



Inland Wetlands
and
Watercourses
Regulations
for the
Town of Oxford, Connecticut

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Inland Wetlands and Watercourses Regulations Town of Oxford, Connecticut

May 15, 2007

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SECTION 1
TITLE AND AUTHORITY

- 1.1 The inland wetlands and watercourses of the state of Connecticut are indispensable, irreplaceable and fragile natural resources with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; a hydrological stability and control of flooding and erosion; the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has imperiled and will continue to imperil the quality of the environment, thus adversely affecting the ecological, scenic, historic and recreational values and benefits to the state and its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

SECTION 1 (Continued)
TITLE AND AUTHORITY

- 1.2 These regulations shall be known as the Inland Wetlands and Watercourses Regulations for the Town of Oxford, Connecticut.
- 1.3 The Inland Wetlands / Conservation Commission of the Town of Oxford, hereafter known in these regulations as the Oxford Inland Wetlands Agency, was established in accordance with an ordinance adopted June 24, 1974, effective June 29, 1974, and shall implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of Oxford.
- 1.4 These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.
- 1.5 The Agency shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, with modifications, and/or deny permits for all regulated activities on inland wetlands and watercourses in the Town of Oxford pursuant to Sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended.

SECTION 2 DEFINITIONS

- 2.1 As used in these regulations:
- 2.1.1 "**Act**" means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the Connecticut General Statutes, as amended.
- 2.1.2 "**Agency**" means the Inland Wetlands Agency of the Town of Oxford.
- 2.1.3 "**Bogs**" are areas distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage and highly acidic conditions.
- 2.1.4 "**Clear-cutting**" means the harvest of timber in a fashion that removes all trees down to a two-inch diameter at breast height.
- 2.1.5 "**Commercial uses**" means activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.
- 2.1.6 "**Commission member**" means a member, or commissioner, of the Oxford Inland Wetlands / Conservation Commission, also known for purposes of these regulations as the Inland Wetlands Agency of the Town of Oxford.
- 2.1.7 "**Commissioner of Environmental Protection**" means the Commissioner of the State of Connecticut Department of Environmental Protection.
- 2.1.8 "**Completion**" means date of acceptance by the Agency of job as being complete.
- 2.1.9 "**Contiguous dry land**" means dry land that is not separated by wetland and/or watercourses.
- 2.1.10 "**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 October, but it recurs in prolonged succession.
- 2.1.11 "**Deposit**" includes, but shall not be limited to, fill, grade, dump, place, discharge or emit.
- 2.1.12 "**Designated agent**" means the Inland Wetlands Enforcement Officer or such other person as the Agency may designate to carry out its functions and purposes.
- 2.1.13 "**Discharge**" means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.

SECTION 2 (Continued)
DEFINITIONS

- 2.1.14 "***Disturb the natural and indigenous character of the land***" means that the activity will significantly alter the inland wetland and/or watercourse by reason of removal or deposition of material, clear cutting, alteration or obstruction of water flow, or will result in the pollution of the wetland or watercourse.
- 2.1.15 "***Essential to the farming operation***" means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.
- 2.1.16 "***Farming/agriculture***" includes cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife; as well as the operation, management, conservation, improvement or maintenance of a farm and its buildings; and/or construction, operation or maintenance of ditches, canals, reservoirs, drainage, tilled drainage or waterways used exclusively for farming purposes. [C.G.S. 1.1(q)]
- 2.1.17 "***Feasible***" means able to be constructed or implemented consistent with sound engineering principles.
- 2.1.18 "***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 Agency.
- 2.1.19 "***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 upland review areas 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.

SECTION 2 (Continued)
DEFINITIONS

- 2.1.20 "**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 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.
- 2.1.21 "**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.
- 2.1.22 "**Municipality**" means the Town of Oxford.
- 2.1.23 "**Nurseries**" means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.
- 2.1.24 "**Other uses**" means activities other than residential uses, commercial uses or industrial uses.
- 2.1.25 "**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 under the authority of the Oxford Inland Wetlands Agency or other municipal, state or federal law.
- 2.1.26 "**Permittee**" means the person to whom such permit, approval, or certificate has been issued.
- 2.1.27 "**Person**" means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.
- 2.1.28 "**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.

SECTION 2 (Continued)
DEFINITIONS

- 2.1.29 “**Prudent**” means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity. Cost may be considered in deciding what is prudent. However, expense will not necessarily mean an alternative is imprudent (unless the expense is proven to create an undue hardship).
- 2.1.30 “**Regulated activity**” means 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 wetland or watercourse, and any earth-moving, filling, excavation, construction, installation of septic systems, or clear-cutting of trees within a minimum of 100 feet of wetland or watercourse, or activity, which could affect wetland or watercourse on said property or any other property, but shall not include the specified activities in Section 22a-40 of the Connecticut General Statutes. This includes the clearing, grubbing, filling, grading, paving, excavating, constructing in, depositing and/or removing of material and/or discharging of storm water on the land within a minimum of 100 feet (or as determined by the Agency) measured horizontally from the boundary of any wetland and/or watercourse, as a regulated activity. The Agency may rule that any other activity located within such upland review area or in any other non-wetland or nonwatercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.
- 2.1.31 “**Regulated area**” means any wetlands or watercourses as defined in these regulations.
- 2.1.32 “**Remove**” includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear-cut timber, bulldoze, dragline or blast.
- 2.1.33 “**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.
- 2.1.34 “**Residential uses**” means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.

SECTION 2 (Continued)
DEFINITIONS

2.1.35 "***Significant activity***" (AKA: "***Significant impact activity***") means any activity including, but not limited to, the following activities, which may have a major effect or significant impact on the area for which an application has been filed or on another part of the inland wetland or watercourse system:

- 2.1.35.1 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
- 2.1.35.2 Any activity that substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system; or
- 2.1.35.3 Any activity that substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife, or other biological life; or to prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space; or to perform other functions; or
- 2.1.35.4 Any activity that has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse; or
- 2.1.35.5 Any activity that causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area; or
- 2.1.35.6 Any activity that causes or has the potential to cause pollution of a wetland or watercourse; or
- 2.1.35.7 Any activity that destroys unique wetland or watercourse areas having demonstrable scientific or educational value.

2.1.36 "***Site plan***" refers to mapping showing the location of existing buildings, etc., and proposed activity.

2.1.37 "***Site plan reapplication***" refers to approved subdivision lots with an approval condition requiring reapplication to, and permit or certification from, this Agency for reasons including but not limited to, presence of wetland and/or watercourse, prior to obtaining other required town permits.

SECTION 2 (Continued)
DEFINITIONS

- 2.1.38 "***Soil scientist***" means an individual duly qualified in accordance with standards set by the United States Office of Personnel Management.
- 2.1.39 "***Swamps***" are areas with soils that exhibit aquic moisture regimes and are dominated by wetland trees and shrubs.
- 2.1.40 "***Submerged lands***" means those lands that are inundated by water on a seasonal or more frequent basis.
- 2.1.41 "***Town***" means the Town of Oxford.
- 2.1.42 "***Upland review area***" means an area from which an activity could impact or affect wetlands and watercourses. The dimension of this area is a minimum of 100 feet measured horizontally from the edge of the wetland or watercourse, or as determined by the agency, based on usage, topography and sensitivity of the nearby wetland/watercourse.
- 2.1.43 "***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.
- 2.1.44 "***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 Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:
- 2.1.44.1 Evidence of scour or deposits of recent alluvium of detritus,
 - 2.1.44.2 Presence of standing or flowing water for duration longer than a particular storm incident, and
 - 2.1.44.3 Presence of hydrophytic vegetation.
- 2.1.45 "***Wet***" refers to watercourse and/or wetland when used in Agency decisions, correspondence, minutes, notes, etc.

