

INLAND WETLAND AND WATERCOURSE REGULATIONS



TOWN OF BETHEL
Inland Wetlands Commission

Effective – October 15, 2016

TABLE OF CONTENTS

1.	INTRODUCTION	1
1.1.	AUTHORITY	1
1.2.	PURPOSES	1
1.3.	IDENTIFICATION OF WETLANDS AND WATERCOURSES.....	2
1.4.	APPROVAL REQUIRED	2
1.5.	ENFORCEMENT	2
1.6.	ADMINISTRATIVE PROVISIONS.....	4
2.	INTERPRETATION	5
2.1.	USE OF TERMS.....	5
2.2.	DEFINED TERMS	6
3.	USES AND ACTIVITIES.....	11
3.1.	COMMISSION APPROVAL REQUIRED.....	11
3.2.	USES PERMITTED AS OF RIGHT	11
3.3.	NON-REGULATED USES	13
3.4.	ACTIVITIES REGULATED EXCLUSIVELY BY DEEP.....	14
3.5.	ACTION BY DULY AUTHORIZED AGENT	15
3.6.	UNIVERSAL REQUIREMENTS	16
4.	APPLICATIONS FOR USES AND ACTIVITIES.....	17
4.1.	APPLICATION REQUIREMENTS.....	17
4.2.	APPLICATION PROCEDURES	18
4.3.	PUBLIC HEARINGS	19
4.4.	CONSIDERATIONS FOR DECISION.....	20
4.5.	DECISION PROCESS AND PERMIT.....	22
4.6.	FINANCIAL GUARANTIES AND INSURANCE	24
4.7.	PERMIT RENEWAL OR AMENDMENT.....	25
5.	APPLICATIONS FOR AMENDMENTS	27
5.1.	REGULATION AMENDMENTS.....	27

APPENDIX

- A. APPLICATION CHECKLIST
- B. MATERIALS REQUIRED FOR PERMIT APPLICATIONS
- C. MAP CONTENTS
- D. MATERIALS REQUIRED IF SIGNIFICANT IMPACT
- F. APPLICATION FEES
- G. RECORDS RETENTION AND DISPOSITION

1. INTRODUCTION

1.1. AUTHORITY

These Regulations have been adopted by the Inland Wetlands Commission of the Town of Bethel, Connecticut pursuant to the authority conferred by:

1. the Ordinance adopted by Town Meeting on October 26, 1973, and
2. Chapter 440 of the Connecticut General Statutes (CGS 22a-36 et seq.), as may be amended.

1.2. PURPOSES

Based on the legislative findings in CGS Section 22a-36 as amended from time to time and the purposes stated therein, these Regulations have been adopted by the Inland Wetlands Commission of the Town of Bethel in order to:

1. Protect the citizens of Bethel and of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by:
 - a. minimizing their disturbance and pollution;
 - b. maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority;
 - c. preventing damage from erosion, turbidity or siltation;
 - d. preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof;
 - e. deterring and inhibiting the danger of flood and pollution;
 - f. protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and
 - g. protecting Bethel's and the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement
2. Provide an orderly process to balance the need for the economic growth of Bethel and the state and the use of land with the need to protect the environment and ecology in order to forever guarantee to the people of Bethel and the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

INTRODUCTION

IDENTIFICATION OF WETLANDS AND WATERCOURSES

1.3. IDENTIFICATION OF WETLANDS AND WATERCOURSES

1. Areas and activities subject to the provisions of these Regulations shall be determined by the actual presence and precise location of wetlands and watercourses, by the actual character of the land, and by the distribution of wetland soil types and location of watercourses.
2. The determination of the presence or absence of wetlands and watercourses shall be the responsibility of the person undertaking any activity and the location of wetlands and watercourses shall be made by field inspection and testing conducted by a soil scientist where soil classifications are required or, where watercourse determinations are required, by any qualified individual(s).

1.4. APPROVAL REQUIRED

1. Except as may be provided in Article 3.0, no person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands Commission of the Town of Bethel.
2. The Commission shall have the authority to issue, issue with terms, conditions, limitations or modifications, or deny permits for all regulated activities in the Town of Bethel pursuant to CGS Sections 22a-36 to 22a-45, inclusive, as may be amended.
3. Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Commission, or violating any other provision of these Regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 1.5 and any other remedies as provided by law.

1.5. ENFORCEMENT

1. **Enforcement Authority** - The Commission shall enforce the Inland Wetlands and Watercourses Act and these Regulations.
2. **Appointment of Agent** - The Commission may appoint an agent or agents to act in its behalf with the authority to issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these Regulations.
3. **Inspections** - The Commission or its agent may, with the consent of the property owner or the authorized agent of the property owner, make inspections at reasonable hours of:
 - a. All regulated activities for which permits have been issued during the life of the permit.
 - b. Situations where a regulated activity is apparent, alleged, or inferred but a permit has not been issued.
 - c. Situations where a permit has expired.
4. **Considerations** - In carrying out the purposes of this Section, the Commission or its duly authorized agent shall take into consideration the criteria for decision under Section 4.4.

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

 6. **Violations -** If the Commission or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these Regulations, the Commission or its duly authorized agent may issue one or a combination of the following:
 - a. **Notice of Violation** - issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Commission, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. (*Proceed to Section 1.5.7 below*)
 - b. **Order To Cease Work** - 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. (*Proceed to Section 1.5.8 below*)
 - c. **Order To Correct** - issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to correct such facility or condition. (*Proceed to Section 1.5.8 below*)

 7. **Procedures Upon Issuance Of Notice of Violation –**
 - a. The Commission or its duly authorized agent may request that the individual appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit.
 - b. Failure of the individual to carry out the action(s) directed in a notice of violation may result in issuance of an order as provided in Section 1.5.6 or other enforcement proceedings as provided by law.

