



CITY OF WATERBURY, CONNECTICUT

**INLAND WETLANDS AND WATERCOURSES REGULATIONS
OF THE
INLAND WETLANDS AND WATERCOURSES COMMISSION**

MONTH DAY, 2009

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SECTION 1. INTRODUCTORY PROVISIONS

1.1 SHORT TITLE

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

1.2 AUTHORITY

The Inland Wetland and Watercourses Commission of the City of Waterbury, established in accordance with City of Waterbury Ordinance Section 155.02, adopted Oct. 21, 1974, amended March 7, 1988, has the authority to adopt regulations to implement the purposes and provisions of that ordinance and CGS Section 22a-42a. These Regulations have been adopted and may be amended from time to time in accordance with the provision of the Inland Wetlands and Watercourses Act, CGS Sections 22a-36 through 22a-45, and these Regulations.

1.3 PURPOSE

The inland wetlands and watercourses of the City of Waterbury and the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the City have been endowed. The inland wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and ground 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 aquatic, plant or animal life and their habitat. 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 inland 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 the State of Connecticut, 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 and State for its citizens now and forever more. The preservation and protection of the inland 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 and State. It is, therefore, the purpose of these Regulations to protect the citizens of the City and State by making provisions for the protection, preservation, maintenance, and use of the inland wetlands and watercourses by minimizing their disturbance and degradation; 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 inland wetlands and watercourses for their conservation, economic, aesthetic, recreational, and other public and private uses and values; protecting the City's and the State's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement; and providing an orderly process to balance the need for the economic growth of the City and State 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 and State, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

1.4 APPLICABILITY

These Regulations apply to activities that are within or make use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration, or pollution of such inland wetlands or watercourses and other regulated activity as defined herein.

1.5 SEVERABILITY

If any section, paragraph, subdivision, clause, or provision of these Regulations shall be adjudged invalid, or unconstitutional, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of these Regulations shall be deemed valid and effective.

1.6 EFFECTIVE DATE OF REGULATIONS

These Regulations including the Map, application forms, fee schedule, and amendments thereto, shall become effective upon filing in the Office of the Town Clerk and publication of a notice of such action in a newspaper having general circulation in the City.

1.7 REPEALED

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

1.8 REFERENCES TO OTHER REGULATIONS

All references in these regulations to other local, state, or federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility on the part of the City of Waterbury for enforcement of those local, state, or federal regulations.

References to local, state, or federal regulations in these Regulations refer to the most current version of those regulations. When the referenced regulations have been repealed and not replaced by other regulations, the reference requirement in these Regulations for compliance is no longer in effect.

1.9 CONFLICTING REGULATIONS

When any provision of these Regulations imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other local, state or federal ordinance, statute, or law, the most restrictive provisions shall apply and govern.

If there is a conflict between any provision of these Regulations and the provision of the Act, the provision of the Act shall govern.

1.10 DELEGATION OF AUTHORITY

Reference made in these Regulations to another entity to review, approve, or issue a plan or document, shall not construe authorization or delegated responsibility to others who are not subject to these Regulations, but is to indicate compliance and cooperation between the Commission and other entities to effectuate the City's Plan of Conservation and Development, and these Regulations.

1.11 INTERPRETATIONS

1.11.1 MINIMUM REQUIREMENTS

When a regulation is expressed in terms of a minimum requirement, any fractional result of one half (0.5) or more must be rounded up to the next consecutive whole number.

1.11.2 MAXIMUM LIMITS

When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number.

1.11.3 HEADINGS

Headings are provided for convenience and reference only and do not define or limit the scope of any provision of the text associated with the heading.

1.12 APPLICATIONS FILED PRIOR TO CHANGE IN REGULATIONS

An Application filed with the Commission that is in conformance with these Regulations as of the date of the receipt of such application shall not be required, thereafter, to comply with any change in regulations, 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.

1.13 OTHER PERMITS

Nothing in these Regulations shall obviate the requirements for the Applicant to obtain any other approvals, assents, permits, or licenses required by law or regulation by the City of Waterbury, State of Connecticut and 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 2. DEFINITIONS

2.1 GENERAL RULES

For the purposes of these Regulations the following definitions shall apply, unless the context clearly indicates or requires another meaning. Words that are not defined below have the meaning given in the latest edition of Merriam Webster's Collegiate Dictionary. All words used in the present tense include the future tense; and the reverse is true. All words used in the plural number include the singular number; and the reverse is true. The words "must," "will," "shall," and "may not" are mandatory. The word "may" is permissive, and the word "should" is advisory, not mandatory or required. Unless otherwise specified, all distances shall be measured horizontally.

2.2 DEFINITIONS

Abutter

Owner of a property adjacent to property or properties that is, or are the subject of an Application, including properties across public rights-of-way, such as public and/or private streets and/or watercourses, as shown on assessor's records and maps current as of the date of the subject Application.

Act

The Inland Wetland and Watercourses Act, CGS Sections 22a-36 through 22a-45, as may be amended.

Adjoining Municipality

Eight towns: Cheshire, Middlebury, Naugatuck, Plymouth, Prospect, Thomaston, Watertown, and Wolcott, are adjoining municipalities of Waterbury.

Agency

The Inland Wetlands and Watercourses Commission of the City of Waterbury.

Agent

A duly authorized individual or individuals whom the Commission has delegated with specific authorities. Such Agent shall have completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to CGS Section 22a-39, as may be amended.

