

Posting for Proposed Revisions to the Thompson Inland Wetlands and Watercourses Regulations

Contained in this posting are the following documents:

1. Proposed draft language for the Thompson Inland Wetlands and Watercourses Regulations (blacklined version);
2. A proposed new Inland Wetlands and Watercourse Map;
3. New application and request forms for use with the proposed regulation;
4. Redlined version of the regulations that identifies deletions (~~strikeouts~~) and insertions (redlined) with comments developed during the Inland Wetlands Commission's development of the proposed revisions; and
5. A listing of proposed changes from the 2009 revision of these regulations.

Executive Summary

The proposed revisions to the Thompson Inland Wetlands and Watercourse Regulations are intended to address a number of concerns:

- Bring the regulations into compliance with statutory changes that have occurred since its last revision date in 2009;
- Address changes as a result of changes in requirements related to a revised town ordinance involving the Federal Emergency Management Agency's mapping and Areas of Special Flood Hazard (see Chapter 160 Thompson Code of Ordinances);
- Remove references to conceptual subdivision applications;
- Revise and reorganize the requirements for application requests resulting in the development of new application request forms for jurisdictional rulings, wetlands agent approvals, and permits;
- Modify the authorized actions of the wetlands agent as it relates to uses permitted as of right and non-regulated uses;
- Revise and update the fee schedule to cover the costs of processing applications, petitions for regulation changes and requests for license transfer, extensions and modifications based on an evaluation of estimated processing costs;
- Revise bonding requirements;
- Add new definitions, delete and modify definitions based on changes in the use of terms in the proposed regulations; and
- Correct Scribner errors and standardize structure of regulations.

The new Inland Wetlands and Watercourses map replaces the prior map adopted in 1974 and adds the outline of parcels of land identified on Tax Assessor records and the location of the 10 significant wetlands referenced in the document entitled "Town of Thompson Inland Wetland Inventory" prepared by Northeastern Connecticut Regional Planning Agency dated 1980.

New application request forms have been developed for use with the revised regulations consisting of a base form to be accompanied by a supplemental form specific to and depending on the nature of the application being made. Additionally, upon adoption of regulation revisions new permit extension, modification and transfer forms will be used replacing any prior forms used. These forms, while not required to be part of the hearing process, have been included for public comment and will be modified as needed and finalized immediately following the Inland Wetlands Commission's decision of the regulation revisions.

TOWN OF THOMPSON

CONNECTICUT

INLAND WETLANDS & WATERCOURSES

REGULATIONS



Revised [NEW DATE]

Regulations for the protection of inland wetlands and watercourses in the Town of Thompson were first adopted on May 20, 1974. Subsequently, they were revised on October 11, 1988; February 15, 1995; May 14, 1996; March 10, 1998; November 10, 1998; June 12, 2001; April 13, 2004; March 15, 2006, October 9, 2007 and March 10, 2009.

INLAND WETLANDS AND WATERCOURSES REGULATIONS FOR THE TOWN OF THOMPSON

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SECTION 1 - TITLE AND AUTHORITY

- 1.1 The inland wetlands and watercourses of the state of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic, and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted, and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic, and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare, and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse, and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment of generations yet unborn.
- 1.2 These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Thompson" and hereafter shall be referred to as "these regulations."
- 1.3 By town ordinance adopted on May 20, 1974, the Thompson Conservation Commission was designated to serve as the inland wetlands agency for the Town of Thompson. By ordinance adopted at a special town meeting on April 27, 2005, the inland wetlands agency functions were segregated from the Thompson Conservation Commission. Subsequently, on August 17, 2011, the authorizing ordinance was codified in the Code of Ordinances as Ordinance 10-11, amended on February 13, 2017, and codified in the Code of Ordinances as Ordinance 10-11b and on May 30, 2023, the Code of Ordinances was restructured with Ordinance 10-11b renamed as Chapter 53.
- 1.4 These regulations have been adopted and may be amended, from time to time, in accordance

with the provisions of the Inland Wetlands and Watercourses Act and these regulations.

- 1.5 The Inland Wetlands Commission shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny licenses for all regulated activities on inland wetlands and watercourses in the Town of Thompson pursuant to sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

SECTION 2 - DEFINITIONS

As used in these regulations:

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

Agriculture shall be consistent with the definition as noted in section 1-1(q) of the Connecticut General Statutes, as amended.

Applicant's Licensed Professional means either a professional engineer licensed to practice in the State of Connecticut or land surveyor licensed to practice in Connecticut, whose services have been secured by the applicant and which services are relevant to an application.

Application means a submission of documents that includes (1) a completed application form, such form provided by the Commission in accordance with these regulations, (2) the requisite application fee as identified in subsection 19.2 of these regulations and (3) a scaled drawing illustrating the existing conditions and the proposed conditions which warrant approval pursuant to these regulations. Additional documents, plans, or reports may be required to demonstrate that an application qualifies for approval by the Commission.

Area of Special Flood Hazard means that area identified by the Federal Emergency Management Agency (FEMA) in its scientific and engineering report entitled "Flood Insurance Study (FIS) for Windham County, Connecticut," dated September 7, 2023, and accompanying Flood Insurance Rate Maps (FIRM), dated September 7, 2023 and as identified in Chapter 160 Floodplain Management of the Code of Ordinances for the Town of Thompson, as amended.

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

Clear-cutting means the harvest of timber in a fashion which removes all trees down to a 2" diameter at breast height.

Commission means the Inland Wetlands Commission of the Town of Thompson established pursuant to the Act.

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

Conservation restriction as defined by section 47-42a(a) of the Connecticut General Statutes, as amended, means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.

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

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

Discharge means emission of any water, substance, or material into waters of the state whether or not such substance causes pollution.

Disturbing the natural and indigenous character of the land means that the activity will alter the inland wetlands 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 wetlands or watercourse.

Dwelling means a building or part of a building which contains living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more individual residents.

Emergency means any event, circumstance or condition which, in the opinion of the Commission or the wetlands agent, endangers the public health and safety or the health and safety of one or more residents of the Town, as certified in writing by one or more of the following Town agencies: the Department of Public Works, Resident State Trooper, the First Selectman.

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

Farming shall be consistent with the definition as noted in section 1-1q of the Connecticut General Statutes, as amended.

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

Land disturbance means an action to alter ground surface conditions exposing unstable soils, such as demolition, clearing, grading, site preparation (e.g., excavating, cutting and filling), soil compaction, construction, and movement or stockpiling of top soils.

License means the whole or any part of any permit, certificate of approval or similar form of permission to authorize regulated activities which may be required of any person by the provisions of the Act pursuant to sections 22a-42a(c)(1) and 22a-42a(c)(2) of the Connecticut

General Statutes, as amended.

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

Map means the document entitled "Inland Wetlands and Watercourses Map, Thompson, Connecticut," prepared by the Thompson Conservation Commission dated April 11, 2011, Revised October 2020.

Marshes are watercourses that 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 ground surface throughout the year and areas of open water six inches or more in depth are common, but seasonal water table fluctuations are encountered.

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

Mitigation is the attempt to alleviate some or all of the detrimental effects arising from a given action, replacing an existing wetland or its functions by creating a new wetland, restoring a former wetland, or enhancing or preserving an existing wetland.

Municipality means any town, consolidated town and city, consolidated town and borough, city and borough.

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

Permit means the whole or any part of any license issued pursuant to section 22a-42a(c)(1) of the Connecticut General Statutes, as amended, which may be required of any person by the provisions of these regulations under the authority of the Commission.

Permittee means the person to whom a permit has been issued.

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

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

Preservation restriction as defined by section 47-42a(b) of the Connecticut General Statutes, as amended, means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.

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

Regulated activity means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, and any earth moving, filling, construction, or clear-cutting of trees within one hundred (100) feet of wetlands or watercourses, and within two hundred (200) feet of the 10 especially significant wetlands and/or watercourses in Thompson identified in the document entitled "Town of Thompson Inland Wetland Inventory" prepared by Northeastern Connecticut Regional Planning Agency dated 1980 pages 9, 14 and 15, but shall not include the specified activities in section 4 of these regulations.

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

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

Roadway construction involves installing asphalt, concrete or other materials to create a smooth surface for vehicles to provide access to any combination of 3 or more dwellings and/or commercial buildings or when such accessway meets the definition of town street, private street or shared driveway as found in the Subdivision Regulations of the Town of Thompson, as amended.

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

1. Any activity involving a deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed;
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system;
3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or other functions;

4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse;
5. Any activity which causes a substantial diminution of flow of a natural watercourse, or groundwater levels of the wetland or watercourse;
6. Any activity which is likely to cause or has the potential to cause pollution to a wetland or watercourse; and
7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

Site plan is a type of drawing which shows existing and proposed conditions for a parcel of land to be modified incorporating aspects of construction, grading, paving, utilities, environmental conditions, landscaping, and terrain features.

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

Stormwater management facility means a control device, structure or system of control measures that regulate(s) the collection, storage, and movement of stormwater designed to treat, detain, store, convey, absorb, conserve, protect, or otherwise control stormwater.

Subdivision means subdivision as defined by section 8-18 of the Connecticut General Statutes, as amended.

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

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

Town means the Town of Thompson, in the State of Connecticut.

Upland review area means the area adjacent to and extending one hundred (100) feet from a wetland or watercourse and two hundred (200) feet from the ten (10) especially noteworthy wetlands and watercourses identified in the document entitled "Town of Thompson Inland Wetlands Inventory" prepared by Northeastern Connecticut Regional Planning Agency dated 1980 pages 9, 14 and 15. Any activity within this area will be considered a regulated activity and will require a permit or approval. Also, see Regulated Activity.

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

Watercourses means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or 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 of the Connecticut General Statutes, inclusive, as amended. Intermittent watercourses shall be delineated by a defined permanent channel and

bank and the occurrence of two or more of the following characteristics:

1. Evidence of scour or deposits of recent alluvium or detritus;
2. The presence of standing or flowing water for a duration longer than a particular storm incident; and
3. The presence of hydrophytic vegetation.

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

Wetlands agent is an individual who is duly authorized by a majority vote of the Commission to act as its agent and carry out its functions and purposes in accordance with the Act until such time as the authorization is revoked by a majority vote of the Commission.

Wetlands agent approval means the whole or any part of any license issued pursuant to section 22a-42a(c)(2) of the Connecticut General Statutes, as amended, 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 Commission.

SECTION 3 - INVENTORY OF REGULATED AREAS

- 3.1 The map of wetlands and watercourses entitled "Inland Wetlands and Watercourses Map, Thompson, Connecticut," prepared by the Thompson Conservation Commission dated April 11, 2011, Revised October 2020 (hereafter, the "Map") delineates the general location and boundaries of inland wetlands and the general location of watercourses, but is not a comprehensive inventory of wetlands and watercourses. Copies of the Map are available for inspection in the office of the Thompson Town Clerk or the Inland Wetlands Commission. Areas designated as inland wetlands or watercourses on the Map shall be presumed to be inland wetlands and watercourses, respectively. The Commission may make a contrary finding based on evidence it receives. The precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types and locations of watercourses. For initial determination, the Commission may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses. However, final determination as to the boundary of inland wetlands will be made by a qualified soil scientist. Nothing in this section shall prevent the initiation of an enforcement action for regulated activities in wetlands and watercourses not specifically identified in the Map.

- 3.2 Any person may petition the Commission for an amendment to the Map. 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 bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping, or other available information. The Commission may require such person to provide an accurate delineation of regulated areas in accordance with section 15 of these regulations.
- 3.3 The Commission or its wetlands agent(s) shall inventory and maintain current records of all regulated areas within the Town. The Commission may amend the Map from time to time as information becomes available relative to more accurate delineation of wetlands and watercourses within the Town.
- 3.4 All map amendments are subject to the public hearing process outlined in section 15 of these regulations.

SECTION 4 - PERMITTED USES AS OF RIGHT & NON-REGULATED USES

- 4.1 The following operations and uses shall be allowed in inland wetlands, watercourses and upland review areas, as of right:
- a. Grazing, farming, nurseries, gardening, 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;
 - b. A residential home (1) for which a building permit has been issued or (2) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by the municipal planning and zoning commission as May 20, 1974, and further provided no residential home shall be permitted as of right pursuant to this subsection unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway approval dates or other necessary information to document his entitlement;
 - c. Boat anchorage or mooring, not to include dredging or dock construction;
 - d. Uses incidental to the enjoyment or maintenance of residential property containing a dwelling, such property defined as equal to or smaller than the largest minimum residential

lot site permitted anywhere in the Town. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or into a wetland or watercourse, or diversion or alteration of a wetland or watercourse;

- e. Construction and operation, by water companies as defined by section 16-1 of the Connecticut General Statutes, as amended, or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes, as amended, of dams, reservoirs, and other facilities necessary to the impounding, storage, and withdrawal of water in connection with public water supplies except as provided in sections 22a-401 and 22a-403 of the Connecticut General Statutes, as amended;
 - f. Maintenance relating to any drainage pipe which existed before May 20, 1974, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For the purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place; and
 - g. Withdrawals of water for fire emergency purposes.
- 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 wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:
- a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices;
 - b. Outdoor recreation including the use of play and sporting areas, golf courses, field trails, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell-fishing, and cross-country skiing where otherwise legally permitted and regulated; and
 - c. The installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is used only for firefighting purposes and there is no alternative access to public water supply. For purposes of this subsection "dry hydrant" means a non-pressurized pipe system that (1) is readily accessible to fire department apparatus from a proximate public road, (2) provides for the withdrawal by suction to such fire department apparatus, and (3) is permanently installed into an existing lake, pond or stream that is a dependable source of water.
- 4.3 All activities in wetlands or watercourses involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically authorized by this section shall require a permit from the Commission in accordance with section 6 of these regulations, or for regulated activities located outside of wetlands and watercourses shall require a wetlands agent approval from the wetlands agent in accordance with section 12 of these regulations.

- 4.4 To carry out the purposes of this section, any person proposing a use permitted as of right or non-regulated operation or use of a wetland or watercourse, which may disturb the natural and indigenous character of the land, shall, prior to commencement of such operation or use, apply to the Commission for a jurisdictional ruling 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 use permitted as of right or non-regulated use of the wetland or watercourse. The Commission, or for activities located in the upland review area its wetlands agent, shall rule that the proposed operation or use is a use permitted as of right or a non-regulated use or operation or that a license is required. The wetlands agent for the Commission may make such ruling for activities in the upland review area on behalf of the Commission at any time in consultation with the Chairperson of the Commission.
- 4.5 The Commission and the applicant may hold a pre-application meeting to determine whether or not an application is required. A letter from a qualified soil scientist is necessary to determine the existence or non-existence of wetlands on the property. The Commission may require a site walk of the property prior to a jurisdictional ruling.

SECTION 5 - ACTIVITIES REGULATED BY THE STATE

- 5.1. The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to sections 22a-39 or 22a-45a of the Connecticut General Statutes, as amended.
- 5.2. The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
- 5.3. The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over activities authorized under dam repair or removal order issued by the Commissioner of Energy and Environmental Protection under section 22a-402 of the Connecticut General Statutes, as amended or a permit issued by the Commissioner of Energy and Environmental Protection under section 22a-403 of the Connecticut General Statutes, as amended. Any person receiving such dam repair or removal order or permit shall not be required to obtain a license from Commission for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.
- 5.4. The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction to determine the applicability of section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under section 404 of the Federal Clean Water Act.

SECTION 6 - REGULATED ACTIVITIES TO BE LICENSED

- 6.1. No person shall conduct or maintain a regulated activity without first obtaining a license for such activity from the Commission.
- 6.2. The Commission shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of substantial amounts of material, or any obstruction, construction, alteration, or pollution, of such wetlands or watercourses and other regulated activity, unless such operation or use is a use permitted as of right or non-regulated use pursuant to section 4 of these regulations. Additionally, if a proposal involves activities outside of a wetland or watercourse which can alter or affect that wetland or watercourse then a license is required.
- 6.3. Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Commission, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in section 14 of these regulations and any other remedies as provided by law.
- 6.4. Where approval is granted with conditions, the conditions must be strictly adhered to.

SECTION 7 - APPLICATION REQUIREMENTS

- 7.1 Any person wishing to undertake a regulated activity or seek a jurisdictional ruling shall submit an application to the Inland Wetlands Commission consisting of (1) a completed application form entitled "Thompson Inland Wetlands Commission Request for Regulated Activity License and Jurisdictional Ruling" consisting of a base form accompanied by an applicable supplemental form, (2) the required application fee as identified in subsection 19.2 of these regulations and (3) a scaled drawing illustrating the existing conditions and proposed conditions for which a jurisdictional ruling is requested or license is required by these regulations. Any materials submitted that fail to include either the required application form, application fee and/or drawing may be summarily rejected and returned to the submitter with an explanation for its rejection as an application. Alternatively, the materials submitted may be accepted as an application for processing and the applicant requested to complete the application following its date of receipt. Failure to complete such application is grounds for denial of the application. Such base form and supplemental form may be obtained in the office of the Commission or downloaded from the Town of Thompson's webpage.
- 7.2 If an application to the Town of Thompson Planning & Zoning Commission for a site plan approval, special permit or subdivision or re-subdivision of land involves land containing a wetland or watercourse, site plan approval, special permit or applicant shall submit an appropriate application to the Inland Wetlands Commission in accordance with this section no later than the day the application is filed for the subdivision or re-subdivision.
- 7.3. All applications shall contain such information that is necessary for a fair and informed determination of the issues.

- 7.4. The Commission and the applicant may hold a pre-application meeting to determine whether or not the proposed application involves a significant activity.
- 7.5. All applications shall use the base form and applicable supplemental form referenced above and include the following information in writing:
- a. The applicant's name, mailing address, and telephone number(s), or if the applicant is a limited liability corporation (LLC) or a corporation, the managing member or responsible corporate officer's name, home and business address, and telephone number;
 - b. The owner's name, mailing address, and telephone number(s) and written consent if the applicant is not the owner of the property involved in the application;
 - c. Applicant's interest in the land;
 - d. For any applicant to be represented by an agent, the agent's name, mailing address and telephone number(s);
 - e. The street address, assessor's map, block and lot number as identified by the Thompson Tax Assessor's records;
 - f. The most recent volume and page number of the deed for the subject property identified in the Thompson land records;
 - g. The purpose and a description of the proposed activity;
 - h. A determination if the subject property contains a significant wetlands or watercourse as identified on the Map cited in subsection 3.1 of these regulations;
 - i. A determination if the subject property contains an Area of Special Flood Hazard;
 - j. A locus map of sufficient scale to show the location of the property boundaries in relation to nearby streets and intersections not to exceed a scale greater than 1" = 2,000';
 - k. Drawing(s) or site plan(s) of sufficient scale and detail to portray all proposed regulated activities that includes:
 1. A north arrow;
 2. A scale;
 3. A legend;
 4. Existing and proposed structures with associated construction details such as cross-sections and material specifications for all proposed structures that may affect wetlands and watercourses;

5. The location of wetlands as delineated by a qualified soil scientist;
 6. The location of watercourses as defined by section 2 of these regulations;
 7. Limits of land disturbance;
 8. Proposed versus existing contours, proposed erosion and sediment controls; and
 9. The location of any Area of Special Flood Hazard on the property;
- l. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a license through deception or through inaccurate or misleading information;
 - m. Authorization for the members and agents of the Commission to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the license;
 - n. Submission of the appropriate filing fee established in section 19 of these regulations; and
 - o. A form entitled “Statewide Inland Wetlands and Watercourses Activity Reporting Form” developed and maintained by the Commissioner of Energy and Environmental Protection containing at a minimum the name of applicant; location and name of the project; project and site description; area of wetlands and upland review area altered and/or linear feet of watercourse proposed to be altered.
- 7.6. For applications seeking a jurisdictional ruling, in addition to the requirements in subsection 7.5 of these regulations provide the basis for requesting a jurisdictional ruling. For requests for rulings on timber harvest provide sufficient information in narrative and graphic form as to the location, extent and purpose of harvest, any alterations to wetlands and watercourses, measures to mitigate impact to wetlands and watercourses and the identification of professionals who will be involved with the harvest, including their professional license numbers.
- 7.7. For all applications seeking a regulated activity license (i.e. a wetlands agent approval or permit) in addition to the requirements of subsection 7.5 of these regulations provide:
- a. Certifications as to whether:
 1. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 2. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;

3. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within adjoining municipality; or
 4. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality;
- b. Alternatives, depicted on maps or plans, considered by the applicant which would cause less or no environmental impact to wetlands and watercourses and why the proposal to alter wetlands set forth in the application was chosen;
 - c. Proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a license for the proposed regulated activity including, but not limited to measures to:
 1. Prevent or minimize pollution or other environmental damage;
 2. Maintain or enhance existing environmental quality; or
 3. In the following order of priority: restore, enhance and create productive wetland or watercourse resources;
 - d. A report by a qualified soil scientist containing a description of the soil conditions found, including the numbering system of flags used to delineate wetlands;
 - e. Drawing(s) or site plan(s) showing existing and proposed conditions in relation to wetlands and watercourses, and identifying any further activities including alternatives referenced above that are associated with, or reasonably related to, the proposed regulated activity and which may be made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses. In addition to the drawing requirements found in subsection 7.5.k. of these regulations site plan(s) must:
 1. Be signed and sealed by the applicant's appropriate Licensed Professional when license applications involve:
 - A. the alteration of wetlands, watercourses or Area of Special Flood Hazard;
 - B. the construction of a new single-family home, multi-family home and/or commercial building;
 - C. the construction of any stormwater management facility or storm drain system, roadway construction; or
 - D. proposed land disturbance of ½ acres or greater.
 2. Depict the wetlands delineation flagging of the qualified soil scientist and that delineation must be verified as accurate either on the site plan by the soil scientist as accurate or in other written verification found to be acceptable to the Commission;

3. Show any area of mitigation or wetland enhancement to compensate for wetlands altered or destroyed by the proposed activity,
 4. For any proposed a land disturbance of ½ acre or greater include a detailed erosion and sediment control plan in compliance with the most current edition of the *Connecticut Guidelines for Soil Erosion and Sedimentation Control*, including a sequence and anticipated schedule of construction; and
 5. For any proposed stormwater management facilities associated with a regulated activity, the design must comply with the most current version of the *Connecticut Stormwater Quality Manual* and be so noted on the site plan(s) and be accompanied by the engineering report referenced below;
- f. When the services of a professional engineer licensed to practice in Connecticut is required, submit an engineering report signed and sealed by such engineer containing a detailed summary, including but not limited to, the hydrologic and hydraulic analyses performed, anticipated functional capacity of all proposed hydraulic structures and stormwater management facilities, the effect of drainage modifications to wetlands and watercourses up to an including the 100-year return frequency storm, a statement of fact when the application proposes to construct or modify:
 1. Stormwater management facilities discharging to or are in regulated areas;
 2. Storm drain systems discharging to or are in regulated areas;
 3. Any culverts, bridges or similar structures in regulated areas; and/or
 4. An Area of Special Flood Hazard;
 - g. For license applications involving an Area of Special Flood Hazard a certification signed and sealed by the applicant's appropriate Licensed Professional verifying the proposed regulated activities are in compliance with sections 160-9 and 160-10 of the Code of Ordinances of the Town of Thompson, Connecticut, as amended, and section 8-21 of the Connecticut General Statutes, as amended; and
 - h. Any other information the Commission deems necessary to the understanding of what the applicant is proposing.
- 7.8. At the discretion of the Commission or its agent, or when the proposed activity involves a significant activity as determined by the Commission and defined in section 2 of these regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following is required:
- a. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resource Conservation Service delineated in the field by a soil scientist and the field delineation be incorporated onto the site plans;
 - b. Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these

communities and wetland functions;

- c. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application, and with each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent;
- d. Analysis of chemical or physical characteristics of any fill material; and
- e. Measures which mitigate the impact of the proposed activity. Such measures include but are not limited to: plans or actions which avoid destruction or diminution of wetlands 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. For applications proposing mitigation or wetlands enhancement provide a site plan showing the area of mitigation or wetland enhancement to compensate for wetlands altered or destroyed by the proposed activity.

7.9. Application materials required by this section shall be submitted to comprise:

- a. One (1) live signed copy of the appropriate application forms with the appropriate fee payment;
- b. Two (2) copies of all support documents accompanying the application form, including, but not limited to reports by a qualified soil scientist, the applicant's Engineer and drawing(s) not to exceed 24" x 36' in size; and
- c. If the proposal requires or involves the services of a professional engineer or land surveyor licensed to practice in Connecticut, then the drawings shall be site plan(s) signed and sealed by the applicant's Licensed Professional accompanied by the electronic submission by such Licensed Professional of said site plan(s) in a PDF format with a resolution that is clearly readable when printed into 24" x 36" format.

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

- a. No person shall file an application when the activity of such application will occur on a portion of property that is restricted under the terms of a conservation or a preservation restriction, other than for interior work in an existing building or for exterior work on an existing building that does not expand or alter the footprint of an existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, including, but not limited to, any state agency that holds such restriction, not later than sixty days prior to the filing of the application; and
- b. In lieu of such notice pursuant to subsection a. above, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.

SECTION 8 - APPLICATION PROCEDURES

- 8.1. All petitions, applications, requests and appeals shall be submitted to the wetlands agent, or in his or her absence, the Thompson Town Clerk who shall act as the agent of the Commission for the delivery of such petition, application, request or appeal.
- 8.2. The Commission shall, in accordance with section 8-7d(f) of the Connecticut General Statutes, as amended, notify the clerk of any adjoining municipality by certified mail, return receipt, as defined by section 8-7d(c) of the Connecticut General Statutes, requested within 7 days of receipt of any application, petition, appeal, request or plan concerning any project site in which:
 - a. Any portion of the property affected by a decision of the Commission is within five hundred feet of the boundary of an adjoining municipality;
 - b. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - c. A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or
 - d. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- 8.3. Pursuant to section 22a-42f of the Connecticut General Statutes, as amended, when an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 25-32a of the Connecticut General Statutes, as amended, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the Town of Thompson land records and with the Commission. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days after the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Commission.
- 8.4. The date of receipt of a petition for a hearing submitted pursuant to subsections 3.2 and 9.1.b. of these regulations, requests submitted pursuant to subsections 11.7, 11.8, 11.9, 11.14.e., and 15.5 of these regulations or appeals of Commission and wetlands agent decision submitted pursuant to subsections 10.9 and 12.3 of these regulations shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission or its agent of such petition, application, request or appeal or thirty-five (35) days after such submission, whichever is sooner. If the requirements of these regulations conflict with statutory deadlines for receipt, holding hearings and rendering decisions differ from the regulations, the statutory provisions shall govern.

- 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. Requests for additional information shall not stay the time limitations as set forth in subsection 11.2 of these regulations.
- 8.6. All applications shall be open for public inspection.
- 8.7. Incomplete applications may be denied.

