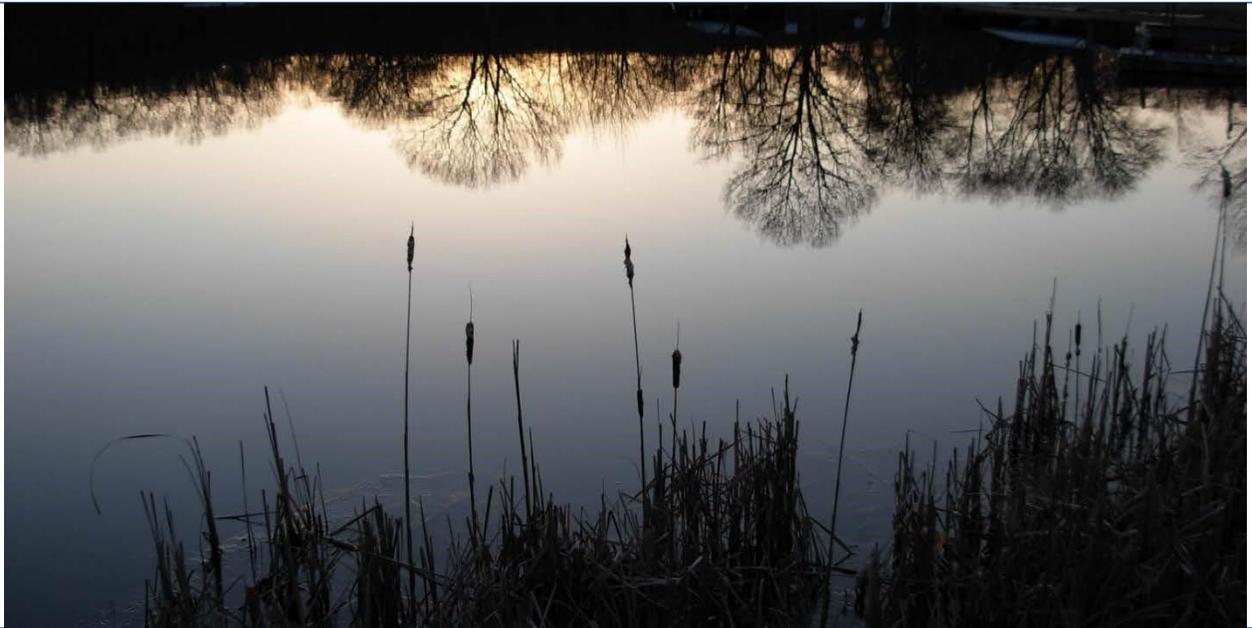


TOWN OF PRESTON, CONNECTICUT

Inland Wetlands and Watercourses Regulations



Preston Inland Wetlands and Watercourses
Commission

ADOPTED: June 21, 1988
UPDATED: April 22, 2020

EFFECTIVE: July 1, 1988

TOWN OF PRESTON, CONNECTICUT

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Preston Inland Wetlands and Watercourses Commission

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**Inland Wetlands and Watercourses
Regulations
Town of Preston, Connecticut
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Inland Wetland Soils Map

Revisions:

Section 1.4	Rev. 05/18/04
Section 2.1.5	Rev. 08/17/10; Eff. 09/01/10
Section 2.1.7	Rev. 05/18/04
Section 2.1.8	Rev. 08/17/10; Eff. 09/01/10
Section 2.1.11c	Rev. 10/21/97
Section 2.1.11h	Rev. 08/17/10; Eff. 09/01/10
Section 2.1.15	Rev. 08/17/10; Eff. 09/01/10
Section 2.1.16	Rev. 01/21/97, Rev. 08/17/10; Eff. 09/01/10
Section 2.1.16a	Rev. 01/21/97, Rev. 08/17/10; Eff. 09/01/10
Section 2.1.16b	Rev. 01/21/97, Rev. 08/17/10; Eff. 09/01/10
Section 2.1.16c	Rev. 01/21/97, Rev. 08/17/10; Eff. 09/01/10
Section 2.1.17	Rev. 10/21/97
Section 2.1.18	Rev. 10/21/97
Section 3.1.1	Rev. 01/21/97, Rev. 08/17/10; Eff. 09/01/10
Section 3.1.5	Rev. 08/17/10; Eff. 09/01/10
Section 3.1.6c	Rev. 08/17/10; Eff. 09/01/10
Section 3.1.7	Rev. 08/17/10; Eff. 09/01/10
Section 6.2a	Rev. 10/21/97, Rev. 06/15/01, Rev. 05/18/04, Rev/ 08/17/10; Eff. 09/01/10
Section 6.2b	Rev. 10/21/97, Rev. 05/18/04, Rev. 05/18/04, Rev/ 08/17/10; Eff. 09/01/10
Section 6.2c	Rev. 06/15/01, Rev. 03/21/06
Section 6.3.1	Rev. 10/21/97
Section 6.5	Rev. 10/21/97
Section 6.6	Rev. 12/18/02
Section 6.6.1	Rev. 10/21/97, Rev.11/21/97, Rev. 08/17/10; Eff. 09/01/10
Section 6.6.2	Rev. 01/21/97
Section 6.8	Rev. 07/01/90
Section 6.10	Rev. 07/01/90; Rev. 01/21/97, Rev. 10/21/97
Section 6.12	Rev. 09/21/04, Rev. 08/17/10; Eff. 09/01/10
Section 6.12.1a-e	Rev. 10/21/97
Section 6.12.2	Rev. 10/21/97, Rev. 09/21/04, Rev. 08/17/10; Eff. 09/01/10
Section 6.14	Rev. 08/17/10; Eff. 09/01/10
Section 7.4	Rev. 07/01/90
Section 8.0a-f	Rev. 10/21/97
Section 8.2	Rev. 10/21/97
Section 8.3	Rev. 01/21/97, Rev. 10/21/97
Section 8.6	Deleted 01/21/97
Section 8.9	Rev. 08/17/10; Eff. 09/01/10
Section 8.9a	Rev. 08/17/10; Eff. 09/01/10
Section 11.4	Rev. 08/17/10; Eff. 09/01/10
Section 12.1	Rev. 08/17/10; Eff. 09/01/10
Section 13.6	Rev. 10/21/97
Section 13.6a-b	Rev. 10/21/97

Section 14.1 Rev. 10/21/97

Section(s) 1, 2, 3, 4, 5, 6, 7, 8, 11, 13 Rev. 08/16/11; Eff. 09/06/11

Section(s) 1.2, 2.1.8, 2.1.16, 3.1.1, 5.1, 5.2, 5.3, 6.2.3, 6.6, 6.12, 6.13, 8.10, 7.2, 7.3, 8.10, 8.11, 8.12, 8.13, 9.1, 11.3,
and 13.1 Rev. 10/15/13; 11/05/13

Section(s) 2.14 (added); 6.6.3 (added); 6.7 (added); 8.14 (added) and renumbered accordingly.

Rev. 07/21/15; Eff. 08/15/15

Section 2.1.9 (added); 3.1.1 (added); 3.1.7 (added); 6.2 (replaced); 6.2.1 (replaced); 6.2.2 (replaced)

Rev. 03/19/19; Eff. 04.03.19

INLAND WETLANDS AND WATERCOURSES REGULATIONS

1.0 TITLE, AUTHORITY AND PURPOSE

- 1.1 These Regulations shall be known as the “Inland Wetlands and Watercourses Regulations of the Town of Preston, Connecticut”, and are herein referred to as “these Regulations”. (Rev. 08/16/11; Eff. 09/06/11)
- 1.2 These Regulations have been prepared and adopted in accordance with the provisions of Section 22a-36 and 22a-45 of the Connecticut General Statutes, as amended, by the Inland Wetlands and Watercourses Commission, as authorized by ordinance of the Preston Town Meeting on February 11, 1988. (Rev. 08/16/11; Eff. 09/06/11) (Rev. 10/15/13; 11/05/13)
- 1.3 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 public health, welfare and safety. It is therefore, the purpose of these Regulations to protect the citizens of Preston 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 forth 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 potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for economic growth of the Town of Preston and the use of its land with the need to protect its environment and ecology in order to assure to the people of the Town of Preston, the safety of such natural enjoyment of generations yet unborn.
- 1.4 The Commission finds that in order to properly protect the wetlands and watercourses located in the Town of Preston it is necessary to regulate activities which take place outside of the wetlands and watercourses that are likely to impact or affect the wetlands or watercourses (05/18/04)

