

INLAND WETLANDS AND WATERCOURSES

REGULATIONS

FOR THE

INLAND WETLANDS AND

CONSERVATION COMMISSION

TOWN OF PLYMOUTH
LITCHFIELD COUNTY
STATE OF CONNECTICUT

Adopted - 1974

Amended - August 4, 1982

Amended - November 7, 1988

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SECTION

TITLE AND AUTHORITY

- 1.1 These regulations shall be known as the Inland Wetlands and Watercourses Regulations of the Town of Plymouth.
- 1.2 These regulations have been prepared by the Plymouth Inland Wetlands and Conservation Commission in accordance with the provisions of an Act Concerning Inland Wetlands and Watercourses Sections 22a-36 to 22a-45 Inclusive of the General Statutes and Public Act 78-571, authorized by Town meeting of the Town of Plymouth in accordance with an ordinance adopted July 19, 1973.
- 1.3 Pursuant to said General Statutes and Public Act, the Plymouth Inland Wetlands and Conservation Commission shall issue, issue with modifications, and deny permits for all regulated activities on inland wetlands and watercourses within the Town.

SECTION 2

DEFINITIONS

- 2.1 As used in these regulations:
 - a. "Act means the Inland Wetland and Watercourses Act, Sections 22a-36 through 22a-45 of the General Statutes, as amended.
 - b. "Alluvia" means the soil formed from sediment deposited by flowing water, as in a river bed, floodplain, or delta.
 - c. Bogs" are usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.
 - d. "Clearcutting" means the harvest of timber which removes all trees down to a 2" diameter at breast height in an area of 1 acre or more.
 - e. "Commission" means the Inland Wetlands and Conservation Commission of the Town of Plymouth.
 - f. "Commission Member" means a member of the Inland Wetlands Commission of the Town of Plymouth.

- g. "Commissioner of Environmental Protection" means the commissioner of the State of Connecticut Department of Environmental Protection.
- h. "Deposit" includes, but shall not be limited to fill, grade, dump, place, discharge or emit.
- i. "Designated Agent" means an individual designated by the Commission to carry out its functions and purposes, ordinarily the Land Use Enforcement Officer in his/her capacity as Wetlands Enforcement Officer.
- j. "Discharge" means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.
- k. "Disturbed area" means an area where the cover is destroyed or removed leaving the land subject to accelerated erosion.
- l. "disturbing the Natural and Indigenous Character of the Land" means that the activity will significantly alter the inland wetland and watercourses by reason of removal or deposition of material, clearcutting, alteration or obstruction of water flow, or will result in the pollution of the wetland or watercourse.
- m. "Dry Land" means land not containing wetlands or watercourses as defined in Section 2.1 (oo and pp).
- n. "Erosion" means the detachment and movement of soil or rock fragments by water, wind, or ice.
- o. "Farming" means using land for growing crops, raising livestock, or other agricultural use.
- p. "Feasible" means able to be constructed or implemented consistent with sound engineering practices.
- q. "Inspection" means the periodic review by the designated agent for compliance to these regulations and of sediment and erosion control measures shown on the site plan.
- r.
- s. "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.

- t. "Marshes" are areas with soils that exhibit aquic moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by soft-stemmed herbaceous plants. The water table in marshes is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six inches or more in depth are common.
- u. "Material" means any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, land, gravel, clay, bog, peat, mud, debris, sand, refuse or waste.
- v. "Municipality" means the Town of Plymouth, Litchfield County, Connecticut.
- w. "Nurseries" means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.
- x. "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 provision of these regulations under the authority of the Inland Wetlands Commission.
- y. "Permittee" means the person to whom such permit has been issued.
- z. "Person" means the person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.
- aa. "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 resulting from any filling or excavation activity.

bb. "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.

cc. "Regulated Activity" means any operation within or use of a wetlands or watercourse involving removal or deposition of material; or any obstruction, construction, alteration or pollution of such wetlands or watercourse but shall not include the specified activities in Section 4 of these regulations.

Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, deposition or removing of material and discharging of storm water on the land within 50 feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. The Commission may rule that any other activity located within such 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.

dd. "Regulated Area" means any inland wetland or watercourse as defined in these regulations.

ee. "Remove" includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clearcut timber, bulldoze, dragline or blast.

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

gg. "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

hh. "Significant 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:

1. Any activity involving a deposition or removal of material which will or may have a major effect or significant impact on the regulated area or on another part of the inland wetland or watercourse system, or

2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system, or
 3. Any activity which substantially diminishes the natural capacity of an inland wetland 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 other functions, or
 4. Any activity which causes substantial turbidity, siltation or sedimentation in a wetland or watercourse; or
 5. Any activity which causes a substantial diminution of flow of a natural watercourse, or groundwater levels of the regulated area, or
 6. Any activity which causes or has the potential to cause pollution of a wetland or watercourse, or
 7. Any activity which destroys unique wetland or watercourse areas having demonstrable scientific or educational value.
- ii. "Soil erosion and sediment control plan" means a scheme that minimizes soil erosion and sedimentation and includes, but is not limited to, a map and narrative. The map shall show topography, cleared and graded areas, proposed area alterations and the location of and detailed information concerning erosion and sedimentation control measures and facilities. The narrative shall describe the project, the schedule of major activities on the land, the application of conservation practices, design criteria, construction details and the maintenance program for any erosion and sediment control facilities that are installed and the name and phone number of the person responsible for their inspection and maintenance.
- jj. "Soil Scientist" means an individual duly qualified in accordance with standards set by the Office of Personnel Management.
- kk. "Swale" refers to a low-lying stretch of land to carry surface run-off. It can be loamed and seeded, stone lined or paved.
- ll. "Swamps" are areas with soils that exhibit saturated moisture regimes and are dominated by wetland trees and shrubs.
- mm. "Submerged Lands" means those lands which are inundated by water on a seasonal or more frequent basis.

- nn. "Town" means the Town of Plymouth, Litchfield County in the State of Connecticut
- oo. "Waste" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters of the Town.
- pp. "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 22aj-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, and (c) the presence of hydrophytic vegetation.
- qq. "Wetlands" means land, including submerged land as defined in Section 2.1 (ll) of these regulations, 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 flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Soil 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.

SECTION 3.

INVENTORY OF REGULATED AREAS

- 3.1 The map of regulated areas, entitled "Inland Wetlands and Watercourses Map, Plymouth, Connecticut", delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection in the Land Use Office. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types, and actual locations of watercourses. The agency may use aerial photography of watercourses. The agency may be required of the property owner when the Commission requires an accurate delineation of regulated areas.

- 3.2 Any property owner who disputes the designation of any part of his or her land as a regulated area on the Inland Wetlands and Watercourses Map may petition the Commission to change the designation. 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 provide proof that the designation is inapplicable. Documentation in accordance with Section 14 of these regulations may be required of the property owner when the Commission requires an accurate delineation of regulated areas.
- 3.3 The Inland Wetland Commission or its designated agent(s) shall inventory and maintain current records of all regulated areas within the town. The Commission may amend its map as more accurate information regarding delineation of wetlands and watercourses within the town becomes available. Such map amendments are subject to the public hearing process outlined in Section 14 of these regulations.

SECTION 4

PERMITTED USES AS OF RIGHT AND NONREGULATED USES

- 4.1 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, clearcutting 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 for which a building permit has been issued or on a subdivision lot, provided the permit has been issued or the subdivision has been approved by the Plymouth Planning and Zoning Commission as of the effective date of promulgation of these regulations pursuant to subsection (b) of section 22a-42a or as of July 1, 1974, which ever is earlier, 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 permit ed as a right under this subsection shall document the validity of

said right by providing 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 or other necessary information to document his entitlement;

- c. Boat anchorage or mooring, not to include dredging or dock construction;
 - d. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted any where in the Town and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal, or deposition of substantial 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 and 22a-410 of the General Statutes.
 - f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to Section 22a-42a of the Connecticut General Statutes of July 1, 1974, which ever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.
- 4.2 The following operations and uses shall be permitted as Nonregulated uses 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. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silvicultural management practices.
 - b. outdoor recreation including the use of play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing

and shellfishing and cross-country skiing where otherwise legally permitted and regulated.

