

SECTION 2: DEFINITIONS As used in these regulations:

- 2.1 *Act* means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the General Statutes, as amended.
- 2.2 *Bogs* are usually areas distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.
- 2.3 *Buffer* means a vegetated area inclusive of trees, shrubs and herbaceous vegetation that exists or is established to protect a wetland or watercourse.
- 2.4 *Clear-cutting* means the harvest of timber in a fashion which substantially removes the existing trees that are 2" or greater in diameter at breast height.
- 2.5 *Commission* means the Inland Wetlands Commission of the Town of New Milford.
- 2.6 *Commission member* means a member of the Inland Wetlands Commission of the Town of New Milford.
- 2.7 *Commissioner of Environmental Protection* means the Commissioner of the State of Connecticut Department of Environmental Protection.
- 2.8 *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.
- 2.9 *Deposit* includes, but shall not be limited to fill, grade, dump, place, discharge or emit.
- 2.10 *Duly Authorized Agent* means an individual designated by the Commission who has been empowered to act upon an application meeting the criteria outlined in Section 11 of these regulations.
- 2.11 *Discharge* means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.
- 2.12 *Disturbing the natural and indigenous character* of the wetlands, watercourses and upland review area means altering the inland wetlands, watercourses or upland review area by reason of removal or deposition of material, clearing the land, alteration or obstruction of water flow, alteration of the vegetative habitat by selective clearing, or pollution.
- 2.13 *Essential to the farming operation* means that the activity proposed is necessary and indispensable to sustain farming activities on the farm.
- 2.14 *Farming* means use of land for the growing of crops, raising of livestock or other agricultural use.

- 2.15 *Feasible* means able to be constructed or implemented consistent with sound engineering principles.
- 2.16 *Floodplain* means the area bordering a watercourse or wetland subject to flooding. The 100 year floodplain and special flood hazard areas have been determined for certain watercourses in the Flood Insurance Study, Town of New Milford, Connecticut, prepared by the Federal Emergency Management Agency (FEMA) and are shown on the official flood insurance rate maps (FIRM) and flood hazard boundary maps of the Town as amended.
- 2.17 *Landscaping* means the modification of the land surface by altering the plant cover. Landscaping does not include construction, clearing, grubbing or grading upon the land within regulated area and / or upland review area.
- 2.18 *License* 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 these regulations under the authority of the Inland Wetlands Commission.
- 2.19 *Management Practice* means a practice or procedure, activity, structure or facility that may affect pollution or other environmental quality. Best management practices are specifically designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such best management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land uses 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.
- 2.20 *Marshes* are areas with soils that exhibit aquatic moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by soft-stemmed herbaceous plants. The water table within marshes may be 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.
- 2.21 *Material* means any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, sand, gravel, clay, bog, peat, mud, debris, sand, refuse or waste.
- 2.22 *Nurseries* means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.
- 2.23 *Permit* means the whole or any part of any license, certificate or approval or similar form of permission which may be required of any person by the provisions of these regulations and the Act or other municipal, state and federal law.
- 2.24 *Permittee* means the person to whom such permit has been issued.

- 2.25 *Person* means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.
- 2.26 *Planning Commission* means the Planning Commission of the Town of New Milford.
- 2.27 *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.
- 2.28 *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.
- 2.29 *Regulated Activity* means any operation within or use of a wetland, watercourse or upland review area involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands, watercourses or upland review area or any operation or use of land that may disturb the natural and indigenous character of a wetland, watercourse or upland review area but shall not include the specified activities in Section 4 of these regulations. Furthermore, the Commission may rule that activities located within any non-wetland or non-watercourse areas are likely to impact or affect wetlands or watercourses and as such constitute a regulated activity.
- 2.30 *Regulated Area* means any wetlands or watercourses as defined in these regulations. (*Prior to March 6, 2010 regulated area was defined in the Inland Wetlands Regulations of the Town of New Milford as any wetlands, watercourses or the adjacent upland area as follows: within two hundred (200) feet of the ordinary high waterline of Candlewood Lake, the east or west branch of the Aspetuck River, the Still River, the Housatonic River or watercourses within the West Aspetuck River watershed, within one hundred (100) feet of the ordinary high waterline of any other watercourse, or within one hundred (100) feet of any wetlands which ever is greater. For further clarification see Upland Review area*)
- 2.31 *Remove* includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut timber, bulldoze, dragline or blast.
- 2.32 *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.
- 2.33 *Significant activity* means any activity, including, but not limited to, the following activities which may have a major effect or significant impact on the inland wetlands and watercourses:

- A. Any activity involving a deposition or removal of material which will or may have a major adverse effect or significant impact on the wetland or watercourse system, or
 - B. Any activity which may substantially change the natural channel or may inhibit the natural dynamics of a watercourse system including potential effects to regulated areas from alterations of the natural drainage patterns in upland areas, or
 - C. Any activity which may substantially diminish the natural capacity of an inland wetlands or watercourse to support desirable fisheries, wildlife, or other biological life, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space, or perform other functions, or
 - D. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetlands or watercourse, or
 - E. Any activity which may cause a substantial diminution of flow of a natural watercourse, or groundwater levels of the regulated area, or
 - F. Any activity which causes or has potential to cause pollution of a wetlands or watercourse, or
 - G. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.
- 2.34 *Soil Scientist* means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management.
- 2.35 *Swamp* is an area with soils that exhibit aquic moisture regimes and are dominated by a vegetation association recognized as wetlands species by their National Region 1 Indicator Status.
- 2.36 *Submerged lands* means those lands which are inundated by water on a seasonal or more frequent basis.
- 2.37 *Town* means the Town of New Milford, Litchfield County, in the State of Connecticut.
- 2.38 *Upland Review Area* means any portion of land within two hundred (200) feet of the ordinary high waterline of Candlewood Lake, the east or west branch of the Aspetuck River, the Still River, the Housatonic River or watercourses within the West Aspetuck River watershed, within one hundred (100) feet of the ordinary high waterline of any other watercourse, or within one hundred (100) feet of any wetlands which ever is greater.
- 2.39 *Vernal* means appearing or occurring in the spring.
- 2.40 *Waste* means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands or watercourses of the Town.

- 2.41 *Watercourse* 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 of the General Statutes, as amended. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of *two* (2) 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.
- 2.42 *Watershed* means the total wetland and upland area that drains to a wetland or watercourse. Smaller watersheds drain into the overall watershed of larger watercourses.
- 2.43 *Wetlands* means land, including submerged land as defined in this section not regulated pursuant to Section 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 Resource Conservation Service of the U.S. 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.
- 2.44 *Wetlands Enforcement Officer* means an individual designated by the Commission to administer the application, permitting and enforcement process for the Commission, to advise the Commission on technical matters and otherwise carry out functions and purposes of the Commission.
- 2.45 *Zoning Board of Appeals* means the Zoning Board of Appeals of the Town of New Milford.
- 2.46 *Zoning Commission* means the Zoning Commission of the Town of New Milford.