

**EAST LYME ZONING COMMISSION  
REGULAR MEETING  
Thursday, NOVEMBER 2nd, 2006  
MINUTES**

The East Lyme Zoning Commission held a Regular Meeting on November 2, 2006 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

**PRESENT:** Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,  
Marc Salerno, Norm Peck

**ALSO PRESENT:** Bob Bulmer, Alternate

**ABSENT:** Pamela Byrnes, Ed Gada, William Dwyer, Alternate  
Joe Barry, Alternate

**PANEL:** Mark Nickerson, Chairman, Rosanna Carabelas,  
Secretary, Marc Salerno, Norm Peck

FILED IN EAST LYME TOWN  
CLERK'S OFFICE

Nov 7 20 06 at 11:30 AM  
PM

*Esther B. Williams*

EAST LYME TOWN CLERK

**Pledge of Allegiance**

The Pledge was observed.

Mr. Nickerson also asked that they pause for a moment of silence for Veteran's Day.

**Call to Order**

Chairman Nickerson called this Regular Meeting of the Zoning Commission to order at 7:35 PM. He noted that they had a quorum and gave Mr. Bulmer the option of being seated or not as they did not have any applications this evening and he would be giving up his 'turn' should he wish to be seated. Mr. Bulmer said that he did not wish to be seated this evening.

**Public Delegations**

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the agenda.

Bob Gadbois, 358 Boston Post Road said that he had a few things to say. First, he said that he thinks that Mr. Nickerson was very rude to him – he would not speak to him before the meeting when he asked him for a minute but he did have the time to speak to Mr. Mitchell. He also said that the rocks near the Stop & Shop were supposed to be taken care of. He has a copy of a letter saying that it would be done during the growing season and it was not done. He wants to know when it will be done. Also, over on Liberty Way, the SeaSpray project, the silt fences are still down and nothing has been done about it. He wants to know how long that will take. Lastly he said that he congratulated Mr. Peck for how he voted on the Starbucks application as he was not wrong as if that does not make it, that site will be a Roy Rogers, Denny's or something like that. People have been talking to him about the SeaSpray project and they ask him how something like that got done and he tells them to talk to the Zoning Commission. People also have been talking to him about the Mitchell's building. He said that he has no objection to Mr. Mitchell but the building should have been two stories. He said that he tells those people who talk to him about this to also speak to the Zoning Commission as they passed the application and if they don't like it these are the people that they voted for and they should vote them out.

**Regular Meeting**

**1. Approval of Minutes for the Regular Meeting of October 19, 2006**

Mr. Nickerson asked for discussion on or corrections to the Regular Meeting Minutes of October 19, 2006.

Mr. Peck said that on Page six (6) in the top of the page in the third line that 'the planned development as ...' should be changed to read: 'the Plan of Development as ...' and –  
On Page seven (7) where Mr. Nickerson is speaking in the second line it should read – 'We do have a little bit of power with traffic but it's a corporation out of Seattle. But, thinking of it as a mom & pop coffee shop, would you have approved it?'

Mr. Salerno asked that on Page four (4) that the blank space in the middle of the page be filled in with 'Branford'. and –

On Page six (6) in the next to the last paragraph on the page where he is speaking that it be corrected to read: Here's my concern. 'The consistency with other applications and we've approved other applications on the same road.'

Mr. Nickerson asked that on Page two (2) that FDU be corrected to read 'SU-E'.

**\*\*MOTION (1)**

**Mr. Peck moved to approve the October 19, 2006 Regular Meeting Minutes of the Zoning Commission as amended.**

**Mr. Salerno seconded the motion.**

**Vote: 4 – 0 – 0. Motion passed.**

**Old Business**

**1. Stormwater**

This is a work in progress. Mr. Nickerson passed out a copy of the 'Proposed Inland Wetlands and Watercourses Regulations' for the members to review. (Copy attached at end of Minutes)

**2. Aquifer Protection**

Mr. Nickerson passed out some State of Connecticut DEP information on this that he had downloaded from the State DEP website. (14 pages attached at end of Minutes) He said that this gives them a background on the regulations and lists of activities by type. He said that he likes the way that this was put together prior to the final mapping being completed by the State. There are a lot of allowed uses however they are regulated. He suggested that they review these sheets and take a look at the DEP website, as there are hundreds of pages to look through there. He said that he thought that they might want to add this information as an appendix to their regulations and reference them from within the actual regulations. He also noted that the Level A mapping could be a much smaller area than the current B mapping and that when implemented, all businesses will be affected by it in one way or another.

**3. Subcommittee – Niantic Village – CB Zones (Mark Nickerson, Marc Salerno & Norm Peck)**

Mr. Peck said that it had been discussed to not re-write everything but rather utilize the 'pattern book' which is a great guide. He said that he thinks that this should be incorporated into the CB zone regulations and that it would be a great thing to have it as a tool for the Zoning Official to be able to refer to and to help him with what he has been doing. He said that they also discussed the possibility of not allowing drive-thrus in the downtown CB zone and that this would apply to fast food only and not the banks.

Ms. Carabelas asked what would happen with a property such as the McDonald's that is now closed.

Mr. Nickerson said that it will be sold and that it could become another food establishment or even perhaps another bank.

Mr. Peck said that they really need to clearly define 'fast food restaurant'.

Mr. Nickerson said that they should not have drive-thrus in the CB district downtown and asked where/how far the CB zone runs downtown.

Mr. Peck said that downtown is a CB district from Old Black Point Road to the McNamara building here on Pennsylvania Avenue. He said that if they do one thing at a time that it would not be that bad. If they could get the pattern book into play it would be a significant start and be of great value.

Ms. Carabelas said that when someone complains about a four story building downtown that it is in the regulations and a part of those regulations and therefore it is allowed.

Mr. Peck said that it might not take much to get a pattern book incorporated and that would help with things of this nature.

Mr. Nickerson said that he thought that the pattern book that they saw belonged to the people who created it and that they could not just use it. They could check to see if they could use it with permission although he thought that was specifically done for the project they were presenting.

#### **4. By-Laws Subcommittee (Mark Nickerson & Pamela Byrnes)**

Mr. Nickerson said that they would not adopt these until Town Counsel has reviewed them.

Mr. Peck asked about the area where it states that Commission members and others are encouraged to be present at other meetings but members and alternates should refrain from voicing their opinions.

Mr. Nickerson said that he suggested that they add 'at other land use meetings'. He said that he agrees that it cannot stand as it is written and that they also cannot voice opinions on items on the agenda.

