

INLAND WETLANDS
AND
WATERCOURSES COMMISSION
REGULATIONS
TOWN OF BLOOMFIELD
CONNECTICUT

Adopted by the Bloomfield Inland Wetlands and Watercourses Commission:

July 1974

Amended:	November 25, 1975
Amended:	April 23, 1976
Amended:	May 12, 1980
Amended:	April 4, 1988
Amended:	October 21, 1991
Amended:	October 20, 1997
Amended:	August 16, 1999
Amended:	September 18, 2000
Amended:	December 20, 2004

INLAND WETLANDS AND WATERCOURSES COMMISSION REGULATIONS

TABLE OF CONTENTS

	<u>Page</u>
Statement of Purpose	1
SECTION 1 - TITLE AND AUTHORITY	2
SECTION 2 - DEFINITIONS	2
SECTION 3 - OPERATIONS AND USES	
3.1 Operations and Uses Permitted as Right	7
3.2 Operations and Uses Permitted as Non-Regulated Uses	8
3.3 Operations and Uses That Require Permits	9
3.4 Permit Required for Timber Harvesting or Forestry Operations	9
3.5 Request to Conduct Permitted or Non-regulated Use	9
3.6 Restrictions on Initial Disturbance	9
3.7 Activities Regulated by the Commissioner of D.E.P.	9
3.8 Activities Within Flood Hazard Zones	10
3.9 Riparian and Wetland Vegetated Buffer Zones	11
3.10 Hedgerow and Roadside Maintenance	12
3.11 Mowing Within Wet Meadows or other Wetland Areas	12
SECTION 4 - SCOPE OF REGULATIONS, PERMITS, MAP & AMENDMENTS	
4.1 Scope	12
4.2 Permit	13
4.3 Duration of Permit and Renewals	14
4.4 Assignment of Permits	15
4.5 General Provisions for the Issuance of Permits	15
4.6 Map	15
4.7 Map Boundary Amendments	16
4.8 Regulation Amendments	18
4.9 Conservation Easement Modifications	18
SECTION 5 - APPLICATION PROCEDURES AND REQUIREMENTS	
5.1 Application Procedures	18
5.2 Application Requirements	19
5.3 Additional Information	22
5.4 Referral	22
5.5 Fund for Technical Assistance to the Commission	23
5.6 Certification of Erosion Control Plan	23
SECTION 6 - DECISION PROCEDURE	
6.1 Declaratory Ruling	24
6.2 Summary Ruling	24
6.3 Plenary Ruling	24
6.4 Public Hearings and Notices of Applications	25
6.5 Decisional Criteria and Standards	
6.6 Time for Decision	29
6.7 Notification of Decision	29
6.8 Record Decisions	30
6.9 Posting of Signs	30

	<u>Page</u>
SECTION 7 - FURTHER PROCEEDINGS AFTER DECISION	
7.1 Permit Denial; Modification and Resubmission	30
7.2 Modification of Permit Granted With Conditions	30
7.3 Other Permits	31
SECTION 8 - APPEALS	
8.1 Appeals	31
SECTION 9 - BOND AND INSURANCE	
9.1 Bond	32
9.2 Insurance	32
SECTION 10 - WETLANDS AGENT AND ENFORCEMENT	
10.1 Wetlands Agent Permits	32
10.2 Observation and Inspection of Regulated Areas	33
10.3 Inspection of Permitted Regulated Activities	33
10.4 Enforcement Measures	
A. Cease and Desist Order	34
B. Suspension or Revocation of permit	34
C. Notice of Violation	34
10.5 Civil Penalties	35
10.6 Petition to Superior Court	35
10.7 Report to State Authority	35
SECTION 11 - CONFLICT AND SEVERANCE	
11.1 Conflict	35
11.2 Severance	36
SECTION 12 - EFFECTIVE DATE	
12.1 Effective Date of Regulations	36
SECTION 13 - CONFORMITY WITH STATE REGULATIONS	
13.1 Procedure for Conformance	36
SECTION 14 - D.E.P. WETLANDS COMMISSIONER TRAINING PROGRAM	36
SECTION 15 - APPLICATION FEES	37
Fee Schedule	39
Appendix A. Typical Plants of Bogs, Marshes and Swamps	40
Appendix B. Application Forms:	
Wetlands Permit Application	
Wetland Map or Regulation Amendment Application	
Conflict of Interest Disclosure Form	
Draft Public Hearing Notification Letter	

STATEMENT OF PURPOSE

"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 inland 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 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 or 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 economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety, of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn."

Quoted from Chapter 440 of the Connecticut General Statutes Section 22a-36. Inland Wetlands and Watercourses. Legislative finding.

SECTION 1 - TITLE AND AUTHORITY

Sec. 1.1 These regulations shall be known as the "Inland Wetlands and Watercourses Commission Regulations of the Town of Bloomfield, Connecticut."

Sec. 1.2 These regulations have been prepared by the Bloomfield Inland Wetlands and Watercourses Commission in accordance with the provisions of Sections 22a-36 to 22a-38, inclusive, as amended and as authorized by the Town Council in accordance with Chapter 2, Article VII of the Code of Ordinances of the Town of Bloomfield.

Sec. 1.3 The Bloomfield Inland Wetlands and Watercourses Commission was established with Ordinance Number 69, on December 11, 1973, and shall consist of nine (9) members chosen in the manner set forth in Chapter 2, Article VII, sections 2-90 through 2-95 inclusive, of the Code of Ordinances of the Town of Bloomfield. A quorum shall consist of five (5) members entitled to vote. All decisions shall be made by majority vote provided that no permit may be granted, revoked or suspended; no amendment to these regulations; or amendments to the official map boundaries, soil or watercourse designations may be made except upon at least four (4) affirmative votes.

Sec. 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.

Sec. 1.5 The Commission shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny permits for all regulated activities on inland wetlands, watercourses and other regulated areas in the Town of Bloomfield, pursuant to Connecticut General Statutes Sections 22a-36 to 22a-45, inclusive.

SECTION 2 - DEFINITIONS

Sec. 2.1 The following definitions are used in these regulations:

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

"Bog" means a poorly drained area containing an accumulation of organic material and characterized by an association of plants recognized as bog species, listed in the appendix. Bogs are areas distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage and highly acidic conditions.

"CGS" means the State of Connecticut General Statutes.

"Clear-cutting" means the harvest of timber in a fashion which removes all trees larger than a two-inch diameter at breast height.

"Connecticut General Statutes" means The Connecticut General Statutes, revision of 1958, revised to 1999 as may be amended from time to time.

"Commissioner" means the Commissioner of the State of Connecticut Department of Environmental Protection.

"The Commission" means the Town of Bloomfield Inland Wetlands and Watercourses Commission.

"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 recurs in prolonged succession.

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

"Designated Agent" or "Wetlands Agent" means an individual or individuals designated by the Commission to carry out its functions and purposes. This agent may be granted authority by the Commission to approve or extend activities not located in a wetland or watercourse; and such other authority as the Commission may deem appropriate.

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

"Disturb 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 wetland or watercourse.

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

"Farming" means use of land for the growing of crops, raising of livestock or other agricultural use

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

"Flood hazard area" means lands designated as flood hazard areas within the 100-year flood boundary as defined by the elevation above sea level (Hartford Metropolitan District Commission Datum or the National Geodetic Vertical Datum of 1929 (NGVD) as set forth in the Federal Emergency Management Agency's (FEMA) Flood Insurance Study and the accompanying Flood Insurance Rate Map and Flood Boundary and Floodway Map, as amended, for the Town of Bloomfield.

"Hydrophytic Vegetation" means vegetation with a natural habitat in water or saturated ground.

"Hydric Soils" means soils that are flooded, saturated or ponded long enough to develop anaerobic (no oxygen) conditions in the upper parts of the soil.

"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 the existing environmental quality. Such management practices include, but are not limited to: soil 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.

"Marsh" means an area normally covered with shallow water, subject to seasonal variations, with soils that exhibit aquatic moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by herbaceous, soft-stemmed plants recognized as marsh vegetation. Typical examples of marsh species are listed in the appendix. The water table in a marsh is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six inches or more in depth are common.

"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.

"Nurseries" means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.

"Permit" means the whole or any part of any license, certificate or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Commission.

"Permittee" the person to whom the permit has been issued.

"Person" means any person, firm, partnership, association, corporation, 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 the discharge or deposit of harmful or potentially harmful contaminants including, but not limited to, solids, liquids or gases which adversely affect vegetation, soil, animal life or water because of odor, chemical effect, thermal effect, radioactivity, color change, turbidity, promotion of disease or other alterations of the physical, chemical or biological properties thereof.

"Prudent" means economically or 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 regulated area involving removal of material, deposit of material, or construction, obstruction, alteration or pollution, of such regulated areas, but shall not include the specified activities in Section 3.1 and 3.2 of these regulations. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removal of material, or discharging of storm water within one hundred (100) feet of a wetland area, or two hundred (200) feet of a watercourse, is a regulated activity. The Commission may rule that any other activity located within such upland areas or in any other non-wetland or non-watercourse area is likely to impact or affect the physical characteristics of such wetlands or watercourses and is a regulated activity. The Commission may rule that any other activity located within such upland area or in any other non-wetland or non-watercourse area is likely to affect wetlands or watercourses and is a regulated activity.

"Regulated area" means any wetland or watercourse, as defined in 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.

