INLAND WETLANDS AND WATERCOURSES REGULATIONS OF THE TOWN OF NEW FAIRFIELD

INLAND WETLANDS CONSERVATION COMMISSION

INLAND WETLANDS AND WATERCOURSES REGULATIONS
FOR THE TOWN OF NEW FAIRFIELD, CONNECTICUT

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SECTION 1 TITLE AND AUTHORITY

1.1 Intent. The Inland Wetlands and Watercourses of the Town of New Fairfield are an indispensable and irreplaceable but fragile natural resource with which the citizens of the town have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic, and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use...
by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted, and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the town of New Fairfield and the state, 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 town for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of New Fairfield. It is, therefore, the purpose of these Regulations to protect the citizens of the town by making provisions for the protection, preservation, maintenance, and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity, or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational, and other public and private uses and values; and protecting the town's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of New Fairfield 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 town and the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

1.2 Title. These Regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of New Fairfield."

1.3 Inland Wetlands Commission. The Inland Wetlands Conservation Commission of the Town of New Fairfield was established in accordance with an ordinance adopted June 8, 1973 and shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of New Fairfield.

1.4 Adoption. These Regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these Regulations.

1.5 Authority to Enforce. The Commission shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations, or modifications,
or deny permits for all regulated activities in the Town of New Fairfield pursuant to sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

1.6 Upland Review Area Authority. Under the Act the Commission has broad authority to issue permits not only for activities in Wetlands or Watercourses themselves, but for activities located elsewhere when such activities are likely to impact or affect Wetlands or Watercourses. Therefore, these Regulations shall also apply to areas surrounding Wetlands and Watercourses known as “Upland Areas” or “Upland Review Areas” as defined herein. The relationship between a wetland or watercourse and its surrounding Upland Area is complex. Upland land clearing, excavating, filling, and other construction activities, if not properly planned and executed, can have significant impacts on adjacent Wetlands and Watercourses. An Upland Area activity that is likely to impact or affect Wetlands or Watercourses is a Regulated Activity under these Regulations. In addition to requiring permits for activities within Upland Review Area boundaries, the Commission has authority to regulate proposed activities located in more distant upland areas if it finds that the activities are likely to impact or affect a wetland or watercourse.

SECTION 2 DEFINITIONS

2.1 Definitions. As used in these Regulations:

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

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

"Clear-cutting" means the harvest of timber in a fashion that substantially removes all trees down to a two inch diameter at breast height.

"Commission" means the Inland Wetlands Conservation Commission of the Town of New Fairfield.

"Commission Member" means a member of the Conservation Commission acting as the Inland Wetlands and Watercourses Commission of the Town of New Fairfield.

"Commissioner of Environmental Protection" means the Commissioner of the State of Connecticut Department of Energy Environmental Protection.
"Continual Flow" means a flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.

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

"Designated Agent" means an individual designated by the Commission to carry out its functions and purposes.

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

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

"Farming" shall be consistent with the definition as noted in section 1-1(q) of the Connecticut General Statutes. (see Appendix A).

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

"Grubbing" means to clear of roots, stumps, rocks and debris by digging, scraping or other surface and subsurface disturbance.

"Inland Wetlands and Watercourses Map" means the "State of Connecticut Department of Environmental Protection Designated Inland Wetlands and Watercourses, dated October 1972, Town of New Fairfield" or any successor to this map.

"License" means the whole or any part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of sections 22a-36 to 22a-45, inclusive.

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

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

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

"Municipality" means the Town of New Fairfield, Fairfield County, Connecticut.

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

"Ordinary High Water Mark" means a mark on the land caused by the presence and action of water, which presence and action is so common and usual and so long continued in all ordinary years so as to mark upon the land a distinction between the abutting upland and the Watercourse. Such mark may be found by examining the bed and bank of any Watercourse and ascertaining thereon an abrupt change in characteristics of soil or vegetation or slope of the land.

"Percent Slope" is the slope determined by dividing the difference in elevation between two points by the distance between the points (rise/run) and multiplying the result by 100. In the field this slope is measured on the shortest straight line transect from any Wetland or Watercourse boundary to the highest up gradient point on the land to be developed, utilizing sufficient numbers and locations of transects and utilizing the steepest slope measurement for non-uniform slopes so as to provide the most conservative calculation from the standpoint of Wetland and Watercourse protection.

"Permit" see License.

"Permittee" means the person to whom a License has been issued.

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

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

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

"Regulated Activity" means

(1) any operation within or use of a Wetland or Watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such Wetlands or Watercourses, but shall not include the specified activities in Section 4 of these Regulations.
(2) any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water within an Upland Review Area.
(3) any other activity located within such Upland Review Area or in any other non-Wetland or non-Watercourse area that the Commission determines is likely to impact or affect Wetlands or Watercourses and is a Regulated Activity.

