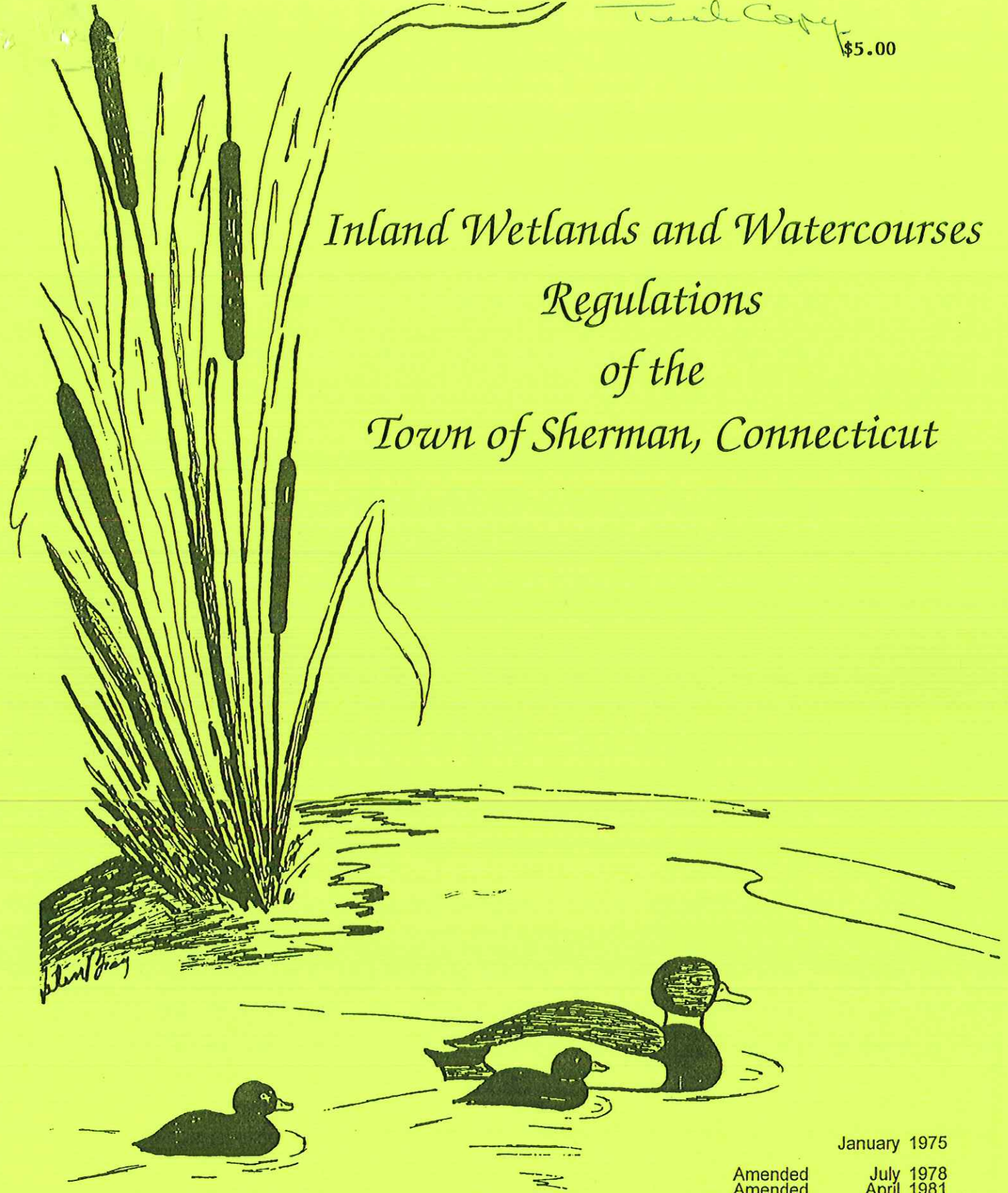


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*Inland Wetlands and Watercourses
Regulations
of the
Town of Sherman, Connecticut*



January 1975
Amended July 1978
Amended April 1981
Amended January 1985
Revised July 1989
Revised December 1989
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SECTION 1

TITLE AND AUTHORITY

- 1.1 "The inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature, essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of ground water; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling, or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted, and eliminated wetlands and water courses. Such unregulated activity has had, and will continue to have, a significant adverse impact on the environment and ecology of the State of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic, and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to health, welfare, and safety of the citizens of the state. It is, therefore, the purpose of this act to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing loss of fish and other beneficial aquatic organisms, wildlife, and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other values and securing fresh water supplies from the danger of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for the benefit and enjoyment of generations yet unborn."
- 1.2 These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Sherman."
- 1.3 The Inland Wetlands and Watercourses Commission of the Town of Sherman was established in accordance with an ordinance adopted September 14, 1973, and shall implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of Sherman.
- 1.4 These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.
- 1.5 The Agency shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny permits for all regulated activities on inland wetlands and watercourses in the Town of Sherman pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

SECTION 2

DEFINITIONS

2.1 As used in these regulations:

“Act” means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the General Statutes, as amended.

“Adjacent property” means property which is contiguous and property which would be contiguous if it were not separated by a road.

“Agency” means the Sherman Inland Wetlands and Watercourses Commission.

“Applicant” means any person who has submitted an application to the Agency for a permit to conduct regulated activities according to these regulations or who has submitted information for a determination by the Agency pursuant to Section 7 of these regulations.

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

“Buffer” means a vegetated area inclusive of trees, shrubs and herbaceous vegetation that exists or is established to protect a wetland or watercourse.

“Clear-cutting” means the cutting of timber products in a fashion which removes most trees 2 inches or greater in diameter measured at chest height.

“Commissioner of Environmental Protection” means the commissioner of the State of Connecticut Department of Environmental Protection.

“Continual flow” means a flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.

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

“Discharge” means emission of any water, substance, or material into waters of the state whether or not such substance causes pollution.

“Essential to the farming operation” means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.

“Farming” shall be consistent with the definition as noted in Section 1-1(q) of the Connecticut General Statutes. (see Appendix D)

“Feasible” means able to be constructed or implemented consistent with sound engineering principles.

“Gardening” means the tilling of soil, planting, cultivating and harvesting of vegetable matter.

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“Grazing” means using any tract of land to feed or supply farm animals with grass or pasture.

“Harvesting of crops” means gathering plants or plant or animal products which have been grown to be harvested.

“Management practice” means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

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

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

“Municipality” means the Town of Sherman, Fairfield County, Connecticut.

“Nurseries” means places where plants are grown for sale, transplanting, or experimentation.

“Outside consultant” means a qualified professional who is not an employee of the Town, including but not limited to soil scientist, biologist, civil engineer and legal professionals.

“Permit” means the whole or any part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of Sections 22a-36 to 22a-45, inclusive, or the Agency.

“Permittee” means the person to whom such permit has been issued.

“Person” means any person, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

“Pollution” means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.

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“Prudent” means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.

“Regulated activity” means any operation within or use of a wetland or watercourse or activity defined under this section as “Significant Impact Activity” or which involves removal or deposition of material, discharge, clear cutting, obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in Section 4 of these regulations. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within 100 feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. The Agency may rule that any other activity located within an upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity. The following are also deemed regulated activities:

- a. those activities within 200 horizontal feet of the mean high water line of Candlewood Lake, including Squantz Pond.
- b. those activities within 150 horizontal feet of the following water bodies; Lake Mauweehoo, Timber Lake, Valley Lake, Deer Pond, Spring Lake, Pepper Pond, Green Pond, Haviland Mill Pond, and Quaker Pond North and South.
- c. those activities within 150 horizontal feet of Ten Mile River and the Housatonic River.
- d. those activities within 150 horizontal feet of Saw Mill Brook, Tollgate Brook, Greenwoods Brook, Naromiyocknowhusunkatankshunk Brook, Quaker Brook, Wimisink Brook, and Glen Brook, and their tributaries, as documented in Schedule H "Map showing limits of 150 feet regulated activity of certain watercourses".

