



Inland Wetlands and Watercourses Regulations

City of Norwich, Connecticut
(Effective Date of Amendments – June 1, 2010)

INLAND WETLANDS AND WATERCOURSES REGULATIONS

CITY OF NORWICH

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SECTION 1

TITLE AND AUTHORITY

- 1.1 The inland wetlands and watercourses of the City of Norwich are an indispensable and irreplaceable but fragile natural resource. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and subsurface 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 the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses. Such activities have had, and will continue to have, significant impact on the environment and ecology of the City of Norwich. The conservation and protection of the wetlands and watercourses are in the public interest and are essential to the health, safety and welfare of the citizens of the City of Norwich. It is, therefore, the purpose of these regulations to make provisions for the protection, conservation, maintenance and use of inland wetlands and watercourses by minimizing their disturbance and pollution; preventing damage from erosion, turbidity or sedimentation; and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of floods; protecting the quality of wetlands and watercourses for their natural resource, economic, aesthetic, recreational and other public and private uses and values; and protecting the City's potable water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need to protect the environment with economic, safety and other concerns and thus guarantee to citizens of the City of Norwich and to future generations the safety of such natural resources for their benefit and enjoyment.
- 1.2 These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the City of Norwich".
- 1.3 These regulations have been prepared by the Inland Wetlands, Watercourses and Conservation Commission in accordance with the provisions of Sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended. Said portion of the Connecticut General Statutes shall be known and may be cited as "The Inland Wetlands and Watercourses Act".
- 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 Section 15 of these regulations.
- 1.5 The Commission, or its duly authorized agent, shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications or deny permits for all regulated activities within the City of Norwich, pursuant to

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

SECTION 2

DEFINITIONS

2.1 As used in these regulations:

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

Bog is a wetland distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic soil conditions.

City refers to the City of Norwich, Connecticut.

Clearcutting means the harvest of timber in a fashion, which removes all trees greater than 2-inches in diameter (diameter measured at 4.5 feet above average ground level).

Commission means the City of Norwich Inland Wetlands, Watercourses and Conservation Commission.

Commission member means a member of the Inland Wetlands, Watercourses and Conservation Commission of the City of Norwich.

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

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

Deposit includes, but shall not be limited to, the following actions: filling, grading, dumping, placing, discharging or emitting.

Designated agent means an individual designated by the Commission to carry out a variety of functions and purposes of the Commission and as specified by the Commission.

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

Essential to the farming operation means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.

Farming shall be consistent with the definition as set forth in Section 1-1(q) of the Connecticut General Statutes.

Feasible means to be able to be constructed or implemented consistent with sound engineering principles.

Grading is the excavating, grubbing, filling or stockpiling of earth materials or any combination thereof.

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 Sections 22a-36 through 22a-45, inclusive.

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.

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

Material is any substance, solid or liquid, organic or inorganic, including but not limited to soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse or waste.

Municipality means the City of Norwich, Connecticut.

Nursery means a place where plants are grown for sale, transplantation, or experimentation.

Perennial stream means a watercourse that maintains water flow within its channel during the course of most years.

Permit (see license)

Permittee means the person to whom a license has been issued.

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

Pollution 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 to directly or indirectly to come in contact with any waters. This includes, but is not limited to, sedimentation resulting from erosion, which is consequent to any filling, land clearing or excavation activity.

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.

Regulated activity means any operation within or use of a wetland or watercourse or any upland area within 100 feet measured horizontally from 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 4 of these regulations and Section 22a-40 of the Connecticut General Statutes. Further any such activity may be regulated, even if it is located more than 100 feet from any wetland or watercourse if it is determined by the Commission that such activity would likely have an adverse impact upon that wetland or watercourse.

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

Rendering unclean or impure means any alteration of the physical, chemical or biological properties of any waters of the state, including, but not limited to, change in odor, color, turbidity or taste.

