

## SECTION 2 - DEFINITIONS

### 2.1 As used in these regulations:

- a. "Act" means the Inland Wetlands and Watercourses Act, sections 22a-36 through 22a-45 of the General Statutes, as amended.
- b. "Agency" means the Inland Wetlands and Watercourses Commission of the Town of Killingly, CT.
- c. "Bog" means a poorly drained area containing an accumulation of organic material and characterized by an association of plants recognized as bog species. Typical examples of bog species are listed in the booklet titled Inland Wetland Plants of Connecticut by Wm. A. Niering and R.H. Goodwin, Connecticut Arboretum for the Connecticut Department of Environmental Protection, May, 1973.
- d. "Buffer" means an area of land adjacent to inland wetlands and watercourses that is undisturbed by any construction, excavation, or other alteration to avoid any adverse impact to inland wetlands or watercourses. (see also: "Upland Review Area")
- e. "Clear-Cutting" means the harvest of timber in a fashion which removes all trees down to a two inch diameter at breast height. (DBH or diameter at breast height is measured 4.5' above ground level.)
- f. "Commission" means the Inland Wetlands and Watercourses Commission of the Town of Killingly, Connecticut.
- g. "Commissioner of Environmental Protection" means the commissioner of the State of Connecticut Department of Environmental Protection.
- h. "Continual Flow" means a flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.
- i. "Declaratory Finding" means a determination made by the Agency, as to whether a proposed activity or area of a proposed activity falls within the jurisdiction of the Agency. This may include requests from the Planning and Zoning or any other regulatory agency in Town.
- j. "Deposit" includes, but shall not be limited to fill, grade, dump, place, discharge or emit.

- k. "Designated Agent" means an individual(s) designated by the agency to carry out its functions and purposes.
- l. "Discharge" means the emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.
- m. "Disturb the Natural and Indigenous Character of the Land" means that the activity will significantly alter the inland wetlands 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.
- n. "Essential to the Farming Operation" means that the activity proposed is necessary and indispensable to sustain farming activities on an existing farm.
- o. "Farming" means any agricultural activity involving the use of land, for the purposes of planting, growing, and harvesting of crops, or grazing of livestock, or other agricultural uses.
- p. "Feasible" means able to be constructed or implemented consistent with sound engineering principles; (Amend. Effective Date June 1, 1997)
- q. "Gardening" means the tilling of soil, planting, cultivating, and harvesting of vegetable matter.
- r. "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.
- s. "Harvesting of Crops" means gathering plants or animals or plant or animal products which have been grown to be harvested.
- t. "Marshes" are areas with soils that exhibit aquic moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by soft-stemmed herbaceous plants. The water table in marshes is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six inches or more in depth are common. Typical examples of marsh species are listed in the booklet titled "Inland Wetland Plants of Connecticut," Wm. A. Niering and R. H. Goodwin, Connecticut Arboretum for the Connecticut Department of Environmental Protection, May, 1973.

- u. "Material" means any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, land, gravel, clay, bog, peat, mud, debris, sand, refuse or waste.
- v. "Municipality" means the Town of Killingly, CT.
- w. "Nurseries" means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.
- x. "Ordinary High Water Mark" means a mark on the land caused by the presence and action of water, which presence and action is so common and usual and so long continued in all ordinary years so as to mark upon the land a character which distinguishes the abutting upland from the watercourse. Such line or mark may be found by examining the bed and bank of any watercourse and ascertaining thereon an abrupt change in the characteristics of soil or vegetation or slope of the land.
- y. "Perennial Stream" means a stream that maintains a continual perceptible flow of water within its channel throughout the year.
- z. "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 Wetlands Agency.
- aa. "Permittee" means the person to whom such permit has been issued.
- bb. "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.
- cc. "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.
- dd. "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; ( Amend. Effective Date June 1, 1997)

- ee. "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 specific activities in Section 4 of these regulations. Furthermore any clearing, grubbing, grading, paving, excavation, filling, constructing, depositing or removal of material and discharging of stormwater on the land within 200 feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. Proposed activities that involve less than the minimum separating distances from wetlands or watercourses as listed in Section 6.3, pages 13-14, are regulated activities.
- ff. "Regulated Area" means any wetlands or watercourse as defined in these regulations.
- gg. "Remove" includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut timber, bulldoze, dragline or blast.
- hh. "Rendering Unclean or Impure" means any alteration of the physical, chemical or biological properties of any waters of the town, including, but not limited to, change in odor, color, turbidity or taste.
- ii. "Riparian Corridor" means a land area contiguous with and parallel to an intermittent or perennial stream and/or river.
- jj. "Significant" means important, of consequence; 2. Having meaning; 3. Statistics - of or pertaining to observations unlikely to occur by chance and therefore indicate a systematic cause; having or likely to have influence or effect; 4. Other than normal; accelerated.
- kk. "Significant Activity" means any activity, including, but not limited to, the following activities which may have a major effect or significant impact on the area for which an application has been filed or on another part of the inland wetland or watercourse system:
  - 1. Any activity involving a deposition or removal of material which will or may have a major effect or significant impact on the regulated area or on another part of the inland wetland or watercourse system; or
  - 2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system; or

3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife, or other biological life; or to prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space; or to perform other functions; or
  4. Any activity which causes substantial turbidity, siltation or sedimentation in a wetland or watercourse; or
  5. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area; or
  6. Any activity which causes or has the potential to cause pollution of a wetland or watercourse; or
  7. Any activity which creates conditions which may adversely affect the health, welfare and safety of any individual or the community; or
  8. Any activity which destroys unique wetland or watercourse areas having demonstrable scientific or educational value.
- ll. "Soil Scientist" means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management (formerly the U.S. Civil Service Commission.) (Amend. Effective Date June 1, 1997)
- mm. "Swamp" means an area with a water table at or near the surface of the ground throughout most of the year and containing vegetation dominated by an association of trees and/or shrubs recognized as swamp species. Typical examples of swamp species are listed in the booklet titled "Inland Wetland Plants of Connecticut," Wm. A. Niering and R. H. Goodwin, Connecticut Arboretum for the Connecticut Department of Environmental Protection, May, 1973.
- nn. "Submerged Lands" means those lands which are inundated by water on a seasonal or more frequent basis.
- oo. "Town" means the Town of Killingly, CT.
- pp. "Upland Review Area" means non-wetland or non-watercourse areas where activities are likely to impact or affect wetlands or continuous watercourses.
- qq. "Vernal Pool(s)" means a watercourse consisting of a confined basin depression which contains a small body of standing water usually drying out for part of the year during warm weather. It can be natural or man-made. and usually lacks a permanent outlet or any fish population. Further. the occurrence of one or more of the obligate species which include the fairy shrimp, spotted salamander, Jefferson salamander, marbled salamander,

wood frog and eastern spadefoot toad are necessary to conclusively define the vernal pool.

- rr. "Waste" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands or watercourses of the Town.
- ss. "Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to sections 22a-28 through 22a-35 of the General Statutes, inclusive. Intermittent watercourse shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) Evidence of scour or deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a duration longer than a particular storm incident, and (C) the presence of hydrophytic vegetation. (Amend. Effective Date: Feb. 12, 1996; Amend. Effective Date June 1, 1997)
- tt. "Wetlands, Inland" means land, including submerged land as defined in this section, not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey. (Amend. Effective Date: Feb. 12, 1996)