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WETLANDS AND WATER COURSES REGULATIONS
OF THE
TOWN OF CANAAN, CONNECTICUT

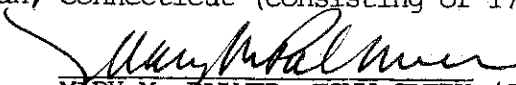
as amended Oct. 1, 1975 (see amendments on pp 15-16)

The following are "the Wetlands and Water Courses Regulations" adopted by the Conservation Commission pursuant to ordinance of the Town of Canaan dated February 21, 1973, authorizing the Conservation Commission to promulgate regulations protecting the Wetlands and Water Courses of the Town in accordance with the provisions of the "Inland Wetlands and Water Courses Act" (Public Act 155 of 1972) and/or Section 7-131(a) of the General Statutes, amended by Public Act No. 75-387

Section 1. Definitions. As used in these regulations:

- 1-1 "Commission" means the Conservation Commission of the Town of Canaan;
- 1-2 "Person" means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof;
- 1-3 "Soil Scientist" means an individual duly qualified in accordance with standards set by the United States civil service commission;
- 1-4 "Material" means any substance, solid or liquid, organic or inorganic, including, but not limited to soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse or waste;
- 1-5 "Waste" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters of the Town;
- 1-6 "Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the Town by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as to directly or indirectly come in contact with any waters;
- 1-7 "Rendering unclean or impure" means any alteration of the physical, chemical or biological properties of any of the waters of the Town, including, but not limited to change in odor, color, turbidity or taste;

I CERTIFY THIS to be a true copy of the Wetlands and Water Course Regulations of the Town of Canaan, Connecticut (consisting of 17 pages, including this page).


MARY M. PALMER, TOWN CLERK (SEAL)
2/3/2011

- 1-8 "Discharge" means the emission of any water, substance or material into waters of the Town whether or not such substance causes pollution;
- 1-9 "Remove" includes, but shall not be limited to drain, excavate, mine, dig, dredge, suck, bulldoze, dragline or blast;
- 1-10 "Deposit" includes, but shall not be limited to fill, grade, dump, place, discharge or emit;
- 1-11 "Regulated activity" means any operation or activity within, or use of, a wetland or water course involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or water courses, except as otherwise indicated in Section 2 of these regulations.
- 1-12 "License" means the whole or any part of any permit, certificate or approval required of any person by the provisions of these regulations;
- 1-13 "Wetlands" means land, including submerged land, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial or flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture. Such lands are generally shown for informational purposes only on a map on file in the office of the Town Clerk entitled "Inland Wetlands and Water Courses Map, Canaan, Connecticut." In each instance, however, the actual character of the soil shall determine whether the land in question is subject to regulation;
- 1-14 "Water courses" 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 or flow through or border upon the Town or any portion thereof;
- 1-15 "The Act" means Sections 22a-36 to 45, inclusive, of the Connecticut General Statutes, as amended.

Section 2. Permitted Uses and Operations

The following operations and uses shall be permitted in wetlands and water courses, as of right:

- 2-1 Grazing, farming, nurseries, gardening, and harvesting of crops and farm ponds of three acres or less;
- 2-2 A residential home for which a building permit has been issued or on a subdivision lot, providing the permit has been issued or the subdivision approved as of the effective date of these regulations;

- 2-3 Boat anchorage or mooring;
- 2-4 Uses incidental for the enjoyment and maintenance of a residential property, such property defined as the largest minimum lot site permitted anywhere in the Town. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of material from or into a wetland or water course, or diversion or alteration of a water course;
- 2-5 Construction and operation, by water companies as defined in Section 16-1 of the General Statutes, or by municipal water supply systems as provided for in Chapter 102 of the General Statutes, 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 Section 25-110 and 25-112 of the General Statutes, as amended.

The following operations and uses shall be permitted as nonregulated uses in wetlands and water courses, provided they do not disturb the natural and indigenous character of the land. "Disturbing the natural and indigenous character of the land" means that the activity will significantly disturb the wetland or water course by reason of removal or deposition of material, will cause the alteration or obstruction of water flow, or will result in the pollution of the wetland or water course:

- 2-6 Conservation of soil, vegetation, water, fish, shellfish and wildlife;
- 2-7 Outdoor recreation including play and sporting areas, golf courses, field trials, nature study, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting and fishing where otherwise legally permitted and regulated.

Section 3. Licensing of Regulated Activities

Subject to the provisions of Section 2 hereof, regulated activities affecting the wetlands and water courses of the Town are prohibited except as they may be licensed by the Commission, as hereinafter provided.

Section 4. Necessary Findings

In carrying out the policy and purposes of The Act, including matters relating to regulating, licensing and enforcing the provisions of these regulations, the Commission shall take into consideration and make findings with respect to all relevant facts and circumstances, including but not limited to:

- 4-1 The environmental impact of the proposed action, including:
 - 4-1a Amount of material to be removed or deposited and the projected effect on the water table and drainage patterns,
 - 4-1b Danger of erosion,
 - 4-1c Likelihood of siltation and leaching and any resulting adverse effects on water quality and aquatic life,
 - 4-1d The nature of any material to be removed or deposited and its effect on flood control, water supply and quality, and on aquatic organisms,
 - 4-1e Projected changes in velocity, volume or course of water flow or in the water table and their effects,
 - 4-1f Existing flood or channel encroachment lines, flood plain and stream belt zoning,
 - 4-1g Changes to the physical, chemical and biological properties of the water or soil and their impact,
 - 4-1h Change in the suitability of the area for recreational or aesthetic enjoyment,
 - 4-1i Importance of the area to the region with regard to water supply, water purification, flood control, natural habitat, recreation, open space and size of operation;
- 4-2 The alternatives to the proposed action;
- 4-3 The relationship between short term uses of the environment and the maintenance and enhancement of long term productivity;
- 4-4 Irreversible or irretrievable commitments of resources which would be involved in the proposed activity;
- 4-5 The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened; and
- 4-6 The suitability or unsuitability of such activity to the area for which it is proposed.

Section 5. Submission of Tentative Proposals

- 5-1 Prior to the submission of any application hereunder, any person may submit a tentative plan to the Commission for discussion purposes only. Such tentative plan shall not constitute the filing of an application hereunder and no filing fee therefore shall be charged. It is preliminary thereto for the purpose of seeking the Commission's advice and guidance with respect to the general feasibility of the proposed regulated activity and establishing the basis for and clarifying the design requirements of the application.

Section 6. Preliminary Applications

- 6-1 Any person wishing to carry on any regulated activity, or engage in any operation and use set forth in Section 2 hereof that may be a regulated activity within the meaning of this ordinance, may submit a preliminary application to the Commission in lieu of the Final Application set forth in Section 7 hereof.
- 6-2 The preliminary application shall include the following information:
- 6-2a The name and address of applicant and if applicant is not the owner of the land to be affected, applicant's interest in the land, i.e., lessee, licensee, etc;
- 6-2b If applicant is not the land owner, the owners' names and addresses and their written consent, duly acknowledged, to the proposed activity set forth in the application;
- 6-2c Purpose of the proposed regulated activity;
- 6-2d Amount and kind of material proposed to be removed or deposited or type of use;
- 6-2e Complete description of the area in which the regulated activity is proposed, including the following: the boundaries of the applicant's land, the existing improvements thereon, the general character of the land in sufficient detail to show the wetlands and water courses (including soil types) and a vicinity sketch showing the general location of the area in which the regulated activity is proposed in sufficient detail to allow identification of the property on the "Soils Survey Map, Canaan, Connecticut";
- 6-2f Depth to which removal or deposition operations are proposed and angle of repose of all slopes including deposited materials and sides of channels or excavations resulting from removal operations;

- 6-2g Manner in which material will be removed or deposited and/or in which any structure will be erected, and/or use carried out, including a detail-description of the nature of the use proposed.
- 6-3 Within twenty-one (21) days after receipt of a complete preliminary application the Commission shall conduct a preliminary review with the applicant, notice of which shall be timely given to the applicant. The Commission may require the applicant to furnish, prior to the preliminary review, any additional information which it deems necessary to determine whether the activity or use applied for is a regulated activity.
- 6-4 If, on preliminary review, the Commission finds that the activity or use applied for is an operation or use set forth in Section 2 hereof, it shall within 30 days thereof grant to the applicant a license to proceed with the activity or use for which application was made.
- 6-5 If on preliminary review, the Commission finds that the activity or use applied for may or does involve a regulated activity, it shall then within 30 days thereof determine and notify the applicant whether the proposed activity or use may or does involve any one of the following activities:
- 6-5a Any activity or use involving the deposition of more than five hundred (500) cubic yards of material within a wetland or water course or any deposition that will have a substantial adverse effect on any wetland or water course.
- 6-5b Any activity or use involving the removal of more than five hundred (500) cubic yards of material within a wetland or water course.
- 6-5c Any activity which substantially changes the natural channel of a water course or the limits and/or form of a wetland.
- 6-5d Any activity which diminishes substantially the natural capacity of a water course or wetland to support desirable biological life, prevent flooding, supply water, facilitate drainage and provide recreation and open space.
- 6-5e Any activity or use which would result in degrading a water course, or the surface or ground-water of a wetland, such degradation to be measured by the standards of the Water Compliance Division of the Department of Environmental Protection, where applicable.

- 6-6 If on preliminary review, the Commission finds that the proposed activity does not involve an activity as set forth in Section 6-5 hereof, but may or does involve a regulated activity it shall within 30 days thereof after fully considering the standards set forth in section 4-1 hereof, determine and notify the applicant whether affirmative findings can be made as to each of the following:
- 6-6a That no preferable location in the area under application could reasonably be required;
 - 6-6b That no further technical improvements in the proposed activity or use involving a regulated activity or safeguards for their implementation are possible, or could reasonably be required;
 - 6-6c That the proposed activity or use involving a regulated activity, and/or the conduct of such activity or use, will result in little if any reduction of the wetlands' or water courses' natural capacity to support desirable biological life, prevent flooding, supply water, facilitate drainage and provide recreation and open space;
- 6-7 If the Commission makes all the findings set forth in 6-6a through 6-6c hereof with respect to the activity applied for in the affirmative, it shall within 30 days of such preliminary review grant a license to the applicant either unconditionally or with such conditions as it considers may reasonably insure that such activity will be carried out in conformity with the purposes of The Act.
- 6-8 If the Commission finds that the proposed activity or use applied for may or does involve an activity as set forth in 6-5 hereof or if it cannot make all findings set forth in 6-6a through 6-6c hereof in the affirmative it shall within 30 days of such preliminary review notify the applicant that his preliminary application for a license is denied, stating its reasons therefor and advising the applicant that he may submit a final application under the provisions of Section 7 hereof.

Section 7. Final Applications

- 7-1 Any person who has not been granted a license pursuant to a preliminary application wishing to carry on any regulated activity, or engage in any operation and use set forth in Section 2 hereof that may be a regulated activity within the meaning of this ordinance may submit a final application to the Commission.

7-2 The final application shall include all the information required for the preliminary application as set forth in paragraph 6-2 hereof together with the date on which any preliminary application was filed with the Commission and the date that any license was preliminarily denied. A preliminary application may be incorporated by reference.

