TOWN OF VERNON
CONNECTICUT

INLAND WETLANDS AND WATERCOURSES REGULATIONS

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Amended to December 10, 2009

VERNON

INLAND WETLANDS AND WATERCOURSES REGULATIONS

December 10, 2009

TABLE OF CONTENTS

		Page
Title and Authority	Section 1	1
Definitions	Section 2	2
Inventory of Inland Wetlands and Watercourses	Section 3	5
Permitted and Nonregulated Uses	Section 4	6
Activities Regulated by the State	Section 5	7
Regulated Activities to be Licensed	Section 6	7
Application Requirements	Section 7	8
Application Procedures	Section 8	11
Public Hearings	Section 9	12
Considerations for Decision	Section 10	12
Decision Process and Permit	Section 11	14
Action by Duly Authorized Agent	Section 12	16
Bond and Insurance	Section 13	16
Enforcement	Section 14	17
Amendments	Section 15	18
Appeals	Section 16	20
Conflict and Severance	Section 17	20
Other Permits	Section 18	20

Application Fees ..... Section 19 20

Effective Date of Regulations ..... Section 20 22

Appendices

A ..... Definition of Agriculture 23

B ..... Wetland Plantings 24

Table 1: Guide to native wetland trees of the Northeast 25

Table 2: Guide to native wetland shrubs of the Northeast 26

Table 3: Guide to native wetland herbaceous plants of the Northeast 27

Table 4: Salt tolerant plants..... 28

Wetland cross-section..... 29

C ..... Design Standards Recommended for a Watercourse Protection Buffer..... 30

Amendments Enacted 31

Section 1
Title and Authority

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

1.2 These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Vernon."

1.3 The Inland Wetlands Commission of the Town of Vernon was established in accordance with an ordinance adopted May 6, 1974, and shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of Vernon.

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

1.5 The 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 Vernon pursuant to sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

Section 2
Definitions

2.1 As used in these regulations:

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

"Bogs" means watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions (see Appendix B).

"Clear-cutting" means the harvest of timber in a fashion which removes eighty percent (80%) or more of all trees down to a two inch diameter at breast height.

"Commission" means the Inland Wetlands Commission of the Town of Vernon.

"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, typically June through September, but it recurs in prolonged succession.

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

“Detention/retention basin” means any natural or man-made structure which helps control storm water discharge by containing it in a fixed area and allowing the water to percolate into a well-drained soil or flow downstream after peak runoff from a storm has subsided.

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

"Essential to the 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.

“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 times when water flows are low and fish and wildlife will not be adversely affected.

"Marshes" means 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 (see Appendix B).

"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 Vernon.

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

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

“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 conduct or activity 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 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing, or removing of material and discharging of storm water on the land within the following upland review areas is a regulated activity:

- Within two hundred (200) feet measured horizontally from the boundary of the Hockanum River, Ogden Brook, Tankerhoosen River, Gage’s Brook, Railroad Brook, Walker Reservoir West, Walker Reservoir East, and Valley Falls Pond.
- Within one hundred (100) feet measured horizontally from the boundary of any other wetland, watercourse, or intermittent watercourse;

- Any activity that alters the existing rate or quality of any stormwater discharge to a wetlands or watercourse, or any other activity that is likely to impact or affect wetlands or watercourses, may be considered a regulated activity by the Commission.

"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.

"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" means watercourses that are distinguished by the dominance of wetland trees and shrubs (see Appendix B).

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

"Town" means the Town of Vernon.

“Upland review area”: (see definition of “regulated activity”).

"Waste" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or have the potential to pollute any of the wetlands and 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 Connecticut General Statutes. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation. A detention or retention basin created as part of a land development shall be considered a watercourse after construction of said basin and the connection of a stormwater collection system to it.

"Wetlands" 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.

“Wetlands Agent” means the individual delegated responsibility by the Commission to act on behalf of the Commission in accordance with the provisions of section 12.1 of these regulations.

Section 3
Inventory of Inland Wetlands and Watercourses

3.1 The map of wetlands and watercourses entitled "Inland Wetland and Watercourse Map, Town of Vernon, Connecticut" delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the office of the Vernon Planning Department. In all cases, the precise location of wetlands and watercourses 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 wetlands and watercourses.

3.2 Any person may petition the Commission for an amendment to the map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping or other available information. The Commission may require such person to provide an accurate delineation of wetlands and watercourses in accordance with section 16 of these regulations.

3.3 The Commission shall maintain a current inventory of wetlands and watercourses within the town. The Commission may amend its map as more accurate information becomes available.