- c. Normal routine maintenance by Town of Plymouth agencies of existing facilities and structures which structures or activities and the maintenance thereof do not have a significant adverse or major effect upon a regulated area as determined by the Commission in accordance with Section 2.1(ee) of these regulations. Such maintenance work shall be performed so as to cause the least change, modification, disturbance, or damage to the regulated area. Every reasonable effort, as determined by the Commission, shall be made to restore the regulated area to its original natural condition by the Town agency conducting such necessary maintenance work.
- 4.3. Subject to review and written determination of the Commission or its designated agent that the proposed activity is not reasonably likely to significantly disturb the natural and indigenous character of the land, the following activities may be conducted in the following situations;
 - a. the construction of an addition, renovation, or improvement to an existing dwelling or the existing improvements located on such residential lot.
 - b. the demolition of a residential building or improvement located on the lot of an existing residential dwelling.
 - c. the excavation and filling of soil observation holes, test pits, and borings used to determine engineering, septic, and related information pertaining to site suitability surveys.
 - d. the construction of a new structure located on a parcel of land which contains a regulated area, provided the structure, construction activities, on-site storm water detention and related site disturbance activities are all located outside of the regulated area.
 - 4.4 All activities in wetlands or watercourses involving filling, excavation, dredging, clearcutting grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this section shall require a permit from the Commission in accordance with Section 6 of these regulations.
 - 4.5 To carry out the purposes of this section, any person proposing to carry out a permitted or Nonregulated activity or use of a wetland or watercourse, which may disturb the natural and indigenous character of the land, shall, before starting such operation or use, notify the Commission in writing, and provide the Commission with sufficient information to enable it to properly determine that the proposed activity or

use is a permitted or nonregulated or that a permit is required. Such ruling shall be in writing. The designated agent for the Commission may make such ruling on behalf of the Commission at any time.

- 4.6 The agency may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any 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 7.5 of these regulations and any other 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.
- 4.7 Any person receiving such approval from such agent shall, within ten days of the date of such approval, publish, at the appellant's expense, notice of the approval in a newspaper having a general circulation in Plymouth. Any person may appeal such decision of such agent within fifteen 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 business days after receipt by such 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 5

ACTIVITIES REGULATED BY THE STATE

- 5.1 In addition to any permit or approval required by the Commission, the Commissioner of Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:
- a. Construction or modification of any dam pursuant to Sections 22a-401 through 22a-410 of the General Statutes, as amended; Any person receiving a dam repair or removal order from the Commissioner of D.E.P. under section 22a-402 of the General Statutes shall not be required to obtain a permit from the municipal wetlands agency for any action necessary to comply with such order.

- b. Construction or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349 of the General Statutes, as amended;
 - c. Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the state pursuant to Sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the General Statutes, as amended;
 - d. Diversion of water in excess of fifty thousand (50,000) gallons per day or any surface waters of the state where the tributary watershed area above the point of diversion is 100 acres or larger pursuant to Sections 22a-365 through 22a-378 of the General Statutes, as amended;
 - e. Discharges into the waters of the state pursuant to Section 22a-430 of the General Statutes, as amended;
 - f. 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.
- 5.2 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities and other 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, (1) after an advisory decision on such license or permit has been rendered to the commissioner by the Wetland Commission of the municipality where the wetland is located or (2) thirty-five days after receipt by the commissioner of such application, whichever occurs first.
- 5.3 The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to Section 22a-28 through 22a-35 of the Connecticut General Statutes.

SECTION 6

REGULATED ACTIVITIES TO BE LICENSED

- 6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands Commission of the Town of Plymouth.
- 6.2 The Commission shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of material, or any

obstruction, construction, alteration or pollution, of such wetlands or watercourses and any other regulated activity, unless such operation or use is permitted or nonregulated pursuant to Section 4 of these regulations.

- 6.3 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Town of Plymouth Inland Wetlands Commission, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 13 of these regulations and any other remedies as provided by law.

