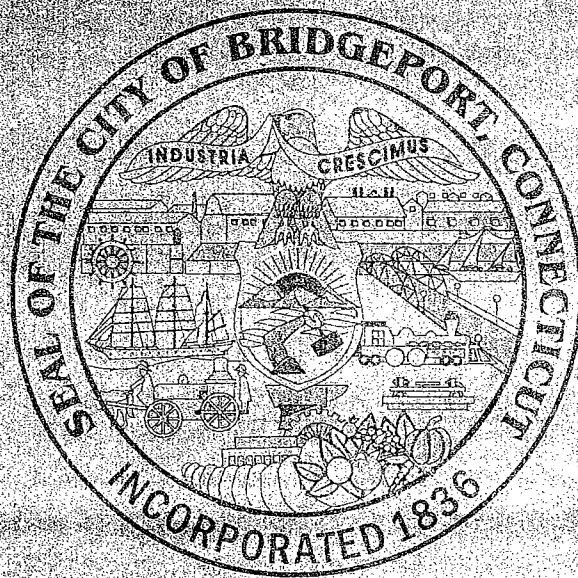


**INLAND WETLANDS AND WATERCOURSES
REGULATIONS
OF THE
CITY OF BRIDGEPORT, CONNECTICUT**



**EFFECTIVE
MARCH 18, 2002**

Inland Wetlands and Watercourses Regulations

for the

City of Bridgeport, Connecticut

Adopted:	<i>April 5, 1994</i>
Revised and Adopted:	<i>October 15, 1998</i>
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Section One

Purpose, Title and Authority

- 1.1 Purpose. The inland wetlands and watercourses of the state of Connecticut and the City of Bridgeport are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of 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 state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state and the City of Bridgeport by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the City of Bridgeport, and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state and the City of Bridgeport, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

- 1.2 Title. These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the City of Bridgeport, Connecticut."
- 1.3 Authority. The Inland Wetlands and Watercourses Agency of the City of Bridgeport was established in accordance with an ordinance adopted on February 21, 1989 and shall implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the City of Bridgeport.
- 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 Inland Wetlands and Watercourses Agency shall enforce all provisions of the Inland Wetlands and Watercourses Act and these Regulations and shall issue, issue with modifications, and deny permits for all regulated activities on inland wetlands and watercourses in the City of Bridgeport pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

Section Two Definitions

- 2.1 As used in these regulations:
 - a. "Act" means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the Connecticut General Statutes, as amended.
 - b. "Agency" means the Inland Wetlands and Watercourses Agency of the City of Bridgeport.
 - c. "Agency Member" means a member of the Inland Wetlands and Watercourses Agency of the City of Bridgeport.
 - d. "Anchorage" means an area sufficient for serving boats for recreation or use, coincidental to the enjoyment or maintenance of private or public water bodies.
 - e. "Aquifer Protection Area" means any area consisting of well fields as defined in Section 22a-354h(3) of the Connecticut General Statutes, as amended, areas of contribution, as defined in Section 22a-354h(4) of the Connecticut General Statutes, as amended, and recharge areas, as defined in Section 22a-354h(5) of the Connecticut General Statutes, as amended, and identified on maps approved by the Commissioner of Environmental Protection pursuant to Section 22a-354b through Section 22a-354d, inclusive of the Connecticut General Statutes, as

amended, within which land uses or activities shall be required to comply with regulations adopted pursuant to Section 22a-354o Connecticut General Statutes by the municipality where the aquifer protection area is located.

- f. "Bogs" are areas distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.
- g. "City" means the City of Bridgeport, Fairfield County, Connecticut.
- h. "Clear-cutting" means the harvest of timber in a fashion which removes all trees down to a two (2) inch diameter at breast height.
- i. "Commissioner of Environmental Protection" means the commissioner of the State of Connecticut Department of Environmental Protection.
- j. "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.
- k. "Deposit" includes, but shall not be limited to fill, grade, dump, place, discharge or emit.
- l. "Designated agent" means an individual(s) designated by the Agency to carry out its functions and purposes.
- m. "Discharge" means emission of any water, substance, or material into a regulated area whether or not such substance causes pollution.
- n. "Disturbing the natural and indigenous character of the land" means that the activity will significantly alter the inland wetlands 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 inland wetland or watercourse.
- o. "Essential to the farming operation" means that the activity proposed is necessary and indispensable to sustain farming activities on an existing farm.
- p. "Farming" means use of land for the growing of crops, raising of livestock or other agricultural use.
- q. "Feasible" means able to be constructed or implemented consistent with sound engineering principles.
- r. "Hydrophytic vegetation" means macrophytic plant life growing in water, soil