Residential accessory structure is a subordinate building or structure customarily incidental to a residential building and located on the same lot as the principal use or building, or a contiguous lot under the same ownership, provided such accessory structure is less than 625 square feet in area and no hazardous materials, substances or wastes are stored in the structure.

Sediment is a solid material, either mineral or organic, that is deposited after being transported to its point of deposition by wind or water.

Significant impact means any activity, including, but not limited to, the following activities, which may have a major effect:

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

Soil Scientist means an individual duly qualified in accordance with standards set by the federal Office of Personnel Management.

Swamps are wetlands, which may include watercourses, which are distinguished by the dominance of wetland trees and shrubs.

Submerged lands means those lands which are inundated by water on a seasonal or more frequent basis.

Town means the City of Norwich, Connecticut.

Waste means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands and watercourses of the Town.

Watercourse means river, stream, brook, waterway, lake, pond, marsh, swamp, bog, and any other body of water, natural or artificial, vernal or intermittent, public or private, that is contained within, flows through or borders upon the Town or any portion thereof not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. 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 event, and (c) the presence of hydrophytic vegetation.

Wetland means land, including submerged land as defined in this section, not regulated pursuant to Sec. 22a-28 to 22a-35, inclusive, of the Connecticut General

Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial or floodplain by the National Cooperative Soil Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U. S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites that possess an aquic (saturated) moisture regime as defined by the USDA Cooperative Soil Survey.

SECTION 3

INVENTORY OF INLAND WETLANDS AND WATERCOURSES

- 3.1 The map of wetlands and watercourses entitled “Inland Wetlands and Watercourses Map, City of Norwich, 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 City Clerk or at the Planning and Development Offices. In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses. The Commission may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.
- 3.2 Any person may petition the Commission for an amendment to the map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances that support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping or other available information. The Commission may require such person to provide an accurate delineation of regulated areas in accordance with Section 15 of these regulations.
- 3.3 The Commission shall maintain a current inventory of regulated areas within the City. The Commission may amend its map as more accurate information becomes available.
- 3.4 All map amendments are subject to the public hearing process outlined in Section 15 of these regulations.

SECTION 4

PERMITTED USES AS OF RIGHT AND NONREGULATED USES

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right. A ruling from the Commission or its designated Agent shall be obtained to determine whether the proposed use is a use permitted as of right or a nonregulated use:
- a. grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, clear cutting of timber except for the expansion of agricultural cropland, the mining of topsoil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
 - b. a residential building (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 the Commission on the City Plan as of the effective date of these regulations, or as of July 1, 1974, whichever is earlier, and further provided no residential building shall be permitted as of right pursuant to this subdivision unless the building permit was obtained on or before July 1, 1987;
 - c. boat anchorage or mooring;
 - d. uses incidental to the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot size permitted anywhere in the City of Norwich and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or onto a wetland or watercourse, or diversion or alteration of a watercourse. The Commission shall decide, on a case by case basis, what constitutes a significant amount of material and shall consider the area and depth of proposed fill, the character and functional value of the wetlands, and the effects or probable effects the filling would have on the subject wetland or watercourse;
 - e. construction and operation, by water companies as defined by Section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 and 22a-403 of the Connecticut General Statutes; and,
 - f. maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to Section 22a-42a of the

Connecticut General Statutes or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For the 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 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; and,
 - b. outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated.
- 4.3 All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Commission in accordance with Section 6 of these regulations, or for certain regulated activities located outside of wetlands and watercourses from the duly authorized agent in accordance with Section 12 of these regulations.
- 4.4 To carry out the purposes of this section, any person proposing a permitted operation and use or a nonregulated operation and use shall, prior to commencement of such operation and use, notify the Commission on a form provided by it, and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of a wetland or watercourse. The Commission shall rule that the proposed operation and use or portion of it is a permitted or nonregulated operation and use or that the proposed operation and use is a regulated activity and a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Commission following the meeting at which the request was received. The designated Agent for the Commission may make such ruling on behalf of the Commission at any time.

