

Town of Canterbury

Inland Wetlands and Watercourses Regulations

Section 1.0

Title, Purpose, and Authority

- 1.1 These regulations shall be known at the "Inland Wetlands & Watercourses Regulations of the Town of Canterbury, Connecticut" and herein referred to as "these Regulations."
- 1.2 The Canterbury Inland Wetlands & Watercourses Commission of the Town of Canterbury was established in accordance with an ordinance adopted November 30, 1973, and shall implement the purposes and provisions of the Inland Wetlands & Watercourses Act in the Town of Canterbury.
- 1.3 These regulations have been prepared and adopted and may be amended, from time to time, in accordance with the provision of Public Act 155 - An Act Concerning Inland Wetlands & Watercourses (Sections 22a-36 through 22a-45, Connecticut General Statutes, as amended) and these Regulations.
- 1.4 The Inland Wetlands & Watercourses of the State of Connecticut are an indispensable and irreplaceable, but fragile, natural resource with which the citizens of the Town of Canterbury and the State of Connecticut 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 the existence of many forms of animal, aquatic, and plant life. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable, and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare, and safety of the citizens of the Town of Canterbury and the State of Connecticut. It is, therefore, the purpose of these Regulations to protect the citizens of the Town of Canterbury and the State of Connecticut 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 potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse, and mismanagement by providing an orderly process to balance the need for the economic growth of the Town of Canterbury, 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 of Canterbury and the State of Connecticut, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.
- 1.5 Pursuant to Sections 22a-36 through 22a-45 of the Connecticut General Statutes, as amended, the Canterbury Inland Wetland and Watercourses Commission (herein referred to as the "Commission" or "Agency") shall enforce all provision of the Inland Wetlands and Watercourses Act and these Regulations and shall issue, with modifications, limit requests or deny permits for all regulated activities on inland wetlands and watercourses in the Town of Canterbury. The Agency may also comment and make recommendations

on applications for regulated activities, which have been referred in accordance with the inter-municipal notification requirement.

Section 2.0

Definitions

2.1 As used in these Regulations:

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

AGENCY means the Inland Wetlands & Watercourses Commission of the Town of Canterbury.

BOGS are areas distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.

BUFFER means an area of land adjacent to inland wetlands and watercourses that is undisturbed by any construction, excavation, or other alteration to avoid any adverse impact to inland wetlands or watercourses.

CLEAR-CUTTING means the harvest of timber in a fashion, which removes all trees down to a two-inch diameter at breast height.

COMMISSION MEMBER means a member of the Inland Wetlands & Watercourses Commission of the Town of Canterbury.

COMMISSIONER OF ENVIRONMENTAL PROTECTION means the Commissioner of the State of Connecticut Department of 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.

DECLARATORY FINDING OR RULING means a determination made by the Agency, as to whether a proposed activity falls within the jurisdiction of the Agency. This may include requests from the Planning & Zoning or any other regulatory agency in Town.

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

DESIGNATED AGENT means an individual(s) designated by the Agency to carry out its functions and purposes.

DISCHARGE means emission of any water, substance, or material into wetlands or watercourses 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 proposed is necessary and indispensable to sustain farming activities on a farm.

FARMING means any agricultural activity involving the use of land, for the purposes of planting, growing, and harvesting of crops, or grazing of livestock, or other agricultural uses.

FEASIBLE means able to be constructed or implemented consistent with sound engineering principals.

GARDENING means the tilling of soil, planting, cultivating, and harvesting of vegetable matter.

GRAZING means using any tract of land to feed or supply farm animals with grass or pasture, to tend farm animals, or feed or growing of silage and herbage.

Harvesting of Crops means gathering plants or animals or plant or animal products that have been grown to be harvested.

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 these Regulations under the authority of the Inland Wetlands Agency.

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

MARSHES are areas with soils that exhibit aquatic moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by soft-stemmed herbaceous plants. The water table in marshes is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six inches or more in depth are common.

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

MUNICIPALITY means the Town of Canterbury.

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

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 the characteristics of soil or vegetation or slope of the land.

PERENNIAL STREAM means a stream that maintains a continual perceptible flow of water within its channel throughout the year.