“Remove” includes, but shall not be limited to drain, excavate, mine, dig, dredge, suck, bulldoze, dragline or blast.

“Rendering unclean or impure” means any alteration of the physical, chemical or biological properties of any waters of the state including, but not limited to, change in odor, color, turbidity or taste.

“Significant impact activity” means 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 inland wetland or watercourse system:

- a. any activity involving a deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
- b. any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
- c. any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.

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- d. any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
- e. any activity which causes a substantial diminution of flow of a natural watercourse, or groundwater levels of the wetland or watercourse.
- f. any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse, or
- g. any activity which creates conditions which may adversely affect the health, welfare and safety of any individual or the community, or
- h. any activity which involves a sewage disposal (septic) system within separating distances as specified by the current regulations of the Connecticut State Department of Health, and/or the Sanitary Code of Sherman as amended whichever is more restrictive.
- i. any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific, educational, recreational or aesthetic value.

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

"Subdivision" means subdivision, resubdivision, lot line change that creates new building lot(s), redesignation of land from parcel to building lot(s) or any other change that creates new building lot(s).

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

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

"Town" means the Town of Sherman, Fairfield County in the State of Connecticut.

"Upland Review Area" means land within 100 feet measured horizontally from the boundary of any wetland or watercourse area, additional areas defined under "Regulated Activity", or in any other non-wetland or non-watercourse area which is likely to impact or affect wetlands or watercourses.

"Waste" means sewage or any natural or man-made substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters of the Town.

"Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to Section 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. Intermittent Watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:

- a. evidence of scour, or deposits of recent alluvium or detritus.
- b. the presence of standing or flowing water for a duration longer than a particular storm incident.
- c. the presence of hydrophytic vegetation.

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"Wetlands" means land, including submerged land as defined in this section, not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

SECTION 3 INVENTORY OF INLAND WETLANDS AND WATERCOURSES

- 3.1 The "Inland Wetlands and Watercourses Map, Sherman, Connecticut," delineates the general location and boundaries of larger inland wetland areas and the general location of most watercourses. It is based on the Soil Survey of Fairfield County published by the Natural Resources Conservation Service of the United States Department of Agriculture. Those soils described as poorly drained, very poorly drained, alluvial or floodplain in this survey are designated wetlands. This map is available for inspection at the office of the Agency. Because of the scale of this map and the fact that it is basically a soils map, it may be difficult or impossible to determine exact soil boundaries in relation to property lines by reference to the map. In addition, watercourse areas, such as intermittent streams, often may not be shown because the map is based on soil types. Because of these limitations the map is advisory only. In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of regulated soil types, and locations of watercourses. In determining the location of the boundaries of wetlands and watercourses, the Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations, testing conducted by a soil scientist where soil classifications are required, or where watercourse determinations are required, by other qualified individuals deemed acceptable to the Agency.
- 3.2 Any person may petition the Agency 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. The petitioner shall bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping or other available information. The Agency may require such person to provide an accurate delineation of wetlands and watercourses in accordance with Section 15 of these regulations.
- 3.3 When the Agency requires an accurate delineation of wetlands and watercourses, the Agency may require a permit applicant to first submit a petition for a change in the Sherman Inland Wetlands and Watercourses Map with documentation in accordance with Section 15 of these regulations.
- 3.4 The Agency shall maintain a current inventory of wetlands and watercourses within the town. The Agency may amend its map as more accurate information becomes available.
- 3.5 All map amendments are subject to the public hearing process outlined in Section 15 of these regulations.

SECTION 4

PERMITTED USES AND NONREGULATED USES

4.1 Permitted uses as of right: The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:

- a. grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation and activities conducted by, or under the authority of, The Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this section shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear-cutting of timber except for the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale.
- b. a residential home (i) for which a building permit has been issued or (ii) on a subdivision lot approved by the Planning and Zoning Commission of the Town of Sherman as of September 14, 1973, provided the building permit was obtained on or before July 1, 1987. Any person claiming a use of wetlands permitted as of right under this section shall document the validity of said right by providing a certified copy of the building permit and approved site plan showing proposed and existing topographic contours, house and well locations, septic systems, driveways, approval dates or other information to document his or her right hereunder.
- 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 General Statutes or by municipal water supply systems as provided for in Chapter 102, of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 through 22a-410 of the General Statutes.
- f. maintenance relating to any drainage pipe which existed before September 14, 1973, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subsection "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.

4.2 Nonregulated uses: The following operations and uses shall be permitted as a nonregulated use in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

- a. conservation of soil, vegetation, water, fish, shellfish, and wildlife.

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- b. outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell-fishing and cross-country skiing where otherwise legally permitted and regulated.
 - c. routine maintenance of existing beach fronts where no more than twenty-four (24) cubic yards of coarse washed sand are proposed to be used and where the sand is proposed to be deposited to the water's edge.
- 4.3 All activities in the wetlands or watercourses involving filling, excavation, dredging, clear-cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Agency in accordance with Section 6 of these regulations, or for certain regulated activities located outside of wetlands and watercourses from the duly authorized agent in accordance with Section 12 of these regulations.
- 4.4 To carry out the purposes of this section, any person proposing a permitted operation and use, or a nonregulated operation and use shall, prior to commencement of such operation and use, notify the Agency on Schedule A (the Sherman Inland Wetlands and Watercourses Administrative Approval for Permitted and Nonregulated Activities form) , and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse. The Agency shall rule that the proposed operation and use or portion of it is a permitted or nonregulated operation and use or that the proposed operation and use is a regulated activity and a permit is required.

SECTION 5

ACTIVITIES REGULATED BY THE STATE

- 5.1 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to Sections 22a-39 or 22a-45a of the Connecticut General Statutes.
- 5.2 The Commissioner of Environmental Protection shall have exclusive jurisdiction over the discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.
- 5.3 The Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under Section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Environmental Protection under Section 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from a municipal wetlands Agency for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.

SECTION 6

REGULATED ACTIVITIES REQUIRING A PERMIT

- 6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Sherman Inland Wetlands and Watercourses Commission.
- 6.2 The Commission shall regulate any activity within wetlands and watercourses and the adjacent upland review area and any use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses and the adjacent upland review area and any other regulated activity, unless such operation or use is permitted or nonregulated pursuant to Section 4 of these regulations.
- 6.2 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency, 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 The Statement of Intent Form (Appendix A) is required by the Town of Sherman for any type of new construction including, but not limited to, a building, road, causeway, driveway, septic system, septic system repairs, culvert, bridge, dike, dam, channeling, ponds, etc., or any activity concerning removal or placement of material. This form is reviewed by all Commissions and Agencies of the town to determine if the proposed construction comes under their jurisdiction. The Commission or its designated agent will review the statement and shall inform the applicant whether an Application for Permit for the licensing of a regulated activity is required.
- 7.2 Any person intending to conduct a regulated activity or to renew or amend a permit to conduct such activity, shall apply for a permit on a form provided by the Agency. The application shall contain the information described in this section and any other information the Agency may reasonably require. Application forms may be obtained in the offices of the Sherman Inland Wetlands and Watercourses Commission.
- 7.3 If an application to the Town of Sherman Planning and Zoning Commission for subdivision or resubdivision of land or a lot line change which creates a new building lot involves land containing a wetland or watercourse, the applicant shall, in accordance with Sections 8-3(g), 8-3(c), or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Agency in accordance with this section, no later than the day the application is filed with the Planning and Zoning Commission.
- 7.4 The application shall contain such information as is necessary for a fair and informed determination thereon by the Agency.
- 7.5 The Agency and the applicant may hold a pre-application meeting to determine whether or not the proposed application involves a significant impact activity.
- 7.6 All applications shall include the following information in writing or on maps or drawings:

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- a. the applicant's name, home and business addresses and telephone numbers; if the applicant is a Limited Liability Corporation or a Corporation the managing member's or responsible corporate officer's name, address, and telephone number;
- b. the owner's name, address and telephone number and written consent if the applicant is not the owner of the property involved in the application;
- c. the contractor(s)'s name, address and telephone number;
- d. the applicant's interest in the land;
- e. the geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetlands or watercourses to be disturbed, soil type(s), and wetland vegetation;
- f. 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;
- g. alternative which would cause less or no environmental impact to wetlands or watercourses and why the alternative as set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing;
- h. a site plan showing the proposed activity and existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related, to the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses;
- i. copy of the Health Department's approved plan for a subsurface sewage disposal system;
- j. if any part of a project is within the shaded area, or overlapping a lake, pond or wetland that has any shading, or upstream or downstream (by less than ½ mile) from a shaded area, as referenced on the Connecticut Natural Diversity Data Base Map dated 7/2000 or as amended, then the project may have a conflict with a species or natural community. In such an instance submission of the Connecticut Natural Diversity Data Base Review Form to DEP together with the response is a requirement of the applicant;
- k. names and addresses of adjacent property owners;
- l. statement by the applicant that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
- m. authorization for the members and agents of the Agency to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the permit;
- n. a completed DEP reporting form; the Agency shall revise or correct the information provided by the applicant and submit the form to the Commissioner of Environmental Protection in accordance with Section 22a-39-14 of the Regulations of Connecticut State Agencies;
- o. any other information the Agency deems necessary to the understanding of what the applicant is proposing; and

7.7 At the discretion of the Agency or its agent, or when the proposed activity involves a significant impact, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required:

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- a. site plans for the proposed use or operation and the property that will be affected, which show existing and proposed conditions, wetland boundaries and watercourses, upland review area boundaries, land contours, existing stone walls, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses and other downstream areas, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect, or landscape architect licensed by the state, or by such other qualified person. The scale shall be of such size as to clearly show the proposed use or operation;
- b. engineering reports and analyses and additional drawings to fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;
- c. mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service; the wetlands shall be delineated in the field by a soil scientist and that field delineation along with the upland review area shall be depicted on the site plans. The Agency may require the applicant to furnish the Agency with a Mylar showing the wetlands delineation for the purpose of including the Mylar into the Town's wetland map by amendment;
- d. a 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 wetland functions;
- e. a description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative which would cause less or no environmental impact to wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent;
- f. analysis of chemical or physical characteristics of any fill material;
- g. management practices and other measures designed to mitigate the impact of the proposed activity.

7.8 The applicant shall certify whether:

- a. any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- b. traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or,
- d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

7.9 An original and three copies of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the Sherman Inland Wetlands and Watercourses Commission.

7.10 Should any person, persons or voluntary associations file a timely notice of intervention pursuant to Section 22a-19 of the Connecticut General Statutes, the applicant, at the applicant's expense, shall provide one copy of the application and any submitted data to the intervening party.

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- 7.11 The completed application with the requested information shall be submitted at the office of the Agency with the appropriate fee as specified in the latest fee schedule. (Schedule F) No submittal will be considered complete without the fee. In addition, the Agency shall charge such amounts as it may from time to time determine to be required to defray the expenses incurred in the performance of its duties under the Act and these regulations. Also, as to any particular application, the Agency may charge an additional amount calculated by it to defray, among other things, the cost of any technical review deemed necessary by the Agency.
- 7.12 Any application to renew or amend an existing permit shall be filed with the Agency in accordance with Section 8 of these regulations at least sixty-five (65) days prior to the expiration date of the permit. Any application to renew or amend such an existing permit shall contain the information required in Section 7 of these regulations provided:
- a. the application may incorporate the documentation and record of the prior application;
 - b. the application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
 - c. the application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit;
 - d. the application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued;
 - e. the Agency may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activity.
- 7.13 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than ten years from the date of original issuance.

SECTION 8

APPLICATION PROCEDURES

- 8.1 All petitions, applications, requests or appeals shall be submitted to the Inland Wetlands and Watercourses Commission of the Town of Sherman.
- 8.2 The Agency shall, in accordance with Connecticut General Statutes Section 8-7d(f), notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which:
- a. any portion of the property affected by a decision of the Agency is located within 500 feet of the boundary of New Fairfield, New Milford, or Kent, Connecticut; Patterson, Pawling, or Dover, New York;
 - b. a significant portion of the traffic to the completed project on the site will use streets or roads within the adjoining municipality to enter or exit the site;
 - c. a significant portion of the sewer or water drainage from the project site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or,

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- 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 (7) days of the date of receipt of the application, petition, appeal, request or plan.

- 8.3 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in Section 25-32a, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said Commissioner, provided such water company or said Commissioner has filed a map showing the boundaries of the watershed on the land records of The Town of Sherman and with the Sherman Inland Wetland and Watercourses Commission. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven (7) days after the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Agency.
- 8.4 The date of receipt of any application, petition, request or appeal shall be the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission to the Agency, or thirty-five (35) days after such submission, whichever is sooner.
- 8.5 At any time during the review period:
 - a. the Agency may require the applicant to submit additional information about the proposed activities. Depending on the information requested, the Agency will set a deadline for submission of the requested information.
 - b. requests for additional information shall not stay the time limitations as set forth in Subsection 11.3 of these regulations.
- 8.6 All applications shall be open for public inspection.
- 8.7 Incomplete applications may be denied.

SECTION 9

PUBLIC HEARINGS

- 9.1 The Agency shall not hold a public hearing on an application unless the Agency determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition 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, requesting a hearing is filed with the Agency not later than fourteen (14) days after the date of receipt¹ of such application, or the Agency finds that a public hearing regarding such application would be in the public interest. The Agency may issue a permit without a public hearing provided no petition provided for in this section, is filed with the Agency not later than fourteen days after the date of receipt³ of the application. Such hearing shall be held no later than sixty-five (65) days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any public hearing.

- 9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two (2) calendar days, the first not more than fifteen (15) calendar days and not fewer than ten (10) calendar days, and the last not less than two (2) calendar 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. (In computing the time for the notice period, both terminal days are excluded; that is, the day of the hearing and day of the published notice cannot be counted as part of the official notice period.)
- 9.3 Notice of the public hearing shall be mailed to the owner(s) of record of adjacent properties no less than fifteen (15) calendar days prior to the day of the hearing, as well as posting a sign on the land that is the subject of the hearing.. The applicant shall supply envelopes addressed to each owner of adjacent property with either sufficient postage for certified mail, return receipt requested, or a check or money order to cover the postage made payable to "Postmaster, Sherman, Connecticut."
- 9.4 In the case of any application which is subject to the notification provisions of Section 8.4 of these Regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality(s) has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.
- 9.5 All documentary evidence provided by the applicant in support of the application shall be filed with the Agency and available for public inspection no less than ten (10) calendar days prior to the day of the hearing or any reconvening thereof.

