

#4.00

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;

- 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~~ <sup>sixty-five</sup> ~~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 land-owner 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 commits ....these regulations shall be subject to the penalties provided in Section 22a -44 of the General Statutes as amended by Public Act 75-387..."