

INLAND WETLAND & WATERCOURSE REGULATIONS

**CITY OF NEW LONDON
INLAND WETLANDS AND WATERCOURSES
As Amended Through January 23, 2012**

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CONSERVATION COMMISSION
WETLANDS APPLICATION CHECKLIST

Yes	No	<u>Description of Item</u>
		1. Completed application form.
		2. The purpose and description of the proposed activity.
		3. Alternatives to the proposed activity considered by the applicant.
		4. Map of the property at approximately 1" = 1000' showing location of property.
		5. Site plan of the property at approximately 1" = 40" scale. Such site plan shall contain the following information at a minimum unless a waiver has been approved by the Commission.
		a. Preparation and certification by a surveyor and/or engineer licensed in the State of Connecticut.
		b. Property boundaries.
		c. Contours at no greater than 2" intervals, both existing and proposed.
		d. Vegetation patterns, both existing and proposed.
		e. Wetlands limits and soil type as determined by a soil scientist. Site plan shall be signed by the soil scientist. Site plan shall include the surveyed wetlands line and wetland flag numbers.
		f. Upland soil types and delineations based on Soil Survey of New London County or field identified by a soil scientist.
		g. Existing and proposed buildings, roads, utility lines, sanitary systems, and significant man-made or topographic features on or adjacent to the site.
		h. Flood hazard area classification and delineation.
		i. North arrow.
		j. Proposed limits of clearing / disturbance.
		k. A phasing, sequence and methods plan for pre-construction conditions/
		l. All watercourses shall be shown.
		6. A detailed Soil Erosion and Sediment Control Plan in accordance with the CT Guidelines for Erosion and Sediment Control, which meets or exceeds the minimum requirements. The plan shall include the following information:
		a. Location of areas to be stripped of vegetation and other exposed or unprotected areas

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Yes	No	<u>Description of Item</u>
		b. Location, design, timing, and method of installation of structural and non-structural sediment and stormwater control measures.
		c. Timing and description of all major phases of activity, installation of sediment and stormwater control measures, and temporary and permanent stabilization methods.
		d. Emergency provisions for failure of sediment or stormwater control devices.
		e. Emergency spill plan to handle accidental spillage of fuel oil, gas, and etc.
		f. Designated staging area(s) for storage of surplus soils / materials.
		g. A de-watering plan for pumping / discharge of water and de-watering of saturated materials. The plan is to be based on pre-construction site conditions and will be open and subject to change during the construction activity, as the engineer deems necessary, subject to notification and acceptance of the Commission.
		7. In the case of fill, grading, or excavation proposals within wetlands or watercourses, the following items shall be submitted:
		a. Area to be filled, graded, or excavated.
		b. A maintenance grading plan during construction
		c. Volume of material to be added, moved, or removed.
		d. Location of removed material if moved off site.
		e. Physical composition and origin of material.
		f. Potential chemical reactions of deposited materials.
		g. Existing and proposed contours.
		h. Any additional requirement for stabilization to ensure adequate protection of the wetlands or watercourses.
		i. Evaluation of the effect of filling, grading, or excavation in a wetlands or watercourse including but not limited to:
		i. Storage volume.
		ii. Change in flood-ways and flood hazard areas.
		iii. Flow alterations.
		iv. Effect on groundwater, surface water recharge, or discharge
		v. Biological impacts.
		vi. Impact to adjacent or contiguous wetlands or watercourses.

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Yes	No	<u>Description of Item</u>
		8. Anticipated impacts on the wetlands or watercourses as a result of the proposed activity
		9. Submission of appropriate filing fee.
		10. Referrals to abutting town.
		11. DEP Reporting Form (blue) required by State DEP.

SECTION 1 TITLE & AUTHORITY

- 1.1. The inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetland and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment, thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the city, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.
- 1.2. These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the City of New London".
- 1.3. The New London Conservation Commission was authorized by the Council of the City of New London in an ordinance amending the Code of Ordinances, adopted on May 4, 1981, to adopt and administer inland wetland regulations.
- 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 Commission shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny permits for all regulated activities
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on inland wetlands and watercourses in the City of New London pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

SECTION 2 DEFINITIONS

2.1 As used in these regulations:

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

"Bogs" are watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.

"City" means the City of New London, New London County in the state of Connecticut.

"Clear-Cutting" means the harvest of timber in a fashion which removes all trees down to a two (2) inch diameter at breast height.

"Commission" means the Conservation Commission of the City of New London, authorized to act as the Inland and Wetlands Agency pursuant to Section 2-41 of the New London Code of Ordinances and Section 22a-42(c) of the Connecticut General Statutes.

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

"Commission member" means a member of the Conservation Commission of the City of New London.

"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 period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.

"Deposit" includes, but shall not be limited to fill, grade, dump, place, discharge or emit.

"Designated agent" means an individual(s) designated by the Commission to carry out its functions and purposes.

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

"Disturbing the natural and indigenous character of the land" means that the activity will significantly alter the inland wetland and watercourses by reason of removal or deposition of material, clear-cutting, alteration or obstruction of water flow, or will result in the pollution of the wetlands or watercourses.

"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 noted in Section 1-1 (q) of the Connecticut General Statutes.

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

"License" means the whole or any part of a permit, certificate of approval or similar form of permission which may be required by any person by the provisions of these Regulations of the Inland Wetlands and Watercourses Act, Sections 22a-36 to 45, inclusive, of the Connecticut General Statutes as amended.

"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 sediment 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 or 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.

"Marshes" are watercourses that are 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 surface throughout the year, but seasonal fluctuations are encountered and areas of open water six (6) inches or more in depth are common.

"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.

"Municipality" means the City of New London, New London County, Connecticut.

"Nurseries" means places where plants are grown for sale, transplanting and experimentation.

"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 Commission.

"Permittee" means the person to whom such permit 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 directly or indirectly

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to come in contact with any waters. This includes, but is not limited to, erosion resulting from any filling 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 involving deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, or within 100 horizontal feet of any wetland or watercourse, but shall not include the specific activities in Section 4 of these regulations. Furthermore, any excavating or deposition of material, construction of clear cutting of trees or other activity which may alter, impact, or pollute a wetland or watercourse is a regulated activity. At its discretion, the agency may rule that any other activity located within such upland review area, or in any other non-wetland or non-watercourse area which may have an adverse impact on wetland or watercourse and is a regulated activity.

"Regulated Area" Means any wetlands or watercourses as defined in these regulations, and a horizontal distance of 100 feet from the edge of any wetland or watercourse. Except that in the case of the named Fenger Brook, the regulated area shall be defined as any wetlands or watercourses within two hundred (200) feet from the boundaries of said stream/creek/river.

"Remove" includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut timber, bulldoze, drag line 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.

"Significant impact activity" means any activity, including, but not limited to, the following activities which may have a major effect or significant impact on the area for which an application has been filed or on another part of the inland wetland or watercourse system:

1. Any activity involving a deposition or removal of material which 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 which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
3. Any activity which 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.

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4. Any activity which is likely to cause or has the potential to cause or causes substantial turbidity, siltation or sedimentation in a wetland or watercourse, or
5. Any activity which causes a substantial diminution of flow of a natural watercourse, or groundwater levels of the regulated area, or
6. Any activity which is likely to cause or causes or has the potential to cause pollution of a wetland or watercourse, or
7. Any activity which damages or destroys or which is likely to cause damage to or destroy unique wetland or watercourse 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 watercourses that 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.

"Upland Review Area" the regulated area within 100 feet, measured horizontally, from any wetland or watercourse

"Waste" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters of the city.

"Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon this city or any portion thereof, not regulated pursuant to section 22a-28 through 22a-35 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 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.

"Wetlands" means land, including submerged land as defined in Section 2.1 (a) of these regulations, not regulated pursuant to Section 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Soils Survey of the U. S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

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SECTION 3 INVENTORY OF REGULATED AREAS

- 3.1 The map of regulated areas, entitled "Inland Wetlands and Water-courses Map, New London, 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 and the Office of Development & Planning. 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 locations of watercourses. Such determinations shall be made by field inspection and testing conducted by a soil scientist where soil classifications are required, or where watercourse determinations are required, by other qualified individuals. In addition the Commission may use, at its discretion, aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations, Geographic Information System Mapping (GIS) 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 which 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, soils maps, site inspection observations, Geographic Information System Mapping (GIS) or other information in determining the location of the boundaries of wetlands and watercourses.
- 3.3 The Conservation Commission or its designated agent(s) shall inventory and maintain current records of all regulated areas within the city. The Commission may amend its map from time to time as more accurate information becomes available relative to more accurately delineating the wetlands and watercourses within the city.
- 3.4 All map amendments are subject to public hearing process outlined in Section 15 of these regulations.