SECTION 9 - PUBLIC HEARINGS

- 9.1. The Commission shall not hold a public hearing on an application for a permit unless:
 - a. The Commission determines that the proposed activity may have a significant impact on wetlands or watercourses;
 - b. A petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the Town of Thompson, requesting a hearing is filed with the Commission not later than fourteen days after the date of receipt of such application; or
 - c. 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 on or before the fourteenth day after the date of receipt of the application. When a public hearing is held such hearing shall be held no later than sixty-five days after the receipt of such application and in accordance with section 8-7d of the Connecticut General Statutes, as amended. If the requirement of these regulations conflict with the statutory deadlines for receipt, holding hearings and rendering decisions, the statutory provisions shall govern. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard and may be represented by agent or by attorney.

- 9.2. Notice of the public hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland or watercourse or any part thereof is located. The costs of these required legal notices shall be paid by the applicant in accordance with the fee schedule established in subsection 19.2 of these regulations, are due prior to the scheduled date of the hearing. Failure to pay the fee maybe grounds for denial of the application.
- 9.3. Notice of the public hearing shall be sent by certified mail to the owner(s) of record of abutting land no less than fifteen (15) days prior to the day of the hearing, by the applicant with the certificate of mailing of such notification submitted to the Commission prior to the hearing.

SECTION 10 – CONSIDERATIONS FOR DECISIONS

10.1. The Commission may consider the following in making its decision on an application:

- a. The application and its supporting documentation;
- b. Reports from, including but not limited to, other agencies and commissions:
 1. Conservation Commission;
 2. Planning and Zoning Commissions;
 3. Building Official;
 4. Northeast District Department of Health;
 5. Thompson Water Pollution Control Authority;
 6. Thompson Wetlands Agent; and
 7. Other technical agencies or organizations which may undertake additional studies or investigations, such as the Environmental Review Team, or other experts retained by the Commission;
- c. Comments from the Eastern Connecticut Conservation District, Inc., the Northeast Regional Planning Agency, or other regional organizations (i.e. Council of Elected Officials); agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations;
- d. Non-receipt of comments from agencies and commissions listed in 10.1.b and 10.1.c above within the prescribed time shall neither delay nor prejudice the decision of the Commission; and
- e. For an application for which a public hearing is held, public comments, evidence and testimony.

10.2. Standards and Criteria for Decision. In carrying out the purposes and policies of the Act, including matters regulating, licensing and enforcing the provisions thereof the Commission shall consider all relevant facts and circumstances making its decision on any application for a permit, including but not limited to the following:

- a. The environmental impact of the proposed regulated activity on wetlands or watercourses;
- b. The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands watercourses;
- c. The relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;

- d. Irreversible and irretrievable loss of wetlands or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
 - e. The character and degree of injury to, or interference with, safety, health or the reasonable use of property, which is caused or threatened by the proposed regulated activity; and
 - f. Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.
- 10.3. In the case of any 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 these regulations. 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. For purposes of this section, (1) “wetlands or watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or occurs.
- 10.6. The Commission shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.
- 10.7. In reaching its decision on any application after a public hearing, the Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in its decision. However, the Commission is not precluded from seeking advice from its wetlands agent and legal counsel on information already in the record of the public hearing. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with these

regulations and of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

- 10.8. In the case of an application where the applicant has provided written notice pursuant to subsection 7.10 of these regulations, the holder of the restriction may provide proof to the Commission that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the Commission shall not grant the permit approval.
- 10.9. In the case of an application where the applicant fails to comply with the provisions of subsection 7.10 of these regulations, (1) the party holding the conservation or preservation restriction, other than a state agency that hold such restriction, may, not later than fifteen days after receipt of actual notice of the decision on the application, file an appeal with the Commission, subject to the rules and regulations of the Commission relating to appeals; or (2) the state agency that holds such restriction may, not later than thirty days after receipt of the actual notice of the decision, file an appeal with the Commission, subject to the rules and regulations of the Commission relating to appeals. The Commission shall immediately reverse any approval if the commissioner of such state agency that holds such restriction certifies that the land use authorized in such approval violated the terms of such conservation or preservation restriction. The Commission shall reverse the approval upon a finding that the requested land use violates the terms of such restriction.
- 10.10. Nothing in subsection 7.10 of these regulations shall be construed to prohibit the filing of an application or to require such written notice when the activity that is the subject of such application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction.

SECTION 11 – DECISION PROCESS AND LICENSE

- 11.1. The Commission, or its wetlands agent acting pursuant to section 12 of these regulations, may, in accordance with section 10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity which are designed to carry out the purposes and policy of the Act or deny the application. 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 a permit application, the Commission may, in accordance with subsection 9.1 of these regulations, hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of such application. The applicant may consent to one or more extensions of the periods specified in this subsection,

provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Commission shall be withdrawn by the applicant or denied by the Commission.

- 11.3. The Commission shall state upon its record the reasons and bases for its decision.
- 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, in a newspaper having general circulation in the Town.. A copy of all Commission decisions shall be forwarded to the Commissioner of Energy and Environmental Protection in such a form as prescribed by the Commissioner. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten days thereafter.
- 11.5. If an activity authorized by the inland wetlands permit also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, variance or special exception, a copy of the decision and report on the application shall be filed with the Town of Thompson Planning and Zoning Commission within fifteen (15) days of the date of the decision.
- 11.6. Any permit issued under this section for the development of property for which an approval is required under section 8-3, 8-25 or 8-26 of the Connecticut General Statutes, as amended, shall (a) not take effect until each such approval, as applicable, granted under such sections has taken effect, and (b) be valid until the approval granted under such chapter expires or for ten years, whichever is earlier.
- 11.7. Any permit issued for any activity for which an approval is not required under chapter 124, 124b, 126 or 126a shall be valid for not less than two years and not more than five years. Any such permit shall be renewed upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit may be valid for more than ten years.
- 11.8. Any license issued prior to July 1, 2011, that had not expired prior to July 12, 2021, shall expire not less than fourteen years after the date of such approval. Any such license shall be renewed upon request of the license holder unless the Commission agency finds that there has been a substantial change in circumstances that requires a new license application or an enforcement action has been undertaken with regard to the regulated activity for which the license was issued, provided no such license shall be valid for more than nineteen years.
- 11.9. Any license issued on or after July 1, 2011, but prior to June 10, 2021, that did not expire prior to March 10, 2020, shall expire not less than fourteen years after the date of such approval. Any such license shall be renewed upon request of the license holder unless the Commission finds that there has been a substantial change in circumstances that requires a new license

application or an enforcement action has been undertaken with regard to the regulated activity for which the license was issued, provided no such license shall be valid for more than nineteen years.

11.10. Any written request to renew or extend the expiration date of a previously issued license shall be filed with the Commission at least sixty-five (65) days prior to the expiration date for the license in accordance with section 8 of these regulations. Any request for amendment or extension shall be made in accordance with this section provided:

- a. The written request may incorporate by reference the documentation and record of the original application;
- b. The written request shall state the reason why the authorized activities were not initiated or completed within the time specified in the license;
- c. The written request shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or the property for which the license was issued;
- d. The Commission may accept an untimely written request to extend the expiration date of a license if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if in its judgment, the license is likely to be extended and the public interest or environment will be best served by not interrupting the activity. The written request shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the license; and
- e. The Commission shall evaluate the written request pursuant to section 10 of these regulations and grant the request as filed, grant it with any terms or limitations, or deny it.

11.11. Any written request to renew or extend a license shall be submitted on a form provided by the Commission accompanied by the associated fee identified in subsection 19.2 of these regulations. Such request shall be granted upon request of the license holder unless the Commission finds that there has been a substantial change in circumstances which requires a new license application or an enforcement action has been undertaken with regard to the regulated activity for which the license was issued provided no license may be valid for more than that allowed by the Act. Failure to submit a completed request form and/or the associated fee are grounds for withholding a decision on such request.

11.12. No license shall be assigned or transferred without the written permission of the Commission. Partial transfer of a license for regulated activities is prohibited.

11.13. If a bond or insurance is required in accordance with section 12 of these regulations, no license shall be issued until such bond or insurance is provided.

11.14. General provisions in the issuance of all licenses:

- a. In evaluating applications in which the Commission or its wetlands agent relied in whole or in part on information provided from the applicant, if such information subsequently proves to be false, deceptive, incomplete, or inaccurate, the license may be modified, suspended, or

revoked by the Commission in accordance with subsection 14.4 of these regulations;

- b. All licenses issued by the Commission or its wetlands agent are subject to and do not derogate any present or future rights or powers of the Commission or the Town of Thompson, and convey no rights in real estate or material nor any exclusive privileges, and further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the property or activity;
- c. If the activity authorized by the inland wetlands license 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 license may begin until such approval is obtained;
- d. The permittee shall take such necessary steps consistent with the terms and conditions of the license, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses; and
- e. Any changes to a licensed regulated activity must be submitted to the Commission as a requested license modification for the Commission to review and determine if the modification requires the submission of a new application or if the modification can be authorized as a modification of the existing license. Any written request to modify a license shall be submitted on a form provided by the Commission accompanied by the associated fee identified in subsection 19.2 of these regulations. Failure to submit a completed license modification request form and/or the associated fee are grounds for withholding a decision on such request.

SECTION 12 - ACTION BY WETLANDS AGENT

- 12.1. The Commission may delegate to its wetlands 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, as amended or determine that an activity required no application. Notwithstanding the provisions for receipt and processing applications prescribed in sections 8, 9 and 10 of these regulations, such agent may approve or extend such an activity at any time. Applications for such approvals shall be submitted on an application form entitled, "Thompson Inland Wetlands Commission Request for Regulated Activity License and Jurisdictional Ruling" consisting of the base form accompanied by Supplemental Form C and shall contain at a minimum the information required by subsections 7.5 and 7.7 of these regulations.
- 12.2. If the wetlands agent finds a wetlands agent approval application proposes a regulated activity that may have more than a minimal impact on any wetland or watercourse, then the agent shall deny the application if it is not withdrawn after the applicant is advised that an application for an individual permit is required.

- 12.3. Within ten (10) days of the date of such wetlands agent approval or denial, the wetlands agent shall cause the publication of a legal notice of the approval or denial in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Commission within fifteen days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt of such Commission or its wetlands agent of such appeal. The Commission shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with section 7 of these regulations.
- 12.4. Any request to extend or modify a wetlands agent approval shall be submitted on a form provided by the Commission and processed in accordance with subsections 11.11 or 11.14.e, respectively of these regulations. Wetlands agent approvals are not transferable without the written consent of the wetlands agent or the Commission.

SECTION 13 - BOND AND INSURANCE

- 13.1. The applicant, upon approval of an application and prior to the start of the permitted activity may, at the discretion of the Commission, be required to file a financial guarantee in such amount and in a form approved by the Commission.
- 13.2. The financial guarantee shall be conditioned on compliance with all provisions of these regulations and the terms, conditions, and limitations established in the permit.
- 13.3. For the purpose of this section, a financial guarantee shall mean one of the following:
- a. Surety bonds are not permissible by right as a financial guarantee but can be approved at the discretion of the Commission if in the form of an acceptable financial. A financial guarantee issued by a company licensed to do business in the State of Connecticut, accompanied by the Power of Attorney of the person executing the bond for the company. Said company shall have offices in the State of Connecticut and must submit certification from its home office that the local office in Connecticut has authority to pay out the full value of the bond;
 - b. A passbook savings account or a certificate of deposit representing funds deposited in a financial institution which is on the list of those approved for deposit of Town funds under which the funds are restricted such they can be released only with the approval of the Town;
 - c. Cash or certified check in the required amount deposited with the Treasurer of the Town of Thompson; and
 - d. An irrevocable letter of credit (original document).
- 13.4. A financial guarantee shall be executed in accordance with; proper reference made to all maps and plans describing the regulated activity covered by the bond, and shall be satisfactory to the Commission and to Town Counsel as to form, sufficiency and manner of execution.

- a. Passbook savings account or certificate of deposit shall be accompanied by the savings passbook(s) or certificate of deposit passbook(s) which shall remain in the possession of the Town until final release of the bond together with such documentation that the funds are secured for the benefit of the Town and cannot be released without approval of the Town.
 - b. When a financial guarantee is in the form of a passbook savings account or a certificate of deposit, the total amount in any single account or certificate may not exceed the maximum amount per account guaranteed by the Federal Deposit Insurance Corporation. Where the total amount of the financial guarantee required exceeds FDIC coverage for a single account, additional accounts shall be established to ensure that all deposited funds are FDIC insured.
- 13.5. Where a financial guarantee has been provided and work covered by said financial guarantee has not been completed within the terms of such financial guarantee, the Town may declare a default and withdraw funds or draw on the surety bond as necessary to complete all work for as much work that can be accomplished with the financial guarantee funds.
- 13.6. Upon written request from the permittee, the financial guarantee shall be released after approval of the completed regulated activity by the Commission. Upon written request from the permittee and a determination by the Commission that a substantial portion of the work guaranteed by the financial guarantee has been completed, the Commission may approve partial release(s) of the surety. If the Commission denies the request, it shall provide a written report regarding the reason or reasons for the denial.
- 13.7. 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 as determined by the Commission.

SECTION 14 - ENFORCEMENT

- 14.1. The Commission may appoint a wetlands 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. In carrying out the purposes of this section, the Commission or its wetlands agent shall take into consideration the criteria for decision under subsection 10.2 of these regulations.
- 14.2. The Commission and its agent may make regular inspections at reasonable hours, of all regulated activities for which licenses have been issued with the consent of the property owner or the during the life of the license.
- 14.3. If the Commission or its wetlands 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 wetlands agent may:

- a. Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that either the original order remains in effect, or a revised order is in effect or the order has been withdrawn. The Commission shall publish notice of its decision in a newspaper having general circulation in the Town. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises, or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to section 22a-44 (b) of the Connecticut General Statutes, as amended;
 - b. 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 license. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in subsection (a) of this subsection or other enforcement proceedings as provided by law.
- 14.4. The Commission may suspend or revoke a license if it finds that the permittee has not complied with the terms, conditions, or limitations set forth in the license or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking any license, 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 license and any and all requirements for retention of the license. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a license by personal service or certified mail within fifteen (15) days of the date of its decision. The Commission shall publish notice of the suspension or revocation in a newspaper having general circulation in the Town.

SECTION 15 - AMENDMENTS

- 15.1. These regulations and the Map 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 Energy and Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- 15.2. An application filed with the Commission which is in conformance with the applicable inland wetlands regulations as of the date of receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to

regulated upland review areas, taking effect on or after such date of receipt and any appeal from the decision of the Commission with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after such date of receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of such date of receipt.

- 15.3. These regulations and the 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 Energy and Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five (35) days before the public hearing on their adoption.
- 15.4. Petitions requesting changes or amendments to these regulations or the Map shall be submitted to the wetlands agent, or in his or her absence, the Thompson Town Clerk, who shall act as agent for the Commission for the purposes of delivery of the petition and shall contain at least the following information:
 - a. The petitioner's name, address, and telephone number;
 - b. The address of the land affected by the petition;
 - c. The petitioner's interest in the land affected by the petition;
 - d. Drawing(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations; and
 - e. The reasons for the requested action.
- 15.5. Any person who submits a petition to amend the Map shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Commission. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such owner, developer or purchaser, in addition to the information required in subsection 15.3 of these regulations, the petition shall include:
 - a. The name, address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
 - b. The names and addresses of the owners of abutting land;
 - c. Documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the

location of wetland soils on the land and a map of the said land indication the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and

- d. Drawing(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.
- 15.6. Watercourses shall be delineated by a qualified soil scientist, geologist, ecologist, or other qualified individual.
- 15.7. A public hearing shall be held on petitions to amend the Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the Town at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days, before the date set for the hearing. A copy of such proposed boundary change shall be filed in the office of the Thompson Town Clerk for public inspection at least ten (10) days before such hearing.
- 15.8. The Commission shall hold a public hearing on a petition to amend the regulations and the Map within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five (35) days after commencement. The Commission shall act upon the changes requested in such petition within sixty-five (65) days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection provided the total extension of all periods shall not be for longer than sixty-five (65) days or may withdraw such petition. Failure of the Commission to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.
- 15.9. The Commission shall make its decision and state, in writing, the reasons why the change in the Map was made.

SECTION 16 – APPEALS

- 16.1 Appeal on actions of the Commission shall be made in accordance with the provisions of section 22a-43 of the Connecticut General Statutes, as amended.
- 16.2 Notice of such appeal shall be served upon the Commission and the Commissioner of Energy and Environmental Protection.

SECTION 17 – CONFLICT AND SEVERANCE

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

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

SECTION 18 – OTHER PERMITS

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

SECTION 19 –FEES

- 19.1. Method of Payment. All fees required by these regulations shall be submitted to the Commission by check or money order payable to the Town of Thompson or cash at the time any application is filed with the Commission.
- 19.2. ””””Fee Schedule: Note “URA” means “Upland Review Area” and “TBD” means “to be determined” dependent on activity proposed.

| | Fee Type | Admin Fee | Review Fee | Total Fee |
|---|---|-----------|---|-----------|
| Jurisdictional Ruling Applications (DEC) | | | | |
| 1 | Jurisdictional ruling – In wetlands / watercourses and/or upland review area – No regulated activity includes subdivision with no reg activity, use permitted as of right, non-regulated use providing no change to natural and indigenous character of wetlands / watercourses | \$30 | | \$30 |
| Wetlands Agent Approval Applications (WAA) | | | | |
| 2 | Wetlands Agent Approval – single lot only < 5 ac land disturbance (no roadway construction or stormwater management facility discharge) | \$165 | plus \$55 | \$220 |
| 3 | Wetlands Agent Approval – single lot ≥ 5 ac land disturbance (no roadway construction or stormwater management facility discharge) | \$165 | plus \$165 | \$330 |
| 4 | Wetlands Agent Approval – single lot with roadway construction and/or stormwater management facility | \$165 | Plus \$55.00+ (# separate regulated roadway construction and/or stormwater management facility in URA) (\$375) + \$110 if total land disturbance > 5 acres) | TBD |

Permit Applications (IWA or SUB)

| | | | | | |
|---|---|-------|------|---|-------|
| 5 | Permit – per single lot w/regulated activity in or alteration to wetland and watercourse and/or stormwater management facility discharge to wetlands/watercourses, total land disturbance < 5 acres | \$165 | | \$240 | \$405 |
| 6 | Permit -per single lot w/regulated activity in or alteration to wetland and watercourse and/or stormwater management facility discharge to wetlands/watercourses | \$165 | | \$240 + (# separate regulated roadway construction activities) (\$375) + \$110 if total land disturbance is > 5 acres | TBD |
| 7 | Subdivision – no roadway construction or stormwater management facilities but lots with regulated activities | \$165 | plus | \$85 + (# lots in URA) (\$55) + (# lots alterations to wet/water) (\$240) | TBD |
| 8 | Subdivision with roadway construction and/or stormwater management facilities with associated regulated activities | \$165 | plus | \$85 + (# separate regulated roadway construction activities) (\$375) + (# lots in URA) (\$55) + (# lots alterations to wet/water) (\$240) + \$110 if total land disturbance ≥ 5 ac | TBD |

Other Administrative Functions

| | | | | | |
|----|---|-------|--|--|-------|
| 9 | Permit / Approval Extensions | \$45 | | includes file review & doc generation but no legal notice or state fee | \$45 |
| 10 | Permit / Approval Modifications & Transfers | \$55 | | includes file review & doc generation but no legal notice or state fee | \$55 |
| 11 | Regulation and Map Amendment Petitions (see section 15) | \$480 | | includes all legal notices & staff time | \$480 |
| 12 | Public Hearing | \$610 | | includes additional legal notices & staff time | \$610 |

19.3. –'Exemption. Boards, commissions, councils, and departments of the Town of Thompson are exempt from all fee requirements.

19.4. The fees are not refundable.

19.5. No application shall be granted or approved by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant subsection 19.6 of these regulations.

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

- a. The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee; and
- b. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.

19.7. The Commission shall state upon its record the basis for all actions under subsection 19.6 of these regulations.

SECTION 20 - RECORDS RETENTION AND DISPOSITION

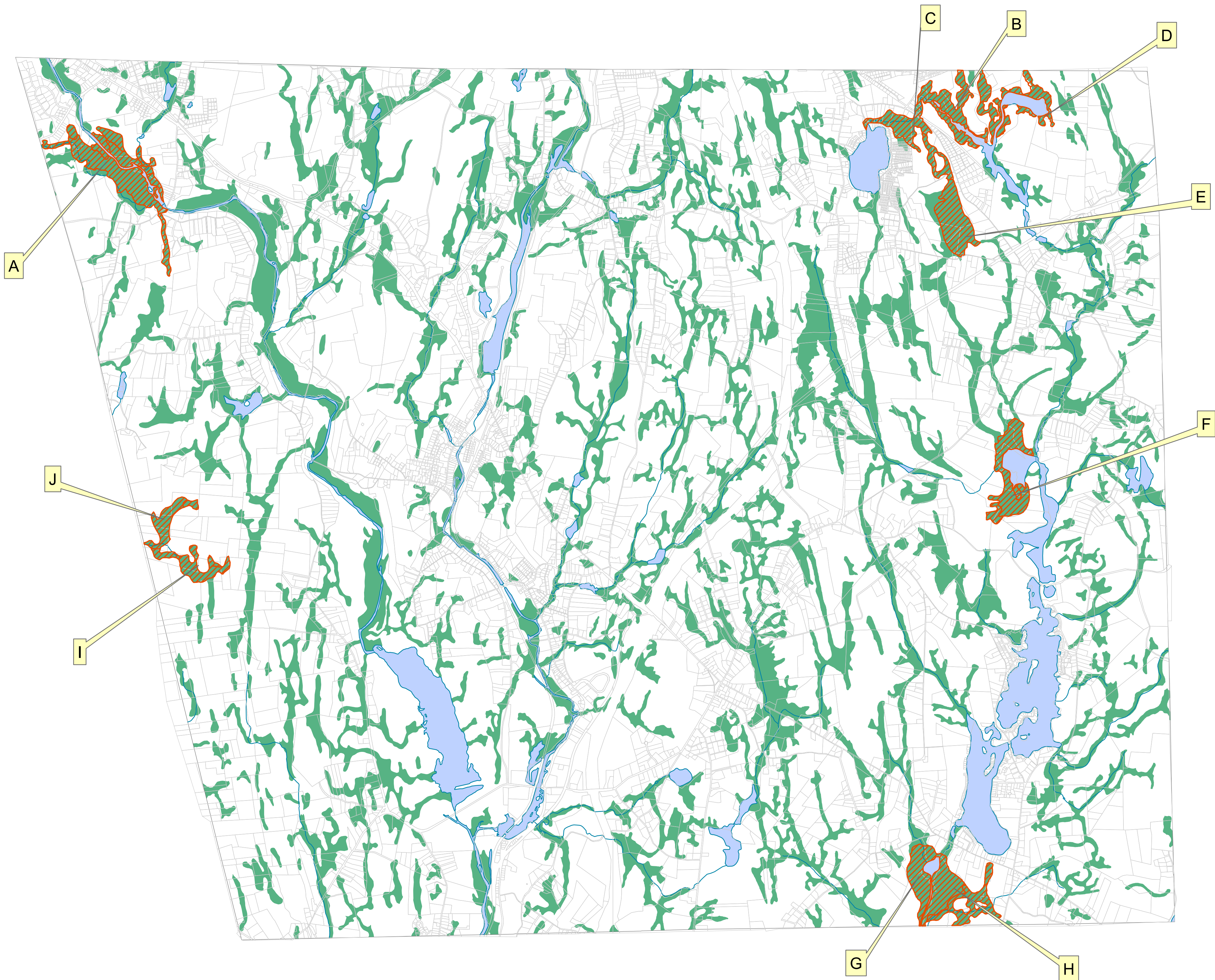
- 20.1. The Commission and the Thompson Town Clerk shall retain complete administrative records of Commission actions and dispose of such records in accordance with the current retention/disposition schedules established pursuant to subsections 11-8 and 11-8a of the Connecticut General Statutes, as amended.

SECTION 21 - EFFECTIVE DATE OF REGULATIONS

- 21.1 These regulations including the Inland Wetlands and Watercourses Map, application forms, fee schedule, and amendments thereto, shall become effective upon filing in the Office of the Thompson Town Clerk and publication of a notice of such action in a newspaper having general circulation in the Town of Thompson.

Inland Wetlands & Watercourses Map

Thompson, Connecticut



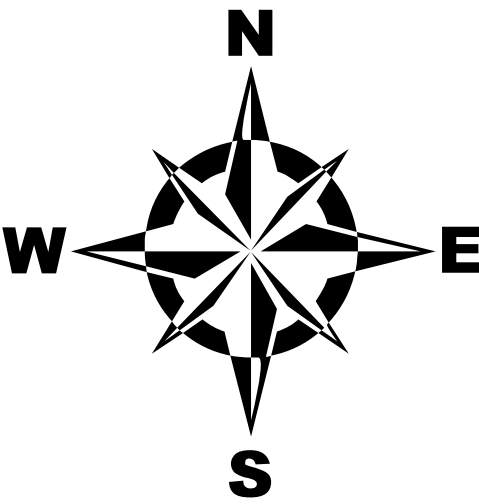
Legend

-  Inland Wetlands
-  Significant Wetlands
-  Waterbodies
-  Parcels

This map delineates the general location and boundaries of inland wetlands and the general location of watercourses. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types and locations of watercourses. Final determination of wetlands will be made by a certified soil scientist.

Significant Wetlands refers to the ten (10) most noteworthy wetlands and watercourses identified in the TOWN OF THOMPSON INLAND WETLAND INVENTORY prepared by Northeastern Connecticut Regional Planning Agency 1980 pages 9, 14 and 15.

DATA SOURCES
Inland Wetlands & Waterbodies: CT DEP GIS data, 2005.
Significant Wetlands: extracted from CT DEP Environmental GIS Data, 2003 ed. based upon the Town of Thompson Inland Wetlands Inventory, publ. by Northeastern CT Regional Planning Agency, 1980.
Parcels: database generated by Applied Geographics, Inc. based upon Assessor's Official Maps, October 2008.



Connecticut State Plane Coordinate System of 1983
Lambert Conformal Conic Projection
North American Datum of 1983



THOMPSON INLAND WETLANDS COMMISSION

REQUEST FOR REGULATED ACTIVITY LICENSE & JURISDICTIONAL RULING

BASE FORM

For Commission Use Only

Application #: _____

All requests for a permit or wetlands agent approval of regulated activities and jurisdictional rulings require the following information. Unless identified as "Optional" all information is mandatory. Submit all application materials to Thompson Inland Wetlands Commission, Thompson Town Hall, 815 Riverside Drive, P.O. Box 899, North Grosvenordale, Ct 06255. Failure to provide required information on the base form and associated supplemental form may result in a rejection or denial of the submitted materials.

