

## **SECTION 7: APPLICATION REQUIREMENTS AND PROCEDURES**

- 7.1 Any person intending to conduct a regulated activity or any activity which may involve a regulated activity, operation or use shall prior to the commencement of any such activity, operation or use, apply for a permit on a form provided by the Commission. The application shall include the information described in this section and any other information the Commission may reasonably require. Application forms may be obtained in the office of the New Milford Inland Wetlands Commission.
- 7.2 If an application to the Town of New Milford Planning or Zoning Commission involves land containing a wetland, watercourse or upland review area the applicant shall, in accordance with Section 8-3(g), 8-3(c), or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Town of New Milford Inland Wetlands and Watercourse Commission in accordance with this section, no later than the day the application is filed with such planning or zoning commission.
- 7.3 All applications, petitions, requests or appeals shall be filed with the Inland Wetlands Commission of the Town of New Milford.
- 7.4 The date of receipt of any application, petition, request or appeal shall be the day of the next regularly scheduled meeting of the Commission immediately following the date of submission to the Commission or its agent of such application, petition, request or appeal, or thirty-five (35) days after such submission, whichever is sooner.
- 7.5 The application shall contain such information as is necessary for a fair and informed determination thereon by the Commission.
- 7.6 All information submitted in the application shall be considered factual and binding. A failure of the applicant or any of his, her or its agents to provide correct information, or performance exceeding the scope of the work as set forth in the application, shall be sufficient grounds for denial of the application or in the case where a permit has been issued, the revocation of any permit under these regulations and/or for penalties to be imposed.
- 7.7 At a minimum all applications shall include the following information in writing or on maps or drawings:
- A. The original and 11 copies (total of 12) of an application form provided by the Commission which includes the following information: (See Schedule A Application Form -Appendix A)
    - 1. Name of the project and street address of the project site;
    - 2. The applicant's name, home and business address and telephone numbers;
    - 3. The owner's name, address and telephone number and written consent if the applicant is not the owner of the land upon which the subject activity is proposed;

4. Applicant's interest in the land;
5. The geographical location of the property which is the subject of the proposed activity, including but not limited to a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, a computation of the area(s) (in acres or square feet) of wetlands or watercourse disturbance, and a description of soil type(s) and vegetation;
6. The purpose and a description of the proposed activity and proposed erosion and sedimentation controls; management practices; and avoidance, minimization and mitigation measures, in that order, which may be considered as a condition of issuing a permit for the proposed regulated activity. This may include measures that (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 and buffer areas;
7. Alternatives considered by the applicant and why the proposal to impact regulated and upland review areas set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing;
8. Names, addresses and mailing addresses, if different, of owners of properties adjacent to the project site;
9. List of the titles of the site plans submitted as part of the application;
10. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through inaccurate or misleading information;
11. Authorization for the Commissioners and agents of the Commission to inspect the property, except for a private residence, at reasonable times: both before and after a final decision has been issued; while the regulated activities are being conducted; and at any time thereafter up to and including the period of time in which the applicant's bond or surety is in effect in order to ensure that the activities are being conducted within the parameters of the permit;
12. Whether the proposed regulated activity will require subdivision or re-subdivision approval, a zoning permit, special permit or exemption, or a variance, from the Zoning Commission, Planning Commission or Zoning Board of Appeals, as the case may be;
13. Whether any of the following circumstances applies:
  - a. Any portion of the property on which the regulated activity is proposed is located within five hundred (500) feet of the boundary of an adjoining municipality.

- b. Any portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site.
  - c. Any portion of the sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality.
  - d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- B. If the Applicant is not the Owner of the property upon which the regulated activity is occurring then a letter of consent, with an original signature, authorizing the applicant to act as the owner's agent, is required.
- C. A completed "Statewide Inland Wetlands & Watercourse Activity Reporting Form" with a USGS map section indicating the location of the property.
- D. Submission of the appropriate filing fee based on the fee schedule authorized in Section 13 of these Regulations (See Appendix B).
- E. 12 copies of a site plan or drawing, as described in the Commissions checklist, showing the existing conditions and proposed activities and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity (See Appendix C). Information specified on the checklist shall be furnished to the Commission upon submission of an application unless waived by the Wetlands Enforcement Officer on the marked and signed checklist. Further information may be required by the Commission during the review process.
- F. Certification by the applicant that numbered wetland flags, as delineated by a soils scientist, and field stakes, as specified on the Commission Checklist (See Appendix C) are in place, unless such requirements are waived by the Wetlands Enforcement Officer on the marked and signed checklist.
- G. Any other information the Commission deems necessary to the understanding of what the applicant is proposing

7.8 At any time prior to issuance of a decision on an application for a permit or in the case of an application on which a public hearing is conducted, at any time prior to the close of the public hearing, the Commission may require the applicant to provide additional information about the regulated area or regulated activity which is the subject of the application, or wetlands, watercourses or upland review area that may be affected by the regulated activity.

7.9 The Commission may issue a permit without a public hearing provided that the Commission finds that the proposed activity is a regulated activity, but not a significant activity, or a petition of 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, has not been filed with the Commission on or before the fourteenth (14) day after the receipt of the application. The Commission may allow the activity with or without conditions. In order to grant a permit at this stage, the Commission, after full review of the considerations set forth in Section 9 and

other pertinent factors, shall state upon the record reasons for granting the permit with or without conditions.