SECTION 10

CONSIDERATIONS FOR DECISION

- 10.1 The Agency may consider the following in making its decision on an application:
- a. the application and its supporting documentation;
 - b. reports from other agencies and commissions including, but not limited to, the Town of Sherman:
 1. Conservation Commission
 2. Planning and Zoning Commission
 3. Building Inspector
 4. Health Officer
 5. Town Sanitarian
 - c. the Agency may also consider comments on any application from the Northwest Conservation District, Housatonic Valley Association, Candlewood Lake Authority, or other regional organizations, agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
 - d. non-receipt of comments from agencies and commissions listed above within the prescribed time shall neither delay nor prejudice the decision of the Agency.
 - e. for any application for which a public hearing is held, public comments, evidence and testimony.

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10.2 It shall be the burden of the applicant to establish that the proposed regulated activities are consistent with the following general criteria and detailed parameters, whenever applicable;

10.3 General Standards and Criteria for Decision.

In carrying out the purposes and policies of Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall consider all relevant facts and circumstances, including, but not limited to, the following:

- a. the environmental impact of the proposed regulated activity, including the effects on the inland wetland's and watercourse's capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety;
- b. the applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
- c. the relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity, including consideration of the extent to which the proposed regulated activity involves trade-offs between short-term environmental gains at the expense of long-term losses, or vice versa, and consideration of the extent to which the proposed action forecloses or predetermines future options;
- d. irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose 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, including abutting or downstream property, which would be caused or threatened by the proposed regulated activity, or the creation of conditions which may do so. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and wildlife and their habitat, loss of unique habitat having demonstrable natural, scientific or educational value, loss or diminution of beneficial aquatic organisms and wetland plants, the dangers of flooding and pollution, and the destruction of the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses to the community;
- f. impacts of the proposed regulated activity on wetlands and 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;

10.4 Detailed Parameters.

In addition, the Agency may consider the following detailed parameters in making a decision:

- a. The ability of the area in which the regulated activity occurs to continue to absorb, store, or purify water or to prevent flooding, and the projected effect on the water table and drainage patterns.

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- b. The effect of any material to be removed or deposited on flood control, water supply and quality, and aquatic organisms.
 - c. Increased erosion problems resulting from changes in grade, ground cover, or drainage features.
 - d. The extent of additional siltation or leaching and its effect on water quality and aquatic life.
 - e. The influence of toxic materials on water supplies, aquatic organisms or wildlife.
 - f. Changes in the volume, velocity, temperature or course of a waterway and the resulting effects on plants, animals and aquatic life.
 - g. Existing flood or stream channel encroachment lines, flood plain and stream belt zoning.
 - h. Changes to the physical, chemical and biological properties of the water or soil and their impact.
 - i. Importance of the area to the region with respect to water supply, water purification, flood control, natural habitat and recreation.
 - j. Natural, historic or economic features that might be damaged, destroyed, rendered inaccessible or otherwise affected by the proposed activity.
 - k. The existing or potential use of the area as a surface or ground water supply.
 - l. The extent to which the area serves as a recharge area or purifier of surface or ground waters.
 - m. The function of the area as part of the natural drainage system for the watershed.
 - n. The importance of the area as a natural wildlife feeding or breeding area.
 - o. The existing and potential use of the area for recreational purposes.
 - p. The existence of rare or unusual communities of flora and fauna.
- 10.5 In the case of an application that received a public hearing pursuant to a finding by the Agency that the proposed activity may have a significant impact on wetlands or watercourses a permit shall not be issued unless the Agency finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the Agency shall consider the facts and circumstances set forth in Subsection 10.3 and 10.4 of this section. The finding and the reasons therefore shall be stated on the record in writing.
- 10.6 In the case of an application that is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Agency shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.
- 10.7 For the 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.
- 10.8 A municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.
- 10.9 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision. A conclusion that a feasible and

prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that 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.

SECTION 11

DECISION PROCESS AND PERMIT

- 11.1 The Agency shall take no action on an application or an amendment to an existing permit until fifteen (15) days after its receipt in order to comply with the requirements of Section 9.1 of these regulations.
- 11.2 The Agency, or its duly authorized agent acting pursuant to Section 12 of these regulations, may, in accordance with Section 10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage; (b) maintain or enhance existing environmental quality; or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse buffering resources.
- 11.3 No later than sixty-five (65) calendar days after receipt of an application, the Agency 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) calendar days of its commencement. Action shall be taken on applications within thirty-five (35) calendar days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) calendar days from the date of receipt⁴ 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 such application. The failure of the Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency must either be withdrawn by the applicant or denied by the Agency.
- 11.4 The Agency shall state upon its record the reasons and basis 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.
- 11.5 The Agency shall notify the applicant and any person entitled to such notice of its decision within fifteen (15) calendar days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its issuance or denial of the permit, to be published in a newspaper having general circulation in the Town of Sherman. 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.
- 11.6 If an activity authorized by the inland wetland permit also involves an activity which requires zoning or subdivision approval, a special zoning permit, variance or special exception, under

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Sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, a copy of the decision and report on the application shall be filed with the Town of Sherman Planning and Zoning Commission within fifteen (15) calendar days of the date of the decision.

- 11.7 Any permit issued by the Agency for the development of land for which an approval is required under Section 8-3, 8-25-, or 8-26 of the Connecticut General Statutes shall be valid for five years provided that the Agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Agency for any other activity shall be valid for not less than two years and not more than five years as specified on the permit. All permits shall expire upon the completion of the acts specified therein.
- 11.8 No permit shall be assigned, transferred, sublet or sold without the written permission of the Agency.
- 11.9 If a surety, bond, or insurance is required in accordance with Section 13 of these regulations, no permit shall be issued until such surety or insurance is provided.
- 11.10 General provisions in the issuance of all permits:
- a. the Agency has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
 - b. all permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the Town of Sherman, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the property or activity.
 - c. if the activity authorized by the inland wetland permit also involves an activity or a project which requires zoning or subdivision approval, septic permit, road permit, variance or special exception, under Sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.
 - d. the permittee shall employ construction management practices, consistent with the terms and conditions of the permit, to control stormwater discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
 - e. a copy of the permit shall be posted and available onsite at all times.
 - f. work shall not begin until notification is made to the Town of Sherman Land Use Enforcement Officer 72 hours prior to anticipated commencement of work.

SECTION 12

ACTION BY DULY AUTHORIZED AGENT

- 12.1 The Agency may delegate to its duly authorized agent the authority to approve or extend a permit for an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Agency and shall contain the information listed under Section 7.6 of these regulations and any other

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information the Agency may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 9, and 11 of these regulations, such agent may approve or extend such an activity at any time.

- 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 of Sherman. Any person may appeal such decision of such agent to the Agency within fifteen (15) days after the publication date of the notice and the Agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three (3) business days² after receipt by the Agency or its agent of such appeal. Any person may appear and be heard at the meeting held by the Agency to consider the subject appeal. The Agency 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

SURETY, BOND, AND INSURANCE

- 13.1 The Agency may require as a permit condition the filing of a bond or surety in an amount and in a form approved by the Agency.
- 13.2 The bond or surety shall be conditioned on compliance with provisions of these regulations and the terms, conditions and limitations established in the permit.
- 13.3 The Agency 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 commensurate with the regulated activity.

SECTION 14

ENFORCEMENT

- 14.1 The Agency may appoint an agent or agents to act in its behalf with the authority to issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this section, the Agency or its duly authorized agent shall take into consideration the criteria for decision under Subsection 10.3 and 10.4 of the regulations.
- 14.2 The Agency or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued with the consent of the property owner or the authorized agent of the owner during the life of the permit.
- 14.3 In the case in which a permit has not been issued or a permit has expired, the Agency 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.

