

- 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 Scotland, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity.
- c. If the activity authorized by the Commission's permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under sections 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.
- d. In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
- e. Permits are not transferable without the prior written consent of the Commission.

## SECTION 12

### ACTION BY DULY AUTHORIZED AGENT

- 12.1 The Commission may delegate 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 when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the 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 Commission and shall contain the information listed under Section 7.5 of these regulations and any other information the Commission may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 9 and 11 of these regulations, such agent may approve or extend such an activity at any time. Agent shall report at the next regularly of all actions taken.
- 12.2 Any person receiving such approval from such agent shall, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Commission within fifteen days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such Commission or its agent of such appeal. Any person may appear and be heard at the meeting held by the Commission to consider the subject appeal. The

Commission shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with section 7 of these regulations.

### SECTION 13 BOND AND INSURANCE

- 13.1 The Commission may require as a permit condition the filing of a bond with such surety in such amount and in a form approved by the Commission.
- 13.2 The bond or surety shall be conditioned on compliance with the provisions of these regulations and the terms, conditions and limitations established in the permit.
- 13.3 The Commission may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands, watercourse or upland review area covering any and all damages which might occur within two (2) years of completion of such operation, in an amount commensurate with the regulated activity.
- 13.4 The amount of the performance bond shall be released to the permittee upon receipt by the Agency of evidence that the proposed activity(ies) have been substantially completed in a satisfactory manner. The Commission may, in its own discretion release a portion of the bond amount if it is of the opinion that the permitted activity(ies) have been substantially completed and only a minor portion of the activity(ies) remains to be completed.
- 13.5 The commission may require bonding to insure any activity being undertaken in a non-regulated area, if that activity may potentially disturb the natural and indigenous character of any regulated area.

### SECTION 14 ENFORCEMENT

- 14.1 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. 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 10.2 of these regulations.
- 14.2 The Commission or its agent may make regular inspections at reasonable hours of all regulated activities for which permits have been issued with the consent of the property owner or the authorized agent of the owner during the life of the permit.
- 14.3 In the case in which a permit has not been issued or a permit has expired, the Commission or its agent may make regular inspections at reasonable hours with the consent of the property owner or the authorized agent of the property owner.

- 14.4 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:
- a. Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition. Within ten (10) calendar days of issuance of such order the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to Section 22a-44(b) of the Connecticut General Statutes, as amended.
  - b. Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Commission, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in subsection 14.4a of these regulations or other enforcement proceedings as provided by law.
- 14.5 The Commission may suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Commission shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Commission shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Commission shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.

SECTION 15  
AMENDMENTS

- 15.1 These regulations and the Inland Wetlands and Watercourses Map for the Town of Scotland may be amended, from time to time, by the Commission in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- 15.2 An application filed with the Commission which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetlands regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Commission with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses, or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.
- 15.3 These regulations and the Town of Scotland Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Commission shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five days before the public hearing on their adoption.

(Note: Application fee schedules shall be adopted as Commission regulations or as otherwise provided by town ordinance.)

- 15.4 Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, Scotland, 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 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 reason for the requested action.

- 15.5 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, Scotland, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Commission. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 15.4 of these regulations, 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;
  - 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 said 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.
- 15.6 Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.
- 15.7 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having general circulation in the municipality where the land that is subject of the hearing is located at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date set for the hearing. All materials including maps and documents relating to the petition shall be open for public inspection.
- 15.8 The Commission shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within sixty-five days after receipt of such petition. The hearing shall be completed within thirty-five days after commencement. The Commission shall act upon the changes requested in such petition within sixty-five days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition. Failure of the Commission to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.
- 15.9 The Commission shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.

## SECTION 16

### APPEALS

- 16.1 Appeal on actions of the Commission shall be made in accordance with the provisions of section 22a-43 of the Connecticut General Statutes, as amended.
- 16.2 Notice of such appeal shall be served upon the Commission and the Commissioner of Environmental Protection.

## SECTION 17

### CONFLICT AND SEVERANCE

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

## SECTION 18

### OTHER PERMITS

- 18.1 Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Scotland, 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 license is the sole responsibility of the applicant.