The Agent shall have the responsibility for inspection of regulated areas and activities therein, for making periodic reports to the Commission as to the status of authorized activities in regulated areas, and for other enforcement activities as directed by the Commission, for issuing reports to the City Plan and Zoning Commissions, and for initial review of activities and/or applications as to permit requirement.

Applicant

A property owner, Agent of a property owner, or person with interest in the property such as a lease or an option to purchase, who has filed an Application for approval of a proposal.

Application

The form and supporting information submitted for approval of a proposal.

Best Management Practice (BMP)

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 inland wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of inland wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

Bogs

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

CGS

Connecticut General Statutes

City

The City of Waterbury, Connecticut.

Clear Cutting

The harvest of timber in a fashion which removes all trees down to a 2" diameter at breast height.

Commission

The Inland Wetlands and Watercourses Commission of the City of Waterbury.

Commission Member

A member of the Inland Wetlands and Watercourses Commission of The City of Waterbury.

Commissioner of Environmental Protection

The Commissioner of the State of Connecticut Department of Environmental Protection.

Cooperative Soil Survey

The National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture.

CTDEP

Connecticut Department of Environmental Protection.

Deposit

Includes, but shall not be limited to, fill, grade, dump, place, discharge, or emit.

Designated Agent(s)

An individual(s) designated by the Commission to carry out its functions and purposes.

Discharge

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

Disturbing the Natural and Indigenous Character of the Land

The activity will significantly alter the inland wetland and watercourses, including aquatic, plant or animal life and habitat therein, by reason of removal or deposition of material, clear cutting, alteration or obstruction of water flow, or will result in the pollution of the inland wetlands or watercourse.

Engineer, Professional

A person licensed in the State of Connecticut to practice engineering pursuant to CGS Chapter 391.

Erosion

The detachment and movement of soil or rock fragments or the wearing away of the land surface by water or water.

Erosion and Sediment Control Measures

The measures recognized to prevent or reduce erosion due to wind or water.

Erosion and Sediment Control Plan

A plan that describes the location and details of the erosion and sedimentation control measures to be utilized during, and post- construction.

Essential Farming Operation

Activity that is necessary and indispensable to sustain farming activities on a farm.

Farming

The use of land for the growing of crops, raising of livestock, or other agricultural use consistent with the definition as noted in CGS Section 1-1(q).

Feasible

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

Fill

To put into or upon, supply to, or allow to enter a watercourse or wetland any earth, rock gravel, sand, silt, clay, peat, or debris; material, or other structures, placed in or adjacent to a watercourse or wetland.

Inland Wetlands

Land, including submerged land, as defined in these Regulations, not regulated pursuant to CGS Section 22a-28 through 22a-35 (Tidal Wetlands), inclusive, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the Cooperative Soil Survey. Such areas may include filled, graded, or excavated sites that possess an aquic (saturated) soil moisture regime as defined by the Cooperative Soil Survey.

Habitat

Areas or environments in which an organism or biological population normally lives or occurs.

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 Inland Wetlands and Watercourses Commission and by the provisions of CGS Section 22a-36 through 22a-45.

Map

The adopted Inland Wetlands and Watercourses Map of the City of Waterbury.

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.

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. See also Earth/Earth Material.

Municipality

The City of Waterbury, New Haven County, Connecticut.

Nurseries

Places where plants are grown for sale, transplanting, and/or experimentation.

Owner of Record

Owner of the land, not the improvements thereon as recorded in the City Assessor's records on the date of application.

Permit

See license.

Permittee

The person to whom such license or Permit has been issued.

Person

Any individual, group or individuals, firm, association, partnership, corporation, limited liability company, company, business organization, trust, estate, public or quasi-public corporation or body, and any other legal entity, of any kind, including municipal corporations, governmental agencies or subdivisions thereof, its legal representatives, Agents, or assigns.

Petitioner

A person who submits a petition to amend the Regulations or the Map.

Pollution

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

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 inland wetlands or watercourses, including any earthmoving, filling, construction, clear cutting of trees, or discharge of storm water within 100 feet (measured on a horizontal plane) of inland wetlands or watercourses, or construction or repairs of structures over said inland wetlands or water courses, but shall not include the specified activities in CGS Section 22a-40 (see Section 4 of these Regulations).

Regulated Area

Any inland wetlands or watercourse as defined in these Regulations.

Regulations

The Inland Wetlands and Watercourses Regulations of the City of Waterbury

Remove

Includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut timber, bulldoze, dragline, or blast.

Rendering Unclean or Impure

Any alteration of the physical, chemical, or biological properties, including odor, color, turbidity, or taste, of any waters of the City of Waterbury.

Sewer

A pipe or conduit, and all the appurtenances thereto, conveying waste water. A sanitary sewer conveys sewage to which storm, surface, and groundwaters are not intentionally admitted. A storm drain or storm sewer conveys storm, surface, and groundwaters, but excludes sanitary and industrial waste waters.

Significant Activity

Any activity, including, but not limited to, the following activities that may have a major effect or significant impact on the area for which an application has been filed, or on another part of the inland wetland or watercourse system:

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

Soil Scientist

An individual duly qualified in accordance with standards set by the Federal Office of Personnel Management.

State

The State of Connecticut.

Subject Property

The property, or properties whereon the regulated activities are proposed and for which an application has been submitted to the Commission.