"Significant impact or major effect" means any activity, including but not limited to, the following activities:

1. Any activity involving a deposition or removal of material which will or may have a major effect or significant impact on the regulated areas or on another part of the inland wetland or watercourse system; or
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system; or
3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife or other biological life, or to prevent flooding, supply water, assimilate waste, facilitate drainage, and/or provide recreation and open space or perform other functions; or
4. Any activity which would result in degrading a watercourse or the surface and/or ground water of an inland wetland or watercourse, as measured by the Connecticut Water Quality Standards and Classifications administered by the Water Management Bureau of the Connecticut Department of Environmental Protection; or
5. Any activity which causes a substantial increase or diminution in the flow rate or quantity or velocity of flow of water through, or depth of water in, a wetland or in a watercourse; or a substantial decrease in the percolation of water into the ground water table as the result of the construction of surfaces impervious to water absorption; or the net addition of fill material within a flood hazard area; or

6. Any activity resulting in an increase in the depth or in width of the 100-year base flood;
or
7. Any activity which causes turbidity, siltation or sedimentation in a regulated area; or
8. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated areas; or
9. Any activity which causes or has the potential to cause pollution of a regulated area, or
10. Any activity which destroys unique wetland or watercourse areas having demonstrable scientific or educational value.

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

"Stabilization" means the establishment of temporary or permanent ground cover on disturbed soils with loam, seed, fertilizer and mulch; sodding; hydro-seeding or other methods approved by the Commission or Agent.

"Swamp" means an area with a water table at or near the surface of the ground throughout most of the year and containing vegetation dominated by an association of trees and/or shrubs recognized as swamp species. Typical examples of swamp species are listed in the appendix. Swamps are areas with soils that exhibit aquatic moisture regimes and are dominated by wetland trees and shrubs.

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

"Upland review area" means the upland areas 100 feet from a wetlands and 200 feet from a watercourse.

"Vegetated buffer" means the existing vegetation growing on the ground including, but not limited to, trees, shrubs, grasses, meadows, etc.

"Waste" means sewerage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any regulated area.

"Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, public or private, vernal or intermittent, which are contained within, flow through, or border upon the Town of Bloomfield or any portion thereof, not regulated pursuant to Sections 22a-28 to 22a-35 inclusive (Tidal Wetlands), of the Connecticut General Statutes, 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. the evidence of scour or recent deposits of alluvium or detritus,
2. the presence of standing or flowing water for a duration longer than a particular storm incident,
3. the presence of hydrophytic vegetation,

"Wetlands" means land, including submerged land, not regulated pursuant to Sections 22a-28 to 22a-35, inclusive (Tidal Wetlands), 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 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 a saturated soil moisture regime as defined by the USDA Cooperative Soils Survey.

"Vernal Pools" means a seasonal or permanent watercourse in a defined depression, or basin, that lacks a fish population and containing fairy shrimp or their eggs, and/or in most years supports breeding and development of amphibian or invertebrate species recognized as obligate to such watercourses. These obligate species include:

- a. Spotted salamander,
- b. Jefferson salamander / Blue-spotted salamander complex
- c. Marbled salamander,
- d. Wood frog,

Acceptable proof of breeding includes:

1. breeding adults - breeding chorus and/or mated pairs of wood frogs and courting individuals and/or spermatophores of obligate salamanders;
2. two or more egg masses of any obligate species.

Acceptable proof of development includes:

3. Tadpoles or larvae of any obligate species;
4. Transforming juveniles - tail stubs evident on wood frogs and gill remnants on obligate salamanders.

SECTION 3 - OPERATIONS AND USES.

Sec. 3.1 Operations and Uses Permitted as of Right

The following operations and uses shall be permitted in regulated areas as of right:

A. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement, or mosquito control. The provisions of this subdivision 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 for which a building permit has been issued or on a subdivision lot, provided the permit has been issued or the subdivision has been approved as of the effective date of promulgation of these regulations 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. The individual claiming a use of wetlands permitted under this subdivision shall document that validity of said right by providing to the Commission 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; except dredging or dock construction.

D. Uses incidental to the enjoyment and maintenance of residential property, such property is defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of material from or into the wetland or watercourse, or diversion or alteration of a watercourse.

E. Construction and operation by water companies as defined in Section 16-1 of the Connecticut General Statutes, or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes, dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 and 22a-410 of the Connecticut General Statutes.

F. Maintenance relating to any drainage pipe which existed before the effective date of the Regulations 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 definition, "maintenance" means the removal of accumulated leaves, soil, or other debris, whether by hand or machine, while the pipe remains in place.

Sec. 3.2 Operations and Uses Permitted as Non-Regulated Uses

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

A. Conservation of soil, vegetation, water, fish, shellfish and wildlife. Such use or operation 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, golfing, 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.

Sec. 3.3 Operations and Uses that Require Permits

All activities in regulated areas involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of a regulated area not specifically permitted by this section shall require a permit from the Commission in accordance with Section 4 of these regulations.

Sec. 3.4 Permit Required for Timber Harvesting and Forestry

Any person proposing to carry out timber harvesting, forest management practices or any other use or operation that includes the creation of skidder roads or trails, landing areas or other disturbance of a regulated area, including temporary crossings of a regulated area, is required to first obtain a permit from the Commission pursuant to section 4. of these regulations.

Sec. 3.5 Request to Conduct a Permitted or Non-regulated Use

Any person proposing to carry out a permitted or non-regulated operation or use of a regulated area that may disturb the natural or indigenous character of the regulated area shall, prior to commencement of such operations or uses, notify the Commission, in writing, and provide the Commission with sufficient information to enable it to properly determine that the proposed operation or use is a permitted or non-regulated use of a regulated area. The Commission or its agent shall rule that the proposed operation or use is a permitted or non-regulated operation or use or that a permit is required. Such rulings shall be in writing and shall be made no later than the next regularly scheduled meeting at which the request was received. The designated Agent may make such rulings at any time.

Sec. 3.6 Restrictions on Initial Disturbance of Vegetation

All regulated activities shall be undertaken during the driest time of the year to minimize disturbance of the regulated areas. No initial disturbance of vegetation shall occur between the dates of April 15 and August 15, of any year, to protect nesting birds.

Sec. 3.7 Activities Regulated by the Commissioner of Environmental Protection

A. In addition to any permit or approval required by this Commission, the Commissioner shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdictions:

- 1) Construction or modification of any dam pursuant to sections 22a-401 through 22a-410 of the C.G.S., as amended. Any person receiving a dam removal or repair order from the Commissioner of Environmental Protection under C.G.S. section 22a-402 shall not be required to obtain a permit from the local Wetlands Commission for any action necessary to comply with such order,

- 2) Construction, encroachment or placement of any obstruction within stream channel encroachment lines, C.G.S. sections 22a-342 through 22a-349.
- 3) Construction or placement of any structure or obstruction within tidal, coastal, or navigable waters of the state, or in designated tidal wetlands, C.G.S. sections 22a-359 through 22a-363 and 22a-28 through 22a-35.
- 4) Diversion of water including withdrawals of surface or ground water in excess of fifty thousand (50,000) gallons per day, or any change to the flow of any surface waters of the state where the tributary watershed above the point of diversion is 100 acres or greater, C.G.S. Sections 22a-365 through 22a-378.
- 5) Discharges into the waters of the state pursuant to C.G.S. section 22a-430.
- 6) Discharge of fill or dredged materials into the waters 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.

B. The Commissioner 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, (1) after an advisory decision on such license or permit has been rendered to the Commissioner of Environmental Protection by the municipal wetlands Commission within which such wetlands is located or (2) thirty-five days after receipt by the Commissioner of Environmental Protection, whichever comes first.

Sec. 3.8 Activities within a Flood Hazard Areas Regulated by the Federal Emergency Management Agency (FEMA) through the National Flood Insurance Program (NFIP)

A. The National Flood Insurance Program determines a community's flood insurance rates based on the continuing participation in the program, including the adoption and enforcement of flood zone regulations. The DEP has published model regulations, for development within flood hazard zones to promote the public health, safety and general welfare and to minimize public and private losses due to flooding conditions. DEP defines development as "any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials." Any development or construction within a flood hazard zone is also subject to the permit requirements of the Wetlands Commission.

B. The Town of Bloomfield adopted flood zone regulations in 1983 (Planning and Zoning Regulations Section XV) which prohibit the construction of buildings within 25 feet horizontally and 2 feet vertically of the 100-year flood zone elevation. FEMA and NFIP require that the lowest floor (including the basement) located within a flood hazard zone be constructed above the 100-year flood elevation, unless special flood proofing measures are provided.

C. All new and substantially improved residential and nonresidential construction and/or development shall be constructed with the lowest floor separated 50 feet horizontally and 2 feet vertically from the 100-year flood elevation Certification of lowest floor elevation is required as part of the site plan approval process. See Section 6.3 A. 8. below.

Sec. 3.9 Riparian and Wetland Buffer Zones

A. The Town of Bloomfield Inland Wetlands and Watercourses Commission hereby acknowledges the importance of vegetated areas adjacent to watercourses and wetlands, and establishes recommended riparian/watercourse and wetlands vegetated buffer zones, to protect the waters of the Town from pollution and to enhance and protect these wetland and watercourse natural resources. Regulated activities within these buffers are subject to the permitting process and are regulated by the commission.

B. Existing vegetated buffers, which are to be retained, shall remain in their natural state, or may be enhanced. In areas where vegetated buffers do not exist, or are less than the minimum width, the commission may require new buffers to be established. All new buffers are to include canopy or shade tree, and shrub and herbaceous plant species suited to the local habitat.

C. The final width of the buffer zones shall be designated by the Commission. The recommended minimum widths of the buffers are as follows:

1. One Hundred (100) feet from the banks of rivers and named streams - Farmington River, North Branch of the Park River, Wash Brook, Tumbledown Brook, Beaman Brook, Mill Brook, Filley Brook and Griffin Brook.
2. Seventy-five (75) feet from the banks of perennial streams - Unnamed tributaries to the named streams and rivers, ponds, lakes and significant wetlands areas.
3. Fifty (50) feet from the banks of intermittent watercourses, and wetland areas.