or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

- s. "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 Agency.
- t. "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 upland review areas 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; and confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.
- u. "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 recognized as marsh vegetation as listed in the booklet titled Inland Wetland Plants of Connecticut (May 1973) (The Connecticut Arboretum, Connecticut College, New London, Connecticut). 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 (6) inches or more in depth are common.
- v. "Material" means any substance, solid or liquid, organic or inorganic, including but not limited to soil, sediment, aggregate, land, gravel, clay, bog, peat, mud, debris, sand, refuse or waste.
- w. "Municipality" means the City of Bridgeport, Fairfield County, Connecticut.
- x. "Nurseries" means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.
- y. "Permit" means the whole or any part of any license, certificate or approval or similar form of permission which may be required of any person by the provisions of these Regulations under the authority of the Agency.
- z. "Permittee" means the person to whom such permit has been issued.
- aa. "Person" means any person, firm, partnership, association, corporation,

company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

- bb. "Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the City by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.
- cc. "Pond" means a natural or artificially confined body of water.
- dd. "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.
- ee. "Regulated Activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses.
 - 1. Regulated Activity also includes any operation within the upland review area, as defined in these Regulations, involving any earth moving, earth filling, construction of roads or buildings, clear cutting of trees or undergrowth, installation of septic systems or stormwater management structures or facilities or use or storage of petrochemicals, petrochemical products, herbicides, hazardous waste as defined in the Connecticut General Statutes as amended, or other similar products or substances in a manner that their use or storage may allow them to enter and adversely affect the inland wetland or watercourse. Any of the above activities or other activity which is likely to impact or affect wetlands and/or watercourses occurring within these non-wetland or non-watercourse areas must be reviewed pursuant to Section 4.4 of these Regulations for determination as to whether an application need be filed with the Agency.
 - 2. Regulated Activity does not include the permitted as of right and nonregulated uses and activities specified in Sections 4.1 and 4.2 of these Regulations.
- ff. "Regulated area" means any wetland or watercourse as defined in these regulations.
- gg. "Remove" includes, but shall not be limited to, drain, excavate, mine, dig,

dredge, suck, grub, clear cut timber, bulldoze, dragline or blast.

- hh. "Rendering unclean or impure" means any alteration of the physical, chemical or biological properties of any waters of the City, including, but not limited to, change in odor, color, turbidity or taste.
- ii. "Significant activity" means any activity, including, but not limited to, the following activities which may have a major effect or significant impact on the regulated area for which an application has been filed or on another part of the inland wetland or watercourse system:
1. Any activity involving a deposition or removal of material which will or may have a major effect or significant impact on the regulated area or on another part of the inland wetland 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; or to prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space; or to perform other functions; or
 4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in an inland wetland or watercourse, the destruction or impairment of an identified aquifer protection area, the reduction of an inland wetland's or watercourse's natural flood storage capacity which might result in increasing the volume or velocity of water leading to upstream or downstream flooding, or erosion and sedimentation or impairment of the natural flushing of stream sediment during normal flooding; or
 5. Any activity which causes a substantial diminution of flow of a natural watercourse or ground water levels of the regulated area or the degradation of a watercourse or the surface and/or ground water of an inland wetland such degradation measured by standards of the Connecticut Department of Environmental Protection, Bureau of Water Management, where applicable; or
 6. Any activity which causes or has the potential to cause pollution of an inland wetland or watercourse; or
 7. Any activity which damages or destroys unique inland wetland or

watercourse areas or such areas having demonstrable aesthetic, scientific or educational value.

- jj. "Soil Scientist" means an individual duly qualified in accordance with standards set by the federal Office of Personnel Management (formerly the U.S. Civil Service Commission.)
- kk. "Swamps" mean poorly drained areas with soils that exhibit aquatic (i.e.; saturated) moisture regimes with a water table at or near the surface of the ground throughout most of the year; they contain vegetation dominated by an association of trees and/or shrubs recognized as swamp species. Typical examples of swamp species are listed in the booklet titled Inland Wetland Plants of Connecticut, dated May 1973 (The Connecticut Arboretum, Connecticut College, New London, Connecticut).
- ll. "Submerged lands" means those lands which are inundated by water on a seasonal or more frequent basis.
- mm. "Upland review area" means that regulated area within a distance of one-hundred (100) feet from each point on the boundary of an inland wetland or watercourse not otherwise regulated pursuant to Section 22a-35 of the Connecticut General Statutes, as amended (Tidal Wetlands).
- nn. "Waste" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the inland wetlands or watercourses of the City.
- oo. "Watercourse(s)" 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 Sections 22a-28 through 22a-34 of the Connecticut General Statutes, as amended.

Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

- pp. "Wetland(s)" means land, including submerged land not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as

may be amended from time to time, of the Natural Resources Cooperative Soil Survey of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquatic soil moisture regime as defined by the USDA Cooperative Soil Survey.

Section Three Inventory of Regulated Areas

- 3.1 The map of regulated areas entitled "Inland Wetlands and Watercourses Map, Bridgeport, 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 City Clerk or the Inland Wetlands and Watercourses Agency. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types, and locations of watercourses. The Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.
- 3.2 Any person who disputes the designation of a regulated area on the Inland Wetlands and Watercourses Map, may petition the Agency to change the designation in accordance with Section 15 of these Regulations. 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 15 of these Regulations may be required of the petitioner when the Agency requires an accurate delineation of regulated areas.
- 3.3 The Agency and/or its designated agent(s) will monitor and maintain general surveillance of the regulated areas within the City to ensure that no unauthorized regulated activities occur.
- 3.4 The Agency or its designated agent(s) 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 inland wetlands and watercourses within the City. Such map amendments are subject to the public hearing process outlined in Section 15 of these Regulations.