2.0 DEFINITIONS

- 2.1 Certain words, terms and phrases used in these Regulations shall have the meanings presented in this section. All words used in the present tense include the future tense, and the word “**used**” shall be deemed to include “**designed, intended, or arranged to be used.**” Words not defined in this section shall have commonly accepted meanings.
- 2.1.1 “**Commission**” means the Inland Wetlands and Watercourses Commission of the Town of Preston, Connecticut.
- 2.1.2 “**Deposit**” includes, but shall not be limited to fill, grade, dump, place, discharge or emit.
- 2.1.3 “**Discharge**” means the emission of any water, substance or material into the waters of the Town of Preston, whether or not such substance causes pollution.
- 2.1.4 “**Intervenor**” shall have the same meaning and shall satisfy the same requirements as set forth in the Connecticut General Statutes 22a-19. Such person must file verified pleading containing specific factual allegations setting forth the nature of the alleged unreasonable pollution, impairment or destruction of the public trust of a wetland or watercourse resource within the jurisdiction of this Commission. (App. 07/21/15; Eff. 08/15/15)
- 2.1.5 “**Material**” means any substance, solid or liquid, organic or inorganic, including, but not limited to, soil sediment, aggregate, land gravel, clay, bog, mud, debris, sand, refuse or waste.
- 2.1.6 “**Person**” means any person, firm, partnership, association, corporation, limited liability company, organization or legal entity of any kind including municipal corporations, governmental agencies or subdivision thereof. (Rev. 08/17/10; Eff. 09/01/10)
- 2.1.7 “**Pollution**” means harmful thermal effect or the contamination or rendering unclean or impure any waters of the Town of Preston 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.
- 2.1.8 “**Regulated Activity**” means any operation within or use of a wetland or watercourse or regulated area, (05/18/04) involving removal or deposition of material or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, or regulated area (05/18/04) but shall not include the specified activities in Section 3 of these Regulations.

- 2.1.9 **“Regulated Area”** means any wetland or watercourse, or any area within one hundred feet (100’) of a wetland or watercourse as defined in these Regulations wherein a regulated activity is proposed and such activity is likely to impact or affect the wetlands or watercourses. (Rev. 08/17/10; Eff. 09/01/10) (Rev. 08/16/11; Eff. 09/06/11) (Rev. 10/15/13; 11/05/13)
- 2.1.10 **“Remove”** includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, bulldoze, dragline or blast.
- 2.1.11 **“Render Unclean or Impure”** means any alteration of the physical, chemical, or biological properties of any of the waters of the Town of Preston including, but not limited to, change in odor, color, turbidity or taste.
- 2.1.12 **“Significant Impact”**, as referred to in Section 6.6 of these Regulations means:
- a. Any activity involving a deposition or removal of material which will or may have a substantial effect on the regulated area or on another part of the inland wetlands or watercourses system, or any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system, or;
 - b. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable biological life, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space or perform other functions, or;
 - c. Any activity which causes, is likely to cause, or has the potential to cause substantial turbidity, siltation or sedimentation in a wetlands or watercourse, or; (10/21/97)
 - d. Any activity which causes, or likely to cause, or has the potential to cause substantial turbidity, siltation, or sedimentation in a wetlands or watercourse or; (04/22/2020)
 - e. Any activity which causes or has the potential to cause pollution of a wetland or watercourse, or;
 - f. Any activity which creates conditions which may adversely affect the health, welfare, and safety of any individual or the community, or;
 - g. Any activity which destroys unique wetland or watercourse areas, or such areas having demonstrable, scientific or educational value, or;
 - h. Any activity in the regulated area which is likely to have an impact or affect upon the physical characteristics of the wetlands or watercourses. (Rev. 08/17/10; Eff. 09/01/10)

- 2.1.13 **“Soil Scientist”** means an individual duly qualified in accordance with the standards set by the Office of Personnel Management (formerly the U.S. Civil Service Commission). (Rev. 08/16/11; Eff. 09/06/11)
- 2.1.14 **“Waste”** means sewage of any natural or manmade substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters of the Town of Preston.
- 2.1.15 **“Watercourses”** means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamp bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained, flow through, or border on the Town of Preston or any portion thereof.
- 2.1.16 **“Wetlands”** means land, including submerged land, which consists of any of the soil types designated as poorly drained, very poorly drained and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture. (Rev. 08/17/10; Eff. 09/01/10)
- 2.1.17 **“Intermittent Watercourse”** means those waterways which are characterized by non-persistent flow. For the purpose of these Regulations, intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two (2) or more of the following characteristics: (01/21/97) (Rev. 08/17/10; Eff. 09/01/10) (Rev. 10/15/13; 11/05/13)
- a. Evidence of scour or deposits of recent alluvium detritus. (01/21/97) (Rev. 08/17/10; Eff. 09/01/10)
 - b. The presence of standing or flowing water for a duration longer than a particular storm incident. Ordinarily, the presence of water is supported by a component, however small, of groundwater outflow or exfiltration. (11/21/97)
 - c. The presence of hydrophytic vegetation. (01/21/97) (Rev. 08/17/10; Eff. 09/01/10)
- 2.1.18 **“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 and 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 wild life will not be adversely affected. (10/21/97)

2.1.19 **“Dry hydrant”** means a non-pressurized pipe system that is (A) readily accessible from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water. (Rev. 03/19/19; Eff. 04/03/19)

2.1.20 **“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 (10/21/97)

3.0 PERMITTED OPERATIONS AND USES

3.1 The following operations and uses shall be permitted in wetlands and watercourses as of right and shall not require a permit from the Commission:

3.1.1 Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three (3) acres or less essential to the farming operation. This provision shall include the filling of wetlands for construction of farm roads necessary for access to farm buildings. The provision of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation or filling of watercourses with intermittent or continuous flow, clear cutting of timber, except for the expansion of agricultural cropland, or the mining of top soil, peat, sand, gravel or similar materials from wetlands or watercourses for the purposes of sale 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. (01/21/97) (Rev. 08/17/10; Eff. 09/01/10) (Rev. 10/15/13; 11/05/13) (Rev. 03/19/19; Eff. 04/03/19)

3.1.2 A residential home (a) for which a building permit has been issued or (b) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of Section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987.

- 3.1.3 Boat anchorage or mooring.
- 3.1.4 Uses incidental for the enjoyment and maintenance of residential property such as property defined as a lot in the zoning district having the largest minimum lot size in the Town of Preston. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse.
- 3.1.5 Construction and operation by water companies as defined in Section 16.1 or by municipal water supply systems as provided for in Chapter 102 of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies, except as otherwise regulated by the General Statutes. (Rev. 08/17/10; Eff. 09/01/10)
- 3.1.6 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 and watercourse:
- a. Conservation of soil, vegetation, water, fish, shellfish and wildlife;
 - b. Outdoor recreation including play and sporting areas, golf courses, field trails, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing where otherwise legally permitted and regulated.
 - c. Any dredging or other erection, placement, retention or maintenance of any structure, fill, obstruction or encroachment, or any work incidental to such activities, conducted by a state agency, which activity is regulated under CGS Section 22a-28 through 22a-35 inclusive and Section 22a-359b to 22a-363f should not require a permit. (Rev. 08/17/10; Eff. 09/01/10)
- 3.1.7 Fire Department use of water and installation of dry hydrants. Fire Departments may install and use dry hydrants for use by their apparatus. Such installations shall not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material. Additionally, fire departments may withdraw water as needed by dry suction from these hydrants. (Rev. 03/19/19; Eff. 04/03/19)
- 3.1.8 Any person proposing to carry out a permitted or non-regulated operation or use of a wetland or watercourse, which may disturb the natural or indigenous

character of the land, shall, prior to commencement of said activity, notify the Commission and/or the Wetland Enforcement Officer (WEO) so that the Commission may make a determination that said activity does not require a permit. (Rev. 08/17/10; Eff. 09/01/10) (Rev. 08/16/11; Eff. 09/06/11) (Rev. 03/19/19; Eff. 04/03/19)

