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INLAND WETLANDS AND WATERCOURSES
REGULATIONS
OF THE
CITY OF SHELTON, CONNECTICUT

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SHELTON INLAND WETLANDS COMMISSION

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Developed in accordance with guidelines from:
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DEEP Water Resources Unit

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SECTION I
PURPOSE, TITLE AND AUTHORITY

1.1 The inland wetlands and watercourses of the City of Shelton are an indispensable and irreplaceable but fragile natural resource with which the citizens of the City have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life.

Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the City of Shelton and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the City for its citizens now and forever more.

The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to health, welfare and safety of the citizens of Shelton.

It is, therefore, the purpose of these regulations to protect the citizens of the City of Shelton 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; preventing loss of wildlife and vegetation and prevention of the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting Shelton's potable freshwater supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing and 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 Shelton, 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 Shelton".

1.3 The Inland Wetlands and Watercourses Agency of the City of Shelton was established in accordance with ordinance # 195 adopted October 16, 1973 and shall implement the purposes and provisions of the Inland wetlands and Watercourses Public Act # 155, 1972, in the City of Shelton.

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 with conditions or modifications, or deny applications for all regulated activities on inland

wetlands and watercourses in the City of Shelton pursuant to Section 22a - 36 to 22a - 45, inclusive of the Connecticut General Statutes, as amended.

SECTION TWO **DEFINITIONS**

2.1 The words used in these Regulations shall have the meaning commonly attributed to them. Doubts as to their precise meaning shall be determined by the Commission in accordance with the purpose and intent of these Regulations. All words used in the present tense include the future tense, and the word "used" shall be deemed to include "designed, intended, or arranged to be used".

2.2 As used in these regulations:

- a) "Act" means the Inland Wetlands and Watercourses Act, Section 22a-36 through 22a-45 of the general Statutes, as amended.
- b) "Agency" means the Shelton Inland Wetlands Commission.
- c) "Aquic" refers to a type of soil moisture regime that is characterized by depletion of dissolved oxygen resulting from a saturated condition.
- d) "Bog" means a poorly drained area containing an accumulation of organic material or peat and characterized by an association of plants recognized as bog species. These areas contain evergreen trees and specific shrubs, poor drainage and highly acidic conditions. Examples of bog species are listed in the booklet entitled Inland Wetland Plants of Connecticut, (May 1973), W. A. Niering and R. H. Goodwin, The Connecticut Arboretum, Connecticut College, New London, CT.
- e) "Clear-cutting," means the harvest of most timber in excess of a 2" diameter breast height or vegetation in a fashion that significantly changes the natural or indigenous character of the regulated area.
- f) "Commission" means the Shelton Inland Wetlands Commission.
- g) "Commission member" means a member of the Shelton Inland Wetlands Commission.
- h) "Commissioner of Environmental Protection" means the Commissioner of the State of Connecticut Department of Environmental Protection.
- i) "Deposit" includes, but shall not be limited to fill, grade, dump, place, discharge, or emit.
- j) "Designated agent" means an individual designated by the Agency to carry out its functions and purposes.
- k) "Discharge" means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.

- l) "Disturbing the natural and indigenous character of the land," means that the activity will significantly alter the inland wetland and watercourses by reason of removal or deposition of material, clear cutting, alteration or obstruction of water flow, or will result in the pollution of the wetland or watercourse.
- m) "Farming " means use of land for the growing of crops, raising of livestock or other agricultural uses.
- n) "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 Act (PA 155, 1972) as amended.
- o) "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. Typical examples of marsh species are listed in the booklet entitled Inland Wetland Plants of Connecticut, (May 1973) W. A. Niering and R. H. Goodwin, The Connecticut Arboretum, Connecticut College, New London, CT.
- p) "Material" means any substances, solid or liquid, organic or inorganic, including, but not limited to: aggregate, land, gravel, clay, bog, peat, mud, debris, sand, soil, sediment, stumps, refuse, or waste.
- q) "Municipality" means the City of Shelton, Fairfield County Connecticut.
- r) "Nurseries" means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.
- s) "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 Inland Wetlands Act (PA 155, 1972) as amended.
- t) "Permittee" means the person to whom such permit has been issued.
- u) "Person" means any person, firm, partnership, association, corporation, company, organization, or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.
- v) "Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of and waters of the City of Shelton 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.
- w) "Public Water Supply Watershed" refers to the land area that drains surface water into a body of water that may be used for public water supplies. Those areas delineated in the DEP Bulletin No. 4 Atlas of the Public Water Supply Source and Drainage Basins June 1982.
- x) "Regulated Activity" means any operation within, affecting 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. Additionally, the activities outlined in Appendix A, 1 through 4, shall be regulated activities when occurring within the distances specified for each activity. Exceptions are specified in Section 4 of these Regulations.

