to the adjacent municipal wetland commission on the same day of filing an inland wetland permit application with the Clinton Inland Wetland Commission. Documentation of such notice shall be provided to the Clinton Inland Wetland Commission.
- 8.3 The Commission shall, in accordance with PA 87-307, notify the Town Clerk of any adjoining municipality of the pendency of any application.
 - 8.3a Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 - 8.3b 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;
 - 8.3c 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,
 - 8.3d Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- 8.4 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, or thirty-five days after submission, whichever is sooner. In order for an application to be included on the next agenda, it must be received at least ten (10) days prior to the next regularly scheduled meeting.
- 8.5 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. If required, such additional information will be necessary for the Commission to make informed findings regarding considerations for Decision and Criteria for Decision pursuant to Section 10 of these Regulations and failure to provide such information in a timely manner may prevent the Commission from being able to make findings with respect to acceptable impacts

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or prudent alternatives. Requests for additional information shall not stay the time limitations as set forth in Section 11.2.

- 8.6 All applications shall be open for public inspection.
- 8.7 Incomplete applications may be denied. The Commission may depend upon advisement from the wetlands enforcement agent. 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. Requests for additional information shall not stay the time limitations as set forth in Section 11.2.

If an application is denied for being incomplete, the Commission shall endeavor to advise the applicant of its fundamental deficiencies, such as, but not limited to, failure to provide the proper application form supplied by the Commission, fully filled out and signed by the applicant, the agent and the owner of the property; the required fees are not paid in full; and, failure to provide the required information as per applicable State Statutes and Section 7 of the Regulations of the Commission.

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**SECTION 9
PUBLIC HEARINGS**

- 9.1 The Commission shall not hold a public hearing on an 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 requesting a hearing is filed with the Commission not later than fifteen 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 not later than fifteen days after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any public hearing.
- 9.2 If a public hearing is to be held on any application for a permit, all documentary evidence in support of the application shall be filed with the Commission and available for public inspection no less than 15 days prior to the day of the hearing or any reconvening thereof.
- 9.3 Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.
- 9.4 A copy of the legal notice of the public hearing shall be mailed by the applicant by certified mail, return receipt requested, to the owners of record of abutting land and all parties of record no less than fifteen days prior to the day of the hearing. The applicant shall provide evidence to the Commission of such attempted notification. The applicant shall also post a notice of the hearing on the subject property in a location and at a size clearly visible from the public highway at least fifteen (15) days prior to the date of the public hearing and continuously thereafter until the public hearing is closed.
- 9.5 In the case of any application which is subject to the notification provisions of Section 8.3 of these Regulations, a public hearing shall not be conducted if the clerk of the adjoining municipality(s) has not received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

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**SECTION 10
CONSIDERATIONS FOR DECISION**

- 10.1 The Commission may consider the following in making its decision on an application:
 - 10.1a The application and its supporting documentation;
 - 10.1b Public comments, evidence and testimony;
 - 10.1c Reports from other agencies and commissions including, but not limited to, the Town of Clinton:
 1. Planning and Zoning Commissions.
 2. Town Engineer.
 3. Health Officer.
 - 10.1d The Commission may also consider comments on any application from the Middlesex County Soil and Water Conservation District, the Lower Connecticut River Valley Council of Governments (RiverCOG) or other regional organizations: agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations.
 - 10.1e Non-receipt of comments from agencies and commissions listed in 10.1.c above within the prescribed time shall neither delay nor prejudice the decision of the Commission.
- 10.2 Criteria for Decision: In carrying out the purposes and policies of Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including but not limited to:
 - 10.2a The environmental impact of the proposed regulated activity on wetlands or watercourses;
 - 10.2b 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;
 - 10.2c The relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the

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maintenance and enhancement of long term productivity of such wetlands or watercourses;

- 10.2d 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;
- 10.2e 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
- 10.2f Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

- 10.3 In the case of an application which received a public hearing pursuant to a finding by the Commission that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Commission finds on the basis of the record, that a feasible and prudent alternative does not exist. In making this finding, the Commission shall consider the facts and circumstances set forth in Subsection 10.2 of this Section. The finding and the reasons therefore shall be stated on the record in writing.
- 10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the 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.
- 10.5 In reaching its decision on any application after a public hearing, Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing records shall not be considered by the Commission in its decision, however, the Commission is not precluded from

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seeking advice from its own experts on information already in the record of the public hearing.

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**SECTION 11
DECISION PROCESS AND PERMIT**

- 11.1 The Commission, or its duly authorized agent acting pursuant to Section 12 of these Regulations, may grant the application as filed; grant it upon such terms, conditions, limitations or modifications necessary to carry out the purposes of the Act; or deny it. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage; (b) maintain or enhance existing environmental quality; or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.
- 11.2 No later than sixty-five (65) days after receipt of an application the Commission may hold a public hearing on such application. The hearing shall be completed within forty-five (45) 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. An application deemed incomplete by the Commission must either be withdrawn in writing by the applicant or denied by the Commission.
- 11.3 The Commission shall state upon its record the reasons and basis for its decision and, in the case of any public hearing, such decision 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.
- 11.4 The Commission shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Commission shall cause notice of its order in the issuance or denial of the permit to be published in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies within 15 days of the decision.
- 11.5 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 Town of Clinton Planning & Zoning Commission within fifteen days of the date of the decision.
- 11.6 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.

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Any such permit may be extended for a period of not more than five years from the date of the original permit's expiration by the wetlands agent provided there have been no change in circumstance of the subject property effecting the original approval. Said extension shall be effective fifteen (15) days after the date of the publication of the decision. Any person receiving such extension from the wetlands agent shall, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect and will SUBMIT a copy of the publication to the Land Use Office. Any person may appeal such decision of the wetlands agent to the Commission within fifteen (15) 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, the wetlands agent or the wetlands technician of such appeal. The Commission shall, at its discretion, sustain, alter or reject the decision of the wetlands agent, or require an application to the Commission for such extension request.

- 11.7 If a bond or insurance is required in accordance with Section 12 of these Regulations, no permit shall be issued until such bond or insurance is provided.
- 11.8 No permit shall be assigned or transferred without written notification to the Commission.
- 11.9 General provisions in the issuance of all permits:
 - 11.9a In evaluating applications in which 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, the permit may be modified, suspended or revoked.
 - 11.9b 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 Clinton, 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.
 - 11.9c 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, no work pursuant to the wetland permit may begin until such approval is obtained.
 - 11.9d The permittee shall take such necessary steps consistent with the terms and conditions of the permit, to control storm water discharges and to

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prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

11.9e Permits are not transferable without the prior written consent of the Commission.

