



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**WITH AMENDMENTS THROUGH:
MAY 4, 2011**

I HEREBY CERTIFY THAT THIS IS A COMPLETE AND ACCURATE COPY OF THE INLAND WETLANDS AND WATERCOURSES REGULATIONS OF THE CITY OF WATERBURY IN EFFECT AS OF THE DATE NOTED BELOW:

DATE: _____

CERTIFIED BY: _____

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Revised to: No Revisions



CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS

TABLE OF
CONTENTS

TABLE OF CONTENTS

ARTICLE 1. GENERAL PROVISIONS 1

Section 1.01 Title and Authority.....1

Section 1.02 Conflict and Severance2

Section 1.03 Other Permits3

Section 1.04 Effective Date of Regulations3

ARTICLE 2. DEFINITIONS 4

Section 2.01 General Rules of Definition4

Section 2.02 Definitions5

ARTICLE 3. INVENTORY OF WETLANDS AND WATERCOURSES 10

Section 3.01 Inventory of Wetlands and Watercourses.....10

ARTICLE 4. MAP AND REGULATIONS AMENDMENTS 11

Section 4.01 General Provisions11

Section 4.02 Amendment Procedures.....12

ARTICLE 5. REGULATED ACTIVITIES 15

Section 5.01 Permitted Uses as of Right and Nonregulated Uses15

Section 5.02 Activities Regulated by the State.....17

Section 5.03 Regulated Activities to be Licensed18

ARTICLE 6. APPLICATION AND DECISION 19

Section 6.01 Pre-application Review19

Section 6.02 Application to Conduct a Regulated Activity19

Section 6.03 Consulting Experts.....23



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**TABLE OF
CONTENTS**

Section 6.04 Standard Procedures for All Applications23

Section 6.05 Public Hearings.....27

Section 6.06 Decisions30

Section 6.07 Permit Issuance.....33

Section 6.08 Permit Renewals, Transfers and Amendments.....34

Section 6.09 Appeals35

ARTICLE 7. ADMINISTRATION AND ENFORCEMENT 36

Section 7.01 Action by Duly Authorized Agent.....36

Section 7.02 Certificate of Wetlands Compliance37

Section 7.03 Performance Bond and Compliance Escrow Procedures37

Section 7.04 Enforcement.....38

Section 7.05 Penalties.....40

APPENDIX A: TABLE OF AMENDMENTS41

APPENDIX B: DEP UPLAND REVIEW AREA GUIDELINES42



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 1
GENERAL
PROVISIONS**

ARTICLE 1. GENERAL PROVISIONS

Section 1.01 Title and Authority

1.01.01 Purpose

The inland wetlands and watercourses of the City of Waterbury, Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the City have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the City of Waterbury and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic, and recreational values and benefits of the City for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable, and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the City. It is, therefore, the purpose of these Regulations to protect the citizens of the City by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state, or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational, and other public and private uses and values; and protecting the City's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the City and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the City, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 1
GENERAL
PROVISIONS**

1.01.02 Title

These Regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the City of Waterbury."

1.01.03 Commission

The Inland Wetlands and Watercourse Commission ("Commission") of the City of Waterbury was established in accordance with an ordinance adopted Oct. 21, 1974 and was reconstituted in accordance with an omnibus ordinance adopted April 20, 2004. The Commission shall implement the purposes and provisions of these Regulations and the Inland Wetlands and Watercourses Act in the City of Waterbury.

1.01.04 Regulations

These Regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these Regulations.

1.01.05 Authority

The Commission shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations, or modifications, or deny permits for all regulated activities, as defined herein, in the City of Waterbury pursuant to CGS sections [22a-36 to 22a-45](#).

Section 1.02 Conflict and Severance

If there is a conflict among the provisions of these Regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision 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. If there is a conflict between the provisions of these Regulations and the provisions of the Act, the provisions of the Act shall govern.



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 1
GENERAL
PROVISIONS**

Section 1.03 Other Permits

Nothing in these Regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the City of Waterbury, the State of Connecticut or the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

Section 1.04 Effective Date of Regulations

These Regulations are effective upon filing in the Office of the City Clerk and publication of a notice of such filing in a newspaper having general circulation in the City of Waterbury. The effective date of these Regulations is 12:01 AM May 16, 2011.

Previously enacted, amended, and adopted versions of the Inland Wetlands and Watercourses Regulations of the City of Waterbury are repealed as of the effective date of these Regulations.



ARTICLE 2. DEFINITIONS

Section 2.01 General Rules of Definition

Unless otherwise expressly stated, the following words and phrases shall be construed throughout these Regulations and in any orders or decisions of the Commission to have the meaning indicated:

- (i) Unless the context clearly indicates the contrary, words used in the singular shall include the plural, and the plural the singular; and words used in the present tense shall include the future.
- (ii) The word “shall” indicates a mandatory and not discretionary condition.
- (iii) The word “may” indicates a permissive condition.
- (iv) The word “lot” shall be synonymous with the words “tract”, “piece” and “parcel”.
- (v) The word “use” and the word “uses” refer to any purpose for which a lot or part thereof is arranged, intended, or designed to be used, occupied, maintained, made available, or offered for use; and to any purpose for which a building or structure of part thereof, is arranged, intended, or designed to be used, occupied, maintained, made available, or offered for use or erected, constructed, altered, enlarged, moved, or rebuilt with the intention or design of using the same.
- (vi) The phrase “these Regulations” shall refer to the entire body of Waterbury Inland Wetlands and Watercourses Regulations.