- y) "Regulated Area" means any existing or future inland wetlands watercourses not all of which may be specifically delineated on the map entitled "Inland Wetlands and Watercourses of the City of Shelton". Due to imperfections in printing and map scale this wording acknowledges the technical problems encountered in the blue print reproduction process as well as the impracticability of depicting minute detail on a map with a scale of 1" = 400". The reference to existing and future watercourses acknowledges that the fact that a watercourse can be used and is created every time a stream is diverted or when a stormwater detention basin is constructed. A storm sewer diversion beneath a road would exist as a watercourse but would be impossible to depict graphically on the wetland maps due to scale.
- z) "Remove" includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clearcutting, bulldoze, dragline, or blast.
- aa) "Rendering unclean or impure" means any alteration of the physical, chemical, or biological properties of waters of the city, including, but not limited to, change in odor, color, turbidity, taste, or excessive salt.
- bb) "Significant 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 wetlands or watercourse system:
 - 1. Any activity involving a deposition or removal of material which will or may have a major effect or significant impact on the regulated area or on another part of the inland wetlands or watercourse 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 diminution of flow of natural watercourse, or ground water levels of the regulated are, or
 - 5. Any activity which causes a substantial turbidity, siltation or sedimentation in a wetland or watercourse, 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.
- cc) "Soil Scientist" means an individual duly qualified in accordance with standards set by the Office of Personnel Management (formerly the U.S. Civil Service Commission).
- dd) "Swamps" are areas with water table at or near the surface of the ground throughout most of the year and containing vegetation dominated by 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), W.A. Niering and R.H. Goodwin, the Connecticut Arboretum, Connecticut College, New London, CT.

- ee) "Submerged Lands" means those lands which are inundated by water on a seasonal or more frequent basis.
- ff) "City" means the City of Shelton, Fairfield County in the state of Connecticut,
- gg) "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.
- hh) "Watercourse" 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 Sec 22a-28 through 22a-35 of the General Statutes, as amended.
- ii) ii. "Wetlands" means land, including submerged land as defined in section 2.2ee of these regulations, not regulated pursuant to Section 22a - 28 through 22a- 35, inclusive, of the Connecticut General Statutes, which consist of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soil 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 soil moisture regime as defined by the USDA Cooperative Soil Survey.

SECTION 3

INVENTORY OF REGULATED AREAS

- 3.1 The map of regulated areas, entitled "Inland Wetlands and Watercourses Map, Shelton, Connecticut", delineates the general location and boundaries of Inland Wetlands and the general location of watercourses. Copies of this map are available for inspection in the office of the Inland Wetlands Agency. Said map shall be considered a guide. 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. Such determinations shall be made by field inspection and testing conducted by a soil scientist where soil classifications are required, or where watercourse determinations are required, by other qualified individuals. Regulated areas are shown on the map at such a scale that some margin of error is possible.
- 3.2 Any property owner who disputes the designation of any part of his/her land as 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 from the property owner when the Agency requires an accurate delineation of regulated areas.
- 3.3 The Inland Wetland Agency or its designated agent shall inventory and maintain current records of all regulated areas within the City. The agency may amend its map from 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.

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. 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 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 building permit has been issued or the subdivision has been approved by the municipal 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 his 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 the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing-structures and landscaping but shall not include removal or deposition of material from or into a wetland or watercourse. The term alteration shall include clear-cutting of any vegetation, which may adversely affect the functions of the regulated area.
- e. Construction and operation by water companies as defined by Section 16-1 of the 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 and 22a - 410 of the General Statutes.

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 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 silvaculture management practices.