Section Four Uses of Inland Wetlands and Watercourses

- 4.1 Permitted As of Right Uses: 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 (3) acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of inland wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, or the mining of topsoil, peat, sand, gravel or similar material from inland wetlands or watercourses for the purposes of sale;

- b. A residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by the Planning and Zoning Commission of the City as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of Section 22a-42a of the Connecticut General Statutes, 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 inland 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 or as built survey showing proposed and existing topographic contours, house locations, utility locations, driveway, approval dates or other necessary information to document his or her entitlement;
- c. Boat anchorage or mooring, but not including 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 City and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse;
- e. Construction and operation, by water companies as defined by Section 16-1 of the Connecticut General Statutes, as amended or by municipal water supply systems as provided for in Chapter 102, of the Connecticut General Statutes, as amended 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 Connecticut General Statutes, as amended;
- 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, which ever is earlier, provided such pipe is on the property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil and other debris whether by hand or machine, while the pipe remains in place.

4.2 Nonregulated Uses: The following operations and uses shall be permitted as nonregulated uses in inland wetlands and watercourses, provided they do not disturb the natural and indigenous character of the inland wetlands or watercourses by removal or deposition of material, alteration or obstruction of water flow or pollution of the inland wetland or watercourse:

- a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices;
- b. Outdoor recreation including the use of play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing and cross-country skiing where otherwise legally permitted and regulated.

4.3 Permitted As of Right Uses or Nonregulated Use Requiring Notification: To carry out the purposes of this section, any person proposing to carry out a permitted as of right or nonregulated operation or use in an inland wetland or watercourse that may disturb the natural and indigenous character of the inland wetland or watercourse shall, prior to commencement of such operation or use, notify the Agency on its form entitled, "Request of Review of Activity" as follows:

- a. The Agency shall be provided with sufficient information to enable it to properly determine that the proposed activity, operation and use is a permitted as of right use or nonregulated use in an inland wetland or watercourse.
 1. The "Request of Review of Activity" form is useful to any City property owner in proving the status of permitted as of right uses or nonregulated uses.
- b. The Agency or its designated agent shall rule that the proposed operation or use is a permitted as of right use or a nonregulated use or operation or that a permit is required; or, in the case of an upland review area, whether the proposed operation or use has the potential to adversely affect an inland wetland or watercourse, thereby requiring submission of a permit application pursuant to Sections 6 and 7 of these Regulations. Such ruling shall be in writing and shall

be made no later than the next regularly scheduled meeting of the Agency following the meeting at which the request was received. The designated agent for the Agency may make such ruling on behalf of the Agency at any time.

- 4.4 Activities, Operations, or Uses Requiring a Permit: The following activities, operations or uses, when conducted in a regulated area, as defined in Section 2.1. ff of these Regulations, shall require a permit from the Agency in accordance with Section 6 of these Regulations:
- a. Filling;
 - b. Excavation, grading and paving;
 - c. Dredging;
 - d. Clear cutting and grubbing;
 - e. Construction; or
 - f. Any other alteration or use of the regulated area not specifically permitted by this section.
- 4.5 Best management practices, which include any needed erosion, sedimentation and pollution controls should be employed in any activity carried out pursuant to Section 4 of these Regulations to minimize any erosion, sedimentation, pollution and any other harm to regulated areas.

Section Five

Activities Regulated by the State or Federal Government

- 5.1 In addition to any permit or approval required by the Agency, the Commissioner of Environmental Protection and any agent of the Federal Government shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:
- a. Construction, encroachment or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349 of the Connecticut General Statutes, as amended;
 - b. Diversion of water including withdrawals of surface or groundwater in excess of fifty thousand (50,000) gallons per day, or any change in the instantaneous flow of any surface waters of the state where the tributary watershed area above the point of diversion is 100 acres or larger pursuant to Sections 22a-365 through 22a-378 of the Connecticut General Statutes, as amended;
 - c. Discharges into the waters of the state pursuant to Section 22a-430 of the Connecticut General Statutes, as amended;
 - d. 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, as amended.

5.2 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting inland wetlands or watercourses, undertaken by any department, agency or instrumentality of the state of Connecticut, except any local or regional board of education:

- a. After an advisory decision on such license or permit has been rendered to the Commissioner of Environmental Protection by the Agency within which such inland wetland or watercourse is located; or
- b. Thirty-five days (35) after receipt by the Commissioner of Environmental Protection 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 221-28 through 22a-35 of the Connecticut General Statutes, as amended.

5.4 The Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under section 22a-402 or a dam construction permit issued by the Commissioner of Environmental Protection sections 22a-403 or 22a-41 of the Connecticut General Statutes, as amended. Any person receiving such dam repair or removal order or dam construction permit shall not be required to obtain a permit from a municipal wetland agency for any action necessary to comply with said dam or to carry out the activities authorized by said dam permit.

