



TOWN OF HARTLAND
22 SOUTH ROAD
EAST HARTLAND, CT 06027

HARTLAND INLAND WETLANDS AND WATERCOURSES REGULATIONS

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AS OF 9/2/2016

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SECTION 1. - TITLE AND AUTHORITY

- 1.1 These Regulations shall be known as the "Hartland Inland Wetlands & Watercourses Regulations".
- 1.2 The Wetlands Commission of the Town of Hartland was established in accordance with an ordinance adopted February 25, 1974, and shall implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of Hartland.
- 1.3 These Regulations have been adopted in accordance with the provisions of the Inland Wetlands and Watercourses Act. They may be amended, from time to time, in accordance with Section 15 of these Regulations.
- 1.4 Except as provided in Section 5, the Wetlands Commission of the Town of Hartland shall enforce all provisions of the Inland Wetlands and Watercourses Act and these Regulations, and shall either issue, issue with modifications, or deny permits for all regulated activities on wetlands and watercourses in the Town of Hartland pursuant to Sections 22a-36 to 22a-45a, inclusive, of the Connecticut General Statutes, as amended.

SECTION 2. - DEFINITIONS

- 2.1. As used in these Regulations, each of the following terms has the meaning which follows it.
 - (a) **ACT** - The Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45a of the Connecticut General Statutes, as amended.
 - (b) **AGENT** - A designated agent.
 - (c) **AQUIC MOISTURE REGIME** - A soil condition in which the water table is near the surface for a significant portion of the growing season, and exhibiting a lack of dissolved oxygen, as defined more completely in "Keys to Soil Taxonomy," AID, USDA, Soils Management Support Services, SMSS Technical Monograph #6, Cornell University, 1987.
 - (d) **BOG** - An area usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.
 - (e) **CLEAR-CUT** - To harvest timber in a fashion which removes all trees down to 2" diameter at breast height.
 - (f) **COMMISSION** - The Wetlands Commission of the Town of Hartland.
 - (g) **COMMISSIONER** - The Commissioner of the Department of Energy and Environmental Protection of the State of Connecticut.
 - (h) **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.
 - (i) **DEPOSITION** - Relocation of material including, but not limited to, filling, grading, dumping, placing, discharging, or emitting.
 - (j) **DESIGNATED AGENT** - A person designated and duly authorized by the Commission to carry out all or some of its functions and purposes.
 - (k) **DISCHARGE** - The emission of any water, substance or material into wetlands or watercourses, whether or not such substance causes pollution.
 - (l) (not used)
 - (m) **DOCK CONSTRUCTION** - The fabrication, assembly, and installation of a dock, including site preparation. A dock is a Water Structure defined under Section 2.1(II) and regulated under Section 7.15 of these Regulations.
 - (n) **FARMING** - Operations and uses included in Section 1-1(q) of the Connecticut General Statutes, as may be amended. Definition effective on 7/10/2016 reads as follows: *"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 of 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 molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124".*

- (o) **FEASIBLE** - Able to be constructed or implemented consistent with sound engineering principles.
- (p) **GARDENING** - Use of land for the growing of crops, raising of livestock, or other agricultural purpose, primarily for personal consumption.
- (q) **INLAND WETLANDS AND WATERCOURSES AGENCY** - A municipal board or commission established pursuant to and acting under Section 22a-42 of the Connecticut General Statutes, as amended.
- (r) **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 or watercourses; procedures for maintaining continuous stream flows; and confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.
- (s) **MARSH** - An area with soils that exhibit aquatic moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by soft-stemmed herbaceous plants. The water table in a marsh is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six (6) inches or more in depth are common.
- (t) **MATERIAL** - Any substance, solid or liquid, organic or inorganic, including, but not limited to soil, sediment, aggregate, gravel, clay, bog, peat, mud, debris, sand, refuse and/or waste.
- (u) **MUNICIPALITY** - Any town, consolidated town and city, consolidated town and borough, city and borough.
- (v) **NURSERY** - Land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.
- (w) **PERMIT** - The whole or any part of any license, certificate of approval, or similar form of permission which may be required of any person by the provisions of these Regulations under the authority of the Commission or by other municipal, state, or federal law.
- (x) **PERMITTEE** - The person to whom such permit has been issued.
- (y) **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.
- (z) **POLLUTION** - Harmful thermal effect or the contamination or rendering unclean or impure of any waters of the Town 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 into contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing, or excavation activity.
- (aa) **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.
- (bb) **REGULATED ACTIVITY** - Excepting those activities specified in Section 4 of these Regulations
 - (1) Activity within a wetland or watercourse: Any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration, or pollution of such wetland or watercourse;
 - (2) Activity within an Upland Review Area: Any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within the following upland review areas:
 - (a) Within one hundred (100) feet measured horizontally from the boundary of any wetland or watercourse;
 - (b) Within one hundred (100) feet measured horizontally from the boundary of any watercourse, including tributaries of the Farmington River;
 - (c) Within one hundred and fifty (150) feet measured horizontally from the West Branch of the Farmington River; or
 - (d) Within a minimum of three hundred (300) feet measured horizontally from the boundary of any wetland or watercourse only for the following activities: excavation, removal, deposition, grading, or processing of earth material limited to and described under "Excavation of Earth Materials Regulation" of the Hartland Planning and Zoning Commission, as amended. Refer to Appendix A of the Wetlands Regulations.
 - (3) The Commission may rule that any other activity located within (1) or (2) above or in any other non-wetlands or non-watercourse area is likely to impact or affect areas and is a regulated activity;
 - (4) Any Water Structure within the Town of Hartland that requires a permit. Refer to Section 7.15 of these Regulations.
- (cc) **REMOVAL** - Relocation of material, including but not limited to draining, excavating, mining, digging, dredging, sucking, grubbing, clear-cutting, bulldozing, drag-lining, or blasting.
- (dd) **RENDER UNCLEAN AND IMPURE** - Alteration of any of the physical, chemical or biological properties of any of the waters of the Town, including, but not limited to, changing the odor, color, turbidity, or taste.