- b. Outdoor recreation including the use of existing play, sporting areas and golf courses, field trials, nature study, hiking, environmental education, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing and cross country skiing where otherwise legally permitted and regulated.
- 4.3 All activities in wetlands or watercourses involving filling, excavating, dredging, clear-cutting, grading or any other alteration or use of 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 non-regulated operation or use of a wetland or watercourse which may disturb the natural and indigenous character of the land 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 or use is a permitted or non-regulated use of the wetland or watercourse. The Agency shall rule that the proposed operation or use is a permitted or a non-regulated use or operation or that a permit is required. The requested use may fully or partially receive such consideration. Such ruling shall be in writing and shall be made within 65 days of receipt of the request.

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-36 of the General Statutes, as amended;
 - d. Diversion of water in excess of fifty thousand (50,000) gallons per day or 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. In cases of any local or regional board of education, the Commission will act (1) after and -10- advisory decision on such license or permit has been rendered to the Commissioner by the wetland agency of the municipality, or (2) within thirty-five days after receipt 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.

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 Agency of the City of Shelton.
- 6.2 The Agency shall regulate any operation within, use of, or affecting 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 Shelton Inland Wetlands Agency, 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 other remedies as provided by law.

SECTION 7

APPLICATION REQUIREMENTS

- 7.1 Prior to the submission of a final application, any person may submit a preliminary proposal, in writing, to the Commission for discussion only. The submission of a preliminary application will adhere to the same fee schedule as a final application. However, the amount of information and detail may be waived depending upon the activity. The submission of a preliminary application is only for seeking the Commission's advice and guidance with respect to the general feasibility of the proposed activity.
- 7.2 Any person wishing to undertake a regulated activity shall apply for a permit on a form entitled "City of Shelton Inland Wetlands Watercourses Agency - Application for Permit". An application shall include an application form and such information as prescribed by Section 7.4 and, in -11- the case of a significant activity, by Section 7.5 of these regulations. Application forms may be obtained in the office of the Inland Wetlands Agency.
- 7.3 All applications shall contain such information that is necessary for a fair and informed determination of the issues.

- 7.4 The Agency and the applicant may hold a pre-application meeting to determine whether the proposed application involves a significant activity. Whenever possible the determination relative to significant activities should be made at the pre-application meeting. The Agency should state the reasons why the activity was deemed significant in writing.
- 7.5 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 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) of wetland or watercourse disturbance, soil type(s) and vegetation;
 - e. The purpose and a description of the proposed activity
 - 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 existing and proposed conditions in relation to wetlands and watercourses;
 - h. Names and addresses of adjacent property owners;
 - i. 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 deception or through inaccurate or misleading information;
 - j. Authorization for the commissioners, specialists used by the Commission to evaluate permit applications, 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 18 of these regulations.
- 7.6 If the proposed activity involves a significant activity as determined by the Agency and defined in Section 2.2bb 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 which will be affected, which show existing and proposed conditions, wetland and watercourse boundaries, and 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. The site plan should include the following:

1. Boundary lines, dimensions and area of the property;
2. Locations of all wetlands and watercourses on the property and within 200 feet thereof;
3. Locations and descriptions of proposed activities;
4. Locations and descriptions of all existing and proposed drainage features (e.g., culverts, catch basins, etc.);
5. Elevations at two foot contour intervals in all areas of the property within 100 feet of a wetland or watercourses and at five foot contour intervals throughout the remainder of the property;
6. Proposed grading by two-foot contours of any moved material;
7. Final topography after the removal or deposition of substantial materials;
8. Locations of all boring and soil samples data obtained by a soil scientist.
9. Areas where material will be deposited or removed;
10. Boundaries of the applicant's land with names and addresses of all adjoining landowners;
11. All construction within a watercourse;
12. Significant vegetation which has one or more of the following functions; erosion control, wildlife habitat, or recreational significance;
13. The requirements for contour information under Section 7.6.a.5 and 7.6.a.6 may be waived or modified by the commission if it determines such information is not necessary to properly evaluate the impact of the proposed activity.