Swamps

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

Submerged Lands

Those lands that are inundated by water on a seasonal or more frequent basis.

Town

The City of Waterbury, Connecticut.

Upland Review Area

Land within 100 feet measured horizontally from and perpendicular to the boundary of any wetland or watercourse.

Waste

Sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the inland 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 Section 22a-28 through 22a-35, as amended. 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.

SECTION 3. INVENTORY OF INLAND WETLANDS AND WATERCOURSES

3.1 MAP OF REGULATED AREAS

The Map, defined in Section 2 as “the adopted Inland Wetlands and Watercourses Map of the City of Waterbury,” delineates the general location and boundaries of inland wetlands and the general location of watercourses in the City. Copies of the Map are available for inspection at the office of the Inland Wetlands and Watercourses Agent. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types, and locations of watercourses. The Commission may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations, or other information to determine the location of the boundaries of inland wetlands and watercourses.

3.2 UPDATING MAP

The Commission or its Agent shall inventory and maintain a current inventory of all regulated areas within the City. The Commission shall amend its Map from time to time as information becomes available relative to more accurate delineation of inland wetlands and watercourses within the City. Such Map amendments are subject to the amendment process described in Section 8 of these Regulations.

3.3 SOIL TYPES

Soils that qualify as wetland soils in New Haven County, Connecticut, in which the City is located, are listed below.

AA	Adrain and Palms mucks
Ce	Carlisle Muck
Lc	Leicester fine sandy loam
Ps	Podunk fine sandy loam
Pv	Podunk variant silt loam
Ra	Raynham silt loam
Rb	Raypol silt loam
Rd	Ridgebury fine sandy loam
RN	Ridgebury, Leicester, and Whitman extremely stony fine sandy loam
Ru	Rumney fine sandy loam
Rv	Rumney variant silt loam
Sc	Saco silt loam
Sr	Scarboro muck
Wa	Walpole sandy loam
We	Westbrook mucky peat
Wh	Westbrook mucky peat, low salt
Wr	Wilbraham silt loam
Ws	Wilbraham very stony silt loam

WT Wilbraham and Menlo extremely silt loams

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SECTION 4. APPROVAL PROCEDURES

4.1 GENERAL

No person shall conduct or maintain a regulated activity without first obtaining a Permit for such activity from the Commission. 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 Section 7.3 of these Regulations and any other remedies as provided by law.

4.2 PREAPPLICATION DISCUSSION

Applications are encouraged to initiate a preapplication conference with the Commission, or its delegated Agent, to discuss the conceptual aspects of the proposal, and to prepare and present a conceptual plan for informal consideration of such by the Commission or its delegated Agent. The purpose of a preapplication review discussion is to afford the prospective Applicant the opportunity to receive comments on the proposal prior to preparing and submitting a complete Application. Neither the preapplication conference, the informal review of a conceptual plan, nor comments or suggestions by the Commission or its delegated Agent, or City departments that the Commission may consultant relative to a conceptual plan, shall be deemed to constitute approval or denial of any portion or provision of a proposal, or Application for approval of such plan that may be subsequently submitted as provided by these Regulations. Whenever possible the determination relative to significant activities, as defined in Section 2, will be made at the preapplication meeting.

Any preapplication discussion shall be for informational purposes only, and shall not be binding upon the Applicant, the Commission or its delegated Agent, or the City departments. As provided by CGS Section 7-159b, any preapplication review, and any results or information obtained from such review, may not be appealed.

4.3 ADJUNCT APPROVALS

If an Application is being submitted to the City Plan Commission for subdivision or resubdivision of land, or to the Zoning Commission for a Zoning Permit on land that includes 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 to the Commission in accordance with this section no later than the day the Application is filed with the City Plan Commission or Zoning Commission.

4.4 FEES

All fees required by these Regulations shall be submitted to the Commission by certified check or money order payable to the City of Waterbury at the time the application is filed with the Commission.

No application shall be granted or approved by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant to Section 4.4.3 of these Regulations.

4.4.1 ADDITIONAL COSTS

The Commission may assess an additional cost(s) sufficient to cover the assessed amount necessary to review and act on complex applications. Such cost(s) may include, but not be limited to, the cost of retaining experts to analyze, review and report on issues requiring experts. The Commission or its duly authorized Agent shall estimate the complex application cost(s), which shall be paid within ten (10) business days of the Applicant's receipt of such estimate(s). Any portion of the complex

application cost(s) in excess of the actual assessed amount shall be promptly refunded to the Applicant after publication of the Commission's decision. The application fee is not refundable.

4.4.2 EXEMPTION

Boards, commissions, councils, and departments of the City are exempt from fee requirements.

4.4.3 WAIVER

The Applicant may petition the Commission to waive, or reduce payment of the required fees. Such petitions shall be in writing and shall state fully the facts and circumstances the Commission should consider in its determination. The Commission may waive all or part of the application fee if the Commission determines that:

- a. The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the Applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
- b. The amount of the application fee is clearly excessive in relation to the cost of the City for reviewing and processing the application.

The Commission shall state upon its record the basis for all actions under this subsection.

4.4.4 SCHEDULE OF FEES

Submission of the appropriate filing fee based on the fee schedule established in Table 4-1.

