



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS

CITY OF WATERBURY, CONNECTICUT

**CODIFIED
JANUARY 4 2006**

**235 GRAND STREET
WATERBURY, CONNECTICUT 06702
203 574-6817
FAX: 203 346-3949**

CITY OF WATERBURY

MICHAEL J. JARJURA, MAYOR

INLAND WETLANDS AND WATERCOURSES AGENCY

**KATHLEEN McNAMARA, CHAIRMAN
ALDERMAN PAUL M. NOGUERIA, COMMISSIONER
PATRICK COONEY, COMMISSIONER
ANABELA JESUS, COMMISSIONER
PATRICK ZAILCKAS, COMMISSIONER**

**INLAND WETLANDS COORDINATOR
James A Sequin, AICP**

TABLE OF CONTENTS

SECTION		PAGE
1	TITLE AND AUTHORITY	1
2	DEFINITIONS	3
3	INVENTORY OF REGULATED AREAS	7
4	PERMITTED AND NONREGULATED AREAS	9
5	ACTIVITIES REGULATED BY THE STATE	11
6	REGULATED ACTIVITIES TO BE LICENSED ¹	12
7	APPLICATION REQUIREMENTS	13
8	APPLICATION PROCEDURES	18
9	PUBLIC HEARINGS	20
10	CONSIDERATION FOR DECISION	22
11	DECISION PROCESS AND PERMIT	24
12	ACTION BY DULY AUTHORIZED AGENT / BOND AND INSURANCE	27
13	ENFORCEMENT	29
14	AMENDMENTS	31
15	APPEALS	33
16	CONFLICT AND SEVERANCE	34
17	OTHER PERMITS	35
18	EFFECTIVE DATE OF REGULATIONS	36
19	APPLICATION FEES	37
20	FEE SCHEDULE	38
20	EXEMPTIONS	39



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

SECTION 1

TITLE AND AUTHORITY

1.1

The inland wetlands and watercourses of the City of Waterbury Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the City have been endowed. The inland wetlands and watercourses are an inter-related 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 animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated 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 has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic, and recreational values and benefits of the City for its citizens now and forever more. The preservation and protection of the 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. It is, therefore, the purpose of these regulations to protect the citizens of the City by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state, or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of inland wetlands and watercourses for their conservation, economic, aesthetic, recreational, and other public and private uses and values; protecting the City'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 the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the City, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

1.2

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

1.3

The Inland Wetland and Watercourses Commission of The City of Waterbury was established in accordance with an ordinance adopted Oct. 21, 1974, amended March 10, 1988 and shall



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

implement the purposes and provisions of the Inland Wetlands and Watercourses Ordinance in The City of Waterbury.

1.4

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

1.5

The Agency shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny permits for all regulated activities in inland wetlands and watercourses in the City of Waterbury pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

SECTION 2

DEFINITIONS

2.1 As used in these regulations:

- a. "Act" means the Inland Wetland and Watercourses Act, Sections 22a-36 through 22a-45 of the General Statutes, as amended.
- b. "Adjoining Municipality" means eight (8) towns: Cheshire, Middlebury, Naugatuck, Plymouth, Prospect, Thomaston, Watertown, and Wolcott,
- c. "Agency" means the Inland Wetlands and Watercourses Agency or Commission of the City of Waterbury.
- d. "Bogs" are usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.
- e. "Clear Cutting" means the harvest of timber in a fashion which removes all trees down to a 2" diameter at breast height.
- f. "Commission Member" means a member of the Inland Wetlands and Watercourses Commission of The City of Waterbury.
- g. "Commissioner of Environmental Protection" means the commissioner of the State of Connecticut Department of Environmental Protection.
- h. "Deposit" includes, but shall not be limited to fill, grade dump, place, discharge or emit.
- i. "Designated Agent(s)" means an individual(s) designated by the agency to carry out its functions and purposes.
- j. "Discharge" means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.
- k. "Disturbing the natural and indigenous character of the land" means, that the activity will significantly alter the inland wetland and watercourses be 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.
- l. "Farming" means use of land for the growing of crops, raising of livestock or other agricultural use.
- la. "Feasible" means able to be constructed or implemented consistent with sound engineering principles.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