SECTION 4**PERMITTED USES AS OF RIGHT & NON-REGULATED USES**

4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, and those lands adjacent to wetlands and watercourses as specified in Section 2.1, as of right:

- a. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this section shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand gravel or similar material from wetlands or watercourses for the purposes of sale.
- b. A residential home (A) for which a building permit has been issued or (B) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a planning and zoning commission 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 wetlands permitted as a right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document entitlement. *(Amended January 23, 2012)*
- c. Boat anchorage or mooring, not to include dredging or dock construction.
- d. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of 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 or by Municipal water supply systems as provided for in Chapter 102, of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 and 22a-410 of the Connecticut General Statutes.
- f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a of the Connecticut General Statutes or July 1, 1974, which ever is earlier, provided such pipe is on property which is zoned as residential but which does not contain

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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; and *(Amended January 23, 2012)*

g. Withdrawals of water for fire emergency purposes *(Amended January 23, 2012)*

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

- a. Conservation of soil, vegetation, fish, water, 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; and
- h. The installation of a dry hydrant by or under the authority of the municipal fire department provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For purposes of this section, "dry hydrant" means a non-pressurized pipe system that: (A) is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond, or stream that is a dependable source of water. *(Amended January 23, 2012)*

4.3 All activities in wetland or watercourses involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this section 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 to carry out a permitted or non-regulated operation or use of a wetland or watercourse, which may disturb the natural and indigenous character of the wetland or watercourse, shall, prior to commencement of such operation or use, notify the Commission and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or non-regulated use of the wetland or watercourse. The Commission or its designated agent shall rule that the proposed operation or use is a permitted or a non-regulated use or operation or that a permit is required. Such ruling shall be 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.

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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.
- a. Construction or modification of any dam pursuant to Sections 22a-401 through 22a-411 of the Connecticut General Statutes, as amended;
 - b. Construction, encroachment or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349a of the Connecticut General Statutes, as amended;
 - c. Construction or placement of any structures or obstruction within the tidal, coastal or navigable waters of the state pursuant to Sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended;
 - d. Diversion of water including withdrawals of surface or ground water 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;
 - e. Discharges into the waters of the state pursuant to Section 22a-430 of the Connecticut General Statutes, as amended;
 - f. Discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.
- 5.2 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities and other activities, in or affecting wetlands or watercourses, undertaken by any department, Commission 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.
- 5.3 The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
- 5.4 The Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under section 22a-402 or a dam construction permit issued by the Commissioner of Environmental Protection under sections 22a-403 or 22a-41 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or dam construction permit shall not be required to obtain a permit from a municipal wetlands agency for any action necessary to comply with said dam order or to carry out the activities authorized by said dam permit.
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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 Conservation Commission of the City of New London.
- 6.2 The Commission shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses and any other regulated activity, unless such operation or use is permitted or non-regulated pursuant to Section 4 of these regulations.
- 6.3 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the City of New London Conservation Commission, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these regulations and any other remedies as provided by law.

SECTION 7 APPLICATION REQUIREMENTS

- 7.1 Any person wishing to undertake a regulated activity shall apply for a permit on a form entitled "Application for Permit". An application shall include an application form and such information as prescribed by Section 7.5 and, in the case of a significant activity, by Section 7.6 of these regulations. Application forms may be obtained in the offices of the New London Building Official.
- 7.2 If an application to the City of New London Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, as defined in section 2 of these regulations, the applicant shall, in accordance with Section 8-3 (g), 8-3c or 8-26, as applicable, of the Connecticut General Statutes, submit an application to the New London Conservation Commission, in accordance with this section, no later than the day the application is filed for the subdivision or re-subdivision with the Planning & Zoning Commission.
- 7.3 All applications shall contain such information as necessary for a fair and informed Determination of the issues.
- 7.4 The Commission and the applicant may hold a pre-application meeting to determine whether or not the proposed application involves a significant activity. Whenever possible, the determination relative to significant activities should be made at the pre-application meeting.
- 7.5 All applications shall include the following information in writing and/or on maps & or drawings as may be required by the Commission:
- a. The applicants name, home and business address 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(s)
 - b. The owner's name, address and telephone number and written consent if the applicant is not the owner of the property involved in the application;
 - c. Applicant's interest in the land;
 - d. The geographical location of the property which is to be affected by the proposed activity, including but not limited to a description of the land in sufficient detail to allow identification of the inland wetlands and water-courses, a computation of the area(s) (in acres or square feet) of wetland or watercourse disturbance, soil types and wetland 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 the 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 wetlands and watercourse resources;

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- f. Alternative 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(s);
- g. A site plan of the property at approximately 1" = 40' scale. Said site plan shall show 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 may have an impact on the wetlands or watercourses. Such site plan shall contain the following information at a minimum unless a waiver has been approved by the Commission.
 - 1. Preparation and certification by a surveyor and/or engineer licensed in the State of Connecticut;
 - 2. Property boundaries;
 - 3. Contours at no greater than 2" intervals, both existing and proposed;
 - 4. Vegetation patterns, both existing and proposed;
 - 5. Wetland limits and soil types as determined by a soil scientist. Site plan shall be signed by the soil scientist. Site plan shall include the surveyed wetlands line and wetland flag numbers;
 - 6. Upland soil types and delineations based on The Soil Survey of New London County or field-identified by a soil scientist;
 - 7. Existing and proposed buildings, roads, utility lines, sanitary systems, and significant man-made or topographic features on or adjacent to the site;
 - 8. Flood hazard area classification and delineation;
 - 9. North arrow;
 - 10. Proposed limits of clearing / disturbance;
 - 11. A phasing, sequence, and methods plan for pre-construction conditions;
 - 12. All watercourses shall be shown.
- h. A detailed soil erosion and sediment control plan in accordance with the Connecticut Guidelines for Erosion and Sediment Control, which meets or exceeds the minimum requirements. The plan shall include the following information:
 - 1. Location of areas to be stripped of vegetation and other exposed or unprotected areas;
 - 2. Location, design, timing, and method of installation of structural and non-structural sediment and stormwater control measures;
 - 3. Timing and description of all major phases of activity, installation of sediment and stormwater control measures, and temporary and permanent stabilization methods;
 - 4. Emergency provisions for failure of sediment or stormwater control devices;
 - 5. Emergency spill plan in the event of an accidental fuel oil, gas, and/or etc. spill;
 - 6. Designated staging area(s) for storage of surplus soils / materials;

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7. A de-watering plan for pumping/discharge of water and de-watering of saturated materials. The plan is to be based on the pre-construction site conditions and will be open and subject to change during construction activity, as the engineer deems necessary, subject to the notification and acceptance of the Commission.
 - i. In the case of fill, grading, or excavation proposals within wetlands or watercourses, the following information shall be submitted:
 1. Area to be filled, graded, or excavated;
 2. A maintenance grading plan during construction;
 3. Volume of material to be added, moved, or removed;
 4. Location of removed material if moved off site.
 5. Physical composition and origin of materials;
 6. Potential chemical reactions of deposited materials;
 7. Existing and proposed contours;
 8. Any additional requirements for stabilization to ensure adequate protection of the wetlands or watercourses;
 9. Evaluation of the effect of filling, grading, or excavation in a wetlands or watercourse, including but not limited to:
 - I. Storage volume;
 - II. Change in flood-ways and flood hazard areas;
 - III. Flow alterations;
 - IV. Effect on groundwater, surface water recharge, or discharge;
 - V. Biological impacts;
 - VI. Impact to adjacent or contiguous wetlands or watercourses.
 - j. Names and addresses of adjacent property owners;
 - k. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
 - l. Authorization for the commissioners and agents of the Commission to inspect the property, at reasonable times, both before and after a final decision has been issued;
 - m. Any other information the Commission deems necessary to the understanding of what the applicant is proposing;
 - n. Submission of the appropriate filing fee based on the fee schedule established in Section 19 of these Regulations.
- 7.6 If the proposed activity involves a significant activity as determined by the Commission and defined in Section 2.1.x of these regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following is required:
- a. Site plans for the proposed use or operation and the property which will be affected, which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the

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- development drawn by a licensed surveyor, professional engineer or landscape architect registered in the State of Connecticut or by other qualified person(s);
- b. Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion & sedimentation control plan, including pre and post development run off calculations for 2, 5, 10, 25, 50 and 100 year(s) storms;
 - c. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the US 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 by way of numbered flags and/or in a manner deemed suitable by the Commission;
 - d. Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions;
 - e. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands and watercourses involved in the application, and with each alternative, which would cause less or no environmental impact to wetlands or watercourses and a description of why each alternative considered was deemed neither feasible nor prudent;
 - f. Analysis of chemical or physical characteristics of any fill material;
 - g. Management practices and other measures which mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourses functions, recreational uses and natural habitats, which prevent flooding, Degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.
- 7.7 The applicant shall certify whether:
- a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 - b. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - c. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality, or;
 - d. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- 7.8 Twelve (12) copies of all application materials shall be submitted to comprise a complete application or as is otherwise directed, in writing, by the Conservation Commission.
- 7.9 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 for the permit in accordance with Subsections 9.4 through of these Regulations. Any application to renew or amend such an existing permit shall contain the information required under section 7 of these regulations provided:

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- a. The application may incorporate the documentation and record of the original application;
 - b. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit.
 - c. The application shall state the reason why the authorized 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 the property for which the permit was issued.
 - e. The Commission may, prior to the expiration of a 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 permit shall be valid for more than ten years and further provided that any permit issued prior to July 1, 2011 that did not expire prior to May 9, 2011 shall be valid for no more than fourteen (14) years. *(Amended January 23, 2012)*
- 7.11 A reporting form shall be completed during the application process which provides the Commissioner of the Department of Environmental Protection with information necessary to properly monitor the inventory of State wetlands. The reporting form shall be part of the application and the following sections shall be completed by the applicant: name of applicant; name of project; project description; area of wetlands and/or lineal feet of watercourse proposed to be altered. The Commission shall be responsible for the remaining information and any corrections on the form and for filing it in accordance with Section 22a-39-14 of the Inland Wetland and Watercourse Regulations of the Department of Environmental Protection.