D. The standards and specifications for these buffers are modeled after the USDA Streamside Forest Buffer, from their publication titled "*Riparian Forest Buffers, Function and Design for Protection of Water Resources.*" Reference is also made to publications by The Thames River Basin Partnership Initiative titled "*Vegetated Buffer Strips for Streams, Lakes and Ponds.*" and by the Rivers Alliance of Connecticut titled "The Importance of Streamside Buffers". The town standard detail *Riparian/Watercourse Buffer* is to be used for all riparian buffers.

E. Plans submitted with applications for permits, or wetland boundary amendments, are to identify existing vegetated buffers and include provisions to establish new buffers where they do not presently exist. The width, types of vegetation or ground cover, and descriptions of any unique characteristics of the existing buffers are to be included on the plan.

F. The use of these riparian or wetland buffer areas for passive recreation is a permitted use, however, accessways to the wetland or watercourse, which require regulated activities to construct or create, are subject to the permitting process and require a permit from the Commission.

G. The use of these riparian or wetland buffer areas for regulated activities is to be minimized. All regulated activities within the buffers are likely to have an impact on the wetlands and watercourses and are subject to the permitting process and approval by the Commission.

H. All applications for permits to conduct regulated activities within the buffer areas shall include an ecological and environmental assessment of existing buffers, specific justification for the regulated activities, and an analysis of the alternatives to the regulated activities.

Sec. 3.10 Hedgerow and Roadside Maintenance

A. Hedgerows are unique and valuable natural habitat areas that protect wetlands, watercourses and open meadow areas. Wherever possible existing hedgerows are to be maintained and it is recommended that they be established where they do not exist. These hedgerows are normally adjacent to Town roads and roadside maintenance can affect them. The maintenance of these hedgerows and the roadsides shall be done in accordance with the Town standard detail for *Hedgerow and Roadside Maintenance*.

3.11 Mowing Within Wet Meadows or other Wetland Areas

A. Mowing or cutting of ground cover is necessary to maintain existing meadows or to create new wet meadow areas. Mowing to maintain wet meadows is not permitted without the approval of the Commission. These areas may be mowed no more than once per year, in the late summer, after August 15th, or in the early spring, before April 15th of any year, during periods of dry weather. Mowing, where approved, is to be done in accordance with Regulation Sections 3.9 and 3.10. All mowing is to leave the root systems of existing vegetation undisturbed and the ground cover a minimum of three (3) inches tall.

SECTION 4 - SCOPE OF REGULATION, PERMITS, MAP AND AMENDMENTS

Sec. 4.1 Scope

A. The Town of Bloomfield Inland Wetlands and Watercourses Commission is the enforcement agency of the Inland Wetlands and Watercourses Act and issues permits, with terms, conditions, limitations or modifications; or denies permits for all regulated activities in the Town of Bloomfield pursuant to sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended.

B. The Commission also regulates activities in areas around wetlands and watercourses in accordance with the provisions of these Regulations as adopted by the Commission related to application for, and approval of, activities to be conducted in wetlands and watercourses, and apply to those activities which are likely to impact or affect wetlands or watercourses.

C. An application filed with an Inland Wetlands Commission which is in conformance with the Applicable Inland Wetlands Commission Regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetlands regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such 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 subdivision 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 chapter 440 of the General Statutes as of the date of such receipt.

Sec. 4.2 Permit

A. No person may conduct a regulated activity in a regulated area of the Town of Bloomfield without first obtaining a permit from the Commission and the person's conduct of such activities shall be subject to all conditions of such permit.

B. No person may conduct any regulated activity within a regulated area which requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special permit, special exception or variance or other documentation establishing that the proposal complies with the zoning or subdivision requirements adopted by the Town of Bloomfield Plan and Zoning Commission.

C. The Commission shall regulate any operation within or use of a regulated area involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such regulated areas and any other regulated activity, unless such operation or use is permitted or non-regulated pursuant to section 3 of these regulations.

D. Any person found to be conducting or maintaining a regulated activity without the prior authorization by the Commission, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in section 10 of these regulations and any other remedies as provided by law.

E. No modifications to the approved plans, or supporting documentation, can be made without approval of the Commission and Agent. Notification is required, in writing to the Commission or Agent, of all such changes prior to commencement of the activities and of all field changes during construction.

F. No significant modifications to the permitted regulated activities as shown on the approved plans, or in supporting documentation can be made without prior approval of the Commission or agent. The Commission or Agent shall make the determination of whether a modification is significant.

G. An Inland Wetlands and Watercourses Commission Permit approval shall consist of the following documents:

1. The Permit signed by the Secretary of the Commission, or the Agent
2. The approved plan or map with all conditions of approval incorporated and signed by the Secretary of the Commission.
3. Supporting documentation as presented and accepted by the Commission.
4. Any other documentation required by the Commission or Agent.

Sec. 4.3 Duration of Permit and Renewals

A. Any permit issued under this section for the development of property for which Town Plan and Zoning Commission approval is required shall be valid for five years provided the Commission may establish a specific time period within which any regulated activity shall be conducted. Any permit issued under this section for any other activity shall be valid for not less than two years and not more than five years.

B. 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 require a new permit application, the applicant is not in full compliance with the permit 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.

C. Any application to renew or amend an existing permit shall be filed with the Commission in accordance with these regulations 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 5 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 the 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 work beyond the expiration date if, in its judgement, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activity.

Sec. 4.4 Assignment of Permits

A. No permit shall be assigned or transferred without the written permission of the Commission, or its Agent. The assignee, transferee or other recipient of a permit shall be bound by all representations made by the applicant in obtaining the permit and by all the terms, conditions and limitations contained in the permit and such person shall have all the rights, duties and obligations of the original applicant who was granted the permit.

Sec 4.5 General Provisions for The Issuance of all Permits

A. If the Commission relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.

B. All permits issued by the Commission are subject to and do not derogate any present or future rights or powers of the Commission or the Town of Bloomfield, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the property or activity.

C. If the activity authorized by the inland wetland permit also involves an activity or a project which requires Town Planning and Zoning or subdivision approval, special permit, variance or special exception, no work pursuant to the wetland permit may begin until such approval is obtained.

D. The permittee shall take such necessary steps consistent with the terms and conditions of the permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

E. Permit holders shall make a request in writing to the Commission requesting approval for the transfer of a permit. Failure to obtain such a permit transfer shall make said permit void.

Sec. 4.6 Map

A. A map entitled, "Official Map of Inland Wetlands and Watercourses; Town of Bloomfield, Connecticut," which designates the general location and boundaries of inland wetlands and watercourses has been established by the Commission. Copies are available for public inspection in the offices of the Town Clerk, Planning and Zoning Department, Engineering Department and the Wetlands Agent, at the Town Hall, 800 Bloomfield Avenue, Bloomfield Connecticut, 06002.

B. The map may be amended from time to time in order more accurately to reflect soil type boundary lines in the light of new or more specific data and information. The map may be utilized by the Commission and others as a guide in assisting them to identify regulated areas. As such guide the map shall create a rebuttable presumption that areas designated by it as inland

wetlands and watercourses are in fact such. However, the ultimate test in identifying inland wetlands and watercourses shall be those criteria set forth in Section 2 of these regulations. Pursuant to those criteria other areas not so designated on the map may be determined to be inland wetlands or watercourses upon actual inspection by the Commission or its designated representative. Failure of the map to depict an area as an inland wetland or watercourse shall create no presumption and shall not deprive the Commission of authority to regulate if actual inspection reveals the area to be an inland wetland or watercourse.

C. In all cases the precise location of the regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types, or location of watercourses. The Commission may use aerial photography, remote sensing imagery, resource mapping, soil maps, site inspection observations or other information in determining the location of the boundaries of the wetlands and watercourses.

D. In order to maintain the Official Wetlands Boundaries on the Town of Bloomfield Geographic Information System (GIS), all applicants shall submit, on computer disk or other approved media, the final approved plans in a format compatible with the GIS. The plans shall be on horizontal datum NAD83 and vertical datum NAVD88, unless otherwise approved by the Wetlands Agent or Engineering Department of the Town of Bloomfield.

Sec. 4.7 Map Boundary Amendments

A. The inland wetland boundaries and watercourses shown on the "Official Map of Inland Wetlands and Watercourses" may from time to time be amended, changed or repealed by the Commission in accordance with Connecticut General Statute section 22a-42a and such other statutory provisions as may be enacted from time to time, or as new information regarding soils and inland wetlands and watercourses becomes available.

B. Any property owner who disputes the boundaries, designation or failure to designate any inland wetland or watercourse, on his or her property, as such upon said map may file an application with the Commission to amend the boundary or change the designation pursuant to Section 4 of these regulations. All such applications for amendments shall be in writing and shall include all relevant facts and circumstances which support the amendment and may prosecute said petition alone or in conjunction with a permit application pursuant to Section 5 of these regulations.

C. In order to rebut the presumption created by the map with respect to the designation of wetland areas it must be proven by the petitioner's evidence that the area in question does not have a soil type classified by the National Cooperative Soils Survey as wetland soils: poorly drained, very poorly drained, alluvial or flood plain. The Commission will require evidence by a soil scientist. The applicant must present documentation by a soil scientist that the land in question does or does not have wetlands. Such documentation includes a map of the land in question signed by a soil scientist on which the flag locations defining the boundaries of the regulated soil types are depicted, and a written report by the soil scientist including the date, ground conditions, examination methods, test hole data and flag numbers corresponding to the

flag numbers on the plan. Location of the flags and the property boundary shall be certified by a Licensed Land Surveyor.