7-3 Within fifteen (15) days of receipt by the Commission of the final application, the Commission shall notify the applicant to furnish such additional information as the Commission may deem necessary to reach a decision on such application which information may include but is not limited to the following:

7-3a A site plan or map drawn to a scale, the horizontal control of which is based upon a monumented survey on file in the office of the Town Clerk and the vertical control for elevation and sounding of which is based upon U.S. Geological Survey datum and the Connecticut coordinate system. Such map shall be prepared by a professional engineer or surveyor licensed by the State of Connecticut and in the event that hydraulic changes are proposed certified by a professional hydrologist. It shall depict the location and effects of the proposed activity or use by showing the following:

1. property lines of the real property to be affected, the owners of record of the property and of adjoining properties and the structures existing on the affected property;
2. areas of proposed changes in use or activity;
3. locations on or near the affected property of wetlands or water courses;
4. locations of all boring and soil samples data obtained by a soil scientist which the applicant wishes to present;
5. elevations by contour lines at two (2) foot vertical intervals;
6. all existing and proposed drainage structures such as culverts and catch basins;
7. locations of all existing and proposed waste treatment facilities;
8. areas where material will be deposited or moved;
9. location of all existing or proposed construction within a water course;

10. significant vegetation including all trees over six (6) inches caliper diameter breast height;
 11. proposed grading by two (2) foot contours of any moved material;
- 7-3b A soil sample report prepared and certified by a soil scientist indicating the soil type and location of wetlands and water courses in key to the soil sample locations shown on any map prepared in accordance with 7-3a hereof;
- 7-3c A biological evaluation of any marsh, swamp or bog on the affected property indicating:
1. dominant botanical species, rare species and forest by age classes;
 2. habitat value of the affected property for all wildlife species;
 3. depth of water table below surface or level of water if inundated;
- 7-3d Analysis of any material to be deposited within the affected property including:
1. volume in cubic yards;
 2. nature of materials (e.g. sand, gravel, loam, building materials, etc.);
 3. precise chemical composition of any toxic material whether they are to be enclosed in containers of any type or deposited openly without containment;
 4. explanation of how the affected property is to be protected from erosion or leaching of deposited material;
- 7-3e A description of proposed construction or the erection of structures upon affected property and the purposes of such construction.
- 7-3f The effect of the proposed activity or use upon a water course within or partly within the affected property including:
1. pH or alkalinity/acidity level;
 2. turbidity or solids in parts per million;
 3. bacteria count in coliforms per milliliter;

4. flow if any in cubic feet per second;
 5. estimate of the changes in 1. through 4. resulting from the proposed activity or use.
- 7-4 In addition the Commission may require such other data as it deems necessary to evaluate the application in light of the purposes and policy of these regulations including, but not by way of limitation, an impact statement prepared pursuant to Section 4 hereof.
- 7-5 Upon receipt of all information required of the applicant, the Commission shall forward one copy of the final application and any attachments thereto to the Soil and Water Conservation District for Litchfield County for review and shall set a date for a public hearing on the application not less than thirty (30) nor more than sixty (60) days from the receipt of the completed application. Notice of the public hearing shall be published not more than thirty (30) nor less than ten (10) days prior to the date of such hearing and shall state that the application may be examined in the office of the Town Clerk. Notice of such hearing will also be provided to said Soil and Water Conservation District.
- 7-6 At the public hearing, the Commission shall make a part of the record any written review which may have been received from the Soil and Water Conservation District and shall hear evidence on the character and extent of the proposed activity or use on the land involved and on the possible effects of such activity on the affected property and surrounding areas and all relevant facts and circumstances, including those set forth in Section 4 hereof. It shall cause a stenographic record to be made of such hearing.
- 7-7 The Commission shall consider the evidence offered at the public hearing, any reports of other Agencies and Commissions, including the Soil and Water Conservation District, the information submitted with the final application, and all relevant facts and circumstances including those set out in Section 4 hereof.
- 7-8 In order for the Commission to grant a license after final application, with or without conditions, the following findings must be made:
- 7-8a That no preferable location in the area which is the subject of the application could reasonably be required;
 - 7-8b The public benefit of the proposed activity justifies any possible degradation of the wetland or water course;

7-8c That no further technical improvements in the plan or safeguards for its implementation are possible or could reasonably be required after considering and evaluating the following:

1. the contribution or contributions to the social and economic welfare which will result from the activity;
2. the projected effects on the wetland or water courses, as measured by the consideration in Section 4-1 hereof, and as projected in the application, in any reports the Commission has received from other agencies and from outside experts and in the Commission's own judgment;
3. the particular importance of the area in question as measured by its value for water supply, recharge, discharge, and purification of ground or underground water, flood control, natural habitat, and recreation;
4. the provisions for reclaiming or reducing any loss of environmental values caused by the proposed activity.

7-9 Action shall be taken on applications within ~~forty-five~~ ^{sixty-five} ~~65~~(45) days after the completion of a public hearing. The Commission shall inform the applicant of its decision in granting with or without conditions or in denying a permit, by certified mail within five (5) days of the date of such decision. A copy of such notice shall be sent by certified mail to the Commissioner of the Department of Environmental Protection within five (5) days of such decision, and shall be published in a newspaper having general circulation in the Town of Canaan.

Section 8. Appeals

Any person aggrieved by any regulation, order, decision or action made by the Commission pursuant to these regulations may appeal to the Court of Common Pleas where the land affected is located within fifteen (15) days after notification of such regulation, order, decision or action. All appeals shall follow the procedure outlined in Section 22a-43, as amended, of the Connecticut General Statutes. The Commission shall notify the Department of Environmental Protection of any such appeals, and enclose a copy of the regulation, order, decision or action upon which it is based.

Section 9. General Provisions for Preliminary and Final Applications

- 9-1 Preliminary and final applications shall be submitted on such forms as the Commission may require and provide and in sufficient copies but not less than three (3) copies to enable the Commission to carry out its duties under these regulations. The Commission shall retain the original application for its files and shall provide one (1) copy for each agency or officer of the Town from whom it seeks advice or recommendation concerning the application.
- 9-2 There shall be a filing fee of \$10 for each preliminary application and \$25 for each final application which fee shall be paid to the Town at the time of submission of such applications.
- 9-3 The findings and conclusions reached by the Commission with respect to any application under these regulations shall be fully set forth in writing, shall be maintained as public records in the manner provided by law.
- 9-4 All licenses or licenses with conditions which shall issue under these regulations shall be in writing and may be on such forms as the Commission shall provide. Such licenses shall be furnished to the applicant and a copy retained by the Commission for its records. Any conditions applicable to licenses issued shall be set forth in full thereof.
- 9-5 The Commission may seek the advice and recommendation of other Town boards, agencies or officers and of experts in pertinent scientific disciplines such as ecology, land use planning, sanitation, hydrology, soil science, etc. as it deems necessary and in reaching decisions per these regulations it shall take into account any reports which such boards, agencies, officials or experts shall render. The Commission may require the applicant to provide it with reports and recommendations of such experts. Failure to receive a report from any of those from whom the Commission requests information shall not delay the proceedings or prejudice the decision.
- 9-6 All information submitted by the applicant or his agents in connection with any application hereunder shall be considered correct. Failure of the applicant or his agents to provide correct information in connection with any application hereunder which is material to the issuance of a license therefor shall be deemed a violation of these regulations.

- 9-7 Nothing in these regulations shall obviate the necessity for the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, the State of Connecticut or any political subdivision or agency thereof. The obtaining of such assents, permits or licenses are solely the responsibility of the applicant.
- 9-8 No operations shall be initiated by the applicant until such other permits as may be required are issued.
- 9-9 Initiation of activity under any license granted by the Commission shall be within one year of the granting of the license, unless the time period is extended by the Commission.
- 9-10 No license may be assigned or transferred without the written consent of the Commission.

Section 10. Enforcement

- 10-1 The Commission or its appointed agent shall make regular inspections of regulated areas and of all activities and uses for which licenses have issued under these regulations. Licensed activities shall be open to inspection at all reasonable times by the Commission or such agent and the applicant, his agent or the landowner shall have such license readily available and shall produce the same for inspection upon request.
- 10-2 Any person claiming that an area is not a wetland or a water course shall have the burden of so showing by presenting documentation prepared by a soil scientist to the Commission.
- 10-3 Any person who shall commit, take part in or assist in any violation of any provision of these regulations or conditions imposed by the Commission upon a license shall be served with a written notice at the direction of the Commission stating the nature of the violation and providing a specified time within which such violation shall cease and satisfactory corrective action taken by the violator.
- 10-4 Any person who commits, takes part in, or assists in any violation of any provisions of these regulations shall be subject to the penalties provided in Section 22a-44 of the General Statutes, and to such other penalties as the law may provide.

Section 11. Bond and Insurance

- 11-1 The applicant, upon approval of the license, in the discretion of the Commission, may be required to file a performance bond in an amount and with sureties and in a form approved by the Commission.
- 11-2 The bond and sureties shall be conditioned on compliance with all provisions of these regulations and conditions imposed on license approval.
- 11-3 Applicant may be required to certify that he has public liability insurance against liability which might result from proposed operation or use covering any and all damage which might occur within three years of completion of such operations, in an amount to be determined by the Commission commensurate with the projected operation.

Section 12. Pre-existing Activities or Uses

- 12-1 Any regulated activity or use legally existing prior to the effective date of these regulations shall be exempt therefrom and permitted to continue provided that:
- 12-2 No new or additional regulated activity requiring a license under the provisions of these regulations shall be permitted after the effective date thereof except by such license.
- 12-3 Where damage or hazardous conditions exist, the landowner may be required by the Commission to repair such damage or remedy such condition as the Commission may direct.

Section 13. Conflict and Severance

- 13-1 Where there is a conflict between the provisions of these regulations and those of any other applicable ordinance or regulation, the provisions of that ordinance or regulation which imposes the greatest restrictions on the use of wetlands and water courses shall govern. The invalidity of any word, clause, sentence, section, part or provision of these regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.

Section 14. Effective Date

- 14-1 These regulations shall become effective upon filing in the office of the Town Clerk of Canaan after approval thereof by the Commissioner of Environmental Protection and publication of notice of their promulgation in a newspaper having a general circulation in the Town of Canaan.

Section 15. Amendments to Regulations and Maps

15-1 These regulations and the inland wetland boundaries as shown on the "Inland Wetlands and Water Courses Map" may be from time to time amended, changed or repealed, by a majority vote of the Commission. Whenever such changes in regulations or wetland boundaries are made the Commission shall state upon its records the reasons why the changes are made.

15-2 Petitions

Revisions in wetland and water courses regulations or in wetland boundaries may be sought by petition to the Commission. All petitions submitted in writing and in a form prescribed by the Commission, requesting a change in the regulations or the boundaries of the wetland areas shall be considered at a public hearing in the manner provided by The Act for establishment of regulations and boundaries within ninety (90) days after receipt of such petition. The Commission shall act upon the changes requested in such petition within sixty (60) days after the hearing. The petitioner may consent to extension of the periods provided for in hearing and for adoption or denial, or may withdraw such petition. Each petition shall be accompanied by a fee of \$10 to defray the cost of publication of the notice required for a hearing.

AMENDMENTS

1. Amendment to replace Section 15-1, p.15:
All amendments, changes and repeal measures involving regulations and wetland boundaries must be aired at a public hearing held by the Commission prior to their effective date. The hearing must be held in the same manner outlined for the initial adoption of wetland regulations.
2. Amend Section 7 - 5, p. 10 to read "shall set a date for a public hearing on the application not less than thirty (30) nor more than sixty-five (65) days from the receipt of the completed application."
3. Amend Section 7 - 9, pp. 11 to read "The Commission shall inform the applicant of its decision...., by certified mail within fifteen (15) days of such decision. A copy of such notice shall be sent by certified mail to the Commissioner of the Department of Environmental Protection, within fifteen (15) days of such decision...."