PERMIT means the whole or any part of any license, certificate, or approval or similar form of permission, which may be required of any person by the provisions of these Regulations under the authority of the Inland Wetlands Agency.

PERMITTEE means the person to whom such a 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 subdivision thereof.

POLLUTION means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the State by reasons of any public or private sewer or otherwise so as directly or indirectly to come in contact with any

waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing, or excavation activity.

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

REGULATED ACTIVITY means any operation within or use of a wetland or watercourse involving removal or deposition of materials, or any obstruction, construction, alteration, or pollution, of such wetlands or watercourses, but shall not include the specified activation in Section 4 of these Regulations, and Section 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, grading, paving, excavating, filling, constructing, depositing or removing of material and discharging of storm water on the land within 100 feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. At its discretion, the Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area may have an adverse impact on wetlands or watercourses and is a regulated activity.

REGULATED AREA means any wetlands or watercourses as defined in these regulations.

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

RIPARIAN CORRIDOR means a land area contiguous with and parallel to an intermittent or perennial stream and/or river.

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 ACTIVITY means any activity, including, but not limited to, the following activities, which may have a major effect or significant impact on the area for which an application has been filed or on another part of the inland wetland or watercourse system:

1. any activity involving a deposition or removal of material which will or may have a major effect or significant impact on the regulated area or on another part of the inland wetlands 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, provide recreation or open space; or to perform other functions; or
4. any activity which causes substantial turbidity, siltation or sedimentation in wetland or watercourse; or
5. any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area; or
6. any activity which causes or has the potential to cause pollution of a wetland or watercourse; or
7. 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.

SWAMP means an area with a water table at or near the surface of the ground throughout most of the year (aquic moisture regimes) and containing vegetation dominated by an association of trees and/or shrubs recognized as swamp species.

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

TOWN means the Town of Canterbury.

WASTE means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands or watercourses of the Town.

WATERCOURSES means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the General Statutes.

Intermittent watercourse 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 or recent alluvium or detritus;
2. the presence of standing or flowing water for a duration longer than a particular storm incident; or,
3. the presence of hydrophytic vegetation

For the purposes of this section (1) "watercourses" includes aquatic, plant or animal life and habitats in watercourses, and (2) "habitats" means areas or environments in which an organism or biological population normally lives or occurs.

WETLANDS "INLAND" 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 US Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites, which possess an aquic (saturated) solid moisture regime as defined by the USDA Cooperative Soil Survey.

For the purposes of this section (1) "wetlands" includes aquatic, plant or animal life and habitats in the wetlands, and (2) "habitats" means areas or environments in which an organism or biological population normally lives and occurs.

Section 3.0

Inventory of Regulated Areas

- 3.1 The map of regulated areas entitled "Inland Wetlands & Watercourses Map, Canterbury, CT" delineates the general location and boundaries of inland wetlands and the general location of watercourses. The map is taken directly from the Soil Survey of Windham County USDA Soil Conservation Service (herewith referred to as Natural Resources Conversation Service) issued December 1981, and converted to standard USGS 2000 Scale Base (1:24,000). Copies of this map are available for inspection in the Office of the Town Clerk or the Inland Wetlands Agency. 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, and locations of watercourses. The Agency 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 wetlands and watercourses.

- 3.2 Any property owner who disputes the designation of any part of his or her land as a regulated area on the Inland Wetlands & Watercourses Map, may petition the Agency to change the designation in accordance with Section 14 of these Regulations. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances, which support the change. The petitioner shall provide proof that the designation is inapplicable. Documentation in accordance with Section 14 of these Regulations may be required of the property owner when the Agency requires an accurate delineation of regulated areas.
- 3.3 The Agency or its designated agent(s) shall inventory and maintain current records of all regulated areas within the Town. The Agency may amend its map from time to time, as information becomes available relative to more accurate delineation of wetlands and watercourses within the Town. Such map amendments are subject to the public hearing process outlined in Section 14 of these Regulations.