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**SECTION 12
BONDS**

- 12.1 Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Commission, be required to file a bond. Said bond must be in the form of a bank or certified check.
- 12.2 The bond shall be conditioned on compliance with all provisions of these Regulations and the terms, conditions and limitations established in the permit.
- 12.3 The Commission may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within two (2) years of completion of such operations, in an amount commensurate with the regulated activity.

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**SECTION 13
ENFORCEMENT**

- 13.1 The Commission may appoint an agent to act in its behalf with the authority to inspect property, except a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these Regulations.
- 13.1a The Commission may appoint an assistant to the agent appointed in subparagraph (a) above, with the authority to act with the same powers and authorities as the wetlands agent in the event of the absence or incapacity of the agent.
- 13.2a As a condition of a permit, the Commission, or its agent, may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these Regulations.
- 13.2a Failure to comply with conditions of approval will result in a fine in accordance with Town Ordinance #335.1 – Citations for violations of regulations and #335.2 – Penalties for offenses – which state a fine of not less than \$250 nor more than \$1,000 for each citation and suspension of the wetlands permit until applicable conditions are satisfied.
- 13.3 If the Commission, or its duly authorized agent, finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these Regulations, the Commission, or its duly authorized agent, may:
 - 13.3a 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) 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 ordered 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 nor bar an action pursuant to Section 22a-44b of the General Statutes, as amended. The Commission may file a certificate of such order in the office of the Town Clerk of the Town in which the land is located and the Town Clerk

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shall record such certificate on the land records of such town. Such certificate shall be released upon compliance with such order.

- 13.3b Suspend or revoke a permit if it finds that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking any permit, the Commission shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. At the public hearing, the permittee shall be given an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit in person or by certified mail, within fifteen (15) days of the date of its decision.
- 13.3c 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 or 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 filing a proper application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Subsection 13.3a of this Section or other enforcement proceedings as provided by law.

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**SECTION 14
AMENDMENTS**

- 14.1 These Regulations and the Inland Wetlands and Watercourses Map for the Town of Clinton may be amended, from time to time, by the Commission in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Environmental Protection or as new information regarding soils and inland wetlands and watercourses becomes available.
- 14.2 These Regulations and the Town of Clinton Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Commission shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations or amendments thereto, except determinations of boundaries, at least thirty-five days before the public hearing on their adoption. Application forms and fee schedules shall be considered as part of the Commission Regulations.
- 14.3 Petitions requesting changes or amendments to the "Inland wetlands and Watercourses Map, Clinton Connecticut" shall be submitted on an application form which may be obtained from the IWC Office in Town Hall and shall contain at least the following information:
 - 14.3a The applicant's name, address and telephone number;
 - 14.3b The owner's name (if not the applicant), address, telephone number, and a written consent to the proposed action set forth in the application;
 - 14.3c Applicant's interest in the land;
 - 14.3d 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;
 - 14.3e The reasons for the requested action;
 - 14.3f The names and addresses of adjacent property owners; and
 - 14.3.g Fifteen (15) sets of a site plan showing proposed development of the property and prepared by a licensed land surveyor, professional engineer or landscape architect, licensed to practice in the State of Connecticut. The site plan should be a Class A-2 survey and prepared at a scale of 1"=40'. The Commission, at its discretion, may waive this requirement and accept a site plan drawn to scale and showing such information as the Commission deems necessary.

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- 14.4 The Inland Wetland Commission may require the property owner to present documentation by a certified 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 map of the land in question, signed by a certified soil scientist, on which the flag locations defining the boundaries of the regulated soil types are depicted, along with their appropriate numerical designations at an accuracy standard established by the State of Connecticut Board of Registry for Professional Engineers and Land Surveyors. An A-2 Survey may be required.
- 14.5 Watercourses shall be delineated by a competent soil scientist, geologist, or other individual satisfactory to the Commission.
- 14.6 On an application for boundary verification that has no significant impact, a public hearing may be held. On an application for boundary verification, public hearings shall be held on petitions that significantly amend the Inland Wetland and Watercourses Map. Two (2) notices 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 days, the first not more than twenty-five days nor less than fifteen days, and the last not less than two days, before such hearing. A copy of such proposed boundary verification/change shall be filed in the Office of the Town Clerk, for public inspection at least ten days before such hearing.
- 14.7 Within ninety (90) days after receipt of a complete petition for a change in the mapped boundaries of any wetland or watercourse, the Commission shall hold a public hearing to consider the petition. The Commission shall act upon the changes requested in such petition within sixty days after the close of the hearing. The public hearing shall be concluded within forty-five (45) days.
- 14.8 The Commission shall make its decision and state, in writing, the reasons why the change in the Inland Wetland and Watercourses Map was made in writing.
- 14.9 Upon approval, a mylar copy of the boundary change, signed by the Chairman or Vice Chairman of the Commission, shall be filed on the Clinton Land Records at the applicant's expense. A copy of the receipt from the Town Clerk's Office to be provided the Clerk of the Commission.

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**SECTION 15
APPEALS**

- 15.1 Appeal on actions of the Commission shall be made in accordance with the provisions of Section 22a-43 of the Connecticut General as amended.
- 15.1a Any person may appeal a decision of the wetlands agent within fifteen days after the publication date of the notice and the Inland Wetlands 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 agency or its agent of such appeal. The Inland Wetlands 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 7 of these Regulations.
- 15.2 Notice of such appeal shall be served upon the Commission, the Town Clerk, and the Commissioner of Environmental Protection.
- 15.3 An inland wetlands agency may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on an wetland or watercourse provided such agent has completed the comprehensive training program developed by the commissioner pursuant to Section 22a-39 of the Connecticut General Statutes. Notwithstanding the provisions for receipt and processing applications prescribed in subdivision (1) of this subsection, such agent may approve or extend such an activity at any time. Any person receiving such approval from such agent shall, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Said approval shall become effective 15 days after the publication of the decision. Any person may appeal such decision of such agent to the inland wetlands agency within fifteen days after the publication date of the notice and the inland wetlands agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such agency or its agent of such appeal. The inland wetlands agency shall, at its discretion, sustain, alter or reject the decision of its agent or require an application for a permit in accordance with subdivision (1) of subsection (c) of this section. In the event the agent approval is upheld or modified, said permit shall become effective fifteen (15) days from the publication of the decision of the Commission.

**Inland Wetlands and Watercourses Regulations
of the Town of Clinton**

February 1, 2022

1601

**SECTION 16
CONFLICT AND SEVERANCE**

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

**Inland Wetlands and Watercourses Regulations
of the Town of Clinton**

February 1, 2022

1701

**SECTION 17
OTHER PERMITS**

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

Inland Wetlands and Watercourses Regulations
of the Town of Clinton

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SECTION 18
EFFECTIVE DATE OF REGULATIONS

18.1 These Regulations including the Inland Wetlands and Watercourses Map and amendments thereto shall become effective upon filing in the Office of the Town Clerk and publication of a notice of such action in a newspaper having general circulation in the Town of Clinton.

