

TOWN OF EAST LYME
BOARD OF SELECTMEN
REGULAR MEETING MINUTES
NOVEMBER 19, 2014

Members Present:

Paul Formica, First Selectman
Rob Wilson
Holly Cheeseman
Kevin Seery
Mark Nickerson

FILED IN EAST LYME
CONNECTICUT
NOV 25 2014 AT 9:00 AM/PM
Kathryn Gallo
EAST LYME TOWN CLERK

Members Absent:

Rose Ann Hardy

Mr. Formica called the Regular Meeting to order at 7:12 p.m.

1. A. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was observed at the Special Town Meeting immediately prior to this meeting.

B. ADDITIONAL AGENDA & CONSENT CALENDAR ITEMS

There were no additional Agenda and Consent Calendar Items.

C. DELEGATIONS

John Bialowans, Jr. of 61 Walnut Hill Road, East Lyme discussed the Solar Farm. He submitted Attachment A.

D1. APPROVAL OF MINUTES, SPECIAL MEETING OF NOVEMBER 5, 2014

Motion (1) Mr. Nickerson moved to approve the Minutes of the Special Meeting of November 5, 2014 as submitted.

Seconded by Mr. Seery.

Motion Passed 5-0.

D2. APPROVAL OF MINTUES, REGULAR MEETING OF NOVEMBER 5, 2014

Motion (2) Mr. Nickerson moved to approve the Minutes of the Regular Meeting of November 5, 2014 as submitted.

Seconded by Mr. Seery.

Motion Passed 5-0.

1E. CONSENT CALENDAR

Motion (3) Mr. Nickerson moved to approve the Consent Calendar in the amount of \$2261.65 for the November 19, 2014 meeting.

Seconded by Mr. Seery.

Motion Passed 4-0-1 (Mr. Formica abstained)

NEW BUSINESS

A. INCREASE COMMERCIAL HAULERS TIPPING FEE

Mr. Formica stated the Town has remained constant with the tipping fee that we have been charging.

Joe Bragaw, Director of Public Works stated he has looked into this and we are the lowest charging town in the area. This will keep us in line with other towns.

Motion (4) Mr. Nickerson moved to increase commercial haulers tipping fees charged by the Town to \$62/ton effective December 1, 2014.

Seconded by Mr. Wilson.

Motion Passed 5-0.

Motion (5) Mr. Nickerson moved to increase the annual registration fees for each hauler to \$100/truck up to a maximum of \$500 effective July 1, 2015.

Seconded by Mr. Wilson.

Mr. Formica asked if it will be \$100.00 per truck or \$500.00 maximum.

Mr. Bragaw stated the hauler has to register the truck. There will be a maximum \$500.00 per hauler. This will be the exact same as Montville. The Town has been charging \$75.00.

Motion Passed 5-0.

B. BOS MEETING CALENDAR 2015

Motion (6) Mr. Nickerson moved to approve the Board of Selectmen meeting calendar for 2015 as submitted.

Seconded by Mr. Seery.

Motion Passed 5-0.

2. A. EX-OFFICIO

Mr. Seery stated he attended a Harbor Management meeting. The National Guard made a presentation. They will be implementing a safety zone around Camp Niantic, 250 feet from shore.

Mr. Wilson did not have a report.

Ms. Cheeseman stated she attended a Zoning Commission meeting; they changed the Zoning Regulations to allow businesses that sell alcohol within 100 feet of places of worship.

Mr. Nickerson stated he attended a Water and Sewer Commission meeting and a Board of Education meeting where they discussed the possible redesign of the elementary schools. They are interested in bringing their ideas to the Board of Finance and the Board of Selectmen.

3. A. FIRST SELECTMAN'S REPORT

Mr. Formica stated he and Mr. Nickerson attended a Veterans Council meeting. He also attended an event to raise money for the Homeless Hospitality Center. He talked to the new owner of the ELMS. On Veterans Day he attended the ceremonies on the Town Green, Niantic Center School, East Lyme Middle School, Lillie B. Haynes School, Flanders School, and then he went to Bride Brook with Joe Courtney for a ceremony. The Southern Connecticut Housing Authority arranged a showcase of affordable housing in the area and they visited Seaspray and 38 Hope Street. He attended a Rotary meeting honoring veterans. He attended a ceremony at the Lyman Allyn Museum. He met with the East Lyme Public Trust regarding the Boardwalk. He attended a SCCOG meeting and a SEAT meeting. He attended a Senior luncheon. Bob Ross is going to be working with Mr. Goeschel on the JLUS study.

4. PUBLIC DISCUSSION

There was no public discussion.

5. SELECTMEN'S RESPONSE

There was no Selectmen's response.

Motion (7) Mr. Seery moved to adjourn the meeting at 7:35 p.m.

Seconded by Ms. Cheeseman.

Motion Passed 5-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary Pro-Tem**

Wednesday, November 19, 2014

Good Evening Mr. Formica & other Board Members,

Congratulations on your election to the Senate, Mr. Formica....