3.4 All map amendments are subject to the public hearing process outlined in section 15 of these regulations.

Section 4
Permitted Uses as of Right & Nonregulated 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 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 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) 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, which ever 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 and maintenance of residential property, such property defined as equal to or smaller than 40,000 square feet. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of more than five (5) cubic yards of material from or onto 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 Connecticut 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-401and 22a-403 of the Connecticut 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 nonregulated 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 All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations 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 To carry out the purposes of this section, any person proposing a permitted operation and use or a nonregulated operation and use shall, prior to commencement of such operation and use, notify the Commission on a form provided by it, and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of a wetland or watercourse. The Commission shall rule that the proposed operation and use or portion of it is a permitted or nonregulated operation and use or that the proposed operation and use is a regulated activity and a permit is required.

Section 5
Activities Regulated Exclusively by the Commissioner of Environmental Protection

5.1 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 Statues.

5.2 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 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 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 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands Commission of the Town of Vernon.

6.2 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Commission, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in section 14 of these regulations and any other remedies as provided by law.

Section 7
Application Requirements

7.1 Any person intending to conduct a regulated activity or to renew or amend a permit to conduct such activity, shall apply for a permit on a form provided by the Commission. The application shall contain the information described in this section and any other information the Commission may reasonably require. Application forms may be obtained in the offices of the Vernon Planning Department.

7.2 If an application to the Town of Vernon Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Section 8-26 of the Connecticut General Statutes, submit an application for review by the Commission in accordance with this section, no later than the day the application is filed with the planning and zoning commission. If an application to the Town of Vernon Planning and Zoning Commission or Zoning Board of Appeals for approval of a site plan, special permit, or special exception involves a regulated activity, the applicant shall, in accordance with Section 8-3(g) or 8-3c, 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 the Planning and Zoning Commission or Zoning Board of Appeals, as applicable.

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

7.4 A prospective applicant may request the Commission to determine whether or not a proposed activity involves a significant impact activity.

7.5 All applications shall include the following information in writing and 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, mailing address and telephone number and written consent of the land owner if the applicant is not the owner of the land upon which the subject activity is proposed;
c. the applicant's interest in the land; the applicant must be the property owner, the property owner's agent, the Town of Vernon, or a person or entity with a financial interest in the property; written permission for the application must be obtained from the property owner if the applicant is not the property owner.
d. the geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetlands or 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. alternative which would cause less or no environmental impact to wetlands or watercourses and why the alternative as set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing;
g. the date the application was signed by the applicant;
h. a site plan showing the proposed activity and existing and proposed conditions**,** structures, and areas where material may be deposited or removed and the quantity thereof 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; if the proposed activity comprises a regulated activity that affects one-half (½) acre or more of wetlands and/or uplands, the site plan shall be prepared and sealed by a licensed surveyor or professional engineer registered in the state of Connecticut.
i. names and mailing addresses of adjacent land owners;
j. statement by the applicant that the applicant (1) is familiar with all the information provided in the application**,** (2) certifies the accuracy of the application and all supporting information, and (3) is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
k. 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;
l. a completed DEP 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;
m. any other information the Commission deems necessary to the understanding of what the applicant is proposing; and
n. submission of the appropriate filing fee based on the fee schedule established in section 20 of these regulations.

7.6 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, wetland and watercourse boundaries, land contours at two (2) foot intervals, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person;
b. engineering reports and analyses and additional drawings to fully describe the proposed activity including 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. Natural Resources Conservation Service; the wetlands shall be delineated in the field by a soil scientist and the soil scientist's field 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 activity 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 or 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. management practices and other measures designed to mitigate the impact of the proposed activity.

7.7 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 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 Twenty (20) copies of all application materials shall be submitted to comprise a complete application unless otherwise directed by the Town Planner or Wetlands Enforcement Officer.

7.9 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 of the permit. Any application to renew or amend such an existing permit shall contain the information required under section 7 of these regulations provided:

a. the application may incorporate the documentation and record of the prior application;
b. the application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
c. the application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit;
d. the application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of 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 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.

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

a. for purposes of this section, "conservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.
b. for purposes of this section, "preservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.
c. no person shall file a permit application, other than for interior work in an existing building or for exterior work that does not expand or alter the footprint of an existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction not later than sixty days prior to the filling of the permit application.
d. in lieu of such notice pursuant to subsection 7.11c, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.

Section 8
Application Procedures

8.1 All petitions, applications, requests or appeals shall be submitted to the Inland Wetlands Commission of the Town Vernon.