SECTION 8 APPLICATION PROCEDURES

- 8.1 All petitions, applications, requests or appeals shall be submitted to the Conservation Commission of the City of New London.
- 8.2 The Commission shall, in accordance with the 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 in which:
- any portion of the property affected by a decision of the agency is within five hundred (500) feet of the boundary of an adjoining municipality;
 - 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;
 - 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
 - water run-off 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 a 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 municipality in which the application was made and with the inland wetlands commission 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 shall be provided to the Commission.
- 8.4 The date of receipt of a petition, application, request or appeal is deemed to be the earlier of the (1) the day of the next regularly scheduled meeting of the Commission after the day the application is submitted; or (11) 35 days after the application is submitted whichever is sooner.
- 8.5 At any time during the review period, the Commission may require the applicant to provide additional information about the regulated area or regulated activity which is the subject of the application, or wetlands or watercourses affected by the regulated activity. Requests for additional information shall not stay the time limitations as set forth in Section 11.2.

- 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 the Commission determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least twenty-five (25) persons who are eighteen (18) years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the Commission not later than fourteen (14) 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 agency on or before the fourteenth (14th) 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. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney.
- 9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing, in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.
- 9.3 Every & all application(s) which require a public hearing shall include a list, prepared by the applicant, of the names and addresses of the owners of all land included within the application and of all properties 200 feet or less distance there from, all as shown on the most recent records on file in the City of New London's Tax Assessor's Office (or the actual owners of record if otherwise known to the applicant). The applicant shall mail notification of said pending application to at least one owner of each such property not more than 15 days or less than 10 days before the date set for the public hearing, by transmitting the text of the public hearing notice as provided by the Commission.
- Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Wetlands Enforcement Officer along with the above said list of property owners, not less than five calendar days prior to the hearing date. Failure to comply with any of the procedures required herein shall be deemed valid basis for denial of the application.
- 9.3 In the case of any application which is subject to the notification provisions of Section 8.3 of these Regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

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. Public comments, evidence and testimony;
- c. Reports from other agencies and commissions including but not limited to the City of New London:
 1. Planning and Zoning Commissions
 2. Building Official
 3. Zoning Enforcement Officer/City Planner
 4. Responsible Health Officer/Agent
 5. Department of Public Utilities
 6. Public Works Department and/or City Engineer
- d. The Commission may also consider comments on any application from the New London County Soil and Water Conservation District, the Southeast Commission 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 10.1.c above within the prescribed time shall neither delay nor prejudice the decision of the Commission.

10.2 Standards and criteria for decision.

In carrying out the purposes and policies of sections 22a-36 to 22a-45 of the Connecticut General Statutes, including matters relating to regulating, licensing, and enforcing of the provisions thereof, the Commission shall consider all relevant facts and circumstances, including but not limited to the following:

- 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 environment 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

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- 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.
- 10.3 In the case of any application which received a public hearing pursuant to a finding by the Commission that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making his finding, the Commission shall consider the facts and circumstances set forth in Section 10.2 of these regulations. The finding and the reasons therefore shall be stated on the record in writing.
- 10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Commission shall proposed 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 area or environments in which an organism or biological population normally lives or occurs.
- 10.6 A municipal inland wetlands 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, plan 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 its decision.

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SECTION 11 DECISION PROCESS & PERMIT

- 11.1 In granting a permit The Commission, or its duly authorized agent, may grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity which are designed to carry out the policy of sections 22a-36 to 22a-45, inclusive, of the General Statutes. 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 (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 receipts 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 for 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. An application deemed incomplete by the Commission shall be withdrawn by the applicant or denied by the Commission.
- 11.3 The Commission shall state upon its record the reasons and 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 Commission 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 Commission shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having a general circulation in the city wherein the inland wetland or watercourse 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, a special permit, variance or special exception, under Sections 8-3 (g), 8-3 c or 8-26 of the Connecticut General Statutes, the Commission shall file a copy of the decision and report on the application with the City of New London's Planning and Zoning Commission within fifteen (15) days of the date of the decision.

- 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 period of time 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. Any permit issued by the Commission prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period of not less than nine years after the date of such approval. (*Amended January 23, 2012*).
- 11.7 No permit 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, no permit shall be issued until such bond or insurance is provided.
- 11.9 General provisions in the issuance of all permits:
- a. In evaluating applications in which the Commission relied in whole or in part on information provided by the applicant, if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
 - b. All permits issued by the Commission are subject to and do not derogate any present or future rights or powers of the Commission or the City of New London, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the property or activity.
 - c. If the activity authorized by the inland wetland permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance or special exception, no work pursuant to the wetland permit may begin until such approval is obtained.
 - d. The permittee shall take such necessary steps consistent with the terms and conditions of the permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and water-courses.
 - e. Permits are not transferable without the prior written consent of the Commission.

SECTION 12 ACTION BY DULY AUTHORIZED AGENT

- 12.1 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 that 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 Agent and shall contain the information the Commission may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 9, 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 Commission within fifteen 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 days after the receipt by such Commission of its agent of such 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 sections of these regulations.

SECTION 13 BOND & 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.
- 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 Commission may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within two (2) years of completion of such operations, in an amount commensurate with the regulated activity.

SECTION 14 ENFORCEMENT

- 14.1 The Commission may appoint an agent or agents to act in its behalf with the authority to inspect property, 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 Agency 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 all regulated activities for which permits have been issued with the consent of the property owner or the -22- 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 Agency or its agent may make regular inspections at reasonable hours with the consent of the property owner or the authorized agent of the property owner.
- 14.4 If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Agency or its duly authorized agent may:
- a. Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Agency affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to section 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 Agency, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may resulting issuance of the order provided in section 14.3.a or other enforcement proceedings as provided by law.
- 14.5 The Agency 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 application plans. Prior to
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revoking or suspending any permit, the Agency shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct, which warrants the intended action. The Agency 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 Agency's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.

SECTION 15 AMENDMENTS

- 15.1 These regulations and the Inland Wetlands and Watercourses Map for the City of New London may be amended, from time to time, by the Commission in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- 15.2 An application filed with the Conservation 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 wetlands regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of the 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 subsection shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.
- 15.3 These regulations and the City of New London Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Commission shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except determinations of boundaries, at least thirty-five (35) days before the public hearing on their adoption. Application forms and fee schedules shall be considered as part of the Commission regulations.
- 15.4 Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, New London, Connecticut" shall contain at least the following information (See Appendix B):
- a. The applicants name, address and telephone number;
 - b. The owner's name (if not the applicant), address, telephone number, and a written consent to the proposed action set forth in the application;
 - c. Applicant's interest in the land affected by the petition;
 - d. Maps showing the geographic location of the land affected by such petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation on such land in accurate detail together with the documentation supporting such proposed boundary locations; and
 - e. The reasons for the requested action;

- f. The names and addresses of the owners of all land included within the application and of all properties 200 feet or less distance therefrom, all as shown on the most recent records on file in the City of New London's Tax Assessor's Office (or the actual owners of record if otherwise known to the applicant).
- 15.5 Any person, who submits a petition to amend the Inland Wetlands and Watercourses Map, New London Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Commission. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 15.4, 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 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; and
 - d. map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.
- 15.6 The Commission may require the property owner to present documentation by a soil scientist that the land in question does not have a soil type classified by the National Cooperative Soils Survey as poorly drained, very poorly drained, alluvial, or flood plain. Such documentation includes a map of the land in question signed by a soil scientist on which the flag locations defining the boundaries of the regulated soil types are depicted. 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 regulations and Inland Wetland and Watercourses Map. Notice of the hearing shall be published in a newspaper having a general circulation in the municipality where the land that is the subject of the hearing is located 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 and the Inland Wetlands and Watercourses Map within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five (35) days after commencement. The Commission shall act upon the changes requested in such petition within sixty-five (65) days after completion of such hearing. At such hearing, any person

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or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days or may withdraw such petition. Failure of the agency to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.

- 15.9 The Commission shall make its decision and state, in writing, the reasons for that decision.

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 & SEVERANCE

- 17.1 If there is a conflict between the provisions of these regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection, 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 the Act, the provisions of the Act 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 New London, State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U. S. Army Corps of Engineers. Obtaining such assents, permits, or licenses is the sole responsibility of the applicant.

SECTION 19 EFFECTIVE DATE OF REGULATIONS

- 19.1 These regulations including the Inland Wetlands and Watercourses Map, application forms, fee schedule and amendments thereto, shall become effective upon filing in the Office of the City Clerk and publication of a notice of such action in a newspaper having general circulation in the City of New London.

SECTION 20 APPLICATION FEES

20.1 Method of payment. All fees required by these regulations shall be submitted to the Commission or its agent by cash payment, check or money order payable to the City of New London at the time the application is filed with the Commission.

20.2 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 20.7 of these regulations.

20.3 The application fee is not refundable.

20.4 **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.

"Commercial uses" means activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.

"Other uses" means activities other than residential uses or commercial uses.