Inland Wetlands and Watercourses Regulations
of the Town of Clinton

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1901

SECTION 19
VEGETATION PRESERVATION/REMOVAL/REVEGETATION

- 19.1 The applicant shall follow all given specifications in order to perform vegetation preservation, vegetation removal and revegetation in the areas designated on submitted plans, by the IWC.
- 19.2 The applicant shall adhere to specifications in order to preserve from injury or defacement all vegetation designated to be left in the given areas shown on the plan. This work includes, but is not limited to, reducing the risk of damage during removal operations to the existing root systems, stems and scaffold branching of all said vegetation designated to be preserved. The applicant is responsible for following all revegetation specifications incorporated to achieve maximum plant survival. Applicant responsibilities shall also include effectively managing the revegetated areas by using specific plant health care techniques for one year after final inspection. The applicant shall replace all unsatisfactory planted plants and damaged existing plants designated to be preserved or materials for up to one year after final inspection. These specs will be imposed upon all applications where vegetation removal exceeds 20% of the total area and/or where the footprint of the structure exceeds 10,000 square foot area, or any planting done under town contract, for mitigation purposes, or on any public property under the control of the Town of Clinton.
- 19.3 Construction Methods
 - 19.3a Requirements: Applicant for these purposes engage a licensed Connecticut Licensed Arborist who shall possess a valid Connecticut Pesticide License. The applicant shall provide the Commission with copies of these certificates and/or licenses.
 - 19.3b Vegetation Preservation: Applicant shall identify and mark with orange plastic flagging all large feature plants to be preserved. Applicant shall be aware of small protected plant species. The applicant shall develop a strategy to protect small forms of vegetation designated by the Commission as plants to be preserved.
 - 19.3b.1 Applicant shall be responsible for furnishing all protective materials like snow fence or wood cribbing needed to save critical plants designated to be preserved. All chosen said materials shall be approved by the Commission before use.
 - 19.3b.2 The applicant shall repair any damage to vegetation designated to be "preserved". A qualified Licensed Arborist shall direct all corrective pruning operations of damaged plants. Plants shall be pruned by using recognized National

Inland Wetlands and Watercourses Regulations
of the Town of Clinton

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Arborist Association standards. All larger pruning cuts, $\frac{1}{2}$ inch diameter and larger, on the trunk and main stem shall be made not to interfere with the branch collar. All pruning cuts less than $\frac{1}{4}$ inch diameter shall be made with a sharp pair of hand pruners as close to the main stem as possible without damaging the cambium or bud.

- 19.3b.3 Applicant shall be responsible for replacing any plant destroyed that is designated to be preserved. The applicant shall be responsible for monetary replacement value of the said destroyed plant. The Conservation Commission shall valuate the plant loss based on the Eighth Edition of the "Guide" for tree and landscape appraisal recognized by the Council of Tree and Landscape Appraisers in Washington, D.C.
- 19.3b.4 Applicant shall adhere to, but is not limited to, all Vegetation Preservation Specifications.
- 19.3b.5 Any potential problems as to either suitability or availability of plant material, as noted by the contractor, are to be brought immediately to the attention of the Conservation Commission.
- 19.3b.6 Work is to be performed by workmen familiar with planting procedures depicted on the plans and under the supervision of a qualified foreman.
- 19.3b.7 The applicant shall be solely responsible for judging the full extent of work requirements involved, including but not limited to the potential need for storing and maintaining plans temporarily and/or rehandling plants prior to final installation.
- 19.3b.8 Loam shall be "fine sandy loam" or a "sandy loam" determined by mechanical analysis and based on the "USDA classification system". It shall be of uniform composition, without admixture of subsoil. It shall be free of stones greater than two inches (2"), lumps, plants and their roots, debris and other extraneous matter.
- 19.3b.9 Peat, humus, and other additives shall be used to counteract soil deficiencies as recommended by a soil analysis and as supplements for the planting soil mix as specified.

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of the Town of Clinton

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1903

19.3b.10 Peat moss shall be composed of the partly decomposed stems and leaves of any of several species of sphagnum moss. It shall be free from wood, decomposed colloidal residue and other foreign matter. It shall have an acidity range of 3.5 pH to 5.5 pH. Its water absorbing ability shall be a minimum of 100% by weight on an oven-dry basis.

19.3b.11 Humus shall be natural humus, reed peat or sedge peat. It shall be free from excessive amounts of zinc, low in wood content, free from hard lumps and in a shredded or granular form. The acidity range shall be approximately 5.5pH to 7.6 pH. The minimum water absorbing ability shall be 200% by weight on an oven-dry basis. Planting loam for general planting of species shall have a true pH value of 5.5 to 6.5. If it has not, it shall be amended by the contractor, at his own expense, to the proper pH range by mixing with dolomitic limestone or sulfate.

19.3b.12 Planting guidelines must be followed. Locations for all shrub planting areas shall be shown on submitted plans. Planting pits shall be excavated with vertical sides. Pits shall be at least one foot (1') greater in diameter than the containerized root zone of the plants and at least six inches (6") deeper than the root system of the plants. Planting soil mix as specified shall be prepared and backfilled as directed.

19.3b.13 All roots in the containers for container grown plants must be damp and thoroughly protected from sun and wind from the beginning of the digging operation, during transportation and on the ground until the final planting.

19.3b.14 The species shall be planted in the center of the holes and at the same depth as they previously grew. If the roots are slightly root bound then the contractor is responsible for cutting and pulling apart roots while planting. At no time should the plant root systems be exposed to long periods of air. If the plants are too root bound to amend, new plants will be required at the discretion of the Conservation Commission. Planting soil mix shall be backfilled in layers of not more than four inches (4") and each layer watered sufficiently to settle before the next layer is put in place. Enough planting soil mix shall be used to bring the surface to finish grade when settled. A saucer shall be formed around each plant at a depth of four inches (4") for plants. All plants shall be watered immediately following planting and

Inland Wetlands and Watercourses Regulations
of the Town of Clinton

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thereafter shall be inspected frequently for watering needs and watered, as required, to provide adequate moisture in the planting pit. No staking is required.

19.3b.15 Mulch material shall be placed over entire saucer areas of individual shrubs to a depth of two inches (2") after settlement, not later than one (1) week after planting. No mulch shall be applied prior to the first watering of plant materials.

19.3b.16 Mulch shall be pine bark mulch aged a minimum of six (6) months and not longer than two years.

19.3b.17 The applicant shall be responsible to furnish and supply water to the site. All trees injured or damaged due to the lack of water, or the use of too much water, shall be the applicants' responsibility to correct. Water shall be free from impurities injurious to vegetation. Anti-desiccant shall be applied to all plants prior to planting as directed by the Tree Warden or Engineer.