Section 2.02 Definitions

2.02.01 Interpretation

Words used in these Regulations shall be determined to have the meanings as defined in this section. As necessary, the precise meaning of other words and terms shall be determined by the Commission after reference to one or more of the latest versions of the following:

- The Connecticut General Statutes,
- Black's Law Dictionary,
- The Illustrated Book of Development Definitions (Rutgers University Center for Urban Policy Research), and
- a comprehensive general dictionary.

2.02.02 Specific Definitions

As used in these Regulations, the following words shall have the meaning described.

ACT - The Inland Wetlands and Watercourses Act, CGS [Sections 22a-36 through 22a-45](#).

AGENT - A duly appointed Agent of the City of Waterbury Inland Wetlands and Watercourse Commission, designated and authorized to act on behalf of the Commission in accordance with CGS Section 22a-42a and these Regulations and who shall also be a designated Wetlands Enforcement Agent ("WEA").

BOGS - Watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.

CITY - The City of Waterbury, Connecticut.

CITY ENGINEER - The licensed professional engineer who is the principal engineering official for the City of Waterbury.

CITY PLAN COMMISSION - The City Plan Commission of the City of Waterbury.

CLEAR-CUTTING - The harvest of timber in a fashion which removes all trees with greater than a two inch diameter at breast height.

COMMISSION - The Inland Wetlands and Watercourse Commission of the City of Waterbury.

COMMISSION MEMBER - A member of the Inland Wetlands and Watercourse Commission of the City of Waterbury.

COMMISSIONER OF ENVIRONMENTAL PROTECTION - The commissioner of the State of Connecticut Department of Environmental Protection ("DEP").

CONDITION OF APPROVAL - One or more specific requirements of any approval by the Commission, including but not necessarily limited to, compliance with storm water



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 2
DEFINITIONS**

management and erosion and sediment control plans, installation of landscaping, site restoration, and limitations or restrictions on winter construction and maintenance, which requirements may be secured by a performance bond or compliance escrow account.

CONTINUAL FLOW - A flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.

CGS – Connecticut General Statutes, as may be amended from time to time.

DEPOSIT - Activities including, but not necessarily limited to, filling, grading, dumping, placing, discharging, or emitting of any material..

DISCHARGE - Emission of any water, substance, or material into waters of the state whether or not such substance causes pollution.

ESSENTIAL TO THE FARMING OPERATION - Activities necessary and indispensable to sustain farming activities on the farm.

FARMING - Activities consistent with the definition of agriculture and farming in CGS [section 1-1\(q\)](#).

FEASIBLE - Able to be constructed or implemented consistent with sound engineering principles.

LICENSE - The whole, or any part of, any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of these Regulations under the authority of the Commission and by CGS Sections 22a-36 to 22a-45.

MANAGEMENT PRACTICE - A practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage, or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; and confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

MARSHES - Watercourses that are distinguished by the absence of trees and shrubs and the dominance of soft-stemmed herbaceous plants. The water table in marshes is at or above the ground surface throughout the year, and areas of open water six inches or more in depth are common, but seasonal water table fluctuations are encountered.



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 2
DEFINITIONS**

MATERIAL - Any substance, solid or liquid, organic or inorganic, including, but not limited to: soil, sediment, aggregate, land, gravel, clay, bog, peat, mud, debris, sand, refuse or waste.

NURSERIES - Places where plants are grown for sale, transplanting, or experimentation.

PERMIT - see License

PERMITTEE - The person to whom a license has been issued.

PERSON - Any person, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

POLLUTION - A harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.

PRUDENT - Actions economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.

REGULATED ACTIVITY - Any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses, but shall not include the specified activities in subsections [5.01.01](#) and [5.01.02](#) of these Regulations except as required by subsection [5.01.03](#). Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing, or removing of material and discharging of stormwater on land within 100 feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. The Commission may rule that any other activity within the upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

REMOVE - Activities including, but not necessarily limited to, draining, excavating, mining, digging, dredging, sucking, bulldozing, draglining, or blasting of any material.

RENDERING UNCLEAN OR IMPURE - Any alteration of the physical, chemical or biological properties of any waters of the state, including, but not limited to, change in odor, color, turbidity or taste.



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 2
DEFINITIONS**

SIGNIFICANT IMPACT - Any activity, including, but not necessarily limited to, the following activities which may have a major effect:

- Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
- Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
- Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
- Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
- Any activity which causes substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse.
- Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
- Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

SOIL SCIENTIST - An individual duly qualified as a soil scientist in accordance with standards set by the Federal Office of Personnel Management and by the State of Connecticut.

SUBMERGED LANDS - Those lands which are inundated by water on a seasonal or more frequent basis.

SURETY - A bond in the form of a certified check and/or irrevocable letter of credit payable to the City of Waterbury, as obligee or beneficiary, respectively, or passbook account pledged to the City of Waterbury, required as a condition of any license issued by the Commission with a penal sum to be fixed as deemed sufficient to cover the costs of implementing measures reasonably designed to protect wetlands or watercourses in the City, as presented in the application and/or as imposed as a term, condition, or limitation of any license issued by the Commission, including contingency and inflationary factors.

SWAMPS - Watercourses that are distinguished by the dominance of wetland trees and shrubs.

UPLAND REVIEW AREA - Any area within 100 feet, measured horizontally, from the boundary of any wetland or watercourse.