20.5 **Fee Schedule. Application fees shall be based on the following schedule** or as it may be amended by the City Council:

a.	<u>Regulated Uses (Section 6)</u>	
	<input type="checkbox"/> Residential	\$280.00 plus \$100.00/Lot
	<input type="checkbox"/> Commercial	\$630.00
	<input type="checkbox"/> All other uses	\$530.00
b.	<u>Permitted & Non-regulated Uses (Section 4)</u>	
	<input type="checkbox"/> Permitted Uses As of Right (SubSec. 4.1)	25.00
	<input type="checkbox"/> Non-regulated Uses (SubSec 4.2)	\$280.00
c.	<u>Significant Impact (Subsec. 8.5)</u>	\$1,030.00
d.	<u>Map Amendment Petitions (Subsec. 15.3)</u>	\$130.00
e.	<u>Permit modification or renewal (Subsec 7.9, 7.10, AND 12.1)</u>	\$280.00

20.6 **Exemption.** Boards, commissions, councils, and departments of the City of New London are exempt from all fee requirements.

20.7 **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 it's determination under this section. The Commission may waive all or part of the application fee if the Commission determines that:

- 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
- The amount of the application fee is clearly excessive in relation to the cost to the City of New London for reviewing and processing the application.

INLAND WETLANDS & WATERCOURSES REGULATIONS OF THE CITY OF NEW LONDON

- c. The applicant has shown good cause.

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

SECTION 21 RECORDS RETENTION & DISPOSITION

- 21.1 The Commission and the town Clerk for the City of New London shall retain complete administrative records of Commission actions and dispose of such records in accordance with the retention/disposition schedules set forth in Subsection 22.2.
- 21.2 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:

RECORD TITLE	MINIMUM RETENTION REQUIRED IN AGENCY	TOWN CLERK
Applications Including Supporting Material	10 years	-
Decision Letters	10 years	Permanent
Approved Site Plans	10 years	-
Legal Notices	10 years	Permanent
Staff & Public Written Testimony (Including Hearing Records)	10 years	-
Minutes of Meetings & Public Hearings	15 years	Permanent
Tapes, Audio-Inland Wetland Matters	4 years	-
Notices of Violation & Orders	10 years	-
Text of Changes Adopted in Regulations	Continuous Update/Permanent	-
General Correspondence Issued or Received	5 years	-

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SECTION 22 EFFECTIVE DATE

22.1 These Regulations shall become effective after adoption by the Commission and upon filing notice thereof with the Office of the City Clerk, New London, Connecticut.

Sec. 22-4c. Powers of commissioner. Recording and transcription of hearings. Payment of related costs or expenses.

- (a) The Commissioner of Agriculture may: (1) Adopt, amend or repeal, in accordance with the provisions of chapter 54, such standards, criteria and regulations, and such procedural regulations as are necessary and proper to carry out the commissioner's functions, powers and duties; (2) enter into contracts with any person, firm, corporation or association to do all things necessary or convenient to carry out the functions, powers and duties of the department; (3) initiate and receive complaints as to any actual or suspected violation of any statute, regulation, permit or order administered, adopted or issued by the commissioner. The commissioner may hold hearings, administer oaths, take testimony and subpoena witnesses and evidence, enter orders and institute legal proceedings including, but not limited to, suits for injunctions and for the enforcement of any statute, regulation, order or permit administered, adopted or issued by the commissioner; (4) provide an advisory opinion, upon request of any municipality, state agency, tax assessor or any landowner as to what constitutes agriculture or farming pursuant to subsection (q) of section 1-1, or regarding classification of land as farm land or open space land pursuant to sections 12-107b to 12-107f, inclusive; (5) in accordance with constitutional limitations, enter at all reasonable times, without liability, upon any public or private property, except a private residence, for the purpose of inspection and investigation to ascertain possible violations of any statute, regulation, order or permit administered, adopted or issued by the commissioner and the owner, managing agent or occupant of any such property shall permit such entry, and no action for trespass shall lie against the commissioner for such entry, or the commissioner may apply to any court having criminal jurisdiction for a warrant to inspect such premises to determine compliance with any statute, regulation, order or permit or methods of manufacture or production ascertained by the commissioner during, or as a result of, any inspection, investigation or hearing; (6) undertake any studies, inquiries, surveys or analyses the commissioner may deem relevant, through the personnel of the department or in cooperation with any public or private agency, to accomplish the functions, powers and duties of the commissioner; (7) require the posting of sufficient performance bond or other security to assure compliance with any permit or order; (8) provide by notice printed on any form that any false statement made thereon or pursuant thereto is punishable as a criminal offense under section 53a-157b; (9) by regulations adopted in accordance with the provisions of chapter 54, require the payment of a fee sufficient to cover the reasonable cost of acting upon an application for and monitoring compliance with the terms and conditions of any state or federal permit, license, registration, order, certificate or approval. Such costs may include, but are not limited to, the costs of (A) public notice, (B) reviews, inspections and testing incidental to the issuance of and monitoring of compliance with such permits, licenses, orders, certificates and approvals, and (C) surveying and staking boundary lines. The applicant shall pay the fee established in accordance with the provisions of this section prior to the final decision of the commissioner on the application. The commissioner may postpone review of an application until receipt of the payment.
- (b) In any hearing held on or after October 1, 1995, on an application for any license issued by the commissioner, (1) the applicant shall pay all costs of recording and transcribing

the hearing if a transcript is required by law, and (2) any applicant who requests a copy of a transcript of a hearing for which a transcript is not required by law shall pay to the department any expenses incurred by the department in having such transcript prepared. In any proceeding held on or after October 1, 1995, on a department order to enforce any statute, regulation, permit or order administered or issued by the commissioner, the respondent or other person taking an appeal from a final decision of the commissioner shall pay all costs of recording and transcribing the hearing if a transcript is required by law. Upon a showing of indigency by such respondent or person, the court may require the commissioner to pay such costs.

(P.A. 95-141, S. 4; P.A. 00-196, S. 18; June 30 Sp. Sess. P.A. 03-6, S. 146(e); P.A. 04-189, S. 1; P.A. 05-160, S. 1.)

History: P.A. 00-196 made technical changes in Subsec. (a); June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Agriculture with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 05-160 added new Subsec. (a)(4) to allow commissioner to provide advisory opinion re what constitutes agriculture or farming or re classification of open space or farm land and by redesignating existing Subdivs. (4) to (8) as new Subdivs. (5) to (9), effective July 1, 2005.

Hearings and decisions. Time limits. Day of receipt. Notice to adjoining municipality.

- (a) In all matters wherein a formal petition, application, request or appeal must be submitted to a zoning commission, planning and zoning commission or zoning board of appeals under this chapter planning commission under chapter 126 or an inland wetlands agency under chapter 440 and a hearing is required or otherwise held on such petition, application, request or appeal, such hearing shall commence within sixty-five days after receipt of such petition, application, request or appeal and shall be completed within thirty-five days after such hearing commences, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. In addition to such notice, such commission, board or agency may, by regulation, provide for notice to persons who own or occupy land that is adjacent to the land that is the subject of the hearing. 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 and may be represented by agent or by attorney. All decisions on such matters shall be rendered within sixty-five days after completion of such hearing, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. The petitioner or applicant 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 days, or may withdraw such petition, application, request or appeal.
- (b) Notwithstanding the provisions of subsection (a) of this section, whenever the approval of a site plan is the only requirement to be met or remaining to be met under the zoning regulations for any building, use or structure, a decision on an application for approval of such site plan shall be rendered within sixty-five days after receipt of such site plan. Whenever a decision is to be made on an application for subdivision approval under chapter 126 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. Whenever a decision is to be made on an inland wetlands and watercourses application under chapter 440 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed sixty-five days or may withdraw such plan or application.
- (c) For purposes of subsection (a) or (b) of this section and section 7-246a, the date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of such commission, board or agency, immediately following the day of submission to such commission, board or agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner. If the commission, board or agency does not maintain an office with regular office hours, the office of the clerk of the municipality shall act as the agent of such

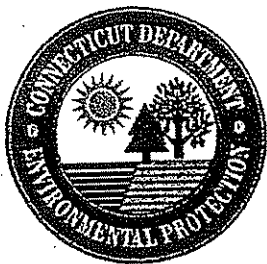
**INLAND WETLANDS & WATERCOURSES REGULATIONS
OF THE CITY OF NEW LONDON**

commission, board or agency for the receipt of any petition, application, request or appeal.