Mr. Peck said that it is a State Law that they should refrain from voicing opinions at other land use meetings. He suggested that they get this clarified and that they come up with the correct wording for that. He also asked about the area regarding 'information for the press is to be handled by the Chair'.

Mr. Salemo said that he does not see that as an issue as it seems pretty clear how it is written and that if they read further on that it does state that one person cannot speak as if they are representing the Commission.

Mr. Peck referred them to the section on Alternates being seated and the word 'familiar' with the record. He said that they need to be specific that what this means is that they have listened to the tapes and reviewed the exhibits and NOT just read the minutes.

(Note: 8:30 PM, Ms. Hardy joined the meeting)

Ms. Carabelas agreed with Mr. Peck and said that they should also check on the use of the work 'recuse' as she believed that the attorney had told them that there is another word to use when someone has a conflict and steps down.

#### **5. Industrial Zone Subcommittee (Marc Salemo & Norm Peck)**

Mr. Salemo said that they had met and came up with some thoughts. They spoke about removing 'regional shopping center' as a use in the LI zone. They would like to tighten up commercial indoor recreation in the LI zone – specifically relating to traffic issues. Having fast food restaurants in the LI zone is a gray area – unless they want to keep the people, who work there, going there for lunch. They also discussed a drive-in restaurant and contractor service sites/tech schools and auto body shops.

Mr. Peck noted that the Plan of Development states to put your retail 'deep' if you can do it, as it moves the traffic away from the main roads (such as Flanders Road). He said that it would be nice to add more strip malls in the back if possible.

Mr. Nickerson said that he thought that belongs in the base of their regulations.

Mr. Salerno said that the only other thing that they discussed is a buffer strip between industrial to industrial properties and giving them the power to waive it if necessary and if it should go to public hearing. He said that he would print up these suggested changes for everyone to review for their next meeting.

#### **6. Drive Thrus (Ed Gada & Bob Bulmer)**

Mr. Bulmer said that he had some information on this for them.

Mr. Nickerson said that Mr. Bulmer could be seated to present this information.

Mr. Bulmer said that he checked other Towns Zoning Regulations for ideas on this and found that what is out there on drive-thrus seems to be fairly standard. 10' x 20' seems to be standard and then they itemize the zones that they will and will not allow them in. They were also tweaked for variations such as pharmacies, etc.

Mr. Nickerson said that he liked the specifics and thought that was a great start.

### New Business

1. **Application of Chris and Camellia Payne, for a Special Permit for an indoor recreation use, i.e.; fitness center at 58 Pennsylvania Avenue, Niantic, Connecticut.**

Mr. Nickerson said that he would ask that Mr. Mulholland set a Public Hearing date for this application.

2. **Any other business on the floor, if any, by the majority vote of the Commission.**

There was none.

3. **Zoning Official**

Mr. Mulholland was not present.

4. **Comments from Ex-Officio**

Ms. Hardy reported that Mr. Petetin had resigned from the Zoning Board of Appeals and that Skip Saunders has been appointed to that Board. Also, the Car-top launch as Cini Park has been temporarily stalled because they did not have the proper paperwork for the DEP. The Darrow Pond information session with CERC that was to be held on November 13, 2006 will not be held then but rather at 7 PM on November 15, 2006 prior to the start of the Board of Selectmen meeting that evening. She said that they had decided to do this as there were few changes and that this meeting was specifically to present the changes that were requested. At 6 PM on November 15, 2006 – before the CERC presentation they will have a Public Safety Site Selection Building report and assessment of both sites and what type of building could go on the property – presented by Brian Humes, the architect who was commissioned to do the study.

Mr. Nickerson asked if they have a square footage of the building they want.

Ms. Hardy said that they have a request from the Public Safety Site Selection Committee and that it is larger than the Guard building. She then asked if they had discussed aquifer protection.

Mr. Nickerson said that he had passed out information for review.

Ms. Hardy said that the Board of Selectmen have received a number of complaints about the parking of school buses across from the school. Also, originally the drivers cars were parked at what is now ABC Gymnastics and that they are now parking in the aquifer area also. The Board of Ed has suggested putting up a split rail fence to keep the cars from parking there. They would put it up at their expense.

Mr. Nickerson asked if they should go through the expense of a fence that would perhaps quiet people complaining but really NOT do anything in terms of a solution to the problem as leaking oil from a car would still go into the aquifer area.

Ms. Hardy agreed and said that she thinks that it is a shared responsibility of the Aquifer Protection Board which is Zoning and the Board of Ed, etc to find a solution.

Mr. Nickerson suggested checking with the Aerospace Building and their large parking lot and if they could rent some of that space or something since it has the drains necessary for proper parking.

Ms. Hardy said that she would propose to the Board of Ed that suggestion as a temporary solution – asking the Aerospace Building if they could use some of their parking lot.

Ms. Hardy lastly reported that the Boardwalk report and reason for its' failure should be released tomorrow. She noted that the Boardwalk also suffered additional damage in the last storm and that it is now closed. They are seeking remedies through litigation.

Mr. Salerno asked if the Hole in the Wall parking lot project has been started yet as he thought that it was supposed to be started this fall.

Ms. Hardy said that she was not sure but thought that perhaps the timeline had been changed.

**5. Comments from Zoning Commission liaison to Planning Commission**

No one was present to comment.

**6. Comments from Chairman**

Mr. Nickerson said that there is activity going on and that he has asked the Zoning Official to inform them on the new Brooks building design. He said that it would most likely be sometime in January that they would hold the public hearings on their subcommittee work as they only have one meeting in December. Also, the riprap near Stop & Shop has been cleaned and plantings as approved by the State have been put in. More planting will be done in the spring. They are not going to do the 'spray-on' as it would only create more weeds. Lastly, four story buildings are allowed in the downtown area as they have been for years.

**7. Adjournment**

**\*\*MOTION (2)**

**Mr. Salemo moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 9:25 PM.**

**Mr. Peck seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary (Pro-Tem)

# Town of East Lyme

P.O. DRAWER 519

NIANTIC, CONNECTICUT 06357



CONSERVATION ENFORCEMENT OFFICER  
Keith Hayden, P.E.