"Regulated Area" means any Wetland, Watercourse, Setback Area, or Upland Review Area as defined in these Regulations.

"Remove" includes, but shall not be limited to drain, excavate, mine, dig, dredge, suck, 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.

"Setback" or "Setback Area" means that geographical area within a specified distance from a Wetland or Watercourse that is subject to Regulated Activity as an Upland Review Area.

"Significant Impact" means any activity, including, but not limited to, the following activities which may have a major effect:
1. Any activity involving deposition or removal of material which will or may have a substantial effect on the Wetland or Watercourse or on Wetlands or Watercourses outside the area for which the activity is proposed.
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a Watercourse system.
3. Any activity which substantially diminishes the natural capacity of an inland Wetland or Watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a Wetland or Watercourse.
5. Any activity which causes substantial diminution of flow of a natural watercourse or groundwater levels of the Wetland or Watercourse.
6. Any activity which is likely to cause or has the potential to cause pollution of a Wetland or Watercourse.
7. Any activity which damages or destroys unique Wetland or Watercourse areas or such 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.

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

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

"Town" means the Town of New Fairfield, Fairfield County in the State of Connecticut.

"Upland Review Area" means the area

1. within a minimum of two hundred feet (200') measured horizontally from the mean water line of Lake Candlewood, Squantz Pond, Ball Pond, Marjorie Lake Reservoir, and the mean water line of Ball Pond Brook;
2. within one hundred fifty feet (150') measured horizontally from the mean water line of and/or terminal edge of all other Watercourses;
3. within one hundred fifty feet (150') of any Wetland boundary.
4. if the slope of such land exceeds 15% measured from the boundary of the Wetland or Watercourse, an additional 10 feet for each 1% increase in slope.
greater than 15%, but not more than 300 feet shall be added to the Upland Review Area.

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

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

"Wetland(s)" means land, including submerged land as defined in this section, not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.
SECTION 3 INVENTORY OF REGULATED AREAS

3.1 Mapping. The Inland Wetlands and Watercourses Map delineates the general location and boundaries of Inland Wetlands and the general location of Watercourses. Copies of this map are available for inspection in the office of the Town Clerk or through the Inland Wetlands and Watercourses Commission. In all cases, the precise location of Regulated Areas shall be determined by the actual character of the land, the distribution of Wetland soil types and location of Watercourses. The Commission may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of Regulated Areas.

3.2 Petition to Amend Boundaries. Any person may petition the Commission for an amendment to the map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping or other available information. The Commission may require such person to provide an accurate delineation of Regulated Areas in accordance with Section 15 of these regulations.

3.3 Inventory. The Commission or its designated agent(s) shall maintain a current inventory of Regulated Areas within the Town. The Commission may amend its map as more accurate information becomes available.

3.4 Amendments. All map amendments are subject to the public hearing process outlined in Section 15 of these Regulations.
SECTION 4 PERMITTED USES AS OF RIGHT AND NON-REGULATED USES

4.1 Permitted Activities. The following operations and uses shall be permitted in Inland Wetlands and Watercourses, as of right:

a. grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, 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, the mining of topsoil, peat, sand, gravel or similar material from Wetlands or Watercourses for the purposes of sale;

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

c. boat anchorage or mooring.

d. uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site containing a residence and permitted anywhere in the Town. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or into a Wetland or Watercourse, or diversion or alteration of a Watercourse;

e. construction and operation, by water companies as defined by Section 16-1 of the General Statutes or by municipal water supply systems as provided for in Chapter 102. of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 and 22a-403 of the General Statutes;

f. maintenance relating to any drainage pipe which existed before the effective date of any Town regulations adopted pursuant to General Statutes 22a-42a or July 1, 1974, whichever is earlier, provided such pipe is on property that is zoned as
residential but that does not contain hydrophytic vegetation. For purposes of this subsection, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.

4.2 Permitted Activities in Wetlands and Watercourses that Do Not Disturb the Natural and Indigenous Character. The following operations and uses shall be permitted as non-regulated uses in Wetlands and Watercourses, provided they do not disturb the natural and indigenous character of the Wetland or Watercourse by removal or deposition of material, alteration or obstruction of water flow or Pollution of the Wetland or Watercourse:

a. conservation of soil, vegetation, water, fish, shellfish, and wildlife; and
b. outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated.