SECTION 5

ACTIVITIES REGULATED EXCLUSIVELY BY THE COMMISSIONER OF ENVIRONMENTAL PROTECTION

- 5.1 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to Sections 22a-39 or 22a-45a of the Connecticut General Statutes.
- 5.2 The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
- 5.3 The Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under Section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Environmental Protection under Sections 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from a municipal wetlands agency for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.
- 5.4 The Commissioner of Environmental Protection shall have exclusive jurisdiction over the discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.

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

SECTION 7

APPLICATION REQUIREMENTS

- 7.1 Any person intending to conduct a regulated activity, or to renew or amend a permit to conduct such activity, shall apply for a permit on a form provided by the Commission. The application shall contain the information described in this section and other information the Commission may reasonably require. Application forms may be obtained or submitted in the Planning and Development Offices of the City of Norwich at 23 Union Street Monday through Friday (excluding holidays) between the hours of 8:30a.m. and 4:30p.m.
- 7.2 All applications shall be filed with the City of Norwich Department of Planning and Development at least one day prior to the next regularly scheduled Commission meeting in order for the application to be included on that meeting agenda.
- 7.3 The designated agent of the Commission may review and approve applications administratively to conduct the following upland review area activities: construction of residential accessory buildings, decks, porches, above ground and in-ground swimming pools, additions to existing residential structures provided that such additions are less than or equal to 625 square feet in ground floor footprint area; minor grading, filling, or excavation provided that such activity involves less than 0.25 acre; fences; signs; removal or replacement of existing in-ground or above ground fuel storage tanks; general maintenance of existing drainage structures or drainage improvements conducted by the City of Norwich, Department of Public works or Department of Public Utilities; installation or repair of footing drains or other subsurface drains where the primary source of flow is a perched water table; septic system repair or replacement, providing that such repair is approved by the Uncas Health District; and, installation or repair of utility lines by the City of Norwich Department of Public Utilities or other bona fide public utility company. If, however, the agent determines that any such activity is likely to adversely impact wetlands or watercourses, the individual proposing such activity, at the direction of the agent, shall apply to the Commission for a permit under the provisions of Sections 7 through 12 of these regulations.
- 7.4 If an application to the City of Norwich Commission on the City Plan 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 Inland Wetlands, Watercourses and Conservation Commission in accordance with this section, no later than the day the application is filed with the Commission on the City Plan.

- 7.5 A prospective applicant may request the Commission to determine whether or not a proposed activity involves a significant impact activity.
- 7.6 A prospective applicant may request the Commission to determine whether or not a proposed activity is regulated, nonregulated or permitted-as-of-right (jurisdictional ruling).
- 7.7 All applications shall include the following information in writing or on maps or drawings. Each completed application form shall be accompanied by six (6) folded sets of site plans which the Commission may require to be prepared by a Land Surveyor and/or Professional Engineer (as applicable) licensed in the State of Connecticut, drawn at a scale suitable to the Commission on sheets not larger than 24" x 36" including margins. The Commission may waive some of the listed requirements, as allowed by state statute, depending on the nature of the proposed activity and its probable effects on wetlands or watercourses:
- a. Application form entitled "Application to Conduct an Activity Subject to the City of Norwich Inland Wetlands and Watercourses Regulations" and fee as prescribed in Section 19 of these regulations;
 1. The applicant's name, home and business mailing addresses and telephone numbers; if the applicant is a Limited Liability Corporation or a Corporation the managing member's or responsible corporate officer's name, address, and telephone number;
 2. The owner's name, mailing address and telephone number and written consent of the land owner if the applicant is not the owner of the land upon which the subject activity is proposed;
 3. The applicant's interest in the land;
 4. The geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s), in acres or square feet, of wetlands or watercourses to be disturbed, wetland soil type(s), and wetland vegetation;
 5. The purpose and a description of the proposed activity.
 6. Proposed erosion and sediment and proposed erosion and sedimentation controls and other management practices which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to: prevent or minimize pollution or other environmental damage; maintain or enhance existing environmental quality; or, in the following order of priority: restore, enhance, and create productive wetland or watercourse resources;
 - b. Alternative(s) which would cause less or no environmental impact to wetlands or watercourses and why the alternative as set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing;
 - c. Site plans depicting the proposed activity, and existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related to the proposed regulated