SECTION 2 (Continued)
DEFINITIONS

2.1.46 “***Wetlands***” means land, including submerged land not regulated pursuant to Sections 22a-28 to 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 Soil Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites, which possess an aquic (saturated) soil moisture region as defined by the National Cooperative Soil Survey. “Wetlands and watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and “habitats” means areas or environments in which an organism or biological population normally lives or occurs.

SECTION 3
INVENTORY OF REGULATED AREAS

- 3.1 The map of regulated areas entitled "Inland Wetlands and Watercourses Map, Oxford, 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 office of the Town Clerk and the Inland Wetlands Agency 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 location of watercourses. The Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.
- 3.2 Any person 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 Agency to change the designation in accordance with Section 15 of these regulations. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances that support the change. The petitioner shall provide proof that the designation is inapplicable. Documentation in accordance with Section 15 of these regulations may be required of the property owner when the Agency requires an accurate delineation of regulated areas.

SECTION 4
PERMITTED USES AS OF RIGHT & NONREGULATED USES

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- 4.1.1 Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
 - 4.1.2 A residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of Section 22a-42a of the Connecticut General Statutes, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this subdivision 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;
 - 4.1.3 Boat anchorage or mooring, not to include dredging or dock construction;
 - 4.1.4 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 (conforming to zoning regulations) permitted anywhere in the town, and containing a residence.

SECTION 4 (Continued)
PERMITTED USES AS OF RIGHT & NONREGULATED USES

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.

- 4.1.5 Construction and operation by water companies as defined by Section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 and 22a-403 of the General Statutes.
- 4.1.6 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 or July 1, 1974, whichever is earlier, provided such pipe is on property that 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 wetlands or watercourses by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:
 - 4.2.1 Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices.
 - 4.2.2 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.

SECTION 4 (Continued)
PERMITTED USES AS OF RIGHT & NONREGULATED USES

- 4.3 All activities in wetlands or watercourses involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this section shall require a permit from the Agency in accordance with Section 6 of these regulations.
- 4.4 To carry out the purposes of this section, any person proposing to carry out a permitted or non-regulated operation or use of a wetland or watercourse that may disturb the natural and indigenous character of the wetland or watercourse shall, prior to commencement of such operation or use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse. The Agency or its designated agent shall rule that the proposed operation or use is a permitted or a nonregulated use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Agency following the meeting at which the request was received. The designated agent for the Agency may make such ruling on behalf of the Agency at any time.

SECTION 5
ACTIVITIES REGULATED BY THE STATE

- 5.1 In addition to any permit or approval required by the Agency, the Commissioner of Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:
- 5.1.1 Construction or modification of any dam pursuant to Sections 22a-401 through 22a-411 of the Connecticut General Statutes, as amended;
 - 5.1.2 Construction, encroachment or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349 of the Connecticut General Statutes, as amended;
 - 5.1.3 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 Connecticut General Statutes, as amended;
 - 5.1.4 Diversion of water including withdrawals of surface or groundwater in excess of 50,000 gallons per day, or any change in the instantaneous flow of 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 Connecticut General Statutes, as amended;
 - 5.1.5 Discharges into the waters of the state pursuant to Section 22a-430 of the Connecticut General Statutes, as amended;
 - 5.1.6 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 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, (i) after an advisory decision on such license or permit has been rendered to the Commissioner by the wetlands agency of the municipality within which such wetland is

SECTION 5 (Continued)
ACTIVITIES REGULATED BY THE STATE

located or (ii) 35 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 Sections 22a-28 through 22a-35 of the Connecticut General Statutes.
- 5.4 The Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under Section 22a-402 or a dam construction permit issued by the Commissioner of Environmental Protection under Sections 22a-403 or 22a-41 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or dam construction permit shall not be required to obtain a permit from a municipal wetlands agency for any action necessary to comply with said dam order or to carry out the activities authorized by said dam permit.

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 Agency of the Town of Oxford. If it is determined that the property has no wetlands, watercourses or flood plain, or that the proposed activity will not take place in, encroach upon, or otherwise impact wetlands, watercourse, floodplain or upland review area (from wetland, watercourse or flood plain), the Agency may, instead of a formal permit or approval, issue a certification statement or jurisdictional ruling that since there will be no activity in or impacting wetlands, watercourse or flood plain, no inland wetlands permit is needed. The Agency may issue acceptance or rejection for wetland delineation, approval or denial of site plans, and subdivision road and/or lot layouts. The Agency may issue or deny permits for proposed activity or activities which otherwise impact wetlands, watercourses, floodplains and/or upland review areas.
- 6.2 The Agency 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 Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these regulations and any other remedies as provided by law.

SECTION 7
APPLICATION REQUIREMENTS

7.1 Any person wishing to undertake an activity shall apply for a permit or certification on a form entitled "Application for permit or certification from Inland Wetlands Agency." Categories for application include:

7.1.1 Certification that property has no wetland/watercourse;

7.1.2 Certification that proposed activity does not extend into wetland/ watercourse and/or is not within the upland review area from a wetland/watercourse whether said wetland or watercourse is on the applicant's property or not.

7.1.3 Wetland/watercourse delineation approval;

7.1.4 Regulated activity approval;

7.1.5 Site approval.

An application shall include an application form and such information as prescribed by Subsection 7.4 and, in the case of a significant activity, by Subsection 7.5 of these regulations. Application forms may be obtained in the offices of the Oxford Town Hall, including the Inland Wetlands Agency office. This application form may also be used to certify that no regulated activity is proposed or that no regulated area is present on the property, for purposes of obtaining a building permit from the Town of Oxford. In such cases, a certification to that effect is noted on the permit application form after processing by the Inland Wetlands Agency. This certification shall in no case be construed to allow unauthorized regulated activities within regulated areas.

7.2 All applications shall contain such information that is necessary for a fair and informed determination of the issues.

7.3 The Agency and the applicant may hold a pre-application meeting to determine whether or not the proposed application involves a significant activity.