Part I Application Type, Required Supplement Form and Fee (check one only): Note: When a fee is required it must be in the form of a check or money order made out to the "Town of Thompson" with the notation "Wetlands Application" The appropriate fee must be submitted with the base form and associated supplemental form.

Request Type & Attachment (check one)

- ☐ Jurisdictional Ruling (all except for timber harvest) - Supplement Form A
☐ Timber Harvest Jurisdictional Ruling - Supplement Form B
☐ Wetlands Agent Approval (work in upland review area only) - Supplement Form C
☐ Permit for Individual Lot - Supplement Form D
☐ Permit for Subdivision - Supplement Form E

Fee

\$30

\$30

See Supplement Form C

See Supplement Form D

See Supplement Form E

Part II Application Contact & Property Information

Notices will be sent to the applicant unless otherwise requested.

Applicant's Information

Name: _____

Mailing Address: _____

Contact Phone #: _____

Additional Phone #: _____
(optional)

Email: (optional) _____

**WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS, MAY
NOTICES BE EMAILED TO YOU? ☐ YES ☐ NO**

Property Information

(information obtained from tax assessor and town clerk's records)

Street Address _____

Assessor _____

Reference: Map _____ Block _____ Lot _____

Deed: Vol _____ Page _____

Upland Review Area altered:(in square feet): _____

Wetlands to be altered (in square feet): _____

Open Water Body (in square feet): _____

Stream (in linear feet): _____

Total area of land disturbance (in sq. ft. or acres): _____

Applicant's interest in property (check one only): ☐ Property owner ☐ Other (describe) _____

Owner's Information (if owner is not applicant)

Name: _____

Mailing Address: _____

Contact Phone #: _____

Email (optional): _____

Agent Designation & Information (optional)

Name: _____

Mailing Address: _____

Contact Phone #: _____

Email (optional): _____

Brief Project Description: _____



Application #: _____

Part III Noteworthy Wetlands / Area of Special Flood Hazard / DEEP Reporting Form

- 1) Noteworthy Wetlands / Watercourses: Does the property contain a noteworthy wetland or watercourse as identified in the document "Town of Thompson Inland Wetland Inventory" prepared by the Northeastern Connecticut Regional Planning Agency dated 1980 (see currently inland wetlands and watercourses map) (check one):

☐ No (Upland review area is 100 feet) ☐ Yes (Upland review area = 200 feet)

- 2) Area of Special Flood Hazard: Does the property contain an area of special flood hazard (see IWC Regulations section 2 for definition)? ☐ No ☐ Yes

- 3) DEEP Reporting Form: Fill out Part II of the form entitled "Statewide Inland Wetlands and Watercourses Activity Reporting Form" developed and maintained by the Commissioner of Energy and Environmental Protection. At a minimum include the name of applicant; location and name of the project; project and site description; area of wetlands and upland review area altered and/or linear feet of watercourse proposed to be altered (see IWC Regulations section 7.5.n for requirements).

Part IV Application Permissions & Certifications**1) Owner's Permission**

I, the undersigned, am the owner of the above reference property and hereby grant permission to the Thompson Inland Wetlands Commission and its duly authorized agents to enter upon this property at reasonable times both before and after a final decision for this application has been issued by the Thompson Inland Wetlands Commission for the purpose of inspection and enforcement of the Inland Wetlands and Watercourse Regulations of the Town of Thompson. Further, I have had an opportunity to review the Inland Wetlands and Watercourses Regulations of the Town of Thompson and understand that these regulations regulate activities conducted on my property.

Signature of property owner

Dated: _____

Print name (for corporation, partnership, municipality, or business, print title of signatory – see endnote below)

2) Applicant's Certification

I, the undersigned, certify that the information supplied in the completed application is accurate, to the best of my knowledge and belief and am aware of the penalties for obtaining the permit through deception, inaccurate or misleading information.

Signature of applicant

Dated: _____

Print name (for corporation, partnership, municipality, or business, print title of signatory - see endnote below)ⁱ

ⁱ If owner and/or applicant is

- (1) a corporation, then signature is required to be by a principal executive officer of at least the level of vice president ,
- (2) a limited liability company (LLC), then signature is required to be by a manager, if management of the LLC is vested in a manager(s) in accordance with the company's "Articles of Organization", or a member of the LLC if no authority is vested in a manager(s),
- (3) a partnership, then signature is required by a general partner,
- (4) the Town of Thompson, then signature is required by the First Selectman,
- (5) any other municipality, the signature is required by a ranking elected official, or by other representatives of such applicant authorized by law, and
- (6) a sole proprietor, then signature is required by the proprietor.

For Commission Use Only
Application #: _____

THOMPSON INLAND WETLANDS COMMISSION

SUPPLEMENT FORM A **JURISDICTIONAL RULING** (except for Timber Harvest)

To be included in applications for persons proposing to carry out a use permitted as of right as or non-regulated use listed in sections 4.1 and 4.2 of the Thompson Inland Wetland and Watercourse Regulations (IWC Regulations). This form attached to a completed "Request for Regulated Activity License & Jurisdictional Ruling Base Form" constitutes the form required Section 4.4 of the Inland Wetlands and Watercourse Regulations of the Town of Thompson, except timber harvests (for timber harvests use Supplement Form B). Unless identified as "Optional" all information is mandatory.

1. Applicant Name given on Base Form: _____
2. Attach an 8½" X 11" locus map for the application property (see IWC Regulation section 7.5 j. for requirements)
3. Attach a drawing or site plan of sufficient scale and detail to portray the proposed activity (see IWC Regulation section 7.5.k for requirements).
4. Detailed project description, purpose and identify all potentially regulated activities (attach additional sheet if needed):

5. Requested ruling (**check only one as appropriate**)

- a. Propose use or activity conforms to the following permitted uses as outlined in IWC Regulation section 4.1:
 - i. ☐ Grazing, farming, nurseries, gardening and harvesting of crops.
 - ii. ☐ Farm pond three (3) acres or less essential to the farming operation.
 - iii. ☐ Construction of a residential home for which a building permit has been issued prior to July 1, 1987, attach copy of valid building permit and site plan.
 - iv. ☐ Boat anchorage or mooring.
 - v. ☐ Use incidental to the maintenance and enjoyment of property presently used for residential purposes that contains a dwelling. Such property is equal to or smaller than the largest minimum residential lot size as permitted in the Town of Thompson.
 - vi. ☐ Construction and operation by a water company of a dam, reservoir or other facility necessary for the impounding, storage and withdrawal of water in connection with public water supplies.
 - vii. ☐ Maintenance of drainage pipes on residential property that existed prior to July 1, 1974.
- b. Proposed use or activity will not disturb the natural or indigenous character of the wetland or watercourse and conforms to one of the following non-regulated uses outlined in IWC Regulation section 4.2 (**check only one as appropriate**):
 - i. ☐ Conservation of soil, vegetation, water, fish or wildlife.
 - ii. ☐ Outdoor recreation
 - iii. ☐ Dry Hydrant installation by authority of the municipal fire department
- c. The proposed use or activity is not regulated by the IWC Regulations because (**check only one as appropriate**):
 - i. ☐ The proposed activity or use is one which is the exclusive jurisdiction of State or Federal agency. Provide documentation (See IWC Regulation section 5).
 - ii. ☐ The use or activity was legally existing as of July 1, 1974, and does not involve new, additional or expanded use or activity. Provide documentation.
 - iii. ☐ The proposed activity is not a regulated activity as defined by IWC Regulation section 2 (delineation of wetlands by a qualified soil scientist may be required).

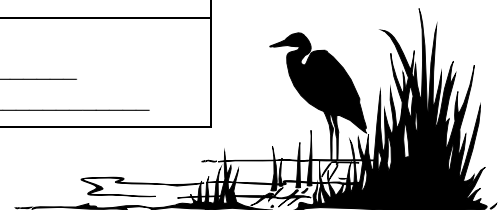
(Signature of applicant)

Dated: _____

*** For Commission Use Only ***

Response:

Name of Authorizing Signature: _____ Title: _____
Authorizing Signature: _____ Date: _____



THOMPSON INLAND WETLANDS COMMISSION

SUPPLEMENT FORM B **JURISDICTIONAL RULING REQUEST for TIMBER HARVEST**

Certain activities associated with timber harvesting are a use permitted as of right pursuant to Section 22a-40(a) of the Connecticut General Statutes and Section 4.1 of the Inland Wetlands for the Town of Thompson. (For guidance see Connecticut Department of Environmental Protection's document entitled "Agriculture, Forestry and Wetlands Protection in Connecticut")

This form attached to a completed "Request for Regulated Activity License & Jurisdictional Ruling Base Form" constitutes the form required Section 4.4 of the Inland Wetlands and Watercourse Regulations of the Town of Thompson for such timber harvesting. Unless identified as "Optional" all information is mandatory. Note: If the timber harvest covers *multiple properties with different owners*, then a *separate request for approval must be filed for each of the different property owner(s)*.

Base Form Applicant Verification

Applicant Name given on Base Form: _____

Property Information

(Locate property boundaries on attached USGS topographic map and copy of assessor's map – see information on maps on reverse side of this form.)

Total acreage of Property(s): _____

Property boundaries are marked and can be viewed in the field Yes ☐ No ☐

Have owners of all lands within 100 feet of the harvest area been notified via first-class mail prior to filing this form? Yes ☐ No ☐

Harvest Information

This timber harvest has been prepared by a State of Connecticut certified:

(Check one): ☐ Forester OR ☐ Supervising Forest Products Harvester

Forest Practitioner Certificate #: _____

Name: _____

Address: _____

E-mail: _____

Phone # (Business) _____ (Cell) _____

Harvester (if not landowner): _____

Mailing Address: _____

Town: _____ Zip: _____

Phone: () _____

E-mail: _____

Estimated starting date of timber harvesting operations: ____/____/____

Estimated completion date of harvesting operations: ____/____/____

Total acreage of harvest area: _____

Timber harvest boundaries are marked/flagged and can be viewed in the field Yes ☐ No ☐

Designation of trees to be harvested

Trees to be harvested have been marked with paint at eye level and at ground level Yes ☐ No ☐

If marked, then paint marking color(s) are _____

Amount of forest products to be harvested (provide a value for at least one):

_____ Board feet _____ Cords _____ Cubic feet _____ Tons

For Commission Use Only

Application #: _____

| |
|---------------------------|
| Timber Harvest Objective: |
| Timber Harvest Treatment: |

Actions Being Performed on This Land

(Check all that apply and locate on attached Harvest Area map – see information below on maps.)

| | |
|---|---|
| <p style="text-align: center;"><u>Crossings / Clearing</u></p> <p><input type="checkbox"/> Temporary stream/drainage crossing</p> <p><input type="checkbox"/> Temporary wetlands crossing</p> <p><input type="checkbox"/> Removal of trees in wetlands</p> <p><input type="checkbox"/> Removal of trees in upland review area</p> | <p style="text-align: center;"><u>Erosion and Sedimentation Control Measures*</u></p> <p><input type="checkbox"/> Installation of water bars</p> <p><input type="checkbox"/> Grading</p> <p><input type="checkbox"/> Seeding</p> <p><input type="checkbox"/> Other (describe below)</p> |
| <p style="text-align: center;"><u>Log landing area:</u></p> <p><input type="checkbox"/> Anti-tracking pad</p> <p><input type="checkbox"/> Curb cut</p> | <p style="text-align: center;"><u>Roads</u></p> <p>Are new roads, other than skid trails, to be constructed for transport of logs or other activities associated with this harvest? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> |

* All erosion and sediment controls must comply with the current version of the Connecticut Guidelines for Soil Erosion and Sediment Control. See <https://portal.ct.gov/DEEP/Water/Soil-Erosion-and-Sediment-Control-Guidelines/Guidelines-for-Soil-Erosion-and-Sediment-Control> for info on viewing copy

Describe in further detail as necessary: _____

The following maps are attached to this request for approval of timber harvest (Check all that apply)

- ☐ Copy of USGS topographic map with the property outlined
- ☐ Copy of Assessor's map with the property outlines
- ☐ Timber Harvest Area map showing outline of harvest area, skid road locations, log landing area, truck access roads, inland wetlands, watercourses and any crossings drawn to scale

The undersigned hereby swears that the information contained in this application form is true, accurate and complete to the best of my (our) knowledge and belief and that the timber harvest will be conducted in accordance with the specifications outlined in this Request for Approval of Timber Harvest.

Signature of Landowner: _____ Date: _____

Print / Type Name: _____

Signature of Certified Forest Practitioner: _____ Date: _____

Print Name: _____

Complete and Submit with completed "Base Form Request for Regulated Activity License & Jurisdictional Ruling" to: Office of the Thompson Inland Wetlands Commission, Thompson Town Hall, 815 Riverside Drive, N. Grosvenordale, CT 06255. A courtesy copy of this completed form should be sent to the Department of Environmental Protection, Division of Forestry, 79 Elm Street, Hartford, CT 06106-5127, Tel: (860)424-3630

| | |
|--|--------------|
| *** For Commission Use Only *** | |
| Response: | |
| Name of Authorizing Signature: _____ | Title: _____ |
| Authorizing Signature: _____ | Date: _____ |

THOMPSON INLAND WETLANDS COMMISSION
SUPPLEMENT FORM C
WETLANDS AGENT APPROVAL

For Commission Use Only
Application #: _____

This form is for applications involving proposed regulated activities only in the upland review area as defined by section 2 of the Thompson Inland Wetlands and Watercourses Regulations (IWC Regulations). Unless identified as "Optional" all information is mandatory.

1. Applicant Name given on Base Form: _____
2. Detailed project description and purpose: _____

3. Attach an 8½" X 11" locus map or include in site plan(s) for the application property (see IWC Regulation section 7.5.j for requirements).
4. Attach a scaled drawing or site plan(s) of sufficient scale and detail to portray the proposed activity (see IWC Regulation section 7.5j and 7.7.e for requirements).
 - a. Does the application involve the construction of a new single-family home, multi-family home and/or commercial building, the construction of any stormwater management facility or storm drain system, roadway construction or proposed land disturbance of ½ acres or greater? (check one)
☐ No ☐ Yes If yes, then the site plan(s) must be signed and sealed by professional engineer licensed to practice in Connecticut.
 - b. Does the application involve proposed land disturbance of ½ acres or greater? (check one)
☐ No ☐ Yes If yes, then include in the site plan(s) a detailed erosion and sediment control plan in compliance with the most current edition of the Connecticut Guidelines for Soil Erosion and Sedimentation Control, including a sequence and anticipated schedule of construction.
5. Endangered or Threatened Species - Is the project site located within an area identified as a habitat for endangered, threatened or special concern species as identified in the Connecticut Department of Environmental Protection's Natural Diversity Database? (see application instructions for details -check one)
☐ No ☐ Yes If yes, submit a Connecticut Natural Diversity Data Base (CT NDDB) Review Request Form (DEP-APP-007) to DEEP as specified on its website at www.ct.gov/dep/endangeredspecies and attach to this form a copy of DEEP's response to the review request.
6. Required Certifications: Answering yes to any of the following 4 questions requires the applicant to
 - a. Is the property located within 500 feet of Thompson town line? (check one) ☐ No ☐ Yes
 - b. Will traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site? (check one) ☐ No ☐ Yes
 - c. Will sewer or water drainage from the project site flow through and impact the sewage or drainage system within adjoining municipality? (check one) ☐ No ☐ Yes
 - d. Will water run-off from the improved site impact streets or other municipal or private property within the adjoining municipality? (check one) ☐ No ☐ Yes



7. Conservation or Preservation Restriction (see definition in IWC regulations):

- a. Is the property subject to a conservation easement or restriction as defined by section 47-42a of the Connecticut General Statutes (check one) ☐ No ☐ Yes
- b. If yes, attach to this form either (1) proof that the applicant has provided the 60-day advance written notice of this application, by certified mail, return receipt requested, to the party holding the restriction or (2) an original letter from the holder of the easement or restriction verifying that the application is in compliance with the terms of the easement or restriction.

8. Additional Documentation and Reports

- a. Provided documentation that verifies the location of wetlands depicted on the drawing(s) or site plan(s) required by Paragraph 4 above were delineated by a qualified soil scientist.
- b. For an application that involves the construction, repair or replacement of a septic system in a regulated area, provide a copy of the Northeast District Department of Health design approval letter.

9. Fee Determination

| Fee Basis | Fee |
|--|-------|
| Wetlands Agent Approval simple fee | \$220 |
| Does the proposal involve a land disturbance equal to or greater than 5 acres? <input type="checkbox"/> No <input type="checkbox"/> Yes, if yes then add \$110 | |
| Does the proposal involve installing asphalt, concrete or other materials to create a smooth surface for vehicles in the upland review area to provide access to any combination of 4 or more separate residential homes and/or commercial buildings? <input type="checkbox"/> No <input type="checkbox"/> Yes, if yes then how many separate upland review areas are to be altered? _____ Add \$430 for each separate upland review area is to be altered for the road construction | |
| Total Fee | |

10. Supplemental Form C Applicant's Certificationsⁱ

I, the undersigned, certify that the information supplied in the completed application is accurate, to the best of my knowledge and belief and am aware of the penalties for obtaining the permit through deception, inaccurate or misleading information.

Signature of applicant

Dated: _____

Print name (for corporation, partnership, municipality, or business, print title of signatory - see footnote below)

ⁱ If owner and/or applicant is (1) a corporation, then signature is required to be by a principal executive officer of at least the level of vice president, (2) a limited liability company (LLC), then signature is required to be by a manager, if management of the LLC is vested in a manager(s) in accordance with the company's "Articles of Organization", or a member of the LLC if no authority is vested in a manager(s), (3) a partnership, then signature is required by a general partner, (4) the Town of Thompson, then signature is required by the First Selectman, (5) any other municipality, the signature is required by a ranking elected official, or by other representatives of such applicant authorized by law, and (6) a sole proprietor, then signature is required by the proprietor.

For Commission Use Only
Application #: _____

THOMPSON INLAND WETLANDS COMMISSION

SUPPLEMENT FORM D **PERMIT FOR INDIVIDUAL LOT**

This form is for applications involving proposed regulated activities in wetlands, watercourses and upland review area as defined by section 2 of the Thompson Inland Wetlands and Watercourses Regulations that are located on a single parcel of land. Unless identified as "Optional" all information is mandatory.

1. Applicant Name given on Base Form (print): _____
2. Detailed project description and purpose: _____

3. Include in site plan(s) a locus map for the application property (see IWC Regulation sections 7.5.j for requirements).
4. Attach the site plans. Site plan(s) must be signed and sealed by professional engineer licensed to practice in Connecticut (see IWC Regulation section 7.5.k and 7.7.e for requirements).
5. Submit with this application form an engineering report in accordance with IWC Regulation section 7.7.f if any of the following questions are answered "Yes".

| | |
|---|--|
| Does the application include proposed stormwater management facilities to discharge to or are to be in regulated areas? | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| Does the application include proposed storm drain systems to discharging to or are to be in regulated areas? | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| Does the application include any proposed culverts, bridges or similar structures to be in regulated areas? | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| Does the application include any activities located in an Area of Special Flood Hazard? | <input type="checkbox"/> No <input type="checkbox"/> Yes |

6. Endangered or Threatened Species - Is the project site located within an area identified as a habitat for endangered, threatened or special concern species as identified in the Connecticut Department of Environmental Protection's Natural Diversity Database? (check one)

☐ No ☐ Yes If yes, submit a Connecticut Natural Diversity Data Base (CT NDDB) Review Request Form (DEP-APP-007) to DEEP as specified on its website at www.ct.gov/dep/endangeredspecies and attach to this form a copy of DEEP's response to the review request.



7. Required Certifications

- a. Is the property located within 500 feet of Thompson town line? (check one) ☐ No ☐ Yes
- b. Will traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site? (check one) ☐ No ☐ Yes
- c. Will sewer or water drainage from the project site flow through and impact the sewage or drainage system within adjoining municipality? (check one) ☐ No ☐ Yes
- d. Will water run-off from the improved site impact streets or other municipal or private property within the adjoining municipality? (check one) ☐ No ☐ Yes

8. Conservation or Preservation Restriction (see definition in IWC regulations):

- a. Is the property subject to a conservation easement or restriction as defined by section 47-42a of the Connecticut General Statutes (check one) ☐ No ☐ Yes
- b. If yes, attach to this form (1) proof that the applicant has provided the 60-day advance written notice of this application, by certified mail, return receipt requested, to the party holding the restriction or (2) an original letter from the holder of the easement or restriction verifying that the application complies with the terms of the easement or restriction.

9. Additional Documentation and Reports

- a. Attach a report by a qualified soil scientist containing a description of the soil conditions found, including the numbering system of flags used to delineate wetlands.
- b. For an application that involves the construction, repair or replacement of a septic system in a regulated area, provide a copy of the Northeast District Department of Health design approval letter.

10. Fee Determination

| Fee Basis | Fee |
|--|-------|
| Individual lot base fee | \$240 |
| Does the proposal involve a land disturbance equal to or greater than 5 acres? <input type="checkbox"/> No <input type="checkbox"/> Yes, if yes then add \$110 | |
| Does the proposal involve installing asphalt, concrete or other materials to create a smooth surface for vehicles in wetlands, watercourses and/or upland review areas to provide access to any combination of 4 or more separate residential homes and/or commercial buildings? <input type="checkbox"/> No <input type="checkbox"/> Yes, if yes then how many separate wetland, watercourse and/or upland review areas are to be altered? _____ Add \$375 for each separate wetland, watercourse and/or upland review area is to be altered for the roadway construction | |
| Total Fee | |

11. Supplemental Form D Applicant's Certificationsⁱ

I, the undersigned, certify that the information supplied in the completed application is accurate, to the best of my knowledge and belief and am aware of the penalties for obtaining the permit through deception, inaccurate or misleading information.

Signature of applicant

Dated: _____

Print name (for corporation, partnership, municipality, or business, print title of signatory - see footnote below)

ⁱ If owner and/or applicant is (1) a corporation, then signature is required to be by a principal executive officer of at least the level of vice president, (2) a limited liability company (LLC), then signature is required to be by a manager, if management of the LLC is vested in a manager(s) in accordance with the company's "Articles of Organization", or a member of the LLC if no authority is vested in a manager(s), (3) a partnership, then signature is required by a general partner, (4) the Town of Thompson, then signature is required by the First Selectman, (5) any other municipality, the signature is required by a ranking elected official, or by other representatives of such applicant authorized by law, and (6) a sole proprietor, then signature is required by the proprietor.

Application #: _____

THOMPSON INLAND WETLANDS COMMISSION**SUPPLEMENT FORM E**
PERMIT FOR SUBDIVISION

This form is for applications involving proposed regulated activities in wetlands, watercourses and upland review area as defined by section 2 of the Thompson Inland Wetlands and Watercourses Regulations (IWC Regs) for a subdivision or re-subdivision of land as defined by the Thompson Subdivision Regulations (see section 2 IWC Regs for definition of road construction). Unless identified as "Optional" all information is mandatory.

1. Applicant Name given on Base Form (print) _____
2. Detailed project description and purpose: _____

3. Include in site plan(s) a locus map for the application property (see IWC Regulation sections 7.5.j for requirements).
4. Attach the site plans for the subdivision or re-subdivision. Site plan(s) must be signed and sealed by professional engineer licensed to practice in Connecticut (see IWC Regulation section 7.5.k and 7.7.e for requirements).
5. Submit with this application form an engineering report in accordance with IWC Regulation section 7.7.f if any of the following questions are answered "Yes".

| | |
|---|--|
| Does the application include proposed stormwater management facilities to discharge to or are to be in regulated areas? | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| Does the application include proposed stormdrain systems to discharging to or are to be in regulated areas? | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| Does the application include any proposed culverts, bridges or similar structures to be in regulated areas? | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| Does the application include any activities located in an Area of Special Flood Hazard? | <input type="checkbox"/> No <input type="checkbox"/> Yes |

6. Endangered or Threatened Species - Is the project site located within an area identified as a habitat for endangered, threatened or special concern species as identified in the Connecticut Department of Environmental Protection's Natural Diversity Database? (check one) ☐ No ☐ Yes

If yes, submit a Connecticut Natural Diversity Data Base (CT NDDDB) Review Request Form (DEP-APP-007) to DEEP as specified on its website at www.ct.gov/dep/endangeredspecies and attach to this form a copy of DEEP's response to the review request.

7. Required Certifications

- a. Is the property located within 500 feet of Thompson town line? (check one) ☐ No ☐ Yes
- b. Will traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site? (check one) ☐ No ☐ Yes
- c. Will sewer or water drainage from the project site flow through and impact the sewage or drainage system within adjoining municipality? (check one) ☐ No ☐ Yes
- d. Will water run-off from the improved site impact streets or other municipal or private property within the adjoining municipality? (check one) ☐ No ☐ Yes



8. Conservation or Preservation Restriction (see definition in IWC regulations):

- a. Is the property subject to a conservation easement or restriction as defined by section 47-42a of the Connecticut General Statutes (check one) ☐ No ☐ Yes
- b. If yes, attach to this form (1) proof that the applicant has provided the 60-day advance written notice of this application, by certified mail, return receipt requested, to the party holding the restriction or (2) an original letter from the holder of the easement or restriction verifying that the application is in compliance with the terms of the easement or restriction.

9. Additional Documentation and Reports

- a. Attach a report by a qualified soil scientist containing a description of the soil conditions found, including the numbering system of flags used to delineate wetlands.
- b. For an application that involves the construction, repair or replacement of a septic system in a regulated area, provide a copy of the Northeast District Department of Health design approval letter.

10. Fee Determination

| Fee Basis | Fee |
|--|------|
| Base fee for subdivision | \$85 |
| Does the proposal involve a land disturbance equal to or greater than 5 acres? <input type="checkbox"/> No <input type="checkbox"/> Yes, if yes then add \$100 | |
| On how many lots in the subdivision are regulated activities proposed to occur in wetlands and watercourses? _____ Add \$240 for each lot containing such regulated activity. | |
| On how many lots in the subdivision are regulated activities proposed to occur in an upland review area only? _____ Add \$55 for each lot containing such regulated activity. | |
| Does the proposal involve installing asphalt, concrete or other materials to create a smooth surface for vehicles to provide access to any combination of 4 or more separate residential homes and/or commercial buildings, when such accessway meets the definition of town street, private street or shared driveway as found in the Subdivision Regulations of the town of Thompson, as amended? <input type="checkbox"/> No <input type="checkbox"/> Yes, if yes then how many separate regulated are to be altered? _____ Add \$375 for each separate regulated area to be altered for the roadway construction | |
| Total Fee | |

11. Supplemental Form E Applicant's Certificationsⁱ

I, the undersigned, certify that the information supplied in the completed application is accurate, to the best of my knowledge and belief and am aware of the penalties for obtaining the permit through deception, inaccurate or misleading information.