My name is John Bialowans, Jr. of 61 Walnut Hill Road, East Lyme, CT. I had some interesting reading this past weekend. I would like to have the reasoning behind or why no action was taken against Landino/Centerplan or another company involved with the solar farm on Walnut Hill Road. If you read the Cease & Desist Order, that was given to the solar farm on April 7, 2014, there are a lot of items that have not been addressed, and everyone with the solar farm wish it would go away.

Some of the points or questions I would like to know:

1. Why didn't the solar farm get a wetlands permit in accordance with Section 6.1 of the East Lyme Wetlands Regulations?
2. Why didn't the solar farm not be subject to enforcement and penalties under Section 14 of the East Lyme Wetlands Regulations?

Cease, Desist & Restore Order, East Lyme Inland Wetlands Agency dated April 7, 2014.

1. Under the title of Corrective Action Procedure, Section B. as quoted "a plan for restoring the disturbed area adjacent to and including the watercourse and wetlands at the site".
2. Under the title Corrective Action Procedure, Section G. as quoted "full compliance with this Cease & Desist order, all actions of this Cease & Desist order have been completed and approved".

3. Under the title Corrective Action Procedure, Section M. as quoted “the agency’s authority to institute any proceedings or take any other actions to prevent or abate violations of the law, pollution, recover costs and natural resource damage and to impose penalties for past, present or future violations of the law”.
4. Under the title Corrective Action Procedure, Section N. as quoted “respondents obligations under law. Nothing in this Cease, Desist & Restore Order shall relieve respondents on other obligations under applicable Federal, State and local law”.
5. Under the title Corrective Action Procedure, Section Q, as quoted “no effect on rights of other persons. This Cease, Desist & Restore Order neither creates nor affects any rights of persons that are not parties to this Cease, Desist & Restore Order plan”.
6. It looks strongly that this Cease, Desist & Restore plan (dated April 7, 2014) is not being executed to the fullest extent, being mentioned, looked at or there’s no enforcement of this order completely.

There are so many promises, remarks and meetings about this solar farm. Here are just a few of the comments I’m going to make tonight which I am quoting for you now:

July 14, 2014 Inland Wetlands Meeting

1. Gary discussed fines on the solar farm
2. A letter from Attorney O’Connell stating the Wetlands Commission can request an injunction on the solar farm

October 23, 2014 Letter to the Board of Selectman

1. Gary stated that the sediment and erosion issues to abutting property owners is a civil matter, not the Towns.

It's very interesting that they are not going to enforce their own wetlands, watercourses regulations, the States Policy (that all Towns follow and use) Chapter 440, Section 22a-36 to Section 22a-45a, their own Cease, Desist & Restore plan, and also the Federal guidelines not being followed. It seems amazing that all of these regulations and guidelines don't apply to the solar farm. It seems like there's only a handful of people that work for the Town that have everything to say about the solar farm compliance with this Cease, Desist & Restore plan.

The abutting property owners are Joan Bengsten, John Bialowans, Jr. and John's niece, Karen. The last 2 names belong to the Prokop's homestead that has been in the family for over 100 years. We are all taxpayers of East Lyme, and still paying taxes or are we exempt from taxes because our watercourses have been damaged (from the twice failed erosion control measures at the solar farm) that they think they can get away with anything or everything they ask for, and who they know to help them.

We have retained Attorney Janet Brooks of East Berlin, CT to help us resolve this matter. She was working in the Attorney General's Office for 16 years in the environment department. She organized the wetlands program of practice in the Attorney General's Office. She has met with Gary G. and made many suggestions to us about who, what, and how to proceed with our action. We feel very comfortable with her.

Thank you for listening to me and you'll see me at the next meeting....

Sincerely,

John Bialowans, Jr.

INLAND WETLANDS AND WATERCOURSES

REGULATIONS

TOWN OF EAST LYME CONNECTICUT

*Copy
to
USE
Missing page / marked*



Approved October 6, 2008
Revised through April 11, 2011

Town of East Lyme, CT (<http://eltownhall.com>)

MENU

INLAND WETLANDS AGENCY PURPOSE AND JURISDICTION

Posted in Inland Wetland Agency (<http://eltownhall.com/?cat=54>), Inland Wetlands and Watercourses (<http://eltownhall.com/?cat=77>)



Pursuant to Sec. 22a-42 of the Connecticut General Statutes the public policy of the state is to require municipal regulation of wetlands and watercourses and the activities affecting the wetlands and watercourses within the territorial limits of the various municipalities or districts.

As such, the East Lyme Inland Wetland Agency is a regulatory body, appointed by the Board of Selectmen. The Wetlands Agency is responsible for the enforcement of East Lyme's Inland Wetlands and Watercourse Regulations as set forth by the State of Connecticut's Inland Wetlands and Watercourse Act.

The East Lyme Inland Wetland Agency regulates all activities that may have an impact on a wetland or watercourse. Their jurisdiction is 100-feet from a wetland or watercourse boundary, but can extend further if there is a potential for impact.