- m. "License" means 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.
- n. "Management Practice" means 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.
- n(a) "Marshes" are areas with soils that exhibit aquatic moisture, regimes that are distinguished by the absence of trees and shrubs and are dominated by soft-stemmed herbaceous plants. The water table in marshes is at or above the surface, throughout the year, but seasonal fluctuations are encountered and areas of open water six inches or more in depth are common.
- o. "Material" means 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.
- p. "Municipality" means The City of Waterbury, New Haven County, Connecticut.
- q. "Nurseries" means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.
- r. "Permit" means 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 under the authority of the Agency.
- s. "Permittee" means the person to whom such permit has been issued.
- t. "Person" means any person, firm, partnership, association, corporation, company, organization, or legal entity of any kind, including municipal corporation, governmental agencies or subdivision thereof.
- u. "Pollution" means 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 resulting from any filling or excavation activity.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

- u(a) "Prudent" means 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.

- v. "Regulated Activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in Section 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing, or removing of material and discharging of storm water on land within 100 feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. The Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourses area is likely to impact or affect wetlands and is a regulated activity.

- w. "Regulated Area" means any inland wetlands or watercourse as defined in these regulations.

- x. "Remove" includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut timber, bulldoze, dragline, or blast.

- y. "Rendering Unclean or Impure" means any alteration of the physical, chemical or biological properties of any waters of the City, including, but not limited to, change in odor, color, turbidity, or taste.

- z. "Significant Impact Activity" means any activity, including, but not limited to, the following activities which 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:
 - 1. Any activity involving a deposition or removal of material within the wetlands or watercourses system or within the regulated area which will or may have a major effect or significant impact on the inland wetlands or watercourses system, or
 - 2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system, or
 - 3. 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 other functions, or
 - 4. Any activity which causes substantial turbidity, siltation or sedimentation in a wetland or watercourse, or



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

5. Any activity which causes a substantial diminution of flow of a natural watercourse, or groundwater levels of the regulated area, or
 6. Any activity which causes or has the potential to cause pollution of a wetland or watercourse, or
 7. Any activity which destroys unique wetland or watercourse areas having demonstrable scientific or educational value.
-
- aa. "Soil Scientist" means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management.
 - bb. "Swamps" are areas with soils that exhibit aquatic moisture regimes and are dominated by wetland trees and shrubs.
 - cc. "Submerged Lands" means those lands which are inundated by water on a seasonal or more frequent basis.
 - dd. "City" means the City of Waterbury, New Haven County in the State of Connecticut.
 - ee. "Waste" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters of the City.
 - ff. "Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public, or private, which are contained within, flow through or border upon the City or any portion thereof not regulated pursuant to Section 22a-28 through 22a-35 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 present of hydrophytic vegetation.
 - gg. "Wetlands" means land, including submerged land as defined in Section 2.1(bb) of these Regulations, not regulated pursuant to Section 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Soil 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.



**INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury**

SECTION 3

INVENTORY OF REGULATED AREAS

3.1

The map of regulated areas, entitled "Inland Wetlands and Watercourses Map, Waterbury, Connecticut", delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the office of the Town Clerk or the Inland Wetlands Agency. 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 Agency 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

Any property owner who disputes the designation of any part of his or her land as a regulated area on the Inland Wetlands and Watercourses Map, may petition the agency to change the designation. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall provide proof that the designation is inapplicable. Documentation in accordance with Section 14 of these regulations may be required of the property owner when the agency requires an accurate delineation of regulated areas.

3.3

The Inland Wetland and Watercourses Commission or its designated agent(s) shall inventory and maintain records of all regulated areas within the town. The Agency may amend its map ITom time to time as information becomes available relative to more accurate delineation of wetlands and watercourses within the City. Such map amendments are subject to the public hearing process outlined in Section 14 of these regulations.