860-739-6931 EXT 103  
FAX 860-739-6930

received  
10/18/06 JB

TO: Beth Hogan, First Selectman  
Meg Parulis, Director of Planning  
William Mulholland, Zoning Enforcement Officer ✓  
Mike Giannattasio, Public Works Director

FROM:  Keith Hayden, P.E., Conservation Enforcement Officer

DATE: October 18, 2006

RE: Proposed Inland Wetlands and Watercourses Regulations

Enclosed for your review and comment are the proposed Inland Wetlands and Watercourses Regulations as recommended by the October 16, 2006 vote of the Conservation Commission. In accordance with the ORDINANCE CONCERNING INLAND WETLANDS AND WATERCOURSES the proposed regulations must be referred to the Planning and Zoning Commissions for their recommendations at least 45 days before the public hearing held to adopt the new regulations. The underlined sections indicate changes to the model regulations made by the DEP to be consistent with all amendments to the Inland Wetlands and Watercourses Act through December 31, 2004 and as noted in their Legislation and Regulations Advisories up to and including their 2004 Legislation and Regulations Advisory dated November, 29, 2004. The yellow highlighted sections show changes to DEP's recommended model regulations made by the Conservation Commission.

The changes made by the Commission are as follows:

- 1) Section 7.8 - increasing the number of copies of all application materials from 3 to 11.
- 2) Section 19.6 - eliminating the fee exemption for Town Boards, commissions, councils and departments for the complex application fee. The complex application fee is a fee sufficient to cover the cost of retaining experts to analyze, review and report on complex applications.
- 3) Appendix D - under the complex application fee modifying language to specifically include legal experts.

Also included in the new regulations is Appendix D, a new fee schedule. The ORDINANCE ESTABLISHING SCHEDULE OF FEES FOR CONSERVATION, PLANNING AND ZONING COMMISSIONS will have to be changed to reflect the new fees.

Please return your comments to me no later than December 22, 2006

Attachment Zoning Commission Reg. Mtg. 11/2/06

State of Connecticut  
Department of Environmental Protection



**Land Use Inventory Guidelines For Aquifer Protection Areas**

**Purpose of the Inventory**

Municipalities with state-designated aquifer protection areas are required to conduct an inventory of land uses within the aquifer protection areas, pursuant to Connecticut General Statutes 22a-354e. The purpose of these inventories is to identify land uses that may pose a threat to public drinking water supplies, and to generate data on potentially regulated facilities under the aquifer protection program. Ultimately, the inventories will be used by the state and municipalities to notify facilities within the aquifer protection areas and to track compliance with the registration and permitting requirements of the program.

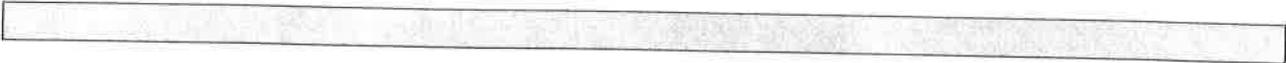
**Introduction**

An initial inventory for each aquifer protection area was completed under contract to the state in 1999 and 2000. The initial inventories satisfy the regulatory requirements of CGS 22a-354e. Therefore, the municipalities are not required to take further action on the inventories. The initial inventories are enclosed in this packet and are being provided for the municipality's information and use. The Department of Environmental Protection (DEP) will provide electronic copies at the request of the municipality. Please call Kim Czaplá at (860) 424-3335 to obtain an electronic copy.

Most of the inventories were completed for preliminary (Level B) aquifer protection areas. The final (Level A) area may be different (in most cases, smaller than and contained within the preliminary area). It is the final mapping that will provide the regulatory boundary for the aquifer protection area. As the final mapping is completed for each well field, the municipality will be notified by DEP. While it is not a requirement, DEP recommends that the municipality update and finalize the inventory and submit the updated inventory to DEP when the final mapping is completed. In the meantime, it would be advantageous for the municipality to become familiar with the initial inventory. An updated inventory may be submitted to DEP at any time.

It is important that municipalities follow the guidelines as they update the initial inventory to ensure that the information gathered is adequate for aquifer protection and is consistent statewide. As aquifers often go across political boundaries, a compatible information base will help municipalities work together to protect their drinking water supplies. An added benefit of following these guidelines is that the information will become part of the State's Geographic Information System and will be helpful for other aspects of environmental planning.

Attachment Zoning Commission Reg. Mtg. 11/2/06



**INLAND WETLANDS AND WATERCOURSES**

**REGULATIONS**

**TOWN OF EAST LYME  
CONNECTICUT**

**2006**

Application Fees ..... Section 19 ..... Page 25

Effective Date of Regulations ..... Section 20 ..... Page 28

**Appendices**

A ..... Definition of Agriculture ... Page 29

B ..... Section 8-7d ..... Page 30

C .....Upland Review Guidelines .. ..... Page 32

D. ....Ordinance Establishing Schedule of Fees Page 47

Section 4.1a

-Amended to reflect statutory language

Section 4.1b

-Amended to reflect statutory language

Section 4.1c

-Amended to reflect statutory language

Section 4.1d

-Amended to reflect statutory language

Section 4.1e

-Amended to reflect statutory language

Section 4.2

-Amended to reflect statutory language

Section 4.2 a

-Amended to reflect statutory language

Section 4.2 b

-Amended to reflect statutory language

Section 4.3

-Amended to add authority of duly authorized agent

Section 4.4

-Amended to reflect statutory authority

Section 5

-Amended to make clear the program areas that are regulated exclusively by the Commissioner of Environmental Protection, title of section amended.

Section 5.1

-Deleted and replaced with language of previous section 5.2

Section 5.2

-Deleted and replaced with language of previous section 5.3

Section 5.3

-Deleted and replaced with language of previous section 5.4

Section 5.4

-Deleted and replaced with language of previous section 5.1f

Section 9.4

-Deleted as not required by the Act

Section 10.1b

-Deleted as not allowed unless application is subject to a public hearing

Section 10.1c

-Renumbered to section 10.1b

Section 10.1d

-Renumbered to section 10.1c

Section 10.1e

-Renumbered to section 10.1d

-New section 10.1e added to address applications subject to public hearing

Section 10.5

-Deleted and replaced with new language to reflect amendments to the Act

Section 10.6

-New section added to reflect amendments to the Act

Section 10.7

-New section that contains the language of the former section 10.5

-Amended for clarification

Section 11.3

-Amended for clarification

Section 11.2

-Amended to reflect amendments to the Act

Section 12.1

-Amended for clarification

Section 13.1

-Amended to require a bond as a permit condition

Section 13.2

-Amended for clarification

Section 14.1

-Amended to delete reference to the authority to inspect property

Section 14.2

-Amended to allow inspections of permitted actions with consent of owner

**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 Conservation Commission 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.