4.3 Permits Required. All activities in Wetlands or Watercourses involving filling, excavation, dredging, Clear Cutting, clearing or grading, or any other alteration or use of a Wetland or Watercourse not specifically permitted by this Section shall require a permit from the Commission in accordance with Section 6 of these Regulations, or for certain regulated activities located outside of Wetlands and Watercourses from the duly authorized agent in accordance with Section 12 of these regulations.

4.4 Permitted or Non-Regulated Operations or Uses. To carry out the purposes of this Section, any person proposing to carry out a permitted or non-regulated operation or use of a Wetland or Watercourse, that may disturb the natural and indigenous character of the Wetland or Watercourse, shall, prior to commencement of such operation or use, notify the Commission on a form provided by it, and provide the Commission with the information requested on the form and such other information as may be requested by the Commission to enable it to properly determine that the proposed operation and use is a permitted or non-regulated use of the Wetland or Watercourse. The Commission or its designated agent shall rule that the proposed operation or use is a permitted or a non-regulated use or operation or that a permit is required. The Designated Agent for the Commission, if so authorized, may make such ruling on behalf of the Commission at any time or may refer the decision to the Commission as a whole.
SECTION 5 ACTIVITIES REGULATED BY THE STATE

5.1 State Agency Permits. The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting Wetlands or Watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to sections 22a-39 or 22a-45a of the Connecticut General Statutes.

5.2 Tidal Wetlands. The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.

5.3 Dam Construction, Repair, or Removal. The Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Environmental Protection under sections 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from a municipal wetlands agency for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.

5.4 Discharge Under Federal Permits and Licenses. The Commissioner of Environmental Protection shall have exclusive jurisdiction over the discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under section 404 of the Federal Clean Water Act.

SECTION 6 REGULATED ACTIVITIES TO BE LICENSED

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

6.2 Violations. Any person found to be conducting or maintaining a Regulated Activity without the prior authorization of the Commission (or its Designated Agent) or violating any other provision of these Regulations, or operating under a permit that has expired, or has been revoked, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these Regulations and any other remedies as provided by law.
SECTION 7 APPLICATION REQUIREMENTS

7.1 Application Required. Any person intending to conduct a Regulated Activity shall, prior to commencement of such activity, operation or use, apply for a permit on a form provided by the Commission. Application forms may be obtained from the Environmental Enforcement Officer in the Town's Land Use office or on the Town’s website. Applicant or Applicant's agent must be present to represent the application at the regularly scheduled Commission meeting at which the application is presented for review.

7.2 Special Permit, Site Plan, Subdivision, Re-subdivision Approval Involving Regulated Activity. If an application to the New Fairfield Planning Commission or Zoning Commission for subdivision or resubdivision of land involves land containing a Wetland or Watercourse, the applicant shall, in accordance with Section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Commission in accordance with this section, no later than the day the application is filed with such planning, zoning, or planning and zoning commission.

7.3 Application Information. The application shall contain such information as is necessary for a fair and informed determination thereon by the Commission.

7.4 Pre-application, Significant Impact Activity Review. The prospective applicant may request the Commission to determine whether or not the proposed activity involves a Significant Impact.

7.5 Application Contents. All applications shall include the following information in writing or on maps or drawings:

a. the applicant’s name, home and business mailing addresses and telephone numbers; if the applicant is a Limited Liability Corporation or a Corporation the managing member’s or responsible corporate officer’s name, address, and telephone number;

b. the owner's name, address, and telephone number and written consent if the applicant is not the owner of the property involved with the application;

c. the applicant's interest in the land; i.e., owner, lessee, licensee, potential purchaser, etc.;

d. the geographical location of the land that is to be affected by the proposed activity, including, but not limited to, a description of the land in sufficient detail to allow identification of the Wetlands and Watercourses, a computation of the area(s) (in acres and square feet) of Wetland or Watercourse disturbance, soil
type(s) and vegetation;

e. the purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other Management Practices and mitigation measures that may be considered as a condition of issuing a permit for the proposed Regulated Activity, including, but not limited to, measures to (i) prevent or minimize Pollution or other environmental damage, (ii) maintain or enhance existing environmental quality, or (iii) in the following order of priority: restore, enhance, and create productive Wetland and Watercourse resources. If the proposed activity involves the construction or the erection of structures on the affected property the description shall include blueprints or engineering or architectural plans or designs, to the extent necessary to permit the Commission to determine the impact of such construction on any Regulated Area;

f. alternative(s) which would cause less or no environmental impact to Wetlands or Watercourses and why the alternative as set forth in the application was chosen. The Commission may require the applicant to submit drawings or site plans of these alternatives;

g. a site plan showing the proposed activity and existing and proposed conditions in relation to Wetlands and Watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on Wetlands or Watercourses.

h. The names and mailing addresses of adjacent land owners;

i. statement by the applicant that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;

j. authorization for the members and agents of the Commission to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the permit;

k. a completed DEEP reporting form; the Commission shall revise or correct the information provided by the applicant and submit the form to the Commissioner of Environmental Protection in accordance with section 22a-39-14 of the Regulations of Connecticut State Agencies;

l. any other information the Commission deems necessary to the understanding of what the applicant is proposing, including if applicable, FERC licensee consent; and

m. submission of the appropriate filing fee based on the fee schedule established in Section 19 of these regulations.