19.3b.18 In the event that rock or underground construction work or obstructions are encountered in any plant pit, alternative locations may be selected by the Conservation Commission.

19.3b.19 Fertilizer shall be provided for each plant through the use of slow- release fertilizer two (2) times up to one (1) year after planting. The entire fertilization program for plants including and associating with existing plants to be preserved, shall be through shallow root liquid fertilization with slow-release nitrogen combined with a root promoter. The applicant shall use soil injection techniques with liquid fertilizers as an efficient and beneficial method of supplying nutrients to the site plants. The fertilizer shall be mixed with water and injected into the soil under pressure using a hydraulic application and a feeding needle in the spring and fall. This application technique shall be done efficiently in order to provide required nutrients to every planted species. A formal written report shall be submitted to the Commission after every application of fertilizer.

1. Spring Rate: 20-5-5, 30-10-10, 28-9-9

2. Fall Rate: 3-20-45, 5-30-40, 5-30-25

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19.4 IPM (Integrated Pest Management Program)

19.4a Plant Health Care incorporates an Integrated Pest Management Program. The contractor must implement this program to help monitor health and vigor of all plants up to one (1) year after planting. One visit per every winter month and two visits per every summer month is mandatory. This program must take corrective action on the site at the time of the visit to culturally tend plants and suppress all insect and disease pests. Contractor shall provide that all plants have continual protection. A formal written report shall be submitted to the Commission after every inspection/treatment visit.

19.4b Aside from IPM, Plant Health Care includes keeping the plants in a healthy growing condition and shall include, but is not limited to, watering, weeding, cultivating, resulting, removal of dead material, resetting plants to proper grades or upright position and maintaining the plant saucer for water retention.

19.5 Winter Injury

19.5a Other contractor responsibilities include monitoring for at least three types of winter injury which may appear by spring.

19.5b Cold Temperature Injury: Caused by very low temperatures or rapid drops in temperature during the winter. Symptoms are splitting bark (especially on the southwest side), dieback or sudden wilt. Wilt may not occur until the first hot spell in June.

19.5c Winter Drying: Evergreens may lose excessive amounts of water when warm windy conditions exist while the ground is frozen. Symptoms appear as browning of the leaves from the margin towards the veins. This will be accentuated by salt sprays.

19.5d Spring Frosts: Actively growing plants are damaged by rapid drops in temperature to below freezing. Flowers are killed first and lost for the season. Leaves may be killed or injured. Killed leaves/buds will rebud quickly if the plant is vigorous. Injury symptoms include cupping, crinkled, tattered, twisted or shot holes in leaves.

19.6 Guarantee

19.6a Plants shall be guaranteed for a period of one (1) year after the initial acceptance by the Conservation Commission. The applicant will be responsible for the maintenance for the new plantings beginning at the date of the initial acceptance and counting through the guarantee period.

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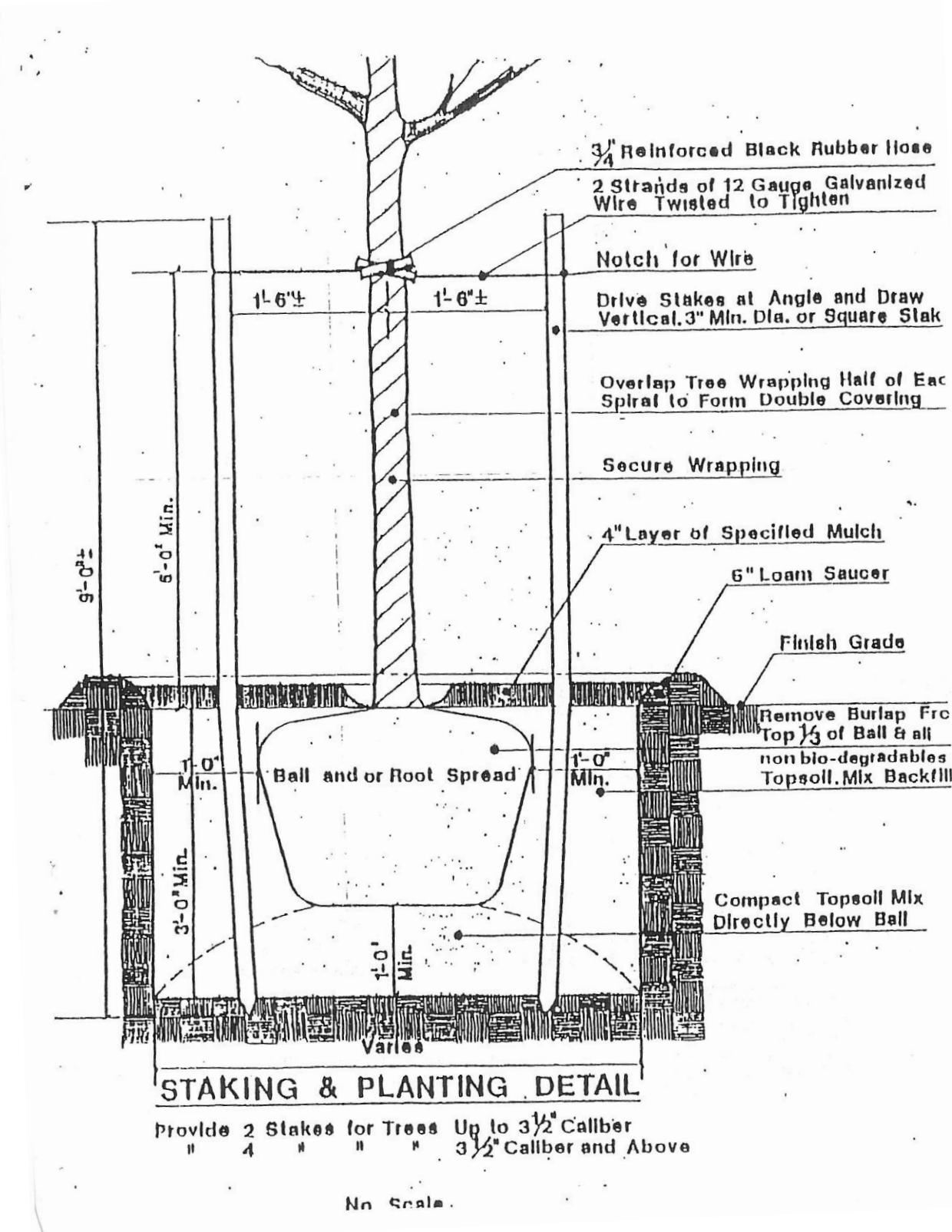
1906

At the end of the guarantee period the applicant shall request a final inspection from the Commission. At this time, all plants shall be alive and in a normal health condition. All plants not showing 75% healthy growth will be removed and replaced by the applicant. The 75% requirement shall be based on the number of healthy leaves and limbs on the plant as determined by the Commission.