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 2
DEFINITIONS**

WASTE - Sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands and watercourses of the City.

WATERCOURSES - 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, flow through or border upon the City or any portion thereof not regulated pursuant to CGS Sections [22a-28 through 22a-35](#). Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

WETLANDS - Land, including submerged land as defined in this section, not regulated pursuant to CGS [Sections 22a-28 through 22a-35](#), which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the [National Cooperative Soil Survey](#), as may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

WETLANDS ENFORCEMENT AGENT (“WEA”) – The Agent(s) appointed under Section 7.04 of these Regulations.

ZONING COMMISSION - The City of Waterbury Zoning Commission.



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 3
INVENTORY**

**ARTICLE 3. INVENTORY OF WETLANDS AND
WATERCOURSES**

Section 3.01 Inventory of Wetlands and Watercourses

3.01.01 Map

The map of wetlands and watercourses entitled "Inland Wetlands and Watercourses Map, City of Waterbury, Connecticut" delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the City Planning Department. In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses. The Commission may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses. The Inland Wetlands and Watercourses Map may be revised in accordance with the procedures of section 4.02 of these Regulations.

3.01.02 Current Inventory

The Commission shall maintain a current inventory of regulated areas within the town. The Commission may amend its map as more accurate information becomes available.



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 4
AMENDMENTS**

ARTICLE 4. MAP AND REGULATIONS AMENDMENTS

Section 4.01 General Provisions

4.01.01 Amendments

These Regulations and the Inland Wetlands and Watercourses Map for the City of Waterbury may be amended by the Commission as may be necessary from time to time to comply with changes in the Connecticut General Statutes or regulations of the [Connecticut Department of Environmental Protection](#) (“DEP”), or as new information regarding soils and inland wetlands and watercourses becomes available, or in response to a petition submitted pursuant to Section 4.02 of these Regulations.

4.01.02 Applications Filed Prior to Amendment

An application filed with the Commission which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and upland review areas, taking effect on or after the date of such receipt and any appeal from the decision of such Commission with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the [Act](#) as of the date of such receipt.

4.01.03 Notice to DEP Commissioner

These Regulations and the City of Waterbury Inland Wetlands and Watercourses Map shall be amended in the manner specified in CGS [section 22a-42a](#). The Commission shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five days before the public hearing on their adoption.



Section 4.02 Amendment Procedures

4.02.01 Petition for Map Amendments

- (i) Submission Requirements: A petition requesting amendment of the "Inland Wetlands and Watercourses Map, Waterbury, Connecticut," shall contain at least the following information:
 - (1) The petitioner's name, mailing address and telephone number;
 - (2) The address, or location, of the land affected by the petition;
 - (3) The petitioner's interest in the land affected by the petition;
 - (4) Map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations; and
 - (5) The reasons for the requested action.
- (ii) Burden of Proof: Any person who submits a petition to amend the City of Waterbury Inland Wetlands and Watercourses Map shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Commission.
- (iii) Petition by Owner: If the person submitting a petition to amend the City of Waterbury Inland Wetlands and Watercourses Map is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 4.02.01, the petition shall include:
 - (1) The name, mailing address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
 - (2) The names and mailing addresses of the owners of abutting land;



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 4
AMENDMENTS**

- (3) Documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
- (4) Map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.
- (iv) Delineation of Watercourses: Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.
- (v) The Commission shall conduct a public hearing on any such petition for amendment of the Inland Wetlands and Watercourses Map in accordance with subsection 4.02.03 of these Regulations.

4.02.02 Petition for Regulation Amendment

- (i) Submission Requirements: A petition requesting amendment of these Regulations shall provide:
 - (1) The petitioner's name, mailing address and telephone number;
 - (2) The proposed text of any proposed change, including any deleted language shown as such on the proposed text; and
 - (3) A rationale for any such proposed change including any appropriate statutory or legal citations.
- (ii) The Commission shall conduct a public hearing on any such petition for amendment of these Regulations in accordance with subsection 4.02.03 of these Regulations.

4.02.03 Public Hearing

- (i) A public hearing shall be held on a Commission proposal or a petition to amend these Regulations and/or the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published by the Commission in a newspaper having a general circulation in the City at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date set for the hearing.



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 4
AMENDMENTS**

- (ii) For any public hearing regarding a petition to change the Inland Wetlands and Watercourses Map, the petitioner shall provide notice of the public hearing at least fifteen (15) days prior to the scheduled opening of the public hearing to all owners of land that is the subject of the public hearing and to all owners of land adjacent to any land that is the subject of the public hearing pursuant to this section. The notification shall be by mailed notice using a form provided by the Commission. “Owner” refers to owners of the land, as indicated on the property tax map or the last-completed grand list as of the date the notice is mailed, not owners of the improvements thereon. Any land separated from the land subject to the public hearing by a public street shall be considered “adjacent to” such land.
- (iii) The Commission shall hold a public hearing, in accordance with [CGS §8-7d](#), on a petition to amend these Regulations and/or the Inland Wetlands and Watercourses Map within sixty-five days after receipt of such petition. The hearing shall be completed within thirty-five days after commencement. The Commission shall act upon the changes requested in such petition within thirty-five days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition. Failure of the Commission to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.

4.02.04 Decision of Map and/or Regulation Change

The Commission shall make its decision and state, in writing, the reasons why the change to these Regulations and/or the Inland Wetlands and Watercourses Map was made.