## SECTION 19

### Application Fees

- 19.1 Fees are set to cover the reasonable cost of reviewing and acting on applications, petitions and monitoring compliance with any permit or commission order. A schedule of fees and rates as herein noted will be established annually by the commission in November and the fees will be effective for the ensuing calendar year. If the commission does not act the current fee schedule will remain in place for the ensuing calendar year. Any fees required by these regulations shall be submitted to the commission at the time noted herein. Payments will be made by check or money order payable to the Town of Scotland.
- 19.2 No permit shall be approved or granted by the commission unless all fees that are determined applicable by the commission are paid in full unless a waiver has been granted by the commission pursuant to Subsection 19.7 of these Regulations.
- 19.3 The basic "Residential", "Residential Subdivision", "Commercial", and "Other Uses" fees, noted in Subsection 19.5 of these regulations are non-refundable.
- 19.4 Definitions: As used in Subsection 19.5 of these Regulations:

"Residential Uses" means activities carried out on property developed for permanent housing or being developed to be occupied by permanent residence.

"Residential Subdivision" means activities on property being subdivided and developed into additional residential parcels or homes on land in common ownership

"Commercial Uses" means activities on property developed for industry, commerce, trade, recreation and business or being developed to be occupied for such purposes, for profit or non-profit.

"Other Uses" means activities other than residential or commercial uses noted above.

#### 19.5 Filing, Application and Permit Fees

- a. Basic Filing Fees due at the time an application is formally received by the Commission for Regulated Activities. (Section 6)

(1) Basic Residential Filing Fee	\$125.00
Plus fee from Schedule A .	
(2) Basic Residential Subdivision Filing Fee	\$125.00
plus \$125.00 per parcel that contains	
a "Regulated Activity,"	
Plus fee from Schedule A	

(3) Basic Commercial Filing Fee	\$300.00
Plus fee from Schedule A	
(4) Basic Other Uses Filing Fee	\$100.00
Plus fee from Schedule A	
(5) Basic Agent Fee for Approval or Extension of Activity Pursuant to Section 12	\$65.00
(6) Residential uses with minimal impact	\$100.00
Plus fee from Schedule A	

- b. Application fee for regulated activity started without a permit,  
(Double Regular Fee)  
Plus: Fee from Schedule A
- c. Inspection for Non-compliance to permit conditions  
\$50.00 per/site inspection or per 1/2hr.
- d. Fee for road construction (private or public) involving wetlands or watercourses  
\$1000.00 for the first 1000 feet and \$1.00 per foot there after.
- e. Significant Activity and or Public Hearing Fee (Subsection 7.6 and or 9.1)  
\$250.00.
- f. Map Amendment Petitions - (Subsection (15.5) \$250.00  
plus \$20.00 per 1000 linear feet of total length of wetlands and watercourses boundary  
subject to the proposed boundary change.
- g. Modification of previously approved permit \$70.00  
(to include, but not limited to, extension(s) of time  
in which to initiate and/or complete the activity.).
- h. State Fee: The State fee is currently \$30.00  
The applicant will be responsible for this fee and  
any increases in the State fee.
- i. The applicant will be responsible for paying the cost of the required legal notice; the  
published notice of the Commission's decision . The Commission will receive from  
the applicant at the time of the filing of the application \$ 70.00 to cover this cost  
and filing fee.

The above fees cover the cost of processing the application, preliminary review of application and plans, initial inspection(s) of the site and meeting with the applicant or the applicant's agent. If an application requires additional review time and or monitoring by staff or consultants and these costs are in excess of the basic filing fee Schedule B and or Schedule C will be applied to that application. This will allow the Town to transfer the actual costs of review and or monitoring directly to the applicant. An estimate of these costs will be provided to the applicant within 10 days of receipt of

the application, any portion of the application fee in excess of the actual cost will be refunded to the applicant.

#### Schedule A

Area of Wetland and Watercourse Impacted. A fee for the area measured in square feet of wetlands to be effected by the proposed regulated activity including, but not limited to, any excavation, filling, alteration, or pollution of such wetland or watercourse” and per linear foot of watercourse disturbed.

Fee per 1000 square feet of affected wetlands	\$100.00
Fee per linear foot of watercourse disturbed	\$2.00

#### Schedule B

Complex Application Fee The Inland Wetlands Agency may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts to analyze, review, and report on issues requiring such experts. The Agency or the duly authorized agent shall estimate the complex application fee which shall be paid pursuant to section 19.1 of these regulations within 10 days of the applicant's receipt or notice of such estimate. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after publication of the agency's decision.

#### Schedule C

##### Additional Monitoring and Inspection Fees

Wetlands Agent	-----\$35.00 per inspection or per ½ hour
Engineer	-----\$85.00 per inspection or per ½ hour
Environmental Consultant	-----\$85.00 per inspection or per ½ hour

These fees along with approximate number and type of inspections will be determined at the time of filing, and/or assessed per inspection required to monitor the site after the permit is issued

19.7 Exemption. Boards, commissions, councils and departments of the Town of Scotland are exempt from all application fee requirements.

