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BREAK

DRAFT MINUTES
MANSFIELD INLAND WETLANDS AGENCY
Regular Meeting
Monday, January 4, 2010
Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), J. Goodwin, R. Hall, P. Plante, B. Pociask, B. Ryan
Members absent: M. Beal, K. Holt
Alternates present: G. Lewis, Kenneth Rawn, Vera Stearns (7:08 p.m.)
Staff present: G. Meitzler (Wetlands Agent)

Chairman Favretti called the meeting to order at 7:00 p.m. Alternates Lewis, Rawn and Stearns were appointed to act. Chairman Favretti appointed Ryan as acting Secretary in Holt's absence.

Minutes:

12-7-09 - Hall MOVED, Ryan seconded, to approve the 12-7-09 minutes as written. MOTION PASSED UNANIMOUSLY.

12-16-09 Field Trip- Ryan MOVED, Favretti seconded, to approve the 12-16-09 field trip minutes as written. MOTION PASSED with Ryan and Favretti in favor and all others disqualified.

12-21-09 Special Meeting- Hall MOVED, Ryan seconded, to approve the 12-21-09 special meeting minutes as written. MOTION PASSED with all in favor except Plante who disqualified himself.

Communications:

The 12-16-09 draft Conservation Commission Minutes and the 12-30-09 Wetlands Agent's Monthly Business report were noted.

Old Business:

W1445 - Chernushek - additional gravel removal and construction haul road

Meitzler related that due to the potential for significant impact to wetlands and the necessity for a sand and gravel permit through PZC, staff's recommendation is to schedule a public hearing. Plante MOVED, Pociask seconded, to schedule a public hearing on 2-1-10. MOTION PASSED UNANIMOUSLY.

W1446 - Kielbania - Mansfield City R - SF house in buffer

Brian Kielbania, applicant, and Kenneth Pudeler, P.E., L.S., of Pudeler Engineering were present. Hall MOVED, Ryan seconded, to grant an Inland Wetlands License pursuant to Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield to Bryan F. & Margaret O. Kielbania (file no. W1446), for construction of a 3 bedroom single family house and appurtenant site work within regulated areas at 619 Mansfield City Road, as shown on a map dated 11.23.2009, revised through December 22, 2009, and as described in other application submissions.

This action is based on a finding of no anticipated significant impact on the wetlands, and is conditioned upon the following provision being met:

1. Erosion and sedimentation controls shall be in place prior to construction and maintained during construction and removed when disturbed areas are completely stabilized.

This approval is valid for a period of five years (until January 4, 2015), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment.

MOTION PASSED UNANIMOUSLY.

W1447 - IWA Regulation Revision

Item was tabled pending a 3/1/10 Public Hearing.

New Business:

1448 - Renewal Request, Abramson - 214 Wormwood Hill Rd.

Ryan MOVED, Hall seconded, to approve a request for renewal of an Inland Wetlands License under Section 7.9 B. of the Wetlands and Watercourses Regulations of the Town of Mansfield to Harold J. Abramson for a wetland permit W1281 originally issued at the February 7, 2005 Inland Wetlands Agency meeting, for an office/studio/garage building on property now owned by the applicant and located at 214 Wormwood Hill Road on the northeast corner of the Mulberry R & Wormwood Hill Rd intersection, as shown on a plan dated 2/07/2005, and as described in other application submissions. This action is based on the application submissions, and consideration of applicable regulations.

Based on the above considerations, the Agency renews this permit, provided the following conditions are met:

1. Appropriate erosion and sedimentation controls, as shown on the plans, shall be in place prior to construction and maintained during construction and removed when disturbed areas are completely stabilized.
2. All conditions of the previous approval shall remain in effect, and a copy of the original approval for application W1281 shall be a part of this condition.

This renewal is valid for an additional period of five years (until 2/07/2015), after which time a new permit application is required. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment.

MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

None.

Other Communications and Bills:

Noted.

Adjournment:

7:20 p.m.

Respectfully submitted,

Bonnie Ryan, Acting Secretary

Town of Mansfield
CONSERVATION COMMISSION
Meeting of 20 January 2010
Conference B, Audrey P. Beck Building
(DRAFT) MINUTES

Members present: Quentin Kessel, Scott Lehmann, John Silander, Frank Trainor. *Members absent:* Robert Dahn, Peter Drzewiecki, Joan Stevenson. *Others present:* Jackie D'Amato, Jake Friedman, Marcus Hilditch, William Okeson, Beverly Sims (regarding item 2); Grant Meitzler (staff).

1. The meeting was **called to order** at 7:30p by Chair Quentin Kessel.

2. Ponde Place test wells. Ponde Place LLC has had four test wells drilled on the property to determine whether there is sufficient ground water to supply 45K gpd. Water at high pressure has been injected into the test wells to fracture rock ("hydro-fracking") and liberate water. A 72-hour pump test, now underway, will conclude tomorrow. Neighbors D'Amato, Friedman, Hilditch, Okeson, & Sims expressed concerns about this activity:

- The test well permit requires monitoring a number of existing wells to determine whether pumping has adverse neighborhood effects. However, the wells closest to the test site are not being monitored: Ms. Sims' well was rejected for monitoring because the well-head was covered by an inch of surface water; Mr. Friedman refused to authorize monitoring because Ponde Place LLC would not agree to assume responsibility for any damage it might reveal; Ms. D'Amato & Mr. Hilditch were not approached. Another neighbor dropped out of the monitoring program because her water turned brown after the probe was inserted in her well. {Meitzler suggested that iron deposits on the inside of the well casing might have been disturbed when the probe was inserted.} Since the wells most likely to be adversely affected by hydro-fracking and drawdown are not being monitored, why is the test proceeding?
- Access to the test site has been improved by bringing in fill to raise the bed of the woods road (extending N. from Northwood Rd) where it crosses a wetland. This may impact the wetland; is it authorized by the permit? {Meitzler thought that the required silt barriers were in place and would protect the wetland; he will take another look at the site.}
- The permit authorizes drilling four test wells only if the first two were inadequate, yet all seem to have been drilled at the same time. {Meitzler's impression is that the first two wells reached little water.}

The monitoring issue appears to be the most serious: if monitoring is inadequate, the pump test will have to be repeated, according to Meitzler. Neither the Commission nor anyone else at the meeting knew which wells were being monitored and whether there is reason to believe they are representative. The Commission will ask Greg Padick to clarify the situation. (D'Amato, Friedman, Hilditch, Okeson, & Sims left the meeting.)

3. The draft **minutes of the 16 December 2009 meeting** were approved as written.

4. Joint Presentation to Town Council. Representatives of the Open Space Committee, Parks Advisory Committee, and Conservation Commission will meet tomorrow to plan a presentation to the Town Council to remind Council members of the value of open space. Kessel will attend.

5. UConn Hazardous Waste Transfer Station. The proposed move of this facility from its current location E. of Horsebarn Hill to near UConn's sewage treatment plant is in limbo. The Commission believes that the transfer station should not be located where an accident or mischief could pollute the Fenton River and its aquifers. Kessel will ask Matt Hart to bring the issue to the Town-Gown Committee.

6. Term Limits. Current Town policy limits terms on committees to no more than ten years in a row (three 3-year terms), though this policy has not been enforced of late. Four current members of the Commission are not in compliance with this policy. The Commission is concerned that enforcement of this policy would make it difficult to assemble a quorum, since long-standing members tend to be more committed and requests that Alternate Members be named have gone unanswered.

7. Streamflow Standards. The DEP has proposed to regulate diversions from streams so that flows adequate for fish and other organisms are maintained. Connecticut's rivers and streams would be placed into four categories by condition, ranging from Class 1 ("having little current development in the watershed and having not been affected by the removal of water from human uses") to Class 4 ("where past practices have resulted in a significant deviation from the natural stream flow pattern and restoring these rivers and streams to a more natural condition would cause and extreme economic hardship"). Flow standards for Class 1 would aim to protect "ecological health"; those for Classes 2-4 would weigh human needs more & more heavily. Flow management plans to achieve these standards would be phased in over time.

While the proposed regulations seem generally good, Lehmann observed that Class 4 streams would essentially be written off: there would be little pressure to restore them to "a more natural condition." Written comments on the proposal will be accepted until 04 February 10.

8. UConn stormwater management. Kessel distributed a new revised version of the draft comment to DEP Commissioner Marrella on UConn's stormwater management plan. After some discussion, the Commission approved the letter, with minor editorial changes (motion: Silander, Trainor; all in favor save Lehmann, who abstained, citing insufficient time to consider whether reservations about the previous version had been adequately addressed).

9. Mirror Lake dredging. UConn has applied to DEP for a permit to dredge Mirror Lake to increase its capacity and improve water quality. Improvements to the spillway called for in the Stormwater Management Plan will be made at this time. Approximately 17.1 K cubic yards of sediment will be removed and dewatered in basins constructed near Rte.195. Clarified water will be pumped back into Mirror L, the dewatered sediment removed to somebody else's back yard. The Commission is concerned that returning nutrient rich water to Mirror Lake will nourish algal blooms there and in Roberts Brook; it wonders whether a limnologist was consulted in planning this project. Kessel will request that the DEP hold a public hearing in Storrs on the permit application.

7. Adjourned at 9:30p. Next meeting: Wednesday, 17 February 2010, 7:30p.

Scott Lehmann, Secretary, 21 January 2010

Memorandum:

January 27, 2009

To: Inland Wetland Agency
From: Grant Meitzler, Inland Wetland Agent
Re: Monthly Business

W1419 - Chernushek - hearing on Order

- 3.10.09: The hearing on the Order remains open and should continue until the permit application under consideration is acted upon.
(The Order was dropped on approval of the application required in the Order.)
- 4.30.09: Former rye grass seeding is beginning to show green. I spoke with Mr. Chernushek this afternoon who indicated health problems that delayed his starting but indicated he will be working this weekend. I will update on this Monday evening.
- 5.26.09: A light cover of grass growth has come in. Mr. Chernushek indicates health problems and two related deaths have delayed his start of work since the permit approval was granted. It appears that some light work has started. He has further indicated that he will start a vacation on June 22, 2009 to finish the work.
- 6.13.09: Work is underway.
- 6.21.09: Bulldozer work has been completed - finish work remains. The additional silt fencing has been placed along the northerly wetlands crossing, and the additional pipe under the southerly crossing has been installed. Remaining work includes finish grading along edges, spreading stockpiled topsoil, and establishing grass growth.
- 7.01.09: I spoke with Mr. Chernushek who indicated he expects work to be completed by September 1, 2009. (Site photo attached).
- 9.03.09: Mr. Chernushek has been working on levelling and grading. The formerly seeded areas have become fairly thick growth surrounding the central wet areas. He has further indicated that with the combination of weather and the slower moving of earth with the payloader compared to the earlier rented bulldozer has led him to contact contractors for earth moving estimates which have not yet been received. The site is not yet finished but has remained quite stable.
- 9.12.09: I met with Mr. Chernushek today and discussed again what his plans are for stabilizing this work site.
- 10.01.09: Mr. Chernushek indicated he has not heard back from the contractor he had spoken with about removing material, and is in progress of contacting others. In discussion is removal of material from the site either within the 100 cubic yard limit or obtaining a permit for such removal.
- 10.28.09: Mr. Chernushek has indicated he has made arrangements with DeSiato Sand & Gravel to remove 750 cubic yards of material. Staff is in the process of clarifying permit requirements.

W1445 - Chernushek - application for gravel removal from site

- 11.30.09: Packet of information representing submissions by Mr. Chernushek, Mr. DeSiato and myself is in this agenda packet as Mr. Chernushek's request for modification.
- 12.29.09: Preparation of required information for PZC special permit application is in progress. Tabling any action until the February 1, 2010 meeting is recommended.
- 1.12.10: 65 day extension of time received.

Mansfield Auto Parts - Route 32

- 12.08.08: Inspection - no vehicles are within 25' of wetlands.
- 1.16.09: Inspection - no vehicles are within 25' of wetlands.
- 2.24.09: Inspection - no vehicles are within 25' of wetlands.
- 3.06.09: Inspection - no vehicles are within 25' of wetlands.
- 4.14.09: Inspection - no vehicles are within 25' of wetlands.
- 5.11.09: Inspection - no vehicles are within 25' of wetlands.
- 6.10.09: Inspection - no vehicles are within 25' of wetlands.
- 7.16.09: Inspection - no vehicles are within 25' of wetlands.
- 8.12.09: Inspection - no vehicles are within 25' of wetlands.
- 9.14.09: Inspection - no vehicles are within 25' of wetlands.
- 10.27.09: Inspection - no vehicles are within 25' of wetlands.
- 11.30.09: Inspection - no vehicles are within 25' of wetlands.
- 12.28.09: There are two cars that need to be moved. Mr. Bednarczyk indicates their payloader is down for repairs and the cars will be moved as soon as it is repaired.
- 1.27.10: No change - the payloader is apart with parts on order to complete repairs. It is of 1986 vantage and finding parts is a major proposition.



University of Connecticut
*Office of the Vice President and
Chief Operating Officer*

Office of Environmental Policy

December 22, 2009

Gregory Padick
Director of Planning
4 South Eagleville Road
Mansfield, CT 06268

RE: Public Notice of CT DEP Permit Applications for Proposed Activities at Mirror Lake

Dear Mr. Padick:

Enclosed please find a copy of two public notices published in the Hartford Courant for permit applications submitted to CT DEP for proposed dredging and dam repairs at UConn's Mirror Lake. We are required to provide these notices to Mansfield's chief elected official in accordance with CGS 22a-6g. Please forward the notices to the Mayor's office.

UConn has applied for permits from DEP Inland Water Resources Division for improvements that will affect wetlands and the Mirror Lake impoundment. UConn has also applied for a permit for wastewater discharges because the dredged sediments will dewater as a discharge back to the lake. These public notices appeared in the Hartford Courant on December 18, 2009.

Also attached is a copy of the letter sent to the Windham Waterworks and the Eastern Highlands Health District, notifying them of the permit applications in accordance with CGS 22a-42f.

Copies of the permit applications are certainly available upon request. Please feel free to contact me with any questions.

Sincerely,



Jason Coite
Environmental Compliance Analyst

An Equal Opportunity Employer

31 LeDoyr Road Unit 3055
Storrs, Connecticut 06269-3055

Telephone: (860) 486-5446
Facsimile: (860) 486-5477
web: www.ecohusky.uconn.edu



The Hartford Courant.

A TRIBUNE PUBLISHING COMPANY

Affidavit of Publication

State of Connecticut

Friday, December 18, 2009

County of Hartford

I, Joy Shroyer, do solemnly swear that I am Financial Operations Assistant of the Hartford Courant, printed and published daily, in the state of Connecticut and that from my own personal knowledge and reference to the files of said publication the advertisement of Public Notice was inserted in the regular edition.

On dates as follows: 12/18/2009

In the amount of \$452.17

ST OF CT UNIV OF CT/PLANT AC

release 280

700370

Full Run

Financial Operations Assistant
Joy Shroyer

Subscribed and sworn to before me on December 18, 2009

Notary Public

WILLIAM B. McDONALD
NOTARY PUBLIC, CONNECTICUT
MY COMMISSION EXPIRES FEB. 28, 2014

Notice of Permit Application
Town(s): MANSFIELD

Notice is hereby given that the University of Connecticut (the applicant), of 31 LeDoyt Road, Storrs, CT 06269-3055 has submitted to the Department of Environmental Protection an application under Connecticut General Statutes Section 22a-430 (LAND WETLANDS) and 22a-403 (DAM CONSTRUCTION) for a permit to conduct an activity in a wetland or watercourse. 22a-403 requires a dam and a lake a dam. Specifically, the applicant proposes to hydraulically dredge 17,100 cubic yards of accumulated sediments from Mirror Lake and make minor repairs and modifications to the lake dam. The proposed activity will take place at Mirror Lake located immediately northwest of the intersection of Storrs Road (CT Route 195) with Mansfield Road on the University of Connecticut Storrs Campus. The proposed activity will potentially affect Mirror Lake which discharges to Roberts Brook, a tributary to the Fenton River.

Interested persons may obtain copies of the application from: Nathaniel Aral, P.E., Baystate Environmental Consultants, Inc., 296 N Main Street, East Longmeadow, MA 01028, phone (413) 525-9822.

The application is available for inspection at the Department of Environmental Protection, Bureau of Waters Resources Division, 79 Elm Street, Hartford, CT 06106-5127, telephone (860) 424-3019, from 8:30am to 4:30pm, Monday through Friday.

Notice of Permit Application
Town(s): MANSFIELD

Notice is hereby given that the University of Connecticut (the applicant), of 31 LeDoyt Road, Storrs, CT 06269-3055 has submitted to the Department of Environmental Protection an application under section 22a-430 of the Connecticut General Statutes for a permit to regulate, create, or maintain a discharge of water, substance or material to the waters of the state.

Specifically, the applicant proposes to hydraulically dredge 17,100 cubic yards of accumulated sediments from Mirror Lake. The proposed activity will take place at Mirror Lake located immediately northwest of the intersection of Storrs Road (CT Route 195) with Mansfield Road on the University of Connecticut Storrs Campus. The proposed activity will potentially affect Mirror Lake which discharges to Roberts Brook, a tributary to the Fenton River.

Interested persons may obtain copies of the application from: Nathaniel Aral, P.E., Baystate Environmental Consultants, Inc., 296 N Main Street, East Longmeadow, MA 01028, Phone (413) 525-9822.

The application is available for inspection at the Department of Environmental Protection, Bureau of Materials Management and Compliance, Assurance, Permitting, and Enforcement, 79 Elm Street, Hartford, CT 06106-5127 (860-424-3018), from 8:30 to 4:30, Monday through Friday.

Memorandum:

January 27, 2010

To: Inland Wetland Agency
From: Grant Meitzler, Inland Wetland Agent
Re: Informational - UConn Mirror Lake Dredging

This item comes to us as a required submittal in the process of submitting the application to the DEP for their review.

The Conservation Commission minutes reflect concern expressed at their meeting over the impacts of upsetting the balance of nutrients on the lake system, as well as potential downstream effects. They have indicated their intent to request a public hearing on this work.

Having now gone through the complete application package, I can pass along the following comments:

I. I see several separate parts to this project:

- A. dredging of Mirror Lake to increase average depth of the lake from 2.8' to 5.0'.

The deepest part of the lake is now 5.1' deep. Area of the lake is 4.7 acres.

B. spillway repairs:

Surface concrete deterioration, joint cracking repairs, replacement of missing sections of concrete.

A coffer dam is to be placed some 50' upstream (into the lake) to isolate the body of the pond from the repair work. There is a requirement that this be done before dredging is done within 50' of the coffer dam.

C. spillway outlet improvements:

1. Addition of a V notched weir to the spillway. The information notes this addition conforms with the long term UConn Drainage Master plan for hydraulic flow. During low flow periods the present lake level will be maintained - at times of high flow the lake will store an additional foot of water depth moderating the longer term outflow to Roberts Brook.
2. extending the outfall with a new concrete apron extending approximately 15' beyond the present spillway end.
3. establishing a rip-rap channel extending another 50' along Roberts Brook.

D. dredging operation:

1. constructing dewatering areas:

Four areas are to be constructed. Each will be protected with an impervious sheet over the bottom and a protective

hay bale and silt fence barrier downhill. Three will be 100'x 250' and one will be 100'x 320'. Two will be near Rte 195 opposite Willowbrook Rd, and two will be between Mirror Lake and Mansfield Rd near Rte 195. These are paired so they can be alternated - when one area fills it can be rested and the other area used.

These areas are to be restored when the work is done.