7.6 Additional Information. At the discretion of the Commission or its agent, or when the
proposed activity involves a Significant Impact, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required:

a. Site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, Wetlands and Watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of Wetlands and Watercourses, and other pertinent features of the development, prepared by a licensed surveyor, professional engineer or landscape architect licensed by the State of Connecticut or by such other qualified person.

Site plans shall be a Class A-2 survey map and include the information and follow the requirements listed below:

i. A scale of at least 1"=40' or such other scale as the Commission may deem appropriate for the size of the site.

ii. Existing and proposed contours at two foot (2') intervals (U.S.G.S. topographical data is not sufficient).

iii. Live seal of a Land Surveyor, Professional Engineer or Landscape Architect as appropriate.

iv. Other information normally provided, including, but not limited to, north arrow, scale, legend, vicinity map and adjoiners.

v. The map elevation shall be based on U.S.G.S. 1988 datum (NAVD88).

vi. Areas adjacent to the site, including Upland Review Areas, shall be analyzed and delineated on a topographic map. Such features as perennial and intermittent streams, vernal pools, roads, houses or other buildings, or wooded areas shall be shown. Wetlands, Watercourses, and downstream culverts that will receive runoff from the site shall be surveyed to determine their ability to retain or discharge runoff.

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

c. mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Soil Conservation Service; the Wetlands shall be delineated in the field by a soil scientist and the soil scientist's delineation shall be depicted on the site plans;

d. a description of the ecological communities and functions of the Wetlands or Watercourses involved with the application, and the effects of the proposed activities on these communities and Wetland functions;

e. a description of how the applicant will change, diminish, or enhance the
ecological communities and functions of the Wetlands and Watercourses involved in the application, and each alternative which would cause less or no environmental impact to Wetlands or Watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent;

f. analysis of chemical or physical characteristics of any fill material; and

g. measures and management practices designed to mitigate the impact of the proposed activity;

h. additional information deemed relevant by the applicant or Commission.

7.7 Effects on Adjoining Municipality. The applicant shall certify whether:

a. any portion of the property on which the Regulated Activity is proposed is located within five hundred feet (500') of the boundary of an adjoining municipality;

b. traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;

c. sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or,

d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

7.8 Number of Copies. 12 copies of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the Commission.

7.9 Renewals, Amendments, and Extensions. Any application to renew or amend an existing permit shall be filed with the Commission in accordance with Section 8 of these Regulations at least sixty-five (65) days prior to the expiration date for the permit. Any application to renew or amend such an existing permit shall contain the information required under Section 7 of these regulations provided:

a. the application may incorporate by reference 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 judgment, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activity;

7.10 New Permits Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than ten years.
SECTION 8 APPLICATION PROCEDURES

8.1 Where to File. All applications shall be filed with the Inland Wetlands and Watercourses Commission of the Town of New Fairfield.

8.2 Notice to Adjoining Towns. The Commission shall, in accordance with Section 8-7d(f) of the Connecticut General Statutes, notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which:

a. any portion of the property affected by a decision of the Agency is within five hundred feet (500') of the boundary of an adjoining municipality;
b. a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
c. a significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or
d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

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

8.3 Notice to Water Company. When an application is filed to conduct or cause to be conducted a Regulated Activity upon an inland Wetland or Watercourse, any portion of which is within the watershed of a water company as defined in Section 16-1 of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the land records of the Town of New Fairfield and with the Inland Wetlands and Watercourses Commission of the Town of New Fairfield. Such notice shall be mailed by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Commission.

8.4 Date of Receipt. The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission or its agent, or thirty-five (35) days after such
submission, whichever is sooner.

8.5 Additional Information At any time during the review period, the applicant shall provide such additional information as the Commission may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in subsection 11.2 of these regulations.

8.6 Public Inspection All applications shall be open for public inspection.

8.7 Incomplete Applications Incomplete applications may be denied.
SECTION 9 PUBLIC HEARINGS

9.1 Public Hearings Scheduled. The Commission shall not hold a public hearing on an application unless the Commission determines that the proposed activity may have a Significant Impact on Wetlands or Watercourses, a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the Commission not later than fourteen days after the date of receipt of such application, or the Commission finds that a public hearing regarding such application would be in the public interest. The Commission may issue a permit without a public hearing provided no petition provided for in this Section is filed with the Commission on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard.