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

E. The Commission may amend the map as more accurate information becomes available. Any person may petition for an amendment to the map. Petitioners shall bear the burden of proof for all requested map amendments. Petitions to Change the Official Map are subject to the public hearing process as outlined in Section 6.4 of these regulations.

F. Applications requesting a change in a wetland or watercourse boundary shall be accompanied by a map certified by a Professional Land Surveyor registered with the State of Connecticut. Said plan shall contain detailed information as required by the Town Engineering Department Checklist for Wetland Boundary Amendments and shall be accompanied by a report from a licensed soil scientist containing a description and analysis of all soil contained within such areas and opinion as to the designation of the soil. Said map is to be certified by the soil scientist as an accurate representation of his or her work.

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

H. A public hearing shall be held on all applications to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality at least twice at intervals of not less than two days, the first not more than fifteen days nor less than ten days, and the last not less than two days, before such hearing. A copy of such proposed boundary change shall be filed with the application for public.

I. Within sixty-five (65) days after receipt of an application to amend the mapped boundaries of any wetland or watercourse, the Commission shall hold a public hearing to consider the petition. The Commission shall act upon the application within sixty-five (65) days after the close of the hearing. The applicant may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such application, but the total of all extensions together cannot exceed 65 days, or may withdraw such application. The failure of the Inland Wetlands Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute an approval of the application.

J. The Commission shall make its decision and state, in writing, the reasons why the change in the Official Map of Inland Wetlands and Watercourses was made.

Section 4.8 Regulation Amendments

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

B. These regulations shall be amended in the manner specified in section 22a-42a of the Connecticut General Statutes, as amended. The Commission shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five days before the public hearing on their adoption.

Section 4.9 Application Required for Conservation Easement Modifications

A. An application is required for modifications to the uses, language or boundaries of any conservation easement accepted by the Commission on behalf of the Town of Bloomfield. The Commission considers these easements to be fully binding on the applicant, in perpetuity, and modifications to them are not encouraged. Applications for modifications to the uses, language or boundaries of a conservation easement are to include the reasons for the modification and the payment of the appropriate fee.

B. Conservation easements are to follow the Town of Bloomfield Standard Form for Conservation Easements available at the Town Hall Offices of the Town Planner and Wetlands Agent. Project specific language will be required. All easement documents are subject to final approval by the Town Attorney.

SECTION 5 - APPLICATION PROCEDURES AND REQUIREMENTS

Sec. 5.1 . Application Procedures

All applications shall be submitted to the Town of Bloomfield Inland Wetlands and Watercourses Commission. Correspondence with the Commission or the Wetlands Agent should be addressed to the Wetlands Agent, P.O.Box 337, 800 Bloomfield Avenue, Bloomfield CT 06002.

A. Any person wishing to undertake a regulated activity, or extend or modify a permit to conduct such activity, within a regulated area shall apply for a permit to the Commission. The application form entitled, "Application for Inland Wetlands and Watercourse Permit," hereinafter called the application, is available at the Offices of the Town Planning and Zoning Department, Engineering Department and the Wetlands Agent at the Town Hall, 800 Bloomfield Avenue, Bloomfield Connecticut 06002.

B. Any person wishing to undertake a Wetlands Boundary Amendment shall file with the Commission an application for Wetlands Boundary Amendment. This form is available at the Offices of the Town Planning and Zoning Department, Engineering Department and the Wetlands Agent at the Town Hall, 800 Bloomfield Avenue, Bloomfield Connecticut 06002.

C. If an application to the Town of Bloomfield Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetlands or watercourse, the applicant shall submit an application to the Inland Wetlands and Watercourses Commission, in accordance with this section, no later than the day the application is filed for the subdivision or resubdivision.

D. The Commission or its designated Agent may review an application before its official date of receipt to determine whether or not the proposed activity involves a significant activity and will require a Public Hearing.

E. Any application to extend 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.

F. A completed application for a permit, including supportive data shall be submitted to the Office of Planning and Zoning Department, Engineering Department or the Wetlands Agent not less than fifteen (15) days prior to the next regular meeting of the Commission in order to be reviewed by the Wetlands Agent and included on the agenda.

G. The official date of receipt of a completed application including supportive documentation shall be the day of the next regularly scheduled meeting of the Commission immediately following the date of actual receipt thereof by the Office of Planning and Zoning Department, or the Wetlands Agent, or thirty-five (35) days following actual receipt, whichever is sooner.

5. 2. Application Requirements

A. All applications shall contain such information that is necessary for a fair and informed determination of the issues. The Commission may require specific additional detailed information as described in section 6.3 of these regulations.

B. All applications shall include, in writing or on maps or drawings, the purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (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.

C. All applications shall include a site plan showing existing and proposed conditions in relation to wetlands and watercourses and identifying any 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.

D. Three sets of plans are required for a Wetlands Agent Permit application. All other applications shall include twelve (12) sets of plans or drawings and any other supporting documentation, studies, and reports. Additional reduced plan sets may also be required.

E. Complete applications must be submitted in order to be considered for review. The Commission's application package includes the following: an application form; a disclosure form, which must be notarized; the fee schedule; the plan checklist; and a draft of a DEP Wetlands Reporting Form. These documents must be completely filled out, plans submitted and the fee paid before an application will be reviewed by the Commission.

F. All applications are open for public inspection.

G. Incomplete applications may be denied.

H. All information submitted in the application including supportive data for review shall be considered binding upon the applicant. A failure of the applicant or any of his, her, or its agents to provide correct and complete information, or any operations exceeding the levels of activity stated, shall be sufficient grounds for suspension or revocation of any permit under these regulations and/or for penalties to be imposed. Each day of violation or deception shall be considered as a separate offense.

I. All applications for a permit shall include all information required by the Town Engineering Department Checklist for Wetland Permits, as revised from time to time. Some information on the checklist may or may not apply to certain types of development. The Wetlands Agent shall determine which sections apply to each application.

J. All applications for wetlands boundary amendments shall include all information required by the Town Engineering Department Checklist for Wetlands Boundary Amendments, as revised from time to time. Some information on the checklist may or may not apply to certain types of development. The Wetlands Agent shall determine which sections apply to each application.

K. All applications shall include maps that clearly and accurately depict, label and delineate the limits of all wetlands and watercourses on a site and their upland review areas . Each wetland shall be described on the maps by soil type and classification (e.g., Saco Silt Loam - very poorly drained, Menlo Stony Silt Loam - poorly drained, etc.) and each watercourse shall be described by type of watercourse (e.g., Stream, Lake, Pond, Bog, Vernal Pool, Marsh, Swamp, Red Maple Swamp, etc.) The area of wetlands on the property; and the area of wetlands and watercourses, and upland review areas, on which the regulated activity will occur shall be given separately in square feet or acres. All flood plains, and any determined 100-year flood elevation, shall be depicted on the plans. Limits of vegetated buffers and the area of any impacts to them shall be depicted on the plans in acres or square feet. The total area of the property proposed to be disturbed shall be depicted on the plans in acres or square feet.

L. All applications shall indicate the applicant's interest in the property and a completed Conflict of Interest Disclosure Form.

M. All applications shall include the payment of the appropriate fee. See section 15 below.

N. Plans submitted with applications for residential, commercial or industrial subdivisions shall include the proposed development of the individual lots. A permit granted for such developments shall be for the development of all of the lots until such time as the permit expires, after which time, permits to develop the individual lots shall be required.

O. All applications shall include alternatives considered by the applicant, and written reasons why the proposed activities were chosen. These alternatives shall be diagramed on a site plan or drawing.

P. All applications are to include the area of the property or parcel; the area of the proposed project; the area of regulated areas; the volumetric amount of material proposed to be removed or deposited into regulated areas; the areas of wetlands and open water body altered; the linear feet of watercourse altered and the area of wetlands created.

Q. The applicant shall certify whether any portion of the property on which the regulated activity is proposed, is within 500 feet of the boundary of the adjoining municipalities of Hartford, West Hartford, Windsor, Simsbury, Avon, or East Granby; whether a significant portion of the traffic attributable to the project will use streets within the adjoining municipalities, whether a significant portion of the sewer or storm water drainage from the project will flow through or have an impact on the adjoining municipalities' sewer and storm water drainage systems; and/or whether water runoff from the project will have an impact on the streets or other municipal or private properties within the adjoining municipalities.

R. When an application is filed to conduct, or cause to be conducted, regulated activities upon a regulated area any portion of which lies within five hundred (500) feet of the boundary of any adjoining municipality, the applicant shall give written notice of the application by certified mail, return receipt requested, to the Wetlands Commission of the adjoining municipality, on the same day as the application is filed with the Bloomfield Wetlands Commission. {22a-42c.} Documentation of such notice shall be provided to the Commission.

S. All applications shall comply with the requirements of the 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control, as amended. All erosion control plans shall include a narrative, site drawings, erosion and sedimentation control drawing, control measure details, maintenance plan, supporting documentation, and any other pertinent information.

T. All applications shall include provisions for the prompt stabilization of disturbed soils, fall and spring season stabilization, and limit the disturbed soils to as small an area as practical. Applications for multi-phase projects shall include stabilization of disturbed soils in one phase as a prerequisite for starting a new phase.

U. All applications shall comply with the requirements of the DEP's 2004 Connecticut Stormwater Quality Manual, and implement best management practices for the protection of the waters of the State and Town from the adverse impacts from post-construction stormwater runoff.

V. All applications shall comply with the appropriate sections of the Town of Bloomfield Stormwater Management Plan, with regards to the best management practices for pre- and post-construction erosion and sedimentation control, and other water quality, measures and their monitoring, maintenance, and reporting requirements.

Sec. 5.3 Additional Information

A. At any time during the review period, the Commission, or its designated agent, may require the applicant to provide more information about the parcel of land in question, the surrounding land and/or the proposed activity. Requests for additional information shall not stay the time limitations set forth in section 6 of these regulations.