The 100-foot area is called the Upland Review Area. Any person proposing to conduct any work (including cutting of trees, stumping, grubbing, grading etc) within this area is required to obtain a permit. The Agency usually meets once a month to review permit applications.

November 5, 2014 – Board of Selectmen Regular Meeting (Immed. following Executive Session)
7:30 pm, Meetings

November 6, 2014 – Niantic River Watershed
6:00 pm, Meetings

November 6, 2014 – Zoning Commission
7:30 pm, Meetings

LAND USE DEPARTMENTS

Building Office (<http://eltownhall.com/?cat=39>)

Planning (<http://eltownhall.com/?cat=75>)

Zoning (<http://eltownhall.com/?cat=72>)

Inland Wetlands and Watercourses (<http://eltownhall.com/?cat=77>)

Conservation of Natural Resources Comm (<http://eltownhall.com/?cat=57>)

Section 1
Title and Authority

- 1.1 The inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource 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; to hydrological stability and control of flooding and erosion; to 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 and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for 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.
- 1.2 These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of East Lyme."
- 1.3 The East Lyme Inland Wetland Agency (name changed from Conservation Commission effective July 1, 2008) of the Town of East Lyme was established in accordance with an ordinance adopted June 20, 1966, and shall implement the purposes and provisions of these regulations and the Ordinance Concerning Inland Wetlands and Watercourses in the Town of East Lyme.
- 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 the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, or deny permits for all regulated activities in the Town of East Lyme pursuant to sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

Section 2 Definitions

2.1 As used in these regulations:

"Act" means the Inland Wetlands and Watercourses Act, sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended.

"Agency" means the Inland Wetlands Agency of the Town of East Lyme.

"Bogs" are watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.

"Clear-cutting" means the harvest of timber in a fashion which removes all trees down to a two inch diameter at breast height.

"Commissioner of Environmental Protection" means the commissioner of the State of Connecticut Department of Environmental Protection.

"Continual flow" means a flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.

"Deposit" includes, but shall not be limited to fill, grade, dump, place, discharge or emit.

"Discharge" means emission of any water, substance, or material into waters of the state whether or not such substance causes pollution.

"Essential to the farming operation" means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.

"Farming" shall be consistent with the definition as noted in section 1-1(q) of the Connecticut General Statutes. (see Appendix A)

"Feasible" means able to be constructed or implemented consistent with sound engineering principles.

"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 sections 22a-36 to 22a-45, inclusive.

"Management practice" means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

1. Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
5. Any activity which causes substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse.
6. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

"Soil scientist" means an individual duly qualified in accordance with standards set by the federal Office of Personnel Management.

"Swamps" are watercourses that are distinguished by the dominance of wetland trees and shrubs.

"Submerged lands" means those lands which are inundated by water on a seasonal or more frequent basis.

"Town" means the Town of East Lyme.

"Waste" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands and watercourses of the Town.

"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: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

"Wetlands" means land, including submerged land as defined in this section, not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquatic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to sections 22a-39 or 22a-45a of the Connecticut General Statutes.

- 5.2 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, as amended.
- 5.3 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 of the Connecticut General Statutes or a permit issued by the Commissioner of Environmental Protection under sections 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or 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 permit.
- 5.4 The Commissioner of Environmental Protection shall have exclusive jurisdiction over the 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.

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 East Lyme Inland Wetlands Agency of the Town of East Lyme.
- 6.2 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 intending to conduct a regulated activity or to renew or amend a permit to conduct such activity, shall apply for a permit on a form provided by the Agency. The application shall contain the information described in this section and any other information the Agency may reasonably require. Application forms may be obtained in the offices of the East Lyme Town Clerk or the Agency.
- 7.2 If an application to the Town of East Lyme Planning, Zoning, or Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Agency in accordance with this section, no later than the day the application is filed with such planning, zoning, or planning and zoning commission.
- 7.3 The application shall contain such information as is necessary for a fair and informed determination thereon by the Agency.



VOL 931 PAGE 798
CEASE, DESIST AND RESTORE ORDER 798
EAST LYME
INLAND WETLANDS AGENCY

1411

Owner (Respondent): GRE 314 East Lyme, L.C. 10 Main Street Suite E Middletown, CT 06457 Ryan C. McNamara, Project Manager Centerplan Construction Company 10 Main Street, Suite D Middletown, CT 06457	Property: 20 Farm Meadow Road East Lyme, CT 06333 Assessor's Map# 32.0, Lot# 126
--	--

RESPONDENT IS HEREBY ORDERED TO CEASE & CORRECT THE VIOLATION OF THE EAST LYME INLAND WETLANDS AND WATERCOURSE REGULATIONS ON THE ABOVE REFERENCED PROPERTY.

AUTHORITY: The East Lyme Inland Wetlands Agency is duly authorized to carry out and effectuate the purposes and policies of Sections 22a-36 TO 22A-45a, inclusive and has adopted regulations pursuant to 22a-42a of the CT General Statutes.