Section 4.o

Permitted Uses as a Right and Non-Regulated Uses

- 4.1 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 pond 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 top soil, 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) not 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 building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this subdivision shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document his entitlement;
 - c. boat anchorage or mooring, not to include dredging or dock construction;
 - d. uses incidental to the enjoyment or maintenance of residential property; such property defined as equal to or smaller than the largest minimum residential lot size permitted in the municipality (two acres) and containing a residence. Such incidental uses shall include maintenance of existing

structures and landscaping, but shall not include removal or deposition of substantial amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse;

- 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-410 of the General Statutes; and,
- f. maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to Section 22a-42a of the Connecticut General Statutes 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 purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.

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

- a. conservation of soil, vegetation, water fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife, and silviculture management practices.
- b. Outdoor recreation including the use of play and sporting areas, golf courses, field trials, 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.

4.3 All activities in wetlands or watercourses involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this Section shall require a permit from the Agency in accordance with Section 6 of these Regulations.

4.4 To carry out the purpose 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 Agency on a form provided by the Agency and provide the Agency with sufficient information to enable the Agency to properly determine that the proposed operation and use is a permitted or non-regulated use of the wetland or watercourse. The Agency or its designated agent shall rule that the proposed operation or use is a permitted or a non-regulated use of the wetland or watercourse. The Agency or its designated agent shall rule that the proposed operation or use is a permitted or non-regulated use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Agency following the meeting at which the request was received. The designated agent for the Agency may make such ruling on behalf of the agency at any time.

Section 5.0 Activities Regulated by the State

5.1 In addition to any permit or approval required by this Agency, the Commissioner of Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:

- a. Construction or modification of any dam pursuant to Sections 22a-401 through 22a-411 of the Connecticut General Statutes, as amended.
 - b. Construction, encroachment or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349 of the General Statutes, as amended;
 - c. Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the State pursuant to Sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the General Statutes, as amended;
 - d. Diversion of water including withdrawals of surface or groundwater in excess of fifty thousand (50,000) gallons per day, or any change in the instantaneous flow of any surface waters of the State where the tributary watershed area above the point of diversion is 100 acres or larger pursuant to Sections 22a-365 through 22a-430 of the General Statutes, as amended;
 - e. Discharges into the waters of the State pursuant to Section 22a-430 of the General Statutes, as amended;
 - f. 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.
- 5.2 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 boards of education, (1) after an advisory decision on such license or permit has been rendered to the Commissioner by the wetland agency of the municipality within which such wetland is located or (2) thirty-five days after receipt by the Commissioner of such application, whichever occurs first.
- 5.3 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 General Statutes, as amended.
- 5.4 Construction or modification of any dam pursuant to Sections 22a-401 through 22a-410 of the General Statutes, as amended. Any person receiving a dam repair or removal order from the Commissioner of DEP under Section 22a-402 of the General Statutes shall not be required to obtain a permit from the municipal Wetlands Agency for any action necessary to comply with such order pursuant to Public Act 92-162.

Section 6
Regulated Activities to be Licensed

- 6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetland & Watercourses Commission of the Town of Canterbury.
- 6.2 The Commission shall regulate any operation within or use of a wetland, watercourse, or regulated area involving removal or deposition of material, or any obstruction, construction, alteration, or pollution, of such wetlands or watercourses and any other regulated activity, unless such operation or use is permitted non-regulated pursuant to Section 4 of these Regulations.
- 6.3 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency, or violating any other provision of these Regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 13 of these Regulation and any other remedies as provided by law.

Section 7 Application Requirements

- 7.1 Any person wishing to undertake a regulated activity shall apply for a permit on forms the Agency may provide from time to time. An application shall include an application form and such information as prescribed by Subsection 7.4 and, in the case of a significant activity, by Subsection 7.5 of these Regulations. Application forms may be obtained at the Canterbury Land Use Office.
- 7.2 If an application to the Town of Canterbury Planning & 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 Agency in accordance with this section, no later than the day the application is filed with such Planning & Zoning Commission.
- 7.3 All applications shall contain such information that is necessary for a fair and informed determination of the issues.
- 7.4 All application shall include the following information in writing or on maps or drawings:
- a. the applicant's name, home and business address and telephone number(s);
 - b. the owner's name, address and telephone number and written consent if the applicant is not the owner of the property involved in the application;
 - c. applicant's interest in the land;
 - d. the geographical location of the property which is to be affected by the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses to be disturbed, soil type(s) and wetland vegetation;
 - e. 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 (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
 - f. alternatives considered by the applicant (the alternatives shall be diagrammed on a site plan or drawing and submitted to the Commission as part of the application) and why the proposal to alter wetlands set forth in the application was chosen;
 - g. a site plan showing the proposed activity and existing and proposed conditions in relation to wetlands and watercourses as specified on the permit application 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. names and addresses of adjacent property owners;
 - i. certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;