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 5
REGULATED
ACTIVITIES**

ARTICLE 5. REGULATED ACTIVITIES

Section 5.01 Permitted Uses as of Right and Nonregulated Uses

5.01.01 As of Right Uses

The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:

- (i) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subsection shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear-cutting of timber except for the expansion of agricultural crop land, or the [removal](#) of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
- (ii) A residential home (1) for which a building permit has been issued or (2) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of CGS [section 22a-42a](#), or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987;
- (iii) Boat anchorage or mooring;
- (iv) Uses incidental to the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the City. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include [removal](#) or



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 5
REGULATED
ACTIVITIES**

deposition of significant amounts of material from or onto a wetland or watercourse, or diversion or alteration of a watercourse;

- (v) Construction and operation, by water companies as defined by CGS [Section 16-1](#) or by municipal water supply systems as provided for in [chapter 102](#) of the Connecticut 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 CGS [Sections 22a-401 and 22a-403](#) and;
- (vi) Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to CGS [Section 22a-42a](#) or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subsection, “maintenance” means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.

5.01.02 Nonregulated Uses

The following operations and uses shall be permitted, as nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse.

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

5.01.03 Activities Related to Nonregulated Uses Requiring a Permit

All activities in wetlands or watercourses involving filling, excavating, dredging, clear-cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these Regulations shall require a permit from the Commission in accordance with section 5.03 of these Regulations, or for certain regulated activities located outside of wetlands and



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 5
REGULATED
ACTIVITIES**

watercourses from the duly authorized Agent in accordance with section 7.01 of these Regulations.

5.01.04 Notice of Permitted or Nonregulated Activity

To carry out the purposes of this section, any person proposing a permitted operation and use or a nonregulated operation and use shall, prior to commencement of such operation and use, notify the Commission on a form provided by it, and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of a wetland or watercourse. The Commission shall rule that the proposed operation and use or portion of it is a permitted or nonregulated operation and use or that the proposed operation and use is a regulated activity and a permit is required.

Section 5.02 Activities Regulated by the State

The Commissioner of Environmental Protection shall have exclusive jurisdiction over the following activities:

- (i) Regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to CGS [Sections 22a-39](#) or [22a-45a](#).
- (ii) Tidal wetlands designated and regulated pursuant to CGS [Sections 22a-28 through 22a-35](#).
- (iii) Activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under CGS [Section 22a-402](#) or a permit issued by the Commissioner of Environmental Protection under CGS [Section 22a-403](#). Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from the Commission for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.
- (iv) The discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to [section 401](#) of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under [section 404](#) of the Federal Clean Water Act.



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 5
REGULATED
ACTIVITIES**

Section 5.03 Regulated Activities to be Licensed

No person shall conduct or maintain a [regulated activity](#) without first obtaining a permit for such activity from the Inland Wetland and Watercourse Commission of the City of Waterbury.

Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Commission, or violating any other provision of these Regulations, shall be subject to the enforcement proceedings and penalties prescribed in [sections 7.04 and 7.05](#) of these Regulations and any other remedies as provided by law.



ARTICLE 6. APPLICATION AND DECISION

Section 6.01 Pre-application Review

Any person intending to make application for approval of a regulated activity may request a pre-application review of conceptual or preliminary application materials. Such review may be conducted by the Commission or may be delegated by the Commission to its Agent. Such review may be conducted jointly with any other City agency or commission as may be applicable. As provided by CGS [Section 7-159b](#), such pre-application review and any results or information obtained from it may not be appealed under any provision of the General Statutes, and shall not be binding on the applicant or any authority, commission, department, agency, or other official having jurisdiction to review the proposed project.

Section 6.02 Application to Conduct a Regulated Activity

6.02.01 Application

Any person intending to conduct a regulated activity or to renew or amend a permit to conduct such activity, shall apply for a permit on a form provided by the Commission. The application shall contain the information described in this section and any other information the Commission may reasonably require. Application forms may be obtained in the City Planning Department.

6.02.02 Prior or Concurrent Submission with Land Use Applications Required

If an application to the City Plan Commission or to the City of Waterbury Zoning Commission for subdivision or resubdivision of land, a special permit or a site plan approval, as applicable, involves land containing a wetland or watercourse, the applicant shall, in accordance with CGS [Section 8-3\(g\), 8-3c, or 8-26](#), as applicable, submit an application for a permit to the Commission in accordance with this section, no later than the day the application is filed with such commission.

6.02.03 Determination of Significant Impact Activity

A prospective applicant may request the Commission to determine whether or not a proposed activity involves a significant impact activity. Any such request shall include, at a minimum, the information required by items (iv), (v), and (vii) in subsection [6.02.04](#), below.



6.02.04 Submission Requirements

The application shall contain such information as is necessary for a fair and informed determination thereon by the Commission. All applications shall include the following information in writing or on maps or drawings:

- (i) 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;
- (ii) 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;
- (iii) The applicant's interest in the land;
- (iv) 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;
- (v) 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 (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
- (vi) Alternatives which would cause less or no environmental impact to wetlands or watercourses and why the alternative as set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing;
- (vii) 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



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 6
APPLICATION AND
DECISION**

by the proposed regulated activity and which may have an impact on wetlands or watercourses;

- (viii) Names and mailing addresses of adjacent land owners;
- (ix) A 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;
- (x) Authorization for the members and Agents of the Commission to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the permit;
- (xi) 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;
- (xii) Any other information the Commission deems necessary to the understanding of what the applicant is proposing; and
- (xiii) Submission of the appropriate filing fee based on the fee schedule required by subsection 6.04.02 of these Regulations.