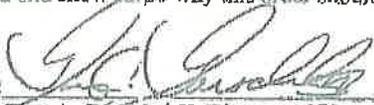
COMPLAINT: The pollution of an onsite inland wetlands and watercourse. More specifically, the deposition of sedimentation within an onsite wetlands and watercourse as a result of stormwater management system failures and failures of erosion and sedimentation controls associated with the construction of a solar field/array on property located at the above referenced address.

Said activity is hereby determined to be a regulated activity as defined by Section 2.1 of the Town of East Lyme Inland Wetland and Watercourses Regulations under the jurisdiction of the East Lyme Inland Wetlands Agency.

VIOLATION: In accordance with Sect. 6.1 of the Inland Wetland and Watercourse Regulations of the Town of East Lyme "No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the East Lyme Inland Wetlands Agency of the Town of East Lyme. 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." Respondent did not obtain any permit under the East Lyme Inland Wetlands and Watercourses Regulations authorizing the regulated activities.

CORRECTIVE ACTION: Respondent shall restore wetlands and upland review area to original condition or better following schedule A Corrective Action Procedure.

HEARING: A hearing shall be held on April 7, 2014 whereby the Respondent will be given the opportunity to be heard and show cause why this order should not remain in effect.

Signed: 
Gary A. Gieschel II, Director of Planning /
Inland Wetlands Agent

Date: 4/7/2014

* SCHEDULE A REVISED.

Schedule A

CORRECTIVE ACTION PROCEDURE

VOL 0931 PAGE 799

- a. **Retain a Professional Land Surveyor, Engineer and a Soil Scientist.** On or before 30 days following issuance of this Cease, Desist and Restore Order, Respondent shall retain a professional land surveyor and engineer, licensed in the State of Connecticut, and a soil scientist, as defined under Connecticut General Statutes section 22a-28, ("the Soil Scientist") acceptable to the Agency, to prepare the studies and documents required by this Cease, Desist and Restore Order, and to oversee the actions required by this Cease, Desist and Restore Order and by that date, notify the Agency in writing of the identity of the Land Surveyor, Engineer, and Soil Scientist (henceforth collectively referred to as "the Consultants"). Respondent shall retain the Consultants until this Cease, Desist and Restore Order is fully complied with. Within 10 days after retaining any other consultant, engineer or soil scientist, than one originally identified under this paragraph, Respondent shall notify the Agency in writing of the identity of such other consultant. Nothing in this paragraph shall preclude the Agency from finding a previously acceptable consultant unacceptable.
- b. **Submit Restoration Plan.** On or before April 30, 2014, Respondent shall submit to the Agency for its review and written approval, a plan for restoring the disturbed area adjacent to and including the watercourse and wetlands at the site ("restoration plan"). The goal of the restoration plan shall be to replicate the watercourse and habitat conditions that existed at the site prior to the clearing activities that were conducted without a permit from the Agency. The restoration plan shall include, but not necessarily be limited to:
- site drawings and cross sections that delineate the site's property boundaries, existing grades at the site, proposed grades at no greater than one-foot contour intervals, proposed spot elevations at the site, a description of materials that would be used to restore the grades that existed at the site prior to the disturbance, and a list of native wetland tolerant plant species to be planted or sown at the site,
 - details on erosion and sediment controls to be used during and after implementation of the restoration plan including but not limited to, dewatering/water handling techniques during construction and permanent stabilization of exposed or disturbed soils at the site, and
 - a schedule for the initiation and completion of actions provided for in the restoration plan. Such schedule shall provide for completion of all actions as soon as possible, but in no event later than May 5, 2014.

The restoration plan shall be signed and sealed by the Land Surveyor and Soil Scientist.

- d. **Implement the Plan.** Following the Agency's written approval of any restoration plan submitted pursuant to this Cease, Desist and Restore Order, Respondent shall immediately perform the actions specified in the approved restoration plan and within 15 days of completing the performance of such actions, the Consultants shall certify to the Agency in writing that the actions have been completed in accordance with the restoration plan(s).
- e. **Revision of Approved Plan(s).** Respondent may revise any approved plan only with the Agency's prior written approval.
- f. **Submit an As-built Drawing.** Respondent shall perform all actions required by the restoration plan in accordance with the approved schedule(s), and within 45 days of completing the required actions, submit to the Agency for its review and written approval, an as-built drawing ("as-built drawing") that verifies conformance with the restoration plan. The as-built drawing shall show restored grades at the site at no greater than one-foot contour intervals and shall identify final spot elevations at the site. The as-built drawing shall be signed and sealed by the Land Surveyor, Engineer and Soil Scientist.