activity, which are made inevitable by the proposed regulated activity and which are likely to have an impact on wetlands or watercourses. Such plans must clearly indicate the following (The Commission may waive any of items 1 – 19, below, if it believes it can render a sound decision without such waived information.):

1. Legal name of the landowner, legal name of the applicant, project name, zoning district, proposed use, street address, scale, and date (including revision dates);
2. A geographic locus map at a minimum scale of 1 inch to 2,000 feet;
3. Contours at 2-foot intervals where practical, or at other intervals if deemed appropriate by the Commission. Spot elevations at high and low points and within flat areas on the landscape (approximate contours within 100 feet of the project site);
4. Boundary survey, the accuracy of which to be determined by the Commission;
5. Location of all wetlands and watercourses as defined in Section 2 of these regulations;
6. Certification and original signature by a qualified professional soil scientist indicating that the wetlands and watercourses depicted on the plan adequately represent those that the soil scientist delineated in the field. Approximate wetland/watercourse configuration within 100 feet of the subject site;
7. Location of all existing and proposed drainage within the limits of the site and within 100 feet of the property lines;
8. Location of all existing buildings, structures, and utilities within the site and within 100 feet of the property lines, including their proposed removal, demolition, relocation, or retention (approximate locations outside property lines);
9. Locations and widths of all existing and proposed rights-of-way and easements within the site;
10. Wooded areas indicated by foliage lines, recognized landmarks, rock outcrops, and other significant features within 100 feet of any proposed activities (approximate location outside property lines);
11. Location, nature and extent of all proposed construction, including all areas to be disturbed;
12. Location of all areas where material is intended to be deposited or removed and a proposed grading plan;
13. Building setback lines (front, side and rear yards);
14. Seal and original signature(s) of Professional Engineer and/or Land Surveyor, as applicable;
15. Map legend – symbol identification;
16. Location of the 100-year floodplain from FEMA Flood Insurance Rate Map or other source(s) acceptable to the Commission;
17. Erosion and sediment control measures in graphic and narrative forms and in compliance with the current edition of “Connecticut Guidelines for Soil Erosion and Sediment Control”;

- 18. As applicable, the location, depth and descriptions of all test pits and location and results of percolation tests which shall be certified by a professional engineer and shall be witnessed by a representative of the Uncas Health District;
- 19. Names and addresses of abutting landowners.

- d. Computation of the area(s) in acres or square feet of wetland and/or watercourse disturbance, and length of watercourse disturbance in feet;
- e. Statement by the applicant that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
- f. Authorization for the members and agents of the Commission to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the permit;
- g. A completed DEP reporting form; the Commission shall revise or correct the information provided by the applicant and submit the form to the Commissioner of Environmental Protection in accordance with Section 22a-39-14 of the Regulations of Connecticut State Agencies;
- h. Letters of review from other City departments and other pertinent agencies (e.g.: Connecticut Department of Environmental Protection) as requested by the Commission;
- i. Drainage calculations prepared in accordance with the Department of Environmental Protection's "Connecticut Stormwater Quality Manual" (2004);
- j. A general wetland inventory and assessment where proposed activities are likely to significantly affect a wetland or watercourse;
- k. Documentation of the notification of the water company, if applicable, pursuant to Section 8.3 of these regulations;
- l. Any other information the Commission deems necessary to the understanding of what the applicant is proposing.
- m. Submission of the appropriate filing fee in accordance with Section 19.5 of these regulations.