 8. **Procedures Upon Issuance Of Order –**
 - a. Within ten (10) calendar days of the issuance of such order the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect.
 - b. The Commission shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that:
 - i. the original order remains in effect,
 - ii. a revised order is in effect, or
 - iii. the order has been withdrawn.
 - c. The Commission shall publish notice of its decision in a newspaper having general circulation in the municipality.
 - d. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises or withdraws the order.
 - e. The issuance of an order pursuant to this Section 1.5 shall not delay or bar an action pursuant to CGS Section 22a-44(b), as may be amended.

1.6. ADMINISTRATIVE PROVISIONS

1. **Amendment** - These Regulations may be amended, from time to time, by the Commission in accordance with the provisions of the Inland Wetlands and Watercourses Act and Article 5.
2. **Protection From Future Amendments** - An application filed with the Commission which is in conformance with the applicable Inland Wetlands Regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in these Regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt while it is being processed and being implemented . The provisions of this Section 1.6 shall not be construed to apply to:
 - a. the establishment, amendment or change of boundaries of inland wetlands or watercourses or
 - b. any change in Regulations necessary to make such Regulations consistent with the provisions of the Act as of the date of such receipt.
3. **In The Event Of Conflict** - If there is a conflict:
 - a. between the provisions of these Regulations and the provisions of the Act, the provisions of the Act shall prevail.
 - b. among the provisions of these Regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall prevail.
 - c. between the provisions of these Regulations and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that establishes the greatest restriction or imposes the highest standard shall prevail.
4. **Appeals** - Appeal on actions of the Commission shall be made in accordance with the provisions of CGS Section 22a-43, as may be amended. Notice of such appeal shall be served upon the Commission and the Commissioner of the Connecticut Department of Energy and Environmental Protection.
5. **Severability** - 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.
6. **Other Permits** - Nothing in these Regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Bethel, the State of Connecticut or the Government of the United States including any approval required by the Connecticut Department of Energy and Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.
7. **Effective Date** – Wetlands Regulations initially became effective in Bethel on April 1, 1974. Any amendments to these Regulations shall become effective in accordance with the provisions of Article 5.

2. INTERPRETATION

2.1. USE OF TERMS

1. **Definitions To Be Applied** - In the interpretation and enforcement of these Regulations, the words and phrases set forth shall be construed as defined in this Article, unless otherwise clearly qualified by their context.
2. **Specific Terms** - In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:
 - a. The word “shall” is mandatory and not discretionary.
 - b. The word “may” is permissive.
 - c. When not inconsistent with the context:
 - i. Words in the present tense include the future and vice-versa.
 - ii. Words in the singular include the plural and vice-versa.
 - iii. Words in the masculine include the feminine and neuter and vice-versa.
 - d. The word “person” also includes a partnership, association, trust, corporation, limited liability company, or other legal entity.
 - e. When the word “Article” or “Section” is used in these Regulations, it shall be interpreted as referring to an Article or Section of these Regulations unless the context clearly indicates otherwise.
3. **Terms Not Defined** - In the interpretation and enforcement of these Regulations, words not defined in this Article shall be interpreted by the Commission after consulting one or more of the following:
 - a. the Connecticut General Statutes, as may be amended;
 - b. Black's Law Dictionary,
 - c. a comprehensive general dictionary.

2.2. DEFINED TERMS

Act - The Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as may be amended.

Agriculture - *See definitions of "Farming" and "Essential to the Farming Operation."*

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

CGS – Connecticut General Statutes.

Clear-Cutting - The harvest of timber in a fashion which removes all trees down to a two inch diameter at breast height.

Commission - The Inland Wetlands Commission of the Town of Bethel.

Commissioner of Environmental Protection - The commissioner of the State of Connecticut Department of Energy and Environmental Protection.

Conservation Restriction - 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.

Continual Flow - 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.

Core Activity -

1. Any activity involving the deposition of 100 cubic yards or more of material within a regulated area or any deposition that will have a substantial adverse effect on the regulated area or on another part of the inland and watercourse system.
2. Any activity involving removal of 100 cubic yards or more of material within a regulated area or any removal that will have a substantial effect on the regulated area or on another part of the inland wetland and watercourse system.
3. Any activity which substantially changes the natural channel of a watercourse or the limits and/or form of an inland wetland.
4. Any activity which diminishes substantially the natural capacity of a watercourse or an inland wetland to support desirable biological life, prevent flooding, supply water, facilitate drainage and provide recreation and open space.
5. Any activity which would result in degrading a watercourse or the surface or ground water of an inland wetland, such degradation to be measured by the standards of the Water Compliance Division of the Department of Environmental Protection, where applicable.
6. Any activity which may have a significant impact or major effect on an inland wetland or watercourse.

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

DEEP - The State of Connecticut Department of Energy and Environmental Protection.

Discharge - Emission of any water, substance, or material into wetlands or watercourses, whether or not such substance causes pollution.

Disturbing The Natural And Indigenous Character Of The Land - Significantly altering the inland wetlands and/or watercourses by reason of removal or deposition of material, clear-cutting, alteration or obstruction of water flow or polluting the wetland or watercourse.

Dry Hydrant - A non-pressurized pipe system that:

- is readily accessible to fire department apparatus from a proximate public road,
- provides for the withdrawal of water by suction to such fire department apparatus, and
- is permanently installed into an existing lake, pond or stream that is a dependable source of water.

Essential To The Farming Operation - The activity proposed is necessary and indispensable to sustain farming activities on a farm. *Also see definition of "Agriculture" and "Farming."*

Farming – As defined in Section 1-1(q) of the Connecticut general Statutes, as may be amended. *Also see definition of "Agriculture" and "Essential to the Farming Operation."*

Excerpt from CGS Section 1-1(q):

Except as otherwise specifically defined, the words "agriculture" and "farming" shall include:

- cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish;
- the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations;
- the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes;
- handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale.

Excerpted as of April 2016

Feasible - Able to be constructed or implemented consistent with sound engineering principles.

INTERPRETATION

DEFINED TERMS

License - The whole or any part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of these Regulations and/or the provisions of CGS Sections 22a-36 to 22a-45, inclusive, as may be amended.