- (ee) **SIGNIFICANT IMPACT ACTIVITY** - Any activity, including, but not limited to, the following activities which may have a major effect or significant impact on the area for which an application has been filed or on another part of the wetland or watercourse system:
- (1) Any activity involving a deposition or removal of material which will or may have a major effect or significant impact on the wetlands or watercourses or on another part of the wetland or watercourse system or on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses;
 - (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 wetlands or watercourses to support desirable fisheries, wildlife, or other biological life, and to 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 causes or has potential to cause pollution of wetlands or watercourses; or
 - (7) Any activity which damages or destroys unique wetland or watercourse areas having demonstrable scientific or educational value.
- (ff) **SOILS SCIENTIST** - Any person duly qualified in accordance with standards set by the federal Office of Personnel Management.
- (gg) **SUBMERGED LAND** - Land which is inundated by water on a seasonal or more frequent basis.
- (hh) **SWAMP** - An area dominated by wetland trees and shrubs and with soils that exhibit aquatic moisture regimes.
- (ii) **TOWN** - The Town of Hartland, Hartford County, Connecticut.
- (jj) **WASTE** - Sewage or any substance, solid, liquid, or gaseous, radioactive or not, which may pollute or tend to pollute any of the waters of the Town.
- (kk) **WATERCOURSE** - means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, public or private, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town of Hartland or any portion thereof not regulated pursuant to Sections 22a-28 to 22a-35, inclusive of the Connecticut General Statutes, as amended. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of 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; and
 - (3) the presence of hydrophytic vegetation.
- (ll) **WATER STRUCTURES** – means docks, access ramps, access stairs, floats, boat houses, boat ramps, tie-off pilings, or other dock-related structures.
- (mm) **WETLAND** - means land, including submerged land as defined in Section gg above, not regulated pursuant to Sections 22a-28 to 22a-35, inclusive, of the Connecticut General Statutes, as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and/or flood plain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture. Such areas may include filled, graded or excavated sites which possess an aquatic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.
- (nn) **WETLANDS AND WATERCOURSES MAP** - The map described in Section 3.1 of these Regulations together with any additions or corrections which are made, from time to time, by the Commission.

SECTION 3. - INVENTORY OF WETLANDS OR WATERCOURSES

- 3.1 A map entitled "Designated INLAND WETLANDS and WATERCOURSES for Town of Hartland," prepared by the State of Connecticut, Department of Energy and Environmental Protection, delineates the general location and boundaries of wetlands and the general locations of watercourses in the Town. Copies of this map are available for inspection in the office of the Town Clerk, or from the Secretary of the Commission. In all cases, the precise location of wetlands or watercourses shall be determined by the actual character of the land, the distribution of wetland soil types, and locations of water courses. Such determinations shall have been made within five (5) years of the date of any application by field inspection and testing conducted by a soils scientist where soil classifications are required, or by other qualified

individuals where watercourse determinations are required. The Commission, at its discretion, may require that wetlands and/or watercourses so determined be field mapped by a Registered Land Surveyor.

- 3.2 The Commission or its designated agent(s) shall inventory and maintain current records of all wetlands or watercourses within the Town. The Commission may amend its map from time to time as information becomes available relative to more accurate delineation of wetlands or watercourses within the Town. Such map amendments are subject to the public hearing process outlined in Section 15 of these Regulations.
- 3.3 Any person may petition the Commission for an amendment to the map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change in accordance with Section 15. The petitioner shall provide proof that the existing designation is inapplicable. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping or other available information. Documentation in accordance with Section 15 of these Regulations shall be required in cases where an accurate delineation of the boundaries of the wetlands or watercourses is necessary.

SECTION 4. PERMITTED USES AS OF RIGHT AND NONREGULATED USES

- 4.1 The following operations and uses shall be permitted in wetlands or watercourses in the Town as of right:
 - (a) Grazing, farming, nurseries, gardening and harvesting of crops, and farm ponds of three (3) acres or less essential to operation of the farm, and 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. The provisions of this subdivision shall not be construed to include:
 - (1) Construction of any road to be used for other than the operation of the farm;
 - (2) Erection of buildings not directly related to the operation of the farm;
 - (3) Relocation of any watercourse with continual flow;
 - (4) Filling or reclamation of wetlands, or of watercourses with continual flow;
 - (5) Clear cutting of timber, excepting only that necessary for the expansion of agricultural crop lands; or
 - (6) Mining from wetlands or watercourses of topsoil, peat, sand, gravel, or similar materials for the purposes of sale.
 - (b) The construction of a residential home either:
 - (1) For which a building permit was issued prior to July 1, 1974; or
 - (2) On a subdivision lot which was approved prior to July 1, 1974, and for which a building permit was issued prior to July 1, 1987. The person claiming use of a wetlands or watercourses permitted as a right under this Subsection shall document the validity of said claim by providing a certified copy of the building permit and a site plan showing proposed and existing topographical contours, house and well locations, septic system, driveway, approval dates or other information required by the Commission to document his entitlement.
 - (c) Boat anchorage or mooring, not to include dredging or dock construction;
 - (d) Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality. 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 into a wetland or watercourse, or diversion or alteration of a watercourse;
 - (e) Construction and operation, by water companies as defined by Section 16-1 of the Connecticut General Statutes, as amended, or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes, as 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 Sections 22a-401 and 22a-403 of the Connecticut General Statutes, as amended;
 - (f) Maintenance relating to any drainage pipe which existed before July 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" means the removal of accumulated leaves, soil, and other debris, whether by hand or machine, while the pipe remains in place; and
 - (g) Withdrawals of water for fire emergency purposes.
- 4.2 The following operations and uses shall be permitted as non-regulated uses in wetlands or watercourses in Town, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or destruction of water flow, or pollution of the wetland or watercourse:
 - (a) Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife, and silviculture management practices;
 - (b) Outdoor recreation including the use of 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 shell-fishing, and cross-country skiing where otherwise legally permitted and regulated; and

(c) The installation of a dry hydrant 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. For purposes of this section, “dry hydrant” means a non-pressurized pipe system that: (1) is readily accessible to fire department apparatus from a proximate public road, (2) provides for the withdrawal of water by suction to such fire department apparatus, and (3) is permanently installed into an existing lake, pond or stream that is a dependable source of water.

4.3 Notification requirements for permitted uses as of right and nonregulated uses are as follows:

- (a) All operations and uses identified in Sections 4.1 and 4.2 that clearly do not disturb the natural and indigenous character of the wetlands or watercourses shall not require notification to the Commission. Any person proposing an operation or use identified in Section 4.1 or 4.2 that is likely to disturb the natural and indigenous character of the wetlands or watercourses must comply with the provisions stated in Section 4.4 below;
- (b) All operations and uses identified in Sections 4.1 and 4.2 which are conducted in an upland review area:
 - (i) shall not require notification to the Commission; and
 - (ii) shall be permitted as of right or as non-regulated provided that they do not disturb the natural and indigenous character of the wetlands or watercourses.

4.4 To carry out the purposes of this Section, any person proposing an operation or use identified in Section 4.1 or 4.2 that is likely to disturb the natural and indigenous character of the wetlands or watercourses shall, prior to commencement of such operation and use, notify the Commission or its duly-authorized agent on a form provided by it, and provide the Commission or its duly-authorized agent with sufficient information to enable it to properly determine that the proposed operation or use is a permitted or non-regulated use of the wetland or watercourse. The request shall be deemed received by the Commission at its next regularly scheduled meeting following receipt of the request. The Commission or its duly-authorized agent shall determine, in accordance with these Regulations, that the proposed operation or use is a permitted or nonregulated operation or use or that 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. The duly-authorized agent may make such ruling on behalf of the Commission at any time. Refer to Sections 7.15 and 7.16 for notification requirements for Water Structures and Timber Harvesting, respectively.

4.5 All activities in a wetland or watercourse involving filling, excavation, dredging, clear-cutting, grading, or any other alteration or use of a wetland or watercourse not specifically permitted by this section shall require a permit from the Commission in accordance with Section 6 of these Regulations.