Section Six Regulated Activities to be Licensed

6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands and Watercourses Agency of the City of Bridgeport.

6.2 The Agency shall regulate any temporary or permanent operation within or use of the regulated area or which will otherwise impact a regulated area involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such regulated area and any earth moving, removal of material, filling, construction or clear cutting of trees, grubbing, storm drainage discharge, septic system leachate or use or storage of hazardous materials or other pollutants within 100 feet of the boundary of such regulated area and any other regulated activity, unless such operation or use is

permitted as of right 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 Agency, 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 Seven Application Requirements

- 7.1 Any person wishing to undertake a regulated activity as defined in Section 2.1.ff above, shall either file a Request for Review of Activity pursuant to Section 4.3 or shall apply for a permit on a form entitled "City of Bridgeport Inland Wetlands and Watercourses Agency - Application for a Permit." The procedure for the filing of applications shall be as follows:
- a. All applications shall include an application form plus the information prescribed by Sections 7.3;
 - b. The Agency or designated agent and the applicant may hold a pre-application meeting to determine whether or not the proposed application needs additional information;
 - c. In the case of a significant activity as defined in Section 2.1.jj of these Regulations, the additional information prescribed in Section 7.4 of these Regulations shall be required;
 - d. All applications shall contain such information that is necessary for a fair and informed determination of the issues.

Application forms may be obtained from the City Clerk or the Inland Wetlands and Watercourses Agency.

- 7.2 Applications for permits submitted to the Agency shall be accompanied by the appropriate filing fee at the time of filing as set forth in the fee schedule.
- a. The appropriate fee shall be sufficient to cover the reasonable estimated costs of reviewing and acting upon an application and monitoring compliance with any permit or order, and may include, but not be limited to, the costs of publishing notices and decisions, of site inspections, of hiring expert consultants, including certified soil scientists, environmental consultants, and engineering consultants needed by the Agency to review application and monitor compliance.

- 7.3 All applications shall include the following information in writing or on maps or drawings:
- 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 and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, and upland review area, a computation of the area(s), in acres or square feet, volume, cubic yards or cubic feet of regulated areas (i.e.; inland wetlands or watercourses and upland review area) to be disturbed, soil type(s) and vegetation;
 - e. The purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
 - f. Alternatives considered by the applicant and why the proposal to alter the regulated area set forth in the application was chosen. These alternatives shall be diagrammed on a site plan or drawing and submitted to the Agency as part of the application;
 - g. A site plan showing existing and proposed conditions in relation to the regulated area 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 may have an impact on wetlands or watercourses;
 - h. Names and addresses of abutting 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 and designated 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;

m. Submission of a completed DEP reporting form. The reporting form shall be part of the application and the following information shall be provided by the applicant: name of applicant; location and name of project; project and site description; and area of wetlands and/or linear feet of watercourse proposed to be altered. The Agency or its designated agent shall be responsible for the remaining information and any corrections on the form and for filing it with the Commissioner of Environmental Protection in accordance with Section 22a-39-14 of the Regulations of Connecticut State Agencies.

7.4 If the proposed activity involves a significant impact activity as determined by the Agency and defined in Section 2.1.jj of these Regulations, additional information and procedures, based on the nature and anticipated effects of the activity, including but not limited to the following, shall be required:

a. Site plans for the proposed use or operation and the property which will be affected, drawn on a reproducible medium in the format of 24" x 36" or 18" x 24" or 12" x 18" which shows existing and proposed conditions, regulated area boundaries (i.e.; inland wetland and watercourse boundaries plus the upland review area), land contours at two (2) foot intervals, deep pit and percolation test sites and data therefrom, the approximate boundaries or edges of any treed areas, boundaries of land ownership, proposed alterations and uses of regulated areas, and other pertinent features of the development, which plans may be required to be drawn according to Chapter 390, 391 and 396 of the Connecticut General Statutes, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by and registered in the State of Connecticut, or by such other qualified person.

b. Measures which mitigate or lessen the impact of the proposed activity. Such measures include, but are not limited to, plans and notations on site plans of actions which avoid destruction or diminution of inland 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:

1. A construction sequence schedule shall be attached to the approved site plan that will clearly inform all contractors and others retained in the process of carrying out the approved plan of the order of construction.

2. In the event that construction activity or ongoing activity after the

completion of construction requires greater inspection and review that can be provided by the Agency or its designated agent, there shall be monitoring and/or inspections, on a schedule to be determined by the Agency or its designated agent, by an independent consultant of the placement and performance of all erosion and sedimentation controls by an independent party engaged by and paid for by the applicant and approved by the Agency or designated agent. The consultant shall send written reports on performance levels, according to a schedule determined by the Agency or its designated agent, simultaneously to both the Agency or its designated agent, and to the applicant.