4.0 GENERAL REQUIREMENTS

- 4.1 No person shall henceforth conduct a regulated activity in a regulated area without first obtaining a permit for such activity from the Commission, except that nothing in these Regulations shall prohibit continuance of a legal use existing prior to the adoption of these Regulations, provided that no new or additional regulated activity shall be conducted without a permit. (See Section 6 for permit application procedures.)
- 4.2 Commission members and their agent or designees used by the Commission to evaluate permit applications under these Regulations, shall have the right of free access to portions of the property under consideration. The property owner may require that such persons have a letter of authorization from the Chairman or Secretary of the Commission prior to permitting such access, unless the right of access is given by judicial authority.
- 4.3 The Commission and its agents or designees may maintain general surveillance of the regulated areas within the Town of Preston to ensure that no unauthorized regulated activities occur. Any person found to be conducting or maintaining a regulated activity without 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 11 of these Regulations. (Rev. 08/16/11; Eff. 09/06/11)

5.0 ACTIVITIES REGULATED BY THE STATE

- 5.1 The Commissioner of Energy and Environmental Protection shall regulate the following activities: (Rev. 10/15/13; 11/05/13)
 - 5.1.1 Construction or modification of any dam pursuant to Sections 22a-401 through 22a-411 of the General Statutes, as amended;
 - 5.1.2 Construction or placement of any obstruction within stream channel encroachment lines pursuant to Section 22a-342 through 22a-349a of the General Statutes, as amended; (Rev. 08/16/11; Eff. 09/06/11)

- 5.1.3 Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the State pursuant to Sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the General Statutes, as amended;
 - 5.1.4 Diversion of water in excess of fifty thousand (50,000) gallons per day or any surface waters of the state where the tributary watershed area above the point of diversion on one hundred (100) acres or larger pursuant to Sections 22a-365 through 22a-378a of the General Statutes, as amended;
 - 5.1.5 Discharges into waters of the State pursuant to Section 22a-430 of the General Statutes, as amended.
- 5.2 Any permit granted or denied by the Commissioner of Energy and Environmental Protection shall be binding upon the Commission as to those matters within the Commissioner of Energy and Environmental Protection's jurisdiction. (Rev. 10/15/13; 11/05/13)
 - 5.3 The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over regulated activities and other activities, in or affecting wetlands and watercourses, undertaken by any department, agency or instrument of the State of Connecticut, except any local or Regional Board of Education. (Rev. 08/16/11; Eff. 09/06/11) (Rev. 10/15/13; 11/05/13)

6.0 PERMIT APPLICATION AND REVIEW PROCEDURES

- 6.1 Application for a permit for a regulated activity shall be made on a form and shall be accompanied by such supporting information and documents as prescribed in Section 7 of these Regulations. Application forms shall be available at the Land Use Office. There are two distinct forms (Subdivision and General) in use. The *Subdivision Form* is to be used when the application is for a subdivision, with or without public improvements. The *General Form* is for all other activities. The *Subdivision Permit* provides the Commission's recommendations to the Planning & Zoning Commission and permits work on the public improvements needed for the subdivision to be realized. The *Subdivision Permit* does not allow construction on individual lots as the plans normally only show conceptual individual lot development. (Rev. 08/16/11; Eff. 09/06/11)
- 6.2 Each application shall be accompanied by a fee as herein prescribed, to cover the costs of administering the program and to pay State of Connecticut permit fees. Payment shall be in the form of a check or money order made payable to the "Town of Preston". (Rev. 03/19/19; Eff. 04/03/19)

- 6.2.1 The fee for any **APPLICATION is \$35.00**. Plus, the **STATE FEE OF \$60.00** (10/21/97) (06/15/01) (05/18/04) (Rev. 08/17/10; Eff. 09/01/10) (Rev. 08/16/11; Eff. 09/06/11) (Rev. 03/19/19; Eff. 04/03/19) (04/22/2020)
- 6.2.2 In addition to the filing fees specified in 6.2.1, all applicants must deposit with the Town of Preston an amount to cover the cost of legal notices required to be placed in conjunction with the application. These fees must be deposited at the time the application is submitted. Depending on the application and associated Public Hearings, several legal notices may be required. The amount to be deposited will be determined by the Wetlands Office, based on cost estimates from the local newspaper. Any funds remaining after the completion of the application process will be returned to the applicant in a timely manner. (05/18/04) (10/21/97) (Rev. 08/17/10; Eff. 09/01/10) (Rev. 08/16/11; Eff. 09/06/11) (Rev. 03/19/19; Eff. 04/03/19)
- 6.2.3 In addition to the filing fees specified in Sections 6.2 a. and 6.2 b. above, a sum to be computed by a retained Town Engineer or other wetland professionals, required by the Commission, if so voted, to be paid to the Town of Preston for wetlands and watercourses impact and environmental review of improvements including but not limited to the construction of new roads, storm drainage, buildings, parking, water, sewer, and other utility lines, the setting aside of open space and recreation areas, planting of trees or other landscaping, the installation of retaining walls or other structures and erosion and sediment controls. The fee will be used to reimburse the Town of Preston for the expense of technical review of application material during the review process. Any amounts not used for this review will be refunded to the applicant. This engineering fee, once determined, must be paid within seven (7) days and before the application is reviewed by the Commission and/or the hired professional. (06/15/01) (Rev. 08/16/11; Eff. 09/06/11) (Rev. 10/15/13; 11/05/13)

An additional fee may also be required by the Commission when it appears necessary to the Commission that the Town Engineer or other professionals will need to inspect and monitor compliance with permit conditions and agency orders. This fee shall be computed based upon the estimated costs of engineering or other professional fees required to perform any such inspections or monitoring; and, any portion of the fee not expended upon satisfactory completion of any permitted activity will be returned to the applicant. (03/21/06) (Rev. 08/16/11; Eff. 09/06/11)

6.3 Such application and supporting data shall be submitted to the Land Use Office. The official day of receipt of an application shall be the day of the next regularly scheduled meeting of the Commission immediately following submission of the application, provided such meeting is no earlier than three (3) days after such submission, or thirty-five (35) days, whichever is sooner. (Rev. 08/16/11; Eff. 09/06/11)

6.3.1 The Commission shall not act on any application until thirty (30) days after the date of the receipt of the application in order to allow for public review of the application and to petition for a public hearing. (10/21/97) (Rev. 08/16/11; Eff. 09/06/11)

6.4 When applying for a permit to conduct a regulated activity upon a wetland or watercourse, any portion of which is within five hundred feet (500') of the boundary of another municipality, the applicant shall give written notice of the application by certified mail, return receipt requested, on the same day to the inland wetlands agency of such municipality.

6.5 The applicant shall notify the clerk of any adjoining municipality of the pendency of any application, petition, request or plan concerning any project on any site in which: (10/21/97)

1. Any portion of the property affected by a decision of the Commission is within five hundred feet (500') of the boundary of the adjoining municipality;
2. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
3. A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer system within the adjoining municipality; or, (App. 08/16/11; Eff. 09/06/11)
4. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by registered mail and shall be mailed within seven (7) days of the receipt of the application, petition, request or plan. No hearing may be conducted on any application, petition, request or plan until the adjoining municipality has received the notice required under this section. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

6.6 The Commission may hold a public hearing on the application not later than sixty-five (65) days after the receipt of such application and upon its determination that the proposed activity will have a significant impact on a wetland or watercourse. The Commission shall also conduct a Public Hearing on any application for which it determines there is significant impact on wetlands or watercourses or when a petition

signed by at least twenty-five persons is filed with the Commission not later than thirty days after submission of the application. (04/22/2020) A Notice of the 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 the Town. All applications and maps and related documents including revisions to be presented at the public hearing or any continuance shall be open for public inspection in the Land Use Office at least ten (10) days prior to the public hearing, or continuance thereof. (12/18/02) At such hearing, any person or persons may appear and be heard. The hearing shall be completed within forty-five (45) days of its commencement. (Rev. 10/15/13; 11/05/13)