"Marshes" are watercourses that are distinguished by the absence of trees and shrubs and the dominance of soft-stemmed herbaceous plants. The water table in marshes is at or above the ground surface throughout the year and areas of open water six inches or more in depth are common, but seasonal water table fluctuations are encountered.

"Material" means any substance, solid or liquid, organic or inorganic, including but not limited to soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse or waste.

"Municipality" means the Town of East Lyme.

"Nurseries" means places where plants are grown for sale, transplanting, or experimentation.

"Permit" see license

"Permittee" means the person to whom a license has been issued.

"Person" means any person, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

"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.

"Prudent" means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.

"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 wetlands or watercourses, but shall not include the specified activities in section 4 of these regulations. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging storm water on the land within 100 feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. The Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

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

"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.

"Significant impact" means any activity, including, but not limited to, the following activities which may have a major effect:

**Section 3**  
**Inventory of Inland Wetlands and Watercourses**

- 3.1 The map of wetlands and watercourses entitled "Inland Wetlands and Watercourses Map, East Lyme, Connecticut" delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the office of the Town Clerk or the Agency. In all cases, the precise location of wetlands and watercourses 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 may petition the Agency for an amendment to the map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping or other available information. The Agency may require such person to provide an accurate delineation of regulated areas in accordance with section 15 of these regulations.
- 3.3 The Agency shall maintain a current inventory of regulated areas within the town. The Agency may amend its map as more accurate information becomes available.
- 3.4 All map amendments are subject to the public hearing process outlined in section 15 of these regulations.

**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:
- a. grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this 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, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
  - b. 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, or as of July 1, 1974, which ever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987;
  - c. boat anchorage or mooring;

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 Conservation Commission 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.

- and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person;
- b. engineering reports and analyses and additional drawings to fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;
  - c. mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service; the wetlands shall be delineated in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans;
  - d. a description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions;
  - e. a 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 which would cause less or no environmental impact to wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent;
  - f. analysis of chemical or physical characteristics of any fill material; and
  - g. management practices and other measures designed to mitigate the impact of the proposed activity.

7.7 The applicant shall certify whether:

- a. any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- b. traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or,
- d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

7.8 Eleven (11) copies of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the Agency.

7.9 Any application to renew or amend an existing permit shall be filed with the Agency in accordance with section 8 of these regulations at least sixty-five (65) days prior to the expiration date of the permit. Any application to renew or amend such an existing permit shall contain the information required under section 7 of these regulations provided:

- a. the application may incorporate the documentation and record of the prior application;
- b. 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;
- c. the application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit;
- d. the application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued;

- 8.5 At any time during the review period, the applicant shall provide such additional information as the Agency may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in subsection 11.2 of these regulations.
- 8.6 All applications shall be open for public inspection.
- 8.7 Incomplete applications may be denied.

## **Section 9 Public Hearings**

- 9.1 The inland wetlands agency shall not hold a public hearing on an application unless the inland wetlands agency determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the inland wetlands agency not later than fourteen days after the date of receipt of such application, or the inland wetlands agency finds that a public hearing regarding such application would be in the public interest. The inland wetlands agency may issue a permit without a public hearing provided no petition provided for in this section is filed with the inland wetlands agency on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard.
- 9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.

## **Section 10 Considerations for Decision**

- 10.1 The Agency may consider the following in making its decision on an application:
- a. The application and its supporting documentation
  - b. Reports from other agencies and commissions including but not limited to the Town of East Lyme:
    1. Conservation Commission
    2. Planning, Zoning, or Planning and Zoning Commissions
    3. Building Official
    4. Health Officer
  - c. The Agency may also consider comments on any application from the New London County Soil and Water Conservation District, the Southeastern Regional Planning Agency or other regional organizations (i.e. Council of Elected Officials); agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
  - d. Non-receipt of comments from state agencies and commissions listed in subdivision 10.1b and c above within the prescribed time shall neither delay nor prejudice the decision of the Agency.

plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.

- 10.7 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.

## **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 application 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 measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.
- 11.2 No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Agency.
- 11.3 The Agency shall state upon its record the reasons and bases for its decision.
- 11.4 The Agency shall notify the applicant and any person entitled to such notice of its decision within fifteen (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 within such fifteen day period, the applicant may provide for the publication of such notice within ten days thereafter.
- 11.5 If an activity authorized by an inland wetland permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, or variance or special exception, under sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, the Agency shall file a copy of the decision and report on the application with the Town of East Lyme Planning, Zoning, or Planning and Zoning Commission within fifteen days of the date of the decision thereon.

date of the notice and the Agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such Agency or its agent of such appeal. Any person may appear and be heard at the meeting held by the Agency to consider the subject appeal. The Agency shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these regulations.

### **Section 13 Bond and Insurance**

- 13.1 The Agency may require as a permit condition the filing of a bond with such surety in such amount and in a form approved by the Agency.
- 13.2 The bond or surety shall be conditioned on compliance with the provisions of these regulations and the terms, conditions and limitations established in the permit.

### **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 out 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 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 during the life of the permit.
- 14.3 In the case in which a permit has not been issued or a permit has expired, the Agency or its agent may make regular inspections at reasonable hours with the consent of the property owner or the authorized agent of the property owner.
- 14.4 If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Agency or its duly authorized agent may:
- a. 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 ten (10) calendar 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 (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The 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.

- 15.4 Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, East Lyme, Connecticut, shall contain at least the following information:
- a. the petitioner's name, mailing address and telephone number;
  - b. the address, or location, of the land affected by the petition;
  - c. the petitioner's interest in the land affected by the petition
  - d. 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; and
  - e. the reasons for the requested action.
- 15.5 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, East Lyme, 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 the interests of such an owner, developer or purchaser, in addition to the information required in subsection 15.4, the petition shall include:
- a. the name, mailing address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
  - b. the names and mailing addresses of the owners of abutting land;
  - c. 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
  - d. map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.
- 15.6 Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.
- 15.7 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 a general circulation in the municipality where the land that is the subject of the hearing is located at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date set for the hearing. All materials including maps and documents relating to the petition shall be open for public inspection.
- 15.8 The agency shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within sixty-five days after receipt of such petition. The hearing shall be completed within thirty-five days after commencement. The agency shall act upon the changes requested in such petition within sixty-five days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition. Failure of the agency to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.

"Residential Uses" means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.

"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.

"Other uses" means activities other than residential uses or commercial uses.