Table 4-1 Schedule of Fees

Permit for Regulated Activity-Public Hearing Held	\$600.00
Permit for Regulated Activity-No Public Hearing Held	\$250.00
Permit Extension	\$250.00
Permit Modification	\$250.00
Map Amendment	\$600.00
Text Amendment to Regulation	\$600.00
Appeal to Enforcement Hearing	\$600.00
Other Action Where Public Hearing is Held	\$600.00
Public Hearing Continuance (each instance)	\$150.00
Improvement Inspection Fee	5% of Cost of All Improvements Requiring a Bond
Building Permit or Certificate of Occupancy Signoff (No Site Visit Required)	\$25.00
Building Permit or Certificate of Occupancy Signoff (Site Visit Required)	\$75.00
Inland wetlands and watercourses Impact Determination for City Plan Commission or Zoning Commission Decision (No Site Visit Req.)	\$25.00
Visit Inland wetlands Impact Determination for City Plan Commission or Zoning Commission Decision (Site Visit Required)	\$75.00

4.5 APPROVALS

Any person wishing to undertake a permitted activity or to renew or amend a Permit to conduct such activity shall apply for a Permit on a form provided by the Commission. An Application shall include a completed and signed Application form and such information as set forth in these Regulations. Application forms may be obtained in the office of the Commission.

4.5.1 CERTIFICATION OF NO GREATER THAN MINIMAL IMPACT

Pursuant to CGS Section 22a-42a(c)(2), the Commission may delegate to its Agent the authority to approve or extend 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 inland wetlands or watercourses.

The Applicant may request a form entitled “Application for Inland Wetlands and Watercourses Agent Certification of No Greater than Minimal Impact” for activities involving maintenance, restoration, and permitted uses or unregulated activities as defined in Section 2.

Any person receiving such approval from such Agent shall, within ten (10) 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. Any person may appeal such decision of such Agent to the Commission within fifteen (15) days after the publication of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three (3) business days after receipt by such Commission or its Agent of such appeal. The Commission shall at its discretion, sustain, alter, or reject the decision of the Agent or require an Application for a Permit in accordance with these Regulations.

4.5.2 APPLICATION FOR PERMISSION TO CONDUCT REGULATED ACTIVITIES

All Applications for a regulated activity shall contain information necessary for the Commission to make a fair and informed determination of the issues. Applications shall be submitted to the Commission and shall be open for public inspection. No fewer than eight (8) copies, or as is otherwise directed in writing by the Commission, of all Application materials shall be submitted to comprise an Application. The form entitled “Application for Permission to Conduct Regulated Activities” shall be used for all regulated activities, and Applications shall include the following information shown on map(s), or in writing as set forth below:

- a. The Applicant's name, home, and business address and telephone numbers;
- b. The owner's name, address and telephone number and written consent if the Applicant is not the owner of the subject property;
- c. Names and addresses of abutters;
- d. Applicant's interest in the land;
- e. The geographical location of the property that is to be affected by the proposal, including but not limited to
 1. a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses;
 2. a computation of the area(s) (in acres or square feet) of wetland or watercourse disturbance;
 3. soil type(s); and
 4. wetland vegetation.
- f. The purpose and description of the proposal;
- g. A diagram showing the alternatives considered by the Applicant including any feasible alternatives that would have lesser environmental disturbance and associated potential adverse effect to inland wetlands and watercourses, and why the proposal as set forth in the application was chosen;
- h. Proposed erosion and sedimentation controls and other best management practices and mitigation measures that will be used, and 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 or create productive wetland or watercourse resources;

- i. A statement certifying whether:
 1. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary line of an adjoining municipality;
 2. traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 3. sewer or water drainage from the project site will flow through and impact the sanitary or storm sewer system(s) 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.
- j. Site plan(s) showing the proposal and the land that will be affected thereby and existing and proposed conditions, inland wetland and watercourse boundaries as delineated and flagged in the field by a certified soils scientist, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposal, prepared by a professional engineer, professional land surveyor, or professional architect or professional landscape architect licensed by the state, or by such other qualified person;
- k. Wetland delineation map prepared to the A-2 Survey standards submitted electronically.
- l. A CTDEP Reporting Form shall be part of the application and specified sections shall be completed by the Applicant.
- m. Certification that the Applicant is familiar with the penalties for obtaining a Permit through deception or through inaccurate or misleading information;
- n. A form of surety in accordance with Section 4.5.2.1 of these Regulations;
- o. Certification of insurance in accordance with Section 4.5.2.2 of these Regulations;
- p. 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; and
- q. Any other information the Commission deems necessary to the understanding of what the Applicant is proposing.

4.5.2.1 Surety

Upon approval of the application and prior to issuance of a Permit, the Applicant may, at the discretion of the Commission be required to file a surety in such amount and in a form approved by the Commission. The surety shall be conditioned on compliance with provisions of these Regulations and the terms, conditions, and limitations established in the Permit.

4.5.2.2 Insurance

The Commission may require the Applicant to certify that it has public liability insurance against liability that might result from the proposed operation or use of the inland wetlands or watercourses covering any damage that might occur within two (2) years of completion of said operations, in an amount commensurate with the regulated activity.

4.5.2.3 Notice to Adjacent Municipalities

When an application to conduct, or cause to be conducted, regulated activity upon an inland wetland or watercourse is filed and any portion of such wetland or watercourse is within five hundred (500) feet of the boundary of an adjoining municipality, the Applicant shall certify to the Commission as to the conditions listed in Section 4.5.2i.