- 6.6.1 The Commission will hold a public hearing on any application for a new nonresidential development. The Commission will not hold a public hearing on other applications unless it determines that the proposed activity may have a significant impact upon wetlands and watercourses, a petition signed by at least twenty five (25) persons who are at least eighteen (18) years of age or older, and who reside in the Town of Preston, requesting a hearing is filed with the Commission not later than fourteen (14) days after the receipt of such application; or, the Commission finds that a public hearing would be in the public interest. (11/21/97) (10/21/97) (Rev. 08/17/10; Eff. 09/01/10) (App. 08/16/11; Eff. 09/06/11)
- 6.6.2 Adjacent property owners will be notified by the applicant, by certified mail, ten (10) days prior to the public hearing. (01/21/97)
- 6.6.3 An intervenor shall have all of the rights of a party and be entitled to review all documentation relating to an application. An intervenor may obtain copies of any and all such documentation from the Land Use Office subject to payment of the Town's standard fee for copies of documents. (App. 07/21/15; Eff. 08/15/15)
- 6.7 At any proceeding in which the applicant is afforded the opportunity to confer with or present evidence to the Commission, an intervenor shall be afforded the same rights as the applicant. All intervenor's desiring to question the applicant or any witnesses are requested to do so in an orderly and efficient manner through the Commission Chairman. If a public hearing is held, the intervenor shall be the same procedural rights as the applicant and, like the applicant, shall not confer with the Commission after the closing of the public hearing. (App. 07/21/15; Eff. 08/15/15)

- 6.8 The Commission shall evaluate the application in accordance with Section 8 of these Regulations.
- 6.9 The Commission shall take action on the application within thirty-five (35) days after the completion of the public hearing. If no public hearing is held on the application, action shall be taken within sixty-five (65) days from the receipt of the application. At any time during the period between the receipt of the application and the Commission's action on the application, the Commission may require the applicant to submit additional information regarding the proposed activity and its impact on the regulated area. If a public hearing is held on the application, the Commission shall base its decision on the hearing record, and other material not in the hearing record shall not be considered by the Commission in making its decision. The applicant may consent to one (1) or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such application, providing the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw
the application. Failure of the Inland Wetland and Watercourses 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. (07/01/90) (Rev. 08/16/11; Eff. 09/06/11)
- 6.10 The Commission may suspend or revoke a permit if it finds, after giving notice to the applicant of the facts or conduct which warrant the intended action and after a hearing at which the applicant is given an opportunity to show compliance with the requirements for retention of the permit, that the applicant has not complied with the conditions or limitations set forth in the application and the Commission shall notify the applicant by certified mail of its decision within fifteen days of the decision to approve, deny, revoke, or suspend a permit.
- 6.11 The Commission shall cause notice of its decisions to be published in a daily newspaper with a general circulation in the municipality within fifteen (15) days of the
Commission's decision and the Commission shall notify the applicant by certified mail of its decision within fifteen (15) days of the decision to approve, deny, revoke or suspend a permit. (07/01/90) (01/21/97) (10/21/97)
- 6.12 No person shall conduct any regulated activity within an inland wetland or watercourse which requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special exception or variance or other documentation establishing that the proposal complies with

the requirements of the Preston Zoning or Subdivision Regulations, whichever is applicable.

6.12.1 Any application to renew or amend an existing permit shall be filed with the Commission at least 65 days prior to the expiration date of the permit. Any application to renew or amend such an existing permit shall contain the information required under Section 7 of these Regulations provided:

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

6.12.2 Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than two years."

6.13 Any permit issued by the Commission for which an approval is required under Sections 8-23, 8-25 or 8-26, Chapters 124, 124b, 126 or 126a (Zoning, Incentive Housing Zones, Planning Commissions, Affordable Housing Land Use Appeals) of the Connecticut General Statutes shall be valid until the approval granted under such chapter expires or for ten (10) years, whichever is earlier. Any permit for any other activity for which approval is not required under Chapters 124, 124b, 126 or 126a shall be valid for two (2) years. Notwithstanding the above, any permit issued prior to July 1, 2011, that was in effect and did not expire prior to May 9, 2011, shall be valid for a period not less than nine (9) years from the date of such approval. An applicant may be granted an extension of time to complete the regulated activity, provided the same is approved by the Commission prior to the expiration date of the original permit. Any permit valid for nine (9) years may be extended for an additional five (5) years. Such permits shall not achieve a duration in excess of fourteen (14) years. Permits granted under Chapter 124, 124b, 126, or 126a shall be valid until approval

granted under said Chapters expires, or for ten (10) years, whichever is less. Permits approved for a term of two (2) years may be granted one (1) extension for an additional two (2) years by the Commission. (09/21/04) (Rev. 08/17/10; Eff. 09/01/10) (Rev. 10/15/13; 11/05/13)

6.13.1 Any application to renew or amend an existing permit shall be filed with the Commission at least sixty-five (65) days prior to the expiration date of the permit. Any application to renew or amend such an existing permit shall contain the information required under Section 7 of these Regulations provided: (10/21/97)

- a. The application may incorporate the documentation and record of the prior application; (10/21/97)
- b. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit; (10/21/97)
- c. The application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit; (10/21/97)
- d. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of land for which the permit was issued; (10/21/97)
- e. The Commission may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized activity is ongoing and allow the continuation of the work beyond the expiration dated if, in its judgment, the permit is likely to be renewed and the public interest or environment will best be served by not interrupting the activity. (10/21/97)

6.13.2 Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued. (10/21/97) (09/21/04)(Rev. 08/17/10; Eff. 09/01/10)

6.14 Nothing in these Regulations shall obviate the requirements for the applicant to obtain any other assents, permits and licenses required by law or regulation by the Town, the State of Connecticut, and the U. S. Government, including any approval required by the Planning and Zoning Commission, the Connecticut Department of Energy and Environmental Protection, and the U.S. Army Corps of Engineers. Obtaining such assents, permits, or licenses is the sole responsibility of the applicant. (Rev. 10/15/13; 11/05/13)

- 6.15 Any plans, site plans, engineering drawings, calculations or other data that are changed, amended, altered, added or deleted subsequent to approval of an application shall be resubmitted to the Commission for its review to determine if the changes are significant and relevant to the original approval. The Commission may determine that the changes are of such significance as to require that they be reviewed and approved/disapproved by the Commission. (Rev. 08/17/10; Eff. 09/01/10)

7.0 APPLICATION INFORMATION REQUIREMENTS

- 7.1 Each application for a permit shall be accompanied by three (3) copies of a sufficiently detailed description of the proposed activity to permit the Commission to evaluate its impact on the regulated area. The description shall include, but not be limited to information such as the following:
- 7.1.1 The purpose of the activity.
 - 7.1.2 The amount and precise nature of material to be deposited or extracted.
 - 7.1.3 The types and extent of plant and animal species on the property and the probable effect of the proposed activity on these species.
 - 7.1.4 The present character of any watercourse and probably effect of the proposed activity on it. If pollution is proposed, a chemical analysis of the pollutant and its probable effects on the plant and animal life in the affected area.
 - 7.1.5 Blueprints, engineering drawings or architectural plans or designs, where available, of any proposed construction on the property.
 - 7.1.6 Proposed measures to be taken to minimize or avoid any adverse impact on the regulated area.
 - 7.1.7 Each application for a permit shall be accompanied by a site plan of the affected property or properties prepared by a licensed land surveyor or professional engineer or architect registered in the State of Connecticut. The site plan shall be drawn at a scale which, in the opinion of the Commission, is adequate to show the information required to evaluate the proposed activity and its environmental impact. The site plan shall include, but may not be limited to, the following: (App. 08/16/11; Eff. 09/06/11)
 - a. Boundary lines, dimensions and area of the property.

- b. Locations of all wetlands and watercourses on the property and within two hundred feet (200') thereof and the extent of the proposed changes in their configuration. Wetland boundaries shall be marked on the site by a soil scientist and plotted on the site plan by a land surveyor.
- c. An indication of the degree and direction of the existing sloping land.
- d. If dispositions or removal of earth are proposed, resulting elevations shall be shown by one-foot (1') contour intervals.
- e. Locations and descriptions of all existing and proposed drainage features.
- f. Location of proposed activities.
- g. Existing and proposed high water level for all inundated areas.
- h. A site plan showing the proposed activity and 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 and watercourses.