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. Soil sample report prepared and certified by a soil scientist which thoroughly describes the soil types and is keyed to the soil sample locations shown on any map prepared in accordance with 7.6.a.

d. 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 to have the wetlands delineated in the field by a soil scientist and that the field delineation be incorporated onto the site plans and that the delineation label the numbered soil scientists boundary flags.

e. 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. The applicant should include a discussion of

vegetation, habitat value of the area for wildlife species and depth of water table or level of water if inundated.

f. 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.

g. Analysis of chemical or physical characteristics of any fill material in terms of:

1. volume, in cubic yards;
2. nature of materials (e.g., sand, gravel, loam, building materials, etc.);
3. precise chemical composition of any toxic materials;
4. explanation of how materials will be protected from erosion or leaching.

h. Measures which 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.

7.7 The applicant shall certify whether any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality.

7.8 Ten (10) copies of all application materials shall be submitted to comprise a complete application of as is otherwise directed, in writing, by the Inland Wetlands Agency.

7.9 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 of the permit in accordance with subsections 7.5 through 7.9 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 state the reason why the authorized activities were not initiated or completed within the time specified in the permit.

c. 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.

d. The Agency may accept an untimely application to the extend the expiration date of a permit if the authorized 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.

e. 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.

SECTION 8

APPLICATION PROCEDURES

- 8.1 If the standards of conformity cannot be met, an application for permit must be processed. (See Appendix)
- 8.2 All applications shall be filled out and with the necessary documentation may be submitted to the Agency up to three business days prior to the day of the regularly scheduled meeting.
- 8.3 In the case of any application where any portion of the wetland or watercourse on which the regulated activity is proposed is located within 500 feet of the boundary of Milford, Orange, Derby, Seymour, Oxford, Monroe, Trumbull or Stratford; the applicant shall give written notice, in accordance with the Public Act 87-533, of the proposed activity, certified mail return receipt requested, to the adjacent municipalities; wetland agencies on the same day of filing an inland wetlands permit application with the Shelton Inland Wetlands Agency. Documentation of such notice shall be provided to the Shelton Inland Wetlands Agency.
- 8.4 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 is located within 500 feet of the boundary of an 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;
 - b. If 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. If 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;
 - d. If water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- 8.5 The RECEIVED DATE of any application and supporting documentation shall be the day of the next regularly scheduled meeting of the Agency immediately following the day of submission, provided such meeting is no earlier than three business days after submittal or thirty-five days after such submittal, whichever is sooner.
- 8.6 At the Commission's meeting, the application will be "received". The board may review and act upon the proposal that night. It may, however, wish to see the site or refer to committee. The applicant is not expected to be present at this first meeting.

- 8.7 At any time during the review period, the Agency 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 Agency 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.)
- 8.8 If the Board has the project site scheduled for a field walk, the applicant or agent is required to be present. At this time, if not already done, a determination will be made whether or not to hold a public hearing.
- 8.9 After the field walk the proposal will be placed on the agenda for the next regular meeting. If the results of the field walk indicate a relatively minor impact; the applicant is to make the presentation, and the board will then discuss it. Action may be taken that night or the discussions may continue for one or more meetings. Should the field walk confirm a major impact, a public hearing will be scheduled at the next meeting after the walk. At the public hearing, the applicant will be expected to present the proposal. The hearing may last up to 45 days, and after the close of the hearing, the board shall take action within 35 days.
- 8.10 All applications shall be open for public inspection.
- 8.11 Incomplete applications may be denied.
- 8.12 The Commission may extend the period for decision an additional 65 days to complete its review or to allow the applicant to provide requested information with the written consent of the applicant.

SECTION 9

PUBLIC HEARINGS

- 9.1 A public hearing shall be held on all applications involving a significant activity. A public hearing may be held on applications which do not involve significant activities if the Agency determines it is in the public interest. A petition containing the signatures of 25 or more persons shall be considered as adequate public interest for the purposes of scheduling a public hearing. 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 days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.
- 9.3 Notice of the public hearing shall be mailed to the owner(s) of record of abutting land no less than 15 days prior to the day of the hearing by the applicant.
- 9.4 In the case of any application which is subject to the notification provisions of Section 8.3 of these Regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality or municipalities has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

SECTION 10
CONSIDERATION FOR DECISION

10.0 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 from a public hearing,
- c. Reports from other agencies and commissions including but not limited to the City of Shelton:
 - 1. Conservation Commission
 - 2. Planning, Zoning, or Planning and Zoning Commissions
 - 3. Building Official
 - 4. Health Officer
- d. The Agency may also consider comments on any application from the Fairfield County Soil and Water Conservation District, the Valley 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, or other technical agencies or organizations which may undertake additional studies or investigations.
- e. Non-receipt of 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 STANDARDS AND CRITERIA FOR DECISION.