²See Subsection 8.5

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- 14.4 If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Agency or its duly authorized agent may:
- a. issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Agency, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands, watercourses, or the upland review area. The Agency may request that the individual be present at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file 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 Subsection b. of this section or other enforcement proceedings as provided by law.
 - b. issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Agency shall hold a hearing (no published notice required) to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) calendar 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 Agency shall publish notice of its decision in a newspaper having general circulation in Sherman. The original order shall be effective upon issuance and shall remain in effect until the Agency affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to Section 22a-44(b) of the General Statutes, as amended. The Agency may file a certificate of such order in the office of the Town Clerk and the Town Clerk shall record such certificate on the land records of the Town. Such certificate shall be released upon compliance with such order.
- 14.5 The Agency may suspend or revoke a permit if it finds that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to suspending or revoking any permit, the Agency shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Agency shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Agency's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.
- 14.6 Any person who commits, takes part in, or assists in any violation of any provision of these Regulations shall be subject to the penalties and remedies provided in such Regulations and the Inland Wetlands and Watercourses Act and to such other penalties and remedies as the law may provide, including but not limited to, the penalties imposed by the Land Use Violation Ordinance of the Town of Sherman, Connecticut, as amended.

SECTION 15

AMENDMENTS

- 15.1 These regulations and the Inland Wetlands and Watercourses Map for the Town of Sherman may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- 15.2 An application filed with the Agency which is in conformance with the applicable inland wetland regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment, or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.
- 15.3 These regulations and the Town of Sherman Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes as amended. The Agency shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five (35) days before the public hearing on their adoption. Application forms and fee schedules shall be considered as part of the regulations.
- 15.4 Petitions requesting changes or amendments to the Inland Wetlands and Watercourses Map, Sherman, Connecticut, shall contain at least the following information:
- a. the petitioner's name, address and telephone number;
 - b. the address of the land affected by the petition;
 - c. the petitioner's interest in the land affected by the petition;
 - d. map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations; and
 - e. the reasons for the requested action.
- 15.5 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, Sherman, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Agency. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in Subsection 15.4, the petition shall include:
- a. the name, address and telephone number of the: 1) owner(s) of such land and/or 2) agent or other representative of the owner(s);

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- b. the names and addresses of the owners of adjacent property;
- c. documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
- d. map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.

- 15.6 Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.
- 15.7 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality at least twice at intervals of not less than two 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 in the office of the town clerk for public inspection at least ten (10) days before such hearing.
- 15.8 The Agency shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five (35) days after commencement. The Agency shall act upon the changes requested in such petition within sixty-five (65) days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection, provided the total extension of any such periods shall not be for longer than sixty-five days, or may withdraw such petition. Failure of the Agency to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.
- 15.9 The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.

SECTION 16

APPEALS

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

SECTION 17

CONFLICT AND SEVERANCE

- 17.1 If there is a conflict among the provisions of these regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision or provision of these regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.
- 17.2 If there is a conflict between the provisions of these regulations and the provisions of the Act, the provision which imposes the most stringent standards for the use of wetlands and watercourses 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 First Light (or their successor) or by law or regulation by the Town of Sherman, the State of Connecticut or the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

SECTION 19

EFFECTIVE DATE OF REGULATIONS

- 19.1 These regulations including the Sherman Inland Wetlands and Watercourses Map application forms, fee schedule, and amendments thereto, shall become effective upon filing in the Office of the Town Clerk and publication of a notice of such action in a newspaper having general circulation in the Town of Sherman.

STATEMENT OF INTENT FORM**APPENDIX A**P.O. Box 39
Sherman, CT 06784

Application No. _____

Statement of Intent

Zoning Permit Application**Planning and Zoning Commission
Town of Sherman, Connecticut****Notice to applicants:**

This form must be completed for any activity on property, which is regulated by the Town of Sherman including any type of land disturbance. This form must be accompanied by a fee (either in cash, or in the form of a check or money order payable to the Town of Sherman and a certified site plot plan (A-2 Survey). New construction requires a plot plan. Zoning permits become void unless the permitted activity is initiated within one year after the date of issuance. Approval of this permit does not constitute a building permit and should be issued by the building inspector. Also, further information may be required upon review of the application. Please review the applicable regulations of the Town. If you have any questions, please call the Planning and Zoning Commission office at 860-355-3127.

Please print clearly and press down

Name of Property Owner(s) of record: _____

Mailing Address: _____ phone number: _____

Exact Location (911 #): _____

Zone: _____ A _____ B _____ C _____ D Assessor's Map/Lot #: _____

Size property: _____ acres Frontage: _____ feet Minimum Depth: _____ feet

Underground utilities on property: _____ yes _____ no

Distance of proposed structure from nearest property line: _____ feet

Distance of proposed structure from center of traveled portion of road or front property line: _____ feet

Type of Proposed Activity: _____ accessory building _____ addition _____ deck _____ driveway

_____ dwelling _____ garage _____ road _____ septic system

_____ other

Will this activity be located in a flood plain? _____ yes _____ no

State description, purpose, and size of the proposed activity and location on the property:

I CERTIFY THAT THE ABOVE IS CORRECT TO THE BEST OF MY KNOWLEDGE.

signature of applicant(s) or agent _____ date _____

name (print) _____

street address (mailing address) _____

phone number with area code _____

signature of applicant(s) or agent _____ date _____

name (print) _____

street address (mailing address) _____

phone number with area code _____

For Commission Use Only

Fee

Agent letter

Commission hearing

Driveway Permit

Earth Materials Operation Application

Health Department Report

SIWWCC Report

Soil Erosion and Sedimentation Control Plan

Other _____

Received: _____

Extension date: _____

Permit granted/denied: _____

Remarks: _____

Action deadline: _____

Commission action: _____

"A permit to construct foundation only, pending our receipt of a certified "as built" of foundation" Required: yes/no

Authorized Signature _____

date _____

Final Inspection as required per CGS Section 8-3(f)

Authorized Signature _____

date _____

cc: Original - Building File P&Z File Applicant SIWWCC

SOI/ZPA - 06/04



US Army Corps
of Engineers
New England District

Connecticut Programmatic General Permit

Summary

The New England Division of the U.S. Army Corps of Engineers (Corps) developed the Connecticut Programmatic General Permit (CT PGP) to expedite the permitting process while maintaining adequate environmental protection.¹ The following activities are covered:

- * work or structures in navigable waters (Section 10 of the Rivers and Harbors Act of 1899),
- * and discharge of dredged or fill materials in waters of the United States (Section 404 of the Clean Water Act).

Activities requiring a Corps Permit now fall into three categories as summarized below.

Category 1-Non-Reporting

Category 1 projects, do not require notification to the Corps, so long as the project is also regulated by either the CTDEP (OLIS) or the Inland Water Resource Division. These typically have minimal impacts as follows:

- * wetland alterations up to 5,000 square feet;
- * bank stabilization projects up to 500 linear feet with less than 1 cubic yard of fill per linear foot of bank;
- * repair/maintenance of currently serviceable and previously authorized or grandfathered fills or structures; and
- * repair maintenance dredging up to 1,000 cubic yards of material with upland disposal of dredged sediments.

For a full list of activities that qualify for Category 1, see the full text of the CT PGP. Also, please be aware that the Corps can require an Individual Permit for any project, if there are concerns for the aquatic environment or any other factor of the public interest. Also note that applicants are required to obtain all local and state approvals prior to work in wetlands or waterways.

Category 2 - Screening

Projects that exceed the threshold or terms of Category 1-Non-Reporting must submit an application for a case-by-case determination of eligibility under this PGP.