8.2 The Commission shall, in accordance with Connecticut General Statutes section 8-7d(f), 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 Commission is within five hundred feet of the boundary of an adjoining municipality;
b. a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
c. a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
d. water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

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 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 25-32a of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the

boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands Commission of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven 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 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 of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner.

8.5 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 All applications shall be open for public inspection.

8.7 Incomplete applications may be denied.

Section 9
Public Hearings

9.1 The Commission shall not hold a public hearing on an application 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 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

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

a. The application and its supporting documentation
b. Reports from other agencies and commissions including but not limited to the following agencies and staff of the Town of Vernon:

- Conservation Commission
- Planning and Zoning Commission
- Building Official
- Town Engineer
- Town Planner
- Wetland Agent
- North Central Health District Department
- North Central Conservation District

c. The Commission may also consider comments on any application from the Tolland County Soil and Water Conservation District, the Capitol Region Council of Governments; agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
d. Non-receipt of comments from state agencies and commissions listed in subdivision 10.1b and c 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.

10.2 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 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 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. impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses.

10.3 In the case of an application which received a public hearing pursuant to a finding by the Commission that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the Commission shall consider the facts and

circumstances set forth in subsection 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 or watercourses, the Commission shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.

10.5 For purposes of this section, (1) "wetlands 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 occurs.

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

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

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

10.9 In the case of an application where the applicant fails to comply with the provisions of subsections 7.11c or 7.11d of these regulations, the party holding the conservation or preservation restriction may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the Commission, subject to the rules and regulations of such agency relating to appeals. The Commission shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction.

Section 11
Decision Process and Permit

11.1 The Commission, or its duly authorized agent acting pursuant to Section 12 of these regulations, may, in accordance with Section 10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity 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 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. The applicant may consent to one or more extensions of the periods specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Commission shall be withdrawn by the applicant or denied by the Commission.

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

11.4 The Commission shall notify the applicant and any 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 wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen day period, the applicant may provide for the publication of such notice within ten days thereafter.

11.5 If an activity authorized by an inland wetland 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), 8-3c, or 8-26 of the Connecticut General Statues, the Commission shall file a copy of the decision and report on the application with the Vernon Planning and Zoning Commission or Zoning Board of Appeals, as applicable, within fifteen days of the date of the decision thereon.

11.6 Any permit issued by the Commission 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 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 years and not more than five years.

11.7 No permit issued by the Commission shall be assigned or transferred without the written permission of the Commission.

11.8 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.

11.9 General provisions in the issuance of all permits:

a. The Commission 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 Commission are subject to and do not derogate any present or future rights or powers of the Commission or the Town of Vernon, 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 subject land or activity.

c. If the activity authorized by the Commission's permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under sections 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.

d. In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses. Prior to the start of construction the Inland Wetlands Enforcement Officer shall be notified when sedimentation and erosion controls required by the wetlands permit are in place. No work relating to a wetlands permit shall be started until the sedimentation and erosion controls are in place and approved by the Inland Wetlands Enforcement Officer.

Section 12
Action by Wetlands Agent

12 .1 The Commission hereby delegate**s** to its Wetlands 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 approved by the Commission and shall contain the information listed under Section 7.5 of these regulations deemed relevant and necessary by the wetlands agent. 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 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.

12.3 The wetlands agent shall report to the Commission any such licenses approved or extended at the regular meeting following such approvals.

Section 13
Bond and Insurance

13.1 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 The bond or surety shall be conditioned on compliance with the provisions of these regulations and the terms, conditions and limitations established in the permit.

13.3 The Commission may require as a permit condition the filing of a Hold Harmless agreement in a form acceptable to the Commission.

Section 14
Enforcement

14.1 The Commission appoints the Wetlands Enforcement Officer as its agent to act in its behalf with the authority to issue notices of violation**,** cease and desist orders**,** or cease and correct 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 the Wetlands Enforcement Officer shall take into consideration the criteria for decision under section 10.2 of these regulations.

14.2 The Commission or the Wetlands Enforcement Officer may make regular inspections of all regulated activities for which permits have been issued as authorized by law or b*y* the signed application during the life of the permit.

14.3 In the case in which a permit has not been issued or a permit has expired, the Commission or the Wetlands Enforcement Officer may make regular inspections with the consent of the property owner or the authorized agent of the property owner or as otherwise allowed by law.

14.4 If the Commission or Wetlands Enforcement Officer 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 the Wetlands Enforcement Officer may:

a. issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to section 22a-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 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 section 14.4.a or other enforcement proceedings as provided by law.