7.4 All applications for regulated activities shall include the following information in writing:

7.4.1 The applicant's name, home and business address and telephone numbers; (if the applicant is a company or corporation, the correct name, home and business address and telephone numbers of each partner and principal involved must be listed);

SECTION 7 (Continued)
APPLICATION REQUIREMENTS

- 7.4.2 The owner's name, address and telephone number and written consent if the applicant is not the owner of the property involved in the application; (if there is more than one owner, or if the owner is a company or corporation, the correct name, home and business address and telephone numbers of each owner, partner or principal involved must be listed);
- 7.4.3 Name, home and business address and telephone numbers of authorized agent;
- 7.4.4 Applicant's interest in the land;
- 7.4.5 The geographical location of the property that is to be affected by the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area (in acres and square feet) of wetlands or watercourses to be disturbed, soil types and wetland vegetation;
- 7.4.6 Assessor's map number, block number and parcel number and subdivision name and subdivision lot number;
- 7.4.7 If lot is from previously approved subdivision, name of subdivision and date subdivision was approved by Planning and Zoning Commission, and in the case of new subdivisions, the proposed name that will be submitted to Planning and Zoning;
- 7.4.8 The purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to:
 - 7.4.8.1 Prevent or minimize pollution or other environmental damage,
 - 7.4.8.2 Maintain or enhance existing environmental quality, or
 - 7.4.8.3 In the following order of priority: restore, enhance and create productive wetland or watercourse resources;
- 7.4.9 Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application were chosen; the agency may require these alternatives to be diagrammed on a site plan to be submitted to the Agency as part of the application;

SECTION 7 (Continued)
APPLICATION REQUIREMENTS

- 7.4.10 A site plan, with latest revision date, signed and dated by the person preparing the site plan, showing existing and proposed conditions in relation to wetlands and watercourses, in sufficient detail to locate proposed activities during field inspection; 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; (the Agency may require an A-2 survey map, including topography);
- 7.4.11 Correct names and addresses of adjacent current property owners, listed on the application form and the site plan;
- 7.4.12 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;
- 7.4.13 Authorization for the commissioners and agents of the Agency to inspect the property, at reasonable times, both before and after a final decision has been issued;
- 7.4.14 Any other information the Agency deems necessary to the understanding of what the applicant is proposing;
- 7.4.15 Submission of the appropriate filing fee based upon the current fee schedule established in section 19 of these regulations;
- 7.4.16 The Agency may require an “as-built,” a map certified by a land surveyor with the accuracy of a plot plan or survey conforming to the State of Connecticut regulation of the Department of Consumer Protection minimum standard of accuracy, Sections 20-300b-1 through 20-300b-20, inclusive, and adopted May 1996. Mapping should also be in an Autocad format or other formats deemed necessary by OCCIWA. Any A-2 Quality As-builts or Improvement Location Survey required by OCCIWA shall be in a suitable electronic copy.
- 7.4.17 The Agency may also require, at the expense of the applicant, an evaluation by a soil scientist, or other appropriate professionals, selected by the Agency;

SECTION 7 (Continued)
APPLICATION REQUIREMENTS

- 7.4.18 Any deviation from the approved plan requires notification to the Agency and/or submission of amended plan/reapplication.
- 7.5 If the proposed activity involves a significant activity as determined by the Agency and defined in Section 2 of these regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following is required:
- 7.5.1 Site plans for the proposed use or operation and the property that will be affected which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the development drawn by a licensed surveyor, professional engineer registered in the State of Connecticut or by such other qualified person;
 - 7.5.2 Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;
 - 7.5.3 Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the USDA's Natural Resources Conservation Service (the Agency may require the applicant to have the wetlands delineated in the field by a soil scientist and that the field delineation be incorporated onto the site plans);
 - 7.5.4 Written description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions;
 - 7.5.5 Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent;
 - 7.5.6 Written analysis of chemical or physical characteristics of any fill material;
 - 7.5.7 A written description of measures that mitigate the impact of the proposed activity
Such measures include, but are not limited to, plans or actions that avoid

SECTION 7 (Continued)
APPLICATION REQUIREMENTS

destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats; and plans or actions that prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.

7.6 The applicant shall certify in writing whether:

7.6.1 Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;

7.6.2 Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;

7.6.3 Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or,

7.6.4 Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

7.7 Seven (7) copies of all application materials shall be submitted to constitute a complete application (unless additional copies are required by the Agency). * Refer to IW Checklist.

7.8 Any application to extend the expiration date of a previously issued permit or amend an existing permit shall be filed with the Agency at least 65 days prior to the expiration date for the permit in accordance with Section 8 of these regulations. Any application for amendment, renewal or extension shall be made in accordance with this subsection provided:

7.8.1 The application may incorporate by reference the documentation and record of the original application;

7.8.2 The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;

7.8.3 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;

7.8.4 The Agency may 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 judgment, the permit is likely to be extended and

SECTION 7 (Continued)
APPLICATION REQUIREMENTS

the public interest or environment will be best served by not interrupting the activity; 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;

- 7.8.5 The Agency shall evaluate the application pursuant to Section 10 of these regulations and grant the application as filed, grant it with any terms or limitations, or deny it.
- 7.9 A reporting form shall be completed during the application process, which provides the Commissioner of Environmental Protection with information necessary to properly monitor the inventory of Connecticut's wetlands. The reporting form shall be part of the application and the applicant shall provide the following information: name of applicant; location and name of the project; project and site description; area of wetlands and/or linear feet of watercourse proposed to be altered. The Agency shall be responsible for the remaining information and any corrections on the form and for filing it in accordance with Section 22a-39 (m) of the Connecticut General Statutes.
- 7.10 An approved application may be transferred to a new owner/applicant, within the statutory five year limit, subject to all conditions of the original approval, by submitting the appropriate forms, available from the agency staff, along with the applicable transfer fee.
- 7.11 Appendix C Form OCCIWA 003 IW Checklist as amended periodically.

SECTION 8
APPLICATION PROCEDURES

- 8.1 All applications shall be submitted to the Inland Wetlands Agency of the Town of Oxford.
- 8.2 In the case of any 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 Seymour, Southbury, Middlebury, Naugatuck, Beacon Falls, Shelton, or Monroe, the applicant shall give written notice of the proposed activity, certified mail, return receipt requested, to the adjacent municipal wetlands agency on the same day of filing an inland wetlands permit application with Oxford Inland Wetlands Agency. Documentation of such notice shall be provided to the Oxford Inland Wetlands Agency in accordance with Section 22a-42c of the Connecticut General Statutes.
- 8.3 The Agency shall, in accordance with Section 22a-42b of the Connecticut General Statutes, notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:
- 8.3.1 Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- 8.3.2 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;
- 8.3.3 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,
- 8.3.4 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 7 days of the date of receipt of the application.

- 8.4 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in Section 25-32a, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the

SECTION 8 (Continued)
APPLICATION PROCEDURES

watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days after the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application.

- 8.5 The date of receipt of any application for a regulated activity shall be the day of the next regularly scheduled meeting of the Oxford Inland Wetlands Agency or 35 days after the date the Commission received the application, whichever is sooner.
- 8.6 At any time during the review period, the Agency may require the applicant to provide additional information about the regulated area or regulated activity, which is the subject of the application, or the wetlands or watercourses affected by the regulated activity. Requests for additional information shall not stay the time limitations as set forth in Subsection 11.2 of these regulations.
- 8.7 All applications shall be open for public inspection.
- 8.8 A. Incomplete applications may be denied.
- B. The designated agent may issue a finding without further action, that a proposed activity is unregulated. Any doubt shall be resolved in favor of full Agency review.
- 8.9 The applicant shall notify the Agency or its designated agent prior to the commencement of proposed regulated activity.