Low Impact Development Techniques – The application of site design and stormwater management (such as, but not limited to, infiltration of rainwater, treatment of stormwater runoff, and runoff attenuation) in order to mimic the hydrologic conditions associated with an undeveloped site. Such techniques may be found in the Connecticut Stormwater Quality Manual (2004, as amended), the Low Impact Development Appendix to the Connecticut Stormwater Quality Manual (2011, as amended), or other sources acceptable to the Commission.

Management Practice - 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.

Intermittent Watercourse – See *“Watercourse, Intermittent.”*

Marshes - 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. (DEEP Model Regulations) See *“Swamp.”*

Material - 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 - The Town of Bethel, Connecticut.

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

Permit – See *“license.”*

Permittee - The person to whom a license has been issued.

Person - 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 - Harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state or any wetland or watercourse 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.

Preservation Restriction - 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.

Prudent - 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 - Any operation within or use of a wetland or watercourse or upland review area as defined in these Regulations involving removal or deposition of material or any obstruction, construction, alteration or pollution of such wetlands or watercourses, except as may be otherwise provided in Article 3.

Remove - Includes, but shall not be limited to drain, excavate, mine, dig, dredge, suck, bulldoze, dragline or blast.

Rendering Unclean Or Impure - 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 - Any activity, including, but not limited to, the following activities which may have a major effect:

1. Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
5. Any activity which causes substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse.
6. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

Soil Scientist - An individual duly qualified in accordance with standards set by the federal Office of Personnel Management.

Submerged Lands - Those lands which are inundated by water on a seasonal or more frequent basis.

Swamps - Watercourses that are distinguished by the dominance of wetland trees and shrubs. See "Marsh."

Town - The Town of Bethel, Connecticut.

INTERPRETATION
DEFINED TERMS

Uplands - Any land not designated as "wetlands" or "watercourses" under the definitions in these Regulations.

Upland Review Area - The area of land within 100 feet measured horizontally from the boundary of any wetland or watercourse.

Waste - 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 - 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, as may be amended.

Watercourse, Intermittent –A watercourse which is delineated by a defined permanent channel and bank and is characterized by non-persistent flow. For the purposes of these Regulations, "intermittent watercourses" shall be delineated by two or more of the following characteristics:

1. Evidence of scour or deposits of recent alluvium or detritus.
2. The presence of standing or flowing water for a duration longer than a particular storm incident. Ordinarily, the presence of water is supported by a component, however small, of groundwater outflow or exfiltration.
3. The presence of or ability to support the growth of hydrophytic vegetation.

Wetlands - Land, including submerged land as defined in this Section, not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, as may be amended, 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.

3. USES AND ACTIVITIES

3.1. COMMISSION APPROVAL REQUIRED

Any and all activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland or watercourse and any other activity defined as a regulated activity by these Regulations shall require a permit from the Commission in accordance with Article 4 unless specifically authorized by Section 3.2, Section 3.3, Section 3.4, or by Section 3.5.

3.2. USES PERMITTED AS OF RIGHT

1. **Notification Required** - To carry out the purposes of this Section 3.2, any person proposing a permitted operation or use shall, prior to commencement of such operation or use, notify the Commission on a form provided by it providing sufficient information to enable the Commission to properly determine that the proposed operation and use is a permitted use of a wetland or watercourse.
2. **Ruling Required** - The Commission shall rule that the proposed operation and use or portion of it is a permitted operation and use or that the proposed operation and use is a regulated activity and a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Commission following the meeting at which the request was received.
3. **Operations And Uses** - The following operations and uses shall be permitted in inland wetlands and watercourses and upland review areas, as of right:
 - a. **Farming Operations** - Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, provided that 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.

USES AND ACTIVITIES

USES PERMITTED AS OF RIGHT

- b. **Residential Home** - A residential home for which a building permit has been issued or on a subdivision lot, provided:
- the permit has been issued or the subdivision has been approved by the Bethel Planning And Zoning Commission as of April 1, 1974 except that no residential home shall be permitted as of right pursuant to this provision unless the permit was obtained on or before July 1, 1987, and
 - the individual claiming a use of wetlands permitted as a right under this Section shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document his entitlement.
- c. **Residential Accessory Uses** - Uses incidental to the enjoyment and maintenance of residential property, such property containing a residence and defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in Bethel. 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.
- d. **Residential Drainage Pipe Maintenance** - Maintenance relating to any drainage pipe which existed before April 1, 1974, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subdivision, "maintenance - the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.
- e. **Fire Emergencies** - Withdrawals of water for fire emergency purposes.
- f. **Boat Anchorage** - Boat anchorage or mooring, not to include dredging or dock construction.
- g. **Water Companies** - Construction and operation, by water companies as defined by CGS Section 16-1 as may be amended or by municipal water supply systems as provided for in CGS Chapter 102 as may be amended, 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 CGS Sections 22a-401 and 22a-403, as may be amended.
- h. **DEEP Activities** - Activities conducted by, or under the authority of, the Department of Energy and Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control.
4. **Universal Requirements** - Uses permitted as-of-right under the provisions of Section 3.2 still need to be conducted in accordance with the requirements of Section 3.6.

3.3. NON-REGULATED USES

1. **Notification Required** - To carry out the purposes of this Section 3.3, any person proposing a non-regulated operation and use shall, prior to commencement of such operation and use, notify the Commission on a form provided by it, and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a non-regulated use of a wetland or watercourse.
2. **Ruling Required** - The Commission shall rule that the proposed operation and use or portion of it is a non-regulated operation and use or that the proposed operation and use is a regulated activity and a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Commission following the meeting at which the request was received.
3. **Operations And Uses** - The following operations and uses shall be permitted, as nonregulated uses in wetlands and watercourses and upland review areas, 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** - conservation of soil, vegetation, water, fish, shellfish and wildlife provided that such operation or use may include but is not limited to minor work to control erosion or to encourage proper fish, wildlife and silviculture management practices.
 - b. **Recreation** - outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing and cross-country skiing where otherwise legally permitted and regulated.
 - c. **Dry Hydrant** - The installation of a dry hydrant, as defined in these Regulations, by or under the authority of a municipal fire department provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply.
4. **Universal Requirements** - Uses permitted as non-regulated uses under the provisions of Section 3.3 still need to be conducted in accordance with the requirements of Section 3.6.