SECTION 5. – ACTIVITIES IN HARTLAND WHICH ARE REGULATED BY THE STATE

5.1 In addition to any permit or approval required by the Commission, the Commissioner shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:

- (a) Construction or modification of any dam pursuant to Sections 22a-401 through 22a-411 of the Connecticut General Statutes, as amended;
- (b) Construction or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349a of the Connecticut General Statutes, as amended;
- (c) Diversion of water, including withdrawals of surface or groundwater, in excess of fifty thousand (50,000) gallons per day or any piping, culverting, channelization, relocation, damming, or other alteration of the location of the flow of any surface waters of the state where the tributary watershed area above the point of diversion is 100 acres or larger pursuant to Sections 22a-365 through 22a-378 of the Connecticut General Statutes, as amended;
- (d) Discharges into waters of the State pursuant to Section 22a-430 of the Connecticut General Statutes, as amended;
- (e) Discharge of fill or dredge 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.

5.2 The Commissioner shall have exclusive jurisdiction over regulated activities and other activities, in or affecting wetlands or watercourses in the Town undertaken by any department, agency or instrumentality of the State of Connecticut, except any town or regional board of education, in accordance with Section 22a-39(h) of the Connecticut General Statutes, as amended. The Commission may render an advisory decision to the Commissioner within thirty-five days of receipt of notice of the proposed action.

5.3 The Commissioner shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner under Section 22a-402 or a dam construction permit issued by the Commissioner under Sections 22a-403 or 22a-411 of the Connecticut General Statutes, as amended. Any person receiving such dam repair or removal order or dam construction 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 dam permit.

SECTION 6. - REGULATED ACTIVITIES TO BE LICENSED

- 6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Commission.
- 6.2 Any person found to be conducting or maintaining a regulated activity, without prior authorization of the Commission, or violating any other provision of these Regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these Regulations and any other remedies as provided by law.

SECTION 7. - APPLICATION REQUIREMENTS

- 7.1 Any person wishing to undertake a regulated activity shall apply for a permit on the form entitled Inland Wetlands Application. The application shall include the application form and such other information as required by Section 7.5 and, in the case of a significant impact activity, by Section 7.6 and Section 7.7 of these Regulations, as well as any other information the Commission may require. Application forms may be obtained from the Town Clerk or from the Wetlands Commission Secretary.
- 7.2 If an application to the Planning and Zoning Commission for subdivision or re-subdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, as 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.
- 7.3 All applications shall contain such information as is necessary for a fair and informed determination of the issues.
- 7.4 The Commission and the applicant may hold pre-application meetings to discuss the proposed action. Whenever possible a determination whether the proposal involves a significant impact activity shall be made at such a pre-application meeting. The Commission shall state in writing why the activity is deemed significant.
- 7.5 All applications shall be in writing. The following information, shall be included on the Inland Wetlands Application, or on attachments, as is appropriate:
 - (a) The applicant's name, home and business addresses and telephone numbers. If the applicant is a Corporation or a Limited Liability Corporation, the name, address and telephone number of the corporate officer or the managing member, respectively;
 - (b) If the applicant is not the owner of the property involved in the application, the owner's name, address, and telephone number, and written consent, and the applicant's interest in the land;
 - (c) The geographical location of the property which is to be affected by the proposed activity, including, but not limited to, a description of the land in sufficient detail to allow identification of the wetland(s) and watercourse(s), a computation of the area(s) (in acres or square feet) of wetland and/or watercourse disturbance, soil type(s) and vegetation;
 - (d) The purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to:
 - (1) Prevent or minimize pollution or other environmental damage;
 - (2) Maintain or enhance existing environmental quality; or
 - (3) In the following order of priority: restore, enhance, and create productive wetland or watercourse resources.
 - (e) Alternatives which would cause less or no environmental impact to wetlands or watercourses and why the alternatives set forth in the application were chosen;
 - (f) Names and addresses of owners of adjacent properties;
 - (g) Certification 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;
 - (h) Authorization for the members and/or agents of the Commission to inspect the property at reasonable times during the pendency of an application and for the life of the permit;
 - (i) A completed DEEP reporting form; the Commission shall revise or correct the information provided by the applicant and submit the form to the Department of Energy and Environmental Protection in accordance with Section 22a-39(m) of the Connecticut General Statutes and Section 22a-39-14 of the Regulations of Connecticut State Agencies;
 - (j) Any other information the Commission deems necessary to an understanding of what the applicant is proposing;
 - (k) A site plan or drawing showing existing and proposed conditions in relation to wetlands or 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. The plan shall clearly show the limits of disturbance to be caused by any proposed regulated activity;
 - (l) If the application involves the establishment of more exact boundaries of wetlands or watercourses, or a relocation of such boundaries from that marked on the Wetlands and Watercourses Map, a map shall be attached on which are presented the newly determined boundaries as flagged by a soils scientist, according to Section 3.1, and to which the soils scientist has certified;

- (m) The application shall be accompanied by the appropriate filing fee(s) based on the Fee Schedule filed with the Town Clerk in the Town of Hartland;
 - (n) At any time during the application and/or hearing process, the Commission may require an applicant to pay a fee for reasonable costs and expenses for expert engineering and other consultant services such as, but not limited to, performing or verifying the accuracy of a resource area survey and delineation, analysis or resource area functions and characteristics, wildlife evaluation, hydro geologic and drainage analysis and environmental or land use law, deemed necessary to come to a final decision on the application.
- 7.6 If the proposed activity involves a significant impact activity, as determined by the Commission and defined in Section 2.1(ee) of these Regulations (requiring a public hearing per Section 9.1), additional information, based on the nature and anticipated effects of the activity, including, but not limited to, the following, is required:
- (a) A site plan, drawn by a Registered Land Surveyor, Professional Engineer, Licensed Architect, or Licensed Landscape Architect, registered in the State of Connecticut, or such other person as the Commission may deem qualified, detailing the proposed use or operation and the property which will be affected, showing existing and proposed conditions, wetlands boundaries and watercourse locations, land contours, boundaries of land ownership, proposed alterations and uses of wetlands or watercourses, and other pertinent features of the development;
 - (b) Engineering reports and analyses and additional drawings to describe fully the proposed project with details of any filling, excavation, drainage, or hydraulic modifications to wetlands or watercourses and the proposed erosion and sedimentation control plan;
 - (c) A map of soil types consistent with the categories established by the National Cooperative Soil Survey of the U. S. Natural Resources Conservation Service; the wetlands shall be delineated in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans;
 - (d) Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetlands functions;
 - (e) Description of:
 - (1) how the proposed activity will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application;
 - (2) each alternative to the proposed activity which would cause less or no environmental impact to the wetlands or watercourses; and
 - (3) a description of why each alternative considered was deemed neither feasible nor prudent.
 - (f) Analysis of chemical and physical characteristics of any fill material; and
 - (g) Management practices and other measures which mitigate the impact of the proposed activity, including but 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.
- 7.7 The applicant shall certify whether:
- (a) Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 - (b) Traffic on the site attributable to the project, either during the regulated activity or after its completion, 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, either during the regulated activity or after its completion; or
 - (d) Water run-off from the altered site will impact the streets or other municipal or private property within the adjoining municipality.
- 7.8 One (1) original and nine (9) copies of all application materials shall be submitted to comprise a complete application unless the Commission directs otherwise.
- 7.9 Any application to extend the expiration date of a previously issued permit or to amend an existing permit shall be filed with the Commission at least sixty-five (65) days prior to the expiration date for the permit. Any application for amendment, renewal, or extension shall be made in accordance with this Section, provided that the application shall:
- (a) Incorporate by reference the documentation and record of the original application;
 - (b) Describe the extent of any work performed up to the time of filing, and shall propose a schedule for the completion of the activities authorized in the original permit;
 - (c) State the reason why the authorized activities were not initiated or completed within the time specified in the permit, or why the activities must be changed from the specifications of the original permit; and
 - (d) Describe any changes in facts or circumstances involved with or affecting wetlands or watercourses on the property for which the permit was issued.