SECTION 9
PUBLIC HEARINGS

- 9.1 If the Commission determines that a public hearing is necessary it will be conducted pursuant with Connecticut General Statutes 8-7d (a).
- 9.2 Notice of Public Hearing reference Connecticut General Statutes 8-7d (a).
- 9.3 The applicant shall mail notice of the public hearing by certified mail to all owners of record of abutting land no less than 15 days prior to the day of the hearing. Proof of such notification shall be entered into the hearing record.
- 9.4 In the case of any application that is subject to the notification provisions of Subsection 8.3 of these regulations, a public hearing shall not be conducted until the clerk(s) of the adjoining municipality or municipalities 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 Agency may consider the following in making its decision on an application:
- 10.1.1 The application and its supporting documentation;
 - 10.1.2 Public comments, evidence and testimony;
 - 10.1.3 Reports from other agencies and commissions and their staff including but not limited to the Town of Oxford:
 - 10.1.3.1 Conservation Commission
 - 10.1.3.2 Planning, Zoning, or Planning and Zoning Commissions
 - 10.1.3.3 Building Official
 - 10.1.3.4 Health Officer
 - 10.1.4 The Agency may also consider comments on any application from the New Haven County Soil and Water Conservation District, the Valley Regional Planning Agency or other regional organizations (e.g., Council of Elected Officials); agencies in adjacent municipalities that may be affected by the proposed activity, or other technical agencies or organizations that may undertake additional studies or investigations.
 - 10.1.5 Non-receipt of comments from agencies and commissions listed in Subsections 10.1.3.1 through 10.1.3.4 and in 10.1.4 above within the prescribed time shall neither delay nor prejudice the decision of the Agency.
- 10.2 In carrying out the purposes and policies of Sections 22a-36 through 22a-45a, inclusive, of the Connecticut General Statutes, including matters relating to regulation, licensing and enforcing of the provisions thereof, the Commissioner shall take into consideration all relevant facts and circumstances, including but not limited to:
- 10.2.1 The environmental impact of the proposed regulated activity on wetlands or watercourses;
 - 10.2.2 The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity, to which alternatives would cause less or no environmental impact to wetlands or watercourses;

SECTION 10 (Continued)
CONSIDERATIONS FOR DECISION

- 10.2.3 The relationship between the short-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;
- 10.2.4 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, as described in Appendix A, which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to:
- 10.2.4.1 prevent or minimize pollution or other environmental damage,
 - 10.2.4.2 maintain or enhance existing environmental quality, or
 - 10.2.4.3 in the following order of priority:
 - 10.2.4.3.1 restore,
 - 10.2.4.3.2 enhance and
 - 10.2.4.3.3 create productive wetland or watercourse resources;
 - 10.2.4.3.4 conservation easements, as described in appendix A, private or public which permanently relinquish the rights to conduct certain activities in the conservation easement area, thereby providing further protection to the wetland or watercourse.
 - 10.2.4.3.5 Litter control, as described in appendix B, to control and reduce pollution in the form of litter entering the wetlands from adjacent upland areas owned and controlled by the applicant.
- 10.2.5 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;
- 10.2.6 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

SECTION 10 (Continued)
CONSIDERATIONS FOR DECISION

proposed regulated activity and which may have an impact on wetlands or watercourses;

10.2.7 The suitability of the activity to the area for which it is proposed;

10.2.8 Measures that would mitigate the impact of any aspect of the proposed regulated activity. Such measures include, but are not limited to, actions that 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 wetland's or watercourse's natural capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sedimentation, to prevent erosion, to assimilate wastes, to facilitate drainage, to control pollution, to support recreational activities and open space, and/or to promote public health and safety. See Appendix A for a listing of suggested mitigation activities.

10.3 In the case of any application that receives a public hearing, a permit shall not be issued unless the Agency finds that a feasible and prudent alternative does not exist. In making this finding, the Agency shall consider the facts and circumstances set forth in Section 10 of these regulations. This finding and the reasons therefore shall be stated in the record of the decision by the Agency.

10.4 In the case of an application that is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Agency shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he or she is entitled to the permit or to present alternatives to the proposed regulated activity. .

10.5 For purposes of this section, (1) Wetlands and watercourses" includes aquatic, plant or animal life and habitats in wetlands or watercourses, and "habitats" means areas or environments in which an organism or biological population normally lives or occurs.

10.6 The agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such

SECTION 10 (Continued)
CONSIDERATIONS FOR DECISION

wetlands or watercourses.

- 10.7 An application may be denied if there is a previous uncorrected violation on the site.
- 10.8 An application may be denied without prejudice when a revised map and/or other new and/or revised material is submitted on the consideration deadline day, the day of public hearing or too close to the above dates to permit review of said material/map by commissioners and/or staff.
- 10.9 No permit will be issued until ALL fees are paid.
- 10.10 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision. A conclusion that a feasible and prudent alternative does not exist, does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his or her application is consistent with the purposes and policies of these regulations and Sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes

SECTION 11
DECISION PROCESS AND PERMIT

- 11.1 The Agency, or its duly authorized agent acting pursuant to Section 12 of these regulations, may, in accordance with Section 10 of these regulations, grant the applications as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measure which would mitigate the impact of the regulated activity and which would:
- 11.1.1 prevent or minimize pollution or other environmental damage;
 - 11.1.2 maintain or enhance existing environmental quality, or
 - 11.1.3 in the following order of priority:
 - 11.1.3.1 restore,
 - 11.1.3.2 enhance and
 - 11.1.3.3 create productive wetland or watercourse resources.
- 11.2 (Deleted)
- 11.3 The Agency may suspend site inspections when weather conditions do not permit a fair evaluation to be made. This includes, but is not limited to, dry summer conditions, snow and ice cover in winter.
- 11.4 Failure to respond to written or oral requests for additional information from Agency personnel may result in denial based upon an incomplete application.
- 11.5 The Agency shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives.
- 11.6 The Agency shall notify the applicant and any named parties to the proceeding of its decision within 15 days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in the issuance or denial of the permit to be published in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. In any case in which such notice is not published

SECTION 11 (Continued)
DECISION PROCESS AND PERMIT

within such 15-day period, the applicant may provide for the publication of such notice within 10 days thereafter.

- 11.7 The Agency in its sole discretion may deny a license for any regulated activity on any building lot or subdivision lot that does not have contiguous dry land in an amount equal in size to the minimum building lot specified in the applicable Oxford zoning regulations. If the proposed structure or activity is not located on said contiguous dry land, the applicant shall demonstrate, to the satisfaction of the Agency, that the proposed site better serves the purposes of these regulations. Said denial, if made, will be based on the criteria set forth in Subsections 10.1 through 10.2.8 of these regulations.
- 11.8 If an activity authorized by the inland wetlands permit also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, variance or special exception, a copy of the decision and report on the application shall be filed with the Town of Oxford Planning and Zoning Commission within 15 days of the date of the decision.
- 11.9 If the Agency 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 Agency's satisfaction. The Agency shall determine whether the proposed modification requires the filing of a new application. The rejection of a modified or corrected application by the Agency shall be equivalent to the denial of an application for the purposes of appeal.
- 11.10 Any permit issued under these regulations shall be valid for 5 years. Any regulated activity approved by the Agency shall be completed within 1 year from the time such activity is commenced provided the Agency may establish a specific time period within which any regulated activity shall be conducted and may require that an activity once commenced be completed within a time period of less than 1 year and further provided the Agency may extend: (i) the time period of the original permit provided such period shall not extend beyond 10 years from the date such permit was granted, or (ii) the time period within which an activity, once commenced, is required to be completed under these regulations.
- 11.11 If a bond or insurance is required in accordance with Section 13 of these regulations, no permit shall be issued until such bond or insurance is provided.