7.8 At the discretion of the Commission or its agent, or when the proposed activity involves a significant impact, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required:

- a. Site plans for the proposed activity and the land which will be affected thereby which depict existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person;

- b. Engineering reports and analyses and additional drawings to fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sediment control plan;
- c. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service; the wetlands shall be delineated in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans;
- d. A description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions;
- e. A description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative which would cause less or no environmental impact to wetlands or watercourses, and a description of why each alternative considered was deemed to be imprudent or unfeasible;
- f. Analysis of chemical and physical characteristics of any fill material;
- g. Management practices and other measures designed to mitigate the impact of the proposed activity

- 7.9 The applicant shall certify whether or not the following conditions exist:
- 1. Any portion of the property affected by a decision of the Commission is within 500 feet of the boundary of an adjoining municipality;
 - 2. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - 3. A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
 - 4. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

- 7.10 Any application to renew or amend an existing permit shall be filed with the Commission in accordance with Section 8 of these regulations at least sixty-five (65) days prior to the expiration date of the permit. Any application to renew or amend such an existing permit shall contain the information required under Section 7 of these regulations provided:
- a. the application may incorporate the documentation and record of the prior application;
 - b. the application shall describe the extent of the 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 activity was 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 use of the land for which the permit was issued;
 - e. the Commission may, prior to the expiration of the permit, accept an untimely application to renew such 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 renewed, and the public interest or environment will be best served by not interrupting the activity.
- 7.10 Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than ten years. (Per Public Act 09-181: a) no permit issued during the time period from July 1, 2006 to July 1, 2009, inclusive, shall be valid for more than eleven years; and, b) no permit issued prior to July 1, 2006 or after July 1, 2009 may be valid for more than ten years.)
- 7.11 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:
- a. for the purposes of this section, “conservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.
 - b. for the purposes of this section, “preservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.
 - c. no person shall file a permit application, other than for interior work in an existing building or for exterior work that does not expand or alter the footprint of an existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction not later than sixty days prior to the filing of the permit application.

- d. in lieu of such notice pursuant to subsection 7.11c, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.

SECTION 8

APPLICATION PROCEDURES

- 8.1 All petitions, applications, requests or appeals shall be submitted to the Inland Wetlands, Watercourses and Conservation Commission of the City of Norwich.
- 8.2 The Inland Wetlands, Watercourses and Conservation Commission shall, in accordance with Connecticut General Statutes, Section 8-7d(f), notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request, or plan concerning any project on any site which:
- a. Any portion of the property affected by a decision of the Commission is within 500 feet of the boundary of an adjoining municipality;
 - b. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - c. A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or,
 - d. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, appeal, request, or plan.

- 8.3 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company, as defined in Section 16-1 of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company provided such water company has filed a map depicting the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Commission.
- 8.4 The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Commission, immediately following the day of the submission to the Commission or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner.
- 8.5 At any time during the review period, the applicant shall provide such additional

information as the Commission may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in Subsection 11.2 of these regulations.

- 8.6 All applications shall be open for public inspection.
- 8.7 Incomplete applications may be denied.

SECTION 9

PUBLIC HEARINGS

- 9.1 The Commission shall not hold a public hearing on an application unless it determines that the proposed activity is likely to have a significant impact on wetlands or watercourses, in which case the Commission must hold a public hearing. In addition, a hearing must be held if: a petition requesting a hearing, signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, is filed with the Commission not later than fourteen days after the date of receipt of such application, or the Commission finds that a public hearing regarding such application would be in the public interest. The Commission may issue a permit without a public hearing provided no petition provided for in this section is filed with the Commission on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard.
- 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 general circulation in the City of Norwich.