3.4. ACTIVITIES REGULATED EXCLUSIVELY BY DEEP

1. **Activities By State Departments** - The Commissioner of the Connecticut Department of Energy and 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 CGS Sections 22a-39 or 22a-45a, as may be amended.
2. **Tidal Wetlands** - The Commissioner of the Connecticut Department of Energy and Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as may be amended.
3. **Dam Repair / Removal** - The Commissioner of the Connecticut Department of Energy and Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under CGS Section 22a-402 as may be amended or a permit issued by the Commissioner of the Connecticut Department of Energy and Environmental Protection under CGS Sections 22a-403 as may be amended. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from the Commission for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.
4. **Fill or Dredged Material** - The Commissioner of the Connecticut Department of Energy and 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.
5. **Other Matters** – The Commissioner of the Connecticut Department of Energy and Environmental Protection shall have exclusive jurisdiction over any other regulated activities regulated exclusively by DEEP based on state statute or state agency regulation.
6. **Universal Requirements** – Activities regulated exclusively by DEEP under the provisions of Section 3.4 still need to be conducted in accordance with the requirements of Section 3.6.

3.5. ACTION BY DULY AUTHORIZED AGENT

1. The Commission delegates to its duly authorized agent the authority to approve or extend a license for an activity that is not located in a wetland or watercourse, including the installation or maintenance of low impact development techniques, provided:
 - a. such agent has completed the comprehensive training program developed by the Commissioner of the Connecticut Department of Energy and Environmental Protection pursuant to CGS Section 22a-39 as may be amended, and
 - b. such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses.
2. Requests for such approval shall be made on a form provided by the Commission and shall contain the information listed under Section 4.1 and any other information the Commission may reasonably require.
3. Notwithstanding the provisions for receipt and processing applications prescribed in Article 4, such agent may approve or extend such an activity at any time.
4. Any person receiving such approval from such agent shall, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect.
5. Any person may appeal such decision of such agent to the Commission within fifteen days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such Commission or its agent of such appeal.
6. Any person may appear and be heard at the meeting held by the Commission to consider the subject appeal.
7. The Commission shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Article 4.
5. Actions approved by the duly authorized agent under the provisions of Section 3.5 still need to be conducted in accordance with the requirements of Section 3.6.

3.6. UNIVERSAL REQUIREMENTS

1. **Erosion and Sediment Control** - Any application to the Commission and any regulated activity undertaken within the Town of Bethel shall adhere to the erosion and sedimentation control standards set forth in the "Connecticut Guidelines for Soil Erosion and Sediment Control" (2002) as amended and any other applicable regulations in order to:
 - a. minimize and adequately control accelerated erosion and sedimentation during construction,
 - b. result in a stabilized development protected from erosion when completed, and
 - c. utilize the best available technology for erosion and sedimentation control.

2. **Low Impact Development** - Any application to the Commission and any regulated activity undertaken within the Town of Bethel shall seek to implement the best management practices for "green infrastructure" or "low impact development" as set forth in the "Connecticut Stormwater Quality Manual" (2004) as amended and including the Low Impact Development Appendix, in order to accomplish:
 - a. pollutant reduction.
 - b. groundwater recharge and runoff volume reduction.
 - c. peak flow control.

4. APPLICATIONS FOR USES AND ACTIVITIES

4.1. APPLICATION REQUIREMENTS

1. **Application Form** - Any person intending to conduct a regulated activity or to renew or amend a permit to conduct such activity, shall apply for a permit on a form provided by the Commission. Application forms may be obtained in the Land Use Department of the Town of Bethel.
2. **Required Information** - The application shall contain such information as is necessary for a fair and informed determination thereon by the Commission.
 - a. Each application shall contain the information described in Appendix A and any other information the Commission may reasonably require.
 - b. When the Commission or its agent determines that a proposed activity may result in a significant impact, the application shall also contain the information described in Appendix B and any other information the Commission may reasonably require based on the nature and anticipated effects of the activity. A prospective applicant may request the Commission to determine whether or not a proposed activity involves a significant impact activity.
3. **Application Fee** - All petitions, applications, requests or appeals, including the appropriate application fee as specified in Appendix C, shall be submitted to the Land Use Department of the Town of Bethel.
4. **Number Of Copies** - Eight (8) printed copies and one digital copy (PDF) of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the Commission.
5. **Simultaneous Filing** - If an application to the Town of Bethel Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with CGS Section 8-3(g), CGS Section 8-3c, or CGS Section 8-26, as applicable and as may be amended, submit an application for a permit to the Commission in accordance with this Section, no later than the day the application is filed with the Planning and Zoning Commission.
6. **Conservation or Preservation Restriction** – As provided in CGS Section 47-42d, for any permit application involving property subject to a “conservation restriction” or “preservation restriction” as defined in these Regulations, the following shall apply:
 - a. No person shall file a permit application, other than for interior work in an existing building or for exterior work on an existing building that does not expand or alter the footprint of such 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, including, but not limited to, any state agency that holds such restriction not later than sixty days prior to the filling of the permit application.
 - b. In lieu of such notice pursuant to Section 4.1.6.a, 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.
 - c. Nothing in this Subsection shall be construed to prohibit the filing of a permit application or to require such written notice when the activity that is the subject of such permit application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction.