SECTION 11 (Continued)

DECISION PROCESS AND PERMIT

11.12 General provisions in the issuance of all permits:

- 11.12.1 If the Agency relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
- 11.12.2 All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the Town of Oxford, 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.
- 11.12.3 If the activity authorized by the inland wetlands permit also involves an activity or a project that 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.
- 11.12.4 The permittee shall take such necessary steps consistent with the terms and conditions of the permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

SECTION 12
ACTION BY DULY AUTHORIZED AGENT

- 12.1 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 Department 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 of these regulations and any other information the Agency may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 10 and 11 of these regulations, such agent may approve or extend such an activity at any time.
- 12.2 Any person receiving such approval from such agent shall, within 10 days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Agency within 15 days after the publication date of the notice and the Agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than 3 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 8 of these regulations.

SECTION 13
BOND AND INSURANCE

- 13.1 As a condition of the approval of the application, the Agency may require the applicant to post surety sufficient to insure performance of all conditions necessary to prevent or minimize pollution or other environmental damage and maintain or enhance existing environmental quality. The surety shall be in an amount approved by the Agency and in a form approved by Town Counsel.
- .

SECTION 14 ENFORCEMENT

- 14.1 The Agency may appoint an agent or agents to act in its behalf with the authority to issue notices of violation or cease and desist orders, and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying the purposes of this section, the Agency or its duly authorized agent shall take into consideration the criteria for decision under section 10.2 of these regulations.
- 14.2 If the Agency or its agent may make regular inspections at reasonable hours of all regulated activities for which permits have been issued with the consent of the property owner or the authorized agent of the owner or the authorized agent of the owner during the life of the permit.
- 14.3 If the Agency or its designated agent finds that any person is conducting or maintaining any activity, facility or condition that is in violation of the Act or these regulations, the Agency or its duly authorized agent may:
- 14.3.1 Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within 10 calendar days of the issuance of such order the agency shall hold a meeting to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the meeting and within 10 days of the completion of the meeting 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 Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the agency affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to Section 22a-44(b) of the Connecticut General Statutes, as amended;

SECTION 14 (Continued)

ENFORCEMENT

- 14.3.2 Suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Agency shall issue notice to the permittee, by certified mail, return receipt requested (or personal service by sheriff if certified mail is not accepted, is refused, or is not deliverable), setting forth the facts or conduct that warrant the intended action. The Agency shall hold a meeting to provide the permittee an opportunity to show that he/she is in compliance with the permit and any and all requirements for retention of the permit. The permittee shall be notified of the Agency's decision to suspend, revoke, or maintain a permit by certified mail within 15 days of the date of its decision. The Agency shall publish notice of the suspension or revocation of the permit in a newspaper having general circulation in the municipality;
- 14.3.3 Issue a notice of violation to such person(s) conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Agency, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file an 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 subdivision or other enforcement proceedings as provided by law, including, but not limited to, the placement of a certificate of such order regarding said violation(s) on the land records, as authorized by Section 22a-44 of the Connecticut General Statutes.
- 14.3.4 Any person who commits, takes part in, or assists in any violation of any provision

SECTION 14 (Continued)

ENFORCEMENT

of Sections 22a-36 to 22a-45 inclusive of the Connecticut General statutes or of these regulations or regulations adopted by the Commissioner of Environmental Protection pursuant to the grant of authority contained in said statutes, shall be assessed a civil penalty as authorized by the attached ordinance of the Town of Oxford. (See Appendix B).

SECTION 15
AMENDMENTS

- 15.1 (A) These regulations and the Inland Wetlands and Watercourses Map for the Town of Oxford may be amended, from time to time, by the Agency 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. The Agency is not responsible for the accuracy of the Inland Wetlands and Watercourses Map on file with the Town Clerk, and intends that said map be used for general guidance purposes only. In all cases the applicant is responsible for providing accurate delineation of wetlands and watercourses on the property in question. (See Subsection 3.1 of these regulations.)
- 15.1.1 (B) An application filed with the Inland Wetlands Agency that is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetlands regulations, including changes to upland review areas and regulated areas, taking effect on or after the date of such receipt and any appeal from the decision of such agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (i) to the establishment, amendment or change of boundaries of inland wetlands or watercourses, or (ii) to any change in regulations necessary to make such regulations consistent with the provisions of this chapter as of the date of such receipt.
- 15.2 These regulations and the Town of Oxford Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Agency shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments pursuant to Subsection 15.4 of these regulations, at least 35 days before the public hearing on their adoption (fee schedules shall be adopted as Agency regulations or as otherwise provided by municipal ordinance).

SECTION 15 (Continued)
AMENDMENTS

- 15.3 Petitions requesting changes in the Inland Wetlands and Watercourses Map for the Town of Oxford, Connecticut, may be submitted by any member of the public.
- 15.4 Petitions requesting changes in the Inland Wetlands and Watercourses Map for the Town of Oxford, Connecticut, shall contain at least the following information:
- 15.4.1 The applicant's name;
 - 15.4.2 The owner's name (if not the applicant), address, telephone number, and a written consent to the proposed action set forth in the application;
 - 15.4.3 The applicant's interest in the land;
 - 15.4.4 Map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland (s) and watercourse (s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations;
 - 15.4.5 The reasons for the requested action;
 - 15.4.6 The names and address of adjacent property owners; and
 - 15.4.7 The reasons for the requested action.
- 15.5 The Agency may require the petitioner to present documentation by a soil scientist that the land in question does not have a soil type classified by the National Cooperative Soil Survey as poorly drained, very poorly drained, alluvial, or flood plain. Such documentation includes 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.
- 15.6 Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.
- 15.7 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map of Oxford, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Agency. If such person is the owner, developer or contract purchaser of the land, which is the subject of the petition, or if such person is representing

SECTION 15 (Continued)

AMENDMENTS

interests of such an owner, developer or purchaser, in addition to the information required above, the petition shall include:

15.7.1 the name, mailing address and telephone numbers of the owner (s) of such land;

15.7.2 the names and mailing addresses of the owners of abutting land;

15.7.3 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 said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and

15.7.4 map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.

15.8 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having general circulation in the municipality at least twice at intervals of not less than 2 days, the first not more than 15 days nor less than 10 days, and the last not less than 2 days, before such hearing. A copy of such proposed boundary change shall be filed in the office of the Town Clerk for public inspection at least 10 days before such hearing.

15.9 Within 90 days after receipt of a petition for a change in the mapped boundaries of any wetland or watercourse, the Agency shall hold a public hearing to consider the petition. The Agency shall act upon the changes requested in such petition 60 days after the close of the hearing. The petitioner may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such petition, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such petition. The failure of the Agency to act within any time

SECTION 15 (Continued)

AMENDMENTS

period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition.