SECTION 7

APPLICATION REQUIREMENTS

- 7.1 Any person wishing to undertake a regulated activity shall apply for a permit on a form entitled "Town of Plymouth Inland Wetlands Commission – Application for Permit." An application shall include an application form and such information as prescribed by Section 7.4 and, in the case of a significant activity, by Section 7.5 of these regulations. Application forms may be obtained in the Plymouth Land Use Office.
- 7.2 If an application to the Town of Plymouth Planning and Zoning Commission for site plan approval, special permit, subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Plymouth Inland Wetland and Watercourses Commission in accordance with this section, no later than the day the application is filed with such Planning and Zoning Commission.
- 7.3 All applications shall contain such information that is necessary for a fair and informed determination of the issues.
- 7.4 Application must be made by the property owner of record or the duly authorized agent of such owner, such authorization to be in writing.
- 7.5 All applications shall include the following information in writing or on maps or drawings:
- a. Applicant's name, (if a corporation, include the names of all primary officers involved), address and telephone numbers. The application must specify the person of record for mailing purposes.
 - b. The owner's name, address and telephone number.

- c. The geographical location of the property which is to be affected by the proposed activity, including but not limited to a description of the land in sufficient detail to allow identification of the inland wetlands and watercourse, a computation of the area (in acres or square feet) of wetland or watercourse disturbance, and soil types.
 - d. The purpose and description of the proposed activity and proposed sedimentation and erosion 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 quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.
 - e. Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen. The Commission may also require the alternatives be diagrammed on a site plan or drawing and submitted as part of the application.
 - f. A site plan showing 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;
 - g. Names and addresses of adjacent property owners, including those on the opposite side of the street.
 - h. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
 - i. Authorization for the commissioners and agents of the Commission to inspect the property, at reasonable times, both before and after a final decision has been issued;
 - j. Any other information the Commission deems necessary to the understanding of what the applicant is proposing;
 - k. Submission of the appropriate filing fee based on the fee schedule on the application for permit. Fees will be waived for town agencies.
- 7.6 If the proposed activity involves a significant activity as determined by the Commission and defined in Section 2.1 of these regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following is required:

- a. Site plans for the proposed use or operation and the property which will be affected. The site plan shall include, but may not be limited to the following:
1. Boundary lines, dimensions and the area of the property.
 2. Locations of all wetlands and watercourses on the property as delineated by a soil scientist and within two hundred (200) feet thereof as delineated by the Litchfield County Soil Survey.
 3. Elevations at two (2) foot contour intervals throughout the property. If filling or removal of earth materials are proposed, resulting elevations shall be shown by one (1) foot contour intervals.
 4. Locations and descriptions of all existing and proposed drainage features.
 5. Locations and descriptions of proposed activities.
 6. If the activity affects a wetland, a description of the soils, including locations of any soil borings or any test holes. Soil types shall be described in accordance with categories established by the U.S. Soil Conservation Service. The wetlands shall be delineated in the field by a soil scientist using sequentially numbered flagging, and the field delineation and the flagging numbers shall be mapped onto the site plan. The soil scientist shall sign and date the surveyed plan (original or copy) and certify that it is substantially correct. All flagging shall be in place at the time of application.
 7. A soil report prepared and certified by a soil scientist describing all soil types on the property, and the location of wetlands and watercourses that are indicated on the site plan.
 8. Existing and proposed depths of water and high water level for all inundated areas.
 9. If pollution is proposed, the existing and anticipated alkalinity/acidity level, turbidity, bacteria count, flows, odor, color, temperature and taste of affected water, both above and below the ground surface.
 10. Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses;
 11. Description of the ecological communities and functions of the wetlands or watercourses involved (including predominant botanical

species and any rare species) with the application and the effects of the proposed regulated activities on these communities and wetland functions;

12. 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 with each alternative, a description of why each alternative considered was deemed neither feasible nor prudent;
13. Analysis of chemical or physical characteristics of any fill material;
14. Measures which mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats, which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.
15. A soil erosion and sediment control plan as defined in Section 2(ii) of these regulations including the name and phone number of the person responsible for the maintenance of the erosion and sediment control plan.
16. The following statement shall appear on all site plans (as appropriate):