- 7.10 The Commission may accept an untimely application to extend the expiration date of a permit if the authorized activity is ongoing and may allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be extended and the public interest or the environment will best be served by not interrupting the activity.
- 7.11 The Commission shall evaluate each application, timely or untimely, in accordance with the provisions of Section 10 of these Regulations.
- 7.12 Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit shall be valid for more than ten (10) years, and further provided that 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 (14) years.
- 7.13 Declaration of Conservation Easement and Restrictions:
It is the purpose of this Easement to assure that a Conservation Easement Area is maintained forever in its natural, scenic, open and wooded condition, as a natural environmental system suitable for wild native and naturalized flora and fauna of all types, or the natural state that the Conservation Easement Area assumes during the course of undisturbed ecological succession, as a natural environmental system for the protection and preservation of the biodiversity and ecological resources of the region, restricting all other development, save the current use of the Conservation Easement Area. Grantors intend that the Easement will confine the use of the Conservation Easement Area to such activities as are consistent with the purpose of this Easement. Any applicant who proposes to establish a Declaration of Conservation Easement & Restrictions shall obtain a copy of the Model Declaration of Conservation Easement & Restrictions at the Town Clerk's Office. It is recommended that the applicant review it with their legal counsel. Any modifications by the applicant to the Model Declaration of Conservation Easement & Restrictions shall be presented to the Commission for consideration and approval. All easement documents are subject to final approval by the Town Attorney. The duly executed and approved Declaration of Conservation Easement & Restrictions shall become part of the permanent land records at the Town Clerk's Office in the Town of Hartland.
- 7.14 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:
- (a) For purposes of this Section, "conservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the State or any political subdivision of the State, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use;
 - (b) For purposes of this Section, "preservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the State or any political subdivision of the State, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites;
 - (c) No person shall file a permit application, other than for interior work in an existing building or for exterior work 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 filing of the permit application; and
 - (d) In lieu of such notice pursuant to Subsection 7.14c, 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.
- 7.15 Water Structures:
This provision governs the proposed construction or maintenance of Water Structures. See Sections 4.1(c), 4.1(d), 4.3, 4.4, and Definitions 2.1(m) and 2.1(ll) of these Regulations.
- (a) No Permit Required. Maintenance of existing Water Structures shall be permissible, as of right and without a permit, in accordance with Section 4.1(d) of these Regulations, only under the following conditions:
 - (1) Only maintenance of an existing Water Structure is proposed;
 - (2) There shall be no removal or deposition of significant amounts of material from or onto a wetland or watercourse;
 - (3) There shall be no diversion or alteration of a watercourse; and
 - (4) The Water Structure is not located on a lot that is larger than two (2) acres.

(b) Permit Required.

(1) A permit shall be required under any of the following circumstances:

- (a) Any proposed maintenance of existing Water Structures which does not comply with Section 7.15(a) above;
- (b) New construction of a Water Structure; or
- (c) Proposed maintenance of a Water Structure that is, or will be, located on a lot that is larger than two (2) acres, pursuant to Section 4.1(d) of these Regulations.

7.16 Timber Harvest Notification:

Any person who proposes to conduct timber harvesting within wetlands or watercourses shall notify the Commission or its designated agent by completing the Notification of Timber Harvest form obtained at the Town Clerk's Office.

SECTION 8. - APPLICATION PROCEDURES

- 8.1 All petitions, applications, requests, or appeals shall be filed with the Secretary of the Commission or the Town Clerk.
- 8.2 In the case of an application where any portion of the wetlands or watercourses on which the regulated activity is proposed is located within 500 feet of the boundary between the Town and Granby, Barkhamsted, or Colebrook in Connecticut, the applicant shall give written notice of the proposed activity by certified mail, return receipt requested, to the Inland Wetlands and Watercourses Agency(ies) of the appropriate municipality(ies) in accordance with Section 8.7d(f) of the Connecticut General Statutes, as amended. In the case of an application where any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary between the Town and Tolland or Granville in Massachusetts, the applicant shall give written notice of the proposed activity by certified mail, return receipt requested, to the Conservation Board of the appropriate town(s). In either case, such notice must be given on the same day in which the application is made to the Commission, and documentation of receipt of such notice(s) shall be provided to the Commission as soon thereafter as possible.
- 8.3 The Commission shall, in accordance with Section 8.7d(f) of the Connecticut General Statutes, as amended, notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project onsite in which:
 - (a) Any portion of the property affected by a decision of the Commission is within 500 feet of the boundary of the adjoining municipality;
 - (b) A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - (c) A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the 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.

Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, appeal, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.
- 8.4 When an application is filed to conduct or cause to be conducted a regulated activity in wetlands or watercourses, any portion of which is within the watershed of a water company as defined in Section 25-32a of the Connecticut General Statutes, as amended, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said Commissioner, provided such water company or said Commissioner has filed a map showing boundaries of the watershed on the land records of the Town and with the Commission. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of the application. Such returned receipt shall be shown to the Commission at the start of its consideration of the application as proof of the required notification. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application.
- 8.5 The date of receipt of any 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 (35) days after such submission, whichever is sooner. The Town Clerk of the municipality shall act as the agent of such commission for the receipt of any application, petition, request or appeal.
- 8.6 At any time during the review period the Commission may require the applicant to provide additional information about the wetlands or watercourses or regulated activity which is the subject of the application, or about wetlands or watercourses affected by the proposed regulated activity. Requests for additional information shall not stay the time limitations as set forth in Subsection 9.2 of these Regulations. Also refer to Subsection 8.9 of these Regulations.

- 8.7 All applications shall be open for public inspection.
- 8.8. Incomplete applications may be denied.
- 8.9. Method of Payment. All required fees shall be submitted to the Commission by cash, check or money order payable to the Town of Hartland at the time the application is filed with the Commission.
- 8.10. No application shall be granted or approved by the Commission unless the correct application fee amount is paid in full.
- 8.11. Application fees are not refundable.
- 8.12. The Commission may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts to analyze, review, and report on issues requiring such experts. The Commission or the Designated Agent shall estimate the Complex Application Fee which shall be paid pursuant to these Regulations within ten (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 thirty (30) days after publication of the Commission's decision.
- 8.13. Exemptions: Boards, commissions, departments, and other governmental organizations of the Town of Hartland are exempt from all fee requirements.
- 8.14. Waivers: 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 discretion under this Subsection. The Commission may waive all or part of the application fee(s) 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.
 The Commission shall state upon its record the basis for all actions under this Subsection.

