



Town of Pomfret Inland Wetlands Commission

**APPLICANT'S GUIDE TO
COMPLETING AND PROCESSING
AN APPLICATION FOR AN
INLAND WETLANDS PERMIT**

FORESTRY ACTIVITIES
March 2009

These guidelines were developed to assist applicants through the application and permitting process of the Town's Inland Wetlands Commission. Your understanding of and compliance with application procedures can streamline the process and help you avoid any unnecessary delays. Following these guidelines will assist you to obtain, but will not guarantee, the approval of an application or the granting of a permit. In the event of any conflict between these guidelines and the ***Inland Wetlands and Watercourses Regulations: Town of Pomfret*** and the ***Inland Wetlands and Watercourses Act of 1974*** (Section 22a-36 to 22a-45 of the Connecticut General Statutes, 1972, P.A. 155, as amended), the regulations and statutes shall be controlling.

If you have any questions regarding these procedures, please contact the Wetlands Office at (860) 974-3400.

In this guide, the word "Commission" refers to the Pomfret Inland Wetlands Commission. The acronym "WEO" refers to the Commission's Wetlands Enforcement Officer/Designated Agent.

Question. *When do I need to make an application to the Inland Wetlands Commission for the cutting or removal of trees?*

- A. Generally, an application must be submitted if the cutting or removal of trees involves the temporary or permanent disturbance of a wetland or watercourse or the clear cutting of all trees within a contiguous area of 20,000 square feet or more. For purposes of these guidelines, such activities will be referred to as "Reviewable Forestry Activities." However, an application does not need to be submitted for the following activities:
1. *Selective cutting or removal of trees for use on the same property, provided such cutting does not occur in a wetland or watercourse. If the cutting would occur in a wetland or watercourse, please consult with Commission staff.*
 2. *The routine maintenance of roads, pastures, rights-of-way and clearing of farm fence lines;*
 3. *The clearing of a home site for which a building permit has been obtained, provided that any necessary wetlands permit has been obtained for the home construction itself;*
 4. *Christmas tree culture;*
 5. *Clearing of approved subdivision roads and public utility easements, provided that any necessary wetlands permit has been obtained for the construction itself;*
 6. *Clearing of areas as shown on a site plan approved by the Planning and Zoning Commission, provided that any necessary wetlands permit has been obtained for any construction, grading, or other work shown on the site plan.*

Question. *What defines a wetland or watercourse?*

- A. Wetlands mean land, including submerged land, which consists of any soil types designated as poorly drained, very poorly drained, alluvial, or floodplain by the National

Cooperative Soils Survey of the Natural Resources Conservation Service, U.S. Department of Agriculture. The key here is soil types, not whether water is visible on the ground surface.

- B. Watercourses mean 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 the lands of the Town of Pomfret.

Question. *How do I determine whether I have regulated wetlands or watercourses on or near my property?*

- A. You should first consult the map entitled ***Official Inland Wetlands and Watercourses Map, Pomfret, Connecticut*** dated July 5, 2000. This map delineates the general location and boundaries of inland wetlands and watercourses in Pomfret, and is available for inspection in the office of the Commission. The map is only a guide and may not be accurate in all instances.
- B. The surest way to determine the extent of wetlands and watercourses on your property is to have a Certified Soil Scientist (CSS) make a field inspection and/or take soil map. You should forward the findings to the Commission on the official letterhead showing the name and address of the CSS, his signature, and seal. Since this information is required for most applications, you may want to bring it to the Commission's attention as part of the pre-application process.
- C. You may contact the WEO, who at your request or the request of the Commission, may make a site visit to ascertain any site conditions which could relate to wetlands or watercourses on or off your property. The WEO will report his findings to you and the Commission.

Note: *The Zoning Commission, to whom all applications for land use or construction activities must be referred, may decide to request the opinion and/or approval of the Inland Wetlands Commission before considering an application where wetlands and/or watercourses are believed to exist.*

Question. *What type of application do I need to apply for if the activity is considered a Reviewable Forestry Activity?*

- A. One of two types of application may be necessary, depending upon the specific nature of the activity:
1. Application to WEO or Commission for finding that no permit is necessary.
 2. Application to Commission for regulated activity.