"FUNCTIONAL COMPLETION OF STORM WATER DETENTION SYSTEMS SHALL PRECEDE SITE DEVELOPMENT OF AREAS, ROADS, OR LOTS CONTRIBUTING TO THESE SYSTEMS".
17. If the proposal is in a floodplain, the FEMA (HUD) floodplain lines.
18. Site plan specifications:
 - a) Sheet size not to exceed 24" x 36".
 - b) Drawing scale not to exceed 40 feet per inch.
 - c) Title area must include:
 - 1) Name of project and applicant with address.
 - 2) Legible signature of person drawing plans.
 - 3) Embossed seal of the surveyor and engineer.
 - 4) Date of original plan
 - d) Location map showing surrounding streets.

- b. The site plan shall be prepared by a land surveyor or professional engineer licensed in Connecticut.
- c. An application for a proposed activity in a floodplain must include information certifying that:
 - 1. The proposal will not obstruct flood flows or result in an adverse increase in flood elevations, significantly affect the storage or flood control value of the floodplain, cause an adverse increase in flood velocities, or an adverse flooding impact upon upstream, downstream, or abutting properties, or pose a hazard to human life, health, or property in the event of a base flood.
 - 2. The proposal complies with the provisions of the National Flood Insurance Program and any floodplain zoning requirements of the Town.
- d. The requirement for any of the information described in Section 7.5 or 7.6 may be waived or modified by the Commission if it determines such information is not necessary to properly evaluate the impact of the proposed activity.
- e. Official sign-off authorization on the site plan must be located in the lower left-hand corner of the map with the wording as follows:

Approved by the Inland Wetlands Commission of the Town of Plymouth

DATE

SIGNATURE

- 7.7 The applicant shall certify whether:
 - a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality.
 - b. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality;
 - c. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- 7.8 **Seven (7) copies of all application materials** shall be submitted to comprise a complete application or as is otherwise directed by the Commission.

SECTION 8

APPLICATION PROCEDURES

- 8.1 All applications shall be filed with the Land Use Office of the Town of Plymouth.
- 8.2 In the case of an application where any portion of the wetland or watercourse on which the regulated activity is proposed is located within 500 feet of the boundary of any abutting towns, the applicant shall give written notice, in accordance with C.G.S. Sec. 22a-42c, of the proposed activity, certified mail return receipt requested, to the adjacent municipal wetland agency on the same day of filing an inland wetland permit application with the Plymouth Inland Wetlands Commission. Documentation of such notice shall be provided to the Commission.
- 8.3 The Commission shall, in accordance with C.G.S. Sec. 22a-42b, notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:
 - 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. 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 or,
 - 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.

- 8.4 When an application is filed to conduct a regulated activity in an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in Section 16-1 of the General Statutes, the applicant shall provide written notice of the application to the water company, provided the water company has filed a map showing the boundaries of the watershed in the Plymouth Land Records and with the Commission. The notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of the

application. The water company may appear and be heard at any hearing on the application.

- 8.5 The date of receipt of an application shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission, provided such meeting is no earlier than three business days after receipt, or thirty-five days after such submission, whichever is sooner.
- 8.6 At any time during the review period, 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 or watercourses affected by the regulated activity. (The Commission shall not exceed the required sixty-five (65) day time limit in taking action on an application pending the receipt of additional information as stated in Section 11.2 of these regulations).
- 8.7 All applications shall be open for public inspection.
- 8.8 Incomplete applications may be denied.