- j. authorization for the Commissioners and Agent(s) of the Agency to inspect the property, at reasonable times, both before and after a final decision has been issued;
- k. a completed DEP reporting form; the Agent of the Agency 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 Agency deems necessary to the understanding of what the applicant is proposing;
- m. submission of the appropriate filing fee based on the fee schedule established by ordinance and known as the Canterbury Inland Wetlands & Watercourses Fee Schedule adopted by Town meeting on Friday.

7.5 If the proposed activity involves significant activity as determined by the Agency and defined in Section 2 of these Regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to the follow is required:

- a. site plans for the proposed use or operation and the property which will be affected which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the development drawn by a licensed surveyor, professional engineer or landscape architect registered in the State of Connecticut or by such other qualified person;
- b. engineering reports and analysis and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to wetlands and watercourses and the proposed erosion and sedimentation control plan (these activities are to be conducted by a Registered Professional Engineer);
- c. mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the US Soil Conservation Service (the Agency may require the applicant to have the wetlands delineated in the filed by a State Certified Soil Scientist and that the field delineation be incorporated onto the site plans by a Licensed Surveyor).
- d. description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions; (these activities are to be conducted by a botanist, a biologist, or ecologist).
- e. description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative, and a description of why each rejected alternative was deemed neither feasible nor prudent;
- f. analysis of chemical or physical characteristics of any fill material;
- g. measures which mitigate the impact of the proposed activity. Such measures included, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats, which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.

7.6 The applicant shall certify whether:

- a. any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 - 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 sewer 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.
- 7.7 Four copies of all application materials shall be submitted to comprise a complete application or as is otherwise directed, in writing, by the Agency.
- 7.8 Any application to extend the expiration date of a previously issued permit or amend an existing permit shall be filed with the Agency at least sixty-five (65) days prior to the expiration date for the permit in accordance with Section 8 of these Regulations. Any application for amendment, renewal or extension shall be made in accordance with the Subsection provided:
- a. the application may incorporate by reference the documentation and record of the original application;
 - b. the application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;
 - c. the application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or the property for which the permit was issued;
 - d. the Agency may accept an untimely application to extend the expiration date of a permit if the authorized activity is on going and allow the continuation of work beyond the expiration date if in its judgment, the permit is likely to be extended and the public interest or environment will be best served by not interrupting the activity; the application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit; or
 - e. the Agency shall evaluate the application pursuant to Section 10 of these Regulations and grant the application as filed, grant it with any terms or limitations, or deny it.
- 7.9 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than ten years.

Section 8
Application Procedures

- 8.1 All applications shall be submitted to the Inland Wetland Agent’s Secretary at the Land Use Office for the Town of Canterbury, Monday through Wednesday between 9:00 a.m. and 4:00 p.m., Thursday between 9:00 a.m. and 6:30 p.m. and Friday between 9:00 a.m. and 1:30 p.m.
- 8.2 In the case of any application where any portion of the wetland or watercourse on which the regulated activity is proposed is located within 500 feet of the boundary of Brooklyn, Plainfield, Lisbon, Sprague, Scotland, and/or Hampton, Connecticut, the applicant shall give written notice, in accordance with Connecticut General Statutes Section 22a-42c, of the proposed activity, sent certified mail, return receipt requested, to the adjacent municipal wetlands agency on the same day of filing an inland wetland permit application with the Canterbury Inland Wetlands & Watercourses Commission. Documentation of such notice shall be provided to the Canterbury Inland Wetlands & Watercourses Commission.
- 8.3 The Agency shall, in accordance with Connecticut General Statutes Section 22a-42b, notify the clerk of any adjoining municipality of the pending application to conduct a regulated activity where:

- a. any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- 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.