Inland Wetlands and Watercourses Regulations
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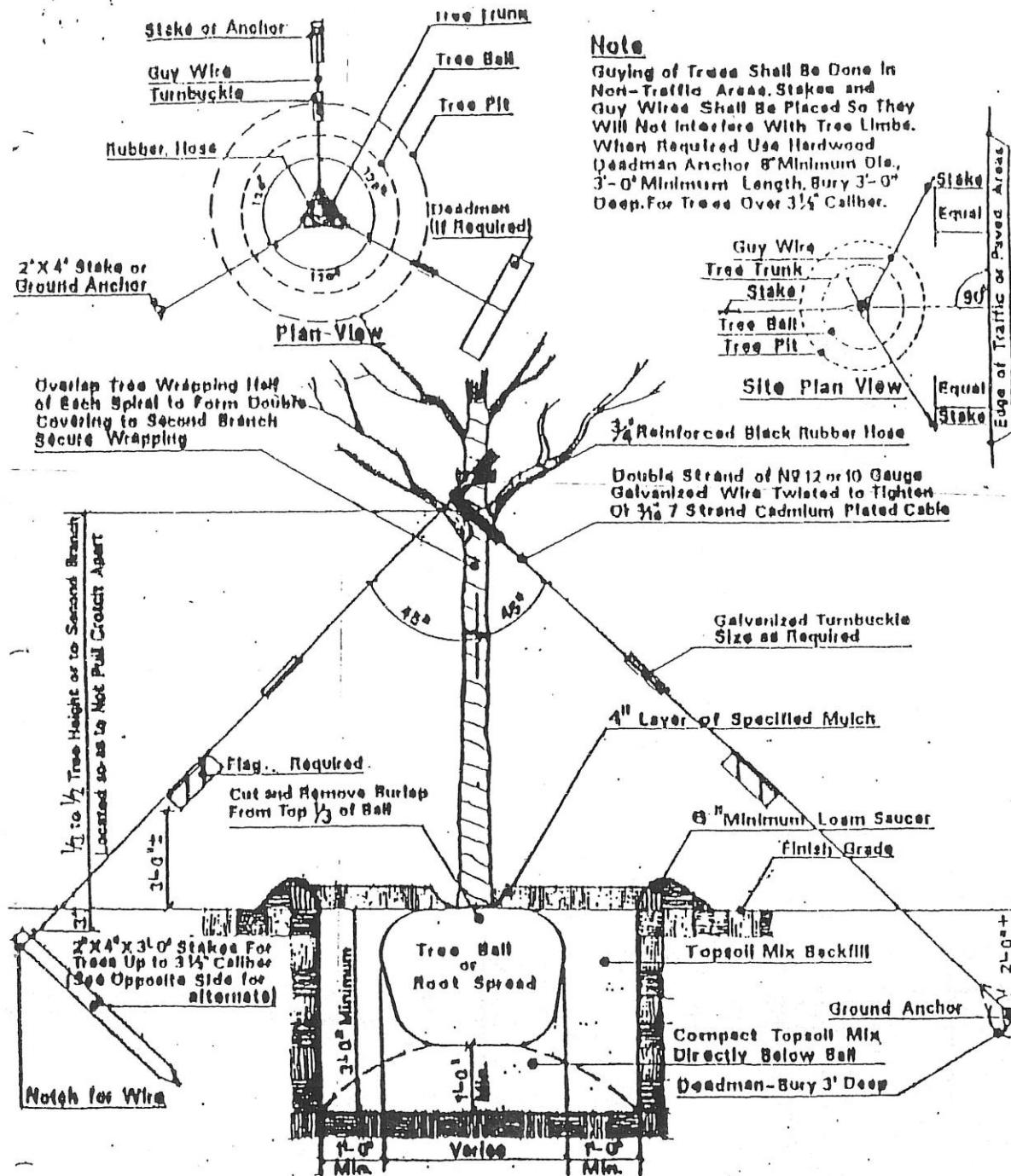
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1908