SECTION 9

PUBLIC HEARINGS

- 9.1 The commission shall not hold a public hearing on an application unless the commission determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least twenty-five persons requesting a hearing is filed with the commission not later than fifteen days after the submission of such application or the commission finds that a public hearing regarding such application would be in the public interest. Such hearing shall be held no later than sixty-five 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 a public hearing.
- 9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two 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.
- 9.3 A sign shall be posted on the premises which is the subject of the application at least fifteen (15) days before the hearing or any reconvening thereof and must be removed within ten (10) days after completion of the hearing or any rehearing thereof. The sign shall be so located on the

property so as to be visible and readable from the street that the property fronts on. The sign must be no more than five (5) feet off the street line and must be readable for posting. The sign shall be 4 feet by 4 feet. Printed lettering shall be black on a yellow background. The wording and size of lettering shall be as follows:

NOTICE OF HEARING.....(3" LETTERS)
INLAND WETLAND APPLICATION.....(3" LETTERS)
PLACE: TOWN HALL.....(2" LETTERS)
DATE.....(2" LETTERS)

The sign shall be legible in block or printed letters not less than the sizes shown above. The sign shall be prepared and erected by the applicant at a cost to be borne by the applicant. The applicant shall notify the Land Use Enforcement Officer when the sign is installed.

- 9.4 Notice of the public hearing shall be mailed by the applicant to the owner(s) of record of abutting and adjacent land no less than fifteen days before the day of the hearing. Proof of mailing shall be supplied to the Commission.
- 9.5 In the case of any application which is subject to the notification provisions of Section 8.3 of these Regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality(ies) has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

SECTION 10

CONSIDERATIONS FOR DECISION

- 10.1 The Commission may consider the following in making its decision on an application:
 - a. The application and its supporting documentation;
 - b. Public comments, evidence and testimony from a public hearing;
 - c. Reports from other agencies and commissions as requested.
 - d. The Commission may also consider comments on any application from the Litchfield County Soil and Water Conservation District, Central Connecticut Regional Planning Agency 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.

- 10.2 Standards and Criteria for Decision. The Commission shall consider all relevant facts and circumstances in making its decision on any application for a permit, including but not limited to the following:
- a. The environmental impact of the proposed regulated activity on wetlands or watercourses.
 - b. The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses.
 - c. The relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long term productivity of such wetlands or watercourses.
 - d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.
 - e. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property which is caused or threatened by the proposed regulated activity.
 - f. Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.
 - g. Measures which would mitigate the impact of any aspect of the proposed regulated activity(ies). Such measures include, but are not limited to, actions which would avoid adverse impacts or lessen impacts to wetlands and watercourses and which could be feasibly carried out by the applicant and would protect the natural capacity of the wetlands or watercourses to support fish and wildlife, prevent flooding, supply water, control sedimentation, prevent erosion, assimilate wastes, facilitate drainage, and to provide recreation and open space.

- 10.3 A permit shall not be issued for an application which received a public hearing for a significant activity 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 10.2 of this section. The finding and the reasons therefore shall be stated on the record in writing.
- 10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the 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.
- 10.5 In reaching its decision on any application after a public hearing, the Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in its decision. The Commission may seek advice from its experts on information already in the hearing record, provided that no new evidence or testimony is offered by these experts. If the Commission seeks the technical advice of its experts, it should do so only after providing notice to the applicant (and any other named parties to the proceeding) and providing an opportunity to hear and/or rebut the comments or opinions of the Commission's expert.
- 10.6 The Commission may deny a permit for any regulated activity on any building lot or subdivision lot which does not have contiguous dry land in an amount equal in size to the minimum building lot specified in the applicable Plymouth zoning regulations. Said denial, if made, will be based on the criteria set forth in Section 10.2 of these regulations.
- 10.7 There shall be no earth-moving, filling, or construction activity within 50 feet of a watercourse or wetland boundary, unless the applicant can prove that there is no prudent or feasible alternative.
- 10.8 Any construction capable of causing pollution, including sedimentation, of a regulated area must use siltation controls of a suitable material as approved by the Commission.
- 10.9 Disturbed areas shall be vegetated within a period of time determined by the Commission. The Commission may stipulate the types of vegetation to be used.

SECTION 11

DECISION PROCESS AND PERMIT

11.1 The Commission or its designated agent acting pursuant to section 4 of these regulations, may grant the application as filed; grant it upon such terms, conditions, limitation or modifications necessary to carry out the purposes of the Act; or deny it. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority, restore, enhance and create productive wetland or watercourse resources.