2. removing material from the pond:

The indication is material will be pumped to dewatering areas, and from the dewatering areas water will be returned to the lake. The dewatering includes the use of lengthy filter fabric tubes to separate water from the dredged material. For the dredged material a proportion of 20% solids and 80% water is indicated.

3. pumping to dewatering areas, and returning separated water to the lake.

4. trucking dewatered material to a licensed landfill

A 6' high chain link fence is to surround the entire area. Access to the work area is to be through two temporary entrances onto Route 195 and one drive onto Mansfield Road.

Stone trucking pads extending 50' into the site are indicated for each entrance.

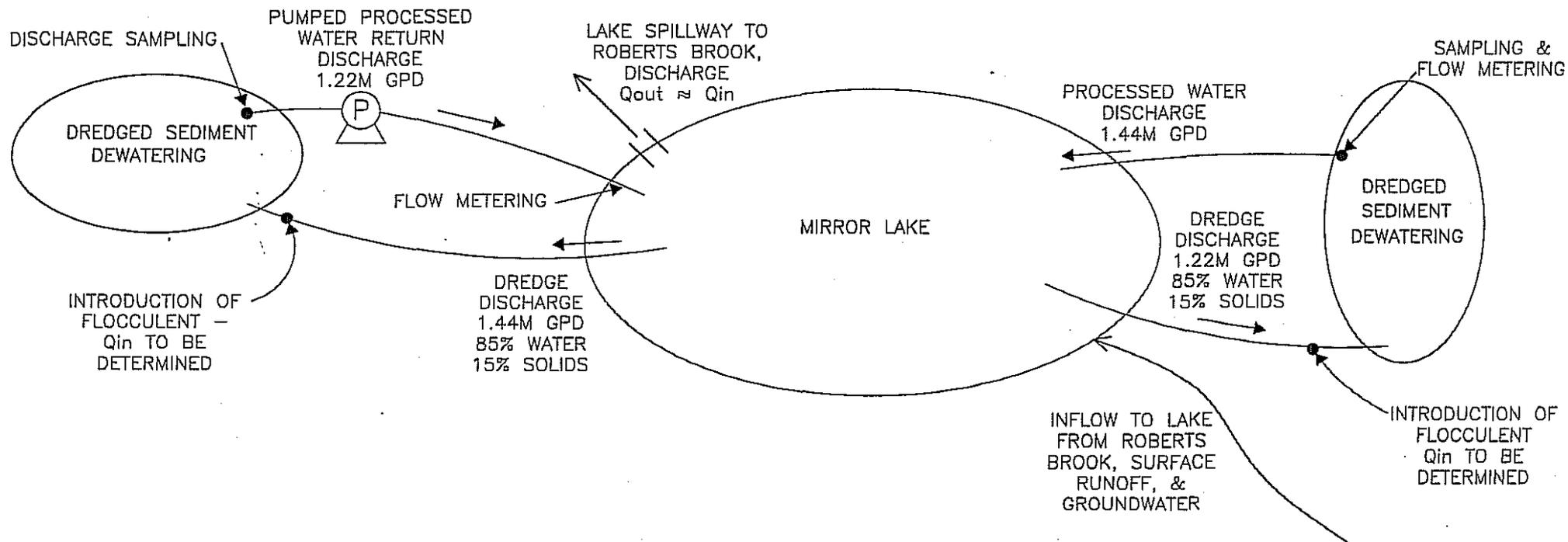
E. Installation of three aeration fountains.

II. Regarding wildlife/fisheries protective measures, information on the varieties of wildlife present is included but I did not find comment on protective measures to be taken or comment that would support the lack of such measures.

I subsequently spoke with Nathan Arai PE, Project Engineer for BEC Environmental Consultants who prepared this application, specifically questioning as to whether addressing this would happen during the DEP review process, or whether the nature of the dredging process itself is sufficient to provide the kind of protection needed. The conversation was an interesting one. He indicated that the DEP Fisheries comments in the past for the dredging process proposed have been very minor. They have done at least two similar jobs in the past for the DEP with same methods. The critical item apparently is the maintenance of the lake levels such that fish can easily move away from the area of disturbance as they wish. He further indicated that in one instance they had actually found that the fish moved towards the disturbance rather than away, which was assumed to be due to freshly exposed nutrients.

III. Work is expected to start this Spring and run to October 2010.

ATTACHMENT M (PART A): LINE DRAWING
MIRROR LAKE DREDGING



PAGE
BREAK

Memorandum:

January 27, 2010

To: Inland Wetland Agency

From: Grant Meitzler, Inland Wetland Agent

Re: W1445/W1419 - Chernushek - Fill removal request

Mr. Chernushek has given us a 65 day extension of time. With this extension the deadline for action is April 16, 2010, and April 5, 2010 is the last meeting date before this limit is reached.

Because of this and the requirement for additional information involved with the PZC application, the public hearing has been postponed.

Inland Wetland Agency
Town of Mansfield
4 South Eagleville Rd
Storrs, Conn. 06268

January 12, 2010

I hereby grant a 65 day extension of time for the
* ~~modification~~ application I presently have before the
Wetlands Agency.



Henry M. Chernushek
473 Middle Turnpike
Storrs, Conn 06268

* deletion per phone conversation w. Mr Chernushek 1-28-2010
9:15 AM
Grant Bentley
IWA Agent

**TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT**

GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Mansfield Town Council
Mansfield Conservation Commission
From: Gregory Padick, Director of Planning
Date: January 22, 2010
Re: Proposed Inland Wetlands Regulation revisions

The attached 1/21/10 draft revisions to Mansfield's Inland Wetlands Regulations and associated legal notice are referred to you for review. The proposed revisions also have been referred to the Commissioner of the CT. Department of Environmental Protection and Town Attorney. The draft revisions also have been filed with the Town Clerk and posted on the Town's web site.

A Public Hearing has been scheduled for March 1, 2010. Any comments on the draft revisions must be submitted prior to the close of the public hearing. Please contact me at 429-3329 if you have any questions regarding this referral.

January 21, 2010

Amey Marrella, Commissioner
Connecticut DEP
79 Elm Street
Hartford, CT 06106-5127

Re: Proposed Revision to Mansfield's Inland Wetlands Regulation

Dear Commissioner Marrella:

Please find enclosed 1/21/10 draft revisions to Mansfield's Inland Wetlands Regulations and a legal notice advertising a March 1, 2010 public hearing that has been scheduled to receive comments on the proposed revisions. These drafts regulations have been referred to you pursuant to CGS Section 22a-42a. Please forward any review comments to Grant Meitzler, Mansfield Inland Wetlands Agent c/o the Mansfield Planning Office 4 South Eagleville Road, Storrs-Mansfield CT, 06268. If you have questions please contact Mr. Meitzler at 860-429-3334.

Very truly yours,

Rudy Favretti
Chairman, Mansfield Inlands Wetland Agency

 Cc; Steven Tessitor, DEP Supervising Environmental Analyst

1/21/10 DRAFT

INLAND WETLANDS & WATERCOURSES REGULATIONS

TOWN OF MANSFIELD, CONNECTICUT

Adopted by the Mansfield
Inland Wetlands Agency

Effective _____, 2010

(First Effective Date July 1, 1974)

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Section 1.0 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 Mansfield.
- 1.3 The Mansfield Inland Wetlands Agency was established in accordance with an ordinance adopted January 14, 1974 by Mansfield's Town Council, and shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of Mansfield.
- 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 Agency 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 Mansfield and shall take all other appropriate actions pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.

Section 2.0 Definitions

2.1 For the purposes of these regulations, certain words and terms used herein shall be used, interpreted and defined as set forth in this section:

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

Agent or Inland Wetlands Agent means the duly authorized Town employed representative of the Agency.

Agency means the Mansfield Inland Wetlands Agency.

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

Building Area Envelope (BAE) means the portion of a "Development Area Envelope", as defined by Mansfield's Subdivision Regulations, within which structures, including but not limited to a house, garage, shed, swimming pool, outside storage areas and other improvements that are subject to the Schedule of Dimensional Requirements contained in Article VIII of the Mansfield Zoning Regulations, are located. The Agency's review of the location of a proposed Building Area Envelope is limited to the consideration of the impact of the proposed location on wetlands and watercourses.

Clear-cutting means the harvest of timber which removes all trees down to a two inch diameter at breast height.

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.

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

Development Area Envelope (DAE) means that portion of a lot within which site improvements such as, but not limited to, a house, garage, shed, swimming pool, driveway, parking area, outside storage area, septic system, septic reserve area, water supply well, utility lines and lawns are to be located. The Agency's review of a proposed development area envelope is limited to the consideration of the impact on wetlands and watercourses.

Discharge means the 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.

Farming shall be consistent with the definition contained in Section 1-1(q) of the Connecticut General Statutes. (see Appendix)

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, of the Connecticut General Statutes.

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

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

Municipality means the Town of Mansfield.

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 (also see upland review area) means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified

activities in Section 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 or other activity on the land within one hundred and fifty (150) feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. The Agency may also rule that any other activity located within an upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

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:

1. Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourse in which the activity takes place 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 a wetland or watercourse.
6. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

Soil scientist means an individual duly qualified in accordance with standards set by the federal Office of Personnel Management.

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

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

Town means the Town of Mansfield.

Upland Review Area means all land within one hundred and fifty (150) feet from the edge of a wetland or a watercourse, as measured horizontally from the boundary of any wetland or watercourse and in addition, areas at a greater distance than 150 feet from the edge of a wetland or watercourse where in the determination of the agency proposed activities are likely to impact or affect wetlands or watercourses.

Waste means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend 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.

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.

Yield Plan means a map(s) containing a lot and site improvement layout and additional information as required by Mansfield's Subdivision and Zoning Regulations, to demonstrate compliance with the Zoning Schedule of Dimensional Requirements for standard lot size, lot frontage and building setbacks; as well as all other Zoning and Subdivision requirements, including, minimum lot area requirements for new lots; the Design Criteria of Section 7 and the Open Space requirements of Section 13. A yield plan is required by the subdivision regulations whenever a subdivider requests a reduction or waiver of minimum lot frontage (see Section 7.6) or in the R-90 and RAR-90 zones, a lot size of less than 90,000 square feet. The Agency shall review a yield plan and provide advisory comments to the Planning and Zoning Commission regarding the potential yield plan impact on wetlands and watercourses, including, as applicable, whether the proposed subdivision or yield plan is preferable with respect to potential impacts on wetlands and watercourses.

Section 3.0 Inventory of Inland Wetlands and Watercourses

- 3.1 The map of wetlands and watercourses entitled "Inland Wetlands and Watercourses Map, Mansfield Connecticut" (hereafter referred to as the "map") 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 Town Clerk, Planning Department or Town Engineer's Office. 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 Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or any other pertinent information in determining the location of the wetland boundaries and watercourses. Wetlands and watercourses (see definition in Section 2), even in they do not appear on Mansfield's Inland Wetlands and Watercourses map, are still subject to these regulations.
- 3.2 Any person may petition the Agency for an amendment to the map. All petitions for a map amendment shall be submitted in writing and shall include all relevant facts and circumstances which support the proposed amendment. The petitioner shall bear the burden of proof regarding the proposed map amendment. The Agency may require the petitioner to provide an accurate delineation of regulated areas in accordance with Section 15 of these regulations.
- 3.3 The Agency shall maintain a current inventory of regulated areas within the town. The Agency may amend its map as more accurate information becomes available.
- 3.4 All petitions for a map amendment shall be heard at a public hearing, in accordance with the procedure described in Section 15 of these regulations.

Section 4.0 Permitted Uses as of Right & Non-regulated Uses

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses and upland review areas, as of right:
 - A. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control.

The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, 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 of the Connecticut General Statutes, 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, not to include dredging or dock construction
- D. Uses incidental to the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality provided that in any town where there are no zoning regulations establishing minimum residential lot sites, the largest minimum lot site shall be two acres. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or 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-401 and 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 non-regulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

- A. Conservation of soil, vegetation, water, fish, shellfish and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion or to encourage proper fish, wildlife and forestry management practices.
- 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 shell fishing where otherwise legally permitted and regulated.
- C. Testing and monitoring associated with and related to water quality and subsurface drainage and/or sewage disposal systems.

4.3 All activities in wetlands or watercourses and upland review areas 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 Agency 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 by right operation and use (see Section 4.1) or a non-regulated operation and use (see Section 4.2) shall, prior to commencement of such operation and use, notify the Agency's Agent, and provide to the Agent sufficient information to enable a determination that the proposed operation and use is a permitted or non-regulated use of a wetland or watercourse. The Agency's Agent, with the concurrence of the Agency Chairman, is authorized to rule that the proposed operation and use or a portion of it is a permitted or non-regulated operation and use or that the proposed operation and use is a regulated activity and a permit is required. Any dispute regarding this determination shall be resolved by the Agency and all determinations made by the Agent and Agency Chairman shall be reported to the Agency.

Section 5.0 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 Statutes.
- 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, inclusive, of the Connecticut General Statutes.
- 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 Section 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 6.0 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 Agency, or for certain specific activities, its duly authorized Agent, in accordance with Section 12 of these regulations.
- 6.2 Any person found to be conducting or maintaining a regulated activity without the prior authorization 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 7.0 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 Agency. The application shall contain the information described in this section and any other information the Agency may reasonably require. Application forms may be obtained in the office of the Agency or on line at <http://www.mansfieldct.org>. Consultation with the Agent is advised.
- 7.2 If an application to the Town of Mansfield Planning and Zoning Commission for site plan or special permit approval or for the 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 the Planning and Zoning Commission. Wetlands permit applications involving subdivisions or re-subdivisions shall include building area envelopes, development area envelopes and, as required, yield plans and other information as required by Mansfield's Subdivision Regulations.
- 7.3 The application shall contain such information as is necessary for a fair and informed determination by the Agency. All applicants are advised to consult with the Agent before submitting an application to the agency. All comments of the Agent are advisory and are not binding on the Agency.
- 7.4 All applications shall include, at a minimum, the following information (for applications that the Agency determines may involve significant impact, additional information as described in Section 7.5 may be required):
- A. The applicant's name, home and business mailing addresses and telephone numbers; if the applicant is a Limited Liability Company, Corporation or Partnership, the managing member's, partner's or responsible corporate officer's name, address, and telephone number;
 - B. The land owner's name, mailing address and telephone number and written consent, if the applicant is not the owner of the land upon which the subject activity is proposed;
 - C. A statement of the applicant's interest in the land;
 - D. A copy of that portion of Mansfield's Assessor's map depicting the subject property and all land within 1,000 feet of the property;
 - E. The address or 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;
 - F. A description of the proposed activity, including the purpose of the activity, proposed erosion and sedimentation controls, proposed storm water management controls and other management practices and mitigation measures, 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 resource, all of which may be considered as conditions of issuing the requested permit;
 - G. Alternatives which would cause less or no environmental impact to wetlands or watercourses and why the alternative requested in the application was chosen; all alternatives shall be diagramed on a site plan or drawing or otherwise described to the Agency's satisfaction.
 - H. A site plan (or where applicable, a subdivision plan), drawn to scale with north arrow and map date, including revisions, showing the proposed activity and existing and proposed conditions in relation to wetlands and watercourses and identifying all 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. The submitted maps also shall include all proposed erosion and sedimentation controls and other measures planned to protect wetlands and watercourses, buildings and structures, driveways and parking areas, wells and septic systems, stone walls, stockpile locations, staging areas, and other prominent physical features that help describe the site and proposed activity. For all subdivision applications, the plan shall include proposed building and development area envelopes and, where applicable, yield plans shall be submitted;

- I. Names and mailing addresses of abutting land owners, including those across any street from the subject property (See notification provisions in Section 8.4)
- J. A statement by the applicant that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
- K. Authorization for the members and agents of the Agency 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 Agency may revise or correct the information provided by the applicant, if necessary, 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. Submission of documentation verifying that the State of Connecticut Department of Environmental Protection's Natural Diversity Database has been checked for the presence of any state-listed species or significant natural communities on the property;
- N. Any other information the Agency requests which it deems necessary to the understanding of what the applicant is proposing; and
- O. Submission of the appropriate filing fee based on the fee schedule established or referenced in Section 19 of these regulations.

7.5 At the discretion of the Agency or its Agent, when the proposed activity involves or may involve a significant impact, some or all of the following additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, may be required:

- A. Site plans, or where applicable subdivision plans, at a scale of one inch equals forty feet or larger (1"= 20', etc) unless an alternative scale is approved by the Agency, with north arrow and map dates, including revisions for the proposed activity and a depiction of the land which will be affected. The plans shall show existing and proposed conditions, wetland and watercourse boundaries, existing and proposed land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity. Unless specifically waived by the Agency, the plans shall be prepared by a professional engineer, land surveyor or landscape architect licensed by the state.
- B. Technical reports and analyses and additional drawings prepared by qualified professionals, that fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to watercourses and proposed erosion and sedimentation control and stormwater management plans. Drainage calculations for various storm events, including 100 year storms may be required.
- 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 plans. In situations where a wetland or watercourse boundary is obvious to a non-expert, this certification may be waived by the Agency.
- 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. A description of the amount and kind of material to be deposited and/or removed including, as appropriate, an 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, including but not limited to specific grading and seeding/re-vegetation plans and specifications and management plans for the use of fertilizers, pesticides and other chemicals.
- 7.6 For all applications, 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.
- 7.7 Unless an applicant is otherwise directed by the Agency or its Agent, a complete application shall consist of two (2) copies of full sized maps and other application materials and as applicable, fifteen (15) copies of reduced size (11"x17") maps and special reports.
- 7.8 Any application to renew or amend an existing permit shall be filed with the Agency in accordance with Section 8 of these regulations. Any application to renew or amend such an existing permit shall contain the information required under Section 7 of these regulations and:
- A. The documentation and record of the prior application;
 - B. A description of the extent of work completed and the schedule for completing all activities authorized in the permit;
 - C. The reason why the authorized activity was not initiated or completed within the time specified in the permit; and
 - D. A description of any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land since the permit was issued;
- 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. No permit may be valid, including renewal periods, for more than ten years.
- 7.10 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 filing of the permit application.
- D. In lieu of such notice pursuant to Section 7.10.C, 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 8.0 Application Procedures

- 8.1 All petitions, applications, requests or appeals shall be submitted to the Mansfield Inland Wetlands Agency or its Agent.
- 8.2 The Agency 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 agency 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 run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, appeal, request or plan.
- 8.3 When an application is filed to conduct 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 agency 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 and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Agency.

8.4 Notification to abutting property owners: Concurrent with the filing of an application, the applicant shall notify all property owners abutting the site of a proposed use or activity requiring approval, including property owners across the street from the subject site (as measured at right angles to straight street lines and radial to curved street lines). This notice shall be sent by certified mail to these owners as listed on current property records maintained by the Mansfield Assessor's Office. A statement listing the property owners notified shall be submitted to the Agency prior to submission of the official mail receipts.

Notification shall include:

- A. A description of the application being made together with sufficient mapping to clearly indicate proposed activities.
- B. The telephone number of the Inland Wetlands Agent to whom contact may be made to review complete application materials.

Abutters as well as the general public may contact the Inland Wetlands Agent to review application materials in the Planning Office.

8.5 The date of receipt of a petition, application, request or appeal (see Section 12) is the date of the next regularly scheduled meeting of the Agency, next following the date of submission to the Agency or its Agent of the petition, application, request or appeal, or thirty-five days after such submission, whichever is sooner.

8.6 The Wetlands Agency shall forward application materials and supporting documentation to the Conservation Commission, the Inland Wetlands Agent and, where appropriate, other staff members, agencies and consultants for review and comment. Mansfield's fee schedule authorizes the Agency to hire independent consultants at the expense of an applicant when the Agency deems it necessary to do so.