4. Amendment to replace Section 10-3, p.13:
If the Commission finds that any person is conducting or maintaining any activity, facility or condition which is in violation of Sections 22a-36 to 22a-45, inclusive, as amended by Public Act 75-387, or of the regulations of the Commission, the Commission may issue a written order by certified mail to such person maintaining such facility or condition to correct such facility or condition. Within ten days of the issuance of such order the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and within ten days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to Section 10-4 as amended by Public Act 75-387.

5. Amend Section 10-4, p. 13, to read "Any person who commitsthese regulations shall be subject to the penalties provided in Section 22a -44 of the General Statutes as amended by Public Act 75-387..."

SOIL EROSION AND SEDIMENT CONTROL REGULATIONS

Town of Canaan

1W2

Effective July 1, 1985

Pursuant to Public Act 83-388, State of Connecticut, the Town of Canaan establishes the following land development regulations for land disturbances of one-half acre or more, excepting construction of a single family house that is not part of a sub-division. Such regulations may also be applied to development on any land deemed highly susceptible to soil erosion damage by competent authorities.

I. A "Soil Erosion and Sediment Control Plan" (as defined in Public Act 83-388, Section 3(5)) will be submitted with each development application. The Plan will consist of at least a map and a narrative.

II. Such Plan or Plans will be certified (as described in Section 6.1 of Model Soil Erosion and Sediment Control Regulations for Land Development, page 1-12 of Guidelines for Soil Erosion and Sediment Control by the Planning and Zoning Commission and other agencies, if necessary, to:

1. keep land disturbance to a minimum
2. stabilize disturbed areas
3. keep water runoff velocity low
4. protect disturbed and adjacent areas from storm water runoff
5. specify perimeter control practices and strategies
6. outline a thorough maintenance and follow-up program
7. reasonably maintain aesthetic, recreational, fish and wildlife habitat value
8. assign responsibility for implementation and maintenance of the plan in writing to one executive level person or employee or obtained by the developer or his agents, who will be regularly on the development site

III. Inspection and control measures will be carried out by the Town of Canaan, or its agent, during construction. Unless compelling reasons dictate otherwise, the Zoning Enforcement Officer will be the inspecting authority for this regulation. Other inspection and compliance contingencies will be devised as needed on a case by case basis and in consultation with the Conservation Commission or competent authority, as necessary. Inspection intervals will be established on a case by case basis.

IV. With respect to the definitions of operative words, compliance strategies, techniques and considerations, and all other relevant concerns, the publication Guidelines for Soil Erosion and Sediment Control (State of Connecticut, January 1985) will, until superseded, be considered the authoritative reference for this regulation and for the applicant.

V. Copies of this directive to be attached to and become a part of the Zoning and Sub-division Regulations of the Town of Canaan.

IW3

August 10, 1972 I set upon the Public Signpost of said Town of Canaan, in Falls Village, a copy of said Warning and Notice signed by the Board of Selectmen.

August 15, 1972

Miles L. Blodgett
First Selectman

SPECIAL TOWN MEETING
TOWN OF CANAAN
Aug. 23, 1972

A Special Town Meeting of the Town of Canaan was held at the Town Hall on August 23, 1972.

The meeting was called to order at 7:30 P.M. by Miles L. Blodgett, First Selectman. Caroline Wakefield was chosen Moderator and Ada M. Moore, Town Clerk acted as clerk.

The following Resolutions were presented:

RESOLVED: That the rate schedule of the Falls Village Water Co. as set forth in the call for the public hearing held on Friday, August 18, 1972, be adopted by the Town.

Resolution, moved, seconded and adopted.

RESOLVED: That the Town of Canaan hereby approve the following Ordinance increasing the terms of Town Clerk and Registrars of Voters from two (2) to four (4) year terms.

ORDINANCE

BE IT ORDAINED by Town Meeting of the Town of Canaan, that, pursuant to the provisions of Public Act 100 of the January, 1972 Session of the General Assembly, the Town Clerk and the Registrars of Voters of the Town of Canaan shall, at the next succeeding regular election for such office and thereafter, be elected for a term of four (4) years from the first Monday of January succeeding his election in the case of the Town Clerk and from the Wednesday following the first Monday of January succeeding their election in the case of the Registrars of Voters.

Resolution moved, seconded and adopted.

RESOLVED: That the Town of Canaan hereby establish a Conservation Commission, the duties of which are spelled out in section 7-131a, subsections (a), (b) of the 1969 Supplement of the General Statutes of the State of Connecticut. The Commission shall consist of five members who shall be electors of the Town of Canaan, no more than three of whom shall be members of any one political party and shall be appointed by the Chief Executive Officer of the Municipality.

I CERTIFY THIS to be a true copy of the Town Meeting minutes adopting "An Ordinance Concerning Establishment of a Conservation and Inland Wetlands Commission (2 pages).

Mary M. Palmer
MARY M. PALMER, TOWN CLERK (SEAL) 2/3/2011

118
The terms of Office of said electors appointed to be the original members of said Conservation Commission shall be as follows:

- a. one (1) member for five (5) years
- b. one (1) member for four (4) years
- c. one (1) member for three (3) years
- d. one (1) member for two (2) years
- e. one (1) member for one (1) year.

Thereafter on the anniversary date of the original appointment, the Chief Executive Officer shall appoint one (1) elector to be a member to serve for five (5) years.

Resolution moved, seconded and adopted.

Since there was no further business proper to come before said meeting, motion was made, seconded and adopted that this meeting be dissolved.

Attest: Ada M. Moore
 Clerk

September 12, 1972

At the regular monthly meeting of the Board of Selectmen held Monday, September 11, 1972, Mr. Francis M. Dooley was appointed Attorney for the Town of Canaan, effective with the date of the appointment.

Miles L. Blodgett
First Selectman

WARNING OF
ANNUAL TOWN MEETING
October 2, 1972

The Electors and Citizens who are qualified to vote in Town Meeting of the Town of Canaan, Connecticut are hereby warned and notified that the Annual Town Meeting will be held in the Lee H. Kellogg School at Falls Village, Connecticut in said Canaan on Monday, October 2, 1972 at 7:30 in the evening for the following purposes, to wit:

1. To receive and act upon the reports of the officers of the Town.

2. To authorize the Selectmen to enter into an agreement in the name of and on behalf of the Town, with the Highway Commissioner for the expenditure of all funds available to the Town under the provisions of Chapter 240, Sections 13a - 175a to Section 13a-175h inclusive of the General Statutes, Revision of 1967.

3. To act upon any other business proper to come before said meeting.

Canaan Board of Selectmen

1W4 131

WARNING

NOTICE OF SPECIAL TOWN MEETING
 CANAAN, CONNECTICUT
 WEDNESDAY, FEBRUARY 21, 1973.

A Special meeting of the electors and citizens qualified to vote in town meetings of the Town of Canaan, Connecticut will be held in the Town Hall in said Town of Canaan on Wednesday, February 21, 1973 at 7:30 p.m. for the following purposes:

1. To act on an offer of Stuart R. MacMillan to sell to the Town a farm of land located on Route # 63 and Route # 126 in the Town of Canaan consisting of 70 acres, more or less, with house, barn and a vegetable stand for the sum of \$ 125,000.00.

2. If Item 1 of the call is accepted, to take whatever steps necessary to accomplish such a transaction.

3. To designate the present Town Conservation Commission as the agency to promulgate such regulations as are necessary to protect the Inland Wetlands and Water Courses within the territorial limits of the Town of Canaan pursuant to the power granted by Connecticut General Statutes, section 7-131 (a).

Dated this 9th day of February, 1973 at Canaan, Connecticut

Board of Selectman

Miles L. Blodgett
 W.F. Price
 Edward S. Tyburski.

RETURN OF NOTICE

I HEREBY CERTIFY that on February 9, 1973, I left a duplicate of the foregoing and attached warning and notice of a Special Meeting of the Town of Canaan with Lucille E. Marston, Town Clerk.

I FURTHER CERTIFY that I caused a copy of said warning and notice to be published in THE LAKEVILLE JOURNAL a newspaper having a circulation in said Town on February 15, 1973.

I FURTHER CERTIFY that on February 9th, 1973 I caused to be set upon all the signposts within the limits of said Town and at all other places designated by the Town a written copy of said warning and notice signed by the Board of Selectmen.

I FURTHER CERTIFY that all of the above acts were done at least five days before the holding of said meeting on February 21, 1973.

Miles L. Blodgett
 Selectman

I CERTIFY THIS TO be a true copy of the Town Minutes Vol 6, Pages 131 through 134 of the Town of Canaan.


 MARY M. PALMER, TOWN CLERK (SEAL)
 2/3/2011

32

WARNING
NOTICE OF PUBLIC HEARING
CANAAN, CONNECTICUT
WEDNESDAY, FEBRUARY 21, 1973

A public hearing will be held by the Selectmen of the Town of Canaan, pursuant to the Connecticut General Statutes, provisions 13a-39 at the Town Offices in said Town of Canaan, Connecticut on Wednesday, February 21, 1973 at 8:00 p.m. in order to reestablish a portion of the layout of Music Mountain Road.

Dated at Canaan, Connecticut this 9th day of February, 1973.

Board of Selectmen
Miles L. Blodgett
W. F. Price
Edward S. Tyburski

Due to the length of the foregoing Special Town Meeting held on February 21, 1973 the above Public Hearing was adjourned to March 5th, 1973 the date of the next monthly meeting of the Board of Selectmen.

Lucille E. Marston
Town Clerk

SPECIAL TOWN MEETING
TOWN OF CANAAN February 21, 1973

The Special Town Meeting of the Town of Canaan was held at the Town Hall on February 21, 1973.

The meeting was called to order at 7:30 P.M. by Miles L. Blodgett, First Selectman.

Hugh Rossire was chosen Moderator and Ada M. Moore acted as clerk.

The clerk read the call of the meeting.

The following resolutions were presented:

1. BE IT RESOLVED: that the Town of Canaan purchase the property of Stuart R. MacMillan located on Routes # 63 and # 126 in the Town of Canaan, consisting of 70 acres of land, more or less, with house, barn and vegetable stand for the sum of \$125,000.00

Moved and seconded that we act upon this Resolution.

Discussion of negotiations by the Board of Selectmen followed, Francis Howe who was on the committee to investigate the MacMillan property reported on the investigation of the Lime Rock property which had been offered for rent. After communication with the Department of Environmental Protection it was discovered that that department was opposed to the Lime Rock site. The State did however give tentative approval of the MacMillan property which would still require approval by the engineering department. He stated that the G.E. disposal set up is far in the future and might

never be available for use by small towns.

Discussion of the condition of the property followed.

Question was brought up regarding the condition of the soil and whether or not the State would accept it after engineering investigation.

The right of eminent domain was brought up and the Town Attorney who was present believes that this may be something coming up in the near future. This would of course cause a great delay in the acquisition of any property and property taken in this way usually demands a greater price.

James McLain who made the motion on this resolution and H. Lincoln Foster who had seconded the motion made and seconded a motion respectively, that this previous resolution be withdrawn and a new resolution be offered: So voted.

The Substitute Resolution was as follows:

BE IT RESOLVED: that the Town of Canaan offer to purchase the property of Stuart MacMillan located on Routes No. 63 and No. 126 for the sum of \$ 125,000.00 contingent upon:

a) the following terms:

\$3,500 at the signing of the contract.

\$31,500. at the closing of the title.

\$90,000. purchase money mortgage for 15 years at 5%

b) State of Connecticut approval of the site as a land fill dump.

Motion was made by James McLain, seconded by Francis Howe that we act upon this resolution.