11.2 No later than sixty-five (65) days after receipt of an application, the Commission may hold a public hearing per Section 9. The hearing shall be completed within forty-five (45) days. Action shall be taken within thirty-five (35) days after the hearing ends. If the applicant and the Commission agree, the hearing may be extended up to an additional 45 days. In addition, if the applicant and the Commission agree, the Commission may take an additional 35 days beyond the original 35-day time period to make a decision.

Failure of the Commission to act within any of the specified time periods does not mean the Commission has approved the application. The applicant also has the option of withdrawing the application at anytime. If a public hearing is not held, the Commission shall take action within sixty-five (65) days from the date of receipt of the application. (The Commission does not have the authority to table or reject an application for incompleteness. An application deemed incomplete by the Commission must either be withdrawn by the applicant or denied by the Commission).

11.3 The Commission shall state upon its record the reasons and basis for its decision and, in the case of a public hearing, the decision shall be based fully on the record of such hearing, and shall be in writing. It shall include a statement regarding the consideration of feasible and prudent alternatives per Section 10.3 and 10.4.

11.4 The Commission shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Commission will publish notice of its action in a newspaper having general circulation in Plymouth. If the notice is not published within the 15-day period, the applicant may provide for its publication within 10 days thereafter. A copy

of all Commission decisions shall be forwarded to the Commissioner of Environmental Protection on a form provided by the Commissioner.

- 11.5 If the Commission denies the permit, or if it grants a permit with terms, conditions, limitations or modifications, the applicant may attempt to modify the proposal to the Commission's satisfaction. The Commission shall determine whether the proposed modification requires the filing of a new application. The rejection of a modified or corrected application by the Commission shall be equivalent to the denial of an application for purposes of appeal.
- 11.6 If the Commission denies a permit, the application shall not be resubmitted unless the proposal is modified in a fashion that substantially changes the impacts which resulted in the denial. Such submittal shall take the form of a new application.
- 11.7 Any permit issued by the 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 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.
- 11.8 Any application to extend 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 applications 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. An application to extend the expiration date of a permit or amend a permit shall be filed with the Commission at least 30 days but no more than 90 days before the expiration date. An application for amendment or extension shall be made in accordance with this Section provided:
 - 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 started 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 on the property for which the permit was issued;

- d. The Commission shall evaluate the application pursuant to these Regulations and grant the application as filed, grant it with any terms or limitations, or deny it.
- 11.9 When a permit is assigned or transferred, the Commission shall be notified in writing by the holder of the original permit.
- 11.10 General provisions in the issuance of all permits;
- a. In evaluating applications in which the Commission relied in whole or in part on information provided by the applicant, if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
 - b. All permits issued by the Commission are subject to and do not derogate any present or future rights or powers of the Commission or the Town of Plymouth, 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 Wetlands permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance or special exception, no work pursuant to the wetland permit may begin until such approval is obtained.
 - d. No building permit, certificate of occupancy, zoning permit, or certificate of zoning compliance shall be issued for any activity until the applicant complies with these regulations.
 - e. **Before any regulated activity begins, the Commission or its designated agent must be notified to inspect the installation of erosion and sedimentation controls.**
 - f. The permittee shall notify the Commission or its designated agent when the permitted activity begins.
- 11.11 If a bond is required in accordance with Section 12 of these regulations, no permit shall be issued until such bond is provided.

SECTION 12

BONDS

- 12.1 Upon approval of the application and before a permit is issued, the applicant may be required to file a bond with such surety in such amount

and in a form approved by the Commission. The form shall be a regular passbook savings account (not a surety, first mortgage, special or time account). The following individual's name will appear on the account: the applicant, the Mayor of the Town of Plymouth, and the Comptroller of the Town of Plymouth. The account shall be releasable by a combination of any two of the three individuals names above. The above conditions shall appear on the account book.

- 12.2 The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit including notification to the Commission of the start of regulated activities (section 11.10e). All erosion controls shall be maintained in a functional condition and, upon completion of the regulated activity removed once all disturbed areas have been stabilized. Any damage, sedimentation or erosion resulting from a failure to maintain or properly install erosion controls will result in issuance of a cease and desist and steps shall be taken to utilize the bond to make necessary repairs.