8.7 At any time during the review period, the applicant shall provide such additional information as the Agency may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in Section 11.2 of these regulations.

8.8 All applications shall be open for public inspection.

8.9 Applications which do not contain the information required by these regulations may be denied.

Section 9.0 Public Hearings

- 9.1 The Inland Wetlands 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 Mansfield residents eighteen years of age or older requesting a hearing is filed with the Agency not later than fourteen days after the date of receipt of an application, or the Agency finds that a public hearing regarding an application would be in the public interest. Any applicant also may request that the Agency hold a public hearing on a submitted application. All public hearings shall be commenced no later than sixty-five days after the receipt of the application. All applications, maps and documents relating to the public hearing shall be open for public inspection. At the hearing any person 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 10.0 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. Reports from other agencies, commissions and staff members including but not limited to:
 - 1. Conservation Commission
 - 2. Planning and Zoning Commission
 - 3. Eastern Highlands Health District
 - 4. Open Space Preservation Committee
 - 5. The Inland Wetlands Agent
 - 6. Director of Public Works/Town Engineer
 - 7. The Director of Planning
 - 8. The Building Official
 - 9. The Zoning Agent
 - C. Comments from the Eastern Connecticut Conservation District, the WINCOG Regional Planning Commission or other regional organizations; 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. Public comments, evidence and testimony.
 - E. Non-receipt of comments shall neither delay nor prejudice the decision of the Agency.
 - F. Each Agency member's own personal, ordinary knowledge and experience concerning the area involved, including that knowledge acquired by a site visit and review. Any information used by Agency members which is not commonly known and all information acquired by members at site visits shall be disclosed on the record by the Agency members.

- G. Professional/technical assistance furnished to the Agency by technical advisors retained or utilized by the Agency which assistance enables the Agency to carry out its responsibilities as set forth in these regulations.
- H. If a member of the Agency has special expertise relevant to a pending application and if the member intends to rely on his expertise in deciding the merits of the application, he shall disclose his expertise and raise his questions during a public session so any party may have an opportunity to question and rebut the information and any opinion offered. Whenever the application involves a public hearing, this provision should be addressed prior to the close of the public hearing.

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 the provisions thereof, the Agency 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, including the effects on the capacity of the wetlands and watercourses to support desirable biological life, to prevent flooding, to supply and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety.
- 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. The consideration of alternatives shall include alternatives which might enhance environmental quality or have a less detrimental effect, and which could feasibly attain the basic objectives of the activity proposed in the application. This consideration should also include, but is not limited to, the alternative of requiring actions of a different nature which would provide similar benefits with different environmental impacts, such as using a different location for the activity.
- 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, including consideration of the extent to which the proposed activity involves trade-offs between short-term environmental gains at the expense of long-term losses, or vice versa, and consideration of the extent to which the proposed action forecloses or predetermines future options.
- 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. This requires recognition that the Inland Wetlands and Watercourses of the State of Connecticut are an indispensable, irreplaceable, and fragile natural resource and that these areas may be irreversibly destroyed by deposition, filling and removal of material; by the diversion, diminution, or obstruction of water flow, including low flows; and by the erection of structures and other uses.
- E. Any management practices or 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;
- F. The character and degree of injury to, or interference with, safety, health or the reasonable use of property, including abutting or downstream property, which is caused or threatened by the proposed regulated activity; or the creation of conditions which may do so.
- G. 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 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 Section 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 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** 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 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.
- 10.7** 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 record 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 this application is consistent with the purposes and policies of these regulations and Sections 22a-36 to 22a-45, inclusive of the Connecticut General Statutes.
- 10.8** In the case of an application where the applicant has provided written notice pursuant to Section 7.10.C of these regulations, the holder of the restriction may provide proof to the Inland Wetlands Agency 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 restrictions, the Agency shall not grant the permit approval.
- 10.9** In the case of an application where the applicant fails to comply with the provisions of Sections 7.10.C or 7.10.D 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 Inland Wetlands Agency, subject to any rules and regulations of such agency relating to appeals. The Inland Wetlands Agency shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction.

Section 11.0 Decision Process and Permit

- 11.1 The Agency, 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. Such measures also include, but are not limited to, actions which would avoid adverse impacts or lessen impacts to wetlands and watercourses and which would protect the natural capacity of the wetlands and watercourses to support desirable biological life, preventing flooding, supply water, control sedimentation, prevent erosion, assimilate wastes, facilitate drainage, and to provide recreation and open space.
- 11.2 No later than sixty-five (65) days after receipt of an application, the Agency may commence a public hearing on such application. At such hearing any person may appear and be heard and may be represented by an 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. If additional time to consider the application is necessary, the applicant may consent to one or more extensions of the periods specified in this subsection, provided the total extension for all periods shall not be longer than sixty-five (65) days, or the applicant may withdraw the application. The failure of the 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 shall be withdrawn by the applicant or denied by the Agency.
- 11.3 The Agency shall state upon its record the reasons and bases for its decision and, where applicable pursuant to Section 10.3, shall include a statement relative to the consideration and existence of any feasible and prudent alternative.
- 11.4 The Agency shall notify the applicant and any other person entitled to such notice, of its decision within fifteen (15) days of the date of the decision, by certified mail and the Agency shall cause notice of its action, to be published in a newspaper having general circulation in the town of Mansfield.
- In any case in which notice is not published within the 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, variance or special exception, under Sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, the Agency shall file a copy of its decision on the application with the Town of Mansfield Planning and Zoning Commission or, where appropriate, Zoning Board of Appeals within fifteen days of the date of the decision thereon.
- 11.6 In situations where a yield plan (see Section 2 for definition) has been submitted for Agency review, the Agency shall submit advisory comments to the Planning and Zoning Commission. These comments shall provide an assessment of potential yield plan impacts on wetlands and

watercourses including, as applicable, whether the proposed plan is preferable to the yield plan with respect to potential impacts on wetlands and watercourses.

- 11.7 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.
- 11.8 Modifications. If the Agency grants a permit, the applicant may submit to the Agency a proposed modification of the application or of any permit terms, conditions, limitations or modifications. After evaluating the potential for impact on wetlands or watercourses and the approval standards of Section 10.2, the Agency shall determine whether the proposed modification is a significant or substantial alteration of the application as approved. Any significant or substantial revision of the application, as approved, shall require the filing of a new application and shall be subject to the requirements as set forth in these regulations and may under the requirements of Section 9.0 herein, be subject to a public hearing.
- 11.9 If a bond or insurance is required in accordance with Section 13 of these regulations, the Agency may withhold issuing a permit until such bond or insurance is provided.
- 11.10 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 at the Agency's discretion.
 - B. All permits issued by the Agency are subject to, and do not derogate, any present or future rights or powers of the Agency or the Town of Mansfield, and convey no rights in real estate or material, nor any exclusive privileges, upon the land owner or applicant 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 Agency's permit also involves an activity which requires zoning or subdivision approval, or a 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. Before starting other 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.
 - E. All permittees shall notify the Inland Wetlands Agent before any authorized work is commenced and again upon completion of the work. The initial notice shall include a planned work schedule.
 - F. As a condition of any permit, the Agency may require that the applicant engage at its own expense an independent consultant to report to the Agency the results of project monitoring and/or inspections. The consultant must be pre-approved by the Agency, and said consultant shall monitor, inspect and report on a schedule determined by the Agency.

Section 12.0 Action by Duly Authorized Agent

- 12.1** The Agency may delegate to its duly authorized Agent the authority to approve or extend a license for decks or sheds constructed on posts, blocks or stone pads, or additions to existing structures, provided the structure is located more than seventy-five (75) feet from wetlands or watercourses and/or located more than one-hundred (100) feet away from a vernal watercourse (vernal pool), and the Agent finds that the proposed structure would result in no greater than a minimal impact on any wetland or watercourse and provided the Agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Agency and shall contain the information listed under Section 7.4 of these regulations and any other information the Agent may reasonably require. Sections 8, 9 and 11 of these regulations, shall not apply to requests made pursuant to this section. All agent approvals shall be reported to the Agency.
- 12.2** Any person receiving such approval from the 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. Any person may appeal the decision of the Agent to the Agency within fifteen days after the publication date of the notice. 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 the Agency or its Agent of the appeal. Any person may appear and be heard at the appeal. The Agency shall, at its discretion, sustain, alter, or reject the decision of its Agent. If the Agent's decision is rejected, the Agency shall advise the applicant that he may file an application for a permit in accordance with Section 7 of these regulations.

Section 13.0 Bond and Insurance

- 13.1** The Agency may require as a permit condition, the filing of a bond with a surety in an amount and in a form approved by the Agency. All bonds shall be subject to a bond agreement signed by the Agency Chairman.
- 13.2** The bond or surety shall be conditioned on compliance with the provisions of these regulations and the terms, conditions and limitations stated in the permit and/or contained in application materials.

Section 14.0 Enforcement

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

- 14.2** The Agency or its Agent may make regular inspections of all regulated activities for which permits have been issued. Such activities shall be open to inspections at all reasonable times. The owner and/or applicant, by filing an application for permit, consents to such inspections.
- 14.3** If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Agency or its 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 hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that:
- i. the original order remains in effect,
 - ii. or that a revised order is in effect;
 - iii. or that the order has been withdrawn.
- 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 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 Agency, and prescribing the necessary action and steps to correct the violation including, without limitation, 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 Section 14.3.A or other enforcement proceedings as provided by law.
- 14.4** The Agency 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. Prior to revoking or suspending any permit, the Agency shall issue notice to the permittee 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 he is in compliance with his permit and all requirements 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, return receipt requested, 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 Mansfield.
- 14.5** Nothing in these Regulations shall be interpreted as limiting or excluding other remedies available to the Agency or its staff for the protection of inland wetlands and watercourses. These remedies shall include, but are not limited to seeking civil or criminal penalties as provided for in the state statutes or assessing fines as may be authorized by Mansfield ordinance.

Section 15.0 Amendments

- 15.1** These regulations and the Inland Wetlands and Watercourses Map for the Town of Mansfield may be amended from time to time by the Agency 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 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 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 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 Mansfield 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, at least thirty-five days before the public hearing on their adoption.
- 15.4** All petitions requesting a change in the Regulations or Inland Wetlands and Watercourses map shall be submitted in writing on a form provided by the Agency. All applicable fees shall be paid (see Section 19).
- 15.5** Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, Mansfield 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. The reasons for the requested action.
- 15.6** Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, Mansfield 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 or soils mapping. 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 Section 15.5, 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, including those across any street from the subject property;

- C. Documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of the land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
 - D. Map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.
- 15.7 Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.
- 15.8 A public hearing shall be held on petitions to amend either the Inland Wetlands Regulations or the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having a general circulation in Mansfield 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 the proposed regulation amendment or map boundary revision, and all documents relating to the petition shall be open for public inspection.
- 15.9 The agency shall open a public hearing on a petition to amend either the Inland Wetlands Regulations or the Inland Wetlands and Watercourses Map within sixty-five days after receipt of a petition. The hearing shall be completed within thirty-five days after commencement. The Agency shall act upon the changes requested within thirty-five days after completion of the hearing. At such hearing, any person may appear and be heard and may be represented by agent or attorney. If additional time to consider the petition is necessary, 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 the petitioner may withdraw the petition. Failure of the agency to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.
- 15.10 The Agency shall state in writing the reasons for its decision and provide a copy of its decision and, as the case may be, the regulation or boundary change to the State Commissioner of Environmental Protection. Failure to submit the regulation or boundary change to the Commissioner shall not impair the validity of such regulations or boundary change.
- 15.11 Any regulation or boundary change shall become effective at such time as is set by the Agency, provided a copy of the regulation or boundary change is filed in the Office of the Mansfield Town Clerk and a notice of decision is published in a newspaper having general circulation in Mansfield.

Section 16.0 Appeals to the Connecticut Superior Court

- 16.1 Appeal of 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 an appeal shall be served upon the Mansfield Town Clerk, as agent of service for the Agency and the Commissioner of Environmental Protection by the person instituting the appeal.

Section 17.0 Conflict and Severance

- 17.1 If there is any 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 18.0 Other Permits

- 18.1 Nothing in these regulations shall obviate the requirement for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Mansfield, 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 19.0 Fees

- 19.1 **Method of Payment.** All fees required by these regulations shall be submitted to the Agency by cash, certified check, money order or personal check acceptable to Agency staff, payable to the Town of Mansfield at the time the application is filed.
- 19.2 No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Agency pursuant to Section 19.6 of these regulations.
- 19.3 The application fee is not refundable.
- 19.4 **Fee Schedule.** Application fees shall be in accordance with the current Mansfield Code of Ordinances Fee Schedule pursuant to Section 8-1c of the Connecticut General Statutes. The fee schedule includes provisions for applicant-funded consultant studies and reports. The current fee schedule is available in the Planning Office.
- 19.5 **Exemption.** Boards, commissions, councils and departments of the Town of Mansfield are exempt from all fee requirements.
- 19.6 **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 solely or primarily as a result of the amount of the application fee.
 - 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 Agency shall state upon its record the basis for all actions under this subsection.

Section 20.0 Effective Date of Regulations

- 20.1** These regulations are effective upon filing in the Office of the Mansfield Town Clerk and publication of a notice of such filing in a newspaper having general circulation in the Town of Mansfield

Section 21.0 Appendix

Consider:

1. Guide to Activities Regulated by the Army Corp of Engineers and the Connecticut Department of Environmental Protection
2. Section 1-1 (q) of the Connecticut General Statutes
3. Section 8-7d of the Connecticut General Statutes





CFL News

Volume 15, Issue 1—January 2010

2010 Membership Drive

Your membership dues and tax-deductible donations help CFL to provide educational information to our members through our web site, conferences and special mailings of books and magazines. We appreciate and need your ongoing support.

Act now to join or renew your membership in the CFL with the application found in this newsletter.

We appreciate your support of the Connecticut Federation of Lakes in 2010.

Lake Association Grants Available – Deadline Extended

The deadline for applying for the lakes capacity building grants available to Connecticut Lake Associations has been extended. Please visit our website, www.ctlakes.org, to find more information on qualifying projects and the application process. Contacts for questions or assistance in completing an application are also located on the website.



CFL's Lake Advocacy Priorities 10th Annual Environmental Summit

The Connecticut League of Conservation Voters hosted this gathering of legislators, reporters and environmental leaders and advocates at the Jaycees Boathouse (also the site of the NALMS Friday night dinner sponsored by the CFL). Environmental legislation proposed for 2010 centered on Farms, Energy, Global Warming, Enforcement, Open Space, Smart Growth, Recycling, Toxics, and Water and Wetlands. While the CFL is concerned about stream flow regulations, vegetated buffers and the protection of inland wetlands and streams, the political advocacy agenda of the CFL are:

1. Restore funding for the aquatic invasive weed program;
2. Extend MS4 stormwater regulations to all communities;
3. Develop ATS regulations for advanced, innovative, alternate septic technologies;
4. Influence the DEP and DPH to better monitor the state's septic systems used by 35% of Connecticut homes and businesses;
5. Gain funding of the previously approved Lakes Grant program.

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DEP Commissioner Addresses NALMS

By Bruce Fletcher

On October 28th Ms. Amey Marrella JD, the Commissioner of the Connecticut Department of Environmental Protection, spoke about UConn Professor Robert M. Thorson's report published in the June 18, 2009 issue of the Hartford Courant- "National surveys results are clear: Lakes need help." In his article Thorson says, "For the sake of habitat quality, water supply, recreational use and human health, the nation must commit itself to slowing, if not reversing, the creeping damage to our lakes." Ms. Marrella reviewed the challenges facing lakes such as urbanization, shoreline development, invasive plants, storm water management, faulty septic systems, eutrophication, increased recreational use and agricultural runoff. In Connecticut's Plan of Conservation and Development the DEP's policy and mission is stated: "...manage Connecticut lakes and associated watersheds to enjoy optimal water quality and recreational benefits." To this end Commissioner Marrella mentions that technical and financial assistance is available, low impact development is encouraged in our towns and cities, septic issues will be addressed, toxic blue-green algae will become a focus, monitoring air quality and protecting stream flows are important pursuits, and climate change with its diminished snow and warmer and dryer summers are having a negative impact on our water bodies and watercourses.

She concluded her remarks by urging all who use and enjoy lakes and lake leaders to speak to the general public "about our lakes, why they are important, the challenges lakes face and how we need to address them." Commissioner Amey Marrella urges us "to visit classrooms to talk to young people. Get out to meetings of clubs and organizations to talk to adults - for all of us now and for future generations."



~ WATER CHESTNUT ~
~ EURASIAN WATERMILFOIL ~
~ WATER-HYACYNTH ~ PARROTFEATHER ~
~
~ MINOR NAIAD ~
~ BRAZILIAN WATER-WEED ~
~ CURLY LEAF PONDWEED ~ FANWORT ~
~ GIANT SALVINIA ~
~ VARIABLE-LEAF WATERMILFOIL ~
~ HYDRILLA ~

By Mieke Schuyler

It's inevitable that new invasive plant species will eventually find their way into your lake because they are moving around quite a bit in Connecticut. They're on boat trailers and in cooling systems of personal watercraft. They're purchased from nurseries and adorning water gardens and sometimes placed right in lakes to decorate shorelines. They're sold as aquarium oxygenators and released into the wild. There are laws against these activities but there's little enforcement. If you can find them before they establish, then you may be able to prevent ecological damage and high costs associated with on-going management.

Rivers, lakes and ponds located downstream of an infestation are remarkably vulnerable, and often Connecticut organizations that work to protect these different waters have poor dialog. Share your surveys (and your science) with each other and develop a social network. If you know you host an invasive aquatic plant, write a letter to downstream municipalities, conservation districts, conservation groups, land trusts, river keepers, utilities and even riparian owners. Write a letter to the editor. By all means try to get invasive plants out of your water and prevent their spread. You can contact the CFL for advice about this.

The only way to find a newly introduced invasive plant is to look for it. Regular professional plant surveys should be part of every on-going prevention program. When it's possible professional surveys should be supplemented with volunteer plant monitoring and a tenacious local push to educate the community.

There's been some success when inspectors have been stationed at boat launches. They can find plants before they get into lakes and prevent plants from leaving lakes. The inspector can also learn where boaters launched last. This information can be helpful in determining risk factors. Having plant inspectors is also a great way to establish communication with people who use your lake. A result is a more educated and organized community and that's good stuff! Just remember when designing a boat launch inspection program to coordinate it with the CT DEP.

There are knowledgeable people who want to teach you all about your lake. Meet with them and hire them because most Connecticut lake managers are volunteers who are highly skilled in something other than lake management. We encourage you to contact us for more information. Remember, the Connecticut Federation of Lakes is here for you. Be lake smart!



Mieke Schuyler

November 11, 2009

Stream of Conscience

I drop my old car at the mechanic for some winter maintenance, pick up a cup of coffee and walk to edge of the Shepaug River with some anxiety about my own ability to survive here alone. It's a cool November morning in a rural Connecticut town and I find a concrete landing by a bridge where I can sit with my warm coffee. My gaze turns down to the water. I see the gentle movement and I recognize the turbulence just below the surface. There's a pattern to the ripples, a rhythmic movement, and I know that more water leaves these hills than is replenished and this fragile balance is compromised. Then I ponder how many rivers I have crossed and how many rivers I have loved.



Speak Out. Your Feedback Is Desired!

To help fund the battle against Aquatic Invasive Weeds in Connecticut waterbodies, are you willing to pay higher boating and fishing license fees if the revenue becomes untouchable and guaranteed only to fight our weed problems?

Yes No Comments

Do you favor a mandatory septic system pumpout, inspection and correction program to safeguard public health and the health of our waters?