- 7.10 If the proposed activity is determined to be a significant activity by the Commission, additional information, based on the nature and anticipated effects of the activity, including but not limited to those items listed in this section, is required. The Commission may waive any or all of the requirements listed in this section. The applicant shall provide 12 copies of the additional information required.
- A. Site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetlands and watercourse boundaries, upland review areas, proposed and existing contours at two foot intervals, boundaries of land ownership, proposed alterations and uses of wetlands, watercourses and upland review 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 map shall be provided at a scale (generally 1"=40') and in such detail that the Commission can readily interpret the proposed project and its potential impacts to wetlands, watercourses and upland review areas.
  - B. Engineering reports, analyses and additional drawings that fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to existing drainage patterns, wetlands and watercourses and the proposed erosion and sedimentation control plan.
  - C. Delineation of soils by a soil scientist showing the soil types classified as poorly drained, very poorly drained, alluvial, or flood plain according to the National Cooperative Soils Survey. Such documentation shall include a map of the land in question signed by a soil scientist on which the flag locations defining the boundaries of the regulated soil types are depicted.
  - D. A description of any materials to be deposited on the affected property in terms of volume, chemical or physical characteristics, composition, and the possibility of erosion or leaching from deposited materials.
  - E. A description of the proposed project including proposed construction, the erection of structures, filling, excavation, drainage or hydraulic modifications to wetlands and watercourses on the affected property including blueprints or engineering or architectural plan or designs, to the extent necessary to enable the Commission to determine the impact of such construction on any regulated area. Such description should include the purposes of such construction or activity.
  - F. List of abutting property owners, property owners that lie opposite the parcel across any street, thoroughfare or easement or other property owners of whom the applicant has notice whose rights or interests will be significantly affected by the proposed activity. The applicant shall supply certification that the property owners are notified as described in Section 8.6 of these regulations.

- G. If the proposed activity upon the applicant's property may affect a watercourse lying within, partly within, or flowing through or adjacent to the applicant's property, the applicant shall submit information relative to the present character and the projected impact of the proposed activity upon the watercourse including the comparison of existing and proposed discharges where downstream flooding is a consideration.
  - H. Description and plans of the measures which would avoid, minimize and mitigate, in that order, the impact of the proposed activity. Such measures include, but are not limited to, management practices, plans or actions which avoid destruction or diminution of wetlands or watercourses functions, recreational uses and natural habitats; which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage; or which otherwise safeguard water resources. These measures may also include wetland and watercourse enhancement, restoration and creation actions that more than replace lost wetland and watercourse habitat and functions or other legal measures designed to preserve and protect adjacent wetlands, watercourses and natural buffer areas.
  - I. An impact analysis of how the proposed project, inclusive of all activities, will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application, and a description of why each alternative considered was deemed neither feasible nor prudent.
  - J. A biological evaluation of the affected property that contains any wetland, watercourse or upland review area. The applicant shall submit an evaluation of the extent of the presence of plant and animal species on and adjacent to the property. The applicant shall also submit an evaluation of the probable effect of the proposed activity upon those plant species and upon indigenous animal life.
  - K. Description of the ecological communities and functions of the wetlands and/or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions.
- 7.11 In the case of any application where any portion of the wetlands or watercourses on which the regulated activity is proposed is located within five hundred (500) feet of the boundary of New Fairfield, Sherman, Kent, Washington, Bridgewater, Brookfield or Roxbury, the applicant shall give written notice of the application, certified mail return receipt requested, to the Wetlands Commission of the adjacent municipality on the same day of filing an inland wetlands permit application with the New Milford Inland Wetlands Commission. Proof of such notice shall be provided by the applicant to the New Milford Inland Wetlands Commission within ten (10) days of the date of the filing of the application.
- 7.12 The Commission 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 upon which the regulated activity is proposed is located within five hundred (500) feet of the boundary of an adjoining municipality.

- B. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site.
- C. A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality.
- D. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Notice of the pendency of such application 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.

- 7.13 When an application is filed to conduct or cause to be conducted a regulated activity upon a wetland or watercourse, any portion of which is within the watershed of a water company as defined in Section 25-32a of the General Statutes, 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 municipality in which the application is made and with the 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 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 Commission.
- 7.14 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:
- A. For purposes of this section, “conservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.
  - B. For purpose of this section, “preservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.
  - C. No person shall file a permit application, other than for interior work in an existing building or for exterior work that does not expand or alter the footprint of an existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction not later than sixty days prior to the filing of the permit application.

- D. In lieu of such notice pursuant to subsection 7.14c, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.
- 7.15 Any application to renew, extend or amend an existing permit shall be filed with the Commission at least sixty-five (65) days but, in the case of an extension or renewal, not more than one hundred and twenty (120) days prior to the expiration date for the permit. Any application to renew or extend such existing permit shall contain the following information.
- A. The application may incorporate by reference the documentation and record of the original application.
  - B. The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit.
  - C. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or the property for which the permit was issued.
  - D. The Commission may prior to the expiration of a permit, accept an untimely application to extend the expiration date of a permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if in its judgement, the permit is likely to be extended and the public interest or environment will be best served by not interrupting the activity.
  - E. 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.
- 7.16 Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which a permit was issued provided no permit shall be valid for more than ten (10) years.
- 7.17 All applications shall be open for public inspection at the Commission's office.
- 7.18 Incomplete applications may be denied.