

Town of Woodbury
Inland Wetlands and Watercourses Agency
281 Main Street South • Woodbury • CT • 06798 • 203-263-3467

JURISDICTIONAL DETERMINATION FORM
PERMITTED AS OF RIGHT and NON-REGULATED USES

The Town of Woodbury Inland Wetlands and Watercourses Agency (Agency) is the authority that determines whether an activity is permitted “**As of Right**” or permitted as a “**Non-Regulated Use**” as identified in Connecticut General Statutes (CGS) §22a-40 and §4.1 and §4.2 of the Town of Woodbury Inland Wetlands and Watercourse Regulations. An Agency Jurisdictional Determination is required prior to commencement of an activity.

PART I: LOCATION AND CONTACT INFORMATION

1. Property Address: _____
2. Assessor Map: _____ Lot: _____ Lot Area: _____ Zoning District: _____
3. Applicant/Agent(s) Name: _____
Mailing Address: _____
Phone: _____ Email Address: _____
4. Owner(s) Name: _____
Mailing Address: _____
Phone: _____ Email Address: _____

PART II: IDENTIFICATION OF PROPOSED ACTIVITY AS A “PERMITTED AS OF RIGHT USE” OR “NON-REGULATED USE”

1. **AS-OF RIGHT USE** (per CGS §22a-40(a) and §4.1 of the Woodbury Inland Wetlands and Watercourses Regulations
See full statutory text for each use:
 - a. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds three (3) acres or less essential to the farming operation.
 - b. Construction of a residential home for which a building permit has been issued prior to July 1, 1987, attach a copy of the valid building permit and site plan.
 - c. Boat anchorage or mooring.
 - d. Uses incidental to the maintenance and enjoyment of residential property.
 - e. Construction and operation by a water company of a dam, reservoir, or other facility necessary for the impounding, storage, and withdrawal of water in connection with public water supplies.
 - f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to CGS §22a-42a or July 1, 1974.
 - g. Withdrawals of water for fire emergency purposes.

2. **NON-REGULATED USE** (per CGS §22a-40(b) and §4.2 of the Regulations) and will not disturb the natural and indigenous character of a wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse (see full statutory text for each use).
- a. Conservation of soil, vegetation, water, fish, or wildlife.
 - b. Outdoor recreation.
 - c. Dry hydrant installation by authority of the municipal fire department.
 - d. Any dredging or any erection, placement, retention or maintenance of any structure, fill, obstruction or encroachment, or any work incidental to such activities, conducted by a state agency.

PART III: PROJECT INFORMATION

1. Purpose and detailed description of proposed activity (supplement with attached pages as needed):

2. Distance to closest: Wetland _____ LF Watercourse _____ LF

Direct Wetland/Watercourse Disturbance YES NO

Disturbance: Wetland _____ SF Watercourse _____ LF Upland Review Area _____ SF

Fill Amount _____ CY Cut Amount _____ CY Removed from Site _____ CY

3. Submit the following information – One (1) original and nine (9) copies, as well as an electronic pdf copy.
- This completed form.
 - Site plan showing existing and proposed features, with enough detail to understand the scope of the proposed work.
 - Location of wetlands and watercourses and regulated upland review area for each.
 - Additional information addressing the statutes (Attachment below) to assist the Agency in making its determination.
 - The Agency may require additional information to render a jurisdictional determination.

PART IV: CERTIFICATION and SITE ACCESS CONSENT

The undersigned hereby attest that the information supplied is accurate, and further consents to access and inspection of the subject property by the Agency and Land Use Office staff, at reasonable times both before and after a final decision has been issued by the Agency to ensure accuracy and compliance.

Applicant/Agent Signature

Date

Owner Signature

Date

Office File No. _____

ATTACHMENT

Connecticut General Statutes §22a-40 – Permitted operations and uses.

- (a) The following operations and uses shall be permitted in wetlands and watercourses, **as of right**:
- (1) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Energy and Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction, or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
 - (2) A residential home (A) for which a building permit has been issued, or (B) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987;
 - (3) Boat anchorage or mooring;
 - (4) Uses incidental to the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality, provided in any town, where there are no zoning regulations establishing minimum residential lot sites, the largest minimum lot site shall be two acres. Such incidental uses shall include maintenance of existing structures and landscaping but shall not include removal or deposition of significant amounts of material from or onto a wetland or watercourse or diversion or alteration of a watercourse;
 - (5) Construction and operation, by water companies as defined in section 16-1 or by municipal water supply systems as provided for in chapter 102, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in sections 22a-401 and 22a-403;
 - (6) Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential, but which does not contain hydrophytic vegetation. For purposes of this subdivision, “maintenance” means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place; and
 - (7) Withdrawals of water for fire emergency purposes.
- (b) The following operations and uses shall be permitted, as **non-regulated uses** in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:
- (1) Conservation of soil, vegetation, water, fish, shellfish and wildlife;
 - (2) Outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated; and
 - (3) The installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For purposes of this section, “dry hydrant” means a non-pressurized pipe system that: (A) is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water.
- (c) Any dredging or any erection, placement, retention or maintenance of any structure, fill, obstruction or encroachment, or any work incidental to such activities, conducted by a state agency, which activity is regulated under sections 22a-28 to 22a-35, inclusive, or sections 22a-359b to 22a-363f, inclusive, shall not require any permit or approval under sections 22a-36 to 22a-45, inclusive.