Notice of the pendency of such application shall be made by certified mail, return receipt requested, and shall be mailed within **seven (7) days** of the date of receipt of the application.

- 8.4 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 General Statutes, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the Inland Wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within **seven (7) days** of the date of the application. The Water Company, through a representative, may appeal and be heard at any hearing of the application. Documentation of such notice shall be provided to the Agency.
- 8.5 The date of receipt of any application shall be determined in accordance with the provisions of subsection (c) of the CGS 8-7D, as amended.
- 8.6 At any time during the review period, the agency may require the applicant to provide additional information about the regulated area or regulated activity, which is the subject of the application, or the wetlands or watercourses affected by the regulated activity. Requests for additional information shall not stay the time limitations as set forth in Subsection 11.2 of these Regulations.
- 8.7 All applications shall be open for public inspection.
- 8.8 Incomplete application may be denied.

Section 9 Public Hearings

- 9.1 The Agency shall not hold a public hearing on an application unless the Agency determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least twenty-five (25) 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 Agency not later than fifteen (15) days after the date of receipt of such application or the Agency finds that a public hearing regarding such application would be in the public interest. The Agency may issue a permit without a public hearing provided no petition provided for in this section is filed with the agency not later than fifteen (15) days after the date of receipt of the application. Such hearing shall be held no later than sixty-five (65) days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any such public hearing.
- 9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more that fifteen (15) days and not fewer than ten (10) days, and the last not less that two (2) days before

the date set for the hearing (day of transmission and publication not included in 2 day count) in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.

- 9.3 Notice of the public hearing shall be mailed to the owner(s) of record of land abutting the parcel of land upon which the activity is proposed no less than fifteen (15) days prior to the day of hearing.
- 9.4 In the case of any application, which is subject to the notification provisions of subsection 8.3 of these Regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality(ies) has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

Section 10

Considerations for Decision

- 10.1 The agency may consider the following in making its decision on an application:
 - a. The application and its supporting documentation;
 - b. Public comments, evidence and testimony;
 - c. Reports from other Agencies and Commissions including but not limited to the Town of Canterbury
 - 1. Planning & Zoning Commission
 - 2. Building Official
 - 3. Northeast District Department of Health
 - 4. Municipal Engineer
 - 5. Town Road Foreman
 - 6. Board of Selectmen
 - d. The Agency may also consider comments on any application from the county Soil and Water Conservation District; the Windham Regional Planning Agency; or, other regional organizations (i.e. Council of Elected Officials); agencies in adjacent municipalities which may be affected by the proposed activity; or, other technical agencies or organizations which may undertake additional studies or investigations; and
 - e. Non-receipt of comments from agencies and commissions listed in Subsection 10.1 c and d above within the prescribed time shall neither delay nor prejudice the decision of the Agency.
- 10.2 **Standards & Criteria for Decision**

In carrying out the purposes and policies of Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall consider all relevant facts and circumstances in making its decision on any application for a permit, including but not limited to the following:

 - a. the environmental impact of the proposed regulated activity on wetlands or watercourses;
 - b. the applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands 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 wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future

- ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage; (2) maintain or enhance existing environmental quality; or, (3) in the following order of priority: restore, enhance, and create productive wetland or watercourse resources;
- e. the character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
 - f. impact 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 and which may have an impact on wetlands or watercourses.
- 10.3 In the case of an application which received a public hearing pursuant to a finding by the Agency that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Agency finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the Agency shall consider the facts and circumstances set forth in Subsection 10.2 of this section. The finding and the reasons therefore shall be stated on the record in writing.
- 10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands and watercourses, the Agency shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.
- 10.5 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing records shall not be considered by the Agency in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these regulations and sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.
- 10.6 The Agency 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.