3.4

Soil Types: List of maps that qualify as wetland soils, New Haven County, Connecticut

- 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



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

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



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

SECTION 4

PERMITTED USES AS OF RIGHT & NONREGULATED 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 and watercourses 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 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 wetlands or watercourses for the purpose 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 issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of 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 a 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 their entitlement;
- c. Boat anchorage or mooring, not to include dredging or dock construction;
- d. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than two acres 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 from or into a wetland or watercourse, or diversion or alteration of a watercourse.
- e. Construction and operation, by water companies as defined by Section 16-1 of the General Statutes or my 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 and 22a-410 of the General Statutes.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

- f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to Section 22a-42a or July 1, 1974 whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydroponic vegetation. For purposes of this subdivision, (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 nonregulated use in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material alteration or obstruction, of water flow or pollution of the wetland or watercourse:

- 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 permitted and regulated.

4.3

All activities in wetlands or watercourses involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this section shall require a permit from the Agency in accordance with Section 6 of these regulations.

4.4

To carry out the purposes of this section, any person proposing to carry out a permitted or nonregulated operation or use of a wetland or watercourse, which may disturb the natural and indigenous character of the wetland or watercourse shall, prior to commencement of such operation or use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse. The Agency or its designated agent shall rule that the proposed operation or use is a permitted 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 Agency following the meeting at which the request was received. The designated agent for the Agency may make such ruling on behalf of the agency at any time.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

SECTION 5

ACTIVITIES REGULATED BY THE STATE

5.1

In addition to any permit or approval required by the Agency, 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-410 of the General Statutes, as amended;
- b. Construction or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349 of the 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 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 location of flow of any surface waters of the state where the tributary watershed area above the point of diversion is 100 acres or larger pursuant to Sections 22a-365 through 22a-378 of the General Statutes, as amended;
- e. Discharges into the waters of the state pursuant to Section 22a-430 of the 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, (1) after an advisory decision on such license or permit has been rendered to the commissioner by the wetland agency of the municipality within which such wetland is located or (2) thirty-five days after receipt by the commissioner of such application, whichever occurs first.

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 General Statutes.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

SECTION 6

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

6.2

The Agency shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration, or pollution, of such wetlands or watercourses and any other regulated activity, unless such operation or use is permitted or non-regulated pursuant to Section 4 of these regulations.

6.3

Any person found to be conducting or maintaining a regulated activity without the prior authorization of the City of Waterbury Inland Wetlands and Watercourses Commission, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 13 of these regulations and any other remedies as provided by law.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

SECTION 7

APPLICATION REQUIREMENTS

7.1

Any person wishing to undertake a regulated activity shall apply for a permit on a form entitled "City of Waterbury Inland Wetlands and Watercourses Commission - Application for Permit". An application shall include an application from and such information as prescribed by Section 7.4 and, in the case of a significant activity, by Section 7.5 of these regulations. Application forms may be obtained in the offices of the Waterbury Inland Wetlands and Watercourses Agency or any other location so designated by the agency. Form entitled "Application for Inland Wetlands and Watercourses Agent Certification of No Greater than Minimal Impact" may be used for activities involving maintenance, restoration, and permitted uses or unregulated activities as defined in Section 4. Form entitled "Application for Permission to Conduct Regulated Activities" shall be used for all regulated activities including, but not limited to: subdivisions, dam construction, and excavation of ponds.

7.1(a)

If an application to the Town of Waterbury Planning, Zoning, or Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Section 8-3(g), 8-3(c), or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Agency in accordance with this section no later than the day the application is filed with such planning, zoning, or planning and zoning commission,

7.2

All applications shall contain such information that is necessary for a fair and informed determination of the issues,

7.3

The Agency and the applicant may hold a pre-application meeting to determine whether or not the proposed application involves a significant activity. Whenever possible the determination relative to significant activities should be made at the pre-application meeting.

7.4

All applications shall include the following information in writing:

- 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



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

is not the owner of the property involved in the application;

c. Applicant's interest in the land;

d. The geographical location of the property which is to be affected by the proposed activity, including but not limited to a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, a computation of the area(s) (in acres or square feet) of wetland or watercourse disturbance, soil type(s) and vegetation;

e. The purpose and description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;

f. Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen;

g. A site plan showing the proposed activity' and existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with or reasonably related to the proposed regulated activity and which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses;

h. Names and addresses of all property owners who abut the property, and all property owners whose property is directly across the street from the property which is the subject of the public hearing using the assessor's records and maps.

i. Certification that the applicant is familiar with all the penalties for obtaining a permit through deception or through inaccurate or misleading information;

j. Authorization for the commissioners and agents of the Agency to inspect the property, at reasonable times, both before and after a final decision has been issued;

k. Any other information the Agency deems necessary to the understanding of what the applicant is proposing;

l. Submission of the appropriate filing fee based on the fee schedule established in Section 20.1 of these Regulations.

m. What the property to be affected by the proposed abutting contains.

n. A reporting form shall be completed during the application process which provides the Commissioner of the DEP with information necessary to properly monitor the inventory



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

of State wetlands. The reporting form shall be part of the application and specified sections shall be completed by the applicant. These sections shall include the following: name of applicant; name of the project; project description; are of wetlands and/or lineal feet of watercourse proposed to be altered.

7.5

If the proposed activity involves a significant activity as determined by the Agency and defined in Section 2.1.z of these regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following is required:

- a. Site plans for the proposed use or operation and the property will be affected, which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the development drawn by a licensed surveyor, professional engineer or landscape architect registered in the State of Connecticut or by such other qualified person; including the flagging of the wetlands by a certified soil scientist. A wetland delineation map prepared to the A2 Survey standards must be submitted electronically (Autocad Files) and by hard copy.
- b. Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses;
- c. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Soil Conservation Service (the Agency may require the applicant to have the wetlands delineated in the field by a soil scientist and that the field delineation be incorporated onto the site plans);
- d. Description of the ecological communities and functions of the; wetlands or watercourses; involved with the application and the effects of the proposed regulated activities on these communities and wetland functions;
- e. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application, and with each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent;
- f. Analysis of chemical or physical characteristics of any fill material;
- g. Measures that 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.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

- h. Hydrology study: The applicant shall submit in full the following:
1. Pre and post development hydraulic calculations based upon maximum storm frequencies of ten, twenty-five and fifty-year intervals and all stream channels, ponds, and detention basins with a watershed above fifty (50) acres should 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 discharged velocities exceed 3 cfs, including construction details, cross sections and profiles of affected areas including road layout profile.
 4. Projected effect of activity upon entire watershed.
- i. Alternatives: Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen;
- j. Management Practices and Mitigation: Other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to: 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 watercourse resources.

7.6

The applicant may certify whether:

- 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. 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.

7.7

No fewer than ten (10) copies of all application materials shall be submitted to comprise application or as is otherwise directed, in writing, by then Inland Wetlands and Watercourse Commission.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

7.8

Any application to extend the expiration date of a previously issued permit or amend an existing permit shall be filed with the Agency at least sixty-five (65) days prior to the expiration date for the permit in accordance with Subsections 8.4 through 8.7 of these Regulations. Any application for amendment, renewal or extension shall be made in accordance with this Section provided;

- a. The application may incorporate by reference the documentation and record of the original 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 wetlands or watercourses or the property for which the permit was issued.
- e. The Agency 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. 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.
- f. The Agency shall evaluate the application pursuant to Section 10 of these Regulations and grant the application as filed, grant it with any terms or limitations, or deny it.

7.9

Any application to renew a permit shall be granted upon request of the permit holder unless the Agency 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.

7.10

The Agency 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 Agency 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 Agency's decision.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

SECTION 8

APPLICATIONS/PROCEDURES

8.1

All applications shall be filed with the City Clerk of the City of Waterbury.