- 19.5 Fee Schedule. Application fees shall be in accordance with Town Ordinance (refer to appendix D)
- 19.6 Exemption. Boards, commissions, councils and departments of the Town of East Lyme are exempt from all fee requirements, except for the complex application fee.
- 19.7 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:
- a. 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
  - b. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.
  - c. The applicant has shown good cause.

The Agency shall state upon its record the basis for all actions under this subsection.

## **Section 20**

### **Effective Date of Regulations**

- 20.1 These regulations are effective upon filing in the Office of the Town Clerk and publication of a notice of such filing in a newspaper having general circulation in the Town of East Lyme.

## APPENDIX B

### Connecticut General Statute section 8-7d

**Hearings and decisions. Time limits. Day of receipt. Notice to adjoining municipality.** (a) In all matters wherein a formal petition, application, request or appeal must be submitted to a zoning commission, planning and zoning commission or zoning board of appeals under this chapter, a planning commission under chapter 126 or an inland wetlands agency under chapter 440 and a hearing is required or otherwise held on such petition, application, request or appeal, such hearing shall commence within sixty-five days after receipt of such petition, application, request or appeal and shall be completed within thirty-five days after such hearing commences, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. In addition to such notice, such commission, board or agency may, by regulation, provide for notice to persons who own or occupy land that is adjacent to the land that is the subject of the hearing. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing, any person or persons may appear and be heard and may be represented by agent or by attorney. All decisions on such matters shall be rendered within sixty-five days after completion of such hearing, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. The petitioner or applicant may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition, application, request or appeal.

(b) Notwithstanding the provisions of subsection (a) of this section, whenever the approval of a site plan is the only requirement to be met or remaining to be met under the zoning regulations for any building, use or structure, a decision on an application for approval of such site plan shall be rendered within sixty-five days after receipt of such site plan. Whenever a decision is to be made on an application for subdivision approval under chapter 126 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. Whenever a decision is to be made on an inland wetlands and watercourses application under chapter 440 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed sixty-five days or may withdraw such plan or application.

(c) For purposes of subsection (a) or (b) of this section and section 7-246a, the date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of such commission, board or agency, immediately following the day of submission to such commission, board or agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner. If the commission, board or agency does not maintain an office with regular office hours, the office of the clerk of the municipality shall act as the agent of such commission, board or agency for the receipt of any petition, application, request or appeal.

**APPENDIX C**

Guidelines, Upland Review Area Regulations  
Connecticut's Inland Wetlands & Watercourses Act

SCHEDULE A. For the purpose of calculating the permit application fee, the area in schedule A is the total area of wetlands and watercourses and the upland review area upon which a regulated activity is proposed.

SQUARE FEET of AREA

- a. Less than 1,000.....\$0.00
- b. 1,000 to 5,000....."a" plus.....\$250.00
- c. More than 5,000...."b" plus.....\$500.00

SCHEDULE B. For the purpose of calculating the map amendment petition fee, linear feet in schedule B is the total length of wetlands and watercourses boundary subject to the proposed boundary change.

LINEAR FEET

- a. Less than 500 .....\$0.00
- b. 500 to 1,000..."a" plus .....\$250.00
- c. More than 1,000..."b" plus ..... \$500.00

The basic application fees include a fee (\$30.00). for the State of CT pursuant to Section 22a-27j of the Connecticut General Statutes as may be amended from time to time.

## Initial Inventory

The initial inventories were completed with a dual purpose: (1) to assist towns with the inventory requirement and (2) for the Source Water Assessment Program (SWAP). SWAP is a cooperative effort between Department of Environmental Protection and the Department of Public Health to assess the susceptibility of public water supplies to contamination. (For more information on SWAP, see [http://www.dph.state.ct.us/BRS/Water/Source Protection/source protection.htm](http://www.dph.state.ct.us/BRS/Water/Source%20Protection/source%20protection.htm).) Because of its use for SWAP, the inventoried facilities were identified as "Significant Potential Contaminant Sources" or SPCSs. For Aquifer Protection Area Program purposes, the inventoried facilities will be referred to as "Potentially Regulated Facilities".

The inventory for each proposed aquifer protection area consists of the following:

- An overview report summarizing the results and assessing the possibility for additional development within the context of the town's plan for development (if available) and zoning. This information was obtained through discussions with town officials when possible (typically the town planner or zoning officer). \*Note: Water Company names may have changed since the inventory was conducted;
- A map showing the aquifer protection area in green, the well(s) in yellow, and potentially regulated facilities in magenta. (The numbers for each facility correspond to the ID numbers on Attachment 2);
- Inventory Attachment 1<sup>a</sup>: A summary of the inventory, listing the potentially regulated facilities found in the aquifer protection area and a count of facilities; and
- Inventory Attachment 2<sup>a</sup>: A detailed listing of the potentially regulated facilities. For each facility, Attachment 2 includes:
  - An ID number, consisting of a 3-digit Aquifer Protection Area ID number (e.g. 133, which is Unionville Water Company's Charles House Well Field). The ID number is followed by a sequential number (-1,-2,-3, etc.) that represents a facility and a point on the map of APA 133. Combined, the inventory shows the ID number and the sequential number as 133-1, 133-2, 133-3, etc.
  - The facility name and address;
  - The town in which the facility is located (Each town can only regulate uses within its own town, but it may be helpful to be familiar with adjacent uses in neighboring towns);
  - The type of regulated activity and the corresponding code. For example, the type of regulated activity may be "auto-body repair" and the corresponding code would be "28K". Facilities may have more than one regulated activity. The full

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<sup>a</sup> If there were no potentially regulated facilities in the aquifer protection area, attachments 1 and 2 will not be present.

list of codes is included with these guidelines. The list was originally developed before the Aquifer Protection Area Land Use Controls Regulations (Section 22a-354i-1(34) of the Regulations of Connecticut State Agencies) were finalized. The list was deliberately conservative, including all activities that might have been regulated under the program. Not all listed activities were included in the final land use regulations. The list of codes distinguishes between these. The lists are provided in two forms to make them easier to use. See guidance Attachment A-1, "List of Potentially Regulated Activities (by Type)" and guidance Attachment A-2, "List of Potentially Regulated Activities (alphabetical by activity)".

### **Updating the Initial Land Use Inventory**

If the municipality updates the inventory it would be very helpful to provide the update to DEP. The municipality could correct the hard copy using a red pen with legible handwriting, complete a form for each facility or create a spreadsheet. (See guidance Attachments B and C for sample formats.)