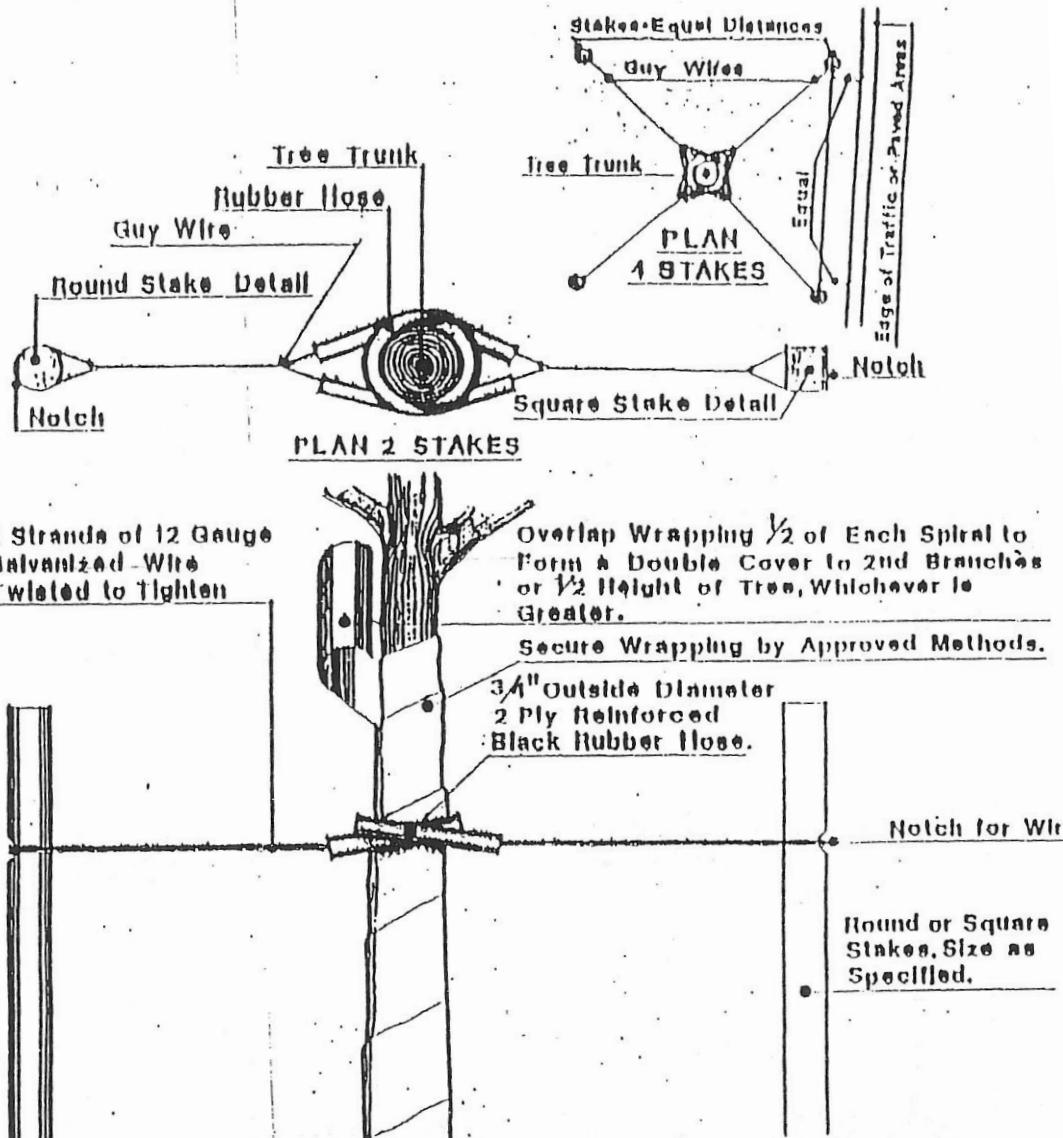
**GUYING FOR DECIDUOUS
AND FOR EVERGREEN TREES**

No Scale

Inland Wetlands and Watercourses Regulations
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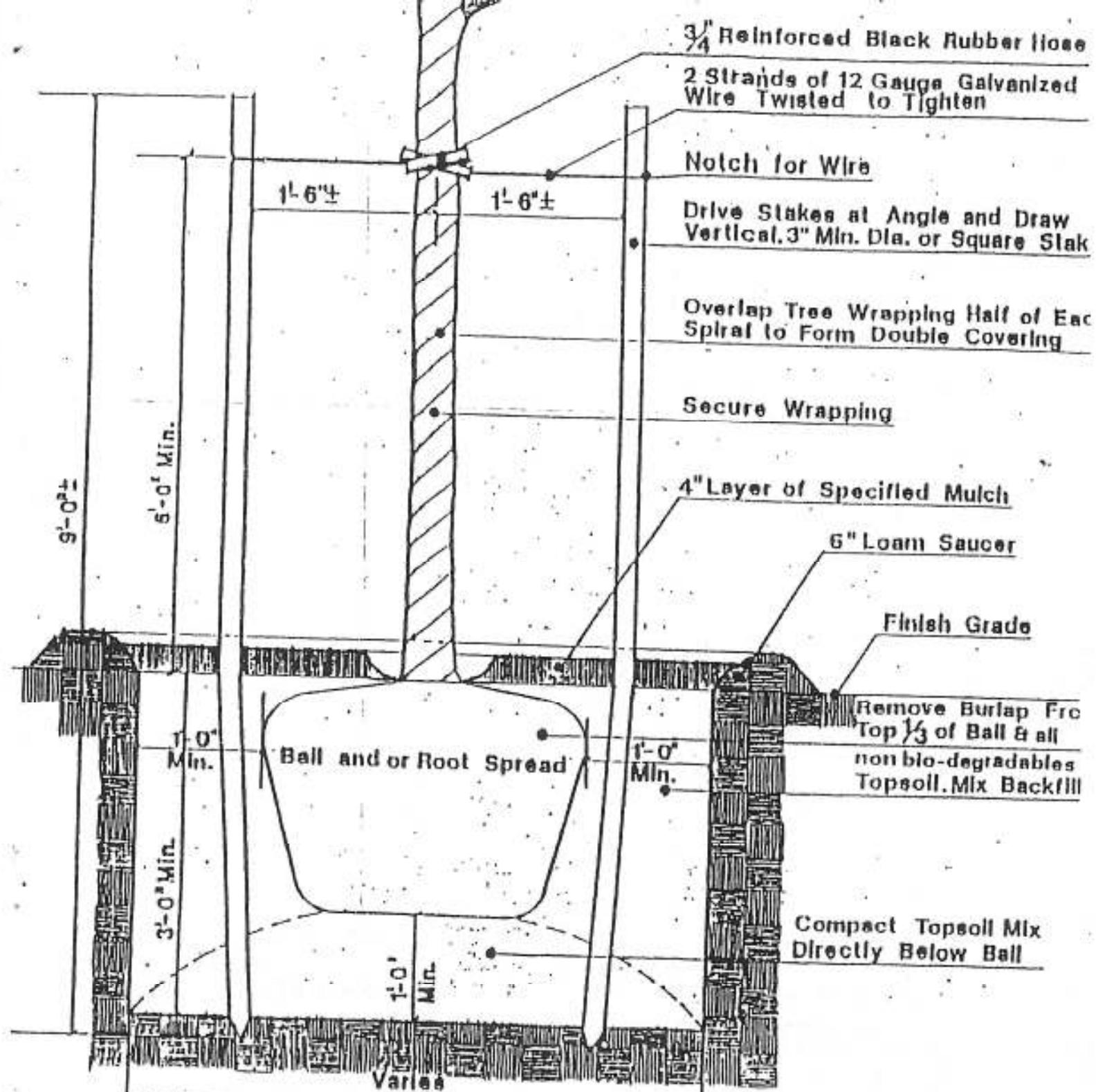
1909



1. Trees Up to and Including 3 1/2" Caliber Require 2 Stakes on Opposite Sides of Tree Parallel to Street, Curb, Pavement Edges and/or Grades.
2. Trees Over 3 1/2" Caliber Require 4 Stakes as Shown; Equally Spaced at Each Corner of the Plant Pit.
3. Stakes Shall be of Consistant Size and Form and Shall be 0'-0" Above Finish Grade, Minimum.

GUY WIRE ATTACHMENT, WRAPPING & STAKING
DETAIL

No Scale



Inland Wetlands and Watercourses Regulations
of the Town of Clinton

February 1, 2022

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SECTION 20
APPLICATION FEES

- 20.1 **Method of Payment:** All fees required by these Regulations shall be paid in full by cash, check or money order, payable to the Town of Clinton, at the time the application is filed in the Office of the Agency, at the Land Use Office of the William Stanton Andrews memorial Town Hall, 54 East Main Street, Clinton, Connecticut.
- 20.2 **Payment:** No application shall be ranted or approved by the Agency unless the application fee is paid in full or unless a waiver has been granted by the Agency pursuant to subsection 20.4 of these regulations. In the case of a returned check, the application shall be considered incomplete.
- 20.3 **Fees:** - see Appendix A – Land Use Applications Ordinance Fee Schedule.
- 20.4 **Exemptions:** Boards, commissions, and departments of the Town of Clinton are exempt from all fee requirements under Section 20 of these regulations.
- 20.5 **Waiver:** The applicant may petition the Agency to waive, reduce or allow delayed payment of the fee required by Section 20 of these regulations. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this section. The Agency may waive all or part of the application fee if the Commission determines that:
 - The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonable be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
 - The amount of the application fee is clearly excessive in processing the application.
 - The Commission shall state upon its record the basis for all actions under this subsection.

