

AN EXECUTIVE SUMMARY ABOUT THE MAJOR REVISIONS PROPOSED FOR THE INLAND WETLANDS AND WATERCOURSES REGULATIONS OF THE TOWN OF GLASTONBURY

Comprehensive amendments to the Town's wetlands regulations are proceeding to their adoption as reflected in the 26-page draft regulations dated April 17, 2009. The existing, in-force regulations were last amended in 1989; since then the Connecticut Legislature has enacted numerous Public Acts affecting municipal inland wetlands and watercourses regulations, and therefore Glastonbury's in-force regulations are continuing to fall out of accordance with State laws and regulations. The proposed draft regulations are, predominantly, a rewritten set of regulations that, as its core, closely parallels the latest Inland Wetlands and Watercourses Model Municipal Regulations prepared and promoted by the State of Connecticut Department of Environmental Protection. The revised draft regulations also contain customized, regulatory provisions, largely derived from similar provisions within the current 1989 regulations, but also in response to more recent conservation initiatives that the Inland Wetlands and Watercourses Agency of the Town of Glastonbury believes are crucial in conserving and preserving the inland wetland and watercourse resources in town.

The majority of the proposed town regulatory revisions are in response to the state legislation enacted since 1989, involve administrative matters, and these changes were facilitated using the 2006 version of the Department of Environmental Protection's Model Municipal Regulations. Notable changes include: many rewritten definitions (Section 2); modifications pertaining to permitted as of right and nonregulated uses (subsections 4.1.a, 4.1.f, 4.4); revised requirements for applications for a permit within Section 7 (subsections 7.1, 7.6.a, 7.6.g, 7.6.o, 7.7, 7.7.a, 7.7.c, 7.7.f, 7.7.g.(iii), 7.7.h, 7.7.j, 7.7.k, 7.7.l, 7.7m, 7.8.a, 7.8.d, 7.11, 7.12); alterations to the application procedures (subsections 8.3, 8.4); amendments to matters involving public hearings (subsections 9.1, 9.2); numerous changes with respect to considerations in reaching a decision (subsections 10.1.e, 10.2.b, 10.2.c, 10.2.d, 10.5, 10.6, 10.8); revisions within the decision process and the license or permit section (subsections 11.1, 11.2, 11.5, 11.6, 11.7, 11.8, 11.9); an entirely new section (Section 12) on limited approvals by a duly authorized agent for activities occurring within the regulated upland review area, but not located in a wetland or watercourse; revisions pertaining to enforcement of the wetlands regulations (subsections 14.1, 14.2, 14.3, 14.4.c) in which the latter subsection establishes a foundation to issue punitive monetary fines; modifications relative to the process for amending the wetlands regulations and/or the Town's wetlands map (subsections 15.2, 15.4, 15.5, 15.6, 15.7, 15.8); a new subsection (17.2) within Section 17, to deal with conflict and severance specifying that the State's Inland Wetlands and Watercourses Act prevails in the situation where any conflict exists between said Act and the Town's regulations; and another new provision (subsection 18.1) regarding other approvals or permits that may also be required from other governmental entities.

Glastonbury's customized aspects within the proposed regulations generally fall into three categories:

1. The proposed regulations provide for expansion of the wetlands-regulated area called the "Upland review area" in four select (sub)watersheds of specified perennial brooks and along the main stem of the Connecticut River, including Keeney Cove. These areas of special concern that are targeted for the expanded upland review area are identified within the definition for "Upland review area" found toward the end of Section 2. The setback distance is being increased from 100 feet to 150 feet for the selected target areas. All remaining upland review areas remain at a 100-foot setback. Section 1.6(a) of the proposed regulations briefly discusses the basis for the upland review area.
2. Section 7, the proposed regulation's application requirements section, now includes a goals and objectives provision (subsection 7.7.l) that would require all applications involving subdivisions, special permits and/or planned area developments to demonstrate compliance to such newly established goals and objectives. Subsection 7.7.l.(i) sets a maximum ten (10) percent "Effective impervious surfaces coverage" (see Section 2 for its definition) goal and objective within the four targeted watersheds indicated within the definition of "Upland review area" within Section 2. Subsection 1.6(b) provides a brief basis for this new requirement. Subsection 7.7.l.(ii) establishes, as a town-wide goal and objective, a hierarchy of preferences relative to degrees of encroachment into upland review areas, wetlands and watercourses.
3. Section 14, the enforcement section of the draft regulations, establishes the foundation to impose punitive monetary fines for violations to the Town's Inland Wetlands and Watercourses Regulations. Subsection 14.4.c exemplifies the direction that the Glastonbury Inland Wetlands and Watercourses Agency is moving toward in addressing future violations. Please do note that adoption of a new town ordinance yet needs to be completed before this new initiative of imposing punitive fines can actually be implemented.

The public hearing for adoption of these revised Inland Wetlands and Watercourses is not scheduled at this time, but public hearing notices will be posted on the Town's website and duly appear in a newspaper in the near future.