8.2

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 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 Waterbury Inland Wetlands and Watercourses Commission.

8.3

The Agency shall, in accordance with PA 87 -307, 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.

8.4

The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Agency immediately following the day of submission to the Agency, provided such meeting



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

is no earlier than three (3) business days after receipt, or thirty-five (35) days after such submission, whichever is sooner.

8.5

At any time during the review period, the Agency may require the applicant to provide additional information about the regulated area or regulated activity that is the subject of the application, or wetlands or watercourses affected by regulated activity. Request for additional information shall not stay time limitations as set forth in Section 11.2 of these regulations.

8.6

Applications shall be open for public inspection.

8.7

Review Procedure: Upon receipt of a complete application the Agency and/or its consultants shall review it. No application submitted to the Agency shall be deemed complete unless it shall be signed by record owner or trustee, be accompanied by the appropriate fee, and unless it shall be in such form and contain such information as the Agency deems necessary for a fair determination of the issues.

The Agency shall at its regular meeting inform any applicant whose application is deemed incomplete what information to submit before the Agency shall formally begin a review. Any and all subsequent information shall be submitted at the office of the Agency and shall be considered received at the next regular meeting of the Agency.

Failure to submit a complete application or failure to submit information in time for the Agency to make a fair determination of the issues within the time period required by law shall be cause for denial of a permit.

The Agency 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 Agency.

An application filed with the Inland Wetlands and Watercourses Agency which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Agency 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 this chapter as of the date of such receipt.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

SECTION 9

PUBLIC HEARINGS

9.1

The Agency shall not hold a public hearing on an application unless the Agency determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least twenty-five (25) persons requesting a hearing is filed with the Agency not later than fifteen (15) days after the date of receipt of such application or the Agency finds that a public hearing regarding such application would be in the public interest. Such hearing shall be held not later than sixty-five (65) days after the receipt of such 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 (2) days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.

9.3

All Property owners who abut the property and all property owners whose property is directly across the street from the property that is the subject of the public hearing shall be notified by mailing postcards at least fifteen (15) days prior to the public hearing by the staff of the Wetlands Commission. The cost of mailing said notices shall be borne by the petitioner.

The names and addresses of the abutting property owners and all property owners whose property is directly across the street from the property that is subject of the public hearing shall come from the list prepared by the petitioner using the assessor's records and maps. No error in the mailing of these notices by the Commission staff shall invalidate any action taken by the Inland Wetlands and Watercourses Commission. In addition to the above, the petitioner shall provide mailing labels printed with the names and addresses of the abutters.

A copy of the map used in obtaining the names of the abutting property owners and all property owners whose property is directly across the street from the property that is the subject of the public hearing must be provided to the Commission by the petitioner.

9.4

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



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

the Commission upon receipt of the application fee and scheduling of the Public Hearing. Additional signs will be provided subject to the payment a fee determined by the Board of Aldermen.

Said sign(s) shall be located no further than 500 feet apart along any single frontage. Said sign(s) shall be placed in close proximity to the street or highway with a clear and unobstructed visibility 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 day of the Public Hearing commences and reasonably maintain such signs until the day following the close of the Public Hearing. The applicant shall make a return to the Commission, under oath, indicating compliance with the foregoing requirements.

Failure to post and/or maintain said signs shall be cause for the Commission to deem an application as incomplete.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

SECTION 10

CONSIDERATIONS FOR DECISION

10.1

The Agency 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;
 1. Bureau of Engineering
 2. City Plan Commission
 3. Building Official
 4. Department of Public Health
- d. The Agency may also consider comments on any application 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 which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
- e. Non-receipt or comments from agencies and commissions listed in 10.1 .c. above within the prescribed time shall neither delay nor prejudice the decision of the Agency.

10.2

Criteria for Decision, In carrying out the purposes and policies of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:

- a. the environmental impact of the proposed activity on wetlands or watercourses;
- 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;



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

- 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 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 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 wetlands or watercourses.