- (d) The provisions of subsection (a) of this section shall not apply to any action initiated by any zoning or planning and zoning commission regarding adoption or change of any zoning regulation or boundary.
- (e) Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, and the time for a decision by a zoning commission or planning and zoning commission established pursuant to this section would elapse prior to the thirty-fifth day after a decision by the inland wetlands agency, the time period for a decision shall be extended to thirty-five days after the decision of such agency. The provisions of this subsection shall not be construed to apply to any extension consented to by an applicant or petitioner.
- (f) The zoning commission, planning commission, zoning and planning commission, zoning board of appeals or inland wetlands agency shall notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which:
 - (1) Any portion of the property affected by a decision of such commission, board or agency is within five hundred feet of the boundary of the 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. 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, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

APPENDIX C – GUIDELINES, UPLAND REVIEW AREA REGULATIONS

Connecticut's Inland Wetlands & Watercourses Act



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

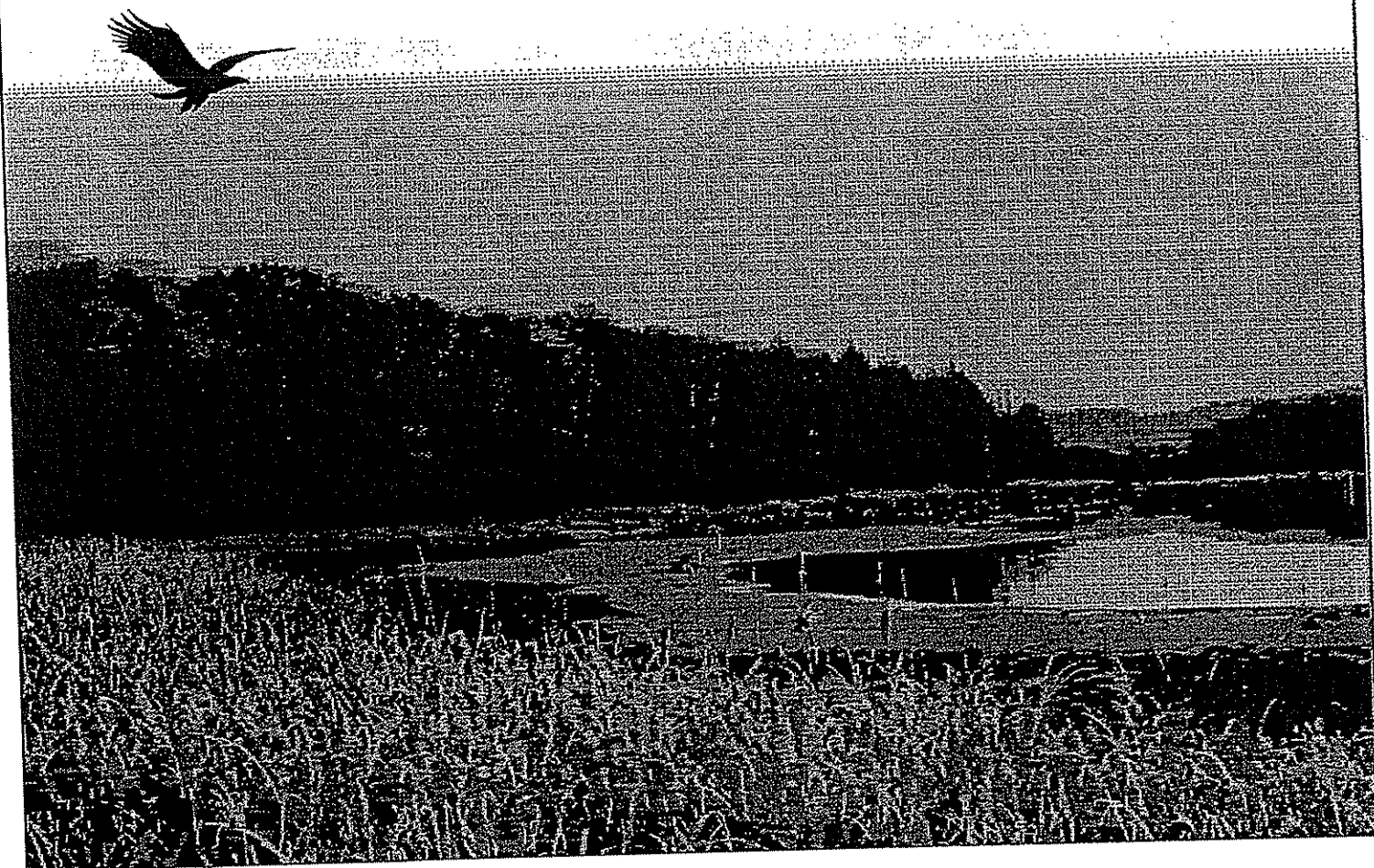
79 Elm Street
Hartford, CT 06106-5127

Sidney J. Holbrook
Commissioner

**GUIDELINES
UPLAND REVIEW AREA REGULATIONS
CONNECTICUT'S INLAND WETLANDS &
WATERCOURSES ACT**

June, 1997

Wetlands Management Section
Bureau of Water Management



Preparation of this report was funded in part by a grant from the U.S. Environmental Protection Agency.

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Cover Picture From: Forested Wetlands/Functions, Benefits and the Uses of Best Management Practices, U.S.D.A. Forest Service.

(Printed on Recycled Paper)



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



To: Municipal Inland Wetland Agencies

From: Charles E. Berger, Director
Inland Water Resources Division

Charles E. Berger

Date: June 30, 1997

Under the Inland Wetlands and Watercourses Act, Connecticut's municipalities regulate proposed development activities in or affecting wetlands and watercourses. In support of the municipal wetland agencies, DEP's Wetlands Management Section provides a comprehensive Wetlands Management Training Program for wetland agency commissioners and *Model Regulations* for local inland wetland programs. *Guidelines for Upland Review Area Regulations* was published in accordance with sections 22a-42(d) and 22a-42a(f) of the General Statutes to assist Connecticut's inland wetland agencies in developing and implementing municipal regulations for activities proposed on uplands around wetlands or watercourses.

The guide was drafted in response to inquiries from wetland agency members, river management groups, the regulated community, and other interest persons, for guidance in implementing what are popularly called buffer or setback provisions in wetland regulations. The guide uses the term upland review area to describe the non-wetland or non-watercourse area in which certain types of activities, as defined in municipal regulations, are regulated activities. Other terms for describing this area are used in municipal regulations. We selected the term upland review area because it best conveys the regulatory scheme under the inland wetlands statutes wherein a wetland agency reviews regulated activities case-by-case and approves or disapproves them on their merits.

For further information about DEP's Inland Wetlands Management Programs, please call (860) 424-3019.

Guidelines for Upland Review Area Regulations Under Connecticut's Inland Wetlands and Watercourses Act

Wetlands and Uplands: an Introduction

The relationship between a wetland or watercourse and its surrounding upland is complex. Upland land clearing, excavating, filling and other construction activities if not properly planned and executed can have significant impacts on adjacent wetlands and watercourses. Under the Inland Wetlands and Watercourses Act, the municipal wetlands agency has broad authority to issue permits not only for activities in wetlands or watercourses themselves, but for activities located elsewhere when such activities are likely to impact or affect wetlands or watercourses. *It is the department's policy to encourage municipal wetland agencies to review proposed activities located in upland areas surrounding wetlands and watercourses wherever such activities are likely to impact or affect wetlands or watercourses.*¹

An understanding of how certain activities in upland areas affect wetlands and watercourses has led most towns to adopt regulations requiring wetland agency review of proposed development adjacent to wetlands and watercourses.² Such regulations are optional under the Act, but serve to inform the public as to the circumstances under which a wetlands permit is required of activities proposed adjacent to a wetland or watercourse.³

While requiring a permit for specified activities within defined upland review area boundaries, these wetland agencies still maintain their authority to regulate proposed activities located in more distant upland areas if they find that the activities are likely to impact or affect a wetland or watercourse.

The purpose of these guidelines is to assist municipal wetlands agencies to review and revise their wetlands and watercourses regulations, if necessary. As such, the guidelines provide a foundation for consistency in municipal regulations and permitting activities. They are not intended to substitute for reasoned evaluation and judgement by municipal wetlands agencies of the local wetland and watercourse resources, the conditions surrounding those resources, and the types of activities which are likely to impact or affect those resources. Nor are they intended to guide wetlands agencies through the decision making process for acting on permits. Both these topics are more appropriately addressed in detail through the department's Inland Wetlands Management Training Program for wetland agency commissioners and their staff. Wetlands agencies are reminded that they should review proposed changes in their inland wetlands and watercourses regulations with their town attorney.

Model Municipal Upland Review Area Regulations

In addition to implementing the law to protect wetlands and watercourses, regulations inform the public on what to expect if one proposes an activity in or affecting a wetland or watercourse in the subject town. Upland review area regulations reduce or eliminate the need for case-by-case rulings by providing notice as to what activities need wetland permits. By specifying where a permit is required, such regulations foster consistency and are convenient for the public. In determining the boundaries for its upland review area regulations, the wetland agency should consider the specific kinds of development activities on uplands which are likely to impact or affect wetlands and watercourses and the nature of that impact or affect.

An upland activity which is likely to impact or affect wetlands or watercourses is a *regulated activity* and should be identified as such in the regulations. In identifying upland review area regulated activities, the wetlands agency must apply the standard established under section 22a-42a(f) of the General Statutes and find that the activity is "... likely to impact or affect wetlands or watercourses."⁴ Examples of upland regulated activities are included in the models below. In implementing its upland review area regulations, the wetland agency must be cognizant that certain proposed activities, which are permitted uses as of right or as nonregulated uses under section 22a-40 of the General Statutes, are not regulated and do not require a permit from the wetlands agency under the Inland Wetlands and Watercourses Act.

There are a number of ways that the boundaries of an upland review area may be defined in regulations. In selecting its approach, the wetland agency should consider the special nature of their town's wetland and watercourse resources, the purposes and intent of the Inland Wetlands and Watercourses Act, and how the regulations will be implemented.

Three models for upland review area regulations are presented below. The first model provides that certain specified activities if conducted within a specified distance measured from *any* wetland or watercourse are regulated activities. As such, the first model is the basic model and easiest to implement. The second model expands upon that basic model by identifying specific wetland and watercourse resources of special concern and providing site specific review area widths for those resources. This model should be used where the wetland agency believes additional protection though a wider review area is needed or to take existing land development or uses into account with a narrower review area. The third model adds to the basic model a slope and soil factor in determining the site specific width or location of the upland review area. The first and second models are easily understood and implemented, while the third is technically complex and not easily implemented without trained staff.