The Commission shall, in accordance with CGS Section 8-7d(f), as may be modified, notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:

- a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary line of an adjoining municipality;
- b. 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;
- c. A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality or,
- d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Notice of the pendency of such application shall be made by registered mail and shall be mailed within seven (7) days of the date of receipt of the application.

4.5.2.4 Significant Activity

If the proposal involves a significant activity as determined by the Commission and defined in Section 2 of these Regulations, additional information, based on the nature and anticipated effects of the activity, shall be submitted that may include, but not be limited to, the following:

- a. Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses, and proposed Erosion and Sediment Control Plans;
- b. Mapping of soil types consistent with the categories established by the Cooperative Soil Survey;
- c. Description of the ecological communities and functions of the inland wetlands or watercourses that are the subject of the application and the effects of the proposed regulated activities on these communities and wetland functions including a description of how the proposed project, and alternatives considered, will change, diminish, or enhance the ecological communities and functions of the inland wetlands or watercourses that are the subject of the application, and with each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent;
- d. An analysis of chemical and physical characteristics of any fill material shall be provided.
- e. Description of measures proposed to mitigate the impact of the proposal. Such measures include, but are not limited to, plans or actions to avoid and minimize destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats, flood flow, water quality, through project design and use of erosion and sedimentation, and stormwater control, or other measures to protect water resources.
- f. A hydrologic study which shall include the following:
 1. Pre- and post-development hydraulic calculations based upon maximum storm frequencies of ten, twenty-five, and fifty-year intervals to verify that stream channels, ponds, and detention basins shall be adequate to manage stormwater thus in a manner that will not increase the rate of post-development storm flows onto adjacent properties at a rate that is greater than the pre-development flow for properties with a watershed above fifty (50) acres, storm water management structures shall be designed on a fifty and one-hundred year storm frequency;
 2. Map of drainage areas utilized in the design;

3. End treatment of storm sewer outlets if discharge velocities exceed 3 cfs, including construction details, cross sections and profiles of affected areas including road layout profile; and
 4. Projected effect of activity upon entire watershed.
- g. An Operations and Maintenance Plan that defines the methods and frequency of inspection and maintenance of storm water management and storm water treatment structures, as described in the City of Waterbury Zoning Regulations, Section 18 entitled “Stormwater Management Standards”.

4.6 CHANGES IN REGULATIONS SUBSEQUENT TO DATE OF RECEIPT

An application filed with the Commission that is in conformance with the applicable regulations as of the date of the receipt of such Application shall not be required thereafter to comply with any change in regulations, including changes to the upland review area, 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

- a. To the establishment, amendment, or change of boundaries of inland wetlands or watercourses, or
- b. To any change in regulations necessary to make such regulations consistent with the provisions of this chapter as of the date of such receipt.

4.7 REVIEW

Upon receipt of a complete application the Commission and/or its consultants shall review it. No application submitted to the Commission shall be deemed complete unless it is signed by the owner of record, accompanied by the appropriate fee, and in such form and contain such information as the Commission deems necessary for a fair determination of the issues. The Commission shall take action on any application within the time periods and shall give notice thereof as required by law.

The Applicant may withdraw at any time prior to a decision by the Commission.

4.7.1 TIMING

Timing for processing an application received by the Commission shall be in accordance with CGS Section 8-7d, as may be amended. The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of a complete application to the Commission, or thirty-five (35) days after such submission, whichever is sooner.

The failure of the Commission to act within any time period specified in that Statute, or an extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Commission must either be withdrawn by the Applicant or denied by the Commission.

At any time during the review period, the Commission may require the Applicant to provide additional information about the regulated area or regulated activity that is the subject of the application, or inland wetlands or watercourses affected by the proposed regulated activity. Request for additional information shall not extend time limitations except as set forth in these Regulations.

4.7.2 INCOMPLETE APPLICATIONS

The Commission shall at its regular meeting inform an Applicant whose application is deemed incomplete what information is required to make the application complete. Subsequent information shall be submitted at the office of the Commission and shall be considered received at the next regular meeting of the Commission. Failure to submit a complete application or failure to submit information in time for the Commission to make a fair determination of the issues within the time period required by law shall be cause for denial of a Permit.

4.8 PUBLIC HEARING

The Commission shall not hold a public hearing on an application unless the Commission determines that the proposal may have a significant impact on inland wetlands or watercourses or a petition signed by at least twenty-five (25) persons requesting a hearing is filed with the Commission not later than fifteen (15) days after the date of receipt of such application or the Commission finds that a public hearing regarding such application would be in the public interest. A public hearing shall be in accordance with Section 7.2 of these regulations.

4.9 DECISION

The Commission, or its Agent, may grant the application as filed; grant it upon such terms, conditions, limitations, or modifications necessary to carry out the purpose of the Act; or deny it. Such terms may include any reasonable measures that would mitigate the impacts of the regulated activity and that 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.

4.9.1 INFORMATION CONSIDERED

The Commission may consider the following in making its decision on an application:

- a. The application and its supporting documentation;
- b. Public comments, evidence, and testimony;
- c. Reports from other agencies and commissions including but not limited to the City of Waterbury Bureau of Engineering, City Plan Commission, Building Official, and/or Department of Public Health;
- d. Comments from the New Haven County Soil and Water Conservation District, the Council of Government, Regional Planning Agency or other regional organizations; agencies in adjoining municipalities that may be affected by the proposal, or other technical agencies or organizations that may undertake additional studies or investigations;
- e. Non-receipt of comments from agencies and commissions listed in 4.9.1d above within the prescribed time shall neither delay nor prejudice the decision of the Commission.

4.9.2 DECISION CRITERIA

To carry out the purposes and policies of sections CGS Section 22a-36 to 22a-45, inclusive, including matters relating to regulating, licensing, and enforcing the provisions thereof, the Commission shall take into consideration relevant facts and circumstances, including but not limited to:

- a. the environmental impact of the proposal on inland wetlands or watercourses; the Commission shall not deny or condition an application for a regulated activity in an area outside inland wetlands or watercourses on the basis of an impact of effect on aquatic, plant or animal life unless such activity will likely impact or affect the physical characteristics of such inland wetlands or watercourses;
- b. the Applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity and identification of alternatives that would cause less or no environmental impact to inland wetlands or watercourses;
- c. the relationship between the short-term and long-term impacts of the proposed regulated activity on inland wetlands or watercourses and the maintenance and enhancement of long-term productivity of such inland wetlands or watercourses;
- d. irreversible and irretrievable loss of wetland or watercourse resources that 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 that 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;
- e. 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
- f. impacts of the proposed regulated activity on inland 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, and which are made inevitable by the proposed regulated activity, and which may have an impact on inland wetlands or watercourses.

4.9.3 CONSIDERATION OF ALTERNATIVES

The Commission may issue a Permit after finding that a feasible and prudent alternative with less adverse impact than the proposed regulated activity does not exist. Such a finding must be based on the record of a public hearing held pursuant to a finding by the Commission, that the proposal may have a significant impact on inland wetlands or watercourses. The finding and the reasons therefore shall be stated on the record in writing.

When an application is denied pursuant to the Commission's finding that a feasible and prudent alternative exists that has less adverse impact, the Commission may propose on the record in writing, the types of alternatives that the Applicant may investigate. The Commission's proposal shall not be construed to shift the burden from the Applicant to prove that the Applicant is entitled to the Permit or to present alternatives to the proposed regulated activity

4.9.4 DECISION BASED ON HEARING

When a decision is rendered after a public hearing for an application, the Commission shall base its decision on the record of that hearing. The decision shall be in writing and shall include a statement relative to the consideration of feasible and prudent alternatives. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a Permit will be issued. The Applicant has the burden of demonstrating that the project proposed in the application is consistent with the purposes and policies of these Regulations and CGS Sections 22a-36 to 22a-45, inclusive.

4.9.5 RECORD OF DECISION

The Commission shall state upon its record the reasons and basis for its decision and, in the case of a public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a Permit should be issued. The Applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these Regulations and CGS Sections 22a-36 to 22a-45, inclusive.

4.9.6 NOTICE OF DECISION

The Commission shall notify the Applicant and any related parties to the proceeding. 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.

4.9.7 FILING OF DECISION

If an activity authorized by a Permit also involves an activity or project that requires zoning or subdivision approval, a special zoning permit, variance, special exception, or building permit, a copy of the decision and report on the wetland permit application shall be filed with the City Clerk, by the permittee within fifteen days of the date of the decision.

4.10 INCORPORATION OF TERMS AND CONDITIONS

If the Commission grants a Permit with terms, conditions, limitations, or modifications, the Applicant must incorporate those terms and conditions and/or modify the proposal to the Commission's satisfaction.

The permittee shall take such necessary steps consistent with the terms and conditions of the Permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of inland wetlands and watercourses. Further the permittee shall immediately inform the inland wetlands and watercourses Commission of any problems involving inland wetlands or watercourses which have developed in the course of or which are caused by the authorized work.

4.11 DEROGATION OF RIGHTS

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, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and public and private rights and to any federal, state, and municipal laws or regulations pertinent to the property or activity.

4.12 OTHER PERMITS

If the activity authorized by the Permit also involves an activity or a project which requires zoning or subdivision approval, special permit, building permit, variance, special exception or other approvals, authorizations, or permits, no work pursuant to the wetland permit may begin until such approval is obtained.

4.13 REAPPLICATION AFTER DENIAL

If the Commission denies the Permit the Applicant may attempt to modify the proposal to the Commission's satisfaction. The Commission shall determine whether the proposed modification requires the filing of a new application.

4.14 ASSIGNMENT OR TRANSFER OF PERMIT

No Permit shall be assigned or transferred without the written permission of the Commission.

4.15 PERMIT REVOCATION

In evaluating applications in which the Commission relied in whole or part on information provided by the Applicant, if such information subsequently proves to be false, deceptive, incomplete or inaccurate the Permit may be modified, suspended or revoked.

4.16 PERMIT AMENDMENT AND EXTENSION OF EXPIRATION DATE

If the Permit holder wishes to make a modification to a previously granted Permit, the Applicant shall notify the Commission in writing of such change and the Commission shall determine and notify the Applicant whether the proposed modification requires the filing of a new application or can be granted as a modification of the pre-existing Permit.

Any application to extend the expiration date of a previously issued Permit or amend an existing Permit shall be filed with the Commission at least sixty-five (65) days prior to the expiration date for the Permit in accordance with these Regulations. An application for amendment or renewal shall be made in accordance with this Section provided;

- a. The application may incorporate by reference the documentation and record of the prior application;
- b. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the Permit;
- c. The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the Permit;
- d. The application shall describe any changes in facts or circumstances involved with or affecting inland wetlands or watercourses or the property for which the Permit was issued;
- e. The Commission may prior to the expiration of a Permit, accept an untimely application to extend the expiration date of a Permit if the unauthorized activity is ongoing and allow the continuation of work beyond the expiration date if in its judgment, the Permit is likely to be extended and the public interest or environment will be best served by not interrupting the activity; and

Any application to renew a Permit shall be granted upon request of the Permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new Permit application or an enforcement action has been undertaken with regard to the regulated activity for which the Permit was issued provided no Permit may be valid for more than ten (10) years.