SECTION 10

CONSIDERATIONS FOR DECISION

- 10.1 The Commission may consider the following in making its decision on an application.
- a. The application and its supporting documentation;
 - b. Reports from other agencies and commissions including but not limited to the City of Norwich: Commission on the City Plan, Department of Public Works, Police Department, Building Official, Department of Public Utilities, Fire Marshal; Uncas Health District;
 - c. The Commission may also consider comments on any application from the Eastern Connecticut Soil & Water Conservation District; the Southeastern Connecticut Council of Governments; 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;
 - d. Non-receipt of comments from state agencies and commissions listed in subdivision 10.1b and c above within the prescribed time shall neither delay nor prejudice the decision of the Commission;
 - e. For an application for which a public hearing is held, public comments, evidence and testimony.
- 10.2 Criteria for Decision. In carrying out the purposes and policies of Sections 22a-36 through 22a-45 of the Connecticut General Statutes, including matters relating to regulating, licensing, and enforcing of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including but not limited to:
- a. The environmental impact of the proposed regulated 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;
 - 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 which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses
 - g. Measures which would mitigate the impacts of the proposed activity(s).
- 10.3 In the case of an application which received a public hearing pursuant to a finding by the Commission that the proposed activity is likely to have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the Commission shall consider the facts and circumstances set forth in 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 and watercourses, the Commission shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.
- 10.5 For the purposes of this section, (1) “wetlands and watercourses” includes aquatic plant or animal life and habitats in wetlands or watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or occurs.
- 10.6 The Commission shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic plant or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.
- 10.7 In reaching its decision on any application after a public hearing, the Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in reaching its decision.
- 10.8 In the case of an application where the applicant has provided written notice pursuant to Subsection 7.11c of these regulations, the holder of the restriction may provide proof to the inland wetlands agency that granting of the permit will

violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the inland wetlands agency shall not grant the permit approval.

- 10.9 In the case of an application where the applicant fails to comply with the provisions of Subsections 7.11c or 7.11d of these regulations, the party holding the conservation or preservation restriction may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction.

SECTION 11

DECISION PROCESS AND PERMIT

- 11.1 The Commission, or its duly authorized agent acting pursuant to Section 12 of these regulations, may, in accordance with Section 10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.
- 11.2 No later than sixty-five (65) days after receipt of an application, the Commission may hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (65) days after the 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, provided the total extension of all such periods shall not be longer than sixty-five (65) days, or may withdraw the application. The failure of the Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. Any application deemed incomplete by the Commission shall be withdraw by the applicant or denied by the Commission.
- 11.3 The Commission 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, notwithstanding technical input from staff relative to contents of the record, and shall be in writing, and shall incorporate a statement relative to the consideration of feasible and prudent alternatives.
- 11.4 The Commission shall notify the applicant and any person entitled of such notice of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Commission shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the City of Norwich. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

- 11.5 If an activity authorized by an inland wetland permit also involves an activity which requires a zoning or subdivision approval, special permit, or variance, under Sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, the Commission shall file a copy of the decision and report on the application with the Commission on the City Plan, and where applicable the Zoning Board of Appeals, within fifteen days of the date of the decision thereon.
- 11.6 Any permit issued by the Commission 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 years provided the Commission may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Commission for any other activity shall be valid for not less than two years and not more than five years. (Per Public Act 09-181: Any permit issued by the Agency during the time period from July 1, 2006, to July 1, 2009, inclusive, shall expire not less than six years after the date of such approval.)
- 11.7 No permit issued by the Commission shall be assigned or transferred without the written permission of the Commission.
- 11.8 If a bond or insurance is required in accordance with Section 13 of these regulations, the Commission may withhold issuing the permit until such bond or insurance is provided.
- 11.9 General provisions in the issuance of all permits:
- a. The Commission has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, misleading, incomplete or inaccurate, the permit may be modified, suspended or revoked.
 - b. All permits issued by the Commission are subject to and do not derogate any present or future rights or powers of the Commission or the City of Norwich, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity.
 - c. If the activity authorized by the Commission's permit also involves an activity which requires zoning or subdivision approval, special permit or variance under Sections 8-3(g), 8-3c or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.
 - d. In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
 - e. Permits are not transferable without the prior written consent of the Commission.