Section 11

Decision Process and Permit

- 11.1 The Agency may, in accordance with Section 10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance, and create productive wetland or watercourse resources.
- 11.2 No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing on such application. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within sixty-five (65) 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. 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, provided the total extension of any such

period shall not be for longer than the original period as specified in this subsection, or may withdraw such application. The failure of the inland wetland agency 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 Agency must either be withdrawn by the applicant or denied by the Agency.

- 11.3 The Agency shall state upon its record the reasons and basis for its decision and 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 incorporate a statement relative to the consideration of feasible and prudent alternatives.
- 11.4 The Agency shall notify the applicant of its decision within fifteen (15) days of the date of decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the Town wherein the inland wetland or watercourse lies. 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 10 days thereafter.
- 11.5 If any activity authorized by the inland wetland permit also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, variance or special exception, a copy of the decision and report on the application shall be filed with the Town of Canterbury Planning & Zoning Commission within fifteen (15) days of the date of decision.
- 11.6 Any permit issued by the Agency for the development of land for which an approval is required under Section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five years provided the Agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Agency for any other activity shall be valid for not less than two years and not more than five years.
- 11.7 No permit shall be assigned or transferred without the written approval of the Agency.
- 11.8 If a bond or insurance is required in accordance with Section 12 of these Regulations, no permit shall be issued until such bond or insurance is provided.
- 11.9 General provisions in the issuance of all permits:
 - a. The Agency has 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 Agency are subject to and do not derogate any present or future rights or powers of the Agency of the Town of Canterbury, 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 any activity authorized by the inland wetland permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance or special exception, no work pursuant to the wetland permit may begin until such approval is obtained.
 - 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. Permits are not transferable without the prior written consent of the Agency.

Section 12

Action by Duly Authorized Agent

- 12.1 The Agency may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commission of Environmental Protection pursuant to Section 22a-39 (b) of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Agency and shall contain the information listed under Section 7.5 of these regulations and any other information the Agency 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 Any person receiving such approval from such 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. Any person may appeal such decision of such agent to the Agency within fifteen days after the publication date of the notice and the Agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such Agency or its agent of such appeal. Any person may appear and be heard at the meeting held by the Agency to consider the subject appeal. The Agency 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 Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Agency, be required to file a bond with such surety in such amount and in a form approved by the Agency.
- 13.2 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 The Agency 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 or such operations, in an amount commensurate with the regulated activity.

Section 14

Enforcement

- 14.1 The Agency may appoint an agent or agents to act in its behalf with the authority to inspect property except a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations.

- 14.2 The Agency or its designated agent finds that any person is conducting or maintaining any activity, facility or conditions which is in violation of the Act or these Regulations, the Agency 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 Agency 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 Agency shall consider the facts presented at the hearings 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 Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Agency affirms, revises, or withdraws the order. The issuance of an order pursuant to the subsection shall not delay or bar an action pursuant to Section 22a-44b of the General Statutes, as amended.
 - b. 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 pans. Prior to revoking or suspending any permit, the Agency 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 Agency shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirement for retention of the permit. The permittee shall be notified of the Agency's decision to suspend, revoke or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.
 - c. Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating that nature of the violation, the jurisdiction of the Agency, and prescribing the necessary action and steps to correct the violation including, without limitations, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency 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 provided in subsection 13.3a or other enforcement proceedings as provided by law.
 - d. The Inland Wetland & Watercourses Agency may record a certificate, or notice, of a cease and desist order or order to correct an inland wetland violation with the Canterbury Town Clerk, which the Clerk will file on the Canterbury Land Records. The certificate will be released upon compliance with the order.

Section 15 Amendments

- 15.1 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses map. A copy of such proposed boundary change shall be filed in the office of the Town Clerk for public inspection at least ten days before such hearing. Any such hearing shall be held in accordance with the provision of CGS 8-7D, as amended. boundaryThese regulations and the Inland Wetlands and Watercourses Map for the Town of Canterbury may be amended, from time to time, by the Agency in accordance with changes in the

Connecticut General Statutes or Regulations of the State Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses become available.