The Agency shall consider all relevant facts and circumstances in making its decision on any application for a permit, including but not limited to the following:

- a. The environmental impact of the proposed action, including the effects on the inland wetland's and watercourse's capacity 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 alternatives to the proposed action including a consideration of alternatives which might enhance environmental quality or have a less detrimental effect, and which could feasibly attain the basic objectives of the activity proposed in the application. This consideration should include, but is not limited to, the alternative of requiring actions of different nature that would provide similar benefits with different environmental impacts, such as using a different location for the activity.
- c. The relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity including consideration of the extent to which the proposed action forecloses or predetermines future options.
- d. Irreversible and irretrievable commitments of resources which would be involved in the proposed activity. This requires recognition that the inland wetlands and watercourses of the City of Shelton are an indispensable, irreplaceable and fragile natural resource, and that these areas may be irreversibly destroyed by deposition,

filling, and 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 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 natural habitat, loss of unique habitat having demonstrable 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 the economic, esthetic, recreational, and other public and private uses and values of wetlands and watercourses to the community.
- f. The suitability of the activity to the area for which it is proposed. This requires a balancing of the need for the economic growth of the city and the use of its land, with the need to protect its environment and ecology for the people of the city and the benefit of generations yet unborn, taking into account whether the public benefit of the proposed activity justifies any possible degradation to the regulated area.
- g. Measures which would mitigate the impact of any aspect of the proposed regulated activity. 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 wetlands or watercourse's natural capacity to support fish and wildlife, prevent flooding, supply water, control sedimentation, prevent erosion, assimilate wastes, facilitate drainage, and to provide passive recreation and open space.

10.3 The Commission shall consider the following in the process of implementing section 10.2 in evaluating the importance of a regulated area:

- a. the ability of the regulated area to continue to absorb, store or purify water, or to prevent flooding;
- b. the increased erosion problems, during construction and after, resulting from changes in grades, ground cover, or drainage features;
- c. the extent of additional siltation or leaching and its affect on water quality and aquatic life;
- d. the influence of toxic materials on water supplies , aquatic organisms or wildlife;
- e. the changes in the volume, velocity, temperature or course of a waterway and their resulting effects on plant, animal aquatic life;
- f. the natural, historic, educational, or economic features that might be damaged, destroyed, rendered inaccessible or otherwise affected by the proposed activity;
- g. the changes in the suitability of the area for recreational and aesthetic enjoyment;
- h. the existing or potential use of the area as a surface or ground water supply

- i. the extent to which the area serves as a recharge area or purifier of surface or ground water;
 - j. the function of the area serves as part of a natural drainage system for the watershed;
 - k. The importance of the area as a natural wildlife feeding or breeding area including those upland species typically associated with wetlands or wetland edges.
 - l. the existence of rare or unusual concentrations of botanical species;
 - m. the existing and potential use of the area for passive recreation purposes;
 - n. The availability of other open spaces in the surrounding area to augment the importance of the regulated area in question.
- 10.4 In the case of any application that received a public hearing, a permit shall not be issued unless the Agency finds that a feasible and prudent alternative does not exist. In making this finding, the Agency shall consider the facts and circumstances set forth in Section 10 of these regulations. This finding and the reasons, therefore, shall be stated on the record in the decision of the Agency.
- 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. However, the Agency is not precluded from seeking advice from its own experts on information already in the record of the public hearing.

SECTION 11

DECISION PROCESS AND PERMIT

- 11.1 The Agency 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.
- 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 Agency does not have the authority to table or reject an application for incompleteness. 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.
- 11.4 The Agency shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail return receipt

requested, and agency shall cause notice of its order in the issuance or denial of the permit, in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. A copy of all Agency decisions shall be forwarded to the Commissioner of Environmental Protection in such a form as prescribed by the Commissioner.