7.2 The Commission may, upon request by the applicant, waive one (1) or more of the site plan requirements if the applicant can show, to the satisfaction of the Commission, that the information is not needed to reach a decision on the application. (Rev. 10/15/13; 11/05/13)

7.3 At the time of filing an application, the applicant shall complete specified sections of a reporting form which is intended to provide the Commissioner of the Department of Energy and Environmental Protection with information necessary to properly monitor the inventory of State wetlands and watercourses. The specified sections shall include at least the following: name of applicant; name of project; project description; area of wetlands and/or lineal feet of watercourse proposed to be altered. (App. 08/16/11; Eff. 09/06/11) (Rev. 10/15/13; 11/05/13)

7.4 When an application is filed to conduct or cause to be conducted a regulated activity upon any portion of which is within a watershed of a water company as defined in Section 16.1 of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing the boundaries of the watershed on the land records of the municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application. (07/01/90)

- 7.5 For any permit application involving property subject to a conservation restriction or preservation restriction, the following may apply: (App. 08/16/11; Eff. 09/06/11)
- 7.5.1 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 or open space use. (App. 08/16/11; Eff. 09/06/11)
- 7.5.2 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 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 preserve historically significant structures or sites. (App. 08/16/11; Eff. 09/06/11)
- 7.5.3 No person shall file a permit application, other than for interior work in an existing building that does not expand or alter the footprint of such existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless 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 (60) days prior to the filing of the permit application. (App. 08/16/11; Eff. 09/06/11)
- 7.5.4 In lieu of such notice pursuant to the subsection 7.5.3, 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. (App. 08/16/11; Eff. 09/06/11)

8.0 APPLICATION EVALUATION CRITERIA

- 8.1 Criteria for Decision. In carrying out the purposes and policies of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing the

provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including, but not limited to: (10/21/097) (Rev. 08/16/11; Eff. 09/06/11)

- 8.1.1 The environmental impact of the proposed regulated activity on wetlands or watercourses; (10/21/97) (App. 08/16/11; Eff. 09/06/11)
 - 8.1.2 The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses; (10/21/97) (App. 08/16/11; Eff. 09/06/11)
 - 8.1.3 The relationship between the short- and long-term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of them; (10/21/97) (App. 08/16/11; Eff. 09/06/11)
 - 8.1.4 Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would preclude 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 prevent or minimize pollution or other environmental damage, maintain or enhance existing environmental quality or, in the following order of priority; restore, enhance, and create productive wetland or watercourse resources; (10/21/97) (App. 08/16/11; Eff. 09/06/11)
 - 8.1.5 The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and (10/21/97) (App. 08/16/11; Eff. 09/06/11)
 - 8.1.6 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. (10/21/97) (App. 08/16/11; Eff. 09/06/11)
- 8.2 In the case of an application which received a public hearing pursuant to a finding by the Commission that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the Commission shall consider the facts and circumstances set forth in subsection 8.1 of these Regulations. The finding and reasons therefore shall be stated on the record in writing. (10/21/97)
- 8.3 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 and watercourses, the Commission shall propose on the

record in writing the types of alternatives which the applicant may investigate. 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. (01/21/97) (10/21/97) (App. 08/16/11; Eff. 09/06/11)

8.4 The Commission shall consider alternative or modified actions and alternative locations for the proposed activity.

8.5 The Commission shall consider the character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened.

8.6 Deleted (01/21/97)

8.7 The Commission shall give due consideration to solicited comments received from agencies of the Town, neighboring communities, or the New London Soil and Water Conservation District, or Private Water Companies and to evidence presented at the public hearing. (App. 08/16/11; Eff. 09/06/11)

8.8 In the case of an application which received a public hearing, a permit shall not be issued unless the Commission finds that a feasible and prudent alternative does not exist. In making its finding, the Commission shall consider the facts and circumstances set forth in this section and such findings and the reasons therefore shall be stated in the record.

8.9 For the purposes of this section, (1) "wetlands or watercourses" include 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. (Rev. 08/17/10; Eff. 09/01/10)

8.9.1 The Commission shall not deny or condition an application for a regulated activity in an area outside of the 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 the wetlands or watercourses. (Rev. 08/17/10; Eff. 09/01/10) (App. 08/16/11; Eff. 09/06/11)

8.10 In the case of an application where the applicant has provided written notice pursuant to subsection 7.5.3 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. (Rev. 08/16/11; Eff. 09/06/11) (Rev. 10/15/13; 11/05/13)

- 8.11 In the case of an application where the applicant fails to comply with the provisions of subsection 7.5.3 or 7.5.4 of these Regulations, (1) the party holding the conservation or preservation restriction, other than a state agency that holds such restriction, may, not later than fifteen (15) days after receipt of actual notice of permit approval, file an appeal with the Commission. The Commission shall reverse the permit approval upon finding that the requested land use violates the terms of such restriction; or (2) the state agency that holds such restriction may, not later than thirty (30) days after receipt of actual notice of permit approval; file an appeal with the Commission. The Commission shall immediately reverse such permit approval if the Commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction. (App. 08/16/11; Eff. 09/06/11) (Rev. 10/15/13; 11/05/13)
- 8.12 Nothing in subsection 7.5.3 or 7.5.4 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 subject of such permit application will occur on a portion of property that is not restricted under the term of such conservation or preservation restriction. (App. 08/16/11; Eff. 09/06/11) (Rev. 10/15/13; 11/05/13)
- 8.13 The Commission may grant the application as filed, or grant it upon other terms and conditions, limitation or modifications of the regulated activity designed to carry out the purposes and policies of the Act or it may 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. Such terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided the Commission determines that such restrictions are necessary to carry out the policy of Sections 22a-36 to 22a-45r inclusive, of the Connecticut General Statutes. (Rev. 10/15/13; 11/05/13)
- 8.14 Applications for activity outside of the regulated area will normally be reviewed and signed off by the Wetlands Agent. In certain cases, such as when the agent determines an activity is of such size or impact that, although outside of the regulated area, it may have adverse effect on wetlands or watercourses, the Wetlands Agent may make the determination that the application must be submitted to the Commission for approval. In such cases, if the Commission agrees that the project is of a scope that it may impact wetlands, then the Commission may at its discretion retain an engineer or soil scientist to evaluate the impact using the procedures outlined in Section 6.2.3 of these Regulations. In cases where an adverse impact is likely, as determined by the retained expert, the Commission will evaluate the application using the procedures of Section 6 of these Regulations. (App. 07/21/15; Eff. 08/15/15)

9.0 APPEALS

- 9.1 Any person aggrieved by an action of the Commission or its agent or any person owning or occupying land which abuts any portion of land or is within a radius of ninety feet (90') of the wetland or watercourse involved in any regulation, order, decision or action made pursuant to these Regulations may, within fifteen (15) days after publication of such action, appeal to the appropriate court having jurisdiction in such appeals. Appeals shall be taken in accordance with the provisions of Section 22a-43 of the Connecticut General Statutes. The Commissioner of Energy and Environmental Protection shall be notified promptly of any appeal. (Rev. 10/15/13; 11/05/13)

10.0 ASSESSMENT RELIEF

- 10.1 Any owner of wetlands and watercourses who may be denied a permit in connection with a regulated activity affecting such wetlands and watercourses, shall, upon written notification to the Assessor of the Town of Preston, be entitled to a revaluation of such property to reflect the fair market value thereof in light of the restriction placed upon it by the denial of such permit effective with respect to the next succeeding assessment list, provided no such revaluation shall be effective retroactively and the Town of Preston may require as a condition therefore the conveyance of less than fee interest to it of such land pursuant to the provisions of Section 7-13 to 7-131k, inclusive, of the General Statutes, as amended.

11.0 ENFORCEMENT AND PENALTIES

- 11.1 If the Commission or its agent finds any person is conducting or maintaining any activity, facility or condition which is in violation of these Regulations, the Commission or its agent may issue a written notice of violation, informing the violator of the offense and prescribing the necessary action and steps to correct the violation. If the notice of violation does not produce a satisfactory response from the violator, the Commission or its agent may issue a written order, by certified mail, to such person conducting such activity or maintaining such facility or condition to cease immediately such activity or to correct such facility or condition within ten (10) days of the issuance of such order, the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. 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 11.2 of these Regulations.