9.2 Notice of Public Hearings. Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in each town where the affected Wetland and Watercourse is located.
SECTION 10 CONSIDERATIONS FOR DECISION ON PERMITS

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

a. The application and its supporting documentation;
b. Reports from other agencies and commissions, including, but not limited to, the Town of New Fairfield:
   1. Board of Selectman
   2. Planning and Zoning Commissions
   3. Building Official
   4. Health Officer
   5. Town Engineer
c. The Commission may also consider comments on any application from the Fairfield County Soil and Water Conservation District, The Housatonic Valley Council of Elected Officials, Candlewood Lake Authority, FERC Licensee, or other regional organizations; agencies in adjacent municipalities that may be affected by the proposed activity, or other technical agencies, organizations, or consultants that may undertake additional studies or investigations;
d. Non-receipt of comments from state agencies and commissions listed in Section 10.1b above within the prescribed time shall neither delay nor prejudice the decision of the Commission;
e. For an application for which a public hearing is held, public comments, evidence and testimony.
f. Information obtained by the Commission at site visits.

10.2 Standards and Criteria for Decision. In carrying out the purposes and policies of Section 22a-36 to 22a-45, inclusive, of the General Statutes, including matters relating to regulating, licensing, and enforcing of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances including but not limited to:

a. The environmental impact of the proposed Regulated Activity on Wetlands or Watercourses;
b. The applicant's purpose for, and any feasible and prudent alternatives to the proposed Regulated Activity, which alternatives would cause less or no environmental impact to Wetlands or Watercourses;
c. The relationship between the short-term and long-term impacts of the proposed Regulated Activity on Wetlands or Watercourses and the maintenance and enhancement of long-term productivity of such Wetlands or Watercourses;
d. Irreversible and irretrievable loss of Wetlands or Watercourse resources that 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 that may be considered as a condition of issuing a permit for such activity. Mitigation measures may include, but shall not be limited to, (i) prevent or minimize Pollution or other environmental damage, (ii) maintain or enhance existing environmental quality, or (iii) in the following order of priority: restore, enhance, and create productive Wetland and Watercourse resources;

e. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property, including abutting or downstream property, that is caused or threatened by the proposed Regulated Activity;

f. Impacts of the proposed Regulated Activity on Wetlands or Watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed Regulated Activity that are made inevitable by the proposed Regulated Activity and that may have an impact on Wetlands or Watercourses.

10.3 Feasible and Prudent Alternative. In the case of any application that received a public hearing, pursuant to a finding by the Commission that the proposed activity may have a significant impact on Wetlands or Watercourses, a permit shall not be issued unless the Commission finds, on the basis of the record, that a feasible and prudent alternative does not exist. In making this finding, the Commission shall consider the facts and circumstances set forth in Section 10.2 of these Regulations. The finding and the reasons therefor shall be stated in writing on the record.

10.4 Denial of the Application Based on 10.3. In the case of an application that is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed Regulated Activity that have less adverse impact on Wetlands or Watercourses, the Commission shall propose on the record in writing the types of alternatives that the applicant may investigate, provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed Regulated Activity.

10.5 Definitions For purposes of this section, (1) “wetlands and watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or
10.6 Impact on Aquatic Life not a Determinative Factor The Commission shall not deny or condition an application for a regulated activity in an area outside Wetlands or Watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such Wetlands or Watercourses.

10.7 Basis of Decision In reaching its decision on any application after a public hearing, the Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in its decision.

SECTION 11 DECISION PROCESS AND PERMIT

11.1 Duties of the Agent. The Commission, or its duly authorized agent acting pursuant to Section 12 of these regulations, may, in accordance with Section 10 of these Regulations: a) grant an application as filed or b) grant it upon other terms, conditions, limitations or modifications of the Regulated Activity designed to carry out the purposes and policies of the Act; or c) deny the application. Such terms and conditions may include any reasonable measures which would mitigate the impacts of the Regulated Activity and would a) prevent or minimize Pollution or other environmental damage, b) maintain or enhance existing environmental quality; or c) in the following order of priority: restore, enhance, and create productive Wetland or Watercourse resources.

11.2 Times and Deadlines. No later than sixty-five (65) days after receipt of an application, the Commission may hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application, but not earlier than fourteen (14) 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, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw such applications. The failure of the Commission to act within any time period specified in this subsection, or any extension
thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Commission shall be withdrawn by the applicant or denied by the Commission.

