

47. **AT A SPECIAL TOWN MEETING HELD ON FEBRUARY 14, 1974,  
AT THE PLAINFIELD TOWN HALL, AT 7:30 P.M.,  
THE FOLLOWING ORDINANCES WERE ADOPTED:**

**ORDINANCE  
AN ORDINANCE CREATING AN INLAND WETLAND AND WATER COURSE  
AGENCY AND AUTHORIZING IT TO PROMULGATE REGULATIONS  
PROTECTING  
THE WETLANDS AND WATER COURSES OF THE TOWN OF PLAINFIELD:**

"BE IT ORDAINED BY THE SPECIAL TOWN MEETING of the Town of Plainfield: That the following ordinance be adopted pursuant to the provisions of An Act Concerning Inland Wetlands and Water Courses, Section 7131 (a) of the Connecticut General Statutes."

SECTION 1. The Inland Wetlands and Water Courses of the Town of Plainfield are an indispensable and irreplaceable but fragile natural resource with which the citizens of the Town have been endowed. The Wetlands are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of ground water and to the existence of many forms of animal, aquatic, and plant life.

Many inland wetlands and water course have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling, or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and water courses. Such unregulated activity has had, and will continue to have a significant, adverse impact on the environment and ecology of the Town of Plainfield and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic, and recreational values and benefits of the Town of Plain-field for its citizens now and forever more.

The preservation and protection of the wetlands and water courses from random, unnecessary, undesirable, and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare, and safety of the citizens of the Town.

It is therefore the purpose of this ordinance to protect the citizens of the Town of Plainfield by making provisions for the protection, preservation, and maintenance and use of the inland wetlands and water courses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by Federal, State or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms; wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and water courses for their conservation, economic aesthetic, recreational and other public and private uses and values; and protecting Plainfield's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of Plainfield and the uses of its land with the need to protect its environment and ecology in order to forever guarantee to the people of

Plainfield the safety of such natural resources for their benefit and enjoyment and the benefit and enjoyment of generations yet unborn.

SECTION 2 (a) The Inland-Wetland and water course Agency (hereinafter referred to as Agency) shall consist of seven (7) members appointed by the Board of Selectmen. There shall be representation from each of the following: Conservation Commission, Planning and Zoning, Recreation Committee, Board of Selectmen, Sewer Commission, and the Industrial Development Commission. The terms of office of these representatives shall run concurrently with the term of office held on the Committee or Commission. In addition, two citizen representatives shall be appointed, one to serve until January 1, 1975, one to serve until January 1, 1976; thereafter the terms of office shall be for two years.

(b) Vacancies shall be filled by appointment by the Board of Selectmen.

(c) In the event that an Agency member misses three consecutive meetings, the Board of Selectmen may remove that member and fill the vacancy created by the manner provided in Paragraph (b) of this section.

SECTION 3. (a) The Agency is authorized to promulgate such regulations, in conformity with regulations promulgated by the Commissioner of Environmental Protection, as are necessary to protect the wetlands and water courses and define boundaries of inland wetlands areas as defined by said Public Act No. 155, as amended within the territorial limits of the Town of Plainfield. No such regulations of an Agency including boundaries of inland wetland areas shall become effective or be established until after a public hearing in relation thereto is held by the Inland Wetlands Agency, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in the form of a legal advertisement, appearing in a newspaper having a substantial circulation in the municipality at least twice at intervals of not less than two days, the first not more than 25 days nor less than 15 days, and the last not less than two days before such hearing, and a copy of such proposed regulation or boundary shall be filed in the office of the Town Clerk, for public inspection at least ten (10) days before such hearing, and shall be published in full in such paper.

(b) Upon adoption by the Inland Wetlands and Water Course Agency, such regulations shall be forwarded to the Commissioner of Environmental Protection for approval. The regulations thus approved, together with any maps delineating wetlands and water courses made a part thereof, shall be filed in the office of the Town Clerk and shall become effective upon such filing. Notice of such approved regulations shall be published in a newspaper having a substantial circulation in the Town of Plainfield no less than ten (10) days after said filing.

(c) Amendments to such regulations and inland wetland boundaries shall be promulgated in the manner provided in paragraphs (a) and (b) of this Section. The Inland Wetland Agency shall only consider proposed regulations or inland wetland boundaries which have been submitted in writing and in a form prescribed by it. Said proposals shall be considered by the Inland Wetland Agency within 60 days of the receipt of the petition containing said proposal. The petitioner may consent to extension of the periods provided for in hearing and for adoption or denial or may withdraw such petition. The Inland Wetland Agency may require a filing fee to be deposited with

the Agency to defray the cost of publication of the notice required for the hearing. The Inland Wetland Agency shall not be required to hear any petition or petitions relating to the same regulation or map changes or substantially the same changes, more than once in a period of twelve (12) months.

SECTION 4. In exercising the authority granted herein, the Inland Wetland Agency shall:

- a. Develop comprehensive programs in furtherance of the purposes of this ordinance;
- b. Advise, consult, and cooperate with agencies of the municipality, region, State, and Federal Government, other States and with persons and municipalities in furtherance of the purposes of this ordinance; to this end, all applications for building permits, subdivision plans or other permits which involve or may involve regulated activities in an inland wetland or water course made to any other Board or Commission shall be subject to review of the Inland Wetland Agency;
- c. Encourage, participate in or conduct studies, investigations, research and demonstrations, and collect, and disseminate information relating to the purposes of this ordinance;
- d. Retain and employ consultants and assistants on a contract or other basis for the purpose of rendering legal, financial, technical, or other assistance and advice in furtherance of any of its purposes, specifically including, but not limited to, soil scientists of the United States Soil Conservation Service for the purpose of making onsite interpretations, evaluations, and findings as to soil types and/or utilize the services of such other Town officials and employees as it may deem appropriate;
- e. Promulgate such regulations as are necessary to protect the inland wetlands and water courses or any of them individually or collectively;
- f. Inventory or index the inland wetlands and water courses in such form, including pictorial representations, and list of plant species, as the Inland Wetland Agency deems best suited to effectuate the purposes of this ordinance;
- g. Exercise all incidental powers necessary to enforce regulations and to carry out the purposes of this ordinance, including the designation of a compliance officer and administrator.

SECTION 5. Any person aggrieved by a final decision of the Town acting through the Inland Wetland Agency shall have the right of appeal to the Court of Common Pleas of Windham County as provided by Public Act 155 of 1972 and as amended.

SECTION 6. Any person violating this ordinance or regulations promulgated thereunder shall be subject to the remedies and penalties provided by Public Act 155 and as amended.

SECTION 7. The invalidity of any word, clause, sentence, section, part or provision of this ordinance shall not affect the validity of any other part which can be given effect without such invalid part or parts.

SECTION 8. The ordinance shall become effective fifteen days after publication in accordance with the Connecticut General Statutes.