Yes No Comments

Thirty five (35) percent of Connecticut's homes and businesses are served by conventional septic systems. Is the State of Connecticut doing enough to monitor onsite septic systems for safe and effective functioning?

Yes No Comments

Would you pay a special septic system fee to help fund a statewide or town directed septic oversight program?

Yes No Comments

Please complete this survey and fax 860-229-8295 or email bfletcherdmd@snet.net

New Stream Flow Regulations Proposed by DEP

By Chuck Lee

The Connecticut Department of Environmental Protection (DEP) is proposing revisions to the Stream Flow Standards in response to legislation enacted in 2005. This statute directed DEP to develop regulations that would expand the coverage of the stream flow standards to include all rivers and streams rather than only those stocked with fish as was the case previously. The statute further directed DEP to develop standards that balance the needs of humans to use water for drinking, washing, fire protection, irrigation, manufacturing, and recreation with the needs of fish and wildlife that also depend on the availability of water to sustain healthy, natural communities.

The proposed Stream Flow Regulations exempt impoundments that are recreational and don't have mechanisms for commercial consumptive water use, (that is, no storage for diversion purposes, just what comes in, goes out or what is considered "run of river"). Therefore most lakes will be exempted from these new regulations. However, lakes communities should be aware of Section 26-141b-3 (c) (12) below if they conduct a drawdown for vegetation control, dam repair, etc.

(c) Notwithstanding subsection (b) of this section the following activities shall be exempt from the provision of the Stream Flow Regulations:

(12) Diversion of water caused by drawing down the surface elevation of an impoundment and subsequent refilling for the purpose of aquatic weed control, water quality control, seasonal drawdown, or inspection or maintenance of a dam, gate house, outlet works, reservoir, shoreline or dock, provided:

(A) the surface elevation of the impoundment is lowered only to the elevation and for the amount of time necessary for aquatic weed control, water quality control, or inspection or maintenance of dam, gate house, outlet works, reservoir, shoreline or dock; and

(B) during drawdown and refilling periods, water is continuously released in an amount equal to or greater than 0.15 cubic feet per second per square mile of watershed or an amount equal to or greater than the natural inflow, whichever is less.

The proposed Stream Flow Regulations give DEP no new authority to regulate lake and pond drawdowns that does not already exist. While not all lake groups are aware of it, the existing Water Diversion Regulations require communities to notify DEP prior to drawing down their lake. In drafting the proposed Stream Flow Regulations, DEP used much of the same language in the existing Water Diversion Regulations. Both sets of regulations allow lake communities to conduct drawdowns while still protecting downstream resources. The proposed Stream Flow regulations are also guidelines to follow while conducting a drawdown. That is, do not exceed the flow capacity of the stream below your lake while drawing down and allow for adequate flow downstream while your lake is down or refilling. By following these minimum practices you will be practicing good stewardship by protecting downstream aquatic habitats and assure that you will be exempt from the proposed Stream Flow Regulations when conducting a lake drawdown.

If you still have questions or concerns, more information is available on DEP's website at http://www.ct.gov/dep/cwp/view.asp?a=2719&q=434018&depNav_GID=1654, or feel free to call DEP at (860) 424-3716.



Lake Imaging from Airplanes and Satellites

Images of one lake or many lakes or all lakes in CT or New England can help lake managers and lake associations, the state and the EPA make recommendations of various BMPs (best management practices) for impaired water bodies.

James Hurd, a research associate in UConn's CLEAR program (Center for Landuse Education and Research) wants to use "existing secchi disk measurements and archived satellite imagery to develop a statewide multi-temporal lake water clarity dataset." Technology allows these images to be "atmospherically-corrected and radiometrically-calibrated" to provide a historical record and trends so that lakes most at need get help. James Hurd wants to develop an "informal collaboration between CLEAR and the CFL" with its ongoing secchi disk monitoring

records. James Hurd can be reached in Storrs at 860-486-4610 and at james.hurd_jr@uconn.edu.

A.W. Research Laboratories, Inc. based in Minnesota has performed over "500 low altitude remote sensing images to document locations of nutrient and toxic pollution." Every 300-500 feet of shoreline "photographed with visible, infrared and several hyperspectral bands can pinpoint non-complying septic systems, point and non-point runoff and toxic sources with 95% accuracy." These images and their reports are then shared with the client homeowners on-site to show the problems and present the corrective BMPs in what they call "Ground Truthing" sessions. Implementation of these BMPs should result in a healthier lake. A.W. Research can be reached at 218-829-2974 or awlab@awlab.com



NALMS in Hartford a Success

By: Larry Marsicano, CFL Vice President

This past October 27th – 31st the North American Lakes Management Society held its 29th Annual Symposium at the Hartford Convention Center. The Host Committee for the event was comprised of individuals involved in lakes management from across New England and elsewhere, including a number of us from the CFL. The Co-Chairs of the Host Committee for the event were Elizabeth Herron of the University of Rhode Island Cooperative Extension office and the CFL's Advisor Chuck Lee of the Connecticut Department of Environmental Protection.

From all reports the conference was a success. The Program Committee, chaired by Amy Smagula from the New Hampshire Department of Environmental Services, did an excellent job in coordinating presentations on a diverse and relevant number of lake-related topics. Non lake-professionals who attended that I know from the Candlewood area are still referencing information or contacts they made at the event, suggesting that the Lake and Watershed Stewards Program on the Friday and Saturday of the conference was also successful. All involved in putting together the event are deserving of our thanks and appreciation.

We also owe a debt of thanks to the CT DEP which was one of the sponsors of the event. CT DEP also allowed a number of the staff to work at the conference

to provide support at the registration table, in the rooms used for presentations and elsewhere.

We would like to extend special thanks to Chuck Lee, the CT DEP Advisor to the CFL. His efforts in helping put on the NALMS conference are only the most recent of many, many efforts on behalf of lakes in Connecticut. If there is a lake management project going on at a lake in Connecticut, chances are very good that Chuck is involved at some level. Chuck has also been invaluable as the CT DEP Advisor to the CFL and we are fortunate to have his help and friendship.



STATE INVASIVE PLANT COUNCIL ISSUES ANNUAL REPORT

By Tom McGowan

This Council is established under Connecticut General Statutes to:

– educate the public about the problems created by invasive plants in lakes, forests and other natural habitats; recommend ways of controlling their spread; annually publish and update a list of invasive or potentially invasive plants and support state agencies in conducting research into invasive plant control.. The Council consists of 9 members representing government, the nursery industry, scientists, and environmental groups.

After budgeting \$500k per year for a comprehensive State Invasive Plant program the State in 2009 cut most of this allocation as part of the overall State deficit reduction program. The Council has advised the legislature that a minimum "keep alive" budget for the Council is \$100,000 per year. This would permit retaining the State Invasive Plant Coordinator position which is according to the Council "absolutely critical to the success of Connecticut's response to invasive plants".

The Coordinator oversees these programs, further developing early detection and rapid response procedures for emerging problems and coordinating the implementation of a comprehensive State invasive plant control and prevention program. With the Coordinator in place, the Council and the DEP did as much as possible with the funds available.

Late in 2008, the DEP announced a grant program to municipalities so that invasive problems in public use areas could begin to be addressed in our state. The response was phenomenal and 10 grants were

awarded out of 37 applications. However just as contracts were awaiting final signature state fiscal difficulties forced rescission of these grant awards!

On the bright side:

– Funding through the DEP to the Connecticut Agricultural Experiment Station was used to train the Department of Agriculture staff that inspects the state's pet shops where invasive plants are sold with fish aquariums.

– The DEP contracted with University of Connecticut for a clean-up demonstration project to remediate the aquatic plant Hydrilla in the Silvermine River Watershed and this project continued throughout the year with good results.

– Legislature passed a number of vital technical amendments to the Connecticut Invasive Plant legislation including clarifying the roles of the Department of Agriculture for aquatic plants inspection in pet shops and Connecticut Agricultural Experiment Station for invasive plants in nurseries.

Finally the Council and the DEP are now assessing:

- proposed changes to the Statutes that would make a violation of the invasive plant law an infraction rather than a misdemeanor. This change will avoid the unnecessary and burdensome requirement for both the offender and the officer to appear in court, and;

- changes that would permit Lake Authority personnel to enforce provisions of the invasive plant law which would help prevent the spread of aquatic invasives in lakes and other waterways.



CFL Discusses Septics with DEP and DPH

By Rick Canavan

On October 7, 2009, CFL board members Bruce Fletcher, Tom McGowan and Rick Canavan along with Clare Stevens of Highland Lake and Margaret Miner of Rivers Alliance met with representatives of Connecticut Department of Environmental Protection (DEP) including Betsey Wingfield Chief of the Bureau of Water Protection and Land Reuse and Connecticut Department of Public Health (DPH) including Regulatory Services Branch Chief Ellen Blashinski. The goal of the meeting was to discuss alternative technology (AT) for septic systems, developing a

statewide program for the effective oversight and monitoring of decentralized onsite septic systems, and a potential sunset laws for cesspools.

Some 35% of Connecticut is served by on-site waste water treatment or septic systems. Septic systems can be a source of nutrients to lake waters, particularly when they are not maintained, when situated too close to bedrock or the water table or in poor soils, when they have outlived their designed lifespan, or when due to increased use they receive flows greater than intended by the initial design. Alternative technologies can provide benefits such as improving nitrogen removal and slightly reducing phosphorus, lower costs, and reducing the required area for waste water disposal (leaching field). This can be particularly beneficial for nitrogen and phosphorus sensitive water bodies and on lots that lack adequate space for traditional leach fields. Concerns relating to AT systems include the fact that they require pumps, aerators and other components that require maintenance, which when not working can eliminate the treatment benefits. There is also a concern that wide spread acceptance of AT-technology would allow for increased development density. Bruce Fletcher gave a presentation at the recent NALMS conference that described some of the AT systems being studied at the University of Rhode Island (see http://www.uri.edu/ce/wq/RESOURCES/wastewater/Onsite_Systems/Advanced/index.htm for more information). By the way, Rhode Island is currently implementing their cesspool ban, but Connecticut is not considering at one this time.

The State is not close to even writing AT regulations to allow their limited use in Connecticut. The fact that regulation of septic systems in Connecticut can occur through DEP or DPH and one of the 80 local health departments makes coordination and implementing change difficult. The state has been working on a program in Old Saybrook that will use AT systems; however, the DEP will not allow those regulations to be used for the rest of the state (See <http://www.oswpca.org/PublicEd.html> for more information about that project). It is clear that DEP's priorities are elsewhere with respect to water quality. For instance, the problem of combined septic sewers and storm water sewers (in the same pipes) which during heavy rain fall can dump raw sewage into rivers and the Sound. The federal EPA requires states to

have separate centralized (sewer) and decentralized (septic) regulation programs. Connecticut is not complying on the decentralized side (35% of CT). Despite the lack of positive results from the meeting we are pleased to help keep septic systems on the radar of state regulators and will continue to do so. For your own part, if your house uses a septic system keep it maintained (for more information visit <http://www.ct.gov/dph/cwp/view.asp?a=3140&q=387436>).



Letter from Eleanor C. Mariani Director, DEP Boating Division

The following letter was received by CFL President Bruce Fletcher regarding his inquiring on boating fees.

In response to your inquiry, the registration fees for boats have not been increased substantially since they were introduced. DMV handles boat registrations and trailer registrations. The boating safety certificates were recently doubled as a result of PA 09-3 because they are set by regulation and not statute. The recent public act, a legislative initiative, doubled all fees set by regulation. Therefore, certificates are now \$50. The money no longer comes into the Boating Fund and goes to the General Fund. In fact, our state Boating Fund was recently reinstated under Section 21 of PA 09-8, but not all the revenue streams were restored. So, the State Boating Fund is no longer able to support all the programs it has in the past. We are looking to fix it legislatively this session. Consequently, it is not a good time to try to raise revenues under any of the existing fees. The bottom line is that it is getting really difficult to get a dedicated fund. Our Boating Fund account balance was swept last June, which has left the Boating program unable to operate as we have historically.

I know that Maine has a sticker program to help fund ANS activities. However, from what I understand, dedicated funds through our legislature are becoming very difficult to preserve. I don't think now is the time to try to raise any new fees. As you may know, Connecticut's Invasive Plant Council was appropriated \$175,000 from the General Fund; however, the funding was swept last June. One funding mechanism to the DEP is through the Supplemental Environmental

Projects (SEP). Payments are made to the DEP as part of the settlement of enforcement actions. I will look into the SEPs further, to see if it may be a continuing source of funding. I will report back to you with my findings. What amount of funding were you looking for and what types of projects did you want to fund?



About the Connecticut Federation of Lakes

By Bruce Fletcher

Everyone agrees that healthy lakes are highly valued natural assets whose beauty and recreational offerings make them irresistible to so many each season of the year. Towns with attractive lakes annually collect higher property tax revenues and benefit each year from months of "trickle down economics". These precious resources are fragile and need constant monitoring and preventive and corrective programs. So it is no wonder that individuals, families, lake associations, towns and states proactively work to help their lakes.

The Connecticut Federation of Lakes (CFL) was formed in 1995 to help these groups with needed guidance, advice and support. In addition, the CFL fosters an alliance of Connecticut's many pond and lake protective organizations so that Connecticut lakes can speak with a unified voice.

The CFL board members are dedicated volunteers who have first hand experience in dealing with lake and association issues. Since some board members are professional lake managers and others have masters & doctorate credentials in the science of limnology, the CFL can and does help. Recently the CFL helped pass legislation geared to curb the establishment of invasive aquatic plants in Connecticut. Boat launch monitoring, on site waste water management guidelines, and model municipal regulations and ordinances for watershed protection are current initiatives.

The CFL publishes newsletters for members full of technical information, lake profiles, management tips and news from the Connecticut Department of Environmental Protection (CT DEP). Chuck Lee of the DEP, an environmental analyst in the Bureau of Water Protection and Land Reuse, 860-424-3716, attends all the CFL Board meetings. The CFL works with the

Governor to designate the annual Lakes Awareness Week and hosts educational conferences for CFL members and friends. In addition the CFL is an active full participant in NEC-NALMS (the New England Chapter of the North American Lake Management Society). We participate in their programs annually and host the 3 day conference on a rotating basis.

Lakes in Connecticut need to receive more preventive medicine. In other New England states the citizenry and legislators have pushed through bigger and better programs for lakes. If you treasure your lake, please join the CFL. With your help the CFL will continue to make a difference locally and statewide.



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Newsletter Committee

The Newsletter Committee welcomes your input and your articles. Please send suggestions or articles to CFL, P.O. Box 216, Windsor, CT 06095 or e-mail to Penny@Ctlakes.org.

The newsletter committee includes:

Bruce Fletcher
Penny Hermann
George Knoecklein

Contact the CFL

For more information regarding the Connecticut Federation of Lakes, visit our web site at www.ctlakes.org, contact Penny@Ctlakes.org, or write to P.O. Box 216, Windsor, CT 06095.

CFL Application - 2010

Yes! I want to be a member of the CFL!

(Please make check payable to Connecticut Federation of Lakes)

- Individual (\$25/year)
 Lifetime - for individuals only (\$500)
 Lake Association (\$150/year)
 Tax Deductible Donation

Name _____

Address _____

Telephone _____

e-mail _____

Whom may we thank for your referral?

Mail to: CFL, P.O. Box 216, Windsor, CT 06095

Calendar

Upcoming Board Meetings – 3rd Wednesday of January, March, April, May, June, September, October, 7PM at Northeast Utilities in Newington.

Annual Meeting – April 21 at 7PM at Northeast Utilities in Newington. All members encouraged to attend.



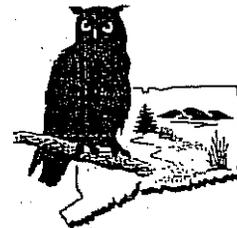
CFL Directors at the NALMS Conference: Larry Marsicano, George Knoecklein, Mieke Schuyler and CFL President Bruce Fletcher

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Mapping Groundwater Recharge for Landuse Planning and Storm Water Management

by Carol Haskins, Outreach Director, Pomperaug River Watershed Coalition

The Pomperaug River Watershed is a 90-square mile watershed nestled in picturesque western Connecticut. The near pristine river and its major tributaries flow through the towns of Bethlehem, Woodbury, and Southbury. While a clean river, the Pomperaug is faced with development pressures like most rivers in the state. The rising population demands more housing and local services; the increase in impervious surfaces carries threats to both water quality and quantity as stormwater washes pollutants directly to rivers, streams, and wetlands and the hard surfaces prevent water from soaking into the ground and aquifer. The Pomperaug River Watershed Coalition, formed in the face of these threats, aims at preserving the quality and quantity of the local water resources.

The Coalition, now in its 10th year, is recognized for the scientific research that serves as the sound basis for management decisions made for protecting the river and its underlying aquifer. The Coalition is also recognized for its ability to share its knowledge and tools with local and regional decision-makers, as well as other watershed organizations. The latest of these tools, developed in partnership with the Council of Governments of Central Naugatuck Valley (COGCNV) and the Housatonic Valley Association (HVA), is "Recharge Mapping: A GIS-based tool for identifying land with significant groundwater recharge." The Recharge Mapping Tool (for short) is a planning level tool that can help ensure both the quantity and quality of groundwater and water that flows downstream.

So, what is recharge? Why should you, as an Inland Wetlands or Conservation Commissioner, care about recharge? How is recharge estimated and mapped? And how can this information help you protect your local water resources? Answers to these key questions are outlined below.

What is recharge?

Recharge is the process whereby rainwater soaks into the ground and infiltrates to the underground aquifers.

Water that is in the aquifer is slowly released into nearby streams and rivers providing "baseflow." Baseflow is the water flowing in a stream or river without additional inputs from precipitation and surface runoff or stormwater.

Why should town commissions and watershed organizations care about recharge?

Simply put – stormwater management and preserving instream flows. The 2004 Connecticut Stormwater Quality Manual (http://www.ct.gov/dep/cwp/view.asp?a=2721&q=325704&depNAV_GID=1654) encourages towns to include Groundwater Recharge as a criterion in their stormwater management plan as a way to maintain groundwater recharge rates at pre-development levels by capturing or infiltrating stormwater (See section 7.5 of the Manual) and reduce the volume of stormwater runoff. Recharging water into the ground is a cost saving stormwater management strategy; reducing the volume of stormwater runoff reduces the overall size and cost of stormwater treatment practices. By letting soil naturally infiltrate and filter stormwater, treatment costs are reduced as there is less volume to treat and less polluted runoff enters our streams, rivers and wetlands.

By letting stormwater soak into the ground, you are also helping to preserve stream baseflow. In October 2009, the CT DEP unveiled new Proposed Stream Flow Standards and Regulations, (see article, [page 13](#)) whose objective is to balance the needs of fish and other wildlife with human water consumption needs. While the regulations focus on water withdrawals and the modification of flows caused by dams or other instream structures, another line in preserving these flows would be to maintain the volume

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President's Note: On November 14, 2009 CACIWC received the following letter from Bob Williams, Allan Williams' brother. It is very much appreciated.

14 Nov 2009

To everyone at CACIWC,

Please accept my sincerest thanks and deepest appreciation for affording my daughter, wife and myself the opportunity to be there today when Allan was awarded the CACIWC 2009 *Lifetime Achievement Award*. The award and dedication of the 2009 Annual Meeting in Allan's memory were a wonderful tribute. Seeing that this tribute came from one of the most *sincerely* caring group of folks that we have ever encountered made the day even more special and gave us a cherished memory that will always be there. The beautiful plaque, Alan Siniscalchi's kind words during the presentation, Allan's picture in the program, the delicious (and healthful I may add) meal, and the very appropriate setting (the natural themed buildings and grounds, the nearby working agricultural land and woodlands) and the way *everyone* there made us feel welcome meant so much to us.