- g. Full compliance. Respondent shall not be considered in full compliance with this Cease, Desist and Restore Order until all actions required by this Cease, Desist and Restore Order have been completed or approved and to the Agency's satisfaction.
- h. Dates. The date of issuance of this Cease, Desist and Restore Order is April 4, 2014. The date of submission to the Agency of any document required by this Cease & Desist Order shall be the date such document is received by the Agency or an authorized agent of the Agency. The date of any notice by the Agency under this Cease, Desist and Restore Order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or personally delivered, whichever is earlier. Except as otherwise specified in this Cease, Desist and Restore Order, the word "day" as used in this Cease, Desist, and Restore Order means calendar day. Any document or action which is required by this Cease, Desist and Restore Order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or a Connecticut or federal holiday.
- i. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Agency under this Cease, Desist and Restore Order shall be signed by Respondent, and by the individual(s) responsible for actually preparing such document, and Respondent and each such individual shall certify in writing as follows: "I have personally examined and I am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under section 53a-157b of the Connecticut General Statutes and any other applicable law."
- j. Noncompliance. Failure to comply with this Cease, Desist and Restore Order may subject Respondent to an injunction and penalties.
- k. False Statement. Any false statement in any information submitted pursuant to this Cease, Desist and Restore Order is punishable as a criminal offense under section 53a-157b of the Connecticut General Statutes.
- l. Notice of transfer of liability of Respondent and others. This order is being filed on the land records for this property as described herein. Respondent's obligations under this Cease, Desist and Restore Order shall not be affected by the passage of title to any property to any other person or municipality.
- m. Agency's power. Except as provided hereinabove with respect to payment of civil penalties, nothing in this Cease, Desist and Restore Order shall affect the Agency's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Agency determines that the actions taken by Respondent pursuant to this Cease, Desist and Restore Order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Agency may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate violations or pollution.
- n. Respondent's obligations under law. Nothing in this Cease, Desist and Restore Order shall relieve Respondent of other obligations under applicable federal, state and local law.

VOL 931 Page 801

- o. No assurance by Agency. No provision of this Cease, Desist and Restore Order and no action or inaction by the Agency shall be construed to constitute an assurance by the Agency that the actions taken by Respondent pursuant to this Cease, Desist and Restore Order will result in compliance or prevent or abate pollution.
- p. Access to the site. Any representative of the East Lyme Inland Wetlands Agency may enter the site without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Cease, Desist and Restore Order.
- q. No effect on rights of other persons. This Cease, Desist and Restore Order neither creates nor affects any rights of persons that are not parties to this Cease, Desist and Restore Order.
- r. Notice to Agency of changes. Within 15 days of the date Respondent becomes aware of a change in any information submitted to the Agency under this Cease, Desist and Restore Order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Agency.
- s. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this Cease, Desist and Restore Order or of any document required hereunder, Respondent shall immediately notify by telephone the Inland Wetlands Officer and shall take reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within 5 days of the initial notice, Respondent shall submit in writing the date, time, and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Agency, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Agency. Notification by Respondent shall not excuse noncompliance or delay, and the Agency's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Agency in writing.
- t. Submission of documents. Any document required to be submitted to the Agency under this Cease, Desist and Restore Order shall, unless otherwise specified in writing by the Agency, be directed to:

Cheryl Lozano, Chairwoman
 East Lyme Inland Wetlands Agency
 Town of East Lyme
 P.O. Box 519, 108 Pennsylvania Avenue
 Niantic, Connecticut 06357
 (860) 439-6931 ext. 4114

CHAPTER 440*

WETLANDS AND WATERCOURSES

*Cited. 183 C. 532. Inland Wetlands and Watercourses Act cited. 211 C. 416; 227 C. 71.

Inland Wetlands and Watercourses Act cited. 21 CA 122; 25 CA 401; 26 CA 564. Cited. 29 CA 469; 37 CA 348. Inland Wetlands and Watercourses Act cited. 43 CA 227.

Cited. 41 CS 184.

Table of Contents

[Sec. 22a-28. \(Formerly Sec. 22-7h\). Preservation of tidal wetlands. Declaration of policy.](#)

[Sec. 22a-29. \(Formerly Sec. 22-7i\). Definitions.](#)

[Sec. 22a-30. \(Formerly Sec. 22-7j\). Inventory and inspection of tidal wetlands. Regulations.](#)

[Sec. 22a-31. \(Formerly Sec. 22-7k\). Hearing officers.](#)

[Sec. 22a-32. \(Formerly Sec. 22-7l\). Regulated activity permit. Application. Hearing. Waiver of hearing.](#)

[Sec. 22a-33. \(Formerly Sec. 22-7m\). Issuance or denial of permit.](#)

[Sec. 22a-34. \(Formerly Sec. 22-7n\). Appeal.](#)

[Sec. 22a-35. \(Formerly Sec. 22-7o\). Penalty.](#)

[Sec. 22a-35a. Tidal wetlands restoration.](#)

[Sec. 22a-36. Inland wetlands and watercourses. Legislative finding.](#)

[Sec. 22a-37. Short title: Inland Wetlands and Watercourses Act.](#)

[Sec. 22a-38. Definitions.](#)

[Sec. 22a-39. Duties of commissioner.](#)

[Sec. 22a-40. Permitted operations and uses.](#)

[Sec. 22a-41. Factors for consideration of commissioner. Finding of no feasible and prudent alternative. Wetlands or watercourses. Habitats. Jurisdiction of municipal inland wetlands agencies.](#)

[Sec. 22a-42. Municipal regulation of wetlands and watercourses. Action by commissioner.](#)

[Sec. 22a-42a. Establishment of boundaries by regulation. Adoption of regulations. Permits. Filing fee.](#)

on the side

Secs. 22a-42b and 22a-42c. Notice to adjoining municipalities when traffic, sewer or water drainage and water runoff will affect such municipalities. Notice of application to adjacent municipality re conduct of regulated activities within five hundred feet of its boundaries.

