



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

**To:** Simsbury Conservation Commission/Inland Wetlands and Watercourses Agency

**From:** Brittany MacGilpin, Assistant Town Planner, Wetlands Designated Agent

**Date:** January 16, 2024

**RE:** Invasive Plant Species Draft Ordinance Language for Town's Wetland Regulations

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## Summary of Request

During the November 21, 2023 regular meeting, the commission requested draft policy language to address local invasive plant species growth. This language proposes to amend the Town of Simsbury's Inland Wetland and Watercourses Regulations (IWWR) to help strengthen requirements for new plantings in, and adjacent to, wetland soils and watercourse resources within the Town.

## Proposed IWWR Policy Change

Section 7.5, Application Requirements, requests that an application to the Inland Wetland and Watercourses agency include language to manage and mitigate impacts to the wetlands, including to "maintain or enhance existing environmental quality, such as managing non-native invasive plants." Non-native invasive plants are defined in the regulation as those plants that "meet the criteria for a non-native invasive species or a potentially invasive species as determined by the CT Invasive Plants Working Group."

The draft ordinance language proposes to require the use of native plantings in, and adjacent to, wetland soils and watercourses, if new plantings in these areas are being proposed. As part of the application process, a landscape plan will be required that shows the location of the new plantings and the type of plant species being proposed. Invasive or potentially invasive plant species would be restricted.

Below is a copy of the current language from Section 7.5 with proposed edits and additions for review.

**Section 7.5: All applicants shall include the following information in writing or on maps or drawings:**

Telephone (860) 658-3245  
Facsimile (860) 658-3206

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8:30 - 7:00 Monday  
8:30 - 4:30 Tuesday through Thursday  
8:30 - 1:00 Friday

- a. the applicant's name, home and business mailing addresses and telephone numbers; if the applicant is a Limited Liability Corporation or a Corporation the managing member's or responsible corporate officer's name, address, and telephone number;
- b. the owner's name, mailing address and telephone number and written consent of the land owner if the applicant is not the owner of the land upon which the subject activity is proposed;
- c. the applicant's interest in the land (i.e., owner, buyer, contractor, agent, etc.);
- d. the geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetlands or watercourses to be disturbed, soil type(s), and wetland vegetation;
- e. the purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to
  - (1) prevent or minimize pollution or other environmental damage,
  - (2) maintain or enhance existing environmental quality or, ~~such as managing non-native invasive plants, or~~
  - (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
- f. *if applicable, a site plan showing proposed new landscaping in, and adjacent to, wetland soils and watercourses. These vegetated areas should include only Connecticut Native Plant Species and shall restrict the use of plants listed as invasive or potentially invasive by the State of Connecticut and the Connecticut Invasive Plant Council.*
- f-g. alternatives considered and subsequently rejected by the applicant and why the alternative as set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing;
- gh. a site plan showing the proposed activity and existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses;
- hi. names and mailing addresses of adjacent land owners;
- ij. statement by the applicant that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;

- jk.** authorization for the members and agents of the Agency to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the permit;
- kl.** a completed DEP reporting form; the Commission shall revise or correct the information provided by the applicant and submit the form to the Commissioner of Environmental Protection in accordance with Section 22a-39-14 of the Regulations of Connecticut State Agencies;
- lm.** any other information the Commission deems necessary to the understanding of what the applicant is proposing; and
- mn.** submission of the appropriate filing fee based on the fee schedule established in section 19 of these regulations.
- no.** whether the property is subject to a conservation restriction or preservation restriction, and, if so, what party or parties are holders thereof or intended to be benefitted thereby.

## **Conclusion**

As a reminder, any changes to the IWWR requires a public hearing with noticing requirements as well as notification of the changes to the Commissioner of Environmental Protection at least 35-days prior to a scheduled public hearing. Once draft language is agreed upon by the commission, staff will place the item on a future regular meeting agenda as a public hearing and ensure noticing requirements are met.