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

14.6 Any person who commits, takes part in, or assists in any violation of any provision of the Town of Vernon Inland Wetlands and Watercourses Regulations shall be subject to a fine of not more than one thousand dollars ($1,000.00) for each offense. Each violation of said regulations 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 violation. The Superior Court, in an action brought by the Commission, shall have jurisdiction to restrain a continuing violation of said regulations and to issue orders directing the violation to be corrected or removed. All costs, fees and expenses, including reasonable attorney's fees, in connection with such action shall be assessed as damages against the violator.

Section 15
Amendments

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

15.2 An application filed with the Commission which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to 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 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 Vernon Inland Wetland and Watercourse 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 days before the public hearing on their adoption.

15.4 Petitions requesting changes or amendments to the "Inland Wetland and Watercourse Map, Town of Vernon, Connecticut" shall contain at least the following information:

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

b. the address, or location, 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. documentation by a soil scientist of the distribution of wetland soils on said land; such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
f. map(s) showing existing and/or proposed development of the land in relation to existing and proposed wetland and watercourse boundaries;
g. **a** Class A-2 boundary survey and topography at two (2) foot contour intervals;
h. the reasons for the requested action.

15.5 Any person who submits a petition to amend the Inland Wetland and Watercourse Map, Town of Vernon, 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 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, mailing address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
b. the names and mailing addresses of the owners of abutting land;

15.6 Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual who, in the determination of the Commission, possesses the education and experience to qualify as an expert capable of such delineation.

15.7 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having a general circulation in the municipality where the land that is the subject of the hearing is located at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date set for the hearing. All materials including maps and documents relating to the petition shall be open for public inspection.

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

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

Section 16
Appeals

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

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

Section 17
Conflict and Severance

17.1 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, subdivision or provision of these regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.

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

Section 19
Fees

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

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

19.3 The application fee is not refundable unless waived.

19.4 Fee Schedule. Application fees shall be based on the following schedule:

Wetlands redesignation	$150

Modification of a wetlands redesignation	75
Wetland permits	
Non-significant activity	125
Significant activity with less than ½ acre site disturbance	250
Significant activity with site disturbance from ½ to and including 2 acres	500
Significant activity with site disturbance greater than 2 acres	800
Notification of abutters of public hearings, per abutter	1
Commission modification of a wetlands permit remaining in effect	150
Modification of a wetland permit by the Wetland Agent	75
State mandatory fee (per CGS 22a-27j)	60
Other fees	
Approval by Wetland Agent	75
Appeal of Wetland Agent decision	125
Jurisdictional rulings regarding permitted and nonregulated uses	25
Review of proposed subdivision per CGS 8-26 (e) where no regulated activity is proposed	125

Complex Application Fee: The Commission may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts to analyze, review, and report on issues requiring such experts. The Commission or the Wetland Agent shall estimate the complex application fee which shall be paid pursuant to section 20.1 of these regulations within 10 days of the applicant's receipt or notice of such estimate. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after publication of the Commission's decision.

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

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

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

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

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

Section 20
Effective Date of Regulations

20.1 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 Vernon.

APPENDIX A

Connecticut General Statute section 1-1(q)

Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoophouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other mulluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

APPENDIX B

WETLANDS PLANTINGS

NATIVE WETLAND PLANTS
FOR THE HOCKANUM RIVER WATERSHED

Prepared by The Vernon Conservation Commission March, 2000

The purpose of this document is to ensure that proper native plantings will be used within wetlands and regulated areas, will create wildlife habitats, and will preclude the planting of invasive exotic species. The document is applicable for wetland restorations and detention basins. Included are three tables, one for trees, one for shrubs, and one for herbaceous plants.

The enclosed data was extracted from a document that was furnished by the U.S. Fish and Wildlife Service, Silvio O. Conte National Fish and Wildlife Refuge. The document was entitled "Planting Guide to Native Wetland Plants of the Connecticut River Watershed For Wetland Restoration Use" dated February, 1997. The document contained detailed descriptions about each plant and planting instructions.

Additional resources which are useful to select plants which will attract specific birds and mammals are: National Audubon Society's "The Bird Garden", by Stephen W. Kress; and "American Wildlife & Plants: A Guide to Wildlife Food Habits" by Alexander C. Martin, Herbert S. Zim and Arnold L. Nelson.