Sec. 22a-42d. Revocation of authority to regulate inland wetlands.

Sec. 22a-42e. Application filed prior to change in inland wetlands regulations not required to comply with change. Exceptions.

Sec. 22a-42f. Notice of application to water company re conduct of regulated activities within watershed of water company.

Sec. 22a-42g. Municipal fine for violation of wetlands regulations.

Sec. 22a-43. Appeals.

Sec. 22a-43a. Findings on appeal. Setting aside or modifying action. Authority to purchase land.

Sec. 22a-44. Penalty. Court orders.

Sec. 22a-45. Property revaluation.

Sec. 22a-45a. General permits for minor activities. Regulations.

Sec. 22a-45b. (Formerly Sec. 19a-93). Elimination of mosquito-breeding places by Commissioner of Energy and Environmental Protection.

Sec. 22a-45c. (Formerly Sec. 19a-94). Maintenance of drained land by Commissioner of Energy and Environmental Protection.

Sec. 22a-45d. (Formerly Sec. 19a-94a). Contingency plan for controlling mosquito infestation.

Sec. 22a-28. (Formerly Sec. 22-7h). Preservation of tidal wetlands. Declaration of policy. It is declared that much of the wetlands of this state has been lost or despoiled by unregulated dredging, dumping, filling and like activities and that the remaining wetlands of this state are all in jeopardy of being lost or despoiled by these and other activities, that such loss or despoliation will adversely affect, if not entirely eliminate, the value of such wetlands as sources of nutrients to finfish, crustacea and shellfish of significant economic value; that such loss or despoliation will destroy such wetlands as habitats for plants and animals of significant economic value and will eliminate or substantially reduce marine commerce, recreation and aesthetic enjoyment; and that such loss or despoliation will, in most cases, disturb the natural ability of tidal wetlands to reduce flood damage and adversely affect the public health and welfare; that such loss or despoliation will substantially reduce the capacity of such wetlands to absorb silt and will thus result in the increased silting of channels and harbor areas to the detriment of free navigation. Therefore, it is declared to be the public policy of this state to preserve the wetlands and to prevent the despoliation and destruction thereof.

(1969, P.A. 695, S. 2.)

History: Sec. 22-7h transferred to Sec. 22a-28 in 1972.

Cited. 32 CS 104.

[\(Return to Chapter \(Return to Table of Contents\) List of Chapters\) List of Titles\)](#)

Sec. 22a-32. (Formerly Sec. 22-71). Regulated activity permit. Application. Hearing. Waiver of hearing. No regulated activity shall be conducted upon any wetland without a permit. Any person proposing to conduct or cause to be conducted a regulated activity upon any wetland shall file an application for a permit with the commissioner, in such form and with such information as the commissioner may prescribe. Such application shall include a detailed description of the proposed work and a map showing the area of wetland directly affected, with the location of the proposed work thereon, together with the names of the owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice. The commissioner shall cause a copy of such application to be mailed or sent by electronic means to the chief administrative officer in the town or towns where the proposed work, or any part thereof, is located, and the chairman of the conservation commission and shellfish commission of the town or towns where the proposed work, or any part thereof, is located. The commissioner or the commissioner's duly designated hearing officer shall hold a public hearing on such application, provided, whenever the commissioner determines that the regulated activity for which a permit is sought is not likely to have a significant impact on the wetland, the commissioner may waive the requirement for public hearing after publishing notice, in a newspaper having general circulation in each town wherever the proposed work or any part thereof is located, of the commissioner's intent to waive said requirement and of the commissioner's tentative decision regarding the application, except that the commissioner shall hold a hearing on such application upon request of the applicant or upon receipt of a petition, signed by at least twenty-five persons, requesting such a hearing. The following shall be notified of the hearing by mail or by electronic means not less than fifteen days prior to the date set for the hearing: All of those persons and agencies who are entitled to receive a copy of such application in accordance with the terms hereof and all owners of record of adjacent land and known claimants to water rights in or adjacent to the wetland of whom the applicant has notice. The commissioner shall cause notice of the commissioner's tentative decision regarding the application and such hearing to be published at least once not more than thirty days and not fewer than ten days before the date set for the hearing in the newspaper having a general circulation in each town where the proposed work, or any part thereof, is located. All applications and maps and documents relating thereto shall be open for public inspection at the office of the commissioner. At such hearing any person or persons may appear and be heard.