B. This additional information may include, but is not limited to, environmental impact reports, biological and wildlife studies, analysis of existing wetlands and watercourses functions, storm drainage analysis, field located wetland and non-wetland soil types, analysis of any fill material, or descriptions of mitigating measures.

C. The Commission may further, in its discretion, require the applicant to engage and pay for an independent consultant to undertake such studies for the benefit of the Commission as may be necessary or desirable in connection with the Commission's consideration of the application, and in accordance with Section 5.5 of these regulations.

Sec. 5.4 Referral

A. The Commission may refer a copy of the application and any additional information submitted in connection therewith to the following agencies, commissions or committees for review and/or advisory opinion. The Commission will endeavor to make such referrals in a timely fashion but failure to receive a review or advisory opinion shall not delay the hearing or decision procedure:

1. The U.S.D.A. Natural Resources Conservation Service;
2. The Bloomfield Town Plan and Zoning Commission;
3. The Bloomfield Conservation Committee;
4. The Bloomfield Parks and Recreation Department
5. The agency or commission charged with wetlands regulation and the zoning or planning commission in any municipality whose border lies within five hundred (500) feet of any portion of the property on which exists any regulated area that may be affected by the proposed activity;
6. The Commissioner of the State of Connecticut Department of Environmental Protection;
7. The United States Natural Resources Conservation Service;

8. The United States Army Corps of Engineers.
9. The West Hartford/ Bloomfield Health District

Section 5.5 Fund For Technical Assistance to the Commission

The Commission may require an applicant to contribute to a fund to engage and pay for an independent soil scientist, civil engineer, biologist, wetland scientist or other professional, acceptable to the Commission, to provide periodic reports to the Commission regarding sensitive issues such as: soil stabilization, siltation or other contamination or pollution of wetlands and watercourses, or the impacts of development or its operation upon completion. Application of this fund is for the sole purpose of supplementing Town Staff and providing the Commission with more information to carry out its duties. Said soil scientist, civil engineer, biologist, wetlands scientist or other professional, engaged through the fund, shall report directly to the Wetlands Agent. Funds deposited for this purpose that are not expended shall be returned to the applicant.

Section 5.6 Soil Erosion and Sedimentation Control Plan Certification

All Soil Erosion and Sedimentation Control Plans shall be certified by the preparer as complying with the 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control, DEP Bulletin 34, as amended and shall include a separate signature/certification block that includes the following words:

I, the undersigned, do hereby certify that this plan has been prepared in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control, DEP Bulletin 34, as amended, and in accordance with The Town of Bloomfield Inland Wetlands and Watercourses Commission Regulations Section 5.2, and the Town of Bloomfield Design and Construction Standards, as applicable.

The permittee is responsible for ensuring that this plan is complied with by all contractors and subcontractors working on the project. Any adjustments, revisions or modifications to this plan must be submitted to the Wetlands Agent for approval prior to implementing such changes. The Town of Bloomfield shall not be held liable for improper installation, lack of maintenance or other neglect on behalf of the permittee.

(Signature of the preparer) Date

SECTION 6 - DECISION PROCEDURE

Sec. 6.1 Declaratory Ruling

A. If the Commission, or its authorized agent, finds on the basis of the application before it that a proposed use or activity does not involve any regulated activity in a regulated area, the application will be dismissed.

Sec. 6.2 Summary Ruling

A. If the Commission, or its authorized agent, finds that a proposed use is a regulated activity not likely to involve a significant impact or major effect, it may grant a permit with or without conditions or limitations after initial review and upon consideration of the criteria set forth in Section 6.5 of these regulations.

Sec. 6.3 Plenary Ruling

A. If the Commission, or its agent, finds that a regulated activity does or may involve a significant impact or major effect, the applicant shall be required to submit such pertinent information as designated by the Commission, which information may include but is not limited to the following:

1. Site Plan - a map of the proposed use and the property which will be affected, certified by a Professional Civil Engineer registered in the State of Connecticut. The map shall contain detailed information as required by the Town Engineering Department Checklist for Wetland Permits and additional detailed information as may be requested by the Commission according to its evaluation requirements;
2. Soil Sample Data - if the parcel lies within or partly within an area believed to contain poorly drained, very poorly drained, alluvial, or flood plain soils, the data shall show precisely where each specific soil type is found. Soil types identified must be consistent with the categories established by the National Cooperative Soils Survey of the USDA Natural Resources Conservation Service;
3. Biological Evaluation - The applicant may be required to submit an evaluation of the extent of the presence of plant species commonly associated with swamps, bogs and marshes. The applicant may also be requested to submit an evaluation of the probable effect of his proposal upon the plant species and upon aquatic, plant or animal life;
4. Analysis of Material to be Deposited - the applicant may be required to describe any materials to be deposited on the site in terms of volume, composition, and the possibility of erosion or leaching from deposited materials. The applicant may also be required to estimate the probable environmental impact of the deposition of materials on the affected inland wetlands or watercourses;

5. Watercourse Characteristics - if the proposed activity may affect a watercourse lying within, partly within, or flowing through or adjacent to the affected property, the applicant may be required to submit information relative to the present character and the projected impact of the proposed activity upon the watercourse;
6. A description of the proposed construction or the erection of structures on the affected property, including blueprints, engineering and architectural plans or designs, where available or reasonably attainable. Such descriptions shall include the purposes of such construction or activity;
7. A list of other property owners whose rights or interests may be or will be affected by the proposed activity.
8. Certification by a Land Surveyor licensed by the State of Connecticut of compliance with the provisions of Section 3.8 Activities within Flood Hazard Zones of these regulations.
9. Engineering, biological impact, or other studies and information that the Commission may require.

Sec. 6.4 Public Hearings and Notices of Applications

A. A public hearing may be required on any application for permit. A public hearing is required on all applications which are the subject of a Plenary Ruling; or applications for a Wetlands Boundary Amendment; petition to change regulations; or for the subdivision of property, any part of which, is a wetland or watercourse. The Commission shall not hold a public hearing unless the Commission determines that:

- a.) the proposed activity may have a significant impact on the regulated areas or
- b.) a petition signed by at least twenty-five (25) persons, who are 18 years of age or older and reside in Bloomfield, requesting a public hearing is filed with the Commission not later than fourteen (14) days after the date of receipt of such application, or
- c.) the Commission finds that a public hearing would be in the public interest.

Such hearing shall commence within sixty-five (65) days of the official date of receipt of such application. All applications and maps and documents relating to the application shall be open for public inspection. Any person may appear and be heard at any such public hearing. The Commission may issue a permit without a Public Hearing provided no petition for a public hearing is filed on or before the fourteenth day after the receipt of the application.

B. Notice of hearings shall be published twice at intervals no less than two days; the first not more than fifteen days before the hearing and not less than ten days, the second notice shall be published not less than two days before the hearing date in a newspaper having a general circulation in Bloomfield. Notices of hearings shall be sent by, the Commission, by certified mail

to the applicant. The Applicant, shall, send notices of hearings, by certified mail, to abutting property owners, property owners whose property lines or any point therein are within four hundred (400) feet of any point in the property lines of the subject parcel, and such other persons whom the Commission deems entitled to notice, no less than fifteen days before the hearing. The Applicant shall submit proof of compliance with this requirement at the hearing. A typical form letter is included with the application package. Failure to mail such notice to any person or persons shall not in any way invalidate the public hearing. The hearing shall be completed within thirty-five (35) days of its commencement.

C. Notice shall also be sent by the Commission to the clerk of any adjoining municipality of the pendency of any application, petition, request or plan concerning any project on any site in which:

1. Any portion of the property affected by a decision of such Inland Wetlands Commission is within five hundred feet of the boundary of the adjoining municipality and in such cases the applicant must also give written notice of the application by certified mail return receipt requested to the Inland Wetland Agency of such other municipality on the same day the application is filed with the Town of Bloomfield;
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 sewerage system within the adjoining municipality; or
4. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

D. Such notice to an adjoining municipality shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the official date of receipt of the application, petition, request or plan. No hearing may be conducted on any application, petition, request or plan unless 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.

Sec. 6.5 Decisional Criteria & Standards

A. In granting, denying or limiting any permit for a regulated activity the Commission, or its Agent, shall consider the factors set forth in this section and the Commission or its Agent shall state upon the record the reason for its decision. In the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall, as applicable and in accordance with section 6.5 C. of these regulations, incorporate a statement relative to the consideration of feasible and prudent alternatives. In granting a permit the Commission may grant the application as filed or grant it upon other terms, conditions, limitations, or

modifications of the regulated activity. 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.

B. The Commission, or its designated agent, shall consider the following in making its final decision on a permit application:

1. The application and its supporting documentation, public comments, evidence and testimony;
2. Any reports from other commissions and/or federal, state or local agencies or committees, including, but not limited to, the Natural Resources Conservation District and/or the Connecticut Department of Environmental Protection;
3. Information submitted with the application and additional requested information;

C. Non-receipt of comments from agencies and commissions listed in Section 6.5 B. 2. or Section 5.4, above, within the prescribed time shall neither delay nor prejudice the decision of the Commission.

D. The Commission, or its designated agent, shall consider all relevant facts and circumstances, including, but not limited to the following:

For the purposes of this section “wetlands and watercourses” includes aquatic, plant or animal life and habitats in wetlands and watercourses and, “habitat” means areas or environments in which an organism or biological population normally lives or occurs. (PA 04-209)

1. The environmental impact of the proposed regulated activity on the regulated areas;
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;
3. 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;
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 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 (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;

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
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.

E. 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 regulated areas a permit shall not be granted unless the Commission finds that a feasible and prudent alternative does not exist. In making this finding the Commission shall consider the facts and circumstances set forth in section 6.5. The finding and the reasons therefor shall be stated on the record in writing.