Table 1: Guide to native wetland trees of the Northeast

Common Name	*Scientific Name*	Scrub/shrub wetland	Forested wetland	Moist soils through spring	Moist soils through out growing season	Tolerates occasional flooding*	Low velocities tolerated	Medium velocities tolerated	High velocities tolerated	Full sun required	Prefers full sun	Prefers partial shade	Partial shade tolerant	Full shade tolerant	Suggested on center spacing
Red maple	*Acer rubum*	X	X	X		X	X				X		X	X	15-20’
Silver maple	*Acer saccharinum*	X	X		X	X	X				X		X		15-20’
River birch	*Betula nigra*	X	X		X	X	X			X					15-20’
Black ash	*Fraxinus nigra*	X	X		X	X	X			X					15-20’
Green ash	*Fraxius pennsylvanica*	X	X		X	X	X					X			15-20’
Black gum	*Nyssa sylvatica*	X	X	X		X	X				X		X		15-20’
Black spruce	*Picea mariana*	X	X		X	X	X				X		X		15-20’
Swamp white oak	*Quercus bicolor*	X	X		X	X	X				X		X		15-20’
Pin oak	*Quercus palistris*	X	X		X	X	X			X					15-20’
Black willow	*Salix nigra*	X	X		X	X	X			X					15-20’
American larch	*Larix laricina*	X	X		X	X	X				X		X		15-20’
American Hemlock	*Tsuga Canadensis*	X	X	X		X	X					X		X	15-20’
Balsam fir	*Abies balsamea*	X	X		X	X	X					X		X	15-20’
Cottonwood	*Populus deltoides*	X	X		X	X	X			X					15-20’

*Occasional flooding up to 18"for approximately 25 percent of the growing season

Table 2: Guide to native wetland shrubs .of the Northeast

Common name	*Scientific name*	Scrub/Shrub wetland	Forested wetland	Wet meadow	Drought tolerant	Moist soils through spring	Moist soils through out growing season	Tolerates occasional flooding*	Tolerates permanent flooding	Low velocities tolerated	Medium velocities tolerated	High velocities tolerated	Prefers full sun	Prefers partial shade	Partial shade tolerant	Full shade tolerant	Suggested on center spacing
Speckled alder	*Alnus rugosa*	X	X				X	X		X			X		X		6’
Shadblow/Serviceberry	*Amelanchier canadensis*		X	X	X	X		X						X		X	6’
Red chokeberry	*Aronia arbutifolia*	X	X	X	X		X	X					X		X		6’
Black chokeberry	*Aronia melanocarpa*	X	X	X	X	X		X					X		X		6’
Buttonbush	*Cephalanthus occidentalis*	X	X		X		X	X	X	X			X	X		X	6’
Sweet pepperbush	*Clethra alnifolia*	X	X	X	X	X		X					X	X		X	6’
Silky dogwood	*Cornus amomum*	X	X		X		X	X		X			X		X		6’
Red osier dogwood	*Cornus sericea*	X	X		X		X	X		X			X		X		6’
Winterberry holly	*Ilex verticillata*	X	X		X		X	X					X	X		X	6’
Common spicebush	*Lindera benzoin*		X	X	X		X	X						X		X	6’
Swamp azalea	*Rhododendron viscosum*	X	X				X	X	X				X		X		6’
Pussy willow	*Salix discolor*	X	X		X		X	X		X			X				6’
Common elderberry	*Sambucus canadensis*	X	X		X		X	X					X		X		6’
Meadowsweet	*Spirea laqfolia*	X	X			X		X					X				6’
Highbush blueberry	*Vaccinium corymbosum*		X	X			X	X						X		X	6’
American cranberry	*Vaccinium macrocarpon*	X					X	X	X	X			X				6’
Nannyberry	*Viburnum lentago*		X	X	X	X		X						X		X	6’
Northern arrowwood	*Viburnum recognitum*	X	X		X		X	X					X		X		6’
American cranberrybush	*Viburnum trilobum*	X	X		X		X	X					X		X		6’
Sand bar willow	*Salix exigua*		X				X	X		X	X	X	X				6’
Purple osier willow	*Salix purpurea*	X	X	X	X		X	X		X	X		X		X		6’
Bankers willow	*Salix X cotteti*	X	X	X			X	X		X	X		X		X		6’
Swamp rose	*Rosa palustris*	X	X				X	X					X				6’
Northern bayberry	*Myrica pensylvanica*	X	X		X	X		X					X		X		6’
Wild raisin	*Vibrunum cassinoides*		X	X			X	X		X			X		X		6’
Mountain holly	*Nemopanthus mucronatus*		X	X			X	X					X		X		6’

