

Town of Salisbury Inland Wetlands & Watercourses Commission
Application Worksheet

Meeting #1
Review the Submission

- A. Establish jurisdiction
1. Does the applicant own the property on which activities will be conducted? If not, has the applicant provided written consent from the property owner(s)?
 2. What regulated activity is proposed?
 - a. Are there any activities in the wetland/watercourse?
 - b. Are there any activities in an Upland Review Area (URA)?
 - c. Are there substantial activities outside of the URA that may impact inland wetlands or watercourses?
 3. Are any uses non-regulated or as of right under Section 4 of the Regulations?
- B. Determine whether grounds to hold a public hearing exist
1. Has the Agency received a petition signed by 25 persons who are 18 years or older who reside in the municipality no later than 14 days after the date of receipt of the application? If so, the Agency must hold a public hearing.
 2. Does the Agency find that a hearing may be in the public interest? If so the decision to hold a public hearing is within the discretion of the Agency and may not need be supported by evidence.
 3. Will the proposal result in significant impact to the wetland resource? If the Agency makes a determination that the proposed activity may have a significant impact on wetlands or watercourses, a public hearing is required. It's the Agency's task to discuss the reasons on the record. For guidance see definition of "Significant Impact" in Section 2.1 of the Regulations. A finding that there may not be a significant impact at this stage of consideration of the application does not foreclose a subsequent finding of significant impact upon receipt of additional information. That additional information can form the basis of a permit condition or permit denial.
- C. Take Action at Meeting #1
1. Schedule a hearing as applicable (see B.1-3 above)
 2. Refer proposal for third-party review (engineer, environmental, legal). The Agency may seek the referral at a later stage as necessary.

Meeting #2
Consider the Application

- D. Identify potential impacts
1. What is the potential environmental impact of the proposed regulated activity on wetlands or watercourses?
 2. Is it reasonably likely that this activity will have an adverse impact on wetlands or watercourses?
 3. Are there short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses?
 4. Do any of the impacts contribute to the maintenance and enhancement of long-term productivity of such wetlands or watercourses?
- E. Note irreversible impacts
1. Will there be irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would

Town of Salisbury Inland Wetlands & Watercourses Commission
Application Worksheet

foreclose a future ability to protect, enhance or restore such resources?

F. Consider the purpose and alternatives

1. What is the applicant's purpose for the proposed activity?
2. Has the applicant provided a diagram and narrative of the alternatives considered per Regulation 7.5.f.?
3. Are there any feasible and prudent alternatives to the proposed regulated activity which would cause less or no environmental impact to wetlands or watercourses? If the Agency has voted to hold a public hearing because the proposed activity may cause significant impacts, the Agency has the additional duty of finding that a prudent and feasible alternative does not exist.

G. Identify mitigation measures and conditions for adverse impacts

1. Are there any mitigation measures which may be considered as a condition of issuing a permit for such activity? These measures may include:
 - a. preventing or minimizing pollution or other environmental damage;
 - b. maintaining or enhancing existing environmental quality;
 - c. in the following order of priority: restoring, enhancing, and creating productive wetland or watercourse resources.

H. Consider the character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity

I. Additional considerations

1. Are there impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses?
2. Is there a season when proposed activities are likely to have less of an impact?

Take Action

- (1) Has the applicant provided enough information to make a finding?
- (2) Did the Agency request additional documentation and was it provided to the Agency's satisfaction?
- (3) Is the proposed activity or part thereof exempt or nonregulated?

Example Decision Template

Motion to find application # _____ exempt/as of right in accordance with Section _____

Motion to approve application # _____, subject to standard conditions and (if applicable) special conditions*: _____

Town of Salisbury Inland Wetlands & Watercourses Commission
Application Worksheet

*If the Agency is considering a permit denial or permit condition for an activity conducted outside of the wetlands or watercourses for an impact on plant or animal life the Agency shall determine that the activity will likely impact or affect the physical characteristics of the wetlands or watercourses.

Standard Conditions

1. The permittee shall notify the Salisbury Inland Wetlands Agent immediately upon the commencement of work and its completion. **A pre-construction meeting with the contractor and the Agent is required.**
2. All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachments, or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension or revocation.
3. This authorization is not transferable without written consent of the Inland Wetlands & Watercourses Commission.
4. In evaluating an application, the Commission and their Agent rely on the information provided by the applicant. If such information is subsequently proven to be false, incomplete or misleading, this permit may be modified, suspended, or revoked and the permittee may be subject to any other remedies or penalties provided by law.
5. **The permittee shall immediately inform the Agent of any problems involving the wetlands or watercourses that have developed or are caused by the authorized work.**
6. No equipment or material including without limitation, fill construction materials or debris shall be deposited, placed or stored in any wetland or watercourse on the site.
7. This authorization is subject to and does not derogate any rights and powers of the Town of Salisbury, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state and local laws. In conducting and maintaining any activities authorized herein, the permittee may not cause pollution, impairment or destruction of the wetlands and watercourses.
8. If the activity authorized also involves activity or a project that requires zoning or subdivision approval, special permit, variance, or special exception, no work pursuant to the wetlands permit may begin until such approval is obtained.
9. The permittee shall maintain sediment and erosion controls at the site in such an operable condition as to prevent the pollution of wetlands and watercourses. Said controls are to be inspected by the permittee for deficiencies at least once per week and immediately after rain events. The permittee shall correct any such deficiencies within 24 hours of said deficiency being found. The permittee shall maintain such control measures until all areas of disturbed soils, at the site, are stabilized.
10. Erosion and sediment controls must be installed and inspected prior to construction.

Town of Salisbury Inland Wetlands & Watercourses Commission
Application Worksheet

11. The site must be stabilized within 30 days of completing any ground disturbance.

Statute

22a-41(a)(1) The environmental impact of the proposed regulated activity on wetlands or watercourses;

(2) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;

(3) The relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;

(4) Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (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;

(5) The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and

(6) Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

22a-41(b)(1) In the case of an application which received a public hearing pursuant to (A) subsection (k) of section 22a-39, or (B) a finding by the inland wetlands agency that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the commissioner finds on the basis of the record that a feasible and prudent alternative does not exist. In making his finding, the commissioner shall consider the facts and circumstances set forth in subsection (a) of this section. The finding and the reasons therefor shall be stated on the record in writing.

22a-41(b)(2) In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the commissioner or the inland wetlands agency, as the case may be, shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subdivision shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.

22a-41(c) For purposes of this section, (1) "wetlands or watercourses" includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) "habitats" means areas or environments in which an organism or biological population normally lives or occurs.

22a-41(d) A municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.