- 11.5 If an activity authorized by the inland wetlands permit also involves an activity or project which requires zoning or subdivision approval; a special zoning permit, variance or special exception, a copy of decision and report on the application shall be filed with the City of Shelton Planning, Zoning or Planning and Zoning Commission within fifteen days of the date of the decision.
- 11.6 If the Agency denies an application, or if it grants an approval with terms, conditions, limitations or modifications, the applicant may attempt to modify, correct, or amend the proposal to the Agency's satisfaction. The Agency shall determine whether the proposed modification requires the filing of a new application. The rejection of a modified or corrected application by the Agency shall be equivalent to the denial of an application for the purposes of appeal.
- 11.7 If the Agency denies an application, the application shall not be resubmitted unless the proposal is modified in a fashion that reduces the impacts which resulted in the denial. Such submittal shall take the form of a new application.
- 11.8 The approval shall expire three years from the date of decision unless otherwise specified or extended by the Agency. The approval shall also expire if the activity authorized has not secured a permit and has not been initiated within one (1) year from the date of decision. Once approval has expired, the permit shall be considered null and void. Extensions of approval shall be at the discretion of the Agency and may be subject to calling of a public hearing. All permits shall expire upon completion of the activities specified therein.
- 11.9 No permit shall be assigned or transferred without the written notification to the Agency that proposed activity is the same as approved. The transfer of permit shall not be considered valid until acknowledged by the Agency.
- 11.10 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.
- 11.11 General provisions in the issuance of all permits:
 - a. The permittee shall hold a pre-construction conference with the Wetland Coordinator/Enforcement Officer prior to any disturbance or alteration to the Site. Its purpose is to review the permit and its conditions.
 - b. The applicant shall notify the Wetland Coordinator/Enforcement Officer at least 48 hours prior to any grading or stumping work and upon completion of work. The purpose is to review the proper and satisfactory installation of erosion and sedimentation controls, and restoration, and stabilization of the disturbed areas.
 - c. The applicant shall submit any changes of the approved plans with a written request for permit amendment(s) This agency will determine if the amendment(s) are acceptable under the permit or if a new application or if a new application is required.

- d. The applicant shall provide two (2) complete sets of final plans which reflect the conditions of approval. The submittal is required with sixty (60) days of receipt of the notice to verify compliance with the Agency approval.
- e. All work and all regulated activities conducted pursuant to the authorization shall be consistent with the terms, intent and conditions of this permit. Without limitation any structures, equipment, material, excavation, fill, obstruction, clearing and encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of the permit and may result in its modification, suspension, or revocation.
- f. In evaluation applications in which the Agency relied in whole or in part on information provided by the applicant, if such information subsequently proves to be false, deceptive or inaccurate, the permit may be modified suspended or revoked.
- g. 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 Shelton, 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.
- h. If the activity authorized by the inland wetland permit also involves an activity or a project 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.
- i. 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.

SECTION 12

BOND AND INSURANCE

- 12.1 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.
- 12.2 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.
- 12.3 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 and all damage which might occur within two (2) years of completion of such operations, in an amount to be determined by the Agency commensurate with the regulated activity.

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. The Agency shall be authorized to seek such necessary court orders as will permit it to inspect land whereon the agency has probable cause to believe that a regulated activity is in progress, and for which no application has been filed.

- 13.2 Application for and as a condition of a permit, the Agency or its agent may make regular inspections, at reasonable hours, of all regulated activities for which an application has been received for permits that have been issued under these regulations. The owner, applicant, or their agent shall produce it for inspection by the Agency's representative upon request.
- 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 a time limit as specified by the agency or its agent. 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, or that the order has been withdrawn. The Agency shall publish notice of its decision in the newspaper having general circulation in the municipality. The original order 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 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 complied with the terms, conditions or limitations set forth in the permit including application plans. Prior to revoking and permit, The Agency shall issue notice to the permittee, by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. At the hearing the permittee shall be given an opportunity to show that the work is in compliance with the permit and show that any requirements for the retention of the permit have been met. The permittee shall be notified of the Agency's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Agency may issue such cease and desist orders as are necessary to preserve the issues for hearing.
 - 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 the violation including, without limitation, halting work in wetlands and 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 the action(s) directed in a notice of violation may result in issuance of the order provided in Subsection 13.3a of this section or other enforcement proceedings as provided by law.