***** Occasional flooding up to 18"for approximately 25 percent of the growing season

Table 3: Guide to native wetland herbaceous plants of the Northeast

Common Name	*Scientific Name*	Wet meadow	Shallow marsh	Deep marsh	Aquatic bed	Requires moist soils through out growing season	Water depth preferred	Water depths tolerated during drought/flooding	Low velocities tolerated	Medium velocities tolerated	High velocities tolerated	Full sun required	Prefers full sun	Prefers partial shade	Partial shade tolerant	Full shade tolerant	Suggested on center spacing*
Sweetflag	*Acorus calamus*	X				X	0-6”	0-2’	X				X		X		1-2’
Swamp milkweed	*Asclepias incarnate*	X				X	0”	0-1’					X		X		1-2’
Marsh marigold	*Caltha palustris*	X				X	0-6”	0-1’					X		X		1-2’
Bearded sedge	*Carex comosa*	X				X	0-6”	0-2’	X				X		X		1-2’
Fringed sedge	*Carex crinita*	X				X	0-6”	0-2’	X				X		X		1-2’
Lurid sedge	*Carex lurinda*	X				X	0-6”	0-2’	X				X		X		1-2’
Tussock sedge	*Carex stricta*	X				X	0-6”	0-2’	X				X		X		1-2’
Fox sedge	*Carex vulpinoidea*	X				X	0-6”	0-2’	X				X		X		1-2’
Three-way sedge	*Dulichium arundinaceun*	X				X	0-1’	0-2’	X				X		X		1-2’
Joe-pye weed	*Eupatoriadelphus spp.*	X				X	0”	0-1’					X		X		1-2’
Canada manna grass	*Glyceria canadensis*	X				X	0-1’	0-2’	X			X					1-2’
Blue flag iris	*Iris versicolor*	X				X	0-6”	0-2’					X		X		1-2’
Canada rush	*Juncus canadensis*	X				X	0-1’	0-2’					X				1-2’
Soft rush	*Juncus effuses*	X				X	0-1’	0-2’	X				X		X		1-2’
Rice cutgrass	*Leersia oryzoides*	X				X	0-6”	0-2’	X				X		X		1-2’
Cardinal flower	*Lobelia cardinalis*	X				X	0”	0-1’					X		X		1-2’
Green bulrush	*Scirpus atrovirens*	X				X	0-6”	0-2’					X		X		1-2’
Woolgrass	*Scirpus cyperinus*	X				X	0-6”	0-2’				X					1-2’
Blue vervain	*Verbena hastata*	X				X	0”	0-2’					X				1-2’
Ostrich fern	*Metteuccia struthiopteris*	X				X	0-6”	0-2’	X				X		X		1-2’
Sensitive fern	*Onoclea sensibilis*	X				X	0”	0-1’					X	X		X	1-2’
Cinnamon fern	*Osmunda cinnamomea*	X				X	0”	0-6”						X		X	1-2’
Royal fern	*Osmunda regalis*	X				X	0-6”	0-1’					X	X		X	1-2’
Marsh fern	*Thelypteris thelypteroides*	X				X	0-3”	0-3”						X		X	1-2’
Walter plantain	*Alisma plantago-aquatica*		X			X	0-1’	0-2’	X			X					1-2’
Spike grass	*Distichlis spicata*					X	0-1’	0-2’	X	X		X					1-2’
Spike rush	*Eleocharis palustris*		X			X	0-1’	0-2’	X				X		X		1-2’
Yellow water lily	*Nuphar luteum*				X	X	2-3’	1-5’	X				X				1-2’
White water lily	*Nymphaea odorata*				X	X	2-3’	1-5’	X				X		X		1-2’
Arrow arum	*Peltandra virginica*		X			X	0-1’	0-2’	X				X		X		1-2’
Pickerelweed	*Pontederia cordata*		X			X	0-1’	0-2’	X				X		X		1-2’
The pond weeds	*Potamogeton spp.*				X	X	1-4’	1-6’	X	X			X		X		1-2’
Northern arrowhead	*Sagittaria latifolia*		X	X		X	1-2’	0-3’	X				X		X		1-2’
Hard-stem bulrush	*Scirpus acutus*			X		X	1-3’	0-5’	X				X				1-2’
Three-square bulrush	*Scirpus pungens*		X			X	0-6”	0-2’	X				X				1-2’
Burreed	*Sparganium americanum*		X			X	0-6”	0-2’	X	X			X		X		1-2’
Smooth cordgrass	*Spartina alterniflora*					X	0-5’	0-5’	X	X	X	X					1-2’
Saltmeadow cordgrass	*Spartina patens*					X	0-1’	0-1’	X	X		X					1-2’
Soft-stem bulrush	*Scirpus validus*		X			X	0-1’	0-2’	X			X					1-2’
Salt-marsh bulrush	*Scripus robustus*		X			X	0-2’	0-3’+	X	X		X					1-2’
Narrow-leaved cattail	*Typha angustifolia*		X			X	6”-1’	0-2’	X			X					1-2’
Common cattail	*Typha latifolia*		X			X	6”-1’	0-2’	X				X		X		1-2’
Wild cerey	*Vallisneria Americana*				X	X	2-4’	1-6’	X	X			X				1-2’
Swithgrass	*Panicum virgatum*	X				X	0-6”	0-1’					X		X		1-2’
Inflated sedge	*Carex intumescens*	X				X	0-6”	0-1’					X		X		1-2’
Hop sedge	*Carex lupulina*	X				X	0-6”	0-1’					X		X		1-2’
New york ironweed	*Vernonia noveboracensis*	X				X	0-6”	0-1’									1-2’
Blue-joint reedgrass	*Calamagrostis Canadensis*	X				X	0-6”	0-1’					X				1-2’
Stout wood-reedgrass	*Cinna arudinacea*	X				X	0-6”	0-1’					X				1-2’