11.3 Reasons for Decision. The Commission shall state upon its record the reasons and bases for its decision.

11.4 Notice of Action. The Commission shall notify the applicant and any person entitled to such notice of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Commission shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the town where the Wetlands or Watercourse lies. In any case in which such notice is not published within such fifteen (15) day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

11.6 Reports to Other Commissions. If an activity authorized by the Inland Wetland and Watercourses permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, or variance or special exception, under Sections 8-3(g), 8-3(c), or 8-26 of the Connecticut General Statutes, the Commission shall file a copy of its decision and report on the application with the New Fairfield Planning Commission, Zoning Commission, or Zoning Board of Appeals, as the case may be, within fifteen (15) days of the date of the decision by the Commission.

11.6 Duration of Permit. Any permit issued by the Commission for the development of land for which an approval is required under Sections 8-3, 8-25, or 8-26 of the Connecticut General Statutes shall be valid for five (5) years provided the Commission may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Commission for any other activity shall be valid for not less than two (2) nor more than five (5) years.

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

11.8 Security Required. If a bond or insurance is required in accordance with Section 13 of these Regulations, the Commission may withhold issuing the permit until such bond or insurance is provided.

11.11 Issuance and Revoking of Permits. General provisions in the issuance of all permits:

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

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 New Fairfield, 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 Commission's permit also involves an activity or a project which requires zoning, subdivision or re-subdivision approval, special permit, variance or special exception, under Sections 8-3(g), 8-3(c), or 8-26 of the Connecticut General Statutes, no work pursuant to the Inland Wetlands and Watercourses permit may begin until such approval is obtained.

d. In carrying out the permitted activities, the permittee shall implement such Management Practices 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. Permits are not transferable without the prior written consent of the Commission.
SECTION 12 Action by Duly Authorized Agent

12.1 Minimal Impact Activities The Commission may delegate to its duly authorized agent the authority to approve or extend a license for 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 that a minimal impact on any Wetlands or Watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Commission and shall contain the information listed under Section 7.5 of these regulations and any other information the Commission may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 9 and 11 of these regulations, such agent may approve or extend such an activity at any time.

12.2 Notice of Action by Duly Authorized Agent Any person receiving such approval from such agent shall, within ten days of the date of such approval, publish, at the applicant’s expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Commission within fifteen days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such Commission or its agent of such appeal. Any person may appear and be heard at the meeting held by the Commission to consider the subject appeal. The Commission shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these regulations.
SECTION 13 BOND AND INSURANCE

13.1 Commission sets Bond Amount. The Commission may require as a permit condition the filing of a bond with such surety in such amount and in a form approved by the Commission.

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

13.3 Liability for Direct or Consequential Damages. The Commission may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the Wetlands or Watercourses covering any and all damage which might occur within two (2) years of completion of such operations, in an amount commensurate with the Regulated Activity.
SECTION 14 ENFORCEMENT

14.1 Environmental Officer. The Commission may appoint an agent or agents to act in its behalf with the authority to issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these Regulations. In carrying out the purposes of this section, the Commission or its duly authorized agent shall take into consideration the criteria for decision under Section 10.2 of these Regulations.

14.2 Periodic Inspections. The Commission or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued with the consent of the property owner or the authorized agent of the owner during the life of the permit.

14.3 Inspections of Action not Permitted. In the case in which a permit has not been issued or a permit has expired, the Commission or its agent may make regular inspections at reasonable hours with the consent of the property owner of the authorized agent of the owner during the life of the permit.

14.4 Violations. If the Commission or its duly authorized agent finds that any person is conducting or maintaining any activity, facility, or condition which is in violation of the Act or these Regulations, the Commission or its duly authorized agent may:

a. Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and within (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 had been withdrawn. The Commission shall publish notice of its decision in a newspaper having general circulation in the town. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises, or withdraws the order. The issuance of an order pursuant to this Section shall not delay or bar an action pursuant to Section 22a-44 (b) of the Connecticut General Statutes, as amended.

b. Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the
Commission, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in Wetlands or Watercourses. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity, and/or provide a written reply to the notice or file a proper application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Section 14.3(a) other enforcement proceedings as provided by law.

14.5. Suspension and Revocation The Commission 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 at which the permittee shall be given an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by personal service or certified mail within fifteen (15) days of the date of its decision. The Commission shall publish notice of its decision in a newspaper having a general circulation in the town.