Size of the bond shall be estimated by the applicant's engineer or, in the case of applications which did not require an engineer, by the applicant, and shall not exceed one hundred twenty five (125%) percent of the fair market estimate of the possible repairs to bring the area back to order. The size of the bond is subject to the approval of the Director of Public Works. The minimum bond required shall be \$100.00.

- 12.3 On any construction site containing wetlands or watercourses, bond will not be released or a certificate of occupancy issued, until the site has been inspected by the Commission or the designated agent.

SECTION 13

ENFORCEMENT

- 13.1 The Commission may appoint an agent or agents to act in its behalf with the authority to inspect property (except a private residence), and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary to enforce these regulations.
- 13.2 As a condition of a permit, the Commission or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations.
- 13.3 If the Commission or its designated agent finds that a person is conducting or maintaining any activity, facility or condition in violation of the Act or these regulations, the Commission or its designated agent may:

- a. issue a written order by certified mail, return receipt requested, to the 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 issuing such order the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing, notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission shall publish notice of its decision in a newspaper having general circulation in Plymouth. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to Section 22a-44(b) of the General Statutes, as amended;
- b. 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. Before revoking any permit, the Commission shall issue notice to the permittee, or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. At the hearing, the permittee shall be given 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 Commission's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Commission shall publish notice of its decision in a newspaper having general circulation in Plymouth.
- c. issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Commission, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission 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 (a) of this Section or other enforcement proceedings as provided by law.

SECTION 14

AMENDMENTS

- 14.1 These regulations and the Inland Wetlands and Watercourses Map for the Town of Plymouth may be amended by the Commission in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.

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 the inland wetland regulation, in 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 provision 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.

- 14.2 These regulations and the Town of Plymouth Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Commission shall provide the Commissioner 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 determinations of boundaries, at least thirty-five days before the public hearing on their adoption. Application forms and fee schedules shall be considered as part of the Commission regulations.

- 14.3 Petitions requesting changes or amendments to the Town of Plymouth Inland Wetlands and Watercourses Map shall contain at least the following information:

- a. The applicant'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. A map showing the geographic location of the property 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;

- e. The reasons for the requested action;
- 14.4 Any person who submits a petition to amend the Inland Wetland and Watercourses map 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 is such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 14.3, the petition shall include:
- 1. the name, address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
 - 2. the names and addresses of the owners of abutting land;
 - 3. 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 land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
 - 4. map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.
- 14.5 Watercourses shall be delineated by a soil scientist, surveyor, hydrologist, or other qualified individual.
- 14.6 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourse 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 (10) days, and the last not less than two 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 days before such hearing.
- 14.7 Within ninety (90) days after receipt of a petition for a change in the mapped boundaries of any wetland or watercourse, the Commission shall hold a public hearing to consider the petition. The hearing shall last no longer than forty-five (45) days. The Commission shall act upon the changes requested in the petition within sixty (60) days after the hearing ends. If the petitioner and the Commission agree, the hearing may be extended an additional 45 days. In addition, if the petitioner and the

Commission agree, the time for action by the Commission may be extended an additional 60 days beyond the original 60-day time period.

Failure of the Commission to act within any of the specified time periods does not mean the Commission has approved the petition.

The petitioner may withdraw the petition at any time.

- 14.8 The Commission shall make its decision and state, in writing, the reasons why the change in the Inland Wetland and Watercourses Map was made.

SECTION 15

APPEALS

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

SECTION 16

CONFLICT AND SEVERANCE

- 16.1 If there is a conflict between 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 or provision of these regulations shall not affect the validity of any other part which can be given effect without such valid part or parts. If there is a conflict between any provision of these regulations and the provisions of the Act, the provisions of the Act shall govern.

SECTION 17

OTHER PERMITS

- 17.1 Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Plymouth, State of Connecticut and 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 18

EFFECTIVE DATE OF REGULATIONS

18.1 These regulations including the 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 Plymouth.