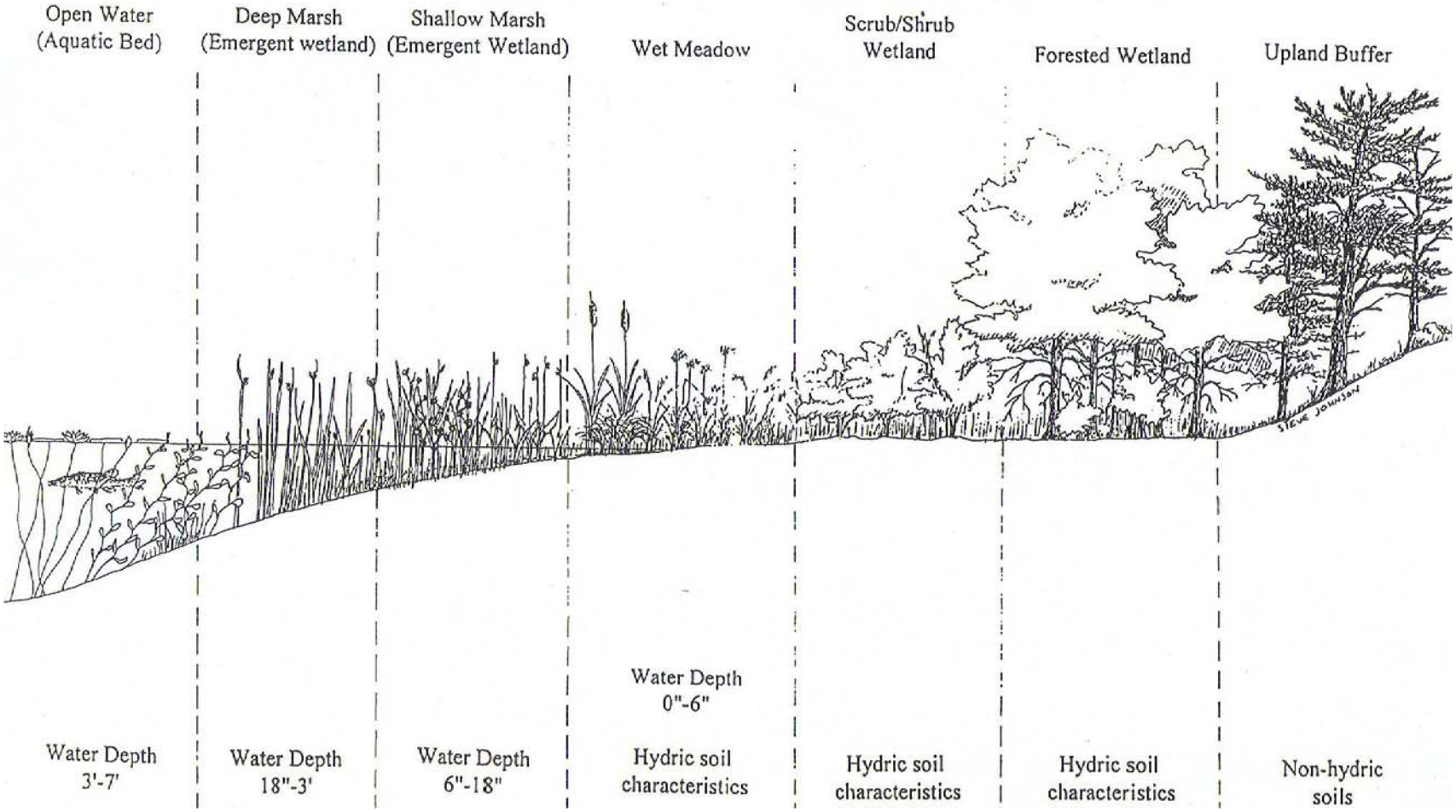
* Spacing is dependent upon the desired density, 1-2’ initial spacing will provide dense cover within two growing seasons. Spacings of 2-4’ on center will result in initial gaps in vegetation which will fill within two to five years.