(1969, P.A. 695, S. 5, 6; 1971, P.A. 872, S. 401; P.A. 73-590, S. 1, 3; P.A. 93-428, S. 7, 39; P.A. 94-154, S. 1; P.A. 95-218, S. 3; P.A. 10-106, S. 3.)

History: 1971 act deleted from list of those who receive copies of applications state board of fisheries and game, open spaces section and soil and water conservation section of department of agriculture and natural resources and shellfish commission; Sec. 22-71 transferred to Sec. 22a-32 in 1972; P.A. 73-590 added proviso re waiver of public hearing and petition for hearing; P.A. 93-428 specified that notice include commissioner's tentative decision in cases where he intends to waive hearing, effective July 1, 1993; P.A. 94-154 added provision re waiver or reduction of fees and defined "resource restoration or enhancement activity" (Revisor's note: In the phrase "no sooner than thirty days and not later than sixty days of the receipt of such application," the word "of" was replaced editorially by the Revisors with "after" for grammatical sense); P.A. 95-218 deleted a provision re reduction or waiver of fee for resource restoration or enhancement activities; P.A. 10-106 added provision authorizing commissioner to send copy of application to chief administrative officer of town by electronic means,

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 22a-36. Inland wetlands and watercourses. Legislative finding. The inland wetlands and watercourses of the state of Connecticut are an indispensable and irreplaceable but fragile natural resource 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; to hydrological stability and control of flooding and erosion; to 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 and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for 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 sections 22a-36 to 22a-45, inclusive, 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.

(1972, P.A. 155, S. 1.)

Cited. 179 C. 250; 180 C. 421; Id., 692. To interpret Sec. 22a-430 as precluding municipal regulation of sewerage systems would clearly work to undermine some of the basic purposes of the act as expressed in statute. 183 C. 532. Inland Wetlands and Watercourses Act cited. 186 C. 67. Cited. 193 C. 414; 196 C. 218; 203 C. 525; 209 C. 544; Id., 652; 211 C. 416. Inland Wetlands and Watercourses Act cited. 212 C. 710; Id., 727; 213 C. 604. Cited. 216 C. 320. Inland Wetlands and Watercourses Act cited. 217 C. 164; 218 C. 703; 219 C. 404. Cited. 220 C. 362; Id., 476; 226 C. 579; 227 C. 71; Id., 175. Inland Wetlands and Watercourses Act cited. 228 C. 95. Cited. 229 C. 247; Id., 627; Id., 654; 235 C. 448. Inland Wetlands and Watercourses Act cited. 242 C. 335. Although one of the broad purposes of act is to prevent "loss of fish and other beneficial aquatic organisms, wildlife and vegetation", when viewed in context of the act as a whole, the intent to protect wildlife is a secondary effect of protecting the wetlands and watercourses themselves. 266 C. 150. Inland Wetlands and Watercourses Act does not provide inland wetlands agencies with jurisdiction to regulate activities that solely affect the wildlife that uses the wetlands and watercourses without affecting the wetlands or watercourses themselves. 269 C. 57.

land in fee simple or other acceptable title, or subject to acceptable restrictions or exceptions, and enter into covenants and agreements with landowners.

(P.A. 73-571, S. 6, 9.)

Cited. 180 C. 421; Id., 692. Inland Wetlands and Watercourses Act cited. 186 C. 67; 196 C. 218. Cited. 203 C. 525; 209 C. 544; Id., 652; 211 C. 416. Inland Wetlands and Watercourses Act cited. 212 C. 710; Id., 727; 213 C. 604. Cited. 216 C. 320. Inland Wetlands and Watercourses Act cited. 217 C. 164; 218 C. 703. Cited. 219 C. 404; 220 C. 362; Id., 476. Inland Wetlands and Watercourses Act cited. 226 C. 579; 228 C. 95; 229 C. 247. Cited. Id., 627; Id., 654. Inland Wetlands and Watercourses Act cited. 242 C. 355.

Cited. 5 CA 70; 6 CA 715. Inland Wetlands and Watercourses Act cited. 12 CA 47; 15 CA 336; 18 CA 440. Cited. 19 CA 713. Inland Wetlands and Watercourses Act cited. 20 CA 309; 26 CA 564; 27 CA 590; 28 CA 780; 29 CA 12; Id., 105; 30 CA 85; 31 CA 105; Id., 599; judgment reversed, see 229 C. 627; 32 CA 799; 34 CA 385; 36 CA 270; 37 CA 166.

Cited. 41 CS 444; 42 CS 57.

Subsec. (a):

Trial court should decide a "taking without compensation" issue de novo since administrative agency has been held incompetent to decide constitutional issues. 209 C. 544.