19.8 Waiver. The applicant may petition the Commission to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Commission should consider in its determination under this subsection. The Commission may waive all or part of the application fee if the Commission determines that:

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

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

## SECTION 20 EFFECTIVE DATE OF REGULATIONS

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

## APPENDIX A

Connecticut General Statute section 1-1(q)

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

## APPENDIX B

Connecticut General Statute section 8-7d

Hearings and decisions. Time limits. Day of receipt. Notice to adjoining municipality.

(a) In all matters wherein a formal petition, application, request or appeal must be submitted to a zoning commission, planning and zoning commission or zoning board of appeals under this chapter, a planning commission under chapter 126 or an inland wetlands Commission under chapter 440 and a hearing is required or otherwise held on such petition, application, request or appeal, such hearing shall commence within sixty-five days after receipt of such petition, application, request or appeal and shall be completed within thirty-five days after such hearing commences, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. In addition to such notice, such commission, board or Commission may, by regulation, provide for notice to persons who own or occupy land that is adjacent to the land that is the subject

of the hearing. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing, any person or persons may appear and be heard and may be represented by agent or by attorney. All decisions on such matters shall be rendered within sixty-five days after completion of such hearing, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. The petitioner or applicant 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, application, request or appeal.

(b) Notwithstanding the provisions of subsection (a) of this section, whenever the approval of a site plan is the only requirement to be met or remaining to be met under the zoning regulations for any building, use or structure, a decision on an application for approval of such site plan shall be rendered within sixty-five days after receipt of such site plan. Whenever a decision is to be made on an application for subdivision approval under chapter 126 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. Whenever a decision is to be made on an inland wetlands and watercourses application under chapter 440 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed sixty-five days or may withdraw such plan or application.

(c) For purposes of subsection (a) or (b) of this section and section 7-246a, the date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of such commission, board or Commission, immediately following the day of submission to such commission, board or Commission or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner. If the commission, board or Commission does not maintain an office with regular office hours, the office of the clerk of the municipality shall act as the agent of such commission, board or Commission for the receipt of any petition, application, request or appeal.

(d) The provisions of subsection (a) of this section shall not apply to any action initiated by any zoning or planning and zoning commission regarding adoption or change of any zoning regulation or boundary.

(e) Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, and the time for a decision by a zoning commission or planning and zoning commission established pursuant to this section would elapse prior to the thirty-fifth day after a decision by the inland wetlands Commission, the time period for a decision shall be extended to thirty-five days after the decision of such Commission. The provisions of this subsection shall not be construed to apply to any extension consented to by an applicant or petitioner.

(f) The zoning commission, planning commission, zoning and planning commission, zoning board of appeals or inland wetlands 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: (1) Any portion of the property affected by a decision of such commission, board or Commission is within five hundred feet of the boundary of the adjoining municipality; (2) 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; (3) 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 (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

## APPENDIX C –

### Notice to Applicants

a. Recent changes to the General Statutes Section 22a-41---22a-42a(d) (1) requires the commission to take into consideration any mitigation measures 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. The statute also requires that the wetlands commission consider, in addition to the impacts of the proposed regulated activity outside the area for which the activity is proposed, impacts of 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. To ensure that permit applicants are aware of the changes and address them in their permit application the following changes to the statutes shall be appended to the standard application form.

b. To ensure that permit applicants are aware of the changes and address them in their permit application the following changes to the statutes shall be appended to the standard application form.

c. All applicants are required to propose how they will mitigate the adverse impacts of their proposed regulated activity. Such mitigation plans should include the "management practices" the applicant proposes to implement as part of his/her project.

d. "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.

e. The purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other Management Practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (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.

f. A site plan showing 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.

## APPENDIX D

### Standard Permit Conditions

a. The Inland Wetlands Commission's Agent is to be notified 48 hours before the commencement and completion of any part of the activity.

b. The granting of this permit does not relieve the applicant from obtaining additional permits and/or approvals required by other agencies federal, state, and local. See item 2.11.

c. If an approval or permit is granted by another agency and contains conditions affecting wetlands and/or watercourses and the area one hundred feet from their flagged boundaries and two hundred feet from an area identified in section 1.6 by this permit, the applicant must resubmit the application for further consideration by the Inland Wetlands Commission for a decision before work on the activity is to take place.