6.02.05 Additional Submission Requirements for Significant Impact Activity

At the discretion of the Commission or its [Agent](#), or when the proposed activity involves a significant impact, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, may be required:

- (i) Site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person;
- (ii) Engineering reports and analyses and additional drawings to fully describe the proposed activity including any filling, excavation,



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 6
APPLICATION AND
DECISION**

drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;

- (iii) Mapping of soil types consistent with the categories established by the [National Cooperative Soil Survey](#) of the U.S. Natural Resources Conservation Service; the wetlands shall be delineated in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans;
- (iv) A description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions;
- (v) A description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative which would cause less or no environmental impact to wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent;
- (vi) Analysis of chemical or physical characteristics of any fill material;
- (vii) Management practices and other measures designed to mitigate the impact of the proposed activity; and
- (viii) A hydrology study providing the following:
 - (1) Pre and post development hydraulic calculations at all discharge points based upon maximum storm frequencies of ten, twenty-five and fifty-years;
 - (2) Pre and post development hydraulic calculations for all stream channels, ponds, and detention basins with a watershed above fifty (50) acres based on fifty and one-hundred year storm frequency;
 - (3) Map of drainage areas utilized in the design; and
 - (4) End treatment of storm sewer outlets if discharged velocities exceed 3 cubic feet per second, including construction details, cross sections and profiles of affected areas including road layout profile.

6.02.06 Impacts on Adjoining Municipalities

The applicant shall certify whether:



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 6
APPLICATION AND
DECISION**

- (i) Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- (ii) Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- (iii) Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or
- (iv) Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Section 6.03 Consulting Experts

The Commission may, at its discretion, refer any application, petition, appeal, request, or plan filed pursuant to these Regulations to a qualified consulting expert(s) selected by the Commission to analyze, review, and report on issues pertaining to such application, petition, appeal, request, or plan. Costs for any such referral shall be assessed to the applicant as part of the filing fee authorized by CGS 22a-42a(e) in accordance with the following procedure:

- (i) The Commission or its duly authorized Agent shall estimate such cost(s), which shall be paid within ten (10) business days of the applicant's receipt of such estimate(s).
- (ii) Any portion of such cost(s), paid by the applicant to the Commission as provided herein, in excess of the actual assessed amount paid to the consulting expert, shall be refunded to the applicant after publication of the Commission's decision.

Section 6.04 Standard Procedures for All Applications

6.04.01 Agent for Receipt of Applications

All petitions, applications, requests or appeals shall be submitted to the clerk of the City Planning Department who shall act as Agent of the Inland Wetland and Watercourse



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 6
APPLICATION AND
DECISION**

Commission of the City of Waterbury for the receipt of such petition, application, request or appeal.

6.04.02 Fees

All fees associated with applications, permits and activities pursuant to these Regulations shall be determined by the Board of Aldermen.

6.04.03 Date of Receipt

The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Commission, immediately following the day of submission to the Commission or its Agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner.

6.04.04 Notice of Application

- (i) The Commission shall, in accordance with CGS Section [8-7d\(f\)](#), notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request, or plan concerning any project on any site in which:
 - (1) Any portion of the property affected by a decision of the Commission is within five hundred feet of the boundary of an adjoining municipality;
 - (2) A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - (3) Significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
 - (4) Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- (ii) When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 16-1 of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 6
APPLICATION AND
DECISION**

the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands commission of such municipality. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Commission.

- (iii) Any such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, appeal, request or plan.

6.04.05 Incomplete Applications

An application deemed incomplete by the Commission shall be withdrawn by the applicant or denied by the Commission.

6.04.06 Number of Copies

An application for approval of a regulated activity shall include the following.

- (i) One (1) original and ten (10) paper copies and one (1) electronic copy in a format compatible with Microsoft Word of a completed application form provided by the City Planning Department.
- (ii) One (1) original and ten (10) paper copies, one (1) electronic copy in a format compatible with Microsoft Word of all Site Plan filing requirements specified in Section 11.05 of these Regulations.
- (iii) One copy of all required documents, maps, and plans in electronic portable document format.
- (iv) The appropriate filing fee.
- (v) The applicant shall also submit one copy of all application materials to the City Engineer.

6.04.07 Additional Information

At any time during the review period, the applicant shall provide such additional information as the Commission may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in subsection 6.04.09 of these Regulations.

6.04.08 Public Inspection

All applications shall be open for public inspection at the City Planning Department.



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 6
APPLICATION AND
DECISION**

6.04.09 Timelines

No later than sixty-five (65) days after receipt of an application, the Commission may hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. If no public hearing is held, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application

6.04.10 Basis for Decision

The Commission shall state upon its record the reasons and bases for its decision.

6.04.11 Notification and Publication of Decision

The Commission shall notify the applicant and any person entitled to such notice of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Commission shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the City. In any case in which such notice is not published within such fifteen day period, the applicant may provide for the publication of such notice within ten days thereafter.

6.04.12 Report to Land Use Commissions

If an activity authorized by an inland wetland permit also involves an activity which requires a site plan, special permit, special exception, or subdivision approval under sections [8-3\(g\)](#), [8-3c](#), or [8-26](#) of the Connecticut General Statutes, the Commission shall file a copy of the decision and report on the application with the City Plan Commission and/or Zoning Commission, as appropriate, within fifteen days of the date of the decision thereon.