Amendment offered by Henry V. Smith, seconded by H. Lincoln Foster that we offer Mr. MacMillan \$ 100,000. as the purchase price rather than \$ 125,000. Discussion followed on this amendment. Vote on the amendment was taken and the amendment was lost.

Motion was made and seconded that the vote on the substitute resolution be taken by paper ballot. So voted. Counters appointed were Peter Lawson and Myron Cothorn. Teller Atty Dooley. Vote was taken with the following result:

YES 41 NO 11 BLANK 1

MOTION CARRIED and Resolution adopted.

It was decided that Resolution above combined resolutions one and two that were noted in the call.

It was made clear that we were not buying tonight but making an offer to buy with the contingencies as note.

BE IT RESOLVED: that the present Town Conservation Commission is hereby designated as the agency to promulgate such regulations as are necessary to protect the Inland Wetlands and Water Courses within the territorial limits of the Town of Canaan pursuant to the power granted by Connecticut General Statutes, Section 7-131(a).

Motion was made and seconded that this resolution be adopted. After discussion

RESOLUTION ADOPTED.

Since there was no further business proper to come before said meeting, motion was made and seconded that this meeting be dissolved. So voted.

Attest: Ada M. Moore
Clerk

ZONING ORDINANCE OF THE TOWN OF CANAAN
AS PUBLISHED IN THE LAKEVILLE JOURNAL
FEBRUARY 22, 1973.

BE IT HEREBY ORDAINED AND ESTABLISHED:

A. The Town of Canaan hereby adopts the provisions of Chapter 124 of the General Statutes of Connecticut, Revision of 1958, as amended.

B. The Town of Canaan hereby designates the Canaan Planning Commission to be the Planning and Zoning Commission for the Town of Canaan pursuant to Section 8-4a of the Connecticut general Statutes, Revision of 1958, as amended, such Commission to have all the powers and duties of both a Zoning Commission and a Planning Commission.

The Planning and Zoning Commission of the Town of Canaan shall henceforth be comprised of seven (7) members, who shall be electors of the Town of Canaan and shall not hold a salaried municipal office. No more than four members shall be of the same political party. The five (5) present members of the Canaan Planning Commission shall serve as members of the Planning and Zoning Commission until the expiration of their respective terms. The Board of Selectmen shall appoint two new members to the Planning and Zoning Commission, one to serve for five years and one to serve for four years, thereafter, on the anniversary of each term, one or two members shall be appointed by the Board of Selectmen for a five year term.

C. There is hereby created a Zoning Board of Appeals consisting of five (5) regular members and three (3) alternate members who shall be electors of the Town of Canaan and hold no salaried municipal office. No more than three regular members or two alternate members shall be of the same political party. Said members shall be initially appointed by the Board of Selectmen and thereafter elected by electors of the Town as follows:

On the adoption of this ordinance the Selectmen shall appoint two (2) members of such Board of Appeals to serve

ROUTE SHEET (To obtain a Building Permit)

OWNER(S) OF RECORD:

Name _____
 Address _____
 Tel _____ Fax _____

CONSTRUCTION SITE:

Street _____
 Tax Map No. _____ Tax Map Lot No. _____
SUBDIVISION:
 Name _____ Lot No. _____

DATE: _____
 PERMIT NO. _____

The Building Official shall submit this building permit Route Sheet to the Town of Canaan with his monthly report. THERE ARE NO EXCEPTIONS.

It is the responsibility of the OWNER OF RECORD to: 1) have this form completed IN TOTAL by the respective officials, and 2) completed form MUST be submitted to the BUILDING OFFICIAL PRIOR to the issuance of a Building Permit.

PERMITS/APPROVALS (required to qualify for a Building Permit)

| AGENCY | CONTACT | DATE | FEE | PAYMENT | SIGNATURE |
|--|---|------|----------|----------|-----------|
| Driveway Permit Application (A copy of the approved permit form must be attached hereto.) <input type="checkbox"/> New driveway, permit required <input type="checkbox"/> Existing driveway, no permit required. | Timothy Downs 860 824-7239, or Patricia Allyn Mechare 860 824-0707 | | \$25.00 | \$ | |
| Tax Collector Delinquent taxes owned? <input type="checkbox"/> Yes <input type="checkbox"/> No | Jean Bronson 860 824-0707 | | N/A | | |
| Torrington Area Health 1. Septic System 2. Well Water Test *Per Torrington Area Health Fee Schedule | Tom Stansfield 860 824-0707 Tues. 860 489-0436 860 435-0806 W/F | | | \$ \$ | |
| Housatonic River Commission (properties within River Corridor) Floodplain <input type="checkbox"/> Yes <input type="checkbox"/> No | Ellery 'Woods' Sinclair 860 824-7454 | | N/A | | |
| Inland/Wetlands/Conservation Com. Floodplain <input type="checkbox"/> Yes <input type="checkbox"/> No | Ellery 'Woods' Sinclair 860 824-7454 | | \$135.00 | \$ | |
| Zoning Permit Wed-5-7pm 1988 Flood Plain Ordinance <input type="checkbox"/> Yes <input type="checkbox"/> No Boundary Change <input type="checkbox"/> Yes <input type="checkbox"/> No | Mike O'Neil Zoning Enforcement Officer 860 496-9042 | | \$85.00 | \$ | |
| Fire Marshal Approval Single and Double dwellings exempted. | Stanley McMillan 860 364-5758 | | N/A | | |
| Building Permit Hours: 9-10:30 AM * See Fee Schedule | Ernest Sinclair, Building Inspector 860 824-3132 | | * | \$ | |

I CERTIFY THIS to be a true copy of the Route Sheet w/Building Permit Application (consisting of 8 pages, including this page).

MARY M. PALMER, TOWN CLERK
 (SEAL) 2/3/2011

IW5

TOWN OF CANAAN, CONNECTICUT

ZONING PERMIT APPLICATION

No. _____

Date: _____

Application is hereby made to the Planning & Zoning Commission for a permit to:

() Construct () Enlarge () Alter () Move Other: _____
the building described below:

Name of Owner: _____ Address: _____

Name of Applicant: _____ Address: _____

Name of Contractor: _____ Address: _____

Zone: _____ Width of Lot: _____ Depth of Lot: _____ Area of Lot: _____

Location of Property: _____

Development: _____ Tax map page _____ Lot # _____

USE OF BUILDING OR ADDITION

Dwelling for _____ Families () Accessory () Other

Business _____ Industrial _____ Other _____

Size of bldg/addition _____ Area _____ Habitable floor area _____ Stories _____

Additional information, remarks: _____

NOTE: A Building and Sewage Permit must be secured in addition to this Zoning Approval before any construction is started.

Date: _____ Applicant's signature: _____

Approved Zoning Officer: _____ Date: _____

Approved Building Inspector: _____ Date: _____

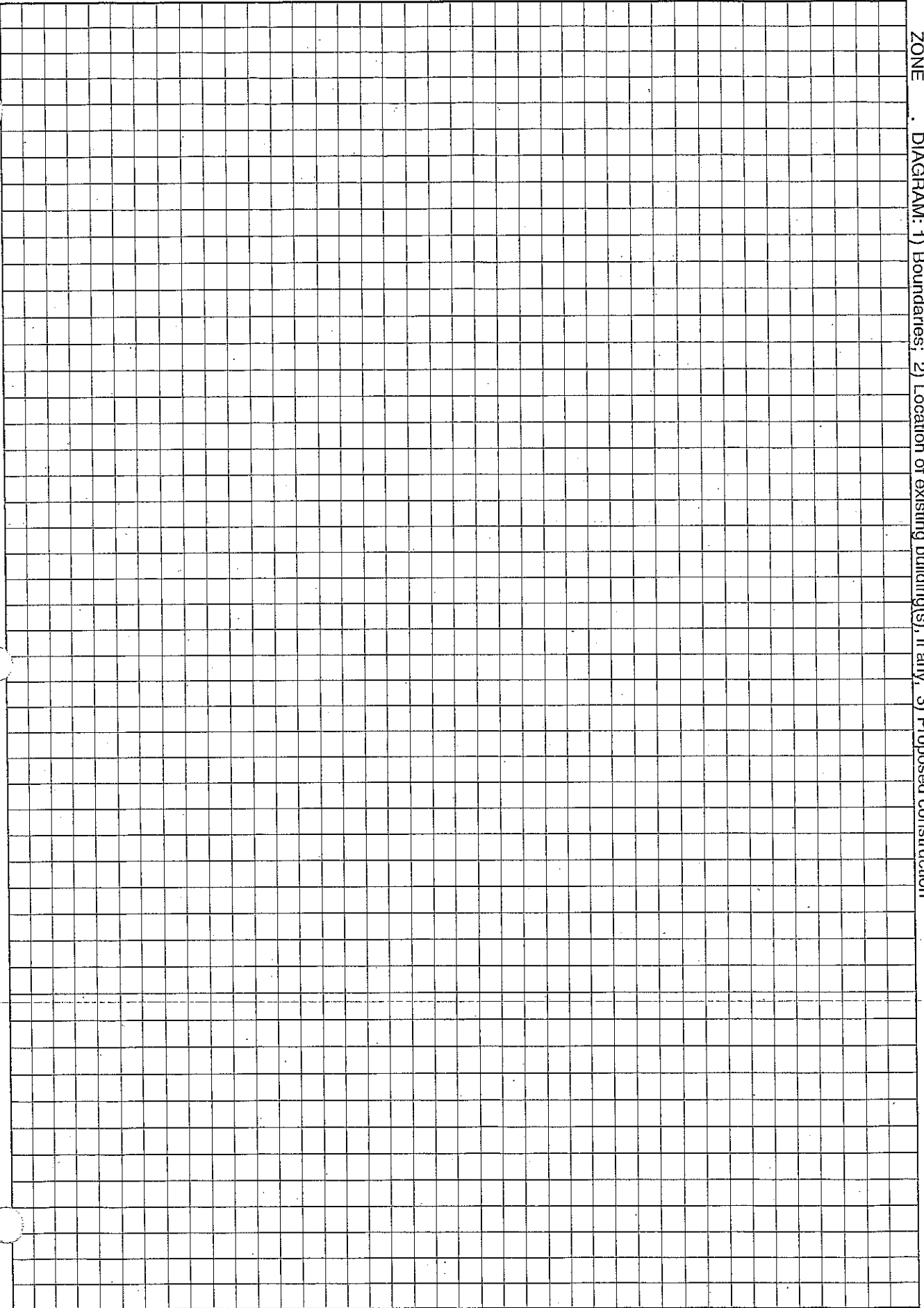
Approved Sanitarian: _____ Date: _____

Approved for Occupancy-Zoning Officer _____ Date: _____

Rejected by: _____ Date: _____

Reason: _____

ZONE . . . DIAGRAM: 1) Boundaries; 2) Location of existing building(s), if any; 3) Proposed construction



Section IV. AREA AND DIMENSION REQUIREMENTS

A. Area and Dimension Requirements

1. All structures and uses of land erected, altered, or established after enactment of these Regulations shall conform to the following table of area and dimension requirements for the zone in which the structure or use is located.

