Town of Waterford

Inland Wetlands and Watercourses Regulations

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TABLE OF CONTENTS

		Page
SECTION 1	TITLE, AUTHORITY AND PURPOSE	1
SECTION 2	DEFINITIONS	3
SECTION 3	INVENTORY OF INLAND WETLAND AND WATERCOURSES	8
SECTION 4	PERMITTED USES AS OF RIGHT AND NON-REGULATED USES	9
SECTION 5	ACTIVITIES REGULATED BY THE STATE	11
SECTION 6	ACTIVITIES TO BE LICENSED	13
SECTION 7	APPLICATION REQUIREMENTS FOR REGULATED ACTIVITY	14
SECTION 8	APPLICATION PROCEDURES	19
SECTION 9	PUBLIC HEARINGS	21
SECTION 10	CONSIDERATIONS FOR DECISION	22
SECTION 11	DECISION PROCESS AND PERMIT ISSUANCE	26
SECTION 12	PERMIT EXTENSIONS AND AMENDMENTS	29
SECTION 13	BOND AND INSURANCE	30
SECTION 14	ENFORCEMENT	31
SECTION 15	AMENDMENTS	33
SECTION 16	APPEALS	36
SECTION 17	CONFLICT AND SEVERANCE	37
SECTION 18	OTHER PERMITS	38
SECTION 19	EFFECTIVE DATE OF REGULATIONS	39
SECTION 20	APPLICATION FEES	40

Appendix A	Application
Appendix B	Instruction Guide & Application Checklist

SECTION 1 - TITLE, AUTHORITY AND PURPOSE

1.1 These regulations shall be known as "The Inland Wetlands and Watercourses Regulations of the Town of Waterford".

1.2 The Conservation Commission of the Town of Waterford was established in accordance with Chapter 2.52, of the Waterford Code of Ordinances adopted on April 2, 1973,and Chapter 5.3 of the Charter of the Town of Waterford as revised to December 8, 1983 and authorized to implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of Waterford pursuant to Chapter 2.52 of the Waterford Code of Ordinances.

1.3 These Regulations have been adopted by the Conservation Commission and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act, Section 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes as authorized by the Representative Town Meeting of the Town of Waterford in Chapter 2.52 of the Waterford Code of Ordinances.

1.4 The Inland Wetlands and Watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the State 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 the groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetland 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 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 state 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 state. It is, therefore, the purpose of these regulations to protect the citizens of the state 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 State'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 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 state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

1.5 The Commission shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, or deny permits for all regulated activities in the Town of Waterford pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

SECTION 2 - DEFINITIONS

2.1 Act: The Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the General Connecticut Statutes, as amended.

2.2 Bog: A poorly drained area containing an accumulation of organic material and characterized by an association of plants recognized as bog species, listed in the booklet entitled Inland Wetland Plants of Connecticut (May, 1973).

2.3 Clearing: The removal of any significant amount of vegetation from wetlands.

2.4 Clear-cutting: The harvest of timber in a fashion which removes the majority of trees greater than 2" diameter at breast height.

2.5 Commission: The Waterford Conservation Commission.

2.6 Commission Member: A member of the Conservation Commission of the Town of Waterford.

2.7 Commissioner of Environmental Protection: The Commissioner of the State of Connecticut, Department of Environmental Protection.

2.8 Conservation Easement: A legal agreement by the property owner to restrict the use and development of an area. The designated area shall be shown on a site plan and labeled as such. Purposes for Conservation Easements are listed in Section 11.10. Exact positions and limitations are specified by the Waterford Conservation Commission at the time of approval.

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

2.10 Designated Agent: An individual designated by the Commission to carry out its functions and purposes.

2.11 Discharge: The emission of any water, substance or material into wetlands or watercourses of the Town of Waterford whether or not such substance causes pollution.

2.12 Disturbing the natural and indigenous character of the wetland or watercourse: The activity will significantly alter the inland wetlands and watercourses by reason of removal or deposition of material, clearing of vegetation, alteration or obstruction of water flow, or will result in the pollution of the wetlands or watercourses.

2.13 Emergency repairs: Shall include, but not be limited to, the following: removal of obstructions such as trees, debris, and accumulated silt, etc. from watercourses to the channel lines by the Department of Public Works for reasons of flood prevention and

maintenance for the safety and welfare of the residents of Waterford.

2.14 Essential to the Farming Operation: The proposed activity is necessary and indispensable to sustain farming activities on the farm.

2.15 Farming: The use of land for the growing of crops, raising of livestock, or other agricultural use.

2.16 Feasible: The ability to be constructed or implemented consistent with sound engineering principles.

2.17 License: The whole or any part of permit, certificate of approval, or similar form of permission which may be required of any person by the provisions of these Regulations or the Inland Wetlands and Watercourses Act, as amended.

2.18 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; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

2.19 Marsh: An area normally covered with shallow water, subject to seasonal variations, that are distinguished by the absence of trees and shrubs and the dominance of herbaceous, soft-stemmed plants. Typical examples of marsh species are listed in the booklet entitled Inland Wetland Plants of Connecticut (May, 1973).

2.20 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.

2.21 Municipality: The Town of Waterford, Connecticut.

2.22 Non-encroachment Line: A line that delineates an area of restricted use. There shall be no activity within this area without approval of the Waterford Conservation Commission. The line shall be established by the Conservation Commission and shown on a site plan and labeled as such. Purposes for the non-encroachment line are listed in Section 11.10.

2.23 Nurseries: The land used for propagating trees, shrubs, or other plants for transplanting, sale, or for use as stock for grafting.

2.24 Permit: The whole or any part of any license, certificate, or approval, or similar form of permission which may be required of any person by the provisions of these

Regulations, and the Act or other municipal, state and federal law.

2.25 Permittee: The person to whom such permit has been issued.

2.26 Person: Any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, government agencies, or subdivisions thereof.

2.27 Pollution: The harmful thermal effect or the contamination or rendering unclean or impure of any waters of the Town of Waterford 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.

2.28 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.

2.29 Regulated Activity: Any operation within, or use of, a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration, discharge, pollution, or clearing of such wetlands or watercourses, or any other activity which will impact the wetlands or watercourses, including those activities adjacent to wetlands and watercourses outlined in Section 6 of these Regulations, except as otherwise indicated in Section 4 of these Regulations.

2.30 Remove: Includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, bulldoze, dragline, or blast.

2.31 Rendering unclean or impure: Any alteration which diminishes quality of the physical, chemical, or biological properties of any of the waters of the Town of Waterford, including but not limited to, change in color, odor, turbidity, taste, acidity, or chemical composition.

2.32 Significant Impact Activity: Activities, including, but not limited to, the following activities which may have a major effect or significant impact.

a. Any activity involving a deposition or removal of material which will or may have a substantial adverse effect on the inland wetlands or watercourse system.

b. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.

c. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support desirable fisheries, wildlife, or other biological life; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.

d. Any activity which would result in degrading the water quality of a wetland,

watercourse, or groundwater. Such degradation to be measured by standards of the Water Compliance Division of the Connecticut Department of Environmental Protection, where applicable.

e. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.

f. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of inland wetlands and watercourses.

g. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.

h. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

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

2.34 Swamp: An area with a water table at or near the surface of the ground throughout most of the year and containing vegetation dominated by an association of trees and/or shrubs recognized as swamp species. Typical examples of swamp species are listed in the booklet entitled Inland Wetland Plants of Connecticut (May, 1973).

2.35 Submerged Lands: Those lands which are inundated by water on a seasonal or more frequent basis.

2.36 Town: The Town of Waterford, State of Connecticut.

2.37 Upland Review Area: A non-wetland or non-watercourse area in which certain types of activities, as further defined in the wetland regulations herein, are regulated activities.

2.38 Waste: Sewage or any substance, liquid, gaseous, solid or radioactive which may pollute or tend to pollute any of the waters of the Town of Waterford.

2.39 Watercourses: Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, public or private, mapped or unmapped, vernal, intermittent, or perennial, which are contained within, flow through, or border upon the Town of Waterford or any portion thereof, not regulated pursuant to Sections 22a-28 to 22a-35, inclusive, of the Connecticut General Statutes, 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.

2.40 Wetlands: Land, including submerged land, not regulated pursuant to Section 22a-28 to 22a-35 inclusive, of the Connecticut General Statutes as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, or flood plain by the National Cooperative Soils Survey, as 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 and are generally shown for informational purposes only on a map entitled "Designated U.S. Department of Agriculture Soil Conservation Service Soil Survey, Town of Waterford" on file in the Office of the Town Clerk. In each instance, however, the actual character of the soil shall determine whether the land in question is subject to regulation.

SECTION 3 - INVENTORY OF INLAND WETLANDS AND WATERCOURSES

3.1 The map entitled "Town of Waterford Inland Wetlands and Watercourses Map" delineates the general location and boundaries of inland wetlands and the general locations of watercourses. Copies of this map are available for inspection in the office of the Town Clerk or the Planning Department. In all cases, the precise location of inland 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.

3.2 If dispute exists as to the designation of the whole or any part of a property as an inland wetland or watercourse, the property owner (or in the case of an application, the applicant) may petition the Commission to change the designation. Petitions shall be submitted in writing and shall include such information as the Commission deems necessary to permit an informed decision. Such information may include soil documentation by a certified soil scientist that the land in question, or a portion of it, does or does not have a soil type classified by the National Cooperative Soil Survey as poorly drained, very poorly drained, alluvial, or flood plain. The Commission may require the property owner or applicant to proceed in accordance with Section 15 of these Regulations.

3.3 The Commission shall maintain a current inventory of inland wetlands and watercourses within the Town. The Commission may amend its map from time to time as information becomes available relative to more accurate delineation of wetlands and watercourses within the Town. Any person may petition for an amendment to the map. Petitioners shall bear the burden of proof for all requested map amendments. Such proof may include, but not be limited to, aerial photography, remote sensing, imagery, resource mapping or other available information. Such map amendments are subject to the public hearing process outlined in Section 15 of these Regulations.

SECTION 4 - PERMITTED USES AS OF RIGHT AND NON-REGULATED USES

4.1 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 section 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 mining of the topsoil, peat, sand, gravel, or similar material from wetlands or watercourses for the purposes of sale;

b. A residential home (i) for which a building permit has been issued, or (ii) on a subdivision lot, provided the permit has been approved by the Waterford Planning and Zoning Commission as of the effective date of promulgation of the Municipal Regulations pursuant to subsection (b) of 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 subsection unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands, permitted as of right, under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates, or other necessary information to document his right hereunder;

c. Boat anchorage or mooring, not to include dredging or dock construction;

d. Uses incidental to the enjoyment or maintenance of a residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted in the Town of Waterford and containing a structure. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material (as determined by the Commission) from or into a wetland or watercourse, or diversion, alteration, obstruction, or pollution of a watercourse or wetland.

e. Construction and operation by water companies as defined by Section 16-1 of the Connecticut General Statutes 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 Sections 22a-401 through 22a-410 of the Connecticut General Statutes.

f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to Section 22a-42a of the Connecticut General Statutes 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.

4.2 The following operations and uses shall be permitted as non-regulated uses in wetlands and watercourses provided they do not disturb the natural and indigenous character of the wetlands and watercourses 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. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices.

b. Outdoor recreation including the use of 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 shellfishing, and cross-country skiing where otherwise legally permitted and regulated.

4.3 All activities in wetlands or watercourses involving filling, excavation, dredging, clear-cutting, clearing, grading or any other alteration or use of a wetland or watercourse not specifically permitted by Section 4.1 and 4.2 of these Regulations and otherwise defined as a regulated activity by these Regulations shall require a permit from the Conservation Commission in accordance with Section 6 of these Regulations.

4.4 To carry out the purpose of this section, any person proposing to carry out a permitted or non-regulated operation or use of a wetland or watercourse shall, prior to commencement of such operation or use, notify the Commission on a form provided by it, and provide the Commission sufficient information to enable it to properly determine that the proposed operation and use is a permitted or non-regulated use of the wetland or watercourse. The Commission shall rule that the proposed operation or use is a permitted or a non-regulated use or operation or that a permit is required. Such ruling shall be made no later than thirty five (35) days following the meeting at which the request was received. Any such ruling shall be subject to limitation or revocation if it is later shown that a regulated activity is a consequence of that proposal.

SECTION 5 - ACTIVITIES REGULATED BY THE STATE

5.1 In addition to any permit or approval required by the Commission, the Commissioner of Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:

a. Construction or modification of any dam pursuant to Sections 22a-401 through 22a-411; of the Connecticut General Statutes, as amended;

b. Construction, encroachment or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349a of the Connecticut General Statutes, as amended;

c. Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the State pursuant to Sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended;

d. Diversion of water including withdrawals of surface or groundwater in excess of fifty thousand (50,000) gallons per day, or any piping, culverting, channelization, relocation, damming or other alteration of the location of flow of any surface waters of the state where the tributary watershed area above the point of such alteration is 100 acres or larger, pursuant to sections 22a-365 through 22a-378a of the Connecticut General Statutes, as amended;

e. Discharges into the waters of the State pursuant to Section 22a-430 of the Connecticut General Statutes, as amended.

f. 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.

5.2 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities and other 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, as amended.

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

5.4 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 section 22a-402 or a dam construction permit

issued by the Commissioner of Environmental Protection under sections 22a-403 or 22a-41 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or dam construction permit shall not be required to obtain a permit from the municipal wetlands agency for any action necessary to comply with said dam order or to carry out the activities authorized by said dam permit.

SECTION 6 - ACTIVITIES TO BE LICENSED

6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Waterford Conservation Commission.

6.2 The Commission shall regulate any operation within, or use of, a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration, discharge, pollution, or clearing of such wetlands or watercourse, or any other activity outside of a wetland or watercourse which is likely to impact the wetlands or watercourse, except as otherwise indicated in Section 4 of these Regulations.

6.3 Upland Review Areas

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 subject to review by the Conservation Commission or its designated agent for determination of regulated activities.

The Commission may rule that any other activity located in such upland review areas or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

6.4 Any person found to be conducting of maintaining a regulated activity without the prior authorization of the Waterford Conservation Commission, or violating any other provision of these Regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these Regulations and any other remedies as provided by law.

SECTION 7 - APPLICATION REQUIREMENTS FOR REGULATED ACTIVITY

7.1 Any person intending to undertake a regulated activity shall apply for a permit on a form entitled "Town of Waterford Conservation Commission Application for Permit". An application shall include an application form (Appendix A) and such information as prescribed by this Section. Application forms may be obtained in the Waterford Planning Office.

7.2 All applications shall contain prescribed information that is necessary for a fair and informed determination of the issues as specified by the Commission or its designated agent.

7.3 All applications shall include the following information:

a. A completed application form entitled "Town of Waterford Conservation Commission Application for Permit".

b. The purpose and a description of the proposed activity.

c. Alternatives to the proposed activity considered and subsequently rejected by the applicant and reasons why the alternative as presented in the application was chosen. All such alternatives shall be diagrammed on a site plan.

d. Map of the property at approximately 1" = 1,000' showing the geographic location of the property, the location of wetlands and watercourses identified on the property, and the general location of wetlands and watercourses mapped as occurring within 500 feet of the property (as represented on the Soil Survey of New London County).

e. Site plan of the property at approximately 1"=40' scale. Such site plan shall contain the following information at a minimum unless a waiver has been approved by the Commission.

1. Preparation and certification, by a surveyor and/or engineer, licensed in the State of Connecticut.

2. Property boundaries.

3. Contours at no greater than 2' intervals, both existing and proposed.

4. Vegetation patterns, both existing and proposed.

5. Wetlands limits and soil type as determined by a soil scientist. Site plan shall be signed by the soil scientist. Site plan shall include the surveyed wetlands line and wetland flag numbers.

6. Upland soil types and delineations based on Soil Survey of New London County, or field identified by a soil scientist as may be required by the Commission.

7. Existing and proposed buildings, roads, utility lines, sanitary systems, and significant man-made or topographic features on or adjacent to the site.

8. Flood hazard area classification and delineation.

9. North arrow.

10. Proposed clearing limits.

11. All watercourses shall be shown.

f. A detailed erosion and sediment and stormwater control plan, which meets or exceeds the minimum requirements as set forth in the CTDEP Guidelines for Soil Erosion and Sediment Control, revised as amended. The plan shall include the following information at a minimum:

    1. Location of areas to be stripped of vegetation and other exposed or unprotected areas (location to be shown on site plan).

    2. Location, design, timing, and method of installation of structural and non-structural sediment and stormwater control measures (location to be shown on site plan).

    3. Timing and description of all major phases of activity, installation of sediment and stormwater control measures, and temporary and permanent stabilization methods.

    4. Emergency provisions for failure of sediment or stormwater control devices and accidental spillage.

g. 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 prevent or minimize pollution, maintain or enhance existing environmental quality, or, in the following order of priority, measures to restore, enhance or create productive wetland or watercourse resources.

h. In the case of fill, grading, or excavation proposals within wetlands or watercourses, the following items shall be submitted:

    1. Area to be filled, graded, or excavated (to be shown on site plan).

    2. Volume of material to be added, moved, or removed.

    3. Physical composition and origin of material.

4. Potential chemical reactions of deposited materials.

5. Existing and proposed contours (to be shown on the site plan).

6. Any additional requirements for stabilization to ensure adequate protection of the wetlands or watercourses.

7. Evaluation of the effect of filling, grading, or excavation in a wetlands or watercourse, including but not limited to;

   a. Storage volume.

   b. Change in floodways and flood hazard areas.

   c. Flow alterations.

   d. Effect on groundwater, surface water recharge, or discharge.

   e. Biological impacts.

   f. Impact to adjacent or contiguous wetlands or watercourses.

i. Anticipated impacts on the wetlands or watercourses as a result of the proposed activity.

j. Any additional information the Conservation Commission deems necessary for a fair determination on the application.

k. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deceptive, inaccurate, or misleading information.

l. Authorization for the Commissioners and agents of the Commission to inspect the property at reasonable times, both before and after a final decision has been issued.

m. Submission of the appropriate filing fee based on schedule as established in Section 20 of these Regulations.

7.4 If the proposed activity involves a significant activity as determined by the Waterford Conservation Commission and defined in Section 2.32 of these Regulations, additional information based on the nature and anticipated effects of the activity, including but not limited to the following may be required:

a. Engineering reports, analyses, and additional drawings to fully describe the proposed project and any filling, excavation, drainage, or hydraulic modifications to wetlands or watercourses.

b. Description of the ecological communities and functions of the wetlands or watercourses and adjacent uplands involved in the application and the effects of the proposed regulated activities on these communities and functions.

c. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application, each alternative considered to the proposed regulated activity and why each alternative considered was deemed neither feasible or prudent. These alternatives shall be diagramed on a site plan or drawing and submitted to the Commission.

d. Measures which would mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses, and natural habitats which prevent flooding, degradation of water quality, erosion and sedimentation, and obstruction of drainage or which otherwise safeguard water resources.

7.5 The applicant shall certify whether:

a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;

b. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;

c. Sewer or water drainage from the project site will flow through and 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.

7.6 Fifteen (15) copies of all application materials shall be submitted unless otherwise directed in writing by the Conservation Commission.

7.7 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply (in accordance with Public Act 05-124 and CGS Section 47-42b & 47-42c):

a. for purposes of this section, "conservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.

b. for purposes of this section, "preservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to preserve historically significant structures or sites.

c. no person shall file a permit application, other than for interior work in an existing building or for exterior work that does not expand or alter the footprint of an existing building, relating to the property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction not later than sixty days prior to the filing of the permit application.

d. in lieu of such notice pursuant to subsection 7.7c, the applicant may submit a letter from the holder of such restriction, or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.

SECTION 8 - APPLICATION PROCEDURES

8.1 All applications, requests or appeals shall be filed with the Conservation Commission of the Town of Waterford.

8.2 When an application to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse is filed and any portion of such wetland or watercourse is within 500 feet of the boundary of East Lyme, New London or Montville, the applicant shall give written notice of the application by certified mail, return receipt requested, on the same day to the inland wetlands agency of such other municipality. Documentation of such notice shall be provided to the Waterford Conservation Commission.

8.3 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 25-32a of the General Statutes, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said Commissioner, provided such water company or said Commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days of the date of application. The water company, and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application.

[NOTE: The Connecticut Department of Public Health's "Town of Waterford Public Drinking Water Supply Sources" map identifies one (1) public water supply watershed area in Waterford, located in the southern drainage area of Lake Konomoc.]

8.4 The Commission shall, in accordance with CGS Section 22a-42b, notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal or request concerning any project on any site in which:

a. Any portion of the property affected by the decision of the Commission is located within 500 feet of the boundary 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 or 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 certified mail, return

receipt requested and shall be mailed within seven (7) days of the date of receipt of the application, petition, appeal or request.

8.5 The date of receipt of any application, petition, appeal or request shall be the day of the next regularly scheduled meeting of the Conservation Commission immediately following the day of submission to the Commission, or thirty-five (35) days after such submission, whichever is sooner.

8.6 At any time during the review period, the Commission may require the applicant to provide additional information about the regulated area or regulated activity which is the subject of the application, or wetlands or watercourses affected by the regulated activity. The Commission shall not exceed the required sixty-five (65) day time limit in taking action on an application pending the receipt of additional information as stated in Section 11.2 of these Regulations.

8.7 All applications shall be open for public inspection.

8.8 Incomplete applications may be denied.

SECTION 9 - PUBLIC HEARINGS

9.1 The Commission shall not hold a public hearing on an application unless the Commission determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least twenty-five (25) persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed requesting a public hearing is filed with the Commission not later than fourteen (14) days after the date of receipt of the application, or the Commission finds that a public hearing regarding such application would be in the public interest. 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. Such hearing shall be held no later than sixty-five (65) days after the date of receipt of the application. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any public hearing.

9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two days before the date set for the hearing, in a newspaper having a general circulation in Waterford.

9.3 In the case of any application which is subject to the notification provisions of Section 8.3 and 8.4 of these Regulations, a public hearing shall not be conducted until the Clerk of the adjoining municipality(ies) has been notified of the pendency of the application. Proof of such notification shall be entered into the hearing.

9.4 In the case of any application which is subject to a public hearing, the applicant shall mail notification of said pending application to at least one owner of all properties within the site addressed in the application and of all properties located within 100 feet or less distance therefrom, all as shown on the latest Grand List of the Town of Waterford in the Assessor's Office (or the actual owners of record if otherwise known to the applicant). The applicant shall prepare a list of the names and addresses of owners of all properties within 100 feet of the subject property and submit this list with a map indicating all the described properties to the Environmental Planner.

Notification shall be conducted not more than 15 days nor less than 10 days before the date set for the public hearing, by transmitting the text of the public hearing notice as provided by the Commission. Evidence of such mailing, in the form of U.S. Post Office Certificates of Mailing, shall be submitted to the Environmental Planner with the list of adjacent property owners not less than five calendar days prior to the hearing date.

SECTION 10: CONSIDERATIONS FOR DECISION

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

a. The application and its supporting documentation;

b. Public comments, evidence, and testimony from a public hearing;

c. Reports from other agencies and commissions or town staff including but not limited to the Town of Waterford:

1. Planning & Zoning Commission
2. Flood and Erosion Control Board
3. Water Pollution Control Authority
4. Environmental Planner, Town Planner, Zoning Enforcement Officer, Town Engineer, Health Official, or Building Official.

d. The Commission may also consider comments on any application from the New London County Soil and Water Conservation District, City of New London Water Department, the Southeastern Connecticut Regional Planning Agency or other regional organizations (i.e. Council of Elected Officials), agencies in adjacent municipalities which may be affected by the proposed activity, State or Federal Agencies, professional consultants, or other technical agencies or organizations which may undertake additional studies or investigations.

Non-receipt of comments as listed in 10.1.c and 10.1.d of these Regulations within the prescribed time shall neither delay nor prejudice the decision of the Commission.

10.2 Standards and Criteria for Decision:

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

a. The environmental impact of the proposed regulated activity on wetlands and watercourses, including the effects on the capacity of the inland wetland and watercourse to support fish and wildlife, to prevent flooding, to supply and protect surface and ground-waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety.

b. 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.

c. 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, including consideration of the extent to which the proposed activity involves tradeoffs between short-term environmental gains at the expense of long-term losses, or vice versa, and consideration of the extent to which the proposed action forecloses or predetermines future options.

d. 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 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.

   This requires recognition that the inland wetlands and watercourses of the State of Connecticut are an indispensable, irreplaceable, and fragile natural resource, and that these areas may be irreversibly destroyed by deposition, filling, or removal of material, by the diversion, diminution, or obstruction of water flow, including low flows, and by the erection of structures and other uses.

e. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property, including abutting or downstream property which would be caused or threatened by the proposed regulated activity, or the creation of conditions which may do so. This includes recognition of potential damage from erosion, turbidity, or siltation; loss of fish and wildlife and their habitat; loss of unique habitat, loss of habitat having natural, scientific, or educational value; loss or diminution of beneficial aquatic organisms and wetland plants; the dangers of flooding and pollution; and the destruction of economic, aesthetic, recreational, and other public and private uses and values of wetlands and watercourses to the community.

f. The 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 or watercourses.

g. Measures which would mitigate the impact of any aspect of the proposed regulated activity(ies). Such measures include, but are not limited to, actions which would avoid adverse impacts or lessen impacts to wetlands and watercourses and which could be feasibly carried out by the applicant and would protect the natural capacity of the wetland or watercourse to support fish and wildlife, prevent flooding, supply water, control sedimentation, prevent erosion, assimilate wastes, facilitate drainage, and to provide recreation and open space.

10.3 In the case of an application which received a public hearing pursuant to a finding by the Conservation 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 Section 10.2 of these Regulations. The finding and the reasons therefore, shall be stated on the record in writing.

10.4 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 impacts 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.

10.5 For purposes of this section, (1) "wetlands or watercourse" 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.

10.6 A municipal inland wetlands agency 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.

10.7 In reaching its decision on any application after a public hearing, the Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in this decision. However, the commission is not precluded from seeking advice from its staff or agents on information already in the record of the public hearing.

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 Sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes.

10.8 In the case of an application where the applicant has provided written notice pursuant to subsection 7.7c of these regulations, the holder of the restriction may provide proof to the inland wetlands agency that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the inland wetlands agency shall not grant the permit approval.

10.9 In the case of an application where the applicant fails to comply with the provisions of subsection 7.7c or 7.7d of these regulations, (1) the party holding the conservation or preservation restriction, other than a state agency that holds such restriction, may,

not later than 15 days after receipt of actual notice of permit approval, file an appeal with the inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction; or (2) the state agency that holds such restriction may, not later than thirty days after receipt of actual notice of permit approval, file an appeal with the inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency shall immediately reverse such permit approval if the commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction.

10.10 Nothing in subsections 7.7c or 7.7d of these regulations shall be construed to prohibit the filing of a permit application or to require such written notice when the activity that is the subject of such permit application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction.

SECTION 11 - DECISION PROCESS AND PERMIT ISSUANCE

11.1 The Conservation Commission may grant the application as filed, grant it upon such terms, conditions, limitations, or modifications necessary to carry out the purposes of the Act or deny it. 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.

11.2 No later than sixty-five (65) days after receipt of an application, the Conservation Commission may hold a public hearing on such application. The hearing shall be completed within thirty-five (35) days of its commencement and action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, 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 subdivision, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. Failure of the Conservation 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. An application deemed incomplete by the Commission shall be withdrawn by the applicant or denied by the Commission.

11.3 The Commission shall state upon its record the reasons and basis for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall, as applicable, and in accordance with Section 10 of these Regulations, incorporate a statement relative to the consideration of feasible and prudent alternatives.

11.4 The Conservation 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 decision in the issuance or denial of the permit to be published in a newspaper having general circulation in the Town of Waterford. 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.

11.5 If any activity authorized by the regulated activity permit also involves an activity or project which requires zoning, subdivision, or variance approval, a copy of the decision and report on the application shall be filed by the Environmental Planner with the Town of Waterford Planning & Zoning Commission, or Zoning Board of Appeals within fifteen (15) days of the date of decision.

11.6 Any permit issued by the Commission prior to July 1, 2006 or after July 1, 2009 for the development of property for which an approval is required under section 8-3, 8-25 or 8-26 of the Connecticut General Statutes (for which zoning, subdivision or special

permit approval is also required), shall be valid for five years, provided the Commission may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Commission prior to July 1, 2006 or after July 1, 2009 for any other activity shall be valid for not less than two years and not more than five years. Any permit issued by the Commission during the time period from July 1, 2006, to July 1, 2009, inclusive, shall expire not less than six years after the date of such approval.

11.7 No permit issued by the Commission shall be assigned or transferred without the written permission of the Commission.

11.8 If a bond or insurance is required in accordance with Section 13 of these Regulations, the Commission may withhold issuing the permit until such bond or insurance is provided. No authorization to proceed with any regulated activity shall be given until such bond or insurance is provided. Authorization shall consist of release of signed Conservation Permit and site plan by the Planning Department and written notification to proceed by the Environmental Planner.

11.9 General provisions in the issuance of all permits:

a. In evaluating applications, in which the Commission has relied in whole or in 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.

b. All permits issued by the Commission are subject to and do not derogate any present or future rights of powers of the Commission or the Town of Waterford, 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 property or activity.

c. The Permittee shall employ construction management practices consistent with the terms and conditions of the permit and approved site plan to control stormwater discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

d. If the activity authorized by the Inland wetlands permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception, no work pursuant to the wetland permit may begin until such approval is obtained.

11.10 The Commission may require the following as part of a condition of approval:

a. That the work allowed by a regulated activity permit shall be under the supervision of a professional engineer registered as such in and by the State of Connecticut or an individual qualified in the area of erosion and sediment control.

11.11 The Waterford Conservation Commission may request as part of any approval for new development, non-encroachment lines or Conservation Easements for further protection of the wetlands or watercourses. The designated line or area shall be shown on a site plan and labeled as such. Non-encroachment lines or Conservation Easements shall be established for the purpose of providing any combination of the following functions in relation to the wetlands and watercourses:

a. Habitat preservation
b. Surface or groundwater protection.
c. Protection against soil erosion.
d. Use as recreational areas.
e. Educational purposes.
f. Flood management.

11.12 In all cases the non-encroachment lines or Conservation Easement limits shall be determined on an individual basis. The following criteria shall be considered in determining setback areas:

a. Requested or proposed development plans.
b. Soil types and associated characteristics.
c. Steepness of slope.
d. Ability of area to provide for flood control.
e. Vegetative types and patterns.
f. Ability of area to provide for wildlife habitat and corridors.
g. Previous disturbance or degradation of the area and potential for restoration.
h. Presence of watercourses.
i. Size and/or quality of wetland or watercourse.
j. Surface water and groundwater quality designation.

SECTION 12 - PERMIT EXTENSIONS AND AMENDMENTS

12.1 Permit Amendment - To amend a permit the Permittee must submit a written request, plans, and all relevant technical information to the Commission. Such request shall be received at the next regularly scheduled meeting. Within thirty five (35) days of receipt of the request, the Commission shall determine whether the request is consistent with these Regulations and substantially within the scope and intent of the permit. The Commission shall then grant or deny a request for amendment. Denial of a request for permit amendment shall not affect the original permit.

12.2 Permit Extension - To request a time extension of a permit the Permittee must, in writing, notify the Commission at least forty-five (45) days prior to the expiration date of the permit that an extension is requested. The Commission shall review the request at its next regular meeting and grant with conditions or deny such request.

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 a) no permit issued during the time period from July 1, 2006, to July 1, 2009, inclusive, shall be valid for more than eleven years; and b) no permit issued prior to July 1, 2006 or after July 1, 2009 may be valid for more than ten years.

12.3 The Commission shall cause notice of its decision in the issuance or denial of the permit extension or modification in a newspaper having general circulation in the Town of Waterford.

SECTION 13 - BOND AND INSURANCE

13.1 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 bond with such surety in such amount and in a form approved by the Commission. The purpose of the bond shall be stated in the record.

13.2 The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions, and limitations established in the permit. It shall be released upon satisfactory compliance with all pertinent conditions established in the permit.

13.3 Attachment of the bond shall be in accordance with Section 14.3.d.

13.4 The Commission may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within two (2) years of completion of such operations, in an amount to be determined by the Commission commensurate with the regulated activity.

SECTION 14 - ENFORCEMENT

14.1 The Commission may appoint an agent or agents to act in its behalf 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.

14.2 As a condition of a permit, the Commission or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these Regulations.

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

14.3 If the Commission or its designated 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 designated 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 municipality. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to Section 22a-44 (b) of the Connecticut General Statutes, as amended;

b. 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 certified mail/return receipt requested, setting forth the facts or conduct which warrants the intended action. A hearing shall be held.

At the hearing, the permittee shall be given 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 Agency shall public notice of its decision to suspend or

revoke the permit in a newspaper having general circulation in the Town.

c. 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 the next regularly scheduled meeting of the Commission to discuss the unauthorized activity, and/or provide a written reply to the notice or filing a proper 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 Subsection 14.3a or other enforcement proceedings as provided by law.

d. The Commission may attach the proceeds of the bond to ensure compliance with the permit as enforcement action in addition to Section 14.3.a or 14.3.b or separately. Notification to the surety company, contractor, and property owner shall be made stating the Town's intent to cause the required repairs or clean up to be made or erosion controls to be installed and bill the surety company, contractor, or property owner for the cost of the work incurred.

SECTION 15 - AMENDMENTS

15.1a These Regulations and the Inland Wetlands and Watercourses Map for the Town of Waterford may be amended, from time to time, by the Commission in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.

15.1b An application filed with the Conservation Commission which is in conformance with the applicable Town of Waterford Inland Wetlands and Watercourses Regulations as of the date of receipt of such application, shall not be required thereafter to comply with any change of the Regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt. The provisions of this subsection shall not be construed to apply to:

1. the establishment, amendment or change of boundaries of Inland Wetlands or Watercourses; or,

2. any change in Regulations necessary to make such Regulations consistent with the provisions of the Act as of the date of such receipt.

15.2 These Regulations and the Town of Waterford Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. 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. Application forms and fee schedules shall be considered as part of the Commission's regulations and are listed as Appendix A and B.

15.3 Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, Waterford, Connecticut" shall contain at least the following information:

a. The applicant's name, address and telephone number;

b. The owner's name (if not the applicant), address, telephone number, and a written consent to the proposed action set forth in the application;

c. applicant's interest in the land;

d. The geographic location of the land affected by the petition and the existing and proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations;

e. The reasons for the requested action;

f. The names and addresses of adjacent property owners, and;

g. A map showing proposed development of the property.

15.4 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, Waterford, Connecticut, 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. If such person 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 15.3, the petition shall include:

a. The name, address and telephone number of the owner(s) of such land and owner(s) agent or other representative;

b. 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

c. Map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.

15.5 Watercourses shall be delineated by a soil scientist, hydrologist, ecologist or other qualified individual deemed acceptable by the Commission, and depicted on a map.

15.6 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses map or Town of Waterford Inland Wetlands and Watercourses Regulations. Notice of the hearing shall be published in a newspaper having substantial circulation in the Town of Waterford at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days, before such hearing. A copy of such proposed boundary change shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before such hearing.

15.7 The Commission shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five (35) days after commencement. The Commission shall act upon the changes requested in such petition within sixty-five (65) 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 extensions of all such periods shall not be for longer

than sixty-five (65), or may withdraw such petition. Failure of the Inland Wetlands Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition.

15.8 The Commission shall make its decision and state, in writing, the reasons why any or no change in the Inland Wetlands and Watercourses Map or Town of Waterford Inland Wetlands and Watercourses Regulations was made.

SECTION 16 - APPEALS

16.1 Appeal on actions of the Commission shall be made in accordance with the provisions of Section 22a-43 of the Connecticut General Statutes, as amended.

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

SECTION 17 - CONFLICT AND SEVERANCE

17.1 If there is a conflict between 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 or provision of these Regulations shall not affect the validity of any other part which can be given effect without such valid part or parts.

SECTION 18 - OTHER PERMITS

18.1 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 Town of Waterford, 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 19 - EFFECTIVE DATE OF REGULATIONS

19.1 These Regulations including the Inland Wetlands and Watercourses 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 Town of Waterford.

19.2 Effective date of these regulations, as amended is June 1, 2011.

SECTION 20 - APPLICATION FEES

20.1 Method of Payment. All fees required by these regulations shall be submitted to the Commission by check, money order or cash, payable to the Town of Waterford, at the time the application is filed with the Agency.

20.2 No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Agency pursuant to subsection 20.7 of these regulations.

20.3 The application fee is not refundable.

20.4 FEE SCHEDULE **

ACTIVITY TYPE	Minor Impact	Significant Impact	Public Hearing
Residential Improvements, Additions New Residential Development, 1 or 2 lots	$50.00	$300.00	$400.00
Residential Subdivision 3 or more lots Commercial/Industrial Development	$100.00	$300.00	$400.00
Permit Extension / Modification	$50.00		
Permitted Use / Unregulated Activity	No Fee		

** All permit application fees are subject to a $60.00 fee collected for the State of Connecticut. Said State fee may be adjusted as changes in the CT General Statutes require.

20.5 Complex Application Fee: The Inland Wetlands Agency may charge an additional estimated fee sufficient to cover the cost of reviewing and acting upon complex applications as allowed under Section 16.08.030B of the Town of Waterford Code of Ordinances. Such fee may include, but not be limited to, the cost of retaining experts to analyze, review and report on information submitted by an applicant requiring such experts. The agency or its designated agent shall estimate the complex application fee, which shall be paid pursuant to Section 20.1 of these regulations, within 10 days of the applicant's receipt or notice of such estimate. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after publication of the agency's decision.

20.6 Exemptions: Boards, Commissions and Departments of the Town of Waterford are exempt from all fee requirements in accordance with Section 16.08.040 of the Town of Waterford Code of Ordinances.

20.7 Waivers: The Commission may in whole or in part exempt an application from the payment of an application fee in accordance with Section 16.08.040 of the Town of Waterford Code of Ordinances. The agency shall state upon the record the basis for all actions under this subsection.

TOWN OF WATERFORD
Instruction Guide for Inland Wetland / Watercourse Permit

Application Fees: All Application fees include **$60.00** for the State of Connecticut.

Residential Improvements, Additions & New Structures: **$110.00**
Residential Subdivision, 3 or more Lots: **$160.00**
Commercial/Industrial Development: **$160.00**
Major or Significant Impact Activity: **$360.00**
Public Hearing Fee: **$400.00**

Permit Extension/Modification: **$ 110.00**
Permitted Use: **No Fee**
Unregulated Activity: **No Fee**

All applications shall include a <u>completed original application and 14 copies</u> to be submitted to the Conservation Commission office. The wetlands application checklist is for your convenience, it is <u>not</u> necessary to submit this document with your application. Incomplete applications will not be completed by staff, they will be returned.

1.	Applicant	Include the full name, address, zip code and telephone number of the applicant(s).
2.	Owner	Include the name(s) of the owner(s) of record as it appears on the land records (deed) of the Town of Waterford. The owners' complete address, zip code and telephone number are required.
3.	Agent	Include the full name, address, zip code, and telephone number of the agent. An agent prepares the application for submission or will represent the owner / applicant at a meeting.
4.	Address	Provide street name and number of subject property.
5.	List of Abutters	Complete the attached form with the name, address, and assessor's map and parcel numbers for all adjacent properties.
6.	Activity to Be Reviewed	Briefly describe the type or nature of permit requested. Attach additional sheet(s) if necessary.
7.	Description of Proposed Activity	Describe in detail all proposed work. Scope of all work shall be included. Attach additional sheet(s) if necessary.
8.	Purpose of Activity	Describe in detail the purpose of the permit request. Attach additional sheet(s) if necessary.
9a.	Acreage of Property	Provide the size of the subject parcel and the area of all wetlands on site. [Note: one acre = 43,560 square feet.]
9b.	Area of Wetlands and Watercourses	Provide the area of all wetlands on the site in acres. [Note: one acre = 43,560 square feet.]
10.	Wetlands Altered	Indicate the area of the wetlands to be altered by proposed activity.
11.	Wetland Mitigation	Describe measures incorporated in the plan to mitigate the wetland impacts associated with the proposed activity, including restoration, enhancement or creation of wetland area.
12.	Regulations	Indicate you have reviewed the "Waterford Inland Wetlands and Watercourses Regulations" and have complied with the application requirements.

TOWN OF WATERFORD
Application for Inland Wetland / Watercourse Permit

Type of Application:

Permitted Use, Section 4.1 _____

Unregulated Activities, Section 4.2 _____

Regulated Activities, Section 6 _____ Fee: _____

Agency Use:

Date Received: _____

Received By: _____

Application Number: _____

1. Applicant:	Phone:	
Address:	State:	Zip:
Fax:	E-Mail:	
2. Owner:	Phone:	
Address:	State:	Zip:
Fax:	E-Mail:	
3. Agent:	Phone:	
Address:	State:	Zip:
Fax:	E-Mail:	
4. Property Address:		
5. Abutting Property Owners – Complete Attached Form		
6. Activity to be Reviewed and / or Licensed (attach sheet if necessary):		
7. Description of Proposed Activity (attach sheet if necessary):		
8. Purpose of Activity (attach sheet if necessary):		
9a. Acreage of Property:	**9b. Acreage of Wetlands:**	
10. Acreage of Wetlands Altered:		
11. Wetland Mitigation Proposed:		
12. Section 7 and sections 8.1 & 8.2 of the Town of Waterford "Inland Wetlands and Watercourse Regulations" have been complied with: (Review attached check list)	**Yes:**	**No:**

The applicant / owner hereby gives the Commission, its agent and consultants the right of free access to any part of the property under consideration. The undersigned warrants the truth of all statements contained herein and in all supporting documents according to the best of his / her knowledge, information and belief.

Applicant:	**Date:**
Owner:	**Date:**
Agent:	**Date:**

Conservation Commission
Permit Application Attachment

Properties Adjacent to:

Owner	Parcel ID#		Property Address	Mailing Address

TOWN OF WATERFORD
Conservation Commission Application Checklist

- ☐ Completed original application form.
- ☐ Purpose and a description of the proposed activity.
- ☐ Alternatives to the proposed activity considered by the applicant.
- ☐ Map of the property at 1" = 1,000' scale, showing location of public streets.
- ☐ Site plan at 1" = 40' scale. Site plan shall contain the following information at a minimum, unless a waiver has been approved by the Commission.
- ☐ Plan prepared and certified by CT licensed Surveyor / Engineer.
- ☐ Property boundaries.
- ☐ Contours at no greater than 2' intervals, both existing and proposed.
- ☐ Vegetation patterns, both existing and proposed.
- ☐ Wetland limits and soil type determined by soil scientist. Site plan shall be signed by the soil scientist. Site plan shall include the surveyed wetlands line and wetland flag numbers.
- ☐ Upland soil types and delineation's based upon the Soil Survey of New London County or field identified by a soil scientist.
- ☐ Existing and proposed buildings, roads, utility lines, sanitary systems, and significant man-made or topographic features on or adjacent to the site.
- ☐ Flood Hazard Area classification and delineation.
- ☐ North arrow.
- ☐ Proposed clearing limits.
- ☐ All watercourses shall be shown.
- ☐ Detailed erosion and sediment and stormwater control plan, which meets or exceeds the minimum requirements as set forth in the 2002 CT guidelines for erosion and sediment control. The plan shall include the following information at a minimum.
- ☐ Location of areas to be cleared of vegetation and other exposed or unprotected areas.
- ☐ Location, design, timing, and method of installation of structural and non-structural sediment and stormwater control measures.
- ☐ Timing and description of all major phases of activity, installation of sediment and stormwater control measures, and temporary and permanent stabilization methods.
- ☐ Emergency provisions for failure of sediment or stormwater control devices and accidental spillage.

TOWN OF WATERFORD
Conservation Commission Application Checklist

In the case of fill, grading, or excavation proposals within wetlands or watercourses, the following items shall be submitted.

- ☐ Area to be filled, graded, or excavated.
- ☐ Volume of material to be added, moved, or removed.
- ☐ Physical composition and origin of material.
- ☐ Potential chemical reactions of deposited materials.
- ☐ Existing and proposed contours.
- ☐ Any additional requirements for stabilization to ensure adequate protection of the wetlands or watercourses.
- ☐ Evaluation of the effect of fill, grading, or excavation in a wetlands or watercourse, including but not limited to:
- ☐ Storage volume.
- ☐ Change in floodways and flood hazard areas.
- ☐ Flow alterations.
- ☐ Effect on groundwater, surface water recharge, or discharge.
- ☐ Biological impacts.
- ☐ Impact to adjacent or contiguous wetlands or watercourses.
- ☐ Anticipated impacts on the wetlands and watercourse as a result of the proposed activity.
- ☐ Submission of the appropriate filing fee.
- ☐ Referrals to abutting towns.
- ☐ **SUBMIT 1 ORIGINAL** application package and **14 copies**.

Additional Staff Comments:

Originally approved: June 3, 1974
Revised Through: June 1, 2011