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 6
APPLICATION AND
DECISION**

Section 6.05 Public Hearings

6.05.01 Determination of Necessity for a Public Hearing:

- (i) The Commission shall not hold a public hearing on an application unless:
 - (1) The Commission determines that the proposed activity may have a significant impact on wetlands or watercourses;
 - (2) A petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the Commission not later than fourteen days after the date of receipt of such application; or
 - (3) The Commission finds that a public hearing regarding such application would be in the public interest.
- (ii) The Commission may issue a permit without a public hearing provided no petition provided for in this section is filed with the Commission on or before the fourteenth day after the date of receipt of the application.
 - (1) If a hearing is to be held, it shall be held no later than sixty-five days after the receipt of the application that is the subject of the hearing. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard.
 - (2) The Commission may conditionally approve a permit prior to the fourteenth day after the date of receipt provided the approval contains stipulations that the approval is not effective until the expiration of the period during which a petition may be received and that the conditional approval will become null and void if such a petition is received during the aforesaid period.

6.05.02 Notice of Public Hearing

Notice of all public hearings shall be given in the following manner:

- (i) The Commission shall publish notice of all public hearings in a newspaper of general circulation within the City, the first such



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 6
APPLICATION AND
DECISION**

notice not more than fifteen days and not fewer than ten days and the last not less than two days before the date set for the hearing.

- (ii) Additional notice of all public hearings shall be given in the following manner.
- 1) The applicant shall notify all owners of land in the City of Waterbury which, in whole or in part, is adjacent to land subject to a public hearing by mailed notice at least fifteen (15) days prior to the scheduled opening of the public hearing. “Owner” refers to the owners of the land, as indicated on the City of Waterbury or abutting town last-completed grand list as of the date the notice is mailed, not owners of the improvements thereon. The term “adjacent land” shall include any land separated from the land subject to the public hearing by a public or private street.
 - 2) The applicant shall notify all owners of land in the City of Waterbury which, in whole or in part, shares a common boundary with land subject to the notification procedures in section 6.05.02 (ii) 1) by mailed notice at least fifteen (15) days prior to the scheduled opening of the public hearing. “Owner” refers to the owners of the land, as indicated on the City of Waterbury or abutting town last-completed grand list as of the date the notice is mailed, not owners of the improvements thereon. The term “shares a common boundary with” shall not include any land separated from the land subject to the notification procedures in section 6.05.02 (ii) 1) by a public or private street or any land which is located more than 500 feet from the land subject to a public hearing.
 - (3) The applicant shall submit proof of mailing in the form of a certificate of mailing which specifies the names and mailing addresses to which the notice was sent. The requirements of the mailed notice provisions are satisfied upon mailing of the specified notice and submission of said certificate. Failure to submit a certificate at the opening of the public hearing may render the application incomplete.



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 6
APPLICATION AND
DECISION**

- (4) The mailed notice requirement shall be satisfied even if it is later determined that an error in mailing was caused by an error on the grand list.

This section 6.05.02 shall not apply to any amendment or repeal of these Regulations or the Map initiated by the Commission.

6.05.03 Notification by Posting on Subject Property

Notification of the public hearing by posting on the subject property shall be provided in the following manner:

- (i) Sign(s) provided by the City Planning Office shall be posted by the applicant in clear view of the passing public on every paved street frontage of any property which is the subject of a public hearing. At least two (2) such signs shall be provided on any frontage longer than 750 feet. Signs shall be provided by the City Planning Department upon receipt of a deposit as determined by the Department, which deposit shall be refunded upon the return of any such signs. If a property has no paved street frontage, signs shall be posted in a location(s) determined by the Agent.
- (ii) The applicant shall place said sign(s) fifteen full days prior to the day that the public hearing commences and make all reasonable efforts to maintain such signs in place until the day following the close of the public hearing. The applicant shall remove required signs after the required posting period and shall return such signs to the City Planning Department within seven (7) days of the close of the public hearing.
- (iii) The applicant shall submit an affidavit indicating compliance with the foregoing requirements regarding sign placement. If the applicant was unable to comply with the posting requirement due to theft, vandalism or destruction of the signs, the affidavit shall detail all such problems and the good faith efforts of the applicant to remedy such problems. The Commission may accept the good faith efforts as compliance with the posted notice provisions by majority vote. Failure to submit said affidavit at the opening of the public hearing may render the application incomplete.

This section 6.05.03 shall not apply to any amendment or repeal of these Regulations or the Map initiated by the Commission.



6.05.04 Statutory Notifications

All notices required by the Connecticut General Statutes including notices to adjoining municipalities, regional planning agencies, [water companies](#), and [Commissioner of the Connecticut Department of Public Health](#) shall be made according to the provisions of CGS [Section 8-7d](#) and [Section 22a-42f](#).

Section 6.06 Decisions

6.06.01 Considerations for Decision

- (i) The Commission may consider the following in making its decision on an application:
 - (ii) The application and its supporting documentation
 - (iii) Reports from other City agencies and commissions including but not necessarily limited to:
 - City Plan Commission
 - Zoning Commission
 - Building Official
 - Health Officer
 - City Engineer
 - Fire Marshal
 - Waterbury Development Corporation
 - (iv) The Commission may also consider comments on any application from the USDA Natural Resources Conservation Service and any local or regional Soil and Water Conservation District, the Council of Governments of the Central Naugatuck Valley, agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
 - (v) For an application for which a public hearing is held, public comments, evidence and testimony.
 - (vi) In reaching its decision on any application after a public hearing, the Commission shall base its decision on the record of that hearing.