Note: *The Commission has developed a work sheet to assist landowners to determine which application process they should be in. See attached worksheet.*

Question. *What is required if I do not have wetlands or watercourses on my property, or if the work I propose to do is of no consequence to a wetland or watercourse?*

- A. When, through any of the above steps, it has been determined that there are no wetlands or watercourses on your property, or that the proposed activity will have no, or minimal, impact on existing wetlands and/or watercourses, the Commission or the WEO, acting as its Agent, may make a finding that no permit is necessary. In some circumstances, you may be asked to provide the Commission written confirmation, from a CSS, that no wetlands or watercourses exist on your property or near the proposed activity. Such confirmation should include the name and address of the property owner, date of testing, name and address of the CSS, his signature, and seal.

Question. *What if I do have wetlands or watercourses on my property and need to ascertain whether the Commission must issue a permit for my proposed activity?*

- A. Consult the WEO, who can be reached by calling (860) 974-3400, and make an appointment. The WEO can advise you whether your activity is regulated and requires a permit, or in some cases can make a finding that a permit is not required.
- B. In some cases the WEO may recommend that you come to the Commission for pre-application advice. If so, stop in the Land Use Office and fill out a request form. You will be placed on the agenda of the Commission's next regularly scheduled meeting, or given an alternative date if additional time is required. In either case, bring a map of the property, indicating the location of wetlands and/or watercourses, and a description of the proposed activity. There is no charge for pre-application advice, and it often helps prevent delays in the application process.

Question. *How do I become better acquainted with the Inland Wetlands Regulations?*

- A. A copy of the Pomfret Inland Wetlands & Watercourses Regulations, Town of Pomfret is available for examination in the Land Use Office. Copies are available at a cost of \$10.00.

Question. *How do I apply for an Inland Wetlands Permit?*

- A. Obtain and complete the following application forms from the Land Use Office, located on the second floor of the Town Hall:
1. ***Town of Pomfret Inland Wetlands Application for a Permit*** (xx pages, white form). Make sure to complete Sections x through xx, and include all requested attachments.
Note: The application form generally MUST be signed by the property owner of record, in ink, regardless of whether or not someone else is acting as an agent for

the owner. Please consult the WEO if the owner is physically unable to sign.

2. ***Statewide (DEP) Inland Wetlands Activity Reporting Form*** (1 page, green form). Complete Section II. If you need assistance contact the Land Use Office prior to the scheduled meeting.

Note: The Commission will not approve an incomplete Application.

- B. Present the completed applications and all attachments to the Land Use Secretary along with:

1. **One check payable to the Town of Pomfret** and including:
 - a) The basic application fee of \$100.00.
 - b) Plus an additional fee of \$30.00 required by the DEP, State of Connecticut.
 - c) Plus any additional fees as indicated on the fee schedule (Section 19 of the ***Inland Wetlands And Watercourses Regulations***).

Note: The above fees are based on an application for a permit. There is no charge to apply for a finding that no permit is necessary.

2. **Agent Authorization** - Anyone acting as an agent for the property owner **MUST** have a written letter of authorization, signed and dated by the property owner. Please consult the WEO if the owner is physically unable to sign.

Question. *How is my Application Processed?*

- A. Once it is determined that you need to submit a formal application to the Commission for a permit, you should bring your completed application and all supporting materials to the Land Use Office. The staff will then:

1. Date stamp each item received, noting 14*days and 65*days from "date of receipt" of your application.
Note: *State statutes require that the Commission wait 14 days after an application is officially deemed to be received before acting on it, and that the Commission must act on the application within 65 days after it is officially deemed to be received unless an extension is requested by the applicant and approved by the Commission. If a public hearing is held the time frames change per State Statutes.
2. Create a folder labeled with your name, street and application number, and containing all of the forms, maps, and other data received.

- B. After formal receipt by the Land Use Office staff will:

1. Review application and supporting materials, in the folder, for completeness and note any omissions.
2. If time and conditions permit, review the site, discuss the project with the applicant and/or applicant's agent, and request any additional information staff deems necessary for the Commission's review.
3. Summarize staff's findings and recommendations, including notices of omissions, in a report to the Commission.