B. Table of Area and Dimension Requirements

| Zone | Lot Requirements | | Building Maximum Height (Feet) | Yards (in Feet) | | | Max % of Lot Coverage ² |
|---------------|--|----------------------------|---|-----------------|-----------|-----------|--|
| | Minimum Area ¹ (Square Feet) | Minimum Frontage (Feet) | | Front | Side | Rear | |
| <u>R-Zone</u> | | | | | | | |
| Single-Family | <u>80,000</u> | <u>200</u> | <u>35</u> | <u>50</u> | <u>25</u> | <u>50</u> | <u>10</u> |
| | | | | | | | |
| Two-Family | <u>120,000</u> | <u>250</u> | <u>35</u> | | <u>25</u> | <u>50</u> | |
| | | | | | | | <u>50</u> |
| <u>A-Zone</u> | | | | | | | |
| Single-Family | <u>20,000</u> | | <u>35</u> | <u>30</u> | | | NA ³ |
| Two-Family | <u>100</u> | | | <u>10</u> | | | NA |
| | | | <u>35</u> | <u>30</u> | | | |
| | <u>30,000</u> | | | <u>30</u> | | | |
| | <u>150</u> | | | <u>10</u> | | | |
| | | | | <u>30</u> | | | |

¹ Not including "wetlands" as defined in the Wetlands and Water Courses Regulations of the Town of Canaan.
² Maximum percentage of lot coverage (see Section II.P. "Definitions").



TORRINGTON AREA HEALTH DISTRICT

350 Main Street ♦ Suite A ♦ Torrington, Connecticut 06790
Phone (860) 489-0436 ♦ Fax (860) 496-8243 ♦ E-mail info@tahd.org ♦ Web Address www.tahd.org

Addition Application

**This is not a building permit.
You must obtain a permit from the Building Inspector prior to any construction.**

| | | | | |
|---|--|------------------------------------|-----|-----------------|
| Owner | Address of Proposed Addition | | | Town |
| Owner Address | Town | CT ST | Zip | Owner Telephone |
| Existing Records? <input type="checkbox"/> | Septic Permit Number: <input type="checkbox"/> | Lot Size: <input type="checkbox"/> | | |
| Information Supplied By: <input type="checkbox"/> | Septic Sytem Designed By: <input type="checkbox"/> | | | |

The application **must** be accompanied by a **check** made payable to **TAHD** in the amount of:
ACCESSORY STRUCTURE : \$35.00 HABITABLE STRUCTURE: \$55.00 (Returned Check Fee \$25.00)

Application shall be accompanied by a **SKETCH** (on back) showing the relative distances from the proposed addition to the well and septic system.

Size of Addition

Description of Addition

Signature of Applicant: _____ Date _____

TAHD USE ONLY BELOW LINE

APPROVED **DENIED**

Sanitarian: Decision Date:

***GENERAL INSTRUCTIONS FOR PERMIT
TO DEVELOP/IMPROVE ACCESS TO SITE**

1. The width of any entrance or exit shall not be less than 10 feet or exceed 20 feet, measured parallel to the direction of the highway except as otherwise may be designated by the Town's Inspector.
2. The grade of entrances and exits shall exactly match the edge of the shoulder.
3. Drainage discharged from the highway or flowing along it within the right-of-way shall not be altered or impeded and the applicant must provide, at his expense, suitable structures for drainage as directed by the Town's Inspector.
4. All entrances and exits shall be so located that vehicle operators approaching or using them will be able to obtain adequate sight distances in both directions along the highway. All slopes shall be stabilized by the permit applicant by seeding or other method approved by the inspector.
5. All driveways that slope toward a highway where eroded material may wash onto the highway shall be paved on the entire section within the highway right of way with black top or concrete or other material approved by the Inspector. The remainder of the area, graded to drain to the highway, shall be stabilized to prevent erosion and washing material onto the highway. The pavement shall be joined in a straight line at the intersection with the Town's highway and shaped to accommodate highway drainage.
6. The permittee will be required to construct, at his sole expense, a bituminous or concrete apron, extending at least five feet beyond the outer edge of the shoulder. The purpose of this is to avoid structural damage to the shoulder edge by traffic when it passes from the hardened shoulder of the highway to a softer driveway surface.
7. All driveways which have a minus grade away from the highway shall be graded to a specified gutter grade and ramped upward 6" above the gutter and this area paved sufficiently far back to prevent erosion and allow for the acceptance of highway water.
8. The drainage facility installed under any filled area must be adequate to carry the water along the highway.
9. Where a private driveway has been constructed to intersect with a Town Highway, the Town shall not be responsible for any future flow of water down said driveway.
10. Sketch map required on all applications. A more detailed map will be required if wetlands are involved.
11. Permit is issued only for described work; for any further improvement a new permit must be obtained.

Read and acknowledged by applicant this _____ day of _____, 20__

Applicant's (or Agent's) Signature _____

Printed Name _____

*There may be additional special instructions and conditions for specific applications.

PERMIT TO IMPROVE ACCESS TO PROPERTY APPLICATION

This permit is issued for the purpose of executing the necessary work to be described.

NOTE: I/we agree to indemnify and hold harmless the Town of Canaan (Falls Village), CT for injury to persons or property arising out of the operation covered by this permit, which conditions are accepted by this applicant. This agreement is pursuant to the ORDINANCE OF THE TOWN OF CANAAN, adopted October 26, 1971, and is on file in the Office of the Clerk of the Town of Canaan.

NAME / ADDRESS / PHONE _____

NAME OF STREET OR HIGHWAY: _____

DETAILED LOCATION OF WORK TO BE DONE, AND A DESCRIPTION:

ANY SPECIAL CONDITION TO BE NOTED (if applicable):

1. Driveway will be installed in accordance with construction details provided by

_____ plan (copy of excerpt attached hereto and made a part hereof).

2. For purposes of executing a subdivision development plan no other access is authorized to and from the town highway shown as _____ on the above-referenced survey map.

Applicant's/Authorized Agent's signature) _____

(Applicant's/Authorized Agent's printed name) _____

(Date) _____

APPLICATION FEE: \$25.00 (Checks shall be made payable to Treasurer, Town of Canaan.)

APPLICATION AND SITE REVIEWED:

1. DRIVEWAY SITE PLAN APPROVAL - (flag the entrance)

Public Works Manager

2. INLAND/WETLANDS COMMISSION (map required if wetland involved)

Chairman, Inland/Wetlands Commission

3. PLANNING & ZONING COMMISSION and/or ZONING ENFORCEMENT OFFICER

Zoning Enforcement Officer

4. DEPARTMENT OF PUBLIC WORKS:

- a. WORK SATISFACTORILY COMPLETED AND INSPECTED -

Public Works Manager

- b. WORK INCOMPLETE OR UNSATISFACTORY, PERMIT REVOKED

Selectman

4. BOARD OF SELECTMEN

First Selectman

Selectman

Selectman

Original of this application will be kept on file in the Canaan Town Hall, 108 Main Street, Falls Village, CT

Town of Canaan
108 Main Street
P.O. Box 47
Falls Village, CT 06031-0047

AN EQUAL OPPORTUNITY EMPLOYER,
PROVIDER AND HOUSING ADVOCATE

Telephone: 860 824-0707
Fax: 860 824-4506
E-mail: canaan021@comcast.net



TOWN OF CANAAN PLANNING AND ZONING COMMISSION

PROCEDURES – BOUNDARY CHANGES/FIRST CUTS

To ensure that all new or modified lots conform to the Subdivision and Planning and Zoning Regulations of the Town of Canaan, any proposed changes in the boundaries of any lot, including first cuts, lot line revisions, mergers or other acts that result in an alteration of any existing boundary or lot line must be reviewed by the Town of Canaan Planning and Zoning Commission for compliance with those regulations.

The Town Clerk of the Town of Canaan will refer all proposed first cuts and boundary line changes to the Town of Canaan Planning and Zoning Commission before a plot or parcel is recorded or any permit is issued for such plot or parcel. Approval of all first cuts and property line revisions by the Town of Canaan Planning and Zoning Commission is required before filing with the Town of Canaan Town Clerk.

The Town of Canaan Town Clerk is still required by Connecticut General Statutes to accept whatever document/s a person wants to file. However, Section 8-25 of the Connecticut General Statutes imposes a fine of \$500 for each illegally created lot.

The Town of Canaan Planning and Zoning Commission may file on the Town of Canaan land records a notice that the lot/s is not a legal building lot/s. This action would warn prospective buyers of a problem.

The applicant shall file with the Town of Canaan Planning and Zoning Commission an appropriate application accompanied by a copy of an A-2 survey map on mylar and an affidavit stating that a search of the Town of Canaan land records since the enactment of the Town of Canaan's Subdivision regulations adopted on September 21, 1970 has been made. This affidavit shall include any notice of restriction of use for any division made for municipal, conservation or agricultural purposes. This affidavit shall also include in its caption: 1) The name of the owner of record as grantor and 2) the volume and page number, for the purpose of marginal notation, in accordance with Section 47-12a of the State of Connecticut General Statutes.

No mylar shall be considered binding unless it is stamped by the Chairman of the Town of Canaan's Planning and Zoning Commission or his/her designee on the instruction of the Commission. The stamp will read: "Approved for Filing by the Town of Canaan Planning and Zoning Commission" and shall be properly dated.

Approved by the Town of Canaan Planning and Zoning Commission on September 27, 2006

Approved for Filing by the Chair of the Canaan Planning and Zoning Commission or his/her Designee

Name

Date

9/28/06

Town of Canaan
108 Main Street
P.O. Box 47
Falls Village, CT 06031-0047

Inland Wetlands/Conservation
Commission



AN EQUAL OPPORTUNITY EMPLOYER,
PROVIDER AND HOUSING ADVOCATE

Telephone: 860 824-0707

Fax: 860 824-4506

E-mail: canaan021@comcast.net

I W 6

January 15, 2011

Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

ORIGINAL

RECEIVED
JAN 19 2011

CONNECTICUT
SITING COUNCIL

**Re: Docket No. 409, Cingular Wireless PSC, LLC Application for a
Certificate of Environmental Compatibility and Public Need for the
construction, maintenance and operation of a telecommunications
facility at 8 Barnes Road, Falls Village, Connecticut**

Dear Council:

Pursuant to Connecticut General Statutes Sections 16-501 and 16-50n(a)(2), the Inland Wetlands/Conservation Commission, Town of Canaan (Falls Village), hereby gives notice of its intent to be a party in the above proceedings.

Respectfully submitted,

Ellery W. Sinclair, Chairman
Inland Wetlands/Conservation Commission
Town of Canaan (Falls Village)

201 Under Mountain Road
Falls Village, CT 06031

Tel: (860) 824-7454

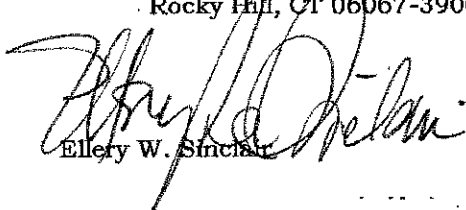
E-mail: WML61@comcast.net

CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and twenty copies of the foregoing was served on the Connecticut Siting Council by first-class mail and copy of same was sent postage prepaid to the following:

Christopher B. Fisher, Esq.
Lucia Chiocchio, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Michele Briggs
AT&T
500 Enterprise Drive
Rocky Hill, CT 06067-3900


Ellery W. Sinclair

1W7

TOWN OF CANAAN FALLS VILLAGE

2002 PLAN OF CONSERVATION & DEVELOPMENT



Preserve Community Character



Address Community Needs



Guide Community Development



Promote Community Spirit

PLANNING & ZONING COMMISSION

WELCOME!



January 9, 2002

Fellow Townspeople,

Pursuant to the Connecticut General Statutes, the Planning and Zoning Commission has prepared this Plan as a guide for future decision-making with regard to land use, environmental protection, and economic development in our town.

This Plan has been developed by the Planning Committee and the Planning and Zoning Commission. Preliminary drafts of the Plan were refined based on verbal and written comments received from residents during numerous public meetings, workshops and surveys.

