

SECTION 2
DEFINITIONS

2.1 As used in these Regulations:

2.2 **“A”**

2.2.0 Act: Means the Inland Wetland and Watercourses Act, Sections 22a-36 through 22a-45 of the General Statutes, as amended.

2.3 **“B”**

2.3.0 Bog: Means a poorly drained area containing an accumulation of organic material and characterized by an association of plants recognized as bog species. Bogs are usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions. Typical examples of bog species are listed in the booklet titled Inland Wetland Plants of Connecticut by Wm. A. Neiring and R.H. Goodwin, Connecticut Arboretum for the Connecticut Department of Environmental Protection, May, 1973.

2.4 **“C”**

2.4.0 Clear-cutting: Means the harvest of timber products in a fashion which removes all species of trees down to a 2” diameter at breast height.

2.4.1 Commission: Means the Clinton Inland Wetlands Commission.

2.4.2 Commission Member: Means a member of the Inland Wetlands and Watercourses Commission of the Town of Clinton.

2.4.3 Commissioner of Environmental Protection: Means the Commissioner of the State of Connecticut Department of Environmental Protection.

2.5 **“D”**

2.5.0 Deposit: Includes, but shall not be limited to, fill, grade, dump, place, discharge or emit.

2.5.1 Designated Agent: Means an individual designated by the Commission to carry out its functions and purposes.

2.5.2 Discharge: Means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.

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2.5.3 Disturbing the natural and indigenous character of the land: Means that the activity will significantly alter the inland and watercourses by reason of removal or deposition of material, clear-cutting, alteration or obstruction of water flow, or will result in the pollution of the wetland or watercourse.

2.6 “E”

2.7 “F”

2.7.0 Farming: Means using any tract of land for growing crops; raising livestock or other agricultural use.

2.7.1 Feasible: Means able to be constructed or implemented consistent with sound engineering principles.

2.8 “G”

2.8.0 Gardening: Means the tilling of soil, planting, cultivating, and harvesting of vegetable matter.

2.8.1 Grazing: Means using any tract of land to feed or supply farm animals with grass or pasture, to tend farm animals, or feeding or growing silage and herbage.

2.9 “H”

2.10 “I”

2.11 “J”

2.12 “K”

2.13 “L”

2.14 “M”

2.14.0 Marshes: 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 surface throughout the year, but season fluctuations are encountered and areas of open water six inches or more in depth are common.

2.14.1 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.

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2.14.2 Municipality: Means the Town of Clinton, Middlesex County, Connecticut.

2.15 “N”

2.15.0 Nurseries: Means land used for propagating trees, shrubs and other plants for transplanting, sale, or for use as stock for grafting.

2.16 “O”

2.17 “P”

2.17.0 Permit: Means the whole or any part of any license, certificate or approval or similar form of permission which may be required of any person by the provisions of these Regulations under the authority of the Inland Wetland Commission.

2.17.1 Permittee: Means the person to whom such permit has been issued.

2.17.2 Person: Means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind; including municipal corporations, governmental agencies or subdivisions thereof.

2.17.3 Pollution: Means harmful thermal effect or the contamination of or rendering unclean or impure of any waters of the State by reasons 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 resulting from any filling or excavation activity.

2.17.4 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.

2.18 “Q”

2.19 “R”

2.19.0 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, and any earth moving, filling, construction, or clear-cutting

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of trees, but shall not include the specified activities in Section 4 of these Regulations.

2.19.1 Regulated Area: Means any inland wetland or watercourse as defined in these Regulations and any area within 100 feet of wetlands and watercourses.

2.19.2 Remove: Includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear-cut timber, bulldoze, dragline or blast.

2.19.3 Rendering Unclean or Impure: Means any alteration of the physical, chemical or biological properties of any waters of the State, including, but not limited to, change in odor, color, turbidity or taste.