F. 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 activities which have less adverse impact on wetlands or watercourses (including aquatic, plant or animal life and habitats in wetlands and 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.

G. In reaching its decision on any application after a public hearing, the Commission shall base its decision on the record of that hearing. A conclusion that a prudent and feasible 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 purposes and policies of the Inland Wetlands and Watercourses Commission Regulations of the Town of Bloomfield and of sections 22a-36 to 22a-45, inclusive of the C.G.S.

H. 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 the wetlands or watercourse.

I. In the case of an application for which CEPA intervener status, under CGS Section 22a-19, has been granted, the Commission shall not approve an application without making a finding that said application does not involve conduct which has, or which is reasonable likely to have, the effect of unreasonable polluting, impairing or destroying the public trust in the wetlands, watercourses or other natural resources of the town.

J. As a condition of any permit the Commission may require that the applicant engage and pay for an independent consultant, approved by the Commission, to report on the progress of the

project, and the results of any monitoring and/or inspections, on a schedule to be determined by the Commission. Written reports are to be sent to the Wetlands Agent, P.O.Box 337, 800 Bloomfield Avenue, Bloomfield CT 06002.

Sec. 6.6 Time for Decision

A. The Commission, or its authorized agent, may grant the application as filed, grant it upon such terms, conditions, limitations or modifications necessary to carry out the purposes of the Act or deny it.

B. Within sixty-five (65) days of the official date of receipt of an application, the Commission may hold a public hearing on any application. The hearing shall be completed within thirty-five (35) days of its commencement. The Commission shall render a decision on applications within sixty-five (65) days of the completion of a public hearing for Wetlands Boundary Amendment applications and within thirty-five (35) days for all other applications. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such application, but the total of all extensions cannot exceed sixty-five (65) days, or may withdraw such application.

C. The failure of the Inland Wetlands Commission to act within any time period specified in this subdivision, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Commission must be withdrawn by the applicant or denied by the Commission.

Sec. 6.7 Notification of Decision

A. In dismissing, granting, granting with conditions or limitations or denying with or without prejudice a permit application, the Commission shall send the applicant written notice of its decision by certified mail to the address set forth in the application, said mailing to be made within fifteen (15) of the date of the decision, and the Commission shall cause notice of its decision to be published in a newspaper having general circulation in Bloomfield.

B. For applications which require Town Plan and Zoning Commission Permits, or approvals, the Commission shall submit a report to the Bloomfield Town Plan and Zoning Commission. The report shall include the notice of decision to the applicant under section 6.5, a copy of any permit granted and any report to the Commission by its staff. The report may also contain such other documents as deemed appropriate by the Commission.

C. The Commission shall make such reports to the Commissioner on permits, orders, regulations and other matters as required by the Commissioner's regulations under Connecticut General Statutes.

Sec. 6.8 Record Decisions

A. All Commission decisions dismissing, granting, granting with conditions or limitations or denying with or without prejudice shall be set forth in the official minutes and shall state the Commission's reasons for so deciding. In all cases where a Plenary Ruling was made, or a Public Hearing was required, the decision recorded in the minutes shall include discussion of the considerations and criteria set forth in Section 6.5 of these regulations. The Commission shall make all of its minutes available for public inspection at the office of the Bloomfield Town Clerk.

Sec. 6.9 Posting of Signs

A. For any application to the Commission requiring a public hearing, the Applicant shall display a sign or signs on the property stating that an application is pending with the Commission. Such sign or signs shall be obtained at the Office of Town Planning and Zoning at the Town Hall and shall be erected, and maintained by the Applicant in a manner to be clearly visible from all adjacent streets. Said sign or signs shall be posted ten (10) days before the date of the public hearing, shall remain in place until the public hearing is completed, and shall be removed by the Applicant not later than three (3) days after the public hearing is completed. At the public hearing the applicant must present an affidavit certifying that the sign or signs have been in place for the required period prior to the public hearing.

SECTION 7 - FURTHER PROCEEDINGS AFTER DECISION

Sec. 7.1 Permit Denial; Modification and Resubmission

A. The Commission may deny a permit with or without prejudice. If a permit is denied with prejudice, the same application shall not be resubmitted for one year following the date of such denial. If a permit is denied without prejudice, the applicant may modify, amend or correct his proposal, and submit a new application. A denial without prejudice shall not be deemed to extend the time within which an appeal must be taken as provided in Section 8 of these regulations. Submission of a modified, amended or corrected proposal after a denial without prejudice shall constitute a reopening of the Commission's decision and shall constitute a bar to any appeal from the original decision under Section 8 of these regulations. The rejection of a modified, amended or corrected proposal shall be equivalent to the denial of an application for the purposes of Section 8 of these regulations.

Sec. 7.2 Modification of Permit Granted with Conditions

A. If a permit is granted with conditions or limitations, and the applicant disputes such conditions or limitations, he may modify, amend or correct his proposal provided that he submits said modified, amended or corrected proposal within thirty (30) days after publication of the

Commission's original decision. The right to modify amend or correct a proposal hereunder shall not be deemed to extend the time within which an appeal must be taken as provided in Section 8 of these regulations. Submission of a modified, amended or corrected proposal after the granting of a permit with conditions or limitations shall constitute a reopening of the Commission's decision and shall constitute a bar to any appeal from the original decision under Section 8 of these regulations. Rejection of a modified, amended or corrected proposal shall be equivalent to the denial of an application for the purposes of Section 8 of these regulations.

Sec. 7.3 Other Permits

A. 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 Bloomfield, 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.

B. For subdivisions, industrial or commercial developments, or condominium developments, all Inland Wetlands and Watercourses Commission Permits, Planning and Zoning Commission Permits, and Zoning Board of Appeals Variances must be obtained and a Permit to Develop issued by the Office of the Town Planner prior to any construction.

C. For construction that only requires a Building Permit, or a Town Plan and Zoning Commission Regulations Section X. Grading and Excavating of Land permit, and also involves regulated activities, an Inland Wetlands and Watercourses Commission Permit must be obtained prior to starting any construction.

SECTION 8 - APPEALS

Sec. 8.1 Appeals

A. Appeal on actions of the Commission shall be made in accordance with the provisions of the General Statutes, as amended.

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

C. In any appeal from a regulation, order, decision or action of the Commission, the Town Attorney for the Town of Bloomfield, his or her designee or such other attorney designated by the Commission shall represent the Commission. Such representative shall keep the Commission fully informed of the status of the appeal and shall consult with the Commission as to the positions and strategies to be taken on behalf of the Commission in the appeal. No appeal may be settled or compromised without approval by the Commission. The Commission, after consultation with the Town Attorney and as appropriate, the Town Council and the Town Plan and Zoning Commission, shall by majority vote determine whether to appeal any adverse court decision.

SECTION 9 - BOND AND INSURANCE

Sec. 9.1 Bond

A. The applicant, upon the granting of a permit, and at the sole discretion of the Commission, may be required to file a bond in the amount and in a form approved by the Bloomfield Director of Planning, prior to any construction.

B. The bond and sureties shall be conditioned on compliance with all provisions of these regulations and conditions imposed on permit approval.

Sec. 9.2 Insurance

The applicant may be required to certify public insurance against liability which might result from proposed operation or use covering any and all damage which might occur during or within two (2) years of completion of such operations. Amounts of liability insurance coverage shall be determined by the Commission commensurate with relevant circumstances.

SECTION 10 - WETLANDS AGENT AND ENFORCEMENT

Sec. 10.1 Wetlands Agent Permits

A. The Commission may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourse, provided such agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection. Any person receiving such approval from the agent, shall within ten (10) days of the date of such approval, publish, at the Applicant's expense, notice of the approval in a newspaper having a general circulation in the Town wherein the activity is located or will have an effect. The applicant, at its expense, must file evidence of such publication to the Wetlands Agent.

B. Any person may appeal such decision of the agent to the Inland Wetlands Commission within fifteen (15) days of 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 (3) business days after receipt by the Commission or its agent of such appeal. The Commission shall, at its discretion, sustain, alter or reject the decision of its agent or require a new application for a permit in accordance with these regulations.

Sec. 10.2 Observation and Inspection of Regulated Areas

A. The Commission may appoint an agent or agents to act in its behalf with the authority to inspect property and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations.

B. The Commission or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations.

C. The Commission shall be authorized to seek such necessary court orders as will allow it through its appointed agents to enter upon private premises to make inspection where the Commission has probable cause to believe that a regulated activity is in progress and for which no permit has been granted. A request for a building permit filed with the Town Building Inspector or an application for subdivision or site plan approval filed with the Town Plan and Zoning Commission shall constitute permission to this Commission for inspection by its designated agent to determine or confirm the existence of any regulated area or the possibility of regulated activity.

Sec. 10.3 Inspection of Permitted Regulated Activity

The Commission through its appointed agent may make regular inspections of all activities and uses for which permits have been issued under these regulations. Activities which have been granted a permit shall be open to inspection at all reasonable times.

Sec. 10.4 Enforcement Measures

A. If the Commission or its designated agent finds that any person has conducted or maintained or is conducting or maintaining any activity, facility or condition which is in violation of the Act or of these regulations or of any permit or order of the Commission, the Commission or its designated agent may issue a written order by certified mail to such person to correct such activity, facility or condition or to mitigate the adverse effects thereof. Mitigation measures may include off-site actions reasonably related to the on-site activities, facilities or conditions. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to Section 10.5 below. The Commission or its designated agent may issue a Cease and Desist Order, may suspend or revoke a permit, or may issue a Notice of Violation.