4.2. APPLICATION PROCEDURES

1. **Date of Receipt** - The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Commission, immediately following the day of submission to the Commission or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner.
2. **Notifications to Towns** - In accordance with CGS Section 8-7d(f) as may be amended:
 - a. the Commission shall 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:
 - any portion of the property affected by a decision of the Commission is within five hundred(500) feet of the boundary of Danbury, Brookfield, Redding or Newtown;
 - 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;
 - 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
 - water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
 - b. Such notice shall be made by certified mail, return receipt requested, and shall have been mailed within seven days of the date of receipt of the application, petition, appeal, request or plan as provided in Section 4.2.1.
3. **Notifications to Water Companies** - When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in CGS Section 16-1 as may be amended and to the Commissioner or Public Health in a format prescribed by said Commissioner:
 - a. the applicant shall provide written notice of the application to the water company provided such water company or the Commissioner of Public Health has filed a map showing the boundaries of the watershed on the land records of the municipality in Bethel and with the Commission.
 - b. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days after the date of the application.
 - c. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application.
 - d. Documentation of such notice shall be provided to the Commission.
4. **Supplemental Information** - At any time during the review period, the applicant shall provide such additional information as the Commission may reasonably require including but not limited to information about the regulated activity which is the subject of the application or the wetlands or watercourses affected by the regulated activity. Requests for such additional information shall not stay the time limitations as set forth in Article 4.
5. **Public Records** - All applications and maps and documents relating to any application shall be open for public inspection.

4.3. PUBLIC HEARINGS

1. **Prerequisites For Public Hearing** - The Commission shall not hold a public hearing on an application unless:
 - a. The Commission determines that the proposed activity may have a significant impact on wetlands or watercourses.
 - b. A petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in Bethel, requesting a hearing is filed with the Commission not later than fourteen (14) days after the date of receipt of such application.
 - c. The Commission finds that a public hearing regarding such application would be in the public interest.
 - d. The Commission has determined that a core activity as defined in these Regulations may have a significant impact on wetlands or watercourses and will automatically schedule a public hearing in order to expedite the application process.
2. **Timing of Hearing** - If held, the public hearing shall begin no later than sixty-five days after the date of receipt of such application. The hearing shall be completed within thirty-five (35) days of its commencement. The time frame for completing the public hearing may be extended in accordance with Section 4.5.2.
3. **Notification of Abutters** – When a public hearing is to be held, notice of the time, date, and location of the public hearing shall be mailed to the owner(s) of record of property within 100 feet of the property where a regulated activity is proposed not more than 15 days nor less than 10 days prior to the day of the hearing. Such notice shall be sent by regular mail or by certified mail via the United States Postal Service and “certificates of mailing” issued by the United States Postal Service shall be submitted at the public hearing and shall become part of the official record of the application. As provided in Public Act 15-68, property owners shall be those persons listed as the owners on the property tax map or the most recently completed Grand List.
4. **Publication of Notice** - 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 Bethel.
5. **Testimony** - At such public hearing, any person or persons may appear and be heard and may be represented by agent or attorney.
6. **Documentation of Notice** - Documentation of notice to other municipalities as required by Section 4.2 shall be provided to the Commission in accordance with Section 22a-42c of the General Statutes, as may be amended.
7. **Issuance of Permit** - The Commission may issue a permit without a public hearing provided no petition as provided for in Section 4.3.1.b is filed with the Commission on or before the fourteenth day after the date of receipt of the application.

4.4. CONSIDERATIONS FOR DECISION

1. **Considerations** - The Commission shall consider the following in making its decision on an application:
 - a. The application and its supporting documentation.
 - b. Public comments, evidence and testimony, if any.
 - c. Reports, if any, from other agencies and commissions, including but not limited to the Town of Bethel.
2. In reaching its decision on any application after a public hearing, the Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in its decision. However, the Commission is not precluded from seeking advice from its own experts on information already in the record of the public hearing.
3. **Criteria for Decision** - In carrying out the purposes and policies of CGS Sections 22a-36 to 22a-45 inclusive, as may be amended including matters relating to regulating, licensing and enforcing of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including but not limited to:
 - a. The environmental impact of the proposed action, including the effects on the inland wetland's and watercourse's capacity to:
 - support fish and wildlife,
 - prevent flooding,
 - supply and protect surface and ground waters,
 - control sediment,
 - facilitate drainage,
 - control pollution,
 - support recreational activities, and
 - promote public health and safety.
 - b. The applicant's purpose for the proposed regulated activity.
 - c. Alternatives to the proposed action, including a consideration of 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 include but is not limited to the alternative of requiring actions of different nature which would provide similar benefits with different environmental impacts, such as using a different location for the activity.
 - d. The relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity, including consideration of the extent to which the proposed activity involves tradeoffs 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.
 - e. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures, such as low impact development techniques, 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.

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- 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 would be caused or threatened by the proposed activity or the creation of conditions which may do so.
 - g. The suitability of the activity to the area for which it is proposed. This requires a balancing of the need for the economic growth of the Town and the use of its land with the need to protect its environment and ecology for the people of the state and the benefit of generations yet unborn.
 - h. Measures which would mitigate the impact of any aspect of the proposed regulated activity. Such measures include, but are not limited to actions:
 - which would avoid adverse impacts or lessen impacts to wetlands and watercourses,
 - which could be feasibly carried out by the applicant, and
 - would protect the wetlands' or watercourse's natural capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sedimentation, to prevent erosion, to assimilate wastes, to facilitate drainage, to control pollution, to support recreational activities and open space and to promote public health and safety.
4. **Feasible And Prudent Alternative** - In the case of an application which received a public hearing pursuant to a finding by the Commission that the proposed activity may have a significant impact on wetlands or watercourses:
 - a. A permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist.
 - b. In making this finding the Commission shall consider the facts and circumstances set forth in Section 4.4.3.
 - c. The finding and the reasons therefore shall be stated on the record in writing.
 5. **Land Restrictions** - In the case of an application where the applicant has provided written notice pursuant to Section 4.1.6, the holder of the restriction may provide evidence to the Commission that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the C shall not grant the permit approval.
 6. **In Event of Denial** - In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Commission shall propose on the record in writing the types of alternatives which the applicant may investigate provided this Subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.
 7. **Limitations** - The Commission shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses. For purposes of this Section:
 - a. "wetlands and watercourses" includes aquatic, plant or animal life and habitats in wetlands or watercourses, and
 - b. "habitats - areas or environments in which an organism or biological population normally lives or occurs.