Note that the first sentence of each model definition below is the definition of the term *regulated activity* taken from section 22a-38(13) of the Inland Wetlands and Watercourses Act and, as such, its meaning may not be changed in municipal inland wetlands regulations.

Model Regulation Options⁵

Model I

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

Model II

"Regulated activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within the following upland review areas is a regulated activity:

- (1) within _____ feet measured horizontally from the ordinary high water mark⁶ of Town Lake, Smith Lake or Pine Meadow Pond;
- (2) within _____ feet measured horizontally from the ordinary high water mark of Ledge Brook and of Big Trout Brook between the Route 51 and Main Street Bridges over Big Trout Brook.
- (3) within _____ feet measured horizontally from the boundary of the wetlands comprising Great Swamp;
- (4) within the area enclosed by the _____ foot contour elevation surrounding Ice Pond Bog; such contour is depicted on the Inland Wetlands and Watercourses Map for the Town of _____;
- (5) within _____ feet measured horizontally from the boundary of any other wetland or watercourse.

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

Model III

"Regulated activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the

specified activities in section 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water in the following areas is a regulated activity:

- (1) on land within _____ feet measured horizontally from the boundary of any wetland or watercourse, provided
- (2) if the slope of such land exceeds 5%,⁷ within the distance measured horizontally from the boundary of the wetland or watercourse equal to _____ feet plus an additional 5 feet for each 1% increase in slope greater than 5%, but not more than ____ [e.g., 200] ____ feet;
- (3) on land designated on the Inland Wetlands and Watercourses Map of the Town of _____ as containing highly erodible soils.

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

Considerations in Establishing Upland Review Areas

Regulated Activities

The Inland Wetlands and Watercourses Act (Sections 22a-36 through 22a-45a of the General Statutes) defines *regulated activity* to mean:

*"... any operation within or use of a wetland or watercourse involving the removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses, but shall not include the specified activities in section 22a-40 of the Connecticut General Statutes."*⁸

In addition to activities located in a wetland or watercourse, any activity located in a non-wetland or non-watercourse area which is likely to impact or affect a wetland or watercourse may be deemed to be a regulated activity (unless the activity is a use permitted as of right or as a nonregulated activity). However, the likelihood of an activity having a substantive impact on a wetland or watercourse will depend on a number of factors, including the nature of the wetland or watercourse, the activity, soils and slope of the land, and would generally decrease with increasing distance of the activity from the wetland or watercourse. At some point, impacts from that activity on wetlands and watercourses would be expected to become de minimis and not measurable.

The DEP believes that a 100 foot-wide upland review area is sufficient for reviewing construction

activities in areas surrounding wetlands or watercourses because most of the activities which are likely to impact or affect these resources will be located in that area. However, based on the special factors of concern to a wetlands agency, e.g., wetland and watercourse values, slope, soils, existing development, etc., a greater or lesser distance may be appropriate for a particular municipality. However, beyond 100 feet it is neither practical nor desirable, from a wetlands and watercourses management perspective, to automatically require an inland wetlands permit for *all* construction activities. It must be emphasized that other municipal authorities and mechanisms involving planning, zoning and subdivision decisions and plans of conservation and development, play a role in addressing the broader watershed issues.

Upland Review Areas, Setbacks and Buffers

In a number of municipal inland wetlands regulations, upland review areas are referred to as setbacks or buffers.⁹ We chose the term *upland review area* to describe the non-wetland or non-watercourse area in which certain activities would be regulated because it best conveys the regulatory scheme under the wetlands statutes wherein a wetland agency reviews regulated activities case-by-case and approves or disapproves them on their merits. The inland wetland statutes do not authorize a blanket prohibition of *all* activities either in the wetlands or in upland review, buffer or setback areas.

Use of Upland Review Area Regulations

Most municipal wetland agencies have already adopted some form of upland review area regulations.¹⁰ Such regulations are based on a presumption that the regulated activity will have an adverse impact on the adjacent wetland or watercourse. A person proposing to conduct a regulated activity has the burden to demonstrate to the wetlands agency that the impacts of his proposal are consistent with the purposes and provisions of the Inland Wetlands and Watercourses Act and, therefore, that he is entitled to the permit. An applicant who successfully documents to the satisfaction of the wetlands agency that his proposed activities are fully consistent with the purposes and provisions of the Inland Wetlands and Watercourses Act is entitled to receive a permit. The factors the wetlands agency must consider in making its decision on the application are prescribed in section 22a-41 of the General Statutes.¹¹

The Role of the Upland Review Area in Protecting Wetlands and Watercourses

Upland areas surrounding wetlands or watercourses function in a number of ways to protect these resources. An understanding of these functions and how they potentially may be impacted by construction activity or development is necessary for the wetlands agency to adopt an upland review area and subsequently regulate activities therein. Since the functions will vary depending on the specific project site, each permit application will be different and must be reviewed on its individual merits.

Control Non-point Source Pollution

- *Vegetation and natural soils foster removal of nutrients, sediments, particulates, and other potential pollutants and pathogens from storm-water runoff thereby protecting water quality
- *Sediments arising from road sanding and construction activities are trapped
- *Flood flows, stream bank erosion, and storm-water discharges to wetlands and watercourses are attenuated
- *Separating distances from wetlands or watercourses allow for treatment of wastewaters

Protect Aquatic Habitat

- *Wind-thrown trees, dropped branches and detritus create important habitat for aquatic organisms within watercourses
- *Stabilize undercutting stream banks, providing shelter for fish and other aquatic organisms
- *Riparian areas are an essential component of habitat and for mammals, birds, amphibians, reptiles, invertebrates and other wetland animals
- *Watercourses are allowed to meander naturally without endangering development

Control Temperature

- *Shrubs and trees shade wetlands and watercourses and help maintain cold water aquatic habitats in summer and insulate them from deep frost in winter
- *Water temperatures suitable for fish spawning and egg and fry development are maintained
- *Cooler water supports higher dissolved oxygen

Provide Food for Aquatic Life

- *Decomposing leaves and detritus contribute to the food chain, especially of aquatic insects
- *Insects falling from branches feed fish and other aquatic life

Insulate Fish and Wildlife From Human Activities

- *Potential for human interference with fish and wetland wildlife is reduced

Provide a Corridor Linking Wetlands and Watercourses

- *Wildlife habitats are continuous, not fragmented or isolated, allowing for migratory habits of wetland wildlife

Examples of Regulated Activities in Upland Review Areas and Their Potential Wetland or Watercourse Impacts

Keep in mind that the substance and significance of an impact will vary from site to site and may decrease with increasing distance from the wetland or watercourse.

Clearing, grubbing and grading

- *Loss of stream shading
- *Increased surface water temperature
- *Loss of food source for aquatic organisms
- *Loss of riparian habitat/diminished in stream habitat value
- *Increased storm-water runoff
- *Reduced capacity to remove nutrients and other impurities from runoff
- *Soil erosion/sedimentation
- *Destabilization of stream banks
- *Increased disturbance of aquatic and wetland animals
- *Release of nutrients bound in the soil
- *Loss of instream habitat diversity from wind-thrown trees and branches

Paving

- *Increased storm-water runoff/discharge
- *Decreased ground-water recharge, reduced stream flow during dry seasons
- *Non-point source of water pollution, including petroleum products from motor vehicles
- *Source of sand and grit from storm water discharges
- *Disruption of fish spawning and fish-egg incubation
- *Periodic disturbance from maintenance of storm-water management system
- *Thermal loading in watercourses

Excavating

- *Soil erosion/sedimentation
- *Altered surface and ground-water discharge patterns and quantity

- *Diversion or dewatering of wetland/watercourse
- *Destabilization of watercourse channels

Filling

- *Diversion of surface water drainage/dewatering
- *Loss of flood-water storage
- *Increased flooding or flood hazards
- *Increased stream erosion
- *Erosion of fill material
- *Sedimentation

Constructing

- *Soil erosion/deposition
- *Disturbance of adjacent fish and wildlife habitats
- *Increased non-point sources of water pollution
- *Fragmentation of wetland/watercourse habitats

Depositing material

- *Erosion/loss of material into regulated area
- *Leaching/pollution potential
- *Disturbance of adjacent aquatic habitats
- *Alteration of riparian habitats
- *Other impacts similar to filling and constructing

Removing material

- *Discharge/loss of material to regulated area
- *Modification of riparian habitats
- *Surface drainage changes
- *Other impacts similar to clearing, grubbing or grading

Discharging storm water

- *Water quality - discharge of road sands/grit; oils; grease
- *Water quantity - flow attenuation; velocity dissipation
- *Erosion/sedimentation
- *Assimilation of potential pollutants
- *Change in receiving stream water temperature
- *Increase velocity of runoff and decrease travel time to the receiving watercourse
- *Nuisance flooding

Determining Upland Review Area Boundaries

Due to the variability of Connecticut's landscape features, even within the same watershed, and the multiplicity of regulated activities which may be involved in site development, it is not practical to establish separate upland review area boundary distances *for each category or type of regulated activity*. Instead, the upland review area should be of sufficient width to ensure that it will encompass the activities that are most likely to impact or affect the adjacent wetlands or watercourses. It is recommended that upland review area boundaries be delineated using a uniform distance measured horizontally and perpendicular from the ordinary high water mark of a lake, pond, river or stream or from a wetland soil boundary.