- 11.2 Any person who commits, takes part in, or assists in any violation of any provision of these Regulations shall be assessed a civil penalty of not more than one thousand dollars (\$1,000.00) for each offense. Each violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct offense. The Superior Court, in an action brought by the Commission or its agent, shall have jurisdiction to restrain a continuing violation of said sections, to issue orders directing that the violation be corrected or removed and to assess civil penalties pursuant to this section. All costs, fee and expenses in connection with such action shall be assessed as damages against the violator together with reasonable attorney's fees which may be allowed, all of which shall be awarded to the Town of Preston. The monies collected pursuant to this section shall be used to restore the affected wetlands or watercourses to their condition prior to the violation, wherever possible. (App. 08/16/11; Eff. 09/06/11)
- 11.3 Any person who willfully or knowingly violates any provision of these Regulations shall be fined not more than one thousand dollars (\$1,000.00) for each day during which such violation continues or be imprisoned not more than six (6) months, or both. For a subsequent violation, each person shall be fined not more than two thousand dollars (\$2,000.00) for each day during which such violation continues or be imprisoned not more than one (1) year, or both. For the purposes of this subsection, "person" shall be construed to be any reasonable corporate officer. This subsection shall be enforced by a criminal proceeding undertaken in the Superior Court of the State of Connecticut. (Rev. 10/15/13; 11/05/13)
- 11.4 The Commission's agent shall maintain a list of all open applications (applications that have not yet expired or have not been signed off as completed) and shall present the list to the Commission at each regular meeting of the Commission. At a minimum the list shall provide the following information: application number, brief description, approval date, status (not started, in progress, completed, etc.) and any other relevant comments. (Rev. 08/17/10; Eff. 09/01/10)
- 11.5 As a precaution against the occurrence of a violation by a party conducting an activity not fully contained in an existing building and requiring a building permit, a septic permit and/or a zoning permit, the town's Land Use Office will require that all such permit applications be reviewed by the Inland Wetlands and Watercourses Commission's agent (Wetlands Enforcement Officer) prior to the issuance of any permit for a determination of the need for a wetland's application. The Commission's agent will utilize the Wetlands Activity Determination Form to document his findings. This form shall be filed with the applicable issued permit in cases where no regulated activity is proposed. In cases where the agent determines that a regulated activity is to occur, the applicant will be directed to apply for the appropriate wetlands permit. (App. 08/16/11; Eff. 09/06/11)

12.0 BONDS AND INSURANCE

- 12.1 The applicant, upon approval of the application, and at the discretion of the Commission, may be required to file a performance bond in an amount and with sureties and in a form approved by the Commission. (Rev. 08/17/10; Eff. 09/01/10)
- 12.2 The bond and sureties shall be conditioned on substantial compliance with all provisions of these Regulations and conditions imposed on license approval.
- 12.3 The applicant may be directed to certify that he has public insurance against liability which may result from proposed operation or use covering any and all damages which might occur within five (5) years of such operations in an amount to be determined by the Commission commensurate with the project operation.

13.0 AMENDMENTS

- 13.1 These Regulations, including wetlands boundaries as shown on the Inland Wetland and Watercourses Map, may be from time to time amended, changed, or repealed, by a majority vote of all the Commission, after public hearing at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in the form of a legal advertisement, appearing in a newspaper of substantial circulation in the Town of Preston, at least twice at intervals or not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days before such hearing, and a copy such regulation or boundary shall be filed in the office the Inland Wetlands and Watercourses Commission (Land Use Office) for public inspection at least ten (10) days before such hearing, and may be published in full in such newspaper. A copy of the notice and proposed amendments, except determinations of boundaries, shall be provided to the Commissioner of the Department of Energy and Environmental Protection at least thirty-five (35) days before such hearing. Such amendments or changes shall become effective at such time as is fixed by the Commission, provided a copy of such amendment or change is filed in the Office of the Inland Wetlands and Watercourses Commission (Land Use Office). (App. 08/16/11; Eff. 09/06/11) (Rev. 10/15/13; 11/05/13)
- 13.2 Whenever the Commission makes a change in these Regulations, including changes in wetland boundaries, it shall state upon its records its reasons why the change was made.

- 13.3 Any person may petition for a change in these Regulations or in a wetland and watercourses boundary by making application for such change. All such petitions shall be received by the Commission at a regularly scheduled meeting and shall be considered at a public hearing within ninety (90) days after receipt of such petition. Notice of the time and place of such hearing shall be published in the form of a legal advertisement, appearing in a newspaper having substantial local circulation at least twice at intervals of not less than two (2) days, the first not more than twenty-five (25) days, not less than fifteen (15) days, and the last not less than two (2) days before such hearing, and a copy of such proposed boundary or regulation shall be filed in the office of the Inland Wetlands and Watercourses Commission (Land Use Office) for public inspection at least ten (10) days before such hearing, and may be published in full in such newspaper. The Commission shall act upon the change requested in such petition with sixty (60) days after the hearing. The petitioner may consent to extension of the periods provided for in hearing and for adoption or denial or may withdraw such petition. Such amendments or changes shall become effective at such time as is fixed by the Commission, provided a copy of such amendment or change shall be filed in the office of the Inland Wetlands and Watercourses Commission (Land Use Office). (App. 08/16/11; Eff. 09/06/11)
- 13.4 All petitions for changes in regulations or wetlands boundaries shall be accompanied by a fee of one hundred dollars (\$100.00) to defray the costs of publication of the notices required for the hearing.
- 13.5 In evaluating a petition for a change in wetlands and watercourses regulations or boundaries, the Commission may require the petitioner to submit additional information to support the petition. Where a change in a wetland and watercourses boundary is involved, such supporting information may include written statements from knowledgeable experts, such as soil scientists or botanists. (App. 08/16/11; Eff. 09/06/11)
- 13.6 An application with the agency which is in conformance with the applicable inland wetlands and watercourses regulations as of the date of receipt of such application shall not be required to thereafter to comply with any change in inland wetland and watercourses regulations, including setbacks and buffers, taking effect on or after the date of such 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 the date of such receipt. The provisions of this section shall not be construed to apply to: (10/21/97)
- 13.6.1 The establishment, amendment or change of boundaries of inland wetlands or watercourses. (10/21/97) (App. 08/16/11; Eff. 09/06/11)

13.6.2 Any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of receipt of the application. (10/21/97)
(App. 08/16/11; Eff. 09/06/11)

14.0 VALIDITY AND SEPARABILITY

- 14.1 If any section, subsection, sentence or portion of these Regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of these Regulations. If there is a conflict among the provisions of these Regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern.
(10/21/97)
- 14.2 These Regulations shall not supersede or obviate requirements of any other regulations or ordinance presently in force in the Town of Preston.

15.0 EFFECTIVE DATE

- 15.1 These Regulations were effective on July 1, 1988.



TOWN OF PRESTON

Inland Wetland and Watercourses Commission

389 Route 2

Preston, Connecticut 06365

860-888-5581 x103 voice

860-204-0021 facsimile

Fee \$ _____ Check # _____ Date Paid _____ Application # _____

Public Hearing Scheduled _____ Public Hearing Fee \$ _____ Date Paid _____

INLAND WETLAND AND WATERCOURSES COMMISSION **GENERAL APPLICATION**

TO CONDUCT A REGULATED ACTIVITY IN OR WITHIN 100 FEET OF AN INLAND WETLAND OR WATERCOURSE AREA; FOR A SUBDIVISION/RESUBDIVISION CONTAINING AN INLAND WETLAND OR WATERCOURSE

This application has been prepared in accordance with Sections 22a-36 to 22a-45, Section 8-26, inclusive, of the Connecticut Statutes, as amended, and the Town of Preston Inland Wetlands and Watercourses Regulations.

All applicants shall complete all applicable sections of this application form in accordance with Section 7 of the Town of Preston Inland Wetlands and Watercourses Regulations. In addition, please carefully review Section 8.1 of the Regulations regarding evaluation criteria. The application shall be accompanied by a check for the appropriate fee payable to the Town of Preston. **PLEASE ATTACH PLAN SHOWING DETAILS OF THIS APPLICATION.**

1. Name of Applicant _____

a) Applicant's mailing address _____

b) Applicant's phone number _____ home _____ work 2.

Applicant's interest in the property: _____ 3.

Name of Property Owner (if not applicant) _____

a) Property owner's address and mailing address _____

b)

Owner's phone number _____ home _____ work

4. Attach a written, witnessed consent by the owner (if the application has not been signed by the owner) to allow the applicant to submit the application.