The day was also memorable in that we had the opportunity to learn so much about what the attendees and presenters are doing as environmental stewards and the challenges they face in their endeavors. Seeing that this was CACIWC's 32nd Annual Meeting certainly amplifies the tenacity and dedication of this organization and its membership.

There is a saying that "*Managers Do Things Right and Leaders Do the Right Things.*" Based on the technical expertise that permeated the Meeting, we were undoubtedly amongst a group of professionals who had the scientific, engineering and regulatory skills to carry out their mission and were unquestionably quite proficient at employing those skills. Seeing how *sincerely* all those in attendance recognized the significance of environmental preservation is to their respective communities, the State of Connecticut *and* our Nation *for generations to come*, left no doubt in our minds we were also amongst a very special group of *leaders*.

In the memorial ceremonies we hold for those I served with in another part of the world a little over forty years ago, we include the quotation "*If you are able, save a place inside of you – and save one backward glance – when you are leaving, for the places they can no longer go.*" With that in mind, we want you to know *how much it means to us* that even though Allan's life was ended much too soon, the environmental *leadership* of all those in CACIWC will continue towards the places Allan so cherished *but can no longer go*.

With my deepest gratitude,

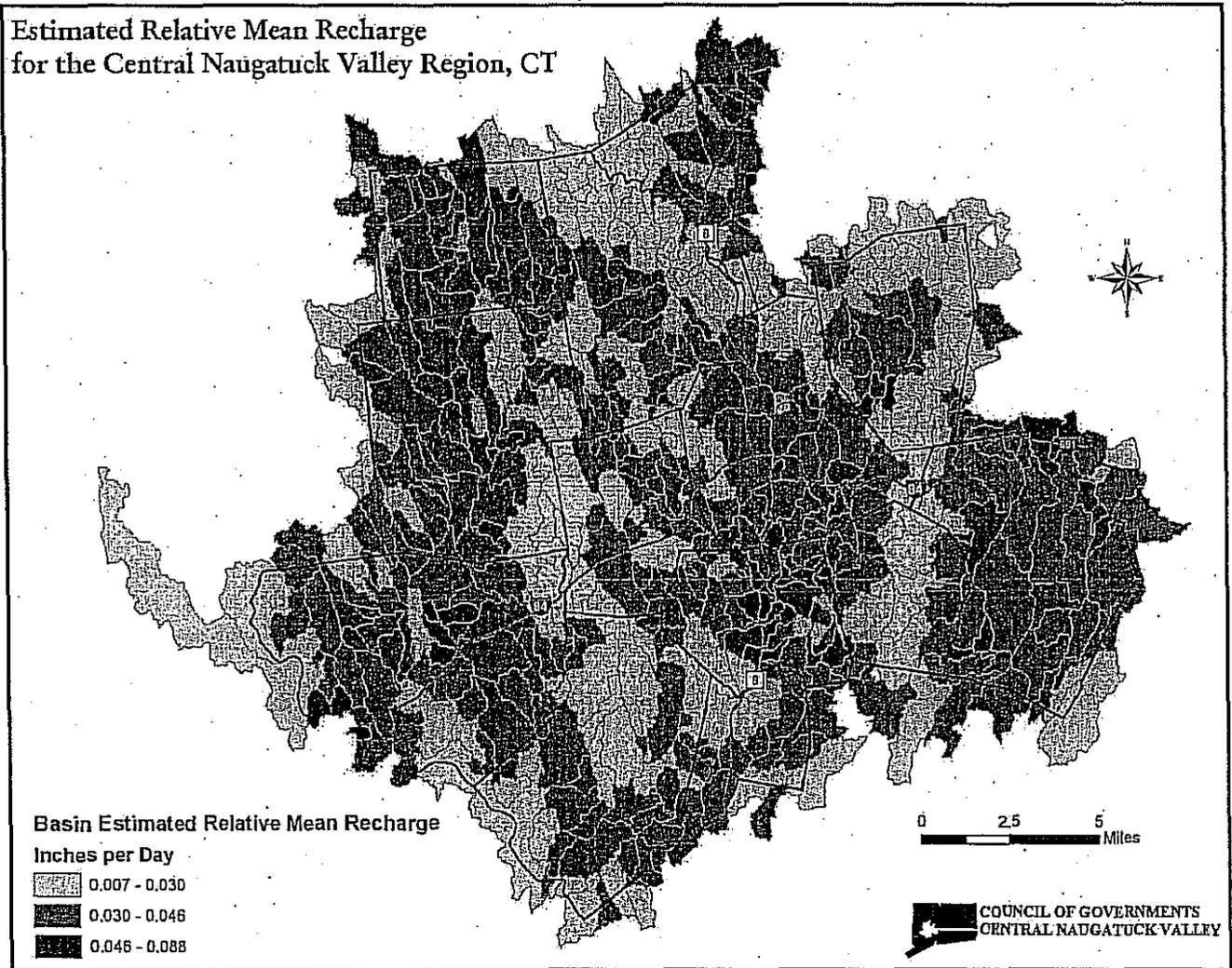
Bob Williams

Recharge, continued from page 1
of water that recharges into the ground and is slowly released into the stream at a later time. Certainly, maintaining streamflow (and thus recharge) in order to sustain biological diversity is an important consideration for both inland wetlands and conservation commissioners.

In order to address these issues a key question is raised – what are the best places or conditions to infiltrate stormwater and to recharge an aquifer? Knowing the physical attributes of the landscape is an important piece of the puzzle. These attributes include surface, subsurface, and drainage characteristics, which can be identified using readily available GIS data.

recharge. Physical attributes of the landscape are the driving factors influencing the fate of water once it hits the ground. Statistical analyses of the output from the PRMS model identified four attributes as significant in determining the fate of water: coarse stratified drift, Class D soils, impervious surfaces, and drainage density. In the simplified GIS model, these attributes were weighted to estimate the mean relative amount of water that recharges the aquifer based on historic precipitation records. The results are displayed graphically on a map for the area of interest, showing basins with high, medium, and low recharge relative to other basins in the area of interest (see map).

Mapping Groundwater Recharge as a Stormwater Management and Planning Tool



What is the basis for geographically estimating recharge?

The Recharge Mapping Tool is based on the science of the United States Geological Survey's (USGS) Precipitation Runoff Modeling System (PRMS). The PRMS models the interaction between "rainfall" and runoff based on various physical and climatic characteristics of the watershed. Runoff includes surface, subsurface, and groundwater runoff. Over time, groundwater runoff is equal to aquifer

Why is this data important and how can it be used?

Towns can use these data for planning purposes. Emphasized above, recharge is a key component of mitigating stormwater. Not limited to stormwater, these data may also be considered in relation to new development as well as protecting the quality of public water supplies and surface water resources. Water quality implications, sustainable aquifer yields, and minimum streamflow

Recharge, continued on page 14

Farming Exemption Considered by the Appellate Court:
Red 11, LLC v. Conservation Commission, 117 Conn. App. 630 (2009)
Canterbury v. Deojay, 114 Conn. App. 695 (2009)

The Appellate Court has recently issued two decisions¹ involving the farming exemption to the Inland Wetlands and Watercourses Act. These cases affirm the general principles the courts have developed when applying the exemption provisions. The Appellate Court is the second highest court in the state. The decisions of both the Supreme Court (the highest court) and the Appellate Court are binding precedent throughout the state. In contrast, the decisions of the Superior Court (trial court) are binding on the parties to the lawsuit. The Red 11 case involves facts that will commonly arise in exemption matters. On the other hand as a cautionary note, in the Deojay case, the landowner is in a peculiar procedural posture which may limit the holding to its facts.

In these decisions the Appellate Court sets forth principles in applying the exemption provisions. They provide a good review of how to proceed on any kind of exemption.

Anyone claiming the benefit of an exemption has the burden of proving s/he falls within the exemption. The exemption provision cannot be interpreted so that it is rendered meaningless (i.e., that nothing falls within the exemption.) While "farming" is exempt, the legislature, by amending the statute in 1987, has established limitations on the farming exemption. You may need to pull out your agency's regulations, typically found in § 4.1 or refer to the state statute at § 22a-40(a)(1). In previous articles I've referred to this as the 1st sentence/2nd sentence analysis. You begin by determining if the activities fall within the 1st sentence: is it farming? (use the definition in General Statutes § 1-1(q)). If so, then determine if it falls within the 2nd sentence that removes certain farming activities from the exemption. Affirming 1991 precedent, the Appellate Court stated in *Deojay* and reaffirmed in *Red 11, LLC* that the agency must be given the first opportunity to determine its jurisdiction, not the courts. An agency can deny a request for determination of exemption if the person fails to provide all the necessary information requested by the agency.

The Red 11 case provides additional useful holdings. This case involves the appeals of three cease and desist orders. The trial court and thereafter the Appellate Court upheld all of the orders. In resolving a cease and desist order for conducting activities without a permit, Red 11, LLC, doing business as Twin Oaks Farm, asked for and received a determination that certain specified farming

activities were exempt. Later Red 11 argued that because it received the earlier determination the wetlands agency had no jurisdiction over the "property." The Appellate Court said no. The agency earlier considered only the activities brought to its attention. The future violations, activities outside the exemption, hadn't been presented to the agency.

Your job is to focus on the activities, not the status of the person or the status of the person. To be absolutely clear, the following statements are not proper considerations for the agency: (1) "He's not a farmer, he's a fill in the blank, so it's not farming." (2) "You can't regulate this property, it's a farm." Stay focused on the specified activity and determine after the 1st sentence/2nd sentence analysis, if the activity falls within the exemption.

In the 2nd sentence of the exemption, the statute excludes from the exemption "filling or reclamation of wetlands." The Red 11 case provided a definition of "reclamation." Relying on two dictionary definitions, the court stated "reclamation" means "making land fit for cultivation, as by draining swamps . . . or irrigating arid land" and also "the act or restoring to cultivation."

The statute also provides that "the filling or reclamation of wetlands or watercourses with continual flow" is not exempt. In defending itself in subsequent cease and desist order proceedings Red 11 claimed the farming area was both a wetlands and a watercourse. It further claimed there was no evidence of continual flow in the wetlands, hence its activity fell within the exemption. The Appellate Court said no. It determined that it was a question of law that the courts determine. The court held, for legal reasons, that continual flow is only relevant to watercourses, not wetlands.

The best explanation I've heard is a technical one and comes from Steve Tessitore, the DEP's liaison to municipal wetlands agencies: "Watercourses flow, land does not." So, the phrase "with continual flow" modifies watercourses, *not* wetlands. Different reasoning (technical, not legal), same result.

The court also examined the exemption for a farm pond "essential to the farming operation." Please note that this phrase only occurs in conjunction with a farm pond. It

Farming, continued on page 5

Farming, continued from page 4

does not apply to all farming activities. In defending itself in one of the cease and desist order proceedings, Red 11 offered evidence to the agency that the pond was "critical" to the farm. The court noted, however, that there was no evidence of the lack of other water sources nor why the vernal pool had to be converted to a farm pond. In addition, the court held that the agency did not have to believe Red 11's witness. This level of scrutiny by the agency is appropriate because of the legislature's use of the phrase "essential to the farming operation" when describing farm ponds as exempt. For all of the other farming activities which are not required to be "essential" in order to be exempt this level of inquiry is not warranted.

The *Deajay* case involved landowners who purchased an abandoned rundown farm and undertook activities to remove a residence, trailer and garage with an intent, as disclosed on a zoning application to prepare the property for residential use. Initially the landowners did not disclose an agricultural use. The wetlands agent observed regulated activities occurring on the property without a permit: a drainage ditch was dug. The wetlands agent wrote a letter asking the owners to stop and to appear at the next agency meeting. The owners did not appear, but they filed an application for a permit to clear the lot, correct drainage problems created by the previous owner and by the run-off from the town road. The agency asked for the wetlands to

be mapped. The owners did not provide soil mapping. The application was denied; no appeal was taken.

Thereafter the agency issued a cease and desist order. The owners appeared and claimed that the activities were agricultural and thus exempt. The agency upheld the order, with a condition that the owners write to the Board of Selectmen regarding the road run-off onto the property. The court decision does not indicate whether and how the agency responded to the claim that the activities fall within the exemption. This is a critical fact missing from the decision. Recall that agencies have jurisdiction over *regulated* activities. Refer to the definition of "regulated

Farming, continued on page 6



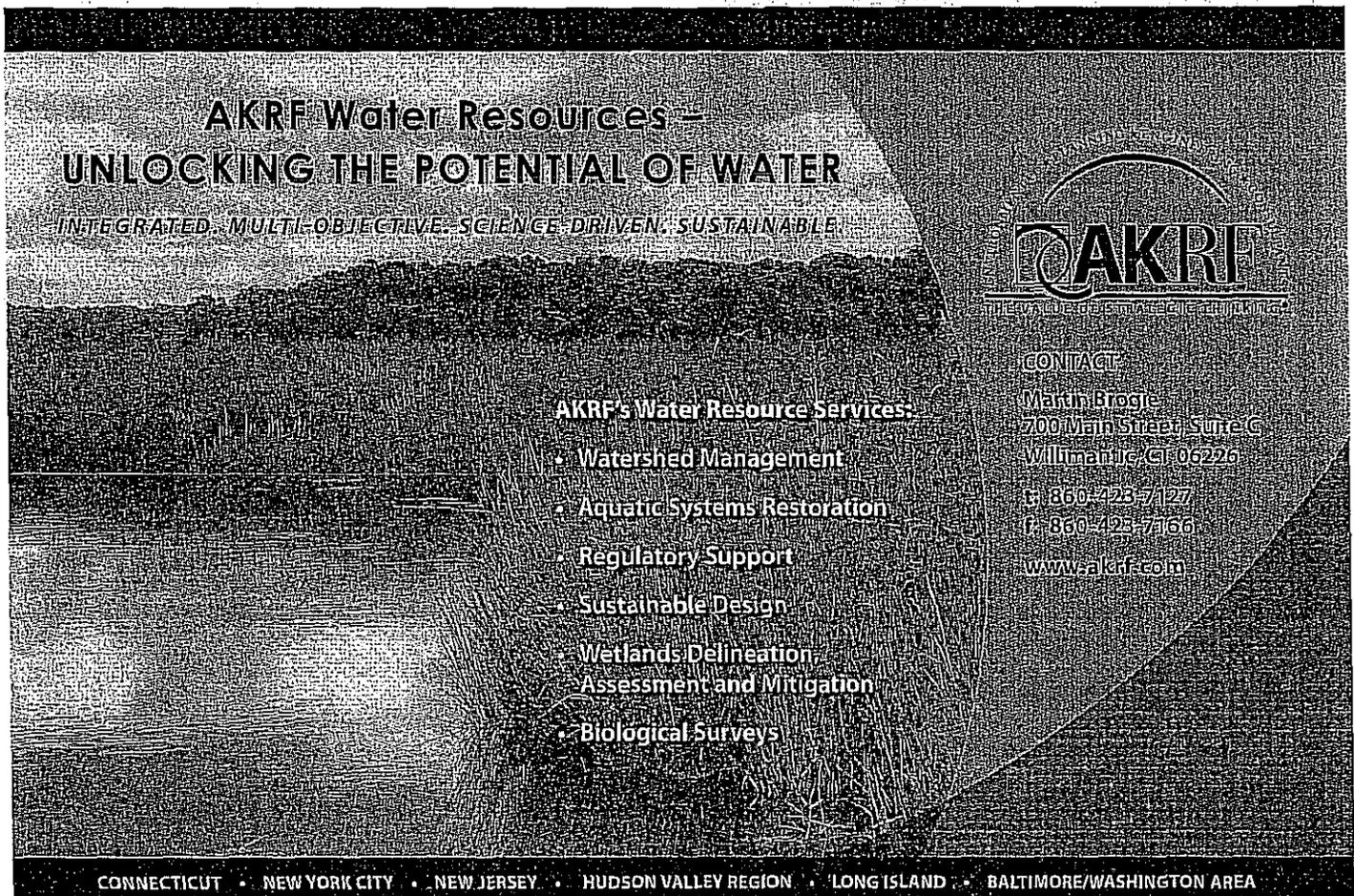
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Farming, continued from page 5

activity” and note that it excludes exempt activities. If the claim of exemption is valid, the agency does not have jurisdiction over those activities. The order was not appealed. The owners did write to the Board of Selectmen, raising many of the issues that are raised in a court appeal, such as claims of unfair process, violation of civil and constitutional rights.

The owners notified the agency that the proposed activities would be undertaken and told the agency to stay off the property. The agency filed a suit in court seeking the removal of the fill in wetlands and the restoration of the property.

While the court case was pending, the owners filed a second application with the agency. The activities listed in the court decision included constructing a farm pond, planting blueberries, constructing a house, well, septic system, shed and driveway. The court decision does not provide enough detail. Why did the owners apply for a permit for the planting of blueberries? On its face, the planting of blueberries would surely fall within the exemption. Did the proposal include change in grade and a filling of wetlands, such as changing the soil profile by the addition of 2 feet of fill to provide a drier growing medium? Why a permit for the farm pond? Was it larger than 3 acres?

Did the agency determine it wasn't essential to the farming operation? Perhaps the agency made these determinations, but the court decision does not refer to them.

At a following agency meeting the agency voted to approve the application and the lifting of the cease and desist order upon the posting of an \$8,000 bond to ensure that the farming activities occur. Note: it was to ensure farming activities occurred, not *regulated* activities. Again, no appeal was taken of this agency action. No bond was posted; thus, the order was never lifted and remained in effect. After trial the judge found that the owners continued working on the property, including digging the farm pond, although the bond was not posted. The trial judge imposed a penalty of \$10,000 plus costs and fees.

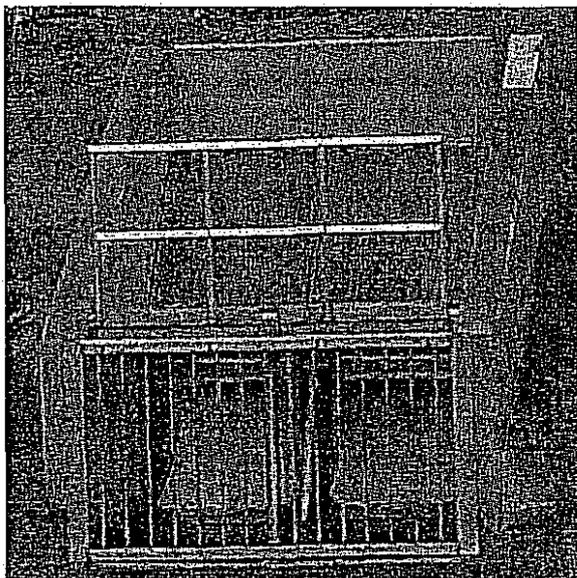
The Appellate Court ruled that the owners could not claim in court that their activities were exempt without a determination from the agency on the exemption. The court pointed to the requirement in § 4.4 of the municipal regulations, also in the DEP model regulations, of notification to the agency and receipt of a written determination from the agency prior to commencing the activity. Absent that determination, the owners could not make the claim of exemption in court -- even if the activities fall within the farming exemption.

Farming, continued on page 7

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Farming, continued from page 6

In their defense in the enforcement case in court, the owners claimed that the posting of the bond for farming activities was illegal. The Appellate Court initially entertained the argument, though eventually disagreeing, only to conclude that *the owners had not appealed the permit condition*. The Appellate Court was on firm ground in holding that permit conditions are authorized by the wetlands statute.