SECTION 9. - PUBLIC HEARINGS

- 9.1 The Commission shall not hold a public hearing on an application unless the Commission determines the proposed activity may have a significant impact on wetlands or watercourses or a petition requesting a hearing signed by at least twenty-five (25) persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, is filed with the Commission not later than fourteen (14) days after the date of receipt of such application or the Commission finds that a public hearing regarding such application would be in the public interest. All applications and maps and documents relating thereto shall be open for inspection. The Commission may issue a permit without a public hearing provided no petition provided for in this Section is filed with the Commission not later than fourteen (14) days after the date of receipt of the application. Any person may appear and be heard at any public hearing.
- 9.2 No later than sixty-five (65) days after receipt of an application, the Commission may hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken within sixty-five (65) days from the date of the receipt of the application. The applicant may consent to one or more extensions of the periods specified in this Subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Commission to act within any time period specified in this Subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Commission shall be withdrawn by the applicant or denied by the Commission.
- 9.3 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 (15) and not less than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located, and with a copy to the Town Clerk to post on Town bulletin boards.
- 9.4 Applicants shall mail notice of the Public Hearing to the owner(s) of record of abutting or adjacent land no less than fifteen (15) days prior to the day of the hearing. All postage costs for such notification shall be paid by the applicant. Notice of the Public Hearing shall be mailed by certified mail, return receipt requested. The person who owns land shall be the owner indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed.
- 9.5 In the case of an application which is subject to the notification provisions of Section 8.2 of these Regulations, a public hearing shall not be conducted until receipt by the Commission of confirmation of the required notification. Proof of such notification shall be entered into the hearing record.

SECTION 10. - CONSIDERATIONS FOR DECISION

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

- (a) The application and its supporting documents;
- (b) For an application for which a public hearing is held, public comments, evidence and testimony;
- (c) Reports from other municipality agencies and commissions, including, but not limited to, those of the Town, such as:
 - (1) Conservation Commissions;
 - (2) Planning and/or Zoning Commissions;
 - (3) Building Officials; or
 - (4) Health Officers.
- (d) Comments on any application from the Hartford Soil and Water Conservation District, Regional Planning Agencies, or other regional organizations or agencies in adjoining municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations; and
- (e) Non-receipt of comments from agencies and commissions listed in Section 10.1 (c) and Section 10.1 (d) above within the prescribed time shall neither delay nor prejudice the decision of the Commission.

10.2 Criteria for Decision. In carrying out the purposes and policies of Sections 22a-36 to 23a-45, inclusive, of the Connecticut General Statutes, as amended, including matters relating to the regulation, licensing and enforcement of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including, but not limited to:

- (a) The environmental impact of the proposed regulated activity on wetlands or watercourses;
- (b) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
- (c) The relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
- (d) Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance, and create productive wetland or watercourse resources;
- (e) The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
- (f) Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

10.3 In the case of any application which receives a public hearing pursuant to a finding by the Commission that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the Commission shall consider the facts and circumstances set forth in Section 10.2 of these Regulations. This finding and the reasons therefore shall be stated in the record of the decision of the Commission.

10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Commission shall propose on the record in writing the types of alternatives which the applicant may investigate, provided this Subsection shall not be construed to shift the burden from the applicant to prove that the applicant is entitled to the permit or to present alternatives to the proposed regulated activity. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued.

10.5 For purposes of this Section, (1) "wetlands and watercourses" includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) "habitats" means areas or environments in which an organism or biological population normally lives or occurs.

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

10.7 In reaching its decision on any application after a public hearing, the Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the record of the hearing shall not be considered by the Commission in its decision. However, the Commission is not precluded from seeking advice from its experts on information already in the record of the public hearing. A conclusion that a feasible and prudent alternative does not exist does not

create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these Regulations and Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.

- 10.8 In the event that the Commission determines a need for professional advice on a detail or details of the application, and this advice is not available from those present at the hearing, the hearing shall be recessed for such period of time as is needed for obtaining such advice, provided that the overall time limits of the hearing as specified in Section 9.2 of these Regulations are not exceeded. All information submitted to the Commission during the recess shall be made available to the applicant and all named parties, and shall be entered into the records of the hearing when the hearing is reconvened.
- 10.9 In the case of an application where the applicant has provided written notice pursuant to Subsection 7.14c of these Regulations, the holder of the restriction may provide proof to the inland wetlands agency that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the inland wetlands agency shall not grant the permit approval.
- 10.10 In the case of an application where the applicant fails to comply with the provisions of Subsections 7.14c or 7.14d of these Regulations, (1) the party holding the conservation or preservation restriction, other than a State agency that holds such restriction, may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction; or (2) the State agency that holds such restriction may, no later than thirty days after receipt of actual notice of permit approval, file an appeal with the inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency 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.
- 10.11 Nothing in Subsections 7.14c or 7.14d of these Regulations 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.

SECTION 11. - DECISION PROCESS AND PERMIT

- 11.1 The Commission, or its duly authorized agent acting pursuant to Section 12 of these Regulations, may, in accordance with Section 10 of these Regulations, grant the application as filed or grant it upon such terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would:
 - (a) Prevent or minimize pollution or other environmental damage,
 - (b) Maintain or enhance existing environmental quality, or
 - (c) In the following order of priority: restore, enhance and create productive wetland or watercourse resources.
 Such terms may include 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 Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.
- 11.2 The Commission shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives.
- 11.3 The Commission shall notify the applicant and any person entitled to such notice of the 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 (15) day period, the applicant may provide for the publication of such notice within ten (10) days thereafter. A copy of all Commission decisions shall be forwarded to the Commissioner in such form as prescribed by the Commissioner.
- 11.4 If an activity authorized by the permit also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, variance or special exception, a copy of the decision and report on the application shall be filed with the Town of Hartland Planning and Zoning Commission within fifteen (15) days of the date of the decision.
- 11.5 If the Commission grants a permit with terms, conditions, limitations, or modifications, the applicant may attempt to modify the proposal to the satisfaction of the Commission. The Commission shall determine whether the proposed modification requires the filing of a new application. The rejection of a modified or corrected application by the Commission shall be equivalent to the denial of the application for the purposes of appeal.