Signature of applicant

Dated: _____

Print name (for corporation, partnership, municipality, or business, print title of signatory - see footnote below)

ⁱ If owner and/or applicant is (1) a corporation, then signature is required to be by a principal executive officer of at least the level of vice president, (2) a limited liability company (LLC), then signature is required to be by a manager, if management of the LLC is vested in a manager(s) in accordance with the company's "Articles of Organization", or a member of the LLC if no authority is vested in a manager(s), (3) a partnership, then signature is required by a general partner, (4) the Town of Thompson, then signature is required by the First Selectman, (5) any other municipality, the signature is required by a ranking elected official, or by other representatives of such applicant authorized by law, and (6) a sole proprietor, then signature is required by the proprietor.



TOWN OF THOMPSON

Inland Wetlands Commission

Town Hall, 815 Riverside Drive, P.O. Box 899

North Grosvenordale, CT 06255

Phone: 860-923-1852, Ext. 1

Email: wetlands@thompsonct.org

Web: <https://www.thompsonct.org/>

REQUEST FOR PERMIT EXTENSION

Unless identified as "Optional" all information is mandatory. Attach additional sheets for explanations if needed. Please note a **\$45.00** fee is required to be submitted with your request. Submit request for permit extension and fee to address given above. Failure to provide required information or the fee may result in a delay or denial of the request for the permit extension. Additionally, if the Commission finds that there has been a substantial change in circumstances that requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, then the request may be denied.

| Permit Information | Confirmation of Contact Information |
|----------------------------------|---|
| Permit #: _____ | Permittee Name: _____ |
| Date Permit Issued: _____ | Mailing Address: _____ |
| Current Expiration Date: _____ | _____ |
| Requested Expiration Date: _____ | Contact Phone #: _____ |
| | Additional Phone #: (optional) _____ |
| | Email: (optional) _____ |

1. Provide the reason why the authorized activities were not initiated or completed within time specified in the Original Permit.

Describe, if any, changes in facts or circumstances involved with or affecting wetlands or watercourses of the property for which the original permit was issued.

Describe the extent of work completed and the schedule for completing the work authorized in the Original Permit.

(Signature of Permittee)*

Dated: _____

Print name (for corporation, partnership, municipality, or business, print title of signatory)

* If permittee is (1) a corporation, then signature is required to be by a principal executive officer of at least the level of vice president, (2) a limited liability company (LLC), then signature is required to be by a manager, if management of the LLC is vested in a manager(s) in accordance with the company's "Articles of Organization", or a member of the LLC if no authority is vested in a manager(s), (3) a partnership, then signature is required by a general partner, (4) the Town of Thompson, then signature is required by the First Selectman, (5) any other municipality, the signature is required by a ranking elected official, or by other representatives of such applicant authorized by law, and (6) a sole proprietor, then signature is required by the proprietor.

*** For Commission Use Only ***

Chairman's Signature: _____

Date: _____



TOWN OF THOMPSON

Inland Wetlands Commission

Town Hall, 815 Riverside Drive, P.O. Box 899

North Grosvenordale, CT 06255

Phone: 860-923-1852, Ext. 1

Email: wetlands@thompsonct.org

Web: <https://www.thompsonct.org/>

REQUEST FOR TRANSFER OF PERMIT TO NEW LANDOWNER

The following is the legal agreement regarding license approvals which must be signed by the current and prospective owner / permittee. Please note a **\$55.00** fee is required to be submitted with your request. Failure to provide the required fee may result in a delay or denial of the request for the permit transfer.

PERMIT # _____

DATE ISSUED: _____

EXPIRATION DATE: _____

LOCATION OF PROPERTY INVOLVED:

Street Address: _____

Assessor's Reference: Map _____ Block _____ Lot _____

TRANSFER PERMIT TO (print name): _____

MAILING ADDRESS: _____

DAYTIME PHONE #: _____ **HOME PHONE #:** _____

For the current Permittee*:

I, _____ do hereby give permission to transfer Thompson
(print name of Current Permittee)

Inland Wetlands Permit # referenced above to _____
(print name of prospective permittee)

(Signature of Current Permittee)

Dated: _____

For the prospective Permittee*:

I, the undersigned, am the owner of the above reference property and hereby apply for approval of the transfer in the permit/approval referenced above. This request is made in full knowledge and understanding of the permit/approval and agree to comply with the permit/approval as applied for and issued. Further I grant permission to the Thompson Inland Wetlands Commission and its duly authorized agents to enter upon the property at reasonable times for purposed of inspection and enforcement of the Inland Wetlands and Watercourse regulation of the town of Thompson.

(Prospective Permittee signature)

Dated: _____

Print name (for corporation, partnership, municipality, or business, print title of signatory)

* If permittee and/or prospective permittee is (1) a corporation, then signature is required to be by a principal executive officer of at least the level of vice president, (2) a limited liability company (LLC), then signature is required to be by a manager, if management of the LLC is vested in a manager(s) in accordance with the company's "Articles of Organization", or a member of the LLC if no authority is vested in a manager(s), (3) a partnership, then signature is required by a general partner, (4) the Town of Thompson, then signature is required by the First Selectman, (5) any other municipality, the signature is required by a ranking elected official, or by other representatives of such applicant authorized by law, and (6) a sole proprietor, then signature is required by the proprietor.

***** For Commission Use Only *****

Chairman's Signature: _____ Date: _____



TOWN OF THOMPSON

Inland Wetlands Commission

Town Hall, 815 Riverside Drive, P.O. Box 899

North Grosvenordale, CT 06255

Phone: 860-923-1852, Ext. 1

Email: wetlands@thompsonct.org

Web: <https://www.thompsonct.org/>

REQUEST TO MODIFY PERMIT

This request form must be accompanied by (1) a drawing/site plan identifying the proposed changes to authorized activities and (2) a **\$55.00** fee. Attach additional sheets for explanations if needed. Submit the request for permit modification and fee to address given above. Unless identified as "Optional" all information is mandatory. Failure to provide required information or the fee may result in a delay or denial of the request for the permit modification. Additionally, if the Commission finds that there has been a substantial change in circumstances that requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, then the request may be denied.

| Permit Information | Confirmation of Contact Information |
|--------------------------------|-------------------------------------|
| Permit #: _____ | Permittee Name: _____ |
| Date Permit Issued: _____ | Mailing Address: _____ |
| Current Expiration Date: _____ | _____ |
| | _____ |
| | Contact Phone #: _____ |
| | Additional Phone #: _____ |
| | (optional) _____ |
| | Email: (optional) _____ |

1. Please describe the intended modifications to the permit, any changes the modification may have regarding impacts to the wetland or watercourse or any proposed mitigation measures.

2. Why is the modification being requested?

3. Please describe the extent of work completed at the time of filing and the schedule for completing the proposed activities.

(Signature of Permittee)*

Dated: _____

Print name (for corporation, partnership, municipality, or business, print title of signatory)

* If permittee is (1) a corporation, then signature is required to be by a principal executive officer of at least the level of vice president, (2) a limited liability company (LLC), then signature is required to be by a manager, if management of the LLC is vested in a manager(s) in accordance with the company's "Articles of Organization", or a member of the LLC if no authority is vested in a manager(s), (3) a partnership, then signature is required by a general partner, (4) the Town of Thompson, then signature is required by the First Selectman, (5) any other municipality, the signature is required by a ranking elected official, or by other representatives of such applicant authorized by law, and (6) a sole proprietor, then signature is required by the proprietor.

***** For Commission Use Only *****

Chairman's Signature: _____ Date: _____

TOWN OF THOMPSON

CONNECTICUT

INLAND WETLANDS & WATERCOURSES REGULATIONS



Revised ~~March 10, 2009~~ [NEW DATE]

Regulations for the protection of ~~Inland Wetlands and Watercourses~~ inland wetlands and watercourses in the Town of Thompson were first adopted on May 20, 1974. ~~Prior to the current edition~~ Subsequently, they were revised on October 11, 1988; February 15, 1995; May 14, 1996; March 10, 1998; November 10, 1998; June 12, 2001; April 13, 2004; March 15, 2006, ~~and~~ October 9, 2007 and March 10, 2009.

INLAND WETLANDS AND WATERCOURSES REGULATIONS FOR THE TOWN OF THOMPSON

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Commented [MB1]: Throughout changed to lower case the words "Section" and "Subsection" wherever they were found to be capitalized within the text, replaced "Commissioner of Environmental Protection" with "Commissioner of Energy and Environmental Protection", replaced "Agency", "agency" and "Inland Wetlands Agency" with "Commission" where appropriate, replaced "municipality" with "Town" where appropriate, added ", as amended" after citations of statutes and ordinances, replaced "permit" and "permitted" with "license" and "licensed" respectively where appropriate and replaced "Town Clerk for the Town of Thompson" and "Town Clerk for the Town of Thompson" with "Thompson Town Clerk".

Commented [MB2R1]: Fixed Scribner errors found and global search to add "as amended" after all citations of statutes and ordinances per IWC

Commented [MB3R1]: IWC wants global search for wetland agent" and replaced with "wetlands agent" Will change application forms

Commented [MB4R1]: added "sub" to "section" where appropriate, fixed Scribner errors

SECTION 1 - TITLE AND AUTHORITY

- 1.1 The inland wetlands and watercourses of the state of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic, and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted, and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic, and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare, and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse, and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment of generations yet unborn.
- 1.2 These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Thompson-" and hereafter shall be referred to as "these regulations."
- 1.3 By town ordinance adopted on May 20, 1974, the Thompson Conservation Commission was designated to serve as the inland wetlands agency for the Town of Thompson. By ordinance adopted at a special town meeting on April 27, 2005, the inland wetlands agency functions were segregated from the Thompson Conservation Commission. Subsequently, on August 17, 2011, the authorizing ordinance was codified in the Code of Ordinances as Ordinance 10-11, amended on February 13, 2017, and codified in the Code of Ordinances as Ordinance 10-11b and on May 30, 2023, the Code of Ordinances was restructured with Ordinance 10-11b renamed as Chapter 53. Historically the inland wetlands agency has been referred to as the Conservation Commission, the Inland Wetlands Agency, the Conservation and Inland

~~Wetlands Commission and the Inland Wetlands and Watercourses Commission. Hereafter, it shall be referred to as the "Inland Wetlands Commission" or "Commission." The Inland Wetlands and Watercourses Agency of the Town of Thompson was established in accordance with the ordinance adopted May 20, 1974, and shall implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of Thompson.~~

Commented [MB5]: Language removed per discussion with Atty Slater 3/22/24

- 1.4 These regulations have been adopted and may be amended, ~~from~~ time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.
- 1.5 The ~~Agency~~ Inland Wetlands Commission shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny ~~permits~~ licenses for all regulated activities on inland wetlands and watercourses in the Town of Thompson pursuant to ~~Sections~~ sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

SECTION 2 - DEFINITIONS

~~2.1~~ As used in these regulations:

Commented [MB6]: Definition numbers have been removed to be consistent with the format found in the statutes and Code of Ordinance definitions and since there is no need to number the first sentence

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

b. **"Agriculture"** shall be consistent with the definition as noted in section 1-1(q) of the Connecticut General Statutes, as amended.

Applicant's Licensed Professional means either a professional engineer licensed to practice in the State of Connecticut or land surveyor licensed to practice in Connecticut, whose services have been secured by the applicant and which services are relevant to an application.

Commented [MB7]: Definition revised per discussion with Atty Slater 3/22/24

b. ~~"Agency" means the Inland Wetlands and Watercourses Agency (or Commission) of the Town of Thompson.~~ **Application** means a submission of documents that includes (1) a completed application form, such form provided by the Commission in accordance with these regulations, (2) the requisite application fee as identified in subsection 19.2 of these regulations and (3) a scaled drawing illustrating the existing conditions and the proposed conditions which warrant approval pursuant to these regulations. Additional documents, plans, or reports may be required to demonstrate that an application qualifies for approval by the Commission.

Commented [MB8]: Last sentence added per discussion with Atty Slater 3/22/24

Area of Special Flood Hazard means that area identified by the Federal Emergency Management Agency (FEMA) in its scientific and engineering report entitled "Flood Insurance Study (FIS) for Windham County, Connecticut," dated September 7, 2023, and accompanying Flood Insurance Rate Maps (FIRM), dated September 7, 2023 and as identified in Chapter 160 Floodplain Management of the Code of Ordinances for the Town of Thompson, as amended.

Commented [MB9]: Added definition due to changes in Flood Damage Protection Ordinance and language found in its predecessor Minimization of Flood Damage (which ordinance should have been rescinded when the Code of Ordinances was adopted in May 2023)

"Bogs" are watercourses distinguished by evergreen trees and shrubs underlain by peat deposits,

Commented [MB10R9]: OK per discussion with Atty Slater 3/22/24

poor or very poor drainage, and highly acidic conditions.

~~d. "Clear-cutting"~~ means the harvest of timber in a fashion which removes all trees down to a 2" diameter at breast height.

~~e. "Commission"~~ means the Inland Wetlands Commission of the Town of Thompson established pursuant to the Act.

~~f. "Commission member"~~ means a member of the Inland Wetlands and Watercourses Agency Commission of the Town of Thompson.

~~g. "Commissioner of Environmental Protection"~~ means the commissioner of the State of Connecticut ~~Department of Environmental Protection~~ **Commissioner of Energy and Environmental Protection**.

~~"Conservation restriction"~~ as defined by section 47-42a(a) of the Connecticut General Statutes, as amended, means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.

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

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

~~j. "Designated Duly authorized agent"~~ means an individual(s) ~~who is designated by a majority vote of the agency Commission to carry out its functions and purposes, until such time as the designation is revoked by a majority vote of the Commission.~~

~~k. "Discharge"~~ means emission of any water, substance, or material into waters of the state whether or not such substance causes pollution.

~~l. "Disturbing the natural and indigenous character of the land"~~ means that the activity will ~~significantly~~ alter the inland wetlands 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 wetlands or watercourse.

Dwelling means a building or part of a building which contains living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more individual residents.

~~m. "Emergency"~~ means any event, circumstance or condition which, in the opinion of the ~~agency Commission~~ or the wetlands ~~enforcement officer~~ **agent**, endangers the public health and

Commented [MB11]: Definition deleted as the term is not used anywhere in the regulations

Commented [MB12]: Change required by Public Act 11-80

Commented [MB13]: Definition removed from subsection 7.10 and inserted here

Commented [MB14]: Designated agent replaced with wetlands agent. See Wetlands agent definition

Commented [MB15]: Deleted the word "significantly" as it is not in the model regs or statute

Commented [MB16]: Added to clarify its use in the definition of "roadway construction"

Commented [MB17R16]: Definition changed per discussion with Atty Slater 3/22.24

safety or the health and safety of one or more residents of the Town, as certified in writing by one or more of the following town agencies: the Department of Public Works, Resident State Trooper, the First Selectman.

Commented [MB18]: Note: Thompson has no resident state trooper, but if it does get one these regulations won't need to be revised

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

Commented [MB19]: Definition is found in model regulations

e. **"Farming"** shall be means commercial use of land for the growing of crops, raising of livestock or other agricultural use, consistent with the definition as noted in section 1-1q of the Connecticut State General Statutes, as amended Chapter 1, Section 1-1q.

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

Land disturbance means an action to alter ground surface conditions exposing unstable soils, such as demolition, clearing, grading, site preparation (e.g., excavating, cutting and filling), soil compaction, construction, and movement or stockpiling of top soils.

Commented [MB20]: This definition was added to clarify its meaning as used in the proposed fee schedule

p. **"License"** means the whole or any part of any permit, certificate of approval or similar form of permission to authorize regulated activities which may be required of any person by the provisions of the Act pursuant to sections 22a-42a(c)(1) and 22a-42a(c)(2) of the Connecticut General Statutes, as amended sections 22a-36 to 22a-45, inclusive.

Commented [MB21R20]: Also used in subsection 7.7 requiring site plans to be signed and sealed by applicant's Engineer

Commented [MB22]: For legal counsel: Is the proposed language change legally defensible? Proposed definition departs from that given in the DEEP Model Regulations. The referenced sections of the Act cover individual permits and wetlands agent approvals but not jurisdictional rulings. Here the term license covers Wetlands Agent Approvals and Permits collectively but does not include Jurisdictional Rulings. For these regulations the terms "license" and "permit" are *not* interchangeable as defined in the DEEP Model Regs. See definitions for "Permit" and "Wetlands Agent Approval" in these regulations.

Commented [MB23R22]: Language is defensible per comment from Atty Slater 3/4/24

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

Map means the document entitled "Inland Wetlands and Watercourses Map, Thompson, Connecticut," prepared by the Thompson Conservation Commission dated April 11, 2011, Revised October 2020.

Commented [MB24]: Referenced in sections 3 and 15.

r. **"Marshes"** are watercourses that 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 ground surface throughout the year and areas of open water six inches or more in depth are common, but seasonal water table fluctuations are encountered.

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

t. **"Mitigation"** is the attempt to alleviate some or all of the detrimental effects arising from a

given action, replacing an existing wetland or its functions by creating a new wetland, restoring a former wetland, or enhancing or preserving an existing wetland.

u. **"Municipality"** means ~~any town, consolidated town and city, consolidated town and borough, city and borough, the Town of Thompson, Windham County, Connecticut.~~

Commented [MB25]: Replaced with the wording provided by section 22a-38(3) of the statutes. When the term "municipality" refers to the Town of Thompson, it is replaced with either "Town" defined below or "the Town of Thompson". The term "municipality" is also used for adjoining municipality and therefore means more than just the Town of Thompson.

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

w. **"Permit"** means the whole or any part of any license ~~issued pursuant to section 22a-42a(c)(1) of the Connecticut General Statutes, as amended, 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 Wetlands Agency Commission.~~

Commented [MB26]: Language added to distinguish a permit from a jurisdictional ruling and wetlands agent approval

Commented [MB27]: Removed language to avoid confusion. Note the definition of "permit" was removed from the model regulation and is not in the IWW Act

x. **"Permittee"** means the person to whom ~~a such~~ permit has been issued.

Commented [MB28]: For legal counsel: To avoid confusion wouldn't it be more appropriate to change the definition to "Licensee" and replace "permittee" with "licensee" in subsection 11.14.d, section 13 and subsection 14.4? Note the Commission did not weigh in on bonding for wetlands agent approvals; should they decide bonding is not appropriate for wetlands agent approvals then a definition for permittee should be kept and remove "or wetlands agent approval" from the permittee definition and a definition for "licensee" added using the original language for permittee.

y. **"Person"** means any ~~person, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.~~

Commented [MB29R28]: No comment by Atty Slater. Removed "or wetlands agent approval removed from definition. Consequence is no bonding for wetlands agent approvals. Is it acceptable to IWC?

Commented [MB30R28]: IWC wants "or wetlands agent approval" removed

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

Commented [MB31]: For legal counsel: This is the definition in the IWW Act and is a circular definition. Is it acceptable to replace "person" with "individual"?

Preservation restriction as defined by section 47-42a(b) of the Connecticut General Statutes, as amended, means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.

Commented [MB32R31]: No response from legal counsel. Will leave language as identified in statutes unless DEEP says its OK to replace "person" with "individual"

aa. **"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.

Commented [MB33]: Definition removed from subsection 7.10 and inserted here

bb. **"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 within one hundred (100) feet of wetlands or watercourses, and within two hundred (200) feet of the 10 especially ~~noteworthy~~ **significant** wetlands and/or watercourses in Thompson identified in the document entitled **"Town of Thompson Inland Wetland Inventory"** ~~TOWN OF THOMPSON INLAND WETLAND INVENTORY~~ prepared by Northeastern Connecticut Regional Planning Agency dated 1980 pages 9, 14 and 15, but shall not include the specified activities in ~~Section~~ **section** 4 of these regulations.

Commented [MB34]: Per discussions with Atty Slater 3/22/24 replaced "noteworthy" with "significant" to make language consistent with the language in the Map which references significant not noteworthy wetlands and/or watercourses

Commented [MB35]: Standardized document citation at request of Commission

cc. **"Regulated area"** means any inland wetlands or watercourse as defined in these regulations.

Commented [MB36]: DEEP has advised that the definition of "Regulated area" be removed as it is the activity that is regulated, not the area.

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

~~ee.~~ **"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.

Roadway construction involves installing asphalt, concrete or other materials to create a smooth surface for vehicles to provide access to any combination of 3 or more dwellings and/or commercial buildings or when such accessway meets the definition of town street, private street or shared driveway as found in the Subdivision Regulations of the Town of Thompson, as amended.

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

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

Site plan is a type of drawing which shows existing and proposed conditions for a parcel of land to be modified incorporating aspects of construction, grading, paving, utilities, environmental conditions, landscaping, and terrain features.

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

Commented [MB37]: This definition was added to clarify its meaning as used in the proposed fee schedule

Commented [MB38R37]: Also used in subsection 7.7 for site plans to be signed and sealed by applicant's Engineer. Definition approved per vote of Commission on 2/13/24

Commented [MB39]: Note: Black's Law dictionary defines substantial as "Of real worth and importance, of considerable value; valuable. Belonging to substantial; actually existing; not seeming or imaginary; not illusionary; solid; true; veritable. Something worthwhile as distinguishable from something without value or merely nominal." Is a definition for "substantial" warranted?

Commented [MB40R39]: For Legal counsel: "Substantial" removed per vote of Commission on 2/13/24. Note there is no definition of "significant activity" in the IWW Act and while the DEEP administrative regulations and Model Regulations include the word "substantial", changes in Conn Gen Stat. §8-21 and the Flood Damage Prevention Ordinance (Thompson Code of Ordinances Chapter 160, Article II) prohibit the loss of any flood storage or carrying capacity, whether it is substantial or not. Question: Would it be better to keep the word "substantial" in paragraph 1. and add the following paragraph: 8. Any activity which modifies the water-holding capacity or conveyance of water in an Area of Special Flood Hazard.

Commented [MB41R39]: Keep original language per Atty Slater discussion of 3/22/24.

Stormwater management facility means a control device, structure or system of control measures that regulate(s) the collection, storage, and movement of stormwater designed to treat, detain, store, convey, absorb, conserve, protect, or otherwise control stormwater.

Commented [MB42]: This definition was added to clarify its meaning as used in the proposed fee schedule

Subdivision means subdivision as defined by section 8-18 of the Connecticut General Statutes, as amended.

Commented [MB43R42]: Also used in subsection 7.7 for site plans to be signed and sealed by applicant's Engineer

Commented [MB44]: This definition was added to clarify its meaning as used in the proposed fee schedule

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

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

Town means the Town of Thompson, Windham County, in the State of Connecticut.

Commented [MB45]: Reference to county is irrelevant and in not found in the model regulations.

Upland review area means the area adjacent to and extending one hundred (100) feet from a wetland or watercourse and two hundred (200) feet from the ten (10) especially noteworthy wetlands and watercourses identified in the document entitled "Town of Thompson Inland Wetlands Inventory" TOWN OF THOMPSON INLAND WETLAND INVENTORY prepared by Northeastern Connecticut Regional Planning Agency dated 1980 pages 9, 14 and 15. Any activity within this area will be considered a regulated activity and will require a permit or approval. Also, see section item 2.1. (bb) Regulated Activity.

Commented [MB46]: Standardized document citation at request of Commission

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

Watercourses means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or 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 of the Connecticut General Statutes, inclusive, as amended. Intermittent water-courses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:

- (a)1. Evidence of scour or deposits of recent alluvium or detritus;
- (b)2. The presence of standing or flowing water for a duration longer than a particular storm incident; and
- (c)3. The presence of hydrophytic vegetation.

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

Wetlands agent is an individual who is duly authorized by a majority vote of the Commission to act as its agent and carry out its functions and purposes in accordance with the Act until such time as the authorization is revoked by a majority vote of the Commission.

Commented [MB47]: Replaces "designated agent" (a.k.a. "duly authorized agent" as referenced in the Act). Note a vote of the IWC is required to duly authorize the agent - see DEP 2006 regulatory advisory letter dated October 6, 2006

Wetlands agent approval means the whole or any part of any license issued pursuant to section 22a-42a(c)(2) of the Connecticut General Statutes, as amended, 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 Commission.

Commented [MB48]: Definition added to distinguish a wetlands agent approval from a jurisdictional ruling and permit.

SECTION 3 - INVENTORY OF REGULATED AREAS

3.1 The map of wetlands and watercourses entitled "Inland Wetlands and Watercourses Map, Thompson, Connecticut,"prepared by the Thompson Conservation Commission dated April 11, 2011, Revised October 2020 (hereafter, the "Map") delineates the general location and boundaries of inland wetlands and the general location of watercourses, but is not a comprehensive inventory of wetlands and watercourses. Copies of this mapthe Map are available for inspection in the office of the Thompson Town Clerk or the Inland Wetlands AgencyCommission. Areas designated as inland wetlands or watercourses on the Map shall be presumed to be inland wetlands and watercourses, respectively. The Commission may make a contrary finding based on evidence it receives. In all cases, ~~the~~ The precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types and locations of watercourses. For initial determination, the AgencyCommission may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses. However, final determination as to the boundary of inland wetlands will be made by a certified-qualified soil scientist. Nothing in this section shall prevent the initiation of an enforcement action for regulated activities in wetlands and watercourses not specifically identified in the Map.

Commented [MB49]: Note: There is an inconsistency between DEEP regs and DEEP Model Regs. RCSA Sec. 22a-39-4.6 states "Such maps shall be on file in the offices of the municipal clerks and at the Department, and titled "Designated Inland Wetlands and Water Courses of the..... (City or town) of..... (Name of Municipality)." However, DEEP's Model Regs (May 1, 2006) state the name of the map should read "Inland Wetlands and Watercourses Map, (name of town) _____, Connecticut"

Commented [MB50R49]: Draft language to be kept per 3/22/24 Atty Slater discussion

3.2 Any person may petition the AgencyCommission for an amendment to the ~~m~~Map. 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 bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping, or other available information. The AgencyCommission may require such person to provide an accurate delineation of regulated areas in accordance with ~~s~~Section 14-15 of these regulations.

Commented [MB51]: Suggest either removing this entire sentence so the Commission is not required to hire a soil scientist or modify it to state that any person contesting the location of a boundary must present documentation from a qualified soil scientist to verify the location of the inland wetland boundary. Otherwise using modified language.