[\(Return to Chapter \(Return to Table of Contents\) List of Chapters\) List of Titles\)](#)

Sec. 22a-44. Penalty. Court orders. (a) If the inland wetlands agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of sections 22a-36 to 22a-45, inclusive, or of the regulations of the inland wetlands agency, the agency or its duly authorized agent may issue a written order, by certified mail, to such person conducting such activity or maintaining such facility or condition to cease immediately such activity or to correct such facility or condition. Within ten days of the issuance of such order the agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The agency shall consider the facts presented at the hearing and within ten days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The 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 section shall not delay or bar an action pursuant to subsection (b) of this section. The agency may file a certificate of such order in the office of the town clerk of the town in which the land is located and the town clerk shall record such certificate on the land records of such town. Such certificate shall be released upon compliance with such order. The commissioner may issue orders pursuant to sections 22a-6 to 22a-7, inclusive, concerning an activity, facility or condition (1) which is in violation of said sections 22a-36 to 22a-45, inclusive, if the municipality in which such activity, facility or condition is located has failed to enforce its inland wetlands regulations, or (2) for which an approval is required under sections 22a-36 to 22a-45, inclusive, and for which such approval has not been obtained.

(b) Any person who commits, takes part in, or assists in any violation of any provision of sections 22a-36 to 22a-45, inclusive, including regulations adopted by the commissioner and ordinances and

regulations promulgated by municipalities or districts pursuant to the grant of authority herein contained, shall be assessed a civil penalty of not more than one thousand dollars for each offense. Each violation of said sections shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Superior Court, in an action brought by the commissioner, municipality, district or any person, shall have jurisdiction to restrain a continuing violation of said sections, to issue orders directing that the violation be corrected or removed and to assess civil penalties pursuant to this section. All costs, fees and expenses in connection with such action shall be assessed as damages against the violator together with reasonable attorney's fees which may be allowed, all of which shall be awarded to the commissioner, municipality, district or person which brought such action. All penalties collected pursuant to this section shall be used solely by the Commissioner of Energy and Environmental Protection (1) to restore the affected wetlands or watercourses to their condition prior to the violation, wherever possible, (2) to restore other degraded wetlands or watercourses, (3) to inventory or index wetlands and watercourses of the state, or (4) to implement a comprehensive training program for inland wetlands agency members.

(c) Any person who wilfully or knowingly violates any provision of sections 22a-36 to 22a-45, inclusive, shall be fined not more than one thousand dollars for each day during which such violation continues or be imprisoned not more than six months or both. For a subsequent violation, such person shall be fined not more than two thousand dollars for each day during which such violation continues or be imprisoned not more than one year or both. For the purposes of this subsection, "person" shall be construed to include any responsible corporate officer.

(1972, P.A. 155, S. 9; P.A. 75-387, S. 2; P.A. 76-330; P.A. 77-599, S. 4, 7; P.A. 81-125, S. 1; P.A. 87-338, S. 9, 11; P.A. 95-151, S. 2; 95-218, S. 13, 24; P.A. 96-269, S. 2; P.A. 11-80, S. 1.)

History: P.A. 75-387 made previous provisions Subsec. (b) and inserted new Subsec. (a) re orders issued upon discovery of violation of Secs. 22a-36 to 22a-45 or regulations of inland wetlands agency; P.A. 76-330 allowed assessment of attorneys fees against violator and required that all costs, etc. be awarded to the initiator of the action; P.A. 77-599 amended Subsec. (a) to allow issuance of orders to cease an activity as well as orders to correct facilities or conditions; P.A. 81-125 amended Subsec. (a) to authorize agents of inland wetlands agencies to issue orders and amended Subsec. (b) to clarify the superior court's jurisdiction to impose fines; P.A. 87-338 amended Subsec. (a) to authorize the commissioner to issue orders concerning violations if the municipality in which the violation occurred has failed to enforce its regulations and added Subsec. (c) re wilful or knowing violations; P.A. 95-151 amended Subsec. (a) to provide for recording of certificate of order by inland wetlands agency on land records; P.A. 95-218 amended Subsec. (b) to allow use of penalties collected under this section for restoring other degraded wetlands, an inventory of wetlands in the state and training for wetlands officials (Revisor's note: The word "to" was inserted editorially by the Revisors following Subdiv. indicators (2), (3) and (4) for grammatical accuracy); P.A. 96-269 added Subsec. (a)(2) re enforcement by the commissioner concerning unauthorized activities; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" in Subsec. (b), effective July 1, 2011.

Cited. 179 C. 250; 180 C. 421; Id., 692; 183 C. 85; Id., 532. Inland Wetlands and Watercourses Act cited. 186 C. 67. Cited. 193 C. 414. Inland Wetlands and Watercourses Act cited. 196 C. 218. Cited. 203 C. 525; 209 C. 544; Id., 652; 211 C. 416. Inland Wetlands and Watercourses Act cited. 212 C. 710; Id., 727; 213 C. 604. Cited. 216 C. 320. Inland Wetlands and Watercourses Act cited. 217 C. 164; 218 C. 703; 219 C. 404. Cited. 220 C. 362; Id., 476; 221 C. 46; 225 C. 185. Inland Wetlands and Watercourses Act cited. 226 C. 579; 228 C. 95; 229 C. 247. Cited. Id., 627; Id., 659. Inland Wetlands