- 11.6 If the Commission denies a permit, the application shall not be resubmitted unless the proposal is modified in a fashion that substantially changes the impacts which resulted in the denial. Such submittal shall take the form of a new application.
- 11.7 Any permit issued by the Commission for the development of property for which an approval is required under Chapter 124, 124b, 126 or 126a of the Connecticut General Statutes, as amended, shall be valid until the approval granted under such Chapter expires or for ten years, whichever is earlier. Any permit issued by the Commission for any activity for which an approval is not required under Chapter 124, 124b, 126 or 126a shall be valid for not less than two (2) years and not more than five (5) years. Any such permit shall be renewed upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit may be valid for more than ten (10) years.
- 11.7.1 Notwithstanding the provisions of Section 11.7 of these Regulations, 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 (9) years after the date of such approval. Any such permit shall be renewed upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances that requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no such permit shall be valid for more than fourteen (14) years.
- 11.8 No permit shall be assigned or transferred without the prior written permission of the Commission.
- 11.9 Refer to Section 13 if a bond or insurance is required.
- 11.10 The following general provisions apply to the issuance of all permits:
- (a) If the Commission has relied in whole or in part on information provided by the applicant in its evaluation of the application, 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, and convey neither rights in real estate nor 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 property or activity.
 - (c) If the activity authorized by the permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance or special exception, no work pursuant to the permit issued by the Commission may begin until such additional approval is obtained.
 - (d) The permittee shall take such necessary steps, consistent with the terms and conditions of the permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of the wetlands or watercourses.

SECTION 12. - ACTION BY DULY AUTHORIZED AGENT

- 12.1 The Commission may delegate to its duly authorized agent the authority to approve or extend 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 wetland or watercourse, provided such agent has completed the comprehensive training program developed by the Commissioner pursuant to Section 22a-39 of the Connecticut General Statutes, as amended. Requests for such approval shall be made on a form provided by the Commission (*Inland Wetlands Application*) and shall contain any information the agent may reasonably require from Section 7.5 of these Regulations. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 9, and 11 of these Regulations, such agent may approve or extend such an activity at any time.
- 12.2 Any person receiving such approval from such agent shall, within ten (10) 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 (15) 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 (3) 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 As a permit condition, the applicant may be required to file a bond with such surety, in such amount, in such form and at such time as the Commission determines.

- 13.2 The bond or surety shall be conditioned on compliance with all 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 or watercourses covering any and all damage which might occur within two (2) years of completion of such operations, in an amount to be determined by the Commission commensurate with the regulated activity.

SECTION 14. - ENFORCEMENT

- 14.1 The Commission may appoint an agent or agents to act on its behalf with the authority to issue notices of violation or cease and desist orders and to 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 As a condition of a permit, the Commission or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these Regulations with the consent of the property owner or the authorized agent of the property 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 shall have the following options:
 - (a) The Commission may issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to cease immediately such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order, the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and, within ten (10) days of the completion of the hearing, notify the person by certified mail, return receipt requested, that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission may file a certificate of such order in the Office of the Town Clerk of the town in which the land is located and the Town Clerk shall record such certificate on the land records of such town. Such certificate shall be released upon compliance with such order. 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 Section shall neither delay nor bar an action pursuant to Section 22a-44(b) of the Connecticut General Statutes, as amended.
 - (b) The Commission may 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:
 - (1) Appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity;
 - (2) Provide a written reply to the notice; and/or
 - (3) File a proper application for the necessary permit.

Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Section 14.4(a) or other enforcement proceedings as provided by law.
- 14.5 The Commission may suspend or revoke a permit if it finds that the applicant has not complied with the terms, conditions, or limitations set forth therein. Prior to suspending or revoking any permit, the Commission shall issue notice to the permittee by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. At the public hearing the permittee shall be given an opportunity to show that it is in compliance with both its permit and all requirements for the retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by certified mail, return receipt requested, within fifteen (15) days of the date of its decision. The Commission shall publish notice of the suspension or revocation in a newspaper having general circulation in the Town. In any case in which such notice is not published within such fifteen (15) day period, the permittee may provide for the publication of such notice within ten (10) days thereafter.
- 14.6 Procedures for penalties for non-compliance shall be determined, in all regards, by Section 22a-44(b) of the Connecticut General Statutes, as amended.

SECTION 15. - AMENDMENTS

- 15.1 These Regulations and the Wetlands and Watercourses Map may be amended, from time to time, by the Commission in accordance with the Connecticut General Statutes, as amended, or Regulations of the Department of Energy and

Environmental Protection of the State of Connecticut, or as new information regarding soils and inland wetlands and watercourses becomes available.

- 15.2 An application filed with the Commission which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of the 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 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.
- 15.3 These Regulations and the 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 with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except determination of boundaries, at least thirty-five (35) days before the public hearing on their adoption. Application forms and fee schedules shall not be considered part of the Commission Regulations.
- 15.4 Petitions requesting map changes or amendments to the Wetlands and Watercourses Map shall contain at least the following information:
 - (a) The petitioner's name, address and telephone number;
 - (b) The property owner's name (if other than the petitioner), address, telephone number, written consent to the proposed action set forth in the petition, and the petitioner's interest in the property;
 - (c) The geographic location of the property which is to be affected by the proposed amendment, including, but not limited to, a description of the land in sufficient detail to allow identification of the disputed wetland(s) and watercourse(s);
 - (d) The reasons for the requested action;
 - (e) The names and addresses of adjacent property owners; and
 - (f) A map of the proposed development of the property, if such development is the reason for the proposed amendment.
- 15.5 The Commission may require the petitioner to present documentation, which becomes a part of the application upon submittal, that the property in question has been wrongly classified. Such documentation includes, but is not limited to, a map signed by the soils scientist, or other individual acceptable to the Commission, who performs the field work. This map shall depict the flag locations defining the actual boundaries of the regulated soil types, and the actual locations of watercourses, in accordance with Section 3.1 of these Regulations. Such documentation shall include information required in Subsection 15.4.
- 15.6 Within ninety (90) days after receipt of a petition to amend the Wetlands and Watercourses Map, the Commission shall hold a public hearing to consider the petition. Notice of the hearing shall be published in a newspaper having substantial circulation in the Town at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before such hearing. A copy of such proposed boundary change shall be filed, at least ten (10) days before such hearing, in the Office of the Town Clerk for public inspection.
- 15.7 The Commission shall hold a public hearing on a petition to amend the Regulations and/or the Inland Wetlands and Watercourses Map within sixty-five days after receipt of such petition. The public hearing shall be concluded within thirty-five (35) days of its commencement. The Commission shall act upon the petition within sixty-five (65) days of the close of the public hearing. At such hearing, any person or persons may appear and be heard and may be represented by an 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 (65) days, or may withdraw such petition. Failure of the Commission to act within any time period in this Subsection or any extension thereof, shall not be deemed to constitute approval of the petition.
- 15.8 The Commission shall make its decision and state in writing the reason(s) why each change in the Wetlands and Watercourses Map is made.
- 15.9 Modifications to Declaration of Conservation Easement and Restrictions.
 - (a) An application is required for modifications to the uses, language or boundaries of any conservation easement accepted by the Commission on behalf of the Town of Hartland. Since the Commission considers these easements to be fully binding on the applicant in perpetuity, modifications to them are not encouraged. Applications for modification(s) to the uses, language or boundaries of a conservation easement are to include the reasons for the modification(s) and the payment of the appropriate fee established in the Fee Schedule on file at the Town Clerk's Office.