It has been the Commission's goal to develop a Plan that incorporates sound planning practices, reflects the consensus of the community, and establishes a working blueprint for the future of our town. It is important to stress that the recommendations in the Plan:

- are based on factual public data from state and local sources,
- reflect the voices of our fellow residents from public meetings, workshops, written comments, and two town-wide surveys,
- are intended to improve and maintain the overall quality of life, and
- are designed to preserve, enhance, and promote the rural character of our town and its traditional New England village.

In this document, we have chosen to use the common name of Falls Village when referring to our town instead of the legal name of Town of Canaan to avoid common confusion with the "village of Canaan" and the Canaan postal address in the Town of North Canaan.

It is our intent that the Plan be referred to, discussed, and refined over time as conditions change. We look forward to working with all residents to preserve community character and enhance the quality of life for all in Falls Village.

Sincerely,

PLANNING & ZONING COMMISSION

CONDITIONS & TRENDS

1

Introduction To Falls Village

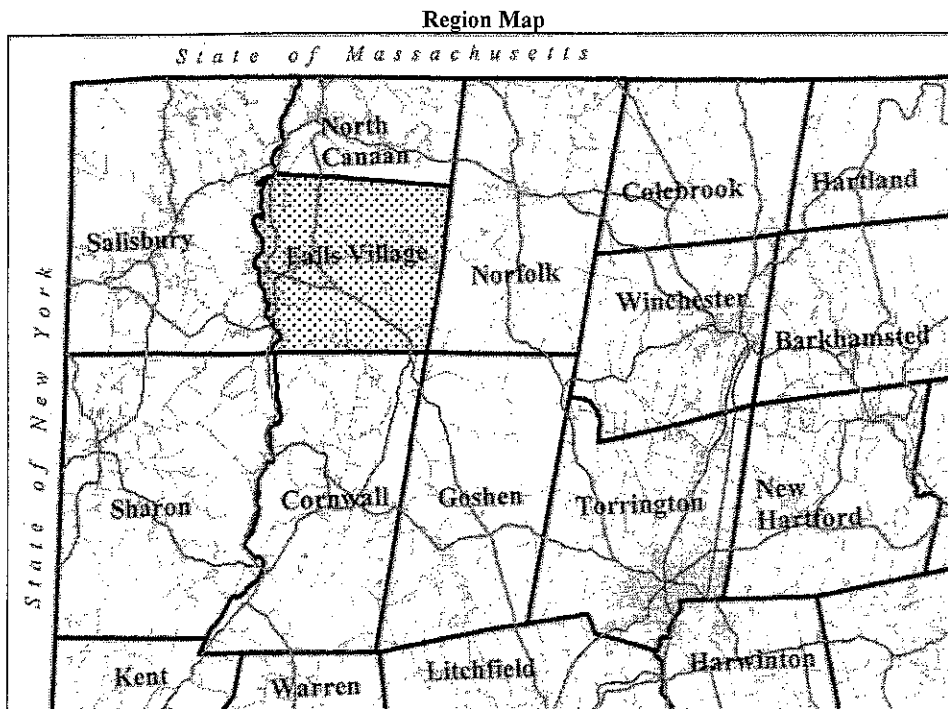
Falls Village (Town of Canaan) is located in Litchfield County in northwest Connecticut. The town is bounded by Salisbury to the west, North Canaan to the north, Norfolk to the east, and Cornwall to the south. Falls Village is located about 35 miles northwest of Hartford, the State capital.

Falls Village is one of the most beautiful communities in Connecticut with varied and distinct land formations ranging from the Great Falls on the Housatonic River through the flat expanse of Robbins Swamp to the dramatic rise of Cobble Hill and Canaan Mountain.

Upon this beautiful landscape rests a community of about 1,100 people, settled in a small village near the Housatonic River and spread throughout the community on estates, farms, and in established neighborhoods. With an area of about 33 square miles, Falls Village's population density (about 32 persons per square mile) makes it one of the most rural towns in Connecticut.

"If we could first know where we are and whither we are tending, we could better judge what to do and how to do it."

Abraham Lincoln



Ancient History

There is no written history for Falls Village in the period before European settlement. What is "known" has been surmised from geologic and archeological data from a variety of sources.

History Of Falls Village

The Falls Village landscape was formed over millions of years by the interaction of geologic and climatic forces. The retreat of the last Ice Age (about 15,000 years ago) left the Great Falls, Canaan Mountain, Cobble Hill, and many other physical features that make the setting of Falls Village what it is today.

The first Native Americans are believed to have inhabited this area about 10,000 years ago. Over time they organized into tribes and lived as hunters, fishers, gatherers, and farmers. Trails and seasonal settlements were located along the Housatonic River and a large settlement was located in what is now Kent.

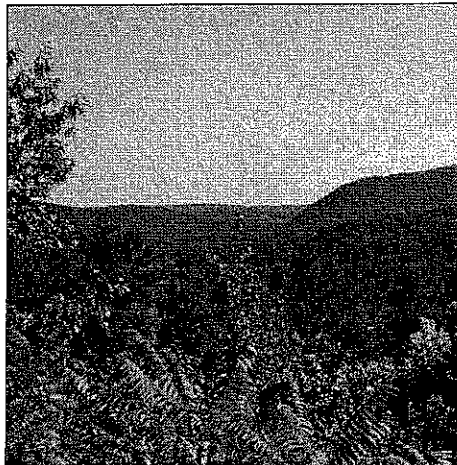
European Settlement

The Dutch began trading with Native Americans along Long Island Sound about 1614 and British Pilgrims landed at Plymouth Rock in 1620. However, it was not until 1720 that European settlement came to the Falls Village area. The Dutch set up a camp at the area known as Point of Rocks and Dutch and English explorers traveled to and through this area. Some even negotiated land purchases from the Native Americans.

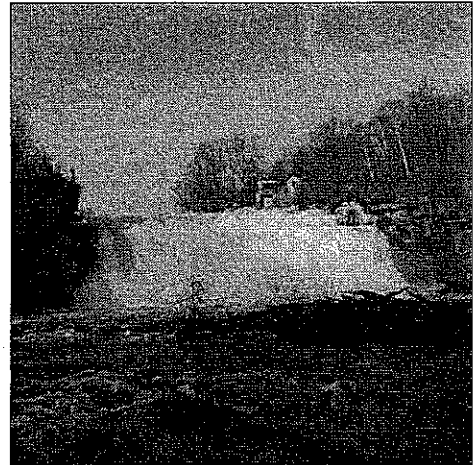
However, this area was considered to be the property of the Colony and a comprehensive survey was undertaken in 1731. The area that became both Canaan and North Canaan was shown on the survey as "Town C". In 1733, the Colony decided that these "western lands" would be sold at auction to support schools in the state.

In 1738, the western lands that included Falls Village were auctioned in New London. Fifty rights were sold for 60 pounds each and bidders had to build a house on the land and live there within three years. People with prior agreements with the Native Americans had to relinquish their rights to the land. In 1739 the Connecticut General Court (today's General Assembly) officially granted incorporation to Canaan when a minister was called and a congregation was established.

View of Forests and Cobble Hill



Great Falls of the Housatonic River



Natural Resources

Comments from residents about natural resources included:

- Our natural resources are what make this place special. Please protect them.
- Please preserve
- Promote and protect them
- Encourage local citizens to enjoy them, gain an understanding and respect for what we have in our unique town
- Preserve!
- Emphasize their value.
- All of the above!

National Heritage Corridor

The upper Housatonic River is currently being studied by the National Park Service for possible designation as a National Heritage Corridor. This designation can be conferred upon places "where natural, cultural, historic, and scenic resources combine to form a nationally distinctive landscape arising from patterns of human activity shaped by geography." Designated regions receive federal money and help in preserving local natural and cultural resources.

Natural Soils Groups

The map on the facing page is often referred to as a Natural Soils Group Map since soils are aggregated into broad categories based upon common attributes and overall suitability for development.

The primary source of information about soil types and capabilities is contained in the Litchfield County Soil Survey.

Continue To Conserve Natural Resources

Conservation of natural resources is important in terms of preserving environmental functions, protecting community character, and enhancing quality of life. This is especially true in Falls Village due to the uniqueness and prevalence of significant natural resources in the community. Falls Village residents recognize this and have indicated that protection of natural resources is an important strategy for the community.

Water Resources

The most important natural resources in Falls Village are water related. The Housatonic River and the Great Falls are significant resources. Robbins Swamp is the largest calcareous swamp in the state. Wangum Lake is a water supply reservoir for Norfolk. The Hollenbeck River is a unique resource in the community. Groundwater is the water supply source for all Falls Village residents.

While threats to water quality are minor or diffuse due to the amount of preserved open space and the lack of hazardous land uses, that does not reduce the importance of protecting water quality for present and future generations.

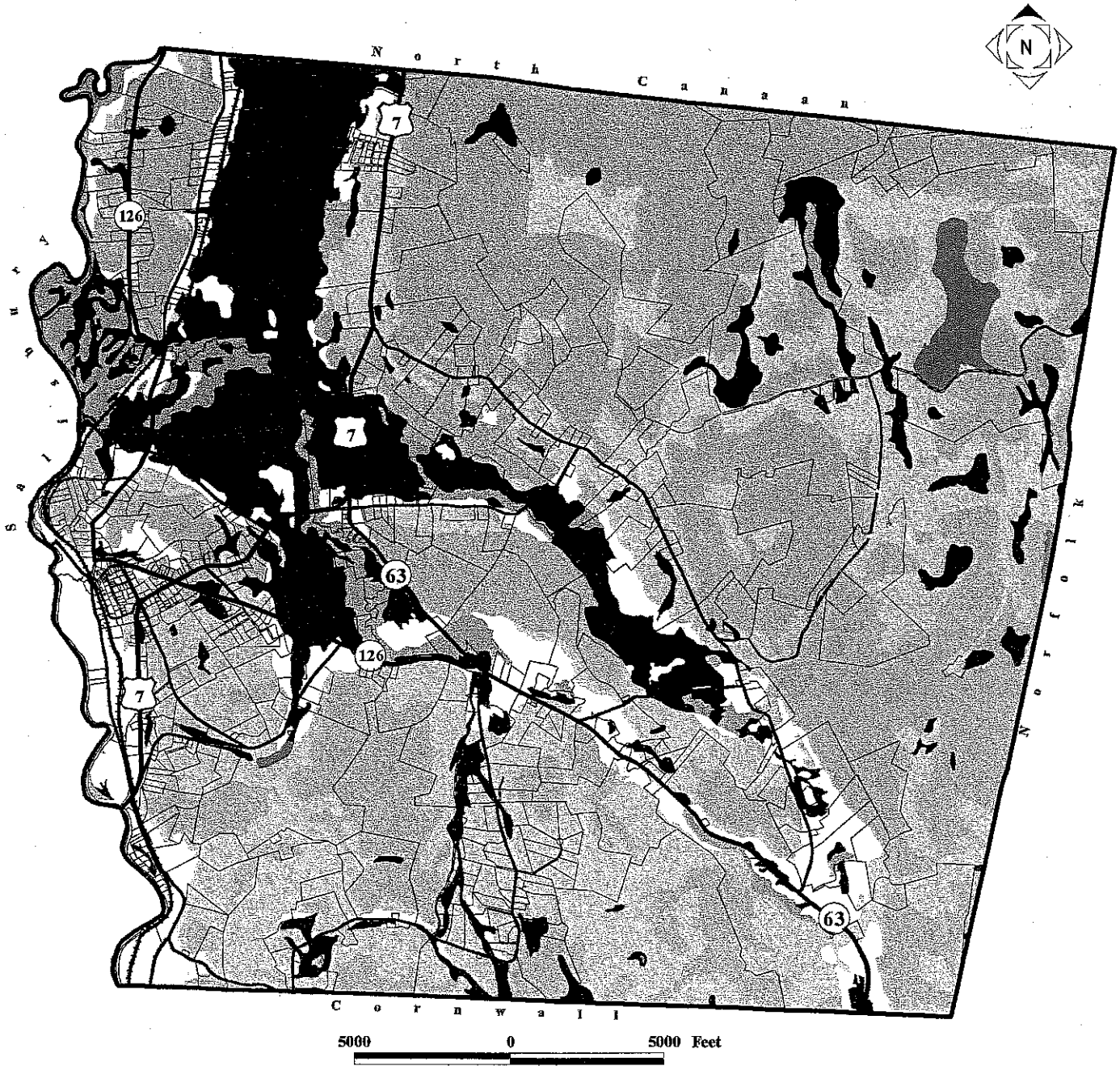
Soil Resources

The map on the facing page summarizes the location of different soil types in Falls Village based on major soil groups. The prevalent soil types in Falls Village include "shallow and rocky soils" and "hardpan" soils – soils that are considered fair for development without special design and construction practices, especially for septic systems.