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 6
APPLICATION AND
DECISION**

- (vii) Non-receipt of comments from state agencies and commissions listed in paragraphs (ii) and (iii) of subsection 6.06.01, above, within the prescribed time shall neither delay nor prejudice the decision of the Commission.

6.06.02 Decision Criteria

In carrying out the purposes and policies of CGS Sections 22a-36 to 22a-45, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including but not limited to:

- (i) The environmental impact of the proposed regulated activity on wetlands or watercourses;
- (ii) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses.
- (iii) The relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses.
- (iv) Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such 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 (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
- (v) The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
- (vi) Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and



future 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 and watercourses.

6.06.03 Findings Regarding Feasible and Prudent Alternatives

- (i) In the case of an application which received a public hearing pursuant to a finding by the Commission that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the Commission shall consider the facts and circumstances set forth in this section 6.06. The finding and the reasons therefore shall be stated on the record in writing.
- (ii) In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Commission shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.

6.06.04 Impacts of Activities Outside of Wetlands and Watercourses

- (i) For purposes of this section, (1) “wetlands and watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or occurs.
- (ii) The Commission shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.



Section 6.07 Permit Issuance

6.07.01 Permit Approval and Conditions

- (i) The Commission, or its duly authorized Agent acting pursuant to [section 7.01](#) of these Regulations, may, in accordance with [section 6.07](#) of these Regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the [Act](#), or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.
- (ii) If a performance bond or compliance escrow account is required in accordance with [section 7.03](#) of these Regulations, the Commission may withhold issuing the permit until such performance bond or compliance escrow account is provided.

6.07.02 General Provisions of All Permits

- (i) Reliance on Information Supplied by the Applicant. The Commission has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
- (ii) Permit Limitations. All permits issued by the Commission are subject to and do not derogate any present or future rights or powers of the Commission or the City of Waterbury, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity.
- (iii) Transfer of Permit. No permit issued by the Commission shall be transferred without the written permission of the Commission in accordance with section 6.08 of these Regulations.



- (iv) Activities Related to Land Use Approvals. If the activity authorized by the Commission’s permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under CGS Sections [8-3\(g\)](#), [8-3c](#), or [8-26](#), no work pursuant to the wetland permit may begin until such approval is obtained.
- (v) Management Practices. In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

6.07.03 Expiration of Permit

Any permit issued by the Commission shall be valid for the period(s) as provided by Section 22a-42a of the Connecticut general statutes, as it may be amended.

Section 6.08 Permit Renewals, Transfers and Amendments

6.08.01 Application

Any application to renew, transfer, or amend an existing permit for any regulated activity licensed in accordance with these Regulations but not completed as of the expiration date of such license or the date of any requested transfer or amendment shall be filed with the Wetlands Enforcement Agent (“WEA”) at least sixty-five (65) days prior to the expiration date of the permit. Any application to renew, transfer, or amend an existing permit shall contain the following information:

- (i) A description of the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
- (ii) The reason why the authorized activity was not initiated or completed within the time specified in the permit or, if the application is for transfer of a permit, the reasons for the requested transfer and a signed and notarized written statement by the transferee committing to compliance with all terms and conditions of the original approval;
- (iii) A description of any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued;



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 6
APPLICATION AND
DECISION**

- (iv) Any additional information the WEA may require as provided in [subsection 6.02.04](#) of these Regulations; and

Any such application may incorporate the documentation and record of the prior application.

6.08.02 Untimely Application

The WEA may, prior to the expiration of a permit, accept an untimely application to renew, transfer, or amend such permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in the WEA's judgment, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activity.

6.08.03 Approval

Any application to renew, transfer or amend a permit shall be granted upon request of the permit holder unless the WEA finds that there has been a substantial change in circumstances which requires a new permit application or that a condition of non-compliance with these Regulations or the existing permit exists or an enforcement action has been initiated with regard to the regulated activity for which the permit was issued, provided no permit may be valid for more than ten years from the original approval.

Section 6.09 Appeals

Appeal on actions of the Commission shall be made in accordance with the provisions of CGS [Section 22a-43](#).

Notice of such appeal shall be served upon the Commission and the Commissioner of Environmental Protection.



ARTICLE 7. ADMINISTRATION AND ENFORCEMENT

Section 7.01 Action by Duly Authorized Agent

7.01.01 Delegation of Permitting Authority

The Commission may delegate to the Wetlands Enforcement Agent (“Agent” or “WEA”), appointed in accordance with section 7.04 of these Regulations, the authority to approve or extend a license for an activity that is not located in a wetland or watercourse when such Agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such Agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to CGS Section 22a-39. Requests for such approval shall be made on a form provided by the Commission and shall contain the information listed under [subsection 6.02.04](#) of these Regulations and any other information the Commission or its Agent may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Article 6 of these Regulations, such Agent may approve or extend such an activity at any time.

7.01.02 Notice of Agent’s Decision

Any person receiving an approval from the Agent under subsection 7.01.01 above shall, within ten days of the date of such approval, publish, at the applicant’s expense, notice of the approval in a newspaper having a general circulation in the City.