14.6 Penalties. Any person who commits, takes part in, or assists in any violation of any provision of Sections 22a-36 to 22a-45, inclusive, of the General Statutes or of these Regulations or regulations adopted by the Commissioner of Environmental Protection pursuant to the grant of authority contained in said statutes, shall be assessed a civil penalty of not more than one thousand dollars ($1,000.00) 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. The superior court, in an action brought by the Commissioner of Environmental Protection, the Town, or any person, shall have jurisdiction to restrain a continuing violation of said Sections, to issue orders directing that the violation be corrected or removed and to assess civil penalties pursuant to this section. All costs, fees and expenses in connection with such action shall be assessed as damages against the violator together with reasonable attorney's fees which may be allowed, all of which shall be awarded to the Commissioner of Environmental Protection, the Town, or person which brought the action.

14.7 Willful Violations. Any person who willfully or knowingly violates any provision of Sections 22a-36 to 22a-45, inclusive, of the General Statutes, or of these Regulations or
regulations adopted by the Commissioner of Environmental Protection, shall be fined not more than one thousand dollars ($1,000.00) for each day during which such violation continues or be imprisoned not more than six (6) months or both. For a subsequent violation, such person shall be fined not more than two thousand dollars ($2,000.00) for each day during which such violation continues or be imprisoned not more than one year or both. For the purposes of this subsection, "person" shall be construed to include any responsible corporate officer.

14.8 Monitoring of Stipulated Markers. The Commission or its agents may, from time to time, monitor adherence to permit stipulations. This monitoring process shall include a review showing that the installation and maintenance of markers as stipulated has occurred and thereby ensures the intended protection of the Wetlands and any non-disturbance zones. Failure to maintain the markers shall be considered a violation as described above in Section 14.
SECTION 15 AMENDMENTS

15.1 Amendments by the Agency. These Regulations and the Inland Wetlands and Watercourses Map 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 Energy and Environmental Protection, or as new information regarding soils and Wetlands and Watercourses becomes available.

15.2 Pre-existing Applications not Affected by Amendments An application filed with the Commission which is in conformance with the applicable Inland Wetlands and Watercourses regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in these 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 subsection shall not be construed to apply (1) to the establishment, amendment, or change of boundaries of Wetlands or Watercourses or (2) to any change in the Regulations necessary to make such Regulations consistent with the provisions of the Act as of the date of such receipt.

15.3 Amendments Shall Comply with the State These Regulations and the Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Commission shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five (35) days before the public hearing on their adoption.

15.4 Petitions to Amend. Petitions requesting changes or amendments to the Inland Wetlands and Watercourses Map, shall contain at least the following information:

a. the petitioner's name, mailing address and telephone number;

b. the address of the land affected by the petition;

c. the petitioner's interest in the land affected by the petition;

d. map(s) showing the geographic location of the land affected by the petition and the existing and the proposed Wetland(s) and Watercourse(s) boundaries on such land in
accurate detail together with the documentation supporting such proposed boundary locations; and

e. the reasons for the requested action.

15.5 Burden of Proof. Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Commission. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in Subsection 15.4, the petition shall include:

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

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

15.7 Hearing Notice. A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having general circulation in the Town at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days, before the date of such hearing. A copy of such proposed boundary change shall be filed in the office of the Town Clerk, for public inspection at least ten (10) days before such hearing. All materials including maps and documents relating to the petition shall be open for public inspection.

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

15.9 Decision of the Commission. The Commission shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.
SECTION 16 APPEALS

16.1 Right to Appeal. Appeals on actions of the Commission shall be made in accordance with the provisions of Section 22a-43 of the General Statutes, as amended.

16.2 Notice. Notice of such appeal shall be served upon the Commission and the Commissioner of Environmental Protection.
SECTION 17 CONFLICT AND SEVERANCE

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

17.2 The Act Supersedes. If there is a conflict between the provisions of these Regulations and the provisions of the Act, the provisions of the Act shall govern.
SECTION 18 OTHER PERMITS

18.1 Other Permits Necessary. Nothing in these Regulations shall obviate the requirement for the applicant to obtain any other assets, permits or licenses required by law or regulation by the Town of New Fairfield, the State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Energy and Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assets, permits or licenses is the sole responsibility of the applicant.
SECTION 19 APPLICATION FEES

19.1 Method of Payment. All fees required by these Regulations shall be submitted to the Commission by certified check or money order payable to the Town of New Fairfield at the time the application is filed with the Commission.

19.2 Correct Fee Required. No application shall be granted or approved by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant to these Regulations.

19.3 No Refunds. The application fee is non-refundable.

19.4 Definitions. As used in this section:

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

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

"Other uses" means activities other than residential uses or commercial uses.

19.5 Application Fee Schedule. The application fee schedule may be found in Appendix A.

19.6 Exemptions. The Town and boards, commissions, agencies, tax districts, and departments of the town are exempt from all fee requirements.

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

a. The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee; or

b. Based on the facts of the particular application, the application fee is clearly excessive in relation to the cost to the Commission for reviewing and processing
the application;

c. The Commission shall state upon its record the basis for any waiver.