Inland Wetlands and Watercourses Regulations
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February 1, 2022

T-1

AMENDMENTS

March 4, 1975	Effective Date: March 14, 1975
November 18, 1975	Effective December 1, 1975
April 18, 1978	Effective May 1, 1978
July 17, 1979	Effective August 1, 1979
December 18, 1979	Effective January 1, 1980
May 20, 1980	Effective June 1, 1980
December 18, 1984	Effective December 19, 1984
April 16, 1985	Effective April 17, 1985
January 3, 1989	Effective January 17, 1989
October 6, 1992	Effective October 13, 1992 (Section 7.3 g.1 NEW)
January 5, 1993	Effective January 7, 1993 (Section 7.4 a. (5,6,7) NEW)
January 4, 1994	Effective February 1, 1994 (Section 20, NEW)
February 1, 1994	Effective October 1, 1993 (Section 11.7, Per Public Act 93-305)
December 5, 1996	Effective February 29, 1996 (Section 2 hh & ii, Section 13.3a (NEW), Section 9.4) Entire Regulations Re-typed & Renumbered
April 7, 1998	Effective May 1, 1998

Section 2 Definitions NEW

- 2.7.1 Feasible
- 2.17.4 Prudent

Section 4 Permitted and Nonregulated Uses

- 4.1a Amendment to exempt DEP

Inland Wetlands and Watercourses Regulations
of the Town of Clinton

February 1, 2022

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Section 6 Activities regulated by the Local IWC

6.1a New section delegating authority to WEO

Section 7.7 Amend to 15 Copies

Section 9 Public Hearings

9.1 Delete and insert new requirements per CGS

Section 10 Considerations for Decisions

10.2 Delete and insert new requirements per CGS

10.3 Delete and insert new requirements per CGS

10.4 Rerumber to 10.5 and insert new 10.4 per CGS

Section 11 Decision Process and Permit

11.1 Amend to meet new requirements per CGS

11.6 Delete and insert new 11.6 per CGS

11.7 Delete and renumber 11.8, 11.9 and 11.10

Section 12 Bonds

Title. Rename Section 12 deleting "And Insurance".

12.1 Delete "or other surety in a form approved by the Commission on the

Advise of town Counsel." Add "Said bond must be either a bank or Certified check."

12.2 Delete "or surety"

Section 15 Appeals

15.1.a Procedure for appeal from decision of WEO

Section 16 Conflicts & Severance

16.2 New section stating CGS prevail over local regulations

Section 20 Fees

Revised Fee Schedule

20.5 Correct reference number

20.6 Correct reference number

May 5, 1998 Effective June 1, 1998

Section 6 Activities Regulated by the Local IWC

6.5 New Section 10' Review Zone

February 2, 1999 Effective March 2, 1999

Inland Wetlands and Watercourses Regulations
of the Town of Clinton

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Section 5 Activities Regulated by the State

5.1g New Section to meet new requirements per CGS

Section 9 Public Hearings

9.1 Amend to meet new requirements per CGS

May 4, 1999 Effective June 1, 1999

Section 6 Activities Regulated by Local Town Commissions

6.4 Amended to add subsurface sewage disposal systems and change
distance to fifty feet from wetlands

.

February 5, 2002 Effective May 15, 2002

Section 20 Application Fees

Revised Fee Schedule

April 7, 2009 Effective May 4, 2009

Section 8.5 Completeness of an application

Section 8.7 Completeness of an application

May 6, 2014 Effective June 1, 2014

Section 13.3a Number change

Section 13.2b Penalties for Offenses

November 1, 2016

All Pages Date change

Table of Contents - add Map Amendments

Section 2.4.3 Name Change

Section 2.19.4 Deleted

Section 2.19.4a Deleted

Section 2.19.4b Deleted

Section 2.19.4c Deleted

Section 4.1a Name Change

Section 4.1h Deleted

Section 4.1i Deleted

Section 4.1g1 As-of-Right Activities

Section 4.1g2 As-of-Right Activities

Section 4.1g2 Typographical Error Corrected

Section 4.2 Non-regulated Uses

Section 4.2a Non-regulated Uses

Inland Wetlands and Watercourses Regulations
of the Town of Clinton

February 1, 2022

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Section 4.2b Non-regulated Uses
Section 4.2c Non-regulated Uses
Section 4.2 Renumbered to 4.3
Section 4.3 Renumbered to 4.4
Section 5.1 Name Change
Section 5.2 Name Change
Section 5.3 Name Change; delete second “over tidal wetlands”
Section 6.1a Name Change
Section 7.7 Submissions
Section 7.7a New section number
Section 7.7b Digital data
Section 7.8 Name Change
Section 7.8d Name Change
Section 7.8e Name Change
Section 7.9 Name Change
Section 8.4 Submission Deadline
Section 9.4 Postings of Properties
Section 10.1c 1 Delete Planning, Zoning, or
Section 10.1d Name Change
Section 11.6 New paragraph: Extensions of permits
Section 13.1b Assistant to Agent
Section 15.3 Delegation of Authority
Section 17.1 Name Change
Section 19.1 Name ChangeText Amendments
Section 20 Typographical Error Corrected
AM1 Map Amendments and change last revised to September 11, 2012
All sections: revision date

February 1, 2022

Section 6.5 Detached mechanical units
Section 20.3 Fees
Appendix A

Inland Wetlands and Watercourses Regulations of the Town of Clinton

February 1, 2022

AM-1

AMENDMENTS

TO THE

OFFICIAL WETLANDS AND WATERCOURSES MAP
OF THE
TOWN OF CLINTON CONNECTICUT

Adopted: June 1974

Last Revised: September 11, 2012

Land Use Applications Ordinance Appendix A

§ 296-2. Authorization and purpose.

Pursuant to the provisions of CGS §8-1c, the Town of Clinton does hereby establish a schedule of reasonable fees for the purpose of funding the approximate actual municipal administrative cost of reviewing, evaluating and processing of applications by the Town of Clinton land use regulatory commissions.

§ 296-3. Definitions.

For the purpose of this article the following definitions apply:

LAND USE APPLICATION – Any application to a land use regulatory commission within its statutory jurisdiction, which is herein referred to as “application”.

LAND USE REGULATORY COMMISSION – The Clinton Planning and Zoning Commission, The Clinton Zoning Board of Appeals and the Clinton Inland Wetlands and Conservation Commission, which are herein referred to individually as “commission”.