B. The Commission may modify the original permit, or place conditions on, or otherwise limit the release of Notices of Violation or Cease and Desist Orders, by requiring the applicant to provide revised site plans, and additional monitoring or reporting on the progress of the project, and of the conditions which initiated the enforcement action. This additional monitoring and/or reporting is to be performed by qualified professionals acceptable to the Commission or the Agent. Revised site plans are to conform with the appropriate requirements of the Wetlands

Permit Checklist, and the 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control, as amended.

Sec. 10.4. A. Cease and Desist Order

A. The Commission or its designated agent may issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission shall publish notice of its decision in a newspaper having general circulation in the Town of Bloomfield. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to section 22a - 4(b) of the General Statutes, as amended.

B. The Commission may file a certificate of such order in the office of the Town Clerk and the Town Clerk shall record such certificates on the Land Records. This certificate shall be released upon compliance with the order.

C. All ordered mitigation, corrective, restorative or other work shall be undertaken immediately by the violator and shall not require a separate permit.

Sec. 10.4. B. Suspension or Revocation of Permit

The Commission or its designated agent may suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Commission shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Commission shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Commission shall publish notice of the suspension or revocation in a newspaper having general circulation in the town.

Sec 10.4. C. Notice of Violation

The Commission or its designated agent may 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 file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order as provided in section 10.4a or 10.4b of these regulations or other enforcement proceedings as provided by law.

Sec. 10.5 Civil Penalties

A. Any person who commits, takes part in, or assists in any violation of these regulations or any permit or order issued by the Commission may be assessed by the Commission a civil penalty of not more than one thousand dollars (\$1000.00) for each offense. Each violation of said sections shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.

Sec. 10.6 Petition to Superior Court

A. The Commission may petition the Superior Court in accordance with the Connecticut General Statutes, to restrain continuing violation of these regulations, or any permit, order or decision of the Commission, to correct or remove violation, and to assess damages in an amount necessary to effect the restoration of the affected regulated area, to fine any person who willfully or knowingly violates these regulations or any permit, order or decision issued thereunder, to assess a civil penalty or to enforce a civil penalty assessment by the Commission under section 10.5. All costs, fees and expenses, and attorney's fees, of such action shall be assessed as damages against the violator.

Sec. 10.7 Report to State Authority

A. All cease and desist orders and other enforcement actions issued by the Commission shall be reported to the Commissioner within fifteen (15) days of the issuance thereof and the Commission shall make such other reports on enforcement actions to the Commissioner as required pursuant to the Commissioner's regulations under section 22a-44 of the Connecticut General Statutes.

SECTION 11 - CONFLICT AND SEVERANCE

Sec. 11.1 Conflict

A. If there is a conflict between the provisions of these regulations and those of any other applicable statute, ordinance or regulation, the provisions of the statute, ordinance or regulation

which imposes the most stringent standards for the use of wetlands and watercourses shall govern.

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

Sec. 11.2 Severance

A. The invalidity of any word, clause, sentence, section, part or provision of these regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.

SECTION 12 - EFFECTIVE DATE

Sec. 12.1 Effective Date of Regulations

These regulations and any amendments hereto shall become effective upon filing with the Town Clerk, after notice of such action has been published in a daily newspaper having general circulation in Bloomfield.

SECTION 13 - CONFORMITY WITH STATE REGULATIONS

Sec. 13.1 Procedure for Conformance

A. All proposed regulations, and all proposed amendments or corrections of the regulations, shall be submitted to the Commissioner at least thirty-five (35) days prior to the public hearing. All adopted regulations and adopted amendments to the regulations shall be submitted to the Commissioner within ten (10) days of their effective date.

B. The enforcement of these regulations, or any part thereof, including maps and amendments, shall be suspended upon receipt of notice from the Commissioner that such regulations are not in conformity with the Act or the Commissioners' regulations. Only the operation of such nonconforming section or sections shall be suspended.

C. This Commission shall initiate proceedings to amend such nonconforming regulations within twenty (20) days of the receipt of notice of non-conformance pursuant to the amendment procedures of Section 22a-42a of the Connecticut General Statutes.

SECTION 14 - WETLAND COMMISSIONER TRAINING PROGRAM

A. At least one member of the Inland Wetlands Commission or staff of the Commission shall be

a person who has completed the comprehensive training program developed by the Commissioner of Environmental Protection. Failure to have a member of the Commission or staff with training shall not affect the validity of any action of the Commission. Each Inland Wetlands Commission shall hold a meeting at least once annually at which information is presented to the members of the Commission which summarizes the provisions of the training program. The Commissioner develops such information in consultation with interested persons affected by the regulation of inland wetlands and shall provide for distribution of video presentations and related written materials which convey such information to inland wetlands agencies. In addition to such materials, the Commissioner, in consultation with such persons, shall prepare materials which provide guidance to municipalities in carrying out the provisions of subsection (f) of CGS section 22a-42a. as amended by section 4 of Public Act 96-157.

SECTION 15 - APPLICATION FEES

A. The Commission shall specify a schedule of fees for various types of applications, which may be amended from time to time, to be effective for all permit applications filed. The fee schedule set by the Commission shall be sufficient to cover the reasonably estimated costs of reviewing and acting upon an application and monitoring compliance with any permit or order, including but not limited to the costs of publishing notices and decisions, of site inspections, of hiring of expert consultants, including soil scientists, environmental consultants and engineering consultants by the Commission to review applications and monitor compliance. The appropriate fee amount shall be determined by the Wetlands Agent based on the fee schedule adopted by the Commission.

B. Boards, commissions, councils and departments of the Town of are exempt from all fee requirements.

C. 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:

1. 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, or
2. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application. The Commission shall state upon its record the basis for all actions under this subsection.

D. Method of Payment. All fees required by these regulations shall be submitted to the Commission by cash or check payable to the Town of Bloomfield at the time the application is filed.

E. 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.

F. The application fee is not refundable.

G. Definitions. As used in this section (permit application fees):

"Residential Uses" means activities carried out on property developed for permanent housing or being developed to be occupied as 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.

Section 15 H. Permit Application Fee Schedule

This form may be printed out and used for estimating fee. An original must be submitted with the application.



Inland Wetlands and Watercourses Commission

FEE SCHEDULE

NAME & LOCATION OF PROJECT: _____

1. RESIDENTIAL USES ON SINGLE LOT: NEW HOUSE	\$100	_____
MODIFICATION TO EXISTING OWNER-OCCUPIED:	\$50	_____
2. COMMERCIAL/INDUSTRIAL USES: NEW CONSTRUCTION, PER LOT	\$500	_____
MODIFICATION TO EXISTING	\$200	_____
3. MULTI-FAMILY (PLR.'s, PEC.'s, MFER.'s) \$75 x _____ (Number of units, minimum \$500)		_____
4. SUBDIVISION (Public Hearing included):	\$200	_____
Plus \$50 x _____ (Number of lots)		_____
Plus \$100 x _____ (Number of lots with activity within wetlands or watercourses)		_____
5. ALL OTHER USES:	\$200	_____
6. WETLANDS AGENT PERMIT (No work in wetlands or watercourses):	\$50	_____
<hr style="border-top: 3px double #000;"/>		
7. AREA OF WETLANDS FEE _____ SF \$20.00 per 1000 square foot, or portion thereof, of wetlands upon which a regulated activity is proposed		_____
8. LENGTH OF WATERCOURSE FEE _____ LF \$20.00 per 100 linear feet, or portion thereof, of watercourse upon which a regulated activity is proposed		_____
<hr style="border-top: 3px double #000;"/>		
9. SIGNIFICANT ACTIVITY FEE (Public Hearing):	\$500	_____
10. WETLANDS MAP BOUNDARY AMENDMENT (Public Hearing):	\$250	_____
11. WETLANDS REGULATION AMENDMENT (Public Hearing):	\$250	_____
12. MODIFICATION OF PERMIT \$100 or 50% of original permit fee (whichever is lesser)		_____
13. EXTENSION OF PERMIT: Ten percent of the present permit fee schedule amount:		
New Residential (single lot)	Minimum \$15	_____
Residential Use Modification	Minimum \$10	_____
Commercial/Industrial, Multi-Family or Subdivision	Minimum \$100	_____
All Other Uses	Minimum \$25	_____
14. MODIFICATION OF CONSERVATION EASEMENT BOUNDARY OR PERMITTED USES	\$500	_____
15. STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION FEE	\$30.00	_____
<hr style="border-top: 3px double #000;"/>		

TOTAL CALCULATED FEE: _____

Fees shall be determined by the Wetlands Agent based on this schedule. All applications are subject to the wetlands or watercourse impact area fee, length of watercourse fee and DEP fee. All applicable fees for the proposed activity(s) shall be applied. Checks are to be made payable to the Town of Bloomfield. The applicant may petition the Wetlands Commission to reduce, waive, or modify the amount of the fee, in writing, at the time the application is filed.

Adopted

December 20, 2004

APPENDIX A.

Taken from a publication titled "Inland Wetland Plants of Connecticut" The Connecticut Arboretum Bulletin No. 19, Connecticut College, New London, Connecticut, May 1973.

TYPICAL PLANTS OF BOGS

Larch (*Larix Laricina*), southern white cedar (*Chamaecyparis thyoides*), black spruce (*Picea mariana*), water-willow (*Decodon verticullatus*), sundew (*Drosera rotundifolia*), pitcher-plant (*Sarracenia purpurea*), leather-leaf (*Chamaedaphne calyculata*), sweet gale (*Myrica gale*), bog laurel (*Kalmia polifolia*), bog rosemary (*Andromeda glaucophylla*), cranberry (*Vaccinium oxycoccos*)

TYPICAL PLANTS OF MARSHES

Bur-reed (*Sparganium ammericanum*), cat-tails (*Typha latifolia*), arrowhead (*Saittaria latifolia*), pickerelweed (*Pontederia cordata*), arrow-arum (*Peltandra virginica*), wool grass (*Scirpus cyperinus*), bulrushes (*Scirpus atrovirens*, *S. validus*, and *S. americanus*), umbrella-sedge (*Cyperus strigosus*), tussock sedge (*Carex sticta*), spike-rush (*Eleocharis*), purple loosestrife (*Lythrum salicaria*), soft rush (*Juncus effusus*), rush (*Juncas acuminatus*), yellow pond-lily (*Naphar advena*), water-lily (*Nymphaea odorata*), reed (*Phragmites communis*), wild rice (*Zizania aquatica*).