Commented [MB52R51]: Language approved by vote of the Commission on 2/13/24

Commented [MB53R51]: OK to keep draft language per 3/22/24 Atty Slater discussion

Commented [MB54]: Last sentence added per 3/22/24 Atty Slater discussion

3.3 The ~~Inland Wetlands~~AgencyCommission or its ~~designated~~wetlands agent(s) shall inventory and maintain current records of all regulated areas within the ~~T~~own. The AgencyCommission may amend ~~its mapthe Map~~ from time to time as information becomes available relative to more accurate delineation of wetlands and watercourses within the ~~t~~own.

3.4 All map amendments are subject to the public hearing process outlined in ~~Section~~section 14

15 of these regulations.

SECTION 4 - PERMITTED USES AS OF RIGHT & NON-REGULATED USES

4.1 The following operations and uses shall be ~~permitted~~ allowed in inland wetlands, ~~and~~ watercourses and upland review areas, as of right:

- a. Grazing, farming, nurseries, gardening, 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 Environmental Protection~~ 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;
- b. A residential home (1) for which a building permit has been issued or (2) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by the municipal planning and zoning commission ~~as of May 20, 1974 of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, whichever is earlier,~~ and further provided no residential home shall be permitted as of right pursuant to this subsection unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway approval dates or other necessary information to document his entitlement;
- c. Boat anchorage or mooring, not to include dredging or dock construction;
- d. Uses incidental to the enjoyment or maintenance of residential property containing a dwelling, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the ~~municipality~~ Town ~~and containing a residence~~. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of ~~substantial~~ significant amounts of material from or into a wetland or watercourse, or diversion or alteration of a wetland or watercourse;
- e. Construction and operation, by water companies as defined by ~~Section~~ section 16-1 of the Connecticut General Statutes, as amended, or by municipal water supply systems as provided for in Chapter 102, of the Connecticut General Statutes, as amended, 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 ~~Section~~ sections 22a-401 and 22a-403 of the Connecticut General Statutes, as amended;

Commented [MB55]: For legal counsel: Can the term "permitted" be legally changed to "allowed"? The term "permitted" is not defined in the statute – could mean allowed or licensed. The statute does not specify that such operations and uses have to follow the permitting requirements in Conn. Gen. Stat. 22a-42a(c)(1). Rather it indicates a different process is to be applied implying the term "permitted" means "allowed".

Also, since certain activities in the upland review area are considered by definition regulated activities, is there a legal problem with adding "upland review area" here?

Commented [MB56R55]: Keep the term "permitted". Atty Slater commented on 3/4/24 "As noted above, the commission is free to use whatever words it wishes to provided that they do not conflict with the Act. We need not look for the existence of the word in the act to use it. So, yes, you can. However, the term permitted is most commonly used. Section 22a-40 which lays out this activities is entitled "Permitted operations and uses" and uses the verbatim language of the existing language in the regulation. For that reasons, I recommend that it not be changed."

Revised language to include upland review area accepted per 3/22/24 Atty Slater discussion

Commented [MB57R55]: See comments for section 4.3. Language changed from "permitted" to "allowed" for consistency with the intent of the language change in section 4.3.

Commented [MB58]: This is the effective date of Thompson's promulgation of IWW regs

Commented [MB59]: The words "and containing a residence" are not found in the model regulations – deletion recommended

Commented [MB60R59]: Per 3/22/24 Atty Slater discussions deleted the words "and containing a residence" and added "containing a dwelling" after the words "residential property"

Commented [MB61]: The word "substantial" replaced with the word "significant" to match the statutory language in C.G.S. § 22a-40

f. Maintenance relating to any drainage pipe which existed before ~~May 20, 1974 the effective date of any municipal regulations adopted pursuant to section 22a-42a or July 1, 1974, whichever is earlier~~, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For the purposes of this subdivision, “maintenance” means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place; ~~and~~

Commented [MB62]: Ditto of comment in subsection 4.1.b.

g. ~~Withdrawals of water for fire emergency purposes. Any property owner wishing to conduct construction activities upon property containing no wetlands must show by a letter from a Certified Soil Scientist that there are no wetlands on the parcel and that there would be no adverse impact upon adjacent properties.~~

Commented [MB63]: Original language of this subsection was deleted. The new application form for jurisdictional addresses when wetlands delineations may be needed by a qualified soil scientist. New language required by Public Act 11-184

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 wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices; ~~and~~

b. Outdoor recreation including the use of play and sporting areas, golf courses, field trails, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell-fishing, and cross-country skiing where otherwise legally permitted and regulated; ~~and~~

c. ~~The installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is used only for firefighting purposes and there is no alternative access to public water supply. For purposes of this subsection “dry hydrant” means a non-pressurized pipe system that (1) is readily accessible to fire department apparatus from a proximate public road, (2) provides for the withdrawal by suction to such fire department apparatus, and (3) is permanently installed into an existing lake, pond or stream that is a dependable source of water.~~

Commented [MB64]: New language required by Public Act 11-184

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~~ authorized by this section shall require a permit from the ~~Agency Commission~~ in accordance with ~~Section~~ section 6 of these regulations, ~~or for Certain~~ regulated activities located outside of wetlands and watercourses shall require a wetlands agent approval from the ~~duly authorized wetlands~~ agent in accordance with section ~~11b-12~~ of these regulations.

Commented [MB65]: For legal counsel: Although the DEEP Model Regulations use the term “permitted” here, is there a legal problem with replacing it with “authorized”? This is to avoid confusion over the meaning of “permitted” which could be interpreted to mean “licensed” given the definition of “Permit” in these regulations. See comment for subsection 4.1.

Commented [MB66R65]: Per 3/22/24 Atty Slater discussion may keep the word “authorized” but for consistency with section 4.1 and the statutes suggests using the term “permitted” instead of “authorized”.

Commented [MB67R65]: IWC wants “authorized” not “permitted” to make sure there is no confusion; that this section is not referring to a license (i.e. a permit).

4.4 To carry out the purposes of this section, any person proposing a use permitted as of right or non-regulated operation or use of a wetland or watercourse, which may disturb the natural and indigenous character of the land, shall, prior to commencement of such operation or use, ~~notify apply to~~ the ~~Agency Commission~~ for a jurisdictional ruling on a form provided by it, and provide the ~~Agency Commission~~ with sufficient information to enable it to properly

Commented [MB68]: Per 3/22/24 Atty Slater discussion recommend keeping the original language “outside of wetlands and watercourses” instead of “in the upland review area”. Concur.

determine that the proposed operation and use is a used permitted as of right or non-regulated use of the wetland or watercourse. The AgencyCommission, or for activities located in the upland review area its designated wetlands agent, shall rule that the proposed operation or use is a use permitted as of right or a non-regulated use or operation or that a permit-license is required. ~~Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the AgencyCommission following the meeting at which the request was received.~~ The designated wetlands agent for the AgencyCommission may make such ruling for activities in the upland review area on behalf of the AgencyCommission at any time in consultation with the Chairperson of the AgencyCommission.

Commented [MB69]: Per 3/22/24 Atty Slater discussion deleted the word "regulated" between the words "for activities"

- 4.5 The agencyCommission and the applicant may hold a pre-application meeting to determine whether or not an application is required. A letter from a certifiedqualified soil scientist is necessary to determine the existence or non-existence of wetlands on the property. The agencyCommission may require a site walk of the property prior to a declaratory jurisdictional ruling.

Commented [MB70]: The last 3 sentences are not part of the model regulations. Language implies that such requests are "received" at regularly scheduled meetings. Last sentence modified to limit wetlands agent authority to issue jurisdictional rulings for uses and activities in the upland review area in consultation with the IWC Chair. If legal counsel finds a problem with including upland review areas in the subsection 4.1 of these regulations, then the last sentence should be deleted.

Commented [MB71R70]: Atty Slater commented "I favor taking the shorter deadline out. Why tie the hand to a shorter decision timeline? The question could be complicated. If it is easy, the commission should decide quickly. And as noted above, I recommend limiting the use of regulated area as a tool to establish a bright line of when an application must be filed but to avoid misconstruing it as an area that the commission has jurisdiction to protect."

Based on comment and on 3/22/24 Atty Slater discussions deleted the sentence "Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Agency following the meeting at which the request was received." and kept rest of draft language.

Commented [MB72]: This language not found in the model regs

Commented [MB73]: Section 5 matches the language in DEEP's Model Regulations dated 5/1/2026 sans DEEP's name.

SECTION 5 - ACTIVITIES REGULATED BY THE STATE

- 5.1. The Commissioner of Energy and Environmental Protection~~Commissioners of environmental protection~~ shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to sections 22a-922a-39 or 22a-45a of the Connecticut General Statutes, as amended.
- 5.2. The Commissioner of Energy and Environmental Protection~~Commissioner of environmental protection~~ shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
- 5.3. The Commissioner of Environmental Protection~~Commissioner of Energy and Environmental Protection~~ shall have exclusive jurisdiction over activities authorized under dam repair or removal order issued by the Commissioner of Environmental Protection~~Commissioner of Energy and Environmental Protection~~ under section 22a-402 of the Connecticut General Statutes, as amended or a permit issued by the Commissioner of Environmental Protection~~Commissioner of Energy and Environmental Protection~~ under sections 22a-403 of the Connecticut general~~General~~ Statutes, as amended. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit-license from municipal wetlands agencyCommission for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.
- 5.4. The Commissioner of Environmental Protection~~Commissioner of Energy and Environmental Protection~~ shall have exclusive jurisdiction to determine the applicability of over the discharge of fill or dredged materials into the wetlands or watercourses of the state pursuant to section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under section 404 of the Federal Clean Water Act.

SECTION 6 - REGULATED ACTIVITIES TO BE LICENSED

- 6.1. No person shall conduct or maintain a regulated activity without first obtaining a permit license for such activity from the ~~Inland Wetlands Agency Commission of the Town of Thompson~~.
- 6.2. The Agency Commission shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of substantial amounts of material, or any obstruction, construction, alteration, or pollution, of such wetlands or watercourses and other regulated activity, unless such operation or use is a use permitted as of right or non-regulated use pursuant to ~~Section~~section 4 of these regulations. Additionally, if a proposal involves activities outside of a wetland or watercourse which can alter or affect that wetland or watercourse then a permit license is required.
- 6.3. Any person found to be conducting or maintaining a regulated activity without the prior authorization of the ~~Town of Thompson Inland Wetlands Agency Commission~~, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in ~~Section 13~~section 14 of these regulations and any other remedies as provided by law.
- 6.4. Where approval is granted with conditions, the conditions must be strictly adhered to.

Commented [MB74]: Language added to avoid confusion over the term "permitted". See comment in subsection 4.1.

SECTION 7 - APPLICATION REQUIREMENTS

- 7.1. Any person wishing to undertake a regulated activity or seek a jurisdictional ruling shall submit an application to the Inland Wetlands Commission consisting of (1) a completed application form entitled "Thompson Inland Wetlands Commission Request for Regulated Activity License and Jurisdictional Ruling" consisting of a base form accompanied by an applicable supplemental form, (2) the required application fee as identified in subsection 19.2 of these regulations and (3) a scaled drawing illustrating the existing conditions and proposed conditions for which a jurisdictional ruling is requested or license is required by these regulations. Any materials submitted that fail to include either the required application form, application fee and/or drawing may be summarily rejected and returned to the submitter with an explanation for its rejection as an application. Alternatively, the materials submitted may be accepted as an application for processing and the applicant requested to complete the application following its date of receipt. Failure to complete such application is grounds for denial of the application. Such base form and supplemental form apply for a permit on a form entitled "Town of Thompson Inland Wetlands and Watercourses Agency Commission Application for permit/Permit" or "Application for Wetland Agent Approval." An application shall include an application form and such information as prescribed by ~~Section~~section 7.5 and, in the case of a significant activity, by ~~Section~~section 7.6 of these regulations. Application forms may be obtained in the office of the Thompson Town Clerk or the Inland Wetlands Agency Commission or downloaded from the Town of Thompson's webpage.

Commented [MB75]: Entitling the form "Request for Regulated Activity License and Jurisdictional Ruling" instead of "Application for Regulated Activity License" is to avoid confusion as to what constitutes an "application". The definition of "Application" contains 3 components – a form, a fee and a drawing or site plans.

Commented [MB76]: For legal counsel: Does this approach address the concerns raised by Atty Mark Brance at the last CACIWC Annual Meeting regarding rejecting incomplete applications?

Commented [MB77R76]: Per 3/27/24 Atty Slater discussion the draft language is acceptable. The IWW Act does not provide for automatic approvals. Any appeal to court regarding a rejection or denial would likely result in a remand back to the Commission for processing as directed by the Court.

Commented [MB78]: New language is to make clear that an application consists of more than just an application form but also includes the fee and a drawing; failure to provide all 3 components can result in rejecting the submitted materials rather than denying as an incomplete application

Commented [MB79]: The Town Clerk does not keep copies of the application forms, they are and should be located on the Town's webpage

~~Any changes to an approved or permitted regulated activity as defined in Sectionsection 2.1.bb of the Town of Thompson Inland Wetlands and Watercourses Regulations~~these

~~regulations must be submitted to the Commission as a permit change for Commission review and approval. This does not constitute a new application and no fees are required.~~

Commented [MB80]: Moved to subsection 11.14.e. Note any change that involves an increase in the scope of regulated activities (e.g. increase in footprint of work in wetlands and watercourses) needs a new permit

- 7.2 If an application to the Town of Thompson Planning & Zoning Commission for a site plan approval, special permit or subdivision or re-subdivision of land involves land containing a wetland or watercourse, site plan approval, special permit or as defined in Section 2 of these regulations, the applicant shall submit an appropriate application to the Inland Wetlands Commission in accordance with this section no later than the day the application is filed for the subdivision or re-subdivision. ~~Such an application is intended for review prior to planning & zoning approval and is a preliminary review for conceptual approval and is not for regulated activities. Applications for conceptual approval of a subdivision or re-subdivision proposal shall be submitted on an application form entitled, "Subdivision Review Application."~~

Commented [MB81]: Note: For subdivisions the contain a wetland or watercourse but propose no regulated activity would submit an application for a jurisdictional ruling (Application Supplement Form A_UPAOR), not a permit application (Application Supplement Form E_SUB). The decision on the jurisdictional ruling would be forwarded to the PZC to meet their statutory requirements.

~~After a subdivision proposal has been approved by the Planning & Zoning Commission and the parcels have become legal lots, those lots involving regulated activities as defined in Section 2.1 bb aa of the Town of Thompson Inland Wetlands and Watercourses Regulations will require permits or approvals before any regulated activities are conducted.~~

- a. ~~Any changes made to a subdivision plan conceptually approved by the Inland Wetlands and Watercourses Commission that affect wetlands or watercourses, as a result of planning and zoning approval, must be resubmitted to the Inland Wetlands and Watercourses Commission with all changes clearly depicted on the revised plan for review and approval. This constitutes a change to a conceptually approved plan and does not require a new application or associated fees. However, if the changes are not submitted for review and approval, the conceptual approval will be considered null and void, and a new conceptual subdivision review application with all fees will need to be submitted.~~

Commented [MB82]: Deletion is intended to remove reference to conceptual subdivision approval where no permit is issued. Appurtenances, such as roadways, drainage systems and other utilities provided for development of lots in general (e.g. sewer, water & electrical line) should be approved as a regulated activity along with all other proposed regulated activities on individual lots. Note that once a subdivision is approved, authorization for regulated activities on individual lots cannot be transferred under the IWC subdivision permit but must be reapplied for (see new language in Section 11).

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

- 7.4. The Agency Commission and the applicant may hold a pre-application meeting to determine whether or not the proposed application involves a significant activity.

- 7.5. All applications shall use the base form and applicable supplemental form referenced above and include the following information in writing:

Commented [MB83]: Application information edited compatible with new application forms including base form (covered by revised subsection 7.5) and supplemental forms for jurisdictional ruling (new subsection 7.6), wetlands agent approvals and permits (new subsection 7.7)

- a. The applicant's name, ~~home and business mailing~~ addresses, and telephone number(s), or if the applicant is a ~~Limited Liability Corporation~~ limited liability corporation (LLC) or a ~~Corporation~~ corporation, the managing member or responsible corporate officer's name, home and business address, and telephone number;
- b. The owner's name, mailing address, and telephone number(s) and written consent if the applicant is not the owner of the property involved in the application;
- c. Applicant's interest in the land;

- d. For any applicant to be represented by an agent, the agent's name, mailing address and telephone number(s);
- e. The street address, assessor's map, block and lot number as identified by the Thompson Tax Assessor's records; geographical location of the property which is to be affected by the proposed activity, including but not limited to a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, a computation of the area(s) (in acres or square feet) of wetland or watercourse disturbance, soil type(s) and wetland vegetation;
- f. The most recent volume and page number of the deed for the subject property identified in the Thompson land records;
- g. The purpose and a description of the proposed activity;
- h. A determination if the subject property contains a significant wetlands or watercourse as identified on the Map cited in subsection 3.1 of these regulations;
- i. A determination if the subject property contains an Area of Special Flood Hazard;
- j. A locus map of sufficient scale to show the location of the property boundaries in relation to nearby streets and intersections not to exceed a scale greater than 1" = 2,000';
- k. Drawing(s) or site plan(s) of sufficient scale and detail to portray all proposed regulated activities that includes:
 - 1. A north arrow;
 - 2. A scale;
 - 3. A legend;
 - 4. Existing and proposed structures with associated construction details such as cross-sections and material specifications for all proposed structures that may affect wetlands and watercourses;
 - 5. The location of wetlands as delineated by a qualified soil scientist;
 - 6. The location of watercourses as defined by section 2 of these regulations;
 - 7. Limits of land disturbance;
 - 8. Proposed versus existing contours, proposed erosion and sediment controls; and
 - 9. The location of any Area of Special Flood Hazard on the property;

Commented [MB84]: Per 3/27/24 Atty Slater discussion replaced "noteworthy" with "significant" to be consistent with language on the Map

- l. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a license through deception or through inaccurate or misleading information;
- m. Authorization for the members and agents of the Commission to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the license;
- n. Submission of the appropriate filing fee established in section 19 of these regulations; and
- o. A form entitled “Statewide Inland Wetlands and Watercourses Activity Reporting Form” developed and maintained by the Commissioner of Energy and Environmental Protection containing at a minimum the name of applicant; location and name of the project; project and site description; area of wetlands and upland review area altered and/or linear feet of watercourse proposed to be altered.

7.6. For applications seeking a jurisdictional ruling, in addition to the requirements in subsection 7.5 of these regulations provide the basis for requesting a jurisdictional ruling. For requests for rulings on timber harvest provide sufficient information in narrative and graphic form as to the location, extent and purpose of harvest, any alterations to wetlands and watercourses, measures to mitigate impact to wetlands and watercourses and the identification of professionals who will be involved with the harvest, including their professional license numbers.

7.7. For all applications seeking a regulated activity license (i.e. a wetlands agent approval or permit) in addition to the requirements of subsection 7.5 of these regulations provide:

a. Certifications as to whether:

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

b. Alternatives, depicted on maps or plans, considered by the applicant which would cause less or no environmental impact to wetlands and watercourses and why the proposal to alter wetlands set forth in the application was chosen;

Commented [MB85]: Move to subsection 11.4 & edit “The Commission shall be responsible for the remaining information and any corrections on the form and for filing it in accordance with section 22a 39 14 of the Inland Wetlands and Watercourses Regulations of the Department of Environmental Protection.”

Commented [MB86]: See Part 2 of the reporting form – is there anything else you want to be included here

Commented [MB87R86]: No request for additional information by the Commission

Commented [MB88]: Per 3/27/24 Atty Slater discussion language is acceptable

Commented [MB89]: Language added per 3/27/24 Atty Slater discussion

c. ~~and p~~Proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a ~~permit~~-license for the proposed regulated activity including, but not limited to measures to:

1. ~~(a) p~~Prevent or minimize pollution or other environmental damage;

2. ~~(b) m~~Maintain or enhance existing environmental quality; or

3. ~~(c) i~~In the following order of priority: restore, enhance and create productive wetland or watercourse resources;

d. A report by a qualified soil scientist containing a description of the soil conditions found, including the numbering system of flags used to delineate wetlands;

e. Drawing(s) or site plan(s) showing existing and proposed conditions in relation to wetlands and watercourses, and identifying any further activities including alternatives referenced above that are associated with, or reasonably related to, the proposed regulated activity and which may be made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses. In addition to the drawing requirements found in subsection 7.5.k. of these regulations site plan(s) must:

1. Be signed and sealed by the applicant's appropriate Licensed Professional when license applications involve:

A. the alteration of wetlands, watercourses or Area of Special Flood Hazard;

B. the construction of a new single-family home, multi-family home and/or commercial building;

C. the construction of any stormwater management facility or storm drain system, roadway construction; or

D. proposed land disturbance of ½ acres or greater.

2. Depict the wetlands delineation flagging of the qualified soil scientist and that delineation must be verified as accurate either on the site plan by the soil scientist as accurate or in other written verification found to be acceptable to the Commission;

3. Show any area of mitigation or wetland enhancement to compensate for wetlands altered or destroyed by the proposed activity.

4. For any proposed a land disturbance of ½ acre or greater include a detailed erosion and sediment control plan in compliance with the most current edition of the *Connecticut Guidelines for Soil Erosion and Sedimentation Control*, including a sequence and anticipated schedule of construction; and

5. For any proposed stormwater management facilities associated with a regulated activity, the design must comply with the most current version of the *Connecticut Stormwater*

Commented [MB90]: Draft language changed from "applicant's Engineer" to "applicant's appropriate Licensed Professional" based on 3/27/24 Atty Slater discussion. Some wetlands agent approvals may only need the services of a land surveyor and not a professional engineer.

Commented [MB91]: Portions of this section was parsed from the original subsection 7.6.g.

Commented [MB92]: Added "associated with a regulated activity" per 3/27/24 Atty Slater discussion

Quality Manual and be so noted on the site plan(s) and be accompanied by the engineering report referenced below;

- f. When the services of a professional engineer licensed to practice in Connecticut is required, submit an engineering report signed and sealed by such engineer containing a detailed summary, including but not limited to, the hydrologic and hydraulic analyses performed, anticipated functional capacity of all proposed hydraulic structures and stormwater management facilities, the effect of drainage modifications to wetlands and watercourses up to an including the 100-year return frequency storm, a statement of fact when the application proposes to construct or modify:

1. Stormwater management facilities discharging to or are in regulated areas;
2. Storm drain systems discharging to or are in regulated areas;
3. Any culverts, bridges or similar structures in regulated areas; and/or
4. An Area of Special Flood Hazard;

- g. For license applications involving an Area of Special Flood Hazard a certification signed and sealed by the applicant's appropriate Licensed Professional verifying the proposed regulated activities are in compliance with sections 160-9 and 160-10 of the Code of Ordinances of the Town of Thompson, Connecticut, as amended, and section 8-21 of the Connecticut General Statutes, as amended; and

- d. Alternatives considered by the applicant which would cause less or no environmental impact to wetlands and watercourses and why the proposal to alter wetlands set forth in the application was chosen. These alternatives shall be diagramed on a site plan or drawing and submitted to the Commission as part of the application;

- ~~— A site plan showing existing and proposed conditions in relation to wetlands and watercourses; and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses;~~

- e. An erosion and sediment control plan in compliance ~~The erosion and sedimentation control provisions on the site plan must comply with the most current DEP edition of the Connecticut Guidelines for Soil Erosion and Sedimentation Control and be so noted on the site plan(s). Stormwater design must comply with the most current version of the Connecticut Stormwater Quality Manual and be so noted on the plans. It is strongly recommended that low impact development techniques, storm water management techniques that are designed to approximate the pre-development site hydrology, be utilized in the storm water system design wherever practical and possible;~~

- f. A site plan showing the area of mitigation or wetland enhancement to compensate for wetlands altered or destroyed by the proposed activity;

- g. Names and addresses of adjacent property owners as identified in the records of the Thompson Tax Assessor at the time the application is submitted to the Commission;

Commented [MB93]: This new subsection was parsed from the original subsection 7.5.g. Consider annotation or add to application instructions regarding recommendation that low impact development techniques, storm water management techniques that are designed to approximate the pre-development site hydrology, be utilized in the stormwater system design wherever practical and possible. This was in the original language in subsection 7.5.g.

Commented [MB94]: Have engineering firms review for suggested changes

Commented [MB95]: Draft language changed from applicant's Engineer" to "appropriate Licensed Professional" based on change in definition and per 3/27/24 Atty Slater discussion

Commented [MB96]: This language is now located in section 7.7.b

Commented [MB97]: Requirements for a drawing or site plan are variable depending on the proposal. See subsection 7.5.k for basic info, and subsection 7.7 for additional info required of license applications.

Commented [MB98]: Moved to subsection 7.8.e.

Commented [MB99]: Deleted as this info is not used by the Commission. For hearings the names and addresses of adjacent property owners can be obtained by applicants from MapGeo or the Assessor's Office.

~~h. 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;~~

~~i. Authorization for the members and agents of the Agency Commission to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the permit;~~

Commented [MB100]: Moved to subsection 7.5.l & m

~~j. Any other information the Agency Commission deems necessary to the understanding of what the applicant is proposing;~~

~~k. Submission of the appropriate filing fee established in section 19 of these regulations;~~

Commented [MB101]: Moved to subsection 7.5.n

~~For applications containing stormwater drainage systems the drainage system design must comply with the most current version of the *Connecticut Stormwater Quality Manual* and be so noted on the site plan(s);~~

Commented [MB102]: Moved to subsection 7.7.e.5

~~h. For regulated activities on property that is subject to a conservation restriction or a preservation restriction as defined by section 47-42a of the Connecticut General Statutes the application shall include a copy of the written notification the application to be filed pursuant to these regulations that was sent to the party holding such restriction as required by 47-42d of the Connecticut General Statutes;~~

Commented [MB103]: Deleted, is covered in subsection 7.11

7.8. At the discretion of the Agency Commission or its agent, or when the proposed activity involves a significant activity as determined by the Agency Commission and defined in ~~Section~~section 2-1(ff), of these regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following is required:-

~~a. Site plans for the proposed use or operation and the property which will be affected, which show existing and proposed conditions, wetland and watercourse boundaries, existing and proposed land contours, limits of land disturbance, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the development drawn by a licensed surveyor, professional engineer, or landscape architect registered in the State of Connecticut or by such other qualified person;~~

Commented [MB104]: Deleted, covered by subsections 7.5.k and 7.7e

~~b. Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage, or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;~~

Commented [MB105]: Deleted, covered by new subsection 7.7.f.

~~e.a.~~ Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resource Soil-Conservation Service ~~(the Agency may require the applicant to have the wetlands delineated in the field by a soil scientist and that the field delineation be incorporated onto the site plans);~~

~~d.b.~~ Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions;

~~e.c.~~ Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application, and with each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent;

~~f.d.~~ Analysis of chemical or physical characteristics of any fill material; and

e. Measures which mitigate the impact of the proposed activity. Such measures include but are not limited to: plans or actions which avoid destruction or diminution of wetlands 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. For applications proposing mitigation or wetlands enhancement provide a site plan showing the area of mitigation or wetland enhancement to compensate for wetlands altered or destroyed by the proposed activity.