4.5. DECISION PROCESS AND PERMIT

1. The Commission, or its duly authorized agent acting pursuant to Section 3.5, may, in accordance with Section 4.4, 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
 - a. any reasonable measures which would mitigate the impacts of the regulated activity and which would:
 - prevent or minimize pollution or other environmental damage,
 - maintain or enhance existing environmental quality, or
 - in the following order of priority: restore, enhance and create productive wetland or watercourse resources.
 - b. restrictions as to the time of year in which a regulated activity may be conducted, provided the Commission or its agent determines that such restrictions are necessary to carry out the policy of CGS Sections 22a-36 to 22a-45r inclusive, as may be amended.
2. Action shall be taken on applications within:
 - a. thirty-five (35) days after completion of a public hearing.
 - b. sixty-five (65) days from the date of receipt of the application in the absence of a public hearing.
3. The applicant may consent to one or more extensions of the periods specified in this Subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application.
4. The failure of the Commission to act within any time period specified in this Subsection, or any extension thereof, shall not be deemed to constitute approval of the application.
5. An application deemed incomplete by the Commission shall be withdrawn by the applicant or denied by the Commission.
6. The Commission shall state upon its record the reasons and bases for its decision.
7. The Commission shall notify the applicant and any person entitled to such notice of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Commission shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen day period, the applicant may provide for the publication of such notice within ten days thereafter.
8. If an activity authorized by an inland wetland permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, or variance or special exception, under CGS Sections 8-3(g), 8-3c, or 8-26 all as may be amended, the Commission shall file a copy of the decision and report on the application with the Planning and Zoning Commission within fifteen days of the date of the decision thereon.
9. No permit shall become valid until an original Mylar of the approved plan(s) and site plans shall have been signed by the Chairman of the Commission.

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10. **Permit Reversal – Failure To Notify Holder of Restrictions When Not A State Agency** - As provided in CGS Section 47-42d, where the applicant failed to comply with the provisions of Section 4.1.6 and the party holding the conservation or preservation restriction is other than a state agency:
 - a. the party holding the conservation or preservation restriction may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the Commission.
 - b. The Commission shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction.
 11. **Permit Reversal – Failure To Notify Holder of Restrictions When A State Agency** - As provided in CGS Section 47-42d, where the applicant failed to comply with the provisions of Section 4.1.6 and the party holding the conservation or preservation restriction is a state agency:
 - a. The state agency that holds such restriction may, not later than thirty days after receipt of actual notice of permit approval, file an appeal with the Commission.
 - b. The Commission shall immediately reverse such permit approval if the Commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction.
 12. **Permit Expiration** -
 - a. Any permit issued by the Commission for the development of land for which an approval is required under CGS Section 8-3, 8-25 or 8-26 all as may be amended shall be valid for five years provided the Commission may establish a specific time period within which any regulated activity shall be conducted.
 - b. Any permit issued by the Commission for any other activity shall be valid for not less than two years and not more than five years.
 - c. Any permit issued by the Commission prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine years after the date of such approval.
 13. If a financial guaranty or insurance is required in accordance with Section 4.6, the Commission may withhold issuing the permit until such financial guaranty or insurance is provided.
 14. All permits shall expire upon the completion of the acts specified therein.
 15. General provisions in the issuance of all permits:
 - a. The Commission has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
 - b. All permits issued by the Commission are subject to and do not derogate any present or future rights or powers of the Commission or the Town of , and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity.
 - c. If the activity authorized by the Commission’s permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under Sections 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes as may be amended, no work pursuant to the wetland permit may begin until such approval is obtained.
 - d. In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
 - e. Permits are not transferable without the prior written consent of the Commission.

4.6. FINANCIAL GUARANTIES AND INSURANCE

1. Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Commission, be required to file a financial guaranty with such surety in such amount and in a form approved by the Commission.
2. If a financial guaranty or insurance is required, no permit shall be issued until such financial guaranty or insurance is provided.
3. The financial guaranty or surety shall be conditioned on compliance with the provisions of these Regulations and the terms, conditions and limitations established in the permit.
4. Acceptable financial guaranty shall include:
 - a. One or more savings accounts, money market accounts, or certificates of deposit from financial institutions approved by the Town of Bethel provided:
 - each such account shall be federally insured for the full amount of the deposit, and
 - the account shall be only in the name of the Town of Bethel.
 - b. A certified check, bank check, cashier's check, and/or money order from a financial institution approved by the Town of Bethel made payable only to the Town of Bethel,
 - c. An unconditional irrevocable letter of credit with language approved by the Town of Bethel and issued by a financial institution authorized to do business in Connecticut naming the Town as the sole beneficiary.
5. Any financial guaranty which has an expiration date shall include the following provisions:
 - a. the financial guaranty shall not expire unless the Commission or its designated agent has received written notice of such expiration by certified mail at least thirty (30) days but not more than forty-five (45) days before such expiration is to occur, and
 - b. in the event such notice is received, the Town may draw without further condition the balance of the financial guaranty, and
 - c. unless such notice is received, the financial guaranty shall automatically be extended for a period of not less than one year until all requirements of these regulations are completed.
6. Any interest or dividend accruing on any account or instrument shall accrue in the name of the account holder and such funds may be used by the Town in the same manner as the principal.
7. The Commission may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within two years of completion of such operations, in an amount commensurate with the regulated activity.

4.7. PERMIT RENEWAL OR AMENDMENT

1. Any application to renew or amend an existing permit shall be filed with the Commission in accordance with Section 4.1 at least sixty-five (65) days prior to the expiration date of the permit.
2. Any application to renew or amend such an existing permit shall contain the information required under Section 4.1 provided:
 - a. the application may incorporate the documentation and record of the prior application.
 - b. the application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit.
 - c. the application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit.
 - d. the application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued.
3. The Commission may accept an untimely application to extend the expiration date of a permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activity.
4. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided:
 - a. no permit shall be valid for more than ten years, and
 - b. any permit issued prior to July 1, 2011 that did not expire prior to May 9, 2011 shall be valid for no more than fourteen years.
5. The Commission shall evaluate the application pursuant to Section 4.4 and grant the application as filed, grant it with any terms or limitations or deny it.