Category 2 applicants will follow the application filing procedures below:

Other Category 2 projects - Corps of Engineers FORM 4345 submitted to the Corps only.

The Corps will review this information for completeness to determine if the project is eligible under this PGP and if it is appropriate for screening with other resource agencies (Environmental Protection Agency, U.S. Fish and Wildlife, National Marine Fisheries, and CT DEP OLIS and Inland Water Resources Div). Based on this screening, the project will be:

- * approved as is, or with conditions to minimize impacts,
- * required to submit additional information under this PGP, or
- * will be processed under the requirements for an Individual Permit.

Work cannot begin on a project submitted under Category 2 until a written determination is received from the Corps.

Category 3-Individual Permits

Individual Permits are categorically required for certain activities (see the CT PGP for listed activities) or it is determined through the screening process that the activity does not meet the terms and conditions of the CT PGP. These projects require submittal of an Individual Permit Application (U.S. Army Corps of Engineers Form 4345). Individual Water Quality Certifications and/or Coastal Zone Management Consistency Concurrence is required for these projects. It is suggested that applicants contact the Corps early in the design/planning or approval process to discuss a proposed project with the Corps staff to determine the applicable PGP category for their proposed activity. For more information call the Corps toll free at 1-800-343-4789.

¹ This General Permit is for complete projects. It cannot be used for piecemeal work that is part of a larger project.

Sherman Inland Wetlands and Watercourses Regulations
DEP ACTIVITY REPORTING FORM

APPENDIX C



CONNECTICUT DEPARTMENT OF
ENVIRONMENTAL PROTECTION
79 Elm Street
Hartford, CT 06106-5127

Gina McCarthy, Commissioner

GIS CODE #: _____
For DEP Use Only

Statewide Inland Wetlands & Watercourses Activity Reporting Form

Please complete and mail this form in accordance with the instructions. Please print or type.

PART I: To Be Completed By The Inland Wetlands Agency Only

1. DATE ACTION WAS TAKEN: Year _____ Month _____
2. ACTION TAKEN (circle one): A B C D E F G H
3. WAS A PUBLIC HEARING HELD? Yes _____ No _____
4. NAME OF AGENCY OFFICIAL VERIFYING AND COMPLETING THIS FORM:
(print) _____ (signature) _____

PART II: To Be Completed By The Inland Wetlands Agency Or The Applicant

5. TOWN IN WHICH THE ACTION IS OCCURRING: _____
Does this project cross municipal boundaries? Yes _____ No _____
If Yes, list the other town(s) in which the action is occurring: _____
6. LOCATION: USGS Quad Map Name: _____ AND Quad Number: _____
Subregional Drainage Basin Number: _____
7. NAME OF APPLICANT, VIOLATOR OR PETITIONER: _____
8. NAME & ADDRESS/LOCATION OF PROJECT SITE: _____
Briefly describe the action/project/activity: _____
9. ACTIVITY PURPOSE CODE: _____
10. ACTIVITY TYPE CODE(S): _____
11. WETLAND / WATERCOURSE AREA ALTERED [must be provided in acres or linear feet as indicated]:
Wetlands: _____ acres Open Water Body: _____ acres Stream: _____ linear feet
12. UPLAND AREA ALTERED [must be provided in acres as indicated]: _____ acres
13. AREA OF WETLANDS AND / OR WATERCOURSES RESTORED, ENHANCED OR CREATED: _____ acres
[must be provided in acres as indicated]

DATE RECEIVED: _____

PART III: To Be Completed By The DEP

DATE RETURNED TO DEP: _____

FORM COMPLETED: YES NO

FORM CORRECTED / COMPLETED: YES NO

REV. 5/2007

Connecticut General Statute section 1-1(q)**APPENDIX D**

Connecticut General Statute section 1-1(q)

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

**TOWN OF SHERMAN
INLAND WETLANDS AND WATERCOURSES COMMISSION**

**ADMINISTRATIVE APPROVAL FOR PERMITTED AND NONREGULATED
ACTIVITIES**

Date of Application:

Property Location

- a. Reference code from Assessor's map:
- b. Attach an 8 ½ X 11 location map with sufficient detail to allow precise location. Include road names, intersections, number from a telephone pole, direction of North and location of any watercourses.

Project Description and Purpose:

- a. Attach a diagram, drawing or plot plan of sufficient scale and detail to portray proposed activity.

Applicant

Name:

Address:

Daytime Phone:

Owner (if different from applicant)

Name:

Address:

Daytime Phone:

Agent or Consultant (if any)

Name:

Address:

Daytime Phone:

PERMITTED AND NONREGULATED ACTIVITIES FORM

SCHEDULE A

1. The proposed use or activity conforms to the following permitted uses outlined in Section 4.1 of Inland Wetlands and Watercourses Regulations for the Town of Sherman. Check the appropriate Section(s).

- ☐ A. Grazing, farming, nurseries, gardening, and harvesting of crops. Farm ponds of three acres or less essential to the farming operation.
- ☐ B. Construction of a residential home on a subdivision lot approved by the Planning and Zoning Commission as of September 14, 1973, provided that the building permit was obtained on or before July 1, 1987.
- ☐ C. Boat anchorage or mooring, not to include dredging or dock construction.
- ☐ D. Uses as defined in Section 4.1.d. as 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 Town of Sherman.
- ☐ E. Construction or operation by water companies of dams etc, as defined in Section 4.1.e.
- ☐ F. Maintenance relating to a drainage pipe existing before September 14, 1973.

2. The proposed use or activity will not disturb the natural or indigenous character of the wetland or watercourse and conforms to one of the following nonregulated uses outlined in Section 4.2 of Inland Wetlands and Watercourses Regulations for the Town of Sherman. Check the appropriate Section(s).

- ☐ A. Conservation of soil, vegetation, water, fish or wildlife as defined in Section 4.2a.
- ☐ B. Outdoor recreation as defined in Section 4.2b.
- ☐ C. Deposition of no more than twenty-four (24) cubic yards of coarse washed sand on the water's edge of existing beaches for the purpose of routine maintenance.

3. The proposed use or activity is not regulated pursuant to Section 6 of Inland Wetlands and Watercourses Regulations for the Town of Sherman. Check the appropriate Section(s).

- ☐ A. The proposed activity or use of the property is not within wetlands and watercourses or the upland review area.
- ☐ B. The proposed activity of use is one which is the exclusive jurisdiction of a State or Federal Agency. (Provide documentation)

Applicant's Signature: _____ Date: _____

Approved by: _____ authorized agent for the Sherman Inland

Wetlands and Watercourses Commission , on _____

**TOWN OF SHERMAN
INLAND WETLANDS AND WATERCOURSES COMMISSION**

APPLICATION FOR PERMIT

For Agency Use Only	
Application Number: _____	Permit Number: _____
Date of Filing: _____	Filing Fee: _____
Date of 1 st Regular Meeting after Filing: _____	_____
Approved: _____	Date: _____
Approved with Conditions: _____	Date: _____
For Conditions see page two	
Denied: _____	(see page two) Date: _____

Applicant

Name: _____

Home Address: _____

Phone: _____

Business Address: _____

Phone: _____

Agent (if applicable)

Name: _____

Home Address: _____

Phone: _____

Business Address: _____

Phone: _____

Brief Description of the Proposed Activity: _____

For Agency Use

Conditions or modifications:

Reasons for approval or denial:

1. Property Ownership:

- a. Applicant's interest in property (circle one):

Owner Developer Option Holder Other (describe)

- b. If applicant is not the owner give the name(s), address(es), and daytime phone number(s) of the owner(s).

- c. If the owner(s) is a partnership, corporation, limited liability company, or association, list the officers, partners, or principals.

- d. If the applicant is not the owner, attach a sheet giving the signed consent of the owner(s) to the proposed activity set forth in this application.

2. Location at which the activity is proposed:

- a. Reference code from Tax Assessor's Map

- b. Describe the location of the site or lot of the proposed activity. Sketch a location map in sufficient detail to allow precise location. Include road names, intersections, number from a telephone pole, direction of North and location of any water courses.

3. Names and mailing addresses of all adjoining property owners:

4. Describe the proposed activity, its purposes and intended use:

a. Area of wetlands affected:

b. Amount and type of materials to be removed:

c. Amount and type of materials to be deposited:

d. Structures and/or construction activities involved:

e. Manner in which the work will be carried out (equipment to be used, anticipated sequence and timing of work):

f. Anticipated time of construction:

g. Attach additional sheets if needed:

5. Provide a site plan that shows the existing and proposed conditions in relation to wetlands and watercourses, including soil types, vegetation, and existing and proposed improvements. The scale shall be of such size as to permit clear understanding of what is proposed.

SCHEDULE B

- 2009 Regulations.doc

10. Check whether any of the following circumstances applies:

- ☐ A portion of the property affected by the decision of the Agency is located within five hundred (500) feet of the boundary of an adjoining municipality.
- ☐ A significant portion of the traffic to the completed project on the site will use streets or roads within the adjoining municipality to enter or exit the site.
- ☐ A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality.
- ☐ Water run-off from the improved site will impact streets, roads or other municipal or private property within the adjoining municipality.

11. Submit a completed Connecticut Department of Environmental Protection "Statewide Inland Wetlands & Watercourses Activity Reporting Form." See Section 7.6.o. and Appendix C.

12. Submit the completed DEP Connecticut Natural Diversity Data Base Review Form together with response. See Section 7.6.k for applicability.

13. Additional information, in support of the application:

(Attach additional sheet if needed)

14. As soon as known provide the name, address, and business phone of each contractor. The permit will not be valid until this information is furnished. Notification by letter, postal card, or FAX (355-6943) will satisfy this requirement.

15. In the event the Agency determines that the application involves a significant impact activity as defined in Section 2.1 of the regulations, the applicant will be required also to complete Schedule C as a part of the application.

16. ➤ The undersigned applicant certifies that he/she is the owner or authorized agent of the owner of the property to which this application relates. I fully understand that this statement shall be relied upon by the Sherman Inland Wetland and Watercourses Commission and agree to furnish adequate evidence of my authority as part and parcel of the application process.
- **Furthermore; the undersigned, as owner or authorized agent of the owner of the property, hereby consents to necessary and proper inspections of the above mentioned property by the Agency and agent of the Agency or consultants to the Agency, to inspect the property, at reasonable times, during the application process and during the life of a permit once a final decision has been issued.**
- Furthermore; I certify that I have read and understand the United States Army Corps of Engineers Wetland Rules (see Appendix B).
- Making a false statement is a Class A misdemeanor. The undersigned hereby certifies that the information provided in this application including its supporting documentation is true and he/she is aware of the penalties provided in Section 53a-36 of the General Statutes for knowingly providing false or misleading information.

Signature of the Applicant

Date

MANDATORY PRE APPLICATION

FOR ALL LAND USE, HEALTH AND BUILDING APPLICATIONS

except for interior work in existing buildings and exterior work that does not expand or alter the footprint of an existing building.

Effective October 1, 2005 no Land Use, Health, or Building application for a permit may be filed until the holder(s) of any conservation restriction or preservation restriction on the subject property has been notified. Please see the attached legislation, Public Act No. # 05-124

Please provide the name of the property owner(s) and street address of the property for which one of the above applications will be submitted and complete either A or B below.

Property Owner(s): _____

Address of Permit Application: _____

- A. I hereby certify there are NO conservation easements or restrictions nor any preservation restrictions on the above referenced property.*

Signature of Property Owner: _____ *Date:* _____

Signature of Property Owner: _____ *Date:* _____

- B. There ARE conservation easements or restrictions or preservation restrictions on the above referenced property.*

Name/Phone Number of Restriction Holder: _____

Please attach one of the following:

- 1. Proof that the holder of the conservation or preservation restriction was notified by certified mail/return receipt requested of the property owner's intent to apply for a Land Use, Health, or Building permit in the Town of Sherman. OR*
- 2. A letter from the conservation or preservation restriction holder verifying that the application is in compliance with the terms of the restriction.*

**TOWN OF SHERMAN
INLAND WETLANDS AND WATERCOURSES COMMISSION**

**APPLICATION FOR PERMIT
SIGNIFICANT IMPACT ACTIVITY ADDENDA**

1. Provide site plans for the proposed use of the property. Plans must be stamped by a CT state licensed engineer, surveyor, and/or architect.
2. Indicate boundary lines of wetland soil types and adjacent soil types. Show individual wetland flags on the map. Verify that wetland flags are still intact in the field. If they are not intact, re-flag the wetland boundary. Soils information should be shown on the map and signed by a Certified Soil Scientist.
3. Show on drawings: boundaries of intermittent and/or perennial watercourses, vernal pools, or other water bodies, regulated areas, upland review areas, and land ownership. Show watershed drainage areas.
4. Indicate existing and proposed contours/elevations. The scale shall be of such size as to clearly show the proposed use or operation.
5. Show well locations.
6. Show septic design details and specifications. Provide Sherman Health Department approval.
7. Show 100-year flood elevation, existing stone walls, and 440 line (where applicable).
8. Provide storm drainage design details and specifications. Show existing and proposed drainage calculations, including salt runoff.
9. Calculate downstream watercourses impact.
10. Provide a sedimentation and erosion control plan. Include location of all erosion controls and construction schedule. Include erosion control narrative, stabilization methods, seeding recommendations, and timing.
11. Provide a description of material to be removed or brought in, including type and quantity.
12. Describe the ecological communities, functions of the wetlands or watercourses involved, and the impact of the proposed activity (changes, diminishment, or enhancement).
13. Describe alternatives considered and why each was deemed neither feasible nor prudent.
14. Describe measures that would minimize the impact of the proposed activity. Such measures include, but are not limited to, plans or actions, (a) which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats; (b) which prevent flooding, degradation of water quality, erosion, sedimentation, and obstruction of drainage; or (c) which otherwise safeguard water resources.

Making a false statement is a Class A misdemeanor. The undersigned hereby certifies that the information provided in this application including its supporting documentation is true and the undersigned is aware of the penalties provided in Section 53a-36 of the General Statutes for knowingly providing false or misleading information.

Signature of the Applicant

Date

**TOWN OF SHERMAN
INLAND WETLANDS AND WATERCOURSES COMMISSION**

APPLICATION TO EXTEND PERMIT EXPIRATION DATE

Permit number: _____ Expiration date of permit: _____

Date of extension application:
(must be 65 days prior to expiration date)

Applicant

Name:

Address:

Daytime Phone:

Owner (if different from applicant)

Name:

Address:

Daytime Phone:

Agent or Consultant (if any)

Name:

Address:

Daytime Phone:

State the reason why the authorized activities were not initiated or completed within the time specified in the permit:

Describe any changes in facts or circumstances involved with or affecting wetlands or watercourses on the property for which the permit was issued:

Signature of the Applicant

Date

**TOWN OF SHERMAN
INLAND WETLANDS AND WATERCOURSES COMMISSION**

CONTRACTOR COMPLIANCE STATEMENT

PERMIT No. _____

As the contractor engaged by _____ to perform the activities described in the Sherman Inland Wetlands and Watercourses permit number _____, I have read the permit and will comply with all the conditions therein.