Commented [MB106]: Added to replace deleted language found in former section 7.5.h

~~7.9. The erosion and sedimentation control provisions on the site plan must comply with the most current DEP edition of the Connecticut Guidelines for Soil Erosion and Sedimentation Control and the most current version of the Connecticut Stormwater Quality Manual and be so noted on the plans;~~

Commented [MB107]: Deleted last sentence as erosion & sediment control and stormwater management compliance with standards are already required under subsections 7.5.h and 7.5.o, respectively.

~~7.10. The applicant shall certify whether:~~

~~Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;~~

~~Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;~~

~~Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within adjoining municipality; or;~~

~~Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality;~~

Commented [MB108]: This language is now located in subsection 7.7.a of these regs

~~Two (2) copies of all written application materials required by this section shall be submitted to comprise: a complete application, including two (2) full-sized (24" x 36") sets of plans and seven (7) 11" x 17" sets of plans, or as is otherwise directed, in writing, by the Inland Wetlands AgencyCommission~~

Commented [MB109]: How does the Commission want to receive application plans for its review- digital and/or hard copies or both?

~~7.9(a) Any written request to extend the expiration date of a previously issued permit or amend an existing permit shall be filed with the AgencyCommission at least sixty-five (65) days prior to the expiration date for the permit in accordance with Subsections 8.4 through 8. section 8 of these regulations. Any request for amendment or extension shall be made in accordance with this Sectionsection provided:~~

Commented [MB110R109]: Revised language per Commission request at 1/30/24 special meeting

~~a. The written request may incorporate by reference the documentation and record of the original application;~~

b. ~~The written request shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;~~

e. ~~The written request shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or the property for which the permit was issued;~~

d. ~~The AgencyCommission may accept an untimely written request 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 written request shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit.~~

e. ~~The AgencyCommission shall evaluate the written request pursuant to Sectionsection 10 of these regulations and grant the request as filed, grant it with any terms or limitations, or deny it.~~

f. ~~Any permits that were active prior to October 1, 1993 fall under the previous regulations adopted October 11, 1988. All permits after that date must abide by Sectionsection 11.7.~~

7.9(b) ~~Any application to renew a permit shall be granted upon request of the permit holder unless the agencyCommission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than ten yearsvalid for more than fourteen years.~~

~~7.11.7.9. 7.10~~ A reporting form shall be completed during the application process which provides the Commissioner of the Department of Environmental ProtectionCommissioner 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 following information shall be provided by the applicant: name of applicant; location and name of the project; project and site description; area of wetlands and/or linear feet of watercourse proposed to be altered. The AgencyCommission shall be responsible for the remaining information and any corrections on the form and for filing it in accordance with section 22a-39-14 of the Inland Wetlands and Watercourses Regulations of the Department of Environmental Protection.

a. One (1) live signed copy of the appropriate application forms with the appropriate fee payment;

b. Two (2) copies of all support documents accompanying the application form, including, but not limited to reports by a qualified soil scientist, the applicant's Engineer and drawing(s) not to exceed 24" x 36' in size; and

c. If the proposal requires or involves the services of a professional engineer or land surveyor licensed to practice in Connecticut, then the drawings shall be site plan(s) signed and sealed by the applicant's Licensed Professional accompanied by the electronic submission by such Licensed Professional of said site plan(s) in a PDF format with a resolution that is clearly

Commented [MB111]: Moved to subsection 7.9(a) to new subsection 11.10 with edits as these paragraphs relate to extension requirements and are closely related to permit expiration timelines. Also permit extensions do not deal with a request for a license, rather is a request to extend an existing license. This belongs in section 11 the Decision Process and Permit

Commented [MB112]: Subsection 7.9.f deleted – outdated, not sure why this was in the regulations

Commented [MB113]: Moved to subsection 11.11 See comment above

Commented [MB114]: Moved subsection 7.10 to subsection 7.5.o with edits

Commented [MB115]: Per 3/27/24 Atty Slater discussion changed language to use "applicant's Licensed Professional"

readable when printed into 24" x 36" format.

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

~~a. for purposes of this section, "conservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.~~

~~b. for purposes of this section, "preservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.~~

~~e-a. a~~ No person shall file an ~~permit~~ application when the activity of such application will occur on a portion of property that is restricted under the terms of a conservation or a preservation restriction, other than for interior work in an existing building or for exterior work on an existing building that does not expand or alter the footprint of an existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, including, but not limited to, any state agency that holds such restriction, not later than sixty days prior to the filing-filing of the ~~permit~~ application; and

~~d-b. i~~ In lieu of such notice pursuant to subsection ~~7.11e~~7.10. above, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.

SECTION 8 - APPLICATION PROCEDURES

8.1. ~~All petitions, applications, requests and appeals shall be submitted to the wetlands agent, or in his or her absence, the Thompson Town Clerk of the Town of Thompson who shall act as the agent of the Thompson Conservation & Inland Wetlands Commission for the receipt-delivery~~ of such petition, application, request or appeal.

~~8.2. When an application to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse is filed and any portion of such wetland or watercourse is within 500 feet of the boundary of Massachusetts, Rhode Island, or Woodstock or Putnam, CT, the applicant shall give written notice of the application by certified mail return receipt requested, to the adjacent municipal wetlands agency on the same day of filing an inland wetlands permit~~

Commented [MB116]: This subsection is intended to satisfy the requirements of C.G.S. sections 47-42a through 47-42d inclusive. Deleted "permit" because in these regulations an application can also be a jurisdictional ruling or wetlands agent approval, not just a permit application. Note while the language in C.G.S. section 47-42d uses the term "permit application" expanding the requirement to include all defined applications (i.e., jurisdictional, permit and wetlands agent approval) is appropriate.

Commented [MB117]: Deleted here as definitions for "conservation restriction" and "preservation restriction" were added to Section 2 Definitions

Commented [MB118]: Word "permit" deleted because this subsection is to include all types of applications: jurisdictional ruling, wetlands agent approval and permit.

Commented [MB119]: Language added per DEP Advisory letter of November 17, 2010 regarding Public Act 10-85

Commented [MB120]: Language added per DEP Advisory letter of November 17, 2010 regarding Public Act 10-85

Commented [MB121]: For legal counsel: Since requests and appeals are not "applications" by definition could subsection 8.1 and 8.3 be deleted and the intent contained in 2 new definitions given below?:

Submission and **Submitted** means the delivery of documents to the wetlands agent or in his or her absence, the Town Clerk of the Town of Thompson who shall act as the agent of the Commission for the receipt of any petition. Application, request or appeal." and

Date of receipt means the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner."?

Commented [MB122R121]: Per Atty Slater comment of 4/5/24 and 3/27/24 discussion change "receipt" to "delivery" to avoid confusion about the meaning of "receipt date"

~~application with the Thompson Inland Wetlands Agency. Documentation of such notice shall be provided to the Thompson Inland Wetlands Agency in accordance with Section 22a-42c of the Connecticut General Statutes.~~

~~8.3.8.2.~~ The ~~Agency Commission~~ shall, in accordance with ~~Connecticut General Statutes~~ sections 8-7d(f) ~~and 22a-42b of the Connecticut General Statutes, as amended,~~ notify the clerk of any adjoining municipality ~~by certified mail, return receipt, as defined by section 8-7d(c) of the Connecticut General Statutes, requested within 7 days of receipt of the pendency~~ of any application, petition, appeal, request or plan concerning any project site in which:

- a. ~~a~~Any portion of the property affected by a decision of the ~~agency Commission~~ is within five hundred feet of the boundary of an adjoining municipality;
- b. ~~a~~A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. ~~a~~A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or
- d. ~~w~~Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

~~Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application, petition, appeal, request or plan.~~

~~8.4.8.3.~~ Pursuant to section 22a-42f of the Connecticut General Statutes, as amended, ~~when~~When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 25-32a of the ~~Connecticut~~ General Statutes, as amended, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the ~~the Town of Thompson~~ land records ~~of the municipality in which the application is made~~ and with the ~~Commission Inland Wetlands Agency of such municipality~~. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days after the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the ~~agency Commission~~. ~~As of no map showing the boundaries of any such water company watershed has been filed either with the Thompson Town Clerk or the Commission.~~

~~8.5.8.4.~~ The date of receipt of a petition ~~for a hearing submitted pursuant to subsections 3.2 and 9.1.b. of these regulations,~~ application, requests ~~submitted pursuant to subsections 11.7, 11.8, 11.9, 11.14.e., and 15.5 of these regulations~~ or appeals ~~of Commission and wetlands agent decision submitted pursuant to subsections 10.9 and 12.3 of these regulations~~ shall be the day of the next regularly scheduled meeting of the ~~Agency Commission~~ immediately

Commented [MB123]: Public Act 03-177 effective October 1, 2003 repealed sections 22a-42b and 22a-42c of the statutes and revised section 8.7d(f) of the statutes to require the Commission send notification within 7 days via certified mail return receipt requested to the adjoining municipality

Commented [MB124]: Conn. Gen. Stat. § 22a-24b was repealed effective 10/1/2023

Commented [MB125]: Language added per Atty Slater comment of 3/5/24

Commented [MB126]: Deleted – is a repeat of requirements listed at the beginning of subsection 8.2.

Commented [MB127]: Sentence deleted per Atty Slater comment of 3/5/24 (“Not necessary for the regulation. If it hasn’t been filed, that is a fact but not appropriate for regulatory language.”)

following the day of submission to ~~such agency~~ the Commission or its agent of such petition, application, request or appeal or thirty-five (35) days after such submission, whichever is sooner. If the requirements of these regulations conflict with statutory deadlines for receipt, holding hearings and rendering decisions differ from the regulations, the statutory provisions shall govern.

Commented [MB128]: For legal counsel: See question/comment for subsection 8.1. above. If new definitions suggested above are not found to be acceptable, then is the proposed language for subsection 8.4 adequate? This limits what kinds of petitions, requests and appeals are covered by the "date of receipt" language.

Commented [MB129R128]: Per Atty Slater comment of 4/5/24 and 3/27/24 discussion change "receipt" to "delivery" to avoid confusion about the meaning of "receipt date"

Commented [MB130]: Language added per 3/5/24 Atty Slater review

~~8.6.8.5.~~ At any time during the review period, the ~~Agency~~ 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 ~~sub~~section 11.2 of these regulations.

~~8.7.8.6.~~ All applications shall be open for public inspection.

~~8.8.8.7.~~ Incomplete applications may be denied.

SECTION 9 - PUBLIC HEARINGS

9.1. The ~~inland wetlands agency~~ Commission shall not hold a public hearing on an application ~~for a permit~~ unless:

Commented [MB131]: Added for clarification because requests for jurisdictional rulings and wetlands agent approvals are not subject to the public hearing process

- a. ~~The~~ ~~agency~~ Commission determines that the proposed activity may have a significant impact on wetlands or watercourses;
- b. ~~a~~ A petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in ~~the Town of Thompson~~ the municipality in which the regulated activity is proposed, requesting a hearing is filed with the ~~agency~~ Commission not later than fourteen days after the date of receipt of such application; ~~or~~
- c. ~~¶~~ The ~~agency~~ Commission finds that a public hearing regarding such application would be in the public interest.

The ~~agency~~ Commission may issue a permit without a public hearing provided no petition provided for in this section is filed with the ~~agency~~ Commission on or before the fourteenth day after the date of receipt of the application. When a public hearing is held such ~~Such~~ hearing shall be held no later than sixty-five days after the receipt of such application and in accordance with section 8-7d of the Connecticut General Statutes, as amended. If the requirement of these regulations conflict with the statutory deadlines for receipt, holding hearings and rendering decisions, the statutory provisions shall govern. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard and may be represented by agent or by attorney.

Commented [MB132]: Language added per Atty Slater comment of 3/5/24

9.2. Notice of the public hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland or watercourse or any part thereof is located. The costs of these required legal notices shall be paid by the applicant in accordance with the fee schedule established in subsection 19.2 of these regulations ~~be the applicant's~~

~~responsibility and are non-refundable, are due prior to the scheduled date of the hearing. Failure to pay the fee maybe grounds for denial of the application.~~

Commented [MB133]: Suggested alternate language using fee schedule provides for recovering the administrative costs associated with the legal notices publication and provides for a mechanism for encouraging payment.

- 9.3. Notice of the public hearing shall be ~~sent by certified mail~~mailed to the owner(s) of record of abutting land no less than fifteen (15) days prior to the day of the hearing, by the applicant with ~~the certificate~~proof of ~~mailing of~~ such notification submitted to the ~~commission~~ Commission prior to the hearing.

- 9.4. ~~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 until the clerk of the adjoining municipality(ies) has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.~~

Commented [MB134]: For legal counsel: Subsection 9.4 deleted because there is no legal authority to prevent the holding of a public hearing due to the Commission's failure to notify the clerk of the adjoining municipality pursuant to section 8-7d(f) of the Connecticut General Statute. Does legal counsel agree?

Commented [MB135R134]: Per 3/5/24 comment Atty Slater agrees.

SECTION 10 ~~==~~ CONSIDERATIONS FOR DECISIONS

- 10.1. The ~~agency~~Commission may consider the following in making its decision on an application:

- a. The application and its supporting documentation;

~~a. Evidence and testimony~~

~~b. Public comments supported by evidence and testimony~~

Commented [MB136]: Subsection 10.1.b and 10.1.c deleted as evidence, testimony and public comment are part of a public hearing process under FOIA, (see language in subsection 10.1.e.). Public comment should be directed to IW Agent before meeting for possible inclusion in IWA report or get a petition signed and submitted requesting a hearing.

- b. Reports from, ~~including but not limited to,~~ other agencies and commissions ~~including but not limited to the Town of Thompson:~~

1. Conservation Commission;

2. Planning and Zoning Commissions;

3. Building Official;

~~4. Health Official~~ Northeast District Department of Health;

~~5. Thompson Water Pollution Control Authority;~~

~~6. Thompson Wetlands Agent; and~~

~~4.7. Other technical agencies or organizations which may undertake additional studies or investigations, such as the Environmental Review Team, or other experts retained by the Commission;~~

Commented [MB137R136]: Per 3/5/24 comment Atty Slater agreed with deletion ("Agreed. The public hearing process is a product of the statutory requirement and general rules of fundamental fairness rather than FOIA. Regardless, the change is good."

- c. ~~On any application, the Agency~~Commission may also consider ~~e~~Comments from the Eastern Connecticut Conservation District, Inc., the Northeast Regional Planning Agency, or other regional organizations (i.e. Council of Elected Officials); agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations;

Commented [MB138]: While the deleted language is similar to that in the model regulations, it is redundant and unnecessary.

- d. Non-receipt of comments from agencies and commissions listed in ~~40.1d and e~~10.1.b and 10.1.c above within the prescribed time shall neither delay nor prejudice the decision of the

~~Agency Commission; and-~~

- e. For an application for which a public hearing is held, public comments, evidence and testimony.

10.2. Standards and Criteria for Decision. ~~In carrying out the purposes and policies of the Act, including matters regulating, licensing and enforcing the provisions thereof. The Agency Commission shall consider all relevant facts and circumstances making its decision on any application for a permit, including but not limited to the following:~~

Commented [MB139]: Model regulation language added for clarification as criteria for decision also applies to enforcement actions. Mimics statute language found in section 22a-41, C.G.S.

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

◆10.3. In the case of any application which received a public hearing pursuant to a finding by the ~~inland wetlands Agency Commission~~ that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the ~~Agency Commission~~ finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the ~~Agency Commission~~ shall consider the facts and circumstances set forth in subsection 10.2 of these regulations. 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 ~~agency 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. For purposes of this section, (1) “wetlands or watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or occurs.

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

~~7.11.~~10.7. In reaching its decision on any application after a public hearing, the Agency Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency Commission in its decision. However, the Agency Commission is not precluded from seeking advice from its ~~own experts wetlands agent and legal counsel~~ on information already in the record of the public hearing. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with ~~the Inland Wetlands and Watercourses Regulations of the Town of Thompson these regulations~~ and of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

~~4.~~10.8. In the case of an application where the applicant has provided written notice pursuant to subsection ~~7.11~~ 7.10 of these regulations, the holder of the restriction may provide proof to the inland wetlands agency Commission that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the inland wetlands agency Commission shall not grant the permit approval.

~~2.~~10.9. In the case of an application where the applicant fails to comply with the provisions of subsections ~~7.11~~ 7.10 of these regulations, (1) the party holding the conservation or preservation restriction, other than a state agency that hold such restriction, may, not later than fifteen days after receipt of actual notice of permit approval the decision on the application, file an appeal with the inland wetlands agency Commission, subject to the rules and regulations of such agency the Commission relating to appeals; or (2) the state agency that holds such restriction may, not later than thirty days after receipt of the actual notice of the decision, file an appeal with the Commission, subject to the rules and regulations of the Commission relating to appeals. The Commission shall immediately reverse any approval if the commissioner of such state agency that holds such restriction certifies that the land use authorized in such approval violated the terms of such conservation or preservation restriction. The inland wetlands agency Commission shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction.

10.10. Nothing in subsection 7.10 of these regulations shall be construed to prohibit the filing of an application or to require such written notice when the activity that is the subject of such application will occur on a portion of property that is not restricted under the terms of such

Commented [MB140]: “own experts” replaced with “wetlands agent” to avoid misleading the Commission and the public that the Commission may have discussions with “experts” other than its wetlands agent (i.e. its staff) after the public hearing is closed. Discussion with other experts may result in the Commission receiving new information outside of the hearing, which is prohibited by FOIA. Added reference to hired experts by adding subsection 10.1.b.6.

Commented [MB141R140]: 3/5/24 Atty Slater commented “It goes without saying that it can accept advice from staff and legal counsel. The commission could employ experts including the town engineer or outside consultants if it wished and there are funds. This specifically states that the expert can comment only on information in the record. I recommend that continue to state “experts” or that the entire sentence be deleted. I favor leaving it in as is. Maybe a comprise would be “it wetlands agent, town counsel, town engineer or such other consultant engaged by the Commission”
From 3/27/24 discussion with Atty Slater it is up to the Commission what language is used. Due to concerns about new information being considered after the hearing is closed I recommend replacing “own experts” with “wetlands agent and legal counsel” Commission need to decide.

Commented [MB142R140]: IWC wants post hearing advice limited to “wetlands agent and legal counsel”

Commented [MB143]: Language added per DEP Advisory letter of November 17, 2010 regarding Public Act 10-85

Commented [MB144]: Language added per DEP Advisory letter of November 17, 2010 regarding Public Act 10-85

Commented [MB145]: Deleted “permit” because the requirements of subsection 7.10 also apply to applications for a jurisdictional ruling and wetlands agent approvals (i.e., more than just permits)

conservation or preservation restriction.

Commented [MB146]: Language added per DEP Advisory letter of November 17, 2010 regarding Public Act 10-85

SECTION 11(a) — DECISION PROCESS AND PERMITLICENSE

Commented [MB147]: See prior comments and questions regarding the use of the term “permit” versus “license”

11.1. The AgencyCommission, or its duly authorized wetlands agent acting pursuant to Sectionsection 11(b) 12 of these regulations, may, in accordance with Sectionsection 10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity which are designed to carry out the purposes and policy of sections 22a-36 to 22a-45, inclusive, of the general statutesthe Act or deny the application. 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.

1. —

2-11.2. No later than sixty-five (65) days after receipt of a permit application, the AgencyCommission may, in accordance with subsection 9.1 of these regulations, hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the such application. The applicant may consent to one or more extensions of the periods specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Inland Wetlands AgencyCommission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the agencyCommission shall be withdrawn by the applicant or denied by the agencyCommission.

Commented [MB148]: As subsection 9.1 limits when a hearing can be held on permit applications this language has been added to avoid confusion and assist in compliance with statutory requirements found in Conn. Gen. Stat. § 22a-42a(c)(1)

3-11.3. The AgencyCommission shall state upon its record the reasons and bases for its decision.

4-11.4. The AgencyCommission 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 AgencyCommission shall cause notice of its order in the issuance or denial of the permit, in a newspaper having general circulation in the town Town, wherein the inland wetland or watercourse lies. A copy of all AgencyCommission decisions shall be forwarded to the Commissioner of Environmental ProtectionCommissioner of Energy and Environmental Protection in such a form as prescribed by the Commissioner. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten days thereafter.

11.5. If an activity authorized by the inland wetlands permit also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, variance or special

exception, a copy of the decision and report on the application shall be filed with the Town of Thompson Planning and Zoning Commission within fifteen (15) days of the date of the decision.

~~5.11.6.~~ Any permit issued under this section for the development of property for which an approval is required under section 8-3, 8-25 or 8-26 of the ~~general statutes~~ Connecticut General Statutes, as amended, shall ~~(a) not take effect until each such approval, as applicable, granted under such sections has taken effect, and (b) be valid until the approval granted under such chapter expires or for ten years, whichever is earlier~~ be valid for five years provided the agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued under this section for any other activity shall be valid for not less than two and not more than five years.

Commented [MB149]: Repeat of language found in C.G.S. § 22a-42a(d)(2) – change required by P.A. 12-151 as modified by P.A. 21-34

~~6.11.7.~~ Any permit issued for any activity for which an approval is not required under chapter 124, 124b, 126 or 126a shall be valid for not less than two years and not more than five years. Any such permit shall be renewed upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, ~~provided no permit may be valid for more than ten years.~~ Any permit issued under this section shall be valid for five years. Any regulated activity approved by the agency shall be completed within two years from the time such activity is commenced provided the agency may establish a specific time period within which any regulated activity shall be conducted and may require that an activity, once commenced, be completed within the time period specified on the permit and further provided the agency may extend (1) the time period of the original permit provided such period shall not extend beyond ten years from the date such permit was granted, or (2) the time period within which an activity, once commenced, is required to be completed under this section.

Commented [MB150]: Repeat of language found in C.G.S. § 22a-42a(d)(2) change required by P.A. 12-151 as modified by P.A. 21-34

~~11.8.~~ Any license issued prior to July 1, 2011, that had not expired prior to July 12, 2021, shall expire not less than fourteen years after the date of such approval. Any such license shall be renewed upon request of the license holder unless the Commission agency finds that there has been a substantial change in circumstances that requires a new license application or an enforcement action has been undertaken with regard to the regulated activity for which the license was issued, ~~provided no such license shall be valid for more than nineteen years.~~

Commented [MB151]: Repeat of language found in C.G.S. § 22a-42a(g)(1) – change required by P. A. 21-34 as modified by P.A. 21-163 sec 4.

~~11.9.~~ Any license issued on or after July 1, 2011, but prior to June 10, 2021, that did not expire prior to March 10, 2020, shall expire not less than fourteen years after the date of such approval. Any such license shall be renewed upon request of the license holder unless the Commission finds that there has been a substantial change in circumstances that requires a new license application or an enforcement action has been undertaken with regard to the regulated activity for which the license was issued, ~~provided no such license shall be valid for more than nineteen years.~~

Commented [MB152]: Repeat of language found in C.G.S. § 22a-42a(d)(2)(A & B) – change required P.A. 21-34 as modified by P.A. 21-163 sec 4.

~~11.10.~~ Any written request to renew or extend the expiration date of a previously issued license shall be filed with the Commission at least sixty-five (65) days prior to the expiration date for the license in accordance with section 8 of these regulations. Any request for amendment or extension shall be made in accordance with this section provided:

- a. The written request may incorporate by reference the documentation and record of the original application;
- b. The written request shall state the reason why the authorized activities were not initiated or completed within the time specified in the license;
- c. The written request shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or the property for which the license was issued;
- d. The Commission may accept an untimely written request to extend the expiration date of a license if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if in its judgment, the license is likely to be extended and the public interest or environment will be best served by not interrupting the activity. The written request shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the license; and
- e. The Commission shall evaluate the written request pursuant to section 10 of these regulations and grant the request as filed, grant it with any terms or limitations, or deny it.

11.11. Any written request to renew or extend a license shall be submitted on a form provided by the Commission accompanied by the associated fee identified in subsection 19.2 of these regulations. Such request shall be granted upon request of the license holder unless the Commission finds that there has been a substantial change in circumstances which requires a new license application or an enforcement action has been undertaken with regard to the regulated activity for which the license was issued provided no license may be valid for more than that allowed by the Act. Failure to submit a completed request form and/or the associated fee are grounds for withholding a decision on such request.

11.12. 11.8—No permit license shall be assigned or transferred without the written permission of the Agency Commission. Partial transfer of a license for regulated activities is prohibited.

11.13. 11.9—If a bond or insurance is required in accordance with Ssection 12 of these regulations, no permit license shall be issued until such bond or insurance is provided.

11.14. 11.10—General provisions in the issuance of all permits licenses:

- a. In evaluating applications in which the Agency Commission or its wetlands agent relied in whole or in part on information provided from the applicant, if such information subsequently proves to be false, deceptive, incomplete, or inaccurate, the permit license may be modified, suspended, or revoked by the Commission in accordance with subsection 14.4 of these regulations;
- b. All permits licenses issued by the Agency Commission or its wetlands agent are subject to and do not derogate any present or future rights or powers of the Agency Commission or the Town of Thompson, and convey no rights in real estate or material nor any exclusive privileges, and 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;

Commented [MB153]: Subsections 11.10 and 11.11 moved from former subsections 7.9(a) and 7.9(b) (Application Requirements) as these paragraphs relate to extending an existing license for which an "request" not an "application" is required. A renewal or extension of a permit belongs in section 11 (Decision Process and Permit).

Commented [MB154]: Language drafted to address variable expiration dates and set requirements for the submission and processing of license renewals or extensions. Note the Act refers to permits being renewed and agent approvals being extended but provides no timelines for the processing of such requests. Collectively, permits and wetlands agent approvals are licenses.

Commented [MB155]: This language was specifically added to address a permit associated with a subdivision or re-subdivision. Individual lot development that is not to be the responsibility of the original permittee should require a new permit.

Commented [MB156R155]: 3/5/24 Atty Slater commented "Consider allowing partial assignment if approved by the commission. It can say no and require a new permit for individual lot owners but there might be an instance where the commission may favor partial assignment to an entire new application."

Per 3/28/24 Atty Slater discussion with tracking partial transfers prohibiting partial transfer of licenses is within the Commission's purview. Keeping prohibition is recommended

Commented [MB157R155]: IWC wants to keep prohibition of partial transfers of licenses

Commented [MB158]: Language added for clarification

- c. If the activity authorized by the inland wetlands ~~permit~~ license 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~~ license may begin until such approval is obtained;
- d. The permittee shall take such necessary steps consistent with the terms and conditions of the ~~permit~~ license, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses; and
- e. Any changes to a licensed regulated activity must be submitted to the Commission as a requested license modification for the Commission to review and determine if the modification requires the submission of a new application or if the modification can be authorized as a modification of the existing license. Any written request to modify a license shall be submitted on a form provided by the Commission accompanied by the associated fee identified in subsection 19.2 of these regulations. Failure to submit a completed license modification request form and/or the associated fee are grounds for withholding a decision on such request.