- 15.10 The Agency shall make its decision and state, in writing, the reasons why the changes in the Inland Wetlands and Watercourses Map were made.

SECTION 16
APPEALS

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

SECTION 17
CONFLICT AND SEVERANCE

- 17.1 If there is a conflict between the provisions of these regulations, the provision that imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision or provision of these regulations shall not affect the validity of any other part, which can be given effect without such 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 18
OTHER PERMITS

- 18.1 Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Oxford, State of Connecticut or the Federal Government of the United States, including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

SECTION 19
APPLICATION FEES

- 19.1 Method of Payment. All fees required by these regulations shall be submitted to the Agency by cash or by check payable to the Oxford Conservation Commission / Inland Wetlands Agency at the time the application is filed with the Agency.
- 19.2 No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Agency pursuant to Subsections 19.6 and 19.8 of these regulations.
- 19.3 The application fee is not refundable.
- 19.4 An application shall be considered incomplete if all fees are not paid. If, after approval of a permit, field conditions warrant the payment of additional fees, no further permit will be issued nor will any cease-and-desist order(s) be removed until all of the additional fees attributable to the after-discovered field conditions are paid.
- 19.5 Fee Schedule. The Oxford Inland Wetlands Agency shall adopt a fee schedule, which will be available with the Inland Wetlands and Watercourses Regulations. This fee schedule may be amended from time to time by the Agency when deemed necessary and appropriate. The fee schedule shall comply with all other parts of this section.
- 19.6 Exemption. Boards, commissions, councils and departments of the Town of Oxford are exempt from all fee requirements.
- 19.7 A fee may be charged for a copy or copies of Oxford's Inland Wetlands and Watercourses Regulations or for copies of Inland Wetlands Agency minutes, additional copies of permits, etc.
- 19.8 Waiver: The applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this subsection. The Agency may waive all or part of the application fee if the Agency determines that:
- 19.8.1 The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or

SECTION 19 (Continued)
APPLICATION FEES

- 19.8.2 The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.
- 19.8.3 The Agency shall state upon its record the basis for all actions under this Subsection 19.8.

SECTION 20 RECORDS RETENTION AND DISPOSITION

- 20.1 The Agency and the Town Clerk for the Town of Oxford shall retain complete administrative records of Agency actions and dispose of such records in accordance with the retention/disposition schedules set forth in Subsection 19.2 of these regulations.
- 20.2 The Public Records Administrator of the Connecticut State Library established the following new records retention/disposition schedules for municipal inland wetlands agencies effective February 1, 2005:

MINIMUM RETENTION REQUIRED

| RECORD SERIES TITLE | MINIMUM RETENTION REQUIRED | DISPOSTION |
|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|----------------------------|
| Application (including supporting materials for site plan) | 10 years after issuance of decision | destroy * |
| a. Approved | 10 years | destroy * |
| b. Denied or Withdrawn | 2 years | destroy * |
| c. Staff & Public written Testimony | 10 years | destroy * |
| Decision letters | 10 years after issuance of decision | destroy * |
| General correspondence issued or received | 5 years | destroy * |
| Legal Notices | 1 year after decision | destroy * |
| Minutes of public meetings (including hearings) | Permanent | Maintain in Municipality * |
| Tapes, audio – inland wetland matters | 1 year after minutes are approved unless pending appeal, then retain 1 year after appeal period | destroy * |
| Text of changes adopted in regulations * | Continuous update/Permanent | Maintain in Municipality |

ENFORCEMENT ACTIONS

| | | |
|-------------------------------------------------------------------------|----------------------------------------|-----------|
| Enforcement Actions – (Notice of violations/violation orders) | 10 years after correction of violation | destroy * |
|-------------------------------------------------------------------------|----------------------------------------|-----------|

* Municipalities may destroy records only after receiving the signed approval form (RC-075, rev. 2/2005) from the Office of the Public Records Administrator. Retention periods established on this schedule are *minimum retention requirements*. Records may be retained for longer periods of time.

SECTION 21
EFFECTIVE DATE OF REGULATIONS

21.1 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 Oxford.

As revised,

Susan Purcella Gibbons
Secretary and Commissioner, Oxford Conservation Commission / Inland Wetlands Agency

OCCIWA/as

Appendix A

Suggested Mitigation Actions

1. Restore existing compromised wetlands.
2. Establish development free floodplain areas.
3. Create new, productive wetland or watercourse areas.
4. Create open space or passive recreational areas.
5. Implement public health and safety measures.
6. Establish private or public conservation easements adjacent to wetlands and watercourses, using OCCIWA suggested language.
7. Adopt OCCIWA litter control standards to protect wetlands and watercourses from harmful Litter.

Appendix A (continued)
Suggested Conservation Easement Language
IW-_____
(Year) (Application number)

Proposed Conservation Easement at _____, Oxford, Connecticut,
(Street Address)

Map: _____ Block: _____ Lot: _____.

The area subject to this Conservation Easement is shown as “CONSERVATION EASEMENT” on a map entitled “**Improvement Location Survey prepared for John Doe 183 ABC Road, Oxford, Connecticut**: Scale 1” = 40’, dated 11/3/04 revised 11/23/04 and 2/9/05 certified substantially correct as conforming to Class “A-2” standards by (Name of L.S.), L.S, which map is to be filed in the office of the Town Clerk of Said Town of Oxford,

Within the area of the Conservation Easement, no building or structure shall be constructed or erected, nor shall the ground be excavated, graded or otherwise disturbed. The prohibition against structures shall include without limitation, fences, sewage disposal systems, wells, stormwater drainage systems or any other subsurface pipe or system. The operation of motorized vehicles resulting in destruction of vegetation, erosion and disturbance of the ground without an application to and approval by the Conservation Commission. The prohibition of excavation, grading, or disturbing the ground shall include without limitation any changes to the topography of the land from its present condition, any change to the natural drainage patterns and watercourses from their current condition and prohibiting deposition of any material within the area of the Conservation Easement.

The Conservation Easement area boundary shall be marked as shown and described below,

The Conservation Easement is for private OR public access and/or use,

and the Conservation Easement shall be recorded on the Record Map and in the Town of Oxford Land Records. * Documentation of deed recorded must be submitted to Oxford Conservation Commission / Inland Wetlands Agency.

