



TOWN of BETHEL LAND USE DEPARTMENT

Clifford J. Hurgin Municipal Center
1 School Street
Bethel, Connecticut 06801

To: Inland Wetlands Commission
From: David McCollum, *Inland Wetlands Agent* *DM*
Re: Inland Wetlands Ruling Request – #7 Rockwell Road
Staff Report
Date: April 18, 2024

To the Inland Wetlands Commission (“Commission”):

I offer the following comments with regard to the subject submission submitted for your consideration:

- Section 22a-40 of the Connecticut General Statutes (“CGS”) lists “Permitted operations and uses” that are permitted in wetlands and watercourses “as of right”. For the intents and purposes of this section, and for the purposes of this Staff Report, the terms “permitted use as of right” and “uses permitted as of right” shall have the same meaning as “exempt” or “exemption”.
- Section 3 “Uses and Activities” of the Bethel Inland Wetlands Regulations (“Regulations”) copies most, if not all, of the language used in CGS §22a-40.
- Since this is not a formal Application to the Commission, the property owner / applicant shall be hereon referred to as the “Notifier”.
 1. The Commission should recall the condition of the property as was observed during a Site Walk on November 19, 2023 for an Application that has since been withdrawn.
 2. The Notifier shall confirm if the operation and/or use for which the exemption is requested is §3.2.3.c of the Regulations or specify which other operation(s) and/or use(s) for which the exemption is requested.
 3. The Notifier appears to have used a photocopy of an A-2 Survey titled, “Map Prepared for Violet Mattone and Mary B. Baillie Bethel – Connecticut Area = 1.023 Acres” prepared by David L. Ryan, L.S. 8175, dated **December 8, 1971** (emphasis added) to highlight the portion of the property as the “AREA OF REPAIR”. The Commission should consider whether or not it is appropriate for the Notifier to submit an updated Survey of the property that shows the watercourse, Limekiln Brook (shown on the aforementioned survey as “Jacklin Brook”) in its present channel and any on-site Regulated Wetlands Areas that are associated with same.
 4. The Notifier did not include any work they undertook on a portion of the easternmost bank of Limekiln Brook, as indicated in previous enforcement letters issued by the Bethel Land Use Department.
 5. The Notifier shall submit evidence showing the condition of the “AREA OF REPAIR” prior to the Notifier commencing any work associated with the previous enforcement letters issued by the Bethel Land Use Department.
 6. The Notifier indicates, in Item #5 on their Request Form, that some of the materials to be used are “native to the site”. The Notifier should specify where on the property these materials were sourced.

7. The Notifier has the burden of proving to the Commission that the activity falls within the exemption(s) they are requesting.
8. The Commission should recall a "Verified Petition to Intervene" dated September 21, 2023 submitted by Brian Blanchette, of #4 Old Hawleyville Road, an excerpt of which states: "The activities proposed involve direct and substantial alteration of a watercourse through the removal and deposition of rocks from the stream course and onto the banks, along with the direct disruption of the riparian habitat which in turn impairs the hydraulic profile of the watercourse and causes erosion of the stream banks." (pp. 1)