In a narrow sense, this decision means anyone who has not appealed a permit condition can be held liable for violations of the condition. Are you jumping to the conclusion that your agency can impose a condition of the posting of a bond on an *exempt* agricultural activity? Not so fast. How is it that your agency will be *requiring* a person to apply for a permit for exempt agricultural activities? Not pursuant to the wetlands statute. The *Wilkinson* case, the applicable case law since 1991, and relied on by the Appellate Court in both *Deojay* and *Red 11*, holds that activities determined to be exempt need no permit. No permit, thus no permit conditions. Maybe the farming activities proposed in *Deojay* didn't fall within the exemption. In that case, those seemingly agricultural activities are, in fact, regulated activities for which a condition, such as a bond, may be reasonably imposed. We just can't tell from the written decision of the court.

Confused by this? I certainly was when I read the case. I followed up with an e-mail to the DEP and the Connecticut Farm Bureau. I believe that the *Deojay* case has sufficiently muddied the case law on agricultural exemptions that we owe it to the lay, volunteer members of wetlands agencies and those trying to farm to amend the exemption provision in the wetlands statute. The amendment should reflect the procedure, rights and restrictions when the exemption provision applies. Until then, I foresee numerous cases going up on appeal to clarify what *Deojay* means -- and what it doesn't mean.

Stay tuned.

* * * *

I have recently started a blog on Connecticut wetlands law. I am eager to have you weigh in with your comments on this article or any postings you read. You can read my blog at <http://www.ctwetlands.com> - J.P.B.

(Endnotes)

¹ You may read the cases at the Judicial Website under the Archives of the Appellate Court cases. Go to www.jud.ct.gov. Click on "Courts"; go to "Appellate Court"; then to "Advance Release Opinions"; go to "Appellate Court archive"; then to "2009." Scroll down to: Published in CT Law Journal - 10/20/09, click on AC29092 for the Red 11, LLC case. Scroll down to: Published in CT Law Journal - 6/2/09, click on AC29602 for the Deojay case. 



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CACIWC's 32nd ANNUAL MEETING

Connecticut Commissioners and Staff Attend Successful Conference

Over 200 conservation and inland wetlands commissioners, along with municipal staff and other professionals, attended CACIWC's 32nd Annual Meeting & Environmental Conference held on Saturday November 14, 2009 at MountainRidge in Wallingford. This year's conference, entitled "Working Together to Preserve Connecticut's Key Habitats," provided important new information relevant to both novice and experienced commission members and staff. We again thank all those who provided information and the many attendees who spent their Saturday with us to learn and share ideas on behalf of their community and our state.



Patrick Comins, Director of Bird Conservation, Audubon Connecticut

◆ KEYNOTE SPEAKER

Patrick M. Comins, Director of Bird Conservation, Audubon Connecticut, addressed the lunch portion of the conference with his talk, entitled "The Role of Municipalities

in Preserving Threatened Bird Habitats in Connecticut." Patrick, discussed ways that municipalities can safeguard key habitats while reviewing the various birds who remain listed as endangered threatened or of special concern. His talk emphasized the conservation needs of our state and the value of a proactive approach, using state and regional partners to help maintain efforts in this era of diminishing resources.



Andrew LaBonte, Wildlife Biologist, CT DEP Wildlife Division, presenting workshop

◆ WORKSHOPS & DISPLAYS

Twelve informative workshops covering a variety of topics relevant to Connecticut commissioners were given. We thank all of the workshop leaders for sharing their expertise, and taking time to prepare and present these well-received forums.

A total of 25 commercial entities and non-profit groups provided a rich array of exhibits to further inform attendees of current issues relevant to their work and volunteer efforts. The Board of Directors has begun a review of the conference evaluation forms, which included suggestions for workshop topics for next year's conference. To allow other members the opportunity to submit ideas for workshop topics and other suggestions, CACIWC will maintain the AnnualMtg@caciwc.org email throughout the year. Please keep those suggestions coming. We thank the staff at MountainRidge for hosting the conference and extend our sincere appreciation to our 2009 conference sponsors! See you at our 2010 Annual Meeting and Environmental Conference!

◆ AWARDS

Eight CACIWC awards were given at the Saturday November 14, 2009 ceremony.

Alden W. Ringklib, Chairman of the New Hartford Inland Wetlands Commission received the 2009 award for **Wetlands Commissioner of the Year**. Mr. Ringklib was recognized for his two decades of outstanding leadership to his town. He has been a member of the New Hartford Inland Wetlands Commission for over 20 years, and seated as Chairman for much of that time. Guided by his diligent leadership and his fair and respectful conduct of all meetings, the Commission grew to become a model for other commissions in the region. Mr. Ringklib has a long history of service to his town, state and country, starting with his Korean War tour through his years as a Connecticut State Trooper. He is well-respected by the community, and has a deep appreciation for both the people and natural habitats of the state and the Town of New Hartford.



Attendees check out exhibits

Gwen Marrion, Chairman of the Bolton Inland Wetlands Commission was honored with the 2009 **Commissioner of the Year** award. Ms. Marrion recently retired from the Bolton Inland Wetlands Commission after her service of 20 years since it separated from the Bolton Conservation Commission. During that period she directed numerous improvements to the commission's procedures and regulations. Gwen's understanding



Gwen Marrion, Chairman, Bolton Inland Wetlands Commission, receiving 2009 Inland Wetlands Commissioner of the Year award, with other town commissioners.

of Bolton's environment, history and people is widely recognized throughout her town. She is an attorney and active civic leader, including service on the town's Charter Revision Committee, leadership of the Bolton Land Trust, and Chairman of the Bolton Open Space Acquisition and Preservation Committee. She also participated in and contributed to the DEP wetlands training program, and the training DVD produced by DEP.

Kathleen Holland, Director of the New Canaan Inland Wetlands and Watercourses Department received the 2009 award for **Wetlands Director of the Year**. Ms. Holland was recognized for her development and implementation of a comprehensive multiple-objective plan to improve the organizational efficiency and visibility of her department and its role within town government and the community. She reorganized the department into two separate units, one with focus on conservation and the other on inland wetlands, and instituted monthly meetings with Planning & Zoning, Public Works, Park and Recreation and other relevant municipal departments. She was instrumental in creating and establishing a Wetlands Enforcement Ordinance. She ensures that her department is readily available to assist the IWWC, including arranging and conducting 3 to 4 site walks a month. Kathleen takes special pride in having attended all major DEP training programs since she first joined the town in 1989.

Attorney Janet Brooks presenting an inland wetlands legal workshop



Stephen Lowrey, Zoning/Wetlands Agent for the Town of Tolland received the 2009 **Wetlands Agent of the Year** award. Mr. Lowrey was recognized for his work in the development and implementation of comprehensive low impact development (LID) regulations. Working with the town's consultant, a set of LID regulations was developed and incorporated into the town's Zoning and Wetlands regulations. These new regulations fulfill all LID objectives while meeting the town's stormwater treatment challenges. Mr. Lowrey also was a significant factor in the implementation of these regulations, from his efforts to educate wetlands commissioners in their use, to explaining their role to local developers and engineers. Mr. Lowrey played a vital role in local implementation of the Tankerhoosen Watershed Management Plan (TWMP). He conducted an in-depth analysis and review of the TWMP data and provided this information to the Tolland Inland Wetlands Commission for their oversight and action. He has worked with the Town of Tolland since 1996. In addition to serving as the Zoning/Wetlands Agent, he also oversees the town GIS mapping unit and serves as a natural resource and wildlife advisor to all town land use boards and commissions.

The **Tolland Inland Wetlands Commission** received the 2009 CACIWC award for **Commission of the Year**. Under the guidance of their chairman Lee Lafountain and the support of Zoning/Wetlands Agent Stephen Lowrey, the commission implemented one of the most comprehensive low impact development (LID) regulations among municipalities in the region. Working jointly with the Planning & Zoning Commission and other municipal agencies and departments, the Tolland Inland Wetlands Commission incorporated LID approaches into existing town regulations. These joint efforts were recognized by the Connecticut Planning Association with a chapter award and gained Tolland national recognition. The Commission has also utilized these regulations as a model in providing early feedback to applicants to help them achieve LID goals that benefit the region. The Commission also has done significant work in promoting the Tankerhoosen Watershed Management Plan (TWMP). They have been working closely with landowners within the watershed to identify and prioritize drainage structures that are in need of improvement and to seek funding to support modifications.

Meeting, continued on page 11

Meeting, continued from page 9

At its 32nd Annual Meeting & Environmental Conference CACIWC will begin a new tradition of acknowledging statewide educational efforts to promote environmental conservation and habitat protection. A **Special Recognition Award** was given to **Steve Grant**. Many Connecticut residents were first introduced to Steve during his nearly 30 year career with *The Hartford Courant* where he served as environmental writer and politics editor along with numerous memorable articles on natural habitats, outdoor recreation, travel, the green movement. One of Steve's favorite topics, writing on rivers and related environmental issues, became a major educational opportunity for *Courant* readers during his 17-part article documenting his five week, 410-mile-long Connecticut River journey from its source on the Canadian border south to Long Island Sound. He received more than three dozen awards from various organizations for distinguished journalism along with six Pulitzer Prize nominations while reporting for *The Courant*. In addition to his newspaper and free lance writing, Steve promotes environmental education as member of the Society of Environmental Journalists, the New England Travel Writers Network and the Thoreau Society. He is also a founder and former president of the Capitol Bird Club in Connecticut.

A **Special Recognition Award** was also given to **Peter Marteka** for his efforts to promote hiking and conservation in Connecticut through his columns in *The Hartford Courant*. Peter started his journalism career writing for *The Regional Standard* in Colchester and the *Middletown Press* before coming to *The Hartford Courant* in 1996. His first hiking column, entitled "The Path Less Traveled," ran in local and regional editions from 1997, and appeared statewide as "Nature's Path" in 2006. During 2008, Peter reached out to additional readers with his Sunday "Way to Go" columns in iTowns. With each column, Peter prompts his readers to discover the many wonderful hiking opportunities that can be found throughout Connecticut, while inspiring a deep appreciation of our state's varied natural habitats.

In closing the 2009 awards ceremony, President Alan Siniscalchi presented a posthumous **Lifetime Achievement Award** to honor the memory of **Allan Noam Williams** who died June 26, 2009 of pancreatic cancer. Allan Williams worked closely with CACIWC for many years while at the DEP Natural Resources Center on various publications ranging from *The Habitat* to *The Handbook for Conservation Commissioners*. His lifelong passion for environmental education led him to open the DEP Bookstore to help his agency's efforts to promote Connecticut's natural environments. He even took his store on the road by starting a tradition to bring his favorite selection of books and other publications to the CACIWC annual meeting and environmental conference each



Bob Williams, with his daughter Lynn and wife Laura, accepting the Lifetime Achievement Award to honor the memory of his brother Allan Noam Williams.

year. Allan's environmental career did not end with his retirement from the DEP. His consulting practice was retained in 2007 to facilitate the development of the CACIWC strategic plan, which the board completed in

May 2008. This CACIWC award honoring Allan's decades of service in the promotion of environmental conservation in Connecticut was accepted by his brother Robert Williams, sister-in-law Laura Williams, and niece Lynn.

◆ ELECTIONS

We welcome six new Board members!

- **Kim Barbieri**, Representative, Litchfield County. Torrington Inland Wetlands & Watercourses Commission staff.
- **Mary Ann Chinatti**, Alternate, New London County. Town Planner, Salem Inland Wetlands & Watercourses Commission staff.
- **Cyd Groff**, Alternate, Hartford County. Environmental Planner, Windsor Inland Wetlands & Watercourses Commission staff.
- **Laura Magaraci**, Representative, New Haven County. Town of Branford Inland Wetlands Commission and Conservation Commission staff
- **Alicia Mozian**, Representative, Fairfield County. Conservation Department Director Town of Westport
- **Judy Rondeau**, Alternate, Windham County. Thompson Conservation Commission member, Thompson Inland Wetlands agent.

Congratulations to the elected officers, **Alan Siniscalchi**, President; **Charles Dimmick**, Vice President; and **Maureen FitzGerald**, Secretary; and other Board members, **Ann Beaudin**, Representative Hartford County; **Pat Young**, Representative, New London County; **Marianne Corona**, Representative, Middlesex County; **Rod Parlee**, Representative, Tolland County.

The Board of Directors extends its deep appreciation and thanks on behalf of the CACIWC membership to **Linda Berger**, **Marguerite Purnell** and **Diana Ross** for their dedication and contributions over the past years to the CACIWC Board. Their talents will be missed but we know where you are.

Meeting, continued on page 12

Meeting, continued from page 11

Finally we especially thank the Nominating Committee, **Maureen FitzGerald, Diana Ross, and Penni Sharp** for their thorough search and excellent recruitment efforts in bring new talent, energy and experience to the Board.

We also ask that you consider being a member of CACIWC's Board of Directors. Openings exist for Alternate Representatives in Fairfield, Litchfield, Tolland, New Haven and Middlesex Counties. If interested, please contact the Board by email: board@caciwc.org.



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Proposed Stream Flow Standards and Regulations

The Connecticut Department of Environmental Protection is proposing Stream Flow Standards and Regulations in response to PA 05-142, enacted in 2005. This statute directed DEP to develop regulations that would expand the coverage of the stream flow standards and regulations to include all rivers and streams, rather than only those stocked with fish, as was the case previously. The statute further directed DEP to develop standards that balance the needs of humans to use water for drinking, washing, fire protection, irrigation, manufacturing, and recreation, with the needs of fish and wildlife, which also rely upon the availability of water to sustain healthy natural communities.

Highlights of the proposed Stream Flow Standards and Regulations include:

- Use of best science to provide a framework to balance the human needs for water for drinking, washing, fire protection, irrigation, manufacturing, and recreation with the needs of fish and wildlife, that also rely upon the availability of water to sustain healthy, natural communities,
- Meaningful public input to the process, under the Public Trust Doctrine
- A phased implementation of regulatory requirements to encourage and support water planning and conservation efforts

Information used in developing the proposed standards can be found at http://www.ct.gov/dep/cwp/view.asp?a=2719&q=434018&depNav_GID=1654.

In short, the proposed Stream Flow Standards and Regulations are protective of Connecticut's river and stream systems, promoting better, more efficient management of our water resources and supplies, so that

needs, both human and ecological, can be met both today and in the future.

Copies of the proposed regulations, small business impact and regulatory flexibility analysis, and other related material, are available for public inspection during normal business hours at the Department of Environmental Protection's Bureau of Water Protection and Land Reuse, Planning and Standards Division, 2nd Floor, 79 Elm Street, Hartford, CT. A link to the proposed regulations is available on the Department's web site at <http://www.ct.gov/dep/publicnotices>. These documents can also be obtained by contacting Terri Schnoor at the above address, or by phone at (860) 424-3707.

All interested parties are invited to express their views on the proposed regulations at a hearing to be held at the following place and times:

January 21, 2010
9:00 a.m. – until all comments have been heard
Phoenix Auditorium, 5th Floor
Department of Environmental Protection
79 Elm Street, Hartford, Connecticut

Speakers are requested, although not required, to submit a written copy of their comments.

Written comments on the proposed regulations may also be submitted to Paul E. Stacey, Department of Environmental Protection, Bureau of Water Protection and Land Reuse, Planning & Standards Division, 79 Elm Street, Hartford, Connecticut, 06106-5127 by February 4, 2010.

Additional stakeholder meetings can be scheduled by contacting CT DEP at (860) 424-3704.

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regulations are the overarching issues these data can be used to address.

We encourage Planning and Zoning Commissions to consider incorporating a Recharge Map, though it is subject to further refinement, as reference data in their town's Plan of Conservation and Development for the sake of preserving our irreplaceable groundwater resources. As a next step, recharge should be considered in subdivision regulations as a subset of stormwater issues. Sample ordinances can be found in Appendix C of the Connecticut Stormwater Manual. The PRWC, HVA, and COG are also glad to help in this process.

Inland Wetlands Agents should be proactive in encouraging their town to adopt a recharge map. This reference map will be a useful piece of information for agents when it comes time to review plans that incorporate stormwater management facilities. As the first line of review, you can recommend changes to the plans that would benefit groundwater recharge. Remember, you are charged with the responsibility for approving or denying a project, or requesting modifications to a project prior to approving it, in order to minimize the impact to your local water resources.

Conservation Commissions, while not regulatory, should also be proactive in encouraging their town to adopt a

recharge map. This information also proves valuable to you as a reference in helping to identify lands that may be more "valuable" in terms of preserving the quality of local water resources. Areas with significant recharge should be considered prime spaces for open space conservation and preservation. The first iteration of the Recharge Mapping project, which was a "Manual for Assessing Hydrologic Value of Land Parcels based on Physical Attributes," walks the conservationist through a series of maps to help in the prioritization of open space preservation. This manual, along with the "Recharge Mapping: A GIS-based tool for identifying land with significant groundwater recharge" is available on the Watershed Science section of the Pomperaug River Watershed Coalition's website: www.pomperaug.org/NewScience.htm. Because of their non-regulatory stance, Conservation Commissions are a prime group to use the Recharge Mapping GIS-model to create a map of the "best recharge areas" in your watershed and to share this valuable information with other local land use boards.

If you have questions on how to use the tool, would like assistance in determining how to best incorporate recharge into your local land use planning measures, or have suggestions of how to make the tool more useful, please contact the Coalition at info@pomperaug.org or (203) 267-1700.

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Reduce, Reuse, Recycle: The Natural Order of Things



By Richard W. Canavan, Ph.D.
Senior Environmental Scientist, CME

Reduce, reuse and recycle is the rule for conserving our resources. Reduction and cycling also describe the behavior of elements in the environment. Understanding this elemental cycling is important for topics ranging from septic system design to global climate change. This understanding can be critical when protecting wetlands and water quality.

When leaves and other organic matter accumulate in wetlands, decomposition can consume nearly all of the oxygen. Further breakdown occurs as microbes use other compounds such as nitrate, sulfate or iron-oxides, in place of oxygen. These chemically-reduced environments can change the reactivity and mobility of chemicals, altering the quality of adjacent surface and ground waters.

For example, during decomposition, bacteria can reduce nitrate to nitrogen gas. In this process, nitrogen is converted from a nutrient that is readily available for plants and algae, to a gas that is essentially unavailable. In this manner, wetlands can actually remove excessive nutrients and improve water quality. On the other hand, reducing conditions in sediments can release phosphorus back to surface waters, promot-

ing plant and algae growth. This can impact the water quality of fresh water lakes.



Chemical cycling is a critical component of wetland functions and values. The interdependent chemical relationships

influence both the wetlands themselves and the water quality of their watersheds.

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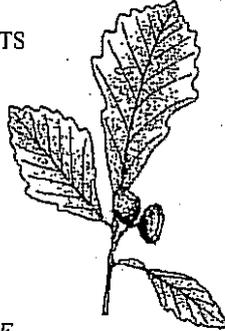
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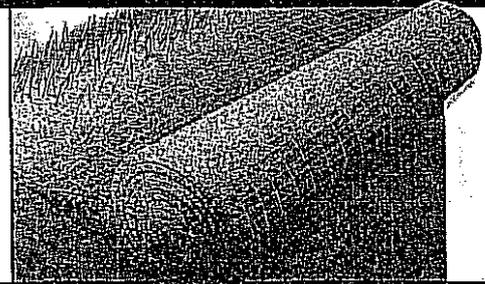


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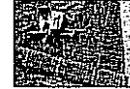


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 GEOTECHNICAL SOLUTIONS



North American Green rolled erosion control products are guaranteed to assist in meeting the EPA's NPDES Phase II regulations for erosion control on slopes, drainage channels, shorelines and active job sites to reduce sediment migration.