Commented [MB159]: Language added to provide requirements for modifications of licensed regulated activities

SECTION ~~11(b)~~12 - ACTION BY ~~DULY AUTHORIZED WETLANDS~~ AGENT

- 12.1. ~~11(b).1~~ The ~~agency~~ Commission may delegate to its ~~duly authorized wetlands~~ 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~~ Commissioner of Environmental Protection/Commissioner of Energy and Environmental Protection pursuant to section 22a-39 of the Connecticut General Statutes, as amended or determine that an activity required no application. Notwithstanding the provisions for receipt and processing applications prescribed in sections 8, 9 and ~~10~~ ~~11(a)~~ of these regulations, such agent may approve or extend such an activity at any time. Applications for such approvals shall be submitted on an application form entitled, "Application for Wetland Agent Approval/Thompson Inland Wetlands Commission Request for Regulated Activity License and Jurisdictional Ruling" consisting of the base form accompanied by Supplemental Form C and shall contain at a minimum the information required by subsections 7.5 and 7.7 of these regulations.
- 12.2. If the wetlands agent finds a wetlands agent approval application proposes a regulated activity that may have more than a minimal impact on any wetland or watercourse, then the agent shall deny the application if it is not withdrawn after the applicant is advised that an application for an individual permit is required.
- ~~12.1, 12.3.~~ ~~11(b).2~~ Any person receiving such approval from such agent shall, within ten (10) days of the date of such wetlands agent approval or denial, the wetlands agent shall cause the publication of a legal publish, at the applicant's expense, notice of the approval or denial in a newspaper having a general circulation in the town wherein the activity is located or will have

Commented [MB160]: Language per Atty Slater comment of 3/47/24 and discussion of 3/27/24

Commented [MB161]: Note the wetlands agent may process a wetlands agent approval without delay and the language provides for flexibility should the wetlands agent be unavailable for any reason or the application requires additional information. There is a minimum of 3 weeks from the date of any wetlands agent approval before it can become final (1 week lead time for legal notice publication and 2 weeks appeal period to the Commission).

Commented [MB162]: Language added to cite new application form(s)

Commented [MB163]: Added language clarifies what will happen if the agent finds the impact is more than minimal.

Commented [MB164R163]: Language changed per 3/5/24 Atty Slater suggested language change

Commented [MB165]: First, the cost of the legal notice is incorporated into the application fee. Second, making the wetlands agent responsible for notice publication ensures an adequate notice gets published and starts the clock for completing the appeal process. Currently the agent gets the legal notice published and it takes at least 7 days lead time for the Thompson Villager to get a notice published – may want to consider extending time for the legal notice publication to 14 days.

Commented [MB166R165]: 3/5/24 comment by Atty Slater "The model regs provide that the agent accomplishes the publication but the person receiving the approval pays for the publication. If you are getting application fees that account for that expense, I agree that it can be taken out here."

an effect. Any person may appeal such decision of such agent to the agencyCommission within fifteen days after the publication date of the notice and the agencyCommission shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt of such agencyCommission or its wetlands agent of such appeal. The agencyCommission 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.

~~12.2.12.4.~~ Any request to extend or modify a wetlands agent approval shall be submitted on a form provided by the Commission and processed in accordance with subsections 11.11 or 11.14.e, respectively of these regulations. Wetlands agent approvals are not transferable without the written consent of the wetlands agent or the Commission.

SECTION ~~12~~13 - BOND AND INSURANCE

13.1. ~~12.1~~ The applicant. Upon approval of the application and prior to the start of the permitted activity issuance of a permit, the applicant may, at the discretion of the AgencyCommission, be required to file a bond with such surety financial guarantee in such amount and in a form approved by the AgencyCommission.

13.2. ~~12.2~~ The bond or surety financial guarantee shall be conditioned on compliance with all provisions of these regulations and the terms, conditions, and limitations established in the permit.

13.3. ~~12.3~~ For the purpose of this section, a financial guarantee shall mean one of the following:

a. Surety bonds are not permissible by right as a financial guarantee but can be approved at the discretion of the Commission if in the form of an acceptable financial. A financial guarantee issued by a company licensed to do business in the State of Connecticut, accompanied by the Power of Attorney of the person executing the bond for the company. Said company shall have offices in the State of Connecticut and must submit certification from its home office that the local office in Connecticut has authority to pay out the full value of the bond;

b. A passbook savings account or a certificate of deposit representing funds deposited in a financial institution which is on the list of those approved for deposit of Town funds under which the funds are restricted such they can be released only with the approval of the Town;

c. Cash or certified check in the required amount deposited with the Treasurer of the Town of Thompson; and

d. An irrevocable letter of credit (original document).

13.4. A financial guarantee shall be executed in accordance with; proper reference made to all maps and plans describing the regulated activity covered by the bond, and shall be satisfactory to

Commented [MB167]: For legal counsel: Is there a legal problem with restricting a request to extend a wetlands agent approval if there has been a substantial change in circumstances or and enforcement action initiated as described in by subsection 11.11; particularly in light of the language in subsection 12.1 that states the wetlands "agent may approve or extend such an activity at any time"?

Commented [MB168R167]: 3/5/24 Atty Slater commented he was "troubled by denying the right to make the request but it could include language that the Commission shall deny the request if there is a substantial change or an enforcement action."

The language regarding substantial change or an enforcement action is contained in subsection 11.11. Draft language maintained

Commented [MB169]: Clarification language as a wetlands agent approval is a license and extensions should operate similar to a permit. See subsection 11.11 for controlling language

Commented [MB170]: For legal counsel: Commission requests legal counsel review and comment on the adequacy and propose suggested language changes to improve application and enforceability.

Note: Much of the new language comes from the Madison IWWC regulations. It provides greater clarity as to the content, form and operation of a bond, should one be required.

Commented [MB171R170]: 3/5/24 Atty Slater comments "Surety bonds are terrible. Carriers stand on the head to deny payment. That is why on the zoning side a commission can refuse to accept a surety bond but must approve a financial guarantee in the form of a cash bond or letter of credit."

Language changed as advised by Atty Slater on 3/5/24

the Commission and to Town Counsel as to form, sufficiency and manner of execution.

a. Passbook savings account or certificate of deposit shall be accompanied by the savings passbook(s) or certificate of deposit passbook(s) which shall remain in the possession of the Town until final release of the bond together with such documentation that the funds are secured for the benefit of the Town and cannot be released without approval of the Town.

b. When a financial guarantee is in the form of a passbook savings account or a certificate of deposit, the total amount in any single account or certificate may not exceed the maximum amount per account guaranteed by the Federal Deposit Insurance Corporation. Where the total amount of the financial guarantee required exceeds FDIC coverage for a single account, additional accounts shall be established to ensure that all deposited funds are FDIC insured.

Commented [MB172]: 3/5/24 Atty Slater commented "We had a town that believe that they were protected by having possession of the passbook. An account holder can withdraw without a passbook so the bank needs to document that the funds are secured and cannot be withdrawn without Town approval."

13.5. Where a financial guarantee has been provided and work covered by said financial guarantee has not been completed within the terms of such financial guarantee, the Town may declare a default and withdraw funds or draw on the surety bond as necessary to complete all work for as much work that can be accomplished with the financial guarantee funds.

13.6. Upon written request from the permittee, the financial guarantee shall be released after approval of the completed regulated activity by the Commission. Upon written request from the permittee and a determination by the Commission that a substantial portion of the work guaranteed by the financial guarantee has been completed, the Commission may approve partial release(s) of the surety. If the Commission denies the request, it shall provide a written report regarding the reason or reasons for the denial.

13.7. The AgencyCommission 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 as determined by the Commission.

SECTION ~~1314~~ - ENFORCEMENT

14.1. ~~13.1~~ — The AgencyCommission may appoint an wetlands agent or agents 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. In carrying out the purposes of this section, the AgencyCommission or its duly authorized wetlands agent shall take into consideration the criteria for decision under subsection 10.2 of these regulations.

Commented [MB173]: Multiple wetlands agents are not recommended, except due to extended absence. The appointment of an interim wetlands agent has been done in the past but authority has been limited to the time of absence. Revised language consistent with the language in section 12 Action by Wetlands Agent.

14.2. ~~13.2~~ — The AgencyCommission and its agent may make regular inspections at reasonable hours, of all regulated activities for which permits/licenses have been issued with the consent of the property owner or the authorized agent of the owner during the life of the permit/license.

Commented [MB174]: For legal counsel" Is a definition needed for "authorized agent" or is this a legal term of art?

14.3. ~~13.3~~ — If the AgencyCommission or its duly authorized wetlands agent finds that any person

Commented [MB175R174]: Language "authorized agent of the owner" deleted per 3/5/24 Atty Slater review

is conducting or maintaining any activity, facility, or condition which is in violation of the Act or these regulations, the ~~AgencyCommission~~ or its ~~duly authorized wetlands~~ agent may:

- a. ~~a.~~ ~~i~~Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the ~~AgencyCommission~~ 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 ~~AgencyCommission~~ 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 ~~either~~ the original order remains in effect, ~~or that~~ a revised order is in effect or ~~that~~ the order has been withdrawn. The ~~AgencyCommission~~ shall publish notice of its decision in a newspaper having general circulation in the ~~municipalityTown~~. The original order shall be effective upon issuance and shall remain in effect until the ~~agencyCommission~~ affirms, revises, or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to ~~Sectionsection~~ 22a-44 (b) of the ~~Connecticut~~ General Statutes, as amended.
- b. ~~i~~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 ~~AgencyCommission~~, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The ~~AgencyCommission~~ may request that the individual appear at the next regularly scheduled meeting of the ~~AgencyCommission~~ to discuss the unauthorized activity, and/or provide a written reply to the notice or filing a proper application for the necessary ~~permitlicense~~. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in ~~Subsectionsubsection~~ (a) of this ~~Sectionsubsection~~ or other enforcement proceedings as provided by law.

- 14.4. ~~13.4~~ —The ~~AgencyCommission~~ may suspend or revoke a ~~permitlicense~~ if it finds that the permittee has not complied with the terms, conditions, or limitations set forth in the ~~permit license~~ or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking any ~~permitlicense~~, the ~~AgencyCommission~~ 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 license~~ and any and all requirements for retention of the ~~permitlicense~~. The permittee shall be notified of the ~~AgencyCommission~~'s decision to suspend, revoke, or maintain a ~~permitlicense~~ by personal service or certified mail within fifteen (15) days of the date of its decision. The ~~agencyCommission~~ shall publish notice of the suspension or revocation in a newspaper having general circulation in the ~~municipalityTown~~.

SECTION ~~1415~~ - AMENDMENTS

- 15.1. ~~14.1.~~ —These regulations and the ~~Map Inland Wetlands and Watercourses Map for the Town~~

Commented [MB176]: Note: RCSA Sec. 22a-39-4.6 states "Such maps shall be on file in the offices of the municipal clerks and at the Department, and titled "Designated Inland Wetlands and Water Courses of the..... (City or town) of..... (Name of Municipality)." However, DEEP's Model Regs (May 1, 2006) state the name of the map should read "Inland Wetlands and Watercourses Map, (name of town) , Connecticut"

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

- 15.2. ~~14.2~~ — An application filed with the ~~inland wetlands agency~~Commission which is in conformance with the applicable inland wetlands regulations as of the date of ~~the~~ receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to regulated upland review areas, taking effect on or after ~~the~~ such date of ~~such~~ receipt and any appeal from the decision of ~~such agency~~the Commission with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after ~~the such~~ date of ~~such~~ receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of such ~~the~~ date of ~~such~~ receipt.
- 15.3. ~~14.3~~ — These regulations and the ~~Town of Thompson Inland Wetlands and Watercourses Map~~ shall be amended in the manner specified in ~~Section~~section 22a-42a of the Connecticut General ~~s~~Statutes, as amended. The ~~Agency~~Commission shall provide the ~~Commissioner of Environmental Protection~~Commissioner of Energy and Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five (35) days before the public hearing on their adoption.
- 15.4. ~~14.4~~ — Petitions requesting changes or amendments to these regulations or the "Inland Wetlands and Watercourses Map, Thompson, Connecticut" shall be submitted to the wetlands agent, or in his or her absence, the Thompson Town Clerk, who shall act as agent for the Commission for the purposes of delivery of the petition and shall contain at least the following information:
- The petitioner's name, address, and telephone number;
 - The address of the land affected by the petition;
 - The petitioner's interest in the land affected by the petition;
 - Map~~Drawing~~(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations; and
 - The reasons for the requested action.~~;~~
- 15.5. ~~14.5~~ — Any person who submits a petition to amend the ~~Inland Wetlands and Watercourses Map, Thompson, CT,~~ shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to

Commented [MB177]: For legal counsel: See question in comment for subsection 8.1. Is segregating the submission requirements for petitions on regulation / map amendments legally defensible? DEEP's Model Regulation subsection 8.1 language does not distinguish between petitions on application and petitions for map changes, which map change is not part of the application process (see proposed definition of "application"). Language added here for clarification and addresses the language changes found in subsection 7.1 relating to petitions on application.

Commented [MB178R177]: 3/5/24 Atty Slater commented "It is defensible." and added the language "for the purposed of delivery of the petition" to the draft

Commented [MB179]: Changed to remove confusion and provide consistency for the term "Map", which is the regulatory map referenced in section 3

the Agency Commission. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such owner, developer or purchaser, in addition to the information required in subsection 15.344.3 of these regulations, the petition shall include:

- a. The name, address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
- b. The names and addresses of the owners of abutting land;
- c. Documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of the said land indication the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
- d. Map Drawing(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.

15.6. ~~44.6~~ —Watercourses shall be delineated by a licensed-qualified soil scientist, geologist, ecologist, or other qualified individual.

15.7. ~~44.7~~ —A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality/Town at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days, before the date set for the hearing. A copy of such proposed boundary change shall be filed in the office of the town clerk-Thompson Town Clerk for public inspection at least ten (10) days before such hearing.

15.8. ~~44.8~~ —The Agency Commission shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five (35) days after commencement. The agency Commission shall act upon the changes requested in such petition within sixty-five (65) days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection provided the total extension of all periods shall not be for longer than sixty-five (65) days or may withdraw such petition. Failure of the agency Commission to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.

15.9. ~~44.9~~ —The Agency Commission shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.

SECTION ~~4516~~ — APPEALS

~~4516.1~~ Appeal on actions of the Agency Commission shall be made in accordance with the provisions of Sectionsection 22a-43 of the Connecticut General Statutes, as amended.

~~15.16.~~ Notice of such appeal shall be served upon the ~~Agency Commission~~ and the ~~Commissioner of Environmental Protection~~ Commissioner of Energy and Environmental Protection.

SECTION ~~16~~17 — CONFLICT AND SEVERANCE

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

SECTION ~~17~~18 — OTHER PERMITS

- 18.1. ~~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 regulation by the Town of Thompson, State of Connecticut, and the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits, or licenses is the sole responsibility of the applicant.

SECTION ~~18~~19 — APPLICATION FEES

- 19.1. ~~18.1~~ — Method of Payment. All fees required by these regulations shall be submitted to the ~~Agency Commission~~ by check or money order payable to the Town of Thompson or cash at the time any application is filed with the ~~Agency Commission~~.

~~18.2 — No application shall be granted or approved by the Agency Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Agency Commission pursuant to subsection 4 or subsection 18.719.7 of these regulations.~~

~~18.3 — Fee are not refundable.~~

~~18.4 — Definitions. As used in this Sectionsection:~~

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

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

—“Other uses”— means activities other than residential uses or commercial uses.

Fee Schedule:

19.2. Fee Schedule: Note “URA” means “Upland Review Area” and “TBD” means “to be determined” dependent on activity proposed.

Commented [MB180]: New fee schedule based upon an analysis of costs for processing applications and other administrative functions. Analysis available on request.

| | <u>Fee Type</u> | <u>Admin Fee</u> | | <u>Review Fee</u> | <u>Total Fee</u> |
|--|---|------------------|------|---|------------------|
| <u>Jurisdictional Ruling Applications (DEC)</u> | | | | | |
| 1 | Jurisdictional ruling – In wetlands / watercourses and/or upland review area – No regulated activity includes subdivision with no reg activity, use permitted as of right, non-regulated use providing no change to natural and indigenous character of wetlands / watercourses | \$30 | | | \$30 |
| <u>Wetlands Agent Approval Applications (WAA)</u> | | | | | |
| 2 | Wetlands Agent Approval – single lot only < 5 ac land disturbance (no roadway construction or stormwater management facility discharge) | \$165 | plus | \$55 | \$220 |
| 3 | Wetlands Agent Approval – single lot > 5 ac land disturbance (no roadway construction or stormwater management facility discharge) | \$165 | plus | \$165 | \$330 |
| 4 | Wetlands Agent Approval – single lot with roadway construction and/or stormwater management facility | \$165 | Plus | \$55.00+ (# separate regulated roadway construction and/or stormwater management facility in URA) (\$375) + \$110 if total land disturbance > 5 acres | TBD |
| <u>Permit Applications (IWA or SUB)</u> | | | | | |
| 5 | Permit – per single lot w/regulated activity in or alteration to wetland and watercourse and/or stormwater management facility discharge to wetlands/watercourses, total land disturbance < 5 acres | \$165 | | \$240 | \$405 |
| 6 | Permit –per single lot w/regulated activity in or alteration to wetland and watercourse and/or stormwater management facility discharge to wetlands/watercourses | \$165 | | \$240 + (# separate regulated roadway construction activities) (\$375) + \$110 if total land disturbance is > 5 acres | TBD |
| 7 | Subdivision – no roadway construction or stormwater management facilities but lots with regulated activities | \$165 | plus | \$85 + (# lots in URA) (\$55) + (# lots alterations to wet/water) (\$240) | TBD |
| 8 | Subdivision with roadway construction and/or stormwater management facilities with associated regulated activities | \$165 | plus | \$85 + (# separate regulated roadway construction activities) (\$375) + (# lots in URA) (\$55) + (# lots alterations to wet/water) (\$240) + \$110 if total land disturbance > 5 ac | TBD |
| <u>Other Administrative Functions</u> | | | | | |
| 9 | Permit / Approval Extensions | \$45 | | includes file review & doc generation but no legal notice or state fee | \$45 |
| 10 | Permit / Approval Modifications & Transfers | \$55 | | includes file review & doc generation but no legal notice or state fee | \$55 |
| 11 | Regulation and Map Amendment Petitions (see section 15) | \$480 | | includes all legal notices & staff time | \$480 |

Commented [MB181]: On 2/13/24 the Commission voted to charge \$30 for jurisdictional rulings.

~~—Application Fees~~

~~—Individual Lot \$50.00
+ \$30.00 \$60.00~~

~~—(Additional \$30.00 fee to State as per Public Act 03-06)~~

~~—Conceptual Approval of Subdivision~~

~~—up to Two (2) Lots. \$50.00 + \$30.00 \$60.00~~

~~Conceptual Approval of Subdivision~~

~~—of Three (3) Lots or more \$250.00 Base fee plus \$250.00 per lot + \$30.00 \$60.00~~

~~Application fees are due at time of submission of completed application.~~

~~—Legal Ads: Applicants will be charged for all legal advertising expenses associated with applications.~~

~~—Additional Fees:~~

~~—Legal Notice Fees for Public Hearings will be the applicant's responsibility.~~

~~—Complex Application Fee — The Agency Commission will charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts to analyze, review, and report on issues requiring experts. The Agency Commission or the duly authorized agent shall estimate the complex application fee which shall be paid within 10 days of the applicant's receipt of such estimate. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after publication of the Agency Commission's decision.~~

~~—Inland Wetlands and Watercourses Regulations Booklet — \$10.00~~

~~19.3. 48.6~~ Exemption. Boards, commissions, councils, and departments of the Town of Thompson are exempt from all fee requirements.

~~19.1. 19.4.~~ The application fees are not refundable.

19.5. ~~48.2~~ No application shall be granted or approved by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant to ~~subsection 4 or~~ subsection ~~19.6~~ ~~18.7~~ of these regulations.

19.6. ~~48.7~~ Waiver. The applicant may petition the ~~Agency Commission~~ to waive, reduce, or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the

facts and circumstances the AgencyCommission should consider in its determination under this subsection. The AgencyCommission may waive all or part of the application fee if the AgencyCommission determines that:

- a. The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee; and
- b. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.

19.7. The AgencyCommission shall state upon its record the basis for all actions under ~~this~~ subsection 19.6 of these regulations.

SECTION ~~1920~~ - RECORDS RETENTION AND DISPOSITION

20.1. ~~19.1~~ — The AgencyCommission and the Thompson Town Clerk ~~for the Town of Thompson~~ shall retain complete administrative records of AgencyCommission actions and dispose of such records in accordance with the current retention/disposition schedules established pursuant to subsections 11-8 and 11-8a of the Connecticut General Statutes, as amended.

~~20.2. set forth in subsection 19.220.2 of these regulations.~~

~~20.3. 20.2~~ — The public records administrator of the Connecticut State Library established the new record retention/disposition schedules for municipal inland wetlands agencies effective April 24, 1989 listed below.

~~20.4.~~

| <u>RECORD TITLE</u> | <u>MINIMUM RETENTION</u> | <u>TOWN CLERK</u> |
|-------------------------------|---------------------------|-------------------|
| | <u>REQUIRED IN AGENCY</u> | |
| | | |
| | | |
| <u>Applications including</u> | <u>10 years</u> | |
| <u>supporting materials</u> | | |
| | | |
| <u>Decision Letters</u> | <u>10 years</u> | <u>Permanent</u> |
| | | |

Commented [MB182]: For legal counsel: Is this language acceptable and adequate to comply with the statutes regarding records retention and disposal or should it be removed altogether? Records retentions and disposal are not found in DEEP's current model regulations. This section has been recommended to either be removed or reduced to a simple statement the records retention / disposal is subject to CGS § 11-8 and § 11-8a and is administered by Office of the Public Records Administrator [OPRA] of the Connecticut State Library. Records retention/disposals are not in the control of the IWC and therefore any information in this section is subject to change and not within the control of the Commission. Also due to the statute extending permit expiration dates the State Library is expected to amend its record retention/disposal schedules to address those changes.

Commented [MB183R182]: Commission had no object to the proposed language

Commented [MB184R182]: 3/5/24 Atty Slater suggested deleting the entire section but after discussion on 3/27/24 Atty Slater has no objection to leaving it in if helps to remind that there are requirements for records retention and disposal. Recommend keeping section as drafted.

Commented [MB185R182]: IWC wants section kept as drafted as a reminder of requirements

| | | |
|--------------------------------------|-------------------------|----------------|
| ____ Approved Site Plans | ____ 10 years | ____ |
| ____ | ____ | ____ |
| ____ Legal Notices | ____ 10 years | ____ Permanent |
| ____ | ____ | ____ |
| ____ Staff and Written Testimony | ____ 10 years | ____ |
| ____ (public hearings) | ____ | ____ |
| ____ | ____ | ____ |
| ____ Minutes of Meetings & | ____ 15 years | ____ Permanent |
| ____ Public Hearings | ____ | ____ |
| ____ | ____ | ____ |
| ____ Tapes, Audio – Inland | ____ 4 years | ____ |
| ____ Wetland matters | ____ | ____ |
| ____ | ____ | ____ |
| ____ Notice of Violation & Orders | ____ 10 years | ____ |
| ____ cu | ____ | ____ |
| ____ Text of Changes Adopted | ____ Continuous Update/ | ____ |
| ____ in Regulations | ____ Permanent | ____ |
| ____ | ____ | ____ |
| ____ General Correspondence | ____ 5 years | ____ |
| ____ Issued or Received | ____ | ____ |

SECTION **2021** - EFFECTIVE DATE OF REGULATIONS

21.1 These regulations including the Inland Wetlands and Watercourses Map, application forms, fee schedule, and amendments thereto, shall become effective upon filing in the Office of the Thompson Town Clerk and publication of a notice of such action in a newspaper having general circulation in the Town of Thompson.