| <u>Natural Soil Group</u> | <u>Development Potential</u> | <u>Description</u> |
|---------------------------|------------------------------|--|
| Excessively Drained | Good | Primarily sands and gravels where care must be taken to guard against water contamination. |
| Well Drained | Good | Generally well drained soils. |
| "Hardpan" | Fair | Restricted drainage poses constraints to development and septic systems. |
| Shallow and Rocky | Fair | Presence of rock poses constraints to development and septic systems. |
| Floodplain / Alluvial | Poor | Regulated "wetland" soil with potential for flooding |
| Poorly Drained (Wetlands) | Poor | Regulated "wetland" soils with poor drainage and/or high water table. |
| Made / Urban Land | Varies | Excavated, filled or developed areas where soil types are not discernible. |

Generalized Soils Map

Falls Village, CT



LEGEND

- | | | | |
|---|------------------------------|---|------------------------------------|
|  | Excessively drained |  | Floodplain |
|  | Well drained |  | Poorly / very poorly drained soils |
|  | Hardpan |  | Mines, extraction, made land |
|  | Rocky and shallow to bedrock |  | Water |

Significant Resources

Significant local natural resources include:

- at least 22 different endangered or special concern plant species,
- sightings of eagles on Canaan Mountain,
- unique natural areas (such as Great Falls, Robbin's Swamp, Dean's Ravine, and the large expanse of protected lands on the Canaan Mountain plateau),
- aquifer areas (areas of high groundwater availability).

Unique Habitats

The unique habitats and special areas identified on the map on the facing page are sites that have been recognized by the State Department of Environmental Protection (CTDEP) for:

- unique natural areas
- unique cultural areas
- endangered or special concern species

When development or other activities are proposed in these areas, the applicant and/or the Town should contact CTDEP for additional information at 860-424-3550.

The following table and the map on the facing page identify the environmental resources where conservation efforts should be focused in order to sustain Falls Village's environmental quality and help contribute to the overall quality of life.

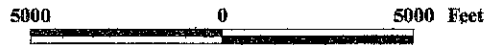
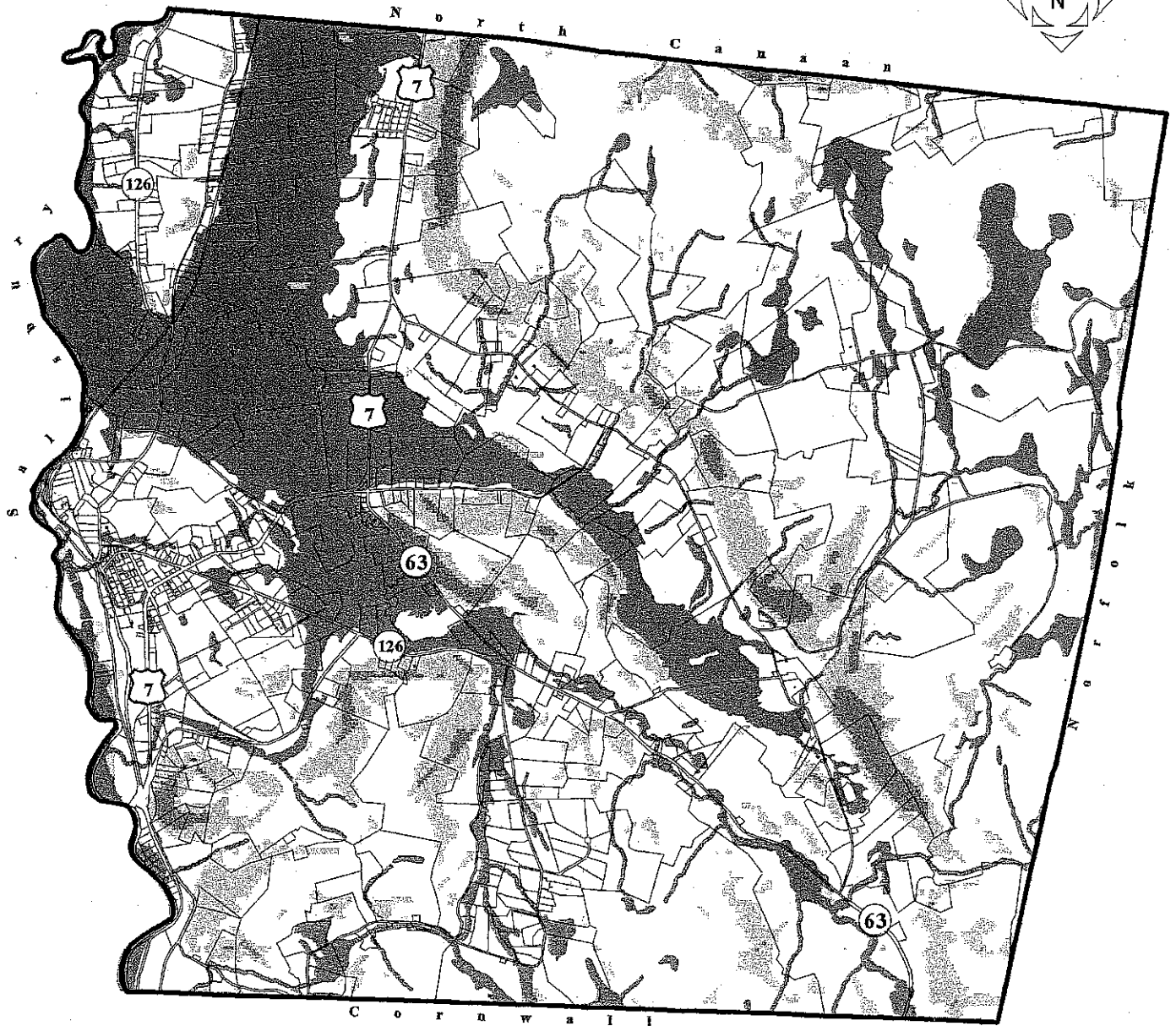
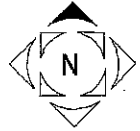
| Category | Definition | Proposed Criteria |
|---------------------------------------|---|---|
| Significant Conservation Areas | Very sensitive lands worthy of preservation | <ul style="list-style-type: none"> • Watercourses and waterbodies • Poorly drained soils (wetlands) • Floodplain (100-year, 1.0% probability) |
| Important Conservation Areas | Sensitive lands worthy of conservation | <ul style="list-style-type: none"> • Public water supply watershed areas • Areas of high groundwater availability • Identified aquifers and recharge areas • Unique or special habitat areas • Any slope in excess of 25% • Floodplain (500-year, 0.2% probability) |

Natural Resource Conservation Strategies




1. Continue to protect watercourses, waterbodies, wetlands, floodplains, vernal pools, and other important water resources.
2. Consider establishing appropriate buffer zones for important water resources while considering the impact on agricultural operations.
3. Consider modifying the Inland Wetland & Watercourses Regulations to define "regulated area" as any area within 50 feet of a wetland or 100 feet of a watercourse.
4. Consider updating the Inland Wetland & Watercourses Regulations to reflect modifications in the enabling legislation and current practices.
5. Adopt floodplain regulations as part of the Zoning Regulations that are compatible with guidelines from the Federal Emergency Management Agency.
6. Protect water quality in Falls Village by adopting an ordinance requiring the replacement of underground fuel storage tanks that are more than 20 years old.
7. Maintain a River Overlay Zone to guide activities adjacent to the Housatonic River.
8. Modify local regulations to incorporate review or notification of sites in CTDEP's Natural Diversity Database.
9. Discourage building and road development on steep slopes.
10. Maintain and enhance regulations regarding earth excavation.

Conservation Plan




Falls Village, CT



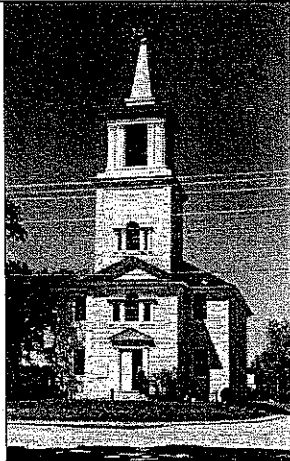
Significant Conservation Areas

-  > Poorly drained soils (wetlands)
-  > Watercourses
-  > Floodplain (100- year, 1.0% probability)

Important Conservation Areas

-  Floodplain (500-year, 0.2% probability)
- Slopes**
-  25% and greater
-  15% to 24%

South Canaan Meeting House



Postcard Picture

Historic Protection

National and State historic districts are established by federal and state agencies and such designations are based only on historic significance.

However, these designations are largely ceremonial and only influence state or federal projects proposed in that district.

On the other hand, local historic districts can be established by municipal ordinance to protect designated areas. The ordinance also establishes a local Historic District Commission to implement regulations. Prior to commencing a regulated activity (such as exterior renovations), a Certificate of Appropriateness must be obtained from the Historic District Commission.

More Information

More information on historic resources in Falls Village can be obtained from the Hunt Library or the Canaan / Falls Village Historical Society. For example, the NRHP nomination forms contain much interesting historical information.

Protect Historic Resources

Falls Village has a wonderful history and, as a result, a variety of interesting historic resources.

The National Register of Historic Places (NRHP) recognizes places that have national significance in architecture, archaeology, culture, and American history. The State Register of Historic Places (SRHP) recognizes places significant to the history of Connecticut. Properties on the National Register are automatically listed on the State Register. There is no local register of historic places or local historic district.

EXISTING NATIONAL REGISTER HISTORIC DISTRICTS

| | |
|---|------|
| A. Falls Village National Historic District | NRHP |
|---|------|

EXISTING NATIONAL REGISTER OF HISTORIC PLACES

| | | |
|---|---------------------|------|
| 1. South Canaan Congregational Church (also known as South Canaan Meeting House) | Route 63 | NRHP |
| 2. Music Mountain | Music Mountain Road | NRHP |
| 3. Holabird House | Kellogg Road | NRHP |

Residents recognize the contribution of these resources to community character and their identification and preservation is an important component of the Plan.

Historic Resource Preservation Strategies

1. Undertake a historic resources survey.
2. Encourage preservation of archaeological and historical resources.
3. Encourage the Falls Village / Canaan Historical Society to conduct educational programs that promote awareness of historical and cultural resources.
4. Nominate eligible districts, buildings, and sites to the National or State Register of Historic Places.
5. Consider establishing local historic districts that protect community character and are supported by residents.
6. Continue to pursue funding for the preservation and restoration of local historic resources.
7. Establish a demolition delay ordinance to allow time for the identification and preservation of historical structures.
8. Review the zoning and subdivision regulations to ensure there is flexibility and incentive to preserve historic properties, and consideration of historical factors in land use decisions.