4.7

APPLICATIONS FOR USES AND ACTIVITIES PERMIT RENEWAL OR AMENDMENT

Effective October 15, 2016

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5. APPLICATIONS FOR AMENDMENTS

5.1. REGULATION AMENDMENTS

1. These Regulations may be amended, from time to time, by the Commission in the manner specified in CGS Section 22a-42a, as may be amended.
2. Any person proposing an amendment to these Regulations shall apply on a form provided by the Commission. Application forms may be obtained in the Land Use Department of the Town of Bethel.
3. Any petition or application to amend the Regulations shall be submitted, along with the appropriate application fee, to the Land Use Department of the Town of Bethel.
4. The Commission shall submit a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto:
 - a. to the Commissioner of the Connecticut Department of Energy and Environmental Protection at least thirty-five days before the public hearing on their adoption.
 - b. to the Office of the Bethel Town Clerk at least ten days before the public hearing on their adoption.
5. The Commission shall hold a public hearing on a petition to amend these Regulations within sixty-five days after receipt of such petition and the hearing shall be completed within thirty-five days after commencement.
6. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney.
7. The Commission shall act upon the changes requested in such petition within sixty-five days after completion of such hearing. If the Commission makes changes, it shall state its reasons on the record.
8. The petitioner may consent to one or more extensions of any period specified in this Subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition.
9. Failure of the Commission to act within any time period specified in this Subsection or any extension thereof, shall not be deemed to constitute approval of the petition.
10. Any amendments to these Regulations shall become effective as of the date established by the Commission provided a notice of such amendment shall have been published in a newspaper having general circulation in the Town of Bethel prior to the effective date and a copy filed with the Office of the Bethel Town Clerk.
11. The Commission shall submit the final adopted amendment language to the Commissioner of the Connecticut Department of Energy and Environmental Protection not later than ten (10) days after adoption.

5.1

APPLICATIONS FOR AMENDMENTS

REGULATION AMENDMENTS

Effective October 15, 2016

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APPENDIX A - APPLICATION CHECKLIST

Submittal	Paper	Electronic
The prescribed application form fully and properly completed and executed	<input type="checkbox"/> (signed original plus 2 copies)	<input type="checkbox"/> (PDF)
Required application fee in plus any additional fees to defray the application processing fee in the form of a check or money order payable to the Town of Bethel	<input type="checkbox"/>	
Plans containing the maps or documents as required by these Regulations or as required by the Commission where the map(s) shall be drawn to a scale of not more than one inch to 50 feet and shall have a contour interval of two feet	<input type="checkbox"/> (8 sets)	<input type="checkbox"/> (PDF)

APPENDIX B - MATERIALS REQUIRED FOR PERMIT APPLICATIONS

All applications shall include the following information in writing or on maps or drawings:

Typically In Written Format

1. The applicant's name, home and business mailing addresses and telephone numbers; if the applicant is a Limited Liability Company or a Corporation the managing member's or responsible corporate officer's name, address, and telephone number;
2. The owner's name, mailing address and telephone number and written consent of the land owner if the applicant is not the owner of the land upon which the subject activity is proposed;
3. The applicant's interest in the land;
4. Statement (certification) 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.
5. A statement (certification) by the applicant indicating whether any property involved in the permit application is subject to a "conservation restriction" or "preservation restriction" as defined in these Regulations.
6. Authorization for the members and agents of the Commission to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the permit (both before and after a final decision has been issued).
7. A completed DEEP reporting form; the Commission shall revise or correct the information provided by the applicant and submit the form to the Commissioner of Environmental Protection in accordance with Section 22a-39-14 of the Regulations of Connecticut State Agencies.

8. 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.
9. Any other information the Commission deems necessary to the understanding of what the applicant is proposing.

Typically In Map Format

10. A site plan, based upon a monumented Class A-2 survey and drawn by a Connecticut-licensed professional engineer or surveyor or architect, showing the proposed activity and existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses;
11. The geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetlands or watercourses to be disturbed, soil type(s), and wetland vegetation;

May Be In Written Or Map Form

12. The purpose and a description of the proposed activity.
13. The proposed erosion and sedimentation controls and other management practices and mitigation, such as low impact development techniques, measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to:
 - a. prevent or minimize pollution or other environmental damage,
 - b. maintain or enhance existing environmental quality, or
 - c. in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
14. Alternatives, such as low impact development techniques, which would cause less or no environmental impact to wetlands or watercourses and why the alternative as set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing;
15. Names and mailing addresses of adjacent land owners;

Other Materials

16. Any other information the Commission deems necessary to the understanding of what the applicant is proposing; and
17. Submission of the appropriate filing fee based on the fee schedule established in Appendix E.

APPENDIX C - MAP CONTENTS

1. Structures existing and proposed on the subject parcel and property lines.
2. Areas of proposed changes in use or activity.
3. Locations on or near the affected property of any wetlands and watercourses, bogs, marshes and swamps as defined these Regulations.
4. Locations of all boring and soil sample data presented by the applicant, documented by a soil scientist.
5. Engineered drainage design (e.g., culverts, catch basins, drainage calculations, etc.).
6. Proposed wells.
7. Locations of all waste treatment facilities, existing and proposed.
8. Areas where material may be deposited or removed.
9. All construction within a watercourse (e.g., bulkheads, piers, etc.).
10. Significant vegetation, including all trees over a six-inch caliper.
11. Proposed grading, by two-foot contours, of any earth movement anticipated.
12. Wetlands, flagged and delineated on the site plan by a certified soil scientist with signature of soil scientist annotated thereon.
13. Runoff calculations showing a zero increase in the rate of flow from the undeveloped condition of the property site to the developed condition of the property site during construction and after completion of the project.
14. Soil and erosion control measures and notes in accordance with the Soils Conservation Service Bulletin No. 55.

APPENDIX D - MATERIALS REQUIRED IF SIGNIFICANT IMPACT

Applications which may result in a significant impact shall also include the following information in writing or on maps or drawings:

1. Site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person.
2. Engineering reports and analyses and additional drawings to fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan.
3. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service:
 - delineated in the field by a soil scientist, and
 - with the soil scientist's signature on the plans agreeing with the depiction of the field delineation.
4. 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.
5. 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.
6. Analysis of chemical or physical characteristics of any fill material to be deposited. If any materials are to be deposited at any point within the subject parcel, the applicant is required to describe the materials in terms of:
 - Volume, in cubic yards.
 - Nature of materials (e.g. sand, gravel, loam, rock, limited to clean fill as defined by industry standards).
7. Management practices and other measures designed to mitigate the impact of the proposed activity. Such measures include but are not limited to plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats, which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage or which otherwise safeguard water resources.
8. If a proposed activity affects a watercourse lying within, partly within or flowing through the subject parcel or affects the water table, submission of anticipated changes in the following are required to be submitted:
 - Alkalinity/acidity level or pH.
 - Turbidity or solids in parts per million.
 - Bacteria count, in coliforms per milliliter.
 - The rate of flow, if any, in cubic feet per second prior to construction.

APPENDIX E - APPLICATION FEES

1. **Fee Required** - No application shall be granted or approved by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant to Subsection 5 below.
2. **Method of Payment** - All application fees required by these Regulations shall be submitted to the Commission by certified check, bank check, cashier's check, and/or money order payable to the Town of Bethel at the time the application is filed with the Commission.
3. The application fee is not refundable.
4. **Exemption** - Boards, commissions, councils and departments of the Town of are exempt from all fee requirements.
5. **Waiver** –
 - a. The applicant may petition the Commission to waive, reduce or allow delayed payment of the fee.
 - b. Such petitions shall be in writing and shall state fully the facts and circumstances the Commission should consider in its determination under this Subsection.
 - c. The Commission may waive all or part of the application fee if the Commission determines that:
 - i. The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
 - ii. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.
 - iii. The applicant has shown good cause.
 - d. The Commission shall state upon its record the basis for all actions under this Subsection.
6. **Special Project Review Fee** –
 - a. The Commission may impose on an applicant special project review fees where additional technical assistance is required to evaluate an application submitted in accordance with these Regulations.
 - b. The need for such technical assistance will be based on a finding that the nature and intensity of the development may have one or more of the significant impacts as defined in Section 2.2.
 - c. Before a special project review fee is imposed, it shall be determined that the Commission's staff will not be able to complete a technical review of the application in a timely fashion or that the project is of such a nature as to require expertise not available from the staff.
 - d. The Inland Wetlands Officer shall make the determination of the need for such technical assistance to be provided by non-Town personnel following a review of the application with other Town staff.
 - e. The Inland Wetlands Officer shall estimate the cost of such services based upon information received from qualified technical experts.
 - f. The applicant shall deposit 150% of the estimated cost of services with the Commission or its designated agent before review of the application by the Commission or the public hearing, if such hearing is necessary.
 - g. Upon completion of the technical review and final action by the Commission of the application, the Commission shall determine the costs incurred for the review and refund excess funds to the applicant.
 - h. The applicant shall not be responsible for costs incurred for technical assistance that exceeds the amount deposited.
7. **Fee Schedule** – For the following types of applications, application fees shall be based on the following schedule:

Basic Applications



Base Application Fee	
Permitted Uses as of Right	No charge
Non-regulated Uses	\$50
Regulated Activities – NON-CORE ACTIVITY	\$100
Regulation Amendment Petitions. (Does not include Notices or Regulation Advisories from DEEP)	\$200
Modification of Previous Approval There shall be no fee for correcting typographical or other errors	\$50
Renewal of Previous Approval	\$50
* DEEP Fee (may be amended by DEEP at any time)	\$60

Regulated Activities (Core Activities)



Base Application Fee	
Residential Uses On A Single Lot - activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing	\$100
Commercial Uses - activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.	\$200
Other uses - activities other than residential uses or commercial uses	\$100
Subdivision: <ul style="list-style-type: none"> • First lot • For each proposed additional subdivision lot whether or not such lots contain wetlands or watercourses • For each lot on which a regulated activity is proposed 	\$100 \$25 / lot \$95 / lot
Significant Activity Fee	
Significant Activity Fee	\$300
Special Project Review Fee	
See Section 6 of Application Fees	\$TBD

WETLAND AREA AFFECTED	
The fee is based on the total area of wetlands upon which a regulated activity is proposed	
Less than 2,500 SF of area	\$18.00 per 1,000 square feet regulated area
2,500 to 50,000 SF of area	\$36.00 plus \$12.00 per 1,000 square feet regulated area
More than 50,000 SF of area	\$600.00 plus \$6.00 per 1,000 square feet

APPENDIX F - RECORDS RETENTION AND DISPOSITION

1. The Commission and the Town Clerk shall retain complete administrative records of Commission actions and dispose of such records in accordance with the retention/disposition schedules set forth below.

2. The public records administrator of the Connecticut State Library established the following new record retention/disposition schedules for municipal Conservation Commissions/Inland Wetlands Agencies effective April 24, 1989:

Type of Record	Minimum Retention Required	
	By Commission	Town Clerk
Tapes, audio-inland wetland matters	4 years	—
General correspondence issued or received	5 years	—
Applications (including supporting materials)	10 years	—
Approved site plans	10 years	—
Hearing records written testimony (staff and public)	10 years	—
Notices of violation orders	10 years	—
Decision letters	10 years	Permanent
Legal notices	10 years	Permanent
Minutes of meeting and public hearings	15 years	Permanent
Text of changes adopted in Regulations	Continuous update/ permanent	

The Inland Wetland and Watercourse Regulations for the Town of Bethel were originally adopted in October 1973.

A comprehensive revision of the Inland Wetland and Watercourse Regulations was undertaken in 2016 and adopted with an effective date of October 15, 2016.