- c. A map(s) at a scale of one (1) inch equals forty (40) feet identifying the location and limits of all regulated areas; existing and proposed conditions in relation to regulated areas; location of prominent features such as bedrock outcrops; stone walls; large trees; existing buildings and drives; abutting property owners; soil erosion and sedimentation control measures; any measures to detain or retain stormwater runoff or recharge ground water; any planting or urban wildlife habitat improvement; any other measures proposed to mitigate the potential environmental impacts, and showing:
1. The geographical location of the property to be affected by the proposed activity;
 2. Adjacent lands and regulated areas;
 3. Upstream and downstream areas to be affected by the proposed activities;
 4. Down gradient regulated areas within five hundred (500) linear feet which are off-site and their condition;
 5. Existing off-site structures on adjacent properties;
 6. Watershed, bioregional or drainage area boundaries which influence the subject regulated area; and
 7. Other pertinent features including, but not limited to, property lines, roads, drives, existing on-site buildings with floor elevations and their utilities, topography, soil types from published soil surveys, existing lands protected as open space or by private conservation easements, and types of vegetative cover, including tree stands, shrubs and other significant vegetation and sources of water supply;
- d. Engineering reports and analyses and additional drawings to fully describe the

proposed project and any filling, excavation, drainage or hydraulic modifications to the regulated area and the proposed erosion and sedimentation control plan;

- e. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Soil Conservation Service. Wetlands shall be delineated in the field by a certified soil scientist and that the field delineation be incorporated into the site plan(s) required by Section 7.4.a above. A certified soil scientist shall sign the site plan(s) stating that the surveyed map accurately depicts the field conditions. The certified soil scientist shall also prepare a report that includes that name of the application, the file number and project name, the location of and limits of the property investigated, the dates of soil investigations, a brief description of each soil mapping unit investigated and encountered, the set of the consecutive numbers used on survey tapes to identify wetland boundaries, and a certified statement that the wetland boundaries appearing on the site plan are true and accurate;
- f. The wetland boundaries shall be flagged and consecutively numbered with blue or red weatherproof ribbon attached to stakes at least two (2) feet above the ground no more than twenty-five (25) feet apart along the ground by a certified soil scientist;
- g. All wetlands and watercourses identified on the property shall be surveyed by a licensed land surveyor; the wetlands, watercourses and upland review area shall be plotted on the site plan;
- h. The ecological communities and functions of the inland wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions shall be described, along with a discussion of the alternatives considered and why each alternative considered was deemed neither feasible nor prudent;
- i. Analysis of chemical or physical characteristics of any proposed fill material;
- j. Any other specific information which may be reasonably required by the Agency or its designated agent(s);
- k. The applicant is required to give notice of its application, by certified mail, describing the location and nature of the regulated activity(s), to all abutting property owners, or owners of property within one hundred (100) feet of said location, and one hundred (100) linear feet in the down gradient direction of said location.

7.5 A portion or all of the requirements of Section Seven may be waived if the Agency or

its designated agent finds that the information is not necessary in order to decide upon the application. Upon request for such waiver, the Agency or its designated agent shall specify which of the requirements need not be complied with. If such waiver is granted, the Agency or its designated agent may at any subsequent time determine that a more complete application is necessary for a proper determination of the issues, and it will inform the applicant of the necessary additional material. In that event, the applicant shall submit the additional material to the Agency according to Section Eight of these Regulations.

7.6 The applicant shall certify whether:

- a. Any portion of the property on which the regulated activity is proposed is located within five hundred (500) feet of the boundary of an adjoining municipality;
- b. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or,
- d. Stormwater runoff from the developed site will impact streets or other municipal or private property within the adjoining municipality.

7.7 Thirteen (13) copies of all application materials shall be submitted to comprise a complete application or as is otherwise directed, in writing, by the Agency or its designated agent.

7.8 Any application to renew or amend an existing permit shall be filed with the Agency at least sixty-five (65) days prior to the expiration date for the permit in accordance with Sections 8.4 through 8.8 of these Regulations. Any application to renew or amend shall be made in accordance with this section provided:

- a. The application may incorporate by reference the documentation and record of the original application, including but not limited to, the name, current address and telephone number of the permit holder, the address or location and description of the property involved, the dates of issuance and expiration of the permit, and the Agency's file number;
- b. The application shall describe any changes in facts or circumstances involved with or affecting the regulated area or the property for which the permit was issued;
- c. The application shall state the reason why the authorized activities were not

initiated or completed within the time specified in the permit;

- d. The Agency may accept an untimely application to renew 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 judgement, the permit is likely to be renewed 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.

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

Section Eight Application Procedures

- 8.1 The purpose of this section is to advise potential applicants of the procedures that must be followed in submitting and filing applications required by these Regulations.
- 8.2 Prior to filing an application for official receipt by the Agency, the applicant should consult with the Agency's Chairman/Chairwomen or designated agent to ensure that the application may be deemed complete. Discussion of the application with other City staff members can be arranged when appropriate.
- 8.3 All applications shall be submitted to the Chairman/Chairwomen of the Inland Wetland and Watercourses Agency of the City of Bridgeport at City Hall or its designated agent. An application fee shall be paid for each submission at the time of each filing. The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Agency immediately following the day of submission to the Agency, provided such meeting is no earlier than three (3) business days after receipt, or thirty-five (35) days after such submission, whichever is sooner.
- 8.4 At any time during the review period, the Agency or its designated agent may require the applicant to provide additional information about the regulated area or regulated activity which is the subject of the application, or the inland wetlands, watercourses or upland review area areas affected by the regulated activity. Requests for additional information shall not stay the time limitations as set forth in Section 11.2 of these

Regulations.