Character Resources

In addition to the resources already mentioned, Falls Village also has a variety of other resources that contribute to the overall character of Falls Village.

These include:

- Beebe Hill School house,
- Music Mountain,
- The old railroad depot (now home of the historical society),
- The Great Mountain Forest (a "working forest"),
- The Yale Summer School of Forestry,
- Pine Grove,
- the Falls Village Power Station,
- Dean's Ravine,
- Hunt Library.

Character Programs

Since 1995, the Village Gardeners have been planting trees and shrubs around the village in order to promote and maintain community character. The program is based on a professionally prepared landscape plan and is funded entirely by donations.

This is an excellent example of a program that adds to community character and promotes community spirit.

Preserve Other Character Resources

At planning studios and public meetings, residents helped identify other physical attributes that they felt contribute to, or detract from, community character and quality of life in Falls Village:

Contributing Elements

| | |
|--------------------------------------|--|
| Landforms / Ridgelines | Landforms (such as Canaan Mountain and Cobble Hill) and ridgelines enhance the character of Falls Village. |
| The Village | The village center is the focal point of the community and a source of pride for local residents. |
| Community Facilities | Community character is also enhanced by local facilities such as the Kellogg School, Town Hall, the Recreation Complex, and the Library |
| Agricultural / Rural Features | While Falls Village only has five remaining active farms, it also contains barns, stone walls, and other features that contribute to community character. |
| Special / Unique Facilities | Falls Village is one of the few towns in Connecticut to have the Appalachian Trail and the Mohawk Trail. |
| Vegetation | Vegetation and significant trees also contribute to community character. |
| Scenic Resources | Scenic views, areas, and roads all enhance the rural and scenic character of Falls Village (Undermountain Road has been identified as one of the most scenic roads in all of Litchfield County). |

Detracting Elements

| | |
|--------------------------------|---|
| Inappropriate Uses | Uses out of character with the perception of the community. |
| Inadequate Maintenance | Buildings and/or properties that exhibit a lack of maintenance negatively affect community character. |
| Insensitive Development | Development that occurs without regard for natural or other important resources. |

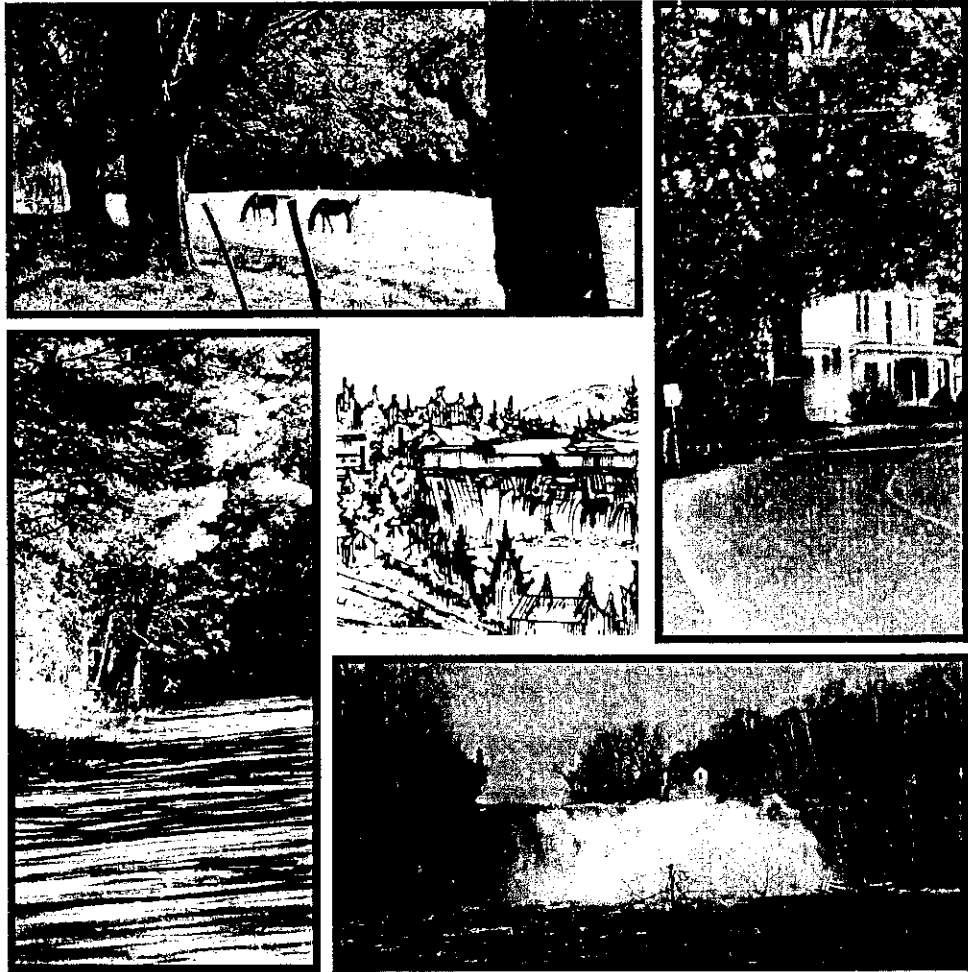
Taken together, these resources create a "character-rich" environment" that contributes to community character and establishes a nucleus of resources to build upon.

The community should work towards encouraging cooperative efforts on the part of many people to preserve these resources.

1W8

Town Of Canaan, Connecticut
(Falls Village)

ZONING REGULATIONS



Effective – February 1, 2010

- b. All permits involving installation of subsurface sewage systems shall be reviewed using the Soil Conservation Service interpretation of the soils and slopes involved in order to identify those specific areas where existing minimum lot sizes are most likely to be inadequate to support a permanent subsoil sewage system or where special design engineering of the system may be required by the State Health Code.
- c. Clearing of land (other than immediate areas required for building construction or clearing for agricultural use) shall be reviewed by a certified State Forester.
- d. Permits involving commercial or industrial construction shall be reviewed to assure building location, site layout, landscaping and screening will be compatible with the rural and natural character of the Corridor area.
- e. Mineral Exploration and Excavation permits shall be reviewed according to the criteria described for the Inner Corridor.
- f. Use of insecticides, herbicides and fertilizers shall be prohibited except as recommended according to the standards established by the County Extension Service.

4.2. Floodplain Overlay Zone

A. Purpose

The Floodplain Overlay Zone is intended to provide a reasonable degree of notification to persons regarding the location of property which may be subject to the effects of flooding.

B. Standards

- 1. Use and activities allowed in the underlying zone are permitted in the Floodplain Overlay Zone to the same extent provided that such uses and activities shall also comply with the requirements of "An Ordinance Concerning Flood Hazards" as adopted at a Town Meeting on March 11, 1988 and August 24, 1988 and as may be subsequently amended.

4.3. Steep Slope Overlay Zone

A. Purpose

The purpose of this Section is to carefully monitor development in areas of steep slopes in order to determine whether public services (such as fire, ambulance, and public works) can be reasonably provided, to minimize soil erosion and sedimentation, and to minimize adverse visual impacts on the rural character of the community. It is not the intent of this Section to prohibit or preclude development in designated areas. Rather, this Section is intended to establish a process whereby property owner's interests in capitalizing on scenic views or other assets can be balanced with the community's desire to provide a reasonable level of services and to protect environmentally sensitive steep slopes and hillsides from inappropriate development. The uses and standards of this Section are similar to the uses and standards which have been utilized in the Housatonic River Overlay Zone since the 1980s.

B. Philosophy

- 1. The extensive and essentially undisturbed slopes and ridges are a defining feature of Ca-naan (Falls Village).

- a. the stability of soils will be adequate to support any proposed construction, landscaping, agricultural use, or similar activities.
 - b. the natural stability of the soil on the site has been used to determine the proper placement of structures and other development within the steep slope area.
 - c. all construction shall be accomplished in conformance with the erosion prevention provisions of the Connecticut Guidelines for Erosion and Sediment Control, as amended.
 - d. such operation will occur with an acceptable conservation plan, so that it will not leave an objectionable scar on the landscape.
3. The extent to which existing vegetation will help to retain the stability of the slopes and soils including whether:
- a. plant life located on the slopes outside of the minimum area that needs to be disturbed for carrying on approved development will be retained.
 - b. plants or other acceptable ground cover will be re-established in the disturbed area immediately upon completion of development activities to maintain the natural scenic characteristics of any steep slope.
4. The extent to which storm water drainage will be designed and located to ensure slope stability and not:
- a. cause erosion or siltation,
 - b. contribute to slope failure,
 - c. pollute groundwater, or
 - d. cause damage to, or flooding of, property.
5. The extent to which care will be taken to protect scenic views, scenic vistas, scenic roads, and unique aesthetic features such as prominent ridgelines, from damage, obstruction or other degradation.
6. The extent to which there is an alternative location for the proposed development on that portion of the site not containing steep slopes or an alternative location on that portion of the site having fewer impacts on sensitive resources.

5. BASIC STANDARDS

5.1. *Landscaping and Buffers*

A. Purpose

This Section of the Regulations is intended to ensure that new uses are adequately and appropriately landscaped to protect natural and scenic resources and to blend with the rural character of the community.

B. Applicability

This Section of the Regulations shall apply whenever any proposed building, structure, or development activity requires the submission of a Site Plan application or a Special Permit application. However, these provisions shall never apply to the construction of a single-family dwelling or a two-family dwelling or to a farm or farming use.

2. Experience in other communities has shown that, if these resources are not protected, insensitive development of steep slopes can adversely affect the availability of public services, harm important natural resources, and detract from community character.
3. Because of their steepness and prominent visibility, the areas within the Steep Slope Overlay Zone need stricter standards to protect them from excessive or inappropriate development.
4. These standards should strike an appropriate balance between the use of private property and the Commission's responsibility to protect the public health, safety and welfare, the integrity of the steep slopes, and the scenic views within the community.

C. Delineation

1. The Steep Slope Overlay Zone, as delineated on the Zoning Map, shall be superimposed on underlying zoning districts and the standards in this Section shall apply in addition to the requirements of an underlying zoning district.
2. If there is a conflict between the provisions listed below and the underlying district or other Regulations, the more restrictive provisions shall apply.

D. Uses

1. Permitted Uses and Activities

The following shall be permitted uses within the Overlay Zone subject to the requirements of these Regulations in the underlying zone:

- a. Open space uses which do not require moving, removing or otherwise altering the position of the earth, stone, sand, gravel, or water.
- b. Game management, fishing, hunting (where permitted), camping and picnicking, hiking, and other passive recreational activities.
- c. Maintenance, repair, or reconstruction of existing public ways or bridges.

2. Special Permit Uses and Activities

Other uses shall only be allowed within the Steep Slope Overlay Zone as a Special Permit and only to the extent permitted in the underlying zone. This procedural requirement is intended to ensure that activities are conducted in ways that avoid or minimize adverse impacts in these significant natural and aesthetic resource areas.

E. Special Permit Considerations

In deciding upon a Special Permit application in the Steep Slope Overlay Zone, the Commission shall, in addition to the criteria specified in Section 7.2.D.5, consider the following:

1. The extent to which public services (such as fire, ambulance, and public works) can be provided at all times and in all seasons to current and future owners of the property.
2. The extent to which any proposed activity will cause erosion or slipping of soil, or cause sediment to be discharged including whether: