

## **SECTION 4: PERMITTED OPERATIONS AND USES**

- 4.1 Any person proposing to carry out a permitted or nonregulated operation or use as listed in sections 4.2 and 4.3 of these regulations, shall, prior to commencement of such operation or use, notify the Commission on the form attached to these regulations as Schedule B (see Appendix A), and provide the Commission with sufficient information to enable it to properly determine whether the proposed operation and use is a permitted or nonregulated use of the wetlands or watercourse. The Commission shall rule that the proposed operation or use is a permitted or a nonregulated use or operation or that a permit is required.
- 4.2 The following operations and uses shall be permitted in regulated areas, 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, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale.
  - B. A residential home: (1) for which a building permit has been issued, or (2) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by the Planning Commission as of July 1, 1974, and further provided no residential home shall be permitted as of right pursuant to this Subsection unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as of right under this Subsection shall document the validity of said right by notifying the Commission on the form attached to these Regulations as Schedule B and made a part hereof, and by providing the Commission with the information required by such form, including a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates and any other necessary information to document his or her entitlement.
  - C. Boat anchorage or mooring, not to include dredging or dock construction.
  - D. Uses incidental to the enjoyment or maintenance of residential property, such property defined as containing a residence and equal to or smaller than the largest minimum residential lot site permitted anywhere in New Milford. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or onto a wetlands 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 and 22a -403 of the General Statutes.

- F. Maintenance relating to any drainage pipe which existed before July 1, 1974, provided such pipe is on property which is zoned residential but which does not contain hydrophytic vegetation. For purposes of this section "Maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.

4.3 The following operations and uses shall be permitted, as nonregulated uses in regulated areas, provided they do not disturb the natural and indigenous character of the wetlands or watercourses by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetlands or watercourses:

- A. Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices.
- B. Outdoor recreation including the use of play and sporting areas, golf courses, field trails, 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.

4.4 All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Commission in accordance with Section 6 or Section 11 of these regulations.