- 8.5 All applications shall be open for public inspection in the office of the City Clerk or the Agency.
- 8.6 Applications may be denied if the information required or requested is insufficient or incomplete.
- 8.7 In the case of any application where any portion of the regulated area on which the regulated activity is proposed is located within five hundred (500) feet of the boundary of the towns of Stratford, Trumbull, Fairfield or Easton, the applicant shall give written notice, in accordance with Section 22a-42c of the Connecticut General Statutes of the proposed activity, certified mail, return receipt requested, to the adjacent municipal inland wetlands and watercourses agency on the same day of filing an inland wetland permit application with the Agency. Documentation of such notice shall be provided to the Agency in accordance with Section 22a-42c of the Connecticut General Statutes.
- 8.8 The Agency shall, in accordance with Section 22a-42b, of the Connecticut General Statutes notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:
- a. Any portion of the property on which the regulated activity is proposed is located within five hundred (500) feet of the boundary of an adjoining municipality;
 - b. A significant portion of the traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - c. A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or,
 - d. Stormwater runoff from the developed site will impact streets or other municipal or private property within the adjoining municipality.

Notice of the pendency of such application shall be made by the Agency by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application.

- 8.9 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 showing the boundaries of the watershed on the

land records of the City and/or with Agency. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) 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 Agency.

Section Nine Public Hearings

- 9.1 Public Hearings: Significant Activity. The Agency shall not hold a public hearing on an application unless the Agency determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least twenty-five (25) persons requesting a hearing is filed with the Agency not later than fourteen (14) days after the submission (day of receipt) of such application or the Agency finds that a public hearing regarding such application would be in the public interest. The Agency may issue a permit without a public hearing provided no petition provided for in this section is filed with the Agency on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five (65) days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any such public hearing.
- 9.2 Public Hearing Notice Requirements. Notice of the public hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in the City where the affected regulated area is located.
- 9.3 Notice of the public hearing shall be mailed by the applicant to the owner(s) of record of abutting land within 100 feet of the property, no less than fifteen (15) days prior to the day of the hearing. Said notices shall be mailed Certified Mail - Return Receipt Requested. Proof of such notification shall be entered into the hearing record.
- 9.4 In the case of any application which is subject to the notification provisions of Section 8.8 of these Regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality(ies) has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

Section Ten Considerations for Decision

- 10.1 The Agency may consider the following in making its decision on an application:

- a. The application and its supporting documentation;
- b. Public comments, evidence and testimony from a public hearing or meeting;
- c. Reports from City officials and commissions including, but not limited to the following:
 - 1. Planning and Zoning Commission;
 - 2. Building Official/City Engineer;
 - 3. Director of Health; and,
 - 4. City Council.
- d. The Agency may also consider comments on any application from the Fairfield County Soil and Water Conservation District, the Department of Environmental Protection, the King's Mark Environmental Review Team, and the Greater Bridgeport Regional Planning Agency; 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 Section 10.1.c and d above within the prescribed time shall neither delay nor prejudice the decision of the Agency.

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

- a. the environmental impact of the proposed 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;
- 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 or watercourses.
- g. the proposed regulated activities which do not in any way interfere with the drainage system of the area, considering the general topography of the area, the watercourse pattern of the vicinity and the size of the drainage areas involved;
- h. previous compliance record of the applicant (or any agent or employee of the applicant, or any person with an ownership interest in the application) regarding demonstrated ability to implement any previous requirements of the Agency and to mitigate the adverse impacts to the regulated area as required by the Agency;

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

10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Agency shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.

10.5 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision. However, the Agency is not precluded from seeking advice from its own experts on information already in the record of the public hearing, nor is it precluded from incorporating information known to Agency members by their own observations and familiarity with the area; however, it will do so only after providing notice to the applicant. A

conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that the application is consistent with the purposes and policies of these regulations and Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.

Section Eleven Decision Process and Permit

- 11.1 The Agency, 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 in the following order of priority: restore, enhance and create productive wetland or watercourse resources.
- 11.2 No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing on such application. The hearing shall be completed within forty-five (45) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this section for the holding of the hearing and for action on such application, provided the total extension of any such period shall not be for longer than the original period as specified in this section, or may withdraw such application. The failure of the Agency to act within any time period specified in this section, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency or its designated agent 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 the Agency shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the City wherein the regulated area lies. In any case in which such notice is not published

within such fifteen (15) day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