7.01.03 Appeal of Agent’s Decision

Any person may appeal such decision of the Agent to the Commission within fifteen days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such Commission or its Agent of such appeal. Any person may appear and be heard at the meeting held by the Commission to consider the subject appeal. The Commission shall, at its discretion, sustain, alter, or reject the decision of its Agent or require an application for a permit in accordance with Article 6 of these Regulations.



Section 7.02 Certificate of Wetlands Compliance

The WEA may issue a Certificate of Wetlands Compliance in the form of a signature on a Building Permit or Certificate of Occupancy application or on a separate form prepared and signed by the WEA, which such Certificate shall affirm compliance of any specified use, structure, or activity with the requirements of these Regulations. Any property owner or authorized agent may request issuance of a Certificate of Wetlands Compliance. Any such request shall be accompanied by such information as determined necessary by the WEA.

Section 7.03 Performance Bond and Compliance Escrow Procedures

7.03.01 Performance Bond

- (i) The Commission may require as a permit condition the filing of a performance bond in an amount and with [sureties](#) and in a form approved by Corporation Counsel and the Commission in conformance with City of Waterbury Development Project Bonding Policies and Procedures. Such performance bond shall be sufficient to cover the costs of implementing measures reasonably designed to protect the City's wetlands and watercourses, as presented in the application and/or as imposed as a term, condition or limitation of any license issued by the Commission, including contingency and inflationary factors, and shall be in addition to any other bond required by a City of Waterbury agency.
- (ii) A performance bond required as a condition of approval may be reduced or released by the Commission in accordance with the Bonding Policies and Procedures.

7.03.02 Compliance Escrow

- (i) The Commission or its Agent may authorize a compliance escrow account in accordance with the City of Waterbury Development Project Bonding Policies and Procedures, a copy of which is available in the City Planning Department. Such escrow account shall be in an amount sufficient, as determined by the WEA in consultation with the City Engineer, to secure completion of any conditions of approval, reasonably designed to protect wetlands or watercourses in the City, which, due to seasonal or other conditions



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 7
ADMINISTRATION/
ENFORCEMENT**

beyond the control of the developer, cannot be completed such as paving, landscaping, erosion and sedimentation controls removal, final site restoration or other condition as determined by the Commission, in order to enable the permittee to obtain a Certificate of Wetlands Compliance.

- (ii) A compliance escrow account shall be released following inspection and confirmation by the WEA in consultation with the City Engineer of full compliance with all applicable Regulations and conditions of the subject license issued by the Commission, in accordance with the procedures of the Development Project Bonding Policies and Procedures.

Section 7.04 Enforcement

7.04.01 Wetlands Enforcement Agent

The Commission may appoint one or more Wetlands Enforcement Agents (“Agent” or “WEA”) to act in its behalf with the authority to issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these Regulations. In carrying out the purposes of this section, the Commission or its duly authorized Agent shall take into consideration the criteria for decision under [section 6.06.02](#) of these Regulations.

7.04.02 Inspections

The Commission or its Agent may make regular inspections at reasonable hours of all regulated activities for which permits have been issued with the consent of the property owner or the authorized agent of the owner during the life of the permit.

In the case in which a permit has not been issued or a permit has expired, the Commission or its Agent may make regular inspections at reasonable hours with the consent of the property owner or the authorized agent of the property owner.

7.04.03 Violation Notice and Orders

If the Commission or its Agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these Regulations, the Commission or its Agent may



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 7
ADMINISTRATION/
ENFORCEMENT**

- (i) Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar 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 (10) 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 Commission shall publish notice of its decision in a newspaper having general circulation in the City. 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 subsection shall not delay or bar an action pursuant to CGS Section [22a-44\(b\)](#). The Commission or its Agent may file a certificate of such order in the office of the City Clerk who shall record such certificate on the land records of the City. Such certificate shall be released upon compliance with such order.
- (ii) Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Commission, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in paragraph (i) of this subsection, or other enforcement proceedings as provided by law.

7.04.04 Permit Suspension/Revocation

The Commission may suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Commission shall issue notice to the permittee by



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

**ARTICLE 7
ADMINISTRATION/
ENFORCEMENT**

certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Commission shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Commission shall publish notice of the suspension or revocation in a newspaper having general circulation in the City.

Section 7.05 Penalties

Any person found by the Commission to conduct or maintain any activity, facility or condition in violation of CGS section 22a-36 to 22a-45, inclusive, or of these Regulations shall be subject to the civil penalty procedures of CGS [section 22a-44](#).



APPENDIX A: TABLE OF AMENDMENTS

This comprehensive revision of the Inland Wetlands and Watercourses Regulations of the City of Waterbury was adopted by the Inland Wetlands and Watercourse Commission on May 4, 2011 and became effective on May 16, 2011. Amendments to these Regulations are expected to occur from time to time and will be incorporated into the text as appropriate. The following amendments have been incorporated since the adoption of the Comprehensive revision:

#	Description of Amendment	Date Adoption	of	Date Effective
	NONE			



**CITY OF WATERBURY, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

APPENDICES

APPENDIX B: DEP UPLAND REVIEW AREA GUIDELINES



Sidney J. Holbrook
Commissioner

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

79 Elm Street
Hartford, CT 06106-5127

**GUIDELINES
UPLAND REVIEW AREA REGULATIONS
CONNECTICUT'S INLAND WETLANDS &
WATERCOURSES ACT**

June, 1997

Wetlands Management Section
Bureau of Water Management