Signed: _____ , _____
(Signature) (Print name)

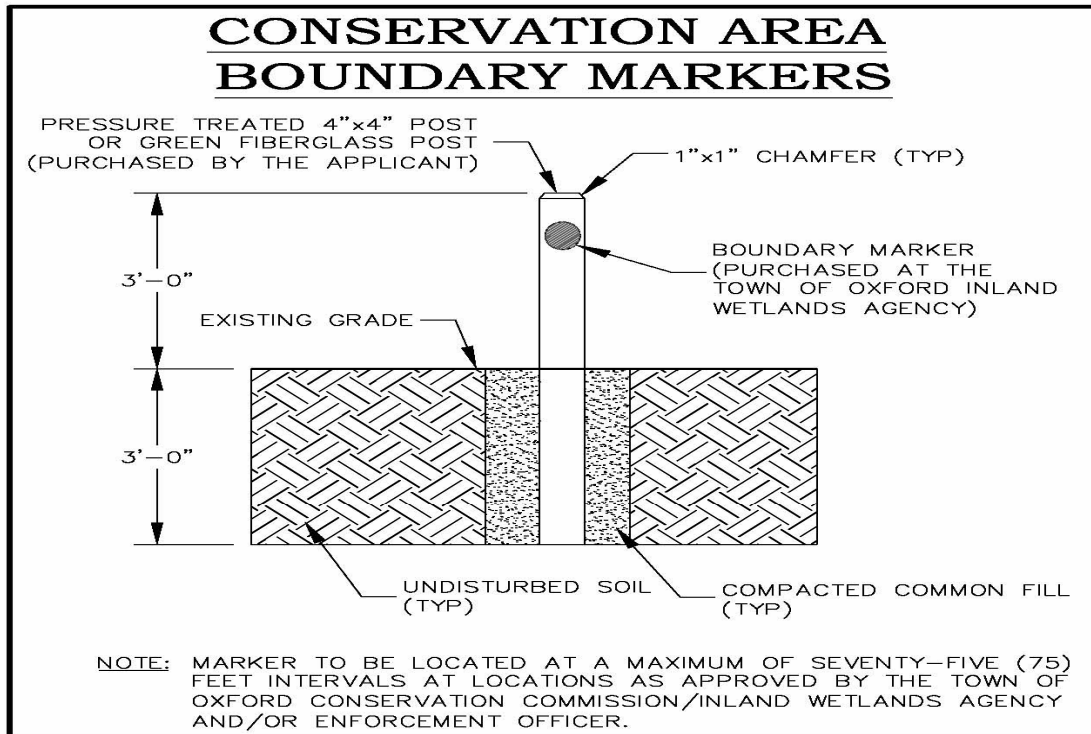
Dated: _____

Appendix A (continued)

CONSERVATION AREA BOUNDARY MARKERS

NOTES:

1. Marker to be located at a maximum seventy-five (75) feet intervals at locations as approved by the Town of Oxford Conservation Commission / Inland Wetlands Agency and/or Enforcement Officer.



Sample Conservation Easement Boundary Marker



Appendix A (continued)

Litter Control Standards

Oxford Inland Wetlands Litter Control Standards

Purpose

The purpose of this litter control standard is to reduce the amount of litter entering wetlands and watercourses from industrial and commercial sites in close proximity to wetlands and watercourses.

Retail and Wholesale Sites

As a condition of an inland wetlands permit, all commercial retail establishments in close proximity to a wetland or watercourse, shall establish a litter control program, to include litter cleanup encompassing the entire site, both paved and vegetated areas, and any storm water control structures such as retention/detention ponds, level spreaders, etc. This cleanup will be performed once weekly. A signoff sheet will be established and kept current which shall include the date and time of the litter pickup and the signature of the person performing the cleanup. This signoff sheet will be available to Inland Wetlands staff, Commissioners, and their agents.

Industrial and Office Sites

As a condition of an inland wetlands permit, all industrial and office establishments in close proximity to a wetland or watercourse, shall establish a litter control program to include litter cleanup encompassing the entire site, both paved and vegetated areas, including any storm water control structures such as retention/detention ponds, level spreaders, etc. This cleanup will be performed once monthly. A signoff sheet will be established and kept current which shall include the date and time of the litter pickup and the signature of the person performing the cleanup. This signoff sheet will be available to Inland Wetlands staff, Commissioners, and their agents.

ADOPTED and **APPROVED** at the Oxford Conservation Commission / Inland Wetlands Agency Regular Meeting on Monday, November 8, 2004.

Dated at Oxford, Connecticut this _____ day of _____, 20____.

Michael G. Herde
Chairman, OCCIWA

Appendix B Ordinance for Citations and Fines

ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR VIOLATIONS OF THE INLAND WETLANDS AND WATERCOURSES REGULATIONS AND LAND USE REGULATIONS OF THE TOWN OF OXFORD

A. PURPOSE

1. The purpose of this Ordinance shall be to encourage compliance with the Town of Oxford Inland Wetlands and Watercourses Regulations and Land Use Regulations and to discourage violators from engaging in additional violations by increasing the penalties for such additional violations.

B. ISSUANCE OF CITATIONS

1. Pursuant to the authority vested in municipalities under Connecticut General Statutes Section 22a-42g any person authorized by the First Selectman of the Town of Oxford may issue a citation for any violation of Oxford and Land Use Regulations Ordinance. Any person so authorized shall be designated a Wetlands Citation Officer or Zoning Citation Officer.
2. The Town shall maintain copies of all citations issued pursuant to this Ordinance for a period of no less than ten (10) years after the dates of issuance of the respective citations. The copies shall be indexed under the names of the persons to whom the citations were issued. Within ten (10) days after the final disposition of each citations, by payment of the specified fine or by a final decision on any appeal taken pursuant to the provisions of this Ordinance, but the specified fine is not paid, a not to that effect shall be placed in the file on, or together with, the relevant citation.
3. Any such citation may be issued by hand or by Certified Mail, return receipt requested. If the person named in such a citation fails or refuses to accept such mail, the citation may be sent by regular United States Mail.
4. Any person receiving such a citation shall be allowed a period of thirty (30) days from his or her receipt of the citation to make an uncontested payment of the fine to the Town. Such payment shall be made payable to the Treasurer Town of Oxford and submitted to the Hearing Officer. If the citation has been sent by regular mail pursuant to the provision in Subsection B.3 of this Ordinance, the day of receipt of the citation shall be considered three (3) business days after the date of mailing the citation.
5. If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the Town within the time allowed under Subsection B.4 of this Ordinance, the Wetlands or Zoning Citation Officer shall send a notice to the person cited, informing such person anew: (1) of the allegations against him or her and the amount of the fines and ; (2) that the person cited may contest liability before a Hearing Officer appointed by the First Selectman, as provided in Subsection C.1 of this Ordinance, by delivering to the Wetlands or Zoning Citation

Appendix B (continued)

Officer, c/o the Inland Wetlands Commission, in person or by Certified Mail, return receipt requested, within ten(10) days of the date of notice, a written demand for a hearing; (3) that if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her, and (4) that such a judgment may issue without further notice.

6. If the person who is sent notice pursuant to Subsection B.5 of this Ordinance wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in person or by mail, to the Town as defined in Subsection B.4. Any person who does not deliver or mail a written demand for a hearing within ten (10) days of the date of the notice described in Subsection B.5 of this Ordinance shall be deemed to have admitted liability and the Wetlands or Zoning Citation Officer shall certify to the Hearing Officer that such person has failed to respond. The Hearing Officer shall thereupon enter and assess the fines provided for by this Ordinance and shall follow the procedures set forth in Subsection E.1 of this Ordinance.