Section 20 Effective Date of Regulations

20.1 Effective Date These regulations are effective upon filing in the Office of the Town Clerk and publication of a notice of such filing in a newspaper having general circulation in the Town of New Fairfield.

Regulations, application and fee schedule revised May 2, 2019, Adopted and Approved January 21, 2020 at the regulation meeting. Recorded January 30, 2020; Date of publication January 30, 2020; effective February 5, 2020.
Appendix A
The following fees shall be levied on applications filed for activities before the Commission:

<table>
<thead>
<tr>
<th>Fee Schedule: Type of Activity</th>
<th>Minimum Fee</th>
<th>Additional Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision, site plan, 5 lots or greater in size Additional fee based upon each additional lot.</td>
<td>$1,500.00</td>
<td>$250.00</td>
</tr>
<tr>
<td>Subdivision, site plan, less than 5 lots</td>
<td>$1,000.00</td>
<td>N/A</td>
</tr>
<tr>
<td>Single Family Residence</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>Residential Expansion with greater than 50% of footprint expansion.</td>
<td>$350.00</td>
<td></td>
</tr>
<tr>
<td>Residential expansion 25%-50% of footprint expansion or additions, in-ground pool, etc.</td>
<td>$250.00</td>
<td></td>
</tr>
<tr>
<td>Residential expansion less than 25% of footprint expansion, or other minimal activities such as deck, above ground pools, etc.</td>
<td>$150.00</td>
<td></td>
</tr>
<tr>
<td>Commercial and other nonresidential activities.</td>
<td>$2,000.00</td>
<td></td>
</tr>
<tr>
<td>Commercial and other nonresidential activities expansion greater than 50% of footprint expansion.</td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>Commercial and other nonresidential activities expansion 25%-50% of footprint expansion.</td>
<td>$500.00</td>
<td></td>
</tr>
<tr>
<td>Commercial and other nonresidential activities expansion less than 25% of footprint expansion.</td>
<td>$250.00</td>
<td></td>
</tr>
<tr>
<td>Permit Modification/amendment/revision</td>
<td>Fee is equal to one half (1/2) of original application fee.</td>
<td></td>
</tr>
<tr>
<td>Public Hearing Fee</td>
<td>$750.00</td>
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</tr>
<tr>
<td>Permit Renewal Fee</td>
<td>$250.00</td>
<td></td>
</tr>
<tr>
<td>Transfer Fee</td>
<td>$250.00</td>
<td></td>
</tr>
<tr>
<td>Additional fee for work performed without a permit.</td>
<td>$500.00</td>
<td></td>
</tr>
</tbody>
</table>

**State Filing Fee**
An additional State filing Fee of $60.00 to be paid on all applications (pursuant to CGS22a-27j amended by PA00-196, PA03-06 & P04-0144). Revised State filing fee 7/2009

Regulations, application and fee schedule revised May 2, 2019, Adopted and Approved January 21, 2020 at the regulation meeting. Recorded January 30, 2020; Date of publication January 30, 2020; effective February 5, 2020.
CONSERVATION INLAND/WETLANDS COMMISSION
TOWN OF NEW FAIRFIELD
4 BRUSH HILL ROAD, NEW FAIRFIELD, CT 06812-2665
TEL: (203) 312-5640 FAX: (203) 312-5608

SHORT APPLICATION FOR PERMIT

Refer to Section 7.5 of Regulations for more information required for this application.

PROPERTY LOCATION ________________________________

MAP-BLOC-LOT ________________________________

APPLICANT NAME ________________________________

ADDRESS ________________________________

PHONE ________________________________

If Applicant is not owner;

OWNER’S NAME ________________________________

ADDRESS ________________________________

PHONE ________________________________

OWNER’S PERMISSION TO REPRESENT ATTACHED Y _ N

1) Description of Proposed Activity (Sec.7.5 ) ________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

2) Site Maps, if required, should provide maps of site, adjacent area, upland review area, A-1 Survey, wetlands, contours, buildings, septic systems, roads, driveways, drainage, erosion control, and closest distance to wetlands.
3) Is the project within 500 feet of an adjoining municipality? Y N
   (If yes additional information required see Sec. 7.5)

4) If wetlands are impacted, describe area of impact, mitigation and alternatives.
   
   
   
   
5) Are there alternatives to the Project?
   
   
   
   
6) Notification to abutters by Certified Mail provided Y N

7) Signature of Applicant and or Owner certifying information provided is correct, and knowledge of New Fairfield Inland/ Wetlands Regulations:
   Applicant. Date.
   
   Owner. Date.
   

Received. Date.
Fees paid. Date.

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