The inventory is a working list of "potentially" regulated activities. Although a facility may conduct one of the listed activities, they may ultimately be excluded from the program. For example, some activities will be excluded if they are connected to a public sewer (e.g. car washes), and some may fall below the thresholds for amounts of hazardous materials used. At this point however, the inventory should include everything that might be regulated. As the program is implemented and facilities are required to register, details about the facility will be obtained through the registration process, and determinations as to what facilities must register can be made. This inventory list of "potentially regulated facilities" will then evolve into a list of "registered facilities".

Before beginning to update the inventory, it is important to review all the documents and become familiar with the types of regulated activities. The map offers a visual display of the facilities in the aquifer protection area – it is for reference only and does not need to be updated at this time.

To update the inventory list:

- Review and make any necessary changes to the overview report.
- Review the summary of potentially regulated facilities.
- Review the detailed list of potentially regulated facilities and activities.
- Make note of any changes or corrections to the inventory list, including the facility name, street address (street number and street name) and type of regulated activity.
- Note the property owner's name and address (if known).
- Note if facility is connected to a municipal sewer or a septic system (if known).
- Note any facilities that are inactive (out of business) and the date the activity ceased (if known). This will be important, as there is a 5-year window for inactive facilities to register under the program.

➤ Add any potentially regulated facilities that are new or may have been overlooked in the initial inventory. For each new potentially regulated facility, the following information is needed:

1. Name of facility/business
2. Address of facility/business (include street number, street name, zip code)
3. Owner of facility/business (if known)
4. Type of facility/business or potentially regulated activity (See attached list.)
5. Status of facility/business (active / inactive) (if known)
6. Sewer system (municipal or septic) (if known)
7. Global Positioning Satellite (GPS) location (if known). If supplying GPS data, it should be in US State Plan 1983 coordinate system, Connecticut 0600 Zone, NAD 1983 (Conus) datum, and in coordinate units of US Survey Feet. Please include the type of GPS unit utilized to collect the data, and the accuracy of the data.

**Note:** The Regulations allow a municipality to regulate additional activities in the local regulations. If the municipality is considering this, please identify the additional regulated activities and facilities that are potentially conducting these activities in the updated inventory as “other”.

#### **Assistance in Conducting or Updating Inventories**

The town planner or zoning enforcement officer is likely the most knowledgeable local person to assist with conducting or updating the inventory. Regional Planning Organizations or Regional Health Districts may be able to provide information and technical assistance. The water utilities have also received this inventory information (through the Source Water Assessment Program) and may have conducted land use surveys, and thus may be an additional source of information.

DEP staff from the Bureau of Water Management is available for assistance. If you have any questions, please call one of the following people:

Kim Czapl, inventory questions, general information	....(860) 424-3335
Corinne Fitting, mapping, general information	(860) 424-3724
Rob Hust, general information	(860) 424-3718

#### **Materials to be delivered to DEP**

The updated inventory may be sent to DEP by email to [kim.czapla@po.state.ct.us](mailto:kim.czapla@po.state.ct.us) or as hard copies (originals marked up in red ink, or forms for each facility with changes) to:

Kim Czapl  
Aquifer Protection Area Program  
CT DEP Bureau of Water Management, Planning & Standards Division  
79 Elm Street  
Hartford, CT 06106-5127

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**Attachment A-1      List of Potentially Regulated Activities (by Type)**

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**1      Underground Storage/Transmission of Oil, Petroleum or Hazardous Wastes**

- 01A    Retail gasoline/Diesel sales
- 01B    Fleet garage with UST
- 01C    State or municipal garage
- 01D    Registered heating-oil UST (on-site consumption)
- 01E    RCRA TSDf
- 01F    RCRA Large Quantity Generator
- 01G    Pesticide services
- 01H    Other storage, use or generation of hazardous waste
- 01I    Other underground storage/Transmission of oil or petroleum

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(A)**

Underground storage or transmission of oil or petroleum to the extent it is not pre-empted by federal law, or hazardous material, except for: (i) underground storage tanks which contain number 2 fuel oil for heating that are located more than 500 feet from a public supply well subject to regulation under section 22a-354c or section 22a-354z of the Connecticut General Statutes (CGS), or (ii) underground electrical facilities such as transformers, breakers, or cables containing oil for cooling or insulation purposes which are owned and operated by a public service company.

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**2      Discharge of Waste Waters to Groundwater**

- 02A    Discharge of waste water to groundwater

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(F)**

Wastewater discharges to ground water other than domestic sewage and storm water, except for discharges from the following that have received a permit issued by the Commissioner pursuant to section 22a-430 of the Connecticut General Statutes: (i) a pump and treat system for ground water remediation, (ii) a potable water treatment system, (iii) heat pump system, (iv) non-contact cooling water system, or (v) swimming pools.

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**3      Car and/or Truck Washing**

- 03A    Car wash
- 03B    Truck wash
- 03C    Car/Boat dealer
- 03D    Trucking company
- 03E    Asphalt/Concrete operations

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(G)**

Car or truck washing, unless all waste waters from such activity are lawfully disposed of through a connection to a Publicly Owned Treatment Works.

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## **Attachment A-1 List of Potentially Regulated Activities (by Type)**

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### **4 Chemical Production/Refining**

- 04A Asphalt plant
- 04B Chemical refining/Production facility
- 04C Pharmaceutical/Cosmetic manufacturing facility
- 04D Paint or other chemical finish manufacturer
- 04E Pesticide manufacturer

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(H)**

Production or refining of chemicals, including without limitation hazardous materials or asphalt.

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### **5 Clothes or Cloth Cleaning Service**

- 05A On-site dry cleaners

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(I)**

Clothes or cloth cleaning service which involves the use, storage, or disposal of hazardous materials including but without limitation to dry-cleaning solvents.

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### **6 Fossil-Fueled Electric Power Producer**

- 06A Fossil-fueled electric power plant

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(K)**

Generation of electrical power by means of fossil fuels, except for (i) generation of electrical power by an emergency engine as defined by section 22a-174-22(a)(3) RCSA or (ii) generation of electrical power by means of natural gas or propane.

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### **7 Electrical Equipment Manufacturer**

- 07A Electrical equipment manufacturer

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(L)**

Production of electronic boards, electrical components, or other electrical equipment involving the use, storage, or disposal of any hazardous material or involving metal plating, degreasing of parts or equipment, or etching operations.

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### **8 Oil or Petroleum Dispensing**

- 08A Fuel oil distributing or dispensing services
- 08B Gasoline and diesel distributing or dispensing services
- 08C Other oil or petroleum distributing or dispensing services

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(B)**

Oil or petroleum dispensing for the purpose of retail, wholesale or fleet use.