Work will commence on or about _____ and will be completed within _____ months.

Name

Address

Telephone

Signature

Date

Mail To:

SIWWC
P.O. Box 239
Sherman, CT 06784

**TOWN OF SHERMAN
INLAND WETLANDS AND WATERCOURSES COMMISSION**

FEE SCHEDULE

1.1 Fees

- a. Fees are set to cover the cost, including but not limited to the reasonable cost of reviewing and acting on applications or petitions, and monitoring compliance with any permit or Agency order.
- b. The Town of Sherman and the State of Connecticut shall be exempt from the payment of fees.
- c. If an activity has occurred prior to the submission of an application, the Agency may require a filing fee to cover costs including, but not limited to, field inspections, public hearings, and public notices.
- d. The Agency may require additional technical assistance in evaluating an application submitted or a modification to an application if it finds that the nature and intensity of the activity may constitute a significant impact activity or that the expertise required to review such application is outside that of the Agency. The expense of the additional technical assistance shall be estimated by the Agency, based on a preliminary estimate prepared by an outside consultant, and the estimated cost of reviewing the application times one hundred-fifty percent (150%) shall be paid by the applicant and deposited with the Agency or its agent. Such deposit shall be made prior to review of the application, or at any time during the review process.

Upon completion of the technical review and final action by the Agency on the application, the Agency shall determine the costs incurred for the review and refund any excess monies to the applicant. Applicants shall not be responsible for costs incurred for technical assistance which exceed one hundred-fifty percent (150%) of the Agency's estimate.

- e All fees required by this schedule shall be submitted to the Agency by check or money order payable to the Town of Sherman at the time the application is filed with the Agency.
- f. No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Agency pursuant to Section 1.4 of this fee schedule.
- g. The application fee is not refundable.

FEE SCHEDULE

SCHEDULE F

1.2 Fee Schedule.

Application fees shall be based on the following schedule:

A. PERMITTED AND NONREGULATED USES - Section 4 of the regulations.

PERMITTED USES AS OF RIGHT (Section 4.1).....\$25.00

NONREGULATED USES (Section 4.2).....\$25.00

B. REGULATED USES - Section 6 of the regulations.

1. STATE OF CONNECTICUT APPLICATION FEE~~\$30.00~~ 60 -

(Applies to all Permit Applications)

2. SUBDIVISIONS, RESUBDIVISIONS, LOT LINE CHANGES THAT CREATE NEW BUILDING LOTS AND REDESIGNATION OF PARCELS TO BUILDING LOTS

Base \$250.00

Plus \$100.00/lot

Plus for each regulated activity including, but not limited to, watercourse crossings, and water diversion, \$250.00

3. RESIDENTIAL AND COMMERCIAL use on single lots

a. Without an existing occupied building

Construction or alteration within wetlands and watercourses and adjacent regulated activity zone including, but not limited to, watercourse crossings and water diversion.....\$250.00

b. With an existing occupied building

Construction or alteration within wetlands and watercourses and adjacent regulated activity zone including, but not limited to, watercourse crossings and water diversion.....\$150.00

4. NEW POND CONSTRUCTION \$400.00

C. MAP AMENDMENT - Section 15\$200.00

D. MODIFICATION OF PREVIOUS APPROVAL

Section 7.12 and 7.13 of the regulations\$100.00

(There shall be no fee for correcting typographical or other errors)

E. EXTENSION OF PREVIOUS APPROVAL, without modifications

Section 7.12 and 7.13 of the regulations\$25.00

1.3 Additional Fees

When applicable the following fees will be in addition to the fees specified in Section 1.2 of this fee schedule.

A. SIGNIFICANT IMPACT ACTIVITY FEE - Section 7.6.....\$500.00

B. ADDITIONAL COMPLIANCE INSPECTIONS

Fee Schedule 1.1.c Violation\$200.00

Plus for each 1.1.c inspection\$200.00

1.4 Waiver.

The applicant may petition the Agency to waive, reduce or allow delayed payment of the fee required by

FEE SCHEDULE

SCHEDULE F

Sections 1.2 and 1.3 of this fee schedule. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this section. The Agency may waive all or part of the application fee if the Agency determines that:

- a. The activity for which application is made 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 Agency shall state upon its record the basis for all actions under this section.

**TOWN OF SHERMAN
INLAND WETLANDS AND WATERCOURSES COMMISSION**

APPLICATION FOR CHANGE TO THE WETLANDS AND WATERCOURSES MAP

Date of Application:

Applicant

Name:

Address:

Daytime Phone:

Owner (if different from applicant)

Name:

Address:

Daytime Phone:

Agent or Consultant (if any)

Name:

Address:

Daytime Phone:

Property Location

a. Reference code from Assessor's map:

b. Attach an 8½ X 11 location map with sufficient detail to allow precise location. Include road names, intersections, number from a telephone pole, direction of North and location of any watercourses.

State reason for application:

Proposed Change:

Provide a map, drawn by a licensed surveyor, professional engineer or architect registered in the State of Connecticut, showing the area to be amended. Show on the map the watercourses and the delineation of wetland soil types, consistent with the categories established by the National Cooperative Soil Survey of the Natural Resources Conservation Service of the United States Department of Agriculture, by a soil scientist. Include land contours and boundaries of land ownership. The scale shall be of such size as to clearly show the proposed amendment.

Signature of the Applicant

Date

MAP SHOWING 150FT LIMITS OF DISTURBANCE

SCHEDULE H

A. PERMITTED AND NONREGULATED USES - Section 4 of the regulations.

PERMITTED USES AS OF RIGHT (Section 4.1) \$25.00

NONREGULATED USES (Section 4.2) \$25.00

B. REGULATED USES - Section 6 of the regulations.

1. STATE OF CONNECTICUT APPLICATION FEE \$60.00

(Applies to all Permit Applications)

2. SUBDIVISIONS, RESUBDIVISIONS, LOT LINE CHANGES THAT CREATE NEW BUILDING LOTS AND REDESIGNATION OF PARCELS TO BUILDING LOTS

Base

..... \$250.00

Plus

..... \$100.00/lot

Plus for each regulated activity including, but not limited to, watercourse crossings, and water diversion, \$250.00

3. RESIDENTIAL AND COMMERCIAL use on single lots

a. Without an existing occupied building

Construction or alteration within wetlands and watercourses and adjacent regulated activity zone including, but not limited to, watercourse crossings and water diversion \$250.00

b. With an existing occupied building

Construction or alteration within wetlands and watercourses and adjacent regulated activity zone including, but not limited to, watercourse crossings and water diversion \$150.00

4. NEW POND CONSTRUCTION \$400.00

C. MAP AMENDMENT - Section 15 \$200.00

D. MODIFICATION OF PREVIOUS APPROVAL

Section 7.12 and 7.13 of the regulations \$100.00

(There shall be no fee for correcting typographical or other errors)

E. EXTENSION OF PREVIOUS APPROVAL, without modifications

Section 7.12 and 7.13 of the regulations \$25.00

1.3 Additional Fees

When applicable the following fees will be in addition to the fees specified in Section 1.2 of this fee schedule.

A. SIGNIFICANT	IMPACT	ACTIVITY	FEE	-	Section
7.6.....			\$500.00		

B. ADDITIONAL COMPLIANCE INSPECTIONS

Fee Schedule 1.1.c Violation \$200.00

Plus for each 1.1.c inspection \$200.00

1.4 Waiver.

The applicant may petition the Agency to waive, reduce or allow delayed payment of the fee required by