5. Property address _____

a) This property may be reached by _____

b)

Assessor's map number _____ Lot # _____ Zoning District _____

c) Is the property part of a pending or previously approved subdivision _____, if so please reference _____

PROFESSIONAL REVIEW FEE MAY BE REQUIRED

FOR OFFICIAL USE ONLY	APPROVED _____	DENIED _____
Conditions of approval		
<ul style="list-style-type: none"> • A bond in the amount of \$500 must be posted prior to the start of work unless otherwise determined by the Commission. • Contact the Inland Wetland Agent prior to the start of work. 		

Reason for denial		

Chairman/Secretary (signed) _____	Date _____	Date of Commission Action _____

6. Purpose of activity for which authorization is requested _____

7. Describe in detail what the proposed activity will entail, including, but not limited to, alteration, construction, pollution, amount and type of deposition of material, amount and removal of material. Indicate all proposed activities within the wetland and watercourse area and the timing of the activities.

8. Submit a detailed plan of the proposal in accordance with Section 7.2 of the Town of Preston Inland Wetlands and Watercourses Regulations.

9. Describe the effect on drainage, upstream areas, downstream areas, areas adjacent to the wetland, and areas prone to erosion and sedimentation. Please describe the sedimentation and erosion control measures that will be implemented to eliminate any erosion, sedimentation or impact on the wetland areas:

10. Please explain all feasible and prudent alternatives to the alterations of the wetlands or watercourses. Please provide plans illustrating such alternatives.

11. List the names and addresses of abutting property landowners.

12. Is a regulated activity proposed upon a wetland or watercourse located within 500 feet of an abutting municipality? If so, provide list of municipalities and documentation of the Notification to the abutting municipalities pursuant to Section 6.5 of the Inland Wetland and Watercourses Regulations.

13. Certify whether or not the following conditions exist:

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

14. Note the name of the soil scientist that flagged the wetland and/or watercourse and date the wetlands were flagged. All plans submitted must have the original signature of the soil scientist, land surveyor and professional engineer, if applicable.

The undersigned hereby consents to necessary and proper inspections of the above mentioned property by agents/commissioners of the Preston Inland Wetland and Watercourses Commission both before and after the permit are issued by the Commission.

The undersigned attests that the information supplied in the application is accurate to the best of his or her knowledge and belief.

_____ Date _____ Signature
of APPLICANT Print or type name:

_____ Date _____
Signature of OWNER Print or type name:

	<h2 style="margin: 0;">TOWN OF PRESTON</h2> <p style="margin: 0;">Inland Wetland and Watercourses Commission 389 Route 2 Preston, Connecticut 06365</p>	<p style="margin: 0;">860-888-5581 x103 voice</p>	<p style="margin: 0;">860-204-0021 facsimile</p>
<p>Fee \$ _____ Check # _____ Date Paid _____ Application # _____</p> <p>Public Hearing Scheduled _____ Public Hearing Fee \$ _____ Date Paid _____</p>			

FOR OFFICIAL USE ONLY	APPROVED _____	DENIED _____
Conditions of approval:		
Reason(s) for denial		
Chairman/Secretary (signed) _____		
Date _____		Date of Commission Action _____

**TOWN OF PRESTON
INLAND WETLAND AND WATERCOURSES COMMISSION
Subdivision - Section 8-26(e) Application
And
Regulated Activities**

According to Section 8-26(e) of the Connecticut General Statutes and Section 3.5 of the Preston Subdivision Regulations, when an application involves land regulated as an inland wetland, watercourses or upland review area under the provision of chapter 440, the applicant shall submit a Section 8-26(e) application whether or not there is any disturbance to the regulated area. The purpose of this application includes the gathering of adequate information so that the Commission may provide a report to the Planning and Zoning Commission regarding planning a development that is environmentally sensitive to the wetland and watercourse resources on the site.

This application has two parts, PART A and PART B. If no activity is proposed within the regulated area, only Part A needs to be provided. If the project requires grading, alterations, or impacts on the regulated areas including house lot development, then both Part A and Part B must be completed.

Individual lot development is often conceptual with the submission of a subdivision plan, and if the subdivision is approved, it will be approved with a caveat that if the owner and/or developer of the lot changes or creates a plan with more detail and shows work within the regulated area, a new application shall be required for that particular lot. Also all permits are valid for a period of five years for subdivision improvements such as drainage, road construction and two years for individual lot development.

Please check each circle indicating the following materials have been provided:

- Fee in the amount of \$85 (state fee is included) PART A and B
- If a public hearing is scheduled an additional fee of \$125.00

- Additional fees as required by the Commission for engineering fees or other consulting fees Completed
- Department of Energy and Environmental Protection Statewide Inland Wetland Watercourses Activity Reporting Form.
- Proof of notice by applicant to the adjoining municipality, as applicable. Proof that the public hearing notices were mailed (to be provided after the hearing is scheduled by the IWWC). Three 36" x 24" copies of the detailed subdivision plans prepared by a Land Surveyor licensed in the State of CT and a professional engineer as applicable, prepared in accordance with Section 7 of the IWWC Regulations showing contours, grading, wetland and watercourse resources, ledge outcroppings, any proposed open space or conservation areas, existing and proposed drainage systems, and erosion and sediment control plan, etc. If future phases are proposed within this subdivision, show on the plan. Please note that for any future phases a new application shall be required.
 - Drainage calculations, if applicable. All parcels that contain regulated areas as shown on the plans shall have the following notation in the deed for the lot:

This lot contains an area regulated by the Preston Inland Wetland Watercourses Commission. Any work within this regulated area may require a permit from said Commission. Please contact the Inland Wetland Officer at the Preston Town Hall for any information regarding proposed activities within designated areas.

Please provide an unexecuted draft deed for inspection by the Commission. Notification by the Inland Wetland and Watercourses Commission will appear in the land records indicating this requirement.

- Professional contacts:
- Name of the soil scientist that flagged the wetland and/or watercourse:
_____ Phone _____
- The date the wetlands/watercourses were flagged _____
- Name of the professional engineer:
_____ Phone _____
- Name of the land surveyor:
_____ Phone _____
- Ten 11" x 17" copies of the overall plan and layout of the subdivision showing lot lines, wetland locations, and proposed house, septic and well locations for distribution to the Commission.

SUBSEQUENT TO THE APPROVAL OF THE APPLICATION, THE FOLLOWING MUST BE PROVIDED TO THE COMMISSION WITHIN FIVE DAYS TO ALLOW THE APPROVED PLANS TO BE FORWARDED TO THE PLANNING AND ZONING COMMISSION: One final revised 36"x24" plan and three 11"x 17" plans.

- Any required bonds in a format approved by the Commission (form is provided by the town).
- Any required conservation easements in a format approved by the Commission (form is provided by the town).

NOTHING IN THE INLAND WETLAND REGULATIONS SHALL NEGATE THE REQUIREMENT FOR THE APPLICANT TO OBTAIN ANY OTHER ASSENTS, PERMITS AND LICENSES REQUIRED BY LAW OR REGULATION BY THE TOWN, STATE OF CONNECTICUT, AND THE UNITED STATES GOVERNMENT, INCLUDING ANY APPROVAL REQUIRED BY THE PLANNING AND ZONING COMMISSION, THE CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, AND THE UNITED STATES ARMY CORPS OF ENGINEERS. OBTAINING SUCH ASSENTS, PERMITS OR LICENSES IS THE SOLE RESPONSIBILITY OF THE APPLICANT.

PART A

PLEASE PRINT:

Applicant Owner information

1. Name of Applicant _____

a) Applicant’s mailing address _____

b) Applicant’s phone number _____ home _____ work/cell _____

2. Applicant’s interest in the property: _____

3. Name of Property Owner (if not applicant) _____

a) Property owner’s address and mailing address _____

b) Owner’s phone number _____ home _____ work/cell _____

Property information

5. Property address _____

6. This property may be reached by: _____

7. Assessor’s map number _____ Lot # _____ Zoning District _____

8. Number of acres of parcel _____ Number of lots proposed _____

The applicant or the applicant’s representative MUST appear before the Commission at the next regular meeting officially receiving the application.