- 15.2 An application filed with an Inland Wetlands Agency which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetlands regulations (or boundaries), including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.
- 15.3 These regulations and the Town of Canterbury Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Agency 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 pursuant to subsection 14.4 of these regulations, at least thirty-five (35) days before the public hearing on their adoption. (Fee schedules shall be adopted as Agency Regulations or as otherwise provided by municipal ordinance.)
- 15.4 Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, Canterbury, Connecticut" shall contain at least the following information:
- a. the petitioner's name, address, and telephone number;
 - b. the address of the land affected by the petition;
 - c. the petitioner's interest in the and 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 Any person who submits a petition to amend the "Inland Wetlands and Watercourses Map, Canterbury, Connecticut" 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 agency. 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 14.4, the petition shall include:
- a. The name(s), address(es) and telephone number(s) of the owner(s) of such land and owner(s) agent or other representative.
 - b. The name and mailing address of the owners of abutting land.
 - c. Documentation by a certified soil scientist of the disturbance 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, a map of the said land defining the boundaries of wetland soil types and indicating the flag locations set by the soil scientist.
 - d. Map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.
- 15.6 A soil scientist, geologist, ecologist or other qualified individual shall delineate watercourses.
- 15.7 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. A copy of such proposed boundary change shall be filed in the office of the Town Clerk for public inspection at least ten

days before such hearing. Any such hearing shall be in accordance with the provision of CGS 8-7d, as amended.

- 15.8 Within ninety (90) days after receipt of a petition for a change in the mapped boundaries of any wetlands or watercourse, the Agency shall hold a public hearing, in accordance with the provision of CGS 8-&d, as amended. The failure of the Inland Wetlands Agency to act within any time period specified in the subsection, or any extension thereof, shall not be deemed to constitute approval of the petition.
- 15.9 The Agency 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 Appeal on actions of the Agency shall be made in accordance with the provisions of Section 22a-43 of the Connecticut General Statutes, as amended.
- 16.2 Notice of such appeal shall be served upon the Agency of the Commissioner of Environmental Protection.

Section 17

Conflict and Severance

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

Section 18

Other Permits

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

Section 19 Application Fees

- 19.1 Inland Wetlands and Watercourses fees are based on the fee schedule established by ordinance adopted at a Town Meeting held in June, 1998.
- 19.2 All fees required by that ordinance shall be submitted to the Agency payable to the Town of Canterbury at the time the application is filed with the Agency.
- 19.3 No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver of the fee has been granted by the Agency pursuant to subsection 19.7 of these Regulations.
- 19.4 The application fee is not refundable.
- 19.5 Definitions as used in the Fee Schedule Ordinance described above in 19.1:
- a. Residential Uses means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.
 - b. 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.
 - c. Other Uses means activities other than residential uses or commercial uses.
- 19.6 Exemption
Boards, Commissions, Councils and Departments of the Town of Canterbury are exempt from all fee requirements.
- 19.7 Waiver
The applicant may petition the Agency 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 Agency should consider in its determination under this subsection. The Agency may waive all or part of the application fee if the Agency 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 sole or primarily as a result of the amount of the application fee; or
 - b. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.

The Agency shall state upon its record the basis for all actions under this subsection.

Section 20 Records Retention and Disposition

- 20.1 The Agency and the Town Clerk for the Town of Canterbury shall retain complete administrative records and Agency actions and dispose of such records in accordance with the retention/disposition schedules set forth in subsection 20.2.
- 20.2 The public records administrator of the Connecticut State Library has established the following new records retention/disposition schedules for municipal Inland Wetlands Agencies effective April 24, 1989:

Record Title Minimum Retention Required

	In Agency	Town Clerk
Application (including supporting material)	10 years	-----
Decision Letters	10 years	Permanent
Approved Site Plans	10 years	-----
Legal Notices	Permanent	10 years
Staff & Public Written Testimony (Hearing Records)	10 years	-----
Minutes of Meetings & Public Hearings	15 years	Permanent
Tapes, Audio: Inland Wetlands Matters	4 years	-----
Notices of Violations & Orders	10 years	-----
Text of Changes Adopted in Regulations	Continuous Update/ Permanent	-----
General Correspondence Issued/Received	5 years	-----

Section 21

Effective Date of Regulations

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