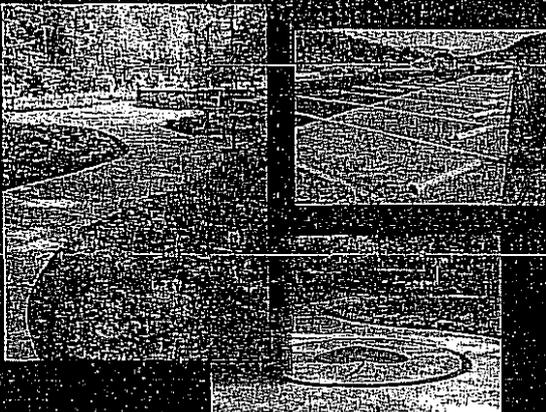
NPDES Compliance is as easy as installing North American Green erosion control products - available locally only through this authorized source!

If you need information about the Phase II rules or the North American Green products that can ensure your job site is compliant, talk to the local Erosion Control Specialists today at:

Team EJ Prescott
 36 Clark Road • Vernon, CT 06066
 (860) 875-9711

North American Green 1-800-772-2040

Make the scene green with environmentally safe Pervious Concrete!



Pervious Concrete: Green Building At Its Best!

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- Highly Durable
- Beautiful Design Options
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Contact Executive Director Jim Langlois of the Connecticut Concrete Promotion Council
 912 Silas Deane Hwy., Wethersfield, CT 06109 • tel.: 860.529.6855 • fax: 860.563.0616 • Jim.Langlois@ctconstruction.org



Connecticut Association of Conservation and
Inland Wetlands Commissions, Inc.

deKoven House Community Center
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Middletown, CT 06457

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06066

FALL 2009


RUDY J. FAVRETTI, CHAIR
INLAND WETLANDS AGENCY
4 SOUTH EAGLEVILLE RD.
MANSFIELD, CT 06268

THE HABITAT

*Dedicated to constant vigilance, judicious management and
conservation of our precious natural resources.*



*Printed on
recycled paper*

RESOURCES

CONNECTICUT'S FOREST FRAGMENTATION

The University of Connecticut Center for Land Use Education and Research (CLEAR) has made available on the web their statewide forest fragmentation analysis (http://clear.uconn.edu/projects/landscape/forest_frag.htm).

About 60% of the state is classified as "forested," i.e., covered with trees (as determined by CLEAR's Connecticut Changing Landscape project). However, tree cover alone is not a reliable indicator of the functional health of forested ecosystems, which are greatly impacted by proximity to non-forested areas.

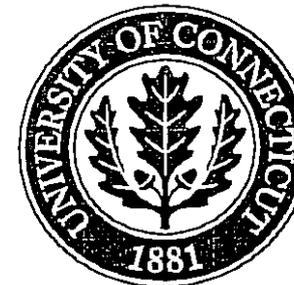
CLEAR's forest fragmentation model uses the land cover data from Connecticut's Changing Landscape to characterize the degree to which our forests have become carved up by developed landscapes, especially roads. If you look at our land cover maps, or better yet our animations, your eyes can pick out the general pattern of how the green forested areas of your town or watershed have been changed by development—but we want to be able to describe those patterns objectively, and in some detail. The forest fragmentation model allows us to do this. It looks at each individual forested "pixel" and notes its relationship to the other pixels around it. By doing this for the entire state (nearly 14 million pixels!), it classifies all forested land into one of five types: interior (core) forest, perforated forest, edge forest, transitional forest and patch forest. This will help us to gain more insight into the impacts of development patterns on our forest and related wildlife resources.



The Department of Environmental Protection
Bureau of Water Protection and Land Reuse
Wetlands Management Section

&

The University of Connecticut
Center for Continuing Studies
Academic Partnerships & Special Programs



Award this Certificate to

Gregory Lewis

pursuant to Connecticut General Statute Section 22a-39(n)

For completion of the 2009
Municipal Inland Wetland Commissioners Training Program

Amey Marrella

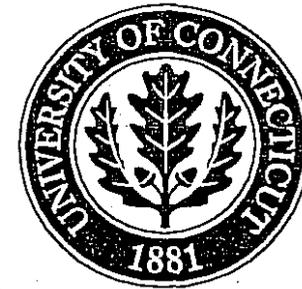
Amey Marrella, Commissioner
Department of Environmental Protection



The Department of Environmental Protection
Bureau of Water Protection and Land Reuse
Wetlands Management Section

&

The University of Connecticut
Center for Continuing Studies
Academic Partnerships & Special Programs



Award this Certificate to

Larry Lombard

pursuant to Connecticut General Statute Section 22a-39(n)

For completion of the 2009
Municipal Inland Wetland Commissioners Training Program

Amey Marrella

Amey Marrella, Commissioner
Department of Environmental Protection

To: Town Inland Wetland Agencies

From: **Lycott Environmental, Inc.**

Subject: Aquatic Pesticide Permit Applications

Enclosed for your information is(are) application(s) for permits to apply aquatic pesticides to waterbodies in your town. Although towns do not have unilateral rejection authority, the Pesticide Management Division (PMD) of the Department of Environmental Protection is interested in receiving comments on the enclosed applications. The PMD is particularly interested to learn of any local conditions not specified on the permit, for example, downstream uses of the water not indicated, or conservation easements on the pond. Comments should be directed to the Pesticide Management Division, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127 or by calling (860) 424-3369.



Permit Application for the Use of Pesticides in State Waters

Please complete this form in accordance with section 22a-66z CGS and the instructions (DEP-PEST-INST-200) in order to ensure the proper handling of your application. Print or type unless otherwise noted.

DEP USE ONLY

Application No.: _____

Rec'd CPPU: _____

Part I: Fee Information

A fee of \$200.00 is to be submitted with *each* permit that you are applying for. Each site requires a separate permit. There is no discount for municipalities. The application will not be processed without the fee. The fee shall be non-refundable and shall be paid by check or money order to the Department of Environmental Protection.

Part II: Site Location

1. Name of Waterbody: **Cary Pond**
Street address and/or description of location:
96 Mount Hope Road
City or Town: **Mansfield**
2. GIS/ID No. (If known): **2176**

Part III: Applicant Information

1. Fill in the applicant's name and phone number as indicated on the *Permit Application Transmittal Form* (DEP-APP-001).
Applicant: **Lycott Environmental, Inc.** Phone: **508-765-0101**
2. List primary contact for departmental correspondence and inquiries, if different than the applicant.
Name: **Lycott Environmental, Inc.**
Mailing Address: **600 Charlton Street**
City/Town: **Southbridge** State: **MA** Zip Code: **01550**
Business Phone: **508-765-0101** ext. Fax: **508-765-1352**
Contact Person: **William Stevenson** Title: **President**
3. List attorney or other representative, if applicable.
Firm Name:
Mailing Address:
City/Town: State: Zip Code:
Business Phone: ext. Fax:
Attorney:

Part III: Applicant Information (continued)

4. List the owner(s) of the site(s) to be treated. Check box if additional sheets are attached.

Name: **Edith Cary**

Mailing Address: **96 Mount Hope Road**

City/Town: **Mansfield**

State: **CT**

Zip Code: **06250**

Business Phone: **203-429-0344**

ext.

Fax:

Contact Person: **Edith Cary**

Title:

5. List the person or company applying the pesticides.

Name: **Lycott Environmental, Inc.**

Mailing Address: **600 Charlton Street**

City/Town: **Southbridge**

State: **MA**

Zip Code: **01550**

Business Phone: **508-765-0101**

ext.

Fax: **508-765-1352**

Contact Person: **Lee Lyman**

Title: **Senior Research Scientist**

Certification Number: **S-450**

Part IV: Site Information

1. Is the activity, which is the subject of this application located within the coastal boundary as delineated on DEP approved coastal boundary maps? Yes No

If yes, you must submit a *Coastal Consistency Review Form* (DEP-APP-004) with your application as Attachment C.

2. Is the project site located within an area identified as a habitat for endangered or threatened species as identified on the "State and Federal Listed Species and Natural Communities Map"?

Yes No Date of Map: **12/1/2009**

If yes, complete and submit a *Connecticut Natural Diversity Data Base (CT NDDB) Review Request Form* (DEP-APP-007) to the address specified on the form. **Please note NDDB review generally takes 4 to 6 weeks and may require additional documentation from the applicant. DEP strongly recommends that applicants complete this process before submitting the subject application.**

When submitting this application, please include copies of any correspondence to and from the NDDB regarding compliance with this program as Attachment D.

3. Is the site located within an aquifer protection area as defined in section 22a-354a through 354bb of the General Statutes (CGS)? Yes No

4. Type of area to be treated: Tidal Waters Pond or Lake Stream

Part IV: Site Information (continued)

5. Name and number of drainage basin (if known): **#3206 Thames Major Basin**
6. Is the waterbody located in a public water supply watershed? Yes No
7. Where does the waterbody flow to? **Stonehouse Brook**
Is the outflow usually flowing? Yes No Can outflow be stopped? Yes No
8. Identify the size of the waterbody: **200** Length (ft.) **200** Width (ft.) **1** Acres
5 Maximum Depth (ft.) **3** Average Depth (ft.) **3** Volume (Ac-ft)
9. Portion of the waterbody to be treated: **1** Acres **3** Volume (Ac-ft.)
10. Does the waterbody have public access? Yes No
11. Is the waterbody stocked with fish by the state? Yes No
12. Identify use(s) of waterbody:
 domestic water supply irrigation watering livestock swimming fishing
13. Are there any downstream users of the water who may be affected by treatment? Yes No
If yes, please explain:
14. Within 1/2 mile of the treatment area, are there any public or private drinking water wells 50 ft. or less from the shoreline?
 Yes No
15. Identify all plants or animals to be controlled: **Filamentous Algae, Wolffia, Lemna, Nymphaea**
16. Identify all types of fish present: **Warmwater species**
17. Identify chemicals to be used, the amount per treatment and number of times:
- | <i>Chemical</i> | <i>Amount per Treatment</i> | <i>Number of Times</i> |
|----------------------|-----------------------------|------------------------|
| a) Captain | 1.5 gals. | 1 |
| b) Sonar A.S. | 16 oz. | 2 |
| c) AquaPro | 12 oz. | 1 |
18. Projected date(s) of pesticide use: **6/24/2010, 7/22/2010**
19. List prior years in which chemicals were applied to this waterbody:
2001-2009

Part V: Supporting Documents

Be sure to read the instructions (DEP-PEST-INST-200) to determine whether the attachments listed are applicable to your specific activity. Please check the box by the attachments as verification that *all applicable* attachments have been submitted with this permit application form. When submitting any supporting documents, please label the documents as indicated in this Part (e.g., Attachment A, etc.) and be sure to include the applicant's name as indicated on the *Permit Application Transmittal Form*.

- Attachment A: An 8-1/2" x 11" copy or original of a USGS Topographic Quadrangle Map (scale 1:24,000) indicating the exact location of the area to be treated.
- Attachment B: *Applicant Compliance Information Form* (DEP-APP-002) (if applicable)
- Attachment C: *Coastal Consistency Review Form* (DEP-APP-004) (if applicable)
- Attachment D: CT NDDDB Information, including *Connecticut NDDDB Review Request Form* (DEP-APP-007) and copies of any correspondence to and from the NDDDB, if applicable.
- Attachment E: Copy of certified mail receipt verifying that this completed application has been sent to the local inland wetlands agency. For multiple applications submitted to the local inland wetlands agency under one certified mail receipt, please attach a copy of such receipt to each application being submitted to the DEP.

Please note that local inland wetlands agencies may have additional requirements pertaining to the application of aquatic pesticides to waterbodies located under their jurisdiction.

Part VI: Application Certification

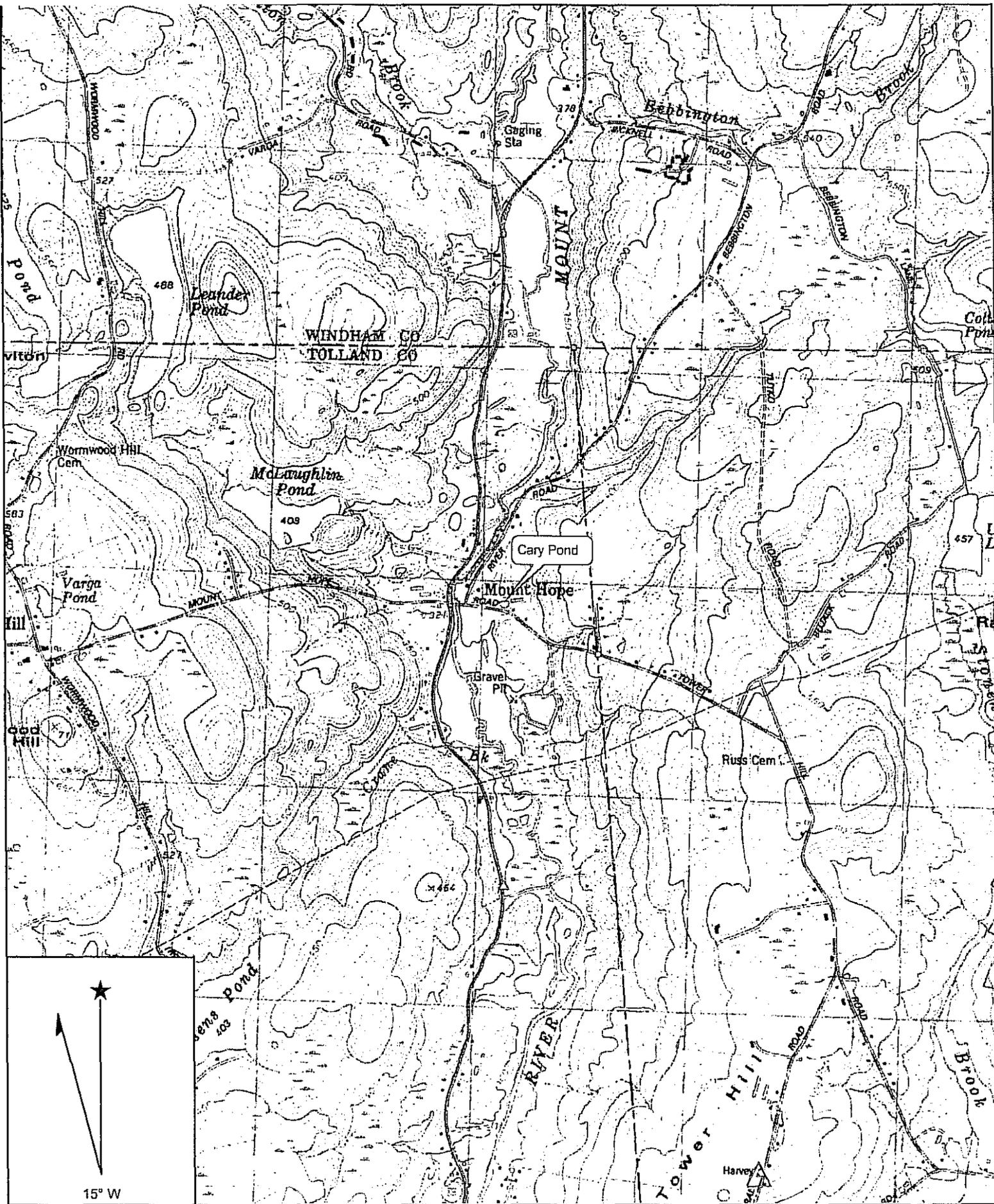
The applicant *and* the individual(s) responsible for actually preparing the application must sign this part. An application will be considered insufficient unless *all* required signatures are provided. Please also check the box and provide the date for which you sent one copy of this completed application to the appropriate local inland wetland agency.

<p>"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief.</p> <p>I understand that a false statement in the submitted information may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b of the General Statutes, and in accordance with any other applicable statute.</p> <p>I certify that this application is on complete and accurate forms as prescribed by the commissioner without alteration of the text.</p> <p><input checked="" type="checkbox"/> I also certify that I have sent one copy of this completed application to the appropriate local inland wetland agency on <u>1/22/2010</u>.</p>	
<p></p> <p>Signature of Applicant</p>	<p>Date</p> <p><u>1/22/2010</u></p> <p>Date</p>
<p>William Steveson</p> <p>Name of Applicant (print or type)</p>	<p>President</p> <p>Title (if applicable)</p>
<p></p> <p>Signature of Preparer (if different than above)</p>	<p>Date</p> <p><u>1/22/2010</u></p> <p>Date</p>
<p>Jeff Castellani</p> <p>Name of Preparer (print or type)</p>	<p>Field Biologist</p> <p>Title (if applicable)</p>
<p><input type="checkbox"/> Check here if additional signatures are required. If so, please reproduce this sheet and attach signed copies to this sheet.</p>	

Note: Please submit the Permit Application Transmittal Form, Application Form, Fee, and all Supporting Documents to:

CENTRAL PERMIT PROCESSING UNIT
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 79 ELM STREET
 HARTFORD, CT 06106-5127

Please also submit a copy of this completed application to the local inland wetlands agency.



Name: SPRING HILL
 Date: 1/22/2010
 Scale: 1 inch equals 2000 feet

Location: 041° 49' 26.73" N 072° 10' 09.27" W
 Caption: FIGURE 1: LOCUS MAP

Cary Pond
 Mansfield, CT



Connecticut Natural Diversity Data Base Review Request Form

Please complete this form *only* if you have conducted a review which determined that your activity is located in an area of concern.

Name: **Lycott Environmental, Inc.**

Affiliation: **Applicant/Applicator**

Mailing Address: **600 Charlton Street**

City/Town: **Southbridge**

State: **MA**

Zip Code: **01550**

Business Phone: **508-765-0101**

ext.

Fax: **508-765-1352**

Contact Person: **William Stevenson**

Title: **President**

Project or Site Name: **Cary Pond**

Project Location

Town: **Mansfield**

USGS Quad: **Spring Hill.**

Brief Description of Proposed Activities:

Management of excessive vegetative growth in the small pond with herbicides and algaecides.

Have you conducted a "State and Federal Listed Species and Natural Communities Map" review?

Yes

No

Date of Map: **2009 GIS data**

Has a field survey been previously conducted to determine the presence of any endangered, threatened or special concern species? Yes No

If yes, provide the following information and submit a copy of the field survey with this form.

Biologists Name: **Lycott has reviewed the current GIS data and maps.**

Address: **The site is within a hatched NDDB area.**

If the project will require a permit, list type of permit, agency and date or proposed date of application:

DEP Permit for the Use of Pesticides in State Waters: January 2010

(See reverse side - you must sign the certification on the reverse side of this form)

The Connecticut Natural Diversity Data Base (CT NDDDB) information will be used for:

- permit application
- environmental assessment (give reasons for assessment):

- other (specify):

"I certify that the information supplied on this form is complete and accurate, and that any material supplied by the CT NDDDB will not be published without prior permission."