REVIEW, EVALUATION AND PROCESSING – All functions performed in connection with or associated with a land use application by a land use regulatory commission, including but not limited to fees and expenses relating to the administrative handling of the application and consultant expenses in direct connection with the technical review of the application including both preapproved and post-approval costs associated with the application, such as engineering review of construction plans and inspections of improvements during construction to assure compliance.

§296-4. Fee Schedule

The base fees as set forth in this article are due and payable to the Town of Clinton upon submission of a land use application, unless another date for the payment is specified herein.

A. Planning and Zoning Commission.

- (1) **Zoning.**
 - (a) Zoning Permit: \$50.
 - (b) Zoning permit (Issued after construction):
 - [1] First occurrence per offense (by person or entity): \$250.
 - [2] Second occurrence per offense (by person or entity): \$500.
 - [3] Third occurrence per offense (by person or entity): \$750.
 - [4] Fourth Occurrence per offense (by person or entity): \$1,000.
 - (c) Home Occupation Permit: \$50.
 - (d) Outdoor Entertainment Permit: \$25.
 - (e) Sign Permit: \$25.
 - (f) Vendor's Permit: \$50.

- (g) Certificate of zoning compliance: \$50.
- (h) Coastal Area Management (CAM) application:
 - [1] Residential: \$50.
 - [2] Commercial: \$100.
- (i) Flood Review application: \$500
- (j) Amendment request for regulation or zone change: \$250, plus actual cost of legal notices in excess of \$50.
- (k) Gravel excavation or dumping: \$150.
 - [1] Plus, Month permit (per month if less than one year): \$25.
 - [2] Or, plus year permit (per year): \$150.
 - [3] Or, plus renewals or extensions (per year): \$150.
- (l) Special exception, Planning and Zoning Commission: \$250, plus applicable Consultant expenses per § 296-5.
- (m) Site plan application: \$200.
- (n) Re-noticing due to applicant error, withdrawal, or postponement (at applicant's request) to be paid by applicant at cost).
- (o) Additional fees per application:
 - [1] Department of Energy and Environmental Protection: As determined by DEEP

(2) Subdivision.

- (a) Subdivision application: \$100.
 - [1] Plus, per lot: \$150.
 - [2] Plus, per linear foot of road: \$1.
- (b) Resubdivision application \$150.
 - [1] Plus, per lot: \$150.
 - [2] Plus, per liner foot of road: \$1.
- (c) Additional fees per application.
 - [1] Department of Energy and Environmental Protection: As determined by DEEP

B. Zoning Board of Appeals

- (1) Zoning Board of Appeals application for variance: \$200.
- (2) Coastal area management (CAM) application:
 - (a) Residential: \$50.
 - (b) Commercial: \$100.

- (3) Certificate of Approval of Location, Dealer's & Repair's Licenses: \$150.
- (4) Appeal of decision of Zoning Enforcement Officer: \$100.
- (5) Re-noticing due to applicant error withdrawal, or postponement (at applicant's request) to be paid by applicant at cost.
- (6) Additional fees per application:
 - (a) Department of Energy and Environmental Protection: As determined by DEEP

C. Aquifer Protection Agency

- (1) Residential: \$100.
- (2) Commercial: \$200.
- (3) Single Family Home: \$25.

D. Inland Wetlands and Conservation Commission.

- (1) Regulated Activity (within zero to 50 feet of or in wetlands or watercourses):
 - (a) Residential uses: \$125 base fee plus \$40 per new lot.
 - (b) Commercial and industrial uses: \$300.
 - (c) Significant activity fee (per Section 2.20.1 of Wetlands Regulations) or Public Interest Hearing: \$200.
- (2) As-of-right (logging, farm ponds, agricultural): \$50.
- (3) Activity within 100 feet of wetlands (Commission permit)
 - (a) New residential structure: \$125.
 - (b) New commercial or industrial lot: \$250.
 - (c) Significant activity fee (per Section 2.20.1 of Wetlands Regulations) or Public Interest Hearing: \$200.
 - (d) Addition to existing structure on commercial or industrial lot: \$100.
- (4) Activity within 100 feet of wetlands (wetland enforcement officer permit). Issued for the following activities within 51 feet to 100 feet of the wetlands: decks, porches, residential additions, sheds, pools, fences, minor driveway work, stone walls and test holes.
 - (a) Residential lot: \$50.
 - (b) Commercial or industrial lot: \$100.
 - (c) Deep test pits, per lot: \$50.

- (5) Boundary change/verification of Inland Wetlands Official Map: \$250, plus submission of the proposed change in an electronic format per Town data standards
- (6) Modification of previous approval: \$100
- (7) Additional fees per application.
 - (a) Department of Energy and Environmental Protection: As determined by DEEP
 - (b) Applicable consultant expenses per §296-5
- (8) Re-noticing due to applicant error, withdrawal, or postponement (at applicant's request) to be paid by applicant.

§296-5. Consultant expenses.

- A. Prior to or contemporaneous with the filing of an applicant, the applicant shall advise the commission in writing as to the professional evidence by way of testimony or certification that it intends to submit as part of or in support of said application. Such written statement shall include the specific areas of expertise (e.g. traffic and hydrology) in which the commission may require the technical assistance of consultants.
- B. A commission may charge fees in addition to the base fees set forth above set forth in order to obtain additional technical assistance in reviewing and evaluating an application where the commission determines, based upon information provided or required to be provided by the applicant, that the nature, size or intensity of the land use application shall require services of consultants not provided for within the fees set forth in §296-4.
- C. The commission shall determine the amount of the fee in addition to the base fee required for the review, evaluation and processing of the subject application at the same rate that they are charged.
- D. An applicant may provide the written statement required under Subsection A and request a determination by the commission as to whether additional technical assistance will be required and the amount of the additional fee prior to submission of the application. Payment of the additional fee shall be made upon submission of the application or within 30 days of the determination of the required additional fee by the Commission, whichever shall later occur.
- E. Failure to provide the statement required under Subsection A or to pay the additional fee required hereunder may render the application incomplete under the commission regulations.

§ 296-6. Duplication of review.

In making a determination as to whether additional technical assistance will be required, each commission shall give due consideration to and shall use to the extent feasible the technical assistance that may have been engaged by another commission in reviewing the same application so as to eliminate duplication of consultant review fees.

§ 296-7. Determination that fees are not required.

A commission may by resolution determine that base fees, or portions thereof, are not required in particular cases of resubmission of a disapproval application or an application to revise an approved

application or in cases where the application changes are minor. Boards, commissions and departments of the Town of Clinton are exempt from fee requirements
Dated at Clinton, Connecticut the 21st date of October 2021.

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Christopher Aniskovich, Carol Walter, Dennis Donovan, Mark Richards, Eric Bergman,
Timothy Guerra and Christine Goupil

EFFECTIVE DATE: December 4, 2021