Table 4: Salt tolerant plants

Trees	
Acer saccharin urn	(Silver maple)**
Fraxinus pennsylvanica	(Green ash)**
Nyssa sylvatica Populus deltoides Quercus	(Black gum) ** (Cottonwood)** .
bicolor Quercus palustris	(Swamp white oak) ** (pin oak) **
Shrubs	
Amelanchier canadensis	(Shadbush) **
Aronia arbutifolia Aronia melanocarpa Cephalanthus occidentalis Clethra alnifolia Lindera benzoin Myrica pensylvanica Sambucus canadensis Vaccinium corymbosum Viburnum dentatum	(Red chokeberry)**. (Black chokeberry)** (Buttonbush)** (Sweet pepperbush) (Spicebush)** . (Bayberry) (Common elderberry)** (Highbush blueberry)** (Northern arrowwood) **
Herbaceous plants	
Acorus calamus	(Sweetflag)**
Distichlis spicata Iris versicolor Peltandra virginica Panicum virgatum Pontederia cordata Scirpus acutus Scirpus pungens Scirpus valid us Scirpus robustus Spartina alterniflora Spartina patens Typha angustifolia Vallisneria americana	(Spike grass) (Blueflag iris)** (Arrowarum)** (Switchgrass)** (Pickerelweed) ** (Hard-stem bulrush)** (Three-square bulrush) (Soft-stem bulrush)** (Saltmarsh bulrush) (Smooth cordgrass) (Saltmeadow cordgrass) (Narrow-leaf cattail)** (Wild celery) **

** These less salt tolerant species would be appropriate for road side plantings where winter salt run-off may effect plantings.

Wetland Cross-Section



APPENDIX C

DESIGN STANDARDS RECOMMENDED FOR A
WATERCOURSE PROTECTION BUFFER

Retention of existing vegetation along watercourses, when in a natural state, especially when containing mature trees, is a primary consideration to protect the watercourse from erosion, siltation, pollution and temperature change. In areas where vegetated buffers do not exist, or are of limited width, consideration should be given to the creation of a buffer area. Newly created buffers should include canopy or shade trees, shrubs, and herbaceous plant species suited to the local habitat in three (3) zones of plantings. The recommended minimum width of a watercourse buffer is one hundred (100) feet measured horizontally from the banks of the watercourse and fifty (50) feet measured horizontally related to intermittent watercourses.

Three (3) zones of vegetation recommended within the buffer are:

		Buffer Depth per Type of Watercourse		Additional Depth Adjustment Related to % of Slope
Zone	Vegetation	Perennial	Intermittent	
1	Trees	20'	10'	3' added per 1% of slope
2	Trees & Shrubs	60'	30'	2' added per 1% of slope
3	Grass & herbaceous	20'	10'	1'added per 1% of slope

The standards and specifications for these buffers are modeled after David A. Welsch, “Riparian Forest Buffers”, USDA CT-RI publication NA-PR-07-91.

The recommended watercourse protection area with landscape buffer may be reduced when (1) an engineered stormwater management and pollution control system employing technical best management practices (BMP) in compliance with the Connecticut Department of Environmental Protection (DEP) “Stormwater Quality Manual: is provided to treat run-off from a development site; (2) the site is served by a public sewer system; and (3) a reduction of the river protection buffer depth would not result in a significant potential adverse impact to the watercourse.

If the buffer area for a watercourse is either increased or decreased, then the widths of the three (3) vegetation zones should be adjusted accordingly.

ENACTED AMENDMENTS

Amendment Enacted	Adopted	Effective
Sections 7.11, 10.8, & 10.9 added; fee for subdivision review added to section 19, Fees	11/24/2009	12/10/2009