10.3

In the case of an application, which received a public hearing pursuant to a finding by the Agency, that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Agency finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the Agency shall consider the facts and circumstances set forth in subsection 10.2 of this section. 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 impact on Wetlands or Watercourse, the Agency 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

In reaching its decision on any application after a public hearing, the Agency 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 Agency in its decision. 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 to 22a-45, inclusive, of the Connecticut General Statutes.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

SECTION 11

DECISION PROCESS AND PERMIT

11.1

The Agency or its duly authorized agent may grant the application as filed; grant it upon such terms, conditions, limitations or modification necessary to carry out the purpose 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 Agency may hold a public hearing on such application, the hearing shall be completed within forty-five (45) 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 subsection for the holding of the hearing and for action on such application, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such application. The failure of the Agency to act within any time period specified in this subsection, or an extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency must either be withdrawn by the applicant or denied by the Agency.

11.3

The Agency shall state upon its record the reasons and bases 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 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 sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.

11.3(a)

For the purposes of this section, (1) "wetlands or watercourses" includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) "habitats" means areas or environments in which an organism or biological population normally lives or occurs.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

The Waterbury 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 of effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.

11.4

The Agency 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 agency 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 town wherein the inland wetland or watercourse lies.

11.5

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

11.6

If the Agency grants a permit with terms, conditions, limitations, or modifications, the applicant **must** modify the proposal to the Agency's satisfaction.

11.6(a)

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

11.6(b)

If the permit holder wishes to make a modification to a *previously* granted permit, the Commission shall determine whether the proposed modification requires the filing of a new application or can be granted as a modification of the pre-existing permit.

11.7

Any permit issued by the Agency for the development of land for which an approval is required under Section 8-3,8-25 or 8-26 of the Connecticut General Statutes shall be valid for five (5) years provided the Agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Agency for any other activity shall be valid for not less than two (2) years and not more than five (5) years.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

11.8

No permit shall be assigned or transferred without the written permission of the Agency.

11.9

If a bond or insurance is required in accordance with Section 12 of these regulations, no permit shall be issued until such bond or insurance is provided.

11.10

General provisions in the issuance of all permits:

- a. In evaluating applications in which the Agency 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.
- b. All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the City of Waterbury, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the property or activity.
- c. If the activity authorized by the inland wetland permit also involves an activity or a project which requires zoning or subdivision approval, special permit, building permit, variance or special exception, no work pursuant to the wetland permit may begin until such approval is obtained.
- d. 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 wetlands and watercourses. Further the permittee shall immediately inform the inland wetlands and watercourses agency of any problems involving wetlands or watercourses which have developed in the course of or which are caused by the authorized work.



**INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury**

SECTION 12

ACTION BY DULY AUTHORIZED AGENT BOND AND INSURANCE

12.1

The Duly Authorized Agent of the City of Waterbury 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 Agency; for issuing reports to other land use commissions; and for initial review of activities and/or applications as to permit requirement.

The Agency may delegate to its duly authorized 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 wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form and shall contain such information as prescribed by the Agency. Notwithstanding the provisions for receipt and processing applications prescribed in Section 8 of these regulations, such agent may approve or extend such an activity at any time.

12.2

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 town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Agency within fifteen (15) days after the publication of the notice and the Agency 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 Agency or its agent of such appeal. The Agency shall at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these regulations.

12.3

Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Agency be required to file a bond with such surety in such amount and in a form approved by the Agency.

12.4

The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in their permit.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

12.5

The Agency 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 said operations, in an amount commensurate with the regulated activity.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

SECTION 13

ENFORCEMENT

13.1

The Agency 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.

13.2

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

13.3

If the Agency or its duly authorized 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 agency or its duly authorized 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 agency 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 Agency 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 had been withdrawn. The Agency 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 agency 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 General Statutes, as amended;

b. Suspend or revoke a permit if it finds that the applicant has not compiled 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 Agency shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. At the public 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 Agency'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;



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

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 Agency, and prescribing the necessary action and steps to correct violation including, without limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency 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 action(s) directed in a notice of violation may result in issuance of the order provided in Subsection a. of this Section or other enforcement proceedings as provided by law.