TYPICAL PLANTS OF SWAMPS

Red or swamp maple (*Acer rubrum*), silver maple (*Acer saccharinum*), poison sumac (*Rhus vernix*), black ash (*Fraxinus nigra*), large pussy-willow (*Salix discolor*), silky willow (*Salix sericea*), black willow (*Salix nigra*), black gum (*Nyssa sylvatica*), alders (*Alnus rugosa* and *A. serrulata*), highbush blueberry (*Vaccinium corymbosum*), maleberry (*Lyonia ligustrina*), sweet pepperbush (*Clethra alnifolia*), clammy azalia (*Rhododendron viscosum*), black alder (*Ilex verticullata*), spice bush (*Lindera benzoin*), buttonbush (*Cephalanthus occidentalis*), marsh-marigold (*Caltha palustris*), skunk-cabbage (*Symplocarpus foetidus*).

OTHER REFERENCES

"Freshwater Wetlands, A Guide to Common Indicator Plants of the Northeast"
Dennis W. Magee, University of Massachusetts Press, 1981

"Wetlands of Connecticut"
State Geological and Natural History Survey of Connecticut, 1992

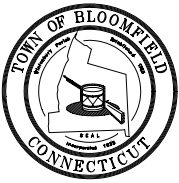
APPENDIX B.

APPLICATION FORMS

These forms may be printed out from this document

And are available at the Town Hall

Original Signatures are required for an application.



Inland Wetlands and Watercourses Commission

APPLICATION FOR PERMIT

1. Applicant's Name, Address and Phone Number: _____

2. Applicant's interest in the property: Owner Lessee Optionee Other, Explain: _____
3. Property Owner(s) Name, Address and Phone Number: _____

4. Location of Property (include street address), Assessor's lot and map number: _____

5. Description of proposed activity and location on property: _____

Check all that apply: Excavation Filling Grading Channel Work Dredging Utility Work
 In Wetland or Watercourse New House Addition Culvert Maintenance Subdivision
 Commercial/ Industrial Site Forestry/ Logging Road Construction Other Regulated Activities

6. Total Area of Wetlands on the Property from the Official Map: _____ Ac/SF
7. Wetlands Area Altered or Disturbed: _____ Ac/SF
8. Open Water Body Area Altered or Disturbed _____ Ac/SF
9. Watercourse Length Altered or Disturbed _____ LF
10. Area of Wetlands Created, Enhanced or Restored (excl. open water) _____ Ac/SF
11. Area of Upland Review Areas disturbed: _____ Ac/SF
12. Total Land Area of the Property: _____ Ac/SF
13. Total Land Area disturbed for the project: _____ Ac/SF

The undersigned warrants the truth of all statements contained herein according to the best of his or her knowledge and belief, and grants permission to the Commission and its Agent to enter the subject property and inspect the wetlands, watercourses and proposed project.

Signature of Applicant: _____ Date: _____

Signature of Property Owner: _____ Date: _____

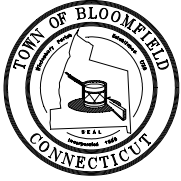
(TOWN USE ONLY BELOW THIS LINE)

Received at Bloomfield Town Hall by : _____ Date: _____

This application is scheduled for review and determination of a Public Hearing at the Inland Wetlands and Watercourses Commission Meeting of : _____ (Official Date of Receipt)

Preliminary Review by IWWC yes no Public Hearing yes no Permit Approved by Agent

ALL APPLICATIONS SHALL INCLUDE PAYMENT OF THE FEE; PLANS AND/OR MAPS SHOWING THE PROPOSED ACTIVITY AND SUPPORTING DOCUMENTATION, ALL SUBJECT TO COMPLIANCE WITH THE WETLANDS CHECKLIST AND REGULATIONS.



Inland Wetlands and Watercourses Commission

APPLICATION FOR WETLANDS MAP OR REGULATION AMENDMENT

1. Applicant's Name, Address and Phone Number: _____

2. Applicant's interest in the property: Owner Lessee Optionee Other: _____

3. Property Owner(s) Name, Address and Phone Number: _____

4. Location of Property (include street address), Assessor's lot and map number: _____

5. Description of proposed map boundary or regulation amendment: _____

- | | | |
|--|-------|-------|
| 6. Total Area of Wetlands on property from Official Map: | _____ | Ac/SF |
| 7. Total Length of Watercourse from Official Map: | _____ | LF |
| 8. Total Area of Open Water from Official Map: | _____ | Ac/SF |
| 9. Total Area of Wetlands as flagged by Soil Scientist: | _____ | Ac/SF |
| 10. Total Length of Watercourse as determined by Survey: | _____ | LF |
| 11. Total Area of Open Water as determined by Survey | _____ | Ac/SF |
| 12. Wetland Net Change (exclude wetland to open water) | _____ | Ac/SF |
| 13. Watercourse Length Net Change | _____ | LF |
| 14. Open Water Area Net Change | _____ | Ac/SF |
| 15. Total Land Area of the Property: | _____ | Ac/SF |

The undersigned warrants the truth of all statements contained herein according to the best of his or her knowledge and belief, and grants permission to the Commission and its Agent to enter the subject property and inspect the wetlands and watercourses.

Signed: Applicants Name: _____ Date: _____

Signature of Property Owner: _____ Date: _____

(TOWN USE ONLY BELOW THIS LINE)

Received at Bloomfield Town Hall by : _____ Date: _____

This application is scheduled for a review and determination of Public Hearing date at the Inland Wetlands and Watercourses Commission Meeting of : _____

(Official Date of Receipt)

All Boundary and Regulation Amendments are subject to a Public Hearing and payment of the fee (\$250.00). All Boundary Amendment applications shall be accompanied by a map showing a.) the Wetlands and Watercourses from the Official Map, b.) the proposed amendment, c.) the Soil Scientist's Certification and, d.) signature and seal of the State of Connecticut Licensed Land Surveyor; and a Report from the Soil Scientist .

CONFLICT OF INTEREST DISCLOSURE FORM

(This form is required for all applications and must be notarized. Complete all sections, indicate n/a if not applicable and use additional sheets if necessary. Full disclosure is required for a complete application. Incomplete applications will not be scheduled for a hearing.)

LOCATION OF PROJECT: _____

NAME OF APPLICANT/PETITIONER: _____

IF APPLICANT/PETITIONER IS OWNER OF RECORD, HOW LONG HAS HE/SHE OWNED THE PROPERTY _____ YEARS

NAMES AND ADDRESSES OF ALL PARTIES KNOWN TO HAVE AN INTEREST IN THIS APPLICATION/PROPERTY

OWNERS: _____

OPTIONEES: _____

OFFICERS, DIRECTORS & MAJORITY STOCKHOLDERS OF CORPORATIONS LISTED ABOVE: _____

BENEFICIARIES OF ANY TRUST OR OTHER FIDUCIARY OWNERSHIP LISTED ABOVE: _____

TENANTS/PROSPECTIVE TENANTS: _____

ATTORNEYS, INCLUDING NAME OF LAW FIRM(S) AND LIST OF PARTNERS: _____

FINANCIAL INSTITUTIONS OR OTHER FINANCIERS: _____

ENGINEERS, SURVEYORS CONSULTANTS, ETC.: _____

TO THE BEST OF MY KNOWLEDGE, NO ONE EXCEPT THOSE LISTED BELOW HAS A FINANCIAL INTEREST IN THIS APPLICATION OR THE SUBJECT PROPERTY WHO IS AN EMPLOYEE OF THE TOWN OF BLOOMFIELD, OR AN ELECTED OR APPOINTED OFFICIAL OF THE TOWN OF BLOOMFIELD:

APPLICANT'S SIGNATURE: _____

TYPED OR PRINTED NAME OF APPLICANT: _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____

NOTARY PUBLIC: _____

[This is a draft notification letter to be sent from the applicant to the abutting property owners (including those within 400 feet) for any applications that have a Public Hearing. The sections in ***bold italics*** are to be filled in for each application. Letters are to be sent by certified mail no less than 15 days before the hearing date. Letters are to be addressed to the property owner of record and/or current resident. The applicant must submit proof of the mailing, at the Public Hearing. Sections of this document in square brackets are NOT to be included in the notice letter.]

Date of this letter

Dear Property Owner or Current Resident:

In accordance with the Inland Wetlands & Watercourses Commission Regulations Section 6.4 this letter is being sent to notify you that a Public Hearing has been scheduled for the project described below. This notice is being sent to the owners of abutting property and those within 400 feet of the subject parcel. You have the right to attend the public hearing, and ask questions and make comments about the application; however, you are not required to attend the hearing.

The hearing concerns the following:
[As appears on the Application Form]

***Location of project,
Description of regulated activities
Applicant's name and address***

HEARING DATE AND PLACE:

Day and Date [to be determined by the Commission]

7:30 P.M.

Council Chambers, Bloomfield Town Hall
800 Bloomfield Avenue
Bloomfield, Connecticut 06002

If you should have any questions concerning this hearing, please contact David Peter Castaldi, Wetlands Agent, at 860-769-3526.

Very truly yours,

Applicant's printed name and Signature