The upland review area width adopted by the wetlands agency may be wider or narrower than the 100 foot width recommended by DEP. DEP encourages municipal wetlands agencies base their upland review area widths giving due consideration to local landscape factors including the value, or importance, of wetland or watercourse resources, extent of existing land use and, if a wetland agency deems it to be practicable, on the slope and soils of the land to be developed or other factors.

To be enforceable, the upland review areas must be adopted in the town's inland wetlands and watercourses regulations following the procedures described under section 22a-42a of the General Statutes.¹² Importantly, the upland review area regulations must be easy to understand by a property owner and easy to implement by the inland wetlands agency (should it need to take an enforcement action), as well as by any other interested person.

A uniform review area width has the advantage of simplicity over a variable width in that it is easier to delineate, understand and administer. The disadvantage of a variable, non-uniform, width upland review area regulation is that its inherent complexity may make the regulation difficult to establish and subsequently administer. Ordinarily, the agency will need a professional staff person to delineate and enforce variable upland review area regulations. Also, citizens may be confused using a variable approach and disagreements over the actual location on the ground of the outer limit of the upland review area may complicate permit and enforcement proceedings. Verification of the upland review area location is particularly important in an enforcement action where the burden is on the agency to prove that there is a violation of its regulations. For these reasons, the department urges caution in adopting complex upland review area boundaries (e.g., Model Option III, above).

While it is desirable for upland review areas to be depicted on the town's official inland wetlands and watercourses map, depending on the type of review area adopted, actual mapping may not be necessary provided appropriate narrative description is included in the town's inland wetlands and watercourses regulations and such provisions *are clearly referenced on the official map*. Wetlands agency regulations governing wetlands maps and the official wetlands maps themselves should state that such wetlands and watercourses maps were prepared for information purposes only and that the actual character of the land shall govern the agency's jurisdiction thereon. The

official wetlands and watercourses maps should also clearly reference or depict all upland review areas which have been adopted by the agency.

Boundary Factors

There are a number of factors which should be considered in defining upland review area boundaries. For unique situations, such as with an important bog, the boundary of the review area could be set by using an elevation contour encompassing the subject area. In addition, upland review areas may be wider or narrower for specified wetlands or watercourses. For example, an upland review area for a significant wetland or watercourse habitat or for wetlands and watercourses located in a public water supply watershed could be set wider than a review area for wetlands or watercourses located in other less critical areas.

* Significant Wetland and Watercourse Resources

All wetlands have intrinsic value, some wetland areas being more or less ecologically valuable than others. But if a wetland or watercourse is known to be ecologically significant, or to have a critical function or value such as in flood control or as habitat for an endangered species, a wider, more protective, upland review area may be appropriate. Unique wetland and watercourse values such as in research, education or recreation may also warrant a wider upland review area.

DEP encourages all towns to evaluate their wetlands resources. To that end, DEP offers training guidance on a methodology for identifying the relative importance of the wetlands and watercourses in a town or within a watershed. (See: DEP Bulletin # 9 *Method for the Evaluation of Inland Wetlands in Connecticut*, 1989 ¹³) This methodology uses mathematical and word expressions to assign relative "wetland value units" (WVU) to a number of the common wetland and watercourse functions. The following functions are defined in DEP Bulletin #9:

- Flood Control
- Ecological Integrity
- Wildlife Habitat
- Fish Habitat
- Nutrient Retention and Sediment Trapping
- Education Potential
- Visual/Esthetic Quality
- Agricultural Potential
- Forestry Potential
- Water Based Recreation
- Ground-water Use Potential
- Shoreline Anchoring and Dissipation of Erosive Forces
- Noteworthiness, including public water supply watersheds

In addition, guidance on vernal pools is provided in a recent publication by the Connecticut Forest Stewardship Program and the University of Connecticut Cooperative Extension System titled *Identification and Protection of Vernal Pool Wetlands of Connecticut*. Both of the above referenced publications are available from the DEP Bookstore, 79 Elm Street, Hartford, phone 860-424-3555.

* Slope

By enlarging the width of the upland review area in proportion to its slope upward from the wetland or watercourse, the wetland agency may have a better opportunity to protect wetlands and watercourses from sedimentation originating from upland construction activities. For example, wherever the minimum 100 foot upland review area slope exceeds 5%, regulations could add 5 feet (or other reasonable measure) of review area distance *horizontally* for each 1% increase in slope. Thus, if the basic 100 foot wide review area has a 15% slope upward from the ordinary high water line or wetland soil boundary, an additional 50 feet would be added to the horizontal width of the upland review area ($5\text{ft}/1\% \times 10\% = 50\text{ft}$). Similarly, where the land slopes away (downward) from the regulated area, e.g., as in the case of a hill-side seep wetland, the width of the review area could be reduced.

In general, the greater the slope of the land being developed, the greater the potential threat of damage to adjacent wetlands and watercourses from erosion and sedimentation. However, in practice, unless a town already has good town-wide topographic mapping, calculating a slope parameter for a town-wide map of the upland review area boundary would require considerable professional engineering expertise.

A practical approach to using the slope factor may be for wetland agencies to assert their jurisdiction case-by-case over major construction activities on any steeply sloped areas located outside the upland review area where wetlands and watercourses may be threatened by sedimentation caused by erosion at upland construction sites. Such sedimentation is deemed to be pollution and may be cause for an enforcement action under the inland wetlands statutes (see definition of regulated activity above).

* Soils

Combined with slope, the type of soil found adjacent to wetlands and watercourses is an important factor in how development may affect adjacent wetlands or watercourses. Soil characteristics such as texture, cohesiveness and organic content influence the creation of rill and gully formation as a result of erosion by water. In turn, this creates a potential for sedimentation of adjacent wetlands and watercourses. The United States Department of Agriculture, Natural Resources Conservation Service, has compiled lists of highly erodible soil map units which can be located using their published soil surveys. While these lists were compiled primarily for agricultural applications, they may also be useful in evaluating the erosion potential from construction activity.

Also, the permeability of a particular soil, the rate at which groundwater travels through a soil, is an important consideration when evaluating the potential for an upland review area to renovate wastewater discharges to the ground water that may subsequently discharge to a wetland or watercourse. This may be an important consideration when septic system leaching fields or storm water infiltration trenches are proposed adjacent to wetlands or watercourses.

For more information on highly erodible soils, refer to *Highly Erodible Soil Map Units of Connecticut*, USDA-NRCS (1986). For more information on soil permeability characteristics, contact your local USDA-Natural Resource Conservation Service Center (call 860-487-4011 for the center near you). Information on ground-water as it relates to sewage treatment can be found in *Seepage and Pollutant Renovation* (DEP Bulletin # 7) and *Carrying Capacity of Public Water Supply Watersheds* (DEP Bulletin # 11).

Except when soils are used to define wetlands, regulation of development based on soil characteristics is largely a responsibility of the town sanitarian and the planning and zoning commission(s).¹⁴ However, where highly erodible soils are located adjacent to wetlands and watercourses, erosion and sedimentation control is especially critical and should also be addressed by the wetland agency.

Upland review area boundaries based on soil characteristics should be depicted as such on the official inland wetlands and watercourses map for the subject town.

* Floodplain Limits

The landward boundary of a mapped floodplain, such as delineated by the 100-year flood mapped by the National Flood Insurance Program, has been determined using a theoretical design flood on the subject watercourse. Mapped flood limits have no direct relation to the location of wetlands or smaller watercourses on the floodplain. Also, the floodplain boundaries for most small watercourses have not been mapped. For these reasons, flood insurance floodplain maps may not reflect a reasonable boundary of the upland review area.

*Urban Areas and Existing Development

Existing development of the area surrounding wetlands and watercourses has, more likely than not, already had an impact on the upland area's ability to protect those resources. Degraded conditions should not be used to justify further degradation. The wetlands or watercourses themselves may have been filled or modified for storm water or flood control. For these reasons any remaining fringe of undisturbed area between the wetland or watercourse and existing upland development may be all that there is to buffer adjacent water resources from further degradation from new development. In such urban areas, particular attention should be given to how storm water discharges are managed so as to minimize the opportunity for pollution and alteration of wetland or watercourse habitats.

New development in urban areas that contain degraded wetlands or watercourses, may provide an opportunity to improve these degraded resources while mitigating the impact of the new development. This can be accomplished by habitat restoration or enhancement or by using storm water management system retrofits that are designed to improve the quality of the storm water discharge.