The undersigned hereby consents to necessary and proper inspections related to this application of the above-mentioned property by agents/commissioner of the Town of Preston Inland Wetland Watercourses Commission both before and after the permit is issued by the Commission.

The undersigned attests that the information supplied in this application is accurate to the best of his or her knowledge and belief.

Please note if there are multiple applicants or owners, all must sign the application or provide a letter authorizing the application to be submitted.

Signature of APPLICANT
Print/type: _____

Date

Signature of Owner
Print/type: _____

Date

Signature of Owner
Print/type: _____

Date

9. List the names and addresses of abutting property landowners.

10. Certify whether or not the following conditions exist:

- Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality(s);
- Traffic attributable to the completed project on the site will use streets within the adjoining municipal to enter or exit the site;
- Sewer or water drainage from the project site will impact streets or other municipal or private property within the adjoining municipality, or;

- Water run-off from the improved site will impact streets or the other adjoining municipality.



IF THE APPLICATION INVOLVES ACTIVITY WITHIN THE WETLAND OR REGULATED AREA, PART B INFORMATION SHALL ALSO BE PROVIDED.

Additional information required, PART B:

- 11. Is a regulated activity proposed upon a wetland or watercourse located within 500 feet of an abutting municipality?
If so, provide list of municipalities and provide documentation of the notification to the abutting municipalities pursuant to Section 6.5 of the Inland Wetland and Watercourses Regulations.

12. Show on the plans in detail what the proposed activity will entail, including, but not limited to, alteration, construction, pollution, amount and type of deposition of material, amount and removal of material. Indicate all proposed activities within the wetland and watercourse area and the timing of the activities.

13. Provide a biological evaluation of the wetland/watercourse being impacted including impact on dominant biological species, rare, threatened or endangered species. Discuss the habitat value and diversity of the affected property for all wildlife species.

14. Please show on the plans any measures that will mitigate the impact of the proposed activity, such measures may include vegetative buffers, landscaping, rain gardens, or other measures to provide filtering and buffering of the effects of the proposed activity:

15. Please show on the plan, all feasible and prudent alternatives to the alterations of the wetlands or watercourses.

NOTICE OF PRESTON INLAND WETLAND AND WATERCOURSES COMMISSION

REQUIREMENT FOR SUBDIVISION _____

Subdivision _____ has been approved by the Planning and Zoning Commission on _____ and the Inland Wetland Commission on _____

The following lots _____ within the approved subdivision have designated regulated areas as defined in the Preston Inland Wetland Watercourses Regulations. All deeds for lots that contain regulated areas shall have a note within the deed as follows:

This lot contains an area regulated by the Preston Inland Wetland and Watercourses Commission. Any work within this regulated area may require a permit from said Commission. Please contact the Inland Wetland Officer at the Preston Town Hall for any information regarding proposed activities within designated areas.

Dated this _____ day of _____.

Inland Wetland and Watercourses Commission Chairman



TOWN OF PRESTON

Inland Wetland & Watercourses Commission

389 Route 2

Preston, Connecticut 06365

860-887-5581 x103 voice

860-204-0021 facsimile

Application #IW-AR _____

Date Filed _____

INLAND WETLAND AND WATERCOURSES COMMISSION

**AS OF RIGHT / NON-REGULATED USE OPERATION
DETERMINATION FORM**

Pursuant to Section 3.1.8 of the Preston Inland Wetland Regulations the proposal following is submitted as:

_____ As of Right Use/Operation _____ Non-regulated Use/Operation

Date: _____ (Please Print or Type All Entries)

Property Location (Street Address): _____

Owner's Name (as it appears in Land Records) _____

Street Address _____ Town _____ State _____ Zip _____

Daytime Phone () _____ Evening Phone () _____

Applicant: _____

Street Address _____ Town _____ State _____ Zip _____

Daytime Phone () _____ Evening Phone () _____

Is this property part of an approved subdivision? If so, please reference: _____

Proposed Operation or Use:

Information substantiating this request is herewith attached:

- Plot Plan
- Narrative describing the project and why the use/operation is as right or non-regulated.

Owner's Signature _____

Applicant's Signature _____

ENGINEER REVIEW FEE MAY BE REQUIRED

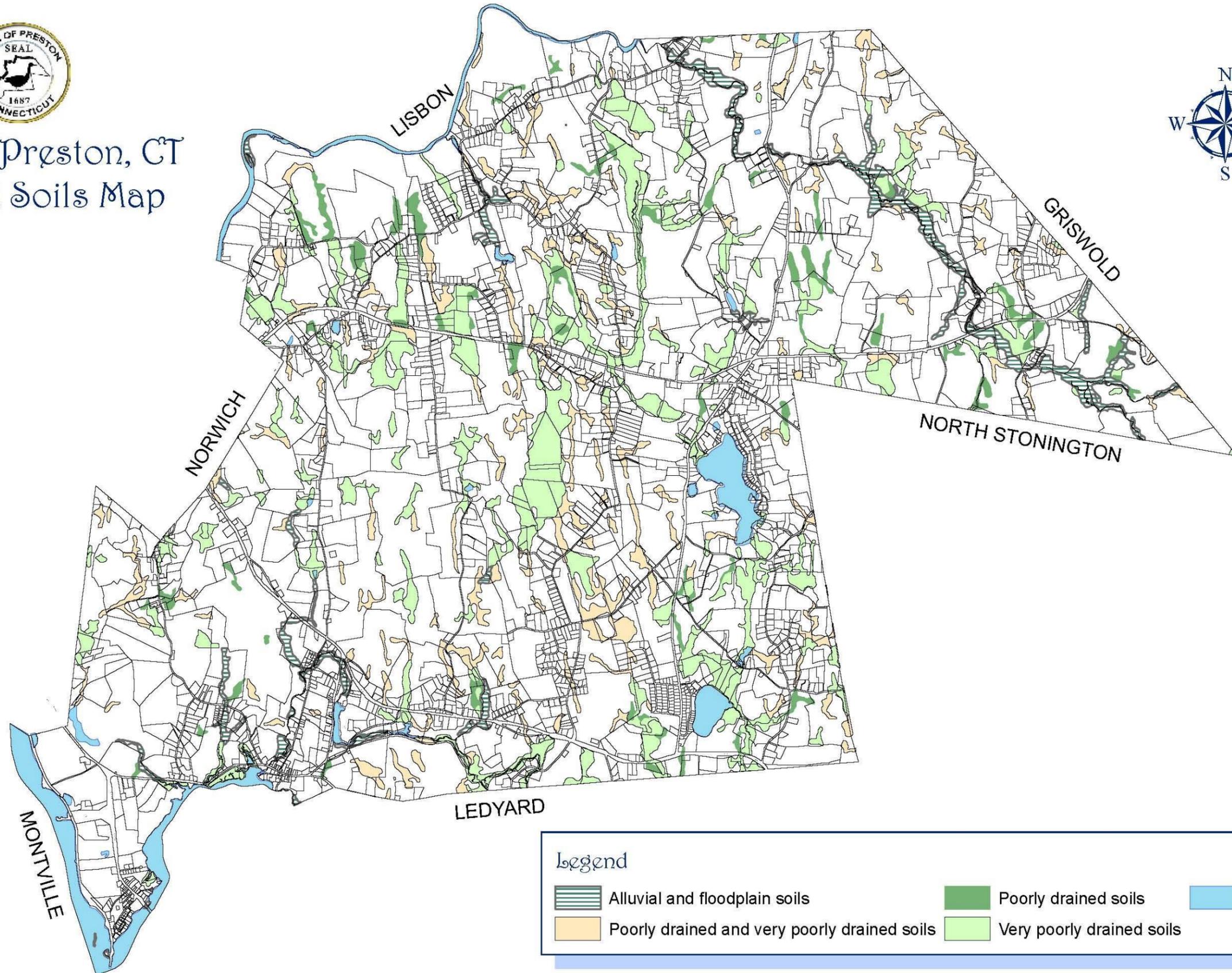
APPROVED _____	DENIED _____
CONDITIONS OF APPROVAL	

REASON FOR DENIAL	

Wetland Agent _____	Date _____



Town of Preston, CT Wetland Soils Map



Legend

Alluvial and floodplain soils	Poorly drained soils	Water
Poorly drained and very poorly drained soils	Very poorly drained soils	