Any Permit issued by the Commission for the development of land for which subdivision or zoning approval is required shall be valid for the period of time the other Permit is valid, not to exceed ten (10) years.

SECTION 5. PERMITTED USES AS-OF-RIGHT & NONREGULATED USES

5.1 AS-OF-RIGHT USES

Pursuant to CGS Section 22a-40(a), as may be amended, the following operations and uses shall be permitted in inland wetlands and watercourses, as-of-right:

- a. 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 subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of inland wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from inland wetlands or watercourses for the purposes of sale;
- b. A residential home for which a building permit has been issued or that is on a subdivision lot, provided the permit has been issued or the subdivision has been approved by the City Plan Commission as of the effective date of promulgation of these Regulations, or as of July 1, 1974, which ever 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;
- c. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than twelve thousand square feet and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of material in an upland review area, from or into a wetland or watercourse, or diversion or alteration of a watercourse.
- d. Construction and operation, by water companies as defined by CGS Section 16-1 or by municipal water supply systems as provided for in CGS Chapter 102 for 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.
- e. Maintenance relating to any drainage pipe that existed before July 1, 1974, provided such pipe is on property zoned as residential but that does not contain hydroponic vegetation. For purposes of this paragraph, maintenance means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.

5.2 NONREGULATED USES

Pursuant to CGS Section 22a-40(b), as may be amended, the following uses shall be permitted as nonregulated use in inland 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:

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

5.3 USES REQUIRING A PERMIT

All activities in inland wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, grading, or any other alteration or use of an inland wetland or watercourse not specifically permitted by this section, or for defined regulated activities outside the inland wetland or watercourse, shall require a Permit from the Commission in accordance with Section 4.5 of these Regulations.

5.4 NO PERMIT REQUIRED RULING

Any person proposing to carry out a permitted as-of-right or nonregulated activity of a wetland or watercourse that may disturb the natural and indigenous character of the wetland or watercourse shall, prior to commencement of such activity, notify the Commission on a form provided by it, and provide the Commission or its Agent with sufficient information to enable it to properly determine that the proposed activity is an as-of-right or nonregulated use of the wetland or watercourse. The Commission or its designated Agent shall rule that the proposed activity is an as-of-right or a nonregulated use or operation or that a Permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Commission following the meeting at which the request was received. The designated Agent for the Commission may make such ruling on behalf of the Commission at any time as set forth in these Regulations.

SECTION 6. ACTIVITIES REGULATED EXCLUSIVELY BY THE COMMISSIONER OF ENVIRONMENTAL PROTECTION

6.1 ACTIVITIES SUBJECT TO STATE APPROVAL

The Commissioner of Environmental Protection shall have exclusive jurisdiction over 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 sections 22a-39 or 22a-45a of the Connecticut General Statutes.

6.2 TIDAL WETLANDS

The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to CGS Sections 22a-28 through 22a-35, as amended.

6.3 DAM REMOVAL OR REPAIR

The Commissioner of Environmental Protection shall have exclusive jurisdiction over 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 Sections 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.

6.4 DISCHARGES PURSUANT TO SECTION 401 OF THE FEDERAL CLEAN WATER ACT

The Commissioner of Environmental Protection shall have exclusive jurisdiction over 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.

SECTION 7. ADMINISTRATION AND ENFORCEMENT

7.1 INLAND WETLANDS AND WATERCOURSES COMMISSION

These regulations shall be administered and enforced by the Inland Wetlands and Watercourses Commission.

7.2 PUBLIC HEARINGS

Any public hearing required by CGS Section 8-12, as may be amended or any other applicable law or regulation, shall be conducted in accordance with CGS Section 8-7d, as may be amended. Applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at the public hearing.

7.2.1 NOTICE BY PUBLICATION

The Commission shall publish notice of the public hearing in accordance with CGS Section 8-7d, as may be amended.

7.2.2 NOTICE TO ABUTTERS AND NEARBY PROPERTY OWNERS

All abutters, and property owners within one hundred (100) feet of any property line of the property that is the subject of a public hearing, shall be notified of the hearing by the Applicant or Petitioner at least fifteen (15) days prior to the public hearing. The form of the notice shall be provided to the Applicant or Petitioner by the Commission.

The Applicant or Petitioner shall provide the Commission with an affidavit of the mailing, which shall be accompanied by a listing of the property owners to whom the notice was sent. Failure to return said affidavit shall render the Application or Petition incomplete and the Commission shall deny the subject Application or Petition. The Applicant or Petitioner may request an extension or postponement of the hearing in accordance with CGS 8-7d to correct an error in the required notification.

7.2.3 NOTICE BY POSTING OF SIGN

Sign(s) provided by the Commission shall be posted on every paved street frontage of the property that is the subject of a public hearing. Such sign(s) shall indicate a land use public hearing is pending and provide a telephone number for specific information. One sign shall be provided by the Commission upon receipt of the application fee and scheduling of the public hearing. Additional signs will be provided subject to the payment of a fee determined by the Board of Aldermen.