- (b) Applications are to utilize the same terms and format found in the existing conservation easement in effect for the subject property. Alternatively, the applicant may obtain a copy of the Model Declaration of Conservation Easement & Restrictions at the Town Clerk's Office. Project-specific language shall be required. All easement documents are subject to final approval by the Town Attorney.

SECTION 16. – APPEALS

- 16.1 Appeals on actions of the Commission shall in all details 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.

SECTION 17. - CONFLICT AND SEVERANCE

- 17.1 If there is a conflict between provisions of these Regulations, the provision which imposes the most stringent standards for the use of wetlands or watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection, 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 by regulation by the Town of Hartland, State of Connecticut, and 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.

SECTION 19. - EFFECTIVE DATE OF THESE REGULATIONS

- 19.1 These Regulations, and the Wetlands and Watercourses Map, application forms, Fee Schedule, and amendment thereto, shall become effective upon filing in the Office of the Town Clerk, and upon publication of a notice of such action in a newspaper having general circulation in the Town.

Adopted: September 7, 1988
 Amended: December 6, 1989
 Amended: May 2, 1990
 Amended: March 1, 1996
 Amended: April 8, 1999
 Amended: November 29, 2010
 Amended: September 2, 2016

ARTICLE VIII – EXCAVATION OF EARTH MATERIALS REGULATION - EXCERPT FROM HARTLAND PLANNING & ZONING COMMISSION REGULATIONS

Section VIII – 1 Purpose

The purpose of this regulation is to regulate and control the excavation or deposition of earth materials in a manner consistent with the Town Plan of Development, and to prevent the creation of any safety or health hazards or nuisances to the public, or to owners or occupants of adjoining property including, but not limited to, soil erosion, stagnant water, water pollution, noise, dust, excessive runoff to adjoining property or adjacent property and to provide for the quiet and safe use thereof.

Section VII – 2 Definitions

For the purpose of this section, the following definitions shall apply:

‘EXCAVATION’ shall mean the deposition on, or removal from the ground, or severance from the earth’s surface of soil, loam sand, gravel, clay, rock, topsoil or any other earth material.

‘TOPSOIL’ shall mean earth materials, including loam, which are arable and constitute the surface layer of the earth.

‘FIXED MACHINERY’ shall mean any mechanical device which is situated in a foundation or base designed or placed so as to secure the position of such device to the earth. Fixed machinery includes, but is not limited to, machinery situated on foundations, platforms, slabs, pillars or pads.

‘TEMPORARY PROCESSING MACHINERY’ shall mean any portable machinery not fixed to the earth which may be subject OT of [clerical error - should read: subject to, or] capable of movement from time to time, and which is used to process or improve the earth material prior to or during loading. Temporary processing machinery includes, but is not limited to, screening devices and washing and grading devices.

‘COMMISSION’ shall mean the Hartland Planning and Zoning Commission.

Section VIII – 3 Scope and exceptions

No excavation or removal of earth materials from the land or deposition of fill on land or premises shall be commenced or conducted without a permit obtained in accordance with and subject to these regulations, except for:

- A. the construction of a well, driveway, utility line, septic system, fence, approved subdivision street or the landscaping of premises when in conjunction with either (a) a bonafide construction activity on the premises for which a building permit has been issued for a residential dwelling, which is completed within six (6) months; or (b) a use permitted by zoning or subdivision regulations, and provided that the construction does not result in the removal of more than three hundred (300) cubic yards of earth material from the premises.
- B. the movement of material from one part to another part of the same premises when it is necessary for the purpose of farming or landscaping, provided that no more than one (1) acre is open and remains open for no more than six (6) months, and that no more than (300) cubic yards of material is moved;
- C. the necessary excavation for a foundation, trench, landscape construction or other improvement approved as part of a subdivision plan, or solely in connection with work on the premises for which a subdivision plan or building permit has been issued. The approval of a building plan or issuance of a building permit in and of itself, shall not constitute relief from this regulation.

No screening, sifting, washing or other activities incidental to the processing of earth materials shall be conducted in connection with any of the exceptions described in subsections A through C above.

Any excavation or removal of earth materials from the land or deposition of fill on land, commenced or conducted in accordance with these regulations shall be subject to the following conditions and limitations:

- 1. no stone crushing devices shall be allowed;
- 2. all screening, sifting, washing or other activities incidental to the processing of earth materials shall be conducted only (a) between 8 a.m. and 4 p.m., (b) for a period not to exceed sixty (60) consecutive business days per any two-year permit term, (c) by use of a temporary processing equipment, which equipment shall be removed from the premises on or before the end of said 60-day period; and
- 3. no processed earth materials shall be removed from the premises where such processing occurred.

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Section VIII – 4 Procedure

Application for a Special Permit to excavate or remove any earth materials shall be made to the Planning and Zoning Commission by the property owner(s) or his authorized agent on forms provided by the Planning and Zoning Commission. The Commission shall require that the application be accompanied by a plan of operation including the following maps, plans and specifications, prepared by a licensed Engineer, Geologist, Soil Scientist or Land Surveyor. No excavation or deposition of earth materials in a wetland area or regulated buffer zone shall be permitted by the Planning and Zoning Commission unless reviewed and approved by the Hartland Wetlands Commission. Any application for a permit submitted pursuant to these regulations that is deemed incomplete by the Commission shall either be withdrawn by the applicant or denied by the Commission. Such application and plan of operation shall include the following:

- A. The location of the premises, the lands immediately surrounding the site and the amount and extent of materials to be excavated or removed.
- B. A grading plan showing contours on the excavation site, and including a distance of three hundred (300) feet on all sides of the excavation site, and the proposed contours after excavation.
- C. Existing and proposed drainage of the site;
- D. Truck hauling routes and truck access to the excavation.
- E. The number and types of trucks and other machinery to be used on the site and the days and hours of operation, as well as the location and types of any buildings or structures to be erected, as provided by the zoning regulations.
- F. A detailed plan for final grading, closure and re-vegetation of the site at the conclusion of excavation and removal operations at the premises.
- G. Written consent by the property owner(s) authorizing access to the premises, at any reasonable time, by the Zoning Enforcement Officer, and/or any other duly authorized representative(s) of the Commission, for the purpose of inspecting the premises and verifying compliance with these regulations.
- H. Such other information as the Commission may require.
- I. Evidence of review and, if necessary, approval by the Hartland Inland Wetlands Commission.