SECTION 12

ACTION BY THE DULY AUTHORIZED AGENT

- 12.1.1 The Commission may delegate to its duly authorized agent the authority to approve or extend a license for an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Commission and shall contain the information listed under Section 7 of these regulations and any other information the Commission may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 9 and 11 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 City of Norwich. Any person may appeal such decision of such agent to the Commission within fifteen (15) days after the publication date of the notice, and the Commission shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three (3) business days after receipt by such Commission or its agent of such appeal. Any person may appear and be heard at the meeting held by the Commission to consider the subject appeal. The Commission shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these regulations.

SECTION 13

BOND AND INSURANCE

- 13.1 The Commission may require, as a permit condition, the filing of a bond with such surety in such amount and in a form approved by the Commission after review by corporation counsel.
- 13.2 The bond or surety shall be conditioned on compliance with the provisions of these regulations and the terms, conditions and limitations established in the permit.

SECTION 14

ENFORCEMENT

- 14.1 The Commission may appoint an agent or agents to act in its behalf with the authority to issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this section, the Commission or its duly authorized agent shall take into consideration the criteria for decision under Section 10.2 of these regulations.
- 14.2 The Commission or its agent may make regular inspections, at reasonable hours, of any regulated activities for which permits have been issued with the consent of the property owner or the authorized agent of the owner during the life of the permit.
- 14.3 In the case in which a permit has not been issued or a permit has expired, the Commission or its agent may make regular inspections at reasonable hours with the consent of the property owner or authorized agent of the property owner.
- 14.4 If the Commission 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 Commission 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 Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing, and, within ten (10) days of the completion of the hearing, notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission shall publish notice of its decision in the newspaper having general circulation in the City of Norwich. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises, or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to 22a-44(b) of the Connecticut General Statutes, as amended.
 - b. Issue a Notice of Violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Commission, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed

in a Notice of Violation may result in issuance of the order provided in Section 14.4.a or other enforcement proceedings as provided by law.

- 14.5 The Commission may suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including plans submitted as part of the application package. Prior to revoking or suspending any permit, the Commission 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. The Commission shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Commission shall publish notice of the suspension or revocation in a newspaper having general circulation in the City of Norwich.

SECTION 15

AMENDMENTS

- 15.1 These regulations and the City of Norwich Inland Wetlands and Watercourses Map may be amended, from time to time, by the Commission in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- 15.2 An application filed with the Commission, which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application, shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Commission with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment, or change of boundaries of inland wetlands or watercourses, or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of receipt.
- 15.3 These regulations and the City of Norwich Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Commission shall provide the Commissioner of the Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five days before the public hearing on their adoption.
- 15.4 Petitions requesting changes or amendments to the City of Norwich Inland Wetlands and Watercourses Map shall contain at least the following information:
- a. The petitioner's name, mailing address and telephone number;
 - b. The address or location of the land affected by the petition;
 - c. The petitioner's interest in the land affected by the petition;
 - d. Map(s) depicting the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations; and,
 - e. The reasons for the requested action.
- 15.5 Any person who submits a petition to amend the City of Norwich Wetland Inland Wetlands and Watercourses Map shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource

mapping, soils mapping, or other information acceptable to the Commission. If such person is the owner, developer, or purchaser, in addition to the information required in Subsection 15.4, the petition shall include:

- a. The name, mailing address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
- b. The names and mailing address of the owners of abutting land;
- c. Documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and,
- d. Map(s) depicting any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.

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

15.7 A public hearing shall be held on petitions to amend the City of Norwich Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having a general circulation in the City of Norwich at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the date set for the hearing. All materials including maps and documents relating to the petition shall be open for public inspection.