Signature

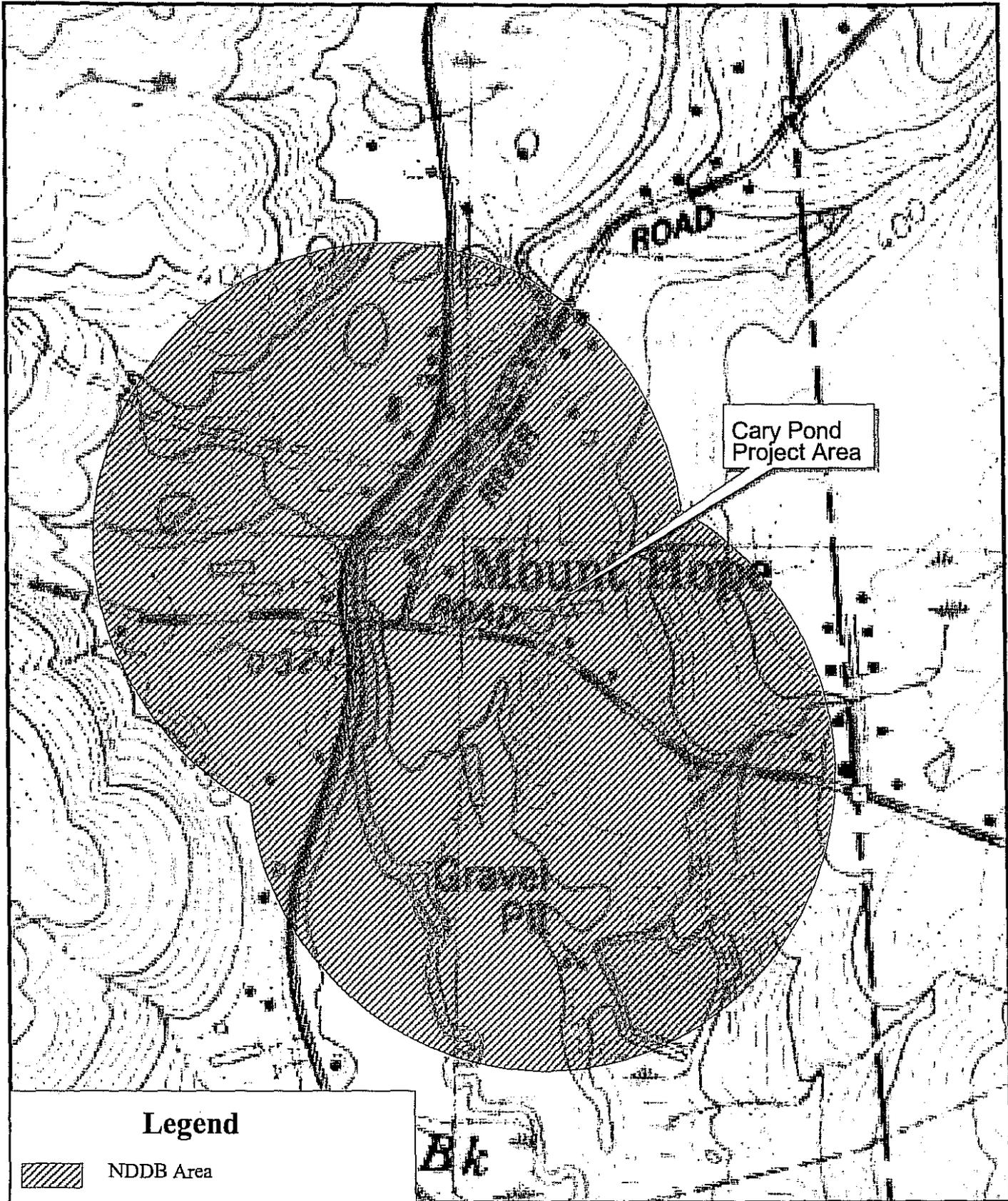
Date

All requests must include a USGS topographic map with the project boundary clearly delineated.

Return completed form to:

NATURAL DIVERSITY DATA BASE/DATA REQUEST
ENVIRONMENTAL & GEOGRAPHIC INFORMATION CENTER
DEPARTMENT OF ENVIRONMENTAL PROTECTION
79 ELM STREET, STORE LEVEL
HARTFORD, CT 06106-5127

* You must submit a copy of this completed form with your registration or permit application.



Legend

 NDDB Area

CT NDDB Area: 2009 GIS Data

**Cary Pond
Mansfield, CT**

FIGURE 2
Date: 12/1/2009

USGS Quadrangle
7.5 Minute Topos

Total Pond Area: 1 Acre



Scale 1:24,000

1000 0 1000 Feet

LYCOTT ENVIRONMENTAL, INC.



600 Charlton Street
Southbridge, MA 01550
Phone: (508) 765-0101
Fax: (508) 765-1352
www.lycott.com



Applicant Compliance Information

DEP ONLY

App. No. _____

Co./Ind. No. _____

Applicant Name: **Lycott Environmental, Inc.**
(as indicated on the *Permit Application Transmittal Form*)

If you answer *yes* to any of the questions below, you must complete the Table of Enforcement Actions on the reverse side of this sheet as directed in the instructions for your permit application.

A. During the five years immediately preceding submission of this application, has the applicant been convicted in any jurisdiction of a criminal violation of any environmental law?

Yes No

B. During the five years immediately preceding submission of this application, has a civil penalty been imposed upon the applicant in any state, including Connecticut, or federal judicial proceeding for any violation of an environmental law?

Yes No

C. During the five years immediately preceding submission of this application, has a civil penalty exceeding five thousand dollars been imposed on the applicant in any state, including Connecticut, or federal administrative proceeding for any violation of an environmental law?

Yes No

D. During the five years immediately preceding submission of this application, has any state, including Connecticut, or federal court issued any order or entered any judgement to the applicant concerning a violation of any environmental law?

Yes No

E. During the five years immediately preceding submission of this application, has any state, including Connecticut, or federal administrative agency issued any order to the applicant concerning a violation of any environmental law?

Yes No

Table of Enforcement Actions

(1) Type of Action	(2a) Date Commenced	(2b) Date Terminated	(3) Jurisdiction	(4) Case/Docket/ Order No.	(5) Description of Violation
Enforcement	8/3/2006	12/14/2006	Massachusetts Department of Environmental Protection	Consent Order # ACOP-WE- 06-6W015	Alum applied to a waterbody without insuring the pH level was within the acceptable range of 6.0 to 7.5
Enforcement	6/6/2008	1/29/2009	Massachusetts Department of Environmental Protection	Consent Order # ACOP-WE- 08-6W010	Written notification not sent to abutters prior to herbicide treatment

Check the box if additional sheets are attached. Copies of this form may be duplicated for additional space.

Benson tnc

To: Town Inland Wetland Agencies
From: **Lycott Environmental, Inc.**
Subject: Aquatic Pesticide Permit Applications

Enclosed for your information is(are) application(s) for permits to apply aquatic pesticides to waterbodies in your town. Although towns do not have unilateral rejection authority, the Pesticide Management Division (PMD) of the Department of Environmental Protection is interested in receiving comments on the enclosed applications. The PMD is particularly interested to learn of any local conditions not specified on the permit, for example, downstream uses of the water not indicated, or conservation easements on the pond. Comments should be directed to the Pesticide Management Division, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127 or by calling (860) 424-3369.



Permit Application for the Use of Pesticides in State Waters

Please complete this form in accordance with section 22a-66z CGS and the instructions (DEP-PEST-INST-200) in order to ensure the proper handling of your application. Print or type unless otherwise noted.

DEP USE ONLY

Application No.: _____

Rec'd CPPU: _____

Part I: Fee Information

A fee of \$200.00 is to be submitted with *each* permit that you are applying for. Each site requires a separate permit. There is no discount for municipalities. The application will not be processed without the fee. The fee shall be non-refundable and shall be paid by check or money order to the Department of Environmental Protection.

Part II: Site Location

- Name of Waterbody: **Benson's Pond**
Street address and/or description of location:
494 Wormwood Road
City or Town: **Mansfield**
- GIS/ID No. (If known): **10532**

Part III: Applicant Information

- Fill in the applicant's name and phone number as indicated on the *Permit Application Transmittal Form* (DEP-APP-001).

Applicant: **Lycott Environmental, Inc**

Phone: **508-765-0101**

- List primary contact for departmental correspondence and inquiries, if different than the applicant.

Name: **Lycott Environmental, Inc.**

Mailing Address: **600 Charlton Street**

City/Town: **Southbridge**

State: **MA**

Zip Code: **01550**

Business Phone: **508-765-0101**

ext.

Fax: **508-765-1352**

Contact Person: **Lee Lyman**

Title: **President**

- List attorney or other representative, if applicable.

Firm Name:

Mailing Address:

City/Town:

State:

Zip Code:

Business Phone:

ext.

Fax:

Attorney:

Part III: Applicant Information (continued)

4. List the owner(s) of the site(s) to be treated. Check box if additional sheets are attached.

Name: **Pamela Benson**

Mailing Address: **494 Wormswood Road**

City/Town: **Mansfield**

State: **CT**

Zip Code: **06250**

Business Phone: **860-429-5068**

ext.

Fax:

Contact Person: **Pamela Benson**

Title:

5. List the person or company applying the pesticides.

Name: **Lycott Environmental, Inc.**

Mailing Address: **600 Charlton Street**

City/Town: **Southbridge**

State: **MA**

Zip Code: **01550**

Business Phone: **508-765-0101**

ext.

Fax: **508-765-1352**

Contact Person: **Lee Lyman**

Title: **President**

Certification Number: **S-450**

Part IV: Site Information

1. Is the activity, which is the subject of this application located within the coastal boundary as delineated on DEP approved coastal boundary maps? Yes No

If yes, you must submit a *Coastal Consistency Review Form* (DEP-APP-004) with your application as Attachment C.

2. Is the project site located within an area identified as a habitat for endangered or threatened species as identified on the "State and Federal Listed Species and Natural Communities Map"?

Yes No Date of Map: **12/1/2009**

If yes, complete and submit a *Connecticut Natural Diversity Data Base (CT NDDB) Review Request Form* (DEP-APP-007) to the address specified on the form. **Please note NDDB review generally takes 4 to 6 weeks and may require additional documentation from the applicant. DEP strongly recommends that applicants complete this process before submitting the subject application.**

When submitting this application, please include copies of any correspondence to and from the NDDB regarding compliance with this program as Attachment D.

3. Is the site located within an aquifer protection area as defined in section 22a-354a through 354bb of the General Statutes (CGS)? Yes No

4. Type of area to be treated: Tidal Waters Pond or Lake Stream

Part IV: Site Information (continued)

5. Name and number of drainage basin (if known): **#3207 Natchaug Regional Basin**

6. Is the waterbody located in a public water supply watershed? Yes No

FWSP: CT 1630011 Wunduan Waterworks

7. Where does the waterbody flow to? **Fenton River**

Is the outflow usually flowing? Yes No Can outflow be stopped? Yes No

8. Identify the size of the waterbody: **100'** Length (ft.) **100'** Width (ft.) **.25** Acres

6' Maximum Depth (ft.) **5'** Average Depth (ft.) **1.25** Volume (Ac-ft)

9. Portion of the waterbody to be treated: **.25** Acres **1.25** Volume (Ac-ft)

10. Does the waterbody have public access? Yes No

11. Is the waterbody stocked with fish by the state? Yes No

12. Identify use(s) of waterbody:

domestic water supply irrigation watering livestock swimming fishing

13. Are there any downstream users of the water who may be affected by treatment? Yes No

If yes, please explain:

14. Within 1/2 mile of the treatment area, are there any public or private drinking water wells 50 ft. or less from the shoreline?

Yes No

15. Identify all plants or animals to be controlled: **Lemna minor, Wolffia columbiana, Filamentous Algae, Nymphaea odorata**

16. Identify all types of fish present: **Warmwater species**

17. Identify chemicals to be used, the amount per treatment and number of times:

<i>Chemical</i>	<i>Amount per Treatment</i>	<i>Number of Times</i>
a) Sonar	4.8 oz.	2
b) Captain	1 gal.	2
c) Alum	3 gals.	2

18. Projected date(s) of pesticide use: **5/5/2010, 8/25/2010**

19. List prior years in which chemicals were applied to this waterbody:

2003,2006,2007,2009

Part V: Supporting Documents

Be sure to read the instructions (DEP-PEST-INST-200) to determine whether the attachments listed are applicable to your specific activity. Please check the box by the attachments as verification that *all applicable* attachments have been submitted with this permit application form. When submitting any supporting documents, please label the documents as indicated in this Part (e.g., Attachment A, etc.) and be sure to include the applicant's name as indicated on the *Permit Application Transmittal Form*.

- Attachment A: An 8-1/2" x 11" copy or original of a USGS Topographic Quadrangle Map (scale 1:24,000) indicating the exact location of the area to be treated.
- Attachment B: *Applicant Compliance Information Form* (DEP-APP-002) (if applicable)
- Attachment C: *Coastal Consistency Review Form* (DEP-APP-004) (if applicable)
- Attachment D: CT NDDB Information, including *Connecticut NDDB Review Request Form* (DEP-APP-007) and copies of any correspondence to and from the NDDB, if applicable.
- Attachment E: Copy of certified mail receipt verifying that this completed application has been sent to the local inland wetlands agency. For multiple applications submitted to the local inland wetlands agency under one certified mail receipt, please attach a copy of such receipt to each application being submitted to the DEP.

Please note that local inland wetlands agencies may have additional requirements pertaining to the application of aquatic pesticides to waterbodies located under their jurisdiction.

Part VI: Application Certification

The applicant *and* the individual(s) responsible for actually preparing the application must sign this part. An application will be considered insufficient unless *all* required signatures are provided. Please also check the box and provide the date for which you sent one copy of this completed application to the appropriate local inland wetland agency.

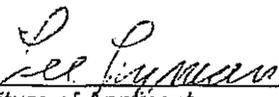
"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief.

I understand that a false statement in the submitted information may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

I certify that this application is on complete and accurate forms as prescribed by the commissioner without alteration of the text.

I also certify that I have sent one copy of this completed application to the appropriate local inland wetland agency on 1-10-2010.

Date



Signature of Applicant

12/18/09

Date

Lee Lyman

Name of Applicant (print or type)

President

Title (if applicable)

Signature of Preparer (if different than above)

Date

Name of Preparer (print or type)

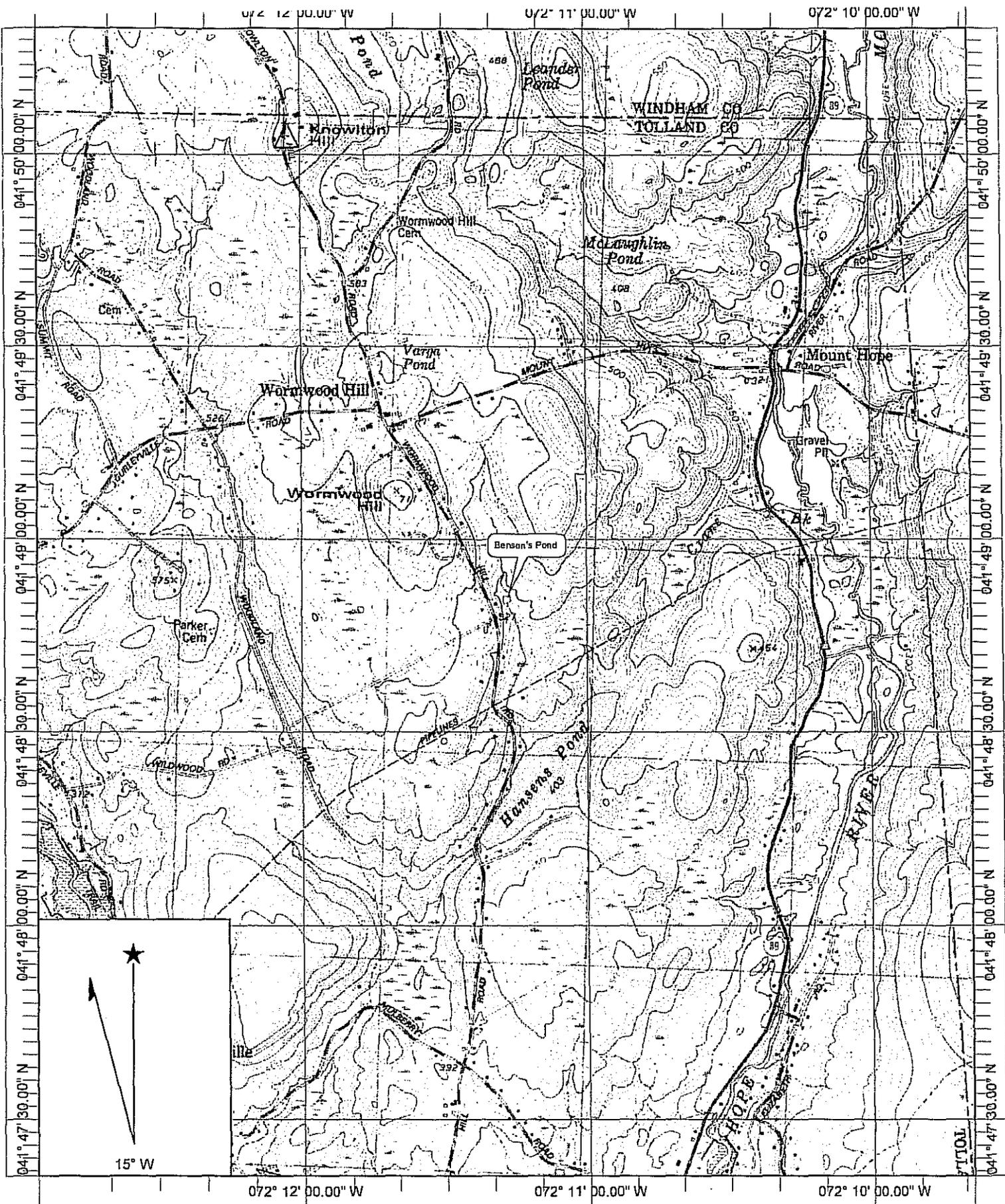
Title (if applicable)

Check here if additional signatures are required. If so, please reproduce this sheet and attach signed copies to this sheet.

Note: Please submit the Permit Application Transmittal Form, Application Form, Fee, and all Supporting Documents to:

CENTRAL PERMIT PROCESSING UNIT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

Please also submit a copy of this completed application to the local inland wetlands agency.



Name: SPRING HILL
 Date: 1/4/2010
 Scale: 1 inch equals 2000 feet

Location: 041° 48' 50.65" N 072° 11' 16.80" W
 Caption: FIGURE 1: LOCUS MAP
 Benson's Pond
 Mansfield, CT



Applicant Compliance Information

DEP ONLY

App. No. _____

Co./Ind. No. _____

Applicant Name: **Lycott Environmental, Inc.**
(as indicated on the *Permit Application Transmittal Form*)

If you answer yes to any of the questions below, you must complete the Table of Enforcement Actions on the reverse side of this sheet as directed in the instructions for your permit application.

A. During the five years immediately preceding submission of this application, has the applicant been convicted in any jurisdiction of a criminal violation of any environmental law?

Yes No

B. During the five years immediately preceding submission of this application, has a civil penalty been imposed upon the applicant in any state, including Connecticut, or federal judicial proceeding for any violation of an environmental law?

Yes No

C. During the five years immediately preceding submission of this application, has a civil penalty exceeding five thousand dollars been imposed on the applicant in any state, including Connecticut, or federal administrative proceeding for any violation of an environmental law?

Yes No

D. During the five years immediately preceding submission of this application, has any state, including Connecticut, or federal court issued any order or entered any judgement to the applicant concerning a violation of any environmental law?

Yes No

E. During the five years immediately preceding submission of this application, has any state, including Connecticut, or federal administrative agency issued any order to the applicant concerning a violation of any environmental law?

Yes No

Table of Enforcement Actions

(1) Type of Action	(2a) Date Commenced	(2b) Date Terminated	(3) Jurisdiction	(4) Case/Docket/ Order No.	(5) Description of Violation
Enforcement	8/3/2006	12/14/2006	Massachusetts Department of Environmental Protection	Consent Order # ACOP-WE-06-6W015	Alum applied to a waterbody without insuring the pH level was within the acceptable range of 6.0 to 7.5
Enforcement	6/6/2008	1/29/2009	Massachusetts Department of Environmental Protection	Consent Order # ACOP-WE-08-6W010	Written notification not sent to abutters prior to herbicide treatment

Check the box if additional sheets are attached. Copies of this form may be duplicated for additional space.

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