d. The duration of this permit is 5 years unless extended by this commission and shall expire upon completion of the activity approved herein or within one year of the start of activity; whichever is sooner. Any request to renew or extend the expiration date of a permit should be filed in accordance with Section 7 of the Scotland Inland Wetlands and Watercourses Regulations of the Town of Scotland. Expired permits may not be renewed. Approval is at the discretion of the Commission and the Commission may require a new application for regulated activities.

e. The applicant shall not assign or transfer this permit, or any part thereof, without the written permission of the Commission.

f This approval is for the activity within the regulated area surrounding a wetland or watercourse as indicated on sheets \_\_\_\_\_ of the latest revised map submitted with the application. Latest revision: \_\_\_\_\_.

g All activities for the prevention of soil erosion, such as silt fences and hay bales shall be under the direct supervision of a certified engineer, who shall employ the best management practices, consistent with the terms and conditions of this permit, to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the permittee weekly and after rains and all deficiencies must be remediated within twenty-four hours of finding them.

h If any information provided by the applicant in the permit approval process is subsequently proved to be false, incomplete, or misleading, this permit may be modified, suspended, or revoked and the permittee may be subject to any remedies or penalties provided by law.

i The applicant is to pay an additional fee of \$\_\_\_\_\_ as determined by the IWWC agent from Section 18 (Fee Schedule) of the IWWC Regulations.

j A copy of this motion and the conditions listed, when approved by majority vote of the IWWC members present shall constitute a permit for the activity described in the application and accompanying data when signed and dated by the IWWC Agent.

## APPENDIX E

### Special Permit Conditions

a. The permittee, \_\_\_\_\_ will submit a \$\_\_\_\_\_ performance bond escrow account, or certified check to the Commission staff prior to the commencement of clearing or construction activities to insure compliance with the conditions of this permit. Specific details of the bonding/escrow procedure can be obtained from Commission staff.

b. The permittee, \_\_\_\_\_ will submit a cash performance bond to the Commission staff prior to the commencement of clearing or construction to insure compliance with the conditions of this permit.

c. The bond shall be held for \_\_\_\_\_ to insure compliance with the conditions of this permit.

d. Steps taken to control sedimentation, erosion and downstream siltation shall include but need not be limited to:

1. The installation of a temporary erosion control fence or other suitable erosion control measure as indicated on the permit map or as required by Commission staff. This erosion control measure will be installed prior to the start of construction activities. Its location will be reviewed and approved in the field by Commission staff.

2. The limitation of all construction activities to a landscape envelope reviewed and approved by the Commission staff.

3. The placement of additional erosion controls as reviewed and approved by Commission staff prior to commencement of \_\_\_\_\_.

4. The installation of one or more temporary baled hay, log, or rock check dams immediately downstream of the construction area. Placement of the dam will be subject to review and approval of the Commission staff in the field. All sediment collected on the upstream side of the dam shall be removed periodically to ensure efficient siltation control. All collected sediment will be removed prior to the dismantling of the structures.

e. Provisions of the Natural Resources Conservation Service erosion and sediment control plan will be implemented where required by Commission staff.

f. NATURAL RESOURCES CONSERVATION SERVICE  
GENERAL EROSION AND SEDIMENT CONTROL PLAN

1. Land disturbance will be kept to minimum; restabilization will be scheduled as soon as practicable.

2. Hay bale filters will be installed at all culvert outlets and along the toe of all critical cut and fill slopes.

3. Culvert discharge areas will be protected with rip rap channels; energy dissipaters will be provided as necessary.

4. Catch basins will be protected with hay bale filters throughout the construction period and until all disturbed areas are thoroughly stabilized.

5. All erosion and sediment control measures will be constructed in accordance with the standards and specifications of the Erosion and Sediment Control Handbook.

6. Erosion and sediment control measures will be installed prior to construction whenever possible.

7. All control measures will be maintained in effective condition throughout the construction period.

8. Additional control measures will be installed during the construction period if necessary or required.

9. Sediment removed from control structures will be disposed of in a manner which is consistent with the intent of the plan.