- 11.5 If an activity authorized by the inland wetland permit also involves an activity or project which requires zoning or subdivision approval, special permit, zoning permit, variance or special exception, a copy of the decision and report on the application shall be filed with the City Planning and Zoning Commission or Zoning Board of Appeals within fifteen (15) days of the date of the decision.
- 11.6 Any permit issued by the Agency for the development of land for which an approval is required under Section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five years provided the Agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Agency for any other activity shall be valid for not less than two years and not more than five years.
- 11.7 If the Agency denies the permit, or if it grants a permit with terms, conditions, limitations or modifications, the applicant may attempt to modify the proposal to the Agency's satisfaction. The Agency shall determine whether the proposed modification requires the filing of a new application. 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.
- 11.8 The duration of any permit issued pursuant to these Regulations, shall be for five (5) years unless otherwise specified in the permit or extended by the Agency. Any regulated activity approved by the Agency shall be completed within one (1) year from the time such activity is commenced provided the Agency may establish a specific time period within which any regulated activity shall be constructed and may require that an activity, once commenced, be completed within a time period of less than one (1) year and further provided the Agency may extend:
 - a. the time period of the original permit provided such period shall not extend beyond ten (10) years from the date such permit was granted; or
 - b. the time period within which an activity, once commenced.
- 11.9 No permit shall be assigned or transferred without the written permission of the Agency or its designated agent. Failure to request and receive such assignment or transfer shall invalidate any such permit.
- 11.10 If a bond or insurance is required in accordance with Section 13 of these Regulations, no permit shall be issued until such bond or insurance is provided. The Agency may require an as-built survey to A-2 standards upon completion of the activity as a condition of release of a bond and insurance.

11.11 General provisions in the issuance of all permits:

- a. The permit may be modified, suspended or revoked, if when evaluating the application, the Agency relied in whole or in part on information provided the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate;
- b. All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the City, 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; and
- c. The permittee shall take such necessary steps consistent with the terms and conditions of the permit to control stormwater discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of the regulated area.

Section Twelve
Action by Duly Authorized Agent

- 12.1 The Agency may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Agency and shall contain the information listed under Section 7.5 of these regulations and any other information the Agency may reasonable 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 days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Agency within fifteen (15) days after the publication date of the notice and the Agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three (3) business days after receipt by such Agency or its agent of such appeal. Any person may appear and be heard at the meeting held by the Agency to consider the subject appeal. The Agency shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these regulations.

Section Thirteen Bond and Insurance

- 13.1 Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Agency or its designated agent, be required to file a bond with such surety in such amount and in a form approved by the Agency or its designated agent.
- 13.2 The bond or surety shall be conditioned on compliance with all provisions of these Regulations and the terms, conditions and limitations established in the permit.
- 13.3 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 regulated area covering any and all damage which might occur within two (2) years of completion of such operations, in an amount commensurate with the regulated activity.
- 13.4 Prior to the release of a bond and insurance, the Agency may require the submission of an as-built survey to A-2 standards as required in Section 11.10 of these Regulations.

Section Fourteen Enforcement

- 14.1 The Agency may appoint an agent or agents to act in its behalf with the authority to inspect property except entrance into a private house or building, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these Regulations.
- 14.2 As a condition of a permit, the following may be required:
 - a. The Agency or its designated agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these Regulations;
 - b. All applicants shall delineate the limits of disturbance in the field with such measures as silt fencing, construction fencing and/or haybales prior to the start of any earthwork and construction as approved by the Agency. No activity shall be conducted beyond this limit for any purposes associated with the permit without notification to and approval of the Agency or its designated agent(s);
 - c. Completed "as built" plans that show the actual extent of construction, disruption, filling, excavating, etc. in the regulated area shall be submitted within three (3) months of completion of the regulated activity or as otherwise

deemed necessary by the Agency or designated agent; and

- d. A Start Card, received by the Agency or its designated agent from the applicant at least two (2) working days prior to actual construction startup, used to initiate the first inspection to determine adequacy of erosion controls. The Finish Card received by the Agency or its designated agent from the applicant for a final inspection to determine that the project is complete according to a permit. (See Appendix C, Form D).

14.3 If the Agency or its designated agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these Regulations, the Agency or its designated agent may:

- a. Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or conditions to immediately cease such activity or to correct such facility or conditions. 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, return receipt requested, that:
 - 1. The original order remains in effect;
 - 2. That a revised order is in effect; or
 - 3. That the order has been withdrawn.

The Agency shall publish notice of its decision in a newspaper having general circulation in the City. The original order shall be effective upon issuance and shall remain in effect until the Agency or designated agent affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to Section 22a-44(b) of the Connecticut General Statutes, as amended.

- b. Suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Agency shall:
 - 1. Issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action;
 - 2. Schedule a public hearing within fifteen (15) days of the notice described in Section 13.3.a above at which time the permittee shall be given an

opportunity to show that the activities are in compliance with the permit and any and all requirements for retention of the permit; and

3. Notify the permittee of the Agency's decision to suspend, revoke, or continue a permit by certified mail, return receipt requested within fifteen (15) days of the date of its decision and the Agency shall cause notice of its order to be published in a newspaper having a general circulation in the City within fifteen (15) days of the date of its decision.
- c. Issue a notice of violation to such person conducting such activity or maintaining such facility or conditions, stating the nature of the violation, the jurisdiction of the Agency, and prescribing the necessary actions and steps to correct the violation including, without limitation, halting work in inland wetlands, watercourses, or upland review area areas. 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 file 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 Section 13.3.a of these Regulations or other enforcement proceedings as provided by law.