SECTION 14 **AMENDMENTS**

14.1 These regulations and the Inland Wetlands and Watercourses Map for the City of Shelton 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.

14.2 These regulations and the City of Shelton Inland Wetlands and 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 days before the public hearing on their adoption. Application forms and fee schedules shall be considered as part of the Agency regulations.

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

- a. the applicant's name, address, 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 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 actions;
- f. the names and addresses of adjacent property owners; and
- g. A map showing proposed development of the property.

14.4 The Inland Wetlands Agency may require the applicant 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 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 are depicted.

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 days, the first not more than twenty-five days nor less than fifteen days, and last not less than two 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 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 days. The petitioner may consent to extension of the periods provided or may withdraw such petition.

14.8 The Agency shall make its decision and state, in writing, the reasons for that decision.

SECTION 15

APPEALS

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

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

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.

16.2 If any word, clause, sentence, section, part, subsection or provision of these regulations held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of these regulations.

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 Shelton, State of Connecticut and 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 18

FEES

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

18.2 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 14 of this section.

18.3 The application fee is not refundable.

18.4 DEFINITIONS. As used in this section:

- a. "Residential uses" means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.
- b. "Commercial 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 uses or commercial uses.

18.5–18.12 These sections reserved for fee schedule as attachment to these regulations

18.13 EXEMPTIONS Boards, Commissions, Council, and Departments of the City of Shelton are exempt from all fee requirements under Section 18 of these regulations.

18.14 WAIVERS The applicant may petition the Agency to Waive, reduce or allow delayed payment of the fee required by Section 18 of these regulations. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this section. The Agency may waive all or part of the application fee if the Agency determines that:

18.14a The activity applied for would clearly result in 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

18.14b The amount of the application fee is clearly excessive in relation to the cost to the City for reviewing and processing the application.

18.14c The applicant is a municipal, state or federal agency or for any organization existing exclusively for scientific, educational, literary, historical or other charitable purpose.

The Agency shall state upon its record the bases for all actions under this subsection.

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 City Clerk and publication of a notice of such action in a newspaper having general circulation in the City of Shelton.

Effective Date: June 27, 1974
Amended: August 10, 1989 Setbacks and appendix
Amended: July 1, 1999
Amended: January 1, 2005 Fees

APPENDIX

A. STANDARDS OF CONFORMITY

1. All septic systems, leaching fields and construction shall be at a minimum of 50' from the wetland area boundary.
 - a. Documentation of Valley Health approval is necessary for all septic systems.
2. All disturbances (grading, tree removal and clear – cutting, filling, etc.) shall be a minimum of 25' outside of the wetland area boundary.
3. All septic systems, leaching fields and construction shall be a minimum of 50' from any watercourse including, but not limited to, streams, ponds, marshes, waterways and swamps, natural or artificial, perennial or intermittent, except for the following watercourses. The setback distance is as follows:

Housatonic River 100'	Walnut Brook 75'
Far Mill River 100'	Hazelton Brook 75'
Means Brook 100'	Pole Brook 75'
Round Hill Brook 75'	Curtis Brook 75'
White Hills Community Brook 75'	Hawley Brook 75'
Upper White Hills Brook 75'	Burying Ground Brook 75'
Nicholdale Brook 75'	Ivy Brook 75'
Indian Hole Brook 75'	Wells Hollow Brook 75'
Nelson Brook 75'	Butternut Hollow Brook 75'
Sharps Brook 75'	Black Brook 75'
Harvey Pete Brook 75'	Pumpkin Ground Brook 75'
Boehm Brook 75'	Booth Hill Brook 75'
Walnut Tree Brook 75'	

4. All disturbance, (grading, tree removal and clear-cutting, filling, etc.) shall be a minimum of 50' from any watercourse including but not limited to streams, ponds, marshes, waterways and swamps, natural or artificial, perennial or intermittent.
5. Provisions shall be made to protect the regulated area from erosion and sedimentation in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control.