10. \_\_\_\_\_ is assigned the responsibility for implementing this erosion and sediment control plan. This responsibility includes the installation and maintenance of control measures, informing all parties engaged on the construction site of the requirements and objectives

of the plan, notifying the Inland Wetlands Commission office of any transfer of this responsibility, and conveying a copy of the erosion and sediment control plan if the title to the land is transferred.

g. The implementation of a sedimentation/erosion control plan prepared by \_\_\_\_\_.

h. No grading, clearing, landscaping or other ground surface disturbance shall occur within \_\_\_\_\_ of the regulated area except as reviewed and approved by the Commission staff.

i. During construction, piles of fill, erodible material and debris shall not be created within \_\_\_\_\_ feet of regulated areas.

j. A map delineating the location of fill and debris storage areas will be submitted to the Commission staff for approval prior to the commencement of \_\_\_\_\_ activities.

k. Any material excavated at the site shall be disposed of at an upland or off-site location reviewed and approved by the Commission staff prior to the start of the construction activities.

l. \_\_\_\_\_ foot undisturbed, natural buffer will be preserved on the upland edge of all inland wetland and watercourse areas.

m. A natural buffer planting plan shall be developed and implemented to protect the adjacent \_\_\_\_\_. This plan shall be reviewed and approved by Commission staff prior to the commencement of construction activities. The buffer will be \_\_\_\_\_ feet wide.

n. A permanent wall, fence, or line of selected plantings shall be established \_\_\_\_\_ feet from the \_\_\_\_\_ as a permanent demarcation feature. This demarcation structure shall be reviewed and approved by the Commission staff prior to the commencement of construction activities.

o. A permanent buffer demarcation plan shall be developed and implemented to protect the adjacent \_\_\_\_\_. This plan shall be reviewed and approved by the Commission staff prior to the commencement of clearing or construction. The buffer demarcation will be installed prior to the commencement of other construction activities.

p. Wetland/watercourse area destroyed by \_\_\_\_\_ activities shall be mitigated through the enhancement and/or replacement of wetlands/watercourse areas in the same sub-watershed. The ratio of replaced/enhanced to destroyed wetland shall be 2:1. The enhancement/replacement plan shall be subject to the review and approval of the Commission staff prior to the commencement of construction.

q. The Commission staff shall review and approve the final construction designs and locations for the \_\_\_\_\_ prior to the start of construction activities.

r. All authorized activities will be certified to be in compliance with the permit and conditions by a registered, professional engineer. Certification will be based upon regular on-site supervision of construction activities. Written compliance reports will be submitted \_\_\_\_\_ to the Commission staff upon the commencement of construction.

s. A qualified environmental consultant will be utilized during the course of construction to minimize adverse environmental impacts on regulated areas. Written status reports will be submitted \_\_\_\_\_ to the Commission staff upon the commencement of construction.

t. The Inland Wetland and Watercourses boundary shall be delineated on a record plan with a note indicating that all activities within or adjacent to regulated areas are subject to the review and approval of the Commission. A map with this note and wetland and watercourse boundaries shall be filed with the Town Clerk's office in accordance with Section 7-31 of the Connecticut General Statutes. Copies of this record plan shall be submitted to the Commission staff for review and approval prior to and after filing with the Town Clerk.

u. A declaration noting the presence of inland wetland and watercourse areas on the property is required. This declaration should also mention Inland Wetlands and Watercourses Permit # \_\_\_\_\_ and require the preservation of inland wetlands and watercourses in a undisturbed and natural state. The declaration must be submitted to the Commission staff for review and approval prior to the start of construction activities and filed in the Land Records of the Town.

v. A declaration noting the presence of inland wetland and watercourse areas on the property is required. This declaration should also mention Inland Wetlands and Watercourses Permit # \_\_\_\_\_. The declaration must be submitted to the Commission staff for review and approval prior to the start of construction activities and filed in the Land Records of the Town.

w. A copy of this permit will be given to the future property owner. The name and address of the new owner will be submitted to the Commission staff when the property has been sold. The new owner will be notified in writing by the applicant of all inland wetland/watercourse restrictions on the property.

x The proposed septic system design shall be reviewed and approved by the Scotland Sanitarian. A copy of the septic permit and associated map shall be submitted to the Commission staff prior to the start of construction activities.

y. No pool backwash water will be discharged into or adjacent to inland wetland and watercourse areas.

z. Work within the watercourse corridor will be limited to periods of low flow. Low flow periods normally occur between August and October. Wetland Commission staff will determine if the \_\_\_\_\_ can occur at other times following an on-site field investigation to evaluate flow conditions.

aa. Oil separators shall be installed on all storm water discharge outlets. The design and location of the separators will be reviewed and approved by the Commission staff prior to the commencement of construction activities.

bb. If the approved structure is to be heated by fuel oil stored in ground, a non-corrodible/nonferrous storage tank shall be used. Commission staff shall approve the tank location on the permit map.

cc. The permittee will comply with all applicable standard conditions.

dd. An additional filing fee of \_\_\_\_\_ shall be submitted to the Commission staff prior to the commencement of construction activities in accordance with Section 19.5 of the Scotland Inland Wetlands and Watercourses regulations