Proposed Revisions to Thompson Inland Wetlands and Watercourses Regulations

| Existing Section | Change |
|--------------------------|--|
| Table of Contents & text | Renumbered sections starting with section 11(a) (<i>i.e. 11(a) to 11, 11(b) to 12, 12 to 13, etc.</i>), replaced “PERMIT” with “LICENSE” for renumbered Section 11, replaced “DULY AUTHORIZED” with “WETLANDS” for renumbered section 12 |
| Throughout | Changed to lower case the words “Section” and “Subsection” wherever they were found to be capitalized within the text, added “sub” to “section” where appropriate, replaced “Commissioner of Environmental Protection” with “Commissioner of Energy and Environmental Protection”, replaced “Agency”, “agency” and “Inland Wetlands Agency” with “Commission” where appropriate, replaced “municipality” with “Town” where appropriate, added “, as amended” after citations of statutes and ordinances, and replaced “permit” and “permitted” with “license” and “licensed” respectively where appropriate. |
| 1.2 | Added “and hereafter shall be referred to as “these regulations” |
| 1.3 | Language rewritten to reflect history in the authorizing ordinance (See comment) |
| 1.4 | Added the word “from” before the words “time to time” |
| 1.5 | Replaced “Inland Wetlands Agency” with “Inland Wetlands Commission” and replaced “permits” with “license” after the word deny |
| 2.1 | Removed numbering and quotations from the definitions (See comment). Added definitions for Agriculture, Application, Applicant’s Licensed Professional, Area of Special Flood Hazard, Commission, Conservation restriction, Dwelling, Essential to the farming operation, Land disturbance, Map, Preservation restriction, Roadway construction, Site plan, Stormwater management facility, Subdivision, Wetlands agent and Wetlands Agent Approval . Deleted definitions for the words Agency, Designated agent, and Regulated Area (See associated comments) |
| Formerly 2.1.a | For Act added the word “Connecticut” before the words “General Statutes” |
| Formerly 2.1.f | Deleted “Commission member” (See comment) |
| Formerly 2.1.g | For Department of Environmental Protection replaced with “Department of Energy and Environmental Protection” (See comment) |
| Formerly 2.1.j | For Designated agent deleted definition and replaced with Wetlands agent ” and provided new definition. (See comment:) |
| Formerly 2.1.l | For Disturbing the natural and indigenous character of the land deleted the word “significantly” after the words “the activity” (See comment) |
| Formerly 2.1.m | For Emergency replaced “agency” with “Commission”, replaced “town” with “Town” (See comment) |
| Formerly 2.1.n | For Farming deleted the words “means commercial use of land for the growing of crops, raising of livestock or other agricultural use,” and reworded definition to match wording of DEP Model Regulations dated May 1, 2006 |
| Formerly 2.1.p | For License added “to authorize regulated activities” after the word “permission”, replaced “sections 22a-36 to 22a-45, inclusive” with “of the Act pursuant to sections 22a-42a(c)(1) and 22a-42a(c)(2) of the Connecticut General Statutes” (See comment) |
| Formerly 2.1.u | For Municipality replaced “the Town of Thompson, Windham County, Connecticut” with “any town, consolidated town and city, consolidated town and borough, city and borough”. (See comment) |
| Formerly 2.1.w | For Permit added “issued pursuant to section 22a-42a(c) of the Connecticut General Statutes” after the word “license” (See comment) |
| Formerly 2.1.x | For Permittee replaced “such permit” with “a permit” (See comment) |
| Formerly 2.1.bb | For Regulated Activity replaced “Activity” with “activity”, replaced “noteworthy” with “significant” and replaced “TOWN OF THOMPSON INLAND WETLAND INVENTORY prepared by Northeastern Connecticut Regional Planning Agency 1980” with “the document entitled “Town of Thompson Inland Wetland Inventory” prepared by Northeastern Connecticut Regional Planning Agency dated 1980” (See comment) |
| Formerly 2.1.ee | Deleted definition “ Regulated area ” (See comment) |
| Formerly 2.1.ff | For Significant activity added the word “and” at the end of paragraph 6 (See comment) |
| Formerly 2.1.gg | For Soil Scientist replaced “Scientist” with “scientist” |
| Formerly 2.1.jj | For Town deleted the words “Windham County,” (See comment) |
| Formerly 2.1.kk | For Upland review area added the word “Connecticut” before “General Statutes”, |

Proposed Revisions to Thompson Inland Wetlands and Watercourses Regulations

| Existing Section | Change |
|------------------|---|
| | replaced “ <i>TOWN OF THOMPSON INLAND WETLAND INVENTORY</i> prepared by Northeastern Connecticut Regional Planning Agency 1980” with “document entitled “Town of Thompson Inland Wetland Inventory” prepared by Northeastern Connecticut Regional Planning Agency dated 1980” |
| Formerly 2.1.mm | For Watercourses added the word “Connecticut” before “General Statutes” |
| Formerly 2.1.nn | For Wetlands deleted the words “section 2.1.hh of” before “these regulations” |
| 3.1 | After “Inland Wetlands and Watercourses Map” added “prepared by the Thompson Conservation Commission dated April 11, 2011, Revised October 2020 (hereafter, the “Map”)”, added “Thompson” before the words “Town Clerk”, after the words “the general location of watercourses” added “, but is not a comprehensive inventory of wetlands and watercourses”, added “Areas designated as inland wetlands or watercourses on the Map shall be presumed to be inland wetlands and watercourses, respectively. The Commission may make a contrary finding based on evidence it receives.”, deleted “In all cases”, after the words “final determination” added the words “as to the boundary of inland wetlands”, replaced certified” with “qualified”, and added “Nothing in this section shall prevent the initiation of an enforcement action for regulated activities in wetlands and watercourses not specifically identified in the Map.” (See comment) |
| 3.2 | Replaced “Agency” with “Commission” twice and “Section 14” to “section 15” |
| 3.3 | Replaced “designated” with “wetlands” before the word “Agent”, replaced “town” with “Town” and replaced “its map” with “the Map” |
| 3.4 | Changed “Section 14” to “Section 15” |
| 4.1 | Added the words “and upland review area” after the words “inland wetlands and watercourses” (See comment) |
| 4.1.a | Replaced “Department of Environmental Protection” with “Department of Energy and Environmental Protection”, added a comma after the words “road construction” |
| 4.1.b | Replaced “of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, whichever is earlier” with “May 20, 1974 |
| 4.1.c | Replaced the comma and the end of the section with a semicolon |
| 4.1.d | Added “containing a dwelling” after the words “residential property”, replaced the word “municipality” with “Town”, deleted the words “and containing a residence”, replaced “substantial” with “significant” following the words “but shall not include removal or deposition of” and replaced the period at the end of the section with a semicolon (See comments) |
| 4.1.e | Added the word “Connecticut” before the words “General Statutes”, twice added “, as amended” after “General Statutes”, deleted the comma after the words “Chapter 102” and replaced the period at the end of the section with “; and” |
| 4.1.f | Replaced “of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, whichever is earlier” with “May 20, 1974, replaced “.” with “; and” |
| 4.1.g | Deleted “Any property owner wishing to conduct construction activities upon property containing no wetlands must show by a letter from a Certified Soil Scientist that there are no wetlands on the parcel and that there would be no adverse impact upon adjacent properties.” And replaced it with “Withdrawals of water for fire emergency purposes” (See comment) |
| 4.2.c (new) | Added language for installation of dry hydrant (See comment) |
| 4.3 | Replaced the word “permitted” with “authorized” before the words “by this section”, replaced “ Certain” with “or for” before the words “regulated activities”, replaced “designated” with “wetlands” before the word “agent” and replaced “11b” with “12” before the word “section” (See comment) |
| 4.4 | Added “use” before the word “permitted” and “as of right” after the word “permitted”, replaced “notify” with “apply to”, replaced “Agency” with “Commission for a jurisdictional ruling”, replaced “Agency” with “Commission” before the words “with sufficient information”, added “use” before and “as of right” after the word “permitted”, |

Proposed Revisions to Thompson Inland Wetlands and Watercourses Regulations

| Existing Section | Change |
|--------------------------|---|
| | replaced “Agency” with “Commission”, added “for regulated activities located in the upland review area” before the words “its designated agent”, replaced “designated” with “wetlands” before the word “agent”, replaced “permit” with “license” before the words “is required”, deleted the sentence “. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Agency following the meeting at which the request was received.” and added “for activities in the upland review area” after the words “may make such ruling”. (See comment) |
| 4.5 | Replaced “certified soil scientist” to “qualified soil scientist” and replace the word “declaratory” with “jurisdictional” before the word “ruling” (See comment) |
| 5.1 | Deleted the “s” at the end of Commissioner, capitalized “environmental protection”, replaced “22a-9” with “22a-39” following the words “pursuant to sections” |
| 5.2 | Deleted the “s” at the end of Commissioner, capitalized “environmental protection” |
| 5.3 | Added “, as amended: after Connecticut General Statutes, replaced “sections 22a-403 of the Connecticut general Statutes” with “section 22a-403 of the Connecticut General Statutes, as amended”, replaced “municipal wetlands agency” with “Commission” |
| 5.4 | Replaced “Commissioner of Environmental Protection: with “Commissioner of Energy and Environmental Protection”, replaced “over the discharge of fill or dredged materials into the wetlands or watercourses of the state pursuant to” with “to determine the applicability of” |
| 6.1 | Replaced the word “permit” with “license”, replaced “Inland Wetlands Agency of the Town of Thompson” with “Commission” |
| 6.2 | Replaced “Agency” with “Commission”, added “use” before and “as of right” after the word “permitted” and replaced the word “permit” with “license” |
| 6.3 | Replaced “Town of Thompson Inland Wetlands Agency” with “Commission” and replaced “Section 13” with “section 14” |
| 7.1 | Replaced majority of language to establish what constitutes an “application” and paragraph referencing permit modifications moved to section 11.14.e. (See Comments) |
| 7.2 | Added “site plan approval, special permit or “ before “subdivision or re-subdivision” replaced “as defined in Section 2 of these regulations , the” with “site plan approval, special permit or”, added “in accordance with section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, as amended,” after “applicant shall”, added appropriate” before “application”, added “Inland Wetlands” before “Commission” and deleted the remainder of the subsection starting with the words “Such an application...” (see Comment about conceptual plan approval problems and suggested replacement language) |
| 7.2.a | Deleted |
| 7.2.b | Deleted |
| 7.4 | Replaced “Agency” with “Commission” |
| 7.5 | Added “use the base form and applicable supplemental form referenced above and” after “All applications shall” (See comment) |
| 7.5.a | Replaced “home and business mailing addresses” with “mailing address” Replaced “Limited Liability Corporation (LLC) or a Corporation” with “limited liability corporation (LLC) or a corporation” |
| 7.5.b | Added “mailing” before “address” and added “es” to “number” |
| 7.5.d through 7.5.m | Replace with new language 7.5.d through 7.5.o (See comments) |
| 7.6 (new) | Language added related to jurisdictional rulings (See comment) |
| Formerly 7.6 through 7.7 | Restructured and rewritten resulting in new 7.7 and 7.8. (See comments), |
| Formerly 7.8 | Renumbered 7.9 and majority of language replaced (See comment) |
| Formerly 7.9(a) | Moved section 7.9(a) to new section 11.10 with edit (see new section 11.10 for changes) |
| Formerly 7.9(b) | Moved section 7.9(b) to section 11.11 with edits (see new section 11.11 for changes) |
| Formerly 7.10 | Moved to section 7.5.o with edits (See comment) |
| Formerly 7.11 | Renumbered to 7.10, deleted subparagraph a & b with definitions for “conservation restriction” and “preservation restriction” added to section 2 Definitions, language changes to meet DEEP Advisory letter of 11/17/2010 pursuant to P.A.10-85 (See comments) |

Proposed Revisions to Thompson Inland Wetlands and Watercourses Regulations

| Existing Section | Change |
|------------------|---|
| 8.1 | Added the word “wetlands agent, or in his or her absence, the” before “Town Clerk”, deleted the words “Thompson Conservation and Inland Wetlands” before the word “Commission”, and replaced “receipt” with “delivery” (See comment) |
| 8.2 | Subsection deleted (See comment) Note provisions for notifying adjoining towns became a responsibility of the inland wetlands commission pursuant to Public Act 03-117, see renumbered section 8.3. |
| Formerly 8.3 | Renumbered to subsection 8.2, replaced “Agency” with “Commission”, replaced the words “Connecticut General Statutes sections 8-7d(f) and 22a-42b,” with the words “section 8-7d(f) of the Connecticut General Statutes”, replaced “of the pendency” with “by certified mail, return receipt, as defined by section 8-7d(c) of the Connecticut General Statutes, requested within 7 days of receipt”, added the word “Connecticut” before the words “General Statutes” and deleted the last sentence in the subsection. (See comment) |
| Formerly 8.4 | Renumbered to subsection 8.3, replaced “When” with “Pursuant to section 22a-42f of the Connecticut General Statutes when”, added the words “the Town of Thompson” before the words “land records”, deleted the words “of the municipality in which the application is made” after the words “land record”, replaced “Inland Wetlands Agency of such municipality” with “Thompson Inland Wetlands Commission”, and replaced “agency” with “Commission” (See comment) |
| Formerly 8.5 | Renumbered to subsection 8.4, after “petition” added “for a hearing submitted pursuant to subsections 3.2 and 9.1.b. of these regulations”, deleted “application”, after “request” added “s submitted pursuant to subsections 11.7, 11.8, 11.9, 11.14.e., and 15.5 of these regulations”, after “appeal” added “s of Commission and wetlands agent decision submitted pursuant to subsections 10.9 and 12.3 of these regulations”, replaced “such agency” with “the Commission” and added at the end “If the requirements of these regulations conflict with statutory deadlines for receipt, holding hearings and rendering decisions differ from the regulations, the statutory provisions shall govern.” (See comment) |
| Formerly 8.6 | Renumbered to subsection 8.5 |
| Formerly 8.7 | Renumbered to subsection 8.6 |
| Formerly 8.8 | Renumbered to subsection 8.7 |
| 9.1 | Replaced “inland wetlands agency” with “Commission”, after “an application” added “for a permit”, in the last paragraph at the beginning of the second sentence added the words “When a public hearing is held” and at the end of the second sentence added the words “and in accordance with section 8-7d of the Connecticut General Statutes, as amended. If the requirement of these regulations conflict with the statutory deadlines for receipt, holding hearings and rendering decisions, the statutory provisions shall govern.” (See comment) |
| 9.1.b | Replaced “the municipality in which the regulated activity is proposed” with “the Town of Thompson”, added the word “or” at the end of subparagraph 9.1.b., |
| 9.2 | Replaced language after “The costs of these required legal notices shall be” with paid by the applicant in accordance with the fee schedule established in 19.2 of these regulations, are due prior to the scheduled date of the hearing. Failure to pay the fee maybe grounds for denial of the application.” (See comment) |
| 9.3 | Replaced “mailed” with “sent by certified mail” after the words “shall be mailed”, replaced the word “proof” with the words “the certificate”, added the words “mailing of” before the words “such notification” |
| 9.4 | Deleted subsection (See comment) |
| 10.1 | Deleted subsections 10.1.b and 10.1.c, renumbered remaining subsections, (See comment) |
| Formerly 10.1.d | Renumbered to 10.1.b, changed the language from “Reports from other agencies and commissions including but not limited to the Town of Thompson:” to “Reports from, including but not limited to, other agencies and commissions:”, added the word “Thompson” before each subsection item, for item 10.1.b.4 replaced “Health Officer” with “Northeast District Department of Health”, added items 10.1.b.5 “Thompson Water Pollution Control Authority”, 10.1.b.6 “Thompson wetlands agent” as the subsection item, |

Proposed Revisions to Thompson Inland Wetlands and Watercourses Regulations

| Existing Section | Change |
|------------------|--|
| | and added item 10.1.b.7. “Other technical agencies or organizations which may undertake additional studies or investigations, such as the Environmental Review Team, or other experts retained by the Commission” (See comment) |
| Formerly 10.1.e | Renumbered to 10.1.c, deleted “On any application, the Commission may also consider” and replaced “comments” with “Comments” (See comment) |
| 10.1.f | Renumbered to 10.1.d, replaced “10.1d and e” with “10.1.b and 10.1.c” |
| 10.2 | Added the words “In carrying out the purposes and policies of the Act, including matters including regulating, licensing and enforcing the provisions thereof,” at the beginning of the first sentence. (See comment) |
| 10.3 | Added the words “of these regulations” after “10.2” |
| 10.6 | Replaced “A municipal inland wetlands agency” with “The Commission |
| 10.7 | Replaced “own experts” with “wetlands agent” (see Comment), replaced “the Inland Wetlands and Watercourses Regulations of the Town of Thompson” with “these regulations” |
| 10.8 | Replaced “7.11c” with “7.10” |
| 10.9 | Replaced “such agency” with “the Commission”, replaced “subsections 7.11c or 7.11d” with “subsection 7.10” (See comment), added “, other than a state agency that hold such restriction” after the words “preservation restriction”, replaced “permit approval” with “the decision on the application”, added “or (2) the state agency that holds such restriction may, not later than thirty days after receipt of the actual notice of the decision, file an appeal with the Commission, subject to the rules and regulations of the Commission relating to appeals. The Commission shall immediately reverse such approval if the commissioner of such state agency that holds such restriction certifies that the land use authorized in such permit violated the terms of such conservation or preservation restriction” to the sentence ending in “appeals.” (See comment), in last sentence replaced “permit” with “approval” (See comment) |
| 10.10 (New) | Added language “Nothing in subsections 7.10 of these regulations shall be construed to prohibit the filing of a permit application or to require such written notice when the activity that is the subject of such permit application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction.” (See comment) |
| Section 11(a) | Renumbered to “11”, replaced “PERMIT” with “LICENSE” (See comment) |
| 11.1 | Replaced “Agency” with “Commission”, replaced “duly authorized” with “wetlands” before the word “agent”, replaced “Section (11b)” with “section 12”, added the words “purposes and” before the word “policy”, replaced “sections 22a-36 to 22a-45, inclusive, of the general statutes” with “the Act, or deny the application” |
| 11.2 | Added “permit” before the word “application”, added “in accordance with subsection 9.1 of these regulations,” before the word “hold a public hearing”, replaced “the” with “such” before the word “application.” (See comment) |
| 11.4 | Replaced “town wherein the inland wetland or watercourse lies” with “Town”, and replaced “Commissioner of Environmental Protection” with “Commissioner of Energy and Environmental Protection” |
| 11.6 | Replaced “general statutes” with “Connecticut General Statutes”, replaced “earlier be valid for five years provided the agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued under this section for any other activity shall be valid for not less than two and not more than five years” with “shall (a) not take effect until each such approval, as applicable, granted under such chapter has taken effect, and (b) be valid until the approval granted under such chapter expires or for ten years, whichever is earlier” (See comment) |
| 11.7 | Replaced “Any permit issued under this section shall be valid for five years. Any regulated activity approved by the agency shall be completed within two years from the time such activity is commenced provided the agency may establish a specific time period within which any regulated activity shall be conducted and may require that an activity, once commenced, be completed within the time period specified on the permit and further provided the agency may extend (1) the time period of the original permit provided such |

Proposed Revisions to Thompson Inland Wetlands and Watercourses Regulations

| Existing Section | Change |
|----------------------|--|
| | period shall not extend beyond ten years from the date such permit was granted, or (2) the time period within which an activity, once commenced, is required to be completed under this section.” with “Any permit issued for any activity for which an approval is not required under chapter 124, 124b, 126 or 126a shall be valid for not less than two years and not more than five years. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit may be valid for more than ten years.” (See comment) |
| 11.8 (new) | Repeat of language found in C.G.S. § 22a-42a(g)(1) – change required by P. A. 21-34 as modified by P.A. 21-163 sec 4. (See comment) |
| 11.9 (new) | Repeat of language found in C.G.S. § 22a-42a(d)(2)(A & B) – change required P.A. 21-34 as modified by P.A. 21-163 sec 4. (See comment) |
| 11.10 (new) | Language moved from section 7.9(a) excluding subsection 7.9(a)f which was deleted and 7.9(b) (See comment) |
| 11.11 (new) | Language moved from section 7.9(b) and replaced with “Any written request to renew or extend a license shall be submitted on a form provided by the Commission accompanied by the associated fee identified in section 19.2 of these regulations. Such request shall be granted upon request of the license holder unless the Commission finds that there has been a substantial change in circumstances which requires a new license application or an enforcement action has been undertaken with regard to the regulated activity for which the license was issued provided no license may be valid for more than that allowed by the Act. Failure to submit a completed request form and/or the associated fee are grounds for withholding a decision on such request.” (See comment) |
| Formerly 11.8 | Renumbered to 11.12, replaced “permit” with “license”, added the sentence “Partial transfer of a license for regulated activities is prohibited.” (See comment) |
| Formerly 11.9 | Renumbered to 11.13, replaced “permit” with “license” |
| Formerly 11.10 | Renumbered to 11.14, replaced “permits” with “licenses” (See comment) |
| Formerly 11.10.a | Renumbered to 11.14.a, replaced “Agency” with “Commission or its agent”, replaced “permit” with “license”, and added after “revoked “by the Commission in accordance with subsection 14.4 of these regulations” |
| Formerly 11.10.b | Renumbered to 11.14.b, replaced “permits” with “licenses”, replaced “Agency” with “Commission or its agent”, |
| Formerly 11.10.c | Renumbered to 11.14.c, replaced “permit” with “license” twice |
| Formerly 11.10.d | Renumbered to 11.14.d., replaced “permit” with “license” |
| 11.14.e (new) | Added “ Any changes to a licensed regulated activity must be submitted to the Commission as a requested license modification for the Commission to review and determine if the modification requires the submission of a new application or if the modification can be authorized as a modification of the existing license. Any written request to modify a license shall be submitted on a form provided by the Commission accompanied by the associated fee identified in section 19.2 of these regulations. Failure to submit a completed license modification request form and/or the associated fee are grounds for withholding a decision on such request”. (See comment) |
| Formerly Section 11b | Renumbered from “11b” to “12” and replaced “DULY AUTHORIZED” with “WETLANDS” before the word “AGENT” |
| Formerly 11b.1 | Renumbered from “11b.1”to “12.1”, replaced “agency” with “Commission”, replaced “duly authorized” with “wetlands” before the word “agent”, replaced “commissioner” with “Commissioner of Energy and Environmental Protection”, added the word “Connecticut” before the words “General Statutes”, added “, as amended or determined that an activity requires no application” after the word “Statutes”, replaced “11” with “10” before the words “of these regulations, replaced “‘Application for Wetland Agent Approval” with “‘Thompson Inland Wetlands Commission Request for Regulated Activity License and Jurisdictional Ruling’ consisting of the base form accompanied by Supplemental Form C and shall contain at a minimum the information required by subsections 7.5 and 7.7 of |

Proposed Revisions to Thompson Inland Wetlands and Watercourses Regulations

| Existing Section | Change |
|------------------|--|
| | these regulations” (See comments) |
| 12.2 (new) | Added “If the wetlands agent finds a wetlands agent approval application proposes a regulated activity that may have more than a minimal impact on any wetland or watercourse, then the agent shall deny the application if it is not withdrawn after the applicant is advised that an application for an individual permit is required.” (See comment) |
| Formerly 11b.2 | Renumbered from 11b.1 to 12.3, deleted “Any person receiving such approval from such agent shall, “capitalized “Within”, replaced “such” with “wetlands agent”, added “or denial” after the word “approval”, replaced “published, at the applicant’s expense” with “the wetlands agent shall cause the publication of a legal”, added “or denial” after “notice of approval”, and added “wetland” before the word “agent”. (See comment) |
| 12.4 (new) | Added “Any request to extend or modify a wetlands agent approval shall be submitted on a form provided by the Commission and processed in accordance with section 11.11 or 11.14.e., respectively of these regulations. Wetlands agent approvals are not transferable without the written consent of the wetlands agent or the Commission.” (See comment) |
| Section 12 | Renumbered from “12” to “13” (See comment) |
| Formerly 12.1 | Renumbered to 13.1, added “The applicant” at the beginning of the sentence, replaced “issuance of a permit, the applicant” with “the start of the permitted activity”, replaced “bond with such surety” with “financial guarantee” |
| Formerly 12.2 | Renumbered to 13.2, replaced “bond or surety” with “financial guarantee” |
| 13.3 (new) | Added identification of 4 types of financial guarantee s |
| 13.4 (new) | Added language for financial guarantee content (See comment) |
| 13.5 (new) | Added language for identification of financial guarantee default |
| 13.6 (new) | Added language for release of financial guarantee |
| Formerly 12.3 | Renumbered to 13.7 |
| Section 13 | Renumbered from “13” to “14” |
| Formerly 13.1 | Renumbered to 14.1, replaced “an agent or agents” with a wetlands agent”, replaced “duly authorized” with “wetlands” before “agent” (See comment) |
| Formerly 13.2 | Renumbered to 14.2, replaced “permits” with “licenses”, deleted “authorized agent of the owner” and replaced “permit” with “license” (See comments) |
| Formerly 13.3 | Renumbered to 14.3, replaced “duly authorized” with “wetland” before “agent” twice |
| Formerly 13.3.a | Renumbered to 14.3.a, replaced “municipality” with “Town”, added the word “Connecticut” before the words “General Statutes” |
| Formerly 13.3.b | Renumbered to 14.3.b., replaced “permit” with “license” |
| Formerly 13.4 | Renumbered to 14.4, replaced “permit” with “license” throughout, replaced “municipality” with “Town”, |
| Section 14 | Renumbered from “14” to “15” |
| Formerly 14.1 | Renumbered to 15.1, replaced “Inland Wetlands and Watercourses Map for the Town of Thompson” with “Map” and added “Energy and” before “Environmental Protection” (See comment) |
| Formerly 14.2 | Renumbered to 15.2, deleted “the” before “receipt of such application”, replaced “such agency” with “the Commission” and replaced 3 times “the date of such receipt” with “such date of receipt” |
| Formerly 14.3 | Renumbered to 15.3, deleted the words “Thompson Inland Wetlands and Watercourses” before the word “Map” |
| Formerly 14.4 | Renumbered to 15.4, deleted the words “Inland Wetlands and Watercourses” before the word “Map”, deleted “Thompson, Connecticut” after the word Map and added “be submitted to the wetlands agent, or in his or her absence, the Thompson Town Clerk, who shall act as agent for the Commission for the purposes of delivery of the petition and shall” before the words “contain at least the following information” |
| Formerly 14.4.d | Renumbered to 15.4.d., replaced “Map” with “Drawing” (See comment) |
| Formerly 14.5 | Renumbered to 15.5 deleted the words “Inland Wetlands and Watercourses” before the word “Map”, deleted “, Thompson, Connecticut” after the word Map, replaced “14.3” with “15.3 of these regulations” after the word “subsection” |

Proposed Revisions to Thompson Inland Wetlands and Watercourses Regulations

| Existing Section | Change |
|-------------------|--|
| Formerly 14.5.d | Renumbered to 15.5.d, replaced “Map” with “Drawing” |
| Formerly 14.6 | Renumbered to 15.5, replaced “licensed” with “qualified” before the words “soil scientist” |
| Formerly 14.7 | Renumbered to 15.7, deleted “Inland Wetlands and Watercourses” before the word “Map”, replaced “municipality: with “Town”, replaced “town clerk” with “Thompson Town Clerk” |
| Formerly 14.8 | Renumbered to 15.8, “Inland Wetlands and Watercourses” before the word “Map” |
| Formerly 14.9 | Renumbered to 15.9, “Inland Wetlands and Watercourses” before the word “Map” |
| Section 15 | Renumbered from “15” to “16” |
| Former 15.1 | Renumbered to 16.1, added the word “Connecticut” before the words “General Statutes” |
| Former 15.2 | Renumbered to 16.2 |
| Section 16 | Renumbered “16” to “17” |
| Section 17 | Renumbered “17” to “18” |
| Section 18 | Renumbered from “18” to “19”, deleted “APPLICATION” |
| Former 18.1 | Renumbered to 19.1 |
| Former 18.2 | Renumbered to 19.5, deleted “to subsection 4 or” before “subsection 18.7”, replaced “18.7” with “19.6” |
| Former 18.3 | Renumbered to 19.4, deleted the “application” before the word “fees” |
| Former 18.4 | Deleted |
| Former 18.5 | Deleted |
| 19.2 (New) | Fee schedule reworded and costs changed to reflect changes in Public Act 09-03, section 396 (See comments) |
| Former 18.6 | Renumbered to 19.3 |
| Former 18.7 | Renumbered to 19.6, promoted last sentence to new 19.7 |
| 19.7 (new) | Last sentence of former 18.7 promoted, replaced “this subsection” with “subsection 19.6 of these regulations”. |
| Section 19 | Renumbered “19” to “20” (See comment) |
| Former 19.1 | Renumbered 20.1 Replace language with “The Commission and the Thompson Town Clerk shall retain complete administrative records of Commission actions and dispose of such records in accordance with the current retention/disposition schedules established pursuant to sections 11-8 and 11-8a of the Connecticut General Statutes” |
| Former 19.2 | Deleted |
| Section 20 | Renumbered from “20” to “21” |
| 21.1 (renumbered) | Added “Thompson” before “Town Clerk” |