- C. The secretary adds completed applications to the agenda of the next regularly scheduled meeting, following the day the application is received, for its initial review or pre-application review.
- D. You and/or your designated agent should appear before the Commission on the date your application is to be reviewed. You should be ready to answer any questions that might arise regarding your application. If additional information or data is required, the Commission will inform you or your designated agent, and request that it be submitted prior to or at the next regularly scheduled meeting.
- E. If the Commission feels that a Public Hearing on your application is warranted, you will be informed and a date for the hearing will be set.
- F. The Commission may schedule a site visit to visually inspect the property and wetlands and watercourses involved. You and/or your designated agent are encouraged to attend the site visit to answer any questions that may arise. Note: Site visits are "noticed" and are open to the public under the Freedom of Information Act. A Site Inspection Report will be written, formally accepted at the next Commission meeting and become part of the application file.
- G. Once all the questions have been answered satisfactorily, and the required data and maps presented, the Commission will discuss the proposed application at its next regularly scheduled meeting. Following the discussion, a motion will be made to approve or deny the permit application. The motion may carry with it certain conditions for approval. A vote is taken and may be carried by a simple majority of the members seated.
- H. You will be notified at the meeting, and formally by letter, of the decision of the Commission.

CHECKLIST OF ATTACHMENTS REQUIRED WITH AN APPLICATION FOR AN INLAND WETLANDS PERMIT

- ☐ Written authorization for Agent(s) with live (ink) signature of property owner.
- ☐ Narrative description of the proposed activity and site characteristics
- ☐ An 8.5" x 11" Photocopy of the pertinent section of the USGS topographic quadrangle with the property out-lined.
- ☐ Scale drawings of the project and property that show the project in detail. They should include the following:
 - ☐ a. Title block with the project name, owner, date, total acres, address and map preparer
 - ☐ b. North arrow
 - ☐ c. Scale bar
 - ☐ d. Legend
 - ☐ e. Property lines
 - ☐ f. Wetlands boundaries
 - ☐ g. Watercourses with direction flow, water depth, and bottom characteristics (if applicable)
 - ☐ h. Edge of regulated area
 - ☐ i. Topographic contour lines
 - ☐ j. Dimensions and exact locations of proposed activities, including spoils, soil stock piles and erosion and sedimentation controls
 - ☐ k. Existing and proposed vegetation, including edge of disturbance
- ☐ If a Certified Soil Scientist (CSS) is involved, his/her name, written report on CSS letterhead, and field sketch

Note that the Commission will require all relevant information needed to make an informed decision. Any missing items may delay the processing of the application.

This list may not be all-inclusive. Please refer to regulations for all applicable application material.

If you have any questions regarding these procedures, please call the Land Use Office at (860) 974-3400.

Thank you for your cooperation.

Inland Wetlands and Watercourses Commission

Town of Pomfret

Pomfret Town Hall
5 Haven, Road
Pomfret, CT 06259
(860) 974-3400

Question. Now What Do I Do?

- A. If your permit application is approved, a "**START CARD**" and a "**FINISH CARD**" will be included in the notification letter. You or your designated agent must mail the START CARD, prior to actually starting the work, to the Land Use Office. The "**START CARD**" should include the date the work will begin along with the telephone number and name of the person in charge of the activity. During the course of the activity, the WEO may visit the site to determine if the work is progressing according to the plan approved by the Commission, and that all soil erosion and sediment controls are adequate.

***Note:** It is your responsibility, as the applicant, to see that the work is carried out in accordance with the permit conditions and that erosion and sediment controls are maintained throughout the duration of the activity.*

- B. When the activity is completed, the "**FINISH CARD**" must be mailed to the Land Use Office. The WEO will make a final inspection to determine that the activity has been satisfactorily completed, and that the soil erosion and sediment controls can be safely removed.
- C. The "**FINISH CARD**" is placed in the file, along with any notes from the WEO. At this point, the permit is closed.