C. CITATION APPEAL AND HEARING PROCEDURES

1. A person who chooses to appeal a citation and requests a hearing to this effect shall be given written notice of the date, time and place for the hearing by hand or by Certified Mail, return receipt requested. Such hearing shall be held no less than fifteen (15) days nor more than thirty (30) days from the date of mailing of notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by an interested party for postponement or continuance. The presence of a Commission Member or Designated Agent shall be required at the hearing to present evidence on behalf of the Town. A person wishing to contest liability shall appear at the hearing and may present evidence on his or her behalf. Alternatively, the Hearing Officer may accept written information from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. If the person who received the citation fails to appear or has not submitted relevant written information as specified above, the Hearing Officer may enter an assessment of default against him or her upon a finding of proper notice and liability under the applicable provisions of the Wetlands and Watercourses Regulations.
2. In the event that the Hearing Officer determines that he or she will not have an adequate opportunity to review documentation provided by any party to the hearing on the date of the hearing he or she may order the hearing to be continued to a later date.
3. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof, as he or she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his or her decision at the end of the hearing. If the Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against the person as provided by this Ordinance.

Appendix B (continued)

4. If the person who received the citation does not agree with the Hearing Officer's assessment, he or she may appeal the decision in Superior Court in accordance with the applicable provisions of the Connecticut General Statutes.
5. If the Hearing Officer's assessment is not paid on the date of its entry, the Hearing Officer shall send by First Class Mail a notice of assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court together with the applicable entry or filing fee. A copy of this order, designating among other items, the legal description of the property involved, the amount of the fine imposed and the date of imposition shall be filed on the land records of the Town Clerk's office for Oxford, Connecticut. This filing shall serve as a lien on the property involved and upon which fine was issued. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.
6. The First Selectman of the Town of Oxford shall appoint one (1) or more Citation Hearing Officers, who shall be other than Wetlands or Zoning Citation Officers, Commission members or employees of the Town, to conduct hearings as described in Subsections C.1 and C.3 of this Ordinance.

D. EXEMPTIONS

1. Notwithstanding the foregoing, pursuant to Section 22a-42g, no fine shall be levied against the State of Connecticut or any employee thereof acting within the scope of his or her employment. Likewise, no fine shall be levied against the Town or any employee thereof acting within the scope of his or her employment.

SCHEDULE OF FINES

1. The amount of the fine specified in any citation shall be based upon the number of citations issued to the same person during the ten (10) years immediately prior to the date of the citation being issued. The amount of the fines shall be as follows:

| <u>Number of Prior Citations</u> | <u>Amount of Fine</u> |
|----------------------------------|-----------------------|
| None (0) | \$120 |
| One (1) | \$250 |
| Two (2) | \$500 |
| Three (3) or more | \$1,000 |

For the purposes of establishing the amount of the fine in accordance with the foregoing schedule, the "Number of Prior Citations" shall not include any prior citations that were dismissed on appeal.

2. The issuance of any citation under this Ordinance shall not preclude the Inland Wetlands Commission or any other authorized person from seeking or obtaining additional enforcement or remedial measures, including but not limited to declaratory

Appendix B (continued)

and injunctive relief, civil penalties, attorneys' fees and court costs, under any other applicable provisions of federal, state or local law.

The fine imposed shall accrue on a daily basis until the matter is resolved.

F. EFFECTIVE DATE

1. This Ordinance shall be effective as of October 21, 2005.



APPENDIX C TOWN OF OXFORD

S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298

www.Oxford-CT.gov

Oxford Conservation Commission / Inland Wetlands Agency

IW Checklist

IW-____-____

- ☐ Pomperaug Health Department **OR** WPCA Approval *
- ☐ Application Complete & Legible
- ☐ A letter of consent if the applicant is not the owner
- ☐ If lot is less than 1.5 acres contiguous dry, documentation must be provided as to when the lot was created. (If applicable)
- ☐ Application Fees Paid in full
- ☐ **7 Sets of Maps Signed & Sealed each page** (Additional maps may be required)
- ☐ DEP Activity Reporting Form (If applicable)
- ☐ Soil Scientist Report
- ☐ Drainage Calculations
- ☐ Regulated Area Activity Map (100 Scale) (URA & WL) (If applicable)

(This Portion to be filled out by IW Agency)

- ☐ Copy submitted to Town Engineer for review
 - * _____ Date Submitted to Town Engineer
- ☐ Site Walk Plans submitted to Commission Members
 - * _____ Date Submitted to OCCIWA

* If Pomperaug Health Department or WPCA approval is not obtained prior to Inland Wetlands approval, additional fees for site plan review may apply for any site plan modifications caused by PHD or WPCA.

Please note incomplete applications may delay the formal acceptance of the application and failure to submit proper and/or accurate supporting documentation may render the application incomplete.

**OXFORD CONSERVATION COMMISSION / INLAND WETLANDS AGENCY
FEE SCHEDULE**

- Fees are not refundable.
- No permit will be issued until all fees are paid.
- Failure to pay fee(s), or part thereof, constitutes grounds for denial.
- The Inland Wetlands Agency may set a time limit for additional fee payment. All fees are to be paid prior to Certificate of Occupancy sign-off.
- The Agency may require payment by cash, check, certified check made payable to:
 “Oxford Inland / Wetlands Agency”
- Each building lot site plan is considered a separate application and requires a separate fee (Maps are to be signed and sealed by L.S., P.E.)
- The Town of Oxford (its Boards, Commissions, etc.) is exempt from fee requirements (except state fees).
- The Agency may, in its sole discretion, waive all or part of its scheduled fee.
- **PLEASE NOTE:** The applicant will be required to cover the costs of special consultants for legal, engineering/technical, and/or environmental reviews, as deemed necessary by the Agency, at any time during the period from initial review through final site inspection.

Copies of:

| | Fees |
|-------------------------------------------------------------------|-------------|
| Minutes, additional copies of permits, etc. (per page) | \$ 0.50 |
| Oxford Inland Wetlands and Watercourses Regulations | \$ 10.00 |
| Maps copied at Town Clerk's office paid to that office (per page) | \$ 5.00 |

| Note: Several fees may apply | Fees | Total Fees Due |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------|
| Application fee (Includes initial inspection & National Geomatica GIS Fee \$10.00) | \$ 70.00 | |
| Renewal / Transfer / Free Split / Site Plan Modification (Application fee) | \$ 50.00 | |
| Declaration of no activity in regulated area: Inland Wetlands permit is NOT required | No extra fee | |
| Wetland Delineation review: | | |
| Each dry acre (or part thereof): | \$ 50.00 | |
| Each wetland/watercourse acre (or part thereof): | \$ 100.00 | |
| Minimum fee: | \$ 350.00 | |
| Actual activity in wetland/watercourse (or part thereof): Per 1,000 sq. ft. | \$ 300.00 | |
| Actual activity in upland review area (or part thereof): Per 1,000 sq. ft. | \$ 150.00 | |
| Minimum fee: | \$ 450.00 | |
| Road/lot layout: (If wetland/watercourse delineation previously approved; if an inspection is not required) Per lot: | \$ 200.00 | |
| Revised map: (returning following a previous approval) | \$ 50.00 | |
| Final Site Inspection: (C.O. sign off) (Includes National Geomatica GIS Fee \$10.00) | \$ 60.00 | |
| Public Hearing: | \$ 500.00 | |
| Each continuance of Public Hearing: | \$ 200.00 | |
| Payable to: “Oxford Inland Wetlands Agency” | TOTAL: | |
| State Land Use Fee: Effective 7/1/04 | \$30.00 | |
| Professional reimbursements: (Fees will be billed separately) | | |
| Conservation Area Boundary Markers (ea.) | \$ 2.00 | |