Said sign(s) shall be located no further apart than five hundred (500) feet along any single frontage. Said sign(s) shall be placed in close proximity to the street or highway to be clearly visible to the passing public. If a property has no paved street frontage, signs shall be posted in a location(s) determined by the Commission.

The Applicant shall place said sign(s) fifteen full days prior to the date set for the public hearing and shall take reasonable measures to ensure that the signs are maintained until the day following the close of the public hearing. The Applicant shall return the signs and certify to the Commission, under oath, that the foregoing sign placement requirements have been met. Failure to provide certification of the posting shall render the Application/Petition/Appeal incomplete and the Commission shall deny the subject Application/Petition/Appeal. The Applicant or Petitioner may request an extension or postponement of the hearing in accordance with CGS 8-7d to correct an error in the required notification.

7.3 ENFORCEMENT AND PENALTIES

The Commission shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny Permits for regulated activities in inland wetlands and watercourses in the City pursuant to CGS Sections 22a-36 to 22a-45, as amended.

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 herein of these Regulations and any other remedies as provided by law.

7.3.1 INSPECTIONS

The Commission, or its Agent, may make regular inspections, at reasonable hours, of 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.

The Agent, or the Agent's designees, may act on behalf of the Commission with the authority to inspect property except a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these Regulations.

7.3.2 ENFORCEMENT ACTIONS

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:

- a. 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), as amended.
- b. 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 Section 7.3.2a or other enforcement proceedings as provided by law.

- c. Suspend or revoke a Permit if it finds that the Applicant 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 Permit in the application including application plans. Prior to revoking any Permit, the Commission shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct that 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 requirements for retention of the Permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a Permit by personal service or certified mail within fifteen (15) days of the date of its decision;

7.3.3 PENALTIES

Penalties, for a violation(s) of these Regulations shall be determined and imposed in accordance with CGS Section 22a-44, as amended.

7.4 APPEALS

Appeals on actions of the Commission shall be made to the applicable superior court in accordance with the provisions of CGS Section 22a-43, as amended.

7.4.1 NOTICE

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

SECTION 8. AMENDMENT TO INLAND WETLANDS AND WATERCOURSES REGULATIONS

8.1 GENERAL

These Regulations and the Map of the Commission may be amended in accordance with CGS 22a-42a and these Regulations. Amendments may be made to reflect changes in the Connecticut General Statutes, regulations of the State Department of Environmental Protection, as new information regarding soils and inland wetlands and watercourses becomes available, or otherwise at the discretion of the Commission.

These Regulations and/or the Map may be amended by the Commission on its own initiative or by a private petition made by any person having a legal property interest, including but not limited to owners, lessees, and holders of development rights of property located within the City.

8.2 PETITION

8.2.1 REGULATIONS

Any person may apply to the Commission for an amendment to the Regulations. Petitions for a Regulations change shall be submitted in writing and shall include all relevant facts and circumstances to support the change. A petitioner shall bear the burden of proof for all requested Regulations amendments. Petitions shall contain at least the following

- a. The Petitioner's name, mailing address, and telephone number;
- b. Petitioner's interest in the land affected by the petition; and
- c. The reasons for the requested action.

8.2.2 MAP

Any person may apply to the Commission for an amendment to the Map. Petitions for a Map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. A petitioner 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, an accurate delineation of regulated areas in accordance with these Regulations, or other information acceptable to the Commission. Petitions shall contain at least the following information:

- a. The Petitioner's name, mailing address, and telephone number;
- b. The owner's name (if not the Petitioner), mailing address, telephone number, and a written consent to the proposed action set forth in the petition;
- c. The address, or location, of the land affected by the petition;
- d. Petitioner's interest in the land affected by the petition;
- e. The geographic location of the property involved in the petition as shown on map(s) or in a written description of the land in sufficient detail to allow identification of the disputed wetland or watercourse areas;
- f. The reasons for the requested action;
- g. The names and addresses of the owner(s) of record of abutting land as recorded in the Waterbury Land Records, Town Clerk;

- h. 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
- i. A plan showing proposed development of the property with inland wetlands and watercourses clearly delineated and shown on the plan.

8.3 PUBLIC HEARING

A public hearing shall be in accordance with Section 7.2 of these Regulations.

8.4 TIMING

The timing for processing a petition for amendments to these Regulations or the Map shall be in accordance with CGS Section 8-7d, as may be amended. Commission initiated amendments to the Regulations or Map are not subject to the time limits of CGS Section 8-7d.

8.4.1 EXTENSIONS

A Petitioner may consent to one or more extensions of the time periods specified herein, provided the total extension of any such period shall not exceed sixty-five (65) days, or the Petitioner may withdraw such petition. The failure of the Commission to act within the time period specified, or an extension thereof, shall not be deemed to constitute approval of the petition.

8.5 NOTICE TO THE COMMISSIONER OF ENVIRONMENTAL PROTECTION

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 determinations of boundaries, at least thirty-five (35) days before the public hearing on their adoption.

8.6 NOTICE TO ADJOINING MUNICIPALITIES

Notice to Adjoining Municipalities shall be in accordance with CGS Section 8-7d.

8.7 DECISION

The Commission shall make its decision and state, in writing, the reasons why the change in the Regulations or Map was made.

APPENDIX A: FORMS

To be updated upon receipt
of forms from the City.