

# **ORDINANCE CREATING A WETLANDS COMMISSION AND AUTHORIZING IT TO PROMULGATE REGULATIONS PROTECTING THE WETLANDS AND WATER COURSES OF THE TOWN OF ANDOVER**

**74-01**

**BE IT ORDAINED BY THE TOWN MEETING** of the Town of Andover: That the following ordinance is adopted pursuant to the provisions of An Act Concerning Inland Wetlands and Water Courses, Section 7-131 (a) of the Connecticut General Statutes.

**SECTION 1.** The inland wetlands and watercourses of the Town of Andover 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 purification of ground water and to the existence of many forms of animal, aquatic, and plant life.

Many inland wetlands and watercourses 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 of 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 of the environment and ecology of the Town of Andover 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 Andover for its citizens now and forever more.

The preservation and protection of the wetlands and watercourses 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 Andover 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 Andover'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 economic growth of Andover and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of Andover the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

## **SECTION 2.**

- a. The Wetlands Commission shall consist of five regular members and three alternates. One of the five regular members shall be appointed by the Planning and Zoning Commission from among its own current membership. All other members and alternates shall be appointed by the Board of Selectmen. Regular members shall serve for two-year terms. Alternates shall serve for three-year terms. Subject to subsection c of this Ordinance, all members and alternates serving at the time of the enactment of this Ordinance may continue to serve until their terms are expired.
- b. Vacancies shall be filled by the Board of Selectmen.
- c. In the event that an Agency member misses four 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 Wetlands Commission 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 watercourses, and define boundaries of inland wetland areas as defined by said Public Act No. 155, as amended, 21 within the territorial limits of the Town of Andover. No such regulations of a Wetlands Commission including boundaries of inland wetland areas shall become effective or be established until after a public hearing in relation thereto held by the Wetlands Commission, 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 10 days before such hearing, and may be published in full in such paper.

- b. Upon adoption by the Wetlands Commission, such regulations shall be forwarded to the Commissioner of Environmental Protection for approval. The regulations thus approved, together with any maps delineating wetlands and watercourses 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 Andover no less than 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 Wetlands Commission shall only consider proposed regulations or amendments to 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 Wetlands Commission 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 Wetlands Commission may require a filing fee to be deposited with the agency to defray the cost of publication of the notice required for hearing. The Wetlands Commission 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 months.

**SECTION 4.** In exercising the authority granted herein, the Wetlands Commission 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 the furtherance of the purposes of this ordinance; to this end, all applications

of building permits, subdivision plans or other permits which involve or may involve regulated activities in an inland wetland or watercourse made to any other Andover Board or Commission shall be subject to review of the Wetlands Commission.

- c. Encourage, participate in or conduct studies, investigations, research and demonstrations, and collect and disseminate information relating to the purpose 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 22 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 Wetlands Commission 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 Wetlands Commission shall have the right of appeal to the Court of Common Pleas of Tolland County as provided by Public Act 155 of 1972 and as amended.

**SECTION 6.** Any person violating this ordinance or regulations promulgated hereunder 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, sectional 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 upon passage.

Voted at Special Town Meeting at Andover, Connecticut on January 28, 1974.

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Revision to Section 2a passed at Town Meeting January 30, 2007

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