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



**INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury**

SECTION 14

AMENDMENTS

14.1

These regulations and the Inland Wetlands and Watercourses Map for the City Waterbury may be amended, from time to time by the Agency 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, or otherwise at the discretion of the Agency.

14.1(a)

An application filed with the Agency which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision or such Agency 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 or 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.

14.2

These regulations and the City of Waterbury Inland Wetlands & Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Agency 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 a part of the Agency regulations.

14.3

Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, Waterbury, 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;



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

- d. The geographic location of the property involved in the petition including a description of the land in sufficient detail to allow identification of the disputed wetland or watercourse areas;
- e. The reasons for the requested action;
- f. The names and addresses of the owner(s) of record of abutting land as recorded in the Waterbury Land Records, Town Clerk;
- g. A map showing proposed development of the property.

14.4

The Inland Wetlands and Watercourses Agency may require the property owner to present documentation by a soil scientist that the land in question does not have a soil type classified by the National Cooperative soils survey as poorly drained, very poorly drained, alluvial, or flood plain. Such documentation includes a map of the land in question signed by a soil scientist on which the flag locations defining the boundaries of the regulated soil types depicted, along with their appropriate numerical designations at an accuracy of an A2 Survey standard established by the State of Connecticut Board or Registry for Professional Engineers and Land Surveyors.

14.5

Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.

14.6

A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality at least twice at intervals of not less than two (2) days, the first not more than twenty-five (25) days nor less than fifteen (15) 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.

14.7

Within ninety (90) days after receipt of a petition for a change in the mapped boundaries of any wetland or watercourse the Agency shall hold a public hearing to consider the petition. The Agency shall act upon the changes requested in such petition within sixty (60) days after the close of the hearing. The public hearing shall be concluded within forty-five (45) days.

14.8

The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses map was made.



**INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury**

SECTION 15

APPEALS

15.1

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

15.2

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



**INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury**

SECTION 16

CONFLICT AND SEVERANCE

16.1

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.

16.2

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



**INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury**

SECTION 17

OTHER PERMITS

17.1

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 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 are the sole responsibility of the applicant.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

SECTION 18

EFFECTIVE DATE OF REGULATIONS

18.1

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 City of Waterbury.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

SECTION 19

APPLICATION FEES

19.1

METHOD OF PAYMENT. All fees required by these regulations shall be submitted to the Agency by certified check or money order payable to the City of Waterbury at the time the application is filed with the Agency.

19.2

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 4 of these Regulations.

19.3

The application fee is not refundable.

19.4

DEFINITIONS As used in this Section:

- a. "Residential Cases" means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.
- b. "Commercial Industrial Uses" means activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.
- c. "Other Uses" means activities other than residential, commercial, or industrial uses.



INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury

SECTION 20

FEE SCHEDULE

20.1

FEE SCHEDULE. Application fees shall be used on the following schedule:

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 Wetlands 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
Staff:	
Building Permit or Cert. Of Occ. Signoff (Site Visit Required)	\$75.00
Building Permit or Cert. Of Occ. Signoff (No Site Visit Required)	\$25.00
Wetlands Impact Determination for Planning or Zoning Decision	\$25.00
Wetlands Impact Determination for Planning or Zoning Decision	\$25.00
Wetlands Impact Determination for Planning or Zoning Decision	\$25.00
Site Visit Wetlands Impact Determination for P. or Z. Decision	\$50.00



**INLAND WETLANDS AND WATERCOURSES AGENCY REGULATIONS
City of Waterbury**

SECTION 21

FEE EXEMPTIONS AND WAIVERS

21.1 EXEMPTION

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

21.2 WAIVER

The applicant may petition the Agency to waive, or reduce payment of the required fees. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination. The Agency may waive all or part of the application fee if the Agency 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 Agency shall state upon its record the basis for all actions under this subsection.