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**Attachment A-1 List of Potentially Regulated Activities (by Type)**

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**9 Embalming or Crematory Services**

- 09A Funeral home
- 09B Crematory

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(M)**

Embalming or crematory services which involve the use, storage, or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a Publicly Owned Treatment Works.

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**10 Furniture Stripping Operations**

- 10A Furniture stripping facility

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(N)**

Furniture stripping operations which involve the use, storage, or disposal of hazardous materials.

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**11 Furniture Finishing Operations**

- 11A Furniture repair/Restoration facility
- 11B Furniture manufacturer

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(O)**

Furniture finishing operations which involve the use, storage, or disposal of hazardous materials, unless all waste waters from such activity are lawfully disposed of through a connection to a Publicly Owned Treatment Works.

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**12 RCRA TSDF**

- 12A RCRA TSDF

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(P)**

Storage, treatment, or disposal of hazardous waste subject to a permit under sections 22a-449(c)-100 to 22a-449(c)-110, inclusive, of the Regulations of Connecticut State Agencies.

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**13 Industrial Clothes or Cloth Cleaning Service**

- 13A Industrial laundry

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(J)**

Industrial laundry service which involves the cleaning of clothes or cloth contaminated by hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a Publicly Owned Treatment Works.

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**Attachment A-1 List of Potentially Regulated Activities (by Type)**

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**14 Biological or Chemical Testing, Analysis or Research**

- 14A Analytical laboratory
- 14B Hospital
- 14C Medical laboratory
- 14D High school (public or private)
- 14E College or university
- 14F Product testing facility
- 14G Biological or chemical research facility

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(Q)**

Biological or chemical testing, analysis or research which involve the use, storage, or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a Publicly Owned Treatment Works and provided that on-site testing of a public water supply by a public water utility is not a regulated activity.

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**15 Pest Control Services**

- 15A Pest control service
- 15B Lawn care service
- 15C Golf course
- 15D Greenhouses/Nurseries

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(R)**

Pest control services which involve storage, mixing, or loading of pesticides or other hazardous materials.

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**16 Salvage Operations of Metal or Vehicle Parts**

- 16A Metal salvage yard
- 16B Vehicle parts salvage yard
- 16C Junk yard

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(E)**

Salvage operations of metal or vehicle parts.

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**17 Photographic Finishing**

- 17A Photographic finishing laboratory

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(S)**

Photographic finishing which involves the use, storage, or disposal of hazardous materials, unless all waste waters from such activity are lawfully disposed of through a connection to a Publicly Owned Treatment Works.

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**Attachment A-1 List of Potentially Regulated Activities (by Type)**

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**18 Production or Fabrication of Metal Products**

18A Metal products business

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(T)**

Production or fabrication of metal products which involves the use, storage or disposal of hazardous materials including: (i) metal cleaning or degreasing with industrial solvents, (ii) metal plating, or (iii) metal etching.

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**19 Printing, Lithography, Photoengraving, etc.**

19A Printer, lithographer, photoengraving (gravure)

19B Publisher

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(U)**

Printing, plate making, lithography, photoengraving, or gravure, which involves the use, storage, or disposal of hazardous materials.

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**20 Pulp Production**

20A Paper manufacturer

20B Cardboard manufacturer

20C Pulp manufacturer

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(BB)**

Pulp production processes that involve bleaching.

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**21 Waste Oil, Anti-freeze or Spent Lead-Acid Battery Storage**

21A Municipal recycling facility

**Regulated Activity - RCSA Sec. 22a-354i-1(34)(V)**

Accumulation or storage of waste oil, anti-freeze or spent lead-acid batteries which are subject to a general permit issued under sections 22a-208(i) and 22a-454(e)(1) of the Connecticut General Statutes.

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**22 Residential Business**

22A Residential business

**Potentially Regulated Activity - RCSA Sec. 22a-354i-5(c)(1)**

Any activity listed in this column that is conducted at a residence for compensation. (Please note that those activities conducted at a residence without compensation are not regulated.)

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## **Attachment A-1 List of Potentially Regulated Activities (by Type)**

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### **23 Production of Rubber, Resin Cements, Elastomers, or Plastic**

- 23A Rubber manufacturer
- 23B Plastic manufacturer
- 23C Fabric coating
- 23D Elastomer manufacturer
- 23E Resin cement manufacturer

#### **Regulated Activity - RCSA Sec. 22a-354i-1(34)(W)**

Production of rubber, resin cements, elastomers, or plastic, which involves the use, storage, or disposal of hazardous materials.

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### **24 Storage of Pavement De-icing Chemicals**

- 24A Salt storage facility-state
- 24B Salt storage facility-municipal
- 24C Salt storage facility-private

#### **Regulated Activity - RCSA Sec. 22a-354i-1(34)(X)**

Storage of de-icing chemicals, unless such storage takes place within a weather-tight water-proof structure for the purpose of retail sale or for the purpose of de-icing parking areas or access roads to parking areas.

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### **25 Solid Waste Facility**

- 25A Landfill
- 25B Transfer station
- 25C Resource recovery facility
- 25D Composting facility
- 25E Recycling facility
- 25F Volume reduction plant
- 25G Wood-burning facility
- 25H Biomedical waste treatment facility

#### **Regulated Activity - RCSA Sec. 22a-354i-1(34)(Y)**

Accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer, or composting of solid waste which is subject to a permit issued by the Commissioner pursuant to sections 22a-207b, 22a-208a, and 22a-208c of the Connecticut General Statutes, except for a potable water treatment sludge disposal area.

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### **26 Stone, Clay or Glass Products Manufacturer**

- 26A Finishing or etching of stone products
- 26B Finishing, etching or painting of clay products
- 26C Finishing or etching of concrete products
- 26D Finishing or etching of glass products

#### **Potentially Regulated Activity – not regulated under state land use regulations**

Finishing or etching of stone, clay, concrete or glass products, or painting of clay products, which activity involves the use, storage, or disposal of hazardous materials.

## **Attachment A-1 List of Potentially Regulated Activities (by Type)**

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### **27 Textile Mill or Leather Tannery**

- 27A Leather tannery
- 27B Textile mill

#### **Regulated Activity - RCSA Sec. 22a-354i-1(34)(Z)**

Dying, coating, or printing of textiles, or tanning or finishing of leather, which involves the use, storage, or disposal of hazardous materials.