Endnotes

1. This document was prepared in response to inquiries from municipal wetland commissioners, the Rivers Advisory Committee, the regulated community and other interested persons for guidance on implementing setback and buffer provisions in municipal regulations adopted under Connecticut's Inland Wetlands and Watercourses Act. Section 22a-42d of the General Statutes directs the department to provide guidance for the implementation of Section 22a-42a(f) of the General Statutes.
2. Over 80% of Connecticut's municipal wetlands agencies have regulations governing regulated activities in areas surrounding wetlands or watercourses.
3. Section 22a-42a(c)(2) of the General Statutes provides that a wetlands agency may delegate approval authority for non-significant activities proposed in upland review areas to its agent provided such agent has had DEP training.
4. Section 22a-42a(f) provides that the wetlands agency has jurisdiction over those activities proposed in the upland review area which are "... likely to impact or affect wetlands or watercourses." In documenting the necessity for regulating specific activities conducted in upland review areas, it is not sufficient to merely assert that the activity "may" impact or affect wetlands or watercourses.
5. Contact DEP for a copy of *Inland Wetlands and Watercourses Model Regulations*. DEP's *Model Regulations* provide a comprehensive guide for implementing the Inland Wetlands and Watercourses Act through municipal wetland agency regulations. *Model Regulations* is updated as needed to reflect current legislation.
6. "Ordinary high water mark" means a mark on the land caused by the presence and action of water, which presence and action is so common and usual and so long continued in all ordinary years so as to mark upon the land a distinction between the abutting upland and the watercourse. Such mark may be found by examining the bed and bank of any watercourse and ascertaining thereon an abrupt change in the characteristics of soil or vegetation or slope of the land. This term should be defined in municipal wetlands regulations.
7. Percent slope is most simply determined by dividing the difference in elevation between two points by the distance between the points (i.e., rise/run) and multiplying the result by 100. If a slope factor is used in regulations, the regulations must provide guidance as to how the slope should be measured in the field e.g., on shortest straight line transect from any wetland or watercourse boundary to the highest up gradient point on the land to be developed; number and location of transects; and, in recognition that

the actual slope of the land is not uniform, methods for averaging of slope over a site.

8. In implementing upland review area regulations, the wetlands agency must be cognizant of the "uses as of right" provisions of section 22a-40 of the General Statutes. Under section 22a-40, certain activities are uses of wetland and watercourses as of right or as a nonregulated use. Such uses are not regulated and do not require a permit from the wetland agency. For example, subdivision (4) of section 22a-40(a) prescribes that certain "... uses incidental to the enjoyment and maintenance of residential property ..." are permitted as of right: "[s]uch 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." Other uses permitted as of right include certain agricultural and forestry uses, boat anchorage and mooring, certain water company activities and maintenance of drainage pipes which pre-date the regulations. Nonregulated uses include a number of conservation and recreational activities. Persons proposing such uses should seek confirmation from the municipal wetlands agency that their proposed project does not require a permit.

9. DEP has not adopted an upland review area provision for state agency actions because, unlike municipal wetland agencies which have only one opportunity to review a project, DEP has a number of opportunities during both planning and permitting of state agency projects. DEP reviews state agency projects under the Environmental Policy Act (Findings of No Significant Impact, Environmental Impact Statements) and several permit programs under Title 22a and 25 of the General Statutes. As partners in state government, state agencies generally act cooperatively to address environmental issues. Utilizing its technical resources, the State strives to apply site specific best management practices during the different planning and regulatory reviews.

10. Depending on the wetland agency, upland review area widths range from 25 feet up to 650 feet from wetland or watercourse boundaries.

11. Section 22a-41 of the Inland Wetlands and Watercourses Act established the criteria for decision on permit applications as follows: 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; 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 or watercourses.

Additionally, if the wetlands agency holds a hearing because it found that the subject activity may have a significant impact, the wetlands agency may not grant the permit unless it finds that the activity is acceptable under the criteria listed above and that there is no less environmentally damaging feasible and prudent alternative.

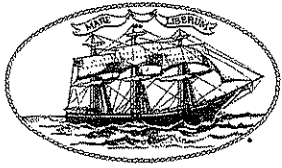
12. Under Section 22a-42a(b) of the General Statutes, the wetlands agency must provide the DEP with a copy of notice of its hearing on proposed regulations and a copy of the proposed regulations no less than 35 days prior to the hearing thereon. DEP must review and approve all proposed wetland agency regulations except proposed map revisions.

13. The methodology described in DEP Bulletin #9 is a resource planning tool intended to be used for town-wide or watershed-wide assessments of wetland resources and is not designed to be used by applicants or wetlands agencies to evaluate the significance of the impact of activities proposed in permit applications.

14. Section 22a-329 of the General Statutes provides that regulations adopted by a municipality pursuant to CGS Secs. 8-2 and 8-25 shall require that proper provisions be made for soil erosion and sediment control.

Agency Mission

The mission of the Department of Environmental Protection (DEP) is to conserve, improve and protect the natural resources and environment of the State of Connecticut and to do this in a way that encourages the social and economic development of Connecticut while preserving the natural environment and the life forms its supports in a delicate, interrelated and complex balance, to the end that the state may fulfill its responsibility as trustee of the environment for present and future generations. The DEP achieves its mission through regulation, inspection, enforcement and licensing procedures which help control air, land and water pollution in order to protect health, safety and welfare. The Department also improves and coordinates the state's environmental plans, functions and educational programs in cooperation with the federal, regional and local governments, other public and private organizations and concerned individuals, while managing and protecting the flora and fauna for compatible uses by the citizens of the state.



CITY OF NEW LONDON

INLAND WETLAND & CONSERVATION COMMISSION

111 Union Street New London, CT 06320 • Phone (860) 437-6379 • Fax (860) 437-4467

-APPLICATION-

TWELVE (12) COPIES of all applications, all site plans, drawings, reports, analysis, or other information. DEP Reporting forms with appropriate attachments shall be submitted to the Office of Development and Planning at least twenty-one (21) days prior to a regularly scheduled meeting in order to be received at that meeting.

Please be advised that this application will not be considered complete unless all of the information required on this form and in the regulations are submitted. The Commission will reject the proposal if the application or plans are deemed by the Commission to be incomplete.

1. **For the following activity: (Check the Applicable Type of Application)**

- | | |
|--|--|
| <input type="checkbox"/> Minor Impact - Residential | <input type="checkbox"/> Minor Impact - Commercial |
| <input type="checkbox"/> All Other Uses | <input type="checkbox"/> Significant Impact |
| <input type="checkbox"/> Review by Duly Authorized Agent | <input type="checkbox"/> |
| <input type="checkbox"/> Permitted Use | <input type="checkbox"/> Non regulated Uses |
| <input type="checkbox"/> Text Amendment | <input type="checkbox"/> Map Amendment |

2.

Map	Block	Lot
-----	-------	-----

Street Address AND/OR Map/Block/Lot of Proposed Activity

3. **FEES:**

- | | |
|---|----------------------------|
| <input type="checkbox"/> Minor Impact: | |
| <input type="checkbox"/> Residential | \$280.00 plus \$100.00/Lot |
| <input type="checkbox"/> Commercial | \$630.00 |
| <input type="checkbox"/> All other uses | \$530.00 |
| <input type="checkbox"/> Significant Impact: | \$1,030.00 |
| <input type="checkbox"/> Permitted Uses | \$25.00 |
| <input type="checkbox"/> Non-Regulated Uses | \$280.00 |

INLAND WETLANDS & WATERCOURSES REGULATIONS
OF THE CITY OF NEW LONDON

2. Activity To Be Reviewed And/Or Licensed (Attach Separate Sheet For Further Explanation)

5. Description of Proposed Activity (attach separate sheet for further explanation)

6. Purpose Of Activity (Attach Separate Sheet For Further Explanation)

7. Other

Acreage Of Property	Acreage Of Wetlands	Acreage Of Wetlands Altered
---------------------	---------------------	-----------------------------

8. Section 7 and section 8.1 and 8.2 of the City of New London Inland Wetlands And Watercourses Regulations have been complied with?

_____ YES

_____ NO

The undersigned hereby acknowledges that this application and statements submitted herewith are true to the best of his/her knowledge and conform to the Inland/Wetland & Conservation Commission Regulations of the City of New London and that approval of the plan is contingent upon compliance with all requirements of said regulations. The undersigned hereby authorizes the New London Conservation Commission and its agents, the right to enter upon the subject property for the purpose of inspection and enforcement of the Inland/Wetland & Conservation Commission Regulations. ALL NAMES MUST BE PRINTED AND SIGNED.

/

APPLICANT (PRINT)/(If a Corporation – Please Print Name of Member Representing Corporation)

ADDRESS PHONE NUMBER

TOWN/CITY STATE ZIP FAX NUMBER

APPLICANT'S SIGNATURE DATE

AGENT (PRINT)

ADDRESS PHONE NUMBER

TOWN/CITY STATE ZIP FAX NUMBER

AGENT'S SIGNATURE DATE

PROPERTY OWNER (PRINT)

ADDRESS PHONE NUMBER

TOWN/CITY STATE ZIP FAX NUMBER

PROPERTY OWNER'S SIGNATURE DATE

INLAND WETLANDS & WATERCOURSES REGULATIONS
OF THE CITY OF NEW LONDON

PETITION FOR CHANGE OF
INLAND WETLAND REGULATION OR BOUNDARY

NAME OF APPLICANT

ADDRESS OF APPLICANT

TELEPHONE NUMBER

NAME OF OWNER (If Other Than Applicant)

ADDRESS OF OWNER

TELEPHONE NUMBER

REASON FOR APPLICATION: (CHECK APPROPRIATE BOX):

- ☐ Change of Inland Wetland Regulations. Attach description of change(s) desired noting affected Regulation Sections.
- ☐ Change of Official Inland Wetlands and Watercourses Map. Attach map showing present designation and proposed change(s).

(TO BE COMPLETED BY THE CONSERVATION COMMISSION)

DATE PETITION FILED _____

DATE OF PUBLIC HEARING _____

DATE OF COMMISSION ACTION _____

DATE ACTION TAKEN _____

REASONS FOR ACTION TAKEN _____

INLAND WETLANDS & WATERCOURSES REGULATIONS
OF THE CITY OF NEW LONDON