15.8 The Commission shall hold a public hearing on a petition to amend the regulations or the City of Norwich Inland Wetlands and Watercourses Map within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five (35) days after commencement. The Commission shall act upon the changes requested in such petition within sixty-five (65) days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by an agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw such petition. Failure of the Commission to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.

15.9 The Commission shall make its decision and state, in writing, the reasons why the change(s) in the regulations or the City of Norwich Inland Wetlands and Watercourses Map was made.

SECTION 16

APPEALS

- 16.1 Appeal on actions of the Commission shall be made in accordance with the provisions of Section 22a-43 of the Connecticut General Statutes, as amended.
- 16.2 Notice of such appeal shall be served upon the Commission and the Commissioner of Environmental Protection.

SECTION 17

CONFLICT AND SEVERANCE

- 17.1 If there is a conflict among the provisions of these regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision or provision of these regulations shall not affect the validity of any other part, which can be given effect without such invalid part or parts.
- 17.2 If there is a conflict between the provisions of these regulations and the provisions of Connecticut General Statutes, Sections 22a-36 through 22a-45, the provisions of the latter shall govern.

SECTION 18

OTHER PERMITS

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

SECTION 19

FEES

19.1 Method of payment. All fees required by these regulations shall be submitted, at the time the application is filed with the Commission, to the Commission by certified check, known personal or business check, or money order payable to the City of Norwich.

19.2 No application shall be granted or approved by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant to Subsection 19.7 of these regulations.

19.3 The application fee is not refundable.

19.4 Definitions – as used in this section:

“Residential Uses” means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing (excludes multifamily housing as defined in Chapter 8 of the City of Norwich zoning regulations).

“Commercial uses” (includes multi-family residential for the purposes of levying fees) 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.

“Other uses” means activities other than residential uses or commercial/industrial/multifamily uses.

19.5 Fee Schedule – Application fees shall be based on the following schedule (Includes State surcharge as required Connecticut Public Act 04-144):

a. Regulated activities:

- Residential Uses (excluding multifamily use as defined in the City of Norwich zoning regulations)
 - i. Subdivision/lot development.....\$330.00
(plus \$50.00 per lot for each lot in excess of three (3) lots for subdivision or resubdivision)
 - ii. In Upland Review Areas: Sheds with footprint of 600 sq. ft. or less; swimming pools of 600 sq. ft. or less; septic system repair in accordance with the Connecticut Health Code as administered by the Uncas Health District; decks of 600 sq. ft. or less adjoining a house or swimming pool.....\$90.00

- Commercial/Industrial/Multifamily Uses.....\$330.00
 - All Other Uses.....\$180.00
 - Appeal of Duly Authorized Agent Decision.....\$230.00
 - Public Hearing Fee (in addition to other fees as applicable)...\$350.00
- b. Permitted and Nonregulated Uses:
- Permitted Uses as of Right.....\$0.00
 - Nonregulated Uses.....\$0.00
- c. Regulation Amendment Petitions.....\$330.00
(Does not include Notices or Regulation Advisories from DEP)
- d. Official Inland Wetland Map Amendment Petitions.....\$330.00
- e. Modification of Previous Approval.....\$130.00

19.6 Exemptions – Boards, commissions, councils and departments of the City of Norwich are exempt from all fee requirements.

19.7 Waiver – The applicant may petition the Commission to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Commission should consider in its determination under this subsection. The Commission may waive all or part of the application fee if the Commission determines that:

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

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

SECTION 20

EFFECTIVE DATE OF REGULATIONS

- 20.1 These regulations are effective upon filing in the Office of the City Clerk, and publication of a notice of such filing in a newspaper having general circulation in the City of Norwich.

APPENDIX A – Connecticut General Statute, Section 1-1(q)

Except as otherwise specifically defined, the words “agriculture” and “farming” shall include cultivation of soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or direct sale. The term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term “aquaculture” means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels, and other molluscan shellfish, on leased franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under Chapter 124.