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### **28 Vehicle Service Facilities**

- 28A Automobile sales/service/rental facility (new or used)
- 28B Marine vehicle sales/service/rental facility (new or used)
- 28C Truck sales/service/rental facility (new or used)
- 28D Recreation vehicle sales/service/rental (new or used)
- 28E Motorcycle sales/service/rental facility (new or used)
- 28F Farm vehicle sales/service/rental facility (new or used)
- 28G Construction equip. sales/service/rental (new or used)
- 28H Lawn-care equipment sales/service/rental (new or used)
- 28I Municipal garage
- 28J Fleet maintenance garage (including transportation centers)
- 28K Autobody repair
- 28L Aircraft repair

#### **Regulated Activity - RCSA Sec. 22a-354i-1(34)(D)**

Repair or maintenance of vehicles or internal combustion engines of vehicles, involving the use, storage, or disposal of hazardous materials, including solvents, lubricants, paints, brake or transmission fluids or the generation of hazardous wastes.

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### **29 On-site Storage of Hazardous Materials (Wholesale)**

- 29A On-site storage of hazardous materials (wholesale)
- 29B Tank farm
- 29C Chemical warehouse

#### **Regulated Activity - RCSA Sec. 22a-354i-1(34)(C)**

On-site storage of hazardous materials for the purpose of wholesale sale.

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### **30 Production of Wood Products**

- 30A Production of wood veneer
- 30B Production of plywood
- 30C Production of reconstituted wood
- 30D Production of pressure-treated wood

#### **Regulated Activity - RCSA Sec. 22a-354i-1(34)(AA)**

Production of wood veneer, plywood, reconstituted wood or pressure-treated wood, which involves the use, storage, or disposal of hazardous materials.

## **Attachment A-1 List of Potentially Regulated Activities (by Type)**

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### **31 Mining Operations (including sand & gravel)**

#### **31A Mining operations (including sand & gravel)**

**Potentially Regulated Activity – not regulated under state land use regulations**

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### **0 Other**

**\*00A No identifiable SPCS type**

**00B Other industrial or commercial facility**

**\*00C Likely not an SPCS**

**\* Note:** The initial inventory started with several lists of potentially regulated facilities (e.g. registered underground storage tanks, RCRA facilities, etc.), which were used during a windshield survey of each aquifer protection area. The categories and codes for "No identifiable SPCS type" and "Likely not an SPCS" are an artifact of the inventory method and are included here only because the categories appear on the initial inventories.

When updating the inventories, do not use these obsolete codes. It would be more helpful to identify and assign a regulated activity code to a facility, or if it is unknown then use "other industrial or commercial facility". If it can be verified that the facility does not conduct regulated activities, it can be deleted from the inventory.

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**Attachment A-2 List of Potentially Regulated Activities  
(Alphabetical by activity)**

<b>Potentially Regulated Activity</b>	<b>CODE</b>
Aircraft repair	28L
Analytical laboratory	14A
Asphalt plant	04A
Asphalt/Concrete operations	03E
Autobody repair	28K
Automobile sales/service/rental facility (new or used)	28A
Biological or chemical research facility	14G
Biomedical waste treatment facility	25H
Car wash	03A
Car/Boat dealer	03C
Cardboard manufacturer	20B
Chemical refining/Production facility	04B
Chemical warehouse	29C
Clay products, finishing, etching or painting of	26B
College or university	14E
Composting facility	25D
Concrete products, finishing or etching of	26C
Construction equipment sales/service/rental (new or used)	28G
Crematory	09B
Discharge of non-biodegradable waste to groundwater (does not include groundwater remediation systems)	02A
Dry cleaners, on-site	05A
Elastomer manufacturer	23D
Electrical equipment manufacturer (i.e. Circuit boards, electrical components or electrical equipment)	07A
Fabric coating	23C
Farm vehicle sales/service/rental facility (new or used)	28F
Fleet garage with UST	01B
Fleet maintenance garage (including transportation centers)	28J
Fuel distributing or dispensing services (heating oil or diesel)	08A
Funeral home	09A
Furniture manufacturer	11B
Furniture repair/restoration facility	11A
Furniture stripping facility	10A
Glass products, finishing or etching of	26D
Golf course	15C
Greenhouses/Nurseries	15D
Hazardous materials, on-site storage of (wholesale)	29A
Hazardous waste, other storage, use or generation of	01H
Hazardous waste, RCRA TSDF (underground storage)	01E
Hazardous waste, RCRA TSDF (all)	12A
High school (public or private)	14D
Hospital	14B

Industrial laundry	13A
Junk yard	16C
Landfill	25A
Lawn care service	15B
Lawn-care equipment sales/service/rental (new or used)	28H
Leather tannery	27A
Marine vehicle sales/service/rental facility (new or used)	28B
Medical laboratory (does not include medical or dental offices)	14C
Metal products business (foundry, machine shop, plater, fabricator)	18A
Metal salvage yard	16A
Mining operations (including sand & gravel quarry operations)	31A
Motorcycle sales/service/rental facility (new or used)	28E
Municipal garage	28I
Municipal recycling facility (that accepts waste oil, spent antifreeze, or spent lead-acid batteries)	21A
Paint or other chemical finish manufacturer	04D
Paper manufacturer	20A
Pest control service	15A
Pesticide manufacturer	04E
Pesticide services (facilities where mixing and storage occur, not an office only)	01G
Pharmaceutical/Cosmetic manufacturing facility	04C
Photographic finishing laboratory	17A
Plastic manufacturer	23B
Power Plant, Fossil-fueled electric	06A
Printer, lithographer, photoengraving (gravure) (does not include copy shops such as Kinkos or Staples)	19A
Product testing facility	14F
Publisher (newspaper, magazine publishing house)	19B
Pulp manufacturer	20C
RCRA Large Quantity Generator	01F
Recreation vehicle sales/service/rental (new or used)	28D
Recycling facility (intermediate processing center)	25E
Residential business (small engine repair, photography, tanning, taxidermy)	22A
Resin cement manufacturer	23E
Resource recovery facility (trash-to-energy plant)	25C
Retail gasoline/Diesel sales	01A
Rubber manufacturer	23A
Salt storage facility-municipal	24B
Salt storage facility-private (landscaping or nursery business that plows snow in winter)	24C
Salt storage facility-state	24A
State or municipal garage	01C
Stone products, finishing or etching of	26A
Tank farm	29B
Textile mill	27B
Transfer station	25B
Truck sales/service/rental facility (new or used)	28C
Truck wash	03B