Section Fifteen Amendments

- 15.1 These Regulations and the Inland Wetlands and Watercourses Map for the City of Bridgeport may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Environmental Protection, or as new information becomes available regarding soils and inland wetlands, watercourses and upland review area areas, or the regulation thereof.
- 15.2 An application filed with the Agency which is in conformance with the applicable Regulations as of the date of the decision of the Agency with respect to such application shall not be required thereafter to comply with any change in the Regulations, including changes to the upland review area, taking effect on or after the date of such decision and any appeal from the decision of the Agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such decision. The provisions of this section shall not be construed to apply to:
 - a. The establishment, amendment or change of boundaries of inland wetlands or watercourses; or

- b. Any change in these Regulations necessary to make such Regulations consistent with the provisions of Chapter 440 of the Connecticut General Statutes as of the date of such receipt.
- 15.3 These Regulations and/or the City of Bridgeport 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 the proposed notice of the public hearing and a copy of any proposed regulations or amendments thereto, except map amendments pursuant to Section 14.4 of these Regulations, at least thirty-five (35) days before the public hearing on their adoption. Petition forms are available in the Inland Wetlands Office.
- 15.4 Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, Bridgeport, Connecticut" shall contain at least the following information:
- a. the petitioner's name, address and telephone number;
 - b. the address of the land affected by the petition;
 - c. the petitioner's interest in the land affected by the petition;
 - d. map(s) showing 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 Inland Wetlands and Watercourses Map, Bridgeport, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation or aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Agency. 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, address and telephone number of the owner(s) of such land and owner(s) agent or other representative.
 - b. the names and addresses 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 the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types.
 - d. map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.

- 15.5 Watercourses, including the center line of intermittent streams and the boundaries of swamps, bogs, and marshes shall be delineated and flagged by a certified soil scientist, geologist, ecologist or other qualified individual for review by the Agency or its designated agent in making a determination.
- 15.6 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 City at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days, before such hearing. A copy of such proposed boundary change shall be filed with the Agency and in the Office of the City Clerk for public inspection at least ten (10) days before such hearing.
- 15.7 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 petitioner may consent to one or more extensions of the periods specified in this section for the holding of the hearing and for action on such petition, provided the total extension of any such period shall not be for longer than the original period as specified in this section, or may withdraw such petition. The failure of the Agency to act within any time period specified in this section, or any extension thereof, shall not be deemed to constitute approval of the petition.
- 15.8 The Agency shall act upon the changes requested in such petition within sixty (60) days after the close of the hearing.
- 15.9 The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.
- 15.10 If the inland wetland or watercourse boundary change is granted, it shall be the responsibility of the petitioner to record the map on the Bridgeport Land Records.

Section Sixteen

Appeals

- 16.1 Appeal of actions of the Agency 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 Agency and the Commissioner of Environmental Protection.

Section Seventeen

Conflict and Severance

- 17.1 If there is a conflict between the provisions of these Regulations, the provision which imposes the most stringent standards for the use of inland wetlands, watercourses or upland review areas 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 valid part or parts.

Section Eighteen 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 Bridgeport, State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

Section Nineteen Application Fees

- 19.1 Method of Payment. All fees required by these Regulations shall be submitted to the Agency by certified check or money order payable to the City of Bridgeport at the time the application is filed with the Agency.
- 19.2 No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Agency pursuant to Section 19.6 of these Regulations.
- 19.3 The application fee is not refundable.
- 19.4 Fee Schedule. The Fee Schedule for all Agency applications is available from the Inland Wetlands Office.
- 19.5 Exemption. Boards, commissions, councils and departments of the City are exempt from all fee requirements.
- 19.6 Waiver. The applicant may petition the Agency 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 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:
- 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.

The Agency shall state upon its record the basis for all actions under this section.

Section Twenty Records Retention and Disposition

- 20.1 The Agency and the City Clerk for the City shall retain complete administrative records of Agency actions and dispose of such records in accordance with the retention/disposition schedules set forth in Section 20.2 of these Regulations.
- 20.2 The public records administrator of the Connecticut State Library established the following new records retention/disposition schedules for municipal inland wetlands agencies effective April 24, 1989:

	<u>Record Title</u>	<u>Minimum Retention Required in Agency</u>	<u>City Clerk</u>
1.	Applications (incl. supporting materials)	10 Years	N/A
2.	Decision letters	10 years	Permanent
3.	Approved site plans	10 years	N/A
4.	Legal notices	10 years	Permanent
5.	Staff and public written testimony (hearing records)	10 years	N/A
6.	Minutes of meeting/ public hearings	15 years	Permanent
7.	Tapes, audio - inland wetland matters	4 years	N/A

8.	Notices of violation/ orders	10 years	N/A
9.	Text of changes adopted in regulations	Continuous update/ Permanent	N/A
10.	General correspondence issued or received	5 years	N/A

Section Twenty-one Effective Date of Regulations

- 21.1 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.

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