If a proposed project is unable to comply with the above standards, an application for permit is required to be processed. Authorization from the Commission will be necessary prior to issuance of a certificate of compliance.

B. STEPS TO SECURE CERTIFICATE OF COMPLIANCE

1. Presence of regulated area is confirmed or refuted by the Commission's agent through suitable documentation.
2. Occurrence of regulated activity is determined by the Commission's agent.
3. Conformance with standards is determined by the Commission's agent. (i.e.: setbacks and erosion and sediment control.)
4. A certificate will be issued where:
 - a. No regulated areas are on site and no regulated activities will occur to regulated areas offsite:
 - b. regulated areas are on site but conformance with standards are met, (including no regulated activities, setbacks are met and erosion and sedimentation control is satisfactorily provided):
 - c. regulated areas are on site and regulated activities will occur and a permit to conduct the activities is in hand;
 - d. no regulated areas are on site, but project creates regulated activities offsite and a permit to conduct the activities is in hand.

C. DETERMINATION OF REGULATED AREA

1. The Commission's agent shall interpret project file maps which indicate accurate location of regulated areas (wetlands and watercourses) in accordance with the requirements of the regulations subject to final interpretation by the Commission in case of a dispute.
2. Property owner presents certified report from soil scientist which confirms or refutes the presence of wetlands (poorly drained or alluvial soils) on site in accordance with the requirements of the regulations.
3. The Commission's agent shall determine the presence of any watercourses which fall within the terms of regulations subject to final determination by the Commission in case of a dispute

D. DETERMINATION OF REGULATED ACTIVITIES

1. The Commission's agent shall determine the occurrence of regulated activities in accordance with the regulations subject to final determination by the Commission in case of a dispute.

E. DETERMINATION OF CONFORMITY

1. The Commission's agent shall determine whether a proposed activity conforms to the agency's standards and qualifies for issuance of a certificate of compliance subject to final authorization by the Commission.

FEE SCHEDULE

18.5 WETLAND CERTIFICATE FEES – for decks, sheds, structures, and other activities, etc., shall follow the following schedule, plus applicable permit fees.

50.00 for ... 0-249 square feet

75.00 for ... 250-999 square feet

100.00 for ... 1000-1999 square feet

200.00 for ... 2000 square feet and larger

18.6 APPLICATION FEES (THE MAXIMUM APPLICATION FEE SHALL BE \$5,000.00)

18.6a Permitted and Non-Regulated Uses – 50.00

18.6b Residential Activities Within Setbacks – 50.00

18.6c Residential Activities in Wetlands Or Watercourses – 100.00

18.6d Residential Subdivisions – 500.00 plus 50.00 per lot

18.6e Commercial Subdivisions – 500.00 plus 100.00 per lot

18.6f Residential Site-Plans (multiple dwelling units) – 500.00 plus 20.00/unit

18.6g Commercial Site Plans –

250.00 for ...0-9,999 square feet plus permit fees

500.00 for ...10,000-49,999 square feet plus permit fees

1,000.00 for ...50,000-99,999 square feet plus permit fees

2,000 for ...over 100,000 square feet plus 10.00 for every 500 square feet

18.6h Modifications (revisions, extensions, etc.) – 1/2 application-fee plus permit fee for any added impacts

18.7 STATE FEE (all applications) – 60.00 (state requirement)

18.8 PUBLIC HEARING FEE – 500.00

18.9 PERMIT FEES (any portion over a unit goes to next unit)

18.9a Within Setbacks – 25.00/1,000 square feet

18.9b Within Wetlands and Watercourses – 50.00/1,000 square feet

18.9c Watercourse Alteration (piping and diverting) – 25.00/10 feet

18.9d Stormwater Discharges – 50.00/discharge

18.10 AFTER-THE-FACT SURCHARGE – shall be three times higher than basic fees

18.11 ADD-ON FEE for missing agenda filing deadline – 200.00

18.12 OTHER FEES

MAP AMENDMENTS (25.00)

COPIES (0.50)

REGULATIONS (10.00)

MAPS (5.00)

PROTECTION SIGNS (5.00 each)

EFFECTIVE January 1,2005