Section VIII – 5 Permitting

- A. The premises shall be excavated and graded in conformity with the plan of operation, as approved. Any deviation from this plan shall be cause for the Planning and Zoning Commission to revoke the permit.
- B. The applicant shall file with the Planning and Zoning Commission a performance bond in such amount as the Commission shall deem sufficient to insure completion of the work following excavation, pursuant to the conditions as set forth by this regulation. (note: The final Grading/Closure plan must be sufficient detail for bonding.)
- C. No fixed machinery shall be erected and no temporary machinery shall be operated at the site within three (300) feet of any property line or street.
- D. Proper measures, as determined by the Commission, shall be taken to minimize conditions that may constitute a nuisance, including noise, airborne dust, particulates and odor. Such measures may include, when necessary: (a) limitations on stockpiling excavated earth materials; (b) sediment, erosion and dust controls; (c) monitoring and control of noise levels to ensure compliance with state standards or other decibel levels which may be determined, established and enforced by the Commission; and (d) providing drainage to prevent collection and stagnation of water and harmful effects on surrounding properties.
- E. No excavation shall take place within three hundred (300) feet of any property line or within three hundred (300) feet of any street unless above the established grade of the street and specifically authorized by the Commission.
- F. All excavation, stockpiling and processing operations shall be conducted on the premises only between the hours of 8:00 a.m. and 4:00 p.m., local time, Monday through Friday inclusive, except as otherwise authorized by the Commission upon its finding of good cause. No operations shall take place on Saturday, Sunday or legal holidays as set by the State of Connecticut without the prior written approval of the Commission. Excavation, stockpiling and processing operations may commence no earlier than April 15th of each year. All operations shall cease no later than November 15th of each year, at which time necessary planting, seeding and leveling off for winter shut-down must be completed.
- G. The total area of excavation at a site at any one time shall be no more than three (3) acres, unless specifically authorized in writing, by the Commission.
- H. The area subject to this permit shall be clearly staked by a Connecticut licensed land surveyor so as to indicate all corners of permit area and the limits of all “buffers” and “setbacks”. A two hundred (200 foot square grid shall be indicated and maintained in the field over the entire area of excavation.

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- I. The applicant shall file with the Commission a restoration plan, ensuring that the final regarding, re-vegetation and restoration shall be in accordance with the following conditions: (a) no slopes shall be steeper than 1:3 (vertical to horizontal); (b) a layer of topsoil four (4) inches thick shall be spread over the entire area of the excavation, except for rock outcrops; and (c) the area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Commission. The Commission may approve other restorations. All final grading and restoration activities shall be completed within one (1) year of the conclusion of excavation and removal operations or expiration/non-renewal of a Permit.
- J. Where there are two (2) adjacent earth excavation areas, proposed or existing, the Commission may require that the owner(s)/operator(s) merge the excavation areas to provide a continuous, common grade.
- K. Where "leveling off" is the intent of the operation, the Commission may permit grading in the "setbacks" and "buffer" areas as part of the restoration or closure to be undertaken after the conclusion of the mining and excavation operation, provided other relevant permits are obtained, such as an Inland Wetlands Permit.
- L. At no time shall overhand or slopes steeper than 1:3 (vertical to horizontal) be present at any excavation area except during active excavation of a slope.
- M. Truck access to the excavation shall be arranged and scheduled so as to minimize danger to traffic and nuisance to surrounding properties. That portion of any access road in the area of operation shall be treated to minimize dust. The Commission may require a hard-surface or other measures to control dust.
- N. The owner and/or operator subject to the permit obtained in accordance with these regulations shall, at its own expense, repair any damage to any public street, highway, natural resources, or other property arising out of, or resulting from, its acts or omissions, or the acts or omissions of its agents, employees or contractors pursuant to such permit, and shall indemnify, hold harmless and defend the Commission and the Town of Hartland from and against any and all claims, demands, losses, damages, liability, fines, penalties, injuries, costs and expenses, including reasonable attorney's fees and disbursements, arising out of or resulting from said acts or omissions.
- O. The Commission may require other appropriate safeguards necessary to protect the public health, safety, convenience and property values. These may include, but are not limited to, special police, flagman, barricades and fences.
- P. On-site refueling of vehicles and equipment is prohibited, except for on-site refueling by wheeled tank unit. Any on-site fueling station must be designed, installed, constructed, operated and maintained in compliance with applicable state and federal environmental laws and regulations, including spill prevention, leak detection, containment and emergency response requirements. If a mobile tank unit is utilized, fueling must take place on an impermeable surface only, such as asphalt or cement, which is free of cracks and storm drains.

Section VIII - 6 Permit Approval and Renewal

If the owner and operator of the area subject to these permitting procedures are separate persons or organizations, permit approval may be granted in two (2) stages by the Commission. Permit approval to the OWNER may be granted only after the submission of all required documents and requested information and a public hearing; permit approval may be granted to the OPERATOR only after his furnishing to the Commission evidence of proper bonding, as specified below, and insurance.

Before an Earth Excavation Permit is issued, the owner and, if the applicant is a separate person or entity, the applicant or his operator shall each, unless the Commission specifically waives this requirement, post a performance bond in a form and amount satisfactory to the Commission, with a bonding company licensed to do business in the State of Connecticut, and acceptable to the Commission, as surety for carrying out the above conditions and any other safeguards imposed; providing that, in the case of default or noncompliance with these regulations, the Commission/Town may use these funds to take any and all steps to comply with said conditions. The Commission, as it deems fit, may require, in addition to or in lieu of a surety bond, a cash bond, letter of credit, or a combination thereof acceptable to the Commission.

Any permit issued pursuant to these regulations shall expire two (2) years from the date of issuance. A review to assess compliance shall be performed annually by the Commission, the Zoning Enforcement Officer or other duly authorized representative of the Commission. Permits may be renewed for two-year periods upon application to the Commission and payment of the application fee, provided that the Commission finds that the permittee has fully complied with these regulations and the terms and conditions of the expiring permit. The Commission may require updated contour maps and other documents as it deems necessary to determine compliance prior to renewal of the permit.

The Commission, or its representative, may require an "As Is" Contour Map at any time during the excavation and removal operations.

The Commission may require the owner/operator to submit a satisfactory "As Built" Contour Map prepared by a surveyor, licensed in the State of Connecticut, showing conformity with the requirements of restoration, closure or final grading as a condition to releasing bonds.

ARTICLE VIII - EXCAVATION OF EARTH MATERIALS REGULATION - EXCERPT FROM HARTLAND PLANNING & ZONING COMMISSION REGULATIONS

Section VIII - 7 Preexisting non-conforming earth excavation operations

Any bonafide earth excavation operation (not including activities that qualify under the "Subdivision Provisions") shall be permitted to continue, subject to the following: The landowner shall submit to the Planning and Zoning Commission an application conforming to the requirements of Section VIII of these regulations. The Commission shall review this application and no non-conforming earth excavation and removal activities shall continue unless the commission grants a permit pursuant to these regulations. Such permit shall be limited to the continuation of the operation within the area of the lot that existed at the time of adoption of these regulations and under the standards set forth in these regulations. Such permit shall have a two (2) year term, and may be renewed by the owner/operator, pursuant to the provisions of these regulations.

Section VIII - 8 Penalties

The Zoning Enforcement Officer designated by the Commission shall be the administrative officer for the enforcement of this regulation.

If the Zoning Enforcement Officer finds that any provisions of this regulation are being violated, he shall notify, in writing, the person responsible for said violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal excavation and removal of earth materials and other illegal use of land, buildings, or structures or removal of machinery, equipment, buildings or additions thereto, or take any action authorized by this regulation to ensure compliance with, or prevent violation of, its provision. Penalties for illegal acts shall be as provided in the General Statutes and Special Acts of the State of Connecticut, for the maximum amount authorized therein.