2.19.4 Ruling: Exercising an official decision.

2.19.4a Declaratory Ruling: If the Commission finds, on the basis of the evidence before it, that a proposed activity or use does not involve any regulated activity or involves only a permitted use, permission to proceed shall be granted forthwith. This permission shall be subject to limitation or revocation if it is later shown that a regulated activity or non-permitted use is a consequence of that proposed activity. The Commission shall state in writing its reasons for finding that a proposed activity is a permitted use, or does not involve a regulated activity.

2.19.4b Summary Ruling: If the Commission finds that a proposed activity is a regulated activity not involving significant impact or major effect on the inland wetland or watercourse, it may allow the activity with or without conditions after initial review. In order to grant a permit at this stage, the Commission (after full review of the considerations and other pertinent factors) shall issue an opinion presenting the reasons for granting the permit with or without conditions.

2.19.4c Plenary Ruling: if the Commission finds, on the basis of the evidence before it, that a regulated activity is involved which may have significant impact or major effect on the inland wetland or watercourse, the Commission shall schedule such proposal for further investigation and public hearing.

2.20 “S”

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- 2.20.1 Standard: Means the distance that buildings and/or other structures should be set back from an inland wetland or watercourse unless no adverse impact to wetlands or watercourses can be demonstrated.
- 2.20.1 Significant Activity: Means any activity, including, but not limited to, the following activities which may have a substantial effect on the area for which an application has been filed or an another part of the inland wetland or watercourse system:
- 2.20.1a Any activity involving a deposition or removal of material which will or may have a substantial effect on the regulated area or on another part of the inland wetland or watercourse system, or
 - 2.20.1b Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system, or
 - 2.20.1c Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife, or other biological life, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space or other functions, or
 - 2.20.1d Any activity which causes substantial turbidity, siltation or sedimentation in a wetland or watercourse, or
 - 2.20.1e Any activity which causes a substantial diminution of flow of a natural watercourse, or groundwater levels of the regulated area, or
 - 2.20.1f Any activity which causes or has the potential to cause pollution of a wetland or watercourse, or
 - 2.20.1g Any activity which creates conditions which may adversely affect the health, welfare and safety of any individual or the community, or
 - 2.20.1h Any activity which destroys unique wetland or watercourse areas having demonstrable scientific or educational value.
- 2.20.2 Soil Scientist: Means an individual duly qualified in accordance with standards set by the U.S. Office of Personnel Management.

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2.20.3 Submerged Lands: Means those lands which are inundated by water on a seasonal or more frequent basis.

2.20.4 Swamps: Are dominated by wetland trees and shrubs. Red maple is the most characteristic tree of the wooded swamps with black gum and black ash as frequent associates. A conspicuous shrubby understory of highbush blueberry, spicebush, sweet pepperbush, clammy azalea and other wetland shrubs may be present and a rich diversity of wildflowers, such as marsh-marigold, skunk-cabbage, jewelweed, violets, and cardinal flower may also be present. Shrub swamps represent another swamp type, where alders, willows, button-bush and other shrubs can form relatively pure or mixed stands. Occasionally trees may be associated with a shrub swamp. However, a high water table often favors certain shrubs, such as buttonbush, over trees. In swamps, the underlying deposits are often relatively shallow and usually highly organic. Swamps may develop through the gradual invasion of marshes by woody species or directly, as in poorly drained depressions. (For further information see Inland Wetland Plants of Connecticut, Niering, W.A. and R.H. Goodwin, The Connecticut Arboretum, Connecticut College, New London, CT, 5/73).

2.21 “T”

2.21.0 Town: Means the Town of Clinton, Middlesex County, in the State of Connecticut.

2.22 “U”

2.23 “V”

2.24 “W”

2.24.0 Waste: Means sewage or any natural man-made substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the water of the State.

2.24.1 Watercourses: Means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to Section 22a-28 through 22a-35, inclusive. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of one or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

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2.24.2 Wetlands: Means land, including submerged land as defined in Section 2.20.3 of these Regulations, not regulated pursuant to Section 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service.